

The Meeting of the Board of Selectmen held on Tuesday, September 3, 2024, began at 5:30 p.m. in the Board of Selectmen's Conference Room at the Town Hall.

Members Present: Derek DeBarge, Manuel Silva, Antonio Goncalves and William Rosenblum

Members Absent: James Gennette

First Order of Business: The Pledge of Allegiance

## **CORRESPONDENCE**

285. Lynda Collins – Letter of resignation as an Election Officer.

**Motion made by Mr. Goncalves** to accept the letter of resignation and thank her for her service. **Mr. Silva second. All in favor. Motion passed 4-0.**

286. Commonwealth of Massachusetts Department of Agricultural Resources – announcing the Commonwealth is considering the acquisition of an agricultural preservation restriction ("APR") on a parcel located on Lyon Street and owned by the Lyon Street Trust.

Mr. Strange: An APR is the State has a program where they will pay for a deed restriction. They'll pay the property owner for a deed restriction and the property owner agrees that the property will be used in perpetuity for farming. It's a way to preserve farmland.

Mr. Goncalves: Do we have a non-refusal?

Mr. Strange: In the packet you have to read the 2<sup>nd</sup> page. The first page says to comply with this we ask that the Board of Selectmen announce the Commonwealth is considering this acquisition for the above stated purposes at its next regularly scheduled publicly noticed meeting by reading the enclosed notice of proposed acquisition,

Mr. DeBarge: Notice of proposed acquisition of an agricultural preservation restriction on property in the Town of Ludlow. Date of this notice is August 13, 2024. Notice of proposed acquisition is hereby given to Chairman of the Board of Selectmen of the Town of Ludlow. In compliance with G.L. c.7C, Section 37, the Commonwealth of Massachusetts, acting by and through its Department of Agricultural Resources (the "Department"), hereby gives notice that it proposes to acquire an agricultural preservation restriction ("APR") on the real property identified herein for the purpose of protecting in perpetuity its superior and productive agricultural resources by preventing their conversion to other uses. The application received by MDAR indicates that the property is owned by Peter Kielbasa, Trustee of the Lyon Street Trust and consists of parcel(s) located at Lyon Street in Ludlow as approximately represented on the attached map. The APR may encompass all or parts of the area shown. The current use of the property is primarily for mixed vegetables. Following the recording of the APR, the use of the subject is limited to agricultural use as more particularly set forth in the APR document, the General Laws (Chapter 184, Sections 31), and the Regulations of the Department (330 CMR 22 et seq). Signed by Christine Chisholm, APR Regional Planner, Massachusetts Department of Agricultural Resources.

Mr. Strange: There's no motion needed.

Mr. Goncalves: On page 4 we have to agree to consent and reduction of the notice from 120 to 60 days if we want to do it.

Mr. Strange: It says the Board of Selectmen does not need to take any formal action on its part. Please document the announcement in the Board of Selectmen meeting minutes and please complete and return the enclosed certificate of notice. The date that you certify for the announcement starts the minimum 120-day clock for closing out on the APR.

Mr. Goncalves: This says we can vote to reduce it from 120 days to 60 days if we want to do that.

Mr. Strange: The closing for this project is a time-sensitive matter and therefore ask that you agree to waive the 120-day notice period.

**Motion made by Mr. Goncalves** to agree to waive and reduce the notice period from 120 days to 60 days for the Kielbasa Trust. **Mr. Silva second. All in favor. Motion passed 4-0.**

Ms. Hodgman: There's other programs that say conservation restriction to conserve their property, just so you know.

## VISITATIONS

5:35 p.m. – E-Z Shop Convenience transfer of Beer & Wine Liquor License to USAVE Food Store, LLC Application.

Mr. Levine: The applicant is USAVE Food Store, LLC.

**Motion made by Mr. Rosenblum** to open the public hearing for the liquor license transfer from Tahir Humayun dba E-Z Shop Convenience to USAVE Food Store, LLC, Awais Kamran & Tahira Khatoon at 5:36 p.m.

Mr. Silva: Was this a continuance?

Mr. Strange: I don't think it was continued. You denied it.

Mr. Levine: I'm happy to explain everything if it clears things up.

**Mr. Silva second. All in favor. Motion passed 4-0.**

Mr. Levine: My name is Josh Levine, Levine Law in East Longmeadow, representing tonight USAVE Food Store, LLC. To explain what happened. I got involved in this matter more recently. Earlier in 2024 there was an application for the transfer from Tahir Humayun to USave Food Store, LLC. It was denied because in the application, Awais, who is the owner of the LLC listed himself as the manager but he's not a US citizen. Massachusetts law requires that the manager of record of a liquor license be a US citizen. It was denied and then I became involved and there was some discussion with Mr. Strange and your Town Counsel regarding the procedure here. I understand the option that you're leaning towards is to rescind the denial and hear this new application. Otherwise, there is a waiting period after the denial before the application can be re-heard. To further complicate things, Mr. Humayun unfortunately passed away in March after the application was in and after the denial. Again, we spoke with Town Counsel because there was nobody to transfer the license at this point. This is Tahira Khatoon, she is Mr. Humayun's widow and she is named as the voluntary personal representative of the estate. She signed a consent to the transfer to continue happening, and that's in the application. Also, Ms. Khatoon has worked in the store and has now signed on as the manager of record, as she's a US citizen. That should fill in all the gaps in the application. She's a qualified manager in her own right working at the store previously. She's TIPS trained. Mr. Amir is the only other person that works in the store and he's also TIPS trained. If they hire any other employees they would require them to be TIPS trained as well. If there's any questions for either of us I'd be happy to answer.

Mr. Silva: I think you answered mine. I know that she works there. I have the garage right next door and I used to go in there frequently. I saw her there already. I was wondering why there was a change of occupancy or change of license. I figured she and her husband owned the license anyway. I don't see any issue in transferring.

Mr. Goncalves: I'm fine. My condolences. I knew her husband fairly well and you each ran one of the stores and I would stop in there from time to time. No questions. The experience is there. I don't see any hang up.

Mr. Rosenblum: I don't see any issues either. Do we need to make 2 motions? One to rescind the original and one to approve?

Mr. Strange: If that's the required process.

Mr. Goncalves: It's a different petitioner though.

Mr. Levine: The applicant is the same, so the transferor is different. Not really because it's just the estate. I think you have 2 options from the emails that Marc and I exchanged with your Town Counsel. You can either waive the waiting period or rescind the denial. I think the effect is the same so it's up to you. I think rescinding the denial is probably cleaner. Marc, if it makes you feel better I bugged Jay Talerman at our Longmeadow Town Meeting as well and he agreed with that approach.

**Motion made by Mr. Goncalves** to rescind the denial for the liquor license transfer for USAVE Food Store, LLC from April 2<sup>nd</sup>, 2024. **Mr. Silva second. All in favor. Motion passed 4-0.**

**Motion made by Mr. Goncalves** to approve the transfer from Tahir Humayun dba E-Z Shop Convenience to USAVE Food Store, LLC Tahira Khatoun, Manager. **Mr. Silva second. All in favor. Motion passed 4-0.**

**Motion made by Mr. Rosenblum** to close the liquor license transfer hearing of E-Z Shop Convenience to USAFE Food Store at 5:43 p.m. **Mr. Silva second. All in favor. Motion passed 4-0.**

## **CORRESPONDENCE**

288. July Siebecker – Head of Youth Services Hubbard Library – Requesting permission to use the lawn and/or gazebo (in the event of rain) on Tuesday 9/3 & 9/10 – 10:15-11:15 a.m. for weekly “sing with me” program, Tuesday 9/10 – 5:00-7:00 p.m. for Youth Crochet Club, Wednesday 9/4 & 9/11 – 9:30 a.m. – 12:00 p.m. for two preschool music programs by Renee Coro of Pathways for Parents, Thursday 9/5 & 9/12 – 3:30-5:30 p.m. for teen games club, Friday 9/6 & 9/13 – 9:15-10:30 a.m. for Pre K Pals & Friday 9/6 & 9/13 2:30-5:00 p.m. for D&D Club.

**Motion made by Mr. Silva** to approve all said dates the Chairman has announced. **Mr. Goncalves second. All in favor. Motion passed 4-0.**

289. Chief Pease – Request to charge off medical expenses and lost wages to Chapter 41, Section 111F for an injury sustained by a Firefighter/Paramedic as a result of an incident that occurred on August 1, 2024.

**Motion made by Mr. Rosenblum** to approve the request to charge off medical expenses and lost wages to Chapter 41, Section 111F for an injury sustained by a Firefighter/Paramedic as a result of an incident that occurred on August 1, 2024. **Mr. Goncalves second. All in favor. Motion passed 4-0.**

290. Chief Valadas – Request to charge off medical expenses and lost wages to Chapter 41, Section 111F for an injury sustained by a Police Officer as a result of an incident that occurred on August 27, 2024.

**Motion made by Mr. Rosenblum** to approve the request to charge off medical expenses and lost wages to Chapter 41, Section 111F for an injury sustained by a Police Officer as a result of an incident that occurred on August 27, 2024. **Mr. Goncalves second. All in favor. Motion passed 4-0.**

## **UNFINISHED BUSINESS**

Board to sign the Licensing Authority Certification for USAVE Food Store, LLC, if approved.

Mr. Silva: It's already been approved.

Board to approve and sign the Meeting Minutes of August 20, 2024.

**Motion made by Mr. Goncalves** to approve and sign the meeting minutes of August 20, 2024, absent Antonio Goncalves. **Mr. Silva second. All in favor. Motion passed 4-0.**

5:50 p.m. – Liquor License – Transfer of License from Brookside Café, Inc – Michael LaFever to CMD Café, LLC – Amy Fields – Public Hearing.

**Motion made by Mr. Rosenblum** to open the hearing for the liquor license transfer from Brookside Café, Inc, Michael LaFever to CMD Care, LLC, Amy Fields, at 5:48 p.m. **Mr. Goncalves second at 5:50. All in favor. Motion passed 4-0.**

Mr. Goldstein: My name is Josh Goldstein. I'm from the law firm Bacon & Wilson. Alongside me is Amy Fields, the sole member of CMD Café, LLC and the proposed manager of record, as well as Michael LaFever, the current owner of Brookside Café, Inc. This is an application for the transfer of an all premises, all alcoholic beverage license relative to 6-8 Fuller Street currently operating as the Brookside Café. Amy, the proposed manager of record and sole member, has extensive applicable experience. She's been a bartender for 13+ years. She looks forward to applying the knowledge and experience she has gained to the current business. She understands that being a manager of record is a big responsibility and privilege and not a right. Further, as manager of record she understands that she is responsible for everything that occurs at the premises. As a resident of Ludlow herself she cares about the community and keeping its residents and patrons safe. She will ensure that all newly hired employees who are not already TIP certified will be TIP certified and trained.

Mr. DeBarge: Do you have the abutters?

Mr. Goldstein: Yes.

Mr. Strange: Did you bring a check for the advertisements?

Mr. Goldstein: I'll drop it off to Sharon tomorrow.

Mr. Silva: Are you transferring the whole property or just the business manager?

Mr. LaFever: This is the business. We are selling the property under a different agreement.

Mr. Silva: So, you're still retaining the property for now.

Mr. LaFever: I have an agreement also.

Mr. Goldstein: Under 2 different entities. The current owner of the property is a different entity. Not Brookside Café, Inc.

Mr. Silva: The reason I'm asking is because she is aware of the parking situation over there? It's kind of tough. I don't know what kind of business you're going to bring in. If you're going to have more vehicles or patrons because it's pretty limited. Unless you make some kind of arrangement. The abutter is here because he just found out what's happening. There's only 2 abutters?

Mr. Goldstein: There's 3 but we only brought back the ones we received back so far.

Mr. Silva: For Marc, there is something that doesn't jive with these abutter things lately. My experience is you have to have the signed cards and the notification that they were sent.

Mr. Goldstein: The list is there. There are 3 separate owners. My understanding is we are required to bring the green slips that were returned. We received 2 of 3 so far and we're happy to bring back the 3<sup>rd</sup> one.

Mr. Silva: The reason I ask is because if there is failure on one not being notified properly it gets thrown right back and you have to go through the whole process. Mr. Vital, did you get notice?

Mr. Vital: Yes I did.

Mr. Silva: I'm good for now.

Mr. Goncalves: Amy, Mr. Goldstein said you have 13 years. Where were you bartending?

Ms. Fields: Mardi Gras. I currently work at El Cid. I work at Doc's Place. I've worked at Riverside Café. A bunch of places over the years.

Mr. Goncalves: Being the bar manager or running the place? Do you own a car lot in Ludlow? Are you going to keep that business?

Ms. Fields: Probably not.

Mr. Goncalves: So you'll be giving most of your attention to this business?

Ms. Fields: Yes.

Mr. Goncalves: I'm good.

Mr. Rosenblum: I'm all set.

Mr. DeBarge: I don't have any questions for you. Congratulations for your sale. Congratulations.

Mr. Silva: You're really all set with the parking? I don't know if you've spoken with Mr. Vital at all about the parking situation. There was issues before. If there's any function that goes on there's going to be parking all over. It's crucial that you do set something up.

Mr. Goldstein: We learned about the ongoing issues at 4:40 p.m. We're obviously willing to make necessary arrangements so everyone is fairly compensated. We just found out about the issues with the current owner next door. We're obviously happy to make all necessary arrangements.

Mr. Vital: I want to introduce myself to the new owner and I want them to understand the situation. I own 30 West Ave. I don't know if Mike explained to them the situation.

Mr. Goldstein: We found out about it at 4:38 p.m.

**Motion made by Mr. Rosenblum** to approve the liquor license transfer from Brookside Café, Inc, Michael LaFever to CMD Café, LLC, Amy Fields. **Mr. Goncalves second. All in favor. Motion passed 4-0.**

**Motion made by Mr. Goncalves** to close the hearing at 5:58 p.m. **Mr. Rosenblum second. All in favor. Motion passed 4-0.**

#### **UNFINISHED BUSINESS**

Board to sign the Licensing Authority Certification for CMD Café, LLC, if approved.

#### **NEW BUSINESS**

Board to approve and sign the contract between the Town of Ludlow and Firematic Supply Co., Inc.

**Motion made by Mr. Silva** to approve and sign the contract between the Town of Ludlow and Firematic Supply Co., Inc. **Mr. Rosenblum second. All in favor. Motion passed 4-0.**

Board to approve and sign the addendum to the contract between the Town of Ludlow and One Diversified.

Mr. Strange: This was before the Board. You signed the main contract and there has been an addendum added to it. You need to sign the addendum

**Motion made by Mr. Goncalves** to sign the addendum to the original contract for One Diversified, LLC. **Mr. Silva second. All in favor. Motion passed 4-0.**

Board to discuss and possibly vote to authorize up to \$10,000 in Building Infrastructure funds to remediate mold at the Community Center.

Mr. Strange: They found some on a refrigerator and under a tile in the flooring. They did some testing and identified it as mold. This was in one of the classrooms. Last week they had to withhold the pre-school program and they finished the work?

Mr. Irizarry: It was our pre-school classroom B; the HVAC broke during the summer and we moved the kids to another classroom because we had less kids. When we went in there to start preparing to get ready for the new year a staff member noticed some mold in the classroom and reported it to me. I reached out to Servpro to look at it and they recommended to get it tested. I had environmental service come out and they tested it on Wednesday. It came back on Friday and said it was mold so we closed the preschool program the following week and this week we're still closed because they just removed everything. We got the air quality tested today and I'll get the results hopefully tomorrow. They're expediting it. After he gives us the OK we will open that classroom up for use. Servpro came in and did all the cleaning. They cleaned everything in the classroom, removed all the mold. They have their humidifiers and all the machines running over the weekend and this morning we removed it.

**Motion made by Mr. Rosenblum** to approve to authorize up to \$10,000 in Building Infrastructure funds to remediate mold at the Community Center. **Mr. Goncalves second. All in favor. Motion passed 4-0.**

Mr. Silva: That's a lot of money. I don't know where it's going and when it's going to stop.

## **VISITATIONS**

6:05 p.m. – Liquor License – Change of Manager – Ludlow Tennis Club Carolyn Slifkin to Christopher McGrath – PUBLIC HEARING

**Motion made by Mr. Rosenblum** to open the public hearing for liquor license – change of manager – Ludlow Tennis Club Carolyn Slifkin to Christopher McGrath at 6:05 p.m. **Mr. Silva second. All in favor. Motion passed 3-0.**

Mr. DeBarge: So, we are just changing managers?

Mr. McGrath: Exactly. I have my TIPS training; I have my receipts for certified mail and I have 6 returned from the post office saying they received them. And I have a blank check made out to Turley Publications. I didn't get all of them back but I got the receipts for all that I sent.

Mr. Silva: This is common with the Tennis Club. It's been happening for years now from time to time. They have to change their manager. I have no issue with it.

**Motion made by Mr. Rosenblum** to approve the liquor license change of manager at the Ludlow Tennis Club from Carolyn Slifkin to Christopher McGrath. **Mr. Silva second. All in favor. Motion passed 4-0.**

Mr. DeBarge: Congratulations. Have a great night.

**Motion made by Mr. Rosenblum** to close the public hearing for the change of manager Ludlow Tennis Club at 6:06 p.m. **Mr. Silva second. All in favor. Motion passed 3-0.**

## **NEW BUSINESS**

Board to vote on Fall 2024 Community Center field rental requests.

Mr. DeBarge: I don't remember doing this except the last time we had these teams in here. What is it we're doing here? We're approving teams to play...

Mr. Irizarry: To use our fields.

Mr. DeBarge: Are all the dates worked out?

Mr. Irizarry: Yes, the dates have been worked out. We confirmed it with each. We gave priority to LYSA and Pioneers to use the field space. We met with them and they gave us the exact dates they needed and it opened up anyone else that has requested to be able to use the field.

Mr. DeBarge: All of the teams know about this? Matt, the Athletic Director, knows about this? Everybody is OK with it and all we need to do is approve?

Mr. Irizarry: Yes. Just approve. We sent to Marc to let him know the dates because there was a lot of confusion in the past. We met with LYSA and Western and we sent them emails, they gave us the dates and we put the dates here. We then opened it up for IFA to put in their request for the field space. We asked LYSA and Western if they were using 1 or 2 fields. They got priority first and then we opened it up.

Mr. Silva: We had some issues with in-town organizations. They were miffed about what was happening so we had a meeting and proposed that what happens is LYSA, which is our town soccer group, to have first preference for those fields.

Mr. Irizarry: After the Boys & Girls Club.

Mr. Silva: Because as we all know our fields are short in supply. We've been talking since I've been here for 10 years to do better with our fields. There was a consensus that LYSA would discuss it with them and see what they're going to be able to use and then Pioneers. If there is extra times...

Mr. Irizarry: Right, and that's where it opened up space for the other groups to use it and they put in their requests.

Mr. DeBarge: Everybody is in agreement and everybody is informed.

Mr. Goncalves: I'm fine as long as LYSA and Western United got their times.

**Motion made by Mr. Rosenblum** to approve the fall 2024 Community Center field rental requests. **Mr. Goncalves second. All in favor. Motion passed 4-0.**

Board to approve and sign the Setronics contract.

Ms. Morrow: This is for the security system at Westover Country Club. We came in \$10,000 under budget.

**Motion made by Mr. Rosenblum** to approve and sign the Setronics contract. **Mr. Goncalves second. All in favor. Motion passed 4-0.**

6:15 p.m. – New Beer & Wine Liquor License Application – Kul Sarki – KB & Sons Venture, LLC dba Pizza Corner & Curry House – PUBLIC HEARING

Mr. Rosenblum: This is a continuance.

Mr. Silva: We're going to continue the hearing from the last time, 2 or 4 weeks ago. Have you gotten your ducks in a row with the way you are going to apply? I believe we had issues with the name so we asked you to discuss it with your attorney.

Mr. Sarki: Yes, I have an email from my attorney regarding whether it is going to affect my EIN status.

Mr. DeBarge: This was just a name discrepancy?

Mr. Silva: He was filing under a different name than what the application was. Marc, did you get the new application for the way the name is going to be?

Mr. Strange: I believe so.

Mr. Silva: So that's going to be the actual owner of the liquor license. You are part of it, and Susan is part of the LLC?

Mr. Sarki: Yes. The Chairman also requested I get a TIPS certification and I did take 3 hours in classes.

Mr. Silva: And you've been there for almost a year?

Mr. Sarki: This is our 3<sup>rd</sup> month. There was another guy before us.

Mr. Silva: I don't believe there's been any issues there but they haven't been selling beer & wine since Charlie left.

Mr. Goncalves: Prior to being there, did you have other experience with an on-premises license?

Mr. Sarki: Yes. I used to work in Ohio at 1220 Bar & Pizza. I moved here in 2016.

Mr. Goncalves: You're familiar with TIPS training?

Mr. Sarki: Yes, I got my certification.

Mr. Silva: I don't see any issues anymore, as long as the name and the application coincide. It's going to go to the ABCC anyway. If it does then they'll send it back.

**Motion made by Mr. Silva** to approve the transfer as requested for the beer & wine license application for Kul Sarki – KB & Sons Venture, LLC. **Mr. Goncalves second. All in favor. Motion passed 4-0.**

Mr. Sarki: Sharon in the Board of Selectmen's office sent me an email to get a copy of my floor plan.

Mr. Goncalves: It's part of the package.

**Motion made by Mr. Goncalves** to adjourn the hearing at 6:20 p.m. **Mr. Rosenblum second. All in favor. Motion passed 4-0.**

6:30 p.m. – David Eisenthal – asking the Board of Selectmen to approve and sign the bond and note documents.

Mr. Eisenthal: I'm before you to discuss issues of general obligation bonds and bond participation notes. The Board should have a formal vote to award and execute the bonds and the notes. The Town sold \$4,090,000 principal amount of general obligation bonds and \$7,544,999 principal amount of bond anticipation notes last Wednesday, August 28<sup>th</sup>. Both of these issues are scheduled to settle on September 11<sup>th</sup>, 2024. The bonds finance notes that mature on September 12<sup>th</sup> that were issued to finance the public safety communications project. The notes renew other notes that were issued for the Harris Brook School project and the public safety building HVAC project. The new notes will come due September 11<sup>th</sup>, 2025. The current plan is to permanently finance the notes when the Massachusetts School Building Authority finalizes the project audit for Harris Brook and when the HVAC project is complete. Both of these will hopefully happen in about a year if all goes well we'll be back before you in a year looking to finance against the notes. The Town received 4 bids for the bonds. The winning bid was from TD Securities at a true interest cost of approximately 3.21%. The Town received 6 bids for the notes and the winning bid was from Piper Sandler at a net interest cost of approximately 3.07%. The Town sold the bonds as state qualified bonds. The State Treasurer will pay the debt service out of the Town's local aid distribution. The state qualified program was upgraded as a program by S&P Global Ratings a few years ago to AA+. Given the Town's AA- underlying rating, we saw an advantage to using a state qualified program, though this might be in motion in the future, as I'll discuss in a moment. In advance of the August 28<sup>th</sup> sale, town officials, the Town Administrator and Town Treasurer worked for several weeks on a disclosure document and in preparation for a call with S&P Global rating. The disclosure document was released on August 21<sup>st</sup>, which is a week before the sales. The S&P call happened August 15<sup>th</sup>. We discussed the Town's finances, debt management and economy with a team from S&P Global Ratings. S&P released the ratings on August 23<sup>rd</sup>. They assigned an SP1+ to the note, which is the highest rating they can give short term paper. What that reflects is the Town has more than ample access to capital markets. The state qualified program was affirmed at AA+ and that was not a surprise. S&P also affirmed the underlying AA- rating, although S&P did revise the outlook on the underlying rating from stable to positive. This means the S&P sees a 1 in 3 chance that the Town's underlying rating will be upgraded in the next few years if the Town adheres to its financial policies and maintains financial reserves. S&P pointed in their analysis to positive financial results that have increased the Town's reserves, manageable debt levels, a strong local economy based on ongoing economic development and participation in the economy of Metropolitan Springfield. They did have some concerns about pension and OPEB liability but not enough to prevent them from assigning the positive outlook. I'll make one final comment. Fiscal



year 2023 audit was available sooner this year than the fiscal 22 audit was last year. This was important and needed progress. Continued progress in terms of earlier completion of audited financials, ideally no more than 12 months after fiscal year end. Earlier, ideally, would be helpful in attaining marketability of the Town's bonds and notes. Do any members have any questions?

Mr. DeBarge: That dissertation confused me more than when I walked in. I'm going to ask you to make me understand what you just said because I have questions about 5 ½ - 6-million-dollar bond that we're going to be asking for Whitney Park. I have questions about the possibility of Vets Park work. I have questions about other projects we want to do to bring better fields and parks to our Town. Can we afford it?

Mr. Eisenthal: Let me start, and I probably went a little fast.

Mr. Goncalves: No, you could have gone slow and it wouldn't have made a difference.

Mr. Eisenthal: Let's start with the audited financial statements. I think the marketability of the Town's bonds and notes will depend on just trying to get those out sooner. Last year it was a problem. S&P would not proceed with a rating last year. Fortunately, we had audited financials in July for the previous June 30. That was helpful. We were able to get ratings from S&P. I think the market expects that you don't want to be much more than a year. For example, the June 24 audit for the year that just ended we'd want to see that before June 30, 2025, if possible. S&P, the notes got the highest possible rating. The Town's underlying rating of AA- is a solid rating but there's room for improvement. In fact, S&P is saying it's possible that rating will be improved in the next few years as long as the Town continues to adhere to financial policies. I know the Town is about to adopt a series of financial policies and as long as it maintains its level of financial reserves, free cash and stabilization fund. I think the rates on the bonds and notes reflected where the market is. Just over 3% for the notes and a little higher than that for the bonds. Probably if this had come June or earlier the rates would have been higher. We recommended the Town renew the notes because the Harris Brook project audit isn't done. We have to wait until we have final costs from MSBA. You're still in the midst of the public safety HVAC project. I hope that clarifies some of what I just went through.

Mr. DeBarge: I do understand free cash and stabilization. We strive to keep that in good standing. Layman's terms that I'm looking for and the people that are watching are meetings is are we running well.

Mr. Eisenthal: The positive outlook is good news as far as that's concerned. The news is keep it up. Adhere to the policies and keep reserves either stable or growing. Last year we applied for state qualified bonds, which is the state intercept programs from the State Treasurer rather than the Town Treasurer will pay the debts service on the bonds. Purely the reason we did that is we saw the advantage that the state qualified bonds are at AA+, which is just one notch below the highest rating of AAA. The Town is at AA- still so there's a 2-notch gap there. We felt there would be an advantage to the Town making use of this program. That's why last year the Town applied for this and this year the Town is making use of that program. You ask whether there's capacity. It depends on how you want to pay for this. I'd have to look at a little more detail as far as what the debt service would be and whether you'd be looking for a debt exclusion or you'd have some other source of financing. You do have the proposition 2 ½ limits you have to deal with to the extent you're not excluding debt service from proposition 2 ½. Those dollars are competing with dollars you need to operate the Town. The Chairman's question, whether you have capacity or not depends on do you have any room within the operating budget within proposition 2 ½ or can you ask the voters and will the voters say yes, these are high enough priorities that they would pay the debt service beyond the levy limit. It is a political question.

Mr. Silva: There's a lot of talk of interest rates coming down supposedly in September and in the coming year. Is that going to be beneficial to the way we set up our bonds? I'm sure this bond was sold for the year anyway.

Mr. Eisenthal: These rates that you got are lower than they would have been in June. It's not just the fact that the Fed is talking about lowering rates this month of other times between now and the end of the year. The market is beginning to price these in. I told Marc and Brenda I think the bonds would have come in probably in the mid 3's had they come in June. They might have been higher than that. That was based on a projection where I thought rates were going to be now. It would

have probably been higher in June. I think these rates are reflective of lower rates. It's possible hopefully you'll be issuing bonds in a year. Hopefully rates will have decreased further.

Mr. Goncalves: We were talking about having financials done. You're saying 23 has been completed?

Mr. Eienthal: Yes.

Mr. Goncalves: You anticipate 24 will be ok at the end of the year or beginning of the spring?

Mr. Eienthal: I don't know whether they're ok.

Mr. Goncalves: Prior to this money we're putting out now coming, we're looking for more permanent financing a year from now and have all our ducks in order and that would help us with the S&P rating.

Mr. Eienthal: There are 2 things. You'll need to have the 24 audit before I sit before you in the fall. You'll need to have it. S&P will not look at...if you come to market late August 25 and there's no 2024 audit that would be a severe problem. What I'm saying even further is that having the audits even earlier than that. Before June 30 the following year. Even earlier than that would be helpful as far as the market would be looking at the Town. I think that would be helpful. Underwriters would respond well if the audits came earlier. Even earlier than 12 months following fiscal year end.

Mr. Goncalves: You said something that you needed a vote to award and execute. Did I miss something?

Mr. Eienthal: You should have a formal vote. One of you has asked in the past if you need to read the entire vote and my response generally is as long as what's in there is reflected in the minutes of the meeting that it's fine. If you want to summarize in making the motion. This is provided by bond counsel and would authorize you and others to sign the documents, award the bonds to TD securities and award the notes to Piper Sandler.

Mr. Strange: When I was on the Board in my Town they made me read the whole thing as initiation I think.

Mr. Goncalves: **Vote of the Board of Selectmen.** I, Antonio Goncalves of the Board of Selectmen of the Town of Ludlow, Massachusetts (the "Town"), certify that at a meeting of the board held September 3, 2024, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in my custody. Voted, we hereby determine, in accordance with G.L. c.70B, that the cost of the Chapin Street Elementary School project authorized by vote of the Town passed on January 22, 2018 (Article 2) being refinanced with a portion of the proceeds of the Notes defined below, together with all other bonds and notes of the Town previously issued to pay costs of this project, does not exceed the portion of the total cost of the project that is not being paid by the school facilities grant and we hereby approve the issuance of notes and bonds to finance this project under G.L. c.70B. Further voted that the sale of the \$4,090,000 State Qualified General Obligation Radio Communications Bonds of the Town dated September 11, 2024 (the "Bonds"), to TD Securities (USA) LLC at the price of \$4,347,383.40 and accrued interest, if any, is hereby approved and confirmed. The Bonds shall be payable on August 1 of the years and in the principal amounts and bear interest at the respective rates as follows: 2025 \$125,000 at 4%, 2026 \$195,000 at 4%, 2027 \$205,000 at 4%, 2028 \$210,000 at 4%, 2029 \$220,000 at 4%, 2030 \$225,000 at 4%, 2031 \$235,000 at 4%, 2032 \$245,000 at 4%, 2033 \$260,000 at 4%, 2034 \$265,000 at 4%, 2035 \$280,000 at 4%, 2036 \$290,000 at 4%, 2037 \$300,000 at 4%, 2038 \$315,000 at 4%, 2039 \$330,000 at 4%, 2040 \$330,000 at 4%, 2041 \$130,000 at 4%, 2042 \$135,000 at 4%. Further voted to approve the sale of \$7,544,999 3.75% General Obligation Bond Anticipation Notes of the Town dated September 11, 2024, and payable September 11, 2025 (the "Notes") to Piper Sandler & Co at par and accrued interest, if any, plus a premium of \$51,381.44. Further voted that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated August 28, 2024 (the "Official Statement"), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted. Further voted that in connection with the marketing and sale of the Notes, the

preparation and distribution of a Notice of Sale and Preliminary Official Statement dated August 21, 2024, and a final Official Statement dated August 28, 2024, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted. Further voted that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement. Further voted that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a continuing Significant Events Disclosure undertakings in compliance with SEC Rule 15c2-12 in such forms as may be approved by bond counsel to the Town, which undertakings shall be incorporated by reference in the Bonds and Notes, as applicable, for the benefit of the holders of the Bonds and Notes from time to time. Further voted that we authorize and direct the Town Treasurer to establish post issuance federal tax compliance procedures and continuing disclosure procedures in such forms as the Town Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds and Notes to comply with relevant securities laws. Further voted that any certificates or documents relating to the Bonds and the Notes (collectively, the "Documents"), may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute one and the same document; delivery of an executed counterpart of a signature page to a Document by electronic mail in a ".pdf" file or by other electronic transmission shall be as effective as delivery of a manually executed counterpart signature page to such Document; and electronic signatures on any of the Documents shall be deemed original signatures for the purposes of the Documents and all matters relating thereto, having the same legal effect as original signatures. Further voted that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes. **Mr. Silva second.**

Ms. Marra: It is supposed to be signed by the clerk of the board but if you don't have one you could vote to have the Chair.

**Motion amended by Mr. Goncalves** to have the Chairman sign on behalf of the clerk in its absence. **Mr. Silva second. All in favor. Motion passed 4-0.**

Ms. Marra: These are the forms that have to be signed by all of you.

Mr. Goncalves: We'll do it later.

Ms. Marra: I have to have it to bond counsel by Friday.

Mr. DeBarge: Any other questions for Mr. Eisenthal?

Mr. Goncalves: No, good job. Keep it up.

## **CORRESPONDENCE**

287. Grace Dias, President – Michael J. Dias Foundation – Letter to the Board asking them to revisit their request for \$75,000 from the Opioid Recover and Remediation Funds.

Mr. Silva: Before we go, I know we visited this and I'm not sure where we're at with this money. We discussed it when a couple organizations were here and we decided to do something. Marc, do you recall?

Mr. Strange: I don't think there was a vote for Dias.

Mr. Rosenblum: I think the amount was higher last time.

Mr. Strange: I think the original amount was \$100,000.

Ms. Dias: We lowered it.

Mr. Strange: I gave you guys a printout of the balance.

Mr. DeBarge: There's a letter here from Grace and Michael J. Dias explaining the change in the request that the request has what they believe are the right criteria under the State's guidelines for the opioid mitigation funds. Do you want to break that down a little bit?

Ms. Dias: I had written some stuff and then I decided everything is in the letter and I can't give you any more than what's in the letter. I will start by saying I met with Marc and talked his ear off. Tony knows me and you all know me. The bottom line is those monies were assigned for exactly what we're doing. We kind of all agree that everyone here knows someone that's been affected by this. Let me tell you a little about the foundation. We've been in business for 14 years. We're debt free. We own 3 homes outright. We were lucky enough to have a donor give us \$150,000 to purchase one of them. The question has been asked why aren't we buying houses in Ludlow. We can't afford it. \$150,000 didn't buy us a house in Ludlow but it bought us a house in Springfield. Having said that, we're really a non-profit. Our board is volunteer. Our officers, which I am the president of the foundation and never collected a penny in salary. We're all volunteers. We're truly a non-profit. You visited our houses so you know what we do and how we do it. We've helped a lot of men. At any given time we house about 50 men in all 3 houses. Our recovery rate is between 38-43%. The State is 5%. That's the average. Don't quote me on the actual number. I didn't set out to do this job. My son died and obviously here I am. I'm doing this in his memory. This money could really help us to promote us to a different level. We have 5 employees. This all costs money. We grew really fast just having the 3 houses and having to hire enough people to accommodate the program we want to put out. That's why we're doing so well. The bottom line is we could really use these funds. We just started a capital campaign in May to open a sober house for women. The reason is not because we want more work because we're all volunteers, but simply because there's a need in the community and people have asked us over the years. What you're doing, you're doing so well obviously so why not do a house for women. Real estate, being what it is today, we're looking at about half a million dollars to purchase a house that would be big enough. We don't want to have a little impact of 10 women, we want to have an impact of at least 16-20 women, which is probably the max. It costs money. That's not what we need these funds for. We need these funds for operating costs to conduct our programs. For those that think that because we're not in Ludlow, my son went to school in Ludlow. I've lived in Ludlow my whole adult life. We hold a support group in Ludlow. We speak at Ludlow High. We send our guys to talk at Ludlow High. We've done different things in Ludlow. We're incorporated. Our legal address is Ludlow. We are in Ludlow. Our houses are not for that simple reason I already explained. Having said all that, the money could really benefit us in many ways. Adopt more programs, hire more people. We have 24-hour supervision but it's never enough for the kind of work we do. It really would be helpful. We're MASH certified, it's the Massachusetts Association of Sober Housing. That's important because we have to adhere to much higher standards than a lot of sober houses out there. We're not just sober living. We apply a program that is about accountability and change for these people. We want to put people out into the community that are sober, that are going to be there for their families and we can keep them for up to 2 years, which there's no other program that does that. The State programs are about 1-3 months. All of us in this room know, without me having to go into details, 1-3 months does not cure this problem. Because of our 2<sup>nd</sup> transition home, we're able to house them for close to 2 years and longer if need be. I believe in what we're doing and this money would be so helpful.

Mr. Goncalves: We're good. We kind of made a commitment to all the organizations. This falls right in line with what we've talked about since day 1.

Ms. Dias: This money was obviously assigned because of an opioid crisis. We all know there's a crisis in Ludlow, in Western Mass, in the whole country. It's not even a crisis, it's a tsunami of bad stuff. Because these monies were put out for that reason, help us to help people. We can't help them if they're dead.

Ms. Goncalves: We talked to the Board of Health and CARES and if we're ok where we thought where we were going to be and what we were going to do for each one of these organizations, did we get a 2<sup>nd</sup> check-in?

Mr. Strange: We get deposits periodically.

Mr. Goncalves: We've got a lot of money in there right now. As long as we're keeping our commitments to everybody else and other people that have come to us in Town I don't have a problem with this.

Mr. Silva: Is there any other requests before us?

Mr. Strange: Nothing in front of us. I did get an email from Paulina that somebody might be coming in for an additional request but I haven't received anything yet.

Mr. Rosenblum: I'm looking at the amount of funds. Does it come in yearly?

Mr. Strange: There's 7-8 different sources that it comes in.

Mr. Rosenblum: What's the timeline?

Mr. Strange: Every year until 2035.

Mr. Rosenblum: Looking at the amount in case anybody wants to know, right now we have \$266,798.40. I have no problem with \$75,000.

Mr. DeBarge: With a total of 1.1 million over the course of the time. I have no problem at all. I think this is exactly what we should be doing with this. And taking in a group as they come. You can't sit on \$266,000 and not put it towards recovery. I am 100% in favor of this. Do you have any anticipation of coming to us every year for this kind of number? We probably wouldn't be doing that kind of number, at least I wouldn't, but here, yes.

Ms. Dias: If 14 years ago I had thought about where I would be today, I wouldn't be here right now. I would have quit 12 years ago. I'm not even thinking about next year. Let's focus on this year. We'll have a house for women open, we'll have a grand opening and invite you all.

Mr. Rosenblum: I would also encourage anyone that fits the criteria to go ahead and reach out to our office so someone doesn't say they didn't have the opportunity to come to us. If it fits, it fits.

**Motion made by Mr. Goncalves** to grant the request for the Michael J. Dias in the amount of \$75,000 from the opioid recovery and remediation funds. **Mr. Silva second. All in favor. Motion passed 4-0.**

Ms. Dias: Thank you.

291. Jamie Morrow, Chief Procurement Officer, Requesting the Board to adopt the attached Designer Selection Procedures for the procurement of designer services by the Town of Ludlow.

Ms. Morrow: What we have before you today is we are asking that this board adopt these designer selection procedures specifically pertaining to Whitney Park. We want to procure a designer for this project. Currently, the Town of Ludlow does not have designer selection procedures. I'm piggybacking on what the gentleman here said earlier. We're trying to roll out financial policies and procedures. You'll see something from my department before you in a couple more weeks. I submitted the letter and this stands true and this is a copy of the formal procedures that we are asking you to adopt. These were screened and approved by outside legal counsel and they're direct from the Attorney General.

Mr. Rosenblum: For design services?

Ms. Morrow: Designer selection procedures is Chapter 149 under Attorney General Deb Anderson's office. To do a designer selection procedure the municipality needs to have a formal adoption of a designer selection procedure and we don't have that so I'm asking this board to adopt it so we can move forward legally and lawfully.

Mr. Strange: For more clarification, this is for the buildings at Whitney Park. The board approved funding for a conceptual plan for those buildings. We tried to go out and we can't unless we have this policy.

Mr. Rosenblum: To Mr. Silva's oh my God everything is \$200,000. Design is a lot of money.

Mr. Silva: It's insane where it's going. I've been on this board for a while and where these things are today.

**Motion made by Mr. Goncalves** to adopt the designer selection procedures as submitted August 2024 as submitted to us by Procurement Officer, Jamie. **Mr. Rosenblum second. All in favor. Motion passed 4-0.**

Mr. Rosenblum: Thank you for that. So, we get our ducks in a row when it comes to any bidding we have to do.

#### **UNFINISHED BUSINESS**

Board to sign the Licensing Authority Certification for CMD Care LLC, if approved.

Mr. Rosenblum: We signed it already.

Board to sign the Licensing Authority Certification for Ludlow Tennis Club, if approved.

Board to sign the Licensing Authority Certification for KB and Sons Venture, LLC, if approved.

#### **NEW BUSINESS**

Board to review and possibly vote to approve ARPA funds for a new sliding door for the library in the amount of \$9,480.

Mr. DeBarge: This is the main entrance.

Mr. Rosenblum: Where is our balance at?

Mr. Strange: I'd have to do the calculation but we're at about \$130,000 but it's fluctuating. We're not going to do the extension at the library. We're going to wait on that. There's some design elements we need to do so that gives us another \$40,000. Also, the Town Hall parking lot is a little bit more than what you approved. So, it's fluctuating but in the ballpark of \$130,000.

Mr. Silva: With the door it's pretty evident something like this should happen. I don't see an issue at all with getting a new door in there.

Mr. DeBarge: Melissa and Linda are here because of other issues with the building to request for ARPA funding. To at least have an idea to set aside, for lack of a better phrase, a certain number of funds from ARPA to help mitigate some of the issues that are going on over there; masonry work and mitigation of some of the damage. The problem is time. They're still working on final numbers with design and we are running out of time as far as commitment of the funds. I have been talking to Marc about this and without getting into a long conversation tonight, my question to you 2 is the money that you're asking to set aside for ARPA, is that the work or engineering?

Ms. Rickson: There's not engineering as part of this proposal that we received. There's just work.

Mr. DeBarge: That's the masonry work.

Ms. Rickson: To repoint the building with historic...

Ms. Collette: That's what's causing the issues we have with the walls and windows as well.

Mr. Goncalves: How do we know that?

Ms. Rickson: I had a mason come out and take a look to confirm. A few months back we approved from the building funds money to repair the falling apart walls in the conference rooms. We did one room in March and one in June and they're already showing damage again. Clearly that indicates there's a problem. I had the masons come in to verify it is coming in through the walls and a roofer coming out to make sure it's not coming through. It is the joints that need to be repointed.

Mr. Goncalves: Is the idea to make sure we don't commit that money and stay still for another 30 days while you guys figure this out?

Ms. Rickson: Right. It's like \$30,000.

Mr. Goncalves: I think we agree to leave it there.

Mr. DeBarge: Jim Goodreau has been helping out a lot. Jamie has been there.

Mr. Silva: We had Jamie in here and he discussed some of the issues and some of the things they've been helping you out with and he's proposed to do some other drainage.

Ms. Collette: That's been started.

**Motion made by Mr. Goncalves** to appropriate \$9,480 of ARPA funds for the new sliding door for the library. **Mr. Silva second. All in favor. Motion passed 4-0.**

Board to discuss and possibly vote to approve ARPA funds for Integrated Technology Partners for EERP Post Upgrade Support Services in the amount of \$9,865.

Mr. Strange: This is a group of former Tyler Tech consultants and engineers, Tyler Tech does our Munis product, and as you know we have a new Treasurer/Collector and Town Accountant, neither of which have experience with Munis. This is sort of like an on-call contract where they can have direct contact with support. The way it is now, you have to put in a ticket with Tyler and Tyler is a huge company and they have multiple consultants working on a particular ticket. It's really inefficient. There's no interaction. You can't pull up your screen and say this is what I need to do. The other piece is our staff is always asking for Munis training and they're going to be able to do this. We're doing a staff meeting on October 18<sup>th</sup> in here and we'll have them accessible to all the admins so they can ask questions and go through it.

Mr. Silva: I had a little involvement with this and called them to get some training when I was helping out another community.

Mr. Strange: It's not great.

Mr. Silva: Hopefully this will help.

**Motion made by Mr. Silva** to approve ARPA funds for Integrated Technology Partners for EERP Post Upgrade Support Services in the amount of \$9,865. **Mr. Goncalves second. All in favor. Motion passed 4-0.**

Board to approve and sign the contract between Comstar, LLC and the Town of Ludlow.

Mr. Strange: They do our ambulance billing.

**Motion made by Mr. Goncalves** to approve and sign the contract between the Town of Ludlow and Comstar, LLC. **Mr. Silva second. All in favor. Motion passed 4-0.**

Board to approve change order #1 for Campora Construction in the amount of \$18,632.25 for the LHS façade.

Mr. Strange: They had to do a layer of concrete or adhesive. When they pulled away the façade there were holes in the membrane. They need to do some work on the ground and they need to work around sprinkler heads.

Mr. Goncalves: And under drain repair.

**Motion made by Mr. Goncalves** to approve and sign the change order for \$18,632.25 for Campora Construction for miscellaneous changes at the high school façade. **Mr. Silva second. All in favor. Motion passed 4-0.**

**Motion made by Mr. Goncalves** that the Chairman sign on behalf of the Board. **Mr. Silva second. All in favor. Motion passed 4-0.**

Board to review and discuss Special Town Meeting warrant.

Mr. Strange: There's only 7 articles so hopefully this doesn't take too long. Article 1 is the annual appropriating funds for unpaid bills for the previous fiscal year. I think we're expecting 1 more bill so this is probably going to change. Article 2 is a pared down version of Article 9, amendments that failed at Town Meeting in May. We took out the definitions. We took out the cat leashing and everything else pretty much stays the same. Most of these are language changes. The title is a language change from dog to animal. Section 1 is a language change. Two, 3 and 4 in addition to being a language change it also allows the Town in the future to be able to regulate animals other than dogs, although there isn't any of that in this. Section 5 rewrites the leashing laws for dogs. Section 6 changes dog officer to animal control officer.

Mr. Rosenblum: Section 7, does that need to change? The first thing says formal complaints or actions by Board of Selectmen says the dog officer. Does that need to say animal?

Mr. Strange: Yes it should. I can do 1 of 2 things, I can make copies quickly or I can go through it slowly. We're not closing it tonight. Again, article 2 is a pared down version of article 9, which is the ACO bylaw. Sections 1, 2, 3 and 4 changes any reference from dog to animal. Even though we do that now it allows the Town to regulate all animals and not just dogs. Section 5 would rewrite the constraint and control of animals. It essentially requires no more than a 6' leash for dogs. If you recall, there was language that people would have to leash their cats which was objected to at Town Meeting and we took that language out. Section 6 is a language change from dog officer to animal control officer. Section 7 is the same thing, changing dog officer to animal control officer. No substantive changes there. Section 8 is a new provision that will require people to remove their animal waste from public or private property with associated fines. This is pared down. We took out a whole definition section in May and the cat leashing. It's kind of a bare bones amendment. You can take a look at it before the 17<sup>th</sup>. Articles 3 and 4 would authorize up to 10-year contracts for trash and recycling hauling services and disposal. We did a field trip to USA Recycling. We're thinking about doing a 5-year contract to mitigate the annual cost increases. They said they've been doing 10-year contracts. Five with a 5-year option. I originally had this written as a 5-year contract, but we might as well make it 10. It still has to go in front of town counsel to make sure that's ok but if that's what the market is looking for I think we should probably try to give it to them. Article 5 is the School Committee. The School Committee agreed to put solar panels on Harris Brook School. This would be the signing of the power purchase agreement. It's a 20-year agreement and it's going to save the Town a bunch of money. We'll have some more background information and explanation at the September 17<sup>th</sup> meeting.

Mr. Rosenblum: I've always said that any new construction that has to do with commercial has to have the ability to put panels on a building. In general, if anything came up for more open space for solar I'd say no. It's everywhere you go now. I'm watching people's backyards on Fuller wiped out and all they see is panels now.

Mr. Goncalves: When we did the landfill, there was a power purchase agreement. Was that specifically for the schools? Or for the Town? On Holyoke Street. I've insured companies and looked at a lot of those contracts and when they get into a system they want to have the first right or be a part of anything else that happens after and you can't really do a power purchase agreement without talking to them first.

Ms. Bowler: What I can say is that we just learned about this agreement 2 weeks ago at our meeting. I think Marc and Dr. Tiano were the ones that originally came up with this agreement and it was presented to us years after the fact.

Mr. Goncalves: I would make sure that 1<sup>st</sup> agreement out there doesn't entitle Borrego Solar and that there's no entitlement to them to go back to them for anything else that needs to be done in Town.

Mr. Strange: This one is Solect Energy is doing it. They're one of 2-3 companies that went through the State Procurement. They were vetted by the State and they've done a bunch of schools. Article 6 is the process for filling vacant elected board or committee positions. This spawned from the process for filling the previously vacant School Committee and we recently had a vacancy in the Recreation Commission. Essentially what this does is it takes the State law, which we followed for the School Committee vacancy filling process and instead of boards together it allows the Board of Selectmen do the appointment.



Mr. DeBarge: Without the committee that has the vacancy.

Mr. Strange: Without the vote. It would be the same process. Solicitation of applications, review by the board. For example, if this is the Rec Commission, obviously input from the Rec Commission. There was some talk during the School Committee vacancy that was filled that it might not have been the most efficient process. I put this in here because it was a point of discussion. We certainly don't have to do it if people have issues with it but I'm always going for ways to make things more efficient.

Mr. DeBarge: I get this and I've seen some negative comments about this. I would remove this because I don't agree with it but I understand and I hope people understand that this is more of an efficiency. The discussion we had was not to ostracize anybody, not to keep anybody out, not to have 1 group be the 1 say. This was an efficiency and timing thing because we've had some issues, but for me in this I don't think it's right to keep any committee out of the process. You should have 1 governing body but if there's a vacancy in an elected body, that elected body should be involved in filling their empty seat. I'd remove this and keep things going as we do them.

Mr. Silva: Has the School Committee looked at this at all.

Ms. Bowler: Yes, I met with Dr. Tiano today, who wasn't aware of it. I just learned about it this weekend. I pulled up the Mass General Law that says 2 boards work together. I'm not sure how a bylaw would supersede a general law. I'm not sure if this has been brought in front of counsel yet to review this possible change. It does say upon change of this bylaw, or in addition to this bylaw, it would have to go to the Attorney General's office and if it was against what the Mass General Law says they would kick it out.

Mr. DeBarge: Wasn't it reviewed by our attorney?

Mr. Strange: I ran it by him informally. In years past we've sent early versions and it changes and we get our wires crossed so I was going to send him whatever version we have after tonight's meeting.

Mr. Silva: My view is we appoint everybody everywhere. I think the Selectmen should appoint a person they feel would be beneficial to the committee. Sometimes the committees get in these little tussles. We're totally independent. I don't see any issue with it. If we're appointing people everywhere why shouldn't a Selectman appoint people they feel are going to do what should be done? I kind of like it.

Mr. DeBarge: All I'm saying is Recreation should run it. They're elected too. If there's 3 people and we have one vacancy I think we should at least have the 2 other members here with us while we're deliberating on the parties that are interested, like we did with the school, and have a total vote. I don't think it's fair to ostracize the group that we're actually putting a body on the board without having them with us and listening to what their opinion is at least. Again, we're 5. I know if I was on Rec and I walked in to see you 5 and this person's been around here for a while and they kind of want to do this and they kind of like this person and you're like no, we want this person...

Mr. Silva: I could take it one way or the other. I don't think we've missed on appointing people.

Mr. Goncalves: What's broken that we're trying to fix?

Mr. Rosenblum: I said during our meeting I didn't like the process mostly because it's not our board. There's boards and committees that are elected and appointed and I can see appointed being a little bit different than elected. Is it going to be perfect, I don't think so because even if it's our board or your board we're going to have an opinion, you're going to have an opinion based on who's been there before and who could be there. Is it perfect, no, but I would pull this article. It's an elected one, especially if it goes to a vote. Theoretically you could have said the person that ran also that got beat in the election could have been the one that got appointed to that position because they ran. Whether people liked it or not that's another option too.

Mr. Stratton: At our joint meeting last May a couple members of the board mentioned being somewhat resistant to that being part of the process because it was the business of another board

so I was surprised to see this suddenly went the opposite direction and put all of the responsibility...

Mr. DeBarge: The new charter will be that way if it's passed. I think everything should come through this office and the Board of Selectmen. All I'm saying is it should be with the respective committee. I don't think it should be with the committee by itself, I think it should be with the Board of Selectmen. We are the governing body but I agree that it should be with the respective committee that has the vacancy.

Mr. Goncalves: I think the process went well.

Mr. Rosenblum: I think it worked out in the end to where it should have probably gone.

Mr. DeBarge: Welcome to government. It doesn't run efficiently. There are hiccups. All the complaints about how it was unprofessional...welcome to government. We're trying to work through new things and it happens. That's what this article is and I don't agree with it.

Mr. Strange: Can I make a suggestion since James is not here? If it's 3-1 I say we pull it, if it's 2-2 we wait for James to have a voice.

**Motion made by Mr. Rosenblum to remove article 6 from the Special Town Meeting warrant. Mr. Goncalves second. Motion passed 3-0-1.**

Mr. Strange: Article 7 is the Whitney Park bond authorization. This is recommended by the State. We've applied for a park grant up to \$500,000 so they recommend putting the article in the same...it gets awkward if you separate the bond authorization from the park grant acceptance because if the Town Meeting approves the park grant but the bond doesn't get approved it gets awkward. Article 7 is a little long and wordy but essentially it's 2-fold. One is to authorize the bond authorization and the 2<sup>nd</sup> is to accept the park grant if we get it. The number in here now is \$4,866,084. That's option 3, the more elaborate option and does not have the splash pad. Tighe & Bond has some more preliminary design work right now to try to get us a more definite number on that. The discussion earlier the thought is to pay for it out of our operating budget and not do a debt exclusion. Article 8 is the charter.

Mr. Kapinos: I think if we get new buildings over there I think we should talk about solar for heating and cooling instead of oil because oil is expensive and it's only going to keep going up. I'm in the industry of chimneys and oil is dirty and expensive. I think if we can possibly add some solar to whatever structures and buildings that are there to offset whatever expenses there may be I think we should try to consider it.

Ms. Kapinos: When you buy instead of lease you make more money when you buy.

Mr. Rosenblum: You have the air recirculators in Harris Brook. Everyone says there's no air conditioning except in the office building. There's an air displacement system which keeps it a constant 71-72 year-round. Maybe that's something. I don't know if there's any kind of rebates through Mass Save.

Mr. Kapinos: In the gazebo they want in that design, why not have solar on top of it. There are ways to maximize that area. It's full of sun. My kids go there for camp every single year. As a community member that wants to see 40 years from now it still be amazing I hope that you collectively make the right decision.

Mr. Rosenblum: When you go through design services you can say what you're looking for.

Mr. Kapinos: I haven't seen the re-design and I'm very happy the splash pad has been axed.

Mr. Strange: It's an alternate.

Ms. Kapinos: I did talk to Select and they're leasing and I ended up buying and there's a big difference with the refunds and tax credits and he said municipalities do get tax credits. In 5 years, my electricity is paid for and I have no gas or oil. Looking at retirement it's the way to go, the

same way the Town should be looking at it. Get it so that it pays you to have air, heat and humidifier in the buildings.

Mr. Goncalves: Who decided to go onto the solar? Was it you and Frank?

Mr. Strange: They reached out or I might have reached out because I'm always thinking about solar and that was the newest roof. We had a discussion with Solec a year to 18 months ago and it was a process. We were transitioning from Kathy to Mickey so things got delayed a little bit, which is why you guys didn't hear about it for a little bit.

Mr. Goncalves: To Ms. Kapinos' point, there's credits and a lot of layers of money being made by the installer, the panel provider and hopefully we have somebody that knows all those layers well enough to be able to max out on our end. We have a kid that grew up in Ludlow and does solar in Connecticut. He's the type of person that would come in and help you guys and tell you which direction to go to max it out for the Town. You can leave a lot of money on the table for those things.

## **CLOSING COMMENTS**

Mr. Silva: I want to congratulate the Festa Committee for another 5 days of a lot of work. You as well. Thank you for helping out. Festa was tremendously successful. In talking with Police, they only had a couple small squirmishes and that's a great thing.

Ms. Kapinos: I wanted to invite all of you to Color Ludlow with Love at the Gazebo on September 14<sup>th</sup> and anybody that's watching.

Mr. Goncalves: Festa, the whole town was perfect. Anywhere I went during the whole weekend, traffic control, getting people in and out. I didn't hear a lot of sirens. Was there anything major?

Mr. Strange: One small incident.

Mr. Goncalves: When you get over 100,000 people over 5 days that's fantastic. I know Dave Costa and Scotty Ganhao do a great job. Hopefully, they stay a lot of years.

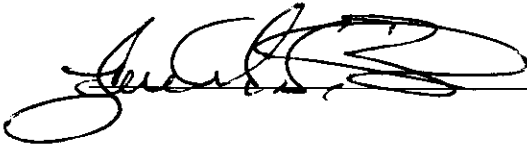
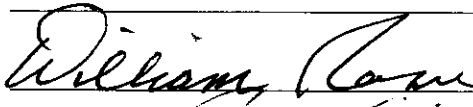
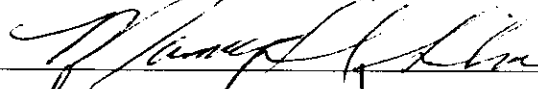

Mr. Silva: They did have a breakfast for the people and donators, which went well. I know we had the Ambassador from Portugal here and his council and they had a luncheon as well. I believe the Selectmen were invited. Unfortunately, we didn't get good representation there. I went. I just think if we get an ambassador whether it's a small or tiny country I think we would like to show what the community is all about. I did represent our community there. He was a very nice gentleman.

Mr. Rosenblum: Festa was great. From what I understand, Wilbraham wasn't that upset with it this year. It was a great weekend and I'm glad the holiday went well. A reminder that school is back in session. Please drive safely around town. Be patient with school buses. I got behind one that made 8 stops in a quarter of a mile, but that's ok. Be patient and drive safely.

Mr. DeBarge: I have a couple of announcements to make. First Church in Ludlow, Center Street, the white church, celebrates its 250<sup>th</sup> anniversary on Sunday September 8<sup>th</sup>, 2024, at 3:00 p.m. 859 Center Street. Invite and welcome all in the community to join us for a special celebratory service followed by fellowship and refreshments. We'll have many historical photos and items on display. Join us to learn more about the history of First Church and the Town of Ludlow. Also, Wednesday, September 11<sup>th</sup> the Wreaths Across America mobile education exhibit, which we've had the past couple of years, will be at our Ludlow Veterans Center at 487 Holyoke Street. It's a tractor trailer and you can see how the Wreaths Across America program is done, how they're made and how we are able to get wreaths all over Island Pond and at memorials on our cemeteries and across town. The 9/11 memorial will be that day as well at 10:00 a.m. at the fire station at the memorial there. Another great year at Festa. This is my first year in 24 years I did the procession. Normally I was in uniform working it or as a Selectman working it. My wife and I, it was our first time and it was a surreal experience. We had an incredible time walking with everybody. The sheer silence of 3,000 people walking while holding candles is a mesmerizing thing. It was a fantastic time. Thank you to all the volunteers. I don't know what is going to happen when the generation that has been running Festa all the years that I have been here when they are too tired to do it. The next

generation that needs to step up and do it I hope you can do it. The volunteers that run Festa are second to none.

**Motion made by Mr. Silva to close the Selectmen's meeting at 7:40 p.m. Mr. Goncalves second. All in favor. Motion passed 4-0.**

 \_\_\_\_\_ Chairperson  
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