

**SPECIAL TOWN MEETING**  
**June 22, 2020**

**COMMONWEALTH OF MASSACHUSETTS**

**HAMPDEN, SS**

To Ms. Kim Batista, Town Clerk of the Town of Ludlow, Massachusetts in said County:

**GREETINGS:**

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town qualified to vote on Town affairs to meet at the **LUDLOW HIGH SCHOOL**, 500 Chapin Street, Ludlow, Massachusetts and if **LUDLOW HIGH SCHOOL**, shall not, in the opinion of the Moderator, be adequate to contain such inhabitants who shall meet, then to meet also in such other locations in the **LUDLOW HIGH SCHOOL** as the Moderator deems appropriate, at such time on **MONDAY, June 22, 2020** that is the later of **7:45 p.m.** or the dissolution of the Annual Town Meeting scheduled for 7:30 p.m. that same night for the purpose of acting on the following articles in the warrant.

**ARTICLE 1:** To see if the Town will vote to transfer from available funds a sum of money for **UNPAID BILLS and/or OVEREXPENDED ACCOUNTS OF PREVIOUS FISCAL YEARS**; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

9/10<sup>th</sup>'s vote required

**ARTICLE 2:** To see if the Town will designate the Treasurer as the Other Post-Employment Benefits (OPEB) Liability Fund Trustee pursuant to General Laws Chapter 32B, Section 20; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

**ARTICLE 3:** To authorize the Custodian-Trustee of the OPEB Fund established under G.L. c.32B, §20 to invest monies in the OPEB Fund under the prudent investor rule established in G.L. c.203C; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

**ARTICLE 4:** To authorize the Trustee of the OPEB Fund established under G.L. c.32B, §20 to employ reputable and knowledgeable investment consultants to assist in determining appropriate investments and pay for those services from the OPEB Fund; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

**ARTICLE 5:** To see if the Town will vote to transfer from free cash sufficient funds to cover the additional overtime expenses incurred by the Fire Department Ambulance Personnel Services Budget; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

**ARTICLE 6:** To see if the Town will vote to transfer from free cash sufficient funds to cover the additional expenses incurred by the Fire Department Ambulance Vehicle Repair and Maintenance; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

**ARTICLE 7:** To see if the Town will vote to transfer from free cash sufficient funds to cover the additional overtime expenses incurred by the Police Department; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

**ARTICLE 8:** To see if the Town will vote to authorize the Board of Selectmen to grant an easement for electric and telecommunication utilities to VERIZON NEW ENGLAND INC and NSTAR ELECTRIC COMPANY d/b/a Eversource, as may be required, for the properties located at 205 & 209 Fuller Street, Ludlow, MA (Harris Brook Elementary School (formerly known as Chapin Street Elementary School) and School Administration Building site), described and recorded in the Hampden Registry of Deeds in Book 2599, page 404; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

**ARTICLE 9:** To see if the Town will vote to authorize the Board of Selectmen to grant an easement for electric and telecommunication utilities to VERIZON NEW ENGLAND INC and NSTAR ELECTRIC COMPANY d/b/a Eversource, as may be required, for the property located at 228 State Street, Ludlow, MA (the new senior center site), described and recorded in the Hampden Registry of Deeds in Book 22549, page 394; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

**ARTICLE 10:** To see if the Town will vote to authorize the Board of Selectmen to grant an easement for gas utilities to Bay State Gas Company d/b/a Columbia Gas of Massachusetts, as may be required, for the property located at 228 State Street, Ludlow, MA 01056 (the new senior center site), described and recorded in the Hampden County Registry of Deeds in Book 22549, page 394; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

**ARTICLE 11:** To see if the Town will vote to authorize the Board of Selectmen to grant an easement for water and sewer utilities to Springfield Water and Sewer, as may be required, for the property located at 228 State Street, Ludlow, MA 01056 (the new senior center site), described and recorded in the Hampden County Registry of Deeds in Book 22549, page 394; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

**ARTICLE 12:** To see if the Town will vote to authorize the Board of Selectmen to grant an easement for gas utilities to Bay State Gas d/b/a Columbia Gas of Massachusetts, as may be required, for the properties located at 205 & 209 Fuller Street, Ludlow, MA, (Harris Brook Elementary School, (formerly known as Chapin Street Elementary School) and School Administration Building site), described and recorded in the Hampden County Registry of Deeds, Book 2599, page 404; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

**ARTICLE 13:** To see if the Town will vote to appropriate a sum of money from free cash, not to exceed Forty Thousand dollars, to be used for the purchase and installation of dark fiber for IP (internet protocol) based technology for the Senior Center located at 228 State Street and the Harris Brook Elementary School (formerly known as Chapin Street Elementary School) and School Administration Building located at 205 & 209 Fuller Street; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

**ARTICLE 14:** To see if the Town would vote to disband and discharge the Personnel Board; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

**ARTICLE 15:** To see if the Town will vote to appropriate a sum of money from free cash, not to exceed Fifteen Thousand dollars, to be used to perform a Classification Study to review and evaluate all positions within the Town, excluding Schools; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

**ARTICLE 16:** To see if the Town will vote to accept the provision of M.G.L. c.59, § 5, Clause Twenty-second H (inserted by Chapter 218 of the Acts of 2018 known as an Act Relative to Veterans' Benefits, Rights, Appreciation, Validation, and Enforcement ("BRAVE Act")), which provides for a property tax exemption for real estate to the full amount of the taxable valuation of the real property of the surviving parents or guardians of soldiers and sailors, members of the National Guard and Veterans who: (i) during active duty service, suffered an injury or illness documented by the United States Department of Veteran Affairs or a branch of the armed forces that was a proximate cause of their death; or (ii) are missing in action with a presumptive finding of death as a result of active duty service as members of the Armed Forces of the United States; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

**ARTICLE 17:** To see if the Town will vote, pursuant to M.G.L. c.59, § 38H(b), to authorize the Board of Selectmen to negotiate and enter into a payment in lieu of taxes agreement with the owner, currently known as Ludlow Renewables LLC, of the solar photovoltaic energy generating facility located at 0 East St., (Map 27 parcel 31, Map 27 parcel 30, Map 27 parcel 29, Map 27 parcel 28, Map 27 parcel 27 and Map 27 parcel 26), Ludlow, Massachusetts upon such terms and conditions as the Board of Selectmen shall deem to be in the best interest of the Town and to authorize the Board of Selectmen to take all actions necessary or appropriate to administer and implement such agreement; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

**ARTICLE 18:** To see if the Town will vote, pursuant to G.L. c.59, sec. 38H(b), to authorize the Board of Selectmen to negotiate and enter into a payment in lieu of taxes agreement with the owner, currently known as Huxley Solar, LLC, of the solar photovoltaic energy generating facility located at 498 and 504 Fuller St (Map 9 Parcel 70 & 69) Ludlow, Massachusetts upon such terms and conditions as the Board of Selectmen shall deem to be in the best interest of the Town and to authorize the Board of Selectmen to take all actions necessary or appropriate to administer and implement such agreement; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

**ARTICLE 19:** To see if the Town will vote, pursuant to G.L. c.59, sec. 38H(b), to authorize the Board of Selectmen to negotiate and enter into a payment in lieu of taxes agreement with the owner, currently known as Kearsarge Ludlow, LLC, of the solar photovoltaic energy generating facility located at 0 West St (Map 9 Parcel 18) Ludlow, Massachusetts upon such terms and conditions as the Board of Selectmen shall deem to be in the best interest of the Town and to authorize the Board of Selectmen to take all actions necessary or appropriate to administer and implement such agreement; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

**ARTICLE 20:** To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow by changing a portion of the parcel from **Agriculture** to **Industrial A**, a parcel of land owned by Todd T. and Jeanne M. Bousquet located at 347 Miller Street (Assessors Map #26, Parcel 22) and described as follows:

CERTAIN REAL ESTATE situated in Ludlow, Hampden County, Massachusetts, and bounded and described as follows: Beginning at the northeast corner of the premises herein described, on the westerly side of the highway called Wilbraham Road, renamed Miller Street, and the southeast corner of land now or formerly of William Dempsey, thence WESTERLY on said land of Dempsey, nineteen (19) rods to a fence running southerly; thence SOUTHERLY on said fence, twenty-eight (28) rods to a rock at land now or formerly of Aaron Davis; thence EASTERLY on said land of Davis to said Miller Street; and thence NORTHERLY by said Miller Street to the first mentioned bound. Containing four and one-half (4-1/2) acres. EXCEPTING the following described conveyances: Deed of Wyman H. Smith et ux to Ethel A. Dias dated May 26, 1964 and recorded in Hampden County Registry of Deeds in Books 3031, Page 43. Deed of Wyman H. Smith et ux to Ethel A. Dias dated July 14, 1964 and recorded in said Registry of Deeds in Book 3044, Page 37. Deed of Wyman H. Smith et ux to Bruce T. Evans and Sandra L. Evans dated November 26, 1965 and recorded in said Registry of Deeds in Book 3157, Page 310. Being the same premises conveyed to the grantors herein by deed dated June 26, 1975 and recorded as aforesaid in Book 4147, Page 75. THE FOREGOING instrument creates no new lines.

Pass any vote or take any action relative thereto. Submitted by the Planning Board.

**ARTICLE 21:** To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow by changing from **Residence A** to **Business A**, parcels of land owned by CPN & J Realty LLC (Paul Santos), located at 326 & 0 Sewall Street (Assessors Map # 15B, Parcel 5 & 7) and described as follows:

0 Sewall Street: The land in Ludlow, Massachusetts beginning at an iron pin on the easterly side of Sewall Street, said iron pin being Two Hundred Ninety-eight and 40/100 (298.40) feet from a stone bound marking the intersection of said easterly line of Sewall Street with the northerly line of land now or formerly of the Ludlow Manufacturing Associates, and running thence: EASTERLY: One Hundred (100) feet along land formerly conveyed to Armand L. Amarel and Guilhermina I. Amaral to an iron pin; thence turning and running SOUTHERLY: along last named land Fifty-seven and 47/100 (57.47) feet more or less to a point; thence turning and running EASTERLY: along land now or formerly of one Suprenant, now or formerly of Willette and on Lorraine, One Hundred Sixty-two and 12/100 (162.12) feet more or less to a point; thence turning and running NORTHERLY: along land now or formerly of one White Fifty-three and 77/100 (53.77) feet to a point; thence turning and running WESTERLY: along land now or formerly of grantor herein Two Hundred Fifty-eight and 3/100 (258.3) feet more or less to the easterly side of Sewall Street; thence turning and running SOUTHERLY: along the easterly side of said Sewall Street Four and 67/100 (4.67) feet more or less to the point of beginning.

326 Sewall Street: The land in Ludlow, Hampden County, Massachusetts, bounded and described as follows; Beginning at a point one hundred twenty-five (125) feet from an iron pin in the easterly side line of Sewall Street, said iron pin being distant northerly, four hundred three and 07/100 (403.07) feet from a stone bound at the intersection of the southerly side line of Baker Street and the easterly side line of the aforesaid Sewall Street; from said point running EASTERLY along land of Howard Guertin, et ux, a distance of one hundred thirty-four feet and 3 inches (134'3"); thence turning an angle of 90° and running SOUTHERLY a distance of seventy-seven feet and eight inches (77'8") to an iron pin along land now or formerly of Harold McRobbie to an iron pin; thence continuing southerly a distance of twenty-four feet and four inches (22'4") along land now or formerly of Stanley Bubien to an iron pin; thence turning an angle of 90° and running westerly a distance of one hundred thirty-four feet and three inches (134'3") along land now or formerly of Theodore and Ida Belisle; thence turning an angle of 90° and running NORTHERLY a distance of one hundred (100) feet along land now or formerly of Leonard Belisle and Ann Belisle to point of beginning. Together with the right to travel over property described in Hampden County Registry of Deeds Book 2654, Page 57 and Book 2654, Page 56, for access to the property herein described. Said right is conveyed to the Grantees herein, their heirs, successors and assigns.

Pass any vote or take any action relative thereto. Submitted by the Planning Board.

**ARTICLE 22:** To see if the Town will vote to create a District Improvement Financing (DIF) program authorized under Massachusetts General Law Chapter 40Q and that such program be known as the State Street / Ludlow Mills DIF Program. The State Street / Ludlow Mills DIF Program will encompass the State Street / Ludlow Mills Improvement District as part of a public-private collaborative process to promote redevelopment in the Ludlow Mills section of Ludlow, MA; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

**ARTICLE 23:** To see if the Town will vote to accept the "State Street / Ludlow Mills Improvement District" which will be located on the south side of State Street in Ludlow, MA, easterly to the property line of Ludlow Country Club, LLC (Parcel ID 2659) and southerly to the boundary of the Chicopee River. The northerly limit of the District is the north property line of the Ludlow Mills on State Street at the convergence of East Street to the west and Stevens Street to the east known as "Ludlow Mills or Westmass Area"; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

**ARTICLE 24** To see if the Town will vote to raise and appropriate and/or transfer from available funds and/or borrow the sum of \$500,000, or a lesser sum, for the purposes of public infrastructure improvements, including but not limited to a pump station and other infrastructure improvements in the area of the “State Street / Ludlow Mills Improvement District” as previously approved in Article # 25 and to meet said appropriation to authorize the Board of Selectmen to borrow said sum of money; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

**ARTICLE 25:** To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to the Building Infrastructure Reserve Fund established by Article 17 at the October 1, 2012 Special Town Meeting, and authorize the Board of Selectmen to expend such funds for the purpose of assessing and addressing the repairs, maintenance and construction of municipal buildings; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

**ARTICLE 26:** To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money for deposit into the Stabilization Fund; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

**ARTICLE 27:** To see if the Town will vote to transfer from the Sewer Enterprise Account Retained Earnings and/or borrow by the issuance of bonds or notes such sums of money as may be necessary for Sewer Capital Improvements; pass any vote or take any action relative thereto. Submitted by the Board of Public Works.

And you are directed to serve this warrant by posting attested copies of the same in seven (7) public places in the Town fourteen (14) days before the time of holding said meeting.

A true copy,

ATTEST:

DEREK G. DEBARGE

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CARMINA D. FERNANDES

\_\_\_\_\_

MANUEL D. SILVA

\_\_\_\_\_

ANTONIO GONCALVES

\_\_\_\_\_

WILLIAM P. ROSENBLUM

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BOARD OF SELECTMEN

LUDLOW, MASSACHUSETTS

June 2, 2020

I hereby certify that I have posted the above warrant in seven (7) places in the Town of Ludlow.

\_\_\_\_\_ 2020

\_\_\_\_\_ Town Clerk