The Meeting of the Board of Selectmen held on Tuesday, December 3, 2019 began at 6:00 p.m. in the Selectmen's Conference Room, Town Hall.

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Members Present: Derek DeBarge, Chairman, Antonio Goncalves, and Manuel Silva

Members Absent: Carmina Fernandes and William Rosenblum

First Order of Business: The Pledge of Allegiance

Visitations:

Justin Larivee, Building Commissioner

Mr. Larivee explained that there are changes to the State building codes and the Town can no longer issue building permits for fences, kitchen remodels, sheds under 200 square feet, etc. Assessors used to capture the data from the Building Department but due to the changes they can no longer do that. Mr. Larivee suggested that the Town by-laws are changed to reflect any accessory structures the homeowner has updated needs a zoning permit. The Building Department will need new forms for this so Mr. Larivee can go out and make sure the set-backs are correct and the data will still get to the Assessors office.

Mr. Silva asked how the Town would get around requesting a permit if the State is stating the homeowner no longer needs a permit.

Mr. Larivee spoke with the BBRS and was told that the Town can issue a permit for anything that's in the zoning by-laws.

Mr. Goncalves asked if it would still have to go through Planning.

Ms. Villano explained that the Board of Selectmen would have to vote to insert the zone change.

Mr. Larivee did state that it still has to go through Planning and Doug did not think it was a big deal. Once it goes through the Planning Board then the Board of Selectmen will need to insert the warrant for the zone change. The Town will still charge $25-30 fee for a small shed permit.

Mr. Silva asked why we would still charge for that permit?

Mr. Larivee explained that he will still need to go out and inspect the sheds set-backs and tie downs either way.

Mr. Goncalves asked if a 10x20 metal shed is taxable or adds value to the home.

Mr. Silva said the tax would be minimal and not worth the inspection in his opinion. He does not feel that the shed would add any value to the home. The larger sheds would increase the value a little but not the small ones.

Mr. Larivee stated that he spoke with some commissioners in surrounding communities and they are just issuing a permit and addressing the language. Some other communities are just letting it go. He does not believe we are getting much revenue from permits like this in his opinion.

Mr. Silva asked if the Board could revisit this in a year to see how it's going. He stated that it will be nice to give residents a little break with all the tax increases.

Mr. Debarge agreed that we should wait a year and see how everything is going.

Mr. Silva stated that the DOR has disqualified kitchen remodels as growth in value of your home.

Mr. Larivee explained that the majority of the kitchen remodels still require a permit because the homeowner is usually opening a wall, which requires a permit.

Mr. Silva would like to have something put on TV to explain to residents the new regulations and requirements for permits.

Mr. Larivee would like to address the fencing bylaws in Town because a fence is supposed to be 6 inches in on the property and then you end up with a 1' gap in between two neighbors.

Mr. Larivee spoke about a Facilities Manager's position open in the Town that has not been filled, he would like to combine his current position as Building Commissioner with the Facilities Manager's position. Mr. Larivee also requested that the Town hire a part time non-benefit inspector for 19 hours, 3 days per week. It would cost $37,000 annually. The position is currently not funded.

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Mr. Debarge explained that the Town definitely needs a Facilities Manager to help with issues in the aging buildings in Town. Adding a part time inspector to help Mr. Larivee would be less costly than a full time Facilities Manager with benefits.

Ms. Villano had spoke with Superintendent Gazda about the need for a Facilities Manager especially with the new school and senior center being built and he would be willing to pay a portion of the Facilities Managers' salary. The Facilities Managers position would be in charge of all of the larger maintenance projects. As the Procurement Manager, Ms. Villano has to rely on the Building Commissioner to determine if certain projects need and Architect, a study, etc. Mr. Larivee would be the ideal candidate for this position. Ms. Villano also explained that she has 6-7 job descriptions from surrounding communities for the Facilities Manager.

Mr. Larivee explained that having him add the Facilities Manager to his current title he can streamline a lot of the jobs in Town Hall from calling the DPW, etc. Again Mr. Larivee explained that the part time inspector would cost approximately $37,000 and he also stated that the Building Department already has a truck and would not require a new vehicle.

Daniel Voss, SNR Director, Project Development, Kearsarge Energy- Solar

Mr. Voss explained the project that they are currently doing with Lupa Zoo and wanted to let the Board know more about Kearsarge Energy. Kearsarge Energy is a New England Based developer who originates, owns and operates their projects for the lifespan of the project. They currently have 100 mega watts and finance it themselves to simplify the projects for their customers. Kearsarge Energy's focus is on non-profits and public sector because there is unusable land like landfills and brown fields that very often fall under the jurisdiction of Towns and Cities. The largest customers in the state are Schools and Towns. Kearsarge Energy has projects in Massachusetts, New York and Rhode Island and currently looking at New Hampshire and Maine. Mr. Voss stated that Kearsarge Energy did their first project in a well water zone in Grafton, which utilizes the energy to run the pump. In Great Barrington Kearsarge Energy is using sheep as a landscape management tool.

Mr. Debarge stated that a lot of residents have asked how these solar fields are affecting the landscape and wildlife, so it was good to hear about the sheep used as landscaping management by Kearsarge Energy.

Mr. Voss explained that Kearsarge Energy is very focused on customizing the projects to the needs of the community they are working in. The Lupa Zoo project is going to be 4.4 million mega watts or 5 million KW hours/year, which could power 500-600 homes. The next formal meeting between Kearsarge Energy and the Town of Ludlow will be when the tax agreement is formalized, which will be in approximately 4-6 weeks. Construction would start in 2020 and typically takes 4-6 months from start to finish. The grid would enter-connect in August or September 2020. Kearsarge Energy has addressed all of the issues with site lines, set backs and plantings with the Planning and Conservation Board. The site will be fenced in and their will be a camera to monitor the panels. Kearsarge Energy likes to be sure the solar panels are performing properly. At completion of the project life, Kearsarge Energy would return the area to it's 'found state'. The decommissioning plan would require Kearsarge Energy to remove everything and either seed it or allow regrowth to occur. Solar is not a permanent structure and can be removed.

Mr. Voss explained that the Town of Ludlow will get an increase in tax revenue because of the project at Lupa Zoo and it is directed by the DOR, which is a complex formula in Massachusetts. Once the project is complete Kearsarge Energy will be able to shape the payments for Ludlow as seen fit. Mr. Voss explained that the Smart Program in Western Massachusetts has been exhausted but Kearsarge Energy was able to get public net metering credits by getting West Springfield to become a host.

Mr. Goncalves asked if it was possible to build a solar project in the National Grid area and bring it to the Eversource area.

Mr. Voss stated that you cannot build a solar project in the National Grid are and bring it to the Eversource area. Mr. Voss went on to explain that the Smart Program is much more flexible in that you have greater freedom in moving the energy credit then the net metering credits. Under the net metering credit, you would have to be in a utility zone and an ISO New England load zone as well, so it limits you from moving the metering credits between different utility regions. Kearsarge Energy is currently doing a project in Montague and the Town of Ludlow would be able to obtain net metering credits from that because it is in the Eversource region. The Smart Program may release more capacity in the next 3-4 months as well.

Mr. Debarge asked Mr. Voss what happens to the panels once they are taken down?

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Mr. Voss explained that the panels would be taken down in 30-40 years and recycled as much as possible. Mr. Voss explained that the panels are not toxic, there aren't any hazardous substances. The panels are made out of glass, sand,..... and copper. A lot of the panels are shipped elsewhere and used where they can't afford the most up-to-date equipment.

Mr. Silva asked if the property was going to be leased from Lupa Zoo, once the property is leased it will be considered commercial property and Kearsarge Energy is going to pay the land value? Mr. Silva explained that the lease is where the Town can generate the land value.

Mr. Voss explained that Kearsarge Energy will absorb any change to Lupa Zoo.

Mr. Silva wanted to know if Kearsarge Energy has a pilot agreement with Grafton and Great Barrington and what payment do they have with Kearsarge Energy. Mr. Silva also asked if there was a cost for this project with Lupa Zoo?

Mr. Voss stated that Kearsarge Energy does have a pilot agreement with Grafton and Great Barrington but was unsure what the payment was between these towns and Kearsarge Energy. Mr. Voss did explain that a comparison study was given to Joe for a project that Kearsarge Energy did in Concord. Mr. Voss explained to Mr. Silva that Kearsarge Energy is in the process of bidding the project out for Lupa Zoo/Town of Ludlow. Most of these projects, without the panels are $1.20 to $2.00 per watt.

Mr. Silva explained the DOR, the .....tax board and legislation are in flux of these projects. The DOR believe that these pilot projects are not good because the project is supposed to be based on the actual value of the project spread out over the 20 years and most are not.

Mr. Voss explained that Joe (Assessor) was given the non-labor costs for the project, which includes the panel price and the type of racking that Kearsarge will use. It will be a 20-year project that is customized to the Town.

Mr. Goncalves asked if Concord was under the SREC Program and if was more generous than the Smart Program?

Mr. Voss explained that Kearsarge Energy takes a conservative approach and always looks at the real estate valuation. Other projects have negotiated a number without any other real basis and it is potentially at risk. The numbers were being proposed last week but it was Thanksgiving.

Europa – Public Hearing.

Moved by Mr. Silva, seconded by Mr. Goncalves to open the public hearing for Europa for a Liquor License transfer of All Alcohol Beverage Liquor License from Rodrigues, Inc. d/b/a Europa Café to Vanished Valley, Inc. d/b/a Vanished Valley Brewing at 7:15 p.m. Vote 3-0 all in favor.

Mr. Debarge: All right.

Mr. Rodrigues: Good Evening.

Mr. Debarge: Good Evening. How are you?

Mr. Rodrigues: All right, how are you guys doing?

Mr. Goncalves: Good.

Mr. Rodrigues: All is well. So basically, we are asking to transfer the license to Vanished Valley to a pub brewer Section 12 restaurant license.

Ms. Villano: May I just interrupt for a just a second, did I hear you open up the hearing?

Mr. Goncalves: Yes, Manny..

Ms. Villano: Okay, sorry. Thank you.

Mr. Rodrigues: So, pub brewery Section 12 restaurant basically is the same restaurant, license that we held before besides we would be allowed to brew and sell our own beer.

Mr. Silva: Mr. Chairman.

Mr. Debarge: Mr. Silva.

Mr. Silva: As I recalled before you couldn't hold two licenses, right? Is that just going to be one license now?

Mr. Rodrigues: It is going to be one license now, which is going to be,

Mr. Silva: Are they allowed to do that with ABCC?

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Mr. Rodrigues: Well it's going to be one license so basically Vanished Valley is taking Europa's license. So, then there will be one license on the property.

Mr. Silva: If I recalled there was something there that wasn't quite kosher, being able to do both but maybe it is now.

Ms. Villano: If I might.

Mr. Debarge: .....

Ms. Villano: Well no, he's actually, according to Attorney Rooke there is going to be two licenses, one is to serve all which was Europa's but if I'm not mistaken you still need to have your Brewer's License from the state.

Mr. Rodrigues: No.

Mr. Goncalves: The Section 12 covers both?

Mr. Rodrigues: Section 12 is the restaurant license.

Ms. Villano: To serve but in order to brew you have to have that state license.

Mr. Rodrigues: So basically, the ABCC has three licenses, they have the pub brewer, they have the all alcoholic and then they have the farmer brewing. So, we were an all alcoholic restaurant, now it's going to be pub brewer with Section 12 restaurant. Pub brewer is, if you look at the licensing, pub brewer is the exact same thing as restaurant full alcoholic because you can have liquor, beer, wine but the pub brewer allows you to brew and sell your own beer on property.

Ms. Villano: If I might, right now you have 2 licenses, Europa has the all alcoholic and Vanished Valley has the farmers brewing license.

Mr. Rodrigues: Right, we are surrendering the farmers brewing license and Sara, my wife would be the license holder for Vanished Valley for the pub brewer.

Mr. Debarge: You're the boss.

Ms. Rodrigues: I guess so.

Mr. Goncalves: Again, or still.

Mr. Rodrigues: Myself, I couldn't hold both licenses in my name but after this transfer I could put it back into my name but once I surrender my license to Vanished Valley and if I needed to go back on I could. I don't see the necessity for it but.

Mr. Silva: On the side a little bit, you're going to be selling pub food now rather than full restaurant, right?

Mr. Rodrigues: We will have a full menu.

Mr. Silva: You are still going to keep a full menu?

Mr. Rodrigues: Yeah.

Mr. Silva: Yeah, there's word out there that,

Mr. Rodrigues: Smaller, much smaller menu but full menu. More specials.

Mr. Goncalves: Manny will approve the menu.

Mr. Rodrigues: And change the menu much more often.

Mr. Silva: That's a good idea.

Mr. Rodrigues: Yeah, people get bored very fast.

Mr. Silva: Oh yeah.

Mr. Debarge: Where does it say the name of the license or the description of the license.

Mr. Silva: It's in there somewhere. Especially when you go to the typical Portuguese-American Restaurant it's like bang, bang, bang.

Ms. Villano: Mr. Chairman are you looking for the description of the building?

Mr. Goncalves: No, the section 12 license.

Mr. Debarge: The license.

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Mr. Rodrigues: Section 12 is the restaurant part the other one, pub brewer would be the license from ABCC.

Ms. Villano: Right, which is coming from the State.

Mr. Rodrigues: Right.

Ms. Villano: Right, so he's just transferring his all alcoholic from Europa to Vanished Valley. You technically are still going to have two licenses because you are going to have your section 12.

Mr. Silva: I thought he said he was surrendering one.

Ms. Villano: He's surrendering the brewing part but he's going get a pub brewing.

Mr. Goncalves: Which is by the State, not us.

Ms. Villano: Right.

Mr. Goncalves: So, we are just changing the all alcoholic license,

Mr. Rodrigues: To Pub Brewery.

Ms. Villano: I didn't think that's how it's explained in the application that was received.

Mr. Rodrigues: Yeah, I think that's,

Mr. Silva: So, the Pub Brewery encompasses them both now so there's no reason for him to have the brewery license is there?

Mr. Goncalves: Maybe that's a mistake probably.

Mr. Rodrigues: No, the Farmer Brewery, well the Farmer Brewery, the good thing about the Farmer Brewery is it allows us to self-distribute. Now surrendering that to get the all alcoholic, the Pub Brewery, we give up the Farm Brewery, so we will no longer be able to self-distribute all we can have, we can serve food and if we want to distribute we will have to get a distributor.

Mr. Goncalves: Is this the problem, and I remember the reason for the food trucks down at the Mill's with the other folks?

Mr. Rodrigues: Yes, because they technically can't serve food.

Mr. Goncalves: Serve food, right.

Ms. Villano: They can pour. They can pour only what they brew.

Mr. Rodrigues: Pour beer, yeah.

Mr. Silva: I mean this seems so foolish to me, I mean who came up with this stuff.

Mr. Debarge: It's ridiculous.

Mr. Silva: It's kind of better for them to have food with beer.

Mr. Debarge: Right.

Mr. Silva: You get less intoxication, I would say.

Mr. Debarge: Yup.

Mr. Silva: I just don't understand,

Mr. Goncalves: That's just in case you have to stop and get something to eat.

Mr. Silva: I don't drink so, much, I should say.

Mr. Debarge: .....the attachment of the building because you have been doing a ton of work.

Mr. Rodrigues: So, we couldn't tie, we couldn't take that license without attaching the buildings. Once the buildings became attached, as they are now. Now we are able to apply for Europa's license. Those are the "blue laws".

Moved by Mr. Silva, seconded by Mr. Goncalves to approve the transfer of the license from Rodrigues, Inc. d/b/a Europa Café to Vanished Valley, Inc. Vote 3-0 all in favor.

Mr. Rodrigues: Thank you. Have a good night.

Mr. Debarge: Congratulations.

Ms. Rodrigues: Thank you.

Mr. Debarge: Take care of the boss.

Mr. Rodrigues: I'll try.

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Moved by Mr. Silva, seconded by Mr. Goncalves to close the hearing at 7:24 p.m. Vote 3-0 all in favor.

Correspondence:

273. Notice for the New Ludlow Senior Center Groundbreaking Ceremony on Friday, December 6, 2019 at 10:00 a.m. on the corner of State Street and First Avenue, Ludlow. Reception immediately to follow at the current Senior Center, 37 Chestnut Street, Ludlow.

Moved by Mr. Silva, seconded by Mr. Goncalves to file. Vote 3-0 all in favor.

274. John R. Maher, Director of Government Affairs, Charter Communications – informing the Board of upcoming price adjustments for residential video service.

Moved by Mr. Silva, seconded by Mr. Goncalves to file. Vote 3-0 all in favor.

274a. John R. Maher, Director of Government Affairs, Charter Communications – informing the Board of changes in the channel line-up and programming information.

Moved by Mr. Silva, seconded by Mr. Goncalves to file. Vote 3-0 all in favor.

274b. John R. Maher, Director of Government Affairs, Charter Communications – informing the Board of rebranding in the channel line-up and programming information.

Moved by Mr. Silva, seconded by Mr. Goncalves to file. Vote 3-0 all in favor.

274c. John R. Maher, Director of Government Affairs, Charter Communications – informing the Board of changes in the sports and outdoor channel line-up and programming information.

Moved by Mr. Silva, seconded by Mr. Goncalves to file. Vote 3-0 all in favor.

275. Brian Shameklis, Safety Committee Chairman – commenting to the Board their concerns about the lighting in the parking lot and the lack of any type of security system for the new Senior Center building.

Move by Mr. Goncalves, seconded by Mr. Silva to postpone. Vote 3-0 all in favor.

276. Jean M. Loriid, Esq., Alcoholic Beverages Control Commission Chairman – copy of the "Compliance Issues During This Holiday Season" notification that will be sent to all liquor establishments.

Moved by Mr. Silva, seconded by Mr. Goncalves to file. Vote 3-0 all in favor.

277. Mechilia Salazar, Ludlow Boys and Girls Club – application for license to conduct a one day "Beano" event on January 26, 2020.

Moved by Mr. Silva, seconded by Mr. Goncalves to approve. Vote 3-0 all in favor.

278. Aaron Saunders, 3 Keys Cahoots, LLC – providing the Board their letter of intent to apply for Massachusetts Economic Development Incentive Program in Ludlow.

Moved by Mr. Silva, seconded by Mr. Goncalves to file. Vote 3-0 all in favor.

279. Board to approve a 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 May 20, 2019.

Moved by Mr. Silva, seconded by Mr. Goncalves to approve. Vote 3-0 all in favor.

279a. Board to approve a request to charge off medical expenses and lost wages to Chapter 41, Section 111F for an injury sustained by a Firefighter as a result of an incident that occurred on August 28, 2019.

Moved by Mr. Silva, seconded by Mr. Goncalves to approve. Vote 3-0 all in favor.

279b. Board to approve a request to charge off medical expenses and lost wages to Chapter 41, Section 111F for an injury sustained by a Firefighter as a result of an incident that occurred on August 31, 2019.

Moved by Mr. Silva, seconded by Mr. Goncalves to approve. Vote 3-0 all in favor.

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279c. Board to approve a request to charge off medical expenses and lost wages to Chapter 41, Section 111F for an injury sustained by a Firefighter as a result of an incident that occurred on October 1, 2019.

Moved by Mr. Silva, seconded by Mr. Goncalves to approve. Vote 3-0 all in favor.

279d. Board to approve a request to charge off medical expenses and lost wages to Chapter 41, Section 111F for an injury sustained by a Firefighter as a result of an incident that occurred on November 10, 2019.

Moved by Mr. Silva, seconded by Mr. Goncalves to approve. Vote 3-0 all in favor.

279e. Board to approve a 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 November 13, 2019.

Moved by Mr. Silva, seconded by Mr. Goncalves to approve. Vote 3-0 all in favor.

279f. Board to approve a request to charge off medical expenses and lost wages to Chapter 41, Section 111F for an injury sustained by a Firefighter as a result of an incident that occurred on November 14, 2019.

Moved by Mr. Silva, seconded by Mr. Goncalves to approve. Vote 3-0 all in favor.

279g. Board to approve a request to charge off medical expenses and lost wages to Chapter 41, Section 111F for an injury sustained by a Firefighter as a result of an incident that occurred on November 21, 2019.

Moved by Mr. Silva, seconded by Mr. Goncalves to approve. Vote 3-0 all in favor.

Unfinished Business:

Moved by Mr. Silva, seconded by Mr. Goncalves to approve and sign the agreement between the Town and the Ludlow Board of Health Nurses association. Vote 3-0 all in favor.

Moved by Mr. Goncalves, seconded by Mr. Silva to approve and sign the Selectmen Meeting Minutes of July 2, 2019 where all members were present. Vote 3-0 all in favor.

Moved by Mr. Goncalves, seconded by Mr. Silva to approve and sign the Selectmen Meeting Minutes of July 16, 2019 where all members were present. Vote 3-0 all in favor.

Moved by Mr. Goncalves, seconded by Mr. Silva to approve and sign the Selectmen Executive Session Meeting Minutes of September 3, 2019 where Mr. Debarge, Mr. Silva and Mr. Goncalves were present. Vote 3-0 all in favor.

Moved by Mr. Goncalves, seconded by Mr. Silva to approve and sign the Selectmen Executive Session Meeting Minutes of September 17, 2019 where all members were present. Vote 3-0 all in favor.

New Business:

Moved by Mr. Silva, seconded by Mr. Goncalves to sign the Licensing Authority Certification Form for the transfer from Europa to Vanished Valley Brewing. Vote 3-0 all in favor.

Moved by Mr. Silva, seconded by Mr. Goncalves to have a representative of Turnpike Package come in to the next meeting to discuss licensing moving forward and the actual transfer of the property. Vote 3-0 all in favor.

Board perused the Selectmen Meeting Minutes of August 13, 2019.

Chairman approved and signed all bills, warrants and abatements. A record of all warrants is in the Selectmen's office for perusal until provided to the Town Accountant's office.

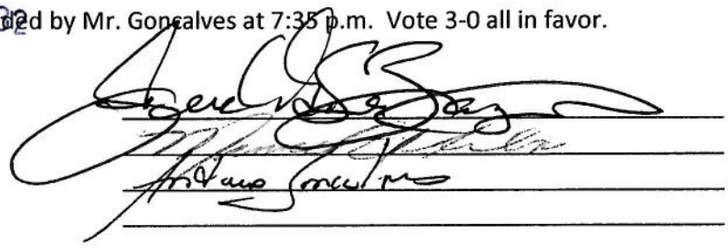
Closing Comments:

Mr. Goncalves gave kudos to the DPW for making the Town Hall look good despite the 17 inches of snow overnight.

Mr. Debarge just reminded everyone about the Groundbreaking Ceremony at the New Ludlow Senior Center at 10:00 a.m. on December 6th and also the Toys for Tots Christmas Event at Town Hall on December 15th at 4:00 p.m.

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Moved to adjourn by Mr. Silva, seconded by Mr. Goncalves at 7:35 p.m. Vote 3-0 all in favor.



Ludlow Board of Selectmen

All related documents can be viewed at the Board of Selectmen's Office during regular business hours.