The Meeting of the Board of Selectmen held on Tuesday, January 7, 2020 began at 5:30 p.m. in the Selectmen's Conference Room, Town Hall.

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Members Present: Derek DeBarge, Chairman, Antonio Goncalves, Manuel Silva and William Rosenblum
Members Absent: Carmina Fernandes

First Order of Business: The Pledge of Allegiance

Visitations:

Board of Public Works Committee to discuss Special Municipal Employee status 6:00 p.m.

Michael Suprenant, Director of Public Works, Thomas Haluch, Chairman, Barry Linton, Vice Chairman, Alexander Simao, Member and Guilherme Rodrigues, Member met with the Board to discuss Special Municipal Employee status for the Board of Public Works.

Thomas Haluch explained that after a meeting last year it was decided to take the issue to the Board of Selectmen in regard to rescinding a Special Municipal Employee's status.

Michael Suprenant explained that his predecessor, Steve Frederick responded to Mr. Suprenant's message by stating that the question on hand is there a necessity that the Board Members have this status based on the availability of vendor, contractors and tradespeople available to Ludlow to perform the services outside the municipal work force and Mr. Frederick believes there is adequate services available to Ludlow that would negate the need for this Special Employee status. The Special Employee Status raises questions with conflict of interest. Mr. Frederick stated that rescinding Special Employee status would be a good step for the Board of Public Works.

Mr. Suprenant stated he sent out a memo dated January 3rd regarding the Board of Public Works Special Municipal Employee status being rescinded by the Board of Selectmen to ensure public confidence in the bidding process. Mr. Suprenant also stated that the exemption allowed in Section 20 of the Massachusetts Conflict of Interest Law in Chapter 268a is, he believes, is based on the rule of necessity. There is no lack of contractors in Ludlow that would make the Board of Public Words members contract for their services. Allowing members of the Board of Public Works to bid on contracts under their control is likely to discourage fair and open competition due to the perception that the system is rigged. A Special Municipal Employee must file with the Town Clerk a statement making full disclosure of his interests and the interests in his immediate family in the contract. The Board of Selectmen has to vote to approve the exemption of his interest in Section 20 of the Conflict of Interest Law every time a contract is signed. This vote may become controversial at times.

Mr. Haluch wanted to give some scenarios that can transpire with the Special Municipal Employee status. For example, with a 5-member Board you can have 3 members on the Board that could have contracts with the Town. The 3 Board members who have contracts could collude to get the project increased, which would increase their revenues. These Board members could also have their projects inspected by the Board of Public Works and have to redo certain things that are not up to par and they could lose revenues. Worse case scenario the Director of Public Works would have to address certain issues with the job and have to tell these Board members that the job they did was not done incorrectly, which could lead to loss of revenue. Then when the Director's contract is up these same Board members have to vote to rehire the Director and this could be a problem.

Mr. Goncalves asked how the Special Municipal Employee status began.

Mr. Linton stated that it started about 7-8 years ago on the Hubbard Street project. There was a Board member that was taking soil samples for the contractor and then the contractor would bring them to the Town. Therefore, the Board decided to apply for the Special Municipal Employee status.

Mr. Silva stated that the Special Municipal Employee status can be done on a case by case basis and should not be a general across the board.

Moved by Mr. Silva, seconded by Mr. Goncalves to dissolve these Special Municipal Employee status for the Board of Public Works. Vote 4-0 all in favor.

Public Hearing for Class II transfer to Scott Shaw Enterprises 6:30 p.m.

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Moved by Mr. Goncalves, seconded by Mr. Rosenblum to open the Public Hearing for the Class II Transfer to Scott Shaw Enterprises. Mr. Silva recused.

Mr. Debarge: Everything is in order. All the notices alright. How are you Mr. Shaw?

Mr. Shaw: Good.

Mr. Debarge: What do you have for us?

Mr. Shaw: That was it.

Mr. Debarge: That was it, alright.

Mr. Debarge: Does anyone have any questions?

Mr. Goncalves: Have you been in the business before Mr. Shaw?

Mr. Shaw: Thirty years.

Mr. Goncalves: Somewhere locally?

Mr. Shaw: Yes, I used to work for Mutual Enterprises. I ran a motorcycle dealership for two years and I worked at Red Barn for 11.

Mr. Goncalves: Yeah, ok do you live in Ludlow?

Mr. Shaw: Yes.

Mr. Goncalves: Great.

Mr. Shaw: I used to own Meadowbrook years ago too.
Mr. Goncalves: Meadowbrook?

Mr. Shaw: On Fuller Street the liquor store. Now Our Town Variety.

Ms. Villano: Yeah.

Mr. Goncalves: Home away from home. I just actually just recently sold that a couple of years ago. I have no further questions.

Mr. Debarge: Mr. Shaw what hours are you going to be operating?

Mr. Shaw: 10 – 5. Monday to Friday.

Ms. Villano: No Saturdays?

Mr. Shaw: Saturday's I do by appointment usually.

Mr. Debarge: Saturday's by appointment.

Mr. Shaw: Yes. It's industrial so you don't get the drive by or walk-in. They usually call or they are not coming.

Mr. Debarge: Okay. Anyone else?

Mr. Rosenblum: No, I'm good.

Ms. Villano: The number of cars?

Mr. Debarge: Oh, I thought we had that. That's what I was looking for. Is it 5?

Ms. Villano: Yes, according to the by-laws.

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Mr. Debarge: Number of cars?

Mr. Shaw: That I have right now?

Mr. Debarge: That you are going to have there?

Mr. Shaw: 23 is the license I believe.

Ms. Villano: The current license says 23, so it's a complete transfer of the license.

Mr. Shaw: Yes...

Mr. Silva: It's 23...

Mr. Debarge: Okay. I couldn't find that, 23.

Ms. Villano: I'm sorry I don't think we put a copy of the old license in.

Mr. Goncalves: No, I didn't see it.

Mr. Debarge: Oh, okay. Who is next to you on your lot?

Mr. Shaw: ... on one side and then it's the same landlord but it's City Tire, not City Tire, City Towing.

Mr. Debarge: Oh, okay.

Mr. Shaw: He actually, I believe is taking over the next building as well.

Mr. Debarge: I haven't been down there in a while. Anything else?

Mr. Goncalves: No.

Mr. Rosenblum: No.

Mr. Debarge: Okay.

Ms. Villano: Need a motion to approve the license.

Moved by Mr. Rosenblum, seconded by Mr. Goncalves to approve the transfer to Discount Motor Sales, Inc. at 135 Carmelina Circle. Vote 3-0 all in favor.

Moved by Mr. Goncalves, seconded by Mr. Rosenblum to close the hearing at 6:41 p.m. Vote 3-0 all in favor.

Track and Field Committee 7:00 p.m.

Track and Field Committee, David Eisenthal, Financial Advisor, Kim Collins, Town Accountant, Elsa Barros, Town Treasurer, Eric Gregoire, Finance Committee, School Committee to discuss possibly scheduling a Special Town Meeting in February for a debt exclusion question to fund the Track and Field's replacement project.

Mr. Debarge explained that the Tax Rate has already been set at this point and therefore a Special Town Meeting would be a waste of time. The Town is currently $3.1 million over budget and the Board of Selectmen have already requested that all Department heads cut their budget by 3-5%. The Town cannot fund this project in the fiscal year 2020. The options would be to wait until the October Town Meeting to appropriate the funds and to be put on the November ballot, which will also give the Track and Field Committee time to fundraise.

Mr. Eisenthal explained that he will need to know the projected cost and time frame of the project and then he can come back with financing options. Mr. Eisenthal also explained that given the statement Mr. Debarge gave tonight, it may be prudent not to consider a project within proposition 2 1/2. Mr. Eisenthal will need more information and then he can come back before the Board to answer questions.

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Mr. Harrington explained that the project has been quoted at $2.2 million but is not finalized yet. The project will include the track, football and baseball fields. The boring test has been done and the water table is not as much of an issue as first anticipated.

Mr. Gregoire explained that the Finance Committee has not been given any figures yet and therefore cannot offer any opinion until the details are provided. The Finance Committee would need a project proposal and would also like to know the costs that have already been incurred by the Town.

Mr. Debarge explained that the Town had originally put up $75,000 to provide the Engineering but then the school received $100,000 from the State, which was used for the Engineering instead. The Board of Selectmen now need to revote to re-task that money to the Track and Field Committee.

Mr. Goncalves stated that fundraising has been very slow, and he is still awaiting the exact numbers from Dolly Cincone but knows it is not much. Mr. Goncalves also stated that after having the meeting with hundreds of people in the room, not one person that was in the room that night made a donation and it's very disappointing. There are some major donors that are waiting in the wings to see what the Town's stance is.

Mr. Eisenthal also asked if the project was to be delayed 6-12 months would the costs of the project then escalate?

Mr. Harrington explained that the School Committee is not steering this project, but rather the Track and Field Committee. Mr. Harrington would like to know, given that the Town is already $3.1 million over budget, will the Town be in a better position in fiscal year 2021?

Mr. Debarge explained that the $3.1 million over budget is a preliminary figure and will hopefully be a lot less in June but has not guarantee at this point. Mr. Debarge feels that having more time to fundraise would make it more palatable to the voters.

Mr. Harrington agreed with Mr. Debarge that it is a very difficult decision for the tax payers and feels that the Track and Field Committee should be able to fundraise $500,000 for this project.

Mr. Goncalves was expecting to get this issue to go to Special Town Meeting to get it on the ballot.

Ms. Villano explained that Town Counsel has advised the Town does not need a Special Town Meeting for the appropriations prior to going to ballot. The Board of Selectmen can vote to put it on the ballot in March and then you can appropriate the funds at the Annual Town Meeting because it's for fiscal year 2021. Even though it is a debt exclusion it still has to be all be taken care of before the Tax Rate is set. The Board of Selectmen can vote to have the question on the March ballot and then to appropriations in May or in October/November. Therefore, you do not need a Special Town Meeting.

Mr. Eisenthal explained that there will be no impact on the 2020 fiscal year budget with this project.

Mr. Debarge stated that the Town appropriated funds around $75 million from January 2018 to May 2018 and would like to know how the Bond Rating is affected once the new Chapin Street School project is complete?

Mr. Eisenthal explained that the Bond Rating affect is going to depend on the final local share for the new Chapin Street School project. Currently it looks to be approximately $31 million but he needs more information.

Mr. Rosenblum asked if anyone on the Track and Field Committee has received any quotes for a grass Football field instead of turf? Mr. Rosenblum explained that he did some research on his own and the grass fields are substantially less in cost than a turf and in 6-10 years the turf will need to be replaced at a cost of $300-400,000. The Track and Field Committee will then have to ask the Town for this money as well. This would be a more palatable option for the Town and may move along a lot faster. Also, the turf can cause a lot more injuries for athletes.

Mr. Harrington explained that the priority is the Track because it has been almost two years that the athletes have not been able to use it. However, because the trucks will already be there working on the track, the Track and Field Committee figured it would be more cost effective to do everything at once.

Mr. Harrington asked Mr. Eisenthal if the vote were done in March or November it would still affect the fiscal year 2021 budget?

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Mr. Eisenthal explained that is the project is voted for in March then the appropriations would affect the fiscal year 2021 but if the vote is in November it would affect the fiscal year 2022 budget. If the proposition 2 ½ is exempt, then the deficit is not affected.

Mr. Debarge is concerned about the residents and not having enough time to let the public know how much monies have been fundraised to offset the cost of the project.

Mr. Harrington stated that the fundraising is going to continue regardless of the vote being in March or November.

Mr. Brillo explained that the big donors are not willing to commit until they know the Town is behind the project and feels that having the question on the ballot will provide that commitment. Mr. Brillo also stated that a maintenance program is needed so that the school is never in this situation again.

Mr. Kelliher and Mr. Harrington both agreed with Mr. Brillo that putting the question on the ballot will help the larger donors commit to their donations.

Mr. Gregoire explained that the budget for fiscal year 2020 is in balance and there is not a deficit. The Town is currently working on the preliminary budget for fiscal year 2021 and it always gets ratchetted down as it gets closer. Mr. Gregoire just wants the residents to know that there is not a problem with the 2020 budget, but the Town cannot fund any additional projects for this fiscal year. The maintenance program needs to be included in the general operating budget in order to understand what is needed. Mr. Gregoire believes that this is still very fluid and would like to know what the proposal is being brought forward for this project.

Mr. Brillo explained that if you look at maintenance in the long run for grass versus turf, turf is less than grass. A turf field will get more use and have less maintenance, which in the long run will save the DPW time to work on other fields in the Town.

Mr. Goncalves stated that he believes we owe this project to the children.
Coach made a comment about the athletes not being able to use the track and that the freshman from last year will never be able to use the track during their time in the high school.

Mr. Eisenthal explained that if the question is on the November ballot instead of the March ballot you will only lose the construction season for 2020, the financial impact will still be in 2021.

Ms. Villano asked if the Town commits to appropriating $2 million through debt exclusion how will it affect the borrowing if the amount changes significantly due to fundraising, etc.? Can the Town pay it down sooner?

Mr. Eisenthal explained that the Town does not want to borrow more than is needed for the project. There are a variety of reasons why the Town should not do this.

Ms. Villano asked what affect this will have on the Town's threshold of borrowing through bond counsel?

Mr. Eisenthal suggested that the Board draft the article to state that the Town will appropriate no more than $2.2 million but will only borrow $1.5 million and the remainder must come from fundraising for example or any funds raised will reduce the amount of borrowing.

Mr. Brillo asked if the vote is accepted in March could construction begin in the summer of 2020?

Ms. Villano explained that two things need to happen; debt exclusion vote and an appropriation. The March ballot is only to allow borrowing through debt exclusion, that is all. There is no appropriation attached to the ballot question. The appropriations will come at the Town Meeting in May.

Mr. Gazda, Superintendent asked if the question went on the ballot in March would it have to be approved for appropriations in May or could it wait until the October meeting?

Ms. Villano explained that she would need to speak to Town Counsel to be sure that would be okay.

Mr. Eisenthal explained that if the voters approve it in March and the Town approves it at the May Meeting then the project will probably begin in July or August 2020 and the debt exclusion will not have an impact on the 2021 budget.

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Ms. Villano then explained that the payments due in 2021 will have an impact on how the tax rate is set due to budgeting. Ms. Villano also stated that the Board will have to vote on the question going on the March ballot as soon as possible because the information needs to be given to the Town Clerk no later than February 14th.

Ms. Barros commented that if the vote failed in March, she is not sure it will be able to go on the ballot again in November.

Ms. Villano explained that she will speak with Town Counsel to find out if the question can be put on the ballot in November if it fails in March.

Mr. Goncalves will obtain all of the figures regarding the project and send them to Mr. Eisenthal and Mr. Gregoire for review.
Mr. Debarge explained that the March election will only bring out about 10% of the voters, where as the November election will bring out much more and that it another reason why he believes the Town should wait.

Mr. Eisenthal explained that the Town will also have the Radio Communications project coming fully online in 2022 with estimated annual payments of $500,000, therefore to budget within the levy limits is going to be difficult for the next few years.

Ms. Villano explained that is why the debt exclusion would be the only way to do the Track and Field project.

Mr. Harrington asked if the Track and Field Committee, Board of Selectmen and Mr. Eisenthal could meet again on January 21st at 5:30?

Mr. Debarge set another meeting for January 21st at 5:30.

Correspondence:

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

Moved by Mr. Rosenblum, seconded by Mr. Goncalves to file. Vote 4-0 all in favor.

2. Pablo P. Madera, Chief of Police – thank you letter to Hampden County Sheriff's Department for their assistance with clean-up from the snow storms on December 2-3, 2019.

Moved by Mr. Silva, seconded by Mr. Goncalves to filed. Vote 4-0 all in favor.

3. Geoffrey Beckwith, President MIIA – Report of the Nominating Committees.

Moved by Mr. Silva, seconded by Mr. Goncalves to file. Vote 4-0 all in favor.

4. Stephanie Cooper, Deputy Commissioner, Policy & Planning, DEP – providing the Board with MassDEP Snow Disposal Guidance.

Moved by Mr. Rosenblum, seconded by Mr. Goncalves to file. Vote 4-0 all in favor.

5. Sandra E. Sheehan, Administrator, PVTA – informing the Board of Assessments for Fiscal Years 2019 and 2020.

Moved by Mr. Silva, seconded by Mr. Rosenblum to file. Vote 4-0 all in favor.

6. Dennis Keefe, Investigator, ABCC – recommendation for Bill's Garden, LLC to apply for a transfer of license.

Ms. Villano explained that the license was for a change of Manager, however the State felt that it should be a license transfer. The Board of Selectmen's office will reach out to Bill's Garden to notify them of this.

Moved by Mr. Silva, seconded by Mr. Rosenblum to file. Vote 4-0 all in favor.

7. Carolyn R. Wah, Associate General Counsel – letter from the Watchtower, Bible and Tract Society of New York, Inc. relative to solicitations.

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Mr. Debarge explained that this was a miscommunication by a Police Officer to one of the Jehovah's Witnesses that they needed a license in order to speak to Ludlow residents. Chief Madera sent an email to the Chairman that email will be forward to the attorneys for Watchtower.

Moved by Mr. Silva, seconded by Mr. Goncalves to file. Vote 4-0 all in favor.

8. Det. David Kornacki, Licensing Agent – informing the Board of inspection results of all Motor Vehicle Class I, II, and III licensed establishments in Town.

Ms. Villano explained that the Building Commissioner inspects all of these businesses as well as the Detective. Four or five of these businesses have received letters stating they have to come in for hearings at the next Board of Selectmen meeting. However, several of these businesses have already reached out to the Town to let the Town know that they are making changes in order to be in compliance with the laws. There are 2 businesses that had an excessive number of unregistered vehicles on their lots and the Building Commissioner is going to reinspect them.

Moved by Mr. Goncalves, seconded by Mr. Silva to file. Vote 4-0 all in favor.

9. Adam E. Falk, Charter Communications – 30-day notice letter informing the Board that on February 1, 2020, Charter Communications, Inc. will complete an internal corporate reorganization which will mean that our community will be held by Time Warner Cable Northeast, LLC.

Moved by Mr. Goncalves, seconded by Mr. Rosenblum to file. Vote 4-0 all in favor.

10. Pablo P. Madera, Chief of Police – requesting the Board to remove student officers Matthew T. Corbin and Adam J. Roach from the appointment list as Special Police Officers with the Ludlow Police Department as of January 1, 2020.

Ms. Villano explained that the two student officers are being removed from their duties as Special Police Officers because they will be attending the Police Academy.

Moved by Mr. Silva, seconded by Mr. Rosenblum to approve the request from the Police Chief for item 10. Vote 4-0 all in favor.

11. Michael Cahill, Director, Division of Animal Health, MA Department of Agricultural Resources – requesting the Board to review, complete, and return the Animal Control Officer designation forms no later than February 1, 2020. Board to reappoint, Gilles Turcotte, Ann Turcotte and Tammy Turcotte as the ACO's for the town.

Ms. Villano explained that Gilles Turcotte is a paid position and Ann and Tammy Turcotte are volunteers.

Moved by Mr. Silva, seconded by Mr. Rosenblum to approve the appointment of Gilles Turcotte, Ann Turcotte and Tammy Turcotte as the ACO's for the Town of Ludlow. Vote 4-0 all in favor.

12. Jodi Zepke, Council on Aging – requesting the Board to declare an inoperable 2010 Ford 14 passenger van as surplus and be allowed to dispose of.

Moved by Mr. Rosenblum, seconded by Mr. Silva to declare an inoperable 2010 Ford 14 passenger van as surplus and be allowed to be disposed of. Vote 4-0 all in favor.

13. Michael Gorski, Regional Director, MassDEP – informing the Board Ludlow's contract to deliver recyclable materials to the Springfield Materials Recycling Facility expires on June 30, 2020 and the Town must execute a new contract by January 31, 2020.

Moved by Mr. Goncalves, seconded by Mr. Rosenblum to table. Vote 4-0 all in favor.

Unfinished Business:

Board signed four (4) copies of the First Responders Appreciation Week proclamation, proclaiming January 13-17th, 2020 as "First Responders Appreciation Week", previously approved at the meeting on December 17, 2019.

Moved by Mr. Silva, seconded by Mr. Rosenblum to approve and sign the liquor license for Vanished Valley, Inc. d/b/a Vanished Valley Brewing transfer from Europa. Vote 4-0 all in favor.

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Moved by Mr. Rosenblum, seconded by Mr. Silva to approve and sign the contract between Integrity Testing, LLC and the Town for the Police Chief Assessment Center. Vote 4-0 all in favor.

Moved by Mr. Goncalves, seconded by Mr. Rosenblum to approve and sign Executive Session Meeting Minutes of October 22, 2019 where all members were in attendance. Vote 4-0 all in favor.

New Business:

Moved by Mr. Silva, seconded by Mr. Goncalves to waive the fee for the previously approved and signed Common Victualler's and/or Entertainment licenses for the following non-profit entities: Brigham Lodge A.F. & A.M., Christ the King Church, Exit Seven Players Ltd., Ludlow Community Center/Randall Boys & Girls Club, Ludlow Council on Aging, Our Lady of Fatima Parish, St. Elizabeth Parish, St. Peter/Paul Ukranian Church, The First Church in Ludlow, and Union Church of Christ UCC. Vote 4-0 all in favor.

Mr. Debarge explained that Mr. Larivee, Building Commissioner gets called out a lot on emergencies and ends up using his personal vehicle and mileage to do so.

Mr. Silva also explained that Mr. Larivee will have to log his mileage and not be able to use the vehicle for personal use.

Moved by Mr. Silva, seconded by Mr. Rosenblum to allow the use of the Town Dodge Ram truck and allowed to be taken home by the Building Commissioner due to the emergency response the Building Commissioner must abide by. Vote 4-0 all in favor.

Moved by Mr. Rosenblum, seconded by Mr. Goncalves to open the Warrant for the May 11, 2020 Annual Town Meeting and we will close the Warrant at the March 3, 2020 meeting. Vote 4-0 all in favor.

Board perused Selectmen Meeting Minutes of August 20, 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.

Moved by Mr. Silva, seconded by Mr. Goncalves to adjourn this meeting at 8:20 p.m., not return to open session, and to enter Executive Session for the purposes of discussing litigation and tax foreclosures. Vote 4-0 all in favor.

Closing Comments:

Mr. Silva asked if the licensing can be done any earlier, so it's not crunch time at the end of the year and Ms. Villano explained that she was speaking to the Building Commissioner and hoping to get the inspections done sooner next year.

Mr. Rosenblum wished everyone a Happy New Year and thanked the Rotary Club for their work in decorating Town Hall for the Toys for Tots drive. Thanked the Contractor responsible for the lights outside of Town Hall as well.

Mr. Goncalves wished everyone a Happy New Year and wishes a safe one to everyone. Mr. Goncalves expressed his disappointment in the Track and Field donations which are less than $300 so far. Over 1000 people have went to the website but have not donated. Ludlowsportscomplex.org is the website, please show your support and donate.

Mr. Debarge stated that he is all for the Track and Field project, however he is concerned about the rise in taxes. Mr. Debarge also stated that donations are vital for this project and he is getting very frustrated that people are saying that the Town needs to make a commitment before businesses will donate. The Town gave what money they could and when the School Committee was asked to match the Town's donation, they could not do it. Mr. Debarge is concerned for the single income senior and

the senior population as taxes continue to go up. Mr. Debarge feels that the Town needs to be cognizant of Town finances as well.

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