The Meeting of the Board of Selectmen held on Tuesday, March 3, 2020 began at 6:00 p.m. in the Selectmen's Conference Room at Town Hall.

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2020 MAR 5 P 4: 10
TOWN OF LUDLOW

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

First Order of Business: The Pledge of Allegiance

Visitations:

6:15 p.m. – Robert's Auto Body Sales Public Hearing Class II – Change of Address.

Moved by Mr. Silva, seconded by Mr. Rosenblum to open the public hearing at 6:15 p.m. for Robert's Auto Body Sales for Class II license. Vote 3-0. All in favor.

Mr. DeBarge: Mr. Kopec, how are you? Good to see you again. Okay so we are here for a change of address. All of the I's have been dotted and T's have been crossed, you have been vetted with your abutters, planning, safety and...

Ms. Villano: The three letters are there, I forget. The Building Commissioner.

Mr. DeBarge: The Building Commissioner, so change of address.

Mr. Silva: Do we have a site plan at all, did you bring the site plan at all?

Mr. Kopec: Yes, there was two of them because there was an increase for the numbers. I believe it is just under 30, somewhere around there.

Mr. Silva: 30 cars you are applying for.

Mr. Kopec: Currently we have a 5 car from Carmelina's.

Mr. Silva: And your adding...

Mr. Kopec: Which obviously this parking lot is drastically a lot bigger. Just a little bit bigger.

Mr. Silva: I think I know because Carmelina's is.... Okay so this one here actually adds more because that one only has 22. So, this one here you have actually put in all your spots in it okay and your application is for 30.

Mr. Kopec: Yeah that's fine.

Mr. Silva: That's what you are here for. Is that what is on the app?

Ms. Villano: I don't have the application, the application is....

Mr. Silva: This one doesn't have enough so. It doesn't show enough on there so you know.

Mr. Kopec: Right, I think this is what the Planning Board had me do just to say okay let's do this for now and if you want more cars talk to the Board of Selectmen, discuss that at the meeting. So, this was just so they went off of this just to say yes, he's good to go and then he said, they told me to address it with you guys.

Mr. DeBarge: Okay.

Mr. Silva: Do you have the application?

Mr. Kopec: Thank you.

Mr. Silva: I still don't see the number.

Ms. Villano: It would have to be on his application.

Mr. DeBarge: I didn't see it either.

Mr. Silva: Because the number is actually going to go on his license.

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2020 JUL 15 P 4:10
TOWN OF LUDLOW

Ms. Villano: You can do this based on your conversation.

Mr. Silva: We want to make sure we do the right number because then when we have Police Officers check and so on if he's over his limit you know it gets convoluted.

Mr. DeBarge: So, 35?

Mr. Silva: Yes, as soon as we are done fidgeting around here.

Mr. DeBarge: Yes, we will get to you.

Mr. Silva: So, your intention is 30?

Mr. Kopec: Yeah, sure.

Mr. Silva: 30?

Mr. Kopec: That's good. That's a lot of cars.

Mr. Silva: It is.

Mr. DeBarge: Is there are part on the application that is supposed to be...

Mr. Silva: I'm surprised that the Planning Board did not write it down.

Mr. DeBarge: Want to put it under 'additional information'?

Mr. Silva: Yeah why don't you do that for us umm, how do you pronounce your name?

Mr. Kopec: Miroslaw, Miro for short.

Mr. Silva: Yeah, can you just put on there Class II and the number of cars the application should read.

Mr. Kopec: Class II Motor Vehicle License?

Mr. Silva: Yeah, for 30 cars, 25 what ever the application is for?

Mr. Kopec: From the Planning Board?

Mr. Silva: No, no that's just for...

Mr. Kopec: Or what we are discussing?

Mr. Silva: What we are discussing now, yes.

Mr. Kopec: So just put 30.

Mr. Silva: So, you are applying for 30 cars with the Selectmen.

Mr. Kopec: Okay.

Mr. Silva: Okay. The site plan looks in order. The abutters you might have one or two here. The property is zoned for it so I'm good for now.

Mr. DeBarge: That's everything else. Okay. Sir?

Resident: Yes, my question is as far as the, not so much the auto sales part but it is the auto sales part too because originally, I thought this was just an auto repair place or an auto body all right. But my main

concern on this is that he was in a able to go in and clear this whole thing, cut down all the trees all right and I abut behind so I have had my yard flooded multiple times and I know he did some precaution for that all right but my main concern now is he is going to have wrecked cars in there with oil leaking and everything else, anti-freeze. So, I don't want this stuff in my yard, if we happen to get a monsoon of rain, because I already have video of it flooding my yard all right and I showed the Building Department on it. All right and my biggest concern is of oil and anti-freeze running in my yard. I have a coy pond down there that got flooded out once already because he cut all the trees down. So, and then I have to look at unsightly vehicles because originally when I talked to the Building Department, he promised to put up a stockade fence to at least take the unsightly vehicles away all right. And I have to live with my wife every single day complaining about this.

Mr. DeBarge: That's not easy.

Resident: No, it's not so and my biggest concern more so is the fact of that if we do get a heavy rain there is no way his little retention pond, holding pond is going to stop all the water with oil and anti-freeze from running in my yard. At least the trees with the natural cover did deter to slow down because I have been this almost 30 years and I never had a problem when Metras was there. So, with the zoning change for now cars opposed to an electric company, I have a major concern and it's sad that I am the only one here but.

Mr. DeBarge: All right.

Mr. Kopec: You asked me to cut those trees down.

Resident: No, I did not Marek, I did not ask you to cut the trees. The only thing I said was because there was one leaning into my garage, was the only one I was ever going to say cut it down and I was going to send before I even knew Metras sold because when I first moved in Metras cut all the trees down. Not every single one but there was one leaning. I never, ever said for you to cut all of these trees down.

Mrs. Kopec: There were people there that heard the comments as well and we said it's going to cost more....

Mr. Kopec: With all do respect is this meeting about cutting trees or is it about...

Mr. Silva: No, no, no.

Mr. Kopec: Okay.

Mr. DeBarge: But he is allowed to make a comment.

Resident: But besides of all of the trees my main concern is how is he planning on stopping the oil for one thing and anti-freeze because I know when.....

Mr. Kopec: So those vehicles are on the other side of the building they are not even next to his building, they are right on the side of Poppi's Pizza.

Mr. Silva: Mr. Chairman.

Mr. DeBarge: Yes.

Mr. Silva: Your concerns are fair; however, they really don't pertain to the issues of the license. Your concerns are more to do with the Planning Board....

Resident: But this is more of the.....

Mr. DeBarge: Hang on sir, let him finish.

Mr. Silva: Making sure that he complies with whatever the Planning Board issued for his operation and making sure. Now as far as the oils, totally illegal as far as any oils leaking, anything leaking on properties and so on. So, that is something that is I don't think that's something that he wants to have done because that....

Mr. Kopec: We have been towing for the Town of Ludlow since early 90's so we understand.

Mr. Silva: He just said now that the vehicles will be on the other side so they don't, they would be probably, I haven't seen the parcel or where they are going to be but it's probably impossible to get to your property if any leakages are there. But he is going to have to contain that for sure. I got to say as far as....

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2020 JUL 15 P 4:10
TOWN OF LUDLOW

Resident: Well I can tell you right now if it does run in my yard, I will be getting a lawyer and I will be suing Roberts.

Mr. Silva: Absolutely and that's your right. But as far as the other things that you mentioned and there is supposed to be a fence there and the Planning Board issued that with a fence, then the fence has to go up. So, they are the ones that are going to police the so-called site plan improvements that he has to do. As far as us, we really can't...

Resident: No, I know but I just figured I had some sort of shot here okay.

Mr. Silva: Yes.

Resident: Because a I never had a voice to begin with as far as everything else that was...

Mr. Silva: Yeah, that's the unfortunate thing with work, umm living next to you know industrial property, commercial property and so on. Their rights....

Resident: So, the unfortunate part is my property is still zoned 'farming'.

Mr. Silva: Yeah, it gets kind of touchy situation, I have had it personally myself with commercial and then residents. Unfortunately, the laws that allow him to do certain things, they just allow him, we can't say you can't do it. Now as far as infringing on your property obviously it is, he is going to have to take care of that and it's....

Mr. DeBarge: We are here to approve the change of address. Mr. Silva's understanding is correct, the site plan is for the Planning Board.

Resident: Okay.

Mr. DeBarge: Okay, anything else?

Moved by Mr. Silva, seconded by Mr. Rosenblum to approve the transfer of the Motor Vehicle Class II License for Robert's to 345 West Street and for Robert's to comply with the site plan as proposed by the Planning Board. Vote 3-0-2 Abstentions.

Moved by Mr. Silva, seconded by Mr. Rosenblum to close the Public Hearing for Roberts Auto Body for Class II Motor Vehicle License at 6:31 p.m. Vote 3-0. All in favor.

Correspondence

72. Brian Shameklis, Chairman Safety Committee – recommendation that a traffic study be conducted for the area of Fuller Street, West Avenue and Waz Street.

Moved by Mr. Silva, seconded by Mrs. Fernandes to accept the recommendation of the Safety Committee and forward to Pioneer Planning to get it done. Vote 5-0. All in favor.

72a. Brian Shameklis, Chairman Safety Committee – recommendation that two horse riding signs be installed in the area of 297 West Street which is between Holyoke Street and Barna Street.

Moved by Mrs. Fernandes, seconded by Mr. Silva to accept the recommendation for the two horse riding signs be installed in the area of 297 West Street which is between Holyoke Street and Barna Street. Vote 5-0. All in favor.

73. Invitation to attend the St. Patrick's Day Post-Parade Reception on Sunday, March 22, 2020 from 2:00 p.m. to 4:00 p.m. at the Boys & Girls Club of Greater Holyoke, Inc., 70 Nick Cosmos Way, Holyoke, MA.

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2020 JUL 15 P 4: 10
TOWN OF LUDLOW

Moved by Mr. Goncalves, seconded by Mrs. Fernandes to file. Vote 5-0. All in favor.

74. Peter J. Cavicchi, P.E., District 2 Highway Director, MassDOT (Highway Division) -informing the Board as part of the Massachusetts Bridge Inspection Program, of a recent Structures Inspection Field Report for the municipally-owned bridges at Miller Street/Chicopee River and East Street/Chicopee River.

Moved by Mr. Silva, seconded by Mrs. Fernandes to file. Vote 5-0. All in favor.

75. Kerry Bogdan, Risk Analysis Branch Chief Mitigation Division FEMA Region 1 informing the Board of the Final Chicopee Watershed Discovery Report.

Moved by Mr. Goncalves, seconded by Mrs. Fernandes to file. Vote 5-0. All in favor.

76. Board to appoint the following election officers as recommended by either the Town Clerk or the Committee Chairman of the Democrat Party:

-Alicia O'Connor Tyburski, Unenrolled
-Lucy Obrzut, Democrat
-Cynthia Saleh, Unenrolled

Moved by Mr. Goncalves, seconded by Mr. Rosenblum to appoint the following election officers as recommended by the Town Clerk or the Committee Chairman of the Democrat Party; Alicia O'Connor-Tyburski, Lucy Obrzut, and Cynthia Saleh. Vote 5-0. All in favor.

77. Knights of Columbus – application for one day Beer & Wine Permit for a Corned Beef & Cabbage Dinner to be held on March 14, 2020 from 4:00 p.m. – 9:00 p.m. at St. John the Baptist Pastoral Center, 201 Hubbard Street.

Moved by Mrs. Fernandes, seconded by Mr. Rosenblum to approve the application for a one-day Beer & Wine Permit for a Corned Beef & Cabbage Dinner to be held on March 14, 2020 from 4:00 p.m. – 9:00 p.m. at St. John the Baptist Pastoral Center, 201 Hubbard Street and waive the fee. Vote -0. All in favor.

78. Samuel Boyd, Director of Facilities and Grounds, Town of Wilbraham – providing the Board a proposal for dog kennel improvements.

Moved by Mr. Goncalves, seconded by Mr. Silva to authorize payment of $16,350.00 for our part of the dog pound improvements. Vote 5-0. All in favor.

79. Sean McBride, Chairman, Westover Gold Commission- requesting the Board to start the process for appointing a new commissioner since the term for Paul Chrzan is expiring in April 2020.

Moved by Mr. Silva, seconded by Mr. Rosenblum to start the process for a new Golf Commissioner and put the advertisement on the local channels. Vote 5-0. All in favor.

80. 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 February 27, 2020.

Moved by Mrs. Fernandes, seconded 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 as a result of an incident that occurred on February 27, 2020. Vote 5-0. All in favor.

81. Doherty Wallace Pillsbury & Murphy P.C. – Board to approve and sign two copies of the legal services agreement to provide legal services to the Town of Ludlow for the period from July 1, 2020 through June 30, 2021.

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2020 MAR 13 P 4: 10
TOWN OF LUDLOW

Moved by Mr. Rosenblum, seconded by Mrs. Fernandes to table the legal services agreement with Doherty Wallace Pillsbury & Murphy P.C. until the next Executive Session meeting. Vote 5-0. All in favor.

Unfinished Business:

Moved by Mr. Goncalves, seconded by Mr. Silva to include in the regular Town Meeting a proposed zone and bylaw change 6.10.5 Design Standards, Dimension and Density Requirements and remove from the Special Town Meeting. Vote 5-0. All in favor.

Moved by Mr. Goncalves, seconded by Mrs. Silva to remove Police overtime and Unpaid Bills from the Regular Town Meeting into the Special Town Meeting. Vote 5-0. All in favor.

Moved by Mr. Goncalves, seconded by Mr. Silva to remove completely the Chapter 2, Section 37 proposed amendment from the warrant. Vote 5-0. All in favor.

Moved by Mr. Goncalves, seconded by Mr. Silva to close the warrant for the annual Town Meeting. Vote 5-0. All in favor.

Moved by Mr. Goncalves, seconded by Mr. Rosenblum to sign the Knights of Columbus one day Beer & Wine Permit for a Corned Beef & Cabbage Dinner on March 14, 2020. Vote 5-0. All in favor.

Moved by Mr. Goncalves, seconded by Mr. Rosenblum to approve and sign the Selectmen Meeting Minutes of October 22, 2019. All members present. Vote 5-0. All in favor.

Moved by Mr. Goncalves, seconded by Mr. Rosenblum to approve and sign the Executive Session Meeting Minutes of January 7, 2020 (1st session). Mr. DeBarge, Mr. Goncalves, Mr. Silva & Mr. Rosenblum were present. Mrs. Fernandes was absent. Vote 4-0-1. One Abstention.

Moved by Mr. Goncalves, seconded by Mr. Silva to approve and sign the Executive Session Meeting Minutes of February 4, 2020. All members were present. Vote 5-0. All in favor.

New Business:

Moved by Mr. Goncalves, seconded by Mr. Silva to approve and the Chairman sign the contract with WestMass ElderCare for FY21 Non-Federal Match. Vote 5-0. All in favor.

Moved by Mr. Goncalves, seconded by Mr. Silva to approve and sign 10 copies for the call of the town election March 23, 2020. Vote 5-0. All in favor.

Board perused Selectmen Meeting Minutes of November 6, 2019.

Board perused Selectmen Meeting Minutes of November 19, 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 wanted to remind residents of the event calendar and wanted to let everyone know that there will be a discussion about the track and field on Thursday at 8 p.m. at Ludlow High School.

Mr. Silva confirmed there will not be a Board of Selectmen meeting on March 31st.

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2020 JUL 15 P 1:10
TOWN OF LUDLOW

Mrs. Fernandes agreed with Mr. Goncalves that all residents should attend the meeting on Thursday to discuss the Track and Field in order to be well informed during the vote.

Mr. Rosenblum encouraged everyone to exercise their right to vote tonight, as well as, March 23rd for the Town Election and reminded everyone that May 11th will be Town Meeting. Echoed Mr. Goncalves and Mrs. Fernandes to come to the high school on Thursday to have your voice heard regarding the Track and Field issue.

Mr. DeBarge attended a regional Selectmen's meeting with Mr. Silva and wanted to advise residents that trash is a hot topic everywhere, not just in Ludlow. The Board of Selectmen are keeping all of the residents in mind during these discussions. Also, attended the Boys and Girls club 70th birthday on Sunday and wanted to wish them a Happy Birthday. The Boys and Girls Club is a wonderful resource for the Town and residents.

Moved by Mr. Goncalves, seconded by Mr. Silva to adjourn this meeting at 6:52 p.m., not return to open session and to enter Executive Session for the purposes of discussing contract negotiations with non-union contract. Vote 5-0 all in favor.

Ludlow Board of Selectmen

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

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