The Meeting of the Board of Selectmen held on Tuesday, July 14, 2020 began at 6:00 p.m. Remote participation due to COVID-19.

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

First Order of Business: The Pledge of Allegiance

Visitation:

6:00 p.m. - PACE discussion - Aaron Saunders – Loophole Brewing, to call in to discuss this as it relates to his project.

Mr. Saunders explained that Loophole Brewing is a small craft beer brand that is looking to help establish a region for the smaller craft beer establishments and grow business without having to necessarily take the risk of a large expansion or relocation as well as help new brewers who may not have the access to capital to get into commercial brewing business. While looking for a location, the Ludlow Mills was brought up and the 91st Ave building has the perfect footprint for what Loophole Brewing needs. It is a 28,000 square foot building with an additional 1,000 square foot outdoor space which we are hoping to purchase as a beer garden and eventually brewery expansion. The building was constructed at the turn of the 20th century and the improvements needed to get it into brewery condition were significant. After speaking with Mass Development, Loophole was told that in 2016 the Commonwealth started a financing program for Energy Efficiency Improvements, which is PACE. This is a tax-based financing mechanism that enables low cost, long term funding the energy improvements but in order for a community to be involved in, it needs action from the Board of Selectmen. The Loophole would be approximately $4 ½ million investment in the Town of Ludlow. The town would have to facilitate the surcharge on our property tax bill in order to repay the PACE financing.

Mr. Goncalves asked to verify that it is a $4 ½ million project and how many jobs will be created?

Mr. Saunders confirmed it will be between $4 to $4 ½ million. Once Loophole is fully built out, they will have between 15 and 25 full time employees and that would be between the production area and the tap room. PACE financing is the first step in the process. Loophole will be requesting a Section 19H pouring license from the Board. Hoping to be fully operational sometime in the first quarter of 2021. Loophole will need to close on the building before obtaining any licensing form the Town. Once the Board feels that PACE is right for Ludlow, that will allow Loophole to move to the next step of financing.

Mr. Silva asked exactly what Mr. Saunders needs from the Board at this time?

Mr. Saunders explained that they are looking for the PACE program to be approved by the Board for now.

Mr. Rosenblum spoke with Mass Development and was told Loophole will work through their own Capital provider; Mass Development will send to the municipality the levy betterment assessment; then we forward it to Loophole; Loophole will pay us; and then we pay Mass Development. This does not have any tax impact on residents. PACE stands for Property Assessed Clean Energy. Loophole will be getting low financing based on the clean energy that they use in the form of insulation, if they use solar panels etc. The Town will be the gate keeper of basically a zero-budget line, where money comes in and it goes out and it doesn't affect the tax base. Town counsel needs to determine if we can do a resolution now and approve it or if it has to go to Town Meeting.

Mr. Goncalves asked if the idea is because the Town is collecting the money, the betterment is going to be senior to any mortgages that Loophole puts on the property by virtue of it being a kind of tax?

Mr. Saunders explained that the PACE is senior to everything, but it cannot be accelerated. This could also be an economic development tool for any other project in Town whether it is the Mills or Moody Street or really anywhere where there is a commercial industrial property that would benefit from an energy efficient upgrade.

Mr. Goncalves asked if it is assumable?

Mr. Saunders explained that it is assumable. PACE financing will be written like any other commercial note and can be assumed by another entity. If Loophole sold or refinanced, there is no exposure to Ludlow. It is just a matter of facilitating the assessment and moving the check that Loophole would cut to the Town and then put the Town to the PACE financing.

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Mr. DeBarge asked because the Town is involved in this project, where would the liability be if the business doesn't take off or if there is trouble with this?

Mr. Saunders explained that the Town is not expending any tax payers' dollars at all, the Town's obligation is facilitating the payments through the betterment assessment. There is no obligation from the Town to the PACE financing entity for taking on the responsibility of paying that note if Loophole goes under. The Town is not obligated to Loophole at all either.

Mr. Silva asked where the name 'Loophole' came from?

Mr. Saunders explained that he has two partners and they realized that Western Mass and New England have a lot of good homebrewers who have no way to test their recipes in the commercial industry, therefore, the Loophole will act as the licensing entity and help the homebrewers refine their recipes to get product into the commercial industry, which is the Loophole!

Ms. Villano explained that she was on the conference call with Mass Development with Mr. Rosenblum as well as Mr. Alves, Assessor and that Mr. Saunders is correct, this PACE program would help any other entity in the Town. Ms. Villano also wanted to mention that Wendy O'Malley, Vice President of PACE is willing to speak with the Board on another day if the Board has more questions regarding the program. There is no risk to the Town, the Town just has to be willing to facilitate the path through of the betterment.

Mr. Rosenblum stated that Mass Development has already worked with our Munis system, therefore the integration with our system, should be pretty seamless.

Ms. Villano explained that this is a Federal Government program that a lot of States have adopted and have now passed it down to Cities and Towns to offer to businesses.

Moved by Mr. Goncalves, seconded by Mr. Rosenblum on behalf of the Town of Ludlow, we opt in to the commercial property assessed clean energy program as outlined, subject to approval of Town Counsel. Vote 4-0. All in favor.

6:45 p.m. – Board to approve and sign inter departmental transfers - Kim Collins, Town Accountant and Eric Gregoire, Finance.

Ms. Collins explained that the Police Department is moving $8,000 from dispatch and $5,000 from clothing allowance to vehicle repairs and maintenance and overtime.

Mr. Gregoire explained that Chief Valadas went over the overtime need, vehicle repairs and maintenance with the Finance Committee. Chief Valadas stated that overtime was impacted due to the level of training needed and officers/Sergeants being out due to injury on the job. Chief Valadas also explained that the vehicle maintenance is required of fleet vehicles and some are aging towards the age of replacement.

Mr. Silva asked if all of the transfers were reviewed by Mr. Gregoire and Ms. Collins, and if they were all set.

Ms. Collins and Mr. Gregoire explained that they were all set except for the DPW request as the Finance Committee has not had a chance to look into that one because it was received by Mr. Gregoire today.

Mr. Goncalves asked if the Council of Aging transfer for $7.00 is correct?

Mr. Gregoire explained that it is correct.

Mr. DeBarge asked Ms. Collins if all of the other transfers, aside from the DPW's were all set?

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Ms. Collins stated that they are all set except the DPW's and that will be discussed next.

Moved by Mr. DeBarge, seconded by Mr. Goncalves, to accept the following account transfers: the Ludlow Police Department, the Ludlow Fire Department, the Ludlow Council on Aging, the Ludlow IT Department, the Ludlow Board of Selectmen, the Veterans Services, to include legal services, the liability and insurance, and the Westover Golf Course. Vote 4-0. All in favor.

Ms. Collins explained that she has been communicating with the departments since before pandemic and during that time she had not received any transfer requests from the DPW, even after an extension was given. Ms. Collins sent a detailed email to Mr. Suprenant explaining that although their department in total was not over budget, their general expenses were. During the final warrant, there were two invoices, one for Waste Management for approximately $70,000 and one for Casella for approximately $10,000, these were pulled out of the final warrant because they did not have enough funds to pay for those within general expenses and no transfer had been requested from personal services. In addition to that, they have approximately $45,000 in encumbrances that they had requested to pay out of FY20. Alex Simao, Vice Chair of the DPW emailed Ms. Collins requesting to transfer $125,000 from their salary line item to their general line item so they can all be encumbered and paid in FY20 and not go to Town Meeting. At this point, because it was so late, we had to request it tonight from the Board of Selectmen to be approved and it could be approved from the Finance Committee after the fact but at least we would not be sending $120,000 to Town Meeting to be raised on the tax rate in 22.

Mr. Gregoire explained that the 15th is the deadline to have the transfers completed. This is not enough time to post the meeting tomorrow and take action. Mr. Gregoire is frustrated with the DPW not being accountable and if the Board of Public Works knew about this weeks ago and did not raise this issue when there was ample time to deal with it and put it on the agenda appropriately, this now falls on the taxpayer and the rest of the Town to have to clean up the mess at the 11th hour. It is irresponsible, and it is disingenuous to the process, and they hold themselves outside of that. I have no problem bringing this to their Board as I have numerous examples over the years. This should not be coming from a Board member but from the Director.

Mr. Silva agreed with Mr. Gregoire that the Board of Selectmen are very frustrated with them as well. The Board of Selectmen asked the DPW to attend this meeting today and were told they could not attend. Mr. Silva asked Ms. Villano what the ramifications would be if the transfers do not get approved today?

Ms. Villano explained that the ramifications are there is money in their budget for FY20 that can be transferred and if they are not approved, then the Waste Management and Casella which are the trash and recycling companies, will not get paid and they will go to Town Meeting in October where we could use free cash or we would have to pay those bills and add it to the tax rate.

Ms. Collins explained that the free cash has been extended until the tax rate is set and there is about $200,000 left in free cash but does not recommend using that. Ms. Collins also shares the frustration with Mr. Gregoire regarding the DPW not communicating with the Town. It is the Board's decision as to whether this gets transferred now or goes to Town Meeting and the DPW will have to explain why over $120,000 didn't get accounted for in the prior year's budget.

Ms. Villano asked Ms. Collins to clarify if the 15th is a state parameter date or can technically the Finance Committee schedule a meeting for Friday or Monday of next week to take up this matter and approve it, would we still be within our time frame?

Ms. Collins stated the 15th is a state mandated date and is not sure if that has been extended at all due to COVID. The question would be for Mr. Gregoire as to whether or not the Board of Selectmen can approve it before the Finance Committee has been able to review it or if that is an issue?

Ms. Villano does not believe there is an issue with the Board of Selectmen voting first or second, just as long as the Board of Selectmen and the Finance Committee both vote.

Mr. Gregoire agreed that Ms. Villano is correct. Mr. Gregoire does not want this to hurt the overall financial picture for the community and doesn't feel that this should be added on to a future year due to the DPW's inability to manage their own books across personnel and general expenses. It is not ideal, but will try to set up a meeting to get these approved by the Finance Committee. Mr. Gregoire wanted to go on record that this is not okay for the DPW to do this at the 11th hour.

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Mr. Silva agrees with Mr. Gregoire that it should not go on the backs of the taxpayers and the Board of Selectmen need to let the DPW know that this cannot be done anymore.

Ms. Villano wanted to clarify that Ms. Collins reached out to the Board of Public Works directly because of a lack of response from the DPW. The Board of Public Works is very aware of the issues at hand.

Mr. DeBarge is also frustrated with the DPW and wanted to stress that lack of communication in that department is unacceptable. The DPW needs to do a better job and not at the expense of our community, the tax rate, nor the residents and they have to be accountable for their actions.

Moved by Mr. DeBarge, seconded by Mr. Rosenblum to approve the transfer for the DPW as stated on the form. Vote 4-0. All in favor.

Correspondence:

162. John R. Maher, Director of Governmental Affairs, Charter Communications – notification of channel line-up changes.

Moved by Mr. Goncalves, seconded by Mr. DeBarge to file. Vote 4-0. All in favor.

162a. John R. Maher, Director of Governmental Affairs, Charter Communications – notification of channel line-up changes.

Moved by Mr. Goncalves, seconded by Mr. DeBarge to file. Vote 4-0. All in favor.

163. Springfield Water and Sewer Commission – HAA5 Water Quality Violation and Public Notification.

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

163a. Springfield Water and Sewer Commission – providing the Board with important information about your Drinking Water Halo acetic Acid 5 (HAA5) MCL Violation.

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

164. Ryan M. Pease, Fire Chief – informing the Board of the retirement for Firefighter Michael Gallagher, his last date on the Town of Ludlow payroll was June 30, 2020.

Moved by Mr. DeBarge, seconded by Mr. Rosenblum to accept the retirement of Firefighter Michael Gallagher as of June 30, 2020 and send a letter of thanks for service. Vote 4-0. All in favor.

165. John and Dian Dryjowicz – requesting permission to hold a community "drive by" to support our Police Officers on Saturday, July 25, 2020 at 12:00 noon.

Moved by Mr. Rosenblum, seconded by Mr. Goncalves to table this until they have discussed it with the Chief of Police and the Police Department as to the protocol for them and if there is any cost it would be incurred by the Police in order to traffic control and confirm the date. Vote 4-0. All in favor.

166. Adam J. Last, P.E., LSP, Principal Engineer, Corporate Environmental Advisors (CEA) – informing the Board of a Release Notification Form and Permanent Solution Statement, Hydraulic Oil Release Near 13-19 Barre Drive, Ludlow on April 27, 2020.

Moved by Mr. Goncalves, seconded by Mr. DeBarge to file. Vote 4-0. All in favor.

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167. 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 June 30, 2020.

Moved by Mr. Rosenblum, seconded by Mr. DeBarge 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 June 30, 2020. Vote 4-0. All in favor.

168. Joe Mitchell, Eversource Community Relations & Economic Development Specialist – informing the Board beginning on or About August 17, 2020, Eversource authorized contractors will be in the community inspecting third-party pole attachments for compliance with licensing agreement.

Moved by Mr. DeBarge, seconded by Mr. Rosenblum to file. Vote 4-0. All in favor.

169. Notice of intent to remove property from Chapter 61B, Lot 17 West Street, Ludlow – Right of First Refusal (waiting for letters from Planning, Conservation, and Assessors).

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

170. Jean E. Christy PE, Senior Engineer, Tighe & Bond, Inc. – Providing the Board the Quarterly Inspection Report for the Holyoke Street Landfill.

Moved by Mr. Goncalves, seconded by Mr. DeBarge to file. Vote 4-0. All in favor.

171. Board Reorganization – Board of Assessors.

Moved by Mr. Goncalves, seconded by Mr. DeBarge to file. Vote 4-0. All in favor.

Unfinished Business:

COVID-19 updates. Mr. Silva stated that we are still at 128 with no new cases.

Moved by Mr. DeBarge, seconded by Mr. Rosenblum to approve and sign Selectmen Meeting Minutes of February 18, 2020. Mr. DeBarge, Mrs. Fernandes, Mr. Rosenblum and Mr. Silva were present. Mr. Goncalves was absent. Vote 3-0. All in favor.

Moved by Mr. Goncalves, seconded by Mr. Rosenblum to approve and sign Selectmen Meeting Minutes of March 3, 2020. All members were present. Vote 4-0. All in favor.

Move by Mr. Goncalves, seconded by Mr. Rosenblum to approve and sign Selectmen Meeting Minutes of April 28, 2020. All members were present. Vote 4-0. All in favor.

Move by Mr. Goncalves, seconded by Mr. DeBarge to approve and sign Selectmen Meeting Minutes of May 5, 2020. Mr. DeBarge, Mr. Goncalves, Mr. Rosenblum, Mr. Silva were present. Mrs. Fernandes was absent. Vote 4-0. All in favor.

Move by Mr. Goncalves, seconded by Mr. DeBarge to approve and sign Selectmen Meeting Minutes of May 12, 2020. Mr. DeBarge, Mr. Goncalves, Mr. Rosenblum, Mr. Silva were present. Mrs. Fernandes was absent. Vote 4-0. All in favor.

Moved by Mr. Goncalves, seconded by Mr. DeBarge to approve and sign 3 copies of the Police Union Supervisor's Contract between the Town of Ludlow and the International Brotherhood of Police Officers, Police Supervisor's Local 487 for the period of July 1, 2019 through June 20, 2022. Vote 4-0. All in favor.

Moved by Mr. Goncalves, seconded by Mr. DeBarge to approve and Chairman to sign the amendment #3 between the Town of Ludlow and Wright Pierce for the Riverside Drive and associated infrastructure change. Vote 4-0. All in favor.

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New Business:

Board to discuss the Boards liaison positions.

Board perused Selectmen Meeting Minutes of March 16, 2020.

Board perused Selectmen Meeting Minutes of March 17, 2020.

Board perused Selectmen Meeting Minutes of April 21, 2020.

Board perused Selectmen Meeting Minutes of May 19, 2020.

Closing Comments:

Mr. Goncalves is happy that the COVID cases are stabilized in our town. A resident contacted Mr. Goncalves and asked why she was not notified about construction near her home. Mr. Goncalves wanted to let residents know that the Planning Board conducts those hearings and they are only required to notify by mail those residents that are within 300 ft. of the property or directly across the street. If you look in the Register, everything is published in the back of The Register at least 10 days in advance.

Mr. Rosenblum just hopes everyone remains vigilant to keep our numbers stabilized. Please adhere to the guidelines as well.

Mr. DeBarge wanted to speak about some emails that he had received regarding remarks he had made a few weeks ago regarding the Black Lives Matter banner. Mr. DeBarge read the words he had prepared explaining that he never called Mr. Marshall a liar, nor his experiences ridiculous. He did say that to call the entire Police Department racist was ridiculous. He respects Mr. Marshall for stating his own experiences in public and in no way made comments about them specifically. That is not the message that the Board of Selectmen and Mr. DeBarge are trying to portray at all. He agreed that there is racism everywhere, including our Town and denounces racism. Mr. DeBarge disagrees when using the word "systemic" as it pertains to the entire system. He believes in Law Enforcement; and that racism is in the individual and not in an entire Department or the entire Law Enforcement community. He believes this because he has worked alongside Law Enforcement Officers of many different races, ethnicities, religions and so forth throughout his career. Mr. DeBarge has been a public servant for just about 30 years now between his military service and Law Enforcement. He has served with and made long lasting relationships with many different people from many different backgrounds, colors and beliefs. He has been unwanted in some countries and had rocks thrown at him for the uniform he wore. Mr. DeBarge's wife of 24 years is Asian and they have dealt with the stereotype pertaining to their relationship. Mr. DeBarge believes that black lives do matter, as well as all lives, including Police Officers. He does not believe any Police Departments should be defunded. The Ludlow Police Department is a certified department under Mass Police Accreditation Certification working towards an accreditation. To be certified, a Police Department must go through a self-assessment, which is a step by step process to go through all department policies. There are 159 standards. This includes use of force and analysis of a subjects' injuries. One example is, any time an officer removes his taser from its holster a use of force report needs to be filed per State regulations and all data is collected. Choke holds are not taught in Massachusetts. There have been many tragedies at the hands of irresponsible, untrained and unworthy individuals that have worn the Law Enforcement badge, such as George Floyd, Breonna Taylor, Atatiana Jefferson, Stephon Clark and many more but there have also been 32 officers killed in 2020.

Mr. Silva agreed with Mr. DeBarge that a lot of the emails were received about this subject have been incorrect and that all of the Selectmen agree that there is no place for racism in our Town and the Selectmen would never want to see anyone hurt or killed of any color or race. The Selectmen spoke about this at another meeting and there will be more discussions regarding this. The Selectmen will be

speaking with the Chief of Police to see if there is some special training the Police Officers can be sent to for sensitivity training. Mr. Silva thanks the residents for their comments.

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Moved by Mr. Goncalves, seconded by Mr. DeBarge to adjourn this meeting at 7:32 p.m., not return to open session, and to enter Executive Session for the purposes of discussing strategy for negotiating the L.A.T.O.S.S. union contract and pending litigation matter. Vote 4-0 all in favor.

Ludlow Board of Selectmen

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