The Meeting of the Board of Selectmen held on Tuesday, July 21, 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, Chairman

First Order of Business: The Pledge of Allegiance

Visitation:

6:00 p.m. – Public Hearing for Vanished Valley permanent "Alter of Premises".

Mr. Silva: Okay we have a visitation, a 6 p.m. hearing for alteration of premises for Vanished Valley located at 782 Center Street. I believe on the line we have Mike Rodrigues and Attorney Rooke and can you both hear us?

Attorney Rooke: Attorney Tom Rooke and yes, I can hear you.

Mr. Silva: Mike can you hear us? Mike?

Ms. Villano: Is he muted?

Mr. Rosenblum: He is muted, I think.

Mr. Silva: Mike you are muted.

Mr. Rosenblum: Nope. Oh, it just was...

Ms. Villano: There it is.

Mr. Rosenblum: Volume.

Ms. Villano: Nope he should be all set now.

Mr. Silva: Nope, cannot hear you Mike.

Mr. Rosenblum: He's muted now. Not now.

Attorney Rooke: Mike I can't hear you.

Mr. Rosenblum: He has to grant access to his microphone.

Mr. DeBarge: Try and see if your volume is up Mike.

Attorney Rooke: Mike we cannot hear you.

Ms. Villano: If he wants, he can dial in.

Mr. Goncalves: What is the number.

Ms. Villano: 617-758-8793.

Attorney Rooke: I think Mr. Chairman with your permission we can proceed if you would like to.

Mr. Silva: Yes, Mike if you can hear me you can also dial in and we will be able to hear you on the phone remote.

Mr. Goncalves: I just texted him.

Attorney Rooke: If you can hear us Mike, can you give us a thumbs up?

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Mr. Silva: Okay the number is 617-758-8793.

Mr. Goncalves: Just tell him if he calls in, we will be able to hear him on the phone.

Mr. Rodrigues: Hello.

Mr. Silva: Oh, there you are.

Attorney Rooke: Are you there Mike?

Mr. Rodrigues: Yeah, can you hear me?

Mr. Silva: Yeah, we can hear you somewhat now.

Mr. Rodrigues: Okay.

Attorney Rooke: Thank you Mr. Chairman and fellow members of your Board of Selectmen for letting us have an appointment with you by Zoom and this is a petition on behalf of Vanished Valley to expand the premises to permit the service of outdoor alcohol on 2 +/- acres of land...in the midst's of Vanished Valley. As I'm sure you all know, Mike and business partner have invested a huge amount of money..

Mr. Silva speaking over Attorney Rooke.

Attorney Rooke: What I would consider a beautiful brewery by still maintaining the premises and the...beautiful Portuguese-American restaurant.

Mr. Silva: Attorney Rooke can you hear me?

Attorney Rooke: Yes, barely but...

Mr. Silva: Okay if you could hold on for just another minute. We need to open the public hearing.

Ms. Villano: Alright, Mike's phone is distracting us.

Mr. Silva: Yeah, Mike's phone is distracting the speakers unfortunately. So, Mike if you could just turn it off until you want to say something but Attorney Rooke if you could just hold on a second so we can open the public hearing. Gentlemen anyone?

Moved by Mr. DeBarge, seconded by Mr. Goncalves to open the public hearing at 6:05 p.m. Vote 4-0. All in favor.

Mr. Silva: Okay Attorney Rooke go ahead, sorry.

Attorney Rooke: Okay, so once again my name is Attorney Tom Rooke representing Mike Rodrigues and the Vanished Valley Brewing Co... Center Street in Ludlow. We are asking for your permission to expand the licensed premises to include the exterior land immediately adjacent to the structure, approximately 2 acres. The intention is to permit guests and families to come out there. Mike is going to be putting in multiple picnic tables, tables and chairs to make it more accessible for families to come out during the week and on weekends and although we are not asking this year for any type of outdoor entertainment because of COVID-19 situation, next year we will most likely be asking if we could have permission to do some outdoor entertainment during the daytime. We think it is a reasonable explanation and expansion which is very reasonable and if any of the members of the Board of Selectmen have been out to the Treehouse in Charlton, you can see how beautiful it is for families to go out there with their children, it is just a beautiful opportunity for families to go out and in this time and day and era of the COVID-19, it is wonderful to be outdoors. Mike and his business partner have done everything that they can possibly do to be compliant. They have taken a huge financial hit and we are hoping that the Board will take that into consideration and we will answer any questions that you have. Mike has already purchased, how many signs Mike 200 signs?

Mr. Rodrigues: Over 200.

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Attorney Rooke: At the request of the ABCC saying "No Alcohol beyond this point" to be compliant with the ABCC's request and I'm asking for your support as well.

Mr. Silva: Thank you. Any questions from the Board?

Mr. Goncalves: Mr. Chairman.

Mr. Silva: Mr. Goncalves.

Mr. Goncalves: So, this is an actual permanent extension of the existing license not something COVID related where we have been doing the altered premise for some locations that will eventually go away.

Attorney Rooke: I'm sorry Mr. Selectmen, could you please speak up? I'm having a hard time...

Mr. Goncalves: Mr. Rooke, my question was that the application is not for something temporary as we have been addressing other businesses in Town with a temporary alteration of premise. This is permanent, the Planning Board has been included, site plan approval has been had and this will be going forward and of course the modification to the proper percentages will be enforced during the COVID regulations correct?

Attorney Rooke: I'm sorry Mr. Selectmen, my computer is picking up like 10% of the sound and I apologize for that.

Mr. Rodrigues: I can answer that.

Mr. Goncalves: I believe Ellie has answered my question, it is a permanent alteration, not something temporary.

Mr. Rodrigues: Yes, correct.

Mr. Goncalves: Okay, thank you.

Mr. Silva: Anyone else have any questions?

Mr. DeBarge: Mr. Chairman.

Mr. Silva: Mr. DeBarge.

Mr. DeBarge: This question is for Mike. Mike just for any listeners out there, I would like to get your vision for that area for the future? What are you envisioning that area being used for specifically?

Mr. Rodrigues: Basically, we are going to draw some Adirondack chairs, some picnic tables and we figured on weekend or weekdays people can go in with their dogs or their families and just go hang out on the property and grab something to eat, come inside and bring it out. Just outdoor low-key venue. I don't know if you have been by and seen all of the landscaping that we have been doing but we are trying to clean it up and you know make it more appealing, more where people want to be outside and hang out.

Mr. DeBarge: Okay, appreciate it.

Mr. Rosenblum: Mr. Chairman.

Mr. Silva: Mr. Rosenblum.

Mr. Rosenblum: Mr. Rodrigues, Mike. Can you hear me Mike? He is out. Maybe I can ask Attorney Rooke?

Mr. Silva: Yes.

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Mr. Rosenblum: Attorney Rooke this is Bill Rosenblum...

Attorney Rooke: ...speakerphone Mike.

Mr. Rodrigues: I got you.

Mr. Rosenblum: Okay well I will give this one to Mike or both of you, my question is how late do you anticipate the beer garden being open?

Attorney Rooke: I can't hear anybody Mike, I'm sorry.

Mr. Rodrigues: I can hear them, well I did now it cut out. When you called, I got bumped out.

Attorney Rooke: Alright, forget it. I can't hear it.

Mr. Rosenblum: Mike can you hear me, it's Bill Rosenblum?

Mr. Rodrigues: Hello.

Mr. Rosenblum: Mike, it's Bill Rosenblum, can you hear me?

Mr. Rodrigues: Yeah, I can hear you. Sorry, I got bumped out.

Mr. Rosenblum: Okay, I just have a question, what is the, how late do you anticipate the beer garden being open weekdays and weekends? At what time would it close?

Mr. Rodrigues: Probably like 12 to 8 o'clock.

Mr. Rosenblum: What time was that, the last one, closing?

Mr. Rodrigues: Like 8 o'clock.

Mr. Rosenblum: Okay. That's all I have, thank you.

Mr. Silva: What time?

Mr. Rosenblum: 8 o'clock at night.

Mr. Silva: Mike, is that every day? Till 8'oclock only?

Mr. Rodrigues: Yes.

Mr. Silva: It seems a little early but okay. The question I have, is I have the plan here but unfortunately it is very small, and you are looking for, I believe Attorney Rooke said and the plans says 2 acres and some odd?

Mr. Rodrigues: Well 2 acres are there but we are not going to utilize the whole area. We are going to utilize pretty much, again I'm not sure if you have been by there, but we have cut down some trees to the right of the building so basically that side where we used to have the beer garden before.

Mr. Silva: Right.

Mr. Rodrigues: It is really just that one area and then immediately behind the building where the tent is now.

Mr. Silva: Okay that's for now but the application does have 2 acres on there. But the follow up question is, what is the nearest resident to the usage area that you are going to do? Do you have any idea?

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Mr. Rodrigues: Across the street, over an acre of land.

Mr. Silva: I mean as far as let's say feet, how far is the resident?

Mr. Rodrigues: On that side?

Mr. Silva: Any side.

Mr. Rodrigues: On the back side of the restaurant probably about 100 feet.

Mr. Silva: Okay.

Ms. Villano: Attorney Rooke.

Attorney Rooke: Yes.

Ms. Villano: Okay you are on the speaker phone. Okay try that.

Attorney Rooke: I got it Ellie, thank you.

Mr. DeBarge: He has to mute his computer.

No sound.

Ms. Villano: Attorney Rooke you need to mute your computer and then speak through the phone.

Attorney Rooke: Mute the computer.

Mr. Silva: Beautiful.

Ms. Villano: That will get rid of all of that background sound.

Mr. Silva: Thank you.

Attorney Rooke: Alright, thank you.

Ms. Villano: Okay, sorry.

Mr. Silva: Okay so back to the plan Mike, I don't really see the tables delineated on the plan. This plan is very small. But it seems to me that, are the tables in those green dots, is that it?

Mr. Rodrigues: The tables are where the lawn area is, basically where the tent is now. We want to make that a permanent usage and where the lawn is will be more Adirondack chairs.

Mr. Silva: Right, so the full acreage will be just for people you know taking a walk or something not really picnic tables like way out back and on their own.

Mr. Rodrigues: No, that's more if you want to come over and walk with their dog or walk around and check things out.

Mr. Silva: Okay thank you. I don't have any further questions. Okay, no one has further questions then and if no questions, I will take a motion at this time. Oh sorry Mr. Rosenblum hold on one second for clarification we do have the list of abutters and I believe they have all been notified and from my understanding and from what I see online, no abutters have chimed in or is online is there with any comments or anything that they need to address. Nothing okay Mr. Rosenblum.

Moved by Mr. Rosenblum, seconded by Mr. DeBarge to grant Vanished Valley an alteration of premise license effective tomorrow. Vote 4-0. All in favor.

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Moved by Mr. Goncalves, seconded by Mr. DeBarge to close the public hearing for Mike Rodrigues at Vanished Valley at 6:16 p.m. Vote 4-0. All in favor.

6:30 p.m. Sean McBride, Chairman of the Westover Golf Course to discuss June concession rent and IT Department support.

Mr. Silva: We have Sean McBride, Chairman of the Westover Golf Course. The Town Accountant Kim Collins as well as Eric Gregoire.

Mr. McBride explained that although he is not 100% certain why he was asked to be on the call tonight, he thinks one of the issues had to do with some IT issues and then another issue was related to some relief that was granted to the Golf Course tenant concessionaire. The IT issue, stems from a piece of computer equipment, a tower that is the point of sale system that was provided to the Golf Course by the tee reservation management company and there is a series of upgrades needed for software and things of that nature. The Golf Course is no longer covered under the lease agreement and the equipment is essentially theirs, but they are having difficulty in getting the IT Department to do those upgrades on what is essentially a Town computer.

Mr. Silva: Asked Mr. McBride if in fact he has anything that says in fact it is the Town's computer?

Mr. McBride: Explains that he would have to check the lease agreement, but the Golf Course has had this piece of equipment for several years. Essentially what these lease agreements entail is if you signed up for the system, they 'gift' you the startup equipment, the software and the point of sale system and the computer tower, etc. for the three years you signed up for. Beyond the agreement, the Golf Course is on the hook for upgrades, replacements or services and things like that.

Ms. Collins: Asked for a better understanding of what the software is?

Mr. McBride: Explained that it is not only used in the Golf pro-shop but not by the Golf Pro. It is used to manage the entire tee times and gather all reservations and online payments. It is not the Golf Pro's equipment; it is the Town's because the Golf Course signed the lease.

Ms. Collins: Asked if the Golf Course is looking for IT support or actual funding for future software?

Mr. McBride: Explained that the Golf Course is looking for support so that when issues arise, the IT Department will fix them. Any upgrades will be done through the IT Department as well.

Mr. Silva: Explained that the IT Department has been reluctant because if the vendor still owns the equipment it could be problematic and asked Mr. McBride if he has looked into that at all.

Mr. McBride: Stated that he can certainly find out if that is the case, but he has asked the vendor in the past to upgrade the equipment and they will not do so. Either the IT Department would have to upgrade the equipment, or the Golf Course would have to find another vendor because they are using unreliable equipment right now. The Golf Course is not in a position to find a new vendor right now.

Mr. Goncalves: Asked if the Golf Pro is up to date right now? POS systems that are being leased are usually controlled by the vendor and they can shut them down very easily and if that is the case, the Town, the Golf Course, will lose all pertinent information very quickly and wanted to know if that is a good idea to have it.

Mr. McBride: Explained that the Golf Course is in charge of the Administration key because they need to be able to access it in order to change prices and things of that nature. The Golf Course just needs to know if the IT Department can help with upgrades in the future as needed.

Mr. Goncalves: Asked if Ms. Collins has access to the other entities/computer systems in Town that collect monies on behalf of the Town?

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Ms. Collins: Explained that if the payments are put into MUNIS then the Accounting Department can see it. The only thing Accounting relies on from the Golf Course is actual reports but if their information is not accurate then Accounting's information is not accurate. This software that Mr. McBride is talking about is used to track tee times, not revenue.

Mr. McBride: It is all part of the Point of Sale program; this is for the Golf Course and Golf Cart rental revenue.

Ms. Collins: Explained that she receives a report every month from Barbara from that system.

Mr. Goncalves: Asked if it is everything except Golf Now reservations?

Mr. McBride: Explained that it's everything except Golf Course round revenue and Golf Cart revenue. The Pro Shop and driving range are run through a separate point of sale system.

Mr. Rosenblum: Explained that the lease for Golf Now would be good to see because the tee times given are usually in trade for the equipment given depending on how the lease was written. The IT Department wrote a letter to the Board of Selectmen letting them know that in 2016 the existing computer networking system and wiring that was in the closet had been replaced without consent from them, so the Board of Selectmen would need to see who signed off on the lease. The lease should also spell out the system upgrades.

Mr. McBride: The Golf Course Committee has spoken to Golf Now and was told that the upgrades and any repairs are no longer on them. Once the Board of Selectmen look over the lease agreement then we can go from there.

Mr. Gregoire: Explained that Golf runs as an Enterprise Fund and takes Town services and there is an inter-departmental transfer where they are budgeting for services rendered by other town departments that cover employee benefit type distributions and other overhead costs, so this is not a portion of this cost. If it is determined to be the Town's responsibility and the IT Department's upkeeping then that cost needs to be built into that line item.

Mr. McBride: Asked if there is a line item for Town equipment factored into the Golf Course's budget already?

Ms. Collins: Currently the only costs that are included in the Golf Course's indirect costs allocations are for the Accounting Department and the Treasurer's Department. IT has not been included as of yet. If the Town will service those Point of Sale Systems, then there would be an additional shared cost for IT. The cost of further leases or further software upgrades would be allocated to the Golf Course, it would not be taken on by the Town.

Mr. Silva: Agrees with Ms. Collins that a line item for IT needs to be added to the Golf Course budget. Also, clarification is needed by the vendor to determine if the Golf Course owns the computer system.

Mr. McBride: Explained that the Golf Course will forward the lease to the Board of Selectmen, as well as a letter from Golf Now either indicating they own the equipment or the Golf Course does.

Mr. Silva: Asked Mr. McBride if he wanted to discuss the June concession rent as well?

Mr. McBride: Explained he had a brief conversation with the Town Administrator today and she indicated there were some larger issues that need to be addressed with the concession rent. Mr. McBride will research these issues and get back to the Town Administrator in the near future. The concessionaire had reached out to the Golf Course requesting some relief due to the shutdown of Golf Courses by Governor Baker for the driving range rent as well as the concessions. The Board for the Golf Course voted unanimously to allow some level of rent relief for the last payment in June of 2020 for $5,000 and the last half of the driving range revenue which was $1,200. Even though the Golf Course

was hit financially, the Board felt an obligation towards the tenant because the Golf Course was shutdown during the pandemic.

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Ms. Collins: Explained that over the past three years, golf rounds have been basically the same, including this year after being closed for 1 ½ months. Ms. Collins reminded the Board and Mr. McBride that the Golf Course's budgeted revenue has been coming in significantly lower every year. The Town has reduced the budgeted revenue in FY20 and again in FY21 due to the COVID concern. Also, the Golf Course over spent their expenditure budget by approximately $40,000 in FY20, which is another concern. After encumbrances were received in FY19, the Town funded $21,241 for the Golf Course at the end of the year and we are now anticipating that the Town will have to fund $66,392 for FY20. The concern with giving Golf Pro relief is the Town is continuing to pay the Golf Pro based on the contractual obligation while being asked to reduce what the Golf Pro owes the Town by $6,200. Meanwhile, over the past three years the Town has expected payments from the Golf Pro that have not been received. Currently, there are approximately $23,000 in payments that have not been received from the Golf Pro.

Mr. McBride: Asked if this is for the concession side of the ledger?

Ms. Collins: Stated that these payments are from the Golf Pro, which include the range, concessions, and his portion of utilities.

Mr. McBride: Stated that he spoke with the Golf Pro this afternoon after speaking with Ellie Villano and the Golf Pro pulled all of his checks and receipts for FY20 minus the June rent payment and all of his checks and receipts match what was owed for utilities and rent. There may be an administrative problem somewhere but Mr. McBride states after 20 years of doing this he has never had a problem and especially not with the Golf Pro. The Golf Course and the Town needs to do more homework before moving forward with this issue.

Mr. Silva: Agreed that more homework needs to be done before moving forward.

Mr. McBride: Stated that the Golf Course is not fortunate enough to appeal to the Federal Government for any funding either, and they are being asked to keep the budget together.

Ms. Collins: Explained that the Golf Course does not have retained earnings and therefore any relief given to a private company then gets put on the backs of the taxpayers and does not think that is appropriate or responsible. The Golf Pro has the ability to go to the State or the Federal Government to request lost revenue, the Town does not have that ability.

Mr. Goncalves: Asked Mr. McBride if he could confirm that the Golf Pro did not receive PPE money or any other federal assistance?

Mr. McBride: Will ask the Golf Pro if he has received any type of assistance.

Ms. Collins: Explained that Westover Golf Course can get PPE assistance through the Town and she has received some small invoices from the Golf Course already.

Mr. DeBarge: Agreed with Mr. McBride that the Board of Selectmen and the Golf Course should do their homework and due diligence then meet again to discuss further.

Mr. Gregoire: Mentioned that every department needs to do their due diligence and also look at a broader plan. The Golf Course should be looking at profit and losses over a 5-year period going forward. Look at how things are going to perform and what actions the Golf Commission is going to be taking to address some of this and get us back to where the Golf Course is generating some retained earnings or at least remaining stable. It is concerning that these issues have not been addressed in recent years.

Mr. McBride: Wanted to let the Board of Selectmen know that Mr. LeBeau will be performing a business analysis for the Golf Course.

7:30 p.m. – Board of Public Works

Mr. Silva: Asked Mr. Simao to bring the Board of Selectmen and residents up to date on the trash and recycling program.

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Mr. Simao: Stated that the Board of Public Works agreed to a $45.00 fee for trash pickup beginning October 1st.

Mr. Silva: Asked if this is per unit or per resident?

Mr. Simao: Clarified that this fee will be per unit.

Mr. Silva: Asked Mr. Simao if this fee will meet the budgetary concerns the Board of Selectmen have?

Ms. Collins: Asked the Board of Public Works if they have had a chance to look through all of the timeline and back up documentation talking about the requirement for revenue from the trash program?

Mr. Simao: Stated that most of them have.

Ms. Collins: Asked Mr. Simao how many households will be paying the $45.00 fee?

Mr. Simao: Stated that it will be approximately 7,000 households.

Ms. Collins: Based on the above numbers that will create about $315,000 in revenue and would like to know how the DPW will fund the additional $331,000 that is required for the tax rate setting? $646,000 in revenue is needed to fund the trash.

Mr. Simao: The DPW didn't realize they had to bail out other departments.

Mr. Linton: Stated that he was under the impression that the DPW was going to be $225,000 short in the recycling fund, not $646,000 short. In May, Mr. Linton asked to set up an Enterprise Fund for the difference to buy bins in the future.

Ms. Collins: Explained that the DPW had to increase their budget for recycling by $221,000. However, not all departments in Town earn revenue. Therefore, the larger departments fund portions of the Town like the Fire Department, the Police Department and the DPW. For example, the Accounting Department has a $190,000 budget but does not earn any revenues and must be funded through general income from the Town. The original plan was to use purple bags and then move on from there and this would have allowed us to do that and move towards an Enterprise Fund. The other issue I see is it is going to cost the homeowner, it will be much larger because we would have to cover the entire $1.5 million in the Town's budget for trash. After many discussions with the DPW's Executive Director, it was determined that the fee would be $100 and $75 for Seniors and it resulted in income to the Town which was general fund income of $646,000. This was the plan set forward to set the budget and without that money we have no excess levy and we will be forced to go into an override to raise the tax rate to fund it.

Mr. Linton: When the motion was made it was specifically said that the money would go into an Enterprise Fund not to the Town's budget.

Ms. Collins: That would be illegal and cannot be done. An email was sent to Mr. Haluch explaining this and I also listened to the DPW meeting where Mr. Linton made that motion and Mr. Haluch was very clear about what needed to be voted on and he understood that $646,000 would be general fund income but it was not heeded at that meeting.

Mr. Santos: Explained that he has an issue with the fact that the Town is telling the taxpayers that this fee is a trash fee due to a recycling overage. However, for example, a sewer bill does not go to fund the Fire Department or the Police Department, etc. In FY20, trash was $77.50/ton and in FY21 it is $80.00/ton so it will increase by $13,000 this year. In FY20 recycling was no cost and now in FY21 it will be $93.50/ton which is a $130,900 increase in FY21. The hauling contract is a long-term contract, so the

cost was already accounted for but then went from $848 in FY20 to $871.94 in FY21, which is a $21,000 increase. That is a total of $164,000 in increases for FY21 for trash and with the overage from FY20 it is a total of $226,000 increase. We pick up 6,036 single family homes, 538 condos, 459 2-family homes and 26 3-family homes for a total of 7,054 units. If it is trash fee, it should go towards the trash not the Town budget.

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Mr. Silva: Asked where the DPW gets that the $600,000 is going towards the general fund because it does not, it goes towards the DPW's budget. Also, wants to know where is the funding coming from for the bins that the DPW needs to supply to the residents for the automated pickup?

Mr. Santos: The bins are 2 years out and that is why the DPW requested the Enterprise Fund in order to pay for them. The DPW is not sure at this point that the fully automated trash removal will be more or less. The preliminary cost of the large bins is $50 - $55 as of right now. At that point we can either increase the rate for a short period of time or do a one-time billing for the bins themselves.

Mr. Silva: Stressed that the DPW's budget is their budget not any other department budget and if the budget falls short, the DPW will have to find other avenues to fund that budget.

Mr. Santos: Asked to clarify that the DPW is funding their own budget and will not see any revenue from the tax rate?

Mr. Silva: The taxpayer will be funding the budget for the DPW. However, if the DPW runs short then there will be a tax deficit in the future.

Mr. Goncalves: Explained that on May 22nd the DPW Director emailed the Board of Selectmen stating that the fees generated from trash would be $646,000 and for the Town to use that for the FY21 budget projection. The Town Accountant added $646,000 in revenue for the trash program to the Town budget and the Board of Selectmen approved the Town budget, including that $646,000 on June 9, 2020. If the DPW is only going to collect $200,000, the Town will be short by approximately $400,000 in the budget. This is what was given to the Town for the budget and if the Town does not receive that revenue the budget will not be balanced.

Ms. Collins: Explained to the DPW that they have a total budget of $3.5 million and $1.6 million of that budget is for the trash program. The Town, due to the excess levy capacity, could not fund all the departments and all the trash with what we have available in our levy capacity. What was determined by the DPW was if a $100 fee was charged to the units this would bring in $646,000. The tax rate covers all the budget plus $1 million of the trash program but the other $600,000 the Town cannot afford to cover. You could charge a flat fee of $220 per household and this will cover all the trash and the balance could go into an Enterprise Fund next year but when you charge a flat fee it needs to be deposited into the General Fund. The $600,000 will still be used for the DPW budget however. By charging the higher fee now, will allow the Town to reduce the tax rate and move forward with the budget. If the DPW wants to decrease the fee from $100 to $45 just to cover the increase in the trash program, this will cause the tax rate to go up in FY21. The Town is not taking from the DPW, every department has had to make cuts in their budgets.

Mr. DeBarge: Wanted to clarify that on May 7, 2020 Kim Collins, Town Accountant emailed Mike Suprenant, DPW Director and explained that the DPW can charge a flat fee for trash collection but according to Chapter 40 S22(f), it would need to be deposited into the General Fund and there would be no mechanism to direct any of that fee into a Revolving Fund for future use. Ms. Collins also let Mr. Suprenant know that per Chapter 44 S53(f)1/2 an Enterprise Fund can be set up to manage the entire process in the future once it is approved at Town Meeting. Ms. Collins also stated in the email that with the original purple bag plan, the DPW would be able to use a portion of the proceeds to offset the cost of the trash collection in the General Fund as well as direct some of the revenue in a revolving fund to cover the cost of the bags and a portion of the automated bins. A flat fee is only able to cover the cost of the trash collection in the General Fund and cannot fund the automated bins. Mr. DeBarge also pointed out that Ms. Collins requested the DPW trash fee vote from Mr. Suprenant on June 9, 2020 and again on June 17, 2020. On June 19, 2020, Mr. Suprenant emailed Ms. Collins to let her know that the DPW meeting was postponed to October because the two new BPW members ran on the proposition

that the Town not have a trash fee. Asked if the Board of Public Works was aware of this time line and all the correspondence between Ms. Collins and the DPW.

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Mr. Simao: Explained that he, personally was not aware of any of the emails or timeline that was presented by Mr. DeBarge.

Mr. Santos: Asked again if this was funding the general budget and not the DPW's budget? Explained that for FY21 the DPW decreased their budget by $145,000 and they lost 3 positions. Mr. Santos also agreed that the DPW should have rehired for those positions quicker. Currently the DPW only has 14 people on the road and the personnel budget alone is $1,142,074 and if any type of catastrophe happened now, they will not have the capacity for any kind of clean up. Reiterated that the fee for the homeowner should fund only the trash collection and he does not believe 100% of the fee is going to do that. The DPW never voted on the $100 and $75 (for seniors) trash fee.

Mr. Silva: Explained that the DPW gave the Town their budget and it went to the Town Meeting and was approved and cannot be changed now without an emergency Special Town Meeting. The Board of Public Works cannot just vote on things without asking the Town Accountant first when it comes to budgets.

Mr. DeBarge: Told Mr. Santos that the DPW should have hired for those positions and not waited and that should not be on the taxpayer now.

Mr. Santos: Stated that the $45 fee is covering the DPW's overage and the DPW should not have to cover the Town's overage.

Mr. Silva: Stated that Mr. Santos is incorrect.

Mr. Gregoire: Explained that just because a revenue is labeled a General Fund revenue does not mean that it is going into the General Fund, but it is addressing a very specific overage in a very specific reason, it is a trash fee. The cost of trash is $1.6 million, $600,000 that generated through a trash fee is subsidizing a portion of that. It is the process of how it is coming into the Town, it is a General Fund revenue. It does not go into subsidize some other department; it isn't being locked away to do something else. It is being used to address that cost, the cost that is the responsibility of the DPW and within their budget. The Finance Committee and the Town have come to an agreement to stop subsidizing our tax rate, which means we were paying for things out of our savings. Every time the taxes went up a portion of it went to offset the total cost of the trash program. The trash was always on the tax base, the 2 1/2% increases and it was never sustainable. We cannot subsidize our tax rate year after year. This is one of those services that was continuously subsidized by savings and we never really felt the real cost of having to pay for this.

Mr. Silva: Explained that this is absolutely a trash fee and will not go toward other departments.

Ms. Villano: To clarify in January and February the purple bag pay as you go process was discussed and agreed to by the DPW, the Board of Public Works and the Board of Selectmen and the budget was set upon that. The purple bag fee was going to be used for the trash and recycling program. Then in May the DPW no longer wanted to do the purple bags and chose to do a fee instead.

Ms. Collins: Explained that the purple bags program would have been around $400,000 however, this included putting money aside for the automated trash bins. The DPW gave the $646,000 revenue and then the budget was created around that.

Mr. Suprenant: Agreed with Ms. Villano and Ms. Collins' time line and the DPW changing the plan to the flat fee instead. Due to the COVID-19 there was a delay and getting the meeting minutes for the Board of Public Works in order to get them to the Town Accountant and Town Administrator.

Mr. Goncalves: Asked Mr. Suprenant if he recalls discussing the $646,000 back in May and asked if Mr. Suprenant was present at the meeting when the Board of Public Works voted for the $45 fee?

Mr. Suprenant: Stated that he does recall discussing the $646,000 and that is was based on the $100 and $75 fee for residents. Mr. Suprenant stated that he told the Board of Public Works that they could vote for the $45 fee as the policy makers for the DPW.

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Mr. Goncalves: Stated that the DPW has committed to the $646,000 in the budget and wants to know how the DPW will get that money now?

Mr. Silva: Explained to residents that the Board of Public Works are the ones that stated that the trash program would cost $1.6 million for the budgetary process.

Mr. Goncalves: Suggested that the Board of Public Works reconsider the decision to go to the $45 trash fee in order to meet the budget originally presented.

Mr. Simao: Asked if they should go back to the $100 trash fee instead?

Mr. Goncalves: Stated that they should go back to the $100 trash fee and $75 for seniors in order to cover the $646,000 requested by the DPW for their budget.

Mr. Rosenblum: Read an email that was received on May 22nd by Mr. Suprenant that requested that the draft minutes for the Board of Public Works held on May 19, 2020 are ready to be accepted at the next Board meeting on May 26, 2020 and to send a copy of the minutes to the Town Accountant asap and send the approved minutes to the Town Accountant once they are available. The trash fee revenue is an important part of the projection for FY21. 5,440 (regular households) x $100 = $544,000 and 1,360 (Senior households) x $75 = $102,000 for a total of $646,000. It is puzzling to the Board of Selectmen that the DPW would now drop that number down to $300,000.

Mr. Linton: Not sure why the motion he made to set up an Enterprise Fund after the October Meeting did not get relayed to the Town Accountant, but he is willing to make a motion tonight to go back to the $100 fee for regular households and $75 fee for Seniors. Mr. Linton made the motion to have a $100 fee for the regular household and $75 fee for the Seniors and seconded by Mr. Simao. The vote was 2-2. This will be discussed further at the BPW meeting tonight.

Ms. Collins: Pointed out that the Town does receive Free Cash, however it is not something you should use this for annual budgeted items. Free Cash is usually used for a one-time item, like a large capital item or the Reserve Fund that departments can go to for additional help. For years the Town has been using the Free Cash money to reduce our tax rate which is giving the tax payers a false sense of a low tax rate with a lot of services. We stopped doing this about 3 years ago to get our borrowing at a reasonable rate. The DPW needs to keep in mind when they go to Town Meeting in FY22 and would like to set up an Enterprise Fund, they will need to fund the entire cost of trash, which is $1.6 million. To do that, you will be putting a trash fee on the townspeople of well over $200 per household. The $100 fee currently is only subsidizing the trash because the rest of it is included in the tax rate.

Mr. Simao: Asked to clarify the Enterprise Fund requirements?

Ms. Collins: Explained that the way the Enterprise Fund works is the DPW would need to set that rate for the trash program, including indirect costs.

Mr. Santos: Asked Ms. Collins if this $100 fee was going to last for a certain amount of years or would it have to increase each year?

Mr. Silva: Explained that the Board of Public Works would have a better idea as to what may come in the future. When things like this happens, we have to fix it the best we can. The trash industry is in flux right now.

Mr. Santos: Again, stated that some of the numbers were anticipated already, the actual disposal of the trash was already under contract along with the haulers. We incurred $130,000 increase because those numbers were already budgeted.

Mr. Silva: Stated that the Town received the $1.6 million from the DPW and the need to collect $646,000 in revenues.

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Mr. DeBarge: Surrounding towns are also going through this and Ludlow is the cheapest one but needs a fee.

Mr. Silva: Explained that the everyone is trying to do what is best for the tax payer and the Town of Ludlow.

Ms. Collins: Wanted to remind the Board of Public Works and the Board of Selectmen that the Town had to remove two invoices from the final warrant for the DPW. The DPW also sent in several additional encumbrances for the year. The concern was that there was about $125,000 in expenses that a transfer had not been requested from the Accounting Department. This was brought to the Board of Selectmen previously and then the Finance Committee last night. One of the larger payments was for $70,000 for trash and there was an encumbrance for that for the entire contract. The other line items in the DPW's department were so over spent that the Town was not able to process that payment and that encumbrance had to be released to allow the other payments to go through without sending them negative. Rather than raising that $125,000 on the tax recap for the new year and risking going into an override because the Town does not have enough in excess levy. Alex Simao emailed Ms. Collins to do the transfer so the Town would not end up in that predicament.

Mr. Gregoire: The transfer was approved by the Finance Committee with reluctance due to the fact that this was not brought forward sooner nor the proper way to the Finance Committee. The Finance Committee reiterated to the DPW that the Finance Committee is very concerned about the way it came to them and how it transpired. Other transfers to do other things were not approved but this transfer that is fundamentally required was not even submitted or communicated and that is troubling. It also jeopardized the Town's financial picture in the long term.

Mr. Simao: The DPW understands the issue with the transfer.

Mr. Silva: Thanked the DPW for speaking with the Board of Selectmen this evening.

Correspondence:

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

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

173. Jason Martowski, Chairman of the Conservation Commission – notifying the Board at their meeting of July 15, 2020, the Conservation Commission agreed they have no interest in the purchase of the property located at Lot 17 and Lot 18 West Street, owned by Robert H. Farr in response to the release of the right of first refusal letter received on June 29, 2020.

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

174. Anthony W. Jarvis – informing the Board of his resignation from his position on the Zoning Board of Appeals effective July 31, 2020.

Moved by Mr. DeBarge, seconded by Mr. Goncalves to accept the resignation of Mr. Jarvis with a letter of accommodation for his service on the Zoning Board of Appeals after 46 years of service to the Town. Vote 4-0. All in favor.

Moved by Mr. Goncalves, seconded by Mr. Rosenblum to advertise the vacancy on the Board of Appeals to commence the replacement process. Vote 4-0. All in favor.

175. Request of an Alteration of Premises for Blue Water Sushi.

Moved by Mr. Goncalves, seconded by Mr. DeBarge to approve the application for Blue Water

Sushi, Inc. for the alteration of premises as per the submitted plans and application. Vote 4-0. All in favor.

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176. July Siebecker, Hubbard Library – request to close Park Place from Park Terrace to East Street in conjunction with a Ludlow cultural event on Monday August 11th from 1:30 p.m. to 3:30 p.m.

Moved by Mr. Goncalves, seconded by Mr. Rosenblum to approve the closure of Park Place from Park Terrace to East Street on August 11th or August 12th depending on if Monday, August 11th is a rain date, from 1:30 p.m. to 3:30 p.m. subject to the cooperation of the Police Department. Vote 4-0. All in favor.

177. ABCC – Advisory announcing that "Restaurants Only" may sell mixed drinks for off-premises consumption with takeout orders of food. Bars are not allowed to sell and should remain closed until Phase 4.

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

Unfinished Business:

COVID-19 (Coronavirus) Update: From the Board of Health – COVID-19 can be spread by people who do not have symptoms and do not know that they are infected. That is why it is important for everyone to wear cloth face coverings in public settings and practice social distancing, staying at least 6 feet away from other people. Please be diligent and wear your mask when entering establishments. Overall COVID-19 Ludlow number is 131. There have been 4 new cases since last week. We do not have access to information on any new deaths related to COVID-19.

Moved by Mr. DeBarge, seconded by Mr. Rosenblum to sign the Licensing Authority Certification for Blue Water Sushi. Vote 4-0. All in favor.

Moved by Mr. Goncalves, seconded by Mr. DeBarge to approve and sign Selectmen Meeting Minutes of January 21, 2020. All members were present. Vote 4-0. All in favor.

Moved by Mr. Goncalves, seconded by Mr. DeBarge to approve and sign Selectmen Meeting Minutes of March 16, 2020. Mr. DeBarge, Mr. Goncalves, Mr. Silva and Mr. Rosenblum were present. Mrs. Fernandes was absent. Vote 4-0. All in favor.

Moved by Mr. Goncalves, seconded by Mr. DeBarge to approve and sign Selectmen Meeting Minutes of March 17, 2020. Mr. DeBarge, Mr. Goncalves, Mr. Silva and Mr. Rosenblum were present. Mrs. Fernandes was absent. Vote 4-0. All in favor.

Moved by Mr. Goncalves, seconded by Mr. DeBarge to approve and sign Selectmen Meeting Minutes of April 21, 2020. Mr. DeBarge, Mr. Goncalves, Mr. Silva and Mr. Rosenblum were present. Mrs. Fernandes was absent. Vote 4-0. All in favor.

Moved by Mr. Goncalves, seconded by Mr. DeBarge to approve and sign Selectmen Meeting Minutes of May 19, 2020. All members were present. Vote 4-0. All in favor.

Moved by Mr. DeBarge, seconded by Mr. Rosenblum to allow seniors pedicures to commence with our Board of Health sanitization plan. Vote 4-0. All in favor.

Board to discuss a policy on compensation for self-quarantine on voluntary vacations outside of accepted states.

New Business:

Moved by Mr. Goncalves, seconded by Mr. DeBarge the Board approve and sign the Right of First Refusal for the John Farr property – Lots 17 & 18 pending approval of the Planning Board to waive their right and interest in the property.

Moved by Mr. Goncalves, seconded by Mr. DeBarge to approve and sign the easement between the Town, Verizon New England Inc., and Eversource Energy for 228 State Street, Ludlow, MA (Senior Center).

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Moved by Mr. Goncalves, seconded by Mr. DeBarge to approve and sign the easement between the Town and Columbia Gas of Massachusetts for 766 Chapin Street, Ludlow, MA (new Harris Brook Elementary School).

Moved by Mr. Goncalves, seconded by Mr. DeBarge to approve and sign the easement between the Town, Verizon New England Inc., and Eversource Energy for 205 & 209 Fuller Street, Ludlow, MA (New school and Administration building).

Moved by Mr. DeBarge, seconded by Mr. Goncalves to adopt a Resolution as outlined in the letter read in Support of the Soldiers' Home in Holyoke. Vote 4-0. All in favor.

Miscellaneous:

For the Board's Information:

Remote participation and alternate site meetings. The State is still under the Governor's Order of Remote Participation and limited public access, the threshold of 10 participants still stands. Alternate sites that hold liquor licenses cannot be used to hold public meetings. Should a Board, Committee, Commission wish to hold a meeting outside of Town Hall, it should be held in a municipal building such as a school auditorium. LCTV logistics are too difficult to hold meetings outside.

Closing Comments:

Mr. Goncalves is glad to see the COVID numbers are staying in check. Urges residents to check on their neighbors, especially the elderly with the heat, humidity and COVID pandemic.

Mr. Rosenblum also agreed with Mr. Goncalves regarding checking on your neighbor and to stay hydrated and healthy.

Mr. Silva also agreed with the other Selectmen.

Moved by Mr. Goncalves, seconded by Mr. Rosenblum to adjourn this meeting at 8:41 p.m., not return to open session. 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.