The Meeting of the Board of Selectmen held on Tuesday, September 29, 2020 began at 6:00 p.m. Remote participation due to COVID-19.

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

First Order of Business: The Pledge of Allegiance

Visitations:

6:05 p.m. **Andrea Crete, Health Agent, Board of Health to discuss job description changes from Director of Nursing to Public Health Nurse II and the Sector Specific Workplace Safety Standards for Restaurants to Address COVID-19 updated as of September 22, 2020.**

Ms. Crete, Health Agent for the Board of Health came before the Board to discuss changing the job title of the Director of Nurses to Public Health Nurse II which has been approved by the Board of Health. Ms. Crete stated supervisory duties have been removed from the Public Health Nurse II job description since those supervisory duties are within the duties of her position as the Health Agent. The title change to Public Health Nurse II will not result in a decrease in pay. As the Health Agent, Ms. Crete supervises the office assistant, the Director of Nurses, two full-time nurses and one part-time nurse within the Board of Health. Ms. Crete stated she was unable to produce a copy of the other nurse's job descriptions or her own as the Health Agent.

Ms. Villano described the process of developing job descriptions, how they are reviewed by Human Resources, and then presented to the Board of Selectmen for the ultimate approval.

Mr. Goncalves stated the job title change comes at a very suspicious time. Mr. Goncalves is concerned because the Selectmen do not have a job description of the Health Agent or the other nurses at this time to review in comparison with the Public Health Nurse II job description.

Ms. Villano stated Human Resources is in the process of updating and developing all job descriptions.

Mr. DeBarge suggested the Board table the job description change until the job title is adjusted.

Mr. Goncalves agreed the Board should table the job description change until the Board has an opportunity to review all the Nurses and Health Agent job descriptions at once. Ms. Crete will check again with Ms. Ribeiro, Human Resource Director for the job descriptions of the Nurses.

Mr. Silva stated more research should be done and brought back before the Board of Selectmen.

Moved by Mr. DeBarge, seconded by Mr. Goncalves to table changing the job title of Public Health Nurse II until the next convenient meeting. Vote 4-0. All in favor.

Ms. Crete also discussed Sector Specific Workplace Safety Standards for Restaurants to Address COVID-19 updated as of September 22, 2020 and order to close letters issued to two bars in town, which are also listed on the agenda as Correspondence items 226 and 226a.

Ms. Crete stated The Lighthouse Bar and El Cid Bar are bars that were open and are not classified as a restaurant or food establishment. Ms. Crete stated both bars have been issued order to close letters until further notice. The State is not allowing bars to open until Phase 4.

Ms. Crete stated the Sector Specific Workplace Safety Standards for Restaurants does state bars may reconfigure their operations to open as a restaurant if they have necessary permits in place. Ms. Crete stated the permits the Board of Health gives to bars is the same as the ones given to restaurants but, not with the understanding that bars can operate as a restaurant.

Ms. Crete stated for example, El Cid bar operated a hot dog roller machine and was serving reheated frozen pizza. El Cid Bar considered this as cooked, prepared and plated food. Ms. Crete does not believe the State is intending bars to open. Ms. Crete stated it is a stretch to think if you have a refrigerator, freezer, hot dog roller, and an oven, it does not make an establishment a restaurant. Ms. Crete stated in general, you can serve limited food with a drink, but people do not go to El Cid Bar to

have a hot dog or reheated frozen pizza, they go there to drink because it is a bar. Ms. Crete views this as a way around to remain open. Ms. Crete stated if allowed, it will set the precedence for other bars to open such as the Moonlight which is currently closed.

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Mr. Silva stated the important thing is the State is mandating this and we must follow the State guidelines. Mr. Silva stated we have had some businesses who have been able to accommodate their kitchens, submitted applications, and arranged for outside dining.

Mr. Goncalves stated he has reached out to both El Cid and The Lighthouse. Mr. Goncalves stated the El Cid Bar owner informed him by allowing them to open originally, it disqualified him from program money that may have been available to him months earlier had he not opened. Mr. Goncalves stated the El Cid owner has also lost the ability to get enhanced unemployment, PPE money, etc. which has set him back financially.

Mr. Goncalves stated the gentleman who owns the building where The Lighthouse Bar is told him he went into a local establishment, asked for a menu and was told they don't serve food but they could get it next door. Mr. Goncalves stated the gentlemen also has the conversation recorded. Mr. Goncalves stated the gentleman's issue was why couldn't other establishments also have food brought in from another restaurant.

Ms. Crete stated she did not receive calls from any bars asking if they can be open at this time. Ms. Crete stated they clearly chose to open even though according to the State, bars should be closed. Ms. Crete stated outdoor dining permits are a separate issue. Ms. Crete stated she had discussions regarding outside dining with Ms. Villano and Town Counsel. Regarding outdoor dining, Ms. Crete Stated Town Counsel advised her if an establishment gets a retail food permit by the Health Department, open a bag of chips or peanuts, put it on a plate, and serve it to a seated customer, that is considered food preparation and service. Ms. Crete stated restaurants would need to get an Alter of Premise from the Board of Selectmen. Ms. Crete stated when things changed, and they could dine outdoors, they continued the same service indoors. Ms. Crete stated the Governor then clarified things and narrowed it down to say, potato chips, pretzels and other pre-packaged shelf stable foods are not prepared food on site and are not allowed to open. Ms. Crete stated this made people go out to get hot dog rollers which they considered to be food preparation because they are cooking them. Ms. Crete stated who's to say you can't purchase a microwave and open up a microwave dinner. Ms. Crete stated there's really no clear-cut examples of what they can and cannot do. Ms. Crete stated it is all left up to interpretation and at the discretion of the local Board of Health. Ms. Crete stated she did what she thought was right and wanted the community to be safe. Ms. Crete stated bars are a social atmosphere and are supposed to be closed. Ms. Crete stated reheating prepackaged food, having a hot dog roller is not considered having food on site and does not make them a restaurant; and that is not the reason why people are going there.

Mr. Silva stated he is in support of the actions of the Board of Health since they are essentially enforcing what the State is advising.

Mr. DeBarge stated we need to do what's best for our small businesses to make money if it is safe for all employees and customers. Mr. DeBarge stated he understands the frustrations of small businesses with all the changes being made by the State. Mr. DeBarge stated he doesn't understand the Phases. Mr. DeBarge stated a brewery can have a food truck, but restaurants can't have them. Mr. DeBarge stated a bar owner has a restaurant, but they can't cater to their bar through their restaurant. Mr. DeBarge stated a bar that doesn't have a kitchen, why can't they have a food truck? Mr. DeBarge stated the law says a brewery can, but a bar can't. Mr. DeBarge stated he thinks, under COVID, that a bar should be allowed to have a food truck because he has outside seating. Mr. DeBarge stated the restaurant next to the bar can cater to those serving outside seating. Mr. DeBarge stated he thinks anyone who owns a bar or restaurant should have some sort of contingency put in place by the Board of Health, Board of Selectmen or both that will allow them to make money as business owners. Mr. DeBarge stated the bars in Phase 4 are included with opening hot tubs, saunas, steam rooms and fitness centers, yet in Phase 3 fitness centers and health clubs can open excluding hot tubs and steam rooms. Mr. DeBarge stated it does not make any sense. Mr. DeBarge stated now restaurants can have 10 people to a table, you can sit at a bar in a restaurant but plexiglass has to be up with an 8-inch cut out, so food can be served but you cannot have an alcoholic drink. Mr. DeBarge stands with our bars and restaurant owners. Mr. DeBarge thinks the rules are ridiculous and all restaurants should be able to open with contingencies because they all want to do so safely for their customers.

Mr. Goncalves suggests maybe there's a way to formulate a plan for El Cid and the Delivood to keep their business open.

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Mr. Silva stated he thinks the goal of the Governor is to avoid crowds in larger bars.

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Mr. Goncalves and Mr. DeBarge both agree the capacity of patrons should be based on the square footage of the establishment.

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Mr. Rosenblum stated he agrees we should do what is best for the town to keep these small businesses open and agrees with Mr. Goncalves.

Mr. Silva advised Ms. Crete to notify all food establishments that wearing masks are essential for employees and they can be fined for not doing so.

6:30 p.m. Michael Szlosek, Town Moderator

The Board met with Michael Szlosek, Town Moderator to discuss the reduction of the quorum to 1/3 of 112 seats equaling a minimum of 39 needed for Town Meeting due to the continued pandemic.

Mr. Szlosek stated there are a total of nine seats available. More specifically, there is one seat available in Precinct 1, six seats in Precinct 2 and two seats in Precinct 6. Mr. Silva solicited anyone interested in filling any of those seats should do so. Mr. Szlosek advised anyone interested, can be caucused in at the meeting by the Town Clerk.

Moved by Mr. DeBarge, seconded by Mr. Goncalves to reduce the quorum needed for the October 5, 2020 Special Town Meeting to 1/3 or a minimum number of 39 due to the continued pandemic. Vote 4-0. All in favor.

Correspondence:

221. Board Reorganization – Board of Public Works.

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

222. Margaret Lavoie, Resident - informing the Board of concerns with the development of the land she borders off Chapin Street.

Moved by Mr. DeBarge, seconded by Mr. Rosenblum to file and stay on top of it. Vote 4-0. All in favor.

223. Michael Bingle, Member of the Rent Control Board for Mobile Home Parks, – informing the Board that as of September 1, 2020 he no longer lives in Ludlow.

Moved by Mr. DeBarge, seconded by Mr. Rosenblum to send Mr. Bingle a letter of thanks for serving for such a long time on the Rent Control Board for Mobile Home Parks and advise him that he cannot serve on the Board due to him being a non-resident and to advertise for that position on that same Board. Vote 4-0. All in favor.

224. Alcoholic Beverages Control Commission Advisory Regarding Extension of Allowance of Outdoor Table Service.

Moved by Mr. Rosenblum, seconded by Mr. Goncalves issue an extension to all licensees for the foreseeable future, or until 60 days after the end of the State of Emergency is lifted. Vote 4-0. All in favor.

225. Residents of Wedgewood Drive, Grandview Avenue and Willard Street – informing the Board of their concerns about tree removal and construction of lots in the woods behind Willard Street and Wedgewood Drive.

Moved by Mr. Rosenblum, seconded by Mr. DeBarge to file and stay on top of this issue. Vote 4-0. All in favor.

226. Andrea Crete, Ludlow Board of Health Agent – informing the Board of an official order effective immediately to close The Lighthouse Bar located at 108 Sewall Street, Ludlow.

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This item was previously discussed at this meeting during the visitation with Andrea Crete, Board of Health – Health Agent.

226a. Andrea Crete, Ludlow Board of Health Agent – informing the Board of an official order effective immediately to close El Cid Bar located at 1002 East Street, Ludlow.

This item was previously discussed at this meeting during the visitation with Andrea Crete, Board of Health – Health Agent.

227. John Maher, Charter Communications – notification that Charter TV# will cease programming and will no longer be available on Channel 193.

Ms. Villano stated after speaking with Mr. Hill at LCTV, they determined this does not apply to our area and was sent to our office in error. Channel 193 will remain as the Ludlow channel. Moved by Mr. Rosenblum, seconded by Mr. DeBarge to file. Vote 4-0. All in favor.

228. Brian Shameklis, Chairman Safety Committee – letter recommending that a crosswalk be installed on East Street at Stevens Street due to high pedestrian traffic in this area.

Moved by Mr. DeBarge, seconded by Mr. Rosenblum to approve and recommend that a crosswalk be installed on East Street at Stevens Street due to high pedestrian traffic in this area. Vote 4-0. All in favor.

Unfinished Business:

The Board discussed remote participation of Boards, Committees, and Commissions due to the ongoing pandemic.

Moved by Mr. DeBarge, seconded by Mr. Rosenblum to allow the VFW and American Legion to reconvene their Board meetings inside Town Hall. Vote 4-0. All in favor.

The Board to discuss extending the deadline for the Senior Abatement Program to January/February 2021 and to have new people start later. Additionally, how does the Board intend to handle those selectees who are not able to fulfill the hours.

Ms. Villano stated how other nearby communities handled their Senior Abatement Program. Ms. Villano suggested since some selectees have started and others have not, we should keep our current selectees and extend them through next year without adding new applicants for next year and start fresh with a new selection in January 2022.

Moved by Mr. DeBarge, seconded by Mr. Goncalves to extend the current selection of Senior Abatement applicants through next year without selecting any new applicants until 2022. Vote 4-0. All in favor.

The Board discussed Halloween and CDC recommendations. The Board agreed to allow the residents to be creative, use their best judgment, and individual comfort level as to how they wish to partake in Halloween activities.

Moved by Mr. Rosenblum, seconded by Mr. DeBarge to continue with having Halloween and to work with the Board of Health to provide safety suggestions to residents. Vote 4-0. All in favor.

The Board approved and signed the Common Victualer License for Vanished Valley, Inc. d/b/a Vanished Valley Brewing.

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Moved by Mr. DeBarge, seconded by Mr. Rosenblum to approve and sign the Common Victualer License for Vanished Valley, Inc. d/b/a Vanished Valley Brewing. Vote 4-0. All in favor.

The Board discussed the ABCC Advisory regarding outdoor dining – Extension of Allowance of Outdoor Table Service (Item #224).

Moved by Mr. Goncalves, seconded by Mr. Rosenblum to approve and sign the Gravel Bank permits for the following entities: Lillian Chenier's Gravel Bank, Inc.; Beverly Nawrocki Construction Inc.; Bruce Libby, Scantic Lands, LLC; Matias Goncalves, Caracas Construction Corp.; L & E Gomes, LLC – Ginmar Enterprises, Inc.; James Banas, Daniel Banas, John J. Banas, Banas Sand & Gravel Co. Inc.; and Amadio Fernandes, Raul Fraga Daniel's Gravel Bank, LLC. Vote 4-0. All in favor.

Moved by Mr. Goncalves, seconded by Mr. Rosenblum to approve and sign Executive Session Minutes of July 14, 2020. All were present. Vote 4-0 in favor.

Moved by Mr. Goncalves, seconded by Mr. DeBarge to approve and sign the contract between Paul Vona and the Town for "On-Call Plumbing & Gas Inspector" services. Vote 4-0. All in favor.

New Business:

Moved by Mr. Rosenblum, seconded by Mr. DeBarge to table discussion of the Civic Economics' Draft Report for the One Year Look Back Study described in your Surrounding Community Agreement with MGM. The Town and MGM will now have 30 days to provide us with comments (and any supporting data) on the draft. This report has been sent to the Fire/Police/DPW/BOH for their review and comment. Vote 4-0. All in favor.

Moved by Mr. DeBarge, seconded by Mr. Rosenblum to ratify the Town Administrator's signature on the Massachusetts Small MS4 General Permit Year 2 report which was completed and submitted on behalf of the Town – Stormwater. Vote 4-0. All in favor.

Board perused Selectmen Meeting Minutes of May 27, 2020.

Board perused Selectmen Meeting Minutes of June 2, 2020.

Board perused Selectmen Meeting Minutes of June 9, 2020.

Closing Comments:

Mr. DeBarge stated the Finance Committee and the Board of Selectmen are planning a joint tour of the new Senior Center to be held on Thursday, October 8th at 3:30 p.m.

Mr. Rosenblum advised all food establishments to have all employees wear masks when preparing food, do not touch your face, and wash your hands.

Mr. Goncalves advised to remain diligent and be careful since nothing has changed since March. Mr. Goncalves also advises to beware of scam calls, do not provide callers with any personal information, and report such calls to the police.

Mr. Silva stated no new cases of COVID-19 were reported last week but do not let your guard down.

Moved by Mr. Goncalves, seconded by Mr. Rosenblum to adjourn the meeting at 7:59 p.m., to enter Executive Session and not return to open session. Vote 4-0. All in favor.

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