The Meeting of the Board of Selectmen held on Tuesday, November 23, 2021 began at 5:30 p.m. Remote participation due to COVID-19.

RECEIVED
TOWN CLERK'S OFFICE
2022 MAR -2 A 10: 46
TOWN OF LUDLOW

Members Present: James Gennette, Antonio Goncalves, William Rosenblum and Manuel Silva

Absent: Derek DeBarge

First Order of Business: The Pledge of Allegiance

Visitations:

5:30 p.m. – Tax Classification Hearing

Moved by Mr. Goncalves, seconded by Mr. Gennette to open the meeting for the Tax Classification Hearing. Vote 4-0. All in favor.

Moved by Mr. Goncalves, seconded by Mr. Gennette to continue the Tax Classification Hearing on November 30, 2021. Vote 4-0. All in favor.

Mr. Goncalves read the legal notice regarding the Tax Classification.

5:45 p.m. – Board of Health – New Position Request for a Health Inspector.

Moved by Ms. Lamas, seconded by Mr. Lafever to open the Board of Health meeting with the Board of Selectmen at 5:47 p.m.

Mr. Lafever stated that they compiled more information that was requested from the previous meeting regarding the request for a Health Inspector. The health inspections require the most time of the Board of Health. There are 424 inspections per state requirements. This far exceeds what one person can do. There are some variables but most have to be done every year regardless.

Mr. Gennette asked on average how long it takes to do an inspection?

Mr. Lafever explained that it depends on the business. Some could take an entire day, others only an hour. The FDA says the average inspector can do 250 inspections annually.

Ms. DeSantis also stated that the 250 inspections annually is also for an inspector who is strictly dedicated to doing inspections. She added that Andrea has multiple responsibilities not just inspections.

Mr. Silva asked about adding an inspection and still cutting services in the Board of Health? This is bothersome to him and does not feel it is good for the residents of this town.

Mr. Goncalves would like to see if the Board of Health could get a part-time inspector and another nurse instead of an additional full-time inspector.

Mr. Rosenblum would like to know what the 5- or 10-year plan will be for the Board of Health?

Ms. Crete explained it's difficult to compare state-mandated health inspections to services like pedicures. Public Health changes all the time. One of her biggest goals is to meet the state-mandated inspections and frequency and hiring a part time or per diem person will not be helpful. The Board of Health is going to meet next week to discuss options about pedicure services. They still have funding to hire a part time nurse because the nurse that was in that position has retired and that position could handle the pedicure services.

Mr. Lafever explained that the Board is trying to focus on the state mandated services now. The essential services are necessary. Also, the town does not pay enough to hire another nurse and that is part of the problem.

Ms. DeSantis explained that they are looking at the top three public health needs, which are programming, education, addressing the community and going forward the Board of Health needs to

start acting on them. Andrea is a resource in the department and with an additional inspector that will free her up to act on these other needs and also to lead the department.

RECEIVED
TOWN CLERK'S OFFICE
2022 MAR -2 A 10:11
TOWN OF LUDLOW

Ms. Lamas would like to see a performance review for Andrea. She would also like another nurse on board. She's on board with having a part-time inspector first and then reassess where the department is.

Mr. Gennette believes that is what Ms. Crete was hired to do and does not think a full-time inspector is warranted. He asked if the Public Health Program Coordinator is her job title?

Ms. Crete stated that is not her title.

Mr. Goncalves wants to know how the Public Health Program Coordinator position has helped the town? He has buyer's remorse on that one and wants to know how it has helped?

Ms. Crete reminded the Board of Selectmen that this position was put before them when it was approved. This position covers the emergency preparedness piece, emergency preparedness plans that need to be updated on a regular basis, volunteers that need to be managed, trainings, developing public health programs. This employee is already doing great things. She will be certified to do CPR trainings.

Mr. Goncalves asked if a nurse could do the CPR trainings? He also asked if the Public Health Program Coordinator could do inspections?

Ms. Crete explained that the nurses are not certified to do CPR trainings and the Public Health Program Coordinator is not certified to do inspections.

Ms. Lamas reiterated that the role of the Public Health Program Coordinator is a typical role in a lot of health departments. Also, what they have seen in the community health assessment in our town recently are non-communicable diseases, such as substance abuse, mental health, etc. The Public Health Program Coordinator will build infrastructure within the town to support improving health outcomes. That would entail building more partnerships within the community, providing those education programs, to be connecting to the schools. This position will be doing broader community initiatives.

Moved by Mr. Gennette, seconded by Mr. Silva to not approve the request for a full-time Health Inspector at this time. Vote 3-1.

Moved by Mr. Lafever, seconded by Ms. DeSantis to close the meeting between the Board of Health and the Board of Selectmen at 6:15 p.m.

6:10 p.m. – Ray Haluch Inc. – Discussing Gravel Bank Permit

Ms. Martins explained that in renewal of their gravel bank permit, a new site plan was requested, Chapdelaines has done and there was an issue with the plan. About twenty years ago Mr. Haluch had an issue that was never fully resolved. Therefore, the area outlined in red on the new site plan will not be mined in order to go forward with the permit. They will also continue to work on the issue.

Attorney Szumowski represents Bruce Libby of Scantic Lands who has the issue with this property they are discussing. She asked for clarification of the property that would not be mined by Haluch.

Mr. Rosenblum read a memorandum from Ms. Villano to the Board of Selectmen regarding this gravel bank.

Mr. Goncalves asked if the intersection of the two properties across the current bank is marked?

Mr. Martins stated that Chapdelaine's is coming back out to mark out the 10 acres for Haluchs gravel bank.

Attorney Szumowksi also stated there is a 50-foot buffer as well according to local rules and regulations.

Ms. Villano explained that the purpose of this discussion is for the permit for Haluch to be issued with the following exclusions; ten-acre section and to mine on ½ acre land well outside the ten acre section with the 50-foot buffer. The Board can approve the permit with these exceptions.

RECEIVED
TOWN CLERK'S OFFICE
2022 MAR -2 A 10: 46
TOWN OF LUDLOW

Mr. Goncalves asked if the 50-foot buffer was going to cause any other issues with Haluch's gravel bank?

Mr. Martins stated that it will not cause any issues with the current mining.

Moved by Mr. Goncalves, seconded by Mr. Silva to approve the permit for Ray Haluch, Inc. at 1014 Center Street under the conditions that the owned parcel is mined only and that the additional 10 acres and an additional 50-foot buffer is maintained. Vote 4-0. All in favor.

6:30 p.m. – Public Hearing for Spectrum Northeast, LLC Cable Television License Renewal

Moved by Mr. Silva, seconded by Mr. Gennette to open the public hearing for Spectrum Northeast, LLC Cable Television License Renewal at 6:30 p.m.

Chairman of cable committee meeting opened the meeting at 6:30 p.m.

Mr. Rosenblum: Okay, I'm just going to read an opening statement, Commonwealth of Massachusetts, Town of Ludlow public hearing on Spectrum Cable Television franchise renewal November 23, 2021. Good evening welcome to the Town of Ludlow's public hearing on Spectrum Northeast, LLC Cable Television License Renewal. I am William Rosenblum Chairman of the Board of Selectmen, which is the cable license issuing authority under the Mass General Laws chapter 166a. With me tonight are other Selectmen, members of Ludlow's cable advisory committee including its chairman as well as the Town's Cable Counsel, Bill August.

Mr. Hill: He's, so I'm actually, he said he's trying to open the link now and call. I'm not sure if he's not connecting or what. He is supposed to be calling in.

Mr. Goncalves: Is that the cable guy? Our cable guy?

Mr. Hill: Attorney, our attorney.

~~Mr. Goncalves: He was on the phone with us that meeting?~~

Mr. Hill: Yes. That's who...

~~Ms. Villano: The 617-758?~~

Mr. Hill: Is the number on there?

Talking over each other.

Mr. Goncalves: The 548 number, 617-548.

Mr. Hill: No, he's trying to call into this and he's not getting in.

Mr. Rosenblum: Is he trying to call in or do...

Ms. Villano: Do you have his number? We'll call him from that phone.

Mr. Hill: Sure. Can you do that? Just to speed it up. Oh, someone is calling me from the Town. Is there a robo call?

Mr. Silva: There's a robo-call I believe.

Mr. Hill: Yeah, I'm getting one too. Phone number not in service so, let me pull up his number here.

Mr. Goncalves: It's a mobile number or no.

Mr. Hill: Yeah,

Mr. Goncalves: 617-548,

RECEIVED
TOWN CLERK'S OFFICE
2022 MAR -2 A 10:46
TOWN OF LUDLOW

Ms. Villano: That's my other phone. Dial 1 and the number. Let me turn my phone off.

Atty August: Hello.

Mr. Hill: Hey Bill, it's Mike, Mike Hill.

Atty August: Hey Mike. When I press that link it takes me to a page that asks me to log in.

Mr. Hill: Okay. I'm not sure well you're on speaker phone in the conference phone with us and the Board of Selectmen. So, I'm not sure what happened with that.

Atty August: Okay great.

Mr. Hill: But umm, you're on speaker phone here, we are just about to open the meeting.

Atty August: Excellent.

Mr. Rosenblum: Okay, I'll finish the umm, opening statement.

Atty August: Okay, good.

Mr. Rosenblum: With me tonight are other Selectmen, Ludlow's cable advisory committee, including its chairman as well as the Town's cable counsel, Bill August. We are grateful to the advisory committee and Michael Hill for the diligent work to assist the Town. Notice of this hearing was in the local newspapers two successful weeks. Copies of the legal advertisements are here, entered into the hearing record as assertment hearing exhibits one and two. By way of background for the public, state law requires the holding of a public hearing prior to final action on a proposed renewal license, which includes opportunity for public comment on Town needs. Spectrum also known as Charter Communications performance and the proposed renewal license. Based on information before us this evening and based on prior public testimony in a prior public hearing, including the advisory committee's recommendation of approval, the Board of Selectmen may take final action on and approve or reject the renewal proposal before us this evening. Public comments, if any, as well as questions to Spectrum should be directed through myself and I will rule whether they are in order. Please keep your comments no longer then four minutes. At this time, I will accept comments from the public if any. Thank you.

Mr. Hill: If I can just jump in, is going to be, if you can call in, I don't know if and I don't know if anyone is calling in but is it going to be an issue if people can't call in on this number? If this isn't working right? I just didn't want to cause an issue with,

Mr. Goncalves: I wonder why the IT department is not showing as joining up there? Is it possible that,

Mr. Hill: Are you trying to call from your phone see if it works? I just don't want to go to far if it, I don't know how to operate...

Ms. Villano: I'm in.

Mr. Hill: Okay. I just, it must just be Bill. I didn't mean to interrupt.

Mr. Rosenblum: Is this the legal notice Ellie?

Ms. Villano: I can't see that far but probably.

Mr. Rosenblum: Should I read it?

Ms. Villano: If you want to go ahead and read the legal notice. It's not going to hurt.

RECEIVED
TOWN CLERK'S OFFICE
2022 MAR -2 A 10:46
TOWN OF LUDLOW

Mr. Rosenblum: Okay. This is a legal notice Town of Ludlow cable television license renewal proceeding. Town of Ludlow Select Board is cable television licensing authority under Mass General Law 166a section 1. We will hold a public Cable License Renewal hearing on November 23, 2021 6:30 p.m. at Town Hall, 488 Chapin Street, Ludlow as part of the Towns cable television license renewal process. During the proposed cable television renewal license for Spectrum Northeast, LLC. The purpose of the proceeding is to accept public comment on, formerly consider and take possible final action, including possible approval of the proposed final renewal license. Public comment on Town renewal needs and the proposed renewal needs and the proposed renewal is invited. Copies of renewal, documents and records are available for public inspection in copying the office of the Board of Selectmen. Interested persons may also attend or participate remotely through an electronic platform by desktop, laptop, tablet or phone at www.uberconference.com or dialing 1-617-658-8793. In addition to the in-person public hearing and the electronic remote access, the hearing may be viewed in Ludlow on Charter/Spectrum channel 191. By order of the Select Board as license issuing authority, William P. Rosenblum, Chairman Ludlow Board of Selectmen. Umm, could everyone introduce themselves please.

Mr. Moskel: Yeah, I'm Richard Moskel.

Mr. Gazel: I'm Thomas Gazel.

Mr. Hill: Mike Hill, Cable TV Manager.

Mr. Rosenblum: Thank you.

Mr. Hill: So, on the committee as some of you are aware, Richard Thomas, Mike Asaph is the other member, the IT Director for the school. He couldn't make it tonight. Then Ellie is a member and Mr. Goncalves is the liaison from the Board of Selectmen, the fifth member. Hence why we had to call the meeting to order, we have four members here for the cable committee so and then as you mentioned Bill August, Bill you still there?

Atty August: Yes, I'm here.

Mr. Hill: Okay. Umm, Bill August is the attorney that we've used a number of, a few times over the years. The last time was ten years ago to umm,

---

Atty August: Good to be with you all. I've done probably three previous Ludlow licenses over the last twenty years. So, it's great to be working with the Town again. Thank you.

~~Mr. Hill: Thanks Bill.~~

Mr. Rosenblum: Thank you.

Mr. Hill: Umm, and yeah so, we've been, if I may Mr. Chairman to Mr. Chairman umm, we've been over the past three years in the process, negotiating going back and forth with Spectrum, Charter, John Mar is the liaison who umm, you recognize that name on a weekly basis of notifications. He's the Government Relations Liaison from Charter, back and forth going over a number of things. You know, one kind of important thing from our point of view is the funding for our department, Ludlow Community TV. It's one of the major things that we are able to negotiate, there's not a lot, we can negotiate but umm, for the people at home that are be watching or listening who may not know you know I've said this a number of times, I try to tell everyone that this is where our funding comes as a department. It's a little separate from the tax dollars. But it comes from a grant, the peg access grant from Charter each year and we are able to kind of negotiate that and this license we were able to get secure ten-year funding which is good for us. You know it's going to fund us for the next ten years and it's a ten-year license. The last one was also ten years and umm, you know it's a good amount for us to operate, for staffing, equipment. You know we are always replacing, upgrading equipment in here, the school department, the TV studio, keep these meetings going, keep the things going at the high school, all the things we are doing at the high school with the school departments, with various departments. So, we are able to secure funding for that. One thing I kind of wanted to bring up and I know it's been a concern in town is, you know there's a lot of people aren't happy with Charter. A lot of people aren't happy with you know pricing, customer service, a number of things. The big question I get asked a lot

and I just kind of wanted to bring it up here is why we can't get Com Cast, why can't we get another internet provider? You know as far as I understand and umm, Bill can maybe elaborate if he knows anything but as far as I know it's up to the cable companies to come into town it's their choice to apply for a license to operate within a town. You know we can't just go pick and say hey we are going to have Com Cast come on in you know take over the customers or half of the customers. For one thing they would have to build, you know I'm sure one of the reasons they don't want to come into many towns is they have to build the whole infrastructure. You know, Charter has their infrastructure now. I can't imagine smaller towns comparable with a large city where they are going to want to build an infrastructure just to fight over half the, maybe half the customer base. You know, I've seen a lot of larger cities have a few different cable providers, more options but I'm sure they find it more economically feasible to do so in a large city where you can't get more customers per mile and like I said Bill can back me up, as far as I know there are no, I don't know of any towns anywhere that have Com Cast and Charter.

RECEIVED
TOWN CLERK'S OFFICE
LUCE
2022 MAR -2 A 10:46
TOWN OF LUCE

Atty August: That's right. Let me also emphasize because this is a very important part of the license and everything Mike said I agree with. The license we negotiated is non-exclusive, it could not be clearer on that point. The non-exclusivity language so, which is the legal basis for what Michael is saying, it's up to the potential competitors to come in. There is nothing about this renewal license that prevents that, the opposite is true. This renewal license opens the door to competition by having great non-exclusivity language but ...in fact Com Cast has never competed with an incumbent operator. They just don't go into other companies' territory to compete. Verizon is a potential source of competition. So, you should keep tabs, keep an eye on Verizon's willingness to come in and compete, that's their business plan. But they stopped dead in their tracks. They stopped applying for a single additional license about four years ago. So, they went through this competitive period, which was great for municipalities. Approximately 130 towns and cities have their incumbent, there is some price competition from Verizon but then they got out of the cable competition model, but you know that could change. So, Verizon is a potential source but there is no competition from them now. Even if you were to roll out the red-carpet treatment. RCN is a source of competition in Massachusetts, they compete with incumbent cable companies in about 14 cities and towns but they're all in Eastern Mass and they only build new systems adjacent to their existing systems and they don't have systems out there. So, it's a tough situation, lack of competition from existing cable companies. 5G may change that if some of the 5G companies coming down the pike have video service packages. There's a lot of hype about 5G proliferation in the coming years but it's been off to a slow start. They're not really rolling it out yet. That's all I have to say on that. It's a non-exclusive license, so in terms of the renewal, we had to spend a lot of time on that non-exclusivity clause because they were asking for a lot of strange language about if there is any competition that they get to reduce their payments to the town, Charter was saying and we had to spend a lot of time fending that off. So, one of the main things we did was prevent bad language in addition to increasing the annual funding by a reasonable amount. We had to spend a lot of time just fighting off what really was just bad language on this issue of what happens if there is competition and we succeeded at doing that and it was an important development. I just also want to say, I have to thank Michael and Ellie because they were really so engaged and on top of this at every turn and Michael couldn't have been more helpful, not only in the negotiations but you know he's a very good writer and he put together a lot of materials so a lot of good work on this.

Mr. Rosenblum: Thank you.

Mr. Goncalves: Mr. Chairman.

Mr. Rosenblum: Mr. Goncalves.

Mr. Goncalves: For the purpose of anybody that might be listening, part of your negotiation Attorney August and the board was also to get the Senior Center and the new school included in the free portion of service. The town does get within the 5% extra we have that free service available to us,

Mr. Hill: So, long and that's just cable, cable TV, it's not internet. So, as long as there is sufficient conduit there which I've been confirmed there is that if they want a free cable TV drop, it's cable TV. So, if you want a cable box with some channels, you know 20-21 not many, everyone is fighting over that but if they do, we were able to get, so long as it stays well if it went over the 5% threshold of their gross annual revenue, we get 3, we'll be getting 4 ½% with this new license if that they call in kind benefit goes over...

RECEIVED
TOWN CLERK'S OFFICE
2022 MAR -2 A 10: 46
TOWN OF LUDLOW

Talking over each other.

Mr. Hill: They would give us a cost estimate and we would decide if we want to pay it.

Atty August: Right, ...in excess of 4% of those revenue which if why we have a little margin of safety between 4 ½-5%. The courtesy account should not bring you over 5.

Mr. Hill: Correct.

Mr. Goncalves: The other thing, the Board I'm sure, Mr. Silva was probably here at the last contract, the balance of us weren't. Ellie might have been here for the last contract but where our payment is not based on internet services, strictly cable TV? We get nothing on internet?

Atty August: It cannot be based on internet services legally. The percentage we get annually, we are prohibited to take a percentage of internet, prohibited of taking a percentage of telephone. We can only take 4 ½% of cable TV but you know that is still a good amount.

Mr. Goncalves: For sure.

Mr. Gennette: Mr. Chairman. Just to confirm Town Counsel has looked over this agreement as well, right?

Ms. Villano: No, this is out cable counsel.

Mr. Goncalves: This is out cable counsel.

Talking over each other.

Mr. Gennette: Our cable counsel? Okay.

Mr. Hill: For these matters, yes.

Mr. Goncalves: He's on our team, Mr. August.

Mr. Gennette: That's what I was looking for.

Mr. Silva: Mr. Chairman.

Mr. Rosenblum: Mr. Silva.

Mr. Silva: I do have a question, I don't know if it pertains so much to the licensing and the contract, but our public access channels, right, if someone has the minimal basic, can they get our happy faces on television with just the basic cable? Because I've gotten questions about it and people just cannot get to channel 191 with just their basic, they cannot get it.

Mr. Hill: As far as I know, I've never been notified that we've been taken off the basic.

Mr. Silva: Okay.

Mr. Goncalves: Is it a different channel?

Mr. Silva: That's what I was wondering, that was my next question. Is there another channel that they go to?

Mr. Rosenblum: There's three stations, aren't there?

Mr. Hill: Yeah, 191, 192, 193.

Mr. Silva: Yeah, the three of them but because they have, they just downgraded, they used to watch us all of the time and they downgraded to basic because they are streaming a lot obviously like everybody else and he says suddenly we lost our public access and they can't watch our and they love to watch, I don't know why, they love to watch our meetings. But that was a question so I said I'd ask and find out. So, if it's still available...

RECEIVED
TOWN CLERK'S OFFICE
2022 MAR -2 A 10:47
TOWN OF LUDLOW

Mr. Hill: Yeah, I'll have to look at it as far as I know we've never been notified, you know they would notify us if they were taking us off the most basic...

Mr. Silva: Yeah, that would be, if that was not factual if people could not watch would just the basic, I think that would be a disservice to the whole community who watch certain things that we have on. We put a lot of information out there, notices and things, we got to have that. So,

Mr. Hill: Yeah, they do. Yeah, I can look into it and certainly talk to...

Mr. Silva: Yeah, if you could find out and I will let them know that certainly they should in fact be getting it. Thank you.

Mr. Gennette: Mr. Chairman I have one more.

Mr. Rosenblum: Mr. Gennette.

Mr. Gennette: Umm, you know the commission on disability has asked several times if LCTV could do closed captioning because they have a lot of people that are deaf and everything and I keep telling them to approach and ask you guys but you happen to be here now. So, I'm just wondering is closed captioning something that can happen with LCTV?

Mr. Hill: We actually just, it can, it's kind of, the way I'm looking to go about it, just recently, honestly two weeks ago, we purchased a closed captioning packaged, nothing is closed captioned yet but we purchased a through our manufacturer of our broad cast, most of our broad cast equipment at the TV studio, our server that distributes everything and our website kind of, not our website but our streaming runs through them too so it's all the same manufacturer. They have a service that we pay for and we bought a package and there's with it, I'm still trying to figure out the ends and outs of it, you can do live captioning you can both TV and live streaming on the internet. You can do captioning after the fact you know if it's recorded, we can pick and chose which programs to capture or if we film a program in our studio or something at the high school, we caption that then distribute that to our website and broadcast TV. So, we are, I'm figuring that whole way out and like I said we bought a package of 30,000, I forget actually what it was, how many minutes the initial package was. I just don't want to use them before I'm ready to figure out the best way to do it because I want to do what's you know, maybe start with something like the meetings and something that people watch more of and then work down from there and see how far those minutes go to get us because as you can imagine once we caption one thing, everyone is going to want every show in program caption. So, we have to see how far we can stretch that and how much it's going to cost if we want to do all of our program or just do meetings for now and then maybe work our way into other programs we produce. So, yeah, we are working on it and then certainly all together on the side I can keep you updated on how it goes.

Mr. Gennette: That would be great, thank you.

Mr. Hill: I'm going to test it out and see how it goes.

Mr. Gennette: I appreciate that, thank you.

Mr. Goncalves: Are we ready? Mr. Chairman.

Mr. Rosenblum: Mr. Goncalves.

Mr. Goncalves: Finding that the cable franchise renewal proposal of Spectrum Northeast, LLC also known as Charter Communications reasonably meets the franchise and cable renewal needs and interest of the public and the town. In finding that Spectrum's financial and technical qualifications in local program and channels facilities and services are reasonable to meet town cable needs.

Moved by Mr. Goncalves, seconded by Mr. Gennette that the board, as cable license issuing authority for the town vote to accept the agreement with Spectrum Northeast LLC on November 23, 2021 and execute the associated renewal license. Vote 4-0. All in favor.

RECEIVED
TOWN CLERK'S OFFICE
2022 MAR -2 A 10:47
TOWN OF LUDLOW

Mr. Goncalves: Thank you guys, I know the amount of time you put into this.

Atty August: Very good. Okay good night, folks.

Mr. Rosenblum: Thanks Bill.

Mr. Silva: Good night.

Atty August: I'm here, I'm always here if you need me. Take care. Bye.

Moved by Mr. Gazel, seconded by Ms. Villano to close the cable committee meeting at 6:55 p.m.

Moved by Mr. Goncalves, seconded by Mr. Gennette to close the public hearing at 6:55 p.m. Vote 4-0. All in favor.

7:15 p.m. – Dog Hearing – 23 Power Street

Moved by Mr. Goncalves, seconded by Mr. Gennette to open the public hearing at 7:22 p.m. relative to Brittany Kowalski and the dog hearing. Vote 4-0. All in favor.

Mr. Rosenblum: I am going to start with, we've opened the hearing, so I'd like to swear in the witnesses first. I'll do it all at once and then after that I'll have you go ahead and state your name. Raise your right hand, do you solemnly swear that the testimony you are about to give at this hearing shall be the truth, the whole truth and nothing but the truth under pains and penalty of perjury?

Officer Anderson: I do.

Ms. Boyer: I do.

~~Mr. Rosenblum: Thank you and could you please state your name.~~

Ms. Boyer: Kimberly Boyer.

~~Mr. Rosenblum: And the address?~~

Ms. Boyer: 15 Power Rd.

Mr. Rosenblum: Thank you.

Officer Anderson: Animal Control Officer, Octavia Anderson.

Mr. Rosenblum: So, what I'd like to do is have you kind of start from the beginning and give us a run though of where we started and to where we are now. So, that we have a clear understanding through the whole, what has gone on through the whole thing.

Officer Anderson: Sure, sure. Alright we'll start back in June I believe, I started working June 23rd. I think June 23rd or June 24th, Ms. Boyer came in to make a written complaint regarding her neighbors two dogs. One American Eskimo and one is a Pomsky, which is a Pomeranian/Husky. About them barking non-stop, running lose in the neighborhood. I spoke to her on the phone off and on probably through the months of June, going into July. Talked to Brittany also, how she needs to control her dogs, you know spoke in depth with her about things I would like for her to do. Bark collars, dog training, she has to get these dogs under control. None of that really happened. You know Ms. Kowalski would go a little bit, make a little bit of effort and then it would fall back to the same behaviors again. We had the hearing, what was our first hearing, I don't have my notes in front of me, I'm sorry. August?

Ms. Boyer: No, September.

Officer Anderson: September, where we had decided that with the evidence that and Ms. Kowalski didn't show up for that one, for that first hearing, that she would have a month to either place the dogs somewhere else or I will take them in for as rescues and send them to a rescue. In the meantime, through that month, Ms. Kowalski talked to the Board, said she never received her first letter, she didn't know the meeting was going to be held. Even though the Selectmen office tried to call her phone number. I also send her texts and emails saying hey we are having this hearing. Needless to say, we started all over again, we had another hearing, where she was, well she did show up and she was working with me. She said she contacted a trainer, I went to out to her, thank you so much that helps. I went out to her house after we left to make sure the tie outs were going be installed properly. Things that she could be doing, with the understanding that she was going to be contacting the trainer that's at Smithland who is a fairly good trainer, she has years of experience. She agreed to everything, everything was going well then, the dog bit,

RECEIVED
TOWN CLERK'S OFFICE
2022 MAR -2 A 10:41
TOWN OF IDLOW

Ms. Boyer: That was before.

Officer Anderson: that was before, her dog fence fighting with her dog, bit one of the dogs in the ear. I was able to take the dogs in for a ten-day hold. Unfortunately, I wasn't able to keep them for the extra ten days because that would have just solved a lot of the problems. Then we had the hearing, sorry if I was out of date. From that point on after we left here, I have received numerous texts from Ms. Boyer with videos showing just how out of control these dogs are. When I finally, you know, one was a Friday night I was at my other job, looked at my phone there was a video of the dogs charging a jogger down the street, chased a lady back into her car, she was trying to get out of her car, went after her. You know it's maybe like a three- or four-minute clip of just boom, boom, boom, everywhere. I text Brittany that night, she didn't get back to be until Sunday saying she just saw the text and she's going to check her cameras to see what happened. I'm like okay, let me know, that was literally the last time I have heard from her, which would have been on that Sunday, let me see, what day, that was Friday, October 29th when I tried to get in contact with her about dogs being in. Then on Monday Ms. Boyer also started to let me know that the dogs were barking non stop this is at 11 a.m., 55 minutes these dogs barked. I was at a veterinarian appointment with my dog so I could not leave to go do anything so I finally called dispatch and asked them if they weren't busy could they send an officer out. Only after the officer came out and pounded on the door did somebody come in and let the dogs out or let the dogs back in. From that you know these incidences are in direct violation of what we've asked her to do. You know, we've asked her to do numerous things, she agrees, we think she's definitely there and ready to do it and then she just lets it fall. At this point, there has been probably 30 different incidences of Ms. Boyer letting me know she has cameras pointing in her driveway, umm not, you now in her own driveway but you can clearly see the dogs fence fighting, almost digging out, she's not stopping that from happening, she's basically just avoiding everything at this point. I'm sure the office has tried to contact her about this meeting. In my letter that I'm sure you all have, I, you know basically told her, I am asking for another hearing. This can't keep happening this isn't fair to anybody. It's not fair to the dogs. I also spoke to the woman who was chased back into the car and her boyfriend who they didn't want their names used. There have been some questionable behaviors coming from that house. They're not really comfortable putting their names. Also, another neighbor, basically the same thing to me is yes, I will tell you what's going on, no I don't want to give my name. I have to respect that; I've lived next to neighbors that are scary. I don't want to put anybody in any type of threats or jeopardy. You know, at this point we need to remove the dogs and get this over with. We can keep going back and forth and back and forth and back and forth. The dogs need either to be put down or to be put in a rescue. They are literally charging people when they are loose. Yes, they are little dogs but that's scary. If I have children on that street, I wouldn't let my children out. You know and that's something you know one dog is maybe 40 pounds, maybe, his canines are still an inch deep, it could do some damage if he actually bit somebody. And that's where we are at right now.

Mr. Rosenblum: Would you like to make a statement or any comments?

Ms. Boyer: Yeah, I mean it literally started the night after the meeting. The dogs were out and they were screaming at the dogs and it just kind of cascaded from there and has been getting worse, not better.

RECEIVED
TOWN CLERK'S OFFICE
2022 MAR -2 A 10:47
TOWN OF LUDLOW

Officer Anderson: She just said her mom was at her house and just said right now those dogs are outside barking. You know when we were in the hallway, she got a text. She definitely I think you know unfortunately Brittany just doesn't, she feels if she doesn't do anything I will go away or the problem will go away and you know that doesn't work, it doesn't work that way.

Ms. Boyer: The other thing I'd like to say is I can't even take my service dog out front in fear of her getting bit because if she gets bit, she's ten days quarantine and that would mean that I stay home for ten days because I go nowhere without her.

Officer Anderson: And there's also been comments I guess would be the right word for it, that her cameras have been...when she goes out to her driveway to you know to the car or whatever, go ahead,

Ms. Boyer: Umm, yeah, she called me an a-hole. Good night a-hole when I let my dogs out, hers were barking for like ten minutes. Two nights ago, she called me a f-ing C. It's just getting ridiculous.

Officer Anderson: You know unfortunately she lives with her brother and I guess her father. From what I sort of can hear on the video, her father isn't necessarily saying Brittany get your dogs in. It's more of a you know let them bark who cares, what's going to happen?

Mr. Rosenblum: So, the dogs were outside barking for 55 minutes and then,

Officer Anderson: 55 minutes.

Mr. Rosenblum: so, when the patrol showed up and banged on the door, the officer banged on the door, someone opened the door and let the dogs in?

Officer Anderson: Somebody was out when he was leaving because he banged and banged and I guess nobody actually responded to the front door but as he was leaving, the report said that somebody brought the dogs in.

Mr. Rosenblum: So, someone was there letting them bark for 55 minutes.

Officer Anderson: Yes.

Mr. Rosenblum: So, someone was in the house.

Officer Anderson: Yes. Absolutely. I know the times I have gone to the house and banged on the door, when Brittany has answered the door, she usually has headphones in. You know I don't know if she just listens to music and tunes everything out, I have no idea. But probably the three or four times I have pounded on her door, when she does answer, she definitely has headphones on.

Mr. Rosenblum: Any questions?

Mr. Gennette: Well, I don't have any questions. You know Mr. Chairman, it's heartbreaking to see, you know we were hoping she was going to do everything that she was supposed to do and I mean we've done due process here. So, you know I don't see any recourse other than going by the animal control officer's recommendations. I would love to be able to have some recourse but I don't see another way around it.

Officer Anderson: So, would I, the last thing I want to do is take anybody's dogs away. I think she really does love her dogs. She's just is at a point in her life she doesn't seem to be able to care for them properly or have respect for her neighbors. You know she is always, she accused Kim of opening her gate and letting her dogs out. You know she just, never her responsibility and I have two rescues that are willing to take the dogs. I would probably only hold them for 2-3 days and the rescues would evaluate them and take it from there.

Ms. Villano: I think you have to wait ten days.

Officer Anderson: Pardon me?

Ms. Villano: I think you have to wait ten days. She has, I'll explain it.

Officer Anderson: Okay.

RECEIVED
TOWN CLERK'S OFFICE
2022 MAR -2 A 10:47
TOWN OF LUDLOW

Mr. Rosenblum: Mr. Silva.

Mr. Silva: I really don't have anything. Again, she didn't show up so there's really nothing that we can do other than do what we have to do. I think we gave her; we gave her the chance to rectify it and that was one of those, getting her side without getting rid of the dogs, but what are you going to do?

Officer Anderson: You know I'm willing, if she would talk to me, to if she has somewhere for the dogs to go while she's trying to you know, I don't know if she's trying to save money to move out. I have no idea what her story is whatsoever. You know, if she has somewhere for the dogs to go, great. They just need to go, leave where they are, particularly not in Ludlow because another problem would just arise. But when I had the dogs the ten days, it took me probably 2 days for them to learn to like me. They were fine. They barked a lot. That's just what that, the white one, the American Eskimo, that's literally what they do. They bark almost all the time. So, it's really hard to break one. I've joined a couple of Facebook groups for the American Eskimo and post after post are literally about the dog, this particular breed of dog not being quiet. You know, I don't even know if training would have worked to be perfectly honest.

Mr. Rosenblum: Mr. Goncalves.

Mr. Goncalves: No, I agree. I think we're probably at this point just waiting on you to tell us what you suggest and we can move,

Officer Anderson: I suggest that we do what we, I think we probably have to get a warrant, did the Chief leave, he did.

Mr. Gennette: No, he's still here.

Mr. Silva: Mr. Chairman before the Chief before speaks, would it be advisable to give her like ten days to get rid of the dogs on her own, outside of Ludlow. I think that's the procedure we've gone through several times before, give her some opportunity to remove her dogs. She may have a family member somewhere in wherever,

Officer Anderson: Yes, that would be great.

Mr. Silva: and hand the dogs over to them that way it gets rid of her nuisance and that may be the best way to go about it.

Officer Anderson: Yes, so how would we go about that another certified letter?

Mr. Silva: Right.

Mr. Goncalves: Remove from the town, I mean from the property, her property and the town of Ludlow.

Mr. Silva: Right.

Officer Anderson: Yes, I actually don't know if can legally ask them to leave the town of Ludlow.

Mr. Silva: I believe so.

Officer Anderson: I was just in fact going over the new Massachusetts rules that went into effect and I want to say I vaguely remember something. I'll check tomorrow.

Ms. Villano: Okay.

Officer Anderson: Just to confirm that one way or another.

RECEIVED
TOWN CLERK'S OFFICE
2022 MAR -2 A 10:47
TOWN OF LUDLOW

Ms. Villano: If I might Mr. Chairman, the Board of Selectmen will deem, based on this evidence that there's no, that the complaint can be dismissed or that the dog has been deemed a nuisance and then you have,

Mr. Goncalves: And/or dangerous, yeah.

Ms. Villano: I don't think it falls under the criteria as dangerous, definitely qualifies under the nuisance and there are four reasons why, three reasons why it would be a nuisance dog. Then you can tell her, you can order her to rectify it. The owner has ten days to appeal this decision to a district court. So, if you were to deem the dogs a nuisance, give her ten days to remove the dogs then that also gives her that ten-day window of the appeal process. Then after that ten days process, if after ten days, you can, I believe you can order the animal control officer to take the dogs.

Officer Anderson: Which is why my question comes to you, do we have to obtain a warrant to go and remove these dogs?

Chief Valadas: Negative this would be by municipal...so, the only, if she was to, it would only incur a criminal matter based upon her refusing entry. At that point and time, we would not be able to, under these circumstances, we would not be able to force her. That would be based upon a court order entry. So, we can only exceed the...on a court order. So, that would be where if she was obstinate and barricaded, refused we would not....circumstances to enter.

Officer Anderson: Okay, so I couldn't go over,

Chief Valadas: That could be a problem, yes. So, you can have someone who would be on these removals and we've done it in the past, usually we try to gain compliance based upon municipal authority.

Officer Anderson: Okay.

Chief Valadas: However, if she decided not to then the officers would not have standing to breach someone's fourth just based upon municipal...or removal...

Officer Anderson: So, they would have to go,

Chief Valadas: The Police Department would have to launch a petition based on the request of the Board of Selectmen through a district court judge for a search and remove.

Officer Anderson: Wow, okay.

Chief Valadas: This has to be forceable during the day as the worst-case scenario.

Officer Anderson: Yes, that is indeed the worst-case scenario.

Chief Valadas: Allowing breach of a home to remove an animal.

Officer Anderson: Right, which nobody wants to do. Definitely don't want this on the news.

Chief Valadas: The most extenuating circumstances.

Officer Anderson: So, I think we should try as much as we possibly can to rectify this without turning to the officers. I can double my efforts to try to actually sit down and talk to Brittany. You know she's definitely not answering her phone with my number. I could use a different number if I had to. I don't know, you know, I don't know her reaction, nobody wants to give up their dogs and I don't think she is going to do this willingly just my gut feeling.

Mr. Rosenblum: So, we should make a determination and go ahead and determine how we want to go forward with that determination.

Mr. Silva: Mr. Chairman.

Mr. Rosenblum: Mr. Silva.

RECEIVED
TOWN CLERK'S OFFICE
2022 MAR -2 A 10:41
TOWN OF LUDLOW

Moved by Mr. Silva, seconded by Mr. Gennette to declare the dogs at 23 Power Avenue owned by Brittany Kowalski as a nuisance to the neighborhood and that we further order the dogs be removed within the next ten days from the Town of Ludlow under the municipal order. Vote 4-0. All in favor.

Ms. Villano: Mr. Chairman I do have a question.

Mr. Rosenblum: Yes.

Ms. Villano: So, often times in some of the dogs' orders where they're asked to remove their dogs, they're also allowed to surrender them to the Animal Control Officer. So, I don't know if that is a motion that you want to make that a.) If within 10 days of that appeal process, she has not done that, that she can surrender them to the Animal Control Officer or you can authorize the Animal Control Officer after X number of days to remove the dogs.

Mr. Silva: But wouldn't that be removal?

Ms. Villano: Well, she can surrender them voluntarily. She can remove them and I think you, she also has to provide documentation that the animals have been removed or you can, removal could be she could voluntarily surrender them to the Animal Control Officer.

Officer Anderson: Interesting.

Mr. Silva: That's what I mean.

Ms. Villano: But, after X number of days she's done neither, then I think the Board would have to authorize the Animal Control Officer to take possession of the dogs.

Officer Anderson: So, in the order it will say she has the options to either remove the dogs on her own, find a place for them,

Mr. Gennette: Within 10 days.

Mr. Goncalves: Or surrender them.

Officer Anderson: yeah,

Mr. Rosenblum: Or surrender them.

Mr. Goncalves: And then your second motion should maybe be that you're authorizing the Animal Control Officer to take them, right?

Mr. Silva: That's what I'm about to do.

Mr. Goncalves: You want another motion to that affect?

Mr. Rosenblum: That was going to be my question because we discussed the fact that she could find a place for them herself outside of town.

Moved by Mr. Silva, seconded by Mr. Goncalves if after ten days, the dogs are not removed from 23 Power Avenue, we authorize the ACO to remove the dogs or have the owner surrender them to the dog officer.

Officer Anderson: I do have one question, so what happens if the dogs come back?

Ms. Boyer: Yeah, that was going to be mine.

Mr. Silva: Well, they can't.

RECEIVED
TOWN CLERK'S OFFICE
2022 MAR -2 A 10:47
TOWN OF LUDLOW

Officer Anderson: So, let's say she finds a family member or whoever to take the dogs and then she wants you know, the dogs show up because they're visiting. I mean I don't know what, you know obviously there's a lot of gray area in there that could happen.

Mr. Gennette: I'd say finish this motion and then do a motion,

Mr. Silva: The dogs can't, the dogs can't come back. Removal is removal, they cannot come back. She would be violating an order and,

Officer Anderson: Will the order say that, the dogs are not allowed back at 23 Power? Could it say that? I'm just trying to cover whatever situation might show up.

Mr. Silva: I mean if it need be, it need be but removal is removal, they can't be there.

Mr. Gennette: I think it was put up on the table, it should be addressed. We can't just not address it; it's been brought up.

Mr. Rosenblum: What was your motion again, you had?

Mr. Silva: My motion was that we authorize the dog officer to remove, if after ten days the dogs are still at 23 Power Avenue that we have the dog officer remove the dogs or have the owner surrender the dogs to the Animal Control Officer.

Mr. Gennette: And never to return.

Mr. Rosenblum: And not to return.

Mr. Silva: And not to return. Okay let's do this right. Mr. Chairman, I withdraw my second motion. Who seconded?

Mr. Gennette: Tony did.

Mr. Rosenblum: Did you second?

Mr. Goncalves: I withdraw my second to your second motion.

Moved by Mr. Silva, seconded by Mr. Goncalves to authorize the ACO to remove the dogs from 23 Power Avenue or have the owner surrender the dogs to the ACO and further that the dogs may not return to 23 Power Avenue or the Town of Ludlow. Vote 4-0. All in favor.

Officer Anderson: Yes, that works for me. I just want to make sure you know I'm not getting phone calls from her and then when I show up there and Brittany is going, we're just visiting. That works.

Mr. Goncalves: Okay, thank you guys.

Mr. Gennette: Yeah, thank you for your patience. Honestly, we know that you have been going through quite a bit and there's a process to the whole thing and we appreciate your patience.

Ms. Boyer: Thank you.

Talking over each other.

Officer Anderson: Oh, yes, I've already written her $1,000 worth of fines at this point. I haven't turned them into the City Clerk...

Mr. Silva: Mr. Chairman.

Mr. Rosenblum: Mr. Silva.

Moved by Mr. Silva, seconded by Mr. Gennette to close the public dog hearing for 23 Power Avenue at 7:47 p.m. Vote 4-0. All in favor.

RECEIVED
TOWN CLERK'S OFFICE
2021 NOV -9 A 10:47
TOWN OF LUDLOW

CORRESPONDENCE

226. Massachusetts Municipal Wholesale Electric Company (MMWEC) News Release – MMWEC secures two energy and efficiency development grants.

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

227. Kimberly Collins, Town Accountant – requesting the Board to declare office storage cabinets as surplus for disposal.

Moved by Mr. Goncalves, seconded by Mr. Gennette to approve the request from Kimberly Collins, Town Accountant to declare office storage cabinets as surplus. Mr. Goncalves read the list of surplus. Vote 4-0. All in favor.

228. Daniel J. Valadas, Chief of Police – advising the Board of the retirement of Police Sergeant James F. Sevigne effective November 27, 2021.

Moved Mr. Gennette, seconded by Mr. Silva to accept the retirement of Police Sergeant James F. Sevigne effective November 27, 2021. Vote 4-0. All in favor.

229. Finance Committee – Board Reorganization.

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

230. Philip Brodeur, Committee Member, Boy Scout Troop 180 – inviting the Board to attend the Eagle Scout Court of Honor for Katherine Rosmoser on Sunday, December 5, 2021 at 2 p.m. at Saint Elizabeth Parish, 191 Hubbard Street, Ludlow, MA.

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

UNFINISHED BUSINESS

Moved by Mr. Goncalves, seconded by Mr. Gennette to re-sign the Agreement between the Town through it's Fire Department and Firematic Supply co., Inc. which is now properly dated. Vote 4-0. All in favor.

Moved by Mr. Gennette, seconded by Mr. Goncalves to authorize the Chairman to execute all documents relative to the National Opioid Litigation on behalf of the Town and settlement agreements. Vote 4-0. All in favor.

Moved by Mr. Goncalves, seconded by Mr. Gennette to approve and sign the FY 22 Fee Agreement with Doherty, Wallace, Pillsbury and Murphy, P.C. to provide legal services to the Town of Ludlow. Vote 4-0. All in favor.

Moved by Mr. Goncalves, seconded by Mr. Silva to approve and Chairman to sign the Memorandum of Understanding between Westmass Area Development Corporation and the Town of Ludlow. Vote 4-0. All in favor.

Moved by Mr. Goncalves, seconded by Mr. Silva to approve and sign the lease agreement between the Town of Ludlow and The Exit 7 Players, Ltd., extending the lease to June, 30, 2022. Vote 4-0. All in favor.

Moved by Mr. Goncalves, seconded by Mr. Silva to approve and sign the Collective Bargaining Agreement between the Town of Ludlow and the Ludlow Library Technician New England Joint Board RWDSU/UFCW Local 566. Vote 4-0. All in favor.

Moved by Mr. Gennette, seconded by Mr. Goncalves to approve and sign the Collective Bargaining Agreement between the Town of Ludlow and the Ludlow Association of Town Office Support Staff (L.A.T.O.S.S.). Vote 4-0. All in favor.

RECEIVED
TOWN CLERK'S OFFICE
2022 MAR -2 A 10:47
TOWN OF LUDLOW

Moved by Mr. Goncalves, seconded by Mr. Gennette to approve and sign Selectmen Meeting Minutes of August 31, 2021 with all members present. Vote 4-0. All in favor.

NEW BUSINESS

Moved by Mr. Goncalves, seconded by Mr. Gennette to appoint the following nine (9) members to the Municipal Vulnerability Preparedness (MVP) Core Committee: Ellie Villano, Douglas Stefancik, Penny Lebel, Seth Falconer, James Goodreau, Andrea Crete, Paulina Matusik, Brian Shameklis, and Jodi Zepke. Vote 4-0. All in favor.

Moved by Mr. Goncalves, seconded by Mr. Gennette to approve and Chairman to sign the letter of support for Westmass EPA FY22 Brownfield Cleanup Grant Application for Asbestos Abatement. Vote 4-0. All in favor.

BOARD UPDATES/MISCELLANEOUS

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.

Ms. Villano reminded the Board about the fiber report for ARPA from Mr. Blanchard. It would cost about $7.5 million to bring fiber to the town of Ludlow. It is $50,000/mile plus $500 for install fees and equipment. The feasibility study would cost $100,000. The Board was given the information from surrounding communities who have done this as well.

Mr. Gennette explained that at the last meeting the Board had approved several different positions to be added to the classification plan and one of them was a Detective Lieutenant position. We also spoke about a Dispatch Supervisor position but only approved the Lieutenant position. He would like to discuss the Dispatch Supervisor position further tonight and have it approved before the November deadline for budgets.

Mr. Rosenblum explained th~~at they wanted to approve less instead of more~~ so that in the opportunity that they come into their level I budget allows for them to add to positions. There has been a couple of departments that we have not given full what they have asked for. Once the level I budget is out, we will hopefully be able to add more.

Mr. Goncalves appreciates where Mr. Gennette is coming from, however, he does not feel this needs to be done tonight. They have stayed the course during this budget process.

CLOSING COMMENTS

Mr. Goncalves wished Derek DeBarge a Happy Birthday, he is not at the meeting today and hopes he has a great day celebrating a milestone. He wished everyone a Happy Thanksgiving and reminded everyone to be careful and that Town Hall is closed Thursday and Friday. Reminds everyone about the scams out there and the new one is to text people that they are going to be late in paying their bill and to click on a certain link. The other one is a free month of phone service and to press the link. Be careful when shopping online and have a safe and happy Thanksgiving with your family.

Mr. Gennette thanked the employees in town with all of their hard work and how appreciative he is for everyone. Budget season is a busy time of year and everyone is working hard to get it done. We have great people and hope they have a wonderful Thanksgiving.

Mr. Silva wanted to remind residents that the Board signed the cable TV license today and wanted to be aware that a committee looked over this contract with Counsel and we looked at different options but it's not feasible currently. No other cable companies have contacted us to come into our town and that's how it works and there's not much we can do about that right now.

Mr. Rosenblum agreed with Mr. Goncalves to be careful with the scams. There are a lot of car break-ins so please do not leave anything valuable in your car and make sure it's locked. Wished everyone a Happy Thanksgiving and enjoy the weekend.

RECEIVED
TOWN CLERK'S OFFICE
2022 MAR -2 A 10:47
TOWN OF LUDLOW

Moved by Mr. Goncalves, seconded by Mr. Gennette to adjourn this meeting at 7:53 p.m., and 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.