

**BOARD OF PUBLIC WORKS**  
**DPW Conference Room**  
**198 Sportsman's Road, Ludlow, MA 01056**

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**MEETING MINUTES**  
**August 11, 2020**

2020 SEP 29 A 8:41

TOWN OF LUDLOW

**\*Pursuant to Governor Baker's March 12, 2020 order suspending certain provisions of the Open Meeting Law, MGL c. 30A Section 18, and the Governor's March 15, 2020 order imposing strict limitations on the number of people that may gather in one place, this meeting of the Ludlow Board of Public Works will be conducted via remote participation to the greatest extent possible.**

Members Present: John Davis, Alex Simao, Barry Linton, Steve Santos, Dan Soares

Members Absent: None

Also Present: Mike Suprenant, Ken Batista, Amy Priest

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Mr. Davis called the meeting to order at 6:00 P.M. All present stood for the Pledge of Allegiance.

**APPOINTMENTS:** Robert Kopec – Chrela, LLC/Beachside Motors, 556 Center Street – Items for discussion are vehicle damage claim, curb on back of sidewalk/widening layout. Mr. Kopec re-explained that he is looking for reimbursement for vehicles damaged and to have the curb put back in the sidewalk. Mr. Santos read letter from MIIA stating the Town of Ludlow is not responsible for damages and denying claim. Mr. Batista stated we were out during the 2<sup>nd</sup> snow storm so he could conceivably see the snow blower putting snow on his property. Mr. Santos said that clears up the admission. **Mr. Linton motion to resubmit and make sure to include the police report, the estimate and the Operation Supervisor stating we probably did the damage. Mr. Linton retracted motion. Mr. Santos motion to send MIIA a letter of admission that we did do the damage to the property at Beachside Motors to the 2 vehicles. With back up of Kenny's statement and the formal date of loss, ID of the cars, police report and to expedite it. Mr. Simao second. All in favor.** All information will be cc'd to Mr. Kopec. Mr. Santos discussed replacement of the curb. He read email from Matt Shute **Mr. Santos motion to put the curb back. Also, to have Mr. Kopec sign a hold harmless agreement allowing us on his property. Mr. Simao second. Vote 4-1. Mr. Linton abstain.** Mr. Kopec states on record that at the last meeting he was asked to work

directly with Mike Suprenant. He has placed zero effort. He did not call once, didn't visit once. He is interested in putting a letter into the Town suggesting he be reviewed for his actions in this case.

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**CORRESPONDENCE:**

#993 Letter from MIIA Property & Casualty to Beachside Motors, Inc denying claim for damages.

#994 Letter from Ludlow Planning Board regarding approval with waivers of the Definitive Subdivision Plan for Riverside Drive (Ludlow Mills Project). Mr. Suprenant said plans were approved with waivers contrary to Board's recommendation.

**DIRECTOR'S REPORT:** MS-4 year 2 compliance. The Assistant Town Engineer and I joined a 1 hour webinar August 3 about preparing and submitting the MS-4 annual progress report for year 2. The report is due September 28. Mott MacDonald has the signed contract. It is pending with the Town Accountant for signature. Special Town Meeting is October 5. The Board of Selectmen has opened the warrant. Articles are being accepted until August 27. Warrant will be closed September 1. Mr. Simao suggested looking into any changes the Board would like to make for the next meeting. The vacant PW-3 Heavy Equipment Operator position has been posted internally. Deadline is August 19. Mr. Santos verified that if one of our guys takes the PW-3, we will be able to post the open PW-2 right away. Focosi Lane sewer and construction within the public way. G&G Construction has informed us that they will resume work at the end of this week or beginning of the next. 2020 Chapter 90 road projects request was approved by MA DOT District 2 Highway office on October 4. Waiting for clarification from Town Accountant on whether she will re-sign. Mr. Batista said we had to take the shim, mill and structure adjustment out of the budget for Randall Road. FY20 year-end budget report. 93% of FY20 appropriation was utilized and \$127,917.15 was returned to the general fund. **Mr. Simao motion to accept Director's Report. Mr. Linton second. All in favor.**

**OPERATION SUPERVISOR'S REPORT:** Update on 2020 construction projects. Paulding Road was milled and shimmed. Manholes and catch basins were adjusted. Springfield Water did service work to their service gates. Columbia Gas did as well. Palmer Paving put the top on that road last Thursday, so that project is 100% complete. Randall Road was milled and shimmed, catch basins have been adjusted. There are no water boxes to



adjust. Columbia Gas has been notified and will accommodate our schedule for any gate adjustment. Parkview and Mountainview project has begun. Springfield Water has moved all their gates in preparation for full depth reclamation. Columbia Gas has been notified and will accommodate our schedule. In March it was discussed to put in drainage out there to take out some of the water; however, 90% of the houses are block foundation structure. The only thing we can do is infiltrators or tie it into Chapin Street drainage. Winsor and Warren Streets. Springfield Water has already gone out there to repair and replace all of their water gates. Columbia Gas has been notified and they will accommodate our schedule. The remainder of the above projects have been put on hold because Chapter 90 is not 100% in place and we had an issue with our annual bid contractors. Mr. Suprenant said the annual bid contracts were sent to the Town Hall in mid-June. They were transferred from the Town Administrator's office to the Town Accountant July 1. We got the contracts back and they're not signed. Mr. Batista gave everyone streets to look at for FY21 back in March or April. They are Cady Street after Bluebird Acres project is complete, Grimes Street, Reynolds Street, Pondview Street, Colonial Drive, Heritage Drive and Manor Lane. Mr. Batista will email the list to the Board members. Mr. Santos asked to look into any drainage issues on those streets now. 2020 Snow plow rates indicate we are competitive with surrounding communities. Our loader rate was higher than Springfield. He would like to advertise in September so they're in place by beginning of October. Newbury Street sewer repair. After reaching out to 3 contractors, he heard back from one with a formal proposal. Gomes Construction would be \$4,600 to do the repair. G&G Construction is not interested in doing the work. Martins Construction never returned the call. **Mr. Santos motion to have Gomes Construction fix the Newbury Street sewer in the amount of \$4,600. Mr. Simao second. All in favor.** Reservoir overflow parking is complete. Mr. Soares recommend reaching out to Springfield Water regarding maintaining the gate. Drainage repair on Colonial and Heritage has been completed. Athletic Field renovation. We have re-sodded about 5,000 sq. ft. of Vet's Park last week. Mr. Batista reached out to the youth football coordinator regarding Nick Silva Field. They are in agreement that they will seek some other place to practice and allow us the opportunity to get into the field to renovate it. He will contact Lawn Tech for an estimate to over seed. He will also try to strip, level out and hydro seed Creative Park. Mr. Simao said he got a message that some of our summer employees were standing up in the back of the truck while removing trash at the Riverwalk. Also wanted to know if we're having problems with doors being left open in the garage. Mr. Batista said we did have an issue and it's a work in progress. **Mr. Simao motion to accept Operation Supervisor's report. Mr. Soares second. All in favor.** Mr. Santos asked Mr. Suprenant why the Board did not get a report

before the meeting. Mr. Suprenant said his plan is to get a packet to the Board by email before meetings.

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**OLD BUSINESS:** Trash is being picked up at the Riverwalk a couple times a week. Floor still needs to be cleaned at the Whitney Park Butler Building. It has taken so long because we have no man power. Brush cutting at Haviland Pond has been completed. Center Street final inspection. There are still some questions about the traffic signals. Line striping on Center Street is not straightened out yet. Mr. Santos asked for a copy of the punch list to be emailed to Board members. Regrade & hydro seed Nick Silva Field previously discussed. Parking for reservoir trails at the new cemetery previously discussed. Uniform status. Mr. Suprenant has not had good response from Work-n-Gear. Colonial Drive drainage previously discussed. Request to fill open positions previously discussed. Negotiations for Local 98 contract not discussed. Electric Park drainage. Mike Pietras is supposed to be drawing a plan. Replacement slide at Electric Park was ordered, but they sent us the wrong one. The one we want is not available. It is blocked off with a piece of plywood. Island Pond Cemetery foundations not done yet. Mr. Santos asked if we sent letters out regarding moratorium roads. Mr. Suprenant said they have not gone out yet. Mr. Santos asked about the new cemetery. Mr. Suprenant said he is working on it. Mr. Santos asked about sewer projects. Mr. Suprenant said surveyors are working on it.

**NEW BUSINESS:** Disposal of surplus property. Mr. Batista prepared a list for the Board's review. Mr. Suprenant will send the list to Board members to discuss at the next meeting. Future projects. 2021 pavement management program previously discussed. Mr. Suprenant said we got confirmation that we got \$694,000 in Chapter 90. Letter sent to the Board of Selectmen. Potential TIP projects. Chapin from Center to Holyoke Streets were suggested. Also, Fuller from West Ave up to Banas. Updating the work order system. Mr. Suprenant said we received a proposal for a cloud based work order system. Mr. Santos asked for more information about that. Mr. Soares volunteered to serve on the Dog Park Committee and Open Space Planning Committee. **Mr. Simao motion for Mr. Soares to serve on the Dog Park and Open Space Planning Committees. Mr. Linton second. All in favor.** Mr. Simao thanked all the employees that were out cleaning after the tropical storm Isaias. He got many compliments. Mr. Soares asked if there are plans for trees and brush put on the side of the road from storms from residents that can't get to the Transfer Station. Mr. Batista said that the 2<sup>nd</sup> day after the



storm we used the snow plowing route to go out and pick up any debris that was put curbside. Mr. Soares said they did a great job. Mr. Suprenant said he commended some of the employees. The ones that worked straight through were Gregg Leblanc, Tim Nault and Bill Thompson. Mr. Suprenant said he stayed until about 8:30.

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**NOTES AND COMMENTS:** Invoices signed. Cemetery commitment signed. Minutes to be approved. Mr. Santos would like to see the minutes before they're approved. Mr. Linton commented that the guys did a great job with the storm. Mr. Soares asked Mrs. Priest who wrote an email regarding executive session for August 11. Mrs. Priest said she received an email from Mr. Davis' office that the letter needed to be forwarded to Board members. Mr. Suprenant would like to file with the Board a complaint for the violation of public meeting laws. **Mr. Simao motion to forward to Town Counsel. Mr. Linton second. All in favor.** Mr. Santos asked Mr. Suprenant for a copy of the out of office log for the last 2 months.

**EXECUTIVE SESSION:** Board took a 5 minutes recess. Motion to meet in Executive Session pursuant to Massachusetts General Laws, Chapter 30A, Section 21 to discuss complains or charges brought against a number of DPW employees. To discuss strategy with respect to collective bargaining if an open meeting may have a detrimental effect on the bargaining position of the Town and the Chair so declares. Mr. Simao clarified the employees want an open meeting. **Mr. Simao motion to go into Executive Session. Mr. Soares second. Roll call. Alex yes. Dan yes. Steve yes. John yes. Barry yes.**

Mr. Suprenant said he received a report that a Town vehicle had driven behind Vanished Valley Brewery and had been hiding there for 45 minutes. He called the Operation's Supervisor and he reported they were having a tour of the brewery, which brought suspicion on his part. He asked to talk to the individuals, who denied having anything to drink. He went to the site and talked to the owner of the property. While he was there, he saw someone who looked like they had a plastic cup, which arose more suspicion. He asked for alcohol tests for the employees he knew were there. He subsequently found out there were 2 other employees there. They all got a verbal reprimand with 6 month probation for being at the brewery during working hours. He was convinced after testing that no alcohol was consumed. He said the employees did admit that they sat underneath the tent. If they don't do it again in 6 months that will be the end of it. Keith Hancock, Local 98 Representative asked Mr. Suprenant if he was officially trained in detecting alcohol misuse or drug abuse? Mr. Suprenant said No. Mr. Hancock said that



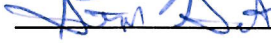
when he put in his disciplinary action that he had reasonable suspicion, that is violation of Town policy. Mr. Hancock asked Mr. Suprenant who he interviewed before he asked them to go for a drug test. Mr. Tomas said he was the only one out of the 4 people that came into the office to explain what happened and that he had a work order to be there. Mr. Tomas said that when Mr. Suprenant went out into the garage to talk to the guys he asked him what probably cause he had to test them, to which Mr. Suprenant responded he didn't need probable cause. Mr. Suprenant said neither Kenny nor Mr. Tomas told him who was involved. Mr. Fernandes asked who indicated he was sitting under the table @ Vanished Valley. Mr. Benoit asked who said the truck was behind Vanished Valley. Mr. Tomas said the following day Bill Thompson went to Center Street with the roadside mower to take care of the mowing that the woman wanted done and she jumped on top of it while it was running. Mr. Simao verified with Mr. Suprenant that he did not speak to the woman until after he wrote the employees up. Mr. Batista said about a week and a half prior to this incident he was out there and Mrs. Jaciow came out to the detention pond, which is part of the homeowner's association, wanting it to be maintained. He explained to her that it was not ours and that we would roadside mow the piece that was between the fence and the guardrail. Unfortunately that same day our mower went down. Mr. Tomas asked if the Board was aware that Mr. Suprenant sent the Sheriffs and Police Officers to their homes to be served the verbal reprimands. Mr. Suprenant said the reason is because the Board had requested to talk to them to discuss this issue. At the time he tried to hand deliver it, none of them were there. Mr. Kolodziej said he does not believe any of these guys would drink during the work day. Mr. Simao said that he was told by Mr. Suprenant that they were drinking and if they were he asked to bring them in. Mr. Linton said he was told by Mr. Suprenant that he spoke w/ Mr. Simao and that if they are to come into a meeting they need to be given 48 hours' notice. Mr. Soares said in an email Mr. Suprenant said based on "her" complaint we immediately ordered alcohol testing. He also spoke w/ Mr. Vital, owner of Vanished Valley, who insisted they did not drink any alcohol. Mr. Axiotis said that he has worked with these guys for 10 years and he knows they have sense in their head not to drink at work. Mr. Goncalves said that throughout this whole ordeal, Mr. Suprenant has not approached him or asked him about the situation. Mr. Fernandes agreed. Mr. Tomas agreed. Mr. Benoit agreed. Mr. Tomas said that his instant alcohol test indicated .000, why was he then drug tested? Mr. Suprenant said no drug test was requested. Mr. Simao asked who Amy Diciara is that requested the test. Mr. Suprenant said either Amy Kurtz or Amy Priest called it in. **Mr. Soares motion to dismiss the grievance. Mr. Santos second. Roll call vote. Dan yes. Steve yes. Barry yes. Alex yes. John yes.**

At 8:46 P.M. Mr. Simao motion to adjourn. Mr. Soares second. All in favor.

Mr. Linton motion to go into Executive Session with roll call vote. Barry yes. Alex yes.  
John yes. Dan yes. Steve yes.

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