

**BOARD OF PUBLIC WORKS**  
**DPW Conference Room**  
**198 Sportsman's Road, Ludlow, MA 01056**  
**MEETING MINUTES**  
**March 30, 2021**

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**2021 JUL -9 A 8:30**

**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: Steve Santos, Chairman, John Davis, Keith Ouellette, Alex Simao, Dan S...es

Also Present: Attorney Anjali Shankar Kumar, Ken Batista

First Order of Business: Pledge of Allegiance

Mr. Santos called the meeting to order at 6:00 pm.

**Discussion of DPW Director's Employment Agreement**

Mr. Santos: I would like to discuss the DPW Director's Employment Agreement, everybody has in front of you. Please refer to page 4, paragraph 5c and then we are going to do page 4, paragraph 6. Termination without cause the subject, subject to payment of termination benefits pursuant to section 6 upon 2/3 vote of the Board employment, the employee's employment with the employer may be terminated by the employer without cause upon thirty days of written notice of employee. Any questions on that?

Mr. Simao: No.

Mr. Ouellette: No.

Mr. Santos: Okay, so if we do decide to go that route then it would revert to that same page, paragraph 6 because we are termination without cause we would be, the termination of benefits are unless otherwise specified, provided in this agreement or otherwise required by law all compensation and benefits payable to the employee under this agreement shall terminate on the date of date of expiration or termination of the employers agreement. Hereunder, notwithstanding but foregoing in the event of the termination of the employee employment hereunder by the employer pursuant to testify and only onto section 5c above then the employee shall be paid minimum severance of equal to three months salary at then his current rate of pay, less applicable with holdings upon signing a release of claims. The severance amount shall be paid lump sum unless otherwise agreed on by the employer and the employee. So, just a little clarification upon that is the severance does not start until the signing of the release of claims.

Mr. Simao: So, Mr. Chairman just, so we would have to give him four months pay, is that correct?

Mr. Santos: If you do not, yes because of,

Mr. Simao: The thirty days' notice and the three months

Mr. Santos: Yes.

Mr. Simao: Okay just so we all know.

Mr. Santos: If you do not want him in the building for the next thirty days.

Mr. Simao: And that would be effective immediately? ....today, effective tomorrow?

Mr. Santos: The termination would be effective April 30<sup>th</sup>.

Mr. Soares: Yup.

Mr. Simao: Right.

Mr. Ouellette: But his notice would be April 1<sup>st</sup>.

Mr. Simao: Right, I wanted to make sure of those dates.

Mr. Santos: Yes.

Mr. Simao: Okay.

Mr. Santos: I'm correct with that Anjali?

Atty. Kumar: No, it could be tomorrow.

Mr. Santos: Yes, so it would be given the 31<sup>st</sup>.

Mr. Simao: Okay. I'm ready to make a motion if there's no more discussion.

Mr. Santos: Is, what I'm looking for is, so is there a motion to exercise the provision to terminate without cause under 5c of the employment agreement effective April 20, 2021?

Mr. Soares: April, say it again?

Mr. Santos: Without cause in the employment agreement that was dated when it was dated, January 20, 2020 and then it will, the termination will start on April 30<sup>th</sup>.

Mr. Santos: For discussion, Anjali that is correct, right?

Atty Kumar: I believe so.

Mr. Santos: Okay.

Mr. Ouellette: But that motion was for 90 days or 120 days?

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Mr. Santos: Well, your gonna, your gonna terminate without cause and then the benefit agreement would be the three-month salary and then we are going to give him the thirty days because we do not want him in the building.

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Mr. Ouellette: Correct.

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Mr. Santos: So, that means his effective termination would be April 30<sup>th</sup> 2021.

Mr. Soares: So, then it will be a suspension from now until April 30<sup>th</sup>.

Mr. Ouellette: It would be a paid suspension.

Mr. Santos: It would be a paid,

Mr. Soares: A paid suspension.

Mr. Santos: I don't even know if you would, you can't even call it a suspension, can you?

Atty Kumar: No, it's not a suspension.

Mr. Santos: It's just paid, paid, paid leave.

Atty Kumar: It's not a suspension because he's an employee.

Mr. Santos: Yes.

Atty Kumar: He's being paid, he's just not, he's being relieved on his duties.

Mr. Soares: Okay.

Mr. Santos: Okay.

Mr. Soares: I think part of the motion, you might want to clarify that it's,

Mr. Santos: Dan, he's got to clarify.

Mr. Soares: yes, that he's relieved of his duties as of tomorrow.

Mr. Simao: I was just going to make the motion as of the contracts you know 5c termination without cause with the notice being given to him tomorrow, which is the 31<sup>st</sup> of March 2021 for thirty days and his termination benefits on article 5, section on his contract section 6 termination of benefits, giving him is 90 days' notice effective April 30<sup>th</sup> and then we'll.

Atty Kumar: A thirty days' notice, not 90 days.

Mr. Simao: Ninety days' notice for the second one okay.

Mr. Soares: Thirty days.

Mr. Simao: Thirty days' notice okay.

**Moved by Mr. Simao, seconded by Mr. Ouellette to exercise the provision to terminate Mr. Suprenant without cause under 5c of the employment agreement effective April 30, 2021 with a thirty days' notice given to Mr. Suprenant of his termination on March 31, 2021. Vote 4-1.**

Mr. Santos: Anymore discussion on that? ...none? All in favor, I will do a roll call vote, Johnny?

Mr. Davis: No.

Mr. Santos: Keith.

Mr. Ouellette: No.

Mr. Santos: No, you're not,

Mr. Ouellette: I mean yes.

Mr. Santos: You're saying yes?

Mr. Ouellette: Yes.

Mr. Santos: Johnny you are still saying no?

Mr. Davis: No.

Mr. Santos: Keith yes,

Mr. Soares: Dan Soares, yes.

Mr. Simao: Alex Simao, yes.

Mr. Santos: Hold on, let me right this down and Steve Santos, yes. Okay. Motion... Okay Anjali, thank you very much.

Mr. Simao: Thank you.

Atty Kumar: Okay thank you, take care.

Mr. Soares: Thank you.

**APPOINTMENTS:**

**None**



**CORRESPONDENCE:**

None

**OPERATIONS SUPERVISOR REPORT:**

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**Beaver Solutions:** Mr. Batista explained to the Board that the Town has an agreement with Beaver Solutions to maintain some of the beaver ..., part of the agreement is for them to clean out in front of the grate and the screen and to make sure they are not infiltrating any of the coldbergs. They do some minor repairs on those also. The agreement came in the end of January or beginning of February while Mr. Batista was out of work. That maintenance agreement is \$576 with a 10% discount but because contracted services is deep in the red, the DPW should see if they can get the money from a different account. Mr. Batista believes their services are beneficial because it has prevented several key areas from becoming impacted from the beavers. Mr. Santos stated that he would still charge that to contracted services because there is still money in the operations fund. It is a purchased contract service. Look at the budget on page 3, the \$65,000 is usually a good number but we had to take \$49,500 for the MS4 so that threw us way over. Mr. Santos is working with the Finance Committee now and is trying to pull that MS4 out and put it into a different line item. We have only used 66.4% of the operations budget. Mr. Batista also explained that during their annual inspection, they noted that the coldberg that we have on Fuller Street needs the fencing replaced, it's about 11 years old. Beaver Solutions gave a quote of \$1640 to reconstruct that and he gives a discount because we have more than one in Town, which was \$410. Mr. Batista believes they can wait until after July 1<sup>st</sup> to do that work. Mr. Davis stated that it was pretty backed up there on Sunday because of all the rain. Mr. Batista stated that they do go out and clean it but the fence does need to be replaced but I do believe we can wait until we get the new budget. Mr. Ouellette asked if the beavers were active in there currently. Mr. Batista stated that they are, there are two sites. The beavers are active there and also on Tilley Street/Old West Street as well. Mr. Santos asked if they will hold the price until after July 1<sup>st</sup>. Mr. Batista will contact him but they are very good to the Town.

**Transfer Station:** Mr. Batista stated that the DPW will be opening the back compost area to residents tomorrow. When that opens, we will have to put someone back there and last year we spent almost \$30,000 with...grinding. We don't charge residents for brush but I think it's critical to have someone back there to be sure residents have a valid sticker and have landscapers coming in and abusing it. It is going to tax us a bit because we will need one person at the transfer station and one at the compost area but the benefits of having someone there will outweigh the possible cost. We will rotate the employees through so it's not always the same person. Mr. Ouellette asked if the DPW brings in summer help. Mr. Batista explained that they do hire summer help but it is usually for the parks. Last year we had 4 summer help but this year, if the proposed budget is approved, we will only have 2 summer help. Mr. Santos explained that in order to get a few full time PW-1's then we have to forfeit some of the summer help. Mr. Ouellette asked if they pretty much do lawn mowing and land scaping? Mr. Batista said that is correct but they also do also of ball field maintenance, mowing and trimming. Mr. Soares suggested that the transfer station entrance and exit is changed to the public. So, there is one entrance for the public to enter and stickers can be checked, etc. Mr. Batista stated that there has to be someone watching at all times because people will start throwing all types of items in there, that are not accepted. Mr. Batista also asked the Board if they would allow the transfer station employee to sell transfer station stickers on a Saturday because a lot of residents complain that they cannot get to the DPW during the week or maybe have one late night during the week. Mr. Santos explained that he sold the transfer station stickers for a few months and that person gets a lot of flack because the

resident either has the wrong registration, an expired registration and then if you are over 62, the license needs to be checked and a lot of them pay cash, etc. Mr. Santos would rather keep an office staff employee there until 6 one night a week then to allow the stickers to be sold at the transfer station itself. Mr. Santos will speak with the office staff to see what he recommend and to HR to see if there are any issues on that end. Mr. Ouellette asked if they could do that one Saturday per month instead. Mr. Santos does not believe there is enough in the budget for overtime for a Saturday but may be able to get someone to change their hours to work 10 am to 6 pm on that particular day. Mr. Batista agrees with that and just wants to make it easier for the residents.

**East Street Crosswalk at Walgreens:** Mr. Batista explained that Down to Earth provided a quote for that work. To go with the solar one with radio-controlled push buttons, it is \$16,000 and this also has a pedestrian talk assist for the impaired. To get a hard-wired system, it will be about \$2,000 less or we also have the option of purchasing the equipment directly from the vendor and then Down to Earth would do the wiring and setting of the poles. The poles that are currently there, are not tall enough so they cannot be used. Mr. Davis stated that one of the poles is down in front of the library. Mr. Batista explained that there was an overhead light that fell in the storm yesterday because of the heavy wind. Mr. Batista contacted Eversource and they will come back and pick up the part. Mr. Santos asked Mr. Batista to get all of the information that he has regarding the crosswalk signs to bring to the Safety Committee, which a Board of Public Works member will have to be assigned to. Mr. Batista also stated that Down to Earth did recommend the hard-wired poles because sometimes the radio waves do not communicate with the other side and the conduit and base is already there. Mr. Santos also stated that he will have to speak with the Board of Selectmen or put an article in to see how that project can be paid for as there is not enough in the DPW's budget for that.

**Winsor/Warren Street Paving Markings:** Mr. Batista received two additional quotes, one from Road Safe which was \$2.20 per linear foot for double yellow, it is \$1.25 for white fog line and for the 12" stop bar or crosswalk it is \$3.50 and \$3.00 per square foot for the grindings of the markings in front of TD Bank. They were the highest of three vendors. Mr. Santos asked if there is a mobilization fee with the grinding like Markings Inc. had? Mr. Batista stated that they did not say that but he is going to ask him if they come out to do the painting, they will consider that their mobilization cost. K-5 was \$.65 per linear foot for the double yellow, \$.65 for the single white, \$3.00 for the 12" stop or crosswalk and their grinding price was \$2.00 per square foot. Markings Inc. was cheaper overall as long as the mobilization does not push them over. **Moved by Mr. Davis, seconded by Mr. Simao to use Markings, Inc. for the grinding and painting of paving markings as stated above. Vote 5-0. All in favor.**

Mr. Batista stated that they will have to take the diagonals out and paint perpendicular lines to make it a driveway and begin and end the island. Mr. Santos wants the arrow to stay. Mr. Soares stated that the arrow is just identifying there is a turn lane but it is not a traveling lane.

**Sewer Lateral Repairs:** Mr. Batista reminded the Board that there was a sewer lateral repair on Kirkland and 335 Sewel Street; the resident at 36 Kirkland had to absorb two bills from Fletcher prior to the repair that was done because we were unsure where the issue was originally. Once the repair was complete, the problem was actually in the public way and he is asking for reimbursement for those bills. The resident at 335 Sewel also had Fletcher come out and again the issue was later found to be in the public way and is asking for reimbursement. (Mr. Batista gave the invoices to the Board to review). Both residents called Fletcher before contacting the Town. Mr. Ouellette asked if the homeowner owns from their property to the property line and the Town is responsible from their sewer lateral to the main connection; would the Town have Fletcher clear the service? Mr. Batista explained that the DPW does not own a camera so usually Fletcher will come in a camera the main, if the problem is identified in the



public way, then we will do the repair. Mr. Ouellette asked if we do the repair or just clear the service? Will Fletcher clear the service and the Town absorbs the cost? Mr. Batista explained that the DPW used to go right into the houses and clear the lateral but at some point, the town got away from that due to liability issues and now it we have a private contractor do that type of work. Mr. Santos also explained that by using Fletcher is shifts the liability to them if anything goes wrong and that money comes out of the Sewer Enterprise fund. Mr. Ouellette asked if the DPW crew goes out and inspects the sewer lines prior to Fletcher coming out? Mr. Batista explained that yes there is a crew that goes out first. Mr. Santos explained that usually the resident calls the DPW first and the crew will go out and check the main first. But typically, we still have them come out and look at that T to be sure there's not something stuck there. Mr. Batista stated that recently the issue has been with the utilities. Mr. Santos stated that there are 2 invoices for one resident and 1 invoice for the other resident. Mr. Simao asked why Fletcher came twice? Mr. Batista explained that the first time and did what they could do and then the second day they had to bag it. Mr. Simao stated that he understands that but it should still be one bill, it looks like they did two separate jobs on one house and he doesn't like that. Mr. Santos read the description on each invoice and then explained what that means. **Moved by Mr. Simao, seconded by Mr. Davis to reimburse the two residents for the invoices received from Fletcher. Vote 5-0. All in favor.**

**Chapter 90 Funds:** Mr. Batista explained that MassDOT approved the Chapter 90 Pavement Management studies for 2021 and we are currently working on the... we should have that by the end of this week. Jimmy is working on that to get it done.

**Sidewalks:** Mr. Batista stated that there are some sidewalks that need to be repaired but wasn't sure if the Board wanted to have them done before July 1<sup>st</sup>. Mr. Santos asked Mr. Batista to get him a list of what has to be done as far as a safety concern and attach it to the cost of the annual bid. Mr. Santos also explained to the Board that on the old budget the sidewalk repairs line item was for \$50,000 and last year it was reduced to \$10,000 and he's not sure why but he will ask that it is increased back to the \$50,000. The annual bid is currently \$55 per square yard to replace sidewalks and \$78 per square yard to remove and replace a sidewalk. There is only \$103,000 left in the budget for sidewalks and crack sealing.

**Moved by Mr. Simao, seconded by Mr. Davis to accept the Operation Supervisor's report as read. Vote 5-0. All in favor.**

#### **OLD BUSINESS:**

**Center Street Punchlist:** Nothing as of yet. Mr. Simao asked who accepted the project? Mr. Santos has not received an answer from MassDOT as to who signed off on the project from the DPW. Mr. Ouellette asked what else needs to be done on the Center Street Punchlist? Mr. Batista and Mr. Santos stated that it is mostly sidewalks. Mr. Santos also explained that our Engineer actually approved the plans as given from MassDOT and once that happens you cannot change them.

**Trash Fee Implementation:** Mr. Santos read an email from Joe Alves from the Assessor's office. Mr. Santos stated that it has been a lot more difficult than anticipated to get these bills out.

**New Cemetery:** Mr. Santos asked if Mr. Batista has been in touch with Paul Smith yet. Mr. Batista stated that he has not been in touch with Paul Smith but did speak to Matt at Springfield Water and Sewer and he requested plans so that he can bring them to the commission. Matt was very excited that

the parking will be increased. Mr. Batista also stated that there is a security guard that controls the gate as needed.

**Rood Street:** Mr. Santos reached out to the gentlemen who was handling the intergovernmental agreement for Springfield Water and Sewer and he referred me to a different person as he is now retired. Once the intergovernmental agreement is in hand, they can get Rood Street and Miller paved.

**Budget:** Mr. Santos stated that the COVID budget on the first page is over run but that is because they wanted to know what each department was spending. Forestry has spent 84.1% of their budget due to over time, 64% of administrations budget has been used, 65% for streets and highways, 43.5% for waste collection and disposal and the majority of that is overtime because it was severely underfinanced. Cemetery is due to overtime during Saturday funerals, 48.6% of the budget for the fleet division has been used, 56.1% for DPW administration, 93.5% for Engineering, 66.4% for Operations Division. Trash and solid waste they will discuss further because it was before the DPW had to pay for recyclables. 29.% of the Building budget has been used and 92.1% of the district budget which is all the energy bills, etc. Therefore, out of the \$3,161,135 original budget, they have used \$2,085,362 and have \$656,974.40, which means 80% of the budget has been used already. So, we will have a very lean remaining two months.

**Snow Budget:** Mr. Santos explained that there were some bills that were signed last week and he thinks that may be the last of them. Mr. Santos does think that they will be about \$25,000 over the budget regardless.

**Sewer Enterprise Fund:** Mr. Santos is hoping to present the changes for this next week, as they are currently working on it. Mr. Santos did state that the sewer rate may need to be increased, it is currently at \$3.80.

**Sewer Plans:** Mr. Santos is still hopeful that they will get the plans no later than April 7<sup>th</sup> and then they will have them for a week or so to review. The main concern is making sure the bid documents match. The bid is for April 29<sup>th</sup>.

**Business Administrator Vacancy:** This is going in front of the Board of Selectmen tonight and Carrie is going to let Mr. Santos know if it was approved. If it is approved, we are hoping to post it internally tomorrow or Thursday.

**Ideal Lane:** Mr. Santos read the letter that was sent to the Condominium Association regarding the entrance complaint.

**New Mower:** Mr. Santos reached out to Chairman of the Board of Selectmen Bill Rosenblum and asked if this has been approved yet and Mr. Rosenblum was going to find out and let Mr. Santos know.

**Chapter 90 Funds:** Mr. Santos explained that the Chapter 90 funds were approved for pavement management. Pioneer Valley Planning Commission has been notified and will get on task as soon as possible. They are not sure how long this will take as they do drive every road in Ludlow and give an assessment of every road. Pioneer Valley will come in for a meeting once everything is complete to go over everything. Three Board members signed environmental reimbursement for Hill Terrace.



**NEW BUSINESS:**


Mr. Simao asked how we look with the Finance Committee for next fiscal year? Mr. Santos only met with them once and is still waiting to here back from the Chairman about the brush grinding and some other things. Mr. Santos will be meeting with them again.

Mr. Simao also asked if Mr. Santos received an update as to why the Selectmen receive 2% from the DPW budget? Mr. Santos stated that he has not. Mr. Ouellette asked why the Selectmen get 2% of the budget? Mr. Santos explained that there is a shared expense and this year was \$97,500 and there are three employees that are taken out of the Sewer Enterprise Fund as well. A percentage comes out for the Tax Collector for collecting and processing the sewer bills. There is also a percentage taken out for the building and they are not sure why because the DPW owns the building. There are certain things that they can take out legally but percentages can change. According to Kim Collins the percentages should be more and Mr. Santos disagreed with that. Mr. Ouellette understands why the Tax Collector gets a percentage but does not understand why the Selectmen get a percentage. Mr. Santos went over the shared employees on the budget. Kim Collins is looking into why the Selectmen get the 2%.

Mr. Batista asked if there will be new hires for next Fiscal Year? Mr. Santos stated that he spoke with Eric from the Finance Committee and the Finance Committee approved the DPW to refinance two PW-3 positions. In the past they had a PW-1 and a PW-2 but during tough financial constraints, they made it into one PW-3. Mr. Ouellette asked if the PW-1 was an entry level position? Mr. Santos said yes, it is an entry level position and the DPW does not have any currently. A PW-2 requires a CDL-B and a PW-3 requires a CDL-B as well as a 2A Hoisting License and the PW-4 is the Foreman's Position. The Board was supposed to post the job for the PW-4 but between losing the Business Administrator and trying to get the job description figured out, Carrie has been working on our Director and our PW-3. We will then advertise internally for the PW-4 first and then externally and there is one PW-4 already on the payroll. Mr. Santos explained that he did ask for two PW-1 positions and one will be out of the regular budget. So, basically, we are asking four positions, we are creating one, asking for re-financing on two and then asking for finance on the additional one. If we are able to have an additional four positions plus the new hire that just came on and two summer help, we will have enough for the additional foreman that we are asking for to govern. An additional foreman is needed more in the winter.

Mr. Ouellette asked how many months there is brush at the transfer station? Mr. Batista stated that it goes from April through the second week of December. Mr. Santos stated that if there is an early snowstorm, then it gets closed early.

**Moved by Mr. Simao, seconded by Mr. Davis to adjourn. Vote 5-0. All in favor.**

  
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Ludlow Board of Public Works

