

Meeting of the Board of Selectmen held on June 6, 2017 beginning at 5:30 pm in the Selectmen's Conference Room, Town Hall.

Members present: William Rooney, Chairman; Manuel Silva; Carmina Fernandes; Brian Mannix; Derek DeBarge

First order of business: Pledge of Allegiance

Visitations

The Board met with Elsa Barros, Town Treasurer.

The Treasurer requested that the Board sign the renewal of a short-term bond for six months for \$3,620,000 with Eastern Bank at an interest rate of 1.25%. The bond was approved at town meetings in 2015 for 2½ million and 2016 for 3.2 million, one for the building improvement and the school improvement.

Mr. Mannix made a motion, seconded by Mr. DeBarge, to approve and sign the bond for \$3,620,000. Vote 5-0 all in favor.

---

The Board met with Betty Kibbe and Karen Pilon from the Historical Commission and Lilly Brown.

Mrs. Kibbe stated that she wanted to tell the Board what the Commission has been involved in. She stated that she and Karen walked the entire Riverwalk and has heard from residents that it is very peaceful and beautiful. She stated that Karen compiled all of the information for the signage at the Riverwalk. Everyone should go down there and see it. She stated that she is very proud of all they have accomplished. She thanked the Town Meeting members for supporting the funding for the First Meeting House. They have slowly been making repairs. They are waiting on the State at this point for more funding. She stated that there have been seven bridges across the Chicopee River and only three of them have been named Putts. The one that is currently there was built in 1931 and was never officially named Putts Bridge. Every bridge that was built was in a different location in the same general area. The Commission has received several scrapbooks as donations. She would like to display all of the donations that have been given to the Commission at the First Meeting House. Lilly Brown talked about her project with letter boxes that were placed around Ludlow and she presented her children's book "Let's Explore Ludlow" to the Selectmen. Mrs. Kibbe stated that they really had a great time working with Lilly on this project. Lilly stated that that she can't thank the Historical Commission enough for their help and they are amazing. She completed this project and book as a Girl Scout Gold Award project. She stated that she learned a lot about the town, the community, and herself in doing this project. She thanked the Board for all of their support.

Mrs. Fernandes asked what is the goal of the Historical Commission for the First Meeting House. Mrs. Kibbe stated she would like to store and display all of the historic articles that have been received and collected over the years and would like to hold an open house once a month. Ms. Pilon stated she would like to see Boards, Commissions, Committees, and clubs be able to hold meetings and events there.

Mrs. Kibbe gave a brief history of the bridges over the Chicopee River.

---

The Board met with Penny Lebel, Vice Chairman and Officer Derek Smolinski from the Safety Committee to discuss the Howard and Center Street intersection.

Ms. Lebel stated that the Committee has looked at various options of how to help alleviate some of the traffic concerns at this intersection. After much discussion with the DPW, Police Department, and Fire Department, the Committee has decided to recommend making Howard Street a dead end at Center Street and that would remove the left turn onto Howard Street. Vehicles could continue down Center Street to Hubbard Street to take the left turn and there is room there to pass on the right side. They would also make Howard Street a two-way street so residents could enter and exit at Sewall Street. Statistics from 2015 to now show 21 accidents

and one pedestrian fatality at this intersection. Ms. Lebel stated that after the six month period, if this solution would become permanent, sidewalks and bollards could be put at the end of Howard Street and a "Dead End" sign would be placed at Sewall Street. Officer Smolinski stated that this would also relieve the traffic issue coming off of West Avenue onto Center Street.

Mr. Silva stated that he feels this will cause more traffic issues at the Hubbard and Center Street and Windsor and Center Street intersections.

Mr. Mannix stated that when Howard Street was a two-way street, many vehicles were taking a right hand turn onto Center Street and then a quick left turn onto West Avenue causing traffic issues. He stated that the DPW will need to do a lot of road painting at Hubbard Street so people will know to move into the right lane around vehicles turning left.

Mr. Rooney asked if any of the residents on Howard Street and the side streets that meet it have been notified of this plan. Ms. Lebel stated no and that there will probably need to be a public hearing held on this issue. Mr. Rooney asked how will we know at the end of the six months if this is better or worse than what we have. Ms. Lebel thinks the Police Department would monitor the area during patrols and Sgt. Shameklis does investigate complaints that come to the Safety Committee.

Mr. Silva expressed concerns with traffic cutting through the Maple Tree Square parking lot.

Mr. Mannix made a motion, seconded by Mrs. Fernandes, that we accept the recommendation of the Safety Committee on the closing of Howard Street for up to a six month time period for re-evaluation, decide which way we're going, and if a public hearing is needed that it be held. Vote 5-0 all in favor.

#### Correspondence

127. Christ the King – request for a One Day All Alcoholic Permit and a Music and Dance permit for their Annual Picnic to be held on Sunday, June 25, 2017.

Moved by Mr. Mannix, seconded by Mrs. Fernandes, to approve the request for a One Day All Alcoholic Permit and a Music and Dance permit for Christ the King's Annual Picnic to be held on Sunday, June 25, 2017 and waive any fees. Vote 5-0 all in favor.

128. Celebrate Ludlow Donations – Keystone Commons \$150.00; Jack Goncalves & Sons \$150.00; Polish American Citizens Club \$100.00; Granby Carpet Outlet \$100.00; William Lawlor \$20.00; Dunkin Donuts \$1,000.00; Ludlow Family Dentistry \$300.00; Dr. Steve McDaniel \$100.00; Bay State Painting \$50.00; Randalls Farm & Greenhouse \$250.00; Cash Register Solutions \$100.00; Dr. Theodore Gordon \$100.00; Constance O'Brien \$25.00; Leonard Charest \$40.00; Red Fortune \$100.00; Villa Rose Restaurant \$250.00; Manganaro Home Builders, Inc. \$100.00; McDonalds \$100.00; Paixao, Inc., \$50.00; Caracas Construction Corp., \$100.00; Chemi-Graphic \$50.00; Law Office of William Rooney \$100.00; Ludlow Fire Department Social Club \$250.00; Baltazar Contractors \$500.00; Country Bank \$100.00; Complete Pest Control Service \$30.00; Dr. Bianca Warren \$200.00; Banas Sand & Gravel \$50.00; Nancy Zolty \$25.00; MMWEC \$1,000.00; Northeast Rehabilitation \$100.00; LUSO Federal Credit Union \$250.00. Grand Total - \$6,290.00.

Moved by Mr. DeBarge, seconded by Mr. Mannix, that we accept the donations as read by the Chairman and also send a letter of thank you and to post those on the local channel. Vote 5-0 all in favor.

129. Roger Cox, Jr., abutter to the proposed HAP Housing project – letter outlining concerns over the development and the impact of the area.

Moved by Mrs. Fernandes, seconded by Mr. Silva, to file. Vote 5-0 all in favor.

130. Patrick Paul, District 2 Highway Director – MassDot National Bridge Inspection Standards (NBIS) Bridge Inspection Reports, Miller Street/Chicopee River.

Moved by Mrs. Fernandes, seconded by Mr. Mannix, to file. Vote 5-0 all in favor.

131. Ludlow Police Department Monthly Crime Briefs for February 2017 and March 2017.

Moved by Mrs. Fernandes, seconded by Mr. Mannix, to file. Vote 5-0 all in favor.

132. Joseph Buckley, P.E. Chief Engineer, MSBA – informing the Board that the MSBA Designer Selection Panel selected Mount Vernon Group for the Chapin Street Elementary School project.

Moved by Mrs. Fernandes, seconded by Mr. Mannix, to file. Vote 5-0 all in favor.

133. Sgt. Shameklis, Safety Committee – informing the Board of the five year plan Chapin Greene Condo Association has in place to remove pine trees at the front of the property.

Moved by Mrs. Fernandes, seconded by Mr. Mannix, to file. Vote 5-0 all in favor.

134. Sgt. Brian Shameklis, Safety Committee – recommending that two 15 minute parking signs be placed in front of the “In the Box” establishment located at 135 East Street.

Moved by Mr. DeBarge, seconded by Mr. Mannix, that we accept the recommendation by the Safety Committee that two 15 minute parking signs be placed in front of the “In the Box” establishment located at 135 East Street. Vote 5-0 all in favor.

#### Visitations (continued)

The Board met with Anna Lucey, Director of Government Affairs and Melinda Poore, Regional Senior Director for Government Affairs from Charter Communications.

Ms. Lucey stated that she took over for Tom Cohan who retired. Ms. Poore stated that there was a merger with Time Warner Cable and Brighthouse Communications about a year ago. Ludlow was a legacy Charter area so there haven't been any significant changes. She stated that we just recently rolled out a new program, Spectrum Internet Assist, which is a low cost broadband service for seniors who qualify for SSI benefits and families who have kids on the national school lunch program. It is a 30 megabit by 4 megabit internet service for \$15.00 per month.

Mr. Mannix asked if there are any negotiations going on now with Charter and Comcast. Ms. Poore stated no there is not, there have not been any discussions about Charter and Comcast merging. Mr. Mannix stated that Charter's system is antiquated. He stated that 20 years ago we used to be able to watch the news, sports and weather from Boston stations, Connecticut stations, and New York stations, you took that away. We only have our local news now. Ms. Poore stated that the FCC outlines or designates market areas, so that's where the local broadcasters have their viewing area and so what happens for the cable provider is that is considered an out of market channel because you guys are in the Springfield/Holyoke market. Those stations now become out of network and there are additional broadcasting fees for Charter to bear and it's not economical. Mr. Mannix stated you take lots of channels away but don't replace them, you take and take and take but my bill never goes down. He also stated that new customers get all the great deals and pricing, existing customers get nothing and pay more for the same exact services the new customer is getting. Mr. Mannix asked what the price is for basic cable in the Town of Ludlow. Ms. Lucey stated 17.99. Mr. Mannix stated if you call the customer service number 10 times in one day, they will tell you they don't have any and it'll start off at \$70.00. There is no basic cable in Ludlow. Ms. Poore stated she would look into that.

Mrs. Fernandes asked if they are looking at more wireless internet services. Ms. Poore stated that they are looking at deploying more Wi-Fi hotspots so if you have our broadband service you can access it from other points.

Mr. Silva asked if you can get internet only from Charter. Both Ms. Lucey and Ms. Poore stated yes. Mr. Silva stated many times you call, the answer is no. He has heard from several people that have called customer service and they were told they have to have cable and internet. Ms. Poore stated she would also look into that. Ms. Lucey stated the cost is \$64.99. Mr. Silva stated that seems very high for just internet.

Mr. Mannix stated that when he calls customer service, he always asked where that person is located and they are all over the country. Ms. Poore stated that with the merger with Time Warner and Brighthouse Communications, all overseas call centers are being eliminated, but they are located throughout the country, you could get someone in Florida, Texas or the Carolinas.

Mr. DeBarge stated that he has been trying to help a family who does not have cable, when the house was built originally, cable was not brought to the house but it is on the street, every other house has it. This particular family is the third owner of this house and Charter wants to charge them a lot of money to bring the cable to the house from the pole. Ms. Poore stated she will take the address of this house and look into the matter.

Mr. Richard Moskal, a member of the Cable Committee, asked if a subdivision was being built, would Charter put in the cable. Ms. Poore stated we typically do. If the street is open, if there is conduit open, we go in and put the cable down. Mr. Moskal stated that he is involved with a family, probably the same one as Mr. DeBarge, and that Charter told them it is 1000 feet from the last pole to the house. Ms. Poore stated that is the issue. Typically 125 or 150 feet is kind of what our standard line extension would be and that's from the pole to the house. And the reason we typically don't go beyond that is because the signal degrades. 1000 feet means they could need additional equipment or a pole. Ms. Poore stated we will definitely look at that.

---

Correspondence (continued)

135. Edward Kaczinski, Director Engineering and Generation Assets – MMWEC Gas Pipeline Survey,

Moved by Mr. Silva, seconded by Mr. Mannix, to file. Vote 3-0 all in favor.

136. Eversource – request for the installation of a new 40' full electric pole on Stevens Terrace to help Guy Pole 46/47 on Center Street due to the road widening. Board to schedule a hearing.

Moved by Mr. Mannix, seconded by Mr. Silva, to schedule a public hearing for the installation of a new 40' full electric pole on Stevens Terrace to help Guy Pole 46/47 on Center Street due to the road widening. Vote 4-0 all in favor.

137. Duro-Last – inviting the Board to the Grand Opening Celebration being held on June 20<sup>th</sup> at 11:30 a.m. at 84 Westover Road.

Moved by Mr. Mannix, seconded by Mr. Silva, to file. Vote 4-0 all in favor.

138. Anna Lucey, Director Government Affairs, Charter Communications – changes to the channel lineup.

Moved by Mr. Mannix, seconded by Mr. Silva, to file. Vote 4-0 all in favor.

139. Philip Brodeur – inviting the Board to attend the Boy Scout Troop 180, Eagle Scout Court of Honor for Christian Pearce on June 11, 2017 at 2:00 p.m. at St. Johns Pastoral Center.

Moved by Mr. Mannix, seconded by Mrs. Fernandes, to file. Vote 5-0 all in favor.

140. Nancy Raymond and Jodi Yarkey, LEA Co-Presidents – request to appoint Brian Bylicki as Insurance Advisory Representative for the LEA.

Moved by Mr. Mannix, seconded by Mr. Silva, to appoint Brian Bylicki as Insurance Advisory Representative for the LEA. Vote 5-0 all in favor.

141. Paul Knapik, BSC Group – Environmental Notification Form for 3419 Road Rebuilding Project (Center St). Plans are in the Selectmen's Office for perusal.

Moved by Mrs. Fernandes, seconded by Mr. Mannix, to file. Vote 5-0 all in favor.

142. Matt Bosowicz, Special Police Officer and Dispatcher – copy of letter of resignation from the Ludlow Police Department. Board to accept his letter of resignation.
- Moved by Mrs. Fernandes, seconded by Mr. DeBarge, to accept Mr. Bosowicz's letter of resignation from both the Special Police as well as being a Dispatcher; thank him for his service. Vote 5-0 all in favor.
143. Fred Pereira, Ambulance Abatement Committee – request to abate the amount of \$45,907.10 in ambulance service bills as uncollectable.
- Moved by Mr. Mannix, seconded by Mrs. Fernandes, to abate the amount of \$45,907.10 in ambulance service bills as uncollectable. Vote 5-0 all in favor.
144. Invitation to Alegria Dance and Fitness 5<sup>th</sup> Annual End of year performance “Celebrating and Counting Our Blessings” to be held on June 22<sup>nd</sup> and June 23<sup>rd</sup>.
- Moved by Mr. DeBarge, seconded by Mr. Mannix, to file. Vote 5-0 all in favor.
145. Chief Madera, Police Department – request to charge off medical bills and lost wages to Chapter 41, Section 111F for injuries sustained by a Police Officer on May 25, 2017.
- Moved by Mr. Mannix, seconded by Mrs. Fernandes, to charge off medical bills and lost wages to Chapter 41, Section 111F for injuries sustained by a Police Officer on May 25, 2017. Vote 5-0 all in favor.
146. Chief Madera, Police Department – request to charge off medical bills and lost wages to Chapter 41, Section 111F for injuries sustained by a Police Officer on May 24, 2017.
- Moved by Mr. Mannix, seconded by Mrs. Fernandes, to charge off medical bills and lost wages to Chapter 41, Section 111F for injuries sustained by a Police Officer on May 24, 2017. Vote 5-0 all in favor.
147. Chief Madera, Police Department – request to charge off medical bills and lost wages to Chapter 41, Section 111F for injuries sustained by a Police Officer on May 22, 2017.
- Moved by Mr. Mannix, seconded by Mrs. Fernandes, to charge off medical bills and lost wages to Chapter 41, Section 111F for injuries sustained by a Police Officer on May 22, 2017. Vote 5-0 all in favor.
148. Senator Eric Lesser – inviting the Board to the first annual Thrive After 55 Wellness Fair to be held on June 9, 2017 at the Rivers Auditorium at Western New England College.
- Moved by Mr. Silva, seconded by Mr. Mannix, to file. Vote 5-0 all in favor.
149. Wally Lupa, Director of Animal Care & Facility Development, Lupa Zoo and the Boy Scouts Troop #185 – inviting the Board to a Garden Dedication ceremony in memory of Jozef Czupryna to be held on June 17, 2017 at Lupa Zoo.
- Moved by Mrs. Fernandes, seconded by Mr. Silva, to file. Vote 5-0 all in favor.
150. Notice of Decision - The Wilbraham Board of Health granted Major Modifications to the Site Assignment for the Solid Waste Handling Facility at 120 Old Boston Road, Wilbraham, MA.
- Moved by Mr. Silva, seconded by Mrs. Fernandes, to file. Vote 5-0 all in favor.

#### Visitations (Continued)

The Board met with Attorney Daniel Hill and his Associate Caitlyn Baptista regarding the comprehensive permit application for 188 Fuller Street.

Attorney Hill stated that there is a peer review underway, there was a traffic peer review memo that was filed on May 30. There is a storm water and general civil engineering peer review that's underway by GZA. We are not aware of any other peer review that's been engaged. There is a unique situation where the Town actually owns an abutting property, so you have a unique position where the Board of Selectmen is not just representing the town's general interest, you also represent the interest of a particular parcel of land and we did see that there was a comment from your Conservation agent. He made some interesting comments at the last hearing about the impacts on the wetlands and the neighborhood. It seems like things are moving a little bit slowly. It's a little concerning that the hearing is still open because the Zoning Board has a six month deadline to close the hearing and start deliberations.

Mr. DeBarge asked who it is concerning for?

Attorney Hill stated the town side. The hearing has open for three months, at this point you would have wanted the peer review to have been done. Usually you hire the peer review folks at the first or second night of the hearing. The Zoning Board seems to only be meeting once a month. There is a lot to do in six months and you want to get this peer review done within the first three months so then you have the next three months to digest it, figure out if you want to impose conditions, figure out what kind of waivers you want to grant and deny and then look at the economic impact of those decisions. Generally speaking this is a little bit slower than we like to see.

Mr. Mannix stated that a lot of the reviews hadn't come in, so there was a delay with that.

Mr. Rooney asked if it makes sense to request an extension. Attorney Hill stated that there's no reason not to ask for it, particularly if the delay is attributable to the applicant. That request would come from the ZBA.

Mrs. Fernandes asked what the benefits are of the Town being an abutter to the property. Attorney Hill stated he thinks it might give the Town standing to appeal the permit if you thought that the applicant wasn't addressing all the concerns that you have. It gives you the ability to file an appeal, whereas most towns would not be able to do that. A Board of Selectmen or a Planning Board generally does not have standing under Chapter 40B to file an appeal of a comprehensive permit.

Mr. Rooney asked about the possible peer review in the 40B project economic consultant. Attorney Hill stated that a zoning board is entitled to review the developer's budget, their projected costs of development, and projected income from rents. A zoning board is entitled to review this area if it comes to a point where the zoning board is going to issue a permit and either deny waivers or impose conditions that will have an economic effect on the project. He recommends that the ZBA request the economic peer review which would happen towards the end of the six months. The Zoning Board doesn't really have the ability to ask for the pro forma and do the peer review until it's given the developer an opportunity to say or to comment on the proposed conditions. It's appropriate that the Zoning Board would say these are our conditions, let us know if any of these are gonna be economic and if they are give us your pro forma, we'll have it peer reviewed and we can decide whether or not we want to continue imposing those conditions.

Mr. Rooney stated that it seems to me that we're getting towards a critical juncture, does it make sense that you attend the next hearing in part to gather some more information on an extension and other things as well. Attorney Hill stated he thinks it depends on what the Board of Selectmen's objective is and what role you want to play. Do you want me to become an advocate for the Town in this process? If yes then I think I should attend some of these hearings. If not, I'm not sure how much value I can add simply by attending the hearing. I'm happy to help the Zoning Board if they want the help.

Mr. Rooney asked the Zoning Board Chairman Anthony Jarvis if he would like to have Attorney Hill attend the hearings and advise them. Mr. Jarvis stated he would have to discuss that with his Board.

Mr. Mannix asked if it would be appropriate for a member of the Board of Selectmen to sit down and discuss other options with Wayfinders. Attorney Hill stated he doesn't see any issues with

that. The State encourages cities and towns to work with developers to get these housing projects built. Mr. Rooney asked if Attorney Hill should be a part of this discussion. Attorney Hill stated it would be a good idea for him to be involved. He will provide an estimate of what his fees will be for these additional services.

Mr. Silva made a motion, seconded by Mr. Mannix, to appoint Carmina Fernandes as our spokesperson if we move on further and actually schedule meetings with Wayfinders and our spokesperson with Attorney Hill. Vote 4-0 all in favor with Mrs. Fernandes abstaining.

Mr. Rooney stated that he is disappointed with the attendance by the townspeople at the meetings discussing this housing project. He would like to use the Blackboard Connect system to remind residents of the upcoming meeting on June 14.

#### Unfinished Business

The Board signed the One Day Beer & Wine Permit for the grand opening of Vanished Valley approved at a previous meeting.

---

The Board signed the One Day All Alcoholic Permit and Music and Dance permit for Christ the King's Annual Picnic.

---

Board to approve and sign the Selectmen minutes of January 17, 2017.

Moved by Mr. Mannix, seconded by Mrs. Fernandes, to sign the Selectmen minutes of January 17, 2017 with all members present. Vote 5-0 all in favor.

---

Board to approve and sign the Executive Session minutes of April 27, 2017 first session and second session.

Moved by Mr. DeBarge, seconded by Mr. Mannix, that we accept the Executive Session minutes of the Board of Selectmen held on April 27, 2017 for the first session and the second session with Mrs. Fernandes absent. Vote 4-0 in favor with Mrs. Fernandes abstaining.

---

The Board provided an update on the HAP Housing 188 Fuller Street project during the visitation with Attorney Daniel Hill.

#### New Business

Board to appoint Captain Kozak as the Hazardous Material Coordinator and to the Safety Committee.

Moved by Mr. Mannix, seconded by Mr. Silva, to appoint Captain Kozak as the Hazardous Material Coordinator and to the Safety Committee. Vote 5-0 all in favor.

---

Board to appoint Zachery Ellison to the Insurance Advisory Committee.

Moved by Mr. Mannix, seconded by Mrs. Fernandes, to appoint Zachery Ellison to the Insurance Advisory Committee. Vote 5-0 all in favor.

---

The Board perused the Executive Session minutes of May 16, 2017 second session.

---

The Board perused the Selectmen minutes of February 7, 2017.

---

Board to approve and Chairman to sign 5 copies of the contract between the Town of Ludlow and Mount Vernon Group for the Designer Services for the Chapin Street Elementary School project

Moved by Mr. Silva, seconded by Mrs. Fernandes, that we approve and the Chairman sign 5 copies of the contract between the Town of Ludlow and Mount Vernon Group for the Designer Services for the Chapin Street Elementary School project. Vote 5-0 all in favor.

Closing Comments

Mrs. Fernandes stated that it's important for residents to know why we can't have other choices for cable and internet besides Charter. She stated they have invested tons of money in infrastructures and fiber optics and another company would have to do the same, which isn't economical.

Mr. Mannix thanked everyone for their Celebrate Ludlow donations and encouraged everyone to support it. He expressed his dismay with the Zoning Board of Appeals in regards to the Wayfinders development at 188 Fuller Street.

Mr. Silva congratulated the graduating Class of 2017.

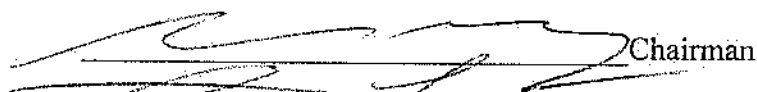
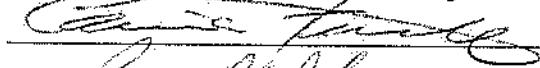
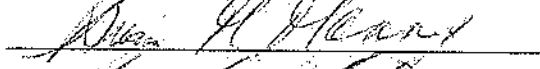
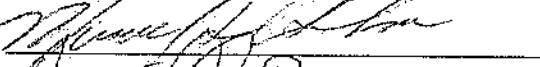

Mr. DeBarge congratulated the graduating Class of 2017. He thanked everyone who attended the Memorial Day parade. He attended the Middle School chorus show and it was Mrs. Pereira's last show before she retires. She is an unbelievable teacher and woman.

Mrs. Fernandes also congratulated the Class of 2017. She attended the 2017 Class night and she was very impressed with the students who received scholarships this year.

Mr. Rooney thanked everyone who attended the Memorial Day parade. Our Veterans Services Director Eric Segundo does a phenomenal job. Mrs. Pereira is the epitome of a teacher, the passion that she brings and what she gets out of her students is amazing.

Moved by Mr. DeBarge, seconded by Mr. Mannix, that we enter into executive session at 8:39 and not return to open session for the purposes of labor negotiations. The Chairman determined that an open meeting may have a detrimental effect on the bargaining or litigation position of the public body.

Mr. Mannix, yes; Mrs. Fernandes, yes; Mr. Silva, yes; Mr. DeBarge, yes; Mr. Rooney, yes. Vote 5-0 all in favor.

  
Chairman  
  
  
  
  
Ludlow Board of Selectmen

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