

Meeting of the Board of Selectmen held on June 20, 2017 beginning at 6:00 pm in the Selectmen's Conference Room, Town Hall.

Members present: William Rooney, Chairman; Carmina Fernandes; Brian Mannix

Members absent: Manuel Silva; Derek DeBarge

First order of business: Pledge of Allegiance

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TOWN OF LUDLOW

Visitations

The Board met with the Board of Public Works.

BPW Chairman Steve Santos opened the meeting of the Board of Public Works. Members present were Steve Santos, Chairman; Barry Linton; Alex Simao, Guilherme Rodrigues.

BPW Chairman Steve Santos introduced Mr. Steven Frederick, the new Director/Town Engineer for the Department of Public Works.

The following items were discussed.

New Cemetery – Mr. Rooney stated that the Town attempted to purchase the parcel next to the 20 acre parcel the Town owns on Center Street and was not successful; the seller entertained another offer. Mr. Santos presented a plan to develop four acres of the parcel. They will need to remove trees, strip off the top layer of material and they will need to get permission from the MWRA to hook up to their waterline. If the budget allows they would like to put in a maintenance building. There will be eight sections with 336 graves in each for a total of 2688 graves within the four acres. There will also need to be fencing put in. He is in contact with the Town Accountant in regards to monies available in the Cemetery Perpetual Care account. It is estimated that this new cemetery will accommodate the Town's cemetery needs for the next 20-25 years. It is unclear at this time how the rest of the property could be developed for recreational use. Mr. Rooney stated that he is concerned that the remaining 16 acres will not be developed over the years due to other financial priorities of the Town. He would like to see some options for that development in the near future. Mr. Santos stated the Department will put something together. He stated that there is a possibility of adding parking for the Reservoir; they will contact Springfield Water & Sewer to discuss the parking.

Howard Street Closing – Mr. Santos stated that the BPW's suggestion is to switch the one way direction on Howard Street, make it a right turn only coming out of Howard onto Center Street. The concern of closing it is access for Police and Fire vehicles. With one way a few property owners would not have legal access to their driveways. If we close Howard Street, are vehicles going to go through the shopping center to get to Howard Street? Another concern is that the traffic that goes on Howard Street now will use Hubbard Street and put more congestion at the Sewall and Hubbard intersection. Mr. Linton stated that the Safety Committee is going to make Howard Street a two-way street so that people can get to their driveways. Blocking it off would only be temporary and you would have to make no parking across from Hubbard Street so people could still get by there on the right hand side and you can take a left onto Hubbard Street. Fire and Police were at the meeting with the Safety Committee and they don't see an issue with it. He stated the feeling of the Safety Committee is we have to try something because it's not working the way it is. Mr. Mannix stated he is in support of the Safety Committee and there is no easy solution to the problem. He stated that a lot of pavement markings and signage will be needed. Ms. Villano stated there has to be a Public Hearing to allow the public an opportunity to speak on the issue and once a decision has been made, it has to be advertised to give the public notice of the change. She stated that because that is a state road, we may need permission from the State to make traffic changes there. Mr. Frederick stated he will check with MassDOT to see if there are any traffic control agreements in place and if so we just need an amendment to the agreement.

Mr. Mannix made a motion, seconded by Mrs. Fernandes, to have a public hearing for the intersection of Howard and Center Street being changed or closed off for July 25, 2017. Vote 3-0 all in favor.

Center Street Project – Mr. Santos stated that Beta Group has responded to MassDOT comments received on 100% submission. Crowley Associates is performing appraisals and should have them completed by June 30th. The latest they will be turned in is July 7th. Ms. Villano stated that MassDOT wanted to go out to bid on August 5th but there is a 30 day notice and negotiation when you have to do permanent takings. So if the offers go out on the 7th, then its 30 days before the Town can have a Town meeting to have the Board of Selectmen acquire all of those parcels.

Interdepartmental Transfers – Mr. Santos stated that they have a deficit and by the time they found out about the deficit they had already done moving of funds in order to do line striping and crack sealing. He stated there is a shortfall in their waste disposal of \$44,850. Most of the transfers will go to the Operations budget. Ms. Villano stated that the DPW will present their transfer requests to the Board on July 11th. Ms. Villano stated that it was recently discovered that the Health Insurance/Fringe Benefits account is in a deficit. The Town Accountant has reviewed the inter-department transfer requests and all of the Department's budgets and has spoken to all the Department Heads and many of them have agreed to transfer remaining funds in certain line items into the Fringe Benefits line item to make it whole.

Correspondence item #154, Whitney Park tennis courts – Mr. Santos stated that he spoke with Sean McBride, Chairman of the Recreation Commission, and he is adamantly against changing the tennis courts into a parking area. Ms. Villano will be checking to see if there is a deed restriction on the park property. Mr. Simao stated he is against putting parking there, he feels it should be left as a recreational area. Mr. Rooney stated that he would like to hear from the Recreation Commission before this issue goes any further.

Use of Town Counsel – Mr. Rooney stated that we have a bylaw, which he read a portion of, and that the purpose of the bylaw is to try to do away with the chaos of various members of Boards reaching out. He doesn't think that individual board or committee members should be picking up the phone and calling Town Counsel. He feels that Town Counsel should be instructed to not entertain discussions or conversations or calls from individual board members unless there is some emergency.

Mr. Mannix made a motion, seconded by Mrs. Fernandes, that no one other than the designee from each Board contact the Town Counsel under any circumstances without going through the Town Administrator first. Vote 3-0 all in favor.

Mr. Rooney stated that we have a certain form of government in this town and there are a number of different people that are on various boards and committees and we get their input and work on those various boards and committees. The down side of that is there's no particular person or board in charge and you folks can do what you want and the Planning Board can do what it wants and the Board of Selectmen can do what it wants and there's nobody to really oversee that. He stated, having said that, I don't think the last several months have been your finest hour. He has watched BPW Board meetings and he has heard from several residents. He feels that they are not serving the public. He stated that this Board has absolutely no authority over the BPW but he thinks that he would be, given how it's been, given the number of people that have contacted him, he thinks he would be not doing his job if he didn't say his two cents. He stated that as a Board they need to take a look at it and perhaps renew an effort to be more positive.

Mr. Mannix expressed his dismay at the fact that no one answers the phone at the DPW. Mr. Linton stated that six weeks ago he made a motion that they answer the phone and Mr. Frederick will have to look into why it isn't happening.

Mr. Santos stated that the First Meeting House grant was not approved. He stated that there are some proposed paving projects, West Street from Stony Brook to Holyoke; Miller Street from the Greene Towne Bridge to 247 Miller Street; Holyoke Street from Cady Street to Chicopee line, due to budget constraints it might be from Holyoke to Cady and then from Holyoke to Chicopee line after. He asked the Board of Selectmen to please appoint the new Director as the Trench Permitting Authority.

Mr. Mannix made a motion, seconded by Mrs. Fernandes, to appoint Mr. Frederick as the trench and ditch inspector. Vote 3-0 all in favor.

Mr. Santos stated they are still working on Nick Silva field. There is drainage that has to be done and paving of the parking lot.

Mr. Rooney stated that he and his family were at Island Pond Cemetery over the weekend and one of his daughters stated that the cemetery is a nice well-kept cemetery. He stated that every time he goes there it is very well kept.

The Board met with Chris Coelho and Joe Queiroga from the Planning Board and Town Planner Doug Stefancik.

Mr. Coelho discussed the Housing Production Program (HPP). Through the use of technical consultants, we can develop this plan and basically it does three things: it gives you a stock of your current affordable housing units; it does a needs assessment; it sets you up with goals for affordable housing; and then you get implementation strategies. The end all result is giving you direction and the ability to focus where you want your affordable housing to be located without going through the 40B process and it shows the state that the Town is making an earnest effort to reach their 10%. As a Planning Board we are interested in trying to get one of these plans done but we need the buy-in from the Board of Selectmen. There is a small financial aspect to get it done right and certified by the State. Mr. Stefancik stated that there is approximately \$275,000 in the 40R Smart Growth Zoning District to pay the technical consultants to develop this plan. They are looking for up to \$20,000 to have a housing consultant help us develop a plan. Mr. Coelho stated that the Planning Board would be able to manage the plan. This plan would have to be adopted by the Planning Board and the Board of Selectmen and would be valid for at least five years.

Mr. Mannix made a motion, seconded by Mrs. Fernandes, that the Board of Selectmen support the Planning Board in their Housing Production Program with the spending of up to \$25,000 and anything in excess of that come back and notify the Board of any excess spending needed. Amendment to the motion: the money will come from the Smart Growth account. Vote 3-0 all in favor.

The Board met with the Senior Center Building Committee. Members present were Fred Lafayette and Jodi Zepke.

Ms. Zepke gave an update as to what the Committee has been doing over the last six months. The Committee members are Jodi Zepke, Fred Lafayette, Steve Santos from the DPW, Mr. Rooney from the Board of Selectmen, Richard Moskal from the Finance Committee, and Michael Szlosek and Matias Goncalves from the community. She stated that they spoke with the Town Planner to see if there are any available town-owned properties for the new Senior Center and there are not. She also stated that there aren't any other privately owned properties for sale that are suitable other than at the Ludlow Mills Redevelopment site. They have met with Eric Nelson from Westnass. They visited four new Senior Centers in the area, Agawam, Holyoke, Chicopee and Westfield. All four are newer facilities and were designed by four different architects. They are looking for an 18,000 to 20,000 square foot facility. They have a concept design from the feasibility study. In the current design, every room will be multi-purpose use. Going forward they know that they have to go to a Town Meeting to ask the precinct members to approve the allocation so it can go on the ballot in March of 2018. The Committee voted to ask for 9.8 million dollars. She stated that the over 60 population in Ludlow has increased by 40% from the year 2000 to 2017. The Ludlow Senior Center is extremely busy. It's time that we move forward and we bring new and better to everybody that built this community.

The Board met with Kim Downing, Chairman of the Finance Committee to discuss Interdepartmental Transfers.

Ms. Downing stated that with the Modernization Act, the State has taken off the 3% cap. In her opinion, that leads to a possibility of abuse and it allows Departments to count on money to adjust and increase their budgets without a lot of oversight. She thinks that there are a lot of misconceptions about what the Departments can and can't do. It allows them to go from category to category because if they have a deficit in one and an overage in another, they can

move money but it was her understanding that they put the request in and the Board of Selectmen with input from the Finance Committee approves it and it is not allowable until it's approved. She feels that it is the responsibility of the Finance Committee to look for ways to give back money to the Town. She feels that we need more oversight of the Department's budgets. She thinks it encourages people to over-budget so they know they have a little extra at the end of the year. She would like some clarification and direction from the Board of Selectmen.

Ms. Villano stated that the transfers go to the Board of Selectmen and the Finance Committee. Finance has stated that they feel it's too late for them to review them because it's front of you first. The Departments have done their due diligence on their budgets. For whatever reasons they may have an extraordinary expense in one line item that can be covered by a surplus in another line item, which goes through the Department Head, the Town Accountant, it goes in front of you and it goes in front of Finance. She thinks that a majority of the Departments really try to stay within their budgets. The transfers are still within their budget, they're not using money that's not within their budget. The State allows in excess of 3% to be transferred but that doesn't preclude the Board from setting other ground rules. I think this whole discussion boils down to Finance would prefer to see it beforehand.

Mr. Rooney stated he wouldn't want to vote on any transfers tonight without hearing from the Department Head or Finance. He feels he cannot make an intelligent decision without knowing the details. Ms. Villano stated that this process has been in place for many years. There have been other years in the past that the transfers have come before the Board of Selectmen before the Finance Committee and vice versa. This year it was just a matter of timing.

Ms. Downing stated that normally the transfers come in in May but the transfers didn't come in so the Finance Committee couldn't set a meeting and make appointments for the Departments to come in. It just happened that the Board of Selectmen meeting was before the Finance Committee. She stated that tomorrow night, if you vote tonight on whatever, the Finance Committee will do a simple consensus of approval with your decision. She stated that she feels that the role of the Finance Committee is to do the grunt work for the Board of Selectmen, get the details, and make their recommendation. She questioned whether it is right or is it legal for Departments to encumber funds on negative line items before the transfers are approved. Mr. Rooney stated he doesn't think that it's right but would defer to Town Counsel if it is legal. Ms. Villano stated that going forward, if you want the transfers to go before Finance before coming to you, you can set that policy.

Ms. Downing stated that there are several transfers that are common sense that you can look at and say yeah that makes sense, you could vote those tonight and we would concur. And the ones that you have an issue with, we will set up a meeting and we will get all the details you need. She stated that Departments should be instructed that they cannot encumber funds for a purchase based on a transfer of money from one line item to another until the transfer has been approved.

Mr. Mannix made a motion, seconded by Mrs. Fernandes, to accept the transfer of money as submitted by the Board of Selectmen. Vote 3-0 all in favor.

Mr. Mannix made a motion, seconded by Mrs. Fernandes, to accept the transfer of money as submitted by the Town Accountant. Vote 3-0 all in favor.

Mr. Mannix made a motion, seconded by Mrs. Fernandes, to accept the transfer of money as submitted by the Town Collector, \$2,750. Vote 3-0 all in favor.

Mr. Mannix made a motion, seconded by Mrs. Fernandes, to accept the submitted by the Information Technology Department the transfer of \$2,550. Vote 3-0 all in favor.

Mr. Mannix made a motion, seconded by Mrs. Fernandes, to accept the transfer of money as submitted by the Police Department, Chief Madera in the amount of \$16,400. Vote 3-0 all in favor.

Ms. Downing stated that this transfer for the Fire Department is for the purchase of a vehicle that was approved by Capital. The Finance Committee does not have the details of this and would have questions on this.

Mr. Mannix made a motion, seconded by Mrs. Fernandes, to put this off and refer it back to the Finance Committee for their recommendation. Mr. Rooney stated he doesn't know the details of this. He stated he has a philosophical problem with an interdepartmental transfer being used for the purchase of a vehicle. He understands that Capital Improvement gave this its blessing but Capital Improvement is a recommending body. He feels that approving this transfer will not give Town Meeting the right to vote on it. Ms. Downing feels that the Fire Department knew they would have an overage so they were pre-spending the money and Capital approved it. Mr. Mannix stated that this should go to Town Meeting and the Board should not approve it. Ms. Downing stated that's why we need to clarify that Departments should not be allowed to encumber funds from interdepartmental transfer money at any time until the transfer is approved. They were told by Capital that they could do it. Ms. Villano stated that the Fire Chief did speak to her about his purchase and as part of the interdepartmental transfer process that we've been going through for the past several years, he wanted to purchase it, I said I don't feel comfortable with it, it's a Capital item, you should sit with Capital and get their opinion and blessing on it. Vote 3-0 all in favor.

Mr. Mannix made a motion, seconded by Mrs. Fernandes, to accept the transfer of money as submitted by the Veterans Services Agent Eric Segundo for \$3,000. Vote 3-0 all in favor.

Mr. Mannix made a motion, seconded by Mrs. Fernandes, to accept the transfer of money as submitted by Hubbard Memorial Library in the amount of \$3,163. Vote 3-0 all in favor.

Mr. Mannix made a motion, seconded by Mrs. Fernandes, to accept the transfer of money as submitted by the Recreation Department in the amount of \$9,200. Vote 3-0 all in favor.

Mr. Mannix made a motion, seconded by Mrs. Fernandes, to accept the transfer of money as submitted by the Golf Course by Mr. Linton. Vote 3-0 all in favor.

Mr. Mannix made a motion, seconded by Mrs. Fernandes, to accept the transfer of money as submitted by the Town Treasurer in the amount of \$20,300. Vote 3-0 all in favor.

Ms. Downing stated that the Finance Committee tomorrow night will take a vote to concur with your vote on the transfers you just approved. And she will set up a meeting for the DPW and the Fire Department and Fringe Benefits.

Correspondence

151. Chief Madera – informing the Board that as of June 6, 2017 Adam Madera has resigned as a Special Police Officer.

Moved by Mr. Mannix, seconded by Mrs. Fernandes, to accept the resignation of Adam Madera as a Special Police Officer and send off a letter of thank you. Vote 3-0 all in favor.

152. Patrick Paul, District Highway Director – copy of the District's comments on the consultants 100% design submission for the reconstruction of Center Street (Route 21).

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

153. Application for a Common Victualler License for Papa Gino's Inc.

Moved by Mr. Mannix, seconded by Mrs. Fernandes, to approve the application for the Common Victualler License for Papa Gino's, Inc. Vote 3-0 all in favor.

154. Steve Santos, Chairman of Board of Public Works – requesting the Board's comments on the proposal for changing the tennis courts at Whitney Park into a parking area for the baseball fields.

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

155. The Alcoholic Beverages Control Commission to hold a hearing on Tuesday July 25, 2017 regarding an alleged violation that occurred at Four Seasons Wines and Liquors.

Moved by Mr. Mannix, seconded by Mrs. Fernandes, to table this item until we receive a decision from the ABCC and then schedule a hearing with Four Seasons Wines and Liquors. Vote 3-0 all in favor.

156. Justin Larivee, Building Commissioner & Zoning Enforcement Officer – informing the Board that a third notice has been sent regarding the parking of equipment & junk at 312 Miller Street.

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

157. Robert Farr – Notice of Intent to remove Lot 15 West Street, being a 1.57 acre parcel, from Chapter 61B (waiting for the letter from the Assessors).

Moved by Mr. Mannix, seconded by Mrs. Fernandes, to table this item. Vote 3-0 all in favor.

- 157a. Douglas Stefanick, Town Planner – Planning Board has no interest in Lot 15 West Street.

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

- 157b. Jason Martowski, Chairman – Conservation Commission has no interest in Lot 15 West Street.

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

158. Brian Walsh, Resident, Teacher, Coach – letter to Selectmen on the condition of the track at the high school.

Moved by Mr. Mannix, seconded by Mrs. Fernandes, that this letter gets referred to the School Department and/or Superintendent of Schools. Mr. Rooney stated he agrees with everything in the letter, the track is in awful condition. He believes that this letter also went to the School Department. He asked that we follow up with this situation in a couple of months. Vote 3-0 all in favor.

159. Celebrate Ludlow Donations - The Lawn Specialist \$100.00; Walter Shaw \$25.00; Precision Home Improvement \$200.00; Noonan Energy Corp., \$50.00; Alegria Dance & Fitness \$50.00; The Butler Corporation \$500.00. Grand Total - \$7,215.00.

Moved by Mr. Mannix, seconded by Mrs. Fernandes, to accept the donations from the list read and send a nice letter of thank you to all of them. Vote 3-0 all in favor.

160. Roger Cox, Jr., abutter to the proposed HAP Housing project – letter of concerns over the impact on the area.

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

161. Chief Madera – requesting the Board appoint Jeffrey J. Beleski, Tyler L. Martins, Timothy D. Pagnoni and Vincent Stanek as Special Police Officer status effective immediately.

Moved by Mr. Mannix, seconded by Mrs. Fernandes, that we accept Chief Madera's letter requesting appointment of the four gentlemen following the screening process. Vote 3-0 all in favor.

162. Tammy Turcotte - request to be formally appointed as a volunteer to the Animal Control for the Town of Ludlow.

Moved by Mr. Mannix, seconded by Mrs. Fernandes, that we accept Tammy Turcotte as a volunteer to the Animal Control for the Town of Ludlow. Vote 3-0 all in favor.

163. Keith Davies/C4r Coordinator - requesting support for the creation of a portage around the Collins Dam on the Chicopee River between Ludlow and Wilbraham.

Ms. Villano stated she sent this letter to the Police Department, Fire Department and Department of Public Works. She stated that they want to put this portage right where the gas company has their access road. She stated that the Police Chief is not in favor of this portage and sees it as a safety hazard. Mr. Mannix stated that this property is not owned by the Town.

Moved by Mr. Mannix, seconded by Mrs. Fernandes, that we support Mr. Davies request for creating a portage around Collins Dam and him following through on all the legal procedures. Vote 3-0 all in favor.

164. Rebecca Paul, Celebrate Ludlow – requesting permission to hang banners for Celebrate Ludlow at the Ludlow Bridge, turnpike entrance and the entrance of Sportsmen's Road. And also request that all fees for the event be waived.

Moved by Mr. Mannix, seconded by Mrs. Fernandes, we approve the hanging of banners for Celebrate Ludlow at the Ludlow Bridge, turnpike entrance and the entrance of Sportsmen's Road and also that all fees for the event of Celebrate Ludlow be waived. Vote 3-0 all in favor.

Unfinished Business

The Board signed the Common Victualler License for Papa Gino's Inc.

Board to approve and sign the executive session minutes of May 16, 2017.

Moved by Mrs. Fernandes, seconded by Mr. Mannix, that we approve the executive session minutes of May 16, 2017 with all members being present. Vote 3-0 all in favor.

Board to approve and sign the Selectmen minutes of February 7, 2017.

Moved by Mrs. Fernandes, seconded by Mr. Mannix, that we approve the minutes of February 7, 2017 with all members being present. Vote 3-0 all in favor.

New Business

Board to approve and sign three copies of the Traffic Control Agreement between the Massachusetts Department of Transportation and the Town of Ludlow.

Moved by Mr. Mannix, seconded by Mrs. Fernandes, that we sign the three copies of the Traffic Control Agreement between the Massachusetts Department of Transportation and the Town of Ludlow. Vote 3-0 all in favor.

Board to sign the Gravel Bank permits.

Ms. Villano stated the gravel bank inspections have not been performed yet.

Moved by Mr. Mannix, seconded by Mrs. Fernandes, that we wait until the gravel banks are inspected. Vote 3-0 all in favor.

The Board perused the executive session minutes of May 16, 2017 1st Session, May 25, 2017 and June 6, 2017.

The Board perused the Selectmen minutes of May 25, 2017 and February 21, 2017.

Closing Comments

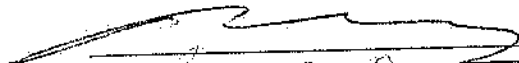
Mr. Mannix stated that the Planning Board's Housing Production Plan proposal is an excellent idea for the Town of Ludlow.

Mrs. Fernandes stated she agrees with Mr. Mannix.


Mr. Rooney stated that this Friday night at the Lusitano Stadium is Project Purple night which is sponsored by the Ludlow Cares Coalition and the Western Mass Pioneers. Project Purple is essentially a club at the middle school that's committed to students being substance free. It is a nationwide group that was started by Chris Herron. Anyone wearing purple will be entered into a raffle for prizes. He stated that he, Mr. DeBarge and Mrs. Fernandes attended the East of the River Five Town Chamber of Commerce's meeting and breakfast and the Citizen of the Year was Gloria Faria and she is well deserved of that. He also commended the number of people who turned out for the last WayFinders public hearing. He stated the next one is July 12th. He attended the Middle School graduation and that the event was somewhat bittersweet as Erin Yanbul, a student at the middle school, who tragically drowned in a swimming accident last week. There was a celebration of his life service at Our Lady of Fatima on Sunday. He stated our thoughts and prayers are with the Yanbul family.

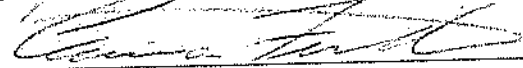
Mrs. Fernandes stated that she attended the Duro-Last ribbon cutting ceremony and they are very excited to be here in the Town of Ludlow.

Moved by Mr. Mannix, seconded by Mrs. Fernandes, to adjourn at 9:35 pm. Vote 3-0 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.