

July 11, 2017

The meeting of the Board of Selectmen held on Tuesday, July 11, 2017 beginning at 6:00 p.m. in the Selectmen's Conference Room, Town Hall.

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2017 NOV 29 P 3:11  
TOWN OF LUDLOW

Members Present: Chairman William Rooney, Manny Silva, Carmina Fernandes, Brian Mannix and Derek DeBarge.

First order of business: Pledge of Allegiance

## OPENING COMMENTS

Mr. Rooney asked for a moment of silence for the tragedy that occurred in Ludlow on the Fourth of July. There was a tragic fire that occurred on Newbury Street at about 6:00 o'clock in the morning. The Ludlow Fire Department especially the B crew performed very heroically, but sadly three family members were lost Carol Alves, Alfred Alves and their son Darren Alves. Mr. Rooney had the opportunity to attend the funeral mass yesterday that was celebrated by Bishop Rozanski and there really aren't any words so he asked for a moment of silence for the Alves family.

## II: VISITATIONS

6:00 p.m. Eric Nelson – WestMass

Mr. Nelson: I am President and CEO of WestMass Area Development Corporation, the developer of the Ludlow Mills. I would like to take this opportunity to introduce our newest member of the WestMass team, Sarah Northrup, who is our Vice President of Real Estate Development. Sarah comes to WestMass with a great resume having worked with the consulting, engineering firm Tighe & Bond for a number of years, then working with Mass Development after that primarily in Northampton at a project there, and for the last 7+ years at the University of Massachusetts in the building and construction division during their big build out over the last almost decade. Sarah is a civil engineer, a P.E. registered in Massachusetts and also is a certified procurement official and she sits on a local Zoning Board of Appeals Board too so she is well versed in that position as well.

I actually was quite pleased that Mr. Frederick took the position. I have worked with him in Chicopee in various capacities and he is very capable. I think you are going to be in good hands. I certainly look forward to working with him here in Ludlow and in particular on the project that I am going to be talking about with you here briefly over the next couple of minutes.

As you know, we are in year 6½ of a 20 year buildout. We are at a portion of the full 20 year buildout where we need to gain access to Section 4 which is where we have over a half a million square feet of developable proposed building and over 60 acres of prime light industrial pre-permanent zoned land available for development once we get this roadway in called Riverside Drive. The special permit and the local comprehensive plan that was approved by the Planning Board several years ago at a public hearing requires that. We are looking for this roadway to provide fire protection and full depth construction of what is now basically a mill access road. It is going to follow that general footprint, but it will go from the western portion by the clock tower entrance all the way down to the base of First Avenue. Part of this project will incur an extension of Phase II of the Riverwalk and a spur along First Avenue as a sidewalk that connects back up to State Street and what it also will do as I said is provide fire protection, but

also gas, sewer, water and storm water and all the things that we need to open up the development of Section 4. This is going to be a two part ask by WestMass as the developer. We are going to be seeking a Mass Works Grant for approximately 50% of the construction costs and that is 3.5 million and I have been in touch with Mass Works over the years. If you might recall WestMass was instrumental in drafting the awarded Mass Works grant for Phase I, pedestrian enhancements of the Riverwalk, so we are familiar with the Mass Works format. The second half of the ask is going to be from the U.S. Economic Development Administration through their investment program at the Department of Commerce and that will be for 3.5 million also. This project, Riverside Drive, is a component of the master plan. It is shown on your graphic as the orange highlighted section as approximately 4500 lineal feet. The goal of WestMass would be to have this as "under the complete streets program" of the Commonwealth of Massachusetts Department of Transportation which means it will encourage all sorts of forms of transportation and I think the pedestrian component will be that section phase of the Riverwalk. It is going to open up not only the development of Section 4, but certain other sections of the Ludlow Mills including Section 1 and the carpentry shop which is right on the river and has no existing utilities going to it so that is kind of a stranded asset right now as far as WestMass goes. There has been interest in the past in that building, but there is no sewer or water to it, no underground utilities so until we get that in place I don't think we are going to have much more interest in that. The other interesting aspect is with the public use easement for the Riverwalk. The scenario is that when this roadway is completed and accepted by the Town as a public way; we are going to design it to subdivision standards and make it acceptable to the Town; we are looking to deed and convey the entire right of way and the Riverwalk portion to the Town as permanently protected open space with a public right of way component and that has been in the scenario from the beginning when we first approached the Town even before I was part of WestMass. One of the big concerns back then at some of those community meetings was reconnecting to the river in a way that allows that and I think the Riverwalk to date has really proven kind of fortuitous and great for the citizens of the Town to reconnect to the hidden aspect of the Chicopee River. We are offering our ability and our technical capabilities as far as administering the grant and also our abilities with Sarah as a P.E. and me as a registered landscape architect to come up with designs and engineering plans working with your DPW chief, working with Ellie and working with the members of the Select Board to really put something out and design this if we are fortunate enough to receive these grant funds for construction starting next spring. Because this is full depth construction, it is probably going to be a two season project so there are things that we are looking at with how to control access to that roadway during construction. We don't want it to become an impediment to the Riverwalk or to pedestrians or traffic there. That is going to be an interesting challenge for us to coordinate with the design. What I am proposing is basically WestMass be the agent, and I have had discussions with Ellie and also with Bill preliminary that Mass Works is run by the state and it has replaced a whole litany of different grants. They have put it under one umbrella, but the only qualified entities that can apply for the grants are municipalities. WestMass was instrumental in securing the More Jobs Grant for State Street and First Avenue and that relationship, that partnership has really blossomed over the years and you can see some of the progress we have had out there with Health South and now Winn Development coming on line. This is a continuation of that partnership. I think that arrangement has worked well and in anticipation of the second grant, the USED A grant, this kind of template sets the tenor and tone for that. We have been in communications with Mass Works. They need a formal authorization for WestMass to compile this grant. I have staff that can technically do it and again Ellie will be overlooking things and integrating how the funds come to the Town and how it gets dispersed.

Mr. Rooney: The 3.5 million from the Mass Works grant and in combination with the 3.5 from U.S. Economic Development, those two grants, would pay for Riverside Drive, is that right?

Mr. Nelson: Correct.

Mr. Rooney: When would you be hearing on both grants after submission?

Mr. Nelson: The submittal date is approximately July 28<sup>th</sup>. That is the date we are shooting for. The award from the Mass Works grant is October 4<sup>th</sup>. In conjunction with this, I have reached out to the U.S. Economic Development Administration and the regional agent for the Lower Pioneer Valley is actually going to be on site next Tuesday. We had put in a pre-application for this a number of years ago and there used to be less than a 90 day turnaround for an award from the USEDA and the way that I am framing this overall is if we are fortunate enough partnering with the Town to get the Mass Works grant we will be able to really do the design and engineering with that portion of it. Then the EDA grant will come in time for us to award construction.

Mr. Rooney: If you get the Mass Works, but don't get it in this round.

Mr. Nelson: We would look for other funding.

Mr. Rooney: Is there an opportunity to apply for the U.S. Economic Development grant in a subsequent year?

Mr. Nelson: Yes and EDA used to have quarterly submittals, but within the last year they have changed to a revolving submittal. They will accept it and decide upon it in their window at any time of year. It used to be that they would collect them all and then cut it off and then decide. So, we don't have to wait for them to start considering the grant. The one thing that we are doing is Tighe & Bond is working to finalize the environmental impact report and that is going to be submitted on July 31<sup>st</sup> and this Board will receive a copy. There will be a copy at the library. That is kind of a prerequisite for both of these grants. The final certificate for the environmental impact report will be issued in the beginning of September and that is a prerequisite for the application to EDA. So, we are kind of jumping over one, submitting one, compiling the other, submitting that and then jumping to the third one. We are looking at the middle of October we hope to have the funding in place.

Mr. Rooney: Are you looking for two separate motions from this Board to grant authority to WestMass to compile or apply for the grant?

Mr. Nelson: Would that be appropriate as two separate letters, authorizations Ellie? I think either one that confers both or separate votes, one for Mass Works and one for EDA.

Ms. Villano: I would do separate.

Mr. Rooney: Both of them would be letters of authorization?

Mr. Nelson: Authorization, yes.

Mr. Rooney: If we could have a motion relative to a letter of authorization for a Mass Works grant of 3.5 million.

Mr. Mannix made a motion that we have a letter of authorization for WestMass to administer the grant for the Mill Complex area, seconded by Mr. Silva.

Vote: 4-0 with 1 abstention. Ms. Fernandes abstained.

Mr. Mannix made a motion that we send a letter to the U.S. EDA for authorization to work with WestMass Development and for them to administer the grant for the Mill Complex area, Riverside Drive, seconded by Mr. Silva.

Vote: 4-0 with 1 abstention. Ms. Fernandes abstained.

Mr. Nelson: I do not know the exact date for Mill 10, but obviously if you haven't heard we are going to obviously get you in there this Friday and there will be other opportunities for individuals that can't make it this Friday.

6:15 p.m. Fire/DPW/Treasurer – Interdepartmental Transfers

Ms. Villano: At the last meeting, the Board decided that they wanted all of the transfers to be voted on by the Finance Committee. At the last meeting, you voted on some of them, but the Fire Department, the Department of Public Works and the Fringe Benefits went to the Finance Committee. The three departments met with the Finance Committee the week before and presented all of their information to them and the Finance Committee had absolutely no concerns, asked a few questions and approved the department transfers for all three of those particular departments. So, the three department managers are here should the Board wish to ask any questions. Otherwise, we would be asking that the Board of Selectmen approve the three transfers.

Mr. Rooney: Do we have the dollar amounts for each of the three?

Ms. Villano: In the Fire Department, ambulance, they are transferring over from the firefighter salaries into vehicle repairs and maintenance. They are transferring a balance from the ambulance overtime into I think medical supplies, the paramedic also salaries. Additional salary items are going into vehicle repairs and maintenance, additional all others and some medical supplies. Now the Fire Department has purchased a new pickup truck to replace the brush truck which is failing inspection. Some of the equipment from the old vehicle will be taken off and put on the new vehicle. If we went out to purchase this pickup truck, and certainly the Chief can confirm this if you want, with all of the equipment on it, it would probably be in excess of \$130,000.00. We have \$55,000 for the truck and the Fire Department will be piecemealing putting on the additional equipment so there is some significant savings to the Town to do it this way. We had to purchase a Stryker Stretcher for one of the ambulances and some locking equipment that went with it. There was a letter from the Fire Chief outlining everything.

Mr. DeBarge: So Chief you just took something from one of your accounts and moved it to another?

Chief Pease: The idea here and Chief Babineau spearheaded this was we knew the truck was failing. It is a 1988. There are holes in the floorboards. It is not going to pass inspection. When it is full of water now, it is actually overweight so we are not actually filling it to capacity because as you know it could open us up to more liability. The buildout time was probably 8 to 12 months had we ordered it from the manufacturer completely built. He had the foresight to see that they would have a good part of the year and with three vacant salaries, knowing that that was open, he decided to go to Capital. There was a member of Finance, a member of the Board there and he presented his idea that we replace this truck out of our budget instead of going to the

well and going to Town Meeting affecting the tax rate. Basically back at the Fire Department with the help of Bud Ellison and Deputy Machado, they are going to take the existing pump and existing tank and transfer it onto the flatbed. So essentially we bought a cab and chase, a flatbed and they are going to put on all the sirens, all the lights and do all the work in-house that we could have had built and specked out from the manufacturer which again would have probably cost about \$130,000.00. Again, we did this so we didn't affect the tax rate number one. We weren't trying to circumvent any of the means that are already in place. But seeing that we were going to have three vacant salaries due to mid-year retirements and open salaries at the beginning of the year, I think this is a pretty unique idea that would again save the Town money in the long run.

Mr. DeBarge: I think it is a great idea and pretty much the same thing for the others.

Ms. Villano: The Chairman of the Board of Public Works is here and the Town Treasurer are both here. I can speak briefly, but if you have any specific questions.

Mr. Rooney: Let's make sure we are all set on the Fire. Are there any other questions or comments relative to the Fire Department's request?

Mr. Mannix: I have several comments. I apologize to the Chief because I know he wasn't the Chief in the beginning of this. I believe just the opposite. This is totally circumventing Town Meeting. It is circumventing the taxpayers. It is circumventing everything in this Town that we have going. Most all occasions if someone is looking for a major item they go to Capital Planning, they go to the Finance Committee, it goes to Town Meeting and Town Meeting decides what we are going to do. So by not doing that you are circumventing everything. I do apologize because I am not attacking you as a person, but attacking the system. It does affect the tax rate. Every one of those dollars should have come back to the Town and should have gone in the Town funds. They shouldn't have gone for the Fire Department's truck and none of those things should be decided upon, ordered, spent and everything else until total approval. This is what I personally don't like about it. It is not right. It is not right for the Fire Department. It is not right for any department to do that under any circumstances. Each department is appropriated, they have their line items and at the end of the year if you don't spend your money it has only one place it should go. It should go back into the Town budget for the Town's people to decide where they want to spend it next. It shouldn't be up to the individual departments to decide. I am going to do this, I am going to cut corners all year and I am going to have some money leftover and I am going to decide something. I don't believe it is right. I don't think it is the way our form of government is set up and I don't think we should allow it to happen.

Chief Pease: I disagree with Mr. Mannix there because the Chief went before Capital Planning, again there was a member of the Board of Selectmen there and there was a member of Finance there. In the grand scheme of things, we didn't spend \$130,000.00 on this truck and I am sure we could have gotten it approved at Town Meeting. We are doing a lot of the work ourselves. To say that we circumvented any means of government, be that your opinion, our opinion is that we did go before Capital which had a member of Finance and a member of the Board of Selectmen. There has been complete transparency with our Town Administrator throughout this whole process. So if there is another way of doing things that the Board would rather us do I would like to follow that in the future, but I don't believe that we circumvented any of the current rules in doing this.

Mr. DeBarge: I didn't run for my seat on the Board of Selectmen so that I could take every decision that needs to be made in all the departments and send it to the floor so the people of the Town can vote on it. I am pretty sure that the people that voted for me voted for me in the trust that I would do what is in the best interest of those people. So when a department comes up with an idea that saves money in the long run as opposed to what was explained to us then my decision to accept that and not only accept, but applaud them for that means I am doing my job in not sending it to the floor each and every time to have the people of Ludlow make the decision. They get sick of that. I have been told they get sick of that by those very people.

Mr. Mannix: My understanding of a budget and when a budget is prepared and itemized those items are for that line item, for that item, for that purpose. Any major purchase, above and beyond, should go to Capital Planning, should go to the Finance Committee and I am talking about a major purchase when we are spending \$50,000, \$100,000, \$150,000 on an item and yes it should go before Town Meeting. We are not talking about buying pencils and paper. We are talking about making a major investment of \$100,000, \$150,000 and I believe a budget item would be no different than a budget in your own home or if you had your own business. You have a budget for a purpose to follow. In a town, in a city when that money is not spent in that budget, it only has one place to go. It goes back to where it came from. If you need that item, whatever department it is, needs that item, there is a system set up to go and apply for that item, not for that department, not for that person, not for the person down the street or not for a Selectmen or anybody else to decide this is good. I don't believe that is how a budget is set up and I don't think that is how a budget should run. I don't think that most people in this Town believe that is the way it works.

Mr. Rooney: Already just in this discussion we have used the word circumvent a few times. I think it was probably me that used the word at the last meeting and I have to say I regret using that word because really the word circumvent I think has a negative kind of sinister connotation to it like some department or person is trying to go and use a process that is meant to deceive and I regret using the word last time.

Mr. Mannix: No one should use the word deceive as that was not intended by anyone.

Mr. Rooney: The word circumvent has a certain connotation that you're not quite following the process almost in a purposeful way and I didn't mean that last week. I agree with Mr. Mannix that we typically have a process, Capital Planning, Finance Committee and then ultimately Town Meeting, but I do think we need to step back and look at the bigger picture and that is that the Town of Ludlow was saved, the taxpayers were saved a certain amount if we assume that had this gone to Town Meeting it would have been approved. I think all of us in this room if we had to bet whether or not this was going to be approved at Town Meeting I think all of us or a vast majority of us would bet Town Meeting would have approved it. So this was in no way anybody trying to do a process that was meant to deceive anybody for sure and I think in the end the taxpayers came out to the benefit by going through the process that you just described and having a good amount of the work done in house rather than going out and spending \$135,000.00 of the taxpayer's money. So I do think we need to look at the bigger picture and it may be the last time I ever use the word circumvent.

Mr. Mannix: Deceive is not a proper word to be used here whatsoever. The idea that you saved money; you're not saving any more money if you did it in the process that we normally do things than if you did it in this process like we don't normally do things. The dollars and cents would have been the same. It wouldn't have made a single difference in dollars and cents and once again if you are saying that Town Meeting

would have approved it anyways, none of us know that and shame on all of us if we sit here and well we can just do whatever we want because Town Meeting would approve it. I don't think that is the way we should talk and I don't think that is the way we should think. I think we have a process, we have a procedure and that process and procedure I believe should go as an expression by textbook theory.

Chief Pease: I feel Chief Babineau was creative with this budget and again the buildout time to wait for Town Meeting or to spec a truck out and then have to go to Town Meeting. It is not going to pass inspection this year and the idea was that we can get this done by the end of the year and creatively in the budget following everything that we were supposed to follow. I don't believe we broke any rules here along the way and that was not the intent Mr. Mannix.

Mr. Mannix: I am not saying it was. That means the Fire Department, the Department of Public Works, the Health Board or anybody else could do the same thing. All I am saying is that is not my belief once again on how we should operate, how we normally operate and how it is anticipated that we are going to operate. I am not arguing over the fact whether you need the truck or you don't need the truck. I don't know that. You say you need it. If it came to Town Meeting floor, I would want a little more documentation from you to say that. All I am saying is the proper procedure, the proper channels to follow were not followed here and we are talking about a major expenditure. If someone has a budget at the end of the year with \$832.00 in it and they buy stamps with it because they are short do I like them doing it no, do I get upset about it I probably don't get upset, but when we start talking about any department that is going to spend 25, 50, 100 or 150 thousand dollars I am concerned now because as much as we think Town Meeting will approve things we are talking some serious dollars and cents. We are the ones that set up the procedure and now we are saying we don't need to follow it in this situation. Once again, I apologize because I am not picking on you as the individual. I am not even really picking on the department. I am picking on the procedure, the policy and the way things were done and I will not vote for the approval of it. I will never vote for the approval of this. Hopefully from this day forward, maybe the rest of this Board, maybe yourself and the other departments in the Town will understand that and maybe we can come up with a better way of doing things.

Ms. Fernandes: I agree in one sense with Mr. Mannix because you do not want to open up this box to let anyone just do whatever they want, but you do have to look at the big picture as Mr. Rooney said and look at the rest of the picture. The Fire Department has been very responsible in how they have spent their monies. Looking at the big picture, in the long run, it is going to save not just the Town money because you are getting a cheaper truck, but potential liability and I think the other part is that the comradery that this project is going to give to the department is great. I do agree that he didn't go around and circumvent anything. He disclosed it, it was open to everybody to comment and be opposed to. Yes it is true that Town Meeting makes the big decisions, but I also agree with Mr. DeBarge that we are the gatekeeper and in this case it makes perfect sense to do this and they have acted responsibly in the past and I think it is a good idea.

Mr. Silva: I tend to agree with these departments doing it this way because we have asked departments to be creative and save money. If this weren't to happen, they probably would have spent the money elsewhere. They actually have this money because they were creative and it wouldn't be there otherwise I don't think. So to say that this money should go back now after they have done their due diligence in trying to do something that is good for the department we can't really say that that money would be there. So if they did it this way good for them. I run a department myself

and we are always looking for ways to move money from here to get this and better the department, get better programs, do whatever it is that we need and this budget was passed by Town Meeting already for the Fire Department and different departments. This is the money that you have to run your department so I am kind of comfortable with the way they run it and how they see fit so I don't see this as being that crucial at all.

Mr. Rooney: Any other questions or comments? It seems to me before we move on to the others we probably should vote on these individually. Do we have a motion on the transfer for Fire only?

Mr. DeBarge made a motion to approve the interdepartmental transfer for the Fire Department as listed on the form. Mr. Silva seconded the motion.

Vote: 4-1 in favor, Mr. Mannix opposed.

Mr. Rooney: We don't have anything else at this point. I don't know whether or not you were here right at the beginning of the meeting. We actually observed a moment of silence for the Alves family. I think we would be remissive as a Board since you're here if we didn't comment on it. Certainly you and I spoke out at the scene that morning and I remember your words that the Fire Department did a heroic effort especially the B crew. I don't want to focus simply on them because there were others, but obviously they were the ones that were on call when the call came in. Obviously it is a tragedy. It is a tragedy for the whole Town. It goes without saying that the Board of Selectmen appreciate the efforts that you did then as well as every day and I think we can certainly see from the events of July 4<sup>th</sup> that you folks put your life on the line every day that you come into work and I just want that to be said and please I ask and urge you to bring that back to your firefighters.

Mr. Mannix: Reinforced what Mr. Rooney said and thanked the Chief and all his people and the Police Department's people.

Mr. Rooney: Again I would turn it to the Town Administrator to let us know what we are acting on for the interdepartmental transfers for the Department of Public Works.

Ms. Villano: I am going to turn it over to the Chairman of the Board of Public Works to explain. It is a little more detailed some of the transfers. There are large amounts going from some sections into the cracking and sealing and roadwork so I think that it is better that the Chairman speak on it.

Chairman Santos: Our major one was administration for appointed officials. There was \$42,000 left in there and everybody knows why. The fleet purchase contract services and fleet repair were the other ones because when we had gone to Capital for the sweeper for the rebuild initially \$78,000 was requested for the complete rebuild. The \$78,000 covered the motor, tranny and gear box which wasn't in the original quote. The original quote was \$55,000 which went through all the hydraulics, sandblasting, painting and everything else. We had them pull it out because they were going to test it and make sure that it was good. If it was good, we wouldn't need the additional funds. If it wasn't, then we were going to need the additional funds. So we had just been very conservative in the fleet, figuring worst case scenario, and I didn't want to go back to the Town to do it because it was within the budget. There were a couple of things we didn't do on sandblasting and painting. It could have been put off a year. So that is where we came up with that so we transferred. It was supposed to go out for last fiscal year, but we had some procurement issues. We had to send it out to bid. So we sent it out to bid and it didn't go out in that fiscal year. It is going to go out in 18.



So having that leftover, we had an overage in engineering for some architectural services. There was a dam inspection, some stuff from Pioneer Valley Planning Commission and some stuff for GIS that we co-do through the Assessor's Department so that is why there was an overage in Engineering. We had a process last year with crack sealing that the Board didn't like. It was a cold seal so we stopped it short and then went back to hot seal which we had liked so we over expended on that line item to make up for last year and this year. There were some safety concerns on Ventura Street, Poole, Lyons, Munsing and some other outer streets that we didn't do line striping with. What we did is in order to do all those streets is we did center line, double center line instead of center line and fog line on each side so there was an over expenditure on there. That is where we just moved \$58,260 for street and road repair. In the past, we had some issues with our tonnage being over on our disposal to Covanta. There were three invoices that were not done into the full disposal so we were over on those for a total of \$44,840. We had an overage in it so the Board decided to pay it rather than send it to Town Meeting as an unpaid invoice which we have done in the past three years so that is what we did and that was a transfer for \$44,840 into that. With that, we did come up with some numbers with the Town Account and with Amy. We were able to come up with \$15,000 that we had promised to the benefits to help with the Fringe Benefits and at the end of it we are still going to put back into the General Fund \$29,232 that we weren't expecting.

Mr. Mannix: I have already stated how I feel about the expenditures and everything else. The thing I will say and I will give Mr. Santos credit for it. He was here last time we met 3 or 4 weeks ago and as your first year as Chairman you didn't know how a lot of things were done, not done, following what other people told you. When you left here, I got the impression that you understand the system and how a lot of things work a lot better now than you did three months ago and just from what I picked up from you in the past I am sitting here feeling pretty confident that a year from now you may be doing things in a totally different manner and think that is a learning process for all of us and you came here, you sat, explained what you did, why you did it and how you did it and your back here today and I am just going to say thank you for your effort and your honesty.

Mr. Santos: I think it is going to be a much easier process with a new director. He is definitely on top of things so we are trying. We are definitely going to work with the budget. The Town Accountant is definitely going to work with us to consolidate that; more transparency that is what the new Board is trying to do is be more transparent. The only thing I caution is that with more there is going to come more funds. I did make the earlier meeting with WestMass. The walking path along the river is a beautiful thing. It is the same thing with Riverside Drive, but it is going to need maintenance. It is going to need more money. It is going to need more something. We are having a tough time now with our manpower. We will definitely be back, but that is just something I don't think the Board has taken into perspective before. We are a Town department and the check still comes out of the Town of Ludlow so we are all in this together. I don't mind helping. We will do whatever we can do and we have had this conversation before. It's just that it takes money to do it. We just have to keep it in perspective. More is always more. More stuff that we want done, more stuff that we adopt, more money is going to be needed. Like I said as long as we can prove to you and Finance I don't think there will be an issue. I just want to reiterate it to everybody. We will definitely pick up the pace. We don't mind do anything for any department whether it be schools, Town Hall, parks, anything, but we just need the money to do it. We will definitely prove it to you. I just don't want to come and say we need \$10,000 for this. We will come with hard numbers, explain what we need and

then do it and obviously with these numbers that we are giving back to you hopefully it is a step forward in that we are trying to work with everybody.

Mr. Rooney: You have duly warned us.

Mr. Silva moved that we approve the request for interdepartmental expenditures, transfers as outlined in the Board of Public Works' sheet, Ms. Fernandes seconded. Vote: 4-1 in favor, Mr. Mannix opposed.

Ms. Villano: This last one is for fringe and this is the one where all of the Town Departments including Police, Fire, DPW, buildings, gasoline, training, software, veteran's benefits all pooled some extra funds that they had to offset the rather large deficit to the fringe benefits. The positive side of this is the Treasurer, the Town Accountant and myself all sat down and reviewed the process, the deficits in the past and we are looking to do some different accounting in the future. The unemployment and the workers' comp were very, very high on both the town side and the school side. There is no mechanism in the inter-department transfers to take money from the school to pay off the inter-department transfer, but I did reach out to the school. The superintendent sent an email outlining what he was returning back to the general fund at the end of the year for purposes of use if needed, but in the future we are going to be accounting better in where we charge off. For instance if there is a large salary line item in a department as a result of an employee who has retired or has been terminated, their unemployment will be funneled back to that particular department so that the funding under the unemployment and workers' comp will not take such a major hit. It will go to the departments basically that it belongs to. So while this deficit is rather large this year, and I am sure that the Treasurer can explain to you exactly why it is so large this year, we are looking at ways to correct it or to see if we can make it lower in the future. There are always going to be times when we are just not going to be able to budget exactly what we think is going to be in those line items because you never know when someone is going to retire or someone is going to get hurt or when there are additions to the health plan.

Ms. Barros: That basically is the majority the health insurance. We have no control over who is coming on and who is not. Just last year, July 1<sup>st</sup> we had six people come on board for open enrollment which cost the Town \$121,000.00. People come in when it is open enrollment. It's unforeseen. We can't turn them away because it is open enrollment, but yet they are coming on. We normally budget what the percentage is plus another five employees and I looked it up just quick and we had an average of thirteen employees come on to our health insurance not counting employees who are coming from individual to family. That is a big difference also so it is hard to budget for that health insurance item line.

Mr. Rooney: Are you are saying thirteen came on this year where it has normally been six?

Ms. Barros: Normally we budget an extra five employees. We budget the increase plus an additional five. Just July 1<sup>st</sup> of last year which would be for this budget alone, there were six employees that came on in open enrollment. We had a total of thirteen employees that came on throughout the year and that doesn't include somebody who is single, they have a child and jump onto a family plan. There is no way for us to be able to budget correctly. And the unemployment, as Ellie said, we had two employees who went on unemployment and it was out of this world the amount of money. It was over \$26,000.00 just for two individuals.

Ms. Fernandes: I know it is difficult to budget because as you said you never know you can have six come on, ten go off, another seven add family members, but has anyone ever looked over the years, in the last like five to ten years, what an average has been.

Ms. Barros: I don't think that has been looked at. It might be something we could ask MIIA to look at for us. We used to be able to pinpoint it before through our billing because they used to put the dates. They kind of changed the billing now. They make it effective for open enrollment so it is always July 1<sup>st</sup> unless you have an address change or a change within the employee that date changes which I don't care for. We used to be able to tell more or less how much we got throughout the year, but now because of the way it is billing we can't really tell.

Mr. Silva moved that we approve the interdepartmental transfers as outlined by the Town Accountant and also the Town Treasurer as outlined in the sheet we have before us, Mr. DeBarge seconded.

Vote: 4-1 in favor, Mr. Mannix opposed.

6:45 p.m. Chief Paul Madera, Police – Police Candidate Waivers

Chief Madera: Basically, I had submitted a request through Human Resource to obtain waivers and approval from the Board for me to submit waivers to the state MPTC, the police training council, to allow us to bring on two of our three appointed officers. We could not get them into a particular academy so the next academy has been slated for February and they are signed up for that as of today. I was notified this morning that that day has been selected so there will be an academy occurring at the STCC location in February. The purpose for this is that two of these individuals, two of the three are former special police officers for the Town of Ludlow. One is currently and one is currently working at Westfield University. He was a former special police officer and he took a full time position there. They have all of the qualifications. They are completely competent to participate in these roles as provisional police officers. They meet the same requirements that we do of our regular police officers. They are certified in weapons, CPR. They are also academy trained for the special police which is the reserve academy. They have their current weapons qualifications. These are all the requirements that the state requires and it will allow us a 207 day window to use their services until they attend the academy. It will help to reduce the cost of overtime in the department and it would certainly help the department and that is basically the reason for bringing them on. I did not anticipate having such a long window without these officers and that is the purpose of this. There are no earlier academies that would make it economical for us to attend. All others are located on the other end of the state which would require providing accommodations which would be astronomical. We would just not be able to afford that so that is the reason for bringing them on. It will allow us to have their services and help the costs.

Mr. Silva: What is the disadvantage of not doing this or are there any repercussions or anything that would cost the Town money for some of their let's say errors or anything like that?

Chief Madera: I think the only repercussions that I see here is me having to expend a large amount of overtime to fill the open slots. These officers currently provide services, one of them does, and the other individual worked for the police department for approximately four years as a special police officer so they are pretty well skilled individuals and one is currently still serving and does patrol and answers calls and is up to date.

Mr. Silva: No liability to the Town for them not having this?

Chief Madera: There is liability no matter who you have, but the fact is a third party is approving this which is the Mass Police Training Council. They have specific requirements and I have put together a packet that Human Resource has in their hands at this time which just requires a signature from the Board with those requests. They will review their resumes, they review their qualifications, training documents and then they make a decision. I spoke with the director at the MPTC and if it is so approved by the Board these items could be scanned in and sent to them tomorrow because they meet next week. They only meet once a month and if we meet all the requirements favorably probably we would receive approval on it. I wouldn't be submitting them if they didn't.

Mr. DeBarge: They would be full time patrol or back to special police or part time patrol?

Chief Madera: They would be full time patrol. They would be provisional. They are FTO trained already so basically they have gone to the field training officers program that we have within the department for our special police. They have received that training. The officer who is working at Westfield University would require to just go through an orientation process again which would be done with another officer who is a field training officer. So the other special police officer currently providing services now has already met the FTO program. He has already completed it and that was one that was modified for our special police officers.

Mr. DeBarge: So they are FTO qualified for special police officers, so the only thing they haven't done is gone through the full time police academy?

Chief Madera: That is correct. Their training takes over six months part time, almost eight, by the time they are done. They don't have the same amount of hours, but they are recognized by the MPTC as qualified to be out their patrolling and providing police services.

Mr. DeBarge: And they will be going on full shift?

Chief Madera: That is correct.

Mr. Mannix: Your anticipation date when there may be an academy opening for them to go to?

Chief Madera: They were submitted to the state for the next available academy that was within reason for us to meet expenses. They will be attending the February academy. We have submitted their applications for the February academy. They have passed all of their requirements. The only thing that may be required is that they will have to conduct another PAT, a physical agility test, because there is a six month window on a test when it is given. So if it is expired before the February academy they may have to do it so I think we might just make it, maybe not. I will have to check that.

Mr. Mannix made a motion to request two waivers for the individuals the Chief has proposed for us tonight, Mr. Silva seconded. Vote: 5-0 in favor.

Chief Madera: Those documents require signature and I will probably pick them up tomorrow so I can scan them and send them.

### III: CORRESPONDENCE

165. Celebrate Ludlow donations – Unity Athletic Club \$100.00, JL Massa Collision Specialist \$100.00, N.L. Construction, Inc. \$100.00, Art in the Wood Studio \$20.00, Lavertue Electric \$200.00, Barry Linton \$50.00. Grand Total \$7,785.00.

Mr. DeBarge made a motion to accept all donations that were read by Mr. Rooney for Celebrate Ludlow with a thank you note to all that were read, Ms. Fernandes seconded. Vote: 5-0 in favor.

166. Chief Madera, Police Department – requesting to reappoint Special Police Officer Juan Rivera effective immediately, pending completion of required screenings and physicals.

Chief Madera: I can mention that Officer Rivera was a very valuable asset to the police department when he was here in the past. We had a single badge rule. When he transferred to the university college campus, they carry weapons and they are trained as a police officer. The only requirement that we have is that you can only maintain one badge so he resigned and I did not like the fact that I had to do that. I learned that he had returned to a non-armed facility and asked him to reapply. He has served our community for many years and it will be good to have him back. He is well qualified.

Mr. Mannix motioned that we reappoint at the request of the Chief Juan Rivera effective immediately to the police department, Mr. Silva seconded. Vote: 5-0 in favor.

Mr. Rooney wanted to echo the sentiments of what they had talked about with Chief Pease just a short time ago. Obviously, it is a tragedy and certainly the Police Officers were there doing their best working in conjunction with the Fire Department and we just wanted to acknowledge that.

Chief Madera: I appreciate that and I think one of the things we also have to recognize is that the individuals who live in our community are amazing. When the officers arrived on scene, neighbors were trying to put the fire out so it just shows the level of caring that people have for their neighbors here and it was a tragic day for everybody, a very sad day.

167. The Alcoholic Beverages Control Commission held a hearing on Tuesday, June 20, 2017 regarding an alleged violation at Germano, Inc. d/b/a Four Seasons Wine & Liquors. Based on the evidence, the Commission has issued a warning.

Mr. Silva moved to file, seconded by Ms. Fernandes.

Mr. Mannix: I see where the ABCC decided not to take any harsh judgment against this establishment because of their past and the situation, but I still feel as though any alcohol violation that takes place in this town that we should have that person come before the Board here and discuss it with us and also for us to discuss it with him our feeling toward the proper rules and regulations especially when it comes to underage drinking.

Mr. Rooney: Is that a request that you are making that this establishment come in front of us?

Mr. Mannix: I am. The problem we have right now is someone made a motion to file it and somebody seconded it rather quickly and I think something of this magnitude should be looked at a little more than just a file. I think a violation of alcohol to a minor is more than something this Board should just file and say and do nothing about.

Mr. Rooney: Mr. Mannix I certainly would have no problem going forward with the motion to file the correspondence from ABCC and then regardless of that motion if you want to make a motion to take some further action then that certainly would be entertained.

Mr. Mannix: I was just looking to do it all at once. I am not looking to take any action at this time and may not at a later time neither after reading what the ABCC wrote, but I just feel as the licensing authority with a violation having taken place in the Town of Ludlow yes if you want to vote on the file fine then I will make a motion after that.

Mr. Rooney: We have a motion and a second, any further discussion on that, hearing none, all in favor, motion carries to file item number 167.

Vote: 5-0 in favor.

Mr. Mannix made a motion that we request that the Four Season Wine & Liquors come before the Board of Selectmen to discuss the matter that took place at the ABCC, Ms. Fernandes seconded.

Mr. Rooney: Have we done this in the past? I can think of one establishment where we were notified similar to this by the ABCC and got their decision which I can remember was a warning. I can't say that for certain and I don't think we then took any action not to say we can't. We don't have any authority to have a hearing at this point and your intention would be to bring them in.

Mr. Mannix: To discuss the matter of their violation. That's all. I am not asking for anything else at this time. I just believe that we as the licensing authority when there is a violation of our license in our Town that we should speak to the establishment, the owner, the individual and hear from them directly and also just to express our thoughts and what we are looking for as a licensing authority.

Ms. Fernandes: I am not opposed to that because for one reason as he mentioned we are also the licensing authority here in Town and I think it is good for people to realize how serious these violations can be and maybe for others that own establishments hear how serious these can be so I am not opposed to that.

Mr. Silva: I think a letter going out to the establishment telling them that we are in notice of it and that we don't condone any of this probably suffices, but to bring them in quite honestly it wasn't our police department, it wasn't our violation. Within the Town, there was a violation based on the ABCC so we really don't have any information unless we can get it from them as far as what happened, how, when, where, do we Ellie?

Ms. Villano: We have the findings, the facts.

Mr. DeBarge: I would agree with Mr. Silva. I think a letter would be great for the first one for something like this.

Mr. Rooney: So we have a motion and a second to bring the establishment in at a subsequent Board meeting.

Vote 3-2 in favor, Mr. Silva and Mr. DeBarge opposed.

168. Kim Downing, Finance Committee – informing the Board that the Finance Committee voted to concur with the Board’s approval for the interdepartmental transfers for Police, IT, Town Collectors, Town Accountant, Board of Selectmen, Hubbard Memorial Library, Veterans Services, Town Treasurer, Westover Golf Course and Recreation Department.

Ms. Fernandes moved to file, seconded by Mr. Silva.

Vote: 5-0 in favor.

168a. Kim Downing, Finance Committee – informing the Board that the Finance Committee voted to concur with the Board’s approval for the interdepartmental transfers for the Fire Department, Board of Public Works and Benefits.

Mr. Silva moved to file, seconded by Ms. Fernandes.

Vote: 5-0 in favor.

169. Joe Alves, Assistant Assessor – the Board of Assessors has no interest in Lot 15 located on West Street.

Mr. Silva moved to file, seconded by Ms. Fernandes.

Vote: 5-0 in favor.

170. Lt. Brennan, Ludlow Police Special Response Team – request to hold the Sgt. Joshua D. Desforges Walk/Run Challenge on Saturday, April 28, 2018.

Mr. DeBarge made a motion that we approve Lt. Brennan’s request to hold Sgt. Joshua D. Desforges’ Walk/Run Challenge or the Ludlow Police Special Response Teams Josh Desforges’ Walk/Run Challenge on Saturday, April 28, 2018, Mr. Silva seconded.

Vote: 5-0 in favor.

171. Brona Simon, Executive Director State Historic Preservation Officer – informing the Board that the First Meeting House – Grange Hall did not receive the Massachusetts Historical Commission Grant.

Mr. Mannix made a motion to file, Ms. Fernandes seconded.

Vote: 5-0 in favor.

172. Sean McBride, Chairman Recreation Commission – informing the Board that the Commission is opposed to converting the tennis courts at Whitney Park into a parking area. Currently, the tennis courts have a sixteen weeks tennis league using the tennis courts thru the spring and summer, additionally there are summer clinics offered to the youth interested in the sport of tennis and additionally the campers use the area for tennis and other activities.

Mr. Mannix made a motion to file, seconded by Ms. Fernandes.

Mr. DeBarge: I have Mr. McBride’s letter out that he wrote in rebuttal to the original proposal written by Mr. Bob Bohl about the tennis courts on Whitney Park. I am for the tennis courts being used as a parking lot there for a myriad of reasons. I am at the

park quite often for football and for baseball and I don't see those tennis courts used for the better part of the year that I am there for a multitude of events. I do know that for most of the time handicap parkers have a rotten time trying to park and get to baseball, football events and other events that they go to there and yet most of the time that I have observed those tennis courts used it has been by skateboarders. So if the nets are up they are either trying to be jumped over, so they are either kind of lowered a little bit or they are I don't want to say destroyed, but they are damaged. Mr. McBride who I respect greatly for his work as Chairman of the Recreation Commission has mentioned also that the tennis club for the high school started their careers possibly through Whitney Park and I am not denying any of that other than the fact that I have seen very, very little tennis play at that park and I would hazard to guess that there is much more tennis play other than at the high school, but probably at Carmelinas Circle. I will go back to the parking spaces where handicap could use it easier. For the future, we could probably use it maybe for entry purposes as other teams, Legion teams, and high school teams charge fees to get in and we don't. We are the only teams that don't, but if you park there and we have the gaits three ways to get in and we can man those, close one, man two, however, it could be to our benefit. That is where I stand on it at least. I think it would be a great benefit to us especially when I don't believe they are being used to the point where it would benefit this Town.

Mr. Mannix: I would venture to say for myself I will almost totally agree with my counterpart at the far end of the table here. I endorse most of what he says. I believe that the neighbors and everybody else down in that area have put up with an awful lot for an awful lot of years and nobody seems to care about them. You park in front of their houses, on their grass, on their sidewalk blocking their driveways, but I don't know who in Town would be responsible for trying to make this change if it would be the Park Department themselves or the Board of Selectmen or Town, but I believe there are some grants and funds available out there that maybe if they are applied for at the right time and in the right manner that something in that whole front area of the park could be taken care of. Handicap parking especially and visiting teams that come in, a bus or a van could pull into a parking area and park to properly load and unload people. If we were to get a grant along that type and if we reconstructed maybe the area in there a little bit, four tennis courts or six tennis courts or something else could be put in which would be brand new and also a parking area. Mr. McBride's letter states sixty five. I don't know where the sixty five came from. I believe you are not going to get sixty five in there, but if you put x number in there, handicap and visiting teams coming in and out instead of dropping a busload off on Whitney Street and everybody running across the street or Hyland Avenue or Merrimack. Mr. Bohl initiated the letter, but whoever is ultimately responsible for that property applying for a grant, working with a grant writer or working with the state I think is something that should be looked into.

Ms. Fernandes: I just think something should be done with those tennis courts. They are in disrepair and it just looks terrible. Whatever it is whether it is going to be used for tennis, for parking, I agree let's look for some grants and make that park look a little more inviting.

Mr. Rooney: I certainly agree with the speakers that have preceded me, but we have a problem and that is we have a Recreation Commission that is elected by the residents of Ludlow. This is their job. It is not our job. It is no different than if we didn't like something that was going on at Island Pond Cemetery which is not the case, it is not our job to weigh in and not only just weigh in, but make decisions that come under the purview of the Recreation Commission. That is why we have a Recreation Commission. I don't know whether or not those tennis courts are being used for tennis and would they be better served by parking to facilitate baseball games and football



games. I might have a somewhat uneducated opinion of that, but I don't believe that it is the purview of this Board. Now if we want to have the Recreation Commission in and we could discuss it, I am all for that. But for us to go down a road where we are looking to take action, I don't know that we have the authority or jurisdiction that is exactly why we have a Recreation Commission to make decisions relative to the recreation of the Town and certainly first and foremost at Whitney Park. I do think it is a bad situation there for parking, but I think given the form of government we have that is the purview of the Recreation Commission.

Mr. Mannix: I will make a motion that we ask the Park Commission to come in and discuss with us this matter to see if there are any thoughts or directions or anything they are looking at and maybe at that time we could give them a little guidance, they could give us a little guidance if there are any grants, benefits out there if it might improve everything for everybody, Mr. DeBarge seconded the motion.

Mr. Silva: I tend to agree with Mr. Rooney. My feeling is that we should get those two Boards or whoever is trying to do this together and let them sit together, devise a plan that would work for both if they can and if Recreation feels that that is not feasible because there is a lot of dead space over there. The gates are always closed. There is a lot of parking that can be in there. I know there is a playground and stuff time and it can be closed at that time, but certainly they can open up some parking there and still keep some of the tennis courts maybe two, maybe one. So for us to have them come in here to discuss it with them, I think right now it is a little premature. Whoever is trying to get these courts into a parking lot I think they should get together to try to come up with something. I wouldn't have any questions at all for Recreation at this time.

Mr. Santos: That letter started with our department and we decided that that wasn't a decision that we were going to make by ourselves. The parking situation is never going to be very well over there. Nick Silva which is 130 x 125 is forty nine cars so that is basically just for your reference; that is only forty nine cars down there for that size. It is just a very tough situation. I had discussed it with Ellie that there might be a deed restriction. Did you ever look into that any further about parking on that property?

Mr. Villano: I have the deed. I have not been able to find any restrictions on it.

Mr. Santos: Because they were so deplorable, we could move the tennis courts back where the wall and the basketball used to be. The problem with parking with just opening the gates in talking with Debbie is with the kids for summer camp we can't have vehicular traffic with just a berm to get over there. So like we had done on West Street, we were thinking that the tennis courts should be fenced in, but the parking area has to have some limitations so a split rail fence would be somewhere. We have been tossing it around at the Board. I haven't talked to Sean, but maybe even if we want to put the parking behind the tennis courts and maybe take one court out and put a curb cut in and go behind the tennis courts and then put the parking in the other area between the steel building and the tennis courts and leave it. I know there is a lot of space there, but the summer camp chews up a lot of that space. That is why one of the things we did is we took the Park Department out of there and moved it over to our complex so they can use that on a Friday when it is pouring rain. They split all the summer kids into the metal building and into the other brick building. They do chew up all of that space and the concern about coming into that iron gate is if a grandmother, grandfather or somebody hits the gas and not the break and then all of a sudden they are right in there you are asking for trouble so we have to keep them off to that side. We haven't gone any farther. We haven't had any time to discuss it, but that is what we had thrown

around to see if could take one of them to get around there, redo those three, do the parking lot in the back with a split rail fence looking at fifteen to twenty cars. The other thing we were thinking of doing is down by the pool we have that grassed area with the puddle. We have plans to get rid of that puddle and put a drain there and then we are going to take that grass out, leave a small strip there and then put some millings there so we can get some angle parking. We are not looking to get all the cars off the streets, but if we can get a good thirty cars off the street that will be maybe thirty, maybe fifteen residents are happier with us. Saturdays when you have all the baseball games going you can't get on any of those streets. The only alternative that we could find is if one of those houses on Philip Street became vacant and we were able to purchase that land we could put a parking lot there on one of those house lots and do a separate gait in there, but as far as anything magical there is no way we are going to be able to do anything. That is what our intent is, but I would really like to sit down with Sean and come back to you and say this is what we did. I know the Board did not want to make an executive decision because it is Parks and Recreation. They are in charge of it. I just felt it was something that the Board of Selectmen should weigh in on also. That is where this all got started and that is where we are. We are working with it. It is just slow.

Mr. DeBarge: I would like to make a final comment. I said all that because I was talking about number #172. I know it is not in the purview of the Board of Selectmen, but it is on our agenda so that is why I was talking about it. That is why my comments were said.

Mr. Mannix: Mr. McBride is in the old country right now. He is not available.

Mr. Rooney: We have a motion to file item number #172 and a second. We have a follow up motion. Mr. Mannix made both motions.

Ms. Fernandes withdrew her second and Mr. Mannix withdrew his motion to file.

Mr. Rooney: Now we are back to the motion to have the Recreation Commission come in so we can discuss.

Vote 2-3, motion is defeated. Now I would entertain a motion to file item number #172.

Mr. Silva: I would make a motion to file item number #172 and additionally request that the two Boards get together and devise a plan so that they come back later; the Department of Public Works and Recreation to talk for a little while and see if they can come up with something feasible for everybody. Mr. DeBarge seconded the motion.

Mr. Rooney: Would it make sense and I don't know if we want to go that far out that we put this to our quarterly agenda as an item and come back to us with an update on that issue at the quarterly meeting?

Mr. Santos: I would like to try to get something before then. I would like to get on top of this ASAP so that we have a decision either yes or no.

Mr. Silva: The motion is to file 172 and have the Department of Public Works and the Recreation Commission discuss the proposal and bring it back to the Board at the Department of Public Works quarterly meeting, seconded by Mr. DeBarge. Vote: 4-1, Mr. Mannix opposed.

Ms. Fernandes: Mr. DeBarge's idea of charging people attending these games is not a bad idea. Maybe that can be discussed at the meeting.

173. 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 June 20, 2017.

Mr. Mannix made a motion for item number #173 for the Police Chief's request to charge off medical bills for lost wages under Chapter 41, Section 111F for injuries sustained by a police officer on June 20, 2017, Ms. Fernandes seconded.

Vote: 5-0 in favor.

174. Ludlow Cultural Council – informing the Board that they are sponsoring the Sunday Concerts being held at the Gazebo starting at 6:00 p.m.

Mr. Mannix: I have attended each one of those gazebo functions and they have been extremely well; participation, citizenry is fair, realistically should be a lot better. This past week, they had the Hofbrahaus Bavarian Concert Band there and they were extremely good. At the same token, Ms. Carla Roberts from the Cultural Council and her other members are doing a fine job in trying to get as much information put out as possible. If there is anyway that we could help them through advertisement on the Ludlow cable channels or anything along those lines that is something we probably should do. She had spoken with me that she wasn't sure if she was allowed to do it or not allowed to do it and I couldn't tell her who is allowed to put what on the cable channel and maybe as a Board we may request it. They sent us a line up. They only have three more for the rest of the summer, but if we can get it on the cable channel that would be greatly appreciated for everyone and I will put that in the form of a motion, Ms. Fernandes seconded.

Vote: 5-0 in favor.

Ms. Fernandes made a motion to file item number #174, seconded by Mr. Silva. Vote: 5-0 in favor.

175. Ludlow Police Department Monthly Crime Brief, April 2017.

Mr. Mannix made a motion that we accept the monthly crime brief of April 2017 as submitted by the Ludlow Police Department, Ms. Fernandes seconded.

Vote: 5-0 in favor.

Mr. Mannix: If you look at the numbers of what is coming through there and everything else, as we have stated before, I think they are out there working very, very hard and doing an extremely good job for the Town of Ludlow.

176. Jean Christy, P.E. project engineer, Tighe & Bond – Post-Closure Use Landfill Quarterly Inspection Report for Holyoke Street Landfill, Ludlow, Massachusetts.

Mr. Mannix made a motion to file, seconded by Ms. Fernandes.

Vote: 5-0 in favor.

177. 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 June 18, 2017.

Mr. Mannix made a motion as requested by Chief Madera of the Police Department to charge off medical bills and lost wages under Chapter 41, Section 111F for injuries sustained by a police officer on June 18, 2017, seconded by Mr. Silva.

Vote: 5-0 in favor.

178. 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 June 20, 2017.

Mr. Mannix made a motion as submitted by Chief Madera of the Police Department to charge off medical bills and lost wages to Chapter 41, 111F for injuries sustained by a police officer on June 20, 2017, Mr. Silva seconded.

Vote: 5-0 in favor.

179. Department of Public Utilities, Second Notice of Filing, Procedural Conference and Public Hearings – Petition of NSTAR Electric Company and Western Mass Electric Company, each doing business as Eversource Energy, for the approval of General Increases in Base Distribution Rates for Electric Service and a Performance Based Ratemaking Mechanism.

Mr. Mannix made a motion to file, seconded by Ms. Fernandes.

Vote: 5-0 in favor.

180. Anna Lucey, Director Government Affairs – informing the Board of changes to the channel lineup.

Mr. Mannix made a motion to file, seconded by Ms. Fernandes.

Vote: 5-0 in favor.

Mr. Mannix: Once again, they are adding something, but if I read it correctly they are adding it to one of the upper tiers so if you spend more money you get the channel. As far as all those other channels they have taken away, yes they have taken them away, they have given us nothing and everything that was brought up with them as far as I know we have received no correspondence back and they have done absolutely nothing for us. It is too bad our legislature could vote 99 to nothing in favor of the people instead of 99 to nothing in favor of the cable company.

Mr. Rooney: Just to follow up on that, weren't they supposed to be getting back to us to answer some questions when they were here and have they?

Ms. Villano: No.

Mr. Rooney: For our next meeting, can we just put it on as an item to see if they have responded to the issues that they were to get back to us on and if not to be in contact with them.

181. Ludlow Fish & Game Club – application for a One Day Malt Beverages Permit for the Beer Wagon at Celebrate Ludlow.

Ms. Fernandes moved that we approve the one day malt beverage permit for the Beer Wagon at Celebrate Ludlow for the Ludlow Fish & Game Club, seconded by Mr. Mannix.

Vote: 5-0 in favor.

182. Sheena Santolini – request to be considered for the position on the Ludlow Council on Aging.

Mr. Rooney: Is there a current vacancy?

Ms. Villano: Yes there is. She did attend the Council on Aging meetings, the last meeting or so. The Council on Aging is in support. They feel that she would be a great addition so I think at this point you just need to request an interview or appoint her. I am not sure if any of you know who she is.

Ms. Fernandes moved that we ask Ms. Santolini to come in for an interview, Mr. Mannix seconded.

Mr. Mannix: I thought her cover letter was excellent. She seems like a very good and strong candidate.

Mr. Silva: I would go along with that, but I would vote on it now. It certainly looks like she would be very qualified.

Mr. Rooney: We do have a motion to have her come in. Are we able to get her in at the next meeting?

Ms. Villano: We are hoping too.

Mr. Rooney: Why don't we vote on the motion unless there is any further discussion?  
Vote: 5-0 in favor.

183. Chief Pease, Fire Department – request to charge off medical bills and lost wages to Chapter 41, Section 111F for injuries sustained by a Firefighter on July 4, 2017.

Mr. Mannix made a motion as submitted by Chief Pease of the Fire Department to charge off medical bills and lost wages to Chapter 41, Section 111F for injuries sustained by a Firefighter on July 4, 2017, seconded by Ms. Fernandes.

Vote: 5-0 in favor.

184. Chief Pease, Fire Department – informing the Board that the Fire Department currently has three vacant firefighter/paramedic positions open and is requesting that the Board vote to call for a list from Civil Service to fill the two firefighter/paramedic positions.

Mr. Rooney: Before we vote, Chief do you just want to explain why the two and not three.

Chief Pease: In training at the Fire Department, we have to train them in telecommunications and basically answering the phone first. They get trained on the ambulance first and to train three people at a time logistically just doesn't work for us and they don't get the quality of training that we would like to see everybody get. We have done it in the past where we have hired three, but we found they do get a much better training when we have two or less at a time. My intent as soon as they are trained in at least dispatch and able to work on their own in there is to request to hire that other vacant position.

Mr. Mannix made a motion to send a letter to Civil Service requesting to fill two firefighter positions, Mr. DeBarge seconded the motion.

Vote: 5-0 in favor.

#### **IV: UNFINISHED BUSINESS**

Board to approve and sign the Interdepartmental transfers for the Fire Department, Department of Public Works and Fringe Benefits.

Board to sign notice of Right of First Refusal for property owned by Robert H. Farr known as Lot 15, West Street.

Ms. Villano: I believe you need a motion to not exercise the right of first refusal. I am not sure if you reviewed it at all.

Mr. Rooney: I have and I will be abstaining.

Ms. Fernandes moved not to exercise the right of first refusal for property owned by Robert H. Farr known as Lot 15 on West Street, seconded by Mr. DeBarge.

Vote: 4-0, 1 abstention. Mr. Rooney abstained.

Board to approve and Chairman to sign the contracts for additional services between the Mt. Vernon Group and the Town for the feasibility study for the Chapin Street Elementary School project, the additional services are for Geotech, Environmental, Historic and Haz-Mat; also for Veterans Park School Geotech, Environmental, Historic and Haz-Mat.

Mr. Silva moved that we approve and sign the contracts for additional services between Mt. Vernon Group and the Town for the feasibility study of Chapin Elementary School project and additional services for Geotech Environmental, Historic and Haz-Mat; also for Veterans Park Geotech, Environmental, Historic and Haz-Mat, seconded by Ms. Fernandes.

Vote: 5-0 in favor.

Board to sign the Gravel Bank Permits (see letter of inspections).

Mr. Silva moved that we sign the Gravel Bank permits as presented before us, seconded by Mr. Mannix.

Vote: 5-0 in favor.

Board to sign the One Day Malt Beverages Permit for the Beer Wagon at Celebrate Ludlow.

Board to approve and sign the Executive Session minutes of May 16, 2017 1<sup>st</sup> session, May 25, 2017 and June 6, 2017.

Mr. DeBarge made a motion that we accept the minutes of the Board of Selectmen held on Tuesday, May 16, 2017 in the Selectmen's Conference Room with all members present, Mr. Mannix seconded.

Vote: 5-0 in favor.

Mr. DeBarge made a motion that we accept the minutes of the Board of Selectmen held on Thursday, May 25, 2017 in the Selectmen's Conference Room with 4 members present, Ms. Fernandes missing, seconded by Mr. Mannix.

Vote: 4-0 in favor, 1 abstention. Ms. Fernandes abstained.

Mr. DeBarge moved that we accept the executive session minutes of the Board of Selectmen held on Tuesday, June 6, 2017 in the Selectmen's Conference Room with all members present, Mr. Silva seconded.

Vote: 5-0 in favor.

Board to approve and sign the Selectmen minutes of May 25, 2017.

Mr. DeBarge moved that we accept the minutes by the Board of Selectmen held on May 25<sup>th</sup> beginning at 5:00 p.m. in the Selectmen's Conference Room with all members except Ms. Fernandes, seconded by Mr. Silva.

Vote: 4-0-1 abstention. Ms. Fernandes abstained.

## V. NEW BUSINESS

Board to discuss the dog park committee's fundraising request to defray the construction costs of the park and letter to be sent out to businesses.

Mr. Silva: It sounds great to me that they are fundraising to defray costs.

Mr. Rooney: The letter talks about the grant and whatever fundraising. Is the Town on the hook for anything?

Ms. Villano: Ten percent of the hard construction costs. So at one of our previous meetings of the Dog Park Committee, the engineer doing the design work said that it is often the case where you do fundraising to see if there is anybody that has old pieces of granite that can be used as benches or rocks or sand or gravel that can be utilized in the park and that would help defray the actual hard costs that you are applying for the grant. We are applying for a grant from the Stanton Foundation and again Ten percent of the hard construction costs will be on the Town's side of which the Conservation Commission is going to be putting that money up for us, but we still have to come up and pay for a well because there is no water there. So I just felt that it was important that the Board of Selectmen know that we want to do this fundraiser and that you approve the fundraising aspect of it, but also approve the letter that we are going to send out. We all felt as a committee that it would just be appropriate that the Selectmen were aware of it and approved the letter. So that is really what you have in front of you is a full copy of what the design looks like, some of the items that we may ask for fundraising. Those two photos will also be sent with the letter that we send out.

Mr. Rooney: I am fine with the letter.

Mr. Mannix made a motion that we approve the fundraiser for the dog park and the letter to be sent out in support of it, seconded by Ms. Fernandes.

Mr. Mannix: I think it is a great diagram and it is something that has been in the works for a while and I think it will be a great benefit to the Town of Ludlow and its citizens. The idea of a dog park I have seen many towns and cities across the country that have done it and seen how well it has worked. I have a lot of family members that have multi dogs in the family. The use that people get out of it and everything else I think is extremely good and anything that anyone in Town can do to help support either through funding or maybe manpower hours or items for the park itself would more than greatly appreciated.

Vote: 5-0 in favor.

The Town will be applying for a percentage match grant through the State's Parkland Grant for the repair/replacement of the Whitney Park Bleachers.  
Board to approve the Chairman's signature on the Parkland Grant application.

Mr. Mannix: I have spoken with Doug in the past and he is trying to get something in there. The bleachers that are there can be handicap accessible and reinforced and as I was saying earlier about park department grants there is a very good chance of getting a lot more than we think sometimes.

Mr. Mannix made a motion that we authorize the Chairman to sign the Parkland Grant application that is being submitted by the Town of Ludlow, Mr. DeBarge seconded.  
Vote: 4-0 in favor.

Board to authorize/designate the Town Administrator as the official who will act on behalf of the grant and provide any additional information as may be required.

Mr. Mannix made a motion we designate the Town Administrator as the official who will act on behalf of the grant and provide any additional information as may be required, seconded by Mr. DeBarge.  
Vote: 4-0 in favor.

Board to approve the use of the 40R funds as the town's matching percentage if the grant is awarded.

Mr. Mannix made a motion we approve the use of the 40R funds as the town's matching percentage if the grant is awarded, seconded by Mr. DeBarge.  
Vote: 4-0 in favor.

Board to approve and sign two copies of the Retainer Agreement for the Town of Ludlow with Doherty, Wallace, Pillsbury and Murphy, P.C.

Mr. Mannix made a motion for the Board to approve and sign two copies of the Retainer Agreement for the Town of Ludlow with Doherty, Wallace, Pillsbury and Murphy, seconded by Mr. Silva.  
Vote 4-0 in favor.

Board to approve and sign the petitions to the Municipal Police Training Committee for the issuance of waivers for Kevin Quiterio and Jhon Wielblad.

Mr. Mannix made a motion for the Board to approve and sign petitions to the Municipal Police Training Committee for the issuance of waivers for Kevin Quiterio and Jhon Wielblad, seconded by Mr. Silva.  
Vote: 5-0 in favor.

Board to appoint the Town Election Officers.

Ms. Fernandes moved that we appoint the Town Election Officers as is, seconded by Mr. Mannix.  
Vote: 5-0 in favor.

Board to appoint the Record Access Officers.

Ms. Villano: This was a letter that came to the Board from the Town Clerk. So the Town Clerk is the Record Access Officer for the Town of Ludlow. She has presented



a list of different department managers that she would like appointed as the Record Access Officers for those particular departments. There is a list. I didn't know if you wanted to invite her in to discuss this before you made the appointments or whether you wanted to make the appointments based on her recommendations.

Ms. Fernandes moved that we approve the recommendations from the Town Clerk as outlined in her June 28<sup>th</sup> letter, seconded by Mr. Silva.

Vote: 5-0 in favor.

Board to peruse Selectmen minutes of April 11, 2017 and March 7, 2017.

Board to schedule a Special Town Meeting for August 16, 2017 for the Center Street project temporary and permanent takings and easements.

Mr. Mannix made a motion that we schedule a Special Town Meeting for August 16, 2017 for the Center Street project temporary and permanent takings and easements, seconded by Ms. Fernandes.

Vote: 5-0 in favor.

### **CLOSING COMMENTS.**

Mr. DeBarge: My personal condolences to the Alves family. I was there as well on the scene that day. I can't say anything other than my family's prayers are with their family. There is nothing more of a loss than a family's loss, but more than one on the same day is something that is just unimaginable. So as I said to the family at the services, there are just no words, so again my family's prayers are with them for all time.


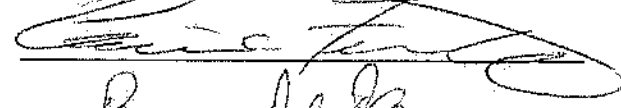
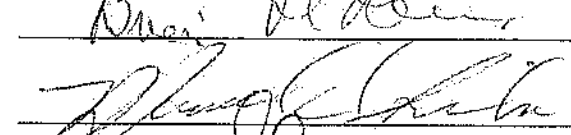
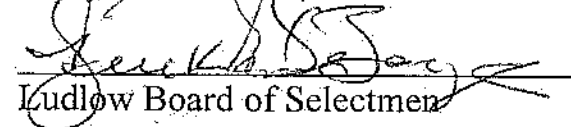
Mr. Silva: I feel the same way and awful sorry for this tragedy that you should never have to go through, but unfortunately it happened.

Ms. Fernandes: The same thing as Mr. DeBarge said to lose one family member or one person in the community is a tragedy, to lose three of them in one event is just heartbreaking. So my deepest condolences go out to the Alves family. Also to Grace Dias she lost her mother this weekend and her funeral will be this Friday. My deepest condolences to that family. I think there was another family that I can't remember right now. I want to again congratulate our Fire and Police Departments. It is during these tragedies that we really see how important a role they play in our community. Sometimes I hear a lot of residents complaining, but really when these tragedies happen we see what a wonderful team we have. So I really appreciate everything they did, the community for stepping up. That makes you love Ludlow so much more, the community stepping in to help and to do whatever they can. This is a good reminder for residents to check their smoke detectors, to do training especially if they have kids. As I read in one of the Mass Live articles, today with all the junk that furniture is made out of and fabrics and things, you have one to three minutes to get out in such a situation and we always think it is never going to happen to us so doing a little training, contacting our Fire Department, doing some research on Google as to how we can keep our families safe is a really good strategy to take. Finally, I want to congratulate the Fire Department. They came up with a very creative way to save money for the Town and I really love how the departments are doing that. It seems like they are really trying to put the Town first while offering as many wonderful services to this Town. I appreciate that the departments are doing that and I think we have a really, really, really wonderful Town and I love living here.

Mr. Mannix: The Cultural Council has been doing an outstanding job down at the gazebo and there are a lot of other things they do that we as residents and sometimes as town fathers don't see. There are a lot of things they do and give from the money they receive from the state. I will commend them on that. At the same token, I am very concerned as we just got our tax bills about where our tax dollar goes and how it is spent. I picked on the school department before that costs us over \$700,000.00 a year because their attitude toward insurance and refusing to go along with every other town union and town employee and now the Town comes up with a shortfall of insurance money, however you want to word it, and for some reason they can't, won't, refuse to pick up their fair share. So once again, I look at the school department as really not caring about the town people whatsoever when it comes to spending, increasing or improving the tax dollar. I do not commend the Fire Department for what they did. We sit here as a Board and use comments that we have tonight that we have to be watchful, we have to be careful of where all our dollars are spent. We have a system set up to have a budget and we totally don't follow it and we commend people for doing that. I have a copy of Chapter 139 that became effective November 7, 2016. It has to do with common uses of blighted property. It sounds very good and very easy. Basically what it says is we as the Board of Selectmen can with blighted properties, these burned down houses or fallen down properties, have the people come in before us, hold a hearing and if they don't correct it we can have it taken to court and put a lean on the property within two years. Then a year after that you can take further action against them, we can knock the property down or correct the problem. If it ends up costing more than what the property is worth, we can just take the property and the longest it could get strung out is over a three year time period. The cost of doing most of it is very inexpensive unless you are knocking down a home. For the half a dozen blighted properties we have in town that I think are horrendous, it is a direction that we should actually take a look at going into. I know not too long back Mr. Silva and myself made a comment on the house on Park Place that sat there for all those years and finally got taken down. I know there are several others. We have a property right now that is up for sale that has a house that has been vacant for many years. There is not a single part of the house you can see when you drive by because of the bushes growing around it. If we were to take this action two years ago that piece of property the owners would have had to take care of it or the new owner looking to buy it would have to do something to it. I think this puts a new onus on the owner themselves. If they still want to ignore us to a certain degree and you were going to be the person buying the property, you are not going to want that liability on your shoulders. I do have a copy here if anyone wants to look at it. I don't know if Ms. Villano has it. I would be happy to leave the copy. I think it is a step really in the right direction.

Mr. Rooney: I think that is a great idea. I was at a Pioneer's game a couple of weeks ago and was stopped by an individual in Ludlow talking about various pieces of property around town and the deplorable condition. I checked out a couple of them and he is absolutely right. I don't know if this Chapter 139 is something that makes sense if we have Justin in at a meeting to see what actions we can be taking armed with Chapter 139 or any other tools that we have to try to correct some of these blighted areas. So I guess I would ask if you would follow up with Justin and then perhaps if he could come in to a subsequent meeting to talk about what things can be done, what things he is currently doing to deal with some of these blighted properties. I certainly would echo the comments of my colleagues relative to the Alves family and that unspeakable tragedy and nothing else to say other than our thoughts and prayers go with them and their family members. I would just remind residents that tomorrow evening we have a continuation of the HAP public hearing at 6:30 p.m. at Ludlow High School and would urge people to attend.

Mr. Mannix made a motion for the Board to enter executive session for labor negotiations with Local 98, LATOS and Patrol Officers to discuss security equipment deployment as the Chairman determines that an open meeting will have a detrimental effect on the bargaining position of the public body and the safety of the security of equipment and personnel, seconded by Ms. Fernandes. Mr. Mannix yes, Ms. Fernandes yes, Mr. Silva yes, Mr. DeBarge yes, Mr. Rooney yes.

  
Chairman  
  
Brian DeBarge  
  
  
Ludlow Board of Selectmen

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

