

Meeting of the Board of Selectmen held on September 19, 2017 beginning at 6:45 pm in the Selectmen's Conference Room, Town Hall.

The Board attended a meeting with Senator Eric Lessor at the Randall Boys & Girls Club/Ludlow Community Center at 6:00 pm. The Board of Selectmen's meeting started at 6:45 pm.

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

First order of business: Pledge of Allegiance

#### Visitations

There were two Public Hearings scheduled with Eversource for joint pole locations. They were rescheduled to October 4, 2017.

#### Correspondence

234. Sheri Santos, Events Coordinator of the Ludlow Community Center – requests permission to schedule the Annual “Rag Shag Parade” to be held on October 27, 2017.

Moved by Mr., Mannix, seconded by Mr. Silva, to authorize the Annual “Rag Shag Parade” to be held on October 27, 2017 by the Ludlow Community Center. Vote 5-0 all in favor.

235. Linda Maiuri, R.N. – informing the Board that she will be retiring on Friday, September 29, 2017, after 28 years of service for the Board of Health.

Moved by Mr. Mannix, seconded by Mr. Silva, to accept the retirement of Linda Maiuri, Nurse from the Board of Health and send off a nice letter of thank you for all her years of working for the Town. Vote 5-0 all in favor.

236. Carolyn Rogowski – informing the Board that she will be retiring on December 29, 2017, after 25 years of service in the Board of Health.

Moved by Mr. Mannix, seconded by Mrs. Fernandes, that we accept the retirement notice of Carolyn Rogowski's retirement of December 29, 2017 with 25 years of service at the Board of Health with a letter going out with appreciation for her time and service with the Town of Ludlow. Vote 5-0 all in favor.

237. Stacy DaCruz Sosa – requesting to hang banners for Wilbraham Monson Academy Open House to be held in October for 2 weeks.

Moved by Mr. Mannix, seconded by Mrs. Fernandes, to deny the request.

Discussion: Mr. Silva asked if it is customary to do this for outside organizations. Ms. Villano stated not to her knowledge. Mr. Rooney stated that we do have a number of children from Ludlow that go to Wilbraham Monson Academy. He doesn't have a problem with allowing it. Mr. Mannix stated this could open up Pandora's Box and he doesn't want to allow an outside organization to put up banners to advertise something that will take tax dollars away from the Town and the School Department. Mrs. Fernandes agreed that other organizations will start coming in and who do you say no to.

Vote 2-3 not in favor.

Moved by Mr. Silva, seconded by Mr. DeBarge, that we notify Stacy Sosa that we will allow the banners and to follow our requirements. Vote 3-2 in favor.

#### Visitations (Continued)

The Board held a public hearing for a Verizon Pole Location on Center Street.

Moved by Mr. Silva, seconded by Mr. Mannix, to open the Pole Location hearing for Verizon pole on Center Street at 6:57 pm. Vote 5-0 all in favor.

Mr. Davis: My name is Paul Davis, I work for a company by the name of UCC Synergetic out of Sunderland, we are a contracted engineering company doing work for Verizon and I am here tonight representing Verizon on their behalf.

Mr. Rooney: And can you tell us a little bit about what the request is, where it is, just so we have a frame of reference.

Mr. Davis: Sure. Basically this petition is in regards to the massDOT current and ongoing project on Center Street. There are two locations in regards to this petition today, Center Street and the, well Center Street and Harding Street, right on the corner there, they're proposing to relocate one pole because, again they're doing work there for this massDOT project, that pole will be relocated behind the sidewalk, that's the first location; the second location is down at the intersection of Center Street and I'm not sure what the side street is called, it's a very short side street that connects to Sewall Street, so the pole on that corner there is being relocated in that little side street that connects to Sewall Street. I don't know the technical name to this street, I don't have it here, but anyways they're proposing to relocate that pole again based on the massDOT project that's going on. These two poles are basically in the way of the project that's ongoing.

Mr. Rooney: Okay, any questions or comments from the Board members?

Mr. Silva: I move that we allow Verizon to locate the pole on Center Street as outlined by Mr. Paul Davis.

Mr. Mannix: Second.

Vote 5-0 all in favor.

Moved by Mr. Silva, seconded by Mrs. Fernandes, that we close the hearing for Verizon pole location on Center Street at 6:59 pm. Vote 5-0 all in favor.

#### Correspondence (Continued)

238. Invitation for the Ludlow Community Center Randall Boys & Girls Club Annual Meeting to be held on October 5, 2017 at Ludlow Country Club.

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

239. Charles Baker, Governor – informing the Board that the Chapter 90 local aid funding for Fiscal Year 2018 is \$701,338.

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

240. Sara Clark, Department Secretary, Commonwealth of Massachusetts Department of Telecommunications and Cable - informing the Board that our cable television license with Charter Communications expires on September 16, 2020. Federal law provides for a formal renewal process that begins between 36 and 30 months before the license expires.

Mr. Mannix asked if we have a full cable board at this time. Ms. Villano stated yes. She stated that this letter is a repeat letter from a couple of weeks ago.

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

241. Board of Health – letter of support in banning retail marijuana sales in Ludlow.

Mr. Mannix stated he is in total support of the Board of Health on this. He stated that he believes that according to the Governor, the Board of Selectmen have the right to pass a law, rule, regulation banning the sale of marijuana in the Town of Ludlow. Ms. Villano

stated that Town Counsel has advised that the Board of Selectmen cannot take the vote to ban retail marijuana sales, it is the governing body which is Town Meeting, a bylaw change at Town Meeting. Mr. Mannix still feels the Board can take action according to the Governor and that it should be on record that we don't want it and if the Board takes the vote he will personally call the Attorney General's office. The majority of this Board didn't want to get 3 million dollars in tax money to have medical marijuana grown in this town and this Board has sat here and ranted, raved, yelled, screamed, hollered and kicked and cursed about anti-drugs in the Town of Ludlow, well now we have a chance to take a step forward, maybe we'll be the first, maybe we'll even be wrong, but I'd rather take that step forward and put something in place and institute something before things do change. Mr. Rooney stated he was all for not allowing a marijuana growing facility off of Moody Street, he is very proud of that, he'll stick by that. He is all for banning the sale of recreational marijuana. He applauds the Board of Health for their stance. He suggested that we double check with Town Counsel to be sure this process is done correctly. Mr. DeBarge stated he is in agreement with Mr. Mannix and the Board of Selectmen should act first however, he doesn't want to do this improperly. Ms. Villano stated that no one can open a store because we have a temporary moratorium in place. Mr. DeBarge sees no harm in finding out the correct procedure and doing it right the first time. Mr. Rooney isn't comfortable with the Board doing something that is contrary to Town Counsel's opinion. Mr. Silva is concerned that taking a vote on something we are not authorized to do could be a violation of people's rights and therefore gives them the right to do what we voted against.

Mr. Mannix made a motion that the Board of Selectmen go on record to vote for no sale of marijuana in the Town of Ludlow contingent upon the Attorney General's yes or no if it's legal. There was no second on the motion.

Mr. Silva made a motion, seconded by Mr. DeBarge, that we support the banning of marijuana by moving it to the proper procedure and forwarding it to Town Meeting. Mr. Rooney suggested an amendment to the motion; that the motion indicate that we are in support of the letter received from the Board of Health and that we request a letter from Town Counsel spelling out the process by which the Town of Ludlow needs to take given its form of government to entertain the ban of recreational marijuana. Mr. Silva and Mr. DeBarge agreed to the amendment to the motion. Mr. Mannix asked to amend the motion to not read Town Counsel, it reads the Attorney General of the Commonwealth of Massachusetts. There was no agreement on that amendment. Vote 4-1 in favor.

#### Visitations (Continued)

The Board met with Rebecca Paul and Laurie Smith from the Celebrate Ludlow Committee. Ms. Paul stated that Celebrate Ludlow 2017 was very successful. There was a great Committee. There is a credit balance remaining of \$3,956.07 after all donations and expenses, so that will go towards next year's event. Celebrate Ludlow sponsored an ice cream truck at the event and that brought in about \$400.00. Ms. Smith stated that the ice cream truck was manned by volunteers from the high school's Leader program and that was a great benefit to have. She stated the current Committee is staying on board and will start meeting in October in order to start earlier and maybe do some fundraisers for next year. Ms. Paul stated that the layout on the grounds was different this year and was very well received. People were spread out more. Ms. Smith stated that there is a volunteer from every organization on the Committee so everybody has a vested interest in keeping this moving and having it be really successful. Mr. Silva commented that all of the vendors ran out of food. Ms. Smith stated it was hard to predict because of recent slow years and everything had to be purchased before the event. All the Board members congratulated the Committee for a great event.

#### Correspondence (Continued)

242. Michael Clancy, Assistant General Counsel – IBPO 374 and IBPO Local 487 each hereby demand to bargain the impact of the proposed Personnel Manual.

Moved by Mrs. Fernandes, seconded by Mr. Silva, to move this item forward to Attorney Weinberg. Vote 5-0 all in favor.

243. Edward Kaczinski, Director, Engineering & Generation Assets - informing the Board that MMWEC will be conducting its pipeline inspection on September 26, 2017.

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

244. Seven letters of concern from tenants at Maple Tree Square, 200 Center Street regarding the temporary closure of Howard Street at Center Street.

Ms. Villano stated that a copy of these letters was given to the Safety Committee and a member of the Committee spoke to these property owners. The legal notice has been published and the closure is scheduled around October 1<sup>st</sup>.

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

245. Frederick Lafayette, Chair Ludlow Senior Center Building Committee – requesting that the Board schedule a Special Town Meeting on Jan 8, 2018 in order to vote on the appropriation of a new Senior Center.

Ms. Villano suggested having the Committee meet with the Board to discuss the new senior center. She believes they are looking to have the contingent appropriation in January so that it can be put forward to the ballot in March.

Moved by Mr. Mannix, seconded by Mrs. Fernandes, to file with the intention of calling the Committee in and give us the details of what they're looking for. Vote 5-0 all in favor.

246. May and June Monthly Crime Reports

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

247. Board of Health Nurses Association - request to open negotiations to amend Article 5.

Mr. Mannix made a motion, seconded by Mr. Silva, to forward the request to Attorney Weinberg. Vote 5-0 all in favor.

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

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

249. Eric Nelson, President/CEO, Westmass - Ludlow Mills Complex total number of employees and companies at the Ludlow Mills complex.

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

250. Chief Madera – informing the Board that Dispatcher Elisabete Goncalves has retired on September 6, 2017, she started here as a part-time Civilian Dispatcher in 1999 and in 2002 she began serving as per diem dispatcher and remained in that position for approximately fifteen years.

Moved by Mr. Mannix, seconded by Mr. Silva, to thank her for all her time and send a thank you notice. Vote 5-0 all in favor.

251. Chief Paul Madera – requesting to declare the 2007 Dodge Charger Sedan, Vin #2B3KA43HXH770275, as surplus for the purpose of assignment to Town Hall for administrative use.

Moved by Mr. Mannix, seconded by Mr. Silva, that accept Chief Madera's request under #251. Vote 5-0 all in favor.

252. Ellie Villano, Town Administrator – request the following vehicles assigned to the Town Hall be declared as surplus and allowed for disposal through sale: 2010 Dodge Charger

Sedan Vin #2B3AA4CT8AH302701 and 2008 Dodge Charger Sedan Vin #2B3KA43H48H285003.

Moved by Mr. Mannix, seconded by Mr. DeBarge, that we accept correspondence #252 as submitted by Ellie Villano, Town Administrator. Vote 4-0 all in favor.

#### Unfinished Business

Board to certify that the Town does not currently anticipate that the property to be acquired with \$230,000 Land Acquisition Bonds, or any portion thereof, will be leased, rented, managed or otherwise exclusively committed to a third party, or sold for so long as any bond or notes are outstanding, including a description of what the land will be used for. The purpose of the land acquisition is for the Center Street Road Improvement project.

Moved by Mr. Mannix, seconded by Mrs. Fernandes, to certify that the Town does not currently anticipate that the property to be acquired with \$230,000 Land Acquisition Bonds, or any portion thereof, will be leased, rented, managed or otherwise exclusively committed to a third party, or sold for so long as any bond or notes are outstanding, including a description of what the land will be used for. The purpose of the land acquisition is for the Center Street Road Improvement project. Vote 5-0 all in favor.

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Board to allow the Cable Commission to use the services of Attorney Bill August for the negotiations with Charter Communications.

Moved by Mr. Mannix, seconded by Mr. Silva, to authorize the Cable Commission to use the services of Attorney Bill August for the negotiations with Charter Communications. Vote 5-0 all in favor.

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Board to approve and sign the Executive Session minutes of August 24, 2017.

Moved by Mr. Silva, seconded by Mrs. Fernandes, that we sign the executive session minutes of the Board of Selectmen of August 24, 2017 with all members present with the exception of Mr. DeBarge. Vote 4-0 in favor with Mr. DeBarge abstaining.

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Board to approve and sign the Selectmen meeting minutes of May 16, 2017.

Moved by Mr. DeBarge, seconded by Mr. Mannix, that we accept the Selectmen minutes held on May 16, 2017 beginning at 5:30 with all members present. Vote 5-0 all in favor.

#### New Business

Board to discuss the need for an additional Special Town meeting in order to take up an article to transfer funds from the Stabilization Fund to the Tax Levy. Article should have been placed on the October 2<sup>nd</sup> Special Town Meeting Warrant.

Ms. Villano stated you may recall back in May the Town decided to take the first step or try not putting the free cash against the tax levy but to put all of the money into the stabilization fund with the intent of at the October Town Meeting to take some funding out and put it against the tax rate. The article wasn't put in the warrant. She spoke to Town Counsel and the Town can hold a Special Town Meeting prior to the tax classification hearing and prior to the tax rate being set and make that motion to move money from stabilization to the tax levy. Mr. Mannix asked if this would be the only article on the warrant. Ms. Villano stated that once you open the warrant you can place other articles on if you want to.

Moved by Mr. Mannix, seconded by Mr. DeBarge, to schedule a Special Town Meeting on November 6, 2017. Vote 5-0 all in favor.

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Board to approve and sign the contract between the Town of Ludlow and the Town Accountant.



Moved by Mr. Silva, seconded by Mrs. Fernandes, that we approve and sign the contract between the Town of Ludlow and the Town Accountant. Vote 5-0 all in favor.

Closing Comments

Mr. DeBarge stated that he had the privilege of attending the unveiling of Davide Nascimento's sign re-naming the soccer field at East Street School. It is such a tragic loss for a young man.

Mr. Silva stated that he attended the 9/11 service at the fire station and it was a very nice remembrance ceremony. He also attended the 9/11 service at Our Lady of Fatima and that was very moving.

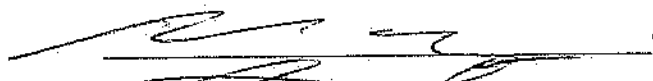
Mr. Mannix thanked the Celebrate Ludlow Committee.

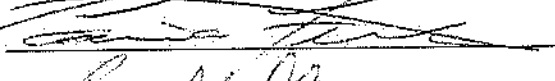
Mrs. Fernandes stated that if any residents want to express their ideas in regards to the Charter Communications contract, they should come forward.

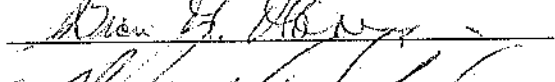
Mr. Rooney: I will entertain a motion to enter into executive session for the purposes of negotiations with LATOS and Board of Health Nurses and as Chairman I declare that this discussion in open session would have a detrimental effect on the bargaining position of the public body.

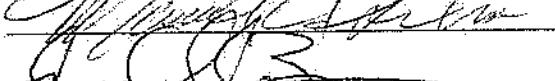
Mr. Silva made a motion, seconded by Mr. Mannix, we enter into executive session at 8:15 pm to discuss the negotiations between LATOS and Board of Health Nurses and not return to open session.


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

  
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Chairman

  
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Brian H. DeBarge

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