

October 17, 2017

The meeting of the Board of Selectmen held on Tuesday, October 17, 2017, beginning at 6:00 p.m. in the Selectmen's Conference Room, Town Hall.

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Members Present: Chairman William Rooney, Manny Silva, Brian Marshall, Charmina Fernandes and Derek DeBarge

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First order of Business: The Pledge of Allegiance.

6:00 p.m. Senior Center Building Committee

Present were Mr. Lafayette, Chairman, Richard Moskal, Vice Chair, Stephen Santos, Matt Goncalves. Mr. Lafayette we are here to present you information on the future Sr. Center. The Senior Building Committee would like to put a question on the town ballot in the March, 2018 asking for a debt exclusion. Have an article at the Town Meeting in May, 2018 to approve debt exclusion after much discussion. To vote on a nonbinding article at Town Meeting at October, 2017 and put a question on the town ballot in March, 2018 asking for a debt exclusion and that has gone by the Board and I have postponed the request. Next is the contingent appropriation vote at a Town Meeting saying we want nine point eight million dollars to build a new Senior Center the article is contingent upon debt exclusion the vote of the town, the problem being from the Town Meeting vote you only have ninety calendar days to hold the vote. So we are looking at the March Town Meeting. So now we are looking for a vote to have a Special Town Meeting and we presented you a letter. The construction timeline with voter approval in late March, 2018 this would be the timeline that we would start so we could accomplish the building of the Sr. Center we are looking at fourteen to sixteen months to complete the building. Ms. Zepke we are the Council on Aging we are the social service agency for the adult population in this town as of October 12th there five thousand six hundred ninety seven older adults that responded to the town census and it is the fastest growing population we tried to keep people healthy and independent. We offer different types of services the Senior Center has little notice by many and misunderstood by even more until you visit one or know someone who does it seems they are invisible in most people's lives and that exactly what it is. A lot of people do not know what we are until they need us but we are always here to help. We have a computer program that tracks everything and all the people that come into the Senior Center that have scan cards and there is still many that do not even scan in or sign in and these numbers are on the low end, we also provide transportation to four hundred seniors in town and that is only going to grow. The transportation and the housing seem to be the major issues for the aging population. We do not have a building that is senior friendly and there is many safety concerns and for a longtime it did its job and we have outgrown it is time to move on. Four years ago we took a hard look at the needs of the and many know the friends of the Senior Center did pay for the feasibility study and we then came in front of the Board and there were some issues with the article for town meeting last year and at that time it established the Senior Center Building Committee. We meet and organized in December and one of the big things is where are we going to put it so we meet with the Town Planner and we went thru all the town owned property and privately owned property, we went thru it all and what we came back to conclusion is that the mill is actually the best place for the new senior center it is centrally located and there is property there we then visited four other Senior Centers in the area most of which the daily averages are less than ours. Westmass Development does have two pieces of property ready for development and we did look at Vets Park School with the Building Inspector and basically what was decided on it could never be used for a Senior Building the coding would change because it would become an assembly building. We have had discussion of the legal process of the debt exclusion and the valid process of which but conversations with the Town Council lead us to understand the process that we need a vote from Town Meeting ninety days prior to putting it in the ballot and then the ballot question has to be with the Town Clerk forty five days prior. So we are here today so we can request that we have a question for Town Meeting members to vote on it and hopefully put it out to the voters. So I am asking for your support so we can get started with this project. Mr. Moskal the question is what is going to cost we are looking at nine point eight million dollars for the project that will include the land, building and the hiring of the project manager those are the high cost items. We have been to four different centers and as a point of interest and two were close to what we are looking for. We are looking at a four percent rate of a thirty year obligation. Mr. Lafayette the letter the Selectmen stipulates that we have a Special Town Meeting. Mr. Rooney when you came in with the initial proposal I was skeptical and I took on the task to be on the Senior Center Building Committee and we have been meeting for one year,

I am on hundred percent sure that the Town of Ludlow needs a new Senior Center, it is important that issues out there you are in basement of hundred and ten year old building it is time to come out of the basement. The issues will be what the voters will want given all of the implications of this and other issues that we are looking at, if this process goes thru and it there vote tonight to put it on Special Town Meeting and there is a favorable vote at the town meeting in January that during that period there has to be a number of information sessions that are made available to the towns people so that everybody knows what the cost and the design will be and to make it available in a full disclosure or process to the voters of Ludlow. Mr. Lafayette when you have the Special Town Meeting and the precinct members will come forward with a lot of questions. Jody and Richard are operating a sub-committee on an informational level they have plans for it they will approach the register to show the cost effect and also the building design so it will be there in prior too Special Town meeting and I hope you decide to vote favorably for it. Mr. DeBarge I am in favor of this form the beginning to the end, from the time that I have dealing with the Senior Center the statement that Jody has read is the biggest understatement and as a Police Officer anything that happens with the Seniors when comes to a Policemen and you have questions where does he go the Senior Center. There comes a time when the building infrastructure becomes so old that fixing it becomes a liability so when look at the effect of what taxes can be for our town over the years sometimes it is more important to look at the history or how long this building has been for our seniors and we can see how much we have gotten out of this one building and how much more we can get out a new building this is what is important that is what we need to look at not the tax rate, but this building cannot go any further and if anybody deserves it, its demographic of the people. Mr. Silva have you looked at the cost savings for not being in the building. Ms. Zepke we have a major heating issue that is going to be very costly to fix, with a new building it will be energy efficient. Mr. Lafayette to do a cost analyst and make a comparison you would be saving alone in heat and electricity. Mr. Mannix have you looked at putting solar in the building, the legislation is stating that all new municipal buildings to be built needs to have solar. One thing is we have to get the town precedent members to go to and vote and the next step is another vote by the town so I want to be very careful when doing this. Ms. Fernandes I am so in favor of this project only because I do have the census number for the aging population, we know the baby boomers are going to age and we all know that current Senior Center is bursting at the seams and the building is old and yes we have residents in town and they are paying taxes and they are going up and they are not very happy and a lot of the ones that are most affected are seniors. Ms. Zepke most of the feedback that we have gotten is very favorable, they are ones that will have the biggest impact with the tax increase on the seniors. We have receive positive feedback and I do invite people to come to the center and see what we are all about, what we do, what we provide. We have had really good feedback from the Senior Community they are really in favor of those project. Ms. Fernandes my only concern is that we have another major project at the same time the interest rate are at an all-time low and liability that you have and the continued repair and I am still keep going back to the tax payers and I am glad that they are going to have a say their income is not going up their taxes are going to go up. Ms. Zepke if you ask the seniors they willing to pay that to have a better facility to have more services. Mr. Lafayette the Mills is ideal property to go thru that suddenly other properties become available and therefore the bidding for the property would improve. Ms. Zepke the building we are looking at is eighteen to twenty thousand square feet this the concept we are working for. Mr. Rooney for clarification the March election is the twenty sixth it has to be within ninety days. What may make sense if we have a motion not with a date certain but sometime within the ninety days requirement from the March, 2018 election? Moved by Mr. DeBarge seconded by Mr. Silva to schedule a Special Town Meeting in January or February for the purpose of appropriation for the new Senior Center. Vote: 5-0 in favor.

6:30 p.m. Ludlow Cares Coalition Red Ribbon Week.

Red Ribbon week is fast approaching and is happening October 23rd thru the 31st. The Ludlow Community continues to support Red Ribbon week Cares certainly was the catalyst with the DEA but community has embraced the concept of Red Ribbon week and it has made a huge impact in our community. We have the support of the residences, business both financial and the Police and Fire departments have been true partners with us in the Cares Coalition as well as the Schools, Town Nurses, The Boys and Girls and the Senior Center and many other groups and individuals throughout Ludlow. This year's theme of Red Ribbon Week is your future is key stay drug free so there are a lot of events that are happening throughout the community. The High School is doing a poster contest in the Health classes and distributing the posters throughout the community and Cares is sponsoring two performances by the improbable players which is a drug awareness themed play, the Middle School is incorporating Cares as part of their

Spirit week and each day the youth will be encouraged to wear different attire that will have a theme, Baird and Veterans Park School is doing plant a promise of tulip and daffodils bulbs in the fall and in the spring they see them come up. Chapin Street School is going to dress in red and have a photo taken of the entire school and then we will submit it to the national Red Ribbon week contest. The East Street students will be making book marks. The big event will be on the twenty third it is let's talk about marijuana the conversation has changed, featuring Jennifer Michaels is Board Certified in child and addiction specialist she works for the Bryan Center in North Adams. Red Ribbon week is about prevention and drug abuse. The schools have really taken on the education of drug awareness and drug addiction and during Red Ribbon week Cares is funding all the events that are taking place and we are here to do that and support that lets talk more about the first day and by bringing education like this as a community bringing parents together so the messages are the same and bringing kids together so they are making the smart decisions about the choices that they are going to have eventually whether they are in sixth or twelfth grade they will face it and decide who they want to be and what they will do. We are talking about the first day and getting together as a community from a prevention stand point has proven to be effective, so if you want to do anything about this problem it is about showing up and bringing your child there and we talking about the first day not the worst day. This part is the education component and we are doing a good job in our schools and reaching out to the adult population is probably the next level that we need to focus on substance abuse be it alcohol and drugs. A lot of the root of the problem are surrounded by substance abuse, be it alcohol and drugs and one of the realizations as adults and our young people have to realize that marijuana may be legal in Massachusetts but it is still illegal as a federal documented drug and other states it is not legal there either, so before you make a decision that you will part take and participate you need to know how it will impact you and parents should be aware with the issues of legalization of marijuana and we have age restrictions on that on the use and possession concerning marijuana, this is a very important program for the parents and it will provide information to the young people in our community for an education concern and what to expect. It is very important to focus on the very first day.

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Mr. Mannix: The Cares Coalition has done a great deal of things over the years especially for the children, you have done a lot in educating the parents and I will sit here and say it's the parents that need more education. The Schools have done an excellent job and the more programs you have for the parents, I really believe that is where we need to be and information you getting out is a bigger asset to the town.

Ms. Millner: The research shows that joining together to go to an event like this can make a huge difference.

Ms. Fernandes: It is frustrating to see local communities working so hard to combat drug addiction.

Ms. Rooney: Cares is made up of a lot of people throughout and currently we are wrapping up our fundraising campaign and this year we have a grant from the Hamden County District Attorney's Office who is supporting our efforts that we are doing, we have been able to raise over fifteen thousand dollars to continue our efforts for next year and that is largely citizens and many businesses and ongoing donors who support the work that we are doing and encouraging us to continue. In Ludlow our kids know about opioids so I feel really good about that.

Mr. Silva: I have attend all of these programs with my daughters and they are excellent. Also encourage young adults the eighteen to twenty five group that are frequently the ones that have the big drug problems.

Moved by Mr. DeBarge seconded Mr. Mannix to declare October 23, 2017 thru October 31, 2017 Red Ribbon Week in the Town of Ludlow. Vote: 5-0 in favor.

7:00 p.m. Finance Discussion with Kim Collins Town Accountant, Kim Downing Finance Committee, Ellie Villano Town Administrator.

Ms. Villano: In the November 16th Special Town Meeting one of the articles to transfer from the stabilization account to put against the fiscal year 2018. The Town Accountant has prepared two scenarios of what we are recommending for funding that should go against the tax rate, the first scenario deals with basically the amount of money of free cash that we did take in the May Town Meeting and vote it into stabilization and the second scenario is money a little higher than that amount to help offset the tax rate.

Ms. Collins: The scenario is eight hundred thousand which is basically the equivalent of what we took from free cash and put into stabilization and the second scenario is the one point five coming out of stabilization both of the scenarios include votes that will happen at the November meeting to rescind one of the articles for a hundred and sixty three thousand and then the

postponement of one of the articles for hundred thousand also in here is an increase in any of the fees that are controlled by the Board of Selectmen. There estimated tax rates and we have not received the final numbers from the Assessors.

Mr. Rooney: We have had a couple meetings talking about the various scenarios talking about some of these issues and there are some concerns from a financial standpoint and all of those you can see what that would do from an estimated tax rate. I want to commend the folks that put all of this together to meet.

Ms. Fernandes: This gives a clear picture of what our future will hold and I appreciate you taking the time to do this for us.

Mr. Mannix: We need to look at the numbers and bring things in align of what our future I going we have a Senior Center and everyone wants to jump on board and in a year or two it will be a new school and all of that is put on and continue to grow and we are not growing that fast with money coming in realistically this something that we need to start looking at and it is time that we started doing things for the town and the town people not jest we need a new building we really need to look at the numbers. I have said it in the past we should not be spending money faster than we are bringing it in I rather have some deep cuts and spend the money to bring things back. Over a course of years we are going to bury a lot of home ownership. We have to start doing for the necessary needs not the projected needs and we need start looking in that direction.

Ms. Downing: It has taken us five full years to get to the point where we have this process in place and we are actually able to look at the numbers in real time. We are looking at doing what you are saying we want to lighten the burden, I don't want to over correct, this year we starting early and we need to take good look at the budget and new growth is another thing and that is something that is very difficult because we are locked in and don't have a lot of land. We need Fire and Safety we have kids we need schools we need a lot of things that are not in our control whoever we have two projects coming up that our multimillion dollar projects and that will be up to the citizens to make that decision and hopefully we will be able to keep them informed we will talk to the departments and start the budget process and we will be extra diligent this year. Mr. Rooney: We have talked about a stabilization fund that had three and a half million in it and after a lot of discussion there discussion to get that down to two million to get an estimated tax rate that would be a little bit better and now that we have three point seven and if there was a comfort level what are your thoughts on allocating the extra two hundred thousand dollars.

Ms. Collins: The one point five was the maximum because every year we are relaying free cash to fund our budget and it is not anything you want to relay on at some point there will not be enough free cash

Ms. Villano: The two point two million in the stabilization fund makes me feel more comfortable but this is strictly the decision of the Board of Selectmen and all we can do is provide you with our opinion.

Mr. Silva: We do need to get the stabilization fund up.

Ms. Downing: We need to put more savings into stabilization.

Moved by Mr. Mannix seconded by Ms. Fernandes to appropriate one point six million dollars from the stabilization fund to the tax rate at the Special Town meeting. Vote 5-0 in favor.

The Board went into a five minute recess.

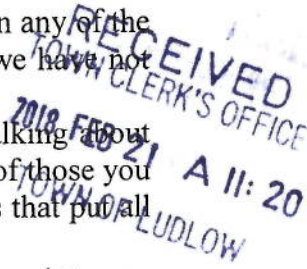
The Board return to open session.

7:30 p.m. Attorney Dan Hill discussion on the Financial Decision from the Zoning Board of Appeals for the Comprehensive Permit for the Wayfinders project located at 188 Fuller Street.

Attorney Hill: Special Council for 40B matters. With respect to the public information where we are today is the issuance of a comprehensive permit by the Zoning Board and it was filed at the Town Clerks Office on October 12th. We were fairly effective in getting some good conditions into the decision, the overall density of the project is forty one units which dropped from forty three there were some modifications one of the buildings was eliminated and now there is more space between the properties on Chapin Street and dumpsters have been moved away from the neighbors overall it is an improved project and there are some good conditions with a sidewalk being built by them.

Mr. Rooney: The Board of Selectmen does not have the ability to place additional conditions on the decision from the Zoning Board of Appeals or alter them in anyway.

Attorney Hill: That is correct. A comprehensive permit that any local permit or license that is required for this project is assumed that was issued by the Zoning Board and in doing so the applicant actually asked for the local approvals and waivers from the general bylaw some of which are not granted including the requirement that the developer go back to the Board of Health and where they are planning on locating the dumpsters that is one example.



Mr. Silva: This before us is that something that they both agreed on or is this what the Appeals Board is proposing to them and could actually go back to the State and not agree with these conditions.

Attorney Hill: That is correct these conditions were imposed by the Zoning Board, there are several conditions that the applicant was not happy with and so it is possible that the applicant could file an appeal from this decision within twenty days and that appeal would go to the State Housing Appeal Committee which is a five member board that is under the umbrella of the State Department of Housing and Community Development as a Hearing Officer it is a mini trial and there is no direct testimony and there is a evidently a hearing. Housing appeal committee will decide and the developer bears the burden in an appeal like this makes the project un-economical and that would not be a slam dunk for the developer here. This project from the very beginning a typical 40B you had market rate units subsidizing the affordable units this a hundred percent affordable and most of the money is being used is public funds being with it will be a tax credit project the federal subsidies that are administered by the state whether it is forty units or thirty six units this project would have been viable, tax credit projects are very competitive to get tax credits a lot of nonprofits are competing for the same pool of allocations that the state issues twice a year and generally bigger projects are given more priority so they could argue that they would not be as competitive with another project somewhere else in the state as forty two units or forty five units generally speaking that do not have a very strong economic argument here and the conditions are very much dependent defensible and hope fully they will not appeal and if the Board would have to be in the position deciding whether or not to put up a vigorous defense you would have to pay for attorneys to represent the Zoning the Board.

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Ms. Fernandes: If they did appeal they would have these twenty days to appeal and if this Board wanted to do anything to that appeal what are the options, do we have a standing in that.

Attorney Hill: If the developers appeals the Zoning Board is the nominal defendant the Board of Selectmen would not have any roll except to provide council to the Zoning Board.

Mr. Mannix: If they appeal would it be a specific designation or are they appealing the whole thing.

Attorney Hill: The appeal could be on specific conditions like the requirement to pay for the sidewalk or the reduction of units or they could open up the whole thing and say that there is condition in here that we do not like, I have seen developers do both my limited experience with this developer is that they have a pretty hard negotiating positing, they are approached to this process that has been surprisingly adversarial particularly for a nonprofit I have not seen many projects as adversarial as this one with respect to the applicants there demeanor and approach so I would not be shocked if they came in with a full throttle approach to an appeal.

Mr. Mannix: It is the possibility that they would come in and appeal the whole thing so each and every item would have to be gone through.

Attorney Hill: There are conditions in here they cannot possibly challenge so they are not going to do all hundred paragraphs they will target the ones that they think are appealable, so developer will narrow it to things that they care about.

Mr. Mannix: I sit here and I do not like anything at all from day one if I was on the Zoning Board of Appeals wouldn't have given them a waiver on anything I would go to the bitter end and fight till the bitter end but I am also a person that is more than willing to work out a comprise that will enhance any and everybody and that is why I am asking these questions before that November 1st date or after that November 1st date once they do appeal can they withdraw the appeal and take a place on a happy medium with the town and them.

Attorney Hill: Yes, that often happens, developers will file and appeal and attempt to negotiate and a lot of the time the towns are happy to negotiate to avoid the expense and the uncertainty of the appeal, the difficulty with 40B is the housing appeals committee at the State level generally rules in favor of developers it has a track record in doing so and most towns will recognize that and make a strategic decision to try and to come to terms on that are somewhat favorable that could be part of their strategy they file an appeal and approach us. Typically in these situations the Selectmen will get involved with Town Council to negotiate.

Mr. Rooney: Let's assume that Wayfinders does appeal and they attempt to negotiate we the Board of Selectmen are able to be at the table, is there a reason we cannot be.

Attorney Hill: You do not have a roll at the actual HAC proceedings but the Attorney does represent the Town.

Mr. Rooney: If there is an appeal and there is some discussion to try to negotiate something prior to going to the housing appeal committee, we would have a role in it.

Attorney Hill: If you want.

Ms. Fernandes: If the developer appeals and does not want to negotiate and goes into an appeal what are our options.

Attorney Hill: Your option is to assign council to defend the Zoning Boards decision most towns have ordinances bylaws that give the authority to direct litigation to Selectmen if you have a bylaw to that effect you would have the authority to comprise, settle, to prosecute and if you choose not to defend the decision at all I guess you could make that decision and not assign council. In the case I have seen the town will assign council and the attorney will defend the Zoning Boards decision.

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Mr. Rooney: If you want to discuss the Board of Selectmen's options of challenging the permit yourself that is litigation and deciding to enter into litigation that would be in my opinion that is protected by the session privileged under the open meeting law so if you want to talk about that then I would recommend doing a roll call vote to go into Executive Session.

Ms. Fernandes: If we wanted to decide to assign council to defend the decision.

Attorney Hill: No I do not think that because that is not administerly act that does not require an Executive Session vote if you were to talk about the case and the strategy that would affect your litigation position then that would be appropriate, but I do not think simply by deciding whether or not to assign council is necessary.

Mr. Rooney: The Board would enter into Executive Session for the purposes of potential litigation and as Chairman I declare that and open session may have a detrimental effect on the bargaining position of the public body.

Mr. Mannix: I make a motion that we go into Executive Session at 8:39 p.m. and to come back out into open meeting after the Executive Session.

Ms. Fernandes: Second.

Mr. Mannix: yes.

Ms. Fernandes: yes.

Mr. Silva: yes.

Mr. DeBarge: yes.

The Board returned back into regular session.

Correspondence

265. Joe Alves, Assistant Assessor, Board of Assessors requesting to schedule the Fiscal Year 2018 Tax Classification Hearing for Tuesday, November 14, 2017.

Moved by Mr. Silva seconded by Mr. DeBarge to schedule the Tax Classification Hearing for November 14, 2017. Vote: 5-0 in favor.

266. Anna Lucey, Director Government Affairs, Charter Communications informing the Board of changes to the channel lineup.

Move by Mr. Silva seconded by Mr. Mannix to file. Vote: 5-0 in favor.

267. Beverly Feicha, President, Friends of the Ludlow Senior Center, Inc. invitation to the Board for the Senior Strong Wine & Beer tasting event to be held on October 27th from 5-8 p.m. at the Ludlow Country Club.

Moved by Mr. Mannix seconded by Ms. Fernandes to file. Vote: 5-0 in favor.

268. Louis Gilli, Environmental, Health and Safety Engineer MMWEC is planning to conduct its annual pipeline leak detection, inspection and cathodic testing through the end of November

Moved by Mr. Mannix seconded by Ms. Fernandes to file item #268. Vote: 5-0 in favor.

269. Application for a new Class II License for Francis Frederico, Sewall Street Auto Center at 330 Sewall Street.

Moved by Mr. Mannix seconded by Ms. Fernandes to schedule the hearing for Class II License for Sewall Street Auto Center. Vote: 5-0 in favor.

270. Neil Paquette, Chairman, Board of Health request to change the Appendix A Classification Plan of the Public Health Nurses.

Moved by Mr. Mannix seconded by Ms. Fernandes to invite Mr. Paquette in to explain to the Board the changes in the Classification Plan for the Public Health Nurses.

Vote: 5-0 in favor.

Unfinished Business

Board to vote to insert the Articles for the November 6, 2017 Special Town Meeting Warrant.

Mr. Mannix seconded by Mr. Silva to accept the articles as stated. Vote: 5-0 in favor.

Board to sign ten copies of the Warrant.

Moved by Mr. Mannix seconded by Ms. Fernandes to sign ten copies of the Warrant for the Special Town Meeting. Vote: 5-0 in favor.

Board to close the Special Town Meeting Warrant.

Moved by Mr. Mannix seconded by Mr. Silva to close the Special Town Meeting. Vote: 5-0 in favor.

Board to sign the letter to precinct members.

Moved by Mr. Mannix seconded by Mr. Silva to sign the letter to precinct members. Vote: 5-0 in favor.

Board to approve and sign the Executive Session minutes of September 19, 2017.

Moved by Mr. DeBarge seconded by Mr. Silva to approve and sign the Executive Session minutes of September 19, 2017. Vote: 5-0 in favor.

Board to approve and sign the Selectmen minutes of June 20, 2017.

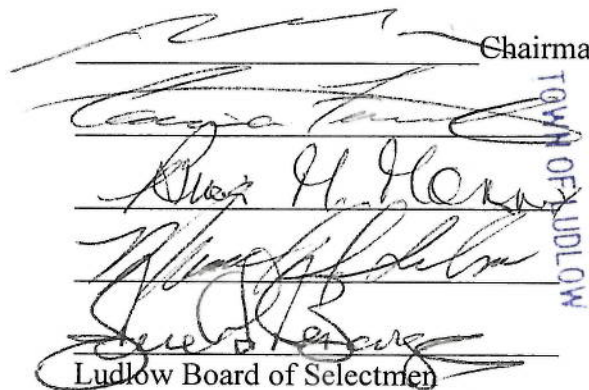
Moved by Mr. Mannix seconded by Ms. Fernandes to approve and sign the Selectmen minutes of June 20, 2017 with members present Mr. Rooney, Ms. Fernandes and Mr. Mannix. Vote: 5-0 in favor.

New Business

Board to peruse the Selectmen minutes of June 6, 2017

Moved by Mr. Mannix seconded by Ms. Fernandes to adjourn. Vote: 5-0 in favor.

Chairman



Ludlow Board of Selectmen

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

