

November 14, 2017

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The meeting of the Board of Selectmen held on Tuesday, November 14, 2017 beginning at 6:00 p.m. in the Selectmen's Conference Room, Town Hall.

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TOWN OF LUDLOW

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

First order of business: The Pledge of Allegiance.

6:00 p.m. Board of Public Works Quarterly Meeting

The Board of Public Works opened their joint meeting with the Board of Selectmen.

Moved by Mr. Santos seconded by Mr. Simao to open the joint Board of Public Works meeting with the Board Selectmen for November 14, 2017.

First item is the Sewer rate, it will be set at the next Board of Public Works meeting on Monday we will discuss the sewer rate there are some projects on the schedule that need to be done. We are looking at a maximum of three percent and now we will look at all the projects and the mandates that are coming in so we will have it set for Monday's meeting. Next is the opening of the East Street Bridge, it looks like it will be November 27th and there will be a ribbon cutting ceremony for the Bridge opening, also East Street from Poole Street to the bridge has been closed for an extended period of time during the repair of the bridge so the trees have grown in so for safety concerns and traffic control we are having the Department of Public Works trim all the trees way back, so there shouldn't be any issues and that is something that needed to get done so there would not be any issues on that road. Next is the Petrolati Clock, we had called Electric Time Company they came out for a service call and they were able to order the parts and now it is up and running. The Center Street reconstruction traffic contingency, what is the anticipated start date of the construction work and is there a plan in place for re-routing of the traffic? With a MassDot job they have a track record they have a management plan in the contract for the project and it is developed by MassDot and then it is overseen by their Engineer. Currently the project is out to bid and we are anticipating June, 2018 to start the work, the utility companies will be out first moving the poles back, water and sewer will be in charge of moving all the fire hydrants back. We anticipate that there will be a lot of phone calls traffic delays because they will not call MassDot, I anticipate road closures and detours one lane traffic, there is a lot of traffic flow, there is a lot work that needs to be done there looking at a full construction season and definitely a half so we are looking at start June of 2018 all the way through the Winter and then they will start up in the Spring 2019. Information can be placed on the Town website if and when there will be a road closure, once there is a resident engineer on the job and then we can talk about an update for the schedule when there are major issues and at that point there will be more of an outline for the timeline. And yes there will be some drainage improvements, sewer improvements with the bath house there will be some sewer work with the apartments across the street and there has been issues with that sewer line that will be incorporated into the project but that will come out of the Board of Public Works budget. Next is the Fence repair at the Bridge/Center Street, the past three years the fence has been hit twice and the pole three times, recently we have been in contact with them at the fence needs to be custom made it's an old aluminum fence and it is no longer available and it needs to be made for that situation the Company was out and took measurements for the repair. Also we can look at Rt. 21 and try to have it widen and moving the sidewalk that could improve the traffic flow within the town that is a State Road and it needs to be looked at for ways to improve the traffic flow in the town. Mr. Rooney had a question about weeds on Haviland Pond when the pond opens it looks nice then in July and August the weeds are back. We have trucked in three hundred yards of sand but with erosion the sand does move. Once the weeds are rooted it is difficult to remove them we have tried to get the sand pro out there for the weeding. Next is the general sketch and plans for the cemetery. We have two sets of plans for the cemetery which is showing two proposed soccer fields and the proposed cemetery space it is twenty six hundred and eighty eight sites burial plots on the left side is forty three parking stalls for the cemetery and there is enough when the roadways are being made wide enough to park the cars the same as island pond so this will be parking for the overflow traffic. We did have vote at our last meeting and they voted that they are not in favor of any athletic fields up there, we feel it's not a mixed used thing and we have tried to do some research in the local area to see if an athletic facility was this close to a cemetery, so the Boards concern is that they would like some feedback. There is not a lot of

room for tree buffer and the Board is not in favor of it. And the other thing is cost we are going to try and do all the cemetery stuff with our annual bid contractors and our guys to get the cemetery going. The paving the markers whatever we would buy would come out of the perpetual care fund but you do not want to delete that to the point where you are scratching to make ends meet that is why we anticipated doing two sections at a time rather than doing the whole project. If it is a mild winter we can do some of the tree trimming and pull the stumps and depending on the frost we can get a general contractor there. So we our talking about twenty to twenty five years for the life. Projects that we have done, West Street is completed paved and lined the traffic signals have been fixed. Randall Road we went out and milled a section, Church Street the right side of the road is sliding into the swamp there's about six hundred feet that will get milled an paved and relined so that will be approximately eight to ten thousand dollars. Nick Silva Field drainage has been installed and gravel was brought in it was graded and compacted we were in contracted with Palmer Paving. Howard Street we have not received any traffic complaints. Storm damage for the wind and rain damage there was a lot of major trees down our cost was approximately twelve thousand dollars and most of it was labor a lot of trees down. First Meeting House the Board wants know what the Selectmen's goal is what we are looking at is every grant that the architect does cost the town thirteen to fifteen hundred dollars in order to submit the grant. The plans that we have right now are very preliminary the grant does not cover any additional planning or architectural designs, we definitely want clear clarification what the Board wants to do with it in order to proceed. We will have to go to town meeting to get the thirty five thousand dollars on an article to get the plans and then we are still looking at three hundred and twenty six thousand dollars to do what the plans have. We want to move forward together with both Boards and get things situated we need to have a meeting with the Historical Commission and get a plan together for the First Meeting House. Motion made by Mr. Linton seconded by Mr. Santos to adjourn the Board of Public Works meeting. Vote: 3-0 in favor.

7:00 p.m. David Eisenthal, Refunding award

Mr. Eisenthal: We will be asking you to take a vote awarding three million eight hundred ninety thousand paramount of general obligation bonds, we took bids on behalf of Ms. Barros, the Town Treasurer and the Board and under Mass Law it is the Treasurer with the approval of the Board of Selectmen that borrows on behalf of the town. The Bond issue that sold today is funding the building remodeling, the roofs and the center street projects, the engineering and the land acquisition, but it also refunded bonds that the town issued in two thousand two, two thousand four and two thousand seven, the town received five bids from various investment banks and the winning bid was from Fidelity Capital the Markets of Boston the initial true interest cost was one point three nine percent. The town that we had talked about a refunding of these issues generating between seventy five thousand and then ninety thousand dollars of present value savings the town realized over hundred thousand dollars in present value savings as a result of the issue, debt service savings on an annual basis for the remaining life of the issue will be about a hundred and fifty seen thousand dollars, again better than projected the impact on general debt service was discussed and we took measurers to make sure that the impact particularly in FY19 would a more conventional approach to amortizing debt and there will be an increase of two hundred and thirty thousand dollars in general debt service but this is not as much as it could have been given the amount of debt the town is taking on at this point and this was consistent with the conversations with the Town Administrator, Town Treasurer and Town Account. So the two action items are a vote awarding and approving the Bond issue and since the votes are being taken today the documents are still being drafted and they will arrive in the Treasurer's Office on Friday so the Treasure and three of five Selectmen would be asked to come in and sign these documents as well. Part of the process for this Bond issue was applying for an S&P rating the last rating was reviewed in 2014 and it was affirmed at the double A minus level and that level was confirmed, this is a very solid rating that we have seen in Massachusetts. The score and the way that S&P Global scores local government ratings in seven areas the management area was scored as adequate that is certainly an area that the town could look to possibly improve and available reserve and that was rated as strong which is good they also look at the auditors.

Moved by Mr. DeBarge seconded by that in order to reduce interest costs, the Treasurer is authorized to issue refunding bonds, at one time or from time to time, pursuant to Chapter 44, Section 21A of the General Laws, or pursuant to any other enabling authority, to refund all of the Town's (i) \$7,182,000 General Obligation Bonds dated October 15, 2002 maturing on and after October 15, 2018, (ii) \$2,530,00 General Obligations Bonds dated October 1, 2004 maturing on and after October 1, 2108, and (iii) \$1,803,000 General Obligation Municipal Purpose Loan of

2007 Bonds dated November 15, 2007 maturing on and after August 15, 2019 (collectively, the "Refunded Bonds") and that the proceeds of any refunding bonds issued pursuant to this vote shall be used to pay the principal, redemption premium and interest on the Refunded Bonds and cost of issuance of the refunding bonds. That the sale of the \$3,980,000 General Obligation Municipal Purpose Loan of 2017 Bonds of the Town dated November 30, 2017 ("the Bonds") to Fidelity Capital Markets, a division of National Financial Services LLC, at the price of \$4,237,618.44 and accrued interest is hereby approved and confirmed. The Bonds shall be payable on August 15 of the years and in the principal amounts and bear interest at the respective rates, as follows as printed in the documented entitle vote of the Board of Selectmen. Further Voted that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated November 7, 2017, as supplemented by the Addendum thereto dated November 9, 2017, in final Official Statement dated November 14, 2017 (the "Official Statement"), each in such form as may be approved by the Town Treasurer, be and hereby are ratified confirmed, approved and adopted. That the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement. That the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by Bond Counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time. That each member of the Board of Selectmen, Town Clerk and the Town Treasurer be and hereby are, authorized to take any all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

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I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy therefore posted in a manner conspicuously visible to the public at all hours in or on the municipal that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Bonds were taken in executive session, all in accordance with G.L.c.30A 18-25, as amended. Dated November 14, 2017.

Mr. Rooney: Any discussion on the motion, hearing none all in favor. Motion carries 3-0.

Francis Frederico – Class II Motor Vehicle License

Moved by Mr. Silva seconded by Mr. DeBarge to open the Public Hearing for Francis Frederico Class II Motor Vehicle License for Sewall Street Auto Center at 330 Sewall Street at 7:34 p.m. Vote: 3-0 in favor.

Mr. Rooney: Do we have notification of abutters and notice being received by them.

Mr. Frederico: These are the documents for the mailings and the receipts.

Mr. Silva: Before we go any further I would like to let you know that I do hold a Class II license myself and if you have an issue with me sitting here and listening to what you are about to do then we will have to continue this meeting because it is a three member board because there will not be enough for a quorum.

Mr. Frederico: I have no issues. I have the payment for Turley publication and current site plan the other one was 20 years old and we did make that complete.

Mr. Rooney: Is there anything else that you want to add at this point.

Mr. Frederico: No, we have been thru all the procedures and this is our fourth meeting and we feel as though we completed everything that was asked of us in a timely manner doing the mailing and the abutters and having everything in order and the site plan.

Ms. Villano: That was the Planning Boards request.

Mr. Silva: Are you going to do the same thing that was there before, are doing both auto body work.

Mr. Frederico: No we are not applying for an auto body license.

Mr. Silva: That is stopping and you will just be doing sales and repair.

Mr. Rooney: If I can have you introduce yourselves for the record.

Francis Frederico 323 Burlingame Road, Palmer, Massachusetts. Don Davis 32 Lorretta Street, Springfield, Massachusetts.

Mr. Rooney: I would open it up to the public if there are any members of the public that would like to speak.

Jerry Ledger, 325 Sewall Street, I was wondering if it will be the same size as far as the number of vehicles that will be allowed there or is this changing what use to be there.

Mr. Frederico: Everything will be identical and the issue of the license is five cars and it will remain as five.

Mr. DeBarge: It will remain as it was before.

Mr. Frederico: There are no changes, the building has been painted but everything else remains the same with the elimination of the Autobody repair and we want to keep it clean and orderly.

Mr. Rooney: If there are no other questions I will entertain a motion.

Moved by Mr. Silva seconded by Mr. DeBarge to approve the new license for Sewall Street Auto Center.

Mr. Rooney: Any discussion on the motion, hearing none all in favor. Vote: 3-0 in favor.

Ms. Villano: The License will be signed tonight and you will be able to pick it up tomorrow providing you bring in the twenty five thousand dollar bond.

Moved by Mr. Silva seconded by Mr. DeBarge to close the hearing for Sewall Street Auto Center at 7:40 p.m.

Mr. Rooney: All in favor hearing none, motions carries. Vote: 3-0 in favor.

7:30 p.m. Tax Classification Hearing

We going to open it and continue it until November 28 at 6:00 p.m.

Moved by Mr. Silva seconded by Mr. DeBarge to open the Tax Classification Hearing at 7:41 p.m. and also further move that we continue the Tax Classification Hearing to November 28th at 6:00 p.m. Vote: 3-0 in favor.

Correspondence

271. Albert Bessette, Jr. Right of Way Manager, petition for Joint Pole Location Verizon Job No. 1A2CT6L. Board to schedule a hearing.

Moved by Mr. Silva seconded by to schedule a hearing a Pole Location Hearing for Verizon. Vote: 3-0 in favor.

272. Pat Detomas request to be appointed as a member of the Ludlow Cultural Council.

Moved by Mr. Silva seconded by Mr. DeBarge schedule and interview for Ms. Detomas. Vote: 3-0 in favor.

273. Secretary Jay Ash on behalf of Baker-Politio Administration is pleased to inform the Board that a grant in the amount of \$3,500,000 has been awarded for the Town of Ludlow.

Moved by Mr. Silva seconded by Mr. DeBarge to file item #273. Vote: 3-0 in favor.

274. 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 October 14, 2017.

Moved by Mr. Silva seconded Mr. DeBarge to approve the request of the Fire Chief for lost wages under Chapter 41, Section 111F for injuries sustained by a Firefighter for medical bills. Vote: 3-0 in favor.

275. Kim Batista, Town Clerk informing the Board that Chester Giza has resigned as a member of the Board of Registrars and is asking the Board to advertise for the position.

Moved by Mr. Silva seconded by Mr. DeBarge to accept his resignation and send him a letter thanking him for his work and that we advertise for the position. Vote: 3-0 in favor.

276. Kim Batista, Town Clerk informing the Board that Edgar Minnie II has resigned from the Planning Board and is asking the Board to advertise for the position.

Moved by Mr. DeBarge seconded by Mr. Silva to accept that Mr. Edgar Minnie II resignation with a letter of thank you and advertise for an open position. Vote: 3-0 in favor.

277. Application for a Common Victualler License for Grilled Specialty Sandwiches, 206 Holyoke Street.

Moved by Mr. Silva seconded by Mr. DeBarge to approve the Common Victualler License for Grilled Specialty Sandwiches. Vote: 3-0 in favor.

278. Nancy Connor, MPA, ERC5 Executive Director, the East of the River Five Town Chamber of Commerce would like to invite the Board to their Government Holiday Reception on December 5th from 5:00 – 8:30 p.m. at the Twin Hills Country Club.

Moved by Mr. DeBarge seconded by Mr. Silva to file item #278. Vote: 3-0 in favor.

279. MMA's 39th Annual Meeting & Trade Show is being held on January 19 and 20, 2018 at the Hynes Convention Center and Sheraton Boston Hotel.

Moved by Mr. Silva seconded by Mr. DeBarge to file item #279. Vote: 3-0 in favor.

280. Department of Environmental Protection Ludlow, RTN 1-15256, Fmr. Dana Everflex 15 Dana Way Remedial Action Inspection.

Moved by Mr. Silva seconded by Mr. DeBarge to file #280. Vote: 3-0 in favor.

281. Anthony Jarvis, Chairman, Zoning Board of Appeals requesting funding for legal representation for the Way Finders, Inc. filed appeal for 188 Fuller Street.

Wayfinders has filed an appeal and it is up to the Board to provide and find council and funding for the Zoning Board of Appeals, Attorney Haverty who assisted the Zoning Board of Appeals in their initial process. There is a conference of council being schedule for Friday.

Moved by Mr. DeBarge seconded by Mr. Silva to assign Attorney Haverty to the Zoning Board of Appeals for their Legal representation for the Wayfinders appeal. Vote: 3-0 in favor.

Moved by Mr. Silva seconded by Mr. DeBarge to file #281. Vote: 3-0 in favor.

282. Douglas Stefancik, Town Planner Planning Board reorganization.

Moved by Mr. Silva seconded by Mr. DeBarge to file item #282. Vote: 3-0 in favor.

283. The Commonwealth of Massachusetts Department of Public Utilities, Notice of Filing, Public Hearing, procedural Conference and Request for Comments, petition of Western Massachusetts Electric Company d/b/a Eversource Energy for approval by the Department of Public Utilities of ten long-term contracts for procurement of renewable energy and renewable energy certificates from ten individual renewable energy projects.

Moved by Mr. Silva seconded by Mr. DeBarge to file item #283. Vote: 3-0 in favor.

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284. Mass. Cultural Council contract and scope of services covering the transfer of FY18 funds from the Mass. Cultural Council to our local Cultural Council account for the Town of Ludlow.

Moved by Mr. Silva seconded by Mr. DeBarge to file item #284. Vote 3-0 in favor.

285. Chief Madera, Police Department request to charge off medical bills and lost wages to Chapter 41, Section 111F for injuries sustained to a Police Officer on October 30, 2017.

Moved by Mr. Silva seconded by Mr. DeBarge to approve the request to charge of medical bill and lost wages to Chapter 41, Section 111F for injuries sustained to a Police Officer. Vote: 3-0 in favor.

286. Denise Williams, Director of Regulatory Compliance and Planning, Charter Communications Annual Form 1240 and 1205 rate justification filings for 2018.

Moved by Mr. Silva seconded by Mr. DeBarge to file item #286. Vote: 3-0 in favor.

287. St. Elizabeth Parish application for One Day Beer & Wine permit for a "Create and Sip" event to be held on November 17, 2017. Does the Board wish to waive the fee?

Moved by Mr. Silva seconded by Mr. DeBarge to approve the application for One Day Beer & Wine permit for a "Create and Sip" event to be held on November 17, 2017 and waive any fee. Vote: 3-0 in favor.

288. Sgt. Brian Shameklis, Chairman, Safety Committee recommending to replace an existing faded "No Parking Here to Corner" sign on the Winsor Street side of 44 Center Street.

Moved by Mr. Silva seconded by Mr. DeBarge to approve replacing the existing faded sign on Winsor Street. Vote: 3-0 in favor.

289. Sgt. Brian Shameklis, Chairman, Safety Committee recommending the Board adopt the changes to the Town of Ludlow Traffic Rules and Orders, Schedule IV for Parking Regulations on Chapin Street & Fuller Street, School Assembly sign with time display.

290. Sgt. Shameklis, Chairman, Safety Committee recommending the Board adopt the changes to the Town of Ludlow Traffic Rules and Orders, Schedule I for 63 Chestnut Street No Parking between signs.

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291. Sgt. Brian Shameklis, Chairman, Safety Committee recommending the Board to adopt the changes to the Town of Ludlow Traffic Rules and Orders, Schedule I for Blanchard Street No Parking from here to corner.

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Moved by Mr. Silva seconded Mr. DeBarge take we table #289, 290 and 291 to a later meeting where we can discuss it with the Safety Committee and invite them in to a meeting. Vote 3-0 in favor.

292. Commonwealth of Massachusetts Hurricane Recovery Resources Guide.

Moved by Mr. Silva seconded by Mr. DeBarge to file item #292. Vote: 3-0 in favor.

293. Lt. Col. Thomas Grady, Chair Western Region Homeland Security Advisory Committee informing the Board of Regional response coordination efforts coming in Hampden County.

Moved by Mr. Silva seconded by Mr. DeBarge to file item #293. Vote: 3-0 in favor.

294. Chief Pease, Fire Department request to declare the air compressor and fill station as surplus equipment and to dispose of it appropriately.

Moved by Mr. Silva seconded by Mr. DeBarge to declare the air compressor and fill station as surplus equipment. Vote: 3-0 in favor.

Unfinished Business

Board to approve and sign the Agreement between the Town of Ludlow and International Union of Operating Engineers Local 98, AFL-CIO.

Moved by Mr. Silva seconded by Mr. DeBarge to approve and sign the Agreement between the Town of Ludlow and International Union of Operating Engineers Local 98, AFL-CIO. Vote: 3-0 in favor.

Board to appoint Brian Mannix to the Long Range Planning Committee.

Moved by Mr. Silva seconded Mr. DeBarge to appoint Brian Mannix to the Long Range Planning Committee. Vote: 3-0 in favor.

Board to sign the sign the Sewall Street Auto Center Class II Motor Vehicle License.

Board to sign the Common Victualler License for Grilled Specialty Sandwiches.

Board to sign the One Day Beer & Wine permit for St. Elizabeth's Create & Sip Christmas Wreaths.

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

Moved by Mr. DeBarge seconded by Mr. Silva to accept the minutes of September 19, 2017 with all member. Vote: 3-0 in favor.

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

Moved by Mr. Silva to table til the next meeting.

New Business

Board to approve the use of Attorney Paul Haverty as counsel to the Zoning Board of Appeals.

General Fund Expenditures /Revenue 1st Quarter Report.

Board to discuss the Selectmen's Fee Structure.

Mr. Rooney suggested putting this one for later date when there are more Board members.

Board to approve and Chairman to sign the Massachusetts Cultural Council Contract for FY2018.

Moved by Mr. Silva seconded by Mr. DeBarge approved the Massachusetts Cultural Council Contract for FY2018. Vote: 3-0 in favor.

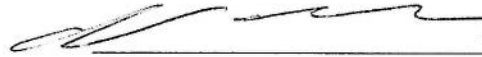
Board to peruse the Selectmen minutes of March 21, 2017, May 2, 2017, July 11, 2017, August 8, 2017, September 5, 2017 and September 19, 2017.

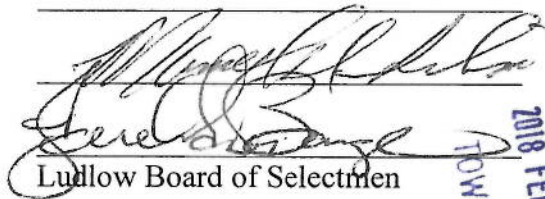
Board to peruse the Executive Session minutes of October 17, 2017.

Mr. Rooney we will be going into Executive Session for the purpose of discussing strategy for collective bargaining with the Police Dispatch and I as chairman declare that an open session may have a detrimental effect on the bargaining position of the public body.

Moved by Mr. Silva Board to enter into Executive Session at 8:08 p.m. for bargaining session and not to return to open session.

Mr. DeBarge yes, Mr. Silva yes, Mr. Rooney yes.

 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.

