

Meeting of the Board of Selectmen held on May 14, 2018 beginning at 7:00 pm in the Ludlow High School Cafeteria, 500 Chapin Street, Ludlow

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TOWN OF LUDLOW

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

Members absent: William Rooney

Also Present: Attorney Michael Schneider

Board of Selectmen to meet before the Annual Town Meeting to discuss the Selectmen's Articles

Ms. Villano stated that usually you vote on how much you're going to put into free cash but you made that vote at the time of when you approved the budget that you would take all of the remaining free cash and put it into stabilization, so its \$415,000 and \$125,000 for the reserve and this is all from free cash. So there's \$158,000 from free cash for the Capital; \$415,000 going into stabilization; \$125,000 for the reserve; \$10,000 from the landfill; \$25,700.14 from Chapter 90 deficits; and the deficit for the fringe benefits was originally like \$340,000, it's only \$300,000.

Board to meet with Attorney Michael Schneider, Town Counsel, to discuss Cumberland Farms and Opioid Litigation

Atty. Schneider stated that Cumberland Farms has stated that they are going to suffer a loss of business with access being disrupted by the Town. The engineers have stated they have already scoped back the project as much as they can in order to get the work done and getting the work done has to come first in order to do the improvements. If Cumberland Farms were to sue the Town for damages, saying they didn't get enough the first time, they would have to demonstrate all those damages, I don't know if they'd be able to. Mr. DeBarge stated that he knows the pumps don't have to close and but asked if the store has to close during the work? Atty. Schneider stated no. Ms. Villano stated that a peer review was done twice so the appraisers did their job. Mr. Silva stated that there isn't much we can do right now and let it move forward and deal with it if they come in later. Atty. Schneider stated he can contact Counsel for Cumberland Farms and advise them if they feel they are going to be damaged, please contact us before suing.

Atty. Schneider stated he has reviewed the engagement letter and marketing materials for the opioid litigation. He feels they are going to have difficulty proving the damages. Basically if there is a recovery, you'd get 65 cents on the dollar, which isn't out of line for these kinds of contingency cases. He thinks there will be an administrative effort for the Police and Fire to prove what the damages were. Mrs. Fernandes stated she is concerned about the cost of administrative time preparing the information. Ms. Villano asked how the HIPPA laws would affect this, we can't send names, there will need to be a lot of redacting. Atty. Schneider stated 25% of the damages is just their fee and then an additional 10% on their costs, so we could demonstrate the Towns cost and ask for a credit against that number. Atty. Schneider stated he would correspond with Counsel and express the Town's concerns.

Board to discuss reimbursement of Attorney's fees for Steve Santos, BPW Member

Ms. Villano stated that he has requested reimbursement of his private attorney fees based on the case that Amy Priest has taken into the court for a Harassment Order. Mr. Silva asked if he did this in his capacity as a Board Member or on his own. Mr. Mannix stated that after review of this issue, 75% of everything she did and wrote and implied all had to do with him being Chairman of the Board of Public Works. She is emphasizing him in everything the Board did collectively. He believes it is wrong if the Town turns their back on a Board member going through this type of situation. He believes the Board should support him in this. Mr. DeBarge stated this was as Chair and that he is the Selectmen liaison to the DPW and he believes there is a pretty large disconnect with the employees and Mr. Santos and this was before he became Chair and the disconnect became much wider. He believes over 50% of Mrs. Priest's statement is true and no employee should have to go through that by any Supervisor. He is not in support of reimbursing Mr. Santos for the money. Mr. Silva asked what the recommendation of Town Counsel is. Atty. Schneider stated not to reimburse, he doesn't see the Town as a party. It was

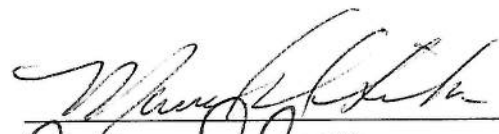


withdrawn. Mr. Mannix stated that he sat at this Board of Selectmen a year ago and listened to every member of the Selectmen trash the DPW Board meeting after meeting and now all of sudden you have a Chairman who is starting to do something and we're gonna throw him out and feed him to the birds, that's crap. Mr. Mannix left the meeting at this time.

Moved by Mrs. Fernandes, seconded by Mr. DeBarge, that we follow Town Counsel's suggestion, it is true the Town is not being brought into this matter. Vote 3-0 in favor.

Board to approve and enter into an agreement for the Project Scope and Budget Agreement between the Town of Ludlow and the MSBA for the Chapin Elementary School Project and further authorize the Chairman to execute that agreement. Board to authorize the Chairman's signature on Amendment #1 for the Contract for Project Management Services between the Town of Ludlow and STV Construction, Inc., d/b/a STV/DPM, the OPM, and Amendments #1 and #2 for the Contract for Designer Services between the Town of Ludlow and Mount Vernon Group Architects, Inc. for the Chapin Street School building project for Design Development thru Construction Completion and close out.

Atty. Schneider stated that we might need a Special Town Meeting to authorize the Board to sign the documents. Ms. Villano stated he has been signing them all along and she is confused. Ms. Villano stated that she understands that Town Meeting is the legislative body and the Selectmen are the Executive Officers so if Town Meeting has authorized it then the Selectmen carry it out. So Town Meeting authorized the appropriation of the new school, the borrowing. Atty. Schneider stated it didn't authorize the Board to sign this Budget Scope Agreement. He stated we didn't know about this requirement until recently.

Mr. DeBarge made a motion, seconded by Mrs. Fernandes, to adjourn. Vote 3-0 all in favor.


Chairman


Ludlow Board of Selectmen

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