

Meeting of the Board of Selectmen held on August 21, 2018 beginning at 6:00pm in the Selectmen's Conference Room, Town Hall.

Members Present: Manuel Silva, Chairman; William Rooney; Carmina Fernandes; Brian Mannix

Members Absent: Derek DeBarge

First Order of Business: Pledge of Allegiance

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2018 DEC -5 P 3:08
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Visitations:

The Board met with David Eisenthal, and Christy Jenga from UNIBANK Fiscal Advisory Services, Christy has been working with Mr. Eisenthal on the Town's financings. Financing options for the Chapin Street School, Senior Center, East Street and the Radio Infrastructure upgrade. When we met last we had made the recommendation which was accepted to have the town issue \$4 million in Bonds for Chapin and Senior Center and to roll the \$2.2 million notes for East Street School for a year. Since then, we have done some more in-depth analysis on the town's credit. The town most recently got a bond rating in November 2017 in connection with a bond issue, at that time S&P Global Ratings rated the town AA- with stable outlook. As we looked at the fiscal '17 audit and had discussions with the town accountant, treasurer and town administrator regarding how fiscal year '18 closed we began to have some concerns about some potential downward pressure on the bond rating. We had been hoping that even though there was a transfer, I think \$1.6 million in available funds last year that revenues and expenditures would be positive enough to offset that drawdown and fund balance that does not appear to be the case. So, for a second straight year in a row the town drawdown reserves and those facts along with the fact that the last S&P Report which was done before Chapin Street and the Senior Center were authorized but they were known, they cited that planned borrowing was a credit weakness. So, we see several possibilities here. We think that S&P might leave the rating and the outlook unchanged, but they could well place a negative outlook on the rating and they might downgrade the rating. The next rating down from the AA- is A+. The A category is a different level in terms of the cost of borrowing in terms of liquidity number of bidders at that point we would probably want to make bond insurance available for the town. The Town Administrator wanted me to come here to discuss this with you, and I know you will probably ask the question; Could the town avoid the negative action by waiting on a bond issue? A couple of answers to that; if the projects proceed as you expect you are looking at needing several million dollars over the next several months, but then beginning in the Spring of 2019 you are looking at tens of millions of dollars for these various projects and the fiscal '18 financials as they come in they are as expected will probably show the deterioration that we are talking about, also we are probably looking at increasing interest rates as you go forward. These would be reasons to proceed with the bond issue now for the \$4 million.

One change in recommendation would be that the town procure an underwriter through a solicitation process rather than a bid. Typically, the town gets a bid at a date and time certain, say 11:00 on a date and awards based on true interest costs. In this case, the town would solicit proposals from underwriters and would select an underwriter ahead of time. The idea is if the Board agrees tonight we would be sending out a solicitation tomorrow and would be receiving proposals as soon as next week. One question we were discussing with the Town Administrator to propose to the Board, would the town with the Board want to be involved in making that selection toward the end of next week. Do you want to convene a meeting towards the end of next week to weigh in on who, which firm should be selected? We would still be before you if all proceeds on September 18, with the pricing of the bonds happening right around that period. A longer-term recommendation if there is negative action on the rating would be to seek approval for the issuance of state qualified bonds. This is under Chapter 44A of the General Laws, places like Springfield and Holyoke use this mechanism where the state treasurer pays debt service out of the local aid. It is a credit-enhancement and I think if we saw no action on the rating we wouldn't necessarily recommend pursuing this, but if we see continued pressure on the rating its something we might recommend you pursue.

Mrs. Fernandes asks, what would be the negative impact of applying for one of these?

Mr. Eisenthal states that there would be no negative impact, it's a process where the town would prepare an application and this Board would need to authorize the submitting of that application by Town Treasurer and then the Municipal Finance Oversight Board which is a state board would review and hopefully approve the application for such issuance.

Mrs. Fernandes asks, so the other option is just to go out for a regular bond?

Mr. Eissenthal states, we are thinking that for this issue we don't have the time to do the state qualified. You have 10s of millions in borrowing ahead, we are thinking for this bond issue, this \$4 million, this would not be done in that manner. For future issues depending on what we see with the rating, we could possibly see making a recommendation in that regard.

Mrs. Fernandes stated just so she understands the positive aspect of the state bond is that it doesn't give you a negative rating?

Mr. Eissenthal states, that it would be based on whatever the towns rating, what would hopefully happen is, if the town's rating does get downgraded, it does get negatively affected. Currently the state is rated AA+ by Standard & Poor's the qualified bonds have an AA rating as a program rating so, hopefully you would see an enhancement in the marketability of those bonds as compared to the town issuing on its own rating if it were below the AA-. Status quo, we wouldn't be recommending that though.

Mrs. Fernandes states the cons of that, is that it takes time to get approved, etc.

Mrs. Eissenthal states that for this issue, if we're talking about proceeding with this issue now, we're not talking about the qualified bonds. We are talking about just proceeding with the issue.

Mrs. Fernandes asks how do they compare as far as what the town would be on the hook for essentially? Interest rates and all.

Mr. Eissenthal states that the change in interest rates is likely to be greater with changes with market conditions, which is one of the reasons we are saying proceeding with a bond issue now even with the exposure on the credit, it makes some sense. If we thought that the town would gain anything by waiting, we would say wait. But I think that the fact that the town will have this need for capital cash, a pretty severe need over the next year, plus the fact that interest rates are going up. That is what underlies our recommendation.

Mr. Rooney asks Mr. Eissenthal, that when we previously authorized is issuance of \$4 million in bonds, that was to issue when?

Mr. Eissenthal states that it is roughly the same time as what we were talking about tonight, there is no change in that schedule. The bonds driving that schedule is the town has \$2.6 million in bond anticipation notes that mature on September 27, \$420,000 of that is for the Chapin Street feasibility study. Those notes would be permanently financed in the bond issue. The idea would be the \$2.2 million for East Street will be rolled for a year, because there is not debt service appropriated for this year, and secondly the MSBA has not finalized the project audit on East Street, so we don't know what the final local share costs are. So, the idea was to roll the \$2.2 million for East Street for a year and issue \$4 million in bonds for \$3 million for Chapin, \$1 million for Senior Center with the idea of capturing interest rates, this is all excluded ... Proposition 2 ½ and we discussed the fact that there would be a need to ask Town Meeting for additional funds that would then be raised on the tax rate.

Mr. Rooney states that based on your suggestion when we issue the \$4 million in bonds we would be issuing those forthwith, how quickly?

Mr. Eissenthal states that the idea is that we would be back before you on September 18 with results with the bond issue which is what we have been talking about two-weeks ago. Same schedule.

Mr. Rooney states that when you say we are currently, AA-, when is that scheduled to be changed if it is going to change?

Mr. Eissenthal states that the town would be applying for a rating in connection with this issue, and we would be making that application on behalf of the town, reasonably quickly with the idea of having a teleconference with the rating agency within the next several days and ahead of the pricing we would have a result and know what the result of the rating would be.

Mr. Rooney states that you also talked about making bond insurance available. Can you explain that a little bit?

Mr. Eissenthal states that there are several firms that specifically write policies that insure the payment of principal and interest on bonds. The underwriter would pay for, the result being a slightly higher burden on the interest rate but overall it would be economic if it is worth getting it ends up saving

money even though there is an additional cost. The bond insurance can make the overall borrowing cheaper for the town if the towns credit rating goes down.

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Mr. Rooney asks what scenario has changed since you were here last?

2018 DEC -5 P 3:08

Mr. Eisenthal states that we have looked at fiscal '18 had conversations with the Town Accountant with the Treasurer and Town Administrator. Its looking like fiscal '18 was a year where the town drew down reserves again after having done so in fiscal '17. Last November the town meeting appropriated \$1.6 million and I think its combination of free cash and stabilization fund to reduce the tax rate. I think the hope had been that the operating results of the town would be strong enough to offset that use of reserves and I think the expectation now is that is not the case. The town will be drawing down perhaps a \$1 million maybe less than that, but still a drawdown in financial reserves. That is the thing that has changed in the last two weeks.

Ms. Jenga states that the original proposal to do a competitive sale versus now were recommending negotiated sale directly with an underwriter so you can get the most efficient rate on that bond issue.

Mr. Mannix stated that at an AA-, you are almost referring that we are going to A+ by spring, which is going to cause higher interest rates for our money. You are not building a very bright future for the rest of the bonding that we are going to need or want.

Mr. Eisenthal states that he wanted to prepare you for the worst scenario. If the bonds are downgraded this time or if there is a negative outlook, its possible that the underwriters might be able to get lower yields on those bonds for the town by buying the bond insurance. If the town were to pursue state qualified bonds likely there wouldn't be a need for bond insurance at that point because those bonds are rated AA based off the states rating. The problem is if we wait, overall rates are trending up, there going to go up, if the town stays at the AA- or not the general market conditions are expected to go up. The idea is to grab rates for \$4 million. We want to be conservative about this, I think what we would expect is even if the towns credit strengthens we would want to project conservatively and expect that the cost of borrowing is going to go up regardless of the towns credit.

I think that the combination of how the town budgets going forward, policies in terms of capital planning, reserve levels, investment management those are all things that rating agencies look at. Christy and I are prepared to work with you on and do the best we can for you.

Mr. Mannix asks Mr. Eisenthal, what is it that he would like from the Board at this time to move forward?

Mr. Eisenthal states that if the Board votes to approve the course of action to solicit an underwriter for negotiated underwriting. Does the Board want to be involved in the selection of the underwriter then we would probably we would ask you to convene at the end of next week when the proposals are in. if you chose not to do that, you still will have control over what the terms of the issue are. Part of negotiated underwriting is something called a bond purchasing agreement is drafted that talks about all of the pricing, the terms between the underwriter and the town. That bond purchase agreement does not take effect until you approve it, so we can go ahead and pick whomever, but if you don't agree with the bond purchase agreement then there is no deal. The question is whether you would want to be involved, we would want to convene a meeting of the Board, I would suggest sometime on Friday, August 31 it could be a fairly brief meeting but if you do want to be involved in that or if you would chose to defer that decision to the Town Administrator and Town Treasurer that would be a possibility as well.

Mr. Silva asks how does the Board feel about that; do you think we need to be involved?

Mr. Mannix states that he would prefer the Town Administrator and Town Treasurer handle it, since they have been more hands on and are the most knowledgeable on what's going on.

Mr. Rooney states that he agrees with Mr. Mannix to defer it to the Town Administrator and Town Treasurer and Mr. Eisenthal.

Moved by Mr. Rooney, seconded by Mrs. Fernandes, that the town solicit an underwriter for a negotiated underwriting, subject to an agreed upon bond purchase agreement. Vote 4-0 all in favor.

Moved by Mr. Mannix, seconded by Mrs. Fernandes, that the Town Administrator, Town Treasurer, Town Accountant along with Mr. Eisenthal to work on the conclusion of the negotiations. Vote 4-0 all in favor.

The Board met with Mr. Justin Larivee, Building Commissioner.

Mr. Rooney states to Mr. Larivee, that the Board asked him to come in relative to a correspondence received from Attorney Markey relative to issues out at 236 West Avenue and 250 West Avenue. What we were looking to do, to properly respond to Attorney Markey's correspondence and perhaps bring them in, we are looking for some facts from you as to what's happening out there. Are there things that shouldn't be happening out there and where are we as the Board looking to go?

Mr. Larivee states that is started with Mr. Allen coming in and asked me all about retaining walls, what can he do and not do and what height you can build to without a building permit, which is 48 inches you can build a wall. I spoke to him about it, and he surveyed his property, he had a licensed surveyor survey his property, went out and marked the property line and then he stopped in again like he should and asked, how far does he have to be in with the wall, I told him six inches from the wall, six inches from the fence and at that time he was going to push it back, I think he said a foot with a fence dividing it, which is legal in the town by-laws. Once he did that, he started excavation. The neighboring property, New England Pallet came in because they did not like how close he came to the property line with digging. That is what started this whole process. Their attorney, Mr. Markey sent a cease and desist letter to Mr. Allen, so he stopped work. When they stopped work, New England Pallet kept coming in asking me to do something, there is nothing I can do when an Attorney sends a cease and desist him. So that stopped it right there. They went to court, they sat in front of Judge Cowan he ordered them to come up with an agreement between the two parties to say where the wall was going to be placed and how far away, what was going to be done there. As far as I know, I am not positive, if the agreements have ever been written up yet. That is where we sit with that.

As to the special permit with the planning board what he presented to the Planning Board, the pictures and everything is what he has on the property. The Planning Board approved that to go forward.

Mr. Rooney stated that he reached out to our council, Attorney Thibault, and I may not have this right, but because the Town of Ludlow is a "right to farm" community, therefore action has to come in front of the Board of Selectmen, we might send it out to the Agricultural Committee which personally I'm not in favor of, we have what seems to be kind of a volatile situation out there between the neighbors. I don't think it is prudent for us to simply ship it out to Agricultural Committee, they are volunteering. Have I stated that correctly, if so, would it then be incumbent upon us to ask Attorney Markey and his clients to come in, all though I see we didn't even have to ask them, their here anyway.

Mr. Larivee states that's its not a Board of Selectmen issue really, it's a neighbor dispute between property lines at this point. That and a zoning issue. If it becomes where he is, as of right now he has filed paperwork with the state as a license nursery. So, he has the right to start producing plants and growing plants and become a nursery.

Mr. Rooney stated that the first part of what you said doesn't seem to square with what I was hearing from Attorney Thibault in terms of that they rightly should be coming in front of the Board of Selectmen. Maybe we need some clarification, perhaps I need some clarification. The issue about the nursery, what constitutes a nursery? Based on a letter from Attorney Markey, I went out to 250 West Street, looked at not only that property but the adjoining property. Just from a visual standpoint it is awful, what has happened to that piece of property at 236 West. Whether it's right or wrong I am just looking at it as somebody who has essentially lived my whole life in Ludlow so see what that piece of property has become. That is my editorial comment. What constitutes as nursery? When I was there, unless something has changed in the last ten days or so, there were nine shrubs, you could barely see them over the weeds. I don't know if that, in my mind, constitutes a nursery.

Mr. Larivee states that's as of right now it is not an active nursery. But you can't become an active nursery until they finish the issue with the wall. I think that is holding up the grading in the property from what I hear. He has a section of wall that needs to be put up to retain water, to retain everything back and that is the start of the project. It would be like trying to build a house without a foundation. He can't move forward with the whole project and everything he will be doing on that property, I think he is over five acres of land. I would say he can't move forward with planting trees in rows, when he can't finish the wall which, the last pictures I saw was just a stone wall stacked into the middle of piles of dirt that he needs to make the wall.

Mr. Rooney states that it seems like what Mr. Allen may have started was in terms of dealing with the town, was to get the ok for a home office. Is that right?

Mr. Larivee stated that is correct. He started that with the Planning Board.

Mr. Rooney asks if it has gone at least from somebody who doesn't deal with this every day, it seems like it has gone well beyond a home office, and is the person allowed to run his business out of there?

Mr. Larivee states that if you go by the letter of the by-law and every other landscaping company we have in town, they should all be rescinded. All of them. The Planning Board has been approving them since day one that way, with trucks, trailers.

Mrs. Fernandes states that a home office is different than running a business out their home office. Home office is where you run your paperwork, your phone calls not to have trucks and things like that.

Mr. Larivee states that the problem is all the other ones in town have been approved the same way.

Mrs. Fernandes states that she has been before the Planning Board for a home office and there are certain things she cannot do. Including a big sign from her home office even though she is in the middle of the most commercial section of town, yet her sign must be very small. Is the Planning Board allowing these trucks on these home offices?

Mr. Larivee states that they have pictures of seven or eight other companies in town running the same operation, out of residential. It gets into that slippery slope of they are approving it and am I going to appeal a special permit right away ...

Mrs. Fernandes asks are they approving with the trucks? Because when she goes to the Planning Board the first they ask is about the size of the trucks, deliveries...its all about the trucks.

Mr. Larivee stated that the last few he has seen they have photos of them. Photos of the trucks, photos of the dump trucks, the trailers, it turns into a match between two town departments, and am I taking the Planning Board to court on every special permit they approve.

Mr. Silva states that he thinks the best process to go through is to have the Planning Board, both neighbors sit down and hash over what is exactly going on there. What can and can't be done. Mr. Silva had a conversation with the Planning Board Chairman, he said there is a meeting coming up. As far as getting into what they can and can't do, that is totally the Planning Board and they are the ones that can rescind the special permits, since they are the ones that gave them the special permits.

Mr. Rooney asks if Mr. Allen is here. Mr. Rooney states that there has been some discussion about the court case. Mr. Rooney asks Attorney Markey if he would like to weigh in and give us some sense of where that is it and if it is at all relevant to our discussion and deliberations.

Attorney Markey states that is probably relevant in terms of background. This came about, I don't know what happened until I got involved but, I got a call from my clients here the folks from New England Pallets because there was a massive excavation going on. They recognize that their next-door neighbor owns the property and he can do whatever he wanted with that property unless it impacted their use of their property. The excavation was between 7 and 8 feet below what had been the prior level of the surface. I am aware of the requirement that a wall of 4 feet doesn't need a special permit. I told that to my clients and they said well you can't hold back a 10-foot cutout with a 4-foot wall. That was the root of the problem. Complicating things further, is there is a real boundary line dispute and my clients were concerned that much of the excavation cut into their property so that is why we ran to court. It appeared from some of the things related to me by what Mr. Allen said that he was going to continue excavating straight back to the utility right-of-way, so I ran into court and got an injunction, saying please Judgefurther excavation at this time until such time as there been some agreement to our ruling by the court on where the boundary line is at that point Attorney Brad Markey has been a godsend to this case, he suggested we continue with the injunction to stay and that we try and work out the boundary dispute and the wall, where the wall goes and how high it needs to go. My clients have retained a surveyor were expecting the results of his survey shortly. Hopefully what his survey reveals in terms of where the boundary is jives and coincides with what Mr. Allen's survey says. If it does we have anticipated the next step we at our own expense, my clients at their expense retained a structural engineer (Foss and O'Neil) ? and they asked what is required of a wall, where does a wall have to go, how high should it be. He has rendered his advice in which we forwarded it to Mr. Larivee and he says that you can do a 4-foot wall to hold back something higher. But to do that you have to put the wall a few feet in to your own property, in other words, into Mr. Allen's property. It must go over a proper base and then the 4 feet, I have seen the stones they are substantial, they aren't pebbles being piled up on one another. So, you lay a proper foundation, you tamp it down, steamroller whatever, then you

build up 4 feet, and he said it is 3 feet from the boundary line and then you back fill it at a slop up to, whatever the property is on my client's side. So that is sort of where we are, and Attorney Martin and I have talked about potential resolutions, we are hopeful that there can be a resolution.

Mr. Silva states that it sounds to him that you're really resolving the issue amongst yourselves. So, far.

Attorney Markey states that if he and Attorney Martin were the clients, we could be done.

Mr. Rooney asks Attorney Martin he has anything to add

Attorney Martin states that at this point Mr. Allen cannot unilaterally do anything on the property relating to the wall. There is a court order that prevents him from doing that, unless the court changes this order or if there is an agreement between the parties. So right now, that's where it sits. So, its not a situation of Mr. Larivee not enforcing anything or Mr. Allen not doing anything, its just that we can't until we come to a resolution. That is going to take both parties to come to that but at this point he is legally bound to not take any further action. Which is unfortunate, because I think everybody wants to see the wall get built and the rest of the property get resolved. But that's what happens when you get involved in litigation and court.

Mrs. Fernandes asks how close are you to coming to a resolution? If you have that engineering decision already? Are you getting your own? What's happening with that?

Attorney Martin states that it appears that the engineering report I think is, the court order says that Mr. Allen must build a wall in accordance with the code, we are just having some back and forth as to whether the engineers report and the code are a match up. Mr. Allen is prepared to meet the terms of the Massachusetts Building Code. But, there is still this issue of where to build it and that is predicated upon knowing where the property line is and that hasn't been determined yet because the surveyors haven't made the mark. So, until that is done we won't know how far to put the wall, because we won't know where the property line is. So, that is the next key step is to get the survey done.

Mrs. Fernandes states that once the survey is done, both parties seem to be in agreement as to what engineering report survey might say...

Attorney Martin states that he is not going to go that far, he is just saying they are working towards that, I don't want to represent that that's where we are. But, I think we have framework for, for getting it resolved.

Mrs. Fernandes states that she has been out there and that drop is pretty steep, I understand that there is an injunction, but to her it is a little concerning that somebody walks over there are night, that is a pretty steep fall and there didn't seem to be a lot of barriers, I know there is yellow tape but, especially at night there doesn't seem to be anything protecting someone from falling.

Attorney Markey states that his clients at their expense have put up some orange fencing so hopefully it would be noticed before someone went over the edge. Adding one more thing, this started when Attorney Rooney asked about the request that we made to enforce the special permit for a home office. Those are still open issues we have sent letters to Justin Larivee asking him to enforce the special permit, it is his job to enforce it. If he doesn't, then are appeal goes to the Planning Board on that. There are a couple of other issues related to whether this is a home office or something greater. A three-car garage that was converted into a six-car garage on the property without a building permit being applied for and just recently a pre-fab building was in the process of being assembled on the property, again without a building permit being applied for. Those are separate from our initial issue.

Mr. Larivee stated that the pre-fab has a building permit.

Attorney Markey states that they have repeatedly asked Mr. Larivee for responses to questions and one of the most recent questions was is there is a building permit, we haven't gotten any response.

Mr. Rooney asks about the issue of the survey, Attorney Markey indicated that his clients have gotten one they are waiting for the results maybe he misunderstood Attorney Martin, your clients haven't gotten one? Is that right, or have they?

Attorney Martin states that his client, Mr. Allen did have a surveyor come and mark the property line before he began the excavation. It was not a full survey, it was a delineation of where the line was several hundred feet off West Street, the property of course goes way way back and there is some question as to whether they are going to be able to even find the points to make the closure of the lot.

There was a point where the stakes were marked and that's where Mr. Allan began to work off and he did not excavate across the line, he excavated clearly on his property which he felt at the time he was able to do.

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Mr. Rooney states that he may be asking to speculate, but if we get the results of the survey done by New England Pallets and it in some way doesn't jive with....

DEC 5 P 3 08

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Attorney Martin states that he cannot answer that because we will just have to see. There are some problems with the lines and with the angles, so he doesn't know where those lines are going to end up. To survey these properties is a significant undertaking, thousands and thousands of dollars to do the whole property. You don't really need to do the whole property to address the present problem of the wall, but just a few degrees off can change the whole issue. We will just have to wait and see.

Mr. Mannix states that he wasn't involved in the beginning, but both parties and both attorneys are here, I am listening to each side talk about thousands of dollars for surveys which I do know are very costly. How close are you both to settling something, and if you are not is it really your time, aggravation, money to go on and on not knowing the conclusion on both sides? It could be a winning conclusion, it could be a losing conclusion. What can we do to bring the neighborhood together? Hopefully, you leave here tonight and talk to your attorneys and maybe have a little different outlook, maybe.

Mr. Silva states that right now is to wait to see where the surveys come in and move forward from there. If it continues to be problematic, then we will probably be back here again.

Mrs. Fernandes states that is probably is going to be a court issue that is going to decide, if you guys don't agree, I think it is going to be out of our hands.

Mr. Silva states that there is a Planning Board meeting coming up. Thank you all.

Fire Fighter Interview:

Mr. Michael Frydryk

Mr. Silva: Mr. Frydryk, we will give you an opportunity to introduce yourself and tell us a little about yourself and why it is you want to be a Fire Fighter in Ludlow?

Mr. Frydryk: My name is Mike Frydryk I am 24 years old I have lived in Palmer my entire life. Ever since I turned 18 years old I joined the Fire Department in town in Three Rivers which is part of Palmer. Ever since then I knew that this is job that I wanted to get into and have pretty much made as many moves as I could towards this job. I just finished my Paramedic about two weeks ago, the ink on my card isn't even dry yet, but I am looking forward to get started and start working on the ambulance as a Paramedic.

Mr. Silva: Ok, thank you, questions from the Board?

Mr. Mannix: I just have a few simple and easy ones. Coming into Ludlow to take this job, with a smile on my face, are you going to stay here?

Mr. Frydryk: Yes

Mr. Mannix: You started with the Fire Department in Three Rivers, with the name, well first of all if you take the job here then you have to live here for three years. The Chief explained that. So being a Frydryk out of Palmer and Three Rivers, I want to know how you are going to come and live here for three years. What is the family going to think? Are they going to allow that? But going back to my first question. I have some concerns about people coming and leaving and everything else, because ... I know a little bit about the family history, I don't know you personally or anything else, but you know, if Palmer calls you tomorrow or next year or six months from now or Three Rivers or who ever it might be and says, please Mr. Frydryk we want you here. Are you going to sit here and assure me tonight that if we appoint you, you will be here?

Mr. Frydryk: Yes sir. It is my full intention to start a career here and finish a career here.

Mr. Mannix: The only other thing, I wanted to congratulate you for graduating from AIC, very nice school and I do catch little things, just to show you, I spoke to the Chief, he laughed at me, if I read it correctly as I went through your resume and your file and everything else, you and your mom have the

same birthdate. See I do look for a finer things in there to see that. You would be more than welcome here, I think the Chief will probably speak very highly of you, I didn't know about your paramedic, until just a few hours ago. That is something that this town is very proud of, very happy with and probably is in the leadership of the commonwealth is what we do here when our Fire Department when our Paramedic Services what we are going to be looking at you and expecting. My last question, you are 24 years old are you registered for the draft?

Mr. Frydryk: Yes, registered for the draft, vote and everything like that.

Mr. Mannix: That is all I have for questions.

Mr. Silva: Anyone else?

Mrs. Fernandes: Is Three Rivers just a part-time Fire Department?

Mr. Frydryk: It is called Volunteer, so we work full-time jobs outside of that and carry a pager and if anything comes in and we are available we respond, we do a couple of trainings every month, usually every Tuesday we meet and so it is very small.

Mr. Mannix: It's usual. The set up out in Palmer, Three Rivers, Thorndike...

Mr. Frydryk: Palmer covers Thorndike.

Mrs. Fernandes: So, besides the fact that your family has been in the field for many years, what is your personal reason for becoming a fire fighter?

Mr. Frydryk: We when I started, it kind of started as just something cool to do you because people were doing it at my age, but when I started I realized that it was more than a job, it was a family. Some of the guys that I met on the department are now some of my best friends. We are in each other's weddings, and that kind of thing. I spent a lot of time, since I did graduate with a Marketing Degree I decided to do my internship at the fire department, which I focused a lot on community outreach. Planned a lot of social events for the town, I ran an article for about three months on Fire Safety in the local newspaper, I actually did, I guess you could say direct, a 30-45 minute documentary on the Three Rivers Fire Department in which we started by going through every piece of apparatus we had in the fire station, and then we interviewed some of our retired guys. So, I realized that that was just a career that I want to spend my time around. Where you could have retired guys come in twenty years after they had been on the department and still talk about stories and the brotherhood and everything like that that goes into the fire service.

Mrs. Fernandes: Because you have not worked for Ludlow yet, but have you done any investigation as to the Ludlow Fire Department?

Mr. Frydryk: The Chief has been great answering any questions that I have with the department. It seems to me just from the minimal interaction that I have had with the men and woman that work over on the Fire Department it seems like a tight knit group of people. You don't walk in a city department, like a bigger city department where people might not even know who you are, it seems like people hang out outside of this and do things, know each other's family's and things like that. I think that is one of the biggest draws towards the Ludlow Fire Department.

Mrs. Fernandes: Do you see any improvements that the Ludlow Fire Department could use?

Mr. Frydryk: Honestly, I haven't had enough exposure to it where I would feel comfortable answering that question.

Mrs. Fernandes: Thank you for your honesty. And finally, what do you think is your biggest quality that you would bring to this department here in our town?

Mr. Frydryk: If I had to say, just dedication. Just a love for the job. Just the fact that I am going to wake up every morning walk in the doors and want to be there. It is not something that I am going to have to work to like, work to love, since I have been doing it for so long. It is something that I already know is going to be a perfect fit for me. I look forward to doing it day in and day out and helping where ever holes need to be filled.

Mr. Rooney: Mr. Frydryk, based on either your Fire Fighting at Three Rivers or any of your work for EMT or ambulance companies. Can you give us an example where you were put in a stressful situation and how you responded to that and what you learned from that?

Mr. Frydryk: I spent two years when I started as a new EMT working the overnights for AMR in Springfield. Due to the staffing that was over there, was anywhere from 3 trucks on an overnight to 6 trucks on. Maybe two or three of which being Paramedic Units and I was put on a basic unit with another brand new EMT basic. So, we had many many occasions where we didn't have that paramedic intercept per say coming into help us. So, it wasn't out of the realm for us to be in charge of and lead cardiac arrests, gun shot wounds, and also transport those into the hospital bring them in give the reports to the Dr.'s which I think was probably the best decision I made by working out there because I did get that experience being able to lead calls which I think is going to be my quality in starting as a Paramedic having that experience being in charge of different calls like that. If I had to give a specific example, we went to a cardiac arrest without giving specifics, we were the first responding unit on the scene, the call came in as a seizure and we went to the farthest wings in this nursing home, so we were not prepared for this cardiac arrest and it was far away from AMRs coverage line. So, we responded to the room, realized quickly that it was a cardiac arrest and had to walk back towards the Ambulance because we didn't have radio reception where we were in the room and we had to work this cardiac arrest for probably 15 to 20 minutes without any other help. It was just me and my partner two EMT basics until any supervisor or paramedics showed up. In my opinion, we responded to the situation the best that we could and reacted as we should have.

Mr. Rooney: The only other question I have is, should you be successful in getting this position, do you know when you would start? The date?

Mr. Frydryk: I believe the Chief mentioned three weeks from August 27th. I guess I am just asking would you be available on September 7? I may need a fourth for the Fire Department Golf Tournament. My understanding is that you are a 2? And that beats him (pointing to Mr. Silva) your out.

Mrs. Fernandes: I can always step in

Mr. Rooney: Nothing else, thank you.

Mr. Frydryk: I am not a 2 anymore. In college I was, now I am a 4. I have more fun now.

Mr. Silva: Most of the questions you have answered and unfortunately you are a better handicap than I am so your out. I know Palmer has had a couple of fires, were you involved in them and some were quite extensive, were you involved in those?

Mr. Frydryk: Yes

Mr. Silva: That's what I thought, when he asked you that question, I thought you were going to speak of that fire. Tell us a little about how traumatic that was and ...

Mr. Frydryk: The specifics of that fire? I remember the night pretty vividly actually, I remember it was snowing, I was actually snow blowing, I barely heard the pager go off. I responded got onto the initial engine when we showed up from where we were stationed with our truck I looked and thought by all means the fire was out. We initially got put on a task to hit fire from the outside, and I believe it was on a cd corner and then we quickly received reports from an officer on scene that there were two parties trapped in the basement. So, me and my Captain at the time made entry into that basement and it ended up being a very very lengthy extraction, obviously as you know it was a fatal fire. We were in the basement for probably upwards forty-five minutes to an hour, to the point where we ran out air while we were down there and had to get more air tanks brought down for us while we were in there, so we could continue with the extraction. We brought air tanks down, air packs for the victim that was down there, but it was a very, I like to say it was good teamwork because what we saw was from the inside, but when we made exit out of the building following extraction I realized that the outside probably had fifteen or twenty people helping as well. So, it truly was team effort. We obviously couldn't have done it without the people that were inside hitting the fire, making sure the fire didn't get to the room that we were in. But it was a very surreal experience.

Mr. Silva: Thank you. If you would like some closing comments.

Mr. Frydryk: I would just like to say, if appointed I will dedicate myself to this Fire Department as mentioned previously I will do as much as I can to continue the community outreach, I would love to use my marketing further this department if that would be anyway possible with social media and community outreach anything like that. I do have an extensive history doing that for Fire Departments directly. In closing I would love to work for this department and make a career out of it here.

Mr. Silva: Thank you sir

Mr. Frydryk: Thank you very much.

Chief Pease: There was a few things missing from his packet. As you can see Mike seems like a very qualified individual. I have personally spoke with the Three Rivers Fire Chief and he has nothing but great things to say. All of his references were all positive. I would recommend that we go through and appoint him tonight before he goes somewhere else.

Moved by Mrs. Fernandes, seconded by Mr. Rooney, to appoint Michael Frydryk as a Ludlow Fire Fighter as of August 21, 2018. Vote 4-0 all in favor.

Mrs. Fernandes states that she uses the Fire Department Services quite often because of her elderly parents and she is always so proud of your staff. They come in they are prompt, they are professional, they are kind, they are just, I am just really proud every time I call on them.

Chief Pease states that that makes him very proud to hear that and we are very proud of the men and woman that do serve the Ludlow Fire Department. We will continue to provide that service.

Dog Hearing – 29 Wedgewood Drive:

Mr. Rooney moves to open the Dog Hearing - 29 Wedgewood Drive at 7:31pm. Seconded by Mr. Mannix.

Mr. Silva: If you would like to step up. All involved, anybody involved who would like to speak. We have a complaint for a dog hearing and what we will do is, very informal, just get some of the happenings and what's going on. You are the dog owners, and Mr. Fernandes is the parent of the girl that was bitten by the dog. So, if you would like to give us your Happenings.

Mr. Joseph Augiar on behalf of Katelyn Fernandes who is the daughter of my client, Daniel Fernandes. On June 21, 2018 Katelyn was jogging with one of her friends at that point in time they noticed the dog up ahead along with the dog owner and as they approached they made enough noise, so the dog owner and the dog realized that they were behind them. The dog owner and the dog moved aside to the right as Katelyn was passing along with her friend jogging, the dog attacked Katelyn, bit Katelyn on the knee, causing her to bleed. At that point in time the dog owner left, did not assist or help. Katelyn was left there with her friend. Katelyn had to walk home like that, then she was brought to the hospital where she required stitches, as that point in time, Katelyn's mother, Jennifer Fernandes called the police, let them know what happened, the police went looking around for the dog owner, they knocked on a couple of houses, they did knock on the dog owners house, it was reported to them that they did not own the dog, which was not true. Eventually they admitted that they did own the dog and that the dog had all its tetanus shots and all the rabies shots that were required at that point in time Katelyn came home she has been unable to jog she has a fear of dogs at the present time. I did send a letter of representation to the dog owner it was told to me that there is no insurance coverage for the dog bite. So, Katelyn's mother, Jennifer Fernandes, did file a complaint with the town for the dangerousness of the dog and that is why we are here today.

Mr. Silva: Would you like to speak?

Mrs. Leroux: I did receive a police report, when I did receive the police report, the police report did not indicate that the daughter was jogging. The police report indicated the daughter was the child was playing outside of the home and I fled the scene. Which, that was the report I received. Once I received that police report I did call the police department I spoke with a Sergeant notified that the police report was a false statement that was given and they informed me and I called animal control, because animal control had informed me that the mother has said that the daughter was jogging with her friend and that they were getting ready for high school sports. Yes, I was walking my dog, no they did not make any kind of noise behind me. I had no idea anybody was coming up from behind me. I did not move to the side I had no idea, they startled me, I jumped, and I turned around. My dog I walk him on a leash all the time that is a locked leash. I have it with me, so I did not know these people were running up behind me, that is a false statement they did not make any noise until I realized that someone was right up behind me. She did not go to my left side, my dog walks on the right side on the inside of me. I was walking on the left. Her friend was on my left, when I turned around I noticed Katelyn behind me directly. My dog was not able to move at all until she was right behind me. Katelyn did not cry, I did not even know anything had happened until she told me my dog had bit her. I looked at her and that's when she had moved to the side of her friend that was on the street. Then she started bleeding. Did

not know the severity, I actually thought, because she's not crying, she's not showing any kind of emotion I did not think that she really got bit by my dog. I thought maybe my dog just maybe jumped on her and scratched her and that's where she was bleeding. I did not have a phone, Katelyn asked me if my dog had any shots, I said yes. We had a conversation and she said she was going to go home and have her mom look at her wounds. I could not do anything, did not want the girls next to me, my police report says the exact same thing in my statement. I was by myself, I have no phone, I have no other way of helping her. There was nobody around, I did not just leave the child there or the girl there, she is not a child, and she said she was going home to have her mom look at her leg. So, I did not know she was coming up from behind me, that is a false statement. I did not just leave the girl there she was with her friend, I am actually the one who was by myself with my dog and I did not want the girls around my dog because they kept on moving around and I was afraid that they were gonna get close again to my dog and have something else happen to me. So, they did not knock on my door, we did not say that the dog was not ours, the only time that the police officer knocked on the door and he came to me and he asked if I was walking my dog and there was an incident, I said yes there was. No one came the first time and came back a second time saying if my dog ever bit anybody. That is a false statement there.

Mr. Silva: Any questions from the Board.

Mrs. Fernandes: I did hear that the dog was on a leash.

Mrs. Leroux: Yes, on the leash, I had it with me, he is always locked.

Mrs. Fernandes: He has all his shots and the dog is licensed?

Mrs. Leroux: Yes, he is. She did ask me that question, that was actually one of the first questions she asked me which I was kind of shocked for someone that age would ask a question, does my dog have all of its shots and she did ask me that question. I did answer her.

Mrs. Fernandes: Has the dog ever bitten anyone else before?

Mrs. Leroux: He has but the incidents were totally different. Where they are nothing to do, there is only one incident that my dog actually went after someone the other two incidents they came, my dog was on my property, well except for the one, the first time my dog was on my property he was on his leash on the chain locked and the neighbor next door knows that my dog did not like him, he had been informed many times not to come next to my dog. He happened to come over, my husband was home, came and brought his daughter over, a young girl, and he let his daughter pet my dog with him next to him and he ended up nipping her finger because she literally just reached out for him.

Mr. Rooney: I have a number of questions. I think, the first one, the most important one, is how is your daughter?

Mr. Fernandes: She is doing better.

Mr. Rooney: Mrs. Leroux, you have mentioned several times about false statements. You provided false statements. Correct?

Mrs. Leroux: No, I did not.

Mr. Rooney: You did not. Alright. So, you wrote a statement that said, "I have never had anything like this happen to me."

Mrs. Leroux: Correct. Your talking about the incident from the police officer.

Mr. Rooney: Mrs. Leroux I haven't finished my question. Let me finish my question and then you will have all the time you want to answer. Yes.

Mrs. Leroux: Yes

Mr. Rooney: When you say "I have never had anything like this happen to me" you certainly when you wrote this statement, you knew that there were prior incidents involving this particular dog. Correct?

Mrs. Leroux: Yes

Mr. Rooney: Alright, and so when you say "never had anything like this happen to me" are you saying this particular exact fact pattern has never happened?

Mrs. Leroux: Correct

Mr. Rooney: I see. Alright and now when I look at the police report, by the way have you looked at the police report?

Mrs. Leroux: Yes, I have

Mr. Rooney: Alright. So, when I look at the police report and it says when asked, Mrs. Leroux stated "that there has not been any previous issues with her dog". That's not accurate is it?

Mrs. Leroux: He did not ask me if there was previous issues with the dog, he asked me if this ever happened to me before? He did not ask the question, did my dog ever bit anybody? That question was not asked to me.

Mr. Rooney: I just want to be clear. So, when the officer, and was it Officer Stokowski who is here today?

Mrs. Leroux: Yes, it was.

Mr. Rooney: When he asked you, you again were referring to this particular exact fact pattern?

Mrs. Leroux: Yes, I was

Mr. Rooney: Mrs. Leroux, do you seriously expect us to believe that?

Mrs. Leroux: Yes, I have been running with my dog for almost 7 years, I have never had any thing happen. He asked me the question "Has this ever happen to me before?" I answered the question to the incident that happened that day.

Mr. Rooney: So, you didn't feel any obligation as part of this entire investigation, you didn't feel any obligation what so ever to explain either in your written statement or when asked as part of the investigation by Office Stokowski, you felt no obligation to say I have had other problems with this dog before biting people.

Mrs. Leroux: I was given the statement to what happened that day, obviously I had the statement to the previous two incidents that was on the report. I wasn't talking about the previous two incidents, I was talking about the incident to the police report that I received that this incident happened in a different location and the child was playing outside the house. My statement was revolving that.

Mrs. Rooney: I understand full well with your explanation what your statement was I will go back to my question. My question was this. As part of the officers' investigation and you writing the statement did you feel any obligation as part of the police investigation into this to let them know that you had had prior incidents with this particular dog?

Mrs. Leroux: No because the police report already had that there were two other incidents on there.

Mr. Rooney: Did you know that at the time?

Mrs. Leroux: Yes, I received it in the mail.

Mr. Rooney: You received this report correct?

Mrs. Leroux: Yes

Mr. Rooney: Alright, we this report was asking whether or not there was any other problem with the dog and you indicated there was not.

Mrs. Leroux: No. Police Officer asked me if anything like this ever happen to me before? I had just given my statement about what had happen when I was walking, and the girls coming up from behind me. I said no.

Mr. Leroux: So, as she is saying, Mr. Rooney she was commenting on the specifics of it. That's all. Yes. And you can ask multiple times but that is going to be the same answer.

Mr. Rooney: Well and you can answer it, either you or your wife, Mr. Leroux, the same way. I'm trying to get at, when a police officer is trying to investigate this entire incident, you didn't feel I guess I guess any obligation. Did the officer ever ask you, "did this particular fact pattern ever happen before"? No. Correct?

Mrs. Leroux: No. He also didn't ask me if my dog has ever bit anybody either. On the other incident that happened back in January when my dog did bit someone, that was yes legit it was my fault, being

negligent when by dog came out of the house. The girl did ask me if my dog every bit anybody. I did answer her. That is in her report, I did say yes. So, its not like I am trying to hide anything, answered the question as to how it was asked to me.

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Mr. Rooney: Did the police officer ask you if there were any previous issues with the dog?

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Mrs. Leroux: No

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Mr. Rooney: Didn't ask that?

Mrs. Leroux: No

Mr. Rooney: So, did the police officer ask you, were there every any other specific exact fact pattern as what happened on June 21st?

Mrs. Leroux: No, I already told you, he asked me if I have ever been put in a, has this every happened before?

Mr. Rooney: We are certainly going to hear from the police officer. But I have to say, that strange credibility, Mrs. Leroux, that you would answer it this way and your position would be, I wasn't asked about this particular-fact pattern. I think that is a dis-ingenuine comment when the officer is trying to get to the bottom of this. We have a fifteen-year old girl that something happened to, you are not even willing to admit that the dog bit her. Correct?

Mrs. Leroux: I did not know the dog bit her.

Mr. Rooney: But did you subsequently find out?

Mrs. Leroux: From the police officer that came to the house. Yes.

Mr. Rooney: Did you ever by the way, reach out to anybody to find out how she was doing?

Mrs. Leroux: No. When I am receiving the false statements, stating that, you know, this is happening a different incident, I actually reached out to animal control. I have spoken to her a few times, Anne. So that was my connection to the incident.

Mr. Rooney: Again, you used the term false statement. Let me be clear, based on what I heard to far, in my investigation of this, including talking to Officer Stokowski yesterday. If we are talking about false statements, this is a false statement and what you gave to the police in my opinion is a false statement.

Mr. Leroux: May I ask what in particular are you saying is a false statement? That this never happened before. Mr. Rooney.

Mr. Rooney: "I have never had anything like this happen to me" that's number 1 Mr. Leroux,

Mr. Leroux: And we addressed that. Ok.

Mr. Rooney: I know you did, I know you did, not to my satisfaction but I know you did.

Mr. Leroux: I wasn't saying that it was to your satisfaction.

Mr. Rooney: Secondly, the second incident is when asked, "Mrs. Leroux stated that there has not been any previous issues with her dog". I understand what your answer has been to that I am not particularly convinced of that either, but again, we will have an opportunity to hear from the officer. That is all I have for now Mr. Chairman.

Mr. Mannix: My concern is, I know what Mr. Rooney is trying to say and I believe I know what you are trying to say but, in a situation on a dog bite, especially a dog bite of a child and especially a police officer asking the question, "has anything like this ever happen before" I'm just going to say that the reason a person is going to say "has the dog ever bitten anybody before" maybe he should have just put it plain and simple like that. Ok maybe you didn't take it that way. Alright, all I am saying is maybe he should have, maybe you should have understood. Ok. All that aside you said the girls came up, they came running up, you don't believe that the dog bit the child, but you have stated in your statement, you did earlier tonight that you looked at her leg and saw it started bleeding. Well it didn't start bleeding on its own, she had to get bit.

Mrs. Leroux: Bit or scratched. I have been scratched by my...

Mr. Mannix: Bit by the dog.

Mrs. Leroux: Ok

Mr. Mannix: So, realistically you are responsible for the dog, I don't care if it's on a leash, that dog bit somebody and bit somebody before. There is a problem there someplace. Now when you are walking down the street by going with what you are saying to me, everybody is going to have to stay away from you and your dog walking down the street.

Mrs. Leroux: No, but you also know, to respect that if you are walking down the street and I run up right behind you, is that something you would do to someone.

Mr. Mannix: My dog would never have bit anybody. Ok. I am just saying, my dog wouldn't, I am not saying anybody's dog, I am just saying mine wouldn't have bit anybody. Yours did. As far as we know, now it has been three times now it has bitten someone. There is a concern there. Ok. My concern is yes, for the person on the street, I don't care if they are 3, 13, 33 or 83 the age has nothing to do with it and it seems like it happened in three different places. Walking down, I forgot what street you're on over in your neighborhood, in your yard and then the dog running out the front door, if I remember correctly, then biting somebody else.

Mrs. Leroux: It was actually on my porch, they came to my porch.

Mr. Mannix: Three different highly different scenarios. I am saying to you, that there is something wrong. There is something wrong. Its something that just can't continually happen. How do we draw the line and I really believe that you can't give me an answer to say well we draw the line here its never going to happen again? Three different situations, totally. Where does it stop. I'm not looking for you to talk to me out loud. I just want you to understand where I am coming from. That's all Mr. Chairman.

Mr. Leroux: We are not here to say nothing didn't happen, we are not saying that the dog is perfect, we apologize for your daughter getting hurt, obviously no dog owner wants their dog to bite a person. We are taking responsibility for it. This last incident, I know my wife was doing what she thought she needed to do, hold the dog right on the leash, didn't hear them jogging up to them, she interpreted the question the way she interpreted at that time. She did not try to mislead anybody with that. Obviously, that information would have come out anyway. You can't deny that the dog has bit other people. So just at that time, she was taking it literally. Did this accident happen this way before, she just said no, it's not trying to hide anything, so please understand that. I certainly cannot guarantee that the dog will not harm anyone else, but I can tell you we have not walked the dog in the neighborhood since. The dog stays in our yard, its fenced in or she walks him on a leash in the backyard. That's it. Have not taken him around the neighborhood at all. And that is what we plan on continuing to do as long as the dog is with us. To make sure that doesn't happen again. Thank you for your time.

Mr. Silva: Have you received any recommendations from the dog officer as far as what to do.

Mrs. Leroux: Animal Control?

Mr. Silva: Yes, Animal Control.

Mrs. Leroux: No. I have a muzzle. I have had a muzzle, but literally I was going to minutes down the road to walk my dog to the pond and never expected anything like that to happen.

Mr. Leroux: So, then that is what we are going to do, we are just going to walk the dog in the backyard.

Mr. Silva: Certainly, you acknowledged that the dog has an issue.

Mrs. Leroux: I mean, we have had people over, I have kids, yes absolutely, I'm just saying we have children that come over to the house and he has never bit anybody.

Mr. Leroux: No no no of course understood, excuse me, excuse me, we have acknowledged it. It's obvious, the dog is ten years old we know that.

Mr. Silva: That's understood. I mean I have a dog and it barks and growls at people, but the first time he bits somebody I have to tell you, I like dogs, I'm not crazy over dogs, but the first time my dog bites somebody he is gone. I will give him to somebody that can deal with it, I wouldn't say put him away or anything. This is the third time. That is scary. Quite honestly. If he happened to get away from the leash he could actually maul somebody. Can you imagine living with that, maybe not, we all say no, but it happens. Three times. We have heard of three strikes. But anyway, as the dog officer, or animal control gone there and checked with you.

Mrs. Leroux: They have been to my house, yes. Ann has been there twice, and two women and Ann has been at my house twice.

Mr. Silva: So, when we get the report from Animal Control and what it is to his recommendation of what to do, are you willing to abide by his recommendations?

Mr. Leroux: How can we say if we abide it, well if it's the law that we have to, of course. What are you going to say, put the dog down? Is that what you are saying?

Mr. Silva: No, I am not saying that at any

Mr. Leroux: Beyond that, I think we would agree to anything, we certainly don't want to take the life of the dog.

Mr. Silva: Usually what they will do is recommend he be in his kennel, build a kennel for him and just keep him in there so he doesn't be around people or whatever it may be as far putting him down, we have had dog hearings where the dog has actually had to leave town. Let's just say that.

Mr. Leroux: I have read about that, that sounds fairly severe, but yes.

Mr. Rooney: Mrs. Leroux, you mentioned earlier that you haven't received any advice from the Animal Control Officer.

Mrs. Leroux: No. She asked me if I had a muzzle. I did. I showed her the muzzle.

Mr. Rooney: I had a conversation with the Animal Control Officer today. Anne Turcotte and it is my understanding that she did have a conversation with you about putting the muzzle on the dog when the dog is outside of the yard. Is that correct?

Mrs. Leroux: Correct Yes. I said I had a muzzle and I showed it to her. Yes

Mr. Rooney: And she did talk to you about that would be a good idea to have the dog muzzled. Correct?

Mrs. Leroux: Yes

Mr. Rooney: So, she did offer you some advice.

Mrs. Leroux: Ok, I didn't realize that was what you were talking about. I did say I have a muzzle, I didn't know that, I'm thinking you were talking about something totally different, other things of doing. Yes. But like I said, or my husband, we are not walking my dog outside of the house anymore.

Mr. Rooney: I do have to say what I find very troubling is this is the third incident and as I read your statement and as I listen to you tonight, Mrs. Leroux, you are not the victim. A fifteen-year old child is the victim. Not you.

Mrs. Leroux: Yes, but I did not put her in that situation. I mean, when I walk my dog and I have been in that neighborhood for 7 years I've always, someone comes up next to me, someone is riding by I always cross the street, I can't see what's coming behind me. She ran up behind me and for her to get bitten and she was literally right behind me and when I turned around she was smack face to face with me. I did not put her in that situation. Ok. Her friend was on the left-hand side of me, she was on the right, she was going to pass me on the side where my dog was, so that was not me putting her in that situation, she put herself in that situation.

Mr. Rooney: Again, Mrs. Leroux, you are not the victim. So, it doesn't help your cause to come in here and give testimony that indicates at last to me, I am not going to speak for my colleagues, that you in somehow are the victim. You are not. So perhaps you should get rid of that thought process. You're not the victim, the fifteen-year old child is the victim. By the way, as part of the police officer's investigation there are two completely different stories than the one that you have told. Now I wasn't there so I don't know what happened in terms of whether they startled you and came up upon you or its what the two children said in terms of responding to the officer as part of his investigation. I have spoken to the officer and I think I know what his opinion is, but I will be curious to hear it afterwards. But I just want it made very clear, you are not the victim. That is all I have for now.

Mr. Silva: Ok

Mr. Leroux: I have to say something, if you don't mind Mr. Rooney. I am sorry if you think she is coming across as the victim. I believe that she is just stating the facts, sir. And that's all she wants the Board of

Selectmen, the Board whatever, to understand. I don't think she is coming here to say "feel sorry for me, feel sorry for the dog" I haven't heard her say anything like that. All she has been stating is what actually happened. I will leave it at that.

Mr. Rooney: Well what she is stating, is what happened based on her interpretation. That is in dispute, you can agree with that, right Mr. Leroux? That's in dispute.

Mr. Leroux: Mr. Rooney she can only speak for herself. So yes.

Mr. Rooney: I understand. I appreciate the fact that you don't think she is coming in sounding like the victim, I'm just telling you from my perspective, and it is not helpful to the entire situation.

Mr. Leroux: thank you for sharing your opinion, I appreciate you allowing me to me share my opinion.

Mr. Silva: Do we want to hear from...

Mr. Rooney: I would like to hear from the officer, sure.

Officer Stokowski: So pretty much everything that is in my report was the follow up from my investigation. Obviously talking to her here and the victim, her friend, the victim's parents and I can't really pick a side but the fact that the wording of the previous dog incidents I can't say I agree with that. An incident with the dog is an incident with the dog. Whether it's a bit, a scratch, on somebody else's property, I don't know how I could word that in a better way. But the other fact that I mentioned in my report and I noticed it said that somebody mentioned I was there twice, I was only there once. But the family members were there, and I guess confronted you. In which they told me you went back inside and killed the lights as if you ignored the entire thing. So.

Mr. Leroux: I would like to address that as well, if that is important to hear.

Mr. Silva: Could you address that after...

Mr. Leroux: I just through that out, but I want to make sure it's...

Office Stokowski: Also, after speaking with the Animal Control Officer it is my understanding after the first reported incident which was the second bite, she was instructed to have a muzzle on the dog when walking around the neighborhood. And whether that's here nor there, that's beyond me, that's up to the Animal Control what they said. That was when I talked to her when she dropped off the citation, which she paid and was attached to my report. As far as my findings and everything, that is all I have to add.

Mr. Mannix: If I might Mr. Chairman, I just want to follow up on a couple of little things. You just said a moment ago when you spoke, you said you were just walking down to the pond, you didn't think to put a muzzle on. It was just a short walk. You have the muzzle, so you were supposed to know about it. I think one of Mr. Rooney's thoughts, and one of my thoughts, not the same degree as his, your walking your dog, the dog bit someone, you are responsible for that dog. I don't care how anybody else, that could have been somebody walking by you. You wouldn't have known if they walked by you, your dog can't bite people. That is a responsibility that comes with you and the dog. By walking that dog, you are totally responsible for whatever that dog does. If you have it on a five-foot leash, a fifty-five-foot leash, whatever it might be. One of the problems is that you are coming across, as you are talking you seem to almost, I am going to say almost, to the point of "hey its not my fault, its her fault for running behind me" well she could have walked up behind you, she could have crawled up behind you, she could have been just standing there as you walked by and that dog could have bit her. That's the important thing, not where she was, what's she doing, how fast she's running, granted people do startle you, even if they startle you, but you can't take a dog out on the street and have it bite people. You don't do it intentionally, the dog doesn't do it intentionally, but it happens. Somehow that has to stop. My daughter has five dogs I used to take three of them to the pound every time she wanted to go on vacation, I had to take them to the pound when she went on vacation, then I had to bring them back. She spent \$600 to take care of three dogs. One day one of them nipped me in the finger when I was taking him home. I said to my daughter, never again will I take them. Every time I took them and brought them home I saved her a day on each end that she didn't have to pay, that one little nip from me, that was it. I'm not taking them. I still go to her house and the dogs are still running around the house having...I have never taken the dogs to the pound again. I'm sorry. Mr. Silva made kind of a reference to it, all I am saying in your own mind, your husband speaking very well, I can understand the love, the care, the concern for the dog and the family and everything else. But at some point, you have to draw a line in the sand. What do we do? Not I was only going down to the pond and I didn't muzzle

him because it was just a short walk. We all do that. We can't do it. That line has to be drawn and has to be adhered to. Whatever the dog officer decides, whatever this Board decides and whatever comes out of this, is something that, you have other options, yes, but you are going to have to draw the line in the sand and put a stop to it. Thank you, Mr. Chairman.

Mr. Silva: You wanted to address...

Mr. Leroux: I don't know if it is important, I did not, they pulled up in front of me, I don't think the light was on, it wasn't that dark on my porch. I was sitting on my porch, they asked me a question and then I went inside. I don't know what that means, just because I shut the light off. They said up front that they knocked on the door. They never knocked on the door. I was sitting on my porch.

Mrs. Leroux: My husband had no idea what had happened at that point.

Mr. Silva: I have to say that a lot of it, this to me, I don't know about the other Board members what happened, they knocked on the door, they did this, they did that, it is irrelevant to me. The only relevancy that I have is the dog bit somebody, and somebody and somebody else. That's what's relevant to me. Really honestly, how it happened, which way it happened, its beside the point. The fact now is, we need to decide what to do with the dog, how to go about the future from here on. It happened, we can't, I don't think anyone of us can say it didn't happen, because it happened. So, the question now being is what happens from here on, I think we will get a full report from the dog officer, I keep saying officer, Animal Control and we will get his report and his recommendations and I think this board will have to decide if that is good enough or if we send out notice to you for what your next course of action will be.

Mr. Rooney: I am prepared to make a motion tonight, if that is ok.

Mr. Silva: Yes

Moved by Mr. Rooney, seconded by Mrs. Fernandes for discussion, that the dog at 29 Wedgewood Drive be muzzled if it is outside of the property of 29 Wedgewood Drive and that the Animal Control Officer over the next six months make periodic visits to the area to the home and to report back to us in six months or sooner if there are violations but at least in six months that there hasn't been any violations that the Animal Control Officer has witnessed. Vote 4-0 all in favor.

Mrs. Fernandes seconded for discussion. I just want to say, contrary, I disagree with Mr. Rooney, I think you guys came across very credible, thank you for explanations, sometimes things can be misunderstood. There is two issues here, there is liability and that's where he comes in, and we are here just tonight to find out if something should be done to this dog or not. I do agree that three incidents is concerning, you should definitely be concerned, because liability to you, I would go above what he just recommended and maybe suggest that you guys talk to a dog trainer to make sure, because you know, you can't, even in the backyard if somebody goes there, it could be a family member this dog maybe could use some training as to avoid this kind of thing and that's what I would suggest on your own personal time and expense to maybe reach out and have somebody lessen the propensity for biting with this dog.

Mr. Mannix stated to put a kennel in the backyard. Build your own, whatever size you want, I don't know the size of the dog. If it comes down to me, I will go along with Mr. Rooney's motion, but a violation comes in of any type from the Animal Control Officer I in a flash will vote to do any drastic action he might recommend. I sit here and say to you, and I'm not afraid to say it, it comes to the person or the dog, a person or an animal in any situation the person comes first. That's it period. So, if Mr. Rooney's motion passes and the dog officer's recommendation that comes in afterwards is a follow up and positive for you, pat you on the back, really good, but if there is anything negative on it, there right up front no sympathy, none, I don't care what would happen I just, like I say. Person, one, two, three strikes you're out in baseball, three strikes your out with the dog, should have been out long before that in reality. Dog or person, person comes first.

Mr. Rooney would like to add for further discussion and I am fine with the motion as stated. It is my understanding that the victim has written a statement. I believe the other child that was with her, I would leave that up to you Mr. Fernandes as to whether or not you want those statements read into the record. I am fine going just as we did and ending it with the motion, but I also know that they took time out of their lives to write statements and I will leave entirely up to you as to whether or not you want those read into the statement, read into the record.

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2018 DEC 5 P 3 34
TOWN OF HUDLOW

Attorney Augiar: I think at this time, we would like to read both statements from Katelyn and her friend. It is also our understanding to that the second individual that was bit previous to Katelyn, also submitted a statement to the Board. I am not sure if the Board wants that to be read into the record as well. I do want to say that before I do read the statements. It is a little disappointing today as we hear from Mr. and Mrs. Leroux, they assume no responsibility, they are putting the blame on Katelyn who is a fifteen-year-old girl, who was simply going for a run with her friend. She saw blood, but yet she left the scene. morally and legally and liability purposes all intertwined here. I think the right thing to do would have been to walk Katelyn to her house to talk to her mother about what happened. Not just to leave a little fifteen-year old girl bleeding from her knee and leave the scene. It is also very concerning to hear that there was an order after the second dog bite that the dog was supposed to have a muzzle on the dog after it went for a walk. There was a citation that was issued because the dog didn't have a muzzle so stuff like this is very concerning and very disappointing to hear that today.

Mrs. Leroux: I can say that I never received anything after the second incident about my dog having a muzzle. They never sent me any paperwork, she never told me anything about that. I did purchase one, she suggested I purchase one, so I purchased one. But she never told me anything and also, the thing is that, how am I gonna, if I am with my dog by myself, why would I put my dog, that she just said bit...and her friend walking down three streets. I am by myself with my dog and she just said my dog bite her. I am supposed to walk down three streets to her home.

Mr. Rooney: Well I have the statement from, the first one is from Jessica Lemieux who is in the prior incident. So, I will read that:

"On January 29, 2017, I was running down Wedgewood Drive as a part of my normal running group. I live a couple streets over, with earbuds in when all of a sudden, I heard screaming. I turned toward to screaming to see a white American Eskimo dog running aggressively towards me with the owner yelling after it. I was on the opposite side of the road from the house that the dog ran out of when the owner opened the door. The dog then completely unprovoked, jumped up and started to attack me by biting my leg. The dog bites ripped through my pants causing multiple deep puncture wounds. After biting me multiple times the owner was able to restrain the animal. While I lay on the ground bleeding and traumatized, the dog owner, Rosa did not offer to help me or offer a ride home as I could barely walk. As she did inform me that the dog had its proper shots. When asked, Rosa if this had happened before she said that the dog had nipped a neighbor's child's finger before, but it was never reported. The owner did not seem to be to concerned and actually urged myself and my sister who came to pick me up, not to call the police. I spent the rest of my Sunday waiting in the ER for five hours to get a tetanus shot and have the wounds cleaned. Because of the risk of infection, the large open wound that was on my leg was not able to be stitched up and was left with an open wound for three weeks after the attack. After leaving the hospital, I went to the police station to file a report of the incident. Which I believe you have a copy of. I consider myself an avid runner, attending multiple races throughout the year. Since this attack I have not been able to run outside by myself because of the fear I now have of dogs, even though I grew up with a dog. I feel very strongly that this dog is a danger to the community, especially after a second attack has recently occurred. I have a baby and young niece that live nearby and if they were with me that day, based on the position of my wound they would have been severely injured. This is not something our neighborhood and community should have to deal with. The owners don't seem to be taking much responsibility for their aggressive dog. I hope the town takes serious action with this matter".

That is one. The other one is from Kendall Vermet (? Spelling), who I believe is the young woman who was running with your daughter.

Mr. Fernandes: Yes, that is correct.

Mr. Rooney reads:

"On June 21, 2018, I was jogging with my friend, Kate. We saw a woman walking her dog, we saw that is was white and medium in size. The woman was petite and looked like she was in her forty's. She had maroon colored hair and had tattoos on both of her arms. Kate and I jogged by her and her dog. The woman heard us coming and moved aside to make room for us. As we jogged by, the dog leaped and bit Kate in the leg. Kate's leg was bleeding badly. Kate asked the woman if the dog had its shots, she quickly said yes and walked away quickly, leaving us there. Kate and I walked back to Kate's mom's house. Kate's leg was still bleeding heavily from the bite".

Mr. Rooney: Finally, this one is from Katelyn Fernandes:

“On the 21st of June 2018 I was jogging with my friend, Kendall Vermet. We saw a woman walking her white American Eskimo looking dog. The woman was petite with brown red hair and middle aged. Kendall and I were talking loudly to each other as we were jogging so the lady turned back and looked at us while we were about fifty feet away. Being the perfect time to tell us to go on the other side of the road and to stay away due to the fact that her dog has bitten other people in the recent past, however the woman just continued to walk her dog down Simmons Street. As Kendall and I approached in single file the woman moved over to the right, so we could pass, however, before we were able to do so, her dog leaped out and bit me around my right knee. As I was in shock from all of the blood and pain I asked the woman if the dog has had its shots knowing I was going to have to go to the hospital. She quickly said yeah as she rapidly fled the scene down Wedgewood Drive. The bites on my leg were bleeding heavily as it dripped down to my sock and sneaker. Kendall and I returned to my house and yelled for our parents. My mother called the police ambulance to try to locate the woman to see if the dog had its Rabie shots. As I cleaned up my leg I noticed white like tissue coming out of the two gashes on each side of knee. Within a small amount of time the police arrived at my house. The lady never gave me any of her information such as name, phone number or address. The police went looking for the woman based fully on my description. The police needed to make sure the dogs shot records were up to date for the hospital. I soon got to the hospital where stitches were then sewn on the side of my knee. I was not able to swim, continue my cross-country training or do much of anything for the following weeks due to the wounded area on my right leg”.

Mr. Leroux: I just want to clarify, if the dog is off the property, to have the muzzle? Is that what you said Mr. Rooney?

Mr. Rooney: Yes, I believe that was in the motion. Yes.

Mr. Leroux: I thought details were not that important, Mr. Silva, but we just had multiple details.

Mr. Silva: That was just a reading...

Mr. Leroux: I understand, but you say that details aren't important, and to come here and just admit that the dog bit and move on from there and the opportunity at the end to say some false things, but we will move on from there. We apologize for what has happened. Ok.

Mr. Silva: Even though those were read, I still go back to, the dog bit. That's it.

Mr. Leroux: You can't take it back but thank you for your time. I appreciate it, we will do everything we can to make sure that the dog does not do that to anyone else at all.

Mrs. Fernandes: That is what we are looking for. Thank you.

Attorney?: Thank you members of the Board.

Mrs. Fernandes: How is Katelyn by the way?

Mr. Rooney moves to close the Dog Hearing at 8:14pm., seconded by Mr. Mannix. All in Favor. 4-0.

Correspondence:

222. David D. Arcangelo, Director of The Massachusetts Office on Disability – pleased to announce the Municipal ADA Improvement Grant Program application and selection process for FY19.

Moved by Mr. Rooney, seconded by Mr. Mannix to file. Vote 4-0 all in favor.

223. Joseph Queiroga, Chairman, Planning Board – informing the Board that the Planning Board will hold a public hearing in the Selectmen's Conference Room on Thursday, August 23, 2018 at 7:00pm regarding the application of Mid America Properties, LLC, for property located at 14 Chestnut Place and 58 Sewall Street.

Moved by Mr. Rooney, seconded by Mr. Mannix to file. Vote 4-0 all in favor.

224. Barbara St. Jacques – requesting to become a registered Republican Election Officer.

Moved by Mr. Mannix, seconded by Mrs. Fernandes to send the name to the Republican Committee and appoint her pending the approval of the Republican Committee. Vote 4-0 all in favor.

225. Chief Ryan Pease, Ludlow Fire Department requesting the Board charge off the medical expenses and lost wages to Chapter 41 Sec. 111F for injuries sustained by a Fire Fighter on Saturday, August 11, 2018.

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2018 DEC -5 P 3:09
TOWN OF LUDLOW

Moved by Mr. Mannix, seconded by Mr. Rooney that we accept the Chief's request to charge off Chapter 41 Sec 111F injuries sustained by a Fire Fighter on Saturday, August 11, 2018. Vote 4-0 all in favor.

226. Bruce Broyles, member of Catholic Parishes of Chicopee & Ludlow, 9/11 Memorial Mass Committee inviting the Chairman to attend the 12th Annual deanery-wide 9/11 Memorial Mass on Tuesday, September 11th at 7:00pm at Holy Name of Jesus Parish.

Moved by Mrs. Fernandes, seconded by Mr. Rooney to file. Vote 4-0 all in favor.

227. Bruce Broyles 9/11 Memorial Mass Committee thank you to Chairman Silva for attending last year's 9/11 Memorial Mass held at Our Lady of Fatima Church.

Moved by Mrs. Fernandes, seconded by seconded by Mr. Mannix to file. Vote 4-0 all in favor.

228. Chief Paul Madera, Police Department requesting the Board to appoint Joseph Metcalfe as a Special Police Officer effective immediately pending completion of physical exam.

Moved by Mrs. Fernandes, seconded by Mr. Rooney that we appoint Joseph Metcalfe as a Special Police Officer effective immediately pending the completion of his physical examination. Vote 4-0 all in favor.

229. Karen E. Polito, Lieutenant Governor, Commonwealth of Massachusetts informing the Board that Year 4 of the Community Cabinet (CCC) Program is set to begin on August 15, 2018.

Moved by Mr. Rooney, seconded by Mrs. Fernandes to file. Vote 4-0 all in favor.

230. Chief Paul Madera, Police Department requesting the Board charge off the medical expenses and lost wages to Chapter 41 Sec. 111F for an injury sustained by an Officer on August 10, 2018.

Moved by Mr. Mannix, seconded by Mrs. Fernandes to accept Chief Madera's request for Chapter 41 Sec 111F injuries sustained by an officer on August 10, 2018. Vote 4-0 all in favor.

231. Linda Cruz-Carnall, Regional Director United States Department of Commerce informing the Board that the Town of Ludlow's application for assistance for the construction of the Riverside Drive Infrastructure Project has been selected through EDA's competitive application review process for further consideration for funding.

Mr. Rooney stated that he would like to get some information from the Town Administrator, she has been very involved in this to give us an idea what this means. I guess it's a qualified "yes".

Mrs. Villano stated yes, it is the next phase for it, a non-binding letter. There is a few steps that we have to take, one is later on to reaffirm the matching grant and to appoint somebody who is going to be the reporter for the three, six and nine year look back for jobs, but this is a non-binding letter, once we complete this paperwork, which is due by the 23rd we will go to the next step. Once the budget is finalized at the federal level and our application is accepted and gone through its steps, then we could receive notification that we have indeed been provided this \$3.1 million worth of EDA Grant funding.

Mrs. Fernandes asked if the Town Administrator could tell the public what that money if approved would be used for?

Mrs. Villano stated that it is a matching grant that our local share is the Mass Works grants that we received a year ago and this would be for the completion of the Riverside Drive. It would start at East Street and go all the way down past First Avenue and go into the sixty acres of the far end of West Mass to open that sixty acres to the light industrial professional is what they're looking for. Section 4 of the Ludlow Mills.

Mr. Rooney states that this is a qualified good news, but we would be remiss if we didn't really commend the work that the Town Administrator has done. I know there has been a lot of work, along with West Mass a lot of dealings with them but a lot telephone calls a lot of deadlines that must be met and certainly she and her staff should be commended because we are that much closer. Thank you for the work that you have done.

232. Board to appoint Wilhemina P. Ostrowski to be a Democratic Registered Poll Worker.

Motion made by Mr. Mannix, seconded by Mrs. Fernandes to appoint Ms. Ostrowski to be a Democratic Registered Poll Worker with the approval of the Democratic Town Committee. Vote 4-0 all in favor.

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Unfinished Business:

Board to waive the fees for our Lady of Fatima Church (4) Special One Day Permits and the Sunday Music and Dance Permit for FESTA 2018.

So, moved by Mr. Rooney, seconded by Mrs. Fernandes. Vote 4-0 all in favor.

Advertisement for Council on Aging vacancy has expired. There is one applicant for the position, does the Board wish to schedule an interview.

Moved by Mr. Mannix, seconded by Mrs. Fernandes to have the applicant to come in and be interviewed. Vote 4-0 all in favor.

Board to approve and sign the "Determination of Uniqueness" for the parcel of land located at the corner of First Avenue and State Street to be used as the site for the new Senior Center.

Mrs. Villano stated that at the last meeting, but there weren't enough members of the Board to sign. I am going to have to reprint it and have you move forward with it on the advice of Town Council there really should be a quorum of individuals signing and approving. So, Mr. Rooney recused himself the last time, so I am going to ask that it be sent down to the other end of the table so that you can read the "Determination of Uniqueness".

Mrs. Fernandes votes to accept The Town of Ludlow "Determination of Uniqueness" of real property. The Board of Selectmen for the Town of Ludlow has made the following determination of unique qualities and location pursuant to General Laws, Chapter 30B Section 16E2 with respect to the property located at the corner of First Avenue and State Street, Ludlow Massachusetts. This parcel consists of 4.3 acres of land which is pre-permitted and shovel ready. The Town proposes to purchase the property for \$435,000 the assessed value of this property is \$435,000. This parcel is within walking distance of four elderly housing facilities, is close to the Library, Medical Services and shopping areas. It is on an existing public way with access on two streets for ease of use and public safety. The property is located on public transportation, the PVTa bus line and all public utilities are available. The lot is flat and level with frontage on the existing public way to permit maximum access for seniors with mobility issues. No other centralized land has the same features as the property at First Avenue and State Street. The parties having a beneficial interest are Westmass Developmental Corporation. Seconded by Mr. Silva,

Mr. Mannix is voting no.

Mr. Rooney is recusing himself from the vote.

Mrs. Fernandes states that after she read the motion, she thinks the Board should postpone until the next meeting, she would like more information on it, because it is \$435,000. Postpone until the next meeting when additional selectmen will be present.

Mrs. Fernandes withdraws her motion.

Mr. Rooney states that just for the record, he must abstain because he is on the Senior Center Building Committee and a member of the Board of Directors of Westmass.

Mr. Silva withdraws his second to the motion and postpone until the next meeting when the Board is all present.

Mrs. Fernandes asks the Town Administrator if there is a pressing need to vote on this today?

Mrs. Villano states that it is not pressing to have it done tonight, we still have a little time to vote on it before the October town meeting.

Board to review and insert articles for the October 1, 2018 Special Town Meeting.

Mrs. Villano states that there is a listing of the articles that have been submitted by the town departments for your consideration. Normally, at this time you vote to insert.

Mr. Rooney states that on the issue of article under the Fire. Have we dealt with this article before?

Mrs. Villano states that it has been an item he has spoken about. He had presented it at Capital last year.

Mr. Rooney asks what was the result at Capital?

Mrs. Villano stated that there was no money for funding at this point and that the Capital Planning would be in favor of it if it was successful going to town meeting on its own merits. He came in front of Capital, Capital said they did not want to use any town funds for that particular item. He asked if he could do an article at town meeting using money from the Ambulance Subscription, and we said yes that if he wanted to bring it back in to the October Town Meeting that was up to him. He asked if Capital would look favorably upon it. So, Capital has not taken an official vote on it, they said they would agree to meet again in October if the article was put on the warrant, so they have made no definite vote on it. Certainly, if you would like to invite the Chief in for a conversation on that particular article you can certainly for the next meeting.

Mr. Mannix states that if we have a vehicle for the Fire Chief sitting down there and if we have a vehicle for the Fire Captain and he goes out on service sitting down there do we really need another vehicle for the third person. Three leading people at the department, there should be somebody that can either ride together or one should be there running the fire department. Do we really need all of those vehicles? Fire Safety has a vehicle, the Fire Chief has a vehicle so do we need another vehicle for the Deputy Fire Chief? If he could show that the three of them are out there that often and not together. Everybody doesn't need a vehicle.

Mrs. Villano states that the Fire Chief has stated that the Deputy Chief uses own personal vehicle quite often. He goes to a lot of meetings, he goes to trainings, he goes to events and he usually takes his vehicle. The Fire Chief feels very strongly that the Deputy Chief should have a vehicle at his disposal and he does not have one because the Fire Chief has his vehicle and the Fire Safety Captain has his vehicle and of course the vehicles that are in the fleet are Ambulances and Fire Trucks. There is no vehicle at his disposal. Going by conversations I have had with the Fire Chief it might be advantageous for you to bring him in and have him plead the case himself.

Mr. Rooney states that if we were to do that, he wouldn't feel comfortable making a definitive no decision tonight with due respect to the Fire Chief. He would like to hear from him. That would also mean that we are not closing the warrant correct?

Mrs. Villano states that you can close it after you meet with him.

Moved by Mr. Rooney, seconded by Mrs. Fernandes for discussion that we ask the Fire Chief to come in and discuss that issue about the purchase of a vehicle for the Deputy Fire Chief. Vote 4-0 all in favor.

Mrs. Fernandes states that she would like to give the Chief an opportunity, my inclination right now is if we are trying to drawdown or ask the tax payers to sort of buckle up, I think we need to ask a lot of our departments to buckle up if we are going to have a bumpy road with loaning money right now from a bond. She would still like to hear from the Chief, I am hoping he will say it can be pushed off a little bit until this lending and bonds gets worked out because it is going to have an impact on us.

Mr. Rooney states that this is to be funded out of Ambulance Subscription Fund, so it is not coming out of the town.

Mrs. Fernandes states that we have to see what other costs are coming out of that fund.

Mr. Mannix has asked about the article on the streets to be accepted, if the DPW has approved all of those without any questions?

Mrs. Villano states that they have met all the requirements they have all the sign offs and there is a letter from the Director of the DPW respectively asking that the following street be considered for acceptance at the October 1st Town Meeting. They have met all their requirements.

Mr. Rooney asks about first article under the Planning Board and what that is all about. To amend the zoning by-law concerning the temporary moratorium on the sale and distribution of recreational marijuana.

Mrs. Villano states that there was a by-law put in place, putting a temporary moratorium on the retail of the marijuana. It expired. In the meantime, the town has put in a by-law and a general by-law not

allowing any type of marijuana establishments in the community. This is just cleaning up a by-law that was put in temporarily and has expired. So really it is just cleaning it up and taking it out. The other two by-laws still stand.

Moved by Mr. Rooney, seconded by Mrs. Fernandes to approve for submission to the October 1, 2018 Special Town Meeting as part of the Warrant all of the Articles listed in the documentation provided to us with the exception of the Article under Fire Department. Vote 4-0 all in favor.

Mrs. Villano states that the first article under the Board of Selectmen which is transfer monies from the stabilization fund to the Tax Rate. This one definitely needs to have some lengthy conversation possibly at a next meeting. We did invite the Finance Chairman to the previous meeting he also wanted to stay for the insertion of the article.

Mrs. Fernandes asked about the Ambulance Subscription Fund. It has come across, that we are not supposed to spend this money, have we looked at this in more detail as to what exactly this Ambulance Subscription Fund can be used for?

Mrs. Villano states that the Fire Chief will be able to explain everything to you at the next meeting.

The Board is postponing the closing the warrant for the October 1, 2018 Special Town Meeting till the next meeting.

New Business:

The Board to vote to reaffirm the availability and commitment of \$3,126,750 in the local share of matching funds should the town receive the EDA Grant and authorize Westmass Area Development Corporation as the entity who will be responsible for the reporting of jobs and private investment impact at the 3-, 6--, 9- year periods and to provide a mechanism to track private beneficiary jobs and investment data in order to comply with EDA reporting requirements under the GPRA.

Mrs. Villano states that was some of the information that we had to reaffirm and provide as part of the application to go to the next step of the EDA Funding. The reason that we are asking Westmass because they are the ones that obviously are in charge of that whole parcel, they have agreed to take that on because they will be able to track the jobs, the whole purpose of all these grants and everything we are getting is job driven. I just want to note that if we do prevail and get this grant even though Westmass is going to be the ones taking on this, the town is still the responsible party.

Moved by Mr. Mannix, seconded by Mr. Fernandes to accept the paragraph as stated for the Board to vote to reaffirm the availability and commitment of \$3,126,750 and so on as directed and explained by Mrs. Villano. Vote 3-1. Mr. Rooney abstained

Board to vote to authorize Westmass Area Development Corporation as the administrator of the 17 Massworks grant, the anticipated 18 Massworks grants and the anticipated EDA grant funding or any other funding made available for the Riverside Drive/Riverside Drive Extension and associated infrastructure project.

Moved by Mr. Mannix, seconded by Mrs. Fernandes to allow Westmass Area Development Corporation to administrator the Massworks grant on Riverside Drive/Riverside Drive extension and infrastructure project. Vote 3-1. Mr. Rooney abstained

Closing Comments:

Mr. Mannix stated that last Friday he tried getting a hold of the DPW for what he considers a serious matter. It seemed liked for the day, everybody took the day off. The director was off, the engineer was off, the foreman was off, I even believe that the secretarial staff boss was off. I am just a little concerned over how the department runs when everybody is off. It would be like the Police Department, when the Chief, the Lieutenants, all the Sergeants are off at least there the next person in charge by seniority would be in charge. I guess we need to go over to the DPW and ask who has the seniority. He is not very happy with that.

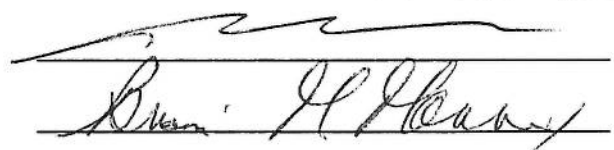
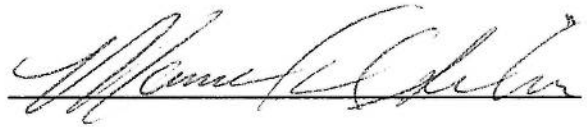
Mr. Silva asked Mr. Mannix if he could possibly hold that question for a meeting that we anticipate they will have with the DPW.

Mrs. Fernandes stated that they held another very successful Naturalization Ceremony in Ludlow. They admitted 203 new citizens. It was very well organized. It was very nice that the town holds this ceremony. They had a great singer this year as well, Laura Hicks.

Mr. Rooney states that he would love to attend the naturalization ceremony next time. Mr. Rooney also stated that the banner in front of the old Friendly's publicizing the Exit 7 play which ended 9 days ago. My understanding, the DPW took on the job of taking down the banners. I don't care if it is the DPW or the event itself, we have a by-law in town that the banners are to be down within 72 hours when the event ends. He would like to take action next time the banner is left up past the 72 hours, that they cannot hang anymore banners, but he doesn't want to get to that point because the Exit 7 Productions are great, it is a great event, a great asset for the Town of Ludlow, but we shouldn't have banner up 9 days later.

Mr. Silva asks the Town Administrator as to what is going on with the Howard Street closing? They did some of the work and suddenly it stopped. He also stated that FESTA is coming up and I want everybody to enjoy FESTA and be responsible.

Mr. Mannix moves to adjourn the meeting at 8:38pm. Seconded by Mrs. Fernandes. All in Favor 4-0.



Ludlow Board of Selectmen

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