

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, SS

To Ms. Laurie Gibbons, Town Clerk of the Town of Ludlow in said County:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town qualified to vote on Town affairs to meet at the **EXIT 7 THEATER**, Chestnut Street, Ludlow, Massachusetts on **MONDAY, OCTOBER 1, 2012** at 7:30 p.m. for the purpose of acting on the following articles in the warrant.

ARTICLE 1: To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money for **UNPAID BILLS AND/OR OVEREXPENDED ACCOUNTS OF PREVIOUS YEARS**; Pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

ARTICLE 2: To see if the Town will vote to rewrite the Senior Citizen Property Abatement Program as initially approved in Article 15 of the October 2, 2000 Town Meeting (and subsequently amended in 2002 and 2003) by striking sections A, B and C and replacing them with the following:

SENIOR CITIZEN PROPERTY ABATEMENT PROGRAM

A. Eligibility of volunteers: apart from the requirements of the General Laws of the Commonwealth, the following will also apply:

- 1. Volunteers must be sixty-two (62) years or older, as certified by a copy of a birth certificate at the time of participation.**
- 2. Volunteers must be an owner/occupant of a legal domicile in the town of Ludlow for a minimum of ten (10) consecutive years prior to participating in the program**
- 3. In accordance with Massachusetts Law, the annual tax obligation will not be reduced below ten percent (10%) of the annual tax.**

B. Scope of Program

The Town will set up to no more than (75) slots as volunteer services in various Town departments for this program. The program will have a Board of Advisors composed of five (5) Town department managers and/or designees and the Town Administrator as an ex-officio member to assist in the counsel and advice to the Board of Selectmen for definition of the program, monitoring of its effectiveness and selection process. The Advisors will consist of the following: School Business Manager, Council on Aging Director, Town Collector, Assistant Assessor and Librarian. The Advisory Board shall meet annually to re- determine the allocation of the seventy-five slots

- 1. Applications will be accepted from November 1st through December 31st of each year for the following fiscal year selection. The attached application must be utilized for all prospective volunteers.**
- 2. Volunteers may begin the work on February 1st or later which ever is more convenient for the assigned department and all work must be completed no later than November 30th.**
- 3. Volunteers must complete the number of hours equivalent to \$500.00 divided by the Federal Minimum wage. To qualify for the abatement, individuals must complete the assigned number of hours (no partial abatements will be recognized)**
- 4. Only one abatement per household (volunteer hours must be completed by one individual not shared)**
- 5. The abatement will be applied to the domicile address at the time of the hours worked.**
- 6. If the number of applicants exceeds the number of slots, selection of perspective volunteers will be made on a lottery basis. Each applicant not selected will be assigned a number. In the event that an applicant cannot fulfill the requirements, then the slot will be filled by the next numerical applicant. If that applicant refuses then the next numerical applicant available will be chosen.**
- 7. The allocation of slots will be assigned to the departments where volunteers will be most valuable.**
- 8. Department heads must certify participation of the volunteer program by completing the bottom portion of the original application.**
- 9. In lieu of wages received, volunteers will receive from the Board of Assessors Office, a certificate prior to the issuance of the actual real estate tax bill for the current fiscal year.**

TOWN OF LUDLOW
SENIOR CITIZEN PROPERTY ABATEMENT PROGRAM
APPLICATION FORM

NAME OF APPLICANT: _____

ADDRESS: _____

MAILING ADDRESS: (if different from above) _____

TELEPHONE NUMBER: _____

DATE OF BIRTH: _____

Are you 62 years of age or older? Yes No

Are you legally domiciled at the above address? Yes No

(Taxpayer must reside at the address listed for the abatement)

Have you owned and occupied property in the Town for the prior 10 consecutive years

Yes No

Is the property that the abatement is going to be applied to in a Trust? Yes No

If yes, are you listed as the Trustee? Yes No

Circle location of preference: Library Town Hall Schools Senior Center Golf Course

List Special Skills and desired type of work:

Any medical restrictions? Yes No

If yes, please explain: _____

Are you able to bend, lift, carry, sit, and stand for periods of time: Yes No

If I qualify for the program, I understand that I may earn a maximum of \$500.00, which can only be applied to my Town of Ludlow property tax: \$250.00 will be applied to the third quarter tax bill and \$250.00 will be applied to the fourth quarter tax bill. The Town of Ludlow will pay applicable payroll taxes. I UNDERSTAND THAT I WILL BE RESPONSIBLE FOR ANY FEDERAL INCOME TAXES DUE.

In accordance with M.G. Laws, the annual tax obligation will not be reduced below 10% of the annual tax.

I understand that I must complete the hours assigned according to the program guidelines.

SIGNATURE

FOR OFFICE USE ONLY

DEPARTMENT ASSIGNED: _____

DATE STARTED: _____ DATE COMPLETED: _____

I verify under the penalties of perjury that the above stated individual has completed the required number of hours to receive the Senior Work-off Abatement.

Authorized Signature: _____ Date: _____

Pass any vote or take any action relative thereto. Submitted by the Board of Selectmen

ARTICLE 3: To see if the Town will vote to amend the bylaws of the Town of Ludlow by adding a new section to CHAPTER IV, REGULATING THE CONDUCT OF CITIZENS, Section 35, VACANT AND UNKEMPT PROPERTIES which will require property owners to maintain vacant and abandoned property, which will read as follows:

Sec. 1 Regulations of Inadequately Maintained Vacant or Unkempt Properties

(a) *Purpose:* The purpose of this ordinance is to help protect the health, safety and welfare of the citizens by preventing blight, protecting property values and neighborhood integrity, protecting the Town's resources, avoiding the creation and maintenance of nuisances and ensuring the safe and sanitary maintenance of dwellings. Inadequately maintained vacant buildings or unkempt properties are at an increased risk for fire, unlawful entry, and other public health and safety hazards. This ordinance will help secure the welfare of the Town's residents and neighborhoods by requiring all residential property owners, including lenders, trustees, and service companies and alike, to properly maintain vacant and/or unkempt residential and commercial properties.

(b) *Definitions:*

Enforcement persons: Building Commissioner, Fire Chief or his designee, Police Chief or his designee, Representative of the Board of Health.

Owner: every person, entity, service company, property manager or real estate broker, who alone or severally with others:

- (1) Has legal or equitable title to any dwelling, dwelling unit, or parcel of land, vacant or otherwise; or
- (2) Has care, charge or control of any dwelling, dwelling unit, parcel of land, vacant or otherwise, in any capacity including but not limited to agent, executor, executrix, administrator, trustee or guardian of the estate of the holder of legal title; or
- (3) Is a mortgagee in possession of any such property; or
- (4) Is an agent trustee or other person appointed by the courts and vested with possession or control; or
- (5) Is an officer or trustee of the association of unit owners of a condominium; each such person is bound to comply with the provisions of these minimum standards as if he or she were the owner; or
- (6) Is a trustee who holds, owns or controls mortgage loans for mortgage backed securities transactions and has initiated a foreclosure process.

Property: any real, residential or commercial property, or portion thereof, located in the Town of Ludlow, including buildings or structures situated on the property. For purposes of this section, property does not include property owned or subject to the control of the Town or any of its governmental bodies.

Residential Property: any property that contains one or more dwelling units used, intended, or designed to be occupied for living purposes.

Commercial Property: any property that contains one or more structures or units used, intended, or designed to be occupied for any business type activity that is owned leased by a corporation, LLC, partnership or any other legal holding entity.

Vacant property: any residential property that is unoccupied for a period greater than one hundred eighty (180) consecutive days by a person or persons with legal right to reside therein.

Unkempt property: any residential or commercial property that has any type of overgrown vegetation or plantings that have overgrown to a point that rodents, animals, or vermin can dwell within. Any property on which debris, trash, junk, or garbage has accumulated on the ground, driveway, sidewalks etc. shall be determined as unkempt.

(exception): Any vegetation used as a buffer between abutting neighbors or any wooded/wetlands areas.

(c) *Requirements for adequate maintenance:* owners of vacant or unkempt properties, as defined in section (b), must fulfill the following minimum adequate maintenance requirements for any such property they own:

(1) Maintain vacant or unkempt properties subject to this section in accordance with the relevant sanitary, building, and fire codes.

(2) Secure vacant properties subject to this section to prevent unauthorized entry and exposure to the elements.

(3) Maintain vacant or unkempt properties subject to this section in accordance with regulations promulgated by the Enforcement Persons pertaining to the external/visible maintenance of the property, including but not limited to the maintenance of major systems, the removal of trash and debris, and the upkeep of lawns, shrubbery, and other landscape features.

(4) Repair or replace broken windows or doors within thirty (30) days. Boarding up any doors or windows is prohibited except as a temporary measure for no longer than thirty (30) days.

(5) For properties vacant for one hundred eighty (180) days or more, whose utilities have been shut off, remove or cut and cap such utilities to prevent accidents.

(6) Compliance with this subsection shall not relieve the owner of any applicable obligations set forth in any other codes, regulations, covenant conditions or restrictions, and/or homeowner or condominium association rules and regulations.

(d) *Notice of failure to adequately maintain vacant or unkempt property:* Upon identifying a vacant or unkempt property as failing to meet the minimum maintenance requirements set out in section (c), any Enforcement Person shall notify the Zoning Enforcement Officer who will then notify the owner in writing of maintenance deficiencies at the owner's last known address. If any maintenance deficiency is not corrected within 30 days of said notice, or if a maintenance plan is not approved by the Zoning Enforcement Officer within 30 days of said notice, the Zoning Enforcement Officer may take action pursuant to subsection (f) below.

(e) *Inspections:* Any Enforcement Person shall have the authority to periodically inspect any property subject to this section for compliance. Any Enforcement

Person shall have the discretion to determine when and how such inspections are to be made, provided that the time and manner of such inspections are reasonably calculated to ensure that this section is enforced.

(f) *Penalties:* This bylaw may be enforced through any lawful means, including, but not limited to, by non-criminal disposition pursuant to MGL Chapter 40, Section 21D. For the purpose of noncriminal enforcement, the Enforcing Persons shall be the enforcement persons as defined in subsection (b) of this bylaw. If enforced pursuant to noncriminal disposition, the civil penalty for each such violation shall be as set forth in Chapter 13 section 2 of the Town of Ludlow By-laws.

(g) *Enforcement:* Any Enforcement Person shall enforce all provisions of this section; including any regulation promulgated hereunder, and shall institute all necessary administrative or legal action to assure compliance.

(h) *Regulatory Authority:* The Board of Selectman has the authority to promulgate rules and regulations necessary to implement and enforce this section.

(i) *Severability:* If any provision of this section is held to be invalid by a court of competent jurisdiction then such provision shall be considered separate and apart from the remaining provisions, which shall remain in full force and effect.

Pass any vote or take any action relative thereto: Submitted by the Board of Selectmen.

ARTICLE 4: To see if the Town will vote to transfer from available funds a sum of money necessary for maintenance and repairs to the Town Fuel Station and perform inspections in accordance with the United States Environmental Protection Agency and the Commonwealth of Massachusetts Department of Environmental Protection regulations.

Pass any vote or take any action relative thereto. Submitted by the Board of Public Works.

ARTICLE 5: To see if the Town will vote to amend the Classification and Compensation Plan of the Personnel Policy Bylaw of the Town of Ludlow as authorized under Chapter 41, Section 108A and 108C of the Massachusetts General Laws as follows, effective July 1, 2012.

CLASSIFICATION PLAN

Public Works Department:	Hours Per wk.	Grade Number	Number Assigned
By adding: Heavy Equipment Operator	40	PW-3	11
By deleting: Laborer	24	PW-1	1

Pass any vote or take action relative thereto. Submitted by the Board of Public Works.

ARTICLE 6: To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow **SECTION III: General Use Regulations. Section 3.3 Accessory Use Regulations, 3.3.1 General Accessory Regulations** by adding (g.) **Clothing Donation Receptacles and associated text as follows:**

g. Clothing Donation Receptacles

Clothing donation receptacles that benefit a non-profit organization are only allowed in business and industrial districts, on non-vacant land. Such receptacles shall not be located in the setbacks specified for the district in which they are located. The receptacle must not provide a visual distraction or safety hazard. There is a limit of two such receptacles per parcel. They can be no larger than three cubic yards and no greater than six feet in height. They must be metal, neutral in color, and cannot be of reflective or fluorescent colors. They must only accept articles of clothing and have clearly visible language discouraging illegal dumping. Contact information must be permanently affixed to the receptacle and must use at least two-inch block letters. The receptacle must be properly maintained, with no visible damage, rust, holes, or graffiti.

All clothing donation receptacles require a permit. Applications will be accepted and reviewed by the Department of Inspectional Services and subject to an appropriate fee set by that office. Permits must be renewed yearly and are valid from July 1st through June 30th of the following year. At the time of application, the following must be provided: a description of the receptacle, a graphic depiction of where the receptacle will be located, a schedule for emptying it, and written permission from the property owner.

Pass any vote or take any other action relative thereto. Submitted by the Planning Board.

ARTICLE 7: To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow, **Section 3.2.2 TABLE 1 LUDLOW TABLE OF PRINCIPAL USES**, by adding **CLOTHING DONATION RECEPTACLES**, under **LAND USE CLASSIFICATION/GENERAL USES**, allowing the use of these receptacles in the following districts, **Business A, Business B, Industrial A and Industrial C** and to amend Table 1 to reflect this change, as follows:

LAND USE CLASSIFICATION	STANDARDS & CONDITIONS	RA-1	RA	RB	BA	BB	A	AMD	IA	IB	IC	MRD
GENERAL USES												
CLOTHING DONATION RECEPTACLES		N	N	N	Y	Y	N	N	Y	N	Y	N

Pass any vote or take any other action relative thereto. Submitted by the Planning Board.

ARTICLE 8: To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow **SECTION III: General Use Regulations. Section 3.3 Accessory Use Regulations, 3.3.1 General Accessory Regulations, b. Accessory Buildings** by adding **“(5). All sheds need building permits.”**

Pass any vote or take any other action relative thereto. Submitted by the Planning Board.

ARTICLE 9: To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow **SECTION VI: Special Land Use Regulations. Section 6.5 Sign Regulations, Section 6.5.8 Permits (a.)** by changing **“eighteen (18) inches”** to **“twenty-four” (24) inches** and delete **“Inspector/”**. **New sentence to read:**

- b. Any sign over eighteen (18) inches by **twenty-four (24) inches** shall require a permit from the Building Commissioner.

Pass any vote or take any other action relative thereto. Submitted by the Planning Board.

ARTICLE 10: To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow **SECTION VI: Special Land Use Regulations. Section 6.4 Parking Requirements, Section 6.4.7 Surfacing** by deleting “and Industrial” in the first paragraph and inserting the following paragraph to this section, “In all Industrial zones, all driveways and all visitor / employee parking areas must be constructed of concrete or bituminous concrete. Parking for equipment / heavy equipment and storage of equipment / heavy equipment is allowed on gravel surfaces.” New section to read:

6.4.7 **Surfacing**

In all Business zones, all parking areas and driveways must be constructed of concrete or bituminous concrete. (Amended 10/7/02)

In all Industrial zones, all driveways and all visitor / employee parking areas must be constructed of concrete or bituminous concrete. Parking for equipment / heavy equipment and storage of equipment / heavy equipment is allowed on gravel surfaces.

In all other zoning districts, that portion of the driveway that lies within the public way shall be constructed in accordance with the Town of Ludlow Board of Public Works’ “Regulations for Construction Within the Public Way” in effect at the time of construction.

Pass any vote or take any other action relative thereto. Submitted by the Planning Board.

ARTICLE 11: To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow, **SECTION VII: LAND USE REVIEW METHODS. 7.1 SITE PLAN APPROVAL, Section 7.1.5 Required Site Plan Contents (e.2.),** by adding “either “paved” or” to the first sentence and adding “See Section 6.4.7 Surfacing for any exemptions that may apply” to the second sentence. New Section to read.

e. 2. All parking areas shall be paved and noted on the site plan as either “paved” or “to be paved,” with the type of pavement to be used. “See Section 6.4.7 Surfacing for any exemptions that may apply.”

Pass any vote or take any other action relative thereto. Submitted by the Planning Board.

ARTICLE 12: To see if the Town will vote to acquire by purchase or otherwise, the fee simple interest, and to raise and appropriate a sum of money therefor, and accept the following described Parker Lane/Dinis Avenue Extension as a Public Way:

PARKER LANE/DINIS AVENUE EXTENSION

Beginning at a concrete bound in the northerly line of Parker Lane, said concrete bound being at the southeasterly corner of land now or formerly of one McCarthy, and running thence; S 79-49'-42"E A distance of one hundred forty and 96/100 (140.96) feet to a concrete bound, thence; By a curve to the left having a radius of one thousand nine hundred seventy five (1975.00) feet, a length of two hundred forty six and 87/100 (246.87) feet to a concrete bound, thence; S 86-59'-25"E. A distance of nine hundred twenty one and 80/100 (921.80) feet to a concrete bound, thence; By a curve to the left having a radius of twenty five (25.00) feet, a length of thirty six and 91/100 (36.91) feet to a concrete bound, thence; N 08-24'-30"E A distance of two hundred seventy seven and 64/100 (277.64) feet to a concrete bound, thence; By a curve to the left having a radius of fifty (50.00) feet, a length of fifty seven and 23/100 (57.23) feet to a concrete bound in the southerly line of Dinis Avenue, thence; N 88-18'-50"E, A distance of eighty and 57/100 (80.57) feet to a concrete bound, said bound being at the southwesterly corner of one St. Jean, thence; S 08-24'-30"W. A distance of three hundred twenty seven and 83/100 (327.83) feet to a concrete bound, thence; By a curve to the left having a radius of twenty five (25.00) feet, a length of forty one and 63/100 (41.63) feet to a concrete bound, thence; S 86-59'-25"E. A distance of twenty and 26/100 (20.26) feet to a concrete bound, thence; S 03-00'-35"W, A distance of fifty (50.00) feet to a concrete bound, thence; N 86-59'-25"W. A distance of one thousand forty two and 51/100 (1042.51) feet to a concrete bound, thence; By a curve to the right having a radius of two thousand twenty five (2025.00) feet, a length of one hundred twenty seven and 60/100 (127.60) feet to a concrete bound, thence; By a curve to the left having a radius of twenty five (25.00) feet, a length of forty one and 28/100 (41.28) feet to a concrete bound, thence; N 76-04'-55"W, A distance of fifty one and 10/100 (51.10) feet to a concrete bound, thence; By a curve to the left having a radius of twenty five (25.00) feet, a length of thirty six and 03/100 (36.03) feet to a concrete bound, thence; By a curve to the right having a radius of two thousand twenty five (2025.00) feet, a length of twenty six and 19/100 (26.19) feet to a concrete bound, thence; N 79-49'-42"W. A distance of one hundred thirty three and 64/100 (133.64) feet to an iron pin, said iron pin being at the northeasterly corner of land now or formerly of one Mahoney, thence; N 04-33'-56"W, A distance of ten and 97/100 (10.97) feet to a point, thence; N 03-37'-11"E. A distance of thirty nine and 65/100 (39.65) feet to the concrete bound at the point of beginning. Containing 91,399 square feet or 2. 098 acres.

Pass any vote or take any action relative thereto. Submitted by the Board of Selectmen

ARTICLE 13: To see if the Town will vote to acquire by purchase or otherwise, the fee simple interest, and to raise and appropriate a sum of money therefor, and accept the following described Ideal Lane as a Public Way:

IDEAL LANE

Beginning at a concrete bound on the northerly line of Center Street (Route 21) and the southwesterly corner of land of Julian S. & Mary T. Popko, as shown on said plan, thence running; S 47°02'00"W fifty one and 48/100 feet (51.48') along said Center Street (Route 21) to a concrete bound at the southeasterly corner of land of Lavoie Development Corporation, as shown on said plan, thence turning and running; N 51°41'14"W two hundred two and 34/100 feet (202.34') along last named land to a concrete bound, thence turning and running; N 47°02'00"E two hundred and 00/100 feet (200.00') along last named land to a concrete bound, thence turning and running; S 42°58'00"E fifty and 00/100 feet (50.00) along last named land to a concrete bound at land of said Popko, thence turning and running; S 47°02'00"W one hundred seventeen and 84/100 feet (117.84') to a concrete bound at the northwesterly corner of land of said Popko, thence turning and running; S 42°58'00"E one hundred fifty and 00/100 feet (150.00') along last named land to the point of beginning. Containing an area of 19,255 Square Feet or .442 acres

Pass any vote or take any action relative thereto. Submitted by the Board of Selectmen

ARTICLE 14: To see if the Town will vote to acquire by purchase or otherwise, the fee simple interest, and to raise and appropriate a sum of money therefor, and accept the following described Irla Drive Extension as a Public Way:

IRLA DRIVE EXTENSION

Beginning at a concrete bound at the intersection of the Westerly line of Irla Drive and Irla Drive Extension as shown on a plan recorded in the Hampden County Registry of Deeds in Plan Book 357 Page 102; Thence North 6°-50'-44"East a distance of 165.59 feet to a concrete bound; Thence Northerly measured on a curve to the right having a radius of 75.00 feet an arc length of 338.32 feet to a concrete bound; Thence South 6°-50'-44" West a distance of 159.28 feet to a point at the Northerly line of Irla Drive; Thence South 61°-37'-35" West by Irla Drive a distance of 61.20 feet to a point; Thence South 6°-50'-44" West by Irla Drive a distance of 11.20 feet to a point; Thence Westerly by Irla Drive measured on a curve to the left having a radius of 75.00 feet an arc length of 53.15 feet to the point of beginning. The above described land is shown as Irla Drive Extension on a plan recorded in the Hampden County Registry of Deeds in Plan Book 357 Page 102.

Pass any vote or take any action relative thereto. Submitted by the Board of Selectmen

ARTICLE 15: To see if the Town will vote to authorize the Westover Golf Course Commission to enter into a lease/purchase agreement for the acquisition of a Toro Groundskeeper, Model #4500D and further to transfer a sum of money not to exceed \$20,000 to finance the first year of the lease; pass any vote or take any action relative thereto. Submitted by the Westover Golf Course Commission.

ARTICLE 16: To see if the Town will vote to transfer the sum of ninety thousand (\$90,000) from the Stabilization Fund for the purpose of Emergency Preparedness and authorize the Board of Selectmen to purchase such equipment as communication redundancies, generators and mobile stop signs; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

ARTICLE 17: To see if the Town will vote to establish a Building Infrastructure Reserve Fund Account for the purpose of assessing and addressing the repairs, maintenance and construction of municipal buildings and as part of that reserve fund establishment that the Town vote to transfer the sum of one hundred sixty-one thousand dollars (\$161,000) into that fund from the Stabilization Fund; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen

ARTICLE 18: To see if the Town will vote to transfer the sum of seventy thousand (\$70,000) dollars from the Stabilization Fund to be used by the Board of Assessors in determining the Fiscal 2013 tax levy; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

And you are directed to serve this warrant by posting attested copies of the same in seven (7) public places in the Town fourteen (14) days at least before the time of holding said meeting.

A true copy,

ATTEST:

JASON J BARROSO

CHAIRMAN

WILIAM E ROONEY

AARON L SAUNDERS

CARMINA D FERNANDES

MANUEL D SILVA

BOARD OF SELECTMEN

LUDLOW, MASSACHUSETTS
September 4, 2012

I hereby certify that I have posted the above warrant in seven (7) places in the Town of Ludlow.

2012

Town Clerk