

SPECIAL TOWN MEETING
October 7, 2019

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, SS

To Ms. Kim Batista, 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 **Ludlow High School Auditorium**, 500 Chapin Street, Ludlow, Massachusetts on **Monday, October 7, 2019** at 7:30 p.m., if the Auditorium of the LUDLOW HIGH SCHOOL, shall not, in the opinion of the Moderator, be adequate to contain such Inhabitants who shall meet, then to meet also in and such other locations in the LUDLOW HIGH SCHOOL as the Moderator deems appropriate, at such time and place then and there 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.

9/10th Vote Required.

ARTICLE 2: To see if the Town will vote, pursuant to G.L. c.59, sec. 38H, to authorize the Board of Selectmen to negotiate and enter into a payment in lieu of taxes agreement with the owner, currently known as CPV RED ROCK SOLAR, LLC of the solar photovoltaic energy generating facility located at 0 Lyon St. (Map 20 parcel 4C) Ludlow, Massachusetts upon such terms and conditions as the Board of Selectmen shall deem to be in the best interest of the Town and to authorize the Board of Selectmen to take all actions necessary or appropriate to administer and implement such agreement; including but not limited to passing any vote or taking any other 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, CHAPTER II, REGULATING THE CONDUCT OF TOWN BUSINESS, by deleting in its entirety Section 14; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

By deleting:

SECTION 14: The Town Accountant shall keep a listing by department, board, committee, commission or officer, of all:

- a. For internal control, fixed assets owned by the Town that have a value of \$1,000.00 or more.
- b. For accounting purposes, assets greater than \$5,000.00 in value, i.e. vehicles, machinery equipment;
- c. For accounting purposes, the Town will also include in its inventory, infrastructure in excess of \$150,000.00 including land, buildings, building improvements and facilities.

The Town Accountant shall formulate and set up such procedures as deemed necessary to complete such inventory. The Town Accountant shall require an inventory each year, and all boards, or officers of the Town shall comply with such request. The Town Accountant shall be notified immediately by all boards, committees, commissions or officers of any disposal or acquisition of capital items such as those described in items a,b,c, above. (amended 11/18/2002)

ARTICLE 4: To see if the Town will vote to amend the Bylaws of the Town of Ludlow, CHAPTER II, REGULATING THE CONDUCT OF TOWN BUSINESS, by deleting in its entirety Section 23 and replacing with a new Section 23 which reflects increases to the fees for gas storage permits; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

By deleting:

SECTION 23: The Board of Selectmen shall charge the following fees for storage permits granted under the authority of Chapter 148, Sections 9 and 13 of the Massachusetts General Laws as amended:

- (a) To manufacture, keep, store and use crude petroleum or any of its products, any explosive or inflammable fluid or any inflammable compound not for resale:

| | Original Lisc Fee | Annual Reg Fee |
|---|-------------------|----------------|
| Up to 2,000 gals. Or up to 16,000 lbs. | \$15.00 | \$7.50 |
| 2,001 to 10,000 gals. or 16,001 to 80,000 lbs. | 30.00 | 15.00 |
| 10,001 to 20,000 gals. or 80,001 to 160,000 lbs. | 45.00 | 22.50 |

| | | |
|---|--------------|--------------|
| 20,001 to 100,000 gals. or 160,001 to 800,000 lbs. | 60.00 | 30.00 |
| Over 100,000 gals. or over 800,000 lbs. | 75.00 | 37.50 |

(b) To manufacture, keep, store and use crude petroleum or any of its products, any explosive or inflammable fluid or any inflammable compound for resale:

| | Original License Fee | Annual Registration Fee |
|--|-------------------------------------|--|
| Up to 5,000 gals. or up to 40,000 lbs. | \$ 30.00 | \$ 15.00 |
| 5,001 to 10,000 gals or 40,001 to 80,000 lbs. | 50.00 | 25.00 |
| 10,001 to 30,000 gals. or 80,001 to 240,000 lbs. | 75.00 | 37.50 |
| 30,001 to 100,000 gals. or 240,001 to 800,000 lbs. | 150.00 | 75.00 |
| 100,001 to 200,000 gals. or 800,001 to 1,600,000 lbs. | 250.00 | 125.00 |
| Over 200,000 gals. or over 1,600,000 lbs. | 500.00 | 250.00 |

and by adding:

SECTION 23: The Board of Selectmen shall charge the following fees for storage permits granted under the authority of Chapter 148, Sections 9 and 13 of the Massachusetts General Laws as amended:

(a) To manufacture, keep, store and use crude petroleum or any of its products, any explosive or inflammable fluid or any inflammable compound not for resale:

| | Original Lisc Fee | Annual Reg Fee |
|---|--------------------------|-----------------------|
| Up to 2,000 gals. Or up to 16,000 lbs. | \$25.00 | \$15.00 |
| 2,001 to 10,000 gals. or 16,001 to 80,000 lbs. | 50.00 | 30.00 |

| | | |
|---|--------|-------|
| 10,001 to 20,000 gals. or 80,001 to 160,000 lbs. | 80.00 | 50.00 |
| 20,001 to 100,000 gals. or 160,001 to 800,000 lbs. | 100.00 | 60.00 |
| Over 100,000 gals. or over 800,000 lbs. | 100.00 | 60.00 |

(b) To manufacture, keep, store and use crude petroleum or any of its products, any explosive or inflammable fluid or any inflammable compound for resale:

| | Original License Fee | Annual Registration Fee |
|--|----------------------------|-------------------------------|
| Up to 5,000 gals. or up to 40,000 lbs. | \$ 50.00 | \$ 30.00 |
| 5,001 to 10,000 gals or 40,001 to 80,000 lbs. | 100.00 | 50.00 |
| 10,001 to 30,000 gals. or 80,001 to 240,000 lbs. | 100.00 | 60.00 |
| 30,001 to 100,000 gals. or 240,001 to 800,000 lbs. | 150.00 | 75.00 |
| 100,001 to 200,000 gals. or 800,001 to 1,600,000 lbs. | 250.00 | 125.00 |
| Over 200,000 gals. or over 1,600,000 lbs. | 500.00 | 250.00 |

ARTICLE 5: To see if the Town will vote to amend the Bylaws of the Town of Ludlow, **CHAPTER II, REGULATING THE CONDUCT OF TOWN BUSINESS**, by deleting in its entirety Section 24; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

By deleting;

SECTION 24: Capital Improvement Planning Committee

1. The Board of Selectmen shall establish and appoint a committee to be known as the Capital Improvement Planning Committee, composed of one member of the Board of Selectmen, the Town Administrator, one member of the Finance Committee, one member of the Planning Board, the School Superintendent or his designee and one private citizen. The Board of Selectmen shall appoint one administrative officer who

shall be an ex-officio committee staff member without right to vote. The committee shall choose its own officers. (amended 5/12/2008)

2. The Committee shall study Capital Projects, improvements asset purchases involving major non-recurring tangible assets and projects. They shall study Departmental Capital Outlay requests for:

a. Single or combined asset purchases or lease purchases for additional and/or replacement items which are purchased at intervals of at least five (5) years, and amount to \$20,000 or more, and have a useful life of at least five (5) years. Equipment to be used for school student educational training purposes and/or equipment to be acquired through grants or gifts shall be exempt from this by-law.

Capital Projects, improvements and/or repairs to fixed assets amount to \$20,000 or more.

By November 15th of each year, all Officers, Boards and Committees shall submit information concerning all Capital Projects and purchases requiring Town Meeting action during the ensuing six (6) years. Said information shall be submitted on forms devised and distributed by the Capital Improvement Planning Committee. The Committee shall consider the relative need, impact, timing and cost of these expenditures and the effect each will have on the financial position of the Town.

No appropriation shall be voted for a Capital Project, purchase or improvement which comes under this by-law unless the proposed Capital Project, purchase or improvement is considered in the Committee's report, or the Committee shall first have submitted a report explaining the omission to the Board of Selectmen.

3. The Committee shall prepare an annual report recommending a Capital Improvement Budget for the next fiscal year, and a Capital Improvement Program including recommended capital improvements for the following five fiscal years. The report shall be submitted to the Board of Selectmen for its consideration and approval. The Board shall submit its approved Capital Budget to the Annual Town Meeting for adoption by the Town.

4. Such Capital Improvement Program, after its adoption, shall permit the expenditure on projects included therein of sums from departmental budgets for surveys, architectural or engineering advice, options or appraisals; but no such expenditure shall be incurred on projects which have not been so approved by the Town through the appropriation of sums in the current year or in prior years, or for preliminary planning for projects to be undertaken more than five years in the future.

5. The Committee's report and the Selectmen's recommended capital budget shall be published and made available in a manner consistent with the distribution of the Finance Committee report. The Committee shall deposit its original report with the Town Clerk.

ARTICLE 6: To see if the Town will vote to authorize the Board of Selectmen to negotiate and enter into a ten (10) year contract, commencing on July 1, 2020 with the qualified vendor selected by the Massachusetts Department of Environmental Protection through a competitive bid process for recycling processing services for the Town, subject to the Board of Selectmen's determination that the contract is in the best interests of the Town and subject to Town Meeting approval in Spring 2020 for the funding for these services; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

ARTICLE 7: To see if the Town will vote to accept and report the Golf Enterprise Fund retained earnings deficit in the amount of \$21,240.64 in part 3 of the Schedule A-2 and Part 11B, line 6, of the Tax Rate Recap, and raise it from the tax levy as a General Fund subsidy; pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.

ARTICLE 8: 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, which may be nominal consideration, and accept the following described Maria's Way as a Public Way:

Legal Description Maria's Way

Beginning at a concrete bound located on the Westerly line of Miller Street at the southerly corner of the intersection of Maria's Way and Miller Street;
Thence N 79·25'09" W a distance of 298.10 feet to a concrete bound;
Thence Westerly measured on a curve to the right having a radius of 250.00 feet an arc length of 96.83 feet to a concrete bound;
Thence Westerly measured on a curve to the left having a radius of 200.00 feet an arc length of 73.55 feet to a concrete bound;
Thence N 78·17'50" W a distance of 338.10 feet to a concrete bound;
Thence Southerly measured on a curve to the left having a radius of 25.00 feet an arc length of 26.18 feet to a concrete bound;
Thence Westerly measured on a curve to the right having a radius of 75.00 feet an arc length of 392.70 feet to a concrete bound;
Thence Easterly measured on a curve to the left having a radius of 25.00 feet an arc length of 26.18 feet to a concrete bound;
Thence S 78·17'50" E a distance of 338.10 feet to a concrete bound;
Thence Easterly measured on a curve to the right having a radius of 250.00 feet an arc length of 91.93 feet to a concrete bound;
Thence Easterly measured on a curve to the left having a radius of 200.00 feet an arc length of 77.46 feet to a concrete bound;
Thence S 79·25'09" E a distance of 264.64 feet to a concrete bound;
Thence Easterly measured on a curve to the left having a radius of 25.00 feet an arc length of 42.03 feet to a concrete bound;
Thence S 04·15'50" W a distance of 78.23 feet to a concrete bound located at the point of beginning.

The above described land is shown on a Plan entitled: MARIA'S WAY, DEFINITIVE SUBDIVISION PLAN, Ludlow, MA, OWNED BY M AND G INVESTORS, LLC. Recorded in the Hampden County Registry of Deeds in Plan Book 377 Page 19.

Pass any vote or take any action relative thereto. Submitted by the Board of Selectmen.
2/3rds Vote Required.

ARTICLE 9: To see if the Town will authorize the Board of Selectmen to convey to the Springfield Water and Sewer Commission, with the concurrence of the School Committee, an easement in a portion of the Harris Brook Elementary School land for the purpose of installing, maintaining, repairing and replacing water supply to the Harris Brook Elementary School where said portion of land is approximately shown as the PROPOSED WATER EASEMENT on a plan of land entitled “Easement Plan of Land in Ludlow, Hampden County, Massachusetts” dated August 9, 2019, which plan is on file at the Town Clerk’s Office and where the easement area is a part of the premises described in a deed to the Town dated March 27, 1958 and recorded in the Hampden County Registry of Deeds in Book 2599, Page 404, said easement to be granted on such terms and conditions and for such consideration, which may be nominal consideration, as the Board of Selectmen deems appropriate.

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

2/3rds Vote Required.

ARTICLE 10: To see if the Town will vote to raise and/or appropriate a sum of money to be used to offset the unexpected deficit to the debt service for Fiscal Year 2020 for the borrowing for the Harris Brook (formerly Chapin Street) Elementary School, East Street Elementary School and Senior Center projects; pass any vote or take any action relative thereto. Submitted by the Town Treasurer.

2/3rds Vote Required.

A true copy,

ATTEST:

DEREK G. DEBARGE


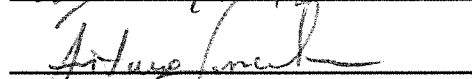

CARMINA D. FERNANDES

MANUEL D. SILVA

ANTONIO GONCALVES

WILLIAM P. ROSENBLUM


CHAIRMAN

**BOARD OF SELECTMEN
LUDLOW, MASSACHUSETTS**

September 3, 2019

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

September 20, 2019

Kim M. Batesta **Town Clerk**