

SPECIAL TOWN MEETING
OCTOBER 5, 2020
BACKGROUND

ARTICLE 1: Unpaid bills prior years: Chapter 44, Section 64 of the Massachusetts General Laws allows towns which have unpaid or over-expended bills of prior years to pay such bills at Town Meeting by nine-tenths vote:

\$406.00	Board of Selectmen Quadiant
\$375.00	DPW Blanco Electric
\$570.00	DPW Tuckahoe Turf Farms
\$13,013.94	DPW Casella of Holyoke, Inc.
\$14,364.94	Total

Note, these are the bills as presented at the time of the warrant posting. There could be further bills added prior to Town Meeting.

ARTICLE 2: The Ludlow Fire Department applied for and received a FEMA *Assistance to Firefighters Grant* in the amount of \$114,091.98 to purchase three power-LOAD lift systems for the Ludlow Fire Department Ambulances. This article would provide the required 10% matching funds for the grant award in order to complete this purchase. This purchase will greatly reduce the risk of costly back injuries to firefighters as well as potential injuries to patients. Projected request: \$10,372.00.

ARTICLE 3: This article is informing Town Meeting of the deficit in the Westover Golf Course retained earnings and requesting to accept the report. The deficit will be reported in the tax recap and raised from the tax levy as a general fund subsidy. See attached A.3.

ARTICLE 4: This article will authorize Westmass to grant a temporary construction easement to the Board of Selectmen for the purposes of constructing a roadway extending from State Street to the Chicopee River and extending out to First Avenue (“Riverside Drive”). This infrastructure project is being funded by grants from State Mass Works and Federal EDA programs. See attached A.4.

ARTICLE 5: If this article is approved, it will place an article on the 2021 Annual Town Meeting warrant for the purposes of the BOS acting as the BPW.

In 1990, the Town passed a ballot question: Shall Sections sixty-nine F, inclusive of Chapter Forty-One of the General laws, providing for the establishment of the Board of Public Works exercising the powers of certain departments and town officers be accepted. The Board of Public Works was established. There are several steps that can be taken to have the BPW eliminated and have the DPW controlled by the Board of Selectmen.

The Board of Selectmen has voted to have an article placed on the warrant following step 2, which would have the BOS act as the BPW.

Research has revealed the following three methods:

1. The Town may seek special legislation eliminating, changing or replacing the powers and structure of the BPW. This would be achieved through a home rule petition.
2. The BOS may act as the BPW. This is achieved through the procedure set out in G.L. c. 41, sec. 21. First, 60 days in advance of an annual town meeting, either a vote of a Special Town Meeting or a citizen's petition would be needed to place a ballot question before the Annual Town Meeting.

The following question would then be placed before the Annual Town Meeting: "Shall the Town vote to have its selectmen act as the board of public works?"

3. The BPW could be eliminated and the positions/boards eliminated by the BPW's formation would be restored. This would require revocation of the local option statute adopted to create the BPW. The procedure is set out in G.L. c. 41, sec. 69F. First, exclusively through a citizens' petition filed at least 60 days prior to an Annual Town Meeting, the question would be placed before the Annual Town Meeting. The Annual Town Meeting would then vote on the following question: "Shall the acceptance by the town of sections sixty-nine C to sixty-nine F, inclusive, of chapter forty-one of the General Laws providing for the establishment of a board of public works exercising the powers of certain other departments and town officers be revoked?" If revocation passes by a majority vote, then at the next town election the town would elect such officers to perform the duties that had been consolidated in and transferred to the BPW.

ARTICLE 6: This article will amend Chapter 14 of the Town Bylaws by changing the number of Class II motor vehicle licenses by increasing the number permitted from twenty to twenty-five and increasing the initial application fee and annual fee from \$100 to \$200 per license.

ARTICLE 7: This article will amend the Town Bylaws by adding a chapter to prohibit single use plastic checkout bags by all retail and grocery stores in Town.

ARTICLE 8: This article will change the Senior Citizen Abatement Program by decreasing the number of slots from 75 to 50 and by increasing the abatement amount from \$500 to \$750 and changing the language of the Federal minimum wage to using the State minimum wage.

ARTICLE 9: This article will remove Section 32 of Chapter 2 of the Town Bylaws as the fees are no longer charged or collected by the Board of Health.

ARTICLE 10: This article will allow the Town to accept the provisions of M.G.L. chapter 90 section 17C which reduces the statutory speed limit from 30 to 25 mph in thickly settled or business districts. The Safety Committee has recommended this change.

MGL c. 90 § 17C defines a thickly settled or business district as "the territory contiguous to any way which is built up with structures devoted to business, or the territory contiguous to any way where dwelling houses are situated at such distances as will average less than two hundred feet between them for a distance of a quarter of a mile or over."

*Please note that statutory speed limits only exist in the absence of special speed regulations. If a special speed regulation exists, that posted speed limit will always supersede a statutory speed limit within a thickly settled or business district.

MassDOT recommends that if a municipality opts-in to MGL c. 90 § 17C, that it does so on a city- or town-wide basis to avoid potential confusion for drivers. However, cities and towns do have the option to opt-in on a street-by-street basis. Once a municipality has opted-in to MGL c. 90 § 17C, it is required to notify MassDOT.

ARTICLE 11: This article will correct errors for some elected officials' salaries which were written incorrectly at the June 22, 2020 Town meeting. The salary and compensation of all elected officers of a town shall be fixed annually by vote of the town at an annual town meeting, but said salary or compensation may be revised by a two-thirds vote of any special town meeting called to conduct business later in the same fiscal year for which said salary or compensation was originally fixed; provided, however, that such salary revision occurs prior to the establishment of the tax rate of the town in said fiscal year.

ARTICLE 12: This article seeks to remove from SECTION III: GENERAL USE REGULATIONS 3.0 GENERAL REGULATIONS 3.0.4 Fences, by removing the last sentence. "All fences four (4) feet and higher require a building permit." The Board of Selectmen have indicated to the Building Commissioner that a permit for a fence is not necessary. There are plenty of other fees the Town collects and fences are not subject to building code. At their meeting of September 10, 2020, the Planning Board voted 5-0 to recommend approval of this article.

ARTICLE 13: This article seeks to add to SECTION III: GENERAL USE REGULATIONS 3.0 GENERAL REGULATIONS 3.3 ACCESSORY USE REGULATIONS 3.3.1 General Accessory Regulations by adding to b. 1. Accessory Buildings. “All accessory buildings over 200 square feet require a permit from the Building Department.” Accessory buildings that are under 200 square feet will no longer require a building permit. At their meeting of September 10, 2020, the Planning Board voted 5-0 to recommend approval of this article.

ARTICLE 14: This article seeks to amend SECTION III: GENERAL USE REGULATIONS 3.0 GENERAL REGULATIONS 3.3 ACCESSORY USE REGULATIONS 3.3.1 General Accessory Regulations c. Accessory Livestock Agriculture by adding “and roosters” to the excludes livestock category. The Board of Health has asked to exclude roosters, as they receive noise complaints about them and cannot enforce because the bylaw does not specify roosters. At their meeting of September 10, 2020, the Planning Board voted 5-0 to recommend approval of this article.

ARTICLE 15: This article seeks to remove from SECTION VI: SPECIAL LAND USE REGULATIONS 6.6 ACCESSORY APARTMENT BYLAW section 6.6.3 j. Dwellings must be in existence, and not substantially altered for a period of three (3) years prior to the filing of the conversion permit. When building new residential construction, you can not add an accessory apartment at the same time. At their meeting of September 10, 2020, the Planning Board voted 5-0 to recommend approval of this article.

ARTICLE 16: This article seeks to remove in its entirety and replace SECTION III: GENERAL USE REGULATIONS 3.0 GENERAL REGULATIONS 3.3 ACCESSORY USE REGULATIONS 3.3.1 General Accessory Regulations g. Clothing Donation Receptacles. Currently the bylaw does not allow churches in the Agriculture zone to place a clothing donation receptacle on their property. Also there has been a request that sheds be used as collection boxes, instead of the usual metal square collection box. At their meeting of September 10, 2020, the Planning Board voted 5-0 to recommend approval of this article.

ARTICLE 17: 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 removing and replacing CLOTHING DONATION RECEPTACLES, under LAND USE CLASSIFICATION/GENERAL USES, and allowing the use of these receptacles through Site Plan Approval from the Planning Board in the following districts; Business A, Business B, Agriculture, Agriculture Moderate Density, Industrial A, Industrial C, and the Mill Redevelopment District. Clothing donation receptacles will be regulated through the site plan approval process. At their meeting of September 10, 2020, the Planning Board voted 5-0 to recommend approval of this article.

ARTICLE 18: This article seeks to rezone a parcel of land located at 0 Chapin Street (Assessors Map # 11D, Parcel 115) owned by Sodi Inc. (Ralph Capua), by changing from **Residence A** to **Residence B** to permit for a residential community under the land use classification of multi-family. At their meeting of September 10, 2020, the Planning Board voted 4-1 to recommend disapproval of this article.

ARTICLE 19: This article seeks to rezone a parcel of land located at 193 Center Street (Assessors Map # 12D Parcel 53) owned by Jamie & Richard Jacobs, by changing from **Residence B** to **Business B**, to allow the owner to turn the property into a small-scale salon. At their meeting of September 10, 2020, the Planning Board voted 5-0 to recommend disapproval of this article.

ARTICLE 20: At a regularly scheduled meeting on August 25, 2020, the Board of Public Works voted to amend the Bylaws of the Town of Ludlow by deleting a portion of Chapter IV, Section 17 which says that “Snow shall be removed from the sidewalk within street limits within 24 hours after it has fallen ... The penalty for the violation of this Bylaw shall apply to the owner of the abutting property or his agent having charge thereof.”

The current Bylaw requires that the Board of Selectmen “determine and establish safetywalks in Town and authorize snow removal by the Town on said walks.” This provision in the Bylaw creates an unwarranted liability for the Town and uses resources that are sorely needed to clear streets of snow and ice during and immediately after a winter storm.

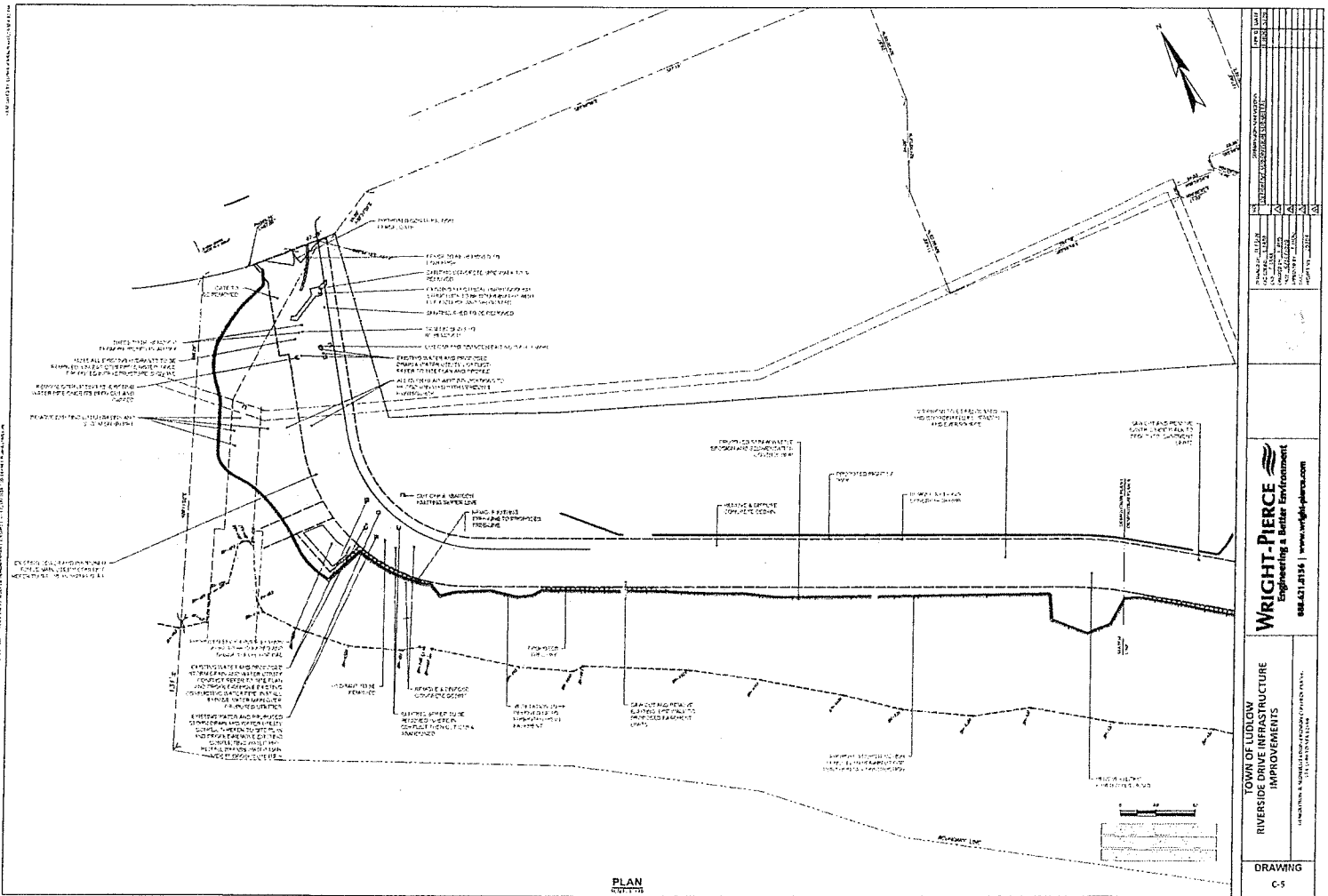
ARTICLE 21: At a regularly scheduled meeting on August 25, 2020, the Board of Public Works voted to amend the Bylaws of the Town of Ludlow by deleting in its entirety Chapter II, Regulating the Conduct of Town Business, Section 27; The Board of Public Works shall annually in April APPOINT A Town Engineer who shall have authority over Town Engineering work under the supervision of the Board of Public Works. The Town Engineer shall have charge of all Town Engineering. The Town Engineer shall act as assistant clerk of the Planning Board. He shall have charge of and preserve, arrange and index, so as to be readily accessible to the public, all plans, surveys, field notes, records, documents and inventories connected with the Engineering Department of the Town. The Town Engineer shall act as “Clerk of the Works” on Town property; real and personal, when the cost of the alteration, repair, or original construction exceeds \$500.00 excluding alteration, repair to school buildings, except when authorized by vote of the School Committee. He shall keep accurate records showing in detail the operation and cost of his department, and a fair and equal distribution of such cost among the several departments in proportion to the amount of work done for and/or by each. (Amended 4/13/92 ATM)

ARTICLE 22: At a regularly scheduled meeting on August 25, 2020, the Board of Public Works voted to amend the Bylaws of the Town of Ludlow by deleting in its entirety Chapter II, Regulating the Conduct of Town Business, Section 34; No person shall be employed as Superintendent of the Department of Public Works unless said person has attained a Bachelor's Degree in Civil Engineering from an accredited college or university, has demonstrated five years of successful experience in the field of engineering and holds a professional engineer registration from the Commonwealth of Massachusetts. (Added 2/11/91 ATM)

Westover Golf Course
Statement of Revenue/Expenditures

Description	FY'2019 Budget	FY'2019 Actual	FY'2020 Budget	FY'2020 Actual
Revenue:				
426001 OVER/UNDER GOLF COURSE	-	(73)	-	(76)
426005 GOLF ROUNDS RECEIPTS	455,000	382,689	450,000	367,868
426007 DRIVING RANGE RECEIPTS	4,000	2,000	2,000	1,200
426010 GOLF CART RENTAL RECEIP	260,000	226,279	212,000	178,447
436030 GOLF CONCESSION RIGHTS	25,000	19,803	20,000	16,855
480001 INSURANCE COMPENSATION	-	-	-	-
480600 GOLF OTHER RECEIPTS	25,060	46,486	30,000	59,365
482010 INTEREST ON DEPOSITS	-	3,457	1,297	2,531
Total Revenue:	769,060	680,641	715,297	626,189
Expenses:				
SALARIES	352,500	302,293	356,297	291,989
GENERAL EXPENSES	323,560	334,517	325,500	365,349
TOWN INDIRECT	93,000	93,000	33,500	33,500
CAPITAL EXPENDITURES	-	-	-	-
RESERVE FUND	-	-	-	-
OVERHEAD UTILITY REPAIRS	-	-	-	-
Total Expenses:	769,060	729,810	715,297	690,838
Operating Profit/(Loss)	-	(49,169)	-	(64,649)
Retained Earnings Transfer	-	-	-	-
OLD ARTICLES CLOSEOUT	-	-	-	-
Fund Balance Effect	-	(49,169)	-	(64,649)
<i>Fund Balance - Petty Cash</i>		<i>200</i>		<i>200</i>
<i>Fund Balance - Res for Encumbrances</i>		<i>4,228</i>		<i>8,208</i>
<i>Fund Balance - Res for Expenditures</i>		<i>11,513</i>		<i>-</i>
Fund Balance - Undesignated		(21,241)		(78,356)
Total Fund Balance		(5,300)		(69,949)
Difference		0		0

Exhibit A



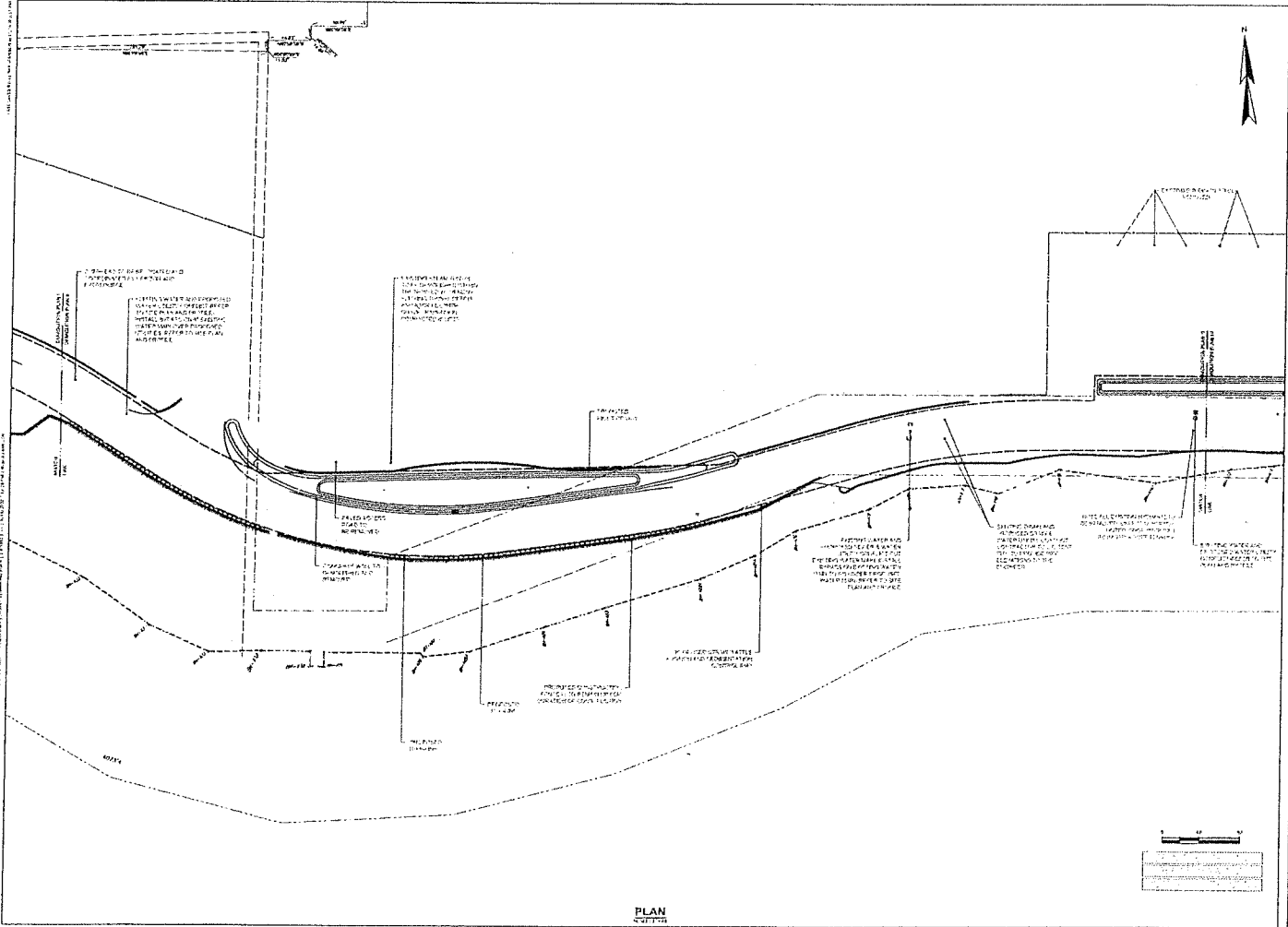
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BY	JL
PROJECT	TOWN OF LUDLOW RIVERSIDE DRIVE IMPROVEMENTS
SCALE	AS SHOWN
PROJECT NO.	11-001
DRAWING NO.	C-5

DESIGNED BY	JL
CHECKED BY	JL
DATE	10/11/11
PROJECT	TOWN OF LUDLOW RIVERSIDE DRIVE IMPROVEMENTS
SCALE	AS SHOWN
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TOWN OF LUDLOW
 RIVERSIDE DRIVE IMPROVEMENTS
 DRAWING C-5

PLAN
10/11/11



PLAN

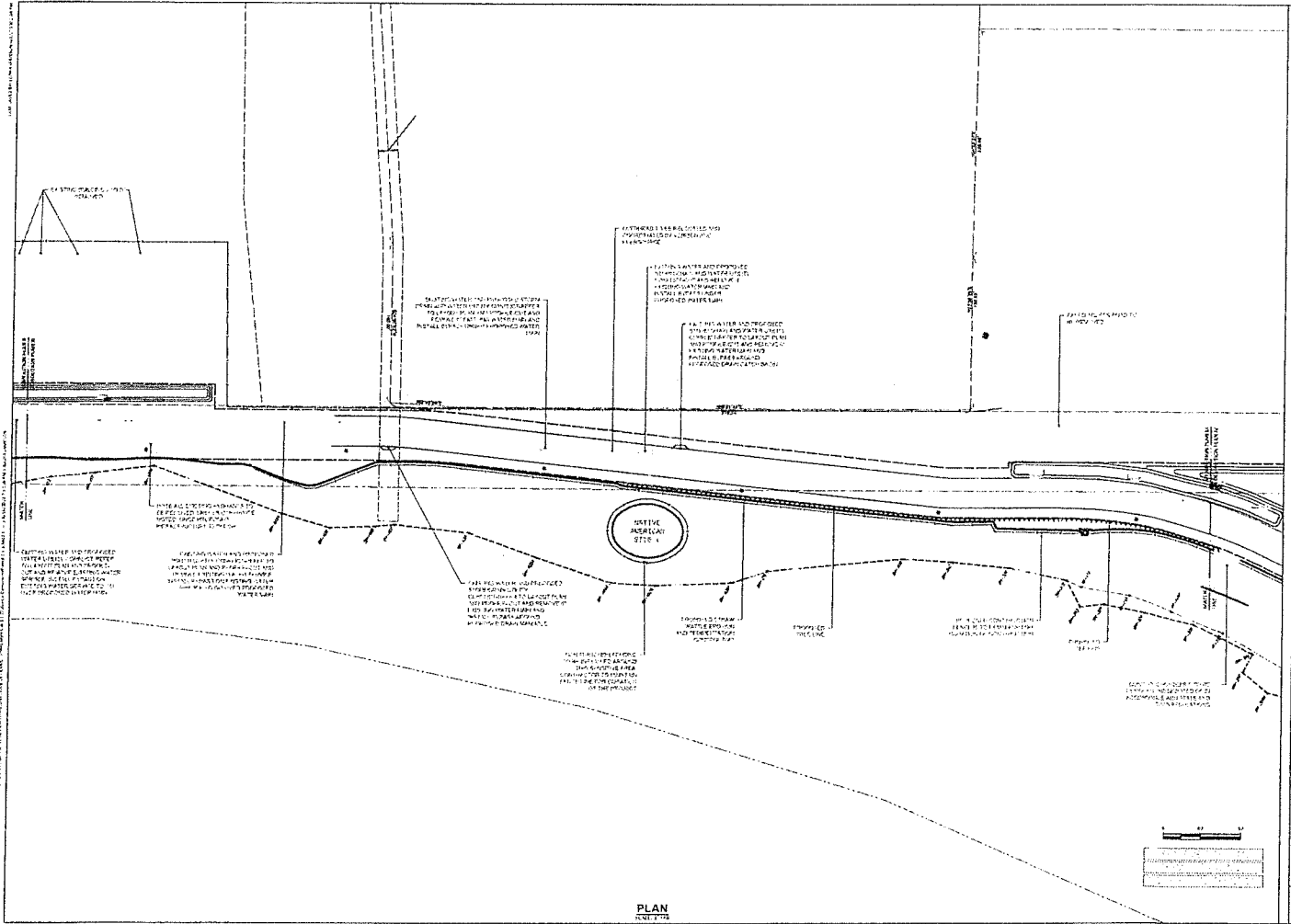


NO.	DATE	DESCRIPTION
1	08/11/14	ISSUED FOR PERMIT
2	08/11/14	ISSUED FOR PERMIT
3	08/11/14	ISSUED FOR PERMIT
4	08/11/14	ISSUED FOR PERMIT
5	08/11/14	ISSUED FOR PERMIT
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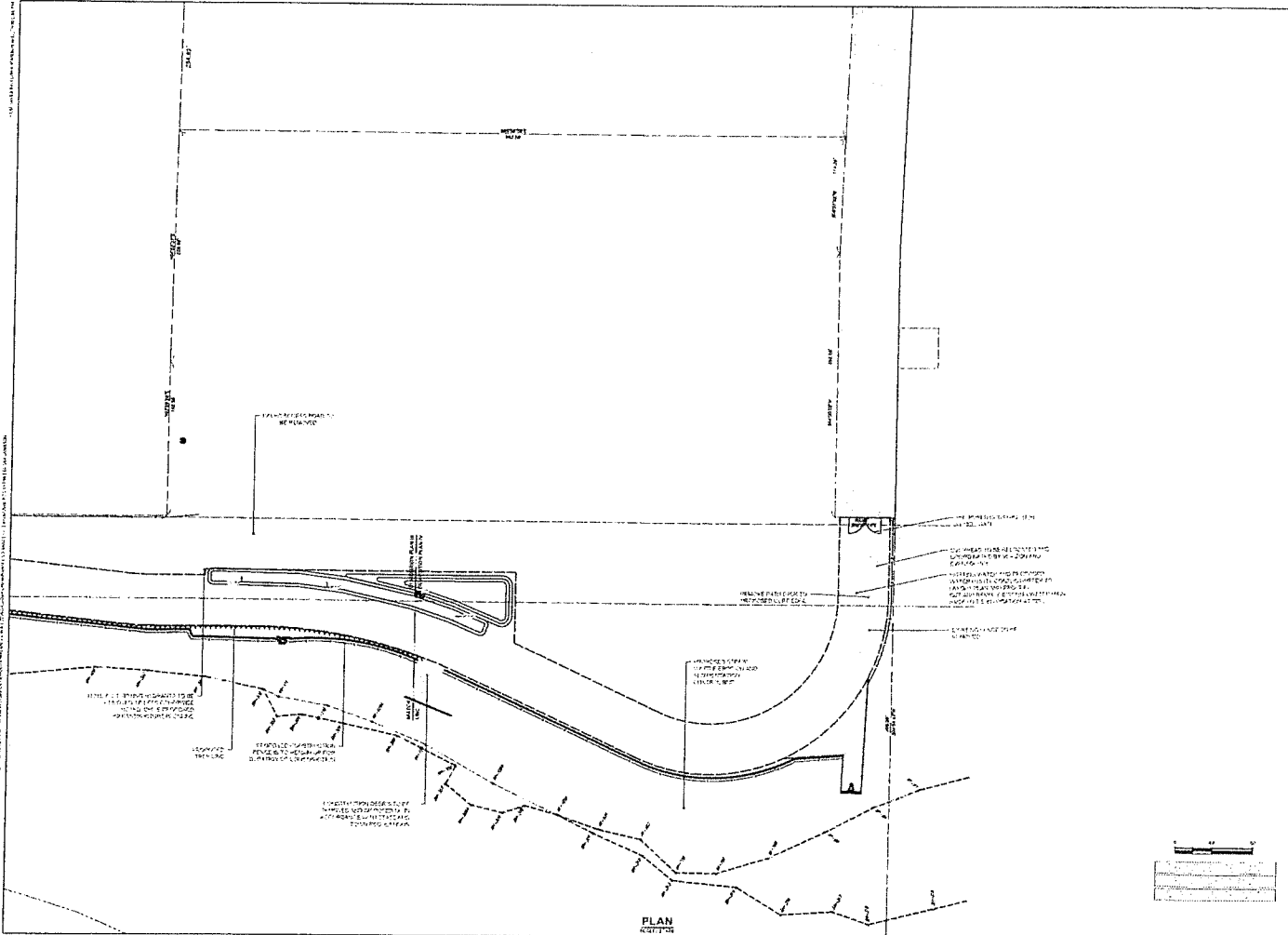
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TOWN OF LUDLOW
 RIVERSIDE DRIVE INFRASTRUCTURE
 IMPROVEMENTS

DRAWING
 C-5



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TOWN OF LUDLOW RIVERSIDE DRIVE INFRASTRUCTURE IMPROVEMENTS	PROJECT NO. 15-001 DRAWING NO. C-7 DATE: 11/15/15
DRAWING C-7	SHEET NO. 1 OF 1



NO.	REVISION	DATE

NO.	DESCRIPTION	DATE

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RIVERSIDE DRIVE INFRASTRUCTURE IMPROVEMENTS
JIM LUDLOW, TOWN ENGINEER