

March 6, 2018

The meeting of the Board of Selectmen held on Tuesday, March 6, 2018 beginning at 6:00 p.m. in the Selectmen's Conference Room, Town Hall.

Members Present: Chairman William Rooney, Manuel Silva, Carmina Fernandes, Derek DeBarge and Brian Mannix

First order of business: The Pledge of Allegiance.

Visitations

6:00 p.m. Sgt. Brian Shameklis, Safety Committee to discuss Howard Street.

Sgt. Shameklis: we identified this intersection as one of the problem intersections in Ludlow, so to alleviate the safety issues, the accidents and also the congestion coming off of West Ave onto Center Street itself we eliminated this. So with the Boards approval, we closed Howard Street at Center Street and in order to experiment to see if it works and see what the results were with a six month window of us coming back to the Board with the findings. There have been no crashes in the area of the intersection at Howard Street. The success is in the mapping also the concerns that we had regarding the closure was the fact the traffic would start flowing better, after initially closing it we monitored it regularly during high traffic times to see if there was an increase in cut through traffic and my Officers did not notice any increase in traffic that cut through. Another benefit was it decreased the congestion of West Ave and traffic was flowing smoother than it has in the past. Our recommendation from the Safety Committee is to make the closure of Howard Street a permanent fixture. Signage is only as good as people follow the signage.

Mr. Rooney: we do not have a perfect situation out there five months ago and not now and I certainly would say we tried something and was it a perfect solution absolutely not, but seems as though in a number of different areas it is better than it was when you look at the number accidents and it is way down.

Mr. Silva: it is important to understand that yes some other issues are going to come forth if this plan goes forward but those other issues I am sure we can have the Safety committee address those other issues and try to elevate some of the problems.

Moved by Mr. DeBarge seconded by Mr. Silva that Howard Street closure be made permanent at Center Street. Vote: 3-0-1 Ms. Fernandes abstained.

6:15 p.m. Anna Lucey, Director of Government Affairs for Charter Communications

Ms. Villano stated a few of the issues that Mr. Mannix has is changes to the channel lineup and the fact they are going from the lower tier to the higher tiers and the cost of Charter overall and the issue with West Street.

Mr. DeBarge stated there was a customer trying to get cable on West Street. I would think that when a new street is put in and I would think that poles would get put up and lines would be run for those houses.

Ms. Lucey stated within the franchise agreement there are new provisions that control new developments and new houses one is line extension policies regarding density issues and when we are required to go in and do that kind of pole work and the other is installation policies when we have a standard installation in Ludlow that is two hundred and fifty feet from the nearest pole and if it is beyond that than we negotiate with the customer. It sounds like it was nonstandard.

Mr. Silva stated continuous channels are being changed and taken away from subscribers in the middle of their program and moving it to another tier. Why are you not giving us a credit or giving us something back.

Ms. Lucey stated in respect to cable channels you have negotiate with a programmer the contracts are usually two years and they all do not occur at once it is a rolling contract and the

programming team negotiated with programmers and we want the best deal so we don't have to change the price for customers overall because the packages are reflective of the overall cost for the programs. We try to put channels where we know we can keep them and Spectrum Select is the popular package that many people opt for we try to keep the most expensive stations. The bigger the programmer the more leverage they have with customers.

RECEIVED
TOWN CLERK'S OFFICE
2018 JUL 19 P 2:24

Ms. Fernandes stated the other concern is the price of cable and to me it seems like they are going to be going out with the dinosaurs because people are moving on to other options as the fire stick, it seems like cable companies are not listening to the public and eventually you will be running out of business for the channels and what are you doing for that trend.

TOWN OF LUDLOW

Ms. Lucey stated it is a combination of things we are a cable company first and we are governed the FCC and FTC and some things have to change on a government level for us to fully overhaul what we do. We are making changes where we can to respond to competition and customer demand we still have video programming which means we have to negotiate with the those lovey programmers and the cost is the cost and for every million dollars they offer it all trickles down to the customer and then there is a sift on the programming and you are starting to see that on streaming services like Hulu and Netflix and original programming and we are partnering with some of those companies to an app available on our Spectrum guide that you can use in combination. We are trying to change where we can change and we are limited by certain state and federal regulations to always offer certain things and be a certain kind of company and we see it all coming together and it is continuing to look at how the entertain is overlapping and where can it improve and where can it be better so we are very mindful of that and having more customer demand.

Mr. DeBarge stated the wifi is still very strong compared to other companies.

Ms. Lucey stated we just did a speed lift to the wifi at no charge to the customer and the process is just turning it on and off and that triggers it to reset the system.

Ms. Fernandes stated you have a great marketing opportunity with the increased speeds and as you can see most of us did not know that and when you are trying to compete with other people with Verizon that is a great thing and increasing more is the future because people will want the higher speed.

Ms. Lucey stated we know you are a Charter town, we know what Comcast is doing in the Boston area and we do not want the rest of the state looking at us, so we do see them as direct completion in the state.

7:00 Jim Barry, ENE Stretch Code Bylaw

Mr. Barry stated I work the Department of Energy Research since 2009 and 2008 the Green Community Act was passed it was a piece of legislation that did solar primarily and it also had a piece that was a green community which was money for a green municipality only and at the time I was a Selectmen in Belchertown and if you became a green community that there is money available to do energy efficiency projects in municipal buildings and the time we were struggling old heating systems in the schools. The Green community grant program has money available and there are five hoops to jump through and you get at least one grant and it is called a designated grant. There is a minimum of one hundred and twenty five thousand dollars per capita. So thru my math you are eligible for about one hundred and seventy thousand first time around and once it is all spent out and you do the paperwork then you are eligible for additional grants once a year for up to two hundred and fifty thousand dollars quite a few towns are taking advantage of the program.

The green community is a grant program and once you get designated as a green community you be eligible for the first grant to be one hundred and seventy thousand dollars and then you are eligible for different grants every year for up to two hundred and fifty dollars. About eight years ago the town went through the process and hit most of the qualifications. Adopting the stretch code is the way you meet the criteria and therefore comply with it. Town meeting vote is needed for the adoption and there could be a public information session before the town meeting and I can answer all the questions. We can discuss the stretch code with the Building Commissioner and what we should be doing and get his thoughts on the program.

7:45 p.m. Dog Hearing for 146 Piney Lane

Moved by Mr. Silva seconded by Ms. Fernandes to open the Public Dog Hearing for 146 Piney Lane at 7:46 p.m. Vote: 4-0 in favor.

RECEIVED
TOWN CLERK'S OFFICE
2018 JUL 19 P 2:24

Mr. Rooney: a complaint has been filed by Mr. & Mrs. Peacey, if you can introduce yourself with your address.

I am Sally Peacey I live at 138 Piney Lane.

I am Bill Peacey 138 Pine Lane.

Mr. Rooney: can you give us an overview of the complaint.

Mr. Peacey: we had new neighbors that move in last year with a dog and it was no big deal at the time, the dog was barking extensively last summer, we thought it would go away with time but then over the course of the last four months at least once a month we have to call the Police because the dog would get loose from the house and come charging over to our side and the last time it was so bad, I was literally pulling the key out of my front door with my dog in a leash and my wife yelled at me to put the dog back in and I could not react fast enough and their dog came over booking through the yard and hit my dog so hard I was left holding the leash and the collar and no dog. It was a fight they broke out, into a fight the owner of the dog from next door called his dog and went in the house and this is three times and this dog is vicious. If we walk out our back door it is a cottage community on Piney Lane and the houses are tight I made a map of how tight it actually is and where my house is here and his house is here his back sliding glass door is in the direction of my front door and if we walk out and go in the back yard his dog is pounding against the door barking unless they are home, if they are home we do not hear the dog but if they are not home the dog is pounding against the door. They have the back fenced in but it has gotten out three times and it has gone after our dog. Summer time is coming I have my wife to think about, my dog to think about, my cat to think about and we have chickens and God forbid my grandchildren are over there and I have to worry about them coming over and walking down the side of the house and this dog gets loose the last time around we called the dog catcher and the Animal Control Officer who told us to call the Police Department and when we call the Police Department they told us to call the Animal Control Officer who do we call and this is each time each one tells us to call the other. The Police have been very good about it and they come down in a timely manner they go next door and knock on the door the car is in the driveway and they do not answer the door, no answer, no apologies nothing, just call the dog in the house and that is the end of it. What will happen this summer when this dog who is vicious and if we walk down our sidewalks and the dog is outside underneath the deck and its barks at us nonstop from the time we open the car door till the time we close the front door and not a bark a vicious growl. I cannot do anything about where they keep the dog, our houses are on top of each other but I do not want to fear for anybody who is on the property, we have friends that our deathly afraid of dogs and will not come over. I do not know what we can do about it, I don't really particularly want to be here and I see no other choice because nothing is being done about this situation.

Mr. Rooney: Ms. Peacy anything to add.

Ms. Peacey: the first time the dog got out nobody was home and the gate on the backside was open I actually broke the fight up and made my dog run to the deck, I told him to run and he ran and I pointed at their dog because they know when you point at the dog and told him to go home and I walked him and he growled at me all the way to the gate and I shut the gate and put him in. The second time I called for the Police Officer, I left the gate the way it was showed the Police Officer the gate was open and he closed the gate and that is the day Michael was home and he let the dog in and did not even realize anything happened outdoors and the last time that happened with my husband he had the key in the door and I said Bill please open the door as quick as possible because he is running across, Michael was getting out of his truck or suv and the dog was out there and it bolted across and the dog actually has a collar and they use and they click it and he actually came back and the owner never came over and nothing and he heard the dogs barking but did not say anything to us just hit the collar and the dog comes back to break up the fight.

Mr. Rooney: what kind of dog is it?

Mr. Peacey: I think it is an Australian Shepard mix we think we are not a hundred percent sure. Our dog is the same it is an Australian Cattle dog. This is the fence that is being put up and he came right through under the fence and there is our sidewalk and came thru underneath and I do not think I should have to put up a stronger fence to keep someone else's dog out of my yard.

Mr. Rooney: let me turn it over to Gil and Ann Turcotte.

Ms. Fernandes: how about asking the owners of the dog to speak next.

Mr. Rooney: who is the resident at Piney Lane?

Mr. Ostrowski: my son is the resident.

Mr. Rooney: just introduce yourself.

Michael Ostrowski: I live at 95 Miller Street and I own the property in question. I do not know what to add other than what the Police have down here other than a few things. On two of three occasions that the Police were called I ended up showing up at the house myself to find that the house was locked and the dog was inside the house and he won't bark at me because he knows me. Going by that even in the report of December twentieth by Officer Whitney to dog was inside the house when I arrived and that is what is stated there is other people in the neighborhood that called to Animal Control and the Police by the claimants and so we are confused here because two of the times that I went the dog was already in the house locked and I have a key and my son has a key. I spoke with the Animal Control Officer and they said every time they have gone there the dog was contained inside the home, so I do appreciate an dog who barks that is why you buy them to protect the house and I have looked at this other things and the Police Reports and there is no injuries and I think it is very difficult to physically secure any dog. I have seen no injuries and all is contained, I am baffled at this and I have heard that other neighbors have been called by them also regarding their dogs.

Mr. Rooney: why don't we hear from Gil and Ann Turcotte in terms of what you found relative to 138 Piney Lane.

Ms. Turcotte: the first time we went Mike was not home and there was no dog there at all it was no barking or anything, but Sally had mentioned to me that she was concerned about where he was kept so that gave me the opportunity to check out the fencing where he does keep it and I was not happy with the fence because when you touched it would move and it was kind of flimsy. And the next time we went we talked to Mike about it next time we come back and we should get it secured.

Mr. Turcotte: have a kennel outside in the fenced area instead of having all this room to run if we had a kennel ten by twelve it keeps the dog more secure, and the way it is now that dog is not heavy enough and he could jump up on the top and push it down or go underneath it to get out and as far as the barking the dog barks in the house there is nothing you can do for that but if he puts him outside there is a barking collar with clickers that will stop them from barking it is two investments but I believe that would solve the problem of the dog getting out and the dog barking.

Ms. Turcotte: I was told they were looking at getting the dog a home, he told me that he is not home enough to be there for the dog because he wants attention so the first we went the dog was not there he had been taken to Dakin and I asked what happened there. Obviously he brought it back home because Dakin could not manage the dog and nobody would take it so you cannot put it up for adoption somewhere else because the dog is not good with people only their family. Sally was saying they to worry about the summertime we do not want the dog breaking out of there and going after anybody else's dog, so we had suggested a letter that if he fixed his fence and maybe get a collar for the barking.

Mr. Turcotte: if he has any intention of keeping the dog that is what we would require that to make things safe and a little more quite.

Ms. Turcotte: the dog barks when they walk by and he will bark because someone is out there that is what the dog is doing and he saying I want to get out but he is inside. He could get a barking collar and eventually you may not need that collar you have to train it.

Ms. Peacey: it is fenced in and the reason I have put it in there is a door that opens out the back so if that door is open a child opens it and somebody walks thru and forgets and puts the dog out the back that is probably how it got out, that is who I put in the last time and closed the fence and put a lock on it there is a gate to it, not just it comes out from the house.

Ms. Turcotte: it is like a walk out cellar and if you go anywhere near the window the dog is pouncing at the window.

Ms. Peacey: I put it in the gate and closed it and the second time the Police Officer closed the gate because it was open again, they do have children and children leave gates open but there is no locked paddle on that so that dog will come out.

Mr. Turcotte: our recommendation was that he put a proper kennel there with a lock on the gate and that is about all you can do a ten by twelve kennel is big enough for the dog to walk back and forth and tarp on the top in case of weather.

Ms. Peacey: I understand dogs, I have had them all my life this is a herding dog, a working dog and this is a dog that does sheep farm animal and they have it caged in a little pen that sits there and looks at people outside and barks all day at people and has a mindset of working and if they do not have a job they go bad, they go mean and they see us out there all day and someday that window is going to break and when it breaks Michael and Michael Jr. owns the place, I am not going to get bite by that dog.

Ms. Turcotte: that is why we are here tonight because Sally was not happy with things and I told her you need to put in a complaints to the Selectmen.

Mr. Turcotte: and if she does not feel secure you can put some cross wires in front of the window that is facing them could keep him from jumping through because it's a strong dog, it's a big dog not a little dog.

Mr. Silva: we have an issue, you live there, they live there and what are you proposing you are going to do to alleviate them being so fearful and the dog getting out do you have anything in mind that you are looking at doing.

Mr. Ostrowski: first of all I cannot control their fear, the dog has been contained and I have asked Animal Control if they have shown up and the dog was loose and also ask Animal Control on how difficult it would be to contain that dog because he does like to bark, so Mickey is intending on trying to place the dog somewhere that is his intent and he is actively doing that he did go to Dakin and one other place and I think they are going to put the dog down at one of them and he did not want to do that, it is great with me and I take the dog all the time so that is his ultimate intent but in the meantime he has him secured in the home and that is why I bring the reference and with no disrespect I get it I do not want problems with neighbors either, I know how truly frustrating it can be, and the dog is contained the Police reports say that and when Animal Control goes out there the dog and yes it does bark when the people go by absolutely and that is why you have the dog. So to answer your question indirectly we are trying to place the dog if we can and in the meantime the dog is contained.

Mr. Silva: the things Animal Control has actually said a couple of things that should be done to contain it better and I do not know if you are willing to do that.

Mr. Ostrowski: the dog is in the home, it I not always out in the fenced in area and that is when Mickey is home.

Mr. Turcotte: there has to be a fence that is sturdier.

Mr. Ostrowski: I understand the dog was never in that fenced in area when the Police have gone there, I am just going by what is presented here and I understand it's not a pen that you have seen for hunting dogs it is not like that.

Mr. Silva: you are to place the dog which obviously you will do something with the dog and if you can't are you willing to do the recommendations of the dog officers, because if they recommend that then you will probably have to make it more secure.

RECEIVED
TOWN OF LUDLOW
2018 JUL 19 P 2: 24

Mr. Ostrowski: I understand and my only question is if the dog is always in the home what do you do it's in a locked home, the two times I showed up he was in a locked home. I do not know what else to tell you.

Mr. Rooney: we do have conflicting testimony as to whether or not the dog was in the home all the time we are not here to seek the truth, what we are here to do is to try and come up with a reasonable solution and one of the concerns I have is this particular area and I am familiar with Piney Lane and it is a hidden gem in the Town of Ludlow but it is a very close community and we are about to enter the period of time where reason people that is why they live on Piney Lane meaning the good weather is here and they are out at the water. It certainly seems to me you cannot have a situation where neighbors are in very close proximity are afraid to sit outside because that dog a least based on some of the testimony we heard is getting loose now maybe not the time that you are there but that is what we have heard.

Mr. Ostrowski: it seems as though none of the Police reports and when animal control was there it was not loose at all, so that is where I get conflicted too and I am not disagreeing with you I totally understand and any dog should be contained or controlled, I completely agree with that. It is proper dog ownership I get it, I am trying to figure out whenever this occurs you got the Police, Animal Control I have gone when Mickey is at work and he says he has a call can you go check it out and the dog is contained.

Mr. Rooney: I get you are confused as to what you should be doing but you have been asked very directly by Mr. Silva are you agreeable to some of the conditions that the Turcotte's have just laid out.

Mr. Ostrowski: we would be agreeable to shoring up the fenced in area the dog is in, but I do not know about the collar he already has an electronic collar.

Mr. Rooney: based on the testimony we are hearing it is not working.

Ms. Turcotte: is for barking or just to keep him where you want him?

Ms. Ostrowski: it is handheld and it can go in a hundred yard range.

Ms. Peacey and that is where we are and that was where he was when he got out of truck and the dog was there and the dog ran to his house and they got into a fight and hit the shock thing and he didn't even have to come over to the yard to get the dog, he hit it his dog yelped and ran home.

Mr. Ostrowski Jr.: when the Police showed up the dog was at the house.

Ms. Fernandes: I know you mentioned that often the gate was open?

Ms. Peacey: yes.

Ms. Fernandes: when he is barking at the glass door or glass windows if he was break through the glass door or windows is he coming out onto the fenced in area.

Ms. Peacey: he will come out on the fenced in area and if they do not have a lock on that gate.

Ms. Fernandes: one reasonable thing would be to a lock on the gate.

Mr. Ostrowski: and it also is a double pane sliding glass.

Ms. Fernandes: that would be at least a start and it does not sound like they are complaining as much about the barking as much as they are concerned for their safety. I always say about neighbors you have to live together you are next door if there can be some actions taken.

Mr. DeBarge: the worst part of this whole thing is that everyone lives are turned upside down about the dog and secondly the issue with Dakin I think everyone needs to take into account is that you took the dog to a shelter to try and give it away and Dakin would not take it because of the attitude dog has. They test him and they gave it back.

RECEIVED
TOWN CLERK'S OFFICE
2018 JUL 19 P 2: 24

Mr. Ostrowski Jr.: they gave him back because he was not being adopted so the option was either we bring him back home or they put him down and I was not going to allow that.

Mr. DeBarge: so as of right now there is no place you can bring him so you have to deal with it and if he does get out of the house Mr. Turcotte already said the fence is a little flimsy and as I have had dogs all of my life, I have a fence that you can take down and put up it is a ten by twelve not that expensive probably be good for you too for when you go out get a bark collar it would be beneficial for you when have people over and I have a barking dog as well and they are annoying to me when I have people over so I take it outside and put it in that pen and we do not hear it so I think it could be beneficial to both of you, it is a suggestion on how you can take care of your problem and still benefit your neighbor as well that way if it does get out or you can bring it out in the yard and a ten by twelve cage is a good size, it gives it room to do some laps and tire itself out and the bark collar will train it not to bark.

Mr. Ostrowski: is that secure enough and it would be on a cement pad already and if it is solid and meets the animal control, ok. I think what he has up there is good and if animal control says that is ok than I am ok with that.

Mr. Silva: I would think you want to do that for liability purposes, because if they happen to get hurt there is some considerable liability going on there.

Ms. Turcotte: even if he did push the gate open he is a strong dog and he can actually push that.

Mr. Turcotte: I think that would be the best for the situation and as far as the barking collar you can get one with a clicker so when the dog starts barking you click it and it works.

Mr. Peacey: as far as the dog in a fenced in area, but there is a fence there and dog has gotten out two of three times the dog was in yard and got out and the third time the dog was not in the fenced area it was with the owner by his parking area and when we step out the front door it decided to take off and come over at us, so the fence is doing no good. I am offend that they think the dog did not attack us because when they came the dog was in the house we sat down and waited for the Police and we did not see any cars leave the yard and when the Police went to the house no one would answer the door except for the last time I feel like I am being accused of making this up and I am randomly calling the Police Department.

Ms. Peacey: they are so lucky I have not been bitten and when that time comes and I do get bit and this is the reason I am here I have been bit before riding my bike and when it happens the owner of the house will know I got bit and this is what I do not want to happen. We live in a neighborhood we want to enjoy the summer, the outdoors.

Mr. Rooney: that is a concern and there is strict liability so if there is a dog bite and let alone the humane eliminate of it and I think there is a few things that you can do and we need to put in a motion and we are not able to legislate everything there is going to be some common sense use of that dog and going back to strict liability and I would get very nervous if I and the dog is leaving my house into someone else's yard and knowing that.

Ms. Turcotte: they are so close the houses and the property so it is not easy and you have to be concerned.

Mr. DeBarge: correction collars do not supersede a leash, you still need a leash so a correction collar is not a leash.

Mr. Turcotte: if you have the right collar it will work and they have classes on how to use the collar.

Ms. Fernandes: what would you hope would be done?

RECEIVED
TOWN CLERK'S OFFICE
2018 JUL 19 PM 2:24
TOWN OF LUDLOW

Ms. Peacey: I would think they would take the dog to school for training to be with other dogs because you are on leash and in a class you train them and you have other dogs. And I do not want to get a bite and they do not care and his dad lives on Miller Street and the cops did not get there they got there and then his father came the first time the dog is not being properly cared for it is not the dogs fault being caged in this is a working dog, if they want a puppy a little dog to leave in a house all day and that is what gets me upset because I care about animals and they do not care about us and the neighborhood.

Mr. Turcotte: they need to go to their insurance company to see if the liability covers them, certain breeds some the insurance company's do not cover them, and that could be something to look into.

Mr. Silva: I think allowing them to have thirty days to place the dog is that is what they wish to do and if that is not what you want to do then we should probably go with the Dog Officers recommendation with a fenced in pen area and the collar for barking.

Ms. Ostrowski: we have a collar that is the hand held one, so would that be considered the bark collar. The dog is going to bark and it makes me feel good when I am home alone with my little one and he is barking at the door it makes me comfortable.

Mr. Silva: there is not much you can do with him barking at the door and in the house so if it barks in the house, but the outside is the problem it is disruptive.

Mr. Rooney: with the warmer weather coming and the dog is inside with you there and the Peacey are outside sitting on their porch is that dog going to be barking.

Mr. Peacey: not with them home.

Ms. Fernandes: you are more concerned about the leaving the yard and attacking somebody more than the barking and the barking is a consequence of him being locked up all day.

Mr. Peacey: we have a nice porch and we sit out there when we come home from work you sit down and have an ice tea and relax and you are listening to barking nonstop we have a dog that just lays there and we just have to put up with it.

Mr. Rooney: what concerns me given that area and how close everything is to one another if the Peacy's are outside and you folks are not home is it okay, that the dog is continuously barking. I do not think that is okay. I would hate to live next door.

Mr. Turcotte: they have the collar they leave it on it will work but it is not something that leave on for twenty years.

Ms. Peacey: it is a training collar they are not using it for training they are using it for bad behavior and that is what they are doing with their dog, had the dog been to school I do not know and they use the collar and it does not seem to be working.

Mr. Rooney: I do think there should be a period of time that the Peacy's have to wait for the Ostrowski's to place that dog, but we should be looking to fashion some kind of motion to deal with some of the suggestions that Gil and Ann have made.

Ms. Fernandes: I would suggest in the next thirty days that they have training for the dog so it can help get him placed, I would think and it is safe for everybody and maybe it will avoid some of these issues that you are having. Putting a lock paddle on the fence and make sure it is locked all the time that would help and that would take care of part of the issue and making sure the fence is more secure and after the thirty days if something happen. At minimum you start with the lock paddle and the training because that seem to be what is missing there.

Mr. Rooney: as part of the motion we would be having the animal control to go out there at the end of the period of time and there is going to be a motion and those remedies will be put in place.

Mr. Silva: I move that we go with a thirty day period for the time to try and place the dog and try to contain the dog much better and quieter and if after thirty days the Ostrowski's decide to keep the dog they will be required to put a fence in and the barking collar as the Dog Officers requested.

RECEIVED
TOWN CLERK'S OFFICE
2018 JUL 19 P 2: 24

Mr. DeBarge: second on the motion.

TOWN OF LUDLOW

Ms. Fernandes: I think training should be required because that will eliminate

Mr. Ostrowski: he does have training, I have the paperwork.

Mr. Rooney: we should have in the motion what it means to control the dog, because you have to go back to make sure that if the pad lock is in at the end of the thirty days it is there.

Ms. Fernandes: I would say padlock and if he is outside of the gated area with one of the owners he has to be on a leash.

Mr. Turcotte: make sure that he cannot get under the fence, it needs to be secure.

Ms. Fernandes: shore up the fence and after the thirty days if they have not found the placement then we leave it up to the discretion of the Dog Officer.

Mr. Rooney: can we withdraw the motion.

Mr. Silva: I withdraw the motion. I move that for the new thirty days allow the Ostrowski's to try and place the dog if they so wish and to put a padlock on their gate and shore up the fencing area so that they may secure the dog area better and then if they decided to keep the dog that they will meet the Dog Officer's recommendations with a penned area and the barking collar.

Mr. DeBarge: second.

Mr. Rooney: I want to make sure you understand that even though you may be trying to place in these thirty days there are requirements of you during the thirty days. Any discussion further hearing none all in favor motion carries.

Mr. Silva: I move that we close the public hearing for 146 Piney Lane at 8:40 p.m.

Ms. Fernandes: second.

Mr. Rooney: all in favor motion carries.

Correspondence

50. Anna Lucey, Director Government Affairs, Charter Communications informing the Board of Channel lineup changes.

Moved by Mr. Silva seconded by Ms. Fernandes to file item 50. Vote: 4-0 in favor.

51. Knights of Columbus #3535 application for One Day Beer & Wine Permit for a Corn Beef & Cabbage Dinner to be held on March 17, 2018 at St. Johns Pastoral Center. Does the Board wish to waive the fees?

Moved by Ms. Fernandes seconded by Mr. DeBarge to approve the application for the One Day Beer & Wine Permit for the Corn Beef & Cabbage Dinner to be held on March 17, 2018 for the Knights of Columbus. Vote: 4-0 in favor.

52. Knight of Columbus #3535 application for One Day Beer & Wine Permit for "Celebrate Marriage" Dinner Dance to be held on April 14, 2018 at St. Johns Pastoral Center. Does the Board wish to waive the fees?

Moved by Ms. Fernandes seconded by Mr. DeBarge to approve the application for the One Day Beer & Wine Permit for the Celebrate Marriage Dinner Dance to be held on April 14, 2018 and waive the fees. Vote: 4-0 in favor.

53. Jason Martowski, Chairman Conservation Commission informing the Board that Edgar Minnie has resigned from the Conservation Commission effective January 1, 2018.

Moved by Mr. Silva seconded by Mr. DeBarge to accept the resignation of Edgar Minnie and thank him for his service to the Conservation Commission and further move that we advertise the vacancy for two weeks. Vote: 4-0 in favor.

54. Kim Batista, Town Clerk that Amy Ollari, Precinct 1 and Lorraine Carreira Precinct 4 be appointed as Temporary Wardens for the March 26, 2018 Town Election.

Moved by Mr. Silva seconded by Mr. DeBarge to appoint Amy Ollari for Precinct 1 and Lorraine Carreira for Precinct 4 as temporary wardens. Vote: 4-0 in favor.

54a. Kim Batista, Town Clerk requesting that Diane M. Ollari be appointed as a temporary warden for Precinct 6 for the March 26, 2018 Town Election.

Moved by Mr. Silva seconded by Mr. DeBarge to be appointed Diane Ollari as a temporary warden for Precinct 6. Vote: 4-0 in favor.

55. Natalina Tulik, PTO requesting approval for the 3rd Annual Baird Color Run to benefit the Go Green Club at Baird and the Lenore Paul Community Garden to be held on May 19, 2018. They are also requesting use of the Town Hall parking lot and the front and back parking lots of the High School to be used as color stations.

Moved by Ms. Fernandes seconded by Mr. Silva to approve the request from Natalina Tulik, PTO request for the 3rd Annual Baird Color Run to benefit the Go Green Club to be held May 19, 2018 and to approve the request for the use of the town hall parking lot. Vote: 4-0 in favor.

56. Louis Gilli, EH&S Engineering, MMWEC informing the board of the Yearly Operational Plan for Massachusetts Municipal Wholesale Electric Company.

Moved by Ms. Fernandes seconded by Mr. Silva to file. Vote: 4-0 in favor.

57. Timothy Brennan, Executive Director, Pioneer Valley Planning Commission Advance Notice of FY2019 Local Assessment Fee for Your Community Based on 2010 U.S. Census Figure

58. Governor Charles Baker/MassDOT informing the Board that the Chapter 90 apportionment for Fiscal Year 2019 is \$699,828.

Moved by Ms. Fernandes seconded by Mr. Silva to file. Vote: 4-0 in favor.

59. Patrick Paul, District 2 Highway Director, MassDOT National Bridge Inspection standards (NBIS) Bridge Inspection reports for West Street/Stoney Brook.

Moved by Ms. Fernandes seconded by Mr. Silva. Vote: 4-0 in favor.

60. Geoff Beckwith, Executive Director & CEO, Massachusetts Municipal Association informing the Board of the MMA's Annual Spring Legislative Breakfast Meetings will be held on March 2, March 9 and March 16.

Moved by Ms. Fernandes seconded by Mr. Silva to file. Vote: 4-0 in favor.

61. Michael Sweeney, Executive Director, State Lottery Commission notifying the Board of Lottery's intent to install a Keno Monitor at the Pride Station, 478 Center Street.

Moved by Ms. Fernandes seconded by Mr. Silva to file. Vote 4-0 in favor.

62. John McCarthy, Executive Director, Deputy Chief Executive Officer, MSBA informing the Board regarding the Town of Ludlow, Chapin Street Elementary School Designer Sub-Consultant Change Request.

Moved by Ms. Fernandes seconded by Mr. Silva to file. Vote: 4-0 in favor.

63. Ludlow Elks Lodge 2448 Veterans Appreciation Dinner Program will be held on April 14, 2018 at 5:00 p.m. at the Ludlow Elks this event is free to Veterans.

Moved by Ms. Fernandes seconded Mr. Silva to file. Vote: 4-0 in favor.

64. Dale Schutte requesting to become a Republican Poll Worker.

Moved by Ms. Fernandes seconded Mr. Silva to appoint Dale Schutte as a Republican Poll Worker. Vote: 4-0 in favor.

65. Officer Thomas Lee informing the Board that he will be retiring from the Ludlow Police Department on March 17, 2018.

Moved by Ms. Fernandes seconded by Mr. Silva to accept Officer Thomas Lee retirement and thank him for his service. Vote: 4-0 in favor.

Unfinished Business

For the Boards information the Radio Communication Report is in your packets for your perusal, titled Ludlow Engineering Needs Assessment Report. That is for the next meeting.

Board to discuss the remaining articles for insertion into the ATM Warrant. Stretch code, unregistered cars, radio communications, personal property agreement/solar.

Moved by Mr. Silva seconded by Mr. DeBarge to place the personal property agreement/solar in the May Town Meeting Warrant. Vote: 4-0 in favor.

Radio Communication will be in at the next meeting, so we will hold till then.

Moved by Ms. Fernandes seconded by Mr. Silva to include the unregistered cars in the Town Meeting Warrant. Vote: 4-0 in favor.

Moved by Ms. Fernandes seconded by Mr. Silva to not place the stretch code in the May Town Meeting and hold off until the October Town Meeting. Vote: 4-0 in favor.

Board to close the Warrant for the May 14, 2018 Annual Town Meeting.

Moved by Mr. Silva seconded by Ms. Fernandes to close the warrant for the May 14, 2018 Annual Town Meeting. Vote: 4-0 in favor.

Board to approve and sign the Selectmen minutes of January 2, 2018.

Moved by Mr. DeBarge seconded by Ms. Fernandes to approve the Board of Selectmen minutes of January 2, 2018. Vote: 4-0 in favor.

Board signed the One Day Beer & Wine permit for the Knights of Columbus Corn Beef and Cabbage dinner to be held on March 17, 2018.

Board signed the One Day Beer & Wine permit for Knights of Columbus "Celebrate Marriage" Dinner Dance to be held on April 14, 2018.

Board to discuss Frank's Diner's Liquor License and noncompliance of the annual renewal process. Failed inspections currently had not received his license. How does the Board wish to proceed?

Ms. Villano stated he was given a number of days to comply and still has not received his liquor license.

Moved by Ms. Fernandes seconded by Mr. Silva to bring on Frank's Diner in for a discussion.
Vote: 4-0 in favor.

New Business

The Fringe Benefits budget for Fiscal Year 2018 is in the negative due to increased workers' compensation C.41, Sec. 111F and unemployment costs, and increased members to the health insurance plan. This will require an article on the Special Town Meeting Warrant to fund the deficit. It is the plan to use free cash to fund this deficit.

Board to approve and Chairman to sign the Commonwealth of Massachusetts Department of Conservation and Recreation Payment Form for FY2018.

Moved by Mr. Silva seconded by Ms. Fernandes to approve the Chairman to sign the Commonwealth of Massachusetts Department of Conservation and Recreation Payment Form for FY2018. Vote: 4-0 in favor.

Board perused the Executive Session minutes of February 20, 2018

Board perused the Selectmen minutes of November 28, 2018 and January 16, 2018

 Chairman



Ludlow Board of Selectmen

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