

Meeting of the Board of Selectmen held on April 24, 2018 beginning at 6:00 pm in the Selectmen's Conference Room, Town Hall.

Members present: Manuel Silva, Chairman; Derek DeBarge; William Rooney; Brian Mannix

Members absent: Carmina Fernandes

First order of business: Pledge of Allegiance.

RECEIVED  
TOWN CLERK'S OFFICE  
2018 AUG -9 A 10:42  
TOWN OF LUDLOW

### Visitations

The Board held a public hearing for a Verizon Joint Pole Location for Miller Street. Moved by Mr. Rooney, seconded by Mr. DeBarge, to open the hearing for the Verizon Joint Pole location on Miller Street. Vote 4-0 all in favor.

Mr. Davis: For the record, my name is Paul Davis, I work for a company by the name of UC Synergetic out of Sunderland. We do engineering contract work for Verizon and I'm here tonight representing Verizon on their behalf. In regards to the petition tonight on Miller Street, Verizon and Western Mass Electric/Eversource Energy requests permission to locate poles, wires, cables, and fixtures including the necessary anchors, guys, and other such sustaining and protecting fixtures to be owned and used in common by your petitioners along and across the following public way or ways: Miller Street, place one jointly owned pole #T13½B44M on the southerly side of Miller Street at a point approximately 152 feet westerly from the center line of Owen's Way and the reason is to place one jointly owned pole to provide for distribution of intelligence and telecommunications and the transmission of high and low voltage electric current. Basically what that means is Verizon is requesting permission to place this pole in regards to a new solar farm that's going out on Miller Street. This pole would tie in to the main line poles that are going to the solar farm and would be a mid-span pole in between existing pole 14E44 and T13E45.

Mr. Silva: Any questions from the Board? Comments? Nothing?

Mr. Rooney: Mr. Chairman?

Mr. Silva: Mr. Rooney.

Mr. Rooney: I would move that we approve the placement of a jointly owned pole on the southerly side of Miller Street as printed in the legal notice.

Mr. DeBarge: Second.

Vote: 4-0 all in favor.

Moved by Mr. Rooney, seconded by Mr. DeBarge, to close the hearing at 6:03. Vote 4-0 all in favor.

### Correspondence

102. Chief Madera, Police Department – informing the Board that Dispatcher Anthony Silva retired on April 2, 2018

Moved by Mr. DeBarge, seconded by Mr. Rooney, that we accept Mr. Anthony Silva's retirement and send him a letter of thank you and appreciation. Vote 4-0 all in favor.

103. Kathleen Bernardo – Petition for a Zone Change for 607 Chapin Street requesting to change zoning from Residence A to Business B

Moved by Mr. Rooney, seconded by Mr. DeBarge, to forward this request to the Planning Board. Vote 4-0 all in favor.

104. Monthly Crime Briefs November 2017 and December 2017

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

105. Board Reorganizations – Recreation Commission, Planning Board

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

106. Vanished Valley Brewing, 782 Center Street, application for a One Day Beer & Wine Permit for Spring Fest to be held on May 19, 2018

Moved by Mr. Rooney, seconded by Mr. DeBarge, to approve the application from Vanished Valley Brewing for a One Day Beer & Wine Permit for Spring Fest to be held on May 19, 2018 with the approval of the Police & Fire Department. Vote 4-0 all in favor.

107. Martin Suuberg, Commissioner, Department of Environmental Protection – informing the Board of the Annual Sustainable Material Recovery Program Municipal Grant Application

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

108. Chief Madera, Police Department – request to charge off medical bills and lost wages to Chapter 41, Section 111F for injuries sustained by a Police Officer on April 8, 2018

Moved by Mr. DeBarge, seconded by Mr. Rooney, that we charge off medical bills and lost wages to Chapter 41, Section 111F for injuries sustained by a Police Officer on April 8, 2018. Vote 4-0 all in favor.

109. Chief Madera, Police Department – request to charge off medical bills and lost wages to Chapter 41, Section 111F for injuries sustained by a Police Officer on April 13, 2018

Moved by Mr. DeBarge, seconded by Mr. Rooney, charge off medical bills and lost wages to Chapter 41, Section 111F for injuries sustained by a Police Officer on April 13, 2018. Vote 4-0 all in favor.

110. Charlie Gravelin – letter of complaint regarding Moore Street at Poole Street

Moved by Mr. Rooney, seconded by Mr. Mannix, that this item be placed on the agenda for the next quarterly meeting with the Board of Public Works. Vote 4-0 all in favor.

111. Kara Ribeiro - request to be considered for the position on the Ludlow Council on Aging

Moved by Mr. Rooney, seconded by Mr. Mannix, that we schedule an appointment with Ms. Ribeiro to be interviewed by the Board of Selectmen. Vote 4-0 all in favor.

112. Secretary Jay Ashe, Housing and Economic Development - informing the Board that our community has been nominated to the U.S. Treasury Department for designation pending review and certification, to be included in at least one designated Opportunity Zone

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

#### Unfinished Business

Board to sign the One Day Beer & Wine Permit for Vanished Valley Brewing, if approved

The Board signed the One Day Beer & Wine Permit for Vanished Valley Brewing.

---

Board to sign three copies of the order for Miller Street Joint Pole Location #T.13½/E.44M, if approved



The Board signed three copies of the order for the Miller Street Joint Pole Location.

RECEIVED  
TOWN CLERK'S OFFICE  
2018 AUG -9 A 10:42  
TOWN OF LUDLOW

Board to sign four copies of the Agreement between the Town and the International Brotherhood of Police Officers Local 374

Moved by Mr. Rooney, seconded by Mr. DeBarge, to approve the Agreement between the Town of Ludlow and the International Brotherhood of Police Officers Local 374. Vote 4-0 all in favor.

Board to approve and sign the Memorandum of Agreement between the Town and B & W Paving & Landscaping, LLC for the construction of the Dog Park

Moved by Mr. Rooney, seconded by Mr. Mannix, to approve the Memorandum of Agreement between the Town and B & W Paving & Landscaping, LLC for the construction of the Dog Park. Vote 4-0 all in favor.

Board to sign four copies of the Agreement between the Town and KURTZ, INC., for the Senior Center repairs

Moved by Mr. Rooney, seconded by Mr. DeBarge, to approve the Agreement between the Town and KURTZ, INC., for the Senior Center repairs. Vote 4-0 all in favor.

#### Visitations (Continued)

The Board held a public hearing for the Liquor License Transfer and Change of Manager for Flor Do Campo Inc., DBA Tony & Penny's Restaurant.

Moved by Mr. Rooney, seconded by Mr. DeBarge, to open the public hearing for the Liquor License Transfer and Change of Manager for Flor Do Campo Inc., DBA Tony & Penny's Restaurant at 6:14 pm. Vote 4-0 all in favor.

Present was Attorney Chris Brown, Maria Barroso, Antonio Sebastiao

Attorney Brown: I'm here in lieu of Attorney Caruso representing Flor Do Campo, Inc., doing business as Tony & Penny's Restaurant and Catering which is requesting approval for the transfer of the all alcoholic beverage license from Tony & Penny's Luncheonette, Inc., and Change of Manager to Maria Fatima Barroso. Ms. Barroso has been, she's worked at the restaurant since 1989 doing everything from starting as a waitress to bartending and now for the last six years as the Assistant Manager at the premises. She and her husband George, which I'm sure many of you know them, have been long residents to this town and this restaurant, which everybody knows and loves, as the current owner was really seeking to keep it within somebody he knows and trusts and that would be Ms. Barroso who is a dedicated employee, knows everything about the business, will be a full-time Manager of the business. And as you can see from the paperwork that has been presented to you through the application, they're investing a substantial amount of business through a separate corporation and they will be owning the real estate and their investing a lot of their own money into this business. They are hardworking people, a real asset to the community and I think you will find this to be a seamless transfer of the great business that everybody knows and loves as Tony & Penny's to be operated by Mr. and Mrs. Barroso, primarily by Mrs. Barroso and I think this will be a real asset, continue to be a real asset to the town and we're seeking your approval for that license transfer and to have Mrs. Barroso be the manager of record.

Mr. Silva: Thank you. Any questions from the Board?

Mr. Rooney: Mr. Chairman?

Mr. Silva: Mr. Rooney.

Mr. Rooney: I'm sure it's the case but TIPS certification, you have that I take it, right?



RECEIVED  
TOWN CLERK'S OFFICE  
2018 AUG -9 A 10:42  
TOWN OF LUDLOW

Ms. Barroso: I don't have it.

Attorney Brown: She does not have it now but she will get it.

Mr. Rooney: Do you have an expected time as to when you would have that certification?

Ms. Barroso: I'm not sure at this moment, but I will try to get it as early as I can.

Attorney Brown: She will, I believe you can do it online

Mr. Rooney: I think so, yes.

Attorney Brown: and she will, we will make sure that she does that ASAP. But as you know, she's worked there for a long time and to our knowledge, there have been no incidents of any underage serving or any overserving at the premises which a policy which she intends to continue. But we did, I did discuss that with her ahead of time that she will probably have to get the TIPS certification.

Mr. Rooney: Is it fair to say if we put a timeframe of a month from now, I mean is that a reasonable timeframe do you think? I mean I don't want to hold up everything else.

Attorney Brown: I don't see any reason why not. In fact, as I said, Attorney Caruso told me and I know this from prior occasions that you can do it online, I just don't know if it's something that takes a week or so to line up but I think a month should be, I can't see any reason why it couldn't be done within a month.

Mr. Rooney: Okay. Mr. Chairman?

Mr. Silva: Mr. Rooney?

Mr. Rooney: I would move to approve the liquor license transfer and change of manager for Flor Do Campo, Inc., dba Tony & Penny's Restaurant contingent on Ms. Barroso having her certification, let's say, within six weeks from today.

Mr. DeBarge: I'll second that.

Mr. Silva: Now you are purchasing the real estate, complete real estate and you are going to be holding it in Barroso, Inc., I just want to clarify.

Ms. Barroso: Yes.

Mr. Silva: Barroso, Inc., as the holder and then the actual business is gonna be under Flor Do Campo, Inc., but it's still gonna be Tony & Penny's?

Ms. Barroso: Correct.

Attorney Brown: Yeah as a separate, as it happens in most situations the real estate is held in a separate entity and the business is a separate corporation.

Mr. Silva: We have a motion and a second, all in favor?

Mr. Mannix: I got a question.

Mr. Silva: Oh sure, go ahead. We already had a motion and second.

Mr. Mannix: I know, nobody else gets a chance to talk. I want to know what Mr. Tony is gonna be doing, he's not working anymore. After all these years of go, go, going, now he's gone.

Mr. Sebastiao: No, no I hope not, I'm not gonna be gone, we're just gonna change positions, I'm no longer her boss, she's gonna be my boss.

Mr. Mannix: Well it's been a pleasure of you and your restaurant here for all these years

Mr. Sebastiao: Thank you very much.

Mr. Mannix: and you don't remember, when you moved in there I lived in the house behind you, I lived there for quite some time, from the time you came in till the present time,.....my favorite expression now is you've been there for 100 years, we've all been every place for 100 years, it seems like it all the time. I just want to say congratulations to you and it's been a pleasure, you know, you and your wife and family and everybody else for everything you've done for the Town and the restaurant.

Mr. Sebastiao: Thank you so much. Everyone has been very kind to me.

Mr. Mannix: And I'm sure it's in good hands.

Ms. Barroso: Thank you.

Mr. Mannix: On that Mr. Chairman, you can move on now.

Mr. Silva: We have a motion and second, all in favor? Vote 4-0 all in favor. Motion carries, good luck.

Moved by Mr. Rooney, seconded by Mr. Mannix, to close the public hearing at 6:22. Vote 4-0 all in favor.

#### New Business

Board to approve and sign the Annual Agreement with Gilles and Anne Turcotte for Animal Control

Moved by Mr. Rooney, seconded by Mr. Mannix, to approve and sign the Annual Agreement with Gilles and Anne Turcotte for Animal Control. Vote 4-0 all in favor.

---

#### Board to approve the Annual Appointments

Mr. Rooney stated that he is inclined to make a motion en mass, unless there are Board members that don't want to do it that way. Mr. Mannix stated that he is not in agreement with doing them en mass. Mr. Mannix stated that he would like to vote separately for the Board of Appeals and the Mobile Home Rent Control Board.

Moved by Mr. Rooney, seconded by Mr. Mannix, to approve the Appointed Officials and Annual Appointments that we have as part of our package with the exception of the positions of Board of Appeals and Mobile Home Rent Control Board. Vote 4-0 all in favor.

Mr. Mannix stated that he is not happy with a lot of the things that the Board of Appeals has done in regards to the low income housing project. He has an issue with The Mobile Home Rent Control Board because there is a lot at 229 Miller Street that has burned to the ground and is rat infested and dirty and disgusting and no one is doing anything about it.

Mr. Silva stated that the Rent Control Board has no control over the situation at 229 Miller Street; they are strictly about rent control. Ms. Villano stated that she will forward that information to the Building Commissioner and Town Counsel.

Mr. Rooney stated that he agrees with Mr. Mannix's opinion regarding the Board of Appeals. He doesn't share the opinion as it relates to the Associate Member position. He doesn't feel a new member should be brought to the Board in the middle of the WayFinders application. Ms. Villano suggested having the individual come into the next Board of Selectmen meeting to discuss the appointment.

Moved by Mr. Mannix, seconded by Mr. Rooney, that the Board of Appeals appointments of Mr. Jarvis and Mr. Aubin would be effective for one year until 4/2019.



Mr. DeBarge stated he agrees with both Mr. Mannix and Mr. Rooney on how we were treated during this whole process.

RECEIVED  
TOWN CLERK'S OFFICE  
2018 AUG 9 AM 10:42  
TOWN OF LUDLOW  
Mr. Rooney stated that he wants the record to be clear. He doesn't share Mr. Mannix's opinion of the Associate Member not being appointed. He thinks the Board as a Board, the ZBA, was put in a very difficult position and as a Board he doesn't think anybody envy's the position they were put in and as a Board they handled themselves and worked diligently trying to do the best for the Town of Ludlow. Mr. Rooney feels we should have Mr. Jarvis come before the Board to discuss his position and it's not fair to him to not have advanced knowledge of not reappointing him.

Mr. DeBarge stated that he would like to have Mr. Jarvis come before the Board and that he agrees with Mr. Rooney regarding the job the Board of Appeals as a whole has done with the WayFinders application.

Mr. Mannix withdrew his motion and Mr. Rooney withdrew his second of the motion.

Moved by Mr. Rooney, seconded by Mr. DeBarge, to table the appointment of Anthony Jarvis and extend an invitation to him to come to our next meeting. Vote 3-1 in favor.

Moved by Mr. Rooney, seconded by Mr. DeBarge, to appoint Alan Aubin as an Associate Member until April of 2019. Vote 3-1 in favor.

Moved by Mr. Rooney, seconded by Mr. DeBarge, to appoint the two individuals for three terms until April of 2021 for the Mobile Home Rent Control Board. Vote 3-1 in favor.

#### Visitations (Continued)

The Board met with members of the Ludlow Cares Coalition. Members present were Laura Rooney, Estelle Mocha and Kathy Picard.

Mrs. Rooney stated that there will be a presentation on April 30, 2018 titled Let's Talk About It; Protecting Childhood Sexual Safety. This presentation was inspired by the gymnasts that came forward to the public regarding their sexual abuse. The Cares Coalition has discussed this topic lightly but found it difficult to find a way to talk about it. This presentation is really a discussion about how we can protect our children. Ms. Mocha spoke about the marketing of this presentation. It has been advertised in The Register, masslive, Business West Magazine and throughout the schools. Ms. Picard stated that she is a survivor of sexual abuse and provided statistics regarding child sexual abuse. It is very scary and we need to educate our kids. She also runs a support group for males and females in Town and the youngest attendee is 23 and the oldest is a 73 year old woman who spoke her story for the very first time. Mrs. Rooney stated that this presentation is for adults only and that childcare will be provided that evening.

The Board members expressed their sincere appreciation for the Ludlow Cares Coalition and everything that they do for the community.

---

The Board met with members of the Board of Public Works to discuss the Town's trash pickup program. Members present were Thomas Haluch, Chairman; Barry Linton; and Steve Frederick, DPW Director/Town Engineer.

Mr. Frederick presented an analysis of the trash program after the Pay-As-You-Throw program was instituted in 2012. Trash tonnages have gone up and recycling tonnages have gone down in recent years. He stated that educating the school children on recycling could help. They bring the information home to parents which sometimes encourages them to do it. He stated that the 18 gallon recycling bin may be restricting the amount of recycling and not having a lid on them. There usually are not grants available for towns to go to the larger recycling containers (toters) so that creates a major hurdle to overcome. With our budget shortfall happening right now, we don't have \$350,000 to purchase the toters. Mr. Frederick stated he has meetings coming up with Waste Management and he will discuss these issues with them. The transfer station is running at a loss right now; new fees will be instituted on July 1.



Mr. Linton stated that the tipping fees increased due to the incinerator in Springfield closing. They had to scramble to find somebody to take the rubbish.

Mr. Frederick stated that it comes down to \$3.00 per household for the curbside pickup program. The "purple" bag fee has not increased in five years and maybe it's time to increase that fee.

Mr. Rooney asked if we have the flexibility to change the trash pickup from weekly to every other week. Mr. Frederick stated that we have a contract that goes past 2020, so that would have to be a renegotiated contract with Waste Management. During the summer months, he would worry that there could be health issues and people disposing of their trash improperly. Mr. Frederick will get information from Waste Management and from surrounding communities about what their programs are and what their fees are.

Mr. Haluch stated that it is important that the community understands that the diligence that they take in their recycling efforts are really important because it reduces the trash tonnages. Our recycling has gone down over 10%. Longmeadow recycles 50% of their trash. The money that we were getting from the recycled materials has gone down significantly.

Mr. Rooney requested what the savings would be if we went to every other week for 7 months and weekly for 5 months and when could that be implemented due to contractual obligations. Mr. Frederick stated he would get that information to the Town Administrator.

---

The Board met with Kim Downing and Kim Collins, Town Accountant regarding the budget.

Ms. Collins stated that \$100,000 was removed from the Finance Committee due to the fact that there is an article on Town Meeting to use free cash. She also removed the contingency for the add-ons in the fringe benefits budget; it's not something we typically budget for, it was \$265,000. She also took out \$10,000 for the landfill; that is an article that will come out of free cash. On the tax recap analysis, the amount of money coming from MGM is \$25,000 more than anticipated so that was increased. After talking to the Assessor the growth was increased as well. That brings the tax rate increase down to about 64 cents.

Mr. Rooney stated that unless it is an emergency, he is not voting for any capital projects beyond the leases of equipment.

The Board discussed the request to the Capital Improvement Planning Committee from the Fire Department for a truck for the Deputy Fire Chief's use. The Fire Chief is scheduled to speak with the Capital Improvement Planning Committee the following night. Ms. Villano stated that the purchase of the truck would come from the Ambulance Subscription Fund and it really has nothing to do with the current budget and it would have to go before Town Meeting in October for approval.

Ms. Villano stated that the Budget Subcommittee and the Accountant has gone over everything that we possibly can, we have made cuts to Departments, we have looked at the revenues, we have gone over everything fifteen different ways to see where else we can save money. If you aren't comfortable with the budget and you want more reductions then we're gonna have to go back to the drawing board. There a bunch of variables that are not fully correct yet, it's all estimates except for the budget number. She believes that they have done a really good diligent job to get the tax rate down.

Ms. Villano stated we have our money in our stabilization. She thinks that the major concern that all of us are thinking about and looking at is this is a good budget but we know what the future is going to bring on tax increases, so we're trying to cut it all now in anticipation of what's going to be coming forward.

Moved by Mr. DeBarge, seconded by Mr. Rooney, that we approve the budget set forth in front of us. Vote 3-1 in favor.

Unfinished Business (Continued)

Board to sign the Local Licensing Authority Review Record for Flor Do Campo Inc., DBA Tony & Penny's Restaurant, if approved.

Moved by Mr. Mannix, seconded by Mr. Rooney, to sign the Local Licensing Authority Review Record for Flor Do Campo Inc., DBA Tony & Penny's Restaurant. Vote 4-0 all in favor.

New Business (Continued)

Board to approve and sign the Mechanical Amusement, Billiard, Sunday Entertainment Licenses and Pawn Shop renewals

Moved by Mr. Rooney, seconded by Mr. DeBarge, to approve and sign the Mechanical Amusement, Billiard, Sunday Entertainment Licenses and Pawn Shop renewals. Vote 4-0 all in favor.

Moved by Mr. Rooney, seconded by Mr. Mannix, to sign the Seasonal Renewal Certificate. Vote 4-0 all in favor.

---

Board to peruse the Board of Selectmen minutes of February 6, 2018

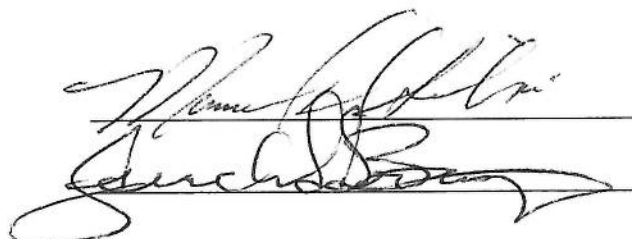
Board perused the Board of Selectmen minutes of February 6, 2018.


Closing Comments

Mr. Rooney stated that he attended the Veteran's Appreciation Dinner at the Ludlow Elks, kudos to Paul Chrzan, the VFW, Eric Segundo and his staff. Julian Siok, who was a WWII Veteran, passed away 3 days later. Americo "Mac" Palatino, also a Veteran, and who was the original owner of Daylight Dairy and the Double D Dairy Bar, also passed away recently and I send our condolences to both of the families.

Mr. Mannix stated that there is a Town Meeting coming up and he encouraged everyone to pay attention to what will be voted on.

Moved by Mr. Mannix, seconded by Mr. Rooney, to adjourn at 9:27 pm.

  
Chairman

  
Ludlow Board of Selectmen

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