

Meeting of the Board of Selectmen held on September 18, 2018 at 6:00pm in the Selectmen's Conference Room, Town Hall.

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

Members Absent: Carmina Fernandes

First Order of Business: Pledge of Allegiance

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TOWN OF LUDLOW

#### Visitations

The Board met with David Eisenthal of Unibank and Elsa Barros, Town Treasurer to consider three pieces of action. A vote which was provided by Locke Lord, bond council of the town approving the sale of bonds and notes, executing a Bond Purchase Agreement with Piper Jaffrey & Company who is underwriting the general obligation bonds and to sign documents for the renewal of the bond anticipation notes for the East Street Elementary School. Subsequent action is the bond papers will be available for signature by the Board by the end of the week, the pricing of the bond occurred today, so the bond papers were not available for this meeting.

Mr. Eisenthal stated that the town is in the process of selling \$4 million in general obligation bonds, \$3 million which are for the Chapin Street Elementary School project and \$1 million of which are for the senior center. These bonds will settle next Thursday, September 26<sup>th</sup> first principal and interest will be payable February 1<sup>st</sup> of 2019 last payment February 1<sup>st</sup> of 2043 the structure is generally like a mortgage although this year there is a larger payment basically to manage tax rate impact. The town is also issuing \$1,515,000 bond anticipation notes renew notes issued for the East Street Elementary School these will mature next September. Permanent financing is expected at that point and the reason for renewal instead of inclusion of the bond issue was MSBA audit has not yet been approved and also since this is inside the levy limit there is no additional debt service appropriated for this year so unlike the bonds which are outside proposition 2 ½ it would have been perhaps a little bit more difficult to provide for the debt service this year for East Street.

The results of the pricing the true interest cost 3.56% all in cost which includes issuance cost 3.68% the debt service for this year will be a little bit over ½ million dollars which will add 25 cents to the tax rate for this year. The town already has approximately \$462,000 in excluded debt about 23 cents, so the total impact of excluded debt service will be about 48 cents on the tax rate. For the remaining years debt service will be approximately \$220,00 to \$230,000 range the reason for this up and then down is to allow room for additional borrowings for Chapin Street School and the Senior Center next year and in subsequent years. On the bond anticipation notes the town received four bids taken yesterday. Eastern Bank 2.33%, Unibank and Easthampton Savings 2.60%, Peoples Bank at 2.90% a little bit on the negotiated sale process for the bond issue the rationale is the pressure on the bond rating there was some uncertainty regarding the number and quality of bids in a competitive sale for something that was going to be \$4 million over 25 years. We had less concern for 1-year note issue. The timeline of the process was last August 21, we discussed a recommendation for negotiated sale, the next day we released a request for proposals, the next week we received four proposals; Piper Jaffrey & Company, Robert W. Baird & Company; Janney, Montgomery & Scott; Roosevelt & Cross. An evaluation was made based on projection results with the underwriter's compensation and expected performance of the market. Piper Jaffrey was recommended. Work began on September 6<sup>th</sup>, released a disclosure document the preliminary official statement on September 12<sup>th</sup>, had a pre-pricing call yesterday afternoon and then had the pricing today.

The Town Administrator, Town Treasurer, Town Accountant and Mr. Eisenthal had a call with Victor Maderos from S&P Global Ratings on August 29<sup>th</sup> and the rating was released on September 6<sup>th</sup>. S&P Global Ratings affirmed the AA- with stable outlook that was not an outcome that he thought was a forgone conclusion. He still thinks there is some pressure on the rating. Some of the key points S&P made in their report. They don't see the amount of respective debt as a major credit factor currently, because this town starts at such a low level of debt. They did note the decrease in available reserves from 11% of expenditures at the end of fiscal 2016 to 8% of expenditures in fiscal 2017. They stated that if operating performance were to become imbalanced leading to a draw in reserves, S&P could lower the rating. S&P does view the local economy as strong based on income, tax base and participation in a broad and diverse economy. The last comment is on pension and OPEB liabilities. S&P views Ludlow's pension and OPEB liabilities as a credit weakness. Combined pension and OPEB payments are about 8% of total governmental fund expenditures. They do see some positives, the town is currently managing pension costs and is doing some pre-funding of OPEB liabilities, but the growth in



these costs that they see as likely could pressure the towns budget in the long-term, especially if the town decreases its reserves, that could create real pressure on the ability of the town to operate. They do note because the town is a member of the Hampton County Retirement System, the town does have limited ability to control pension costs.

The three actions requested tonight from the Board are a vote to approve the sale of bond notes. Signing the Bond Purchase Agreement with Piper Jaffrey & Company and signing the documents for renewal of the bond anticipation notes.

Mr. Rooney stated that going back to the issue of the AA- rating, you indicated that there is still some pressure on that rating. What would be that pressure? Are you talking about the reserves from 11 to 8%?

Mr. Eisenthal stated that the projections are that fiscal '18 is that the ultimate results will be even lower than the 8% that was the level for June 30, 2017. If the town can stop deterioration in reserves there is a good possibility that the rating might be maintained at the AA- , but if the trend were to continue where the practice has been the last few years to use significant amounts of the stabilization fund to balance and reduce the tax rate, if that were to happen again this fiscal tax year in '19 that could put additional pressure on the rating. If that doesn't happen this year that may relieve some of the pressure that I was perceiving.

Mr. Rooney asks what is the next level down from AA- rating?

Mr. Eisenthal stated that the next level down in A+ and as far as the relative marketability of the towns bonds, going from an AA category rating to a A category rating would make a difference as far as the cost of borrowing. The interest of bidders bidding on bonds and especially where the town has significant amount of borrowing coming in the next couple of years.

Mr. Rooney asks if we were at something lower than AA- when you look at the four bids, is it anticipated that the rates that we get there under A+ would not be as attractive as those?

Mr. Eisenthal stated that that is of concern but even of more concern is on the longer-term issues that is a one-year financing. The \$4 million is a twenty-five-year financing and you are looking at a cost of a little under 3.7% so higher than the one-year rates. If the rating weren't as strong. we may want to ask for your approval to authorize the Treasurer to apply for a state qualified bonds, Chapter 44a of the Massachusetts General Laws allows towns and cities and school districts to issue bonds where the debt service is paid by the state treasurer out of the local aid distribution of the municipality. This is seen as a credit enhancement. If the towns S&P rating, went down to A+ it would make sense for the town to make use of state qualified bonds. There are steps that the town can take to hold the AA- over time with the introduction of policies if continued growth and tax base if reserves were to get back to that 11% level that you saw in 2016, we might be able to argue for an improvement in the bond rating.

Mr. Mannix asks if there is anything else that you can see or a direction that you can point in, that can bring us closer to that or above that?

Mr. Eisenthal stated that the budgeting practices of the town, just the operating budget not including the use of stabilization fund are conservative. Revenues are conservatively estimated generally, and expenditures are also conservatively estimated and that usually produces a positive result at the end of each fiscal year. You can allow that to build up over time without then drawing down the reserves to offset the expenditures that are budgeted, that would be something that would be a positive step. Another area that the town can take some additional policies in the area of additional tools in the revenue and expenditure forecast in capital planning, debt policies, investment policies, that is an area that S&P Global Ratings looks at being very important.

Moved by Mr. Rooney, seconded by Mr. DeBarge that the Board of Selectmen certify that at a meeting of the Board held on September 18, 2018 of which meeting all members of the Board were dually notified in that which a quorum was present the following votes were unanimously passed all of which appear upon the official record of the Board in our custody. Voted that we hereby determine that in accordance with General Laws Chapter 70b that the amount of the cost of the Chapin Street Elementary School project authorized by votes of the town passed November 1, 2016 Article 2 and January 22, 2018 Article 2 excluded from the limitations of Proposition 2 ½ so-called on March 26, 2018 not being paid by the school facilities grant is \$32,471,184.00 and we hereby approve of the issuance of notes and bonds and such amount under said General Laws Chapter 70b. Further voted that the sale of the \$4 million-dollar general allocation municipal purpose loan of 2018 bonds of the town dated September 26, 2018



the bonds to Piper Jaffrey & Company at the price of \$4,054,328.00 and accrued interest is hereby approved and confirmed. The bonds shall be payable on February 1<sup>st</sup> of the years in the principal amounts and bear interest at the respective rates as follows: Year 2019 amount \$450,000 interest rate 4%; Year 2020 amount \$90,000 interest rate 4%; Year 2021 amount \$100,000 interest rate 4%; Year 2022 amount \$105,000 interest rate 4%; Year 2023 amount \$105,000 interest rate 4%; Year 2024 amount \$110,000 interest rate 4%; Year 2025 amount \$115,000 interest rate 4%; Year 2026 amount \$120,000 interest rate 4%; Year 2027 amount \$125,000 interest rate 4%; Year 2029 amount \$265,000 interest rate 3%; Year 2031 amount \$280,00 interest rate 3%; Year 2033 amount \$295,000 interest rate 3.25%; 2036 amount \$480,000 interest rate 3.50%; Year 2038 amount \$355,000 interest rate 3.75%; Year 2043 amount \$1,005,000.00 interest rate 4%. Further voted that the bonds maturing on February 1, 2019; February 1, 2031; February 1, 2033; February 1, 2036; February 1, 2038 and February 1, 2043 shall be subject to mandatory redemption or mature as follows: Term Bond due: February 1, 2029 amount \$130,000; Year 2029 amount \$135,000. Term Bond due February 1, 2031. Year 2030 amount \$135,000; Year 2031 amount \$145,000. Term Bond due February 1, 2033. Year 2032 amount \$145,000; Year 2033 amount \$150,000. Term Bond due February 1, 2036. Year 2034 amount \$150,000; Year 2035 amount \$160,000; Year 2036 amount \$170,000. Term Bond due February 1, 2038. Year 2037 amount \$175,000; Year 2038 amount \$180,000. Term Bond due February 1, 2043. Year 2039 amount \$185,000; Year 2040 amount \$190,000; Year 2041 \$195,000; Year 2042 amount \$215,000; Year 2043 amount \$220,000. Further voted to approve the sale of a \$1,515,000 2.33% general obligation bond anticipation of the town dated September 27, 2018 and payable September 27, 2019 to Eastern Bank at Par. Further voted that in connection with the marketing and sale of the bonds, the preparation and distribution of a preliminary official statement dated September 12, 2018 and a final official statement dated September 18, 2018 each in such form as may be approved by the Town Treasurer be and hereby are ratified confirmed approved and adopted. Further voted that the bonds shall be subject to redemption at the option of the town. Upon such terms and conditions as are set forth in the official statement. Further voted to confirm the revisions of the bond purchase agreement dated September 18, 2018 including the consent to the purchase of the bonds by Piper Jaffrey & Company on a negotiated basis. Further voted that the Town Treasurer and the Board of Selectmen be and are hereby authorized to execute and deliver a continuing disclosure undertaking in compliance with FCC Rule 15c2-12 in such form as may be approved by bond council to the town which undertaking shall be incorporated by referencing the bonds for the benefit of the holders of the bonds from time to time. Further voted that we authorize and direct the Treasurer to establish post issuance federal tax compliance procedures in such form as the Treasurer and Bond Council deems efficient or if such procedures are currently in place to review and update such procedures in order to monitor and maintain the tax-exempt status of the bonds. Further voted that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are authorized to take any and all such actions in execute and deliver such certificates, receipts or other documents as maybe determined by them or any of them to be necessary or convenient to carry into effect the provisions of the foregoing votes. Vote 4-0 all in favor.

The Board met with Kim Collins, Town Accountant, Elsa Barros, Town Treasurer, Eric Gregoire, Finance Chairman to discuss Warrant Article 17.

Mrs. Villano stated that the discussion is to decide on whether you are going to be taking any funds out of the stabilization to go against the tax rate or whether you are making a motion to postpone action on Article 17 at the STM Warrant. The Town Accountant has prepared a re-cap and scenario. If no funds were taken out of the stabilization to go against the tax rate, what the tax rate would go up to just as operating and of course .25 cents would be added that would account for the debt exclusion. So, the finance committee was invited to attend to hear the discussion.

Ms. Collins stated that basically the first two pages is just the approved budget. Not much as changed in the analysis since the last time that we met. She did update local receipts, cherry sheet numbers and she talked to the Assessor to make sure that growth was a reasonable estimate at this point in time. We are right about where we thought we would be for an estimated increase in the tax rate. This does not include the excluded debt, on the last page you can see the estimated increase and on top of that .25 cents estimated for the excluded debt. She does not think any money should be coming out of the stabilization. One of the things we can do to bring our reserves back up and that we have done for the past few years, is put at least a half million, three-quarters of a million into stabilization. We did vote to put the \$415,000 in, and if we proceed not to take anything out then we are already close to a half million back up. For 2018 we are probably looking at another half million in under estimated revenue and over-estimated expenses. So that alone we are almost making up for a million of the 1.6 we took out.



Mr. Rooney asked, the budget that is in place as of July 1, 2018 is the \$67,581,792.00 which represents a 1.3% increase from the prior fiscal year's budget?

Ms. Collins stated yes.

Mr. Rooney asked, would we be looking at a tax rate of \$19.65 plus .25 cents?

Ms. Collins stated yes. \$19.65 for your base rate, and then the excluded debt would add approximately .25 cents.

Mr. Rooney asked to define Excluded Debt.

Ms. Collins stated that it's the borrowing on the \$4 million, it would be the interest that comes due in fiscal '19 for the Chapin Street School and the Senior Center.

Mr. Rooney stated that when you said \$19.65 is the base rate, however you are defining it, the total would be \$19.90.

Ms. Collins stated yes.

Mrs. Villano stated that the \$19.65 you can call it the operating budget rate.

Mr. Rooney stated that the 3.35% is not including the .25 cents. The 3.35% is the tax rate for the operating budget percentage increase from the year before tax rate.

Ms. Collins stated yes.

Mr. Rooney asks what do you have for the total percent, with the .25 cents in there?

Ms. Collins stated you are looking at about 4 ½%.

Mr. Rooney stated they this is not the time to take any money from the stabilization fund to apply to the tax rate.

Mr. Mannix stated that the average household will see their taxes go up \$260 +, if we hold tight on everything else. He has only seen the taxes go up over the years.

Mr. Gregoire stated that it is important to remember that the tax rate that we are looking at is built off the assumption that might not be exactly how these numbers fluctuate out the average increases. We have been dealing with relying on reserves to supplement the operating budget which builds the structural deficit. If you look at the dollar increase \$912,000 in this previous fiscal year and then you look at the levy sheet on the last page, the increase to the levy and what we are raising this year just at the 2 ½ % is \$997,000. The rate of increase on the expense side were diminishing, if you compare that to the previous fiscal years that increase to the town budget had been going up 3-5%. So, the combination of significant cuts this year to the operating budget to pull back knowing that some of these increased expenses were going to be getting hit by voter approved projects this year. Those projects are going to go away so the best that we can do is to manage the expenses on one side and to be diligent about revenue.

Ms. Downing, Vice Chairman of the Finance Committee stated that if we hadn't offset those tax dollars with the money that we did last year and the money that did the year before and the money that we did before that, we would have been well over \$20 two years ago. Never mind our projects, so now we have really come down to the point where we have done a good job getting the budget in line, in keeping the tax rate right for the budget for the services and we really must consider that the special projects, the town voted for them. They knew the tax impact on all three projects and they voted above and beyond. We were very clear with them what the anticipation was on those tax rates.

Mr. Silva stated that he would like to commend the departments and the Board voted to practically level fund expenses and that's what we did. We are being as conservative as we can. Yes, taxes go up. We voted for proposition 2 ½, you have to at least expect a 2 ½% increase.

Mr. DeBarge stated that as he looks back on years past with the zero in tax increases, and how money was taken to keep the zeros. In his opinion, it was dealt with instant gratification. Trying to keep it down for one more year, to keep the constituents happy or whatever it was while everyone else around us was going up. Now we want to save money and do the right thing in his opinion, and the taxes are going up and we have some saying that we are in a bad shape, when fiscally we are doing the most



responsible thing as politicians by looking into the future and not dealing with instant gratification. He is happy that we are building for the future, and taxes are a way of life.

Mr. Rooney stated that he doesn't agree with the use of the term instant gratification. Votes by this board to try to give relief to taxpayers, he doesn't look at that as instant gratification. We were trying to give some holding of the line to taxpayers to the residents in a time where the economy wasn't very good. He does agree with Mr. DeBarge in terms of this is where we are at and we need to be moving forward in part because the landscape has changed. The voters of Ludlow overwhelmingly approved two capital projects. The school project and the senior center project were very transparent. In this day and age to have an operating budget that is 1.38% higher than the year before that is pretty tough when you talk about increased costs, increased negotiated benefits, etc.

Moved by Mr. Rooney, seconded by Mr. DeBarge that we vote to postpone action on Article 17 of the STM Warrant. Vote 4-0 all in favor.

#### Interview for Council on Aging with Diane Peacy

Mr. Silva: Thank you for volunteering. The reason why we asked you here is because we like to meet everyone who volunteers.

Mr. Rooney: Do we want the Chairman of the Council on Aging to come forward?

Mr. Silva: Sure, if would like. He likes the limelight every chance he gets. So, we ask you to tell us a little about yourself and why it is you want to, although I did read your nice letter.

Ms. Peacey: Ok. Thank you. Well, I retired a couple of years ago, so in the last couple of years I really started to look at some groups and some activities that I probably was interested in but never had time to really get involved in when I was working. Since I retired I have actually joined the senior center and I have been going to the exercise program there, I don't know if you go there, if I see you there, on a regular basis and I learned over the last year and a half how many other services are provided. I think I was assuming the senior center was more of a social place to go and was really impressed with the different resources and services and activities that they provide. I know this is a really exciting time because they are beginning to look at the new senior center and I think it is a really nice time to get involved. I do have a background as a nurse and I worked in primary care for the last 30 years, so I am pretty familiar with working with families and seniors and a lot of the challenges that that population of people face. So, I think I might have something to offer the council as well. The people that I have met there, have been just very dedicated and very interested and some of those are in the friends of the senior center, some are in the council, some are volunteers. I think Ludlow is in really good shape with a lot of the services it does provide already, compared to other towns that I have been to.

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

Mr. Mannix: I have one question, Mr. Chairman. Is Mr. Lafayette a friend of yours?

Ms. Peacey: No

Mr. Lafayette: He is going to vote against you, you are not a friend.

Mr. Mannix: That's my only question, you have my vote. I'm sorry.

Ms. Peacey: The only thing is I do I go to Florida a couple of months a year, but other committees that I am on, I usually dial in, and I don't know if that is a possibility. But I am on other committees that I do dial in from. I am only gone three months. I think I could still stay abreast with the minutes and talking to people.

Mr. Lafayette: We did have Mr. Mannix as an advisor at one time. The Board has recovered finely from that.

Mr. Rooney: I have no specific questions, certainly thank you for coming forward. In terms of you going to Florida and dialing in, we haven't adopted remote participation, so it's not to say you can't find out what's happening at those meetings, but not in terms of any taking any formal vote from a remote location.

Mr. Lafayette: We do have 11 members, so one member being absent, wouldn't seriously affect the vote.

Mr. Silva: Mr. Lafayette, do you have any questions for her?



Mr. Lafayette: No, I really don't have any questions. I was favorably impressed with your credentials. One thing about the Senior Center there is a vast underground that's in operation over there and they all have been complimentary and say you would be a definite asset to the group.

Ms. Peacey: I met it, I think. Oh thanks, I didn't know they were doing that.

Mr. Silva: That underground, is that those pink tee-shirts that are out there?

Mr. Lafayette: Your credentials really fit in. We do have seniors and I have watched you on the, I walked in and took a look at your exercises and you certainly are in condition to handle it better than I am. So, I favorably recommend her for the Board.

Ms. Peacey: Thank you.

Mr. Silva: I guess we will take a motion

Moved by Mr. Mannix, seconded by Mr. Rooney we appoint Ms. Peacey to the Council on Aging. Vote 4-0 all in favor.

Mr. Mannix stated that he would like to take a minute out of his comment time to speak to Mr. Lafayette since he is present. As of recent a number of times, people are coming up to me saying that down at the senior center all they tell me is "Mr. Mannix is totally against a new senior center in this town". My only comment tonight was going to be I have never said that, I have never implied that. If any body thinks differently and wants to run off their mouths at me. Go down to the senior center and speak to Mr. Lafayette because him and I have had several discussions, we don't agree on a whole lot of things. But at no point have I ever said that. He is not happy about the several comments, people coming up to me, and this is what they are telling me.

Mr. Lafayette stated that he should go to the source of who is saying that. He has heard it, and can't deny it, and he has probably been a contributor to it. When you have intensity, anybody who questions it, whether the question is a qualified question or whether it is a good question it is considered resistance. And you have been considered resistance in many of the aspects. He has talked about it. You call it the way you are, and I appreciate that.

Correspondence:

241. Michael Rodrigues, Vanished Valley – requesting multiple Special One Day Permits for "Beer Garden" to be held on October 27, November 3, 10 and 17, 2018.

Moved by Mr. DeBarge, seconded by Mr. Rooney to approve Vanished Valley Special One Day Permits for "Beer Garden" to be held October 27, November 3, 10 and 17 2018. Vote 4-0 all in favor.

242. Anna P. Lucey, Director Government Affairs Charter Communications – informing the Board of changes to the Channel line-up.

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

243. Melinda Kinney, Senior Director Governmental Affairs Charter Communications – informing the Board of the Annual Form 500 (Compliant/Outage Report) for 2017 is available for review.

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

244. Michael Vedovelli, Community Relations & Economic Development Specialist, Eversource – informing the Board of upcoming transmission maintenance inspections (with drones) that will be occurring in September (weather permitting).

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

245. Elinor D. Kelliher, Acting Chair, Board of Health – notifying the Board of Tim Fontaine's resignation from the Board of Health.

Moved by Mr. DeBarge, seconded by Mr. Rooney to accept the notification of Mr. Tim Fontaine's resignation from the Board of Health with a letter of thank you and advertise for the position, interview and make an appoint through the next election. Vote 4-0 all in favor.



246. Carrie Ribeiro, Human Resource Manager – requesting the Board to charge off the medical expenses and lost wages to Chapter 41 Sec 111F for an injury by an officer on September 5, 2018.

Moved by Mr. DeBarge, seconded by Mr. Mannix to approve the Board to charge off the medical expenses and lost wages to Chapter 41 Sec 111F for an injury by an officer on September 5, 2018. Vote 4-0 all in favor.

247. Mary Pichetti, Director of Capital Planning, Mass School Building Authority – informing the Board that the MSBA is forwarding review comments of the Design Development for the Chapin Street School Project.

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

248. Jean M. Christy, Project Engineer, Tighe & Bond – informing the Board of the Post-Closure Use Landfill Quarterly Inspection Report for the Holyoke Street Landfill.

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

249. Eric Segundo, Director of Veteran Services – requesting the Board to grant permission to hold the Veteran's Day Ceremony on Monday, November 12, 2018. All Board members are invited to ceremony.

Moved by Mr. DeBarge, seconded by Mr. Rooney to file and to designate Mr. Carlos Santos as the Veteran of the Year. Vote 4-0 all in favor.

Moved by Mr. DeBarge, seconded by Mr. Rooney to approve permission to hold the Veteran's Day Ceremony on Monday, November 12, 2018. Vote 4-0 all in favor.

#### Unfinished Business:

Board to sign Special One Day Permits for Michael Rodrigues, Vanished Valley for "Beer Garden" in October and November 2018. The Board approved.

Board to discuss the October meeting schedule.

Mrs. Villano stated that the STM is October 1<sup>st</sup> the normal schedule would be October 2<sup>nd</sup> and October 16<sup>th</sup>. In speaking with the assessor today he is interested in scheduling the Tax Classification Hearing in October.

Moved by Mr. Rooney, second by Mr. Mannix to have our October Meeting Dates on October 2 and October 23. Vote 4-0 all in favor.

#### New Business:

Board to discuss the following liquor establishments: Frank's Diner – has not passed inspections for liquor license/ does not have his liquor license. Moonlight Café – liquor liability insurance is 5 months overdue. Joy's Restaurant – establishment is now closed, still has liquor license. Turnpike Package – establishment is now closed.

Mr. Silva asks how long an establishment can hold a license?

Mrs. Villano stated that they don't really have a length of time to hold their license, there is no such thing as a pocket. We sent both establishments a letter saying, we noticed you have closed, what are you going to be doing...we reached out to the ABCC and the Board must take some sort of action if they are not going to reopen. We have not heard back from any of the establishments. The Board must decide whether you want to schedule a hearing with them to discuss. Usually the establishment will return the license back to the town, but they never notified us that they were closing.

Mr. Mannix stated that if we were to hold a hearing date of October 23 for both Joy's Restaurant and Turnpike Package to come in and speak on what their status is, and if they were not to show up, then to go on to further state as of December 31 their licenses would be revoked and not renewable. For Frank's Diner, have the police be notified and make sure he is not serving any alcohol, and the Moonlight Café to send them a notice to either call or come in with an explanation by the 23<sup>rd</sup> or you have 30 days to get the insurance or his license is revoked.

Mrs. Villano stated that for Frank's Diner, he was brought in here a couple of months ago and said that he would make sure all the inspections were taken care of and they haven't been.



Mr. DeBarge stated that Frank's Diner is no longer allowed to serve until you produce proper documentation. Mr. DeBarge also says that all the establishments that our Town Manager has already contacted.

Mrs. Villano stated that you can schedule a revocation hearing for both.

Mr. Silva stated that we should schedule a revocation hearing for all of them for the 23<sup>rd</sup> and see which ones will comply.

Mr. Mannix stated that if they don't show up for a revocation hearing then we can revoke them that night if we wanted to.

Mr. DeBarge stated that is exactly what he is saying.

Mrs. Villano asks if that is a motion?

Mr. DeBarge replied yes, it is.

Seconded by Mr. Rooney. Vote 4-0 all in favor.

Board to approve the use of an amount not to exceed \$50,000 from the 40R funds for the completion of the dog park, specifically the solar pump well and gravel.

Mrs. Villano stated that Mr. Rooney had asked how much is in that fund? \$261,000 that is what is in the 40R fund.

Mr. Mannix asks, this is the cost that was already figured in, this isn't above and beyond everything that was initially anticipated for the cost of the park?

Mrs. Villano stated that it was anticipated yes. The hard construction from the Stanton Foundation, we received \$225,000 of which 10% of the hard construction had to be on the town and the conservation commission has paid for that hard construction. We needed a new well, that came in at \$36,000 with Ct. Valley Artesian and we would like the 40R money to fund that. We also had to get some additional gravel in and that is an additional \$4,500. Those would be the two invoices that we would be paying from 40R.

Moved by Mr. Mannix, seconded by Mr. DeBarge to appropriate \$50,000 from the 40R Fund, not to exceed \$50,000 from the 40R fund for the completion of the dog park for the solar pump and the gravel area. Vote 4-0 all in favor. Mr. DeBarge second for discussion.

Mr. DeBarge asks what is the 40R normally used for?

Mrs. Villano stated that anything that the town wants to use it for. It is funding that we received from a 40R Smart Growth District. The town received funds up front from the state when we adopted the 40R Smart Growth District and then we received additional funds when it was permitted. The Ludlow Mills (Mill 10) is a 40R project. The town can use it their discretion.

Mr. Rooney stated does it makes sense to have the Town Administrator come up with some recommendations of what we should be using that money for. Can it go back into the general fund?

Mrs. Villano stated that it is in its own account, I guess you could make the vote to transfer it into the general fund.

Mr. Rooney stated that there were discussions about behind the high school, some of the infrastructure needs back there, etc. Any of the items that may be put on the list, if we put it off, it will cost us additional money.

Mr. DeBarge stated that they need a new baseball field. The minute they break ground on the new school they will lose the Chapin Street field. Mr. Rooney makes a very good point, the longer they wait on whatever it may be, the more expensive it will be.

Mr. Mannix stated that maybe we should post a notice for interest from departments in town that are looking for and needing something, to come in give their suggestions to us. Open it up for equal representation.

Mrs. Villano stated that yes, I can come up with a list. First and foremost, there should be a philosophy of what you want to use it for. Do you want it for specifically for open space, for ground work, for fields, enhancing out space, repairs of buildings so it might help if you can up with what you would like to use it



for? Smart Growth is condensed housing, so do you want to use it elsewhere to enhance open space, etc.... Then we can come up with recommendations on how you want to use it in the future.

Mr. Rooney stated that we should think about it and maybe discuss it at a future meeting.

Board to vote their intent to support the conveyance of land from Westmass Area Development Corporation to be known as Riverside Drive as a public way upon successful completion of the infrastructure project and subdivision rules and regulations and to place the public way acceptance on a future warrant article for town meeting.

Mrs. Villano stated that this was a requirement that the EDA application grants had been looking to see that they wanted proof positive that the town was accepting the street and couldn't provide it, all we could say was based on how our town meeting works that the board would support putting it on a warrant.

Moved by Mr. DeBarge, seconded by Mr. Mannix to approve the conveyance of land from Westmass Area Development Corporation to be known as Riverside Drive as a public way upon successful completion of the infrastructure project and subdivision rules and regulations and to place the public way acceptance on a future warrant article for town meeting. Vote 3-0 1 abstention.

Board to approve and sign the contract between CT Valley Artesian Well Co. and the Town for the solar pump well at the dog park.

Moved by Mr. Mannix, seconded by Mr. DeBarge to approve and sign the contract with CT Valley Artesian Well Co., and the Town for the solar pump well at the dog park. Vote 4-0 all in favor.

Board to review and approve the energy efficient retrofit projects for the Town Hall, DPW and Community Center.

Moved by Mr. Mannix, seconded by Mr. DeBarge to accept and approve the energy efficient retro projects for the Town Hall, DPW and Community Center. Vote 4-0 all in favor.

Board to approve and sign the agreement of the purpose of continuing the Connecticut River Stormwater Committee.

Moved by Mr. DeBarge, seconded by Mr. Mannix to approve the agreement. Vote 4-0 all in favor.

Board to approve and sign the Contract Amendment #2 between the town of Ludlow and PVPC for online-mobile integrated data collection and mapping application services.

Moved by Mr. DeBarge, seconded by Mr. Rooney to approve the amendment between the Town of Ludlow and PVPC for online integrated data collection and mapping application services. Vote 4-0 all in favor.

Board to review the request for Qualifications Grant Administration Services for Riverside Drive & Associated Public Infrastructure Construction Project. No action taken.

The Board to peruse Selectmen Minutes of May 22, 2018 and June 5, 2018.

Closing Comments:

Mr. Mannix stated that a letter came into the Board of Selectmen about a Selectmen going up to Westover Golf Course and pushing his way in the line and golfing off before other people and other accusations. There have been insinuations, phone calls made by people that have things to do in this Town Hall and using his name as the person that is responsible for that letter coming in. First of all, whoever sent that letter has no idea what they are talking about, they are foolish and at no time throughout this whole year have I ever gone to Westover Golf Course and not had a tee-time. That can be verified with the pro up there or any body else up there. If any body wants to make accusations or insinuations anonymously, shame on them. Those letters, when they come in from anything or from anybody should be ripped up and thrown away. What he doesn't like, is the fact that he does play golf there and right away numerous people are pointing their finger, it's got to be him. Shame on those people too. If any body has something to say, they are more than welcome to call the town hall and ask for his phone number, they are more than welcome to come down to any meeting to speak to him.

His thoughts on the tax rates. What was given out tonight was over 5 ½% increase. He thinks that increase is too much.



Mr. Rooney stated that the Board should invite in the new President and CEO of the Community Center. Just to welcome her and to say hello.

Mr. Silva stated that with the Boards approval, he would like to get something out to the Lions Club for their 75th Anniversary.

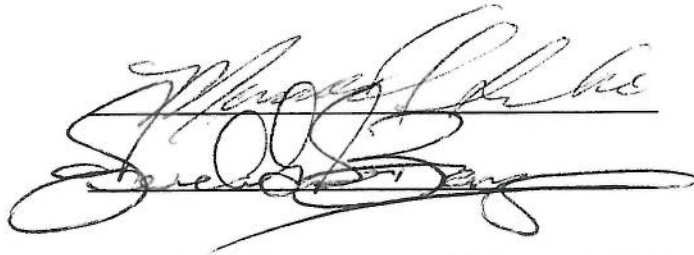
Mrs. Villano stated that we had one and are planning to send it to them.

Mr. Mannix stated at Howard and Center Street they started a project there, since then we have barrels knocked over, fences knocked over, no lighting and its disgusting. Can someone make that presentable? Can a phone call can be made to the director?

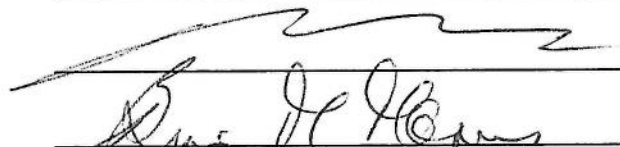
Mr. DeBarge stated that he will bring that up. He will be meeting with the Director this week.

Mr. DeBarge stated that he had a few people ask him about the happenings in North Andover and Lawrence about what should they do about their pilot light all that stuff. He was going to talk to the Fire Chief about putting something out with the Gas Company to LCTV, so people can know how to shut it off, and to help answer some questions.

Moved by Mr. Rooney, seconded by Mr. Mannix to enter into Executive Session at 7:35pm for the purpose of collective bargaining with the police unions and not to return to open session. Open session would be detrimental to the bargaining process. Vote 4-0 all in favor.



Michael J. DeBarge



David H. Harris  
Ludlow Board of Selectmen

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