

Meeting of the Board of Selectmen held on October 23, 2018 beginning at 6:10pm in the Selectmen's Conference Room, Town Hall.

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

Members Absent: Carmina Fernandes

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5:30pm The Board went into Executive Session with Chief Madera, Police Department \* To discuss the deployment of security personnel or devices, or strategies with respect thereto.

Visitations:

Tax Classification Hearing:

Moved by Mr. Rooney, seconded by Mr. DeBarge to open the Public Hearing for the Tax Classification Hearing at 6:07pm. Vote 4-0 all in favor.

Moved by Mr. Rooney, seconded by Mr. Mannix to continue the Tax Classification Hearing until November 6, 2018 at 6:15pm. Vote 4-0 all in favor.

Kim Collins, Town Accountant regarding Article 16 of the October 1<sup>st</sup> STM:

Ms. Collins stated that she is informing the Board about Article 16 of the last town meeting. In January they authorized the \$9.8 million for the Senior Center, at the last town meeting Article 16 was to appropriate the \$435,000 for the purchase of the particular piece of land. The motion read "to raise and appropriate" so as part of the tax re-cap based on the motion the clerk has to record that \$435,000 as "raise and appropriate" as if it was being added to our budget. The intention of that motion was to appropriate the money from the \$9.8 that was authorized in January. She spoke with DLS and what they are recommending is that a letter from Town Council and the Board of Selectmen stating that the intent was not to raise and appropriate that money but to have it come from available funds. If we don't do it, then it will continue to raise the re-cap .20 cents for the \$400,000.

Mrs. Villano stated that it would increase the tax, a little sooner than we had anticipated, and it raises it within the debt instead of excluded. The decision is up to the Board, as to which way you want to go, do you want to leave it under "raise and appropriate" or do you want to write a letter stating the intent, that was to do the purchase through the outside debt exclusion borrowing. That I think was the original intent. The whole purpose of the language in the article back in January was including the purchase of land through the debt exclusion, then the ballot question itself also states it on the March ballots. Not sure of the long-term effect of it staying within the debt.

Ms. Collins stated that if it is being raised in the tax rate it is just a one time, because you are already raising the other \$500,000 which is pay the interest on everything we have borrowed. You are still going to have to pay that interest in the following year. You would end up seeing this .20 cent hit a little bit sooner.

Mr. Silva stated that by doing that letter we wouldn't be putting it on page 4 as a raised amount?

Ms. Collins stated that it would be coming out of available funds. Jim Pedolik said to talk to Town Council and if the intent was that it was coming from available funds for the authorized borrowing to submit a letter to the clerk. The only other option would be to have another town meeting if you wanted to get it out of the tax rate.

Mr. Rooney asks that a we need a letter coming from Town Council and the Board?

Ms. Collins stated that the Town Council and the Board of Selectmen to agree that it was the intent, so you probably want a letter from both of you.

Mr. Silva stated that maybe the Town Council will write a letter and we sign it.

Mr. Rooney asks if we have had any communication with Town Council?

Mrs. Villano stated no, she wanted to get the feeling of the Board first before we reached out to Town Council. Town Council is very clear that that was the intent, the intent of that article was to appropriate



the \$435,000 not to exceed \$435,000 for this particular parcel of land for the purchase of the Senior Center. That was the intent of the article and unfortunately the motion had "raise" in it which created the issue. So ultimately the Town Clerk has the authority on where to put it.

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Ms. Collins stated that when she spoke to the Town Clerk regarding this, she would like a clear legal direction.

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Moved by Mr. Rooney, seconded by Mr. DeBarge to direct Town Council to write a letter to Town Clerk explaining the situation and indicating that the intent of the article was to appropriate from available funds authorized at the January town meeting. Vote 4-0 all in favor.

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Ms. Collin also stated that the free cash will be certified within the next two days. It should be over a million.

Liquor Licenses for Turnpike Package, Joy's Restaurant and Franks Diner:

Mrs. Villano stated that Mr. Minnie will not be attending, he is out of state. He did call and send an email to me this afternoon requesting something of the Board. We have not heard any communication what so ever from Joy's. As far as Frank's Diner is concerned, he did come in stating that he was not going to appear at the meeting. The Building Commissioner was sent out to reinspect yesterday and he has not passed his inspections at this point. Mrs. Villano suggests that with Joy's and Frank's Diner vote to schedule a full Revocation Hearing and with Turnpike Package it is up to you to decide.

These are just meetings to determine what your actions will be, so we can say you are going to schedule a Revocation Hearing for two of those. If you want to take the matter up with Turnpike Package, he has requested that the Board allow him to hold onto his license for the next 6-9 months because it is his intent to transfer it in the Spring. Their current plan is to sell and transfer the license within the next 6 months or sooner if possible. He will keep the Board up to date. She did speak with Town Council, because he was provided enough information to state that he is in violation and that a possible Revocation Hearing could be scheduled. The Board could vote to allow him to hold onto his license, which is not uncommon for many establishments for a date certain in the future with the understanding that if by that certain date in the future, you will schedule a revocation hearing. You can give him a specific date for it to be completed by.

Mr. Mannix asks could we today schedule a revocation hearing for the first meeting in May 2019?

Mrs. Villano stated yes you could, if he does not do anything prior to that. And your motion could be that you are scheduling a revocation hearing for May 1<sup>st</sup> 2019 pending prior action, and he is to keep the town updated every three months if you would like.

Mr. DeBarge asked since these establishments didn't show up tonight, why do we have to schedule another appointment for revocation for Joy's and Frank's, why can't we just revoke them now?

Mrs. Villano stated there is a process to follow and you must have a public hearing. You can vote to schedule a revocation hearing. Starting November 1<sup>st</sup> is the renewal process for all the licensees. The Board can vote to schedule the revocation hearing for the middle of November if they want, they can vote to schedule it in December if they want, pending what the renewal is. Joy's may not come in to renew, if they don't renew, it automatically reverts back to the town. If they do renew, you can deny the renewal because of the fact that they have not communicated any decision on their part as far as their liquor license is concerned. Frank's is a different matter, you would have to schedule.

Moved by Mr. Mannix, seconded by Mr. Rooney to have a Revocation Hearing for Joy's Restaurant and Frank's Diner on the second meeting in November which is November 20<sup>th</sup>. Vote 4-0 all in favor.

Moved by Mr. Mannix, seconded by Mr. Rooney to set up a Revocation Hearing for Turnpike Package for the first meeting in May, with the pending obligation of the owner to rectify any situation before that time with the Board and updates every 60 days to let us know the status of the establishment. Vote 4-0 all in favor.

Ludlow Cares Coalition - Red Ribbon Week:



Mr. Rooney stated that his wife, Laura Rooney and another Cares member, Diana Roy were going to be here, but given our schedule, she gave me the ok to talk about it. Every year the Ludlow Cares Coalition works in conjunction with the National Drug Enforcement Administration which started Red Ribbon Week many years ago to honor one of their fallen agents, Enrique Camorata. Its really an education piece for the Ludlow Cares Coalition in conjunction with all the schools in town. Each school in town do their own thing relative to drug awareness or appropriate awareness depending on the grade level of the school. He was at the Baird Middle School and Cares provided a speaker Jared Karaska, who is a nationally acclaimed author and cartoonist who has done some great work in the area, not only of drug awareness, but anti-bullying. He made three presentations at the schools. The Cares Coalition needs to do some fundraising, so they have put a fundraising letter out to over 100 businesses and individuals in town and the response has been fantastic with providing us with some of the funds we need. Right now, there are Red Ribbons around town, about 100 have been put at various intersections, with the help of the high school boys soccer team and Coach John Manganaro and Coach Greg Calluchi and they are to be commended for doing that. Red Ribbon Week will end with a walk to remember on October 28<sup>th</sup> at the High School track. There will be a few speakers at that event, one is going to be Judge Charles Gross, who is the presiding Justice of the Springfield Drug Court. It is a very moving event, to pay tribute to those who have been through this struggle, and to those family members. The walk to remember is co-sponsored by the Ludlow Cares Coalition and the Michael J. Dias Foundation.

Correspondence:

265. Ronald R. Cellillie – requesting to become a registered Democratic Election Officer.
- Moved by Mr. Mannix, seconded by Mr. Rooney to send Mr. Cellillie’s name to the Democratic Committee. Vote 4-0 all in favor.
266. Melina S. Kinney – Senior Director, Government Affairs Charter Communications – informing the Board of upcoming price adjustments for residential video service.
- Moved by Mr. Rooney, seconded by Mr. Mannix to file. Vote 4-0 all in favor.
267. Chief Ryan Pease, Fire Department – requesting the Board to charge off medical expenses and lost wages to Chapter 41 Sec 111F for an injury sustained to a Fire Fighter on October 9, 2018.
- Moved by Mr. Mannix, seconded by Mr. DeBarge to accept Chief Pease’s request for Chapter 41 Sec 111F for an injury to a Fire Fighter on October 9, 2018. Vote 4-0 all in favor.
268. Martin Suuberg, Commissioner, Department of Environmental Protection – informing the Board of their new statewide recycling education initiative and to become a partner in the effort.
- Moved by Mr. Mannix, seconded by Mr. Rooney to send a copy of this over to the DPW Board since they are in charge of trash and everything else, and hopefully between this letter and their initiative and we have spoken to them before about enhancing recycling, it might help. Vote 4-0 all in favor.
269. Christopher Smith, St. John the Baptist School – requesting a Beer and Wine Special One Day Permit for “Designer Handbag Bingo” to be held on November 16, 2018 from 5:30pm – 10:30pm to be held at Fr. Larry Boucher Hall.
- Moved by Mr. DeBarge to allow Christopher Smith, St. John the Baptist a Special Beer and Wine Special One Day Permit for “Designer Bag Bingo” to be held on November 16, 2018 from 5:30pm – 10:30pm to be held at Fr. Larry Boucher Hall and to waive any fees. Vote 4-0 all in favor.
270. Evan Makrinikolas, Director of Benefits, Dept. of Veteran Services – informing the Board that the Massachusetts Valor Act II has added the provision for mandatory training and certification of veteran’s benefits and service offers, DVS will be holding mandatory annual training session October 22<sup>nd</sup> through October 25<sup>th</sup>.
- Moved by Mr. DeBarge, seconded by Mr. Mannix to file. Vote 4-0 all in favor.
271. Dr. Elinor Kelliher, Chairman, Board of Health – informing the Board of the reorganization of the Board of Health.
- Moved by Mr. Mannix, seconded by Mr. Rooney to file. Vote 4-0 all in favor.



272. Sandra E. Sheehan, Administrator, PVTA – informing the Board the Community Assessment for Ludlow for Fiscal Years 2018 and 2019 have been completed.

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

273. Brian Shameklis, Chairman Safety Committee – requesting the Board to vote to amend the traffic Rules and Regulations to allow for the addition of six (6) stop signs to Funston Ave. & Wilno Ave., Funston Ave. & Vienna Ave., Funston Ave. & Simmonds St., and Funston Ave. & Grandview Ave.

Moved by Mr. DeBarge, seconded by Mr. Mannix to have a hearing about this, or have Mr. Shameklis in. Vote 4-0 all in favor.

274. Otis Elevator Company – informing the Board of a Price Adjustment Notification for the Town Hall Building.

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

275. Michael Nagle, Fiscal Officer, Mass Cultural Council – Chairman to approve and sign the contract and scope of services for the Town of Ludlow that covers the transfer of FY2019 Local Cultural Council funds from the Mass Cultural Council to your local cultural council account for the Ludlow Cultural Council.

Moved by Mr. Mannix, seconded by Mr. Rooney to have the Chairman take care of that. Vote 4-0 all in favor.

276. Informing the Board of the Town of Ludlow's early voting schedule for the State Election.

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

277. Informing the Board of a workshop being presented by the Alzheimer's Association "Know the 10 Signs Early Detection Matters" to be held at the Hubbard Memorial Library on Thursday, October 25<sup>th</sup> at 11:00am.

Moved by Mr. Mannix, seconded by Mr. DeBarge to file but also to put it up on LCTV. Vote 4-0 all in favor.

278. Informing the Board of the Pipeline Awareness Newsletter containing Safety Information for Public Officials.

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

#### Unfinished Business:

Board to approve and sign the amended billiard license for Moonlight Café from 2 pool tables to 1 pool table. Board to abate invoice #77383 by the amount of \$100.00 to reflect the amended license.

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

Moved by Mr. Mannix, seconded by Mr. Rooney to amend the rebate for the Moonlight Café on their pool table license being changed and to abate the \$100.00. Vote 4-0 all in favor.

Board to approve and sign the negotiated contract between the Town and the Ludlow Library Technicians.

Mrs. Villano stated that this may need to be tabled. The Library Technicians were supposed to come in and sign them, we haven't received sign copies yet. You can either vote to approve the contract and sign it once its received or you can table to the next meeting.

Moved by Mr. Mannix, seconded by Mr. Rooney to table it to the next meeting. Vote 4-0 all in favor.

Board to sign the Special One Day Permit for "Designer Bag Bingo" for St. John the Baptist School on November 16, 2018. Board approved and waived fee.



New Business:

Noise Complaint Reports received by Ludlow Police Department against the Ludlow Elks Club for the "cruise nights". How does the Board wish to proceed?

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Mr. Mannix stated that he read the lengthy statement from the neighbor, that the homeowner made and seemed like he was venting more about motorcycle noise than the Elks Club. Regarding noisy motorcycles, he agrees with him on that. It appears that he has talked to the Police Department a few times in the past. He would like something put together with the homeowner and the Chief of Police to discuss what needs to be done. Mr. Mannix would have no problem with the Police Chief enforcing Chapter 90 Laws. The neighbor has a legitimate complaint and he would stand by part of it.

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Mrs. Villano states that in their packet of information there is a letter from an investigation performed by Lt. Brennan, with several complaints listed.

Mr. DeBarge stated that he read all the information from start to finish. There was plenty of due diligence done as far as past calls. The email from Mr. Grohl was very angry, and very frustrated. It seemed like it was from a man that reported more than one time, a certain thing and did not get satisfaction from that and just got angry to a point where he thought, the more vulgar he got in his email, or accusations towards the Chief he would get more action. It is probably not the way you want to try to get the police to be more proactive in that area. In the three-page background investigation, there are plenty of things he agrees with, and a couple of things he doesn't agree with. Usually when there are enough complaints about a certain area, whether it be motor vehicle or anything else and you don't have a detail officer working in that certain area, then you put the district officer there, then you have the fact that the district officer can stay there until he must leave for a call. If there is enough money in the budget, you put an overtime officer there to deal with the issue at hand.

Knowing the area, the Elk's Club car shows like I do, there is no doubt in my mind that the motorcycles and some of the motor vehicles that leave that area do light up those tires going up Chapin Street to show off to everybody that is down in the parking lot. He is sure the Chief would do everything in his power to put one of his officers down in that area during the car show. The million-dollar question is, Is the Elk's responsible for this? When he was working at the police department and was down there as a district car, to direct traffic out of the parking lot, there was no one spinning their tires then when he was available. The Elks Club would not necessarily be responsible for the cars once they hit the public way after they leave. When the district cars are not available and there isn't an extra car on the street. That is when you have to get the Elks Club to work with you. Mr. Grimes from the Elks was more than willing to look into this as well.

Mr. Rooney stated that he is going to defer to Mr. DeBarge and Mr. Mannix as to what to do.

Mr. Rooney stated that he would refer to the expertise of the two former police officers. The question is, what do we do?

Mr. Mannix stated that the main emphasis is about motorcycles. They do have certain motorcycle "nights". He suggests that Mr. Grimes and Chief Madera should get together to work out having an officer assigned out on the street for traffic duty. On bike nights maybe have one officer go down there and be assigned to traffic detail letting people in and out just like any other function that we have in town that needs a traffic detail and see if that rectifies the problem. If they do this for "motorcycle nights" to start and see how it works out.

Mr. DeBarge stated that when the Elks Club cruise nights get out have an officer down there. They are held every Tuesday night during the summer months, and some aren't even big crowds, so he isn't sure they even rise to the level of a detail officer.

Mr. Silva stated that he would suggest notifying the Elks of anyway of them communicating to their attendees and let them know it would be appreciated if they would respect the neighbors when they are coming in and leaving.

Mr. Rooney stated that the Board talk to the Chief and see if he can assign some body, and to have a police presence there.

Mr. Mannix stated that on motorcycle nights have a detail officer present.

Mr. DeBarge stated that the officer doesn't have to be there the whole time.



Mr. Silva stated that the Board needs to notify the Elks Club about several complaints from the neighbors regarding noise, cars racing and so on, if they could communicate to their participants to respect the neighbors.

Board to approve and sign the contract between the Town and P-3 for the OPM services for the new Senior Center.

Moved by Mr. DeBarge, seconded by Mr. Silva to approve and sign the contract between the Town and P-3 for the OPM services for the new Senior Center. Vote 3-0 1 abstention.

Board to approve and sign contract between the Town and Steve Lopes, Plumbing & Gas Inspector and John Roda, Electrical Inspector.

Moved by Mr. Rooney, seconded by Mr. Mannix to approve and sign the contract between the Town and Steve Lopes, as the Plumbing & Gas Inspector. Vote 4-0 all in favor.

Moved by Mr. Rooney, seconded by Mr. DeBarge to approve and sign the contract between the Town of Ludlow and John Roda, Electrical Inspector. Vote 4-0 all in favor.

Board to approved and sign contract between the Town and Marcotte Ford for the Deputy Fire Chief's Vehicle.

Moved by Mr. DeBarge, seconded by Mr. Rooney to sign the contract between the Town and Marcotte Ford for the Deputy Fire Chief's Vehicle. Vote 4-0 all in favor.

Board to approve and sign Selectmen Meeting Minutes of June 19, and July 17, 2018.

Moved by Mr. Rooney, seconded by Mr. Mannix to approve and sign the Minutes of the Board of Selectmen Meeting of June 19, 2018 with all members present other than Mr. Silva. Vote 3-0 1 abstention.

Moved by Mr. Rooney, seconded by Mr. Mannix to approve the minutes of the Board of Selectmen's Meeting of July 17, 2018 with Mr. Silva, Mr. DeBarge, Mr. Mannix and Mr. Rooney present. Vote 4-0 all in favor.

Moved by Mr. Rooney, seconded by Mr. DeBarge to approve the Executive Session Minutes of the Board of Selectmen Meeting of September 4, 2018 with Mr. Silva, Mr. DeBarge and Mr. Rooney present. Vote 3-0 1 abstention.

Board to peruse Selectmen's Meeting Minutes of August 7, 2018.

Board to peruse Executive Session Meeting Minutes of September 18, 2018.

Board to peruse Executive Session Meeting Minutes of October 2, 2018. (first session)

#### Closing Comments:

Mr. Mannix stated that he wants to thank Ludlow Cares for all the work they do. We do have one more meeting before Veteran's Day on November 11<sup>th</sup>. For the Month of November, it would be nice to see people put out blue lights at their houses, which stands for your support for the police and the green lights for remembrance of Veterans.

Mr. DeBarge stated that he had the privilege of going to the Michael J. Dias Foundation dinner, they had a large crowd and was a great function. They had two great speakers. Senator Lesser had a great message and Maureen Rooney had a fantastic message. He had attended a function at the school for Red Ribbon Week and the author that was there who wrote the book "Hey Kiddo" a graphic novel for older kids about his life and how he dealt with a family member that battled with addiction. It had an incredible message, and he highly recommends it. He hopes everyone comes out to attend the walk at the high school to end Red Ribbon Week.

Mr. Rooney stated that he also attended the Michael J. Dias Foundation Dinner which was a great function and a large crowd there. Senator Lesser has been very involved in this from a legislative standpoint. Listening to his sister, he doesn't know how she could make that speech, from the

perspective of a parent of an addict, it was special. The walk at the school would be a great end to Red Ribbon Week.

Mr. Silva stated that he also attended the Michael J. Dias Foundation Dinner as well. It is always a great event and well attended. The Foundation has acquired another house, and they are doing a great job.

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Citizen Commentary:

Gary Grimes and Ken Rickson from the Ludlow Elks Club. They heard that there was a complaint against the Club and it was going to be on the agenda tonight. The cruise nights run from April through September. They heard about call in April about music being too loud, but that was the only thing they heard.


Mr. Silva stated that they have discussed it and they can review the meeting to find out what was discussed. Just to re-cap what was said, the Board suggested the police have a little more presence and monitor and notify you. If you could somehow get the word out to the participants and let them know to hold down the noise and to respect the neighbors.


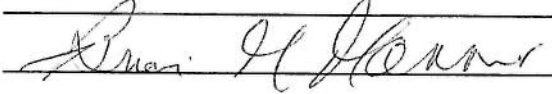
Mr. Grimes stated that he is going to hire two police officers to be present at that time. Once the cars are on Chapin Street we don't have control over that. Thank you.

Mr. DeBarge thanks them for coming down and stated that he will talk to them this week about what was discussed.

Mr. Silva stated that the open meeting session has adjourned, and they will begin Executive Session.

Moved by Mr. Rooney, seconded by Mr. Mannix to enter Executive Session at 7:14pm to the purpose of Land Acquisitions and not to return to open session. Mr. Silva states that this session is detrimental to the effect of negotiating. Vote 4-0 all in favor.

  
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Chairman

  
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Ludlow Board of Selectmen

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

