

February 19, 2019

The meeting of the Board of Selectmen held on Tuesday, February 19, 2019 beginning at 6:00pm in the Selectmen's Conference Room, Town Hall.

Members Present: Chairman Manny Silva, Derek DeBarge, Brian Mannix, Carmina Fernandes

First Order of Business: Pledge of Allegiance

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TOWN OF LUDLOW

**Visitations:**

Fiona O'Sullivan – Plastic Bag Ban

Ms. O'Sullivan stated first, she would like to thank the Board for meeting with her. She has started a plastic bag ban initiative for businesses in Ludlow. She has a petition with over 100 signatures supporting her initiative. Big Y will ban all non-reusable plastic bags in their Ludlow store by 2020. Some surrounding towns that have joined the ban are Hadley, Amherst, Northampton, Lee and Great Barrington.

Mr. Silva stated that we will investigate it. He also mentioned that we will review the information and investigate the towns that do have the ban and see what their rules and regulations are on it.

Public Hearing for Ludlow Shell Convenience Plus – Liquor License

Moved by Mrs. Fernandes seconded by Mr. DeBarge to open the public hearing for the Liquor License for the Ludlow Shell Convenience Plus at 6:17pm. Vote 4-0 all in favor.

Mr. Silva: Gentlemen, if you would give us your comments and concerns and whatnot for the license.

Attorney Levine: Good evening thank you Mr. Chairman and the rest of the Board. My name is Josh Levine of Levine Law in East Longmeadow. I have the pleasure of representing Jai Umiya Ma Inc and the owner of Ludlow Shell Convenience Plus at 227 Center Street and they have applied for an open Wine and Malt Beverages Permit. I have with me, Mr. Dinesh Patel who will be the manager of record at Ludlow Shell Convenience Plus. We also have some members of the community here in support. I would be happy to briefly present Mr. Patel's qualifications if the Board would like.

Mr. Silva: Whatever is in your realm.

Attorney Levine: Mr. Patel has fifteen years of retail managerial experience and he currently is at a liquor store in Chicopee. He has previously managed eight employees among two different convenience stores in Chicopee as well. He intends to work at Shell Convenience Plus at least 20 hours a week especially more than that in the beginning as it transitions to having wine and beer sales. He intends to be there every morning at least six days a week. Shell Convenience Plus has three employees and there is a manager working there along with an employee at peak times. Mr. Patel is TIPS trained and intends on making sure that all of the employees there are TIPS trained. They intend on having beer and wine sales from 8-11 Monday thru Saturday and 10-11 on Sunday.

Mr. Silva: Do you have the abutters list?

Attorney Levine: Yes sir.

Mr. Silva: The other thing is, Ellie do we have a check for the, we need a check for the advertisement?

Mrs. Villano: For Turley, yes.

Attorney Levine: What is the amount?

Mr. Silva: \$84.20. Ok, does anyone have any questions for Attorney Levine, Adams brother by the way.

Attorney Levine: Cousin.

Mr. Silva: Cousin. Um for Mr. Patel. Mrs. Fernandes.

Mrs. Fernandes: Did I hear correct that he is already managing some stores that have alcohol?

Attorney Levine: Correct. Currently one in Chicopee.

Mrs. Fernandes: Ok, so you how long have you been doing that? The ones with the alcohol only?

Mr. Patel: The one with alcohol we just got about two months ago.

Mrs. Fernandes: Ok

Attorney Levine: Previously before that in East Longmeadow.

Mr. Patel: There was another store in East Longmeadow. That one I had managed about three years ago.

Mrs. Fernandes: For how long?

Mr. Patel: That was for two years.

Mrs. Fernandes: Two years. Did you ever have any problems with alcohol there?

Mr. Patel: No

Mrs. Fernandes: That's it. Thank you.

Mr. DeBarge: I have none. No questions.

Mr. Mannix: What are our liquor hours now on Sundays for sales? Did we accept that 10am on Sundays?

Mr. Silva: 10-11 according to the

Mrs. Villano: We accepted the 10 o'clock yes.

Mr. Mannix: Everybody in town can open up at 10am?

Mrs. Villano: If they choose to and if they choose to they have to give, the current ones had to present the hours change. But if he is opening and he is stating that he will be open at 10 it could be his hours.

Mr. Mannix: A couple of questions I have as far as the separation and the control over the separation during off liquor hours or when you cannot sell it. Are you remodeling the store or re-designing or what are we going to be doing there?

Mr. Patel: We are thinking if everything goes well and everything is approved. There used to be a, because we just own the store, there used to be a deli in the store and that complete section is like now, because before we bought it, and now I believe O'Connell and then Global take the place and Global I think they close the deli in June of 2018. So, after that, that place is completely, that side is empty, so we try to put a brand-new walk-in cooler, so that's completely for the beer and wine. So, the people who are under age, they cannot have access to that cooler and just only the soda and the other beverages and are in completely different coolers. So, trying to put in the separate cooler for beer and wine.

Mr. Mannix: The deli is completely gone now.

Mr. Patel: It was gone before we took over. Yes.

Mr. Mannix: And when you talk about the separation with the new coolers, locked coolers? Or access to anybody who wants to open them.

Mr. Patel: Yes, anybody can open but, we make sure we are not selling it before 10 o'clock and under age.

Mr. Mannix: That's all right now, Mr. Chairman.

Mrs. Fernandes: So, when you say locked coolers it would, whoever is working at the store can put a lock there and until 10 in the morning.

Mr. Patel: Exactly. Because you see in some stores they put a chain around all the doors and they cannot open it until 10. So yes, completely secure.

Mr. Silva: Ok. I don't have any questions. So, at this point, what does the Board wish to do with this request? Any body here from the general public?

Resident #1: I live in the neighborhood and I have no qualms about this.



Resident#2: I don't have anything.

Mr. Silva: Thank you.

Moved by Mrs. Fernandes seconded by Mr. DeBarge to approve the liquor license application for the Ludlow Shell Convenience for the hours that the application has stated therein. Vote 4-0 all in favor.

Moved by Mr. DeBarge seconded by Mrs. Fernandes to close the public hearing at 6:24pm. Vote 4-0 all in favor.

Board of Health – Carolyn Rogowski and Adrienne DeSantis

The Board of Health is asking the Board for approval to hire a Health Director. Mrs. Fernandes had a few more questions for the Board of Health. Carolyn Rogowski told the Board that whatever they decide to call the position, that person will do all the inspections for Restaurants and food establishments, perc tests, septic systems. This position will take the place of the two part-time inspectors performing these tasks currently. Ms. DeSantis stated that another component of the position is to manage the day to day operations of the whole department. Currently the Board is having to micro-manage the department and they shouldn't be. The department needs a strong day to day office and staff management position.

Ms. DeSantis stated that the BoH has not been inspecting the restaurants and food establishments two to three times a year as required because the two current part-time inspectors have their own full-time jobs to do. The Board designed the job description for the position based on what their needs are for the department. Currently, together the two part time inspectors are paid over \$30,000. The salary for the new full-time position would be about \$75,000.

Mrs. Villano stated that this is a positive direction that the BoH needs to go in, no matter what you call the position there needs to be someone doing the inspections daily, who is available daily and who can monitor and oversee the current staff within that department.

Mr. DeBarge is 100% in agreement about getting a full-time inspector for this town immediately. He would like to do that at the most cost-effective salary possible. He is not sure if the supervisory component is necessary.

Moved by Mr. DeBarge seconded by Mrs. Fernandes to go ahead and hire a Health Agent for the Board of Health at Level 3 starting immediately for posting, sorry for July 1<sup>st</sup>. Vote 4-0 all in favor.

#### Correspondence:

38. Albert E. Bessette, Jr., Right-of-Way Manager, Verizon – Petition for Verizon Job #4AOCL8M Center Street and Job #4AOCL8M Harding Avenue. Board to schedule a public hearing.

Moved by Mr. DeBarge seconded by Mrs. Fernandes to schedule Albert E. Bessette, Jr., public hearing for the right of way, for the Petition for Verizon Job #4AOCL8M Center Street and Job #4AOCL8M Harding Avenue. Vote 4-0 all in favor.

39. Pamela Fleming – requesting to become a registered Republican election poll worker.

Moved by Mr. DeBarge seconded by Mrs. Fernandes that we allow Ms. Fleming to become a registered Republican election poll worker. Vote 4-0 all in favor.

40. Joan Lupa, President Lupa Zoo – invitation to their 16<sup>th</sup> Annual Winter Fundraiser on Saturday, March 16, 2019 at 6:00pm at the Polish American Citizens Club, Ludlow.

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

41. Kathleen Leitao Bernardo, Bulkley Richardson Attorneys at Law – Change of Manager for Bill's Garden, LLC Liquor License. Board to schedule a hearing.

Moved by Mr. DeBarge seconded by Mrs. Fernandes to schedule a hearing for Kathleen Leitao Bernardo, Bulkley Richardson Attorneys at Law – Change of Manager for Bill's Garden LLC Liquor License. Vote 4-0 all in favor.

42. Eric Segundo, Veteran's Service Office – Ron Stephenson Memorial Fund Pasta Dinner, March 14, 2019 from 5-7pm at the Polish American Citizens Club, Ludlow.



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

43. Mary Pichetti, Director of Capital Planning, MSBA – forwarding review comments of the 90% Construction Documents submission for the Chapin Street Elementary School Project.

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

44. Geoff Beckwith, Executive Director & CEO MMA – Annual Statewide Essay Contest for 8<sup>th</sup> Graders. This is to raise awareness and to encourage students to take an active interest in their local government.

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

45. Frank A. Caruso, Mulberry Law Group – application for new Liquor License for True Sake, LLC. Board to schedule a public hearing.

Moved by Mr. DeBarge seconded by Mr. Silva to schedule a public hearing for Frank A. Caruso, Mulberry Law Group for the application for new Liquor License for True Sake, LLC. Vote 4-0 all in favor.

46. Knights of Columbus – application for one-day Beer & Wine permit for a Corned Beef & Cabbage Dinner to be held on March 16, 2019 from 3:30pm – 9:30pm at St. John's Pastoral Center. Does the Board wish to waive the fee?

Moved by Mr. DeBarge seconded by Mrs. Fernandes to approve the application for one-day for Knights of Columbus one-day Beer & Wine Permit for a Corned Beef & Cabbage Dinner to be held on March 16, 2019 from 3:30pm – 9:30pm at St. John's Pastoral Center and I do wish to move to waive the fee. Vote 4-0 all in favor.

47. Edward J. Weagle, LSP Associate, O'Reilly, Talbot & Okum – notifying the Board of the availability of the Permanent Solution Report (RTN) 1-20739 from the MassDEP for the James Austin Company.

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

#### **Unfinished Business:**

Board to sign the Class II Motor Vehicle License for A&B Classic Cars.

Board to sign one day Beer & Wine Permit for Knights of Columbus Corned Beef & Cabbage Dinner on March 16<sup>th</sup>, if approved.

Board to approve and sign Selectmen Meeting Minutes of December 18, 2018.

Moved by Mr. DeBarge seconded by Mr. Mannix to accept the minutes for the Board of Selectmen Meeting held on Tuesday, December 18 beginning at 6:00pm with Mr. Rooney and Mrs. Fernandes not present. Vote 3-0 1 abstention.

Board to approve and sign Selectmen Meeting Minutes of January 8, 2019.

Moved by Mr. DeBarge seconded by Mr. Mannix to accept the Meeting Minutes of January 8, 2019 with all members present except for Mrs. Fernandes. Vote 3-0 1 abstention.

Board to approve and sign Selectmen Meeting Minutes of January 15, 2019.

Moved by Mr. DeBarge seconded by Mr. Mannix to accept the minutes of the Board of Selectmen Meeting held on January 15<sup>th</sup> at 6:00pm with all members present except for Mrs. Fernandes. Vote 3-0 1 abstention.

Board to approve and sign Selectmen's Executive Meeting Minutes of January 8, 2019.

Moved by Mr. DeBarge seconded by Mr. Mannix to accept the Board of Selectmen's Executive Session Minutes held on Tuesday, January 8<sup>th</sup> with all members present except for Mrs. Fernandes. Vote 3-0 1 abstention.

Board to approve and sign Selectmen's Executive Meeting Minutes of January 15, 2019.

Moved by Mr. DeBarge seconded by Mr. Mannix to accept the Executive Session minutes for the Board of Selectmen held on Tuesday, January 15<sup>th</sup> with all members present except for Mrs. Fernandes. Vote 3-0 1 abstention.

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**New Business:**

Board to open the May 13, 2019 Special Town Meeting Warrant to be held within the Annual Town Meeting.

Moved by Mrs. Fernandes seconded by Mr. Mannix to open the Special Town Meeting Warrant for May 13, 2019 within the Annual Meeting. Vote 4-0 all in favor.

Board to approve and sign ten (10) copies of the Call of the Election.

Moved by Mrs. Fernandes seconded by Mr. Mannix to approve the Call of the Election and sign ten (10) copies. Vote 4-0 all in favor.

Board to review the Warrant articles for insertion into the May 13, 2019 Annual Town Meeting.

Moved by Mr. Mannix seconded by Mr. DeBarge to approve the articles and submit them and also the articles for the Veterans and BPW have the town attorney look them over and invite the BPW and Veterans Agent in to discuss. Vote 4-0 all in favor.

Board to approve and sign the collective bargaining agreement between the Town and the Fire Union.

Moved by Mrs. Fernandes seconded by Mr. DeBarge to approve the bargaining agreement between the Town and the Fire Union. Vote 4-0 all in favor.

Board to approve and Chairman to sign Amendments 3, (additional professional services \$200,000 for the District Office) 4 (Amendment is the result of modified billing schedule for the Chapin Street Elementary School) and 5 (Amendment is the result of Extra Reimbursable Services NTE Limit \$245,000) for Contract Design Services between the Town of Ludlow and Mount Vernon Group Architects Inc. Amendment 3-5 were approved by the Building Committee in August 2018.

Moved by Mrs. Fernandes to approve and sign Amendments 3,4 and 5. Vote 3-1.

Board to schedule a public hearing for Frank's Diner to discuss the possible Revocation of Liquor License.

Moved by Mr. Mannix seconded by Mrs. Fernandes to schedule a public hearing for Frank's Diner Liquor License as soon as possible. Vote 4-0 all in favor.

**Closing Comments:**

Mr. Mannix stated that the Veterans are having a Pasta Dinner on March 14<sup>th</sup> and encourages everybody to attend. Lupa Zoo is having their Annual Winter Fundraiser on March 16<sup>th</sup>. K of C is having their Irish celebration at St. John's on the 16<sup>th</sup> also.

Mrs. Fernandes applaud the Ludlow Police and the DEA for the recent arrest.

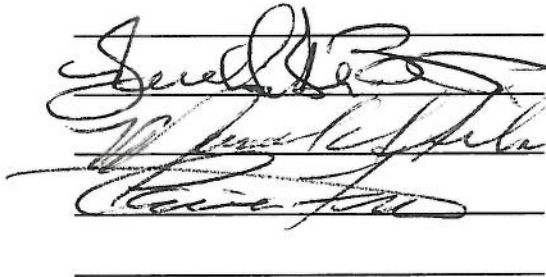
Mr. DeBarge also applaud the Ludlow Police and assisting agencies for the recent arrest.

Mr. Silva would like to thank Ms. O'Sullivan for coming in.

Moved by Mrs. Fernandes seconded by Mr. Mannix to go into Executive Session at 7:47pm.

The chair does believe that it is detrimental to bargaining pending litigation and negotiations and all that good stuff if I believe so.

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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.