

**TOWN COUNCIL MEETING
MACKINNON COUNCIL CHAMBER
MONDAY – MARCH 30, 2009 – 7:00 PM**

A meeting of the Southbridge Council was held on Monday March 30, 2009, in the Robert MacKinnon Council Chambers.

Chairwoman Nikolla called the meeting to order at 7:15pm.

1. **Pledge of Allegiance**-Chairwoman Nikolla led the Council in the Pledge of Allegiance.

2. **Roll Call**-Councilors present: **KING, LIVENGOOD, LOGAN, MCDONALD, NIKOLLA, REGIS, VANDAL and VECCHIA.** Excused: **LAZO**

3. **Consider and accept the minutes of the following meetings:**
 - March 9, 2009 – Public Hearing**-A motion was made by Councilor Livengood and seconded by Councilor King. **VOTE BY SHOW OF HANDS. ALL IN FAVOR**
 - March 9, 2009 – Regular meeting**-A motion was made by Councilor McDonald and seconded by Councilor King. **VOTE BY SHOW OF HANDS. ALL IN FAVOR**

4. **Subcommittee Reports:**
 - (a) **General Government**-Councilor King read the minutes of March 17, 2009. No meeting scheduled.
 - (b) **D.P.W.**-Councilor Vandal read the minutes of March 25, 2009. No meeting scheduled.
 - (c) **Education and Human Services**-Councilor McDonald read the minutes of March 12, 2009. No meeting scheduled.
 - (d) **Planning and Development**-Councilor Livengood read the minutes of March 26, 2009. A note was made on Agenda Item #3 to change the word Chairman prior to Councilor Lazo's name on three instances. In addition a note to change the work Chairman prior to Councilor Vecchia's name. No meeting scheduled.
 - (e) **Protection of Persons and Property**-Chairwoman Nikolla read the minutes of March 11, 2009 and March 16, 2009. No meeting scheduled.
 - (f) **Town Manager**-Councilor Regis read the minutes of March 24, 2009 meeting. Please note to omit Councilor McDonald as he was not present. No meeting scheduled.

5. **Swearing In Ceremony**-Chairwoman Nikolla made an announcement that as a member of a sub-committee, or any elected or appointed board, you need to be sworn in by the Town Clerk, Madeline Daoust. Please see Madeline before the next scheduled meeting if you have not been sworn in. This applied primarily to citizens on sub-committees.

6. **Chairman's Announcements**-Chairwoman Nikolla had no announcements.

7. Town Manager's Announcements

- **Southbridge Schools Receive Green Grants from Recycle Bank**-RecycleBank (888-727-2978) is offering grants to area schools for recycling/environmental efforts/projects now through April 15th.
- **Route Changes to the Curbside Trash & Recycling Collections effective April 6, 2009**-Minor revisions on collections days can be found by calling 888-532-2735
- **Curbside Collection of Leaves and Yard Waste**-Curbside collection of leaf and yard waste runs Monday April 13-Friday May 22.They will be collected on same day as trash and recycling.
- **Yard Waste Drop-Off Site**-Dresser Hill Road site opens Monday April 13, 2009. Mon-Fri 7am-5pm and Sat 7am-Noon.
- **Traffic Commission – 1st meeting April 6, 2009**
- **Community Clean-up Campaign – organizational meeting April 9, 2009, 6:00 pm**

8. Citizen's Forum

- a. Monique Manna of 20 Maple Street announced a Meet and Greet on Thursday June 18, 2009 from 6-8pm at the Southbridge Community Center on Chestnut Street. She commented that after attending nine months of Town Council Meetings, she has had the opportunity to “get to know” how the town works, complimented Town Manager Christopher Clark and would like interested parties to speak their voice directly to the source when they have an issue.
- b. Dick Whitney of 5 Pine Ridge Road has established a tentative meeting date on April 16, 2009 for a Southbridge Resident caucus. Agenda items will support positive viewpoints of the Town Council. He would hope this will filter out personal attacks and focus on issues at hand.
- c. David Manna of 20 Maple Street voiced concern about access road that was approved in 2006 and now Council is recanting and having divided views. Councilor Logan spoke as to his concern with possible funds spent by the Town of Southbridge and not be recouped if lawsuit goes through. Councilor King expressed concern that a personal agenda is what is dividing council as the vote did in fact pass in 2006 prior to the Pecci lawsuit and Casella contract in June 2008. Mr. Manna felt the town failed.
- d. George Chenier of 235 Pleasant Street asked the Town to build the access road so that prospective businesses who want to relocate will do so. He quoted “Build and they will come”. He also commented as the Chairman of the Airport Commission that he has been misquoted/ represented on closing the airport. He feels that the Town has in fact profited from the airport, but pending repairs are of concern and if not addressed, the airport may have to shut down.
- e. Howard Hall of 49 Coombs Street was seeking repairs to sidewalk Coombs Street and a possible traffic light at the corner of Coombs and Main Street. The repairs are in progress.

9. Vote to confirm the appointment of Shane D. Woodson as Lieutenant in the Police Department for the Town of Southbridge for an indefinite term. *Favorable recommendation of the subcommittee.* A motion was made by Councilor King and seconded by Councilor Livengood. Councilor Vecchia saluted Mr. Woodson's fourteen year work with the town and was presumptuous in stating he would be the chief some day. **VOTE BY ROLL CALL.THOSE IN FAVOR: KING, LIVENGOOD, LOGAN, MCDONALD, NIKOLLA, REGIS, VANDAL and VECCHIA. Excused: LAZO. MOTION PASSES.**

10. Vote to confirm the appointment of the following Auxiliary Police Officers for the Town of Southbridge for a three-year term to expire June 30, 2012:

**John Chase
John Delisle
Michael Gago
Derek Julian**

Favorable recommendation of the subcommittee. A motion was made by Councilor Logan and seconded by King. Councilor King sought clarification on Derek Julian's appointment on a sub-committee. Mr. Julian will be resigning from the subcommittee to avoid conflict of interest. **VOTE BY ROLL CALL.THOSE IN FAVOR: KING, LIVENGOOD, LOGAN, MCDONALD, NIKOLLA, REGIS, VANDAL and VECCHIA. Excused: LAZO. MOTION PASSES.**

11. Presentation of the Powder Impression Molding (PIM) process by International Business Solutions & Development, LLC.-Mike Loin presented a PowerPoint presentation on an industrial business opportunity that would benefit the Town of Southbridge by recycling landfill products into building materials. Worcester Polytechnical Institute has formed an alliance with PIM as the engineering piece. The initial commitment of use of the land would need to be within 6-8 weeks in order to be the leader in the process and project up and running in eight months-one year. Councilor Logan expressed concern to see a three-five year Business Plan outlining expected profit; funding established in the form of a contract; and the principles and experience behind the process. Mike Loin reported all requests are in process and would openly share old business plan as this company (ERT) was recently acquired on March 27, 2009. He added that this project is self-driven by his loyalty as a resident of twenty years. Councilor Vecchia added that he will need a public way for building to proceed.

12. Presentation of FY 2010 Budget- Town Manager Christopher Clark reviewed proposed timeline of FY 2010 budget. A copy was handed to all Councilors during the meeting with a visual presentation on PowerPoint. Councilor Vecchia questioned if taxes will increase with the projected 7.2% increase in Property Tax Revenue. Town Manager Clark reported that new growth accounted for this increase.

At this time Chairwoman Nikolla asked that Agenda Item #23 and #24 reverse order. A motion was made by Councilor Vandal and seconded by Councilor King. **VOTE BY SHOW OF HANDS. ALL IN FAVOR.**

13. **Vote to confirm the re-appointment of Thadius E. Dubsky as Constable for the Town of Southbridge for a three-year term to expire June 30, 2012. *Favorable recommendation of the subcommittee.* A motion was made by Councilor King and seconded by Councilor Regis. **VOTE BY ROLL CALL. THOSE IN FAVOR: KING, LIVENGOOD, LOGAN, MCDONALD, NIKOLLA, REGIS, VANDAL and VECCHIA. Excused: LAZO. MOTION PASSES.****
14. **Vote to confirm the Town Manager’s appointment of Lawrence Spinelli as an Alternate Member of the Planning Board for the Town of Southbridge for a three-year term effective April 1, 2009 through June 30, 2012. *Favorable recommendation of the subcommittee.* A motion was made by Councilor Livengood and seconded by Councilor King. **VOTE BY ROLL CALL. THOSE IN FAVOR: KING, LIVENGOOD, LOGAN, MCDONALD, NIKOLLA, REGIS, VANDAL and VECCHIA. Excused: LAZO. MOTION PASSES****
15. **Vote to approve an increase of 2.8% in the MIA insurance renewal for May 1, 2009 through April 30, 2010. *Favorable recommendation of the subcommittee.* A motion was made by Councilor King and seconded by Councilor Regis. **VOTE BY ROLL CALL. THOSE IN FAVOR: KING, LIVENGOOD, LOGAN, NIKOLLA, REGIS, VANDAL and VECCHIA. Abstain: MCDONALD. Excused: LAZO. MOTION PASSES****
16. **Vote to ratify the Agreement with Dan Amorello Services, Inc. for the rental of a street sweeper (without an operator) at the rate of \$75.00 per hour based on the hour meter on said unit, not to exceed \$15,000.00. *Favorable recommendation of the subcommittee.* A motion was made by Councilor King and seconded by Councilor Livengood. **VOTE BY ROLL CALL. THOSE IN FAVOR: KING, LIVENGOOD, LOGAN, MCDONALD, NIKOLLA, REGIS, VANDAL and VECCHIA. Excused: LAZO. MOTION PASSES****
17. **Vote to authorize the Town Manager to acquire the following parcels or rights in land parcels for the purpose of obtaining a secure and public right of way. This will allow for the construction and roadway safety improvements for the Route 169 Reconstruction Project.**

	<u>Total # of Parcels</u>	<u>Area (Square Feet)</u>
In Fee	0	0
Permanent Easements	1	4,370
Temporary Easements	118	359,130±

Further, that the Town Manager may acquire these parcels, or modifications of these parcels or other required parcels through all legal means. This includes donations, purchase or eminent domain. The subject parcels are currently identified on plans drafted by Chas H. Sells, Inc. titled:

“Right of Way Plans for Route 169 in the Town of Southbridge”

Favorable recommendation of the subcommittee. A motion was made by Councilor King and seconded by Councilor Vandal. **VOTE BY ROLL CALL. THOSE IN FAVOR: KING, LIVENGOOD, LOGAN, MCDONALD, REGIS, VANDAL and VECCHIA. Abstain: NIKOLLA. Excused: LAZO. MOTION PASSES.**

18. Vote to accept the format of the Town Manager’s Performance Evaluation.

Favorable recommendation of the subcommittee. Councilor Regis asked that terminology in Item Number 2 read as follows: *This process will follow an annual cycle pursuant to the Town Manager’s employment agreement.* A motion was made by Councilor King and seconded by Councilor Livengood. **VOTE BY ROLL CALL. THOSE IN FAVOR: KING, LIVENGOOD, LOGAN, MCDONALD, NIKOLLA, REGIS, VANDAL and VECCHIA. Excused: LAZO. MOTION PASSES.**

19. Vote to appropriate \$26,000.00 from the Overlay Surplus to Special Appropriation Account Number 003.0589.5899.0141.8100 Assessors Revaluation Services.

Favorable recommendation of the subcommittee. A motion was made by Councilor McDonald and seconded by Councilor King. **VOTE BY ROLL CALL. THOSE IN FAVOR: KING, LIVENGOOD, LOGAN, MCDONALD, NIKOLLA, REGIS, VANDAL and VECCHIA. Excused: LAZO. MOTION PASSES**

20. Vote to transfer from Stabilization Fund \$316,901.00 to DPW Snow and Ice Account to cover the deficit as of March 25, 2009. 2/3 Vote Required. Favorable

recommendation of the subcommittee. Town Manager Clark reported it was more appropriate to have funds in stabilization fund rather than free cash in response to Councilor Logan’s inquiry. A motion was made by Councilor McDonald and seconded by Councilor Livengood. **VOTE BY ROLL CALL. THOSE IN FAVOR: KING, LIVENGOOD, LOGAN, MCDONALD, NIKOLLA, REGIS, VANDAL and VECCHIA. Excused: LAZO. MOTION PASSES**

21. Vote to authorize the Town Manager to enter into negotiations with Veolia Water North America-Northeast, LLC for a three-year extension of their contract for operation of the Southbridge Waste Water Treatment Facility. Favorable

recommendation of the subcommittee. A motion was made by Councilor McDonald and seconded by Councilor Regis. **VOTE BY ROLL CALL. THOSE IN FAVOR: KING, LIVENGOOD, LOGAN, MCDONALD, NIKOLLA, REGIS, VANDAL and VECCHIA. Excused: LAZO. MOTION PASSES**

22. Vote to amend the Town of Southbridge Code of By-Laws by adding the following:

Section 3-215 Recreation Committee

3-215.1 Establishment - The Recreation Committee shall be comprised of a five (5) member board. Members shall be appointed by the Town Manager and confirmed by the Town Council. Members of the Recreation Committee shall serve an office term of three (3) years. Terms are to be staggered. At the first appointment, two members shall be

appointed for three year terms, two members shall be appointed for two year terms and one member shall be appointed for a one year term, with all subsequent terms to be three years. After the first appointment under this section, all appointed terms of the Recreation Committee shall terminate upon swearing in of new appointed members. All members of the Recreation Committee shall at all times be a resident of the Town of Southbridge, provided however, non-residents who hold a town office or town employment may serve by virtue of their office. The members of the recreation committee shall be impartial and may not actively participate in any active leagues, which utilize the town recreation areas.

3-215.2 Authority and Responsibility - The Recreation Committee shall conduct programs for the town, under the direction of the Town Manager. The committee shall propose new program activities and review existing programs for approval by the Town Manager and shall be responsible for the scheduling of activities on town recreation areas. It shall perform such other duties as the Town Manager may require from time to time. An advisory group of leagues that do utilize the town recreational areas will also be constructed. The advisory board will work with the Recreation Committee regarding town recreation areas. An advisory group consisting of the presidents/chairperson of each organized sport league or their designee shall be eligible to participate on the advisory group. All members of the Recreation Committee shall serve without compensation.

Second Reading

Favorable recommendation of the subcommittee. A motion was made by Councilor Livengood and seconded by Councilor King. **VOTE BY ROLL CALL. THOSE IN FAVOR: KING, LIVENGOOD, LOGAN, MCDONALD, NIKOLLA, REGIS, VANDAL and VECCHIA. Excused: LAZO. MOTION PASSES**

23. Vote to enter Executive Session to discuss strategy with respect to litigation and to reconvene in open session to continue the meeting. A motion was made by Councilor Livengood and seconded by Councilor Regis. **VOTE BY ROLL CALL. THOSE IN FAVOR: KING, LIVENGOOD, MCDONALD, NIKOLLA, REGIS, VANDAL and VECCHIA. THOSE OPPOSED: LOGAN. Excused: LAZO. MOTION PASSES**

24. Councilor's Forum

- Councilor Logan had no comment
- Councilor McDonald had no comment
- Councilor Vandal had no comment
- Councilor Livengood thanked the community for their attendance.
- Councilor Vecchia had no comment
- Councilor Regis had no comment
- Councilor King made an observation about mail he received at home.

25. **Vote to authorize Town Manager to enter agreement with Town of Sturbridge to finalize settlement agreement.** A motion was made by Councilor Livengood and seconded by Councilor King. **VOTE BY ROLL CALL. THOSE IN FAVOR: KING, LIVENGOOD, LOGAN, MCDONALD, NIKOLLA, REGIS, VANDAL and VECCHIA. Excused: LAZO. MOTION PASSES**

26. **Discussion of next meeting date-**Chairwoman Nikolla recommended April 13, 2009 as the next meeting date. Councilor King made a motion, seconded by Councilor Logan. **VOTE BY SHOW OF HANDS. ALL IN FAVOR.**

27. **Adjournment.**-A motion was made by Councilor Livengood and seconded by Councilor Regis. **VOTE BY SHOW OF HANDS. ALL IN FAVOR.**

Meeting adjourned at 10:15pm

Respectfully Submitted,

Deborah Williams MASc Recording Clerk