

**TOWN COUNCIL MEETING
MACKINNON COUNCIL CHAMBER
MONDAY – JULY 2, 2009**

A meeting of the Southbridge Council was held on Monday July 2, 2009, in the Robert MacKinnon Council Chambers.

Chairman Lazo called the meeting to order at 7:20pm.

1. **Pledge of Allegiance-** Chairman Lazo led the Council in the Pledge of Allegiance.
2. **Roll Call-** Councilors present: **CLEMENCE, LAZO, LIVENGOOD, LOGAN, MCDONALD, NIKOLLA, REGIS, VANDAL, and VECCHIA.**
3. **Consider and accept the minutes of the June 22, 2009 meeting-**No minutes to review.
4. **Subcommittee Reports:**
 - (a) **General Government.**
 - (b) **D.P.W**
 - (c) **Education and Human Services**
 - (d) **Planning and Development**
 - (e) **Protection of Persons and Property**
 - (f) **Town Manager**

A motion was made by Councilor McDonald was made to omit all sub-committee reports. It was seconded by Councilor Vecchia. **VOTE BY SHOW OF HANDS. All in favor. MOTION PASSES**
5. **Chairman’s Announcements** Councilman Lazo thanked everyone for voting him in to Chair. He congratulated Councilor Clemence, Councilor Livengood and Councilor McDonald on their appointments.
6. **Town Manager’s Announcements** Town Manager Christopher Clark congratulated Councilor Clememce, Councilor Livengood and Councilor McDonald for their appointments. He also thanked the behind the scenes help of Assistant Clerk, Julie Pena, Registrar Jennifer Vizard and Evelyn Rivera for all their support on the election.
7. **Citizen’s Forum** No citizen report
8. **Vote to ratify the Massachusetts School Building Authority Feasibility Study Agreement.** A motion was made by Councilor Livengood and seconded by Councilor Nikolla. **VOTE BY ROLL CALL. Those in favor: CLEMENCE, LAZO, LIVENGOOD, LOGAN, MCDONALD, NIKOLLA, REGIS, VANDAL and VECCHIA. MOTION PASSES.**

- 9. Vote to confirm the Town Managers appointment of Albert S. Robinson Esq. as Special Counsel to review the Side Letter of Understanding on the Force Majeure position.** A motion was made by Councilor McDonald and seconded by Councilor Logan. Councilor Logan inquired about the importance of the position and Councilor Vecchia inquired about Attorney Robinson's qualifications. Town Manager Clark responded that Albert S Robinson has been the Town Attorney for the Town of Wellesley for many years, and he worked with him for seven years. The purpose is to provide an independent review and look at the language relevant to assure payment from Casella contract. Councilor Nikolla and Councilor McDonald requested that this contractual position candidate should be brought forth to executive session in person for any clarification on document review. Town Manager Clark agreed. Councilor Regis inquired as to the purpose of the position as the access road was already voted down 5 to 4 by Town Council. Town Manager Clark stated that it protects town with a second opinion to accomplish side letter if/when construction of road occurs, payment would be received. If additional information regarding litigation as this is a new council, he will put forward award of contract for road pending. **VOTE BY ROLL CALL. Those in favor: CLEMENCE, LAZO, LIVENGOOD, LOGAN, MCDONALD, NIKOLLA, REGIS, VANDAL and VECCHIA. MOTION PASSES.**

Town Manager Clark requested adding two additional items for vote.

Vote to suspend rules to add item 9a to read Vote to authorize the Town Manager to enter into a Lease Agreement with Southern Worcester County ARC, Inc. d/b/a Center of Hope to lease a portion of the lower basement level of 70 Foster Street for a \$500.00 per month fee excluding water, sewer, gas, electricity, telephone and other services and utilities on a Tenant-at-Will basis. A motion was made by Councilor McDonald and seconded by Councilor Livengood. **VOTE BY ROLL CALL. Those in favor: CLEMENCE, LAZO, LIVENGOOD, LOGAN, MCDONALD, NIKOLLA, REGIS, VANDAL and VECCHIA. MOTION PASSES.**

9a. Vote to authorize the Town Manager to enter into a Lease Agreement with Southern Worcester County ARC, Inc. d/b/a Center of Hope to lease a portion of the lower basement level of 70 Foster Street for a \$500.00 per month fee excluding water, sewer, gas, electricity, telephone and other services and utilities on a Tenant-at-Will basis. A motion was made by Councilor McDonald and seconded by Councilor Livengood. **VOTE BY ROLL CALL. Those in favor: CLEMENCE, LAZO, LIVENGOOD, LOGAN, MCDONALD, NIKOLLA, REGIS, VANDAL and VECCHIA. MOTION PASSES.**

Vote to suspend rules to add item 9b to read Vote to authorize the Town Manager to enter into an Energyconnect Demand Response Services Agreement with EnergyConnect, Inc. as well as associated paperwork with Veolia to provide additional revenue from the Wastewater utility operation for a period of two (2) years. A motion was made by Councilor McDonald and seconded by Councilor Livengood. **VOTE BY ROLL CALL. Those in favor: CLEMENCE, LAZO, LIVENGOOD, LOGAN, MCDONALD, NIKOLLA, REGIS, VANDAL and VECCHIA. MOTION PASSES.**

9b. Vote to authorize the Town Manager to enter into an Energyconnect Demand Response Services Agreement with EnergyConnect, Inc. as well as associated paperwork with Veolia to provide additional revenue from the Wastewater utility operation for a period of two (2) years. A motion was made by Councilor McDonald and seconded by Councilor Livengood. Town Manager Clark explained as energy demands increase, when taking electricity “off-line” during black-out periods it would save approximately \$1,400.00 per month to be shared 50/50 by the Town and Veolia. Secondly a \$500.00 per MW hour savings shared 50/50 when National Grid takes electrical load off line. Lastly, 90% of electrical use is utilized from the Wastewater Treatment Plant and the Town would save money when it is working off a generator. Councilor Logan questioned #6 in agreement in regards to expense, which Clark responded as the first three (3) months need meter reading to access cost. Second he questioned financial risk outlined in #10 in agreement. Clark clarified that if the Town pre-plans estimates and they were off, it would cost the Town money. Clark as no intention of establishing a pre-plan shut off at this time. Lastly, Councilor Logan inquired about ECI in which Clark responded they are required for regulatory work and take 30% of the funds. Councilor Vecchia questioned item #8 in agreement in regards to ECI notification of anticipated reduction and payment plan as well as item #9 on the extension. Town Manager Clark reported cost would incur if change in electrical load if plant is off-line, which the town is not doing and the extension request is for two (2) years. **VOTE BY ROLL CALL. Those in favor: CLEMENCE, LAZO, LIVENGOOD, LOGAN, MCDONALD, NIKOLLA, REGIS, VANDAL and VECCHIA. MOTION PASSES.**

10. Councilor’s Forum-

Councilor Nikolla congratulated the new council and thanked town with all efforts in the election.

Councilor McDonald congratulated all council appointments and thanked town for a clean election.

Councilor Vandal congratulated all appointments. Inquiry was made in regards to the Cool Forrest of which summer helpers will be utilized to help clean up and harvest until October 2009. Clarification was made that legislation gives incentive to higher education police officers with more money based on their degree. In previous years, the state pays 50% and the Town pays 50% of expense for education growth. This year, the budget states that the state is only responsible for 20% and based on some language in the Town, the Town is obligated to make up the difference. This however is not true for the Town of Southbridge as the ballot vote didn’t specify the terminology.

Councilor Regis thanked Councilor Clemence, Councilor Livengood and Councilor McDonald for their time to be dedicated to the Town Council. Lastly, she reported her absence on the next Council meeting on July 13, 2009 would be excused. Councilman Lazo agreed.

Councilor Clemence thanked everyone who voted for her. She congratulated Councilor Livengood and Councilor McDonald. She also asked citizens to help the council make decisions that benefit the town.

Councilor Logan congratulated all appointments to the council. He thanked Councilor Nikolla for her work as the Chair for the past year.

Councilor Livengood congratulated the new chair and co-chair as well as welcomed new council Clemence and returning council McDonald. He thanked town for their votes.

Councilor Vecchia questioned Town Manager if Karen Harnois will be prepared to handle the budget discussion at the July 13, 2009 meeting as he will be on vacation. Town Manager Clark assured him that Karen Harnois will cover all budget questions, close out of FY09 and cuts will be identified by first meeting in August at the latest as previously stated. It is too early to speculate cuts at this point. Second he inquired about the Department of revenue Meal Tax. Clark explained that as of October 1, 2009, the state increased the meals and hotel tax from 5% to 6.25%. The Town has a local option to increase by .75% to make a total of 7%. The Town Manager and Council would need to vote and approve, which would provide $\frac{3}{4}$ of 1 year of financial benefit. He inquired about the Board of Health Openings and it was reported that two (2) candidates have been interviewed and recommended to sub-committee. Councilor Vecchia also questioned if the Town was operating without a Town Attorney. Currently the Town Attorney is in place until a re-appointment, hopefully final recommendations will be made by August at the latest, reported Town Manager Clark. Lastly, Councilor Vecchia congratulated all appointed council and thanked Councilor Nikolla for her hard work over the past year.

Councilman Lazo thanked everyone for voting him into the Chair.

11. Discussion of the next meeting date-Councilman Lazo reported it will be July 13, 2009

12. Adjournment-A motion was made by Councilor Livengood and seconded by Councilor McDonald. **VOTE BY SHOW OF HANDS. ALL IN FAVOR. MOTION PASSES.**

Meeting adjourned at 8:15pm

Respectfully submitted,

Deborah Williams MASc
Recording Clerk