

TOWN COUNCIL MEETING
TOWN OF SOUTHBRIDGE
MONDAY July 26, 2010

A meeting of the Southbridge Town Council was held on Monday, July 26, 2010 in the Robert MacKinnon Council Chambers. Chairman Lazo called the meeting to order at 7:00PM.

AGENDA ITEM #1- PLEDGE OF ALLEGIANCE: Chairman Lazo led the Council in the Pledge of Allegiance.

AGENDA ITEM #2- ROLL CALL: Councilors present: **CLEMENCE, LAZO, LIVENGOOD, LOGAN, MCDONALD SR., MCDONALD JR., NIKOLLA, REGIS & VANDAL.**

AGENDA ITEM #3- CONSIDER AND ACCEPT THE MINUTES OF MONDAY, JULY 19, 2010: A motion was made by Councilor McDonald Sr. and seconded by Councilor Livengood. **VOTE BY SHOW OF HANDS. ALL IN FAVOR. ABSTAIN: CLEMENCE.**

AGENDA ITEM #4- SUBCOMMITTEE REPORTS:

- (a) **General Government:** Councilor McDonald Sr. did not have a report. No meeting is scheduled.
- (b) **D. P. W.:** Councilor Vandal did not have a report. No meeting is scheduled.
- (c) **Education and Human Services:** Councilor Livengood did not have a report. No meeting is scheduled.
- (d) **Planning and Development:** Councilor Logan did not have a report. No meeting is scheduled.
- (e) **Protection of Persons and Property:** Councilor McDonald Jr. did not have a report. No meeting is scheduled.

AGENDA ITEM #5- CHAIRMAN'S ANNOUNCEMENTS:

Chairman Lazo stated that the D.P.W. Director, Kenneth Kalinowski has resigned. Lazo stated that he wishes him luck in his future endeavors. He added that Kalinowski proved himself over and over and stated that it will be hard to fill his shoes. Lazo stated that he has agreed to stay on until the end of August to help out. He added that Kalinowski always had Southbridge at heart.

Chairman Lazo invited Chief Charette to speak. Chief Charette discussed a traffic issue. He stated that approximately 4 or 5 months ago a legally blind man attempted to cross Central Street and was bumped. Charette discussed working with an advocacy group for the blind and reviewed a lot of things. He also discussed the flashing traffic signal at the intersection of Main St/Hamilton St. near Friendly's and returning it to a regular cycle. Charette stated that it could be easier for folks with any kind of disability to get through.

He added that it will also help students. Chief Charette stated that August is quiet traffic time and within a week or two will resume the signal to a regular cycle. Chairman Lazo stated that he agreed that it was a big waste to have the signal flash. Chief Charette added that it will take approximately 10 days to do. Councilor Nikolla asked if anyone knew why the traffic signal flashed. Chief Charette stated that at first, traffic was worse. He stated that now if it is set back on a regular sequence of stop and go it might help with pedestrians and students. He added that traffic is different now.

AGENDA ITEM #6- TOWN MANAGER'S ANNOUNCEMENTS:

Town Manager Clark expressed his personal appreciation for Ken Kalinowski. He stated that they have a great team of department heads and that Ken is one great piece of that team. He added that he will be a difficult person to replace. He thanked him for his professionalism and his friendship. Clark stated that they put together a draft ad that will be out tomorrow. He explained that through the Charter it will be a P.E. (Engineer) as well.

Clark also discussed draft ads and RFP's of 62 Pleasant Street and 70 Foster Street that are up for sale. He stated that for 62 Pleasant St. there will be mandatory walk through on Wednesday, August 11th at 9AM and bids are due on August 18th at 2PM. He stated that the appraisal for this property is \$375,000. Clark stated that for 70 Foster St. there will be a walk in on August 11th at 9AM and sealing bids on August 18th at 2PM. He stated the appraisal for this property is \$260,000. Clark stated that these properties have been advertised on the State website and local papers.

Clark stated that he received notice from the Board of Health in reference to the new established Landfill Response Line. The phone# is (800)883-3910 and has a 24 hr. answering machine. He stated that it is for birds in the landfill as part of the Bird Action Plan.

Clark stated that they will continue hydrant flow testing on July 28th at 9AM on Worcester Street and Moon Street. He reminded the public to check the water before washing clothes and also to run the water first as it stirs up sediments in the pipes.

Clark stated that he received the RMV lease agreement on Friday. He stated that they will put together a transition plan to move the Senior Center down to the Community Center at the tail end of August.

Clark stated that he reported to this Council a change order for the \$350,000 road project. He stated that materials/soils were placed inappropriately in the road bed. He stated that they anticipate receiving \$167,300 from Casella this week for this.

Clark discussed the Southbridge Cultural Council and as part of their mission they will be conducting a community needs survey. He stated that if anyone is interested to please go to the Town Hall Manager's office, Public Library or the Town's website. He stated that the survey helps determine the cultural needs of town.

AGENDA ITEM #7- CITIZEN'S FORUM:

Dean Cook of 432 South Street wanted to relay positive news. He stated that last month he had a leak in his basement that was due to the water line. He stated that he called the Water Dept. and they were very quick, professional and did a great job. He wanted to commend them and their employees. In regards to the Board of Health and 3 members vs. 5 members, Cook stated that they did vote to send a letter to the Town Council in support of 5 members and got great response to it. Cook discussed one advantage, there are 2 subcommittees in the sight assignment. He stated that the landfill's day to day operations have been busy. He discussed the Tri-Epic Regional Emergency Planning Committee. He stated that Harrington Hospital is in the center of Town. He stated that more members could be used and would prefer more for planning. Councilor Clemence asked if 2 members of the Board of Health had to be on each subcommittee. Cook stated yes and explained that they are very busy and hold frequent meetings. He stated that they have too much responsibility for 3 members and need at least 5 members or more. Cook also discussed medical surge and stated that Southbridge is the center for the surrounding towns. He stated that in Southbridge, we have one of the best planning boards in the State and the Board of Health is critical in making that work.

Monique Manna of 20 Maple Street presented the Town Council with a petition of 10 plus citizens. She read the petition and stated that Chairman Lazo's actions at the Town Council meeting on July 19, 2010 were not valid for reducing 5 members to 3 members on the Board of Health. She handed a copy of the petition to the Chairman.

Nelson Gagnon who works the parking lot at Saver's Bank stated that they took out a dumpster on Central Street. He stated that people are throwing garbage over there and that should be taken care of. He also stated that there is a hole on Central St. that needs patching. He stated that he spoke with the Health Dept regarding picking up after dogs. He discussed Poop Scoops to use after a dog does his duty. He stated that it is a health hazard. Gagnon stated that he also checks the park and stated that teenagers are throwing cans all over the place. He advised cruisers can watch. He also stated that there is drinking at the park as he has people watching. He added that he is doing extra work on gutters on Foster St.

Richard Whitney of 5 Pine Ridge Road stated that he heard about Dean Cook's positives in Town and discussed Westfield State coming forward. He stated that he is excited about expansion. Whitney applauded those spending time on the Charter Review. He stated that it is not just 3 vs. 5 members as he understands that it is not the final document. He stated that he does not understand why the Town Chair remains at 2/3 vote to be removed and

the Town Manager is reduced to 50%. He stated that he will wait to see the final document. He discussed the procedure at the previous meeting and stated that it took 60 seconds. He stated that there was no time for reaction and no vote on it. He added that it was not fair and he really rejects the way it was handled. He stated that he does not understand. Councilor McDonald Jr. gave a point of clarification and stated that it is a Charter hearing reserved for Charter Review issues. Whitney added that he was confused at the time. Councilor Logan explained that at that time a 5 member Board of Health constituted a continued breach of Charter. He explained that the Charter gave authority to the Town Manager to reorganize boards and committees under his jurisdiction. Logan stated that the Charter get its authority to act directly from the State. He stated that they had discussions about wanting to change the by-law. He stated that at a previous meeting a vote was 5/4 in an election. Logan added that he previously went to the Robert Schools.com website to find a mechanism and use a correct procedure to change the by-law. He read that they can raise a point of order at anytime during a breach and ask the Chairman of the Committee to rule the by-law whether it is in/out of order based on 3 Charter paragraphs. He stated that Town Manager Clark proposed a reorganization plan and the Council approved the plan. He added that it gave the Town Manager authority of the Board of Health. He added that the Charter wasn't meant to give Council or the Town Manager that power and explained why he made the motion. Whitney asked Councilor Logan why he did not get legal advice from the Town Atty. Chairman Lazo stated that he did not want a debate. Town Manager Clark responded and stated that they have received two challenges to action taken, an open meeting complaint and a petition received this evening. Clark advised that the Town Attorney together with other Attorneys will put their heads together to discuss further.

Jacqueline Harley of 22 Hamilton Street Apt. 4 stated that there is loud music coming from Spanish cars that is disturbing the peace. She stated that she has called the cops and stated that they cannot do anything about it. Chairman Lazo stated that there is a by-law in the books. Chief Charette addressed this issue and stated that they get this every summer. He stated that over the last 6 weeks they have been doing the click it or ticket program. He added that in a 4 hour block, the police have issued 45 citations and issued \$100 fines. He stated that there are a couple of officers that are excited about doing this. Chief Charette stated that if she is told that they cannot do anything about it to please ask to leave a message on his voice mail. Councilor Clemence asked if they are drive by's. Jacqueline stated yes. Councilor Clemence recommended to observe license plates as that might help.

Suzy Geers of 249 Marcy Street promoted the summer concert series. She stated that there are 5 more shows with one coming up on Saturday, July 31st: a Latino Band. She invited local residents to come as it is free. She stated that there are local vendors selling hot dogs, ice cream, etc. Geers also discussed the many raffles and prizes packs available. She encouraged those to attend local restaurants and if they bring a copy of the program are eligible for a discount at Spotlight Restaurant. Suzy also wished congratulations to

Walter and Sarah Bird for their new baby, Oliver. Chairman Lazo thanked Suzy for her time.

James Sottile of 83 Pinedale Street stated that at 10:45AM that morning he filed a complaint regarding the Open Meeting Law and the Southbridge Airport Commission in reference to meeting minutes from 2008, 2009, and 2010. He stated that the Chairman of the Airport Commission, George Chenier failed to keep proper records and minutes. He stated that he brought it to the Council's attention on June 28, 2010 and asked them to table their vote. He added that the Town was notified more than 30 days ago and have not remedied it yet. Sottile stated that he contacted the Attorney General's office and made a recommendation of a remedy that included George Chenier should be offered the ability to resign and if not, he should be removed from office as sited by the Charter. Councilor Regis asked for a point of clarification and stated that it is only a submission to the Attorney General and not their opinion as they have not yet ruled. Mr. Sottile stated yes and they will rule in a period of time.

George Chenier of 235 Pleasant Street and present Chairman of the Airport Commission stated that he had been in front of the Council regarding this issue of the 2009 meeting minutes. He stated that he was notified from the secretary that he found the meeting minutes from 2009. Chenier added that the minutes from 2010 have been filed in an appropriate manner. Chenier stated that they do not meet on a regular basis, more as an at need basis. He stated that Mr. Sottile did not give him anything in writing and that he also did not show up at two meetings. He stated that meetings are legally posted approximately two weeks prior. He added that a meeting will be coming up in September. Chenier stated that it is not his intent to resign. He thanked the Council and the Town Manager for the purchase of the truck that the Town appropriated \$15,000 for a \$72,000 vehicle. He stated that it is a nice piece of equipment. Chenier stated that they have finalized the Master Grant and FAA contract and it is moving forward. He stated that the project will start late summer. He added that there are a lot of good things going on at the Airport including the potential of a runway extension. Chenier discussed shameful back door politics and expressed his disappointment. He stated that not anyone of those people attended Airport Committee meetings and since 2007, has anyone filed a complaint or asked a question or concern.

John Pulawski of 91 Old North Woodstock Road stated that he would like to talk about corrections. He stated that he went to Airport Committee meetings and they looked like private meetings behind closed doors. Mr. Pulawski also discussed the Landfill Oversight Committee being referred to as a Subcommittee of the Board of Health and the operator, Casella, shall form that committee. He complained about that in his closing during sight assignment that the operator is going to write. He stated that members have no authority except for a Board of Health member to inspect what it going up there and they need more expertise. He recommended that the new D.P.W Director be on the new Landfill Oversight Committee and also a Councilor. Pulawski stated that in the Charter 7 or 9

would not be too many members and he discussed how the AO (American Optical) had their own Fire Dept. Mr. Pulawski added that he has yet to see a joint meeting between the Board of Health and the Town Council. Pulawski discussed not being able to speak with Councilor Clemence as she was not at the last two meetings. He stated that she received a legal opinion from the Health Director, Mr. Morin. Councilor Clemence stated that he read the letter out of context and called for a point of order. Chairman Lazo stated that he did not want a debate. Councilor Clemence stated that if the meeting was scheduled as it was supposed to but she was at a business conference in Georgia. Clemence stated that she asked Mr. Morin what would happen in regards to appealing the permit and did not ask his legal opinion. Clemence read her note pad and reiterated that she educated herself and asked the professionals. She recommended all getting involved and getting information as members of the Council. Pulawski stated that she said we would lose. Councilor Clemence stated that they would be in breach of a cooperative relationship. Chairman Lazo stated no debate.

Dean Cook of 432 South Street stated that he went home and turned on the T.V. to watch the rest of the meeting and saw Mr. Pulawski speak. He returned to clarify something about the subcommittee and miswording. Cook stated that he called Scott back and had a meeting. He stated that they wrote out a statement regarding a non-intentional error to correct original meeting of sight assignment in the paragraph. He stated that Casella agreed to correct that word where operator would set up oversight. He stated that it has been corrected and it was not the intent, they saw that and asked for clarification. Councilor Nikolla asked who is supposed to set it up. Cook stated the Board of Health. Town Manager Clark stated that the language is choppy and he spoke with Jim Morin and worked through this wording. He stated that they put together specific corrective language that is not SRD and it confines to Town of Southbridge. Chairman Lazo asked if they should send this to a subcommittee meeting. Clark advised that it is a Board of Health topic and is one of 58 conditions that is not Town Council jurisdiction. Councilor Nikolla asked when the Board of Health was going to do this. She recommended that the Town Council consider putting a letter together requesting that the Board of Health move forward. Town Manager Clark stated that yes he can do that.

Howard Hall of 150 Dresser Park stated the Police Chief talked about turning the traffic light on. He stated that last Monday, the light did not work. Chairman Lazo stated that they will be turning them on and they will work.

AGENDA ITEM #8- SWEARING IN / PRESENTATIONS:

- a) **Presentation to Detective Mario Marcucci- Chairman Lazo:** Chairman Lazo stated that Chief Charette will be handling both presentations. Chief Charette stated that Detective Marcucci is not here tonight as he had retired approximately 2 months ago. He wanted to publicly thank him for his years of service. Chief Charette stated that Det. Marcucci wanted to pass along his thanks to everyone also.

b) **Outstanding Service Award to Sergeant Steven Bellerose- Chief Charette:** Chief Charette stated that policing is positively a team effort. He discussed an incident on June 28, 2010 at approximately 4PM. He stated that they had received a call regarding a bank robbery at the Big Y plaza. He stated what Sergeant Bellerose did was amazing. Charette stated that there had been a couple of previous bank robberies including one in Spencer, MA. He stated that Sgt. Bellerose had a tip and started searching and within a few minutes found the vehicle. He stated that he arrested the person and found marked money. Charette stated they were contacted by the FBI as there were other incidents in Portland, ME through Rhode Island. Chief Charette stated that sometimes it's not what you're looking for that's important. He stated that it was an incredible piece of work. Charette listed the auxiliary group also led by Sgt. Bellerose that were involved, Iozzo, Roettger, Dinguì, Haggerty, Bonadies, Berry and Arena. Charette stated that it is a meritorious service award for Sgt. Bellerose. He stated they do not do this very often but it was an unbelievable piece of work and thanked him. Sergeant Bellerose thanked Mr. Clark, Town Council and Chief Charette and stated that he is humbled to receive this award for doing his job and proudly accepts it on behalf of the Southbridge PD. Chairman Lazo spoke on behalf of the Town Council and thanked Sgt. Bellerose.

AGENDA ITEM #9- VOTE TO APPROVE THE CONTRACT AND AGREEMENT BETWEEN THE TOWN OF SOUTHBRIDGE AND JENNIFER A. REYNOLDS, INDEPENDENT CONTRACTOR TO PERFORM AEROBICS CLASSES FOR 100 CITIZENS AGE 60 AND OVER AT THE CASAUBON SENIOR CENTER FOR A TOTAL OF 144 CLASSES FOR ONE YEAR COMMENCING JULY 2010 AT A COST OF \$6,000.00 PAYABLE IN 48 WEEKLY PAYMENTS OF \$125.00. A motion was made by Councilor McDonald Sr. and seconded by Councilor Livengood. **VOTE BY ROLL CALL. THOSE IN FAVOR: LAZO, LIVENGOOD, LOGAN, MCDONALD SR., MCDONALD JR., NIKOLLA, REGIS, VANDAL & CLEMENCE. MOTION PASSES.**

AGENDA ITEM #10- VOTE THAT IN ORDER TO REDUCE INTEREST COSTS ON VARIOUS OUTSTANDING BONDS OF THE TOWN, THERE IS HEREBY AUTHORIZED THE REFUNDING OF ALL OR ANY PORTION OF THE FOLLOWING OUTSTANDING BONDS OF THE TOWN, INCLUDING THE PAYMENT OF ANY AND ALL REDEMPTION PREMIUMS AND ASSOCIATED COSTS OF ISSUANCE, ALL AS PERMITTED BY CHAPTER 44, SECTION 21A OF THE GENERAL LAWS:

<u>Original Issue Date</u>	<u>Outstanding Amount</u>
September 1, 1998	\$ 905,000
July 1, 1999	675,000
April 1, 1997	1,177,650
April 15, 1997	850,000

A motion was made by Councilor McDonald Sr. and seconded by Councilor Livengood. Councilor Regis had a question for Mindy Ernst who was in the audience regarding a memo they received as back up from Mr. Clark. Regis stated that the bond memo read on April 1, 1997 an amount of \$1,177,649, and the other amount is \$1,177,650. She wanted to know which amount was correct. Mindy Ernst stated that the amount is \$1,177,650 and it must be rounded. **VOTE BY ROLL CALL. THOSE IN FAVOR: LIVENGOOD, LOGAN, MCDONALD SR., MCDONALD JR., NIKOLLA, REGIS, VANDAL, CLEMENCE & LAZO. MOTION PASSES.**

Town Manager Clark did an overview. Clark stated that it is a budget item and timeliness made a difference. Clark stated that as part of borrowing for the access road they will be having a Public Hearing which is in notice in the packages on Thursday, August 5th at 6PM to talk about the funding of the environmental industrial park access road going out to bid. He stated that together with Karen, Mindy and Clark Rowell of UniBank they went through the debt and found 4 primary bonds that which can be refinanced at a savings of \$320,000 over the next 9 years. He stated that 40% will go to the water enterprise operation and 60% will go to the General Fund. Town Manager Clark stated that this helps taxpayers out and decreases their costs. Clark stated that if anyone has any questions, Clark Rowell from UniBank was here tonight. Chairman Lazo asked if anyone had any questions and there were none. A copy of the Notice of Public Hearing is attached to the file.

AGENDA ITEM #11- COUNCILOR'S FORUM:

Councilor Regis had nothing.

Councilor Nikolla stated to the traffic commission that she received a call from her brother in regards to the intersection near Dennison Hill Rd. and Colonial Dr. She stated that they are widening the road (Durfee St.) and cars are flying. She recommended that the traffic commission look at it and that something could be done. She added that there is a lot of foot traffic in that area. Town Manager Clark stated that the Police could put out speed signs in that area. Councilor Nikolla also discussed her deep regret for losing Kenneth Kalinowski as she enjoyed working with him and is going to miss him. Councilor McDonald Jr. thanked Ken Kalinowski and remembered the first time he saw him in the gracious manner which he conducted himself and stated that he is a professional. He thanked him for his service and wished him well in the Town of Pepperell. McDonald Jr. also congratulated Sgt. Bellerose and the rest of the officers involved. In all fairness to Mr. Sottile, Councilor McDonald stated that when he was first elected, Mr. Sottile expressed his concerns to him and he did a minor review of things in the Town Clerks office. He stated that he found 2 sets of minutes from 2008 and 2010 from the Airport Commission meetings. Councilor McDonald Jr. also stated from his general recollection, Mr. Sottile had concerns about the Bird Hazard Program, and also being a pilot concerns him. McDonald Jr. stated that every citizen has a right to express grievances to their government and it takes courage to consistently do that.

Councilor Livengood stated that it is nice to see a traffic light that has been flashing and actually make use of it.

Councilor Vandal had nothing.

Councilor Logan extended his best wishes to Mr. Kalinowski and hopes that he is involved in the process of selecting his successor and get someone with his qualities.

Logan requested an inventory of town parks, how much equipment there is and how much is spent on maintenance.

Councilor Clemence apologized for not being at the last two meetings. She stated that she requested a meeting change with Chairman Lazo that was not agreed upon. She discussed that the original meeting date was July 12th not July 8th and that the meeting on July 19th was called because of the change to the meeting on July 12th. Councilor Clemence thanked Donna Silverberg for painting the billboard gazebo. She encouraged others to paint as six other artists have helped out. Clemence asked to please approach if interested. As for the Cultural Council, Clemence asked if there is a list of what they have supported over the years that will be included in the survey. Town Manager Clark stated that they will try to attach a list to it. Councilor Clemence stated that Ken Kalinowski was a great asset to our Town. She stated her concern about how members of Council are notified. She stated that Councilor Livengood just found out today. She requested that the Town Manager, as his duty announce to the Council as a whole in a timely manner when it comes to the business of the Town. Councilor Clemence stated that she read the headlines and they have two legal opinions that say they did not violate the Charter. She added that they are not legal entities and she discussed her concerns. Chairman Lazo stated that there is a complaint of the Open Meeting Law and a 10 citizen petition. He stated that he saw her name on the petition. Councilor Clemence stated that it was not her name. Chairman Lazo stated that they will get their ruling and they will find out if it is right. Councilor Clemence discussed George Chenier regarding the Open Meeting Law and as a public body it should be added to the agenda. Chairman Lazo stated that it was a point of order that he ruled on and he will find out if it stands. Vice Chairman McDonald had nothing.

AGENDA ITEM #12- DISCUSSION OF NEXT MEETING DATE- MONDAY, AUGUST 9, 2010: Vice Chairman McDonald stated that the next meeting date is August 9, 2010.

AGENDA ITEM #13- ADJOURNMENT: A motion was made by Councilor McDonald Jr. and seconded by Councilor Livengood. **ALL IN FAVOR.**

Meeting adjourned at 8:27PM.

Respectfully Submitted,

Stacey L. Renaud
Recording Clerk