

**TOWN COUNCIL MEETING
TOWN OF SOUTHBRIDGE
MONDAY December 19, 2011**

A meeting of the Southbridge Town Council was held on Monday, December 19, 2011 in the Robert MacKinnon Council Chambers. Chairwoman Nikolla called the meeting to order at 7:00PM.

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

AGENDA ITEM #2- ROLL CALL: Councilors present: **CLEMENCE, LANGEVIN, LIVENGOOD, MARCUCCI, MCDONALD, NIKOLLA, REGIS, SPINELLI & VANDAL.**

AGENDA ITEM #3- CONSIDER AND ACCEPT THE COUNCIL MINUTES OF MONDAY, DECEMBER 5, 2011 MEETING: A motion was made by Councilor McDonald and seconded by Councilor Livengood. Councilor Regis stated at the last meeting she was delayed not excused. **VOTE BY SHOW OF HANDS, ALL IN FAVOR. Abstain: CLEMENCE.**

AGENDA ITEM #4- SUBCOMMITTEE REPORTS:

- (a) **General Government:** Councilor Spinelli read the minutes of December 14, 2011. No meeting is scheduled.
- (b) **D. P. W.:** Councilor Vandal read the minutes of December 13, 2011. No meeting is scheduled. A correction was made and the current street sweeper is a 1996 Mobil Athey and they want an Elgin.
- (c) **Education and Human Services:** Councilor Clemence read the minutes of December 12, 2011. No meeting is scheduled.
- (d) **Planning and Development:** Councilor Livengood had no minutes. A meeting is scheduled for January 12, 2012.
- (e) **Protection of Persons and Property:** Councilor Langevin stated he did have a meeting on Thursday, December 15, 2011 and the minutes were not available. He stated they discussed agenda items #9-14. Councilor Langevin stated they all did receive favorable reviews to bring forward to the full body. No meeting is scheduled.

AGENDA ITEM #5- CHAIRWOMAN'S ANNOUNCEMENTS:

Chairwoman Nikolla stated the new members of the By-law Review Committee will be sworn in tonight and named the five people she appointed. She advised she made an error that it is a 12 month committee not a 6 month. Chairwoman Nikolla stated they will be given leeway if they can get it done in less time.

Chairwoman Nikolla stated she wanted to talk about this at the last meeting but it wasn't a proper time to bring it up. She stated she watched the Tree Lighting on local Cable Access and said it was well put together as it gave a sense of community. She thanked all those who helped and she was very proud to see it. Chairwoman Nikolla gave kudos to the Future of Southbridge and to all those who were involved with putting it together.

Chairwoman Nikolla stated she has been receiving calls from people who are not happy with how the meetings are going as they are disruptive and advised she will not tolerate it any longer. Chairwoman Nikolla stated as they are trying to be respectful of others they require and expect others to also be respectful and she gave a fair warning.

AGENDA ITEM #6- TOWN MANAGER'S ANNOUNCEMENTS:

Town Manager Clark stated the DEP has approved the Town to increase in a provisional permit in the amount of tonnage they receive at the landfill facility to 300,000 tons that does mean an additional revenue stream in excess of the current royalty payments estimated at approximately \$700,000.00. Town Manager Clark advised of a public comment period that is currently open for those who would like to comment through the DEP website.

Town Manager Clark stated the Knights of Columbus sponsored "Coats for Kids" drive successfully distributed or reserved 31 coats to Southbridge families this past Sunday, December 18th. Town Manager Clark explained the coats reserved through the Southbridge public schools that were not picked up will be delivered to the child's school this week. Town Manager Clark stated if one did not reserve a coat but would like one it is not too late and for more information please call Lisa Choinere in the curriculum department at (508)764-6252 and the deadline for reservations is this Wednesday.

Town Manager Clark stated they received notice from the Economic Development Department asking for an announcement to be made. Town Manager Clark stated the Town of Southbridge Community Development Block Grant Program is seeking applicants for the Housing Rehabilitation Program in the Morris/Coombs Sts. and Worcester/Henry Sts. neighborhood target areas. Town Manager Clark advised assistance is given in the form of deferred payment loans to owner/occupants who qualify for their income based program. He stated these special home improvement loans are forgiven if you retain ownership and residency for 15 years. Town Manager Clark stated applicants must own for their home for at least one year and have a well established record of timely payments. Town Manager Clark advised for more information please contact the Economic Development & Planning Office at (508)764-5402 for an application and a map of the target area.

Town Manager Clark stated he received a letter from Mass Development who has recently provided a \$1.5 million loan to Southbridge Associates II, LLC, the real estate

entity that owns the Southbridge Business Center. Town Manager Clark stated they will use the proceeds of the new loan to make improvements to the building located at 15 Wells Street for their tenant Schott North America. Town Manager Clark provided background of Schott North America and advised they will occupy space within the building to accommodate the move and expansion of its electronic packaging division from Indiana to Massachusetts that will create 71 jobs at all levels within the company in Southbridge.

Town Manager Clark stated special legislation was passed that the Town will receive \$150,000.00 towards road repairs as a result of the tornado that struck on June 1st.

Town Manager Clark wished members of the Council, the department heads, employees of the town and residents of this community that he really enjoys serving a Happy Holiday and a Happy New Year from his family to yours.

AGENDA ITEM #7- SWEARING IN / PRESENTATION:

**a) Swearing In of Members of the By-law Review Committee – Maddie Daoust,
Town Clerk:**

- **Kevin Buxton**
- **Leonard Laporte**
- **Pamela Skowyra**
- **Susan Starkey**
- **David Williams**

Chairwoman Nikolla asked Town Clerk Maddie Daoust to come forward and called the names of the five appointed individuals. Town Clerk, Maddie Daoust asked if this will go until December 31, 2012, Chairwoman Nikolla confirmed same. Maddie Daoust swore in Kevin Buxton, Leonard Laporte, Susan Starkey and Pamela Skowyra. David Williams was not present. Chairwoman Nikolla thanked them and stated she will schedule their first meeting to get them started and asked them to choose their own chairperson.

b) Presentations:

- **Gospel Church-** Michael Rondeau introduced himself as Sr. Pastor of Full Gospel Center and wished thanks for allowing them to receive the grant to establish a youth center in town. Mr. Rondeau explained their mission is to provide a bridge for low to moderate income children and youth to take advantage of the educational, economic tools and opportunities presented by achieving a higher education level. Mr. Rondeau stated the youth center will be dedicated to foster and reinforce positive values and habits in a safe and secure environment. Mr. Rondeau stated he, along with other members of the church are excited to get started in June.

- **Healthy Families – WCAC – Jen Reed,** Director of Healthy Families introduced herself and Edna Ortiz who will provide the same information afterwards en Español. Ms. Reed explained Healthy Families is a program of Worcester Community Action Council and explained the variety of programs available in Southbridge. Ms. Reed

provided a background of Healthy Families that is a state wide program since 1998. Ms. Reed stated they recently received a federal grant from the Department of Public Health to expand services just to Southbridge to serve additional families. Ms. Reed explained they are excited to provide these expanded services. Ms. Reed explained they have met with the Town Manager, the Superintendent, the Principal at Southbridge High School and others to advise of their services. Ms. Reed stated the challenging news is the reason why they received this grant is Southbridge was ranked #9 for parenting risk factors in the Commonwealth of Massachusetts. Ms. Reed explained they will in essence be doubling the size of their program. She added they want to make sure the children of Southbridge grow up healthy and strong and their parents are also healthy and strong. Edna Ortiz translated en Español.

Chairwoman Nikolla asked for extra brochures at the Town Hall.

- **Cable TV – Barry Davis** introduced himself as the new Station Manager for Southbridge Community Television. Mr. Davis stated Southbridge Community Television is going under a rebirth right now. He stated he is bringing in more programming and listed a few events that will be aired. Mr. Davis stated his function is to facilitate the public's use of the cable access channels, specifically channel 13. He explained they have equipment in the station that will allow people to produce high quality programming and there will be training available to any Southbridge resident or Southbridge business so they can put on programming of interest to the Town. Mr. Davis discussed the other 2 channels including government and education and stated it is his role to help facilitate all channels in their programming aspects. Mr. Davis stated the station is for the public and spoke to residents to let them know they have access to equipment to put on a program and encouraged the public to call him at (508)765-1525. Mr. Davis refers to it as Southbridge Community Television and not Public Access as he feels it's more than that. He stated he is excited and has enthusiasm as he has been in television production for 25 years and shared his work experience. Mr. Davis stated they are increasing their playback capacity and explained the process to air programs that are from outside of the community. Mr. Davis stated he is also looking for some volunteers to help with the broadcast and welcomed students from the high school or any interested citizen to help with the cameras.

AGENDA ITEM #8- CITIZEN'S FORUM:

Dan Butler of 35 Brookside Road expressed concern about Brookside road that was supposed to be resurfaced after the construction for the landfill access road. Mr. Butler stated after the October snowstorm a plow came through at night and they heard a loud boom as a piece of steel approximately 15lbs came off the plow as a result of hitting a water meter at the bridge. Mr. Butler recommended contacting those involved to come back and finish paving the road instead of using the money the town recently received for road repairs due to the tornado.

Mr. Butler also expressed concern for the amount of water that comes down Brookside Road that runs through his property and his neighbors since the June 1st tornado. He stated he tried to create a make shift berm on the side and wondered if they could look into drainage for the road to redirect the water towards the river.

Mr. Butler brought up the street sweeper issue and explained those who live in the neighborhoods struck by the tornado have been dealing with the aftermath for 6 months and it is what they see everyday. He stated there is a lot of dead brush around and it is a fire hazard in the spring. Mr. Butler stated he would like to see the money for the street sweeper used for other things such as a chipper, the purchase of new trees, drainage, and reimbursement for building permits. Mr. Butler explained his family is in a lot of debt and is in an ongoing battle with the insurance companies and mortgage companies.

Chairwoman Nikolla advised his 5 minutes are up and asked if he would like more time. Mr. Butler said yes. A motion was made by Councilor McDonald to allow speaker more time seconded by Councilor Clemence. **VOTE BY SHOW OF HANDS, ALL IN FAVOR.**

Mr. Butler stated he does not want to sound petty about the street sweeper but feels the money could be used elsewhere. Mr. Butler said they should put the street sweeper issue aside until all of the citizens in the community are somewhat put back to normal. He stated he is seeing a lot of problems that still could arise from the tornado including fire damage. Mr. Butler asked them to not forget about them.

Town Manager Clark provided information about the roadway work done by Marois Bros. and stated they will look into it although he thinks it is natural erosion problems. Town Manager Clark advised they just received notice about \$150,000.00 that is dedicated for roadway improvements in that tornado area. Town Manager Clark also stated it is not the first time he has heard about drainage issues in that area and stated he will meet with the DPW Director and see what they can do to address those issues with that money.

Stephanie DeMartino of 92 Harrington Street read an excerpt from the FEMA Public Assistance Policy regarding debris removal on private property. Ms. DeMartino highlighted a section that read "An eligible local or a state government may pick up and dispose of disaster related debris placed at the public right of way by those private individual, this type of work must be carefully controlled with regard to extent and duration. Ms. DeMartino continued reading further and advised she brought this to the attention of Representative Durant, former Chairman Lazo and Mr. Clark last June and is asking again to please look into this and see if Southbridge can qualify for assistance. Ms. DeMartino explained last year when she was driving down Charlton Street during the hottest part of the summer the trees started to deteriorate. She stated the degradation of the vegetation was causing an odor with the amount of moisture and heat which released

toxic gases into the air. Ms. DeMartino also expressed concern for the dead trees in the upcoming seasons.

Dennis Martinek of 35 Pine Ridge Road stated he wasn't going to come down but was inspired by the words of the opening of this meeting. Mr. Martinek spoke of the comments made regarding the Christmas Tree Lighting and how that was going to encourage people to move to town. Mr. Martinek also spoke about the requirement to request, demand and expect respect to the Town Council. Mr. Martinek stated he is a tax payer in this town and has lived here for over 12 years and quite frankly is sick and tired of being talked down to like a child. Mr. Martinek added he is tired of people telling him they do not have a right to have a viewpoint or a right to react to things that are said. Mr. Martinek stated respect is something one does not demand it is something one earns. Mr. Martinek stated he feels a majority of the Council does not respect the people in this Town and if they are not going to respect them how do they expect respect in return. Mr. Martinek asked what the repercussions will be if they are going to remove those for not being respectful when they are disrespectful to the people and provided some examples of same. Mr. Martinek stated he is a taxpayer and the constitution gives him the right to speak freely and the right to speak up. Mr. Martinek told the Chairwoman if she doesn't like that he would request that she show the same courtesy to the people whom she is demanding it of and do it soon.

John Pulawski of 3 Jennison Street stated at the last meeting Town Manager Clark stated Mr. Pulawski's numbers were wrong in reference to a discussion about the \$3½ million landfill contract. Mr. Pulawski stated they were not his numbers; they were given to him provided by the Town of Southbridge's Accountant. Mr. Pulawski discussed another concern and stated Mr. Clark was questioned by Stephanie DeMartino at a meeting in 2009 where he stated if the landfill gas generator was to be connected it would require a minor site assignment. Mr. Pulawski stated another Town Manager told him when he asked that specific question in 2008 he said a site assignment would be required. Mr. Pulawski stated when he tried to bring up this noxious gas being burned in our Town during the site assignment he was told it was immaterial and a part of another future site assignment. Mr. Pulawski stated he does not want to threaten litigation and hopes it can be avoided but there will be inquiries with the DEP as it is contrary to what was promised. Mr. Pulawski stated as mentioned at the last meeting, there is some oversight at the landfill as there have been over 1,000 trips of unauthorized recycling residuals buried up there and he provided more information on same. Mr. Pulawski stated if they go by the contract they might make a few million dollars a year with less trash and more protections for the community. Mr. Pulawski wished everyone a wonderful Christmas and Happy Hanukah.

Robert Caprera of 281 Eastford Road thanked the Council, the Town Manager and the Town for allowing him to have the privilege of serving as Town Attorney now for over 2 years. Mr. Caprera stated he has been involved in upwards to 200 separate matters with

the Town and it's allowed him to be involved with all of the departments. Mr. Caprera thanked all of them for working with him and helping him do his job and would want to report to the Town that they are in very good hands. Mr. Caprera stated across the board in every department and in every office they have all been top shelf. Mr. Caprera thanked the Town Manager for teaching him 2 character qualities; focus and forgiveness. Mr. Caprera spoke to the Chairwoman, the Vice-Chair and Councilors and stated he has seen them do volunteer work and they have navigated the Town through some difficult issues. Mr. Caprera stated they have done the job of deliberation which is not easy and they have done it well. Mr. Caprera stated at the end of a calendar year they can look ahead and as they look ahead in this season as one who personally sees in Christ the embodiment of all good things he wished everyone Merry Christmas and blessings in an upcoming year.

Maureen Doyle of 771 Lebanon Hill Road thanked everyone for their work and dedication to this Town and stated democracy in this country is really only alive at the local level. Ms. Doyle stated she appreciates all of their efforts and everyone's participation. She stated Happy New Year and Happy Solstice.

AGENDA ITEM #9- VOTE TO RATIFY THE APPOINTMENT OF THOMAS EDWARDS OF SOUTHBRIDGE AS A FULL TIME FIREFIGHTER

EFFECTIVE JANUARY 2012: A motion was made by Councilor Langevin and seconded by Councilor Livengood. Councilor Langevin stated this went through subcommittee and yielded a positive recommendation. Councilor McDonald stated he understands that this appointment is to fill the vacancy left by Evan Genkos and is transferred to the Police Department. Town Manager Clark stated there are currently 2 vacant positions on the departments and this is filling one of those vacant positions. Fire Chief Ciesla stated yes. Councilor McDonald spoke in response to the Town Manager and stated it is his understand there is 1 vacancy and there's a second position that has been created. Fire Chief Ciesla stated yes. Fire Chief Ciesla presented Thomas Edwards the candidate that scored number 1 on the test and they are glad to have him aboard.

VOTE BY ROLL CALL. THOSE IN FAVOR: LANGEVIN, LIVENGOOD, MARCUCCI, MCDONALD, NIKOLLA, REGIS, SPINELLI, VANDAL & CLEMENCE. MOTION PASSES.

AGENDA ITEM #10- VOTE TO RATIFY THE APPOINTMENT OF MICHELLE CHOQUETTE AS A FULL TIME FIREFIGHTER EFFECTIVE JANUARY 2012:

A motion was made by Councilor Langevin and seconded by Councilor Livengood. Councilor McDonald stated this is something that is going to be very difficult for him in the sense that he always believes in supporting public safety. Councilor McDonald stated it's been his recurring position that they should not be growing new positions and increasing the budget when they are in one of the most difficult times they've had. Councilor McDonald stated they have been able to hold the mission with the staffing they have and they had to visit upon the citizens of Southbridge a tax increase they cannot

bear in his judgment. Councilor McDonald stated looking at the credentials this candidate brings, he thinks this candidate is positive although he cannot support the appointment based on the stance that he is not going to vote for increasing government. Councilor McDonald stated he will be voting no tonight and it is not a reflection on the candidate in any way shape or form.

Councilor Langevin stated he understands where Councilor McDonald is going and he respects that but he also knows our Southbridge Fire Department does a lot of ambulance calls and it pulls in about a million dollars in receipts. Councilor Langevin explained with this extra person on they should be able to recoup more money. He stated he will support this person.

Town Manager Clark stated when the budget was put together they had 1 vacancy they sought to fill. Town Manager Clark stated they had a second position in which they reduced the overtime allocation and they increased the ambulance collections. Town Manager Clark stated to portray this as something that has a positive impact or negative impact to the residents as a budget buster is really not fair. Town Manager Clark stated the 2 candidates have a lot of experience in the ambulance field and both do take a lot of overtime and do come in for extra shifts in their current occupations. Town Manager Clark stated they expect that and in going forward so they can cover more calls and make more revenue for the Town and meet a need that currently is not being met as efficiently as it could.

Councilor McDonald stated he knows a little bit about running an ambulance service and for the statement to be made that it's unfair to portray it the way it is, it is simple math. Councilor McDonald stated that money goes into the General Fund and he hopes they can meet the need in the emergency standpoint first, but a lot of these non-emergency transfers are being handled by private ambulance services and that leaves our ambulance to respond to the emergency. Councilor McDonald stated although they anticipate and they would hope that this will underwrite the fire service the way an ambulance service typically does it does not always play out all of the time.

Councilor Clemence asked Chief Ciesla how long he has been on the force. Fire Chief Ciesla stated 35 years. Councilor Clemence asked him in his opinion with the 3 current ambulances they have if they have enough staff to efficiently cover 3 vehicles and not miss calls. Chief Ciesla stated with overtime they do. Councilor Clemence asked for the percentage they are missing right now. Chief Ciesla stated he did not know but stated this person would supplement the day crew and fill a lot of the missed ambulance. Chief Ciesla stated they did cut his overtime budget to put people on. **VOTE BY ROLL CALL. THOSE IN FAVOR: LIVENGOOD, MARCUCCI, NIKOLLA, REGIS, SPINELLI, VANDAL, CLEMENCE & LANGEVIN. THOSE OPPOSED: MCDONALD. MOTION PASSES.**

Town Clerk, Maddie Daoust swore in Thomas Edwards and Michelle Choquette as firefighters.

AGENDA ITEM #11- VOTE TO RATIFY THE APPOINTMENT OF DANIEL P. ROGERS OF SOUTHBRIDGE AS FULL TIME POLICE OFFICER PENDING THE SUCCESSFUL COMPLETION OF HIS PHYSICAL EXAM:

A motion was made by Councilor Langevin and seconded by Councilor Livengood. Police Chief Charette recommended that Daniel be appointed this evening. Councilor Spinelli asked if these positions they are hoping to fill tonight are not new positions. Town Manager Clark stated that is correct, they are all vacancies that are being filled. Councilor McDonald looked for clarification and stated he understands there are 2 vacancies and 1 is to fill the position that is created for the so called refuse patrol portion that the new position was created. Chief Charette stated they currently have 32 full time officers and their typical is to have 36. He explained over the years they have lost a few and they had not replaced those. Chief Charette stated this year one officer retired approximately 3 months ago and another left about 6 weeks ago. Chief Charette stated it puts them being in the position of down 4 and they are hoping to replace 3 of those. Town Manager Clark stated in fairness to the question they do have funding that will be used to offset the Police Department budget in the equivalent amount of one police officer. Chief Charette explained it is work they have been doing right along and several of the officers having been assisting with this for at least 2 years. Councilor McDonald stated in the timeline as he recalls it in his tenure as the Chairman of the PPP Subcommittee they had 2 positions now that are vacant and actually 2 that were frozen with the intent not to fill them. Chief Charette stated yes that is correct. Councilor Langevin stated these also went through subcommittee and they had a favorable review with one abstention. **VOTE BY ROLL CALL. THOSE IN FAVOR: MARCUCCI, MCDONALD, NIKOLLA, REGIS, SPINELLI, VANDAL, CLEMENCE, LANGEVIN & LIVENGOOD. MOTION PASSES.**

AGENDA ITEM #12- VOTE TO RATIFY THE APPOINTMENT OF MIOSOTIS DIAZ-ORTIZ OF SOUTHBRIDGE AS FULL TIME POLICE OFFICER PENDING THE SUCCESSFUL COMPLETION OF HER PHYSICAL EXAM:

A motion was made by Councilor Langevin and seconded by Councilor Livengood. Councilor Marcucci stated she is looking for clarification on why the education and background in security portions on Ms. Diaz-Ortiz resume are omitted. Chief Charette had her full resume in his hand and stated the candidate has a high school diploma and is currently in a criminal justice program. Chief Charette stated she has worked in security in the past but does not believe she is at this moment. Councilor Marcucci stated it is not part of her resume. Chief Charette stated it is on the pages he held in his hands. Town Manager Clark stated all of the material did not go out as comprehensively as he would have liked. Town Manager Clark stated the experience is about 2 years as a security officer and much more extensive experience in customer service. Town Manager Clark

stated he believes she is a student at Quinsigamond Community College for criminal justice.

Councilor McDonald stated he was away last week and missed the subcommittee meeting and asked if any of the candidates being presented are police academy grads. Chief Charette stated no, the 5 candidates they interviewed, none of the top 5 had been through a full time academy at this point. Councilor Regis asked if they have their newly appointed police officers prior to going into the academy have them sign some sort of agreement stating that they will stay with the town for a certain period of time or they will have to pay the town back. Chief Charette stated yes, up to a 3 year period part of the money would have to be paid back. Councilor Regis asked if they have settled the Quinn Bill issue here in town. Town Manager Clark stated approximately 2 years ago they did reach an agreement with the Union in which they resolved the Quinn Bill issue and provided further explanation of same. **VOTE BY ROLL CALL. THOSE IN FAVOR: MCDONALD, NIKOLLA, REGIS, SPINELLI, VANDAL, CLEMENCE, LANGEVIN, LIVENGOOD & MARCUCCI. MOTION PASSES.**

AGENDA ITEM #13- VOTE TO RATIFY THE APPOINTMENT OF BRIAN A. RUGGIERI OF BROOKFIELD AS FULL TIME POLICE OFFICER PENDING THE SUCCESSFUL COMPLETION OF HIS PHYSICAL EXAM: A motion was made by Councilor Langevin and seconded by Councilor Livengood. Councilor McDonald stated in keeping with his stance this is no way a reflection on Mr. Ruggieri but these positions were frozen because of financial constraints and he does not believe it is time to be growing. Councilor McDonald stated he will be voting no and will not be supporting it based upon the fiscal aspects of it and nothing on the reflection of the candidate. **VOTE BY ROLL CALL. THOSE IN FAVOR: NIKOLLA, REGIS, SPINELLI, VANDAL, CLEMENCE, LANGEVIN, LIVENGOOD & MARCUCCI. THOSE OPPOSED: MCDONALD. MOTION PASSES.**

AGENDA ITEM #14- VOTE TO ACCEPT PARKING REGULATION – TEMPORARY PERMIT NO. P-00140 TO GRANT A TEMPORARY PERMIT FOR A “HANDICAP PARKING ONLY” ZONE AT 28 LENS STREET: A motion was made by Councilor McDonald and seconded by Councilor Livengood. **VOTE BY ROLL CALL. THOSE IN FAVOR: REGIS, SPINELLI, VANDAL, CLEMENCE, LANGEVIN, LIVENGOOD, MARCUCCI, MCDONALD & NIKOLLA. MOTION PASSES.**

AGENDA ITEM #15- VOTE TO RATIFY THE CONTRACT BETWEEN THE TOWN OF SOUTHBRIDGE AND GREEN BROWN CONSULTING IN THE AMOUNT OF \$36,000.00 TO PERFORM SOLID WASTE ENFORCEMENT DUTIES FOR A ONE YEAR PERIOD EFFECTIVE JANUARY 3, 2012 THROUGH DECEMBER 31, 2012: A motion was made by Councilor Livengood and seconded by Councilor Langevin. Councilor McDonald asked what publications and on what dates was this advertised in. Town Manager Clark stated he does not have the

specific dates and stated he believed they did it in the Southbridge Evening News. Town Manager Clark stated they are required by law to do a paper of general circulation in the community. Councilor McDonald stated he does not feel this is needed and will not support it tonight. Councilor Clemence asked if he knew if it was advertised on a Thursday by any chance or was it a full week. Town Manager Clark stated legally it is only required to be advertised once and usually in a circumstance like this they do ask for whatever the newspaper recommends for this type. Councilor Clemence recommended in the future that Thursdays are their full circulation to all the various communities. Councilor Vandal stated he thinks it's a duplication of services and does not think they need this person.

John Pulawski of 3 Jennison Street stated no matter how many times he reads the state law it appears this is something that should be coming out of the Board of Health. Mr. Pulawski stated he is certain that if the town used about the equivalent amount of money to buy 800-900 40-gallon recycling bins for people that live in apartments that are not currently served they would get more. Mr. Pulawski stated this job is supposed to be done by the people currently working in that office and does not like the privatization of this. Mr. Pulawski expressed concern for the young man and stated if they are going to hire someone they should be looking at the 96% of what goes into the landfill and not the 4% that the people of Southbridge put there. Mr. Pulawski said Mr. Clark stated earlier there is going to be more tonnage and they will get more money. Mr. Pulawski stated last September they received a provisional permit to allow additional tonnage and he does not see additional money coming into the town. Mr. Pulawski stated we do not need this and there are better ways to spend the money. **VOTE BY ROLL CALL. THOSE IN FAVOR: SPINELLI, CLEMENCE, LIVENGOOD, NIKOLLA & REGIS. THOSE OPPOSED: VANDAL, LANGEVIN, MARCUCCI & MCDONALD. MOTION PASSES.**

AGENDA ITEM #16- VOTE TO ACCEPT CHANGE ORDER NO. 3 FOR A MAXIMUM TOTAL OF \$59,533,596.00 FOR THE MIDDLE/HIGH SCHOOL PROJECT, AS DETAILED ON THE ATTACHED MEMORANDUM: A motion was made by Councilor McDonald and seconded by Councilor Livengood. Town Manager Clark explained this is an adjusted amount and stated this is Change Order No. 3 regarding the School Project and the total amount is \$42,862.00. Town Manager Clark stated they had additional drainage work done and a site modification done to put in some pads for future construction of storage sheds throughout the facility. Councilor Regis stated in the minutes of the EHS Subcommittee Meeting, it states Town Manager Clark advised they are still under budget and this vote will be contingent upon the School Building Committee Meeting on December 21, 2011. Town Manager Clark stated that is correct and if they could have that part of the main motion.

Councilor Regis made a motion to amend to include the following verbiage, "contingent upon the vote of the School Building Committee Meeting on December 21, 2011." seconded by Councilor McDonald. **VOTE BY ROLL CALL. THOSE IN FAVOR:**

VANDAL, CLEMENCE, LANGEVIN, LIVENGOOD, MARCUCCI, MCDONALD, NIKOLLA, REGIS & SPINELLI. MOTION PASSES.

Chairwoman Nikolla read the main motion- VOTE TO ACCEPT CHANGE ORDER NO. 3 FOR A MAXIMUM TOTAL OF \$59,533,596.00 FOR THE MIDDLE/HIGH SCHOOL PROJECT, AS DETAILED ON THE ATTACHED MEMORANDUM CONTINGENT UPON THE VOTE OF THE SCHOOL BUILDING COMMITTEE MEETING ON DECEMBER 21, 2011: A motion was made by Councilor Marcucci and seconded by Councilor Langevin. **VOTE BY ROLL CALL. THOSE IN FAVOR: CLEMENCE, LANGEVIN, LIVENGOOD, MARCUCCI, MCDONALD, NIKOLLA, REGIS, SPINELLI & VANDAL. MOTION PASSES.**

AGENDA ITEM #17- VOTE TO AUTHORIZE THE TOWN MANAGER TO PROCEED WITH THE PROCUREMENT PROCESS TO PURCHASE A STREET SWEEPER AND TO FUND THIS PURCHASE, THAT \$172,000.00 IS APPROPRIATED FOR THE PURPOSE FOR FINANCING THE PURCHASE OF A STREET SWEEPER AND TO MEET THIS APPROPRIATION THE TREASURER WITH THE APPROVAL OF THE TOWN MANAGER IS AUTHORIZED TO BORROW \$146,155.00 AND ISSUE BONDS OR NOTES THEREFORE UNDER SECTION 7 AND/OR 8 OF CHAPTER 44 OF THE GENERAL LAWS, OR ANY OTHER ENABLING AUTHORITY; THAT SUCH BONDS OR NOTES SHALL BE GENERAL OBLIGATIONS OF THE TOWN AND TO FUND THE BALANCE OF THE PROJECT BY APPROPRIATING \$10,000.00 FROM SEWER ENTERPRISE RETAINED EARNINGS, \$10,000.00 FROM WATER ENTERPRISE RETAINED EARNINGS AND BY TRANSFERRING \$2,046.00 FROM #6325 REPLACE BOILERS, \$2,474.00 FROM #6323 FY 2010 CAPITAL BUDGET AND \$1,325.00 FROM #6317 PLEASANT STREET PAVING:

(2/3 Roll Call Vote Required)

A motion was made by Councilor Langevin and seconded by Councilor Livengood. Councilor Clemence stated she was unable to attend Councilor Vandal's DPW Subcommittee Meeting and saw that it was fully voted and it was a positively recommended vote to come up to Council and was curious that he felt comfortable with this. Councilor Vandal stated he felt comfortable at the time but things have changed in his reasoning. Councilor Vandal stated he does not feel comfortable taking \$10,000.00 out of the Sewer and Water Enterprise Funds. Councilor Vandal stated if they can guarantee that they are not going to raise water and sewer he thinks he would go with it.

Councilor Clemence asked what the total cost per year is for the rental. Town Manager Clark stated it's about \$12,000.00 for the rental and with the brushes and such it brings the total to \$15,000.00. Town Manager Clark stated they will take \$15,000.00 out of the DPW budget in order to fund this.

Town Manager Clark explained the financing and advised they had saved money in the school borrowing and are taking 2 years of savings to primarily fund this. Town Manager Clark stated it will be paid over 2 years. Town Manager Clark asked the DPW Director the amount of use this machine would get on water and sewer operations. He advised they came back and said about \$10,000.00. Town Manager provided further details on the Retained Earnings for water and sewer. Town Manager stated the rates get determined in February and he stated he will go out on a limb and say he feels fairly confident in the water that they can duplicate the zero again and still realize a surplus. Town Manager Clark spoke about the sewer and stated they will carefully look at it and may possibly see a 3 or 4% increase. Town Manager Clark stated taking \$10,000.00 out of these makes a lot of sense.

Town Manager Clark stated the DPW takes tremendous pride in maintaining their fleet and in the time that he has been here this is the first time they asked for a machine. Town Manager Clark explained this purchase will give them the ability to be responsive to the needs of the town.

Councilor Langevin stated before this meeting he was a no vote due to the times and after listening to the financial plan Mr. Clark brought forward he will support this. Councilor Langevin stated these are not easy decisions for them. He explained he previously toured the DPW facility and advised they need equipment. Councilor Langevin stated it is such a small department for the amount of work they do. He praised them for working well as a team. Councilor Langevin stated he was at the subcommittee meeting where Councilor Vandal was the one saying they need to support this. Councilor Langevin stated at one point, Councilor Vandal wanted to borrow more money although the subcommittee meeting minutes did not reflect that.

Councilor Vandal stated he agrees with everything Councilor Langevin. He stated he did want to borrow more money although he does not want it to affect the water and sewer rates. Councilor Vandal stated no one wants a sweeper more than him as he has been after one for 7 years. He stated he is the first one who calls when the weather gets nice to get the street sweeper out there.

Councilor McDonald stated he has several problems. He stated they have a street sweeper that is 1990's model and they satisfy the mission at \$15,000.00 a year. Councilor McDonald stated the money for water and sewer funds is to go back to the development and advancement of the system. Councilor McDonald considered it a stretch going into that and stated in essence he believes it would be a double taxation to the taxpayers. Councilor McDonald explained it is a specialized piece of equipment they only use a few seasons a year. Councilor McDonald provided an example of a colleague of his who used to be a senior vice president of a major power supplier and explained how he saved money by renting specialized equipment only when needed. Councilor McDonald provided further explanation.

Councilor McDonald stated this did not come up in the previous budget and now they have the capacity and can create \$172,000.00 of new procurement and based upon that he will not vote on this. Councilor McDonald stated he would hope that 4 other councilors join him in voting no and relieving some of this burden on the taxpayers.

Councilor Regis stated she respectfully disagreed with Councilor McDonald regarding town property and water and sewer pumping stations. Councilor Regis explained these are separate business enterprises and stated when one talks about indirect costs, there is a cost. Councilor Regis provided an example within her work experience. Councilor Regis stated the Town Manager advised he does not see this transfer affecting rates. Councilor Regis explained these transfers from these other funds are all Capital things that are left over. Councilor Regis stated she will support this as they need equipment.

Councilor Spinelli stated he will support this as they have been renting a sweeper for 7 years at \$15,000.00 a year that has been used for a 5 week period. Councilor Spinelli stated he has always been a proponent of flexibility and having the ability to go out and do things. Councilor Spinelli stated now they have the ability to own a sweeper where they can schedule and clean with flexibility. Councilor Spinelli stated this makes common sense to him.

Councilor McDonald stated Councilor Regis brought up some very good points. Councilor McDonald reflected what Wil Cournoyer said to them 2 weeks ago that perhaps they could have used that money to pay down the budget so they did not have to raise the tax rate as they did. Councilor McDonald spoke in response to Councilor Spinelli and stated all major heavy equipment has an operating cost and if they end up with a vehicle they are going to have to insure it and provide maintenance and be responsible for maintaining a stock of spare parts that will incur costs.

Councilor Clemence asked what the life expectancy would be on the new unit. DPW Director, Tom Daley stated the current one has been around for 16 years and feels comfortable with that. Tom Daley thanked the Council for their positive compliments to the department as he stated he has been there for almost a year now and they are a great group of people. Councilor Clemence asked what their responsibility is if they rent a sweeper and it breaks down. Tom Daley stated if it is minor they will fix it, if it is major it goes back and they lose it. Councilor Clemence spoke about water and sewer and explained there is a 3% increase yearly in their contract. Town Manager Clark explained there is a 2% minimum and a maximum of 5%. Councilor Clemence stated regardless there is an additional cost every year and believes they are doing a great job. Councilor Clemence asked if they have to take out any additional insurance on the rental. Tom Daley stated no it is part of the rental.

Chairwoman Nikolla stated she does think she can ever recall being so torn apart on an issue. She stated this one she is having a hard time with as she thought it would have

been the last piece of equipment the DPW would have wanted. Chairwoman Nikolla stated she would have thought of lots of other things they need over a street sweeper. Chairwoman Nikolla stated she is looking at it from the financing and keeps looking over at Mr. Butler. Chairwoman Nikolla stated she does not want any other roads in this community or any other sidewalks in this community touched until the people on Brookside Road and Charlton Street at least have decent streets and don't have to worry about drainage. Chairwoman Nikolla stated she is really serious about this and she does not care about streets waiting to be paved. She stated she is referring to what she saw and wants that to be the priority of the DPW. Chairwoman Nikolla stated she is going to use her position for once, the first time ever and say she is not inclined to vote on an appropriation of anything for any other department until she sees the people of this community taken care of. Chairwoman Nikolla stated this includes Brookside Road and Charlton Street right now. Chairwoman Nikolla stated she does not care who owns it, she wants it taken care of. She stated something needs to be done as those people did not ask for a tornado. Chairwoman Nikolla stated she would like that taken care of now.

Tom Daley stated he appreciates her comments and stated they have a meeting tomorrow with Representative Peter Durant regarding a tree grant for areas that were impacted by the tornado. Mr. Daley advised the work does continue and stated the department did spend months of effort cleaning up the areas and a street sweeper would help that. Mr. Daley stated her words are heard.

Councilor Langevin stated what Chairwoman Nikolla said was nothing but the truth and stated ever since the tornado they sustain water and they cannot live like that. Councilor Langevin stated he will stay with Chairwoman Nikolla that this should be a priority but will still support this.

Chairwoman Nikolla states she is taking this personal and although does not live in that area is affected by the people down there. Chairwoman Nikolla asked if they could do something about the owners at Rosemeade in regards to their trees that slope down. Chairwoman Nikolla stated she needs to see some results up there as those people need to see results.

Dan Butler of 35 Brookside Road stated he appreciates her comments as it does mean a lot. Mr. Butler stated he feels like they have been abandoned at times. He stated he is proposing a few ideas and had quotes for tree removal. Mr. Butler asked if they could take care of this first and recommended buying chippers and then rent them out to other towns. Mr. Butler stated he does not ever see the street sweeper and stated they do not have to spend the money they do not have on a street sweeper. Mr. Butler stated he provided ideas earlier in regards to the trees. He continued to explain all of the work he has done and continues to do in his neighborhood. Mr. Butler stated it is almost Christmas and asked them to find it in their hearts and spend the money on something else.

Stephanie DeMartino of 92 Harrington Street thanked Chairwoman Nikolla for saying that. Ms. DeMartino stated they have a lot of people in Southbridge in low lying areas in this town who would really appreciate better drainage systems on their streets than having their streets swept. Ms. DeMartino asked to please revisit this next year if there is money in the budget and focus right now on the people of Southbridge, especially those affected by the tornado.

Chairwoman Nikolla stated she wanted to make it clear that she will support this as long as she is being assured that from the Town Manager and the DPW Director it won't adversely affect them and the priorities are going to shift to where she feels they belong right now.

Councilor Livengood asked if there is a difference between buying a piece of equipment and doing roadway repairs in terms of capital improvements financially.

Town Manager Clark stated they can borrow money for either purpose. Town Manager Clark stated in the time he has been here with the town one of the first people he met was Chairwoman Nikolla and he heard what she said. Town Manager Clark stated they will do what they can, and stated he is a little taken back about his DPW as he has been on them not to forget to pick up the Town and they have continued to focus on these people. Town Manager Clark stated they will endeavor to do better and explained he knows some of the drainage issues pre-existed the tornado but they will look at and have a dedicated funding source and if they need to add to that they will potentially utilize Chapter 90. Town Manager Clark stated hopefully if he has proven anything in his time to this town that when he says something he means it and tries to live up to it.

Councilor McDonald stated while he agrees they need to take care of that situation he heard the people at the podium say please don't buy the street sweeper, please take care of other needs first. Councilor McDonald stated it sounds like they are trading off saying that by supporting this and buying this street sweeper they are going to be committed to doing that. Councilor McDonald stated this is how it is coming across to him now and hopes that is not the case. Councilor McDonald stated he would like to see this measure fail as they do not have this money and have other priorities. Councilor McDonald stated by not supporting this is not a reflection on people, this is about equipment.

Roger Caouette of 82 Tillyer Ave stated the previous speaker said he should be sad and stated people do not understand hardship until they have walked in their shoes. Mr. Caouette asked why not wait to purchase the street sweeper until after the first of the year so Mr. Butler can resolve his problems so he can live a sensible way of life as right now he is going through hell and back. Mr. Caouette stated it is Christmastime and asked for compassion.

Chairwoman Nikolla wished to clarify that one is not exclusive of the other and stated she took the opportunity to discuss Brookside Road, Charlton Street and Worcester Street with the DPW Director at this time as it is a priority for her. Chairwoman Nikolla stated the street sweeper has nothing to do with this issue. Chairwoman Nikolla thanked Councilor Regis for her clarification on the financing of the sweeper.

Roger Caouette of 82 Tillyer Ave stated he was thinking they could allocate some of the money for the street sweeper to assist the living conditions for the residents at Brookside Road and Charlton Street. Mr. Caouette wished everyone a Merry Christmas and a Happy New Year.

VOTE BY ROLL CALL. THOSE IN FAVOR: LANGEVIN, LIVENGOOD, MARCUCCI, NIKOLLA, REGIS, SPINELLI & VANDAL. THOSE OPPOSED: MCDONALD. MOTION PASSES.

Chairwoman Nikolla called a 10-minute recess at 9:22PM.
Meeting reconvened at 9:35PM.

AGENDA ITEM #18- VOTE TO TRANSFER \$15,000.00 FROM THE FY 2012 DPW BUDGET ACCOUNT #001.0499.5270 TO ACCOUNT #1.710.5910 PRINCIPAL ON DEBT TO MAKE A PAY-DOWN ON THE STREET SWEEPER DEBT IN FY 2012: A motion was made by Councilor Livengood and seconded by Councilor Langevin. Town Manager Clark advised this relates to agenda item #17.
VOTE BY ROLL CALL. THOSE IN FAVOR: LIVENGOOD, MARCUCCI, MCDONALD, NIKOLLA, REGIS, SPINELLI, VANDAL, CLEMENCE & LANGEVIN. MOTION PASSES.

AGENDA ITEM #19- VOTE TO CHANGE SCHEDULE 1 TO REMOVE CABLE ACCESS COORDINATOR S-8 AND ADD NEW SECTION IX TO INCLUDE THE 3 NEW CABLE OPERATIONS PART-TIME POSITIONS:

- CABLE STATION / MANAGER / PRODUCTION DIRECTOR
- CABLE ACCESS COORDINATOR
- CABLE SECRETARY / OFFICE MANAGER

A motion was made by Councilor Livengood and seconded by Councilor Spinelli. **VOTE BY ROLL CALL. THOSE IN FAVOR: MARCUCCI, NIKOLLA, REGIS, SPINELLI, CLEMENCE, LANGEVIN & LIVENGOOD. THOSE OPPOSED: MCDONALD & VANDAL. MOTION PASSES.**

AGENDA ITEM #20- DISCUSS AND VOTE RESOLUTION TO OPEN MEETING LAW COMPLAINT FROM JOHN PULAWSKI REGARDING ALLEGED VIOLATION OF 10/19/11 REGARDING TOWN COUNCIL MEETING: A motion was made by Councilor Marcucci and seconded by Councilor Langevin. Chairwoman Nikolla read the alleged violation from John Pulawski for a complaint on October 19, 2011. Chairwoman Nikolla asked if they keep the front doors

unlocked. Town Manager Clark stated they lock them after business hours. Chairwoman Nikolla stated when one comes to a Town Council Meeting one uses the side or back doors. Town Manager Clark stated that is correct and the only time is in the summertime they will open the front doors to get circulation from the heat. Town Manager Clark stated about 75% of the year they do have them locked. Councilor Clemence asked if he has looked into this type of allegation or concern previously and they have clarified that they have opened and unlocked doors to a meeting; therefore, there would be no violation because their doors are unlocked. Town Manager Clark stated that is correct. Councilor Clemence stated if that was the case she would make a motion to send to the Attorney General's Office as required that they do believe there was a violation.

Town Manager Clark explained they did receive an August complaint in regards to the Library front doors were closed and they had the back access open as it was handicap accessible. Town Manager Clark advised the Attorney General's Office of that and he stated they received a favorable response that there was no violation of law. Town Manager Clark stated this circumstance is similar in terms of the primary access during evening hours is the side door and the sole handicap access is through the side door. Town Manager Clark stated he would propose drafting something to that effect. Town Manager Clark advised they do have signage on the front doors indicating the handicap access is to the side and to use the side doors during evening hours.

Councilor McDonald recalled a similar instance in Sturbridge where they were told they had to unlock their doors. Councilor McDonald stated the prudent course of action would be to ensure all of the doors are open. Councilor McDonald does not think the recommended solution is appropriate because there was access to the side.

Town Manager Clark stated the comment was made that the side entrance was dark and advised they did look into that. Town Manager Clark explained due the October storm and the Town Hall lost power for about 48 hours and that wound up affecting the lights on a timer. Town Manager Clark explained they have updated their lights to get better illumination.

John Pulawski of 3 Jennison Street stated this is different from the August complaint as Town Manager Clark explained they can secure the top of the stairs at the Library with gates. Mr. Pulawski stated for that reason it was possible it was not a violation. Mr. Pulawski stated he failed to react within the proper timeframe as his father was in ICU. Mr. Pulawski spoke about a complaint made by Mr. Walter Bird back in 2007, a meeting of the Southbridge Board of Health where it was said even if the side doors were unlocked because of the front doors being locked, it was considered a violation. He stated the Board of Health had to revote on everything that happened that night and that is why he made this complaint. Mr. Pulawski stated this was the night, on October 19, 2011 they decided to remove Ann Beinema. Chairwoman Nikolla reminded Mr. Pulawski they are discussing this Open Meeting Law Complaint. Mr. Pulawski stated this has been

forwarded and after consulting with the Attorney General's Office they told him they had to respond to him within 14 days on his complaint and today is the 32nd day. Mr. Pulawski stated he wasn't even told about this tonight.

Chairwoman Nikolla asked Councilor Clemence to repeat her motion. Councilor Clemence stated the motion is there was no violation of the Open Meeting Laws because the intent was not to have any closed door meetings, it was strictly their policy to lock the front door and the side doors were easily accessible to all. Councilor Clemence stated her motion is there was no Open Meeting Law violation; there was plenty of open access during that meeting seconded by Councilor Langevin. Chairwoman Nikolla asked if I was able to get all of that. I read there was no Open Meeting Law violation as there was plenty of open access during the meeting. Chairwoman Nikolla stated she would like to add to that as a remedy by making it as completely accessible as possible and unlock the front door.

I read that Councilor Clemence said her motion was that there was no Open Meeting Law violation and there were plenty of doors and open access during the meeting and the remedy will be to unlock the front door at future meetings. Chairwoman Nikolla added the words "for additional access"

Councilor Regis asked if this will be the remedy for all public meetings that all of the doors will be unlocked and all of the lights will be on. Chairwoman Nikolla stated people will have to use common sense. Councilor Regis asked if they have proper lighting on the stairs out there. Town Manager Clark stated they have lighting at the top of the steps, not at the bottom. Councilor Regis stated they do not have a custodian and in many places a custodian does get overtime for attending meetings such as this to make sure a building is secure afterwards. Councilor Regis stated there are signs at the front door now and suggested adding to the top of the posting "access through side doors for evening meeting". Town Manager Clark stated they could put it on the 24/7 scroll.

Councilor Clemence stated she has to disagree with unlocking the front doors because of safety issues, heating issues and security issues. Councilor Clemence stated they currently have 2 doors and believes using adequate signage letting them know where one should enter this building after normal business hours for evening meetings.

Councilor McDonald stated he distinctly remembers that the same concerns were expressed in Sturbridge and he believes they were told they had to have their front doors unlocked although he could be mistaken.

Councilor Clemence stated perhaps a phone call to the Attorney General's Office asking if it is necessary for any Town Meeting to have their front door when they have 2 other doors available. Chairwoman Nikolla stated it is something they could do and make that phone call to make sure its okay. Chairwoman Nikolla stated for the record, all of these are frivolous, with the exception of the dark lighting on the side. Chairwoman Nikolla

stated the people who brought these complaints forward did make it to the meeting; they were not denied access to a meeting. Chairwoman Nikolla stated we need to address them and the lighting issue has been corrected.

Town Manager Clark stated they can add it to the scroll just to say during evening hours to use that and have that up there all of the time. Councilor Livengood stated he feels it should also be put on the signs on the doors.

Chairwoman Nikolla asked me how I have it written. I read there was no Open Meeting Law violation as there were plenty of doors open and additional access during the meeting and the remedy will be to unlock the front door at future meetings. Chairwoman Nikolla asked me to omit the last part and the remedy will be to include on the 24/7 scroll a notice for after hours to use the handicap access side entrance as well as posting on the front door.

I read it again that Councilor Clemence made a motion: **“THERE WAS NO OPEN MEETING LAW VIOLATION AS THERE WERE PLENTY OF DOORS OPEN AND ADDITIONAL ACCESS DURING THE MEETING AND THE REMEDY WILL BE TO INCLUDE ON THE 24/7 SCROLL A NOTICE THAT AFTER HOURS TO USE THE SIDE/HANDICAP ACCESSIBLE ENTRANCE AS WELL AS POSTING IT ON THE FRONT DOORS”**. A motion was made by Councilor Clemence and seconded by Councilor Langevin. **VOTE BY ROLL CALL. THOSE IN FAVOR: NIKOLLA, REGIS, SPINELLI, VANDAL, CLEMENCE, LANGEVIN, LIVENGOOD & MARCUCCI. THOSE OPPOSED: MCDONALD. MOTION PASSES.**

AGENDA ITEM #21- DISCUSS AND VOTE RESOLUTION TO OPEN MEETING LAW COMPLAINT FROM HUGH MACKINNON REGARDING ALLEGED VIOLATION OF 12/5/11 REGARDING TAX HEARING: Chairwoman Nikolla read the alleged violation from Hugh MacKinnon for a complaint on December 5, 2011. Chairwoman Nikolla stated she thinks they can use what they have for agenda item #20.

Hugh MacKinnon of 21 Williams Street stated he generally walks here and explained his complaints came in for December 5th partially due to the fact that he had previously addressed the Council at a previous meeting due to the lack of lighting. Mr. MacKinnon explained his eye sight is poor and stated that evening there was ambient lighting at the front door as it was dark at the side door. Mr. MacKinnon stated this is not a frivolous thing and he could have gotten hurt. Mr. MacKinnon stated he wanted to go to the Tax Hearing and stated if it had not been for the help of Mr. Paul Zotos he would not have made it in to go to the regular meeting.

Chairwoman Nikolla stated she thinks they have addressed this. Councilor Livengood made a motion to use the same statements as they did for the other one seconded by

Councilor Langevin. Chairwoman Nikolla stated they would want to add that they have remedied the lighting on the side.

Councilor McDonald stated he voted no on the previous item as he disagrees with some of the verbiage and stated it is just not a feasible remedy and if he votes no it's only because he really does believe the doors have to be unlocked.

Chairwoman Nikolla asked me to read the motion again. **“THERE WAS NO OPEN MEETING LAW VIOLATION AS THERE WERE PLENTY OF DOORS OPEN AND ADDITIONAL ACCESS DURING THE MEETING AND THE REMEDY WILL BE TO INCLUDE ON THE 24/7 SCROLL A NOTICE THAT AFTER HOURS TO USE THE SIDE/HANDICAP ACCESSIBLE ENTRANCE AS WELL AS POSTING IT ON THE FRONT DOORS AND THE LIGHTS HAVE BEEN REPLACED AND THE ISSUE NO LONGER EXISTS.”** A motion was made by Councilor Livengood and seconded by Councilor Langevin. **VOTE BY ROLL CALL. THOSE IN FAVOR: NIKOLLA, REGIS, SPINELLI, VANDAL, CLEMENCE, LANGEVIN, LIVENGOOD & MARCUCCI. THOSE OPPOSED: MCDONALD. MOTION PASSES.**

AGENDA ITEM #22- DISCUSS AND VOTE RESOLUTION TO OPEN MEETING LAW COMPLAINT FROM HUGH MACKINNON REGARDING ALLEGED VIOLATION OF 12/5/11 REGARDING TOWN COUNCIL

MEETING: Chairwoman Nikolla stated she thinks they can use what they have for agenda item #20 as it is basically the same except for the improperly lit area which has been remedied. Chairwoman Nikolla stated it is the same thing and asked me to read it again. **“THERE WAS NO OPEN MEETING LAW VIOLATION AS THERE WERE PLENTY OF DOORS OPEN AND ADDITIONAL ACCESS DURING THE MEETING AND THE REMEDY WILL BE TO INCLUDE ON THE 24/7 SCROLL A NOTICE THAT AFTER HOURS TO USE THE SIDE/HANDICAP ACCESSIBLE ENTRANCE AS WELL AS POSTING IT ON THE FRONT DOORS AND THE LIGHTS HAVE BEEN REPLACED AND THE ISSUE NO LONGER EXISTS.”** A motion was made by Councilor Livengood and seconded by Councilor Langevin. **VOTE BY ROLL CALL. THOSE IN FAVOR: REGIS, SPINELLI, VANDAL, CLEMENCE, LANGEVIN, LIVENGOOD, MARCUCCI & NIKOLLA. THOSE OPPOSED: MCDONALD. MOTION PASSES.**

AGENDA ITEM #23- COUNCILORS FORUM:

Councilor McDonald stated a few weeks ago Former Councilor and Former State Rep. Ken O'Brien presented a good argument regarding their By-laws and they were expecting a response back from the Town Attorney or the Town Manager. Councilor McDonald stated he feels it's important for all of them to receive a written response to what he said. Town Manager Clark stated it was put in the councilor's package several weeks ago and

was in the information section. Councilor McDonald stated he will go back and look. Councilor McDonald wished Happy Holidays and Merry Christmas and Happy New Year to his colleagues on the Council, the Town employees and the citizens as a whole and for our Latino population, Feliz Navidad.

Councilor Livengood stated it is nice to see a group that's put together to keep babies alive rather than push abortion. Councilor Livengood stated tonight he would like to do what he did last year and does not wish to offend anyone. Councilor Livengood stated this is his opinion of Christmas and read "The Christmas Story of the Birth of Jesus." Councilor Livengood stated he thinks people need to start looking around as it seems to be about getting things and feels we should start looking at giving again. Councilor Livengood wished Merry Christmas and a Happy New Year to everyone.

Councilor Spinelli stated he is an Elvis Presley fan and likes the song "If Every Day Was Like Christmas and he stated the refrain has stayed with him as it was released while he was in Vietnam and he remembered it. Councilor Spinelli read the refrain and wished everyone a Merry Christmas and a Happy New Year. Councilor Spinelli stated he realized there was a wreath laying ceremony and stated he is a Vietnam Veteran and asked if there is some way he could be notified if there is something like that as it would be an honor to participate in that.

Councilor Langevin wished everyone a very Merry Christmas and a Happy Healthy New Year.

Councilor Regis said ditto and wished Merry Christmas and Happy New Year from her family to everyone and not to forget what Christmas is all about.

Councilor Marcucci wished Merry Christmas and Happy New Year to everyone.

Councilor Vandal wished everybody a Merry Christmas and a Happy New Year.

Vice-Chair Clemence stated she had the privilege of attending the Senior Holiday Party at the Community Center last week and said Mike did a great job at arranging the group. Vice-Chair Clemence gave a shout out to her lady friends as they know who they are. Vice-Chair Clemence wished everybody the happiest of holidays as this year as been a very trying year. Vice-Chair Clemence stated there has been a lot of loss in this Town in many things and hopes everyone has a much happier New Year in 2012. Vice-Chair Clemence recommended taking a moment to look at the stars and take a deep breath and be happy to be alive. Vice-Chair Clemence wished Happy Holidays and Merry Christmas and all good wishes to everybody.

Chairwoman Nikolla stated she is looking forward to 2012 and stated she would like to forget 2011 but yet not as it does remind her there is a lot of resiliency in the Town of Southbridge. She added people do work together and are good neighbors to each other. Chairwoman Nikolla wished everybody in this community a very Happy Holiday, Merry Christmas and Happy New Year and stated that goes double for her peers on this Council,

Mr. Clark, Mr. Caprera and all of the town department heads and their families and all of the people who work in the town and all of the wonderful citizens.

AGENDA ITEM #24- DISCUSSION OF NEXT MEETING DATE – MONDAY, JANUARY 9, 2012 AT 7:00 PM IN COUNCIL CHAMBERS, TOWN HALL: Vice-Chair Clemence stated the next meeting date is Monday, January 9, 2012 at 7:00PM in Council Chambers of the Town Hall.

AGENDA ITEM #25- VOTE TO ENTER INTO EXECUTIVE SESSION ACCORDING TO M.G.L. CHAPTER 30A, SECTION 21, §3 TO DISCUSS STRATEGY WITH RESPECT TO LITIGATION AND TO ADJOURN: A motion was made by Councilor Livengood and seconded by Councilor Marcucci. **VOTE BY ROLL CALL. THOSE IN FAVOR: SPINELLI, VANDAL, CLEMENCE, LANGEVIN, LIVENGOOD, MARCUCCI, MCDONALD, NIKOLLA & REGIS. MOTION PASSES.**

Meeting went into Executive Session at 10:20PM.

AGENDA ITEM #26- ADJOURNMENT: A motion was made by Councilor Livengood and seconded by Councilor McDonald. **VOTE BY SHOW OF HANDS, ALL IN FAVOR.**

Meeting adjourned at 10:45PM.

Respectfully Submitted,

Stacey L. Renaud
Recording Clerk