

**TOWN COUNCIL MEETING
MACKINNON COUNCIL CHAMBER
MONDAY – SEPTEMBER 14, 2009 – 7:00 PM**

A meeting of the Southbridge Council was held on Monday September 14, 2009, in the Robert MacKinnon Council Chambers.

Chairman Lazo called the meeting to order at 7:10pm.

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 and VANDAL**. Excused: **VECCHIA**.
3. **Consider and accept the minutes of the August 24, 2009 meeting** A motion was made by Councilor McDonald and seconded by Councilor Clemence. **VOTE BY ROLL CALL**: Those in favor: **CLEMENCE, LAZO, LIVENGOOD, LOGAN, MCDONALD, NIKOLLA, REGIS and VANDAL**. Excused: **VECCHIA**.
4. **Subcommittee Reports:**
 - (a) **General Government**-Councilor McDonald read the minutes of September 9, 2009. Meeting scheduled September 15, 2009
 - (b) **Department of Public Works**-Councilor Vandal had no report. Meeting scheduled September 23, 2009
 - (c) **Protection of Persons and Property**-Chairman Lazo read the minutes of September 1, 2009. No meeting scheduled.
 - (d) **Education and Human Services**-Councilor Clemence read the minutes of September 2, 2009. Councilor Regis raised the concern that minutes should reflect on Agenda Item #1 a signed copy of the supreme court decision be placed on record. No meeting scheduled.
 - (e) **Planning and Development** Councilor Logan read the minutes of August 27, 2009. Meeting scheduled September 15, 2009.
5. **Swearing In Ceremony**-No one to be sworn in this evening
6. **Chairman's Announcements**
 - a. **Presentation of Proclamations**- Chairman Lazo presented both Robert Dupery holding 19 years of service and Thomas Ayau holding 13 years of service with recognition from the House of Representatives and the Senate for their work and contribution to Public Access Television. An additional certificate of appreciation was presented to both Robert Dupery and Thomas Ayau on behalf of the Town of Southbridge for their years of service.

7. Town Manager's Announcements

September 14, 2009 starts the Southbridge Water Department semi-annual cleaning of the water system. It will last 4-6 weeks and be in effect 7am-3pm daily. Call water department for more information 508-764-3207

Please remember to remove all yard sale signs after sale ceases

September is sign-up day at Jacob Edwards Library

8. Citizen's Forum

Dick Whitney, 5 Pine Ridge Road had dates to remember. September 19, 2009 Future of Southbridge will host clean up on Main Street at 9am, meeting in Wells Parking Lot. September 21, 2009 is Future of Southbridge meeting on Crane Street. September 26, 2009 is window display clean up with Future of Southbridge.

Chris Ayoub 468 Hamilton Street is legally blind and requested a crosswalk on various streets as he walks to work at the Center of Hope daily.

Judy Whitman, 486 Hamilton Street is Chris Ayoub's mother. She reported that there are several persons with disabilities who work at Center of Hope in need of crosswalks at various locations. As DMR, now known as DOS, has cut funding she contacted the American Disabilities Act (ADA) who informed her that the "right to access includes roads". Town Manager Clark offered to have a meeting with Judy and other members of Center of Hope to create a comprehensive plan. Councilor Clemence offered alternate for DPW due to legal issues based on restrictions that apply on some intersections. Chairman Lazo offered for Judy to attend the traffic commission meeting with her concerns on September 16, 2009 at 6:30pm at the Police Department.

George Chenier of 235 Pleasant Street gave a summary of the airport update. A five year plan, or Master Plan, is in progress. The FAA is requesting upgrade plans by late winter, early spring 2010. At that time, Mr. Chenier will be seeking 2% funding from Council. The plan will include unused land/property that may be of interest for future Industrial Park use. The airport runway extension will cost 1.5 million, 95% federal funds; 2 ½ % state funds; and 2 ½ % local shares will cover the expense. A fence area may be required around the swamp area and the F350 vehicle replacement will be requested on the plan as well.

John Pulawski of 3 Jennison Street has a crosswalk controversy on how quickly safety decisions are made yet crosswalks are always put on hold. He commented that this issue has been raised by another citizen, Howard Hall, for three years. He commended Howard for his determination on safety in the town.

Stephanie DiMartino of 92 Harrington Street requested the extension contract on Casella be rescinded so gasification can't be built. Councilor Clemence reiterated that any project must be approved by DEP and voted on by council to go forward.

- 9. Introduce Bill Mason. Presentation of the Lyme's Disease Awareness Program.**
 Bill Mason 19 Venice Road Sturbridge opened with his story of his 40 year old son who has had Lyme Disease for 14 years and been disabled for 6 years due to the disease. There has been a 200% increase in Lyme Disease in the past two years. He invites the public to a free viewing of the documentary "Under our Skin" being shown at the Southbridge Hotel and Conference Center Saturday October 3, 2009 at 1:30pm for additional information. The Board of Health will be attending and Bill is attempting to pass a Mass Law to help treat the disease long-term, as health care professionals and insurance are currently treating as an acute illness. Call 508-347-7944 by September 29, 2009 to register, Seating is limited.
- 10. Vote to confirm the Town Manager's appointment of Ann Fenwick-Beinema to the Board of Health for the Town of Southbridge for a three year term to expire June 30, 2012.** A motion was made by Councilor Vandal and seconded by Councilor McDonald. **VOTE BY ROLL CALL. Those in favor: CLEMENCE, LAZO, LIVENGOOD, MCDONALD, NIKOLLA, REGIS and VANDAL. Excused; VECCHIA. MOTION PASSES.**
- 11. Vote to appoint Steven Brady as a Citizen Member to the Planning & Development Subcommittee until December 31, 2009.** A motion was made by Councilor Clemence and seconded by Councilor Vandal. **VOTE BY ROLL CALL. Those in favor: CLEMENCE, LAZO, LIVENGOOD, MCDONALD, NIKOLLA, REGIS and VANDAL. Excused; VECCHIA. MOTION PASSES.**
- 12. Vote to confirm the Town Manager's appointment of Robert G. Caprera as Town Attorney, Blatman, Bobrowski & Mead, LLC as Special Municipal Counsel and Kopelman & Paige P.C. as Special Attorney for the Wetland appeal and the Town's ongoing activities with CDM relative to the construction of the wastewater treatment plant renovations; terms to expire June 30, 2010 or at the settlement of the ongoing litigation.** A motion was made by Councilor McDonald and seconded by Councilor Regis. Councilor Logan clarified this appointment is for a term of one year for above stated work and Attorney Mike Scott will complete current outstanding legal work. It was raised as concern by Citizen John Pulawski that Attorney Caprera took part in the hiring process of Town Manager Clark. This allegation did not need a dignified response and council continued with the vote. **VOTE BY ROLL CALL. Those in favor: CLEMENCE, LAZO, LIVENGOOD, MCDONALD, NIKOLLA, REGIS and VANDAL. Excused; VECCHIA. MOTION PASSES.**
- 13. Vote to authorize the Town Manager to sign the Statement of Claim in the amount of \$24,525.00 for the demolition of 55 Coombs Street to be filed as a lien against the property to recover the Town's cost.** A motion was made by Councilor McDonald and seconded by Councilor Regis. **VOTE BY ROLL CALL. Those in favor: CLEMENCE, LAZO, LIVENGOOD, MCDONALD, NIKOLLA, REGIS and VANDAL. Excused; VECCHIA. MOTION PASSES.**

14. **Vote to transfer the sum of \$20,000.00 from Town Council Reserve Account No. 001.0132.5781 to the Town Clerk Elections Accounts 001.0162.5120 Salaries and Wages to cover Special Primary and Election for replacement of Senator Kennedy's seat.** A motion was made by Councilor McDonald and seconded by Councilor Regis. Chairman Lazo commented that this is an unfunded mandate and may be reabsorbed by the state. **VOTE BY ROLL CALL. Those in favor: CLEMENCE, LAZO, LIVENGOOD, MCDONALD, NIKOLLA, REGIS and VANDAL. Excused; VECCHIA. MOTION PASSES.**
15. **Vote to ratify the contract amendment between the Town of Southbridge Public Schools and Commonwealth Medicine Center for Health Care Financing University of Massachusetts Medical School to effectuate the reimbursement of the services provided by the Individual Education Plan processed by the Commonwealth of Massachusetts.** A motion was made by Councilor Vandal and seconded by Councilor McDonald. Councilor Logan requested clarification on this issue in which Town Manager Clark responded that it allows the town to receive reimbursement for medical services in 15 minute increments. **VOTE BY ROLL CALL. Those in favor: CLEMENCE, LAZO, LIVENGOOD, MCDONALD, NIKOLLA, REGIS and VANDAL. Excused; VECCHIA. MOTION PASSES.**
16. **Vote to ratify agreement with Camp Dresser & McKee for one year to provide Landfill oversight in amount not to exceed \$30,000.00.** A motion was made by Councilor McDonald and seconded by Councilor Clemence. Councilor Logan reported he would abstain due to lack of information to vote. Councilor Vandal reported it felt it was a waste of \$30, 000.00. **VOTE BY ROLL CALL. Those in favor: CLEMENCE, LAZO, LIVENGOOD, MCDONALD, NIKOLLA, REGIS and VANDAL. Excused; VECCHIA. MOTION PASSES.**
17. **Vote to amend the Southbridge Town Council Rules and Regulations Rule 4a. as follows:**

Citizens may be appointed to serve on Town Council subcommittees by the Chairman of the Town Council, subject to confirmation by the Town Council. Appointments of citizen members of Town Council subcommittees shall be for terms ending July 31st or until new citizen members are appointed. Upon expiration of each appointed term, persons so appointed shall not continue in office; provided, however, that nothing in this Rule shall prevent the Council Chair from reappointing or the Town Council from reconfirming such person for an additional term. A motion was made by Councilor McDonald and seconded by Councilor Vandal. An amendment to the terminology was brought up by Councilor Clemence and Councilor Regis. Councilor McDonald clarified this vote only allows extension to a 12 month term. Chairman Lazo ended the discussion by stating General Government would review rules and terminology at the next sub-committee meeting. **VOTE BY ROLL CALL. Those in favor: CLEMENCE, LAZO, LIVENGOOD, MCDONALD, NIKOLLA, REGIS and VANDAL. Excused; VECCHIA. MOTION PASSES.**

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

Section 3-302.3 Parking Enforcement Officer

When requested by the Chief of Police, the Animal Control Officer will assist in the regulation of motor vehicle parking enforcement. The mission of the parking enforcement is to support the efficient and safe movement of daily traffic to help ensure compliance with all applicable regulations. The Parking Enforcement Officer shall have

the authority to issue written citations in the form of Town of Southbridge parking citations as allowed by M.G.L. Chapter 90 Section 20A ½.

Third and Final Reading

A motion was made by Councilor McDonald and seconded by Councilor Regis. **VOTE BY ROLL CALL. Those in favor: CLEMENCE, LAZO, LIVENGOOD, MCDONALD, NIKOLLA, REGIS and VANDAL. Excused; VECCHIA. MOTION PASSES.**

19. Councilor's Forum

Councilor Vandal reported a Morris Street citizen reported that Glenwood Drive had some work done and sand on road is in need of removing.

Councilor Regis inquired about bushes on Dudley to Ashland Ave needing to be trimmed due to poor visibility. It was determined it is the state's responsibility and to call Representative Alicia.

Councilor Clemence reported on an amazing concert on August 29, 2009 at the High School. Open House on August 31, 2009 at Jacob Edwards Library was well done. Thanked Bill Mason for his Lyme Disease presentation.

20. Discussion of next meeting date- Councilor Lazo suggested September 28, 2009 at 7:00pm.

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

Meeting adjourned at 8:45pm.

Respectfully Submitted,

Deborah Williams MASc
Recording Clerk