

**TOWN COUNCIL MEETING
TOWN OF SOUTHBRIDGE
MONDAY March 14, 2011**

A meeting of the Southbridge Town Council was held on Monday, March 14, 2011 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, NIKOLLA, SPINELLI, REGIS & VANDAL.**

AGENDA ITEM #3- CONSIDER AND ACCEPT THE MINUTES OF MONDAY, February 28, 2011: A motion was made by Councilor Livengood and seconded by Councilor McDonald. **VOTE BY SHOW OF HANDS. ALL IN FAVOR.**

AGENDA ITEM #4- SUBCOMMITTEE REPORTS:

- (a) **General Government:** Councilor Logan read the minutes of March 7, 2011. No meeting is scheduled.
- (b) **D. P. W.:** Councilor Vandal read the minutes of March 9, 2011. No meeting is scheduled.
- (c) **Education and Human Services:** Councilor Nikolla had no minutes. A meeting is scheduled for Tuesday, March 15, 2011 at 7PM.
- (d) **Planning and Development:** Councilor Logan stated there was a meeting last Thursday and the minutes were not available. No meeting is scheduled.
- (e) **Protection of Persons and Property:** Councilor McDonald had no minutes. A meeting is scheduled for Tuesday, March 22, 2011 at 7PM.

AGENDA ITEM #5- CHAIRMAN'S ANNOUNCEMENTS:

Chairman Lazo commended Mr. Mark Morin, a citizen member of a committee who looked into doing a Permitting Guide Book for the Town of Southbridge. He stated it is very informational for anyone coming into Town. Lazo added it is a comprehensive book and an excellent piece and commends Mr. Morin and others for a fine job.

Chairman Lazo stated he received an email from the Central Massachusetts Regional Planning Commission in Worcester. He stated Attorney General Martha Coakley sent an invitation to attend a meeting on the Open Meeting Law. Lazo stated these meetings will provide an update and guidance in compliance with the recently revised Open Meeting Law. He stated public bodies, municipal officials and members of the public are encouraged to attend and can preregister in advance by emailing omltraining@state.mass.us. Lazo explained to include your first and last name, your town

and residence and indicate the location of the educational forum you will attend. He said this one is the Open Meeting Law training in Central Mass and will be held June 1, 2011 between 6-8PM at the Worcester Public Library at 3 Salem Square in Worcester, MA. Lazo stated to contact the Town Manager's office for more information.

AGENDA ITEM #6- TOWN MANAGER'S ANNOUNCEMENTS:

Town Manager Clark stated there will be a Spring Awakening Event on March 23, 2011 at 5:30PM in the Shades Lounge at the Southbridge Hotel and Conference Center put on by the Southbridge Merchants Informational Mixer sponsored by the Downtown Southbridge Partnership.

Town Manager Clark stated Tia E. Costello of the U.S. Census Bureau will be at the Jacob Edwards Library to present a program to local social service agency providers on Wednesday, March 30, 2011 from 10-12PM in the Pioppi Room at the Library. He explained the presentation is a workshop on the effective use of the census data especially for community based human service agencies.

Town Manager Clark stated there will be a Homebuyers Seminar at the Jacob Edwards Library on Monday, March 21, 2011 from 6:30-7:30PM. He stated Seth Pitts, a representative of the USDA will discuss resources available to potential homebuyers from his agency. Mr. Clark stated local lenders and real estate agents will be on hand to help homebuyers negotiate the process and answer questions. He stated it is a free seminar open to the public.

Town Manager Clark announced the Community Development Block Grant Program is seeking applicants for the Housing Rehabilitation Program in the Morris/Coombs Sts., Worcester/Henry Sts. neighborhood target areas. He explained assistance is given in the form of deferred payment loans to the owner/occupants who qualify for this income based program. He stated these special home improvement loans are forgiven if you retain ownership and residency for 15 yrs. He stated applicants must own their home for at least one year and have a well established record of timely payments. Clark stated if you are interested and live in these areas you are encouraged to call the Economic Development & Planning Office at (508)764-5402. He stated they have applications as well as the map of the target areas.

Town Manager Clark stated it went by quickly at the last meeting but he wished to publicly thank the Town Council for his 3 year extension. He thanked them for their support and confidence and looks forward to moving forward with the community.

AGENDA ITEM #7- CITIZEN'S FORUM:

Kevin Buxton of 255 Elm Street stated he attended the Solar Energy Seminar and stated

it is an effective system and looks forward to getting more information on it. He discussed a matter that was brought up at the last Board of Health meeting; weekly recycling pick up. Buxton discussed the benefits of weekly recycling pick up opposed to bi-weekly. He stated it is an important issue to make sure they have the avenue to recycle as much as possible. He stated Mr. Morin commented that citizens can get additional recycling totes if needed. Buxton stated citizens would not have to remember which week is recycling. He explained it would give more emphasis and control on locating those households that do not recycle. He said this would be a good stepping stone to the Smart Cart system. Buxton also stated we need to review the current by-laws. Buxton discussed the curbside bidding contract and stated this is the time the Town puts out bidding for haulers. He stated as part of the site assignment, Casella would reimburse the Town for whatever the curbside pick up is, so it is no cost to the Town if we wish to improve the curbside pick up contracts. Buxton stated the curbside bidding process is an important issue and he does have an information request with the Town Manager. He stated he would like to see the Board of Health address it simply as a motion that the Board of Health and its agents will advocate for weekly recycling.

Town Manager Clark advised he is aware of Mr. Buxton's public information request and stated it is coming. Clark explained the Town did have a RFP out in 2005 and in 2008 it was renewed for 3 additional years. He explained they looked at the RFP and the Landfill Extension Agreement supersedes that contract so there is no need to bid the service out. He stated the service is included within the Landfill Extension Agreement and it would be done by Casella. Clark stated it is done in Exhibit H in the Landfill Extension Agreement document and it does allow the Town to update and change that. Buxton asked if a new RFP will be established. Town Manager Clark stated no but there will be an opportunity to change the curbside collection program as part of revisions to Exhibit H. Buxton said they won't have a chance to revisit the curbside pick up program every 3 years as with the RFP process. Clark further explained the program.

James Sottile of 83 Pinedale Street spoke about the 2008 abatement appeal he made to the Town Council that he stated was fully supported by the majority of members. He stated this relates to drive by meter reading. He stated the Council supported him unanimously at the time and it went back to Subcommittee and the Town Manager was supposed to correct that. He stated he has a video of it that he will make a presentation for. He stated he wanted to warn folks with exception meters, they will have to comply with the new regulations and have a double read. He stated the Town Manager made a promise to him that he would inform the Town folk about the exception meters and he never did. Sottile stated he wanted to make that point and to make Council aware of the dangers that might be encompassed by the drive by readers.

Town Manager Clark spoke strictly from his memory and that in 2008 there was an abatement request made for water usage. He stated the process required it go to the DPW Director for disposition. He stated it was disposed by the DPW Director and there was

also a second effort made to approach the Council and to go through the Council to have that process changed. Clark stated it was beyond the scope of the Council to make that change. He stated they did say they would do some public information efforts and advertise that. Clark stated the two things that came out of that were complied with and he is shocked that this is reemerging.

Chairman Lazo stated there have been other citizens they have discussed that have looked for an abatement because of catastrophic leaks. He stated he is still receiving calls and there is no salvation for anybody who has a catastrophic break. He stated it is up to the Town Manager to do it, but then it would open up a can of worms. Lazo stated drive by meter readings are supposed to alleviate some of that because you will have a quicker reading and will know of a leak, so it's better for the whole Town. Lazo feels bad that it occurs as it happened to him personally and there was nothing they could do, they had to pay the bill.

Councilor Nikolla stated at the last Town Council Meeting, Councilor Clemence spoke about the exception meters and advised people to be aware of same. Councilor Clemence stated yes and the discussion of exception meters has been brought up more than once and she wanted to make that clear.

Councilor Nikolla stated isn't it part of a by-law that they might have the opportunity to make an adjustment in a General Government Subcommittee if they chose to. Lazo stated he believed that is what they tried to do when it was previously brought to General Government. Councilor Logan stated there was some question of the specific party involved having the correct permits and inspections done on the line that leaked. He stated the Town Manager found some information about water issues on their property but not specifically that line. Councilor Logan believed if was left off where the Town Manager was investigating whether the proper permits and inspections were obtained. Logan stated he thought the work was permitted and was inspected but the results were lost. Town Manager Clark stated they did go back and found some records from 1983 that show there was a rough inspection done; a first preliminary inspection. Clark stated there was no record of a final inspection done which really shows the installation was done in accordance with code.

Councilor McDonald called a point of order. He stated they are getting into territory where they are talking about something that is not on agenda. He stated the people and the individuals concerned have asked for an opportunity to address this Council but not afforded the opportunity to address this Council and yet they are delivering information. He stated they have not been notified to be there to know they would be talking about this. Councilor McDonald recommended putting this on a Subcommittee agenda and get the issue taken care of in the proper context and the proper format and not discuss it in this manner. He added they are on a slippery slope and should not be doing this.

Chairman Lazo stated that he thinks the speaker that came up was owed an answer here.

Town Manager Clark stated in fairness the individuals have been to several members of the Council and he will arrange a meeting with them. He stated he will sit down and go through the file and explain what the situation is and show them the rules and regulations. Town Manager Clark stated in terms of the water and sewer rates, they are making a proposed change to the water rates to make it easier for people. He stated they proposed to have a free shut off for people if they are going away for an extended period of time or they may be away. He stated this will come out at the water and sewer rate hearings which he anticipates hopefully within the next 30 days. Chairman Lazo stated he hopes he would invite everyone that had a catastrophic break or has complained about excessive water, he believed there are maybe 3 people including Mr. Sottile. Town Manager Clark stated they will definitely make an announcement and they do have to put it in the paper about the Public Hearing. Clark stated they will probably have the Public Hearing on a Thursday evening.

AGENDA ITEM #8- SWEARING IN / PRESENTATIONS:

Chairman Lazo stated there were none.

AGENDA ITEM #9- VOTE TO APPROVE THE MANAGER'S RECOMMENDATION OF MICHAEL RENAUD TO THE PLANNING BOARD FOR A 2-YEAR TERM TO FILL THE VACANCY LEFT BY PETER RAMIREZ; SAID TERM TO EXPIRE JUNE 30, 2013:

A motion was made by Councilor Livengood and seconded by Councilor Spinelli.

Councilor Nikolla stated she was curious on the interest form as to why the candidate's address is blacked out along with his home telephone and email address. Town Manager Clark stated generally for Town employees it is part of Public Records Law they are not supposed to disclose specific home addresses, so they are trying to comply with the Public Records Law. Councilor Nikolla asked if there is confirmation that he is a resident of the Town of Southbridge. Town Manager Clark stated yes he is. Lazo added they also do that for Police and Fire. **VOTE BY ROLL CALL. THOSE IN FAVOR: LAZO, LIVENGOOD, LOGAN, MCDONALD, NIKOLLA, REGIS, VANDAL & CLEMENCE. ABSTAIN: SPINELLI. MOTION PASSES.**

AGENDA ITEM #10- VOTE TO MOVE PRECINCT 2 FROM WEST STREET SCHOOL TO THE COMMUNITY SERVICE CENTER, 153 CHESTNUT STREET FOR VOTING PURPOSES:

A motion was made by Councilor Livengood and seconded by Councilor Spinelli.

Councilor McDonald stated that during the Subcommittee meeting he expressed some concerns but advised he is in favor of getting everything in one location if it's feasible. Councilor McDonald stated his major concern is increasing the traffic flow to the area and the number of parking spaces that are there as well as the increased activity and

traffic into the building and wanted to make sure they are in compliance as far as the occupancy load of the building upon its use. McDonald stated he asked the Town Manager to look into it.

Town Manager Clark stated the building official told them that occupancy load was not relevant in this circumstance because people vote and come in and out and circulate. Clark stated that due to transient nature of voting, there is sufficient parking as the back lot has been graded and does allow for additional parking and advised they will make sure it gets expanded out. He explained that he spoke with Town Clerk, Maddie Daoust and stated the next 3 or 4 elections they will have are non-presidential, which means not as heavy a turn out, so they will be able to see after those elections how this works. Clark stated if it doesn't work they will revisit it with a proposed change. Chairman Lazo asked about a traffic study in that area and whether that neighborhood would be able to handle it. Town Manager Clark stated that he has done a lot of traffic studies and does not see a problem with the traffic. **VOTE BY ROLL CALL. THOSE IN FAVOR: LIVENGOOD, LOGAN, MCDONALD, NIKOLLA, SPINELLI, REGIS, VANDAL, CLEMENCE & LAZO. MOTION PASSES.**

AGENDA ITEM #11- VOTE TO RATIFY THE AGREEMENT WITH NATIONAL GRID TO INSTALL A POWER LINE ALONG COMMERCIAL DRIVE IN THE AMOUNT OF \$461,090.67: A motion was made by Councilor Livengood and seconded by Councilor Spinelli.

Councilor Logan stated the Extension Agreement requires them to build this road and the way they arranged the financing for this, Casella is paying roughly 25% of the total cost. He explained they are not required to make that payment but are doing so because they want to sell electricity. Town Manager Clark stated that is correct. Councilor McDonald stated that it is important to point out that this is also part of developing the segment designated as the Industrial Park. He explained they cannot move forward to get any kind of income stream coming in unless they get this line up there. He stated the Town Manager has done his due diligence should the plan carry on as intended and he will be voting in favor of it.

Lazo questioned whether the easement given to National Grid is from the Town of Southbridge and not Casella as it was in the contract. Town Manager Clark stated in 2004, the Town signed a license agreement for Casella to secure the easement on behalf of National Grid to put the electricity in. Lazo stated at that time he was on Council and asked why Casella was given an easement on Town property and why they were going to give the easement to National Grid as we own that property. Clark stated that is basically what the licensing agreement does; the only reason why it was given to Casella was they were supposed to coordinate with National Grid to install that power line, so it is an easement from the Town to National Grid through Casella. **VOTE BY ROLL CALL.**

THOSE IN FAVOR: LOGAN, MCDONALD, NIKOLLA, SPINELLI, REGIS, VANDAL, CLEMENCE, LAZO & LIVENGOOD. MOTION PASSES.

AGENDA ITEM #12- VOTE TO RATIFY AMENDMENT #2 IN THE AMOUNT OF \$93,000.00 TO CLOSE OUT THE COMMERCIAL DRIVE PROJECT AND THE ENGINEERING AND ADMINISTRATIVE OVERSIGHT PROVIDED BY WESTON & SAMPSON: A motion was made by Councilor Livengood and seconded by Councilor McDonald.

Councilor Logan asked for an overview. Town Manager Clark stated as part of the road development project there were additional steps that were needed. Clark outlined the additional work including wetland permitting and other design elements of the water pump station for pressure. Clark also explained the roadway needed to be redesigned due to the wetlands impact. He stated all of that additional work cost \$159,000 and he was able to negotiate with Weston & Sampson to accept \$93,000. **VOTE BY ROLL CALL. THOSE IN FAVOR: MCDONALD, NIKOLLA, SPINELLI, REGIS, VANDAL, CLEMENCE, LAZO, LIVENGOOD & LOGAN. MOTION PASSES.**

AGENDA ITEM #13- VOTE TO RATIFY AMENDMENT #3 AND AMENDMENT #4 FROM WESTON & SAMPSON IN THE AMOUNT OF \$66,000.00 TO PROVIDE CONTINUED SITE CONSTRUCTION FOR THE REMAINDER OF THE PROJECT FROM FEBRUARY 2011 THRU APRIL 2011, WHICH IS STILL WITHIN THE ORIGINAL APPROPRIATION AMOUNT: A motion was made by Councilor Livengood and seconded by Councilor Spinelli.

Councilor Nikolla asked if this project is done in April. Town Manager Clark stated yes and no, he explained the fundamental components of the original project will be and they are also asking for additional work to be done by July. **VOTE BY ROLL CALL. THOSE IN FAVOR: NIKOLLA, SPINELLI, REGIS, VANDAL, CLEMENCE, LAZO, LIVENGOOD, LOGAN & MCDONALD. MOTION PASSES.**

AGENDA ITEM #14- VOTE TO RATIFY CHANGE ORDER #3 FROM PENTA IN THE AMOUNT OF \$59,864.00 TO PERFORM ADDITIONAL WORK TO THE WASTEWATER TREATMENT PLANT FACILITY: A motion was made by Councilor Livengood and seconded by Councilor Spinelli. **VOTE BY ROLL CALL. THOSE IN FAVOR: SPINELLI, REGIS, VANDAL, CLEMENCE, LAZO, LIVENGOOD, LOGAN, MCDONALD & NIKOLLA. MOTION PASSES.**

AGENDA ITEM #15- VOTE TO RATIFY ADDITIONAL CONTINGENCIES UP TO \$20,000.00 FOR ANY UNFORESEEN ISSUES THAT MAY ARISE BETWEEN NOW AND THE END OF THE PROJECT: A motion was made by Councilor Livengood and seconded by Councilor Spinelli. **VOTE BY ROLL CALL. THOSE IN FAVOR: REGIS, VANDAL, CLEMENCE, LAZO, LIVENGOOD,**

LOGAN, MCDONALD, NIKOLLA & SPINELLI. MOTION PASSES.

AGENDA ITEM #16- VOTE TO RATIFY THE AGREEMENT WITH CPOWERS TO CONTINUE THE POWER DEMAND AGREEMENT FOR THE TOWN TO CONTINUE GENERATING REVENUE FROM THIS PROGRAM: A motion was made by Councilor Livengood and seconded by Councilor Spinelli. **VOTE BY ROLL CALL. THOSE IN FAVOR: VANDAL, CLEMENCE, LAZO, LIVENGOOD, LOGAN, MCDONALD, NIKOLLA, SPINELLI & REGIS. MOTION PASSES.**

AGENDA ITEM #17- COUNCILOR'S FORUM:

Councilor Clemence had nothing.

Councilor Logan had nothing.

Councilor Vandal asked when the street sweepers will start as the snow is all gone.

Councilor Livengood stated we all need to keep Japan in our prayers and to remember all of the service people in foreign lands, as we lost some more yesterday and we have to keep remembering them.

Councilor Spinelli stated that he was watching "Coming Home" on Lifetime that shows soldiers coming home from Afghanistan and Iraq. He explained it wasn't always like that in the past and gave kudos for having a show like this. He stated it is a tear jerker but a wonderful thing to see as it makes you appreciate all those that serve in our armed forces and what they sacrifice for us.

Councilor Nikolla wanted to thank and congratulate the Town Manager for cutting the \$159,000 to \$93,000 as that is wonderful. Nikolla also wanted to mention at the last meeting the \$1.7million cut that the Town will see in the financing for the school project that the Town Manager was able to push through. She stated that was huge and she wanted to congratulate him.

Councilor Regis stated she agrees with Councilor Vandal to get the sweepers out as a sign of spring. Regis stated there is less sand to clean up this year due to the new product. Vice-Chair McDonald had nothing.

AGENDA ITEM #18- DISCUSSION OF NEXT MEETING DATE – MONDAY, MARCH 28, 2011, 7:00 PM: Vice-Chair McDonald stated that the next meeting date is Monday, March 28, 2011 at 7:00PM.

AGENDA ITEM #19- ADJOURNMENT: Chairman Lazo adjourned the meeting.

Meeting adjourned at 7:50PM.

Respectfully Submitted,

Stacey L. Renaud
Recording Clerk