

**TOWN COUNCIL MEETING  
MACKINNON COUNCIL CHAMBER  
MONDAY – FEBRUARY 9, 2009 – 7:00 PM**

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**A meeting of the Southbridge Council was held on Monday Jan 26, 2009, in the Robert MacKinnon Council Chambers. Chairman Nikolla called the meeting to order at 7:06pm.**

1. **Pledge of Allegiance-** Chairman Nikolla led the Council in the Pledge of Allegiance.
2. **Roll Call-** Councilors present: KING, LIVENGOOD, LOGAN, NIKOLLA, REGIS, VANDAL, and VECCHIA. LAZO arrived late 7:15pm. MCDONALD excused
3. **Consider and accept the minutes of the January 26, 2009 meeting.** A motion was made by Councilor King, seconded by Councilor Regis to approve the minutes. **Vote was 7 in favor, 2 absent (MCDONALD and LAZO)** A clarification was noted by Vandal on Item #33 to be changed to “recommended” on the Day Care issue.
4. **Subcommittee Reports:**
  - (a) **General Government-**King had no minutes to report. Next meeting scheduled Feb 9, 2009.
  - (b) **D.P.W.-**Vandal read the minutes of Feb 4, 2009. No additional meeting scheduled.
  - (c) **Education and Human Services-**Nikolla had no minutes to report
  - (d) **Planning and Development-**Livengood read minutes of meeting Feb 5, 2009 in the Rice room. Next meeting scheduled March 5, 2009.
  - (e) **Protection of Persons and Property-**Lazo had no minutes to report and no meeting scheduled.
  - (f) **Town Manager-**Regis had no minutes to report or meeting scheduled. She did however, pass out a copy of the most recent version of the performance evaluation to review and provide feedback. She will then schedule a meeting within one(1) week.
5. **Chairman’s Announcements** Nikolla had no report however presented to Certificate of Appreciation Awards. First to Madaline Daoust for her years of dedication and service and her recent accomplishment as the first Certified Munciple Clerk in Mass. Second, John Lachapelle was awarded recognition for his work at the Jacob Edwards Library. After a brief thank you, he reminded the council that financial support is always needed and appreciated.

6. **Town Manager's Announcements** –Clark reported on the following:
  - a. Department of Unemployment ranks Southbridge Ma in the top 7 in Mass with a total of 960 people unemployed.
  - b. Reviewed Business Prospects in Southbridge to build financial security, International Business Solution LLC
  - c. Read and reviewed the details of the Cola Memo dated Jan 27, 2009. It reiterates previously discussed inferred expenses as a 3% cost of living expense or \$30.00 per month.
  - d. Provided report for Day Care and Community Center on Marcy Street.
  
7. **Citizen's Forum**-No citizens discussions.
  
8. **Vote to authorize the Town Manager to submit the FY 2009 Community Development Block Grant Application.** After a motion by LIVENGOOD and second by LAZO a vote took place. KING, LAZO, LIVENGOOD, LOGAN, NIKOLLA, REGIS, VANDAL and VECCHIA all voted yes. MCDONALD excused (8 yes, 1 excused))
  
9. **Vote to authorize the Town Manager to enter into two contracts, one for appraisal and one for percolation tests for the exchange of property on Lebanon Hill.** Logan questioned the property value and if it was buildable. Clark responded that a Perk test is required to determine this and added that an RFP could Deed the land or other considerations for possible improvement. After a motion by KING and second by LAZO a vote took place. KING, LAZO, LIVENGOOD, LOGAN, NIKOLLA, REGIS, VANDAL and VECCHIA all voted yes. MCDONALD excused (8 yes, 1 excused)
  
10. **Vote to authorize the disposition of property identified as Assessor's Map ID 135/015 in the Request for Proposals for Lebanon Hill and accept property in exchange pursuant to the Request for Proposals included in the packet.** After a motion by KING and second by LAZO a vote took place. KING, LAZO, LIVENGOOD, LOGAN, NIKOLLA, REGIS, VANDAL and VECCHIA all voted yes. MCDONALD excused (8 yes, 1 excused)
  
11. **Vote to rescind Agenda Item No. 12 from the March 10, 2008 Town Council meeting: Vote to authorize the Town Manager to proceed with the procurement process for replacement of the existing WAS building at the Wastewater Treatment Plant and that \$250,000.00 is appropriated for replacing the WAS building; that to meet this appropriation the Treasurer with the approval of the Town Manager is authorized to borrow \$250,000.00 under Chapter 44 of the General Laws; and that the Town Manager is authorized to take any other action necessary to carry out this project.** King requested clarification of acronym WAS. Clark responded Waste Activated Sludge Building. After a motion by LAZO and second by KING a vote took place. KING, LAZO, LIVENGOOD, LOGAN, NIKOLLA, and REGIS all voted yes. VECCHIA voted no. MCDONALD excused. (7 yes, 1 no, 1 excused)

**12. Vote that \$250,000.00 is appropriated for the purpose of financing the construction of the Wastewater Treatment Facility upgrade including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws, as most recently amended by St. 1998, c. 78; that to meet this appropriation the Treasurer with the approval of the Town Manager is authorized to borrow \$250,000.00 and issue bonds or notes therefore under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78; that such bonds or notes shall be general obligations of the Town unless the Treasurer with the approval of the Town Manager is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C, as most recently amended by St. 1998, c.78; and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Town Manager is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project.**

**(2/3 vote required)**

After a motion by KING and second by LAZO a vote took place. KING, LAZO, LIVENGOOD, NIKOLLA, REGIS, and VANDAL all voted yes. VECCHIA and LOGAN voted no. MCDONALD excused (6 yes, 2 no and 1excused) This vote passed.

**13. Vote to transfer the sum of \$1,000.00 from Town Council Reserve Account Number 001.0132.5781 to the Elections and Registration Account Number 001.0162.5300.**

King commented on behalf of the subcommittee that hey appreciate keeping costs down. Logan questioned if this was proactive and was current ballot technology outdated. After clarification on expense by Clark and Town Clerk Madaline Douast, memory cards are needed for next year and save costs in the future. After a motion by KING and second by LAZO a vote took place. KING, LAZO, LIVENGOOD, LOGAN, NIKOLLA, REGIS, VANDAL and VECCHIA all voted yes. MCDONALD excused. (8 yes, 1excused)

**14. Vote that the General Government Subcommittee hold a public hearing during the month of March regarding the petition that was submitted to the Town Clerk, Petition for Five-Person, Elected Board of Health.** Vecchia expressed extreme concern about the terminology of a letter dated Jan 29, 2009 by Clark itemizing the process for Petition to Change form Appointed to Elected Board. He feels it should and could in fact appear on June 2009 ballot and not be pushed to June 2010 if in fact the process was expedited. Logan questioned pre-empting dates earlier in Spring to make the schedule happen. King has a public hearing scheduled for March 17, 2009, that he will look to move up to March 10, 2009. Lazo also recommended involving a Sate Rep to gain interest from the Attorney Generals Office. After a motion by LIVENGOOD and second by KING a vote took place. KING, LAZO, LIVENGOOD, LOGAN, NIKOLLA, REGIS, and VANDAL all voted yes. VECCHIA voted no. MCDONALD excused. (7 yes, 1 no, 1excused))

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

***Section 3-222 Agricultural Commission***

***3-222.1 Establishment*** – There shall be an Agricultural Commission, appointed by the Town Manager, subject to confirmation by the Town Council, which shall consist of five members serving staggered terms of three years each. The initial appointments shall consist of two members for three year terms, two members for two year terms, and one member for a one year term, with all subsequent terms to be three years. The majority of the members shall be engaged in “farming” or “agriculture” activities, as defined at Massachusetts General Laws Chapter 128, §1A, but an individual so engaged shall be eligible for appointment regardless of whether he or she derives income from such activities. One member may be a non-resident with an interest in agricultural property located in Southbridge. Up to two voting alternate members, who may be residents not engaged in farming or agriculture activities but with an interest in agricultural property located in Southbridge, may be appointed. The chairman of the Commission may designate any alternate member to sit on the Commission in case of absence, inability to act or conflict of interest on the part of any member, or in the event of a vacancy on the Commission until said vacancy is filled in the manner provided in this section.

***3-222.2 Authority and Responsibility*** – The Agricultural Commission may be called as needed by the various Town boards and commissions to serve as advisors on projects and activities involving agricultural lands and affairs in Southbridge. The Agricultural Commission shall encourage, promote and facilitate the continued pursuit of farming and a sustainable agricultural industry, support and advance agricultural-based economic opportunities in the Town, and work for the preservation of prime agricultural land in Southbridge.

**Second Reading**

After a motion by KING and second by LIVENGOOD a vote took place. KING, LAZO, LIVENGOOD, LOGAN, NIKOLLA, REGIS, VANDAL and VECCHIA all voted yes. MCDONALD excused. (8 yes, 1 excused)

**16. Councilor’s Forum-**

- a. Lazo wished McDonald a speedy recover
- b. King requested a joint meeting with the school committee. He verbally reported on a recent article stating the High School had a 26% drop out rate. Congratulated certificate recipients.
- c. Regis stated a “wise man said count to 10”, she is still counting after visible frustration from previous comments.
- d. Vecchia questioned if the free cash was certified by the state, which it in fact is according to Clark. He then requested a quarterly distribution, of which he will put in writing, of which Clark complied. He future stated a concern that the 10 million bid for the entire road reconstruction is low when he factored a 16.7 million total on his own calculation and previous construction experience.
- e. Livengood wished McDonald a speedy recovery.

- f. Logan also wished McDonald a speedy recovery
- g. Vandal had no comment

**17. Discussion of next meeting date-** Councilor Lazo recommended February 23, 2009 as the next meeting date. **Vote by show of hands, all in favor.**

**18. Adjournment.** A motion to adjourn was made by Councilor King, seconded by Councilor Lazo. **Vote by show of hands, all in favor.** The meeting adjourned at 9:04pm.

Respectfully submitted,

Deborah Williams, MASc  
Recording Clerk