



MINUTES
of the
TOWN COUNCIL MEETING
TOWN OF SOUTHBRIDGE
January 9, 2023
7:00pm

CALL TO ORDER The Southbridge Town Council met on January 9, 2023, in the Town Council Chambers of the Southbridge Town Hall. Chair Daniel called the meeting to order at 7:02pm.

AGENDA ITEMS

1. **Pledge of Allegiance:** Chairman Daniel led the recital of the Pledge of Allegiance.
2. **Roll Call:** Councilors present: Adams, Daniel, Daou, Lazo, Marketti, Montigny, Rivas, and Steeves. Councilors excused: Ryan.

Also Present: Michael McCall, Town Manager; Jack Jovan, Fire Station Building Committee Chair; Joseph Hulyk, Deputy Fire Chief; Michael Julian, Interim Building Inspector; Peg Dean, Economic Development & Planning; Phil Harding, DPW Operations Manager; Steve Gregoire, Water Manager; and Eric Rumsey, Town Planner.

Chair Daniel acknowledged the passing of former Councilor-at-Large Conrad Vandal, and shared information about Mr. Vandal's life and service. There was a moment of silence in honor of Councilor Vandal.

3. **Consider and accept the Town Council Meeting Minutes, Monday, December 19, 2022.**

*Councilor Lazo moved to approve the minutes of the December 19, 2022 Regular Session of the Town Council. Councilor Adams seconded, and **motion passed 7-1 by a show of hands vote with Councilor Daou opposing.***

- 4: **Subcommittee Reports**

General Government: Councilor Steeves reported that they had met and listed items from that meeting on tonight's agenda. They also discussed the possibility of bringing back issues surrounding drone use, and other items.

Department of Public Works: Councilor Marketti reported that they had met and listed items from that meeting on tonight's agenda and how the Subcommittee voted one each item. Also discussed were road conditions, potholes, ice dams, and trash issues.

Education and Human Services: Councilor Montigny reported that a meeting is scheduled for January 16, 2023 at 6pm.

Planning and Development: Councilor Adams reported that they had met and listed items from that meeting on tonight's agenda. The next meeting is February 6, 2023.

Protection of Persons and Property: Councilor Lazo reported that they had met earlier that day and issues will appear on the next agenda.

5. **Chairman's Announcements**

Chair Daniel shared citizen's compliments he had received about the quality of the holiday decorations.

6. **Town Manager's Announcements.** Mr. McCall reported that:

- The Town has received a Green Communities Grant in excess of \$130,000 which will be used primarily for school energy efficiency projects.

- There was an issue on the West Street wall, and he is working with Inspections and DPW on this. An engineer has been contacted for assessment and the insurance company has been notified.
- He and Mr. Julian visited 30 Charlton Street last week and they have been in communication with the owner.
- The slate roof at Town Hall was repaired over the weekend.
- Members of the Fire Station Building Committee met with representatives from Senator Warren's office. The representatives were given a tour of the existing Fire Station and the Town Hall and were told about the needed repairs, and they will look into possible funding.

7. Presentations

Proclamation: Chair Daniel read the proclamation: "Presented to Lucille LeBouef, resolved by the Council of Southbridge:

Whereas Lucille LeBouef is a lifelong resident of the Town of Southbridge and an Election Worker since 1977, Whereas Ms. LeBouef dedicated 45 years to the Town of Southbridge, Whereas the Southbridge Town Council wishes to extend its sincere gratitude to Ms. LeBouef for her many years of dedication to the Town of Southbridge in various aspects of being an Election Worker, Whereas the Town Clerk wishes to extend her sincerest gratitude for all her hard work and willingness to serve the Town of Southbridge for 45 years of dedicated service. Now, therefore, the Town Council of Southbridge does hereby honor Lucille LeBouef for her commitment to representing the Town of Southbridge and its voters with dedication and perseverance emblematic of our community. In witness therefore this 9th Day of January 2023 by John L. Daniel, Chairperson of the Southbridge Town Council and by Madeline I. Bonadies, Town Clerk.

Ms. LeBoeuf expressed her surprise for the honor and thanked the Council for it.

Proclamation: Chair Daniel read the proclamation: "Presented to Roland 'Lefty' Varin, resolved by the Council of Southbridge:

Whereas Roland 'Lefty' Varin has retired from service to the citizens and students of Southbridge in 2022 after over 60 years of combined services, and whereas Lefty served as a teacher and coach in the Southbridge Public Schools for over 40 years, and Whereas Lefty served as Athletic Director for 14 years, was the voice of the Pioneers until 2007, and also oversaw the installation of lights at McCann Field, and whereas Lefty served on the Southbridge Recreation Committee for 6 years, and Whereas Lefty served as the Sealer of Weights & Measures for over 50 years, retiring in 2022. Now, therefor, on behalf of the grateful citizens and students of Southbridge, the Town Council of Southbridge hereby offers its sincere thank you, its warmest congratulations on your retirement, and best wishes for continued good health in the future. In witness therefore this 9th Day of January 2023 by John L. Daniel, Chairperson, Southbridge Town Council.

Proclamation: Representative Peter Durant read the following proclamation:

Be it hereby known to all that the Massachusetts House of Representatives offers its sincere congratulations to Roland 'Lefty' Varin in recognition of your tireless, selfless work in your more than 60 years of service in various capacities to the Town of Southbridge. The entire membership extends its very best wishes and expresses the hope for future good fortune and continued success in all endeavors. Given this 9th Day of January 2023 at the State House in Boston. Signed by the Speaker of the House Ronald Mariano and State Representative Peter Durant.

Mr. Varin thanked everyone for the recognition.

Fire Station Building Committee Update: Mr. Jovan provided an overall update of the Fire Station. He shared a visual of the design of the station.

Deputy Chief Hulyk provided an update of the status of the new Fire Station. He pointed that they had reduced the size of the facility from 38,000 square feet down to 26,000 square feet due to funding restrictions. The Committee is meeting twice a month.

Mr. Jovan outlined the current timeline of the project and explained the process they are using to ensure that the design is not exceeding money available. They hope to have the final design in May, 2023, with the bids going out in September-October. Discussions of mechanical needs will start next week.

Mr. Jovan outlined the funding activities that have been done, including meeting with representatives from Senator Warren's office and how federal funding might be secured. He outlined some discussions he has had with State representatives to secure funding, pointing out that they are looking at all possible funding sources. He discussed the Committee's philosophy of the cost of the facility and the issues around the bidding process. He announced that a USDA Grant for reimbursement has been awarded in the amount \$913,000 and outlined what that money would be used for.

Councilor Lazo thanked the Committee for their work and for sharing this update and information about the project. Mr. Jovan advised that there is a website on the project which will be updated regularly.

Councilor Montigny said he had attended the Fire Station Building Committee meeting and was very impressed. He said the project manager seems to have a good grasp of the project, and he is looking forward to hearing about other funding sources. He said he feels very happy about the project and that the process is very transparent.

Councilor Marketti asked if the \$913,000 grant was included in the amount approved for the project. Mr. Jovan said the number did not include the grant and confirmed the Project Manager's cost estimate. Councilor Marketti said the Council voted on a \$25.7M budget and said this should be the total amount. Mr. Jovan said he has shared the projected budget which showed a potential deficit of \$300,000 but emphasized that they have been very transparent and outlined the fluid nature of the costs. He outlined the previous discussions that have taken place regarding the costs for the project. Councilor Marketti explained why he is concerned about price increases. He also asked that the Fire Station Committee record their meetings, since they are meeting in a room equipped to do this.

Mr. Jovan explained that he is using the same model that was used by the School Building Committee to ensure the project comes in on time and under budget and that they are working hard to do that. He recognized Ms. Dean for her work in obtaining grants for the project.

Councilor Lazo outlined how the School Building Committee worked for the Middle/High School and what changes and accommodations were made at the time.

There was a recess at this time. The Council meeting resumed at 7:54pm.

8. Citizen's Forum

Joseph Daou, 736 Worcester Street: Mr. Daou said he would like to respond to a November 30th Telegram & Gazette newspaper article. Chair Daniel said this should be discussed during the agenda item on the topic, and Mr. Daou said he would like to discuss it as a resident and not as a Councilor. There was a discussion of whether or not Mr. Daou could speak about an item that was on the agenda. It was decided that Councilor Daou could speak as a resident during the agenda item.

Denise Clemence, 128 Country Club Place: Ms. Clements, head of Southbridge Holiday Visions, wanted to highlight the efforts that were made to retrieve the decorations, especially the 20 student athletes and coaches who assisted. She also recognized the "regulars" who helped.

Ms. Clements then discussed Southbridge Community Television Access, saying that the Advisory Committee is in need of members and explained the activities of the roles. She invited people to tour the studio and talk about participating and advised that those interested fill out a Committee Interest Form on the Town Website or contact the Town Manager's Office.

9. Update for 30 Charlton Street. This agenda item was tabled.

Although the agenda item was tabled, Councilor Adams **moved to take Agenda Item 18 from the December 19th meeting: "to determine whether the Interim Building Commissioner, shall be authorized to "enter upon the premises with the necessary workmen and assistants and cause such unsafe structure to be made safe or taken down without delay, and a proper fence put up for the protection of passers-by, or to be made secure," pursuant to MGL c. 143, s. 7, to authorize the**

use of the Town Attorney to take all actions necessary, including not limited to initiating litigation to secure the Town's access to the property and ability to recover its costs, and to authorize that Town Manager to enter into contracts and to sign all documents related thereto. The motion was seconded by Councilor Steeves to vote this item.

Councilor Adams explained that this motion is not debatable or amendable.

The motion passed 7-1 by a show of hands vote with Councilor Marketti opposing.

Mr. McCall said that he and Mr. Julian had visited the property. Mr. Julian said that the engineer has decided on a different method of securing the site and has submitted a new design to net it with steel mesh around the towers. Mr. Julian said the netting is designed for this purpose and explained the process.

Councilor Steeves asked if the walls are stable enough to hold the nets. Mr. Julian said the engineer believes it is. Mr. Julian will request and updated engineers report that shows the towers are strong enough.

Councilor Lazo asked if Mr. Julian is satisfied with the progress. Mr. Julian said they are moving in the right direction although a little slower than he would like to see.

Mr. McCall said he had spoken with the owner, and that the weather over the holidays slowed down the process.

Councilor Steeves asked if the mesh will be around the towers or the entire building. Mr. Julian said right now it's just the towers, but he will urge the engineer to review the rest of the building and create plans. Mr. Julian said that once the structure is secure the next steps are up to the owner. There was a discussion of this approach.

Councilor Daou asked if the gazebo on top and sub-structure of the building can carry the weight of the nets. Mr. Julian said the engineer is responsible for assuring this. Mr. Julian said he will request a document from the engineer stating this.

Councilor Rivas asked if the netting and engineering review be completed before the next Council meeting. Mr. Julian said he does not know if it will be complete but if they're working on it, and that would show good faith.

*A motion was made by Councilor Lazo to **postpone this item to the January 23, 2023 meeting.** Councilor Adams seconded, and **the motion passed unanimously by a show of hands vote.***

- 10. Vote to confirm the Town Manager's appointment of Joseph Diaz to Economic Development Commission for a three-year term effective immediately through June 30, 2025 pending completion of State Ethics.** A motion was made by Councilor Lazo and seconded by Councilor Steeves to vote this item.

Councilor Adams outlined how Mr. Diaz came to be nominated for this position.

The motion passed unanimously by a show of hands vote.

- 11. Vote to confirm the Town Manager's appointment of Nathan Pallone as DPW Maintenance Man/Equipment Operator for an indefinite term effective immediately, pending the successful completion of pre-employment physical and background screening and State Ethics.** A motion was made by Councilor Lazo and seconded by Councilor Daou to vote this item.

Councilor Lazo commented that Mr. Pallone is a resident of Southbridge and commended his repeated effort to secure a position with the Town.

The motion passed unanimously by a show of hands vote.

- 12. Vote to accept a donation from the Hyde/Dexter-Russel Charitable Foundation in the amount of \$1,000.00 to be for the Southbridge Holiday Visions.** A motion was made by Councilor Steeves and seconded by Councilor Lazo to vote this item. ***The motion passed unanimously by a show of hands vote.***

13. Chair Daniel recused himself from this item and turned the meeting over Vice-Chair Adams.

Vote to instruct and authorize the Town Manager in cooperation with Town Counsel to retain the services of an independent investigator to investigate the facts and circumstances of an incident taking place at Town Hall on November 30, 2022 between Councilor-at-Large Daou and town staff and to report the conclusions of that investigation to the Town Council on a prompt basis. A motion was made by Councilor Steeves and seconded by Councilor Montigny to vote this item.

Councilor Daou moved to amend the motion to strike “Councilor-at-Large”. Councilor Lazo seconded the motion.

Councilor Daou explained that he is making the motion to amend because when he was at the Town Manager’s office he was there as a resident and business owner who was assisting a family member and never represented himself as a Town Councilor.

Councilor Lazo said he seconded the motion to amend because Councilors often go to Town Hall as residents and business owners. They do not lose their rights as businesspeople or citizens and are only Councilors when they are in the Chamber, and that this discussion should be focused at Councilor Daou as a citizen.

Councilor Adams explained that the Council is addressing this issue only because Councilor Daou is a Councilor and if it were any other resident or employee, it would be handled through the Town Manager or Human Resources office. He explained that the original motion was worded the way it was is because ethics lawyers and other Town offices always look at Councilors as Councilors, regardless of what business they are conducting.

Councilor Steeves agreed with Councilor Adams and explained his thinking for his position especially regarding staff in Town Hall.

Councilor Lazo explained how he had always separated Councilor Steeves from Reporter Steeves and disagrees with the legal ruling to include “Councilor-at-Large” in the motion.

Councilor Daou said he was a business owner before he was a Councilor and said he still has rights as a resident and taxpayer.

The motion to amend passed 4-3 by a show of hands vote with Councilors Adams, Rivas and Steeves opposed.

Councilor Adams read an email from Town Counsel to Chair Daniel and the Town Manager: “I have advised to both of you that the Town has a legal responsibility to provide all employees with a safe workplace free of any sort of harassment. Town Manager has taken care of that”

Councilor Adams said that whenever there is an incident of harassment the immediate response is to mitigate the circumstances right there, usually within the first day or two.

He continued with Town Counsel’s email: “I have also advised you that on the basis of information received that the Town has mandatory legal requirements to make an investigation into the facts to determine what exactly happened. I have further advised that because of the subject of the complaint is an elected Councilor that it is the responsibility of the Town Council to initiate the investigation and to act on any recommendations.

Councilor Adams wanted to make note that within the Southbridge Employees Personnel Rules & Regulations this also suffices both Federal, State, and Local Rules & Regulations for Personnel. He added, that based on our Charter Rule & Regulations and confirmed by legal counsel, the Town Council has no authority to take any disciplinary action regardless of what the independent investigation does or does not find.

Councilor Adams then provided his timeline of the incident:

- **November 30, 2022** - Incident occurred, and police report was submitted
- **December 1, 2022** - Formal Complaint was made by staff member
- **December 6 & 7** - Email conversation between Councilor Daniel, Councilor Adams and Town Manager on Telegram & Gazette questions and Town Manager authority over an elected official

- **December 8** - Discussed in person on what was to be done to take immediate action
- **December 9** -Telegram & Gazette article on the incident
- **December 13**-Based on Town Counsel, letter from Town Manager to Councilor Daou to stay out of Town Manager's office and correspond directly with Town Manager, and I [Councilor Adams] believe the Town Manager and Councilor Daniel received an email with legal advice on next steps from the Town Counsel.
- **December 15** - Councilor Daniel as the Town Council Chair provided a letter to Councilor Daou about Executive Session that would be held on December 19 after our scheduled Town Council Meeting
- **December 16**- Councilor Daniel was notified that Councilor Daou had retained legal services, Mr. Tinsley asked for a delay due to Councilor Daou having a personal item to take care of and that Councilor Daou is requesting an open session versus an Executive Session.

After seeking advice from the Legal Counsel and the state Ethics Department, Councilor Daniel asked me [Councilor Adams] to take over this matter.

There was a discussion of comments being focused on whether or not an investigation should be done, not on reviewing what happened the day of the incident.

Denise Clements, 128 Country Club Place, said that Councilor Daou should recuse himself and not speak from the dais on this matter. Councilor Adams said the Council can not force Councilor Daou to recuse himself.

Councilor Steeves asked if there is anything in State law that allows the Council to discipline its own members. Councilor Adams said he does not believe so and legal counsel did not say anything about this.

Councilor Lazo expressed his concern about how the situation has unfolded. He also expressed concern about how employees treat the public. He said he would support the amended motion although he thinks it is a waste of money and that the incident should have been handled by the Town Manager and HR Department.

Councilor Adam pointed out that the HR Department and the Town Manager were witnesses to what occurred so they cannot investigate the situation.

Councilor Daou supports the investigation and asked his fellow Councilors to support it.

Councilor Montigny said the police report appears to be incomplete. Councilor Adams said the investigation would look into this issue.

Councilor Lazo said that normally the police would investigate a wrong-doing and asked why this is not being done in this case.

Councilor Steeves said the point of an investigation is to not have police investigating fellow employees and an independent investigation makes more sense and avoids possible conflict.

The amended motion passed unanimously by a roll call vote with Chair Daniel recused.

Vice Chair Adams returned the meeting to Chair Daniel.

14. **Pursuant to the Southbridge Home Rule Charter Chapter 4 Section 1-2, vote to confirm the Town Council chairperson's appointments of Terri Colognesi, Pete Cournoyer and Evelyn Velez to the Town Manager Search Committee.** *A motion was made by Councilor Steeves and seconded by Councilor Rivas to vote this item.*

Chair Daniel outlined the experience of the candidates.

Councilor Marketti asked that this committee take another look at previous candidates for the position.

Councilor Lazo explained that previous candidates would have to re-apply for the position.

Councilor Steeves asked that the Council take time to vote on a recommended candidate rather than taking action the night the candidate is presented.

Councilor Lazo suggested that the Council tell the Committee how many candidates they would like to consider.

Councilor Montigny asked about the use of a search firm for the process, which Chair Daniel explained. Councilor Montigny asked that the Committee not use Lynch.

Councilor Marketti pointed out that the Charter gives the Committee the discretion to use a firm.

The motion passed unanimously by a show of hands vote.

Chair Daniel announced that he had appointed Council Adams as Chair of the Search Committee and Councilor Rivas the other Council member on the committee.

- 15. Vote to approve a transfer for \$463.00 from #09400000-574000-0297 Insurance Premiums-IOD to #09400000-574000-0300 Insurance Premiums-School to cover cost for additional equipment premiums for FY 2023.** *A motion was made by Councilor Steeves and seconded by Councilor Daou to vote this item.*

Councilor Steeves said the subcommittee was confused as to whether this was for a new or existing vehicle. Mr. McCall said this is a replacement vehicle which did not make it on the Fleet List sent to the insurance company, so it is being added now.

The motion passed unanimously by a show of hands vote.

- 16. Vote to approve amendment to Standard Operating Procedure #15 Capital Expenditure Policy, Capital Expenditure Defined. Original language: Any items or goods of \$10,000.00 or more, and with an intended, useful life of 3 years or more, regardless of funding source. Amendment: Any items or goods of \$10,000.00 or more with an intended, useful life of 5 years or more, regardless of funding source.** *A motion was made by Councilor Steeves to refer this item back to Subcommittee.*

Councilor Steeves explained he is requesting the postponement so that the General Government Subcommittee can find if there are other definition changes that might be needed.

The motion was seconded by Councilor Marketti. The motion to refer back to Subcommittee passed unanimously by a show of hands vote.

- 17. Vote to approve the application for no-cost Speed Feedback and School Zone Speed Limit signs through Mass. DOT's Safe Routes to School Program and to authorize the Town Manager to sign all related documents.** *A motion was made by Councilor Steeves and seconded by Councilor Marketti to vote this item.*

Councilor Marketti explained the design and purpose of the signs. Ms. Dean said the signs would be used on Charlton Street to replace existing signs.

Councilor Steeves said his recollection at Subcommittee was that they would be used at Eastford Road. Ms. Dean explained how the decision was made to choose Charlton Street instead. Councilor Steeves asked how the signs will be powered. Ms. Dean said they are solar powered but will look into the issue of low battery issues at other signs.

The motion passed unanimously by a show of hands vote.

- 18. Vote to approve the proposed job description for the Construction Inspector position.** *A motion was made by Councilor Adams and seconded by Councilor Daou to vote this item.*

Councilor Marketti explained that originally the job was Assistant Engineer, and the Subcommittee voted to change it to a Construction Inspector.

Councilor Adams thanked various employees and departments for their work to make this change.

Councilor Montigny asked if the position the one that was considered in the summer and failed to pass and would that go away because of this change, or would there be two positions. Mr. McCall said they started to look into using outside engineering. Doing this rendered the Assistant Engineer position moot. Mr. McCall said only one position was created in the budget, and there was discussion of amending the motion to reflect this.

Councilor Steeves explained the thinking behind the change, and how another position might be created in the future to cover some of the responsibilities that will not be handled by this job.

Councilor Lazo explained the history of the position and said this is the only position. He reviewed some of the other responsibilities that will need to be covered.

Councilor Marketti said he felt there was a need for a construction inspector, and he has not been happy to have 3rd parties doing this work. He asked that the job be posted by the next day.

Mr. McCall said he would post the job asap. He pointed out that the Charter requires that the DPW Director select the candidate.

Councilor Lazo expressed his enthusiastic support of the DPW department and the interim Director.

Councilor Steeves asked if the Town Manager could hire the position due to the absence of a DPW Director. There was a discussion of this question.

The motion passed unanimously by a show of hands vote.

- 19. Vote to approve the addition of the Construction Inspector position to Salary Schedule 1, Grade PT 7.** *A motion was made by Councilor Daou and seconded by Councilor Lazo to vote this item.*

Councilor Rivas asked if this position would save the Town money compared to the Assistant Engineer position that it has replaced. Mr. Harding said the pay is the same.

The motion passed unanimously by a show of hands vote.

- 20. Vote to approve award of Timber Harvest 1 to Anderson Timber to pay \$27,388.00 for the purchase of timber, with favorable recommendation from North Quabbin Forestry and authorize the Town Manager to sign all related documents.** *A motion was made by Councilor Daou and seconded by Councilor Lazo to vote this item.*

Councilor Marketti said there was a question about a grant. Mr. Gregoire said a grant was received from DCR to cover half the cost of the forestry plan that North Quabbin created. This is the beginning of the initiation of the plan. The funds in the motion will be paid to Southbridge.

Councilor Steeves asked if there had been a vote to accept the grant, and Mr. Gregoire explained that the money had been received and deposited into the Water General Fund, but that there was no vote to officially accept it.

The motion passed unanimously by a show of hands vote.

- 21. Vote to enter into a no-cost service agreement for installation of a new power meter at the RMV for the purposes of installing electric vehicle charging stations and authorize the Town Manager to sign related documents.** *A motion was made by Councilor Lazo and seconded by Councilor Adams to vote this item.*

Mr. Rumsey explained the purpose of the motion and the plan for future charging stations.

Councilor Steeves asked if the no-cost-agreement is in perpetuity. Mr. Rumsey said he believes it's for the installation only.

The motion passed unanimously by a show of hands vote.

- 22. Vote to approve the Expression of interest (EOI) for the FY24 Municipal Vulnerability Preparedness (MVP) Action Grant for a study to be conducted which coincides with the top priority action in the final report from Beals and Thomas to "Evaluate the capacity of drainage infrastructure at roadways and improve the capacity, equipment, and resources of the municipal separate storm sewer system," and authorize the Town Manager to sign related documents.** *A motion was made by Councilor Steeves and seconded by Councilor Adams to vote this item.*

Councilor Steeves asked how much is available for these projects. Mr. Rumsey said he does not know and that this is only an expression of interest. He suspects Southbridge will be requesting somewhere between \$40,000-70,000.

Councilor Rivas asked if this prevents the Town from pursuing money for other projects on the list. Mr. Rumsey said it would not.

The motion passed unanimously by a show of hands vote.

23. **Vote to approve entering into an agreement with either Childscapes or M.E. O'Brien and Sons, Inc. for playground equipment and surfacing at McCann Fields for up to \$132,000.00 using Operation Services Division (OSD) contract FAC 104 funded with the Parkland Acquisitions and Renovations for Communities (PARC) grant, and to authorize the Town Manager to sign any related paperwork.** *A motion was made by Councilor Lazo and seconded by Councilor Daou to vote this item.*

Ms. Dean explained the situation and history of the playground and the planned upgrade and why this motion includes options.

Councilor Steeves asked about the timeline of receiving quotes, which Ms. Dean answered.

Councilor Rivas expressed her excitement for the universal design and asked if the photos are the on CivilSpace website. Ms. Dean said they would be put up.

Councilor Daou thanked Ms. Dean for including all children in the planning.

Councilor Marketti asked how the reimbursement for the bond will happen. Ms. Dean said design has already been reimbursed. Councilor Marketti pointed out that there are no wood products in the design as recommended in the PARC grant. Ms. Dean explained how the materials in the design were chosen.

The motion passed unanimously by a show of hands vote.

24. **Vote to approve entering into an agreement with Charlton Fence to replace McCann Fields practice field fencing for \$49,999.00 and to authorize the Town Manager to sign any related paperwork.** *A motion was made by Councilor Daou and seconded by Councilor Adams to vote this item.*

Councilor Adams said a resident had requested that the fencing be galvanized steel. Ms. Dean said she has not heard back from Charlton Fence about this. She then explained the need for the new fence and how the quote was received.

Councilor Daou asked if there is a warranty, and Ms. Dean answered that the standard is one year.

The motion passed unanimously by a show of hands vote.

25. **Vote to approve Change Order #4 to JAM Corporations contract for \$4,867.27 funded by the CDBG FY21 grant and to authorize the Town Manager to sign any related paperwork.** *A motion was made by Councilor Daou and seconded by Councilor Steeves to vote this item. The motion passed unanimously by a show of hands vote.*

26. **Vote to approve Change Order #1 to extend the Agreement with Youghal LLC for commercial rehab at 1- 11 Central Street to January 31, 2023, and to authorize the Town Manager to sign any related paperwork.** *A motion was made by Councilor Daou and seconded by Councilor Adams to vote this item. The motion passed unanimously by a show of hands vote.*

27. **Vote to approve entering into an agreement with Youghal LLC to provide a 0% commercial improvement loan to install sprinklers at 1-11 Central Street, helping trigger the occupancy of its restaurant, using ARPA funds appropriated at Town Council Meeting 6-27-2022 Agenda Item# 46, and to authorize the Town Manager to sign any related paperwork.** *A motion was made by Councilor Lazo and seconded by Councilor Daou to vote this item.*

Councilor Steeves moved to amend the motion to add "in the amount of \$85,600". Councilor Adams seconded.

Councilor Steeves asked Ms. Dean if there are any projects coming to use other funds. Ms. Dean said that no other applications had been received but is hopeful that some are coming.

Councilor Marketti said Councilor Steeves had previously asked for the contract and asked that this be provided.

Councilor Marketti also pointed out that Town Council had previously voted for this to be available to anyone in town, but it now appears to be limited to a qualified census track and asked why this was changed.

Ms. Dean explained why the provided contract is blank and how the Councilors can calculate the amounts. She explained that she did originally not have a full design for using ARPA funds and realized that the funds can only be used for government services which is why the availability was changed.

Councilor Steeves suggested that extra care needs to be taken on how to use the rest of the funding so there are no problems at the end.

The motion to amend passed unanimously by a show of hands vote.

Councilor Adams recognized the hard discussions that were held and said he feel the result is better because of them.

The amended motion passed unanimously by a show of hands vote.

28. **Vote to approve an application for \$20,000.00 from the MicroProjects Program to fund a marketing campaign to educate Southbridge residents on our existing community transportation resources and to authorize the Town Manager to sign any related paperwork. A motion was made by Councilor Lazo and seconded by Councilor Steeves to vote this item.**

Councilor Adams moved to amend the motion to read: Approve applying for \$20,000 from the MicroProjects Program to fund a marketing campaign to educate Southbridge residents on our existing community transportation resources, and allow the transfer of \$4,000 from the Town Council Reserve, Account # 001132-578100, to Account: MicroProjects Program Grant – Marketing for community transportation” to ensure the Town can meet the 20% match requirement and allow the Town Manage to sign all related paperwork. Councilor Steeves seconded the motion.

Councilor Adams explained that funding from the reserve is being requested so the application process can start, and that the request for the reimbursement funds from ARPA will come before the Council later this month.

The motion to amend passed unanimously by a show of hands vote.

Councilor Rivas asked if the marketing campaign will include other languages in including messaging and signage. Ms. Dean said she will make sure this is done.

Councilor Adams explained the process that was used to decide where the marketing grant is most needed.

The amended motion passed unanimously by a show of hands vote.

29. Councilors Forum

Councilor Marketti:

- Announced that there will be a Curbside Committee Meeting on Thursday at 6pm.
- Asked that the IT Director be identified on the Town Website.
- Offered good luck to Mr. McCall in his future position.

Councilor Montigny:

- Congratulated the members of the Town Manager Search Committee.
- He asked that the most local candidate be given heavy consideration.

Councilor Lazo:

- Talked about his history with Mr. Varin and wished him the best in retirement.
- Commended Mr. Harding on his work and recommended him for the DPW Director position.
- Wished Mr. McCall good luck.

Councilor Rivas:

- Wished Mr. McCall good luck in the future.
- Pointed out all the great projects that are happening, especially the Henry Street Park.
- Commended the hard work of the Town departments for their work to move the Town forward.
- Recognized young people who represented Southbridge at the Christmas by Candlelight at OSV where they shared Puerto Rican Christmas traditions.
- Shared that Elijah and Jade Oforio have volunteered for the “Youth Voices with Councilor Rivas” program. She said applications are still being accepted for participation.

Councilor Steeves:

- Thanked Mr. McCall for his work for the last few years.

Councilor Daou:

- Thanked Mr. McCall for fixing the roof and wished him good luck in his new job.
- Said he thinks it is too bad how hard it is to business in Southbridge.

Councilor Adams:

- An ARPA audit presentation will be given at the next Council meeting.
- The Council has received a lot of good feedback for the Premium Pay program.
- National Law Enforcement Day was January 9th and he thanked those who serve.
- The Town Manager Search Committee meeting will be set up in the next day or so. He asked that any recommendations be sent to him.
- He asked that every single meeting of all committees and boards (except Executive Sessions) be recorded to provide true transparency.
- He had received a phone call from Harrington Hospital Safety Division inviting all Council members to an Active Shoot Drill on Wednesday, 8:30-10:00am at the Hospital.

30. DISCUSSION OF NEXT MEETINGS

January 23, 2023

EXECUTIVE SESSION Vote to Enter into Executive Session, Pursuant to M.G.L. Chapter 30A §21 (a) Purpose 3: To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares.

Councilor Marketti said that, based on the information he received, he does not think an Executive Session is needed and that he thinks the public should know what was being discussed.

A motion was made by Councilor Adams and seconded by Councilor Daou to go into Executive Session.

Mr. McCall explained that he had asked the Town Attorney if one of the items to be discussed should be done in Executive Session, and the Town Attorney said yes.

The motion to enter into Executive Session passed 6-2 by a show of hands vote with Councilors Montigny and Lazo opposing.

The Southbridge Town Council went into Executive Session at 10:03pm.

Council will adjourn from Executive Session and will not return to open session

Respectfully submitted by,

Susan Peghiny
Recording Clerk