

**EXECUTIVE SESSION
BOARD OF SELECTMEN
JANUARY 26, 2004**

An Executive Session of the Board of Selectmen was called to order by Chairman Charles Ampagoomian, Northbridge Town Hall, 7 Main Street, Whitinsville, MA, at 8:45 p.m. under M.G.L.'s Chapter 39, S. 23B, #3 – to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the government's bargaining or litigating position. Also, to conduct strategy sessions in preparation for negotiations with non-union personnel; to actually conduct collective bargaining and contract negotiations with non-union personnel. **Present:** Messrs. Boucher, Collins, Mellor and Montecalvo.

Also present: Michael J. Coughlin, Jr., Town Manager and Thomas J. Melia, Chief of Police

The Chief and Town Manager outlined issues with respect to the Police contract. Negotiations were initiated by former Town Manager Williams but upon his departure, Interim Town Manager Jeanne Fleming thought it best to wait for the appointment of a new Town Manager.

Chief Melia and Town Manager Coughlin stated the issue was Health Insurance. Given that the School Department was unable to effectuate an agreement with teachers there was little likelihood on convincing the union to make concessions.

Town Manager Coughlin sought guidance on seeking an agreement with basic parity for all town employees.

The Town Manager and Chief of Police will meet with the union.

Executive Session adjourned: 9:35 PM

Respectfully submitted,

Robert M. Mellor, Clerk

s/

**EXECUTIVE SESSION
BOARD OF SELECTMEN
FEBRUARY 9, 2004**

An Executive Session of the Board of Selectmen was called to order by Chairman Charles Ampagoomian, Northbridge Town Hall, 7 Main Street, Whitinsville, MA, at 9:05 p.m. under M.G.L.'s Chapter 39, S. 23B, #3 – to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the government's bargaining or litigating position. Also, to conduct strategy sessions in preparation for negotiations with non-union personnel; to actually conduct collective bargaining and contract negotiations with non-union personnel. **Present:** Messrs. Boucher, Collins, Mellor and Montecalvo.

Also present: Michael J. Coughlin, Jr., Town Manager and Thomas J. Melia, Chief of Police

The Town Manager and Chief Melia authorized the basic consensus being reached with the union.

Chief Melia and Town Manager Coughlin asked the Board of Selectmen for support.

Executive Session adjourned: 9:55 PM

Respectfully submitted,

Robert M. Mellor, Clerk

s/

**EXECUTIVE SESSION
BOARD OF SELECTMEN
MARCH 22, 2004**

An Executive Session of the Board of Selectmen was called to order by Chairman Charles Ampagoomian, Northbridge Town Hall, 7 Main Street, Whitinsville, MA, at 8:25 p.m. under M.G.L.'s Chapter 39, S. 23B, #2 – To consider the discipline or dismissal of, or to hear complaints or charges brought against a public officer, employee, staff member or individual. **Present:** Messrs. Boucher, Collins, Mellor and Montecalvo.

Also present: Michael J. Coughlin, Jr., Town Manager and Scott Chase, Board of Health

The Town Manager announced that the purpose of tonight's executive session was to discuss accusations about Mr. Scott Chase contained in a letter he received from Northbridge Board of Health member, Stephen Walker. Mr. Walker's letter mentioned several concerns he had with respect to Mr. Chase's conduct at the Board of Health meeting on March 15, 2004. The letter further requested the Selectmen [as the appointing authority] to consider the suspension and/or removal of Mr. Chase from the Board of Health for conduct unbecoming the office to which he has been appointed to serve.

Mr. Chase proceeded to tell the Board of Selectmen what has been happening on the Board of Health since January 2004, more specifically, he alleged that Administrative Assistant to the Board of Health Jeanne Gniadek was very readily providing any and all documentation to the Citizens for the Preservation of Northbridge (CPN), however, if he would ask for a copy of something, either he wouldn't get it or it would take some time. The dialogue continued for a short time until Selectman Montecalvo noted that this discussion was getting off the topic of tonight's agenda.

Selectman Montecalvo then asked about the following remarks made by Mr. Walker in his letter: "Mr. Chase's demeanor; personal attacks, and threats to members of the Board of Health" and questioned Mr. Chase about them. Mr. Chase responded that he didn't remember doing any of those things at the meeting. Next, Mr. Montecalvo suggested that the entire Board of Selectmen view the video of the March 15, 2004 Board of Health meeting in order to confirm whether any of the accusations in Mr. Walker's letter about Mr. Chase are in fact true. He also stated that he didn't want to comment until after viewing the video. Selectman Montecalvo stated that the accusations contained in Mr. Walker's letter were pretty serious. Selectman Boucher concurred with Mr. Montecalvo's comments.

The next portion of the discussion focused on 1) the February 23rd Selectmen's meeting at which Mr. Chase presented photos of several businesses in town that were in violation of town bylaws and 2) the March 8th meeting at which Shelly Buma announced that at a subsequent Board of Health meeting, Mr. Chase admitted that he had in fact lied to both the Board of Health and the Board of Selectmen about the origin of those particular photos. Mr. Mellor tried to explain that technically, Mr. Chase had not lied to the Board of Selectmen because the Board didn't ask the right questions. Chairman Ampagoomian agreed. Selectman Boucher suggested that the Board should focus on the conduct of Mr. Chase at the March 15th Board of Health meeting as indicated in Mr. Walker's letter. He felt that Mr. Chase's conduct was the issue at hand and not the photos, however, he said that maybe the Board of Health was using the "photo" issue as an example of "conduct unbecoming a member of the Board of Health." In addition, he reiterated the point that making any comments now without seeing the video of the meeting would not do any good. Selectman Montecalvo suggested that Mr. Chase respond to Mr. Walker's letter in writing.

Town Manager Coughlin advised that there were two issues with respect to the photos. 1) He indicated that lying about the photos, though not a good idea was not an actionable issue since Mr. Chase wasn't under oath. 2) The perception/misperception about taking pictures of other board member's houses; they can take issue with that.

Mr. Chase departed the meeting at 9:00 PM.

Selectman Collins voiced his concerns about the recent actions of the Board of Health, more specifically, that they are out of control. As an example, he noted that Richard Weschrob,

member of the Board of Health, recently shut down the China Pacific when he had no authority to do so as he is not the Board of Health Agent. The Town Manager clarified that matter and stated that Mr. Weschrob had received a complaint about raw sewerage at the China Pacific and so he tried to contact the Health Agent about it, however, he was unsuccessful and therefore he went to the China Pacific himself to investigate the complaint. Upon entering the kitchen, Mr. Weschrob noticed several violations and took matters into his own hands and closed them down.

Several other concerns with respect to the Health Agent were brought forward and Selectman Montecalvo suggested that the Town Manager have a talk with Mr. Mascoop to see if he is competent enough to continue to do these inspections. It was also recommended that Mr. Coughlin meet with the Chairman of the Board of Health, Mr. Weschrob, as well.

A motion/Mr. Collins, to send a letter to the Board of Health stating that the Chairman is not allowed to do health inspections as per the law. No second, motion dies.

Mr. Coughlin advised that he will prepare a memorandum to file on the basis that the above issues involving the Chairman of the Board of Health and the Health Agent were discussed with each individual. The Board concurred with his advice.

A motion/Mr. Collins, seconded/Mr. Boucher to adjourn the Executive Session to April 12, 2004. Vote yes/Unanimous.

Executive Session adjourned: 9:45PM

Respectfully submitted,

Robert M. Mellor, Clerk

s/

**BOARD OF SELECTMEN
EXECUTIVE SESSION
APRIL 12, 2004**

An Executive Session of the Board of Selectmen was called to order by Chairman Charles Ampagoomian, Northbridge Town Hall, 7 Main Street, Whitinsville, MA, at 8:25 p.m. under M.G.L.'s Chapter 39, S. 23B, #2 – To consider the discipline or dismissal of, or to hear complaints or charges brought against a public officer, employee, staff member or individual and under M.G.L.'s Chapter 39, S. 23B, #3- **Present:** Messrs. Boucher, Collins, Mellor and Montecalvo.

Adjourned from March 22nd:

Under M.G.L.'s Chapter 39, S. 23B, #2 – To consider the discipline or dismissal of, or to hear complaints or charges brought against a public officer, employee, staff member or individual. Also present: Michael J. Coughlin, Jr., Town Manager and Scott Chase, Board of Health.

The Board further discussed an appropriate disposition of this matter and asked that it be adjourned to April 26th.

Under M.G.L.'s Chapter 39, S. 23B, #3 – To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the government's bargaining or litigating position. Also, to conduct strategy sessions in preparation for negotiations with non-union personnel; to actually conduct collective bargaining and contract negotiations with non-union personnel. Also present: Michael J. Coughlin, Jr., Town Manager

In light of the School and Police contracts, the Town Manager briefed the Board of his recommendations that there be basic parity among all unions and non-union personnel concerning COLA's [Cost of Living Adjustments] and other basic benefits. To that end, the Town Manager sought guidance from the Board on implementing equivalent healthcare contributions by all town employees.

Executive Session adjourned: 9:20 PM

Respectfully submitted,

Robert M. Mellor, Clerk

s/

**BOARD OF SELECTMEN
EXECUTIVE SESSION
APRIL 26, 2004**

An Executive Session of the Board of Selectmen was called to order by Chairman Charles Ampagoomian, Northbridge Town Hall, 7 Main Street, Whitinsville, MA, at 8:15 PM under M.G.L.'s Chapter 39, S. 23B, #2 – To consider the discipline or dismissal of, or to hear complaints or charges brought against a public officer, employee, staff member or individual; and under M.G.L. Chapter 39, S. 23B #3 (Litigation - Berkowitz Trucking tonnage appeal) and under M.G.L. Chapter 39, S. 23B #3 (Litigation - N.H.S. closeout) —not to reconvene in open session. **Present:** Messrs. Boucher, Collins, and Mellor. Selectman Montecalvo was not present and it is duly recorded.

Adjourned from April 12, 2004:

Under M.G.L.'s Chapter 39, S. 23B, #2 – To consider the discipline or dismissal of, or to hear complaints or charges brought against a public officer, employee, staff member or individual. Also present: Michael J. Coughlin, Jr., Town Manager and Scott Chase, member-Board of Health

The Board of Selectmen informed Mr. Chase that he was being issued an oral reprimand for his remarks and that they hoped he would refrain from such remarks in the future. Mr. Chase assured the Board that he would.

Under M.G.L. Chapter 39, S. 23B #3 - (Litigation - Berkowitz Trucking tonnage appeal).
Also present: Michael J. Coughlin, Jr., Town Manager

An extensive discussion took place on the lawsuit filed by Jessica L. Stock, Esq., on behalf of TJJ Development and Tom Berkowitz Trucking. Ms. Stock works out of an office that has the same address as Attorney Joseph Antonelli. Copies of pleadings were distributed. The Town Manager stressed that the lawsuit had been filed and not served on the Town and he had hoped that the matter would be settled and the lawsuit withdrawn.

The discussion ensued that this lawsuit although stemming from medical waste was not related to that issue but securing additional tonnage that Mr. Berkowitz claims he needs to continue his business.

Mr. Coughlin and the Town's attorney noted that the suit was filed in order to protect Mr. Berkowitz's legal rights and pursuant to the tracking order issued by the court – the lawsuit didn't need to be served until some time later – allowing for further negotiation.

Under M.G.L. Chapter 39, S. 23B #3 - (Litigation - N.H.S. closeout).

Also present: Michael J. Coughlin, Jr., Town Manager, members of the Building, Planning & Construction Committee and Jeanne Gould, Adm. Asst.

This was a joint meeting with the Building, Planning & Construction Committee and the Board of Selectmen.

The Selectmen would refer to the minutes prepared and recorded by the Building, Planning & Construction Committee.

Executive Session adjourned: 9:35PM

Respectfully submitted,

Robert M. Mellor, Clerk

**EXECUTIVE SESSION
BOARD OF SELECTMEN
MAY 4, 2004**

An Executive Session of the Board of Selectmen was called to order by Chairman Charles Ampagoomian, Northbridge Town Hall, 7 Main Street, Whitinsville, MA, at 6:05 p.m. under M.G.L.'s Chapter 39, S. 23B, #3 – to discuss litigation issues with respect to the Northbridge High School project [settlement agreement between Jackson Construction and the Town of Northbridge]--and to reconvene in open session. **Present:** Messrs. Boucher, Collins, and Montecalvo. Selectman Mellor was absent and it is duly recorded.

Also present: Michael J. Coughlin, Jr., Town Manager; Theresa Cenedella, Town Accountant; Joyce Morin, Treasurer/Collector; Attorney David Doneski, Kopelman & Paige; Mary Frances Powers; and the Building, Planning & Construction Committee members: Peter Barbadora, David Morrow, George Murray, Jack Davis, Donald Lange, Faith Lane and Neal Mitchell.

Town Manager Coughlin raised issues and concerns involving subcontractors of the High School project. The questions were answered by Attorney David Doneski, Kopelman & Paige. The Town Manager also reported on the matter concerning the balance of funds available to the Northbridge High School project and also addressed in the audit adjustment letter from Thomas J. Scanlon, Town Auditor to Theresa Cenedella, Town Accountant. After discussion, Attorney Doneski recommended that the settlement agreement between Jackson Construction and the Town of Northbridge be accepted and signed by Charles Ampagoomian, Chairman-Northbridge Board of Selectmen and Peter Barbadora, Chairman-Building, Planning & Construction Committee.

A motion/Mr. Boucher, seconded/Mr. Collins to adjourn the Executive Session at 6:20 PM and return to Open Session. Vote yes/Messrs. Boucher, Collins, Montecalvo and Ampagoomian.

Executive Session adjourned: 6:20 PM

Respectfully submitted,

Charles Ampagoomian, Jr., Chairman

s/

**BOARD OF SELECTMEN
EXECUTIVE SESSION
JUNE 21, 2004**

An Executive Session of the Board of Selectmen was called to order by Chairman Joseph Montecalvo, Northbridge Town Hall, 7 Main Street, Whitinsville, MA, at 9:55PM under M.G.L.'s Chapter 39, S. 23B, #3 – Litigation (Medical Waste Hearing/Legal Expenses) and under M.G.L.'s Chapter 39, S. 23B, #6 – Land Acquisition (Puccio Property), not to return to open session. Roll Call Vote: Mr. Collins/Yes, Mr. Boucher/Yes, Mr. Ampagoomian/Yes, and Mr. Montecalvo/Yes. **Present:** Messrs. Boucher, Collins, and Ampagoomian. Selectman Mellor was not present and it is duly recorded.

Also present: Michael J. Coughlin, Jr., Town Manager.

Under M.G.L.'s Chapter 39, S. 23B, #3 – Litigation (Medical Waste Hearing/Legal Expenses).

The Selectmen discussed correspondence received from Christopher Haynes along the lines that the Town's continued pursuit of legal fees associated with his public hearing amount to false invoicing and postal fraud.

The Board expressed outrage and instructed the Town Manager to have the Town Attorney respond.

The Town Manager then outlined his conversation with Attorney Reich and that he would be contacting the Board of Health on the legal avenues available to them.

Under M.G.L.'s Chapter 39, S. 23B, #6 – Land Acquisition (Puccio Property).

A discussion ensued about incorporating the acquisition of the Puccio property into an overall long-term plan with adjoining property owned by Len Jolles. An aerial view was provided by Mr. Ed Renaud, demonstrating the feasibility of coupling both parcels into a master plan to provide for future needs and to provide cross-town access.

A further discussion ensued about a comprehensive as opposed to step-by-step approach and it was agreed that while consideration of plans be pursued as a unified package, the feasibility of the proposal rested with first exploring the potential acquisition of the Puccio property.

It was generally agreed that an adhoc committee first explore the possibility of acquiring the Puccio property.

Executive Session adjourned: 10:35 PM

Respectfully submitted,

Joseph J. Montecalvo, Chairman

s/

**BOARD OF SELECTMEN
EXECUTIVE SESSION
JULY 12, 2004**

An Executive Session of the Board of Selectmen was called to order by Chairman Joseph J. Montecalvo at 8:30 PM at the Northbridge Town Hall, 7 Main Street, Whitinsville, MA, under MGL Chapter 39, S. 23B#6 – Land Acquisition (Puccio Property), under MGL Chapter 39, S. 23B#3 – Litigation [BPCC], under MGL Chapter 39, S. 23B#3 – Medical Waste Hearing/Legal Expenses, and under MGL Chapter 39, S. 23B#3 – Negotiations for Non-Union Personnel, without return to open session. Present were Messrs. Ampagoomian, Boucher, Collins and Mellor.

Also present: Michael J. Coughlin, Jr., Town Manager, Peter Barbadora, Faith Lane and Neal Mitchell--all members of the Building, Planning & Construction Committee.

Under MGL Chapter 39, S. 23B #3 (Litigation-BPCC)

Town Manager Coughlin stated that he requested Mr. Peter Barbadora, Chairman-Building, Planning & Construction Committee, to come before the Board to update them on the status of the ongoing litigation and the cost of litigation with respect to the new High School. Mr. Barbadora indicated that the focus of the litigation was the case against the Architect due to errors of omission in design and other issues [inaudible]. He explained that the Building, Planning & Construction Committee [BPCC] is trying to recover enough money to fix the fields (\$400,000-\$600,000), infiltration basin, (\$50,000-\$150,000) and ledge removal (\$250,000) for a total of approximately \$1 million. Mr. Barbadora also reported that the Committee's attorney has been in contact with both the Architect's attorney and the insurance company and indicated that they wanted to negotiate a settlement. Chairman Montecalvo asked about the \$75,000 appropriated for legal fees at the Spring Annual Town Meeting and whether it would get them through negotiations. Mr. Barbadora's reply was inaudible. Mr. Coughlin interjected and reminded the Board that the BPCC originally asked for \$200,000 to continue the litigation but that the Finance Committee suggested they start with \$75,000 and then request additional funding at the Fall Annual Town Meeting. The Town Manager advised that he wanted the Board to know what was going on so that when the BPCC asked for additional funds they wouldn't be shocked. In closing, Mr. Coughlin mentioned that he just wanted the Board to be comfortable with the direction this matter was going and to be involved with these strategic decisions.

8:55 PM -- Under MGL, Chapter 39, S. 23B #6 (Land Acquisition).

Also present: Michael J. Coughlin, Jr., Town Manager, Denis Latour, Neal Mitchell and Ed Renaud--all members of the Puccio Property Land Acquisition Ad Hoc Committee.

Chairman Montecalvo asked about the status of the Puccio property land acquisition. Mr. Latour advised that he met with the Puccio's and their attorney, Paul Sushchuk, to discuss land acquisition. Mr. Latour said the Puccio's indicated several times during discussion that they were not interested [in selling their property to the Town]; however, upon leaving, Mr. Puccio did tell them to make an offer. Mr. Puccio also informed Mr. Latour that they had the property [about 75 acres] appraised at \$1.8 million. It was also noted that early on the Puccio's marketed the land as Industrial—and that there was no market. Those present discussed whether the Town should get an appraisal done on the property in question or just make a reasonable offer of \$2-\$3million. Mr. Renaud expressed his opinion and said that at \$2 or \$3 million, that in the long term the Town would get its money back. Mr. Latour concurred. It was decided that the Town would contact the Puccio's to discuss this matter and make an offer.

9:10 PM-- Under MGL, Chapter 39, S. 23B #3 (Medical Waste Hearing/Legal Expenses).

Also present: Michael J. Coughlin, Jr., Town Manager

Town Manager Coughlin provided an update relative to the ongoing issue of legal expenses with respect to medical waste hearings. He informed the Selectmen that at the last meeting of the Board of Health, a letter was sent to Christopher Haynes asking for \$6,000 for hearing expenses and to which Mr. Haynes responded that he was not going to pay at this time.

Associated with that issue, Mr. Coughlin advised 1) that the Board of Health had issued a cease and desist order to Berkowitz Trucking for the wood processing issue and in addition, put a set of protocols in place that were blueprinted for a 200-ton processing company—which Berkowitz is not. 2) The Board of Health has requested additional funding for the purpose of hiring their own solid waste consultant for the Berkowitz facility.

Aside from that, the Town Manager voiced his belief that the Berkowitz matter was associated with some background issues that should not have any bearing on it, however, it was his opinion [fair or unfair] that it was perhaps Mr. Berkowitz's involvement with a recent land transaction that has put pressure on the Board of Health to adopt a strategy of not to give Berkowitz any quarter at all and to crack down on him.

He further indicated that he was not hopeful that the Board of Health and Mr. Berkowitz could come to some agreement and work together because both sides are too polarized at this time. The Town Manager also expressed the fact that emotions may be causing the Board of Health to make the wrong decisions on this. He reiterated the fact that a cease and desist order was issued by the Board of Health for a minor violation and they did not give Mr. Berkowitz an opportunity to be heard. Mr. Coughlin stated that a cease and desist order can not be issued without giving the opportunity to be heard through due process. Further, it does not put the Town in a good legal position. Chairman Montecalvo interjected that the Board of Health needs someone to tell them what to do or not to do, which is a lawyer, however, the question is do they need their own separate lawyer. Mr. Coughlin responded that that is the point. He then reminded the Selectmen that when he had Mark Reich, Kopelman & Paige [Town Counsel], assist the Board of Health, Mr. Reich told them what they did not want to hear which was—while you do have broad authority, you have to allow due process. It was after that that the Board of Health requested Attorney Watsky to be their independent counsel and at the same time the Town Manager advised the Board of Health that the Selectmen would not allow them to hire independent counsel. Town Manager Coughlin emphasized that he just wanted to make sure the Selectmen were aware of where the issue was headed; that the Board of Selectmen and the Board of Health were headed on a collision course and that the only way to turn it around was to say no to the Board of Health--not to authorize the use of independent counsel. Selectman Ampagoomian was of the opinion that the Board of Health should only be able to use Town Counsel. The Town Manager concurred. In closing, Mr. Coughlin remarked that he would notify the Board of Health 1) that the cease and desist order would not hold up in court, 2) that they would have to either admit that they were wrong or forget about it, and 3) the protocols that were set up are not appropriate for a small facility such as Berkowitz Trucking. Lastly, the Town Manager stated that he and the Selectmen must work together to ensure that the Board of Health does not nickel and dime Mr. Berkowitz in their enforcement. After discussion, the Board of Selectmen agreed not to grant permission to the Board of Health to retain separate counsel. Chairman Montecalvo directed the Town Manager to inform the Board of Health about their decision and that they are only allowed to use Town Counsel if the Town Manager feels it is appropriate and grants them permission.

9:25 PM –Under MGL, Chapter 39, S. 23B #3 (Negotiations for Non-Union Personnel)

Also present: Michael J. Coughlin, Jr., Town Manager

Chairman Montecalvo directed the Town Manager to develop a proposed agreement based on a three-year contract with the salary to be determined by the Board but comparable to other area Town Managers.

The Town Manager thanked the Board for entering into negotiations with him. In essence, he noted that that he was looking for a three-year contract at an annual salary of \$90,000 with no performance raises and no deferred compensation. The Town Manager indicated that he would request a six to nine month severance package and that he be entitled to the same cost of living increases as the other non-union personnel.

Chairman Montecalvo suggested that he would like to get some input from other people—employees, citizens, etc. He would ask that comments be submitted confidentially and that he would not allow or accept any anonymous comments. Mr. Montecalvo also said that he would prefer to give the Town Manager a three-year contract because it gives him some kind of protection. Selectman Collins voiced his support of the Town Manager and also favored giving the Town Manager a three-year contract.

Mr. Coughlin responded that he would put together a proposed agreement that would incorporate the above mentioned terms in time for the next meeting.

A motion/Mr. Collins, seconded/Mr. Boucher to adjourn. Vote yes/Unanimous.

Executive Sessions Adjourned: 9:50 PM

Respectfully submitted,

Robert M. Mellor, Clerk

s/

**BOARD OF SELECTMEN
EXECUTIVE SESSION
JULY 26, 2004**

An Executive Session of the Board of Selectmen was called to order by Chairman Joseph J. Montecalvo at 8:30 PM at the Northbridge Town Hall, 7 Main Street, Whitinsville, MA, under MGL Chapter 39, S. 23B #6 (Land Acquisition)—not to return to open session. Present were Messrs. Ampagoomian, Boucher, Collins and Mellor.

Also present: Michael J. Coughlin, Jr., Town Manager, Gary Bechtholdt, Town Planner and Edward Renaud.

The Board met in Executive Session to continue the discussion relative to the acquisition of the Puccio property. A price proposal was shared with the Board and they all agreed the price was exorbitant. The Town Manager remarked that it was due to the fact that they do not want to sell the property because the Linwood Estates 40B project will more than likely be approved. As such, Mr. Coughlin said that the best thing to do is to make sure the concerns of the Town are met in the best way possible. The Town Manager also commented that at a meeting on Friday and with the Town Planner present, the developer was asked if he was willing to change the percentage of affordable units so that the Town had a chance to increase the total number of affordable housing units in Town in order to achieve the required 10%. The response was yes. However, Mr. Coughlin added that everyday there were additional market value housing units being added to the Town's docket so either way it makes things difficult.

The Board also discussed the acquisition of land owned by Len Jolles for future use by the Town. Selectman Ampagoomian asked that if the Town were to grant full approval to move forward with the Linwood Estates project, how would that affect the original conception the Board had with respect to the Puccio property [crossroads, having town-owned land for future use, etc]. Gary Bechtholdt, Town Planner, replied that this was an opportunity for the Town to get what they are looking for; that Mr. Jolles would probably have to redesign his original roadway configuration plans because more than likely a secondary means of access would be required for his project. Mr. Bechtholdt also commented that if they see a willingness by the Town to work with them then they would be more willing to work with us as well. Additionally, he stressed the fact that it is more advantageous for the town to work with Mr. Jolles because the town does have a pressing need for a new DPW Facility and Fire Station and thus if the town were to provide a second means of access for Mr. Jolles, then the town could require Mr. Jolles to make some improvements to his land to make it more suitable to situate a facility there. Discussion continued with respect to the process for 40B developments. Mr. Bechtholdt explained that although the developers may ask for waivers [from various town requirements] that the Zoning Board of Appeals would then have to review the list of waivers and what the impact would be on the funding of the project. However, he assumed that developers of 40B projects would still have to adhere to the regulations of the Administrative Consent Order as well as undergo subdivision review. He also pointed out that the Zoning Board of Appeals should pay attention to the date of the full submittal of the project because they only have 45 days to hold a public hearing [which they should keep open] but once the public hearing is closed they have 90 days to render a decision on the project. In conclusion, the Town Manager suggested that a letter be sent to the Puccio's to invite them to attend a meeting to talk directly with the Board of Selectmen about this matter. The Board concurred.

Respectfully submitted,

Robert M. Mellor, Clerk

s/

**BOARD OF SELECTMEN
EXECUTIVE SESSION
AUGUST 9, 2004**

An Executive Session of the Board of Selectmen was called to order by Chairman Joseph J. Montecalvo at 8:40 PM at the Northbridge Town Hall, 7 Main Street, Whitinsville, MA, under MGL Chapter 39, S. 23B #6 (Land Acquisition) and under MGL Chapter 39, S. 23B #3 (Town Manager's Contract)— to reconvene in open session. **Present**: Messrs. Ampagoomian, Boucher, Collins and Mellor.

Also present: Michael J. Coughlin, Jr., Town Manager; Mark Anderson, Heritage Design Group; Attorney Paul M. Sushchuk; John P. Puccio, Sandra L. Puccio, Arline Puccio, and James P. Puccio.

Under MGL Chapter 39, S. 23B #6 (Land Acquisition).

As the consequence of a request made by the Board of Selectmen in an Executive Session on July 26, 2004, the Puccio family appeared to discuss their proposal. The Town Manager questioned James Puccio at length about the value of the land included in his application to Mass. Housing as compared to his price proposal to the Board of Selectmen. The Town Manager speculated on the impact of this variance on the 40B application if the Town and the Puccio's didn't come to terms on the purchase of the property – particularly given Mass. Housing's limitations on the profits that could be derived from 40B. James Puccio responded that the project was supported by officials within Mass. Housing.

After persistent questioning, Chairman Montecalvo interjected and asked whether a representative of the Puccio family would be willing to sit down in a more private setting to work out the details. At that time, John Puccio stated that his family did want to work with the Town, mentioning a previous project between the town [and his family] when his father was alive. It was agreed that Chairman Montecalvo would meet with John Puccio, Attorney Sushchuk, and Town Manager Coughlin.

Under MGL Chapter 39, S. 23B #3 (Town Manager's Contract).

Executive Session Adjourned: 9:20 PM

Respectfully submitted,

Robert M. Mellor, Clerk

s/

**BOARD OF SELECTMEN
EXECUTIVE SESSION
AUGUST 30, 2004**

An Executive Session of the Board of Selectmen was called to order by Chairman Joseph J. Montecalvo at 7:55 PM at the Northbridge Town Hall, 7 Main Street, Whitinsville, MA, under MGL Chapter 39, S. 23B #6 (Land Acquisition/Puccio Property) — and to reconvene in open session. Present were Messrs. Ampagoomian, Boucher, Collins and Mellor.

Also present: Michael J. Coughlin, Jr., Town Manager.

Chairman Montecalvo advised that he and the Town Manager met with John Puccio and his attorney to discuss the purchase of 75 acres of the Puccio property on Route 122 for \$5 million for future use by the town for a new DPW Facility, Fire Station and/or elementary school—which the School Committee is in favor of. He indicated that they were very receptive. He also pointed out that the purchase would have to be accomplished via a debt exclusion at town meeting. Selectman Boucher was adamant that the town's buildings come first. Mr. Coughlin said that he met with Henry O'Donnell and George Murray and that the School Department is willing to forgo the \$2.6 million for portable classrooms because they would rather invest in a new school under the new reimbursement formula in 2007. Henry, as a show of good faith, is willing to give up the Administration Building on Linwood Avenue so that the town could sell it. Town owns 20 acres across from the WWTP Mellor said that site dev. cost would be exorbitant.....and further assumed that it would also apply to the Puccio property. Montecalvo replied yes, however, the Town could always turen around and sell it.

Collins asked what \$5million would add to the tax rolls. The Town Manager responded that he would have to check with the Assessor's Office. Selectman Collins also suggested that Len Jolles attend the Selectmen's meeting on September 13th because he is also intereseted in selling some of their 150 acres.

Selectman Boucher reiterated the fact that he wants the DPW and Fire facilities first. Mr. Coughlin said the Selectmen should have the last say which buildings go up first.

Executive Session Adjourned: 8:10 PM

Respectfully submitted,

Robert M. Mellor, Clerk

s/

**BOARD OF SELECTMEN
EXECUTIVE SESSION
SEPTEMBER 13, 2004**

An Executive Session of the Board of Selectmen was called to order by Chairman Joseph J. Montecalvo at 8:40 PM at the Northbridge Town Hall, 7 Main Street, Whitinsville, MA, under MGL Chapter 39, S. 23B #5 (Filing of criminal complaints), under M.G.L. Chapter 39, S. 23B #2 (Complaints concerning a Public Officer), and under M.G.L. Chapter 39, S. 23B #6 (Land acquisition (Jolles Property), to reconvene in open session. Present were Messrs. Ampagoomian, Boucher, Collins and Mellor.

Also present: Michael J. Coughlin, Jr., Town Manager, Thomas Melia, Police Chief, Sharon Susienka, Asst. to the Town Manager, and Attorney Mark Reich, Kopelman & Paige.

Under MGL Chapter 39, S. 23B #5 (Filing of criminal complaints)

Board of Health Chairman, G. Stephen Walker and member James Marzec requested that they be allowed to attend this Executive Session. However, Town Counsel (Mark Reich) responded that this was an executive session of the Board of Selectmen. Chief Melia also advised the Board that with respect to the investigation of this matter before them that it was confidential at this time and as such, Mr. Walker and Mr. Marzec left the meeting.

Chief Melia proceeded to give the Selectmen some background information relative to the matter which led to an Executive Session this evening. He explained that on September 9, 2004, a Board of Health member went to the Police Station and alleged that a threat was made against them self. Two detectives were assigned to the case and as a result several people were interviewed. The Chief further explained that because a town board was involved, the District Attorney's office will review the case to see if there is enough of a case to file charges, and, if so, the Northbridge Police Department will move forward. Conversely, if the victim changed their mind, the case will not move forward. Chief Melia also reported that today [September 13th] at 2:00 PM Tom Mattson (Tribune reporter), who heard rumors regarding the allegations, asked for the police log entry which is a public record. Chairman Montecalvo asked Chief Melia whether he would provide any further details about the investigation and the Chief responded that he could not until the investigation was completed. Selectman Collins asked what the recourse would be if the allegations turned out to be nothing. The Chief replied not anything, unless it was a malicious lie or if a false report was filed.

8:50 PM -- Under MGL Chapter 39, S. 23B #2 (Complaints concerning a public officer).

Also present: Michael J. Coughlin, Jr., Town Manager, Sharon Susienka, Asst. to the Town Manager, and Attorney Mark Reich, Kopelman & Paige.

Town Manager Coughlin informed Attorney Reich that the individual about who the complaints were received was afforded the opportunity to appear in open session or executive session and chose neither. Attorney Reich stated as such, that there were grounds to move forward in executive session. It was suggested that the individual choose one of three options: a) they should recuse them self from any and all further discussions/issues involving Berkowitz Trucking, b) request another opinion from the Ethics Commission or 3) make a full disclosure of any financial interest to the appointing authority and seek a broader exemption from same. Attorney Reich pointed out that one can not rely on an oral determination from the Ethics Commission as it is not binding. They determined that there was a direct conflict and put it back to the Board of Selectmen for a decision. The Selectmen then allowed the individual to participate with respect to Medical Waste issues [which has since gone away] and the person never received any further formal determination. To that end, Attorney Reich advised the Board to take action now. In addition, Town Counsel said that Attorney Antonellis was trying to get his client [Berkowitz] to clean up his property, however, he won't hesitate to file suit if his client's civil rights are being abridged. Attorney Reich once again advised the Board of Selectmen to take corrective action. Selectman Collins stated that he had told the Board of Health that once the medical waste issue was over that Ms. Macintosh no longer had an exemption, however, the Board of Health ignored the warning.

Town Manager Coughlin interjected that someone was going to get hurt because the Board of Health was not heeding the Selectmen's advice. Chairman Montecalvo suggested sending the individual a letter and put them on notice. Attorney Reich advised the Board to walk her through the process; advise the individual to recuse them self from further involvement/discussion with respect to the Berkowitz property, ask for a letter of determination from the Ethics Commission, or request an exemption from the appointing authority and attach Town Counsel's opinion. Mr. Reich also noted that until the person actually requests a determination from the appointing authority, it can not be given to that person. After discussion it was agreed that the Board would move forward and take action on this issue; that they would notify the individual of the three options available as referenced above. In closing, Mr. Coughlin said that if the Board does not move forward and take a stand, that they will lose their credibility. In summary, the Board agreed that the individual can not participate at the next meeting of the Board of Health; that they

must recuse them self until they take action. For the record, the Town Manager will send a letter to the person indicating the three options available. A motion/Mr. Collins, seconded/Mr. Boucher to send a letter to Ms. Macintosh advising her of the three options and further to inform her that she must recuse herself from any involvement/discussion concerning Berkowitz Trucking until she takes proper action. Roll Call Vote: Mr. Ampagoomian-Yes, Mr. Mellor-Yes, Mr. Boucher-Yes, Mr. Collins-Yes, and Mr. Montecalvo-Yes.

9:22 PM-- Under MGL Chapter 39, S. 23B #6 (Land Acquisition – Len Jolles' property).

Also present: Michael J. Coughlin, Jr., Town Manager, Sharon Susienka, Asst. to the Town Manager, Mr. Edward Renaud, and Attorney Mark Reich, Kopelman & Paige.

Mr. Renaud was present on behalf of Len Jolles to discuss the potential purchase of property owned by Mr. Jolles [Northbridge Industrial Park-Route 122] for future use by the Town. He said that he would draw up the plans for the piece of property that Mr. Jolles wished to keep and develop plans similar to the Heritage Park Complex, which would also require a zoning change. Selectman Ampagoomian directed Mr. Renaud to run the plans by the Planning Board and Mr. Renaud replied that Mr. Latour was in favor of the plans.

Also discussed was the potential acquisition of another piece of Mr. Jolles' property located on Main Street, Whitinsville, [site of the former West End School] on which the town would build a new Fire Station.

In conclusion, the Board requested Mr. Renaud get a proposal together for the purchase of a portion of Mr. Jolles' property on Route 122, draw up the plans for a condo development [similar to Heritage Park Estates] and to report back to the Board of Selectmen at their next meeting on October 4, 2004. A motion/Mr. Collins, seconded/Mr. Boucher to direct Mr. Renaud to draw up a proposal and to plot out the plans that were discussed with respect to the Jolles property on Route 122 and to report back to the Board of Selectmen at their next meeting on October 4, 2004. Roll Call Vote: Mr. Ampagoomian-Yes, Mr. Mellor-Yes, Mr. Boucher-Yes, Mr. Collins-Yes, and Mr. Montecalvo-Yes.

A motion/Mr. Collins, seconded/Mr. Boucher to adjourn the executive session of the Board of Selectmen and to return to open session. Roll Call Vote: Mr. Ampagoomian-Yes, Mr. Mellor-Yes, Mr. Boucher-Yes, Mr. Collins-Yes, and Mr. Montecalvo-Yes.

Executive Sessions Adjourned: 9:40 PM

Respectfully submitted,

Robert M. Mellor, Clerk

s/

**BOARD OF SELECTMEN
EXECUTIVE SESSION
OCTOBER 4, 2004**

An Executive Session of the Board of Selectmen was called to order by Chairman Joseph J. Montecalvo at 8:30 PM, Northbridge Town Hall, 7 Main Street, Whitinsville, MA , under MGL Chapter 39, S. 23B #3 Litigation (Streetscape) and under M.G.L. Chapter 39, S. 23B #6 Land acquisition (Jolles Property); not to return to open session. **Present:** Messrs. Collins, Mellor, Boucher, and Ampagoomian.

Also present: Michael J. Coughlin, Jr., Town Manager

8:30 PM – Under MGL Chapter 39, S. 23B #3 Litigation (Streetscape). Also present: Ken Couture, Businessman; and Attorney Gerald Shugrue.

Attorney Shugrue outlined his client's concerns regarding his treatment by town officials during the streetscape project – including the damages sustained – but never corrected by contractors engaged by the Town. Mr. Couture stated this litigation was the last resort but he was being forced by the inaction and accusations being leveled against him by a town official. He felt he was being unfairly treated in relationship to other downtown vendors.

The Town Manager indicated that this matter would be turned over to the Town's insurance carrier and would go through the legal process if Attorney Shugrue filed. Attorney Shugrue and his client both hoped that wouldn't be necessary.

Town Manager Coughlin and Board members expressed frustration with the Town official overseeing the project but given the fact that the project was being administered by the Building, Planning & Construction Committee – the Selectmen's role was limited to legal matters. The Town Manager then indicated that he would discuss this matter with the Town's attorney and given his ruling that Public Works projects should be supervised by the Department of Public Works – Streetscape was actually a public works as opposed to a public building project and maybe we could begin to assist Mr. Couture.

8:50 PM – Under MGL Chapter 39, S. 23B #6 Land Acquisition (Jolles Property)

The Town Manager updated the Board of Selectmen on this matter-- that he had talked to Mr. Renaud and Heritage Design was working on various issues.

Executive Session Adjourned: 9:05 PM

Respectfully submitted,

Robert M. Mellor, Clerk

s/

**BOARD OF SELECTMEN
EXECUTIVE SESSION
OCTOBER 25, 2004**

An Executive Session of the Board of Selectmen was called to order by Chairman Joseph J. Montecalvo at 8:35 PM, Northbridge Town Hall, 7 Main Street, Whitinsville, MA , under MGL Chapter 39, S. 23B #3 Litigation (Jolles) and under MGL Chapter 39, S. 23B #3 Litigation (High School Close Out) not to return to open session. **Present:** Messrs. Collins, Boucher, and Ampagoomian. Selectman Mellor was not present and it is duly recorded.

Under MGL Chapter 39, S. 23B #3 Litigation (Jolles).

Also present: Michael J. Coughlin, Jr., Town Manager.

The Board of Selectmen discussed a complaint by which a decision of a Town board would be appealed for failing to give the applicant due process.

The situation involved a request on behalf of Arcade Realty for the continuation of a Board of Health meeting on the so-called stockpile of soil at 355 Main Street. Accordingly, the developer's representative had informed the Board of Health that the Licensed Site Professional would be in Italy and unable to brief the Board on the findings.

Instead of granting a continuance, the Board of Health ordered and issued an order without the property owner being present. The Selectmen instructed the Town Manager to contact the Board of Health and Town Attorney as this seemed extremely unfair to the property owner, particularly where he informed the Board of Health of his Licensed Site Professional's conflict.

Under MGL Chapter 39, S. 23B #3 Litigation (High School Close Out). Also Present: Michael J. Coughlin, Jr., Town Manager.

Selectman Montecalvo as the Board's representative to the NHS close out negotiations and mediation sought guidance from his fellow Board members as to the strategy to take at the upcoming mediation session in Boston. Although several monetary severances were discussed, the strong consensus was that the fields must be delivered for use by the town and the children.

Executive Sessions Adjourned: 9:05 PM

Respectfully submitted,

Joseph J. Montecalvo, Chairman

s/

**BOARD OF SELECTMEN
EXECUTIVE SESSION
November 8, 2004**

An Executive Session of the Board of Selectmen was called to order by Chairman Joseph J. Montecalvo at 7:50 PM, Northbridge Town Hall, 7 Main Street, Whitinsville, MA , under MGL Chapter 39, S. 23B #3 Litigation (High School Close Out) not to return to open session. **Present:** Messrs. Collins, Boucher, and Ampagoomian. Selectman Mellor was not present and it is duly recorded.

Also present: Michael J. Coughlin, Jr., Town Manager

Selectman Montecalvo as the Selectmen's representative for the NHS close out mediation briefed the Board on the status of the close out discussion and mediation recently held on the NHS project.

Executive Sessions Adjourned: 8:05 PM

Respectfully submitted,

Joseph J. Montecalvo, Chairman

s/

**BOARD OF SELECTMEN
EXECUTIVE SESSION
DECEMBER 6, 2004**

An Executive Session of the Board of Selectmen was called to order by Chairman Joseph J. Montecalvo at 8:55 PM, Northbridge Town Hall, 7 Main Street, Whitinsville, MA , under MGL Chapter 39, S. 23B #6 Land Acquisition (Jolles/Puccio) not to return to open session. **Present:** Messrs. Collins, Boucher, and Ampagoomian. Selectman Mellor was not present and it is duly recorded.

Also present: Michael J. Coughlin, Jr., Town Manager

The Board of Selectmen discussed the status of the negotiations and the hope that the acquisition of the Puccio property be brought forward along with the Jolles rezoning as a complete package.

Town Manager Coughlin explored the possibility of splitting the components of the project into separate initiatives – given that he had heard that some officials were distorting the price of the Puccio property in the discussion with citizens. The Board hoped that the initiative would go forward as a special [town meeting] in the spring or summer.

Executive Sessions Adjourned: 9:25 PM

Respectfully submitted,

Joseph J. Montecalvo, Chairman

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