

BOARD OF SELECTMEN
January 6, 2003

A meeting of the Board of Selectmen was called to order by Chairman Montecalvo, Northbridge Town Hall, 7 Main Street, Whitinsville, MA, at 7:00 p.m. **Present:** Messrs. Ampagoomian, Boucher, and Mellor. Selectman Collins was not present, and it is duly noted.

Also present: William F. Williams, Town Manager.

The Pledge of Allegiance was recited by those present.

Approval of Minutes. None.

Public Hearing/7:05 p.m. – Dog Hearing: Philip Neeland, 516 Church Street, Whitinsville. Present: Daniel Chauvin, Animal Control Officer; Robert Clark, Kennel Owner/Professional Dog Handler. A motion/Mr. Ampagoomian, seconded/Mr. Boucher, to open the Public Hearing. Vote yes/Messrs. Ampagoomian, Boucher, Mellor, and Montecalvo. Chairman Montecalvo reported the Public Hearing would be conducted for the purpose of issuing the final decision and order relative to the dog (“Whiskey”) owned by Philip Neeland, 516 Church Street, Whitinsville, and he proceeded by swearing in all those persons who would speak in response to the decision(s). Daniel Chauvin, Animal Control Officer, reported it was his understanding that Mr. Neeland was not in agreement with the action of euthanizing “Whiskey” and that he was prepared to fight the decision if it were made. Discussion followed relative to the rights [through the courts] of the dog owner following any action that would be taken by the Board this evening. Robert Clark then spoke relative to the question of the re-training and/or rehabilitation of Whiskey, stating that there would never be a guarantee in any situation such as this one that the dog would never bite or attack again. He further discussed the three causes for a dog’s actions and answered questions posed by the Selectmen. In particular, in response to questions by Selectman Ampagoomian and Selectman Mellor, Mr. Clark stated that in his professional opinion, Whiskey “was a dangerous dog”, and if the dog’s training were different from the very beginning, and carried out by a different handler, the dog might have turned out differently. However, it was his opinion that the dog probably could not at this point in time be rehabilitated. He also agreed with Selectman Mellor that a most significant defect in this situation was the owner. There being no further questions, a motion/Mr. Ampagoomian, seconded/Mr. Boucher, to close the Public Hearing. Vote yes/Messrs. Ampagoomian, Boucher, Mellor and Montecalvo. A motion/Mr. Ampagoomian, seconded/Mr. Boucher, to find that, based upon the facts adduced at this hearing, the dog owned by Philip Neeland, Jr., and known as “Whiskey” is a nuisance by reason of vicious disposition. Vote yes/Messrs. Ampagoomian, Boucher, Mellor and Montecalvo. A motion/Mr. Ampagoomian, seconded/Mr. Boucher, based on the finding that Whiskey is a nuisance by reason of vicious disposition, that Daniel Chauvin (Animal Control Officer), Robert Clark, or another person be authorized to humanely euthanize said dog, at Mr. Neeland’s expense. Selectman Mellor interjected, stating he felt Mr. Neeland was not a knowledgeable dog owner; therefore, he requested that the Town Manager inform Mr. Neeland as to his rights and legal options following the Selectmen’s decision. Vote yes/Messrs. Ampagoomian, Boucher, Mellor and Montecalvo. A motion/Mr. Ampagoomian, seconded/Mr. Boucher, that the Board adopt the following findings of fact in support of its decision:

- a) Philip Neeland, Jr., of 516 Church Street, Northbridge, Massachusetts, is the owner and keeper of a German Shepherd breed dog known as “Whiskey”;
- b) In July, 2002, Whiskey attacked and bit Mr. Neeland’s sister, Lynn, while she was feeding him. As a result of the attack, Lynn was hospitalized and underwent more than five hours of surgery;
- c) In September, 2002, Whiskey attacked Mr. Neeland’s fiancée, Lisa Rutana. As a result of the attack, Ms. Rutana was hospitalized;
- d) On Monday, December 2, 2002, after a Public Hearing pursuant to G.L. c. 140, §157, the Board of Selectmen found that Whiskey is a nuisance by reason of vicious disposition and ordered Mr. Neeland to permanently remove said dog from the Town of Northbridge within two weeks of said order;
- e) Mr. Neeland did not comply with said order;
- f) On December 15, 2002, while on the Neeland residence, Whiskey attacked Kevin Hurd while on the Neeland property in the Town of Northbridge. As a result of the attack, Mr. Hurd was severely bleeding and suffered from multiple large lacerations;
- g) According to the testimony of Bob Clark, a trained animal trainer and the person in possession of Whiskey since December 18, 2002, Whiskey cannot be retrained so as to reduce the threat of future attacks;
- h) Based on the number of incidents and Mr. Neeland’s failure to comply with the Board’s prior order, no form of restraint will adequately reduce the threat of future attacks.

Vote yes/Messrs. Ampagoomian, Boucher, Mellor and Montecalvo.

Citizens’ Comments/Input. Selectman Mellor vacated his seat on the Board. Resident Robert Mellor, 467 Sutton Street, Northbridge, voiced concern over the results of the Rockdale, Route 122 Streetscape Project. He shared documentation relative to approximately ten accidents that were related to the project, noting the average damage to each vehicle was in the range of \$500 (tires, rims, front ends, etc.). He briefly discussed several of the accidents and stated most occurred at the bump-out in the area of the bridge near the Riverside Restaurant as it protrudes far into the traveled way. Mr. Mellor reported that it was his opinion that his significant concern for personal safety and vehicle damage stemmed from the flawed design of the project and the obvious inability to clear snow from the roadway and sidewalks of Rockdale. He criticized Northbridge government for a lack of initiative to correct the defect of the unplowed sidewalks over the past weekend, and applauded the Acting Town Manager, Chief Gary Nestor, for initiating an action plan to remedy the situation. Mr. Mellor concluded by making two clear-cut recommendations: that the Town Manager initiate the erection of warning signs on either

end of the Rockdale Streetscape Project to make travelers aware that they would be entering a “bump-out area”, and that the Board of Selectmen direct the Town Manager to remove the bump-outs as soon as possible.

Appointments/Resignations. Council on Aging, Board of Directors – Resignation of Sandra Van Etten.

A motion/Mr. Ampagoomian, seconded/Mr. Boucher, to accept the resignation of Sandra Van Etten from the Council on Aging, Board of Directors. Vote yes/Messrs. Ampagoomian, Boucher, Mellor and Montecalvo. The Chairman requested that the Town Manager send a letter to Ms. Van Etten to thank her for her years of service on the Board.

Deer Track Court in Deer Track Estates Subdivision/Vote to Layout Road; Sign Acceptance Plans. A motion/Mr. Ampagoomian, seconded/Mr. Boucher, to layout Deer Track Court in Deer Track Estates Subdivision and to sign the acceptance plans for same. Vote yes/Messrs. Ampagoomian, Boucher, Mellor and Montecalvo.

Septic System of Michael and Cheryl Lavallee, 2546 Providence Road/Vote to Grant Extension. Chairman Montecalvo announced that it was his understanding from a letter received from Robert Clark, Board of Health Chairman, that the Board of Selectmen did not have the authority to grant the requested extension; however, he offered time to Mr. Lavallee to speak. Mr. Lavallee reported briefly to the Selectmen on the situation of his failed system, noting that if sewers were planned within five years of a failed system, he [and others in his neighborhood] would not have to go through the extra expense of putting in new but inadequate systems. He also noted that because of the size of his property and the wetness of the land, the only fair and practical answer would be to connect to Town sewer. Chairman Montecalvo followed by stating that the Board of Selectmen could not overrule the Board of Health on the issue; however, it could make a recommendation to the Building, Planning and Construction Committee to have the issue placed on their agenda so that a sewer design for the area could be initiated and then implemented within a mandated four year timeframe. After brief discussion, a motion/Mr. Ampagoomian, seconded/Mr. Boucher, to support the suggestion made by Chairman Montecalvo and to direct the Town Manager to send a letter relative to the matter to the Building, Planning and Construction Committee, the Sewer Division, and the Board of Health. Vote yes/Messrs. Ampagoomian, Boucher, Mellor and Montecalvo.

Request to Hold 15th Annual Whitin Five-Mile Road Race, Thanksgiving Day, November 27, 2003. A motion/Mr. Ampagoomian, seconded/Mr. Boucher, to approve the request to hold the 15th annual “Whitin Five-Mile Road Race” and “Two-Mile Health Walk” on Thanksgiving Day, November 27, 2003, subject to the safety requirements of the Police, Fire and Public Works Departments. Vote yes/Messrs. Ampagoomian, Boucher, Mellor and Montecalvo.

Pleasant Street Christian Reform Church/Request to Hang Banner Over Church Street from January 8th to 20th to Announce Alpha Course on January 19th, 2003. A motion/Mr. Ampagoomian, seconded/Mr. Boucher, to approve the request of the Pleasant Street Christian Reform Church to hang a banner across Church Street from January 8, 2003, to January 20, 2003, in order to advertise the “Alpha Course” beginning on January 19, 2003. Vote yes/Messrs. Ampagoomian, Boucher, Mellor and Montecalvo.

Review January 21, 2003, Special Town Meeting (STM) Warrant with Finance Committee and Vote Positions on Articles. Due to the large turnout of residents at the meeting in regard to Article 13, a motion/Mr. Boucher, seconded/Mr. Ampagoomian, to discuss and vote positions on Article 13 first. Vote yes/Messrs. Ampagoomian, Boucher, Mellor, and Montecalvo. **Article 13:** Ms. Michelle Young, 20 Hastings Drive, spoke on behalf of the petitioners of Article 13, advising that the Article was a proposed amendment to the end of **Section 9-402. Prohibited refuse.** of the Town of Northbridge Code concerning the processing, storing or staging of hazardous, special or infectious waste. She also noted that the Moderator had not yet seen the amendment; however, he had indicated to her that he would accept it at Town Meeting. Brief discussion followed, during which time Robert Clark, Board of Health Chairman, answered questions relative to a new waste processing operation that was being considered within Town. Mr. Clark made it clear, however, that the Board of Health had not yet taken a position on the issue. Selectman Mellor then initiated a separate discussion as to whether the Selectmen historically took positions on petition articles. During this time, comments were made by various residents regarding the issue: Alfred Leonard (112 Clover Hill Road), Fred Consigli (145 Tipperary Drive), Milton Pepin (15 Hastings Drive), and Craig Maxim (94 Clover Hill Road) all spoke in support of the article, and noted their expectation that the Selectmen should also take a position on the article as elected officials. Finance Committee Chairperson Mary Frances Powers joined by commenting that the Chief Executive Board was expected to take a position on a petition article, especially one that suggested a change to a by-law such as Article 13. Michelle Young interjected by giving some background on the by-law amendment, noting the specific concerns of residents over the processing of infectious, medical and/or biological waste. She reported the petition was initiated in response to an application that was submitted by the Tom Berkowitz facility on Douglas Road, and with it, the residents were attempting to take action against any facility that might come to town to receive and treat medical waste. A brief discussion and question/answer period followed, during which time Chairperson Powers indicated that the Finance Committee’s recommendation would probably be to support the article, mainly because the Committee felt there was not only no benefit to the Town to bring medical or biologically hazardous waste to Northbridge, but also that hazardous waste and its processing did not belong in any kind of residential neighborhood. Mr. Christopher Haynes, resident of Andover, MA, and agent for Tom Berkowitz Trucking, 279 Douglas Road and proposed site of the transfer station, Northbridge, offered concern with the petition, stating it was his opinion it would fail review by the Attorney General as it was in conflict with both state regulations from the Department of Environmental Protection as well as with federal regulations under the hazardous material transportation act to accomplish the goals desired. He further discussed the reasons for his opinion, offered information that he felt supported his position, and indicated that a better way of handling the issue would be to create the “dialogue” necessary to address concerns and find areas of compromise. Chairman Montecalvo ended discussion, commenting that, after reviewing additional information on the issue, both the Finance Committee and

the Board of Selectmen would have recommendations on the article for Town Meeting; however, the ultimate decision and vote on the article would be that of the residents. A motion/Mr. Boucher, seconded/Mr. Ampagoomian, to support Article 13. Vote yes/Messrs. Boucher, Ampagoomian and Montecalvo. Vote no/Mr. Mellor. Ms. Powers then reiterated that it was the consensus of the Finance Committee to support the article as well. **Article 1:** Ms. Powers stated the Finance Committee was waiting for more information and had not yet taken a position on Article 1. A motion/Mr. Ampagoomian, seconded/Mr. Boucher, to support Article 1. Vote yes/Messrs. Ampagoomian, Boucher, Mellor, and Montecalvo. **Article 2:** Selectman Mellor argued that no information had ever been publicly presented to the Board of Selectmen on any of the dollar requests within the Articles 2, 3, and 4; therefore, he was not prepared to support them. He noted he could not be assured, from the information before him, that the taxpayers would not be held liable for the financial commitments referenced within the articles. A motion/Mr. Ampagoomian, seconded/Mr. Boucher, to support Article 2. Vote yes/Messrs. Ampagoomian, Boucher and Montecalvo. Vote no/Mr. Mellor. **Article 3:** A motion/Mr. Ampagoomian, seconded/Mr. Boucher, to support Article 3. Vote yes/Messrs. Ampagoomian, Boucher and Montecalvo. Vote no/Mr. Mellor. **Article 4:** A motion/Mr. Ampagoomian, seconded/Mr. Boucher, to support Article 4. Vote yes/Messrs. Ampagoomian, Boucher and Montecalvo. Vote no/Mr. Mellor. **Article 5:** Ms. Powers advised that the Finance Committee had voted to support the article but with the request that it be amended to delete the words “or permanent privilege fees”. She reported that the Town of Northbridge had betterment fees, not permanent privilege fees, and the terminology should be omitted. Chairman Montecalvo agreed to amend the article on Town Meeting floor. Selectman Mellor commented that he had no knowledge that the property owners involved with the project had ever been informed of the cost of the sewer extension referenced in the article or whether they were still interested in pursuing the project. A motion/Mr. Boucher, seconded/Mr. Ampagoomian, to support Article 5. Vote yes/Messrs. Boucher, Ampagoomian and Montecalvo. Vote no/Mr. Mellor. **Article 6:** A motion/Mr. Ampagoomian, seconded/Mr. Boucher, to pass over Article 6. Vote yes/Messrs. Ampagoomian, Boucher, Mellor, and Montecalvo. **Article 7:** A motion/Mr. Ampagoomian, seconded/Mr. Boucher, to support Article 7. Vote yes/Messrs. Ampagoomian, Boucher, Mellor, and Montecalvo. **Article 8:** A motion/Mr. Ampagoomian, seconded/Mr. Boucher, to pass over Article 8. Vote yes/Messrs. Ampagoomian, Boucher, Mellor, and Montecalvo. **Article 9:** A motion/Mr. Ampagoomian, seconded/Mr. Boucher, to support Article 9. Vote yes/Messrs. Ampagoomian, Boucher, Mellor, and Montecalvo. **Article 10:** A motion/Mr. Ampagoomian, seconded/Mr. Boucher, to support Article 10. Vote yes/Messrs. Ampagoomian, Boucher, Mellor, and Montecalvo. **Article 11:** A motion/Mr. Boucher, seconded/Mr. Mellor, to pass over Article 11. Vote yes/Messrs. Boucher, Mellor and Montecalvo. Abstain/Mr. Ampagoomian. **Article 12:** A motion/Mr. Ampagoomian, seconded/Mr. Boucher, to support Article 12. Vote yes/Messrs. Ampagoomian, Boucher, Mellor, and Montecalvo.

Selectmen’s Concerns. 1) **Chairman Montecalvo** wished to make certain that the Personnel Board reviewed the proposal that Town Hall remain open until 7 p.m. on a Tuesday following a Monday holiday. 2) **Selectman Mellor, a)** made several comments relative to the flawed design and the problems he felt existed in Rockdale due to the Streetscape Project. Following, he recommended that the all the bump outs be eliminated; and **b)** was concerned with the water coming off the roof over the entrance to Town Hall on the lower level in front of the outside collection box, creating “black ice” and a safety hazard.

Carl Erickson, 10 Lincoln Circle, Northbridge, and a Chairperson of the Downtown Advisory Group, was allowed to comment on Selectman Mellor’s remarks relative to the accidents in Rockdale. He noted particularly that his understanding was that only one bump out in Rockdale might be a safety hazard, and he stated it could be evaluated by the Building, Planning and Construction Committee.

Town Manager’s Report – None.

Meeting adjourned, 9:30 p.m.

Respectfully submitted,

Joseph Montecalvo, Chairman

Cth/

BOARD OF SELECTMEN
January 27, 2003

A meeting of the Board of Selectmen was called to order by Chairman Montecalvo, Northbridge Town Hall, 7 Main Street, Whitinsville, MA, at 7:00 p.m. **Present:** Messrs. Ampagoomian, Boucher, Collins and Mellor.

Also present: William F. Williams, Town Manager.

The Pledge of Allegiance was recited by those present.

Approval of Minutes. A motion/Mr. Ampagoomian, seconded/Mr. Collins, to approve the October 21, 2002, Minutes as presented, with the readings omitted. Vote yes/Unanimous.

Public Hearing. None

Citizens' Comments/Input. Present: Representative George Peterson. Representative Peterson advised that, during his recent visits to various towns and communities with the Lieutenant Governor, he had received some important input from municipalities on how they felt they would be affected if they were faced with large local aid cuts during the coming months and year. He also provided a brief update on the state budget as he knew it and explained the magnitude of the problems with which the state was faced. He noted that those problems ultimately trickled down to the communities in the form of severe cuts in local aid for FY'04. Representative Peterson also distributed some information relative to local aid account dollars, and he made comparisons between present distributions and those of previous years. He commented that during difficult financial times, everyone had to work together to strive to reorganize and restructure government, to make government more effective, and to seek relief for cities and towns from mandates and requirements that have been placed upon them. He concluded by reporting on the Governor's attempts to increase state revenues and to streamline state government, and he advised he would pass along more definitive information as it was made available.

Appointments/Resignations - By the Board of Selectmen: Local Emergency Planning Committee (L.E.P.C.) Certification Appointments - a) Emergency Response Coordinator – Fire Chief Gary Nestor. A motion/Mr. Collins, seconded/Mr. Ampagoomian, to appoint Fire Chief Gary Nestor as the Town's Emergency Response Coordinator. Vote yes/Unanimous. **b) Right-to-Know Coordinator – District Chief Brian Castell.** A motion/Mr. Collins, seconded/Mr. Ampagoomian, to appoint District Chief Brian Castell as the Town's Right-to-Know Coordinator. Vote yes/Unanimous.

SMOC (South Middlesex Opportunity Council) Subordination of Lien - Property at 2223-2225 Providence Road, Northbridge. Jennifer Dulmaine, Community Development Program Director, briefly explained the subordination request, noting that SMOC was seeking to refinance at a lower percentage rate. After Ms. Dulmaine answered several brief questions posed by the Selectmen, a motion/Mr. Collins, seconded/Mr. Ampagoomian, to approve the subordination of lien as presented by SMOC for property at 2223-2225 Providence Road, Northbridge. Vote yes/Unanimous.

Transfer of Common Victualler License from RGA Associates d/b/a McDonald's Restaurant to Sellia Corp. d/b/a McDonald's (Joseph Spadea, Owner). A motion/Mr. Collins, seconded/Mr. Ampagoomian, to approve the transfer of the Common Victualler License from RGA Association d/b/a McDonald's Restaurant to Sellia Corp. d/b/a McDonald's (Joseph Spadea, Owner). Vote yes/Mr. Collins, Ampagoomian, Boucher and Montecalvo. Abstain/Mr. Mellor.

Safety Committee Minutes, January 15, 2003. A motion/Mr. Ampagoomian, seconded/Mr. Collins, to accept the January 15, 2003, Safety Committee Minutes as presented, with the readings omitted. Vote yes/Unanimous.

Community Development Action Grant/Final Application. Jennifer Dulmaine, Community Development Program Director, made several brief comments relative to the CDAG Proposal draft and noted that "numbers" were being finalized at this time. She also stated that representatives of the DHCD (Department of Housing and Community Development) recently had expressed their satisfaction with the public/private partnership relative to the Town's CDAG program. A motion/Mr. Ampagoomian, seconded/Mr. Collins, to approve the final application for the Community Development Action Grant. Vote yes/Unanimous.

Amerada Hess Corporation – Traffic Planning/Plummers Corner. Present: Attorney Henry Lane. Attorney Lane briefly reviewed the proposal of Amerada Hess Corporation with regard to plans for a new gasoline service station at Plummers Corner, noting that the primary concern had been the traffic associated with Plummers Corner and the deficiencies that existed in that area. Attorney Lane reminded the Selectmen that at the last meeting issues relative to the traffic were discussed extensively with a traffic engineer and representatives from Amerada Hess; and he noted there were also discussions with Massachusetts Highway as to what could be done at the intersection, after which time changes had been made to the design plan at their request. In order to address the traffic situation, Attorney Lane reported that Amerada Hess has agreed to provide the town with a 25% design for the improvement of the entire intersection. This, he noted, was a substantial financial undertaking, over \$60,000. He added that through a cooperative effort between Hess and the current landowner, they were committed to provide those resources in exchange for the following: 1) a commitment from the Town to do the improvements once the design was complete; and 2) an agreement that the Town would grant two forms of relief to Amerada Hess for the project: 1) a special permit that would allow the gas station in the Zone, and 2) a variance for the rear setback requirements. After a brief discussion and question/answer period, Selectman Mellor commented that he was uneasy about the Board making a commitment without knowing if other

surrounding property owners would also contribute toward the project's cost. He stated he did not know how the Town of Northbridge would be able to come up with the balance of \$100,000 to complete the project if other property owners did not cooperate. Attorney Lane reiterated that, because Amerada Hess could not take on the entire project on its own, it was only looking for the Town's commitment to improve the intersection and a commitment to actually follow through when the time came. Chairman Montecalvo concluded discussion by advising that the Board would obtain more information from the Zoning and Planning Boards relative to the project. He also advised that the issue as to whether the Board supported both the development and redesign of the intersection would be placed on the next meeting's Agenda.

Policy on Events Requiring Public Safety. Present: Police Chief Thomas Melia. Town Manager opened discussion stating it was time to re-evaluate the Town's policy of providing free details. He reported that the practice was straining the Police Department's manpower and the Town's budget; and from an operational standpoint, it was a "negative." Mr. Williams pointed out many disadvantages associated with events that were held in and around town, including that they cost the Town money, put the Town at risk, cause confusion, and were sometimes damaging to businesses. Police Chief Melia agreed that the issue was not only about the cost of overtime (much of which was paid from grants/Community Policing Funds that would probably be eliminated with the state cut-backs), but many of the events involved risk; additionally, there was the issue of manpower and a question whether the Police Department could even handle the extra details. Chairman Montecalvo suggested that the Town Manager draft a policy for the Selectmen to review and vote upon, and he asked that the policy be all encompassing, addressing all types of events.

Tri-State Trek Request/Cycle Race Benefit. The Board agreed that a discussion and decision on the Tri-State Trek request (which was scheduled for July 18th, 19th, and 20th) would be held off until a policy on events requiring public safety was written and approved.

Selectmen's Concerns. 1) Selectman Mellor commented on a document that he submitted to the Chairman and Board that included approximately thirteen various concerns, as well as his recommendations to each. **2) Selectman Boucher** thanked Town Manager Williams for following up and Denis Latour for installing the window in the door in the Treasurer/Collector's area in a timely manner.

Town Manager's Report. Town Manager Williams presented: 1) a brief Fiscal Year 2003 Budget report in which he highlighted some of the elements of the state's fiscal emergency. He advised that the Governor's recent action to cut local aid by 5% would cause an immediate crisis as high as \$600,000 in the Town's current fiscal plan as well as 15% cumulatively in Fiscal Year 2004. He also reported that because it was clear there were going to be further cuts in local aid, he has declared a fiscal state of emergency in Northbridge by putting a freeze on all unnecessary expenditures and by starting to eliminate some redundancies within the Town; 2) his budget message for Fiscal Year 2004, in which he announced the Town general fund budget for FY 2004 to be \$28,842,208, which was \$1,562,016 less than the FY 2003 budget of \$30,404,224. Within the message, he discussed his support of the policy not to seek an operating override of the limits of Proposition 2 ½, the potential of layoffs on both the school and municipal sides of government as well as an attempt not to fill open positions, the cutting of nonessential programs, various changes in healthcare expenditures, and the use of free cash surplus funds. He also reviewed a five-year revenue and expense summary.

Meeting adjourned, 8:40 p.m.

Respectfully submitted,

Russell Collins, Clerk

Cth/

BOARD OF SELECTMEN
February 10, 2003

A meeting of the Board of Selectmen was called to order by Chairman Montecalvo, Northbridge Town Hall, 7 Main Street, Whitinsville, MA, at 7:00 p.m. **Present:** Messrs. Ampagoomian, Boucher, and Mellor. Selectman Collins was not present, and it is duly noted.

Also present: William F. Williams, Town Manager.

The Pledge of Allegiance was recited by those present.

Approval of Minutes. A motion/Mr. Ampagoomian, seconded/Mr. Mellor, to approve the November 4, 2002, Minutes as presented, with the readings omitted. Vote yes/Messrs. Ampagoomian, Mellor, Boucher and Montecalvo.

Public Hearing. None

Citizens' Comments/Input. Selectman Mellor vacated his seat on the Board. Resident **Robert Mellor, 467 Sutton Street, Northbridge**, commented as follows: **1)** the Castle Hill Estates area, consisting of approximately forty homes on streets that had not yet been accepted by the Town, has had snowplowing issues for about six years and has not received snowplowing services from either a private contractor, the owner, or the Town. He stated he was pleased to report that, through the efforts of the Town Manager and several others, the issue was resolved over the weekend and the DPW of the Town of Northbridge plowed those streets, cleared the sidewalks and would continue to do so from this point forward. Town Manager Williams offered the following detail related to the comment: a) on January 28th, 2003, the Planning Board voted not to extend the date of completion for Castle Hill and voted to begin the process of calling the developer's bond after June 30th; b) over the past week-end and during the middle of the snow storm, the DPW was notified that the developer would no longer plow the roads; therefore, the DPW acted by plowing the area; c) this morning, the Town Manager issued a directive that the Castle Hill roads would be added to the DPW route, and the cost for maintenance would be back-charged against the developer's bond. **2)** regarding the Rockdale Streetscape project, Mr. Mellor commented on the harm that the project has done to the businesses in Rockdale due to the elimination of parking and the lack of an off-street parking plan. He noted that some Whitinsville businesspeople have indicated to him that they hoped a lesson was learned from what has happened in Rockdale before the Whitinsville project was started.

Appointments/Resignations - By the Town Manager: Ryan Bradley, Provisional Police Sergeant and John Ouillette, Full-time Police Recruit. Police Chief Thomas Melia introduced the appointees and provided a brief review of each appointee's qualifications and experience. Following, a motion/Mr. Ampagoomian, seconded/Mr. Boucher, to affirm the Town Manager's appointments of Ryan Bradley as Provisional Police Sergeant and John Ouillette as a full-time Police Recruit. Vote yes/Messrs. Ampagoomian, Boucher, Mellor and Montecalvo.

Medical Waste Facility/Vote Not to Support. The Chairman advised that Town Counsel had not yet provided a statement on this item; therefore, the item would be held until the next meeting.

Acceptance of Deeds/Vote to Sign. A motion/Mr. Ampagoomian, seconded/Mr. Mellor, to sign the Acceptance of Deeds of the following: Keryn Court (Old Northbridge Village Subdivision), Eben Chamberlain Road (Eben Chamberlain Subdivision), MacArthur Road (Graystone Subdivision), and Tipperary Drive (aka Tipperary Lane – Clover Hill Estates Subdivision). Vote yes/Messrs. Ampagoomian, Mellor, Boucher and Montecalvo.

Policy for Police Services for Organizational Events. The Town Manager referred the Selectmen to a policy that had been written for this purpose; however, Police Chief Thomas Melia commented that, due to the tremendous amount of variables involved with the events that occur all over town, he felt it would be more advantageous if he could use his discretion as to the use of police services on a case-by-case basis. After brief discussion, a motion/Mr. Ampagoomian, seconded/Mr. Boucher, to authorize Police Chief Thomas Melia to use his professional discretion to determine the policy to be used relative to police services for all organizational events within town. Vote yes/Messrs. Ampagoomian, Boucher, Mellor and Montecalvo.

Whitinsville Social Library Board of Trustees/Request for One-Day All Alcoholic Liquor License for Fundraiser, Saturday, March 15, 2003, 6-8 p.m. A motion/Mr. Ampagoomian, seconded/Mr. Boucher, to approve the request of the Whitinsville Social Library Board of Trustees for a one-day All Alcoholic Liquor License for a fundraiser on Saturday, March 15, 2003, from 6-8 p.m. Vote yes/Messrs. Ampagoomian, Boucher and Montecalvo. Abstain/Mr. Mellor.

Department of Community Development/Subordination of Liens – Property at: 719 Benson Road, Whitinsville; 2 Fletcher Street, Whitinsville. Jennifer Dulmaine, Community Development Program Director, briefly explained the subordination requests. She noted that the homeowner at 719 Benson Road was assisted through the Town's FY'95 Housing Rehabilitation Program and was simply seeking to refinance at a lower percentage rate; therefore, she recommended approval of the request. She stated that the second subordination (also from the FY '95 CDBG Housing Rehabilitation Program) involved a waiver pertaining to a portion of the owner's agreement (Requirement #7 of the Assistance Agreement). After a brief explanation of the circumstances of the waiver, Ms. Dulmaine advised that the Office of Community Development would support approval of the waiver if the owner agreed to certain amendments to Paragraph #7 of their Rental Agreement. A motion/Mr. Ampagoomian, seconded/Mr. Boucher, to approve the subordination of liens for property located at 719 Benson

Road, Whitinsville, and 2 Fletcher Street, Whitinsville, as recommended by Jennifer Dulmaine of the Community Development Office. Vote yes/Messrs. Ampagoomian, Boucher, Mellor and Montecalvo.

Downtown Parking Improvement Project/Vote to Accept Easement Agreements. Jennifer Dulmaine, Community Development Program Director, advised that the purpose of the vote was to accept the ten (10) easements on the south side of Church Street as authorized by the recent Special Town Meeting vote. She also answered various questions posed by Selectman Mellor regarding the proposed off-street parking; in particular, she gave specific information regarding the entrances and egresses to those areas. Following brief discussion, Town Manager Williams commented that there would be an opportunity for all parties involved to provide more input on particulars of the project design, including on the entrance and egress points for parking areas, as the plan progresses. A motion/Mr. Boucher, seconded/Mr. Ampagoomian, to accept the easement agreements for the Downtown Parking Improvement Project as presented. Vote yes/Messrs. Boucher, Ampagoomian, Mellor and Montecalvo.

Personnel Board Recommendations. Present: William Lavallee, Personnel Board Chairman; Carol Kwasek, Member; Peter Lachapelle, Member; and Peter Mimmo, Member. Following an introduction of his members to the Selectmen, Chairman Lavallee explained that the Personnel Board, at the request of the Board of Selectmen, considered the following components of the Personnel Policy covering the Town's managerial and other non-union employees: a) Health Insurance and a proposed increase in employee contribution rate, b) Work Schedule and an increase in employee work hours on weeks with a holiday falling on Monday, c) Personal Days and the proposal to provide employees with personal days, and d) Dress Code and a proposed enhancement to the present dress code policy. After explaining the procedure followed by the Personnel Board in its consideration of the components, Mr. Lavallee offered the following recommendations: a) Health Insurance: the Personnel Board recommended a change from the current contribution rate (90 percent Town/10 percent Employee) to 85 percent Town/15 percent Employee effective July 1, 2003, and 80 percent Town/20 percent Employee effective July 1, 2004; b) Work Schedule: the Personnel Board recommended that the proposal be deferred at this time, primarily because it was unknown what the staffing would be in Town Hall following proposed budgetary cutbacks, education of the public of the change would be difficult, and there were serious concerns over the proposal's timing; c) Personal Days: the Personnel Board recommended that three (3) personal days be given to non-union employees. He stated that this would be in line with the current Fire and Public Works Departments' union contracts as well as other contracts that existed within the community. Mr. Lavallee clarified that no employee would be eligible to receive any personal days until after his/her probationary period was completed, no more than three (3) personal days would be given in an anniversary year, and a personal day would be delineated in either one-half or full day increments, not hourly; d) Dress Code: the Personnel Board recommended that Section 5.81 of the Policy be amended from "Employees shall dress in an appropriate manner which is consistent with their work environment" to "Employees shall dress in a professional manner." Mr. Lavallee also recommended that the Department Managers be given the authority to instruct employees who do not meet this requirement to change into professional attire, after consulting with the Town Manager before sending such an employee away from the workplace. There was a brief discussion period during which time opinions were voiced and Mr. Lavallee answered questions, specifically relative to the recommendation to defer the proposed work schedule (b). A motion/Mr. Boucher, seconded/Mr. Ampagoomian, to accept the recommendations of the Personnel Board as presented. Vote yes/Messr. Boucher, Ampagoomian, and Montecalvo. Vote no/Mr. Mellor.

Spring Annual Town Meeting/Vote to Close Warrant on Friday, March 21, 2003, at Noon. A motion/Mr. Ampagoomian, seconded/Mr. Boucher, to close the Warrant of the Spring Annual Town Meeting on Friday, March 21, 2003, at Noon. Vote yes/Messrs. Ampagoomian, Boucher, Mellor and Montecalvo.

Amerada Hess Corporation, Proposal for Preliminary Design Services (25%). Attorney Henry Lane made several brief comments on behalf of Amerada Hess Corporation. He referred the Selectmen to a document in which the engineering firm Earth Tech provided a brief description of anticipated improvement for the intersection of Providence Road (Rte. 122) and Church Street as well as a fee estimate for the preparation of preliminary design plans and reports (MassHighway 25% design level). He also reiterated various facts that were brought out during discussion at the January 27th, 2003, Board of Selectmen's meeting, concluding that it was his hope that the Board would vote in support of the concept and send a letter to the Zoning Board indicating that support, particularly with regard to Hess's contribution to the traffic study. In response to an inquiry made by Selectman Ampagoomian, Richard Sasseville, DPW Director, also briefly explained the position of Central Massachusetts Regional Planning relative to the project. A motion/Mr. Ampagoomian, seconded/Mr. Boucher, to accept Amerada Hess Corporation's proposal for preliminary design services (25%) at Plummers Corner and to approve sending a letter to the Zoning Board in support of the concept of the project. Vote yes/Messrs. Ampagoomian, Boucher, Mellor and Montecalvo.

EO418 Planning Grant Program/Gary Bechtholdt, Town Planner. Gary Bechtholdt gave an update on, and referred the Selectmen to a draft scope of service for a Community Development Plan (CD Plan), prepared in conjunction with Executive Order 418 (EO418). He advised that the EO418 made available to communities up to \$30,000 in technical assistance and services for the preparation of such plans, noting that the CD Plan was funded by four state agencies and that no immediate town funds would be used for its preparation. In his update, Mr. Bechtholdt reported that the CD Plan would address four planning elements: Housing, Economic Development, Open Space and Resource Protection, and Transportation. He added that the Town of Northbridge had already received equivalency credit for two of the elements (Open Space and Transportation) and that the draft scope of service given to the Selectmen outlined the remaining elements (Housing and Economic Development) to be addressed. Mr. Bechtholdt also advised that the Town had just received approval of the scope from the state and that the Town would be contracting with Dufresne-Henry to complete the plan.

Policy on Charges for Copies of Meeting/Tapes. The Town Manager reported that the issue came to light because of several recent requests for copies of meeting tapes, not only from residents but also from individuals from out of town. He advised that because the Town did not have easy access to a copy service, nor did it have a duplicating process available to provide such public information, it would be of benefit to formulate a policy that allowed the overseer of taping/custodian of tapes to handle the task of duplicating such tapes for a fee. He provided the following recommendation: A \$25.00 per event fee would be charged, as well as an additional \$5 per tape fee. He concluded he would create a policy accordingly if there were no objections to his recommendation. No objections were heard.

Sale of Surplus Property. Town Manager Williams discussed the process by which the sale of “surplus” Town real property had to be handled, noting he had recently received several inquiries from residents to purchase particular lots. He stated that basically, the Town must conform to the Uniform Procurement Act, and there would be up-front costs involved. Mr. Williams also reported that Town Meeting vote to authorize the sale was required and then highlighted the next steps to the process, noting that the process to dispose of property could become expensive and cumbersome: a) the Board of Selectmen must declare the property surplus and available for disposition; b) the Board must decide whether restrictions should be imposed on the re-use of the property; c) a determination of the value of the property must be made (an appraisal of value must be ordered); d) a disposition RFP must be developed; e) advertisement proposals must be developed; f) the RFP must be distributed; g) proposals must be opened and evaluated; and, h) the contract must be executed. The Selectmen took the information under advisement.

Selectmen’s Concerns. Selectman Ampagoomian discussed his concern over the Town of Millbury’s “battle” with a company called RailCo and its proposal to build a transfer station along the Blackstone River by the new bike path in Millbury. He stated he was asked by certain individuals from Millbury to bring the issue to the attention of the Northbridge Selectmen in hope to obtain a letter of their support of Millbury’s efforts to prohibit RailCo from building a facility in that town. Selectman Ampagoomian provided documentation to all the Selectmen for their review and requested that the issue be placed on the next meeting agenda for discussion. Following brief discussion, the Selectmen agreed to place the item on the February 24th Meeting Agenda.

Town Manager’s Report. FY 2003 Budget Reduction, \$218,696; FY 2004 – 20% Local Aid Forecast
Town Manager Williams discussed recent local aid reductions, stating that Northbridge would be directly impacted by \$218,696. He stated he believed that the Town could absorb the reductions by freezing spending in areas throughout Town government; however, his concern was finding the additional funds to cover what was expected to be a large snow removal deficit for the winter of 2003. For 2004, he stated he has used a 15% reduction; however, in anticipation of a 20% local aid reduction, he has begun working with staff to achieve the 20% goal objective. Mr. Williams advised that one major way in which the Town could be successful would be through health insurance benefits, utilizing alternatives and recommendations that were proactive but not punitive. He also indicated that it was important that the Board and residents understand that the Town, although self-insured, could do a lot of positive things if it did not have so many restrictions, noting that many restrictions remain in statute. At this point, he added, there had not yet been a response from the Administration to free local governments of some of the more difficult pieces of legislature, and that was why towns could not compete with private industry in the areas of management, benefits, and the retention of employees. Following additional dialogue on the subject, he concluded that, going forward, he would do the very best he could, along with the assistance of his management team, to make recommendations and decisions that would be in the best interest of the Town.

Executive Session. None.

Meeting adjourned, 8:34 p.m.

Respectfully submitted,

Joseph Montecalvo, Chairman

Cth/

BOARD OF SELECTMEN
February 24, 2003

A meeting of the Board of Selectmen was called to order by Vice Chairman Ampagoomian, Northbridge Town Hall, 7 Main Street, Whitinsville, MA, at 7:00 p.m. **Present:** Messrs. Boucher, Collins and Mellor. Chairman Montecalvo was not present, and it is duly noted.

Also present: William F. Williams, Town Manager.

The Pledge of Allegiance was recited by those present.

Approval of Minutes. A motion/Mr. Collins, seconded/Mr. Boucher, to approve the November 18, 2002, Minutes as presented, with the readings omitted. Vote yes/Messrs. Collins, Boucher, Mellor and Ampagoomian.

Citizens' Comments/Input. 1) Selectman Mellor vacated his seat on the Board to speak. Resident **Robert Mellor, 467 Sutton Street, Northbridge**, commented on two issues: a) two sewer problems in the Providence Road area, both of which caused significant damage to private properties. Mr. Mellor felt there was no one in Northbridge government or at the Town's insurance carrier that was offering any reasonable remedies to the property owners. He then briefly explained each sewer problem, describing the damages done to both residents' property. He stated that in one case, he was told that litigation against the Town had been initiated because the damage exceeded \$20,000; and in the second case, the resident had sewage on the property and there was difficulty in its cleanup by the Town's sewer division due to the snow. Mr. Mellor concluded by questioning why the residents did not receive adequate and timely responses from the Town in regard to their damages and concerns. Town Manager Williams responded that he was aware of both problems. He advised that in the first case, a settlement letter was issued on February 21, 2003. Regarding the second issue, the Department of Public Works (DPW) personnel did make an attempt to clean up the sewage but there could be no immediate solution until the snow melted. Mr. Williams commented that answers to Mr. Mellor's concerns might better be handled by those who actually managed the problems but who were not available this evening. Vice Chairman Ampagoomian then recommended it would be more appropriate for the residents themselves to meet with the Town Manager and DPW Director personally to resolve the issues. b) Mr. Mellor continued, commenting that Northbridge government should do everything possible to avoid litigation on any and all matters to control costs and spending. He then suggested that no action should be taken or decision made by the Selectmen regarding opposition to the medical waste processing facility, as they did not know all the concrete facts about the facility. After an exchange of opinions, Town Manager Williams responded that answers to many questions regarding medical waste and its processing could be obtained from town citizens and others who were parties to the issue. 2) **Sal D'Amato, Chairman of the School Committee and resident at 80 Tracey Drive, Whitinsville:** a) spoke of the affects deep cuts in local aid in Governor Romney's upcoming budget would have on cities, towns, and local departments. He referred to a letter written by School Superintendent O'Donnell to Selectman Mellor that outlined how the School Department intended to move forward in its budgetary process and how it would discuss school personnel matters only in scheduled meetings with both the Board of Selectmen and Finance Committee. He added that the School Department was prepared to make budgetary cuts as necessary, but it did not intend to make any of those cuts public, especially when the state funding figures were unknown at this time. b) Mr. D'Amato read a recent "Letter to the Editor" from the Blackstone Valley Tribune relative to the Rockdale Streetscape Project that was submitted by Selectman Robert Mellor. It was Mr. D'Amato's opinion that comments made by the Selectman in the letter did not show teamwork within the community, and he felt the comments were undermining union negotiations in which the town was currently involved. He concluded he was disappointed in the Selectman and felt he was an ineffective Board member and a negative and disruptive force. 3) **Lee Hebert, 151 Heights of Hill Street, Whitinsville**, criticized Selectman Mellor's comments concerning the liability for the Town when sewers backed up on residents' properties. He then briefly explained why the liability for the Town would be greater if a medical waste facility were supported and allowed in town. 4) **Mary Frances Powers, 6 Elm Street, Whitinsville**, commented it was time that the leaders of the community were pro-active rather than reactive. She stated she did not agree with comments that the Town's leaders could not take a position [on the medical waste issue] until concrete evidence about the affects of medical waste was available, and she felt a vote on a resolution by the Board of Selectmen would merely be a communication to citizens, advising them what the leaders in the community believed would be best for the Town. 4) **Darrell Baker, 1923 Hill Street, Northbridge**, wished to inform the public that Mr. Mellor's "Letter to the Editor" received a five-page response that may appear in this week's Tribune. He noted that the response dispelled every point made by Mr. Mellor.

Appointments/Resignations - By the Board of Selectmen: Retirement Board (one position, two candidates) – Candidates: Sharon Susienka and Paul Mulrenin. Mr. Mulrenin, 34 Forest Street, Whitinsville, and Sharon Susienka, 1467 Hill Street, Whitinsville, introduced themselves, briefly reviewed their qualifications, and provided reasons for their interest for appointment. Mr. Mulrenin, whose previous three-year term on the Board had recently expired, stated he had full support of the Board in his request for re-appointment. The Selectmen interviewed both candidates during a brief question and answer period. Mr. John Meagher, Jr., Vice Chairman of the Retirement Board, also answered several questions about the processes that were followed by the Retirement Board in its work. Following, a motion/Mr. Mellor to (re-)appoint Paul Mulrenin to the Retirement Board. There was no second and the Motion failed. A motion was then made/Mr. Boucher, seconded/Mr. Collins, to appoint Sharon Susienka to the Retirement Board. Vote Yes/Messrs. Boucher, Collins and Ampagoomian. Vote no/Mr. Mellor. Vice Chairman Ampagoomian thanked Mr. Mulrenin for his years of service on the Retirement Board and suggested that he re-apply if another vacancy occurred.

Medical Waste Facility Policy/Vote to Support Resolution. The Vice Chairman read a Resolution prepared by Town Counsel that would serve as a statement of the Selectmen's opposition to the processing and storage of

infectious waste and physically dangerous medical or biological waste in the Town of Northbridge, except as permitted pursuant to the amendment to Section 9-402 of the Northbridge Code that was adopted by vote of the Northbridge Special Town Meeting of January 21, 2003. A motion/Mr. Boucher, seconded/Mr. Collins, to support the Resolution as written by Town Counsel. Selectman Mellor again advised that a decision by the Board of Selectmen this evening would increase the possibility of legal costs and legal responsibilities to the Town of Northbridge, and he stated he felt that the Town Meeting vote and process alone should be sufficient on this issue. Selectman Boucher agreed that legal costs should be curtailed; however, it remained his opinion that the voters, having indicated to the Selectmen that this is what they wanted, expected the Selectmen to show leadership by supporting such a resolution. Additionally, he noted the Town would always be open to litigation, no matter what ruling was taken by the Selectmen. Selectmen Collins and Ampagoomian concurred. Votes yes/Messrs. Boucher, Collins, and Ampagoomian. Vote no/Mr. Mellor.

Spring Annual Town Meeting/Vote to Postpone to June 17, 2003. The Town Manager advised that since the Governor would put his budget through this week and the legislative leaders would not resolve the budget until June or the latest July/August, it would not be beneficial to conduct Town Meeting in May. A motion/Mr. Collins, seconded/Mr. Boucher, to postpone the Spring Annual Town Meeting to June 17, 2003. Vote yes/Messrs. Collins, Boucher, Mellor and Ampagoomian.

Sealer of Weights & Measures Fee Schedule. Selectman Collins stated that he had a few questions that he wished to ask the Sealer of Weights & Measures who was not present. Therefore, he requested that the item be placed again under decisions at the next meeting, with the Sealer of Weights & Measures present. The Town Manager agreed to the request and the item was passed over.

Utility Abatement Policy. Town Manager Williams advised that the issue involved whether modifications should be made to the current sewer abatement process. He briefly explained how the practice of water consumption was associated with sewer charges, and that by allowing the abatement process as it presently existed, the Town was not encouraging water conservation practices. He noted that the presenters of the item were not present; however, in his opinion, he did not agree with the current utility abatement program, and he felt that the manner of attacking the overuse of water should be dealt with appropriately instead through the water rates. Mr. Williams suggested that if the Board wished to do anything about the issue, there should first be a posted public hearing so that people that would be affected could be heard. The Selectmen agreed that a public hearing would be necessary; however, the group wished to first take the item under advisement and to speak to James Ouellet, Manager of the Whitinsville Water Company, about the issue.

Upton Water Agreement. Town Manager Williams advised that the agreement, as drafted by Town Counsel, reflected the specifics that had been discussed over the past several months. He stated that the Selectmen should review the agreement, and it should then be placed under decisions at the next Board of Selectmen's meeting. The Selectmen agreed.

LB RailCo – Millbury. Vice Chairman Ampagoomian directed the Selectmen to the information he had provided from the Town of Millbury regarding the RailCo issue. He briefly reviewed the issue concerning the Town of Millbury's "battle" with the company and its proposal to build a transfer station 50 feet from the Blackstone River by the new bike path in Millbury. He added that the site was one-half mile upstream from the Town's municipal wells that provided drinking water, in close proximity to two schools, and would create an eyesore from the new mall that was being built off Route 146. Vice Chairman Ampagoomian provided some additional information relative to activities that would take place if the company built in the area, and noted that all surrounding Towns would be affected in some way. He then advised that the Town of Millbury was requesting letters of support from its neighboring towns in its effort to prohibit RailCo from building, and he recommended that the Northbridge Board of Selectmen offer that support. Following brief discussion, all the Selectmen voiced favor of Vice Chairman Ampagoomian's recommendation, and a motion was made/Mr. Collins, seconded/Mr. Boucher, to direct the Town Manager to submit a letter to the Town of Millbury's Town Manager, Raymond Houle, indicating the Northbridge Selectmen's support in Millbury's effort to prohibit the proposed activities of RailCo as discussed. Vote yes/Messrs. Collins, Boucher, Mellor and Ampagoomian. Vice Chairman Ampagoomian added that copies of the letter should be forwarded to Senators Kerry and Kennedy, Congressman Neal, the Department of Environmental Protection, and the Surface Transportation Board.

Selectmen's Concerns. Selectman Mellor reminded the group that there was a scheduled meeting sponsored by the Northbridge Office of Community Development (OCD) in conjunction with the Downtown Advisory Group (DAG) to discuss the plans for downtown parking and the redevelopment project on Monday, March 3rd, 2003, between 5 p.m. and 7 p.m. in Town Hall. He recommended that in order to prevent violation of the open meeting law, a meeting should be posted for the Board of Selectmen for that same time in case more than two Selectmen attended. After a short discussion, the Selectmen agreed with the recommendation and the Vice Chairman directed the Town Manager to post a meeting for the Board of Selectmen as discussed.

Town Manager's Report. 1) The Town Manager briefly discussed the Snow Removal FY '03 Budget which had been underfunded by \$60,000. He noted that that figure had already been exceeded by \$140,000, creating an aggregate underfunded amount to date of \$200,000. **2)** The Town Manager thanked the emergency services personnel (Fire and Police) as well as the Department of Public Works personnel who worked extremely well during the past snowstorm. He also thanked the Board for its support of Town Counsel's resolution regarding the medical waste issue and stated he appreciated their pro-activeness. **3)** The Town Manager advised that Charter Communications made a fairly large rate increase recently, and he had received numerous calls regarding that increase from residents. He explained that as part of the deregulation of telecommunications by the FCC, the

Board of Selectmen or the franchise authority no longer regulated pricing by cable companies. Therefore, the Town could no longer dispute charges and residents would have no choice but to pay the new fees.

Executive Session. None.

Meeting adjourned, 9:30 p.m.

Respectfully submitted,

Russell Collins, Clerk

Cth/

BOARD OF SELECTMEN
March 10, 2003

A meeting of the Board of Selectmen was called to order by Chairman Montecalvo, Northbridge Town Hall, 7 Main Street, Whitinsville, MA, at 7:00 p.m. **Present:** Messrs. Ampagoomian, Boucher, Collins and Mellor.

Also present: William F. Williams, Town Manager.

The Pledge of Allegiance was recited by those present.

Approval of Minutes. A motion/Mr. Collins, seconded/Mr. Ampagoomian, to approve the December 2, 2002, Minutes as presented, with the readings omitted. Vote yes/Unanimous. A motion/Mr. Collins, seconded/Mr. Ampagoomian, to approve the December 16, 2002, Minutes as presented, with the readings omitted. Vote yes/Unanimous.

Citizens' Comments/Input. None.

Appointments/Resignations. None.

Upton Water Agreement/Vote to Sign. A motion/Mr. Collins, seconded/Mr. Mellor, to sign the Upton Water Agreement, the specifics of which were previously discussed. Vote yes/Unanimous.

Blackstone River Watershed Association/Request to Hang Banner Over Church Street from April 25, 2003, to May 10, 2003. A motion/Mr. Collins, seconded/Mr. Mellor, to approve the request of the Blackstone River Watershed Association to hang a banner over Church Street from April 25, 2003, to May 10, 2003, to advertise its canoe/kayak race. Vote yes/Unanimous. Selectman Ampagoomian requested that the Town Manager remind the Blackstone River Watershed Association Race Chairman to remove any advertising signs that may be erected (on poles, etc.) after the race, noting that if an organization did not remove its signs after its event, it becomes the job of the Town. Selectman Boucher concurred, commenting that it cost the Town money to have the signs removed. Selectman Mellor also reminded the group that it was not legal for anyone to post signs on utility poles and that organizations should be informed of that fact. Town Manager Williams agreed to make the Blackstone River Watershed Association aware of the Selectmen's concerns in a written communication.

Vote to Place Articles on the Spring Annual Town Meeting Warrant (6/17/03). Following a brief review of the articles that would be placed on the warrant by the Selectmen, a motion/Mr. Mellor, seconded/Mr. Collins, to place Articles 3 through 8 and Articles 15 through 17 on the Spring Annual Town Meeting Warrant. Vote yes/Unanimous.

Edward Seidler, Sealer of Weights and Measures – Fee Schedule. Following an introduction by Town Manager Williams, Mr. Seidler reported that the Town of Northbridge's present fee structure was considerably lower than that of other towns. This, he stated, was illustrated on a Massachusetts Weights and Measures Association Sealing Fee Comparison schedule that he presented for review. After answering questions on how various measurements/weights were performed, the type of equipment that was used, and the types of inspections that were done, he offered a new fee schedule for the Town of Northbridge for approval. The Chairman concluded discussion stating that, since this item had already appeared twice under discussions, the new fee schedule should be approved during the present proceedings. He then asked for a motion on his recommendation. A motion/Mr. Ampagoomian, seconded/Mr. Collins, to suspend the meeting rules and place the discussion item under decisions immediately. Vote yes/Unanimous. A motion/Mr. Boucher, seconded/Mr. Ampagoomian, to approve the new weights/measures/sealing fee schedule as recommended by Mr. Seidler for the Town of Northbridge. Vote yes/Unanimous.

Blackstone River Bikeway Project. Present: Gary Bechtholdt, Town Planner; Mark Jewell, Outdoor Recreation Planner of the Blackstone River Valley National Heritage Corridor Commission. Following an introduction by Mr. Bechtholdt, Mr. Jewell of the Heritage Corridor Commission discussed the status of the Blackstone River Bikeway, a bi-state project that spanned forty-eight miles between Providence and Worcester. He stated that the Bikeway ran through the Heritage Corridor and was also a significant project nationally as it had recently been designated as an official section of the East Coast Greenway, a 2,600-mile bikeway that extended from Key West, Florida, to the Maine/Canadian border. Following a brief review of the bikeway's priority (as outlined in a statewide Greenway Vision Plan and in recreation plans of both Rhode Island and Massachusetts), Mr. Jewell provided facts about the bikeway's construction and design and specifics of its 5.5 mile-route through the Town of Northbridge. Following his presentation, Mr. Jewell informed the group of the need of support for the Bikeway Project from municipalities in the Blackstone Valley in order to move the project forward. As such, he advised that the Central Massachusetts Regional Planning Commission was soliciting support letters for the project, and he requested that the Town of Northbridge join in to formally provide such communication to the CMRPC's Director indicating such support. After a brief question and answer period, the Selectmen indicated unanimous support of the project, and the Chairman directed Town Manager Williams to forward a letter of support of the project on behalf of the Board and Town to the appropriate individuals. Mr. Jewell also asked that the support letter specifically request that the construction phases of the bikeway project be outlined in CMRPC's Transportation Improvement Program (TIP).

James Knott, Tax Increment Financing (TIF) Request. Present: Karl Kildahl, Massachusetts Office of Business Development; James Knott, Sr., Owner, Riverdale Mills Corporation. Mr. Kildahl explained that the Riverdale Mills Corporation was currently going through a 118,000 sq. ft. expansion of manufacturing space.

He noted that the project met all requirements of the economic development incentive program (EDIP) which included a tax increment financing (TIF) plan: a plan that would a) provide for an increased investment tax credit at the state level for the property owner, b) be negotiated between the town and owner of the company, and c) ultimately be endorsed or rejected by town meeting voters. Mr. Kildahl stated his presence this evening was to ask the Selectmen to place two articles on the Spring Town Meeting Warrant (drafts of which had already been submitted to the Town Manager): the first of which would create an economic opportunity area on property owned by Mr. Knott at 130 Riverdale Street, Northbridge, and the second of which would allow the Town Manager or Board of Selectmen to negotiate a TIF between the community and Mr. Knott/Riverdale Mills Corporation. Mr. Kildahl also clarified certain information about the project, noting that the company in question had already been granted a foundation permit, work on the expansion had already begun (which was acceptable under the guidelines of the EDIP), and the company had been on record of being interested in a TIF since last fall, showing a firm commitment to the project. The floor was then opened to questions from the Selectmen. During this time, Mr. Kildahl was asked to discuss the concept and benefit of granting a TIF to a company that already existed in town. Also, the yearly state and federal reporting requirements of those companies that were granted TIFs, as well as the monitoring process of same, were explained. In conclusion, Mr. Kildahl advised that this would be a very good time for the Town to get aggressive by offering this TIF, as it would send a message that Northbridge was "open for new business", was eager to encourage existing businesses to stay and expand, and possessed a good workforce in the community that would help satisfy a TIF requirement. Following discussion, there was a consensus to allow the articles to be placed on the Spring Town Meeting Warrant. A motion/Mr. Collins, seconded/Mr. Boucher, to place two articles on the Spring Town Meeting Warrant (June 17, 2003), one that would create an economic opportunity area at property owned by Mr. Knott at 130 Riverdale Street, Northbridge, MA, and one that would allow the Town Manager and/or Board of Selectmen to negotiate a TIF between the community and Mr. Knott/Riverdale Mills Corporation. Vote yes/Unanimous. Mr. Kildahl concluded that he and Mr. Knott would get together to draft a TIF agreement as well as some financials for the Selectmen and Town Manager to review prior to Town Meeting.

Selectmen's Concerns. None.

Town Manager's Report. None.

Meeting adjourned, 8:25 p.m.

Respectfully submitted,

Russell Collins, Clerk

Cth/

BOARD OF SELECTMEN
March 24, 2003

A meeting of the Board of Selectmen was called to order by Chairman Montecalvo, Northbridge Town Hall, 7 Main Street, Whitinsville, MA, at 7:00 p.m. **Present:** Messrs. Ampagoomian, Boucher, Collins and Mellor.

Also present: William F. Williams, Town Manager.

The Pledge of Allegiance was recited by those present.

Approval of Minutes. A motion/Mr. Ampagoomian, seconded/Mr. Boucher, to approve the January 6, 2003, Minutes as presented, with the readings omitted. Vote yes/Messrs. Ampagoomian, Mellor, Boucher and Montecalvo. Abstain/Mr. Collins. A motion/Mr. Ampagoomian, seconded/Mr. Collins, to approve the January 27, 2003, Minutes as presented, with the readings omitted. Vote yes/Unanimous.

Public Hearing/7:05 p.m. – Dog Hearing: Mr. & Mrs. Thomas Naughton, 96 North Main Street, Whitinsville. A motion/Mr. Collins, seconded/Mr. Boucher, to open the Public Hearing. Vote yes/Unanimous. Chairman Montecalvo reported the Public Hearing would be conducted for the purpose of hearing testimony regarding charges brought against the dog known as “Brutus”, owned by Mr. & Mrs. Tom Naughton, 96 North Main Street, Whitinsville, as a result of a recent attack on a child on February 23, 2003. He then proceeded by swearing in all those persons who would speak on the matter. Daniel Chauvin, Animal Control Officer, first testified, stating this was the second incident of attack by this dog on the same child. He also stated that although the dog was a “nice” dog, he felt for some reason he had an aggression toward this one particular child and the attacks required trips to the Emergency Room twice and cosmetic surgery once. Mr. Chauvin stated that Mr. Naughton had initially agreed to move the dog to another location immediately after the attack; however, soon afterward he changed his position and opted for the dog hearing this evening. Mr. Chauvin advised it remained his own opinion that the dog should not be allowed to remain in its current setting simply because it would still have contact with this child. He added that he remained open to placing the dog elsewhere; however, if that agreement could not be reached, he felt there was no alternative but to euthanize the animal. Following his opening statements, Mr. Chauvin answered questions posed by the Selectmen, specifically regarding the type, age and size of the dog, the age of the child, the spacing of the occurrences, and the extent of the child’s injuries. There were no questions asked of Mr. Chauvin by the dog owners. The dog owners followed with their testimony. Mrs. Carrie Naughton explained the first incident and the circumstances under which the child sustained a wound to the head and a mark to the eye. Mr. Naughton added that the child was not bitten, but injured by an open-mouth “swipe” with no visible puncture wounds while playing with the dog; and both he and Mrs. Naughton reported that that information was verified by the treating Emergency Room doctor. Mrs. Naughton then explained the second incident, noting that in her opinion it was neither an attack nor was it aggression, and described the resulting injury sustained by the child as quarter-sized with a small puncture to the cheek. She also shared pictures of the Labrador Retriever and the child with the Board while Mr. Naughton further discussed the following precautions his family planned to put into effect if they were allowed to keep the dog: locking the fence around their yard, using a muzzle, locking the doors of their home to prevent random entrance, and confining the dog when kids came into the house. In response to questions posed by the Selectmen, the Naughtons described the dog as very intelligent and stated he had never growled or bitten and that he was friendly to all people. Mrs. Naughton also reported that her home and the dog were inspected by Social Services. It was her opinion that the Social Workers did not instruct the animal’s removal from her home because they saw no aggression in the dog. During the questioning, Mr. Chauvin confirmed that he might have used a poor choice of words when he identified the incidents as “attacks”, and they could have been described more accurately as “biting incidents”. He did, however, state he believed the incidents were definitely aimed at this particular child, perhaps due to jealousy, but he could not comment on whether the dog’s perceived aggression would cease as the child grew older. He added that although he continued to feel there remained a definite threat against the child, he could not compare Brutus to “vicious” dogs he has known. Mr. Chauvin concluded that although he felt it would be irresponsible to allow the dog to stay in the same area as smaller children, he would not see a problem in allowing Brutus to stay in the Naughton home if the dog and child could be kept apart. Following brief discussion and exchange of opinions, a motion/Mr. Ampagoomian, seconded/Mr. Collins, to close the Public Hearing. Vote yes/Unanimous. Deliberation by the Selectmen followed. It was the opinion of Selectman Ampagoomian that Mr. & Mrs. Naughton had demonstrated a deep concern for the child and had shown responsibility by attempting to put processes in place to limit the interaction of dog and child. He stated he also believed that the first incident was not vicious, and he doubted that the second was intentional due to the testimony given; therefore, his recommendation was that the Naughtons should be granted the opportunity to keep the dog as long as restrictions were in place, including the separation of child and dog at all times. Selectman Collins concurred, adding that he would like the Animal Control Officer to research the subject of a person’s “scent” as being a problem in certain cases such as this. Both Selectmen Mellor and Boucher expressed concern about making an immediate decision on the issue. They felt that the Animal Control Officer and the Naughtons should prepare a written safeguard plan for the Selectmen to review prior to making a decision. Following the exchange of views, a motion/Mr. Boucher, seconded/Mr. Mellor, to direct the Animal Control Officer and Mr. and Mrs. Naughton to develop a program, the written details of which should be presented to the Selectmen prior to their next scheduled meeting on April 7th, 2003, that outlined a plan on how the child (Madisyn) and the dog (Brutus) would be kept apart for the protection of the child. Vote yes/Unanimous.

Fiscal Year ’02 Audit Report – Thomas J. Scanlon, CPA & Associates. Present: Thomas J. Scanlon. Mr. Scanlon opened by stating that most financial aspects of the Town had improved tremendously; however, there were several findings that still had to be cleared: a) Accounting for Compensated Absences: although there was a tabulated list of compensated absences for Town employees, there was none for the School Department; b) Fixed

Assets and Financial Reporting Model, Statement #34: Mr. Scanlon reviewed changes in reporting requirements for Northbridge and other municipalities located in the Commonwealth of Massachusetts. He noted that although the Town's bookkeeping system would not change, the reporting model (as specified by Governmental Accounting Standard #34) would change reporting requirements. After a brief review of some of those changes, Mr. Scanlon advised that the Town would be affected by GASB #34 for the fiscal year ending June 30, 2003. He recommended, therefore, that the Town take steps to begin the implementation of GASB #34 as soon as possible by gathering a list of the current infrastructure assets and fixed assets held by the Town in order to begin accounting for them on its balance sheet; c) Handling of Firearm Permits: the proper procedure that the fees be closed into the general fund rather than into a special fund was not being followed; therefore it was again recommended that the proper procedure, as specified under Chapter 180 of the Acts of 1998, be followed; d) Inventories: the Town still did not maintain an inventory of its property for each department; therefore, in order for the Town to control and protect its inventories, it was again recommended that a perpetual inventory system be installed to ensure accuracy of the inventories. There was a brief question and answer period, during which time Mr. Scanlon acknowledged Selectman Mellor's concern that the Town's revenues were not increasing, therefore expenditures should be less.

Appointments/Resignations: Resignations: Veterans' Services Agent - A motion/Mr. Collins, seconded/Mr. Ampagoomian, to accept the resignation of Arnold Korenblum as Veterans' Services Agent for the Towns of Northbridge, Uxbridge, and Douglas, effective March 31, 2003. Vote yes/Unanimous. **Conservation Commission** - A motion/Mr. Ampagoomian, seconded/Mr. Collins, to accept the resignation of Leonard J. Sampson from the Conservation Commission and to send a letter of appreciation for his past service to the Community. Vote yes/Unanimous. **Appointments: (by the Selectmen) Open Space Committee**. The Chairman announced that there were two candidates for one open position on the Committee. The candidates, Mr. John Freeman and Mr. Terence Bradley, introduced themselves to the Selectmen and each provided a brief review of their qualifications and reasons for wanting to serve on the Committee. After review of the candidates' resumes, it was suggested that Mr. Bradley would be a prime candidate to fill the now vacant slot on the Conservation Commission. Mr. Bradley concurred. Barbara Gaudette, past Chairman of the Open Space Committee, spoke on behalf of candidate John Freeman, stating he had been a great asset to the Open Space Committee and had actively been attending the Committee's meetings for quite some time. She also agreed that Mr. Bradley would be an asset to the Conservation Committee. Following, a motion/Mr. Collins, seconded/Mr. Ampagoomian, to appoint Mr. John Freeman to the Open Space Committee. Vote yes/Unanimous. The Chairman commented that he hoped that Mr. Bradley would apply for the open position on the Conservation Committee upon the position's posting.

Safety Committee Minutes, March 11, 2003. The Chairman stated that the Safety Committee requested that he bring one issue from the March 11, 2003, meeting to the Selectmen's attention. He then referred to a request by Mrs. Doreen Hadley, 176 Rumonoski Drive, for the Town to establish a By-law that would make residents responsible for shoveling the snow from the sidewalks in front of their homes. The consensus of the Selectmen was that it was possible to create a By-law; however, the By-law may be impossible to enforce. The group then agreed that the issue should be referred to the By-Law Review Committee through the Town Manager, and that the Selectmen should then review any recommendation by them. A motion/Mr. Boucher, seconded/Mr. Ampagoomian, to accept the March 11, 2003, Safety Committee Minutes as presented, with the readings omitted. Vote yes/Unanimous.

Northbridge Students' Request to Use Town Common/Vote to Approve. Present: Emily Bomba, Robert Molt, and Christine Susienka, all students from Northbridge High School. Robert Molt advised that the request to use the Town Common was for the purpose of a demonstration/anti-war rally by a group of students that opposed the war in Iraq. Ms. Bomba added that the group wished to discuss global issues relative to the war and speak about how they affected all citizens. It was noted that although the students did support the troops now engaged in the war, they had many concerns about the principles of the government; and they wished to share those views, especially with others of their own age bracket, by way of a peaceful rally. There were mixed opinions among the Board members regarding the purpose and especially the location of the proposed rally. However, the consensus was that although everyone may not have agreed with their intent, it was the students' right under the Constitution to use public property to assemble lawfully in order to exercise their right of free speech. Following, a motion/Mr. Collins, seconded/Mr. Boucher, to grant approval to the Northbridge students to use the Town Common for the purpose of conducting a peaceful anti-war rally. Vote yes/Messrs. Collins, Boucher and Ampagoomian. Vote no/Messrs. Mellor and Montecalvo. The students were advised by the Chairman to consult with the Town Manager to agree upon a date and time for the rally and to inform Police Chief Thomas Melia of that decision.

Tri-State Trek Request/Cycle Race Benefit, July 18-20, 2003/Vote to Approve. Police Chief Thomas Melia gave some additional information regarding the benefit. He stated that it was similar to other large races that go through more than one town, and there would be difficulty both preventing it from going through Northbridge as well as asking for payment for police services from its organizers. He therefore recommended that the Selectmen allow the race to pass through Northbridge, and he stated he would pay for police coverage from the Community Policing Grant as he felt it would be in the best interest of public safety for the Town. Following brief discussion, a motion/Mr. Mellor, seconded/Mr. Boucher, to approve the request to allow cyclists to pass through Northbridge during the Tri-State Trek event to be held from July 18 through July 20, 2003, subject to the safety concerns of the Police, Fire and Public Works Departments. Vote yes/Unanimous. The Chairman advised that per the Town's new policy regarding organizational events, the Police Chief should use his judgment as to the specifics of the event, including whether the organizers should be charged for the cost of police details during the event.

The Gray Barn, Inc./Renewal, Sunday State Pool Table License/Vote to Approve. A motion/Mr. Collins, seconded/Mr. Ampagoomian, to approve the renewal of the Sunday State Pool Table License for The Gray Barn, Inc., 2 Elm Place, Whitinsville. Vote yes/Messrs. Collins, Ampagoomian, Boucher and Montecalvo. Abstain/Mr. Mellor.

Oliver Ashton American Legion Post #343/Complaints and Disturbances. Present: Charles Lachapelle, Representative of Oliver Ashton American Legion Post #343, Camille Labrecque, Manager. Chairman Montecalvo explained to the agents of Post #343, Church Avenue, Northbridge, that the Board was seeking an explanation from them relative to reports of complaints and disturbances that occurred there between March, 2002, and March, 2003, (Police reports/logs of said incidents were before the Board) and relative to the fact that there was no record of the Post having an entertainment license. Discussion followed during which time narratives of the incidents were read and comments were heard by Police Chief Thomas Melia. Mr. Lachapelle stated he was under the assumption that the entertainment license was included in the Post's alcohol and/or club license; however, upon being told it was not and being given reasons why it was necessary, he stated they would comply and look into obtaining the license so they could continue to allow entertainment. The Post agents also discussed some of the problems that occurred on Legion property that seemed to be beyond their control. Following an exchange of comments, the following recommendations were made: 1) that the Legion Post agents apply for the entertainment license; 2) that a police officer be hired to be present during any event when alcohol was to be served and young adults were to be present. This would help to ensure that under-aged persons did not drink, the level of noise would be kept to a minimum, and the Legion would have some protection from liability; 3) that the manager of the Post notify the police if persons continued to trespass and dump debris on the Post's property.

Shining Rock – Sewer Extension Policy Proposal. Richard Sasseville, Department of Public Works Director, reviewed proceedings of eighteen months prior at which time the Selectmen entered into an agreement with Mr. Fred Ruland, developer of the Shining Rock Golf Community project, on a proposal that allowed him to do work in order to achieve the inflow and infiltration (I&I) reductions that were needed for him to build his subdivision. He noted that under the terms of that agreement, the developer had pledged to spend \$1,000 per unit (\$160,000 total) toward the cost of doing I&I work, and he verified that that I&I work was underway. He also advised that in the event the work exceeded that \$160,000, the developer would receive credits for that overage against the sewer connection permit fees for the project. Mr. Sasseville continued by reporting on the current condition of the Rockdale [Blackstone River] siphon, the determination under the Administrative Consent Order of its deficiencies, and the DEP's temporary withdrawal of the restriction on new flows through the siphon pending completion of a study of the siphon. He advised that in order to ensure that the siphon did not become an additional restriction on his ability to introduce new flows from his subdivision, the developer was now proposing to do additional work by including the replacement of that siphon within the terms of the originally proposed agreement. This inclusion would again provide credit to the developer against his connection fees. Mr. Sasseville spoke about the similarities of this proposal and an agreement made with the developer of the Presidential Farms project, and Mr. Ruland briefly expanded on the nature of the additional work he proposed. In conclusion, Mr. Sasseville advised that the developer hoped that the Selectmen would also approve as part of his new proposal the adding of a fifteen percent (15%) overhead and administrative charge to the invoiced price for all other work he performed under the agreement, stating that that percentage would also be applied against the assessment of sewer connection permit fees. Following brief discussion relative to the ownership of sewer credits earned from corrective I&I work performed, Mr. Ruland stated that he not only hoped the Selectmen would agree to his proposal, but also that they would sign his application for a sewer extension permit that had to be submitted to the DEP quickly so the I&I work could get done as soon as possible. Mr. Ruland then requested a vote by the Selectmen during the present proceedings, and the Chairman asked for a motion on the request. A motion/Mr. Ampagoomian, seconded/Mr. Collins, to suspend the meeting rules and place the discussion item under decisions immediately. Vote yes/Unanimous. A motion/Mr. Boucher, seconded/Mr. Ampagoomian, to accept the I&I removal proposal as presented above by Mr. Fred Ruland, developer of the Shining Rock Golf Community. Vote yes/Unanimous.

Selectmen's Concerns. Selectman Mellor applauded Town Manager Williams for his initiative at the start of the war in Iraq when he directed the display of American flags throughout the villages in the Town. He stated he received numerous calls from citizens who expressed their satisfaction with this action.

Meeting adjourned, 9:25 p.m.

Respectfully submitted,

Russell Collins, Clerk

Cth/

BOARD OF SELECTMEN

April 7, 2003

A meeting of the Board of Selectmen was called to order by Chairman Montecalvo, Northbridge Town Hall, 7 Main Street, Whitinsville, MA, at 7:00 p.m. **Present:** Messrs. Ampagoomian, Collins and Mellor. Selectman Boucher was not present, and it is duly noted.

Also present: William F. Williams, Town Manager.

The Pledge of Allegiance was recited by those present.

Approval of Minutes. A motion/Mr. Ampagoomian, seconded/Mr. Mellor, to approve the February 10, 2003, Minutes as presented, with the readings omitted. Vote yes/Messrs. Ampagoomian, Mellor, and Montecalvo. Abstain/Mr. Collins. A motion/Mr. Ampagoomian, seconded/Mr. Collins, to approve the March 24, 2003, Minutes as presented, with the readings omitted. Vote yes/Messrs. Ampagoomian, Collins, Mellor and Montecalvo.

Citizens' Comments/Input. 1) Roland and Marianna Guilbeault, 467 School Street, Northbridge – Petition –Riverdale Mills Noise Complaint. Chairman Montecalvo explained that Mr. Guilbeault had submitted a petition regarding a constant annoyance of noise that was being emitted from the Riverdale Mill located on Riverdale Street in Northbridge. He indicated that the petition was signed by many other residents who found the noise a detriment to their health, especially between the hours of 10:00 p.m. and 7:00 a.m. Also submitted for review were a Police report that verified continuous noise from an unknown machine at the Mill in the early morning hours of January 13, 2003, and a report of the Riverdale Mill Sound Level that was performed on April 20, 1995, by International Technology Corporation. Mr. Guilbeault briefly explained how the noise level had increased and become more bothersome to area residents since the fall of 2001. During discussion, Selectman Ampagoomian offered sympathy to the residents as he stated he had experienced a similar circumstance in his own neighborhood. Additionally, he suggested that since the Mill had added more equipment in recent years, the survey done in 1995 was probably invalid; therefore, he suggested that a new, independent study be done to find out where the noise was coming from, whether a change in operations at the Mill would help the situation, or whether a soundproofing technique could be utilized to eliminate the noise altogether. Selectman Mellor expanded on his knowledge on the technology of noise control and agreed that they should pursue the avenue of controlling the noise at its source, which most likely was the wire-coating machine. He recommended that several representatives of the Town inspect the area (with Mr. Knott's permission) to determine whether this option was achievable. Chairman Montecalvo gave an alternate recommendation: to have an inspection done by the Board of Health and have a report on their findings sent to the Selectmen and the Guilbeaults. The other Selectmen and the Guilbeaults were in agreement with this recommendation. **Joel Guadagnoli, 566 School Street, Northbridge,** also spoke and attested to the Guilbeault's testimony about varying noise levels coming from the Mill. In addition, he advised that the Mill also emitted a very strong metal-type odor that was more noticeable in the winter months. Chairman Montecalvo responded that that information would also be taken under advisement.

2) Robert Molt, 6 Swift Road, Whitinsville, brought the Selectmen's attention to the fact that some of the American flags that were erected around town in recent weeks were being damaged/tattered due to the recent winds, inclement weather, and positioning of the flags.

Spring Annual Town Meeting Warrant (6/17/03)/Vote to Sign. A motion/Mr. Mellor, seconded/Mr. Collins, to sign the Spring Annual Town Meeting Warrant. Vote yes/Messrs. Ampagoomian, Collins, Mellor and Montecalvo.

Naughton Dog Decision/Vote to Schedule a Second Public Hearing. Chairman Montecalvo announced that the written plan detailing how the Naughtons intended to prevent a future incident involving their dog and small children was submitted as requested by the Selectmen. He stated that the information would be reviewed and used to aid in their decision on the matter. He then asked for a motion to schedule a second Public Hearing for that purpose. A motion/Mr. Collins, seconded/Mr. Mellor, to schedule a second Public Hearing for April 28, 2003, in order to decide upon and dispose of the Naughton dog case. Vote yes/Messrs. Ampagoomian, Collins, Mellor and Montecalvo. Mr. and Mrs. Thomas Naughton were present at the meeting, and Mr. Naughton made several comments regarding the removal of his dog from their home at 96 North Main Street. He also submitted an addendum to his written "plan": the option to relocate the dog to his mother's home until he and his family moved to a new home themselves. He then submitted pictures of the space at his mother's 7 Carr Street, Whitinsville, address where the animal would be housed if necessary. Chairman Montecalvo advised that the Selectmen would consider all the facts presented prior to making a decision on April 28.

Alternatives-18th Annual Valley Friendship Tour to be Held Saturday, June 21, 2003. A motion/Mr. Ampagoomian, seconded/Mr. Collins, to approve the request made by the sponsors of the Alternatives 18th Annual Valley Friendship Tour to hold the event on Saturday, June 21, 2003, subject to the safety requirements of the Police, Fire, and Public Works Departments. Vote yes/Messrs. Ampagoomian, Collins, Mellor and Montecalvo. Selectman Mellor reminded the group that Douglas Road was shut down for a period of time during the last year's race, thus affecting several businesses and residents along that road. He recommended, therefore, that the Police Chief be made aware of the situation so he could monitor the race more closely.

Henry O'Donnell, Superintendent of Schools/Transfer of the Willow Street School Property from the Town to the School Department. Town Manager Williams advised that Mr. O'Donnell was requesting the Board's support in taking the appropriate steps to transfer the Willow Street property (which was currently being used as a parking lot) to the School Department for the purpose of allowing the School Department to erect portable classrooms to expand (from four to seven classes) the Early Childhood Program. Following a brief discussion, the Selectmen determined they had various questions (i.e., the status of the current school lease between the School

Department and St. Peter's Parish in Rockdale) that required answers. Therefore, they requested that the Town Manager put the item on the next meeting's agenda and invite Mr. O'Donnell to the meeting to discuss the issue in greater detail.

Union Street Drainage Report. The Chairman referred to a report submitted by the Building, Planning and Construction Committee (BPCC) regarding the Union Street drainage problem. Town Manager Williams reviewed the issue, advising that the BPCC was originally asked to prepare the status report following a question asked by Selectman Mellor whether the Union Street Drainage issue would be included in the Capital Plan. He stated that in the BPCC's response, it was stated that if the Union Street project were undertaken, it would cost approximately \$41,000 to correct the immediate defects in that area; and, there would possibly be considerable ramifications of possible problems which would result on other properties both upstream and downstream. That in itself could result in other claims and/or lawsuits by private property owners. Mr. Williams added that if the Board of Selectmen decided to authorize and fund a comprehensive study of the drainage issue, however, the BPCC would be happy to entertain a request to place such a study on the Capital Plan. Selectman Mellor offered information as he knew it regarding the defects that existed with the detention pond in that area, mainly that the pond was underutilized because most of the free-running water did not even enter the piping system that led to it. He added it was his opinion that since the Town approved the seemingly flawed design and system associated with the subdivision in that area years prior, it should be the Town that fixed it. Discussion followed, during which time it was noted that Town Counsel had also indicated it was not the Town's legal responsibility to undertake drainage improvements for the benefit of private property. Town Counsel further recommended certain procedures the Town would have to follow if it so chose to proceed with any project. Following a brief exchange of opinions, the Selectmen discussed a plan of action. Selectman Mellor stated he felt there was no harm to direct the BPCC to study and evaluate a remedy to the problem and provide feedback to the Selectmen; however, he then recommended a simpler suggestion: that DPW Director Richard Sasseville, who had an engineering degree and who was a paid employee of the town, could evaluate the problem at no cost to the town and provide a recommendation as to a remedy. The Selectmen approved of this recommendation and felt it was the best course to take at this time. Therefore, Chairman Montecalvo directed the Town Manager to instruct Richard Sasseville to evaluate the situation and to report his findings, along with recommendations, to the Board.

Selectmen's Comments. 1) **Selectman Mellor** brought the Selectmen's attention to the fact that the five-way intersection at the bottom of Sutton Street at Rte. 122 (Providence Road) was extremely dangerous. Among his concerns: the inability to easily view traffic flow from either direction when stopped at the Sutton Street intersection, the traffic signal no longer worked, and there had been several accidents in that area within the past three months. He recommended fixing the signal light and instructing Massachusetts Highway to look at the intersection to make it safer. Following short discussion, the group agreed to pass the item on to the Safety Committee to follow through. 2) **Chairman Montecalvo** announced that a lot of material had accumulated in front of the Selectmen's mailboxes in Town Hall. He advised that the Selectmen should complete their review of that material as soon as possible as it was going to be disposed of.

Town Manager's Report. Mr. Williams reported that: 1) subject to the agreement of Uxbridge and Douglas to the terms and conditions of the contract, he would appoint Mr. Philip Cyr, 285 Rumonoski Drive, Northbridge, to the position of Veterans' Services Agent for the three towns prior to the next Board of Selectmen's meeting. He provided a few specifics to Mr. Cyr's employment and added that the selection was made jointly by himself and the other towns' Administrators/Town Managers and endorsed by the local veterans' chapter; 2) he would be attending the Massachusetts Municipal Association Board Meeting on April 8th to hear Governor Romney and Lt. Governor Healey speak about whether there were additions/changes to the Governor's state budget. Brief discussion followed regarding the anticipated further reductions in local aid. During this time, Selectman Mellor applauded Mr. Williams for the actions and steps he had taken over the past six months to help prevent drastic reductions in Town staffing and services during the upcoming difficult times.

Items for Future Agenda. Selectman Ampagoomian made two suggestions: a) to establish a policy to recognize individuals when they achieved promotion in rank (i.e., fire and police departments) and certifications and when there were new department hires, etc., by having them come before the Selectmen to be acknowledged. He noted this traditionally was not done in all cases, and he would like to discuss this possibility during the April 28th meeting. Selectman Mellor responded that that process would be a type of 'micro-managing', and it was a function that should be performed by the Town Manager not the Board of Selectmen; b) to have the By-Law Review Committee look into creating a Town By-Law that governed BYOB (bring your own bottle) establishments so there would be more control over the BYOB activity. He stated there were a lot of towns that had establishments that did allow BYOB; however, Northbridge did not have regulations governing it. After brief discussion, the Selectmen agreed that local business should not be interfered with. They felt the owners of such establishments were responsible business owners; and if they are allowing BYOB, they should be fully conscious of their liability. The consensus was that the governing of the activity came under the everyday operations of Town government (the Town Manager and the Police Department), and if a problem arose, it would be a police enforcement matter. The Town Manager added that the Chief of Police was aware of the situation and was prepared to educate the owners as to their responsibilities once the BYOB option was allowed at their restaurant.

Meeting adjourned, 8:05 p.m.

Respectfully submitted,

Russell Collins, Clerk

Cth/

BOARD OF SELECTMEN
April 28, 2003

A meeting of the Board of Selectmen was called to order by Chairman Montecalvo, Northbridge Town Hall, 7 Main Street, Whitinsville, MA, at 7:00 p.m. **Present:** Messrs. Ampagoomian, Collins, Mellor and Boucher.

Also present: William F. Williams, Town Manager.

The Pledge of Allegiance was recited by those present.

Approval of Minutes. A motion/Mr. Collins, seconded/Mr. Boucher, to approve the February 24, 2003, Minutes as presented, with the readings omitted. Vote yes/Messrs. Collins, Boucher, Mellor and Ampagoomian. Abstain/Mr. Montecalvo. A motion/Mr. Ampagoomian, seconded/Mr. Collins, to approve the April 7, 2003, Minutes as presented, with the readings omitted. Vote yes/Messrs. Ampagoomian, Collins, Mellor and Montecalvo. Abstain/Mr. Boucher.

Public Hearing/7:05 p.m. – Naughton Dog Complaint (Second Public Hearing). A motion/Mr. Mellor, seconded/Mr. Boucher, to open the Public Hearing. Vote yes/Unanimous. After the Chairman swore in all those persons who would speak on the matter, Daniel Chauvin, Animal Control Officer for the Town of Northbridge, was called upon to present the complainant's case. Mr. Chauvin advised that after the initial Public Hearing concerning the Naughton Dog (March 24, 2003), he was made aware of some additional medical evidence in regard to the extent of the child's injuries; and after discussing the evidence with the Town Manager, it was decided that the Board of Selectmen should be made aware of it as well. The Chairman referred the group to a prepared packet of information that contained the medical information and other new evidence about which Mr. Chauvin spoke. Upon cross examination by the Selectmen, Mr. Chauvin confirmed that it was his personal opinion that the injuries to the child (Madisyn) were far more extensive than what was presented at the previous Hearing, and such information may alter the Board's decision in the matter. Although Selectman Mellor agreed that the photographs posed great concern, he pointed out that, a) the Selectmen were not qualified to interpret medical reports or compare the information to that which was presented to them previously, and b) the medical reports did not focus on the decision that the Board would have to make. Mr. Chauvin agreed, but reiterated his feeling that it was important that everyone was made aware of the entire situation. Upon further questioning, Mr. Chauvin advised that he came into possession of the new evidence when the guardian of the injured child contacted him after the first hearing. Ms. Michele Burdick, 98 North Main Street, Whitinsville, guardian of the injured child, was then called to testify. She stated that it was her wish to simply have the Naughton dog removed from the premises. She added that, although she knew the Naughtons were prepared to put a safety plan in place at the [duplex] home that she shared with them on North Main Street, she did not feel the idea would work and felt that moving the animal to another location or to the Carr Street address would be more satisfactory. At this time, Chairman Montecalvo also presented into evidence a letter from Lee McKeon, the Social Worker in the case, Department of Social Services, Whitinsville. The letter corrected some information that was conveyed to the Selectmen at the March 24, 2003, Public Hearing by Mrs. Naughton. Specifically, Ms. McKeon clarified that 'she did not communicate that she felt the situation of the Naughton dog was "non-hostile", but that it appeared the dog had deliberately attacked twice and it was doubtful a baby/toddler could be safe in the company of the animal.' The dog owners were then given the opportunity to question the testimony that was given. During this time, both Mr. and Mrs. Naughton attempted to justify and clarify any miscommunication that may have occurred when the extent of the child's injuries was first reported to the Selectmen at the March 24, 2003, Public Hearing. They also disclaimed a newspaper article regarding the incident and statements made to the Social Services Department. Mr. Naughton also reiterated that the dog was playing with the child during the first incident and did not viciously attack the child. Following the Naughton's testimony and a review about the present housing of the dog, a few brief questions were asked by the Selectmen for clarification purposes. The Chairman then reviewed the information as it was presented: 1) the dog, "Brutus", did attack the child twice, 2) the child was taken for medical treatment twice, 3) there was an operation and plastic surgery done on the child and additional work would be needed in the future, 4) there was a letter from the Social Worker that indicated that the dog was dangerous to the child, 5) the guardian of the child requested that the dog be removed from the home where the child lives, 6) the Animal Control Officer testified that what he saw compared to what was presented at the March 24, 2003, Public Hearing made him think twice about what may be his recommendation. Following, a motion was made by Mr. Collins, seconded by Mr. Ampagoomian, to close the Public Hearing. Vote yes/Unanimous. The Chairman followed by asking for a motion as to findings of fact. A motion/Mr. Collins, seconded/Mr. Boucher, that the Selectmen put into record the findings of fact that: 1) the dog did bite the child; 2) that plastic surgery did have to be performed on the child; 3) that there were facial, eye, and head wounds, 4) that the child had to be put under general anesthesia for the treatment of her injuries; 5) that the injuries were more severe than had first been anticipated, evidenced by photographs; 6) that the second bite was a puncture wound to the face, again requiring attention at a hospital and that would, in all probability, require further attention; and, 7) that the child's eye and head injuries would, in all probability, also require further attention. Vote yes/Unanimous. Mr. Chauvin was then asked to give his recommendation and commented as follows: a) he felt the photographs were accurately taken by the treating physician with no exaggeration of the injuries; b) although the dog had only shown aggression toward this one child, the damage had been so severe and disturbing that he would not want to risk something like this happening again; c) if the dog were relocated, he would have to be guaranteed that children would never visit the new home as he felt the dog's aggression may persist or become greater. Following, the Chairman asked for a motion concerning an appropriate sanction or action to be taken by the Board. A motion/Mr. Ampagoomian, seconded/Mr. Mellor, to remove the dog from the North Main Street address and, taking into consideration the work that had been done by the Naughtons to secure the dog at another location, relocate the animal immediately to the 7 Carr Street address; and additionally, order the Naughtons to provide a working agreement with the Town that would safeguard the child. **Discussion on the motion:** Selectman Mellor further questioned the Naughton's intention, specifically whether the dog was going to be confined within the

fenced in area at Carr Street **all of the time**. Mr. Naughton assured the Selectmen that the dog would be confined and supervised at the Carr Street property, inside the fence or in the home, **until** the family found a house elsewhere. Vote yes/Messrs. Ampagoomian and Collins. Vote no/Messrs. Boucher, Mellor and Montecalvo. The motion failed. A motion/Mr. Boucher, seconded/Mr. Mellor, that the dog be disposed of [put away] because it was vicious. Vote yes/Messrs. Boucher, Mellor and Montecalvo. Vote no/Messrs. Ampagoomian and Collins. The motion carried. Following the vote, Town Manager Williams advised the Naughtons that they would have ten (10) days after receipt of the 'Decision and Order' to surrender the dog to the Dog Officer or to act upon their right to appeal the Order.

Appointments/Resignations. Appointments: 1) Conservation Commission – Terence M. Bradley. A motion/Mr. Ampagoomian, seconded/Mr. Collins, to appoint Terence M. Bradley to the Conservation Commission. Vote yes/Unanimous. **2) Council on Aging – John Ratcliffe.** A motion/Mr. Ampagoomian, seconded/Mr. Collins, to appoint John Ratcliffe to the Council on Aging. Vote yes/Unanimous. **Resignations: 1) A motion/Mr. Ampagoomian, seconded/Mr. Collins, to accept the resignation of Raymond J. Kane from the **Historical Commission, Open Space Commission, and the By-law Review Commission.** Vote yes/Unanimous.**

Safety Committee Minutes, April 16, 2003. A motion/Mr. Ampagoomian, seconded/Mr. Collins, to accept the Safety Committee Minutes of April 16, 2003, as presented with the readings omitted. Vote yes/Unanimous.

Pleasant Street Christian Reformed Church – Request to Hang Banner Across Church Street. Selectman Ampagoomian reminded the Board that a previous request to hang a banner during the same period of time had already been approved (Blackstone Valley Canoe Race). Therefore, a motion/Mr. Mellor, seconded/Mr. Ampagoomian, to approve hanging the banner of the Pleasant Street Christian Church on the Town Hall fence from April 23 to May 7, 2003, for the purpose of advertising the Alpha course at the church. Vote yes/Unanimous.

Addition of Name to Korean War Memorial. A motion/Mr. Ampagoomian, seconded/Mr. Collins, to refer the issue of adding a name to the Korean War Memorial to the Trustees of Soldiers Memorial for appropriate handling. Vote yes/Unanimous.

Village Club – Cancellation of Alcohol License per M. G. L. Chapter 138, Sec. 77. A motion/Mr. Collins, seconded/Mr. Ampagoomian, to cancel the Alcohol License for the Village Club per M.G.L. Chapter 138, Sec. 77. Vote yes/Messrs. Collins, Ampagoomian, Boucher and Montecalvo. Abstain/Mr. Mellor.

Tax Increment Financing (TIF) Agreement – Riverdale Mills. The Chairman informed the group that the Town Manager and he did meet with the owner(s) of Riverdale Mills and representatives of the state to negotiate a TIF; however, they were unable to come to a mutual agreement. A motion/Mr. Mellor, seconded/Mr. Ampagoomian, to deny the request of the owner(s) of Riverdale Mills (James Knott) to enter into a Tax Increment Financing (TIF) Agreement with the Town of Northbridge. Vote yes/Messrs. Mellor, Ampagoomian, Collins and Montecalvo. Abstain/Mr. Boucher.

Northbridge Veterans' Council – Request to Hold Memorial Day Parade in Rockdale and use Rockdale Town Common for Services on Sunday, May 25, 2003. A motion/Mr. Ampagoomian, seconded/Mr. Mellor, to approve the request of the Northbridge Veterans' Council to hold a Memorial Day Parade in Rockdale and to use Rockdale Town Common for services on Sunday, May 25, 2003, subject to the safety requirements of the Police, Fire and DPW Departments. Vote yes/Unanimous.

Northbridge Veterans' Council – Request to Hold Memorial Day Parade in Whitinsville and use Memorial Park (formerly Whitinsville Town Common) for Services on Monday, May 26, 2003. A motion/Mr. Collins, seconded/Mr. Ampagoomian, to approve the request of the Northbridge Veterans' Council to hold a Memorial Day Parade in Whitinsville and to use Memorial Park (formerly Whitinsville Town Common) for services on Monday, May 26, 2003, subject to the safety requirements of the Police, Fire and DPW Departments. Vote yes/Unanimous.

Executive Order 418 Community Development Plan – Gary Bechtholdt, Town Planner. Town Planner Gary Bechtholdt provided an update on the Community Development Plan and informed the Selectmen of the receipt of \$30,000 in planning services to complete it. During a brief outline, Mr. Bechtholdt explained that one component of the Plan in particular would be to examine existing vacant industrial and commercial properties and to prepare a suitability map. He noted as part of the study, he was planning to establish an ad-hoc Community Development Committee (CDC) to oversee the Plan's progress and provide feedback on work completed. The CDC would be comprised of municipal officials, employees, and Northbridge residents; and members of the Board of Selectmen would also be asked to participate. He added that Committee members would be asked to attend four to five informal, evening workshops and meetings that would begin in May, 2003, and extend into June of next year. After a brief questioning period by the Selectmen, Mr. Bechtholdt stated he would keep the Board informed as to the date of the first workshop.

Policy Introducing New Hires and/or Promoted Employees to the Board of Selectmen. The Chairman advised that the item was brought to discussion by Selectman Ampagoomian. Selectmen Ampagoomian commented that he felt it was important that both the residents and Selectmen know who their municipal employees were and if/when they received promotions. Brief discussion followed including whether School Department employees would be included in the proposed policy, after which time the Chairman instructed the Town Manager to prepare a draft policy that could be considered and appropriately modified by the Selectmen.

Zoning Bylaw Changes (Final Draft). Present: William Cundiff, 68 Windsor Ridge Drive, Whitinsville. Mr. Cundiff spoke on behalf of the Citizens for the Preservation of Northbridge and presented a draft "extension" of the

approval of a general By-law from the last Town Meeting that stated the Town would not allow any infectious waste handling/processing facilities within the Town of Northbridge. In particular, he focused on certain sections of the By-law identifying exemptions that did allow such facilities in industrial zones, and he noted that his group's proposed "extension" would provide guidance to the Town when reviewing any submittals from infectious waste facilities wanting to set up in those areas. Additionally, he reviewed some of the suggested minimum criteria in the "extension" that would have to be met by such a prospective facility (i.e., submittal requirements, types of plans that would have to be submitted, minimal thresholds/setbacks, etc.) during the application process. Basically, he concluded, the "extension" would be a recognition by the Town that infectious waste facilities were permitted within industrial zones; however, in order to protect itself and have some input as to what was being proposed, the "extension" would also allow the Town to designate that that establishment would be allowed only under a special permit process and only after meeting certain criteria. A short question and answer period followed, during which time Mr. Cundiff confirmed that the Planning Board and Board of Selectmen would be required to hold Public Hearings on their proposed By-law "extension" and Town Meeting approval would be required as well. Following short discussion, the Chairman announced that the By-law "extension" would be forwarded to Town Counsel for review and would then be placed again on the agenda for the Selectmen's vote to support or not support.

Selectmen's Concerns. **1) Chairman Montecalvo** announced that a special Board of Selectmen's meeting had to be called for the purpose of voting to sign bond papers for the Edgemere Sewer Project for the Treasurer/Collector. After discussion, it was agreed to set the meeting for Tuesday, May 27, 2003, at 5 p.m. in the Board of Selectmen's room. **2) Selectman Collins** advised that both he and Selectman Boucher had been asked by Mr. Ross Rajotte to (again) ask the Selectmen to consider changing the Annual Town Report to fiscal year (July 1 to June 30) rather than the present calendar year (January 1 to December 31) format. After short discussion, the Selectmen agreed to re-visit the issue and have the Town Manager research the complexity and cost of such a change. Selectman Boucher also requested that Ross Rajotte be informed of the Selectmen's final decision. **3) Chairman Montecalvo** reminded the Selectmen that Representative George Peterson would hold office hours at Town Hall during the June 9, 2003, Board of Selectmen's meeting.

Town Manager's Report. The Town Manager reported that the Town of Northbridge was fined by the Department of Environment Protection (DEP) \$4,500 for issuing a sewer extension permit to Shining Rock, Phase I (18 homes). He added that in January of this year, Shining Rock itself was fined \$7,500 for the same reason, that being that the DEP's position in the Administrative Consent Order (ACO) was that no permits would be issued (in those areas that fall within the ACO) without the DEP's approval first. Town Manager Williams referred the Selectmen to Mr. Richard Sasseville's written response to the issues of the sewer flow allocation violation that essentially dealt with issues involved. After giving a brief review of the Shining Rock project and how it compared to other projects that did not fall within the purview of the Order, Mr. Williams reported that Mr. Ruland, developer of Shining Rock, had offered to reimburse the Town for its fine. He also apologized to the Selectmen for the occurrence and pointed out the difficulty in understanding things that were not specifically spelled out. With that, a draft revision of a sewer extension and connection policy that formalized every aspect of what could and could not be done when putting out a sewer permit was distributed to the Selectmen. Mr. Williams advised that the draft would be discussed at the next Board of Selectmen's meeting and from there would be voted upon. Following, it would be sent to all Town boards and committees for reference and would hopefully serve as a resolution to like future situations.

Executive Session/Yes – Under M.G.L. Chapter 39, S.23 B, #3. Chairman Montecalvo announced that the Selectmen would be going into Executive Session and asked the Board for a motion. A motion/Mr. Collins, seconded/Mr. Ampagoomian, to go into Executive Session per M.G.L. Chapter 39, S.23 B, Number 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 – not to reconvene in open session. A roll call vote was taken. Mr. Collins/yes; Mr. Ampagoomian/yes; Mr. Montecalvo/yes; Mr. Mellor/yes; Mr. Boucher/yes.

Meeting adjourned, 8:15 p.m.

Respectfully submitted,

Russell Collins, Clerk

Cth/

BOARD OF SELECTMEN
May 5, 2003

A meeting of the Board of Selectmen was called to order by Chairman Montecalvo, Northbridge Town Hall, 7 Main Street, Whitinsville, MA, at 7:00 p.m. **Present:** Messrs. Ampagoomian, Collins, Mellor and Boucher.

Also present: William F. Williams, Town Manager.

The Pledge of Allegiance was recited by those present.

Approval of Minutes. – None

Public Hearing. – None

Appointments/Resignations. – None

Blackstone Valley Community Church – Request to Use Town Common for a Community Family Day, Saturday, July 12, 2003 (rain date, Saturday, July 19, 2003). The Pastor of the Blackstone Valley Community Church, Mark Yedinak, was present and asked that his original request for the event of June 28, 2003, with a rain date of July 12, 2003, be changed to the above. After short discussion, it was agreed that the July 12th date was free and could be approved. It was further agreed that the July 19th date would tentatively be approved, but would have to be confirmed with the Town Manager's office personnel. A motion/Mr. Boucher, seconded/Mr. Ampagoomian, to grant the request of the Blackstone Valley Community Church to use the Town Common for a Community Family Day on Saturday July 12, 2003, from 11 a.m. to 7 p.m., with a rain date of Saturday, July 19, 2003 (subject to availability), subject to the safety requirements of the Police, Fire, and DPW Departments. Vote yes/Unanimous.

Transfer Common Victualler License from The Daily Grind (Gerald and Constance Plouffe) to Daily Grind (Linda Lyness). A motion/Mr. Ampagoomian, seconded/Mr. Collins, to approve the transfer of the Common Victualler License from The Daily Grind (Gerald and Constance Plouffe – at 1 Main Street, Whitinsville), to Daily Grind (Linda Lyness – at 1 Main Street, Whitinsville). Vote yes/Messrs. Ampagoomian, Collins, Boucher, and Montecalvo. Abstain/Mr. Mellor.

2003 Miscellaneous License Renewals (Pool Tables, Bowling/Billiards). A motion/Mr. Ampagoomian, seconded/Mr. Collins, to approve the above license renewals subject to the payment of all outstanding taxes. Vote yes/Messrs. Ampagoomian, Collins, Boucher, and Montecalvo. Abstain/Mr. Mellor.

FY'04 Operating Budget Override/Vote Support or Non-Support. Town Manager Williams briefly explained that based on the present House [state] numbers, the FY'04 Town budget would be level funded for most operations (with a few cutbacks) and a lesser amount of reserves would be spent. He also provided some details relative to two other options that would be available if an increase in appropriations for the school department was required: (1) using more money from the Stabilization Fund, or 2) instituting an operating override at the appropriate time. He then asked the Selectmen their feelings on the issue and options. During a question/answer period, Selectman Collins commented that he felt uncomfortable offering support or non-support on the budget or an override at this time. He stated he had several questions he wished to ask the Finance Committee about departmental budget cuts, many of which had not been adjusted to the extent he had expected. He also felt the Selectmen had not devoted an appropriate amount of time to discussing the budget cuts. Chairman Montecalvo responded to the concerns noting that the Town Manager had worked hard on the budget for months and had consistently supplied the Selectmen with its various ongoing details. He concluded that he felt it was important that the Selectmen now give the Town Manager an indication of where the additional money for the Town's budget would come from if everything stayed the same with the state. Selectman Mellor concurred, and he further explained that the Town would not be "locked in" to the decision made this evening if something significantly changed at the state level. A motion/Mr. Mellor, seconded/Mr. Collins, to not support a FY'04 Operating Budget Override based upon the information presented to the Selectmen this evening. Vote yes/Unanimous.

Sewer Billing Policy/Outside Use Water Abatement Policy. The citizen who asked for discussion on the item was unable to attend the evening's meeting. Town Manager Williams, however, outlined the issue, advising that the resident wished to suggest what he felt was a more fair system to pay for water that was used to water lawns during the warmer months. The recommendation was: since the water was not going into the sewer system, it would be less work for all involved to base the use on the normal amount the homeowner had used during the winter months. Mr. Williams advised he had already asked Mr. James Ouellette, General Manager of the Whitinsville Water Company, to provide detailed winter billing information to the Director of the Department of Public Works so that an evaluation could be made to determine whether or not the request to use winter billing would be similar in revenue to the current abatement system. He added that the winter billing system might also prove to be more customer-friendly. Edward Palmer, 154 Hill Street, Whitinsville, stated he was very familiar with the present abatement policy in Town and spoke in favor of the alternate suggestion. Following brief discussion, Chairman Montecalvo reminded the group that not every resident [who watered their lawn in the summer] applied for an abatement; therefore, it may be difficult to make an evaluation of the two payment systems. However, he did direct the Town Manager to do some additional research on the issue to find out how much of an impact the suggested payment system would have on the Sewer Enterprise.

Review of Warrant Articles for Spring Annual Town Meeting, June 17, 2003. The Town Manager reviewed the Warrant Articles, gave a brief explanation of each article, and advised whether or not the Finance Committee supported it. During the review, he noted that many of the articles on the warrant were "housekeeping" articles and

did have the support of the Finance Committee. The Selectmen were given an opportunity to ask questions and obtain clarification on the articles. In particular, several Selectmen questioned how the funds in Articles 10 and 11 (that involved the financing of a new compact pickup truck and a new all wheel drive dump truck for the Public Works Department) could be justified, and Richard Sasseville, Director of the DPW, was called upon for discussion relative to those articles. At the conclusion of the review, the Town Manager advised that if the Selectmen had additional questions on any article(s) or on the budget, they should call him within the next several weeks to discuss them.

FY'03 Budget Amendment for Town Meeting (Snow Deficit, etc.). Town Manager Williams reported that the purpose of the article was to take care of the following overages on the current (FY'03) budget: **1) Snow and Ice Deficit:** the snow and ice deficit was in excess of \$187,000 over the \$60,000 that was already budgeted. The amount that would have to be covered after the FEMA reimbursement from the federal government (which was \$23,000) would be \$164,000; **2) Tuitions for Trade School Students:** the tuitions for trade school students were underestimated by \$37,372.50; and **3) Legal Costs:** legal costs were more than anticipated during the year, and at least \$12,000 additional would be required to cover expenses until the end of the year. In total, the Town Manager advised that Article 2 requested \$213,372.50 from Free Cash, and the balance of free cash [after those expenses] would be approximately \$750,000. The Selectmen briefly discussed the rates presently charged by legal counsel, at which time Mr. Williams confirmed that the Town was charged \$125 per hour. He also agreed to research and confirm that the Town was charged on fractions of hours of service and that Town Counsel did offer flexibility in its billing to the Town.

Selectmen's Concerns/Comments. None

Town Manager's Report. None

Items for Future Agenda. **Chairman Montecalvo** reminded the group that Representative George Peterson would have his office hours at the Town Hall on June 9, 2003. He also requested that the Selectmen complete and submit their paperwork for the Town Manager's Performance Review by Friday, May 9, 2003. Selectman Mellor questioned whether this year's performance review would be done on a 'one-on-one basis' or in open session. After brief discussion, it was agreed that the specifics of the review would be discussed privately between the Selectmen and Mr. Williams, and a summary would be prepared and discussed in open session.

Meeting adjourned, 8:10 p.m.

Respectfully submitted,

Russell Collins, Clerk

Cth/

BOARD OF SELECTMEN
May 19, 2003

A meeting of the Board of Selectmen was called to order by Chairman Montecalvo, Northbridge Town Hall, 7 Main Street, Whitinsville, MA, at 7:00 p.m. **Present:** Messrs. Ampagoomian, Collins, Mellor and Boucher.

Also present: William F. Williams, Town Manager.

The Pledge of Allegiance was recited by those present.

Approval of Minutes. – None

Public Hearing/7:05 p.m. – Class II License (Used Car Dealer)/E*Mart Motors, Inc. (Sam Bayou), located at 2112 Providence Road, Northbridge, MA. Present: Sam Bayou, Applicant; Theresa Cenedella (abutter), 2116 Providence Road. Chairman Montecalvo read the public hearing notice aloud and noted that all direct abutters were duly notified. A motion/Mr. Boucher, seconded/Mr. Collins, to open the public hearing. Vote yes/Messrs. Boucher, Collins, Mellor, Ampagoomian and Montecalvo. Mr. Bayou briefly explained his application and request to operate a used car dealership at the above mentioned location, noting that the dealership would be in an existing 2,700 sq. ft., one-level building with another business and that the building had two (2) oversized bays, a showroom and two (2) offices. It was noted that the business would be in a permitted zoning district where automobile sales and services were allowed and in compliance with Town of Northbridge Zoning By-laws. Theresa Cenedella, the abutter at 2116 Providence Road, expressed concern over the following issues: 1) the number of vehicles that would be at the location at one time, 2) the visual and traffic impact on the area, 3) the hours of operation, 4) the location where inventory would be stored, and 5) whether there would be street parking on Route 122. Ms. Cenedella advised that she had previously discussed the street parking safety issue at a Safety Committee meeting, but requested that the issue be considered once again because of this application. In his response, Mr. Bayou indicated his customer hours would be by appointment only, he would be limited to no more than five (5) vehicles at one time at the location, that he had access to parking on First Avenue, and he did not feel the traffic would be impacted in any way. After a brief question and answer period, the Chairman recommended that at the next meeting of the Safety Committee a review of the application and inspection of the area in question be done in order to determine if safety issues were seen. The group agreed with the recommendation, and Mr. Bayou and Ms. Cenedella were invited to attend that meeting. A motion/Mr. Ampagoomian, seconded/Mr. Boucher, to refer the matter to the Safety Committee for review at its next earliest meeting. Vote yes/Unanimous. A motion/Mr. Ampagoomian, seconded/Mr. Collins, to continue the Public Hearing to the first Board of Selectmen's meeting following that Safety Committee meeting. Vote yes/Unanimous.

Appointments/Resignations. Regional Veterans' Services Director – Kenneth Trajanowski. Town Manager Williams introduced Mr. Trajanowski to the Board members and explained that under the terms of his agreement, he would serve as the Regional Veterans' Services Director for the towns of Northbridge, Uxbridge, and Douglas. A motion/Mr. Collins, seconded/Mr. Boucher, to affirm the appointment of Kenneth Trajanowski as the Regional Veterans' Services Director for the Southern Blackstone Valley Veterans Services District for the Town of Northbridge. Vote yes/Unanimous.

Whitinsville Christian School/Request to Hang Memorial Day Pancake Breakfast Banner Across Church Street from May 20, 2003, to May 27, 2003. A motion/Mr. Collins, seconded/Mr. Boucher, to approve the request of the Whitinsville Christian School to hang its Memorial Day Pancake Breakfast banner across Church Street from May 20, 2003, to May 27, 2003. Vote yes/Unanimous.

St. Patrick's Church/Request to Hang Fall Festival Banner Across Church Street from September 7, 2003, to September 20, 2003. A motion/Mr. Collins, seconded/Mr. Ampagoomian, to approve the request of St. Patrick's Church to hang its Fall Festival banner across Church Street from September 7, 2003, to September 20, 2003. Vote yes/Unanimous.

Personnel Board/Vote to Approve Increase in the Health Plan Contribution Rates for Retirees (HMO's only). Present: Peter Lachapelle, Peter Mimmo and Carol Kwasek, members of Personnel Board. Mr. Lachapelle explained the proposed changes to the Personnel Policy that his Board was asked to consider that covered the Town's Retirees who belong to certain health care maintenance plans. Pursuant to procedure and Code, he reported that a Public Hearing was held on April 30, 2003, at Town Hall, and the Personnel Board heard the testimony of concerned and interested persons regarding the proposed changes to the Policy. He noted that presently, the Policy (under Section 6.13) provided in relevant part for the following: "Employees who retire under the Northbridge Retirement or Teachers' Retirement System are entitled to either the Town paying sixty-eight (68%) percent of an indemnity plan or ninety (90%) percent of a health maintenance plan until they become Medicare eligible, at which time the employee must enroll in Medicare...". Mr. Lachapelle then reported what the proposed change would be: the contribution rate for the health maintenance plan would be eighty-five (85%) percent Town, fifteen (15%) percent Retiree, effective July 1, 2003; and, eighty (80%) percent Town, twenty (20%) percent Retiree, effective July 1, 2004. After reviewing the proceedings of the Public Hearing, which included a report of some concerns of participants, he announced that the Personnel Board recommended approval of the proposed change(s). He added that while sensitive to the fact that affected Retirees generally lived on fixed incomes, the Town faced budgetary shortfalls that had to be addressed. He added that the proposal would result in substantial savings to the Town, was consistent with rates of comparable communities and other Town units, and was gradual in nature. Following a brief question/answer period, a motion/Mr. Ampagoomian, seconded/Mr. Boucher, to accept the recommendations of the Personnel Board and to approve the increases in the health plan contribution rates for retirees (HMO's only), as explained above. Vote yes/Unanimous.

Spring Annual Town Meeting Warrant, 6/17/03 - Vote Position on All Articles Except Budget Articles (#1-4).

Present: Gary Bechtholdt, Town Planner; Richard Sasseville, DPW Director. During discussion on each article, Mr. Bechtholdt answered various questions relative to those submitted by the Planning Board (Articles 14-16, and Articles 19-24), as follows: **Article 14:** A motion/Mr. Ampagoomian, seconded/Mr. Collins, to support Article 14. Vote yes/Unanimous. **Article 15:** A motion/Mr. Collins, seconded/Mr. Ampagoomian, to support Article 15. Vote yes/Unanimous. **Article 16:** A motion/Mr. Ampagoomian, seconded/Mr. Collins, to support Article 16. Vote yes/Unanimous. **Article 19:** Mr. Bechtholdt explained why the Planning Board voted to pass over the article, noting that the map was not yet finalized, as there were a number of things the map needed to reflect. A motion/Mr. Ampagoomian, seconded/Mr. Boucher, to pass over Article 19, as per recommendation of the Planning Board. Vote yes/Unanimous. **Article 20:** Mr. Bechtholdt explained how the article would allow the "Victorian" to revert back to a bed and breakfast. A motion/Mr. Ampagoomian, seconded/Mr. Boucher, to support Article 20. Vote yes/Unanimous. **Article 21:** A motion/Mr. Ampagoomian, seconded/Mr. Collins, to support Article 21. Vote yes/Unanimous. **Article 22:** A motion/Mr. Collins, seconded/Mr. Boucher, to support Article 22. Vote yes/Unanimous. **Article 23:** A motion/Mr. Collins, seconded/Mr. Ampagoomian, to support Article 23. Vote yes/Unanimous. **Article 24:** A motion/Mr. Collins, seconded/Mr. Boucher, to support Article 24. Vote yes/Unanimous.

Articles 1 through 4: Budget Articles. Were not voted on at this time.

Article 5: A motion/Mr. Collins, seconded/Mr. Ampagoomian, to support Article 5. Vote yes/Unanimous.

Article 6: A motion/Mr. Collins, seconded/Mr. Ampagoomian, to support Article 6. Vote yes/Unanimous.

Article 7: A motion/Mr. Collins, seconded/Mr. Boucher, to support Article 7. Vote yes/Unanimous.

Article 8: A motion/Mr. Ampagoomian, seconded/Mr. Collins, to support Article 8. Vote yes/Unanimous.

Article 9: Richard Sasseville was present to explain the intent of the article. A motion/Mr. Collins, seconded/Mr. Boucher, to support Article 9. Vote yes/Unanimous.

Article 10: Richard Sasseville was present to explain the intent of the article. A motion/Mr. Collins, seconded/Mr. Ampagoomian, to support Article 10. Vote yes/Unanimous.

Article 11: Objections were voiced by several Selectmen relative to purchasing a dump truck with plow, as sought in the Article, at this time; and Selectman Collins advised that he wished to wait to hear the Finance Committee's recommendation on the Article. Following, a motion/Mr. Collins, seconded/Mr. Boucher, to delay the decision on the article until the next Board of Selectmen's meeting. Vote yes/Unanimous.

Article 12: A motion/Mr. Collins, seconded/Mr. Ampagoomian, to support Article 12. Vote yes/Unanimous.

Article 13: The Town Manager advised that the Finance Committee had not taken a position regarding the reauthorization of the Youth Commission's revolving account, which was the subject of this Article. Following, a motion/Mr. Collins, seconded/Mr. Ampagoomian, to hold on Article 13. Vote yes/Unanimous.

Article 17: A motion/Mr. Collins, seconded/Mr. Ampagoomian, to pass over Article 17. Vote yes/Unanimous.

Article 18: A motion/Mr. Collins, seconded/Mr. Ampagoomian, to pass over Article 18. Vote yes/Unanimous.

Article 25: A motion/Mr. Collins, seconded/Mr. Boucher, to pass over Article 25. Vote yes/Unanimous.

Article 26: A motion/Mr. Collins, seconded/Mr. Boucher, to support Article 26. Vote yes/Messrs. Collins, Boucher and Ampagoomian. Vote no/Mr. Montecalvo. Abstain/Mr. Mellor.

Article 27: A motion/Mr. Collins, seconded/Mr. Boucher, not to support Article 27. Vote yes/Messrs. Collins, Boucher, Mellor and Montecalvo. Abstain/Mr. Ampagoomian.

Fiscal Year '95 Community Development Block Grant/Discharge of Lien on Property Located at 2418-2420 Providence Road, Northbridge. Present: Jennifer Dulmaine, Community Development Program Director.

A motion/Mr. Ampagoomian, seconded/Mr. Boucher, to discharge the lien on property located at 2418-2420 Providence Road, Northbridge, releasing the property from any commitment with the Town of Northbridge. Vote yes/Unanimous.

Policy for Introducing New Hires and/or Promoted Town Employees. The Chairman read the draft policy aloud and asked for comments and/or changes to the document. Selectman Collins recommended that the policy pertain specifically to newly appointed "full time" staff rather than all newly appointed staff, and the other Selectmen were agreeable to the change. A motion/Mr. Collins, seconded/Mr. Ampagoomian, to amend the draft policy by inserting the words "full time" immediately following the words "newly appointed" in the first sentence of the policy. Vote yes/Unanimous. The Chairman advised that the final policy would be on for decision at the next meeting.

Intermunicipal Agreement Between Northbridge, Uxbridge, and Douglas Regarding Shared Services for the Regional Veterans' Services Director. Town Manager Williams discussed the agreement drafted by Town Counsel and himself that set the parameters of the Regional Veterans' Services Director's position. He advised that it basically set the standard of reimbursement for the full-time employee, the cost to be distributed at 40% for the Town of Northbridge, 40% for the Town of Uxbridge, and 20% for the Town of Douglas. He added that said distribution included both direct (salary) and indirect costs (Medicaid, retirement, health insurances, workers' compensation, unemployment and liability). Mr. Williams also noted that the parameters for supervision were also set within the agreement, and the responsibility for unemployment insurance and liability damages were defined. In response to an inquiry made by Selectman Ampagoomian, Mr. Williams advised that the Town Manager of Uxbridge and Executive Administrator of Douglas both had reviewed the document and had agreed to its content; therefore, it was now up for approval by all Towns' Boards of Selectmen. Selectman Collins acknowledged that the agreement would serve as a very helpful tool for the Veterans' Services Director, as its cohesiveness and sensibility gave the Director control and made it easier for him to run the program. A brief questioning period followed, after which time the Board agreed that the new agreement would create a more organized program with an improved base of operation to better serve area veterans.

Sewer Billing Policy. The Chairman reviewed the previously discussed recommendation that sewer billing be based on the normal winter water usage rather than having to go through a costly abatement process for water that was used to water lawns, fill pools, etc., during the warmer months. In order to make a fair decision, the Board requested documentation so that a determination could be made whether or not the request to use winter billing would be similar in revenue to that received by using the current abatement system; or, if not similar, how much of an impact the suggested payment system would have on the Sewer Enterprise fund. He then referred the group to documentation provided by the General Manager of the Whitinsville Water Company. The data presented indicated that the two billing systems were not revenue neutral; and, in light of the fact that there would be a drop in revenues of approximately \$90,000 if sewer billing were based on winter water usage, Town Manager Williams reported that some form of rate increase for some number of users would have to be implemented to make up for the loss. He noted that several variables made up for the deficit, a) that not all residents who were eligible applied for abatements, and b) there were some adjustments built into the abatement process. He noted that if the issue were acted upon now, a rate plan would also have to be devised now. Therefore, Mr. Williams suggested that the item be taken under advisement at this time and that the Board look at it further when the time came to set the rates again. Richard Sasseville, Department of Public Works Director, was recognized for comment. He reported that in his opinion, the system that was presently used seemed to work, and there was no need at this time to make a change (due to one resident's comments) that would potentially affect every sewer customer in town. After short discussion, the group decided to hold the issue for future discussion.

Town Manager's Performance Review. Chairman Montecalvo reviewed the cumulative ratings of the Town Manager's performance (April 2002-2003) in all areas. Out of a possible score of "5" in each area, the following scores were: Presentation – Maintaining Bond Credit Rating, 3.8; Budget, 3.6; Communication, 3.2; Availability – Selectmen, 4.6; Citizens, 3.8; Department Heads/Committees, 3.8; Knowledge of Town Government – Operational/Grants, 3.4; Educational, 3.6; Update on Tends, 4.2; Management Skills – Personnel, 3.6; Taxpayers, 3.8; Business, 3.8; Daily Operations, 3.4; Informational – Selectmen, 4.2; Department Heads, 3.8; Committees, 3.4. **Overall Performance Review Score (all categories): 3.76.** Selectman Mellor commented that the Town Manager's performance results had improved significantly in the past year, mainly due to improved communication. Town Manager Williams took a moment to thank his personal staff, department heads, and committees for showing dedication and making his job easier. He also thanked the Selectmen, who, he noted, were dedicated public officials who worked extremely hard.

Selectmen's Concerns. **Selectman Ampagoomian** reminded Northbridge residents that elections for seats on the Board of Selectmen, the Planning Board, and the School Committee would take place tomorrow, May 20, 2003, and their participation was greatly needed and would be appreciated.

Town Manager's Report. The Town Manager announced: **1)** Moody's Investment Services reviewed the Town's current rating and maintained the Town's previously upgraded status, noting that the town was well maintained with stable financial operations, had a strong residential tax base, and had a manageable debt burden. He advised that Moody's expected the Town's financial performance to remain stable given prudent budgeting, anticipated moderate growth and property tax revenues, and a history of general fund surpluses. It also expected the seasoned management team to be able to make the necessary budgetary adjustments and maintain fiscal financial flexibility through adequate reserves. **2)** Standard and Poor's also rated the Town and maintained the Town's A+ rating. The Town's general credit characteristics were reflected by them as: average wealth indicators, current consistent financial performance with increasing reserves, and a low debt burden. Town Manager Williams credited his financial team member, Treasurer/Collector Joyce Morin, for contributing immensely to this rating. **3) FY 2004 Budget** – Update: The Town Manager reported that he believed he was very close to coming to a consensus [with the Finance Committee] on the operating budgets; however, there continued to be one concern between him and the School Department involving a difference in recommendation on the budget. That concern involved an amount of \$575,501, which would represent a 3.7% increase on the School Department's side of the budget. Another concern of the Town Manager was that he was trying, by conservative management, to hold down the amount of the Town's reserves as a part of the financial plan. He noted that in the current year's financial plan, there was \$1.7 million dollars in non-recurring revenue, and his goal was to try to bring those amounts down, ideally without ever having to use an operating override. Following, he discussed two possible 3-year budgetary scenarios for the Town (one of which involved the 3.7% increase to the school budget in FY '04), his approach to prevent an override, and other budgetary options and recommendations, including a change in health insurance contributions by employees. Comments were heard from the Selectmen, with the consensus that the municipal side and school side should do the best possible to resolve conflicting opinions over the budget before the budget went before the Finance Committee. In the end, a majority of the members supported the Town Manager's position on the budget. **4) Town Counsel Billing Policy** - Town Manager Williams reported on Town Counsel bills as follows: a) Counsel runs billing in 10 minute increments, not by the hour as previously noted; b) the Town has spent \$11,901 which can be recouped from the CDAG project; c) regarding the waste water budget, including Edgemere, the Town had already charged back \$5,179.50 in fees; d) the Town has spent close to \$7,000 on dog administration hearings; d) the Town has already spent \$5,000 on the Knott case. He concluded that when the large issues are coupled with everything else, the current year could be classified as very litigious.

Meeting adjourned, 9:05 p.m.

Respectfully submitted,

Russell Collins, Clerk

Cth/

BOARD OF SELECTMEN
May 27, 2003

A special meeting of the Board of Selectmen was called to order by Chairman Montecalvo, Northbridge Town Hall, 7 Main Street, Whitinsville, MA, at 5:00 p.m. **Present:** Messrs. Ampagoomian, Mellor and Boucher. Selectman Collins was absent, and it is duly recorded.

Also present: William F. Williams, Town Manager.

The Pledge of Allegiance was recited by those present.

Request to Sign Notes in the Amount of \$2,052,000 for the Edgemere Sewer Extension Project and the Kelly Road, Hill Street, and Benson Road Water Main Extension Project. Present: Joyce Morin, Treasurer/Collector. 1) A motion/Mr. Ampagoomian, seconded/Mr. Mellor, to confirm the sale of the \$2,052,000 Municipal Purpose Loan of 2003 Bonds of the Town dated June 1, 2003, to A.G. Edwards & Sons, Inc., at the price of par and accrued interest according to the schedule provided. Vote yes/Messrs. Ampagoomian, Mellor, Boucher, and Montecalvo. 2) A motion/Mr. Ampagoomian, seconded/Mr. Mellor, to confirm the consent to the financial advisor bidding for the bonds dated May 20, 2003. Vote yes/Messrs. Ampagoomian, Mellor, Boucher, and Montecalvo. 3) A motion/Mr. Ampagoomian, seconded/Mr. Boucher, to sign notes and all related paperwork. Vote yes/Messrs. Ampagoomian, Boucher, Mellor, and Montecalvo.

Citizens' Comments/Input. Two retirees from the Town of Northbridge, **Joan Jeffers and Betty Bernard**, were recognized and came forward to voice concern over the health insurance co-pay increases for the senior plan. It was determined that there was some miscommunication relative to the proposal to increase the contributions on the health insurance beginning July 1, 2003. Following short discussion, they were referred to Peter Lachapelle of the Personnel Board for more information regarding the proposed changes. The Town Manager also advised the retirees that official letters would be sent out shortly to all persons involved.

Building, Planning and Construction Committee Presentation. Present: David Morrow, Neal Mitchell, Peter Barbadora, and George Murray of the BPCC. Members of the Building, Planning and Construction Committee were present to give the Selectmen an update on the progress of the Whitinsville Streetscape Project and to ask for the Selectmen's support on recent decisions the Committee had made on the Project. David Morrow began discussion by informing the Selectmen of some issues/problems that had recently arisen with the Project. Following, Neal Mitchell further explained various problems that had arisen since the Committee's decision (voted upon at its May 21, 2003, meeting) to include one way traffic and parking in certain areas downtown. He also explained other important issues going on with the project; and he explained why it was critical that the project continue forward so that it could be completed by December 31. After explaining many of the problems and complexities that had held up the project since its inception (from changes in utilities placement, changes in parking locations, deadlines in planting and paving), he advised that if the project were delayed into next year and the grant money was not expended by December 31, 2003, the state would take all its money back and the Town would be burdened financially to complete the project. Therefore, he asked for the Selectmen's support on the present design (including the one-way parking decisions) so that the BPCC could follow through with its commitment to complete the undertaking by the end of December. Chairman Montecalvo commented on some of the complaints that the Selectmen had heard from residents and merchants alike regarding the Project, after which time the group further discussed the most critical concerns. Following this discussion, it was agreed that the fact remained that there was not enough time to consider major changes to the Project's design. The Town Manager interjected, stating that regardless of how everyone felt, the big issue was the timeframe. He stated that Mr. Mitchell had plainly explained why certain decisions were made, in particular the decision for one-sided parking in certain areas; and he agreed that since another delay would be critical, the Board had to either accept or reject the plan of the BPCC as presented now. Following another session of opinions, the Selectmen agreed that the CDAG money should not be lost and the BPCC should be supported in its decisions so that the program could proceed. Therefore, a motion/Mr. Mellor to accept the Building Planning & Construction Committee's recommendation as voted upon by its members at their meeting of May 21, 2003, with the amendment that the street parking be changed to two-sided. There was no second on the motion, and the motion died. A motion/Mr. Ampagoomian, seconded/Mr. Boucher, to accept the recommendation of the Building Planning & Construction Committee as presented to the Board of Selectmen and as voted upon by its members at their meeting of May 21, 2003. The motion did not carry as the Chairman announced the item was not on the agenda and could not formally be voted upon. However, the Chairman guaranteed the BPCC attendees that the CDAG money would not be lost, and the Board members then supported the recommendation of the BPCC as presented to them and as voted upon by its members at their meeting of May 21, 2003, so that the project could go forward and completed in a timely manner.

Meeting adjourned, 6:45 p.m.

Respectfully submitted,

Cth/

Joseph Montecalvo, Chairman

BOARD OF SELECTMEN

June 9, 2003

A meeting of the Board of Selectmen was called to order by Chairman Montecalvo, Northbridge Town Hall, 7 Main Street, Whitinsville, MA, at 7:00 p.m. **Present:** Messrs. Ampagoomian, Collins, Mellor and Boucher.

Also present: William F. Williams, Town Manager.

The Pledge of Allegiance was recited by those present.

REORGANIZATION OF THE BOARD OF SELECTMEN.

Chairman Montecalvo turned the gavel over to the Town Manager. The Town Manager polled the Board of Selectmen for **Nominations for Chairman:** A motion/Mr. Boucher, seconded/Mr. Montecalvo, to nominate Charles Ampagoomian as Chairman of the Board of Selectmen. Town Manager Williams called for a vote on the motion. Vote yes/Messrs. Boucher, Montecalvo and Ampagoomian. Vote no/Messrs. Collins and Mellor. Chairman Ampagoomian assumed the Chair and called for **Nominations for Vice-Chairman:** A motion/Mr. Boucher, seconded/Mr. Ampagoomian, to nominate Joseph Montecalvo as Vice-Chairman of the Board of Selectmen. Vote yes/Messrs. Boucher, Mellor, Montecalvo, and Ampagoomian. Vote no/Mr. Collins. Chairman Ampagoomian called for **Nominations for Clerk:** A motion/Mr. Montecalvo, seconded/Mr. Boucher, to nominate Robert Mellor as Clerk of the Board of Selectmen. Vote yes/Messrs. Montecalvo, Boucher, Collins, Mellor and Ampagoomian.

Vote to Sign Notes for the Community Development Action Grant (CDAG) in the Amount of \$282,000.

Present: Joyce Morin, Treasurer/Collector. Town Manager Williams explained that the notes were for four parcel acquisitions that were a part of CDAG: two in the amount of \$16,000 each (one to Pat Baker and one to the estate of Barnes administrated by Jack Walker), one in the amount of \$165,000 for the Frederick house, and one in the amount of \$85,000 to Tom and Laura Baker (for a portion of land and some easements). He explained that in order to begin the contract and grant process for the downtown project, the Town had to acquire and pay for all parcels and have all titles recorded before June 30, 2003. Additionally, he advised that because this was a reimbursement process, the Town was authorized to borrow on these notes temporarily until CDAG was reimbursed and able to pay the money back to the Town. Several questions were asked relative to the parcels and interest rates on the notes, all of which were answered satisfactorily by Ms. Joyce Morin, Treasurer/Collector. A motion/Mr. Collins, seconded/Mr. Boucher, to sign the notes for the Community Development Action Grant (CDAG) in the amount of \$282,000, as described above. Vote yes/Unanimous.

At this time, Chairman Ampagoomian announced the passing of a long-time past employee of the Town of Northbridge, Mr. Paul Sohigian. He noted that Mr. Sohigian was a dedicated employee in the Town's DPW/Highway Division until his retirement. He was also a volunteer firefighter for many years and a current member of the Northbridge Retirement Board. Chairman Ampagoomian offered the Board's deepest sympathy to Mr. Sohigian's family, stating that Paul would be greatly missed.

Chairman Ampagoomian also announced that this day was the anniversary of the devastating tornado that hit Worcester and some of its outlying towns 50 years ago.

He also announced that Representative George Peterson was present this evening and would hold office hours at Town Hall during the Selectmen's meeting. He invited any resident who wished to speak with Mr. Peterson to do so. At this time Representative Peterson gave a brief update on the state budget, which he reported should be in place by June 30, 2003. He also answered several questions posed by the Selectmen concerning the budget.

Approval of Minutes. 1) A motion/Mr. Collins, seconded/Mr. Montecalvo, to approve the March 10, 2003, Minutes as presented, with the readings omitted. Vote yes/Unanimous. 2) A motion/Mr. Collins, seconded/Mr. Boucher, to approve the April 28, 2003, Minutes as presented, with the readings omitted. Vote yes/Unanimous.

Public Hearing/7:05 p.m. – Class II License (Used Car Dealer)/E*Mart Motors, Inc., 2112 Providence Road, Northbridge, MA. Present: Sam Bayou, applicant; Police Chief Thomas Melia. Chairman Ampagoomian announced that this was a continuation of the Public Hearing from May 19, 2003. A motion/Mr. Collins, seconded/Mr. Boucher, to open the Public Hearing. Vote yes/Unanimous. Police Chief Melia reported that the site was visited and investigated by several Safety Committee members prior to the Committee's May 22, 2003, meeting. After several issues regarding the parking situation in that area were discussed, he reported the Committee unanimously voted as follows: a) there would be signs placed along the northbound and southbound lanes of Providence Road from the south side of the Riverside Restaurant to First Avenue that would restrict parking there, but with no interference with parking at the restaurant. This signage would be placed at the direction of the DPW Director; b) Mr. Bayou would be requested to post customer parking signs in his parking lot and would be asked to encourage his customers to park there. Chief Melia also reported that Ms. Cenedella, who was a direct abutter to the proposed business, met with Mr. Bayou personally to discuss the situation and felt very satisfied with the decisions made. Mr. Bayou satisfactorily answered various other questions posed by the Selectmen relative to the building itself. From that discussion, it was determined that the application would be for a maximum of five vehicles under the license and that a \$25,000 bond would have to be in place, per Massachusetts General Law, prior to issuance of said license. There were no further questions from either the Selectmen or the public [audience]. Therefore, a motion/Mr. Collins, seconded/Mr. Boucher, to close the Public Hearing. Vote yes/Unanimous. A motion/Mr. Collins, seconded/Mr. Boucher, to grant the Class II License (Used Car Dealer) for a maximum of five

(5) vehicles to Sam Bayou, E*Mart Motors, Inc., 2112 Providence Road, Northbridge, MA, subject to presentation of a Used Car Dealer's Bond of \$25,000. Vote yes/Unanimous.

Citizens' Comments/Input. **Attorney Henry Lane**, 100 Main Street, Whitinsville, a) spoke on behalf of a resident in regard to Article 8 of the Spring Annual Town Meeting Warrant (to be held June 17, 2003) that addressed the sale of some Town-owned land. He stated his client was an abutter to the parcel and wished to know the origin and purpose of the Article. Attorney Lane described the land as two 20 ft. wide "slivers" in an old subdivision on Thomas Street in Rockdale that were never used by the developer. The "slivers" were innocently encroached upon by neighboring property owners on either side (sharing a fence and having sheds on both sides of the fence). He advised that if the Town disposed of the property, it would disrupt both neighbors; therefore, if the Town did have to sell it, he would strongly urge that the parcels be sold separately so that each of the neighbors could have the option to purchase the half they were currently using. Town Manager Williams responded that an interested party who lived across the street from the property had approached the Town about the land; however, if the Town Meeting voted and authorized sale of the land, a request for proposals would first have to be put out for appraisals of the land. It would then be the Board of Selectmen's responsibility to review the situation further. Brief conversation followed regarding the value of the land to the abutters as well as to the resident who lived across the street; b) spoke relative to Heritage Park Estates Condominium Trust and its sewer use. Attorney Lane reported that some months ago a request was submitted to the Town to have the bill for the condominiums abated due to what they believed was a miscalculation on sewer use. To date, neither a response to the request had been received nor had a hearing been set regarding the issue. Attorney Lane briefly explained that the condominiums were the only users in town whose bill was not based on the meter rate. Up to now, there had not been much of a difference from the minimum billing system; however, with the sewer rate increase the meter rate is much lower than the calculation of 120 times the minimum rate (which the condominiums are being charged). Following short discussion, the Selectmen asked the Town Manager to obtain more information so that the issue could be addressed at another meeting.

Appointment/Resignations. By the Selectmen/Cultural Council – Robert W. Molt, Jr. Mr. Molt, 6 Swift Road, Whitinsville, introduced himself to the Board and gave a brief overview of his qualifications and interest to be appointed to the Cultural Council. Following, a motion/Mr. Collins, seconded/Mr. Boucher, to appoint Robert W. Molt, Jr., to the Cultural Council. Vote yes/Unanimous.

Joint Meeting With Finance Committee/Review Financial Articles for Annual Town Meeting, June 17, 2003. Present: Mary Frances Powers, Finance Committee Chairman, and members of the Finance Committee.

Ms. Powers began by calling the Selectmen's attention to two corrections in the FY 2003 figures in the operating budget shown in the Finance Committee Recommendations Booklet: a) in the Employee Insurance Benefits line (#40) the figure should have actually been \$2,972,030 (vs. the \$1,772,030 listed – an increase of \$1.2 million), and b) in the School Department line (#20) there should have been an addition of \$227,585 (\$161,647 and \$65,938). All moneys, she reported, were approved at Fall Annual Town Meeting (Oct., 2002) and created an adjusted operating budget total of \$30,404,224 for FY 2003. Ms. Powers reported there might be more changes made [from the current booklet figures] prior to the Town Meeting on June 17, so she planned to have a corrected handout available for attendees that evening. Following, positions were voiced on the first four [financial] articles of the warrant, as well as on Articles 11 and 13 as follows: **Article 1:** Ms. Powers briefly explained some of the considerations that were made by the Finance Committee before the Committee voted to recommend the budget as presented in the article. The Selectmen posed various questions regarding budgetary cutbacks and figures, during which time Ms. Powers explained the Finance Committee's rationale to use approx \$1 million from stabilization to balance the FY 2004 budget. During this time, Selectman Mellor suggested that the Selectmen's salaries be reduced, preferably to zero, to help restore a Town employee's position or a vital town service. This he noted would also demonstrate leadership on the part of the Selectmen. Selectman Mellor reported he would make a motion to this affect at Town Meeting. Selectman Collins concurred, stating he felt the salaries should be reduced by at least one-half for fiscal year 2004. Intense discussion followed concerning whether less money should be used from the stabilization account to balance the FY 2004 budget. It was argued that using less may create more layoffs and loss of services in FY 2004, but it could create more stability in the following fiscal year. After a short time, Town Manager Williams urged the group to make a motion to either support the Finance Committee or inform them of the intent to make amendments to the budget they presented. He then reminded them of the importance for all Committees (the Board of Selectmen, the Finance Committee, School Committee, School Superintendent and Town Manager) to speak as one in support of Town Meeting business and the budget. He added that the Finance Committee made recommendations that they felt were in the best interest of all concerned at this time, and it would be irresponsible at this late date to argue numbers that had been discussed for months. Chairman Ampagoomian agreed, concluding that the Board should stand on the merits of the Town Manager's recommendation and the diligent work of the Finance Committee. He then recommended that strategies be planned earlier for the next fiscal year as far as how financial goals could be achieved and services maintained. Simple debate followed relative to support/non support of an override during the next fiscal year if things did not change financially statewide by that time. Following, a motion/Mr. Collins, seconded/Mr. Mellor, to support Article 1 and the budgetary figures as presented. Vote yes/Unanimous. **Article 2:** Town Manager Williams discussed the amendments to the FY'03 budget identified in Article 2: a) snow/ice deficit of \$164,000, b) additional legal expenditures of \$11,900, and c) the Trade School housekeeping issue in the amount of \$37,372.50, all of which (\$213,272.50) would come from available funds ('free cash'). A motion/Mr. Collins, seconded/Mr. Boucher, to support Article 2. Vote yes/Unanimous. **Article 3: Sewer Enterprise Fund.** A motion/Mr. Collins, seconded/Mr. Boucher, to support Article 3. Vote yes/Messrs. Collins, Boucher, Montecalvo and Ampagoomian. Mr. Mellor was not in the room and did not vote on this article. **Article 4: Water Enterprise Fund.** A motion/Mr. Boucher, seconded/Mr. Collins, to support Article 4. Vote yes/Messrs. Boucher, Collins, Montecalvo and Ampagoomian. Mr. Mellor was not in the room and did not vote on this article. **Article 11: Purchase of New All Wheel Drive Dump Truck for Highway Dept.** Town Manager Williams advised that the Finance Committee

had voted to pass over the article. He noted that if the article were not passed over, the Finance Committee would (on Town Meeting floor) recommend not supporting the article. Ms. Powers then discussed her Committee's reasoning for not supporting the article at this time. Discussion followed in which Selectman Montecalvo voiced opinion that if the Building, Planning & Construction Committee (BPCC) used some of its capital expenditures for the purchase of the vehicle, he would support the article. Other opinions and comments were heard, after which time a motion/Mr. Montecalvo to support Article 11. There was no second on the motion, and the motion died. A motion/Mr. Collins, seconded/Mr. Mellor, not to support Article 11. Discussion on the motion: Selectman Boucher wished to point out that he would not support the article because the process agreed upon [at the October BPCC meeting] by which equipment articles were to be presented was not followed. He added that he held the Town Manager accountable for the error. Town Manager Williams accepted blame as Selectmen Boucher explained; however, he strongly felt he could not be held accountable for another committee's and/or department head's beliefs relative to the process. The Chairman interjected that the discussion did not pertain to the motion on the floor and suggested that it cease. He then called for a roll call vote on the motion not to support the article: Yes/Mr. Collins; Yes/Mr. Boucher; Yes/Mr. Mellor; Yes/Mr. Ampagoomian. No/Mr. Montecalvo. **Article 13: Youth Commission, revolving account.** Following a brief explanation relative to the Youth Commission's continued existence and ability to offer various small programs to the residents of the Town, a motion/Mr. Montecalvo, seconded/Mr. Boucher, to support Article 13. Vote yes/Unanimous.

Safety Committee Minutes of May 22, 2003/Vote to Accept. A motion/Mr. Collins, seconded/Mr. Mellor, to accept the Safety Committee Minutes of May 22, 2003, as presented with the readings omitted. Discussion on the motion: Selectman Mellor wished to amend the Safety Committee Minutes as follows: on page five, Citizens Forum: Whitinsville Streetscape Project – Phase I. Paragraph 2, Line two/three - add the word *forty-one* in front of 'hits'. ("He requested that the committee look at bumpouts in light of all the *forty-one* 'hits' that occurred in Rockdale.") Selectman Mellor argued that although forty-one hits may not have been reported to the Police Department, his statement at the Safety Committee meeting included that number. The correction was duly noted. Vote yes/Unanimous.

Streetscape Project – One-way Traffic – Park Street. Present: Jennifer Dulmaine; John Wagner, Weston & Sampson. Town Manager Williams explained the Office of Community Development's request for the Board to decide whether to change the traffic direction from two-way to one-way on Park Street. Jennifer Dulmaine further explained a recent study done by Weston & Sampson as well as several of their recommendations for traffic flow (one of which was to have traffic on Park Street go one-way toward Cottage Street). She then turned the meeting over to John Wagner who reported on two issues: a) the redesign of the area in front of UniBank to create additional parallel parking there due to the bank's ATM machines, and b) the creation of a parking design for Park Street that would not only coincide with an approved traffic direction but would allow for the most amount of parking spaces. He then discussed a comparison between parallel and angled parking designs for Park Street, concluding that angled spaces would create more spaces (20 vs. 13) and would allow adjacent parking areas to be well utilized. During a question and answer period, Selectman Mellor commented that the angled parking design would not accommodate the Verizon telephone trucks that park on Park Street, as the proposed spaces would be too small. After brief discussion relative to this problem, Selectman Mellor recommended that someone from the Streetscape Project should discuss the Town's angled parking plan with Verizon. Following, a motion/Mr. Montecalvo, seconded/Mr. Boucher, to make the traffic on Park Street one-way in the direction toward Cottage Street. Vote yes/Unanimous.

Common Victualler License – Blackstone's Books & Gifts, 98A Church Street (Matthew J. DePasquale, owner). Mr. DePasquale briefly explained a little about himself and his proposed business, which would include self-service coffee and possibly some pastries for customers as they looked at the books. There was a brief question/answer period, followed by a motion/Mr. Montecalvo, seconded/Mr. Boucher, to approve and grant the common victualler license to Matthew J. DePasquale for the Blackstone's Books & Gifts business at 98A Church Street, Whitinsville. Vote yes/Messrs. Montecalvo, Boucher, Collins, and Ampagoomian. Abstain/Mr. Mellor.

Policy for Introducing New Hires and Promoted Town Employees/Vote to Approve. A motion/Mr. Collins, seconded/Mr. Boucher, to approve the policy for introducing new hires and promoted Town employees with the words *'full-time'* inserted immediately following the words "newly appointed" in the first sentence of the policy, as voted upon at the May 19, 2003, Selectmen's meeting. Vote yes/Unanimous.

Intermunicipal Agreement between Northbridge, Uxbridge, and Douglas for Shared Services for the Regional Veterans' Services Director/Vote to Approve. A motion/Mr. Collins, seconded/Mr. Boucher, to approve and sign the Intermunicipal Agreement between Northbridge, Uxbridge, and Douglas for shared services for the Regional Veterans' Services Director. Vote yes/Unanimous.

Computer Equipment and Services Acceptable Use Policy. Present: Robert Thayer, Information Services Director. Town Manager Williams advised that the policy covered the use of the Internet and e-mail services and provided some degree of control over unauthorized use of Town software and other computer materials. Mr. Thayer added that the purpose of the policy was to protect the Town and its officials by outlining those things that the computers are and are not to be used for. Among a few, it would help protect against pirated software, illegal software, exposure because of inappropriate e-mails, etc. Following brief discussion, the Selectmen were in agreement that the policy was reasonable and logical. The Chairman then advised that the policy would be voted upon at the next meeting.

Route 122/Church Street Intersection. Chairman Ampagoomian explained that Hess Gas Corporation's plans to establish a business at Plummers Corner had temporarily been interrupted due to some legal issues; therefore, their contribution to a design change at the Route 122/Plummers Corner intersection would also be halted. It was the

BOARD OF SELECTMEN
June 23, 2003

A meeting of the Board of Selectmen was called to order by Chairman Ampagoomian, Northbridge Town Hall, 7 Main Street, Whitinsville, MA, at 7:00 p.m. **Present:** Messrs. Montecalvo, Collins, and Mellor. Selectman Boucher was absent, and it is duly noted.

Also present: William F. Williams, Town Manager.

The Pledge of Allegiance was recited by those present.

Approval of Minutes. A motion/Mr. Montecalvo, seconded/Mr. Collins, to approve the May 5, 2003, Minutes as presented, with the readings omitted. Vote yes/Messrs. Montecalvo, Collins, Mellor, and Ampagoomian.

Public Hearing/None.

Citizens' Comments/Input. **Salvatore D'Amato, School Committee Chairman,** spoke in regard to comments made at the June 9, 2003, Selectmen's meeting about whether additional cuts that could be made to the School Department budget. Mr. D'Amato stated that those comments indicated that \$5,000 [more] could be cut from the School budget and insinuated that the School Department had more money than it needed to educate the children of Northbridge. He noted he wished to publicly address the issue so that the public did not get the impression that the School Department failed in sufficiently cutting its budget. After brief dialogue relative to the subject, Mr. D'Amato requested that the Board of Selectmen discuss the possibility of developing a committee that could develop various financial scenarios for the upcoming fiscal year and come up with strategies on how to make necessary budget cuts and how to raise revenues in light of the dire financial circumstances ahead. He suggested that the committee's membership include two members each from the Finance Committee, Board of Selectmen and School Committee, and that Town Manager Williams and Superintendent O'Connell, as well as the Financial Team at Town Hall, also be actively involved. Mr. D'Amato felt that with such a committee the Town would not only have an opportunity to address a possible short fall in the next fiscal year, but would also be able to educate the residents about additional cuts that may have to be made in FY '05. Chairman Ampagoomian was very receptive to the suggestion. Selectman Mellor also agreed that Mr. D'Amato's suggestion had merit, and he stated he would support the creation of the committee. Selectman Montecalvo concluded discussion by briefly clarifying the comments he made at the June 9, 2003, Board of Selectmen's meeting relative to making further cuts to the school budget.

Appointment/Resignations. By the Selectmen/Disability Commission – Thomas A. Perkins, Russell Conlon, James C. Henderson, Kenneth Trajanowski. Present: Thomas A. Perkins, James C. Henderson, Russell Conlon, and Kenneth Trajanowski. Town Manager Williams introduced the applicants, stating they were volunteering to establish and organize a Disability Commission for the Town. Each applicant gave a brief overview of how they qualified and why they wished to become a member of the Commission. Following a short question/answer period, a motion/Mr. Collins, seconded/Mr. Montecalvo, to appoint Thomas A. Perkins, Russell Conlon, James C. Henderson, and Kenneth Trajanowski to the Disability Commission. Vote yes/Messrs. Collins, Montecalvo, Mellor, and Ampagoomian.

FY'99 Northbridge Housing Rehabilitation Program/Subordination of Lien, 69 Plantation Street, Northbridge. Present: Jennifer Dulmaine, Community Development Block Grant Program Director. Ms. Dulmaine explained there was a seven-year lien on the property at 69 Plantation Street, which was part of the FY'99 Northbridge Housing Rehabilitation Program. She stated that presently the property owners were refinancing the property to lower their interest rate. She also advised that the loan to value would not exceed 90% as required under the program. Ms. Dulmaine stated she recommended that the Selectmen sign the subordination in order for the refinance to take place. Following several brief questions, a motion/Mr. Collins, seconded/Mr. Montecalvo, to subordinate the lien for the property located at 69 Plantation Street, Northbridge. Vote yes/Messrs. Collins, Montecalvo, Mellor, and Ampagoomian.

Animal Control Officer Warrant/Vote to Sign. Town Manager Williams explained that although Chauvin Protective Services, Inc., had been engaged to provide animal protective services to the Town of Northbridge, under Massachusetts General Laws, the Board must issue an Animal Control Officer Warrant in order for Mr. Chauvin to exercise his duties. A motion/Mr. Montecalvo, seconded/Mr. Collins, to accept and sign the Animal Control Officer Warrant outlining the duties to be carried out by the Northbridge Animal Control Officer. Vote yes/Messrs. Montecalvo, Collins, Mellor, and Ampagoomian.

Annual Miscellaneous Re-appointments. A motion/Mr. Collins, seconded/Mr. Montecalvo, to approve those Board of Selectmen Annual Re-appointments, and to affirm those Town Manager Annual Re-appointments who indicated that they wished to be re-appointed to their respective positions, Boards, and/or Committees for Fiscal Year 2004, beginning 7/1/03. Vote yes/Messrs. Collins, Montecalvo, Mellor, and Ampagoomian.

Water and Sewer Rates FY 2004/Vote to set. A motion/Mr. Collins, seconded/Mr. Mellor, to approve and set the FY 2004 water rates at the same level as the FY 2003 water rates, as presented and as recommended by the Town Manager. Vote yes/Messrs. Collins, Mellor, Montecalvo, and Ampagoomian.

TOWN OF NORTHBRIDGE
WATER SYSTEM

SCHEDULE OF RATES FOR WATER SERVICES

Effective Date: July 1, 2003

RATES FOR METERED SERVICE

QUARTERLY METER RATES

Subject to the minimum quarterly charges as specified below, the meter rates for water sold quarterly will be:

	<u>Per Hundred Cubic Feet</u>
For the first 1,000 cubic feet per quarter	\$2.890
For the next 14,000 cubic feet per quarter	2.786
For all in excess of 15,000 cubic feet per quarter	1.561

Minimum Quarterly Charge Per Meter:

<u>Size of Meter (Inches)</u>	<u>Water Allowance (Cubic Feet)</u>	<u>Minimum Charge Per Quarter</u>
5/8	1,000	\$ 28.90
3/4	2,200	55.37
1	3,600	86.26
1-1/4	4,500	106.11
1-1/2	7,000	161.26
2	11,500	260.53
3	27,800	618.75
4	50,000	965.29
6	110,000	1,901.89
8	180,000	2,994.59
10	265,000	4,321.44

Each meter shall be billed in accordance with the above rate schedule. Whenever a customer is served by more than one connection to the Town's mains, the consumption as shown on the meter on each service connection will not be added together under one billing, but will be billed separately in accordance with the above rate schedule.

MINIMUM CHARGE FOR SHUTTING OFF OR TURNING ON WATER SERVICE
\$10.00

TOWN OF NORTHBRIDGE
WATER SYSTEM

RATES FOR PRIVATE FIRE SERVICES

AVAILABILITY

These rates are available to customers of the Northbridge Water System for Private Fire Service. For purposes of this rate, the term fire protection valve shall mean and include either: a) any gate valve attached to any pipe that has the purpose of delivering water to one or more sprinkler heads; and/or any post indicator valve.

RATES

	<u>Per Quarter</u>
For each 4" or smaller fire protection valve	\$ 156.51
For each 6" fire protection valve	250.11
For each 8" fire protection valve	344.00
For each 10" fire protection valve	625.27
For each private hydrant	141.13

CONNECTION FEES FOR NEW SERVICES

A connection fee for a new service connection to Residential, Commercial or Industrial premises will be charged by the Northbridge Water System at the time application is made for service, as follows:

<u>Meter Size</u>	<u>Fee</u>
5/8 Inch up to 2 Inch (160 gallons per minute)	\$ 1,800.00
3 Inch (315 gallons per minute)	2,363.00
4 Inch (500 gallons per minute)	3,750.00
6 Inch (1,000 gallons per minute)	7,500.00
8 Inch (1,600 gallons per minute)	12,000.00
10 Inch (2,300 gallons per minute)	17,250.00

The connection fee for a new service connection for an existing residential premise occupied prior to July 1, 1997 is \$150.00.

TOWN OF NORTHBRIDGE
WATER SYSTEM

SCHEDULE OF RATES FOR WATER SERVICES TO MUNICIPAL OR DISTRICT WATER SYSTEMS

Effective Date: July 1, 2003

RATES FOR METERED SERVICE

This rate schedule is applicable to the sale of water by the Northbridge Water System to other municipal, public or private water systems located outside the limits of the Town of Northbridge.

MONTHLY METER RATES

Subject to the minimum monthly charges specified below, the meter rates for water sold monthly will be:

	<u>Per Hundred Cubic Feet</u>
For all water sold per month	\$ 2.786

Minimum monthly charge per meter:

The minimum monthly charge per meter shall be \$139.30 which will include an allowance of 5,000 cubic feet of water per month. This minimum shall apply regardless of the size of the meter.

Each meter shall be billed monthly in accordance with the above rate schedule. Whenever a customer is served by more than one connection to the Town's mains, the consumption as shown by the meters on each service connection will not be added together under one billing, but each meter will be billed separately in accordance with the above rate schedule.

A motion/Mr. Collins, seconded/Mr. Montecalvo, to approve and set the FY 2004 sewer rates at the same level as the FY 2003 sewer rates, as presented and as recommended by the Town Manager. Vote yes/Messrs. Collins, Mellor, Montecalvo, and Ampagoomian.

TOWN OF NORTHBRIDGE
SEWER SYSTEM

SCHEDULE OF RATES FOR SEWER SERVICES

Effective Date: July 1, 2003

QUARTERLY RATES

The rates for sewer services that are billed quarterly will be:

For the first 2,000 cubic feet used or fraction thereof	\$ 55.84
For each additional 100 cubic feet thereafter	3.44

Each sewer service shall be billed in accordance with the above rate schedule. Quarterly usage shall be determined using 100-percent of the quarterly metered water consumption figure to arrive at sewer usage.

CONNECTION FEES FOR NEW SERVICES

A connection fee for a new service connection to Residential, Commercial or Industrial premises will be charged by the Northbridge Sewer System at the time application is made for service, as follows:

<u>Type of Connection</u>	<u>Fee</u>
Existing single family residence	\$ 700.00
Existing multi family residence (first unit)	700.00
Each additional existing unit	400.00
New single family residence	6,000.00
New multi family residence (first unit)	6,000.00
Each additional unit	5,000.00
Commercial or Industrial (minimum)	7,000.00
Commercial or Industrial (whichever is greater)	350.00 per fixture

The term "fixture" as used above is defined as: water closets, urinals, lavatories, service sinks, laundry sinks, washing machines, dishwashers, garbage disposal units, etc.

The term "existing residence" as used above is defined as one that was occupied prior to July 1, 1997.

Whenever a commercial or industrial premise is served by more than one connection to the Town's mains, the connection fee schedule above shall apply to each connection. The total number of fixtures will not be added together to determine the connection fee.

Computer Equipment and Services Acceptable Use Policy/Vote to Approve. A motion/Mr. Collins, seconded/Mr. Mellor, to accept the Computer Equipment and Services Acceptable Use Policy as written. Vote yes/Messrs. Collins, Mellor, Montecalvo, and Ampagoomian.

Municipal Relief – Early Retirement Legislation. Town Manager Williams briefly explained the passing of a new bill (Section 79 HB 4002) through the House and Senate that would again allow communities to offer an Early Retirement Incentive (ERI) to eligible employees by vote of the local legislative bodies. He reported that the new bill was identical to the ERI passed last year with the same conditions (it would offer up to five years towards one's creditable service/age; it may be offered to groups 1, 2, and 4; the local executive authority could choose to limit the ERI by group and/or by the number of active employees allowed to retire). Mr. Williams stated that last year his position was that an ERI would not be in the best interest of the Town of Northbridge; however, with all the reductions that were made this year in workforce, he felt it was time that the Town took a harder look at creating an appropriate, managed turnover and, therefore, consider the program for 2004. He added that the adoption of an ERI would eliminate the unpleasant task of layoffs as well as help to hold down unemployment costs. In response to a request for information made by Selectman Collins, Town Manager Williams stated that the cost factor involved in an ERI would be difficult to determine without knowing the number of people that would take the incentive; however, he was able to report that there would be no more than twenty employees in the entire Town that would be eligible (not to include educational employees/teachers). Following a very brief discussion, the Town Manager was directed to provide data for the next scheduled meeting that would give the Selectmen an idea of the long-term cost to the Town if five, ten, fifteen or all twenty individuals were to retire under the program.

Revised Sewer Extension and Connection Policy. Town Manager Williams directed the Selectmen to a copy of the "clean" re-draft of a Sewer Extension and Connection Policy that was provided to them at a previous meeting. He stated it set in writing some of the procedures for connection that had actually already occurred in town (i.e., the Shining Rock connections) in light of the Massachusetts Department of Environmental Protection's (DEP) Administrative Consent Order (ACO). Mr. Williams stated he hoped to get the policy adopted soon so that it could be distributed to the Planning Board and the Conservation Commission. There being no questions, the Chairman agreed to put the policy on the agenda at a future meeting for vote. He also asked that the Department of Public Works Director be present at that meeting to answer any questions that may arise.

Heritage Park Condominium Sewer Billing. Town Manager Williams recommended that the Board of Selectmen go forward on a meter (actual use) basis for the sewer billing at the Heritage Park Condominiums. He proceeded to briefly explain the history of the billing procedure associated with the properties, after which time he stated he felt it was a fair request to change the billing from the minimum sewer use charge. Mr. James C. Henderson, 85 Heritage Drive, Whitinsville (Heritage Park Condominiums), was recognized and expressed some concerns relative to the issue, all of which were addressed satisfactorily. There being no further questions, it was agreed to place the item on the agenda for vote at the next scheduled meeting.

Presentation by Neal Mitchell and Robert Mellor Regarding Whitinsville Streetscape Project. Present: Robert Mellor. Selectman Mellor removed himself from the Board to address the Selectmen as a volunteer co-engineer on the Whitinsville Streetscape Project. He shared with the group many of the positive and complex aspects of the project that he and Mr. Neal Mitchell, member of the Building, Planning & Construction Committee and Principal Project Manager/Engineer of the Streetscape Project, had helped to accomplish over the past month. He noted that along with the Streetscape Project, there was the granting of \$1.2 million for utilities and off-street parking for downtown; and he briefly reported on the positive working relationship and teamwork demonstrated by the electric, telephone and cable television companies during that phase of the project. In his presentation, Mr. Mellor provided the following information about the project: 1) the actual construction/ excavation would start around mid-July; 2) because of the loss of some \$300,000 in funding for the project, a common trench design would be used for all the utilities; 3) construction would start around Park Street and would move into the sidewalk on the north side of Church Street, toward Ovia Square; 4) since the utility companies were the prime contractors in the utility phase of the project, a service provider who was very experienced and that had a positive track record with the utility companies could be hired to do the required excavation; 4) the residents and business owners were being kept well informed as to the construction activities. Following, Mr. Mellor gave a brief review of the parking situation during construction and reported on the success in obtaining the easements necessary to go forward with construction of the new parking areas. In conclusion, Mr. Mellor reported that the construction activity on Church Street should last for approximately four months, and the project was expected to be completed on time. (Mr. Neal Mitchell arrived.) At this time, the floor was opened to questions, and issues relative to traffic flow during construction and the paving of the street at the end of construction were discussed. At the conclusion of the discussion, Mr. Mellor and Mr. Mitchell were congratulated by the Selectmen for their tremendous work on the project. Chairman Ampagoomian then reminded the group that there would be a series of Public Hearings held on June 30, 2003, beginning at 5:30 p.m. to address the following issues relative to the project: 1) Request for one pole location on Park Street (Mass Electric), 2) Request for manhole and duct locations on Church Street (Mass Electric), 3) Request for manhole and duct locations on Park Street, Church Street, and Prospect Street (Verizon), 4) Request for removal of joint poles covering eight poles on Church Street (Mass Electric and Verizon), and 5) Request for removal of poles covering four solely owned poles on Church Street (Mass Electric).

Selectmen's Concerns. **1/a. Selectman Montecalvo** posed concern with the possible elimination of the Town's leaf disposal program for the current year. Town Manager Williams agreed to look into the issue, and Chairman Ampagoomian agreed to put the item on for future discussion. **2/a. Selectman Ampagoomian** questioned whether the results of the Board of Health's noise study of Riverdale Mills had been completed. Town Manager Williams advised that the study was ongoing. He then clarified how noise complaints were handled by various town agencies during the daylight and evening hours. Also, Thomas Perkins, member of the Board of Health, was recognized and assisted in explaining how inspectors of the Board of Health followed through with nuisance complaints; **b.** reminded Northbridge residents that the annual fireworks display would take place on Thursday evening, July 3, 2003, at LaSalle Field. The gates would open at 6 p.m. and the fireworks were scheduled to be set off at approximately 9:15 p.m., with no rain date. He added that the program would be presented by the Northbridge Firefighters Associations, and contributions would be greatly appreciated. **3.** In regard to Congressman Neal's visit to Northbridge/Town Hall, **Selectman Mellor** understood Congressman Neal to state that federal funds had not been approved for new voting machines at the federal level; however, the Town Clerk understood him to state that the funds were approved at the federal level but had not been disbursed at the state level. Selectman Mellor asked that a clarification of that issue be obtained.

Town Manager's Report. Town Manager Williams reported on the following: **1)** today he transmitted a copy of Article 26 of the Warrant of Northbridge's Annual Town Meeting (held on June 17, 2003) to Representative Peterson, and along with that a certified vote of the Town Meeting and a draft of an Act authorizing the Town of Northbridge to request the additional All Alcohol Package Store license, pursuant to Article 26; **2)** the paperwork (both the records and the tax title) for the disposition of the property on Thomas Street (cited under Article 8, Annual Town Meeting, June 17, 2003) was sent to Town Counsel (David Doneski) to enable him to perform a reasonable search of that property prior to making up an RFP; **3)** relative to the Whitinsville Streetscape Project - all the properties that were required to be purchased with the easements were successfully closed last week. The four transactions purchased with grant funds were: the Frederick property (house); property and easement from Tom and Laura Baker; property from the Estate of Barnes; and property from Pat Baker. He confirmed that these properties would be used for the parking lot(s) and facilities; **4)** due to the amount of rain that had fallen in the past month, he received a telephone call from Mr. Robert Parker, Nolet Street, relative to the Union Street drainage area. Mr. Williams stated that he walked through Mr. Parker's property where the water had gone over the bank of the brook and found it to be very spongy. He advised that Mr. Parker asked that the matter be brought to the Board's attention for action and response to the problem; **5) brought to the Board's attention an emergency legal matter concerning the Naughton dog issue that required a vote by the Selectmen.** In response to a letter from Town Counsel (Attorney Corbo) the Town Manager asked whether or not the Board wished to allow Town Counsel to go into court to accept an offer from the Naughton's attorney that the [Naughton] dog be housed in Uxbridge, or whether it wished to go forward with the hearing on a motion for preliminary injunction to have the dog put in a private, commercial kennel prior to euthanization. He then reported that the dog was taken by its owners to Uxbridge where it was currently being housed, and recommended that the Board vote to have the dog go, instead, into a private/commercial kennel, adding that it was not a positive sign to allow a dog claimed as "vicious" to be placed in a bordering town. After discussion on the matter, the majority of the Selectmen agreed that they were uncomfortable with the fact that the dog was moved from Northbridge to Uxbridge, and they would not want to be part of any adverse consequences because of it. Therefore, a motion was made/Mr. Montecalvo, and seconded/Mr. Mellor, to support Town Counsel's original position to have the dog placed in a private, commercial kennel prior to euthanization. Vote yes/Messrs. Montecalvo, Mellor, Collins, and Ampagoomian.

Executive Session/No.

Meeting adjourned, 8:30 p.m.

Respectfully submitted,

Robert Mellor, Clerk

Cth/

Chairman's suggestion that the Town initiate a remedy for the intersection on its own, such as ask Massachusetts Highway to "tweak" the signals and create a delayed green to allow those traveling north on Route 122 the opportunity to safely travel through the intersection. This, he added, could be done at little or no cost to the Town. Additionally, he discussed how difficult and dangerous it was to exit left on to Church Street from the William's Pizza lot (egress on the Church Street side). He recommended that the situation should be investigated and the business owner should be contacted and requested to change the egress from the property. During brief discussion, the Selectmen, as well as the Police Chief, were in agreement as to the hazards in that area. Police Chief Thomas Melia was recognized. He stated that at the May 22nd Safety Committee meeting, the same issue was discussed. At that time, Town Planner Gary Bechtholdt agreed to speak to the Building Inspector, Rudolph Susienka, about the problem, as Mr. Susienka was involved with this right-of-way issue onto Church Street several years prior. Upon conclusion, the Chairman suggested that the Town Manager, a) contact Massachusetts Highway regarding the traffic light change, and b) contact Town Counsel to find out where the Town stood legally about asking the owner of the property to make an egress change. He noted the Town could work with the property owner to create a new design plan for that area. He also requested that the item be put on the Safety Committee meeting agenda for future discussion.

Selectmen's Concerns. 1) **Selectman Boucher** discussed water issues and problems with some existing homes in the Shining Rock Development area. He noted there have been discussions between Mr. Fred Ruland, developer of the project, and some of the residents relative to the issues; but nothing had been done about the problems to date. He asked for an update on the problem. Chairman Ampagoomian advised that the issues had previously been referred to the Town Planner and the Planning Board, and that an update would be requested. 2) **Selectman Collins** discussed a concern regarding the Recreation Department taking over the operation of the Town Beach from the Youth Commission. He stated he felt there was a lack of concern and cooperation on the part of the former Director of the Youth Commission who was refusing to relinquish information on how to operate the beach or where to find the property used at the beach to the Recreation Commission Director. Selectman Collins suggested removal of the uncooperative individual from the Youth Commission if he did not comply immediately. Town Manager Williams responded that the Board of Selectmen had the authority not to reappoint the individual in question for any just reason as this. He stated he would send a letter to the individual informing him of his and the Board's dismay over the situation. 3) **Chairman Ampagoomian** announced that Congressman Richard Neal would be at Town Hall on June 16, 2003, at 10:30 a.m. and invited the public to come to Town Hall to meet him.

Town Manager's Report. 1) Town Manager Williams advised he would post the Selectmen's meeting for 6 p.m. on Tuesday, June 17, 2003, at the Northbridge Middle School for Town Meeting. He requested that the Selectmen arrive early in case any organizational issues had to be discussed. 2) The Town Manager reminded the Selectmen of the ceremony that would take place on Saturday (June 14, 2003) to honor the Lubas Brothers. The ceremony would start at one o'clock p.m. in Rockdale, at the corner of Fowler and Sutton Streets.

At this time, Richard Sasseville, Department of Public Works Director, was recognized. Mr. Sasseville responded to several comments that were made during discussion earlier in the meeting over Article 11 of the Spring Town Meeting Warrant.

Executive Session/Yes – Under M.G.L. Chapter 39, S.23 B, #3. Chairman Ampagoomian announced that the Selectmen would be going into Executive Session and asked the Board for a motion. A motion/Mr. Collins, seconded/Mr. Boucher, to go into Executive Session per M.G.L. Chapter 39, S.23 B, Number 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 – not to reconvene in open session. A roll call vote was taken. Mr. Collins/yes; Mr. Boucher/yes; Mr. Montecalvo/yes; Mr. Mellor/yes; Mr. Ampagoomian/yes.

Meeting adjourned, 9:17 p.m.

Respectfully submitted,

Robert Mellor, Clerk

Cth/

BOARD OF SELECTMEN
June 30, 2003

A meeting of the Board of Selectmen was called to order by Chairman Ampagoomian, Northbridge Town Hall, 7 Main Street, Whitinsville, MA, at 5:30 p.m. **Present:** Messrs. Mellor, Montecalvo, and Boucher. Selectman Collins was not present and it is duly recorded.

Also present: William F. Williams, Town Manager.

The Pledge of Allegiance was recited by those present.

5:30 PM - Public Hearing/Massachusetts Electric - Request for one pole location on Park Street (P03-52). Present: Michael Peterson and Roger Martinsen, Representatives of Massachusetts Electric. Chairman Ampagoomian read the public hearing notice aloud and noted that all direct abutters were duly notified. A motion/Mr. Boucher, seconded/Mr. Montecalvo to open the public hearing. Vote yes/Messrs. Boucher, Montecalvo, Mellor, Ampagoomian. Mr. Martinsen briefly explained that the reason for this public hearing was for a new pole to support the underground electrical distribution system that was needed for the Church Street Streetscape Project to proceed. There were no other comments from those present. A motion/Mr. Montecalvo, seconded/Mr. Boucher to close the public hearing. Vote yes/Messrs. Boucher, Montecalvo, Mellor, Ampagoomian. A motion/Mr. Boucher, seconded/Mr. Montecalvo to approve the above request for a new pole location on Park Street as indicated on the plans submitted by Massachusetts Electric (D03-43), dated June 12, 2003. Vote yes/Messrs. Boucher, Montecalvo, Mellor, Ampagoomian.

5:35 PM - Public Hearing/Massachusetts Electric - Request for manhole and duct locations on Church Street (P03-53). Present: Michael Peterson and Roger Martinsen, Representatives of Massachusetts Electric. Chairman Ampagoomian read the public hearing notice aloud and noted that all direct abutters were duly notified. A motion/Mr. Montecalvo, seconded/Mr. Boucher to open the public hearing. Vote yes/Messrs. Boucher, Montecalvo, Mellor, Ampagoomian. Mr. Martinsen briefly explained that the reason for this public hearing was for an underground distribution system on Church Street, which was necessary in order to remove the existing overhead distribution system so the Church Street Streetscape Project may proceed. Comments from those present: Mr. Herman Baker, Prescott Road, inquired about interruption to electrical service during this project. Mr. Peterson responded that all precautions would be taken to avoid any outages. He also noted that the work was scheduled to begin in about four weeks. There were no further comments. A motion/Mr. Boucher, seconded/Mr. Montecalvo to close the public hearing. Vote yes/Messrs. Boucher, Montecalvo, Mellor, Ampagoomian. A motion/Mr. Boucher, seconded/Mr. Montecalvo to approve the above request for manhole and duct locations on Church Street as indicated on the plans submitted by Massachusetts Electric (D03-44), dated June 12, 2003. Vote yes/Messrs. Boucher, Montecalvo, Mellor, Ampagoomian.

5:40 PM - Public Hearing/Verizon New England - Request for manhole and duct locations on Park Street, Church Street, and Prospect Street (4AAJ6G). Present: Chris Parella, Representative of Verizon. Chairman Ampagoomian read the public hearing notice aloud and noted that all direct abutters were duly notified. A motion/Mr. Boucher, seconded/Mr. Montecalvo to open the public hearing. Vote yes/Messrs. Boucher, Montecalvo, Mellor, Ampagoomian. Mr. Parella briefly explained the reason for this request was for an underground distribution system on Park Street, Church Street and Prospect Street that was necessary in order to remove the existing overhead distribution system so that the Church Street Streetscape Project may proceed. There were no comments from those present. A motion/Mr. Boucher, seconded/Mr. Montecalvo to close the public hearing. Vote yes/Messrs. Boucher, Montecalvo, Mellor, Ampagoomian. A motion/Mr. Boucher, seconded/Mr. Montecalvo to approve the above request for manhole and duct locations on Park Street, Church Street, and Prospect Street as indicated on the plans submitted by Verizon New England (4AAJ6G), dated June 19, 2003. Vote yes/Messrs. Boucher, Montecalvo, Mellor, Ampagoomian.

Massachusetts Electric and Verizon New England, Inc./Request for removal of joint poles covering eight poles on Church Street (P03-50). A motion/Mr. Montecalvo, seconded/Mr. Boucher to approve this request as indicated on the petition submitted by Massachusetts Electric. Vote yes/Messrs. Boucher, Montecalvo, Mellor, Ampagoomian.

Massachusetts Electric/Request for removal of poles covering four solely owned poles on Church Street (P03-51). A motion/Mr. Boucher, seconded/Mr. Montecalvo to approve this request as indicated on the petition submitted by Massachusetts Electric. Vote yes/Messrs. Boucher, Montecalvo, Mellor, Ampagoomian.

Respectfully submitted,

Robert M. Mellor, Clerk

Meeting Adjourned: 5:52 PM

s/

**BOARD OF SELECTMEN
July 7, 2003**

A meeting of the Board of Selectmen was called to order by Chairman Ampagoomian, Northbridge Town Hall, 7 Main Street, Whitinsville, MA, at 7:00 p.m. **Present:** Messrs. Montecalvo, Collins, Mellor and Boucher.

Also present: William F. Williams, Town Manager.

The Pledge of Allegiance was recited by those present.

Approval of Minutes. 1) A motion/Mr. Collins, seconded/Mr. Boucher, to approve the July 30, 2002, Executive Session Minutes as presented, with the readings omitted. Vote yes/Unanimous. 2) A motion/Mr. Collins, seconded/Mr. Montecalvo, to approve the September 16, 2002, Executive Session Minutes as presented, with the readings omitted. Vote yes/Unanimous. 3) A motion/Mr. Collins, seconded/Mr. Montecalvo, to approve the October 21, 2002, Executive Session Minutes as presented, with the readings omitted. Vote yes/Unanimous. 4) A motion/Mr. Collins, seconded/Mr. Boucher, to approve the November 4, 2002, Executive Session Minutes as presented, with the readings omitted. Vote yes/Unanimous. 5) A motion/Mr. Montecalvo, seconded/Mr. Boucher, to approve the November 19, 2002, Executive Session Minutes as presented, with the readings omitted. Vote yes/Messrs. Montecalvo, Boucher and Ampagoomian. Abstain/Messrs. Collins and Mellor. 6) Executive Session of January 13, 2003, was cancelled and did not take place. 7) A motion/Mr. Collins, seconded/Mr. Boucher, to approve the April 28, 2003, Executive Session Minutes as presented, with the readings omitted. Vote yes/Unanimous. 8) A motion/Mr. Boucher, seconded/Mr. Montecalvo, to approve the June 30, 2003, Minutes as presented, with the readings omitted. Vote yes/Messrs. Boucher, Montecalvo, Ampagoomian, and Mellor. Abstain/Mr. Collins.

Public Hearing/7:05 p.m. – Massachusetts Electric Company – Petition for Joint or Identical Pole Locations Covering One Pole on Sutton Street (PO3-46). **Present: Roger Martinsen, Massachusetts Electric Company.** Chairman Ampagoomian asked for a motion to open the Public Hearing. A motion/Mr. Collins, seconded/Mr. Boucher, to open the public hearing. Vote yes/Unanimous. The Chairman then proceeded to read the public hearing notice aloud and advised that all abutters were duly notified. Roger Martinsen from Massachusetts Electric followed by explaining the need of the new mid-span pole to serve the new house in the rear of 978R Sutton Street to keep within the property lines of that property and 1006 Sutton Street. There being no questions from either the Board or members of the audience, a motion/Mr. Collins, seconded/Mr. Boucher, to close the Public Hearing. Vote yes/Unanimous. A motion/Mr. Collins, seconded/Mr. Boucher, to grant permission to erect and maintain one (1) new pole and wires, together with such sustaining and protecting fixtures as may be necessary, said pole to be erected substantially in accordance with the plan filed and marked Massachusetts Electric Company and Verizon New England, Inc., No. D03-37 dated June 6, 2003. Vote yes/Unanimous.

Appointments/Resignations. 1) **Cable Advisory Committee - Rescind Appointment** of Raymond Selby. A motion/Mr. Collins, seconded/Mr. Boucher, to rescind the appointment of Raymond Selby to the Cable Advisory Committee, at Mr. Selby's request. Vote yes/Unanimous. 2) **Youth Commission - Resignation** of William Audette. A motion/Mr. Collins, seconded/Mr. Boucher, to accept the resignation of William Audette from the Youth Commission. Vote yes/Unanimous.

At this time, Town Manager Williams addressed the meeting by giving his notice to resign from the position as Town Manager of Northbridge after six years of service, effective September 2, 2003. Mr. Williams reported that he had accepted a position as village manager for the Village of Mount Kisco in New York, and that the move not only represented a significant career advancement for him, but offered the opportunity for him and his wife to return to their home state of New York. During a brief recitation, he advised that his term in Northbridge had been rewarding, productive and challenging, and he thanked the Selectmen and others for their support over the years. He also wished the town citizens much good will and happiness on behalf of himself and his wife. Following, bids of congratulations were offered by the Selectmen, and they thanked Town Manager Williams for teaching them much about municipal government. The group then agreed to begin the process of forming a search committee for a new Town Manager while Mr. Williams remained in office, and Chairman Ampagoomian recommended that a plan be formulated immediately as far as hiring an interim Town Manager.

Soorp Asdvadzadzin Armenian Apostolic Church of Whitinsville/Request for One-day Wines and Malt License for Annual Picnic on August 17, 2003. A motion/Mr. Collins, seconded/Mr. Boucher, to approve the request of the Soorp Asdvadzadzin Armenian Apostolic Church of Whitinsville for a one-day wines and malt license for its annual picnic on August 17, 2003. Vote yes/Messrs. Collins, Boucher, Montecalvo and Ampagoomian. Abstain/Mr. Mellor.

Safety Committee Minutes of June 24, 2003. A motion/Mr. Collins, seconded/Mr. Boucher, to accept the Safety Committee Minutes of June 24, 2003, with the readings omitted. Vote yes/Unanimous.

Heritage Park Condominium Sewer Billing. A motion/Mr. Collins, seconded/Mr. Boucher, to change the sewer billing for the Heritage Park Condominiums as follows: from a minimum sewer use charge for each of the five condo buildings to an actual usage charge for each of the five condo buildings. Vote yes/Unanimous.

Municipal Relief – Early Retirement Program. Town Manager Williams briefly reviewed the impact of the early retirement program if offered, noting that it was again an attempt to create an orderly turnover during stressful times, and it would provide, in some cases, an opportunity to replace employees at a lower level. He informed the Selectmen that a vote on the issue would simply establish an offering of the program and that further information

(i.e., the number of employees that would be eligible and interested, as well as the actual cost to the Town) would subsequently have to be determined. Discussion followed, during which time the Selectmen asked questions on how the program would be fashioned (i.e., whether participants would be evaluated by seniority, whether the Selectmen could limit the number of participants, and what impact there would be on Town services). At this time, it was suggested that a new survey should be done to obtain more information for the Selectmen to review. Mary Frances Powers, Finance Committee Chairman, was then recognized. She stated that unless the positions of retirees did not have to be refilled, an early retirement program would not be a benefit to the Town. Additionally, because many of those who would be eligible for the program [from the municipal side] would be from positions that could not be eliminated and had to be refilled, it was her opinion that an early retirement program would be very costly. She then asked the Selectmen to delay their decision on the item so that others could offer more information for the Selectmen to review. Ms. Powers also reiterated a previous request to the Selectmen that a committee (including two members each from the Board of Selectmen, School Committee and Finance Committee; the Town Manager and the School Superintendent) be formulated soon to discuss the Town's budgetary issues for the next fiscal year. She noted that it would be most beneficial to begin discussions on the subject prior to the departure of Mr. Williams so that he could participate and offer his input. Chairman Ampagoomian agreed and advised that meetings would begin during the current week with Town Manager Williams to begin formulating a game plan to accomplish things that had to be done. He noted that ideas pertaining to the issue would be presented to the Finance Committee and School Committee and then discussed at the next Board of Selectmen's meeting. Following this discussion, Selectman Montecalvo stated he felt the early retirement program should be offered because the Selectmen still had the option not to go through with it after review of all the figures. He therefore made a motion to offer an early retirement program, contingent upon information that would be provided by the Town Manager regarding the number of employees and the cost projection for the Town. There was no second on the motion, and the motion died. The other Selectmen felt that the early retirement process should not even be started without first reviewing data. It was further agreed that such a program might prove to be very costly to the Town if staffing were not reduced in the process, as previously indicated by the Finance Committee Chairman. On the other hand, Mr. Williams advised he felt there would be additional staff reductions through layoffs anyway, as he did not believe additional state support would come any time soon; and the resulting unemployment costs would be just as disastrous as retirement payments. In conclusion, the Town Manager was directed to obtain the necessary information and figures needed by the Selectmen to make a reasonable, informed decision on the issue.

Wal-Mart Foundation \$1,000 Donation to Northbridge Senior Center. The Chairman advised that the \$1,000 donation from the Wal-Mart Foundation was a result of the efforts of the Council on Aging and its request for assistance in funding the transportation program for Northbridge senior citizens and handicapped individuals, and particularly for the funding of the salary of the transportation coordinator. After reading a letter submitted by the Director of the Senior Center that explained in detail how these and future funds would be utilized, a motion/Mr. Collins, seconded/Mr. Boucher, to accept the Wal-Mart Foundation donation of \$1,000, as well as any future donations, for deposit in the Council on Aging's Gift Account to be used to fund the transportation program for Northbridge seniors and handicapped individuals and to pay the salary of the transportation program coordinator. Vote yes/Unanimous.

Shining Rock Partners, LLC – Fee Waiver Request. Town Manager Williams referred the Selectmen to a memo written by the DPW Director, Richard Sasseville, that addressed the fee waiver request of Mr. Fred Ruland, Managing Partner of Shining Rock Partners, LLC. He reported that Mr. Sasseville felt that the following proposal appeared to be fair, reasonable, and beneficial to both the Town and the developer: a credit of \$600 for each water connection fee to the 310 homes and condominiums in Northbridge and Upton (from \$1,800 to \$1,200 per unit) at Shining Rock to offset some of the additional cost to put up a more efficient booster station with a more expensive design for the Town, the purpose of the station being to supply water to the units. In the memo, Mr. Sasseville also indicated that the proposal was not inconsistent with arrangements for consideration that had been made with developers of other subdivision projects. In order to properly evaluate the request, Selectman Collins requested that more information be provided that would validate why the cost of the booster station had to escalate from \$75,000 - \$125,000 to \$325,000. Town Manager Williams agreed to have Mr. Sasseville provide the information.

Leaf Bag Program, FY'04. In response to an inquiry by Selectman Montecalvo whether there would be a leaf bag program this year, Town Manager Williams stated there was no money in the budget to purchase leaf bags, as this was the worst operating budget he has seen since prior to 1997. Additionally, Mr. Williams discussed the issue of a lack of manpower within the Department of Public Works to pick up the bags/leaves. Following brief discussion and the offering of opinions from the other Selectmen about the program, Selectman Montecalvo continued to inquire why the Town could not afford \$2,000 to continue the service to the Townspeople and why picking up leaves once weekly would cause a burden on the Highway Department. The group agreed that the issue required clarification, and the Town Manager was directed to have the Director of the DPW, Richard Sasseville, appear at their next meeting to give a work efficiency evaluation relative to the leaf program.

Selectmen's Concerns. 1) **Selectman Mellor** briefly discussed a number of complaints he had received from residents on School Street concerning water run-off problems, rocks from blasting, and an over-filled retention pond related to the Shining Rock project. He questioned Attorney Henry Lane, who was present in the audience and who represented Mr. Ruland of Shining Rock, what the "fix" to these problems would be by the developer. Attorney Henry Lane addressed the issues, stating that some temporary "fixes" were already in place, that commitments were on the table, and that permanent "fixes" were actively being addressed. 2) **Selectman Montecalvo** wished to inform residents that the sewer beds were closed on Wednesdays (for the deposit of grass and leaves, etc.) for the summer time only and would be opened again in September. 3) **Selectman Ampagoomian** announced that the Town Beach would open on July 14, 2003, and would close on August 17, 2003. He explained why there was a delay in the Beach's opening and informed residents that those that use the Beach before its official opening would be using it at their own risk as there would be no lifeguards.

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Town Manager's Report. None.

Executive Session/Yes – Under M.G.L. Chapter 39, S.23 B, #3. Chairman Ampagoomian announced that the Selectmen would be going into Executive Session and asked the Board for a motion. A motion/Mr. Collins, seconded/Mr. Boucher, to go into Executive Session per M.G.L. Chapter 39, S.23 B, Number 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 – not to reconvene in open session. A roll call vote was taken. Mr. Collins/yes; Mr. Boucher/yes; Mr. Montecalvo/yes; Mr. Ampagoomian/yes. Selectman Mellor was out of the meeting room at this time and was not polled.

Meeting adjourned, 8:05 p.m.

Respectfully submitted,

Robert Mellor, Clerk

Cth/

BOARD OF SELECTMEN
July 21, 2003

A meeting of the Board of Selectmen was called to order by Chairman Ampagoomian, Northbridge Town Hall, 7 Main Street, Whitinsville, MA, at 7:00 p.m. **Present:** Messrs. Montecalvo, Collins, Mellor and Boucher.

Also present: William F. Williams, Town Manager.

The Pledge of Allegiance was recited by those present.

Approval of Minutes. 1) A motion/Mr. Collins, seconded/Mr. Boucher, to approve the May 19, 2003, Minutes as presented, with the readings omitted. Vote yes/Unanimous. 2) A motion/Mr. Collins, seconded/Mr. Boucher, to approve the July 7, 2003, Minutes as presented, with the readings omitted. Vote yes/Unanimous. 3) A motion/Mr. Collins, seconded/Mr. Boucher, to approve the July 7, 2003, Executive Session Minutes as presented, with the readings omitted. Vote yes/Unanimous

Citizens' Comments/Input. 1) Michele Young, 20 Hastings Drive, Whitinsville, spoke on behalf of a group of residents on two issues: a) to request that the Board of Selectmen consider having a Special Town Meeting in September to further deal with the medical waste by-law. The Selectmen briefly discussed the issue, including the cost to the Town to hold a Special Town Meeting, and agreed that it would be discussed in depth at the next regular meeting. (Audio tape inaudible – no further information could be transcribed) Mr. Robert Clark, Chairman of the Board of Health, was in attendance at the meeting and was called upon to answer several questions, specifically if Mr. Haynes's application for a medical waste facility was currently before the DEP and/or if it was for a new site. Mr. Clark stated he only had the order of administrative completeness for the original October, 2002, application and, therefore, could only assume it was still pending. He added that he had not seen a new site application for Mr. Haynes. b) to ask if Town Counsel could give an opinion on whether the by-law that was passed on January 21, 2003, at Town Meeting would protect the Town [from allowing a medical waste facility in]. Ms. Young stated that they were informed that Mr. Haynes was proceeding with his permit application through the DEP, and it was the group's opinion that Mr. Haynes was proceeding under the assumption that there was an exception or loophole that existed that would allow him to get around the newly accepted by-law. She added that this assumption was possibly due to a state law that indicated that as a matter of right a person could process infectious waste on industrial zoned property. She stated that since the Town had taken the by-law as far as it could, they wished to know if the Town was prepared to enforce it. Chairman Ampagoomian stated that the Town was obligated to defend the by-law legally, as it was passed by vote of the Town Meeting. He also advised that the issues at hand would be discussed further at the August 4, 2003, Board of Selectmen's meeting. Selectman Boucher requested that the Board of Health Chairman also attend that meeting, and Selectman Collins requested that the Selectmen be provided with as much information as possible relative to the issues (i.e., the administrative completeness document, site selection criteria/documentation, information on Mr. Haynes's pending application, etc.) prior to the next meeting. 2) Craig Maxim, 94 Clover Hill Road, asked several questions of the Board of Health Chairman relative to medical waste. Chairman Ampagoomian advised it would be more appropriate if Mr. Maxim's questions were directed to the entire Board of Health at one of their meetings. Mr. Maxim agreed to this suggestion. 3) Lee Hebert, 151 Heights of Hill Street, commented on the ineffectiveness of the autoclave system associated with medical waste; however, he was also asked to refer his comments and questions on that subject to the Board of Health at one of their regular meetings. Mr. Hebert instead posed questions relative to the following: a) repairs to the Town's sewer system, and b) who would be liable if sewer backups in homes were bio-hazardous. Chairman Ampagoomian briefly explained the recent repairs made to the Town's sewer system and the regular process to deal with sewer backups, including how cleanups were performed. He then indicated that members of the Board of Selectmen were not qualified and could not comment on what the Center for Disease Control's process was concerning bio-hazardous backups.

At this time, Town Manager Williams reported he had reassessed the amount of time he would be able to stay on in Northbridge as the Town Manager, and advised that he would be leaving his position sooner than he had expected. He noted he would commence taking vacation very shortly, and his objective would be to find an Interim Town Manager within the next several days. Mr. Williams stated he would attempt to honor several commitments before he left his position, including meeting to negotiate and settle the Police Union Agreement.

Appointments/Resignations. 1/**By the Town Manager - Police Department -** a) Chief Thomas Melia introduced and gave some background information on Richard Gorman, a new full-time Police Officer Recruit who was waiting to go to the Police Academy in September. He noted that Richard was filling the position vacated by Bill Audette who retired in December, 2002. He stated the effective date of Mr. Gorman's appointment was September 15, 2003. A motion/Mr. Collins, seconded/Mr. Boucher, to affirm the Town Manager's appointment of Richard Gorman as a full-time Police Officer Recruit. Vote yes/Unanimous. b) Chief Thomas Melia also introduced Officer John Ouellette who was appointed as a full-time Police Officer in February, 2003, and who graduated from Police Academy this past week. He noted that Officer Ouellette also filled an open position in the department that was vacated in January when Ryan Bradley was appointed to Sergeant. 2/**By the Board of Selectmen – a) Cable Advisory – Anthony M. Davis.** Mr. Davis, 65 Windsor Ridge Drive, Whitinsville, introduced himself to the Board and gave a brief overview of his qualifications. He also explained why he was interested in being appointed to the Cable Advisory Board. Following, a motion/Mr. Boucher, seconded/Mr. Collins, to appoint Anthony M. Davis to the Cable Advisory Board. Vote yes/Unanimous. b) **Zoning Board of Appeals (Associate Member) -Stephen Witkus.** Mr. Witkus, 715 Mendon Road, Northbridge, was present to introduce himself to the Board and to give a brief overview of his background and reasons for applying for positions on both the Zoning Board and Open Space Committee. A motion/Mr. Montecalvo, seconded/Mr. Boucher, to appoint Stephen Witkus as an Associate Member on the Zoning Board of Appeals. Vote

yes/Unanimous. **c) Open Space Committee.** A motion/Mr. Montecalvo, seconded/Mr. Boucher, to appoint Stephen Witkus to the Open Space Committee. Vote yes/Unanimous.

Northbridge Fire Fighters/Request to Hold MDA Boot Drive at Memorial Square on Saturday, August 9, 2003, from 9 a.m. to 1 p.m. A motion/Mr. Collins, seconded/Mr. Boucher, to approve the Northbridge Fire Fighters' request to hold a MDA Boot Drive at Memorial Square on Saturday, August 9, 2003, from 9 a.m. to 1 p.m., with rain dates of the next two Saturdays, August 16 and August 23, 2003. Vote yes/Unanimous.

Ad Hoc Financial Committee Membership Recommendations. Chairman Ampagoomian had submitted a list of members he recommended for the Ad Hoc Financial Committee and advised he wished to add Donald Lange, School Committee member, to his list. Selectman Boucher also recommended that Mr. Neal Mitchell be considered for the committee as he had extensive background in education and had worked with various government agencies performing educational investigations in the past. Selectman Montecalvo reported he had someone in mind for the committee also, but he wished to confirm that person's interest; therefore, he requested that the decision on the committee's membership be postponed. Sal D'Amato, 80 Tracey Drive and Chairman of the School Committee, was then recognized. He brought to the Board's attention the reason why the committee was originally proposed - mainly to look at some projections for the next two years based upon the following assumptions: there would be level funding from the state and the fact that the Town used \$1.8 million this year of non re-occurring money to balance the budget. He briefly discussed how members of the proposed committee would look at different scenarios to formulate ideas on how (and if) revenues were raised, or what would happen if revenues were not raised for the next year. He noted that the original plan had the committee meeting only two or three times, with the department heads being the main resources to the Town Manager and the Superintendent of Schools. Information would also be collected from the Town Accountant and would then be provided to the School and Finance Committees and the Selectmen for consideration. Therefore, he concluded, he didn't see the need for all the recommendations to the committee, and he asked that the Selectmen consider a small, tight and efficient membership. Following this dialogue, the Selectmen agreed to discuss the item more thoroughly at the August 4, 2003, meeting.

Charter Communications/Closing of the Northbridge Customer Service Office. Present: Robert Spain, Government Relations Manager for Charter Communications. Mr. Spain opened by acknowledging and congratulating Sharron Ampagoomian on receiving one of the seven public service awards awarded to Charter Communications at the recent New England Cable and Telecommunications Association Annual Conference in Newport, RI, for excellence in her local access video productions. Following, he reported Charter's effort to save money and keep the cost of cable service down by deciding to close many of its satellite customer service offices. Mr. Spain discussed the factors that brought the company to its decision, and he advised that more than one-half the offices would close. He then reported on the criteria that was used that helped to determine which offices would be affected (i.e., traffic flow at the office, geographical location of the office) and stated that every decision made took into consideration how the total system operated and how territories could be best served. Mr. Spain concluded by reporting that the tentative closing date for the Northbridge Customer Service Office was September 15, 2003, and that a third party payment center (The Trading Post on Church Street, Whitinsville) had already been established for customers in the area. He added that customers would also still be able to contact Charter by telephone to have cable boxes picked up as well as for other issues, and he advised that the cable studio on Church Street would remain open. Following this announcement, Mr. Spain answered various questions posed by the Selectmen.

Riverdale Mills Noise Complaint. Present: Robert Clark, Board of Health Chairman. Chairman Ampagoomian opened discussion by reviewing the complaint that was brought before the Board of Selectmen by several residents several months previous. He explained that after hearing the complaint, the Selectmen delegated the responsibility to the Board of Health to conduct a noise evaluation at the Riverdale Mill in Northbridge. Mr. Robert Clark, Board of Health Chairman, stated the Board of Health looked into the nuisance complaint that the Mill was excessively noisy during all different times, day and night. He first reviewed the basic premise of a nuisance complaint, stating that the regulation for a noise complaint read that - 'the clear sound of the complaint measured at the property line of the facility and at the nearest inhabited buildings shall not be increased by more than 10 decibels due to the noise from the facility during the operating hours'. He proceeded to describe how measurements were taken by him in various locations around the Mill and at various times. He reported: a) readings were taken at Riverdale Street near the dam, and the 7 decibel reading was mostly due to the sound of the rushing water; b) readings were also taken on Quaker Street, Brookway Drive, MacArthur Road, and School Street, and levels of background noise in those areas normally registered in the 2 decibel range; c) ranges of between 7 and 9 decibels were taken during heavy winds and rain, and the highest reading taken (10 decibels) was caused by a train passing through. Mr. Clark concluded that as far as the Board of Health was concerned, the noise coming from the Mill was within the legal limits, noting that a noise violation must be 10 decibels above background noise in order for the Board to consider taking any action against the producer of the noise. In response to a question by Selectman Collins, the decibel meter used for the evaluation was borrowed from the Department of Environmental Protection and was continuously calibrated so that the meter maintained the proper readings. Mr. Clark agreed to perform an additional study in the fall when the leaves were off the trees if the Board wished him to do so. He also agreed to keep a copy of the readings report on file in the Board of Health office for public review, and stated he would be more than willing to speak with concerned residents about the matter via phone.

Federal Law Governing New Voting Machines. Present: Muriel Barry, Town Clerk, and Ken Hajjar, LHS Associates, Inc. Muriel Barry briefly discussed a recent notification from the Secretary of State relative to the Help America Vote Act (HAVA) that was signed by the President in October, 2002. The Act was an effort to improve voting across the country and was in response to problems that arose in the 2002 presidential elections. She advised that the Act dealt with changes in election laws and affected the type of voting equipment that could be used in 2004. Ms. Barry referred the Selectmen to documentation that had been provided regarding changes in the

election laws, part of the general law (Chapter 54 Section 34) that related to voting machines, and the Secretary of State's proposed implementation of new voting machines mandated under the Act. She also advised that not only would new voting machines come into play in 2004, but in 2006 very expensive handicapped voting machines would also have to be implemented (one required in each precinct) in all towns. Ms. Barry reported that it would be the direct responsibility of the Board of Selectmen, not the Town Clerk, to implement the new voting machines as well as to notify the Secretary of State (per documented deadline dates) as to the Town's readiness in this initiative. She then briefly discussed the only forms of voting machines that would be certified in the state for the 2004 presidential election, and advised that lever-type voting machines (like those presently used in Northbridge) were not among them. Ms. Barry reported that over the past month the Town Manager and she viewed several types of approved machines; and, subsequently, she was recommending that the Town purchase the Accu-Vote scanner voting machine that was already used by several neighboring communities and that had the capacity for an audit trail. With that, she introduced Mr. Ken Hajjar, director of marketing and sales for LHS Associates, Inc., which sells the Accu-Vote optical scanner system. Following some brief remarks about the Help America Vote Act and about how the technology used in the Accu-Vote machine met all the requirements of the Act, Mr. Hajjar performed a demonstration of the voting process using the machine. A brief questioning period by the Selectmen followed, during which time Mr. Hajjar reported that Congress had funded the Act and the money had been dispersed. Ms. Barry completed the presentation by advising that Northbridge would need five machines (one for each precinct and one extra as a backup) at \$6,250 each, and the state's reimbursement would be approximately \$3,200 per precinct. Regarding the forty-four voting booths that would be required (at \$192 each), Ms. Barry stated they could be paid for out of the Town's elections budget account that had an approximate \$10,000 balance. She concluded by urging the Selectmen to take action soon and by recommending that the new machines be in place for the annual Town election on May 18 so that training and implementation could start at the local level, prior to the larger presidential election.

Municipal Relief/Early Retirement Offer Report. Town Manager Williams announced that more employees had become interested in the offer over the past few weeks. He referred the Selectmen to a financial report provided by the Northbridge Retirement Office and stated that if all those who wanted to participate in the offer were allowed to do so, the aggregate annual cost over fifteen years would be approximately \$50,000. Mr. Williams advised that the Selectmen still had time to consider their option, as the decision did not have to be made until October. He noted that the proposed Ad Hoc committee would then have met, would have had the opportunity to study the fiscal situation, and would have given the Selectmen an idea of the financial impacts on the budget, etc. He then recommended that the item be put on a future agenda in October. The Selectmen agreed to this recommendation with no further questions.

Selectmen's Concerns. None.

Town Manager's Report. 1/Reported that a \$6,400 credit was given to the Town by the MIA Insurance and Casualty Company for participating in its loss control program. The credit would be applied against the 2003-04 premium. 2/Acknowledged and thanked his first Executive Assistant in Northbridge, Eileen Powers, who he described as one of the nicest and most dedicated persons he had met in his entire career. He also acknowledged Police Chief Thomas Melia who he described as dedicated and professional and who he would greatly miss.

Executive Session/Yes – Under M.G.L. Chapter 39, S.23 B, #3. Chairman Ampagoomian announced that the Selectmen would be going into Executive Session and asked the Board for a motion. A motion/Mr. Collins, seconded/Mr. Boucher, to go into Executive Session per M.G.L. Chapter 39, S.23 B, Number 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 – not to reconvene in open session. A roll call vote was taken. Mr. Collins/yes; Mr. Boucher/yes; Mr. Montecalvo/yes; Mr. Mellor/yes; Mr. Ampagoomian/yes.

Meeting adjourned, 8:25 p.m.

Respectfully submitted,

Robert Mellor, Clerk

Cth/

BOARD OF SELECTMEN
August 4, 2003

A meeting of the Board of Selectmen was called to order by Chairman Ampagoomian, Northbridge Town Hall, 7 Main Street, Whitinsville, MA, at 7:00 p.m. **Present:** Messrs. Montecalvo, Collins, Mellor and Boucher.

The Pledge of Allegiance was recited by those present.

Approval of Minutes. 1) A motion/Mr. Boucher, seconded/Mr. Mellor, to approve the May 27, 2003, Minutes as presented with the readings omitted. Vote yes/Messrs. Boucher, Mellor, Montecalvo, and Ampagoomian. Abstain/Mr. Collins. 2) A motion/Mr. Collins, seconded/Mr. Boucher, to approve the July 21, 2003, Minutes as presented with the readings omitted. Vote yes/Unanimous. 3) A motion/Mr. Mellor, seconded/Mr. Montecalvo, to approve the July 16, 2003, Executive Session Minutes as presented with the readings omitted. Vote yes/Messr. Mellor, Montecalvo, and Ampagoomian. Abstain/Messr. Collins and Boucher.

Public Hearing/7:05 p.m. – Massachusetts Electric and Verizon New England, Inc. – Joint or Identical Pole Locations, One Pole/Pollard Road (PO3-61). Chairman Ampagoomian asked for a motion to open the Public Hearing. A motion/Mr. Collins, seconded/Mr. Boucher, to open the public hearing. Vote yes/Unanimous. The Chairman then read the public hearing notice aloud and advised that all abutters were duly notified. A representative for the utilities companies followed and explained that the pole line on Pollard Road was being extended to service a new lot. There being no questions, a motion/Mr. Montecalvo, seconded/Mr. Collins, to close the Public Hearing. Vote yes/Unanimous. A motion/Mr. Collins, seconded/Mr. Boucher, to grant permission to locate pole(s), wires, and fixtures, including the necessary sustaining and protecting fixtures, to be owned and used in common by the petitioners, along and across the following public way: a joint or identical pole location covering one (1) pole on Pollard Road (PO3-61), starting at existing Pole #24 in a westerly direction 50 feet to a new Pole #25 in accordance with the plan filed by Massachusetts Electric Company and Verizon New England, Inc., No. D03-42 dated July 7, 2003. Vote yes/Unanimous.

Citizens' Comments/Input. None.

Appointments/Resignations. None

Time Out Tavern/Sunday State Pool Table License. A motion/Mr. Collins, seconded/Mr. Boucher, to approve the Sunday State Pool Table License for E. C. M. Corporation, d/b/a Time Out Tavern, Plummer Avenue, Whitinsville, MA . Vote yes/Messrs. Collins, Boucher, Montecalvo, and Ampagoomian. Abstain/Mr. Mellor.

Pleasant Street Christian Reformed Church/Request to Hang Banner Across Church Street, September 21 to October 4, 2003. A motion/Mr. Collins, seconded/Mr. Boucher, to approve the request of the Pleasant Street Christian Reformed Church to hang a banner across Church Street from September 21 to October 4, 2003, to advertise an Alpha course at the church. Vote yes/Unanimous.

Fall Annual Town Meeting, October 28, 2003/Vote to Close Warrant on Friday, September 12, 2003, at Noon. A motion/Mr. Collins, seconded/Mr. Boucher, to close the Warrant of the Fall Annual Town Meeting (October 28, 2003) on Friday, September 12, 2003, at noon. Vote yes/Unanimous.

Riverdale Mills Corporation and James M. Knott – Tax Increment Financing Agreement. Mr. Karl Kildahl of the Massachusetts Office of Business Development was unable to attend the meeting as scheduled. However, Mr. James Knott, owner of Riverdale Mills, 130 Riverdale Street, Northbridge, MA, presented a prepared Tax Increment Financing (TIF) proposal agreement for his company and welcomed questions from the Selectmen. Selectman Montecalvo's opinion was that the proposal reflected changes that were previously discussed, and it now met acceptable criteria; therefore, he indicated he would support it. Discussion followed regarding the construction status of Mr. Knott's new building. Selectman Mellor questioned what the requested 10% per year for 10 years [TIF] exemption calculated to in dollars; however, Mr. Knott stated he could not provide that answer, and he felt the Assessor, too, would not be able to provide that information at this time. Selectman Mellor also expressed the following concerns: a) Mr. Knott's construction was 75% complete; therefore, he did not feel a TIF was appropriate, and b) a request for tax relief was being made for a company whose business the Town was not competing. Mr. Knott disputed these points, noting that, a) he had been asked to move his company to other areas, therefore Northbridge was in competition for his business, and b) the stage of a building's construction had nothing to do with the application for a TIF. Short discussion followed, during which time Mr. Knott reviewed some of the cost benefits for the Town if the 10% TIF were granted vs. the non-benefits to the Town. Following, Mr. Mellor requested Mr. Knott's financial analysis in writing; and he asked that the issue be discussed further at another meeting, stating that he wished to review some data from the Assessor's office before making a decision. He recommended that Mr. Kildahl be asked to attend that meeting in order to provide answers to various questions he had, including a) whether TIFs could be applied for on completed or almost completed structures, and b) what state reimbursements would be associated with the TIF. In conclusion, Chairman Ampagoomian requested that Mr. Knott contact Mr. Kildahl and that they both attend the August 18, 2003, meeting, at which time the item would be discussed again.

Shining Rock – Waiver of Connection Fees. Present: Fred Ruland, Project Manager of Shining Rock Golf Community. Mr. Ruland opened by discussing the initial construction of his 18-hole golf course community consisting of single-family homes and condos. He noted that due to the height of the Shining Rock tank, there was

a need to boost water pressure to that area; therefore, a preliminary booster design was developed which consisted of two pumps and a back-up electrical supply to provide the increased water pressure. Mr. Ruland then reported that following talks with the Town's DPW Director and a representative from the Whitinsville Water Company, a more elaborate design for a pump station was proposed. He reported that although the design would cost considerably more to build and yet do the same thing as the less expensive station, it would have less demand for power and the long-term cost to the Town would be lower. Mr. Ruland then described how the traditional system (that would cost between \$75,000 and \$100,000) worked as opposed to the more elaborate system (that would cost in the range of \$325,000), and he also explained how the Town's water [connection] fee had increased over the past months from \$1,200 to \$1,800. It was at this time that Mr. Ruland proposed to the Selectmen that he would be willing to build the more elaborate [pumping] system if the Selectmen agreed to subsidize a portion of the extra cost to build it by charging him the original \$1,200 as opposed to the current \$1,800 per connection fee for the 300 units at Shining Rock. He concluded that in his proposal, the \$180,000 that he would save in connection fees would be used to reduce the \$325,000 cost of the new booster station. He also advised that he would pay the balance of the cost and the system would ultimately become the property of the Town. Selectman Collins voiced concern about doing anything at this time to assist in financing the booster station. He stated that property of several residents neighboring the Shining Rock development was being adversely affected by construction there; and until he knew what was going to be done to satisfy those people, he would not vote to assist the developer. Selectman Mellor also noted that there were at least three residents that he knew of that were involved in the matter. He then further discussed some of problems that had occurred on the residents' properties and focused on a detention pond with a faulty design that he claimed was Mr. Ruland's responsibility to correct. Selectman Mellor concluded that he, too, would consider Mr. Ruland's request for the reduced connection fees only after Mr. Ruland responded to the needs of the residents. Discussion followed relative to the neighboring complainants and the problems that had developed with their homes and on their properties. Mr. Ruland advised that his lawyer was following through by obtaining information on what had to be done at one resident's home in particular, and the cost to do it. Following, Mr. Ruland responded to other questions posed by the Selectmen relative to the pumping station. During this time, both Mr. Ruland and Richard Sasseville, DPW Director, argued that the preference would be to build the newer system as it was more sophisticated, more reliable, more energy efficient, and it would be owned by the Town upon completion. During the questioning period, Selectman Boucher asked Mr. Ruland to provide the percentage of the cost that would be directly related to the building of the larger booster station. This was in response to Mr. Ruland's statement that it was the type of storage tanks and not the buildings that accounted for the cost difference between the two booster stations. Selectman Montecalvo also asked Mr. Ruland to show, through statistics, that the original system would cost the Town more money in ten to fifty years as compared to a more sophisticated system. He noted that if this could not be shown, he did not feel there would be a reason to put in a more sophisticated system. Mr. James Henderson, 85 Heritage Drive, Whitinsville, also voiced concerns during this discussion. Following, Chairman Ampagoomian reviewed the additional information that would be required for the Selectmen to make an informed decision on Mr. Ruland's request, including: a) would the less expensive system be able to adequately pump, b) what would the savings be to the Town to build the more expensive system, and c) what portion of the cost of the elaborate system represented the cost of the building. He then agreed to place the item on a future meeting agenda for further discussion. Mr. Ruland concluded discussion by informing the Selectmen that he would request a rebate on the water connection fee(s) only if he built the more elaborate system (for \$325,000); and, regardless of the outcome, he would address and make right the problems of the residents on School Street.

Possible Special Town Meeting: 1) Medical Waste By-Law Issue. Present: Mr. Robert Clark, Board of Health Chairman. Chairman Ampagoomian reported on the possibility of holding a Special Town Meeting to vote on the medical waste zoning by-law issue. The Board of Health Chairman, Robert Clark, was asked to give the Selectmen an update on the Department of Environmental Protection's activity in the matter and to provide other pertinent information. In particular, Mr. Clark was asked to discuss where the proposed medical waste facility stood in its permitting stage and how it would affect the Town. Mr. Clark stated the problem contained various legal issues. He then referred the group to a letter received from the Attorney General's Office dated April 14, 2003, that indicated that any facility that had a site assignment in an industrial zone as of July, 1987, was valid. Therefore, he stated he felt the by-law amendment that was adopted at Town Meeting in January, 2003, might not be effective. He then advised that he received word this day that the Department of Environmental Protection would be licensing the facility for special waste as well as for a tonnage increase. Further discussion involved the legal aspects of the issue, and included information relative to the Berkowitz Trucking Company site, as interpreted from the Attorney General's letter. Selectman Collins voiced concern that a zoning by-law might also not over-ride the "grandfather" clause from July, 1987, and he suggested that Town Counsel look at the new zoning by-law change to determine if it would be effective. Michele Young, spokeswoman for the Citizens for the Preservation of Northbridge, agreed with Selectman Collins's suggestion and added that first, the Town would have to know whether the by-law [amendment] that was passed on January 21, 2003, would apply to the Berkowitz facility; and if not, whether a zoning by-law would be effective by putting restrictions on an already approved application. Chairman Ampagoomian agreed to obtain that opinion, and Selectman Collins requested that Ms. Young submit her exact questions in writing for Town Counsel. Mr. James Henderson, 85 Heritage Drive, was recognized. In response to his question why "waste" businesses could be allowed to operate in close proximity to the Mumford River, Selectman Collins briefly discussed the Rivers Bill and how it related to past and present zoning and businesses along Douglas Road. Additionally, Mr. Clark explained the difference between infectious, solid and medical waste. Mr. Lee Hebert, 151 Heights of Hill Street, Whitinsville, also posed questions as to certain legalities associated with the facility. Mr. Fredrick Consigli, 145 Tipperary Drive, Whitinsville, voiced concerns about the zoning around the neighborhood where the transfer station was proposed and where he lived. Following his dialogue, he strongly urged the Board of Health and Selectmen to support the residents' vote not to allow the facility in Northbridge. In her last comments, Ms. Young stated she felt that the Town was "up against the gun"

and should move on the by-law issue right away; therefore, a Special Town Meeting should definitely be called. Chairman Ampagoomian concluded discussion by assuring that the Selectmen would request information from Town Counsel on the issues brought forward. Following, he advised that the decision on the Special Town Meeting would be tabled until the next Board of Selectmen's Meeting. **2) Northbridge School Department/ Request to Transfer funds from MA Division of Medical Assistance.** Chairman Ampagoomian advised that Superintendent Henry O'Donnell informed him that the school could wait until Fall Town Meeting for the transfer of the MA Division of Medical Assistance funds from the Town to the School Department. Selectman Collins stated that he would like to obtain more information about this item before the transfer was acted upon. Selectman Montecalvo voiced agreement.

Ad Hoc Financial Committee Membership. Chairman Ampagoomian reviewed the School Committee Chairman's recommendation for membership on the Ad Hoc Financial Committee, and stated there should be fewer people on the Committee than initially suggested. He then recommended that the Committee be made up of only the Chairpersons from the School Committee, Finance Committee and Board of Selectmen, the Town Accountant, the School Superintendent, the Town Manager, and an independent person with strong knowledge of municipal government/finance (Donna Foglio, Accountant for the Town of Oxford and resident of Northbridge). After brief discussion, the Selectmen agreed they should take the leadership role and act on Chairman Ampagoomian's recommendation. Therefore, it was decided that the item would be put on an agenda for vote within the next several weeks.

Interim Management Services. Chairman Ampagoomian referred the Selectmen to a proposal that was received from Interim Management Services (IMS) offering to assist the Town in acquiring an Interim Town Manager. He reported that under the proposal, IMS would provide a list of names of highly qualified individuals that would be available for the position. Selectman Montecalvo did not agree with the idea of contracting with the management firm, stating the present Town Manager could easily provide the names of some very qualified persons that could take on the assignment. Selectman Mellor agreed that the Board of Selectmen should be able to initiate the process of interviewing qualified persons recommended by Town Manager Williams without going through the expense of hiring a management service. Several of the Selectmen also had recommendations of their own for consideration. Following discussion, the group directed the Chairman to request Town Manager Williams to provide the names of several qualified, willing persons that could be interviewed within the next week or two for the Interim Town Manager position.

Selectmen's Concerns. **1/Selectman Collins** informed the group that the Town Manager's vehicle was advertised and up for auction on the Town's website. He stated he did not remember the Board deeming the vehicle as surplus, and, therefore, it could not be sold. Selectman Mellor concurred and recommended that the vehicle be taken off the web immediately. He also suggested that the Selectmen make the decision whether or not to sell the vehicle at another meeting. **2/Selectman Montecalvo** inquired about the Town's leaf program. Chairman Ampagoomian agreed to put the item on the agenda for discussion at the August 18, 2003, meeting. **3/Selectman Mellor: a)** inquired whether there was any new information about the traffic issue at Plummers Corner. Chairman Ampagoomian reported that the action against Hess Oil was still in land court, but that the Judge in the case may make a ruling on the issue this month. That outcome, he noted, would determine how the Town would proceed with the Plummers Corner issue; **b)** advised that the initial bids on the Whitinsville Streetscape Project came in over the allocated amount of funds available, and a re-bid would be necessary. He inquired if there would be a change in the scope of the Streetscape, and if so, whether the Selectmen would be told (by the Building, Planning & Construction Committee) what those changes would be. **4/Chairman Ampagoomian** announced that there would be a farewell party for Town Manager William F. Williams on August 28, 2003, at the Cockey 'n Kettle, Route 122 in Uxbridge. Donations were \$25.00, with a social hour beginning at 6 p.m. and dinner beginning at 7 p.m.

Executive Session/Yes – Under M.G.L. Chapter 39, S.23 B, #3. Chairman Ampagoomian announced that the Selectmen would be going into Executive Session and asked the Board for a motion. A motion/Mr. Collins, seconded/Mr. Boucher, to go into Executive Session per M.G.L. Chapter 39, S.23 B, Number 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 – not to reconvene in open session. A roll call vote was taken. Mr. Collins/yes; Mr. Boucher/yes; Mr. Montecalvo/yes; Mr. Mellor/yes; Mr. Ampagoomian/yes.

Meeting adjourned, 8:45 p.m.

Respectfully submitted,

Robert Mellor, Clerk

Cth/

BOARD OF SELECTMEN
August 18, 2003

A meeting of the Board of Selectmen was called to order by Chairman Ampagoomian, Northbridge Town Hall, 7 Main Street, Whitinsville, MA, at 7:00 p.m. **Present:** Messrs. Montecalvo, Collins, Mellor and Boucher.

The Pledge of Allegiance was recited by those present.

Approval of Minutes. 1) A motion/Mr. Collins, seconded/Mr. Boucher, to approve the June 9, 2003, Minutes as presented, with the readings omitted. Vote yes/Unanimous. 2) A motion/Mr. Collins, seconded/Mr. Boucher, to approve the June 9, 2003, Executive Session Minutes as presented, with the readings omitted. Vote yes/Unanimous.

Public Hearing/7:05 p.m. – Thomas Melia, Police Chief/Overview of the Year 2003 U.S. Department of Justice Block Grant Award. A motion/Mr. Collins, seconded/Mr. Boucher, to open the Public Hearing. Vote yes/Unanimous. Chief Melia reported that the Town of Northbridge Police Department received a block grant from the U.S. Department of Justice this year in the amount of \$14,823. He first identified the members of the Advisory Board to the grant, which consisted of himself, Lieutenant Walter Warchol, James Rice (School Department), Robert Shea (Prosecutor's Office/Assistant District Attorney), Patrick Foley (Court System/Uxbridge Probation Officer), Charles Thompson (Whitin Community Center), and Peter Bedigian (OMNI Control Technology). The Chief then reviewed last year's expenditures: a) the purchase of 15 portable radios for officers at the Police Department, b) the payment of associated costs for the relocation of the police base antenna to the new Whitinsville Water Tank, c) the acquisition of a more dependable radio frequency, and d) payment for costs associated with mandated upgrades to the police computer system. Chief Melia further noted that this year's recommendations by the Advisory Board were as follows: \$10,000 to be used for overtime funds to supplement the Police Department's FY'04 overtime account, which had been under funded for the last several years; \$4,823 to be used to pay for new vests, additional firearms, and computer upgrades. Chief Melia concluded that with the above recommendations, the Advisory Board felt that the monies would be spent in the best interest of the Northbridge Police Department, and would save local tax dollar monies. Following this presentation and at the request of Selectmen Mellor, Chief Melia gave an overview of the type of overtime for which the \$10,000 would pay, noting that it would fall under normal requirements. He also confirmed for Selectman Montecalvo that, as he understood, there were no restrictions on how the Grant fund could be used to benefit his department. Chairman Ampagoomian asked if there was anyone in the audience who wished to comment during the Public Hearing. There being no comments, a motion/Mr. Collins, seconded/Mr. Boucher, to close the Public Hearing. Vote yes/Unanimous. Following, a motion/Mr. Collins, seconded/Mr. Boucher, to support the allocation of the U. S. Department of Justice Block Grant for Year 2003 as recommended by the Advisory Board and Police Chief Melia. Vote yes/Unanimous.

Citizens' Comments/Input. 1) **Darrell Baker, Baker's Department Store, Whitinsville,** gave a brief overview of a request to hold a mini-sidewalk sale in downtown Whitinsville on Saturday, August 23, 2003. 2) **Joseph Colasuonno, Project Manager of the Shining Rock Golf Community,** gave an update on some issues concerning several abutters to the Shining Rock project. He reported as follows: a) he met with resident Perras from School Street earlier in the week, issues were discussed, and it was agreed that Shining Rock would take care of a number of them. He noted that construction on those items had already begun, and completion was anticipated by September 5th on all issues; b) he met with resident Miller on Thursday to review his concerns. In that case, an agreement was reached and Shining Rock would be taking care of his items as well; c) a request was made by resident Gaudette, and Shining Rock had agreed to take care of that concern by September 5th as well. In response to an inquiry by Selectman Mellor as to the proposed correction to the retention pond located behind the Perras property, Mr. Colasuonno reported that the pond was pumped out and was presently dry. He added that a drain would be installed in the pond so that it would never hold water, and he further discussed the drainage system of all three ponds in the area. He stated the anticipated completion time for the drainage project was by the winter, and he was confident that with the drains, the ponds would be without standing water for any significant periods. Selectman Mellor stated it was his opinion that the actions taken by Shining Rock did address the concerns of the residents and were fair. He also suggested that there be a three-month "appraisal period" to make sure all action items had solved the residents' issues satisfactorily. Mr. Colasuonno agreed to the three-month evaluation recommendation. 3) **Lee Hebert, 151 Heights of Hill Street, Whitinsville,** briefly discussed an article that had appeared recently in the Boston Globe concerning a special microbe that thrived in and could not be killed by the autoclave system. He then offered his personal views on the subject as it pertained to the medial waste treatment plant that was proposed for Northbridge.

At this time, Chairman Ampagoomian announced that on September 3, 2003, an informational meeting, sponsored by Senator Moore and Representative Peterson, would be held in the Town of Northbridge (location and time to be announced). Representatives from the Department of Environmental Protection and a representative from DEH Autoclave Systems would be in attendance to offer information and to answer all residents' questions and concerns. Updates would be posted on Cable Channels 11 and 12.

Appointments/Resignations – 1) By the Board of Selectmen: Central Mass. Regional Planning Commission: Sub-regional Representative (Selectmen's Delegate). The Chairman asked for a nomination or volunteer for the position. Selectman Mellor nominated Selectman Collins and the nomination was seconded by Selectman Boucher. Selectman Collins accepted the nomination. 2) **By the Town Manager: Secretary to Planning and Conservation/Mary Rose.** Town Planner, Gary Bechtholdt, introduced Mary Rose to the Board and announced

that she would serve as secretary to both the Planning Board and Conservation Commission. Mary was congratulated and the entire Board wished her well in her new position. **3) Resignation: Planning Board/Gordon Vandenburg.** Chairman Ampagoomian read aloud Mr. Vandenburg's letter of resignation. A motion/Mr. Mellor, seconded/Mr. Boucher, to accept the resignation of Gordon Vandenburg. Vote yes/Unanimous. Chairman Ampagoomian also recommended that a letter of appreciation be sent to Mr. Vandenburg prior to his leaving on September 30, 2003.

Special Town Meeting, September 23, 2003. 1) A motion/Mr. Collins, seconded/Mr. Mellor, to set a Special Town Meeting for September 23, 2003. Vote yes/Unanimous. 2) A motion/Mr. Collins, seconded/Mr. Boucher, to open the Special Town Meeting Warrant. Vote yes/Unanimous. 3) A motion/Mr. Boucher, seconded/Mr. Collins, to place article(s) on the Special Town Meeting Warrant. In response to Selectman Montecalvo's question as to how many articles would be placed on the Warrant, Chairman Ampagoomian advised two (2): the medical waste issue article and the School Department's article regarding Medicaid reimbursement. Mary Frances Powers, Finance Committee Chairman, was recognized and reported that, from her discussion with both the Superintendent of Schools and the School Committee Chairman, it was a little premature for the School's article to go to Town Meeting; therefore, she recommended that it be placed on the Annual Town Meeting Warrant instead. At this time, Selectman Montecalvo voiced concern that the TIF article for Riverdale Mills was not prepared and ready to be placed on the Warrant; however, he felt the article should be added to the Warrant and passed over if need be. Discussion followed, and the other Selectmen argued why the TIF article could not be added to the Warrant. However, following, Selectman Montecalvo made a motion that was seconded by Mr. Boucher to place the TIF article on the Warrant for the Special Town Meeting. Vote yes/Messrs. Montecalvo and Boucher. Vote no/Messrs. Collins, Mellor, and Ampagoomian. The motion failed. A motion/Mr. Collins, seconded/Mr. Boucher, to place Article 1 on the Special Town Meeting Warrant. Vote yes/Unanimous. 4) A motion/Mr. Collins, seconded/Mr. Boucher, to close the Special Town Meeting Warrant this date and time. Vote yes/Unanimous. 5) A motion/Mr. Collins, seconded/Mr. Boucher, to sign the Special Town Meeting Warrant. Vote yes/Unanimous.

New Voting Machines/Vote to Purchase under Help America Vote Act (HAVA). The Chairman advised that Town Clerk Muriel Barry had given a presentation and her recommendation on the issue during the Board's previous meeting. Selectman Montecalvo commented there was a timeline on purchasing the new voting machines, noting that the deadline was November 2004 to actually have them but that the Town Clerk was aiming for the primary in fall, 2004. The group agreed, therefore, that since money has been allocated to all communities in the state for the machines, a decision on the purchase should be made immediately. A motion/Mr. Montecalvo, seconded/Mr. Boucher, to approve the purchase of the new voting machines under the Help America Vote Act (HAVA). In response to Selectman Mellor's request for a review of the costs that would be involved, the following information was provided: a) approximately \$50,000 would be required for the Town, with some money allocated at the state level; b) the reimbursement would be at least approximately \$4,000 per precinct; however, there had been approximately \$10,000 encumbered from the Town Clerk's budget that would also go toward the cost; c) the time of reimbursement was not immediately known. Chairman Ampagoomian concluded by reminding the Selectmen that if the upgrade were not done in the allotted time period, the next election in Town would be done with hand-written paper ballots. Vote yes/Unanimous.

Downtown Whitinsville Merchants/Request to Hold Mini-Sidewalk Sale, Saturday, August 23, 2003. A motion/Mr. Mellor, seconded/Mr. Boucher, to grant the request of the downtown Whitinsville Merchants to hold a mini-sidewalk sale on Saturday, August 23, 2003, Church Street, Whitinsville. Vote yes/Unanimous.

Riverdale Mills Corporation and James M. Knott – Tax Increment Financing Agreement (TIF) (con't). **Present: Karl Kildahl, Massachusetts Office of Business Development; James Knott, owner of Riverdale Mills; Principal Assessor Kenneth Mildren.** Mr. Kildahl opened discussion by giving a brief overview of two articles that had been drafted and submitted to the Town Manager that related to the TIF proposed for James Knott and his property at River Mills, Riverdale Street, Northbridge, one of which would designate the property at Riverdale Mills as an economic opportunity area (standard on any TIF proposal), the second of which would allow the Board of Selectmen to enter into a TIF agreement with the owner, Mr. Knott. Mr. Kildahl reported that several proposals had been sent to the Town for consideration; however, this most recent proposal would require Riverdale Mills to invest approximately \$2.9 million into the new facility, keep its present employment base (now at approximately 100 people), and create twenty-four (24) new jobs within the Town of Northbridge over a ten year period, with Northbridge residents receiving preference for positions. He noted the proposal contained standard TIF language similar to that which the Town had agreed to in the past with other companies (i.e., Polyfoam, Old Colony). Mr. Kildahl also explained that under the draft the TIF would be based on 'new value'; therefore, the Town would continue to receive all the money it was presently receiving, plus 90% of the value of the new building going up. Following, Mr. Kildahl explained how the company could take advantage of state benefits (another 2% per year). He added that by the state giving a company an increased investment tax credit, a considerable amount of money was 'freed up' so the company could reinvest in itself by hiring new employees and by purchasing new equipment. He also reported that if a company did not live up to its responsibilities, his office could decertify the entire project. In conclusion, Mr. Kildahl stated that the TIF before the Board was for 10% across the board for 10 years (estimated total \$40,000), and he asked that the Board approve it and sponsor the two articles for the Town Meeting Warrant. In a brief questioning period, Selectman Mellor stated he continued to be bothered by the fact that the construction at Riverdale Mills was well advanced (already 75% complete) and there was no local competition for the business; therefore, he felt a significantly lower TIF figure (between 5-7%) would be more appropriate. At this time, Selectman Mellor also noted there were other issues between the Town of Northbridge and Mr. Knott that made him feel uneasy about granting a TIF to the company. In response, Mr. Kildahl explained that businesses were always on different cycles than government and must build according to conditions. He noted

the program was based on good faith, and a small incentive at the local level would allow a larger incentive at the state level, allowing for reinvestment and opening a door for more businesses to come into a community. Mr. Kildahl closed by reviewing some benefits to the Town, stating that the receipts to the Town of Northbridge alone would match or surpass the total TIF over the 10-year period. Selectman Montecalvo commented that he felt the proposed TIF was minor as compared to the benefits that the Town would reap; and by granting it, the Board would be letting other businesses know that Northbridge was willing to work with them; therefore, he felt they should not hesitate to grant the requested TIF. Selectman Boucher concurred, stating it would be a business-friendly incentive to a long-time Town business, and the benefits that the Town would receive in the years to come would far outweigh the credit given. There being no further questions, the Chairman agreed to place the item on the agenda for vote at the next Board of Selectmen's meeting.

Whitinsville Water Company/Irrigation Line from Sutton Street to School Street (across Providence Road).
Present: James Ouellet, Manager of Whitinsville Water Company. James Ouellet explained the circumstances under which the Whitinsville Water Company wished to unearth the pavement at the intersection of Rte. 122 (Providence Road) and Sutton Street, even though there was an unwritten policy (per the DPW Director) that indicated that unearthing pavement that was less than five years old was not allowed. He proceeded to explain the plan to install a waterline from an existing well located on the west side of the Blackstone River (at Coz Chemical) to supply irrigation water to the Shining Rock Golf Community off School Street. He explained the procedure that would be used to excavate a trench from a point on Sutton Street, across Providence Road, and down the shoulder of the road on School Street and noted that, in this process, a portion of roadway would be excavated that was reconstructed and repaved less than one year ago; therefore, he was requesting the Board to grant a waiver to the policy for excavating new roadways. Selectman Montecalvo commented that he felt a precedent would be set by granting this waiver; however, he was immediately reminded that several other minor excavations of the same type were granted within Town within the past year or so. Following a short questioning period, Mr. Ouellet stated he wished to begin construction within a week if possible. Therefore, Chairman Ampagoomian recommended that the item be voted upon during the present proceedings. The Chairman then asked for a motion on his recommendation. A motion/Mr. Collins, seconded/Mr. Boucher, to suspend the meeting rules and place the discussion item under decisions immediately. Selectman Montecalvo objected, stating the Board was inconsistent and the item had not been discussed completely. Vote yes/Mr. Collins, Boucher, Mellor and Ampagoomian. Vote no/Mr. Montecalvo. A motion/Mr. Collins, seconded/Mr. Mellor, to grant a waiver to the Town's policy of excavating new roadways and to approve the excavation as discussed above by the Whitinsville Water Company. Vote yes/Messrs. Collins, Mellor, Boucher, and Ampagoomian. Vote no/Mr. Montecalvo.

Interim Town Manager. Chairman Ampagoomian stated he wished to set a format for reviewing applications and a meeting within forty-eight hours to determine how the Board should proceed on naming an Interim Town Manager. At this time, Selectman Mellor voiced concern over the advertisement that was placed in the MMA publication that was written incorrectly and that put limitations on those that may apply for the position. He suggested, too, that the ad be republished. The Board agreed that the advertisement was erroneous; however, it was also agreed that the Board should have the right to use the ad only as a guide and act on the merits of all the candidates' qualifications. The Selectmen then briefly discussed the resumes and proposals contained in the prepared packets that had been previously distributed to them. Following, the Chairman advised that he would have interviews set up for all candidates chosen as finalists. It was agreed that the Selectmen would prepare questions and that interviews would be set up for the following Monday evening, August 25th, 2003. The Chairman concluded that he wished to have an Interim Town Manager on board while Town Manager Williams was still available.

Selectmen's Concerns. **1) Selectman Collins** requested that the DPW Superintendent, Arthur Magowan (who was in attendance) address the construction project going on in the Swift Road area. Mr. Magowan reported that Goldthwaite, Swift, and a part of Mason Roads were being "chewed up" and would be resurfaced. He added that a portion of Linwood Avenue would also be ground tomorrow, and paving should begin by Friday. Therefore, he advised, equipment would be in those areas for four to five more days and motorists might wish to avoid them. **2) Selectman Mellor,** **a)** commented on the accomplishments of Selectman Montecalvo in the Town of Shrewsbury, as identified in the local newspaper. Selectman Montecalvo offered his own comments on the issue; **b)** gave an update on the activity on Church Street relative to the Streetscape Project, specifically concerning the utilities going underground. He also applauded Neal Mitchell for his work and the amount of hours he had spent on the project. As well, he commented on the consideration given by UniBank to the Town during construction in front of the Bank; **c)** expressed concern over the elimination of part-time staff in Town Hall and noted by cutting staff, services at Town Hall had been greatly impacted. He stated he felt Town Hall personnel were eliminated only to offset cuts that were made in the schools; however, the cuts were unrealistic in cost and they required a second look. **3) Selectman Montecalvo** commented on the Streetscape Project and the contract between Massachusetts Electric and the Town. He reported that an official from Massachusetts Electric called him last week and advised that the contract, which was forwarded to the Town for signing several weeks prior, had not been returned by the Town. Selectman Mellor reported he did not see the contract but that he would follow up with Mr. Mitchell on its whereabouts. **4) Chairman Ampagoomian** announced that Town Clerk, Muriel Barry, had announced her upcoming retirement for later this year during the Board's last meeting; however, he had failed at that time to recognize Ms. Barry's outstanding accomplishments as Town Clerk and Election Officer. He then recognized her great talents and contributions in the Town and Commonwealth, and he stated he felt all individuals who wished to enter public service should use her expertise in the field as an example. Selectman Mellor recommended that the Board of Selectmen begin considering a process for the selection of a new Town Clerk; however, the Chairman advised that the new Town Manager would handle that issue.

Chairman Ampagoomian addressed the technical “glitch” that occurred on Thursday evening, August 7, 2003, with Charter Communications when the emergency alert system was activated for an Amber Alert message. The Chairman orally read an advisory from Charter Communications that briefly outlined the problem that had occurred; and he recognized the actions taken by the Northbridge Fire and Police Departments to compensate for the error.

Chairman Ampagoomian also reminded Town residents that Representative George Peterson would be holding Town Hall office hours on September 22, 2003, between 7 p.m. and 8 p.m.

Executive Session/Yes – Under M.G.L. Chapter 39, S.23 B, #3. Chairman Ampagoomian announced that the Selectmen would be going into Executive Session and asked the Board for a motion. A motion/Mr. Collins, seconded/Mr. Boucher, to go into Executive Session per M.G.L. Chapter 39, S.23 B, Number 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 – not to reconvene in open session. A roll call vote was taken. Mr. Collins/yes; Mr. Boucher/yes; Mr. Montecalvo/yes; Mr. Mellor/yes; Mr. Ampagoomian/yes.

Meeting adjourned, 8:45 p.m.

Respectfully submitted,

Robert Mellor, Clerk

Cth/

BOARD OF SELECTMEN

August 25, 2003

A meeting of the Board of Selectmen was called to order by Chairman Ampagoomian, Northbridge Town Hall, 7 Main Street, Whitinsville, MA, at 7:00 p.m. **Present:** Messrs. Montecalvo, Collins, Mellor and Boucher.

The Pledge of Allegiance was recited by those present.

Massachusetts Highway/Letter of Support Regarding Plummers Corner. The item concerned correspondence between the Town and the Massachusetts Highway Department (Mass Highway) relative to the continued problems at the intersection of Route 122 and Church Street (Plummers Corner). The most recent letter received from Mass Highway indicated that it would be willing to fund the design, construction and "right-of-way" costs associated with a project to redesign and reconfigure the entire intersection. The letter further requested the Board to decide whether they would agree to proceed in that direction. Following short discussion, a motion was made and seconded to send a letter to Mass Highway to support its concerns regarding traffic operations at the intersection and to request Mass Highway to proceed with the evaluation and reconfiguration of Plummers Corner to accommodate existing and future traffic problems there at no cost to the Town. Vote yes/Unanimous.

Interim Town Manager Interviews. The resumes and proposals of four candidates for the Interim Town Manager position were provided to the Selectmen prior to the interviews. Interviews of the candidates were conducted in the following order: Ms. Jeanne Fleming from Stoughton, MA; Mr. Michael Coughlin from Southbridge, MA; Mr. Alden Jeffs from Westborough, MA; Mr. William Schmidt, Reining & Schmidt Associates, Littleton, MA. Following the interviews, the consensus of the Selectmen was to bring the item to decision. A motion/Mr. Collins, seconded/Mr. Boucher, to suspend the meeting rules and place the discussion item under decisions immediately. Vote yes/Unanimous. Following short discussion and a polling of the Selectmen, a motion/Mr. Collins, seconded/Mr. Mellor, to offer the position of Interim Town Manager to Ms. Jeanne Fleming of Stoughton, MA. Vote yes/Unanimous. Subsequent to this decision, the Selectmen discussed optional terms of the Interim Town Manager's employment agreement. Selectman Collins initially recommended that her work week consist of 30 hrs. at \$50 per hour; however, both Selectmen Mellor and Montecalvo felt that a 20 hr. work week would be sufficient. After brief discussion, the group agreed to a minimum of 20 hrs. per week, with flexibility to work additional hours when the need arose and/or if there were extenuating circumstances. It was further agreed that any additional hours would require the approval of the Board of Selectmen. The Chairman asked if all Selectmen were in agreement to the final terms, and there were no further comments.

Selectmen's Concerns. Selectman Montecalvo raised a concern over the lack of information that had come forward from the Board of Health (BOH) relative to the medical waste issue. He recommended that the Selectmen request the BOH to provide some proposed guidelines and safeguards (above and beyond those that would be designated by the Department of Environmental Protection) that would be put forth by that board if the medical waste facility came to fruition on Douglas Road in Northbridge. Selectman Collins added that there were also some serious issues in this matter about transportation (including what roads would be involved), noting in particular there might be an increase in heavy tractor-trailer trucks crossing the bridge that extended over the Mumford River behind Town Hall. Selectman Mellor advised that to his knowledge, most loaded tractor-trailer trucks actually used Main Street; and those that used the bridge were empty and met the load capacity of the bridge. He reported he had extensive conversations with the Chief of Police relative to this subject approximately a year ago, but he suggested that the Chief could be asked to get an update on the issue from the primary haulers if necessary.

Adjournment, 9:30 p.m.

Respectfully submitted,

Robert Mellor, Clerk

Cth/

BOARD OF SELECTMEN

September 4, 2003

(Special)

A special meeting of the Board of Selectmen was called to order by Chairman Ampagoomian, Northbridge Town Hall, 7 Main Street, Whitinsville, MA, at 7:00 p.m. **Present:** Messrs. Montecalvo, Collins, Mellor and Boucher.

Also present: Jeanne Fleming, Interim Town Manager.

The Pledge of Allegiance was recited by those present.

Ratification of the Interim Town Manager's Contract. The Chairman introduced the Interim Town Manager, Jeanne Fleming, and announced the **purpose of the meeting was to ratify the Interim Town Manager's Contract.**

The Chairman referred the Selectmen to the Minutes of the August 25, 2003, Board of Selectmen's meeting during which time the group unanimously selected Ms. Jeanne Fleming to serve as Interim Town Manager. He noted that Town Counsel drew up a contract consistent with the motions made within the Minutes of that evening, and he read aloud the contract and its term. Chairman Ampagoomian reported that both he and Ms. Fleming had agreed to the terms of the contract, and he asked the Selectmen if they wished to discuss it or make changes to it. Selectman Mellor stated that he did not recall that the rate of pay of \$50.00 per hour was discussed as noted at the August 25, 2003, meeting. He then asked that it be changed from \$50.00 to a lesser amount for the following reasons: a) the \$50.00 was more per hour than was paid to William F. Williams who had six years experience as Town Manager of Northbridge, and b) the \$50.00 figure would have an affect on negotiations for a permanent Town Manager in the months to come. Selectman Mellor briefly discussed his concerns relative to paying the Interim Town Manager at the \$50.00 rate, stating it would put the Town at a disadvantage and would establish a benchmark. He concluded, however, that he could justify the rate of pay only because it offset the fact that no benefits would be paid to the Interim Town Manager. Selectman Boucher was of the opinion that the \$50.00 per hour rate was warranted as it would be paid for only a short period of time and involved no fringe benefits. Selectman Montecalvo agreed, and supported the rate. Selectman Collins confirmed that the motion he made on August 25, 2003, did indicate a \$50.00 per hour rate, and he stated he continued to feel the rate was fair. There being no further comments, a motion/Mr. Collins, seconded/Mr. Boucher, to accept and approve the contract between the Town of Northbridge and Jeanne Fleming, Interim Town Manager, as written with no changes. Vote yes/Messrs. Collins, Boucher, Montecalvo, and Ampagoomian. Vote no/Mr. Mellor. Immediately following, Selectman Mellor commented that he wished to also sit in support of the Interim Town Manager; therefore, he changed his vote to make the decision unanimous.

The Selectmen proceeded to discuss the working hours of the Interim Town Manager. They agreed that it would be important for her to attend Board of Selectmen meetings and to work at Town Hall during the busiest times of day. It was further decided that her regular workweek should incorporate a minimum of twenty (20) hours per week, with additional hours being allowed for good reason and cause; and the Selectmen, through their Chairman, would approve such additional hours.

Following, Chairman Ampagoomian reported that Ms. Fleming had also requested the use of the Town vehicle (1998 Green Ford Explorer that was used by the previous Town Manager) for transportation between her home in Stoughton and work in Northbridge. Both Selectman Mellor and Montecalvo supported the request; however, it was at this time that Selectman Montecalvo questioned whether the Selectmen should vote to sell the vehicle at an upcoming meeting. Selectman Mellor also supported the disposal of the vehicle in the future; however, he noted it might be beneficial at this time in the negotiations with the new permanent Town Manager. Following this brief discussion, a motion/Mr. Mellor, seconded/Mr. Ampagoomian, to allow the Interim Town Manager to use the Town's 1998 Green Ford Explorer (VIN 1FMZU34E1WUB63949) for commuting to and from her home and Town Hall and for and during the performance of Town business. Selectman Boucher interjected that although he did support Ms. Fleming's use of the vehicle, he questioned whether fuel for the vehicle should be included, as that would be considered a benefit. Discussion followed regarding reasonable allowance of fuel and maintenance for the vehicle, after which time Selectman Mellor re-defined his motion. A motion/Mr. Mellor, to allow the Interim Town Manager to use the Town's 1998 Green Ford Explorer (VIN 1FMZU34E1WUB63949) for commuting to and from her home and Town Hall and for and during the performance of Town business, such use to include routine maintenance of the vehicle (i.e., fuel, oil, flat tires, etc.). Seconded/Mr. Collins. Vote yes/Messrs. Mellor, Collins, Boucher, and Ampagoomian. Vote no/Mr. Montecalvo. Selectman Montecalvo explained that the contract between the Interim Town Manager and the Town was voted upon with no benefits; however, by allowing use of the vehicle with fuel and maintenance, benefits were created. He stated he felt the Board was again being inconsistent and he was opposed to this inconsistency. The Chairman followed by directing the Interim Town Manager to prepare for signature the amendment Agreement to her contract regarding the use of the Town vehicle.

Board of Selectmen's Position Statement on Solid/Medical Waste Facility. Chairman Ampagoomian advised he felt it would be advantageous for the Town to notify Town Counsel, in the event that the medical waste facility was successfully permitted, to prepare to exercise the Town's right to appeal the permit. Following some discussion regarding the validity of a by-law that had been voted upon in January, 2003, regarding medical waste and the medical waste facility, Selectman Mellor recommended that a statement of the Selectmen's non-support of

the project be written. He suggested that the statement summarize the position the Selectmen took publicly at the September 3, 2003, open meeting sponsored by Senator Moore and Representative Peterson. He then suggested that the statement be forwarded to all federal and state officials and departments, and all other parties that had involvement in the medical waste activities within the Town. The group was in agreement, and the Chairman directed the Interim Town Manager to create the position statement as discussed.

Selectmen's Concerns. Selectman Mellor commented there had been a lot of confusion recently in getting documentation as a Board member, especially in the receiving of e-mail messages. Therefore, he requested that he continue to receive hard copies of important e-mail messages in his mailbox at Town Hall if possible.

Meeting adjourned, 8:00 p.m.

Respectfully submitted,

Robert Mellor, Clerk

Cth/

BOARD OF SELECTMEN
September 8, 2003

A meeting of the Board of Selectmen was called to order by Chairman Ampagoomian, Northbridge Town Hall, 7 Main Street, Whitinsville, MA, at 7:00 p.m. **Present:** Messrs. Montecalvo, Collins, Mellor and Boucher.

Also present: Jeanne Fleming, Interim Town Manager.

The Pledge of Allegiance was recited by those present.

Approval of Minutes. 1) A motion/Mr. Collins, seconded/Mr. Mellor, to approve the June 23, 2003, Minutes as presented, with the readings omitted. Vote yes/Messrs. Collins, Mellor, Montecalvo, and Ampagoomian. Abstain/Mr. Boucher. 2) A motion/Mr. Collins, seconded/Mr. Boucher, to approve the August 25, 2003, Minutes as presented, with the readings omitted. Vote yes/Unanimous.

Citizens' Comments/Input. **Anthony Davis, 65 Windsor Ridge Drive, Whitinsville,** posed some questions about a state regulation (310 CMR 16.2 Paragraph 1) that allows a Board of Health to make modifications to site assignments; and he asked whether Town Counsel could be asked to interpret that regulation to determine if it would apply in the case of the proposed medical waste facility proposed for Northbridge. Discussion followed during which time Selectman Montecalvo stated he felt the follow up to that question should be handled by the Board of Health. The Chairman then recognized Mary Frances Powers, 6 Elm Street, who agreed that it would take a lawyer to interpret the regulation properly. She was of the opinion that the request made by Mr. Davis was reasonable, critical and serious enough that it should be acted upon by either the Board of Selectmen or the Interim Town Manager. She added that the community had spoken loudly enough, and if the Town were serious in finding out the answer to the inquiry, Town Counsel should be involved without delay. Selectman Collins agreed with Ms. Powers and felt it was imperative that the Selectmen go forward and contact Town Counsel themselves. Selectman Boucher suggested that the inquiry to Town Counsel also direct the Town's attorney to prepare the necessary documents in the event the Board of Health did in fact have the authority to make modifications to the medical waste facility's site assignment. **Lee Hebert, 151 Heights of Hill Street, Whitinsville,** also voiced his opinion relative to the medical waste issue and asked for clarification on the Board's decision made on September 4, 2003, to begin an appeal relative to the facility. In response, Chairman Ampagoomian reported that at their meeting of September 4, 2003, the Board of Selectmen took a stand in opposition to the medical waste facility. He advised that the position was put in writing and sent to the Department of Environmental Protection (DEP) and Department of Public Health (DPH), as well as federal and state officials. He added that Town Counsel was also notified to commence preparation of an appeal in the event the permit for the facility were granted. Mr. Hebert applauded the Selectmen for publicly voicing their position against the facility, and he acknowledged that the residents truly appreciated it. **Diane MacKintosh, 3 Cliffe Road, Whitinsville,** requested a) that the [medical waste facility] issue be made a Blackstone Valley issue and not just a Town issue. She then asked that Boards of Selectmen in all towns through which the Blackstone and Mumford Rivers flowed be asked for letters of support of Northbridge's position in the matter, and b) that the Selectmen write to the DEP and DPH to request copies of responses to questions from the September 3, 2003, meeting that were going to be sent directly to those individuals who asked them.

Appointments – 1) By the Board of Selectmen: a) **Council on Aging - Phillip E. Poore.** Connie Dion, Chairman of the Council on Aging, introduced Mr. Poore to the group. Mr. Poore, 2297 B. Providence Road, Northbridge, gave a brief overview of his qualifications and explained why he was interested in being appointed to the Council on Aging. A motion/Mr. Collins, seconded/Mr. Boucher, to appoint Phillip E. Poore to the Council on Aging. Vote yes/Unanimous. b) **Historical Commission - Steven T. Falconer.** The Chairman advised that he was in receipt of a statement from Kenneth Warchol, Chairman of the Historical Commission, supporting the appointment of Mr. Steven Falconer to the Commission. Mr. Falconer, 70 Fletcher Street, Whitinsville, introduced himself to the Board, gave a brief overview of his background, and gave his reasons for wanting to become a member of the Commission. Following, a motion/Mr. Collins, seconded/Mr. Boucher, to appoint Steven T. Falconer to the Historical Commission. Vote yes/Unanimous. c) **Central Massachusetts Regional Planning Commission – Selectmen's Delegate and Alternate.** Prior to the group's choosing a delegate and alternate, the Chairman recognized Richard Sasseville, Department of Public Works Director. Being a member of the Central Massachusetts Regional Planning Commission Transportation Sub-committee, Mr. Sasseville gave a brief report on how essential the full regional planning unit was in the process of planning anything that was done in this part of the state that involved transportation. He also noted that by observation over the past ten years, he found there were several active members on the Commission that seemed to dominate the outcome of activities; therefore, he felt there was a great need for active involvement and strong voices/representation from Blackstone Valley communities on the Commission. Selectman Montecalvo concurred with Mr. Sasseville's opinion. Following short discussion on the subject, a motion/Mr. Collins, seconded/Mr. Boucher, to appoint Selectman Montecalvo as the Selectmen's Delegate to the Central Massachusetts Regional Planning Commission and to appoint Selectman Mellor as the Alternate. Vote yes/Unanimous.

Resignations - 1) Disability Commission - James C. Henderson. A motion/Mr. Montecalvo, seconded/Mr. Boucher, to accept the resignation of James C. Henderson from the Disability Commission. Vote yes/Unanimous. 2) **Recycling Committee - Michelle R. Blanchard.** A motion/Mr. Montecalvo, seconded/Mr. Collins, to accept the resignation of Michelle R. Blanchard from the Recycling Committee. Vote yes/Unanimous.

Village Congregational Church -1) Request to Use the Town Common for the Annual Harvest Festival on Saturday, October 4, 2003. A motion/Mr. Collins, seconded/Mr. Boucher, to approve the request of the Village Congregational Church to use the Town Common for the Annual Harvest Festival on Saturday, October, 4, 2003, from 9 a.m. to 3 p.m. (with a rain date of October 5, 2003, from 12 p.m. to 3 p.m.), subject to the safety requirements of the Police, Fire and Public Works Departments. Vote yes/Unanimous. **2) Request to Block off Church Street from the Front of the Church to the Intersection of Park Street.** A motion/Mr. Collins, seconded/Mr. Boucher, to approve the request of the Village Congregational Church to block off Church Street from the front of the Church to the intersection of Park Street for the Annual Harvest Festival on Saturday, October 4, 2003, from approximately 9 a.m. to 3 p.m. (with a rain date of October 5, 2003, from 12 p.m. to 3 p.m.), subject to the safety requirements of the Police, Fire and Public Works Departments. Vote yes/Unanimous.

Safety Committee Minutes, August 20, 2003/Vote to Accept. A motion/Mr. Mellor, seconded/Mr. Collins, to accept the August 20, 2003, Safety Committee Minutes with the readings omitted. Vote yes/Unanimous.

Ad Hoc Financial Committee. The Chairman reported that it had been previously decided that the Ad Hoc Financial Committee would be made up of the following persons: Chairmen of the Finance Committee, School Committee, Board of Selectmen; and, the Superintendent of Schools, Town Manager/Interim Town Manager, Town Accountant, and an independent person with strong knowledge of municipal government/finance (Donna Foglio, Accountant for the Town of Oxford and resident of Northbridge). There being no comments, he then asked for a vote on the issue. A motion/Mr. Montecalvo, seconded/Mr. Boucher, to establish the Ad Hoc Financial Committee with the aforementioned membership. Vote yes/Messrs. Montecalvo, Boucher, Mellor and Ampagoomian. Vote no/Mr. Collins.

Special Town Meeting Warrant, September 23, 2003/Vote Position. A motion/Mr. Boucher, seconded/Mr. Mellor, to support the petition article (table use regulation for zoning) for the Special Town Meeting Warrant, September 23, 2003. Vote yes/Unanimous.

Tax Increment Financing Agreement (TIF)/Riverdale Mills and James Knott, Owner. – Chairman Ampagoomian reminded the Selectmen that they had to vote to accept the TIF for the above, which had been discussed at their previous two meetings. He noted the TIF was based on a 10% tax exemption for ten years. A motion/Mr. Collins, seconded/Mr. Montecalvo, to accept the Tax Increment Financing (TIF) Agreement based on a 10% tax exemption for ten years between Riverdale Mills and James Knott, Owner, and the Town of Northbridge, as presented in a proposal by the Massachusetts Office of Business Development on August 18, 2003; and, to sponsor two articles related to the TIF for the Fall Annual Town Meeting Warrant. Selectman Mellor continued to argue that the tax incentive should be less than 10% because of the advanced stage of construction on the Mill. He also felt it would be a poor business decision to grant a TIF since Mr. Knott had a pending court case against the Town in the amount of approximately \$30,000. Vote yes/Messrs. Collins, Montecalvo, Boucher, and Ampagoomian. Vote no/Mr. Mellor. *At this time, Selectman Boucher made the following disclosure that was dated September 2, 2003, and that was officially recorded by the Town Clerk: Dear Board Members and Town Clerk – In 2002 during my re-election campaign for Selectman in the Town of Northbridge, I accepted a campaign contribution of \$100 from Mr. James Knott. This amount was properly accounted for and reported in the Campaign Finance Report. The Commonwealth of Massachusetts mandates this report. It was, and is known to all that Mr. Knott is the owner of Riverdale Mills. Knowing this, I know that I can and will be able to speak objectively on the merits of the TIF (Tax Increment Financing). My voting records on the past TIFs have all been thoroughly reviewed and positive votes cast. So, based on these facts presented before the Board of Selectmen, I can vote objectively on this subject. Signed: Timothy L. Boucher, Selectman.*

Tax Increment Financing (TIF) Agreement/Riverdale Mills and James Knott, Owner – Vote to Place Articles 8 and 9 on the Fall Annual Town Meeting Warrant (10/28/03). A motion/Mr. Collins, seconded/Mr. Montecalvo, to place Articles 8 and 9 (Riverdale Mills TIF Articles) on the Fall Annual Town Meeting Warrant. Vote yes/Messrs. Collins, Montecalvo, Boucher, and Ampagoomian. Vote no/Mr. Mellor.

Fall Annual Town Meeting Warrant (10/28/03) (Draft #2) – Vote to Place Articles on the Warrant. A motion/Mr. Collins, seconded/Mr. Boucher, to place Articles 2 through 7, and Articles 10 and 12 on the Fall Annual Town Meeting Warrant. Vote yes/Unanimous.

Sewer Extension and Connection Policy/Vote to Adopt. Richard Sasseville, DPW Director, gave a brief summary of the purpose of the Administrative Consent Order (ACO) issued by the Massachusetts Department of Environmental Protection that required the Town to address certain deficiencies in its sanitary sewer system. He also explained efforts the Town had already taken to comply with the ACO, and he described how the Sewer Extension and Connection Policy would not only address the Consent Order's requirements but also the state's regulations for sewer extensions. He added that because the Town would ultimately be responsible for compliance with the Consent Order, the policy also included, 1) a requirement that any project proponent would have to submit his application to the DPW for review, endorsement, and, if necessary, restriction, and 2) a processing fee schedule for applications. During a brief question and answer period, Selectman Boucher suggested that a turn-around time be established for reviewing applications, and Mr. Sasseville was receptive to this suggestion. During this discussion, Mr. Sasseville also reviewed the process by which the Town accumulated "points" (credits) toward inflow and infiltration reduction under the ACO. Following, a motion/Mr. Collins, seconded/Mr. Mellor, to adopt the Sewer Extension and Connection Policy as presented, with the inclusion of a timetable (from two to four weeks) for the review and processing of applications. Vote yes/Unanimous.

Department of Public Works/Leaf Collection. Selectman Montecalvo opened discussion by recommending that the leaf collection program continue in the same manner as last year, noting that it worked well, a lot of residents were satisfied, and it cost a minimum amount of money. Selectman Mellor concurred, but then asked the DPW Director if he could provide any other suggestions for the program. DPW Director Richard Sasseville distributed some information that explained how the Town of Uxbridge had conducted its leaf collection program last year, noting it was comparable to Northbridge's program with two exceptions: 1) residents provided their own bags (whereas Northbridge purchased and distributed approximately 6,000 bags last year costing approximately 35 cents each); and, 2) the town was divided into four areas, each area being given a scheduled pickup day during the week (whereas Northbridge accumulated calls and then dispatched a crew to do pickups throughout the entire town in a day). Mr. Sasseville then provided recommendations that might create a more efficient program. He stated he was in favor of the scheduled pickup process as conducted in Uxbridge; but in terms of providing the bags, the following would have to be considered: a) the budget from which bags were purchased last year was reduced by 24%, and b) the manpower within the DPW department was cut; therefore, bag delivery/leaf pickup would be affected. A brief discussion period followed, after which time Selectman Collins stated he was in favor of the program and would go along with Mr. Sasseville's recommendations for efficiency. Mr. Mellor agreed that the program should be considered a priority, and the Town should find a way for the program to work financially. Several of the Selectmen offered suggestions on how the program could work more efficiently (i.e., put a quota on the number of bags allowed for each resident, pick up leaves but do not deliver bags, put a limit on the number of weeks the program would run). The Chairman concluded discussion by asking the DPW Director to put together a formal plan, including a schedule for pickup, for the next Selectmen's meeting.

Town By-law/Section 6-104 – Permit Required to Place Objects Over Streets and Sidewalks. Chairman Ampagoomian read aloud the By-law that forewarned: "No person, unless required by law so to do, shall, without a written permit from the Board of Selectmen, post, display, place or affix in any manner any sign, banner, placard, shade or awning on or over any street or sidewalk." He reported that there were instances in which individuals were placing signs on the Town Common and on Town sidewalks for their own purposes. He added that telephone poles were also littered throughout Town with yard sale and other types of signs, and he felt it was getting ridiculous. He concluded he felt enforcement of the By-law should be considered. During discussion that followed, it was agreed that most residents still might not be aware that they were violating a By-law or encroaching upon the property of others by posting their signs in the manner described, and education might be the best remedy. Therefore, it was decided that notices would be put on the local cable channels concerning the issue. Chairman Ampagoomian stated he would follow up on the matter.

Early Retirement Incentive Program. Chairman Ampagoomian advised that a decision on whether to accept the program must be made by November 1, 2003. He stated that the numbers previously provided to them indicated it would cost the Town approximately \$50,000 a year to institute the program for fifteen years, and the group then discussed the flexibility they would have in designing the Town's early retirement program provisions. The Chairman asked the Selectmen to submit any suggestions to the Interim Town Manager before the next Selectmen's meeting, and they agreed that the Interim Town Manager should also provide a recommendation on the issue at the September 22, 2003, Selectmen's meeting.

Shining Rock Partners, LLC/Reduction in Water Connection Fees. Chairman Ampagoomian advised that Mr. Fred Ruland, developer of Shining Rock Golf Community, was unable to be in attendance to further discuss his request for a reduction in water connection fees and the construction of a new booster station to pump water to the development. Therefore, he tabled the item until the September 22, 2003, meeting. It was agreed by all that the item would be discussed briefly at that meeting, and then it should be decided upon. Selectman Mellor suggested that both the DPW Director, Richard Sasseville, and the Manager of the Whitinsville Water Company, James Ouellet, be asked to attend that meeting to answer any questions that may arise.

Selectmen's Concerns. 1) **Selectman Mellor, a)** discussed his concern over the commitment made by Joseph Colasuonno, Project Manager of the Shining Rock Golf Community, to remedy some issues on the properties of several abutters to the Shining Rock project. As of yet, he noted, corrective actions had not taken place; therefore, he requested a progress report from Mr. Fred Ruland when he appeared before them on September 22, 2003; **b)** suggested that a representative of the Building, Planning and Construction Committee appear before the Board of Selectmen to give an update on the new problems (e.g., water run-off involving private properties, the extension timetable for the project) with the Whitinsville Streetscape project. 2) **Chairman Ampagoomian, a)** made some brief comments about his communications with the other Selectmen through the e-mail system, and he denied any allegations of holding "private meetings" with only a portion of the Board; **b)** announced the hiring of Ethan Mascoop by the Board of Health as part-time Health Agent to do inspections throughout the Town of Northbridge. He reported that Mr. Mascoop was a registered sanitarian with a Master's Degree in Public Health, and he specialized in environmental and public health issues; **c)** reminded Town residents that Representative George Peterson would hold office hours at Town Hall on September 22, 2003, beginning at 7 p.m.

Meeting adjourned, 8:25 p.m.

Respectfully submitted,

Robert Mellor, Clerk

Cth/

BOARD OF SELECTMEN
September 22, 2003

A meeting of the Board of Selectmen was called to order by Chairman Ampagoomian, Northbridge Town Hall, 7 Main Street, Whitinsville, MA, at 7:00 p.m. **Present:** Messrs. Montecalvo, Collins, Mellor and Boucher.

Also present: Jeanne Fleming, Interim Town Manager.

The Pledge of Allegiance was recited by those present.

The Chairman announced that Representative George Peterson was holding his office hours at Town Hall this evening between 7 p.m. and 8 p.m. in the Great Hall.

Approval of Minutes. 1) A motion/Mr. Boucher, seconded/Mr. Collins, to approve the December 2, 2002, Executive Session Minutes with the readings omitted. Vote yes/Unanimous. 2) A motion/Mr. Collins, seconded/Mr. Boucher, to approve the August 4, 2003, Minutes with the readings omitted. Vote yes/Unanimous.

Citizens' Comments/Input. 1) **Representative George Peterson** gave an update on financial figures for next year's budget at the statewide level. He reported on the unfunded pension fund liability, stating there was a strong possibility the state would start out the fiscal year with a \$500-700 million deficit in this obligation. He noted there would probably be another \$500-700 million commitment to items over which there was no control (such as Medicaid payments, insurance, etc.); therefore, the state was looking at anywhere from a billion to a billion and one-half of new costs that would be added to the bottom line of the budget that was approved this year. Representative Peterson explained how the budget had been based on anticipated revenues (at 1.2% growth), but noted that a lot of those were one-time revenues. Therefore, the state would be faced with a very difficult budget process again next fiscal year; and he advised that the Town keep this in mind as it deliberates on its own budget process. During a question and answer period, Selectman Mellor asked Representative Peterson to state his position on the proposed medical waste facility in Northbridge. Representative Peterson responded by explaining specifically how he was working with the appropriate regulatory agencies and authorities that were statutorily required to review the process. He noted that there were a lot of legitimate concerns brought up at the [September 3, 2003] public meeting on the issue, and he had confidence that those concerns would be addressed appropriately. Representative Peterson also addressed the issue of the purchase of new voting machines, and he stated he would find out if Northbridge could realize a greater reimbursement from the federal dollars allotted for their purchase than originally anticipated. 2) **Paul Harris, 753 Hill Street, Whitinsville,** reported that the citizens of Northbridge appreciated the fact that the Board of Selectmen took the initiative to ban medical waste in Northbridge. He then requested: 1) if the Board of Selectmen would consider engaging Town Counsel to vigorously pursue all legal avenues to support the ban of medical waste in the Town of Northbridge, and 2) if the Board would help 'rally the troops' by asking all other Town boards to look at their responsibilities with respect to the medical waste issue to determine what they might be able to do to help with the banning of medical waste in Northbridge. Chairman Ampagoomian agreed that the Board of Selectmen could send letters to the other Town boards inquiring whether they had any concerns on the matter. Discussion followed relative to having a technical review done that would answer the Selectmen's own questions on the medical waste facility's application in order for them to make an informed decision on how to proceed in the matter. The Selectmen also discussed the process of an appeal to the decision to allow the medical waste facility into town. Selectman Mellor recommended that they begin obtaining information for this purpose, such as on the cost and the chances of winning. Selectman Montecalvo agreed, stating that there was a majority of citizens expecting the Selectmen to do something about the issue; therefore, they owed it to the citizens and themselves to go all the way and do something without looking back at the cost. **Mary Frances Powers, Finance Committee Chairman,** was then recognized. She spoke briefly about a recent Board of Health meeting during which time it was discussed how a technical review of the medical waste facility/application would be funded, and she further explained that the Building Committee had authorized the Board of Health to use the services of its on-call consulting firm (the Maguire Group) for such a review. Ms. Powers then referred the Selectmen to a copy of the proposal from the Maguire Group [for the review] in which it was stated that the findings of the review would be directly communicated only to the Chairman of the Board of Health. Following these comments, Ms. Powers concluded that although funding from the reserve fund for a review of this type would be appropriate if the review were done for the good of the community, she would not vote to spend one dime of that public money for something that would be done for the personal benefit of a Chairman of a committee. Ms. Powers also presented her personal comments on the lack of encouragement that had been voiced by [the current] Town Counsel relative to winning an appeal in the medical waste matter; and she supported obtaining counsel that would believe in and fight for what the community wanted. 3) **Shelley Buma, 40 Heritage Drive, Whitinsville,** stated she also had a concern relative to the proposed medical waste site and the lack of response from the DEP to the questions that had been posed by residents/Town officials (including Senator Moore's fourteen questions) during the September 3, 2003, public meeting. She stated she felt it was imperative that the Town be shown and be given proof by the applicant of the facility's safety with respect to health and the environment. During her dialogue, Ms. Buma described the possible affects of the known carcinogen DEHP (a chemical emitted from medical products/plastic when exposed to heat) and other poisonous chemicals on the sewer system and on living things. She also gave numerous facts/statistics relative to chemicals that would leech from medical products that would be put into the proposed autoclave system. Mr. Harris joined discussion by explaining the significant difference between sterility vs. the toxicity of those chemicals. A short question/answer period followed regarding medical waste and chemicals. Discussion concluded with the residents suggesting that positions on the issue be sought from the Blackstone Heritage Corridor Commission and the Blackstone Chamber of Commerce.

Northbridge Association of Churches/Request to Hold Blackstone Valley CROPWALK, Saturday, October 18, 2003. A motion/Mr. Collins, seconded/Mr. Boucher, to approve the Northbridge Association of Churches' request to hold the annual Blackstone Valley CROPWALK on Saturday, October, 18, 2003, subject to the safety requirements of the Police, Fire, and Department of Public Works departments. Vote yes/Unanimous.

Riverdale Mills TIF Agreement/Vote to Approve. A motion/Mr. Collins, seconded/Mr. Boucher, to approve the TIF (Tax Increment Financing) Agreement between Riverdale Mills [and James Knott, owner], 130 Riverdale Street, Northbridge, and the Town of Northbridge, as presented and discussed at the August 18, 2003, meeting. Vote yes/Messrs. Collins, Boucher, Montecalvo, and Ampagoomian. Vote no/Mr. Mellor.

Fall Annual Town Meeting (October 28, 2003) Warrant/Vote to Sign. A motion/Mr. Collins, seconded/Mr. Boucher, to sign the Fall Annual Town Meeting (October 28, 2003) Warrant. Vote yes/Unanimous.

Police Department Organizational Changes/Police Chief Thomas Melia. Police Chief Thomas Melia reported that he was tentatively planning to retire from the Northbridge Police Department either in December, 2004, or in December, 2005, after fifteen years as Chief of Police and thirty-four years as a Northbridge Police Officer. With this, he stated he was requesting that the Town Manager [Appointing Authority] request a Police Chief's Promotional Exam for May of 2004, and a Lieutenant's and Sergeant's Promotional Exam for October, 2004, from the Commonwealth of Massachusetts Human Resources Division. Chief Melia noted that results of the exams would be certified approximately three months following the test dates, and the resulting certification lists would remain valid for two years; therefore, with proper planning, there should be no need for acting or provisional promotions within the Police Department. Because of the difficulty of the exams, Chief Melia recommended that the request for the exams be sent as soon as possible as the officers would need much time to study. In response to a question posed by Selectman Montecalvo, Chief Melia briefly explained how the exams should be requested; and he explained the differences between a departmental exam and a statewide exam, adding that he recommended the departmental exam over the statewide exam. The Police Chief also requested the Selectmen to act on his request this evening because of the preparation involved for the exams, particularly for the Chief's exam. A motion/Mr. Mellor, seconded/Mr. Collins, to move the item from Discussions to Decisions this evening. Vote yes/Messrs. Mellor, Collins, Boucher, and Ampagoomian. Vote no/Mr. Montecalvo. Following short discussion, it was agreed to schedule only a departmental Police Chief's Promotional Exam for May, 2004, and to hold off on the Lieutenant's and Sergeant's Promotional Exam until a new Town Manager was hired. A motion/Mr. Collins, seconded/Mr. Boucher, to write a letter of request to the Commonwealth of Massachusetts Human Resources Division to schedule a departmental Police Chief's Promotional Exam for May of 2004. Vote yes/Mr. Collins, Boucher, Mellor, and Ampagomian. Vote no/Mr. Montecalvo.

Balmer Playground Committee/Fundraising for Balmer Playground Project. Present: Michelle Benoit (57 Spring Street, Whitinsville), Deb Bousquest (1341 Hill Street, Whitinsville), John Nordquist (124 Upton Street, Northbridge), and Pam Leveillee (22 Danielle Lane, Northbridge). Ms. Michelle Benoit advised of the Committee's plan to hold a voluntary "toll" fundraiser at Memorial Square on Saturday, September 27, 2003, for the purpose of raising money to fund the building of a new playground at Balmer School. She reported that the playground (which would cost approximately \$40,000) would have a design similar to the obstacle course-type playground presently at the Primary School and would be constructed of metal with plastic. Ms. Benoit stated she discussed the maintenance of the playground with a number of town administrators (including George Murray, some members of the School Committee, and the Superintendent of schools) and was assured of the following: a) the mowing required within the playground would be done by the Town's Department of Public Works; b) Mr. George Murray would look after the maintenance of the playground itself; and, c) the PTA would have to handle the fundraising for repairs, etc. Ms. Benoit further explained how the proposed "toll" would be conducted and reported that the committee expected to make about \$4,500 from the fundraiser. Mr. John Nordquist further explained the proposed construction of the playground, the first stage of which would begin on October 25; and he noted they hoped to complete the project by fall, 2004. Ms. Benoit concluded by reporting how funds had been raised to this point for the playground, and she stated that many businesses had offered matches for funds already raised. Following a brief questioning period, a motion/Mr. Collins, seconded/Mr. Boucher, to move the item from Discussions to Decisions this evening. Vote yes/Messrs. Mellor, Collins, Boucher, and Ampagoomian. Vote no/Mr. Montecalvo. Selectman Montecalvo commented that although he was in support of the fundraiser, the Selectmen were again inconsistent in following proper procedure. A motion/Mr. Collins, seconded/Mr. Boucher, to approve the request of the Balmer Playground Committee to hold a voluntary "toll" at Memorial Square on Saturday, September 27, 2003 (with a rain date of October 4, 2003) from approximately 8 a.m. to 2 p.m., subject to the safety requirements of the Police, Fire and DPW departments. Vote yes/Messrs. Collins, Boucher, Mellor, and Ampagoomian. Vote no/Mr. Montecalvo. Following the vote, Ms. Benoit questioned how her committee would formally donate the playground to the Town upon its completion. Chairman Ampagoomian advised that since the playground would be on Town property, it would be under Town jurisdiction. Therefore, the committee would have to offer the playground to the Town at a Board of Selectmen's meeting as a gift, at which time the Selectmen would vote to accept the gift.

Early Retirement Incentive Program (continuation of Discussion from September 8, 2003). Interim Town Manager, Jeanne Fleming, provided a brief review of the Early Retirement Incentive (ERI) program. She explained that the Selectmen had latitude and flexibility in designing a program, noting the following: 1) the statute allowed a town to offer an ERI to any employees in Groups 1, 2 or 4; however, teachers were not eligible; 2) the ERI would allow an employee to be credited with five extra years of service or age, or a combination of the two equaling five; 3) currently there were twenty-four eligible employees; 4) the number of employees could be limited, but if the number were limited, the employees with greater years of service would be given preference over employees with

fewer years of service; 5) the deadline for acceptance of an ERI was November 1, 2003, and then the retirement date for the ERI would have to be determined. This could be any time between the effective date of the act and December 31, 2003. Ms. Fleming stated that she and Selectman Montecalvo discussed the proposed program in length, and they wished to offer the following recommendation: a program should be offered to five municipal employees, beginning with the five with the greatest number of years of service. With five retirees, the Town would pay about \$25,000 annually to the retirement fund for fifteen years, based on the numbers/information she presented. Ms. Fleming explained there were twelve employees who had expressed an interest in the ERI; and of the twelve interested, there were five with over twenty years of service. Selectman Montecalvo added that if one of the five decided not to participate in the program, they would go to the sixth individual; however, the vote would be for only five individuals. During the discussion that followed, the Selectmen voiced concern whether the five individuals with the greatest number of service were all from the same department. Interim Town Manager Fleming stated that was not the case; however, she cautioned the Selectmen that if the program were adopted and offered, the entire list of those employees interested could change; and the Town could potentially lose several employees from one department. She also reminded the group that the number could be limited by group but not by department. She also noted that those employees on the list for retirement eligibility would have to be replaced because of the present low staffing levels. After exchange of questions and ideas, the Selectmen agreed to vote on the issue at the next Selectmen's meeting, October 6, 2003.

Attorney Henry Lane – Amerada Hess Corporation (Warrant Article). The Chairman advised that Attorney Henry Lane asked to have this item removed from the agenda.

Downtown Whitinsville Streetscape Project Update – Building, Planning & Construction Committee (BPCC). Present: Neal Mitchell, Consultant; Jennifer Dulmaine, Community Development Program Director; Peter Barbadora, BPCC. Mr. Mitchell reported that the total bid on the streetscape project would use most of the funds that were available and approved by the BPCC. He then advised that the successful contractor for the project was Sequoia Construction, and the BPCC was presently in the process of formulating a contract for that company. Mr. Mitchell reported that construction would be done in two phases with an anticipated completion of both phases by June of 2004. Relative to the CDAG parking and underground utilities work: 1) the request for funds was for \$1.5 million; however, the state awarded only \$1.2 million; 2) the parking, which was priced out by J.H. Lynch for \$465,000, was actually finished for between \$140,000 to \$150,000. Thus, the \$300,000 shortfall from the state was absorbed. He continued by giving details of costs involved to date for land and expenditures for the project, and he reviewed how savings were realized (i.e., by hiring local labor, by donations, by writing contracts under \$5,000, allowing for special arrangements, and by purchasing own materials). He also touched upon labor costs for the underground utilities, noting that that phase of the project should also come in under budget. Mr. Mitchell noted that because of private financing and labor received from the Bakers and Mr. Dennis Latour, one hundred thirty parking spaces would be created in the parking area versus the 90 that were originally proposed. During his report, Mr. Mitchell also addressed work involved with the milling of the pavement, the curbing, the sidewalks, and the handicapped accessibility. He noted that renovation of Park Street would also go forward, but they would still remain within budget; and he reported that a complete engineering analysis of Oviaan Square would be done with the money saved from the Rockdale project. He added that a complete design of the Square would be presented to the Selectmen and the abutters within the next four to five weeks. Mr. Mitchell concluded his report by giving a timeline of projects that would be started within the next several weeks downtown. Both Selectmen Collins and Mellor praised Mr. Mitchell and his group for the monumental task they had undertaken and for the dollar savings they had realized for the Town. Chairman Ampagomian also credited the Downtown Advisory Group (including Carl Erickson, Darrell Baker, Herman Baker, and Dennis Latour) for their assistance in the project. Following brief discussion, Selectman Collins recommended that the BPCC push forward to replace the roofs of several school buildings. Selectman Mellor suggested that the Town begin to form a strategy to obtain the money for the roofs as soon as possible and set a definitive schedule on how the money should be bonded. He also suggested that a joint meeting be held between the Selectmen, the BPCC, and the Finance Committee to discuss the issue further.

Medical Waste Technical Review. Chairman Ampagomian referred the group to a memorandum from the Chairman of the Board of Health to the Finance Committee in which the Board of Health was seeking the Finance Committee's approval for the expenditure of funds (\$4,500) for the Maguire Group to do a review of the Berkowitz Facility application. He noted he wanted to discuss the statement in the consultant's proposal that indicated that all their findings on the medical waste issue would be communicated only to the Chairman of the Board of Health, Robert Clark. Chairman Ampagomian's opinion was that because information accumulated during a review would be public record, it should be channeled through the Board of Health office, not through Mr. Clark specifically. Selectman Boucher stated he felt the reason that the Maguire Group wished to communicate only with Mr. Clark was because companies generally prefer to deal with only one person. Selectman Collins concurred that the statement was a formality. However, the Chairman and other Selectmen felt clarification [of the statement] was necessary as the Maguire Group's letter specifically seemed to identify Mr. Clark as the only person who would receive written findings. Selectman Mellor then suggested that the Selectmen stipulate to the Maguire Group, either by a telephone call or by letter, that the information should be sent to the Board of Health office to the attention of Mr. Clark, but should also be disseminated to the Board of Selectmen and Town Manager, etc. He felt it was an 'over-focus on the words', and a call to the Maguire Group would clarify how the Selectmen wished the paperwork to flow. Mary Frances Powers voiced her opinion on how the waste facility application had been delivered personally weeks ago to the Chairman of the Board of Health at his home and not shared with the Selectmen until now; however, Selectman Collins argued that the application was refused at the Board of Health office, which spurred discussion about the acceptance of documents at Town Hall. From this discussion, it was agreed that the Interim Town Manager should obtain a clarification on the issue by informing the Maguire Group

that information on the findings of the review should be sent to the Board of Health at Town Hall, attention of the Chairman Robert Clark, making it officially public. Ms. Powers also requested that the consultant be asked to provide, by fax, written clarification on the matter as the Finance Committee would be discussing and voting on the \$4,500 transfer from the reserve fund on September 23. Chairman Ampagoomian followed by initiating discussion about the Board of Selectmen's request for its own technical review. He advised that the Selectmen would have a different scope of questions to ask about the medical waste facility, and their own review would not only allow the Selectmen to prepare for an appeal if necessary, but it would identify any discrepancies that may exist between the two technical reviews. Discussion followed, during which time various opinions were offered on the suggestion. Because several of the Selectmen were uncomfortable with the proposal, it was agreed that the item would be added to the agenda of the next Selectmen's meeting.

Selectmen's Concerns. Chairman Ampagoomian acknowledged the recipients of several community awards presented by Alternatives Unlimited, Inc., during a presentation ceremony on September 9, 2003: Doreen Cedrone and Richard Cedrone received the Community Beacon Award for providing housing to Alternative clients and for being "...exemplary landlords who are always available and who have established relationships that are based on honesty and respect."; and, an award was presented to Wayne and Ken Couture of Spare Time Recreation for providing a place of recreation for Alternative clients.

Town Manager's Report. None.

Meeting adjourned, 9:35 p.m.

Respectfully submitted,

Robert Mellor, Clerk

Cth/

BOARD OF SELECTMEN
October 6, 2003

A meeting of the Board of Selectmen was called to order by Chairman Ampagoomian, Northbridge Town Hall, 7 Main Street, Whitinsville, MA, at 7:00 p.m. **Present:** Messrs. Montecalvo, Collins, Mellor and Boucher.

Also present: Jeanne Fleming, Interim Town Manager.

The Pledge of Allegiance was recited by those present.

Approval of Minutes. 1) A motion/Mr. Collins, seconded/Mr. Boucher, to approve the August 18, 2003, Minutes as presented, with the readings omitted. Vote yes/Unanimous. 2) A motion/Mr. Collins, seconded/Mr. Boucher, to approve the September 4, 2003, Minutes as presented, with the readings omitted. Vote yes/Unanimous.

Announcements. Chairman Ampagoomian made the following announcements: 1) On November 6, 2003, between 6 p.m. and 9 p.m., Congressman Richard Neal would be hosting a "Meet the Congressman" fundraiser dinner at the Portuguese Club in Milford, MA. Tickets were \$15 each, and those interested in purchasing advance tickets should contact Chairman Ampagoomian. 2) On November 20, 2003, between 6 p.m. and 10 p.m., a retirement party would be held for Town Clerk Muriel Barry at the Grafton Inn, Grafton, MA. Tickets were \$30 per person, and those interested should see Sharon Susienka or Doreen Cedrone.

Citizens' Comments/Input. 1) **Paul Harris, 753 Hill Street, Whitinsville,** wished to follow up on the issue he discussed at the September 22, 2003, Selectmen's meeting relative to the proposed medical waste facility. He referred the Selectmen to an e-mail transmission that he had sent to each of them that summarized the issues as follows: 1) he asked for a written copy of the changes to Town Counsel's legal opinion that was first given at the September 17th Board of Health meeting; 2) regarding his request (September 22) to have Town Counsel investigate all legal avenues that involved the banning of medical waste in Northbridge, he asked that Town Counsel, a) request a new or modified site assignment, b) establish what impact the current consent order would have on the application, if any; and, c) determine the potential requirement for any separate sewer permitting process; 3) he suggested that the Selectmen contact Congressman Richard Neal and other appropriate representatives and encourage them to actively work on behalf of the Town of Northbridge in this matter; 4) regarding his request (September 22) that the Selectmen ask all other Town boards to examine any issues they may have with the medical waste facility, he asked whether the Conservation Commission had responded with respect to wetland regulations; 5) regarding the Special Town Meeting held on September 23, 2003, and the DPW Director Richard Sasseville's comments of concern at that Meeting about the potential adverse effects that the effluent from the proposed facility may have on the wastewater treatment facility, he asked if the Selectmen had a recommendation or action plan with respect to that issue; 6) he urged the Selectmen to seek their own independent technical review of the waste facility's permit application, as proposed by Selectman Ampagoomian on September 22; 7) with respect to the MEPA review, he suggested that the Board of Selectmen contact Secretary Ellen Roy Herzfelder at the Executive Office of Environmental Affairs and join Senator Moore in support of a full MEPA review; 8) he requested that the Selectmen enlist the support of the leaders of communities that encompass the Heritage Corridor to form a collaborative effort that may help to protect all the communities that could be impacted by the waste facility; 9) he urged the Selectmen to formulate, approve and execute a plan that would incorporate the aforementioned discussion points and that would work toward preventing the waste facility from operating in Northbridge. Selectman Montecalvo supported Mr. Harris' discussion points and confirmed the Selectmen's commitment to prohibit the medical waste facility from operating in the Town; and Selectman Boucher offered strong support to Mr. Harris' comments, in particular to having the Selectmen go forward with their own independent technical review. Selectman Mellor commented that there were still a lot of financial and legal questions on the issue, and one person should be designated to coordinate the total effort. He then suggested that that person should be a member of Town Counsel staff. Selectman Ampagoomian interjected, stating that although Town Counsel had indicated willingness to take on that role, they also informed him it would be in the best interest of the Town for them not to attend meetings such as tonight's because of the potential of litigation in the matter. Short discussion followed, and the Selectmen discussed possible items that would be involved in their own technical review. During this time, Chairman Ampagoomian suggested that the Selectmen follow Mr. Harris' suggestions and send letters of support to Senator Moore to have a MEPA review done and to leaders of communities in the Blackstone Valley to ask for their support in the matter. 2) **Shelley Buma, 40 Heritage Drive, Whitinsville,** thanked the Selectmen for putting their leadership to action. She also discussed a recent Telegram and Gazette [newspaper] article about the infectious waste site in Haverhill, MA. Ms. Buma reported that from numerous conversations between herself and the Director of the Health Department in Haverhill (Donna Leon), she wished to clear up some conflicting information. She noted that Ms. Leon clearly stated that the Haverhill site assignment, a) expressly prohibited the processing of infectious waste, b) prohibited the use of the autoclaving of infectious waste, and c) prohibited the use of a rotoclave. The site assignment, therefore, was for a transfer station only and waste was simply shipped in and out without being processed. Ms. Leon also noted that Mr. Haynes was not involved in the operation of the Haverhill transfer station; and if he did become involved, the Haverhill Board of Health would re-open the Public Hearing, and the site assignment would be pulled. Ms. Buma suggested that the Town of Northbridge take a lesson from the town of Haverhill because, from this information, it was confirmed that Northbridge could be the first and only commercial infectious waste site in the state and, therefore, would be known as the "infectious waste capital" of the state. 3) **Lee Hebert, 151 Heights of Hill Street, Whitinsville,** stated he was informed by the DEP that the Town's Board of Health could stop the medical waste project immediately and the DEP would back out. He stated he did not understand why the Town was being pulled apart if

this was the situation. Chairman Ampagoomian stated the Selectmen could not comment on Mr. Hebert's statement; however, the Selectmen could send a letter to the DEP asking that specific question.

Resignations - Board of Health/Thomas Perkins. A motion/Mr. Collins, seconded/Mr. Boucher, to accept the resignation of Thomas Perkins from the Board of Health. Vote yes/Unanimous. Mr. Collins commented that it was important for residents to know that Mr. Perkins was not leaving public service, but that he was simply taking a different role on another Town Board, the Disability Commission.

Family Karate Center/Request to Use the Town Common on Saturday, October 18, 2003. A motion/Mr. Montecalvo, seconded/Mr. Boucher to approve the request of the Family Karate Center to use the Town Common on Saturday, October 18, 2003, from 9:00 a.m. to 4:00 p.m., to hold free classes as part of its "Open House" fundraising activities, subject to the safety requirements of the Police, Fire and DPW departments. Vote yes/Unanimous.

Gray Barn, Inc./Petition for Change of Manager. A motion/Mr. Collins, seconded/Mr. Boucher, to accept the Petition for Change of Manager submitted by Robert M. Mellor, proposed new manager of the Gray Barn, Inc., 2 Elm Street, Whitinsville, MA. Vote yes/Messrs. Collins, Boucher, Montecalvo, and Ampagoomian. Abstain/Mr. Mellor.

Early Retirement Incentive Program. Interim Town Manager Jeanne Fleming distributed additional information relative to the proposed early retirement incentive program. The information showed the actual number of employees that signed up for early retirement, the names of the six employees who had twenty years of service or over and who would be offered early retirement, the current salaries of those employees who would be offered early retirement, and information on how much it would cost to replace those employees. Ms. Fleming stated it was difficult to report how much the Town would save or how much the program would cost because there were a lot of unknowns; but she did explain individual scenarios that might come up if the six employees listed actually retired, and she reported that the cost per year would be approximated \$29,500 annually for fifteen years or \$441,000. She noted, also, that the first year's savings would be about \$71,000, but that that would decrease over a seven-year period. During the last eight years, there would be a deficit for the Town of approximately \$236,000. The group discussed various ways in which salaries could be controlled and money saved if the program went forward. Selectman Collins voiced concern that the numbers offered were not reflective of sensible pay scales for the years to come for quality hires. Interim Town Manager Fleming agreed with Selectman Collins' comments and advised that the figures given at this time were only assumptions. Selectman Mellor agreed and felt the program would cost the Town money at a time when the Town was faced with the financial difficulties; additionally, he felt there would be problems in filling the retirees' positions. Following an exchange of opinions, a motion/Mr. Montecalvo to accept an Early Retirement Program and offer it to five municipal employees, as presented by the Interim Town Manager. There was no second on the motion, and the motion died. A motion/Mr. Collins, seconded/Mr. Mellor, not to accept an Early Retirement Program in the Town of Northbridge. Vote yes/Messrs. Collins, Mellor, Boucher, and Ampagoomian. Vote no/Mr. Montecalvo.

Medical Waste/Vote to Approve a Technical Review, Legal Challenge, etc. Chairman Ampagoomian stated he wished to have a formal vote of approval to have their own technical review done on the medical waste facility application. Selectman Collins suggested that before taking a vote, they should make sure all their "ducks were in a row"; therefore, the Board should know what the cost of the review would be, and a list of questions requiring answers should be obtained from all Town boards that might be involved in the matter. Selectman Montecalvo felt that since it appeared that no one opposed having a technical review done, they should go forward and vote to approve it now; however, Selectman Mellor felt that the Selectmen should approach a vote cautiously. He warned that they needed some advice on the subject from Town Counsel, and a vote now would be premature. During discussion that followed, Selectman Mellor commented that he did not know the definition of "technical review" vs. a "site proposal review", and he felt that the Selectmen should be educated as to that difference by Town Counsel. Additionally, he felt the Selectmen should be informed of the following: a) what the appeal process was; b) who could appeal; c) where would the appeal be made; d) what would the appeal cost; and e) what were the chances of winning (or losing) an appeal. At this time, Selectman Mellor and Collins also both argued that a review, if done correctly by providing information on all aspects of the facility, might cost upward of \$50,000. Selectman Collins also added that what the Town might be asking as a technical review might not be the same as what the Department of Environmental Protection (DEP) knew as a technical review. He reiterated that in his opinion, since the Selectmen needed to get answers for themselves, the Townspeople, and the other people who were involved (including Conservation, the Board of Health, Planning, Zoning, etc.), they needed more information before they could approve a technical review. Chairman Ampagoomian advised that board Chairpersons could be notified and asked to respond with their boards' concerns immediately, and Interim Town Manager Jeanne Fleming agreed to communicate that information to the Chairs immediately. Selectman Mellor also then suggested it might be beneficial for the Selectmen to send a letter to the Board of Health outlining the Selectmen's position on the matter. **Mr. Lee Hebert, 151 Heights of Hill Street, Whitinsville,** was recognized once again. He applauded and thanked Selectman Mellor for making this suggestion. He also reiterated that at a recent meeting with the DEP, it was the DEP that stated that it was a Board of Health (BOH) decision. Therefore, it seemed clear that the BOH could easily stop the matter immediately by saying "no" to the waste facility, and the DEP would then "go away", leaving the money issue mute. Following Mr. Hebert's comments and hearing no other concerns, the Chairman asked for a motion. A motion/Mr. Boucher, seconded/Mr. Montecalvo, to approve the technical review. Vote yes/Messrs. Boucher, Montecalvo, and Ampagoomian. Opposed/Messrs. Mellor and Collins.

Support of H1468 – Municipal Electric Issues. Through a memo from the Interim Town Manager, the Selectmen were informed that the Lexington Electric Utility Ad-hoc Committee was seeking support from communities for the passage of Bill H1468 through legislation. The Bill was relative to the purchase of municipal lighting plants [by municipalities] due to the high cost of electricity and the problems with poor service. During very brief discussion, Selectman Mellor advised that it would be extremely difficult, because of the cost, for a town to establish its own electric company; and, the Bill's passage would have no impact on the Town of Northbridge. Following, a motion/Mr. Boucher, seconded/Mr. Collins, to support Bill H1468. Vote yes/Messrs. Collins, Boucher, and Ampagoomian. Vote no/Messrs. Mellor and Montecalvo.

Town Manager Screening Committee/Report. Salvatore D'Amato, Chairman of the Town Manager Screening Committee, distributed information to the Selectmen relative to each of the Town Manager candidate finalists. After introducing his committee (Vice Chairman Glenn King, Peter Lachapelle, Mary Frances Powers, and Cornelius Madigan), Mr. D'Amato read aloud a letter of transmittal from the Screening Committee to the Northbridge Board of Selectmen in which the process by which his committee advertised the position was outlined. He also briefly discussed the criteria that were used in selecting the candidates. He noted that from twenty-four responses, twelve candidates were identified as qualified for interviews; however, due to various reasons, only nine candidates were interviewed and only five candidates were invited back for second interviews. Mr. D'Amato added that reference checks were conducted on all those candidates interviewed. In conclusion, he presented the names of the three candidate finalists that the committee felt were equally qualified: Gregory W. Barnes from the town of Swansea, Michael J. Coughlin, Jr., formerly of Southbridge, and Dennis F. Luttrell from the town of Tisbury. He then advised that the Selectmen would have thirty days from this date and time (October 6, 2003, 6:45 p.m.) to appoint a new Town Manager of Northbridge, and he wished them success. A brief discussion period followed and the committee answered various questions. The Selectmen continued by setting a date for the interviews. After discussion, it was agreed to conduct 45 minute to one-hour interviews in a public meeting on Tuesday, October 14, 2003, beginning at 7 p.m. in the Selectmen's chamber.

Selectmen's Concerns. 1) **Selectman Mellor** indicated he had given Chairman Ampagoomian a list of concerns he felt should be addressed over time, particularly when the new Town Manager came on board. 2) **Chairman Ampagoomian** requested Interim Town Manager Jeanne Fleming to write a letter to Massachusetts Highway to inquire where they stood on the re-construction of Plummers Corner. The Chairman also suggested that delayed signaling be installed at Plummers Corner until it was re-constructed so that a left hand turn could be made onto Church Street.

Meeting adjourned, 9:30 p.m.

Respectfully submitted,

Robert Mellor, Clerk

Cth/

BOARD OF SELECTMEN
October 14, 2003

A meeting of the Board of Selectmen was called to order by Chairman Ampagoomian, Northbridge Town Hall, 7 Main Street, Whitinsville, MA, at 7:00 p.m. **Present:** Messrs. Montecalvo, Collins, Mellor and Boucher.

Also present: Jeanne Fleming, Interim Town Manager.

The Pledge of Allegiance was recited by those present.

Interviews for the Position of Town Manager:

Chairman Ampagoomian announced that the meeting was a special meeting called specifically to interview the candidate finalists for the position of Town Manager of Northbridge: Dennis Luttrell from the town of Tisbury; Gregory Barnes from the town of Swansea; and Michael Coughlin, Jr., formerly of Southbridge.

The candidates were interviewed in the order previously stated. Each candidate introduced himself to the Selectmen and briefly reported on his qualifications, work experiences, and why he felt he was a 'good fit' for the position and the Town. After hearing these particulars, the Selectmen were each given the opportunity to pose random questions on a wide range of topics related to the work required of the position.

Following the interviews, the Selectmen agreed to place the Town Manager appointment decision on the agenda of the October 20, 2003, Selectmen's meeting.

Finance Committee: Request to Postpone the Fall Annual Town Meeting (FATM) to a Later Date. Present: Mary Frances Powers, Finance Committee Chairman. Ms. Powers offered reasons why she and the Finance Committee were requesting to postpone the FATM from October 28, 2003, to November 18, 2003. She stated that in large part, the Finance Committee did not have the estimated 'free cash' figure or the backup information on how that figure was calculated. Ms. Powers informed the Selectmen that her committee wanted to make certain that revenues were not underestimated and accounts were not over appropriated; and the 'free cash' information was essential to making those decisions. She also added that because of the lack of this financial information, the Finance Committee would not be able to uphold a specific Town by-law that mandated the Finance Committee to provide its recommendations [on Warrant Articles] to Town residents seven days prior to Town Meeting. During discussion that followed, Interim Town Manager Jeanne Fleming informed the group that she had the information/figures that the Finance Committee Chairman was requesting and could provide them to her this evening. This was acceptable to Ms. Powers; however, she noted postponement of the FATM would still be necessary. Following, a motion/Mr. Collins, seconded/Mr. Boucher, to postpone the Fall Annual Town Meeting from October 28, 2003, to November 18, 2003. Vote yes/Unanimous.

Selectmen's Concerns. Selectmen Boucher voiced concern over the Railroad Street (Northbridge) situation and the elimination of parking spaces on that street by the Providence/Worcester Railroad. He inquired whether the Interim Town Manager had any news on the subject. Interim Town Manager Jeanne Fleming informed the Selectmen that the railroad had not yet responded to the problem. Selectman Montecalvo also reported that the issue would be on the next Safety Committee meeting agenda, during which time the winter parking ban issue for that street would be discussed. Ms. Fleming concluded that she would call the legal department at the railroad again tomorrow in an attempt to obtain some information.

Meeting adjourned, 9:50 p.m.

Respectfully submitted,

Robert Mellor, Clerk

Cth/

BOARD OF SELECTMEN
October 20, 2003

A meeting of the Board of Selectmen was called to order by Chairman Ampagoomian, Northbridge Town Hall, 7 Main Street, Whitinsville, MA, at 7:00 p.m. **Present:** Messrs. Montecalvo, Collins, Mellor and Boucher.

Also present: Jeanne Fleming, Interim Town Manager.

The Pledge of Allegiance was recited by those present.

Approval of Minutes. 1) A motion/Mr. Collins, seconded/Mr. Boucher, to approve the September 8, 2003, Minutes as presented with the readings omitted. Vote yes/Unanimous.

Public Hearing – 7:05 p.m. Community Development Block Grant Program (CDBG)/Review and Discuss the FY'04 Proposed Grant Application; Discuss FY'01, FY'02 and FY'03 Grant Programs. Present: Jennifer Dulmaine, CDBG Program Director. Chairman Ampagoomian read the public hearing notice aloud and asked for a motion to open the Public Hearing. A motion/Mr. Collins, seconded/Mr. Boucher, to open the public hearing. Vote yes/Unanimous. The Chairman then requested that all those who planned to speak during the Hearing register on the sign-in sheet. Jennifer Dulmaine reported that the mini-entitlement funds available to the Town of Northbridge for FY 2004 was \$600,000, and the application for the funds was due by December 11, 2003. She then gave an update on the progress and completion of the FY'01- FY'03 grant programs that included the Downtown Improvements Project Phase I and II, the Sign and Façade Program, the Housing Rehabilitation Program, the Whittin Community Center Outreach Scholarship, and the Mentoring Partnership Program. After this review, Ms. Dulmaine made the following recommendations for the FY 2004 grant: 1) a Phase IV Streetscape Program to provide ornamental light poles and fixtures for Phase I and II of the Downtown Improvements in Whitinsville; 2) another Housing Rehabilitation Program; 3) an Outreach Scholarship Program (for which \$78,950 was being sought); and, 4) a Mentoring Partnership Program (for which \$16,000 was being sought). Brett Magowan, Assistant Executive Director of the Whittin Community Center, gave an overview of the proposal for FY 2004 for the continuation of the Outreach Scholarship Program, stating there were presently 141 applications on file for families that would like to obtain memberships to the Community Center through the program. During a questioning period, Selectman Montecalvo requested that Ms. Dulmaine provide the Selectmen with last year's evaluation reports on the Outreach Scholarship Program for review. Brett Magowan, who was also a Board member for the Mentoring Partnership Program, continued by speaking on behalf of Julie Daoust (head of the Mentoring Program). He reported that Ms. Daoust wished to continue the Mentoring Program, noting that presently there were 37 matches with children in town, and the goal for next year was 48. There was short discussion among the Selectmen, and during this time it was agreed that the Selectmen would review last year's evaluations on the Outreach Scholarship Program and continue the Public Hearing at the next Board of Selectmen's meeting on November 3, 2003, at 7:05 p.m. Hearing no further comments, a motion/Mr. Collins, seconded/Mr. Boucher, to continue the Public Hearing on the Community Development Block Grant Program (CDBG) on November 3, 2003, at 7:05 p.m. Vote yes/Unanimous.

Citizens' Comments/Input. Lee Hebert, 151 Heights of Hill Street, Whitinsville, reported that he recently participated in a New England regional conference about protecting drinking water at the source. The conference, he noted, was held by the national environmental organization "Clean Water Action" and was co-sponsored in part by the state and federal EPA, DEP, and DOH, the Toxic Action Center, the Natural Resources Defense Council, the National Planning Association, and other organizations. Mr. Hebert briefly reported on some of the issues that were discussed during the conference, including the issue he himself brought to the table regarding the proposed infectious waste facility in the Town of Northbridge and its possible affects on the environment here. He concluded that water source was a big issue, and he recommended that a presentation by some of the sponsors be made to the Northbridge Board of Health to make them aware of the affects that a medical waste facility could have on water in Northbridge as well as surrounding communities. Mr. Hebert also recommended that the Selectmen contact some of the Selectmen from other towns that were present at the conference for more information on the issues presented. Chairman Ampagoomian then asked Mr. Hebert to share the information he gathered from the conference with the Town's Board of Health.

Appointments: By the Board of Selectmen

1) Recycling Committee – Michelle Muscatell. Ms. Muscatell, 34 Susanne Drive, Whitinsville, introduced herself to the Board and gave a brief overview of her background and her reasons for wanting to become a member of the Recycling Committee. Following, a motion/Mr. Collins, seconded/Mr. Boucher, to appoint Michelle Muscatell to the Recycling Committee. Vote yes/Unanimous.

Joint Appointment: By the Board of Selectmen and the Planning Board – Present: Planning Board Members Dennis Latour (Chairman) Barbara Gaudette, and Harry Berkowitz.

2) Planning Board – one position, two candidates: G. Stephen Walker and Edward Palmer. Both candidates, Mr. Walker, 120 Nathaniel Drive, Whitinsville, and Mr. Palmer, 154 Hill Street, Whitinsville, introduced themselves, provided information about their backgrounds, and explained why they had interest in becoming a part of the Planning Board. Mr. Walker stated he had a strong technical background and was involved in environmental and safety issues at his place of employment. Mr. Palmer reported that since he had attended many Planning Board meetings recently, he had gained much knowledge about the issues going on in Town. Members of both the Planning Board and Board of Selectmen posed various questions to the candidates, and the importance of attending meetings and remaining objective was emphasized. Both candidates denied having any outside interests/relationships/conflicts with developers and confirmed they could remain open-minded and impartial. The

candidates also voiced their thoughts on commercial, industrial, and residential development within town. Following this questioning period, the group agreed that both candidates were very qualified for the position; however, it was noted that Mr. Palmer had an advantage because of his past attendance at a number of Planning Board meetings. Following, a motion/Mr. Collins, seconded/Mr. Boucher, to appoint Edward Palmer to the Planning Board. Chairman Ampagoomian asked for a roll call vote: yes/Mr. Collins, yes/Mr. Boucher, yes/Mr. Mellor, yes/Mr. Ampagoomian, yes/Mr. Latour, yes/Mr. Berkowitz, yes/Ms. Gaudette, no/Mr. Montecalvo. Following the roll call vote, Selectman Montecalvo changed his vote to 'yes' to make the appointment of Mr. Palmer unanimous.

By the Board of Selectmen – Present: Robert Clark, Board of Health Chairman.

3) Board of Health (BOH) – one position, two candidates: G. Stephen Walker and Diane Mackintosh.

Chairman Ampagoomian advised that Mr. Walker was also a candidate for the Board of Health position, and he then requested that Ms. Mackintosh introduce herself to the Board, provide her background information, and state why she was interested in the appointment. Ms. Mackintosh advised she had a degree in Medical and Therapeutic Rehabilitation and was currently working as a Community Planner in a neighboring town. She stated she was also familiar with the guidelines, rules, and regulations of the departments of DMR and Education, and she was involved in various community activities. At the request of Chairman Ampagoomian, Robert Clark, Board of Health Chairman, offered his opinion that both candidates would make a good fit on his Board as they both had backgrounds in things that were often discussed at BOH meetings. In response to several questions posed by Selectman Collins, Ms. Mackintosh stated she was not a member of CPN (Citizens for the Preservation of Northbridge), but that she had been outspoken on the subject of medical waste and had written a letter to Mr. Mellor and for the Board. She also stated she asked many questions on the issue to gain knowledge and insight as to what was occurring within the Town. She added she saw herself as a “fair-player” and had proved this fact in other situations. During the questioning period that followed, Selectman Mellor stated Ms. Mackintosh might be viewed as a “special interest” candidate, the special interest being medical waste; and he asked if she thought that that notion would be considered unfair. Ms. Mackintosh stated she thought it would be unfair, and she felt she should not be considered a “special interest” candidate simply because she was the kind of person who asked a lot of questions to find out information. She added that she made it a point to get answers about everything in which she was/or may be involved, including medical waste. The focus of questioning then changed and Selectman Mellor raised a question about the position voiced by Town Counsel regarding a [present] member of the BOH who had taken a public position on the medical waste issue. In light of that position, he asked Mr. Clark if he felt Diane Mackintosh would be able to participate 100% in any activities/forums related to the medical waste issue if she were appointed to the BOH since she had been very “visible” and verbal about medical waste in the past. In response, Mr. Clark reviewed Town Counsel’s opinion voiced at the BOH’s September 17, 2003, meeting: that anyone [on the BOH] who had made public statements would not be able to participate in that particular issue. He added that both he and his board understood the opinion to mean that if any public comment was made by a BOH member, then the member was “tainted”. Mr. Clark then stated that since that meeting, he had been advised that Town Counsel’s opinion/position had changed to: if the person on the BOH was not an abutter, there would be no conflict. Ms. Mackintosh interjected by stating she had personally spoken with Attorney Laurie Weisman at the State Ethics Commission regarding this issue. Ms. Weisman advised her of the following: a) there was no conflict of interest if anyone made any statements, as long as those persons were not receiving gifts or financial gain in the matter, b) a conflict of interest was only when a person was accepting financial donations, gifts or bribes, and, c) there was absolutely no case for a conflict of interest just because a person opposed or supported a situation – every board had people with differing opinions - the process of a board was to have people from different backgrounds and who had different opinions. Ms. Mackintosh concluded that Attorney Weisman advised her of the necessity of board members to complete disclosure forms (Article 23B3). She stated that once a member completed the form, he/she would never have to excuse himself/herself or avoid making a comment on a situation, a motion, or a vote. Chairman Ampagoomian stated he also spoke to Town Counsel on this issue and was advised that the circumstance of conflict would depend on whether the individual were a direct abutter [to the facility] and who would possibly have financial gain or hardship because of it. He added that Ms. Mackintosh had indicated she was not [a direct abutter]. Discussion followed, during which time Selectman Mellor continued to voice concern over Town Counsel’s change in position. At this time, Mr. Walker also disclosed that although he never publicly took a “stand” on the issue, he would prefer not to see medical waste come to Northbridge; however, as a possible BOH member, he felt he could remain completely unbiased on any issue concerning the medical waste facility. Following this discussion, a motion/Mr. Montecalvo, seconded/Mr. Boucher, to appoint Diane Mackintosh to the Board of Health. Vote yes/Messrs. Montecalvo, Boucher, and Ampagoomian. Vote no/Messrs. Collins and Mellor.

Town Manager/Vote to Appoint Permanent Town Manager. Chairman Ampagoomian asked if any Selectman had any additional information concerning the candidates that they wished to share with the group. Hearing none, he asked for a motion. A motion/Mr. Montecalvo, seconded/Mr. Collins, to appoint Michael Coughlin as permanent Town Manager of Northbridge. There was no discussion on the motion. Vote yes/Messrs. Montecalvo, Collins, Boucher, and Ampagoomian. Vote no/Mr. Mellor. Chairman Ampagoomian then directed Interim Town Manager Jeanne Fleming to advise the other candidates of the decision and to inform Mr. Coughlin that he had been selected, with the appointment being contingent upon reaching a contract agreement. Chairman Ampagoomian advised that Selectman Boucher would assist him to formulate a proposal, and he then solicited input from other members as to what they felt should be included in the agreement. He asked that the Selectmen provide their input to him as soon as possible so that a tentative contract could be ready for discussion by the next Selectmen’s meeting on November 3, 2003.

Safety Committee Minutes, October 15, 2003/Vote to Accept. A motion/Mr. Collins, seconded/Mr. Boucher, to accept the Safety Committee Minutes for October 15, 2003, with the readings omitted. Vote yes/Unanimous.

Henry Lane/Proposed Zoning Changes. Mr. Lane voiced concern that three major economic developments in the Blackstone Valley were currently being held up by litigation, much of which was related to economic interests rather than to community interests. He stated he felt there were a number of zoning issues (none of which he identified) that needed to be addressed; therefore, he suggested that Northbridge hold a Special Town Meeting (STM) in January to address those issues. He further explained there were approximately six zoning proposals that were currently circulating. One would address an anomaly in a current Town by-law that was identified by the Town attorney and that had created some concern for business and industrial zones. He further clarified that the Town had an awkward by-law that was understood to mean one thing by many but something else to the Town attorney; therefore, it should be addressed because of its ambiguity. Mr. Lane added that some other of the six zoning proposals would create safe harbors for some of the commercial projects that were permitted but that were currently under appeal in the Town. He stated that although none of the issues were a crisis, they were important from a financial point and had to meet timelines following Town Meeting action; therefore, since he did not feel the issues could wait until the spring Town Meeting, he wished to work with the Selectmen toward setting a STM. He added if that could not be arranged, he and his clients would have to request a STM by petition, which he would prefer to avoid. In response to a question posed by Selectman Collins, Mr. Lane indicated that he was prepared to work with the Planning Board and Town Planner on the articles for the proposed STM Warrant. Brief discussion followed, after which time Attorney Lane agreed to keep the Selectmen informed on the issue and to submit all the articles in writing for their review at the appropriate time.

Robert Spain/Charter Communications – Customer Complaints. Chairman Ampagoomian explained that he had received several complaints from residents pertaining to the closing of Charter’s billing office at 105 Church Street. This included complaints about late processing through a clearing house, service fees charged for making payments at the Trading Post, the inability of the automated calling system to recognize the Whitinsville zip code, and the cancellation of the senior citizen discount. He then opened the floor to Mr. Spain in order for him to address each issue: a) Basic senior discount plan: Mr. Spain noted he did not have any information with him specific to Northbridge’s senior citizen discount program. However, he stated he would research the issue and get back to the Board on the matter, as the discount varied from town to town; b) Service fees: Mr. Spain reviewed the process that was undertaken for the general public since Charter’s billing office closed in September. He advised that the dollar fee charged to make payments at the Trading Post was a processing fee charged by Western Union, a portion of which went to the Trading Post for any extra work involved for them. He also reviewed the various other ways of paying cable bills including by credit card, mail, or electronic funds transfer; c) Zip code identifier: Mr. Spain was uncertain as to the confusion associated with the automated teller system. He stated he would research the issue and attempt to rectify the problem; d) Mailed payments/late charges: Mr. Spain reviewed the billing cycle of Charter bills and discussed delinquency standards. In response to a question posed by Sharron Ampagoomian, Cable Advisory Committee, whether the Town had the right to request that provocative programming be aired only late in the evening on the local access channel, Mr. Spain stated ‘yes’. He then briefly discussed cable restrictions and exceptions, noting there was very little that either Charter or the Board of Selectmen (as the issuing authority) could prevent from being aired. He advised, however, that the Board could control the time when such programs could go over the air. Mr. Spain also discussed the differences between the regular broadcasting arena and the access arena, particularly how programs were rated, the legalities involved in programming, and the commercial sale of items vs. the sale of not-for-profit items over the access channel. During this time, Mr. Spain strongly suggested that the Town hold individual producers responsible for program liability and that releases be signed to protect the Town from liability for commercial content and illegal content as well. In response to an inquiry made by Richard Sasseville, DPW Director, Mr. Spain also agreed to look into the issue of offering surplus Town equipment (under the sealed bids process) for sale over the access channel.

Selectmen’s Concerns. None.

Town Manager’s Report. Mass Highway/Bridge Over Mumford River. Interim Town Manager Jeanne Fleming asked the Director of Public Works, Richard Sasseville, to speak about an issue/project that was eight years in the works. Mr. Sasseville gave an update on a 1996 request to Mass Highway to insert the Douglas Road Bridge, which spans the Mumford River behind Town Hall, into the Footprint Bridge Program. Mr. Sasseville reported that he recently spoke to some engineers from the Mass Highway Bridge Division who were gathering field information at the bridge. They informed him that the information would enable them to put together a scope of work for the construction of a new bridge design. He noted that the team was not able to provide a schedule for the new bridge’s construction, but they did inform him that it would be wider than the existing bridge, would have sidewalks on either side, and would require a slight realignment to better accommodate the Douglas Road traffic. They also indicated that they would include in the scope of work Mr. Sasseville’s recommendation that there remain a continuation of traffic flow in the area during the construction phase. In response to a question asked by Chairman Ampagoomian, Mr. Sasseville stated the team felt there would be no land takings for the project.

Meeting adjourned, 9:00 p.m.

Respectfully submitted,

Robert Mellor, Clerk

Cth/

BOARD OF SELECTMEN
November 3, 2003

A meeting of the Board of Selectmen was called to order by Chairman Ampagoomian, Northbridge Town Hall, 7 Main Street, Whitinsville, MA, at 7:00 p.m. **Present:** Messrs. Montecalvo, Collins, Mellor and Boucher.

Also present: Jeanne Fleming, Interim Town Manager.

The Pledge of Allegiance was recited by those present.

Approval of Minutes. 1) A motion/Mr. Collins, seconded/Mr. Boucher, to approve the October 20, 2003, Minutes as presented with the readings omitted. Vote yes/Unanimous.

Public Hearing – 7:05 p.m. Community Development Block Grant Program (CDBG)/Review and Discuss the FY'04 Proposed Grant Application; Discuss FY'01, FY'02 and FY'03 Grant Programs (Continuation of Discussion). **Present: Jennifer Dulmaine, CDBG Program Director.** Ms. Dulmaine provided copies of evaluations of the last three years' Outreach Scholarship Programs to the Selectmen, as previously requested by Selectman Montecalvo. She also explained changes that were made in the program during those years. During a brief discussion period that followed, Selectman Montecalvo requested that Ms. Dulmaine be certain to inform the Selectmen if she planned to make amendments either to the Block Grant Program or to the funding distribution (as recommended at the October 20, 2003, meeting) during this fiscal year. A motion/Mr. Boucher, seconded/Mr. Collins, to close the Public Hearing. Vote yes/Unanimous.

Citizens' Comments/Input. None.

Appointments/By the Board of Selectmen: 1) Disability Commission – Gail Arnold. Present: Thomas Perkins, Chairman. Ms. Arnold, 290 Providence Road, Linwood, introduced herself to the Board and gave a brief overview of her background and her reasons for wanting to become a member of the Disability Commission. Mr. Perkins confirmed that Ms. Arnold was eligible for appointment to the Commission under Chapter 40, Section 8J, and endorsed her appointment. Following, a motion/Mr. Collins, seconded/Mr. Boucher, to appoint Gail Arnold to the Disability Commission. Vote yes/Unanimous. **2) Personnel Board – Kathleen Michniewicz. Present: William Lavallee, Chairman.** Ms. Michniewicz, 59 Mahoney Lane, Northbridge, introduced herself to the Board and gave a brief overview of her background and her reasons for wanting to become a member of the Personnel Board. Mr. Lavallee reported that Ms. Michniewicz was a valuable member on the Personnel Board several years ago, and he endorsed her appointment again. Following, a motion/Mr. Mellor, seconded/Mr. Boucher, to appoint Kathleen Mahoney-Michniewicz to the Personnel Board. Vote yes/Unanimous.

Resignations: 1) Board of Health – Lynda Caya. A motion/Mr. Collins, seconded/Mr. Boucher, to accept the resignation of Lynda Caya from the Board of Health. Vote yes/Unanimous.

Northbridge Chain of Lights Committee/Request to Hang a Banner Over Church Street from November 16, 2003, to November 29, 2003. A motion/Mr. Collins, seconded/Mr. Boucher, to approve the request of the Northbridge Chain of Lights Committee to hang a banner over Church Street from November 16, 2003, to November 29, 2003. Vote yes/Unanimous.

Town Manager's Contract/Vote to Ratify. Chairman Ampagoomian reported the only item that was changed in the original [contract] document was Mr. Michael Coughlin's employment start date (changed from November 10 to November 12, 2003). He added that Mr. Coughlin had agreed to all other terms of the contract as written. The Chairman then asked for comments or recommendations. Selectman Collins voiced concern over the language that referenced the vehicle that would be used by the Town Manager. He suggested that the language be not so specific and that the present wording "...Town owned, Green Ford Explorer..." be changed to more general wording, such as 'a Northbridge Town vehicle.' In response to a question by Selectman Mellor, Chairman Ampagoomian explained how the proposed salary for the new Town Manager was decided upon, and discussion followed as to how the salary compared to that of his predecessor. During this time, Selectman Mellor voiced several other concerns, including whether the new Town Manager's salary was comparable to those of managers in neighboring communities, and whether other managers were offered town vehicles. Following brief discussion on those issues, a motion/Mr. Collins, seconded/Mr. Boucher, to accept the contract between the Town of Northbridge and Michael J. Coughlin, Jr., with a change in the employment start date from November 10 to November 12, 2003, and with a change in the wording regarding the Town Manager's vehicle from "Green Ford Explorer" to "Northbridge Town Vehicle". Vote yes/Messrs. Collins, Boucher, Montecalvo, and Ampagoomian. Vote no/Mr. Mellor.

Berkowitz Trucking: Site Assignment & Medical Waste Review. Present: Attorney Mark Reich, Kopelman & Paige. Chairman Ampagoomian explained that the discussion would encompass Attorney Reich's findings relative to the proposed medical waste facility in Northbridge. Town Counsel Mark Reich proceeded by directing the Selectmen to his letter of October 24, 2003, which outlined his review and opinion of the documents involving the application filed by Berkowitz Trucking for both a modification to the existing site assignment and a pending application to the Department of Environmental Protection (DEP) for a permit to accept medical waste at that company's existing facility. In his presentation, Attorney Reich first reviewed the history of Tom Berkowitz Trucking, Inc.'s, filing for a permit through the Board of Health (in 1996) to operate a recycling facility at 279 Douglas Road, as well as that company's suitability report filing through the DEP. He discussed what he described as the "self-limitation" of the applicant's original application, in that it did not seek a site assignment for his entire

parcel of land (and only for a proposed building) and only sought a permit for recycling processes. He then focused on the present and the applicant's new dealings before the Board of Health and the DEP, including both the application for an increase in tonnage and an application for acceptance of medical (or special) waste at the proposed facility. The attorney explained in detail how the issues of tonnage and medical waste each came under the control of separate authorities, the Board of Health and the DEP consecutively. In his presentation, he provided facts and arguments that, in his opinion, would challenge the applicant's current proposal for special waste at the facility, including: a) the site assignment issued by the Board of Health in 1997 was limited to a proposed building; b) the use of an existing building that was not designated on the initial plan as an area for waste handling would constitute an expansion of the site; c) the expansion of the site would require the submission by the applicant of a new site assignment application; d) the 1997 site assignment was limited to recycling activities; and, e) the receipt and processing of special waste at the site assignment would constitute a new solid waste activity and would also require the submission by the applicant of a new site assignment application. Mr. Reich also reported that presently there were concerns by the DEP's legal enforcement body over several of the threshold questions mentioned in Mr. Reich's letter of October 24 as well as whether the new activity proposed at the facility would be beyond the scope of the initial site assignment. Following thorough explanations of the issues, Attorney Reich concluded that, based upon regulations as they existed, and based on detailed documents that were reviewed, it remained apparent to him that it was not the Northbridge Board of Health's original intent to grant a blanket or general authorization/site assignment to Berkowitz. He stated his opinion remained (as it did in December, 2002) that the Board of Health had specifically referenced a plan [in 1997] and conditioned the granting of the site assignment on the construction of a building in accordance with that plan to conduct recycling. He added that review of both the 1996 and 2003 Plan's had reinforced his opinion that this was a specific solid waste facility, not a general solid waste facility; and the plans lend themselves to the argument that what was being contemplated now would be a new solid waste activity that would trigger a major site assignment modification. Following his presentation, Attorney Reich answered various questions posed by the Selectmen, and he clarified much of the information that was given in his presentation and that was written in his October 24 [opinion] letter. Included in this was his explanation of the difference between solid waste handling, recycling, and processing. During this time, Selectman Mellor voiced concern that the Board of Health members were not present at the meeting to hear Attorney Reich's presentation and might not readily accept Town Counsel's opinion/advice as did the Selectmen. In response, Attorney Reich advised that the Board of Health had independent jurisdiction and regulatory and statutory authority, and they must determine how to use it. He noted that his opinion letter could only serve as a guidance tool that would lay out a potential and, hopefully, persuasive argument. At this time, he reiterated some of the facts that he felt would challenge the applicant's application and/or the DEP's decision. He also reminded the group that if the Board of Health allowed for an expansion of the site or a major modification to the site during their consideration of increased tonnage, they would be going beyond their jurisdiction and the issue would become subject to challenge. He also described the processes involved, a) if the applicant were forced to submit an application for a new site assignment, and b) if Town Counsel had to challenge in Superior Court the DEP's approval of the permit for the acceptance of special waste at the facility. When asked again what members of the Board of Selectmen could do to encourage the Board of Health to consider Town Counsel's opinion before making their decision, Attorney Reich responded that what they could do was limited; however, as the policy makers of the Town, the Selectmen could ask the Board of Health to consider Town Counsel's opinion, they could watch what the Board of Health continued to do going forward, and they could make certain someone was at any Board of Health Public Hearing on behalf of the Board of Selectmen to raise the issues presented this evening. Chairman Ampagoomian opened the floor to questions from the audience, specific to the issue of 'site assignment'. **Lee Hebert, 151 Heights of Hill Street, Whitinsville**, made several comments during this time.

Selectmen's Concerns. 1) **Selectman Montecalvo** suggested that letters of gratitude be sent to both Paula McCowan and Barbara Gaudette for a job well done again this year on beautifying Memorial Square with flowers during the spring and summer months. Chairman Ampagoomian agreed and directed the Interim Town Manager to follow through by writing such a letter. 2) **Chairman Ampagoomian** announced that Representative George Peterson would hold office hours at Town Hall on December 1, 2003, beginning at 7 p.m.

Meeting adjourned, 8:38 p.m.

Respectfully submitted,

Robert Mellor, Clerk

Cth/

BOARD OF SELECTMEN
November 17, 2003

A meeting of the Board of Selectmen was called to order by Chairman Ampagoomian, Northbridge Town Hall, 7 Main Street, Whitinsville, MA, at 7:00 p.m. **Present:** Messrs. Montecalvo, Collins, Mellor and Boucher.

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

The Pledge of Allegiance was recited by those present.

Approval of Minutes. 1) A motion/Mr. Collins, seconded/Mr. Boucher, to approve the September 22, 2003, Minutes as presented with the readings omitted. Vote yes/Unanimous. 2) A motion/Mr. Collins, seconded/Mr. Boucher, to approve the October 6, 2003, Minutes as presented with the readings omitted. Vote yes/Unanimous. 3) A motion/Mr. Collins, seconded/Mr. Boucher, to approve the October 14, 2003, Minutes as presented with the readings omitted. Vote yes/Unanimous.

Public Hearing – None.

Citizens' Comments/Input. 1) **William Cundiff, 68 Windsor Ridge Drive, Whitinsville,** presented concerns and opinions on behalf of the Citizens for the Preservation of Northbridge [group] (CPN) regarding the proposed medical waste facility in Northbridge. At the onset, Mr. Cundiff clarified that the CPN represented accountability, responsibility, safety, and process, and their concerns about the facility were founded upon technical information. In order to give residents a better understanding of the proposed facility, Mr. Cundiff reviewed some of the terminology that would be used during his and other medical waste presentations during the meeting. He also provided an overview of the CPN opinions, as follows: a) they felt the medical waste facility was coming to Northbridge because of a market rather than a need for the service; b) although the group did not have a problem with the technology that was being proposed at the facility (rotary autoclave), they were concerned with the plastic component in medical waste that contained a compound known as DEHP, the byproduct of which was known to be cancer causing and would enter into either the sewer or the air after going through the autoclaving process; c) the DEHP chemical could disrupt the Town's new \$10M Wastewater Treatment Plant; d) the location proposed for the waste processing facility did not meet today's standards for siting, primarily because of the Rivers Protection Act; e) as a result of the DEHP issue, more tests and studies were needed in order to determine the impact of all chemicals released during the process; and there should be a clear demonstration of the process's safety before any permit were granted. Mr. Cundiff then gave a brief overview of several other potential hazards that may arise from the project, such as the release of mercury into systems and the lack of the ability to regulate out-of-state wastes. Lastly, he mirrored comments made by Senate Moore that indicated 'there was concern about the state's capability to adequately review the project proposal due to staffing cuts at the state level,' and 'regulations formerly in place did not contemplate some of these issues and should be revised accordingly.'

2) **Richard Sasseville, 217 Jefferson Avenue, Northbridge, and Director of the Northbridge DPW** reported on a charity drive that was conducted last December to support the Massachusetts Shelter for Homeless Veterans in Worcester (70 Grove Street). He noted that the shelter provided a place for homeless veterans to seek refuge, and it housed during the colder months about sixty to seventy individuals who had previously proudly served their country. Mr. Sasseville stated that as a result of last year's drive, sixteen large boxes of useful items were collected and delivered to the shelter just prior to Christmas. He announced that this year a similar program was being planned by the Northbridge Department of Public Works, and the same type of items would again be sought and delivered to the shelter during the holiday season. Items needed were new clothing articles (such as hats, underwear, socks, gloves), different types of pre-packaged snacks, and toiletries (such as combs, brushes, disposable razors, soap, shaving cream, etc.). Mr. Sasseville concluded that more information about the drive would be available soon, and an announcement as to where items could be dropped off would run on the cable access channel.

At this time, Chairman Ampagoomian introduced Mr. Michael J. Coughlin, Jr., as the new Town Manager for the Town of Northbridge.

Appointments/By the Board of Selectmen: Board of Health (one position, two candidates) – **Present: Candidates G. Stephen Walker and James R. Marzec; Robert Clark, Chairman.** Mr. Marzec, 221 Samuel Drive, Whitinsville, and Mr. Walker, 120 Nathaniel Drive, Whitinsville, introduced themselves to the Board and gave a brief overview of their backgrounds and their reasons for wanting to be appointed to the Board of Health. Several questions were asked by the Selectmen of the candidates. Following, a motion/Mr. Collins, seconded/Mr. Boucher, to appoint G. Stephen Walker to the Board of Health. Vote yes/Unanimous.

“Winter Parking Ban” – Vote to Set the Overnight Parking Ban, 12/1/03 to 4/1/04, 1 a.m. to 6 a.m. A motion/Mr. Collins, seconded/Mr. Boucher, to approve the overnight parking ban to go into effect on December 1, 2003, and to continue through April 1, 2004, from 1:00 a.m. to 6:00 a.m., and to allow the April 1st date to be extended if weather conditions make it necessary. Vote yes/Unanimous.

Fall Annual Town Meeting, 11/18/03 – Vote Positions on All Articles. Also present: Mary Frances Powers, Chairman of the Finance Committee. Article 1: A motion/Mr. Collins, seconded/Mr. Boucher, to support Article 1. Vote yes/Unanimous. **Article 2:** A motion/Mr. Collins, seconded/Mr. Boucher, to support Article 2. Vote yes/Unanimous. **Article 3:** A motion/Mr. Collins, seconded/Mr. Boucher, to support Article 3. Vote yes/Unanimous. **Article 4:** A motion/Mr. Collins, seconded/Mr. Montecalvo, to support Article 4. Following a

comment by Selectman Collins that the reconstruction of the Whitinsville Sewer Interceptor would be paid by the sewer users, Selectman Mellor asked if there was any indication how much the sewer rate would increase due to this project. Richard Sasseville, Director of the Department of Public Works, responded that he could estimate a rate by adding about \$12 per quarter or \$48 per year to the present rate; and he reported there were 2,636 sewer customers as of July 1, 2003. Vote yes/Unanimous. **Article 5:** A motion/Mr. Collins, seconded/Mr. Boucher, to support Article 5. Vote yes/Unanimous. **Article 6:** A motion/Mr. Collins, seconded/Mr. Boucher, to support Article 6. Vote yes/Unanimous. **Article 7:** Finance Committee Chairman Mary Frances Powers interjected that the article would be a pass-over. Ms. Powers explained that source documents of the article indicated that the Capital Construction and Equipment Account from which the funds were to be taken were inadvertently earmarked (through added wording at the state's legislative level) for the construction of a DPW facility only; therefore, a pass-over would be necessary at this time. A motion/Mr. Collins, seconded/Mr. Boucher, to pass over Article 7. **Article 8:** A motion/Mr. Collins, seconded/Mr. Boucher, to support Article 8. Vote yes/Messrs. Collins, Boucher, Montecalvo, and Ampagoomian. Vote no/Mr. Mellor. **Article 9:** A motion/Mr. Collins, seconded/Mr. Boucher, to support Article 9. Votes yes/Messrs. Collins, Boucher, Montecalvo, and Ampagoomian. Vote no/Mr. Mellor. **Article 10:** DPW Director Richard Sasseville was called upon and described the land referenced in the article that would be donated to the Town as open space if the article passed. A motion/Mr. Collins, seconded/Mr. Boucher, to support Article 10. Vote yes/Unanimous. **Article 11:** Finance Committee Chairman Powers reported that the Finance Committee supported passing over the article at this time. A motion/Mr. Collins, seconded/Mr. Boucher, to pass over Article 11. Vote yes/Unanimous. **Article 12:** A motion/Mr. Collins, seconded/Mr. Boucher, to support Article 12. Vote yes/Unanimous. **Article 13:** Finance Committee Chairman Powers provided the figures that would be requested in the article: a) the unexpended balance in the Primary School Roof Replacement Account was \$19,588.15, all of which would be recommended to be transferred under the article; b) it was recommended that \$24,000 be transferred from the remaining balance in the Aldrich School Boiler Replacement Account; c) it was recommended that \$59,850.96 be transferred from the remaining balance in the Whitinsville Social Library Building Renovation Account; and, d) it was recommended that \$17,000 be transferred from the remaining balance in the School Administration Building Roof Replacement Account. The total would be \$120,439.11. She also explained how the funds would be utilized. A motion/Mr. Collins, seconded/Mr. Boucher, to support Article 13. Vote yes/Unanimous.

Christopher Haynes/Medical Waste Regulations. Present: Christopher D. Haynes, Developer; Craig Boots, Senior Engineer of Tempico, Inc.; Cheryl Peterson, Certified Engineer, Heritage Design Group, Inc.; and Attorney Joseph M. Antonellis. Chairman Ampagoomian announced that Mr. Christopher Haynes' presentation would provide information on the state's regulations and the technical aspects of the proposed medical waste treatment center in Northbridge. Prior to the presentation, Chairman Ampagoomian invited the Town's Counsel, Attorney Mark Reich, to sit on the panel with the Selectmen during the discussion. Mr. Haynes began by providing packets of information that addressed salient points of his presentation. He stated that the information had been condensed from the many original documents that were provided to the Town months before. Following, Mr. Haynes provided an agenda for his presentation: a) information on the state's regulatory process (which he was going through) would be given; b) explanations of the 'site assignment' and the 'authorization to construct permit' for the facility would be given; c) information about the equipment that would be installed at the facility would be provided; d) specific concerns voiced by the Selectmen and the Citizens' for the Preservation of Northbridge (CPN) group would be addressed. At this time, Chairman Ampagoomian voiced concern that the specific information that Mr. Haynes circulated was not provided to the Selectmen earlier so that questions on the matter could be formulated in advance. Mr. Haynes continued by giving a brief history (beginning in 1997) of the regulatory condition of the proposed facility, including the process of obtaining the 'site assignment' (which was a general site assignment for general solid waste) and the 'authorization to construct' (which was for a transferring and recycling facility). He also described aspects within the 'authorization to construct' that identified specific permit conditions, and he made a point to note that periods of time were made available within the authorization that allowed the Town/abutters opportunity to object to the project. Mr. Haynes also described the original engineering plan for the project as well as modifications that were made prior to its being submitted to the Department of Environmental Protection (DEP) following recommendations from the Building Inspector. Following, Mr. Haynes described activities pertaining to the project that occurred between 1998 and 2002, concluding with information regarding the issuance of a 'consent decree' on August 15, 2003, that allowed the owner to go forward with the project. Mr. Haynes addressed the concern whether the facility complied/conformed with existing DEP regulations and displayed drawings of the Tom Berkowitz facility to make those who were not familiar with the site aware of its location in relation to surrounding resources. He also explained (with the assistance of visual aids) the operating process of the [autoclave] system as well as the capacities of the two systems that were proposed at the site. Following this explanation, Mr. Craig Boots provided information about the substance DEHP, explained how it reacted during the autoclaving process, and reported where it would be collected at the end of the process. He noted that all of the water released during the process would be collected in a tank at the back of the rotoclave and two thirds of that water would be recycled. The other one-third would go to a holding tank in the ground. At this time, Mr. Haynes announced that after meeting with various Town officials, and after being made aware of the affects of DEHP but not knowing the quantity that would be safe for Northbridge's wastewater system, he made the decision not to discharge to the Town's wastewater facility. As an alternative, he stated he would propose to the DEP that an approved holding tank be placed underground on the site, be pumped on a routine basis, and be discharged at a treatment plant outside of Northbridge that could handle the autoclaved effluent. This, he noted, would continue until further studies on the issue could be done. Mr. Haynes also stated he did not believe (and he felt the DEP and DPH did not believe) that the proposed facility would be a source of contamination for the area neighborhoods; however, he would be open to suggestions of building on an alternative site in the area if the Selectmen could provide them. Following this dialogue, Mr. Haynes focused on a schedule for the approval of his application and discussed anticipated tonnage processing per day at the site. Upon the conclusion of Mr. Haynes'

presentation, Chairman Ampagoomian opened the floor to questions, and Mr. Haynes answered various questions including what lead him to come to Northbridge and what he felt the value and return would be for Northbridge as the host community. He was also questioned as to how types of waste products would be limited, how waste would be transported both in and out of town, how monitoring and tracking of waste products would take place, and how large the area was that would be serviced by the facility. Selectman Montecalvo raised several issues that mirrored the concerns of Town residents as a whole. He noted that a majority of the Townspeople were against Mr. Haynes' proposed business, and they were questioning the Selectmen as to why they were allowing it to come to town. Mr. Haynes responded that growth in the biotech industry depended on how many small startup industries one could attract to a community where there was infrastructure to handle one of their fundamental operating costs (waste) safely, effectively, and environmentally correct. He noted that by bringing this essential tool to the community and attracting these companies, it would benefit the Town by creating jobs. Mr. Haynes concluded that he would like to return to speak further before the Selectmen about host fees, service areas, his business plan to attract other businesses to the areas, or the possibility of alternate sites. He noted he wished to find other ways to open the doors of understanding of his business that the Selectmen could share with the community. Chairman Ampagoomian reminded Mr. Haynes that all the criteria for the proposed facility fell under the auspices of the DEP and the Board of Health, and the Board of Selectmen was only a policy board that presented issues of concern that they may have had personally or that may have been voiced by the Town residents. He also stated it was not the Board's position or business to set or help set alternative sites for Mr. Haynes' proposed facility. The Chairman then thanked Attorney Reich for attending tonight's meeting and concluded discussion.

Selectmen's Concerns. 1) **Chairman Ampagoomian** - **a.** reminded the Selectmen that tomorrow November 18, 2003, was the Annual Fall Town Meeting, and the Selectmen were scheduled to meet at 6:30 p.m. in the Middle School Auditorium prior to the Meeting; **b.** announced that on November 24, 2003, there would be a Red Cross blood drive from 2 p.m. to 4 p.m. at the VFW Hall on Hill Street; **c.** announced that on November 22, 2003, there would be a benefit held at the Field House at Northbridge High School for Elijah Perkins; **d.** announced that the Whitinsville Christian School would celebrate its 75th Anniversary on November 22, 2003; **e.** announced that on December 14, 2003, there would be a Children's Holiday Party held that would be open to children of all Town departments and offices. The party would be held from 4 p.m. to approximately 7:30 p.m. in the Great Hall; **f.** reminded all that Representative George Peterson would hold office hours at Town Hall on December 1, 2003, during the Selectmen's meeting; **g.** announced there was a vacancy on the Housing Authority, and the Selectmen would like to fill that position at the next Selectmen's meeting. He asked those who might be interested to complete Talent Bank forms and return them to the Town Manager's office for consideration; **h.** reported that he was working on several concerns submitted by Mr. Ross Rajotte of Rockdale.

Town Manager's Report. Town Manager Michael Coughlin expressed to the Board and the citizens of Northbridge that he was very pleased to be with the Town of Northbridge. He stated that during his first week in his position, he had the pleasure of meeting a great team of professional department heads, many dedicated employees, and some interested residents; and he was looking forward to meeting and working with the various Town boards to get the job done.

Additionally, in recognition of exemplary service by a Town employee, Mr. Coughlin announced that during a ceremony held on Sunday, November 16, 2003, at St. Paul's Cathedral in Worcester, Bishop Riley bestowed upon Fire Chief Gary Nestor the St. Florian Award, which honored him and his staff for their work in establishing and upgrading the EMT service within the Town of Northbridge.

**A motion/Mr. Montecalvo, seconded/Mr. Boucher, to adjourn the meeting. Vote yes/Unanimous.
Meeting adjourned, 9:30 p.m.**

Respectfully submitted,

Robert Mellor, Clerk

Cth/

BOARD OF SELECTMEN
December 1, 2003

A meeting of the Board of Selectmen was called to order by Chairman Ampagoomian, Northbridge Town Hall, 7 Main Street, Whitinsville, MA, at 7:00 p.m. **Present:** Messrs. Montecalvo, Collins, and Mellor. Mr. Boucher was absent, and it is duly noted.

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

The Pledge of Allegiance was recited by those present.

Approval of Minutes. A motion/Mr. Collins, seconded/Mr. Mellor, to approve the November 3, 2003, Minutes as presented with the readings omitted. Vote yes/Messrs. Collins, Mellor, Montecalvo, and Ampagoomian.

Chairman Ampagoomian announced that Representative George Peterson was holding office hours this evening from 7 p.m. to 8 p.m. at Town Hall, in the Town Manager's office.

Public Hearing/7:05 p.m. – Tax Classification and Tax Levy Allocation for Fiscal Year 2004. A motion/Mr. Collins, seconded/Mr. Mellor, to open the Public Hearing for the tax classification and tax levy allocation for Fiscal Year 2004. Vote yes/Messrs. Collins, Mellor, Montecalvo, and Ampagoomian. Chairman Ampagoomian proceeded by reading the Public Hearing Notice aloud. He then introduced the Principal Assessor, Kenneth Mildren, who introduced attending members of the Board of Assessors – John Gosselin, Chairman, and Varkis Arakelian. Mr. Gosselin announced that at a meeting held earlier this evening (December 1, 2003), the Board of Assessors voted to maintain the tax rate as a single tax rate. Principal Assessor Mildren then reported that at a factor of “1”, the proposed rate that would be submitted to the Department of Revenue would be \$13.22 per thousand, compared to last year's rate of \$12.91. He added that the Board of Assessors had consistently chosen to classify at a single rate for the past twenty years, and he felt confident in offering an abbreviated form of information concerning that decision to the Selectmen. At this time, Mr. Mildren also informed the Board that the Town had an excess levy capacity of \$4,580; however, it was unleviable. He noted that the Town was ‘maxed out’ as far as real property and personal property taxes for 2004; therefore, it could not look at those areas for an increase in revenues. Mr. Mildren then provided an abbreviated form of information (as opted by the Selectmen) on the options of shifting the tax allocation, and he explained why his Board chose a factor of “1” and to have each class maintain 100% of its full value tax share. Following a brief questioning period by the Selectmen, the Chairman asked for questions/comments from the audience. Hearing none, a motion/Mr. Collins, seconded/Mr. Mellor, to close the Public Hearing. Vote yes/Messrs. Collins, Mellor, Montecalvo, and Ampagoomian. A motion/Mr. Collins, seconded/Mr. Mellor, to adopt the residential factor of “1” for the Town of Northbridge for Fiscal Year 2004. Vote yes/Messrs. Collins, Mellor, Montecalvo, and Ampagoomian. A motion/Mr. Collins, seconded/Mr. Mellor, that no residential exemption be adopted. Vote yes/Messrs. Collins, Mellor, Montecalvo, and Ampagoomian. A motion/Mr. Collins, seconded/Mr. Mellor, that no small commercial exemption be adopted. Vote yes/Messrs. Collins, Mellor, Montecalvo, and Ampagoomian. Following these votes, Principal Assessor Mildren circulated the necessary documents for the Selectmen's signatures.

Citizens' Comments/Input. 1) **Shelley Buma, 40 Heritage Drive, Whitinsville**, discussed several concerns relative to Mr. Christopher Haynes's presentation at the last Selectmen's meeting about his proposed medical waste facility. Included in her concerns were: 1) contrary to Mr. Haynes's statement that most hospital infectious waste was linens, the Federal EPA had reported that 50%-60% of hospital waste was PVC plastic which contained the toxin DEHP; 2) Mr. Haynes's expert representative from Tempico, Inc., (Mr. Boots) had not ever heard of the toxin DEHP; 3) Mr. Haynes spent no time addressing air emissions or the vent from which they would be released; 4) Mr. Haynes had been asked to submit test data with respect to air emissions, but had not done so; instead, he asked for an extension to get that data; 5) Mr. Haynes stated he intended to process five (5) tons of infectious waste per day; however, his application before the DEP was to process ten (10) tons per day (twice the original intent), and the production capacity of the two vessels proposed at the site was twenty (20) tons per day (four times the original intent); 6) there were questions as to what would be coming into the site to be processed, and Mr. Haynes avoided some of the questioning. Ms. Buma also discussed a letter she received from Ms. Suzanne Condon, state Department of Public Health, whose job it was to evaluate the toxicity of DEHP as it related to air emissions and wastewater. Ms. Buma pointed out that Ms. Condon had to solicit assistance from the CDC in Atlanta in that evaluation because the Massachusetts DPH could not provide answers. She concluded, therefore, that if neither the state DPH nor the federal CDC had answers or safety assurances, the protectors of the Town's people would have to be the Selectmen or the local Board of Health. Following some discussion on the matter, Selectman Montecalvo recommended that the Town Manager send a formal letter to the Board of Health informing that board of the Selectmen's concerns and their position on the matter; and that the Selectmen should ask the Board of Health to look at the situation in more depth. The other members of the Board concurred. In addition, Selectman Mellor suggested that Ms. Buma prepare an official [Town] letter with the assistance of the Town Manager to be sent to the state agencies, with copies to Senator Moore and Representative Peterson, that asked some specific questions as to why the Town was not receiving answers or action on the issue. Ms. Buma stated she would be very willing to do that. Selectman Montecalvo's opinion differed, however, as he believed that there should be more pressure at the local/community level rather than at the state (DEP) level. At the conclusion of this discussion, Ms. Buma addressed some of the differences between the proposed commercial facility's autoclaving system and those systems in area hospitals. This included information on the regulations that governed the systems and how they operated. Chairman Ampagoomian closed discussion by reviewing the planned strategy: the Town Manager and Ms. Buma would draft a letter to the state agencies that would explain the concerns of the Selectmen; the Town

Manager would contact Congressmen Neal and McGovern to find out what could be done at the federal level; the Selectmen, the residents, and resident groups should write individual letters to the DPH and the DEP with their concerns in order to apply pressure until results were realized. **2) Lee Hebert, 151 Heights of Hill Street, Whitinsville**, made the Selectmen aware of a Bill presently in Congress (HR 1123 – co-sponsored by Candice Miller of Michigan) that dealt with the ability of states, through their legislatures, to limit solid waste from coming across their boundaries from other states and internationally. He also stated he believed Mr. Haynes was very contradictory, and he suggested that the Selectmen ask Mr. Haynes more specific questions relative to the information that he provides and that he give clearer definitions of the terminology he uses. **3) Sharron Ampagoomian, 41 Henry Street, Whitinsville**, wished to publicly thank the Whitinsville merchants for the Santa's Parade that took place on Saturday, November 28, 2003, in Whitinsville.

Appointments/Resignations – Housing Authority Appointment. Joint Appointment By the Board of Selectmen and the Northbridge Housing Authority. Present: Candidate Lorraine Bell; Mary Frances Powers, Housing Authority Chairman; members Barbara Chandler and Janet King; and Charlotte Duquette (assistant at the Housing Authority). Ms. Powers introduced the Housing Authority representatives to the Board. She announced that the vacancy on the Housing Authority came from the passing of the Treasurer, Connie Gauthier, who served many years on the Housing Authority. She provided a brief overview of Ms. Bell's background and stated she was a tenant of one of the Housing Authority's properties. Ms. Powers stated that Ms. Bell was very willing and committed and had a strong connection to Ms. Gauthier for many years; therefore, she and the other members supported her appointment to the vacancy until the next election. Following brief discussion, a motion/Mr. Collins, seconded/Mr. Mellor, to appoint Lorraine Bell to the Housing Authority. Vote yes/Messrs. Collins, Mellor, Montecalvo, and Ampagoomian.

Safety Committee Minutes/November 18, 2003/Vote to Accept. Selectman Montecalvo voiced comments relative to the Town Hall Parking issue on Page 3 of the Safety Committee Minutes. He stated that although he himself seconded the motion to eliminate all three parking spaces on Douglas Road from the driveway at the Town Hall to Memorial Square due to safe sight distance and flow of traffic, in retrospect he felt that decision should be changed. He stated that there were times in the evening when there were meetings at Town Hall and parking spaces were difficult to find. He then asked the Selectmen if they might want to recommend that the 'no parking' in those spaces be designated from 7 a.m. to 7 p.m. only. After brief discussion, the Selectmen agreed that the parking in the area should remain off-limits, the Safety Committee minutes should be accepted as voted, and that Selectman Montecalvo should take the issue back to the Safety Committee and request a consideration of an amendment to the parking hours. A motion/Mr. Collins, seconded/Mr. Mellor, to accept the Safety Committee minutes with the readings omitted. Discussion on the motion included an amendment to the main motion by Selectman Montecalvo to prohibit parking in the three parking spaces on Douglas Road between the hours of 7 a.m. to 7 p.m. only. There was no second on the amendment to the main motion, and it failed. Vote yes on the main motion/Messrs. Collins, Mellor, and Ampagoomian. Vote no/Mr. Montecalvo.

Written Determination on Conflict of Interest – Re: Diane Mackintosh, Board of Health Member (and resident at 118 Hastings Drive, Whitinsville). Present: Diane Mackintosh. Town Manager Coughlin explained that since Ms. Mackintosh's appointment by the Selectmen to the Board of Health, she filed a disclosure under the state's conflict of interest laws [Section 23(b)] so she could participate in the proceedings involving the medical waste issue. Mr. Coughlin advised that within her disclosure, Ms. Mackintosh admit that she lived in close proximity to the proposed medical waste site. Because of this, the Ethics Commission then required that she comply with Section 19 of the laws which stipulates that no government official should have a financial or other potential interest in a matter that may come before them. He noted that since legally an abutter was presumed to have a financial interest, the only way Ms. Mackintosh could comply with Section 19 was to provide the Ethics Commission with professional opinions that she would have no financial interest or a written determination from the appointing authority that there was no conflict. Therefore, Ms. Mackintosh was requesting a written determination from the Selectmen. Selectman Mellor's opinion was that although she may not have a financial interest in the activity, the facility (if it became a reality) would create a financial impact on the value of her home. He added that residents were opposed to the facility for a number of reasons, the most significant one being public safety and health; however, he felt that abutters of the facility would have the greatest impact financially, and it was his personal opinion that Ms. Mackintosh could not be a totally neutral person on the issue. Following a brief exchange of opinions, Chairman Ampagoomian pointed out that the Selectmen were simply being asked to reinforce their reason for appointing Ms. Mackintosh to the Board of Health: that they felt she would be the best person for the position and they had the utmost faith in her to perform the job, regardless of the issue. The Town Manager concurred and clarified that the Ethics Commission was not saying there could not be a conflict, but that the Selectmen should decide that the conflict was not so great as to cause a question of Ms. Mackintosh's integrity on the Board of Health. At the conclusion of discussion, Ms. Mackintosh requested that the Selectmen postpone their vote until all members were present. This came with minor protest by Selectmen Collins and Mellor. Following, a motion/Mr. Montecalvo, seconded/Mr. Ampagoomian, to postpone the determination on the conflict of interest of Ms. Mackintosh. Vote yes/Messrs. Montecalvo and Ampagoomian. Vote no/Messrs. Mellor and Collins. The vote did not carry. A motion/Mr. Montecalvo, seconded/Mr. Ampagoomian, to determine that a possible conflict for Ms. Mackintosh was not so substantial as to affect the integrity of her services to the Town as a member of the Board of Health. Vote yes/Messrs. Montecalvo and Ampagoomian. Vote no/Messrs. Mellor and Collins. The vote did not carry.

Dedication of New Downtown Whitinsville Parking Area. Chairman Ampagoomian reported that the downtown parking area was in its final stages with the exception of the striping, which would be completed in the spring.

Because of the state's interest in the new parking lot located behind the old Baker's Department Store, he reported there would be a formal dedication of the area. He then asked the Selectmen for their preference as to a dedication date, noting that Wednesday, December 10th or Thursday, December 11th at 1 p.m. was good for state representatives. The Selectmen were receptive to the proposal and agreed to meet on December 10th. The Chairman stated he would notify the appropriate individuals.

Plaque for Former Brochu House. Chairman Ampagoomian reviewed the facts of the Town's purchase and eventual demolition of the Brochu-Baker house that was located in the new downtown parking area, noting that it was a 1900 vintage home with a hand-cut granite foundation. He reported that after the demolition, the granite from the foundation was saved and was being used in the landscaping of the parking area. He advised that the Northbridge Historical Society was willing to contribute a portion of the money needed for the placement of a bronze plaque that would signify the history and importance of the stone; but in return, the Society wished to control what would be written on the plaque. Although several of the Selectmen felt that the Historical Society should bear the entire cost of the plaque, the Chairman reported that the Historical Society was willing to contribute a maximum of \$250 only, and the balance of the cost would have to be paid by the Town. He then advised that he would obtain more information on the subject, and the issue could be discussed at a future meeting.

Selectmen's Concerns. Chairman Ampagoomian asked the Town Manager to have the 2004 Selectmen's Meeting Schedule [calendar] and the 2004 Holidays and Special Dates [calendar] prepared for vote at the next Selectmen's meeting.

Town Manager's Report. Town Manager Coughlin referred the Selectmen to copies of correspondence in their packets that were written by several neighboring municipalities (the towns of Douglas, Millbury, and Burrillville [RI], and the city of Pawtucket [RI]) and that offered support of the Northbridge Selectmen's stand and concerns regarding the proposed medical waste facility.

A motion/Mr. Collins, seconded/Mr. Mellor, to adjourn the meeting. Vote yes/Messrs. Collins, Mellor, Montecalvo, and Ampagoomian.

Meeting adjourned, 8:22 p.m.

Respectfully submitted,

Robert Mellor, Clerk

Cth/

BOARD OF SELECTMEN
December 15, 2003

A meeting of the Board of Selectmen was called to order by Chairman Ampagoomian, Northbridge Town Hall, 7 Main Street, Whitinsville, MA, at 7:00 p.m. **Present:** Messrs. Montecalvo, Collins, Mellor and Boucher.

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

The Pledge of Allegiance was recited by those present.

Approval of Minutes. A motion/Mr. Collins, seconded/Mr. Boucher, to approve the November 17, 2003, Minutes as presented with the readings omitted. Vote yes/Unanimous.

Public Hearing. None.

Citizens' Comments/Input. **Shelley Buma, 40 Heritage Drive, Whitinsville,** reported on several tasks given to her at the last Selectmen's meeting regarding the medical waste facility issue. She first reviewed the fact that, due to limited resources at the state level, Ms. Suzanne Condon of the state's Department of Public Health had previously advised she had to solicit assistance from the CDC in Atlanta to aid in the evaluation of the toxicity of DEHP and to help determine the extent of the toxin's release into the environment and the wastewater. Ms. Buma's first task was to write a follow-up letter to Ms. Condon to ask further about 'limited resources' and to obtain answers relative to emissions from a medical waste facility. Ms. Buma read Ms. Condon's reply [e-mail] aloud, which included the following information: 1) as far as the 'limited resources' at the state level, Ms. Condon stated she had a team of very talented environmental scientists that were more than capable of undertaking technical reviews such as those requested; however, she was sure that taxpayers would agree that it made sense to ask for federal assistance on the matter, as it was clear the Feds had already done a lot of background work including: a) one study that concluded that DEHP was a human carcinogen, and b) another study (from 1990) that determined that the estimated number of medical waste related HIV and hepatitis B infections were a public health concern for selected occupations, including refuse workers. To summarize, Ms. Buma concluded from Ms. Condon's reply that the state had not done studies on the affect of the extent of the release of DEHP into the environment; and neither the state nor the federal agency had studied autoclaves; 2) in reference to her previous request to the Board of Health to reject the plan for the proposed autoclave because of the lack of studies done, Ms. Buma reported she also wrote letters (as suggested by Selectman Mellor) to other various agencies to let them know that because the studies had not been done, she would urge them also to reject the plan for the proposed facility. Ms. Buma concluded her comments by giving credit to other concerned citizens and to the Citizens for the Preservation of Northbridge [group] for the work they had done to support opposition to the proposed medical waste facility. She reported, also, that she was made aware that Senator Moore had formalized a letter to the DPH in which more specific questions were asked of that agency (i.e., what were the staffing levels at the state DPH, what were the capabilities and experience of each DPH staff member, etc.).

Appointments/Resignations. **1) Resignation/Board of Health – Robert Clark.** A motion/Mr. Boucher, seconded/Mr. Mellor, to accept the resignation of Robert Clark from the Board of Health. Vote yes/Unanimous. **2) Resignation/Zoning Board of Appeals – W. Robert Knapik.** A motion/Mr. Boucher, seconded/Mr. Mellor, to accept the resignation of W. Robert Knapik from the Zoning Board of Appeals. Vote yes/Unanimous.

2004 Board of Selectmen's Meeting Calendar & 2004 Holiday Calendar/Vote to Approve. A motion/Mr. Montecalvo, seconded/Mr. Mellor, to accept both the 2004 Board of Selectmen's Meeting Calendar and the 2004 Holiday Calendar as presented. Vote yes/Unanimous.

St. Patrick's Church/Adult Valentine's Day Dinner Dance Fundraiser (February 14, 2004) – Request for a One-day Wines & Malt License. Present: Christine and Anthony Benedetto, Representatives of the Youth Ministry. Ms. Gillen reported that the dinner dance would be held in the lower level of the parish center from 6:30 p.m. to 10:30 p.m. on Saturday, February 14, 2004, and the Youth Ministry would provide babysitting services during the function. Following several brief questions, a motion/Mr. Montecalvo, seconded/Mr. Boucher, to approve the request of the St. Patrick's Church and Youth Ministry for a one-day wines and malt license for Saturday, February 14, 2004. Vote yes/Messrs. Montecalvo, Boucher, Collins, and Ampagoomian. Abstain/Mr. Mellor.

2004 Annual License Renewals (Alcohol, Common Victualler, Class II, Class III, Automatic Amusement Devices, etc.). A motion/Mr. Collins, seconded/Mr. Boucher, to approve all 2004 Annual License renewals, subject to the payment of all outstanding taxes and subject to the receipt of all proper documentation. Vote yes/Messrs. Collins, Boucher, Montecalvo, Mellor and Ampagoomian.

Written Determination on Conflict of Interest – re: Diane Mackintosh, Board of Health Member. Present: Diane Mackintosh (BOH member and resident at 118 Hastings Drive, Whitinsville). The issue of formalizing a written determination on a conflict of interest was again brought before the Board this week due to a tie vote at the December 1, 2003, Selectmen's meeting. Ms. Mackintosh briefly restated her request that the Selectmen acknowledge her integrity and that they trust her to be an unbiased participant on the Board of Health on all issues, including that of the medical waste facility. Following her statements, a motion/Mr. Boucher, seconded/Mr. Mellor, to provide a written determination that a possible conflict for Ms. Mackintosh on the medical waste issue was not so substantial as to affect the integrity of her services to the Town as a member of the Board of Health.

Vote yes/Messrs. Boucher, Mellor, Montecalvo, and Ampagoomian. Vote no/Mr. Collins. Following this vote, Chairman Ampagoomian directed Town Manager Coughlin to prepare the written document and forward a copy to both the Northbridge Board of Health and the state Ethics Commission.

Further Review of FY 2004 Mini-Entitlement Grant – Community Development Strategy. Present: Jennifer Dulmaine, CDBG Program Director. Ms. Dulmaine advised that as a mini-entitlement, the Town was required to put together a community development strategy that summarized relevant planning documents and studies that were done and outlined relevant goals toward projects that were being pursued with the 2004 grant. She referred the Selectmen to a copy of the draft Community Development Strategy FY 2004 report that she planned to submit along with the Town’s Mini-Entitlement Grant application to the state in mid-January. She noted that the Town had several plans and studies that identified goals related to Affordable Housing, Economic Development and Natural Resources, and she then gave a quick overview of the following plans identified in the report: the Northbridge Master Plan, the Open Space Plan, the Downtown Revitalization and Marketing Plan for Whitinsville and Rockdale (developed in 2000), and the Community Action Statement (developed approximately 1999). Ms. Dulmaine also briefly discussed ongoing plans that were relevant to the Housing Rehabilitation Program for 2004 and an extension of the Streetscape Project for 2004. At the conclusion of her presentation, Ms. Dulmaine requested that the Selectmen inform her if they felt there were any other relevant plans that should be included in the report before it was submitted.

Selectmen’s Concerns. None.

Town Manager’s Report. Town Manager Coughlin reported on the following: 1) the Town Hall employees’ Christmas party that would take place on Monday, December 22, 2003, between 5 p.m. and 7 p.m.; 2) with respect to the day after Christmas, December 26, 2003: since it fell on a Friday, he suggested that the Town Hall be closed. He stated it would be a nice gesture for those who work very hard in Town government, and if there were no objections by the Board, he would be closing Town Hall on that day; 3) with respect to municipal operations, he commended the Department of Public Works employees for their work in plowing/cleaning the roads during the two recent snow storm(s); 4) in reference to the Board’s request at the December 1, 2003, meeting with respect to the medical waste issue, he advised he wrote a letter to the Chairman of the Board of Health (BOH) asking him and his Board to consider their local regulatory options and to take a pro-active stand on the issue. He understood that the BOH would consider that letter at their December 17, 2003, meeting; 5) with respect to recent articles publicized by the local press in which accusations were made against a member of Town Hall staff and her disclosure of information, he stated a thorough examination of all issues concerning those allegations revealed that the employee in question did nothing wrong; therefore, she deserved his full support and that of the Board. He stated he would continue to update the Board on future information regarding this matter. At this time, Chairman Ampagoomian voiced agreement with the Town Manager and personally expressed his support of the Town Hall employee, stating he felt she was unjustly accused.

A motion/Mr. Montecalvo, seconded/Mr. Boucher, to adjourn the meeting. Vote yes/Unanimous.

Meeting adjourned, 7:30 p.m.

Respectfully submitted,

Robert Mellor, Clerk

Cth/