

**BOARD OF SELECTMEN  
EXECUTIVE SESSION  
February 9, 2009**

**REDACTED**

An Executive Session of the Board of Selectmen was called to order by Chairman Joseph J. Montecalvo at 9:40 PM, Northbridge Town Hall, 7 Main Street, Whitinsville, MA, under M.G.L. Chapter 39, S. 23B #3 Litigation and to not reconvene in Open Session. Present: Messrs. Marzec, Ampagoomian, Melia, Montecalvo, Nolan. Also present: Theodore D. Kozak, Town Manager.

**M.G.L. Chapter 39, S. 23B #3 - Litigation.**

Mr. Kozak updated the board on the status of Couture case. Our attorney reported that the case has been continued to trial and that the insurance company thinks the judge erred in his interpretation of the law.

In the Knott case, we are still in the paperwork stage, nothing new to report.

The Bill Maynard case should have an opinion by our insurance company soon.

Robert Kuindersma may be suing the Town due to a situation where the water company was working on a hydrant and water backed up into the house. The water company denies responsibility.

A motion/ Mr. Marzec, seconded/Mr. Nolan to adjourn the executive session. Roll Call Vote: Mr. Marzec/Yes, Mr. Ampagoomian/Yes, Mr. Nolan/Yes, Mr. Melia/Yes, and Mr. Montecalvo/Yes.

**Executive Session adjourned: 10:05 PM.**

Respectfully submitted,



Daniel J. Nolan, Clerk

/dmg

**BOARD OF SELECTMEN  
EXECUTIVE SESSION  
March 9, 2009**

**REDACTED**

An Executive Session of the Board of Selectmen was called to order by Chairman Joseph J. Montecalvo at 9:32 PM, Northbridge Town Hall, 7 Main Street, Whitinsville, MA, under M.G.L. Chapter 39, S. 23B #3 Litigation and to not reconvene in Open Session. Present: Messrs. Ampagoomian, Marzec, Melia, Montecalvo, Nolan. Also present: Theodore D. Kozak, Town Manager.

**M.G.L. Chapter 39, S. 23B #3 - Litigation.**

Mr. Kozak updated the Board of Selectmen on the Kuindersma lawsuit regarding water backing up into the house when the hydrant was being flushed. The town's insurance is covering this issue now.

A motion/ Mr. Marzec, seconded/Mr. Ampagoomian to adjourn the executive session. Roll Call Vote: Mr. Marzec/Yes, Mr. Ampagoomian/Yes, Mr. Nolan/Yes, Mr. Melia/Yes, and Mr. Montecalvo/Yes.

**Executive Session adjourned: 10:00 PM.**

Respectfully submitted,

Daniel J. Nolan, Clerk

**BOARD OF SELECTMEN  
EXECUTIVE SESSION  
March 23, 2009**

**REDACTED**

An Executive Session of the Board of Selectmen was called to order by Chairman Joseph J. Montecalvo at 8:45 PM, Northbridge Town Hall, 7 Main Street, Whitinsville, MA, under M.G.L. Chapter 39, S. 23B #3 Negotiations and M.G.L. Chapter 39, S. 23B #3 Public Safety; not to reconvene in Open Session. Present: Messrs. Ampagoomian, Marzec, Melia, Montecalvo, Nolan. Also present: Theodore D. Kozak, Town Manager and Gary Nestor, Fire Chief.

At 9:10 PM: Selectman Melia left the Selectmen's Meeting at this time.

**M.G.L. Chapter 39, S. 23B #3 – Public Safety (Mutual Aid Agreement).**

Police Chief Walter Warchol entered the room and explained to the Board about the new regional task force being created called the Central Massachusetts Law Enforcement Council. He stated membership may be helpful in obtaining federal funds for the department and with no real cost to the town. A motion/ Mr. Ampagoomian, seconded/ Mr. Marzec, to authorize the Town of Northbridge to enter into a mutual aid agreement with Central Massachusetts Law Enforcement Council as recommended by Police Chief Warchol. Roll Call Vote: Mr. Marzec/Yes, Mr. Ampagoomian/Yes, Mr. Nolan/Yes, and Mr. Montecalvo/Yes.

A motion/ Mr. Ampagoomian, seconded/Mr. Marzec to adjourn the executive session. Roll Call Vote: Mr. Marzec/Yes, Mr. Ampagoomian/Yes, Mr. Nolan/Yes and Mr. Montecalvo/Yes.

**Executive Session adjourned: 9:20 PM.**

Respectfully submitted,

Daniel J. Nolan, Clerk

**BOARD OF SELECTMEN  
EXECUTIVE SESSION  
April 13, 2009**

**REDACTED**

An Executive Session of the Board of Selectmen was called to order by Chairman Joseph J. Montecalvo at 8:15 PM, Northbridge Town Hall, 7 Main Street, Whitinsville, MA, under M.G.L. Chapter 39, S. 23B #3 Litigation and M.G.L. Chapter 39, S. 23B #3 Negotiations; not to reconvene in Open Session. Present: Messrs. Ampagoomian, Marzec, Melia, Montecalvo, Nolan. Also present: Theodore D. Kozak, Town Manager.

**M.G.L. Chapter 39, S. 23B #3 – Negotiations**

Town Manager Kozak updated the board on the status of negotiations with the Teacher's union. He stated that there would be 3 hearing dates. The first will be the Union presenting its side of the negotiations, the second will be the Town's, and the third will entail the decision. He stated that he expected the Town's hearing to be held at the end of the month.

**M.G.L. Chapter 39, S. 23B #3 – Litigation**

Town Manager Kozak provided the status of some current litigation; 1) In the Zywiec case, regarding the ability of the landowner to develop lots without enough frontage, the Town lost the appeal. 2) The Taylor case was in regards to Brendon Woods, and there was no word yet on this. 3) The final case was in regards to Pegasus Holdings in regards to their plan to use the old Northbridge Nursing Home as student housing. After the inspector denied their permit, they appealed to the Zoning Board of Appeals, and the outcome is pending.

A motion/ Mr. Nolan, seconded/Mr. Marzec to adjourn the executive session. Roll Call Vote: Mr. Marzec/Yes, Mr. Ampagoomian/Yes, Mr. Nolan/Yes, and Mr. Montecalvo/Yes.

**Executive Session adjourned: 8:45 PM.**

Respectfully submitted,



Daniel J. Nolan, Clerk

/dmg

**BOARD OF SELECTMEN  
EXECUTIVE SESSION  
May 18, 2009**

**REDACTED**

An Executive Session of the Board of Selectmen was called to order by Chairman Joseph J. Montecalvo at 8:25 PM, Northbridge Town Hall, 7 Main Street, Whitinsville, MA, under M.G.L. Chapter 39, S. 23B #3 Litigation, M.G.L. Chapter 39, S. 23B #3 Contract Negotiations and to return to Open Session. Present: Messrs. Ampagoomian, Marzec, Melia, Montecalvo, Nolan. Also present: Theodore D. Kozak, Town Manager, Walter Warchol, Police Chief, and James Sheehan, Building Inspector.

At 8:50 P.M. Police Chief Walter Warchol and Building Inspector James Sheehan left.

**M.G.L. Chapter 39, S. 23B #3 – Negotiations**

Mr. Kozak updated the board on the negotiations with the Teacher's Union. He stated that both sides have presented arguments and now have 30 days to submit briefs to the Labor Board.

Mr. Kozak also brought up his contract, in regards to his FY10 compensation. The Board suggested that he receive a 3% raise as this is the amount the non-union town personnel will receive. This will be further addressed in Open Session.

A motion/Mr. Ampagoomian, seconded/Mr. Marzec to adjourn the Executive Session and return to Open Session. Roll Call Vote: Mr. Marzec/Yes, Mr. Ampagoomian/Yes, Mr. Nolan/Yes, Mr. Melia/Yes, and Mr. Montecalvo/Yes.

**Executive Session adjourned: 8:56 PM.**

Respectfully submitted,



Daniel J. Nolan, Clerk

/dmg

**BOARD OF SELECTMEN  
EXECUTIVE SESSION  
July 27, 2009**

**REDACTED**

An Executive Session of the Board of Selectmen was called to order by Chairman Joseph J. Montecalvo at 8:23 PM, Northbridge Town Hall, 7 Main Street, Whitinsville, MA, under M.G.L. Chapter 39, S. 23B #3 Litigation; not to return to Open Session. Present: Messrs. Marzec, Ampagoomian and Melia. Selectman Daniel Nolan was not present and it is duly recorded.

Also present: Theodore D. Kozak, Town Manager.

**M.G.L. Chapter 39, S. 23B #3 – Litigation**

Town Manager Kozak informed the Board of Selectmen of the Town's defense position on the School Teacher's Union Grievance on Health Care.

A motion/Mr. Ampagoomian, seconded/Mr. Marzec to adjourn the Executive Session Meeting. Roll Call Vote: Mr. Marzec/Yes, Mr. Ampagoomian/Yes, Mr. Melia/Yes and Mr. Montecalvo/Yes.

**Executive Session adjourned: 8:35 PM.**

Respectfully submitted,



Charles Ampagoomian, Jr., Clerk

/dmg

**BOARD OF SELECTMEN  
EXECUTIVE SESSION  
September 8, 2009**

**REDACTED**

An Executive Session of the Board of Selectmen was called to order by Chairman Joseph J. Montecalvo at 8:34 PM, Northbridge Town Hall, 7 Main Street, Whitinsville, MA, under M.G.L. Chapter 39, S. 23B #3 Litigation and M.G.L. Chapter 39, S. 23B #3 Negotiations; not to return to Open Session. Present: Messrs. Ampagoomian, Marzec, Montecalvo, Nolan and Melia. Also present: Theodore D. Kozak, Town Manager.

Town Manager Kozak briefed the Board of Selectmen of the pending litigations with the Town.

1. J.A. Taylor Construction Company, Inc. v. Planning Board, Appeals Court No. 08-P-0656. This appeal also involves the land in the Brendon Woods subdivision. The plaintiff appeals from a denial of its request for modification of a subdivision decision to remove a portion of land from open space designation restrictions. The Appeals Court recently affirmed the Land Court's decision denying the proposal to create additional buildable lots. The plaintiff filed an application for further appellate review by the Supreme Judicial Court, and that application was denied in June of 2009. This matter may now be closed.
2. Pulte Homes of New England, LLC v. Planning Board, Worcester Superior Court Civil Action No. 06-01431. The plaintiff is appealing from the Planning Board's denial of a request for release of a lot in the Shining Rock Golf development from the subdivision covenant. Discovery is ongoing. A pre-trial conference is scheduled for December, 2009.
4. James M. Knott, Sr. v. Town of Northbridge, Worcester Superior Court C.A. No. 05-1618A, Appeals Court No. 2008-P-1927. Plaintiff seeks a reimbursement of monies paid to the Town for a building permit, contending that the permit fee was excessive and therefore an unlawful tax. The Superior Court issued a summary judgment in 2007 declaring that the permit fee was greater than permitted by law, and directing that the Town recalculate the fee. The Town appealed to the Appeals Court and oral argument was held on June 1, 2009. On September 3, the Appeals Court issued a memorandum and order vacating the Superior Court judgment and remanding the matter to the Superior Court for further proceedings. Town Manager Kozak explained that Town Counsel has advised him to bargain with Mr. Knott on the lawsuit.
5. Arcade Realty Trust v. Northbridge Conservation Commission, Norfolk Superior Court C.A. No. 09-01319. This is a certiorari action that was filed on August 25, 2009. The plaintiff, owner of property located at 355 Main Street, is challenging an enforcement order issued by the Conservation Commission that declared a stockpile of excavated earth materials at the property to be in violation of the Wetlands Protection Act. The complaint is currently under review for preparation of a response.
6. Northbridge Teachers Association and Town of Northbridge and Northbridge School Committee, DLR Case Nos. MUP-07-5008 and MUP-07-5009. The Teachers Association filed prohibited practice charges with the Division of Labor Relations, challenging the modification of the plan design for the Town's health insurance plans. A hearing was held in April of 2009. Post-hearing memoranda have been submitted and the parties are awaiting a decision.

Selectman Marzec asked about the status of the Ken Couture case and Town Manager Kozak replied that it was in the hands of the Insurance Company.

Selectman Nolan inquired about the status of the William Maynard case and Town Manager Kozak responded, "It's up to them to proceed".

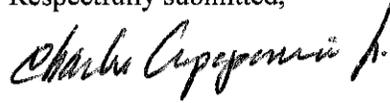
**M.G.L. Chapter 39, S. 23B #3 – Negotiations**

Town Manager Kozak advised the Selectmen that Police Chief Warchol would like to negotiate a new contract as his current contract ends September 27, 2009. It states in his current contract, "Unless either party provides written notice to the other of its intention to renegotiate this agreement no less than twelve months prior to each anniversary date, regarding its initial or any extended terms, this Contract shall continue in force subject to any provisions which may be renegotiated by mutual consent."

A motion/Mr. Marzec, seconded/Mr. Nolan to adjourn the Executive Session Meeting. Roll Call Vote:  
Mr. Marzec/Yes, Mr. Ampagoomian/Yes, Mr. Nolan/Yes and Mr. Montecalvo/Yes.

**Executive Session adjourned: 9:16 PM.**

Respectfully submitted,



Charles Ampagoomian, Jr., Clerk

/dmg

**BOARD OF SELECTMEN  
EXECUTIVE SESSION  
November 9, 2009**

**REDACTED**

An Executive Session of the Board of Selectmen was called to order by Chairman Joseph J. Montecalvo at 8:30 PM, Northbridge Town Hall, 7 Main Street, Whitinsville, MA, under M.G.L. Chapter 39, S. 23B #3 Litigation and M.G.L. Chapter 39, S. 23B #3 Negotiations and not to return to Open Session. Present: Messrs. Ampagoomian, Montecalvo, Nolan and Melia. Also present: Theodore D. Kozak, Town Manager. Absent: Selectman James Marzec

**M.G.L. Chapter 39, S. 23B #3 Litigation**

Town Manager Kozak informed the Selectmen that the previous insurance carrier for the Town of Northbridge, Massachusetts Interlocal Insurance Association [MIIA] has settled the lawsuit with Kenneth Couture for \$40,000.00. Further details and information will follow.

A motion/Mr. Nolan, seconded/Mr. Ampagoomian to adjourn the Executive Session Meeting and not to return to Open Session. Roll Call Vote: Mr. Ampagoomian/Yes, Mr. Melia/Yes, Mr. Nolan/Yes and Mr. Montecalvo/Yes.

**Executive Session adjourned: 8:49 PM.**

Respectfully submitted,



Charles Ampagoomian, Jr., Clerk

/dmg

**BOARD OF SELECTMEN  
EXECUTIVE SESSION  
December 14, 2009**

An Executive Session of the Board of Selectmen was called to order by Chairman Joseph J. Montecalvo at 6:30 PM, Northbridge Town Hall, 7 Main Street, Whitinsville, MA, under M.G.L. Chapter 39, S. 23B #3 Litigation and M.G.L. Chapter 39, S. 23B #3 Negotiations and to return to Open Session. Present: Messrs. Ampagoomian, Marzec, Nolan and Melia. Also present: Theodore D. Kozak, Town Manager, Attorney David Doneski, Kopelman & Paige, and Richard Sasseville, Director of Public Works.

**M.G.L. Chapter 39, S. 23B #3 Litigation**

Attorney David Doneski explained the proposed rate increase by the Whitinsville Water Company and the process of phasing in the rate increase. He also explained how much the one million would affect the rate increase for the rate payers.

Town Manager Kozak informed the Board that Town Counsel contacted James Knott's lawyer regarding the status of the case.

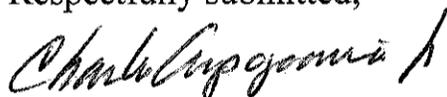
**M.G.L. Chapter 39, S. 23B #3 Negotiations**

Town Manager Kozak informed the Selectmen about the mediation with the Fire Department.

A motion/Mr. Nolan, seconded/Mr. Marzec to adjourn the Executive Session and to return to open session. Roll Call Vote: Mr. Marzec/Yes, Mr. Melia/Yes, Mr. Montecalvo/Yes, Mr. Ampagoomian/Yes, and Mr. Nolan/Yes.

**Executive Session adjourned: 7:12 PM.**

Respectfully submitted,



Charles Ampagoomian, Jr., Clerk