

1 **Town Council Meeting Minutes – December 6, 2006**

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3 Meeting opened at 6:30 PM by Barbara Barry, Council President.

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5 **Roll Call** – Barbara Barry, present; Robert Haveles, present; John Sasur, Jr., present; George Backus, present;  
6 Keith Parent, present; John Dinuovo, present; Matt Lovell, present; Michael Magiera, present; Peter Pappas,  
7 present. Also present were Richard Fitzgerald, Town Manager and Patricia Kennedy, Executive Assistant.

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9 **Pledge of Allegiance** – All

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11 **Consent of the Agenda Order** – Moved and seconded to replace New Business “a” with New Business “n”.  
12 Vote was 9-0 in favor.

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14 **Visitors Comments (for items not on the agenda)** – Mrs. Barry acknowledged Sarah Kosnicki and Heather  
15 LaValley as Girl Scouts who were present at the meeting as part of their leadership badge.

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17 **Minutes of Preceding Town Council Meeting – Nov. 1, 2006** – Moved and seconded to accept as written.  
18 Vote was 9-0 in favor. **Nov. 15, 2006** – Moved and seconded to accept as written. Vote was 8 in favor, 1  
19 abstention.

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21 **Old Business:**

22 **Discussion – Expedited Permitting (MGL Ch. 43D)** – Attorney Mike Ciota and Planning Board Chairman,  
23 Michael Marciniac were invited to this meeting to participate in discussion and questions with the Town Council  
24 on the subject of a new law allowing towns to opt in to the Expedited Permitting Law. Councilor Parent stated  
25 that this legislation was passed in order to make funds available to aid towns in economic development and that  
26 it was important that the community accept this statute. Mr. Marciniac stated that he attended a Smart Growth  
27 Conference recently and at that meeting it was discussed that the scope of services developed by the State were  
28 not complete and that no funding was appropriated yet for technical support on this issue. Other issues involved  
29 were designation of a target area, application to the State for funding and several time lines involved in the  
30 process. Attorney Ciota stated that there were many problems with the regulations as written and that the  
31 Department of Revenue was aware of and was dealing with these problems. John Sasur, Jr. stated that he felt  
32 that adoption of Chapter 43D would be premature based on these professional opinions. John Dinuovo asked  
33 what kind of regulations could be drafted to speed up the existing permitting process. Town Manager Fitzgerald  
34 will work with the Planning Board and Attorney Ciota to draft questions on the law and inquire of what the  
35 timeline is for the new law with Senator Brewer and Representative Smola. Mr. Fitzgerald will set up a special  
36 Town Council meeting in the future to discuss the Home Rule options and the Mullins Law. Council moved and  
37 seconded to table this issue. Vote was 8 in favor. Mr. Parent did not cast a vote.

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39 **New Business:**

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41 **Appointments:** The Town Council Sub-Committee met and recommended to the full Council two individuals  
42 appointed by the Town Manager. David Swirk was appointed to the Palmer Redevelopment Authority. Council  
43 moved and seconded to approve this appointment. Vote was 9-0 in favor. Linda Leduc was appointed as the  
44 Town Planner. Council moved and seconded to approve this appointment. Vote was 9-0 in favor.

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46 **Budget Resolution 2007-09 – (tree removal)** – Council moved and seconded to approve the sum of \$8300. to  
47 be transferred from the Reserve Account to the Forestry Expense Account for the purpose of funding expenses  
48 related to removing hazardous trees in town. Vote was 9-0 in favor.

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50 **Budget Resolution 2007-10 – (appropriation reduction)** – Council moved and seconded to approve reducing  
51 the General Insurance Account by \$30,000 from \$349,972.00 to \$319,972 and to reduce the Group Health  
52 Insurance Account by \$35,000. from \$3,826,470 to \$3,791,4780 to balance the FY07 budget. Vote was 9-0 in  
53 favor.

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**Budget Resolution 2007-11 – (budget balancing)** – Council moved and seconded to transfer the amount of \$315,000 from the Free Cash Account to the General Fund to balance the FY07 budget. Vote was 9-0 in favor.

**6:40 PM Public Hearing – Tax Rate Classification** – Hearing opened at 7:27 PM by Barbara Barry, Council President. Town Assessor Beverly Morin appeared before the Town Council to explain the rate options available. The four fire districts were also represented at this hearing as they also must vote on this issue. Council moved and seconded to approve a single tax rate. Vote was 9-0 in favor. Bondsville Fire and Water District voted 3-0 to accept this single tax rate also. Council moved and seconded to approve an open space exemption. Vote was 9-0 against. Bondsville Fire District voted 3-0 against. Council moved and seconded to grant a residential exemption. Vote was 8 no, 1 yes. Bondsville Fire District voted 3-0 against granting this exemption. Council moved and seconded to grant a small commercial property exemption. Vote was 9-0 against this exemption. Bondsville Fire District voted 3-0 against this exemption also. Thorndike and Palmer Fire and Water District did not post this meeting, therefore, they were unable to vote on this rate. They will hold meetings within the next few days and notify Mrs. Morin of their votes. Hearing was closed at 7:46 PM.

**6:45 PM Public Hearing – Ordinance 2007-04 (zoning 171.4)** – Hearing opened at 7:49 PM by Barbara Barry, Council President. There were two residents opposing this zone change ordinance. Mr. & Mrs. Walter Haggerty expressed concerns about traffic and with water from the proposed facility causing a hazardous situation during the winter months. Several of the Councillors had questions as to whether this Table of Use Regulations would affect all areas in town that were zoned for general business. Mrs. Morin stated that it would. Hearing was closed at 8:13 PM.

**Second Reading – Ordinance 2007-04 (zoning 171.4)** – Town Manager Fitzgerald read through the proposed change to the Code of Ordinances to amend Article II §171-4 Definitions, Quick Vehicle Servicing and Article IX § 171-62 Table of Use Regulations – Business Zones.

**Vote – Ordinance 2007-04 (zoning 171.4)** – Council moved and seconded to approve the amendment to the Code of Ordinances. Vote was 4 yes and 5 no. A 2/3 majority is required on a zone change. Therefore, motion did not carry.

**6:50 PM Public Hearing – Ordinance 2007-05 (loan authorization)** – Hearing opened at 8:17 PM by Barbara Barry, Council President. There were no objections or comments from the public. Hearing closed at 8:18 PM.

**Second Reading – Ordinance 2007-05 (loan authorization)** Town Manager Fitzgerald read through the entire text of this ordinance.

**Vote – Ordinance 2007-05 (loan authorization)** – Council moved and seconded to authorize the borrowing of \$128,000 to cover the cost of engineering and design services to cap the State Street Landfill. Vote was 9-0 in favor.

**7:00 PM Public Hearing – Ordinance 2007-02 (tag sales)**- Hearing opened at 8:19 PM by Barbara Barry, Council President. Comments were heard from Peter Blake, Iris Cardin and David Hale all expressing the same concerns that their freedoms were being infringed upon by the passage of this Ordinance. Hearing closed at 8:32 PM.

**Second Reading – Ordinance 2007-02 (tag sales)** – Town Manager Fitzgerald read through the entire text of this ordinance.

**Vote on Ordinance 2007-02 (tag sales)** – Council moved and seconded for discussion. Robert Haveles stated he objected to placing items for free following a tag sale and the placing of signs on public property. John Dinuovo stated that the Council made several changes trying to be fair and reach a balance. Mrs. Barry stated that changes were made from the original version taking into account public concerns. Moved and seconded to approve this ordinance as written. Vote was 9-0 in favor.

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**Update on High Street, Thorndike sidewalk** – Town Manager Fitzgerald updated the Council on this issue stating that the roadway will remain two-way as changing it will impose other restrictions upon adjacent streets; warning signs, school zone signs, and crosswalk signs will be installed by the DPW. In FY08 funds will be put into the budget to construct a sidewalk from the end of the school’s sidewalk to the first driveway on the right above the tennis courts and a sidewalk from the top or right edge of Michael Drive to the top of the hill with proper signage at the crest. The work will be completed by the DPW.

**Sub-Committee Report** – The Public Safety sub-committee met to review code changes and to forward their changes and comments to the Town Manager.

**Town Manager’s Report** – Town Manager Richard Fitzgerald reported on several building projects taking place in town, the PRA grant request for additional freight rail at the Industrial Park, continuing progress he is making in updating the Town Code, the Insurance Advisory Committee, FY08 budgets to departments, the new Town website, use of the DPW for school ground maintenance, the new electric contract with the Hampshire Council of Governments and proposals for office copiers.

**Councilor’s Round Table** –

**Robert Haveles** offered congratulations to Jonathan Kosnicki who received his Eagle Scout badge recently. Thanks also went out to the Rotary Interactive Club for their concert and to the Three Rivers Chamber of Commerce for their lighting ceremony. He reminded the public to use the town web site and the Community Events Calendar. He also reminded the public of the upcoming Santa Train on December 16.

**Keith Parent** stated he received complaints regarding the Thorndike Water District and their failure to return phone calls and their billing procedures. He also reminded the Council that a study committee needed to be formed to look into the consolidation of the districts. He stated that the School Department had changed the payroll dates for employees and wanted to know if the Town had also done this. Mr. Fitzgerald stated that the Town had not changed payroll dates. Mr. Parent also stated that he had heard that students were being bussed to the Palmer Schools from out of town. He feels that the Council’s yearly goals should be reviewed quarterly so as not to lose focus on these goals. He wished everyone a Merry Christmas.

**John Dinuovo** stated that he had concerns with traffic in downtown Palmer and also concerns with dumping on the side of town roads. Town Manager Fitzgerald said it was his intent to hold another Bulky Day sometime in the Spring. Mr. Dinuovo wished everyone a Happy Holiday, Merry Christmas and Happy Hanukkah.

**Peter Pappas** invited the public and the Council to the American Legion commemoration of Pearl Harbor Day on Thursday, December 7 at 1:00 PM. He has had good publicity on the upcoming Air Force Big Band Concert and a very favorable response to requests for donations.

**George Backus** apologized to Mr. Lizak for the singling out of his company during a recent discussion regarding the Nuisance by-law. He explained that Mr. Lizak had suggested that the Town tap into the Quabbin water supply and that he would do the excavation work involved in this project. Mr. Backus wished everyone a Merry Christmas.

**Michael Magiera** mentioned that a good deal of time was spent on the tag sale ordinance, taking into account all the issues and concerns of the public. He wished everyone a Merry Christmas and Happy Holiday.

**John Sasur, Jr.** attended the public lighting ceremony at Hryniewicz Park in Three Rivers and was impressed with the show of community spirit and support at that event.

**Keith Parent** announced that there was an Economic Development meeting on December 13 at the Basketball Hall of Fame in Springfield in the event any Councilors wished to attend.

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**Barbara Barry** acknowledged a letter from the Superintendent of Schools requesting a representative from the Council to be on the Strategic Task Force for the Schools. Mrs. Barry volunteered to be this member.

The next meeting will be on December 13, 2006.

**Adjournment of Formal Session** – Meeting adjourned at 9:15 PM.

Respectfully submitted,

Patricia A. Kennedy,  
Executive Assistant