

**Town of Mansfield
Board of Selectmen
Minutes of August 17, 2011**

Present: Chairman Jess Aptowitz, Vice Chairman Olivier Kozlowski, Clerk Douglas Annino, Selectman Kevin Moran, Selectman George Dentino, William Ross Town Manager

Absent:

North Common design discussion

Joseph Gonsalves, Owner of Canoe River Campground and frequent contributor of the town is present.

Mr. Gonsalves is interested in donating a gazebo to place on the N. Common. However he has heard around town that people don't want it and he feels hurt about that.

Selectman Moran stated that he hadn't heard that and he is sad that Mr. Gonsalves feels that way. He has not seen the gazebo plans and will look at anything that will dress up the N. Common.

Chairman Aptowitz stated that he is sorry as well and that he wants to make sure that everyone in the viewing audience knows that Mr. Gonsalves has been a very generous benefactor of the town and they appreciate him.

Selectman Annino presented the plans that he had drawn up to the board and the viewing audience. He envisions a design that makes the most of the entire common, not just a gazebo.

Selectman Dentino thanked Mr. Gonsalves for coming and wanting to continue to support the town he loves. However, capital projects are quite under funded and renovating the park will have to be done in stages.

Selectman Kozlowski also thanked Mr. Gonsalves for his generous donations in the past and now with the gazebo. He would like to go forward with sitting the structure with the planning board as soon as possible.

Mr. Ross has an idea for funding the N. Common improvements and will formulate a plan for the board to review.

Chairman Aptowitz called for a motion to accept the gazebo on behalf of the town.

Motion: To accept gift of gazebo. (Dentino/Annino) 5:0 passes

Neal Rein, Kept Mansfield Beautiful, spoke and stated that their group will be more than happy to assist with this project.

Diane Royle, President MMAS, spoke and stated that Mr. Gonsalves has done a lot for the community and would like to see the gazebo installed as soon as possible. The town will be able to design around it.

Hercules landfill update

Attorney Mark Roberts is present for discussion. He provided a brief overview of the proposed agreement with the capping and maintenance of the Stearns Ave landfill (Hercules).

The agreement place responsibility for the capping and all costs associated therewith of the landfill with the former owners. The town has surplus cover material that needs to be moved from its current location and disposed of properly. This material has been tested and would be suitable for cover for the landfill. The other responsibility of the town during the capping procedure would be any police and traffic control services. These services should be very limited as the site is not a public property in terms of public access and trucks coming and going to the property would only be using the public roads but not actually doing construction in them.

The town would have the responsibility for the perpetual maintenance of the cap; however, the Hercules site is one of two landfills that are being proposed for development as a solar facility. A portion of the requirements for the solar facilities maintenance of the cap area including weeding and avoiding penetration of the cap during any activities. This greatly reduces the potential impact on the town for at least the life of the solar facility.

Motion: To have Mr. Ross sign the Hercules landfill site agreement. (Moran/Kozlowski)

Selectman Dentino asked about the volume of fill used. Atty. Roberts stated that between 200-300 cubic yards will be used for the cap. However, Selectman Dentino also had questions about the volume of "cake" present at the site. Atty. Roberts stated that an acre of land with cake about 20-30 feet deep is present and would be very expensive to move and reuse as Selectman Dentino had suggested.

Mr. Ross and Atty. Roberts explained that while Hercules is going to be providing a cap they are not necessarily obligated to do so. If you would like to do so it would be better to as soon as possible.

Section 12 licenses (service time)

The Board of Selectmen's office had a data base conversion from File Maker Pro to Access in 2008. During that period, the alcohol service start time was inadvertently changed to 11AM from 8AM on all Section 12 licenses.

By right any Section 12 license holder can serve from 11:00AM to 11:00PM. However according to our records the Board of Selectmen have been issuing licenses with an early alcohol service start time of 8:00AM since at least 1982. In the past 4 years, no one had noticed this error on the licenses until an early Sunday license became available.

As such, the database has been changed with the hours of operation to reflect the way the licenses read in 2007, prior to the error in conversion.

Comcast Center discussion

Bruce Montgomery, General Manager of Comcast Center is present with two of his staff members in EMS and Security.

There have been some incidents this past concert season and Mr. Montgomery would like to address them with the board.

The Tim McGraw concert incident happened on the lawn and the attack lasted under a minute. A guard saw the incident and the assailants fled. EMS was called to the scene and the victim was transported to the hospital.

Mr. Ross and Mr. Montgomery both stated that while there is always room for improvement there is little that can be done if people want to hurt one another. It fortunately does not happen often and security personnel react to any disturbance as soon as possible.

Chief O'Neill also spoke briefly about the effort that the security force and the police dept. provide to control and secure public safety. There is always potential for trouble when you have a large amount of people gather in one spot. However, it is not a reflection of the town or Comcast Center. It could happen anywhere and we try our best to not have it occur at all.

Selectman Dentino asked Chief O'Neill about the minimum security forces present as each concert. Chief O'Neill stated it depends on the number of people that attend each concert. There is also a minimum on the number of traffic enforcement personnel assigned to each concert.

Mr. Montgomery stated that his staff patrol the inside of the center as well as the parking lots. When necessary, they call on the police for enforcement. However, they cannot control public society's ills.

Chairman Aptowitz stated that he has gone to many concerts over the past years and he has seen police, fire, and Comcast Center personnel work hard to protect and serve.

Chief O'Neill and Selectman Dentino discussed the many issues that tailgating in the parking lot provides.

Mr. Montgomery also addressed some issues that some patrons had brought before the Board of Selectmen, via letters and emails. Selectman Kozlowski asked Mr. Montgomery how they have handled these issues. Unfortunately the complaints often come well after the fact so it is often difficult to assess and correct the matter. Yet they do try.

Mr. Montgomery and Mr. Ross will get together in October to start discussing procedures for next year's season.

Q & C

None

Weekly Business

Warrant No. 12006T in the amount of \$563,409.75

Motion: To approve (Kozlowski/Moran) 5:0 passes

Warrant No. 12006E in the amount of \$20,263.18

Motion: To approve (Kozlowski/Moran) 5:0 passes

Warrant No. 12006S in the amount of \$507,061.52

Motion: To approve (Kozlowski/Moran) 5:0 passes

Warrant No. 12006PT in the amount of \$279,592.50

Motion: To approve (Kozlowski/Moran) 4:1 passes (Dentino nay)

Warrant No. 12006TV in the amount of \$83,167.98

Motion: To approve (Kozlowski/Moran) 5:0 passes

Warrant No. 12007T in the amount of \$509,096.49

Motion: To approve (Kozlowski/Moran) 5:0 passes

Warrant No. 12007E in the amount of \$2,457,765.73

Motion: To approve (Kozlowski/Moran) 5:0 passes

Warrant No. 12007PT in the amount of \$290,845.06

Motion: To approve (Kozlowski/Moran) 4:1 passes (Dentino nay)

Warrant No. 12007TV in the amount of \$84,498.51

Motion: To approve (Kozlowski/Moran) 5:0 passes

Warrant No. 12007PS in the amount of \$988,659.45

Motion: To approve (Kozlowski/Moran) 4:1 passes (Annino nay)

Warrant No. 12007TV in the amount of \$279,029.61

Motion: To approve (Kozlowski/Moran) 5:0 passes

Board of Selectmen meeting minutes of July 20th

Motion: To approve (Kozlowski/Moran) 5:0 passes

Board of Selectmen meeting minutes of August 3rd

Motion: To approve (Kozlowski/Annino) 5:0 passes

Early Sunday alcohol sales applications from:

- Catman Café

Routing has come back positive - Catman.

Motion: To approve application from Catman Café. (Moran/Kozlowski) 5:0 passes

Application for plumbing permit fee waiver request - town portion - for Cate Springs well work. **Motion:** To approve (Kozlowski/Annino) 5:0 passes

Restricted water installer license for Barbato Construction Co. (Wells)

Motion: To approve (Kozlowski/Moran) 5:0 passes

Restricted water installer license for Winston Builders Corp (Wells)

Motion: To approve (Kozlowski/Moran) 5:0 passes

Correspondence

- Letter from Otis St. resident regarding vicious dog hearing. Resident believes that dog should have been put down.

- Celebration of Animals on S. Common 9/10/11. Request to place sign on the common to advertise event. Sign would be up from August 20th to September 11th.
Motion: To approve request. (Moran/Dentino) 5:0 passes
- Letter from Troop 51 requesting permission to hold Christmas tree sale at the N. Common from Thanksgiving to Christmas.
Motion: To approve request. (Moran/Dentino) 5:0 passes
- Email from Mill St. resident stating he prefers the clean look for the Rt. 106 underpass. However he did see a nice one in Norwood at Dean St. and Rt. 1

Town Managers Report

- Patsy Tartufo, most recent recipient of the Boston Post Cane. Mr. Ross attended his 100th birthday celebration last week and it was a great time.
- Mr. Ross has received the tabulated Bristol County Retirement service liability that the board asked for last meeting and briefly reviewed it with the board.
- Dustin well raw water testing came back with an elevated E-Coli level. This can happen with heavy rain run off and animal waste contamination. This does not affect the finished drinking water and customers have been notified.

BOS Updates

- Selectman Kozlowski: None
- Chairman Aptowitz: Street lights are out and perhaps the pd night shift can mark them down when out on patrol.

Note to boards and committees: please contact the town manager prior to contacting town counsel for advice.

- Selectman Annino: The Planning Board has approved the N. Common design and will be forwarding to the Board of Selectmen soon.
- Selectman Moran: None
- Selectman Dentino: Kuddo's to resident who cleaned up N. Common of litter during a rain storm recently.

Questions to Mr. Ross about replacing positions of retired personnel.

Adjournment

Motion: Adjourn meeting at 9:53pm to executive session (Moran/Kozlowski) 5:0 passes

ROLL CALL: Chairman Aptowitz aye, Vice Chairman Kozlowski aye, Clerk Annino aye, Selectman Dentino aye, Selectman Moran aye. 5:0 passes

Douglas Annino

Signature of Clerk

September 7, 2011

Date of Approval