

**Town of Mansfield
Board of Selectmen
Minutes of December 7, 2011**

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

Absent:

VFW presentation - solicitations

James Morrissey, FVW Commander is present for meeting. He read a prepared statement.

The state VFW has sent him some information on an organization that has been in front of Shaw's and Stop and Shop supermarkets recently. This group is called VETERANS SUPPORT ORGANIZATION and the VFW has obtained the 2010 990 tax filing for last year. This organization made \$5,767,510 and out of that, \$379,000 was give to veterans. Of particular note is not one penny was given to veterans on the east coast.

This group is out of Florida. They pay their managers over 130,000 thousand a year and the 2-4 people they send to stores for weekend get 30 cents to the dollar they collect. Last year they were fined \$20,000 by the State of Tennessee and told to stay out of the state. Their web site states they an accredited BBB charity, they are NOT an accredited charity. These people are not veterans but are in uniforms. This is disrespectful to all men and woman who have served in the armed forces. In addition, they have been thrown out of some towns in Massachusetts such as Plymouth, Martha Vineyard and a few from the western part of state. This organization has been brought up at state meetings since they only donate 6 percent to any charities. VFW Post 3264 in Mansfield sells poppies twice a year and 100 percent is donated to veteran or town charities. Last year we gave \$1,000.00 to the Corey Shea Memorial, sponsored a patriots pen essay for grade 6-8 (\$400.00 in savings bond award), voice of democracy essay for grades 9-12 (\$250.00 cash winner) among others.

Mr. Morrissey stated he fears that people in town do not understand who this organization is or where their money goes to so he wanted to alert the Board of Selectmen and the viewing audience tonight that they are soliciting in town.

Chairman Aptowitz suggested that perhaps the VFW can formulate a list of official veteran's organizations that they know of. Mr. Morrissey also stated that if someone calls you and tells you to leave a check or donation on your door or in your mailbox not to do it.

Verizon contract extension discussion

Rick Colon, Verizon Regional Director, and Lou Ross, Town Counsel are present for meeting.

A construction procedures agreement for public rights of way has been drafted by town counsel and Verizon to begin the underground work for FIOS service. Under ground utility plans have also been drafted and the agreement is before the Board of Selectmen tonight.

Mr. Colon does not feel that they will need a full two year extension to complete this work however he has been asking for this extension all along to assure the work is all complete.

Selectman Annino strongly disagrees with giving Verizon an extension as he feels they have "dragged their feet" in preparing for FIOS instillation. Mr. Colon stated that the plan detail wasn't the real delay; it was the plan review fees the town charges; that that the company did not agree with.

Mr. Ross stated that town counsel was able to work with Verizon counsel, along with DPW and himself to end this issue. Verizon was able to utilize the town's GIS system to create the detailed plans DPW needed.

Selectman Dentino stated that a two year extension would actually allow Verizon three construction seasons. He also believes that the town should uphold the original agreement and not grant an extension. Residents want and have been waiting for FIOS installation and shouldn't have to wait an additional two years for a service that is scheduled to conclude by August 2012.

Mr. Ross commented that the public comment period has expired and the Board of Selectmen has received little comment. However, there has been a steady stream of residents over the past few years that want and have been waiting for FIOS service. They just didn't show up again during the designated comment period.

Selectman Dentino also suggested that perhaps the Board of Selectmen could consider a one year extension to allow Verizon more time to finish the job if needed, just not two years.

Selectman Moran stated that the board has to decide to vote the contract yes or no. We really can't change the language of the contract without a new public hearing.

Selectman Kozlowski had additional questions about the time line of installations.

Mr. Colon confirmed that without this extension Verizon will not start working on installations again. They do not want to come back to the Board of Selectmen at the end of the original contract if time runs short so that is why they want the extension.

Mr. Ross gave a brief summary of the discussions and compromises that the town and Verizon have had over the year; and asked the board to act on the proposal.

Mr. Colon also announced that Verizon has been working on testing broadcasting for Fox 25 Boston and plan on launching in mid December. He knows that Mansfield has been asking for this for quite awhile and is glad that they can provide the service soon.

The contract roadblock still comes down to the same issue. Verizon feels the town's bylaws on plan review are illegal and the town does not. Litigation on this matter would be lengthy, costly and a 50/50 proposition.

Selectman Kozlowski stated he feels that Verizon is saying "give us our extension or we won't even try to begin FIOS installation in Mansfield." Chairman Aptowitz also commented on this and feels that he is helpless to get services for the towns remaining residents.

Selectman Moran would like to move forward and vote the contract for the best interest of the townspeople.

Motion: Moved that the Board execute the Construction Procedures Agreement for Public Rights-Of-Way before it to implement the construction procedures to be followed by Verizon for its work related to the installation of FiOS.
(Moran/Aptowitz) Gavel passed to Vice Chairman Kozlowski- 3:2 passes (Kozlowski, Dentino nay)

Motion: Moved that the date by when Verizon must have its work for FiOS completed under the Cable Television Final License be extended by two years from September 24, 2012 to September 24, 2014 and that the Board execute the First Amendment to Cable Television Final License before it to implement that extension.

Moved that the Town Manager be authorized to prepare a written public report regarding that First Amendment and to cause the report and the First Amendment to be filed with the Department of Telecommunications' Cable Television Division within 10 days.

(Moran/Aptowitz) 3:2 passes (Kozlowski, Dentino nay)

Q & C

None

Board and Committee renewals discussion

Traditionally the Board of Selectmen approves applicants that are renewing their terms if they are uncontested. However, they are considering interviewing each candidate upon application of renewal.

Selectman Dentino would like to see the candidates and have an opportunity to speak with them each term.

Selectman Annino, Kozlowski and Moran would also like to see them as well. As such, Chairman Aptowitz would like to schedule all the applicants within the next two weeks.

Weekly Business

Selectman Dentino has left meeting.

Warrant No. 12023T in the amount of \$220,764.24

Motion: To approve (Kozlowski/Moran) 4:0 passes

Warrant No. 12023E in the amount of \$82,177.91

Motion: To approve (Kozlowski/Moran) 4:0 passes

Warrant No. 12023PT in the amount of \$310,783.15

Motion: To approve (Kozlowski/Moran) 4:0 passes

Warrant No. 12023TV in the amount of \$91,302.00

Motion: To approve (Kozlowski/Moran) 4:0 passes

Warrant No. 12023PS in the amount of \$1,531,171.93

Motion: To approve (Kozlowski/Moran) 3:1 (Annino nay)

Warrant No. 12023SV in the amount of \$497,474.14

Motion: To approve (Kozlowski/Moran) 4:0 passes

Minutes of BOS meetings of November 2, 2011

Motion: To approve. (Moran/Kozlowski) 4:0 passes

Minutes of BOS meetings of November 9, 2011

Motion: To approve. (Moran/Kozlowski) 4:0 passes

DOR submittal form from last weeks meeting.

Motion: To approve signing. (Moran/Kozlowski) 4:0 passes

Water installer license application for J. Hockman Inc. Water Operations Manager recommends approval.

Motion: To approve (Kozlowski/Annino) 4:0 passes

Water Installer license application for Hayes Excavating. Town Engineer recommends approval.

Motion: To approve (Kozlowski/Moran) 4:0 passes

License application approvals:

Bristol Liquors	All alcohol package store license
Motion: Motion: To approve. 4:0 passes (Kozlowski/Moran)	
Regent Cafe	All alcohol common vic
Motion: To approve (Moran/Kozlowski) 4:0 passes	
Regent Cafe	Common Vic
Motion: To approve (Moran/Kozlowski) 4:0 passes	
Regent Cafe	Automatic amusement
Motion: To approve (Moran/Kozlowski) 4:0 passes	
Cheng Du	All alcohol common vic
Motion: Motion: To approve. 4:0 passes (Kozlowski/Moran)	
Cheng Du	Common Vic
Motion: Motion: To approve. 4:0 passes (Kozlowski/Moran)	
Family Food Mart	Wine & Malt package license

Motion: To approve. 4:0 passes (Kozlowski/Moran)	
Fresh Catch	All alcohol common vic
Motion: Motion: To approve. 4:0 passes (Kozlowski/Moran)	
Fresh Catch	Common Vic
Motion: Motion: To approve. 4:0 passes (Kozlowski/Moran)	
Casey O'Conors	All alcohol common vic
Motion: Motion: To approve. 4:0 passes (Kozlowski/Moran)	
Casey O'Conors	Common Vic
Motion: To approve. 4:0 passes (Kozlowski/Moran)	
Casey O'Conors	Live entertainment weekdays
Motion: To approve. 4:0 passes (Kozlowski/Moran)	
Chipotle	All alcohol common vic
Motion: To approve (Moran/Kozlowski) 4:0 passes	
Chipotle	Common Vic
Motion: To approve (Moran/Kozlowski) 4:0 passes	
Corks	All alcohol package license
Motion: To approve (Moran/Kozlowski) 4:0 passes	
Qdoba Mexican Grill	All alcohol common vic
Motion: (Kozlowski/Moran) 4:0 passes	
Qdoba Mexican Grill	Common Victualler
Motion: To approve (Moran/Kozlowski)	

4:0 passes	
Sweet & Crafty	Common Victualler
Motion: (Moran/Kozlowski) 4:0 passes	
Friendly's	Common Victualler
Motion: To approve (Moran/Kozlowski) 4:0 passes	
Cousins Pizza	Common Victualler
Motion: To approve (Moran/Kozlowski) 4:0 passes	

Correspondence

- Invitation from Troop 51 leader for Eagle Court of Honor on January 21st at 1:00pm at Mansfield Elks Lodge. Scouts are Anthony Milani and Jonathon Butler.
- Water connection in Foxboro requested by DPW for resident on Mansfield/Foxboro line.
Motion: To support. (Moran/Kozlowski) 4:0 passes
- Letter from Richard Bros. looking for electric permit fee waived (town portion) to install temp service to Boy Scout lot. (Chauncy and Copeland corner)
Motion: To support. (Moran/Kozlowski) 4:0 passes

Town Managers Report

- DOR has approved the town's tax rate set last week. Thank you to the accountant's office staff for their hard work.
- A surplus list is available of unused town vehicles and equipment for sale. Thank you to Mike Ahern and Mark Cook on this project.
- The final agreement for the new Veteran's District will be available for signature at the next meeting.
- Both Foxboro and Mansfield have been denied from the AG's office for our public drunkenness bylaw. Mr. Ross is quite disturbed that the AG's office would mandate the town to take care of this issue without a method to fund it.

BOS Updates

- Selectman Kozlowski: Strategic Plan Steering Committee met last night. Focus groups were determined for the different parts of the plan. Mr. Ross is working with one of the major landowners in the industrial park to assure the park continues to play a part in the towns' growth.
- Chairman Aptowitz: Mr. Ross's evaluation forms will be given to the board in January so please start thinking about that.

The FY13 budget committee will start meeting soon.

The Board of Selectmen need to submit a report for the towns' annual town report.

He was not comfortable with the Verizon contract hearing however, he wants the best service for the residents so he agreed to move it forward.

- Selectman Annino: He was also at the Strategic Plan meeting and the downtown area is also an area of great concern for future planning.

Should the Town of Mansfield start talking about how a gambling facility in Foxboro would affect us? Mr. Ross stated that yes; however we should wait until we know if it will even happen.

- Selectman Moran: None
- Selectman Dentino: Not present

Adjournment

Motion: Adjourn meeting at 9:27pm (Kozlowski) 4:0 passes

Douglas Annino

Signature of Clerk

December 21, 2011

Date of Approval