

**Town of Mansfield
Board of Selectmen
Minutes of January 19, 2011**

Present: Chairman Kevin Moran, Vice Chairman George Dentino, Clerk Douglas Annino
Selectman Jess Aptowitz, Selectman Olivier Kozlowski
William Ross, Town Manager. Atty. Paul DeRensis is also present.

Absent:

National Grid pole hearing

Atty. Christopher Novak, National Grid counsel is present for hearing.

Chairman Moran opened the hearing and Clerk Annino read the public notice into record:

Motion: To open hearing. (Aptowitz/Kozlowski) 5:0 passes

In accordance with the provisions of the *Massachusetts General Laws Chapter 166 Section 22*, the Mansfield Board of Selectmen will hold a public hearing on Wednesday, January 19, 2011 at 7:00 pm on the application of nationalgrid requesting permission to construct, maintain and operate transmission lines for the transmission of high and low tension electric current over and across the public highways in the Town of Mansfield hereinafter named.

The center line of each line across said Elyse Road and Patty's Road to be located not over one hundred and twenty five feet from the center of the right of way. The power wires of the existing NEPCO 331 and NEPCO 344 345kv transmission lines and the proposed NEPCO A24 115kv transmission line over and across all said highways to be strung not less than thirty feet from the ground above said public highways; and not over thirty wires to be strung across said public highways.

This work is to connect the new Bird St. substation. Public hearings have been held in Easton and Mansfield as the work in being done on the border of each town.

Motion: To close public hearing. (Kozlowski/Aptowitz) 5:0 passes

Motion: To accept plan as written. (Aptowitz/Dentino) 5:0 passes

VFW #3264 liquor violation hearing

Motion: To open hearing. (Aptowitz/Kozlowski) 5:0 passes

James Morrissey, Post Commander and proposed Manager Robert Hopkins are present. Attorney Ferris is present as counsel for the VFW.

Police Chief Arthur O'Neill is also present for discussion and briefed the Board of Selectmen with the follow information.

The Mansfield Board of Selectmen has received information indicating that VFW #3264, located at 88 Chilson Ave, Mansfield, Massachusetts, violated the following Massachusetts General Laws (MGL) and/or Regulations of the Alcoholic Beverages Control Commission on December 18, 2010: over service of liquor, in violation of Massachusetts General Laws (MGL) Chapter 138 S.69; sale or delivery to intoxicated persons. As a result, the bar manager was in a serious accident which resulted in bodily injury to a woman and her child.

Attorney Ferris asked Police Chief O'Neill a variety of questions regarding the police report and Chief O'Neill's police experience with DUI arrests.

Attorney DeRensis advised the Board of Selectmen to continue the hearing until the arresting officer can be present to directly answer Atty. Ferris's questions. The Board of Selectmen stated that they are comfortable with Chief O'Neill's assessment of the situation; however, they will continue the hearing to a date that the officer (s) can be present at the hearing.

The hearing will be continued to next Wednesday's meeting at 7pm.

Selectman Aptowitz asked Atty. DeRensis if Mr. Camara's civil matter would affect this particular hearing. He stated no, they are different matters.

Motion: The hearing will be continued to next Wednesday's meeting at 7pm. (Aptowitz/Kozlowski) 5:0 passes

VFW #3264 Change of Manager hearing

James Morrissey, Post Commander and proposed Manager Robert Hopkins are present.

There was a brief discussion among the board members as to whether or not to continue the change of manager hearing or hold it this evening. Mr. Camara is still legally the Manager of Record for the VFW although he has resigned from his post as Bar Manager.

Atty. DeRensis explained why he would like to have Mr. Camara appear at the meeting as the Manager of Record, even if he takes the 5th amendment and does not speak at the meeting. It is important to have the manager present for legal reasons.

Motion: To go forward with the change of manager hearing. (Dentino) withdrawn.

Motion: To go forward with the change of manager hearing providing the VFW produces the Manager of Record, Mr. Camara. (Kozlowski/Annino) 2:3 fails.
(Dentino/Moran/Aptowitz nay)

Motion: To go forward with the change of manager hearing (Kozlowski/Annino) 5:0 passes

The board members asked Mr. Hopkins a variety of questions such as who can be served at the bar, how to sign in as a guest, how long Mr. Hopkins has worked at the VFW.

A member of the VFW addressed the Board of Selectmen as the mind set of Mr. Camara the day of the accident. (He had just buried his wife of 40 years and was distraught.)

Philip Sheehan, Taunton resident and former guest, came up to the podium to address the Board of Selectmen with issues that he has had with the VFW.

Kevin Dunfrey, Quarter Master VFW, has issue with the previous speaker. Chairman Moran stopped Mr. Dunfrey as they are not here to hold a hearing about what guest speakers state.

Motion: To close hearing. (Annino/Aptowitz) 5:0 passes

Motion: To approve Mr. Hopkins as the new Manager of Record for the VFW.
(Dentino/Annino) 5:0 passes

Sake Steakhouse liquor violation discussion

On Thursday, December 30, 2010 at or about 5:45pm, Police Officer Joshua Ellender responded to a complaint of a nineteen year old male being served an alcoholic beverage.

The Sake chefs have a routine where they go from person to person squirting sake into the mouths of patrons while they prepare the meals table side.

Chief O'Neill submits to the board a formal complaint of the following violations:

- Serving an alcoholic beverage to a person less than 21 years of age.
- Offering or delivering free drinks to any person or group of persons.
- Encouraging or permitting on a licensing premises any game or contest which involves drinking alcohol.

Selectman Aptowitz stated he was quite disturbed about the allegations against Sake Steakhouse and would like to have a hearing as soon as possible. Selectman Dentino does not understand why they are discussing holding a hearing instead of just holding them automatically.

Mr. Ross has consulted with officials and could not find the two incidents that Selectman Dentino has referenced.

Selectman Dentino stated that in the past the Police Department has handled liquor violations before they got to the board and they should go to them first.

Mr. Ross stated that while he is town manager the Board of Selectmen will always hear violations first.

The Board will notify the applicant and schedule a hearing as soon as possible.

Q & C

Karl Clemmey, 175 Essex St. First, he had a statement regarding the lack of lighting at the train station parking lots.

Second, several issues with way the town conducts their property evaluations, and whom they hire as evaluators.

Third, several other issues with the way business is conducted at the Mansfield Airport and who is conducting business on the property.

Fourth, again issues with entertainment in town. Gillette Stadium gives thousands of dollars to the Town of Foxboro. Mansfield should get a lot more from Comcast Center.

Fifth, the town should immediately transfer the health plan to the state plan.

Sixth, the town should go to a four day week. However, the town manager and dept. heads will still need to work the 5th day. This would save the town millions of dollars a year.

Seventh, he would like to see a charter change voted at the next town meeting.

Weekly Business

Warrant No. 11028T in the amount of \$19,638.73

Motion: To approve (Aptowitz/Kozlowski) 4:0:1 passes (Dentino abstain)

Warrant No. 11028E in the amount of \$12,188.23

Motion: To approve (Aptowitz/ Kozlowski) 4:0:1 passes (Dentino abstain)

Warrant No. 11028S in the amount of \$186,549.56

Motion: To approve (Aptowitz/ Kozlowski) 4:0:1 passes (Dentino abstain)

Warrant No. 11029PT in the amount of \$675,782.88

Motion: To approve (Aptowitz/Kozlowski) 4:0:1 passes (Dentino abstain)

Warrant No. 11029E in the amount of \$1,741,115.19

Motion: To approve (Aptowitz/Kozlowski) 4:0:1 passes (Dentino abstain)

Renewal application from James Ragazzo to continue serving on Planning Board.

Motion: To appoint James Ragazzo to a term ending January 1, 2016.

(Aptowitz/Kozlowski) 5:0 passes

Drainlayer application from Riccio Excavation. Town Engineer recommends approval.

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

Drainlayer application from Diaz Construction. Town Engineer recommends approval

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

Drainlayer application from Plainville Pump. Town Engineer recommends approval

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

Drainlayer application from Brunelle Contracting. Town Engineer recommends approval

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

Drainlayer application from Christian & Feck Dev. Town Engineer recommends

approval **Motion:** To approve (Aptowitz/Kozlowski) 5:0 passes I

Drainlayer application from Peter DeGirolamo & Sons. Town Engineer recommends

approval **Motion:** To approve (Aptowitz/Kozlowski) 5:0 passes

Drainlayer application from Carlco Construction. Town Engineer recommends approval

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

Drainlayer application from Walsh Contracting Corp. Town Engineer recommends

approval **Motion:** To approve (Aptowitz/Kozlowski) 5:0 passes

Correspondence

- Letter from Robert Saquet regarding historical background on the school administration building.
- Letter from SRPEDD regarding the SE Mass Metropolitan Planning Organization MOU changes. Board representatives have been notified.
- Letter from MMA regarding the annual business meeting on January 22nd. The Chairman of the Board of Selectmen must designate one member to vote during the meeting.
- Letter from Boy Scout Troop 17 regarding Eagle Court of Honor for Joshua Lampron on January 22nd beginning at 7:30pm at the Orthodox Church.
- Letter of interest from Joe and Michelle DeGirolamo regarding buying land from the town that abuts the west side of their property.
- Happy News: You're invited to an Open House and ribbon cutting for the new Mansfield Animal Shelter. Saturday, January 22nd at 11AM.
- Sad News: Benny Boynton, long time resident and COA volunteer has passed away. Funeral arrangements have not been released however if you want, a donation to the Mansfield Ambulance Fund can be made in lieu of flowers.
- Letter from Boy Scout Troop 17 regarding Eagle Court of Honor for Christopher Schwarzer on February 7th beginning at 7:30pm at the Orthodox Church.
- 2 letters of thanks from residents (recent storm issues).
- Letter from Coral St. resident regarding GATRA service. Issue has been rectified through the efforts of Gail Farrugia, COA Director.

Town Managers Report

- Snow removal update from last week's storm. Mr. Ross presented the board with a memo from Lee Azinheira regarding the need for deficient spending for snow removal.
- Town Accountant recruitment process. An ad has been placed in professional publications and he would like to start a search committee as soon as possible.

Motion: To appoint Selectman Dentino and Aptowitz as members of the committee.
(Kozlowski/Annino) 5:0 passes

Mr. Ross will interview an interim town accountant as soon as possible as the office is too busy to go with just the Asst. Town Accountant.

- Mr. Ross also commented that the town is not able to switch to the state run GIC health program unless 70% of the town employees agree to it.
- Airport equipment and businesses: Any equipment bought and used at the Airport is federally funded and has to stay at the airport. Any additional business's do apy taxes and rent to the airport commission.

BOS Updates

- Selectman Kozlowski: Christmas tree pick up is still on going, although it has been hampered by the recent snow storms.
- Selectman Aptowitz: MMED meeting on this coming Monday. Audit Committee also met this evening and would like to come to the board meeting soon.

Common Victualler license issues with two restaurants in town. Letters need to be sent to them putting them on notice.

Flagpole update: Mr. Hogan and Selectman Aptowitz will be meeting with local business owners soon to start fundraising.

- Selectman Annino: Stated he is glad to be back in business from an illness.
- Selectman Dentino: Questions about truck repairs from snow plow use.
- Chairman Moran: Congratulations to Mr. Ross for his one year anniversary as Mansfield Town Manager.

Adjournment

Motion: Adjourn at 9:13pm
(Aptowitz) 5:0 passes

Douglas Annino

Signature of Clerk

February 2, 2011

Date of Approval