

**Town of Mansfield
Board of Selectmen
Minutes of November 30, 2011**

Present: Chairman Jess Aptowitz, Vice Chairman Olivier Kozlowski,
Selectman Kevin Moran, William Ross Town Manager

Absent: Selectman George Dentino

Tax rate hearing

Public hearing notice read into record by Clerk Annino and meeting voted open.

Motion: To open public hearing. (Moran/Kozlowski) 4:0 passes

The Board of Assessors (Glenn Nirenberg, Dorine Boyd and Greg Matoian) are present for meeting with Assistant Nancy Hinote.

Chairman Aptowitz provided the viewing audience with a brief synopsis of how the rates are set and bills staggered throughout the year.

Selectman Kozlowski asked a couple of questions about anticipated new growth in the tax rate. Ms. Hinote has prepared a spreadsheet of valuations and growth for the bos to review.

Chairman Aptowitz would like to see free cash used to help the resident's lower/maintain tax rate.

Selectman Moran is concerned about the town's financial "negative outlook" and low reserves. He would also like the town to address some of the capital needs that have been unfulfilled.

Mr. Ross gave the Board of Selectmen and viewing audience the follow report:

The State has certified the values and Nancy Hinote has prepared alternatives for the tax rate for Fiscal Year 2012.

The good news is that new growth in the community could generate almost \$600,000.00 in additional property tax revenue that was not anticipated when the 2012 budget was prepared. I believe this gives the Board of Selectmen an opportunity to look at the tax rates and make a determination as to the amount of the new growth, if any that should be included in the tax rate.

The first spreadsheet shows the tax rate for a levy that would cover only the amount that was anticipated when the 2012 budget was adopted. The result of this tax rate is that the rate for residential properties declines approximately \$0.07 per thousand and the rate for commercial properties increases approximately \$0.29 per thousand. It is my understanding this would be one of the smallest changes in many years; most certainly a reduction in the residential rate would be somewhat unusual. The tax rates assume the split between residential and commercial will remain the same. You will note that the spreadsheet Nancy has prepared shows various tax rates and splits in order to give you the full information.

The second spreadsheet shows the tax rates with the new growth taken into account. The tax rate, again at the same split for residential, would increase by \$0.11 per thousand and commercial/industrial would increase by \$0.62 per thousand. The additional revenue would go to free cash because it is not included in the budget and could be used to support next year's budget and/or pay for additional capital items such as street maintenance and similar activities.

Motion: To close public hearing. (Annino/Kozlowski) 4:0 passes

Chairman Aptowitz would like to see the Board of Selectmen leave the split where it is. (1.22). Selectman Annino would like to see the split moved down a bit. Selectman Moran is also in favor of a downward split as the industrial park is an integral part of the community. Both business and residential clients are important to the town and its success.

Selectman Kozlowski read a few valuation splits from the Assessor's value sheet in order to compare rates for the viewing public.

Motion: To levy at anticipated \$300,000.00 (Kozlowski/Annino) 3:1 passes (Moran nay)

Motion: To adopt 1.21 split (Kozlowski/Moran) 3:1 (Aptowitz nay)

Eames property discussion

Motion: To accept and sign the appropriate documents needed for purchase of Eames property. (Annino/Kozlowski) 4:0 passes

Attorney James Kelly is present and provided the legal paperwork needed for the transaction to the Board of Selectmen.

Board priorities for 2013 budget

- Kozlowski: No override for FY13
- Moran: Road work needed through out town.
7 man shift in Fire Dept.
- Aptowitz: much needed road and sidewalk work around town.
No further loss of municipal personnel. Some of our depts. are closed part time now as the offices are cut to the bare bone.
- Annino: Finish work on North Common, gazebo, flag pole.
Comprehensive signing use through out town.
Parking plan for downtown area.

Mr. Ross stated that Mr. Stanbrook and the CIP are working diligently on providing a FY13 budget in January.

Veterans District proposal

Mr. Ross gave the Board of Selectmen and viewing audience the follow report:

I previously sent you a memorandum regarding interest expressed by the Towns of Easton and Norton and having Mansfield join the Veterans Service District that Easton and Norton have in place. I have had a discussion with Kevin Paicos, the Town Manager in Foxboro, who has expressed an interest in joining with Mansfield, Easton and Norton to form a four-community district with two Veterans' Service Officers and appropriate clerical support staff. I believe that the formation of a four-community district would be advantageous to all four communities and to the Veterans that live in the communities.

Mansfield and Foxboro both have full-time Veterans' Service Officers. John Hogan, the Mansfield Veterans' Service Officer, is very experienced and very diligent in provision of services to the Veterans of Mansfield. The Foxboro Veterans' Service Officer is relatively new on the job; however, he is very service-oriented and is learning rapidly. He is relatively young and has many years of service ahead of him. Mr. Hogan has indicated to me that he may wish to retire in the next 2-3 years. A joint venture with Easton, Norton and Foxboro would allow Mr. Hogan to mentor the Veterans' Service Officer from Foxboro and pass along his vast knowledge of the needs of Veterans in our communities and the services that can be provided to them. When Mr. Hogan does retire, we would then be in a position to potentially move the current Foxboro Veterans' Service Officer in to the Senior Director's position and through the district, bring on board a second Veterans' Service Officer to provide services to all four communities. This would provide continuity of service and a level of competency for all of our communities.

I believe there are some savings that could be beneficial to each of the communities; however, the savings overall may be small in comparison to the improved services I believe would be available.

Easton and Norton do need to know if Mansfield is interested in participating. The Board of Selectmen has the authority to join with Easton and Norton. The process is outlined in the guide which I have attached to this memorandum. If the Board of Selectmen finds it is appropriate to further explore the creation of a joint District or an addition of Mansfield and/or Foxboro to the existing District, I would appreciate a motion to that effect and authorization to work with the appropriate communities to reach agreement on the addition of Mansfield to the existing Veterans' Service District. It will need to be future actions to file a request with the Secretary of Veterans' Affairs to join the District and enter into any agreements and applications that may be necessary. The final approval of Mansfield joining the existing district rests with the Secretary of Veterans' Services of the Commonwealth.

Selectman Annino asked about the population of Veterans that the towns serve. Mr. Ross stated that Mansfield currently serves 18 under Chapter 7. Chapter 115 cases are also handled as needed.

Public comment:

James Morrissey, VFW Commander

Jack Strand, VFW member

Micaila Britto, Veteran Services Coordinator

Each speaker voiced their displeasure about Mansfield joining a Veterans District. After several comments from the public about the need to keep Mansfield veterans first and foremost in this process, the board voted.

Motion: To submit application to State to form a Veterans District. (Annino/Moran) 4:0 passes

Q & C

Leann Cerretani: Warren Ave

Statement:

I know with the Town's policy to conserve energy many lights have either been capped or removed. However, our street is not like most streets in Mansfield.

First, we are a route to the train to avoid traffic on Rt. 106. We also have many people walking to the train via our street. We have many teenagers, that do not live in our

neighbor walking down our street at night. Because there is such a high rate of transient people walking through our street, at night in the dark, we need proper lighting. A few key areas are not lit due to outages or blocks.

Bella Vista, a street that runs parallel with ours has proper lighting. And they should because they have all the same issues that we have. Bella Vista has 4 lights on the street with a light at the top of their street on Central and another light on Winthrop which is also placed at the end of the street. Warren Ave has 2 lights with no light at the top on Central. It is very dark, and unsafe.

The Board of Selectmen looked at the maps that Ms. Cerretani provided and concluded that a couple of lights were indeed out on the street that should not be and will be fixed

Ms. Cerretani also addressed the fact that there is also a house on their street, which is in terrible disrepair. Recently, the gas lines were being replaced on our street and the gas company had to enter their house. The state police were very concerned with the conditions of this home and reported it to the public health department.

They were required to empty the house to a bare minimum in order to live safely in their home. However, the public health department is not responsible for the outside of the home. She spoke with Nick Riccio and he informed her that there is nothing he can do. Mansfield has no ordinances to enforce even the smallest request to keep a yard clean. My neighbors and I are asking the Board for guidance. Other towns have bare minimum standards that are on the books and are only enforced when a severe issue is presented.

Ms. Cerretani and a couple of her neighbors also spoke about tractor trailer traffic issues from local business. (APR) They have tried talking to the company but they have not been very cooperative. And there are no noise ordinances in town that would require them to change their routes or hours of operation.

After a brief discussion with the board, Ms. Cerretani stated she will send a description of proposed bylaw for a town meeting article.

Lou Andrews, Natural Resources Trust Chairman, there are no representatives from NRT or ConComm on the Strategic Plan (open space part). He would like to recommend that the bos appoint one.

Ed Rosenberg, Ware St. Would like to see more lights turned back on with the surplus the MMED has. He feels that public safety is being compromised. And in addition, some lights are on all day, some start at 3pm and some not at all.

Weekly Business

Warrant No. 12021T in the amount of \$1,038,866.54

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

Warrant No. 12021E in the amount of \$307,061.71

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

Warrant No. 12021S in the amount of \$1,346,341.18

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

Warrant No. 12021PT in the amount of \$352,709.44

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

Warrant No. 12021TV in the amount of \$109,312.70

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

Warrant No. 12021PS in the amount of \$1,447,364.08

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

Warrant No. 12021SV in the amount of \$459,202.81

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

Warrant No. 12022T in the amount of \$1,245,812.14

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

Warrant No. 12022E in the amount of \$62,797.87

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

Warrant No. 12022S in the amount of \$380,049.15

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

Warrant No. 12022PT in the amount of \$272,037.53

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

Warrant No. 12022TV in the amount of \$81,279.69

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

License application approvals:

Village at Willow Crossing	Common Victualler- Wine & Malt
Motion: To approve (Moran/Kozlowski) 4:0 passes	
Village at Willow Crossing	Common Victualler
Motion: To approve (Moran/Kozlowski) 4:0 passes	
Tahana	Common Victualler- All alcohol
Motion: To approve (Moran/Kozlowski) 4:0 passes	
Tahana	Live Entertainment license
Motion: To approve (Moran/Kozlowski) 4:0 passes	
Tahana	Common Victualler
Motion: To approve (Moran/Kozlowski) 4:0 passes	
Kyoto Enterprises	Common Victualler- All alcohol
Motion: To approve (Moran/Kozlowski) 4:0 passes	
Kyoto Enterprises	Common Victualler
Motion: To approve (Moran/Kozlowski) 4:0 passes	
Geno's	Common Victualler- All alcohol
Motion: To approve (Moran/Kozlowski) 4:0 passes	
Geno's	Common Victualler
Motion: To approve (Moran/Kozlowski) 4:0 passes	
Geno's	Automatic amusement
Motion: To approve (Moran/Kozlowski) 4:0 passes	
Geno's	Entertainment
Motion: To approve (Moran/Kozlowski) 4:0 passes	
Longhorn	Common Victualler- All alcohol
Motion: To approve (Moran/Kozlowski) 4:0 passes	
Longhorn	Common Victualler
Motion: To approve (Moran/Kozlowski) 4:0 passes	

Dubs liquor	All alcohol retail package license
Motion: To approve (Moran/Kozlowski) 4:0 passes	
Dubs	Common Victualler
Motion: To approve (Moran/Kozlowski) 4:0 passes	
Tedeschi's	Wine & malt retail package license
Motion: To approve (Kozlowski/Moran) 4:0 passes	
New England Sportservice	Wine & malt common victualler
Motion: To approve (Kozlowski/Moran) 4:0 passes	
New England Sportservice	All alcohol common victualler
Motion: To approve (Kozlowski/Moran) 4:0 passes	
New England Sportservice	Common Victualler
Motion: To approve (Kozlowski/Moran) 4:0 passes	
Mansfield Deli	Wine and malt retail package
Motion: To approve (Kozlowski/Moran) 4:0 passes	
Mansfield Deli	Common Victualler
Motion: To approve (Kozlowski/Moran) 4:0 passes	
Trattoria	All alcohol common victualler
Motion: To approve (Kozlowski/Moran) 4:0 passes	
Trattoria	Common Victualler
Motion: To approve (Kozlowski/Moran) 4:0 passes	
Holiday Inn	All alcohol common victualler
Motion: To approve (Kozlowski/Moran) 4:0 passes	
Holiday Inn	Common Victualler
Motion: To approve (Kozlowski/Moran) 4:0 passes	
Holiday Inn	Live Entertainment

Motion: To approve (Kozlowski/Moran) 4:0 passes	
Cibo Matto	All alcohol common victualler
Motion: To approve (Kozlowski/Moran) 3:0:1 (Annino abstain) passes	
Cibo Matto	Common Victualler
Motion: To approve (Kozlowski/Moran) 3:0:1 (Annino abstain) passes	
Rum Runner	All alcohol retail package
Motion: To approve (Kozlowski/Moran) 4:0 passes	
Jimmy's	All alcohol common victualler
Motion: To approve (Kozlowski/Moran) 4:0 passes	
Jimmy's	Common Victualler
Motion: To approve (Kozlowski/Moran) 4:0 passes	
Set Point Athletics	Wine & malt common victualler
Motion: To approve (Kozlowski/Moran) 4:0 passes	
Set Point Athletics	Common victualler
Motion: To approve (Kozlowski/Moran) 4:0 passes	
Set Point Athletics	Automatic amusement
Motion: To approve (Kozlowski/Moran) 4:0 passes	
Catman Café	Common victualler
Motion: To approve (Kozlowski/Moran) 4:0 passes	
Catman Cafe	Automatic amusement
Motion: To approve (Kozlowski/Moran) 4:0 passes	
Catman Cafe	Live entertainment
Motion: To approve (Kozlowski/Moran) 4:0 passes	
Catman Café	All alcohol common victualler
Motion: To approve	

(Kozlowski/Moran) 4:0 passes	
Willowdale Golf Course	All alcohol common victualler
Motion: To approve (Kozlowski/Moran) 4:0 passes	
Willowdale Golf Course	Common victualler
Motion: To approve (Kozlowski/Moran) 4:0 passes	
TGI Friday's	Common victualler
Motion: To approve (Kozlowski/Moran) 4:0 passes	
TGI Friday's	Automatic amusement
Motion: To approve (Kozlowski/Moran) 4:0 passes	
TGI Friday's	All alcohol common victualler
Motion: To approve (Kozlowski/Moran) 4:0 passes	
Asia Grill & Sushi	Common victualler
Motion: To approve (Kozlowski/Moran) 4:0 passes	
Asia Grill & Sushi	Live Entertainment
Motion: To approve (Kozlowski/Moran) 4:0 passes	
Asia Grill & Sushi	All alcohol common victualler
Motion: To approve (Kozlowski/Moran) 4:0 passes	
Cold Stone Creamery	Common Victualler
Motion: To approve (Moran/Kozlowski) 4:0 passes	
House of Pizza	Common Victualler
Motion: To approve (Kozlowski/Moran) 4:0 passes	
Magic Pizza	Common Victualler
Motion: To approve (Kozlowski/Moran) 4:0 passes	
Honey Dew Donuts	Common Victualler
Motion: To approve (Kozlowski/Moran) 4:0 passes	

Lance	Class I auto license
Motion: To approve (Kozlowski/Moran) 4:0 passes	
Clemmey	Class II
Motion: To approve (Kozlowski/Moran) 4:0 passes	
Clemmey	Class III
Motion: To approve (Kozlowski/Moran) 4:0 passes	
Times Past	Class II
Motion: To approve (Kozlowski/Moran) 4:0 passes	
Billings Realty	Lodging House license
Motion: To approve (Moran/Kozlowski) 4:0 passes	

Water installer license application from Hayes Excavating. Water Operations Manager recommends approval.

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

Board of Selectmen meeting minutes of November 2, 2011

Motion: hold

Board of Selectmen meeting minutes of November 9, 2011

Motion: hold

Correspondence

- Fee waiver request from Grove Building Company for work at Mansfield Cable Access. **TABLED**
- Letter of request (use of 3 a/b) for Martin Luther King day breakfast by the Multi Cultural Heritage Alliance. **Motion:** To approve (Moran/Kozlowski) 4:0 passes
- Letter of request from Rabbi Kivman to put a Menorah on the south common for Chanukah and have a community wide party at town hall (3 a/b) **Motion:** To approve

(Moran/Kozlowski) 4:0 passes

- Letter of request from the Girl Scouts of Eastern Mass (Mansfield/Foxboro) looking for permission to set up a Cookie sales booth at the Mansfield Green.

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

- Letter from Chief O'Neill appointing Officer Roy Bain to the rank of acting Sergeant during Sergeant Maignet's absence.

Town Managers Report

- In accordance with the Town Charter, the MBC is requesting additional members of Town Staff to be appointed to represent the DPW in the facility design project. In order to meet the requirements of Chapter 193 of the Construction Reform Act of 2004, we would like to have you appoint Lee Azinheira to serve as the Owner's Project Manager for the Design Stage of this and the Memorial Hall Project.

He will serve as a non-voting member of the MBC. Lee has also recommended that we ask that Mark Cook is appointed as the DPW representative - as a voting associate member of the MBC. We would also like you to serve in an active participant in the designer selection process of both the DPW building and the Memorial Hall projects.

Motion: To appoint Mark Cook as a representative and voting member.

(Moran/Annino) 4:0 passes

- The Attorney General has officially adopted a new regulation (940 C.M.R. § 29.10) under the Open Meeting Law (G.L. c. 30A, §§ 18-25) to allow members of local public bodies to fully participate -- deliberating, investigating and voting -- in public meetings remotely.

These regulations now include the ability of local public body members to participate remotely due to geographic distance (in addition to remote participation for illness, disability, emergency and military service). This is a welcome change to the regulations for remote participation originally proposed by the Attorney General's office, which seemed opposed to allowing remote participation for geographic distance.

If any municipality would like to have its public body members to participate remotely at their public meetings, then the municipality must:

1. authorize remote participation by its Mayor or Board of Selectmen; and
2. ensure that all public body members participating remotely and other persons at a public meeting will be clearly audible to each other.

Once a municipality has completed those steps, a public body member may participate remotely if:

1. the chairman and a quorum of the public body are physically present at the meeting;
2. the chairman receives from public body members before the meeting notice that the public body members wish to participate remotely and determines that geographic distance (or personal illness or disability, emergency or military service) will make attendance unreasonably difficult; and
3. the chairman declares at the meeting that the public body member(s) will not be attending physically but will be participating remotely and the reasons why, so it may be entered into the minutes of the meeting.

All votes taken by a public body when one or more members are absent must be by roll call vote.

Motion: To approve (940 C.M.R. § 29.10) Remote Meeting Participation, under the Open Meeting Law (G.L. c. 30A, §§ 18-25). (Executive Sessions are excluded) (Kozlowski/Moran) 4:0 passes.

FEMA reimbursement expenses have been filed from the October storm.

Hercules Landfill capping work will begin this spring. (April 2012)

East Common flagpole has been sent out for restoration and will be done shortly. Providing the weather holds up it will be back in the ground right away.

BOS Updates

- Selectman Kozlowski: Survey of street lights will be integrated with a GIS Ipad app. the town will be using.
- Chairman Aptowitz: Will be using remote meeting participation next week for Selectman Dentino (who is out on surgical leave)

Chairman Aptowitz would like to have the meeting start at 7:30pm next week.

- Selectman Annino: North Common committee has meet and will begin work on gazebo soon.

Town hall Christmas decorations look great and show community spirit.

- Selectman Moran: The parking committee will be issuing plan soon.
- Selectman Dentino: Not present

Adjournment

Motion: Adjourn meeting at 9:30pm and go into executive session. (Moran) 4:0 passes

Roll call vote: Moran aye, Kozlowski ay, Aptowitz aye, Annino aye. 4:0 passes

Douglas Annino

Signature of Clerk

December 14, 2011

Date of Approval