

**Town of Mansfield  
Board of Selectmen  
Minutes of July 15, 2009**

**Present:** Vice Chairman Kevin Moran, Clerk Jess Aptowitz, Selectman Sandra Levine, Selectman Dentino, Nick Riccio, Interim Town Manager

**Absent:** Chairman Baldwin

**Bertucci's change of stock hearing**

Some of Bertucci's corporate stock was transferred to another division. This involved all MA locations.

**Motion:** To approve stock transfer. (Dentino/Aptowitz) 4:0 passes

**TM search subcommittee**

Kevin Kemp quickly introduced himself as the chair for the search sub committee and gave a brief summary of what the committee is looking for in terms of town manager qualifications. Next meeting is scheduled for August 4<sup>th</sup>.

**Emily Miller, HOMS**

Mrs. Miller recapped the history of this case with the bos. She would like an answer to her request for a three year extension. If the answer is no, is Mansfield really in support of education and small businesses?

Her school pays the town several thousands of dollars in educational reimbursement. So this far exceeds any fee for the use of the easement. Selectman Dentino does not agree. All businesses in town pay taxes and pay for town property use.

Selectman Dentino brought up the issue of safety imposed by the fence on the town easement.

Vice Chairman Moran asked the board to address the issues one at a time. The issue of the fee was addressed first. Selectman Dentino would like to get \$5,000 for the use of the easement. Mrs. Miller felt that was an exorbitant amount based on the assessment of the property.

Selectman Levine does not believe the board has addressed the use of fees for town easements. She also does not see why the board cannot help a small business run in the current location until they relocate to their new location in East Mansfield. Imposing a fee

changes the rules midstream on this business. The town is also holding up the business from moving to its new location because of their involvement in a lawsuit between HOMS and the town.

Selectman Aptowitz agrees with Selectman Levine on some points and with Selectman Dentino on the public safety concerns that this issue presents.

Vice Chairman Moran stated that he doesn't like that the land is being used but it is and suggested they give a three year extension as the business will not be able to move within a year. He asked for a motion for a fee. None was made.

**Motion:** To accept the three year extension, and for the fence to remain with a guard rail. Once the business moves, the land will be cleared and revert to unused town property. (Levine/Aptowitz) 3:1 passes (Dentino nay)

Selectman Dentino is only comfortable with giving one year extensions. Selectman Levine stated that one year is impractical for the business given the expense of the guardrail and moving time.

Selectman Aptowitz would like engineering to look at the guardrail system to ensure safety items such as reflectors.

## **Audit report**

Robert Brown of Brown and Co. was present for discussion. FinComm chairman Gazzolo, FinComm member Goldberg and MMED Director Gary Babin were also present for report.

General overview of report in relation to last year was presented by Mr. Brown.

- Employee benefits page was briefly discussed.
- Management statement comments were also reviewed.
- Auditors report was reviewed and discussed.
- GASBY 45 statement still needs overview for future financial planning.

Jack Goldberg came to the podium to discuss the report and Vice Chairman Moran thanked him for his help with reading and comprehending the report.

Mr. Goldberg's first question was in regards to the town's disaster recovery plan. The town has components in place but is still working on completing the plan.

Mr. Goldberg also had questions in relation to post retirement benefit charges. It was stated that FY11 will be the first year of repayment.

Selectman Levine asked about the unfunded liability of the town. How will that show in the audit for that year? Mr. Brown stated these will show up in the government statements in the big book.

Selectman Aptowitz does not have any questions.

Selectman Dentino has questions about the management letter for the town.

He also asked Mr. Brown how many towns he audits. Mr. Brown replied 23. Selectman Dentino then asked how many of the towns have a disaster plan in place? Only a few of them; so the comment in the management letter (on it not being complete) is a common one.

Selectman Dentino also had questions about the MMED personnel being able to carry over vacation time from year to year. Mr. Babin stated it is standard practice.

**Motion:** To accept the audit reports for the town and MMED. (Levine/Aptowitz) 3:0:1 passes (Dentino abstain)

Selectman Aptowitz does not understand why the board has to accept the report. Mr. Goldberg spoke and stated it is procedure and that the audit committee will be reviewing and accepting the audit in future years.

## Q & C

Andy Gazzolo, FinComm Chairman said a few words about the FY10 budget.

- Town Manger D'Agostino committed the town to expenses that are not funded in the FY10 budget.
- In addition, the state has released revenue numbers that are lower than expected.
- Work on the organizational consolidation plan has begun.
- Charter review is long overdue and Atty. Mangiaratti will be assisting the FinComm with this endeavor.

Selectman Dentino had questions about contract negotiations. Only 2 contracts have been ratified so far. Selectman Dentino would like to meet every week so the board and FinComm can assist with this task. Selectman Levine feels that this would place an undue burden on Mr. Riccio as interim town manager. Also, the bos and FinComm do not participate in union negotiations. FinComm responsibility is just budget.

## Weekly Business

- Warrant No. 54B in the amount of \$970,705.81  
**Motion:** Approved (Dentino/Levine) 4:0 passes  
Selectman Levine requested check #410241 Torres check be pulled. However it was just pulled earlier by the secretary and put aside.

Selectman Aptowitz would like summary sheet for all department expenditures. As the financial software is in transition the accounting office has been developing a new sheet for use by next meeting.

- Warrant No. 54A in the amount of \$874.30  
**Motion:** Approved (Levine/Aptowitz) 4:0 passes
- Warrant No. 55B in the amount of \$2,145,200.08  
**Motion:** Approved (Levine/Aptowitz) 3:0:1 passes (Dentino abstain)
- Warrant No. 10002T in the amount of \$935,829.15  
**Motion:** Approved (Levine/Aptowitz) 3:0:1 passes (Dentino abstain)
- **Signed but not voted:**  
Warrant No. 10001PT in the amount of \$399,211.50  
**Motion:** Approved (Levine/Dentino) 3:0:1 passes (Aptowitz abstain)
- Warrant No. 10001TV in the amount of \$113,404.58  
**Motion:** Approved (Levine/Moran) 4:0 passes
- Warrant No. 10001T in the amount of \$848,208.13  
**Motion:** Approved (Levine/Moran) 3:0:1 passes (Dentino abstain)
- Warrant No. 10001SV in the amount of \$248,870.42  
**Motion:** Approved (Dentino/Levine) 3:0:1 passes (Aptowitz abstain)
- Warrant No. 10002TV in the amount of \$100,987.56  
**Motion:** Approved (Levine/Aptowitz) 4:0 passes
- Warrant No. 10002SV in the amount of \$1,319.75  
**Motion:** Approved (Levine/Aptowitz) 4:0 passes
- Warrant No. 10002PT in the amount of \$336,372.41

**Motion:** Approved (Levine/Aptowitz) 4:0 passes

- Warrant No. 10002PS in the amount of \$7,295.70  
**Motion:** Approved (Levine/Aptowitz) 4:0 passes
- Minutes of bos meeting on May 6, 2009  
**Motion:** Approved (Aptowitz/Dentino) Levine abstain 3:0:1 passes
- Minutes of bos meeting on May 13, 2009  
**Motion:** Approved (Aptowitz/Levine) 4:0 passes
- Minutes of bos meeting on May 22, 2009  
**Motion:** Approved (Dentino/Aptowitz) 4:0 passes
- Minutes of bos meeting on January 22, 2009  
**Motion:** Approved (Aptowitz/Levine) 4:0 passes
- Executive Session meeting minutes 2007
- Executive Session meeting minutes 2008
- Executive Session meeting minutes 2009  
Held
- Request for appropriation transfer of funds from Town Manager \$18,082.39  
**Motion:** To approve request. (Aptowitz/Levine) 4:0 passes
- Request for appropriation transfer of funds from Town Manager \$6,650.00  
**Motion:** To approve request. (Levine/Aptowitz) 4:0 passes
- Request for appropriation transfer of funds from Town Manager \$134.00  
**Motion:** To approve request. (Levine/Dentino) 4:0 passes
- Request for appropriation transfer of funds from Library \$3,000.00  
**Motion:** To approve request. (Levine/Aptowitz) 4:0 passes
- Request for appropriation transfer of funds from Library \$3,174.31  
**Motion:** To approve request. (Levine/Aptowitz) 4:0 passes
- Request for appropriation transfer of funds from Fire \$3,671.82  
**Motion:** To approve request. (Levine/Aptowitz) 4:0 passes
- Request for appropriation transfer of funds from Fire \$1,328.18  
**Motion:** To approve request. (Levine/Aptowitz) 4:0 passes

## Correspondence

- Resignation letter from Linda Falk from the Conservation Commission.  
**Motion:** To accept resignation with regret and send letter of thanks.  
(Levine/Aptowitz) 4:0 passes
- Public notice: Leak detection program began on July 12<sup>th</sup> and will continue over the next 6-8 weeks. Work will be conducted between the hours of 12am and 7am. If you have any questions please call 261-7376.
- Email from Hemlock Lane resident requesting information about water and sewer rates. Lee Azinheira will be advised.
- Letter from Comcast Cable stating they have enhanced services and are now broadcasting in digital service to expanded basic level and up customers. If you have any questions please call 508-732-1532.

## Town Managers Report

- Discussion with Planning Director Shaun Burke and ConComm Vice Chair Boyden in regards to hiring a conservation agent. FinComm Chairman Gazzolo was also present. 15 hours a week for conservation issues only. Zoning component was removed from job description.  
**Motion:** To have Mr. Burke advertise for 15 hour position. (Dentino/Aptowitz) 4:0 passes
- Recap of DPW barn accident with fuel canopy. A private gas station is currently being utilized for fuel needs. Estimated repair costs are \$125,000.00 and Mr. Azinheira will give another update at the next meeting.
- Recap of Verizon FIOS issue. Mr. Riccio is recommending that the board go forward with approval of installing fiber in our buildings without a building permit. If the town fights Verizon pulling a permit it may be months before fiber is installed. Mr. Riccio has received the installation plans and is comfortable that the towns interests are covered.  
**Motion:** To approve waiver of building permit. (Dentino/Aptowitz) 3:1 passes  
(Levine nay)

- Advertising for the town accountant has been placed in the MMA and the MMAA websites and publications in addition to our website. We have received a few applications with a closing date of August 7, 2009. The same subcommittee will be utilized as was the last time. Selectman Dentino would like to use Slavin Associates to advertise for this position in addition to the town manager. However, no action was taken.
- Letter from Lorilee Fish, Park and Recreation Director about Covidien volunteer day. They were able to clean up quite a bit in town that our resources have not been able to cover.
- Reading of road closures due to construction work. This will last for 6-8 weeks.

### Selectmen's Old & New Business

- Old business from Selectman Levine: Would like a recap from Atty. Torres and would like to know when the board is meeting with the school committee. Vice Chairman Moran stated August 25<sup>th</sup> is the proposed date.
- Old business from Selectman Dentino: Uniform allowance issues. He would like this item to be reviewed and tightened in the next round of contracts.

The use of personal days should not be used in conjunction with vacation days. Mr. Riccio will review utilization.

- Old business from Selectman Aptowitz: Atty. Keston has received \$150,000 payment from insurance company for Stoye settlement.
- Old business from Chairman Baldwin: Not present
- New business from Chairman Baldwin: Not present
- New business from Selectman Aptowitz: Thank you Nick, you are doing a great job and we appreciate it.

Fire Chief Boldrighini has reviewed the new fire engine in Wisconsin and it should arrive by the end of the month.

Apologies to Selectman Dentino for cutting him off earlier in the meeting.

MMED business: Gary Babin was named Interim MMED Manager and filling the Engineer position was delayed. Selectman Levine's votes were not opened at

Monday's meeting however, her questions were forwarded to Gary Babin.

- New business from Selectman Dentino: Street washouts and lighting issues throughout town. Mr. Riccio will follow up with DPW about this.

Questions about road work expenses on Branch St.

- New business from Selectman Moran: He is not comfortable with sealed envelope votes and comments. It is unfortunate that a member cannot make a meeting and get a vote but he would like to see the practice of envelope voting stopped.

The issue of the post office delivering the mail later in the day has been resolved.

- New business from Selectman Levine: Mrs. Levine stated why she wanted to vote via envelope and the reasons for it. Selectman Aptowitz acknowledged that Mrs. Levine did contact him in regards to this but was unable to speak with her before she left.

#### Adjournment

**Motion:** Adjourn at 10:08pm (Aptowitz) 5-0 Passes

Jess Aptowitz

Signature of Clerk

September 30, 2009

Date of Approval