

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

**Present:** Chairman Ann Baldwin, Vice Chairman Kevin Moran, Clerk Jess Aptowitz, Selectman Sandra Levine, Selectman George Dentino, John D'Agostino, Town Manager

**Open Meeting Law workshop**

Atty. James McKenna from the DA office was present for discussion. He gave an overview of MA Open Meeting Law to the Board of Selectmen. Selectman Levine had a question and Mr. McKenna gave a brief explanation. There have been issues about emergency meetings, what constitutes one and if they need to meet in person.

Selectman Levine also had a question about "sonic" reproductions, secret recordings are not allowed but disclosed tape records are. Selectman Aptowitz has questions about cd of meetings minutes vs. written minutes. Mr. McKenna stated its ok to review cd of meetings but written minutes are best.

Chairman Baldwin asked about fines for violations; if they are paid by bos (town) or individuals. The town would be assessed any violations of the Board of Selectmen. Selectman Aptowitz asked if the bos had any recourse against an individual who files a violation that is later determined to be frivolous. Atty. McKenna cannot address that issue at this time as it would be a violation of open meeting law. He suggested contacting counsel for advice on that matter.

Questions and Comments Policy: Citizens not being allowed to be heard at meetings is not a violation of open meeting law. You are allowed to view discussion but not necessarily participate in it.

Item of TM performance evaluations being a public document. The Supreme Court will hopefully be ruling on that issue in June-July.

Selectman Dentino asked how many people in the DA's office handle open meeting law complaints. Mr. McKenna stated he was the only staff member in Bristol County DA office that does this. Other, larger counties may have more staff involved.

The Selectmen thanked Mr. McKenna for coming to Mansfield and speaking with them.

## Shawmut Ave Extension street acceptance

Shawmut Ave reconsideration. Explanation letter from Shaun Burke reviewed and Selectman Levine asked Selectman Dentino if his question has been answered about a surety bond. The letter explained that there wasn't a bond; cash had been held from the developer so the funds are still available. A crooked tree that was to be removed will not be due to resident request to keep it.

**Motion:** To vote to lay out a town way substantially in the location of the private way known as Shawmut Avenue Extension. (Aptowitz/Moran) 4:1 passes (Dentino nay)

## DPW updates

Ken Hackett, Lee Azinheira and Mark Cook present for discussion.

Mr. Azinheira explained that the Sewer Regulations have been updated and briefly went over the changes.

**Motion:** To accept the sewer use regulations as modified. (Levine/Moran) 5:0 passes

Item #1 Trench permits update: Quite a few have been issued so far this spring.

Item #2 MMED: The MMED has requested a blanket permit waiver for work performed by the department.

**Motion:** To accept fee waiver for MMED/DPW related projects. (Moran/Levine) 5:0 pass

Selectman Dentino has several questions about charges, who is issuing permits, how inspections are handled. Mr. Azinheira addressed those questions for the Board.

**Motion:** Adopt iii and b of IMA agreement (Aptowitz/Dentino) 5:0 passes

Item #3 site permits:

Overview of Regulations Governing Excavation/Construction within Public Ways.

Selectman Dentino has questions about working day time changes. He would like to see summer hours from 7am to 3pm and winter hours from 8am to 4pm. However he will leave it to Mr. Azinheira to work it out.

Questions about Controlled Density Fill: curing. Mr. Azinheira further stated this is consistent with drainlayers license language.

Selectman Moran had a question about the lack of definition of "town right of way" and Selectman Levine a question about changes in years (bonding language). Mr. Azinheira will

add the definition and leave the time period as two years instead of three as they can adjust at a later time.

Mr. D'Agostino has question on fee schedule for base charge. It was explained this is for simplicity's sake.

**Motion:** To accept plan changes as outlined. (Dentino/Aptowitz) 5:0 passes

Paving scheduled for the year where discussed and Clerk Aptowitz read the announcements for the record. They are also available on the town website and cable access for review.

Lengthy discussion on why some streets are being paved and some double chip sealed. Mr. Azinheira then explained some road repairs such as where and why they use chip sealer and noted some maintenance/road repairs around town.

Selectman Levine and Aptowitz asked questions about the re-milling and paving of Mansfield Ave. Mr. Cook explained the process and why he decided to close the street for a period of time vs. working around it.

Selectman Dentino also had questions about the roads around the train station in addition to the work scheduled for Rt. 106 (underpass to Copeland Drive). Mass Highway is also working in that area so work will be done during the evening when possible to avoid traffic disruption.

Red Flag Requirements overview.

**Motion:** To approve the identity theft prevention program. (Moran/Dentino)

Question from Selectman Dentino: This will be covered by existing staff? Yes.

Question from Selectman Levine: Will there be an option for a proxy that can sign for customer? Yes.

This item will be tabled to next week after proxy language further reviewed.

Selectman Dentino would like the board to discuss the composition of the IMA reps.

**Motion:** To replace John D'Agostino with Lee Azinheira as one of the bos IMA reps. (Dentino/Levine) 5:0 passes

## Questions and Comments

Jack Goldman, fincomm rep. Questions about the unfunded liabilities of pensions. As of Jan 10<sup>th</sup> a new law has been passed that allows more ways to fund these liabilities. He would like the bos to implement a procedure for establishing a trust to fund this. He would also like a place holder on the spring town warrant for this as well.

Even though we may not have funds for this in FY10 we need to start planning for this debt service soon as the amount owed will continue to grow. This needs to be done for all municipal accounts, schools and the MMED. Hopefully they will be able to get the figures together soon and return to the Board of Selectmen on the April 29<sup>th</sup> meeting.

### Weekly Business

- Warrant No. 42B in the amount of \$3,802,787.17  
**Motion:** Approved (Moran/Aptowitz) 4:0:1 passes (Dentino abstain)
- Warrant No. 42A in the amount of \$1,497,490.21  
**Motion:** Approved (Moran/Aptowitz) 4:0:1 passes (Dentino abstain)
- Meeting minutes of February 25, 2009  
**Motion:** To approve minutes (Dentino/Aptowitz) 4:0:1 passes (Levine abstain)
- Meeting minutes of March 4, 2009  
**Motion:** To approve minutes (Dentino/Moran) 5:0 passes
- Municipal roadway vegetation management plan from Mark Cook. This needs to be signed by the chairman every year.  
**Motion:** To approve roadway vegetation plan and have chairman sign (Aptowitz/Moran) 5:0 passes
- Hackney carriage licenses for Mansfield Town Taxi.  
**Motion:** To approve licenses (Moran/Aptowitz) 5:0 passes
- Commercial parking lot license application from A-C Intermediate Co (Ditchman lot)  
**Motion:** To approve license (Moran/Aptowitz) 5:0 passes
- Commercial parking lot license application from Rumford LLC (S. Main St lot)  
**Motion:** To approve license (Moran/Aptowitz) 5:0 passes
- Commercial parking lot license application from Foundry LLC (Foundry/River Sts lot)  
**Motion:** To approve license (Moran/Aptowitz) 5:0 passes

### Correspondence

- SRPEDD appointments: none yet

- Southcoast rail update from Selectman Dentino: There are many issues that will effect Mansfield if the Attleboro route is not dismissed. He would like to write a letter to SC rail group expressing our concerns.
- Letter from Neal Boldrighini regarding Medicare rate change. Medicare recently published an Ambulance Inflation Factor of 5% for 2009. If the town adopts the increase we should realize an overall 5% increase in revenue for the ambulance service we provide. That roughly may translate to an additional 30,000 dollars for this community.  
**Motion:** To approve new rate schedule as proposed by Chief Boldrighini.  
(Moran/Aptowitz) 5:0 passes
- Letter from Emily Miller of the Hands On Montessori School on Credden St. She is requesting an extension of the license agreement for the playground and fence. They hope to move soon but have received an extension on their office lease until 2010. Selectman Dentino would like to put this off to the next week for bos review.
- Letter from Kathleen Ludgate, Regional Director for 2010 Census. They would like to remind residents that census employees will be visiting people in their neighborhoods between April and July this year. The census employees will wear official identification and carry hand held computers to take census information.

### Town Managers Report

- Update of cleanup for Hathaway Patterson site. The federal government has awarded the Town of Mansfield between 5-10 million. The federal government gave a range as to allow for pricing competition. This will allow clean up of the site in addition to adding a 5 acre front parcel for available industrial use and will allow the property to be put back on the tax rolls.

This also presents an opportunity for the relocation of the MEMA offices. They need a space to store all their equipment and vehicles as well.

The Town of Foxboro will pave their part of the parcel for commuter parking. A shuttle bus has been proposed to bring these commuters to the Mansfield train station.

- DPW unions voted to accept the health care plan changes; the supervisory union has also done this as well. The unions left will be meeting soon and he will report back the results as soon as possible. However, if one of the unions does not accept this plan, he has formulated a contingency budget to deal with the financial shortfalls.

- Earth Day update. Grant funds are used to pay staff; no general funds will be used. The event is April 18<sup>th</sup> and all are encouraged to attend the event at the Comcast Center.

### Selectmen's Old & New Business

- Old business from Selectman Levine: None
- Old business from Selectman Dentino: None
- Old business for Selectman Moran: None
- Old business from Selectman Aptowitz: MMED issues will be addressed at June 8<sup>th</sup> meeting.

Comcast license issue: Get email from Chief O'Neill regarding his approval. Also get list of concert line up from Bruce Montgomery.

Angry about open meeting violations, particularly the one filed by a fellow bos member. He is also upset with Selectman Levine over her questioning him about the tm sub committee composition. Selectman Moran voiced objection to the bos arguing and motioned for a recess however was overruled.

- Old business from Chairman Baldwin: None
- New business from Chairman Baldwin: She is also upset about letter and questions Selectman Levine about the necessity of such letter. What does it accomplish for the board and the town? Ann recalls an issue in which sandy possibly violated the law. Selectman Moran called for a recess and was overruled again by the majority of the board.

Update on town manager search firm. Five companies have been contacted.

- New business from Selectman Aptowitz: Congrats to the junior high hockey team.

The Robotics program needs \$2,000 transfer to its revolving fund from the MMED.

**Motion:** to adjourn Board of Selectmen and open as Electric Light Commissioners.  
(Aptowitz/Moran) 5:0 passes

**Motion:** That the MMED makes a payment in lieu of taxes in the amount of \$2,000 to the Town of Mansfield for the purpose of donating this money to the Mansfield

High School Robotics Program. (Aptowitz/Moran) (Dentino nay) 4:1 passes

**Motion:** To adjourn MMED meeting and reopen as Board of Selectmen.

(Aptowitz/Moran) 5:0 passes

**Motion:** To accept the pilot from MMED and direct it to be placed in the revolving fund of the Robotics Team at MHS. (Aptowitz/Moran) 5:0 passes

- New business from Selectman Dentino: He is a maverick but does not go behind other bos members backs and make personal attacks. He would also like to have Selectman Levine's letter read out loud. Selectman Moran voiced his objection (as he has done in the past on these issues) but Chairman Baldwin read the letter for the viewing audience.
- New business from Selectman Moran: He regrets that the public must see the board airing their dirty laundry during a meeting. They obviously don't get along and must do so for the benefit of the town.

Comments about the Hathaway Patterson cleanup from resident.

- New business from Selectman Levine: May 12<sup>th</sup> meeting at the Norton townhall regarding the southbound 495 ramp construction.

Percussion team is on the way to Ohio to participate in the nationals. Good luck.

### Adjournment

**Motion:** To adjourn at 10:40 PM

(Aptowitz) 5-0 Passes

Jess Aptowitz

Signature of Clerk

June 3, 2009

Date of Approval