

**Town of Mansfield  
Board of Selectmen  
Minutes of July 29, 2009**

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

**Absent:** Chairman Ann Baldwin

**Flammable license hearing - Jarsam LLC**

Public hearing opened by Vice Chair and notice read into the record by the Clerk.

Donald Moccia, MEDCO (Jarsam LLC) Manager, has expanded the storage of flammable liquids at the Mansfield facility as one of their other warehouses has closed and they are now serving more customers from the Mansfield facility.

Lt. Tebeau gave a brief explanation of the requirements for approval from the fire dept.

Selectman Dentino had questions about building capacity and fire sprinkler coverage. Mr. Moccia and Lt. Tebeau gave a detailed explanation on how MEDCO would be handling the additional storage.

**Motion:** To close hearing. (Levine/Aptowitz) 4:0 passes

**Motion:** To approve flammables license. (Levine/Aptowitz) 4:0 passes

**DPW updates**

DPW Director Lee Azinheira and Water Operations Manager Kurt Gaffney are present for discussion.

Mr. Azinheira gave an over view of the job descriptions that are up for review.

The WWTP Chief Operator is appointed by the Director of Public Works and is under the direct supervision of the WWTP Operations Manager. Serves as assistant to the Operations Manager and manages the facility during his absence. Supervises the laboratory and operating staff of the wastewater treatment plant and manages the lab during the absence of the laboratory technician.

Selectman Aptowitz asked why the job descriptions are set before they come to the board for approval. Mr. Azinheira stated that the job description is set by what the duties are and approved by the union but it is not official until the board approves it. If the board does not approve it, the position goes unfilled or is revised by the board and then has to go back before the union for ratification.

Selectman Dentino had questions about the additions and deletions in the Chief Operators position description. He is not in favor of naming another first responder to the dept. that would also include the use of a town vehicle. There are already 3 first responders in this dept.

Selectman Aptowitz is not in favor of adding another first responder with car as well.

Chairman Moran asked if other personnel are also required to carry beepers or cell phones. Mr. Azinheira stated that stand-by personnel are required to do so. However, some senior personnel are still needed on site so it is important to be able to contact them as well. Our area has a shortage of certified water operators as the training is so specialized.

Chairman Moran stated that the board is concerned about controlling the number of vehicles that are taken home by personnel. He would like to know if the position description can be approved without the use of a town car.

Selectman Levine asked if the person who has to have a pager or cell phone **has** to have a vehicle as well. It was explained that if the person is required to answer calls off hours; use of a vehicle is required by union contract.

**Motion:** To accept position description without the requirement of first responder status. (Moran/Levine) 4:0 passes

The Water Meter Technician is appointed by the Director of Public Works. The technician is required to operate and maintain the automated meter reader system and the mobile radio reader collector for the purposes of loading and unloading customer readings to data files. The technician is directly responsible for the repairs, replacement, testing and reading of the water meters.

**Motion:** To accept the new job description as described. (Levine/Aptowitz) 4:0 passes

Mr. Azinheira gave a brief update on street work and paving going on in town through out the next few weeks.

## **Conservation Commission appointment**

Colin Cauldwell has been on the ConComm before and would like to serve on the commission again. All the board members are happy to have Mr. Cauldwell serving on the Conservation Commission and welcomed him back.

**Motion:** To appoint Mr. Cauldwell to the unexpired term of January 2010.  
(Levine/Aptowitz) 4:0 passes

## **Q & C**

Mary Ann Kinney, questions about cable boxes. Comcast does not let you buy a box, you have to rent one. She is also unhappy with our Providence DMA placement and wants us to be in the Boston market.

Selectman Levine added that Congressman Barney Frank will be filing a bill getting Bristol County designated as part of the Boston market, not Providence RI, as we are currently.

## **Mansfield Retiree's Association overview**

Celest Jones, President and Edward Sliney, Treasurer of the Retiree's Association are present for discussion.

Mrs. Jones read a brief overview of health insurance costs and pensions issues that are being dealt with by retiree's. It was mentioned at a past board meeting that perhaps the retirees should pay the same insurance split that active employees pay. Mrs. Jones stated that the retiree's do not receive any mitigation funds (active employees do) and their pensions do not go up over the years (except cola) unlike active employees who receive raises. Their membership is struggling with health care costs as it is and they truly cannot afford anymore.

The Retiree's Association is also not in favor of the town joining the GIC. They do not feel that this would be in the best interest of the employees. The GIC does not offer full coverage plans and does not offer Blue Cross/ Blue Shield (which many of the employees/retiree's utilize). You also loose control on bargaining with the GIC as it is not governed by the towns or town consortiums.

Selectman Dentino stated that while health care costs are expensive, they are even more expensive in the private sector. The Mansfield retiree's have a plan and coverage that is better than most. The Board of Selectmen have to take the benefit of the whole town into consideration when they make a decision so in this economy unfortunate choices have

to be made and this includes employment, raises (or no raises) and coverage of employee benefit/plans.

Selectman Moran thanked the group for coming in to discuss this situation as they like to hear from the people that are affected by their decisions. However, the board does have to make decision on what is best for the town as a whole.

Selectman Aptowitz stated his comments on health care costs were based on the figures given to him by the town accountant. He also did not realize that retiree's did not share in the mitigation plan until now.

Selectman Aptowitz did some research with other towns and noticed that some of the surrounding towns are providing the same coverage split to retiree's and active employees alike. So, as Selectman Dentino stated, Mansfield is doing better than most. The state and towns are in a tight budget cycle and tough choices must be made.

Mrs. Jones and Mr. Sliney understand that and are not looking for anything in particular; they just wanted to let the board know of their concerns.

Selectman Levine stated that she too has reservation about joining the GIC and she is aware of the pitfalls of such a program. She has talked with senior citizens in town and the cost of health care is an issue for many.

Unfortunately, many seniors are struggling and have had to cut back on expenses and rely on family/social services more than they expected.

Chairman Baldwin arrived at the end of this conservation.

### **RFP process for town counsel**

Selectman Dentino stated that the town spends a lot of money on legal services so he would like Mr. Riccio to tally the costs of legal services over the past few years.

As the town does not have to follow the RFP process for legal service we can take out an announcement in the Beacon that we are looking for quotes. Or the board can solicit select firms, if they so desire.

Selectman Levine would like to focus on larger full service firms vs. smaller private practices. It is important to be able to utilize multiple specialties within the same law firm.

Mr. Riccio will formulate an ad and forward to the board for approval. This proposal will be for labor counsel as well.

## Weekly Business

- **Signed but not voted last week:**

Warrant No. 10003PT in the amount of \$278,597.20

**Motion:** Approved (Moran/Levine) 3:0:2 passes (Dentino/Aptowitz abstain)

Warrant No. 10003TV in the amount of \$79,594.85

**Motion:** Approved (Levine/Moran) 5:0 passes

Warrant No. 10003PS in the amount of \$834,466.09

**Motion:** Approved (Levine/Moran) 5:0 passes

Warrant No. 10003SV in the amount of \$230,968.71

**Motion:** Approved (Levine/Moran) 5:0 passes

Warrant No. 10003T in the amount of \$ 23,057.20

**Motion:** Approved (Moran/Levine) 3:0:2 (Dentino/Aptowitz abstain)

Warrant No. 10003E in the amount of \$276,427.97

**Motion:** Approved (Levine/Moran) 3:0:2 (Dentino/Aptowitz abstain)

**This week:**

- Warrant No. 10004T in the amount of \$3,747,936.66  
**Motion:** To approve. (Moran/Levine) 3:1:1 (Aptowitz nay, Dentino abstain)
- Warrant No. 10004E in the amount of \$541,541.47  
**Motion:** To approve. (Moran/Levine) 4:0:1 Passes (Dentino abstain)
- Warrant No. 10004PT in the amount of \$310,935.23  
**Motion:** To approve. (Moran/Levine) 5:0 passes
- Warrant No. 10004TV in the amount of \$85,957.25  
**Motion:** To approve. (Moran/Aptowitz) 5:0 passes
- Warrant No. 10004PS in the amount of \$2,001.25  
**Motion:** To approve. (Moran/Aptowitz) 5:0 passes
- Warrant No. 10004SV in the amount of \$399,356.71  
**Motion:** To approve. (Moran/Aptowitz) 5:0 passes

- Minutes of bos meeting on May 20, 2009 - held
- Executive Session meeting minutes of March 11, 2009 - held  
Minutes are not totally complete as the Torres report is sealed.

Selectman Levine would like a full report from Attorney Torres on his activities and as to why the report is not being released. The last report he gave was in March. The board contracted for services that went into June.

Chairman Baldwin stated that reports have not been released by the board although they have been requested by citizens. Atty. Torres has recommended that the final report not be released. She will contact Atty. Torres tomorrow for specifics.

- Common Victuallers license for Friendly's at Mansfield Market Place. (Routing slips have all come back positive.)  
**Motion:** To approve. (Aptowitz/Moran) 5:0 passes
- Mansfield Crossing Mall Easement for MMED (held from last MMED meeting)  
Selectman Dentino would like clean copy of plan from the MMED.  
**Motion:** To sign Mansfield Crossing Mall Easement. (3:1:1) passes (Aptowitz nay/Dentino abstain)

## Correspondence

- Revised housing production plan. The Planning Board has made a few minor changes at the direction of DHCD and awaits bos approval.  
**Motion:** Approved (Moran/Aptowitz) 3:0:2 passes (Dentino/Baldwin nay)
- Memo from John Sullivan regarding advertisement for Town Engineer position. Chairman Baldwin suggested that Mr. Sullivan come to a meeting to explain why he feels that the town needs to fill this position. Selectman Dentino stated that many towns share or combine an Engineer/DPW position or such.

Mr. Riccio would like to have Mr. Sullivan come in as well as the dept. is still busy with work about town and it is important for the board to hear about it.

- Letter from Joan Lundgren regarding traffic stop encounter with Officer Lawson.
- Email from N. Main St resident regarding a number of issues that he is concerned about.

- letter from Lou Andrews, volunteer webmaster. He has requested that his letter be read during the meeting.
- Special town meeting warrant read into record by the clerk. The specific articles were read into record by Chairman Baldwin. Two articles are for the firefighter's union contract funding. The third is for charter change language allowing the town manager to live outside of Mansfield.

**Motion:** To open special town meeting of August 18<sup>th</sup>. (Aptowitz/Levine) 5:0 passes

### Town Managers Report

- DPW fuel pumps back up and running so all personnel should resume going there.
- Verizon FIOS will be broadcasting in both the school and municipal building by the next bos meeting.
- Rep. Poirier and Barrows are requesting the Board of Selectmen support in getting an RMV office in the Emerald Square Mall in N. Attleboro as the other one has closed and residents have to go to either Taunton or Brockton now.

**Motion:** We, as members of the Board of Selectmen for the Town of Mansfield would like to resolve for reasons of accessibility, safety, convenience, etc. that the location we feel is most desirable for the location of any Express Registry, is the site designated within the Emerald Square Mall located in the Town of N. Attleboro. (Moran/Dentino) 5:0 passes

### Selectmen's Old & New Business

- Old business from Selectman Levine: Update on water dept. gate damage. Mr. Azinheira has advised Mr. Riccio that the gate has been repaired.
- Old business from Selectman Dentino: The town has a bond rating with a negative outlook. Mr. D'Agostino did not agree with that at a previous meeting but he has verified the fact.

Selectman Dentino would also like to see a medical panel assembled for a disability claim that has been languishing. It will be addressed at the next executive session meeting.

Selectman Dentino read the letter from the Attorney Generals office stating that Mrs. Levine's complaint of open meeting law violations was inconclusive.

- Old business from Selectman Aptowitz: Please check with Chief O'Neill about possible changes for payment boxes and payment issues.

Selectman Aptowitz asked Mr. Gazzolo to come up and give the board a brief update on the closing of FY09. The end of year information is still not all available and next week they are having a meeting with Bea Kearney. The concern is that they don't know what free cash is and where the town budget stands. If Bea needs more time to work it out before the next meeting the board is in support of giving her that.

Selectman Aptowitz would like to see the Town Accountant subcommittee group reassemble for the present search. Selectman Dentino and Aptowitz would like to stay on the committee.

**Motion:** To have both Selectman Dentino and Aptowitz stay on the search committee. (Moran/Levine) 5:0 passes

A Consolidation Committee was also set up.

**Motion:** To appoint Selectmen Moran and Levine to committee. (Dentino/Aptowitz) 5:0 passes

- Old business from Chairman Baldwin: None
- New business from Chairman Baldwin: None
- New business from Selectman Aptowitz: None
- New business from Selectman Dentino: Please make sure that we have an insurance amount for next week that any new insurance will cost us.

The Town of Kingston has recently saved a significant amount of money in utilizing a lump sum payment vs. an hourly rate for legal counsel.

Question on car repairs that he will cover later with Mr. Riccio.

Questions about clothing allowance that was paid out of a travel allowance account.

The board will be meeting with Atty. Lehane before the next meeting and a policy may be made up to define what is allowed under uniform allowance.

- New business from Selectman Moran: How is the insurance claim going for the fuel pump canopy? The claim is still in limbo and a demand has gone out to the insurance company.

Fruit and Hall St. have been reported as being very dark. Mr. Riccio will check with Mr. Azinheira in regards to the light that are currently on and if anymore are needed.

The whole board sends out their condolences to the Griffin family on their loss and thanks to the fire/police personnel that had to deal with the situation.

- New business from Selectman Levine: Would like the secretary to prepare proclamation for Bill Handy. (long time water employee who retired.)

### Adjournment

**Motion:** Adjourn at 10:22pm (Aptowitz) 5-0 Passes

Jess Aptowitz

Signature of Clerk

September 30, 2009

Date of Approval