

**Town of Mansfield
Board of Selectmen
Minutes of June 24, 2009**

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

Q & C

Ralph Penney, 336 Maple St: Questions about town meeting and budget transfers. Mr. Penny has many questions regarding internal charges for the MMED, water and waste water operations. Mr. D'Agostino stated that without internal charges the enterprise accounts can not accurately determine how well they are performing.

Selectman Dentino also asked questions about internal charges and pension costs. Mr. Gazzolo attempted to clarify the situation as well but was unable to. Chairman Baldwin called an end to the conversation as time is limited this evening and they have a full schedule ahead of them.

Peter Hepner, 14 Potash Road: Questions about Personnel Services in the town manager's budget. It was explained that this is for the current town manager, new town manager and interim costs. Mr. Hepner is very unhappy about the situation and feels the town is wasting money that could be used elsewhere.

Mr. Hepner asked the Board of Selectmen why the town managers contract was handled the way it was. Selectman Moran explained; that while not all the members agree on issues, they make decisions as a board, period. You will never make all of the people happy, or even some of the people, some of the time. Selectman Aptowitz and Levine also added that they make decisions as a board and Mr. D'Agostino received what was due him by contract; nothing more, and nothing less.

Selectman Aptowitz then read a memo from the FinComm to the Board of Selectmen about the town manager's contract buyout. Selectman Dentino then decided to expand upon the discussion and told the audience why he voted against the buyout. Selectman Moran again stated that they make decisions as a board and should not be airing their personal opinions during the meeting. It only makes issues even more divisive and does not serve the public well. At that time Chairman Baldwin thanked Mr. Hepner for coming and ended the conversation.

Legislative update

Representatives Jay Barrows and Betty Poirier attended to give the Board of Selectmen an update on local aid budget numbers.

- Capital gains tax collections are down 73% from last year
- 169.4M has been cut from FY09 local aid and FY10 isn't projected to be any better
- Certain taxes must be accepted by the towns in order to receive the full amount of local aid. If these taxes are not accepted by the town local aid will be cut further.
- The governor has not approved the budget yet but is expected to do so this week.
- Local option taxes have to be passed at town meeting so the town will have to hold a special town meeting in July or August in order to do so this fiscal year.

Mr. D'Agostino expanded upon the discussion regarding local aid and stated that he had estimated the towns budget on the Senate numbers. Even if the town does not accept the additional local taxes proposed by the state, their revenue estimates will not be affected. Budgeting conservatively has served the town well and we are in better shape than some other towns around us.

Selectman Moran asked what the stimulus funds will do to foundation spending for the schools next year. Rep. Poirier stated that issue is still up in the air and will need to be addressed soon. The revenue that these funds have provided is not sustainable so next years budget will be a big problem if the economy does not turn around soon.

Rep. Barrows and Poirier also expanded upon the fact that the state has imposed a number of new taxes on cities and towns this year. Passing new taxes every year is not good for business or the citizens of Massachusetts. The government will have to find a new way to operate and spend less as taxes cannot continue to fund state revenues.

Representative Barrows thanked Mr. D'Agostino for all his hard work and dedication through out the past 12 years. He highlighted some of the town projects that Mr. D'Agostino has spearheaded over his tenure and added that the Town of Mansfield is a better place due to his efforts. Rep. Barrows and Poirier read a proclamation to Mr. D'Agostino from the statehouse.

Executive Session

Motion: Adjourn to executive session at 9:05pm to discuss union contract negotiations. (Moran/Aptowitz) 5-0 **Passes**

Roll call vote: Chairman Baldwin aye, Vice Chairman Moran aye, Clerk Aptowitz aye, Selectman Sandra Levine aye, Selectman Dentino aye.

Chairman Gazzolo was also asked to attend the meeting by the town manager and the bos agreed.

Open meeting resumed at 10:26pm and a motion made:

Motion: To extend meeting to 11pm. (Aptowitz/Moran) 5:0 passes

Weekly Business

- Warrant No. 52B in the amount of \$306,599.10
Motion: Approved (Moran/Aptowitz) 5:0 passes
- Warrant No. 52A in the amount of \$1,221,862.25
Motion: Approved (Moran/Aptowitz) 5:0 passes
- Minutes of bos meeting on May 6, 2009
Motion: delayed
- Minutes of bos meeting on May 13, 2009
Motion: delayed
- Minutes of bos meeting on May 22, 2009
Motion: delayed
- Housing Production Plan from the Planning Board need to be approved from two weeks ago.
Motion: To approve plan. (Levine/Dentino) 5:0 passes
- Commercial parking facility application for 100 additional spaces from Rumford LLC.
Motion: Hold off until Bill Clemmey has been talked to about zoning issues.
- Request for water installers license from CARLCO Inc. Water Operations Manager recommends approval.
Motion: To approve. (Levine/Moran) 5:0 passes

Correspondence

- Letters from Jean Miller and James Perry requesting a joint meeting between the bos and the school committee to fill the school committee vacancy.
Motion:
- Thank you letter from Brian Quick, Francis Ave regarding the great street repair work the DPW did.

- Letter from Vincent and Mary Ann Botti requesting special permit waiver for their reconstruction work as it was already done and reviewed in 2007. Letter from Shawn Burke in support of this request is also attached.
Motion: To approve. (Levine/Aptowitz) 5:0 passes
- Letter from Peter Heppner, Potash Road asking the Board of Selectmen to reconsider the agreement to let the town manager leave early.

Town Managers Report

- Bond anticipation note for School St. interceptor. Article 20 at town meeting.
Motion: To accept note. (Levine/Aptowitz) 5:0 passes
- Metrogard insurance premiums have come back lower than expecting saving the town money as more was expected and budgeted. (\$90k additional savings)
- Shawmut Ave layout plan: **Motion:** to accept. (Aptowitz/Moran) 5:0 passes

Selectmen's Old & New Business

- Old business from Selectman Levine: None
- Old business from Selectman Dentino: None
- Old business from Selectman Aptowitz: None
- Old business from Chairman Baldwin: Montessori School fence issue: 3 year extension with guard rail placement. Upon the school vacating premises the fence will be taken down and the town land left unutilized.

Selectman Dentino would like to charge the school for the use of the land. Chairman Baldwin stated that they can charge a fee and Selectman Levine doesn't want to. Selectman Aptowitz thinks they should give it some thought. Selectman Moran does not want to either charge a fee or establish a precedent for using town land.

Selectman Dentino wants to charge a fee and thinks the bos is setting a bad precedent by not charging a fee for the use of town land. He does not agree with a three year extension either.

Chairman Baldwin asked the board to delay vote for two weeks and have Emily come in. Selectman Levine believes they are changing all the rules and requirements of the agreement.

Motion: To delay discussion and vote to July 15th (Aptowitz/Moran) 5:0 passes

- New business from Chairman Baldwin: Eric Hart is leaving his position and the bos will start advertising asap for a new town accountant.

Thank you John for your leadership, you have taught me a lot.

Summer schedule for bos meetings to be announced next week.

- New business from Selectman Aptowitz: Best wishes for John in his future endeavors.
- New business from Selectman Dentino: Best wishes for John, they haven't always got along but its over and he wished him well.

Motion: to extend meeting to 11:05pm. (Dentino/Aptowitz) 3:2 passes (Levine/Moran nay)

Please post no trespassing sign for Fales Oil property. Also lights have been out around town and have become an issue for residents.

Selectman Dentino would also like to advance the RFP for town counsel services. Chairman Baldwin stated that this will be addressed at July 15th meeting.

- New business from Selectman Moran: In praise of Mr. D'Agostino Selectman Moran read a Theodore Roosevelt quote: "It is not the critic who counts: not the man who points out how the strong man stumbles or where the doer of deeds could have done better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood, who strives valiantly, who errs and comes up short again and again, because there is no effort without error or shortcoming, but who knows the great enthusiasms, the great devotions, who spends himself for a worthy cause; who, at the best, knows, in the end, the triumph of high achievement, and who at the worst, if he fails, at least he fails while daring greatly, so that his place shall never be with those cold and timid souls who knew neither victory nor defeat."

Selectman Moran would also like to see a consolidation committee formed (with citizen input) to help with savings through out town.

- New business from Selectman Levine: Many thanks to John. She appreciates all the efforts and accomplishments that John has achieved for Mansfield in the past 12 years thereby helping make Mansfield the wonderful community it is.

Adjournment

Motion: Adjourn to executive session at 11:05pm to discuss union contract negotiations.
(Aptowitz) 5-0 **Passes**

Roll call vote: Chairman Baldwin aye, Vice Chairman Moran aye, Clerk Aptowitz aye,
Selectman Sandra Levine aye, Selectman Dentino aye.

Jess Aptowitz

Signature of Clerk

September 3, 2009

Date of Approval