

**Town of Mansfield  
Board of Selectmen  
Minutes of March 11, 2009**

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

**6:45 pm Conduct of the Board of Selectmen**

Chairman Baldwin started the meeting early to make a statement regarding board member behavior during past meetings. First, she has two basic responsibilities. To set the agenda and to run the meeting. Second, if a board member has an item they would like to see on the agenda, let her know.

In addition, while she is chair she expects that board members and the Town Manager will not talk over one another and wait their turn to speak. They represent the town and should behave accordingly. If the gavel should be used, she expects the discussion to stop. Should the discussion continue and the gavel is ignored the microphone of the offending member may be shut off or the member may be asked to leave the meeting.

The other members of the board did not have questions or comments in relation to this matter.

**Shawmut Ave property update**

Mr. D'Agostino gave a brief synopsis of the current situation of the former Fale's Fuel Supply Company located at 11 Shawmut Ave. The November 14, 2006 town meeting voted to authorize the bos to sell the property for \$1.00 to a non profit music and arts organization. However, since then, there have been several issues that could not be properly addressed and the economy has taken a significant down turn preventing the property sale from going out to RFP.

Selectman Aptowitz asked if MEMA was going to relocate there or are other possibilities being explored? Other options are being looked up for both MEMA and the highway garage.

Selectman Dentino had questions about the time limit of the reverter clause. It was 5 years and it didn't specify that the building remain as an arts facility. So that was a particular concern of his.

As the MMAS has found a new site for their facility they most likely would not be interested in pursuing purchase of this property.

### **Canoe River Campground Dam Rehabilitation**

John Sullivan, Town Engineer and Rick Alves, Assistant Town Engineer were present for discussion.

A public meeting was posted to discuss the work going on during this project. The state had issued a safety order for the town to repair the dam and repairs will begin in July if the funds become available.

Mr. Sullivan gave an overview of the memo outlining the work to be done this year. The main repairs are summarized as follows:

- Primary spillway and training wall repairs.
- Auxiliary spillway repairs.
- Embankment repairs
- Roadway improvements

Selectman Levine asked questions about the vegetation in the area of the spillway or embankment. All the trees or vegetation will not be replaced as they have grown wild and may aid in the disrepair of the dam.

Selectman Aptowitz asked where the money will come from for this project and how much it will cost. Mr. Sullivan hoped to get funding from the upcoming stimulus package or possibly from general fund monies. However bids have not been done yet so we do not have an estimate of costs at this time.

Traffic flow will be an issue that will have to be dealt with however it is unavoidable as the bridge across the Mill River Dam is narrow to begin with.

Selectman Moran asked how much the grading will be changed or effected. Any grading changes will be minimal according to Mr. Sullivan.

Selectman Dentino also had questions about the costs of grading and sloping of the spillway sides. The elevation of the auxiliary spillway is higher than that of the primary. He expressed additional concerns over the proposed dam re-construction plans as well.

Chairman Baldwin asked whether or not the town would face fines from the state if the work was not done. Mr. Sullivan stated that it is possible but the state may grant a waiver if the work could not be performed this year.

Joe Gonsalves, owner of Canoe River Campground gave a brief history of the area where the dam is. He is in favor of the dam being repaired however he hopes the repairs needed will not have to result in too many trees being taken down. He loves the rural nature of East Mansfield and hopes this will stay within the character of the area.

Mr. Sullivan noted that Mr. Gonsalves has been very helpful in allowing the town access to the dam via his property.

Robert Goldman, Van Germet Drive. Asked questions in regards to traffic control in the area and if the bridge will be one lane the whole time or just when work is being done. The bridge over the Canoe River Dam is the primary way in and out of East Mansfield to Rt. 106. Mr. Sullivan noted that construction times will most likely be 7am to 4pm.

Annette Shaw, 70 Mill St. Are there any plans to widen the bridge as it is quite narrow? Mr. Sullivan stated that it will not be able to be widened so they will have to work with the current dimensions. The north spillway has an easement through their back yard and the drainage goes out that way. Will the town be working that far back? Mr. Sullivan replied no, they will not.

Selectman Dentino also asked about how the school buses may be affected. The bridge will be open to school buses and emergency vehicles at all times.

In closing, Mr. D'Agostino stated that Mr. Sullivan will be retiring this coming October and wanted to give him the praise and accolades he so richly deserves. He has done a wonderful job as the Town Engineer over the years and will be sorely missed.

### **Waste water plan update**

Mr. Azinheira gave the board a brief update on construction funding that may be available from the state through Rep. Barrows. An application has been submitted earlier in the week and they are hopeful as it was a joint application between Mansfield, Norton and Foxboro.

**Motion:** To support the 450 gpd capacity of the waste water plant. (Moran/Aptowitz)  
5:0 passes

Selectman Levine asked when we may know if we are to receive any funds. Mr. D'Agostino thought they may know by the end of the month.

## Executive Session - Contract negotiations

See separate minutes.

## Questions and Comments

None

## Weekly Business

- Warrant No. 37B in the amount of \$3,040,342.28  
**Motion:** Approved (Levine/Aptowitz) 5:0 passes
- Warrant No. 37A in the amount of \$273,637.67  
**Motion:** Approved (Levine/Moran) 5:0 passes
- Meeting minutes from December 30, 2008  
**Motion:** hold again. (Levine/Moran) 5:0 passes
- Meeting minutes from January 14, 2009  
**Motion:** Approved (Aptowitz/Dentino) 5:0 passes
- Meeting minutes from January 21, 2009  
**Motion:** Approved (Aptowitz/Dentino) 5:0 passes

## Correspondence

- Park and recreation is requesting a gift account be set up especially for the purchase of a cargo van. Mr. Hart suggested it to go to town meeting for approval. Selectman Dentino asked if older prisoner vans could be used instead and Mr. D'Agostino will find out.
- Email from Lou Andrews, Mansfield Animal Shelter, regarding allowing Verizon to install a utility pole for the new animal shelter at no cost.  
**Motion:** to execute plan as shown. (Aptowitz/Moran) 5:0 passes
- Email from resident Bob Goyea regarding his displeasure with Selectman Dentino's behavior at board meetings.
- Email from Lee Azinheira requesting the board to vote on the Feb 25<sup>th</sup> wastewater plan.

- Request from Town Clerk Helen Christian regarding setting the date of town meeting.
- Email from Town Manager John D'Agostino regarding fundraising solicitations for the Corey Shea Scholarship Fund. Per the Police Chief it is recommended to give to the charity itself than to a professional fundraiser as they usually retain most of the donation.
- Letter from Gary Babin for Chairman to sign regarding the Clemmey complaint going to the ethics commission.  
**Motion:** For chairman to sign letter. (Levine/Aptowitz) 5:0 passes  
**Amendment:** 268A law reference to be removed from letter. 5:0 passes

### Town Managers Report

- Budget update regarding chapter 90 funds and snow and ice deficit.

### Selectmen's Old & New Business

- Old business from Selectman Levine: Visit to Franklin townhall. Mr. D'Agostino stated that it will be sometime in May or June after town meeting.
- **Motion:** to write Verizon letter requesting that they commit to a date for local cable access channels and ask they to come to meeting. (Levine/Moran) 5:0 passes
- Old business from Selectman Dentino: Legal bills not being summarized from electric dept counsel and filed with the accountants' office in a timely manner.

Question on staff reductions in the Fire Dept and the Library. Selectman Dentino recommended the bos look at a layoff on the municipal side, rather than loose a fire dept. position.

Issues with budgeting of scheduled overtime vs. overtime usage.

- Old business for Selectman Moran: Verizon has still not committed to when local cable access channels will be available.
- Old business from Selectman Aptowitz: Lights at Rt. 106 and No. Main St. The light changes very quickly so perhaps the timer can be adjusted. Mr. D'Agostino explained why the light is quick on the N. Main St intersection. (It is due to the construction on Rt. 106)

Overlay budget questions were addressed by Mr. D'Agostino. Selectman Aptowitz also asked that a cable scroll heading be placed for audit committee members.

- Old business from Chairman Baldwin: letters from DA have been sent to board members and will be discussed soon at a meeting. Atty McKenna will be attending a meeting soon to conduct an open meeting law workshop.

Verizon salespeople are still soliciting residents although their license has been revoked. Both Selectman Levine and Baldwin have been solicited recently. Please call the police dept. if this occurs with you.

Letter from Jack O'Neill to request that Peg monies be sent to the Mansfield Cable Access Corporation. Selectman Moran will follow up on this.

- New business from Chairman Baldwin: Letter from Karl Clemmey regarding a light commissioners meeting.
- New business from Selectman Aptowitz: None
- New business from Selectman Dentino: **Motion:** To reinstate funding for a firefighter. (recommendation) (Dentino/Aptowitz) 2:3 fails (Baldwin, Moran, Levine nay)

Selectman Moran stated that the town manager is abiding by what the board has asked of him and it is ultimately his decision as to where layoffs may occur.

- New business from Selectman Moran: First round of stimulus funds have been released and the Town of Mansfield did not make the cut.

Good fiscal policy is not always good town policy. A greater demand has been put on our community services in these times so a cut in municipal services would be particularly harmful to our residents. He is going to fight to maintain services and personnel until it is absolutely necessary to cut.

- New business from Selectman Levine: None

### Adjournment

**Motion:** To adjourn at 10:16 PM  
(Levine) 5-0 **Passes**

Jess Aptomitz

Signature of Clerk

May 6, 2009

Date of Approval