

**Town of Mansfield
Board of Selectmen
Minutes of May 6, 2009**

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

Meeting starting at 7:45pm

Hands on Montessori School fence extension request

Emily Miller, owner of the Montessori School and John Sullivan, Town Engineer were present for discussion.

Ms. Miller gave the board a brief update on why the school originally needed the variance for their fence in 2005. They have a purchase and sale on another parcel of land in Mansfield but the sale has been held up. They have received a one year extension from their landlord and are looking for a one year extension on their fence as well. Without it the school would not have a safe outdoor environment for the children and may have to close the school until a new location could be located.

Selectman Dentino questioned Ms. Miller about an existing chain link fence on the property that was extended by a white wooden fence. Ms. Miller stated that there was no existing fence. The chain link and the wooden fence were installed at same time. Selectman Dentino then stated that either way the encroachment of the fence is a public safety hazard. He would like to see a way for the school to stay open and the fence moved back off the town's right of way. Selectman Aptowitz suggested that the school provide the town with a "hold harmless waiver" of sort to remove liability from the town if the fence was hit. This would be in addition to the insurance the school carries; Ms. Miller stated that she didn't think that would be a problem.

Mr. D'Agostino stated that in 2005 safety issues were not brought up as an issue. Atty. Mangiaratti was consulted and drafted an opinion letter stating the school could provide the town with insurance for the right of way coverage and that would solve it. So that was what was done.

Selectman Moran stated that our town engineer has issued an opinion that the fence encroaches on town property (utility right of way) and should be removed. While he understands that, he is hesitant to hurt a growing and vital school in town by doing this. Both sides of the issue have very valid points.

Selectman Dentino asked if jersey barriers could be installed along the fence to protect the kids. Mr. Sullivan stated that he could look at it but it may encroach on the road, making it hazardous for traffic. Other ways of barricading the school yard were discussed as well. Selectman Aptowitz stated that no matter what they use, the most important issue is the safety of the children.

Chairman Baldwin asked if they have looked at other sites in Mansfield. Ms. Miller stated that she is certain that their site will be available soon but if it is not, she will look at alternative sites, preferably in Mansfield but not necessarily.

After a lengthy discussion the board asked Ms. Miller to see if she can get a better handle on when construction may start at the new school. She will get back to the board in two weeks with her findings.

Representatives Poirier and Barrows came to the podium and stated that many Mansfield parents have called them and requested their support as the school closing would put undue stress on the school community, parents and children alike. The Montessori School provides a certain quality of life that attracts residents to the Town of Mansfield and enhances the lives of the children involved. Representative Barrows followed up that he did not think the state would allow a school to endanger students (by having a fence close to the road.) He knows of other schools in town that do not have a fence at all on their playgrounds and thankfully they have not had a problem.

The Montessori school provides the children with a special sort of education that we would hate to see jeopardized. Chairman Baldwin stated that she wants to go on record saying that while the Montessori school teaches differently it is not necessarily better. Representative Barrows apologized as that was not what he meant.

Danielle Fish, 18 Cooper Road. She has a child in the Montessori school and the Mansfield public school and can see the merit to both institutions. She would be very discouraged if that choice was taken away from students in town.

Kevin Kemp, Town Manager search committee applicant

Mr. Kemp is an active member of the community and is serving his second term on the Recreation Commission. He is currently the Regional Vice President of Avery Dennison and has been involved in many organizational hiring task teams. The experience on these teams would be directly applicable to the committee the bos is forming.

Selectman Dentino asked Mr. Kemp what he thinks the most important thing a town manager can bring to the table. Mr. Kemp thought vision and great communication skills were essential to a town manager. Selectman Dentino followed up with the question:

where does he see the town going, what is his vision of where Mansfield is or should go? Mr. Kemp said as a resident he would like to see the town grow while maintaining services.

Selectman Moran asked Mr. Kemp what he thinks the most important item the town needs to address. Mr. Kemp: Finances, town services, industrial growth.

Selectman Moran asked how much change can the town accomplish with its limited resources, within the charter? Mr. Kemp stated this town and its people are resourceful and he believes that some change may be hard but necessary some times.

Selectman Aptowitz thanked Mr. Kemp for coming in and asked: How much interaction should the school superintendent and the town manager have? Our budget is split with school 70% of the budget and municipal side 30%. Mr. Kemp stated that they obviously needed to work together as the town is understaffed without a human resource manager. A town this size would really benefit from it and as the town grows it will be essential to proper government operations.

Chairman Baldwin asked Mr. Kemp how he would handle the problem of residents coming to him and always trying to persuade or criticize him? Mr. Kemp stated he is a youth soccer coach so he is approached all the time with these issues.

Chairman Baldwin then asked the board if they would like to vote on candidates tonight before the election or wait until next week for a full board.

Motion: To wait to vote until next week for a full board. (Dentino/Moran) 2:2 fails

Motion: To nominate Kevin Kemp as an at large member. (Dentino/ Aptowitz) 4:0 passes

Motion: To nominate Lou Andrews (Moran)

Motion: To nominate Robert Goldman (Aptowitz)

Motion: To nominate Liz Cristo as an at large member. (Aptowitz/Moran) 4:0 passes

Questions and Comments

Resident was not aware of the possibility of new train tracks coming through Mansfield until she heard about it last week at a Selectmen's meeting. She contacted Heather Graf at CCATs and was shocked at the amount of disruption that this would bring to town.

Selectman Dentino followed up on this with the fact that Mansfield has been working with surrounding towns on this issue for quite some time and they will continue to follow it.

Carl Weber came to the podium to ask why the board is now requiring him to get an entertainment license in addition to the Sunday license. He has applied for the Sunday license for years and this is all he has ever needed.

There apparently was a miscommunication several years ago about the required licenses and Mr. Weber has been submitting a Sunday license application for years not realizing he needed to apply for a Saturday one as well.

Motion: To grant a one day entertainment license for Saturday pending public safety approval for Saturday. (Aptowitz/Moran) 4:0 passes

TM search firm bid opening

Bids from Slavin Management Consultants, Groux and Associates and MMA Consulting Group were opened. Price quotes will be reviewed after a decision is made.

Weekly Business

- Warrant No. 45B in the amount of \$1,456,975.31
Motion: Approved (Moran/Aptowitz) 3:0:1 passes (Dentino abstain)
- Warrant No. 45A in the amount of \$311,414.74
Motion: Approved (Moran/Aptowitz) 3:0:1 passes (Dentino abstain)
- Minutes of bos meeting on March 11, 2009
Motion: To approve meeting minutes of March 11, 2009 (Aptowitz/Moran) 4:0 pass
- Minutes of bos meeting on March 18, 2009
Motion: To approve meeting minutes of March 18, 2009 (Aptowitz/Moran) 3:0:1 pass (Dentino abstain)

Correspondence

- Letter from Lee Azinheira requesting the bos designate Anderson & Kreiger LLP attorneys as special employees in their capacity of special counsel for the IMA study group.
Motion: To accept and designate Anderson & Kreiger LLP attorneys as special employees in their capacity of special counsel for the IMA study group. (Dentino/Aptowitz) 4:0 passes
- Letter from Francis Cavaco, Chairman, Seekonk bos inviting area towns to join them on May 7th to discuss inter-town collaboration. Selectman Aptowitz is interested.
- Letter from Shaun Burke regarding the Planning Board approval of the Animal Shelter proposed reconstruction plans.

- Resignation of Planning Board term from Stan Feck.
Motion: To accept the resignation with regret and send thank you letter.
(Dentino/Aptowitz) 4:0 pass
- Letter from Chief O'Neill regarding accepting \$500 gift from Covidien for canine bullet proof vests. **Motion:** To accept. (Moran/Aptowitz) 4:0 passes

Town Managers Report

- Follow up on Sean Drive road signs. DPW will install and the developer will pay for.
- Paving plan for Chauncy St to Highland Ave, Copeland Drive. 8am to 6pm and some night work from 8pm to 6am.
- Blinking light delay issues have been resolved at both fire stations and at Mansfield Crossing.
- Reduction budget is in process however the budget gap is still unknown as state aid numbers are not in. Health care mitigation and cost increases have compounded the fiscal crunch we are in. FY11 will unfortunately most likely be worse.
- Town meeting should be postponed from May 19th to June 16th in order to get our budget numbers from the state.
Motion: To postpone town meeting to June 16, 2009 and if a follow up week is needed on June 23, 2009 (Moran/Baldwin) gavel passed to Clerk Aptowitz. 2:2 fails
Motion: To postpone town meeting to June 9, 2009 and if a follow up week is needed on June 16, 2009. (Dentino/Aptowitz) 3:1 passes (Moran nay)
- Selectman Dentino had questions about the increase in health care for FY11. He thinks the town would be in a better position to bargain with the unions next year as all the contracts will be up. A lengthy discussion ensued among the board members and the town manager as well.
Motion: To look into going to the GIC. (Dentino/Aptowitz) 4:0 passes

Selectmen's Old & New Business

- Old business from Selectman Levine: Not present
- Old business from Selectman Dentino: None

- Old business for Selectman Moran: He has drafted letter to Dept. of energy and will pass out to board for review.
- Old business from Selectman Aptowitz: Please follow up with Mass Highway on school St. turn signal.

Please follow up with Roxanne on town salary comparison from last year to this year.

- Old business from Chairman Baldwin: Is looking for update on Verizon FIOS installation at townhall. Mike Ahern has been in negotiation with Verizon reps over whether fees are applicable to the work they are doing. Verizon does not want to pull permits and the town has requested they do. The state has supported the town on this but Verizon still hasn't complied. Rick Colon, Verizon rep will be asked to attend next weeks meeting with Mike Ahern and David Conley, Wiring Inspector.
- New business from Chairman Baldwin: None
- New business from Selectman Aptowitz: None
- New business from Selectman Dentino: None
- New business from Selectman Moran: Please look into "Biotech community ratings" What do we need to get into this? He is also disappointed that the board did not wait for a full board before voting on tm search committee applicants.
- New business from Selectman Levine: Not present

Adjournment

Motion: To adjourn at 10:13 PM
(Aptowitz) 4-0 Passes

Jess Aptowitz

Signature of Clerk

July 15, 2009

Date of Approval