

**Town of Mansfield
Board of Selectmen
Minutes of April 28, 2010**

Present: Chairman Baldwin, Vice Chairman Moran, Clerk Aptowitz, Selectman Dentino, Selectman Sandra Levine, William Ross, Town Manager

Absent:

Planning Board articles

Planning Board members Tom French, Tim Verrochi, Don Cleary, Olivier Kozlowski, and Doug Annino in addition to Town Planner Shaun Burke are present for meeting.

Mr. French and Mr. Burke spoke about town meeting article 46. Amending the Zoning By-Law by adding a new district titled "North Main Street Business Overlay District."

This article is a plan that the Planning Board has been working on for quite some time and gave the Board of Selectmen a presentation on a few months back. The purpose of the overlay district is to supplement the existing zoning by law standards in portions of the Business I and Business II zoning districts.

Parts of the article address Design Conformance Incentives, Public Space Incentives, Green Design Incentives, parking and density bonus provisions

Selectman Dentino is concerned about the possibility of tandem parking in the down town area. He also stated that Mansfield has the smallest parking spaces around. His truck isn't very big and he has a hard time fitting into the spaces.

Selectman Moran asked the Planning Board if they have any room for discretion in case a developer hits all the targets in the design plans. Mr. Burke stated they do.

Selectman Aptowitz asked how many parking spaces they would be able to get on the Fales Oil property if it were knocked down. The Planning Board does not have a number though.

Selectman Levine has reviewed the article, likes their ideas and thought that the Planning Board has put a lot of thought into this article.

Motion: To support article 46. (Levine/Aptowitz) 5:0 passes

Water and Sewer rate approvals

Lee Azinheira is present to discuss the FY11 water and sewer rates.

Selectman Aptowitz asked if the water and sewer accounts had a 5% reduction budget plan even though they are enterprise accounts. Mr. Azinheira said yes, due to changes in the dept. and retirements they have not replaced personnel in addition to having reduced the budget.

Selectman Dentino asked Mr. Azinheira for a short explanation of why water and sewer rates have gone up even with a wet season. Response: With reduced water use, comes reduced revenue. In addition, in 2006 we established sewer rate projections to fund capital improvements that included 20% rate increases to FY07-09, 12% for FY10 and 6% for FY11. Phase I capital improvements for the wastewater treatment plant were approved at the 2007 annual town meeting.

RATES: (\$/1000 cu ft.) 0-3,000 FY11 \$67.27
3,001-4,500 FY11 \$71.30
4,501-6,000 FY11 \$77.13
over 6,000 FY11 \$84.75

Motion: To approve rate as noted. (Moran/Levine) 4:1:0 (Aptowitz nay)

Selectman Aptowitz doesn't agree with the sewer rates going up each year. People can't afford it.

Mr. Azinheira gave a brief overview of the proposed water rates as well as improvements and work during the past year on the system. Again, the FY11 increase is 6% for an annual charge of \$446.92 for rate I (average use of 11,000 cubic feet per year.)
And \$225.44 annual charge for rate II (average use of 5,500 cubic feet per year.)

Selectman Aptowitz doesn't agree with the water rates going up each year either.

Selectman Levine asked Selectman Aptowitz what he would propose to cut expenses and Mr. Aptowitz stated that while capital projects are important and need funding, our employee expenses need to be reduced through union concessions and healthcare savings.

Motion: To approve FY11 rates. (Levine/Moran) 4:1:0 (Aptowitz nay)

Engineering article discussion

Town Engineer Rick Alves is present to discuss article 37. Mr. Alves stated CIP has approved the request to transfer the funds from the Kingman Pond Dam account to the Canoe River Campground Dam Account as the Kingman Pond work is complete.

Selectman Aptowitz commended Mr. Alves on his work in saving the Canoe River Dam from sever damage during the last storm/flooding. Mr. Ross stated that we do not have all the money we need to complete this project however they have some and would like to do what they can. He also believes this movement would help in satisfying the state (we have requested extension for dam work).

Selectman Dentino supports moving this article along to avoid a critical condition rating from the state. Mr. Alves will be consulting with the DPW to see what work they can do in-house to save money.

Motion: To support transfer. (Aptowitz/Levine) 5:0 passes

Q & C

None

Comcast Center entertainment license hearing

Lee Zazofsky from Live Nation Worldwide was present for discussion.

The Board of Selectmen gave a brief overview of the contract and the changes for the benefit of the audience. Selectman Aptowitz thanked Mr. Zazofsky for working with them and the Fire/Police Chiefs.

Selectman Dentino would have liked the board members that attended the contract meetings to inform the rest of the board of any changes before bringing it to a meeting for a vote. However, Chairman Baldwin and Selectman Aptowitz stated they have spoken at previous meetings about this topic. The only change that has occurred since the last meeting was the addition of 2 EMT/fire fighters.

Even still, Selectman Dentino feels the taxpayers of Mansfield should receive more revenue from the center. Mr. Ross concurred with the other board members that they received a fair contract with the Comcast Center.

Motion: To approve entertainment license for 2010 season. (Aptowitz/Moran) 4:1:0 (Dentino nay)

Weekly Business

Warrant No. 10042T in the amount of \$724,633.66

Motion: To approve. (Levine/Aptowitz) 5:0 passes

Warrant No. 10042E in the amount of \$353,363.99

Motion: To approve. (Moran/Levine) 5:0 passes

Warrant No. 10042S in the amount of \$563.83

Motion: To approve. (Moran/Levine) 5:0 passes

Warrant No. 10043T in the amount of \$1,172,394.06

Motion: To approve. (Moran/Aptowitz) 5:0 passes

Warrant No. 10043E in the amount of \$178,079.78

Motion: To approve. (Moran/Levine) 5:0 passes

Warrant No. 10043PT in the amount of \$279,430.20

Motion: To approve. (Moran/Aptowitz) 4:0:1 (Dentino abstain)

Warrant No. 10043TV in the amount of \$83,904.21

Motion: To approve. (Moran/Levine) 4:0:1 (Dentino abstain)

Warrant No. 10043PS in the amount of \$1,297,076.90

Motion: To approve. (Moran/Levine) 4:0:1 (Dentino abstain)

Warrant No. 10043SV in the amount of \$386,265.73

Motion: To approve. (Moran/Levine) 5:0 passes

- Meeting minutes for April 6th and 7th, 16th, 21st
Motion: Approve April 6th. (Levine/Moran) 5:0 passes
Motion: Approve April 7th (Moran/Levine) 5:0 passes
Motion: Approve April 16th (Moran/Levine) 5:0 passes
Motion: Approve April 21st (Moran/Levine) 5:0 passes
- Commercial Parking application from Comcast Center. (Routing slips ok, fire has conditions: removal of brush along lot, fire lane designations for lots a-c, remarking of fire lane paint on lots 8-12)
Motion: Approve pending fire dept. issues being resolved. (Moran/Levine) 5:0 passes

- Commercial Parking application from A-C Intermediate. From last week, the application is now signed.
Motion: Approve license. (Aptowitz/Moran) 5:0 passes

Correspondence

- Email from Pam Gagnon regarding the funds the bos gave to the school committee.
- Comcast Cable has put the town on notice that the renewal process for their license is now open and they wish to start the renewal proceedings. Selectman Moran would like the new bos to appoint a committee to handle this contract. An advertisement will be placed on the web site.
Motion: To appoint Selectman Moran to the committee as the bos rep. (Levine/Aptowitz) 5:0 passes
- Notice: Please read for audience: Thursday, May 20th the Elks will be holding a TIPS certification class from 6 pm to 9:30pm and it costs \$25 if you are interested.

All Alcohol Retail license transfer request from Mansfield Deli to Wines * More

Clerk Aptowitz read the public notice into record.

Motion: To open hearing. (Aptowitz/Levine) 5:0 passes

Atty. Edward Valanzola is representing Mr. Glenn Thompson of GT Retail, Inc. in the license transfer and new application for Mr. Thomas Reilly of Mansfield Deli.

Atty. Valanzola read the MA law that allows the transfer of alcohol licenses from one party to another.

Wines and More will occupy the former space of Linens and Things at Mansfield Crossing. They will have a full time wine manager and micro brewery/beer manager on staff and will provide classes at the shop on various topics.

This store would bring 20 jobs to the store and serve the public need of a high end wine store. In addition there is plenty of parking in this area of the mall.

Selectman Dentino isn't sure about how he feels about businesses transferring their liquor licenses. The board has not dealt with this issue before and he wants to ensure that we are serving the public interest.

Attorney Valanzola replied to Selectman Dentino's questions regarding transfers. The statute is clear that transfers are allowed under MA law and the board as the licensing authority should considerate that. The board also deliberates if the license transfer serves the public good, a public need. Not if they think the transfer is a good idea for the business. This is also not an issue of a "pocket" license. This license has been utilized for seven years and the business owner would like to move in a new direction, without an all alcohol license. (They would like to apply for a wine and malt license.)

Selectman Moran also stated that while transfers are legal, the board as the licensing authority has the final decision on approving transfers and they would like to review the transaction thoroughly.

Selectman Aptowitz is uncomfortable with voting on this matter this evening as he has not had proper time to review.

Selectman Levine has reviewed the application and the law and does not have a problem with the application. She then asked Mr. Thompson if he has liquor store management experience. While he does not have any direct experience he TIPS trained and ran a large business in Lakeville with over 200 employees.

Motion: To close public hearing. (Aptowitz/Moran) 5:0 passes

Motion: To approve transfer of license. (Levine/Moran) 4:0:1 (Aptowitz abstain)

New wine and malt license request from Mansfield Deli

Clerk Aptowitz read the public notice into record.

Motion: To open hearing. (Aptowitz/Levine) 5:0 passes

Atty. Edward Valanzola is representing Mr. Thompson in the license transfer and new application for Mr. Reilly of Mansfield Deli.

Chairman Baldwin asked the audience if they have any questions. Seeing none a motion was called for.

Motion: To approve new wine and malt retail license. (Aptowitz/Moran) 5:0 passes

Motion: To close hearing. (Aptowitz/Levine) 5:0 passes

Warrant articles

Article 3: To support. (Moran/Aptowitz) 5:0 passes

Article 4: To support. (Aptowitz/Moran) 5:0 passes

Article 5: To support (Levine/Moran) 5:0 passes
Article 7: To support (Moran/Levine) 5:0 passes
Article 8: To support (Levine/Moran) 5:0 passes
Article 9: To support (Aptowitz/Moran) 5:0 passes
Article 10: To support (Aptowitz/Levine) 5:0 passes
Article 11: Withdrawn
Article 12: To support (Levine/Aptowitz) 5:0 passes
Article 13: Withdrawn
Article 15,16 withdrawn
Article 17:amendment: not to exceed \$80k (Levine/Aptowitz) 5:0 passes
Article 18: After a lengthy discussion, the board voted.
Motion: To support. (Levine/Moran) 4:1:0 passes (Dentino nay)
Article 20: To support. (Levine) no second - no action taken
Article 40: withdrawn
Article 47: Motion: To support. (Levine/Aptowitz) 3;2 passes (Moran/Dentino nay)

Special town meeting articles:

Article 1: To support (Levine/Aptowitz) 5:0 passes
Article 2: To support (Aptowitz/Levine) 5:0 passes
Article 4: To support (Moran/Aptowitz) 5:0 passes
Article 5: To support (Aptowitz/Levine) 5:0 passes
Article 6: To support (Aptowitz/Levine) 5:0 passes
Article 7: Withdrawn
Article 10: To support (Moran/Aptowitz) 5:0 passes
Article 11: To support (Aptowitz/Levine) 5:0 passes
Article 12: To support (Moran/Aptowitz) 5:0 passes
Article 17: Hold for engineering

Town Manager Report

- Overview of memo sent to bos regarding use of reserve funds.

Board of Selectmen old and new business

- Old business from Selectman Dentino: The possibility of using solar panels at the old landfill.
- Old business from Selectman Levine: many residents have commented on the towns use of stabilization/reserve funds.

Any update on changes payroll from weekly to bi-weekly? No, it will be discussed during union negotiations.

Select Levine also commented that two members of the ZBA that came to the bos a couple of weeks ago were misinformed of the information they provided.

They stated that Mr. Babin have rebuffed their ideas for cell towers when that is not the case. They did not approach Mr. Babin about the reasons the MMED did not want the cell towers on the suggested property, as such, they clearly did not do their homework prior to coming to the board with their complaints.

Mr. Ross will be consulted with boards and committees about procedures after town meeting.

- Old business from Selectman Aptowitz: Warm wishes to Selectman Levine in serving the town during her term. While they do not always agree he has learned a lot from her and knows she holds the town's interest at heart.

Same warm wishes for Chairman Baldwin. She has spent a lot of time at town hall and has done a lot of good work for the townspeople.

- Old business from Selectman Moran: Best wishes and thanks to Ann, Selectman Moran has known Sandy for most of his life and is happy to have had the pleasure to serve with her.
- Old business from Chairman Baldwin: Town election is May 11th, please vote.
- New business from Chairman Baldwin: Thank you everyone for their support through out her term and she wishes the new board well.
- New business from Selectman Aptowitz: None
- New business from Selectman Dentino: After a sport speech of thanks, Selectman Dentino gave both Chairman Baldwin and Selectman Levine a rose in appreciation of their efforts on the part of the townspeople and himself.
- New business from Selectman Moran: None
- New business from Selectman Levine: Thank you everyone for your kind words, she has enjoyed serving on the board with each and every one of you. Even though they didn't always agree. This is the 4th time she has been on the board and is honored that the townspeople have had so much faith in her.

- Assistant Accountant Linda Darling has passed her exams and is now a certified municipal accountant.
Motion: To send congratulations letter to Linda Darling regarding her passing her accounting exams. (Levine/Aptowitz) 5:0 passes

Adjournment

Motion: Adjourn at 10:16pm (Levine) 5-0 Passes

Douglas R. Annino

Signature of Clerk

May 26, 2010

Date of Approval