

**Town of Mansfield  
Board of Selectmen  
Minutes of June 9, 2010**

**Present:** Chairman Moran, Vice Chairman George Dentino, Clerk Douglas Annino,  
Selectman Jess Aptowitz, Selectman Olivier Kozlowski,  
William Ross, Town Manager

**Absent:**

**Light Commissioners Meeting**

Chairman Aptowitz opened the meeting and Ken Thompson gave a brief update on MMED financials.

Mansfield Municipal Electric Department's FY10 financial statements through April 2010. A few observations relative to those statements are included below:

- 1) **Net Income** – Net operating income year-to-date through April is \$2,273,897 while non-operating income is \$96,367. In total, all major controllable operating expense accounts came in approximately \$233,000 under budget through April, or 8%, which accrues directly to net operating income.

This figure has also been adjusted to account for the FY10 undercollection of Generation Charge revenues of \$433,332. In other words, the \$433,332 undercollection is not considered when computing net income.

- 2) **Cash Position** – MMED's operating cash position through April 2010 was \$5,118,925, up slightly from \$4,994,912 for the same period in FY09. This balance does not include an Accounts Receivable of \$549,598 for monies owed to MMED by its customers for undercollection of the Generation Charge.
- 3) **Generation Charge Account Receivable** – MMED has a line item on the Balance Sheet entitled "A/R Undercollection of Generation Charges". This item reflects as an asset the undercollection of the Generation Charges, which is money owed to MMED by its customers. Through April, that receivable stands at \$549,598. This is a reduction of \$415,969 from March. This amount is not calculated by fiscal year but reflects the over/under collection of the Generation Charge since the Generation Charge started being collected in the new rates in January 2008.
- 4) **Energy Sales** – Energy sales for April 2010 are up 0.6% from April 2009. Year-to-date, sales are still down 4.8%. It is estimated that about half of the reduction is attributable to weather while the remaining decline in sales is due to decreased load.

- 5) **Depreciation Fund** – MMED's depreciation fund balance stands at \$4,766,846. This money will be used to help offset the cost of the East Mansfield substation while also supporting other capital improvements.

Light Director Gary Babin answered a few questions from the board on generation charges and the Light Commissioners adjourned and opened as Board of Selectmen.

**Motion:** To adjourn Light Commissioners Meeting and open as Board of Selectmen for the sole purpose of interviewing / appointing Mary Burgess as our SRPEDD representative.  
(Annino/Moran) 5:0 passes

### **SRPEDD appointment**

Mary Burgess, Mansfield resident in addition to being Town Planner in No. Attleboro. She currently works with the Southeastern Regional Planning Economic Development District (SRPEDD) for her job and would like to work with them on behalf of Mansfield as well.

Selectman Dentino asked Ms. Burgess why she would like to be on SRPEDD. Ms. Burgess loves being a planner and would like the experience of not only serving Mansfield but the community at large with planning issues.

Selectman Annino and Aptowitz thanked Ms. Burgess for coming in and volunteering. Selectman Kozlowski asked Ms. Burgess about her experience in No. Attleboro and asked her how long she has lived in Mansfield. Ms. Burgess stated that she has lived in town for two years and has been the Town Planner in No. Attleboro for two years as well.

**Motion:** To appoint Ms. Burgess to SRPEDD representative for Mansfield.  
(Annino/Aptowitz) 5:0 passes

### **Light Commissioners meeting resumed.**

Director's report given by Gary Babin.

Low voltage facilities on private property were briefly discussed as it was previously reviewed at the May 24<sup>th</sup> board meeting. Director Babin stated that residential compounds would also be treated the same as a residential sub division.

Subsequent to the discussion at the May 24<sup>th</sup> meeting with respect to ownership of low voltage facilities on both private property and in the public way, the MMED staff has reviewed the various types of installations of this nature and offers the board several considerations.

- 1) **Existing MMED Owned Installations on Private Property** – This has been the basis of the discussion to this point. The staff recommends that these types of installations would not be allowed in the future and that the Board move forward and vote to implement the following language, which would be added to MMED's *Information and Requirements for Electric Service* policy:

*Section 408 - Ownership of Underground Low Voltage Equipment on Private Property - The Department will not install or assume ownership of underground low voltage wires, conduit or related equipment installed on customer property. All such installations currently in place as of (insert date) shall be grandfathered from this requirement and MMED shall retain ownership of and maintenance responsibility for these facilities.*

Grandfathering existing facilities is consistent with MMED choosing to install these facilities at its own cost over the years and also with the easements that MMED has executed and which have been accepted at Town Meeting.

- 2) **Residential Compounds** – MMED staff has reviewed installations of this nature and proposes modifying the terms of facility ownership for such installations. A Residential Compound is considered a private road for which the developer has no intention of seeking its acceptance as a public way.

In the past, MMED has treated ownership of facilities in Residential Compounds the way it has treated approved subdivisions; that MMED owns all high voltage and low voltage facilities required to extend service up to the handhole at the customer's property line.

The proposed attached language would be added to MMED's *Construction Requirements for New Developments – Residential and Commercial/Industrial* Policy. The effect of the language would be to now make ownership of all low voltage (secondary) equipment from the transformer to the handhole at the property line the responsibility of the Homeowner's Association for the Residential Compound. Currently, MMED owns that equipment. As you can see from the proposed language, this policy would be effective on a prospective basis, grandfathering current installations. The attached sketch shows the proposed ownership arrangement.

- 3) **Residential Subdivisions** – There would be no change to the ownership of equipment in approved subdivisions. MMED would continue to own all equipment in the public way and residential owners would assume ownership of the house service at the handhole at the property line. Easements would be required for any MMED owned high voltage equipment (transformers) that would be located on private property within the subdivision.
- 4) **Public Property** – There would be no change to MMED's ownership of secondary facilities installed in the public way. These facilities are considered integral to MMED's obligation to serve as a public utility.

Chairman Aptowitz stated that staff was going to talk to National Grid to see what their practices are. Mr. Babin did and found that they handled low voltage facilities in a similar manner as he is proposing to the board.

Commissioner Moran asked if Mr. Babin spoke with any other municipal light depts. Mr. Babin stated that these procedures are pretty standard and usually handled in similar manners. There are also exceptions for anything and before any exception was granted the case would be brought before the board for consideration.

Commissioner Kozlowski asked about grandfathered installations and Mr. Ross stated that if an underground cable failed it may be the responsibility of the homeowner but we would have to handle it on a case by case basis.

Commissioner Annino asked if the town owned all of the transformers and Mr. Babin stated yes, we do. All major utilities usually do own their own.

Commissioner Dentino does not think that residential compounds should be treated the same as residential subdivisions. There are differences in their structure.

He is also not a fan of grandfathering properties as then we own the future liability. He would like to see previous MMED policies in addition to our current one before making any changes.

After a lengthy conversation the board decided to post pone approving the policy until the next meeting so they can review more information before then.

Mr. Babin also reviewed a rate survey supplied by MMWEC which provides a basis of comparison of MMED's rates relative to other utilities in the Commonwealth.

Commissioner Dentino is pleased with our standing in the residential 750 kWh level. However, he has questions about the commercial categories ranking. Mr. Babin briefly explained on how MMED buys electricity and pays debt service in relation to other utilities across the state.

Mr. Ross also expanded upon how municipally owned utilities operate in contrast to privately held or collaborative utilities.

#### Old and New Business: MMED

Commissioner Kozlowski had a quick question that was addressed by Mr. Babin.

Chairman Aptowitz asked for an activities recap from Mr. Babin and about the progress on the new substation planned for Bird Road.

The next meeting will also be in with the Board of Selectmen meeting on July 14<sup>th</sup>.

**Motion:** To adjourn and open as Board of Selectmen. (Moran/Kozlowski) 5:0 passes

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None

### Weekly Business

Warrant No. 10049T in the amount of \$104,522.32

**Motion:** To approve. (Kozlowski/Annino) 4:0:1 passes (Dentino abstain)

Questions about bills for roof work on town hall and school administration building. The roofing firm was from CT and Selectman Annino would like to use a local firm if possible.

Warrant No. 10049E in the amount of \$1,755,885.75

**Motion:** To approve. (Aptowitz/Annino) 4:0:1 passes (Dentino abstain)

Warrant No. 10049S in the amount of \$57,854.47

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

Warrant No. 1004PT in the amount of \$283,655.19

**Motion:** To approve. (Kozlowski/Aptowitz) 4:1:0 passes (Dentino nay)

Warrant No. 1004TV in the amount of \$84,539.53

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

Warrant No. 1004PS in the amount of \$1,578,336.69

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

Warrant No. 1004SV in the amount of \$455,062.24

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

- May 19<sup>th</sup> bos meeting minutes.  
Motion: To approve as amended. (Aptowitz/Kozlowski) 5:0 passes
- Application from Richard Gordon to serve on the cable advisory committee (He served on the committee last year as well)

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

## Correspondence

- Summer water restrictions memo from Kurt Gaffney.

**Outside Water Use Restrictions are in effect and are enforced in accordance with the Massachusetts Department of Environmental Protection Bureau of Resource Protection Water Management Act 20-year Permit: Special Permit Conditions; Summer Limits on Nonessential Outdoor Water Use and Chapter 13, Sections I and Section II, of the Town of Mansfield By-Law:**

### **PHASE I**

Mandatory outside water use restrictions consisting of odd/even watering (even numbered houses water on event numbered days and odd numbered houses water on odd numbered days).

- ❑ Lawn watering is further limited to the hours in the morning between 5:00 A.M. to 9:00 A.M. and in the evening between 5:00 P.M. to 9:00 P.M. Hand held hose use is allowed anytime.

### **PHASE II**

Mandatory outside water use restrictions consisting of odd/even watering (even numbered houses water on event numbered days and odd numbered houses water on odd numbered days).

- ❑ Lawn watering is further limited to the hours in the morning between 6:00 A.M. to 8:00 A.M. and in the evening between 6:00 P.M. to 8:00 P.M. Hand held hose use is allowed anytime.

### **PHASE III**

Mandatory outside water use restrictions consisting of odd/even watering (even numbered houses water on event numbered days and odd numbered houses water on odd numbered days).

- ❑ Lawn watering is allowed only Monday through Thursday during the hours in the morning between 6:00 A.M. to 8:00 A.M.
- ❑ Vegetable gardens (not flower gardens) are not subject to Phase III restrictions and will continue under Phase I restrictions.

### **PHASE IV**

NO outside water use will be allowed in the Town of Mansfield. This includes; no lawn watering, flower gardens, car washing and/or filling of swimming pools.

- ❑ Only vegetable gardens are exempt from Phase IV restrictions and will continue subject to Phase I restrictions.

**Motion:** To approve water restriction schedule. (Kozlowski/Dentino) 5:0 passes  
Selectman Kozlowski asked about the water restrictions imposed by DEP.  
Mr. Ross briefly explained the policy.

- Memo from Helen Christian regarding new open meeting law. She is requesting a letter from the Board of Selectmen asking for change.

**Motion:** To authorize town manager and chair to send letter to reps.  
(Kozlowski/Aptowitz) 5:0 passes

- Memo from Lorilee Fish, Please announce for the viewing audience that ducks are now available for sale for the Great Duck Race on June 30<sup>th</sup>. A buck a duck donation pays for the movies and entertainment for the summer.

### Town Managers Report

- He went to conference for MMA over the weekend and will provide the board with a report by next week.
- He is also working on a strategic plan for the town in regards to budget and planning for the towns needs in general. He would like to include a cross section of not only municipal committees but town groups and at large representation. Mr. Ross realizes that this will be a large undertaking but thinks it is worth looking into.
- Mr. Ross also met with the owners of Samsonite and toured the facilities this morning. Samsonite is proud to be in Mansfield and is supportive of the towns efforts to attract business.

### BOS Old and New

- Selectman Kozlowski: A few people called him about the E-coli outbreak in the raw water samples. They wondered if a reverse 911 system might be used for this. According to the police chief, the system would only be used for a public safety issue. This situation did not rise to this level as if was in the raw (unprocessed) water, not the potable water supply.

Selectman Kozlowski got the opportunity to speak with Sheriff Hodgson about using prisoner labor for some town wide work.

- Selectman Aptowitz: He went to a Dave Matthews Concert on Monday (actually the pre show set up, not the concert) and he was blown away by the preparation that goes into crowd control, arresting, booking and holding concert patrons that were intoxicated or disorderly. The police and fire dept. were very busy and doing an excellent job with maintaining order with a large, predominately young crowd.

He was very disappointed with what he saw. The underage drinking, drug use and the way society, at large, were behaving. The police and fire depts. were stretched thin but still managed to do an excellent job.

- Selectman Annino: Update on research where softball fields (on Hathaway Paterson area) can be used.

He is still interested in talking to school committee about school under age drinking policy. He would like to talk to other communities and see what they do.

- Selectman Dentino: none
- Chairman Moran: Stated again that if any of the board members have issues or ideas about what they would like to see on the agenda please let him know.

He also went to Eagle Scout Court of Honor on Monday and it was a very nice ceremony that honored Brian Mahoney.

Chairman Moran also is interested in Mr. Ross's idea for strategic planning, even if we don't have money for anything right now.

The Board of Selectmen will be meeting at 8pm on June 30<sup>th</sup> and then go to summer schedule for July and August.

#### Adjournment

**Motion:** Adjourn meeting at 9:40pm (Aptowitz) 5-0 Passes

*Douglas R. Annino*

Signature of Clerk

*June 30, 2010*

Date of Approval