

**Board of Selectmen
Minutes of September 21, 2011**

Present: Chairman Jess Aptowitz; Vice Chairman Olivier Kozlowski; Clerk Douglas Annino; Commissioner Kevin Moran; Commissioner George Dentino and Acting Town Manager Nick Riccio

The meeting was called to order at 7:05 PM followed by the Pledge of Allegiance. Chairman Aptowitz stated that this meeting was being televised and taped by Mansfield Cable Access.

There was no one signed up for Questions and Comments.

Boy Scout Troop 17 Christmas Tree Lot Request – Boy Scout Tim Elofson representing Troop 17 asked the Board for permission to use the vacant lot across from the Congregational Church to sell Christmas trees as they have been doing for many years. Chairman Aptowitz said that he would like something in writing from the Troop Leader to formalize the request. He also said that it should be noted that the Boy Scout Troop would pay for the electrical service but not for the hook-up.

Selectman Moran disclosed that he is a parent of two of the boys in Troop 17.

**Motion: To approve the use of the vacant lot next to the War Memorial for Boy Scout Troop 17 to use for the sale of Christmas trees as they do every year pending something in writing
(Moran/Kozlowski) Passes 5/0**

Verizon/Fios Authorization to Publish Notice of Franchise Agreement- Attorney Lou Ross, legal counsel from Deutsch Williams was in attendance. He said that Town Manager Bill Ross, Chairman Jess Aptowitz, DPW Director Lee Azinheira and he met last week with Verizon at Verizon's request to amend the FIOS cable television license that the Town has with Verizon. He noted that the document that they want to amend has not yet been finalized. Regulations require that notice of the proposed amendment, which is a two year extension of the deadline, be published and that there be a public comment period before the amendment is made. He said that he is asking the Board to vote on the notice this evening and clarified that they were not voting on the substance of the notice, just voting to post it.

Vice Chairman Kozlowski wondered if the Board voted to give Verizon what they were asking, would the Town get something in return. Attorney Lou Ross answered that it was not clear to him that the Board would get that opportunity. He said the notice would limit the substance of what could be negotiated.

Chairman Aptowitz said that he believed, based on the meeting he attended, that the crux of the issue is the timing of the install. Verizon has only requested to amend the date.

Vice Chairman Kozlowski then pointed out that if there is anything other than the date that the Board would want to discuss that they should add it to this notice. Selectman Moran thought two separate notices should be used to avoid dragging this on for even more than the current two year extension.

A discussion went on in regards as to whether there was any leverage against Verizon or if the Board would be forced to give them whatever they want.

DPW Director Lee Azinheira, who had joined the discussion, stated that the Town just wants to get what they need, which is scaled drawings, so that the Town knows exactly what Verizon is doing. He pointed out that Verizon cannot just go down the street and put cable wherever they want. If Verizon has a need to do something different than what is in the drawings they have to let the Town know.

Vice Chairman Kozlowski still felt that if Verizon is asking for a change in the contract then there should be some consideration for that. Selectman Moran said that Verizon is thinking that this is simply amending the contract and they don't think of it as a leverage situation.

Clerk Annino stated that to blame this mess on the Town and extend the deadline because the Town was not given the right plans from the beginning really bothers him.

Selectman Dentino questioned as to when amendments can be requested. Attorney Lou Ross told him that at any time there could be a request for an amendment.

Nick Riccio, who was filling in for Town Manager Ross, while out of town, reminded the Board that they were just voting tonight to run the ad and were not necessarily endorsing the amendment. Chairman Aptowitz said that tonight the goal is to get public comment window time started.

Selectman Dentino said that he was not in favor of extending the deadline and does not want to concede on this.

Motion: That the Town publish notice beginning September 24, 2011 to open up a public comment period from October 10, 2011 to November 1, 2011 in such form as has been provided here with the addition of striking “no other changes are proposed” and inserting “and also to discuss the availability of Boston network channel programming and the number of available channels for Mansfield Cable Access”
(Kozlowski/Annino seconds for discussion)

Selectman Moran said he believes that with the Boston channels that the FCC has the final authority. He thinks they're at a stalemate and this will only push this issue off for everyone. Vice Chairman Kozlowski said that he didn't want two separate clocks running on two separate notices.

Nick Riccio said that Verizon has a year to complete this and if they get the two year extension it will actually become three years.

Chairman Aptowitz then suggested that Vice Chairman Kozlowski withdraw his motion. He also suggested that Nick Riccio, Attorney Lou Ross, Town Manager Bill Ross and he meet when Bill Ross returns from his trip. Nick Riccio said he would e-mail Town Manager Ross tomorrow regarding this proposed meeting.

**Motion: To suspend the Board of Selectmen meeting and begin the Light Commissioners meeting
(Moran/Kozlowski) Passes 5/0**

The Light Commissioners meeting was adjourned at 8:55.

**Motion: To reopen the Selectmen's meeting
(Moran) Passes 5/0**

There were no Questions and Comments.

Weekly Business

**Motion: To approve Warrant No. 12012T in the amount of \$190,305.04
(Moran/Kozlowski) Passes 5/0**

**Motion: To approve Warrant No. 12012E in the amount of \$351,078.34
(Kozlowski/Moran) Passes 5/0**

**Motion: To approve Warrant No. 12012S in the amount of \$300,774.67
(Kozlowski/Dentino) Passes 5/0**

**Motion: To approve the request for a building permit waiver for repair work to be done at the salt shed
(Moran/Kozlowski) Passes 5/0**

Clerk Annino read an e-mail from resident David Fagnant regarding the bad experience he and his family had at the Comcast Center during the Toby Keith concert due to an unruly crowd, lack of security and the theft of his gas grill. Chairman Aptowitz stated that Town Manager Ross had already sent Bruce Montgomery from the Comcast Center a letter in regards to this. Chairman Aptowitz then said that a subcommittee will get up and running sooner than later in preparation for next year.

Selectman Dentino would like to invite everyone who has had complaints about the Comcast Center to come to a meeting. He wants to address the noise levels.

Chairman Aptowitz will speak to Town Manager Ross to see what he wants to do next. Selectman Dentino said he was interested in what the Board thought. Selectman Moran said that he wanted to see what Town Manager Ross thinks. Selectman Dentino then said he would like a place setting at the next meeting and he would like Mr. Montgomery to be invited to that meeting. Chairman Aptowitz, however, believes it is not fair to bring Mr. Montgomery in every week. Clerk Annino suggested having Mr. Montgomery come in mid-season then again at the end of the season for wrap-up. Selectman Dentino believes there isn't a need to have Mr. Montgomery at a meeting unless there's a problem. Chairman Aptowitz made the suggestion that both of the Town's safety chiefs need to be present when Mr. Montgomery is at a meeting.

It was then realized that there actually was a letter from Boy Scout Troop 17 requesting the use of the vacant lot on West Street to sell Christmas trees.

There was also a leaf raking e-mail from Donna Harrington. There will be a meeting held on Wednesday, September 28 at 2:00 in the Mahogany Room at Mansfield High School to plan for the leaf raking event which will take place on November 11, 2011.

**Motion: To approve Warrant No. 12012PT in the amount of \$288,604.72
(Kozlowski/Moran) Passes 4/1 (Dentino against)**

**Motion: To approve Warrant No. 12012TV in the amount of \$83,888.37
(Kozlowski/Moran) Passes 5/0**

Acting Town Manager Nick Riccio reported that everything is running smoothly in the Town Hall while Town Manager Ross has been away.

Board of Selectmen Updates

Selectmen Moran had none.

Vice Chairman Kozlowski reported that the Garden Club has been discussing the possibility of a community garden like the one the town of Foxborough has. He asked if any of the public had an interest to please contact him.

Clerk Annino said that Vice Chairman Kozlowski and he met with Dr. John Mullin regarding the strategic plan and reported that it went well, after which he also met with the department heads. He noted that the public can participate by getting involved in subcommittees.

Clerk Annino announced a parking meeting will be held on Monday, September 26 at 7:00 for anyone who would like to come.

Selectman Dentino said he has had calls from the elderly in Town about putting citizens names in the newspaper who owe back taxes. He thinks that during these hard times these people should not be made to suffer more than they already are. Chairman Aptowitz suggested having the Collector/Treasurer explain the process to the Board and wants her scheduled for an upcoming meeting.

Chairman Aptowitz announced that on Friday, September 30th, there is a MMA meeting at the Lantana in Randolph. Vice Chairman Kozlowski and he are going to attend and he welcomed anyone else to go as well.

**Motion: To adjourn the Selectmen meeting at 9:17pm
(Kozlowski)**

Respectfully submitted: Jacqueline Lee 10/5/11

Olivier Kozlowski

Signature of Clerk

October 12, 2011

Date of Approval