

**Select Board Meeting Minutes  
January 8, 2020**

**Present:** Mr. Jess Aptowitz, Chairman; Mr. Michael Trowbridge, Vice-Chair; Mr. Neil Rhein, Clerk; Mr. Frank DelVecchio and Mr. Steve Schoonveld. Mr. Kevin Dumas, Town Manager was also present.

**1. Call To Order Select Board Meeting - Pledge of Allegiance**

Chairman Aptowitz called the meeting to order at 6:30PM. He reminded everyone that the meeting was being broadcast live and taped for future broadcast on Mansfield Cable. He asked if there were any members of the audience recording, to which there was no response.

**2. Introduction of K9 Ronan by Officer Michael Fitzgerald**

Chief Sellon was present and introduced Officer Fitzgerald and K9 Ronan. Chief Sellon stated that Ronan was a seventeen month old German Shepard from Slovakia. Ronan has completed basic K9 training and will begin the next phase of explosive ordinance training and gun detection in the next couple weeks. The Board asked a few questions and congratulated Officer Fitzgerald. Mr. Trowbridge also congratulated Chief Sellon who will be sworn in as a Vice-President of the National Association of the Chiefs of Police.

**3. Consideration of Event Application for the Field Of Honor from May 16, 2020 to June 13, 2020 at Keach Memorial**

Ms. Jeri Rumsis came forward and introduced the members of the Field of Honor that were present. She then stated that they were seeking permission for the 2020 Field of Honor event. The Board made several positive comments about the event and thanked the Committee for their hard work and dedication.

**Motion:** To approve the event application for the Field of Honor from May 16, 2020 to June 13, 2020. (Rhein/Trowbridge)  
**Passes 5:0**

**4. Discussion of Town's Snow Program**

Mr. Lee Azinheira and Mr. Mark Cook were present to discuss the snow removal challenges of this season. Mr. Azinheira stated that currently they have twenty four municipal trucks and twenty two contractors which is thirteen less than last year. He stated that ideally he would like to have thirty five to forty contractors. He noted that the Mansfield hourly contractor rates are competitive and are on the high side, but there is a smaller pool of contractors willing to plow. Mr. Azinheira stated that because of this reduced number of contractors plowing with larger equipment they will not be able clear roads and sidewalks of a large storm or lengthy storm as quickly as past years. Mr. Cook then added that he will be purchasing two additional plows for Mr. Ahern's and his own truck to expand the fleet as well as using GPS to optimize the routes. Mr. Cook stated that he is also going to look to buy additional snow fighting equipment second hand from Maine and refurbish the vehicles over the summer months to be ready for next year. The Select Board asked a few questions of Mr. Cook and Mr. Azinheira.

**5. Approval of the RFP for the North Main Street Fire Station**

Mr. Ahern was present and stated that the draft RFP was posted on the website for review and he was waiting for final approval from the Select Board. The Chair stated that the Board had discussed this several times and asked if any Board members had any concerns. The Board then discussed the project vision was then discussed and it was noted that the building use would have to fit with the current zoning and bylaws. Mr. Ahern confirmed there was no municipal exemption even though it was a municipal building. Mr. Dumas stated that the selection committee would review the proposals to make sure it meets all the requirements. Mr. Trowbridge confirmed it was in the B1 zone which is mixed use and would have to have a business on the first floor. The Select Board also has the right to refuse all of the proposals stated the Chairman. Chairman Aptowitz then asked if anyone from the public wanted to speak.

Ms. Kathrine Wroth of Davis Street came forward and stated that she was happy with the vision statement and with the facade restriction. Mr. Kevin McNatt of Rumford Avenue was present and asked if there were time restrictions for the project, to avoid another Paine School eye sore. Mr. Ahern answered that there will be a developer agreement that will avoid that situation.

**Motion:** To approve the RFP for the North Main Street Fire Station and proposals due by March 27, 2020 at 12 noon.  
(Rhein/DelVecchio) **Passes 5:0**

**6. Public Hearing for a Dangerous Dog Complaint made by Srinivas Sonti at 6:30PM**

Mr. Rhein read the public notice for the record.

RECEIVED  
TOWN CLERKS OFFICE  
2020 FEB - 7 A 9:57  
MANSFIELD  
MASSACHUSETTS

**Motion:** To open the public hearing at 6:56PM. (Rhein/Trowbridge) **Passes 5:0**

Ms. Marianne Staples swore in those in attendance that wished to speak. Chairman Aptowitz also stated that Town Counsel Mr. Paul DeRensis was present. He then asked Animal Control Officer Jeff Collins to come forward and stated that the dog Willie is actually owned by Ashley and Kevin Mackie. He explained that Willie was brought to 34 Cobbler to play with Guinness, Mr. Paul Bjorkman's dog. Mr. Collins was unsure if the hearing could continue as Mr. Bjorkman was not the owner as listed in the notice. Town Counsel said the public hearing could continue as long as the owners were okay with continuing it even though the legal notice was not sent to their residence. The owners Mr. and Mrs. Mackie wished to continue. Mr. Collins then reviewed the incident report and stated that the owners went out shopping and instructed Mr. Bjorkman to not let him outside without a leash. Mr. Sonti was walking his dog Cosmo on a lead. Mr. Bjorkman stepped onto his porch and his dog Guinness followed him who has an electronic collar and Willie came out of the house along with Guinness and Mr. Bjorkman did not notice that Willie had come out too. Mr. Sonti called to Mr. Bjorkman as he saw that Willie was getting closer and into the street and at that point Willie attacked Cosmo. Mr. Collins stated that Mr. Sonti was concerned for the neighborhood. Mr. Collins explained that two dogs attacked Willie a few months back so the Mackie's have had the misfortune of being on both sides. He stated that the Mackie's appear to be responsible and Willie has been on a leash and responds to their commands. He added that they are moving to Norfolk so the dog will not be in Mansfield, but recommends there be something on record. He would classify the dog as a nuisance animal and be required to be on five foot lead when outside a contained area and being held by an adult capable of restraining the animal.

Mr. Rhein asked the difference between a nuisance dog and dangerous dog and Mr. Collins explained the difference stating that a nuisance dog was the least restrictive and if deemed a dangerous dog there were seven restrictions and one or more of them would need to be put into place. Mr. Trowbridge asked if there was something that Mansfield could put in place that would not follow the dog to the new community. Mr. DeRensis answered that an order issued in Mansfield would only be enforced by Mansfield and would not recommend the Board limit the order.

The Chairman asked if there was anyone present from the complaining side to which there was no answer. The owners of the dog asked to come forward and speak. Mrs. Ashley Mackey explained how they became the owners of Willie and stated that they had not seen him be aggressive until this incident, but she was also still unsure exactly what happened that night and Mr. Sonti was not present to explain. She believed that it may have resulted from him getting attacked by two other dogs recently.

Mr. Paul Bjorkman then came up next and stated that the report that Mr. Collins provided was accurate. He stated that he has known the dog four to six months saw him socializing at the dog park, with many other dogs this was an isolated case. He stated that he was on front porch and the storm door latch was broken and each dog had a bone and were playing and when they came outside he was on the phone and his dog had the electrical collar. He thought the dogs would stay in the yard and he was unsure what provoked the incident and it may have been territorial because of the meat bone.

Ms. Lynn Bjorkman came forward and stated she did not believe the dog was a nuisance and despite him being a Pitbull and with the information that has been given and that this was only one instance. She believed that Mr. Sonti thought he was approaching her dog Guinness and did not know it was Willie. If the dog was aggressive it would have retaliated against the adults trying to separate them.

Ms. Joan Mackie came forward and also did not believe the dog should be classified as a nuisance animal. She explained that she was afraid of dogs but stated that it is the best dog she has met and allowed to live in her home.

Ms. Lyndsay Mackey came forward and stated that she has spent lots of time with dog and he is very gentle and loving and would not consider him a nuisance animal.

Mr. John Mackey stated that he has lived with dog and walked him nightly and is pleasant and doesn't attack and is not a nuisance to any person or other dog.

Mr. Brendan Sweed stated that Wilford is good with other dogs and has played several time without incidence and there was no sign of aggression.

Ms. Carol Alexander stated that she is also afraid of dogs and has seen Willie play with other dogs and he is a sweet dog. She stated that Pitbull's get a bad reputation and has not seen anyone afraid of this dog.

Chairman Aptowitz asked if they had to declare dog a nuisance or can they just require a leash. Mr. DeRensis read the state law and the choice for the Board is to deem the dog a nuisance, a dangerous dog or dismiss the complaint and then determine if there will be restrictions or conditions placed on the animal.

Mr. DelVecchio asked which rating on the Dunbar bite scale the bite would be classified as. Officer Collins answered that it would be classified as a level three or possible level four, with six being the worst which is why he was requesting the dog to be required to be on a lead. Mr. Schoonveld noted that the Pitbull's bite and clamp unlike other breed that may only bite. He stated that it was in the best interest of the Board and the defendant to have something on record as being responsible in case there is another incident. Chairman Aptowitz asked how long Mr. Collins had been an Animal Control Officer. Mr. Collins answered almost thirty years. Mr. Rhein asked Mr. Bjorkman if he saw how the incident started and he answered that it was dark and he only heard Mr. Sonti calling out. Mr. Trowbridge asked the Mackie's if they understood that the nuisance dog was the least restrictive and they answered that they did.

**Motion:** To close the public hearing. (Rhein/Schoonveld) **Passes 5:0**

**Motion:** To declare the dog a nuisance dog. (Schoonveld) There was not a second to this motion.

**Motion:** To dismiss the complaint. (Rhein/Trowbridge)

Mr. Schoonveld asked Mr. Collins what his recommendation was and he answered that he believed it was a significant bite and would recommend the dog being on a leash when outside the home. Mr. Schoonveld stated that the Board needed to be responsible and do what Mr. Collins had recommended with his experience. Mr. Trowbridge and Mr. Aptowitz stated it was difficult because the complainant was not present to explain. Mr. DelVecchio stated that he was beginning to lean towards Mr. Schoonveld's recommendation and stated that there would be no impact to the dog and the Board should be on record in case it happens again. Mr. Rhein stated that he also was persuaded by Mr. Schoonveld and he then withdrew his motion.

**Motion:** To declare the dog a nuisance dog. (Schoonveld/Rhein) **Passes 3:2** (Trowbridge and Aptowitz Nay)

**Motion:** The dog Willie must be on a five foot lead when outside a confined area with an adult holding the lead. (Schoonveld/Rhein) **Passes 5:0**

*Mr. DelVecchio left the meeting at 8:00PM to go to the Master Plan meeting.*

#### **7. Discussion of North Main Street Fire Station and West Street Police Station Use**

There was no update.

#### **8. SEMRECC Update from Town Manager**

Mr. Dumas stated the next Meeting is a regional meeting for February 19<sup>th</sup> at 6:00PM with the other three Towns.

#### **9. Budget Update**

Mr. Dumas stated they are approximately two million away from a balanced budget and that he will be working diligently over the next three weeks. Mr. Schoonveld asked when the next Budget Sub Committee meeting was and Mr. Dumas answered that it was February 5, 2020 at 5:30PM.

#### **10. Resident Questions and Comments**

There were no resident questions or comments.

#### **11. Review and Approve Consent Agenda**

All items on the Consent Agenda may be adopted with a single motion. Any member of the Select Board may request that an item be withdrawn from the Consent Agenda for separate consideration in which case that item will be voted on separately from the remainder of the Consent Agenda. All licenses have been routed through Town Hall Departments and any conditions have been noted below.

a) Approval of Select Board Meeting Minutes for:

- December 4, 2019

b) Vote To Approve Warrants:

- Town Vendor Warrant No. 20026T in the amount of \$1,377,670.09
- Electric Vendor Warrant No. 20026E in the amount of \$27,273.08
- School Vendor Warrant No. 20026S in the amount of \$686,386.25

- Town Vendor Warrant No. 20027T in the amount of \$290,217.44
- Electric Vendor Warrant No. 20027E in the amount of \$17,831.69
- Town Vendor Warrant No. 20028T in the amount of \$
- Electric Vendor Warrant No. 20028E in the amount of \$
- School Vendor Warrant No. 20028S in the amount of \$

c) Permits and License:

- Consideration of 2020 Water Installers License for Riccio Excavation, Co.
- Consideration of 2020 Water Installers License for Plainville Pump & Excavating
- Consideration to Sign the 2020 Renewal Certification Form from the ABCC
- Consideration of Banner Requests for Mansfield Recreation
- Consideration of Banner and Sign Requests from Mansfield Women of Today
- Consideration of Banner Request for Friends of the D.I.C.
- Consideration of 2020 Drainlayer's License for G. Lopes Construction
- Consideration of 2020 Drainlayer's License for Riccio Excavation Co.
- Consideration of 2020 Drainlayer's License for Plainville Pump Excavating Inc.
- Consideration of 2020 Drainlayer's License for CFGS LLP

d) Proclamations:

**Motion:** To approve the consent agenda. (Rhein/Schoonveld) **Passes 4:0**

**12. Consideration and Approval of Town Payroll Warrants:**

- Town Payroll/Town Medicaid Payroll 20026PT in the amount of \$377,457.03

**Motion:** To approve Town Payroll/Town Medicaid Payroll 20026PT in the amount of \$377,457.03. (Rhein/Trowbridge) **Passes 3:0:1** (Aptowitz Abstained)

- Town Deductions Vendor Payroll 20026TV in the amount of \$116,909.13

**Motion:** To approve Town Deductions Vendor Payroll 20026TV in the amount of \$116,909.13. (Rhein/Trowbridge) **Passes 4:0**

- School Payroll/School Medicaid Payroll 20026PS in the amount of \$1,714,150.43

**Motion:** To approve School Payroll/School Medicaid Payroll 20026PS in the amount of \$1,714,150.43. (Rhein/Schoonveld) **Passes 3:0:1** (Trowbridge Abstained)

- School Deductions Vendor Payroll 20026SV in the amount of \$549,378.18

**Motion:** To approve School Deductions Vendor Payroll 20026SV in the amount of \$549,378.18. (Rhein/Schoonveld) **Passes 4:0**

- Town Payroll/Town Medicaid Payroll 20027PT in the amount of \$397,239.64

**Motion:** To approve Town Payroll/Town Medicaid Payroll 20027PT in the amount of \$397,239.64. (Rhein/Trowbridge) **Passes 3:0:1** (Aptowitz Abstained)

- Town Deductions Vendor Payroll 20027TV in the amount of \$124,040.10

**Motion:** To approve Town Deductions Vendor Payroll 20027TV in the amount of \$124,040.10. (Rhein/Trowbridge) **Passes 4:0**

- Town Payroll/Town Medicaid Payroll 20028PT in the amount of \$409,176.10

**Motion:** To approve Town Payroll/Town Medicaid Payroll 20028PT in the amount of \$409,176.10. (Rhein/Trowbridge) **Passes 3:0:1** (Aptowitz Abstained)

- Town Deductions Vendor Payroll 20028TV in the amount of \$133,954.25

**Motion:** To approve Town Deductions Vendor Payroll 20028TV in the amount of \$133,954.25. (Rhein/Trowbridge) **Passes 4:0**

- School Payroll/School Medicaid Payroll 20028PS in the amount of \$1,635,177.99

**Motion:** To approve School Payroll/School Medicaid Payroll 20028PS in the amount of \$1,635,177.99. (Rhein/Schoonveld) **Passes 3:0:1** (Trowbridge Abstained)

- School Deductions Vendor Payroll 20028SV in the amount of \$532,895.31

**Motion:** To approve School Deductions Vendor Payroll 20028SV in the amount of \$532,895.31. (Rhein/Trowbridge) **Passes 4:0**

**13. Correspondence**

- Memo from Planning Board

- Notice from Verizon

Mr. Rhein read a summary of the above correspondence items.

#### 14. Town Manager's Report

Mr. Dumas provided an update on the hiring of Mr. Barry LaCasse who will be the new Assistant Town Manager/Finance Director. He stated that he will start on February 3, 2020 and noted his previous work experience that will be a benefit to the Town of Mansfield. Mr. Dumas then noted an issue at the Mansfield Airport as a result from the plane crash last February with unanticipated costs that are not covered through the Town's insurance policy. He then noted that \$236,000 has been spent on snow and \$224,868.54 is the remaining balance. He then provided an update to the Board on the 2020 Xfinity License, Nelson Nygaard additional work, MBTA light issues, and Economic Development work with Penta Communications. Lastly, he stated that tomorrow he will be attending a grant award ceremony for the Complete Streets Grant that the Town will be receiving.

#### 15. Select Board Member's Questions and Comments

Mr. Trowbridge had no comments. Mr. Rhein noted the Mansfield Highway and Electric Department received an award from Keep Mansfield beautiful for the work they do in keeping Mansfield beautiful with the work at Fulton Pond. He also noted the Downtown Committee met last week and the committee discussed new banners for Downtown, naming of the park behind Jimmy's Pub and the wayfinding parking signs. Mr. Schoonveld noted the MMA Conference proposed resolutions and asked to discuss them at the next meeting for the Chair to vote on the Board's behalf. He then noted two buildings that sold in the Cabot Park, stating one was Samsonite and wanted to know if anyone knew what happened and the Board asked Mr. Dumas to research. Mr. Aptowitz asked about the snow plow contractors being paid only a timely basis when they submit invoice. Mr. Dumas said they are paid on next available warrant.

#### 16. Any items not anticipated by the Chair 48 hours prior to this meeting

There were no additional items.

*Chairman Aptowitz stated that Mr. DelVecchio would rejoin the meeting for executive session.*

#### 17. Enter into Executive Session and Not Return to Open Session under Exemption No. 2, M.G.L. Chapter 30A, Section 21-

- To discuss strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel.

**Motion:** To enter into Executive Session and Not Return to Open Session under Exemption No. 2, M.G.L. Chapter 30A, Section 21, to discuss strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel at 8:29PM. (Rhein/Trowbridge) **Passes 4:0**

#### Roll Call Vote:

Mr. Schoonveld – Aye

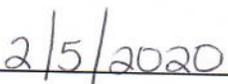
Mr. Rhein - Aye

Mr. Trowbridge – Aye

Chairman Aptowitz - Aye



Signature



Date

*Minutes prepared by Carrie Champagne*