

**Select Board Meeting Minutes
February 1, 2023**

Present: Mr. Michael Trowbridge, Chair; Mr. Jess Aptowitz and Ms. Diana Bren were present in Meeting Room 3 A/B at Town Hall. Kevin Dumas, Town Manager and Mr. Barry LaCasse were also present. Mr. Neil Rhein, Clerk was present virtually via GoToWebinar.

Not Present: Mr. Frank DelVecchio

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

Mr. Michael Trowbridge, Chair called the meeting to order at 5:30PM. He asked those present to state the pledge of allegiance. He then reminded everyone that the meeting was being broadcast live and taped for future broadcast on Mansfield Cable.

Mr. Trowbridge asked the audience for a moment of silence for Michael McCarthy, Treasurer of Keep Mansfield Beautiful who passed away.

2. Mansfield Women of Today Donation to Keep Mansfield Beautiful

Ms. Krysten Haskell and Carlene Lavin were present from Mansfield Women of Today and Mr. Jeff Ward of Keep Mansfield Beautiful was there to accept the donation. Ms. Haskell stated that the funds were raised from the Mansfield Touch a Tuck event that they had in September. Mr. Ward thanked them for considering them for the donation and the Committee has started to discuss what to do that with the funds.

Mr. Trowbridge also took a moment to recognize Gail Gilman who missed the Community Service Awards presentation at the last meeting. Ms. Gilman thanked everyone for the recognition and the Cultural Council who nominated her.

Motion: To have Jess Aptowitz Clerk for this meeting. (Bren/Trowbridge)

Roll Call Vote:

Bren – Yes Aptowitz – No Trowbridge – Yes Rhein – Yes

Passes 3:1

3. Town Manager's Report

Select Board Questions and Comments on Town Manager's Report

Mr. Dumas began his report stating that things are moving forward with the North Main Street Fire Station. He stated that the Finance Committee approved the transfers from the reserve fund so that the Town can continue to work with Beta, Inc. and Jenn Goldson the Master Plan consultant for the TOD project. Mr. Dumas then provided an update on several items that are happening in Economic Development. He stated that the certified votes have been sent to the State Delegation for the petition for an additional alcohol license at 30 Reservoir Street. He reported that the Town has met its target for the MBTA Community action plan and police and fire negotiations will begin soon. He then stated that he met with the Municipal Building Committee on January 23rd to discuss the 50 West Street design which is the first phase of work. The projected is estimated to cost \$16 million and he will be looking for grant opportunities from the Federal and State government for the project. Mr. Dumas then announced that there will be a public hearing on the School Street design will be on March 21st at 630PM.

There were no questions from the Select Board members.

4. Resident Questions and Comments

There were no questions or comments.

5. Discussion and Consideration of a Transfer of a Class II Dealer License for Mansfield Motors located at 425 N. Main Street for Francois Sarofeen

Mr. Francois Sarofeen was present and stated that he was in construction and needed to try something different and is going to try selling cars. Mr. Aptowitz asked if he was selling the business real estate and he responded that he is just renting the space.

Motion: To approve the transfer of a Class II dealer license for Mansfield Motors located at 425 N. Main Street. (Aptowitz/Bren)

Roll Call Vote:

Bren – Yes Aptowitz – Yes Trowbridge – Yes Rhein – Yes

Passes 4:0

6. Discussion and Consideration to Approve Amended Job Descriptions for WPCF Operator in Training and Lab Technician

Mr. Josh Reinke, DPW Director; Mr. Chris Rossiter, MFN Operations Manager and Lee Azinheira Executive Director of MFN were present. Mr. Reinke stated that the two job descriptions have been revised because it is a difficult environment for hiring these specialized positions. He stated that they built a job description to fit someone with less skills and allow for the individuals to get their licenses needed during their probation period.

Mr. Trowbridge stated that Mr. Rossiter does have the proper licensing and they are under him so it is similar to an apprenticeship. Mr. Dumas commented that the positions has been vacant and posted with no applicants. Mr. Aptowitz stated that it was discussed at the MFN Board meeting and this was supported and thinks it is the best decision. Mr. Rhein asked if these were new positions or just revisions to existing positions and Mr. Trowbridge responded that they were existing positions.

Motion: To approve the amended job descriptions for WPCF Operator in Training and Lab Technician. (Aptowitz/Bren)

Roll Call Vote:

Bren – Yes Aptowitz – Yes Trowbridge – Yes Rhein – Yes

Passes 4:0

Ms. Sandra Levine asked what MFN stood for and Mr. Trowbridge responded it was Mansfield, Foxboro, Norton wastewater.

7. Discussion and Consideration to Accept the Additional 2% COLA Effective 7/1/2022 as Voted by the Bristol County Retirement Commissioners

Mr. Barry LaCasse directed the Board to refer to the letter from Bristol County Retirement Commissioners dated January 17th. He stated that this all started due to a cost of living adjustment (COLA) for retirement systems allowed by special legislation. Mr. LaCasse stated that the Bristol County Retirement Board already had voted a three percent COLA and this is adding an additional two percent increase that would be retroactive dating back to July 1, 2022. Mr. LaCasse then referred to page fifteen of the Stone Consultants presentation and on that document, he referenced that in the year 2034 the total will be \$19.89 million and Mansfield’s share of that would be \$2.4 million should this be supported by forty-one communities.

Mr. Aptowitz stated that he serves on the Bristol County Advisory Board but this didn’t come through them for a vote. Mr. Aptowitz asked if this came out of nowhere and Mr. LaCasse stated that it was signed by the Governor recently, but he did not have the exact date. Mr. LaCasse then added that the Select Board votes on the additional two percent, but increasing the base from \$18,000 to \$20,000 is an Advisory Board vote. Mr. Aptowitz commented that the increases have to stop and that the “pie” is only so big and then asked if it was a weighted vote or if each community was one vote. Mr. LaCasse was unsure and would get the answer. Ms. Bren had no questions and was in favor of postponing a vote. Mr. Rhein stated that he was not ready to

vote and needed more time to think about it. Mr. Trowbridge agreed that more discussion is needed. Mr. Trowbridge wanted to know if it was weighted vote and if any other Towns had voted yet. Mr. Rhein asked for this to be sent to the Finance Committee for their recommendation.

8. 6PM Public Hearing pursuant to M.G.L. Chapter 43B, Section 10 on the Proposed Charter Amendment to Section 9-6 of the Town’s Charter, Recall Procedure for the Removal of Appointed Officials

Mr. Aptowitz read the public hearing notice into the record.

The Select Board will hold a public hearing on Wednesday, February 1, 2023 at 6:00 p.m. at Town Hall, 6 Park Row, Select Boards Meeting Room 3A/B, Mansfield MA, pursuant to Massachusetts General Laws Chapter 43B, Section 10, on a proposed amendment to Section 9-6 of the Town’s Charter, Recall Procedure for the removal of appointed officials. Copies of the Citizens Petition/proposed Charter Amendment are available at the Office of the Select Board at Town Hall and at the Office of the Town Clerk at Town Hall. The Select Board will make the meeting live on Mansfield Cable Access to ensure that interested members of the public can clearly follow in the deliberations of the Select Board. Anyone wishing to be heard should appear at the time and place designated.

Motion: To open the public hearing at 6:03PM. (Aptowitz/Bren)

Roll Call Vote:

Bren – Yes Aptowitz – Yes Trowbridge – Yes Rhein – Yes

Passes 4:0

Mr. Olivia Kozlowski, 22 Tracey Circle was present as the citizen who has proposed this charter amendment that would be considered at the Spring Town Meeting. Mr. Kozlowski thanked the Board for setting the public hearing and briefly explained what this amendment does. He explained this would create a recall process for appointed officials and it copies the elected official recall process. He stated that this is not a simple task and would require 1,000 signatures in twenty days and if the person does not resign then an election is held. He stated that currently there is nothing a resident can do except complain to the Select Board about appointed officials.

Mr. Rhein asked what motivated him for this change or what decision was recently made that makes this necessary. Mr. Kozlowski responded that this gives the people of Mansfield a tool that they currently do not have. He believes people should be able to recall the Select Board and recall the people that the Select Board appoints. Mr. Rhein asked if that had anything to do with mask mandates and Mr. Kozlowski responded that to different people it is going to mean different things. Mr. Rhein then asked what is wrong with the current system. Mr. Kozlowski responded that they still can come to the Select Board and this recall is another avenue. Mr. Rhein stated that this is a prime example of Cancel Culture where a small group of residents can kick someone off a board and it is going to cost extra money to have a special election and this could have a chilling effect on people willing to serve on a committee. Mr. Kozlowski stated that he has only copied what can happen to elected officials and he wouldn’t consider 1,000 people agreeing a small group and costs can be avoided if Select Board removes the appointed official.

Mr. Aptowitz stated that he believes that this discourages people from volunteering. He added that every meeting the Board takes votes that some people like and some people dislike, but decisions are made with keeping in mind what is best for all of Mansfield. Mr. Aptowitz then commented that there is a reason why this amendment is being proposed and Mr. Kozlowski does not want to say it. He suggested that maybe all volunteers should be elected but knows that no one would volunteer. Lastly, he stated that he finds all of this ridiculous. Mr. Kozlowski stated that this gives everyone the same tool and people are still running for elected positions and does not think it will have an effect on people wanting to volunteer on boards and committees if there is a recall process for them.

Ms. Bren stated that there are many ways for residents to reach out to the Board who have complaints. We get letters sent to Town Hall and emails. She stated that being newly elected she had not thought about the recall impact however for someone who volunteers this could make them more nervous and it could cause a negative impact on getting volunteers for boards and committees. She added that there are two opportunities during a meeting for people to voice their concerns as well. She was also concerned about the increase in costs if a special election was needed multiple times during the year. Mr. Kozlowski referenced a time when he was on the Board and stated a concern he had with a particular Board and the press were all over him for interfering the business of a board and wanted to know if the Board had the guts to take a substantive stand that encroached on the jurisdiction of a Board or do people have no recourse and they can only speak to you. Mr. Trowbridge responded that if a Board was doing something outside the scope of the law he would take a stand. He stated that he was against this because several boards have an appeal process for permits and to him changing the scope of the power of the Select Board without a charter review was cherry picking.

Mr. Robert Saquet of 177 Old Elm Street came forward and stated that he sat on the commission fifty years ago that made this Charter. He stated that it was a great document and has read many other town charters and none are as concise and well written as Mansfield's. He stated that there was philosophy put into it and it was written to separate the business of the town from the politics of the town and eliminated as many elected positions that they could. He continued on stating that the prime function of the Select Board is to set policy and procedure and set the direction of the Town. He assumes that when you appoint people to boards and committees you have faith that they are following the policies of the Town. If a person is aggrieved by a decision of a board that person can come to the Select Board and complain and there is a removal for cause in the charter. However, if the appointed official is doing their job and protecting the people of Mansfield whether it be a health decision or zoning issue there is no reason for them to be removed and there is no need for another layer of bureaucracy.

Mr. Mark Corsillo of 64 West Street came forward and asked why is this something that can be voted at Town Meeting instead of a Charter review. Mr. Saquet responded that any charter amendment can be voted at Town Meeting followed by a referendum vote, it's a two-step process. Mr. Corsillo also stated that the Select Board can either remove the person or have an election which does not really give the Board a choice. He also noted that the cost is going to be significant because the ballots that would be needed for this type of vote would not work on the current tabulators and votes would need to be counted by hand. Mr. Corsillo also mentioned that as a member of the Planning Board they voted to approve a cell phone tower and they were not allowed to take into consideration the perceived health risks brought up by residents due to FCC regulations so this proposed amendment could allow for the removal of the whole Planning Board based on something they had no control over.

Ms. Maureen Doherty of 3 Darby Drive was present and stated that she was not in favor of this petition. She commented that the climate in Town is at an all-time low that there should be a formal policy or procedure in place for people to complain. She stated that if she has concerns she will call the Board but many people do not always know who to call or where to go. She stated that she misses the whole Board interviewing candidates for boards and committees and seeing them. Mr. Trowbridge responded that the interviews are public and are recorded and can be seen on Mansfield Cable. Ms. Doherty stated that she was aware of that but wishes it was at a full Select Board meeting. She stated that she had a guide from the Inspector General's office for people on boards and commissions and how ethics apply to every board and committee and left it with Mr. Dumas. She recommended that there be a button to pick on the website to raise a concern and it would go in a folder that the Board could download it, but she would not be in favor of a recall process for board and committee members. Mr. Aptowitz stated that the Select Board meets twice a month and the chairs are empty and people do not come, they hide behind a screenname on Facebook. Mr. Rhein commented that there are two opportunities at a meeting. One is at the beginning so they do not

have to sit through the whole meeting and another at the end. He added that there is also a virtual way for people to attend a meeting and he does not know what more the Board could do to make it easier for people to state their concerns. Ms. Doherty stated that there are people who do not like to speak in public and an easy step by step procedure would be helpful for those to submit their concern. Mr. Trowbridge stated that the email addresses are online.

Lastly, Mr. Trowbridge commented that he believed this petition is a solution to a problem that doesn't exist.

Motion: To close the public hearing at 6:50PM. (Aptowitz/Bren)

Roll Call Vote:

Bren – Yes Aptowitz – Yes Trowbridge – Yes Rhein – Yes

Passes 4:0

Motion: To not recommend the citizen's petition at Town Meeting. (Rhein/Bren)

Roll Call Vote:

Bren – Yes Aptowitz – Yes Trowbridge – Yes Rhein – Yes

Passes 4:0

9. Select Board Member Committee and Liaison Updates.

Mr. Rhein stated that the Downtown Committee is meeting next week.

10. Resident Questions and Comments

Mr. Robert Saquet of 177 Old Elm Street came forward and stated that public attendance at Select Board meetings is sparse. He believes that is because the meetings are at 5:30PM which is dinner time and this discourages people from coming in. He believed it was going to be a problem after the election with two new members the Board. Mr. Trowbridge responded that that will be a decision made by the Board in May with the new members. He also stated that it is important for the board and committee interviews to be part of a full meeting so that the candidates get to know the Board and the Board gets to know them. He noted that between July and last week, a period of 7 months there were twelve meetings and two of them barely lasted thirty minutes. He stated that there is time in the meetings to have these interviews for boards and committees. Mr. Saquet then stated that come May there is going to be two new members on the Board, and Ms. Bren makes three rookies on the Board. The meetings are a learning process for the public and the Board members. They can ask questions of Town Manager and to have brief short meetings that start at 5:30PM is not going to work because the new members are not going to have enough time to learn. He also commented that Ms. Bren should be the Clerk of the Select Board so that she can read everything as part of the learning process.

Mark Corsillo of 1604 West Street and came forward and commented that he is the most frequent attendee of Select Board meetings over the last three years and noted that he likes the 5:30PM start time. He stated that he is a member of the Planning Board that starts at 7PM and that is a worse time. Mr. Trowbridge asked him how many people attend the Planning Board meetings and Mr. Corsillo stated very few unless it is a contentious item. Mr. Trowbridge commented that no one wants to come to meetings. Mr. Rhein stated that the meetings were at 7PM when he first was elected to the Board and the attendance was equally dismal.

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. Vote to Approve Meeting Minutes:

- January 18, 2023

B. Vote to Approve Warrants:

- Town Vendor Warrant No. 23030T in the amount of \$636,979.09
- Electric Vendor Warrant No. 23030E in the amount of \$90,132.04
- School Vendor Warrant No. 23030S in the amount of \$604,847.80
- Town Vendor Warrant No. 23031T in the amount of \$1,724,837.75
- Electric Vendor Warrant No. 23031E in the amount of \$346,237.69

C. Consideration of Permits and Licenses:

- Consideration of Events Application for Spring Craft Fairs on South Common on May 6, June 3, June 10 and rain dates of May 21 and June 17
- Consideration of 2023 Drainlayers License for TID Trenchless LLC
- Consideration of 2023 Drainlayers License for Alltech Building Systems Inc.

Motion: To approve the consent agenda. (Aptowitz/Bren)

Roll Call Vote:

Bren – Yes Aptowitz – Yes Trowbridge – Yes Rhein – Yes

Passes 4:0

12. Consideration and Approval of Town Payroll Warrants:

- **Town Payroll/Town Medicaid Payroll 23030PT in the amount of \$414,189.09**

Motion: To approve Town Payroll/Town Medicaid Payroll 23030PT in the amount of \$414,189.09.

(Aptowitz/Bren)

Roll Call Vote:

Bren – Yes Aptowitz – Yes Trowbridge – Yes Rhein – Yes

Passes 4:0

- **Town Deductions Vendor Payroll 23030TV in the amount of \$131,992.61**

Motion: To approve Town Deductions Vendor Payroll 23030TV in the amount of \$131,992.61.

(Aptowitz/Bren)

Roll Call Vote:

Bren – Yes Aptowitz – Yes Trowbridge – Yes Rhein – Yes

Passes 4:0

- **Town Payroll/Town Medicaid Payroll 23031PT in the amount of \$433,499.12**

Motion: To approve Town Payroll/Town Medicaid Payroll 23031PT in the amount of \$433,499.12.

(Aptowitz/Bren)

Roll Call Vote:

Bren – Yes Aptowitz – Yes Trowbridge – Yes Rhein – Yes

Passes 4:0

- **Town Deductions Vendor Payroll 23031TV in the amount of \$143,727.25**

Motion: To approve Town Deductions Vendor Payroll 23031TV in the amount of \$143,727.25.

(Aptowitz/Bren)

Roll Call Vote:

Bren – Yes Aptowitz – Yes Trowbridge – Yes Rhein – Yes

Passes 4:0

- **School Payroll/School Medicaid Payroll 23031PS in the amount of \$1,889,890.91**

Motion: To approve School Payroll/School Medicaid Payroll 23031PS in the amount of \$1,889,890.91.

(Aptowitz/Bren)

Roll Call Vote:

Bren – Yes Aptowitz – Yes Trowbridge – Abstain Rhein – Yes

Passes 3:0:1

- **School Deductions Vendor Payroll 23031SV in the amount of \$601,047.63**

Motion: To approve School Deductions Vendor Payroll 23031SV in the amount of \$601,047.63.

(Aptowitz/Bren)

Roll Call Vote:

Bren – Yes Aptowitz – Yes Trowbridge – Yes Rhein – Yes

Passes 4:0

13. Correspondence

- Email from Mr. and Mrs. Chris Germain
- Notification from Verizon

Mr. Aptowitz read the summary of the Verizon notification and then read the email from Mr. and Mrs. Chris Germain who had questions about the Finance Committee appointments that happened at the January 18th Select Board meeting.

Ms. Bren read a response that she prepared in response to the email from Mr. and Mrs. Chris Germain. She stated that she has seen a lot of comments and spent a lot of time thinking about her decision. Mr. Trowbridge stated that the Board is not obligated to reappoint an existing member and believed Ms. Bren had responded well. Mr. Trowbridge stated that Ms. Thurston did not have any finance experience nor did Mr. Eagle when he was first appointed to the Finance Committee.

Mr. Trowbridge then stated that an email was received from Tobey and Michael Lovett about the Police Chief and responded that when there is an update on the matter it will be shared with the public but the matter is being handled by Town Counsel.

14. Select Board Member's Comments and Questions

Mr. Aptowitz noted there is a Light Commissioners Meeting on Monday. Ms. Bren then asked about the Fire Station and Mr. Dumas stated that the required activity and use limitation has been filed with the Registry of Deeds and that DEP is going to file the transmittal of the permanent uses statement at the end of February.

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

Motion: To approve the 2023 Drainlayer's License for Peter DeGirolamo & Sons. Inc. (Aptowitz/Bren)

Roll Call Vote:

Bren – Yes Aptowitz – Yes Trowbridge – Yes Rhein – Yes

Passes 4:0

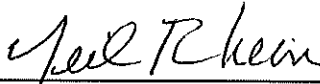
16. Adjourn

Motion: To adjourn the February 1, 2023 Select Board meeting at 7:16PM. (Aptowitz/Bren)

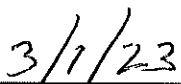
Roll Call Vote:

Bren – Yes Aptowitz – Yes Trowbridge – Yes Rhein – Yes

Passes 4:0



Signature



Date

Minutes prepared by Carrie Champagne