

HALIFAX BOARD OF SELECTMEN
SELECTMEN MEETING
TUESDAY, JANUARY 9, 2018 - 7:30 P.M.
SELECTMEN MEETING ROOM

Meeting came to order at 7:30 p.m. with Selectmen Thomas Millias, Kim R. Roy and Troy E. Garron present.

The following business was discussed:

PLEDGE OF ALLEGIANCE

The Board as well as those attending tonight's meeting stood to recite the Pledge of Allegiance.

AGENDA

Moved by Roy and seconded by Garron, the Board unanimously approved the Agenda for Tuesday, January 9th.

MINUTES

Moved by Roy and seconded by Garron, the Board unanimously approved the following Selectmen Minutes:

Regular Session – December 12, 2017
Executive Session – November 28, 2017 - Second

AFFIRMED WARRANTS AND COMMITMENTS

Moved by Garron and seconded by Roy, the Board unanimously affirmed approval for the payment of the following warrants and commitments:

| | | |
|----------------------|-------|---------------|
| Vendor Warrant | # 54 | \$ 207,193.57 |
| Payroll Warrant | # 55 | \$ 354,534.80 |
| Vendor Warrant | # 56 | \$ 30,500.22 |
| Vendor Warrant | # 57 | \$ 8,715.49 |
| Withholding Warrant | # 58 | \$ 137,434.37 |
| Vendor Warrant | # 59 | \$ 25,316.63 |
| Ambulance Commitment | # 12A | \$ 13,346.00 |
| Ambulance Commitment | # 12B | \$ 61,283.00 |

APPROVED WARRANTS AND COMMITMENTS

Moved by Garron and seconded by Roy, the Board unanimously approved payment of the following warrants and commitment:

| | | |
|----------------------|------|---------------|
| Payroll Warrant | # 60 | \$ 353,423.72 |
| Vendor Warrant | # 61 | \$ 448,472.87 |
| School Warrant | # 62 | \$ 359,808.59 |
| Withholding Warrant | # 63 | \$ 136,932.34 |
| Mobile Home Park Fee | # 1 | \$ 5,160.00 |

Moved by Garron and seconded by Roy, the Board unanimously approved payment of the following Selectmen bills:

| | |
|---|-------------|
| National Grid (service/concession stand)..... | \$ 28.18 |
| National Grid (service/Town Hall)..... | \$ 1,847.73 |
| W.B. Mason (toners)..... | \$ 106.63 |
| Univ. of MA (Seelig/meeting 2-15-18)..... | \$ 75.00 |
| Halifax Postmaster (stamps for certified mail)..... | \$ 67.00 |
| Attorney Lawrence P. Mayo (legal/December) | \$ 556.25 |
| The County of Plymouth (legal/November) | \$ 150.00 |
| Matthew Bender & Co., Inc. (MA law books)..... | \$ 501.61 |
| Michael Gilman Esq. (legal/December) | \$ 715.00 |

SCHEDULED APPOINTMENTS

Present Certificates to John & Patrick Mccarthy

Millias began by saying that this evening the Board was presenting certificates to John and Patrick McCarthy as they have achieved the goal of becoming Eagle Scouts. He congratulated both of them on a job well done.

Garron attended their ceremony and thanked them for inviting him. He said that we have the smallest Scout Unit in the country but percentage-wise we have the highest amount of people that are Eagle Scouts, which says a lot for the community, the parents and the young men that put themselves out to do various things for the town. He thanked them for their service to the community.

Roy asked the boys to let the audience what their projects were. John stated that he and his brother built a carriage shed next to the blacksmith’s shop for the storage of historical objects and to house wagons. Patrick said he removed the old the damaged water crossing at the Striar Conservancy Trails near Summer Street and built new ones. He also marked off one of the trails.

The Board congratulated both of them for taking on these projects.

GENERAL MAIL / DISCUSSIONS

Storm Day

Moved by Garron and seconded by Roy, the Board unanimously declared Thursday, January 4, 2018 and Friday, January 5, 2017 as snow days and due to the severe weather both the Town Hall and Pope’s Tavern were declared officially closed.

Recycling Abatement

Property owner states they use a private hauler.

Moved by Roy and seconded by Garron, the Board unanimously voted to deny an abatement for fiscal year Bill# 1918 based on the fact that the request was received after the deadline date.

Audit FY2017

Moved by Roy and seconded by Garron, the Board unanimously voted to have the Chair, Thomas Millias, sign the representation letter.

Pope's Tavern Project

The draft of the revised agreement with Winslow Architects is ready to be signed. Town Counsel recommended the following change:

with reference to Section 7, remove the new language *Notwithstanding any other representations in this contract* and simply start with the words *The Owner*.

The payment schedule is as follows:

Exhibit A shows sums for five stages of the work. The total amounts to \$124,000. Then Exhibit B shows 18 different payments associated with various steps with a total of \$124,000. The steps are grouped based on the wording in Exhibit A and Exhibit B.

The work on the construction documents includes four steps (25% completion, 50%, 75%, 95%). General practice would be to pay the amount associated with the percentage of the work completed. However, the Town would pay \$35,000 for the first 25% of the work even though 25% of the work, based on a total of \$75,000 for this stage, would equal \$18,750. Following that, the Town would pay a total of \$60,000 for 50% completion of the construction documents even though half of \$75,000 is \$37,500. The reason for this is that additional money was put in the amended contract. John Campbell and the architect indicated that the architect has done more work during the first states (pre-construction documents) than he has been paid for and therefore the payments in the construction document phase are front-loaded to allow for the architect to "catch up" on the work already done.

Roy asked Seelig if he felt comfortable with the amount and he said that he is not entirely happy that they had to renegotiate the contract with the architect although it is not going to make a material difference but we may end up not having everything in the "shell" of the project and may have to wait until a later date to put those things in.

On a side note, ZBA has approved its permits (variances and special permits) for the project. The Planning Board will meet on January 17th for site plan review.

Moved by Roy and seconded by Garron, the Board unanimously voted to sign the contract with Winslow Architect for the Pope's Tavern Project.

SCHEDULED APPOINTMENTS (CONTINUED)**Joseph Murray – Common Victualler license – Dunkin Donuts**

Mr. Murray introduced himself to the BOS and stated that he was here to request a Common Victualler License at 355 Plymouth Street, potentially the new spot for Dunkin' Donuts. He represents a company called Gen-Two, which is the franchise's corporate name. The store in Halifax was purchased from Ray Messier about four years ago. He has have numerous other stores and is taking the store that is currently in 7-Eleven, formally Tedeschi's, and re-locating next door to 355 Plymouth Street. The building will be larger with bathrooms and some seating to provide a nice place for our customers to go. Millias is happy that there will be some seating and restroom facilities because people enjoyed being able to have a coffee and talk and that this was a good thing for the community to have that available to them again.

Murray said that they are giving it a colonial look even though some of the other Dunkin's have a little bit more of a modern look; they felt that the colonial look was a better fit. The building also has the potential for two other tenants as it is about 1800 square feet combined in the back, Millias suggested that a dry cleaning would be good and Murray said they actually have a building that they lease to a dry cleaner in Weymouth and the Dunkin Donuts in Carver has one.

Garron asked if the front of the building is going to be coming down the Stop & Shop driveway and Murray yes it will be faced that way and the door is at an angle with plenty of parking (more than what was required). He said that he has been to all the Boards and that it was originally designed to be a two-story building but had decided that it didn't make sense. Garron then asked when would this be completed and Murray said depending on the weather this winter he is hoping around May 1st. The foundation and the slab have been put in and they are doing the septic system.

Roy asked how many people can it seat and he said it shows eighteen on the plans but there is one bench where two people could sit so twenty seats tops. She did not think that was a lot and he said he would love to have more seats but has seen in the other stores the seats don't get occupied. He continued to say that it is a quick turn around – the afternoon people tend to linger a little bit. He said that the store will have the newer colors; nice ceramic floors and the walls are nice, nice tan colors, all the tops are all stone, and all the front of the millwork work is all stone.

Moved by Roy and seconded by Garron, the Board unanimously voted to issue a Common Victualler license to Joseph Murray for Dunkin Donuts.

David Walsh – award presentation

David Walsh, Commander of Halifax Post 6258, and David Warmsley, Quartermaster, came before Selectmen to present their nomination for *Law Enforcement Officer of the Year* to Police Chief Edward Ted Broderick is a standing example of one who has shown compassion and professionalism throughout the community. Walsh stated that the packet for Mr. Broderick has already been forwarded to the State House in Boston where he is going to compete statewide for Officer of the Year – there are only several that have gone out over the State as it is a pretty competitive. He then may go on to the nationals. He then asked Chief Broderick to come forward to present the plaque to him. Chief thanked them for the award and appreciated them nominating him. Warmsley said that he is friend of the Veterans, and that's how it all started, because he was highly recommended in several areas. In closing Walsh said they would like to do this again next year and identify someone else in the community. The BOS congratulated the Chief on this accomplishment.

GENERAL MAIL / DISCUSSIONS (CONTINUED)

Denial Letter for Susan Lawless

Moved by Roy and seconded by Garron, the Board unanimously voted to send a letter confirming that no funding has been approved for the Assistant Town Clerk, Susan Lawless, to attend the MTCA Winter Conference.

CMS/Medicare/Certification Letter

Moved by Garron and seconded by Millias, the Board unanimously affirmed Kim R. Roy signing the CMS/Medicare/Certification letter.

Metro South Breakfast Meeting

Seelig will be attending the above meeting that is scheduled for January 17th.

Dog Park

Sue Vogt has kept Seelig informed about various meetings that a group of residents have attended and provided him with information about the Town of Kingston's project. No action is needed by the Board.

Surplus Equipment – Zoning Board of Appeals

Moved by Garron and seconded by Roy, the Board unanimously declared surplus one (1) Philips digital recorder, one (1) Binaural headset and one (1) Panasonic dictation machine from the Zoning Board of Appeals.

19 Chestnut Street

The furniture is gone and the property is in good condition with no obvious junk vehicles. Seelig is closing the file on this.

Junk Car - 27 Hillside Avenue

A letter has been sent to the residents with 10 days of fines (total of \$200). There has been no response. Another fine letter (14 days times \$20 for \$280) will be sent and Seelig will ask for advice from Town Counsel.

Taunton River Stewardship Council

William Hinkley has submitted a talent bank expressing interest in serving on the Taunton River Stewardship Council. He will meet with the Selectmen on January 23rd.

Chapter 61A Land for Sale

The Town has been notified by Silver Leaf Farm of its intent to sell 182 acres of 61A land at 280 South Street for residential development. It appears it will to be subdivided as one house lot as the dimensions would make it difficult to divide into two buildable lots. Seelig said that he could send this to the departments for their comments but he sees no point as it is a small piece of land.

Moved by Roy and seconded by Garron, the board unanimously voted to send a letter to Silver Leaf Farm declining the Town's rights to purchase this parcel under Chapter 61A.

Fieldstone Farms 2018 Horse Show Dates

Scott Clawson has notified the Selectmen of the show dates for 2018. Seelig will notify the departments with a list of stipulations that will need to be met, per the agreement with the Town and ask for any questions or concerns that they might have and bring back to the Board for discussion on January 23rd.

School Repair Project

The bids are in for siding/doors/windows, substantially lower than budgeted (\$1.9 million instead of \$3.3 million). Vertex is reviewing credentials of bidders and will report back. The Board may need to have a very brief daytime meeting to award contract.

Lakeville Kennel Agreement

Moved by Roy and seconded by Garron, the Board unanimously affirmed the signing of the agreement between the Town of Halifax and the Town of Lakeville for the use of the Lakeville Animal Shelter.

Printing of the Town Report and Warrant

The office is waiting to hear back from Harding Print with a quote.

Zoning Complaint 340/348 Monponsett Street

Gordon C. Andrews has filed a request for enforcement of the Town's Zoning by-Laws regarding 340/348 Monponsett Street and the approvals by the ZBA in 2014 to allow for multi-family on the parcel.

Selectmen Meeting - January 9, 2017

Page 6

The Zoning Enforcement Officer has a conflict of interest as he owns the subject property. Land use counsel recommends that the Board appoint a "special" ZEO for this case, which could be the Town Administrator. If appointed, Seelig will work with Land Use Counsel to review the matter and issue a response.

The Board voted as follows to appoint the Town Administrator, Charles Seelig, as the *Special Zoning Enforcement Officer*:

Thomas Millias Abstained (has an interest in the property)

Kim R. Roy Yes

Troy E. Garron Yes

Burrage Pond - Elm Street parcel – proposal from /DFW

The MA Division of Fisheries and Wildlife has provided the below three options to the Town if the Town is interested in transferring any property rights to the parcel that the Commonwealth transferred to the Town as part of the Burrage Pond Wildlife Refuge settlement:

1. Gift of a conservation restriction for the rear 10 acres (southeast of the "choke point")
2. DFW purchases the rear 10 acres for about \$20,000 (current estimate)
3. Purchase the entire parcel (17.65 acres) for \$250,000 subject to an appraisal.

DFW's understanding is that transferring any of the property rights will require a Town Meeting vote, which we won't have until May.

Seelig recommended that they get comments from the various departments, hold a public forum and then bring to Town Meeting in May. The Board thought that Seelig's recommendation was an appropriate way to proceed.

SCHEDULED APPOINTMENTS (CONTINUED)

Thomas Dechane – appeal FY2018 recycling abatement denial

Mr. Dechane's son Andrew (Power of Attorney) came in this evening on behalf of his dad (in Arizona due to health issues) to file an appeal of Board's decision to deny his dad's recycling abatement. He read a letter from his dad explaining that for over five years he has had a Graham Waste provide weekly trash and recycling services to him and that he has filed abatements along with confirmation letters from his provider each year. Also stated on his service agreement with the private contractor is that the service would be continued until further notice. He further read that the reason for the denial was that he was one day late in filing the abatement. He is a disabled veteran terminally ill with cancer from Viet Nam – Agent Orange and has had to go back and forth between doctors, the veterans' association and three different hospitals and that this denial is only adding a great deal of stress that he is already under. He also feels that as a taxpaying resident of he should not have to pay this fee just because he filed one day late and is respectfully asking for forgiveness of this overlook on his part and have the decision overturned.

Dechane said that his father has lung cancer and been in and out of radiation and he accidentally over-look this abatement. From what his dad told him he filed it one day late and he's basically asking for this decision kindly to be reversed. He said he and his dad he does understand that bills need to be paid on time and for the most part he is pretty sure his dad does a so he too was hoping this rare mistake be forgiven.

Millias said the real issue is that the BOS has also denied other people the abatement because they filed late, and it gets really difficult trying to decide which case is more worthy than any other case and maybe not as quite an extreme as your dad's situation but everybody has some kind of a reason. Millias said he can't feel enough for him and his family but it is awful hard to grant these things after the fact when we have denied other appeals.

Selectmen Meeting - January 9, 2017

Page 7

Dechane said he understands that rules and regulations have to be put in place for a certain reason but he was hoping that due to the fact that he had been shuttled from West Roxbury to Brockton to Jamaica Plain, and it was just an oversight on his part.

Roy said that when the BOS was doing this they had changed the due dates a couple of times to accommodate people and she understands his dad's circumstance but there have been others who have come to the BOS with illnesses, and it is a really hard thing for the Board. But unfortunately, because it's such a grey area when you say 'no' if you keep moving that finish line then all the other people that you've said 'no' to are going to be upset and they have circumstances too. She said that she was very sorry for his illness and the Board thanks him for his service, but she cannot change it because of that.

Garron said he is also a veteran and understands what he's going through and his heart goes out to him but it is the policy. He tries to be fair and firm and consistent with everyone so whether it is one day or five days or fifteen days late, they had a cut-off date. This is nothing personal against your father or anybody else but we have to set a certain standard and stand by it otherwise if we flux on those things then we lose our credibility.

Roy said this is not our personal business but the business of the town and we are elected to follow the rules. They are very sorry and wish him well.

Millias said he knows his dad and would have like nothing better than to say yes.

Dechane thanked the Board and appreciated them seeing him.

GENERAL MAIL / DISCUSSIONS (CONTINUED)

Zoning By-Laws

The BOS will meet with interested parties on January 23rd regarding the zoning by-laws.

Monponsett Pond Alum Pumping Facility

The bid deadline was November 30th and there were no bids received. Going to re-bid again with a deadline of January 16th.

Very Large Solar Array

A 5mW solar farm is being proposed for River Street. While negotiations on the PILOT are just starting, Seelig recommends meeting with the developer to acquaint the Board with the project and provide public input. This will be much larger than the one at the Halifax/Plympton line (Monponsett Street).

SCHEDULED APPOINTMENTS (CONTINUED)

Richard Harrison – Unregistered vehicle permit

Richard Harrison of Middleboro is requesting an unregistered vehicle permit for Map 73, Lot 7A (next to the farmhouse) for two vehicles. Mr. Harrison began by saying that he owns the lot that the vehicle is on and that he lives in Middleboro in a three family home where there is no parking. So at this time he is stuck with no place to put it. He has called a couple of storage areas but they are full. At this time the property for sale, so once it is sold the car will be gone. He is thinking maybe six months or so. He further said that the truck is an antique and has been in a couple of movies so he wants to get it going and hang onto it. He is looking for a permit for two cars because his son has a vehicle that needs to be out somewhere.

Millias thought the by-law stated that the vehicle need to be out of sight and Seelig said that without the permit it needs to be out-of-sight but with a permit the car can be in sight.

Selectmen Meeting - January 9, 2017

Page 8

Millias asked if he was looking for a permit for two cars and Harrison said yes.

Roy asked if there were any neighbors that had any concerns.

Male Voice in Audience

He said came this evening because he just wanted to know what was going on as he didn't know how long it was going to be there or if it was going to be a car dealership and Harrison said he was just storing the car there because he had no other place to put them.

Woman in Audience

She asked if it was the red one that is there now and he said not going be a dealership just storing it there and he added he has the has the property for sale now.

Millias asked if the BOS has the capacity to issue a permit and Seelig said they could limit to a certain number of months.

Garron would like to put a time frame on it like maybe a six-month deal and then we can review it. Seelig suggested having the permit expire in six months and if sat that point if Harrison felt it was necessary he could come back. Garron did not have an issue but would feel better if it was out-of-sight. Seelig said it would be helpful if the vehicles could be parked further away from the street, if it was possible. Harrison said on that particular side, you can't go back that much further and the other side is 300 feet, that side it's on right now is 150 feet, 178 feet. He said he could probably get it going and push it back up 50 feet or put a bush or something around it. Garron asked any chance of putting a stockade fence and Millias added that a couple of sections of fence to block it off from having to view it from the street. Harrison said that he could do that so it's not quite so obvious sitting there.

Garron then asked when he would be able to do that – he realizes that there is snow there but would feel more comfortable if he could follow through with that. Millias agreed and was thinking maybe a temporary thing or two sections of fence would be perfect right to put across the front of the vehicles. Harrison said he could do that and as for the second car he does not know if he is going to keep it or sell it.

Man in Audience

In terms of the property right next to this land that is for sale it looks like there are two lots there. Millias said there was a lot that was left over after the Farmhouse sold, which is in the middle and then there's the other property that is being sold. Garron said that Harrison's property is in the middle and that is the one we are talking about now. Harrison the lot that his truck is on is his and right next to that is Mr. Nessralla's.

Man in Audience

So Harrison owns the piece that's between the Farmhouse and Nessralla's and Harrison said yes, the one with the 'for sale' sign on it.

Moved by Garron and seconded by Roy, the Board unanimously voted to grant an multiple unregistered vehicle permit to Richard Harrison with the following stipulations:

- maximum of two (2) vehicles including unregistered, unplatd and uninspected;
- permit expires six (6) months from date issued (expires: July 9, 2018); vehicles must be hidden by a fence
- property must be kept in good condition and free of debris at all times

Selectmen Meeting - January 9, 2017

Page 9

GENERAL MAIL / DISCUSSIONS (CONTINUED)

Revocation Hearing/Evergreen Beverages/Twin Lakes Liquor

The owner has made two payments of \$5,000 of which both have bounced. In addition, the owner has not paid the first \$1,000 in monthly payments per the Board's decision not to revoke the license. Seelig has recommended that a new hearing be set up for February 13th for possible revocation of license.

Moved by Garron and seconded by Roy, the Board unanimously voted to hold a revocation hearing on February 13, 2018 for Evergreen Beverage d/b/a Twin Lakes Liquor.

MEETING ADJOURNED

There being no further business, moved by Roy and seconded by Garron, the Board unanimously voted to adjourn the meeting at 8:43 p.m.

Troy E. Garron
Clerk

/pjm

