

HALIFAX BOARD OF SELECTMEN
SELECTMEN MEETING
MONDAY, NOVEMBER 5, 2018 – 9:00 A.M.
SELECTMEN MEETING ROOM

Meeting came to order at 9:00 a.m. with Selectmen Kim R. Roy, Troy E. Garron and Thomas Millias 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.

SCHEDULED APPOINTMENTS

John Makepeace - White Dog Cranberry Ltd. - earth removal permit renewal

Garron asked where they were with the earth removal and Bill Madden of GAF Engineering said about a one-third done with the work on the site. He continued to say that they are here today requesting a continuation of the previous earth removal permit.

Roy asked if he felt they were on schedule from what they expected to be and Madden said the project is moving pretty much according to plan.

John Makepeace said that the material that is being removed is kind of poor quality so it is hard getting someone to take it but he is keeping the good sand on site to use for the bogs

Madden said that out of the 20,500 yards about 6,000 - 6400 yards has been used for renovation of existing acreage on the site and maintenance sanding; applying between a half inch and an inch of new sand over the vines to stimulate additional growth. He continued to say that about a third of it has remained on the site and they are wondering how they will deal with the issue of re-using some of the sand on site where it wasn't removed from the site as Makepeace paid \$5,000 in advance for removal of 20,000 cubic yards to be removed. He thinks that the fee was basically to cover any maintenance issues and spillage on the roadways and things of that nature but there wasn't much material that has been transported over the roads of the town versus being retained on the site, so they were just putting that up for some consideration and it can be addressed when the time comes.

Madden said as far as they know there have been no issues with any of the neighbors and no problems that have been brought to their attention. The Highway Surveyor has weighed in on an initial tracking pad for the site and Madden explained that one thing that that they normally do is put a tracking foot pad at the source of the removal, and they have a relatively stable and hard surface for driving all the way up to Palmer Mill Road, close to a third of a mile long, so we respect what the Highway Surveyor has to say but to his knowledge there has not been an issue with any sediment being tracked onto the public way.

Roy asked the abutter who was at the hearing if she had and questions or concerns.

Ashley Diessa – 17 Riders Way

Diessa had a couple of questions. She said if we get a lot of rain like we have does Makepeace have a plan for the water to drain properly. Makepeace said that her property is higher than his property and that her property flows towards him, this was one of his concerns when they were putting in the development. Diessa main concern was stagnant water back there and asked if he had a plan for mosquito season. Roy asked if the water in her backyard was caused from his project and she said no she just wanted to know if they had a plan when they flood.

Madden said that their source of water for this project is ground water not the surface water runoff, so our elevation of our water in this pond is even lower than the ground elevation.

Makepeace said that they have an elevation of about twenty-five feet and she is probably is about ten feet higher than the surface of the pond. Everything naturally drains from Diessa's side and goes underneath his driveway and flows out through a swale into the woods. Makepeace said so actually everything flows from her to him. He did say that the builders for the development did create a pond in the back that was supposed to maintain her drainage. He continued to say that he does not see stagnant water being an issue because of the size of the pond and there is a lot of air flow.

Diessa asked if he does anything to treat for mosquitoes and Makepeace say he does not want the chemicals they use to treat the mosquitoes near his farm - he would not feel comfortable with that.

Madden said that the depth of the pond is not really conducive to a mosquito habitat as it is roughly ten feet deep and you typically don't find that as a source for mosquitoes, they tend to be more around shallow, puddled or ponding water, things that you probably are faced with now. On side note he wanted to say that before this piece of property was developed White Dog was interested in purchasing it. They evaluated that site from a development point of view and they were aware of the ground water elevation and the issues associated with drainage and that was one of the primary reasons they did not go forward with the purchase of the land and White Dog recognized what the site constraints would be over there.

Garron asked how much more time did he think he would need to complete the project and Makepeace said that he wants to get it done and landscaped as he tired of looking at it. He needs to find a big fill customer, whom he might have, and if that pans out hopes to have it done by the end of this year.

The reason Garron asked as he was wondering if Makepeace would be asking for another extension next year. Madden said this is a one-year permit and if it is not done by this time next year then they will have to come back for another renewal.

Makepeace said that he will use most of what is left of the sand this winter but, worse-case scenario, if he can't sell the stuff he has places on the property he can put it for staging areas or harvesting. Millias asked if he was expecting to find much more sand in the remaining area and he said that he got most of it out of there but there is probably maybe another four or five thousand yards of good usable sand there.

McSherry mentioned that during Steven Wry's (town's engineer from Land Planning) inspection he noticed that none of the silt fence had been installed as indicated on the original permit. She asked if he was planning on doing that and Makepeace said the reason he did not install them is because they started in front of his house and now that he has got that out of the way, he will put up the silt fence.

Millias said that he would still like to hear back from the Highway Surveyor to make sure he is okay where the pad is placed because no matter how tightly packed down the driveway is, in wet conditions you're still going to pick up mud. He is not sure if there have been any issues with any mud coming on out to Route 58. Makepeace said he has not seen any dirt being tracked onto the roadway and he has recycled asphalt packed with some gravel on the top all the way out to the street but if they want him to put down a tracking pad he has no issue in doing it. Millias said that was fine – he was not aware that it was processed. Roy said that they can make a motion contingent on needing to put a pad down.

Millias moved that they renew the permit subject to the Highway Surveyor being okay with it and McSherry said the Highway Surveyor was fine and that he just wanted everyone on the same page going forward that there is a vehicle tracking pad not just at the earth removal sites but also construction of subdivision sites. Millias asked if he was okay with it and McSherry said yes and that the Highway Surveyor just wanted everyone on the same page going forward – not just at the earth removal sites but also at any type of construction sites.

Madden said certain projects require stormwater pollution prevention plan and the tracking pads (75 feet long, 50 feet in width) are typically required at the exit point of a construction site where it enters onto a public way.

Moved by Millias and seconded by Garron, the Board unanimously voted to renew the earth removal permit for one year subject to the Highway Surveyor requiring a vehicle tracking pad.

John Peck - discussion of earth removal permit

Seelig explained to the Board that Mr. Peck is here today to discuss the logistics of a possible earth removal permit.

Peck explained that he is in the process of trying to make the pond a little bit deeper, straighten the edges and get some of the dirt and silt off the bottom of the pond. He did go over a thousand yard that is permitted without having to obtain an earth removal permit, which is his fault. The reason he is doing this is because the last two years they have run short of water for the bogs. He stated that the Board is asking for a topographical plan and does not know why we want it of the bottom of the pond or how you would do that. He did give away what was already taken out as it was silt and clay. He continued to say that he took objection to letter that the Board sent him - he has been here fifty years and the Board of Selectmen voted to order him to come in when all they had to say is we request that you not continue doing what you are doing. Roy said that they would have to do that for everybody.

Peck said Seelig came down there two or three months ago and since then there has not been any dirt removed from the property and he has stopped but now it is starting to wash back in so what he would like to finish digging the bottom of the pond out. This will entail maybe a couple thousand yards which will give him a half a million gallons of water, and that is a lot of water for a cranberry bog in the summertime. He said that if he has to do engineer's plan and go through the expense of a public hearing and everything else then he will just leave the pond the way it is and bulldoze the dirt and leave it there. He is not sure how to fill out the application and asked how he would keep track of the yardage if you are taking it out of the water; did they trust him to say he only had five loads when in fact there were ten – is it the honor system. Millias said he does not know what his arrangement is but typically there is a trucking ticket that is generated with how many yards they're hauling out.

Peck explained that he had someone come in and clean up the old foundation that burned due to the fire and rather than paying him for the work he said he could take the dirt that was taken out of the pond. So whatever way works out for the Board that is how we will keep track of it. He is involved a little bit with three lots out front and one of those lots he thinks is going to take more dirt than what he is going to dig out and those the trucks won't even have to go out on the road as they will be going up through the yard and right there because he does not want them going onto Thompson Street because there is a dip out front.

Roy said she is not familiar with digging out ponds, therefore asked if he had to get a special permit from Conservation if he was affecting a pond? Peck said the last time he did this he got a letter from Conservation saying that it was an agricultural operation and he did not need anything from them. She asked when that was and he said back a few years ago. Seelig said there is a general rule that you can disturb wetlands if you can prove it is for agricultural use.

Millias asked if anything was going to be removed from the property. Garron said that was his concern also and if it was going to be staying within the confines of the property he had no problem. Peck said technically, it is going to the lot out front, which is not his property but is attached to his property. I have an interest in the part out front but that's not the original piece of property yet it's my property we are not going out on the road and going down Route 105.

Garron said is not concerned with who owns it but is about how he is going to get the soil from one location to the other and asked if he was going to take it on the road and he said no. Millias clarified that it is going to go through his own property to the other property.

Roy asked if it was okay going to another property just as long it was not going on the road and Seelig said he would have to check that. Seelig said that it should be on the record of Peck having a permit because we just had an earth removal permit renewal and even though it is a larger operation Seelig thinks there is an expectation that the Board of Selectmen treat all the permits the same way. However he can request a number of variances from the zoning by-law and the BOS can grant them if they deem it prudent to do so.

Roy said we would never have known this if we hadn't received a formal complaint and Seelig correct.

Peck questioned even to remove his own dirt and Roy said that they had to send a letter because you didn't follow the rules but to Seelig's point, we all have known you for a long time but we need to follow the same rules because we do not want people to look at this and say 'well, they didn't require him to do it'.

Peck said this happened over a period of three months; maybe two loads today then nothing for a week because he had trouble finding anybody to take as it because the silt that comes off the bottom on the pond is crappy and he continued to say he is to blame for the first thousand yards, whether it was 800 or 1200 yards. Roy said that is fine and they appreciate him coming in and now they need to make sure that this is done according to the proper rules.

Millias asked moving forward what is the plan and Seelig said they will take it in two pieces: assume the material that doesn't hit the road does not need a permit but if it does he will let Peck know. Then for the material that has already left the site Peck can file the application for the earth removal permit and can ask for whatever variances or exemptions he wants in terms of the requirements of the by-law. Then The Board can decide whether to hold a formal public hearing and have him notify the abutters or the BOS can decide not to burden Peck and that they take on the publication notice, getting the certified list of the abutters and everything like that. If Peck want to ask for a variance from those requirements then he will have to ask the Board for them and then Board takes it under consideration whether to grant that or not. Roy said as much as they would like to help him out, if we wouldn't do that for anybody else then she does not think they should do it and Seelig said he is not advocating one way or the other but explaining the procedure. She understands and personally she would like to help him out, they have to keep the same way that we would handle anybody else.

Millias asked what are they going to do and Seelig said Peck needs to file an application for the material that has already left the site. He can request variances and exemptions that he feels shouldn't be necessary to follow through with to the Board for the various parts of the By-Law. Seelig agrees that many of the regulations are for much larger projects and there is no point in requiring some of that, but the Board can make a decision whether to grant or not grant the variances and if we do then we proceed based on those variances.

As for the material that is being removed but not going out on the road Seelig will check to see if it requires a permit and if it does then he will inform Peck.

This will be considered two applications; one for the previous stuff removed and the other for the material being removed to the front lot and again if it does not require a permit then he will inform the Board and Mr. Peck about it.

Garron said at this point everything relies on whether or not the permit is submitted to them asking for variances for the material that has already been removed and then a second permit for the remaining material, and Seelig said correct.

Millias asked Peck if he had any idea how many yards would be moved and he said if he is lucky maybe another couple thousand. The first time around the engineer told him seven or eight hundred but he thinks it was more eleven or twelve hundred but he never kept track. He could probably go to the guy that he gave the dirt to and imagines he would have trucking slips or can reconstruct how many yards were taken off the property.

Millias asked Seelig if the thousand-yard limit was per calendar year because it is tricky as to when a project ends and a new project begins is what I getting at. I was just looking to see if, you know, we don't have to tie the two together. Seelig said no that it is per project.

Garron said that they have given him the information he needs to know and asked if they needed anything else from him and Seelig said there is nothing else for the Board to do right now but again, for the material that has already left the property it's up to Peck to apply for the permit. He can ask for variances and once the office gets that paperwork in, the Board can make a decision whether to grant those variances. For the material that has not left yet or hasn't been dug out yet, Seelig will check to see whether or not it requires a permit, and will inform both Peck and the Board of that.

The Board thanked Mr. Peck for coming in.

MINUTES

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

Regular Session – October 29, 2018

AFFIRMED WARRANTS AND COMMITMENT

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

Payroll Warrant	# 38	\$ 362,609.31
Vendor Warrant	# 39	\$ 171,707.71
Withholding Warrant	# 40	\$ 139,264.80
Ambulance Commitment	# 10A	\$ 2,636.00

APPROVED COMMITMENT

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

Mobile Home Park Fee	# 11	\$ 5,160.00
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APPROVED SELECTMEN BILLS

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

South Shore Community Action Council (FY2019 services).....	\$ 3,500.00
KP Law P.C. (legal/September).....	\$ 135.00
W.B. Mason (frames & paper).....	\$ 33.61
Halifax Postmaster (200 forever stamps).....	\$ 100.00

GENERAL MAIL / DISCUSSIONS

Signature for Warrants

Moved by Millias and seconded by Roy, the Board unanimously authorized that Troy E. Garron’s signature be the only on the warrants for the week of November 12, 2018 due to Roy and Millias being on vacation.

SCHEDULED APPOINTMENTS (CONTINUED)

Evergreen Beverage d/b/a Twin Lakes Liquors - Continuances of Revocation Hearing

Mr. Murphy is on schedule with his payment plan and Seelig recommended that they continue the revocation hearing for November 27th at 7:40 p.m.

Davis Automotive – Continuances of Revocation Hearing

Seelig stated that Davis Automotive has been on a payment plan with the Treasurer-Collector’s Office but now three months in arrears. No payment has been received for October or November. A letter has been sent to Ms. Davis about being in arrears and that the hearing is being continued to today but no payment has been received. Seelig is recommending that the Board revoke their Class II license and Fuel Storage permit and recommended that they continue the revocation hearing November 27th this way here he does not have to send out another certified mailings.

Move by Garron and seconded by Millias, the Board with regret, unanimously voted to revoke Davis Automotive’s Class II License and Fuel Storage permit.

Seelig did state that the Board has rescinded previous revocations for Davis Automotive and they may be able to do this on the 27th.

GENERAL MAIL / DISCUSSIONS (CONTINUED)

Strips on Steps

Charles and Mary Anderson of 156 Cranberry Drive wrote to the Board recommending that step strips/visibility strips be placed on the steps at Town Hall, Pope’s Tavern and the Museum of Halifax so that visitors using the steps would have a better indication of where the steps are located. Seelig stated that it is not a large amount of money that the Building Department would have to spend but they will have to be maintained.

Moved by Millias and seconded by Garron, the Board unanimously voted that step strips/visibility strips be placed on the steps of the building mentioned above.

Use of Town Green – Generations

Moved by Garron and seconded by Millias, the Board unanimously granted *Generations* the use of the Town Green on Saturday, September 14th, 2019 from 10:00 a.m. to 2:00 p.m., for “Show off Your Dog Day” event.

Chapter 90 Reimbursement Request

Moved by Garron and seconded by Millias, the Board unanimously voted to sign the Chapter 90 Reimbursement Request for the resurfacing of South, Elm, Thompson and Pond Street and cracksealing for South and Elm Street.

Lakeville Kennel Agreement

Moved by Garron and seconded by Millias, the Board unanimously voted to sign the agreement between the Town of Halifax and the Town of Lakeville for the use of the Lakeville Animal Shelter.

Cultural Council Reappointments

Moved by Millias and seconded by Garron, the Board unanimously voted to reappoint the following individuals to the Cultural Council:

Charles Seelig	Term expires: 11/26/19
Linda Redding	Term expires: 11/26/21
Patricia Murphy	Term expires: 12/8/21

Bridges at East and Pine Street

The Town has received reports on the condition of the bridges at East and Pine Street. While the first is in satisfactory condition (some defects that should be corrected), the deficiencies with the second have reached the serious/critical level. Seelig recommended to the Highway Surveyor that he hire a design/engineering firm to develop plans for the repair and renovation to the Pine Street bridge.

Police Chief Chaves's Swearing In

Roy said that the swearing in for the new chief will be on November 27th at 6:00 p.m. Cake, coffee and water will be served. Seelig suggested inviting the local police chiefs.

Rescind Recycling Abatement Denial

Bill #2573 abatement request was denied at the Board's meeting on October 23rd. After receiving the denial letter the resident sent an email stating that they did not have occupancy of the property until September 16th as the last owners occupied the property to September 15th so therefore never received the bill.

Moved Garron and seconded by Millias, the Board unanimously voted to rescind the denial for the abatement request that was presented on October 23rd for Bill #2573.

Moved Garron and seconded by Millias, the Board unanimously voted to abate Bill #2573 based on the fact that the current resident was not residing at the property and they have provided proof that they have a private hauler providing recycling services to them.

Recycling Abatements – Received after Deadline

Moved Garron and seconded by Millias, the Board unanimously voted to deny the request for abatements for Bill #2396 and #962 based on the fact that they were received after the deadline date.

Site Plan Review – Cled's Tree Service

The site plan for Cled's Tree Service, 450 Industrial Drive was previously approved in 2016, but the business wants to install a 500-gallon above ground diesel tank. Seelig has checked with the Fire Chief and a flammable storage permit from the Board is not needed.

Zoning By-Law Committee

Seelig has received no reaction from any of the members of the By-Law Committee about putting off discussion of multi-family housing but continuing on other matters along with the preferred procedure on how to set up agendas and notify members of meetings.

Board of Selectmen Upcoming Meetings

November 9 th	5:00 p.m. (signing bond for school project)
November 26 th	7:00 p.m. (attending FinCom meeting)
November 27 th	6:00 p.m.
December 11 th	7:30 p.m.
January 8 th	7:30 p.m.

Roy has asked Gordon Andrews (member of Halifax Elementary & SL School Committees) if he could get estimates on students who may need outside services or more aids sooner than later as this line item is always a game changer. Seelig said that our population has decreased but in three or four years they will start to go back up. Garron asked about the elementary school and Roy said those numbers are on the way up. Roy said another thing Andrews talked a little bit about is that the high school roof (15 years old) is leaking. This is being addressed so we might need to look as using some of the money in stabilization depending on the capital plan She said that they have been having issues from the very the beginning and Garron asked why has it not been rectified. Roy said that Andrews just came on the committees (May 2018) and is now looking into it.

MEETING ADJOURNED

There being no further business, moved by Millias and seconded by Garron, the Board unanimously voted to adjourn the meeting at 10:05 a.m.

Thomas Millias
Clerk

/pjm