

HALIFAX BOARD OF SELECTMEN
SELECTMEN MEETING
TUESDAY, FEBRUARY 14, 2017- 7:30 P.M.
SELECTMEN MEETING ROOM

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

The Agenda for Tuesday, February 14th, was unanimously approved without revision.

MINUTES

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

Regular Session – October 11, 2016

Regular Session – October 25, 2016

AFFIRMED WARRANTS AND COMMITMENTS

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

Vendor Warrant	# 68	\$ 135,207.91
Payroll Warrant	# 69	\$ 343,087.61
Vendor Warrant	# 70	\$ 75,925.26
School Warrant	# 71	\$ 228,257.26
Withholding Warrant	# 72	\$ 126,210.14
Ambulance Commitment	# 1B	\$ 31,784.00
Ambulance Commitment	# 2A	\$ 33,037.00

APPROVED WARRANTS AND COMMITMENTS

Moved by Roy and seconded by Millias, the Board unanimously approved payment of the following warrants and commitments:

Vendor Warrant	# 73	\$ 40,893.92
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Moved by Roy and seconded by Millias, the Board unanimously approved payment of the following Selectmen bills:

National Grid (service/concession stand).....	\$ 34.00
American Thunder Fireworks (fireworks display for 7/1/17).....	\$ 2,500.00
W.B. Mason (toner & office supplies).....	\$ 497.84
K.P. Law, P.C. (legal/December).....	\$ 1,472.73
MIIA Property & Casualty Group (property & casualty policy)....	\$ 596.00
Area 58 (contracted payments)	\$ 44,826.03

The Board acknowledged payment to the Treasurer for the following turnovers:

TURNOVER AMOUNT

2017-28A \$ 500.00

2017-28B \$ 44,826.03

GENERAL MAIL / DISCUSSIONS

Mailbox 67 Franklin Street

David Tonioli of 67 Franklin Street called the Selectmen’s Office to complain that the snowplow took down his mailbox for the second time and stated that there are about ten mailboxes on the street that were hit. Pam contacted the Highway Surveyor and he went out to the site and took pictures. The plow stayed inside the “fog line” of the road and did not hit the mailbox. Snow may have hit the mailbox. Badore contacted Mr. Tonioli and suggested that he move the mailbox farther away from the road. He mentioned that some plastic mailboxes are fairly fragile in colder weather and are more susceptible to damage. Badore does not plan on paying for the cost of a new mailbox (the post is intact). Seelig supports Badore decision to not purchase a mailbox for this resident.

Silver Lake Land Sale

Paula Hatch, one of the three Halifax representatives on the Silver Lake Regional School Committee and chair of the committee, contacted Seelig aggrieved that he had not contacted the School Committee before proposing to the Selectmen the non-binding article concerning the land sale by the School Committee. Seelig wrote back stating that he had not informed the Committee beforehand because the Committee had stated that it did not want to discuss the issue.

Once the article was approved by the Selectmen Seelig notified the Superintendent the same day. He explained the reasons for having the article on the warrant and also noted that the Selectmen had invited the Committee and/or school administration to meet with the Selectmen at one of the Board's meetings. Ms. Hatch replied back stating that Seelig had blindsided her about this matter. Seelig does not plan on taking any other action about this and the invitation by the Board still stands.

At this point, the Town has yet to be officially notified about the public hearing that the Committee must hold in connection with the proposed land sale. Seelig would like to send a letter to the Committee requesting official notification of the date/time/place of the hearing Garron stated to go ahead and send letter.

Classification and Compensation Study Contract

Moved by Roy and seconded by Millias, the Board unanimously voted to approve the contract with DIJ for the Classification and Compensation Study.

Snow Day

Moved by Roy and seconded by Millias, the Board of Selectmen unanimously voted to declare February 9, 2017 as a snow day for Town Hall and Council on Aging employees.

Monponsett Pond/319 Grant/Contract with GHB

Moved by Roy and seconded by Millias, the Board unanimously voted to sign the 319 Grant.

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Status of Abandoned Properties

Seelig still needs to go out with the Building Inspector to determine which properties need to be boarded up and then go to the Finance Committee for the funds to do so. He meet with the ZBA and Building Inspector on March 13th to discuss whether we need to interpret or amend the zoning by-laws to allow for rebuilding/replacement of structures on substandard lots and still needs to review a possible by-law for the registration of abandoned buildings.

MEMA Grant

Moved by Roy and seconded by Millias, the Board unanimously affirmed Garron signing the MEMA Grant.

Jane Doe White Ribbon Campaign

The office received a Request for support for the Jane Doe White Ribbon Campaign ending violence against women and all gender-based violence.

Moved by Roy and seconded by Millias, the Board unanimously voted to support the Jane Doe White Ribbon Campaign.

School Repair Project

Based on the Board's votes earlier this month, Seelig okayed an amended contract with Habeeb & Associates for \$24,375 plus the cost of the hydrant flow test for work on the designing of the fire suppression system at the school.

MMA Legislative Breakfasts

The MMA is cutting down on the number of locations so the closest one this spring is New Bedford on February 24th. Registration is requested but not required.

Kingsway Farm

For the past five years Kingsway has been leasing space from Fieldstone Farms. Personal property bills have been issued and never paid, now amounting to about \$5,000. In the meantime, Kingsway has never applied for a business certificate (or a use permit). Seelig has checked with Town Counsel who said that the Town cannot hold up the issuance of the business certificate for failure to pay back taxes (it's a state license). However, Seelig would like to inform Kingsway of the necessity of getting the business certificate. He is checking with Town Counsel about the use permit and the back taxes and if there are other ways of collecting the back taxes.

Electricity Aggregation

The DPU and Colonial Power are trading letters/e-mails with questions and answers about the Plan. No action needed by the Town.

Building Code Enforcement Official Certification

The Department of Public Safety has extended the deadline to August 31, 2017, for Robert Piccirilli to complete his certification work.

Flashing Traffic Light at Routes 106 and 36

A resident has suggested to one of the selectmen that the Town install a flashing traffic light at 106 and 36. Seelig has written to the Traffic Safety Committee about this but has not heard back from them.

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Garron said that several people come to him about concerns about the trees as you cannot see what is coming from the Plympton direction. Seelig mentioned that there should have been a survey done to see where the tree line was when they reconstructed Rt. 36.

Dog Bite - 17 Holly Street

Owner was bitten by his dog. The dog has been euthanized, hence no hearing is needed.

Dog Bite - 73 Franklin Street

Owner was bitten by his dog as part of a training exercise. The dog is a working police K-9 and exempt from quarantines and hearing in these circumstances.

Mudfest Zoning

The Planning Board will hold its hearing on the proposed zoning change (allowing outdoor entertainment via Special Permit in the Agricultural/Residential zone) on February 23rd.

Bridge Reports

Reports for State inspections for Thompson Street/Winnetuxet and Thompson Street/Bartlett Brook have been received. No serious problems. Copies have been given to Highway Surveyor.

Halifax Country Club Inspections

The Building Inspector reported that the necessary work is continuing on schedule and that the temporary certificate of inspection has been extended to February 28, 2017.

SCHEDULED APPOINTMENTS

Appointment to the Halifax Fireworks Committee - Deborah Hogan & Colleen Fiumara

Both ladies were asked why they wanted to join the fireworks committee and Ms. Fiumara said that she purchased a home here last spring and she wanted to do something for the community. She has two young children and plans on being here for a while. Ms. Hogan said that she has lived here in town for twenty-three years and her kids are now grown and she now has the time to volunteer.

Moved by Roy and seconded by Millias, the Board unanimously voted to appoint Colleen Fiumara and Deborah Hogan to the Halifax Fireworks Committee, with terms expiring August 31, 2019.

GENERAL MAIL / DISCUSSIONS (CONTINUED)

MMA Legislative Package

If the Board has any bills they wanted our delegation to support to please let Seelig know.

2020 Census

The Board was asked who they wanted for the Town's principal contact to be for the 2020 Census. At this time it is Roy. Garron said that we could leave it as Roy if she is okay with it.

Section 319 Grants

Workshops for future grants will be held on March 2nd and March 9th.

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FY2018 State Budget

MMA is looking for support for the increase in unrestricted local aid. The Board has been given copies and Seelig will bring back up in a couple of weeks.

Greenhouse Emissions

“We Are Impact” wants the Town to support lowering the emissions cap at faster rate.

Renewable Energy

Environment Massachusetts wants 100% renewables for all energy use by 2050.

Monponsett Pond TMDL's

The office has received responses from the Taunton River Watershed Alliance and the Monponsett Watershed Association regarding the total maximum daily loads for the West & East Monponsett ponds.

Alcohol License Disciplinary Procedures

Because other communities have had the ABCC overturn disciplinary decisions in connection with alcohol licenses, sometimes due to the lack of formal guidelines, Seelig wanted to set up a set of guidelines for Halifax. The BOS was given information from two communities and he has sent it to the Police Chief for review. He will talk with the Board on February 28th.

Silver Lake Land Sale Appraisal

Seelig said that we need to move quickly on getting the land appraised because as Roy stated it needs to be done before Silver Lake has their meeting. He said that he will notify the superintendent and the Chair of the School Committee what his intentions are. She also said that

we need to let our Silver Lake representatives know about our intention. Seelig then said that we will have to go to the Finance Committee for the money (couple of thousand dollars) but mentioned that he spoke with his colleague from Plympton and he is going to check with his Board to see if they want to split the cost.

Garron said that we have a responsibility to the Town to see if the asking price for the land is right and added that the land belongs to all three towns and we want to get the most for the land.

Moved by Millias and seconded by Roy, the Board unanimously voted to have Seelig notify the Finance Committee of his intentions to get an appraisal for the Silver lake Land and then go back to them to get a transfer.

Monponsett Pond Consent Order

Seelig has received a copy of the Consent order. This will be discussed on February 28th.

Solar Field – Bridgewater & Halifax

Marilyn MacDonald of MacDonald Industries, owner of the landfill on the Bridgewater side of the town line (and from the old BFI landfill) was in on January 25th to talk about plans for solar fields on both landfills. This would require additional fill to elevate the swale at the town line. MacDonald will be meeting with the Board of Health on February 1st to talk with them about the project. Seelig has notified the Building Inspector and Principal Assessor to give them the heads-up. Garron asked if there would be any benefits to Halifax and Seelig said there would be some type of PILOT Agreement – no action from the Board of Selectmen.

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Live Entertainment – Cruise Night at Walmart

Moved by Roy and seconded by Millias, the Board unanimously approved Permit #2017-31 issued to Nicholas DiSola for live entertainment at Walmart for Friday Night Cruise Nights from the May 5th through September 29th.

SCHEDULED APPOINTMENTS (CONTINUED)

Thomas Wilson – Dog Hearing

At 8:00 p.m., in accordance with MGL Chapter 140, Section 157, Garron opened a hearing to address an incident where a dog owned by Thomas Wilson was loose and scratched/bit another dog. The hearing was held at the request of the Board of Selectmen.

The following individuals were present and sworn in by Notary Public Pamela J. McSherry:

Melvin Conroy Owner of the injured dog

Noreen Callahan Animal Control Officer

Mr. Wilson was not present for the hearing.

ACO:

Tracy Noland conducted this investigation. It appears a dog from 134 Holmes Street escaped from a faulty fence. The dog supposedly, allegedly followed another dog either biting or scratching that dog in the hind quarters. The Vet couldn't really determine whether it was a bite or a scratch, or where the wound came from, so as a safety precaution the Animal Inspector/ACO at the time placed the dogs under quarantine. Since the incident, the landlord has replaced the fence, making it secure. Tracy did go and inspect it, I went and inspected it today – looks secure to me, didn't see the dog out. We have no previous history on this dog.

Garron: Up to date on its license and everything?

ACO: Up to date and current on licenses

Garron: Both animals?

ACO: Yes.

Millias: What was the address?

Garron:

What I was trying to figure out where the other dog was, that if this one was breaking loose where was the other dog that he attacked it at the time.

Conroy:

My dog was on a leash, my wife was walking the dog at the time, she picked the dog up to try and shield the dog from the other dog during the altercation, his hind quarters were hit (inaudible) a scratch. We were unable to get inoculations at that time they had just recently moved to the location so we were forced at the late hour Weymouth Animal Hospital for updated rabies et cetera because we had no certification at the time. So we were just hoping that the other party would be responsible part or all of that.

Garron: At least part of the reimbursement.

Conroy: (inaudible)

Millias: Does that ultimately become a civil action, is that what... yea

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Garron:

That was what I was about to say that there is nothing that we can say that can force the individual to pay a portion of the ... we can we can write letters to the fact or send warning to the fact to the dog that there's a leash law in town, the dog should have been properly secured and not running loose in the street. I don't know whether or not you feel that it's necessary to fine him for that or not.

ACO:

I would have to, if, if I were to go to Court, I would have to see the dog running loose. To go to try to say he said – she said' wouldn't fly with the Judge. We can knock on the door and strongly suggest. But as far as that goes, as we could do to get any of the money from the Vet bill that would be a civil matter.

Garron: Have you looked into that Mel?

Conroy:

No, we had hoped that it would be a gentlemen's agreement but it appears that we'll have a grievance.

Millias: I presume they were notified of the hearing tonight, they're probably aware of it.

Garron: Certified

McSherry: Yes, it was signed.

Garron: Did they sign for it? ... Receiving the letter?

McSherry: It looks like ... ya it is signed. Does it say Thomas?

Roy: Ya no. I don't know.

McSherry: Ya

Seelig: Did someone sign for it?

McSherry: Someone did sign for it. Yes they did.

Millias: Ya correct

McSherry: Yes

Garron:

Okay my suggestion is that because we can't, you know, financially end I don't think we can do anything but we can send a letter to him that be aware that the dog was loose on whatever day it was, and during that time the dog had an encounter with a female individual and her dog.

Seelig:

What I would recommend that the letter would say something on the order of 'we recommend that you compensate the owner for any medical expenses rather than have other legal proceedings taken'.

Millias: Yes

Roy:

And I would also include that loose dogs are not tolerated and if such an instance should occur again that there will be strong consequences to that. Especially because they didn't show up today.

Millias: Yeah.

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Millias: Is there a motion?

Roy: I'll make that motion.

Millias: Second.

Garron: All in favor?

Garron: Aye

Millias: Aye

Roy: Aye

Conroy: Not what I expected.

Garron:

Well, unfortunately our hands are tied legally about doing anything further but let's hope the person is reasonable enough and steps up.

Millias: Steps up.

Conroy: (inaudible)

Garron:

Because if nothing, if nothing more he's responsible for not maintaining his fence and proper enclosure in a proper manner that the dog got loose.

ACO: I think it's the landlord, landlord type issue.

Conroy: He actually fixed the fence the next day.

ACO: That was good

Conroy:

He certainly had the capacity to do so beforehand and that's not the first time the dog's been loose.

Roy: Okay. Alright. Yes.

Garron: Thank you

ACO: If the dog is running loose ...

Roy: Yes, Mel if you see the dog loose, please let us know.

Conroy:

Yeah. There wasn't an issue the last time, somebody grabbed him quick enough but. Nobody wants to get you involved Noreen but ...

ACO: No, it's not a problem.

Roy: I mean it's a scary thing you're walking dog ...

ACO: I would be petrified.

Garron:

I'd have to say it Mel, every, every hearing we've had not been dog hearings have been people hearings, because if the people did what they're supposed to do, the dog wouldn't be chasing and I'm sorry and I hopefully things will work itself out.

Conroy: Always do.

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Garron asked if there was anything further to be taken care of in public forum and Roy wanted to remind everyone that they have a public forum tomorrow night at the Halifax Elementary School at 7 p.m. regarding information about the roof project and the election vote for the debt exclusion.

EXECUTIVE SESSION

Moved by Roy and seconded by Millias, the Board voted as follows to enter into Executive Session at 8:20 p.m. to discuss Collective Bargaining for Patrol Officers:

Troy E. Garron - Yes

Thomas Millias - Yes

Kim R. Roy - Yes

Seelig announced that no statement would be made at the end of the Executive Session and the Board would not reconvene in open session.

Moved by Garron and seconded by Millias, the Board voted as follows to come out of Executive Session at 8:41 p.m.:

Troy E. Garron - Yes

Thomas Millias - Yes

Kim R. Roy - Yes

MEETING ADJOURNED

There being no further business, moved by Garron and seconded by Millias, the Board unanimously voted to adjourn the meeting at 8:41 p.m.

Kim R. Roy
Clerk

/pjm