

HALIFAX BOARD OF SELECTMEN
SELECTMEN MEETING
TUESDAY, APRIL 4, 2017 - 10:00 A.M.
SELECTMEN MEETING ROOM

Meeting came to order at 10:18 a.m. with Selectmen Thomas Millias and Kim R. Roy present.

The following business was discussed:

PLEDGE OF ALLEGIANCE

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

AGENDA

Seelig added to the agenda Town Report pictures, police negotiations in executive session, school repair bills and request for no parking sign at the Summit Street fields.

Moved by Roy and seconded by Millias, the Board approved the agenda for Tuesday, April 4th, with the above additions.

GENERAL MAIL / DISCUSSIONS

Special Town Meeting Warrant

Article 1

To see if the Town will vote to transfer \$16,504.84 from free cash to the PEG Access Enterprise Fund or take any action thereon.

Article 2

To see if the Town will vote to transfer \$_____ from available funds to Line ____ (Law) of Article 4 of the Annual Town Meeting of May 9, 2016 or take any action thereon.

Seelig will need to talk with Sandy for an amount that is available.

Article 3

To see if the Town will vote to transfer \$4,500 from available funds to Line 110 (Recycling Center Expense) of Article 4 of the Annual Town Meeting of May 9, 2016 or take any action thereon.

We are spending more money on recycling because the market money is going down.

Article 4

To see if the Town will vote to transfer \$156,000 from available funds to Line ____ (Special Education Tuition) of Article 4 of the Annual Town Meeting of May 9, 2016 or take any action thereon.

Article 5

To see if the Town will vote to transfer from available funds the sum of to the "Monponsett Pond Management" account for expenditures related to algae remediation, invasive weed monitoring and eradication, and any other programs or actions to improve the water quality of Monponsett Pond or take any action thereon.

We have funds we need to put aside to pay for our share of the storm water.

Article 6

To see if the Town will vote to transfer \$_____ from available funds to Line ____ (Town Report) of Article 4 of the Annual Town Meeting of May 9, 2016 to pay for the costs of the Special Town Meetings of July ____, 2016 and March ____, 2017 or take any action thereon.

We had two Special Town Meetings this past year that we had not anticipated.

Article 7

To see if the Town will vote to transfer \$_____ from Water Department X to the General Fund to pay for the costs of insurance for Water Department operations for Fiscal Year 2016 or take any action thereon.

Need to talk with Keith as to why we are doing this.

Article 8

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$5,000 for the Town's Unemployment Compensation Account or take any action thereon.

Would like an additional \$5,000.

Article 9

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$25,000 for engineering and infrastructure work to meet Federal and State requirements for storm sewers or take any action thereon.

The Town has an obligation to put money aside for engineering and infrastructure work.

Roy mentioned an article for matching funds for the HOPS grant to the STM. She added that this will not affect the tax rate.

Annual Town Meeting Warrant

Article 1

To hear and act on the reports of the Town Officers and Committees.

Article 2

To see if the Town will vote to amend the Wage and Personnel By-Law as recommended by the Wage and Personnel Board or take any action thereon.

What follows is the list of amendments recommended by the Wage and Personnel Board. A list of other proposed amendments either not voted upon or not recommended is available in the Selectmen's Office, on the Town's website:

http://www.town.halifax.ma.us/Pages/HalifaxMA_Bcomm/Selectmen/townmeetings/town

and at the Town Meeting. The Town's practice is that, in addition to the amendments recommended by the Wage and Personnel Board, these proposals can be brought up at Town Meeting – Charlie Seelig, April 7, 2017.

Except for the following proposed amendments to the Wage and Personnel By-Law, the Wage and Personnel Board recommends that all positions and provisions in the By-Law remain unchanged.

Not sure if Wage & Personnel has completed the recommendations.

Article 3

To see if the Town will vote to determine the salaries of several elective Town Officers, July 1, 2017 to June 30, 2018 or take any action thereon.

Need the Finance Committee to make their recommendations. Wage & Personnel is recommending a 2% wage increase.

Article 4

Operating Budget.

To determine what sums of money the Town will raise and appropriate, including appropriations from available funds, to defray charges and expenses to the Town, including debts and interest or take any action thereon.

Waiting for the final numbers from the Finance Committee.

Article 5

To see if the Town will vote to continue the following Revolving Funds for certain Town departments under the Massachusetts General Laws or regulations cited for the fiscal year beginning July 1, 2017 or take any action thereto.

Revolving Fund	Authorized to Spend Fund	Revenue Source	Use of Fund	FY2018 Spending Limit
Conservation Commission	Conservation Commission	Fees for review of permits, postage & advertising	Consulting services, postage & ads	\$20,000
Board of Health consulting	Board of Health	Fees for review of permits	Consulting services	\$30,000
Recycling bins	Highway Surveyor	Fees for purchase of bins	Purchase of bins	\$5,000
Earth Removal Review	Board of Selectmen	Fees for review of permits	Consulting services	\$10,000
Planning Board Consulting	Planning Board	Fees for review of permits	Consulting services	\$30,000
Building Inspector consulting	Building Inspector	Fees for review of permits	Consulting services	\$15,000
Youth & Recreation Programs	Youth & Rec.	Fees for programs	Youth & Recreation Programs	\$80,000
CPR classes	Fire Chief	Fees for classes	CPR instructors & materials	\$5,000
ZBA consulting	Zoning Board of Appeals	Fees for review of permits, postage & advertising	Consulting services, postage, legal ads	\$25,000
Library computer, printers & copier	Library Trustees	Computer/printer/copier fees	Computer/printer/copier supplies	\$5,000
Selectmen legal advertising	Board of Selectmen	Payments for legal ads	Legal ads	\$1,500
COA Elderbus	Council on Aging	Transportation fees and donations	Elderbus operation including wages	\$10,000
Inspector wages	Building inspector	Fees for permits	80% for plumbing, gas and wiring inspectors; remainder to general fund	\$60,000
Concession stand	Board of Selectmen	Use, lease and utility payments	Maintenance, repairs, replacement, utility costs	\$10,000
Solar projects	Board of Selectmen	Fees and payments from project applicants	Consulting and legal costs	\$10,000
Library book replacement	Library Trustees	Fees for Lost or Damaged Books	Book replacement	\$2,000

In all cases, all the revolving funds are authorized under MGL Chapter 44, Section 53E-1/2.

Article 5A

To see if the Town will vote to amend the Code of the Town of Halifax by adding a new section to establish and authorize revolving funds for use by certain town/city departments, boards, committees, agencies or officers under Massachusetts General Laws Chapter 44, § 53E1/2, to read as follows:

DEPARTMENTAL REVOLVING FUNDS

1. Purpose. This by-law/ordinance establishes and authorizes revolving funds for use by town/city departments, boards, committees, agencies or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, § 53E1/2.
2. Expenditure Limitations. A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law/ordinance without appropriation subject to the following limitations:
 - A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund [except for those employed as school bus drivers].
 - B. No liability shall be incurred in excess of the available balance of the fund.
 - C. The total amount spent during a fiscal year shall not exceed the amount authorized by town meeting/town/city council on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the board of selectmen and finance committee.
3. Interest. Interest earned on monies credited to a revolving fund established by this by-law/ordinance shall be credited to the general fund.
4. Procedures and Reports. Except as provided in General Laws Chapter 44, § 53E1/2 and this by-law, the laws, charter provisions, by-laws, rules, regulations, policies or procedures that govern the receipt and custody of Town monies and the expenditure and payment of Town funds shall apply to the use of a revolving fund established and authorized by this by-law/ordinance. The town accountant shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the town accountant provides the department, board, committee, agency or officer on appropriations made for its use.
5. Authorized Revolving Funds.
 - A. Each revolving fund authorized for use by a town/city department, board, committee, agency or officer.
 - B. The department or agency head, board, committee or officer authorized to spend from each fund
 - C. The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the town accountant
 - D. The expenses of the program or activity for which each fund may be used
 - E. Any restrictions or conditions on expenditures from each fund;
 - F. Any reporting or other requirements that apply to each fund;
 - G. The fiscal years each fund shall operate under this by-law

Revolving Fund	Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	Fees, Charges or Other Receipts Credited to Fund	Program or Activity Expenses Payable from Fund	Restrictions or Conditions on Expenses Payable from Fund	Other Requirements / Reports	Fiscal Years
Conservation Commission	Conservation Commission	Fees for review of permits, postage & advertising	Consulting services, postage and ads	\$20,000	None	FY18 & thereafter
Board of Health consulting	Board of Health	Fees for review of permits	Consulting services	\$30,000	None	FY18 & thereafter
Recycling bins	Highway Surveyor	Fees for purchase of bins	Purchase of bins	\$5,000	None	FY18 & thereafter
Earth Removal Review	Board of Selectmen	Fees for review of permits	Consulting services	\$10,000	None	FY18 & thereafter
Planning Board Consulting	Planning Board	Fees for review of permits	Consulting services	\$30,000	None	FY18 & thereafter
Building Inspector consulting	Building Inspector	Fees for review of permits	Consulting services	\$15,000	None	FY18 & thereafter
Youth & Rec. Programs	Youth & Rec.	Fees for programs	Youth & Recreation Programs	\$80,000	None	FY18 & thereafter
CPR classes	Fire Chief	Fees for classes	CPR instructors & materials	\$5,000	None	FY18 & thereafter
ZBA consulting	Zoning Board of Appeals	Fees for review of permits, postage and advertising	Consulting services, postage, legal ads	\$25,000	None	FY18 & thereafter
Library computer, printers & copier	Library Trustees	Computer/printer/copier fees	Computer/printer/copier supplies	\$5,000	None	FY18 & thereafter
Selectmen legal advertising	Board of Selectmen	Payments for legal ads	Legal ads	\$1,500	None	FY18 & thereafter
COA Elderbus	Council on Aging	Transportation fees and donations	Elderbus operation including wages	\$10,000	None	FY18 & thereafter
Inspector wages	Building inspector	Fees for permits	80% for plumbing, gas and wiring inspectors; remainder to general fund	\$60,000	None	FY18 & thereafter
Concession stand	Board of Selectmen	Use, lease and utility payments	Maintenance, repairs, replacement, utility costs	\$10,000	None	FY18 & thereafter
Solar projects	Board of Selectmen	Fees and payments from project applicants	Consulting and legal costs	\$10,000	None	FY18 & thereafter
Library book replacement	Library Trustees	Fees for Lost or Damaged Books	Book replacement	\$2,000	None	FY18 & thereafter

Vote this By-Law for FY2019.

Article 6

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$75,000 to the Reserve Fund to cover extraordinary or unforeseen expenditures during Fiscal Year 2018 in accordance with Chapter 40, Section 6 of the Massachusetts General Laws, and to transfer from available funds the sum of \$25,000 to the Water Department Reserve Fund or take any action thereon.

Article 7 through 11b are negotiations for the Bargaining Units.

Article 7

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the provisions of the collective bargaining agreement for Fiscal Year 2018 between IAFF, Local 3159 (Firefighters) and the Town of Halifax or take any action thereon.

Article 8

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the provisions of the collective bargaining agreement for Fiscal Year 2018 between AFSCME AFL-CIO Union Council 93, Local 1700 (Dispatchers) and the Town of Halifax or take any action thereon.

Article 9

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the provisions of the collective bargaining agreement for Fiscal Year 2018 between AFSCME AFL-CIO Union Council 93, Local 1700 (Highway/Cemetery) and the Town of Halifax or take any action thereon.

Article 10

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the provisions of the collective bargaining agreement for Fiscal Year 2018 between Massachusetts C.O.P., Local 459 (Sergeants) and the Town of Halifax or take any action thereon.

Article 11

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the provisions of the collective bargaining agreement for Fiscal Year 2018 between the Halifax Association of Police Patrolmen and the Town of Halifax or take any action thereon.

Article 11a

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the provisions of the collective bargaining agreement for Fiscal Year 2018 between the Police Chief Edward Broderick and the Town of Halifax or take any action thereon.

Article 11b

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the provisions of the collective bargaining agreement for Fiscal Year 2018 between the Fire Chief Jason Viveiros and the Town of Halifax or take any action thereon.

Article 12

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$150 for the use of the Trustees for County Cooperative Extension Service and authorize the Selectmen to appoint a Town Director within fifteen days as provided in revised Chapter 128, Section 41 of the Massachusetts General Laws.

Article 15

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$0 to meet the Town's share and to appropriate the sum of \$_____ from available funds under Chapter _____ of the Acts of 2017 as the State's share of the cost of work under Chapter 90, Section 34(2)(a) of the General Laws, for the purposes as set forth in the memorandum of agreement with the Massachusetts Highway Department including maintaining, repairing, improving, and constructing town and county ways and bridges, sidewalks adjacent to said ways and bridges, bike ways and other projects eligible for funding as a "transportation enhancement project" as described in the Intermodal Surface Transportation Efficiency Act of 1991, P.L. 102-240, salt storage sheds, public use off-street parking facilities related to mass transportation, for engineering services and expenses related to highway transportation enhancement and mass transportation purposes, for care, repair, storage, purchase, and long-term leasing of road building machinery, equipment and tools, and for the erection and maintenance of direction signs and warning signs or take any action thereon.

This Article can only pass if the governor signs the legislation. The Chapter # will be given at a later date.

Article 16

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$150,000.00 for the maintenance of Town roads or take any action thereon.

Article 16A

To see if the Town will vote to transfer the sum of \$49,435 from the Water Department Retained Earnings Account to purchase and equip a new service truck and to sell or trade the 2004 truck or take any action thereon.

Article 16B

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$80,000 to purchase and equip with miscellaneous police equipment two (2) new marked police vehicles to be used for patrol, or take any action thereon.

Article 16C

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$16,000 to purchase and equip with miscellaneous police equipment two (2) new ATVs to be used for patrol, or take any action thereon.

Article 16D

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$5,000 to purchase and maintain communications equipment for the Fire Department or take any action thereon.

Article 16E

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$10,000 to purchase new turnout gear for Fire Department personnel or take any action thereon.

Article 16F

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$280,000 to purchase and equip an ambulance for the Fire Department or take any action thereon.

Article 16G

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$5,000 to replace the apparatus bay door openers at the Fire Station or take any action thereon.

Article 16H

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$9,000 to update the telephone system at the Halifax Fire Station or take any action thereon.

Article 16I

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$10,000 to purchase IV pumps for the Halifax Fire Department or take any action thereon.

Article 16J

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$12,500 to repair the chimneys on the following buildings: Museum of Halifax, Old School House, Blacksmith's Shop, and Pope's Tavern or take any action thereon.

Article 16K

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$7,000 to replace Office Lighting Phase 1 of 2 with LED fixtures and wiring over the next two years or take any action thereon.

Article 16L

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$9,500 to replace two furnaces as part of completing phase 2 of the furnace replacement at the Town Hall or take any action thereon.

Article 16M

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$7,200 to replace the Recycling Center's two rear garage doors with new hardware, motors, one section of panel with glass windows, and the other three sections with insulated solid panels or take any action thereon.

Article 16N

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$12,000 for the Assessors' Triennial Revaluation Account or take any action thereon.

Article 16O

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$7,500 for additional hours for the Conservation Commission secretary for wetlands protection work and review or take any action thereon.

Article 16Q

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$5,000 for improvements to the Town's boat ramp on East Monponsett Pond or take any action thereon.

This Article was put in because we have had several complaints that boats coming out of the pond have created a gully.

Article 16R

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for security systems for the Town Hall or take any action thereon.

This Article is being taken out.

Article 16S

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$205,000 for a large dump truck for the Highway Department or take any action thereon.

Article 16T

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$10,000 for new doors at the Halifax Town Hall or take any action thereon.

Article 16U

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$28,100 for new computer servers at the Halifax Town Hall or take any action thereon.

Article 17

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$3,500 to support South Coastal Counties Legal Services, Inc.'s continued free legal services in civil matters to elders, low-income families and their children, or take any action thereon.

Article 18

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$3,500 to support South Shore Women's Resource Center for domestic violence intervention and prevention services for its residents, or take any action thereon.

Article 19

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$ _____ for the second year principal payment of the Water Tower Painting and Repair Debt and \$ _____ for the second year of interest on the same debt and that a new line item be established for this purpose as part of the Town's operating budget or take any action thereon.

Article 20

To see if the Town will vote to accept Bourne Drive and Danson Road or take any action thereon.

Seelig needs to talk with Town Counsel about this Article.

Article 21

To see if the Town will vote to accept Heron Road or take any action thereon.

There is going to be a public hearing on this Article. There is a resident on the street that has a problem with the way his driveway was put in.

Article 22

To see if the Town will vote to amend the Code of the Town of Halifax by amending Chapter 183 (Licenses of Delinquent Taxpayers), Section 1 by replacing the following:

§ 183-1. Listing of delinquent taxpayers.

The Tax Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the "Tax Collector," shall annually furnish to each department, board commission or division, hereinafter referred to as the "licensing authority," that issues licenses or permits including renewals and transfers, a list of any person, corporation or enterprise, hereinafter referred to as the "party," that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve-month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate Tax Board.

with the following:

§ 183-1. Listing of delinquent taxpayers.

The Tax Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the "Tax Collector," shall periodically furnish to each department, board commission or division, hereinafter referred to as the "licensing authority," that issues licenses or permits including renewals and transfers, a list of any person, corporation or enterprise, hereinafter referred to as the "party," that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a thirty-day period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate Tax Board.

Article 23

Does the Town have to fine dog owners \$50 per C 140 S. 141

Seelig needs to talk with Town Counsel about dog fines.

Article 24

To see if the Town will vote to amend the Code of the Town of Halifax by amending Chapter 147 (Streets and Sidewalks), Section 11 by replacing the following:

§ 147-11. Inclusion on warrant; public hearing; filing of plans; notice; damages.

B. The Selectmen shall give a public hearing thereon not less than thirty (30) days before the next Annual Town Meeting. They shall give notice of the same by publication once in each of two (2) successive weeks in a newspaper whose circulation is widely read in the town, the last publication to be at least seven (7) days before the date of said public hearing.

with the following:

§ 147-11. Inclusion on warrant; public hearing; filing of plans; notice; damages.

B. The Selectmen shall give a public hearing thereon not less than thirty (30) days before the next Annual Town Meeting. They shall give notice of the same by publication once in each of two (2) successive weeks in a newspaper whose circulation is widely read in the town, the last publication to be at least seven (7) days before the date of said public hearing. The petitioners under Chapter 147-7 shall pay for the cost of the notice.

This is part of the acceptance procedure to accept a street. The applicant should pay for the ad.

Article 25

To see if the Town will vote to amend the Code of the Town of Halifax by amending Chapter 167 (Zoning), by adding the following:

§ 167-3. Definitions

MARIJUANA ESTABLISHMENT - a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business, all as defined the Massachusetts General Laws, Chapter 94H.

§ 167-7. (C) Schedule of Use Regulations

Commercial Uses	AR	B	I	I-2	C
Marijuana Establishment [See § 167-D(15)]	N	N	SP	N	N

§ 167-7. (D) Specific Use Regulations

(15) Marijuana Establishments

Marijuana Establishments may be allowed by special permit in the Industrial District. The Special Permit Granting Authority shall be the Planning Board and the following regulations shall apply:

1. No Marijuana Establishment shall be located within 500 hundred linear feet of any school or child care facility or where children generally congregate, any other Marijuana Establishment or any establishment licensed to pour alcohol under the provision of G.L. c.138 § 12.

Distances shall be calculated by direct measurement of a straight line from the nearest property line of the facility in question to the nearest property line of the Marijuana Establishment.

2. The hours of operation of Marijuana Establishment may be set by the Planning Board, but at no time shall the facilities be open between the hours of 8 pm and 8 am.
3. The special permit shall be granted for a term of 2 years from the dates of issuance. A renewal application shall be submitted 90 days prior to expiration date of the special permit and will be subject to a public hearing in accordance with G.L. c.40A § 9, 11 and 15. The special permit will become null and void if the applicant does not construct or commence within one year of granting a permit.

4. In addition to this by-law, any permit applied for and/or issued for a Marijuana Establishment shall comply with all State laws and regulations concerning Marijuana Establishments.
5. There will be no displayed products in the facilities windows or be visible from any street or parking lot.
6. Business owners shall provide security measures for the facility to include one or more fencing, lighting, surveillance cameras, gates and alarm system to ensure the safety of any persons and to protect the premises from theft.
7. Signage will conform to the current sign by-laws in section 167-13 and any exterior sign may identify the establishment but will not contain any other advertisement.

And changing the following from

(14) Medical Marijuana Treatment Centers:

Medical Marijuana Treatment Centers may be allowed by special permit in the Industrial and I-2 District. The Special Permit Granting Authority shall be the Planning Board and the following regulations shall apply:

To

(14) Medical Marijuana Treatment Centers:

Medical Marijuana Treatment Centers may be allowed by special permit in the Industrial District. The Special Permit Granting Authority shall be the Planning Board and the following regulations shall apply:

We need to move forward on this to get everything in place. The Board can bring it up at another town Meeting if they chose to do so. Roy thinks it is a good idea to move on this and Millias agreed. The Planning will be notified to hold a public hearing.

Moved by Roy and seconded by Millias, the Board unanimously voted to place the above article on the Warrant.

Article 26

To see if the Town will vote to accept Chapter 64N, Section 3 of the Massachusetts General Laws which reads as follows:

Local tax option. Any city or town may impose a local sales tax upon the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the city or town to anyone other than a marijuana establishment at a rate not greater than 2 per cent of the total sales price received by the marijuana retailer as a consideration for the sale of marijuana or marijuana products. A marijuana retailer shall pay a local sales tax imposed under this section to the commissioner at the same time and in the same manner as the sales tax due to the commonwealth.

And impose a 2 percent local sales tax of the total sales price received by the marijuana retailer as a consideration for the sale of marijuana or marijuana products upon the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the city or town to anyone other than a marijuana establishment.

This is a non-zoning article where the town can change a maximum of 2%.

Article 27

Abandoned buildings

Article 28

To see if the Town will vote to amend the Code of the Town of Halifax by adding the following by-law:

REGULATION OF VACANT AND ABANDONED PROPERTIES

Regulation of Vacant and Abandoned Properties

Section 1 – Purpose

The Town of Halifax has found that vacant and abandoned properties are a public health and safety risk, as well as the potential to become public nuisances and decrease the value of surrounding properties, provide a location for criminal activity, and create significant costs to the Town by virtue of the need for constant monitoring and occasional cleanup. Accordingly, the purpose of this article requiring the registration of all vacant or abandoned buildings, both residential and commercial, is to assist the town government in protecting the public health, safety and welfare of its residents by encouraging the prompt repair, rehabilitation, and subsequent occupancy of vacant or abandoned properties.

Section 2 - Definitions

- (a) Abandoned building: A vacant building, the ownership responsibilities of which have been surrendered or relinquished whether intentionally or by failure to occupy and maintain such property. Buildings, structures and premises for which the owner cannot be identified or located by delivery of certified mail at the last known or registered address, which persistently or repeatedly becomes unprotected or unsecured or, which is or has been occupied by unauthorized persons.
- (b) Building: citation needed
- (c) Dangerous building: Any unoccupied building that has been neglected and deteriorated; or abandoned, vacated, unused or open to weather to such an extent that it is a danger or potential danger to life or property.
- (d) Dilapidated: A condition of decay or partial ruin by reason of neglect, misuse, or deterioration. The term includes, but is not limited to:
 - (1) Buildings having deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken or inadequately secured windows or doors;
 - (2) Buildings having defective weather protection (such as paint, stain, siding or tarpaulin) for exterior wall covering; deleterious weathering due to lack of such weather protection or other protective covering.
- (e) Hazard: A condition likely to expose persons to injury, or property to damage, loss or destruction.
- (f) Legal occupancy: Human habitation that is legal by virtue of compliance with state building, state fire safety, local zoning, Article II of the state sanitary code, minimum standard of fitness for human habitation and all other pertinent codes and which is further demonstrated by proof of occupancy evidenced through a bona fide lease agreement, rent receipt or utility statement.
- (g) Owner: Every person who alone or jointly or severally with others (a) has legal title to any building, structure or property pursuant to this article; or (b) has care, charge, or control of any such building structure or property in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or the estate of the holder of legal title; or (c) lessee under a written lease agreement; or (d) mortgagee in possession; or (e) agent, trustee or other person appointed by the courts.
- (h) Responsible party: The owner of property that is the subject of proceeding under this article. The singular use of the term includes the plural when the context so indicates.
- (i) Unsecured building: Any vacant or abandoned building not continuously secured, maintained, locked or boarded to prevent unauthorized entry or which fails to provide protection from weather damage.
- (j) Vacant building: Any commercial building in which no person or entity actually conducts a lawful business in such building; or any residential building in which no person lawfully resides in any part of the building; or a mixed-use building in which neither a business nor a lawful residence exists.

Further, any building in which more than one-half (doors are broken, boarded or open without a functioning lock may be deemed "vacant" regardless of occupancy.

Section 3 - Vacant or abandoned buildings determination.

The inspector of buildings or a local inspector shall evaluate all buildings in the town that are believed to be vacant or abandoned and make a determination for each as to whether the building is a "vacant building" or "abandoned building" within the meaning of Section 2 of this article. The determination shall be in writing. For buildings that are determined to be "vacant buildings" or "abandoned buildings," the inspector of buildings or a local inspector shall send notice of the written determination to the owner of record. Said notice of determination shall be sent both by certified and first-class United States mail, with proper postage prepaid, or otherwise in the manner as is in the manner of service of all other by-laws of the Town of Halifax. Failure of delivery shall not excuse a person from complying with this article. The inspector of buildings may personally serve or cause personal service of the notice of determination. Any person making such service shall execute an affidavit attesting to the facts of service. The inspector of buildings or a local inspector shall maintain an affidavit of such mailing for each notice of determination sent. The inspector of buildings or a local inspector may post the notice on the vacant or abandoned building.

The notice shall contain a statement of the obligations of the owner of a building determined to be a vacant or abandoned building, a copy of the registration form the owner is required to file pursuant to Section 4 of this article and a notice of the owner's right to appeal the inspector of buildings determination. The notice shall specify a date and time on which the owner shall allow for a code compliance inspection of the interior of the vacant or abandoned building to determine the extent of compliance with town property, building codes, health, fire, water and sewer codes.

Section 4 - Registration.

Within ninety (90) days of a building becoming vacant or abandoned, each owner of such vacant or abandoned building shall register said building with the building department by completing and submitting a registration form to such department, on a form to be created by such department, as well as paying the registration fee set forth in Section 5 below. The failure timely to register a vacant or abandoned building shall be a violation of this article.

Section 5 - Annual registration fees.

On or before April 1 of each calendar year, the owners of any vacant or abandoned building shall pay to the Town of Halifax Building Department a registration fee to cover the administrative cost of monitoring and ensuring the proper maintenance of such vacant or abandoned buildings, said fees may also be utilized to fund proper maintenance of such buildings by the Town of Halifax which costs will become a lien on the property as provided in Section 10 herein. The annual registration fee shall be based on the duration of the vacancy as of April 1 of such year according to the following schedule:

\$150.00 For properties that have become vacant or abandoned within the past ninety (90) days.

\$300.00 For the properties that have been abandoned or vacant for less than one year

\$500.00 For properties that have been abandoned or vacant for one year or more but less than two years

\$1,000.00 For properties that have been abandoned or vacant for two years or more but less than three years

\$1,500.00 For properties that have been abandoned or vacant for three years or more

A failure to pay the registration fee, in a timely manner, shall be a violation of this article, and the full fee shall be deemed an assessment resulting from a violation of this article and is subject to becoming a lien on the property.

Section 6. - Change of status.

Within seven (7) days of a change of the status of a vacant or abandoned building, due to the sale of the building, new occupancy or other circumstance, the owner shall notify the building department of such change of status.

Section 7 - Billing statement.

On or before March 1 of each calendar year, the building department shall send a billing statement, setting forth the required registration fee, to each owner of a vacant or abandoned building. The registration fee set forth in this article shall be due and payable within thirty (30) days of the date of notice regardless of the delivery of receipt of such billing statement.

Section 8 - Appeal.

Any owner assessed a registration fee under this article shall have the right to appeal the imposition of such fee to the Town of Halifax's Building Department upon the filing of an application in writing, with a fifty (\$50.00) dollar filing fee, no later than fifteen calendar days after mailing of the billing statement. The appeal shall be limited solely to the issues of whether the building is vacant or abandoned and how long the building has been vacant or abandoned. The owner shall have the burden of proof on appeal. Upon the proper, filing of an appeal, payment of the registration fee shall be stayed pending the outcome of the appeal. A hearing shall be held within thirty (30) days of the request for the same. A municipal hearing officer shall preside over the hearing. The applicant shall have the right to present any and all evidence in support of the appeal. The building department shall have the right to present any and all evidence against the appeal. The hearing officer shall issue a written decision within thirty (30) days of the hearing. The hearing officer's decision shall be final. Payment of the fee shall be due within ten (10) days of the hearing officer's decision which is adverse to the owner.

Section 9 - Posting.

Within fifteen (15) days of the time a building is required to be registered as specified herein, the owner shall post upon their building which is vacant, abandoned or boarded, a sticker provided by the Town of Halifax indicating that said building is registered and other such information as required by the building department. Stickers may be obtained from the building department.

Section 10 - Maintenance requirements.

Properties subject to this section must be maintained in accordance with all applicable sanitary codes, building codes, town by-laws and fire codes. The local owner or local property management company must inspect and maintain the property for the duration of the abandonment.

Failure to maintain the property may result in the Town of Halifax correcting the deficiencies of the property with the cost, fees and associated fines placed as a lien upon the property.

Section 11 - Other violations.

The provisions of this article are in addition to, and not in lieu of any and all other applicable provisions of the revised by-laws of the Town of Halifax or any provisions of the regulations and laws of the Commonwealth of Massachusetts.

Section 12 - Failure to register; enforcement.

Any person or entity violating this article, by failing to register a vacant or abandoned building, failing to pay the registration fee or otherwise, shall be subject to a fine of three hundred (\$300) dollars per offense, not to exceed nine thousand (\$9,000.00) dollars. Each day that the owner is in violation shall constitute a separate offense. The building department shall have the right to enforce this article pursuant to the noncriminal disposition procedures set forth in Chapter X (Town's by-laws).

Article 27 & 28 came to light when the residents of Ocean Ave. came before the Board regarding unkempt property and houses in that area.

Millias stated that you may have an owner who can barely make their tax payments now we are putting a burden on him to keep up his property to their likings of others in the neighborhood.

He suggested having a couple of public forums and to hold off for a future town meeting and Roy agreed with him. These two articles were put on hold.

Article 29

To see if the Town will vote to amend the Code of the Town of Halifax by adding the following By-Law:

Halifax Foreclosed Properties By-Law

Registration and Maintenance of Foreclosed Properties

Section 1 - Purpose; Enforcement Authority

- (1) Unsecured and un-maintained foreclosed properties present a danger to the safety and health of the public, occupants, abutters, neighbors, and public safety officers. It is the purpose and intent of this bylaw to protect and preserve public safety, health, welfare and security, and the quiet enjoyment of occupants, abutters and neighbors, and to minimize hazards to public safety personnel inspecting or entering such properties by:
 - a. requiring all residential, commercial, and industrial property owners, including lenders, trustees and service companies, to register and maintain foreclosed properties with the town; and by
 - b. regulating the maintenance and security of foreclosed properties to help prevent blighted and unsecured properties.
- (2) The Building Commissioner and/or Building Inspector of the Town of Halifax is empowered to enforce this bylaw.

Section 2 - Definitions

When used in this bylaw, the following terms shall have the following meanings, unless a contrary intention clearly appears:

- (1) "Vacant" means a residential, commercial or industrial property which has not been actively used or occupied within the preceding sixty days. This definition does not include property that is unoccupied while undergoing renovations, or while undergoing repairs due to fire or other casualty, or to residential property that is temporarily vacant due to seasonal absences.
- (2) "Town" means the Town of Halifax
- (3) "Commissioner" means the Building Commissioner or the Building Inspector of the Town of Halifax or his/her designee.
- (4) "Days" means consecutive calendar days.
- (5) "Foreclosed" means a residential, commercial or industrial property, placed as security for a real estate loan, as to which all rights of the mortgagor or his grantee in the property have been terminated as a result of a default of the loan.
- (6) "Foreclosing" means the process by which a property, placed as security for a real estate loan, is prepared for sale to satisfy the debt if the borrower defaults.
- (7) "Local" means within twenty miles of the property in question.
- (8) "Mortgagee" means the creditor, including but not limited to service companies, lenders in a mortgage agreement, or any successor in interest and/ or assignee of the mortgagee's rights, interests or obligations under the mortgage agreement.
- (9) "Owner" means every person, entity, service company, property manager or real estate broker who alone or severally with others has legal or equitable title to any property or has care, charge or control of any property in any capacity, including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or mortgagee in possession of any such property; or is an agent, trustee or other person appointed by the courts and vested with possession or control of any such property; or is an officer or trustee of the association of unit owners of a condominium.

Each such person is bound to comply with the provisions of these minimum standards as if he/she were the owner. However, this bylaw shall not apply to a condominium association created pursuant to M.G.L. c. 183A to the extent that such association forecloses on or initiates the foreclosure process for unpaid assessments due or owing to the association. "Owner" also means every person who operates a rooming house or is a trustee who holds, owns or controls mortgage loans for mortgage-backed securities transactions and has initiated the foreclosure process.

- (10) "Property" means any residential, commercial or industrial property or portion thereof, located in the Town including but not limited to buildings and structures situated on the property; excepted from this definition is any and all property owned by the Town, the state, or the federal government.
- (11) "Residential Property" means any property that contains one or more units used, intended, or designed to be occupied for living purposes.

Section 3 – Registration

- (1) All owners of foreclosed properties shall register such properties with the Commissioner on forms provided by the Commissioner within seven days of the date of foreclosure. If the owner is an out-of-state corporation, person, or other entity, the owner shall appoint an in-state agent authorized to accept service of process and other documents under this bylaw.
- a. Each registration must state the owner's or agent's name, telephone number and mailing address located within the Commonwealth of Massachusetts including name of owner, street number, street name, city or town, and zip code; the mailing address shall not be a post office box.
 - b. Each registration must also certify that the property has been inspected by the owner and must identify whether the property is vacant. Each registration must designate a property manager, who shall be a local individual or local property management company responsible for the maintenance and security of the property. This designation must state the individual or company's name, direct telephone number, and local mailing address; the mailing addresses shall not be a post office box. The property manager shall be available twenty-four hours per day, every day, by telephone and/ or electronic mail notification, and shall respond to all notifications from the Commissioner to secure, maintain, inspect or repair the property within 24 hours.
- (2) All property registrations pursuant to this section are valid for one calendar year from the date when the registration is received by the Commissioner. An annual registration fee of one hundred dollars (\$100.00) must accompany the registration form. Subsequent registrations and fees are due within thirty days after the date of the expiration of the previous registration. Subsequent registrations must certify whether the property remains in foreclosure.
- (3) Any owner that has registered a property under this section must report any change in information contained in the registration within ten days of the change.
- (4) Once the property is sold, the owner shall provide the Commissioner with written proof of sale.

Section 4 - Maintenance and Security Requirements

- (1) Properties subject to this bylaw must be maintained in accordance with the State Building Code, sanitary code, and town bylaws. The owner or property manager must inspect and maintain the property on at least a monthly basis for as long as the property is vacant.

- (2) The owner shall maintain properties subject to this section, including but not limited to maintaining and keeping in good repair any building(s), structure(s), and improvements, the removal of trash and debris, and the regular mowing of lawns, pruning and/ or trimming of trees and shrubbery, and upkeep of other landscape features.
- (3) The owner shall repair or replace broken windows or doors within thirty days of breakage. Boarding up doors and windows is prohibited except as a temporary measure for no longer than thirty days.
- (4) In accordance with state law, including but not limited to Massachusetts General Laws Chapter 143, Sections 6 through 10 and the State Building Code, property that is vacant must be safe and must be secured from exposure to the elements and so as not to be accessible to unauthorized persons.
- (5) Compliance with this section does not relieve the owner of any applicable Obligations set forth in regulations, covenant conditions and restrictions, and/or homeowner's association rules and regulations.

Section 5 - Inspections

Pursuant to the State Building Code, the Commissioner or his/her designee shall have the authority and the duty to inspect properties subject to this bylaw for compliance with this bylaw and to issue citations for any violations. The Commissioner or his/her designee shall have the discretion to determine when and how such inspections are to be made, provided such determination is reasonably calculated to ensure that this bylaw is enforced.

Section 6 – Penalties

- (1) In addition to any other means of enforcement available to the Commissioner, the Commissioner may enforce this bylaw by means of noncriminal enforcement pursuant to Massachusetts General Laws Chapter 40 Section 21D and Chapter _____ of these bylaws. The following penalties are established for purposes of said noncriminal disposition:
 - a. A failure to initially register with the Commissioner pursuant to Section 3: three hundred dollars (\$300.00).
 - b. A failure to properly designate the name of the local individual or local property management company responsible for the maintenance and the security of the property. pursuant to Section 5 -903: three hundred dollars (\$300.00) for each violation, and a like penalty for each day's continuation of such violation.
 - c. A failure to maintain and/ or to secure the property pursuant to Section 4: three hundred dollars (\$300.00) for each violation and a like penalty for each day's continuation of such violation.
- (2) The penalties provided in this section shall not be construed to restrict the Town from pursuing other legal remedies available to the Town. Where penalty is not specific violation of this bylaw shall be subject to a fine not to exceed three hundred dollars (\$300.00) for each violation; each day shall be considered a new violation. Unpaid penalties shall be subject to the municipal charges lien pursuant to G. L. c. 40, sec. 58.

Section 7 - Appeals

Any persons aggrieved by the requirements of this bylaw or by a decision issued hereunder may seek relief in any court of competent jurisdiction as provided by the laws of the Commonwealth.

Section 8 - Applicability

If any provisions of this bylaw impose greater restrictions or obligations than those imposed by any general law, special law, regulation, rule, ordinance, order or policy, then the provisions of this bylaw shall control.

Section 9 – Severability

If any provision of this bylaw is held to be invalid by a court of competent jurisdiction, then such provisions shall be considered separately and apart from this bylaw's remaining provisions, which shall remain in full force and effect.

Roy said that when a home is owned by the bank they are responsible for the property but if the Town becomes the owner then we need to keep up the property and then if we sell we do not recoup our money. Millias said that we need to make it clear what constitutes abandonment.

The Foreclosure Article will be put in the Warrant but the abandonment will not.

Fire Suppression Article

Seelig said that this Article has not been put on the warrant yet. The vibe he got from the Board at the Special Town Meeting (March 7th) was to move forward with it. Roy suggested having two separate articles one for the security system and use undesignated revenue for it and the other for the fire suppression, which Millias suggested bonding it. Seelig stated that the Board needs to vote to put the debt exclusion on the ballot and is recommending using money within the levy for the COA project. Sandy stated that they used a lot of the free cash funds for capital planning and said that the meal tax money (\$70,000 approx.) is available.

Moved by Roy and seconded by Millias, the Board unanimously votes to place two separate Articles on the Warrant one for the security system to come from raise and appropriate funds and the other for the fire suppression which will be debt excluded and bonded.

COA Project

Seelig said the Building Committee and FinCom meet recently and the consensus he got was that instead of placing the appropriation Article on the warrant that we put a non-binding question. Millias said he heard something different after the meeting and his unofficial consensus was to go forward with the project and see what the voter want to do. Seelig said that there might be a number of people who vote no as they want to see real numbers before approving the appropriation.

Millias said that the Building Committee did not want to spend a chunk of money if there was no support for it and thinks they are looking to the architect in getting harder numbers without having to go out to bid.

Seelig said he would like to have Plan B in case they did not want to continue we could take the money that was allocated for the construction documents and going out to bid and use it to do minor repairs to Pope's Tavern.

Roy wanted to talk about the pros and cons said one of the pros of putting it forward is that we can still apply for the grant that has been earmarked for us and Seelig said that is correct but there might not be any money left as it is first come first serve.

Millias is tempted to put an Article in and go forward with the project. Roy is concerned not having a price for the site work and that there is not a lot of time to have a couple of public forums. She thinks they might have to do three Articles so the seniors have the opportunity to make a good choice because at this point we do not have a solid number. She asked Millias if he thought three Articles was too much and his thought was it gives too many options and said we are at a point that we are either going to do something or not. Roy understood what he was saying and said that they have been working on this for so long and is not convinced that the seniors are interested in renovating the existing building. Millias said this has been going on so long and does not see the point of waiting any longer and they are only losing four parking spots (they can made up somewhere on the property) and some of the work can be done in-house such as the grading of the property. He continued to say that they have been spending almost two years on this so there is a good feel as to what it is going to cost.

Roy thinks this a great plan it is the right time not to mention that the center will be used by other community groups; the Boy and Girl Scouts, Youth & Rec., TRIAD.

The renovation will be like having a new building as there will be a big room for the lunches and two large rooms on the ground floor and to Millias' point we are only losing four parking spaces. Millias said this is the best design so far and there have been a lot of them and it works.

The Board settled on having a public forum on April 27th.

Moved by Roy and seconded by Millias, the Board unanimously voted to place two Articles on the Warrant one for the renovation project approval being debt excluded and the second Article will be if for reason if for some reason the first Article fails then the amount of \$60,000 be used for minor repairs at Pope's Tavern.

Stabilization Article

Sandy asked that the Board to add in a Stabilization Article in case we are enough below the levy limit that the Town would like to put some money onto stabilization.

Moved by Roy and seconded by Millias, the Board unanimously voted to place an Article for depositing into the Stabilization Fund.

Town Report Pictures

Moved by Roy and seconded by Millias, the Board unanimously voted to have the picture of the Fisherman at Monponsett pond on the front cover of the Town Report and the new Tower Truck as the back picture on the Town Report.

Summit Street Fields

Moved by Roy and seconded by Millias, the Board unanimously granted Halifax Youth Soccer Association permission to place one (1) 12'(w) x 18'(h) **No Parking** sign at the soccer field on Summit Street as laid out in the diagram that was submitted from the Association.

School Repair Project

Moved by Roy and seconded by Millias, the Board unanimously authorized Charles Seelig to sign off to the amendment to the agreement to tell Habeeb Associates to precede with the construction documents.

Bill from Habeeb Associates

Moved by Roy and seconded by Millias, the Board unanimously approved the bill submitted from Habeeb Associates for the preliminary work done for the acoustic_testing and design on the playgrounds.

EXECUTIVE SESSION

Moved by Roy and seconded by Millias, the Board voted as follows to enter into Executive Session at 11:24 a.m. to discuss contract negotiations for Patrol Officers:

Thomas Millias	-	Yes
Kim R. Roy	-	Yes

Millias 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 Roy and seconded by Millias, the Board voted as follows to come out of Executive Session at 11:39 a.m.

Thomas Millias	-	Yes
Kim R. Roy	-	Yes

MEETING ADJOURNED

There being no further business, moved by Roy and seconded by Millias, the Board unanimously voted to adjourn the meeting at 11:39 a.m.

Kim R. Roy
Clerk

/pjm