

HALIFAX BOARD OF SELECTMEN
SELECTMEN MEETING
TUESDAY, APRIL 25, 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, April 25th, was unanimously approved without revision.

MINUTES

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

Regular Session – March 7, 2017
Regular Session – March 16, 2017
Regular Session – April 4, 2017

AFFIRMED WARRANTS, COMMITMENT & BILL

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

Payroll Warrant	# 92	\$ 344,632.21
Vendor Warrant	# 93	\$ 44,094.79
Withholding	# 94	\$ 128,813.32
Warrant		
Ambulance	# 4B	\$ 38,609.00
Commitment		
Payable to: Ellis Auto Body & Service		\$ 1,775.00

APPROVED WARRANT

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

Vendor Warrant	# 95	\$ 267,220.48
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Moved by Roy and seconded by Millias, the Board unanimously approved payment of the following Selectmen bills dated April 25, 2017:

Steven Cochran (refund/2017Class II License)	\$ 125.00
Lynch, Malloy & Marini (audit yr. ending 6/30/16)	\$ 1,750.00
Express Newspapers (ad/CoA Clerk)	\$ 22.25
Express Newspapers (ad/W. Monponsett/Alum Treatment)	\$ 30.50
The Vertex Company (HES project).....	\$ 2,212.50
National Grid	\$ 25.22
National Grid	\$ 1,542.09

GENERAL MAIL / DISCUSSIONS

Police Department Vacation Carryover

Moved by Roy and seconded by Millias, the Board unanimously voted allow Officer Patrick DeRoo to carry over three (3) days’ vacation time from FY2017 into FY2018.

94 Ligan Street

On March 28th, the Building Inspector notified Joseph and Helen Urbano, the owners of record of 94 Ligan Street of a possible fire hazard or structural collapse of the building. The owners did not reply. A second note was sent on April 24th by certified mail and regular mail indicating that if he did not receive a response within 10 days, he might impose a fine of up to \$300 per day. The Building Inspector is unsure if an officer at the police department is a resident at this address so for that reason the Building Inspector has notified the Police Chief and is notifying the Board.

Thompson Street Bridge

MassDOT sent the Town a bridge inspection report for the bridge on Thompson Street going over the Winnetuxet. The report indicates that there are some concerns with the bridge, with the wearing surface and drainage system in fair condition and the deck joints in poor condition. The Highway Surveyor has a copy of the report as it is a highway matter and money be allocated from his appropriations to make the necessary repairs and improvements.

Clawson v. Halifax (ZBA)

No action needed, but

Mr. Clawson’s attorney requested a wide range of documents concerning Tarawood Kennels. Counsel for the Town/ZBA indicated that the requests are either for public documents which could be requested in other ways or else the requests are vague or imperfect. No action is needed from the Board.

Roy asked if the office has received a letter from Clawson about barking as he mentioned to her there was a couple weeks ago. The office has not received anything from Clawson.

MBTA Work

The MBTA will be making improvements to the Old Colony rail lines during May 2017 from midnight to 4 a.m. which will include lighting and some mild to moderate noise. Seelig has notified the Chiefs and set out a notice to the “News and Notices” mailing list. The MBTA is notifying the abutters.

Flag Box – Robert Bergstrom

Robert Bergstrom has proposed replacing the cardboard box in the front lobby of the Town Hall, used to collect used flags, with something a bit nicer (photo in the mail file). Seelig and Garron were wondering how you would get the flags out of the box. Seelig will check with the Veterans' Agent and the Building maintenance staff to get their thoughts on it. Roy stated that it was a nice gesture.

Ticks on the Playing Fields

Peter Barone had contacted Seelig about kids finding ticks on themselves from playing T-ball on the fields behind the elementary school and also finding ticks on an equipment bag that had been placed by the tennis courts/playground area. Seelig talked with Cathy Drinan who said that monitoring, before and after using the fields and education (providing more information about ticks) are the best measures. She also said that insect repellent helps but spraying is very expensive and mostly ineffective. Drinan has notified Barone and sent him some literature.

Joan Jolley - Reappointment Old Colony Elder Services

Moved by Roy and seconded by Millias, the Board voted unanimously to reappoint Joan Jolley as a representative for the Town of Halifax as the Old Colony elder Services Board Director.

Bridgewater/Halifax Solar Project

Correspondence from the Board of Health and MacDonald Industries about the latter's intention to fill the swale between its landfill and the old BFI landfill with uncontaminated and mildly contaminated soils in order to level the area in preparation for a joint solar project for the two sites. No action is needed from the BOS.

Plymouth County Budget

The Commissioners have approved a draft budget that a number of communities have indicated that they will oppose when the Advisory Board meets to approve or disapprove the budget. Issues include significant salary increases for the Commissioners, a 5% increase for some other employees and unknown increases for many others. The Advisory Board meeting is on May 11th, which Garron said he will be attending and will bring information back to the Board.

Harbor to the Bay Charity Bike Ride

Moved by Roy and seconded by Millias, the Board unanimously voted to authorize the Harbor to the Bay Charity Bike Ride to use the Halifax Boat Ramp parking lot located on Route 58 as a pit stop for their ride on Saturday September 23rd.

Monponsett/Central Plymouth County Water District Commission

The Commissioner wrote to DEP Commissioner, Martin Suuberg stating that the Commission must be involved in the drafting of any binding legal agreement, including the consent order between Brockton and DEP and requested a public meeting to discuss this.

SCHEDULED APPOINTMENTS***Heron Road Acceptance Hearing***

This is the second hearing tonight. Peter Annis of 4 Heron Road has asked the Planning Board to reverse its decision to accept Heron Road until the driveway problem at his residence is corrected.

Garron began the hearing by asking Mr. Springer if he was able to contact the residents and he said got the abutters (19 abutters) list from the Assessors, they all received certified mail and he received ten responses from the nineteen and brought those cards with him tonight. Garron then asked Millias and Roy if they had any questions.

Roy said that they had a conversation with Mr. Springer at the last meeting so she was interested in hearing from the abutters.

Springer wanted to add that we had trouble getting the 'as built' submitted in time for last year's public meeting, Town Meeting as the Engineer was busy, didn't get it done, went back and forth between the Town with a new Engineer, my Engineer, on some details now the 'as built' has been accepted by the Planning Board. Garron pointed out that we are passed that stage and Springer agreed.

John Kennedy - 72 Annawon Drive.

He stated that where they put the road in they built a retention pond for the drainage and left a row of trees behind my house. Since doing that him and his next door neighbor have lost two trees that weren't on his property but on private property. There are five pine trees that are standing behind his house and literally leaning over his house and he would like to have something done with the. Garron asked if he knows who owns the property and Springer said it would be the last lot on the rightside of the cul-de-sac and Mrs. Kennedy said it is right across from the very first house (behind 72 Annawon Drive). He then asked before making the retention area was there more trees as a buffer and Mr. Kennedy said there was a hill and they took the hill out and they made the slope for the drainage for the street and said that when the wind comes flying up off the lake and it bends them trees right over my house, and they're going to snap.

The Board looked at plans with Mr. Springer. Mr. Kennedy pointed out where trees are.

Garron said we know there is a problem the question is what if anything would you like to see done or can be done about it and Mr. Kennedy said he would love to see the trees removed and Springer said that it is private property and is owned by the residents who live at 7 Heron Road (last house on the cul-de-sac, up on the right). Seelig then stated that at some point he did own the property and Springer said he deeded the property to the residents and he does not own that piece anymore. The only thing he still owns is the roadway and the drainage easement, which Millias said he is trying to get the Town to accept and Springer said correct.

Roy asked if the trees were in the drainage easement then he could have done something and Springer said yes they would have taken care of it because they wouldn't have been allowed to stay there. Garron said because it private property legally the Town cannot do anything about it and he suggested that he contact the property owners and maybe they can work something out. Again Mr. Kennedy said his concern is that these trees that are behind my house take the front of the wind.

Peter Annis – 4 Heron Road

Mr. Annis began by saying that most sidewalks in front of houses here in Town are depressed so that the driveway can have a smooth access to the road and when the driveways were put in on Heron Road they all have depressed sidewalks but for some reason his is not. Subsequent to that, when the top coat of the road and the sidewalks was put in, they raised the elevation and left a sharp edge on the sidewalk down to his driveway. So in order for him not to have to drive over that bump he was forced to raise his driveway, which he didn't want to do. There now is pavement where he use to have stone in order to make a smooth transition from Heron Road to the driveway. He does not know why it was done that way as it wouldn't have cost any more just to put the correct elevation in the sidewalk and in his opinion, needs to be removed in order to make the smooth transition.

Garron asked if he had the opportunity to present his concerns to the Planning Board and Annis said he presented it to the Planning Board and one member of the Board came and looked at his driveway and agreed with him. Unfortunately, he was unable to attend the Planning Board meeting the night his position was presented and there was a four-to-one vote in favor of accepting the road, with the one vote being the member who came out to look at his driveway. He has since presented a petition for them to review the vote.

Millias said he had the opportunity to go and look at the driveway and it's not that it's impassable, but it is different than the rest of the driveway and would have been better had it been depressed and does not disagree with Annis. He is not sure what the thinking of the Planning Board was or if the BOS is going to be supportive of it. Annis requested that the BOS deny recommending that it be approved until it is rectified.

Springer asked if the Board have a chance to get the Town Engineer's Report on that driveway because what happened was he got a notice from the Planning Board after he submitted the 'as built' saying that they were going to take a look at that driveway opening, and they sent their review Engineer out, he in turn sent a recommendation on how to alleviate or fix it or do something and we did the work, had SLT go down and do the work that Larry Silva had recommended. That was done he believes last day of the year of 2016, so up until two week ago he thought the problem was rectified. He asked if this happened because that driveway was not paved when the sidewalk went in and Annis said it was not paved yet, it's a stone driveway – there was no requirement for it to be paved. Springer said the other three driveways were paved, so when they brought the topcoat for the sidewalk down, they wouldn't have run it over the paved driveway. Where it was stone, they ran it over – that's how it happened. Roy asked if he originally just wanted a stone driveway and Annis said yes. Springer said they should have marked it 'do not pave' but it was never marked and no one ever told us not to pave the sidewalk across that driveway opening.

Garron said that he is not throwing any criticism on any other Board but he would have thought that all the members would have made a visit to see the situation as it may have changed their mind. He then asked is anyone else had any questions.

Roy did not know what responsibility we have to this driveway as a community and whether or not we can even have Mr. Springer address it and Seelig said he could find out from Counsel. Roy hates to do that because it will incur legal fees.

Millias asked if they had time to meet with the Planning Board and Seelig believes they are meeting on May 4th, so the BOS could make an appointment to meet with them at their meeting.

Garron said that he is not ready to make a recommendation one way or another and did not know what the Planning Board thoughts were at the time of their decision.

Roy said not to minimize Mr. Annis' issue but by not accepting the road the other neighbors might also be satisfied.

Garron said that if there is nothing further to be presented he would like to close this hearing at this time with the hope to make a decision after meeting with the Planning Board on May 4th. Springer said that sounds fair.

Euthanized Confirmation

Jennifer Choate has provided the Board with documentation stating that the dog, Maximus, has been euthanized.

Softball Fields Signage

The Halifax Girls Youth Softball Program would like to post two small yellow vinyl banners approximately 3.5 feet long on two locations on the fence at the Vaughan Field in order to discourage people from using field while it is being re-seeded. The banners will be taken down the first week of June.

Moved by Roy and seconded by Millias, the Board voted unanimously granted the Halifax Girls Softball Association permission to place two (2) yellow *Field Closed* banners at the Vaughan Softball Field.

Kathleen Ballerini – Resignation from Wage and Personnel Board

Moved by Garron and seconded by Roy, the Board unanimously voted to send a thank you letter to Ms. Ballerini.

Garden Company Property

Charlie Downer, owner of the above property, is interested in marketing the property to potential developers. Development possibilities might include a Chapter 40R mixed-use development, one or more small retail establishments, offices and/or a Chapter 40B rental project. Seelig told his representatives that the Town was open to all possibilities at this point.

Property/Liability Insurance for FY2018

MIIA provided a quote for FY2018 with rates either the same or lower than those for FY2017. Seelig recommends that the BOS accept the quote.

Moved by Garron and seconded by Millias, the Board voted as follows to accept the quote from MIIA for the Town's Property and Liability Insurance for FY2018:

Troy E. Garron Yes

Thomas Millias Yes

Kim R. Roy Abstained

West Monponsett Pond Alum Treatment

RFP has been issued with a deadline of May 1st.

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Use of Town Green – Historical Society Spring Plant Sale

Moved by Roy and seconded by Millias, the Board unanimously granted the Halifax Historical Society the use of the Town Green on Saturday, May 13th, from 9:00 a.m. to 12:00 p.m. for their annual spring plant sale.

Town Clerk Award

Moved by Roy and seconded by Millias, the Board voted unanimously to nominate our Town Clerk for the Clerk of the Year Award.

Animal Control Officer Reappointment

Moved by Roy and seconded by Millias, the Board unanimously voted to re-appoint Noreen Callahan as the Halifax Animal Control Officer, term to expire April 30, 2018.

Marijuana Retail Establishments Zoning Hearing

The Planning Board will hold a hearing on zoning for marijuana retail establishments on May 4th at 6:40 p.m.

Classification and Compensation Study Contract

W&P will meet with Don Jacobs to go over the draft classification and compensation plan. Mr. Jacobs then will meet with the various department heads.

Quarterly DUI Report

No establishments in Halifax were on the quarterly report (January-March 2017).

Conservation Commission Absences & Quorum

Two of the five members on the Commission have had not been attending meetings therefore resulting in not having quorum at many of the meetings. There is a procedure in place where the Selectmen can remove members and if they wanted to. Seelig recommends sending letters to the members indicating the problem and asking them to resign so that new members could be appointed. If the members decided not to resign then the Board could then decide whether to hold a hearing for their removal.

Moved by Millias and seconded by Roy, the Board unanimously voted to have Seelig send letters to those members on the Conservation Commission who have not be attending meetings.

Monponsett Ponds

Seelig informed the Board that the Town is eligible for Federal and State funding for the work we have been doing on the ponds. It appears the State ended up with projects that didn't happen in their funding cycle so the money on the federal funding cycle needs to be spent by September 30th. Seelig is guessing that they went to communities that have active projects.

The Town has match money available from previous years so Seelig along with Cathy Drinan and Russ Kleekamp will now be able to proceed with doing a more intensive effort in West Monponsett Pond and aluminum sulfate treatment in East Monponsett Pond. Also they are looking at doing storm water drainage around the pond and putting pumps in the ponds that would feed aluminum sulfate into the pond when the phosphorous levels go up. Seelig stated to the audience that these are short term solutions, but idea is to bring the phosphorous levels down so it is manageable.

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Garron asked if anything was mentioned about the cranberry bogs or other entities that may be pushing the chemicals into the water and Seelig said that the Cranberry Association has been coming to the meetings and they have significantly decreased the amount of phosphorous they use and they now have filtering systems.

Roy said that they have addressed all the parties involved in contributing to the phosphorous growth. They understand how important it is to keep the ponds open and are helping in any way they can and

Seelig thinks the biggest issue we are facing is the Administrative Consent Order (ACO) and the feeling is that some of the things that are in the ACO could actually make things worse for us. Garron asked if they should send a letter to Brockton as a follow-up for a treatment and Seelig said we should send a letter to the Regional DEP Director stating that we would like to have a meeting with everybody who has an interest in this as well as Brockton. He continued to say that the meeting can be about the ACO; what steps can be taken; what kind of schedule is Brockton on for putting together a pond management and how can we or other groups assist them in putting together a pond management plan.

Moved by Roy and seconded by Millias, the Board voted unanimously to have Seelig send a letter to DEP requesting that a meeting be set up among all parties involved with Monponsett Ponds.

SCHEDULED APPOINTMENTS (CONTINUED)

Town Meeting Discussion

Seelig said that the Finance Committee is asking if the Selectmen would recommend that the Fire Suppression System be included within the levy. He explained that the Fire Suppression System will hit the budget for fiscal '19 so right now, all we can do is forecast and say if things stay about the same then we will have sufficient money within the levy limit to pay that

additional debt. The Town Accountant, Nolan, said this year it looks like we can definitely fit it within the levy but keep in mind it gives you more control over the amount of where the levy limit stays; where if you put it above and then we end up passing to the full levy, it will be quite a jump.

Millias asked if we were to put this inside the levy, what would it cost and what would the bond cost? Nolan said if it was a million dollar bill (\$977,000 is the actual cost) it would be \$92,500 for the first year and it goes down from that. He then asked how much does it go down and she said about \$2,000 a year.

Millias then asked historically how long have we had excess levy for and Seelig said he thinks the Finance Committee purposely makes decisions so that however narrow the amount is percentage-wise, it's a hundred, a hundred and fifty, two hundred fifty thousand dollars of unused levy capacity.

Roy that it doesn't matter whether it's in the levy or outside the levy it's the same payment. If inside the levy it will limit future growth of the operation or it could potentially make us have to make tough decisions about services. She continued to say that the reason why Gordon (Andrews, member of FinCom) wants us to consider this is that in his opinion it keeps us from wanting to expand and to spend money within the levy and pointed out that the budget is printed on what the Finance Committee recommends and then the town's people vote for it. So there are mechanisms in play to insure that the tax payers have the bottom-line decision on it.

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She I understand where the Finance Committee is coming from and is perfectly fine with putting within the levy. Millias said that there is some danger involved in it as there are some items that could jump at us that we would lose some control on and the only place we could go is either for a debt exclusion or cut services. As far as he can remember the Town has level-funded services so he does not feel there is 'fat' in any of our services.

Garron stated that if we put the \$92,000 within the levy limit then it restricts us from growing unnecessary growth when we need it and if for some reason we need to put another police officer or firefighter on or something else arises that money is gone. But if it is put in a debt exclusion, we are not restricting the town to grow. His thoughts are that in the next two years either we are going to increase the services or we're going to cut back, which he does not want to see happen.

Millias said that there are so many angles to this decision, because if we put this inside the levy, and down the road we have an emergency situation, we're making an assumption that our town's people wouldn't come and listen to an argument about an over-ride. Roy then said if we put it outside the levy, which would be a debt exclusion, which ends in twenty years, where a proposition two and a half last forever. She asked Nolan if she felt comfortable that this can fit within the levy and she said yes.

Garron said that everything presented at Town Meeting goes before the voters and they are ones who make the decisions. Roy said that it is our job to make recommendations and it's up to the taxpayers. We made this decision based on what we knew, we recognize the need and presented it and if the taxpayers want to accept it then they'll vote for it.

Moved by Roy and seconded by Millias, the Board unanimously voted to recommend that the Fire Suppression System be funded within the levy.

Annual Town Meeting Articles

Garron will be speaking on the following Article that is proposed by the Board of Selectmen.

#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 Massachusetts C.O.P., Local 459 (Sergeants) and the Town of Halifax or take any action thereon.

#12

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.

#13

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.

#15

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.

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#20

To see if the Town will vote to appropriate, borrow or transfer from available funds, \$50,000 to be expended under the direction of the Halifax School Building Committee for repairs and renovations to the Halifax Elementary School, located at 464 Plymouth Street, including but not limited to the security system, including but not limited to any architectural, engineering, and administrative work associated with this project or take any other action relative thereto.

#41

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.

#42

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.

Millias will be speaking on the following Article that is proposed by the Board of Selectmen.

#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:

#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 (Dispatchers) and the Town of Halifax or take any action thereon.

#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 AFSCME AFL-CIO Union Council 93, Local 1700 (Highway/Cemetery) and the Town of Halifax or take any action thereon.

#19

To see if the Town will vote to appropriate, borrow or transfer from available funds, \$977,000 to be expended under the direction of the Halifax School Building Committee for repairs and renovations to the Halifax Elementary School, located at 464 Plymouth Street, including but not limited to the fire suppression system, including but not limited to any architectural, engineering, and administrative work associated with this project or take any other action relative thereto.

Roy will be speaking on the following Article that is proposed by the Board of Selectmen.

#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 IAFF, Local 3159 (Firefighters) and the Town of Halifax or take any action thereon.

#14

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.

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#16

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 \$269,658 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.

#17

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$150,000 for the maintenance of Town roads or take any action thereon.

#18

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.

#44

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

#48

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	S P	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.

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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:

#49

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% 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% 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.

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Seelig informed the Board that Bob Badore is willing to accept the appointment as an Interim Highway Surveyor/Cemetery Superintendent and Tree Warden for the time between his retirement date (April 29th) and the Town Election on May 13th.

Moved by Roy and seconded by Millias, the Board unanimously appointed Robert Badore as the Interim Highway Surveyor (until May 13th), Cemetery Superintendent & Burial Agent and Tree Warden (until someone is appointed) for the Town of Halifax, effective April 29, 2017.

Special Town Meeting Articles

Roy will be speaking on the following Articles that are proposed by the Board of Selectmen.

#5

To see if the Town will vote to transfer from available funds a sum of money 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 quality of Monponsett Pond or take any action thereon.

#11

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the renovation and re-construction of the HOPS Playground and that the Halifax

Board of Selectmen is authorized to accept any gifts, donations, and/or grants to assist paying for this project or take any other action.

#10

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$150 to pay for a streetlight on Pole #3 on Indian Path Roads beginning on July 1, 2017, or take any action thereon.

Garron will be speaking on the following Article that is proposed by the Board of Selectmen.

#9

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to conduct a study of the Council on Aging's operations and programs in order to make recommendations for any necessary changes and improvements or take any action thereon.

EXECUTIVE SESSION

Moved by Garron and seconded by Roy, the Board voted as follows to enter into Executive Session at 8:50 p.m. to discuss contract negotiations for Sergeants, Patrol Officers, Firefighters, Highway, Cemetery, Dispatch, Police Chief and Fire Chief:

Troy E. Garron - Yes

Thomas Millias - Yes

Kim R. Roy - Yes

Garron 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 9:30 p.m.:

Troy E. Garron - Yes

Thomas Millias - Yes

Kim R. Roy - Yes

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MEETING ADJOURNED

There being no further business, moved by Roy and seconded by Millias, the Board unanimously voted to adjourn the meeting at 9:30 p.m.

Troy E. Garron
Clerk

/pjm

