

HALIFAX BOARD OF SELECTMEN  
SELECTMEN MEETING  
TUESDAY, JULY 25, 2017 - 7:00 P.M.  
SELECTMEN MEETING ROOM

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

The following business was discussed:

**PLEDGE OF ALLEGIANCE**

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

**AGENDA**

Moved by Roy and seconded by Garron, the Board unanimously approved the Agenda for Tuesday, July 25<sup>th</sup>.

**MINUTES**

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

Regular Session – May 23, 2017  
Regular Session – June 15, 2017  
Regular Session – June 27, 2017  
Regular Session – July 11, 2017  
Executive Session – December 13, 2016  
Executive Session – June 27, 2017

**AFFIRMED WARRANTS AND COMMITMENTS**

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

Vendor Warrant	# 5	\$ 389,712.93
Ambulance Commitment	# 7A	\$ 54,033.00

**APPROVED WARRANTS AND COMMITMENTS**

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

Payroll Warrant	# 6	\$ 226,236.81
Vendor Warrant	# 7	\$ 213,328.13
Withholding Warrant	# 8	\$ 79,240.51
Ambulance Commitment	# 7B	\$ 16,876.00

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

National Grid (service/concession stand).....	\$ 45.94
National Grid (service/Town Hall).....	\$ 1,641.77
W.B. Mason (office supplies).....	\$ 28.03
Cape Cod Halifax (food/Sheriff’s Office clean-up crew).....	\$ 50.29
Express Newspapers (ads/Firefighter, Admin. Assistant, Principal Assessor).....	\$ 150.50
BMI (annual license fee) .....	\$ 342.00
Massachusetts Municipal Association (annual dues) .....	\$ 1,008.00
MMMA (memberships dues/Seelig).....	\$ 93.58
STAM (membership dues/Seelig) .....	\$ 30.00

**GENERAL MAIL / DISCUSSIONS**

Fieldstone Farm Consent Agreement

The documents have been signed by Attorney Mayo and have been sent to Attorney Taylor (Clawson’s lawyer). Mayo will keep Seelig posted on the progress.

Donation for Fitzgerald Garden

Thomas Fitzgerald has sent in a donation for \$1,000 to go towards the Fitzgerald Garden.

Moved by Garron and seconded by Roy, the Board unanimously voted to send Mr. Fitzgerald a thank you for his donation.

Appointments – Election Workers

Moved by Roy and seconded by Garron, Board appointed the following Election Workers for the Town of Halifax, all terms to expire July 26, 2018:

**Democratic**

- Andrea Delaney
- Paul Delaney
- Carol Keene
- Cathleen Miller
- Amelia Mosley
- Lee Mulready
- Judith Wall

**Republican**

- Marion Heath
- Gayle Peck
- Richard Roche

**Unenrolled**

- Robert Doherty
- Kathryn Roche
- Kenneth Vinton

Amend Line Item Transfer Amount

Moved by Roy and seconded by Garron, the Board unanimously amended the line item transfer (from fire wages to fire vehicle & equipment expense) amount that was voted on June 27<sup>th</sup> from \$8,000 to \$9,000.

One Day Liquor License Application

An application has been submitted from Alden Park for a one day liquor license to serve alcohol for the Silver Oaks Jumper Tournament that is taking place at Fieldstone Farms. Jeff Papows (tournament founder) has been scheduled to come before the BOS on August 8<sup>th</sup>.

Mudfest Event – November 2017

Robert Bergstrom has submitted a request to hold his Mudfest event on November 12<sup>th</sup>. Bergstrom has been scheduled to come before the BOS on August 8<sup>th</sup>.

Resignation – Karen Trudeau – Principal Assessor/Appraiser

Ms. Trudeau has submitted a letter of resignation effective July 28, 2017.

Moved by Garron and seconded by Roy, the Board unanimously voted to send Ms. Trudeau a letter of appreciation for her service to the Town.

Vet Ruck New England

The Warrior Thunder foundation will be holding “Vet Ruck New England”, which is a walk from the western end of the State to Plymouth. This event will take place from August 17 – 20 and will be coming through Halifax on Route 106. No action is needed from the BOS. Seelig has contacted the Veterans’ Agent and the fire & police chiefs.

Monponsett Pond – Phosphorous & Algae

The samples collected two weeks ago were higher than the limit allowed therefore needing to close West Monponsett Pond (East was fine). Samples were collected last week showing they levels have gone down but it requires two consecutive weeks of testing in order to re-open west Monponsett Pond. Signage is up and the larger 4 x4 signs will be put up later this month at four locations (5<sup>th</sup> & 4<sup>th</sup> Ave. beach and the boat ramps on Rt. 36 & 58.

Burrage Pond – Elm Street Access

Jason Zimmer (Fisheries & Wildlife) wrote to say that the new access road will provide better drainage as the work will cause a reduction in the slope along the access. He also said that there should not be any impact on the abutting property. Garron asked if there was going to be any work for drainage and Seelig said he will check.

Senior Tax Work Off Increase in Asset Limit

COA Director, Barbara Brenton, is asking the BOS to consider approving an increase in the asset limits for the tax work off program.

Moved by Garron and seconded by Roy, the Board unanimously voted to increase the assets limits for the Senior Tax Work-Off Program from \$41,213 to \$51,213/single and from \$56,668 to \$66,668/married.

Earth Removal Application

An application from White Dog Cranberry Ltd. has been submitted to remove 84,000 cubic yards of earth off Palmer Mill Road. A hearing has been scheduled for August 22<sup>nd</sup>.

Maureen Roger’s Memorial Celebration

A memorial celebration for Maureen Rogers will be held on August 5<sup>th</sup> at the Holmes Public Library from 9:30 a.m. to 11 a.m.

Recycling Fee Abatement Request – Recycling Sharps

Boston Children's Hospital is requesting that the Town abate the recycling fees for a particular family as one of the family members has begun insulin injection treatment and needs to dispose of the needles. This resident has not paid the recycling fees for several years.

Moved by Roy and seconded by Garron the Board unanimously voted:

To allow the family to use the Recycling Center for the *sole purpose* of disposing insulin syringes and needles until the deadline for payment of the FY2018 recycling fee. If the family does pay the FY2018 recycling fee, then the family can continue to use the Recycling Center for only this purpose, until the deadline for payment of the of the recycling fee in FY2019. If the family chooses not to pay the FY2018 recycling fee, then the family cannot use the Recycling Center for any reason once the deadline has passed. If the family wants to continue to use the Recycling Center in future years for this purpose, then it will need to continue to pay the recycling fee in future years.

School Repair Project – Project Funding Agreement

Moved by Roy and seconded by Garron, the Board unanimously voted:

That per Article 1 of the Halifax Special Town Meeting of March 7, 2017 authoring the necessary appropriation for the repair and renovations to the Halifax Elementary School including funding from the Massachusetts School Building Authority, the Halifax Board of Selectmen authorizes the Town of Halifax to enter into and be bound by the Project Funding Agreement between the Town and the Massachusetts School Building Authority and authoring the signatory, Thomas Millias, Chairman of the Halifax Board of Selectmen, to execute the document on behalf of the Town.

Electricity Aggregation

Information about the program will be mailed out to Halifax residents on July 28<sup>th</sup>. Seelig will be posting the information on the town's website and there will be a public presentation on August 7<sup>th</sup>.

Last Drink Data

Once again no establishments here in Halifax have appeared on the last drink OUI report for the period January thru March 2017.

MA Selectmen Association

Conference will be October 14<sup>th</sup> in Boylston.

Sheriff's Office – Workers Picking up Litter

Everything went fine with the workers picking up the trash on July 15<sup>th</sup>. Seelig recommended that a thank you letter be sent to the Sheriff's Office.

Moved by Garron and seconded by Roy, the Board unanimously voted to send a letter thanking them for their service.

Resignation – Holly Merry – Board of Assessors

Holly Merry has submitted her resignation to the Town Clerk's office so at some point the Board of Selectmen will have to hold a joint meeting with the Board of Assessors to elect someone to fill the vacancy or the seat can remain vacant until the May 2018 election.

Earth Removal – Morse Brothers – Lingan Street

Garron asked if there have been any complaints regarding the earth removal and Seelig said someone did ask about posting speed limit signs. He will ask Chief Broderick and Hayward about them.

**SCHEDULED APPOINTMENTS*****Charles Norvish - interview/Sealer of Weights & Measures***

Mr. Norvish began by telling that Board that he has been a Sealer for thirty-two years. Roy asked about him not having his own equipment and he said that each town is supposed to have their own equipment as it is the law and he is almost certain that every town was given their own set. Roy said that they could reach out to Mr. Wolfer to see if he knows anything about the equipment.

Garron asked why he was interested in the position as from his resume it looks like he is busy and Norvish said yes he does hold a couple of part time positions but is able to fit them into his schedule. He gets the work done not to mention he likes to get out of the house. He is retired but working part time is different than having to be up and out every day.

Norvish asked if Mr. Wolfer left any records with the Board and Seelig said he could contact him to see if he has his records. As for the equipment Seelig said that he had his own equipment as he was working for Halifax for many years. Roy suggested maybe purchasing Mr. Wolfer's.

Norvish asked if someone has been filling in since Mr. Wolfer has left and when would he hear back from the BOS. Seelig said we have been using someone on an ad-hoc basis and he would expect to hear back from the office in a couple of weeks as the BOS would need to discuss who they want to hire. The Board thanked Mr. Norvish for coming in.

***David Moore - interview/Sealer of Weights & Measures***

Mr. Moore began by saying that he has been involved with Town Government for forty years and it is nice to see a three member Board. Millias asked if he had his own equipment and he said he did and that all his equipment is labeled and gets tested. He continued to say that he knows Mr. Wolfer quite well and vouched that he does everything to a 'T' and is very thorough with all the work he does.

Garron asked why he wanted the position and he said that he is retired and has the time not to mention that this something he enjoys doing. The Board thanked Mr. Moore for coming in.

***Robert O'Rourke - interview/Sealer of Weights & Measures***

Mr. O'Rourke began by saying that he has been happy to help out Halifax these past few weeks and continued to say that Mr. Norvish and Mr. Moore both are very qualified applicants so either one will do a great job as the Sealer of Weights for Halifax. So with that being said he said he was going to withdraw his application and thanked the Board for giving him the opportunity to apply. The Board thanked him for his compliments about Mr. Moore and Mr. Norvish and for helping out.

The Board broke for a short recess at 7:55 and returned at 8:15

**SCHEDULED APPOINTMENTS (CONTINUED)**

***Jennifer Choate – dog hearing***

At 8:15 p.m., in accordance with MGL Chapter 140, Section 157, Millias opened a hearing to address a written complaint from Scott Clawson where dogs owned by Jennifer Choate are creating a nuisance by excessive barking. The hearing was held at the request of Scott Clawson.

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

Jennifer Choate	Dog Owner
Noreen Callahan	Animal Control Officer
Chief Broderick	Police Chief
Shawn Clawson	Complainant

41:31

*Millias:* We're here because we had a complaint.

*Roy:* Yes, Mr. Clawson is here. I don't know if you want to ask Mr. Clawson to explain.

*Millias:* I think I'll do that.

*Roy:* Alright okay.

*Millias:* Mr. Clawson would you like to come up and explain?

*Clawson:*

Ah ya do I need to come up there. Ah ya we're in the same predicament we were last year. The dogs are still barking and there's no end to it. Nothing's been done. It's ah ...

*Garron:* Can you be more specific on what days and what time of day?

*Clawson:*

Any day any time there's still barking early in the morning. Five, six o'clock in the morning and eight o'clock at night and all throughout the day, sporadically continuously I guess. It doesn't matter the day of the week month or anything like that. Rain, snow, sun it's like I said the same predicament as last year.

*Roy:*

I know that last year the number of dogs were reduced from fifty down to twenty-five, do you see any improvement?

*Clawson:* No

*Roy:* None

*Clawson:* No, it's still barking dogs.

*Millias:* Have we been able to verify the amount of dogs. Has the dog officer been able to ...

*Callahan:* Yes, there's the correct amount dogs that are there now.

*Millias:*

Okay. So we've established it that at least. Okay. Did you witness any barking when you were on the property?

*Callahan:* No

*Millias:* No

*Roy:*

I know that over the couple of months whether I have bumped into you or your father or... they had mentioned that there had been dog barking still and I asked if they could send in a letter of complaint because until we got an official complaint there really wasn't anything that we could do about it and that I was not going to go down at all to verify the barking until we did get the official complaint, which we finally did get a couple of weeks ago I think. And so before we met when I went to the house there was barking I wasn't in my opinion as bad as it had been the year before but there was definitely barking and then I've asked Mr. Clawson to tape. He has submitted some tapes to me on the morning barking. Which is still is kind of loud from the barn. Like so it doesn't really appear that there's been any kind of insulation but I again I want to remind this Board that when we closed the last petition hearing we didn't feel comfortable ordering Ms. Choate to do that special sound proofing because nobody was really convinced it was going to work including the sounding expert that has come in. And so there were still the same rules from that petition which is control the barking and certain times they were in and out. So those are things that needed to be adhered to. And certainly part of that was the verification of dogs and inspections at all times. So we can talk about that afterwards but I just want to remind everybody where we were. And so there is barking going on. In my opinion it wasn't as significant but I'm not living there, I was just there sporadically, so ...

*Millias:*

Well there no way to isolate it to any particular dog or dogs right I assume that would not be a reasonable thing to try and do in terms of isolating any particular animals.

*Seelig:*

But Counsel has indicated that the Board could take action against the dogs in mass in the sense of it as he wrote it doesn't matter its "Fang" or" Fido" if the Board wanted to impose restrictions or requirements the Board could do so it they found it sufficient nuisance.

*Roy:* I don't know Mr. Chair if you wanted to ask Ms. Choate

*Millias:* I was going to in terms of the disposition of ...

*Roy:*

And I just want to mention that I did reach out to just the Begleys to ask them if... I texted Mrs. Begley to say hey how's the dog barking and she mentioned that early in morning sometimes she can hear it sort of like that whole barn when they're still in but she said she has most of windows closed this summer due to air conditioning so she couldn't verify the day-time barking but certainly she had been hearing morning early morning barking.

*Millias:*

There was some discussion as to obviously there's signage on your property Ms. Choate. Am I pronouncing it right? Choate. That the property's been on the market it's no secret to anybody. Has there been anything developing in that area are you getting close to any kind of ...

*Choate:* The property is sold and I am closing on August 10<sup>th</sup>.

*Millias:* August the tenth?

*Choate:* Correct

*Millias:* Is it your intent at that point to have vacated the property or are you ...

*Choate:* Absolutely yes.

*Millias:* Okay

*Choate:* Dog included.

*Millias:*

That certainly would be a solution to the issue that's honestly ongoing it's been ongoing for the two years I've been on the Board it just seems to be endless. That would be the best of all worlds in my personal opinion and the tenth is pretty close. I'd be hesitant now to take a serious action between now and the tenth of August to acerbate the whole thing but if it does not in fact come to pass on the tenth of August then I personally would make a motion that we ask that the dogs be vacated. We got to end this. But as long as it's on the market its sold there's a closing date. If it's ... it's easy for me to live with it because I don't live next door until August tenth but its close enough obviously we still want to have some restraint with the dogs as best as possible but... is that something you could live with Mr. Clawson?

*Clawson:* Ya I think I can live with that as long as it actually happens.

*Millias:* I'm on board with that.

*Clawson:*

I mean I know we've heard rumors we actually had one guy stop by and say he was moving in on I think it was July tenth he told me he was moving in and we've heard that there's been offers and ya know people have almost come close and so I just don't trust that ... that I don't want to say ya I'm fine with that and then ...

*Millias:* If it happens you'd be okay with it

*Clawson:* The tenth comes and goes and there still dogs.

*Millias:* Understandable

*Clawson:*

If we can I don't know ya like I said something kind of like okay if it doesn't happen on the tenth then the dogs need to be gone on the tenth then I can live with it for another ten or fifteen days or whatever it is.

*Millias:*

I think in a totally and reasonable series of events I think that's a reasonable thing to do at this point if everybody's in concurrence here as long as the transaction takes place then it's a moot point.

*Roy:*

But are you saying you agree with Mr. Clawson where we would make a motion that the on August 11<sup>th</sup> the license would expire.

*Seelig:* No you can't take action on the license.

*Roy:* Oh okay.

*Seelig:* You can take action on dogs

*Garron:* My question my question ...

*Roy:* So you're saying on August 11<sup>th</sup> there should be no dogs on the property regardless.

*Millias:*

Well I'm saying ... what I'm saying of it doesn't happen on August 8<sup>th</sup> then our next action would be to require the dogs to be removed from the property. I'm not setting the eleventh I'm setting the next date we meet or what have you we would have to take some kind of enforcement action and I would be inclined to make that motion myself.

*Roy:* Okay



*Garron:*

Is there any opportunity Ms. Choate that any of the dog being removed prior to that day. If you're saying definitively you're going to be closing.

*Choate:* Well that is closing date set for that.

*Garron:*

Okay what I'm asking and I really didn't want to get into whether you sold your property or not because that's ... to me that's irrelevant. We need to deal with the issue that is ongoing and if in fact you feel that the animals will be gone I mean you're not planning on moving them on that day or it is prior to that date.

*Choate:*

I'm in the midst of working on that. I can't commit to some will be gone probably be gone certainly that's my intention to ...

*Garron:* From your perspective have the dogs been barking excessively?

*Choate:* Absolutely not. I disagree. Nor do I think it's a nuisance.

*Garron:* Okay

*Roy:*

Okay. Do you think it's appropriate that we start talking a little about the requirements of the last petition?

*Seelig:* We mentioned it we mentioned it in the letter so ...

*Millias:* Ya

*Roy:*

Okay. So I want to talk a little bit about the inspection of the kennel and I want to share with you that that the whole intent of an inspection not just your kennel it's all kennels in Halifax don't get a date in which we're inspecting because that whole point like ...

*Choate:* Absolutely

*Roy:* It's like saying hey make sure you clean your room before I get home.

*Choate:* Absolutely

*Roy:*

So it should be at random and I know that Noreen our Animal Control Officer because I've kind of kept in touch with her on this particular issue, had attempted on several occasions and even when you gave specific dates there were times even within those windows of times that you said you would allow her to come on and inspect she was refused.

*Choate:* She's Never been refused to come on my property.

*Roy:* I respectfully disagree with that.

*Choate:*

Either I have not been home or I was about to get in my truck trailer that was loaded full of things that needed to leave but those were not on the dates that I said be available.

*Roy:* Okay

*Choate:* That not true.

*Roy:* Okay

*Choate:* I have nothing to hide. I have never had anything to hide. She's welcome any time.

*Roy:*

Well I'm glad that you said that on record because we will continue to do spot inspections and we ...

*Choate:* Absolutely

*Roy:*

And if we are not allowed to do that I believe our Police Chief has sent you a letter stating that we will go to court and order ...

*Choate:*

I even reached out to the police chief so that he understood that I was clearly was available clearly wanted this to happen and I (inaudible)

*Roy:*

I'm going to respectfully disagree with that. That was a problem because during this whole process we could have been over there every week counting dogs and asking for records and from my conversation with the Animal Control Officer part of the inspection includes the review of the puppies and your records and you didn't even have those available so therefore in my opinion it was an incomplete inspection.

*Choate:* That's never been asked of me nor is it anywhere that...

*Roy:*

If you look at the letter and I think the chief of police sent you a copy of the letter and the exact clause of what the requirements were of that particular hearing that occurred last summer and last fall. So we have every right to ask you for your records it's a Mass. General Law.

*Choate:* Of which I have.

*Roy:*

Well you did not have them last Thursday when the Animal Control Officer visited your property to do the inspection.

*Choate:*

I agree but I have never been expected or been required in six years of having a kennel license to provide them.

*Roy:*

Yes, but again as I pointed out to you earlier there was special circumstances surrounding your kennel based on not really having accurate counts at times and being over the amount of allowed dogs so and there was a petition and we don't need to go through the past I really was hoping that we wouldn't be sitting here this summer even talking about it to be honest.

*Choate:* I agree.

*Roy:* This is really pretty painful.

*Choate:* I agree (inaudible). I have fifteen more days.

*Roy:* And I really wish you well.

*Choate:*

And Mr. Clawson clearly knows where I'm at and clearly is aware of the offers that have been made because some have been made by him.

*Roy:*

Okay. So I'm going to make a motion that on August 11<sup>th</sup> that all dogs be removed from 7 Plymouth Street.

*Choate:* I disagree that you don't agree that it's a nuisance.

*Roy:*

I didn't agree that it wasn't a nuisance I said I heard barking but it's also a combination of not adhering to the order that we asked you to adhere to the last spring and fall.

*Choate:* So what is exactly is the order that you're saying I haven't complied with.

*Roy:* Allowing inspections at any time.

*Choate:*

Ms. Roy I am in the process of moving what use to be a thirty horse facility which use to be a fifty horse facility which is a four bedroom home with a very established business to New Hampshire. I am not present on the property and when I've been able to be there I have been able to set up a schedule. Part of the problem was that she was on vacation, which I was unaware of and didn't get returned phone calls (inaudible).

*Roy:* Well your mailbox was full.

*Choate:* Excuse me.

*Roy:* Your mailbox was full that's why she couldn't leave you a message.

*Garron:* May I may I because ...

*Choate:* That's my business phone.

*Garron:*

Not going to sit here and listen to a tit for tat the problem is that you haven't whether purposely or not you haven't abided by the order that we gave last meeting and that's a definite cause we got no records there's been no visits there's been no inspections no change.

*Choate:*

So what was the order of last meeting that states that I was required to produce on the spot paperwork?

*Roy:* We limited your litters.

*Choate:* I understand that it's all been limited absolutely.

*Roy:*

In order for us in order for us to verify that you are at the right number then we need to look at your records.

*Choate:* Okay which I have them and can provide to you but I wasn't ...

*Roy:*

Today you have them but you didn't have them on Thursday during the inspection and that the whole point Ms. Choate.

*Choate:* Okay

*Millias:* That and the random nature of the inspection.

*Choate:* I'll just ...

*Roy:*

And the point is there is still barking going on whether there's some antics or whether or not.

*Choate:* We agree dogs bark.

*Roy:*

Yes, but we also agree that you were going to adhere to certain hours and if the dogs are out late at night and they're weren't supposed to be or early in the morning and they're not suppose to be then you're not adhering to the things that you have promised this Board and the Zoning Board on a number of occasions and that's the problem.

*Choate:* I adhere to the terms.

*Roy:* Is that we have been here so many times really.

*Choate:* Of course we have absolutely.

*Roy:*

Yes we have been here a long long long time and I really do wish you well on your new home I really do and I hope everything goes as smoothly as possible on August 10<sup>th</sup>.

*Choate:* I do as well.

*Millias:* We have a motion on the table do I have a second?

*Garron:* Second

*Millias:* All those in favor?

*Millias:* Aye

*Roy:* Aye

*Garron:* Aye

**MEETING ADJOURNED**

There being no further business, moved by Roy and seconded by Garron, the Board unanimously voted to adjourn the meeting at 8:35 p.m.

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Troy E. Garron  
Clerk

/pjm