

HALIFAX BOARD OF SELECTMEN
SELECTMEN MEETING
TUESDAY, AUGUST 22, 2017 - 7:30 P.M.
SELECTMEN MEETING ROOM

Meeting came to order at 7:30 p.m. with Selectmen Thomas Millias 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

The agenda for Tuesday, August 22nd, was unanimously approved.

MINUTES

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

Regular Session – August 8, 2017

AFFIRMED WARRANTS

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

Vendor Warrant	# 13	\$ 65,788.91
Vendor Warrant	# 13	\$ 766,376.00
School Warrant	# 14	\$ 295,971.93

APPROVED WARRANTS AND COMMITMENTS

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

Payroll Warrant	# 15	\$ 199,902.58
Vendor Warrant	# 16	\$ 194,037.02
Withholding Warrant	# 17	\$ 72,315.66
Ambulance Commitment	# 8A	\$ 38,366.00
Ambulance Commitment	# 8B	\$ 11,661.00

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

Matthew Bender & Co., Inc. (MA law books).....	\$ 501.61
Dannie Brown (service call/snack shack)	\$ 200.00

SCHEDULED APPOINTMENTS***Tax Classification Hearing – Board of Assessors***

At 7:45 p.m., the Board convened a Public Classification Hearing for the purpose of allocating the local property tax levy among the five property classes for Fiscal Year 2018. Present for the continued hearing was Board of Assessor member, John Shiavone (Thomas Millias is a member but was acting as a member of the Board of Selectmen for this meeting) and Principal Assessor/Appraiser Holly Merry.

Ms. Merry read the following to the Board.

Five (5) Major Classes - Value and Percentage of Levy by Class

Class	Value	Percentage of Levy
1. Residential	\$797,010,513	90.1463%
2. Open Space	0	0
3. Commercial	\$55,278,217	\$6.2523%
4. Industrial	\$16,067,100	1.8173%
5. Personal Property	<u>\$15,773,960</u>	<u>1.7841%</u>
Total Taxable Value	\$884,129,790	100.000%

Average Assessed Values for FY18

Single Family	\$313,956
Condos	\$171,507
Commercial/Industrial/Personal Property	\$342,236

FY18 New Growth by Class (approved by DOR)

Residential	\$7,707,736
Commercial & Industrial	\$72,864
Personal Property	<u>\$1,340,200</u>
Total Growth	\$9,120,800

Single Rate Tax Bill Sample

	Average Value FY17	Average Value FY18
Single Family Dwelling	\$297,695	\$313,956
Tax Rate	\$18.53	\$17.65
Annual Taxes	\$5,516.29	\$5,541.32
Comm/Ind/PP	\$334,479	\$342,236
Tax Rate	\$18.53	\$17.65
Annual Taxes	\$6,197.90	\$6,040.47
1% shift to comm/ind/pp	residential	\$17.42 per thousand
	comm/ind/pp	\$17.78 per thousand
5% shift to comm/ind/pp	residential	\$16.72 per thousand
	comm/ind/pp	\$18.48 per thousand
25% shift to comm/ind/pp	residential	\$13.20 per thousand
	comm/ind/pp	\$22.00 per thousand

On August 22, 2017 the Board of Assessors voted to recommend a factor of one, having Residential, Commercial and Industrial properties assessed at the same tax rate.

The Town of Halifax has just under 10% of CIP, therefore a split tax rate is not recommended.

Top 5 Taxpayers

	Assessed Value
1. (C/I) Wal-Mart	\$9,020,200
2. (RES) Henrich, Lawrence M. Trustee (Mobile Home Park)	\$8,625,000
3. (C/I) WJG Realty Trust (Stop & Shop)	\$7,772,100
4. (C/I) Halifax Country Club	\$3,260,760
5. (C/I) Cumberland Farms Inc.	\$3,143,980

The Board of Assessors has voted not in favor of adopting the Open Space Discount. This discount is for land that is not developed and excludes Chapter Land, Permanent Conservation Restricted Land, and income producing parcels. The Town is not protected by Lien and there is no penalty for change in use.

The Board of Assessors has voted not in favor of adopting a Residential Exemption. Cities and towns such as Barnstable, Nantucket, Cambridge and Boston with high second home populations and/or resort communities benefit from this exemption. This exemption is for owners of occupied residential properties and shifts the burden to non-residence owners and multi-unit owners.

The Board of Assessors has voted not in favor of adopting the Small Commercial Exemption. Halifax has already adopted an exemption from Personal Property for businesses valued at \$3000 or less. Communities that have adopted this exemption have a much higher percentage of Commercial and Industrial properties. The property owner receives the exemption and is not required to pass the discount to the business owner.

In conclusion, the Board of Assessors are asking that the Board of Selectmen vote NO to the above exemptions and in favor of a factor of one, which would mean Residential and CIP are assessed at the same tax rate.

The Board of Assessors would like to inform the Board of Selectmen of the excess levy capacity of \$604,975.00.

Millias stated that the Board of Assessors understands that the BOS is not going to vote on this evening because they do not have a full Board (BOS) therefore they will be continuing the hearing until Friday, August 25th at 8:30 a.m.

Moved by Garron and seconded by Millias, the Board unanimously voted to continue the Tax Classification Hearing until Friday, August 25th at 8:30 a.m.

GENERAL MAIL / DISCUSSIONSSilver Lake School District Easement

The Silver Lake Regional School District will hold a public hearing on September 14th at 7:30 pm for a proposed easement for the Town of Kingston to construct and maintain drainage infrastructure to capture and treat runoff that may enter the Jones River. Seelig will notify the departments later this week and has contacted the ConCom Agent in Kingston for a narrative. The board was interested in attending. McSherry will post that the BOS will be attending.

15 Ocean Avenue - Abandoned Property

The above property is one of the properties that the Town is moving along with the foreclosure process. However, an abutter is very concerned about vegetation growing from that property on to hers and would like the vegetation, including one or more trees, cut down.

Seelig has talked with Town Counsel and the Town cannot go onto the property and cut anything down not to mention we do not have the resources to do it. Garron stated that any branches that are hanging on her property she can cut them. Seelig will relay that on to the homeowner.

Metro South Annual Legislative Reception

The reception will be on October 4th at Donahue Hall at Stonehill from 5pm to 7pm. RSVP if you would like to attend.

Talent Bank Form

Robert Cole has sent in a talent bank form expressing an interest to serve on the Board of Assessors (there is one vacancy). It is Seelig's understanding that the Board of Assessors is satisfied with the current situation (two members, one vacancy) and is willing to wait until May 2018 (next town election) for the vacancy to be filled. Millias (member of the BOA) confirmed that the BOA would like to wait until next May's election.

Surplus Property

The Library would like its Smartboard Panasonic Elite Panaboard declared as surplus property.

Moved by Roy and seconded by Millias, the Board unanimously declared one (1) Interactive Smartboard Panasonic Elite Panaboard as surplus.

Salter Gift Account - Walking Track

Seelig has sent a note to Youth & Recreation and the Planning Board about a meeting of the Gift Committee to reconsider using the remaining funding (little over \$8,000) for repairs to the running track.

Overgrown Vegetation

A complaint has been received by a Middleborough resident about overgrown vegetation at Route 106 and 105. This has been forwarded to the Highway Surveyor. Seelig has yet to go out there to see the status of it.

SCHEDULED APPOINTMENTS (CONTINUED)***White Dog Cranberry Ltd - Earth Removal Hearing***

Brian R. Grady (GAF Engineering), was here this on behalf of White Dog Cranberry Ltd./John Makepeace to request an earth removal permit for off Palmer Mill Road. Grady said that GAF has received the comment letter from the Town's Engineer (Land Planning). Garron asked how many prior permits have been issued to them to remove soil from here and Grady said he did not know exactly but knows there was a least one. Garron thinks they had two prior to this one. Grady said all the stuff that has been moved around has been on site as Mr. Makepeace has used some of it last winter to sand twenty acres of his bog and has rehab 2.5 acres of cranberry bogs this past spring. About ten to twenty truck loads have left the site (1000 cubic yards are allowed). The removal will be creating a back-up water supply and the useable sand will be stock piled on site (approx. 20,000 yards) and the not useable will be removed from the site. The removal could take over a year. Millias asked if was going to stock pile it in the mean times and Grady said he may be excavating it.

Both Millias and Garron thought the request for the removal was confusing as in the first page of Mr. Madden letter it states 84,000 cubic yards will be removed from the site then on the second page it says the remaining 79,000 will be removed from the site. Grady said that there could be more sand than anticipated therefore more may remain on the property so that is why the number is what it is.

He also said it depends on the sands what the glaciers left behind and what the depth of that material is. Garron then questioned that this will take a little over a year and Grady said yes depending on how the market is for selling it will depend on how quickly it leaves the site.

Garron then read the following from Mr. Madden's letter:

The project limit of work is less than five acres in size considered to be one phase area additionally we request the following waivers:

- Waive the requirement to make the phase area with 2" Sch. 40 pvc pipe. The entire evacuation area will be conducted in one phase. The work area will be bounded with an erosion control barrier.
- The placement of monitoring wells. The project is an earth removal associated with an agricultural use and is exempted from the requirement (144(D)(5)).
Grady said that is under the towns by law where if you are phased there is a demarcation point that line will be marked in the field this as all one phase so it is not necessary to demark the work line.
- The posting of a performance bond.

Both Millias and Garron asked why are they requesting to waive the bond and Grady said Mr. Makepeace has a history of being on the site and he thinks he is not going to be restoring his property or getting it to a usable fashion. Millias said he does not believe they have a history of waiving bonds and Garron added that anything can happen such as someone taking over the project for some reason and he does not feel comfortable waiving the bond. Grady did agree anything could happen.

Seelig said that there is a *performance bond* and that there is a separate *highway bond* and stated that Highway Surveyor, Mr. Hayward, asked that the request to waive the bond for road work be denied also. Millias said that given the amount to truckloads that a bond should be in place and added that work was just done not too long ago on Monponsett Street, hence is in agreement to go with the highway surveyor's recommendation for a bond. Garron also agreed.

Garron asked if this was to make a new bog and Grady said they are making a small reservoir to serve as a backup water supply and will use the sand for the maintenance and rehabilitation of the bogs.

Millias said that he is not in favor of waiving any of the requests from GAF Engineering but supports Land Planning's recommendations, which were based on the submitted documents from GAF Engineering and the *Chapter 144 Soil Removal* regulations of the Town of Halifax.

Land Planning's recommendations are as follows:

1. Section 144-2.A., states that "In no case shall the Board issue a permit for removing a greater amount of earth than the Board deems necessary for the purpose stated in the permit application". The submittal documents indicate that the purpose of the earth removal of 84,000 cubic yards is to create a supplemental water supply pond to be used as a back-up water supply. We presume that the back-up water supply is for the existing cranberry bog operations. For the Board to be able to confirm the necessity for removal of the stated volume of earth, the applicant should provide additional information that will clearly establish the extent of the water related needs for the existing bog operations. We recommend that the applicant provide sufficient information relative to the volume of water that is currently available for the bog operation from the two existing water reservoirs located adjacent to the bogs. The information should also provide a computation of how much water is required to flood the bogs to a depth sufficient to protect the cranberry plants from winter freeze. Representative elevations of each of the existing bogs and dike roads between the bogs should be provided on the project plans. The size of, and volume of water contained within, the proposed water supply back-up reservoir should be established based on the calculated additional need. The plans should also identify the existing groundwater elevation within the partially excavated back-up reservoir and provide a calculation of the volume of water that will be contained in the proposed reservoir.
2. Under the Seeding & Mulching notes on plan sheet 2 of 2, note #1 indicates that the seed bed shall be 4" of soil worked into the subbase. We recommend that the note be revised to indicate 4" of topsoil worked into the subbase.

3. The graphic scale on plan sheet 2 of 2 should be should be labeled 1 inch = 40 feet rather than 1 inch = 50 feet.
4. The depth of the proposed reservoir below high groundwater should be indicated on the project plans. Based on the elevation of adjacent wetland areas, we anticipate that the bottom of the pond will be at least ten feet below the high groundwater elevation. We recommend that the applicant identify how dewatering and excavation of the proposed reservoir will be accomplished. Any required dewatering should not be allowed to enter wetland resource areas.
5. Although the plans do not provide any indication of the amount of topsoil that will be encountered in the area to be excavated for the proposed reservoir, we recommend that a note be added to the plans to indicate that all topsoil encountered shall be stripped and stockpiled onsite for reuse as seed bed for the slopes of the reservoir, upon completion of earth removal operations.
6. We recommend that an As-built Topographic Plan be required to be submitted upon completion of earth removal operations. This will allow the Board and their designated engineer to determine that the work has been completed as proposed and in accordance With the plans referenced in the Permit.

Land Planning has recommended that the Board include in the Permit the following exceptions and/or modifications:

- Those recommendations noted above in this report should be resolved to the satisfaction of the Board and their designated engineer prior to issuing an Earth Removal Permit.
- The Board may wish to waive Condition (4) which deals with installing boundary markers around the proposed earth removal area, as the area will be clearly identified by an erosion control barrier as indicated on the project plans.
- The Board may wish to waive Condition (5) which deals with the installation of monitoring wells. Since the work involves an existing permitted agricultural use that depends on a close proximity to groundwater, maintaining a separation of seven feet to groundwater should not be required.
- In Condition (13), a Permit fee of \$0.25 per cubic yard has been used on other recent earth removal projects and is recommended for this project.

Millias said that he would like some time to look over the application. He is not looking to waive anything other than what Land Planning has recommended and would like to postpone until the next meeting. He is not up to speed on this and would like to take more time to review it.

Seelig suggested continuing this to 7:45 on the 12th of September if the Board wishes.

Grady said they will provide a written response to Land planning's recommendations.

Moved by Garron and seconded by Millias, the Board unanimously voted to continue the Earth Removal Hearing for white Dog Cranberry Ltd. to September 12th at 7:45 p.m.

Kozhaya Nessralla – Corn Maze

Mr. Nessralla began by saying that the parcel is fifteen acres of which the parking lot is five acres. The maze is sixty-five feet way from parking the parking and two hundred feet from the tent where they do the cooking. There are jumpy houses, which are supervised, located one hundred feet behind the cooking area. Behind the greenhouses are tents that people rent for parties. He continued to say that everyone is given a flyer of the maze and there is number on the back they can call in case they get lost in the maze and they will send someone in there.

Millias asked Chief Viveiros if he had any comments and he asked the Board that one of the conditions of the permit is that he follows all the regulations 5.7 CMR1, fire regulations list on crop mazes. Chief did say the maze needs to be seventy-five feet away from cars. Seelig added that they need an elevation post for someone to watch what is happening in the maze as well as allowing a certain number of people within the maze.

Nessralla said that they have about twenty people at a time and then wait a couple of minutes for them to get through before allowing others to enter. He continued to say that the maze is 870 feet wide and 760 feet long so if someone cannot get out of the maze they are told to walk straight ahead and you will come out on any side. Millias asked if he had looked at the regulations and he said he has not.

Chief Viveiros said that Mr. Nessralla cannot have any fires for entertainment as there should be no open flame in the vicinity. Seelig asked if he could have grill for BBQ and Viveiros said yes but it has to be outside the compound of the maze. He stated that there have been fires at corn mazes where people have gotten killed and he just wants to make sure everyone is safe.

Garron asked when he was planning holding the event and Nessralla said he will be opening on September 15th and it will be going to October 30th. The hours will be Saturday and Sunday 10 a.m. to 6 p.m. and they will be doing a *flashlight maze* from 7 p.m. to 10 p.m. the last three weekends in October and only on Friday and Saturday evenings. Nessralla did say that he does have schools that come in during the day. With that being said Seelig recommended that he extend the hours Monday thru Friday from 10 a.m. to 6 p.m. and also said that he needs to get a large event permit from the BOH, which he said he already has. Chief Viveiros said that he would like to have a meeting before he opens up to go over the safety plan. Seelig asked about signage and Nessralla said that he would like to put a small sign (political type) that says “maze open” under the existing Nessralla sign that is on the corner of Hemlock Lane & Plymouth Street.

Moved by Garron and seconded by Millias, the Board unanimously approved Permit #2018-09 issued to Kozhaya Nessralla for live entertainment (Corn Maze) from September 15, 2017 thru October 30, 2017 daily from 10:00 a.m. to 6:00 p.m. The permit will include all the conditions set forth by Fire Chief Viveiros. The request to place a *corn maze* sign on Town property under the existing Nessralla Farm sign, that is located at the corner of Hemlock Lane & Plymouth Street, had also been granted by the Board.

GENERAL MAIL / DISCUSSIONS (CONTINUED)

Engineering Agreement - Green Seal Environmental/Highway Department

The Highway Surveyor has asked the Board to sign a “Master Services Agreement” with Green Seal Environmental for engineering work on Highway Department projects. The agreement sets rates for use of the contractor and does not require that the Highway Department use the firm nor requires anyone use the firm. Town Counsel has reviewed and made changes.

Moved by Garron and seconded by Millias, the Board unanimously voted to have the Chair, Thomas Millias, sign the Master Services Agreement between the Town of Halifax and Green Seal Environmental, Inc. for professional services.

Fieldstone Farms Update

The office has received confirmation that Shawn Clawson is now the alternate contact for the horse shows as well as the updated calendar of the horse shows but we are still waiting for the vendor list for all shows. The Fire Department provided EMT coverage for last week’s show and will for this week’s show. Due to coliform counts in the irrigation water, the Board of Health has told Fieldstone that it cannot use this well.

Kenzie’s Path

Rick Springer has told several Town officials that he deeded the lot and/or drainage easements to the Town when the Town accepted the Kenzie’s Path right-of-way. However, the vote at Town Meeting in 2012 was strictly limited to the right-of-way and the Town has no record of a deed transferring ownership of the lot/drainage easements. Springer was in on Tuesday morning and said that his attorney was researching the matter. This has to do with back taxes and a cash surety that he has for another project.

Mayflower Municipal Health Group

Seelig had signed off on the Town's participation for the annual wellness program. Costs are included in the premiums paid and from funding from the insurers.

Foreclosed Properties

After properties have been foreclosed one possibility for these properties would be to have affordable housing firm taking these buildings and working with the AG's office and non-profits. If the Town ever gets to that point, we will need some discussion about what to do and who to work with.

Public Records Request

Gordon C. Andrews has requested past and future building permits for the Amanda Estates development. He will be provided with any existing building permits. However, the Secretary of State's office agrees that requests for public records needs to be for records that already exist, not ones that may exist in the future. Mr. Andrews can continue to contact the Building Inspector's office to determine if new building permits have been issued and if so can request copies of them. Mr. Andrews and his attorney will be informed of this.

MMA Legislative Breakfasts

The MMA fall breakfast will be on September 15th with the closet one being in Marshfield at the School Administration Building. Please RSVP by September 8th.

MBTA Solar PILOT Agreement

The new Principal Assessor/Appraiser is reviewing the relevant documents with Town Counsel. A group of communities that have received similar proposals will be meeting in the near future and Halifax will be attending.

Autumn Lane

Don Treanni has asked that the material for the guard rail at Autumn Lane be changed from metal to pressure treated wood. This request has been relayed to the Planning Board as they have to approve all changes for the specifications for the subdivision. Seelig has notified the Highway Surveyor.

Fuel Storage Permits

Reminders have been sent to the Country Club and Davis Automotive that they are late in renewing their permits (May 1st). If necessary hearings will be set up for them for October 10th along with the hearings for Cumberland Farms for 273 Plymouth Street (the old BR's property) and Nessralla (Summit Street) based on their intentions not to renew.

Animal Complaint Procedure

An updated draft has been submitted from Chief Broderick. The BOS and BOH will have one more time to review before the Board is asked to approve it at their meeting on September 12th.

Reappointment – Jean Gallant – Halifax Cultural Council

Moved by Garron and seconded by Millias, the Board unanimously voted to reappoint Jean Gallant to the Halifax Cultural Council with a term to expire October 14, 2020.

Heavy Commercial Vehicle Exclusion/Pine Street

Old Colony Planning Council will run data collection on Pine Street in late September or early October. After the data is collected and if the Board wants to go forward, then a public hearing can be held, of which the residents of Pine Street and Thompson Street will be notified.

Trash Collection - Added Year

Per the contract with Howland, the Town can add one more year (July 1, 2017, thru June 30, 2018) for the current contract. The price increased by 2%, the maximum allowed under the contract.

Moved by Garron and seconded by Millias, the Board unanimously signed Addendum A of the contract between the Town of Halifax and Howland Disposal Services, Inc.

School Repair Project - Fire Suppression System - OPM

Seelig would like permission to contact Vertex asking them if they would be the OPM for the Fire Suppression System project at the school. He thinks it would be best to have someone familiar with this work rather than him or some other Town entity. Millias stated that he is happy with the work they are doing.

Moved by Garron and seconded by Millias, the Board unanimously gave permission for Seelig to contact Vertex asking them to be the OPM for the Fire Suppression System project.

School Repair Project - Fire Suppression System - Habeeb & Associates – Architect

Moved by Garron and seconded by Millias, the Board unanimously voted to have the Chair, Thomas Millias, sign the fee proposal from Habeeb & Associates for the design and construction of the new sprinkler system at the elementary school.

School Roof Project – Proposed Change Orders

Seelig, Habeeb & Associates and Vertex are all recommending that the Board approve the following Change Orders:

- #1 change chimneys finish from plywood to aluminum – drop of \$1,481 in cost
- #3 add stucco to chimneys – increase of \$22,829
- #4 install louver upgrades in Wing C – increase of \$8,748
- #5 install louver upgrades in Wing B – increase of \$2,293
- #6 place brake metal fascia over trim boards and gutters – increase of \$52,537

Moved by Garron and seconded by Millias, the Board unanimously approved the above Change Orders.

Community Compact Program

There has been an announcement of FY18 grant cycle. Seelig will look at IT and regional grants.

Zoning for Live Entertainment

Seelig has invited the Planning Board, ZBA, Building Inspector and Board of Health to meet with the Selectmen on September 26th to talk about the drafting a zoning amendment to allow for live entertainment in the A/R zone. This could be presented at STM if one should happen this fall. He also said he may want to visit some possible zoning changes in connection with the housing production plan and maybe add abandoned properties.

Monponsett Pond

Both West and East Monponsett remain closed.

Inventory Forms

Despite the Board's letter to the Municipal and School Building Committee and the Parks Commission, neither department has sent the Town Clerk the inventory form. Seelig asked if the Board wanted to have the two departments come in. Garron thinks they should come in as they should follow suit as the other departments.

Fitzgerald Garden Maintenance

None of the firms in Halifax have shown any interest in maintaining the garden. Seelig will contact firms in nearby communities. Garron suggested contacting the school to see if anyone from there would be interested. Seelig said he can do that.

Eagle Scout Project - Benches in Memorial Area

Seelig is still waiting to hear back from Nate Coombe to see if he had cleared everything with the Historic District Committee and the Beautification Committee.

Monponsett Pond/Boating By-Laws

Ed Stewart has called Seelig about his concerns about the excess speeding by boats & jet-skis, excess speed after dusk, pollution of the Pond. He asked to speak with the Police Chief and Seelig gave the Police Chief with Mr. Stewart's contact information. He did tell him that residents could request changes in the boating by-laws via citizen's petition and could also file an article for additional appropriations to re-start the boat patrol. Garron asked if the town patrolled the pond and Seelig said no.

Sealer of Weights and Measures Equipment

David Moore, the new Seal of Weights and Measures, has his own equipment, but mentioned that that the Town's equipment, that Herb Wolfer has, should be brought to Town Hall and stored. Seelig agrees with Moore and Moore will contact Wolfer about making this happen.

Road Cut – 574 Monponsett Street

Moved by Garron and seconded by Millias, the Board unanimously approved Permit #2018-08 issued to Columbia Gas of Massachusetts for a 4' x 6' road cut tie in & 4' x 6' road cut trench to install new service at 574 Monponsett Street.

MEETING ADJOURNED

There being no further business, moved by Garron and seconded by Millias, the Board unanimously voted to adjourn the meeting at 9:00 p.m.

Troy E. Garron
Clerk

/pjm