

HALIFAX BOARD OF SELECTMEN  
SELECTMEN MEETING  
TUESDAY, DECEMBER 12, 2017 - 7:30 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.

Seelig wanted to thank the Holidays in Halifax Committee and the staff of all the buildings for making this year's event a success. The snow added charm to the event and the ice sculptures looked wonderful. The Board agreed with Seelig.

**MINUTES**

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

Regular Session – November 14, 2017

**AGENDA**

Moved by Roy and seconded by Millias, the Board unanimously approved the Agenda for Tuesday, December 12<sup>th</sup>.

**AFFIRMED WARRANTS AND COMMITMENT**

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

Vendor Warrant	# 49	\$ 373,507.73
School Warrant	# 50	\$ 319,195.50
Ambulance Commitment	# 11C	\$ 65,272.00

**APPROVED WARRANTS AND COMMITMENTS**

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

Payroll Warrant	# 51	\$ 369,678.11
Vendor Warrant	# 52	\$ 54,600.33
Withholding Warrant	# 53	\$ 142,480.55
Mobile Home Park Fee	# 12	\$ 5,160.00

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

AAA Halifax Glass (windshield/Highway).....	\$ 404.20
Terminal Exchange Systems (dispatch services).....	\$ 360.00
Lynch, Malloy, Marini, LLP (audit yr. end 6/30/17).....	\$ 5,000.00
Express Newspapers (public hearing ad/The Tee Box).....	\$ 40.00
Attorney Lawrence P. Mayo (legal/Oct. & Nov.) .....	\$ 2,878.13
Deutsch, Williams, Brooks (legal/November) .....	\$ 2,340.46
Michael Gilman Esq. (legal/November) .....	\$ 231.00

**GENERAL MAIL / DISCUSSIONS**

Inventory

Moved by Garron and seconded by Roy, the Board unanimously authorized the Clerk, Troy E. Garron, to sign the 2017 annual inventory form.

19 Chestnut Street

A number of neighbors to 19 Chestnut Road sent a letter of complaint concerning following conditions at the property:

- Furniture left at curbside – the Board could cite Chapter 112-6.1 about leaving junk on the property.
- Police involved at the house – Seelig can contact the Police Chief
- Multiple cars and trucks coming and going – Seelig is not aware of any by-law that limits this to a certain number of hours.
- Pickup truck with a rejected sticker - truck will need to be behind the house.
- Cars idle for hours on end – idling for more than five minutes prohibited under MGL Chapter 90, section 16A and regulation 310 CMR 7.11(1)(b) – in this case, a complainant would have to notify the Police Department and the officer would have to observe and ticket.

Seelig stated that if there are violations of by-laws, the neighbors can contact the Selectmen’s Office and he can notify the proper department. For violations of state laws or criminal activity, the neighbors should notify the Police Department. In addition, the neighbors could meet with the Police Chief about their general concerns.

Seelig is recommending that the Board send a letter about the furniture left at the curbside to the owner and he will contact the residents who have complained about who they need to contact for future complaints.

Eagle Scout Certificates

The office will contact the McCarthy boys to see if they can come in on January 9<sup>th</sup> for the Board to present them with the certificates.

Unregistered Vehicle - Lot next to 395 Plymouth Street

Seelig will set up a hearing for January 9<sup>th</sup> as the owner of the above property wants a permit to be allowed to have one vehicle on the lot.

Ambulance Abatement

Moved by Roy and seconded by Garron, the Board unanimously voted to approve Ambulance Abatements for November 2017 in the amount of \$38,226.19

Recycling Grant

The town has received \$7,500 grant to purchase a compactor for collection of single stream recyclables. Susan Johnston worked in getting the grant as this was a competitive grant, not a formula one.

Moved by Roy and seconded by Garron, the Board unanimously voted to send Ms. Johnston a thank you letter for obtaining this grant.

School Committee Vacancy

Seelig will contact Summer, Chair of the Halifax School Committee, to set up a joint meeting between the BOS and the committee for January 2<sup>nd</sup> to appoint a new member to the school committee.

OCPC Route 106 Corridor Study

There will be a meeting with OCPC on December 14<sup>th</sup> at 9:00 a.m. in the Selectmen's Meeting Room.

2018 License Renewals

Moved by Roy and seconded by Garron, the Board unanimously voted to renew the following licenses:

Alcoholic Beverage

**General on Premise (wine & malt)**

Unit 5 Bar LLC

**Package Store (all alcoholic)**

Evergreen Beverage Company  
Halifax Lake Street, Inc.

**Package Store (wine & malt)**

Jenish Convenience, Inc.  
Om Hari Corp. - d/b/a Lindy's General Store

**Restaurant (all alcoholic)**

D's Grille 58 LLC - d/b/a D's Grille 58  
Halifax Investments, Inc. - d/b/a Country Club of Halifax  
In Season Restaurant, Inc. - d/b/a BR's Monponsett Inn  
Lyonville Tavern & Restaurant LLC - d/b/a Lyonville Tavern & Restaurant  
Lily Café II, Inc. - d/b/a Happy Dragon Restaurant

Class I

Halifax Mobile Home Estates Association, Inc.  
Morgan Power Equipment Inc.

Class II

Alan's Automotive Service  
Ali's Auto Repair and Sales  
Davis Automotive  
Ellis Auto Body  
Liddell Leasing Corporation  
Pete's Auto Sales  
R.G. Automotive  
TLC Companies, Inc.

Class III

Steve's Auto Recycling

Common Victualler

Cape Cod Halifax, LLC - d/b/a Cape Cod Café  
D's Grille 58 LLC - d/b/a D's Grille 58  
Halifax Investments, Inc. - d/b/a Country Club of Halifax  
In Season Restaurant, Inc. - d/b/a BR's Monponsett Inn  
Lyonville Tavern & Restaurant LLC - d/b/a Lyonville Tavern & Restaurant  
Man – Mohan Corporation - d/b/a Subway of Halifax  
Family & Friends Enterprise, Inc. - d/b/a Santoro's Pizza  
Lily Café II, Inc. - d/b/a Happy Dragon Restaurant  
Unit 5 Bar, LLC - d/b/a The Tee Box

New Year's Eve – Extended hours

Halifax Investments, Inc. - d/b/a Country Club of Halifax  
In Season Restaurant, Inc. - d/b/a BR's Monponsett Inn

Public Entertainment – Sunday

Halifax Investments, Inc. - d/b/a Country Club of Halifax  
In Season Restaurant, Inc. - d/b/a BR's Monponsett Inn  
Lily Café II, Inc. - d/b/a Happy Dragon Restaurant  
Unit 5 Bar LLC - d/b/a The Tee Box

Public Entertainment – Weekdays

D's Grille 58 LLC - d/b/a D's Grille 58  
Halifax Investments, Inc. - d/b/a Country Club of Halifax  
In Season Restaurant, Inc. - d/b/a BR's Monponsett Inn  
Lily Café II, Inc. - d/b/a Happy Dragon Restaurant  
Lyonville Tavern & Restaurant LLC - d/b/a Lyonville Tavern & Restaurant  
Unit 5 Bar, LLC - d/b/a The Tee Box

School Repair Project

Next meeting will be December 13<sup>th</sup> at 9:30 a.m.

Monponsett Pond Alum Pumping Facility

The bid deadline was November 30<sup>th</sup> and no bids were received. It will go out for re-bidding with a deadline of January 16<sup>th</sup>.

Junk Car - 27 Hillside Avenue

As of today the car is still there. A letter was sent to the resident.

Pope's Tavern Project

The Municipal and School Building Committee discussed updated plans last week. We still need a new contract with the architect and Seelig needs to get an application into the ZBA for a variance hearing next month. M&SBC will meet with Vertex (the OPM) on December 13<sup>th</sup>.

**SCHEDULED APPOINTMENTS**

**Continuation of Pine St. Truck Exclusion**

Seelig said about a month ago the Board had met with interested parties about a truck exclusion for Pine Street. After hearing from everybody the Board decided they weren't going to do a truck exclusion but a number of people had concerns about the bridge, so the Board wanted to return to that subject tonight and find out what the status is.

Highway Surveyor, Steve Hayward, said that he has looked into some grant money to repair the bridge and found a grant but the work needs to be done by June 30 2018.

He also has talked to Green Seal, the engineering firm he is using, to see where a design would be needed rather than just a repair job.

Garron asked if the State has any plans to do anything and Hayward he said that the bridge is a small bridge. Garron then asked why it is such a short deadline for the grant and Hayward said it has been out there for a while but he just found it.

Seelig stated that before Hayward was in office this bridge was an issue and the Highway Department had received information about it from MassDOT. Hayward now is juggling a number of different projects and this is one of them. He's been researching whether there's still a possibility of getting the grant but it would require getting all the engineering work done, and having money to do that, and then getting the grant and getting the money to do it.

Hayward mentioned that Green Seal also is looking into grants. Garron asked if it was a State road and he said no. Garron commented that this is why we have to go through So that's why we're going through loops because if it was a State road then they would be responsible for maintaining it.

Millias asked if they have had an assessment of the actual condition and does anything need to be done like tomorrow and Hayward said no, this bridge has been on the list for fifteen years or more.

Seelig said that the bridge has been deteriorating much more in last year and that's why the jersey barriers are up there and now MassDOT has been out there at least twice in the last. Seelig said that he will contact Hayward on January 8<sup>th</sup> to check in with him and Seelig will then provide the Board with the update at their meeting on January 9<sup>th</sup>.

Seelig asked Hayward if he needed to talk with the Board about anything else and he did say that they almost got fined \$1,000 per day for the fuel tanks, which he talked to the State about and they are all set. The tanks have been tested and we are good at this time. Seelig asked if he was working with Green Seal to do the engineering and Hayward Steve said yes, working on getting the tank taken out of the ground and put above ground.

Garron asked if he was prepared for the upcoming winter season and Hayward said yes and that he had a good test the other day – my first one and everything went smoothly. He is still short a truck but hopefully he'll have it by the end of the month. The Board thanked him for coming in.

## **GENERAL MAIL / DISCUSSIONS (CONTINUED)**

### **Zoning By-Laws**

Previously the Board met with the regulatory boards and departments about the possible changes to the Zoning By-Laws and while there was plenty of discussion, there was not any consensus about any possible amendments. Seelig would like the Selectmen to put this on the agenda again for January 23<sup>rd</sup> to try and get some wording that everybody would agree to on the warrant. If that's not possible, then someone propose something so at least we'll get a discussion on it. All possible amendments will still require a hearing and recommendation by the Planning Board and because of time constraints that process should begin in the winter, not in the spring.

Millias agreed as a couple of by-laws that we have had recent issues with need to be addressed on some level. He asked if the Planning Board was asked to review them and Seelig said that everyone was asked to look at them. He is going to drop a note to everyone stating that the BOS would like them to come back in on January 23<sup>rd</sup>.

### **Cancelled BOS Meeting**

Moved by Garron and seconded by Roy, the Board unanimously voted to cancel their meeting scheduled for December 26, 2017.

**SCHEDULED APPOINTMENTS (CONTINUED)****Unit 5 Bar, LLC - d/b/a The Tee Box – change of alcohol category**

Millias began by saying that Francis Dodero, manager from the Tee Box, is here this evening to change his alcohol license from Beer and Wine to All-Alcohol.

Dodero stated that honestly they should have applied for an all alcohol license ten years ago. They do not have a lot of volume as they are only seasonal, basically January to April and a couple of parties here and there during the summer. He said people are not there for more than an hour or two playing golf so we would have no problem with time-wise, and thinks it would just expand our business and maybe increase the activity we have.

Roy asked if he still had the pool table and he said yes.

Millias said that over the years he occasionally has gone there and has never seen an issue. He personally doesn't have any problem with Dodero's request as he felt the place was only so big and Dodero said he is only allowed to have thirty-five people in there and I don't think we ever hit that number in the ten years.

Garron asked if he was looking to become a full-service deliverer and he said yes, full-service on premise.

Dodero we didn't get a customer until we got our beer and wine license so for two months we sat there with no customers.

Moved by Roy and seconded by Garron, the Board unanimously voted to approve the liquor license to include all alcoholic beverages.

**Joan Pierce – Additions to Burrage Pond**

Joan Pierce from Massachusetts Department of Fish and Game came in this evening to talk with the Board about the possibility of the town providing the State with a conservation restriction for the "southerly" portion of the parcel. She began by telling the Board that DFG is discussing the purchase of land (Map 48; Lot 10) on Elm Street from the current owners to use as permanent open space for habitat and passive recreational use by the public. The issue they have is it doesn't abut us so she was here to ask the Town if they would be willing to convey a Conservation Restriction on the rear part of the property which will allow the public access to Burrage Pond. The Town will still own the property and it would not affect anything.

Garron said it would affect us if the town decided to build something on that property because once we deeded it over, it's forever and Pierce said absolutely, the Conservation Restriction would be in perpetuity but it's only going to be in the back part, which would be difficult to build back here. She is not saying it would be impossible, but it is only forty-one feet wide and the Conservation Restrictions, would preclude the town from building and excavating sand & gravel. Although the town would be able to create trails or things that are consistent with the property if it were Conservation land, which she understand that it was not. She asked the Board if they had any questions.

Millias started by saying that his personal history with this property goes back many, many years. It originally started with the roll-back of the Conservation Land when Northland sold the property to the State and the State totally ignored the Town of Halifax. They did make a deal with the Town of Hanson, who had a parcel there, but apparently Halifax didn't count with the State. He is not totally angry at the State because they've done a lot of good things for us, but he is with Fisheries and Game in particular. In the end Halifax did settle for some cash and for some land, and it took us ten years to get title to the land after much, much effort which included getting the Legislature involved. Then the town did acquiesce and take a parcel that was so gerrymandered as to not be of a whole lot of value to us. He was very angry about the whole process and now is looking at the best interest of the town.

He further said that now we are being asked to give up use of the property to allow public access to Burrage Pond.

Millias continued to say that it is interesting that DFG is willing to buy the property from the Katzenberger's but nobody mentioned anything about buying property from the town as he might be interested in trying to sell the property back to the State.

Pierce was well aware that the seventeen acres is a sore point, and her intentions was to present something that would be low-key because she didn't want to ask the Town to sell something that took almost fifteen years to get from DFG as she thought that was asking for too much but if the town was interested that would be something they could entertain. She did say that if the town wanted to sell the back part of it it's not going to appraise very high but could keep the front part which perhaps would have more utility. Millias clarified that what she is saying is that the land does not have a lot of appraise-value but it has perceived value and that DFG needs the town's parcel to make the purchase of the other parcel viable and Pierce said yes to both. Millias said that he is not talking for the Board it is just that he is thin with Fisheries and Game and Pierce understood him.

Roy remembers going to the State House on this to get the land back and Millias said and getting the cash took forever and then the land thing just dragged on. He understood the concept which was if you hang on long enough everybody will change and nobody will have an historical perspective or a memory.

Garron said he has been sitting on this Board for a long time and remembers that the cranberry people did bad things to the property and then sold it to the State without even notifying the town of what they were doing. Then what was even worse was the State cut a deal with the Hanson.

Roy thought Millias' suggestion about selling the land was a great idea but again she does not know how much we could get for it and felt that DFG was trying to correct a wrong.

Millias said how he sees it is the town finally gets the land back after fifteen years but now you want use of it and he has a problem with that but will not stand in the way of anything that is good for the Town. He further said that he had to get this out because he has been bothered by this for years.

Roy understood what he was saying and respected that he needed to get it out and talk about it because it really took a lot of energy and time, and we felt like we were not respected during the process. She said that this area is really important to our residents and they do enjoy using that property so she is willing to work with whatever they decide.

Garron said that they are here to do what's best for the citizens of the Town of Halifax and to make sure that those people who reside in the Town get the kind of services and consideration that they need.

Roy said that maybe they could make the town an offer and Pierce said she would be happy to.

Millias wanted to say that his animosity is not directed at her but to a whole group of other people. Pierce said she understood that he needed to vent and did not mind him doing so and that is why she was trying to come in with as little as possible. She asked when the Board's next meeting was and Seelig said January 9<sup>th</sup>. She continued to say that she has filings up in Boston that she will run by them said that they could have a few proposals for the Town; (a) asking for a gift back; (b) sell just the back or (c) sell the whole thing. Millias said personally it would be the parcel that DFG was looking for because that would be the least intrusive. Pierce agreed and said they would prefer to own the piece in the back because then it's just one entity and you don't have to deal with us anymore and Millias added that if we sell it to you, we still got it because we can use it and Pierce said exactly. Pierce said they will table the request that she came in to present tonight and moved forward with putting together some proposals to acquire the land that DGF is looking at.

She said she came in knowing that this 17-acre parcel is a real difficult topic with the Town and understood.

Millias asked Roy and Garron if they were good with this because he was speaking for himself regarding the whole situations with the seventeen acres. Roy said that he brought up some good points and there will be some options on the table that can look at. She felt confident that they can figure something out. Garron also was satisfied with reviewing the options.

Pierce said that she will get proposals to them before January 9<sup>th</sup> and added that she won't have feedback from her committee until they have a meeting, which will be sometime in January or February. Therefore the proposals that that she presents to them will not necessarily have been approved by her committee.

Millias thanked her and said that he hopes he didn't come off too disagreeable. Pierce understood as she has learned over the twenty years being in this job you have to be blunt.

### **Alcohol license revocation hearing – Evergreen Beverage/Twin Lakes Liquor**

The owner is not expected to attend the hearing due to health issues. He has made \$10,000 in payments during the past month. Seelig is recommending the following:

- that the Board renews the package store license for 2018 and not revoke it
- as part of the renewal, the Board informs the owner that a payment of at least \$1,000 per month must be made during 2018 to continue to bring down the amount of taxes
- the BOS will review the tax status of the business in the spring of 2018 to determine if further action is needed.

Seelig is also recommending suggesting to the owner that there are agencies out there to help businesses with financial planning.

Moved by Roy and seconded by Garron, the Board unanimously approved Seelig suggesting to the owner that there are agencies out there to help businesses with financial planning.

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

- that the Board renews the package store license for 2018 and not revoke it
- as part of the renewal, the Board informs the owner that a payment of at least \$1,000 per month must be made during 2018 to continue to bring down the amount of taxes
- the BOS will review the tax status of the business in the spring of 2018 to determine if further action is needed.

### **Lily Mai-Happy Dragon Restaurant Weekday & Sunday Public Entertainment License**

Seelig stated that Lily Mai is here this evening requesting a weekday & Sunday public entertainment License for the remaining 2017 year and a renewal for 2018?

Lily's Attorney, Attorney Wong, said that want it for the rest of 2017 for the holiday season and it would be for DJ, live band and juke box.

Roy said that at this particular location we have had all three and have not had any issues in the past. Both Garron and Millias did not have a problem with issuing the two licenses.

Moved by Roy and seconded by Garron, the Board unanimously approved the Live Entertainment License for weekdays and Sundays which includes juke box, live band and DJ.

### **MEETING ADJOURNED**

There being no further business, moved by Roy and seconded by Garron, the Board unanimously voted to adjourn the meeting at 8:37 p.m.

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Troy E. Garron  
Clerk  
/pjm