

HALIFAX BOARD OF SELECTMEN
SELECTMEN MEETING
TUESDAY, MAY 24, 2016 – 7:30 P.M.
SELECTMEN MEETING ROOM

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

Chair announces that the meeting is being taped.

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, May 24th, was unanimously approved without revision.

REORGANIZATION OF THE BOARD

Moved by Roy and seconded by Millias, the Board unanimously voted to nominate Troy Garron as Chair.

Moved by Roy and seconded by Garron, the Board unanimously voted to nominate Thomas Millias as Vice-Chair.

Moved by Garron and seconded by Millias, the Board unanimously voted to nominate Kim Roy as Clerk.

MINUTES

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

Regular Session – April 12, 2016

AFFIRMED WARRANTS AND COMMITMENTS

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

Payroll Warrant	#102	\$	345,699.44
Vendor Warrant	#103	\$	159,565.02
Withholding Warrant	#104	\$	128,100.14
Ambulance Commitment	# 5C	\$	34,465.00

APPROVED WARRANT

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

Vendor Warrant	#105	\$	101,189.24
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Moved by Roy and seconded by Millias, the Board unanimously approved payment of the following Selectmen bills:

National Grid (service/concession stand).....	\$ 40.23
National Grid (service/Town Hall).....	\$ 1,025.97
AREA 58 (contracted payment).....	\$ 43,091.24
Express Newspapers (ads/COA outreach director & Building maintenance –summer help).....	\$ 84.25

The Board acknowledged payment to the Treasurer for the following turnover:

<u>TURNOVER</u>	<u>AMOUNT</u>
2016-50	\$ 43,091.24

MAIL / DISCUSSIONS

Halifax Country Club Condos

Since March, the applicant has revised and then withdrawn its applications and plans for site plan approval, variances and special permits. This week, the applicant again applied for site plan review with the Planning Board with an expected meeting on June 16th at approximately 7:30 pm. The applicant will likely re-apply for variances and special permits with hearing expected in July. The Planning Board has asked for comments no later than June 14th. Plans are in the mail fold for the Board to review.

Old Colony Elder Services Reappointment

Moved by Roy and seconded by Millias, the Board unanimously voted to re-appoint Joan Jolley as a member of the Old Colony Elder Services, with a term to expire on June 30, 2017.

Yearly Reappointments

The Board was provided with a list to review of board/committee/officials whose terms are expiring on June 30th. They will and inform McSherry by June 7th about any possible re-appointments they want discussed. She then will check with the people on the list to see if they wish to be re-appointed and if so, we'll do those re-appointments on June 14th.

In addition, McSherry is checking with the Town Clerk's office to confirm that all possible re-appointees have completed the necessary certifications for the open meeting and ethics laws.

Wiring Inspector and Assistant Reappointments

Stephen Peterson would like to be re-appointed as Wiring Inspector and Dennis McManus would like to be re-appointed as Assistant Wiring Inspector. These will be included on the list for June 14th.

Class II Licenses - Possible Violations

The Board has received a complaint about the number of vehicles and the upkeep at Hollywood East and Halifax Auto Sales. Seelig will check them out and report back to the Board of Selectmen on June 14th. If he finds any problems, he will notify the license holders.

Also there was a complaint about a sign at Halifax Auto Sales, if in fact there is a problem with the signage he will refer to the Zoning Enforcement Officer.

Board of Registrars Appointments

The Town Clerk has asked that Kathleen Shiavone and Derek Bennett be appointed to the Board of Registrars for terms expiring on March 31, 2017.

Moved by Millias and seconded by Roy, the Board unanimously voted to appoint Kathleen Shiavone as an unenrolled party and Derek Bennett as a Democratic party to the Board of Registrars.

Fire Department/FEMA Grant

The Fire Chief wrote to say that the Department was awarded another FEMA Grant in the amount of \$59,143.00 to be used to purchase new portable radios. The Town will need to put up \$2,957.00, which has already been appropriated. The BOS congratulated the Fire Chief and Roy said that this is a very competitive grant and thinks Halifax was the only one in Massachusetts who received it.

Use of Town Green – Congregational Church

Moved by Roy and seconded by Millias, the Board unanimously granted a request from the Congregational Church the use of the Town Green on Sunday, June 12th, from 8:00 a.m. to 2:00 p.m. for the annual church cookout.

Christine Callahan - Matron Appointment

The Police Chief has asked that Christine Callahan be appointed as matron and then will be on the list for June 14th to be reappointed.

Moved by Roy and seconded by Millias, the Board unanimously voted to appoint Christine Callahan as Matron, with a term to expire on June 30, 2016.

Earth Removal Permit Morse Brothers

The above hearing will be on June 14th at 7:45 pm. The Building Inspector has responded with some concerns about monitoring wells, the pavement on Lingan Street and the foundations and other structural elements for homes along the route out of the cranberry bogs. Plans are available in the BOS office for the Board and the public to review.

Ambulance Abatement

Moved by Roy and seconded by Millias, the Board unanimously voted to abate the following amount from the Ambulance Account:

April 2016	FOR	\$ 31,918.88
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Recycling Abatement FY2016 – Bill 137

The Board tabled this from their last meeting as they wanted more information. Garron said that he wished they had substantial proof and Seelig said that the resident provided information/proof that they owns a business in Rhode Island and recycle there and is free to bring what she wants to the bin. Roy said that if they change this vote they will need to set up some type of procedure/policy if someone is showing proof that they are recycling. Garron thinks they should deny this one and set a policy going forward.

Seelig asked what would they like him to tell the resident and what other proof to do you want them to provide and Garron said to tell them that they sticking to what they have done in the past.

Roy said as long as the resident can prove that the hauler provides recycling... Millias then said he would go with that but the placement of the dumpster (in Rhode Island) stumps him.

The Board unanimously voted to table this recycling abatement issue until June 14th.

Community Compact Grants

Moved by Garron and seconded by Millias, the Board unanimously affirmed the Town Administrator, Charlie Seelig, signing the Computer Security, Financial Management and Capital Planning Community Compact Grants.

Silver Lake CTE Award

Silver Lake Halifax student Jake Hatch received a CE Student of the Year award. Seelig would like to have him come in on June 28th for a “meet and greet” with the Selectmen. It was decided that that they will him come in on June 28th.

Gasoline & Diesel Fuel Bid Results

The Town received three bids with the low bid, a markup of \$3.52 cents per gallon for both diesel fuel and gasoline, coming from Noonan Brothers.

Moved by Roy and seconded by Millias, the Board of unanimously voted to award the contract to Noonan Bros. Petroleum Inc. for the delivery of Premium, Unleaded Gasoline and Diesel Fuel to the Town of Halifax for the period July 1, 2016 to June 30, 2017.

Monponsett Pond

The Central Plymouth County Water District Commission had cc'ed the Board on its May 24th letter to the Brockton Water Commission concerning Brockton's decision not to honor the District's request/order. No action needed by the Board.

Plymouth County Advisory Board Reappointments

Moved by Roy and seconded by Garron, the Board unanimously voted to re-appoint Troy Garron as Delegate and Thomas Millias as Alternate to the Plymouth County Advisory Board.

Electricity Aggregation Agreement

Based on the Town Meeting vote and the RFP and decision made through OCPC to use Colonial Power Group as a consultant, Seelig is recommending that the Board vote to approve the contract between Colonial and the Town for them to be the Town's consultant for electricity aggregation. Seelig stated that Town Counsel has reviewed the agreement.

Moved by Garron and seconded by Millias, the Board unanimously voted to approve the contract between Colonial Power Group and the Town of Halifax.

SCHEDULED APPOINTMENTS***Russ Kleekamp – Stormwater Grant***

Mr. Kleekamp came in this evening to update the Board about the West Monponsett Pond Nutrient Management Project. He explained that the 319 program is a competitive grant process issued by the Mass DEP. It is a 60/40 grant which means for every forty cents spent you get sixty cents back on the dollar to go towards water quality projects such as storm water design, alum treatments, studies or assessments. He said that they are ready to move forward with the Alum treatment so this grant can go towards the treatments. He continued to say that he and Cathy Drinan have sat down with DEP and this project was looked favorably upon. They will take the funds from this year's appropriation and the town will be able to do the same next year at no additional money. Garron asked how long is this grant for and Kleekamp said there is a three year time line so if there is enough funds you could go three years out. They are going to roughly set aside the same amount of money for next year.

The 319 grant program has a few stipulations such as grant management, monthly progress reports and a total participation component. Kleekamp said that Cathy asked that they put together a management grant, which they allow ten percent of the project cost, so out of \$175,000 there would be \$17,500 contract for grant management they will be submitting. Kleekamp will put in a buffer in case the quote comes in a little higher next year.

On behalf of the Board Garron thanked him as well as Cathy for their work.

Moved by Roy and seconded by Millias, the Board unanimously voted to sign the application for the 319 Nonpoint Source Competitive Grant.

Daniel Borsari

Seelig mentioned to the Board that a copy of Mr. Borsari letter is in their folders. Garron asked that he is here this evening because of the possible agreement between the BOS and Mr. Clawson and Mr. Borsari said yes.

Mr. Borsari began by asking the Board how they felt about the way the current agreement has been handled and how it hasn't really been adhered to and going forward if there is a new agreement and if breached will the limits be gone over again.

Roy said that she knows that he has been here for most of the meetings and absolutely thinks his letter has some valid concerns (i.e. Mr. Clawson didn't follow the last agreement so what are the chances of him doing so now. Also Mr. Borsari suggested that maybe the BOS should take a breath before granting more shows to see if he adheres to the agreement.) She continued to say that because Mr. Borsari was not part of all the discussions he was unaware that Mr. Clawson got some serious talking to from the BOS stating that this was not going to be tolerated in the future; we were going to consider his request; there was not going to be any sort of lead way on the numbers that we agree to and we are watching to make sure they are adhered to. She said that Mr. Clawson has assured us that he understands the position of the Board and if not adhered to it will have to be revisited in court.

Mr. Borsari said that he has been discussing this with other neighbors, who are concerned, so it is not just him. These people live in the big square around Lake Street, Aldana Drive Rt. 106 & 36.

He continued to say that this all started with the idea of the concert and Mr. Clawson told him personally that he wants to expand events to commercial, which Roy said was not possible but understands the neighbors are very concerned about a potential concert. Mr. Borsari asked if Mr. Clawson has ever been fined in the past and what repercussions have there been in the past. Seelig said that there have been no fines issued and that the Board has never officially found violations with the consent agreement. Roy said that things came up as part of this discussion and prior to this sit down with Mr. Clawson to revisit this agreement; the BOS had not received any complaints directly about the horse shows. She said the PA system did come up as part of the hearing but prior to that they were not inundated with complaints about that or traffic and were never alarmed about a situation where we would have issued a fine. Part of the knowledge of him violating some of the agreement was his own admission during these hearings when we were asking questions.

Mr. Borsari said so the Board found out when he found out and Roy said yes. He then asked if the Board knows if he has any hook-ups for RVs and if they do how many do they have right now. He then suggested that all the Boards go out to Fieldstone Farms to set up a baseline of where they are right now see if he is in compliance and if not make it. Then give him a few years of following the rules and if he can do that then negotiate in good faith. He said that he had a conversation with Mr. Clawson (May 3rd) and he said that he wants to back off on the horse shows and start getting into bike rides, concerts and commercial things and said all he has to do is get a special permit from the BOS to do that.

Garron wanted to respond to his concerns and said at their last meeting it was brought to our Building Inspector and because it is farm land under the law you cannot do stuff that is commercial only stuff that is connected to the horse show. Millias said the horse shows are protected under the agricultural act but the commercial venues like a concert can be done on conservancy land with a special permit from the ZBA, which could potentially happen. Seelig said the Board would issue a separate entertainment license, which is not a special permit.

Millias thinks what provoked the conversation about the consent agreement was that we found evidence of advertising dates that did not appear to be allowable dates. He said that he likes Mr. Bosari's concept of establishing a baseline but he does not know if they can apply it.

Garron said that they have had four of five meetings where things have been discussed and at our last meeting we went into depth of what could and could not be put in the agreement. We have not agreed to anything yet as we have not received the agreement from Mr. Clawson and his attorney and have not reviewed it.

Mr. Borsari asked if in the agreement is there numerated fines of what you can and can't do as a Board and Seelig said no fines are in the past consent agreement. He asked if that would be something they would do now and Seelig said that if you have a new consent agreement and both sides agreed to it and the court said yes then you could put in a system of fines but we have not gotten there yet. Roy said that if he was in violation of a permit a hearing would be held and Seelig said again that could be part of the agreement.

Mr. Borsari said he is here because of the over breach that has happened in the past so maybe we should have that good faith period before we go further and then if you do include in the agreement fines or a revoking clause the BOS has something to stand on.

Attorney Taylor did not think that was correct saying that it is a court judgment so it is enforceable through the court. He thinks it say any action taken against Mr. Clawson except to enforce it the town would take action in court. Roy agreed with what Taylor said as that is her interpretation also.

Attorney Taylor said because of the manner in the way it came out he is not sure there is a mechanism for local enforcement. Garron said revocations means that they cannot have horse shows and Mr. Borsari said that revocation means that they revert back to the original agreement. Garron said that if that is not in the original agreement something would have to be in the new agreement going forward to stop shows from going on or else we would have to put a chain across the entrance to stop people/horses from coming in. Mr. Borsari understood what he was saying.

Millias say they have only reviewed the items the applicant would like to see in the agreement and that the Board is going to go through it and decide what we can and can't live with. Roy said beside what they have requested we as a Board have said what we would like to see going forward. This has not just been him saying I want all of this and BOS not having a say in what we want and when you negotiate you give and take.

Roy wanted to say that there really hasn't been any complaints from the residents of Halifax for these horse shows and yes he has been scolded for issues that have come up. Like Millias said once we found out that Mr. Clawson advertised for more shows than what was agreed upon we contacted him.

Attorney Taylor wanted to address that issue and said Mr. Clawson had informed him that he requested for some time to come before the BOS. He was directed to go to the ZBA then it took me getting involved and confirming that this is where it needs to be. He was repeatedly pointed in other directions therefore it took us a while to get here. Roy said that she understands that but the point is they needed to address the more advertised shows. Mr. Clawson said he brought it up well over a year ago. Millias said they did not have any resolution and in his mind he went ahead and advertised and Attorney Taylor said that they addressed that and it is easier to pull back on shows then to add.

Mr. Borsari said he believes Mr. Clawson said at the last meeting that in August they have a show where it exceeds the agreement. Attorney Taylor said that it is the numbers of horses per day that are under the agreement and that show has about five hundred horses but they are not all there at the same time. Garron explained that it may say a five hundred horse show but one horse may be in one or more events.

Mr. Borsari asked if he has a show coming up that exceeds the agreement will he be allowed to do that or is there an incentive to get this deal done so he can have those shows. Roy said they are trying to work that out so that we get this agreement done to make sure the town is protected and our goal is to get this done before he is in violation. She stated that they have met four times already because they want to do it correctly so that there is no question on either side of what the requirements are. Garron said that this is something that should have been done in the beginning to clarify the dos and don'ts so we all are on the same page.

Mr. Borsari understands that it is a difficult thing for someone to be at every show watching that is why it is important to have good faith and that people to do what say they say they are going to do as I do what I say I am going to do and have a problem with someone who does not. He asked going forward how are we going to know that is going to happen. Garron said that we are negotiating in good faith with Mr. Clawson and he cannot go back and redo anything that has happened in the past. He continued to say that it has been brought forward and now we are working on a consent agreement that everyone can live by with the hope that both parties are going to adhere to what is written in the agreement so we won't have to have a hearing or a revocation. Mr. Borsari said he has told Clawson that he likes the concept of the horse shows, which is the largest private entity in the town, but we are concerned about trying to make agricultural conservancy into commercial. Both Millias and Roy said that is another issue and this discussion tonight is about horse shows and not concerts or weddings on the property but she said Roy said the BOS is aware of his concerns. Garron said we take everything seriously and into consideration because the quality of life is our major concern.

MAIL / DISCUSSIONS (CONTINUED)

Fieldstone Farms Consent Agreement

Roy asked if this would be a good time to go over the consent agreement with Mr. Clawson seeing as he was already here and Seelig said it would be more a discussion among the Board as he did not make an appointment with the BOS.

The copies of the following have been given to the Board for their review:

- proposed consent agreement drafted by Mr. Clawson's attorney
- list of topics for possible changes from Seelig
- suggestions about any possible revised consent agreement from Attorney Mayo.
- Chief Viveiros also contributed some information concerning EMTs

Garron and Millias both stated that they have not had the opportunity to look at it and Roy just had one thing she wanted clarification on.

Attorney Taylor said his understanding was that Town Counsel made some comments, which he has not been privy to yet, so when they are talking about it he and Mr. Clawson do not know what Town Counsel has said. Roy said that another appointment will be made to sit with them so that they all can look at it together. Her concern is the EMT thing as this will be a deal breaker for her if it does not meet the fire chief's standards and Attorney Taylor said that he has spoken with the fire chief afternoon and knows what needs to be done to make the chief happy and. Roy said as long he has talked with him and knows exactly what we a looking for she is good. Attorney Taylor said the draft he sent did not have the changes because he wanted to talk with the chief but has since then have had a couple of discussion with the chief. Roy was happy with that knowing that they all were on the same page. Garron wanted to add that they just received this material and speaking for himself he wants to go through it on his own time because if they were to do it this evening they all would be there for quite some time. Attorney Taylor understood that and asked if they would share with him their comments and both Seelig and Garron said yes once the BOS takes a look at it.

Roy assumed that Mr. Clawson needed an answer soon regarding the added show in August as he needs time to advertise and to let people know and Attorney Taylor said yes but that can be handled in two ways one which can be a one-time exception for this year. Garron asked if this is his request at this time and he said yes. He continued to say that if we can come to the final agreement in time that is ideal but does not want to pressure the Board if they can't. Millias asked what is latest he can cancel the show in August and his lawyer said depending on when the next appointment was with them and if we are getting close to finalizing the agreement they might not have to think about that. Roy said they were not far off and does not think there is going to be any surprises. Garron said EMT was a concern and Roy said she thinks that they could probably work it out over the next few weeks and added that before approving the show in August she wants the things the Board wants in writing and would rather meet an extra night to get it done, which Millias agreed. Garron asked if they were looking at making a decision on June 14th as that would give everyone adequate time to look at it and Roy thought that would be appropriate.

Mr. Borsari was still in the audience and asked if the property was ever sold does the contract go with the property or would the contract be redone and Garron said that was another discussion. Millias said that this is a consent agreement between the parties and did not think it was transferable. Attorney Taylor then mentioned that they would like the consent agreement to include Mr. Clawson's company because his children someday will take this over so this way here you would have the same consent agreement with the company. Millias said so in essence we are changing the parties because the entity of the company would be a party. Attorney Taylor said it would be him and his company so in the future if /when he passes it will go to his children.

The Board discussed meeting again with Mr. Clawson and his lawyer on June 14th at 9:15 pm. Seelig pointed out that the BOS has an appointment at 8:15 pm with the vendor who is requesting a liquor permit for one of the horse shows in August as well as other appointments that evening. Roy asked if they could switch the times as she would like to have the agreement straightened out then talk about the alcohol permit and then suggested meeting another night to go over the consent agreement seeing as there is a lot on the agenda for June 14th. Her next thought was to start the meeting at 6:00 pm, Millias, Garron, Clawson and Attorney Taylor had no problem starting at that time. Attorney Taylor asked if he would be able to get any comments made by the BOS from Town Counsel or Seelig before the next meeting so he can be prepared. Seelig said comments from the BOS will be sent to Town Counsel and they will be incorporated into a revised consent agreement and then Seelig will have it sent to Attorney Taylor.

Duxbury Dispatch

Seelig began by saying that Matt Tucker has given his resignation and his last day will be May 28th.

Roy said that Duxbury has approached us to see if Halifax was interested in them taking over our dispatch. We sat down with Duxbury, the Chiefs, Seelig and State 911 to go over funding and now just waiting for 911 to come in with their figures. Our agreement will be with Duxbury as they will be the Recreational Emergency Center and the funds will go directly to them. Seelig has sent a draft to Town Counsel but has asked him not to look at it because we wanted conversation with the Board of Selectmen.

The State will subsidize Halifax about \$100,000 each year. Our budget is about \$300,000 so we're looking at approximately \$175,000 in savings. She continued to say that The State is willing to provide us with equipment for the station here in Halifax such as locking mechanism or a safe room. We are the only State that still has independent dispatch centers.

Garron asked if the 911 calls go to Framingham or Lakeville and Chief Broderick said that some do, but mostly come to Halifax Station.

Roy said that Matt Tucker has offered to stay on as a part-timer to do payroll, administrative work and dispatch and Chief Viveiros said he will help out if need be. We also have two firefighters at the station who were Dispatchers willing to fill a shift need be as well as three people in Duxbury who are also willing to fill shifts. If we merge with Duxbury, there will be three open positions and if our Dispatchers qualify for the position they may be able to move to Duxbury.

Millias asked if there were any clerical jobs that the Dispatchers did and Chief Broderick said yes and most of the duties will follow them to Duxbury. Roy added that there is a procedure for everything and most importantly the service of the 911 is the same and thinks we'll get a good product with Duxbury.

Garron asked what has the turnover cost been and what will it be when we go to Duxbury. Chief Broderick said it has been stable over the last few years, but in the past the cost was huge. He is in favor of this but it is not a done deal as issues still have to be ironed out and he needs to make sure his station is cared for. He said he always knew this was going to happen at some point and if done right it will be beneficial to the town. Broderick said it will be a change and different, but we will still be there to answer calls. People are not happy right now, but if we get the information out there and answer their questions he thinks they will understand it better and accept it. He added that the biggest thing that has come up is the personnel and said we are going to take care of our employees.

Millias asked if they have reached out with Plympton as they have been on board with Duxbury and both Chief Viveiros and Chief Broderick they have met with them.

Garron asked if the fee to Duxbury would change and Chief Viveiros said that would be on Duxbury's end. Roy said nothing is guaranteed but we are looking at ways to save the taxpayers money and this is one way to do that.

Broderick's goal is that the residents are at ease about this and he wants them comfortable with this change therefore he would like to have public forum for the residents.

Roy said that Garron and Millias must feel good about the agreement. Broderick said that if we are not satisfied with their service in five years, we can go to another regional dispatch center because then there will be more centers.

Millias said that we are never going to be able to attract Dispatchers with what we have to offer for wages for as we found this out while doing negotiations this past spring.

Roy suggested Wednesday, June 1st at 7:00 pm in the Great Hall for the forum.

Garron think this is a great thing and good because it will save the town money.

Roy asked for a roll-call to move forward with this.

Millias	-	Yes
Garron	-	Yes
Chief Viveiros	-	Yes
Chief Broderick	-	Yes
Seelig	-	Yes

Roy wanted to thank Matt for giving us his feedback and being part of the team. He has been good sport about this knowing that his job may be eliminated. She also thanked Chief Broderick and Chief Viveiros for their help and being part of this process and is grateful for them going above and beyond, and glad that they are comfortable with regionalizing.

Chief Broderick said that he was not happy with it in the beginning but now after learning more about what modern technology can do he feels more comfortable with it.

MEETING ADJOURNED

There being no further business, moved by Roy and seconded by Millias, the Board unanimously voted to adjourn the meeting at 9:42 P.M.

Kim Roy
Clerk

/pjm