

HALIFAX BOARD OF SELECTMEN
SELECTMEN MEETING
TUESDAY, NOVEMBER 22, 2016 - 7:30 P.M.
SELECTMEN MEETING ROOM

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

The following business was discussed:

PLEDGE OF ALLEGIANCE

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

AGENDA

The Agenda for Tuesday, November 22nd, was unanimously approved without revision.

MINUTES

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

Regular Session – June 14, 2016
Regular Session – July 12, 2016
Regular Session – July 19, 2016
Regular Session – July 26, 2016
Regular Session – August 3, 2016

Executive Session – August 23, 2016
Executive Session – November 1, 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:

School Warrant	# 41	\$ 402,950.93
Vendor Warrant	# 42	\$ 588,565.57
Payroll Warrant	# 43	\$ 362,444.44
Vendor Warrant	# 44	\$ 259,935.59
Withholding Warrant	# 45	\$ 137,181.09
Ambulance Commitment	# 10B	\$ 48,236.00
Ambulance Commitment	# 11A	\$ 21,375.00

APPROVED WARRANTS AND COMMITMENTS

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

Vendor Warrant	# 46	\$ 95,242.53
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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).....	\$ 30.79
National Grid (service/Town Hall).....	\$ 1,122.38
W.B. Mason (toner, rubber bands, labels & msg. pads).....	\$ 156.47
Lynch, Malloy, Marini, LLP (audit yr. end 6/30/16).....	\$ 3,000.00
Express Newspapers (ad/ZBA Secretary).....	\$ 37.78
Attorney Lawrence P. Mayo (legal/October)	\$ 2,240.63
Deutsch, Williams, Brooks (legal/October)	\$ 3,429.35
Walmart (3 jugs/RV antifreeze).....	\$ 14.91
CNA Surety Direct Bill(dishonesty bond)	\$ 737.97
Area 58 (contracted payment).....	\$ 44,440.00

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

<u>TURNOVER</u>	<u>AMOUNT</u>
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2017-06	\$ 275.00
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2017-07	\$ 44,440.00
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2017-08 \$ 1,200.00

2017-09 \$ 250.00

2017-10 \$ 250.00

2017-11 \$ 125.00

2017-12 \$ 2,500.00

2017-13 \$ 200.00

2017-14 \$ 250.00

2017-15 \$ 1,470.00

2017-16 \$ 1,400.00

2017-17 \$ 700.00

GENERAL MAIL / DISCUSSIONS

School Roof Project Architect Contract

Moved by Millias and seconded by Garron, the Board unanimously authorized the Chair, Troy E. Garron, to sign the School Roof Project/Architect Contract.

Halifax and Plympton Fire Department Discussion

The Board will be meeting with the Plympton Board o Selectmen on November 29th at 7pm in Plympton to discuss Department Ambulance operations in the two communities.

Thompson Street Speed Limit Request

Sean Vance of 11 Thompson Street wrote to the Selectmen asking if the speed limit near his home (between River Street and Walnut Street) be reduced from 40 mph to 35 mph due to the increase in the number of houses in the area and about the discrepancies in the speed limit signs on Thompson Street to the point of suggesting that the entire street be rated at 35 mph.

The Traffic Safety Committee met last week to review the matter and they feel that the speed zones, as presented in the Town’s road regulations, are appropriate. They did agree that signs are missing and not necessarily in the right locations.

Bob Badore was at that meeting, and the Committee encouraged him to get the signs in the right places.

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The Committee did say that if a group of residents comes to the Board and requests a DOT study, the Committee would support it, but expect that the DOT study will recommend an increase in the speed limits, not a decrease, as the 85th percentile is used (the 85th fastest car out of 100 is used to determine the speed limit).

Seelig said one alternative would be to get special legislation to set the speed limit of the entire road to 35 mph, which would require Town Meeting action and recommend/not recommend from the Committee.

Another possibility is the “thickly settled” designation but in a “thickly settled” area you have to have certain number of houses in a quarter mile stretch, which it barely meets. The road in its entirety barely meets that and Seelig does not think anyone will suggest that 30 mph should be the speed limit for that street in its entirety, 35 mph maybe but certainly not 30 mph.

Millias said getting the traffic to actually obey a 30 mph or 35 mph would be hard. Seelig said Chief Broderick did say that Thompson Street is on their patrol list and they will continue to patrol the area.

Reception for Deputy Chief Kevin Miller

There is going to be a reception for Deputy Chief Miller on December 11th at 3 pm at the Fire Station. The Board is invited and the Fire Chief hopes one or more of them will say a few words. Seelig will make up a certificate to be presented to him.

Pouring Licenses on Sunday at 10 AM

A representative of the Halifax Country Club was in last week asking about amending its license to allow for the serving of alcohol at 10am. Seelig talked with Town Counsel about this and he recommended that the Town vote to accept that statute again, so, before taking any other action, we'd bring it to Town Meeting, Town Meeting would make a decision whether they want to accept it for ten a.m. opening, and then if they did then the individual license holders could bring their licenses to the Board to seek an amendment. The Board could then at that point decide whether they want specific hearings and notify abutters and everything – that's all up to the Board.

Garron stated that at this time we cannot honor this request simply because we haven't accepted the by-law and Seelig said correct. Seelig will contact the Country Club and explain to them if you want to bring it to the Annual Town Meeting then they will need to get ten signatures, if you want to bring it for a future Special Town Meeting they will need to get the hundred signatures and it will be on the warrant, and it will go from there.

Appointments to Council on Aging

The CoA has recommended that Dick Wright and Ava Grimason be appointed to the CoA. The office will try to set up an appointment with them for them to come in on December 13th.

TMDL Monponsett Hearing/Presentation

DEP's Division of Watershed Management will hold a public hearing and presentation on the Total Maximum Daily Load report and recommendations for Monponsett Pond and other nearby water bodies in the Great Hall on December 15th at 6:30 pm.

Monponsett - 319 Grant - Fair Share

As part of the grant, the Town needs to commit to try (no guarantees) to have 3.4% of the project go to minority business enterprises and 3.8% go to women-owned business enterprises. No action is needed (we'll just need to go out to bid and contact appropriate firms).

Marijuana Shops

With the passage of the marijuana legislation, Seelig said that we are going to have to make zoning decisions for recreational marijuana seeing as the Town narrowly approved Question 4. Such as are we going to consider it just a normal retail use, or like the medical marijuana restrict it to certain locations in town like "industrial" or there's also the possibility of prohibiting it here in town. Seelig has not heard anything from the Planning Board but can reach out to them but he also needs some guidance from the Selectmen. He also said that we might want a public forum at some point during this winter to get some input from the residents. Millias thought that was a good idea.

Garron's concern was that if you legalize the shop would someone who is smoking outside of that shop be breaking the law. Seelig said that he would have to see what law we passed. Roy added that the edibles are more used than actually smoking marijuana, so you can have people walking out of the store pop in an edible and get into a car and a kid could be in their bedroom popping an edible and no one would know. She continued to say that it not like smoking marijuana where you could smell it and she is not against people who smoke pot but does not

think we were ready for this law. Garron did add that we have a crisis with the opiates and now we have marijuana.

Marijuana in the Workplace

Seelig is not recommending any changes in any contracts that would deal with the use of marijuana. The Town's by-laws already prohibit using it on town property and there is a reasonable expectation that employees come to work "fit for duty" and not under the influence of any drug or substance, legal or illegal. We don't have drug testing in any contract but our Highway and Water Department does do testing if they have a CDL license, which is a federal requirement that they go through random drug testing. If a department had a situation they could send the person home, with pay/without pay or charging it to sick leave but in talking with Labor Counsel the feeling is "fit for duty" is a reasonable expectation and leave it as is. Seelig said in terms of the zoning issue, we're going to have to make some decisions about whether to allow recreational pot shops here in Halifax.

SCHEDULED APPOINTMENTS

Friends of HOPS

Jonathan Selig from Friends of HOPS and Youth and Recreation Director, Dick Steele, came in to bring the BOS up to date on where they stood on the playground. Jonathan began by saying that they working with a company called "Multi-Play" and have a preliminary plan for the Halifax Open Play Space.

Jonathan handed a packet to each selectman for them to following along

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The picture showed your basic tunnel slide for the 2 to 5 year olds. Like the old HOPS we will have we will have two separate areas; one for the where you have a 2 to 5 year olds and the other for the 6 to 12 year olds. Each area will have different structures that will fit with the age level.

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This picture shows bigger structure for the 6 to 12 year old. Most of the stuff now is metal, hard plastic, and formed stuff, so that's kind of the way of the world these days. So that again is one of the bigger structures there for the 6 to 12 that we would be using.

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Shows an eighty foot long zip line.

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Shows the edge of the gazebo where there will be a little house, store and a swing, which is ADA approved so children of all abilities will be able to use that swing. Jonathan said that the Friends of HOPS have been cognizant of making sure we can make this as accessible to all the kids, so we wanted to make sure we included a decent number of structures that they would be able to incorporate.

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On the Library side they were we're thinking about possibly some benches with some shading.

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On the side going towards the Water Department there's plenty of room between the playground and the Water department for a forty foot slide with a soft landing pad at the bottom. We are hoping to be able to build some stairs up the hill to make it easier to get back up to the top.

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Was the whole schematic of the playground showing what it will look like.

Jonathan said that there will be a wooden pavilion situated kind of on the back left-hand side of the current playground where people can not only look at the playground but also see the soccer games going on. It also can be used as the amphitheater, which he knows a scout project has been approved to re-do the existing one.

Roy asked if he could give the Board a quick update of the fund-raising they have done. Jonathan said that they have raised around \$125,000, which is great in two and half years as we are a small community. Also we now are 501(C)-certified now, therefore officially a non-profit organization. Millias said they should be proud as it is a great accomplishment.

Jonathan continued to say that next June there is a \$50,000 State reimbursement Grant that they are going to apply for and if they get it, it will help us bridge the gap. They also have their annual road race in June and the cow plop again in April. He said everyone in the Friends of HOPS is working really hard to make this happen. Roy said that he has done a tremendous job and everybody who has been a part if it works so hard.

Sarah said with a few good grants we will be there. Jonathan wanted to say that the businesses have been great but hate to keep hitting them up so if anyone in the television audience knows of any grants, State wide money or private corporations wanting to make donations please let them know. Roy asked if there is anybody at home that has just a little time to help write a grant, please contact the Selectmen's Office at 781-294-1316 – we'd really appreciate it. It would just take a few hours of your time.

Roy said they did a tremendous job on the plans and thanked them for doing it. Garron said the big thing is kids' safety because that's one of the reasons that this all began in the first place, as the old playground was having safety issues. He continued to say that he appreciates all the work they have done.

Seelig asked besides the one swing you mentioned, what else is going to be ADA accessible and Sarah said a lot of it is. She said there will be a path that will be wheelchair accessible that will bring you to the most accessible parts of it. She believes all the ramps and stuff are all inclined.

Seelig then asked what types of surface are you going to be using and Jonathan said at this point we would love to go with that foamy stuff but it is so expensive and Sarah said that would be half of their budget. Jonathan said they are looking into switching over to processed mulch which is supposed to be nice and soft. Sarah added that she thinks right now they are looking at having the path poured in rubber.

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Jonathan said that once playground is built, they are still going to continue having a couple of events (5K and cow flop) each year and use that funding to keep up with any maintenance issues that may arise.

Roy said speaking of the Plop and the HOPS, the date for the Plop is April 9th and the date of the HOPS 5K is June 11th. She asked the Board if they wanted to approve those dates now so they do not have to come back.

Moved by Roy and seconded by Millias, the Board unanimously granted the Friends of HOPS' request to use the Town Green on Sunday April 9, 2017 for their Plops for HOPS fundraiser and for them to hold their Hops for HOPS 5K Race/walk on Sunday, June 11, 2017.

Jonathan said that he is very proud of the work that the Friends of HOPs have done and thanked the BOS for their support.

Millias asked what the lead time would be and Sarah she didn't think it takes that long to order it, because it's all pre-fab and it just the color we're changing. It's coming from Pennsylvania, so the shipping time should only take a couple of weeks to get here. She said that the community-

build would be the most complicated thing because we have to coordinate a lot of different working parts, moving parts, all at the same time, so that will take more time than the actual acquiring of the materials.

Seelig asked if they could explain more about what your community-builds, supervised-build is because he believes HOPS was done by the community.

Jonathan said there are three ways you can do it:

- Totally community-built where you buy the equipment from the company and you build it yourself.
- Supervised-build which is kind of the middle of the road which is they send out 4 or 5 foremen, we get some hopefully skilled labor and they direct us.
- Completely professionally-installed - which we can't afford that.

Millias said the supervised-build sounds like it makes the most sense. Sarah explained that the plans will be sent out ahead of time plans for where the poles need to be set so hopefully we'll get somebody who can set the poles ahead of time. There will be a lot of that prep work that needs to be done in advance such as excavating and leveling and we will need to try to recruit as many skilled people as we can and every hand is welcome. Roy mentioned that maybe the Highway Department could help with the excavation.

Roy added that the Friends of HOPS were very mindful of the colors and they met with Sue Basille from the Historical Society to make sure the colors were okay. They really did their homework on what kind of things would be appropriate for our town within the Historical District, so thank you for your consideration. Jonathon said the first design was neon colors but now we just want it to blend with the landscape.

Sarah said that when we met with the Historical Society, we wanted to learn about different things relating to the town because as they are planning on having a panel made with little factoids about Halifax that they would then have to go and find hidden somewhere within the playground, sort of like a scavenger hunt. This will teach people who come to the playground about the different things in/about Halifax. They also want to include was a little 'Kilroy' and a 'heart' (Halifax is the heart of Plymouth County) hidden within the playground. The Board thought these were great ideas and thanked them for their time, effort and coming in.

Snack Shed/Youth Baseball/Rent

Youth Baseball is requesting that the rent for the snack shed be either eliminated or reduced as over the years the number of participants has gone down resulting in the number of volunteers to staff the Snack Shed.

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Last spring it was open for seven days last spring and only made forty-seven dollars. Steele said that it worked out well when the numbers were high, but now the numbers are going down. The plan is to have it open for special events and if another organization wants to use it, they can charge them a fee.

Seelig said that everybody had the best intentions of having the rent help pay for the maintenance of the Snack Shed but for them to continue to use it; they need to pay a lot less to us. Roy said that they requested to build this. Steele said that it was not just their request but all the sports (baseball, soccer etc.). Roy then asked who else was using it and Steele thinks baseball uses it the most and said It worked out well when the numbers were high, they were making money and money was coming back to the town but the numbers in sports programs have gone down dramatically. Steele thinks the best thing is to have it open for special events, and if a sport teams wants to open it up for a Saturday and Sunday then change them for it and got through the rules and regulations with them about using the building. We then can and re-visit it if we're only going to keep it open 'x' amount of days in the spring, summer and fall.

Garron said we weren't looking for it to be a profitable entity but just wanted it to help the sports programs out but our and our biggest concern is making enough to pay for the electricity and repairs.

Roy said that there were so many people that were interested in having it built, then we build it, the numbers go down. She is concerned about the long-term capital maintenance of the building. She asked when there is a game are the bathrooms open for the public and if so who cleans them. Steele thinks the bathrooms are only open when the Snack Shack is open and he believes Baseball cleans them.

Garron does not have a problem with reducing the fee or even not charging a fee at all. Seelig said maybe work out a plan where you pay on a per day basis. Roy asked who then would do the bathroom and Seelig said the organization will still do the bathroom. Steele said that will be part of the agreement.

Millias asked who is monitoring the Snack Shed and Steele said he does a walk-through once every week or so. Millias then asked what about after an event and he said that would be baseball – it's pretty much theirs as they put the time and effort in to build it, they book the coverage, put the money. They have done a great job in the upkeep of the place. There have been a couple of minor problems but any place where there is an outside bathroom things are going to happen. Jerry has done a great job watching it and with opening and closing it.

Millias said his only issue is that the building gets taken care of especially the bathrooms and Steele said personally, as long as he is around he will make sure it does and agreed with Millias about the bathrooms. Steele said this is something we don't want to lose and we do use it for special events such as the school uses it for the Turkey Trot and softball for their tournament. Then there's a couple events that baseball might run; maybe a soccer special event, especially Saturday mornings with 5-year-olds.

Seelig said he is going to write to Baseball to say the Board would consider reducing the rent and that they are going to continue discussing it and some point this winter we'll come back with a proposal, unless we want Baseball to come back with the proposal themselves. Garron said we can work this from both ends – we'll think about it and Baseball will come back with some ideas. Steele said that works and thanked the Board.

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Brandie Jones – Dog Hearing

Garron:

I don't see anyone here for the Dog Hearing, except for our astute Animal Control Officer.

Seelig:

It's a few minutes after so I'll check – I don't think anybody's waiting in the hall, but I can check if the Board wants.

Garron: Ya why don't you do that.

McSherry: I sent it certified but never got the green card back.

Garron: Did they send a red one back, did they send anything back?

Roy: Can we afterwards take Tarawood out of line 'cause

McSherry: I just realized that

Millias: Sure

Garron:

Sure we can discuss that and if the people should show up - I just don't want to hold up our

McSherry: Just realized that the green card didn't come back – I sent it certified.

Seelig:

Well then it's probably still, they've never picked it up and the Post Office eventually is going to give us back the envelope.

McSherry: That was November 1st.

Garron:

Do we want to continue this hearing or do we want to make a decision at this time? What's the Board's pleasure?

Seelig: I don't see the point of continuing it.

ACO: No

Roy: Okay

ACO:

I think it was a neighborhood child that came over to try to pat the dog that was in its own yard. She's a 9-year-old female tried to go and pat a dog that was on its property, contained in its yard, current and up-to-date on its license and vaccination, she reached her hand over as she admitted, tried to pat the dog and that's when the bite occurred. The owner of the dog was inside taking a shower at the time, nobody was aware that this incident occurred. About an hour later after the incident occurred, 911 was called, they treated her on the scene and there was a medical refusal to be taken away by ambulance. I don't believe it's the dog's fault; the owners of the dog were doing everything they were suppose to do.

Garron: From the last time?

ACO: Mm-hmm

Garron: They were adhering to what we had suggested the last time?

ACO:

Yeah, and then I further suggested, because the owner did give me a call, and I further suggested to maintain the dog in the middle of the yard so it cannot have access.

Garron: A good distance away from the fence.

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ACO:

Right exactly, and they were more than willing to cooperate as far as that went. They did everything reasonable, in my opinion.

Millias: How bad was the bite?

ACO:

From what I understand it was like a puncture on the top portion and a little scratch puncture wound underneath.

Garron: So it was a nip more than it was a bite.

Millias:

This is a tough call – I mean the owners are doing what they should be doing and it sounds like they made a reasonable effort there, the yard was fenced, the dog was secure.

Garron:

Even more of a tough call because the victim of the situation – there's no one here to represent them. They didn't bother to come and they were notified of this hearing.

McSherry: Yeah

Garron:

I think at this point in time based on the information that we have from our Animal Control Officer and her investigation that we send a letter to them to maintain the situation as it is now with the recommendation that the dog be placed more central in the yard away from the fence, and make sure that if it's off the property that it is properly supervised, leashed or under control of someone.

Roy: That's good, do you need that to be the motion? I'll make that motion.

Millias: I'll second.

Garron: Any further discussion? All in favor?

Garron: Aye

Millias: Aye

Roy: Aye

Tarawoods Kennel

Seelig began by updating the BOS on where things stood for Tarawood Kennels. In September the Board voted to have a forty-five day time limit (ended November 14th) for Tarawood Kennels to reduce their number of non-juvenile dogs to twenty-five. A couple of days before the forty-five days were up; Ms. Choate contacted Town Counsel to ask if the Board of Selectmen would grant an extension of thirty days because some of the dogs were not able to be re-homed. Seelig sent her an a couple of emails asking for an update of how many dogs were on site and what her plan and just an hour ago received the following email from her:

When I did not hear from anyone from the Town or Board or the ACO to come for an inspection or follow-up for the number of dogs located at 7 Plymouth Street, Tarawood Kennels, on the eleventh, the Board's request, I removed the overage of dogs from my property. There was an exception of one dog that I put to sleep on the 15th at Dr. Hopkins before his time not suitable to re-home. I have 25 dogs on my property per order of the Board of Selectmen. I request at this time a follow-up meeting with the Board is in accordance, to see how long I will have this limit imposed on my business.

Seelig said that he has made every effort to contact her one email last week and another yesterday and is not sure why she believes that nobody from the Town tried to contact her.

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He asked the Board if they wish to grant an extension and if so, for how long and if not, what action does the Board wish to take? This could include a visit to count the dogs and approval of taking other actions after that (if the number of dogs is over the limit) per the recommendation of counsel.

Seelig said there will have to be a follow-up visit to confirm the number of dogs on the property. He has talked to Counsel about this and Counsel's recommendation is if she doesn't voluntarily allow us on the property to do a dog count then we'll have to get a court order. If we find the number of dogs is the correct amount then that's good, if it isn't, then what Counsel said is we'd have to go back to court to take further action and that's probably going to require a court order to do so. Our hope is that she would allow voluntary inspection to confirm the number of dogs on the property.

Roy was very surprised by Choate's memo saying 'when I did not hear from anyone' because we were really working on that and she continued to do "dog time" to listen for barking, which there definitely has been an improvement. Roy was able to get in contact with two of the three

neighbors to see how they felt things had been going and she was told things are a little better but there are days that barking is still heard.

Seelig asked how many dogs were there on the 11th or 14th. Roy said the last time they were on the property (three or four weeks ago) we counted thirty-eight dogs. She said that when the request came in for the extension she asked the ACO if she would call the MSPCA because if for some reason the BOS did not support the extension or if Choate didn't meet the deadline the BOS gave her, we wanted to make sure there was a place the dogs could go.

The ACO said she contacted the surrounding towns to temporarily hold at least eight dogs. So, we were prepared to do that. If the number was higher, she would have made quick arrangements to have the dogs taken out.

Seelig: What counsel indicated is obviously we're going to need to have to go back to Court to get a Court Order to do what we feel is necessary as we can't just go on the property and take dogs. Callahan said as the ACO she is allowed to go on that property and check the status of those dogs. Seelig understood that but Counsel has advised us that if she refuses to allow you on the property we will need a Court Order, which is why he is hoping it is voluntary first.

Garron said that the email says she is down to twenty-five so then the extension is moot at this point in time, the fact that she has got rid of them, the number of dogs that we requested of her over the 45-day period. The next thing is he does don't understand why she put in her letter that she wants to meet with us to see how long she's got to stay in this status.

Garron said that this Board is not in a position to say how much she can increase her dogs to. According to our lawyer we had a right to diminish the number of dogs to eliminate a noise problem, which we did. He said he is not speaking for the Board but personally he would not be willing to approve Choate's request to increase the number of dogs on the property because that means we would be right back to where we were before. If they're not being maintained in a manner to keep them from barking then there still will be complaints for the neighbors. Garron does not want to go to there again.

Millias said that just the suggestion of increasing the dogs again is totally premature as we haven't even established that there are only twenty-five dogs there. He too is not willing to go there.

Roy said the office could give Ms. Choate a call to see what day would work for her. Roy said tomorrow would work for her and suggested that the Chief accompany them as he did the last time. She will contact the Chief. Callahan was in agreement.

Roy then asked Millias and Garron if they find it necessary for her to continue doing "dog duty" Millias said personally he thinks that can be suspended for the time being and let's first establish how many dogs we have and then start reaching out to the neighbors and see how it's going. Roy agreed and added that last week, every time she went out there the barking was not nearly as bad as it had been. Garron said that they have done what they can up to this point and hopefully the problem has been nullified. If the complaints start coming again then it becomes a new era. Roy pointed out that we are going into the winter season and Millias said that the noise will be subdued because windows aren't open, people aren't outside, so we haven't even come close to establishing where we are at.

Garron would like to request that our Animal Control Officer or Charlie could make a phone call to establish that there is only twenty-five dogs there and in response to the letter that she has sent us that at this time the BOS is not ready to make an assessment that would add more dogs when she just got rid of them.

Roy suggested that Seelig could include in his conversation with Choate that he was surprised that she mentioned she did not hear back from the office as we reached out to you twice.

Seelig said what he would like to say to Ms. Choate is first we need to confirm the number of dogs and once that is done then lets allow this issue to sit for a while to determine whether there are any more problems in terms of noise. Then sometime in the future a request for an increase could be made not saying that the request would be honored but simply that it might be considered. He then said he would not encourage the Board to consider any sort of request until the case against the ZBA is decided because the court could decide on another number. So until the case is decided Seelig did not see the point in the Board considering any increase above twenty-five. He continued to say that his understanding from Town Counsel is Choate has made no attempt to contact the Court or the Town concerning the ZBA and she did not mention in the email she sent.

Garron said that at this time the Board is not taking any action concerning the number of dogs that are there except for the ones for the forty-five day extension that we gave her. Seelig wanted to clarify that the Board has indicated no interest in meeting with her on any specific date to discuss this matter and Garron said it would be moot because until we get the Court Decree as to what's going on, any decision we make might be turned over so it's better for us to wait until the case is settled. Seelig agreed with what Garron and said let things sit to so we can determine whether or not we are continuing to have a noise problem at the twenty-five number. He said that someone from the office (him or Pam) will call Ms. Choate to see if Wednesday works and we will get back to everyone.

Gerald Joy – Appointment to the ZBA

The ZBA has recommended that Gerald Joy, a current associate member of the ZBA, be appointed as a regular member.

Mr. Joy said his thought of the Zoning Board when he first got on was dealing with small items but its quality of life and business issues. He stated that the members of the Board treat everyone who come before them with respect and make them feel comfortable. Also the ZBA puts deep thought about what's going on and how to come up with their decisions. Joy said that he is very impressed with the way they act and interested in staying on the Board.

Millias mentioned that there are some organizations that provide training in zoning issues and citizen planning and asked if he was interested in participating in some of those things. Joy said that has taken a couple of those courses already and is interested in looking at some of the procedures. Millias continued to say no question about it this Board is the hardest to serve on.

Roy said that he got a crash course when he first came on as there were some pretty complicated cases going on at that time.

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She stated that as a member of the Board you have to act as a Board member because you will be making decisions for people that you know when and that can be a tough thing to do. She praised him for wanting to be on this committee as well as serving on the Building Committee and Solar Committee.

Garron said that as much as you want to be the good guy and give in to the individual, if the law says 'no' then it is a no, which is hard because it is people's lives you are dealing with and the decision you make affects them whether it be negative or positive.

Moved by Roy and seconded by Millias, the Board unanimously voted to appoint Gerald Joy to the Zoning Board of Appeals with a term to expire June 30, 2020.

Drew McGlincy – Appointment to the Finance Committee

Mr. McGlincy began by saying that he has moved back to Halifax about a year ago and wants to get involved in the town. He said that his major is in finance and did two internships in banks in NYC.

Millias asked if he has attended any meetings and McGlincy said that he attended one.

Garron then asked if he has attended a Town Meeting because our finance committee plays a large role at Town Meeting.

Roy said that she noticed on application that he is passionate about global warming but put Finance Committee as his first choice. She asked if he understood the role of the Finance Committee and he said he heard a lot about taxes and allocations. Roy explained that the Finance Committee makes recommendation at Town Meeting for the budget and that he would be assigned different departments and meet with the department heads. She continued to say that he would meet with them and work with them on balancing their budgets. This requires a lot of time and during the budget season the committee meets twice a week. McGlincy said that he is available every evening and felt that he could be part of those budget conversations with the department heads.

Garron said that the Board will meet with the Finance Committee on December 28th and we will let them know if the BOS voted to appoint him.

GENERAL MAIL / DISCUSSIONS

Irrigation Well at Fieldstone Farm

Seelig said this issue is with the Board of Health and Fieldstone Farm and that Town Counsel is gathering documents concerning the Board of Health's cease and desist order for the irrigation well.

Hingst v. Halifax

Arbitrator has been picked and we are aiming for a hearing in Halifax on Tuesday, January 17th. Roy questioned that they do not have to go Boston and Seelig no.

Area 58 Open House

Open house is scheduled for December 3rd from 10am to 4pm at the studio in Carver, MA.

Reappointment – Tania Massa - Holidays in Halifax

Tania Massa has recently completed her ethics training therefore she now can be reappointed to the Holidays in Halifax Committee.

Moved by Roy and seconded by Millias, the Board unanimously voted to reappoint Tania Massa to the Holidays in Halifax Committee.

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Silver Lake Land Sale Legislation

Seelig has contacted our legislators and also House and Senate leadership but has not heard back from them. He did hear back from Representative Calter's office called to say that because the legislation has passed the House, the Representative does not plan on taking any action unless Silver Lake requests it. Seelig told the staff there that Silver Lake was not interested even in furthering discussions in that matter. He is still waiting to hear back from Senator Brady.

Wage and Personnel Public Hearing

The W&P Board will hold its annual public hearing on January 11th. Proposed amendments are due December 28th. Seelig asked the BOS to think about any changes or new positions they may want and will bring back to them on December 13th.

Fireworks Committee Resignations and Change in Committee Members

Libby Dever has resigned effective November 16th; Barbara Riley effective September 15th and Lindsey Heger effective September 15th.

The Committee is an ad-hoc committee created by the Selectmen. The current number of seats is seven, but Seelig is recommending that this be reduced to five so that if one more person is appointed, there will be a legal quorum if all members attend a meeting.

Moved by Garron and seconded by Roy, the Board unanimously voted to decrease the number of members from seven (7) to five (5).

Pope's Tavern Status

The architect met with the Building Committee last week and discussed the report from the cost estimator. The current estimate is greater than what has been discussed before and the architect and the Committee agreed to review all possible options. There was some discussion about the possibility of going back on what the town had already voted against, which was the purchase of the All Seasons building.

Millias said personally he thinks that is a done deal and not the way to go. There are some other options that we can look at as well, before we even go down that road. Again, there was so much discussion about it the last time and it was defeated resoundingly and it was very contentious. He does not know how the rest of the Board feels.

Roy said the one thing that people have supported is the thought of this renovation project and what happened the last time is we were in the middle of working with an architect on the renovation project the idea of buying All Seasons came up. That was aborted so if we start looking at that again, we're repeating history and never follow through on what the taxpayers have supported at Town Meeting. She continued to say that we have invested in these architectural drawings, so before we entertain that option again she thinks that we owe the taxpayers who supported the architectural drawings to see this process through. And even though if the number came back a little higher than was expected there's other options that the architect can do so let's continue to put our energy into seeing if it's viable before we go off track.

Garron agreed and said in the past the Town has supported additions and renovations to buildings that we already have in place and there is room where you can cut back on the design and still get something that's useable and cost effective.

Roy mentioned the \$250,000 grant that we can apply for and Seelig said he still needs to check the language. There were two separate grants – one was through the regular operating budget which was the \$50,000 and the other was through the bond work for \$200,000.

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Garron said his understanding is that the Town has to vote positively on putting the addition on in order to even apply for the \$200,000 and Seelig said that was correct. Roy said to finish this and if we realize that this is not a viable option then we can look at other things, but we have a vested interest in this process and people have asked us to.

Seelig said among the options that were discussed was going modular – attach to the current Pope's Tavern or the second is switch buildings to eliminate the Water Department/Building Committee building, take that down, as it's not an historic building and replace it with a modular building for the Council on Aging, and move the offices for the Building Committee and Water Department into the Council on Aging. Doing this might eliminate some concerns about 'okay, what do we do about the second floor of Pope's Tavern in terms of accessibility for the elderly.

Another possibility was eliminating the lower floor and end up with one large room for all activities. The excavation costs would be reduced as well as the overall costs.

Seelig thinks the Board of Selectmen should communicate back to M&SBC to keep these the above options on the table. Roy asked Millias if could reach out to John Campbell and maybe have a conversation seeing as he has been going to the meetings not to mention him being an asset with his knowledge of building and being the former Building Inspector. Millias said that he was going to try and get a few minutes with Campbell and kind of go over some of the options. He said that it was a little disheartening when they started coming back with figures that were off from what we thought they were going to be. The plan is to smooth that out and see what realistic options there may be.

Again Millias said personally, the All Seasons is not the way to go as it was defeated. He thinks there are other options.

Food Drive St. Vincent DePaul Food Pantry

Claire Hughes' request to use the Town Green for a food pantry drive on November 13th had slipped through the cracks but Seelig wanted to reach out to her to see if she wanted to do it another time. The Board of Selectmen was okay with Seelig contacting her.

Nikki Newton Resignation from Finance Committee

Moved by Roy and seconded by Millias, the Board unanimously accepted, with regret, Nikki Newton's resignation from the Finance Committee and to send her a letter thanking her for her service to the Town.

Electricity Aggregation

The hearing for this will be in Boston on December 19th at 2pm at South Station. The Town is not required to attend and Colonial Power can represent. Seelig does not intend to go unless he has other business in Boston or if told that he is needed.

Regional Dispatch Center

Roy said that they met with Duxbury last Monday. The chief has some concerns which they are figuring out and the cameras are going in in the next couple of weeks. We are moving forward on this and are looking at January 2nd as the actual transition date. They have a follow-up meeting in Duxbury on Monday.

Fire Department/Sale of Ladder Truck

Three bids were received with the highest bid from Nicholas Corkery of Canton, Ma.

Moved by Roy and seconded by Millias, the Board unanimously voted to accept the bid in the amount of \$5,887 from Nicholas Corkery for the 1989 federal Cyclone Ladder Truck.

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Lakeville Animal Shelter

Moved by Garron and seconded by Roy, the Board unanimously voted to renew the Town's agreement with Lakeville to use its shelter for stray and surrendered Halifax dogs.

Mechanical Bulls

It was previously mentioned that there would be a mechanical bull as part of Mudfest event. Seelig checked with the Department of Public Safety and was told that mechanical bulls are no longer licensed under their permitting process. Roy asked who would issue the permit and Seelig said it would be just regular entertainment license.

Leaves Composting

Seelig has not gotten confirmation as to whether or not Silver Leaf Farm on South Street continues to accept leaves (for a fee). He did find out that Bridgewater Farm Supply, 1000 Plymouth Street (Route 104) does (for a fee).

Academy Hall - Bridgewater

The grand re-opening celebration for Academy Hall in Bridgewater will be on December 4th at 11:30am. The Board of Selectmen is invited to attend.

Health Insurance FY18

Seelig is continuing to look at possibilities for the Town's health insurance for next year. There is a group trying to merge outside of Mayflower but he thinks they're setting themselves up as something more complicated than what this town needs. He was hoping for was a joint purchase group that would duplicate Mayflower, not saying better rates one way or the other, but would maybe operate in better ways. At this point he is not recommending going to this new group that is forming unless it was sort of the last resort but does recommend that we go to GIC. His intention is to continue to assume we're going to stay with Mayflower.

Seelig's concern is that Mayflower is recommending a few changes in the plan offerings. One is to bring Medex 3 down to Medex 2. This will not make any significant changes in the actual plans that are being offered but will save a significant sum of money for both the plan and for the participants. Second is that the *benchmark plan*, which is the closest equivalent to the most popular plan offered by the GIC (Group Insurance Commission). This plan has significant co-pays and deductibles but lower premiums. Mayflower wants to bring their bench mark into alignment with the current GIC bench mark. The third thing is they want to do is eliminate the *legacy plan*. This is the oldest of the three plans that has the least co-pays and deductibles but has the highest premiums.

The Town offers nine plans; six Blue Cross-Blue Shield plans and three Harvard Pilgrim plans. Three are the *legacy*; three are what's called *rate saver* (legacy with some 'tweaks' in the co-pays and deductibles) and three are *bench mark* (significant difference between the other two and is in align with the GIC plan). All three of them eliminate the *legacy plan*, which Seelig has not heard any good reason to eliminate legacy not to mention it would mean a significant dislocation for our members and

The Steering Committee voted to recommend that the *legacy plans* be eliminated as of July 1st but the larger group that will meet on December 7th has to ratify that. If the legacy plans are eliminated we will save money because some more of the costs are the employees and we have to share that savings with the employees.

Seelig continued to say that for those people moving over there's going to be a lot of hand-held work that has to be done because we have to explain one by one that we are eliminating legacy; show them the plans that are left; tell them the advantages & disadvantages, what the costs are.

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It's is not going to be an easy task but can be done. Personally he would rather not do it and simply have Mayflower adjust our rates so that it pays for itself. If people want to continue picking that plan, that's fine, we're a fifty/fifty community and our employees have the right to go and choose a plan that they want based upon the costs.

Garron asked when will a decision need to be made and Seelig said in terms of the legacy plans, eliminating them, the decision will be made on the December 7th one way or another. He will be going to that meeting to advocate that the legacy plans not be eliminated. His intention is to stay with Mayflower.

Seelig wanted the Board to understand what's been happening; his intentions and that he will continue to advocate for the Town.

Roy and Millias thanked Seelig for going to all these meetings and being so involved.

Halifax in Lights/Town Hall Green Decorations

Seelig said that the committee has talked from time to time about using some of its funding to buy additional decorations beyond the wreaths and maybe put them on the Town Hall Green. He thinks that it's the Board's jurisdiction for a Town Hall Green therefore it would be their decision to approve exterior decorations on the Town Hall Green.

Garron said that Holidays in Halifax gives the townspeople an opportunity to gather together and enjoy the Town without going to a whole lot of commercial activity or decorations. He would like to just keep it simple.

Roy said that Town Hall is a very Victorian building and would want to keep it the same - historic and classy kind of decorations.

Millias said that what strikes him about this event is that this is a place where you didn't have to bring your wallet and that is the kind of theme that he has always enjoyed – that it was just community, it was simple, elegant in its simplicity, seeing people that you don't see all year long, a place to get together.

Roy said the employees in the various buildings do so much to make this event nice and like Millias mentioned, it's about seeing a neighbor that you haven't seen, riding the tractor to the blacksmith shop and old school house, looking at the ice sculptures and watching the train.

Seelig will convey to the committee that the Board at this point is not in favor of any additional decorations out on the Town Hall Green outside of the ice sculpture and if the committee wants to advocate for additional decorations out on the Green, they need to come back to the Board.

Seelig then went on to talk about fundraising and said that this is the second largest community event and it is a great opportunity for local organizations to ask for money. This could be selling raffle tickets for gift baskets over at the Council on Aging; selling Girl Scout cookies or having a donation jar for various organizations. Whatever it is Seelig would like to convey to the Committee that the BOS would like to discourage as much as possible fundraising by organizations as this wasn't the intent back twenty years when it was started and it's not the intent of the event today.

Roy pointed out that if every building has a jar then people would feel obligated to donate. Millias agreed saying that there is the pressure if you don't put something in the jar and that wasn't the intent. He understands that everybody needs to take advantage of opportunities to fundraise but would rather not do it. Roy then said that over at the Senior Center during the Holidays in Halifax event that they've been actively selling raffles but these baskets are already set up not just for this event but for a couple of weeks before and after. She then mentioned that for years the Library does Silent Auction and again that is set up before and after Holidays in Halifax. There is no pressure for either one of them and she asked what if they just keep those two.

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Seelig said that once we've opened the door other folks will ask could we do something too?' and that make it difficult to say no to one but yes to someone else. Roy understood what Seelig was saying and said if we start doing that then every building is going to have something for sale and it just takes away from the meaning of the event.

Seelig said that he understands that it is an opportunity for organizations to try and fund-raise and asked the Board what they wanted to do. Garron suggested reconsidering this next year and said this was a simple thing way back and would like to keep it that way. Millias likes that you don't have to bring your wallet and this a time where you see people that you don't see throughout the year. Roy hates the thought of a jar being placed at the buildings as this is a time where there is no obligation and you just come.

Seelig will relay to the committee that the Board of Selectmen is not in favor of adding exterior decorations to the ones we already have on the Town Hall Green.

590 Monponsett Street

There are a number of problems with the above property. One is that there was a, I guess at one point an illegal apartment there and another is there was storage of hazardous materials. The Building Inspector (Rob) is working with Town Counsel on this to remedy the situation.

License Renewals and Back Taxes

License renewals are going to be presented at the meeting on December 13th. With that being said one of the things that we'll do is make sure that everybody's up to date on paying their taxes if there's nothing in arrears within twelve months. Right now we have three businesses on our licenses list that are so Seelig is going to set up revocation hearings for them as part of the meeting December 13th. Maybe all three license holders will be on a payment plan by the 13th, but even so letter need to get out there just in case they are not.

Zone II (Area around wells) and Mudfest

The Building Inspector mentioned his concern about Zone 2 (well head protection areas) at the Y Camp. Whatever happens in terms of zoning issues on Mudfest and the case before the Land Court right now, we are going to need a better set of plans to see whether the operations are happening in this Zone 2 region, if we're looking at permitting this sometime in the future. It doesn't mean it can't happen; just that we need better plans to figure that out. Aside from any other zoning issues, the location of Mudfest may be in the Zone II protective area. More research needs to happen.

Recycling Abatements

Moved by Roy and seconded by Millias, the Board unanimously voted to abate \$50 from the Recycling Bill #318, 1713, 2573, 2584, 1258, 1785, 1019, 1704, 2393, 399 and 2375 based on the fact that the office has received confirmation from their private haulers that they provide recycling service to the residents.

Moved by Roy and seconded by Millias, the Board unanimously voted to abate Recycling Bill #276 for \$50, #280 for \$50, #288 for \$40, #288 for \$40, #288 for \$35, #288 for \$38, #288 for \$38, #288 for \$50 and #288 for \$50 based on the fact that the office has received confirmation from their private hauler that they provide recycling service to the resident.

EXECUTIVE SESSION

Moved by Roy and seconded by Millias, the Board voted as follows to enter into Executive Session at 9:43 p.m. to discuss Clawson v. Town of Halifax (ZBA) and Jennifer Choate; Halifax Building Inspector v. Zoning Board of Appeals and Robert Bergstrom; Hingst v. Town of Halifax and Security of the Town:

Troy E. Garron - Yes

Thomas Millias - Yes

Kim R. Roy - Yes

Garron announced that no statement would be made at the end of the Executive Session and the Board would not reconvene in open session.

Moved by Garron and seconded by Roy, the Board voted as follows to come out of Executive Session at 10:04 p.m.:

Troy E. Garron - Yes

Thomas Millias - Yes

Kim R. Roy - Yes

MEETING ADJOURNED

There being no further business, moved by Garron and seconded by Roy, the Board unanimously voted to adjourn the meeting at 10:04 p.m.

Kim R. Roy
Clerk

/pjm