

HALIFAX BOARD OF SELECTMEN
EXECUTIVE SESSION
TUESDAY, DECEMBER 13, 2016 – 9:20 P.M.
SELECTMEN MEETING ROOM

Moved by Garron and seconded by Roy, the Board voted as follows to enter into Executive Session with Selectmen, Troy Garron, Tom Millias and Kim Roy along with Zoning Board of Appeals members, Bert Gaynor, Dan Borsari, Gerry Joy, Kozahya Nessralla and Attorney Kim Saillant from Deutsch Williams to discuss ZBA and Scott Clawson v. Town of Halifax ZBA & Jennifer Harmon Land Court Civil Action No. 16 Misc. 000590 and contract negotiations for Patrol Officers:

Troy E. Garron	-	Yes
Tom Millias	-	Yes
Kim R. Roy	-	Yes

LITIGATION – TOWN/ZBA V. SCOTT CLAWSON

Seelig said that Scott Clawson has filed a complaint against the Town on the basis that ZBA failed to go through the proper procedures in notifying the abutters in regards to Jennifer Choate's request for special permits to conduct a dog kennel operation. The time frame he has stated is from 2010 forward but we are starting with the amendment in 2012 (20 litters; 15 dogs) because in 2010 Clawson did not file an appeal from that decision (needed to be done within twenty days of the decision). Ms. Choate has been notified of this case and has not taken any action. The hearing is scheduled for December 21st in Boston. Seelig asked the ZBA to come in this evening and talk with the BOS. He does not think the Town should be spending a lot of money on this case seeing as Ms. Choate has not made any attempt or filed a notice of appearance.

Attorney Saillant said that she has talked with Clawson's attorney (Phil Taylor) and Harmon. In talking with Harmon she stated the property is for sale and has not filed a notice of appearance so with that being said she does not think Harmon is going to defend this. She also wrote to Harmon stating that as the recipient of the special permit she should be taking the "laboring oar" in the defense of this case. Attorney Taylor also wrote to Harmon stating that she has not done anything and has not participated.

Attorney Saillant further went on to say that if the Town did not properly notify the abutters then they are going to throw it out because it goes back to the original permit; if you want to modify the special permit you need to notify and failure to do that opens you up to litigation. If Harmon wants to modify her special permit she has to notify the abutters.

Roy asked if this would be wrapped up in a couple of days and Attorney Saillant said if Harmon does not show up it will not be done on the twenty-first. Roy then asked at this point what does the permit say for dogs and litter and Attorney Saillant said fifteen dogs and two litters.

Bert then asked how is ZBA's decision from 2010 valid and Kim said that you have to notify about the hearing but not of the decision unless they ask.

Roy asked what happens if Harmon does not show up and Kim said not participating will show that she has not been involved with this. Roy said she will show up but not follow through and Attorney Saillant said that Judge Scheier will not play around.

Attorney Saillant and the ZBA members left at 10:00 p.m.

PATROL OFFICER NEGOTIATIONS

The Patrol Officers are looking to negotiate their contract seeing as Halifax is regionalizing and there could be more responsibilities for the officers. Roy thinks this is being driven by the Union in Boston. Last April she sat with Chief Broderick and they went through what changes might happen with regionalizing and there really wasn't anything brought up. She does not think anything will change but said let's wait and see if something does.

She continued to say that the transfer date will be January 3rd and that there will be training sessions on December 27th and 29th. They would like to get as many officers at these sessions as possible so they know what is going on and the process. The cameras are in at the police station and we are waiting on the phones. Roy feels that the product Halifax is receiving is going to be great but the only drawback is a "dark" building. Lastly she informed Garron and Millias that Duxbury is looking into having other communities join.

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

Troy E. Garron	-	Yes
Tom Millias	-	Yes
Kim R. Roy	-	Yes

Troy E. Garron
Clerk

/pjm