

BOARD OF SELECTMEN  
SELECTMEN MEETING  
TUESDAY, MARCH 31, 2015 - 6:00 P.M.  
SELECTMEN MEETING ROOM

Meeting came to order at 6:00 p.m. with Selectmen Michael J. Schleiff, Kim R. Roy and Troy E. Garron present.

The Chair announced that the meeting is being broadcast.

**PLEDGE OF ALLEGIANCE**

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

Garron wanted to say Happy Easter to all and Roy added Happy Passover.

The following business was discussed:

**AGENDA**

Schleiff wanted to add to the discussions some questions he had regarding the audit.

With the above additions, the agenda for Tuesday, March 31<sup>st</sup>, was unanimously approved.

**APPROVED WARRANT AND COMMITMENT**

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

Vendor Warrant	# 82	\$ 1,415,879.87
Ambulance Commitment	# 3A	\$ 17,809.78

**GENERAL MAIL / DISCUSSIONS**

Pothole Money

The State has released \$30 million state-wide and Halifax received \$40,641.

Moved by Garron and seconded by Roy, the Board unanimously voted for the Chair, Michael J. Schleiff, to sign the grant for the winter Recovery assistance Program in the amount of \$40,641.

Elementary School Roof Project

Superintendent John Tuffy is still working on the grant application for this project.

Use of Town Green & Sign – Boy Scouts

Moved by Roy and seconded by Garron, Board approved a request from the Halifax Boy Scouts for use of the Town Green on Saturday, June 20<sup>th</sup> for a fundraiser yard sale and granted permission for the Boy Scouts to put a sign announcing the yard sale on the Town Green for two weeks prior to the event.

Release of Executive Minutes

The Highway Surveyor, Bob Badore has requested the release of the Executive Minutes for March 10, 2015 – First Session.

Moved by Roy and seconded by Garron, the Board unanimously voted to release the Executive Session minutes of March 10, 2015 – First Session to Bob Badore.

BOS Meeting for April 7<sup>th</sup>

Schleiff asked how the Finance Committee was coming along with the budget and Seelig said that they were moving along and hopefully will be done with Article 4 tomorrow night. He is recommending that the Board review the warrant next Tuesday. Roy added that Capital Planning has completed the priority list. Schleiff asked that this meeting just be the review of the warrant. Seelig thinks the Solar Committee might want to come in to talk about the landfill for the solar fields.

Moved by Roy and seconded by Garron, the Board unanimously voted to start the April 7, 2015 at 7:00 p.m. to discuss the warrant and talk with the Solar Farm Committee.

Chapter 61A Land

Garron asked if we heard anything regarding Mr. Nessralla intent to lease the nine acres of land for a solar field on his property at 69 Summit Street and Seelig said he has only heard from the soccer folks. He continued to say that if we want to pursue this we will need a need an appraisal and money for the appraisal, which means a reserve funds transfer or use money from stabilization but that would need two-thirds vote. Seelig said that there are lots of hoops to jump through and we are running out of time (needs to be done within 30 days of notification). In addition, the Board would have to place an article on the warrant of the Annual or Special Town Meeting (May 11<sup>th</sup>) to purchase the land.

Roy suggested not moving forward seeing as we have no money and Garron said that based on the information brought before them they should decline the offer.

Moved by Roy and seconded by Garron, the Board unanimously voted to decline the purchase of the of Chapter 61A land at 69 Summit Street.

LED Sign

Town Counsel wants some changes in the contract; hence Seelig will send it back with the revised wording.

Moved by Roy and seconded by Garron, the Board unanimously voted to amend the contract as per Town Counsel.

Non-Binding Referendum

The following is the draft of the referendum:

Do you request that the State Legislature nullify the 2010 decision of the Department of Elementary and Secondary Education to adopt the Common Core State Standards, returning the Massachusetts Curriculum frameworks to the pre-2010 Massachusetts State Standards?

Roy said that Mr. Tuffy will bring to School Committee on Monday to have them look at it out of respect. Mr. Shiavone said that they want a separate forum and Roy said they would prefer that.

Halifax in Lights Event

Seelig informed the Board that the event will be happening. There will be a slight change in the hours. Hours will be 4 - 7 p.m. here at the Town Hall then 7 – 9 p.m. over at the Elementary School and fireworks at 9:15 p.m.

Draft of Audit

Schleiff read the summary page of the audit which it notes the deficiencies and the departments where they occurred.

Garron said that they need to find out what the deficiencies were last year and see if they are the same this year and suggested sending letters with the deficiencies and ask what they have done to fix. Both Schleiff and Roy agreed with sending letters (BOS would like to read before sending out).

Seelig pointed out that some have to do with elected officials; therefore they are limited to what we can say. He added that some of the issues were that capital assets need to be on the balance sheet and record keeping needs to be more robust but it is a lot of work to get some of this work done and Sandy has enough to do with less manpower. He did say that it does affect us but our bond-rating has been fine.

Schleiff suggested bring this issue back at a later date.

Moved by Garron and seconded by Roy, the Board unanimously voted to take a break at 6:50 p.m.

### **SCHEDULED APPOINTMENTS**

#### ***Public Forum - Right to Farm & Agricultural Commission***

Roy began by welcoming everyone and reminding them that the meeting is being broadcast.

#### ***Right to Farm***

Terry Carman – 228 Hudson Street

She began by thanking the Board for hosting the forum and began by saying that she is a backyard horse owner and that this has been triggered by the Board of Health's proposed regulations for barn and/or stable inspection. She continued to say that the town is changing and we too have to change and want to get along with everyone. Ms. Carman said that the *Right to Farm* does not create any new laws as there are already State laws that exist and that the *Right to Farm* affirms that they have the right to farm and if not passed they still have the right to do so. The goal is to reduce the complaints to the Board of Health, Board of Selectmen and other departments.

#### ***Agricultural Commission***

Ms. Carman explained that the commission will be appointed by the Board of Selectmen and the goal is to bridge the farming and non-farming community. People move here because the area is nice and they like the animals. The farmers want to be an active part in the community i.e riding lessons, local honey, farmers' markets, fresh eggs etc.

Dick Ward - Chairman, Carver Board of Selectmen

Began by saying that he is on the Agricultural Commission in Carver and was happy to come over and speak. The commission deals with all types of farming and have been involved with Board of Health and Zoning Board on issues as the Agricultural Commission helps mediate complaints (bees, roosters, cranberry bogs etc.). It is better for the farmers to have a commission member show up at their property than a local official.

Roy asked if Carver had a by-law in place and a liaison who might go to meetings and Mr. Ward said they did have a by-law and that they do not have liaison as they are on request. The Agricultural Commission meets monthly and they might attend a Board of Health or Conservation Commission meeting once a year. Roy asked how many are on the commission and if they post meeting and take minutes and Mr. Ward they have 8 and yes they post and take minutes.

Garron asked what types of animals are included and Mr. Ward said all agricultural animals. Garron then asked dogs and he said they are separate and that Carver's Town Administrator does the dog hearings but Board of Selectmen are designated.

Roy asked if his commission has a budget and he said yes, \$400.

Jim Hayward – 246 Plymouth Street

He is the President of Plymouth County Farm Bureau and he has not come across a town that regrets having an Agricultural Commission

Garron asked if there were other groups and Mr. Carman said there is the 4-H but that is for younger children and 4-H groups are dying out as they are becoming smaller and smaller. Mr. Ward said they support as much as we can and the 4-H Clubs encourage agriculture Garron then asked if there is a listing from the State stating what a farm animal is and Ms. Carman said that she thinks the State works hand-in-hand with the Agricultural Commission and the 4-H.

Seelig asked the following questions which are followed by the answers in bold italics.

What would be the noticeable changes in the Halifax if these by-laws were approved?  
***No changes in the law.***

What activities that were not allowed now would be allowed or vice-versa, what activities would no longer be allowed?

***None. Supporting existing empowered laws.***

What are some examples of incidents that have occurred in Halifax and how would approving these by-laws either prevent these incidents from occurring or lessened their severity?

***We would not be privy to all the complaints that would be the BOH. We would be the bridge. Members of the Agricultural Commission will be more knowledgeable.***

The model “Right to Farm” by-law does not include, in its definition of agriculture, the keeping of horses for non-commercial use? Why does this version include it?

***Number of us had non-commercial use.***

Why not extend the definition to the keeping of all animals, not just horses, for non-commercial use as, per state statute, the breeding of all domestic animals is considered to be agriculture and include in the proposed by-law, but only the keeping of horse for personal non-commercial use is considered to be agriculture?

***You do not want to categorize a domestic cat or dog with live stock.***

To quote from the proposed by-law: “It is hereby determined that whatever impact may cause to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community and society in general.”

Does this mean that no matter what the impact is upon the abutters or others due to agricultural activities, that the abutters have no justification for filing a complaint about said practices or requesting a change in said practice? If there can be justification, on what grounds can a complaint be filed or a request made?

***There are specific chapter sections. They would be referred to the law.***

If this by-law is passed, what rights do abutters and others have to enjoy their own properties or are those rights subservient to the rights of those engaged in agricultural practices?

***This does take the authority away from any board or department in town. Does not give the farmer the authority.***

How would the commercial agricultural operations affect the ability of abutters or others to access water services for their properties? What would be the “certain circumstances” when this would occur?

***Laws already exist. Mr. Ward said all cranberry growers need to be registered with the DEP and are monitored for the water they use.***

The Town of Halifax does not have a “Select Board. Will the proposed by-law be changed to “Board of Selectmen”?”

***Want to change to Board of Selectmen.***

Under these by-laws, one of the duties if the Agricultural Commission is to review and facilitate the resolution of grievances and report its recommendations to the referring Town authority within an agreed upon time frame. In undertaking these duties would the Agricultural Commission consider itself a neutral party or would it be an advocate for the person or entity which the grievance concerns?

***Mr. Ward said the State runs seminars on mediation sessions. It is a two way street and we take a neutral stand and come to solution.***

The Agricultural Commission is to consist of seven members of the active farming community in Halifax. Is there any other board, commission or committee in Halifax which has similar requirement? If not, why should this be a requirement? Would you open the membership to non-farmers?

***Mr. Ward said you can have a citizen at large. Should have active farmers on the commission.***

Garron said that they are not discouraging them from this but they want them to be aware of the questions that may be asked at Town Meeting. So what the commission does is be a mediator between the farmer and the neighbor.

Amber Doherty – 390 Elm Street

She said they want to have intelligent people sit down with the Board of Selectmen or Board of Health to give input and want to be a voice in it.

Roy asked if they had any questions and Ms. Carman said no.

Garron wanted to say that the reason for this forum is so that they can get the questions out of the way before Town Meeting.

Seelig said that if they want to change it we would tell Moderator and Town Counsel that the article will change in the wording. It is a petition article so they are stuck with the wording.

Roy and Garron thanked them and he said that he looks forward to working with everyone if it were to go through.

**MEETING ADJOURNED**

There being no further business, moved by Roy and seconded by Garron, the Board voted to adjourn the meeting at 8:05 p.m.

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Thomas Millias  
Clerk

/pjm