BOARD OF SELECTMEN SELECTMEN MEETING TUESDAY, OCTOBER 28, 2014 - 7:30 P.M. SELECTMEN MEETING ROOM

Meeting came to order at 7:30 p.m. with Selectmen Troy E. Garron, Kim R. Roy and Michael J. Schleiff 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, October 28th, was unanimously approved without revision.

AFFIRMED COMMITMENTS AND WARRANTS

Moved by Garron and seconded by Roy, the Board unanimously affirmed approval for the payment of the following commitments and warrants with the exception of Schleiff abstaining from the Police Department payroll in warrant #31:

Payroll Warrant	# 31	\$ 344,110.17
Vendor Warrant	# 32	\$ 48,098.05
Withholding Warrant	# 33	\$ 128,823.88
Ambulance Commitment	# 10A	\$ 7,490.39
Ambulance Commitment	# 10B	\$ 14,190.29

APPROVED WARRANT

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

Vendor Warrant # 34 \$ 216,751.92

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

National Grid (service/concession stand)	\$ 31.88
Epstein & August, LLP (legal services/Sept.)	\$ 390.00
W.B. Mason (paper)	\$ 314.50
National Grid (service/Town Hall)	\$ 719.36

The Board acknowledged payment of the Selectmen Office Payroll for the period ending October 18, 2014 in the amount of \$6,185.84.

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

<u>TURNOVER</u>	AMOUNT
2015-21	\$ 125.00
2015-22	\$ 125.00
2015-23	\$ 150.00

GENERAL MAIL / DISCUSSIONS

Cultural Council Grant

Moved by Roy and seconded by Garron, the Board authorized the Chair, Michael J. Schleiff to sign the contract from the Massachusetts Cultural Council.

Halifax Gold & Coin Shop

Matthew Chariamonte, owner of Halifax Gold & Coin Shop, continues to violate the Town's sign by-law and the Building Inspector/Zoning Officer has started issuing fines. The next step would be to revoke his sign permit or the Board revokes his junk dealer's permit. Garron stated that he has come before the BOS before and Roy said that was for other things. Schleiff asked if we could have the Building Inspector's input as he was in the audience. Millias began by saying that this has been a chronic problem at this location for the last two years, not to say that people do leave them out here and there. He has had a phone conversation with Mr. Chariamonte a couple of weeks ago on a Sunday evening and asked him to bring sign in and he did but he has continued to leave it out. Schleiff asked if we can revoke that certain sign and Millias said yes and that he has told Mr. Chariamonte to contact him if he had any questions and has not heard from him. Where this has been a chronic issue he needed to act on it. Schleiff suggested seeing what happens and Roy and Garron agreed. Millias stated that he just want to make note that we have been reasonable with him.

SCHEDULED APPOINTMENTS

George Smith – Solar Project

Mr. Smith began by saying that they have gone before the Planning Board and Conservation Commission for site approvals as well as DEP. The next step was coming before the Board of Selectmen. This project started about two and a half years ago and PILOT program was approved at Town Meeting in 2013 but was put on hold and started back up about seven ago. Since that time the price of solar has come down from seven dollars KW to two dollars but we have agreed to pay the same amount that was previous proposed and the electricity will be sold to Brockton. They will be using about thirteen acres on the Halifax/Plympton line. Conservation has asked that trees be put in to screen the panels, which we will do and a study was done for the box turtles and a one hundred foot buffer zone has been left for them. In addition the grass will be cut with a string cutter in that zone.

Roy asked if the Board of Assessors were okay with the terms of the agreement and Mr. Millias said they were. Garron was concerned with safety issues. Mr. Smith said that there will be chain link fence eight feet high all around and there is only one way in but if someone really wants to get in they will but it is on a major road so this may deter someone trespassing. There is very high voltage. He added that from time to time panels do get stolen. Schleiff asked if there would

be security cameras and Mr. Smith none have been installed at any of the projects he has done.

Moved by Roy and second by Garron, the Board unanimously voted to endorse the Solar Pilot Agreement between the Town of Halifax and Halifax Solar NG, LLC.

Monponsett Watershed Association

Paul Collis, President of the Monponsett Watershed Association along with other members of the association wanted to come in this evening to talk about the activities on the ponds and particular pace of the activities. He thanked the Board for having them in tonight and continued to say that this year we had the algae problems on both ponds for the whole summer and into the fall and the association is concerned that the Town is not being as active as they would like working on the problems of the pond particularly the alum treatments. We have been working with Charlie and Kim and others but it is tough getting alum treatment done in 2013 approved before we can go forward next year's treatment. This year was missed entirely. He wants to let people speak.

Suzanne Lillie – 15 Richview Ave.

She first wanted to thank the BOS because it was from the town that the MWA was launched and they appreciate their support in presence and financially to get them going. She attends the MWA meetings and come up with a suggestion that that town needs a comprehensive pond water management plan and have a town personnel be in charge of the ponds. Her seconded comment relates to the state. And she went on to say that in Florida it is not so much town government that takes care of the water it is the county government and their goals are to balance and improve water quality, flood control, natural systems and water supply. Even though they have alligators they have the same problems we have here. The key is that they're managed by professionals at the county level and use volunteers for hands on assistance. This is a good role to go by for local government in taking the lead in water quality management. She wanted to urge the BOS to determine how to develop a water management plan.

Roy stated that we have been fortunate that the MWA has done all that they have done and they appreciated all they have done for the ponds and that they are spending so much time on the ponds because it is so needed. She understands that it is hard to relay on volunteers to do the amount of work they are doing. She added that we are a small town and volunteers are hard to find. She thought the Health Agent could be that *town personnel* but she does not know how heavy her work schedule is. She knows that progress is slow but sees the momentum going. Schleiff asked if the next step is to get professionals to do this whether it is a shared collaborative and asked if any other communities have this problem?

Garron said throughout the twenty years he has sat on this Board they have been working to trying to clean the lake up. He is not making excuses but there have been obstacles that they have run into. The biggest part is that the State law allows Brocton to pull water from the pond and right now one of the key issues is that they are controlling the dam and they are not getting the flow. He asked if they did appoint someone he would have to have cash flow and the knowledge of the ponds issues. He would love to have a plan in place to go out year and treat

but Natural Heritage states they have to go out there to make sure that mussels and dragon flies are not dying.

Suzanne Lillie

Suggested maybe have an individual be the one to hire a vendor to study the mussels and the dragon flies so that this information is always ready and that person attend the MWA meeting. Schleiff asked if there were any models in the State to follow what she is talking about and she said not to her knowledge but the State or DEP may know of something.

Don Barrows – 33 Ocean Ave.

We just want someone to direct our questions to and not that they have to do a lot but someone with a little bit of knowledge or to bounce ideas off of. He asked if there was someone in public work.

Garron said it sounds like it may be a liaison they are looking for and Roy says that would have be someone who is an expert. Paul Collis said again we need the town to be more active. He said since June till now they have been chasing information on the last alum treatment and another treatment cannot be done until the State blesses this one. Schleiff asked who had this and Seelig explained that Natural Heritage requires that after a treatment is done they have to wait a year and have another survey done on the wildlife of the endangered species. This field study was done in June and Seelig spoke with Lycott a couple months ago and he was told that they will have the results by the end of this month.

Schleiff asked if Lycott is able to get the work done sooner and Seelig said he does not know. There seems to be a lot of red tape each year Schleiff said and Seelig said that Natural Heritage tends to be very cautious when dealing with endangered species. We were waiting for the field study and not Lycott. Garron asked if the Town could hire another company and Seelig said yes but the study needs to be done at a certain time of the year. If you were to go with another company you could put in the terms of the contract that the results be back by a certain date. Mr. Barrows said that is the whole point in having a liaison person as they would be more would be more focused on this.

Paul Collis

We feel that the town needs to be more active. He suggested even though they have not look at the reports let's put in a request for alum treatment beforehand so that we are ahead of the game. He also mentioned to think about funding now so that the funds are there when needed and added that if the town does not have the money work with our legislators because if you are not there right on them then it gets pushed aside. He understands that you cannot make them do it and it takes time but you can be active in their ears they just want the ponds made a priority. We want the pond to be a priority. It is more complicated because the State technically owns the water and does take more effort and coordination of the Town but that does not mean we cannot work together with them. We hold these working group meeting and questions are asked but no one know the answers it then is held over to the next month and we are not making any lead way. Schleiff asked who would they consider a point person for this and Mr. Collis said he did not know and that the Board would have to decide that among themselves.

Suzanne Lillie

When we started this group we did not know about the ponds and they we had a lot to learn. She thinks the professionals who work for the town could achieve a level of confidence to to perform the job. Roy stated it is trying to figure out who has time without allocating more funds.

Joe Monahan

Asked if this is something the Water Commissioners were qualified to do or maybe be the contact person to work with the Town and the State. Schleiff said that they have expertise to run the water through the town, working n the pumps, taking care of the pressure and making sure hydrants are cleared but this is more scientific. He feels that they would have to be know who to ask what to and even if they got the answers would they understand it.

Kim Goddard

Asked if the town had a park and recreation commission and if so suggested they talk with them. Roy said yes but that person already runs out of hours. Garron said the person does not have to expert in the field just a contact to get the information back and forth. Roy asked if it would it make sense to create a Board?

Paul Collis

Maybe have an ad hoc multi disciplinary committee.

Schleiff suggested maybe looking at the park commission's duties.

Garron understands what they are asking and has been around the ponds for years and remembers you could walk out and see the fish run by you. He suggested a liaison and said that this is not the Water Commissioners comfort zone.

Roy was leaning towards a person in the Board of Health as they are knowledgeable with the algae and agrees that it is a "sick pond" and we all want to fix it

Robert Ohearn - 9 Ocean Ave

Suggested look at other cities and towns who have the same problem and see who they have for a liaison.

Paul Collis said there are a lot of things that the town needs to do and maybe have Charlie talk with Pembroke as they are working getting their pond cleaned up. Schleiff mentioned using another community as a model. Paul Collis added not to neglect pursuing your local legislators for funding.

Seelig said that if we don't hear back from Lycott by the end of the week then maybe it will be time to go with another vendor.

Resident (address unknown)

Suggested talking with Hanson seeing as some of their residents septic systems go into our lake.

Mark Helisek – 49 Fairway Dr.

As if there was a project manager assigned when we hire someone to do the testing.

Kim Goddard

Said to have the Selectmen's office call everyday to put the pressure on them and/or send letters every week.

Resident (address unknown)

We are aware that some of the problems have to do with the catch basins, cranberry bogs and septic systems. We just need the reports.

In closing Roy stated that there are lots of components that are the cause of the problems of the pond.

Nicholas Memmo/Halifax Auto sales - Class II License

Mr. Memmo came before the Board to request a Class II License to sell used cars at 320 Monponsett Street. Schleiff asked Mr. Memmo if there was enough room for cars to come and go in the lot and was it going to be paved. Mr. Memmo said yes there is enough room and it will be crushed stone. Garron asked where he will park the cars that need to be repaired and he said in the seven parking spaces that are designated for customers.

Moved by Roy and seconded by Garron, the Board unamoulsy voted to approve a Class II license for Halifax Auto Sales issued to Nicholas Memmo.

GENERAL MAIL / DISCUSSIONS (CONTINUED)

Food Donation Boxes

Town Hall employees would like to put a donation box for a food drive in the kitchen at the Town Hall. All Board members thought this was a great idea. Schleiff suggested putting one at the entrance of the building.

Moved by Garron and seconded by Roy, the Board unanimously approved placing a donation box in on the 1^{st} floor near the entrance and on the 2^{nd} floor in the kitchen.

Next BOS Meeting

The Board will be meeting on November 10th at 6:00 p.m. Once their regular business is completed the Finance Committee will take over the meeting and the Selectmen will attend FinCom's meeting.

Recycling Grant

Moved by Roy and seconded by Garron, the Board voted to have the Chair, Michael J. Schleiff sign the Sustainable Materials Recovery Program Municipal Grant.

Cable TV Agreement

The Board was given the latest version of the draft agreement.

Wetlands/Halifax County Club

In September the John Peck contacted Tina Tonello (both are members of the Conservation Committee) and stated to Ms. Tonello that emergency work needed to be done by the eleventh hole due to drainage issues. This was verbally approved by Ms. Tonello she then went to the Conservation Commission to get

their approval. Calls were then made to DEP from the abutters and the next day DEP went down and placed a cease & desist order. Subsequently the country club filed a *notice of intent*, the abutters were notified, an ad went in the paper, a DEP number was issued and a hearing was held (last week). ConCom approved an order of conditions associated with the letter of intent and this is where it stands now. John Pesa, an abutter, has made a number of requests to the BOS asking them to take action or investigate certain matters. Seelig has provided the Board with documentation (very large packet) for them to review.

In 2005 there was controversy that the Conservation Commission declared the stream, which is what they are talking about tonight, to being an intermittent The abutters went to DEP to have that decision reversed and DEP reversed that decision. Roy said that it is a perennial stream and has been nothing but that. Seelig continued to say the one of the things that came up in the correspondence was whether ConCom declared the stream to be perennial or intermittent. Based on the minutes Ms. Tonello said it was intermittent stream and the engineer from the country club was in agreement with Ms. Tonello. When Conservation met the other night they did not vote that it be an intermittent stream. Both the notice of intent and the order of conditions make no reference of it being an intermittent stream. As far as Seelig is concerned ConCom took no action to change that designation. He understands that some may disagree with that as Mr. Pesa stated that ConCom made their decision based on it being an intermittent stream. Seelig is not saying he is right or wrong but is going on what he has for documentation (minutes, notice of intent and order of conditions). With all that being Seelig asked that Board what they wanted to do regarding Mr. Pesa's numerous requests.

Roy asked if there was a vote from the ConCom to change designation of that particular stream to be an intermittent because on the books it is still a perennial and someone referred to it as an intermittent but there never has been a vote and Seelig said that is correct. Roy stated that she has contacted the secretary of ConCom and it has never been voted to make it anything but what DEP has it listed as. Schleiff suggested it might have just been misspoken and Seelig said she was mistaken. Garron stated that this is the first time he has seen this packet and has not had the opportunity to go through it and before making a decision he wants to understand everything.

Schleiff opened it up to the audience.

Kim Goddard – 50 Fairway Dr.

Ms. Tonello stated/argued with me that it is an intermittent stream and I have proof that it is a perennial stream. She continued to say that the neighborhood wanted to make sure that the BOS was aware of Mr. Peck's past convictions not just the allegations of him messing with wetlands. They are concerned as this is their cul d sac and landfill and equipment has been brought in and stuff is being moved around. We did not know if he was making the perennial stream an intermittent. What is insulting is that ConCom is our Board and that is who we pay taxes for and for them treat us they way they did is not acceptable to me as a taxpayer in this town. I should have been given much more respect then what I was given. We just would like the Board to read what Mr. Pesa had sent regarding Mr. Peck's history.

Stephen Goddard – 50 Fairway Drive

My understanding is that unless DEP overrules the final decision then it is a done deal and I do not believe that the town and/or the Conservation Commission cannot supersede the DEP judgment.

Garron said where DEP has put a cease & desist order he did not think anyone was above them and asked if anyone has seen him doing anything? Roy said the cease & desist was to stop all work except seeding.

Mark Helisek – 49 Fairway Drive

We have pictures of him stopping the stream and then the stream became dried up. That is when we called DEP and they came down and put the cease & desist. They witnessed it themselves that the stream stopped flowing and that he had blocked it. He understands that the pipe needs to be replaced and if they don't it may affect the wild life in the wetlands but when he asked if it was going to affect the perennial stream Ms. Tonello was adamant saying that it was not a perennial stream but an intermittent stream. He said the work was approved and the assumption was they could do whatever they wanted as they would not be disturbing a perennial stream.

Roy asked if he felt that Conservation based their decision on it being an intermittent and not a perennial stream and Mr. Helisek said absolutely and that was the concern that they were not acknowledging that it truly was a perennial stream.

Garron said that DEP went down there and saw that the stream was blocked and asked what did they do? Mr. Helisek said they issued a cease & desist order. Garron asked if they have been back and he said he does not know.

Seelig said because there is a ten day appeal period from the date of the *order of conditions* issued the work should not be going on right now and Mr. Helisek said they are back and it has only been seven days. Seelig asked with the Board's permission he would contact the Conservation Commission and DEP tomorrow and the Board agreed to that.

Mr. Helisek said he can go take pictures tomorrow. Garron stated that he does not want him trespassing and he said they are allowed to walk on the cart path. Schleiff wanted to mention that in the past he has shown pictures to DEP and they pretty much said they need to witness it.

Seelig asked if he was indicating that work has been done during the last week and he said that his wife told him that Mr. Peck was driving down the eleventh fairway today in his truck. He said that he'll check tomorrow and Seelig said that if he is going to call DEP on this he would like to know for sure that work is being done as opposed to someone just driving a truck.

Mr. Helisek said he can check it out tomorrow morning and have someone take pictures. He did say it was an assumption because the short time he has lived here he has not seen Mr. Peck go down there unless work is being done. Roy asked him to let Seelig know so he can follow up on it.

Garron said it would be great if he had before and after pictures and a gentleman in the audience said that they can drop off pictures.

Ms. Goddard thanked the Board for their consideration on this matter. Garron said they appreciate their diligence and hopes that no citizen in town would break the law but they will look into this.

Bench Plaques

Seelig has checked with the Willis Family here in town asking if they had any idea if there was ever a plaque on the bench at the corner of Clyde O Bosworth and Plymouth Street. The Willis family said that their father and Lloyd Wright built the benches but had no documentation about the plaques. Schleiff suggested the boy scouts dedicating it to Troop 39. Both Roy and Garron agreed. Another suggestion was to dedicate it to the Veterans of Halifax. Seelig will check with the Eagle Scout doing the project to see what he would like to do.

Emergency Parking Ban

Seelig has sent out the annual parking ban notice to the media, the departments and posted on the website. Schleiff reiterated that there is no parking on the street during a snow event.

COA

Barbara Brenton sent a flyer showing three COA facilities that were visited at the annual COA conference earlier this month.

FEMA/Floodplain Maps

FEMA has acknowledged the Town's letter concerning the changes in the Zone A area designation around Baker Street. They stated that the Town would have to undertake various studies if they wanted to pursue the issue.

12th Avenue Dog Bite

A dog hearing will be scheduled for November 10th at 6:15 p.m.

Town/School Maintenance

Reports from Cathy Drinan regarding the school and from Fire Chief Viveiros about the fire station and school have been given to the Board. Seelig is going to ask Gerry Elliott if he has anything to add. Garron was concerned about the trees growing near the foundation.

Data Processing

A couple weeks back Seelig sent out a RFP for computer services. Because the proposals for the monitoring of servers and PC's and a maintenance contract to cover all devise is too expensive for FY15, in November he is going to make a proposal to hire someone as an employee for a fixed number of hours for FY16.

Quarantine Facilities

The BOH would like the Town to possibly contract with the Town of Lakeville for quarantine facilities for dogs that need to be evaluated for rabies. Seelig is going to contact Lakeville to check on the fees and get back to the BOS and the Health Agent.

Inter-Agency Agreement

Moved by Roy and seconded by Garron, the Board unanimously voted to sign the agreement (to provide gasoline to the Halifax Housing Authority) between the Town of Halifax and the Halifax Housing Authority.

<u>Fireworks Contract – Holidays in Halifax</u>

Moved by Roy and seconded by Garron, the Board unanimously voted to have the Chair, Michael J. Schleiff sign the fireworks contract between the Town of Halifax and Atlas PyroVision Productions, Inc.

<u>Surplus Equipment – Library</u>

The Board unanimously declared the following items surplus:

- 1 2010 Xerox Phaser 8560MFP
- 1 2005 Hewlett Packard B&W LaserJet 1022n
- 1 Armchair (mauve)

Seelig is going to notify the departments to see if anyone is interested. The deadline will be November 10th.

LED Sign

Moved by Roy and seconded by Garron, the Board authorized the Chair, Michael J. Schleiff to sign the contract for the LED sign that was awarded to Complete Signs, LLC.

<u>Use of Town Green – Boy Scout Bottle and Food Drive</u>

Moved by Garron and seconded by Roy, the Board unanimously approved a request from the Halifax Boy Scouts to use the Town Green on Saturday, November 22nd, from 9:00 a.m. to 12:00 p.m. for the Boy Scout Troop 39 bottle and food drive.

Monponsett Watershed Association

The MWA provided a list of individuals who can speak on behalf of the association. Seelig will make copies for the departments.

Nessralla Sign – Plymouth Street & Hemlock Lane

Seelig has notified Mr. Nessralla that the sign is not in compliance and that he needs to do so. Seelig has not heard back from him.

Mayflower Municipal Health Group/Business Associate Agreement

Town Counsel has reviewed the agreement is fine with it. Seelig will have it ready for the BOS at their next meeting.

<u>Earth Removal Permit – Barry Gates – Turkey Swamp</u>

The office is still waiting for Mr. Gates' application. Roy asked Seelig if he could reach out to him to see where he stands on this.

Wetlands – Fieldstone Farms

Nothing has happened for several weeks on this issue. Seelig is waiting for an update on this.

Traffic Lights

The Highway Surveyor has talked with the traffic engineers and was told that the current equipment cannot be set up to place the Plymouth Street lights on green unless there is traffic from Wal-Mart and Stop & Shop. Pavement annunciators might cost \$20,000 to \$30,000. The decision to do this would be up to the residents. The camera re on one of the traffic lights is no good but that is going to get fixed at a cost of \$400.

Randall/Hilliard Property/conservation Restriction

This issue is being worked on by Town Counsel and the Wildlands Trust.

Lycott Study for Monponsett Pond

Seelig is waiting to hear back from Lycott on the mussel study and invasive weed project, which should be by the end of this week.

Seelig – Vacation

Seelig will be on vacation from November 17^{th} till November 25^{th} and will be returning to work on November 26^{th} .

Taxes owed for 320 Monponsett Street

At the sale of the above property the CML did not include about \$8,000 in tax title. Seelig is going to contact the Treasurer to see if there is any way the town can collect on this.

Liddell

Schleiff began by saying for short money that was owed the town lost a lot and was asking that they all try and work together to make thing work. Garron said certain obligations need to be taken care of and they have made donations to the town out of the kindness of their hearts. Schleiff said a simple call could have of been made and he felt that it could have handled better. Garron said he was not there and we all are responsible to pay taxes and they could have made arrangements beforehand.

Schleiff said from a business standpoint this was not the best way to go about it seeing as they are good neighbors and maybe an open dialogue would have been better as it might not have gotten to this point. He thought they deserved to have a chance. Garron said on the other end of it they (Liddell) could have faxed over to the town that the taxes were paid. He is not saying either side is right but it could have been done different. Schleiff said in hindsight things could have been handled differently and brought up that they donate barrels for events and the flashing light at the crosswalk. Roy said that there was a fine line that we walk and that although Liddell and other business are generous to the town, we need to follow proper procedure on everyone equally. Schleiff talked with Michelle at Liddell and she said they would like this relationship healed and maybe have a meeting between everyone and he is not judging sides. He also has talked with

Bob Badore and understands he will be hurting without their equipment. Garron does not disagree but does not want to meet as a Board with them and if Schleiff wants to meet with the two entities and be the mediator that is fine with him. Roy was okay with Schleiff sitting with them and does not think it needs to be formal. Garron said we do not know what was said on either end. Schleiff will talk with Seelig later in the week about this.

Recycling Abatement – Bill #2354

Moved by Roy and seconded by Garron, the Board unanimously voted not to abate Bill #2354 for \$321.

Recycling Abatement – Bill #1442

Moved by Garron and seconded by Roy, the Board unanimously voted to abate Bill #1442 for \$76.

Recycling Abatement – Bill #1441

Moved by Garron and seconded by Roy, the Board unanimously voted to abate Bill #1441 for \$38.

<u>Evergreen Beverage Company – Change in Sunday Hours</u>

Moved by Roy and seconded by Garron, the Board unanimously voted to expand Sunday hours for Evergreen Beverage Company d/b/a Twin Lakes Liquor and Convenience to open at 10:00 a.m.

MEETING ADJOURNED

There being no further business, moved by Garron and seconded by Roy, the Board unanimously voted to adjourn the meeting at 10:30 p.m.

Troy E. Garron Clerk

/pjm