

BOARD OF SELECTMEN  
SELECTMEN MEETING  
TUESDAY, JANUARY 22, 2013 - 7:00 P.M.  
SELECTMEN MEETING ROOM

-----

Meeting came to order at 7:00 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.

**MINUTES**

None to be approved at this time

**AFFIRMED COMMITMENT AND WARRANTS**

Moved by Schleiff and seconded by Garron, 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 #56:

Payroll Warrant	# 56	\$ 311,684.21
Vendor Warrant	# 57	\$ 1,224,876.05
Withholding Warrant	# 58	\$ 115,469.45
Ambulance Commitment	# 1A	\$ 23,695.90

**APPROVED WARRANT**

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

Vendor Warrant	# 59	\$ 161,329.89
----------------	------	---------------

**APPROVED SELECTMEN BILL**

Moved by Schleiff and seconded by Garron, the Board unanimously approved payment of the following Selectmen bill:

Brockton Hospital (deductable for 111F claim).....	\$ 250.00
--	-----------

The Board acknowledged payment of the Selectmen Office Payroll for the period ending January 12, 2013 in the amount of \$6,238.02.

**GENERAL MAIL / DISCUSSIONS****Clawson Complaint - Harmon Barking Dogs**

As previously discussed at the Board last meeting on January 8<sup>th</sup>, Scott Clawson has filed a barking dog complaint with the Board against Bobbi Harmon as well as filing four complaints over the past couple of months at the police station. Seelig has contacted the Police Chief, ACO, Building Inspector, Board of Health and Animal Inspector asking them for their input as it may pertain in reference to their particular department.

This has been an issue in the past and the Board had decided not to hold a hearing as there was lack of evidence in connection with the problem. Roy wondered why all of a sudden this has resurfaced as the Board has not heard anything in over a year. A report has been submitted from ACO, Annie Brown, and copies have been made for each Board member to review.

Present this evening was ACO, Annie Brown, and Roy asked if she had anything to add since her previous report submitted a couple weeks ago. Brown stated that she has been back twice once at 7 pm and another time at 9 pm and she did hear them barking. She has not had a chance to talk with Ms. Harmon as she has had a sick child. Roy asked if we should have Ms. Harmon come in and Brown said it would be a good idea to have both parties come in.

Garron asked about the condition of the kennels and did she ask for vet bills. Brown said that the area in which the dogs housed was clean, plenty of food and water, shelter for them was great and as for the vet bills she is not required to present but she did show her rabies certificates. She knows who her vet is and can call there anytime to check on anything. Brown also stated that Harmon has been very cooperative.

Schleiff looked at the dispatch records and saw records of the party calling complaining about barking dogs and only questioned that only one time an officer went down there and heard dogs barking. Brown stated that last year there were four complaints but there was only one time that an officer heard the dogs. She added that Mr. Clawson has quite the documentation to back up the times the dogs have been barking. She did tell Mr. Clawson that he needs to report this every time. She said that there are some issues with soundproofing and come springtime that is something that can be worked on.

Schleiff briefly glanced at the report from Brown as it stated five calls came in but only one reported hearing the dogs and questioned “truck traffic” and Brown said that could be a factor of the barking. She added that if they can come to an agreement of when the dogs are in and out like say during *normal business hours* that may help because it is his personal time where the issue is. Roy agreed as she would not like to hear a dog barking in the early evening. Schleiff said previously the hours the dogs were barking were outrageous but it seems as though it has settled down a bit and asked if they were barking thirty, forty or sixty minutes straight. Brown said that Mr. Clawson has said that there have been times that he has heard them barking for a long period of time how long she did not ask him. He said that it is not as consistent as it previously was and she is being attentive to it and there are times where he does not hear the dogs at all.

Brown has been going back and forth trying to help each party out but thinks having everyone one here included in the conversation would be good so that they can figure something out together. Seelig stated that from the ACO's report it seems as if the breeder wants to improve it down there and Brown said that Clawson did say that it has been forty percent better. Schleiff does not have a problem in bring both parties in for a meeting as spring time is coming and the windows will be open and would like to get this settled now. Seelig asked if they a proposing on having a formal hearing and Roy said yes and Garron asked based on ... barking complaint and again Roy said yes. Seelig said the hearing will be on February 12<sup>th</sup>.

Moved by Garron and seconded by Schleiff, the Board unanimously voted to hold a formal hearing on the complaint of barking dogs on February 12<sup>th</sup>.

### **SCHEDULED APPOINTMENTS**

#### **Brian & Angela Ahlstedt – Dog Hearing Continued**

At 7:15 p.m., in accordance with MGL Chapter 140, Section 157, Roy opened the continued dog hearing that was held two weeks ago on January 8, 2013. The hearing addressed a complaint of a five year old American Bulldog owned by Angela Ahlstedt and housed at 498 Twin Lakes Drive was loose and attacked another dog. The hearing was held at the request of the complainant, Susan Jablonski.

The following individuals were present and sworn in by Notary Public, Pamela McSherry:

Susan Jablonski	558 Twin Lakes Drive
Brian Ahlstedt	498 Twin Lakes Drive
David Kelly	19 Abigail Lane, Pembroke, MA
Annie Brown	Animal Control Officer

*Roy:*

Thank you. Everybody can be seated. So um during the hearing uh a two weeks ago I understand you had work and you were unable to make it so I think what we should do is start with you and your statement of what had occurred that particular day.

*Ahlstedt:*

Okay. Um well as you read in my statement um I think it was Thursday night um it was me my friend, Dave, and my wife my wife was out and also my son Liam, who is three and my wife was out and um she had taken her friends dog, Mercy, to care for and brought her home. We had the dog probably a week and a half and ah low tempered dog, sleeps, there was a problem with our cat which we had to keep in the basement because, she obviously they didn't get along. But ah on the night of the incident my friend Dave offered to take Mercy out to ya know do her business and so I stayed inside with my son Liam. Um he ran back inside and told me what happened in so many words I ran out to ah approach my neighbor, Ms. Jablonski, and um and ya know offered see what happened. I was very concerned ah so I ran back in. He (Dave) explained what had happened at that point the Halifax Police Department showed up and the Dog officer showed up. Um I showed ah the dog officer and the police officer the, ah rabies vaccination

documents and the tag from the Halifax Veterinarian clinic up the street and ah so the dog officer checked Mercy and ah and then he went over to over to my neighbor's house to see ya know how the dog was and then they came back and they told me that Tetley the dog um seemed to be fine she had a nick um may need some stitches and ah at that point I requested my neighbor's information so I could go over the next day and give my heartfelt apology and I was very concerned and, I so the next day I went over as she was coming back from the ah vet and she told me Tetley was fine and explained you know everything had happened. I offered my, I offered if I could help in any way and ah after that um my wife and I had spoke and we felt it wasn't in the best interest it wasn't you know, be respectful that you know give the dog a proper home obviously. I didn't want anything like that to happen again. I actually own a miniature pincher that my mom and dad care for because you know she barks a lot and I have a three year old and stuff like that and obviously I didn't want that to happen to my miniature pincher, so ah we had found a good home for it. She's ah with her original owner who has her offspring and ah felt that was the best thing we could do, and um I got a bill in the mail from my neighbor. I had spoke to her the other day ah I gonna um reimburse her for the vet bill.

*Roy:* Thank you. Um you were the gentleman who took the dog out?

*Kelly:* Yes

*Roy:* Was the dog leashed?

*Kelly:* Yes, yes, yes

*Roy:* He was. Could you tell us what happened.

*Kelly:*

Sure. I walked out the front door. I literally had the leash around two fingers it was like that turned around to close the door as I did that the dog just took off and obviously I ran after the dog pulled it off the other dog by the time I turned around I didn't see her any where so I had no idea where she went and that's when I ran inside.

*Roy:* Um hum

*Kelly:* So ...

*Roy:*

Um do you have proof that the dog is living, do you have a letter proving that the dog is living with the original owner.

*Ahlstedt:*

Um I could get letter obviously I don't have that information I don't know the person that's, that's between my wife and ah the previous owner a friend that just didn't have the time to take care of her she didn't have a home dog was outside most of the time but ah um I could get that information for you if you would like that information. Ah the dog officer actually did come over recently within the last couple of days to confirm that the dog was not there which she wasn't so ...

*Schleiff:* Kim, I think, ya know they swore an oath and we can lock them up in a cell in jail if ...

*Kelly:* Cause its already crowded.

*Schleiff:* It's very crowded in there. Tell him we had some early releases.

*Garron:* Two weeks.

*Roy:* Once they come they don't want to leave.

*Schleiff:* Ya its just a joke.

*Roy:* Does anyone have any questions.

*Schleiff:* I don't.

*Garron:* I just have one, Annie you did go and check.

*Brown:*

I did and I confirmed that she wasn't there as well as I talked to Mrs. Jablonski to confirm that she hadn't seen the dog. Um we talked this morning and she hadn't seen the dog. So and I went there last Friday and the dog was gone.

*Garron:*

Thank you. Mrs. Jablonski are you satisfied that ya know the way things are working out.

*Jablonski:*

I am very satisfied with the way things have working out and I just want to say very kind when I've spoken to him very respectful and apologetic. So I mean it, was an accident.

*Garron:*

Thats what is sounded like from the beginning that's why I really wanted to speak to you two. I had your letter but I'd like to know what was going on.

*Kelly:* Ya

*Garron:*

Previous to that and I appreciate you coming down tonight. I don't know whether or not there's anything the Board action the Board needs to take at this time if the dog is in fact out of town. The vet bill is being taken care of as stated. I think I would like to see all of the dog hearing turn out this way. Unfortunately dog hearings aren't really dog hearing but people hearings. A lot times people don't get along with each other in this case I'm really pleased that you able to converse with each other to deal with the situation in a humane manner.

*Ahlstedt:*

We're just glad Tetley is okay and ya know, and that this is not going to happen again and ya know.

*Garron:* I would move that we take no action at all.

*Schleiff:*

I appreciate and that your satisfied and that you've taken care of ... that's what good neighbors are for and thats ...

*Jablonski:* The whole thing was just a bad accident.

*Roy:* Yes

*Ahlstedt:*

I mean I don't know if it was at nine o'clock or wrong place at the wrong time obviously, ya know my wife and I had the dog for less than two weeks ya know obviously not long enough to know that ya know if only I guess the only sign probably would have known was the cat.

*Garron:* The cat.

*Ahlstedt:*

Ya and um Mrs. Jablonski dog was small I mean I just don't know dogs will be dogs ya know.

*Garron:*

If the dog was tied outside all the time in the neighborhood with their other animals when a dog is restrained it feels as if it being teased by the animals when they go by all the time may be a cat may be a dog so when the opportunity comes to, I know what dogs are like, I trained them so.

*Roy:* I know I'm glad it turned out that he's fine. Your cats probably doing better.

*Ahlstedt:*

I ah talked to her the other day I'm gonna give her half this week and ah the other half on the 31<sup>st</sup> .

*Roy:* You are doing the right thing.

*Garron:*

Can we can you guys come in and teach a class on how to deal with this kind of thing?

*Roy:* So I think we have a motion

*Garron:* Other dog owners that are before us

*Jablonski:* I'm a very easy going person and it was a mistake you know it happens.

*Ahlstedt:*

You live in community where theres a lot of dog owners you got to respect other owners or their animals.

*Garron:* I'm serious about that you know, we've got to have a class.

*Ahlstedt:* And thats one of the reasons why ya know we felt she couldn't live with us ya know you gotta have that respect for everybody else that lives in that community.

*Roy:* Um hum

*Garron:* I appreciate you being like that.

*Schleiff:* The neighbors appreciate it and the t.v. audience.

*Roy:*

Thank you so much for coming in. So we have a motion that we end the hearing with no action.

*Schleiff:* No further action. So we just ...

*Jablonski*: I have one question.

*Schleiff*: Sure

*Jablonski*:

Is there any way any restrictions can be enforced in Twin Lakes not the size of the dog but the breed of the dog? I mean I've been to a Board meeting and I asked them about that.

*Seelig*: Twin Lakes itself could do that.

*Garron*: They could have a by law but the town can't do anything.

*Jablonski*:

Ya. I mean a big dog is a big dog I mean we know it could be the biggest pussycat that you ever come across but ...

*Garron*:

You know in the same response I own a Chihuahua Jack Russell mix that it just assume take on a boxer or anybody else. Little dogs are just as bad as big dogs.

*Jablonski*:

On my Tetley does bark that's why ya know I turned to pick him up when I saw the big dog because he is a barker.

*Ahlstedt*:

I use I use to have to do that with my dog Peaches ah she's a miniature pinscher like you know you she likes ya know to bark when she sees other dogs or people and she you just got to try and stay clear ya know I usually pull her back ya know but its just ...

*Garron*: Little dogs do have the bullying complex at times.

*Ahlstedt*: Ya they don't know how small they are.

*Schleiff*: Ya and the motion was ah?

*Garron*: To close the hearing without any further action taken by the Board.

*Schleiff*: Second

*Roy*: All those in favor.

*Roy*: Aye

*Schleiff*: Aye

*Garron*: Aye

## **GENERAL MAIL / DISCUSSIONS CONTINUED**

### Northlands Property

Survey work has been done in connection with the transfer of land at the Burrage Pond Wildlife Refuge from the Commonwealth to the Town and in doing so it was determined that the access way from Halifax is on private property. The Commonwealth has been informed by the property owner that he intends to chain off this access spot. Hence, access to Burrage Pond will need to be done through Hanson. Seelig just wanted the Board aware of this.

Complaint – Thomas DeChane

Mr. DeChane wrote a complaint stating that the town has continued to list Matthew Rogers living at his address. The records have been checked by the town clerk and found that the previous assistant town clerk had recorded this even though Mr. Rogers indicated that his residential address was in another town. The town clerk has filled out the necessary papers and has taken Mr. Rogers off the street listing. Mr. DeChane was also upset that Mr. Roger's gun permit showed that he lives at 14 Circuit Street. Seelig has reported this to Sgt. Broderick and Chief Manoogian who stated they will suspend his gun permit. Mr. DeChane was pleased that all this has been straightened out.

Police Chief Selection Process*Time Table*

Seelig provided a time table for the selection of the new police chief and asked if the Board was okay with it. Roy asked if they normally post for thirty days and Seelig said that it depends on the position or they could post as little as two weeks but it is up to the Board to make that decision and continued to say that if it is department head job he would post it a little longer. Schleiff asked if there was by-law stating how long job would need to be posted and Seelig said five days but he has never done it for that short period of time and usually posts for two weeks. Schleiff and Garron thought that two weeks was enough. Seelig stated if posting for two weeks the following time frame would be as follows:

- February 8<sup>th</sup> deadline for resumes
- February 12<sup>th</sup> decide on the finalists
- Week of February 26<sup>th</sup> the candidates will visit Halifax
- March 5<sup>th</sup> interviews
- March 12<sup>th</sup> decide on a candidate

Moved by Garron and seconded by Schleiff, the Board unanimously voted to post the police chief job for two weeks.

*Job Posting*

Roy read the posting that Seelig provided (copy attached hereto and made an official part of these minutes).

*Minimum Requirements*

The Board was given handouts for them to review of four samples of job descriptions from three towns and one generic. Roy started by pointing out that on the *generic job description* it stated candidate must have 15 years of progressive career experience as a certified police officer, have worked in at least 3 different functional areas and have command level experience of not less than 6 years. She suggested that they could change it to 2 different functional areas and have command level experience of not less than 6 years. Roy also read another requirement that stated thorough knowledge of law enforcement principles, practices, methods and equipment. Those requirements were previous discussed by the Board. She also noticed that on two of the job postings had physical requirements and was wondering how important that was. Garron thought it was very important. Seelig stated that in the ad they can put in the very important points they are looking for.



Schleiff's thoughts were to go by years of experience and asked if they went by schooling would they go masters with 5 years experience, bachelors with 10 years or high school with 15 or 20 years experience and Roy stated that would be the way to go about it. Schleiff noticed on the handout in the section of *job requirements* that there was a variation for bachelors and masters degree but would like to take in consideration street smarts along with having a degree. He also stated that the current chief could give some input regarding the qualifications needed for the job and added that the chief position is more of an administration position than a supervisor and Roy agreed. Roy asked Garron how he felt about asking for 15 years of progressive career experience as a police officer or do it the way Schleiff suggested. Garron did not want to do it that way as you build experience on the streets and that experience holds a great deal in being qualified for the position. Roy pointed out that we are a small town and a lot of it is hands on management and working on community development and she would like the new chief to work with the officers in reaching out to the community as well as working on conducting drug busts. Schleiff stated that yes they would like someone who holds the highest degree but how will they scale it masters, bachelors and or how many years of supervisory. Roy felt comfortable hiring someone with seven years in a sergeant's position because if managing eleven officers someone would need that experience.

At this time the Board needed to stop this discussion as it was time for their 7:45 appointment. This discussion will be continued later in the evening.

### **SCHEDULED APPOINTMENTS CONTINUED**

#### **Community Development Block Grant Public Hearing**

Roy opened the hearing for the community Development Block Grant at 7:45 pm. Susan Gray, who is from STG Consulting Services, came in this evening to explain to the Board what the FY2013 Community Development Block Grant entailed. Ms. Gray began by saying the 2013 grant application is a continuation of the 2010 grant application in which Halifax and Carver together accepted applications from residents who qualify to receive funds to do renovations on their homes. This time around Halifax and Carver are adding a childcare subsidy to the application. As part of the 2010 grant eleven housing units in Carver and seven housing units in Halifax were renovated. A couple of reasons for submitting a joint application with another town is that it allows the towns to request \$100,000 in additional grant funds and joint applications receive more points and that gives us a better chance of being funded. The application deadline is February 15, 2013. Ms. Gray provided the Board with the following information regarding the grant process.

The housing rehab program overview is as follows:

- Funds for the program originate from HUD.
- Purpose is to assist low to moderate income homeowners to fix building and sanitary code violations, provide weatherization, handicap access and help improve safety and livability of their home
- Funding is through a deferred payment loan in which the maximum loan amount is \$30,000 (\$35,000 if lead paint or asbestos). If the homeowner owns the home for fifteen years after obtaining the loan, the loan is forgiven.

- In FY2010 grant round the average cost to rehab a unit is \$29,700 but was reduced to \$27,000 due to leveraging.
- The target areas remain the same as in the FY2010 application process.
- In Halifax there are eight hundred units in the target area.

Childcare Assistance program overview is as follows:

- Adding this will assist in scoring
- Purpose is to provide subsidies to low and moderate income families in Halifax and Carver.
- Designed to assist low-moderate income families who are employed or seeking employment (or full time students). Qualifications are based on household size.
- Children from age 0-13 are eligible and age is extended to 16 if the child has a disability.
- Admitted children pre-school age or younger will receive \$3,000 as a first allocation and children school age will receive \$2,000. Additional funds can be requested on a first come first serve basis and the maximum award per child is \$5,000.
- Families are required to contribute to the cost of care which typically will be 20-30%.

Preliminary Budget

- Loan funds 21 units – 13 in Carver and 8 in Halifax = \$598,500
- Childcare program – 6 slots for Carver 6 slots for Halifax = \$70,000
- Program delivery cost = \$153,000
- General administration cost = \$50,000

Total grant request = \$871,500

Garron asked how they would find daycare facilities for the daycare program and Ms. Gray said that there is Massachusetts has the over all list that has people who have requested subsidies in this area and they would use that list to generate letters to the daycare providers. Seelig stated that the hearing this evening was for the public to ask any questions they may have and added that the hearing will need to be closed this evening because if continued it will be close to the application deadline. Roy asked if there was anyone in the audience who had any questions and no one came forward.

Moved by Schleiff and seconded by Garron, the Board unanimously authorized the Chair, Kim Roy, to sign on behalf of the Board, the joint application authorization form for the 2013 Community Development Block Grant.

Moved by Schleiff and seconded by Garron, the Board unanimously closed the Community Development Block Grant hearing.

### **Barry Gates – Earth Removal Permit**

Mr. Gates wanted to come in this evening to meet with the Board regarding his earth removal permit, which expired in December. His intentions at this time is not to move any material but is hoping that in the fall (2013) to start digging again as he wants to complete the project that he set out to do three years ago. He would like to renew his permit without spending any money on drawings showing the current topographical data or for the inspection that needs to be done by the town's engineer. If he was to terminate the permit he would have to do both.

Garron had asked Gates if he had plans and if so he could look at them to see how much has changed. Gates stated that he does not have any plans. Seelig stated that Gates will have to go through the stipulations that were written on his permit and present to the Board what stipulations he does not want to have met.

Roy wanted to recap what Gates wants to do which is that he does not want to renew his permit because of the cost and that the only time the Board would need to get involved is if he was to move material off the property. This was correct.

Within the next week, Seelig and the Selectmen Assistant will go through the stipulations on the permit and forward to Mr. Gates. He then can decide (1) what he does or does not want to do, (2) report that back to the Board, (3) go to Webby Engineering and then (4) come back to the BOS.

**Stuart Hall – Appointment to Finance Committee**

Mr. Hall has expressed an interest to re join the Finance Committee. Mr. Stuart was previously on the committee a few years back but needed to resign because his work took him out of Massachusetts. He now is back in the area and has the time to do it again. Roy, who served with him on the committee, is excited to have him back as he brings a lot of knowledge to the table as well as knowing the department heads.

Mr. Hall has already has meet with the Finance Committee and they are recommending that he be appointed.

Moved by Garron and seconded by Schleiff, the Board voted to have Roy cast a vote to appoint Stuart Hall to the Finance Committee.

Selectmen Chairman Kim Roy motioned and Moderator John Bruno seconded, to appoint Stuart Hall of 54 Highland Circle to the Finance Committee, term to expire June 15, 2015:

Selectmen Chair	Kim Roy	Yes
Finance Committee Member	No one attended	----
Moderator	John Bruno	Yes

This appointment is considered “new” and required a majority of the following vote:

Selectmen Chair	Kim Roy	(1)
Finance Committee Member	No one attended	----
Moderator	John Bruno	(1)

**GENERAL MAIL / DISCUSSIONS**

Free Cash Notification

Free cash figures are as follows: \$497,244 in General Fund, \$497,933 in Water and \$326,036 in Solid Waste.

Musterfield Lane

Jacqueline Adams of 14 Musterfield Lane has sent in a letter complaining about the conditions of the road. Seelig informed the Board that this is a private way and has never been accepted by the town. He has forwarded the complaint to the Highway Surveyor and said that he can ask if it can be graded.

Meeting with the Auditors – FY2012 Audit

There will be a meeting with the Auditors on Monday, January 28<sup>th</sup> at 2:00 pm.

Ambulance Abatements

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

December 2012	FOR	\$ 8,529.35
---------------	-----	-------------

S.A.F.E. Grant

Moved by Garron and seconded by Schleiff, the Board unanimously authorized the Chair, Kim Roy, to sign on behalf of the Board the S.A.F.E. grant.

LEPC Grant

Moved by Garron and seconded by Schleiff, the Board unanimously authorized the Chair, Kim Roy, to sign on behalf of the Board the Local Emergency Management Planning Committee grant.

**SCHEDULED APPOINTMENTS CONTINUED****Watershed Association**

Back in November the Board met with the Monponsett Watershed Association regarding the current contamination of Monponsett Pond and the lack of water flow by the City of Brockton. Both the Board of Selectmen and the MWA decided that letter be sent by the Board to Brockton Water Commission asking for logs of the water diversion and the other requirements from the Act of 1964 that was passed by the legislature allowing Brockton to divert surplus water. The Board has received a response back from BWC and this evening the association is here to talk again with the Board about there response and to see what the next step might be. MWA did not feel that the questioned asked were adequately answered by BWC. Present for tonight's meeting was Paul Collis, President of Monponsett Watershed Association and the executive board.

Mr. Collis began by saying that for Brockton to say that the fish ladder is open is incorrect because every time a member from the association has gone down there the ladder has been closed. They went once on December 5<sup>th</sup> and it was open but felt the reason it was open was because it was five days after the association met with the Board of Selectmen. BWC is required to maintain records and they stated in their response letter that the data is available at the treatment plant. MWA is asking why can't they scan the information and send it electronically to the town. Mr. Collis also wanted to say that sometime between December 26<sup>th</sup> and January 11<sup>th</sup> a solar panel was installed.

Garron stated that if nothing else comes out from writing a letter to them this might have made them aware that we are conscious of what is required of them.

Mr. Collis stated they that they have a long way to go to make them comply with the law and that BWC is diverting contaminated water from West Monponsett to the clean waters of East Monponsett. He also asked how the Board felt about the

letter that Brockton sent and Garron stated that they are stating what is happening but not providing documentation to back it up and Roy agrees.

Schleiff stated seeing as we sent a letter and they have responded he suggested that the next step could be having a joint meeting with everyone to have an open dialogue. Mr. Collis asked if the Board wanted to invite the water commissioners to attend this said meeting as Mr. Creedon has been to all the MWA meetings and he is a little disruptive and does not know how effective it would be.

Mr. Rogers asked the Board what they thought it meant where it stated *that the downstream flow should take place at all times while water is being diverted*. He continued to say that the interpretation is that 900,000 gallons are only being released during the diversion and presumably when they are not diverting there could be zero flow. MWA seems to think the intent of the law is that a minimum of 900,000 should be flowing when being diverted implied that they expected that it is flowing more than that at times and that there would not be official blocking of the water at other times but it does not say that. If Brockton says that they will divert for six hours then stop that does not help the pond as it will leave it stagnate for the period of time they are not diverting. The intent is if they are diverting to make sure at least 900,000 gallons was flowing and when not diverting it should be what naturally should flow and it is the hope of MWA that it is interpreted that way. Mr. Rogers asked the Board how it came across to them. Roy agrees with Mr. Rogers and Schleiff stated that we are trying to fix the problem on the lakes by treating them and in conjunction with doing that BWC needs to do their part to help.

Roy asked if they wanted to schedule a separate meeting on a night that the Board does not typically meet as their agenda is getting full. Schleiff suggested that the MWA could have a meeting and invite Brockton and all other prospective parties and the BOS could attend. Mr. Collis thought that it should come from the BOS and Roy agreed. Seelig suggested having the joint meeting either on February 5<sup>th</sup> or the 19<sup>th</sup>. Mr. Collins added there is an urgency because if we do not do start working on this now we will be looking at a stagnant pond in the summer.

A joint meeting between BWC and MWA will be scheduled for February 14<sup>th</sup> with February 19<sup>th</sup> as an alternate date. Seelig will see if Lycott can attend and will get a letter out to BWC and Brian Creedon. In closing the Board thanked the association for their hard work.

## **GENERAL MAIL / DISCUSSIONS CONTINUED**

### **South Shore Race Management – 5 Mile Road Race**

South Shore Race Management is requesting permission to hold the 2<sup>nd</sup> Annual Halifax 5 Mile road race on May 5, 2013. The course will remain the same as last year which will begin at the Halifax Elementary School parking lot from there, runners will take a left onto Plymouth Street (Route 106), left onto South Street, left onto Hayward Street, left onto Franklin Street, right onto South Street, right onto Plymouth Street (Route 106), right into school parking lot where the race will end.

Seelig has asked public safety and public works for any comments they may have. Fire Chief responded with no stipulations and the Board of Health Agent provided

some advice on handing out water/fruit etc. If approved then the BOH advice will be forwarded to the race organizers.

Moved by Garron and seconded by Schleiff, the Board unanimously voted to give permission to South Shore Race Management to hold a five mile road race on May 5, 2013 starting at 9:00 a.m. in the Halifax Elementary School parking lot and continuing with the course that is outlined above.

#### Town Clerk Memo

The town clerk has submitted a memo regarding an incident that occurred between her and another individual on December 24<sup>th</sup>. Seelig asked the Board how they would like to handle this. Both Roy and Garron were taken back from it and Roy stated that she would like a formal report from the other party and Garron agreed. Schleiff asked if there was more to it as he did not get a lot out of the memo and asked if it was a boisterous conversation or a disagreement and Roy stated that another employee heard it and came out of their office to see if things were okay. Schleiff asked if it is hear say and are only getting one side of the story as to what went on. Seelig has a problem with the disrespect of one employee to another. Again Roy said that she would like a written statement from the other individual stating their side of the story.

Moved by Schleiff and seconded by Garron, the Board unanimously instructed Seelig to contact the employee asking them to give a written account of their view of what happened on that date.

#### Future Odie Situations

Previously the Board was given a policy to review regarding situations when the town is in property possession of a dog. Also Seelig has also asked the ACO for her input but has not heard anything. Garron stated that he has no issues with the policy. Schleiff said that the situation with Odie was a rarity and with that being said, Seelig said he still would like to have something in writing. Schleiff would like him to ask the ACO again for her take on the policy. Roy's felt that the ACO has already been notified and contacting her again was really not needed. Garron asked Seelig to send to the ACO another note asking for a reply. Seelig will contact the ACO asking for some feedback.

#### IRS Vehicle Usage

Seelig wanted to update the Board regarding the IRS regulations (states the town will have to include personal use of a vehicle for commuting and transportation to a second job or other activities when calculating gross wages for those individuals) and those employees that this pertains to have been notified of the regulations. In addition to notifying them he also scheduled a meeting to go over the regulations in which no one showed up. At that point he had to inform them that they are going to have to pay additional taxes for use of commuting purposes or taking the vehicle to a second job. Roy added that Seelig has specified these IRS regulations go into effect on January 1<sup>st</sup>.

Also the highway surveyor is requesting that he be able to take his vehicle home at night. Garron asked why is he requesting this and Seelig stated that he did not have that answer but said the Board asked for changes several months ago and he replied then the IRS situation came up so Seelig needed to bring it forward.

Garron said the decision to allow the other two individuals to bring town vehicles home was because of specific reasons and stated that this individual did not state why. Is it that he would like to use it to just go back and forth to work? Seelig said the short answer was yes instead of going to the highway barn to pick up the truck he would have the vehicle available if he was to get a call after work hours. Seelig said if the Board does not approve him to use his vehicle for commuting purposes he will not have to worry about the IRS regulations, therefore leaving only two employees who will need to be concerned about regarding the regulations.

Schleiff said that this came up at town meeting because of the town shared vehicle he was proposing to be used by the town hall employees. He said that he has not done all the homework on this but is working on it.

Schleiff is trying to understand the IRS regulations. Seelig asked what material would he like regarding this and Schleiff asked how much and from where to where would they be charged. Seelig stated that it is \$1.50 each way to and from work equaling \$3.00 a day for 250 days a year totaling approximately \$750.00 for the year. This amount will be considered additional compensation to their earnings and will be reported on their W-2's. Schleiff asked if this was a new regulation and Seelig stated it is not but now that we know about it if we choose not to enforce it will come back on us. Schleiff stated that they were hired under certain conditions (such as being given a vehicle) now we are turning around saying we found this law and we need to follow it and Seelig said that is correct.

Schleiff feels that there is going to be some blowback on this and is asking what we can do to get around this. Seelig stated that he has gone over all the IRS publications and wrote to the Board about this detailing each employee's case as to why or why not they are exempt and said that if someone can show him they are exempt he has no problem with it. Seelig said if the Board decided that they are not going to allow them to use the vehicle for those purposes then nothing will need to be submitted to the IRS but if they continue to allow them to commute with the vehicles the IRS rules will need to be followed. Another thought is if the Board felt that there is a financial burden on the employee(s) they could increase their pay by the amount they are getting charge but it would need to go before town meeting.

Schleiff said that if they get charged \$3.00 a day maybe they won't want to take the vehicle home but that brings up the problem when there is an emergency delaying the response time to get to it. He asked if we could hold off on this and Seelig said if the Board wants to they can.

Seelig has given the IRS publications to those employees who bring home town vehicles and received a note from one employee for more information. Also the office received an anonymous note quoting a different IRS publication with different language stating that they do not qualify.

Schleiff asked if there was someone else who could look at this to see if there is anything else we could do as this was a condition of the job and was not specified beforehand. Garron brought up the point that beside police officers who get a squad car, the condition of someone getting hired was not that they were going to get a vehicle and that was a decision by the Board. Roy brought up another point that in the private sector if given a *company car* you are required to keep track of

the mileage used for commuting purposes, submit it and it is then reported on your W2's. She does not know if there is any way around it and seeing as we are aware of the regulations they should be enforce so town does not get in trouble.

Seelig stated that no one has stated that he is wrong and it comes down to being responsible or ignore it and if the town wants to make the decision that it is okay to bring vehicle home Seelig is fine with that but it has consequences. Schleiff is not saying to ignore but knows that there are contradictions in the law. Seelig said that none of the individuals have shown him anything different with the interpretation of the law. Schleiff then asked who the town's tax guy was and Seelig said if the Board would like he can bring it to town council or a tax attorney but it will cost the town money.

Garron suggested going along with it until it is proved that we do not have to do it or the law changes then we can deal with it at that time and said that did he asked his tax person if given a town vehicle what happens and was told it becomes part of your salary as the town is paying for gas and repairs on the vehicle. Roy added that there was a seminar by the Mass Treasurers Association on these two subjects (vehicles & uniforms) regarding the law and she is confident that this is the right thing. Garron stated that if the law says they should be taxed then they should be and Roy agreed. She added that Seelig is trying to assist the employees so it will be a lesser blow by asking the Board to put into place a policy to establish that "control" employees are those earning more than \$115,000 per year. If so that will establish the commuting fringe benefit for the Highway Surveyor as \$1.50 per one way trip, hence that would also mean the Board needs to decided whether to approve having him use a town vehicle to commute.

Moved by Garron and seconded by Schleiff, the Board unanimously voted to establish a "control employee" for those individuals earning more than \$115,000.

Seelig then asked the Board if they were going to allow the Highway Surveyor to use town vehicle commute back and forth to work and if not he will need to be informed. Schleiff said that he needs more clarification on vehicle usage policy and to do that he would like to talk with the individuals. With that being said the Board agreed holding off on speaking to the Highway Surveyor.

#### Brandies Circle – Sidewalk Torn Up

Mr. Bolger, resident of Brandeis Circle, has sent in a letter along with photographs, of torn up asphalt sidewalk in front of his house. He claims that the town or a town contractor did this while plowing during a storm that we had before New Years Day. Seelig has forwarded a copy of the letter and pictures to the highway surveyor who will look into this matter.

#### Waiving Trailer Permit Fees Due to Hardship

Town council has informed the Board that since there is no hardship provision in the town's by-law the Town cannot waive the cost of a legal ad. Although, he has recommended a couple of things; one is that if the resident does not have the means to pay for the ad to lien the property and the other is to advise the homeowner that their insurance policy may cover the cost of municipal fee relating to correcting the damages caused by a fire.



Brockton / Silver Lake – Surge Control System

The City of Brockton is proposing to put in a surge control system to control the pressure at Silver Lake. The work is within the wetlands buffer zone and the town is an abutter, therefore Brockton needed to notify the Selectmen and do a formal filing with conservation. No action is needed from the Board unless they want to participate.

School Boiler

Mr. Tuffy has stated that he does not think that they can go into the winter with one boiler and mentioned the option of looking into replacing the existing second boiler with a high efficiency boiler. If work is to be done it will be done in the summer as school will be out and there will be no need for heat.

Police Chief Selection Process - Continued*Minimum Requirements*

Garron does not care if the candidates has a master but would like him to have at least 10 years or more experience in law enforcement. Schleiff stated we could ask that the candidate have at least one of the following; masters with 10 years experience, bachelors with 15 years experience or 20 years or more of experience as a municipal officer. Garron wanted to say that he does not think the Board is negotiating in good faith because based on their last discussion regarding this they all believed there is someone in particular who should be the next chief and asked why bring in applicants and interview them knowing they are going to hire someone else. He continued to say that three other departments in the area have hired in house and feels they should do the same. Schleiff stated that we have a by-law that we have to go by and Garron stated that the by-law says we have to advertise. Schleiff stated that we can have applicants come in to interview and if they do not meet the minimum they will not be considered for the position. He added that you may have someone come in to interview and when you start talking they might not want the job and another factor would be salary, which will be based on their qualifications. Both Garron and Roy agreed with Schleiff that there are some swaying factors.

Roy wanted to recap what was stated earlier; masters with 10 years experience, bachelors with 12 years experience, or 15 years or more as a municipal police officer in addition to having at least 7 years in a supervisory role.

Schleiff thought that the years spread should be a little more. He suggested 10, 15, 20 years experience as he thought it was reasonable and added that they could have the applicant come in with certain degree but then ask that they pursue it even more once in the position because at this time the current chief has a maters. The Board decided on master with 10 years experience, bachelors with 15 years experience or 20 years for experience as part of the job requirement.

*Job Posting*

The salary shall say commensurate on experience. The posting stated that the candidate must have a thorough knowledge of police administration and proven management and leadership skills and ..... Roy asked the Board what else would they like in the candidate. Garron mentioned computers skills and Roy brought up the point that they we losing their technological expert (current chief)

as they would need to know about the radios, towers and equipment etc. and felt that these skills are needed in the applicant.

Roy is asking Schleiff and Garron to look at the job descriptions and come back with their input at the Board’s next meeting. Seelig stated that if someone was to call for the job description he will give them the current one we have on file.

Selectmen’s Budget

Handouts with the selectmen’s budgets have been given to the Board to review. Schleiff stated that he has taken a glance at the budget and said that he did not see many changes and the proposed figures were okay with him. His only question was what to do with the phone system in the office and asked if anyone has looked at the system. He continued to say that the office needs to get the current system fixed as there is no message machine for anyone to leave messages. Seelig stated that he has an article in the *hopper* and is not part of the budget. Roy and Garron are going to take a look at the proposed budget figures.

**EXECUTIVE SESSION**

Moved by Garron and seconded by Schleiff, the Board voted as follows to enter into Executive Session at 9:50 p.m. to discuss contract negotiations for Sergeants, Patrol Officers, Firefighters, Highway and Dispatch:

- Troy E. Garron - Yes
- Kim R. Roy - Yes
- Michael J. Schleiff - Yes

Roy 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 10:15 p.m.

- Troy E. Garron - Yes
- Kim R. Roy - Yes
- Michael J. Schleiff - Yes

**MEETING ADJOURNED**

There being no further business, moved by Garron and seconded by Roy, the Board unanimously voted to adjourn the meeting at 10:15 p.m.

-----  
Michael J. Schleiff  
Clerk

/pjm