

BOARD OF SELECTMEN
SELECTMEN MEETING
TUESDAY, MARCH 26, 2013 - 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, March 26th, was unanimously approved without revision.

AFFIRMED WARRANT

Moved by Schleiff and seconded by Garron, the board unanimously affirmed approval for the payment of the following warrant:

Vendor Warrant	# 75	\$ 1,357,605.56
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APPROVED COMMITMENTS AND WARRANTS

Moved by Schleiff and seconded by Garron, the board unanimously approved payment of the following commitments and warrants with the exception of Schleiff abstaining from the Police Department payroll in warrant #76:

Payroll Warrant	# 76	\$ 325,179.17
Vendor Warrant	# 77	\$ 186,388.12
Withholding Warrant	# 78	\$ 121,110.52
Ambulance Commitment	# 3A	\$ 13,522.17

The board acknowledged payment of the Selectmen Office Payroll for the period ending March 23, 2013 in the amount of \$5,988.02.

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

<u>TURNOVER</u>	<u>AMOUNT</u>
2013-60	\$ 10,172.00

GENERAL MAIL / DISCUSSIONS

Upcoming Selectmen Meetings

Seelig has suggested that the board meet either on April 30th or May 7th to review the articles on ATM and STM warrants. Schleiff would like to hold off till next meeting before deciding on a date.

Borrowing from Stabilization

Moved by Garron and seconded by Schleiff, the board unanimously authorized the Town Treasurer to borrow \$400,000 from the Stabilization Fund to cover expenditures until receipts are in.

Ambulance Abatements

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

February 2013 FOR \$ 13,474.28

Clean up day – April 27th

Roy wanted to mention to the audience that clean up day will be on April 27th and if any volunteers wanted to help out to meet at the Town Hall parking lot 9 a.m. that day. Faith Pasternak, member of the of the Halifax Beach Association, sent an email stating that the association will be cleaning the town beach, shoreline of West Monponsett, the Avenues and possibly the Lingan St. baseball field. Garron added that he will supply trash bags and will get information regarding plantings around town. Schleiff asked if the Beautification Committee was going to help and asked about donations. Garron stated that he did not think the committee was together at this time.

Maintenance at the Elementary School

The board has received a memo from the Finance Committee asking whose responsibility is it to make sure that the school's maintenance is up to date. Roy mentioned that this question was already answered at FinCom's meeting and both Roy and Garron stated that it is the school committee.

SCHEDULED APPOINTMENTS**Michael Jackman – Representative Keating's Office**

Mr. Jackman from Congressman William Keating's office wanted to come in this evening to introduce himself to the board as well as the viewing audience. He stated that the office represents the ninth district, which Halifax is presently part of. He continued to say that he is the "District Director" and spends most of his time in the Plymouth Office located on Court Street and expressed that if any of the citizens have issues or questions about the federal government to please call him. Roy mentioned one thing that could help would be circuit breaker money for our special education and Garron mentioned help with the highways and the recovery of our lake. Mr. Jackman said that the state government is trying to work with the inflow structures throughout the state and said it is not a great time on the federal level but will look into it. In addition he is going to set up a time for Mr. Keating to attend one of the BOS meetings and mentioned that he does informal coffee meetings and will meet with those who cannot get out. Lastly he wanted to say that information about their outings and doings is posted on their website, facebook and in their news letter. The board thanked him for coming in.

Laurie Cavanaugh – Library Director

Ms. Cavanaugh wanted to come in this evening to let the board know of two groups who are in need of new members and volunteers. She is the new library director and this is the first time the board, as a whole, has formally met her hence the board congratulated her on her new position. She thanked them and continued to say the first committee in need of members is the Friends of the Holmes Public Library. This committee funds programs that are not subsidized through the library and are looking for two new people to come on board. There is going to be an open house on Thursday March 28th from 5-7 p.m. at the library to let everyone know what it is all about. Next is the Board of Trustees, which has two positions open. The trustees are advocates for the community and library and meet once a month. She continued to say that nomination papers are available at the Town Clerk's office and must be returned by 5 p.m. on Monday April 1st. All this information is on the library's website. Garron added that the library is a major foundation of the town and that there are lots of things available besides books and anyone who volunteers makes a difference. Lastly Ms. Cavanaugh wanted to mention is that there is going to be line dancing on May 7th from 6:30 – 8:30 p.m. and the cost is \$5. The board wanted to welcome her aboard and thanked her for coming in.

GENERAL MAIL / DISCUSSIONS (CONTINUED)Garden Road/MBTA

A draft has been created for the transfer of the parcel that contains the MBTA portion of garden Road to the town. Schleiff is not familiar with the road and asked what shape the road is in and who currently maintains it bring up the point that if it is deteriorating and we accept it will cost the town to fix it. He would like to get some input from the Highway Department on the condition of the road. Roy suggested that they can put it on the warrant and then pass over it at town meeting if they are still unsure.

Moved by Garron and seconded by Schleiff, the board unanimously voted to table this until such time they have more information.

Disclosure filed by Karen Fava – Vice-Chair of Finance Committee

Ms. Fava's son-in-law is a member of the Halifax Fire Department therefore she might have to recuse herself from voting on line items that directly involves her son-in-law's salary. Therefore, she has filed a *disclosure of appearance of conflict of interest* with the Town Clerk and has asked that a copy be given to the Board of Selectmen. No other action is needed by her in order to be in compliance with the Ethics laws and regulations.

Selectmen Office Phones

A quote in the amount of \$213.00 has been submitted from GALLOTelecom to repair the defective wiring and the phones in the Selectmen's Office.

Moved by Garron and seconded by Schleiff, the board unanimously voted to allow GALLOTelecom repair the phone system in the office.

Cable TV Article

The Cable Advisory Board is submitting an article for the Special Town Meeting warrant requesting the transfer from available funds the sum of \$1,500 to the cable advisory account for expenses related to the information of non-profit Community Access Corporation. Roy was wondering if it was for legal fees to write the paper work and Schleiff thought that is what it sounded like it to him. On a side note Roy wanted to give the board the heads up that a request has been made on the annual town meeting warrant for \$10,000 for the studio. The board was unsure if this was just for rent or to pay employees and stated that they would like more information about what it is for prior to town meeting.

SCHEDULED APPOINTMENTS (CONTINUED)**Monponsett Pond Grant**

Roy began by saying that Halifax has been awarded a grant through the state and tonight members of the MWA were here as well as Russ Kleekamp, Vice President of Municipal and Infrastructure from Green Seal Environmental, Inc. Roy asked Mr. Kleekamp if he could explain to the audience at home what we plan on doing with the funds from this grant. He began by saying that the grant is in the amount of 150,000 which will be split with Brockton. The overall goal is to improve the water quality on the Monponsett Ponds as well as the whole watershed including Silver Lake and Forge Pond. One of the factors that will be looked at is the impact of the City of Brockton and what they have caused to the area. The grant will absorb all the existing information and come up with a practical approach to improve the water quality. This could be include structural improvements to modify a dam or pipelines as well as management approaches. In addition the grant will be used to look at the diversion system for Monponsett Pond and its effect on the ecology of Monponsett Pond and Stump Brook. The grant money awarded to Brockton will be used to look at how the diversion from Monponsett to Silver Lake and the use of Silver Lake as a water supply affects the ecology of Silver Lake and the Jones River.

Mr. Kleekamp continued to say that he will be working with a very brilliant project manager who has worked on a number of projects from Maine down to New Jersey. Garron asked if this will help bring the herring back and he said yes. Paul Collis, member MWA, stated that the focal point is the Stump Brook dam and how it is affecting the habitat including the herring. He continued to say that it is great to have an expert third party view the dam and the surrounding areas so and come up with an objective and scientific view of the impact of the dam and feels that whatever they come up with will be positive and benefit the whole region. Mr. Collis said that the study will show how it works now and if it can it be made better as well as is the 900,000 gallons that the 1964 Act calls for suitable or not.

Garron brought up the point that there are bogs that have been abandoned and have filled up with silt which have stopped the flow. Mr. Kleekamp said that is a great point and that one of the issues when you restore cranberry bogs is that it alters a natural stream course that runs out to the ocean and affects lots of different species of fish. He continued to say that these streams that have been abandoned are so shallow that the water warms up quickly and they contribute to

rivers and then raise the water temperature and the fish can sense that and stay away. This also happens with the water running into the West Monponsett the temperature is raised then cause an algae bloom. In addition the nutrients that are in these abandoned cranberry bogs streams are now being deposited into the ponds again increasing the algae growth.

The board stated that they are excited about this and appreciate their hard work and hope that something will come out of this study to aid the town in addressing our legislators and the City of Brockton as to whether or not we have to do something drastic to improve the health of the lakes.

Moved by Garron and seconded by Schleiff, the board voted to have the Chair, Kim Roy, sign the contract with the Commonwealth of Massachusetts for the Monponsett Sustainable Water Management Initiative Grant (SWMI).

Schleiff asked about the reports that were listed within the contract and Mr. Kleekamp stated that the reports are handled by the consultant who will work with the State they provide the reports to Ms. Drinnan, who he believes, will be the point of contact for the town. Schleiff stated that the grant is for \$ 65,283 and asked if that was Halifax's share of the \$150,000 grant and he said that was correct. He explained that each town submitted independently but they made an offer that if they can combine the grant they could reduce the redundant work and save the State some money. It was said that these grants are separate and Halifax has their own scope of work than what the City of Brockton does and where there is commonality of work areas they will be working together.

Mr. Collis mentioned that MWA will be meeting with the board on April 9th and he will send Seelig some discussion points and Roy mentioned that Mr. Creedon will also be in attendance.

GENERAL MAIL / DISCUSSIONS (CONTINUED)

Nessralla's Sign – Corner of Hemlock Lane & Plymouth Street

The Historical District Commission has sent a letter to Mr. Nessralla (cc'ed the board) asking that his sign located at the above location be changed so that it can be in compliance with the other signs in the historical zone. The letter further states that the commission feels that enough time has passed since their previous request. Roy had stated that the board had talked with him either a year or two ago and at that time he brought in the sign that was to replace the existing one. Garron added that he seems to think they have talked with him at least three times about this issue. No action was need from the board.

Ethics Letter – Police Department

Schleiff is asking that a third letter to the States Ethics Commission regarding his ability to participate in executive session negotiations for police chief's contract and the reason for this is his son is employed as a Halifax Police Officer. Roy began by saying that two letter have already been sent. The first was sent asking if Schleiff could participate in the selection process of the police chief and the board found out late in the process that he could not. The next letter was asking if Schleiff could participate in the contract negotiations and in response to that

question from the State Ethics Commission was that he was not able to participate.

The third letter (drafted by Seelig) is asking if Schleiff can come into executive session as a private citizen. Schleiff said that he wanted to know what his level of participation was on this and said that originally it came across that it didn't rule out him participating unless a police chief would or would not accept a bid from the town to hire them in the contract but everything else was okay.

Roy thought the question was ... if you could participate in the contract discussions and that answer was no. Schleiff was aware of why that answer was no and that was because of the possibility the police chief might not accept the contract. Roy asked Schleiff what was it that he asked Seelig to clarify and he said what exactly can his participation be and can he sit in the room during executive session. Roy stated that they would not invite a regular private citizen to participate in contract negotiation if they had nothing to contribute to the discussion. Schleiff stated that there are three different scenarios in the third letter and wanted to say that he did not come up with them.

Roy felt that two letters have already been sent to the State Ethics Commission and they have been clear stating that you couldn't participate. Schleiff said the first letter was pertaining to the hiring of a new police chief and not negotiations. Roy brought up the point that he sort of participated and they found out in the very end of the process that he couldn't.

Roy continued to say that a second letter was sent asking if Schleiff could participate in the contract negotiations and again it was stated he could not. Schleiff said that the reason that was no was because the new hire could turn around and say I'm not taking the job because of what can happen in negotiations.

Roy asked Schleiff if he read the letter that Seelig wrote and he stated he had. Roy then read the three scenarios.

- It is up to the Board of Selectmen to determine which individuals will participate in an executive session and to the extent that they will be allowed to participate. Therefore, the Board could decide to allow a selectman whose child was a patrol officer to sit in the audience during the executive session and could also allow that individual to participate as a private citizen representing only himself. The board could however, decide not to allow that individual into the executive session or, if it did allow that individual to attend, not accept any participation from the member.
- It is up to the member with a child who is a patrol officer to decide whether to attend the executive session as a private citizen but if that individual does attend, it remains within the jurisdiction of the Board of Selectmen to determine whether that individual can participate, other than as an attendee, as a private citizen.
- The member whose child is a patrol officer cannot attend the executive session.

Roy said that even if the Ethics Commission came back stating that Schleiff could participate in executive session she would be concerned with the way the taxpayers would perceive it knowing that there is a relationship there and because we wouldn't normally invite anybody else to sit in on an executive session.

Garron stated that one of the reasons the Ethics Commission was developed was because they wanted to eliminate any perception of any wrong doing and the bottom line is two letters have been sent stating that he can not participate and he does not know if they would find a reason for them to say yes.

Roy was confused to what Seelig was going to write in the letter and Schleiff answered he was asking what level of participation he could have in executive session. Roy asked if you cannot participate why would you attend. Schleiff stated that if he has some knowledge in an area that would be helpful to the board would be one reason and that he is hoping that the third letter sent would help clarify his level of participation. Roy understood that reasoning but for her it is about the perception and that it was no reflection on Schleiff and knows that he would not go back to anyone and state what may or may not have been discussed but does not want anyone questioning a contract that has been negotiated. She did not see the point in sending another letter as the commission was pretty clear in the two already received but if he would like them to send another letter she is fine with it. Schleiff stated that he has been talking with the commission for the last past year and half to make sure that he has not done anything improper and it is disturbing when the is told one thing and another thing is stated therefore just wants clarification on their answer.

Garron is curious as to what their response is going to be so that they are clear. Roy stated that if Garron was okay with the sending the letter then she agreed to send it but asked if it could come from Schleiff and not the whole board as the board has already sent in two letters and like to change in the letter that Seelig had drafted stating that at the "request of a member of the board". She added that seeing as two responses have come back from the commission stating that he cannot participate that they need to treat it that way until such time they hear different and Schleiff was fine with that.

Moved by Garron and seconded by Schleiff, the board unanimously voted to send a third letter that has been drafted to the State Ethics Commission referencing that the letter is at the request is from a member of the Board of Selectmen.

Talent Bank Form – John Budenas

The office has received a talent bank form from Mr. Budenas who has expressed an interest in assisting the Veterans' Agent on a volunteer basis. The form has been forwarded to the Veterans' Agent and he will get in contact with him.

EXECUTIVE SESSION

Moved by Garron and seconded by Schleiff, the board voted as follows to enter into Executive Session at 8:45 p.m. to discuss contract negotiations for Sergeants, Patrol Officers, Firefighters, Highway, Dispatch and Police Chief:

- 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 9:50 p.m.

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

MEETING ADJOURNED

There being no further business, moved by Garron and seconded by Roy, the board unanimously voted to adjourn the meeting at 9:50 p.m.

Michael J. Schleiff
Clerk

/pjm