

BOARD OF SELECTMEN
SELECTMEN MEETING
TUESDAY, MAY 7, 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.

AGENDA

Roy added that there will be a discussion with the Planning Board and Zoning Board of Appeals this evening.

With the above additions, the agenda for Tuesday, May 7th, was unanimously approved.

MINUTES

Moved by Schleiff and seconded by Garron, the Board unanimously approved the following Selectmen Minutes:

- Regular Session – February 12, 2013
- Regular Session – March 12, 2013
- Regular Session – March 26, 2013

AFFIRMED COMMITMENTS AND WARRANT

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

Vendor Warrant	# 87	\$ 252,227.59
Ambulance Commitment	# 4A	\$ 19,662.66
Ambulance Commitment	# 4B	\$ 18,085.44

APPROVED 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 #88:

Payroll Warrant	# 88	\$ 315,567.91
Vendor Warrant	# 89	\$ 313,988.80
Withholding Warrant	# 90	\$ 117,433.22

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

Municipal Licensing Corporation (Dubrawski & McSherry/attending meeting 6-5-13)	\$ 50.00
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The Board acknowledged payment of the Selectmen Office Payroll for the period ending May 4, 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>
2013-64	\$ 15.00

GENERAL MAIL / DISCUSSIONS

Kennel Permit – Jennifer Choate

Seelig informed the Board that the Zoning Board of Appeals has approved changes in Ms. Choate's special permit allowing twenty-six litters per year (20 German Shepherds & 6 Pomeranians) and a maximum of fifty dogs on the premises. Roy wanted to note that that is double the amount of dog that she currently has.

Compliant – Kevin Brown

Mr. Brown, former resident of Halifax who moved to Hudson, had an overdue excise tax bill here in Halifax. The bill incurred charges and interest. He sent an email and in addition to complaining about the charges and interest he also was upset about the treatment he received by the staff in the Collector-Treasurer's Office. Seelig replied back and stated that he would pass this along and in response Mr. Brown stated that he does understand that people have demanding stressful jobs and his intent is not to get anyone in trouble but hopes to make things better. Seelig forwarded the complaint to Kathy Shiavone and is waiting for a response. There is no specific action needed from the Board.

Flag Event

Mark Valentine has sent the Board a flyer regarding a flag event on Sunday, May 26th at 1 pm at the Ridder Farm Golf Course just in case they would like to attend.

Silver Lake Student of the Year – Jonathon Dellot

Jonathon Dellot, resident of Halifax and senior in the technical and career education program at the high school, has been awarded the student of the year award. Seelig asked the Board if they would like to have him come in so that they can commend him on his achievement. The Board all agreed for him to come in on May 28th.

Volunteers who helped clean up Day

Seelig wanted to thank all the volunteers who came out on April 27th to help with clean up day. He added that this is the biggest crowd they ever had with 60 to 70 volunteers. Garron also wanted to thank everyone and for those who have committed for next year.

Funflicks & Doug Lauzon's Hall of Fame Music Contracts

Moved by Garron and seconded by Schleiff, the Board voted to have the Chair, Kim Roy, sign the Funflicks and Doug Lauzon's Hall of Fame Music contracts.

Ambulance Restocking Fee – South Shore Hospital

Moved by Garron and seconded by Schleiff, the Board voted to have the Chair, Kim Roy, sign on behalf of the Board, the Ambulance Restocking Agreement between South Shore Hospital and the Town of Halifax.

Class II License – Richard Pasquariello

Richard Pasquariello has made a payment in the amount of \$1,500 (balance as of now \$5,200) on April 24th to the collector’s office. The Treasurer-Collector has asked that the Board rescind the revocation of his license.

Moved by Garron and seconded by Schleiff, the Board unanimously voted to rescind the revocation of Richard Pasquariello’s Class II license.

SCHEDULED APPOINTMENTS

Officer William Caprio- Appointment to Sergeant

This evening Sergeant Broderick wanted to offer Officer Caprio a Sergeant position. Sgt. Broderick stated that he has been with the department for quite some time and feels that Officer Caprio is quite capable of filling this position. Roy asked how long he has been in town and Officer Caprio stated that he grew up in Halifax most his life. She asked what shift he works and he said that he is on the day shift and as of right now that will continue. Garron stated that he has never heard anything negative about his performance as a police officer and is confident that he will continue to do a great job as a Sergeant.

Moved by Garron and seconded by Roy, the following vote was taken to appoint Officer William Caprio as a Sergeant to the police department.

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

At this time Sergeant Caprio was sworn in by Town Clerk, Barbara Gaynor. In closing Sgt. Caprio thanked Sgt. Broderick and the Board of Selectmen for giving him this opportunity to serve as a Sergeant on the Police Department.

GENERAL MAIL / DISCUSSIONS (CONTINUED)

Monponsett Copper Treatment

Gentleman by the name of John Burriss has written to the Board of Health (who passed on to Seelig) arguing about the treatment of copper. Seelig thinks he is concerned of the treatment that is scheduled for later this spring as he may have read an article that was written last month mentioning the use of copper rather than aluminum sulfate. Seelig has emailed Mr. Burriss telling him that the town intendeds to use aluminum sulfate and not copper.

Gasoline and Diesel Bids

Moved by Garron and seconded by Schleiff, Board unanimously voted to award the contract to Dennis K. Burke, Inc. for the delivery of premium unleaded gasoline and diesel fuel to the Town of Halifax for the period July 1, 2013 to June 30, 2014 at the following quoted price:

- Premium Unleaded Gasoline rack price plus markup of \$.0362
- Diesel Fuel rack price plus markup of \$.0362

Boston Strong Event

Resident Robin Bellinger emailed Seelig saying that 60 plus people attended the Boston Strong event that was held on April 28th. She intends to work with UPS to get out the poster and cards that were made. She posted a sponsor thank you sign during the event and will be sending thank you notes to the following companies: UPS, Walmart, Stop & Shop, We Print-Kingston, Staples-Pembroke, Bella's Pizzeria and Santoro's Pizza.

Robert Briggs – 111F

Moved by Garron and seconded by Roy, the Board voted as follows to place Officer Robert Briggs on 111F status from April 27, 2013 until such time he is cleared to return to work.

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

MA Department of Energy

Massachusetts Department of Energy is looking for public comment on expanding renewable energy, promoting energy efficiency, business development and job creation, reducing energy costs of energy programs while increasing benefits, reducing cost of electricity, increasing electricity reliability. No action is needed from the Board unless they would like to send something in.

Dog Parks

The office received literature from the Stanton Foundation regarding grant programs in support of the design and construction of dog parks in cities and town throughout the Commonwealth of Massachusetts.

Wetlands - 4 Danson Lane

The applicant, Perk Realty Trust, wanted to notify the Board about the *notice of intent* for the property listed above. No action is needed from the Board unless they want to comment to the Conservation Commission.

Trash Contract – Howland

The following two bids were received for the new trash contract:

Howland Disposal	\$88,920 for the 1 st year
Capital	\$225,000 (hauls were \$170 & \$175 per haul for recyclables)

Both the Recycling Coordinator and Highway Surveyor recommend Howland.

Moved by Garron and seconded by Schleiff, the Board unanimously voted to accept the contract/bid submitted by Howland Disposal in the amount of \$88,920.

Trash – 3 Pasture Lane

Tomorrow (May 8th) Seelig plans on checking on the property listed above and if not in compliance fines will be imposed. The owner has declined to accept the certified letter that stated that the matter was to be brought to the Board on April 23rd.

Electric Vehicle Incentive Program

Mass DEP is administering a competitive grant program that will provide incentives to municipalities for them to purchase electric vehicles and install Level 2 charging stations. Workshop will take place to provide applicants with an overview of MassEVIP and the available incentives for vehicles and charging stations, applicant eligibility and program requirements, types of vehicles and charging stations and application process. Schleiff asked if there was a cost to this and that he would like to know a little more about this program. Seelig said that he will check to see if there is a cost.

DEP – Municipal Assistance Coordinator

The SE coordinator is looking for office space. Towns would need to provide a workspace with utilities, submit a monthly invoice for salary; travel and they would have access to a health plan. They will receive \$9,000 per year. Susan Johnson said that there is space at the Recycling Center and is throwing it out there seeing if the Board would be receptive to this. Deadline for applications is May 24th. Seelig will look into this more.

Line item Transfers

Moved by Garron and seconded by Schleiff, the Board unanimously approved the following line item transfers:

FROM	TO	AMOUNT
Highway Wages #01-420-5100-5115	Highway - Clerical #01-420-5100-5113	\$ 2,000.00
Heating Oil #01-472-5410	Highway Equip. Maintenance #01-425-5243	\$ 12,500.00
Town Bldg. Custodial Wages #01-196-5110	Town Bldg. Expense #01-197-5242	\$ 5,000.00

The Board is holding off on approving the line transfers submitted from Chief Carrico as the Finance Committee would like more documentation.

Gordon Riker Benefit 5k Walk/Run road Race

Moved by Garron and seconded by Schleiff, the Board unanimously approved the fifth annual Gordon Riker Benefit 5k walk/run Road Race for Sunday, June 23rd from 10:00 a.m. to 1:00 p.m.

Fire Department Communications Contract

The State is proving the region with a \$200,000 grant to upgrade the emergency radio communications system in Plymouth County. The Board needs to authorize the Chair to sign on behalf of the Board.

Moved by Garron and seconded by Schleiff, the Board voted to have the Chair, Kim Roy, sign on behalf of the Board, the contract between the Town of Halifax and Department of Fire Services in the amount of \$200,000.

BFI Landfill Resculpture

BFI would like to bring in approximately 90,000 to 100,000 tons of contaminated fill to fix some kettleholes that have developed and resculpted the crowns of the landfill. Seelig has a note into DEP asking who issues what permits for this and has recommended that the Board meet with BFI, Conservation, BOH and any other interested parties regarding this so that BFI can explain what their course of action is. Garron wanted to clarify that they are only going to be filling in the areas that have sank and Seelig said that is correct and also will be resculpturing the crown. No action is needed at this time from the Board.

ATM Warrant Articles

Roy recommend before going through the whole warrant that they go to the ones they are sponsoring and designated who will speak on behalf of each one. Seelig wanted to bring Garron up to date and told him that along with the twelve amendments in the Wage & Personnel by law there is an intent to bring in a thirteen amendment for a 1.5 % pay increase for Wage and Personnel employees. Garron asked when was that discussed and Roy said last night at the Finance Committee meeting and added that FinCom is in support of this. Seelig explained given the revenue picture in terms of local receipts and the state aid number for next year the town should have sufficient money for a 1.5% increase. Garron was in agreement with the increase. Roy added that it still needs to be voted by the W & P Board but the consensus is that they are on board with it.

Attached is the 2013 ATM & STM Warrant hereto and made an official part of these minutes.

Listed below are the ATM articles that have been assigned to each board member along with some discussion on several of the articles:

Schleiff

#7 - Dispatcher's contract

#8 - Highway and Cemetery contract

#41 - Town Hall Security System

The concern is tripping the alarm and having the police up here all the time but Schleiff thought that if employees were educated this would no happen too often and he is not sure where to go with this and stated that he is alone on this. Roy does not feel comfortable speaking to it and Garron said the first question that will probably be asked is why we need this and if the Board does not have a reason for it then they won't have any back up to support it. Schleiff said that he has come to the Town Hall and found doors and windows unlocked and lights on. Garron said that is human error if things are left on and that a security system is not going solve that problem. Bert Gaynor (who was in the audience) said that if the windows are alarmed and doors are not closed you cannot activate the system which will force the issue to go around and check the windows and doors. Roy brought up the point that if you serve on a board or committee and you do not have access to some of the offices where a window was left unlocked you would not be able to shut the window. Garron asked how much do we have in computer equipment in the building and Seelig said close to \$200,000 and Garron made the point that for that amount alone to put in system for \$13,000 out weighs the cost. Schleiff pointed out that there are documents in the Town Hall that cannot be

replaced. Roy asked Schleiff if he wanted to pass over the article and have another year to look at it but he felt that would be another year without security in the building. The quote that he received is to do a standard system in the building. He would like to move forward with it then work out the specifics among the departments and asked Roy and Garron for feedback and their support. Garron said security is necessary but as Schleiff said earlier it depends on if we want to secure all rooms. Roy suggested getting a mini committee together to work out what it would look like. Schleiff said you can put in the system then build off it.

#52, #53, #54, #57

Roy

#1 – report of the Town Officers and Committees

#10 – Police contract

#15 – Portable Public Access System

#16 – Telephone System in Selectmen’s office

#17 - LED sign

Schleiff stated that \$25,650 it is a lot of money for a sign. Seelig asked Roy if the amount was going to be less then what was printed in the warrant and she yes but not much and continued to say that she struggled with this and asked Seelig if they really need to do notifications. Seelig said that the signs pulled in more people for the Boston Strong event then any other advertisement that Robin Bellingher did. The Finance Committee is hot on this because it will help with tax collection and dog license renewals. Seelig added it is times sense with the M&SB as they spend a lot of time putting up and taking down notifications. Schleiff said at first it was going to be done for free and Garron stated that the Lion’s club was willing to pay but at this time Roy said they did not have the money.

#25 Emergency Management Supplies

This is for the purchase of cots for the emergency shelter as Roy pointed out that during the blizzard they ran out of cots and that they thought they were going to have to turn away residents.

#58

#59 - replacing “Dog Officer” with “Animal Control Officer” in the code of the Town of Halifax

Garron stated that they have been referring them as Animal Control Officers and Seelig said the State by laws now states Dog Officers as Animal Control Officers and that the town’s by laws still say Dog Officer therefore the town is just catching up to the State by laws.

#60 – amend fees for Flammable Storage Licenses

#63 – place on 2014 ballet that the Treasurer-Collector position be an appointed position not elected.

Roy stated that she was on the Government Study Committee and has done some research on this particular change so if Garron and Schleiff would like her to speak on this she is happy to do so. She knows that some people are concerned about how the candidate is chosen so she is proposing to the Board that they have a outside search committee with no members from the Board of Selectmen choosing the candidate. She suggested that they could have the Town Accountant, the Assessor, Town Clerk, a member from the Finance Committee

and a member from W&P. Roy thought that would make people feel more comfortable having people on the search committee with financial background who work in the building. Garron did not agree that people working in the field are the best ones to choose because sometimes someone outside of the element is looking at the personal experience an applicant might have. Garron asked what other positions in town are people hire for and Roy said the Town Accountant, which they used a search committee for, the Fire Chief and again used assessment/search committee, Town Administrator and the Building Inspector. Garron said that we have done search committees, which he does not have a problem using but it is the final say of the Board of Selectmen. Schleiff asked how this would work and Seelig said if Article 63 passes at Town Meeting rgen an article will be in the 2014 Warrant to change the by law stating that there is a process for hiring the Treasurer-Collector. This article is just saying that the voters want this placed on the election ballot in 2014 and it gives them the opportunity to vote on it and then the by law will be proposed before May 2014. Garron explained that if appointed then the individual would be hired based on knowledge and experience and if elected that person may not know anything about the position but could have been elected because they are good politician. He does not want to see another situation where you bring in someone then spend a lot of money to train them when they may not have to be as they already have the knowledge. Schleiff asked if it would be a graded position and if so what would it be and Roy said yes because it would fall under Wage and Personnel. Seelig said that if you took the currant salary for the position it would be graded around a Grade 11.

Garron

#9 - Sergeant's contract

#11 - Patrolmen contract

#12 - Police Chief contract

#14 - non profit cable access

Roy does not feel comfortable talking about it. Seelig recommend that the Board move the article and then have someone from the Cable TV Advisory Committee speak on it.

#18, #48, #49, #50, #51

#61 – Hearing upon renewal; notice

This article is for someone who needs a trailer permit and is showing a hardship. The advertisement for the hearing can be posted on the town's website instead of the newspaper saving the applicant money on placing the advertisement. Seelig pointed out that very few people read the legal advertisements in the paper.

Planning Board v. Zoning Board of Appeals – Petition #788

This evening Mr. Gaynor and Ms. Tinkham from Zoning Board of Appeals and Mr. Andrews from the Planning Board of came in this evening to discuss a variance that was granted from ZBA for the petition listed above. The Planning Board (would be plaintiff) would like to file an appeal against the ZBA (would be defendant).

Mr. Andrews (member of the Planning Board) began by saying that at their last Planning Board meeting they received the notice that ZBA had granted the variance. The Board did not look at the hearing notice prior to it being granted

and he was made aware of it when he went to ZBA on another matter in February and there was an informal discussion regarding the petition and that is the only way he heard about this ahead of time. He said that the Planning Board handles their variances and ZBA does not get involved with them. He continued to say that at a variance was granted to reduce the side line set backs on both sides for a house to be built in a new subdivision. He said that if we are going to do that they the might as well not abide by the town's by-laws out because if we are going to reduce the setbacks for a brand new house why do we have by-laws and how can they be defended in the future. He was present when the property owners came in and they stated that because of the configuration of the lot they could not fit the house they wanted to build on it. Mr. Andrews suggested that they could buy a different lot or change the size of the house and does not understand how they can grant sideline setbacks on something brand new on a lot that they don't own yet.

The other variance (petition #789) that he is concerned about is on a retreat lot. ZBA has granted a variance in order to create a non conforming lot so that the petitioner can create an estate/retreat lot. To do this they are reducing the size of the sideline setbacks down to 21 feet on an existing house. Mr. Andrews said again if the town is going reduce to 21 feet then reduce to 21 feet for everyone. And that we have by laws and that is what we are suppose to follow. He stated that he was not jumping to the BOS and town council right off the bat but they only have till May 14th to file an appeal.

Roy stated that this is the first time she has been involved in something like this therefore she is going to defer this to Seelig.

Seelig explained that when ZBA receives a petition they send out the hearing notices to all boards and committees informing them of the hearing to give them the opportunity to comment or attend. He continued to say that if they are granted there may or may not be stipulations that go along with the variance.

Garron asked if it was the individuals who are buying the lot asked for the variance or was it the person doing the subdivision. Ms. Tinkham said that it was the couple buying the property. He then asked that in order for a subcontractor to say they want to build on a piece of property what is the process they need to go through.

Mr. Andrews said that when someone buys a lot in a new sub division the parameters that they can build within is that they have a 30 foot set back on both sides, 50 feet on the front and 40 feet on the back. Seelig did say that if someone wants to purchase a certain parcel they can do so on the contingency that they are granted a variance for what ever reason.

Mr. Gaynor then wanted to comment by saying that ZBA grants variances on each individual applicant and looks at each case individually. Roy asked if a hardship has to be involved and Gaynor said there is a criteria that has to be met in order to qualify for a hardship. He said that Mr. Andrews had gone to the pre discussion and set out the notice when it came an actual application and had not heard from Planning Board and now it is over and done with now they are finding that there is opinion different from ZBA that wants to be expressed after the fact when they have enough time to get a letter or come to the meeting saying that they agree or disagree.

He continued to say that for this particular case there is a criteria that has to met in order to be granted a variance, which is the following:

- Have to show a hardship
- Does not derogate from the intent of the by law
- Does detrimental to the established character of the neighborhood

He then presented the lot plan to the BOS and showed them the one that was approved by the Planning Board. He explained that the lot faces Bourne Dr., comes back fifty feet and shoots off to the left at a fifty eight degree angle. There is an easement that drops down ten feet from fifty eight feet down to forty eight feet. The original hardship that was shown to the board was the layout in the topography. There a four people who live in the cul d sac two out of the four showed up at ZBA's meeting and the other two wrote letter stating that the only way the new owners can build their colonial with a attached garage (same as all the other houses in development) is instead of facing the front door to the street it would have to be face towards the woods and then you can have the fifty foot setback and meet the side requirements. They want their home to be the same as all the others in the development. The only way to have their house face the street is to get a three foot three inch variance on each side. Mr. Andrews stated that the house could be made shorter and still would be the same as the others in the neighborhood. Mr. Gaynor said that the owners approached the owner of the property next to them and tried to buy a piece of the property but they had no interest in selling. Mr. Gaynor sited zoning by laws article 167-10

- the mean direction of the side set lot shall be as lose as possible to perpendicular to the street line of tangent at the point of intersection of the side lot line. In no case shall a side lot line be created so that the mean direction shall form an angle less than 75 degrees with the street line or the aforesaid tangent.

He feels that the topography and the layout constitute a hardship. Roy asked if he thought it was a hardship for the owners not to shorten the length of their house by three feet. Mr. Gaynor said that they look at doing that but they would have to take out the mudroom and would have to cut the family room (18x12) in half in order take the six feet off the twelve. He pointed out that a hardship cannot be created and in the many years he has served on the ZBA he has never seen a lot shaped like this one. Mr. Andrews said that he could show a bunch of lots that are like that. Mr. Gaynor said that he thinks each member of the board used that criteria and felt it met that requirement and voted on it accordingly. It was not a unanimously decision but enough to pass a three foot three inch variance on each side. He pointed out that every house in there is a colonial with a 2 car attached garage so to be in the established character of the neighborhood that's what they wanted to build. Mr. Andrews stated that this house is longer then some of the others.

Roy stated that she does not think it is up to the BOS to decide who is right or wrong in this situation. Garron stated that it is going to be the decision of someone else and said that if decisions are being made on houses fitting into a neighborhood then the town has made some very bad decisions in the past. He continued to say that if the owners want to build the same home as the others in the neighborhood then that is a personal decision that they made on their part.

Again Mr. Andrews said that if you are going to reduce the side set backs on this particular lot then do it for everybody. He continued to say that this is a brand new lot and that if people wanted to build a certain house they could have found a different lot to build it on.

Roy did not feel that the BOS was qualified to offer an opinion on this but Seelig did want to mention a couple of things before going on.

In terms of process Seelig said under the State zoning law boards and town officials are potentially grieved parties and that the Planning Board would have to show how they are grieved by ZBA's decision. Then the next hurdle would be should ZBA have granted the variance. Seelig's concern is if BOS agrees that they can use Town Counsel, which means each board would have their own lawyer, the town will be spending money on both sides. This cannot be resolved with ZBA and Planning Board sitting down as the decision has been made and that there is a third party (buyers of the lot) involved and could sue the town pointing out that the town will spend lots of money on this. He furthermore said that when there is a hearing that boards and committees need to get the notices out to all the departments so they can have input in the decision making as in this case no one came forward to voice their concerns.

Ms. Tinkham said that she really did not see the hardship on this as not everyone had a mudroom in the development. She also stated that the owners were not willing to compromise in any way and there was no give or take as far as she could see from these people.

Planning Board v. Zoning Board of Appeals – Petition #789

Seelig explained that a property owner has a large lot and they want to create a retreat lot in the back. In order to do this there needs to be certain frontages and the corner needs to be a certain width to get to get to the lot. In this particular case they would create two lots one being the legal estate lot and the other lot (one close to the street), would no longer be a conforming regular lot in the town's zoning and the setbacks would be too close to the house to meet our normal set backs. Mr. Andrews explained that you are making a conforming house a non conforming house by allowing the sub division of the lot.

Ms. Tinkham explained that the current owner wants to sell his home and preserve the back area of the property. There still will be 40,000 square feet. She stated that the owner talked with the Planning Board about this and Mr. Andrews said he came in but they (the Planning Board) did not say that his intentions were okay. Ms. Tinkham said that when Christmas Tree Lane was developed a variance was granted so that a barn did not have to be moved in order to put the road in.

Mr. Gaynor said there was a question and answer period as it was brought before the Planning Board and they were notified in writing and no objections or letters came to the ZBA and now after a variance has been granted they are here. Mr. Andrews did say that he voiced his concern at the meeting regarding varying both sides. Mr. Gaynor questioned that (a) a presentation was made to the Planning Board; (b) they saw it; (c) they reviewed it; (d) did not agree with; (e) did not vote on it and after all that if there was a disagreement from the Planning Board Mr. Gaynor said then ZBA should have heard from them.

Mr. Andrews said that his understanding is that there has to be a hardship and that one cannot be created and in both cases they are creating their own hardships and does not think it is the Planning Board's responsibility to point that out.

Roy asked Mr. Andrews if he was asking the BOS if his he could use town council to appeal the decision. Schleiff asked before going any further could they just ask Town Counsel if the hardship qualifies for the variance being granted so that this is not repeated in the future.

Seelig said the problem is timing because they only have until May 14th because on the 14th the owners can pick up the petition and the approval letter at the Town Clerk's office and go to the registry and file then it is a done deal and at that point a suit cannot be filed against ZBA.

Roy said going forward when there is going to be a hearing that all boards and committees should look at the petition and voice any concerns that they have. She also asked that a copy of the plan be given to the Planning Board. Mr. Andrews said that the Planning Board is not there to make a problem s for ZBA and it is not his intention to oversee another board but it appears that the by laws are in place to adhere to and that does not seem to be the case in these two instances. He asked what the hardship was on the new house and Mr. Gaynor said he explained it to them and Seelig said that ZBA's hardship is defined differently then what Planning Board would define as a hardship. Mr. Gaynor said that they evaluate each individual case and listen to input.

Roy does not want the town to spend a lot of money suing itself and does understand what Mr. Andrews saying when he asked what is the hardship as well as bring up the point of setting precedence. She is hoping that they can square it away now and going forward plans will be distributed and any questions or concerns from other boards will be brought forward.

Garron said that decisions that are made by one board affects other boards down the road and asked if this will cause problems for other sub divisions coming into town not meeting our requirements giving them the ability to appeal.

Seelig said that a decision to appeal or not needs to made tonight and is recommending to the BOS that the Planning Board have access to town council and it not be the same counsel as ZBA. He continued to say that there is sufficient time to file necessary paperwork and give whatever legal notice needs to be given to the Town Clerk and to review the two cases and report back to the BOS, ZBA and Planning Board as to the favorable chances of filing a suit against the ZBA. Then the BOS can make a decision as to whether they want the suit to proceed.

Seelig said there are two elements here one is the necessary filing of the paperwork, which can be done fairly easily and can be done by May 14th and the second is that council reviews the two cases and reports back to the BOS and the Planning Board as to what chances there are with favorable result in continuing suit against the ZBA.

Town Accountant, Sandy Nolan asked how much world it cost to do step one which is file suit and Seelig said that would under \$1,000 not be that much as it is just filing paperwork.

Mr. Gaynor asked going forward if someone is denied a variance are we going to have town council review each one and Seelig said no because that would be a private party asking.

Roy found this very difficult because not matter which way the BOS goes it may be taken that they do not support that Board's decision.

Moved by Garron and seconded by Roy, with much reservation, the Board voted as follows to pursue Seelig's recommendation which is to allow ZBA and the Planning Board the use of Town Counsel.

Troy E. Garron	-	Yes
Kim R. Roy	-	Yes
Michael J. Schleiff	-	No

Schleiff stated that this just showed up and does not know if he can make a decision at this very time. Roy stated that time is of the essence and a decision needs to be made and that the Board as a whole all struggled with this. Garron stated that if this decision was a good one they will know in the future that can happen but if it is something that effects other Board's decision down the road then we need to know that as well. Roy again wanted to comment that she wants to see more communication when the Planning Board received hearing notices from the ZBA.

GENERAL MAIL / DISCUSSIONS (CONTINUED)

Article 63 (continued) - place on 2014 ballot that the Treasurer-Collector position be an appointed position not elected.

As previous stated earlier to have the search committee consist of the Assessor, Town Accountant, Town Clerk, W&P member and Finance Committee member and then the candidate would be recommended to the BOS for them to appoint. Seelig said you may want an outside member be apart of this also. Schleiff would like input from the current Treasure Collector, Kathy Shiavone. Roy stated that she will see her tomorrow and will talk with her

Article 57

Roy stated that she was contacted about this article and there was some concern. Roy explained to this individual the it is not the intent of the Board of Selectmen to run the day to day operations and become the department head and that it be maybe the Fire or Police Chief or both seeing to this. Roy also told this person that if they felt uncomfortable with the way the article reads in the warrant that they could amend it at Town Meeting. The concern was that the article read:

- The Board of Selectmen shall have jurisdiction over and responsibility for the administration of the Halifax Communications center and shall have the ability to designate one or more individuals to supervise and oversee the day to day operations of the center.

Roy’s suggestion was to amend it to say:

- The Board of Selectmen shall have jurisdiction over and responsibility for the administration of the Halifax Communications Center and designate one or two individuals to supervise and oversee the day to day operations of the center.

STM Warrant Articles

Listed below are the STM articles that have been assigned to each board member:

Schleiff #2, #12
 Roy #6, #8
 Garron #4

Line Item Transfers

Roy thought that the fire chief was going to send in back up for the two requests listed below. Town Accountant was present at this time and spoke with the Administrative Assistant at the fire department and she said that they have \$595 in bills and \$595 in the account and would like \$1,000 from each account to cover the department till the end of the year because at any time maintenance might be need on any one of the trucks. If the Board waits till Monday (night of Town Meeting) they Nolan said she can pay it on Tuesday. Roy said that she is comfortable approving the transfers this evening and Schleiff said he would like to see FinCom’s recommendation on it. Nolan said this makes sense for them to transfer the money just in case it is needed this way here there is no need waiting for when the BOS and FinCom are meeting to approve them. Garron asked what has the history been and Nolan said that the fire department has had a very heavy year due to the storms this year. Garron did not have a problem with the transfers. Nolan stated that they are leaving \$1,600 in the Station Maintenance and leaving sufficient amount in the ambulance billing account and feels they are making a sound request. One thing FinCom was concerned about was the bill for the garage door but that has already been paid. With all the information that Nolan presented Garron was okay with the line item requests.

Moved by Garron and seconded by Schleiff, the Board unanimously approved the following line item transfers:

FROM	TO	AMOUNT
Ambulance Billing #01-231-5301	Vehicle Maintenance #01-225-5243	\$ 1,000.00
Station Maintenance #01-224-5210	Vehicle Maintenance #01-225-5243	\$ 1,000.00

1.5 Percent Wage Increase

Town Accountant, Sandy Nolan, came before the Board this evening to ask them to support her request to present on town meeting floor a 1.5 % wage increase. This increase will bring the town employees up to the level amount with inflation and the town will be within the amount that the Finance Committee wants on the table. She was hoping that Wage & Personnel would move first but they did vote to recommend the 1.5% increase.

Garron and Roy support this requests and Garron said that if Nolan feels that we can afford then he is okay. Schleiff has reservations stating that the town has been good to their employees and hope that they appreciate it as this is a safe haven for them and are fortunate that no jobs or hours have been cut over these past few years but feels that the employees have done a good job and this will help keep up the moral.

Marijuana Article

Seelig stated that he will answer any questions that come up on this article and said the State AG’s office said that you cannot place a permanent moratorium. He continued to say that there are two articles regarding this and will pass over the first one and the second one is for a one year moratorium till June 2014. As of that point if the town still has not passed by laws specific to the dispensaries it will revert to what we have now which is that they can do it in the business commercial district without a special permit. Roy stated that the Finance Committee is going to vote not to recommend this article as they have an interest in allowing it in the business district. Presenting this article will give the townspeople the opportunity to voice their concerns as to whether they are for or against it.

Chicago Motors Refund

Schleiff stated that the Board never got the figure that Chicago Motors was requesting for the surplus vehicle they received. Roy said that her and Garron voted to have them keep the car. Schleiff remembers the discussion but does not recall the vote. Seelig came back with the paperwork and stated that Chicago Motors was refunded \$2,500 from the town.

EXECUTIVE SESSION

Moved by Schleiff and seconded by Garron, the board voted as follows to enter into Executive Session at 9:35 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 Roy and seconded by Garron, the Board voted as follows to come out of Executive Session at 9:45 p.m.

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

MEETING ADJOURNED

There being no further business, moved by Roy and seconded by Garron, the Board unanimously voted to adjourn the meeting at 9:35 p.m.

Kim R. Roy
Clerk

/pjm