

BOARD OF SELECTMEN
SELECTMEN MEETING
TUESDAY, JUNE 25, 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, June 25th, was unanimously approved without revision.

MINUTES

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

Executive Session – May 28, 2013

AFFIRMED WARRANTS

Moved by Roy and seconded by Schleiff, the Board unanimously affirmed approval for the payment of the following warrants with the exception of Schleiff abstaining from the Police Department payroll in warrant #100:

FY2013 Payroll Warrant	# 100	\$ 319,071.30
FY2013 Payroll Warrant	# 101	\$ 546,344.43
FY2013 Vendor Warrant	# 102	\$ 24,790.68
FY2013 Withholding Warrant	# 103	\$ 276,268.63

APPROVED WARRANTS

Moved by Roy and seconded by Schleiff, the Board unanimously approved payment of the following warrants:

FY2013 Vendor Warrant	# 104	\$ 151,666.39
FY2014 Vendor Warrant	# 01	\$ 883,984.38

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

Matthew Bender & Co., Inc. (MA Laws 2013/4 volumes).....	\$ 683.89
Attorney Lawrence P. Mayo (legal services/May)	\$ 1,687.37
Deutsch Williams Brooks (legal services/May)	\$ 1,624.65
Kopelman & Paige, P.C. (legal services/May)	\$ 3,474.24
National Grid (service/Town Hall)	\$ 905.98
Elizabeth Dubrawski (reimburse FedEx shipment)	\$ 23.97
National Grid (service/Concession Stand)	\$ 38.71
Radiology Assoc. of Plymouth (deductable/111F/Briggs)	\$ 125.49
Jordan on the Job (physicals/fire dept.)	\$ 890.00
Jordan on the Job (physical/Highway/Crowell).....	\$ 90.00

The Board acknowledged payment of the Selectmen Office Payroll for the period ending June 15, 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>
2013-76	\$ 10.00

GENERAL MAIL / DISCUSSIONS

FY2014 Reappointments to Boards and Committees

At this time the following four individuals have not submitted the required confirmations of receiving the summary and completion of the on-line ethics training:

- Kathy Evans Conservation Commission
- Thomas Leary Gas and Plumbing Inspector Assistant
- John Mather OCPC – Delegate
- John Pesa Town Government Study Committee

Seelig is recommending that the Board pass over these appointments until their meeting on July 9th with the hope that they have submitted the required certifications. Roy agrees with Seelig although Schleiff wanted to make sure that not reappointing these four individuals will not leave the committee or board not having quorum. If the Board decides not to reappoint this evening they will be notified and reminded to complete the training so that they can be reappointed.

Moved by Garron seconded by Roy, the Board unanimously appointed the attached list of individuals (attached hereto and made an official part of these minutes) to the various boards and committees terms to expire as indicated with the exception of Schleiff abstaining from the reappointments of the Licensing Authority Agents.

Acknowledging Police Chief Michael Manoogian

Garron wanted to take the time this evening to acknowledge Police Chief Mike Manoogian and said that Mike is not here as he does not like to be in the lime life but Garron personally wanted to say a few things about him as he has know him for a very long time. Garron started by saying that he was working with the

Kiwanis raising money for Children's Hospital and that is where he met Mike and became friends. He has watched him through his career and he has done great things for the town and he will sorely be missed. Garron continued to say that Mike was in the Military Police Corps from September 1970 to April 1972; was hired as Provisional Trainee Police Officer in May 1972; left to return to active duty as Military Police in Fort Devens and then went overseas to Germany from November 1973 to April 1978. He became Acting Police Chief in March 1990 and was appointed Police Chief on August 3, 1990, which was one of Garron's first appointments as Selectmen. Mike will be leaving on June 30th as Police Chief and Ed Broderick will be taking over July 1st and Garron thinks his replacement will do well but there is no such thing as replacement because Mike had "his own era" as he has seen some very serious crimes here in town from murder, deaths, car accidents and he has continued to hold office at a standard that everyone should be proud of. Garron continued to say that educationally he achieved many degrees such as holding a Masters of Arts Degree in Criminal Justice and has been awarded many certificates for continued schooling and training. He also served as a Civil Defense Director and HEMA Director. Again Garron wanted to thank him for serving as he did and wish success in anything he may endeavor. Schleiff stated that he has only known his for four years but within those four years he has never has any issues with him. Roy said that she has known him for a long time and that she really got to know him when she was on the Finance Committee. She continued to say that he really did advocate for his department and she respects him for fighting and running his department for as long as he did. She is going to miss his as he has been a very colorful part of town government and wishes him well on his retirement.

SCHEDULED APPOINTMENTS

John & Katherine Swain – Trailer Permit Extension Hearing

At 7:45 p.m., the Board convened a public hearing to consider a request from John and Katherine Swain to extend the trailer permit (current permit to expired April 7, 2013) for residential use on property located at 17 Buttonwood Road. Ms. Swain had provided the office proof that abutters within three hundred feet had been notified of the hearing date/time.

Garron began by asking why she needs to have an extension of existing permit and Ms. Swain explained that they have to have a house built as her house burnt down on Super Bowl Sunday. Garron said that we have a limited amount of time that they allow but what are the circumstances that have changed as to why you are asking for the extension. She stated that up until this time nothing has been done but she just got the check from her insurance company to start demolition. Garron asked how much time was she asking for and she said a year with the hope that it will be done so that she would not have to ask again. Roy asked how long did she think it was going to be and if she was having the house built or was it going to be shipped. Ms. Swain is hoping that it will only take a few months and that it was going to be shipped within eight weeks but in that time she has to have the basement done. Schleiff asked if she was keeping the septic system and she said that believes so and needs someone to look at that also. Garron asked Seelig if it would for sixty (60) days and Seelig said initially it is sixty (60) days then you can extend it one more time. Garron stated that they had done it longer for

the Hatchs and Seelig said yes but the extensions were done in a sequence. Seelig explained that if you were to approve for a year then at the end of the year they were to come back and ask for another extension you grant one only a limited amount of time and they would have to go through the hearing process again. Roy asked if she has ordered the new house. Ms. Swain said that she went and looked at it this past weekend but it has not been ordered yet. Roy wanted to clarify that once ordered it will take eight weeks for the delivery. She said yes but will need to get everything else done. Garron asked if she has hired a contractor because if so then he might be able to give her an idea as to how long the whole process would take. Ms. Swain said no she hasn't because of the fact that she just got the check from her insurance company.

Roy asked if they were to approve six (6) months would she not have to pay for the hearing seeing as we passed the new by law. Seelig explained that she falls under the old by law and if the applicant wants to extend the first permit (issued by Building inspector for sixty (60) days) they need to come before the Board and hold a public hearing and the Board decides how long they want to give. If at the end of that time the applicant hasn't gotten everything completed the Board can then extend it. Once that period ends and applicant still needs more time they then have to go through the hearing process again.

Roy asked if she sent notices to the abutters and she said yes and then asked if there was anyone here opposing this and no one stepped forward.

Garron was in favor of six (6) months. Schleiff asked if it had to be sixty (60) days and Seelig said they can do anything up to a year. Schleiff thinks six (6) months should be sufficient time. Ms. Swain said that she picked a year so that she would not have to come back again. Garron stated that under the circumstances he would be willing to extend the permit for six (6) months as this will give her the opportunity to get things started.

Moved by Garron and seconded by Schleiff, the Board unanimously approved extending building Permit #13-20 for six (6) months.

Seelig explained to Ms. Swain the process if she needs to file for an extension telling her to mark her calendar for November 1st and if at that time she does not think the house will be done by December she needs to contact the Selectmen's office so she can be put on the agenda to meet with the Board's to apply for an extension.

Amy Troup – Appointment to the Beautification Committee

Ms. Troup expressed an interest in volunteering on the Beautification Committee. Garron asked her why she wanted to join this committee and she stated that she wants to take the town back to where it should be and help get rid of some of the litter throughout town. Garron also wanted to mention that the committee is responsible for certain areas in town to plant flowers. Schleiff is hoping that the committee can solicit funds from the local businesses. Roy is excited that the current members have a lot of energy.

Moved by Roy and seconded by Schleiff, the Board unanimously voted to appoint Amy Troup of 193 Holmes Street to the Beautification Committee, term to expire June 30, 2014.

GENERAL MAIL / DISCUSSIONS (CONTINUED)Family Fun Day

Seelig wanted to remind the audience about family fun day on June 29th from 12:00 noon to 4:00 p.m. There will be no fireworks but they will have the same daytime activities as they have had in the past. In addition there will be a free outdoor movie shown at 8:30 p.m. Schleiff had asked if it rained and could it be moved to the auditorium in the school. Roy said that if the movie was to be cancelled because of the weather they will make that call by 2:00 p.m. but she will check with committee member Shannon Hadorn regarding the use of the auditorium.

Youth and Recreation Field Trip Camps

The Youth and Recreation Commission is holding summer field trip camps from July 29th to August 2nd and August 5th to August 9th.

Party Bubbles Contract

Moved by Schleiff and seconded by Roy, the Board unanimously authorized the Chair, Troy Garron, to sign the agreement between the Halifax in Lights Committee and Party Bubbles.

Pembroke Community Media Center - Surplus Equipment

If Halifax ends up with any surplus equipment after taking over the studio from Comcast, Pembroke Community Media Center has expressed interest in having the equipment donated to their organization.

Open Meeting Law Distribution

The Town Clerk has distributed new handouts concerning the Open Meeting Law. All three Board members have signed off indicating that they have received these documents.

Talent Bank – Janice Hayward

The office has received a talent bank form from Janice Hayward expressing an interest in serving on the Wage and Personnel Board. The form has been forwarded to W & P so that they can contact her.

Resignation of Assistant Town Clerk & Town Clerk Office Hours

The Assistant Town Clerk has resigned and the position has been posted on the town's website. Application deadline is July 1st. In addition the office hours for the Town Clerk, beginning on July 1st, will be Tuesday, Wednesday and Thursday from 8am to 3pm and by appointment.

Ambulance Abatements

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

May 2013	FOR	\$ 10,457.03
----------	-----	--------------

Resignation – Carol Vinton / Council on Aging

Ms. Vinton has asked not to be reappointed to the COA. The Board unanimously accepted, with regret, her resignation.

Moved by Schleiff and seconded by Roy, the Board unanimously voted to send a letter to Ms. Vinton thanking her for her service to the Town of Halifax.

Medical Marijuana By-Law

The Planning Board does not mind having the Board of Selectmen take the lead on this but have asked that they be kept in the loop and informed about any meetings on the subject. Given that the Board's agenda for July 9th is already getting filled, Seelig had recommended a discussion on July 23rd to review the State's regulations and where operations would be allowed if there were no changes made in the by-law. At that point a decision could be made if that was acceptable and if so he then recommends a preliminary hearing sometime in September to receive input from the public. The same could be done if the Board of Selectmen and/or the Planning Board felt that the zoning should be restricted further or should be allowed in other areas. Roy thinks that it is important to move on this and suggested a committee as well as input from Chief Broderick and Seelig agreed. Seelig will print the regulations for the Board and they can talk about it on July 23rd and will also notify department heads to see if they want to attend.

SCHEDULED APPOINTMENTS (CONTINUED)***Animal Control Officer Position***

Sgt. Broderick began by saying that they had posted the position and received some applications. After interviewing the four applicants he narrowed it down to two qualified applicants that rose to the top.

He would like to have two Animal Control Officers as they did in the past and if that is the case said that both applicants were in agreement with sharing the position. With that being said the following applicants were interviewed by the Board.

Noreen Callahan

Garron had asked Ms. Callahan why she wanted to become an ACO for the Town of Halifax and she said she has been doing this for ten years in Florida and has just moved up here. She has been searching for a position like this one with the hope it will be at a slower pace than in Florida. She continued to say that she has experience in investigating animal cruelty situations as well as dangerous, neglected and rabid strays. She also managed animal hoarders and has answered calls from deputies and police when animals were not letting officers near deceased bodies. Garron asked how she got involved in this position and would she get bored she said because she loves animals and that this would be a relief as she would like to tone down the stress.

Joshua Heal

Mr. Heal began by saying that for about a year now he had been dealing with domestic and wild animals. He is a certified Animal Control Officer in the State of Massachusetts and works as an ACO in the Town of Canton.

Schleiff had asked how the hours would work between both applicants and it was said that Noreen would generally be available during the day as Josh works full time and Josh will work nights. Sgt. Broderick stated that he thinks that their personalities will blend and both are flexible. Schleiff said they both need to be in tune seeing as they lived out of town. Sgt. Broderick stated that communication is key. Schleiff asked Mr. Heal if he ever experienced someone saying that he could not take their dog and he said no but was trained on it in the academy. Schleiff also wanted to state that they would be working with the Town Clerk and the Board of Health and with any job there is a learning curve but will have lots of help settling in. Roy was concerned about administrative role and the maintenance but is confident that can be worked out.

Moved by Roy and seconded by Schleiff, the Board unanimously voted to appoint Noreen Callahan of 52 Fairway Lane, Pembroke and Joshua Heal of 27 Robins street E. Bridgewater, as Animal Control Officers for the Town of Halifax, both with terms expiring April 30, 2014.

GENERAL MAIL / DISCUSSIONS (CONTINUED)**Dispatcher Contract**

Moved by Schleiff and seconded by Roy , the Board unanimously voted to approve the contract between the Town of Halifax and AFSCME AFL-CIO Union Council 93, Local 1700 (Dispatchers), effective July 1, 2013 through June 30, 2016.

Patrolmen Contract

Moved by Roy and seconded by Garron, the Board voted as follows to approve the contract between the Town of Halifax and the Halifax Association of Police Patrolmen, effective July 1, 2011 through June 30, 2014:

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

Firefighters Contract

Moved by Roy and seconded by Garron, the Board unanimously voted to approve the contract between the Town of Halifax and the Firefighters Local 3159, effective July 1, 2013 through June 30, 2016.

Approved By-Laws by the Attorney General

The following by laws, which were passed at the Annual Town Meeting in May, have been approved by the attorney general's Office:

Article 57	Jurisdiction of Communications Center
Article 58	Standard Operating Procedures

- Article 59 Replace “Dog Officer” with “Animal Control Officer”
 Article 60 Late fee for flammable storage licenses
 Article 61 Trailer by-law notification changes

There were no other articles with by-law changes other than W & P which the AG’s office does not review. As of now the BOS are in charge of the Communication Center.

Communications Center/Board’s Designee

Seelig had recommended that the Board designate the Police Chief and the Fire Chief to supervise and oversee the day-to-day operations of the Center.

Moved by Roy and seconded by Schleiff, the Board unanimously appointed fire Chief Carrico and Police Chief Broderick as interim managers for the Communications Center until such time a manager is hired.

Communications Center/Manager

The position has been posted and as of yet there have been no responses. The deadline is July 8th. Seelig had recommended the following:

- that the Board organize a search committee to review the resumes on behalf of the Board and recommended
- that the Fire Chief and the Police Chief be on the search committee.
- If enough resumes are received have the search committee hold the first round of interviews and recommend finalists to the Board for a second interview or else simply recommend finalists for the Board to interview.

Roy thought that they should have a search committee consisting of, the Fire and Police Chief and maybe a civilian dispatcher, seeing as the Board made a commitment at Town Meeting. Schleiff stated that he would like to serve as he has put a lot of time into the communications center over the last couple of years. Roy did not think a Selectmen should serve and Garron agreed with Roy but stated that the BOS would still have the opportunity to interview and have the final say. Seelig asked if the Board was okay to advertise this position on the town’s website and the Board stated it was okay to do so.

Zoning By-Law Committee

The Planning Board intends to have a member on the Zoning By-Law Committee. They will designate someone at their meeting on July 18th. Seelig has received one call from someone who interested on serving and said that he has sent out a memo to department heads but has not gotten any response. Roy mentioned that Tom Millias is interested in serving on the committee.

DEP/Municipal Assistance Coordinator Grant

Halifax was chosen to receive the Municipal Assistance Coordinator Grant. The grant will be used to house the MAC, Janine Delany, for the Southeast Region. Ms. Delany’s will start at the Recycling Center on July 1st. The grant agreement needs to be signed (ask that Kim Roy sign on behalf of the Board as she signed the application).

Moved by Garron and seconded by Schleiff, the Board voted to have Kim Roy sign the Municipal Assistance Host Grant between the Town of Halifax and Massachusetts Department of Environmental Protection.

MMA/State Aid

The House/Senate are lobbying on a local aid bill, part of the budget that is now being negotiated between the two chambers:

- Increase Unrestricted General Government Aid to the House figure (about \$18,000 more for Halifax than the Senate figure)
- Increase special education circuit breaker aid per the Senate's proposal
- Oppose elimination of statutory requirement that police officers and firefighters live within 10 miles of the municipality; said elimination would make it a topic for negotiations
- Support Senate's proposal for help to cities and towns losing money to charter schools
- Support Senate's proposal to cover 100% of the mandated cost for transportation for homeless students
- Support Senate's proposal for regional district transportation aid
- Support Senate's proposal for PILOT for state land
- Confirm that municipalities do not have to make employer medical assistance contributions for unemployment insurance
- Oppose Section 92 of Senate's budget that would have the State set fees for emergency medical services

There are a number of issues outlined in the MMA's letter, but listed above are ones that Seelig thought were most important for Halifax.

For safety reasons Garron felt very strong that Police Officers live within ten miles of their place of employment. Schleiff stated that he has not had a chance to look it over. Seelig stated that he is not going to send anything in.

Card for Father Healy

Schleiff had asked the Board if he picked up a card for Father Healy would they be willing to sign it. Both Roy and Garron were fine with signing it.

SCHEDULED APPOINTMENTS (CONTINUED)

Gerald Joy – Appointment to M&SBC

Mr. Joy came is this evening as he has expressed interest in serving on the M&SBC. He began by telling the Board that he has been in the construction business for forty seven years and has owned his own business for thirty two years. He continued to say that he has sixty people working for him in the Boston area and has done a lot of work with builders and architects. Mr. Joy has lived in Halifax for six years and attended town meeting once. He said that he is willing to whatever role the committee would like him to do. Schleiff stated that his experience will be an asset and thanked him for volunteering.

Moved by Roy and seconded by Schleiff, the Board unanimously voted to appoint Gerald Joy of 2 Christmas Tree Lane to the Municipal & School Building Committee, term to expire June 30, 2015.

Bob Fuller – Appointment - Library Trustees

Mr. Fuller began by saying that he is a life long resident of Halifax and has a 15 year old daughter and sees the importance of the library for her and others. In addition he belongs to the book club and feels it is an important part of the community

Greg Tilley – Appointment - Library Trustees

Mr. Tilley has lived in town for eight years and has a daughter in the first grade. He was on the Finance Committee but left a couple of years ago because he and his family moved out of the country. He thinks this is a way to get back involved with the town. He uses the library with his family very often and he too feels it is an important part of the community.

Roy wanted to thank Mr. Fuller for his work at the library and said she is so glad to see Mr. Tilley back and the Board is grateful for him volunteering his time as they understand it is limited having a young child.

Moved by Roy and seconded by Schleiff, the Board unanimously voted to appoint Robert Fuller of 415 Elm Street and Greg Tilley of 633 Twin Lakes Drive to the Holmes Public Library Board of Trustees, both with terms expiring May 17, 2014.

Painting of the Water Tower

The conclusion is that Town Counsel is going to take another look at the contracts and see what provisions there are that allows us to put more pressure on them. Schleiff asked if this could reduce the cost of the water and Seelig it could. They have gone out to bid once, both bids were excessive, but have not gone out a second time yet.

Evaluations – Town Accountant, Building Inspector, Town Admin., Fire Chief

Roy had realized two weeks ago that Town Accountant, Sandy Nolan's review needed to be done in order for her to get her step increase. Therefore she did the review and emailed to Schleiff and printed it out for Garron for their review. She asked if they were okay with it and did they have anything to add. Both were fine with it. Roy continued to say that last year she did Fire Chief Carrico's review and said that the by law states that Seelig needs a review. She stated that she could do them both and have Garron and Schleiff review them unless someone else would like to do it. Schleiff said that he does not have the time to do Seelig's. Garron said that he can do Building Inspector, Tom Millias's and Roy will do Town Administrator's Charlie Seelig's evaluation and when completed will forward to Garron and Schleiff.

Moved by Roy and seconded by Schleiff, the Board unanimously voted to approve the performance evaluation of Sandra Nolan and that she receive her next step.

Moved by Garron and seconded by Schleiff, the Board unanimously voted to have the Clerk, Kim Roy, sign the paperwork (change of status form) for the Wage and Personnel Board.

SCHEDULED APPOINTMENTS (CONTINUED)***Monponsett Watershed Association – Recent Diversion***

Paul Collis – 48 Baker Street - President of MWA

Mr. Collis began by thanking the board for seeing them this evening to talk about their concerns about the recent actions regarding Monponsett Ponds mainly the recent diversion during a “non diversion time”, the decision making process and find out how to do a better job improving that process.

Mike Driscoll - 22 Baker Street

Mr. Driscoll began by saying that after months working on keeping Brockton from diverting when they are no suppose to He understand that a handful of residents complained because their homes have gotten flooded and is extremely disappointed by the Board’s recent decision to divert after the heavy rain and felt that it was irresponsible. He continued to say that they took the water that was flooding a few people and had it pumped some where else to flood in addition the algae in the west lake is now in the east lake. He does not know how the Board’s decision making was made and said that lots of people get water in their basements whether they live on the lake or not. Mr. Driscoll asked the following questions:

- Did any of these people submitted any documentation such as engineering reports he assumes no and that they just called on the phone?
- Did the Board explore any alternatives other then drawing the toxic water to the East Lake?
- What contributed to the Board’s decision to divert?
- Did the Board understand the ramifications of what had happened for the sake of a half of dozen people?

Garron said that it’s a matter of prospective from his prospective yes they working on this for year and this is the first time they have diverted water because people have complained that their basements or septic systems flooding, which has been a problem for years. Alternatives have been looked into but this time there was no alternative other then to flow over the dam. His decision was and he not speaking for the rest of the board was based on health issues whether it was septic systems or basements flooding and the Board agreed to divert 30% but they diverted 100%. He is a little mad about that and has talked with Brockton already about that but as far as the board caring and being irresponsible he does not agree with that. He continued to say the board makes decision everyday that affects people’s lives and they try to make those decisions based on facts that are presented to them and past practices. They have been working on this for a very long time and are trying to find an answer to this problem. He said that not everyone on the Board agreed with the decision and he appreciates all the MWA efforts. Mr. Driscoll then asked if he agreed that it is a small amount of people and Garron said yes it is but they are still people who live around the lake. He asked if they had documentation and Garron said we have letters from people and phone calls. Garron asked Mr. Driscoll why would he think people would call and lie about what is happening to their homes. He said he is not accusing them of lying but lots of people get water in their basements when it rains out, which Garron understood.

Schleiff stated that he noticed that it was over and has been on the lake when it has been on flood evaluation. He has gone out with Brian Creedon and the Water Department looking at properties to see what levels they are starting to exceed. So the decision to divert was based off of meetings with them and past meetings he has had with the Board of Health and that amount of rain that was going to drive that lake up putting properties septic systems at risk. He said that they do not react because they get a couple of phone calls but because they see that it is excessive and it is going to increase. The board was under the impression that that they would draw 30% and Brockton would shut it off but they didn't and once opened the BOS had no say in it. They requested a minimum draw that would satisfy everyone so properties would not have been affected as well as the East Lake having algae draw into it. The Board did not make this decision easily and was a hard one to make. He pointed out that Brockton has a say in this also. We asked DEP to come in because that seems to be the missing link. Again Schleiff thinks that if 30% was done they would have been okay.

Don Barrows – 33 Ocean Ave

Mr. Barrows thinks what Mr. Driscoll is saying is that the residents who live on the lake are going to have water problems whenever there is heavy rain and realizes that their septic systems are at risk. He stated that there is no water management plan at all asked what can do to have a management plan when we know the heavy rain is coming. He is hoping that everyone including DEP can work on together. He stated if the sloth gate was lowered 3 or 4 day beforehand it might have been under control. Garron agreed with him. Schleiff's understanding was that it was opened but the rain was coming in faster. Mr. Collis said he was there on June 4th and the storm was on June 7th it was not opened all the way. Garron said it was a tough decision to be made and his thoughts were if the water was up that high and in the past that septic systems have flowed into the lakes would that defeat the purpose of the treatment of the ponds. The problem is that the law reads that once they start diverting they can divert it down to a certain level. Brockton goes to DEP and DEP approves. Seelig explained that Brockton has to go to DEP, DEP has to approve, DEP has to given at least two days notice and there are no rules after that other than DEP monitoring the situation if the diversion occurs in during the summer.

Marianne Moore - 29 White Island Road

Ms. Moore, who says with all due respect and appreciates the Boards service, said as stated earlier by the Board there are health risks and residents who are taxpayers that live on the West Lake but they need to realize that there are health risks and tax payer who also live on the East Lake and we are squeezing from one place and pushing to another and we have neighbors in Kingston who also got six inches of rain who didn't want all that water flowing into Silver Lake. She thinks that everyone's interest need to be considered and agrees with what Mr. Barrows, that they should have proactive water management plan and felt that if we cannot cooperate with Brockton we need to let them know what we want. She stated that pulling from the West Lake helps the people there but then harms on the East Lake pulling algae into East Lake.

Jonathan Hobill - DEP Representative from office in Lakeville.

Mr. Hobill began by saying that DEP was aware that Brockton was diverting and stated that there are many people involved from different agencies and DEP is trying to work through who is in control and get everyone on the same page. After hearing of the diversion and receiving the emails that were forwarded to him he checked the gage at the Jones River saw that it was and was high. He also called the Fire Chief here in town a couple of times asking if he received any phones about flooding which he said no. They took the risk and were aware of the alum treatment and verified that it settles down after a day therefore there was no risk of putting stuff in the waters where the water was being diverted to. He added that from the data he has received he thinks the treatment is reacting quite well and is aware that the data changes when samples are taken on different days. He is seeing a better reaction then they have in the past with the algae. They have a team that has been working together on the legal aspect of it to see who has authority. He is accumulating as much data as he can get and is going to sit down with DRA to talk about the health risk. Over the past two years DEP has been fortunate to have a volunteer hydrologist work on a project with them getting a management plan together for Assawompset Pond. He did get an email from Brian Creedon stating that he would be willing to work on starting a water management program. One problem is we have a slow moving system and long distance of water and Halifax is at the top of the watershed and all the water is trying to get out.

Roy wanted to comment that she was very hesitant about diverting and that she did not make her decision based on the complaints from the residents with the flooded basements but that it was based on information that was given to her from the Board members as they felt that the heavy rain (nor'easter that was coming) would cause septic systems to fail and potentially pollute the pond. She apologized to MWA for her decision as she knows they have worked so hard on maintaining the quality of the water in our ponds.

Garron said that he has been dealing with this for a long time and really cares about the lakes and one of the things that we have to do is change the laws and stated that right now Brockton & DEP has all the authority as to what goes on with our ponds so until the laws are changed we are going to be fighting this battle as the town has no power. He added that he does not want to be at each other throats. Roy stated that this was not a great idea for the pond and need to move forward but there is a glimmer of hope with the study that DEP has stated.

Seelig asked DEP what the process would be for the rest of the summer as we might fall into the same situation and referred to a letter from a couple years ago stating that Brockton needs to go to DEP at least two days before diverting and DEP needs to give permission to do so. Mr. Hobill said they are trying work with all the attorneys to review the laws and see who is in charge and get everyone on the same page and said that when there is so much water you can not tell if it is filling Monponsett or drawing off Monponsett. He wishes Brian Creedon was here this evening and Seelig said he was invited and confirmed he was coming.

Schleiff wanted to thank Mr. Hobill for coming in on such short notice and asked what the process is when Brockton asks for authorization. Mr. Hobill said they are trying to figure that out themselves and stated that there are some

disagreements on that as well. He continued to say this last time they diverted they did they did not know they were doing it until two days after they started. He received an email from Paul Collis and talked with Mike Sessine from the Brockton Water Treatment Plant and DEP said that they will take their request into consideration and did not know they were diverting at that very moment. Schleiff asked if Brockton was not to divert until DEP gives the okay and DEP did not know. Schleiff said that they have all veered off the path and they are trying to get back on track. Mr. Hobill said the amount to be diverted goes back to the language of the law and the public health threat and it also talks about flooding and they are trying to figure out what the actual public health threat is. Some will say it is any mixing of water from Monponsett to Silver Lake is a health threat because you are invading the water quality. They are trying to pull old data together in a usable format and sort through it where they can to look at Silver Lake and Monponsett Ponds see what each stage does. In addition they have a diversion spreadsheet from the 90's that they can pull up to work with.

Mr. Driscoll suggested that simple solution to flooding is that the Highway Department could put a diversion pipe that goes from one side of the dam around to the other side of it and when the water gets high instead of drawing all way into the East Lake it just goes around the dam into the river. There is no pump involved just a valve. Garron said that the only problem with that is they need permission from Brockton because the town does not own the land.

Schleiff thought that it was poor planning on how they set up the diversion in the first place and stated it was probably the cheapest efficient way they could do it at that time. He pointed out that it is not just what goes on in the lake itself but how it affects families when a system fails and they cannot use their system for anything.

Garron stated that lots of things contribute to the lake from the boats, the runoff from the road, the septic systems and the cranberry bogs. His concern is that DPH & DEP does not have control or know what their rights are and as stated earlier the law needs to be addressed so it is clear who is responsible and who can do what. He suggested that maybe Kingston, Halifax, and Hanson can pull a committee together and address the legislation as to what needs to be done.

Paul Collis asked Mr. Hobill if Brockton notified DEP about the most recent diversion and it was said that they did not. Mr. Hobill said that DEP called Brockton to ask them what was going on but was not getting answers so that is why he made some phone calls and discussed if they were to divert water this way would Kingston be affected. They did not want to fix one town's problem and make it another town's.

Garron wanted to back up Roy's decision saying that she was not for diverting that's why they suggested 30% and his understanding was a phone/email was made to Brian Creedon and he said he wasn't going to do 30% but 100% for x amount of days. Garron's recommendation to the Board is to write a letter to the Brockton Water Commissioners and cc the Mayor of Brockton stating that we are upset about the process they went through to withdraw. He is tired of not getting the cooperation that we should get.

Mr. Hobill Said that he can forward Seelig how far they went with the Assawompset water treatment plan this way here it will give the Board a idea of what they tried to do and use that a guide for a water plan for Halifax. Schleiff asked Mr. Hobill if there was any reason why Brockton and Halifax could not get together on this and he said no because the water quality is their responsibility and obviously what they are doing is hurting the quality of the water. We really do need to work with them and if they are to go by the legislation then they need to keep our water clean. Schleiff asked if we should go to Brockton and meet with the water commissioners. Mr. Collis stated that at the meeting in February they proposed that it be a joint operation and in a letter Brian Creedon said no it is not a joint operation stating that Brockton has sole authority of the dam so he was not going to share that responsibility. Schleiff said that it was not a matter of sharing but that all parties had a common concern of the lake. Garron said that we do not have a common concern and Brockton is only concerned about getting free water to their residents. Schleiff said they still need to be made aware of this and there should be cooperation from everyone.

Roy brought up the point that Brockton did not sign off on the SWMI grant and stated that was irresponsible. She continued to say that we really do not know how Brockton feels because they have not participated in the discussions and only Mr. Creedon has attended. She does not know if the Mayor is really aware of what is going on and that is why Garron stated he wants to see a letter to her also. He personally thinks that all the letters sent to Brockton Water Commissioners and a copy of this new letter be sent to the Mayor so that she has them all.

Moved by Garron and seconded by Roy, the Board would like all the letters that have been sent to Brockton Water Commissioners be sent to the Mayor. Roy added and cc'ed to DEP.

Mr. Collis is proposing that they have a ad hoc working group for the water management plan and have it consist of the Halifax Water Department, DEP, DPH, Representative from the Town of Hanson and Brockton Water Commissioners. He stated leaving it to Brockton is not working as they were never suppose to have sole control and need to get approval from DEP. He would strongly recommend a working group and get one established ASAP because we could have more storms throughout the summer and be in the same position again. He realizes that Brockton has to say yes or no and also wanted to point out that the law allows Brockton to divert to avoid flooding during the summer months (non diversion period) and when that law was written in 1964 they either didn't know or didn't have toxic algae. We now have it and it is a major problem on the West Pond and becoming one on the East Pond. As stated by Ms. Moore earlier the people who got flooded may have a health problem with their flooded septic systems but with the heat and the twenty millions gallons of water flowing into the East Pond since June 13th residents on the pond will also have health problem with the toxic algae. So either way there is going to be an issue that the Board will be faced with.

In closing Garron wanted say that he appreciates MWA support because for the longest time they did not have support and hopes that MWA will continue their work and to please go forward with the Ad Hoc Committee. The Board thanked everyone for coming in this evening.

Moved by Roy and seconded by Schleiff, the Board unanimously voted in favor of the MWA forming Ad Hoc Group.

MEETING ADJOURNED

There being no further business, moved by Garron and seconded by Schleiff, the Board unanimously voted to adjourn the meeting at 10:05 p.m.

Kim R. Roy
Clerk

/pjm