

BOARD OF SELECTMEN
SELECTMEN MEETING
TUESDAY, JULY 23, 2013 - 6:30 P.M.
SELECTMEN MEETING ROOM

Meeting came to order at 6:30 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, July 23rd, was unanimously approved without revision.

MINUTES

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

- Regular Session – April 23, 2013
- Regular Session – May 28, 2013
- Regular Session – June 11, 2013
- Executive Session – June 11, 2013

AFFIRMED COMMITMENTS AND WARRANTS

Moved by Roy and seconded by Schleiff, the Board unanimously affirmed approval for the payment of the following commitments and warrants with the exception of Schleiff abstaining from the Police Department payroll in warrant #109 and #4:

FY13 Payroll Warrant	# 109	\$ 12,161.67
FY13 Vendor Warrant	# 110	\$ 608,271.11
FY14 Payroll Warrant	# 4	\$ 172,105.89
FY14 Vendor Warrant	# 5	\$ 108,182.18
FY14 Withholding Warrant	# 6	\$ 65,631.44

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

MMMA (July meeting/Seelig)..... \$ 30.00

APPROVED COMMITMENT AND WARRANT

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

Vendor Warrant	# 7	\$ 199,611.66
Ambulance Commitment	# 7	\$ 12,263.78

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

Gatehouse Media MA (public hearing ad/trailer permit/Swain).....	\$ 176.64
UMass Boston (conference/Seelig).....	\$ 75.00

The Board acknowledged payment of the Selectmen Office Payroll for the period ending July 13, 2013 in the amount of \$6,061.51.

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

<u>TURNOVER</u>	<u>AMOUNT</u>
2014-02	\$ 5.00

GENERAL MAIL / DISCUSSIONS

Harbor to the Bay Charity Bike Ride

Moved by Roy and seconded by Schleiff, the Board unanimously voted to authorize the Chair, Troy Garron, to sign the event notification form for the Harbor to the Bay Charity Bike Ride the use the Halifax Boat Ramp parking lot located on Route 58 as a pit stop for their ride on Saturday September 21st.

Recycling Abatement

Moved by Roy and seconded by Schleiff, the Board unanimously voted to abate \$105 from FY2009 Bill #2137 and \$105 from FY2010 Bill #2143 both on the basis of a system error and the recommendation of the Collector’s Office.

SCHEDULED APPOINTMENTS

Matthew Tucker - Communication Center Manager Interview

Chief Broderick opened the interview by stating that he and the Fire Chief had gone through the submitted applications and picked out a couple of outstanding applicants. Two were interviewed last week and since then one has pulled out which left Mr. Tucker, who the chief is happy to bring before the Board for them to interview.

Following are questions by Selectman Kim Roy (in italics); responses by Mr. Tucker immediately follow:

Can you please tell me what your roll is as an assistant supervisor?

Primary what I am responsible for is operations and training. The majority of what is heard over the radio is what I am responsible in the Town of Hanover on the dispatch end.

So quality control?

Yes. Quality insurance control a lot of emergency medical dispatch, dispatch protocol assuring that every one is adhering to what they are suppose to be doing.

And you are supervising so if someone was to call in sick you would be the person they would ...

I would play a part in that. I would most definitely be notified and we would oversee about filling out that shift. I would not per say be on duty as we do not have a dedicated shift supervisor but my supervisor and myself would work the desk as well so we would double in that capacity.

So by the desk, do you deal with the public the walk ins?

Yes.

Have you had much experience with writing procedures?

Yes. I have done a lot of work on the police side in that regards but as far as actually drafting dispatching protocols the fire department on the fire side has an established SOP book that they follow. What I have done was in 2005 when I took the assistant supervising position; I organize the dispatch protocols which helps aid the dispatchers while in the seat when a call comes in there is a step by step list in front of them they need to get through. This also assists when training new personnel as it is used as a template foundation building block to start with. It ensures that everyone is getting the same material and the same end result by the time they are done training.

As a supervisor or assistant supervisor if discipline needs to be done is that something you have been a part of?

I definitely have. I am included in all those disciplinary discussions. I have had to draft letters or verbal warnings or verbal discipline or written discipline. Usually we follow the contracts, as they read progressive discipline.

What skills do you think you have that will benefit the Town of Halifax?

I have over a decade of experience and have been in a supervisor roll. I have been exposed to functions that my superior performs such as the grant writing, the budget, the weekly payroll and play a role in those tasks as well a over time scheduling and training. Operationally I have something to offer the town as I am very proud of the procedures that I have drafted when I was hired in 2005. I think I can definitely plan a role in the training and operations aspects in the communications center.

Thank you.

Following are questions by Selectman Michael Schleiff (in italics); responses by Mr. Tucker immediately follow:

Hanover is a busy town we are not as busy so it is probably a fit for you at your career from what I have read in here and have seen.

Schleiff then read the advertisement/job description for the Communications Manager.

Any thoughts on the job description?

I am totally with it and not something I am not used to. If there is a major weather event or something along those lines that is what we do. We are expected to be there and that is the first thing that pops in peoples head you have to be there and you have to leave your family at home. Sometimes it is unnerving to do that

but it is the nature of the business. Any emergency I need to be there and am okay with it.

We are not as busy as Hanover. I think at the end of the year people will bang in, go on vacation or find that they need more training. We have part timers that come in and be aware to keep your staff going and that there will be times to put in your time.

Absolutely. I am prepared to do what I have to do to make ends meet in the Com Center and if that means I put some extra time in to cover a shift ... willing to be a team player as it will keep the respect of the personnel and the moral up which I think is important. I definitely want to be successful in that capacity.

At times it is nice and other times it is crazy. This was just voted in at Town Meeting to dissolve the Communications Committee and this is new to us as well. We want to give you as much support and help as we can and want you understand what you are getting yourself into and as long as you understand that you'll start off on the right foot. I think it will out well for everyone.

I am definitely familiar with the committee system of government we had it in Hanover and recently was dissolved it as well. Hanover moved on to something similar as Halifax and I am familiar with the direction Halifax is heading towards.

Following are questions by Selectman Troy Garron (in italics); responses by Mr. Tucker immediately follow:

How are your people skills? how do you deal with people? If you knew that you had to write a person up but you felt that they needed to be talked to what is your approach.

I think you need to be firm with them. I follow three key characteristics firm, friendly and fair with everybody and think if you follow along those lines you will maintain respect among peers and co workers. I have had experience to having to write up a friend, which is not easy to do. You need to be professional when it is called for and you keep your friendships on the outside and that is the way it has to be.

One of the keys to success with the Communication Center is consistency because of the supervision as they have the tendency to play. What they are looking for is one individual to supervise these people if they have complaints or major issues where they have one to deal with these issues. The main concern is that we deliver the service the town is looking for safety reasons and calls are taken care of promptly and in a courteous manner. Again this is new to us having one individual that the dispatchers can go to and I was very much in favor of it at Town Meeting and still in favor of it now. Technically you have all the bells in whistles that are needed to do the job. My main concern is and I think the Chief Broderick will agree with me is people skill because what it comes down to is that you are dealing with human beings in a crisis. Because it is a new position and that they have to get used to the fact that they are going to have someone to go to I feel it will be a positive effect.

I am sure we will go through our share of growing pains like anything that is new it happens. I expect to run in that position as it was outlined and work closely with the police and fire chiefs as well as keeping the Board informed of what is going on.

Schleiff stated that his direct supervisors overseeing him will be the fire and police chiefs. He also stated that there is budget that he will have to keep an eye on. He does not know how long the transition will be or when he'll be off on his own.

Chief Broderick said that would be the decision the Board would have to make and the fire chief and himself are looking forward to working with him to get him up to speed as they know what the town expects and what the Board would like to see in the future in regards to the way the dispatch is operated. Both are more than happy to jump in and help him get through the transition as that is what they are there for.

Garron stated because this is new he would like to have everyone sit down and review how things are going in ninety days and see what kind of support the Board can give to him. Broderick suggested that the Board, himself, the fire chief and Matt get together to get a rough direction before everything gets under way because he ultimately is going to answer to the Board.

Garron asked Mr. Tucker how he felt at this point in time about what may or may not happen in this new position.

Mr. Tucker stated that he is excited about this as he has been looking to achieve a position like this and this is where he wants to be as he has prepared himself over the years and is ready.

Roy was impressed by his resume and the book he presented which showed that he is motivated and organized and felt that those qualities were very important in the dispatch position because they really are the first responders passing information on to fire and police. She explained that he will be working with the fire and police chiefs on their procedures but will be reporting directly to the Board of Selectmen as mentioned by Chief Broderick. She stated that it was noted in his application that he was seeking to be at the top step and wanted to verify with him that this is a salary position. Mr. Tucker understood that.

Seelig said that if the Board decides to hire him and wants to place him on a step other than Step 1 they will have to make that request to the Wage & Personnel Board. Mr. Tucker understood this. Schleiff asked if this was going to be contingent on him accepting of the position and Roy said this should be self giving seeing as he has had about seven years of supervisory experience but again she stated they can't promise him that. Roy said that they would need to know his flexibility if they were not able to reach that salary amount.

Mr. Tucker wanted to say that he was looking for a little bit of consideration in that regard and that it was in part because of his resume and some of his experience. Another side of it was that he has a family with three young boys and he knows in his head what he needs to maintain to help his needs on the home front and again he said he understood the Board's position.

Schleiff was asking if the hiring or acceptance of the position was contingent on the step and Mr. Tucker said no that he would take the job if he started at Step 1.

Roy thinks it needs to be fair and have that conversation because of the fact that Mr. Tucker is coming to Halifax with such experience and thinks that if he can be placed at a higher step that it is fair to the town and him because we are gaining experience.

Garron said that it is up to the Board as to whether they want to make a decision tonight or put it forward to their next meeting. He felt that he meet the three criterias (1) experience working at the desk; (2) experience as a supervisor; (3) experience working with police and fire department. Garron said that they should make a presentation and at this time to see how much we can pay him.

Roy asked Garron if he could entertain a motion that they appoint Mr. Tucker pending the approval from Wage & Personnel at an appropriate step. Garron asked when Wage and Personnel meets again and Seelig said August 6th.

Schleiff said from what he sees the salary would be some where in the middle based on his application and resume.

Broderick asked what his time frame was for leaving Hanover and Mr. Tucker stated he would like to give two weeks out of respect.

Garron agrees with Roy motion and also suggested to give him a letter of intent.

Moved by Roy and seconded by Schleiff, the Board unanimously voted to appoint Matthew Tucker as Communication Center Manager with the intent to speak with Wage and Personnel to entertain a salary amount.

GENERAL MAIL / DISCUSSIONS (CONTINUED)

Road Cut – 8 Ash Road

Moved by Roy and seconded by Schleiff, the Board unanimously approved Permit #2014-03 issued to Columbia Gas of Massachusetts for a 2' x 30' road cut to install new service at 8 Ash Road.

Road Cut – 37 white Island Road

Moved by Roy and seconded by Schleiff, the Board unanimously approved Permit #2014-04 issued to Columbia Gas of Massachusetts for a 2' x 30' road cut to install new service at 37 White Island Road.

Larry Robinson – Reappointment Board of Registrars

Moved by Schleiff and seconded by Garron, the Board unanimously voted to reappoint Larry Robinson of 74 Hemlock Lane to the Board of Registrars, term to expire March 31, 2016.

Use of Town Green – Congregational Church

Moved by Roy and seconded by Schleiff, the Board unanimously granted the Congregational Church the use of the Town Green on Saturday, September 14th, from 10:00 a.m. to 3:00 p.m. for a chicken BBQ and harvest fair.

Appointments/Election Workers

Moved by Roy and seconded by Schleiff, the Board unanimously appointed the following individuals as Democratic and Republican Election Workers for the Town of Halifax, all terms to expire July 27, 2014:

DEMOCRATIC ELECTION WORKERS

Joan Burke	8 Rosewood Avenue
Andrea D. Delaney	145 Cranberry Drive
Paul Delaney	145 Cranberry Drive
Carol Keene	57 Thompson Street
Cathleen Miller	123 Palmer Mill Road
Lee Mulready	25 Lawrence Road
Gerald Schwartz	100 Cedar Lane
Judith Wall	27 Cherry Street

REPUBLICAN ELECTION WORKERS

Marion Heath	7 Christmas Tree Lane
Barbara Merrick	87 Elm Street
Gayle Peck	82 Circuit Street
Richard Roche	503 South Street
Amy Troup	193 Holmes Street

Appointments/Unenrolled Election Workers

Moved by Roy seconded by Schleiff, the Board unanimously re-appointed the following people as Unenrolled Election Workers with terms to expire July 27, 2014:

Kathryn Roche	503 South Street
Kenneth Vinton	96 Circuit Street

Reappointment – Kathy Evans - Conservation Commission

Moved by Roy seconded by Schleiff, the Board unanimously re-appointed Kathy Evans to the Conservation Commission, term to expire June 30, 2016.

Water Superintendent Position

The Water Department has started advertising for the position listed above with a deadline of September 1st.

Norwell Visiting Nursing Contract

Moved by Schleiff and seconded by Roy, the Board unanimously authorized Garron to sign on behalf of the Town the contract with Norwell Visiting Nurse Association and Hospice for FY2014.

Federal Excess Property Program

The Fire Chief has asked the Board to sign an agreement to participate in a program where equipment that the Forest Service considers to be surplus is sent to rural departments for their use. Schleiff trusts the Fire Chief's recommendation but is worried about the cost to the town if we get a piece of equipment and then we have to put money into it. Seelig suggested that if Schleiff had any questions to meet with the Fire Chief and voice his concerns. Garron added that they have participated in a program before with the Highway Department and have gotten some okay equipment. Seelig said that he will have the Fire Chief contact Schleiff.

Moved by Roy and seconded by Schleiff, the Board unanimously voted to have the Chair, Troy Garron, sign the Federal Excess Personal Property Cooperative Agreement.

Halifax in Lights Online Fundraising

Both the Halifax in Lights Committee and Finance Committee member, Gordon Andrews, mentioned the concept on online fundraising. This can be done as other communities have on-line fundraisers for various events and scholarship funds. UniBank, the firm that handles the on-line payment of taxes, can set something up in about 30 days if the Board approves it. The cost is 25 cents if a checking account is used and a set fee, depending on the size of the contribution, for credit cards. Troy thinks it is worth doing and Schleiff also thought it was a good idea but was concerned about the fee. Seelig explained that if a donation was made for \$25.00 the town would get \$23.00.

Moved by Roy and seconded by Schleiff, the Board unanimously voted to establish an online donation program.

Talent Bank Forms and Increase in Members – Halifax in Lights

The office has received three talent bank forms from residents expressing an interest to serve on the committee. The current committee members are asking if they can increase the members from seven to ten. Both Schleiff and Roy were in favor of increasing the number of members but a vote was not taken at this time.

Beautification Don't litter Signs

Seelig is waiting to hear back from the Beautification Committee as to whether they want five wood signs or ten metal signs and the locations of where they will be placed. He has not heard back from any of the departments. Seelig will bring back on August 13th and the Board can make a decision then.

Zoning By-Law Committee

The Planning Board has chosen Rob Piccirilli and the alternate will be Mark Millias as its representative on the Committee. Tom Millias will meet with the BOS about the Committee at their meeting on August 13th.

Monponsett Watershed Association Grant

The Board has been provided a final version of the grant agreement from Town Counsel and was asked if they wanted to sign it this evening. Garron had not finished reading the agreement but as long as Town Counsel was okay with it he was. Roy also was okay.

Moved by Roy and seconded by Schleiff, the Board unanimously voted to sign the grant agreement between the Town of Halifax and the Monponsett Pond Watershed Association, Inc.

Recycling Fee for FY2014

The recycling program “lost” about \$9,000 last year due to the Board’s decision to lower the fee from \$40 to \$35 per household, thereby cutting the commitment by \$15,005 and due to a decrease in the amount of revenue generated by the sale of recyclables, from \$25,674 to \$6,304 (down \$19,370). The collection rate for the first year remains stable (89% this year and it was between 87% and 91% in past years).

If the Board wants the recycling budget to break even, Seelig recommended an increase in the fee from \$35 to \$38.

The Town Accountant has put together some data and gave to the Board to review and if they have any questions to let Seelig know.

Schleiff stated that the decision last year to reduce was based off what came in the previous year as it was an abnormal high year, \$25,674 but now it is down \$6,304 as the market was better the previous year. Schleiff wanted to know what the fund balance is. Seelig said that he can get that figure for him but it will be as of June 2012. Board is holding off until August 13th before making any decision on the fee.

Northland Parcel

On July 19th Seelig had met with Joan Pierce and Jason Zimmer of MA Fisheries and Wildlife and the bounds for the parcel to be transferred to the Town should be set sometime in the next few weeks, but the State is interested to see once the parcel is transferred to the town would the town then want to:

- sell the parcel back to the State.
- sell the State a conservation easement (the State gives the Town money to prevent the land from being developed in the future).
- sell the State an easement to put in an access point/parking lot on the parcel (there are maps in your mail folder); (b) and (c) could be combined.

Seelig explained to the Board that State is looking for a new access point into the Burrage Pond Wildlife Refuge to replace the one that was partially on private property and would like to give the private property owner some sort of buffer instead of running the new access point right by that person’s property line and putting it on the Town’s parcel would do so (the access point would, farther (east) into the parcel join with the road that is on State land and go into the Refuge.

In addition they are interested in the idea of having a tour of the parcel so that Town officials and other interested parties would have a better idea of what the entire parcel was like and how the access point would fit in with the Refuge.

Seelig said given the shape of the parcel, its geographic location and some areas of wetlands, he doubt that the Town has any interest in developing it for institutional use and the Town could just leave it alone, as it has with the other parcel it owns. Also seeing that it is forested, turning into an active recreation area would be fairly costly.

Garron stated that it took them fifteen years to give the town the money for the parcel and it still has not been transferred back to the town. Seelig said that they can do a walk through later in the summer or early fall if the town is interested but would like sooner than later. Roy and Schleiff both were willing to walk the land with them.

SCHEDULED APPOINTMENTS (CONTINUED)

Progressive Growers – 1 Day Liquor License

Craig Canning from Progressive Growers came in this evening to request a one (1) day liquor license as they are sponsoring Cape Cod Cranberries Grower's Association annual meeting and are furnishing the beer and wine for three hours. He stated that the event is on August 20th ; starts at 11:00 a.m. and should be wrapped up around 2:00 p.m. or there after and roughly four hundred people will be attending. This is being held at White Dog Cranberry Bogs located at 6 Palmer Mill Rd. and will be a clambake. He continued to say that there is plenty of space for parking as they have hosted the event there before. Chief Broderick was in the audience and was okay with the one (1) day license.

Moved by Roy and seconded by Schleiff, the Board unanimously voted to approve a one (1) day liquor license for Progressive Growers, Inc. for August 20, 2013 from 11:00 a.m. to 3:00 p.m. and that it be limited to beer and wine.

GENERAL MAIL / DISCUSSIONS (CONTINUED)

Katzenberger Property

The State is interested in purchasing the Katzenberger property off Elm Street. This property abuts both the "old" Town parcel and the Refuge. They asked Seelig if the Town might be interested in contributing to purchasing the property. He explained based on previous reactions towards Waterman, Randall and Wright properties he thinks it is unlikely.

Aldana Road

Another piece of property owned by the town that the State is interested in purchasing is a parcel off Aldana Road that abuts a much larger State parcel. This land has been discussed before in relation to improvements along Aldana Road. Lastly the State is no longer interested in the parcel where the old dog pound was as the property owner, who is between the dog pound and the larger state parcel, is not interested in selling.

SCHEDULED APPOINTMENTS (CONTINUED)***Twin Lakes Liquor – Disciplinary Hearing***

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

Francis Murphy	Owner of Twin Lakes Liquor
Brandon Hanss	Police Officer

Seelig began by saying that the Board received information from the Halifax Police Department about an incident a couple of months ago involving the selling of alcohol to a minor. ABCC is holding their own hearing on this later this year and the Board can hold its own but this does not mean that the Board has to take any action or wait for ABCC to take action but any incident of this type is an interest to the Board in which they meet with the owner of the establishment and decide if they want to take any action.

Note: This discussion is not verbatim

Roy started by asking Officer Hanss to give a brief statement as to what happened.

Officer Hanss: I was working four to twelve and was called down. ABCC contacted Halifax Police dispatch and they wanted an officer to.... I was covering north sector so I went out there and spoke with an agent from ABCC. What happened was their agents approached two or three individuals coming out of the package store with I believe was wine beer and they asked them how old they were and they said they were twenty one and ABCC asked for an id and they were unable to present them with one and then from there the ABCC confronted the cashier and them why they weren't id'ed and then from there they contacted us and that's where we left off.

Roy: Also noted in your report that when you asked the person that worked at the liquor store why they didn't id them she told you that person had been in before with an id and that particular day did not have one because she had seen him in the store prior using id she didn't bother to ask for one

Hanss: That's correct

Schleiff: Was it also mentioned other employee have seen ...

Mr. Murphy: No there was only one girl on duty at the time.

Schleiff: I read this like three or four weeks ago.

Mr. Murphy: May I say ... I'm sorry

Garron: Anything else you would like to add?

Hanss: No. Do you have any questions for me?

Garron: Was there corporation when you talked to the young lady?

Hanss: They were very cooperative. We called their parents to let them know about the situation. I asked the ABCC if they wanted to press any charges because they were there. They said no we didn't want to go forward with it but we did want the town to know what happened.

Garron: Okay did you check to make sure that the individual you spoke to had TIPS training.

Hanss: I was not sure if they did at all. No

Mr. Murphy: She does not have TIPS training. Two of the girls do and I do personally also. We take this very seriously. What happened was I have a manager, Kimberly Mahoney, who has been at that store for six years even though I only had it for three. She also worked at Cadneys in Quincy for ten years checking ids. She doesn't mess around. This kid boy came in with an expired license he was immediately turned away. Three days later he shows up with a license she looks at it and she gave it her okay. It was a legitimate license as far as she was concerned and is very well versed at checking these. Come to find out we hear, don't know where it came from, but found out it came from the internet is what he had. Right the boy was in our store a couple of times prior to this with that license. At this particular evening he came in alone not with two or three people they might have been out in the car. He came in alone I watched video tapes the next day and I still have copies of it. I guess we carded two decoys from the ABCC that came in they were young we never seen them before the girl never seen them before let them go we wouldn't sell to them. When they were leaving the parking lot they noticed this boy coming in and the investigator immediately seen him and realized he looked very young. He came in the door and the gentleman from the ABCC came in right after him stood next to the wine and witnessed what happened. She did not card him he did not have an id as far as we all knew it was a legitimate id. That's basically what happened. Like I said I've only been in business three years and I hope this will never happen again. It's a blemish on my record right now. We want to take things to try and fix this. Things I am going to do are there is three of us that are TIPS certified I am going to have everybody TIPS certified. Also it's an expense twelve hundred dollars but I'm going to get one of those automatic card readers. We have all the information on them the exact one I want but it is twelve hundred dollars. I hope to have that within the next month or two and at that time it will be used all times. In the mean time I told all the girls if somebody comes in if they look thirty or younger make sure they card them. I didn't say card everybody like you do at Red Sox games but if they look thirty or younger make sure they're carded. Like I said I'm sorry it happened I hope it never happens again and I don't know what else to say.

Roy: So you're saying that this looks like a regular Massachusetts license.

Mr. Murphy: She is a older woman she doesn't mess around. She's done this. She's worked liquor she worked at Cadneys in Quincy for ten years.

Roy: So this was a Massachusetts drivers license

Mr. Murphy: As far as... she looked at it. She really scrutinized it because he had come in with an expired license three days prior to that.

Roy: Okay and I just want to verify it's a Massachusetts drivers license

Mr. Murphy: Yes it was yes it was

Schleiff: Ya I was looking under Officer Hanss notes it stated she also stated to me that when he has not had his id in the past the other employees have remarked that he always comes in. I don't understand.

Mr. Murphy: He had been in a couple times prior yes...

Garron: At the time in question did you get a chance to question the young man question the alcohol what ever it was?

Hans: In terms of what?

Garron: In terms of whether or not he had an id on this person at the time.

Hans: He did not have an id on him at the time.

Schleiff: This employer what type of reprimand or ... I'm looking at it I'm sure do I mean these kids can go out and tragically have an accident and you intimately you know you on the grill too that's why we need to have you in here and stress that strenuously.

Mr. Murphy: I told them make sure everyone is carded with a Massachusetts license if they look thirty years old or younger. I didn't reprimand her or fire her for the sole reason that I have sold to the kid before and my manager also had sold to him after seeing the license and he usually had that license with him. I'm telling you he could bring that license in here right now and wouldn't be able to tell the difference. It was that good.

Roy: When do you expect to get the machine?

Mr. Murphy: Within the next month of two. Like I said it is twelve hundred dollars.

Roy: Did you already order it?

Mr. Murphy: No I have not.

Roy: Okay when do you expect to order it?

Mr. Murphy: Probably in a couple weeks.

Roy: Okay so that is your commitment to this Board

Mr. Murphy: Absolutely. I promise that. I also am going to have service that comes out to do TIPS training in the store so that they all don't have to go. If you have enough people they come right to your store. Every body has been told to card every body. Like I said I'm sorry it happened and I hope it never happens again.

Schleiff: This is each time even though you've seen their ids in the past.

Mr. Murphy: Right

Schleiff: So they will continue ... ya I know I have seen you here just have it ready every time come here because I am going to id no matter any ways that maybe will..

Mr. Murphy: I told the girls even if you have known this person for five or six years because if they have an investigator in here watching the transaction and you don't card somebody that is just as bad not carding them at all. You have to card them.

Schleiff: So now you have a bull's eye on you for a while now so they're going to be looking at you as well as us.

Mr. Murphy: I hope to be in business for a while this is something I don't lightly.

Roy: Well for me I would want confirmation that you did purchase this piece of equipment whether you send us a letter once it is in.

Mr. Murphy: Okay. I certainly will.

Schleiff: How often do we receive TIPS ... we get copies of those when you get them. Not at one time any time of the year you get them we get copies.

Seelig: We keep track of who is certified and the expiration dates and reminders go out from the Selectmen's Office when the expiration dates come up.

Schleiff: So whenever you have someone TIPS certified you should send that into the office.

Garron: I've been in your store talked to the people there they seem very competent but as you know you stated earlier it does reflect on you and on this Board as we are the licensing authority. I believe that it was a situation and it could happen to any other liquor establishments, which I hope not. Hopefully we'll follow through and find out that this is true with this young man and nip it in the bud. What is the Board's wish?

Schleiff: I am glad that this revelation came about to correct it so that we don't have any tragedies so it actually is kind of a good thing the way I look at it. I appreciate your candor in the community. I have no problem with ...

Roy: My question to Charlie is in the past when we've had somebody have an infraction on them what is...

Seelig: It depends on their infraction and how many other incidents have happened. Obviously we haven't had any incidents with them. For the amount of time I have been here I would say about half the time the Board would have issued warning and half the time they would have issued a suspension of a license for a day or two. In this case given what I have remembered from other instance like this the Board usually goes with a warning.

Garron: A simple letter.

Roy: All right. I'll make a motion that we issue a warning to the liquor store and also in that motion I would like to include that he purchase the machine that will insure the people are using proper identification when purchasing alcohol.

Seelig: And that he notifies the Board once it is installed.

Roy: Yes. Thank you Charlie

Schleiff: Second

Garron: Any further discussion? All in favor.

Schleiff: Aye

Roy: Aye

Garron: Aye

Garron: The letter should simply state that whatever date it occurred that you did sell to an underage individuals and that should this occur in the future it could result in further consequences.

Medical Marijuana By-Laws

Seelig began by saying that one of his concerns he has is the distance one might have to travel to purchase medical marijuana from a dispensary so there is a possibility that those individuals can grow on their property for their own use. He has talked to town counsel on this and his feeling is that we are not going to be able to regulate them as we would for commercial establishments and will not be able to prohibit them if they live within the 500 feet of schools. Seelig said we might be able to work with the Board of Health and establish regulations so that they would have to register so the Town and the Police Department have on record who is home growing for medical use.

Schleiff asked why the Board of Health would be involved as they are growing it not distributing it. Seelig is suggesting the BOH seeing as it is a health issue for the individuals and you would want one agency to have a registration list so you know where this may be happening.

Garron asked can someone who has five acres of land use some it to grow marijuana for his own personal use and Seelig said that cannot happen and that the State has been pretty specific. Chief Broderick added that the regulations, guidelines and security for home use is fairly strict, which is going to limit the amount of people who are able to home grow.

Roy asked the Chief if they had to have a certain amount of hardship in order to prove they need to grow it themselves because if not then why would't everyone just grow their own and asked if not being able to drive or not having a license be a hardship. Seelig said that they will have to register with the State to get a specific license and the Chief said that the regulations spell out who can grow their own. He also said that the dispensaries will have the ability to deliver so not having a license or if you are unable to drive is not a hardship and can deliver to anybody. Roy asked what would be the motivation to have to go to a dispensary to purchase your marijuana when you could grow it on your own. Chief said that it fairly strict regulations and Seelig said you might get better "stuff" at the commercial establishment then doing it on your own.

Seelig wanted to go through the residential aspect of this because he was concerned as to whether the town should or should not regulate on this. Town counsel is saying given the law and regulations and what Department of Public Health has come up with the town is not going to be able to regulate residential growing of the product but there are sufficient regulations in place from the State so that someone cannot casually do this and will have to do a lot of things in order to grow on their own property. If someone's home is within 500 feet of a school, daycare, dance studio or a place where children are gathering the town will not be able to prohibit someone from growing within that radius of those businesses or institutions. Schleiff said that if they go through all the hoops they can be just a couple doors down from these areas where children congregate and Seelig said yes, if they have met all the regulations and it is for their own use. Schleiff asked if this was part of the State's regulations and Seelig said the 500 foot rule was for the non profit dispensaries not for someone growing it on their own.

Garron asked if there was anything in the regulations that states what type of security that person should have for their home grown marijuana and the Chief said there is some reference to security for home grown product. Garron said basically what we are saying right now is that we don't have to concentrate on the home grown stuff but it is the non profit dispensaries and Seelig said that was correct. Garron asked why this was not established to go through a legitimate business such as a drug store and Seelig stated because it is against federal law and therefore commercial establishments cannot be dealing in this. Garron stated profit or non profit you are still making money. Seelig said the way the read it is your making money but you're not making money.

Roy said the problem she has is that with alcohol there is age limit and with the marijuana there isn't so a child can walk down the street with a joint therefore thinks we have to move toward making sure there is regulations for age requirements instead of under an ounce thing.

Chief Broderick said that there are some heavy regulations for underage dispensing such as the prescription needs to be signed by two separate doctors who are not affiliated with each other and both have to agree that that child needs the product. Schleiff asked at what level is one impaired driving if they are on medical marijuana and was very concerned of them getting behind the wheel and driving. The chief stated that there are laws for impaired operation whether it is alcohol or drugs and all of his officers are trained in recognizing and dealing with impaired operation. He added that operating under the influence of drug is very difficult to prosecute as the courts have made it hard but it does not stop his officers from traffic stopping and at least gets them off the road and move forward with the prosecution end of it.

Seelig stated that the town has been given the ability to zone for the non profit dispensaries and if they want to change the laws regarding the use or carrying of marijuana then the Board should be talking with its legislators or other Boards within Plymouth County to say that this is not working for us as we are trying to defer drug use in our communities but keep in mind the State voters and the Town of Halifax voters voted this in making it easier for children to get this product.

With that being said Seelig wanted to get back to the non profit dispensaries and said that is has been made clear by the Attorney General's Office that they cannot be banned. What the town can do put a moratorium on till June 2014 giving the communities time to make some decisions. In Halifax's case we can look at the by-laws and ask do we make no changes in the by-law meaning not have a dispensary allowed within 500 feet of a school, daycare centers and places where child gather frequently. If no changes are made in the by-law a dispensary can be established outside a 500 foot radius of theses institutions. This would be by right and they might have to have a site plan review but there would be no special permit issued by the ZBA.

Seelig intention for this discussion tonight was to go over the options that the town is allowed; (a) allow in the commercial district aside from the 500 feet not being required in the special permit processing; (b) the same thing but a special permit is required and a public hearing will be scheduled and if additional concerns at least there is review process to do so at the town level. Seelig wanted to point out that there are rules so that the town cannot make it so restricted for a dispensary to come in.

Roy asked if we could specify having them in a visible location this way here it would be easier for patrolling because it is a cash business, which could opened to thief or would it be better to have it buried in the industrial park so it out of the eyes of the children? Chief Broderick said the regulations for the non profit dispensaries are fairly restricted within themselves as they have to go through a lot just to get the process started such as no advertisement or nothing referencing the product outside the building. Broderick does not have the best answers off the top of his head regarding burying it somewhere where no one is going to see it and it is not in our routine patrol area or do we put it some where it is visible enough where it is going to be self regulated and the officer can get in and out of on a regular basis to keep and eye on it like we do for all businesses in town. He said that more of these conversations will have to take place to talk about the options.

Seelig stated it makes more sense to have it in a visible location because it might be more impossible to do anything illegally. He is not saying the illegality for the people running the establishments or for the people who need it to exist but the cash part of it or people passing it along to others so if the dispensary was more visible then it would be more difficult for those things to happen.

Garron's major concern is the people's confidentiality because they might not want anyone to know of their illness. He agrees with the chief and Roy regarding that it be in a visible location for law enforcement but also if you see your kid or someone else's that should not be hanging around this business you can be aware of it.

Roy asked if someone could light up once outside the dispensary and Chief Broderick did not see anything in the regulations saying you could not. He continued to say that hopefully the regulations have been written to ensure that the proper people who need this product for the quality of life get it. If someone was to do that Broderick stated that his officers have the ability to ask to see that person's medical marijuana card as they have to carry it with them all the time. The meaning for this law is for those who desperately need it and they will not take advantage of it. Roy brought up a point that having this type of business could impact the resources of the police department and Broderick stated that all new businesses that come into town impacts his department no matter what type of business it is. Schleiff also was concerned about someone coming out of the dispensary and lightning one up.

Seelig is not proposing that this be presented at the fall Town Meeting but the May 2014 Town Meeting and one of the advantages to waiting that long is that other communities will be ahead of us and we'll see what the AG office approves or doesn't approve giving Halifax a better idea of what we can do or not do in terms of zoning by-laws. His consensus of what he is hearing this evening is:

- (a) making changes in the by-law that is simply zoning by right permit by right allowed in the commercial district as long away from the school as such or
- (b) do something by a special permit by getting the input from the AG which will be helpful as to how restrictive we can be.

Seelig hopes by the end of this calendar year that there will be a decision on how to draft the by-law and start the motion of going through the hearing process with the Planning Board and bring to town meeting next May as there is not enough time to put something together for the STM this fall.

Tina Tonello – Status of Conservation Agent

Ms. Tonello came in this evening on behalf of the Conservation Commission to request an increase in the secretary's hours from 17 to 24. To fund the addition hours the Commission would use the funds from the wetlands account as she is doing work for the wetlands. She continued to say that they do not feel the need for an agent as the Commission would like to continue handling site visits and, when necessary, contract with a wetland scientist. Tom Millias has been informed of this notion and is fine with the increase of the seven hours (\$5,846).

Schleiff asked if their secretary would be entitled to benefits and it was said that she does not need them at this time. Schleiff said that there might be a time when she might and that is why he wanted to bring it up. Roy asked would it be the

selectmen that would increase the hours and Seelig said yes but when using the wetlands account it needs to be voted at Town Meeting. For Roy it made sense because they are saving money and asked if they went to the Finance Committee about this. Tina said that Seelig suggested going to the Selectmen first and added that Conservation is handling things right now without an agent and having someone in the office for those additional hours will give the Commission the time to go out and do site visits. In closing Garron wanted to thank conservation for trying to save the town money.

Moved by Roy and seconded by Schleiff, the Board unanimously voted to support the Conservation Commission's request to increase the Conservation Secretary's hours from seventeen (17) to twenty four (24) and not hire an Agent at this time.

Ed Gavin – cul de sac at Arrowhead Drive

Mr. Gavin came in this evening to discuss the area in the cul de sac on Arrowhead Drive never being mowed. He began by saying that this is the fourth year that this area has not been mowed and is very unsightly. The first year he contacted Seelig and Susan Whelan came down and mowed; second year no one did it; and the third year he asked for a plan. He stated that the town will not mow this area but his trash gets picked up and the street is plowed. He does not think it is too much to have someone come down and mow a 16x20 area stating that the town owns some lots in the development.

Roy asked why can't the neighbors take turns and mow it and Gavin asked why can't the town. Garron said as Board members they cannot control what the highway department does and does not do but we can make a request to the Highway Surveyor. He added that it is still private property and the owners of the property are required to maintain it. Schleiff stated that the town is not getting Chapter 90 money for the road but are doing work on it when needed.

Mr. Gavin said that this is the fourth year he has addressed this problem and has not gotten any answers and stated that the Assessors find his house, police & fire as well and it is plowed.

Roy said that they are lucky that the road does get plowed and asked if it was possible to have the owner of the development go down there and Seelig said no as Mr. Salter has passed away and he does not think anyone is prepared to take over his business. The Building Inspector thinks that there are lots for sale by the new developer. Seelig could ask Town Counsel what rights the town has and Roy asked how much would that cost. Seelig said we still have developments that have various issues with other problems. The Highway Surveyor is not going to mow it until it is accepted by the town but will plow and fix catch basins.

Schleiff thinks it is more work to load up the mower onto a truck, unload it, mow, reload and then transport. Seelig stated that he sent a letter to Ocean Hill but it came back then sent one to another address and is waiting to see if he hears back from them.

Garron said that he would like to meet with the developer and asked that a letter be sent asking them to either send a letter to the Board or come in.

Moved by Garron and seconded by Schleiff, the Board unanimously voted to have a letter sent to the developer asking them to send a letter or come in and meet with the Board of Selectmen.

GENERAL MAIL / DISCUSSIONS (CONTINUED)

Monponsett Pond Working Group

Sometime after August 10th the Board would like to schedule a meeting with the Monponsett Pond Working Group, preferably on a Wednesday or a Thursday around 2:00 p.m.

Title for COA Van

MassDOT, which funded the purchase of the van last year (and also is funding the purchase of the 2nd van this year), has requested the physical title for last year's van. Ownership remains with the Town and MassDOT as the lien holder, but MassDOT or the Feds are concerned that some grantees go off and sell the vans before their time (100,000 miles or five years) in order to net the sales price without actually using the van to the fullest extent. By holding the title MassDOT seeks to avoid this type of problem.

Autumn Lane

Seelig has received a call from Don Treannie of Jake Development (developer for the subdivision) and he has said that he hopes to start work on finishing the roadwork sometime next month. The new contact, Greg Glennon, for Eastern Bank felt that because of bank secrecy laws he cannot say too much therefore we are relying on Mr. Treannie's statement and the bank's desire to close out the mortgage.

Surplus Items

Moved by Garron and seconded by Schleiff, the Board unanimously declared two (2) wireless mice and keyboards from the Town Accountant's Office as surplus.

Moved by Roy and seconded by Schleiff, the Board unanimously declared one (1) AT&T MLS-12D telephone from the Selectmen's Office as surplus.

Special Town Meeting

Seelig tentatively proposed having the Special Town Meeting on Monday, September 9th giving as much time as possible to the M&SBC and School to work on the boiler project while leaving sufficient time for the tax rate to be set and the bills to be sent out by October 1st (due November 1).

MEETING ADJOURNED

There being no further business, moved by Garron and seconded by Roy, the Board unanimously voted to adjourn the meeting at 9:20 p.m.

Kim R. Roy
Clerk

/pjm