

BOARD OF SELECTMEN  
SELECTMEN MEETING  
TUESDAY, NOVEMBER 12, 2013 - 7:30 P.M.  
SELECTMEN MEETING ROOM

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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.

**MINUTES**

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

Regular Session – August 27, 2013  
Regular Session – September 10, 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 # 36:

Payroll Warrant	# 36	\$ 340,542.78
Vendor Warrant	# 37	\$ 416,748.75
Withholding Warrant	# 38	\$ 128,605.96

**APPROVED WARRANT & COMMITMENT**

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

Vendor Warrant	# 39	\$ 29,456.66
Ambulance Commitment	# 10B	\$ 29,010.96

**APPROVED BILLS**

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

National Grid (service for Town Hall).....	\$ 718.47
National Grid (service for concession stand).....	\$ 22.81
GateHouse Media (ad/Sec. 2/Treasurer Collector's Office).....	\$ 275.56
Michael C. Gilman (legal services/October).....	\$ 508.75
Attorney Lawrence P. Mayo (legal services/October).....	\$ 775.00
Ace USA (policy/Underground Storage).....	\$ 1,040.00
Cushman Insurance (bond/Adduci/asst. Tax Collector).....	\$ 20.00
Assoc. of Town Finance Committee (meeting/Oct. 19th) .....	\$ 45.00
MMMA (Seelig/MMMA meeting Dec. 12 <sup>th</sup> ).....	\$ 30.00
Southeast Coast IPMA-HR (meeting/Nov. 13 <sup>th</sup> /Seelig).....	\$ 20.00
We Print Today (3 maps scanned) .....	\$ 30.00
Charles Seelig (reimburse for magic marker purchased).....	\$ 4.49

The Board acknowledged payment of the Selectmen Office Payroll for the period ending:

November 2, 2013                      FOR              \$ 6,034.11

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

<u>TURNOVER</u>	<u>AMOUNT</u>
2014-27	\$ 125.00
2014-28	\$ 5,957.45
2014-29	\$ 25.00
2014-30	\$ 700.00
2014-31	\$ 25.00
2014-32	\$ 375.00

**GENERAL MAIL / DISCUSSIONS**

Ambulance Abatements

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

September 2013                      FOR              \$ 8,604.72

Teacher Negotiations

The Board previously asked for more formation regarding elementary school negotiations and held off designating one of the Board members to represent the town at school committee meetings when discussing teacher negotiations. Seelig has reported back saying that John Tuffy has stated that there will be initial meeting or two in November/December and expects that negotiations will begin in January and does not think they will be quick. Roy asked Schleiff if he wanted to do it but he had to decline because he is unable to give it his direct attention. She said she did not mind being the representative unless Garron wanted to do. Garron had no problem with Roy taking that roll if she was willing to do it. All Board members were in favor of Roy representing the Town of Halifax for teacher negotiations at the school committee meetings.

Inspection List for License Holders

Each Selectmen have been assigned to do annual inspections at the following locations:

<b>LOCATION TO INSPECT</b>	<b>SELECTMEN</b>
All Seasons Restaurant	Roy
Bella’s Pizzeria II	Roy
BR’s Monponsett Inn	Roy
Country Club of Halifax	Garron
D’s Grille 58	Schleiff
Hawaii Garden Restaurant	Roy
Halifax Mobil	Garron
Harmony Two Liquors	Schleiff
Lindy’s General Store	Garron
Twin Lakes Liquor & Convenience	Garron
Unit 5 Bar, LLC	Schleiff

Preparations of Defensible Permitting Decisions

There will be a workshop regarding the above topic on December 12<sup>th</sup> at 7:00 p.m. in the Great Hall. Seelig has notified all Boards and Committees.

Conceptual Plan for COA Contract

Moved by Roy and seconded by Schleiff, the Board unanimously voted to sign the contract between the Town of Halifax and Alex J. Knox, AIA Collaborative Design Architect to develop initial design/conceptual plan/renovations/expansion of the Halifax COA building located at 504 Plymouth Street for \$9,000.

BMI/ASCAP

Seelig wanted the Board aware of a letter the office received from a company called BMI regarding public performance fees for the use of music by businesses, organizations and municipalities. Basically what the letter is stating is that the town would need to obtain a license agreement, granting permission to use songwriter's music at events such as dances for Youth & Recreation and the town's 4<sup>th</sup> of July celebration. He suspects that communities our size in other parts of the State will also be receiving similar letters.

The fee that may be incurred for the population size of Halifax would be approximately \$327 per year, which Seelig thinks that the town is stuck paying. If the Board wants the town to obtain copyright clearance license agreement Seelig is asking for permission from the Board to request a reserve funds transfer seeing as departments do not have this in their budgets.

Garron asked how many events do we have and Youth and Recreation Director, Dick Steele, said that he has two dances a month. He also asked if there was a time limit to make a decision and Seelig said there was not.

Schleiff added that this is another way to get money from the town and suggested that whoever is doing the performances should pay.

Roy asked Seelig if he has talked with other communities and he said he not.

Garron recommended that they table this discussion for another time.

**SCHEDULED APPOINTMENTS*****Youth & Recreation – HOPS Playground***

Richard Steele came in this evening to talk about the HOPS Playground. He began by saying that that there appears to be numerous injuries over the last few months. He recently has been over there and observed that the main part of the playground is deteriorating and at this time some action needs to be taken. He got a figure of \$6,000 to repair, take out or board up the playground. He is going to see if more parts can be fixed. He has talked with Bob Badore and the Y&R Commission is scheduled to next week. He is suggesting that the main parts need to be taken down. Mr. Steele has met with Childscape, located in Marshfield, and was told that a grant is available to December 19<sup>th</sup> (does not include labor) and has brought with him this evening a couple of playground sketches to show the Board. He is trying to keep the price between \$5,000 and \$7,000 and said that wood chips would be a new addition to the playground.

Garron questioned that at the meeting he attended they did not stress about age appropriation and Mr. Steele said that at the Birch Street Park in Pembroke, they have signs with ages and also ones that state adult supervision. He wanted to point out that they did have advertising on some of the structures, which probably help defray the cost. He is hoping to use money that is in the gift account and their expense account and added that at one time lots of people came from other towns to use Halifax's playground but not so much now as they have they're own playgrounds. He would like to take it down or put up a fence soon. Schleiff's thought was not to take it down but put a snow fence around it then people can see that it is not safe to play on and maybe some fundraising will come about. Mr. Steele thinks Schleiff could be right in putting up a fence and it might get people talking then take the structure down. Roy stated because of the safety issue she not only does not want a child to get hurt but also does not want to open the town up for a lawsuit. She continued to say that it should be taken down because kids could just go over the fence and hurt themselves.

Schleiff did not think the pieces were sturdy enough for 12 year olds and Steele say they are but you rarely see kids that age on the structures. Garron suggested checking to see how long it will take to dismantle the playground before putting up the fence. Steele said that he would like it down as soon as possible and will be talking to Bob Badore about it in the morning. Roy added that she is concerned about the town's liability. Garron thanked Mr. Steele for his hard work.

#### ***Public Forum – Gun Range***

Chief Broderick began by saying that he has not received any calls or questions regarding the proposed gun range. Garron stated that he has not either and Seelig said that the office has not received anything also. Chief Broderick continued to say that there will be a flag up warning that practice is going on and notification the day before and that the Halifax Police Department will be the only ones using the range and he has no intention of bring in other police departments.

Garron asked what the benefits are and Chief said that there will be a savings to the town, the availability is nice and it makes it easier to schedule firearms training.

#### *Seasonal or year round?*

Chief said mostly summer but could see it open year round seeing as there might be a new officer that comes in during the winter months and the fact that some of the guys might want to do it in the winter. If there is feedback on the noise level then he will cut it back as he is willing to work with the community.

Garron asked if it would be seven days a week and who would be training. Chief said maybe two to three days during the week and Sunday afternoons and anyone who carries a weapon will be trained to the same standards as everyone else and those who want more training can get it.

Schleiff asked if there can be a light that comes on when in use and Broderick said that there will be flags that say "range in use" but can ask the Water Department about a light.

Garron asked what if the field is being used and Chief said that they would have to get the key from the Police department so if the range is in use a key will not be given to them.

Keith Swanson, employee of Water Department, asked if it was going to be a pistol range only and Chief said there will be no shot guns because of the ammunition. Water Superintendent, Dick Clark, stated that he liked the idea of being notified ahead of time and asked any rubbish that is accumulated to be picked up. Chief had no problem with either request and will put in the policy that when they leave the range that all trash is collected and that when an officer goes to get the key from Dispatch that Dispatch will call the Water Department to see if they are down there.

Mr. Swanson asked if the property will be off limits to the public when the range is being use and Garron asked if there will be a sign at the beach as people come up from the beach. Chief said that would be a good idea to put a sign down at the beach and hang signs on the gate. He will discuss with Mr. Swanson as to where they should be placed.

Summer Schmaling, member of the Finance Committee, asked if there would be a cost affiliated with using the facility and Chief Broderick said the only *cost* would be is to maintain the area which would be cleaning up the berms and reforming them every couple of years and said that maybe the Highway and Water Department could help with that. Dick Clark suggested that when they are down there to have the Dispatchers turn on the cameras and they could monitor them to see if anyone is walking around the area. Chief said yes that could be done.

*Are there multiple keys at the station?*

Dick said that there is only one.

Moved by Roy and seconded by Schleiff, the Board unanimously voted to support a gun range to be located off Lingan street past the ball field and the current “burn” house.

Roy then thanked Chief Broderick and the department for apprehending the suspect in the recent break-ins. Chief stated that a lot of hard work was done within the department to catch this person.

### ***Cathy Drinan & Russ Kleekamp – Water Improvement Opportunity***

Ms. Drinan wanted to inform the Board of an upcoming opportunity to help improve the ponds. She explained that the Massachusetts Division of Ecological Restoration is inviting nominations from both the public and private sectors for projects that protect, revitalize and restore river and wetland habitats. Ms. Drinan encourages that Halifax move forward on this and will come back to the BOS for a signature at a later date and added that she was looking for a letter of support from Brockton and they said they would send one. Ms. Drinan said that it is a benefit to them so they will have clean water. The Board thanked Ms. Drinan for all her hard work.

**GENERAL MAIL / DISCUSSIONS (CONTINUED)**Permanent /Intermittent Police Officers

Before 2000, Permanent Intermittent Patrol Officers who declined three times to accept positions as full time officers were to be removed as Permanent Intermittent Patrol Officers. In 2001 the State enacted a law that allowed by agreement, municipalities to retain those individuals as Permanent Intermittent Patrol Officers. In 2006, according to Civil Service, Officer Hall and Gaynor refused promotion for a third time and for whatever reason at this time Police Chief Broderick has been informed by Civil Service that they have unknowingly and erroneously been carrying Officer Bert Gaynor and Thomas Hall as Permanent Intermittent Officers despite that seven years has lapsed.

Seelig has contacted Civil Service and is waiting to hear back from them to see what actions the Town could take to retain them as Permanent Intermittent Officers. Roy wonders if it was brought to the attention of Civil Service since the town was asking for Permanent Intermittent Officers.

Chief Broderick has sent a letter to the Board recommending that the two officers immediately have their status changed to Special Police Officers, which will satisfy Civil Service and allow the officers to retain their ability to work for the town.

Garron stated that he prefers to hear back from Civil Service before making any decision as to what to do. Both Roy and Schleiff agreed with him.

Zoning By-Law Committee

The committee is still trying to get a quorum for a meeting.

Northlands Cranberry Land transfer

The survey work has been completed. A map of the property is in the mail folder.

Plymouth County Gasoline Bids

Plymouth County is seeking towns to participate in regional bids. The Town of Halifax continues to do it on their own with good results.

State Recycling Grant

A grant has been awarded to the Recycling Center in the amount of \$750. This money will be used to help pay for the recycling brochure that is sent out in July.

Family Medical Leave – Janet Barbati

Moved by Schleiff and seconded by Roy, the Board unanimously granted Janet Barbati family medical leave beginning on/about September 25, 2013 and extending for six (6) months.

MEMA Grant

Moved by Schleiff and seconded by Roy, the Board voted to have the Chair, Troy E. Garron, sign the MEMA Grant in the amount of \$16,458.08 for the February 2013 blizzard.

**SCHEDULED APPOINTMENTS (CONTINUED)*****Sue Basile – Recreational Trails***

Seelig has asked Sue Basile to come in and explain grant money that is available for recreational trails. Ms. Basile began by saying that she is looking for a way to get to Burrage Pond and it is a shame that there is no access to it. She continued to say that people can connect to the northern part of it through town property. She has spoken with Police, Highway and Conservation and they all are on board with it stating that police will patrol the area and Highway will pick up the trees in the path.

Roy asked who would write for the grant and understands that people are not able to get out there but is concerned about it not being maintained. Ms. Basile said that she is asking permission to have Seelig do it and Sal Basile said as for maintaining the trails a lot of local bike groups will come in with volunteers and work on the trails as they are doing this on the trails behind the Silver Lake Junior and High School.

Garron asked when the deadline was and Ms. Basile said that they are on going.

Moved by Garron and seconded by Roy, the Board unanimously voted to support Charlie Seelig in writing a request for a recreational trail grant.

The Board thanked Sue Basile for coming in.

**Ambulance Abatements**

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

October 2013	FOR	\$ 9,694.41
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**MIA Grant Award**

The fire Department has been awarded a grant from MIA in the amount of \$1,301.00. The funds will be used to purchase one (1) new Scott Protégé 4 gas meter with case and calibration bottle.

**Contract - Police Station Roof**

Moved by Roy and seconded by Schleiff, the Board unanimously voted to sign the contract between the Town of Halifax and Capeway Roofing to repair and replace a portion of the Police Station roof located at 540 Plymouth Street for \$32,300.

**Contract - Elementary School Boiler**

Moved by Roy and seconded by Schleiff, the Board unanimously voted to sign the contract between the Town of Halifax and Commercial Boiler Systems to repair and replace the boiler at the Halifax Elementary School located at 464 Plymouth Street for \$74,800.

**SCHEDULED APPOINTMENTS (CONTINUED)*****ZBA – Re: 340-348 Monponsett Street***

Zoning Board of Appeals has asked to meet with the Board concerning property located at 340-348 Monponsett Street. Seelig stressed that this is not a public hearing just a discussion with ZBA as ZBA previous voiced their concerns to the board and just wants to follow up on it. Present was ZBA was members Debra Tinkham and Bert Gaynor; ZBA Secretary Marion Wong-Ryan; Building Inspector Tom Millias and property owner Robert Piccirilli.

Note: This is not verbatim but written in such format for easier writing and reading.

*Tinkham*

She began by saying that their secretary, Marion, is also here this evening taping the discussion and continued to say that that a letter was sent to Charlie on May 21, 2013 regarding the petition from Rob Piccirilli and the project he working on at 340-348 Monponsett Street and that what he asked for is not what he is looking for. It looks like is a multi family development and multi development unit requires 10 acres and has to on its own lot. The lot would have to be divided into two lots each meeting the town's standard for sub dividing a lot. ZBA then met with the applicant who preferred them to go the town's law firm used for land planning (Deutsch, Williams and Brooks). They came back and practically verbatim stated what Seelig had said. With that being said the hearing came to a close on October 7, 2013 and the applicant withdrew without prejudice and they asked the petitioner's attorney what the next step was and he did not know as Mr. Piccirilli was not in attendance. ZBA then asked what else was going to be going on as far as construction on the site and he did not know. Tinkham said that construction has continued and on October 8<sup>th</sup> they asked for a cease and desist because Mr. Piccirilli has not come to ZBA for a petition for anything else. Tinkham was then told by Seelig that it was a matter of use and that it would not be a problem until he went to rent out the apartments. Then ZBA was notified that Mr. Millias, the Building Inspector, has reclude himself (they did not get a copy of that letter and asked for one for their file) and to also asked to reclude himself for the cease and desist order. If there was some type of conflict between himself and this parcel then why did he issue all these building permits for almost a year and two months?

*Gaynor*

Said that Attorney Hucksam asked the same question to our Board and we did not have an answer for him. If there was a conflict of interest and the building inspector reclude himself for the granting of the special permit and the application and the cease and desists then what happened a year ago? How can a conflict of interest now develop a year later?

*Schleiff*

Unless something changed within that course of time.

*Gaynor*

Again like Ms. Tinkham said. In a disclosure form according to the Mass General laws and ethics commission it is required to be in writing and that is what ZBA needs to know what exactly was the conflict of interest because he thinks that should be null and void as Attorney Hucksam asked will the conflict exist a year ago if it exists now and if construction is still going on at the site how can that be?



*Tinkham*

Also Mr. Struevent, previous owner of the property, he had a special permit for four apartments and had gone through the process and got a special permit for it. At the end of five years he renewed the permit the renewal ran out as he moved out of town so the special permit was never renewed so it is null and void going by today's standards. At that time Struents was told that nothing was to be put in the garage as it would be strictly used for storage but there is an apartment there now with someone living in it and she cannot find in the packets she received from the building inspector a permit for that apartment. She is not saying that Rob did it but it was there before he got it but there still is no permit for that apartment.

*Millias*

Explained the reason he reclused himself was because it was becoming evident when the request was made to cease and desist on the property he saw no reason to put a cease in desist on somebody who wanted to repair his building.

*Roy*

So the are not apartments being build, he is repairing and not building four apartments but just repairing.

*Millias*

He is repairing, there is no one living in the garage. He is doing only structural repairs and if any one would like to observe the work he is doing he does not think Mr. Piccirilli would have a problem with that but he is not speaking for him. It was becoming obvious to him that no one was going to take his word for any of this and this was not going to work, especially my association with Mr. Piccirilli as he has been his alternate in this town for 14 year as well as in another town. He did not want to be in a position where people questioned why he was doing something so he asked the BOS to appoint another inspector, who was sworn in today, to look at the property and respond to any questions. All the work being done there now is structural as there was a tremendous amount of termite damage and added that he thinks Mr. Garron had seen some of that. As far as use there is no use. He does not understand where the objection comes from and does not see how you can prevent someone from repairing their building.

*Schleiff*

Was it being worked on as four or six family originally?

*Millias*

He did some work inside the garage area there are petitions in there but that is it.

*Gaynor*

Is it part of the repairs that there are now 6 independent electric meters on the side of the building?

*Schleiff*

I noticed that, were they there before the cease and desist?

*Roy & Tinkham*

Yes

*Millias*

Currently there is no cease and desist.

*Garron*

What we did as a Board was elect, because Tom Millias did not want a conflict, someone from out of town with the hope of no conflict, to look at the property and see if he comes up with the same answer to this problem. Garron did go to the property he did not see any one living there and only saw repairs.

*Tinkham*

There is someone living in the garage because Rob told ZBA there was.

*Garron*

All he is saying is the day that he went he did not see anyone there and all he saw was repairs but he stated that he is not a carpenter and that is one of the reason why they hired another individual with new eyes to see whether the cease and desist order is in order. Unless Tom Millias gave Rob special privileges that he did not give anyone else who was working on their property then he would have to assume that he was within his right for what he did but because it seems to be getting close to dispute, he really does not like to see arguments between other departments as we are here to serve the people of the town and guide people through the process to make sure they are doing things according to the law. Not saying that this is happening but he wanted to voice his opinion. At this point in time until this new individual has looked at the plans and assesses the situation and comes down with a decision.

*Tinkham*

Would like to know the reason for Tom reclosing himself and get a copy of that letter as Attorney Hucksam asked if she had seen that letter and she had to say no as she did not know about it until after the fact.

*Garron*

Does not know if the Board received a letter he (Millias) came and made a request and we did so. The night of the meeting there was a request. It seemed like a reasonable request at least in my mind.

*Roy*

Right and I know Deb, you had reached out to me about a month ago about Tom going down and stopping the repairs on that particular building. I had some conversations with Charlie and Tom about specifics about the permit that Mr. Piccirilli had and had nothing to do with use of the apartment, which is through ZBA and we talked a little bit about that and I can understand why Tom has decided to recluse because at this point it is getting a little contentious and you and I have had discussion about hoping this can be worked out and everybody keeps an open mind because I think there has been some negativity and I want everybody to have a fair chance at what they are looking for. You and I had a discussion that you were concerned that Mr. Piccirilli was making apartments before the use permit was granted and you sort of felt that you were backed against the wall and felt you would have to grant seeing the permit seeing as he had already done the work. I feel comfortable that he has not done the work but regardless he has a building permit to do the work.

*Schleiff*

Curious as to what the building permit is for? What is the scope of work?

A copy of the building permit was handed to Schleiff by Ms. Tinkham

*Schleiff*

Vinyl siding, strip roof, replace roof windows.

*Roy*

Has this project had been officially withdrawn from the ZBA?

*Tinkham*

The petition has.

*Roy*

And the Zoning Board wants this cease and desists; it is within your power to do this even though there isn't an actual case before you?

*Tinkham*

No there isn't but the work continues and are we going to allow Rob to go ahead and put in six apartments and spend the money to do that and then turn around and say you can't have that. Why not get this resolved at this point instead of going on any further. This has been her thing and does not understand why Tom reclused himself instead of coming to our meeting and say this is what I see and this is how I feel but he didn't and feels that if he reclused himself now all the permits should be null and void.

*Gaynor*

In other words if there is a conflict now there should have been one back when he issued the permits.

*Schleiff*

Asked Mr. Millias to explain again why you reclused yourself?

*Millias*

Because it was becoming clear to me that this was becoming contentious and where Rob has been my alternate for fourteen years in this town and in another town and we have a personal relationship and especially when the question came up about putting a cease and desist order on the property and it appeared that it was going to be an issue and there was no way any body was going to find me creditable of this. At the time I issued the permits it was not any different then issuing a repair permit that I would issue to anyone else for renovations and the distinction is use verses structure. I did not give him a building permit to create six apartments I gave him a permit to do windows and renovations.

*Gaynor*

And vinyl siding

*Millias*

And vinyl siding

*Roy*

You would not issue a permit to make apartments?

*Millias*

No. That was not the intent.

*Roy*

Would you ever?

*Schleiff*

What is to alter and renovate?

*Millias*

It is when you take a window out as opposed to replacing four windows, replaces two windows, you can alter a header and it is a renovation. It does not necessarily mean you are going to have the use of six apartments and furthermore I am not trying to be contentious but it is a commercial property and if you are not going to use it for one thing you probably going to use it for something else.

*Roy*

So this building had four apartments?

*Millias*

The property originally had four apartments.

*Schleiff*

You have another permit for two doors.

*Millias*

That is for the one apartment that is there and you can have a residency in a business use property.

*Roy*

Well they had to have had a use permit at some point for the four family.

*Millias*

Yes

*Tinkham*

They did.

*Millias*

The apartments exist.

*Garron*

If Mr. Sturvavent did not move out of town and his special permit was in effect and approached the Board to do the that same business would he have gotten it?

*Tinkham*

If he let the special permit lapsed no he would have to meet or apply for a variance to get it because now multi family developments have to meet certain requirements which we did not have back then.

*Piccirilli*

I believe that the permit did lapse.

*Roy*

So there a four apartments and if someone buys the property do they have to come before you to get another permit?

*Tinkham*

If the other one had lapsed, yes.

*Gaynor*

And if you are going increase the non conformity. And it does not get transferred from one owner to the other.

*Seelig*

The special permit does not get transferred. It depends on the terms of the agreement for the special permit as some are granted to go with the property and some are granted to go with the owners and some may have time limits.

*Roy*

And this particular one?

*Tinkham*

Went to George Struvant and then George let it lapse and it became null and void. The thing that has bothered me since day one was Rob came to me before this came before ZBA and wanted to know if we were good. I like Rob he is a fantastic carpenter and does great work and I said to him in my driveway you don't have a permit for the apartments. We have talked about it for the past several months about the apartments and nothing was addressed. He kept going back to the continued use that is when Charlie came back and said ....

*Roy*

When did it lapse?

*Gaynor*

1996

Marion handed the original memo from Mr. Seelig to Ms. Tinkham.

*Schleiff*

There are two permits for \$20,000 one says alter and renovate and the other says replace up to twenty windows, three doors, strip and replace with vinyl siding. Are they the same one?

*Millias*

Probably separate but honestly I have not looked at them in a while. There is a series of permits.

*Tinkham*

Anyways we had talked prior; we talked during the meeting about ...

*Marion*

Did not give a memo to Mr. Seelig after the May 20<sup>th</sup> public hearing the board with Mr. Piccirilli in attendance asked for land counsel opinion in fear of the next public hearing was closed. I asked if I could go the Town Administrator. On May 21<sup>st</sup> I sat with Mr. Seelig in his office gave him copy of the application and asked for his assistance. Then asked if he would do a memo of his memo from what he had in front of him.

*Schleiff*

When we met three weeks ago... it took three weeks to get the building inspector from Carver on board.

*Millias*

He was on vacation therefore a conflict in timing. He came in today and got sworn in.

Seelig asked if he picked up the information from the file and Millias said he did.

*Garron*

The request from Rob was to continue a non conforming use of the building?

*Gaynor*

He did not ask for that but ZBA told him he needed to ask for that as well as Charlie's letter stating the same thing. His response was that he couldn't.

*Garron*

Main question ... was anything mentioned in any request whether from the building inspector or on the permit that there was going to be four or six apartments.

*Tinkham*

No

*Garron*

Was it ever mentioned in writing?

*Tinkham & Gaynor*

No

*Tinkham*

But there was discussion of it during the hearings. The petition was for a special permit for the continuation of extension of a non conforming use along with an alteration that states a non conforming structure may not be altered if the cost of such alteration exceeds fifty percent of the real market valuation of the structure at the time of the change. He had asked for changes of the roof line apartments and that was not in it that is why I said to him you did not say anything about the apartments you know that you need a special permits for the apartments and for the months that we worked on it that request has not. If something has come in since, which we thought was going to, but he has not and work has continued and that is why we are frustrated. Does Mr. DeFelice have any idea of when he would have some kind of opinion?

*Garron*

To be honest I am having a problem with the request ZBA made for a cease and desist when he has not asked you for anything specific. Do you know what he is doing in the building? The fact is before it is brought before ZBA a creditable decision cannot be made on it what are we have here now?

*Tinkham*

He has already gotten a septic system for six bedrooms on that lot and he has six electrical outlets on the outside therefore it appears something more is going on.

*Garron*

I am not taking sides but until it actually comes before ZBA requesting that then at that time ZBA will have the responsibility to make a decision.

*Schleiff*

Didn't it go through ZBA then it was withdrawn?

*Gaynor*

There is a conflict that exists now so how could there not have been one when the permits were issued.

*Garron*

I understand how he could think that as I would think the same thing. The only thing he is concerned with is that Mr. Millias would not do something he ordinarily would do with someone else asking for a permit under the same conditions. Because we are supposed to be doing the same thing for everyone. We have hired someone else to look at this with a clear mind and if he comes up with something differently we can go from there. Both the building inspector and members of the ZBA are appointed by the BOS and I do not want to tell

either of you how to do your jobs so lets wait and see what the new individual has to say, unless the rest of the BOS wants to do something differently, but personally I would like to wait.

Ms. Tinkham showed the BOS a plan that ZBA received showing six apartments and Roy asked who gave them the plans.

*Gaynor*

Originally it was for seven but then made one an office so now it is six.

*Roy*

On the original petition ...

*Tinkham*

It is not in the petition that was given to us.

*Mr. Piccirilli*

It was in the petition the first time.

*Gaynor*

Both Seelig and Attorney Hucksam pointed out that it was not specifically stated in the petition that this is what they were applying for. That is the problem.

*Marion*

The original application was stamped by the Town Clerk on April 29<sup>th</sup>. On May 20<sup>th</sup> I submitted the letter to the ZBA regarding the current status of the application although it was stamped by the town clerk's office it was still a incomplete application as architectural plans along with plot were. I did not ascertain them. May 20<sup>th</sup> at the meeting certified plot plans were submitted by the applicant along with two parts Mass General Laws submitted by the applicant regarding permit to the application and request for architectural plans is normal process and that came June 10<sup>th</sup>. It is stamped by the ZBA stamp and if it was submitted with the original application it would have been stamped with the Town Clerk's stamp of April 29<sup>th</sup>.

*Roy*

Technically now that it is submitted is it part of the packet?

*Marion*

Yes it is part of the packet but it was an incomplete packet one that I questioned accepting but knowing that Rob would get me the information. But it came June 10<sup>th</sup>.

*Tinkham*

If this is what the BOS wants ZBA will wait until the appointed building inspector looks at the property and then go from there.

*Garron*

The BOS has not voted on that. I myself just stated that.

*Roy*

I can sense there is a little bit of tension between ZBA and Mr. Piccirilli and Mr. Millias so my question is do you think you can make a decision on what ever request he should put in?

*Gaynor*

Absolutely he withdrew without prejudice. That is fine.

*Tinkham*

The frustration is we keep saying to him that this is not what you're asking for. This is what you need to ask for.

*Gaynor*

Mr. Piccirilli reply is that he can't apply and meet the requirement for a multi family development.

*Mr. Piccirilli*

That is why I applied for a pre existing non-conforming. He continued to say that it was a four family and ZBA admitted that, for ten years. The definition of Halifax's by law for a multi family is anything over two units with out coming out of the foot print of the building. He feels he should be able to maximize his investment. He pointed out that it is business zoned and under Mass General Laws a multi family home is allowed in a business zone. He said that he specifically said to ZBA that if they did not like the way I presented my petition how would you like me to ask for it and they said as a multi family. I then asked if I meet the requirements as it stands right now as a multi family and ZBA said no. It has been allowed for ten years and there have been apartments before that.

*Tinkham*

That is when Charlie and Rich Hucksam came back and said there is no continuation of a use because the use was lapsed back in 1995/1996.

*Roy*

Your contention is that even though it lapsed there is no reason you would ever grant ...

*Tinkham*

That was never said and it is not out of the question to do but nothing has come before ZBA and the work still continues.

*Schleiff*

Asked Tinkham and Gaynor if they are assuming more is going on then just the initial building permit requests because of the six meters and seeing the plans. He said the new appointed building inspector for this property has been sworn in and will go out to the site to verify what has been going on.

*Millias*

Suggested to keep this all straight, to maybe have in writing from ZBA and the BOS what they would like Mr. DeFelice look at so that he can respond specifically to those questions. Mr. DeFelice has seen the property and has previously countersigned signed off on the building card because if there was ever any question as to whether Millias allowed Mr. Piccirilli to do any construction that were required of anyone else.

*Gaynor*

Asked how the new inspector would determine if there was conflict of interest a year and half ago.

*Roy*

He is not going to determine if there was conflict of interest but look at the permits and verify that if he was the building inspector whether he would have issued the permits. Mr. DeFelice will be only looking at the permits from a technical stand point to say that they were issued correctly.



*Gaynor*

Asked with the Mass General Laws and the Ethics Commission under the general law 268 a disclosure form 8b needs to be submitted and he was asking if ZBA could see the disclosure form.

*Millias*

I can produce one.

Schleiff thought it would be a goods idea to cover everyone involved.

Garron

His understanding is if ZBA has specific questions as to what they want Mr. DeFelice to look at to give it to him in writing.

*Gaynor*

ZBA can do that.

*Schleiff*

I understand both views but let's get it taken care of soon.

**GENERAL MAIL / DISCUSSIONS (CONTINUED)**

Plymouth County Regional Waste

Garron has talked with Sue at the Recycling Center and she is for having regional waste pick up as the town will get more for our tonnage but we cannot do it until the current contract is up. Roy felt that Plymouth County Commissioners were biting off too much at one time and thought taking one thing at a time would be better. Garron said that they are trying to undo some unfair practices that happened when previous commissioner held seats. He added that it does not cost the town anything to be involved in this only that they have to send a letter of intent. Roy asked if by sending a letter is the town obligated and Seelig said no.

Moved by Garron and seconded by Schleiff, the Board unanimously voted to send a letter of intent stating that the town is interested in participating in the *Tier I* group but it is not a firm commitment to do so or that the town is obligated in any way.

Plymouth County Transfer Deeds Excise Tax

Roy is not excited about sending a letter of support because she stated the money has to come from some where and is concerned that it will come from Chapter 70 or circuit breaker money. Garron stated that he has attended a lot of their meetings and said they are trying to find money in other avenues. The Board voted as follows to support H. 2516, which is transferring some of the deeds excise tax from the State to the town:

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

Plymouth County Stabilization Fund

Roy stated that she does not have a problem with them establishing a stabilization fund.

Moved by Roy and seconded by Schleiff, the Board unanimously voted to support H. 1829, which allows the county to set up a stabilization fund.

Capital Plan

Seelig has given the Board copies of all capital items submitted through email, correspondence or mentioned at the Capital Planning Committee meeting last month. In addition the COA has stated that if the new van is not delivered by March they would have to rent one. They have also included the completion of paving the parking lot and replacement of the porch side door (\$500) to be added for FY2015.

Matt Tucker, Director of Communications, wrote to Seelig indicating that the two-way radio equipment and console furniture will probably need to be replaced in the future but there may be grant money available for the purchases.

The Board if Health has indicated they will be asking for additional hours for a part-time Board of Health Agent.

Bond – Pamela Adduci

Moved by Roy and seconded by Schleiff, the Board voted to have the Chair, Troy E. Garron sign the bond issued to the Assistant Tax Collector, Pamela R. Adduci.

Retirement System Bonding Unfunded Liability

Moved by Garron and seconded by Roy, the Board voted to support H. 3377. (allows each entity on its own and completely voluntarily to fund that entity's unfunded liability by borrowing).

Halifax in Lights – Use of Town Seal

Moved by Schleiff and seconded by Garron, the Board unanimously granted the Halifax in Lights Committee permission to use the town Seal as part of the letterhead on donation letters going out to business owners.

Halifax Investments

Move by Roy and seconded by Schleiff, the Board unanimously voted to sign the Form 43 requesting new officer/director submitted by Halifax Investment, Inc.

**MEETING ADJOURNED**

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

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Kim R. Roy  
Clerk

/pjm