BOARD OF SELECTMEN SELECTMEN MEETING TUESDAY, MARCH 27, 2012 – 6:55 P.M. SELECTMEN MEETING ROOM

Meeting came to order at 6:55 p.m. with Selectmen Troy E. Garron, Kim R. Roy and Michael J. Schleiff present.

The following business was discussed:

AGENDA

Schleiff added to the agenda a discussion regarding the Communication Committee.

PLEDGE OF ALLEGIANCE

The Board as well as those attending tonight's meeting stood to recite the Pledge of Allegiance.

AFFIRMED COMMITMENTS AND WARRANTS

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

Vendor Warrant	# 78	\$ 184,551.69
Ambulance commitment	# 3A	\$ 24,859.68

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

Halifax Postmaster (stamps for certified mail) \$ 115.00

APPROVED COMMITMENTS AND WARRANTS

Moved by Garron and seconded by Roy, the Board unanimously approved payment of the following commitments and warrants with the exception of Schleiff abstaining from the Police Department payroll in warrant #79:

Payroll Warrant	# 79	\$ 317,180.28
Vendor Warrant	# 80	\$ 173,624.66

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

Gilman & Associates (legal services/Feb.)	.\$1	1,803.75
Matthew Bender & Co., Inc. (Ma law books 2 sets)	\$	143.94
Halifax Postmaster (mailing of the warrant qty. 3567)	. \$	945.26
National Grid (period 2/14-3/15)	\$]	1,044.07
W.B. Mason Co., Inc (office supplies)	\$	70.47
CNA Surety (bond/Cole; bond/Shiavone)	\$	468.00

The Board acknowledged payment of the Selectmen Office Payroll for the period ending March 24, 2012 in the amount of \$5,761.70.

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

TURNOVER	A	<u>AMOUNT</u>		
2012-58	\$	150.00		
2012-59	\$	25.00		
2012-60	\$	5.00		
2012-61	\$	300.00		

SCHEDULED APPOINTMENTS

Halifax in Lights – Shannon Hadorn

Lisa Penzo filled out a talent bank form expressing an interest to serve on the Halifax in Lights Committee. The Board asked Ms. Hadorn, member of the committee, if she wanted them to appoint Penzo this evening even though they have not interviewed her. Hadorn said that she physically has not met her and has only corresponded with her through emails. She would like to have one more conversation with her before having her appointed.

Hadorn had asked the Board if they could increase the committee's members from five to seven. It was noted that when the committee was established in 2006 it was comprised of 7 members but in 2008, at the request of the committee, the Board voted to reduce it to 5.

Moved by Roy and seconded by Garron, the Board unanimously voted to increase the number of members on the Halifax in Lights Committee from five (5) to seven (7) members.

The Board asked Hadorn what the committee has been doing for fundraising for the Fourth of July event. Hadorn went on to say that they are having a meat raffle at Damians Pub on May 10th and that Youth & Rec. is having a dance. The committee is also working on a wine tasting event. They have sent out mailings to the businesses in the town and plan on selling t-shirts and bumper stickers the night of Town Meeting. Also they are trying to get raffle items such as autographed items from the Red Sox and Bruins that can be raffled off. The committee is hoping that that the Article they submitted for police and fire detail will pass at Town Meeting.

Ms. Wall, a committee member, said that if they do not raise the funds this year to make it happen then they will have that much more for next year's event. Hadorn was asked if the Article does not pass will they get the money back on the deposit for the fireworks and she said she did not know. She did want to mention that if they do have extra money after expenses that the fire works show could be longer.

Schleiff asked if maybe the concession stand bathrooms could be used to keep the cost down for the porta potties and Hadorn said that she didn't think they could because that area is usually roped off.

GENERAL MAIL / BUSINESS

Planning Board Minutes - Truck Exclusion and Land Donation

Minutes have been provided from the Planning Board regarding truck exclusion for Walnut Street and the land donation on the old Wright property on Franklin Street. While there was discussion on both issues, the minutes do not indicate that a formal vote was taken to send letters opposing the exclusion and the donation.

Roy had talked with one of the PB members and he had the same concern the Board had which was fixing Walnut Street was fine but the residents don't want trucks going down the road at all. As for the donation of land on Franklin Street from Paul Turner, PB felt that if we kept the lots the town could sell them and bring in revenue. Seelig explained that the land was in 61A so they were not buildable.

Fire Chief – "Chief Fire Officer"

Chief Carrico has received the title of Chief Fire Officer from the Center of Public Safety Excellence/Commission on Professional Credentialing.

Move by Roy and seconded by Garron, the Board unanimously voted to send Chief Carrico letter congratulating him of this accomplishment.

MEMA Grant for Tropical Storm Irene

Moved by Roy and seconded by Garron, the Board unanimously voted to have the Chair, Michael Schleiff, sign the MEMA Grant for reimbursement of Tropical Storm Irene.

SCHEDULED APPOINTMENTS (CONTINUED)

Elaine Wissel

Ms. Wissel came in this evening to meet with the Board because she has expressed interest on serving on the Cable TV Advisory Committee. The Cable TV Advisory Committee has recommended that she be appointed. The BOS asked her why she wanted to join and she started by saying that she owned a video store for twelve years and previously was the Chair on the Cable Committee for five years. At this time she coordinates an adult language program at the Holmes Library. She also is familiar with the currant contract that the town has with Comcast and feels that she brings a wealth of history to the committee. She also stated that she wants the best cable access and studio available to the residents of Halifax.

Moved by Garron and seconded by Roy, the Board unanimously voted to appoint Elaine Wissel to the Cable TV Advisory Committee with a term to expire June 30, 2012.

GENERAL MAIL / BUSINESS (CONTINUED)

Cumberland Farm Fundraiser for Youth and Recreation

Youth and Recreation would like to work with Cumberland Farms on a fundraiser beginning on March 29th and continuing for four weeks. Twenty cents from the sales of various beverages at the store will be donated to the Youth & Recreation

Commission. Roy had asked if the money was going towards anything specific and Seelig said he did not know. The board did not have any other questions or concerns relating to this.

Ethics Commission

A new on-line training program will be available specific to municipalities because the old course was geared more towards state employees. Once it has been posted on the Ethics Commission web site, employees, officials and volunteers will use this program rather than the old one. Seelig will notify all departments when it is up and running.

Alcohol License for Halifax Country Club

An article appearing in the newspaper last week generated some concern over possible discrepancies on ownership issues of Halifax Investments (the license holder) and Halifax Country Club, LLC (listed on the property records as the owner of the property). No action is needed from the Board but Seelig just wanted them aware of this and stated that he is looking into it. He has sent a letter to them regarding the inconsistency and if he does not get a response he will hand deliver a letter and if nothing is received by April 10th Seelig recommends that the Board invite the license holder in to discuss this matter.

Meeting with Representative Webster

Representative Webster has invited officials from Halifax to meet with him at Olviera's in Pembroke on Wednesday, March 27th at 7 p.m. in reference to local aid and other issues. Seelig will not be attending but wanted to mention it to the Board in case they wanted to go.

Ambulance Abatements

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

February 2012 FOR \$ 21,414.63

SCHEDULED APPOINTMENTS (CONTINUED)

Swearing in Firefighters

Chief Carrico began by stating that he has been given the distinction of being a "*Chief Fire Officer*" and recognized as one of only 854 CFO's worldwide.

He then wanted to begin by stating the reason that we are here tonight is not about him but for the four Firefighters getting sworn in this evening. He had a little bit to say about each one of then and then stated that all four of them took a chance. They were given the opportunity to fill in (they were call Firefighters) and they all stepped up and have proved that they are very capable of doing the job. The following Firefighters were sworn in by Town Clerk, Barbara Gaynor:

- ➢ Nathan Jones
- ➢ Robert Malone
- ➢ Bill Inglis
- Thomas Luckman

Next he wanted to say a little bit about Matthew Cunningham. The Chief needed another full time Captain and he felt that Cunningham could fill the position. He stepped up and took the examine. He has been a solid performer all along and did phenomenal in the assessment testing section. The Town Clerk then swore in Matthew Cunningham. In closing Carrico said that these guys do a great job and it is a privilege to work with them and have them serve the town.

Fireworks Legislation

Legislation has been filed that would legalize fireworks in Massachusetts. Garron would agree to this if there was a training course for those who intended to light the fireworks. Chief Carrico was present for this discussion and stated that if legalized then you would see an increase in injuries as well as the threat of more open fires. Schleiff asked him if he thought that this was another way to bring in revenue for the state and he said yes. Schleiff thinks that under the chief's recommendation that the Board should oppose it.

Move by Roy and seconded by Garron, the Board unanimously voted to send a letter opposing legalizing the sale of fireworks in Massachusetts.

The Board congratulated the Chief on his accomplishments and the hiring of a great staff.

Public Hearing – Acceptance of Lamppost Drive

At 8:00 p.m., the Board convened a public hearing for the purpose of considering the acceptance of Lampost Drive.

Present for the hearing was Michael Peterson, Developer for Lamppost Drive, Highway Surveyor, Bob Badore; Conservation member, Tina Tonello; and Planning Board member, Gordon Andrews. No abutters made their presence known to the Board.

Schleiff began by asking Badore if he had any comments. Garron continued and asked him if the size of the pipe was okay and he said it was. Tonello then went on to say that Peterson needs to file a RDA. Tonello asked why there were no stones on the plans and that the Conservation Agent thinks there should be stone there for drainage.

Badore was then asked what he thought and he said that there is some debris in front of the pipe but it was just riff raff and can be clean up. Tonello said that the town should not be the ones to pick this stuff up but should be done by the contractor and added that the town should not accept the road.

Andrews asked if the work was done right and Badore said it was done correctly but stuff has deposited since then. Tonello said the town would not need a permit because there is a "blanket".

Schleiff asked what needs to done in order to clean it up and Badore said a back hoe. Peterson thought that it could be cleaned up by hand. Tonello then stated that the area cannot be disturbed because it is wetlands and that the Highway Department will know how to handle it.

Garron asked if it was a major issue or just cleaning up and Badore said it is just the cleaning up.

Tonello said that it is still draining and Peterson said it fills from the bottom and lets out the top. He stated that according to Pat Brennan of Avery Engineering and Peter Pallimere of Merrill Associates, Lamppost Drive is not the cause of the flooding for Hudson Street residents and that their houses were built years ago at elevations that would put them at risk. Schleiff added that he thinks that it is just the lay of the land causing the flooding.

Andrews said that Planning Board has no problems with it. Seelig asked if the last lot is sold to someone then who we go after if the if the road is damaged after the town accepts the road. Peterson suggested a cash bond until the road is stabilized. Seelig asked Badore if a \$2,000 bond would be okay and he said that would be and Seelig recommended that the Board obtain a \$2,000 cash bond to take care of any damages that might occur.

Garron stated that it is up to the Peterson to take care of the issues that Conservation has. Peterson then said that in order to take care of the issues then he would have to uproot growth. Tonello added that the Conservation Agent would like some stones placed at the basin to build it back up and Peterson said that stones were placed there according to the plans and have not been moved therefore wondering why more stones are need and if more were added then it would not be according to the engineer's design.

Tonello *believes* that the agent thinks the stones washed away and needs to go back to the elevation it was originally. Peterson said that the stones are big and felt that they would not wash away no matter what type of force comes through there.

Garron asked if the Agent had some type of diagram for Peterson to go by so he knows what she is looking for so that we all do not have to come back again and go over want is expected and Tonello said yes. Tonello said that Agent can go to the site with Peterson and show him exactly what she is talking about.

Roy asked seeing as this is from the engineer is the Agent authorized to say what she wants. Badore wanted to say that the only thing that needs to be cleaned up is sediment that comes out of the pipe which would take about two wheelbarrows full to get it cleaned up. Schleiff said that if it is that small amount of work then he would be inclined to moved forward with it at Town Meeting and have Highway clean it up. Tonello said she needs to give Conservation the information she has received. Schleiff understood that and said as long as everyone is on the same page as to what needs to be done and if it can be taken care of in a small amount of time lets do it and get it wrapped up. Peterson said he has no problem with meeting with Conservation and would like to avoid any filing fees and will see if the elevation is okay. Tonello does not see how fees could be avoided because once you start messing with wetlands then a filing needs to be done.

Tonello told him to contact the Agent and they both can go out there and take a look at it together and Andrews said that he would like to be notified when they go out.

Schleiff asked that the Board be informed on how it turns out and stated that we are moving in the right direction.

Garron asked if the sediment is scooped by hand would they need a RDA and Tonello said that would be up to the Conservation Board. Peterson does not think the filling will be done in time and Tonello said to contact the conservation secretary tomorrow to be put on the agenda for their April 3rd meeting and felt that he has plenty of time to fill out the paperwork for the filing and to submit it. Peterson did say that he will be in touch with Conservation.

Moved by Garron and seconded by Roy, the Board unanimously voted to close the hearing.

Public Hearing – Acceptance of Kenzies Path

At 8:25 p.m., the Board convened a public hearing for the purpose of considering the acceptance of Kenzies Path.

Present for the hearing was Rick Springer, Springer Construction, Highway Surveyor, Bob Badore; Conservation member, Tina Tonello; and Planning Board member, Gordon Andrews. No abutters made there presence known to the Board.

Springer found the sketch drawn up by Webby Engineering regarding the change in pipe size. The work was done in April 2009, which was prior to Town Meeting that year.

Tonello said that the Conservation Agent went out there with Badore and the following issues are still outstanding:

- Outstanding Order of Conditions for the property
- New plans for the back drainage basin must be submitted
- > Trees have fallen in the detention basin and need to be removed
- Trash in back basin needs to be cleaned up
- Stones must be replenished in both basins

Garron asked Tonello if Conservation was willing to accept the plans and she said not if the plans are not stamped. The town needs to know how it was built in case it needs fixing later in time. Springer stated that it is working the way it was suppose to work, which is that it takes water off the street and slowly disperses into wetlands. Sand and silt does build up but as stated at tonight's hearing for Lamppost it does happen as it did there.

Garron asked what does Conservation need at this time and Tonello said a RDA and to clean up the trash and trees. Garron then asked her if the plan that Springer presented tonight was acceptable or did they need an As "Built" and Tonello said as "As Built" is needed to show how fast it is draining. Springer said that he did not think the plan ever stated that. Schleiff asked where would that be and Andrews said in the drainage calculations, which are in a book when plans are submitted. Roy asked if those calculations would change if the pipe was changed and Andrews said not they wouldn't. Schleiff asked prior to the new pipe the consensus was that it was draining slowly and Tonello said that she believes so but would need to research it to see if that was the case. Springer added that over time things change and the drainage will change.

Tonello said that if they could get something in writing from the engineer as to why the pipe was changed then Conservation would be okay. Garron asked Springer if he could ask Webby Engineering for something and Springer said he could ask him. Tonello added that the tree and trash in the basin needs to be cleaned up. Springer said that the owners of the property at this time will not let him on the property. Seelig conveyed that Springer still has an easement and Springer said he would be willing to clean up what needed to be done if he had the police with him. Garron asked why the property owner would not let him on the property and he said probably because he feels it's his property even though there is an easement. Badore said he was down there the other day and the property owner said that Springer could come and take the tree out. Peterson asked Badore if it was just the tree that needed to be removed and Badore said that's all he saw. Schleiff asked Andrews if he had anything to add and he said that the PB would take a look at it at their next meeting.

Moved by Garron and seconded by Roy, the Board unanimously voted to close the hearing.

Preliminary Hearing – Autumn Lane

At 8:25 p.m., the Board convened a preliminary hearing for the purpose of considering the acceptance of Autumn Lane.

Present for the hearing was Highway Surveyor, Bob Badore; Conservation member, Tina Tonello; and Planning Board member, Gordon Andrews. No abutters made there presence known to the Board.

Tina Tonello began by stating that the Conservation Agent and Bob Badore did a site visit yesterday and observed that storm water basin has not be constructed and is not functioning properly. Schleiff asked if it is needed and Tonello said that she believes it in the plans thus needs to be built.

Seelig continued by saying that this is another sub division like Lamppost Drive where a lot is being held until the work for the road is completed by the developer. In order to bring it up to the specs that were submitted it would cost approximately \$100,000, which is more than what the lot is worth. The developer probably feels that the lot is worth less then the work that needs to be completed hence probably has not intention in of completing the street. Seelig added that the bank that holds the mortgage on the lot has been trying to work with the developer but has not made any progress over the last couple of years.

The residents on the street have petition article that the road be accept at Town Meeting even with all the deficiencies and also have a petitioned article to appropriate funds to bring the street up to specs. The town cannot accept it until the developer submits something in writing that he wants the town to accept the road and as of this time we do not have anything stating so. If accepted then the town would be responsible to maintain the road and are liable for any mishaps. One other issue is that it has not been signed off by the Planning Board.

Schleiff questioned where the infiltration system was on the plans and Andrews said that it was on the definitive plans.

Andrews said that some work has been done but the road is no way near completion. Badore said that Highway Department plows the road and they have put asphalt around the manhole covers and catch basins because of the fact that when they did plow they took up the manhole cover. Andrews added that accepting this road has come up at prior Town Meetings and no one spoke for it but it could be different this time and someone could get up and plead their case to the people and they could vote for it. Garron asked if there was anyone from the audience for or against this petition and no one came forward.

Moved by Roy and seconded by Garron, the Board unanimously voted not to support the acceptance of Autumn Lane until such time the number of outstanding issues are resolved.

GENERAL MAIL / BUSINESS (CONTINUED)

Snack Shed Lease

Baseball is ready to sign the lease, but the Board needs to decide on a monthly/annual lease payment (electricity is paid by the Association; a lease payment would help cover major maintenance and replacement of the building). Previously the Board had talked about a 1 year lease and maybe a percentage of the sales which would be designated to be used for future maintenance of the building. Garron stated that he would like a set amount and Schleiff was hoping that someone could project what the wear and tear of the building might be in the years to come and suggested that maybe M&SBC would be able to do that. Roy suggested that they think about an amount and present it to the Baseball Organization when they come in on April 10th. Schleiff added that he does not want to put a burden on the organization.

Cameras at the Railroad Station

According to the MBTA, due to limitation of funds and the lack of technological support, cameras at the T station will not be happening any time soon.

Parking on the Playing Fields

Seelig has sent out a reminder to all the sport organizations regarding no parking on the athletics fields. Seelig did state to them that if they were driving on the field to drop off equipment, after doing so they should bring their vehicle back to the parking lot. He also said he would run it by the Board as to maybe putting up a "no parking" sign, which would be paid for by Y&R or another organization.

Borrowing from Stabilization

Moved by Roy and seconded by Garron, the Board unanimously authorized the Town Treasurer to borrow \$200,000 from the Stabilization Fund to cover expenses before receipt of the second half of RE12 tax payments.

Requisition Form

Moved by Garron and seconded by Roy, the Board voted to have the Vice-Chair, Kim Roy, sign the Civil Service Requisition form (Schleiff abstained from this discussion/vote).

Veterans Agent Applicants

At this time there have been nine applications submitted for the Veterans' Agent position. Copies will be made for the Board to review. Seelig recommends that the Board set aside an evening to conduct interviews. Roy suggested that they

review them over the next week and give Seelig their recommendation on April 6th and then he can set up interviews for Thursday April 12th.

On another note regarding regionalization, Middleborough is also interested in the possibility of going regional. Seelig did a comparison on Halifax's Veterans' Agent budget compared to other communities and after taking a look at it Roy thinks that we are inline with the other towns. Both Garron and Seelig stated that Gary LeBouef has put a lot of effort and time into his work since taking on the position.

Blackledge Subdivision

The current permit for this subdivision is for 60+ unit condo project. This project continues to be delayed because Blackledge keeps looking for an exemption from the 200 ft x 200 ft perc test requirement. The developer has had informal discussions with the Planning Board about a 20+ unit regular subdivision

Truck Exclusion

The Bridgewater Traffic Study Committee met on March 15th and at that meeting the Bridgewater police chief stated that that while there had been patrols on East Street (the continuation of Walnut Street), no trucks had been pulled over for speeding. Bridgewater is concerned that if truck traffic is forced off Walnut and East Street drivers will simply take other non-main roads instead of state routes 105/106/104 or 18/28/104, which in turn will disrupt those neighborhoods. Also the local businesses that will be affected by this change have expressed opposition to it. No decision has been made yet and Seelig expects that the Traffic Study Committee will meet again in April, which he will try to attend.

With this being said the town should consider a "Plan B". For instance the Highway Surveyor talked about paving Walnut Street in the fall of 2012. Seeig also recommends the signs he proposed (30 mph and Thickly Settle) be put up at either end of the street and have the police department continue regular patrols for speeding and other violations.

Firefighters FY2013 Negotiations

Garron and Seelig will be meeting with the Firefighters next week regarding contract negotiations.

Patrol Officers FY201 Negotiations

Garron and Seelig are meeting with the bargaining unit this coming Thursday (March 29th) regarding contract negotiations.

Horse Boarding at 40 Carver Street

The Zoning Board of Appeals has asked the Building Inspector to determine if a violation of the special permit for the property listed above is happening. The Building Inspector has visited the site and is looking into it. The property owner will be filing for a change to the special permit for the property.

Recycling Abatement – 196 Plymouth Street

The previous owner, Obadiah Kelley, of the address above received a recycling bill after the sale of his the home. Kelley put in a recycling abatement request but before going ahead in granting the abatement Seelig was going to check to see if the new owners received a bill. As it turns out the bill has been paid, hence no action is needed from the Board.

Annual Town Meeting Warrant

Seelig asked the Board if they wanted to open the warrant to add the article listed below.

"Other Post Employment Benefits Liabilities Trust Fund" for \$35,000

Moved by Roy and seconded by Garron, the Board unanimously voted to open the Annual Town Meeting Warrant for the purpose to put an article in for "Other Post Employment Benefits Liabilities Trust Fund".

Moved by Roy and seconded by Garron the Board unanimously voted to place an article on the Annual Town Meeting for May 14, 2012 in the amount of \$35,000 for "Other Post Employment Benefits Liabilities Trust Fund".

Moved by Roy and seconded by Garron, the Board unanimously voted to close the Annual Town Meeting Warrant.

Live Entertainment Permit for Walmart's Car Shows

Schleiff asked if they should have Walmart apply for a live entertainment permit for their weekly car shows. It was stated that a live entertainment permit is generally needed when you bring in a DJ or music.

Moved by Roy and seconded by Garron, the Board unanimously voted to ask Walmart to apply for a Live Entertainment permit.

Seelig is going to talk with the Police and Fire to see if they have any stipulations with Walmart for holding the shows.

Communications Department

Schleiff began by stating that the Finance Committee has approved a budget of 5 hours for a Grade 4 clerical position. He is concerned about the committee being dissolved at Town Meeting and the lack of control that will be within the Communication Department. He continued by saying if the committee is not dissolved then it will more than likely fall in the Selectmen's hands. Garron said that it is a good move to have the BOS hold it and have the Police Chief supervise and if not dissolved then the Chair of the committee would be the one going to the secretary.

Roy thinks that the Fire and Police Chief or their designees would be the ones who would be in control and that this is a temporary fix until a supervisor position is created and someone is hired.

Seelig stated that he is concerned about the Board's time if dissolved and asked who would be running center and Roy said perhaps the supervisor. He also said that the challenge would be more of the responsibility to the operations then the clerical. Seelig suggested one solution could be is bring the committee down to three members consisting of Fire Chief, Police Chief and a BOS member.

Garron said that the Board should meet with the Police and Fire about communications. He added seeing as the chiefs are the two major players then they should say how they want to dispatch and said that it speaks volumes to him that the committee no longer wants to do it and wants to disband. In closing Schleiff said that he was hoping to make it better and sorry that it ended with them wanting to dissolve the committee.

EXECUTIVE SESSION

Moved by Roy and seconded by Garron, the Board voted as follows to enter into Executive Session at 10:00 p.m. to discuss collective bargaining:

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

Schleiff announced that no statement would be made at the end of the Executive Session and the Board would not reconvene in open session.

Moved by Roy and seconded by Garron, the Board voted as follows to come out of Executive Session at 10:45 p.m.

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

There being no further business, moved by Roy and seconded by Garron, the Board unanimously voted to adjourn the meeting at 10:45 p.m.

Troy E. Garron Clerk

/pjm