

BOARD OF SELECTMEN
SELECTMEN MEETING
TUESDAY, APRIL 10, 2012 - 7:30 P.M.
SELECTMEN MEETING ROOM

Meeting came to order at 7:30 p.m. with Selectmen Troy E. Garron, Kim R. Roy and Michael J. Schleiff present.

The following business was discussed:

AGENDA

The Agenda for Tuesday, April 10th, was unanimously approved without revision.

PLEDGE OF ALLEGIANCE

The Board as well as those attending tonight's meeting stood to recite the Pledge of Allegiance and Garron wanted to dedicated tonight's pledge of allegiance for all our men in women in blue.

MINUTES

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

Regular Session – February 28, 2012

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

Executive Session – March 13, 2012

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:

Withholding Warrant	# 81	\$ 105,042.91
Vendor Warrant	# 82	\$ 344,507.02
Ambulance Commitment	# 3B	\$ 18,243.78

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 #83:

Payroll Warrant	# 83	\$ 324,759.71
Vendor Warrant	# 84	\$ 78,044.44
Vendor Warrant	# 85	\$ 100.00
Mobile Home Park License Fee	# 04	\$ 5,160.00

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

Margret Logan (co-payments & mileage reimbursement)	\$ 80.48
Matthew Bender & co., Inc. (MA law supplements).....	\$ 953.63
Peter J. Epstein, Esq. (legal services/March)	\$ 100.00
Halifax Postmaster (200 forever stamps @ .45 each)	\$ 90.00
Image Trend, Inc. (final payment on software purchase)	\$ 2,000.00
CNA Surety (bond/Gaynor)	\$ 100.00

The Board acknowledged payment of the Selectmen Office Payroll for the period ending April 7, 2012 in the amount of \$ 5,761.70.

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

<u>TURNOVER</u>	<u>AMOUNT</u>
2012-62	\$ 4,333.33
2012-63	\$ 450.00
2012-64	\$ 600.00
2012-65	\$ 60.00
2012-66	\$ 275.00
2012-67	\$ 125.00

SCHEDULED APPOINTMENTS

Swearing in Patrol Officers Brandon Hanss and Michael W. Schleiff

Selectmen Michael Schleiff wanted to begin by saying that he couldn't be prouder of these two men and thanked the Police Department for their support that they have given them. Both officers are college graduates with bachelors' degrees. Each officer was sworn in individually by Town Clerk, Barbara Gaynor. Garron also wanted to state that he is very proud of both of them and told them to always be fair, firm and consistent.

Public hearing – Acceptance of Autumn Lane

At 7:45 p.m., the Board convened a public hearing for the purpose of considering the acceptance of Autumn Lane.

Autumn Lane has not been finished and there is one lot that is being held by the town until it is. Mr. Drolette added that originally 3 Autumn Lane was the lot that was being held but it was swapped for another one because it was sold to the Greens.

The following individuals were present for the hearing:

Russell Husbands	2 Autumn Lane
Monica Green	3 Autumn Lane
John Drolette	5 Autumn Lane
James Moore (called Brian)	6 Autumn Lane.

Roy believes that the Board was told by the Planning Board and the Conservation Commission was that the road is not completed and their recommendation is to not accept the road at this time.

Schleiff opened the discussion by stating that it is an open forum and any one who wants to come forward with any questions or concerns is more than welcome to do so.

Mr. Moore began the discussion by asking what needs to be done in order to get the developer to finish the road. Seelig explained that the developer would like to develop the last lot and in order to do so the road needs to be finished. According to Community Bank there is a house lot in Foxboro that is being developed with the hope that when the developer sells it he will use the proceeds from the sale to finish Autumn Lane, which hopefully will be done this fall. Seelig said this is the only scenario we have right now and the town has no other leverage for him to do the work on this road.

Mr. Husband asked how the Foxboro property ties into what is going on here in Halifax and Seelig explained that Community Bank holds one mortgage with several properties attached to it one being the lot here in town. Community Bank would like this mortgage paid and the only way for this to happen is if these house lots are developed and at this time it is Foxboro that is being developed.

Mr. Drolette stated that this is the same story he was told back in February 2011 and does not understand why the town is not stepping up to fix this. He added this has been going on for over six years was told in the beginning that the town was working on it and then was told the town has no money and that the town said they could not afford a lawyer to talk with his lawyer. He continued by saying that there are six houses on Autumn Lane paying a good chunk of change in taxes and it is not fair that we pay our taxes in a timely fashion and the developer gets a free ride and walks away without finishing the street. They have been told time and time again that he is going to finish up and he still has done nothing. Drolette added that they pay taxes like everyone in town and are entitled to the same service everyone gets. He also said that the lot, which is being held until the developer finishes the road, is not that great and feels that he won't get that much for it and lots of money would need to be spent before anyone would want to buy it and not too desirable because water drains from his property into the lot and makes a big swimming pool.

Mr. Husband asked why Halifax swapped the Green's lot for the unbuildable one that has less value. Schleiff said that it was Planning Board's decision and the Board of Selectmen did not know that was going on at the time and that PB are elected officials and the BOS would have not had a say in it. Garron said that it was a mistake on accepting property in lieu of money, that it was a mistake and said that it will not happen again. Garron feels badly about this and understands the resident's frustration but said we have no legal recourse and the only person that has leverage is the bank. Seelig stated that the town could take the lot by eminent domain but then the town would have to sell it and Seelig is not sure if we would make any money by doing that anyway. Schleiff mentioned bonds and Seelig said that that is in the works for the future.

Mr. Moore asked if the town had direct contact with someone at the bank and Seelig said yes but was not inclined to give the name out. However, he did say that they (meaning the residents) can contact the bank but said that he does not think it is going to make much of a difference and they would probably receive the same information that Seelig had given out this evening.

Mr. Husbands realizes that the town does not have the funds to take on the project of finishing the road but asked if the town could consider opening an account and have future taxes paid by the residents put into that account and then take out a loan to fix the road and pay the loan with their future taxes.

Seelig said that there are two things you could do one is to petition at Town Meeting to appropriate funds to fix the road and/or instead of appropriating the money you could borrow and a certain amount could be paid each year towards the money that is borrowed. He explained that once money is collected through taxes you cannot distribute certain funds from one resident be put one place and other funds from someone going to another place. Russell understand the town's book keeping but said that obviously their taxes are not being allotted to where they should be because their street is still not finished. Roy said that they are getting services as everyone else in town such as plowing and sanding the street fire, police and school. Seelig said that its not the bookkeeping but the legalities and said they could contact DOR and see if they can take one persons tax bill and put it towards one appropriation but he said the answer is going to be no.

Seelig that they can do what they are doing now, which is petition to appropriate money to do the road work but keep in mind the town will not be able to do the work because it has not been accepted but again you have petitioned to accept the road. If accepted and the money is appropriated then the road will be done. Roy added that any appropriation needs to be approved by Town Meeting.

Mr. Husband asked if the taxes could be calculated on the land when it was undeveloped as to what is being collected now and appropriate that difference.

Seelig is not saying that they can do that but it is up to Town Meeting to make that decision. Seelig stated that they can advocate for it but to keep in mind that there will be some for it and some against it.

Schleiff made a comment that there were/are a lot of residents along the lakes with septic systems that need repair and they too might like to see their money diverted and used to repair their systems. Mr. Husband understood that but was still frustrated that a lot was accepted instead of a bond and also that they swapped one lot for another.

Schleiff said that the Board has had this discussion with Planning Board and they never thought the economy would was going to tanked and that things were good in 2001 when the development was started. Again he mentioned that the road does get we plowed, sanded and repairs are made when needed and said that the Highway Department would like to see it done because it ruins the blades on the plows and the wear and tear on the trucks. He stated that there are worst streets here in town and that it is too bad that we have to learn from our mistakes (holding a lot) and said that PB is trying to rectify this so it doesn't happen in the future.

Mr. Husband then asked what has happened in the past on town votes accepting streets seeing as there are a limited number of residents who benefit from it. Garron said that they have accepted streets in the past and that according to the by-law streets may have been accepted by limited standards but because of the legal aspect of it the town needs to make sure every thing is done according to the plans and there are no issues that can hold the town liable. He wanted to say that

he does not think anything the board says tonight is going to make anyone happy and all that we can tell you is what we can do legally at this time which is little or nothing and it is in the bank's hand.

Roy said having to come up with \$100,000 to fix the road will be a difficult sell for the taxpayers at Town Meeting.

Mr. Drolette feels that there is no support from the Planning Board or the Selectmen and that this whole process is useless.

Mr. Moore asked what else is not completed and Schleiff said the infiltration system.

Seelig mentioned that we have two other street acceptances that are being presented at Town Meeting besides this one, which are Kenzies Path and Lamppost Drive, and those streets also still have outstanding issues so they may or may not be accepted also.

Ms. Green asked if there was anything in writing stating that when he sells the land in Foxboro that the money is guaranteed to go to fixing Autumn Lane and how do we know that he does not owe other people money. Seelig said that he does not have anything in writing and that this is based on verbal conversation.

Mr. Drolette brought up the point that he could get the money and not do anything as he did before. Green asked how do we know that he is just not saying this to appease us. Seelig said he is only passing on to the residents what he has been told and said that he can give them the address of the bank and they could contact the bank. Drolette confirmed the bank address and contact person and Seelig that info was correct. Schleiff and Roy said that there is an incentive for the bank to get this wrapped up as much as Halifax does because the bank would like to be free of the mortgage.

Roy hopes that the town will never find them in a situation of holding a lot instead of requiring a bond from a developer. Seelig said that until the Planning Board changes the language of the subdivision regulations it remains at the possibility that a lot could be used in lieu of a bond. It was said that the Planning Board is elected officials and if the townspeople want to change the regulations then it is up to them to go to the Planning Board with that request.

Mr. Drolette said nothing says that the town can't contact Community Bank as well and Schleiff said that Seelig has been in touch with them. Garron asked if we had checked with legal council as to what we can and cannot do with this situation and Seelig says we have and as long as the developer is not in violation of the subdivision then nothing legally can be done.

Garron asked if we could send a letter of support to Community Bank stating that the residents on the street would like to see this work finished and Seelig said that anyone could send a letter.

Moved by Garron and seconded by Roy, the Board unanimously voted to send a letter in support of the residents of Autumn Lane.

Schleiff asked what should be included in the letter and Garron said that he would like it to say in there that as town officials the Board of Selectmen feel that

everyone has a right to a good road and that at this time we have an individual who has not kept his word to do work that was expected from him.

Moore asked if Garron would write the letter and he said yes. Moore was grateful and said that this discussion was a start. He also asked if the Board could give them an update in two months on how things were progressing.

GENERAL MAIL / BUSINESS

Pine Street Bridge

The Pine Street bridge has been rated by Mass Highway and it falls below the minimum weight load. Seelig recommended to the Board that the Highway Surveyor be contacted asking him if he could contact an engineering firm to rate the bridge for maximum rate.

Moved by Roy and seconded by Garron, the Board unanimously voted to ask the Highway Surveyor to contact an engineering firm to get a quote.

MEMA Reimbursement - Tropical Storm Irene

Moved by Roy and seconded by Garron, the board unanimously voted to have the Chair, Michael J. Schleiff, sign two (2) grant reimbursements from MEMA for Tropical Storm Irene.

Mosquito Control Board

The Mosquito Control Board is inviting the town to nominate someone to the district commission. At this time we have a resident, Kimberly M. King who already serves on the Plymouth District Commission.

Taunton State Hospital

Senator Pacheco has sent a letter stating that he and others will continue to fight to keep the hospital open.

Chapter 90 Money

Distribution for FY2013 is in the amount of \$257,861 for Chapter 90 funds. The Board was reminded that the town still has a garnishment for the Rt. 36 project.

Kenzies Path

Seelig does not expect further action from Rick Springer and mentioned to the Board that they are going to have to make a decision as to whether or not to recommend accepting the road as is regardless of the issues at hand. Schleiff had asked if Conservation meet, which they did but did not have quorum. Seelig stated that he does not think Conservation will be satisfied and knows that Springer is not going to get the necessary permit that is needed in order to finish what Conservation is asking him to do.

Garron asked what Conservation needed because it seemed to him they wanted to know why the installation of new pipe was done and it pretty much states why in the letter from Webby Engineering (copy attached hereto and made an official part of these Minutes). Schleiff's impression was when Conservation and Springer left the Board's last meeting they were willing to work together. Seelig will ask Conservation what exactly they need.

Early Morning Deliveries on Elm Street

As resident on Elm Street has complained about a delivery of fill across from his house at 1:20 a.m. This complaint went to the Board of Health and the Police Department and the Building Inspector has been notified. The owner/contractor has been told that if this happens again an arrest will be made.

Pool Table License - The Tee Box

Moved by Roy seconded by Garron, the Board unanimously voted to renew the Pool Table License issued to d/b/a The Tee Box located at 284 Monponsett Street - Unit 205.

Library Grant Letter of Support

Moved by Garron and seconded by Roy, the Board unanimously voted to send a letter of support for a grant to purchase equipment to help Halifax residents with low vision or who are hard of hearing.

Reappointment of Animal Control Officers Anne Brown and Thomas Hammond

Thomas Hammond does not want to be reappointed as ACO for the Town of Halifax but Ann Marie Brown would like to be reappointed. The Police Chief has recommended that Brown be reappointed.

Moved by Roy and seconded by Garron, the Board unanimously voted to send a letter to ACO Thomas Hammond thanking him for his service to the town.

Moved by Garron and seconded by Roy, the Board unanimously voted to accept Thomas Hammond's resignation and accept the reappointment of Ann Marie Brown.

The Board is saddened that Hammond does not want to be reappointed. Schleiff stated that he tried to change things up but it did not go the way he thought it would.

Stop Sign at Pond and Hudson Street

Steve Olson, a resident on Pond Street has requested that a stop sign be placed for traffic traveling south on Hudson and west on Pond Street. Seelig suggested getting a recommendation from the Traffic Safety Committee. The consensus was that the Board will wait for the recommendation from the Traffic Safety Committee before going any further on this request.

Memorial Day Parade Permit

The Memorial Day Committee submitted a letter asking for permission to hold the Annual Memorial Day parade on Monday, May 28th beginning at 9:30 a.m. from Shelby Plaza parking lot to the Halifax Town Hall. Seelig did ask the Fire and Police Chief if they had any concerns or questions but stated in the past he is not aware of any problems. Schleiff asked how his plans have been progressing with the parade and Seelig gave the Board an update as to what he has done so far. Schleiff also asked how he was feeling and it was stated that he is still not feeling that great.

Floodplain Article

There have been recommended changes by the State for this article. Seelig has notified the Planning Board and a motion at Town Meeting will be made to reflect the changes.

SCHEDULED APPOINTMENTS

Andrew Grignon – Dog Hearing

At 8:35 p.m., in accordance with MGL Chapter 140, Section 157, Schleiff opened a hearing to address a complaint that an American Bulldog, owned by Andrew Grignon, housed at 7 Eleventh Avenue ran off the owners' property and bit two Jack Russell Terriers that were leashed at 9 Eleventh Ave. The hearing was held at the request of the Board of Selectmen.

Brown: The other family just left the ones with the Jack Russell they just left. They didn't want to stay. Mr. Anthony is here. He is the owner of Bella and that's the American Bulldog

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

Andrew Grignon	Dog Owner, 7 Eleventh Avenue
Ann Marie Brown	Animal Control Officer

Schleiff: Alright we have here. (Schleiff read letter that was sent to Grignon copy attached hereto and made an official part of these Minutes – Exhibit A). We have copies of that stuff in here. Um and he's up to date...

Brown: She... yup.

Schleiff: Let see to ... attached find hearing notice are related to report involving your presence is required. Report - here we go... on Tuesday April 10th at 8:15 the Board of Selectmen will... don't need... lets see Andrew of 7th Ave. owns the two dogs Jack and Jill rabies vaccination expired three, ten, thirteen. So the vaccinations are good neither dog was licensed at the time...that was the report.

Brown and Grignon at the same time: They are now.

Schleiff: Okay so at the time at the incident.

Brown: They were not.

Schleiff: letter from the Town Clerks office saying they weren't. They are now and they are up to speed now. Um, so on Thursday April 5th the two dogs owned by Mr. Grignon were licensed at the time.

Roy: The other owner was not licensed. Right?

Brown: Right

Roy: And have they been licensed?

Brown: They have not I just spoke with them, they need to verify um there were some issues um they thought they were under quarantine they are not because the one dog that was involved in the incident, there was one dog attacked um and that dog was current on its rabies vaccine so there is no need for quarantine. Um so they are checking on the status of the second um dog so the both can be licensed and if they are not um currently up they will be brought up to date at this weekend um rabies.

Roy: rabies clinic

Garron: May I ask a question? Prior to the incident.

Brown: The male dog was current. The one that was attacked was current.

Garron: So he... he was licensed and rabies shot

Brown: He did not... they were not licensed... just

Garron: So neither one of those were licensed

Brown: Correct

Garron: Prior to the incident.

Brown: Correct

Garron: Okay thanks.

Schleiff: We have a log record... Police Department we have an incident report... And we have a report from our Halifax Police Department narrative by Jennifer ... on Wednesday March 7th, 2012... (Schleiff read report copy attached hereto and made an official part of these Minutes – Exhibit B)

Brown: I just spoke with Miss Anthony um the owner of the two Jack Russell's. Her female Jack Russell was not hurt in the incident the, only dog hurt was "Jack" the male Jack Russell. So the report may um according to her so there's only one dog that was injured in the incident.

Schleiff: Troy did you ask how it ... how they were hurt or...

Garron: My question was if... first of all were you home at the time of this taken place

Grignon: Yes

Garron: And you have a reason as to why the dogs off your property.

Grignon: um well what originally happened was um their dogs entered my yard... I have a last remaining fence standing in that neighborhood we live at the bottom of the hill. So when it rains my backyard turns into pond um there's a low spot under my gate that opens from my driveway. Um one of her dogs does not get put on leash um because he good he's good and he comes right back um he entered my yard got into a tangle with my dog... she ah their dog took off under the fence the Jack Russell which was much smaller... um my bulldog then went after her and pushed the fence open... um I ran out after them as soon as I got out front neither dog was to be found. Um so I assumed that they had started running. I made a loop around the neighborhood and when I came back my dog was

standing out in between my house and her house. Um I grabbed her and brought her inside. I couldn't find the other two Jack Russell's. Went next door and knocked on the door. Um nobody answered. I heard the dogs barking inside. Um and I never heard from her until two days later um when she came over and knocked on my door.

Roy: And

Grignon: And informed me that she had called animal control because ah she wasn't aware of whose dog it was. Ah but then she came over and knocked on my door um basically um I don't do well um with confrontation so she basically just said that she wanted me to pay her vet bills. Um the dogs got into a little scuffle and I just told her you know I want to talk with the dog officer first because she said she reported him um so from that point forward I called the dog officer um met with Mr. Hammond, I believe um spoke with him and informed him and brought him up to date on the situation and that's kind of been it so far.

Garron: So when were you notified a day or two days

Grignon: Two days afterwards.

Garron: When was the dog officer called?

Brown: I'm sorry?

Garron: When was... when was the dog officer called? When was the dog... when your officer called?

Brown: Um I don't have the exact date. It's in the police.

Grignon: a day at least. Yes

Brown: Yes

Grignon: Within a matter of two weeks prior to that incident that would have been the fourth time that their dogs have gotten on to my property. Um I don't have a fence to keep my dogs out. I don't utilize it as ... let them out in the back yard for hours and hope that they don't get out. They're dogs. Um they don't care... if they really wanted to they could get out. I always ... I'm always out with them when I'm in the yard um.

Garron: One moment. Did you (meaning Brown) go down or Mr. Hammond?

Brown: Mr. Hammond went down.

Garron: So in his observation was it noted whether or not the property of the other person was closed in.

Brown: It was not noted.

Garron: fence. So there is...

Brown: It is not noted

Garron: Were there are leashes or runner that are known of.

Brown: Um He did not note that. Just speaking with the previous Jack Russell's owners that they tie their dogs to the porch. They have chains on the porch and occasionally one is known to slip out ...back out of their collar but to come back to them so she did admit that.

Grignon: Put the leash over the end of the 4x4 that's on the porch it is essentially a dog on a 3 foot leash tied to the end of the porch. So actually I wanted to get out that situation now that they know that there's are dogs next door you know as soon as they get out they immediately come over to my fence um so I've taken the precautions as to um repairing the section of fence that divides our yard and their yard.

Garron: That was my next question.

Grignon: Yup and like I said not in the sense to keep my dog in my property but at this point it's to keep their dogs out of my property. Um my dogs are always with me. You know, numerous times she said ... the door ... saw movement in the back and the dogs would run out because I guess the door doesn't latch. Um the first time I met the dog I spent an hour and a half with him banging on neighbors doors because I didn't know who's dog it was or never seen the dogs. Ah and then finally one of my neighbors pointed out it was their dog. Um after knocking on the door repeatedly um they finally answered I gave them their dog back and they didn't seem to know that he was missing. Um I had spent close to an hour and half with him so.

Schleiff: Enjoying the peace and quiet (in audible). Um to me it just sounds like two neighborhood dogs going after each other doing what dogs do. Ah what were the vet... um do we know what the vet damages were.

Brown: There were veterinary charges. Um I believed that they said about a hundred and forty two dollars um and then there is one more follow up due but as I said to the other owners that's a civil issue for them to handle beside themselves um that I wouldn't have anything to do with that matter. Um that I would insure you know my job was to make sure that he his dogs were going to be kept on his property now um so that we spoke about Jack Russell's are notorious for going under fences that he's taken precautions to make sure that you know that his dogs you know its being safe around the other dogs and um...

Schleiff: And the other ones taken precautions that their dogs aren't.

Brown: They're stating that their dogs are always on a leash.

Roy: But they can get out of their leash.

Brown: They can.

Garron: Well let me ask this question

Roy: Well that doesn't count

Garron: They state they're always on a leash?

Brown: That's what they have stated

Garron: But they admit that the dog got loose.

Brown: They admit that one dog is capable of popping out sliding back um but that she does come back.

Garron: So their dog is running loose off their property.

Brown: Ah I don't know if this particular incident if their dog was running off that property. I have not had any complaints prior about those two dogs running in the

area of any of that stuff so that's not something that I have I have seen a history of um but dogs are dogs.

Schleiff: If we ... let me ask you question ... do we know where the dog were bit... were they on your property on hers down the street.

Grignon: There was a small scuffle in my yard when a dog gets bit its something you hear its not an aggressive bark it's a bark of pain. Um I did not hear it there was a lot of scuffling I mean my dog as well had injuries on her head and her face um you know nothing catastrophic nothing bad didn't require stitches as I guess the other dog did. Um in my opinion you know a dog of this size wouldn't be the instigator um I think it would have turned out a little worse. Um I also went ahead on my part and just because I do feel bad for the Jack Russell being on a three foot leash. Um I bought a ten foot run red dog cable um and left in a bag on their porch. Um I haven't really spoken to her much about it but I did do that like I said just to a ... I guess it now is coming up to my responsibility to you know keep their dogs off my property.

Schleiff: I don't see it that way. They're responsible

Brown: They're also responsible

Schleiff: Everyone is responsible for their own animals

Grignon: But then again if somebody else doesn't step up to the plate then if I have to take some extra precautions to make sure this doesn't happen then...

Garron: Let me say this...that nice of you to think in terms of that but once you take that responsibly then you legal for anything that happens to dogs animals off the property. If you say you're responsible make sure still on their property they get off and bite somebody you're the person responsible for it. You don't want to do that. Its nice to be neighborly but...

Grignon: Yeah well take it upon themselves to try keep them off my property. I can't control anybody else.

Garron: That's like well that I understand repair what you have to do on your property to keep your dogs not only to keep your dogs on the property but keep other from trespassing but I wouldn't go any further than that.

Grignon: Okay

Schleiff: So the answer... so the answer to my question is it sounds like it happened on your property.

Grignon: As far as the wound?

Schleiff: As far as the attack and the bites.

Grignon: The scuffle started there and it escalated took off yeah know so for all I know

Brown: She, Miss Anthony stated that it happened on her front porch with me just speaking to her out there um that Bella was on her front porch and that she had the dog in her mouth that's where she saw it.

Roy: I have a question. A couple of things, so you don't typically um are outside without your dog but on this particular instance you were... what kind of dog.

Grignon: I was outside

Roy: Oh you were outside

Grignon: I was working underneath my truck in the backyard so by the time I scuffled out and got out and I had just watched them get out at the end of the drive

Roy: And you have an American Bulldog and the other dog...

Grignon: Yes... Chihuahua Terrier mix

Roy: And that Chihuahua Terrier mix can't get under your fence

Grignon: No... well he could if he wanted to.

Roy: If he wanted to.

Grignon: yes it is a possibility.

Roy: Okay. So you really don't know which dog was the aggressor meaning that wound from your dog could have been the first bite. We don't know that.

Grignon: There's no proof.

Roy: We really don't and I wish that the owners of the other dogs had actually stayed to be able to testify themselves.

Brown: They chose not to. I told them they are fully welcome to and so they chose not to

Roy: Okay

Schleiff: We don't bite.

Grignon: We've try to... we have to live next door to each other

Roy: No I understand... try to maintain this relationship

Grignon: So we've try to keep this at ah...

Roy: Yeah

Grignon: Ya know ... I want to... what do you want me to do to make you happy and can you do this and in return keep an eye on your dog to make sure if you have to fix the latch on your door fix the latch on your door um you know ... if whatever... work with me... you know that's all.

Roy: How long have you been resident in the Town of Halifax.

Grignon: Um years ago I lived here in my father's house um... we moved out to an apartment in October um come January it became pretty much effective that we're staying

Roy: Okay... so you missed the deadline in order to register your dog

Roy: Well I was under the impression was when I saw that they had to be registered by July...

Roy: You assumed

Grignon: And then if I goes over that then I figured that I'd register them in July. When I spoke to Tom he said um yes that's fine do it by July and then when I saw the notice that I should do it now I just figured I'll make sure if that's what the town requested that I'd do it now.

Roy: Right okay so I appreciate that and um so going forward you will always make sure that your animals are licensed in the town

Grignon: Absolutely.

Roy: And you have fixed the fence?

Grignon: Um in portions it's a lot of money

Roy: Yes but you feel comfortable that your dogs are able to stay on the property and that you're able to keep the other dogs out.

Grignon: Yup... and then that will help

Brown: And he got some kennel fencing to cordon off an area as well.

Grignon: A certain area for them. So if I was to let them out and say um I don't

Garron: So not a run at this time... not a run

Grignon: Yes in a kenneled area so if I was to leave them out unattended that I feel confident that they are safe with that.

Roy: Okay so in my opinion is that we have no proof which dog bit the other one first. I mean we do have witness of one dog having the head of the other one in its mouth but we don't know...

Brown: We don't know who instigated.

Roy: We don't who instigated and I feel confident that you will always license your dogs and keep your property in a way that you can keep your dogs in it so that's my opinion

Grignon: My dogs are like my children ya know.

Roy: Thank you

Grignon: I care for them

Garron: My motion would be that we send a letter to the both of the individuals stating what the law is that there's a leash law the dogs should be keep on the property at all times if they should leave the property they should be attended on a leash and at no time that they be running loose and that they should be licensed at all times.

Roy: and a leash should be used that actually holds the dog on a leash

Brown: Um hum...that there....

there was a brief interruption due to changing of the tape

Schleiff: Happened was...you've demonstrated you can be a nice neighbor and neighborhood, taken the precautions you can take and nice friendly help ya know

Grignon: Trying to the best that I can

Schleiff: So I appreciate um what you're doing. We have a motion and a...

Roy: and a second

Schleiff: and a second to send off a letter this time we just take it under advisement and um

Garron: Just a reminder what the law is.

Schleiff: Yup. So something we don't normally do after some of these hearings is let you keep them in town. Um all those in favor

Roy: Aye

Garron: Aye

Schleiff: Aye

Roy: Thank you

Grignon: Thank you very much

Schleiff: Thank you for your time and thank you for coming in.

GENERAL MAIL / BUSINESS (CONTINUED)

Concession Stand Lease

This evening MS&BC was going to meet with the Board to go over the lease agreement for the concession stand but no one from the committee was present. Seelig said that he would contact them to see what the miscommunication was. Where opening day is April 28th Garron thoughts were that this would have been important for them to show up. It was stated that MS&BC needs to be at the Board's next meeting.

Reconciliation

The Town is still behind by eight months.

Truck Exclusion- Walnut Street

Seelig will call the Bridgewater Safety Committee (they met this afternoon) tomorrow to get a consensus as to where there stand but feels that they are not on board with the truck exclusion. Bridgewater feels that the trucks will use back roads in their town and that their concerns are not the same as Halifax's.

Alcohol License – 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). Mr. Peck has stated that he will provide documentation regarding both matters but as of today Seelig has not heard from him. Seelig is willing to go a couple of more weeks on this and if nothing changes will ask the Board to take action on it.

Recess at 9:00 P.M.

Moved by Garron and seconded by Roy, the Board voted to take a ten minute recess.

Board reconvened at 9:15 p.m.

SCHEDULED APPOINTMENTS (CONTINUED)**Rick Greeley – Gentile Sign**

Schleiff read a letter sent to the Board from Richard Greeley regarding his concerns about the Ellis Auto Body sign (copy attached hereto and made an official part of these Minutes). Minutes of May 24, 2011 were also read by Schleiff (copy attached hereto and made an official part of these Minutes). Roy said that the old sign, according to Mr. Greeley, was 4x4 which did not include that posts. Schleiff brought up the point that they approved to replace the existing sign which they thought was a 5x6 but really it was 4x4.

Building Inspector, Tom Millias, began by saying that he was informed about the controversy on the putting up of this sign down at Old Plymouth Street. There was a parcel of property that was originally Rt. 106 but when the road was straightened out the town owned and believes transferred portion of the title to the Greeleys. The assumption has always been that the sign as erected, which has been there since for as long as Millias remembers, would be on town property. That is why when the sign application came in they required that the owners of the property, the Town of Halifax, to sign off. Regardless whether there was some confusion or not the authorization was for a 5x6, which is the biggest sign that is allowed in a business district. When Millias went out there they were in the process of installing the sign. He measured the new sign which measured 5x5 and he noticed that there was a *tag on* (additional portion on the sign) on the side, he told Gentile that this is not what was presented to the Board of Selectmen and what they had signed off on (meaning the *tag on*). He stated that there was controversy from Greeley that it was on his property and not town property and that it created line of sight issues although Millias did not think that it was a sight issues. There was some discussion going back and forth Gentile said that he would refrain from putting the sign up if Greeley would have the property surveyed. Greeley agreed to have it surveyed but later informed Millias that he changed his mind. Millias indicated to him that he thought that the sign was still on town property and explained the person who grieves it it's their responsibility to prove whether it is or isn't. Gentile said that he will wait for the hearing to see where it goes. In the meantime Gentile indicated to Millias that he was willing to survey that the portion where the sign will be. Gentile stated there might have been a little riff between him and Greeley and the surveyor decided that in the best interest was to leave the premises before going any further in surveying the property. As of this time it still has not been surveyed and Millias feels that it is on town property. The sign as it exists right now is 5x5 which is under the 30 square feet that is allowed. Millias recommends that the *tag on* should not be added on until the BOS had discussed it.

Schleiff asked if the Board had any questions and Roy asked if we had taken into consideration the size of the post and Millias said no that they do not address the supports. Garron also asked if they measured how far the sign is from Rt. 106 and Millias said no but added that he does not think it is a sight issue. Garron asked if it was one or two car lanes and Millias said if he had to guess he would say a car lane he also asked how far from the curb on Old Plymouth Street and again had to guess about 5 feet. Millias added that that Gentile said he would move if he wanted him to and Millias did talk with Seelig and asked to have the Traffic Safety Committee take a look at it to see if they felt that it was sight issue

(Seelig has sent this information to them). Garron had asked if the land was ever staked out when it was transferred to Greeley and Seelig stated that he has no information on that.

The original permit application dated July 27, 1989 originally has the sign being 28x28 in size. Garron went on to explain that this is the third time that he has seen a change in the sign. He was on the BOS when it was voted for the second time, which was a replacement sign and was approved as long it was not over the size that were in the by laws. Roy said originally it was 28x28 then went to 4x4 Millias said yes that happened some where along the way. Schleiff asked Millias if he had any record of the sign being 4x4. Seelig added that there were two requests; one in 1989 and the other in 1990 asking to replace the sign with a larger one. As stated by Millias this was all he was able to find in the archives. Schleiff asked Millias if the sign has been in the same location since 1989 and Millias said that he can't say the exact spot but said that a sign has always been in that general spot there for as long as he can remember.

Roy asked why Greeley would not let the surveyor survey the property and Greeley said that he did not say that he could not survey it at all. Roy asked what happened and Greeley stated that Joe Webby came down and then Gentile came down on Greeley's property, some time ago Gentile told Greeley to stay off his property, so when Gentile was on his property he asked him to move onto the street and at that point Joe Webby stated that he was leaving. Schleiff asked if there was anything else he wanted to add and Greeley presented a picture of where the sign was when he bought the property and where it is now. He noted that when he bought the property there was a tiny sign and over time the sign has gotten bigger and bigger. He suggested that maybe the sign be placed a cross the street or on the other corner or at the location of his business. Schleiff asked if Greeley had anyone there to speak on his behalf and thought that his letter that he read earlier said it all.

Greeley wanted to bring up another point which is that this sign is quite large and if there was a sidewalk there it would be block causing people to walk around it which would be his property or on the street.

Schleiff wanted to say the goal tonight is to try and see if we all can come to a happy medium.

Greeley said that Old Plymouth Street is zoned commercial and whose to say that other businesses would not want to line their signs right up next to each other in this same spot. He understands that Gentile wants to promote his business and realizes that his business is around the corner and does not get much visibility. He stated there have been times that he has gotten knocks of his door asking where his auto body shop was. Schleiff said just because we allow one sign does not mean that we have to allow others and his opinion is that signs should not be on town property but what we have now is what we have and going forward he stated he is inclined to adding any more.

Richard Serkey, Gentiles Lawyer, has a copy of the plan and explained that in 2005 two parcels, that were formally part of the road layout, were conveyed to Greeley from the town. The issue is that the plan does not show the traveled way on Plymouth Street or where the stop sign is or the edge of payment hence a

survey needs to be done needs to be done to determine all this as well as if the sign is on Greeley's property or town property. He continued by stating that the surveyor that was going to do the survey had worked for both parties therefore there was conflict of interest. Mr. Gentile is going to hire an independent surveyor to have it surveyed and if on Mr. Greeley's property he will move the sign and if on town property then a decision would need to be made by the Board as to whether it remains in its present location. He stated that the sign has been there for 23 years and was there before the Mr. Greeley bought the property and before he acquired the two parcels from the town in 2005. In the meantime Serkey had asked the Board if the former sign could be placed in the spot where it was while the survey is being done.

Schleiff did not understand why the town conveyed land and did not address the sign issue when doing so and Garron said we did address it through lawyers and they were told by the Highway Surveyor at that time and the Assessors that it was on town property. Serkey questioned if the sign was on the land being conveyed on the property that was being retained. Garron said on the town property but stated that that was a long time ago.

Roy questioned the size of the sign stating that when Mr. Gentile came in asking permission to replace the sign he said it would be the same size but that is not the case. Mr. Gentile went on to say that that when he went to Millias he asked him what size sign can he put up and he said he could do a 5x6. Roy remembers the discussion back in May 2011 and it was specifically discussed that it would be the same size. Gentile said he would have put up a smaller sign if he was told to but he was told he could put up a 5x6 so that is what he did. Millias wanted to clarify that the new sign is 5x5 not 5x6. Schleiff stated that when we say replace with a sign that it is being replaced as the former one and not anything different about it. Roy had asked if we were able to find the DVD of the meeting in May 2011 and if it can be reviewed to see what was said in the conversation. Millias thinks that the confusion is what the maximum size of the sign allowed would be. Garron said that he has sat on this Board for a long time and it has been stated the reason we have allowed signs on town property is to help businesses within the town.

Schleiff then opened the discussion to anyone else that wanted to speak about the sign but said to keep it short and right to the point. Maria Gentile, co owner of Ellis Auto stated that she remembers the first time the Board gave him permission and it was for the maximum size allowed and she believes her husband choose to make it smaller and said this is the original sign. Roy asked if it was the last hearing and she said the last time he was issued a sign. He choose the smaller sign in case if the designer was off a bit it would have given him a little bit of lead way and it was not made that size because he was asked to make it that size it was because he choose to. Furthermore she added that if the *government here* is issuing a sign not bigger then a certain size and the second time said to make it size and he went ahead a did it. She is referring to the first time the he came in to put a sign up not the time in May 2011.

Rob Gentile, Nick's son, stated that he believes that there might have been a little confusion as to what they were going for. They did ask Millias what size sign could they put up and he said 5x6 is the maximum size that is allowed. They did not think they had to put in for a size increase where 5x6 was the maximum they

figured if they made the sign that size it would be better for advertisement of the business and people would know where they were located. He also wanted to note that the new sign has an arrow pointing towards the business which will alleviate anyone knocking on Mr. Greeley's door.

Anthony Gentile, Nick's son, said that it is a one man army down there and they need to get business going and one way to do that was to put a new sign up. They now have a new building and thought a new sign would be nice. It was his error regarding the *tag on* and should have gotten more clarification on it from Millias. The posts they hope will last a while and that is the reason there are big holes in the ground is because they had to get the cement out because the old posts were cemented in. He stated all they want to do is get business going and they have gone through the necessary channels; came in for the permit, came before the BOS and got their okay as well as the Building Inspector's okay and the only thing there was a discrepancy on was the size of the sign and when Millias came by his dad stop putting up the sign until the matter got cleared up. He added there always is a road block such as when then they were getting the new building established.

Bill Ruxton, resident of Old Plymouth Street and employee of the Highway Department wanted to say that they maintain that area where the sign is and that there is plenty of room for the sign and that it can be moved closer to the road where it might not bother Mr. Greeley as much. He also said that he thinks it is on town property because nothing has been brought up regarding the stop sign and street sign. Schleiff asked where the sign is placed there is it an issue where a driver would have trouble seeing if they were at the stop sign and he said it is fine.

Mr. Greeley said he did not know if there was any miscommunication on the application for the sign but stated that it took one man to put the old sign into the van and two men to take the new sign out... there is not miscommunication one sign is much bigger then the old one. He further went on to say that Mr. Gentile said it was going to be the same size. Again he asked what about placing it across the street that spot is visible for everyone and it does not obstruct traffic. Schleiff said that is possible but the issue at hand is the size of the sign and if it is on town property or not. Schleiff suggested to the other Board members that they establish where the property lines are so that they really know where it is. Roy pointed out that Mr. Gentile wanted to speak.

Mr. Gentile said that Mr. Greeley is asking him to put the sign across the street where he does not want it and likes it right where it is.

Anthony Gentile wanted to clarify why is took two people to bring out the new sign and the reason was because they did not want to break it or have it get scratched.

Schleiff stated that he would like to table this discussion until the property is surveyed. Serkey asked the Board that in the mean time could the old sign be placed in the old location. Schleiff asked how were they intended to put it back up and Anthony Gentile said with 2x4's for a temporary fix. Mr. Gentile commented that he hopes that no one gives him any problem when he puts the sign back up. Roy confirmed with Greeley that he was okay with him putting the sign back up and he said sure. Mrs. Gentile asked if she could say something

and Schleiff said that she could only if it was pertaining to the sign and she said it pertains to the sign and Mr. Greeley and the way the Board understands what this is all about. Schleiff said that he did understand and that this is an open forum and he wants people to speak but he also wants them to be respectful. She then went on to say that she thinks its one way.

Dick Clark, Water Superintendent, said that the town gave him permission to put the sign up and now he is being asked to have the property surveyed and has to pay for it as well; he thought that was not right and Schleiff said that Mr. Gentile was offering and his wife said he is offering because he needs the sign up for business. At this time a couple of people were speaking at once and Garron asked that one at a time speak and stated that we are not here to belittle any one and it is about a sign and nothing else. Garron said that the Board did not want to hash out who said they would pay for the survey work or who now is going to pay for it and asked that it not be discussed any further. Mr. Gentile said he would have it done and it remains in his hands to do so.

Moved by Garron and seconded by Roy, the Board voted to take this under advisement and table it until such time a survey is done by whoever pays for it and then make a decision at that time on the size of the sign and where it will go.

Schleiff asked if they would allow the previous sign to stand until the decision. Garron said that his job is to abide by the by-laws and what it states for a size. First thing that needs to be settled is if the sign is on Greeley's property and once that is settled the Board will decided on the size of the sign. Schleiff wanted to clarify that the old sign was going to be placed at the same location until it is determined whose property it is on and the Board was in agreement with that.

Also the Board approved that the existing old sign can be put back up in the same location and continue this meeting on May 8th at 7:45 p.m.

Schleiff requested a copy of the survey once it was done and Serkey said he would get a copy to him as well as give a copy to Greeley. Roy wants to keep it to the sign issues but thinks that's there is more to this and hopes that everyone will cooperate. Mr. Gentile stated that Mr. Greeley should pay for the copy that he receiving of the survey and Roy said that it is very generous of Gentile to be paying for it.

Ruxton added that the sign cannot be put on the other side of the street due to drainage issues and because of plowing. Then Greeley stated that there is a piece of property on the other corner that abuts the Mr. Gentiles property. Schleiff asked if it was town property and Greeley said he imagined it was.

EXECUTIVE SESSION

Moved by Roy and seconded by Garron, the Board voted as follows to enter into Executive Session at 10:15 p.m. to discuss collective bargaining for Firefighters, Patrol Officers, Dispatchers, Sergeant, Highway, Fire Chief and Police Chief:

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 Garron and seconded by Roy, the Board voted as follows to come out of Executive Session at 11:00 p.m.

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

There being no further business, moved by Garron and seconded by Roy, the Board unanimously voted to adjourn the meeting at 11:00 p.m.

Michael J. Schleiff
Clerk

/pjm