

BOARD OF SELECTMEN
SELECTMEN MEETING
TUESDAY, MAY 8, 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, May 8th, 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.

LINE ITEM TRANSFERS

Moved by Roy and seconded by Garron, the Board approved the following line item transfers. Schleiff abstained from the vote.

FROM	TO	AMOUNT
Police Station Maint. - Elec. #01-214-5120	Police Wages - Clerical #01-210-5113	\$ 500.00
Dog Officer Salary #01-298-5120	Police Wages - Clerical #01-210-5113	\$ 5,000.00

SCHEDULED APPOINTMENTS

Water Department – DEP Award

The Water Department has received the 2012 Public Water System Award for the fifth straight year. Today there was an awards day held at the Waterworks Museum in Boston that Water Superintendent, Dick Clark and Selectmen, Michael Schleiff attended. This evening the Board asked the staff of the Water Department to come in so that they could personally thank them for the great work they do and congratulate the department on receiving this award.

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	# 90	\$ 116,330.31
Vendor Warrant	# 91	\$ 196,104.86
Ambulance Commitment	# 4B	\$ 15,100.41

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 #92:

Payroll Warrant	# 92	\$ 309,250.53
Vendor Warrant	# 93	\$ 474,011.32
Withholding Warrant	# 94	\$ 112,449.38
Mobile Home Park License Fee	# 11	\$ 5,160.00

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

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

National Grid (service for Town Hall).....	\$ 1,038.65
South Shore Women’s Resource Center (contract FY12.).....	\$ 3,500.00
South Coastal Counties Legal Services (contract FY12)	\$ 3,000.00
Elizabeth Dubrawski (mileage reimbursement/meeting 4/24) ...	\$ 77.70
Matthew Bender & Co. (MA Law Rules supplement)	\$ 86.89
Deutsch Williams Brooks DeRensis (legal services/April)	\$ 95.00
Comcast (internet service Town Hall)	\$ 69.95

MINUTES

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

Regular Session – March 27, 2012

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

<u>TURNOVER</u>	<u>AMOUNT</u>
2012-74	\$ 25.00
2012-75	\$ 15.00
2012-76	\$ 4,333.33
2012-77	\$ 100.00
2012-78	\$ 5.00
2012-79	\$ 5.00

SCHEDULED APPOINTMENTS (CONTINUED)

Richard Greeley – Ellis Auto Body Sign

Schleiff open the discussion regarding the survey that was done on the property to see where the placement of Ellis Auto body will be placed on Old Plymouth Street. Richard Serkey, who was representing Mr. Gentile, placed a large plan of the survey on the wall for everyone to see and smaller one was given to the Board. He began by saying that a survey did show that Mr. Gentile’s sign was on Greeley’s property and has since been moved. In the pictures that Mr. Serkey presented it showed the lot lines where red stakes were placed and the present

location of Ellis Auto Body's sign, which is oriented with the location of the stop sign and street sign. All three signs are within street layout and not on private property. He pointed out to the Board that they kept their promise to have the plan prepared and to move the sign if it was found to be on Mr. Greeley's property, which it was shown to be. He is asking that the building permit issued by Mr. Millias for the replacement sign be ratified as a 5x6, which is within the town's bylaws.

Roy asked if the Traffic Safety Committee looked at the present location of the sign. Millias was not sure but Schleiff said that they were fine. Schleiff had asked if anyone had anything to add to this. Both Garron and Mr. Gentile had nothing to add.

Mr. Greeley stated that he would like to make a couple of comments and presented a picture stating that the area where the sign is located right now is a very narrow area. He then showed a picture of where the sign could be placed which is across the street. He took some measurements on the area across the street and asked why the sign could not go there and that there is plenty of room where a sign could be placed. Previously it was said that there was a trench there but Greeley stated that the trench is nowhere near where a sign could be placed and stated that there is no reason why his sign could not be put there instead of in front of his property. Greeley had measured the area across the street which was thirteen feet six inches and said that this should be more than enough space to put a sign where it would not offend anybody and there is just as much visibility there as where his sign is currently located. He added that on the new sign (5x6) there was a for rent sign on it and as stated in the bylaws (section 167-13 section 3 paragraph D) that is not allowed. Where the sign is now only leaves about 2 feet for people to walk and they would either have to walk in the street and bump their head on the stop sign or walk on his property and again stated that it is more advantageous to putting the sign across the street. Greeley said that over the years the sign has gotten bigger and bigger. There is no less visibility across the street as there is near his property. He did say that there would be less visibility if he chooses to put a six foot fence or a spruce tree on his property.

Members of the Highway Department were present, and Schleiff asked if they had any input seeing as they do the plowing. He continued to say that he has noticed that when cars heading west on Rt. 106 are turning onto Old Plymouth Street that drivers tend to go around the vehicle that is turning and end up on the shoulder of the road where they could hit the sign if placed in the location where Greeley is suggesting. Greeley said that there is no need for a driver to have to be that close to the sign when going around a car.

Badore seems to think that the sign might get hit with a plow if on the other side of the street and Greeley said that where the sign is now it is only two feet from the street and they plow back and forth in that area. Schleiff stated that the secondary streets get plow with smaller trucks. Greeley then said that he has plants planted that never get hit by a plow so the sign would not get hit if moved. Schleiff understood Greeley's concerns and noted that the sign is off to the side of his house and not directly in front of it. Greeley pointed out in the pictures where his front yard was and what he landscaped and Roy mentioned that it looks as if the sign is in the corner of Greeley's yard and that there is a buffer of trees from

his house to the sign. Greeley again asked what was the business benefit of the sign being where is now as opposed to across the street and felt the answer to that was that Gentile was doing just to aggravate him. Schleiff does not think that is his intention and said that the sign has been there for a long time. Greeley mentioned that they said it was going to be the exact same size as the previous sign and that is why the Board gave him a permit and that was not the truth. Schleiff said that was miscommunication between the BOS, Building Inspector and Mr. Gentile. Greeley again said that Gentile said it was going to be the exact same size and if he said it was going to be bigger then maybe the Board would have not given him the permit. Schleiff said that the size of the sign has fallen within the perimeter of the town's bylaws. Mr. Gentile was asked what is the size of the sign was and he said the original was 4x4 and the new one is 5x5. Schleiff asked what the limit for the town was. Tom Millias, the Building Inspector (who was present) stated that the sign can be 30 square feet in size.

Garron stated that the proper course was taken and said that the Board takes blame for the miscommunication. When it was presented to the Board for approval it was stated it was going to be the same size and no body asked what the size was/would be. The permit did say 5x6 and the BOS did sign off on it and does not think it was intentional on Gentile part because he did go see the Building Inspector prior to the meeting and he was told it could be 5x6. He pointed out that the sign has always been two or three feet off the road, area always has been plowed, to his knowledge there has not been numerous accidents at this location because of the sign and the sign has been there for almost twenty two years from his recollection.

Greeley said that when he bought the property it was a small sign (1x2) and again stated that over time it has gotten bigger and bigger. Garron said that Ellis Auto was there when the previous property owners lived there and there was a sign on the corner but he did not know the exact size.

Schleiff understands his concerns. Greeley asked does he need a 5x6 sign to state where his company is and why couldn't a smaller one be put up. Mr. Serkey then stated that Greeley did not acknowledge that fact that he was able to acquire property to add to his property, he made a complaint first that the sign was partly on his property which was proven to be correct and the sign was moved off his property now he is complaining and wants the sign moved across the street. Mr. Serkey thinks that at some point it needs to be said enough is enough with respect to a sign that has been there for two decades. Schleiff appreciates what Mr. Serkey is saying but as a resident of the town the Board wants to allow Greeley to express his concerns. Schleiff did say that Gentile did put out the expense out to make sure it was not on his property we didn't know for sure and now we do know it was and has been rectified and added that the Building Inspector's job is to make sure it stay within the bylaws of the town and again stated as Garron said earlier that the Board let it slip through without insisting that it be the same size as the existing one but he was told it could be 5x6 so that is what Gentile had made.

Millias wanted to clarify that the application was posed with the question what is the allowable sign for a business and an allowable free standing sign for a business in the town's bylaw is 30 square feet. Millias stated that was the entire extent of the conversation between Mr. Gentile and himself. With that being said

Schleiff added that he thinks that everything has been done to accommodate Mr. Greeley.

Moved by Garron and seconded by Roy, the Board recommended that they rescind the previous vote approving a 5x6 sign and change it to a 5x5.

As Schleiff said earlier there does not seem to be any safety issues, Highway has not problem where it is at and it is within the town's bylaws. He understands that Greeley is upset but stated that the sign has been there a number of years and other than it's a eyesore for him nothing negative has come out of this discussion and thinks that this is the best solution. He added that he does not think it was done intentionally.

Schleiff said the Traffic Safety Committee (consisting of Fire and Police Chiefs, Highway Surveyor, himself, the Sergeant) had been informed of this issue and all agreed there was no problem with seeing around the corner. Schleiff asked what is the size of the new sign was and it was stated it is a 5x5 and he suggested that it be permitted for the 5x5 and not the 30 square feet.

Roy asked the Highway Surveyor (present at meeting) what he thought of the sign being placed on the other side of the road and he said there was no reason for it to go on the other side of the street and that it was fine where it was. Roy then asked Mr. Gentile why he is opposed to having it on the other side of the street and he said that he does not want it to get damaged. Greeley then stated that there are numerous signs along Rt. 58 and Rt. 106 that are closer to the road that don't get damaged including highway signs. Rob Gentile said that the snow gets plowed on the opposite side of the road therefore if the sign was located across the street it may get damaged from both the snow and the plows.

Schleiff reiterated that the sign be a 5x5, no changing the size of the sign, no add ons to the sign, it is to go back in the ground as laid out in the lot and is not to be moved from the spot. Rob Gentile asked that if in the future they need to service the sign how should they go about doing so and Schleiff said if it needs to be replaced they need to come before the Board again. Garron asked what he meant by servicing it and it was stated fading and wear & tear. Millias wanted to clarify that any replacement of the sign would generate a new permit which would require the Board of Selectmen's approval on the permit application.

Ken Corti – LED Sign

Mr. Corti opened the discussion by saying that in 2010 he came in on behalf of the Lions Club and proposed donating a LED sign to the town. At that time there were many questions from the boards and committees such as size and location. Also there were concerns from the Historical District Commission; hence it was put on hold. Since then these questions have been ironed out and the Board has asked him to come back in.

Roy stated that the Historical Commission had some issue with the LED idea but said that if it can be done in some way that maintains the character of the town such as instead of red lights have white ones, maybe wood and painted so it looks similar to the other signs around town, then they would support that idea of the LED sign.

Mr. Corti presented a collage of numerous sign with different looks and stated that the sign will be up to the discretion of the town; color, size and the material that it will be built. He then went on to explain how the sign works. It is controlled by the town and one person in the town, the program is on a disk that runs on a computer. The sign can be programmed to go on and shut off at a certain time, scrolling up and down or across, non-scrolling, color of the bulbs.

Roy stated that the Historical Commission was not in favor of a scrolling sign and asked if the Lions Club could donate a wider sign. That brought up another question that Schleiff had asked which was how big of a sign were they willing to donate. Before Corti answered that question he said the first question is the location where the sign would be and Roy said that the Historical District recommended at the fire station. There was some talk of putting it at the elementary school but there were some issue with that location.

Corti handed out a sketch of the sign that the Lions club is proposing, which was at the fire station. He said that it would be maintenance free artificial brick or rock. Again the location is up to the town. Corti did bring up the point that the fire station did not have a sign for their location and the station is 120 feet off the road. The example he handed out had the Halifax Fire Department patch on the sign and underneath it the LED sign. The sign could be placed at the same location as the existing one or on the other side but he would need to talk with conservation seeing as there is a river that run along that side.

Schleiff asked if there was a limit to the size of the sign they are donating and Corti said it depends on where it will be and as long as it conforms to the bylaws. Roy added that she thinks that Capital Planning voted for a non-scrolling one because of the way it looks and for safety reasons. Garron stated that Whitman Hanson High School sign is scrolling and thought that it is distracting. Roy also thought that the Historical Commission was adamant about not having it scrolling.

Schleiff asked if the Lions Club would be building the whole sign the sides the columns not just the LED part of the sign. Corti said the whole sign is proposed by the Lions Club. The town can have it any size it wants as long as it conforms with the town's bylaws the size and look it is entirely up to the town. Whatever they want the Lions club will produce.

Sandy Nolan asked Seelig if he knew the size of the current letters that are used for the sign and he did not. Seelig likes what we have now; four lines of information, and would like one message on for brief moment then another message then another and no scrolling. Seelig understands that it up to the Board but wanted to state that you want to provide as much information when someone is driving by and having one message up there for a brief moment is better then having a scrolling message. He said that he is trying to provide to the townspeople as much information as s possible and he feels one or two lines is not going to do it and that four is best in his opinion and Roy agrees.

Roy suggested that John Shea, the Fire Chief, seeing as it is going in front of the station and that he is part of Traffic Study Committee get together and design something that they both agree on.

Schleiff would like the Historical District Commission to also be involved seeing as it falls within the parameters of the historic district. Roy intends to talk with

John Shea this week and show him the proposed sketch of the sign and see what he thinks and have him ask the Historic District Commission their thoughts and then see if he can get in touch with the Fire Chief for his input and maybe they both can work on it together.

Schleiff stated that seeing as the Historic District Commission is on board with this we want to make sure we are conforming to their standards and we would like other Boards/committees for their input. Garron asked if there was specific time frame and Corti said to talk with all the Boards involved then get back to him. Schleiff pointed out that there is a “time saving” on having this sign and Corti agreed stating that the town staff spends at least an hour or more changing up the messages. Corti said to call him once things are in motion and he’ll come back in. The BOS thanked Mr. Corti for coming in and the Lions Club for this generous donation.

GENERAL MAIL / BUSINESS

Fuel Bid

Moved by Garron and seconded by Roy, the Board unanimously voted to continue the contract with Dennis K. Burke, Inc. for the delivery of Premium, Unleaded Gasoline and Diesel fuel to the Town of Halifax for the period July 1, 2012 to June 30, 2013.

Wetlands Fees Fund

The Conservation Commission has decided to fund 50% of the Agent’s salary for FY2013 from the Wetland Fees account. The funds will be available at Town Meeting.

Habitat for Humanity

Seelig met with Dan Armstrong from the South Shore Habitat for Humanity. At this time SSHH does not have any active projects but if the town has any properties that they would be interested in having the agency use for housing to please contact them.

Lamppost Drive

Mike Peterson has filed has a Request for Determination of Applicability with conservation and will be meeting with the ConCom on May 15th. Seelig mentioned to the Board that they would need to make a decision if they are going to recommend the street be accepted at Town Meeting. Schleiff added that seeing as he filed with Conservation he recommends the street be accepted.

Moved by Schleiff and seconded by Roy, the Board unanimously voted to recommend the acceptance of Lamppost Drive at Town Meeting.

Change of Status Form for Gary LeBouef and Edward Fowler

Moved by Roy and seconded by Garron, the Board voted to authorize the Chair, Michael Schleiff, to sign the change of status forms for Mr. LeBouef and Mr. Fowler.

Garron recommended that a letter be sent to Mr. LeBouef thanking him for serving the veterans in the town of Halifax.

Cemetery Superintendent & Burial Agent Reappointment

Moved by Roy and seconded by Garron, the Board unanimously voted to reappoint Robert Badore as Cemetery Superintendent & Burial Agent with a term to expire on May 18, 2013.

Use of Town Green – Congregational Church

Moved by Roy and seconded by Garron, the Board unanimously approved a request from the Congregational Church for the use of the Town Green on Sunday, June 10th, from 8:30 a.m. to 3:00 p.m. for a church picnic.

Donation of Land

The Merrick family would like to donate several parcels of land to the town with a total value is \$ 23,000. If the Board chooses to accept the land then it will be presented at Town Meeting in May 2013. There will be legal cost associated with this and it will need to be decided who will be paying for it. Schleiff would like to see the location of the land and asked if any back taxes are owed. Seelig will get that information and bring it back to the Board.

Sergeant Broderick as Acting Police Chief

Moved by Roy and seconded by Garron, the Board voted to have the Vice Chair, Kim Roy, sign the signature Authority Form for FY2012 allowing Sergeant Broderick to sign payroll and bill warrants while Chief Manoogian is on vacation from May 16, 2012 through May 31, 2012. Schleiff abstained from this vote.

Use of Town Green – Boy Scouts

Moved by Roy and seconded by Garron, the Board unanimously approved a request from the Halifax Boy Scouts for the use of the Town Green on Saturday, June 9th, from 9:00 a.m. to 2:00 p.m. for a fundraiser yard sale.

Vacation Carryover for Officer Albert Hingst

Moved by Roy, seconded by Garron, the Board voted to allow Officer Hingst to carryover two weeks (80 hours) vacation leave from FY2012 to FY2013 in accordance with the contract of the Halifax Association of Police Patrolmen, Article XX, Vacations, Section A. Schleiff abstained from this vote.

Memorial Day Parade

Moved by Roy and seconded by Garron, the Board unanimously approved the request from the Memorial Day Committee to hold a Memorial Day Parade on May 28th beginning at 9:30 a.m. from Shelby Plaza to the Town Hall.

Recycling Center Grant Agreement

The current agreement is being extended from June 30, 2012 to June 30, 2017.

Moved by Roy and seconded by Garron, the Board voted to authorize the Chair, Michael Schleiff, to sign the Recycling Center Grant Agreement.

Kilroy Was Here

A resident from Norwell, Paul Foulsham, wrote a letter to the Board about *Kilroy Was Here*. Seelig is going to send him a letter thanking him for forwarding the information and tell him that the daughter of Mr. Kilroy serves on the Finance Committee here in town.

Kenzies Path – Flow Chart

Flow chart data was submitted to the town in 2006, which a copy has been given to Conservation today but will not be reviewing it until next week when they meet. Seelig is recommending that the Board accept this road at Town Meeting.

Garron and Roy hopes that Conservation is okay with the data. Garron would recommend the street but seeing as Conservation has yet to review this information he is not comfortable knowing that it could go either way. The Board decided to discuss this matter before Town Meeting with the hope that Conservation has reviewed the data and has a recommendation. Seelig is going to ask Conservation where they stand on this after their meeting next week.

Stabilization Fund

Money that was borrowed from the stabilization fund has been repaid as of May 7, 2012 per letter submitted to the Board from Treasurer/Collector Kathy Shiavone.

Council on Aging Luncheon

The Board has been invited to attend the COA luncheon on June 6th. If the Board would like to attend please RSVP by May 24th.

Gordon Riker Benefit 5k Walk/Run road Race

Moved by Roy and seconded by Garron, the Board unanimously approved the fifth annual Gordon Riker Benefit 5k walk/run Road Race for Sunday, June 24th from 10:00 a.m. to 1:00 p.m.

Halifax Country Club

Seelig has invited Halifax Investments to attend tonight's meeting in reference to the matter of (a) that the landowner, Halifax Country Club LLC and the tenant, Halifax Investments are not the same corporation and (2) that in 2011 it was filed with the Secretary of the State's Office that Halifax Country Club, LLC was dissolved. Also a letter has been dropped off by Seelig regarding this matter and to avail have gotten no response. He is recommending that Board hold a hearing in June. Garron stated that he would like to personally go down and talk with John Peck and asked Seelig if he can hold off on scheduling the hearing until he does so but added that if nothing comes out of the meeting then a letter can be sent. Garron intends to speak with him this coming Thursday (May 10th) and will inform Seelig how it goes.

COA Van

There has been no interest from any of the departments for the van therefore Seelig is going to add it to the list of items going out to bid.

Tonello v. Pilotte

Seelig has been called to testify regarding the land court case involving the Tonellos and Pilotte. The Trial is scheduled to begin on May 14th with subsequent sessions in Boston if necessary. Seelig wanted the Board aware of this noting that it begins the day of Town Meeting and he will be gone most of that day.

Bond Release – 111 Lake Street

Moved by Roy and seconded by Garron, the Board unanimously voted to authorize the release of a \$3,000 bond provided by Bay State Gas d/b/a Columbia Gas of Massachusetts that was being held against Road Opening Permit (#2012-11) for 111 Lake Street issued on July 26, 2011.

Town Meeting Warrant

Schleiff and Seelig are going to go through the Warrant book to go over the articles to see who will be speaking on which articles. Technically the town has the money to fund raises therefore Wage and Personnel have approved a 2% increase which FinCom is not recommending. Roy thinks that employees have worked hard, done without, two years ago did not get a wage increase and last year they received a 1% increase.

Schleiff suggested a 1% increase for the employees and said he appreciates that the town employees do their job and they help the public. He felt that the town should hold tight and noted that we have not cut services but its up to the tax payers and how they vote at Town Meeting.

Garron stated that if the money is in the budget for raises then he supports the wage increase.

Roy moved and Garron second to support the 2% wage increase that Wage and Personnel is recommending. Schleiff was not in support on this and the following vote below reflects the Boards vote:

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

EXECUTIVE SESSION

Moved by Roy and seconded by Garron, the Board voted as follows to enter into Executive Session at 9:15 p.m. to discuss to discuss Dispatch, Fire, Patrol Officers, Sergeant, Highway, Fire Chief & Police Chief contracts:

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 10:15 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 10:15 p.m.

Michael J. Schleiff
Clerk

/pjm