

BOARD OF SELECTMEN
SELECTMEN MEETING
TUESDAY, JUNE 26, 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:

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 Schleiff and seconded by Garron, the Board affirmed approval for the payment of the following commitments and warrants with the exception of Schleiff abstaining from the Police Department payroll in warrant #108:

Payroll Warrant	# 108	\$ 211,753.26
Vendor Warrant	# 109	\$ 82,119.51
Withholding Warrant	# 110	\$ 73,934.57
Ambulance Commitment	# 6A	\$ 27,350.34

APPROVED COMMITMENTS AND WARRANTS

Moved by Schleiff and seconded by Garron the Board unanimously approved payment of the following warrant:

Vendor Warrant	# 111	\$ 56,854.74
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The Board acknowledged payment of the Selectmen Office Payroll for the period ending June 16, 2012 in the amount of \$5,761.70.

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

National Grid (Town Hall electricity).....	\$ 785.62
Jordan on the Job (Highway).....	\$ 360.00
Comcast (internet service/Highway Dept.)	\$ 81.90

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

<u>TURNOVER</u>	<u>AMOUNT</u>
2012-92	\$ 75.00
2012-93	\$ 5.00
2012-94	\$ 100.00
2012-95	\$ 725.00
2012-96	\$ 250.00
2012-97	\$ 4,333.33

MINUTES

No minutes were presented to be reviewed or approved.

AGENDA

The Agenda for Tuesday, June 26th, was unanimously approved without revision.

Roy wanted to acknowledge the retirement of George Ruxton from the Highway Department and personally thanked him for his service. Schleiff added that he was a great employee and also available when needed.

Moved by Garron and seconded by Schleiff, the Board unanimously voted that a letter be sent to him thanking him for his many years of service to the town.

GENERAL MAIL/BUSINESS

Ambulance Donation

The Fire Chief has asked the Town if they want to accept a used ambulance from Fallon for CERT. Schleiff is concerned about putting more vehicles on the road. Seelig will send a list of questions to the Chief asking about the vehicle and ask him to come in a month from now to meet with the Board.

Motor Cross Track

There has been a complaint regarding the use motor cross track on the Clawson Property. A cease and desist order was issued back in 2003. The Building Inspector, Tom Millias, has talked with Mr. Clawson and it appears he was away at the time and his son was home. Mr. Clawson has spoken to his son regarding this incident and Mr. Clawson was informed that the cease and desist order still stands.

Paul Kelly – Resignation as COA Driver

Moved by Schleiff and seconded by Garron, the Board unanimously voted to send a letter to Mr. Kelly thanking him for his service to the town.

Monponsett Lake

Due to the high levels of algae the beaches have been closed on the West Monponsett Lake. Natural Heritage has approved the plan that has been proposed by the town with certain stipulations. Unfortunately because the phosphorous is now in the algae it would not be affected by alum treatment and the treatment will have wait until spring 2013.

SCHEDULED APPOINTMENTS

16 Cedar Street

Mr. Deignan has stopped by the Selectmen's office to discuss an alleged on going problems with a possible repair garage being operated at 16 Cedar Street, unregistered vehicle as well a constructed carport. It has been brought to the Building Inspector's attention and he has talked with the alleged operator and the owner of the property and it appears the operation has ceased but returns

sometimes at night or on the weekends. This evening Mr. Deignan wanted to come in a talk with the Board about this problem. He is asking that Board send a letter to the landlord asking this to stop.

Garron asked how long this has been going on for and Millias said a couple of years and Mr. Deignan added it stops then starts. Garron then asked Millias if a permit was issued for the carport and what is the area is zoned. Millias said there isn't much to say regarding a temporary structure (carport) and that it is zoned agricultural/residential. Garron also asked if they had a license and Seelig said no. Millias stated that it is hard to make detection whether it is a business or just doing repairing and added that he has talked with the landlord and is going to talk to the tenant. Millias did talk with the tenant and he was cleaning the property up at the time and since that time there has been some cleaning up.

Garron had asked Millias if he thought the Board should send a letter to the landlord and he said he could seeing as he is the zoning officer but if the Board would like to send one then by all means please do. He also asked if this is the first time and Millias stated this has been back and forth. Roy asked if there were any unregistered cars and Millias did not know.

Mandy Kelly, 16 Cedar Street, stated that they have been there for eight years and there have been issue regarding numerous things so they put up a fence so that Mr. Deignan would not have to look at their yard or be offended by their stuff. She continued by saying that he is always looking in her yard and she couldn't understand why and went on to say that Joe (Kelley) and Mr. Deignan exchanged some words recently, did not have to do so with the issue at hand and Roy stated that she wanted to stay on topic which was the improper use of the property and not bring personality conflicts between the two individuals.

Joseph Kelley, 16 Cedar Street, stated that he does not do any business on the property and that he tinkers on cars and works on his 1975 truck. He added that the carport was bought at Sears and that it is a temporary tarp structure with poles that anybody can buy. As far as the fence it is pretty clear that it is in invasion of his privacy having Mr. Deignan staring in and mentioned that he rode down the street recently and was looking in his yard. Again Roy wanted to stay on topic. He has one unregistered vehicle on the property and two registered vehicles. Roy had asked how often did he tinker and he said here and there and that there are times that he may go two weeks without working on his truck. Roy asked if he could see how it might look like a business and Mr. Kelley said he did. He stated if someone has a problem with what he is doing to just come over and say something he has no problem complying with their request. He said that Mr. Deignan has told Mr. Kelley that he does not like his kind of people.

Garron then asked if he tinkers on other cars besides his own and he said honestly he will do brake pads on his mother in law's car or other maintenance to help her save money. He has a full time job and does not work on cars in a business sense to make money. He does understand how it may come across as a business because at times there is noise coming from there. Garron wanted to say that when you live in a neighborhood what you do may affect others such as affecting their property value. Garron's concerns are the vehicles and whether it is considered a business. Mr. Kelley is willing to comply if need be but feels he is being harassed by Mr. Deignan and said that he has been calling his landlord

stating that he out at all hours of the night and with having two small children he said that is not true and that he works everyday and needs to be up in the morning.

Schleiff then asked if he works till nine or ten at night and does he do it all the time as opposed to off and on. Mr. Kelley said that he might be out there till nine but does not use any power tools past six or seven in the evening and does not work on Sundays except for cleaning and moving stuff around. He stated that he knows what to do and what not to do and is not out there all night working. He added that maybe once in a while if he is doing work on his truck and needs it for work the next day he might be out there later just to get it done.

Millias understands the neighbor's concerns and he has had reasonable conversations with Mr. Kelley. He does have a plan in place to move his equipment to another site to alleviate the situation but does not know if it has panned out yet.

Schleiff asked what kind of equipment does he have and Millias said he has a compressor and did not observe any lifts. Kelley stated that he has a box truck, which is registered, that is out front and he is putting his stuff in to move to another location. Again he stated he is more than willing to take care of this.

Ronald Martin, 264 Cedar Street, Middleboro (Martin's land and Kelley's land abut), wanted to state his problem with Mr. Kelley is the smell from the stuff that he burns where he needs to close the windows because of it and added that he does do work at night. He has seen him tear apart a camper and that insulation is piled up in the yard and pointed out that if he is trying to run a business then maybe he could give the neighbors some consideration but ten o'clock at night is not a big surprise to see him burning. Schleiff asked Mr. Martin if he called the fire department and he went on to say that he lives in Middleboro but Mr. Deignan has and he was told from the fire department that they can't see the fire so they are not going to fight it. Mr. Deignan called the police on June 7th at 9:45 pm to complain about the music blaring and they did come down to ask him to shut it down. He feels that there is no reason to have to have music on that loud at the hour of the night in a residential neighborhood. Schleiff question what night it was on and it was stated a Thursday night. Garron added it didn't matter what day or night it was if it was over a certain decibles it is disturbing. Schleiff suggested that if he sees a fire to call the fire department and they can verify if they have a cook fire permit.

Roy asked if there was anyone else in the audience who may want to make a comment and Brendan Coarr, 30 Cedar Street, (lives one house over) stated that he has no problem with Kelley and said that he hears his neighbor at 24's radio and smells his burning pit before he hears or smells Joe's burning pit. Garron questioned if they had a permit for the burning and Mr. Coarr said he is not the one burning what he is trying to say is the Kelley's are not bothering him; his other neighbor is not bothering him; and across the street there are teenage kids and when they are out they are to bothering him. Garron asked if he was confirming that the Kelley's burn at night and Mr. Coarr said he is not saying that what he is saying is that he does smell burning and could not verify where it is coming from just that he deals with it. Just as he deals with other neighbors having their music up louder that what he prefers he deals with it.

Schleiff asked Mr. Deignan what does he think will resolve some of these issues and he said just that the repair business comes to an end and his word that he moves his stuff. Schleiff wanted to mention that he also works on his cars to save money but does not do it all the time and understands that there is a certain level of fixing cars and that if there are cars constantly coming and going or cars that are left over night or for a week then that would be perceived as running a business. Mr. Deignan did not want to call Mr. Kelley a liar but said that it is a every day business, is not acceptable and that it should be conducted at a place zoned commercial.

Roy asked Millias how he would like to end this issue and he said that it is difficult to distinguish between personal and business work but what would appear to resolve it is move the equipment to prevent the work from being done on sight and if this is in progress he hopes that it will continue to progress. Roy added as Schleiff stated if any burning occurs to call the fire department to verify if a permit has been issued.

Ronald Martin, 264 Cedar Street, Middleboro wanted to verify that he did not say that he was burning the camper but that he takes them apart down to the frame. What he burns he does not know but it smells really bad and the windows need to be closed. Mr. Martin continued to say that maybe the reason Mr. Coarr does not smell anything is because he is on the west side of Kelley's house and he (Martin) is east of it where the wind comes from the southwest and comes east. He understands Mr. Deignan's concern because his property sits up on a hill and has to look at Kelley's property and with Martin his property is blocked by trees.

Mr. Kelley asked Mr. Deignan that if he was so concerned about looking at it what is the problem with the fence he put up for him. Mr. Deignan said it is not so much the problem with the fence but the way the fence is strategically done. There may be a couple of 4 feet sections then it might jump to 6 feet (he stated maybe to hide something) then there might be a piece of plywood.

Moved by Garron and seconded by Schleiff, the Board unanimously voted that a letter be sent to the owner of the property to let him know that we had this meeting tonight. As far as the fence concern the Town's Fence Viewer will be contacted to view the fence at 16 Cedar Street to see if it conforms to the town's bylaws. Garron added to the motion that when Mr. Kelley has moved all the equipment that he please notify the Board of Selectmen's office or the Building Inspector, Tom Millias, letting us know that it has been done.

Schleiff said that he is trying to do something down there and it may not be going as fast as we would like it to but an effort is being made and the Board appreciates everyone being honest in this matter. He asked if Millias could keep an eye on the property to see that it dies down and remains that way.

The Board thanks all parties for coming in conducting themselves in a polite manner.

Mr. Unwin - Walk-a-Thon (not on the agenda but was in audience)

Mr. Unwin was in this evening requesting permission to have a walk-a-thon on September 15, 2012 in honor of his late wife. He submitted an outline of the route which was forwarded to the Fire and Police Chiefs. The only stipulation was from Sergeant Broderick was that he is asking that Mr. Unwin contact him two weeks prior to the event to let him know how many walkers will be participating and at that time the Sergeant can determine if a Detail Officer will be required.

The Board unanimously approved Mr. Unwin's requests with the stipulation that he contact Sergeant Broderick two weeks prior to the event to going over last minute details.

Davis Automotive – Continuance of Fuel Storage Revocation Hearing

The Board will need to decide whether to revoke the Davis Automotive fuel storage permit for failure to pay taxes. Ms. Davis has been notified several times by the Town Clerk regarding the renewal of their fuel storage permit and from the Selectmen's Office via certified mail in addition to Seelig personally going down to see Ms. Davis. It is Seelig's recommendation that the Board revoke the fuel storage license.

Moved by Garron and seconded by Schleiff, the Board unanimously voted to revoke the fuel storage permit for Davis Automotive.

GENERAL MAIL/BUSINESS (CONTINUED)**Solar Farm**

A resident in town, Mr. Lima previously submitted a proposal to the Board to build a community solar garden owned exclusively by citizens of the town and have it built on an available plot of town land. Garron has an issue with using public land for someone to make a profit on and asked what the cost would it the town was to run a solar farm and questioned who would run it. Schleiff had also asked if there were limitations due to the capping of the landfill and if there was funding for towns to do this. Seelig stated that if something is placed on top on the landfill there is no ventilation but it is doable if done properly. He added that here are lot of ways to benefit i.e. rent the land and getting a cut rate on the electricity.

Garron then asked what would be the town's liability if someone builds on town owned property and something goes wrong.

Whether it would be the town or Mr. Lima looking into doing this the Board stated that they should give Mr. Lima the opportunity to meet with them to express his ideas and intentions. Schleiff would like to know the limitations before meeting with Mr. Lima

SCHEDULED APPOINTMENTS (CONTINUED)**Debra DeJonker-Berry – Mass Memories Road Show**

First most the Board wanted to wish Ms. DeJonker-Berry good luck on her up and coming retirement and complimented her on the great job she has done at the library. Ms. DeJonker-Berry wanted to state that even though she is retiring on June 30th she is committed to the Mass Memories Road Show, which she came in this evening to explain what the show is about. She began by saying that The Mass. Memories Road Show is an event-based public history project that digitizes personal photos and memories shared by the people of Massachusetts. Current and former residents of Halifax are invited to bring in three family or community photos. The photos will be scanned into the Mass. Memories database and the residents will then share a story about their photo on video. In addition they will learn how to care for the photo from professional archivists. This event will take place on Saturday, November 10, 2012 at the Halifax Elementary School in the Multi – Purpose Room from 10:00 am to 3:00 pm.

In closing the Board stated that they appreciated DeJonker's commitment to stay and help with the Mass. Memories Show.

Karro Frost – Wetlands Monitoring

Ms. Frost came in this evening to explain to the Board about the research she is doing for the Taunton River Watershed. Ms. Frost is from UMass Amherst and will be working with a team on a wetlands assessment project in the Taunton River Watershed. They are looking for forty sites from a randomly generated list to monitor the watershed and land owned by the Town, located at Richmond Park, showed up. Data will be collected on ground water, insects, vegetation, moths and earth worms and the area will only be used for walking and will not be disturbed in any other way. The work will take place from now until the end of September 2012 but could be done sooner. Ms. Frost will come once a week around 8:00 a.m. and could be there as late as 7:00 p.m. The first initial day it will take her about three to four hours to set up and then she will return exactly a week later to start collecting the data. The Water Department is aware of this project but Seelig will send a letter to them. In closing Ms. Frost was asked to visit the Water Department to introduce herself.

Moved by Garron and seconded by Schleiff, the Board unanimously voted to allow UMass Amherst to do their research for the Taunton River Watershed at Richmond Park.

GENERAL MAIL / BUSINESS (CONTINUED)**Town Vehicle Use Policy**

This discussion is going to be continued until July 10th's meeting. Seelig again will contact the Department Heads asking how the vehicles are being used for both work and/or personal. Garron stated that he wants to see the importance of using these vehicles and Schleiff added that this stems from the *vehicle for inspectional use* not from one individual.

Summer Meeting Schedule

Seeing as the summer tends to be light on issues for the selectmen Schleiff wanted to suggest skipping a meeting. Seelig suggested either skipping August 14th or 28th; Roy proposed the 14th because she was concerned as having a five week stretch in between meetings (no voted was taken to cancel any future meeting at this time).

Town Accountant's Evaluation

Roy had asked the other Board members to review and for their input on the Town Accountant's evaluation that she wrote up. Schleiff was comfortable with Roy's written review and Garron stated that Nolan has done a great job and he also is okay with the review as written.

Unposted Minutes Complaint

"Ed" had complained that the minutes from March 1, 2012 onward had not been posted on the town's website. Seelig has since posted the approved minutes and both he and the Selectmen Assistant have set up reminders to avoid this mishap in the future.

Resignation - Julie Lane from COA

Moved by Garron and seconded by Schleiff, the Board unanimously voted to accept, with regret, Julie Lane's resignation from the Council on Aging. A letter will be sent to her thanking her for serving the on the Council.

APCO/EMD Contract

Moved by Schleiff and seconded by Garron, the Board unanimously signed two (2) copies of APCO/EMD contract.

Audit /Management Representation Letter

Move by Garron and seconded by Schleiff, the Board voted to have the Chair, Kim Roy, sign two (2) original Delegation Agreements for Promotional Police Sergeant Examination.

Dead Bird in Resident's Yard

A resident has emailed Seelig asking if he should contact any agency/town regarding a dead bird that was found in his yard. The State's website indicates that no notification is necessary on the State or Town level.

Town Government Committee

The committee is looking for background information about various personnel procedures in relation to a possible Human Resources Position. Roy added that the committee wants to look at the process of the position to do an audit therefore would like information from Seelig and the various departments. Schleiff asked how long it would take to gather this material and Seelig said he did not know.

Fuel Storage Permits

Permits have yet to be renewed by Halifax Farm Realty and Halifax Country Club. Seelig recommends that a letter be sent from the office stating that if the permits are not renewed by July 9th that a revocation hearing will be scheduled for July 24th. Garron would like to go down there in person to speak with them and stated that younger management has stepped in and there might be learning curve for them. Letters will we sent out as well as visit made by Garron.

Concession Stand Lease Agreement

The lease agreement has been sign by Halifax Baseball and just needs the Board’s signature. Schleiff was concerned that a side letter was not submitted with the agreement but was written in the contract itself. At the boards previous meeting Garron mentioned to put a side letter in because he thought that it would be easier but if putting it the contract itself was not a problem to do he was fine with it. Schleiff stated that he tries to follow what has been voted.

Moved by Garron and seconded by Schleiff, the Board unanimously voted to sign the Concession Stand lease that has the inclusions that was previously voted.

Schleiff had asked if they were keeping track of the revenues and Roy said that she thinks they will submit it. He also was wondering if they were considering having some of the revenue be given to the town for future repairs and it was stated that it was on the table to be discussed.

Line item Transfer

Moved by Garron seconded by Schleiff, the Board unanimously approved the following line item transfer:

FROM	TO	AMOUNT
Town Hall Electricity #01-124-5210	Recruitment & Employment #01-124-5780	\$ 232.38

3 Summit Street

Seelig has received an email from a resident regarding the property owners of 3 Summit who are using town property for parking their vehicle. He also thinks that the fence they put up is too close to the sidewalk. Seelig has contacted Badore about the triangle boundaries and is holding off from sending a letter until he reviews the plans. Seelig took a ride out there and does think that the fence, which just went up a few weeks ago, is too close to the sidewalk and did see a blue truck (owners of 25 Summit Street) on the town’s right of way.

Moved by Garron and seconded by Schleiff, the Board voted to have Seelig send a letter to both parties at the two addresses list above in reference to the issues that were discussed this evening.

Sub-Lease of Concession Stand

The Halifax in Lights Committee would like to use the concession stand. Halifax Baseball appears to be in approval of granting a sub-lease if the following conditions are met:

- Town’s insurance policy covers the Halifax in Lights
- food permit requirement from the Board of Health (there will be a fee)
- the day use agreement (Board could waive fee)
- fee requirement (Board could waive fee)

Seelig recommended that the Board waive the fees except for the Board of Health’s.

Moved by Garron and seconded by Schleiff, the Board unanimously voted to allow the Halifax in Lights Committee sub-lease the concession stand from Halifax Baseball and waive the fee requirements except those from the Board of Health.

Schleiff added that the Fire Chief be asked of any stipulations where this might interfere with the fireworks and that the committee coordinates any happenings with the Fire Chief.

Patrol Officers’ Contract

Moved by Garron and seconded by Roy, the Board voted to sign the contract between the Town of Halifax and Halifax Association of Police Patrolmen effective July 1, 2011 through June 30, 2014. Schleiff abstained from this vote.

Amended Line Item Transfer

Moved by Schleiff and seconded by Garron, the Board voted to amend the following line item transfer:

FROM	TO	AMOUNT
Heating Oil – All Buildings #01-472-5410	Highway – Wages Clerical #01-420-5113	\$ 2,000.00

AMEND TO

FROM	TO	AMOUNT
Highway Wages #01-420-5115	Highway – Wages Clerical #01-420-5113	\$ 2,000.00

Partners at Home Contract

Moved by Schleiff and seconded by Garron, the Board voted to have the Chair, Kim Roy, sign two (2) Public Health agreements between Partners home Care, Inc. and the board of Health for the year July 1, 2012 through June 30, 2013.

Tire Swings at HOP Playground

The Town Clerk’s Office has received a complaint regarding the tire swings at the HOPS Playground. Seelig has gone over there and saw that one swing has a hole in it and the other one is cracking. He recommended to the Youth and Recreation Commission that they be removed ASAP and replaced when possible.

Delegation Agreement

Moved by Garron and seconded by Roy, the Board voted to have the Chair, Kim Roy, sign the Delegation Agreement for Promotional Police Sergeant Examination. Schleiff abstained from the vote.

Alcohol License – Halifax Country Club

The Secretary of State’s Office has reinstated the Halifax Country Club, LLC. Seelig is waiting to receive a copy of the lease agreement between Halifax Country Club, LLC and Halifax Investments.

Mosquito Contract

Moved by Garron and seconded by Schleiff, the Board voted to authorize the spraying around the Town Hall, Halifax Elementary School, Holmes Library, HOPS Playground and playing fields behind the elementary school.

FY2013 Reappointments to Boards and Committees

Moved by Schleiff seconded by Garron, the Board unanimously appointed the attached list of individuals to various boards and committees terms to expire as indicated (attached hereto and made an official part of these minutes).

Fourth of July Events

Before concluding tonight’s meeting, Roy wanted to mention to the public the 4th of July events that will be taking place on Saturday, June 30th on the town green. The festivities begin on the Town Green from 10:00 a.m. to 4:00 p.m. and continue across the street with a DJ, food vendor and end with a fireworks display at 9:15 p.m.

EXECUTIVE SESSION

The Board voted as follows to enter into Executive Session at 10:00 p.m. to discuss the Police Chief’s contract. Roy announced that the Board will reconvene in open session at the end of the Executive Session:

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

Moved by Roy and seconded by Garron, the Board voted as follows to come out of Executive Session and reconvene in public session at 10:12 p.m.

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

Police Chief's Contract

Moved by Garron and seconded by Roy, the Board voted not renew the existing contract for the Police Chief that will end on June 30, 2013 and that the Board will be working on a new contract between this period and the time he leaves and will notify him that they do not intend to reappoint him as Police Chief past June 30th.

Garron stated that part of the reason for the above motion is that the Police Chief has given the Board the intention that he is going to retire on June 30, 2013 and that is why the Board is making this motion at this time.

Seelig stated that all this is related to both the State's statues and the current contract because there are various provisions that require these notifications and this not out of malice but simply part of the routine.

Roy stated that they will him well on his retirement.

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

Michael J. Schleiff
Clerk

/pjm