

BOARD OF SELECTMEN  
SELECTMEN MEETING  
TUESDAY, OCTOBER 9, 2012 - 7:30 P.M.  
GREAT HALL

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

The following business was discussed:

**AGENDA**

Schleiff asked the Board if they could go into executive session to discuss the security of the Town after concluding in public session.

With the above additions, the agenda for Tuesday, October 9<sup>th</sup>, was unanimously approved.

Schleiff wanted to acknowledge that it is breast cancer awareness month and offer his condolence to the Ledwell family for the loss of their daughter over the weekend. Roy also stated that on behalf of the Board she extended their condolences.

In addition Roy added that Comcast is having a open house on Saturday October 27<sup>th</sup> at their office located at Cumberland Farms here in Halifax. She also wanted to remind the residents about the Mass Memories Road Show that is coming to Halifax on November 10<sup>th</sup> at 9:00 a.m. in the All Purpose Room at the Halifax Elementary School encouraging them to bring old or recent photos to the event and tell their stories about them.

**MINUTES**

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

Regular Session – September 25, 2012

**AFFIRMED WARRANT**

Moved by Schleiff and seconded by Garron, the Board unanimously affirmed approval for the payment of the following warrant:

Vendor Warrant	# 27	\$ 780,122.56
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**APPROVED COMMITMENTS AND WARRANTS**

Moved by Schleiff and seconded by Garron, the Board unanimously approved payment of the following commitments and warrants with the exception of Schleiff abstaining from the Police Department payroll in warrant 28:

Payroll Warrant	# 28	\$ 327,588.43
Vendor Warrant	# 29	\$ 18,740.72
Mobile Home Park License Fee	# 10	\$ 5,160.00

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

Matthew Bender & Co., Inc. (MA Laws rules) .....	\$ 177.73
Attorney Lawrence P. Mayo (legal services/Sept.) .....	\$ 2,034.25
Kelly McAvoy (reimbursement for mailbox-damaged caused by F/D) .....	\$ 131.16
MMPA (labor relations seminar-Seelig) .....	\$ 60.00
Malloy, Lynch, Bienvenue, LLP (audit yr. end 6/30/12) .....	\$ 6,500.00

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

<u>TURNOVER</u>	<u>AMOUNT</u>
2013-24	\$ 4,333.33
2013-25	\$ 5.00

The Board acknowledged payment of the Selectmen Office Payroll for the period ending October 6, 2012 in the amount of \$5,988.02.

**GENERAL MAIL / BUSINESS**

SolarBee Proposal

The Board of Health wanted to inform the Board of the cost estimates on SolarBee. SolarBee is solar powered water circulators used to control harmful blue-green algae blooms, reduce odor issues, improve fish habitats and improve overall water clarity. No action is needed from the Board at this time.

Garden Road

The MBTA will be gathering the information needed for the acceptance of this for the May 2013 Town Meeting.

Plymouth County Charter

The charter’s proposal has not been acted upon by the Legislature and will not be on the November 2012 ballot. No action is needed from the Board right now but Seelig asked then if they want to get involved. Garron mentioned that there is going to be an Advisory Board meeting in the near future and that it probably will come up and will let the Board know how it turns out.

715 Plymouth Street

The former owner, Lisa Kravitz, contacted the office explaining that the house was foreclosed on and that the bank is the current owner. Garron questioned the trash and the vehicles and as stated in a memo for the Board one vehicle has been taken and the other is scheduled to be picked up. As for the trash Seelig stated that it is still there.

Signature Authority for Fiscal 2013

Moved by Schleiff and seconded by Roy, the Board unanimously authorized Troy Garron to be the primary signer for the office payroll with Kim Roy as the alternate.

Reconciliation

The Auditors have made three attempts asking the Treasurer-Collector the status on reconciling the books. As of this time there has been no word back from her. Seelig stated that he has talked with Shiovone but her progress has not been discussed hence he does not have that much information to give the Board.

**SCHEDULED APPOINTMENTS****Rick Springer & Rick Lincoln – Blackledge Farm**

Mr. Lincoln and Mr. Springer came in this evening to go over their plans for a 62 home subdivision off of Franklin Street. Mr. Lincoln began by saying that the drawing (*copy attached hereto and made an official part of these minutes*) he presented tonight is the reincarnation of the Old Blackledge Farm. Two or three years ago he came before the Board for approval for a 120 single family units development. He proceeded to meet with ZBA reducing it to about 80 homes then putting it on hold and then at one point withdrawing for the 40B because the area was too dense of a development. Lincoln thought that they could work with the towns existing by-laws and regulations and get a special permit for 51 multi-family units but he thought the site was not right for 51 units so he then reduced it to 21 to 24 lots but only to find that there was a problem with the plan not complying with the town's by-law regarding the outside radius points of the street. Next option would be to move the road and if he was to do that he would have to blow out about 15,000 square feet of wetlands and add a retaining wall. Doing this would cause too much impact on the site so the only way to develop the property would be a Chapter 40B because of having to come through the seventy five feet stretch of road (as shown on sketch). Mr. Lincoln added that unless there was some kind of waiver from the town to come in the other way, they would settle with the road opening.

Roy asked if the reasoning of the by-law regarding the opening of the street was for public safety. Gordon Andrews, member of Planning Board, stated yes it was and said that the town's by-laws states that for sub division there has to be fifty (50) feet of a right-of-way with a thirty (30) foot radius.

Schleiff asked if there were any line of sight issues and Mr. Lincoln stated that there aren't and continued to say that they did a traffic engineering study for 120 units and it passed with no road work required by them.

Roy asked how many units are involved for this current proposal and Mr. Lincoln stated that they have not filed yet but said it would be 62 single family homes on lots with single septic systems. She asked if it was to be a 40B would the numbers stay the same. Mr. Lincoln answered that this proposal is for a 40B because that is the only way this can be done. Schleiff pointed out on the sketch it was noted that there would be 16 moderate income homes and 46 market rate homes. Lincoln stated that on the original plans for the multi-family units there

was a pre-treatment system further up in the development but on this proposal he designed it so that every home has its own septic systems. The perc tests have not been done and said that if they do not perc, which he is confident that they will, the lots will be reduced. He continued to say that the homes will be between 1,500 to 2,000 square feet with full basements, 3 bedrooms, 2 car garages; some will be detached and some will have lanais.

Garron asked, based on the drawing he presented this evening where the road opening is, does it still affect the wetlands (wetlands are located to the left of the road opening) and Lincoln said it does but not as much if they came in the other way. He explained that seeing as the road in the development is looped it will maximize the impact of the wetlands also if a gravel road is done it would also help. He also asked if he has had any official meeting with the Planning Board and he stated that this preliminary meeting tonight was to alert everyone and get some feedback before he submits to Mass Housing. Mr. Andrews added that this will not go to the Planning Board because it is a 40B.

Seelig explained the process and began by saying the developer would send it in to the State for a site approval. The State then would send someone down here and a hearing would be scheduled in addition the Board could hold its own public hearing. At some point the State will approve the next step whether it would be to move on or there might be some revisions or it could be rejected. If approved it will then go to ZBA and a formal hearing will be scheduled to obtain the necessary permit for the 40B sub division. Roy asked if ZBA could turn it down and Seelig said yes they could turn it down, or say yes, or yes with conditions but keep in mind if turned down it can be appealed. Roy asked if the Planning Board would sit in on the hearings with the ZBA and listen to the process and Seelig said that they do not have an official role. Lincoln did say that he can go before the other Boards but it needs to be approved by the ZBA.

Schleiff asked if we were asking for a *friendly* 40B. Seelig explained that a *friendly* means that the Board of Selectmen would sign off stating that they are endorsing it and it is his understanding that if endorsed there would be a reduction in the number of units that have to be affordable.

Attorney Larry Mayo asked if this was a "proposal" tonight or was just informational and if it was a proposal then the Board would need to be receptive to it and willing to work with them. Lincoln said that he could propose it tonight but was not sure how to go about it and would need to get clarification on how to do so.

Roy said personally that she would like feedback from the Planning Board and ZBA. Seelig said that Planning Board can get involve but the ZBA would be the ones who would or would not issue the special permits. Roy asked when Conservation would get involved and Seelig said that they could get involved early on and the BOS will get their input. Lincoln stated that Conservation is familiar with this site as they have approved all the conservation lines and he has recently done a filing for a temporary bridge construction which has been approved by the Conservation. Seelig said that the Board would give everyone a month to get their information together and present their concerns as well as the residents will be notified.

Schleiff wanted to point out that a *friendly* will have an impact on the services for the town, schools, fire, police, more traffic as well as an increase in population and said that at this time the town is not staffed for this. Garron said that last time a *friendly* was presented the Board was asked to send a letter to the State pointing out why they did not want a one. Garron is not saying that it is a bad project but is just concerned and has talked with people and they are concerned with the quality of life. Whether it is increasing the population or helps the town because we can only increase our revenue by 2.5% and a lot of times with new people coming in that will affect our rate.

Rick Springer pointed out that it will generate tax revenue and Schleiff said that the tax revenue does not outweigh the impact and he agreed. Schleiff asked is it more money in or more out and Lincoln said that at this time you don't know the demographics therefore not able to get that figure.

Lincoln wanted to point out that the roads are not accepted roads so that would be up to the town. Garron said that he realizes that but having experience in other units that have been built in town somewhere down the line the residents will be saying I'm paying taxes and I want the road accepted and taken care of like everyone else.

Schleiff asked Mr. Lincoln if he could get the impact of the taxes versus the influx in the town. The answer to that question at this time might be hard to give because he explained that a 40B was developed in East Bridgewater with 66 homes having 3 bedrooms and said that there were some families with kids but was surprised that there more people were on the down ward side of families (i.e just 2 people) so there is a balance in this particular development. He does not know what the average is but said it was less than he thought five of six years ago but that could change going forward.

Roy had asked Mr. Andrews if he was satisfied and if anyone from the audience had any questions; one gentleman said nothing at this point.

### **GENERAL MAIL / BUSINESS (CONTINUED)**

#### MassDOT Transportation Meetings

MassDOT will be holding meetings across the State to discuss the future of transportation in the commonwealth. The closest meeting will be on October 30<sup>th</sup> at the Conference Center at Massasoit Community College. MMA is urging communities to attend to support increase in Chapter 90 funding. Garron suggested that Highway attend and Seelig added that he has notified the Highway Surveyor about these meetings. Roy stated that she will attend.

#### MMA Regional Breakfast Meeting

Seelig wanted to remind the Board that on Friday October 12<sup>th</sup> MMA will be holding regional breakfast meeting, which he plans on attending.

### Adult Literacy Program

The Library Trustees met with Elaine Wissel, at her request, to address some issues that Ms. Wissel wanted to talk about hence a mutual agreement was made. After this meeting the agency funding Ms. Wissel work, Citizens for Citizens, had decided not to submit an updated agreement to the Council on Aging for her to use Pope's Tavern for this program. No action is needed from the Board, this was just an fyi.

### Northlands Property

The conveying of the land from Capital Asset Management to Halifax will take a while. If the Board has any questions or comments they would need to be submitted by December 30<sup>th</sup>.

### Audit

The Auditors are postponing the field work until November due to the lack of reconciliation reports.

### Dogs on the Athletics Fields

The office received a call this afternoon from a resident regarding the problem of dog waste on the playing fields and athletic track behind the school. Seelig has notified Youth and Recreation and the school about this matter asking them for comments and ideas. Roy had suggested fining the owners; Seelig stated that there would need to be a by-law change to do that and added that it would be hard to enforce who is doing what because there is no one there 24/7. Schleiff asked if the Board of Health had any regulations and Seelig said that he would check with them. Seelig asked the Board if they were in favor of more signage down there, active enforcement or fines. Nothing was voted on this evening.

### Legacy Cemetery Plot

Edward Smith came by the office to ask some questions about his family cemetery plots. Years ago his grandmother purchased several lots and has since passed away. In a will (the only copy is evidently in storage) she left the lots to Mr. Smith's father and daughter in-law both whom have passed away without leaving a will. Mr. Smith would like something from the town releasing the lots to his family but seeing as there was no will and his mother's estate was never probated the town cannot release the lots to anyone. Seelig told Mr. Smith that he could write a letter or meet with the Board and ask them to consult with town council to determine whether the town can release the lots without further documentation. Roy stated that she was not in favor of spending money for town council on an issue that does not pertain to the town itself. Nothing is needed from the Board at this time Seelig just wanted them aware of the matter.

### Update on Open Meeting Laws

Seelig wanted to update the Board on some issues that were brought up at the recent workshop he attended regarding Open Meeting Law. One being that in order for remote participation to occur the chairman or the chairman's designee must be physically present at the meeting place.

Another was that on a regular basis committee and boards need to review all executive session minutes to determine whether they can be released. Seelig suggested that the Board choose one of their meetings in November to review everything so far in 2012 and then every six months go through new minutes plus another past year. Schleiff stated that we generally release on request and Seelig said that doing it this way we are releasing them before hand just in case someone might want them. Schleiff asked if we could just release executive session minutes now going forward and Seelig said that he can check with the Attorney General's Office on that. A table will be put together for the Board to review.

One last thing was that was brought up was that when going into executive session the chairman should declare that deliberating during open session would have detrimental effect on the matter.

#### Surplus Equipment

Seelig had previously given the Board a draft for a policy on procedures for surplus equipment for them to review and come back with any revisions or input. At this time nothing has been added or deleted, therefore the Board will take a vote on the policy at their October 23<sup>rd</sup> meeting.

#### Pinning of Fire Lieutenants

The fire chief would like to have a pinning ceremony for a couple of the firefighters who have moved up the ranks as lieutenants. The Board agreed to have them come in at their meeting on October 23<sup>rd</sup>. Seelig will contact Chief Carrico to set up the appointment.

#### Surplus Vehicles Offered by Silver Lake District

Schleiff had asked if the fire chief was awarded the vehicles that were offered by S.L. Regional School District. Seelig stated that the letters of interest were due Friday October 5<sup>th</sup>. The fire chief did forward a letter to the district.

#### Donelson Scholarship

Seelig asked the Board if they would like to draw on the principal amount when giving out this scholarship and what amount would they like to give. In the past \$250 was the amount that was given out. This topic will be revisited at the Board's next meeting.

#### Ethics/Conflict of Interest Form

The Board needs to sign a written acknowledgement that they have been provided a copy of the Conflict of Interest Law for Municipal Employees from the Town Clerk or off the town's website.

**SCHEDULED APPOINTMENTS (CONTINUED)****Halifax Country Club**

Roy excused herself from the hearing as she is a member of Halifax Country Club

Before opening the hearing Seelig wanted to say if the Board intends to take any action the following should take place: (a) open the hearing (b) review the documents that Seelig has given to them including the commentary from the town council then (c) the board can take the matter under advisement and make a decision at a later meeting or make one tonight.

Garron opened the hearing at 8:36 p.m. to discuss the license of the Halifax Country Club. He asked if there was anyone here from Halifax Country Club to represent the club hence no one came forward. Garron asked what has the Board done to encourage the individual to submit the material to the office. Seelig began by saying that a certified letter was sent informing them of this public hearing and the reason for the hearing was because they have failed to submit a lease to the BOS showing that they are properly leasing the land from the property owner. A lease was submitted from them but the parties mentioned in the lease are not named correctly. There also is another problem with officers and directors of the license holder as they have been changed according to what has been recorded with the Secretary of State's Office. At this time our current license shows a series of officers and directors that the lease does not. On the other hand the lease does show officers and directors that are correct with the Secretary of State's Office. Seelig had sent everything to town council, Attorney Mayo, for his review and he has provided the Board with his opinion regarding the parties of the lease.

Garron asked if they were okay with the State and Seelig said no they are not and explained that we are dealing with 2 different agencies one is the ABCC and the other is the Secretary of State's Office. Seelig continued explaining that this past spring Halifax Investments, Inc. filed documents with the Secretary of State changing the officers and directors but what they failed to do was provide that information to the Selectmen's office, even after a letter was sent to them indicating that town noted in a newspaper article the business had been sold. They stated that the business was not sold only that the officers and directors had changed at that time. We currently have no lease agreement showing the relationship between the property owner and the license holder (both are two different entities). A lease agreement was submitted a couple of months ago (July), which was totally inadequate, and after receiving a letter (dated August 27, 2012) from Seelig a new lease was submitted and again there was problems with that one which listed parties in it who don't exist and neither one was the license holder or the property owner. After Halifax Investments, Inc. received a certified letter (dated September 12, 2012) from Seelig, Seelig stopped by their office with yet another letter (dated September 27, 2012) explaining in detail the problems with the second lease and that they need to file the required forms with the Board of Selectmen and ABCC reflecting the change in officers and directors that had been filed with the Secretary of State. As of this evening it has not been done. Garron asked how long have we been dealing with this and Seelig said about six months.



Schleiff questioned the two lease agreements that were received. Seelig stated that one was received several months ago then a new was submitted to the office about 2 weeks ago.

Garron then asked at this point what action can the Board take. Seelig said that the Board could (a) continue the hearing; (b) close it to take under advisement for future decision; or (c) make a decision tonight which could be suspension or termination of the license. According to what has been said tonight, Garron stated that the problem is that the Board has given a license to someone who doesn't exist. Seelig said the entity exists but the Board needs copy of the current lease and continued to say that this has been made clear to Halifax Investments and they have been given ample time to get this done and have been notified of the hearing this evening and still did not make the effort to show up and there has been no communication as to why they are not here. Not to mention the letter that was physically dropped of at their office last week.

Schleiff questioned that Halifax Investment Inc. does not exist as stated on the lease and Seelig explained that you cannot have two people doing business as a corporation and added that when the lease was draw up the property owner's name was not listed properly. As previously mentioned the way everything was draw up it was done carelessly and if an attorney had drawn it up it probably would have been written correctly.

Schleiff feels that we are getting jerked around and Garron stated that he personally has gone down there on two occasions to speak with them. His recommendation at this time is to suspend their license. Seelig said that they need to be specific as to how many days they were going to do that. Garron continued to say suspend it for ... as of tonight... Seelig stated that you could not do it as of tonight because they have the right to appeal to ABCC. Garron then mentioned twenty days. Schleiff then asked how long would it take for them to correct these issues. Seelig stated that at this point as far as tonight's hearing it specifically pertained to the lease. Seelig attempted to request that Board hold another hearing in the future on the fact that they have failed to file the correct papers of the officers and directors. He pointed out that the renewal of 2013 licenses will be starting in about four weeks and the form from ABCC will have the incorrect information on it therefore Halifax Investments cannot legally sign it and the Board cannot legally approve it.

Garron moved to suspend the license for twenty days ... Schleiff stated November 1<sup>st</sup>. (there was no second to this motion)

Garron continued to say that his first thoughts was to revoke the license until such time they give the Board the information that is necessary to bring it up to date because he wants to give them another opportunity to get this straightened without going through a revocation hearing. Schleiff questioned even if they vote to suspend does it have to go through a period of... Seelig said that they have the chance to appeal to ABCC and said that Board would be better off picking a date far enough in advance so that if they want to appeal they have the time to do so. Garron asked Seelig what he thought would be accurate and he just wants to get their attention and have them get this done without financially hurting them and his suggestion would be to suspend their license on Wednesday November 21<sup>st</sup>. for one day.

Schleiff asked what November 21<sup>st</sup>. was and Roy stated it was the day before Thanksgiving. Seelig was aware of this and his reasoning was in general when suspending a license you can do it first for 1 day then 3 days then termination or 1 day 5 days then termination something along those lines. In his opinion it is just sloppiness with the paperwork in connection with bad operating procedures as opposed to serving an underage person, which he would take more seriously. Seelig is recommending that the Board suspend the licenses for 1 day that is far enough in advance for them to appeal it.

Garron removed his original motion and would like to go with the recommendation of the Town Administrator for a one (1) day suspension on November 21<sup>st</sup>.

Moved by Garron and seconded by Schleiff, the following vote was taken to suspend Halifax Investments license for one day on November 21, 2012:

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

**EXECUTIVE SESSION**

Moved by Garron and seconded by Schleiff, the Board voted as follows to enter into Executive Session at 8:52 p.m. to discuss security and the safety of the Town and Roy added if talked about it in public it would detrimental to the town:

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

Garron announced that they will not be coming back into public session to make any statement at the end of the Executive Session and stated the next meeting will be October 23<sup>rd</sup>.

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Moved by Schleiff and seconded by Garron, the Board voted as follows to come out of Executive Session at 9:10 p.m.

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

**MEETING ADJOURNED**

There being no further business, moved by Schleiff and seconded by Garron, the Board unanimously voted to adjourn the meeting at 9:10 p.m.

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Michael J. Schleiff  
Clerk

/pjm