

BOARD OF SELECTMEN  
SELECTMEN MEETING  
TUESDAY, NOVEMBER 27, 2012 - 7:30 P.M.  
SELECTMEN MEETING ROOM

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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:

**PLEDGE OF ALLEGIANCE**

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

**AGENDA**

Schleiff wanted to add a discussion on the question that passed regarding marijuana at the end of the evening.

With the above additions, the agenda for Tuesday, November 27<sup>th</sup>, was unanimously approved.

**MINUTES**

None to be approved at this time.

**AFFIRMED COMMITMENTS AND WARRANTS**

Moved by Schleiff and seconded by Garron, the Board unanimously affirmed approval for the payment of the following commitments and warrants with the exception of Schleiff abstaining from the Police Department payroll in warrant #40:

Payroll Warrant	# 40	\$ 325,391.05
Vendor Warrant	# 41	\$ 188,948.55
Withholding Warrant	# 42	\$ 123,764.95
Ambulance Commitment	# 11A	\$ 15,442.56

**APPROVED WARRANT**

Moved by Schleiff and seconded by Garron, the Board unanimously approved warrant:

Vendor Warrant	# 43	\$ 81,477.67
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Moved by Schleiff and seconded by Garron, the Board unanimously approved payment of the following Selectmen bills:

National Grid (service for concession stand).....	\$	26.73
National Grid (service for Town Hall).....	\$	722.74
MMMA (Seelig meeting 12/13/12) .....	\$	30.00

The Board acknowledged payment of the Selectmen Office Payroll for the period ending November 17, 2012 in the amount of \$5,988.02.

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

<u>TURNOVER</u>	<u>AMOUNT</u>
2013-37	\$ 1,541.75
2013-38	\$ 275.00
2013-39	\$ 450.00
2013-40	\$ 130.00
2013-41	\$ 25.00
2013-42	\$ 100.00
2013-43	\$ 1,250.00
2013-44	\$ 125.00
2013-45	\$ 2,650.00
2013-46	\$ 150.00

### **GENERAL MAIL / DISCUSSIONS**

#### Liquor License – 10:00 AM Sunday Opening

Joseph Peck was in last week asking about the possibility of having their alcohol license for the Country Club amended to allow them to open at 10am on Sundays. He was told that a written request (one has not been received) must be submitted and then presented to the Board and they then can decide what steps they would like to take in order to make a decision (notify license holders, notify abutters, hold public hearing, etc.).

As stated by Seelig the Country Club, Monponsett Inn and All Seasons all have 11am openings and Hawaii Garden, Grille 58, The Tee Box and Bella's Pizzeria II all have a noon opening.

Approval of 10 am opening could be done on a case-by-case basis. At this time no action is needed by the Board, Seelig just wanted them aware that this may come up in the future. Garron's personal opinion was that if you can't get your liquor six days a week he didn't appreciate it being served on Sundays.

#### Parking Ban

After relaying the Boards discussion of their last meeting to Mr. Doherty, Seelig received a confusing email from him. No action is needed from the Board just an fyi.

#### Ethics Commission Training

The Ethics Commission will be having separate training module for municipal employees starting December 10<sup>th</sup>. Seelig will send a note out to the department heads. Garron asked if the State is different from the town and Seelig said that the training will be more geared towards town issues.

#### Brandon Hanss – 111F

Moved by Garron and seconded by Schleiff, the Board unanimously voted to place Patrol Officer Brandon Hanss on 111F status for one day, November 11, 2012.

### Stabilization Fund

The Board received a memo from the Treasurer/Collector stating that the funds borrowed from the stabilization account have been wired back in to stabilization as of November 20, 2012.

### Recycling Grant

Seeing as Schleiff signed the last grant for the recycling grant he will need to sign this one on behalf of the Board.

Moved by Garron and seconded by Roy, the Board allowed Michael Schleiff to sign the recycling grant on behalf of the Board.

### Revalidate Medicare Enrollment

Moved by Garron and seconded by Schleiff, the Board authorized the Chair, Kim R. Roy to sign the Medicare Enrollment Agreement.

### Donald Crowell – 111F

Moved by Garron and seconded by Schleiff, the Board unanimously voted to place Firefighter Donald Crowell on 111F status as of November 26, 2012 as medical expenses has been incurred and wages lost.

### Tyler Bryant– 111F

Moved by Garron and seconded by Schleiff, the Board unanimously voted to place Firefighter Tyler Bryant on 111F status as of November 26, 2012 as medical expenses have been incurred.

### Land Donation - Clyde O Bosworth Road

As requested Seelig has contacted the Kiernan family to see if they are interested in purchasing this small piece of land that abuts directly beside their property. Mr. Kiernan has gotten back to Seelig stating that they have no interest in doing so.

### Community Innovation Challenge Grant

Seelig is applying for this grant to provide training on human resource matters to department heads in a number of communities. He would like to do this for a couple of reason one being because Halifax as well as other small communities do not have personnel departments therefore there is no one assigned to handle these issues and feels this is away to educate people. Deadline for this is November 30<sup>th</sup> and if approved the funding will come from the State.

Roy thinks it is a great idea and thanked Seelig for putting this together but is concerned that the grant money may not become available due to the forecast of State's budget. Seelig did want to mention that the Board of Health is also working on a regional grant and stated that towns are not limited to the amount of regional grants they are interested in pursuing.

Garron asked if Seelig had checked with places like the jail to see if their resources are available to do any training as they have huge resources for training their people and thought maybe it might not cost much and suggested to call.

Schleiff asked if it was similar to the Board of Health grant and did it included travel and expenses and compensation as they will be out of the office. Seelig said the Board of Health grant will be a continuing situation the one Seelig is looking into is a one shot deal and explained that there will be series of two training sessions one in western Mass and the other in SE Mass that will consist of three full days. Seelig said the grant will not be paying for the mileage, expenses or employees being out of the office. Schleiff questioned that because 911 grants do reimburse for pay but as Seelig said it would be department heads who are attending these sessions and they are on salary and there would be no need for someone to fill their position for the day.

Schleiff asked if he had someone in mind to do the workshop and Seelig said no that he would go out to bid then contract it out and that person/firm will run the workshops.

Garron mentioned a couple of topics he thought should be touched upon to name a few were reprimand, affirmative action, warnings etc. Seelig agreed and stated that there are three areas he was interested in and said each workshop will be broken down into groups which will cover different phases of the job.

Moved by Garron and seconded by Schleiff, the Board unanimously voted to allow Seelig to investigate the possible grant for human resource training and have the Chair, Kim Roy, sign the grant.

## **SCHEDULED APPOINTMENTS**

### **Barbara Brenton – COA Volunteer Report**

Ms. Brenton came in this evening along with COA Member Sharon Hartz to let the Board know how much money the town has saved through volunteers helping out at the Senior Center. She began by saying that there are eighty six volunteers who have volunteered approximately twenty nine hundred hours, which has saved the town \$60,465. She continued to say that these volunteers help out with numerous events, activities and programs at the center that are offered to the seniors.

Ms. Hartz said that she helps out with meals on wheels and said that it is very gratifying. She meets a lot of people and it is a great program. She added that not only do the volunteers provide their time but also bake to help out at the center.

Roy stated that the town could not do what we do for the seniors without the help of these eighty six volunteers and added that they are always looking for volunteers and thanked Ms. Brenton for coordinating everything that happens at the Senior Center. In closing Ms. Brenton mentioned she is looking for someone with publishing knowledge to help with the newsletter so if anyone was interested to please contact her.

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

### **Recycling Abatement Request – Bill # 1530**

This request is from someone who at this time is serving in the military and Garron stated that this is the first time the Board has had someone apply for an abatement that has been in this situation. Garron asked if anyone was living there or is the house going to be completely empty for ten months. He mentioned that

we allow a partial abatement for those who have summer homes and it was said that the individual is not there for ten months. Seeing as he is serving out of the country Garron thinks this should be abated for the whole amount and even though he will only be gone for ten months because it could be more if they need him.

Roy asked if they should review the policy before abating it and read a portion of the request stating that this person is currently on active duty and serving on the National Guard the home is vacant and being looked after by a relative and a neighbor. His orders were also attached to the request. Garron said that if he was just doing a weekend training it would be a different story but he feels it is warranted as he is out of the country for a least ten months. Roy wanted to propose setting up a policy for deployed residents who are on active duty and the property is vacant and is no one was living there, that is if Garron and Schleiff were in agreement.

Schleiff wanted to clarify that this was a request for abatement from someone serving overseas and the house is vacant. He said if it is vacant then he is not recycling and should follow a similar policy. Roy stated that there is not a policy for vacant property but would need to make one for residents that were deployed. Garron said that they could add to the current policy to include this not because of active duty but because he will not be in it for a year.

Roy said that the policy states that there is no abatement for vacant homes but this would fall under a vacant home because the resident is deployed. Schleiff asked how would we know if it is vacant because of being deployed... would we ask for a water bill and Roy said from his orders. He then asked if the water bill reflects that he is gone and it was stated that no water bill was submitted but Roy said it was in his orders. Schleiff questioned that the orders says that he is gone but who is to say that there is not someone else living in the house. Roy asked if they could get proof with a water bill. Schleiff said that is one way and the other would be the electric bill. Garron stated the water bill was the one they used because there is no way to verify the electric unless the resident sent in six months of electric bills.

Garron asked to amend his recommendation and said based on a report from the Water Department that water has not been used for the amount of time that he has been gone, which Roy said that it would only show no water usage for October and November. Schleiff thought that it shouldn't be to specific months but for a duration asking if they had something stating six months on non use of water and Roy said that they will not have that because he was just deployed in August, which his orders specifically state, and said that they have proof that he going to be gone and thinks it is warranted.

Seelig suggested checking with the Water Department to see if water has been shut off because currently the Board is using the standard of no use of water and electricity and tend to lean towards water but at this time we do not have proof water has not been used. He said that if you are going to amend the policy under vacant home it should say with the exception of .... and add in the change and you would need to be specific because he could be over seas and someone could be living in the house. Roy said that if the property is vacant and the only owner is deployed. Schleiff asked how we would verify that he is gone and Roy said a letter of his orders and Seelig added also that the water has been shut off.

Garron suggested to table this discussion at this time and make a request to the Water Department to see if water has been shut off and ask the police to check to see if anyone is living there and then if it is a known fact that there has been no water usage and no one living there then the Board could change the policy accordingly. Roy agreed and Schleiff asked if they could bring this it up again as the Board had an 8:00 appointment and wanted to think about it a little more. Roy and Garron agreed to his suggestion and decided to continue this discussion later in the evening.

### **SCHEDULED APPOINTMENTS (CONTINUED)**

#### **Matthew Chiaramonte - Halifax Gold & Silver Coin Shop**

Mr. Chiaramonte came in this evening because stipulations were placed on his junk dealer's license that he was granted this past spring that has not been met. As part of the Board's vote there was the agreement that he was to purchase software to submit weekly reports to the police so that they could see what was coming into the shop and that he was to be the only one in the store.

Roy began by saying that they are aware that he did purchase the software but the police did come to see him a couple of times because he was not putting the information into computer and when they did noticed that he was not there a lot of the times. The officer submitted a report to the Board of Selectmen and since receiving the report the Board has asked the police to provide a report to them following up on this matter. As of this evening a report has been provided with all items Mr. Chiaramonte has taken in at the shop.

Mr. Chiaramonte began by saying that once he received the letter from the Board stating that he was suppose to let them know if anyone was working there he realized that he did not do that and admitted that he specifically remembers Garron saying that they would need to be notified.

Garron said that they gave him the license under certain conditions that needed to be meet and he told the Board that he would but he has not done any of them and Garron added that he had asked him if anyone else would be working in the store and Chiaramonte said no.

Roy continued by saying that from the beginning they started off rocky as he was confused as to whether he could open without a certain license and he felt bad about not going through the proper channels so the Board worked with him. Roy said that they want him to be successful but they also want him to follow the proper procedures especially submitting information into the software.

Garron said the way he feels is that they had an agreement and he broke it and asked why should they not revoke his license. Mr. Chiaramonte stated that he shut down his business in Whitman as a mechanic and now wants to focus on the coins and this is a big part of his life and continued to say that two weeks ago after getting the letter he went down to the police station and spoke with Roy. Roy wanted to clarify that when he went down she was there meeting with the police chief on a different matter and the dispatcher said that he was there and wanted to talk with someone and the chief asked Roy to go out there and speak with him. At that time Roy explained that a hearing was scheduled and explained the reason he needed to come in was because there was an agreement that he was suppose to purchase the software and use it and he has not done what was part of the agreement.

Mr. Chiaramonte said that the Board holds his livelihood in their hands and stated he has a family and house to support. Schleiff corrected him and said that he is the one that holds it and he agreed. Schleiff asked what has he done since receiving the letter to improve entering in the items. He said that he has changed the whole process that he has been doing and has gotten new forms and now has it down to a science. Schleiff asked if he has been doing the reports because the last one he is seeing was in October. Roy said since receiving the letter he has put in the majority of the items in up until today.

Garron asked if he has submitted a letter stating who will be working for him and he has not but said that he will get one to the Board. Mr. Chiaramonte continued to say that his step son, who was with him this evening and his mom help out at the shop. Garron asked if she was there alone when he was not around and said no she is not. Garron then wanted to clarify that his step son and mother are in the building without his supervision and he said yes. Garron said that they need a letter stating who is working there because that is breaking the agreement that was made when the license was issued and said that when he first came to get his license he specifically asked if he was going to be the only one working there because he knew that there would be a time that there might be other people there and he said no. Roy added that when an officer comes in to see him he needs to get back to them to him and if the step son is there and Chiaramonte is not the step son needs to get the message to his father.

Garron stated that he holds his destiny and that the Board did not have to have this meeting and could have went ahead and revoked the license but they want to work with him and he needs to have a good standing with the them just incase someone was to call for a reference. Garron thought they had a clear understanding of what was expected of him and was quite upset when he had not followed through as to what he needed to do.

Roy asked Schleiff if he had any question and he said he reviewed the description of the items that he has put in the system and asked if there was more to it and Roy said that pictures are taken of the person's license and of the items brought in and to view that information you can go to the software click on any of the items and all the data pops up. Schleiff asked if his intent was to have anyone else work there and he said no it was not but as of now he would like his step son to work there. Garron asked his stepson's age only because he looked quite young and he stated he was nineteen, which he understood his asking because he gets that question asked a lot.

Schleiff would like to have report on how they are doing for the Board's next meeting to see if in fact that he has submitted the names of the other individuals who will be working there and have an officer (McDonnell name was mentioned) swing by to get feedback on how he has corrected this. Schleiff did not know if he needed to be presented at their next meeting but as Seelig stated there is a revocation hearing scheduled for December 11<sup>th</sup> and recommends that Mr. Chiaramonte be present for that.

Roy wanted him to keep in mind that even though things are fine in two weeks and the license is not revoked her warning to him is that he cannot stop doing what he is suppose to be doing it and they will be checking up on a regular basis and next time she will not vote to support him keeping his license.

Garron said that there are set of procedures that need to be followed by everyone and Mr. Chiamonte should not be an exception and that the Board is not picking on him this and Garron reasoning is that he wants to continue to be fair firm and consistent with everyone who comes before them. Roy and Garron both want to see him succeed in his business. Schleiff said that keeping the log helps laws enforcement when there are break-ins and that he needs to take this seriously. Mr. Chiamonte said that he does take is seriously as he worked hard for this and does want to ruin what he has done this far. In closing Roy said that they would see in on the eleventh.

### **Monponsett Watershed Association**

This evening the Monponsett Watershed Association came in to discuss the water quality issues for Monponsett Pond. Attending tonight was Mark Wallace, president of the Monponsett Watershed Association, and members Chuck Rogers, Mike Driscoll, and Don Barrows. Mark Wallace began by saying that that the association has been in existence since this past July and been getting up to speed on the issue of the ponds and one of things they wanted to talk to the Board about is Brockton's management of the ponds. Two members did some research and testing at the Stump Brook Dam regarding the water flow and to learn about the various problems and possible solutions. They reviewed the Act of 1964 legislation and found that the City of Brockton is not diverting from Monponsett Pond downstream the required amount, which is 900,000 gallons a day. The legislation also states that this flow should be measured, recorded and maintained by the City of Brockton. In addition to the Act, Brockton must make sure that the herring are able to travel upstream as this is not being met because the herring ladder is closed.

Rogers explained that East Monponsett is the source for the West Monponsett and the west is the source for the Snake River. A picture (taken October 28<sup>th</sup>) was provided of the dam and it showed that there is stagnant water on each side of the dam with algae. The wheels cranks on the herring ladder have chains and padlocks making it obvious that it is not being used to allow the herring to travel upstream or that the flow is being regulated on a regular basis. This past October the Association measured the actual flow and found that only 18,189 gallons a day was being diverted instead of 900,000, which is only 2%.

Wallace said that on October 22<sup>nd</sup> 23<sup>rd</sup> and 24<sup>th</sup> they pumped and he thinks the picture was taken when they weren't pumping. Driscoll brought up the point if they were not pumping then there should have been more water flowing. Roger continued to say the thing that is concerning is that 23,000 is being diverted and 18,189 is going downstream hence upsetting the entire flow of the watershed as there is not an even flow. Instead of going from east to west and downstream we are diverting enough that we back flow through the culvert which makes the west pond the source instead of the east. West becomes highest point and east has 23,000,00 gallons suck from it because of the diversion resulting in the west being stagnant. Instead of a million gallons flowing everyday water is being trapped in both directions which probably why there is cyanobacteria in the lakes.

Rogers also brought up that the Watershed Association had a presentation from SolarBee people who said small motion of six or seven solar powered devices will kill the cyanobacteria in the east lake adding that it does not take a lot of motion to upset the algae. As stated if you have a million gallons going out the other end



and have a million flowing in from the culvert there will be movement from one pond to the other. Rogers said in years past the East Monponsett was the source water and with Brockton's *diversion* the East Lake becomes contaminated by back flow from the stagnant West Lake. The Association's conclusion is that Brockton is in violation of the act as follows (a) the minimum discharge of 900,000 gallons a day is not being met; (b) requirement that herring be able to travel upstream is not met because the herring ladder is completely useless; (c) and Brockton has not shown any reports of measuring and recording the flow rate during diversion. Garron asked is their conclusion based on the assumption that they are not measuring or has Brockton been asked? Wallace mentioned that Brian Creedon has attended most of their meetings and has given verbal assurance but has not given any reports however the association did not ask for them.

Rogers continued by pointing out the consequences of this (a) West Monponsett is stagnant because water is not allowed to flow resulting in the closing of the beaches on the West Monponsett because of cyanobacteria; (b) the town will spend significant resources to treat with alum but the stagnant water will only stay clear for a short time; (c) contamination to the East Monponsett Lake will happen because of the diversion from the West Monponsett, which has cyanobacteria.

Rogers thought that there would be some rate of control but Brockton claims they have no way of controlling it either it is on or off and by the records it runs about twenty to twenty five million gallons a day during diversion which is a huge amount of water seeing as the requirement is for only one million and when opened it is twenty to twenty five million gallons in the other direction.

Roy asked how do we stop this. Rogers stated that the Watershed Association is recommending that the Board of Selectmen write a letter to the city of Brockton insisting that the water diversion from Monponsett Ponds stop until Brockton provides the Town of Halifax with written proof that they are allowing the minimum downstream flows of Monponsett Ponds thru the stump Brook dam as required by 1964 legislation and if the City of Brockton does not comply with the this request, the BOS should write to Massachusetts Department of Environmental Protection and request that the DEP order Brockton to stop diverting water from the Monponsett Ponds.

Roy asked if Mr. Creedon has seen this presentation and is aware that they have gone out and measured and the members said no to both questions. As stated by Rogers, Creedon did say that Brockton was in compliance but that was after the association told him that they went out to do their own readings. As stated by Driscoll with the dimensions of the gate yes 900,000 gallons can flow through but the gate is closed. Roy understands that they want the Board to write a letter but would it make sense to have Brockton come in and meet with the Board instead and Garron said that this has been going on for ten years and suggested not only send a letter to Brockton but one should be sent to State Reps as they should be kept abreast and that Halifax cannot change anything unless the legislature legally says Brockton has to do something to stay within the Act. Wallace says that they are at the beginning stages of seeing if Brockton is doing what the law says and not looking to change anything at this time but agrees that the legislature be kept in the loop.

Schleiff suggested not sending a letter to legislation right now but to ask Brockton what do they have for documents and ask them to show the Association how they are following the law and if not following it ask how do they intend to do so.

Wallace said that the lakes are deteriorating and that in itself is a huge issue and that this is just a portion of it. Rogers said that Brockton is aware that the West Lake is contaminating the water source that they use and it seem imprudent that they are drawing it back into their water supply. He added with them knowing this maybe they could help with the algae remediation cost.

Schleiff asked what the theory behind the Act was and it was stated to take care of Brockton's water needs. As Rogers said it was that they could take the extra water not upset the entire flow of the watershed. Roy asked Seelig what his recommendation was and he suggested start with a letter because all we want to do is make sure they are meeting the minimum daily flow. In addition he said they can let Brockton know that they have reviewed the Act and they want evidence that they are meeting these stipulations. Schleiff suggested also ask for records of when the gate is opened and closed.

Barrows brought up the point that the legislation is forty years old and needs to be brought up to date and wanted to say that they were told the sleuths gate was broken and does not know if they can fix it as Mr. Creedon had mentioned. Driscoll said that they are trying to make them comply with the law and it does not make sense that we are taking contaminated water from one lake and diverting into a pristine lake. Even though legally they can do it he personally thinks the town should approach them and maybe ask them stop diverting a month earlier so that the other lake does not get ruined. Roy added that besides all this lots of money has been spent cleaning up the lake. Garron wanted to mentioned that there all other things that have also contributed to polluting the lake such as population growth, the cottages along the lake converted from seasonal homes to year round, the lakes are being used by many people, chemicals from the bogs have been flushed back into the lake, and that there are homes along the lake that do not have a tight tank for their septic systems.

Wallace stated that we need to get back to square one and if they can get the flow going as what is stated in the legislature and see if it changes up the bacteria in lakes then it's a start. Schleiff said if they have a legal right to draw it then they need to follows the Act and if they cannot show the data then they should not continue to do so.

Garron said that yes they can send a letter by suggested cc'ing our legislatures so they know we are on this and when the time comes up they are in the loop. Also in the letter he said it should ask where are the records located are and what the schedule on checking the dam is.

Schleiff realizes that the dam gets clogged up as he has been down there a couple of times and has been told yes we've been down there to clean it out but does not think the maintenance is done on it as it should be. But putting that aside he continued to say that if they are not going to follow the Act to help maintain the chemistry of the lakes then it is not going to work and asked if we request them not to divert. We do not want to go in there with a hammer because that does not work but want to do this in a friendly manner. Garron said that this has been going on for over twenty three years and they are aware of what they are doing so to go in easy is trivial at this point and added that if Brockton is not abiding by the Act of 1964 that we ask out legislatures to change the laws and forbid them to divert.

Wallace thought a more effective approach would be asking State DEP to order them because based on a letter they have the DEP stated that they have authority. Roy asked if the Association was asking the Board to send a letter to Brockton and the DEP. Wallace said you may want to cc the DEP on the Brockton letter because if Brockton is not cooperating at least DEP knows we took the initiative in trying to discuss this with them. Schleiff understands that you can't soft shoe this and suggested asking Brockton what their plan is to rectifying this and give them a time frame to do so. Wallace suggested cc'ing DEP to let Brockton know that we are not going back and forth anymore and would like some answers as this was a topic back in the 1990's and then in 2002 there was a newspaper article stating Old Colony Planning Council was doing a study but nothing came about. He continued to say that we need to let Brockton know that we are serious and we can do this by cc'ing DEP and understands what Schleiff is saying that Brockton could get defensive. Schleiff does not want to start a battle right off the bat and wondered why the last study not work and asked was there lost of interest or was it dragged out.

Barrows did not understand where the partnership would be with Brockton as they do not help the Town of Halifax and if they do in what way. Roy does not think a letter directly to DEP needs to be sent but the idea of cc'ing them about the letter to Brockton is good so that they are aware we want to work with Brockton. Garron said if we don't bring DEP in from the beginning and there comes a time that we need to they will ask us what did you do prior to this and will need to be brought up to speed. Seelig recommended to cc DEP and state to them that we are not asking that they take any action of this. Roy asked Schleiff if he felt comfortable with Seelig doing a cover letter to DEP. Schleiff stated that he has done work with the DEP in the past and feels that they are a sleeping giant they are huge organization and would like to work with Brockton first but if push comes to shove then DEP would be the first people to call.

Garron answered Schleiff's question about as to what happen with the Old Colony Planning Council and as he said that nothing was followed through. Wallace wanted to say is that the Association intends to work with the BOS as he knows they have other issues on their plate and will not let this fall by the wayside and are forming links with other local groups.

Moved by Garron and seconded by Schleiff, the Board unanimously voted that that they write a letter to Brockton requesting the information that has been laid out here as time investigating the dam, when they check it, how they measure the flow and anything as to maintaining it as well as cc'ing DEP and our legislature with a cover letter. Schleiff added that essentially we are asking for records of compliance with the 1964 Act and please provide us with documentation reflecting that and we respectfully asking that you suspend diversion as that was stated in the Watershed Association recommendation.

Roy then asked if putting a thirty day timeline to respond too long of a time and it was said no seeing as the holidays are coming up and as Schleiff pointed out either they have the reports or they don't. The letter will be reviewed by the Board and the Association before it is sent out.

**GENERAL MAIL / DISCUSSIONS (CONTINUED)****Recycling Abatement Request – Bill # 1530 (continued)**

Seelig started by saying the question is what proof does the Board want to prove whether or not the home is vacant. He stated that they have talked about the police going by and seeing if the water turned off. Schleiff would not like to have the police go by and said that if went with a six month policy how do we come up with it or any time frame for that matter. Roy said there is no policy regarding six month but there is the seasonal policy and the vacant policy says no abatement for vacant home. Schleiff said seasonal tends to be half a year. Roy thinks that a policy needs to be added to the vacant home policy which Schleiff said they would need to add an exception to the vacant home policy and Roy stated that was correct. Roy thinks the proof would be that the person is deployed and could look at the water records for September to November.

Schleiff asked if they want proof of past records or going forward because previous abatements the proof was for past records and this one would be for future and said it should be on past and not future because who is to say that this gentleman will not be home early. Roy said in this particular case this gentleman is risking his life for our country and if he comes home early for whatever reason that she is okay with him not paying the forty dollars (Schleiff corrected stating \$35). In this particular case a deployment policy. Schleiff said specific to.... Roy said not to make it part of the vacant home policy but a separate subsection such as deployed residents who are away and property remains vacant.

Garron said that if the individual is the only one living in the house and got deployed it needs to say either unoccupied or vacant for a period of time because as he said vacant means not living in at all. Roy said that if the person is away then you would not be able to use past records it would need to be forward records and as Schleiff said you do not know and Roy said yes that is right but she would make some kind of exception because it is justified. Again Schleiff said previous abatements have been done on proof from past records. She continued to say that her interpretation of a seasonal home would be a cottage but there have been a couple of incidences where there was a abatement request property was presented as vacant and classified as seasonal and abated half of it, pointing out the each request is one looked at individually.

Garron asked if they could think about having the policy written saying that any deployed individual who's home is unoccupied for the period of time they are gone that the recycling fee will be waived because that is more specific and not just saying any deployed individual which could mean someone who deployed out of their house and there still could be others living there. Garron said *any individual who is deployed whose home is unoccupied for the duration of their deployment.*

Roy then asked previously did the tax collector come in and asks to do a policy for those not to pay certain taxes. Seelig said that there was a vote at town meeting asking that real estate taxes can be abated if serving in the military. Schleiff understands all this but wants it done the right way so that it can be understood by everyone. He stated that a vacant home due to deployment is easy enough to prove but still was unsure seeing as the proof that this person provided is going forward and not past.

Seelig suggested waiting until the person comes back and then abate it this way here the proof will be *in the past*. Roy does not want to wait seeing as they have proof that he is deployed and stating that they do it for real estate taxes, he is fighting for our country and they have the proof and does not think we need any more.

Garron pointed out that the town voted a law to give an abatement on their real estate taxes if someone is deployed and someone could be living there while that person is gone and said the town is losing a lot more in not collecting real estate taxes then the recycling fee.

Schleiff asked how would you tie deployed and no one in the residence together in the policy.

Seelig then asked if they wanted proof after or during and state that the Board it was mentioned that they do not want police to drive by so Seelig asked what are some of the ways you can prove that no one was at the house while that person is deployed.

Schleiff stated that he does not want to use town resources such as the police or water to go out and check on this but he could not think of another way to do it. Schleiff asked how would the person who is requesting an abatement prove that there is no one at the house and suggested to abate it when he returns.

Roy motioned to grant the abatement for Bill #1530 and edit our policy to include an abatement for deployed residents that can show proof either by water bill or electric bill that the property is unoccupied and show their papers that they are deployed. Seelig then asked if proof of the water bill has been provided for this request and Roy said that in this particular case there was no proof provided that the water was shut off.

Seelig asked as part of the Board's policy would it be acceptable to get from the Water Department a note saying that the water has been turned off. Roy said yes and Schleiff wanted to clarify that it is a shut off notice and not that the Water Department has shut off the water. Seelig suggested that there should be wording in the policy the Board would like evidence that the house will be vacant he also suggested that a notarized document could be submitted stating that the property will be vacant for certain amount of time.

Garron asked who submitted the request and it was stated his mother he then said they need to send a letter back to his mother asking if we can get a letter from her son stating the house is unoccupied while he is away. Roy then mentioned they could check with the Water Department, which Seelig said would be the quickest thing.

Roy said that she has a motion for the policy and she would need a second. Garron seconded.

To edit the policy for a deployed residence to show proof that the property is unoccupied for example water shut off notice or electric bill showing that the electricity has been shut off or in minimal. Schleiff questioned what would *a certain amount of time* be and Roy said that seasonal is six months but this would be a hard to put a limit because in this particular case this person has just left to serve and if the policy was to state six months then that person would have to wait another three months before filing for an abatement.

Garron was asked his opinion and as stated earlier he thinks that they should wait and continued to say that people who were deployed get a tax abatement on their property taxes whether someone else is living there or not and we have letter stating that no one is living there during his deployment and thinks he should give him it. Schleiff said that if we do this then we are going to get a lot more abatements from military personnel then just this one. Garron said that Schleiff was not comfortable using the word vacant or unoccupied and did not want the water department or police to check on the house so he then asked what other ways do they have to show that someone is not there. Garron said that they have proof that the house is empty and unoccupied and that he is deployed hence they should give him an abatement and not charge him for recycling. Schleiff said he is trying to get collation between what the town voted on for real estate tax abatement and recycling. Garron said that the town voted to give military personnel a tax break on their real estate taxes, which is more than \$35, and does not think the town is going to be upset for abating \$35 if the person is deployed.

Schleiff said if there is going to be a policy he just wants to know where the policy should fall. Garron mentioned that he said three times and was specific that if a person is deployed and house unoccupied that we don't charge him recycling fee. At this time Seelig asked if Garron wanted to make that as a motion.

Moved by Garron and seconded by Roy, the Board unanimously voted to add to the existing policy that if a homeowner is deployed and provides deployment papers and evidence that the house is vacant, whether the vacancy is future or past, that an abatement is granted.

### Medical Marijuana

Schleiff wanted to know what the Roy and Garron's feeling were on having medical marijuana distributors within the town. He asked if there could be a by law not to have them or have them in certain locations. As he stated the town has by-laws that do not allow certain businesses here this could hold true for this also. Seelig mentioned that he has already made a note to discuss this issue for a potential article and added that timing is crucial because if something was made in the by laws it would be at Town Meeting in May but keep in mind legislative regulations are out on April 1<sup>st</sup>.

Schleiff does not agree with it and realizes that there are lots of pros and cons but does not want it around his kids as well as other kids. He continued to say that marijuana will be in some people's homes and there will be kids there and open to it. Garron agrees with the laws as he knows people who use it due to having cancer and it does help them.

Seelig is going to check with Tom Millias, Zoning Agent, to see where we stand because someone might come in and ask for a permit and said that the Board needs to make a decision as to whether or not they want to approve. Schleiff again said that he does not want it. Garron did make a point that if they want it they'll get it. Roy agreed with Schleiff saying that she does not want it either.

Schleiff then asked how is that you can tell if someone is *stoned* it is not like alcohol where you can have someone take a breathalyzer and how it will be enforced. Seelig said that an arrest is made on possession of marijuana and not if it is in your system and Garron said that there are ways to tell, such as if someone

is driving erratically. Seelig suggested asking the police chief to come in to get his take on this issue.

Roy wanted to mention that Holidays in Halifax will be taking place on December 8<sup>th</sup> and that there will be a coat drive, refreshments and fireworks. Schleiff asked what was the figure for public safety and it was said somewhere in the area of \$3,500. He stated maybe that figure could be worked on for the 4<sup>th</sup> of July event but Roy stated the reason for this amount is because they are expecting a smaller crowd then they would on the 4<sup>th</sup> of July.

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

**EXECUTIVE SESSION**

Moved by Garron and seconded by Schleiff, the Board voted as follows to enter into Executive Session at 9:50 p.m. to discuss the possible release of 2012 executive minutes and the matter of Wissel v. Halifax:

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

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Moved by Schleiff and seconded by Garron, the Board voted as follows to come out of Executive Session at 10:20 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 10:20 p.m.

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Michael J. Schleiff  
Clerk

/pjm