

BOARD OF SELECTMEN
SELECTMEN MEETING
TUESDAY, FEBRUARY 22, 2011 - 7:30 P.M.
SELECTMEN MEETING ROOM

Meeting came to order at 7:30 p.m. with Selectmen Kim R. Roy and Michael J. Schleiff present. Selectmen Troy Garron was not in attendance.

The following business was discussed:

AGENDA

The Agenda for Tuesday, February 22nd, was unanimously approved without revision.

MINUTES

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

Selectmen Meeting 2-8-11 - Executive Session

ABATEMENTS/BILLS/COMMITMENTS/WARRANTS

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

Payroll Warrant	#67	\$ 314,090.96
Vendor Warrant	#68	\$ 124,581.43
Withholding Warrant	#69	\$ 117,381.22

Moved by Roy and seconded by Schleiff, the Board unanimously affirmed approval for the payment of the following Selectmen bill dated February 15, 2011:

Cushman Insurance	\$ 64,800.00
(renewal for Auto \$45,121; Accident & Health for Fire \$8,651; Accident & Health for Police \$11,028)	

Moved by Roy and seconded by Schleiff, the Board unanimously approved payment of the following warrants:

Vendor Warrant	#70	\$ 235,496.86
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Moved by Roy and seconded by Schleiff, the Board unanimously approved payment of the following Selectmen bills dated February 22, 2011:

National Grid (1/18/11 – 2/14/11)	\$ 1,221.95
W.B. Mason (paper/ink/DVD's)	\$ 148.08
The Enterprise (public hearing notice/Bella's Pizzeria)	\$ 99.45
Deutsch Williams Brooks (legal services Jan. 2011)	\$ 1,379.46
Borhek Insurance Agency, Inc. (renewal for Property \$29,052; Gen. Liability \$20,034; Boiler & Machinery \$2,800)	\$ 51,886.00
Malloy, Lynch, Bienvenue, LLP	\$ 11,000.00
(services rendered in connection w/ for audit for yr. ended 6/30/10)	

The Board acknowledged payment of the Selectmen Office payroll for the period ending February 12, 2011 in the amount of \$ 5,781.22.

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

<u>TURNOVER</u>	<u>AMOUNT</u>
2011-61	\$ 99.45

GENERAL MAIL / BUSINESS

A. Highway Health Insurance Agreement

Move by Roy and seconded by Schleiff, the Board unanimously voted to have Schleiff sign the union contract between Town of Halifax and the AFSCME, Council 93, Local 1700, Highway/Cemetery Employees, effective July 1, 2010.

B. Pepsi Gives Back

Pepsi Beverages Company's New England Market Unit is looking for sixteen (16) Towns located within NEMU that could benefit from the support of Pepsi's local employee event entitled "Pepsi Supports Surrounding Towns". Pepsi employees could assist towns in its response to a recent hardship or disaster situation; or assist the town in connection with the town's community service initiatives; or assist a community outreach program or organization established in your town. There is no financial support but just volunteers willing to help in the community. This event is scheduled to be conducted on May 14, 2011.

The Town would need to come up with something that they would like the volunteers to help with and submit an application. Deadline for the application is March 11th. Seelig will send out a note to the all departments asking if they have any projects they might want Pepsi's volunteers to help out with.

C. Community Reads Grant

The Library is looking for a letter of support from the Board of Selectmen for a grant application to fund a town-wide reading program *Halifax Reads*, a program where adults are drawn into conversation with other readers about a book that everyone in Halifax is reading.

Schleiff had asked the name of the book and was a little skeptical about the content of the book. Seelig stated the book was titled *Overboard* and briefly read the book's description (storm on the ocean and the rescue of the survivors). Schleiff also asked that if the Board did not support this program would they not get the money and Seelig said no.

Selectman Troy Garron joined the meeting at 7:40 p.m.

Roy mentioned that the Library Director has probably reviewed the book and found that it is appropriate.

Moved by Roy and seconded by Garron, the Board unanimously voted to support the Library Book Community Reads Grant and sign the letter of support from the Board of Selectmen.

SCHEDULED APPOINTMENTS

Recycling Abatement – Cheryl & Joe McCullough

On January 25, 2011 a recycling abatement for 85 Stoney Weir Road in the amount of forty dollars was presented to the Board. The Board voted not to abate the 2011 recycling fee for the reason that an in-law exists and at any time it can be occupied. The Board did state that if the owner can provide verification by the Building Inspector that the in-law apartment is no longer used, has been dismantled somehow and the special permit granted for the in-law apartment has been surrendered, the Board will reconsider the request.

With that being said the McCulloughs wanted to come before the Board and clarify that this is not being used as an in-law but used primary during the summer when entertaining pool guest (door opens level to the yard).

Roy had asked if it was possible to have an inspection done each year to see if vacant or have the homeowner submit a letter stating that they do not intend to use an in-law then periodically inspect it.

Mike Johnston, friend of the McCulloughs, came in with Cheryl McCullough and mentioned a similar situation that was presented to the Board in December 2008. A homeowner on Colby Drive had an in-law that did exist but was vacant and that it preceded the requirement for a special permit, therefore no permit was issued to be surrendered. The Board then voted that the fee would be abated upon the homeowner submitting a notarized letter affirming that the in-law apartment is no

longer being used and that a special permit will be applied for if it was to be used any time in the future.

Schleiff noted that if empty and no one is using it then they should not have to pay for it. Garron added that the policy is just a guideline for the Board to go by and that there are going to be certain situations that need clarifying from time to time.

The Board voted as follows to abate forty (\$40) dollars from bill #1523, property address 85 Stoney Weir Road once a notarized statement is received from the homeowner; Joe & Cheryl McCullough:

Troy E. Garron	yes
Kim R. Roy	yes
Michael J. Schleiff	abstained

Passed by majority

Snack Shed

Lisa Hillcoat came in this evening to update the Board on changes that need to be made on the snack shed asking for permission to demolish the existing building. To stay within budget for the project they have eliminated the need for electric pump chambers in the system and returned to a gravity flow system. To do that the elevation needs to be raised slightly at the new construction site. Hillcoat noted that this new revised system has been approved by The Board of Health.

They have re engineered to where the building will be, which will be about fifty feet away from the original location. John Campbell is fine with the new location and said that the bricks are breaking and the roof needs replacing on the existing building and that the fields will look nicer with the building gone. There is a water fed in the old building but as Campbell said the Water Department can tie that fed to the new building.

Garron had gone out there to take at the proposed new location, which he said was closer to Shea Field and Bruce Pulliam confirmed that it would be between the Jr. Little League Field and Shea Field located in an area that would not be used for anything at all. Garron asked what does the Board need to do at this point and time and Seelig said that they are looking for permission to tear down the existing brick building.

Schleiff wants to get everyone on the same page and clarified what has been proposed from the beginning, which is the following:

- The first location of the building started up by the elementary school gym and the size would be 16 x 20
- then it was moved down to the middle of the fields and the old building was going to be incorporated into the new building and the size increased to 16 x 28
- now the building again needs to moved fifty feet from that location and the size remaining at 16 x 28.

Hillcoat said what Schleiff stated was correct and added that at the site meeting they said that they will try and save the existing building if possible but in order to keep the cost of the septic system within budget the building needs to be demolished.

Schleiff noticed the overhang on the building and wanted to note that it not get closed in at a later time therefore making the building size bigger. Hillcoat said they have no intention of that happening.

Moved by Garron and seconded by Roy, the Board unanimously voted to move the snack shed approximately fifty (50) feet to a new location and tear down the existing brick building that is now located at the field.

Seelig just wanted to review who was handling the bidding, contracts, and the bills. John Campbell said that the Building Committee will be approving the bidding and contracts and that the bills will go through Youth and Recreation then to the Board of Selectmen.

Hillcoat also wanted to request permission to lay bricks (*Buy a Brick fundraiser*) in a 4 ft by 6 ft area in front of the concession stand. Schleiff wanted more information on the design so Garron suggested that she come back with a sketch at the Boards next meeting on March 8th.

GENERAL MAIL / BUSINESS (CONTINUED)

D. Re-appointment to Halifax Cultural Council – Janine Maker

Moved by Garron and seconded by Roy, the Board unanimously re-appointed Janine Maker of 27 Cherry Street, to the Halifax Cultural Council with a term to expire December 18, 2013.

E. Marston Realty Trust - 343 Monponsett Street

The Marstons have submitted a letter to the Board complaining about the Conservation Commission. The general idea of the complaint is that the Conservation Commission will not approve a certificate of compliance for the property located at 343 Monponsett Street and release the bond that is being held. Seelig has asked the Conservation personnel for a copy of the July 27th minutes and other background information. Seelig feels that the next course of action would be for the Marstons to meet again with the Conservation Committee, review what items Conservation states are not completed and get them done (if they have not been done). Next make another request for the certificate and the release of the bond. Seelig does not think that the Selectmen have any authority other than to have a meeting with everyone if the Board desires.

Garron agreed with Seelig stating that there is not a whole lot the Board can do but suggested they could write a letter to Conservation.

Roy suggested that since Conservation is meeting with the Board on March 8th about another issue they could discuss this matter as well.

Schleiff did not want to comment seeing as he had not had time to read the material given to the Board members regarding this matter.

Garron stated that if a citizen has a problem with any Board or Committee whether appointed or elected that he wants them treated fairly and given every opportunity to correct any problems and if everything has been done and still there is a issue then it would need to be worked out with that particular the Board or Committee.

F. February 8, 2011 Minutes

The Board voted as follows to approve Selectmen Meeting regular minutes for February 8, 2011:

Troy E. Garron	yes
Kim R. Roy	yes
Michael J. Schleiff	abstained

G. Housing Production Plan

The plan has been sent to the State. Seelig has requested meeting minutes from the Planning Board and the Board of Selectmen that documents the approvals, once received Seelig will send them with the completed package to the State.

H. Housing Rehabilitation Program

The Carver-Halifax Regional Housing Rehabilitation Program is seeking contractors to participate in the program anyone interested please contact Ed Fuller 508-866-3410 x1011.

I. Mutual Aid Laws

The Police Chief is in favor of the Town (the Board) accepting Chapter 40, Section 4J. The Board of Selectmen has already accepted Chapter 48, Section 59A at the recommendation of the Fire Chief and the Highway Surveyor is in favor of accepting the one for public works.

Seelig stated that there are no requirement or obligations to the town but if the town does accepts this then there are certain procedure to responding to calls and how money and liability is handled. At this time we have an unwritten policy when responding to mutual aid.

Garron had asked if there was any difference from the unwritten mutual aid policy we have and Manoogian said that it is more formal and is State wide.

Schleiff was concerned that if a town has budget cuts they might use it more than other towns and Manoogian said that you can deny not to go; there is no obligation.

Moved by Garron and seconded by Schleiff, the Board unanimously voted that the Town of Halifax join Chapter 40, Section 4J but develop a criteria list before the town finalizes it.

J. Fire Department Study Committee

Bob Hughes has suggested that the Board activate the Fire Department Study Committee and appoint John Pesa and Ron Allen as members and let him (Hughes) remain as an liaison on the committee until June 2011. If Pesa and Allen were to join the FDSC then they would need to be taken off the TGSC because any member on TGSC cannot serve on another committee.

Secretary left to pull the Fire Department Study Committee folder to confirm what the committee consisted of.

The following was read by Roy:
The FDSC is comprised of the following;

Fire Chief	William Carrico
Board of Selectmen	Michael Schleiff
Member of Wage and Personnel	
Member of Finance committee	
Citizen at Large	Bob Hughes

What the Board proposed is to have Pesa and Allen as voting members of the FDSC and make it a sub committee of TGSC.

Moved by Garron and seconded by Roy, the Board unanimously voted to appoint John Pesa of 79 Fairway Drive and Ron Allan of 645 Twin Lakes Drive to the Fire Department Study Committee, a sub committee to the Town Government Study Committee, with terms to expire June 30, 2012.

K. Harmon Dogs Barking – Scott Clawson

Mr. Clawson is still complaining that the Harmon dogs are continuing to bark. Clawson would like the town to obtain a meter from DEP. Seelig has asked the Board if they would like him to refer this problem to the Animal Control Officer(s). The Board suggested that the Animal Control Officers come in and take a look at the file so they are up to speed on the issue.

Moved by Garron and seconded by Schleiff, the Board unanimously voted to table the request until such time that the Animal Control Officers have been updated on the situation.

L. Unfunded Mandates

A letter that was sent to Governor Duval Patrick from the Kingston Board of Selectmen was forwarded to the Board. The letter the Kingston Board of Selectmen sent stated their concerns on unfunded mandates, particularly in the schools. Seelig had asked the Board if they wanted to send a similar letter. Garron stated that numerous letters have been sent in the past and nothing has changed but was willing to continue the effort.

Moved by Garron and seconded by Roy, the Board unanimously voted to have Seelig send a letter.

M. Trash, Marijuana and Needles – Annawon Drive Area

Allison Silva, who lives on Annawon Drive, has concerns regarding the trash along the Annawon and at Lindys', needles found along Marjorie Drive and Route 36 (Holmes Street) and teenagers in the neighborhood smoking marijuana. Seelig has forwarded this to the Board of Health, Highway Department and Police Department. He also suggested that a PSA, posting signs and running a press release are a couple of ways to address these issues to the public. Seelig will swing by Lindys and take a look at the property, if there is trash he will notify the owners but there's a limit to their responsibility and ability to pick up trash off their property

Garron started with the trash issue and said that with the snow now melting any trash that was not properly disposed of is now on the ground and hopefully it will get picked up when the town has its annual clean up day in the spring. As for the marijuana and needles he felt that it's up to the parents to educate their children regarding these topics and there is little that can be done by the Board. He asked Seelig to put a PSA on cable asking that medical waste should be disposed of in the proper manner.

Police Chief Manoogian was at the meeting and went on to say that this is not new to Halifax and every once in a while someone calls the station and says they have found a needle. He is aware of this and will investigate this matter.

N. Trash Hauling Contract

The Board had asked Seelig to let them know when the trash hauling contract would be extended. The contract is a three-year contract with the possibility of three one-year extensions. The first three years have passed and the contract has been extended for one year (FY2011) and if another extension is agreed to, then that would be for FY2012.

Garron said that the town does not have a lot of options regarding this matter. Schleiff asked if Bob Badore put out any feelers regarding other hauler's rates because he would like to see what the town's options were

without going out to bid. Seelig suggested that he could have Susan, Secretary at the Recycling Center, make some phone calls.

Moved by Schleiff and seconded by Roy, the Board unanimously requested that if Sue Johnson has any time could she make phone calls about our currant hauler's rate (Seelig will contact her).

O. Blackledge Farm

The developer has returned with a new application (not a 40B) for 51 single-family homes in a multi-family configuration. The first hearing is Monday, March 14 at 7:30 p.m. Seelig had asked the Board if they wanted to look at the application and present any input they might have. The Board would like to look at the application, thus Seelig will make copies for the Board to give to them at their next meeting on March 8th.

P. Special Town Meeting

Seelig would like the Board to open the warrant for the Special Town Meeting this evening and suggested a closed date March 29th.

Moved by Garron and seconded by Roy, the Board unanimously voted to open the warrant for the Special Town Meeting on February 22, 2011 and close it in on March 29, 2011.

Q. Patrol Officer Interviews

Selectman Michael Schleiff stepped away from the Selectmen's table at 9:15 p.m. due to the discussion of the Patrol Officers applicants his son being one of them but remained in the audience

Seelig suggested the following three options the Board could consider regarding the interview process for the Patrol Officers:

- Conduct interviews, not including candidate #1, who is currently in military and did not complete packet by deadline.
- Conduct interviews at a later date, when all three candidates are available.
- Start the process completely over (candidates reapply, police department holds interviews, reference checks, etc., Board holds interviews and makes decision).

Chief Manoogian went on to say that this process has not gone well from the beginning and is recommending that they start over again. An extension has been granted from Civil Service giving them time to do so. He also brought up the point that each application had something wrong with it, such as the military applicant was late and two had notary issues.

If any one of them was hired each could challenge the Board's decision, particularly the military applicant since he was number one.

Previously there was a Board at the Police Department that conducted the interviews but there was not one this time and Manoogian suggested getting a one to do the interviewing, preferably one from out of town. Also he is not going to open this up to anyone else except the three candidates who have already applied.

Roy found that each packet had one thing or another missing. Her understanding is that civil Service asks that you give consideration to any military applicants but also understood that in past practice if military personnel was unable to get here for an interview when the next slot opened that person was given the first opportunity to fill it.

Garron said that if the Chief felt that he could run the department without this position being filled at this moment the he was okay with starting the process over again but added that he does not want to run into any legal issues if they pass over the military applicant.

Moved by Garron and seconded by Roy, the Board voted to start the process over again with the same three (3) applicants for the Patrol Officer position subject to Attorney Michael Gilman's opinion.

Schleiff returned to his seat at the Selectmen's table at 9:30 p.m.

R. Release of Bonds

Moved by Garron and seconded by Roy, the Board unanimously voted to release the bond issued by Safeco Insurance Company in the amount of \$ 3,000 for a road cut permit issued to Bay State Gas for work done at 104 Holmes Street.

Moved by Garron and seconded by Schleiff, the Board unanimously voted to release the bond issued by Utica Mutual Insurance Company in the amount of \$5,000 for an earth removal permit issued to Beaver Dam management for work done at 355 River Street.

EXECUTIVE SESSION

Moved by Garron and seconded by Schleiff, the Board voted as follows to enter into Executive Session at 9:30 p.m. to discuss collective bargaining:

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

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

Moved by Garron and seconded by Roy, the Board voted as follows to come out of Executive Session at 10:15 p.m.

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

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.

Kim R. Roy
Clerk

/pjm