

BOARD OF SELECTMEN  
 SELECTMEN MEETING  
 TUESDAY, MARCH 8, 2011 - 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:

**AGENDA**

The Agenda for Tuesday, March 8<sup>th</sup> was unanimously approved without revision.

**MINUTES**

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

- Selectmen Meeting 2-22-11 - Regular Session
- Selectmen Meeting 2-22-11 - 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	#71	\$ 317,789.02
Vendor Warrant	#72	\$ 108,103.12
Withholding Warrant	#73	\$ 117,661.56

Moved by Roy and seconded by Schleiff, the Board unanimously affirmed commitment for collection the following:

Ambulance Commitment	# 2	for	\$ 30,881.49
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Moved by Roy and seconded by Schleiff, the Board unanimously affirmed approval for the payment of the following Selectmen bills:

The following bills are for replacement material and books at the Elementary School due to damage of pneumatic control devises; date of loss 12/28/10; claim # TNT-0083967

The McGraw-Hill Companies .....	\$ 914.59
The McGraw-Hill Companies .....	\$ 53.36
Teacher Direct .....	\$ 56.05
HM Receivables Co. II, LLC .....	\$ 40.35
School Specialty .....	\$ 142.80
W.B. Mason .....	\$ 114.23
Evan-Moor Educ. Pub. ....	\$ 233.34
Evan-Moor Educ. Pub. ....	\$ 21.99
Scholastic .....	\$ 40.47
Scholastic .....	\$ 199.28

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

Vendor Warrant #74 \$ 2,221,700.62

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

Community Newspaper Co. ....	\$ 171.64
(advertisement for Sr. Center Archit. & Project Manager)	
The Patriot Ledger (Dispatcher advertisement) .....	\$ 126.29
Deutsch Williams Brooks (legal services Feb.) .....	\$ 772.55
Cooke Enterprises .....	\$ 3,456.72
(repair work on damaged thermostats @ Police Station)	
Borhek Insurance Agency, Inc. ....	\$ 19,329.00
(policy renewals for Public Officials & Law Enforcement liability 2011-2012)	
MMMA (monthly meeting / C. Seelig) .....	\$ 30.00

The Board acknowledged payment of the Selectmen Office Payroll for the period ending February 26, 2011 in the amount of \$5,584.39.

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

Turnover	Amount
2011-62	\$ 1,126.00

Moved by Roy and seconded by Garron, the Board unanimously committed for collection the following:

Mobile Home Park License Fee #03 \$ 5,160.00

**GENERAL MAIL / BUSINESS**

A. Dispatcher Agreement

Moved by Roy and seconded by Schleiff, the Board unanimously authorized Garron to sign the health insurance co-pay agreement for the Dispatchers.

B. Bottle Bill

The MASSPIRG would like to extend the bottle bill to bottles and cans of water, sports drinks, juice, etc. along with other changes to the laws and is asking the Board of Selectmen to support these changes. Garron had asked if there was any reason why they should not support this and Seelig mentioned that there may be a unfair burden to those who do not bring bottles and cans to the redemption center. This issue will be brought back

up at the Board's next meeting on March 22<sup>nd</sup> so that they have a chance to review what is being proposed. Copies will be made for each member of the Board.

C. Ambulance Abatement

Moved by Garron and seconded by Roy, the Board unanimously voted to abate the following amount from the Ambulance Account:

January 2011            FOR    \$ 8,700.76

D. ZBA - Blackledge Farm

Seelig has reviewed the application by the developer of Blackstone Farms and believes that it meets the standards set by the Massachusetts General Laws. In addition to whatever other comments the Board might have, Seelig recommends that the Board insist that ZBA meet with land use counsel to review the state laws and case law on variances, the criteria used to determine whether a variance can (not should) be granted and whether those standards have been met in this case.

Garron personally thinks the issue with the wetland should be dealt with and is against them building on the land. The area has not changed since the last application for a 40B was proposed, it is very wet area and to by pass a certain area for a perc test then to build on it who knows what will happen once homes are built; maybe the homeowner will get water in their basements.

Schleiff added that this will impact our schools and drain our resources on police and fire with the numbers of houses projected (51). Garron and Roy were in agreement with Schleiff.

Moved by Garron and seconded by Roy, the Board unanimously agreed to have a letter sent to ZBA with their concerns that the land is wet and may drain on the resources of the town with Fire Police and Highway.

E. Chapter 90

Governor Deval Patrick has filed a special one year Chapter 90 bond bill that would enable the state to issue bonds to support a \$200 million Chapter 90 allocation for fiscal 2012. This bill will increase the program above the current \$155 million level.

The Governor has requested prompt attention so that allocation notices can be sent to cities and towns by the April 1<sup>st</sup> notification date. If the deadline is missed then communities will not be able to plan projects during the entire construction season.

The MMA is asking for Selectmen to contact their legislators and ask them to pass this bill as soon as possible.

Garron requested that a letter from the Board be sent to our legislators asking to expedite the passing of the Chapter 90 Bill.

F. Resignation – Robert Hughes / Town Government Study Committee

The Board unanimously accepted, with regret, Robert Hughes' resignation from the Town Government Study Committee, effective immediately. A thank you letter will be sent to him thanking him for serving on this committee.

G. Borrowing from Stabilization

The Treasurer has asked the Board to approve a transfer of \$450,000 from the stabilization fund to help with cash flow during the next two months.

Moved by Roy and seconded by Schleiff, the Board unanimously authorized the Town Treasurer to borrow \$450,000 from the Stabilization Fund to help with the cash flow during the next two months.

H. Sexual Harassment Policy

The annual distribution sexual harassment policy had been sent to all departments for all employees to sign stating they have acknowledged the policy. Each member of the Board of Selectmen signed the form indicating that they have received a copy.

I. Old Colony Railroad

Due to the rail tie replacement work; there will be changes in the rail schedule along with road and station closings during 2011 and 2012.

The Rail Tie Replacement project on the MBTA Old Colony rail lines will start up again on Monday, March 14, 2011. This work will involve the replacement of rail service during off-peak times during the weekdays with bus service. There will be no weekend rail or bus service provided beginning on May 30, 2011 for some period of time after that date. As part of this work, the schedule indicates that Holmes Street/Route 36 will be closed on Saturday, August 6 starting at 12:01 a.m. to Monday, August 8 at 5:00 a.m. for work at the rail crossing on Route 36. Also the Halifax rail station will be closed on or about July 8, 2011 for a period of time during the midday during the weekdays and bus service will be provided during these off-peak times.

Garron suggested that we post this information on our community signs. Seelig stated that this has been posted on the town's website and said that

the MBTA will come in and talk about these changes before the work begins.

On another note, Schleiff wanted to mention that there seems to be some issues on the new boat ramp on Route 58 and would like to get it straightened out. Seelig said that he will notify the responsible individual(s).

### **SCHEDULED APPOINTMENTS**

#### **Kenzies Path – Rick Springer & Conservation Commission**

Rick Springer would like to get Kenzies Path accepted by the town. In order for this to happen some issues that needed to be taken care of. The Following is a synopsis of the discussion between Mr. Springer, the Board of Selectmen and the Conservation Commission.

Mr. Peck, member of Conservation Commission, spoke first and said that basically several things have not been meet according to the plans that were submitted. One was a cart path that was to be relocated and another was on Lot #7 where vegetation was compromised because the drainage basin area has been used by the homeowner's dog as a dog run and a fire pit. Peck added that if the town accepts this road and the basin does not comply with the plans then they (town) are responsible. Garron asked if the original construction was done to the plans submitted and Springer said yes.

Springer went on to say that in 2007 he asked for a "certificate of compliance" from the Conservation and at that time Conservation Commission was concerned about the four issues that are listed below.

1. The homeowners on Lot #7 had converted a portion of drainage basin #1 for a dog run and an open burning pit. Due to this, the embankment of the basin has not vegetated and is damaged. Springer has notified the homeowners and explained the problem that had occurred and they have since moved the dog run and relocated their "fire pit". (The commission does understand that the owners were responsible for the dog run as well as the fire pit).
2. The owners of the property that include drainage basin #2 had put dirt over an already seeded area therefore allowing unstable vegetation and erosion. Loam has since been put down, seeded and now grass is growing.
3. Basin #2 has had a pipe installed into the spillway, which was requested from the Planning Board, because the Planning Board noticed that it was filling in with water.
4. The cart path on the originals plans was going to be moved from its original location to another area. On the final as-built there is no cart path at all. Springer went on to say that the cart path does not go to anywhere and if the cart path was to exist then it will be on someone's property.

Garron had asked if anyone from Conservation Commission has gone down there to see if anything has been done and they (conservation) said nothing has changed. Garron had also asked Springer if he had a letter from the Planning Board stating to put the pipe in and he said he did.

Schleiff asked Conservation what they needed and they said a copy of Merrill's design and they would need to revisit the site. Springer was asked if he had any hardships at this time to prevent him from getting the paperwork to conservation and he said he did not. He wanted to add that he has not done anything in the last five years and if things have been done by the owners he wants the commission aware that he is not accountable for it.

At this time this issue was left that Springer will forward paperwork that Conservation is looking for them to review and do a walk through in the areas in question.

### **Website Committee**

The Halifax Website Committee has met bi-weekly over the past several months and wanted to come before the Board of Selectmen to go over the results of their research, discuss requirements needed for the town's website and explain how the website would need to be supported once up and running as well as have the Board ask the committee any questions they may have.

The committee members present were Keith McElman, Debra Dejonker-Berry, Noelle Walden and Deb Kane. McElman started by asking the Board how they felt about training someone once the website is running. Garron had asked if we trained someone would we like that person to be a trainee in the event they left. He also asked who would repair the system and answer questions that come up.

McElman said that you would need someone trained so that changes can be made by that certain individual because too many people involved making changes could disrupt the system. Garron said that a college student who is majoring in this field could be someone considered doing this. Seelig asked how would changes be made and how many can be made in one day. Kane said they will check on that.

Garron asked do we want to take a big leap, start out slow or take the web page we have now and improve it a little bit at a time. He felt that as a committee they are the knowledgeable ones and would know where to start.

Roy suggested checking with other town regarding how they would pay the responsible party who is updating their website. She also asked if each department should be responsible for their own web page. McElman said that a content management system will be developed then handed over.

Garron asked who determines what is appropriate on the website and Dejonker-Berry said that any changes could be controlled.

In closing the committee left with the following areas/topics to be researched.

- design
- who do you call for trouble shooting
- who will be responsible for the changes in each department
- could check on grant money that may be available

The committee put in a line item of approximately of \$1000. Roy stated that if they had additional information to support the need for more money they could amend the figure at Town Meeting.

The Board thanked the committee for coming in and stated that they appreciated their hard wok.

### **Cable Committee**

Dick Wright and John Shiavone came in this evening to update the Board on what the committee has been doing regarding the town's contract renewal with Comcast (up September 2012). Survey sheet were inserted in the annual town warrant that were mailed to residents last spring. The committee was looking responses so that they could let Comcast know what the town was looking for but few were sent back (100-125). Following that was an open forum last summer and again there was a poor turnout.

Residents did comment on looking into other cable providers and Wright said that they do not stop anyone from coming in with proposals and he would love to see competition because it would bring the prices down. He did want to say that for the most part people were happy with the service Comcast provided. Garron had asked if this topic could be brought up at Town Meeting legally seeing as there would be a captured audience and Seelig said maybe under Article 1. Schleiff suggested having Comcast send something in their mailing but Seelig noted that it is not a good idea per our Attorney.

In closing Wright announced to the audience that the Cable Committee meets every third Wednesday of the month for those interested in getting involved. Also anyone who has Comcast services please contact the committee regarding any comments or concerns they may have.

### **Snack Shed Committee – Lisa Hillcoat**

Lisa Hillcoat is looking for permission from the Board to construct a 6x4 brick patio at the base of the concession stand. They are promoting a small fundraiser to help with start up costs for the snack shed. Bricks can be purchased in two sizes (4x8 or 8x8) with engraving on them. At this time they have quite a few orders and the area is pretty much full with a few more spots available. Schleiff suggested extending the area to 16x4. Roy and Garron were in agreement in enlarging the area.

The Board approved a 16x4 area to build a brick patio at the base of the concession stand.

Schleiff had asked Hillcoat if they were will to do something regarding donations for HOPS playground. Hillcoat will be happy to help with HOPS and will talk with youth and Recreation and think about doing some type of fundraiser.

In closing Garron wanted to thank her for her hard work.

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

J. Recognition - Dylan Capacciolo

A letter was forwarded to the Board from Sgt. Broderick commending Dylan Capacciolo for getting help when a woman in his neighborhood had fallen. Seelig has asked the Board if they wanted to meet with him at their next meeting to also praise him. Garron said that they should meet with him and said that maybe the newspaper could follow up on this as well as send a letter to our legislators. Schleiff added that this young man is one of his neighbors and that he is a nice boy and his parents are great people. Dylan will be contacted to see if he can come to the Board's next meeting on March 22<sup>nd</sup>.

K. Aldana Road

A letter of complaint concerning the conditions on Aldana Road has been received at the Selectmen Office. Seelig has given the Highway Surveyor a copy of the letter. Badore plans on fixing the road this coming spring but this will not be a major job. Seelig will find out what his definite plan is and bring it back to the Board.

L. Gift Card to Building Inspector

Due to state regulations, if an employee receives a gift under \$50, the employee should notify his/her appointing authority. With that being said Tom Millias wanted to inform the Board of Selectmen (via memo) that he has received a \$15 Dunkin' Donuts gift card from a woman at the Mobile Home Estates for his work related to possible problems with snow on the roof of the woman's home.

M. Research on various Trash Hauling Contracts

At the Board's previous meeting they asked Seelig to contact Susan Johnston to see if she could research what other town are spending on trash pick up. Susan had called several area communities, all of which spend significantly more money than Halifax does on trash hauling (Halifax spends \$92,407). She also checked with trash hauling companies and found several that would be interested in sending in a bid if the town wanted to go out to bid. Seelig suggested that the town extend the contract for a year. The Board was in agreement.



F. Resignation – Frank Ciavarra / Municipal & School Building Committee

The Board unanimously accepted, with regret, Frank Ciavarra's resignation from the Municipal & School Building Committee, effective immediately. A thank you letter will be sent to him thanking him for numerous years he served on this committee.

G. Building Permit – Snack Shed

Michael Hillcoat has requested for a building permit for the snack shed. Seeing as the town is the property owner, the Board has to sign off on the permit before the Building Inspector can release the permit.

Moved by Garron and seconded by Schleiff, the Board unanimously voted to have Garron sign the building permit for the snack shed.

H. Nessralla Land Swap – Summit Street

Seelig had sent a letter to the Planning Board regarding the possible land swap/sale between the town and property owner Kozhaya Nessralla. The Planning discussed the options that were given by the Board of Selectmen and felt that the best two options were decide to do nothing and Mr. Nessralla would be left the option to reconfigure his subdivision or choose to sell the piece of land Mr. Nessralla is interested in at a fair market price. Schleiff wanted to add that he spoke with Mr. Nessralla and he said was going to alter the land. Garron suggested leaving the issue as is.

I. Highway/Cemetery Contract

The Highway/Cemetery contract has been signed by the Union. The Board now needs to sign.

Moved by Roy and seconded by Schleiff, the Board unanimously voted to accept and sign the Highway/Cemetery contract.

J. Zoning Articles from Planning Board

Moved by Garron and seconded by Roy, the Board voted to send all zoning articles that were submitted from the Planning Board for a hearing.

K. Meeting with Legislators

Seelig had asked the Board if they would like him to contact the state legislators to discuss the Northland Property, local aid and yielding versus stopping at sidewalks. All three Board members were fine with them coming in at the Board's next meeting on March 22<sup>nd</sup>.

**EXECUTIVE SESSION**

Moved by Garron and seconded by Roy, the Board voted as follows to enter into Executive Session at 9:45 p.m. to discuss real estate transaction, collective bargaining and litigation:

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.

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Moved by Garron and seconded by Roy, the Board voted as follows to come out of Executive Session at 10:45 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 10:45 p.m.

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Kim R. Roy  
Clerk  
/pjm