

BOARD OF SELECTMEN
SELECTMEN MEETING
TUESDAY, MAY 24, 2011 - 7:00 P.M.
SELECTMEN MEETING ROOM

Meeting came to order at 7:00 p.m. with Selectmen Troy E. Garron, Kim R. Roy and Michael J. Schleiff present.

The following business was discussed:

REORGANIZATION OF THE BOARD

Moved by Garron and seconded by Roy, Board unanimously appointed Michael Schleiff as Chairman of the Board.

Moved by Garron and seconded by Schleiff, Board unanimously appointed Kim Roy as Vice Chairman of the Board.

Moved by Roy and seconded by Schleiff, Board unanimously appointed Troy Garron as Clerk of the Board.

AGENDA

Town Administrator Charles Seelig added that Nick Gentile was here to discuss a new sign for his business and there would be a discussion regarding the wetlands account.

With the above addition, the agenda for Tuesday, May 24th, was unanimously approved.

Schleiff also asked the Board if they would go along with saying the pledge of allegiance before the start of the meeting.

MINUTES

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

- Selectmen Meeting 3-22-10 - Regular Session
- Selectmen Meeting 5-03-10 - Regular Session
- Selectmen Meeting 5-03-10 - Executive Session

ABATEMENTS/BILLS/COMMITMENTS/WARRANTS

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

Ambulance Commitment	#5A	\$ 16,306.28
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Moved by Roy and seconded by Garron, the Board unanimously approved payment of the following warrants:

Payroll Warrant	# 95	\$ 326,010.94
Vendor Warrant	# 96	\$ 40,245.44
Withholding Warrant	# 97	\$ 122,070.12

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

Gilman & Associates (legal services/April)	\$ 2,312.50
Deutsch Williams Brooks DeRensis (legal services/March) ...	\$ 2,873.22
Lawrence P. Mayo (legal services/March)	\$ 912.50
Lawrence P. Mayo (legal services/April)	\$ 1,250.00
Thomson West (MA Rules of Court updates)	\$ 136.00
Harry B. Harding & Son (Annual Town Report)	\$ 2,248.56
National Grid (billing period 4/14 – 5/17)	\$ 800.17
Deutsch Williams Brooks DeRensis (legal services/April)	\$ 2,616.87

The Board acknowledged payment of the Selectmen Office Payroll for the period ending May 21, 2011 in the amount of \$5,650.00.

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

<u>TURNOVER</u>	<u>AMOUNT</u>
2011-73	\$ 5.00
2011-74	\$ 250.00
2011-75	\$ 100.00
2011-76	\$ 5.00
2011-77	\$ 25.00

GENERAL MAIL / BUSINESS

A. New Sign for Ellis Auto Body & Repair

Nicola Gentile came in this evening to talk with the Board regarding replacing an existing sign he has for his business that is located on the corner of Old Plymouth and Plymouth Street. This area is town owned property and the *application to erect sign* needs to be signed off by the owner. There is no variance needed and the Building Department is okay with this request. Gentile would like to replace the existing sign (5 ft. by 6 ft) because it is twenty-two years old and in disarray. The new sign will be the same size and better looking. Moved by Roy and seconded by Garron, the Board unanimously voted that the old sign be replaced with a new one.

Moved by Garron and seconded by Roy, the Board voted that the Chair, Michael Schleiff, sign the *application to erect sign* for the replacement of the existing sign for Ellis Auto Body & Repair.

B. Conservation Agent – Wetlands Funds

Earlier this year two members of the Conservation Commission met with the Finance Committee regarding the hours of the Conservation Agent to be cut from twenty to ten for FY2012. The remaining three on the commission thought that it should stay at the twenty hours. This evening members of the Commission came in to discuss what had transpired over the last few months and justify why and why not the hours should be cut.

Attending this evening's discussion from the Conservation Commission was Gerald Fitzgerald, Tina Tonello, John Peck, Kathy Evans and April Powers (came in later in the discussion).

Fitzgerald started by saying that Finance Committee agreed not to fund the hours and Tonello stated that the whole committee was not there for that meeting with Finance Committee. He also asked how much did

At Town Meeting and it was voted to fund ten hours and the wetlands fees will be used to fund the other ten hours.

Schleiff added that the commission voted to release the funds to pay the agent's salary.

Garron asked how do you track the work that is related to wetlands and know when to pay out of the wetlands account and Tonello said pretty much all her work is wetland and conservation related.

Fitzgerald then went on to say that no one watches or tracks her work and that looking at the light amount of work over the past year the Finance Committee agreed that ten hours was enough but suggested having the agent work the ten hours and see if the work load warrants more.

Roy stated that there seems to a disagreement among the Conservation Board and as a Board they need to keep track of the hours the agent works. Roy felt that at Town Meeting a debate was heard and it was voted that the money allotted represent the ten hours. This was the wish of those who voted at Town Meeting and this is the way it should be kept, unless there was a special town meeting and they changed it.

Tonello said that the balance in the wetlands account is higher than last year therefore warranting that the work is there and twenty hours are justified.

Schleiff asked how does the commission verify what stated on her time cards.

Tonello said that they don't know and that she (Tonello) is a volunteer and commission members all have full time jobs so they really can't say how long the agent is at work.

Garron said the reason this is being questioned is because we have two different views. It has never been brought up in the past. No one knows where the money is and it should be tracked. Schleiff added that it has been past practice to fund the salary with the wetlands fund and now we need to make it standard.

Peck said at this time Tonello is signing the time cards but when he was signing them he felt that the hours were not warranted and said that nine meetings have been cancelled because of lack of work.

This issue was brought up at Town Meeting, three members stated their case, it was debated and everyone had their say but in the end it was voted to fund the only ten hours. The fact still remains the work is not there for the agent.

Seelig said to solve this is to ask the agent keep a journal on work done throughout the day and see what is pertaining to wetlands.

Schleiff had asked the commission if they were willing to have the agent track her work and Peck commented that she could create any amount of work load and write it down.

Powers went on to say that this should not be brought up to every Board and apologized that this keeps coming up but reiterated that three members on the commission feel that the hours are reasonable and two do not agree and the agent does do the work and the hours are needed.

Schleiff said that not everyone is going to see eye to eye but you need to come up with a solution to get this resolved and suggested that the commission sit down among themselves and try and come to an agreement and come back and meet with the Selectmen at their next meeting.

Moved by Roy and seconded by Garron, the Board unanimously voted to table this issue until the Board of Selectmen's next meeting on June 14th.

SCHEDULED APPOINTMENTS

MBTA – Street Closing Holmes/Rte 36

Mark Louro came in on behalf of MassDOT to discuss the Old Colony Tie Replacement Project. The purpose of the project is to address chronic problems with the concrete railroad ties along both the Middleborough and Plymouth/Kingston branches of the Old Colony system and to request a road closure permit for Holmes Street in order to do this work. The closing of the street will take place the weekend of July 16th & 17th. A detour plan has been developed and presented to Seelig, Fire, Police and the Public Safety Committee. MassDOT added that they will have police detail throughout the weekend

Schleiff asked if Lindy's Store on Holmes Street will get notification regarding the closure of the street as well as the work being done seeing as they one of the places in the area that sells tickets for the train. They will make it a point to go there and let the store owners and patrons aware of the changes.

Garron mentioned because of the lakes and the trees the noise is amplified and will be loud to the people living in the area so what do we do when residents call about the noise and Louro said to please call them (MassDOT) and added that with the eighteen locations they have done so far they have not gotten any complaints. Richard Schaetzl, Project Manager from J.F. White Contracting Co., said that are asking that the work (excavating) be done over night but if not they can make other arrangements.

Garron added that Holmes Street was just redone by the state and asked if they would disrupt the work that was previously done and they said no.

Also there will be a posting on the message board at the station on Monday, July 11th regarding the closing of the street.

Moved by Roy and seconded by Garron, the Board unanimously approved a street closing on Holmes Street/ Rte 36 the weekend of July 16th & 17th, 2011 beginning at 12:01 a.m. July 16th and expires 5:00 a.m. July 18th.

Pole Hearing – Franklin Street

At 8:15 p.m., the Board convened a public hearing for the purpose of considering the joint petition submitted by Verizon New England, Inc. and Massachusetts Electric Company to place one new pole (48-1) on Franklin Street to provide service to a new residence.

Present for the hearing was Ken Horn, who is representing Verizon for petition #2011B-06 and is requesting to place a new pole, 48-1, on Franklin Street. No abutters made their presence known to the Board.

A new home has been built on Franklin Street and the pole that is presently there does not give them the leeway to run wires for service and if they did have access then it would run across the two abutters front lawn. The pole will be located on the corner of the driveway of the home needing service. Garron had asked if this pole would create any visibility problems and Horn stated no.

Schleiff had asked how long would it take to put the pole in and he said the placement of the pole would take a couple of hours then it would be about a days work to add lines from the pole to the house. A police detail would be there when putting in the pole as well as when they are transferring the lines. Horn verified that the pole is going to be placed on town property and not on a resident's property. This pole will be placed in line with the existing poles already on the street. Schleiff added that Verizon notify the Highway Department when this work will take place.

Moved by Garron and seconded by Roy, the Board unanimously approved Petition #2011B-6 submitted by Verizon New England and Massachusetts Electric Company to place one new pole (48-1) on Franklin Street.

Pole Hearing – River Street

At 8:30 p.m., the Board convened a public hearing for the purpose of considering the joint petition submitted by Verizon New England, Inc. and Massachusetts Electric Company to place four new poles (1,2,3 and 4) on River Street to provide service to proposed new residences.

Present for the hearing was Ken Horn, who is representing Verizon for petition #2011B-05 to place four new poles on River Street. No abutters made their presence known to the Board.

Schleiff had asked how many feet off the road would these poles be placed and Horn said approximately 2 ½ feet, which is standard here in Massachusetts. Schleiff mentioned that he would like to see them further off the road. Roy was okay with the location on these poles.

Moved by Roy and seconded by Garron, the Board unanimously approved Petition #2011B-05 submitted by Verizon New England and Massachusetts Electric Company four new poles (1,2,3 and 4) on River Street.

GENERAL MAIL / BUSINESS (CONTINUED)C. Elementary School Insurance Claim – Date of Loss 12-28-10

In December 2010 the heating system, particularly the heating coils in several of the classrooms, had failed causing flooding in the classrooms resulting in damage to the classrooms (floors, walls, etc), materials (books) and the heating system itself.

Two possible options to repair the heating system were submitted:

1. Replace the damaged heating coils with re-engineered units, supply the classrooms with temporary heating units and/or move the students in the seven classrooms to temporary modular classrooms.
2. Repair the units and keep repairing them during the winter while the new units were manufactured and once the new units were manufactured, replace the old units with the new units.

Given these two options the school and the contractor, Mechanical Air Controls, decided to go with the second option.

The insurer has agreed to pay for the costs of repairing the units but has stated that since the units have been repaired they will not pay for the replacement on the units. Seeing as there will a shortage in paying the contractor there are a few avenues the town could go down:

- A. Pay the remaining cost of \$31,207.83 to Mechanical Air Controls out of the Town's funds.
- B. Instead of completely re-tiling the floors in the classrooms, which the insurer had agreed to pay for the complete re-tiling, replace only those tiles that were damaged and the difference between the partial and full re-tiling could be used to offset some of the remaining heating system costs and the town would then need to pick up the balance of \$4,607.83.
- C. File an appeal with the insurer providing detailed backup for the Town's case stating that the replacement costs of the coils should be paid by the insurer.
- D. Work with Mechanical Air Controls to reduce the amount of the bills for this work.

Garron read the report from Mechanical Air dated Jan. 4, 2011 stating that the coils be replaced and that the repair work they were to do was only temporary until new coils could be manufactured.

As of this time the repaired coils have now been replaced with new ones resulting in \$31,207.83 owed to Mechanical Air Controls for this completed work.

Garron asked if it would worth it for the town to appeal and Seelig said yes and with that being said the Board agreed that an appeal should be made.

Seelig has asked for the Board's permission to sign the *Sworn Statement of Proof of Loss* so the Town could at least get the amount that the insurer has agreed to give for the claim (\$120,662.57) and pay the outstanding invoices owed to numerous vendors.

Moved by Garron and seconded by Roy, the Board unanimously voted authorization for Seelig to sign the *Sworn Statement in Proof of Loss* that was submitted by Axis Insurance Company for the loss on December 28, 2010 at the Halifax Elementary School.

SCHEDULED APPOINTMENTS (CONTINUED)

Municipal & School Building Applicants

There are a couple of openings on the Municipal and School Building Committee and five applicants have expressed interest in serving on this committee. The applicants are Thomas Fitzgerald, Robert Gaynor, Scott Gilpatrick, John Grace and Beverly Smith. All were notified about this evenings meeting.

John spoke on behalf of the committee regarding the applicants and openings. The committee met last week and John Grace and Scott Gilpatrick had attended that meeting. Garron had asked if it was a conflict for Gaynor coming on this committee and being on ZBA and it was stated that he could be on more than one committee. Robert Gaynor is presently on ZBA but if appointed to the Municipal & School Building Committee then he would step down from ZBA seeing as MS&B committee would be more active with the new senior center project coming on. Campbell was asked if he talked with Fitzgerald and Gilpatrick and he said that he has not talked with Fitzgerald one on one. Also Campbell was asked if he invited him to any of their meetings and Campbell said that they are all open meetings but did not actually invite him. He added that has not spoken with Beverly Smith but she had attended the meeting before their last one. Garron wanted to make sure that everyone was invited to come this evening and Seelig said yes they were all notified. Beverly Smith is out of town, John Grace and Bert Gaynor were emailed and Seelig did not get a response back from either one. Garron was just making sure that everyone was notified.

At this time (approx. 9:00 p.m.) there was a couple in the audience and Seelig had asked if they were there to address anything in particular and they said they were there for the pole hearing that was scheduled for Franklin Street. The Board stated that it was scheduled at 8:15 p.m. but wanted to give them the opportunity to voice their concerns. Listed below is what had transpired.

David and Mary Feight reside at 37 Franklin Street and had some questions regarding poles that are proposed to be placed along the side of their property to run service from the pole on Franklin Street (petition from Verizon presented to the Board this evening) to the property that is located behind their home. The poles are not being placed on their property but along the driveway leading to the home behind them. The Feights are concerned about the danger of their pool being in close proximity to where theses wires will run and poles being placed stating that wires could come down and children could back up into the poles whiling playing in the yard.

Garron was sorry that they were not here when the hearing took place but stated that the Selectmen's Office will contact Verizon to have them get in touch with the Feights and the Board will not sign off on the petition until they are notified by Verizon and their concerns are addressed.

Municipal and School Building Applicants (continued)

Thomas Fitzgerald

Mr. Fitzgerald starting off saying that he has been on the Housing Authority for thirty years and stayed on for so long hoping for funding for more projects. He also was on the Planning Board for four years. He has been on lots of committees over the years such as the Alewife Committee; while on this committee he tried to get the fish way back into the Monponsett pond. He also has been a Constable here in town for fifteen years. Garron had asked him what his vision of the COA building would be and he said that a plan needs to be established and did not want to put a number as to how much it will cost. Campbell was asked if he had any question and he stated no.

Scott Gilpatrick

Mr. Gilpatrick started by saying that he has been in Halifax since 1979. He was appointed to the Beautification Committee a couple months back. He has a serious interest in the buildings here in town and has worked in the construction field so he has knowledge on how buildings are constructed. He would like to be part of the Senior Center and make sure that the seniors get an appropriate building that is accessible to everyone and give them the space they need. He has been at Pope's Tavern and has seen that the building is not adequate and mentioned how dangerous the stairs are.

Campbell would like Gilpatrick appointed because he is retired and has the time to spend on this project and Gaynor because he is young and fresh and hopes he could take over when he retires.

Roy wanted to advocate for Beverly Smith who is very organized and dedicated to this town and Campbell added that Smith is great but personally felt that they were two different people. This is the first time he has seen so many people active on this project and the committee needs diversified thinking and not one sided.

Schleiff added that he worked with Gaynor on ZBA and even though they did not always agree he felt that he was fair, honest and a reasonable guy.

Moved by Roy and seconded by Garron, the Board unanimously appointed Scott Gilpatrick to the Municipal and School Building Committee with a term to expire June 30, 2012 and Robert Gaynor to the Municipal and School Building Committee with a term to expire June 30, 2013

GENERAL MAIL / BUSINESS (CONTINUED)

D. Old Colony Elder Services

Moved by Garron and seconded by Roy, the Board unanimously appointed Elaine Marzilli as a member to Old Colony Elder Services and Lee Mulready as an alternate to Old Colony Elder Services, both with terms to expire on June 30, 2012.

E. Virtual Town Hall Website Services Agreement

The Virtual Town Hall Website agreement has been reviewed and approved by Town Counsel and needs to be signed by the Chair. Also Seelig mentioned that the Website Committee members would like to be reappointed for another year.

Moved by Roy and seconded by Garron, the Board voted to have the Chair, Michael Schleiff, sign the agreement submitted from Virtual Town Hall.

F. Request from Halifax in Lights – Town Property Use

Moved by Roy and seconded by Garron, Board unanimously granted the following requests from the Halifax in Lights Committee for the activities to be held on Saturday, June 25th as outlined in the Committee's letter:

Use of Town Hall parking lot and town green for daytime activities as well as access to outside electrical outlets for vendors, music, emcee activities.

Use of Halifax Elementary School property and Holmes Public Library for fireworks display, vendors, music, parking for vehicles and use of outside electrical outlets for evening activities.

Use of Town Hall, Halifax Elementary School and the Vaughan Field parking lots for evening fireworks parking and to staff each parking lot with volunteers asking for donations.

G. Resignation – Michael Schleiff / Fire Department Study Committee

The Board unanimously accepted, with regret, Michael Schleiff's resignation from the Fire Department Study Committee, effective immediately.

Moved by Garron and seconded by Schleiff, the Board unanimously appointed Roy to be the representative from the Board of Selectmen for this committee.

H. Partners Home Care Contract

Moved by Garron and seconded by Roy, Board unanimously authorized Schleiff to sign on behalf of the Town the contract with Partners Home Care for FY2011.

I. South Shore Women's Center Contract

Moved by Garron and seconded by Roy, Board unanimously authorized Schleiff to sign on behalf of the Town the contract with South Shore Women's Center for FY2011.

J. Resignation – Ryan Herrick / Fire Department

The Board accepted, with regret, Ryan Herrick's resignation from the Halifax Fire Department, effective May 31, 2011.

Moved by Roy and seconded by Garron, the Board voted to send Mr. Herrick a letter wishing him well at the Middleborough Fire Department and thank him for his service to the town.

K. Proposal for Collector's & Treasurer's Office

Kathy Shrivone has come up with a suggestion regarding the office location for the Assistant Treasurer and Treasurer Clerk. If the current computer room was to be moved to the basement then the office machine room could be moved to that room freeing up the office machine room which could be used by the Assistant Treasurer. Then with some rearranging in the Collector's Office they could make some room for the part time Treasurer Clerk, freeing up the Treasurer's Office on the second floor, which once again could be utilized as Meeting Room 2.

The Board did question the conditions down in the basement for the computer equipment and also the cost to move things down there. Seelig will let Shrivone know that the Board did have some questions regarding this suggested move.

L. Route 58 / Project Initiation Form

Seelig has asked the Board if they were ready for him to sign the Project Initiation Form for the first phase of the Route 58 project. Moved by Garron and seconded by Roy, the Board voted to have Seelig sign this form.

M. Lamppost Drive Site Visit

Seelig has asked the Board if they would like to schedule a site visit to Lamppost Drive. He will also contact Bob Badore and the Planning Board to see when they are available to join them on this visit. Garron suggested that this take place before the Board's next meeting scheduled for June 14th. Seelig will try and schedule for June 11th at noon.

N. ZBA – Recommendation for Reappointment

ZBA has recommended that Robert Gaynor be reappointed and have also asked that the Board publicize two associate member vacancies. Mr. Gaynor's reappointment will be will be voted by the Selectmen at the end of June when a list of all reappointments for the coming fiscal year will take place.

O. Resignation – Karlis Skulte / Finance Committee

Moved by Garron and seconded by Roy, the Board accepted, with regret, Karlis Skulte's resignation from the Finance Committee, effective immediately and motioned to send him a letter thanking him for serving on this committee.

With the resignation of Skulte, Nikki Newton, Finance Committee Secretary, has expressed an interest in serving on the committee. The Finance Committee recommends that Ms. Newton be appointed to fill the remainder of the term. Seelig has asked the Board if they would like to set up a joint meeting with the Finance Committee on June 14th to appoint Ms. Newton to the committee.

Moved by Roy and seconded by Garron, the Board voted to have a joint meeting the Finance Committee on June 14th.

P. MMA – Municipal Health Insurance

The MMA is looking for support for the legislation that has been presented by the Senate providing more control for municipalities to change co-pays and deductibles. The Board has supported the house legislation but MMA would like support for a weaker but more specific Senate legislation.

Moved by Garron and seconded by Roy, the Board recommended that a letter be sent to Senator Kennedy supporting this legislation.

Q. Gordon Riker Benefit 5k Walk/Run

Moved by Garron and seconded by Roy, Board unanimously approved the fourth annual Gordon Riker Benefit 5k Walk/Run to be held on Sunday, June 26, 2011 at 10:30 a.m. and concluding at approximately 12:00 p.m.

R. Ticks at HOPS Playground

The Selectmen's office received a phone call from a concerned resident/parent regarding a tick that was found on her friend's two year old child while playing on the soccer field below the HOPS playground. She suggested that maybe the town could do some sort of spraying if there was any money to do so. She stated that this is a place where a lot of activities take place and she thought that if something could be done to alleviate the threat of ticks it would be good for everyone. Seelig said that if a pesticide program was to be done an outside vendor would need to do it. This concern has been forwarded to Youth and Recreation and the Highway Department. The Board suggested letting the Board of Health aware of this also.

S. Sergeant's Contract

Ted Broderick has signed the Sergeant's contract it now needs to be signed by the Board.

Moved by Roy and seconded by Garron, the Board unanimously voted to sign union contract between the Town and IBPO Local 309 effective date July 1, 2010 through June 30, 2013.

T. Earth Removal – Turkey Swamp / Barry Gates

Documentation has been submitted from Turkey Swamp Bog Realty Trust stating that no earth removal has taken place for the months of March and April 2011.

U. Clean Up Day

No date has been decided for clean up day. Seelig will talk with Bob Badore.

V. Cable Coverage for Memorial Day

Michelle Derochers will not be available to cover the Memorial Day Parade and ceremony but will look for a volunteer to do it.

W. Reappointment List

A list of appointments as well as incumbents have been given to the Board for them to review and decide whether there is anyone they would like to discuss reappointing. The Selectmen Assistant is asking that they let her know by May 31st so that she contact the members to see if they would like to be reappointed.

X. Generic Contract

Town Counsel has made some changes to the town generic contract for goods and service for the Board to review. Seelig will bring this back to the Board on June 14th.

Y. Re-precincting

Due to the proposed change, sixty households will be moved from precinct to the other. Seelig will send out notification to those residents affected and hold a hearing on June 14th on the change.

EXECUTIVE SESSION

Moved by Schleiff and seconded by Roy, the Board voted as follows to enter into Executive Session at 10:10 p.m. to discuss collective bargaining:

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

Schleiff 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 Roy and seconded by Garron, the Board voted as follows to come out of Executive Session at 10:40 p.m.

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

There being no further business, moved by Roy and seconded by Garron , the Board unanimously voted to adjourn the meeting at 10:40 p.m.

Troy E. Garron
Clerk

/pjm