

BOARD OF SELECTMEN
 SELECTMEN MEETING
 TUESDAY, AUGUST 23, 2011 - 7:30 P.M.
 SELECTMEN MEETING ROOM

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, August 23rd, was unanimously approved without revision.

The Board wanted to applaud the Halifax Girls Softball team on their trip to Alabama to participate in the Babe Ruth Softball Girls World Series. Roy would like to have the team come in so that the Board can personally congratulate them.

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

National Grid (billing period 7/19 – 8/16) \$ 1,182.51
 Learning Resources, Inc \$ 73.94
 (school - Claim # TNT0084433 Date of loss 1/18/11)
 Matthew Bender & Co., Inc (MA law books update) \$ 147.46
 Jordan on the Job (Animal Control Officers) \$ 1,336.00

ABATEMENTS/BILLS/COMMITMENTS/WARRANTS

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

PAYROLL WARRANT	# 10	FOR	\$ 182,024.41
VENDOR WARRANT	# 11	FOR	\$ 38,507.23
WITHHOLDING WARRANT	# 12	FOR	\$ 65,295.57
VENDOR WARRANT	# 13	FOR	\$ 207,926.77
PAYROLL WARRANT	# 14	FOR	\$ 176,994.32
VENDOR WARRANT	# 15	FOR	\$ 66,913.56
WITHHOLDING WARRANT	# 16	FOR	\$ 63,482.00
MOBILE HOME PARK FEE	# 8	FOR	\$ 5,160.00
AMBULANCE COMMITMENT	# 7B	FOR	\$ 21,312.22
AMBULANCE COMMITMENT	# 8A	FOR	\$ 19,099.00

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

MMA	\$ 35.00
ATTORNEY LAWRENCE MAYO	\$ 1,504.40
GILMAN & ASSOCIATES	\$ 370.00
DEUTSCH WILLIAMS BROOKS DERENSIS	\$ 133.00
MASSASOIT COMMUNITY COLLEGE	\$ 199.00
SHIRETOWN GLASS & ALUMINU, INC.	\$ 34,300.00
DIVISION OF LOCAL SERVICES	\$ 25.00

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

Vendor Warrant # 17 \$ 222,946.10

The Board acknowledged payment of the Selectmen Office Payroll for the period ending:

JULY 30, 2011	\$ 5,714.26
AUGUST 13, 2011	\$ 5,719.70

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

<u>TURNOVER</u>	<u>AMOUNT</u>
2012-06	\$ 5.00
2012-07	\$ 5.00
2012-08	\$ 15.00
2012-09	\$ 10.00

MINUTES

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

- Regular Session – June 14, 2011
- Regular Session – July 12, 2011
- Regular Session – July 26, 2011

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

- Executive Session – July 26, 2011

GENERAL MAIL / BUSINESS

Marston - 343 Monponsett Street

Kristin Marston submitted a letter dated July 26th stating that she has never placed grass in the wetlands area and asked about the special regulations that allow the Conservation Commission / Highway Department to mow down vegetation on wetlands and why they have special rules over the property owners. She also felt that the Conservation Commission should take enforcement action against the Town for mowing on Paradise Lane and dropping the clippings in the wetlands. A copy of the letter has been given to Conservation.

Last Thursday (Aug. 18th) Seelig drove by the property and it seems that this is still happening. Garron mentioned that he looked at it today and that it appears that grass is grown. Roy looked at it a couple of weeks ago and saw that it was cut.

Conservation replied to the Martons stating for them to stop the mowing and putting the clippings in the buffer zone.

Schleiff added that he would like conservation to keep the Board in the loop regarding this matter and asked Seelig to mention that to them.

DISCUSSIONS

Reappoint Unenrolled Election Workers

Moved by Roy seconded by Garron, Board unanimously reappointed the following people as Unenrolled Election Workers with terms to expire July 27, 2012:

Kathryn Roche
Diane Ruxton

503 South Street
786 Old Plymouth Street

Use of Town Green – Girl Scouts

Moved by Roy and seconded by Garron, the Board approved a request from the Halifax Girl Scouts for the use of the Town Green on Saturday, September 17th, from 9:00 a.m. to 3:00 p.m. for Girl Scout registration and a flea market, with a rain date of Saturday, September 24th.

Use of Town Green – Halifax Congregational Church

Moved by Roy and seconded by Garron, the Board unanimously granted a request from the Halifax Congregational Church for the use of the Town Green on the backside of the Town Hall on Saturday, September 17th, from 10:00 a.m. to 3:00 p.m. for a chicken BBQ and harvest fair.

SCHEDULED APPOINTMENTS**Richard Lema**

Mr. Lema came in this evening to meet with the Board regarding his interest in serving on the Town Government Study Committee (other members of the committee were asked to come in this evening but no one showed up). Roy explained the vision on the committee, which is look at certain aspects of the various departments within the town to see if they function efficiently and what are the jobs within a department and to see if any over lap. Roy asked how long he has lived in Halifax and he said since June. Then Garron proceeded to ask where has he lived and he said all over doing wind turbines.

Moved by Garron and seconded by Roy, the Board unanimously voted to appoint Richard Lema of 35 Ocean Avenue to the Town Government Study Committee, with a term to expire June 30, 2012.

GENERAL MAIL / BUSINESS (CONTINUED)**Route 58 Project**

The office received a letter from MA DOT stating that they have received the Project Initiation Form (PIF) submitted for a potential future transportation improvement project in the Town of Halifax involving the construction corridor improvement along Route 58 from the Plympton town line to Lingan Street in Halifax.

Hunting & Fishing Licenses

Beginning January 1, 2012 the Town Clerk's office will no longer be issuing fishing, sporting or hunting licenses. All licensing will be down through MassFishHunt which will require a terminal at the Clerk's office and involve installing new software for the program. Currently licenses are issued by hand, writing them in a booklet, a fee is collected and a turnover goes to the treasurer then payment is sent to F & W at the end of the month. Through several emails the Town Clerk has heard that many towns have already stopped doing them and many more will now stop due to the new process.

Marshfield Fair Passes

Two passes have been mailed to the Selectmen office for admittance to the fair.

Special Legislation - Gas Inspector

State Representative Daniel Webster has sent over a proposed legislation to the exemption of positions of inspector and assistant inspector of gas piping and gas appliances of the town of Halifax from the civil service law. Seelig and Building Inspector, Tom Millias reviewed and both were fine with the proposed legislation.

Special Legislation – Northlands Parcel

The settlement agreement for the Northlands parcel does not mention who is responsible for the costs. The way the draft is written is it states that the town accepts all cost. Seelig has recommended that they contact Webster asking that the language be revised stating that the Town pay the Town's costs and the State covers the State's cost and had asked the Board if they agree with his recommendation.

Moved by Roy and seconded by Garron, the Board unanimously accepted Seelig's recommendation listed above.

Use of Town Land – Fourth Avenue

It has been brought to the Boards attention that town owned land on Fourth Ave is being used by a resident. Garron has looked that the property and stated it has been taken care of and there have been no complaints about it being in disarray or misused. He suggested that the town could either lease the land to the resident who is using it or ask him to move his stuff. Roy had asked if it is leased what is the town's liability if someone gets hurt on the property and it was stated that it would be stated in the lease that the town would not be liable for injuries on the property. Also in the lease you could state what is acceptable on the property. Roy is not inclined to do this because she felt that it is setting a precedence.

Schleiff went on to say that lots of things are put on town property that the Board is not aware of. He also asked what do we do about other town land that is being used and Seelig said he could go out and see who else may be using town owed land (at the Board's request) but this could open a can of worms which both Roy and Schleiff agreed. Garron suggested that we could lease the land on a year to year basis and each year the town can take a look at it and said that he rather have someone who is taking care of the property as opposed to not. Seelig can check with town council on about the town leasing the land as well as the language that would be in the agreement. Seelig added that the big question would be how much the resident wants to lease and if over twenty five hundred sq. ft. then a note would need to be put in the central register. Seelig will contact the resident to see how much of land he would like to lease.

Schleiff stated that he thinks that land is an alternative sewage site for that area therefore he is not in support of selling this land. Garron did not think the residents in that area would be open to having a water treatment plant either next door or across the street front them and added that some have spent money to upgrade their septic systems which would be another reason why this land might not be used for that.

Moved by Garron and seconded by Schleiff, the Board voted as follows to have Seelig looked into the language of a lease agreement for the land on Fourth Avenue that is owned by the town.

Troy E. Garron	-	Yes
Kim R. Roy	-	No
Michael J. Schleiff	-	Yes

Vote passed by majority

Recycling Fee Commitment

Seelig has suggested to leave the fee for Fiscal 2012 at \$40 but informed the Board that the recycling truck will need to be replaced at some point and to keep in mind the funds will need to come from some place to replace when the time comes.

The Town Accountant, Sandy Nolan, had provided that Board with a *Solid Waste Fund Cash Flow Report*. After reviewing it Schleiff suggested looking into why the Recycling Center Expenses and Hazardous Waste went up. He asked what else is costing the town money and Sandy felt that it is the trash collection. She explained that the bag n tag is not a revolving account and that the costs of the bags have increased and said that Sue Johnson has purchased a bulk order but is unsure of what her needs will be. She also mentioned that the Solid Waste Account is set up as an enterprise fund.

Moved by Roy and seconded by Garron, the Board voted to have Chairman, Michael Schleiff, sign recycling fee commitment for FY2012 in the amount of \$122,640 (fee per household will be \$40).

Blackledge Farm – Franklin Street

Zoning Board of Appeals has approved a series of buildings with four to seven units in each building that will total fifty one units.

Joseph v Halifax – Dog Hearing Appeal

An appeal hearing is scheduled for August 24th. Attorney Mayo will be representing the Town and one or both of the Animal Control Officers will be attending the hearing. Seelig does not know if a decision will be made at that time.

ZBA Associate Member – Sally Wells

Zoning Board of Appeals is recommending Sally Wells to be an Associate Member. It has been confirmed with Ms. Wells that she can come before the Board on September 13th for an interview.

Surplus Item – Fire Department

The fire department has a copier that Chief Carrico would like to declare surplus. Seelig has sent a memo out to the departments but did not get a response back from any one who may be interested in it.

Moved by Roy and seconded by Garron, the Board unanimously declared a Sharp AL – 2040 CS copier as surplus.

SCHEDULED APPOINTMENTS (CONTINUED)**Concession Stand**

Lisa Hillcoat, a volunteer for the concession stand and Bruce Pulliam, Youth & Recreation member, came in this evening to go over outstanding invoices and work that needs to be done for the completion of the concession stand. Hillcoat started by saying that the building has approvals for the electrical and plumbing and from the Board of Health and the application is in place to sell food with the Board of Health. The Building Inspector has approved the building but has not signed off until the grade for the handicap bathroom is done correctly. Millias felt that the grading just needs to be tweaked a bit and that it was due to the ground settling. Millias had one other small issue is with the post in front of the building stating that it would splinter easily and suggested wrapping it. Mike Hillcoat said that he will wrap with PVC pipe.

John Campbell, from the Municipal & School / Building Committee, felt that the building came out pretty good but added that the town should think twice about having volunteers doing a project and that we are lucky no one got hurt doing this project. The Building Committee kind of oversaw the project and commented that Lisa did a good job.

Schleiff said that there were some bumps in the road such as the changes in the septic and Mike Hillcoat said that those are normal changes but for the most part he felt things ran smoothly.

The Town Accountant was concerned that there was an outstanding invoice in the amount of \$1,600 and explained that the vendor deals with the town on a regular basis and she would like to see it get paid. Roy had asked how long has the bill been outstanding and Nolan said the first invoice was sent in April. At the moment there are two bills; one for \$1,656 and the other for \$417. Garron then asked where we can find the money to pay these bills.

Pulliam wanted to say that the project came in just over \$5,000 and that Halifax Baseball has come up with half the money and would like to get together with members of the Gift Committee to see if the remaining amount can be paid through that account. He added that this building was built \$90,000 under so coming up \$5,000 over was not bad.

Hillcoat said that \$2,272.73 will pay the outstanding invoices and the grading that needs to be done for the handicapped bathroom. Roy is concerned using money from the gift account because the remaining money is there to keep up with the maintenance required at the HOPS playground. Pulliam added that Hillcoat has voiced that she would help fundraise for HOPS.

Garron noted that there have been other issues within the town that have been over budgeted and felt that going over \$2,200 is not that far off. He thanked Hillcoat for taking this project on. He also said he would hate to see in a couple of years the stand not being used. Hillcoat wanted to thank the volunteers and was grateful that she was apart of it.

Nolan, speaking as the Town Accountant, said that the money was spent without her seeing the bills. Proper procedure is that the money is gifted and then the bills submitted.

Roy asked if they would sub lease to soccer and Hillcoat said yes baseball would but not Youth and Recreation. Another question that was asked was what if two programs wanted to use the building. This question was not answered directly but Pulliam said that if a program wanted to use the building then there would be a verbal understanding that they pay for the cleaning of the bathrooms. Lisa has started to put together a checklist and has a committee working on a manual.

Garron stated that the issue tonight is do we pay the outstanding amount or not. Nolan asked if the Gift Committee could meet sometime this week to get these bills paid and Pulliam said yes.

Pulliam will contact Schleiff to set up a meeting for this week for member of the Gift Committee to meet. Schleiff said lets see what baseball can come up with to get this wrapped up. The Board thanked everyone for their hard work and that this meeting tonight was to get everyone was on the same page.

Vacancies on Youth & Recreation Committee

Bruce Pulliam wanted the Board to know that they have two vacancies on the committee and have three applicants that are interested in serving on it. Y&R plans on having these applicants come in at their next meeting and is asking if the Board would like to interview them at their next meeting on September 13th. The Board was fine with Pulliam's suggestion.

Cathy Miller – Grievance

Seelig started by giving a brief summary of why Miller had come before the Board this evening. Miller has filed a grievance regarding the interpretation and application of vacation policy. The current policy is unfair to employees as they reach their 5th, 10th, 15th, and 20th years' of service. This came about because sick and vacation time are now being put on the paycheck stubs. The payroll company took the Town's policy to do the formulas for vacation time and have interpreted it to read that the accrual starts *after* you have completed your 5th, 10th, 15th, and 20th year, which means you have to wait a whole extra year to receive your vacation hours based on years of service. This has been correctly for one employee and Miller is asking that it be done right for her. She is asking that the Wage & Personnel Board make the wording clear and consistent with the policy that is used when they hire new employees (after two months of employment they start accruing time).

Nolan wanted to explain this better to the Board and went on to say that past practice, before 2003, was that everyone got vacation on July 1st regardless of their hire date. What is trying to be accomplished at this time is to get Miller and a couple of other employees, who are also affected, their time earned when they reach their 5th, 10th, 15th, and 20th years of service. Nolan added that if it is not changed then it will affect a lot of people later on in time.

Nolan thinks that Wage and Personnel are going with the wording of the by law. Schleiff said that this should be brought up at Town Meeting and asked if Nolan could get an exact number of how many will be affected. He also said that he would like to attend W & P next meeting to see what they have to say on this.

Moved by Garron and seconded by Roy, the Board voted to take this under advisement and wait to hear back from Nolan on how many employees will be affected.

GENERAL MAIL / BUSINESS (CONTINUED)Human Resource Position

Seelig is recommending that if there is some interest in establishing this position a discussion about it should take place this fall. Seelig will talk with Wage and Personnel about this as well and said that Finance Committee will hold off on participating until something is presented to them. Although Finance committee did suggest checking with the *ten towns* to see how they handle these responsibilities. Seelig had asked the Board if they would like him to do more work on this. Roy said that she would like to see how other towns deal with personal issues. Schleiff suggested that maybe the Town Government Study Committee could help with this research work. Garron felt that the personal position was not explained in what it would entail therefore was not for it in the beginning but would like to see some research on it. Nolan said that she has it outlined and could get it to Garron.

Ambulance Abatements

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

July 2011	FOR	\$ 11,884.95
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Signature Authority Fiscal Year 2012

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

Resignation – Frank Ciavarra / Council on Aging

The Board unanimously accepted, with regret, Frank Ciavarra's resignation from the Council on Aging Board, effective immediately.

Moved by Garron and seconded by Roy, the Board voted to send Mr. Gavin a letter thanking him for his service to the town.

Eagle Scout Ceremony – Patrick Maher

The Board has been invited to attend an Eagle Scout Court of Honor for Patrick Maher on September 17th in the courtyard at the Halifax Elementary School.

Transfer of Water Dept. Truck to Municipal & School Bldg. Committee

Word from the town mechanic is that the only work that needs to be done would be if M&SBC wanted to fix the air conditioning it would cost \$250 and if not, to be passed the cost would be \$30. Other than that the vehicle is fine to be driven around town.

Moved by Roy and seconded by Garron, the Board unanimously voted to have the Water Department truck transferred to the Municipal and School Building Committee.

Concession Stand Electric Bill

Seelig will contact Halifax Baseball regarding the outstanding electric bill for usage of electricity at the concession stand.

Donation

Harry Jefferson has sent in a check in the amount of \$258.50. Mr. Jefferson is a retired veteran therefore both the Town Treasurer and Accountant recommended that the money be deposited in the Veterans' gift account.

Moved by Garron and seconded by Roy, the Board unanimously followed the recommendation of the Treasurer and Accountant to put the money in the Veterans' gift account and have a letter sent to him thanking him for his donation.

Floodplain Appeals Period

FEMA has notified the town regarding the appeals period for new floodplain maps that FEMA has submitted. The period will begin in September and end in December. The town will hear any appeals and then forward to FEMA. Seelig will compare the maps that were sent in 2008 and the new and will notify property owners that now are in a floodplain. If the Board desires a combine hearing for all can be held in the fall.

DISCUSSIONS

Road Cut – 29 Ocean Avenue

Moved by Roy and seconded by Garron, the Board unanimously approved Permit #2012-22 issued to Columbia Gas of Massachusetts for a 3' x 5' road cut to cut off gas service at 29 Ocean Avenue.

Road Block – 11 Eleventh Avenue

Moved by Roy and seconded by Garron, the Board unanimously approved Permit #2012-21 to Tricia Gilcoine for a temporary road block between the corner of Eleventh Ave. and 28 Hillside Ave on Saturday, September 3rd, from 1:00 a.m. to 8:00 p.m.

Live Entertainment – Salon Serenity Day Spa

Moved by Garron and seconded by Roy, the Board unanimously approved Permit #2012-18 to Kelly McAndrews for live entertainment at Salon Serenity Day Spa on Saturday, September 17th, from 10:00 a.m. to 2:00 p.m.

Live Entertainment – 36 Colby Drive

Moved by Garron and seconded by Roy, the Board unanimously approved Permit #2012-19 to Gayla & Tim Troup for live entertainment on Saturday, September 10th, from 4:00 a.m. to 9:00 p.m.

Live Entertainment – 40 Thirteenth Avenue

Moved by Garron and seconded by Roy, the Board unanimously approved Permit #2012-20 to Nick Renna for live entertainment on Sunday, September 4th, from 2:00 a.m. to 9:00 p.m.

Police Officer Transfer – Ryan Botto

Moved by Garron and seconded by Roy, the Board unanimously voted to grant the request for transfer of Patrol Officer Ryan Botto from the Halifax Police Department to the Pembroke Police Department and have the Chair, Michael Schleiff sign the transfer request form.

GENERAL MAIL / BUSINESS (CONTINUED)Mowing – Highland Woods

Seelig has confirmed that the cul – de – sac on Arrowhead Path has been mowed.

Trash & Dumpster – Madison Road

The Selectmen’s Office has received a complaint from a resident in the Madison Road area regarding trash and rats that are on the property of 21 Madison Road. Seelig has gone out to the area and did not see anything pertaining to the allegation but did forward the complaint to the Board of Health. As for a dumpster at 42 Madison Road; the size of the dumpster does not require a permit from the fire department and is parked right on the edge of the road but not on the paved portion of the street. Seelig does not see it interfering with traffic but suggested that it could be brought to the attention of the Traffic Safety Committee or ask the resident to move it away from the shoulder of the road. Schleiff was not in favor or having the TSC go down there.

Moved by Garron and seconded by Schleiff, the Board unanimously suggested to have a Police Officer take a look at where the dumpster is placed to see if it is a safety issue.

Unregistered Vehicles – 471 Monponsett Street

In the past there have been issues regarding the above property. Seelig has sent a note to the property owner asking them to bring number down to one unregistered vehicle on the property. As in the past there has been a continued problem with junk on the property. The Board can request that Seelig take action under the town’s by laws regarding that “*no yard abutting of visible from a way or public park or public beach shall be used for storage or display or abandonment of any type of junk, discarded or abandoned, equipment or material*” he is more than willing to do so. Roy and Schleiff agree that something needs to be done with the junk in this resident’s yard and felt that it is a distraction.

Seelig is going to check to see how many unregistered vehicle are on the property and get back to the Board. At this time the Board tabled this matter until Seelig gets back to them at their next meeting.

Fire Department Grant

Fire Chief Carrico is asking the Board if they are interested in having the town applying for a Federal grant that will pay for the salaries of additional firefighters but then the town would need to pick up the bill. Garron is willing to talk with the Chief to what his selling points are to this. Schleiff did comment that he does not believe the Chief is advocating for it. The Board suggested that the Chief come before the Board and talk about it.

Nessralla's Sign

John Shea has been in contact with Kozhaya Nessralla and Shea has asked for a continuance for another month. Schleiff mentioned that the crosswalk near the that location is going to be reconstructed and that there may be a sidewalk later in time roughly in the area of where the sign is going to be placed. Seelig will contact Shea and Nessralla to make them aware of this.

Special Town Meeting

A Special Town Meeting may be warranted this fall. The only reason to trigger would be for the construction of the new senior center other than that there isn't anything else significant enough to have one. If a Special Town Meeting is to occur additional funds for the Recruitment and Employment Account may be requested. The Board decided to hold off making a decision until next month when they might have a better idea if it is needed.

Monponsett Pond

A summary report for *Mussel & Dragon Baseline Survey at the West Basin of Monponsett Pond* was prepared by GZA GEO Environmental, Inc for Lycott Environmental, Inc. The report reflected data that was collected from various locations of the west basin of the pond. A final draft will be sent to Natural Heritage and Endangered Species Program for their review regarding a treatment /monitoring plan for this area.

Schleiff, who is quite upset about this problem, stated that we need to identify what is causing these problems and suggested maybe a committee could do the research to find this out but as Garron said then the committee would come back to the Board asking that is be treated. The fact remains that as long as there are septic systems around the pond and chemicals going into the lakes this problem will always be here. Garron said that the legislators need to enforce the laws and suggested that they come in to talk about it.

Next Meeting

The Board's next meeting is scheduled for September 13, 2011.

EXECUTIVE SESSION

Moved by Garron and seconded by Roy, the Board voted as follows to enter into Executive Session at 10:30 p.m. to discuss collective bargaining and land acquisition:

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 11:35 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 11:35 p.m.

Troy E. Garron
Clerk

/pjm