

BOARD OF SELECTMEN
SELECTMEN MEETING
TUESDAY, SEPTEMBER 13, 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, September 13th, was unanimously approved without revision.

The Board wanted to thank the Chief Carrico for putting together a 9/11 ceremony this past Sunday as well as the speakers who shared their own remembrances of that day.

MINUTES

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

Regular Session – August 23, 2011

Executive Session – August 23, 2011

AFFIRMED ABATEMENTS/BILLS/COMMITMENTS/WARRANTS

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

Payroll Warrant	# 18	\$ 173,305.38
Vendor Warrant	# 19	\$ 34,856.69
Withholding Warrant	# 20	\$ 62,873.80
Vendor Warrant	# 21	\$ 85,717.92
Ambulance Commitment	# 8B	\$ 23,261.44

APPROVED ABATEMENTS/BILLS/COMMITMENTS/WARRANTS

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

Payroll Warrant	# 22	\$ 309,019.04
Vendor Warrant	# 23	\$ 428,189.25
Mobile Home Park Fee	# 09	\$ 5,160.00

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

Community Newspaper Co.	\$ 234.09
(COA land RFP & COA Architectural services)	
W.B. Mason Co., Inc. (binders, printer ink, paper)	\$ 166.09
PaperDirect (certificate papers & folders)	\$ 145.89
MMA (2012 Annual Meeting 1/20 & 1/21 Seelig)	\$ 140.00
Halifax Postmaster (200 stamps @ .44 ea.)	\$ 88.00
The Enterprise (Tax classification hearing ad)	\$ 73.95
Attorney Lawrence Mayo (legal services/Aug.)	\$ 2,312.50
Peter J. Epstein, Esq. (legal services/Aug.)	\$ 200.00
Deutsch Williams Brooks (legal services/Aug.)	\$ 266.00
Malloy, Lynch, Bienvenue, LLP (audit year ending 6/30/11) ...	\$ 7,000.00
Shiretown Glass & Aluminum, Inc.	\$ 239.60
(repairs @ elementary school insurance claim; date of loss 1/18/11)	
Shiretown Glass & Aluminum, Inc.	\$ 3,122.94
(repairs @ elementary school insurance claim; date of loss 1/18/11)	

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

August 27, 2011, 2011	\$ 5,719.70
September 10, 2011	\$ 5,736.50

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

<u>TURNOVER</u>	<u>AMOUNT</u>
2012-10	\$ 5.00
2012-11	\$ 15.00
2012-12	\$ 5.00
2012-13	\$ 7,832.53

GENERAL MAIL / BUSINESS

Cathy Miller – Grievance

Roy started by saying that she had received a call from Maureen Rogers of Wage & Personnel and she had asked that the Board wait to make a decision on the grievance that has been filed. Rogers would like to have a joint meeting between W&P, the Selectmen and Cathy Miller. Roy agreed that they all should meet. Garron does not have a problem meeting with them but asked the Board if they thought that W&P had anything to add to the letter the sent to Ms. Miller dated July 27th stating that they voted to deny her grievance regarding vacation accrual and felt that she was being awarded the correct vacation time according to the current Town By-Laws.

Moved by Roy and seconded by Schleiff, the Board unanimously motioned to have a joint meeting with Wage and Personnel on September 20th.

Town Treasurer – Reconciliation & Borrowing from Stabilization

Town Treasurer, Kathy Shiavone came in this evening to let the Board to know where she stood on reconciling the books. At this time she is working on June 2011. The Town Accountant added that May 2011 needs some correcting as well as October 2010 but other than that the other months are reconciled. Shiavone is in much better shape that she was the first year she was here. Last year was better but added that this year they have a new program which again is setting her back a bit but is working her way through it.

Shiavone has requested to borrow \$400,000 from stabilization and explained that over that last couple of years she has needed to do this until real estate bill payments start coming in (bills will be sent in October). She also added that putting property in tax title has doubled from last year. She has set up payment plans for some and stressed for those who have not need to set up a plan so that they do not go into tax title.

Moved by Roy and seconded by Garron, the Board unanimously authorized the Town Treasurer to borrow \$400,000 from the Stabilization Fund to cover expenses before receipt of RE12 taxes.

SCHEDULED APPOINTMENTS**Tax Classification Hearing**

At 7:45 p.m., the Board convened a Public Classification Hearing for the purpose of allocating the local property tax levy among the five property classes for Fiscal Year 2012. Present for the hearing were Assessors John Shiavone, Thomas Millias and Principal Assessor/Appraiser Suzan Duggan.

A. Single Tax Rate

Duggan noted that a single tax rate is generally applied across the board. A split rate would drive business out of town and would not reduce the homeowner's tax rate enough to make a difference. Duggan recommends continuing with the single tax rate.

B. Open Space Discount

Duggan stated the Town does not have any properties categorized as open space and suggests not recommending a separate "open space" tax classification.

C. Residential Exemption

Given that the Town does not have a large seasonal population; the Board of Assessors did not recommend this exemption.

D. Small Commercial Exemption

Property owners (and not the business owners) generally benefit from this exemption. The Assessors did not recommend this exemption be granted.

Moved by Garron and seconded by Roy, the Board unanimously voted to (a) set a single tax rate across all classes; (b) not to include a discounted tax rate for open space; (c) not to include a residential exemption; and (d) not to adopt the small commercial exemption.

Sally Wells – Appointment as Associate Member to ZBA

Ms. Wells has already met with ZBA and they were pleased that she would like to join their Board. A letter of recommendation was submitted from ZBA stating this. The Board had asked why she was interested in joining ZBA and she went on to say that she grew up in the area and then moved to Florida and has moved back to Halifax four years ago. She sees it as a way to meet people and is a way to know what goes on in town. Ms. Wells has been on a lot of voluntary committees but never on a government level. She was asked if she had any problems with commitment and she said no. Ms. Wells wanted to add that since meeting with ZBA she has been approached by Wage & Personnel (she had also checked off that board on her talent bank form) and was wondering if she would be able to serve on both and she was told it should not be a problem.

Moved by Roy and seconded by Garron, the Board unanimously appointed Sally Wells of 62 Harvard Street, as an Associate Member to the Zoning Board of Appeals with a term to expire June 30, 2014.

Cable Advisory Committee – Richard Wright & John Shiavone

Richard Wright and John Shiavone, members of the Cable Advisory Committee, came in this evening to ask for the Board's permission to submit a RFP to Comcast. Town Council has reviewed it and changed a couple of things but nothing major. Wright said they are asking for *it all* and are going to see what Comcast sends back for changes, which they have forty five to do. The committee is quite pleased at the work Comcast is doing and would like them to stay in the studio here in town but need to keep in mind they might want to leave. Schleiff asked about the equipment and Wright said that there are clauses in the contract regarding it. Wright stated that they added in the contract that if Comcast makes changes to programming and new equipment is needed that the municipalities would not get charged for it (example DATs are free for first two there after you are charged 1.99 each month).

Moved by Garron and seconded by Roy, the Board unanimously granted permission for the Cable Advisory Committee to submit their RFP for the upcoming new contract with Comcast.

Justin Rank – Class II License

Mr. Rank came before the Board to apply for a Class II license. A couple years back he held a Class II at his residence with certain stipulations but at this time will be conducting business at 350 Industrial Drive with the following stipulations:

- (1) no cars offered for sale on premises
- (2) no display of vehicles on premises
- (3) no repair of vehicles on premises
- (4) no storage of vehicles on premises
- (5) no business sign;
- (6) property must be kept in good condition and free of debris at all times.

Move by Garron and seconded by Roy, the Board unanimously approved a Class II to Justin Rank for Jeepworks LLC with the above stipulations.

Thai Truck

ZBA has issued a complaint concerning the Thai Truck that is located next to the Nessralla Farm Stand on Plymouth Street. ZBA Chairman Tinkham, called the Building Inspector's office asking for some information about this business and asked the Administrative Assistant to have the Building Inspector call her. As stated in ZBA's complaint the Building Inspector has yet to call them back. ZBA feels that a special permit is required and that the Building Inspector has failed to enforce the Town's by law as well as not spoken with ZBA regarding this matter. This complaint was submitted to the Selectmen's office unbeknown to the Building Inspector. This evening Tom Millias, the town's Building Inspector, was here on behalf of the Tax classification hearing and stayed in case the Selectmen wanted to hear from him.

Millias thought that this Thai truck was considered a peddler type of business and after getting some input from Seelig realized that he should have sent the owners of the Thai truck to ZBA and for that he did apologize as well as not getting back to ZBA. He has since gone to the owner stating that he needs to file for an *open air business/outside sales* permit as soon as possible. Millias said he has always given people ample time to file and will do so with this person. Millias added that if the Board would like him to have them close right away he will tell them to do so but it goes against what he has done with others in the past. He found that it to be unprofessional of ZBA to go to the Board of Selectmen first and not him. Roy does not feel it is necessary for them to close down. Millias added that if they do not file by next week then he will shut them down. Millias has verbally talked with them but he also will send a letter to them (Thai truck owners).

SCHEDULED APPOINTMENTS (CONTINUED)**Fire Chief - 92 Lingan Street**

This house has not been improved since the fire in September 2010. The condition of the property has worsened due to weather over the winter (2011) and the recent hurricane. It was boarded up after the fire and the cost to do that was fifteen hundred dollars that was paid at the town's expense. Also the property has been marked no admittance. Millias is working with Town Council on the process of putting a lien on the property. He was able to get an address of the owner through the collector's office. Chief Carrico had a resident from the neighbor come in to see him who was very upset about the house. He mentioned that there is an odor from the dwelling that smells and is affecting his health. The chief also received a call from the Fire Marshall, who received an anonymous call regarding the property as well. Millias added that mold is present, small critters may or have been inhibiting the house, the roof is not stable and again there is the presence of smell coming from it. He will keep the Selectmen in the loop. In a memo from Chief Carrico he feels that if left in its present condition the property is an endangerment to public safety and should be razed as soon as possible whether it's done by the property owner or the town takes action on it.

On another note Millias mentioned that they should keep an eye on the old auction house on Monponsett Street. In addition Millias is looking to see if Highway could raze the "Y" camp to save the town money. If they cannot get the work done by the end of the month then they might have to ask an outside firm to do it.

Fire Chief – Grant Money

The chief wanted to inform the Board of any grant money that is available at this time. The SAFA grant is available but in order for the department to qualify for this the chief would have to add two firefighters for each shift and if this was to happen then it would increase the wages in his department. He is planning on applying for a hose grant as well as an AFG grant for the replacement of the exhaust system in the station. One last grant that he is intending to submit was the SAFE grant in the amount of \$3,500 which will deliver programs to the community.

Fire Chief – Emergency Medical Dispatch

On July 1, 2012 a new system will need to be in place as to how medical calls are received at the dispatch center. Currently EMD is performed through AMR in the Natick Dispatch center which at this time there is no cost but the chief feels that with the potential call volume to AMR that most likely will change an a cost will be incurred. The Chief is recommending that we have our currant dispatchers attend emergency medical dispatch training, purchase the equipment, and start providing this service to the residents of Halifax. He intends to present this to the Communications Committee tomorrow (Sept. 14th) at their meeting. The training, start up cost, and backfill coverage would be covered under the 911 grant. This service will give the patient a better chance of survival before the ambulance arrives. Garron's concern was that if you train someone then they leave where does that leave you and Carrico said that everyone will be trained so they will all be on the same page.

Moved by Garron and seconded by Roy, the Board voted to send a letter of support to the chief for the EMD service. Schleiff abstained from the vote because he is the Chair on the Communications Committee.

Fire Chief - E-One Pumper

Engine 1 has gone to Greenwood Fire Apparatus to get body work done so Halifax probably will not have a second engine for about three weeks but what the Chief has done is made a call to Whitman Fire and soon as their Engine 3 gets finished in Rockland (their truck is at another apparatus dealer getting work done) it will come here and that will be our back up engine until ours comes back. Garron added that mutual aid is working at it best to help other towns in need. Rockland is waiting for. Engine 1 was in a motor vehicle accident when it went to a third alarm call in Kingston. It was repaired pretty well but the Chief is afraid that if someone might get hurt on the jagged metal seeing as it is at knee height. The estimate came in at about \$8,800 and the town has a deductable of \$1,000 which means they have approximately \$7,800 for repairs.

GENERAL MAIL / BUSINESS (CONTINUED)**Walnut Street**

A letter has been to the Selectmen from the Heaton's who reside on Walnut Street. The letter is in reference to the on going traffic problems on this street. Seelig has put a copy of the letter in the Traffic Safety Committee mailbox to make them aware of this. The letter briefly states the general despair of the road which

encourages cars to use the opposite side of the road to travel, the speed that cars travel down the street, and truck traffic. Seelig has heard back from OCPC regarding the truck study and Walnut Street easily meets the criteria for truck exclusion. He asked the Board if they wanted him to contact the Town of Bridgewater so that they could work together because any truck exclusion would need to be done in conjunction with them. As for the road conditions Seelig is unsure where it fits on the Highway Surveyor’s list to get repaired and the speed factor can be addressed with active enforcement.

EXECUTIVE SESSION

Moved by Garron and seconded by Roy, the Board voted as follows to enter into Executive Session at 9:30 p.m. to discuss collective bargaining for Firefighters with Fire Chief Carrico:

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

Schleiff announced that the Board would reconvene in open session.

Moved by Roy and seconded by Garron, the Board voted as follows to come out of Executive Session at 9:35 p.m. and reconvene in open session.

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

GENERAL MAIL / BUSINESS (CONTINUED)

United Nations Proclamation

Seelig will bring this back to the Board at their meeting on September 27th.

Chrystal Joseph Dog Hearing Appeal

An appeal was filed by Ms. Joseph regarding the Board’s decision. The appeal hearing was August 24th. Town Council, Attorney Mayo, attended the hearing. The Clerk Magistrate found in favor of the town so the Board’s decision stands.

Use of Town Green – Halifax Elementary School PTO

Moved by Garron and seconded by Roy, the Board approved a request from the Halifax Elementary School PTO for the use of the Town Green on Saturday, October 1st, from 8:00 a.m. to 1:00 p.m. with a rain date of Saturday, October 8th for a Halloween costume & winter coat/boot sale.

Letter from Plympton Selectmen – Hiring of Assistant Principal

The Plympton Board of Selectmen submitted a letter to the Silver Lake Regional School Committee in reference to the decision to hire an Assistant Principal at the High School (which they were able to do because of the retirement of various teachers). They are asking the committee to reconsider their decision and for the money to be returned to the towns. Plympton is seeking support of this request from Halifax and Kingston. Garron stated that it is a reasonable request but it is the school's budget. Roy understands Plympton's frustration and that maybe they would like to have their assessment lowered and believes that Halifax did support the decision to hire an Assistant Principal and stated that Assistant Principal is desperately needed at the High School. Schleiff added that the towns could have had the heads up that the money was available so they could have addressed concerns or questions they might have had.

Moved by Roy and seconded by Schleiff, the Board voted to send a letter to the school supporting Plympton Board of Selectmen's opinion that we would have appreciated a discussion with us before they spent the surplus money.

After this vote was taken Garron explained that the letter said that Plympton is asking for the money to be given back to the town and what Roy had stated was that they would have like a discussion on the spending of the surplus money.

Moved by Roy and seconded by Garron, the Board requested that they not hire the Assistant Principal and that the funds be returned to the town in the form of lowering our assessment.

Garron stated that he would second for the vote but abstained for the unanimous vote

Emergency Declaration

Moved by Roy and seconded by Garron, the Board affirmed the Emergency Declaration for the period of August 28, 2011 through September 4, 2011, that was signed by Michael Schleiff.

Marston Realty Trust – 343 Monponsett Street

Conservation Commission has done a site visit at the above address and it appears that the Commission will vote to release the bond at their meeting this evening.

Compliment Letter – Cemetery Grounds

The Selectmen's office had received a letter from Joan Joubert commending Bob Badore for the wonderful job he does maintaining the Halifax Cemetery. A copy of the letter will be forwarded to Badore.

Statewide Public Works Municipal Mutual Aid Agreement

Moved by Garron and seconded by Roy, the Board unanimously voted, with the recommendation of the Highway Surveyor, to accept the Statewide Public works Municipal Mutual Aid Agreement.

Fourth Avenue Lease – Keane's

Town Council has drafted a lease agreement, which has been forward to the Keanes, but as of this time Seelig has not heard back from them. Roy is not in favor of leasing the land but is confident that the draft Town Council prepared is fine. Garron stated that if they have not contacted the office by September 27th (Board's next meeting) then further action should be taken. Schleiff is curious if other towns have done this and Seelig said that he can put it out there but doubts that he will find other towns that have the exact situation as Halifax does.

Resignation - Tamara Dwyer / Wage and Personnel

Moved by Roy and seconded by Garron, the Board accepted, with regret, the resignation of Tamara Dwyer from the Wage and Personnel Board, effective September 30, 2011. A letter will be sent to her thanking her for her service to the town.

Housing Authority – Request to Waive yard Sale Fee

Moved by Garron and seconded by Roy, the Board voted to waive the yard sale fee for the Halifax Housing Authority that is scheduled for October 8th.

Animal Control Officers Reporting to BOH

The Police Chief is asking the Board if they would be in support of the Animal Control Officers reporting to the Health Agent as opposed to the Police Chief. There appears to be lots of things the Animal Control Officers do that they need to inform the BOH. Schleiff stated that a lot of the calls seem to overlap and Roy agreed that they did and that things just need some ironing out seeing as we now have two active Animal Control Officers and a little more communication among the departments that are involved. Garron mentioned one option could be that the ACO could inform the BOH via letter/memo. Seelig suggested that a larger discussion should take place with the Health Agent, Police Chief and Animal Control Officers but will talk with them before setting up a date and time for this meeting.

Concession Stand

Halifax Youth Baseball has asked Youth and Recreation if they could use the concession stand from September 10th to October 31st for their fall baseball program. Both the Board of Health and Building Inspector are on board with the building being used at this time. Schleiff's question was who is leasing the building and are we letting them use it without knowing who is responsible for what. Schleiff also would like specific dates that they will using the stand. Garron added that he is not concerned with who is leasing the building but wants a lease agreement in place. Roy asked if we temporally want to give them use of the building for the fall. The Board decided to table this discussion until later this evening.

Revised Recycling Fee for Fiscal 2012

Moved by Roy and seconded by Garron, the Board approved the revised Recycling Fee Commitment for FY2012 in the amount of \$122,280.

Land Donation – O’Leary Buttonwood Road

The deed for the above property is in the mail folder. Ms. Leary needs to sign it first then the Board can sign. Attorney Mayo has contacted Ms. Leary’s representative regarding this transaction.

Ambulance Abatements

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

August 2011 FOR \$ 16,927.67

Youth and Recreation Vacancies

Bruce Pulliam has not had the opportunity to meet with the individuals who are interested in serving on the Youth & Recreation Board but will continue to work on getting this taken care of.

Dumpster at 42 Madison Road

It has been confirmed from the Police Department that some of the wheels on the dumpster were on the paved surface of the road therefore it is considered a traffic hazard. The Board could send a letter to the resident stating that the dumpster is to remain so many feet off the road.

Moved by Roy and seconded by Garron, the Board unanimously voted that a letter be sent to the resident of 42 Madison Road stating that the dumpster be at least 3 feet from the road surface.

471 Monponsett Street – General Litter on Property

Seelig has gone out to look at this property and said that the homeowner is making an effort to getting it cleaned up. The resident did mention that Halifax Police Officers who cleaned out the area between West Monponsett Pond and Monponsett Street by his home, found gas tanks, moved them across the road and left them on his property and now has no place to bring the empty tanks. He has been informed that they can be returned at the recycling center at a fee of \$3 each. Garron said he is fine with the situation as long as progress is being made and that we should continue to monitor it.

Moved by Roy and seconded by Garron, the Board unanimously agreed that no further action needs to be taken at this time as long as the resident continues to make progress in cleaning up the property.

Monponsett Pond Levels

Lenny Baker of 61 Lake Street has called the office to state that the high water levels in East Monponsett Pond (due to recent hurricane and rain) are eating away at his property. According to Brockton the water level remains below the height at which they normally would divert. Diversion will start on October 1st.

Bank Street “Boat Ramp”

Mr. Baker also has concerns as to who is authorized to use the stub end of Bank Street and feels that it is being used by unauthorized individuals and felt that the town should be involved in determining who has the right to use it and who doesn't. Seelig suggested to him that he along with the others who have the rights to use could take it to civil court to prevent those not permitted to use it or could file a trespass complaint with the Police Department. He does not know who has the rights to use the stub and who doesn't therefore filing a complaint would not be effective. A letter may be submitted from him to the Board in the future.

Surplus Cars

Schleiff has been working with the town mechanic reviewing the surplus vehicle we have here in town and stated that we need to decide if we are going to keep them for parts, be used around town or junked. Car 52 has a transmission problem and Schleiff has contacted a place that deals with transmission and will be getting a price on how much it will cost to get it fixed. The ACO van can be junked a therefore we need to get something to replace it seeing as we have two active Animal Control Officers. Garron asked if the Sheriffs Department had an old van and it was said there is none at this time.

Surplus Item – Office Machine Room

Seelig has requested that Board declare the HP fax machine that was in the office machine room as surplus (was replaced with a new one). He will send a memo out to the departments to see if anyone may be interested in it.

Moved by Roy and seconded by Garron, the Board unanimously declared a HP 1220 xi fax machine as surplus.

Randall Property – 355 River Street

Seelig is waiting to hear back from Conservation to see if they would be willing to pay for the appraisal on this property.

COA Project

The site across the street from the Town Hall has been voiced as an ideal spot. This is not a solid decision but Seelig wanted the Board aware of their favored location. Roy expressed the way they came to the decision was done in a fair method which was based on certain criteria and rated on a number scale and then added up. Garron asked if the Building Committee meeting could be taped so that the residents would have an idea as to what is going on with this project. Schleiff did question the increase in traffic as well as crosswalks and said that he does not want them to rule out the property on route 105. Roy said that the architect has/will take all those factors into consideration.

Harbor to the Bay Charity Bike Ride

Moved by Roy and seconded by Garron, the Board unanimously voted to authorize the Harbor to the Bay Charity Bike Ride to use the Halifax Boat Ramp parking lot located on Route 58 as a pit stop for their ride on Saturday September 17th.

Live Entertainment – Halifax Congregational Church

Moved by Roy and seconded by Garron, the Board unanimously approved Permit #2012-24 issued to Mark Rice for live entertainment at the Harvest Fair and BBQ on September 17, 2011 from 1:00 a.m. to 3:00 p.m.

Concession Stand

Moved by Schleiff and seconded by Garron, the Board requested that Halifax Youth Baseball submit a schedule of the open and close times that the concession stand will be used for the period of September 14th through September 26th.

Roy added that she wants the lease worked on and Seelig stated he will contact Youth and Recreation about it.

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.

Troy E. Garron
Clerk

/pjm