

BOARD OF SELECTMEN  
SELECTMEN MEETING  
TUESDAY, SEPTEMBER 27, 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**

Garron wanted to add a short discussion on the Council on Aging project at the end of the evening.

With the above additions, the Agenda for Tuesday, September 27<sup>th</sup>, was unanimously approved.

Schleiff wanted to thank Patrick Maher for the invitation to his Eagle Scout Ceremony that he attended on September 17<sup>th</sup> and congratulated him earning his Eagle Scout Award.

**PLEDGE OF ALLEGIANCE**

The Board as well as those attending tonight's meeting stood to recite the Pledge of Allegiance.

**MINUTES**

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

Regular Session – September 13, 2011

Executive Session – September 13, 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:

Withholding Warrant	# 24	\$ 114,725.86
Vendor Warrant	# 25	\$ 94,160.30
Ambulance Commitment	# 9A	\$ 25,721.49

**APPROVED ABATEMENTS/BILLS/COMMITMENTS/WARRANTS**

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

Payroll Warrant	# 26	\$ 309,667.60
Vendor Warrant	# 27	\$ 198,953.30
Withholding Warrant	# 28	\$ 105,661.50

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

Jordan on the Job (Fire Department) .....	\$ 1,340. 00
MMA (2012 Annual Meeting - Roy) .....	\$ 179.00
Gilman & Associates (legal services/August) .....	\$ 370.00
Judey Trosky .....	\$ 134.19
(supplies purchased by teacher due to school damage – date of loss 12/28/10)	

The Board acknowledged payment of the Selectmen Office Payroll for the period ending September 24, 2011 in the amount of \$5,761.70.

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

<u>TURNOVER</u>	<u>AMOUNT</u>
2012-14	\$ 5.00
2012-15	\$ 5.00

**GENERAL MAIL / BUSINESS**

Cheri Fox – Appointment to Halifax Cultural Council

A recommendation to appoint Cheri Fox to the Halifax Cultural Council was submitted from council member, Linda Redding. Ms. Fox has been on the council in the past and would like to be appointed again. With that being said the Board felt there was no need for her to come in for interview.

Moved by Roy and seconded by Garron, the Board unanimously appointed Sally Wells of 62 Harvard Street, to the Halifax Cultural Council with a term to expire September 27, 2014.

Clawson v. Halifax – Earthen Berm

A settlement agreement has been established between both parties ruling that that the earthen berm on Clawson’ property does not constitute a “nuisance”.

Planning Board Rep. for Youth & Recreation

In a memo dated September 19<sup>th</sup>, the Planning Board reaffirmed that Edward Whitney is the Planning Board representative for the Youth and Recreation Committee.

Use of Vaughan Field

Pete Barone has asked that Vaughan Field not be used for rest of the fall due to the reseeded of the field.

Municipal Health Insurance Regulations

Seelig is asking the Board to support changing the notice requirements on all notices sent to the bargaining units. At this time notices are sent via certified mail

with return receipt requested at a cost of \$50.31. The town has five bargaining units and the School has at least four and Seelig is recommending emailing these notices with a paper copy dropped off at the union steward's mailbox at the work site.

Moved by Roy and seconded by Garron, the Board unanimously supported Seelig's recommendation to submit notices to the bargaining units via email.

### **SCHEDULED APPOINTMENTS**

#### **U12 Halifax Girls softball Team – NE Regional Champions**

The Halifax Girls U12 softball team came in this evening so that the Board could congratulate them on becoming the New England Regional Champions and commended them on their trip to Alabama where they participated in the Babe Ruth Softball World Series. The girls introduced themselves and presented the Board with a plaque. Pete Barone extended thanks to the Board for their support and coordinating the girls' trip into town after their tournament in Pittsfield MA.

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

Schleiff left the meeting room at 7:55 p.m.

#### **Police Department Appointments**

Recently Patrol Officer Botto has transferred to the Pembroke Police and there may be another Officer who may also be following. A civil service list was requested by Chief Manoogian and received. The Chief is recommending hiring both Michael W. Schleiff and Brandon M. Hanss both who were on the civil service list and were interviewed by the Board this past July.

Moved by Roy and seconded by Garron, the Board voted to appoint Michael W. Schleiff with the following conditions; that he must complete a successful physical exam, the Physical Abilities Test and successful graduation from the Police Academy, and if there is a vacancy and funding available he will receive an appointment and be sworn in as a Police Officer.

Moved by Roy and seconded by Garron, the Board voted to appoint Brandon M. Hanss with the following conditions; that he must complete a successful physical exam, the Physical Abilities Test and successful graduation from the Police Academy, and if there is a vacancy and funding available he will receive an appointment and be sworn in as a Police Officer.

Schleiff returned at 8:00 p.m.

### **SCHEDULED APPOINTMENTS (CONTINUED)**

#### **Road Cut Permit – 38 Fire Fly Road**

At 8:00 p.m., the Board convened a public hearing for the purpose of considering the petition submitted by National Grid to install underground facilities at 38 Fire Fly Road (also is listed as 388 Thompson St.). Selectmen noted a public notice

had been posted and abutters notified via regular mail at least seven days prior to the hearing.

Present for the hearing was John Doherty (representative from National Grid). No abutters made their presence known to the Board. This request is from the homeowner who is presently being fed overhead service off of Thomson Street. Schleiff noted that there have been times that a bond has been requested by the highway Surveyor but for this cut one was not requested.

Moved by Garron and seconded by Roy, the Board unanimously approved Permit #2012-27 issued to National Grid to excavate a 52 ft road cut to install a 2-3” PVC scheduled 40 concrete encased conduits for underground utility service at 38 Fire Fly Road.

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

#### Use of Concession Stand – Halifax youth Baseball

The Board looked over the schedule that was submitted from Halifax Youth Baseball for the fall baseball program they are running. Schleiff questioned the lease and wanted movement on this and Roy is in agreement that a lease does need to be signed but does not want to see the kids penalized the usage of the concession stand for the fall baseball program and asked if Town Council could look the lease over and Seelig said that he will get a draft to him. Roy also asked about how they were dealing with the mosquitoes seeing as some of the games were scheduled for 6:00 p.m. and it was stated that no action has been taken on limiting outdoor activities as of this time.

Moved by Schleiff and seconded by Roy, the Board unanimously allowed Halifax Youth Baseball to use the concession stand for the next two weeks and then schedule them to come in at the Board’s next meeting on October 11<sup>th</sup> to discuss further use.

#### Commercial and “Home of the Hurricanes” Signs at Vaughan Field

Garron and Roy did not think that any commercial signs should be displayed at the fields. Garron felt that it is distractive and noted that the players wear shirts with the businesses displayed on the back that promotes advertisement for them.

Moved by Roy and seconded by Garron, the Board unanimously voted to have the advertisement signs removed from Vaughn field.

On another note the *Home of the Hurricanes* sign that has been placed at Vaughn Field has also been brought to the Board’s attention. Schleiff did not have a problem with this sign being located at the field but they placed it there without asking. They needed to go through the right channels which required permission from the Board. It’s not a good thing when asked who got the permission to do it and the Board does not have an answer. Garron was wondering how long this sign would be up for and questioned that if another team in the future wins some type of event do they get the opportunity to put one up also. Seelig does not know where this sign falls within the by-laws and would need Tom Millias to look into it. Roy thought that if approved by Millias then she was okay with it. The Board

tabled their decision on having the signed removed and would like to have Pete Barone come in on October 11<sup>th</sup> to further discuss this matter.

### **SCHEDULED APPOINTMENTS (CONTINUED)**

#### **Change of Manager – Jenish convenience**

The Board considered an application for a change in manager from Trikambhai Patel to Mahendrakumar Patel submitted by Jenish Convenience d/b/a Halifax Mobil. The current manager would like to take some time off therefore requesting the change in managers.

Moved by Roy and seconded by Garron, the Board unanimously approved the application for change of Manager from Trikambhai Patel to Mahendrakumar Patel for Jenish Convenience d/b/a Halifax Mobil on property located at 576 Plymouth Street.

#### **Cathy Miller – Vacation Grievance**

This discussion is a continuation of the grievance that Wage and Personnel and the Board of Selectmen had on September 20<sup>th</sup>. The Board had received a memorandum from Gilman & Associates and it comes down to the following:

- Does the Board have the right to go over Wage & Personnel's decision?  
No they do not.
- Could we grandfather the four individuals that would be affected by this?  
No but could recommend changing the by-law to reflect the intent at town meeting and if it passes ask to approve a retroactive adjustment to credit Cathy Miller and those similarly circumstanced.
- The Selectmen can make a decision as long as it does not contradict what the by-law reads.
- The Board could come up with the language, bring to Wage & Personnel, present at Town Meeting, and state their case and see if changing the by-law passes.

Sandy Nolan, Town Accountant, just wanted to state that in the past others have reached their time and received what was owed and now there a four employees who have/cannot and added that this practice has been going since 2003. Maureen Rogers stated that the bottom line was that changing the anniversary date from July 1<sup>st</sup> to an employee's hire date went to a public hearing, W&P changed it and that this issue was never brought up. Garron said because it was interpreted wrong the Board would like to present at town meeting in May 2012 with the correct wording. Roy added that the intention has always been that the employees receive their vacation time on their 5<sup>th</sup>, 10<sup>th</sup> or 15<sup>th</sup> anniversary.

Garron said that based on the recommendation of Town Council the Board will have to go with what the by-law reads.

Moved by Schleiff and seconded by Roy, the Board unanimously voted to release the letter that was submitted by Attorney Michael Gilman.

Moved by Garron and seconded by Roy, the Board unanimously voted to uphold Attorney Michael Gilman's recommendation regarding how the by-law reads and present new wording of the by-law as it is meant to be intended at Town Meeting in May 2012.

**GENERAL MAIL / BUSINESS (CONTINUED)**Authority to Sign Electronic LA5 Form

The Assessors have asked the Selectmen to grant the Principal Assessor the authority to *sign* the electronic LA5 form on behalf of the Board. An original form will still be signed by the Selectmen and submitted to the Department of Revenue.

Moved by Garron and seconded by Roy, the Board unanimously voted to authorize the Principal Assessor the “authority to sign” the electronic submission of the LA5 form.

Chrystal Joseph v Halifax

Ms. Joseph has filed an appeal on the Clerk-Magistrate’s decision. The appeal hearing will be October 12<sup>th</sup>. Attorney Mayo has been asked to notify the Town as to who may need to attend this hearing.

Beautification Committee – Placing Rocks on Various Islands

Scott Gilpatrick has asked for assistance from the Highway Department to place rocks on three islands around town. The Highway is okay in helping place these rocks but wanted to make sure the Board has given permission to do so. They are also concerned about one of the spots that a rock would be placed given the fact that the island is quite narrow and this may be a liability to the town if it got hit. The three locations are:

- Island at South and Carver Street (the narrow island stated above)
- Island on Route 106 going to tennis courts by the school
- Island at the intersection of Route 106 and 58.

Garron did not want to make a decision this evening but thought the one going to the tennis courts would be okay. Seelig has asked the Board if they wanted him to get the recommendation of the Traffic Safety Committee or have this discussion carried over to the Board’s next meeting. Schleiff requested the he would like to see more specifics submitted from the committee thus Seelig will contact the committee asking them for more details.

42 Madison Road

Mr. Hughes has replied to the Board’s lettering requesting that the dumpster remain at least three feet from the road surface at all times. He mentioned that it will be moved on October 4<sup>th</sup> then on another note mentioned that a Verizon pole in front of his house is very wobbly. Seelig has gone out there and confirmed to the Board that it is and has contacted Verizon, who will be having a crew go take a look at it.

United Nations Proclamation

Each year the United Nations Association of Greater Boston asks cities and towns to recognize October 24<sup>th</sup> as UN Day and issue a proclamation. This year's celebration focuses on the topic "In Everyone's Interest". Schleiff had reservations to signing it therefore did not do so.

Moved by Garron and seconded by Roy, the Board voted as follows to honor United Nations Day on October 24, 2011:

Troy E. Garron	yes
Kim R. Roy	yes
Michael J. Schleiff	no

Fourth Avenue – Lease Town Land to Mr. Keane

Schleiff has spoken with Mr. Keane and he said he would like to meet with the Board to discuss leasing the town owned land that he is using for personal use. Garron is all for assisting people and Mr. Keane came to him regarding using the property but he has had four weeks to contact the Board and has not done so. Roy is not in favor of leasing the land. Schleiff pointed out that there are areas throughout town where people are using town property and they are not leasing from the town. Schleiff requested that the office get in touch with Mr. Keane to see if he can come in.

Property Taxes / Interest Rates

The interest rate for past due bills is at fourteen percent and it is sixteen percent for tax title. Schleiff was in favor of sending a letter to our legislators to change these rates.

Moved by Garron and seconded by Roy, the Board unanimously voted to send a letter to our legislators to look at the interest rate. Roy amended that she would like it changed on a temporary basis.

92 Lingan Street

Seelig has visited the above property and noticed that there was one junk vehicle on the property. This vehicle will need to be moved before the house is demolished. Seelig recommended to run the VIN number through the Police Department to see who the owner is and contact him/her letting them know that demolition will be taking place soon and that the vehicle would need to be moved and if not moved it will be towed at the owners expense.

Fire Union President

Matt Paris has resigned as union president and new elections will be held tonight. Seelig does not expect any changes in the contract seeing as the draft has been typed up and will be reviewed.

471 Monponsett Street

The property listed above has been cleaned up. There is one unregistered vehicle on the property, which is allowed, and Mr. Doyle plans on burning the junk wood once he can get a burning permit (January). If the Board is not satisfied with the condition of the property they need to let Seelig know. Garron stated he has driven by and has seen an improvement.

Proposed Location for COA Building

Garron wanted to have a brief discussion on the proposed location, currently where the Water Department is located, of the COA building. He is all for having a building for our seniors and that is building is needed but not thrilled with this location and would feel more confident if it would be on Thompson Street in conjunction with the Housing Authority. Roy has attended most of the Building Committees meeting and stated that this location was chosen based on certain criterias and is comfortable with how they settled on this location. Schleiff added that there would be more cost to move the two departments that are in the existing building as well as the effect on the elementary school and that if the building is going to be built on town property maybe we need to look at what else is available. Gordon Andrews Jr. suggested the location where the Halifax Museum is and asked if there would be a public hearing before hand as well as suggested that the Building Committee have their meetings taped so the residents know whats going on. Seelig added that if other parties felt that they have not examined all the potential locations throughout the town then they need to make it known and that we cannot delay too much longer if they want a fall Special Town meeting or a public forum. Gordon Andrew Sr. stated that the Water Department was remodeled not too long ago and where would they be put and Tom Millias added not to mention the cost to demolish that building. Seelig added that the questions as to traffic problem, grading, expense, location of existing departments in the currant building etc. need to be addressed to the Building Committee. One last thing Seelig wanted to state was that a figure will need to be provided at Town Meeting for the entire cost because the voters will want that in making their decision as to whether or not they will want to support this project.



**EXECUTIVE SESSION**

Moved by Garron and seconded by Roy, the Board voted as follows to enter into Executive Session at 9:50 p.m. to discuss collective bargaining:

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

The Board 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 10:00 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 10:00 p.m.

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Troy E. Garron  
Clerk

/pjm