BOARD OF SELECTMEN SELECTMEN MEETING TUESDAY, NOVEMBER 8, 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:

AGENDA

Roy wanted to add an executive session to go over contract negotiations.

With the above additions, the Agenda for Tuesday, November 8th, was unanimously approved.

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 – October 25, 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	# 36	\$ 121,153.10
Vendor Warrant	# 37	\$ 45,440.74

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

APPROVED ABATEMENTS/BILLS/COMMITMENTS/WARRANTS

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

Payroll Warrant	# 38	\$ 321,789.65
Vendor Warrant	# 39	\$ 358,772.49
Withholding Warrant	# 40	\$ 121,759.14
Ambulance Commitment	# 10B	\$ 17,413.29
Mobile Home Park License Fee	# 11	\$ 5,160.00

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

MMMA (Seelig / Holiday Meeting / Dec. 8, 2011)	\$	30.00
W.B. Mason (office supplies)	\$	8.46
Deutsch Williams Brooks (legal services / Oct.)	\$ 2	2,231.07
Lawrence P. Mayo (legal services / Oct.)	\$ 1	1,037.50
National Grid (electric / concession stand)	\$	126.85

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

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

TURNOVER	 AMOUNT
2012-20	\$ 125.00
2012-21	\$ 400.00
2012-22	\$ 126.85

GENERAL MAIL / BUSINESS

DPU Response for Hurricane Irene

The Department of Public Utilities has received the letter that the town sent them regarding the concerns Halifax had about the lack of organization National Grid put forth during the hurricane. At this time hearing are still being held with a deadline of November 23rd for additional comments to be accepted.

Guest Reader at the Halifax Elementary School

The Board has been invited to be guest readers at the school during American Education Week (November 14-18). If any of the Board members would like to participate please let the office know so the school librarian can be contacted.

Winter Parking Ban Enforcement

Ed Doherty has written a letter to the Board regarding the lack of enforcement of the parking ban. He had called the police department on November 1st with a complaint regarding his neighbor's car. According to the police report the car was not on the road therefore, a violation did not occur. Seelig recommended that a letter be sent to Mr. Doherty stating that a violation did not occur. Schleiff did not see that any further action should be taken.

Moved by Roy and seconded by Garron, the Board unanimously voted to send a letter to Mr. Doherty stating that after an investigation there was no reason to issue a parking ticket and will continue to monitor the situation.

2012 License Renewals

There are four businesses in town that have been notified by letter that they are behind with their taxes. In the letter they were asked to come in to a set up a payment plan with the Treasurer/Collector or to pay what is owed. Either one would need to be done in order for them to be able to renew their 2012 license.

Solar/Landcraft – Solar Farm

George Smith has previously met with the Board regarding a solar farm he is proposing on the Plympton/Halifax line. He would like to come in again for a thirty to forty five minute presentation. Seelig has asked the Board if they would like to meet with him again and suggested that it could be during the day or at one of the Board's regular scheduled meeting. Schleiff stated that unless there is something different from his last presentation then he saw no need for him to come back in but if he has any additional information we could schedule him to meet with them.

Monponsett Pond Diversion

The selectmen's office has received a couple of calls from residents hoping that Brockton could begin diverting water from Monponsett pond to Silver Lake because of the high water levels. Seelig asked the Board if they would like to take any action on this. Schleiff asked if the water was going down and Seelig said it has been going down approximately a half an inch a day but to keep in mind that we are getting rain in a couple of days so it will go up. Schleiff and Garron were okay with leaving as is at this time.

SCHEDULED APPOINTMENTS

Walnut/Summit Street Residents – Traffic and Road conditions

Residents from Walnut/Summit Street came in this evening to discuss the traffic and road conditions on both streets. Schleiff opened the discussion by saving that the Board is aware of the of the problem on these streets and that Old Colony Planning Council has conducted a traffic study and the conclusion of the study was that Walnut Street (a) serves as a cut through street; (b) cars travel above the posted speed limit; (c) the poor pavement conditions result in vehicles traveling on the opposite side of the road and (d) there are no accommodations for pedestrians and for people riding bicycles. A resident did confirm that trucks are traveling on the opposite side of the road to avoid the poor conditions of the street. Schleiff stated that at the recommendation of the Traffic Safety Committee the police department was going to step up patrols on Walnut St. He added that the Highway Surveyor is aware of the poor road conditions and he wanted to do some road work this fall (2011) but cleaning up from hurricane Irene took time away from doing other things. Badore said that he is hoping that he can do something in the spring (2012) and has thought of a truck exclusion but there needs to be plan of what alternate roads would be used. He added that this road being used as a cut threw has been an issue for a long time.

A resident had asked if the road was to be fixed would the town still want trucks going down Walnut St. and suggested that they go down a state road. Seelig explained that Route 106 and 105 are state routes that are owned and maintained by the Town of Halifax. The cost to fixed Walnut Street is around \$600,000, which will be done after South Street (spring 2012) and Route 106 and 105 will be used as detour while the work is being done.

As for a truck exclusion, which was not recommended by the Traffic Study Committee, the town would need to work with Bridgewater on this. Keep in mind that if you stop trucks from one area then it will lay the burden on other roads and Schleiff added that there still will be some trucks going down the road but it won't be as bad.

Mr. Nasser (55 Walnut St.) had asked why the Police Chief was not present for this discussion and said that he has not seen a patrol car down there to see how they are driving.

A resident asked if the Board had a solution and Garron answered yes we do but would like all the facts and any remedies.

Schleiff again stated that studies have been done and he will be seeing the Police Chief and Sergeant tomorrow (Safety Committee Meeting) and will suggest that patrols need to be set up and added that at this time we down an officer. Residents felt that patrolling the street was only a temporary fix and that if the road gets repaired cars and truck will then go that much faster.

A resident asked how many tickets, which could bring money to the town, have been handed out and asked if someone could look into that. Schleiff said he would.

Mr. Nasser asked if they should come back in two weeks and Roy stated that would be a good idea.

Garron said that until repairs are done (spring 2012) and when/if a truck exclusion is implemented he did not think that there would be a difference in two weeks and added that we do not have an immediate fix but its work in progress.

In closing Roy said, seeing as a study has been done maybe we can start the ball rolling on the truck exclusion.

Moved by Roy and seconded by Garron, the Board unanimously voted to continue this discussion at the Selectmen's next meeting on November 22, 2011 at 7:15 p.m.

Jeff Anderson – Wright Property/Franklin Street

Mr. Anderson, an interested resident, wanted to meet with the Board this evening to encourage the town to purchase the property listed above. About ten acres of this land is Chapter 61 therefore the town has the right of first refusal and could match the offer (within one hundred and twenty days) of \$375,000 that has been made by a potential buyer.

Mr. Anderson stated that from a financial viewpoint if five single family homes (land has been perked for five lots) were to be built it would increase the tax rate and cost the town an average of \$6,000 per year for children in the school system and average revenues for the town would be around \$4,000. Anderson felt it would be cheaper for the town to purchase the land then have houses built on the property and that now would be a good time to buy seeing as we are in a recession and prices are low. Roy added that the Board has been approached to purchase other properties in town to leave as open space; hence all acquisitions would need to be looked at.

Anderson stated that this land falls within the Massachusetts Natural Heritage and Endangered Species Program as a Critical Natural Landscape and should be protected. The Natural Landscapes provides habitat for native species and supports the ecological processes. There are large areas of natural vegetation that consist of forests, wetlands, rivers, lakes and ponds within this property.

Schleiff asked how would the town pay for this purchase and Garron said that we could find a natural heritage that is willing to help fund the purchase for conservation purposes or Seelig said you could borrow the money. Conservation has not been approached for any comments, which Schleiff thought we should get their input and look at the options we have available if we want to make this purchase.

If the town wanted to come up with their own money it would have to be brought up at Town Meeting. Garron stated the issue is would the Board be willing to present this to the town meeting floor as a possibility.

Moved by Garron and seconded by Roy, the Board unanimously voted to table this conversation until they hear back from Conservation or find out if there is another way or a plan in place so we can at least go the feds or any other group who might want to help.

Anderson was told that the Annual Town Meeting would be in May 2012 but there may be a Special Town Meeting in December (2011). Roy added that she would not be in support of presenting this at the special because the Board would not have enough time to make a decision. Again she stated that she would like to take a look at the other land purchases that have been brought to the Board.

Treasurer/Collector & Accountant – Reconciliation

The Town Accountant and Treasurer/Collector, who are both working together on reconciliation, came in to give the Board an update. At this time there is a \$336.00 difference but they are very close in settling that discrepancy. Eighty-five percent of the work for FY2012 has been done and once they get the starting figure everything will fall into place. The consultant who was hired to help Shiavone has been gone for a month. Shiavone stated that the learning process did take a while but she is confident that she will be able to apply what she has been taught. The auditors are scheduled to come in January 2012 but the Town Accountant is going to see if that can come in next month. Roy asked when will they be reconciled for the month before and Nolan said once they get that starting figure it will move right along then going forward the budget status reports will come out in the middle of the month for the month before (i.e sent out in October for the month of September).

Barry Gates – Renewal of Earth Removal Permit – 145 Monponsett Street

At 7:45 p.m., the Board convened a public hearing to consider the application submitted by Barry Gates of Turkey Swamp Bog Realty Trust for the renewal of an Earth Removal Permit for the second time on property located at 145 Monponsett Street, (Assessors Map 84, Lot 17). The Board noted the hearing had been duly advertised and abutters notified and none were present at the hearing.

Present for the hearing was:

Barry Gates/Turkey Swamp Bog Realty Trust	Applicant
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The Board asked how far along he was with the project and he said only about a quarter ways through. A lot of the dirt is clay which commercial projects do not use therefore moving the dirt has been a slow process.

Steven Wry, Project Engineer from Land Planning, has done a site inspection and submitted a report to the Selectmen's Office stating that renewal of the original earth permit would be appropriate at this time.

Moved by Garron and seconded by Roy, Board unanimously voted to continue the Earth Removal Permit, issued from December 8, 2011 to December 8, 2012 to Barry Gates / Turkey Swamp Bog Realty Trust for work being done at 145 Monponsett Street.

Peter Parcellin - Appointment to Halifax Cultural Council

Mr. Parcellin has submitted a talent bank showing an interest in a number of committees and commissions with the Cultural Council being one. He has only lived in town for about six months but is eager to be an active member of the community. He is aware that the council meets a couple times of year to do some grant writing.

Moved by Roy and seconded by Garron, the Board unanimously voted to appoint Peter Parcellin of 65 Highland Circle to the Halifax Cultural Council with a term to expire November 9, 2014.

GENERAL MAIL / BUSINESS (CONTINUED)

School Committee Meeting – Hiring of Assistant Principal

The Silver Lake School Committee has invited the Board of Selectmen from all three towns to attend their meeting on November 17th. Seelig has asked the Board if anyone was planning on attending; Roy said that she will be going and Garron stated that he will try and make it.

Massachusetts Film Office Survey

A survey has been sent out by the Massachusetts Office of Travel and Tourism to find out how film friendly the communities are in the sense of determining whether communities find hosting filming sites are more of a burden than an advantage. Seelig has forwarded the information to various departments asking for their imput but has not gotten a reply back from anyone. Roy thought that we should be a *film friendly community* and Schleiff stated that the kids might like it.

Moved by Garron and seconded by Roy, the Board unanimously voted to send a letter to the Massachusetts Office of Travel and Tourism stating that the Town of Halifax is a film friendly community.

Judge's Ruling for Joseph Dog

The judge has ruled that the electric fence that the Chrystal Joseph has installed on her property is sufficient to restrain her dog, Odie but also stated that if not adequate the Town of Halifax could banish the dog from town.

Ambulance Abatements

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

October 2011 FOR \$ 7,820.98

The Stop & Shop Supermarket Company LLC v. Town of Halifax Zoning Board of Appeals, et al.,

A fully executed Stipulation of Dismissal, with prejudice has been filed with the Plymouth County Superior Court regarding the above-entitled matter.

Street Acceptances

Lamppost Drive

Bob Badore has not seen any recent problems on this street. An official request to accept the street has been submitted from the developer.

Kenzies Path

The problem lies with the Conservation Commission, who feel that another permit would need to be requested in order to bring the road up to compliance. The developer will do the work but does not want to get another permit. The Board asked if they could send a letter to ComCom informing them that the town may accept the road and ask what needs to be done to get this squared away. If the town is going to fix the road we need to get a cost as to how much it is going to be.

Chapter 90 Money

Melissa, Administrative Assistant for the Highway Department, will be meeting with OCPC to get the necessary forms and then will forward to the Selectmen's office to be filled out.

Leaf Recycling

Silver Leaf Farm is now charging residents to drop leaves and clippings off at the farm. The fee per car is ten dollars and forty dollars for a one ton truck. The Town of Halifax does not have a composting operation and does not accept leaves and grass clippings at the Recycling Center or the Highway Barn. In the past there was an area down at the Highway Barn where residents were able to drop off grass clipping and leaves but also trash and other debris were being dropped off, which took up too much time for the Highway workers to get rid of; therefore Badore is not in favor of starting this up again.

Mr. Nessralla has offered to accept leaves for the next five Saturdays from 9 - 4 at no charge.

SCHEDULED APPOINTMENTS (CONTINED)

Finance Committee – FY2013 Budget

Peter Beals, Karen Fava, Gordon Andrews, Nikki Newton and Peg Fitzgerald from FinCom were present this evening to talk with the Board about taxes and unfunded liability.

Taxes

Over the past seven years taxes have gone up steady (chart was provided from FinCom showing this). Roy said the reason for this is because of the debt exclusion on the schools and Garron added that other towns may have commercial revenues but Halifax has residential. Beals stated that they are just explaining why and how the rate is what it is and if this is not looked at then the right thing is not being done and said that these are the facts and no one is to blame. Fava said no matter what the expenses are the tax rate needs to be looked at as we approach the budget season. Garron said that we have not done anything that was not needed and cuts were made to last years budget so to try and cut it even more for Fiscal 2013 may be a hard thing to do. Beals suggested that one option would be no 2.5% increase. Roy added that the town is at bear minimum for staffing and Garron added that officers and firefighters have left because we do not pay enough. Schleiff asked if other towns go up 2.5% and Roy said most do and there might be a couple that do not.

Unfunded Liability

Promises have been made in health care provisions for retirees but with health care increases and people living longer the need to fund *other post employment benefits liabilities trust* has been confirmed as to what FinCom had said last year. FinCom expressed that this trust would not be a revolving or stabilization fund and would only be used for health insurance. A possible scenario would be taking the annual contribution of \$30,000 then increasing 15% per year for nineteen years. With that being said for the next fiscal year approximately \$47,000 would be need to be added to the trust. Beals stated that when FinCom comes back in two weeks for the budget discussion a more conservative approach might be taken on this topic.

M&SBC – COA Project

John Campbell opened the discussion by saying that there was a great turnout for the public forum on November 5th. The presentation was great and it explained a lot about the project and where they are going with it. M&SBC has come in with a figure of 2.3 million and once an architect is hired he will be able to tell us the best option. At this time the Building Committee is requesting that a Special Town Meeting be held. Schleiff asked if 2.3 million was the best they could do and Campbell said yes.

Garron had asked Seelig what dates have been set aside for a special town meeting and he said town meeting is traditionally held on a Monday which leaves November 28th or December 5th. John Bruno, the Town Moderator, can not do November 28th but is available on December 5th and the multi purpose room at the Halifax Elementary School is available.

Garron moved to set a Special Town Meeting on December 5, 2011 not only to discuss the Council on Aging but any other potential articles (no one seconded at this time).

Schleiff still had some other questions regarding where the building will be on the land and asked if the land has been surveyed. Pomroy had stated that he would get some drawings to Schleiff but none have been submitted in which Campbell said that they do not have that because an architect has not been hired yet. The first phase of the project was to hire an OPM, which has been done now the next step is to hire an architect. Campbell did say that they could draw where the building is going to be built but the architect it could change the location. There are different scenarios that can happen; one being the moving of the Water Department and employees, and the cost could be brought down if it is a prefab area. The site was not recommended by the Traffic Study committee but did recommend to combine the school and library parking lot (traffic will flow better) but there would be additional cost to do so again, once an architect is hired we will have a better idea of the cost.

The figure that is going to be put on the warrant is \$234,200 which includes OPM fee, architect fee for Phase II and bidding cost. Then at Town Meeting in May 2012 we will have a figure as to what the building will cost.

Roy asked if a debt exclusion should fail how long would the drawings be good for and Campbell said for a while, the only thing that might change over a couple of years is the cost of building material or the codes. Schleiff did question the price to sending out bids (\$16,000) and thought that things were done through PDF's now and voiced that two weeks ago he was told that drawings would be made for him to review and none were provided tonight. Campbell said in order to get drawings an architect would need to hired first.

Moved by Garron and seconded by Roy, the Board unanimously voted to set a Special Town Meeting on December 5, 2011 not only to discuss the Council on Aging but any other potential articles.

Beals asked where the source of money was coming from. Peg Fitzgerald stated that we need an amount not the source. Seelig added that we can't raise and appropriate and Gordon Andrews added that we need to look at the capital planning list to see other priorities. Campbell mentioned that in the past money has been taken from stabilization. Garron asked another question pertaining to the wording of the article and Campbell said that legal could take a look at that.

Bev Smith said that the intention at past town meetings is that stabilization is used for capital expenditures and buildings and "from available funds" means you can pull from anywhere. Roy mentioned that it was always talked about taking the money from stabilization. Peter Beal's added that the FinCom had looked into this for their own purposes and set a policy on what they would consider healthy for maintain in the stabilization fund. He realizes that there are different interpretations of it by his impression has been that the fund exists to stabilize in the event of a crisis. And they looked at what rating agencies considered healthy for what a stabilization account should maintain in the balance and have set at 3.5 %. As the Finance Committee they would not put them in a scenario to bring them below the 3.5%. Beals does not know if Fitzgerald has done the math to see if the COA would bring them below that percentage.

Fitzgerald explained that stabilization was created after the Second World War when people could not build or buy things. The post war rehabilitation was created to put money in to build after the war was over. It then got renamed the stabilization fund in which the funds could only be used for capital expenditures beyond a certain amount of money and was not to be used as a rainy day fund. Then in the 1990's when the state was cutting our state aid and towns were screaming about this, the state then loosened up the reins on stabilization and could be used for anything the towns wanted to. At the time the Town of Halifax FinCom and the Board of Selectmen sat down and talked about it and set a policy that stabilization would only be used for capital expenditures not as a rainy day fund (overlay is used for that). She does not know if that policy has been changed but felt that in a stabilization fund you would want a minimum that you would want to keep however money can be taken out of it then back in until the limit is reached. We no longer have the compensating balance limit so stabilization is used to pay bills from July 1st to September 1st.

Garron wanted to respond to a comment from the audience stating that stabilization money is only used for emergencies. This is an emergency, the current COA building is not up to code and this project needs to be done and eventually this building is going to need to be built whether today tomorrow next year whenever; the money was set aside to help the people of Halifax. He realizes that the building is not falling down at this time but a new one is much needed. A decision needs to be made tonight to set a town meeting and the funding source can be decided at a later time.

Beals wanted to state that he meant catastrophe or crisis he was not sure what he said but did not say emergency in the sense... Garron stated that he was saying the need for this building is an emergency because it is in such need of being replaced.

Karen Fava had a question regarding something that Schleiff had said earlier with regards to the architectural drawings including in the original Phase I, is that a contract we have? It was stated yes she then asked that if we have a contract with them why we are not holding them responsible for the drawings if they were included in the contract.

Schleiff wants Campbell to double check that everything that is in the contract is what the town is going to get because if this is voted at the Special Town Meeting and we do not get what is in the contract that he is going to quite upset.

Fava then went on to saw that if the first contract was not fulfilled then what makes you certain that the next one will be.

Seelig asked if the Board if they wanted to place any of the following possible articles listed below on the warrant:

- 1. Payment to Mechanical Air Control for work that was performed in December 2010 in the amount of \$ 32,000 (roughly).
- 2. Increase the members of Holidays in Halifax from three to five.
- 3. New chairs for around the table in Selectmen's meeting room.
- 4. Increase Recruitment and Employment Account due to the number of physicals.
- 5. FY2011 Data Processing bill in the amount of \$525.
- 6. Repairs to the telephone system in the selectmen's office.

Garron asked what was the latest we could close the warrant and Seelig mentioned that he would not like to keep it open anymore that a week from this evening.

Garron moved to open and close the warrant for the Special Town Meeting for December 5, 2011.

Schleiff asked about the outstanding amount that is owed to Mechanical Air Control (work done on heating system at the school to repair and replace heating coils) and was concerned on the outstanding balance that is owed to the contractor for work that has already been done. Roy asked why this was not paid by insurance and Selig went on to say that insurance would have paid either to repair or replace. At the time the school did not have the time to replace seeing as the students would have been coming back from Christmas break so repair work was done until such time the coils could be replaced. Roy also asked where would payment come from and Seelig mentioned that it would have to come from other available funds which would include a check the town received for \$55,000.

Roy does not feel new chairs are needed and does not want to include anything else listed above in the warrant.

Roy motioned to put in an article to cover #1 (listed above) which is to pay the contractor \$32,000. (no one seconded at this time)

Garron thought that everything, except for the chairs, was legitimate and felt that they should be taken care of unless they can be held off.

Seelig mentioned that the Holidays in Halifax will be taken care of one way or another but can wait and when Recruitment and Employment Account runs out Seelig said that he could request a reserve funds transfer. He will hold off on Data Processing until May and the same for the repairs to the Selectmen's telephone system. At this time the answering system does not work because of the phone system and with no money in the Selectmen's Expense Account the system will have to remain the way it is. Roy suggested to request a reserve funds transfer and Schleiff asked how much would it be to repair the phones and Seelig did not have a price but will check.

Moved by Garron and seconded by Roy, the Board unanimously voted to have two articles placed on the warrant one for the Council on Aging to hire an architect and the second to pay off a late bill and to close the warrant.

Seelig asked if the Board wanted the wording for the Council on Aging Article to state "from other available funds and specifically to mention the stabilization fund.

Bev Smith stated that the Board picks the language for the article and the funding source is determined later.

Roy thinks that stabilization fund should also be mentioned in the article because she felt that the Board needs to be open and honest about where the funds may come from. Schleiff questioned if the language was clear enough so it is understood that it is not the only source and Seelig said it was. Other available funds including but not limited to the stabilization fund.

Fitzgerald suggested from other available funds including stabilization and the Board thought this wording was fine.

Seelig just wanted to clarify with the Board if they wanted the article to specifically mention the stabilization fund or not.

Moved by Garron and seconded by Roy, the Board unanimously voted to have Seelig put the language "from other available funds including the stabilization fund" in the Council on Aging Article.

EXECUTIVE SESSION

Moved by Garron and seconded by Roy, the Board voted as follows to enter into Executive Session at 10:10 p.m. to discuss Patrol Officers and Sergeants contract:

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

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

There being no further business, moved by Roy and seconded by Garron, the Board unanimously voted to adjourn the meeting at 10:45 p.m.

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Troy E. Garron Clerk

/pjm