

BOARD OF SELECTMEN  
SELECTMEN MEETING  
TUESDAY, NOVEMBER 22, 2011 - 7:00 P.M.  
SELECTMEN MEETING ROOM

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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 Patrol Officer negotiations. With the above additions, the Agenda for Tuesday, November 22<sup>nd</sup>, was unanimously approved.

**PLEDGE OF ALLEGIANCE**

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

The Board wished everyone a happy Thanksgiving

**MINUTES**

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

Regular Session – October 11, 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:

Vendor Warrant	# 41	\$ 33,545.15
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**APPROVED ABATEMENTS/BILLS/COMMITMENTS/WARRANTS**

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

Vendor Warrant	# 43	\$ 176,090.94
Withholding Warrant	# 44	\$ 121,190.27
Ambulance Commitment	# 11A	\$ 18,541.34

Moved by Garron and seconded Roy, the Board voted as follows to approve Payroll Warrant # 42 in the amount of \$322,533.44

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

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

Halifax Postmaster (mailing warrant STM 12/5/11) .....	\$ 912.08
The Enterprise (public hearing ad/Turkey Swamp/earth removal) .....	\$ 82.15
Gilman & Associates (legal services/Oct.) .....	\$ 370.00
Plymouth County Treasurer (Ply. County Co-op Extension) ...	\$ 150.00
Jordan on the Job (Fire Department) .....	\$ 358.00
Land Planning Inc. (inspection report for Turkey Swamp/earth removal) .....	\$ 617.50
National Grid (billing from 10/17 – 11/16) .....	\$ 758.81

The Board acknowledged payment of the Selectmen Office Payroll for the period ending November 19, 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>
2012-23	\$ 130.00
2012-24	\$ 25.00
2012-25	\$ 500.00
2012-26	\$ 1,250.00
2012-27	\$ 220.00
2012-28	\$ 250.00
2012-29	\$ 1,250.00
2012-30	\$ 225.00
2012-31	\$ 1,200.00
2012-32	\$ 82.15
2012-33	\$ 617.50
2012-34	\$ 1,250.00
2012-35	\$ 145.00

**GENERAL MAIL / BUSINESS**

License Renewals

All license holders are up to date on their taxes or on a payment plan with the collector’s office.

Solar Project

The developer who is interested on building a solar farm on Route 58 is looking for the Board to do the following:

- Designate the Board of Assessors or someone else to negotiate a payment in lieu of taxes and confirm that the Selectmen would be the party that would sign any agreement.
- Support a negotiated building fee (I assume for less than what would be charged). The developer’s case is that the true cost of the work by the inspector is less than what the Town would charge so the fee should be lower. However, even with Stop and Shop and Wal-Mart or any other facility, the Town has not lowered its fees.

- Consider whether the Town would like to purchase solar energy credits from the project and support a presentation to Silver Lake about the project, doing this is not necessary for the success of the project.

No action is needed from the Board this evening but Seelig has recommended that the Board meet with the Board of Assessors. Garron voiced a concern that they will get assessed at the profit.

#### Northlands Parcel

Seelig is still waiting to hear back from Representative Webster's office about a meeting with the Department of Capital Asset Management. An estimate in the amount of \$2,500 has been provided from Land Planning for surveying the site.

#### Regional Utility

The Pembroke Board of Selectmen is wondering if Halifax has any interest in participating in a regional municipal electric company. The Board had asked what the start up cost would be and the cost to maintaining.

Moved by Roy and seconded by Garron, the Board voted to contact Pembroke stating that they have an interest in participating in a regional municipal electric company.

#### Wal-mart Grant to the Fire Department

The fire department has received a grant in the amount of \$1,500 from Walmart, which will be used to purchase ice commander rescue suits.

### **SCHEDULED APPOINTMENTS**

#### **Walnut and Summit Street Residents**

The Traffic Study Committee (fire and police chiefs and Sue Basile) joined the Board of Selectmen and Walnut & Summit Street residents to discuss the ongoing issue with cars and trucks driving fast down these roads as well as driving down the middle of the road to avoid the terrible road conditions. The discussion began by stating that the police have been down on Walnut Street as well as the LED speed posting trailer and as of this time no trucks have been caught speeding. The residents are concerned about cars passing on the street and it was stated that signs have been placed for no passing.

To fix the road at this is quite costly.

Roy said that if there is a cruiser in the area drivers will slow down but there can't have them there all day. It is a rural area and they try to enforce the speed.

Seelig seems to think that the road qualifies as thickly settled but at this time does not know what the speed limit is for thickly settled.

Carrico stated that it was discussed at the Traffic Safety meeting that if Chapter 90 money was used to improve the road then you cannot get truck exclusion. Also if there was a truck exclusion then the Town of Bridgewater would need to be on board doing it because it would affect them. Carrico extended an invitation to the residents to join them at the next traffic safety meeting.

Mr. Nasser asked what Chapter 90 was and also asked for sidewalks on Walnut Street. Schleiff said that the whole road would need to be reconstructed in order to put sidewalks in. Nasser said that he has been there for nine years and nothing has been done and that something needs to be done for the safety of the residents. In response to Mr. Nasser question for sidewalks it was mentioned for him to notify the Highway Surveyor about them.

Seelig added that they would need to check with the Highway Surveyor, Bob Badore, to see what projects he is going to do next. He furthermore stated that there is going to be reconstruction from Ligan Street to the Plympton line which may take between three to four years and asked the residents if they wanted to wait that long to get Walnut Street fixed. One resident stated that if the road was fixed drivers will still will come down the road and ruin it all over again.

Seelig wanted the residents aware that nothing will get done until after the meeting they are having with Bridgewater on December 14<sup>th</sup>. If Both towns are in agreement then a public hearing will need to be held so that everyone can voice their concerns, questions because there very well could be residents from Thomson Street who may not want the added traffic going down their street.

A resident stated to have DOT come and sit on the street because there are lots of vehicles that are not up to code and violations could be issued and if drivers are aware that DOT is monitoring this street they may seek an alternate route. Manoogian wanted to add that DOT has never come in to say they would inspect but did say that the State Police could come in.

Garron wanted to say that everything we have done is in a positive way and that they need to get an idea if Bridgewater is receptive to the idea of a truck exclusion. If so then both towns would need to hold a public hearing, and then submit paperwork. Keep in mind that nothing states that the State needs to make a decision within a certain amount of time and if Bridgewater is not on board then it will not happen.

In closing Schleiff said that will have speed signs placed on the street and continue to have patrols. He added that they are trying and that the process takes time and understands their frustration.

Moved by Garron and seconded by Roy, the Board unanimously voted to send a letter to DOT and the State Police Barracks to put in motion observing and inspecting the trucks that travel on Walnut Street.

### **Chrystal Joseph – Dog Hearing**

At 7:30 p.m., in accordance with MGL Chapter 140, Section 157, Schleiff opened a hearing to address a complaint of a dog “Odie” owned by Chrystal Joseph and housed at 52 Brandeis Circle being loose and off the Joseph’s property. The hearing was held at the request of the Board of Selectmen.

*Roy:* I would like to enter a letter that was received by us.

The following individuals were present and sworn in by Notary Public Pamela McSherry:

Alison Maher	65 Brandeis Circle Resident
Daniel Maher	65 Brandeis Circle Resident
Thomas Hammond	Animal Control Officer

*Schleiff:* What did you have there?

*Roy:* I have a letter from a resident I will just read it dated today.

See attached letter that was read by Roy (copy attached hereto as Exhibit A and made an official part of these minutes).

*Seelig:* was this Labor Day weekend before we held?

*Roy:* Ah, no that was after. The hearing was in July I think.

*Schleiff:* That's not in our packet?

*Roy:* That's not in your packet that was just received.

*Schleiff:* Ah, Mr. Hammond you've got the floor.

*Hammond:* All right then. Um, on Wednesday eleven ninth I received a call from dispatcher that Odie was loose on Brandeis Circle. I was assisted by P3 in capturing Odie. I took him to the kennel at the station, at that point in time I noticed that Odie did not have... only had a collar which identified him the tags did not have an electronic collar there was no evidence that the dog had broken away. There were no remnants of rope or chain or any of that sort of thing, so I would just presume he was left to his own device to run loose. So, anyway brought him to the station held him overnight. Um, the owner came the next morning. Presented herself at the station. I gave her a citation for fifty dollars. Told her she had to go to the clerk to pay the fine to retrieve the dog, which she did. She apologized for the dog's behavior. Um, there was no explanation as to why the dog was loose. Ah the impression I got was that there was no intent to restrain the dog. There was no electronic collar on the dog. Um in reviewing the memorandum of decision from the court decision, the last court decision we had, it clearly states that... by electric fence the court ruling fencing system involving a wire or other device whether above or below ground which works in tandem with a receiver worn by the dog. And evidently clearly the dog did not have that on him...did not have when I captured him. Ah the conclusion I would have is that the dog was left loose, escaped the yard and therefore I picked him up. In summation I think ... I don't know where the Josephs are, I thought they were summoned here by them ... no.

*Roy:* They were.

*Schleiff:* They were informed but whether they come or not...

*Roy:* There was a letter that reads...

See attached letter from Chrystal Joseph that was read by Roy (copy attached hereto as Exhibit B and made an official part of these minutes).

*Schleiff:* Has there been any other incidents since that... that... ninth eleven?

*Hammond:* No

*Schleiff:* I know the neighbors, that the dog in the yard.

*Daniel:* Our yard (inaudible)

*Allison:* Everyday still... since the last selectmen's meeting.

*Roy:* Still everyday the dog is loose.

*Allison:* Comes and takes his daily dump in our yard and tears up the mulch.

*Roy:* Okay. I was actually, was at a meeting at the police station on the evening that Mr. Hammond picked up Odie. I was glad that he was able to pick him up before Odie got hurt somehow, a car could hit him or anything I mean. The dog was clearly - he's a very friendly dog, very nice dog but it was clear he did not have an electric collar on him. He did not have a shaved neck as was recommended by the ACO's when they were going to install the electric fence. Um do we have confirmation that the electric fence was actually installed?

*Hammond:* No I don't think we have and I would like to see proof of... I would like to see the collar.

*Schleiff:* Well I think it is beyond that

*Garron:* Mr. Chairman if I may I don't think it matters one way or another whether or not the fence was installed or anything else. The situation is right now that the person was previously warned by this board, was told to use the electric fence as well as to have the dog leashed. He took this to court, the court denied the fact that they felt the electric fence was enough the judge did the dog been off the property again. What did our last letter say to the individual would be done.

*Roy:* I don't know I don't know if we have it.

*Schleiff:* The last letter we sent.

*Roy:* No, no the letter sent in July after the hearing.

*Garron:* After the hearing.

*Schleiff:* Right, well anyway,

*Selectmen Assistant:* Odie is to be restrained at all time whether on or off the property.

*Schleiff:* Right.

*Roy:* So Odie should be restrained at all times whether on or off the property?

*Selectmen Assistant:* That was your decision on July 26<sup>th</sup>.

*Roy:* Okay. Well that has not happened.

*Schleiff:* Well because it was... We voted they ah...

*Seelig:* Well the court overturned the Board's decision but supported the statement that...

*Garron:* That the dog be restrained at all times on or off the property.

*Seelig:* Well the electric fence was sufficient to restrain the dog on the property but now off the property that the town's by-laws still prevail and the dog would have to be restrained off the property. Obviously that did not occur.

*Roy:* No.

*Garron:* Can I read the full letter? This is from the Town Administrator dated November 10, 2011.

See attached letter from town Administrator to Chrystal Joseph that was read by Garron (copy attached hereto as Exhibit C and made an official part of these minutes).

*Garron:* That we already have heard that from one of the neighbors that the dog is still running loose.

*Schleiff:* (inaudible)

*Garron:* Um I love animals, I love dogs and I've always said that it's never a dog hearing but a people hearing. People are the ones that have allowed their dogs to do the type of things that they do. If they kept them restrained there wouldn't be a problem. Um I don't know what the rest of the Board feels about this but at this point in time I think the dog either be removed from town if that's not an option to be euthanized.

*Roy:* Oh I think he's a very nice dog.

*Daniel:* Ya and again we have a dog.

*Roy:* No, no, no, I know.

*Garron:* I'm not going by how nice the dog is I'm going by the actions. It's obvious to me the actions of the owner of the dog are not responsible.

*Roy:* No I understand that... so perhaps... Um Animal Control Officer?

*Hammond:* I agree with the selectmen.

*Roy:* You do. So your recommendation that the...

*Hammond:* My recommendation would be that the dog be banned from the town ya.

*Roy:* Okay. I would second that motion because I think it's a very nice dog. I think that it needs to have a yard that it can stay in and people who will make sure that he stays in the yard.

*Hammond:* I agree.

*Schleiff:* Waiting for Pam to catch up.

*Roy:* Okay.

*Selectmen Assistant:* So who made the motion that he be banned (Garron raised his hand). Okay.

*Schleiff:* Um, now that the dog has been off we certainly can have him restrained on the property. The court can't second guess that one as he did saying that electric fence was sufficient. Obviously it's not because he's been off the property. If the dog was kenneled on the property I'd be satisfied with that.

*Roy:* But the... it's hard to keep the dog on the property on an electric fence if the dog is not wearing the electric collar.

*Schleiff:* No I am not saying about an electric fence... obviously it doesn't work. So then the court can't agree that point that the electric fence does not work. So if they want to keep the dog my opinion is they have to fix it in cage... Ah you know what I'm taking about... you know.

*Hammond:* A kennel.

*Schleiff:* A kennel if they want to keep the dog caged kennel or a fenced in yard approved that it wouldn't get out. Um and that's the only way I would allow short of banishment from the town.

*Hammond:* I think that's a viable point. I think that you could present that to them. A kennel in place. Um dog in kennel at all times okay. That may or may not work. But I think they're lack of interest in doing this... in controlling the dog. I can't see any indications that dog broke away. There was no frayed rope there was no chain. Early on in this whole thing the simplest resolution was twenty feet of chain and two clips that would have been all they would have had to be done to prevent the dog from leaving the property. I had said that...

*Schleiff:* Forty feet of chain and the thing...

*Hammond:* Actually they had forty or fifty feet of rope and the dog was standing in the middle of Brandeis Circle. So they... we're not on the same page evidently. The resolution I tried to reinforce this with these people... I've talked with them several times. I said clearly if you keep the dog on the property you'll never see me again nor will you hear from your neighbors and evidently it's fallen on deaf ears. Now the court... I would love them to go back to the court and appeal again and tell the judge how well the electric fence worked.

*Schleiff:* Right... no I agree I don't see how they can agree that an electric fence.

*Hammond:* I don't know in fact that they put an electric fence in place.

*Garron:* I really don't... in all honesty it really doesn't matter.

*Hammond:* To whom it might ...

*Garron:* The simple point that the frame of mind that I observed was that they didn't to want put their dog on a leash on their property with an electric fence so they went to court and the court agreed with them that an electric fence was enough. From my experience around animals I felt it wasn't going to work but the court overruled it. My thing is that its not the dog it's the owners... their mind set is that they don't want... they seem to not want to do what is asked of them and to ask them now to spend not chain link to hold it but to put a kennel up. I don't think that's gonna happen.

*Hammond:* No I don't think it will either.

*Roy:* I don't, I just want to make note that the original time that the owner appealed the decision of the board was to a clerk magistrate who did uphold our original...

*Seelig:* Well actually it went to clerk magistrate first and then it went.

*Roy:* And then it went to the judge. I just want that noted that.



*Garron:* No I understood that. The fact is that even with shall we say a win in their box they still didn't control the dog.

*Roy:* I'm just afraid the dog is gonna get hurt. He's gonna get hit by a car.

*Schleiff:* I'm getting tired of someone else's property... destroying... that's ah.

*Roy:* I understand.

*Hammond:* They seem to be more concerned about Odie then they are about the good neighbors... to their neighbors. Their well being of their neighbors and their neighbor's property. This is the issue. Okay you can't have a dog coming on your property every day digging up your flower bed putting his waste on you lawn. Okay I can bring you pictures of...

*Roy:* No I understand. I absolutely understand where your coming from we had that discussion... we had that discussion during the first hearing... we had that discussion with them and I think all of us made that clear to them that that was not acceptable to have others picking up after your dog. So I think ... I think that they know that... they understand how important it is but at this point the dog continues to be loose and so, it's a lovely dog as I stated it definitely needs to be able to live and be watched and restrained.

*Schleiff:* I say that is one of the reason why one of the reason is if they kenneled the dog on the property its less likely that the court would over turn that decision than if we just banish it with out at least without going one more step to lock the animal up. That would take... and if we give them that and the dog is off the leash in the yard from our decision tonight then that's the next step. It's gone and I don't see how any court would overturn that.

*Garron:* I'm not even concerned with the courts.

*Schleiff:* Well I am. Because it cost... it cost money.

*Garron:* You know Michael, we have an individual who wasn't responsible enough to chain the dog up.

*Schleiff:* I understand that

*Garron:* Now spend money for the kennel. My motion... your Board you speak for the Board... you vote what you want but I think the dog should be banned from town because I don't think the people are being responsible.

*Roy:* And I do believe and I don't have the minutes in front of me from the last hearing but I remember saying specifically this is your chance you need to make sure there's a zero tolerance for this. No, no I understand what you are saying.

*Schleiff:* I, just...

*Roy:* I did second Mr. Garron's motion.

*Schleiff:* All I'm saying is my opinion. I'm not telling you guys what to do.

*Roy:* No I understand. But I do trust Mr. Hammond's opinion he's an Animal Control Officer he understands animals. I you know, I support his opinion on this particular situation. So I second the motion and I'm ready to vote.

*Schleiff:* All those in favor.

*Roy:* Aye.

*Garron:* Aye.

*Schleiff:* Ah no, only because I think we should go to the next step but any ways that's the ruling.

*Seelig:* So what does the board want to have happen?

*Schleiff:* Banishment

*Seelig:* Are you asking, so write up the order tomorrow give it to Mr. Hammond to deliver?

*Roy:* Yes. How many days do we typically give somebody to find a home for a dog?

*Hammond:* I don't know but I will find out.

*Roy:* Okay.

*Schleiff:* Happy Thanksgiving.

*Hammond:* Friday would be a good day.

*Roy:* I mean this isn't easy it absolutely....

*Hammond:* No it isn't.

*Roy:* Everybody in this room that cares about the dog it has not been easy.

*Hammond:* If it was a mad dog.

*Schleiff:* If it was a vicious dog I would be going along with it.

*Hammond:* I agree.

*Schleiff:* So?

*Hammond:* Again we're confusing the issue here it's not about...

*Alison:* (inaudible) not to mention or to be disrespectful but it's got to stop tonight.

*Schleiff:* If it was coming in my yard... I would feel different.

*Hammond:* It's not about dog or the behavior... it is about the behavior of the dog. But it's not about the dog's personality and they kept being emphatic about that they kept saying what a wonderful dog he is, and he is and when I captured Odie I'd say Odie get in the truck and Odie would jump right in the truck. This is ridiculous.

*Schleiff:* If the dog in their yard he got off (inaudible).

*Hammond:* If it was just moving the dog and exercising the dog when you have in a kennel. He's a handful. He drags me around. He is not a house dog. He never was a house dog they stated early on that the dog has never been on leash in eight years.

*Roy:* That's right.

*Hammond:* So the argument was what would make you think that an electronic fence would hold the dog that has never been under control.

*Schleiff:* Ask the Judge that.

*Hammond:* Okay, now at the early hearings I said simply chain the dog to a fixed object give it twenty five, thirty feet of chain this ends the whole story. They're unwillingness to do that and they said they went forward with electric fence, there is no evidence that actually happened. Okay here we are picking up the dog... now this is...

*Schleiff:* I know...

*Roy:* Ya we got to go.

*Hammond:* Okay I'm sorry.

*Roy:* Sorry.

*Hammond:* Okay, sorry for taking so long with this it but this has cost the town a ton of money in hours.

*Schleiff:* Right and that that was my thoughts but the board voted at that's the way it is.

*Hammond:* Animal Control Officers patrols officers two court hearings two selectmen's meeting and we're spinning our wheels going no where because they are not listening.

*Schleiff:* Absolutely.

*Hammond:* I got no more to say.

*Schleiff:* Mr. Hammond, Tom, thank you.

*Hammond:* You're welcome.

*Schleiff:* Thank you for your service.

*Hammond:* Thank you.

### **Holidays in Lights Committee**

Tania Massa came in this evening to give the Board an overview as to what they have planned for this years Holiday in Halifax event. This year's event will take place on December 10<sup>th</sup> starting with the annual pancake breakfast over at the elementary school in the morning that is hosted by the PTO. There have been a couple of changes as well as some added entertainment for the evening festivities. The bell ringers will be substituted with a jazz quartet and the Halifax Senior singers will be singing this year. The fire chief is hosting a chilly cook off at the fire station and Youth and Recreation will be having a bouncy house in the Halifax gym with face painting. There will be a mitten and coat drive by the girl scouts and care package items for the soldiers can be dropped off at the Selectmen's office.

The existing members of the committee; Fire Chief Carrico and Tania Massa are recommending that Joy Marble, who has expressed in interest in joining the committee, be appointed to the Holidays in Lights Committee. Massa mentioned to the audience that they are still looking for volunteers to help out at this year's event.

Move by Roy and seconded by Garron, the Board unanimously voted to appoint Joy Marble of 265 Wood Street to the Holidays in Lights Committee with a term to expire June 30, 2012.

In closing the Board thanked the committee for their time and organizing this year's event.

### **Halifax in Lights Committee**

At this time the existing committee is quite burnt out after doing this event for many years. They are hoping that others will get involved so that they can pass this on. At the moment there is about \$6,700 carried over from last year. If the event was to happen a week or two before the fourth of July then the cost would be able \$15,000 but if you want it on the fourth of July then you are talking about \$25,000. Fundraising for the event should be starting right now and at this time there have been no plans made for any fundraising. In years past the big fundraiser was the wine tasting and the golf tournament. Evangelista said that given the economy he does not think that you would get the people to do either. The committee is willing give all the contacts to the new members and it just making the phone calls to the vendors. Karen Fava, member of the Finance Committee, was in the audience and offered to help with fundraising. In addition to Fava, Shannon Hadorn and Joy Marble both volunteered for the committee (both were also in the audience).

Garron suggested that letters be sent to the existing members of the committee thanking them for all their hard work over the years.

Moved by Roy and seconded by Garron, the Board unanimously voted to appoint Shannon Hadorn and Joy Marble to the Halifax in Lights Committee with terms to expire August 31, 2013.

### **FY2013 Budget Discussion – All Departments**

Seelig opened the discussion by thanking everyone for coming this evening and stated that traditionally the Board invites the various department heads and members of the Finance Committee to meet with them to over the budget for the following fiscal year. Budget forms will be going out in December which will need to be returned the beginning of January. He added that its going to an interesting year and that we are not in a deficit as we were a couple of years ago but we are not able to go out and spend lots of money either. Decisions will need to be made as to what the town's priorities are and where we will be spending money. Departments will need to focus on what challenges we have and how we should be raising revenue or in some cases not to raise revenue.

Schleiff thought the best place to start was to ask the Finance Committee what they had been looking at over the summer. Peter Beals stated that they as a committee examined some areas in detail. One area was the state of our tax rate; in particular the average family tax bill. He went on to say that the committee has noticed that there has been an upward trend in taxes over the last eight years and the reason behind it was decisions to do certain things throughout the years and stated that the concern is where do we go from here as opposed to asking how did we get here. Another topic, which was mentioned at Town Meeting last spring, was that the town needs to come to grips with unfunded liability, which is

a growing problem. Basically if you take the promises that have been made to the current employees for benefits (note: he was not saying in a flip way) and the types of guarantees that have made to employees in term of benefits through their retirement years this has caused a IOU's that has accumulated to a ten million dollars problem, which the town needs to account for.

FinCom has looked at the budget and stated its hard to project because revenues go up and down until May but the best FinCom can tell at this time is if we keep budgets level with last year and account for some of the items like health insurance and other known increases; we are looking at a surplus of a couple of hundred thousand dollars but Beals said this with some hesitation because it is early and budgets go up and down. This decision still need to made based on revenues at the moment and Beals states that as a committee they recommend that department heads go on a *level funded basis*, which means each department should budget no more than they did last year.

Roy asked if they made an official vote and Beals said yes and as a committee would allow for step increases.

Schleiff asked what other expenses did FinCom see coming up that the Board needs to be aware of. Beals said besides the department budgets it would be the basic stuff such as health insurance, Silver Lake assessment (which definitely will go up because of Halifax's population increase), county assessment, retirement, utilities and step increases.

Roy wanted to clarity that when FinCom mentioned *a surplus* it means that they are recommending that they do not spend to the levy limit and Beals said yes that is correct. There is approximately \$50,000 that was carried over from last year and this year there is \$350,000 however FinCom is only recommending that they spend up to \$200,000. FinCom's intention would be to level off the tax rate where it seems to be going up with that being said, Beals wanted it known that by no means are they were implying freezing the tax rate.

Schleiff asked what Wage and Personnel intentions were. Maureen Rogers, member of W&P, said that they are still working on the grade steps two through six, and has been in contact with MIIA to get a grant to help with some of this but technically some of the requirements we do not qualify for but still will pursue this avenue with the contact. The W&P Board will be meeting on Tuesday night to get things rolling for their hearing, which will be at the end of January beginning of February and at this time they do not have a solid figure yet. On the same token the Fire Department Study Committee has come up with a great budget proposal that W &P will review at next Tuesday nights meeting.

Roy asked; do we want to level service or level fund. She is suggesting level service budgets because it is the town's responsibility to provide services to the taxpayers. Roy explained that if the town was to level fund then departments would get the same funding as last years budget except that they will need to find within their department to absorb any additional costs. She said that some residents may not mind paying the extra lets say five dollars on their tax bill because they want the service and said that the taxpayers voted to have new schools and as a result their taxes went up. Schleiff added that is fine as long as the taxpayers are aware of what they are getting. Rogers said the bottom line is

taking care of the service that we have and to be able to explain to the taxpayers why this is happening and we as board members have to be ready if they say no and understand why they said no.

Karen Fava stated that we need to find out what is wrong and fix it. Garron said the problem is we need participation from the townspeople and if we level fund we will lose them. To that comment from Garron, Fava said that some people maybe working a second job so they can't make town meeting.

Roy and Beals agreed that they need to be flexible regarding the services they want to maintain. Beals said that people are poorer today then a few years ago and there is less money out there and that changes need to be made to lighten the load for the taxpayers. Gordon Andrews said that we need to do all that we can so that there is no increase in the tax rate for the residents.

Schleiff wanted to say that departments have been good in presenting their budgets. Fava agreed and said that some departments have been great and they have been holding to their budgets but then there other departments that continually get more. Roy asked for Fava to elaborate on what departments get more and she went on to say it would be the fire, police and school departments. Those are the main three and the departments in the town hall have really been keeping budgets in line and she is saying that it is nothing that they haven't voted but its time to go back to the drawing board and look at the whole picture.

Schleiff suggested that FinCom film their meetings when doing budgets because the residents will know what is going on. Granted they get the warrant two weeks before town meeting they read it but they really don't get the whole picture. Schleiff added that we are trying to inform the residents through the paper and local cable and filming the Finance Committee meeting might be another way to enlighten the residents on the finances of the town.

Gordon Andrews said the tax rate has been discussed and FinCom wants to do everything they can not to increase the tax bill for the residents but we are here tonight to decided what should be presented to the taxpayers at town meeting which is do we level fund or level service. Roy does not disagree with Andrews and Garron said that it is true that there are homeowners who are hurting but said the difference between the town and the home owners is that the home owners can make their decisions in their homes directly and the town makes the decision which we present for them. We do not spend any money that the town does not approve and that departments sometimes have no control in line items increases. He feels that the departments have done a great job sticking to their budgets and yes some have gone over and he does not think that departments spend to the bottom line at the end of the year because they may not have it the next year. He is frustrated at this point and agrees with them that there is a problem but there also needs to be a solution. Beals said yes this is a start and is not disparaging any departments and suggested not raise taxes but spend less.

Peg Fitzgerald said that in all her years working for/in the town she has not seen Halifax spend over its limit. FinCom has only had discussions pertaining to the tax rate or going to the levy limit and that no votes have been taken in those areas. The only vote taken was to recommend to the BOS that FinCom ask departments to submit level funded budgets with the understanding that any raises or other

contract provisions are provided for. FinCom is not unreasonable and in the past they have taken into consideration that the price of gas and the cost of postage how it may effect certain departments as opposed to other departments. She has seen the accountants department be very frugal and the BOS trying to make policy decisions. The town needs to take care of its assets and employees, who keep the town running day to day and thinks that we could try and not use revenue that is available to us through the two and half law if possible, but need to look very carefully at any services that we may be cutting because the services are what the town voted at town meeting. Fitzgerald said that there was a time that the unemployment rate was ten percent and we were building schools and we were still able to run the town. It is a circle but you need to keep taking care of the town as a whole.

Schleiff does not think that services are going to be cut or cuts in departments but we need to be aware of where we are going. Fitzgerald asked how can you save money if you don't cut services. Schleiff said that we do not know what the problem is so we are not saying that cutting services is a solution. Schleiff wants to get some feedback from the departments on where money may be needed.

Rogers asked when the deadline was for submitting their proposed budgets and it was stated that they needed to be in by the first week of January. Seelig said that traditionally some direction was given from the Board of Selectmen and FinCom as to what departments need to do when submitting their budget. Rogers pointed out until budgets are submitted with concrete information we really can't make a decision on which way to go because this could keep going round and round. Schleiff the department heads if there was anything in the works that could upset the apple cart. Seelig stated that before he sends the budgets forms out he needs to some guidance from FinCom and the BOS as to what direction the departments need to go in.

Fava agreed with Fitzgerald that it was too early in the process and there are some unknowns out there such as they do not know about the Human Resource person or what the Fire Study Committee has come up with or what other expenses the town is going to have this year.

Tom Millias said that FinCom has taken a responsible approach and departments should see what they can do if asked to level fund and felt that as officials we owe it to the townspeople to do the right thing.

Schleiff asked if any of the department heads saw anything crazy changing in their budget from last year. Kathy Shiavone said that she can foresee increase in postage for her office and Duggan said that reimbursement for mileage is a big thing and that it was three or four hundred dollars more than last year. Highway Surveyor said in a couple of years he will need to put in for a new loader and Town Clerk, Gaynor mentioned that there will be four elections next year. Chief Carrico said that he will try and work within the budget that is given but one of the burdens of his budget is unforeseen cost and mentioned that some of his budgets will be going up. Schleiff wanted to state that the problem with retaining police, fire, and dispatch personal is because we are not offering the competitive pay as other towns are. Fava questioned; why does the Water Department get to keep their revenue and the Fire Department does not live off their ambulance billing?

John Tuffy spoke on behalf of the Silver Lake Regional School District. As he stated that his budget has less flexibility than other departments; he can't change the hours of operation, he needs to maintain a healthy air environment (which is not energy efficient) and issues from the state have been funnel down to the school. The school curriculum will be changing in the next few years therefore new textbooks will be needed. The math books at this time will not be in line with what the students will be tested on. If Halifax increases in size then the assessment will be higher for the town. Tuffy has looked at the 2008 budget and compared it to 2011 and the overall budget has gone up 1%. Tuffy added that we are now approaching our sixth year in the middle school and our fifth year in the high school and some items may need to be replaced as well as repairs due to normal wear and tear of the building.

The Finance Committee is asking for departments to level fund. They are aware that it affects the town but it also affects the townspeople and are not saying that they want departments to slash 3% but to go into the new year with what they did last year and if they have any issues go see them.

Garron said that we are not doing anything that we haven't done in the past and said that other towns have revenue from other sources and Halifax does not have any. He has no problem with level funding but wants to keep an open mind for those departments that may need something later that that they are not denied and asked if they were to come back for more money what happens? Roy said that it can be amended at Town Meeting and have the taxpayers vote it on town floor.

Schleiff wanted to move the discussion along and stated that he thinks that they have heard from everyone and asked the Board what was the message they were going to send out there ... be conservative? Garron asked Fitzgerald; have they been conservative in the past and she said that they always have been financially conservative. Garron agreed with her and said it was always was what the town could afford. Garron said that you get what you pay for, if you ask for services or new cars for the various departments to protect them you need to buy them but if you vote not to buy them then a vehicle could break down on they're way to a call. And as Roy stated yes we do feel those effects on the items that we did not stick to the capital plan on and does not want to get in that position again which cost more in the long run. Garron has no problem with level funding but the people need to have an open mind and know that some things will suffer because department have been squeezed pretty tight. Schleiff stated that all we can ask is that the departments keep their budgets down as tight as they can it then would be up to taxpayers to decide at town meeting whether or not they can afford it.

Dick Wright stated that it up to people to show up for town meeting to have a say one way or another if something passes or not. Fitzgerald agreed that yes the townspeople need to come to town meeting and for those who do they have done their job citizens of the town and every citizen has their own responsibility to come out to voice their opinion. Schleiff could not agree more that it's in their best interest to be informed and voice their concerns.

Paul Weckbacher directed a question to Troy and asked a general question stating that you describe your selves and the history of the town as being fiscally



conservative how do explain that Halifax has the highest tax rate of all the towns that we compare with. Garron stated that all those towns have commercial and other taxes coming and getting revenue from other places. They also might have higher rates for homes of maybe because the taxpayers in those towns came to town meeting and voted it down. Paul then asked when we look at a comparison of towns wouldn't we look at the demographics in the town so we would know whether or not the tax rates would be about the same? Roy asked of she could shed some light on the ten town comparison and went on to say that those ten towns were similar per capital income but she really does not know if anyone has really done an official look at the other towns regarding their tax rate to see how many include a debt exclusion. At this time Halifax is funding three schools and a police station and if we look at the services we provide were are not over the top. Roy feels that we have been conservative spenders and in the past have asked numerous departments for back up to different line item figures as to why the figure is what it. She did add that on capital items yes, we have been generous on some of our capital buildings but on a business sense getting a 73% reimbursement on those schools that were built was a good business choice. As a taxpayer she defends that choice to have the schools built because if we did not do it at that time then we as a town might not have been able to afford it at another time. And yes we are feeling the affect of it now because our population is increasing which affects our assessment. Weckbacher expressed to the Board that the economy is shrinking, the tax revenue in the town is shrinking, the budgets are expanding at a rate of 2.5 percent ... what we're saying is at some point in time you have to take a look at it and make some tough choices.

Roy understood what he was saying and Garron asked what choices are there? Weckbacher said one choices is do we level fund or level service or do start at a starting point at the levy from last year or go to the actual number as opposed to front loading with levy number from last year then going to the 2.5% levy then the maximum levy this year. He wanted to say that this is just a discussion and that they are not making recommendations but these were a few types of things that could be done. Garron thought that the stuff that is being brought up has no remedy to it and remembers when it was recommend that no one get 1.5% pay increase and department heads pleaded their case and the town voted it up. He said that when the Highway Surveyor comes and says he needs a new loader and police need new vehicles do you say no to these people or no to the new schools. Weckbacher felt that at some point yes you need to say no. Garron said that the Board has done that in the past and it still had been voted in. Weckbacher stated that FinCom this evening has brought before the Board of Selectmen the state of the budget, the tax rate of the town, state of economy, the shrinking revenues in the town, and felt that they do not have to bring in a resolution because its not what they do. Schleiff asked if we needed to go any further with this and Garron said no because he felt that it was getting a little personal.

Roy said that she thinks the message should come from the Board of Selectmen and understands what FinCom is trying to do and would agree to level fund but wants the things that are mandated or if we may lose staff or hours to be looked at and not cut. She believes that we need to look at the ten towns and examine what goes into their tax rate and what goes into ours.

Weckbacher stated the town and the economy is shrinking but expanding the budget is not something that should be taken lightly. Garron asked where do we start? Stuff is being brought up but there is no remedy. Do you say no to departments and Paul said yes. Garron said well then the town would need to vote that.

Fava said that if there is a resolution with the fire study committee or the police department to retain employees, that would save the town a ton of money and she added that no department head complained about the suggestions that were made this evening. Fava stated that she too is taking this personal and is getting the impression that that they are not needed as a finance committee and that they came to the BOS with the problem and a recommendation and either the Board wants it or they don't. Roy did not want Fava to take it personally and that they appreciate everything that the committee has recommended.

Paul wanted to make one last statement and said that in past years when departments were asked to level fund and there were areas where it was outside level funding or the 3% they always looked at it and within reason, were open to the increase. Roy agreed and was confident that FinCom would do a great job at auditing the line items and not let things go without an explanation.

Schleiff wanted to state that personally he is hurting and knows what is going on out there and that times are tough for lots of people and feels for those hurting in this economy.

Beals added that it was pointed out that it not only in the operational expenses but in the capital expenditures as well as override expenses so with that being said the COA building obviously would not help the tax picture. Beals is not saying it's not worth doing and that is a separate discussion but saying that it should not be completely left off the table and will also play a roll.

Roy felt that the consensus of the Board is to level fund except for the things that are mandated. Schleiff then asked if that was the recommendation of the Board. Seelig wanted to make sure that the agreement of the Board was to level fund and if a department needed an increase any line item they would need to explain in detail why. Roy suggested that FinCom come back in to meet with the Board after all the budgets were in and they could see the things that FinCom is facing as the budgets come in and at that point they might have to set priorities. Seelig mentioned that he can go over the budgets with the Town Accountant and together they can go over the line items that have increases then will give to will give to FinCom and Selectmen with a narrative from departments heads as to why these certain areas increased. The Board was in agreement with that process. Garron said that level funded is fine as long as all the areas discussed this evening are look at.

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

##### Recycling Grant

Move by Roy and seconded by Schleiff, the Board voted to have the Chair, Michael Schleiff, to sign a recycling grant in the amount of \$750.

Road Acceptance - Pasture Lane

The Planning Board is holding one lot, which they also did with Autumn Lane, until the road work is done but due to the economy the developer has stated that he has not been able to do the work. The Board wanted to reiterate that going forward they want a bond issued to the town or a passbook held for any new subdivisions that are developed in the future.

Parking Ban - Doherty Complaint

An e-mail has been sent from Edward Doherty concerning the Board's response to his letter regarding his dissatisfaction with the Police Department's reaction to his complaint. Doherty requested a copy of the parking ban, which he picked up yesterday. No action is needed by the Board at this time.

Surplus Items - Library

Department heads have been notified and a flyer will be posted at the Library for the surplus item listed below. If no one is interested, the items would be thrown out on December 14<sup>th</sup>. Seelig is recommending that the Board declare them to be surplus.

Moved by Roy and seconded by Garron, the Board unanimously declared the following items surplus:

- 2 Computer monitors
- 4 Lounge chairs
- 1 Typewriter
- 2 Children's computer work stations
- 1 VHS rack
- 1 Bulletin board
- 1 Small bookcase (white)
- 1 Cisco wireless router
- 1 Study carrel

Hemlock Lane Landfill

Based on a report from Tighe and Bond, Inc. and a response from DEP, it looks like the methane gas at the capped landfill is migrating to places where it had not been before and that more money will be needed on an annual basis for monitoring and on improvements or one-time evaluations. At this time the Health Agent is waiting for a complete estimate. No action is needed from the Board at this time. Schleiff questioned that whoever capped it should be contacted to see if there is a responsible party.

Peter Parcellin – Appointment to ZBA

The ZBA is recommending that the Board appoint Peter Parcellin of 65 Highland Circle as an associate member to the ZBA. The Board has previously met with Mr. Parcellin and appointed him to the Halifax Cultural Council so seeing as he has already been interviewed by the Board Seelig asked if they wanted to appoint him tonight to the ZBA.

Moved by Roy and seconded by Garron, the Board unanimously appointed Peter Parcellin to the Zoning Board of Appeals as an Associate Member with a term to expire June 30, 2015.

#### FEMA Meeting

A meeting has been scheduled for December 6<sup>th</sup> at 10:00 a.m. at Taunton City Hall to discuss the new flood maps for the Taunton River watershed. Seelig has forwarded this information to Highway Surveyor, Water Superintendent and Police Chief.

#### MMA - Made in Massachusetts

The MMA is looking for firms that manufacture and assemble products in Massachusetts, especially ones with a municipal market, to feature them at the Trade Show in January. Seelig opened this invitation to the viewers and for them to contact the Selectmen's office if interested.

#### Autumn Lane

A Petition article has been submitted to appropriate money to complete the road work as well as an article to accept it as a public way.

#### 111F – Theodore Benner

On November 5<sup>th</sup> Officer Benner had suffered a hand injury while on duty. Only one bill has been received. Seelig recommended that the Board declare this to be an 111F incident so that the file can be sent to the insurance company.

Moved by Garron and seconded by Roy, the Board unanimously voted to place Theodore Benner on 111F.

#### Auditors

The Auditors are scheduled to come the week before Christmas.

#### Wright Property – Franklin Street

An offer of \$375,000 for the 10 acres in Chapter 61A has been presented from a potential buyer and a side offer for the house and 50,000 square feet in the amount of \$60,000 has been presented. The back 2/3 of the property is wet and not being offered and Sue Duggan believes that they will donate/give/somehow get rid of this part of the land. Seelig has not heard from Conservation stating whether or not they are interested. Mr. Wright has called the office asking if the Board had made a decision, Seelig told him that as of the Board's last meeting (November 8<sup>th</sup>) a decision had not been made.

#### Correction on Health Insurance

Group Insurance Commission is subsidized by the State, not the Mayflower Municipal Health Group.

Swearing in Alexander Wilson on December 5<sup>th</sup>

A suggestion was made to swear in new officer Alexander Wilson on Monday, December 5<sup>th</sup> before the Special Town Meeting.

Moved by Roy and seconded by Garron, the Board voted to swear in new Patrol Officer Alexander Wilson on December 5<sup>th</sup> and to post the meeting for 6:30 p.m.

Randall Property – River Street

Howard Randall called the office to let Seelig know that due to a family medical emergency the appraiser has been delayed in doing the appraisal for the property. Seelig plans on contacting him to try and get a due date on when the appraisal will be completed with the hope that he will not have to wait until December 13<sup>th</sup>.

Inspection List for License Holders

Each of the Selectmen has been assigned to do annual inspections for following Alcoholic Beverage License Holders:

LOCATION TO INSPECT	TYPE OF LICENSE
All Seasons Restaurant 327 Plymouth Street	All Alcoholic Restaurant
BR's Monponsett Inn 550 Monponsett Street	All Alcoholic Restaurant
Country Club of Halifax 100 Country Club Drive	All Alcoholic Restaurant
D's Grille 58 284 Monponsett Street - Unit 4	All Alcoholic Restaurant
Hawaii Garden Restaurant 300E Plymouth Street	All Alcoholic Restaurant
Halifax Mobil 576 Plymouth Street	Wine and Malt Package Store
Harmony Two Liquors 284 Monponsett Street	All Alcoholic Package Store
Lindy's General Store 134 Holmes Street	Wine and Malt Package Store
Twin Lakes Liquor & Convenience 655 Monponsett Street	All Alcoholic Package Store
Unit 5 Bar, LLC d/b/a The Tee Box 284 Monponsett Street Unit 205	Wine and Malt General On Premise

Remote Participation at Committee/Board Meetings

A new regulation from the Attorney General's Office has been implemented which will allow remote participation by board or committee members who are not physically present. The Board of Selectmen would need to approve a general blanket waiver if they vote to carry out this new regulation. Schleiff would like to think about this therefore the Board is going to table this until their next meeting.

**EXECUTIVE SESSION**

Moved by Roy and seconded by Garron, the Board voted as follows to enter into Executive Session at 10:50 p.m. to discuss Patrol Officer contract and Sergeants:

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.

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Moved by Garron and seconded by Roy, the Board voted as follows to come out of Executive Session at 11:40 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 11:40 p.m.

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Troy E. Garron  
Clerk

/pjm