

BOARD OF SELECTMEN  
SELECTMEN MEETING  
TUESDAY, JANUARY 12, 2010 - 6:30 P.M.  
SELECTMEN MEETING ROOM

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Meeting came to order at 6:30 p.m. with Selectmen John H. Bruno II, Troy E. Garron and Michael J. Schleiff present.

The following business was discussed:

**EXECUTIVE SESSION - COLLECTIVE BARGAINING**

Moved by Bruno and seconded by Garron, Board voted as follows to enter into Executive Session at 6:35 p.m. with Labor Attorney Michael Gilman and JLMC Mediator Brian Harrington to discuss collective bargaining issues and separately with Michael Gilman only to discuss litigation:

John H. Bruno II	-	Yes
Troy E. Garron	-	Yes
Michael J. Schleiff	-	Yes

Bruno announced that no statement would be made at the end of the Executive Session and the Board would reconvene in open session.

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Moved by Bruno and seconded by Garron, Board voted as follows to come out of Executive Session at 7:45 p.m.

John H. Bruno II	-	Yes
Troy E. Garron	-	Yes
Michael J. Schleiff	-	Yes

**AGENDA**

The Agenda for Tuesday, January 12<sup>th</sup>, was unanimously approved without revision.

**MINUTES**

No Selectmen Meeting Minutes were considered or approved.

**ABATEMENTS/BILLS/COMMITMENTS/WARRANTS**

Moved by Schleiff and seconded by Garron, Board unanimously affirmed committing for collection Ambulance Commitment #12 in the amount of \$24,236.00

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

Withholding Warrant	#53	\$115,005.34
Payroll Correction	#54	\$ 727.20
Vendor Warrant	#55	\$101,876.95
Payroll Warrant	#56	\$326,767.78
Vendor Warrant	#57	\$577,937.24

Moved by Schleiff and seconded by Garron, Board unanimously committed for collection Mobile Home License Fee #01 in the amount of \$5,160.00

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

Withholding Warrant	#58	\$117,999.47
Vendor Warrant	#59	\$133,374.09

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

Gilman and Associates (legal services/Dec) .....	\$1,259.13
Spinale and Spinale (legal services/Dec) .....	\$ 990.00
Peter Epstein (legal services/Dec) .....	\$ 97.50
Matthew Bender & Co (law books) .....	\$ 392.94
South Coastal Legal Services (services Oct-Dec) .....	\$ 875.00
Lycott Environmental (Lakes Algae Project Task #2) .....	\$2,500.00
Community Newspaper (Lakes Algae Project legal notice) ....	\$ 41.25

The Board acknowledged payment of the Selectmen Office Payroll for the period ending January 2, 2010 in the amount of \$6,183.69

The Board acknowledged the following Payments to the Treasurer:

<u>TURNOVER</u>	<u>AMOUNT</u>
#31	\$25,544.54
#32	\$ 700.00
#33	\$ 25.00

**CABLE TV ADVISORY COMMITTEE APPLICANT - DEREK BENNETT**

Derek Bennett who was scheduled to meet with the Board relative to his application to serve on the Cable TV Advisory Committee failed to appear. The Board will reschedule him at another time.

**DELAYED DEMOLITION BY-LAW**

The Board met with Historical District Commission member John Shea relative to a proposed Delayed Demolition By-Law article for the Annual Town Meeting warrant.

Shea said structures built prior to 1900 will come under the new by-law in an attempt to preserve the homes owned by the settlers of Halifax. Currently, if the house is outside the Historic District, the owner can get a demolition permit from the Building Inspector and have the house taken down; those homes inside the District are referred to the Historic District Commission. The Commission would like to protect the eighty four homes outside the District so that demolition would not happen instantly so the Town could have an opportunity to preserve certain components of the house.

The homeowner can do anything he/she wants to the house. This by-law comes into play only if the house is going to be destroyed. Most people who own the eighty four houses outside the district want them preserved. The by-law would provide the opportunity to see if the Town wanted to move the house or take some of the materials - such as windows, boards that are first cut timber, etc. Shea cited a three story barn on Thompson Street that was torn down to make way for three new houses. While the owner had the right to demolish the barn, some of the materials were irreplaceable.

The Commission is asking for a six month time period to locate someone that may want the materials. Since it takes almost a month for the Commission to hold a hearing, the Commission felt six months was a reasonable period of time. The model by-law would be a year. He had called local towns that had a three month time frame and found they were looking to go to six months because three months was too short.

In reading the by-law, the only detriment Garron saw was the homeowner was being held up for six months. Shea said the six months is to have time to find someone. Someone could be found in a shorter period of time; the process starts as soon as someone is found. Bruno asked if this by-law is meant to address a building built prior to 1900 that is being torn down and thrown away. Shea said, if the person wanted to dismantle the building and give the materials way, they can do so. This is just to hold off developers from destroying the building or the Fire Department using it as practice. Because of their unique character, the

Commission would like to see these houses or components of these houses preserved instead of just destroying them.

There will be a public hearing on January 21<sup>st</sup> at 7:00 p.m. in the Great hall relative to this by-law. Shea has sent a copy of the proposed by-law and the hearing notice to those houses located outside the District that would be affected by its passage.

**PERFECT CUP ... & MORE - CHANGE IN OPERATING HOURS**

The Board met with Christina Dower relative to her request for a change in the operating hours currently allowed under the Common Victualler License issued to the Perfect Cup ... & More. Dower asked to open at 4:00 a.m. instead of 5:00 a.m. seven days a week. Selectmen noted that Police Chief Michael Manoogian had no objection.

Moved by Garron and seconded by Bruno, Board unanimously voted the following operating hours for The Perfect Cup ... & More, for property located at 300C Plymouth Street:

Sunday - Saturday ..... 4:00 a.m. to 6:00 p.m.

**GENERAL MAIL/BUSINESS**

A. Plumbing Fees

Per request from the Building Commissioner, moved by Garron and seconded by Bruno, Board unanimously voted to delete Chapter 231 - Plumbing Fees from the Code of the Town of Halifax. The Board noted that such fees are changed from time to time with the approval of the Board of Selectmen and are not set by a vote of town meeting.

B. 111F Status - Bosworth

Moved by Bruno and seconded by Garron, Board unanimously voted to place Firefighter/EMT Henry M. Bosworth, Jr. on 111F status from 2:00 p.m. December 31, 2009 until 6:00 p.m. January 3, 2010 due to an injury sustained on December 31<sup>st</sup>.

C. Confirmatory Deed - Domingues

The Board noted that the Town sold Manoel Domingues of Eleventh Avenue a piece of property in 2006 but the original deed did not have Domingues'

named spelled correctly. Moved by Bruno and seconded by Garron, Board voted as follows to sign the confirmatory deed correcting the spelling of Domingues name:

John H. Bruno II	-	Yes
Troy E. Garron	-	Yes
Michael J. Schleiff	-	Abstained

Motion passed by a 2/3 vote.

D. Surplus Property - Library

Moved by Garron and seconded by Bruno, Selectmen unanimously declared the following items surplus:

1	MacIntosh iMac Vintage 2000, Model 5521
1	Wooden easel
2	Cable boxes - early 1990
1	Metal file cabinet

Town Administrator Charles Seelig will determine how these items can be disposed of in accordance with the State procurement laws.

E. Resignation - Bolger/Government Study Committee

Moved by Bruno and seconded by Garron, Board unanimously accepted, with regret, the resignation of Jeffrey Bolger from the Ad Hoc Government Study Committee, effective immediately.

F. Commendation - Halifax EMT's

The Board acknowledged a letter from the Fire Chief recognizing certain members of the Halifax ambulance service for their actions in treating a patient on January 2nd, which played a direct role in saving that person's life. Moved by Garron and seconded by Schleiff, Board voted to send letters to the individuals commending them for a job well done.

G. Live Entertainment Permit - Blue Grass Festival/June

The Board acknowledged a request from resident Ken Corti for an Entertainment Permit for Sunday, June 12 for a bluegrass festival to be held on the Nessralla Farm at the end of Hemlock Lane from 10:00 am to 8:00 pm. to raise funds for the Massachusetts Lions Eye Research Foundation. Corti expects 200-400 people to attend. All parking will be off the street. Seelig has forwarded this request to the Fire Department, Police Department and Board of Health for their input on the request.

#### H. Unsung Heroine

The Board acknowledged that nomination forms are now available and the deadline to submit nominees is February 26<sup>th</sup>.

#### I. Street Acceptance - Lamppost Drive

The Board acknowledged a request to accept Lamppost Drive which would require a vote to waive the November 1<sup>st</sup> submission date. Seelig did not know the reason for the delay in submitting the request. The Board noted that two hearings are required - one preliminary hearing to determine interest and a second advertised public hearing if the proposal is put on the town meeting warrant. Moved by Bruno and seconded by Schleiff, Board unanimously voted to hold the hearing to determine interest at which time the Board will decide whether or not to waive the submission date.

### **TOWN ADMINISTRATOR REPORT (CHARLES SEELIG)**

#### A. Capital Plan

Seelig reported the Capital Planning Committee met last night and, based on submissions for the Town Meeting warrant, the Committee came up with a list of priorities. The Committee will meet on March 8 with the Council on Aging and the Municipal and School Building Committee.

#### B. Dog Complaint - Wechter / Pheasant Hill Road

Seelig reported that, during the last fourteen months, the Police Department has responded to six complaints concerning a barking dog at 16 Pheasant Hill Road. Officer Caprio has asked that a hearing be held to address the situation. The Board instructed Seelig to schedule a hearing with the owner of the dog.

#### C. Landfill Monitoring Contract

As a follow-up to a previous meeting, Seelig asked if the Selectmen wanted to meet with the Board of Health regarding a multi-year landfill monitoring contract or have the Health Agent and the Town Administrator work out the bidding specifications for a contract and then go out to bid. Garron noted the Town must ensure it has the funding if it were to enter into a three year contract. Schleiff pointed out that costs are usually less when the contract is for a longer period of time. If the Board of Health was looking into a three year contract, he did not feel there was a need for the Selectmen to meet with them. It was agreed that Seelig will work with the Health Agent.

D. Annual Town Meeting Warrant

Seelig provided the Board with a first draft of the Annual Town Meeting warrant, noting that the deadline for submission of articles is March 1<sup>st</sup>.

**DISCUSSION**

A. Fire Department Fees

The Board reviewed the proposal from Fire Chief William Carrico to increase certain fees and the comparison by Seelig relative to those fees in other towns. Seelig stated the only fee regulated is the smoke detector which will increase to the maximum allowable. Otherwise, he did not find any state regulations on what can be charged.

Referring to the comparison, Garron noted Halifax would be higher than some communities but in line with others. While he was hesitant to increase fees, he understood the necessity for doing so. While Bruno did not like raising fees, he felt these were necessary, noting the Fire Chief did not ask to raise all the fees but only those he felt were behind and for which he gave justification for increasing. Schleiff noted that the fees would be doubled in most cases. If they were increased 50%, they would be in line with and, in some cases, still above other towns. He was particularly concerned with doubling the fee for Fire Protection System and Fire Protection Equipment from \$50 to \$100 and wanted to postpone taking action on those two fees.

Moved by Garron and seconded by Bruno, Board unanimously approved the following changes in Fire Department fees, effective February 1, 2010:

	<u>FROM</u>	<u>TO</u>
Oil Burner Installation	\$25.00	\$50.00
Propane Storage	\$25.00	\$50.00
Smoke Detector Inspection (Residential)	\$25.00	\$35.00
Tank Truck Inspection	\$50.00	\$75.00

Schleiff will talk with the Fire Chief regarding the two fees still under consideration.

B. Fire Academy Training

The Board continued the discussion from November 24, 2009 relative to a request from the Fire Chief to send full-time Firefighter/Paramedic Jeff Cuzzo to the Massachusetts Firefighting Academy at a cost of \$26,000. Funding would be dependent upon whether or not a contract is reached with the Union. If one is reached, the money would not be available for the

training. If one is not reached, the Fire Chief hoped to use the funds budgeted for that purpose for this training.

Bruno was not in favor of this request, citing it is too expensive and the need to explore what other options are available for training. He was not convinced this was a wise thing to do. Even though there may be a surplus in the budget, the money was not earmarked for this purpose. Setting aside funds for training should be part of the budget process so that the Finance Committee has an opportunity to deliberate on the proposal. Seelig concurred, noting that money for this type of training should have been a separate article. Garron also was not in favor of using money set aside for one purpose for another.

Moved by Bruno and seconded by Schleiff, Board voted as follows to take no action on this request:

John H. Bruno II	- Yes
Michael J. Schleiff	- Yes
Troy E. Garron	- Abstained

Motion passed by a 2/3 vote. Garron abstained because he was not present for the discussion on November 24<sup>th</sup>.

C. Request to Purchase Town Property - Dias/Bow Street and Pine Street North

The Board considered a request from Alan Dias to purchase Town-owned property located on Bow Street (Assessors Map 10, Lot 1010) and Town-owned property located on Pine Street North (Assessors Map 20, Lots 135 and 136), consisting of approximately 6,000 total square feet. Seelig stated the road network is inadequate and the roads are not where they are laid out in the Plan. Selling these lots at this time would lead to complications.

Bruno noted the lots total 6,000 square feet but are split in two different places. He felt the Town might need them at some time in the future and saw no reason to sell the lots at this time.

Moved by Bruno and seconded by Garron, Board voted as follows not to sell this property at this time:

John H. Bruno II	- Yes
Troy E. Garron	- Yes
Michael J. Schleiff	- Abstained

Motion passed by a 2/3 vote.



D. Taunton River Stewardship Council

The Board instructed Seelig to schedule an appointment with Tim Watts relative to his application to serve as the Town’s representative to the Council.

E. Liaison List

Moved by Bruno and seconded by Garron, Board unanimously voted to designate the following Selectmen to serve as the Board’s liaison in the following areas:

COMMITTEE/CONTRACT	SELECTMEN LIAISON
Capital Plan Committee	Schleiff
Cemetery	Schleiff
Computer Committee	Schleiff
Finance Committee	Schleiff
Fire Department	Garron
Halifax Emergency Management	Schleiff
Monponsett Lake Issues	Garron
Union Contracts - Dispatchers and Highway	Schleiff
Wage and Personnel	Schleiff

and to remove “Recycling” from the Liaison List.

There being no further business, moved by Garron and seconded by Schleiff, Board unanimously voted to adjourn the meeting at 9:25 p.m.

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 Michael J. Schleiff  
 Clerk

/bfs