

BOARD OF SELECTMEN
SELECTMEN MEETING
TUESDAY, FEBRUARY 9, 2010 - 7:30 P.M.
SELECTMEN MEETING ROOM

Meeting came to order at 7:30 p.m. with Selectmen John H. Bruno II, Troy E. Garron and Michael J. Schleiff present.

The following business was discussed:

AGENDA

The Agenda for Tuesday, February 9th, was unanimously approved without revision.

MINUTES

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

Selectmen Meeting 12-22-09 - Regular Session
Selectmen Meeting 12-22-09 - Executive Session

Selectmen Bruno abstained as he was not in attendance at the December 22nd meeting.

ABATEMENTS/BILLS/COMMITMENTS/WARRANTS

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

Payroll Warrant	#64	\$317,438.42
Vendor Warrant	#65	\$402,468.70
Withholding Warrant	#66	\$112,654.84

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

Atlantic Environmental (site assessment - Thompson Street elderly housing)	\$ 750.00
Bonz & Company (land appraisal - Thompson Street elderly housing)	\$3,000.00
Daniel Hill (legal services/Oct - Thompson Street elderly housing)	\$ 560.00

Moved by Schleiff and seconded by Garron, Board unanimously committed for collection the following:

Ambulance Commitment	#01	\$32,894.00
Mobile Home Park License Fee	#02	\$ 5,160.00

Moved by Schleiff and seconded by Garron, Board unanimously approved payment of Vendor Warrant #67 in the amount of \$1,051,054.00

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

Bonz and Company, Inc. (Thompson Street elderly housing) ..	\$ 500.00
Daniel Hill (legal services - Thompson Street elderly housing).	\$1,015.00
Gilman & Associates (legal services/Jan)	\$ 650.76
Enterprise (public hearing notice/Housing Rehab)	\$ 128.89
Jordan on the Job (Police Department)	\$ 335.00

The Board acknowledged payment of the Selectmen Office Payroll for the period ending January 30, 2010 in the amount of \$6,184.83

HISTORIC DISTRICT/HISTORICAL COMMISSION APPLICANT - BESSETTE

The Board met with Nicholas Bessette relative to his applications to serve on the Historic District Commission and the Historical Commission. He was recommended by both boards for appointment.

Bessette has lived in Town for eleven years and is a history major at Bridgewater State College. Halifax has a rich history. Serving on the Commissions would be a good learning experience and provide him with the opportunity to help preserve that history. He has attended all of the meetings since last summer and understood that each Commission had a separate role with different responsibilities.

Moved by Bruno and seconded by Schleiff, Board unanimously appointed Nicholas Bessette of B2 3 Lydon lane to the Historic District Commission, term to expire June 30, 2011.

Moved by Bruno and seconded by Schleiff, Board unanimously appointed Nicholas Bessette of B2 3 Lydon lane to the Historical Commission, term to expire June 30, 2012.

CABLE TV ADVISORY COMMITTEE APPLICANT - DEREK BENNETT

The Board met with Derek Bennett relative to his application to serve on the Cable TV Advisory Committee. He has been recommended by the Committee for appointment.

Bennett is new to Town, moving here last August. He was active in the community where he lived and would like to continue to be involved at the local level. He has experience with cable telecommunications, worked with the cable director in Brockton, and has taken courses in media. He is interested in becoming involved in the upcoming negotiations with Comcast and to explore what benefits can be gleaned for the Town.

Moved by Bruno and seconded by Garron, Board unanimously appointed Derek Bennett to the Cable TV Advisory Committee, term to expire June 30, 2010.

DOG HEARING - WECHTER / PHEASANT HILL ROAD

At 8:00 p.m., in accordance with MGL Chapter 140, Section 157, Bruno opened a hearing to address a complaint of excessive barking against an eleven year old male black lab named Pepper owned by David S. Wechter and housed at 16 Pheasant Hill Road (the police report is attached hereto as Exhibit A and made an official part of these Minutes).

The following individuals were present and sworn in by Notary Public Beverly Smith:

William Caprio	Police Officer
David Wechter	Dog Owner
Stacey Sheehan	Complainant
Ted Sheehan	Complainant

Caprio made the following statement:

On January 8th this year, I was dispatched to 16 Pheasant Hill Road for a barking dog. Dispatch informed me this was an on-going problem. I arrived at the residence. I shut the car off just to listen. I heard a loud bark coming from behind the residence. I knocked on the door; nobody answered. I took a walk around the side of the house. I could see in the back there was a dog kennel set back of the house. There was a black dog in there and, when he saw me, he stopped barking. At that point, I decided, because this was an on-going problem, to look up the history on this residence. I did find other calls for a barking dog at this residence.

Garron asked:

Other than the barking, were there any other complaints - running loose, biting, or anything?

Caprio responded:

All I could find was barking dog.

Following are questions asked by Schleiff; responses by Caprio follow immediately:

Did the others actually have someone responding to the calls - how did the other calls come into the station?

Someone calls and we are dispatched out to the residence.

So all of these calls, someone called the station and someone from the station went out to the residence to check it out?

I don't have copies (of reports) but I have a copy of every call that was made from the dispatch log

Following are questions asked by Garron; responses by Caprio follow immediately:

Is this the first time animal control or an officer responded to the barking calls?

It is the first time I did. All I can go by is the Dispatch log that shows animal control responded four times and Sergeant Broderick one time.

So a total of six times?

Since November of 2008

Schleiff asked if any of the other officers said what they got for a response when they went out.

Caprio answered:

I did speak with Broderick who said he was out there once and left a message on the door to call him but they never did. I do not know which of the calls was the one he did.

Following is a statement by Wechter:

That is my residence and my dog. We moved in July of 2008. We were made aware of the situation that the dog is barking. We have been trying different things to alleviate the situation. One is to move the kennel from the side of the house to the back of the house. It is 125 yards off the street and he cannot be seen from the street. We purchased a bark collar. We did have some problems with it and went back two or three times until we found one. We put a radio out there for the dog. Someone recommended that. We are trying to alleviate the situation. We are trying to replicate the situation. We are trying to fix the situation. Unfortunately, we can't. My wife will pack up the kids and drive away. I will be in the house and the dog won't bark. So it is tough to correct.

The last time we were officially notified by the Town was December 2008. We were notified six times - all by Denise Horton. As far as the officer mentioned that left a note on the door, there was no notice; otherwise, I would have responded. I responded every single time to Denise. I had a letter from her stating she had been there six times - she has driven down the driveway and the dog was not barking; she parked down the street and walked down the driveway and the dog was not barking; she has parked at the top of Pheasant Hill and Stoney Weir and walked down and the dog was not barking. I am not saying the dog does not bark. He is in the woods. We are trying to fix the situation. We are just having trouble replicating it. As I said the last time we were officially notified was fourteen months ago. We thought this situation was somewhat rectified.

Following are questions asked by Bruno; responses by Wechter follow immediately:

Are you doing anything now in addition to try to control the dog disturbing the people around you?

We have brought the dog inside the house while we are at work. That has been going on for close to two months.

Has that helped?

We are not there so I don't know.

Garron stated:

Your dog is suffering separation anxieties. It is common especially if you got him as a puppy and he has been around people and suddenly he is by himself. That is why he stops barking when people come in sight; he wants the company.

Wechter said:

It is an eleven year old dog. We adopted him.

Garron responded:

He probably had this habit before you got him. One way to find out if the dog is barking is to use a tape recorder when you are not there. There are ways to train the dog not to bark. It is difficult if you are at work.

Stacey Sheehan stated the following:

It has been very quiet for the past couple of months since they put him in. It is when he is outside all day - he barks for three or four hours straight.

Ted Sheehan stated:

He is quiet when they are home. When they leave, he barks non-stop all day long. We have a recording. The officers that did come down noted the same thing. I could hear him outside; and, when the officer pulled up and shut the engine off, he could hear the dog barking away but, as soon as he went around back and the dog saw him, the dog would quiet down. It looks to be a good natured dog. He just has separation anxiety. If he is in an outdoor kennel, sometimes people would say "okay we can go away for the day because we don't have to let him out to go the bathroom" but they might not notice that he might bark from Saturday morning until they came home Saturday night. In the winter time, you might not notice so much because your windows are rolled up but a sunny Saturday morning you are outside. Where we are down there, it is quiet. When they first moved in, the dog was in the front yard and it was a lot louder and now that they have moved the kennel in the back it is quieter but you have the woods and it just echoes up through the woods. You still hear it. When he is outside and no one is home, he will bark all day long. You don't hear it so much in the winter but over the last year and a half with the good weather coming.

Stacey Sheehan said:

We have three dogs and two of them are barkers. We never leave them outside when we go out. We have barker collars for them because they will bark if the oil truck comes down, if the mailman comes down, if anyone drives - I have one dog that has hit the window barking. We keep those collars on. And it riles our dogs up when they hear the dog barking - they get all anxious and start barking in the house. If we put our dogs outside in a kennel and left, they would bark all day long. Some dogs just do that. The barker collars we got work fabulous. When they know it's on, they won't even bark because they know it is uncomfortable for them.

Wechter stated the following:

This is something new for the dog. Since he was a puppy, he has been an outside dog. He has been in his kennel so he is use to that. For whatever reason, perhaps because we moved, he has separation. I don't know.

Garron said it is a strange area with different sounds.

Stacey Sheehan stated:

I talked with your (Wechter) old neighbors who asked us how our new neighbors were doing. We said fine but we really haven't met. They said well they have a barking dog they left in the kennel. I know the people personally and I don't think it is something new.

Garron noted it seems like over the last couple of months you have not had the barking with the dog inside the house.

Schleiff said that barking dogs do not both you sometimes and sometimes you just want to say "shut up."

Stacey Sheehan said:

When it is a nice day and you are by the pool and you hear a dog constantly barking. We have been there fourteen years and never heard dogs barking for a long time. When it is three, four hours on a summer day and no one is home, it is aggravating.

Schleiff stated:

I have two dogs across the street that, when I walk to my mail box, start barking and I say shut up. After I get my mail and turn around they stop barking. I had a dog I had to turn back to the animal shelter. It barked all day and I could not control it. I could not do that to my neighbors. Sometimes you have to find a way to do it. It is disturbing.

Bruno said:

Most of the time dog complaints are issues amongst neighbors. It is helpful if we can find a solution. What do you think you can do that will keep your neighbors from listening all day to barking.

Wechter responded:

We continue o try to solve this problem. I am in agreement. Should have peace and quiet and we are working toward it. I thought this was somewhat fixed. Dogs will bark occasionally particularly in the woods with all the

animals. Not having anyone come to the house since 2008, I thought this was fixed. We will continue to research and talk to obedience trainers.

In response to a question from Schleiff, Wechter said they had not yet tried anxiety medication.

Garron said that, while he does not like it, one solution is to cut the dog's vocal chords. Stacey Sheehan said she would not want to see that. Garron said he is only bringing up solutions. The last couple of months it appears the dog has not barked and it has been kept in the house when the owners are not home and right now that seems to be the solution until you find something better.

Bruno suggested continuing the hearing for two months to give Wechter an opportunity to fix the problem. In the meantime, if the problem continues, the Sheehans will complain to the police and the police can inform the Selectmen. He would rather have the problem solved more than anything else. He noted that Wechter had not heard anything since 2008 but now knows the Sheehans do not want to hear the dog barking.

In response to a question from Schleiff as to what the Sheehans considered marginal or acceptable barking. Stacey Sheehan said fifteen minutes two or three times a day.

Ted Sheehan said the following:

We have three dogs; and, if we left our dogs out in a kennel and went away for the day they would bark all day long. Some neighbors it might not bother but some neighbors it will. Several years ago, we had a neighbor call and say your dog is barking and we were very conscientious of our neighbors. We went out and bought the barker collars and they learned quick. They get a little poke and it fixes it. With this dog, with the separation thing, it is very simple. If you put the dog out in the kennel on a Saturday morning and leave for the day, he is probably going to bark all day long until someone comes home and then he is fine.

Schleiff asked if he was talking about his own dog.

Ted Sheehan responded:

No. I am talking about my neighbor's dog. If they leave the dog outside in the kennel and go for the entire day, because of the separation, it will bark all day. Now, if it is a Tuesday and everyone is at work, or in the middle of winter, no one may hear it. But when spring and summer come, it is very annoying especially when it is the weekend and you are out in the yard. You can put a recorder out there. We did it to show how long the dog is barking. It is all day. It gives you an idea that he is barking while you are away. Just as long as they are aware if they go away for the day, the dog is going to bark.

Bruno believed Wechter understood their point.

Moved by Bruno and seconded by Garron, Board unanimously voted to continue the hearing until Tuesday, April 13, 2010 at 7:45 p.m. to allow Wechter the opportunity to take action to resolve this issue. A review of the matter will take place at that time. Seelig will contact Caprio one week before the hearing to determine if any complaints have been received.

PRELIMINARY HEARING - ACCEPTANCE OF LAMPPOST DRIVE

At 8:30 p.m., the Board convened a preliminary hearing relative to the petition by Michael Peterson of Hometown Builders, Inc. for the acceptance of Lamppost Drive.

Present for the hearing were Michael Peterson and Highway Surveyor Robert Badore.

The Town's By-Law requires the request be submitted by November 1st; the petition was submitted to the Board on January 12th. Peterson explained that the road was to be completed earlier but his project was delayed due to circumstances beyond his control. Badore stated that Peterson was delayed because of a project being undertaken by the Town which impacted Peterson's work. Moved by Garron and seconded by Bruno, Board unanimously voted to waive the November 1st submission date.

Badore had inspected the street after the finish coat was put down and opined it looked good, noting there are no puddles when it rains. He did not know if the Planning Board had any issues. Peterson said the Planning Board has approved the as-built but he did not have a copy signed off by the Planning Board.

In addition to the other documentation required under the By-Law, the Board informed Peterson he must provide to the Town Clerk and the Board of Selectmen a copy of the as-built plan signed off by the Planning Board prior to the advertised public hearing.

With regard to the Order of Conditions, the Board stated Peterson must provide a Certificate of Compliance before the advertised public hearing. Peterson said they may keep the Order of Conditions until all of the houses are constructed. In response to a question from Seelig as to whether the Town has accepted a street while some of the houses are being constructed, Badore said he believed the Town had not done so in the past. Seelig noted the final coat generally does not go down until all of the construction is completed. Peterson said that some towns take a surety for damage to the road. He has to deliver a good road to the Town that has to be finished and maintained to build the last three houses. He felt he

could get this release from the Conservation Commission for the street acceptance. Peterson said there is an Order of Conditions on the entire parcel and separate filings on two of the lots.

Moved by Bruno and seconded by Garron, Board unanimously determined there was sufficient interest to consider acceptance of Lamppost Drive and scheduled an advertised public hearing for March 23rd at 7:45 p.m.

FIRE DEPARTMENT FEES

The Board continued the discussion on increasing certain fees for the Fire Department. Present were Fire Chief William Carrico, local businessmen Richard Greeley, Christopher Greeley, and Rick Greeley, local realtor Amy Troup, and resident Gayla Troup.

Bruno stated that the Board asked the Fire Chief to review his department's fees and he has submitted his recommendation. It is now up to the Board to determine where to set them.

Carrico stated that MGL Chapter 148 Section 10A says that no fee can be higher than \$50; however that is subject to interpretation.

Chris Greeley said Chapter 148 is what the State says and local towns choose to adopt them. Chapter 148 Section 22F says towns can set fees if they want, except as noted in 148 Section 10A. Some towns in this area in this economy have opted not to have fees. Carrico said some towns opt to ignore the law and set the fees higher. Amy Troup said that everyone who sells a house must have a smoke detector certification and asked the Board not to raise that fee from \$25 to \$35 at this time. She asked if it was not part of the job description to do these types of inspections. She preferred to see the fees cut, noting that \$25 will pay for food for some families. She wanted to either hold the fees or reduce them in this economy because the inspections are already being paid for in department salaries for those employees that have inspections as part of their job description.

Richard Greeley said that the previous Fire Chief had said \$50 was the maximum that could be charged. In this economy there are very few people getting raises and he felt the Town should not raise the fees and should forego any increases in fees.

Gayla Troup believed the fees were instituted when the Town had a volunteer fire department. She too felt the employees were already being paid to do the job and that it was part of their job. She said they were not busy except when there was a fire and felt they would be grateful to have something to do. Since they are there, they should do the rest of their job.

Of the six fees under review, the Fire Chief said the Tank Truck Inspection, Fire Protection System and Fire Protection Equipment fees are currently at \$50 and should not be increased as previously proposed, thus leaving Oil Burner Installations, Propane Storage and Smoke Detector Inspections to be determined.

Garron said as much as he respects the fact that people have less money to spend, the Town must operate. The Town is looking at an 11% cut in State aid and a slow down in tax revenues. He pointed out that these fees are not incurred on an every day or every week basis. The average amongst the surrounding towns is \$30, and Garron recommended increasing the three fees from \$25 to \$30.

In response to a question from Schleiff, Carrico said there are about 50 oil burner installations, 25-30 propane storage and 50-100 smoke detector inspections a year.

Rick Greeley said these fees are borne by the consumer. His company is then competing against people who do not pull these permits which is something the Town should want to avoid. His company is trying to provide professional services to their customers.

Bruno said the Board asked everyone to look at their fee structure and expenses. The Chief did that, came back with those fees for which he felt an increase was justified, and asked the Selectmen to consider them. Schleiff noted these fees were last raised in 2003; the Board is reviewing them to see if an increase is due.

An unidentified business owner said he is getting hit with more and more fees. He has had to cut back his prices and expenses. Government is spending way too much and cannot keep hitting the homeowner.

Rick Greeley said it is just not one fee. Fees are increasing in every aspect of housing. These things are escalating when wages are decreasing. The Town has to think about level funding or cutting their expenses; the wages for people who work in private industry are not increasing. Christopher Greeley felt a fee charged in Bridgewater, Whitman, etc. is germane to what is charged in Halifax. He felt the Board could take a leadership role and actually reduce fees.

Bruno said the Board looked at fees from the surrounding towns and took out the high and low to be fair and reasonable. The Fire Chief made his recommendation on his evaluation; he is an expert in the field. The Selectmen are charged with the responsibility to determine a reasonable fee. The Chief did the research and told the Board his reasons for increasing these particular fees. This is not being done in an arbitrary manner.

Schleiff noted that a \$5 increase over 200 permits nets about \$1,000. While he did not like fees, he understood the necessity for them. He pointed out that departments are being asked to cut their budgets by 3% in Fiscal 2011.

Amy Troup again asked that the fees not be raised.

The Board felt a \$5 increase in the three fees under review was reasonable, noting these fees have not changed in seven years.

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

	<u>FROM</u>	<u>TO</u>
Oil Burner Installation	\$25.00	\$30.00
Propane Storage	\$25.00	\$30.00
Smoke Detector Inspection (Residential)	\$25.00	\$30.00

GENERAL MAIL/DISCUSSION

A. Unsung Heroine

Moved by Garron and seconded by Bruno, Board unanimously voted to submit Margaret Fitzgerald's name for this year's Unsung Heroine for Halifax.

B. Recycling Fee Abatement Requests

The Board discussed and took the following action on requests to abate the Town's recycling fee:

- Bill 2010-001438 ... Moved by Garron and seconded by Schleiff, Board unanimously denied the request to abate the late fee, noting the bill was paid three months after the due date.
- Bill 2010-001275 ... House was raised off its foundations for the first six months of Fiscal Year 2010 and she was not living in the house. The Board took this request under advisement pending more information as to why the request was filed long after the abatement deadline.
- Bill #2009-001768 ... Owner did not own the property during Fiscal 2009 and the previous owner failed to pay the fee. The Town Collector was requesting the bill be abated since the current owner is not liable for the charges. Moved by Bruno and seconded by Garron, Board unanimously voted to abate the recycling fee charges against this property for Fiscal 2009.
- Bill #2009-000955 and #2010-000955 ... The Board postponed action pending the property owner submitting an official abatement request specifically indicating why an abatement is being asked for each fiscal year.

C. Town Meeting Article - Occupancy Sensors

The Board discussed a request from the Municipal and School Building Committee to place an article on either the special or annual town meeting warrant for \$3,000 for occupancy sensors for the Police Station. Schleiff asked if there had been an article last year for an energy audit of the Police Station. Seelig noted there was an article for the Town Hall and Pope's Tavern; he will check to see if the article included the Police Station.

The Board instructed Seelig to put the requested article on the Annual Town Meeting Warrant.

D. LED Community Sign

The Board acknowledged the Historic District Commission does not feel that the proposed sign conforms to the District and recommends that it be placed at some location outside the District. Seelig will notify the Lions Club.

E. West Monponsett Pond/Algae Work

Seelig said Town Meeting voted \$90,000 in May to get the algae remediation project underway. Given past history with Natural Heritage and the milfoil work on the east lake, it was known there was a possibility they were going to put conditions on this if the Town wanted to go ahead because of the endangered species in both lakes. After a lot of discussions with Lycott and Bay State and Natural Heritage, Lycott has come back and said their estimate is between \$47,000 and \$53,000 to do the planning and monitoring work necessary to meet Natural Heritage's stipulations.

At this point, the Town cannot go ahead and do anything because this money has not been appropriated. In response to a question from Schleiff, Seelig said this is an additional amount over and above the alum treatment. He noted the Town spent somewhere around \$40,000 for the planning and monitoring of the east lake in conjunction with the milfoil work. Because of the endangered species on the east lake, the Town had to put together a monitoring plan, monitor the project while it was going on, and must continue to monitor the affect for five years after the work was completed.

For a similar plan for the west lake, Lycott estimates \$47-53,000. Only \$90,000 was appropriated and that was for the alum treatment and not the monitoring plan. The Town cannot move forward without a monitoring plan in place and approved by Natural Heritage and cannot develop the plan and do the monitoring unless town meeting approves more money. The source of funding would be the Monponsett Pond/Water System Stabilization Fund. The Town Meeting specified that fund was to be used for cleaning up the lakes and addressing any issues with the water system.

Bruno stated that the Town residents should be asked if there is an interest in proceeding with resolving the issues on the west lake, noting that the algae problem was substantial and, if left untreated, will adversely affect the water quality. He noted as long as he has been on the Board there have been issues with the lakes. For every step forward, there are other issues that need to be resolved. The algae problem two years ago in the west lake was very bad and the Board heard from Lycott that if we do not keep after these problems the lakes are going to die and will cease to exist. He felt this question is best debated at town meeting.

Schleiff said he agreed as far as funding goes. But on the merit of what should be done, there was a whole study done on the ponds and involved Conservation. Bruno said that goes back to when the Town was addressing the milfoil and had to have Conservation's approval. Conservation is involved in the lakes. Schleiff understood it is up to the Town to appropriate money out of this fund for as long as it lasts. But, at what point do you take a look at it to determine if this is the right thing to address. Seelig said the report from Lycott is available. If Town Meeting does not feel this work should be done, Town Meeting can say no to spending any more money for this purpose. Garron said these have been on-going issues. If we had not taken the steps we have over the last few years, the lakes would be unusable. What we are doing now may be a band-aid on the problem until we can get all contributing entities on board to address the core issues. If we do not do anything at all, the lake will be inhabitable. He felt something had to be done and noted that each time the issue has been put before the voters for a decision.

Schleiff said it does not seem like the problem goes away and asked how you address that. Bruno said it is a multi-faceted scientific problem with various components contributing to the problem. We have tried to address the issues in hopes of finding a solution. Garron said we know how to solve it but it is a matter getting everyone to do their part - getting the cranberry growers to stop pumping phosphorous into the lake, getting sewerage instead of septic systems around the lake, stopping run off from the road, etc. He felt the Town needed to work on the legislators to make laws that require everyone do what needs to be done. Schleiff said there must be a way without legislation which could take many years.

Bruno said the recommendation is to be an article on the Special Town Meeting. Seelig said this would allow the plan to be developed immediately and not wait until July. Seelig pointed out that, even if work on the plan begins in May, there is no guarantee the alum treatment can be done this summer. Natural Heritage can take a long time to give its approval.

Moved by Bruno and seconded by Garron to put an article on the Special Town Meeting warrant. Garron noted if we do not work on the west lake it can affect the east lake. Schleiff questioned if it would be more prudent to have the study on both sides of the lake since it is one lake and would

probably cost less than doing it separately. Bruno said that is why the issue is complex; the two lakes actually being connected is one of the factors that complicate the issue. He noted the algae problem is on the west lake. Seelig noted that right now, if you want to put the treatment in the west lake, Natural Heritage might say okay if you get this plan for monitoring the endangered species. Bruno said they are part of the permitting process because the DEP does not allow work unless approval is given by Natural Heritage. Seelig stated this was the case for the milfoil on the east lake and the Route 36 reconstruction project.

Schleiff questioned if a similar treatment might be needed in the east lake. Seelig said it might be some time in the future. Schleiff thought it made sense to do the entire lake (both sides) which would cost less than addressing each side individually. Seelig said, if the entire lake is to be addressed, the Town would have to ask Lycott to cost out doing a treatment for both lakes. Bruno pointed out that the milfoil was in the east and the algae is in the west and the point of controlling it where it exists is to prevent it from spreading to the other side. To do both lakes will require another study that will cost even more money.

Seelig said that Lycott has made it clear this is not a one time fix. The money will be to treat the west lake twice a year and then the algae issue will have to be addressed once or twice a year thereafter and eventually periodically. Additional money will be needed to continue treatment to improve the quality of the water. This is the same case as was faced in the east lake with regard to milfoil. Treatments are on-going on an as needed basis. There are things that can be done each year to improve the quality. The decision will be which projects will be funded.

Since both Hanson and Brockton utilize the lakes, Schleiff felt they should be helping with the cost. Eventually the account will be depleted and money will then have to come from other sources. Bruno said, at this point, if this project is to move ahead, the Town has to approve this expenditure. Garron said that, until we can convince all the entities to do what is needed, Halifax can only address what is possible. It is a resource and in the best interest of the Town to do what we can. Bruno noted that this money is for permitting fees. If you go back and look at the studies for the east lake and Route 36, similar plans had to be done with regard to endangered species. Seelig said, if we leave things as is, there will be no endangered species and yet we have to do this work.

In response to a question from Schleiff, Seelig said we did not know this would be required. After the application was filed, it was determined by Natural Heritage the monitoring would be necessary.

Moved by Bruno and seconded by Garron, Board unanimously voted to place an article on the May Special Town Meeting warrant to fund the State required monitoring plan for the algae remediation work in the west lake.

F. Live Entertainment Permit Determination - Halifax Mobile Home Estates

The Board agreed the Halifax Mobile Home Estates will need a Live Entertainment Permit for an upcoming Karaoke night with paid admission to be held in the community center in the Mobile Home Park. Seelig will inform the person organizing the event they must submit a request for the permit.

G. Deleting the Building Limitation By-Law

Seelig said the Building Inspector would like to have this portion of the zoning by-law deleted as it has expired. Seelig believed the Attorney General's office would not approve continuing the by-law or extending it after the expiration date. The Building Inspector will speak to the article. Moved by Garron and seconded by Bruno, Board unanimously voted to put an article on the Annual Town Meeting Warrant deleting the Building Limitation By-Law from the Town Code.

SELECTMEN TROY GARRON LEFT THE MEETING AT THIS POINT.

H. Housing Production Plan Contract

Moved by Bruno and seconded by Schleiff, Board approved the contract between the Town of Halifax and Karen A. Sunnarborg Consulting for the preparation of a Housing Production Plan for the Town of Halifax.

I. Unemployment - Stacey Elmes

Seelig stated the former Assistant Town Clerk has filed for unemployment. After researching the question as to which official makes the decision whether or not to appeal, Seelig stated that person would be the department head. He will keep the Board informed.

J. Wage and Personnel Board

It was noted that the Wage and Personnel Board meets at the same time as the Selectmen which prevents the Town Administrator and the Board's liaison to Personnel from attending the meetings. Seelig and Schleiff will talk with the Wage and Personnel Board members to see if they can change their meeting schedule so that it does not conflict with the Selectmen.

SELECTMEN TROY GARRON RETURNED TO THE MEETING AT THIS POINT.

K. Hatch Trailer

Seelig reported the David Hatch has responded to the letter relative to being in violation of the Town By-Law by having the trailer remain on their property

after the permit expired. The Hatch's are trying to sell the trailer and cannot guarantee a date as to when it will leave the property.

Bruno noted that the temporary trailer situation has been going on for years and moved that, now that they no longer live in the trailer, it must be removed by March 1st or a fine will be incurred. Schleiff noted the Board had already given them a deadline and did not feel it should be extended. Bruno withdrew his motion.

Seelig will inform the Hatch's they are going to incur a fine since the trailer continues to be on the property after the deadline date given them in a recent letter from the Board informing them the permit had expired and they were in violation of the by-law and specifying a date certain by which the trailer was to be removed from the site.

EXECUTIVE SESSION

Moved by Bruno and seconded by Garron, Board voted as follows to enter into Executive Session at 10:00 p.m. to discuss collective bargaining:

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 not reconvene in open session.

Moved by Garron and seconded by Schleiff, Board voted as follows to come out of Executive Session at 10:20 p.m.

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

There being no further business, moved by Garron and seconded by Schleiff, Board unanimously voted to adjourn the meeting at 10:20 p.m.

Michael J. Schleiff
Clerk

/bfs