

BOARD OF SELECTMEN  
SELECTMEN MEETING  
TUESDAY, FEBRUARY 23, 2010 - 7:30 P.M.  
SELECTMEN MEETING ROOM

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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 23<sup>rd</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 approval for the payment of the following warrants:

Payroll Warrant	#68	\$319,564.40
Vendor Warrant	#69	\$ 33,413.00

Moved by Schleiff and seconded by Garron, Board unanimously affirmed approval for the payment of the following Selectmen bills dated February 16, 2010:

Deutsch Williams Brooks (legal services/Jan) .....	\$ 933.10
MMPA (March meeting/Seelig) .....	\$ 30.00
Malloy, Lynch, Bienvenue (audit/Fiscal 2009) .....	\$7,040.00

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

Withholding Warrant	#70	\$110,581.16
Vendor Warrant	#71	\$225,003.28

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

National Grid (Town Hall/Feb) .....	\$ 1,122.27
Beverly Smith (reimburse petty cash) .....	\$ 10.64
Cushman Insurance (auto fleet) .....	\$44,257.00
W. B. Mason (office supplies) .....	\$ 40.09

The Board acknowledged payment of the Selectmen Office Payroll for the period ending February 13, 2010 in the amount of \$6,026.99

The Board acknowledged Payment to the Treasurer #10-34 in the amount of \$5.00

**KAREN FAVA - FINANCE COMMITTEE APPLICANT**

The Selectmen and Finance Committee member Richard Wright met with Karen Fava relative to her application to the Finance Committee.

Fava said she enjoyed being on the Committee in the past and had to leave due to sickness in her family. She would now like to return. Wright said the Finance members are happy that Fava is interested in coming back because she is a very hard worker and would be asset to the Committee.

Moved by Selectmen Chairman John Bruno and seconded by Finance Committee member Richard Wright, the following vote appointed Karen Fava of 66 Clyde O Bosworth Road to the Finance Committee, term to expire June 15, 2012:

John Bruno	Yes
Richard Wright	Yes

This appointment required a majority of the following vote:

Board of Selectmen Chairman	(1)
Finance Committee member whose term is not expiring	(1)
Town Moderator	(1)

The Town Moderator did not participate in the vote.

**CABLE TV ADVISORY COMMITTEE**

The Board met with Cable TV Advisory Committee members Richard Wright and John Shiavone.

Wright informed the Board that, back in October, the Committee received a letter of intent from Comcast relative to the renewal of the cable license. The Committee met with Town attorney Peter Epstein who explained the renewal process. Epstein's advice was to stay with the current service and listen to what Comcast has to offer. A meeting has been scheduled on April 17<sup>th</sup> with the District Manager for Comcast.

Epstein also recommended the Committee send out a survey to residents to get their input on Comcast's performance as well as satisfaction with programming, etc. Seelig said the survey could be included with the town meeting warrant mailing.

It is anticipated that the biggest issue will be keeping the studio. The Committee believes Comcast will want to shift the responsibility for the studio to the Town and not be directly involved in its operation. Garron felt the studio is one of the best things the Town has and would not want to see it moved. Bruno asked why the Town would give up the studio. Seelig said Comcast may give the Town a financial incentive to give it up. A cable company will pay a town a certain amount of money to run their own studio; it is usually a percentage of the cable fees. Comcast is not interested in running a studio. The only reason they do now is because it is in the contract.

Wright said it is early in the process and the current contract does not expire for two years. The Committee first needs to find out the needs of the community and make decisions on that basis.

**TOWN COUNSEL JOHN SPINALE**

Town Counsel John Spinale came into the meeting to discuss the following with the Board:

A. Settlement Agreement - Route 36 Reconstruction Overruns

Spinale submitted two original Settlement Agreement and Release documents to be signed by the Town and returned to the Mass Department of Transportation. This is the final agreement between the Town and MassHighway relative to the Town's share for overages on the Route 36 reconstruction project.

Spinale noted that MassHighway forgave a substantial amount of overage costs, SEA Consultants, Inc. (the engineering firm on the project) will pay a

portion, and the Town's portion will be paid from Chapter 90 money over the next four years. As soon as the paperwork is completed, the first payment to MassHighway will come from the SEA money. All subsequent payments will come from the Town's Chapter 90 money. If there is no Chapter 90 payment due to the Town in any given year, the Town must still make that year's payment to MassHighway. Spinale believed MassHighway would negotiate when the payment is due if there were no Chapter 90 allocation for that year.

In response to a question from Schleiff, Seelig said there is money in the Town's account that has been set aside over the past few years. The Highway Surveyor is now using that money for roadwork. The Selectmen must sign off on any Chapter 90 projects. Spinale said the risk of not being able to make a payment is small compared to what the obligation would have been had the Town had to pay the original overage amount due.

Moved by Garron and seconded by Schleiff, the Board unanimously authorized Chairman John Bruno to sign on behalf of the Town of Halifax the Halifax Reconstruction of Route 36 Holmes Street Contract #34519 Settlement Agreement and Release between the Town and the Massachusetts Department of Transportation.

B. Appointment Term

Spinale informed the Board he will not be seeking reappointment when his term expires on June 30<sup>th</sup> of this year. He stated it has been a pleasure being Town Counsel and thanked the Board for the opportunity to serve for these many years.

**PURCHASE TOWN PROPERTY - DIAS**

Selectman Michael Schleiff recused himself for this portion of the meeting and left to meet with the Wage and Personnel Board.

Dias met with the Board and asked members to reconsider their decision not to sell Town-owned property known as Lot 135 and 136 located on Pine Street North. He explained he had a title problem on his property and provided the Board with maps showing how the property was conveyed to him. In 1978, because of the vastness of the property, the bank wanted it subdivided. When the engineers did the plan, they neglected to add Vernon Street to the subdivision plan and all subsequent plans do not show Vernon Street. Every plan for building his house, a commercial building, etc. did not show Vernon Street. The plan was never recorded. Dias had gone to the Planning Board to determine current zoning requirements and found that Vernon Street goes through his building. He owns both sides of Vernon Street. In order for him to clear up his title, he has to eliminate Vernon Street. He can take other parcels in the area by adverse

possession but not Town property. If he can purchase these two lots from the Town, it becomes a simple process.

Seelig stated the Town could just discontinue the street. Dias said he did not know if the court would accept that. Bruno noted the only frontage is on a paper street that does not exist and that the Town's property in essence is land-locked. Garron said that, as much as he is adverse to selling town property, it seems there is no access to this property which renders it useless to the Town. Bruno agreed.

Seelig wanted to check with the Planning Board and the Assessors to make sure Dias's information is correct. Moved by Bruno and seconded by Garron, Board gave preliminary approval to sell Lots 135 and 136, contingent upon the matter being reviewed by the Planning Board and the Assessors. The Board will review the matter again on March 23<sup>rd</sup>.

SELECTMEN MICHAEL SCHLIEFF RETURNED TO THE MEETING AT THIS POINT.

### **EXECUTIVE SESSION**

Moved by Bruno and seconded by Garron, Board voted as follows to enter into Executive Session at 8:40 p.m. with Finance Committee members Peter Beals, Karen Fava, Kim Roy and Richard Wright; Elementary School Committee members Paula Hatch and John Stanbrook; Wage and Personnel members Tamara Dwyer and Maureen Rogers; and Town Accountant Sandra Nolan to discuss collective bargaining issues:

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 9:20 p.m.

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

**GENERAL MAIL/BUSINESS**A. Surplus Police Vehicle

Moved by Bruno and seconded by Garron, Board unanimously declared surplus the 2000 Crown Victoria cruiser Vin #2FAFP71W6YX212387. Town Administrator Charles Seelig will determine how this vehicle can be disposed of in accordance with the procurement laws.

B. Class II License - Lund

Seelig informed the Board that Lund Collision at 940 Plymouth Street has inquired about a Class II license. However, the owner has indicated he does not wish to engage in a used car business, but simple wants to buy and sell vehicles for his own personal use. Garron noted the intent of a Class II License is to sell to the public and, if he simply wanted to go to the auction, he could do so with someone who has a license. Bruno suggested meeting with Lund on March 9<sup>th</sup> to determine why he is seeking a Class II license.

C. Island at South and Franklin Street

At a Traffic Safety Committee meeting, the Highway Surveyor recommended the island at the corner of South and Franklin Streets be removed. The island is a hazard to turning vehicles and plows and the Committee recommends its removal. The Board postponed discussion until March 23<sup>rd</sup> to obtain further information from the Highway Surveyor.

D. Traffic Safety Committee

Moved by Bruno and seconded by Garron, Board unanimously adopted the Committee charge dated February 17, 2010 developed by the Traffic Safety Committee which included a change in membership from one Citizen at Large to two Citizens at Large.

E. Property Tax Abatement

Moved by Garron and seconded by Bruno, Board unanimously abated the taxes, fees and penalties for Fiscal Years 2009 and 2010 for property known as Assessors Map 11, Lot 1847 which was donated to the Town in 2008 and for which the deed change has not yet been filed.

F. Entertainment Permit - Mobile Home Park

Moved by Garron and seconded by Bruno, Board unanimously affirmed its approval of Permit #2010-27 granting a one-day entertainment permit to Peter Clancy for a Karaoke night at the Community Building located on Redwood Drive in the Mobile Home Estates Park.

G. Recycling Fee Abatement Requests

Moved by Bruno and seconded by Garron, Board unanimously abated the following Fiscal 2009 Recycling Fees for the reason shown:

BILL #	REASON	ABATED
000955	did not own the home at that time	\$55.00*
000997	did not own the home at that time	\$55.00*
001021	did not own the home at that time	\$55.00*

\*\$50 fee plus \$5 late fee.

Moved by Bruno and seconded by Garron, Board unanimously denied a request to abate Fiscal 2010 Recycling Bill #000955 on the basis the owner does not use the service.

H. Catch Basin - Lake Street

With regard to a request from Raymond and Kelly McAndrews to have a joint meeting with the Selectmen, Conservation Commission and Highway Surveyor regarding the catch basin outside of 67 Lake Street, Seelig reported that Highway Surveyor Robert Badore is meeting with Conservation tonight on this issue. Seelig will check with Badore tomorrow to determine the outcome and will then see if the McAndrews still want to meet with the Selectmen.

I. Resignation - Diane Ruxton / Wage and Personnel

It was moved by Bruno and seconded by Garron to accept the resignation of Diane Ruxton from the Wage and Personnel Board. Schleiff asked the Board to delay accepting the resignation as the remaining members of the Wage and Personnel Board were hoping Ruxton would reconsider. Bruno withdrew his motion. Garron felt the Board had a letter from the individual. He withdrew his second but said he would abstain from voting to delay action by the Board.

Moved by Bruno and seconded by Schleiff, Board voted as follows to postpone action on the resignation:

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

The motion passed by a 2/3 vote.

J. Hazardous Materials Coordinator

Schleiff stated there was a meeting in Plympton on February 5<sup>th</sup> for the Winnetuxet Local Emergency Response Planning Committee which was looking for confirmation that the Fire Chief is the Emergency Response Coordinator for Halifax for hazardous material incidents and for a letter of endorsement from the Selectmen for the Committee.

The Board postponed action and will meet with the Fire Chief on March 23<sup>rd</sup> to ascertain more information about the Committee and the role of the response coordinator.

K. Appointment - HEMA Deputy Director

Moved by Garron and seconded by Bruno, Board unanimously appointed Fire Chief William Carrico as the Deputy Director for the Halifax Emergency Management Agency (HEMA), term to expire June 30, 2010

**TOWN ADMINISTRATOR REPORT (CHARLES SEELIG)**

A. Elimination of the Building Permit Limitation By-Law

The Board's previous vote to place the deletion of the Building Permit Limitation By-Law on the town meeting warrant did not include the Selectmen sponsoring the article. Moved by Schleiff and seconded by Garron, Board unanimously voted to sponsor the article.

B. Mass Municipal Association Alerts

Seelig stated the Massachusetts Municipal Association sends out sporadic alerts about various pieces of legislation and has been sending the emails to him and he, in turn, has been printing out a copy for the Selectmen mail folder. In response to a question from Seelig, the Selectmen requested the emails be sent directly to their homes.

C. Lycott/Monponsett Pond

Seelig informed the Board that Lycott is interested in the possibility of amending the current algae remediation contract so that the work with Natural Heritage replaces other tasks but the dollar amount remains the same. Then, if Town Meeting approves the additional money, the contract could be extended to again include those tasks such as treatment, etc. The Board agreed to change the contract since the treatment, etc. cannot begin until the requirements by Natural Heritage have been met.

D. Recycling Late Fee

Seelig reported 480 residents have paid the late fee for the Fiscal 2010 Recycling Fee. Schleiff noted that generally late fees do not go into effect the day after the due date. For some reason, the program for this billing did so.

Schleiff wanted to ensure it would not happen next year and that the effective date for the late fee was brought in line with the same time frame between due date and late fee as that for the real estate taxes. The Board agreed. Seelig will look into what steps are necessary to adjust the programming.

There being no further business, moved by Garron and seconded by Schleiff, Board unanimously voted to adjourn the meeting at 9:50 p.m.

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Michael J. Schleiff  
Clerk

/bfs