

HALIFAX BOARD OF SELECTMEN
SELECTMEN MEETING
TUESDAY, MARCH 23, 2010 – 7:00 P.M.
SELECTMEN MEETING ROOM

Meeting came to order at 7:00 p.m. with Selectmen John H. Bruno II, Troy E. Garron and Michael J. Schleiff present.

The following business was discussed:

AGENDA

Town Administrator Charles Seelig added an Executive Session to discuss litigation.

With the above addition, the Agenda for Tuesday, March 23rd, was unanimously approved.

MINUTES

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

- Selectmen Meeting 01-12-10 - Regular Session
- Selectmen Meeting 01-12-10 - Executive Session
- Selectmen Meeting 01-26-10 - Regular Session
- Selectmen Meeting 01-26-10 - Executive Session
- Selectmen Meeting 02-09-10 - Regular Session
- Selectmen Meeting 02-09-10 - Executive Session

ABATEMENTS/BILLS/COMMITMENTS/WARRANTS

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

Payroll Warrant	#76	\$325,186.57
Withholding Warrant	#77	\$114,868.07

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

Peter J. Epstein, Esq. (legal services/Feb.)	\$	900.00
Deutsch Williams Brooks (legal services/Feb.)	\$	1,066.85

W.B. Mason (replaced file cabinets @ Police Station) (date of loss 11-17-08)	\$ 1,609.00
MMMA (monthly meeting C. Seelig)	\$ 30.00
Cushman Insurance (Accident/Sickness – Fire)	\$ 8,651.00
Cushman Insurance (Accident/Sickness – Police).....	\$ 11,028.00
Radiology Associates of Plymouth (for what?)	\$ 11.03
Jordan Hospital (worker’s comp. deductible)	\$ 250.00
Town Buildings – Custodial (custodial wages for water damage / Elementary School date)	\$ 73.86
Elementary – School Costs (custodial wages for water damage / Elementary School date)	\$ 105.06

Moved by Schleiff and seconded by Garron, Board unanimously approved payment of Vendor Warrant #78 in the amount of \$333,833.46

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

Baystate Environmental Consultants (Lakes mussel and dragonfly study).....	\$ 2,950.00
Jordan Hospital (??? workers comp. deductible)	\$ 148.00
CNA Surety (bond – Assistant Treasurer/Cole)	\$ 100.00
W.B. Mason (office supplies)	\$ 25.23

The Board acknowledged payment of the Selectmen Office Payroll for the period ending March 13, 2010 in the amount of \$6,042.66.

The Board acknowledged Payment to the Treasurer #36 in the amount of \$1,109.50.

GENERAL MAIL/BUSINESS

A. Borrowing from Stabilization Fund

The Board discussed the need to borrow from the Stabilization Fund to cover expenses until the quarterly state aid payment is received at the end of the month and property tax receipts are paid in April. The money will then be paid back to the Stabilization Fund before the end of the fiscal year. No interest will be lost because the funds stay within two of the Town’s accounts. It is uncertain if the funds will be received before Town Meeting,

Moved by Garron and seconded by Schleiff, Board unanimously authorized the Town Treasurer to borrow up to \$400,000 from the Stabilization Fund to cover expenditures until receipts are in.

B. Upcoming Appointments

The Board will meet with Cable TV Committee applicant Robert Staples and Municipal and School Building Committee applicant Robert Hodge on April 13th.

C. Retirement - Selectmen Assistant

The Board acknowledged notification from Selectmen Assistant Beverly Smith of her intention to retire effective June 30, 2010. Moved by Bruno and seconded by Garron, Board unanimously accepted with regret the resignation/retirement of Beverly Smith as the Selectmen's Assistant. Bruno stated Smith should be recognized for her years of dedicated service.

Seelig will advertise the position in April and asked if the Board intended to participate in resume reviews, interviews and the selection of the new Assistant. Garron stated he wanted to be involved in the process.

D. Personnel Certifications

The Board acknowledged the following accomplishments:

- Matthew Cunningham and William Palmer have been certified as Firefighter I/II.
- Conservation Agent Mary Guiney has completed the Advanced Certificate Program through the MA Association of Conservation Commissions
- Highway Surveyor, Robert Badore, was presented with a plaque from the Baystate Roads Program for attaining the rank of "Roads Scholar".

Moved by Garron and seconded by Bruno, Board unanimously voted to send letters to each of the individuals congratulating them on their achievements.

E. Clean-Up Day

Board designated Saturday, May 8th, as Clean-Up Day in Halifax. Seelig will notify the local Boy Scout and Girl Scout organizations of this opportunity for community service.

F. Water Diversion - Monponsett Lakes

Seelig informed the Board a resident called asking the Town push to have the special legislation changed so that the normal level of the pond could be reduced on a permanent basis.

During the recent heavy rains, Brockton has been diverting the maximum amount of water possible to reduce the level in the lakes. Seelig also asked the City of Brockton to make sure that all the gates at the dam are open.

G. New Senior Center - Architectural Drawings

Architectural drawings are required in order to move forward with the new Senior Center. Funding would have to come from either a debt or capital exclusion which requires a ballot question on the May election or using the Stabilization account. Schleiff asked which option would cost less. Seelig explained a debt exclusion involves borrowing the money for a longer period of time and interest would be accrued. With capital exclusion, the drawings would be paid for up front and would be a one time increase on the tax bills. He made clear that this money is for the drawings and not the construction of the Center.

The cost of the drawings is approximately \$250,000 which equates to a tax increase of approximately twenty-five cents per thousand. Bruno asked where the figure for the drawings came from and Schleiff asked if the amount was based on a formula on the square footage of the building. Seelig did not know where the figure came from. Getting these drawing done puts the Town in a better position when applying for grants to help fund this project.

Moved by Garron and seconded by Schleiff, Board unanimously voted to put the question on the May 15, 2010 election ballot as a capital exclusion.

H. Special Town Meeting - May 10, 2010

Moved by Bruno seconded by Schleiff, Board unanimously voted to schedule a Special Town Meeting on Monday, May 10th, at 8:00 p.m. in the Halifax Elementary School. The Warrant for this meeting opened on Tuesday, March 23rd, and closes at 4:00 p.m. on Tuesday, March 30th.

I. Wage and Personnel Meeting Schedule

The Board acknowledged the Wage and Personnel Board changed its meeting schedule to the first and third Tuesday of each month to provide the Town Administrator and the Selectmen's liaison to attend those meetings.

J. Erosion - Bank Street

The Board acknowledged a concern of Lake Street resident Lenny Baker relative to erosion occurring along side his property. While the erosion has been gradually taking place, last week's rain has magnified the problem and he is concerned his property will begin to be eroded. Baker is asking the Town to take action to alleviate the situation and prevent further erosion. The Town has certain rights to use Bank Street for emergency access but does not

own the street. While the Town could do something, the property abuts the lake and any work would require approvals from the Halifax Conservation Commission, DEP and possibly the Army Corp of Engineers. Baker's property is next door to Ray McAndrews who is also having some drainage issues. Highway Surveyor Robert Badore is taking care of that problem and feels that, once this is fixed, it may alleviate Baker's erosion problem. Seelig will inform Baker on what is being done.

K. Class II License - Davis Automotive

For numerous reasons (frozen ground, sickness, cars stuck in the mud, etc.), Davis Automotive has been unable to reduce the number of vehicles on the lot to comply with the maximum vehicles allowed under its Class II license (no more than seventy-five vehicles). Because of this, the 2010 license has not been turned over to Davis. Seelig said that, at this time, there is no evidence as to whether or not they are operating without a license. The owners have stated they will make every effort within the coming week to remove more vehicles from the property to bring the total number into compliance.

Garron suggested sending a letter to Davis Automotive giving them thirty days to bring the property into compliance. He felt this should be sufficient time to get this matter cleared up. Seelig will go to Davis and inform them directly.

L. Complaints - Chickens and Peacock

The Board acknowledged a complaint regarding chickens on Thirteenth Avenue. These chickens seem to be leaving the owners yard and doing their business in other neighbor's yards. The Animal Inspector has been informed of this matter, has contacted the owner of the chickens, and has given him until the end of the week to fix the problem.

The Board acknowledged another complaint regarding peacocks and pea hens on Hickory Road "screaming" at 4:00 a.m. Seelig had advised the complainant a noise complaint could be filed at the Police Station.

In both cases the complainants have been advised to contact the Building Inspector so that he can determine whether these animals are for agricultural purposes or pets and could impose stipulations for either usage.

M. Selectmen Meeting Schedule

Because of a three-week hiatus between meetings and the need to go over issues relating to the upcoming town meetings, the Board scheduled a Selectmen Meeting on Tuesday, April 6th, at 7:30 p.m.

JUDY WALL - HALIFAX IN LIGHTS COMMITTEE APPLICANT

The Board met with Judy Wall relative to her application to the Halifax in Lights Committee. The Board asked how plans were going for the Fourth of July event. Judy said money is available for the fireworks but the Committee needs to do some fundraising to support the other activities they are planning for that day.

Moved by Garron and seconded by Bruno, Board unanimously appointed Judy Wall of 27 Cherry Street to the Halifax in Lights Committee, term to expire August 31, 2012.

REQUEST TO PURCHASE TOWN PROPERTY - DIAS/PINE STREET NORTH

The Selectmen met with Snow Street resident Alan Dias relative to his request that the Board reconsider its decision not to sell town-owned property known as Lot 135 and 136 located on Pine Street North and subsequent action by the Board on February 23rd to give preliminary approval to sell the two lots, contingent upon the matter being reviewed by the Planning Board and the Assessors.

Dias owns a building, located on Vernon Street (a paper street), that was constructed with the street going through it. In 1978 when the lots were subdivided the engineer drawing up the plans neglected to add Vernon Street to the subdivision plan and all subsequent plans do not show Vernon Street. When the building was constructed, it was built in a location with the road going through it. In order for Mr. Dias to clear up his title on his building, he needs to purchase/own all the lots along the paper street - two of which are owned by the Town. These lots are unbuildable and there is not access to them.

Seelig recommended the Town retain development rights to the two parcels and include a stipulation that the two lots not be part of any other parcel. While Bruno understood Seelig's recommendation, he noted the parcels are landlocked and undevelopable and therefore saw no reason to hold up of the process for Dias to clear up his title. Garron mentioned the area along the back of the street is swampy and any work would have to go through Conservation.

Schleiff asked Dias about the lots along the street listed as "owner unknown" in the Assessors Office. He asked where Bow Street was in relation to property.

Moved by Garron seconded by Bruno, Board voted as follows to declare Lots 135 and 136 surplus and to accept bids to purchase them:

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

Motion passed by a 2/3 vote.

PUBLIC HEARING - ACCEPTANCE OF LAMPOST DRIVE

At 7:45 p.m., Bruno opened the public hearing for the acceptance of Lamppost Drive. The Board noted the hearing had been duly advertised and abutters notified. Applicant Michael Peterson was not in attendance. Highway Surveyor Robert Badore was present; no abutters made their presence known.

The Board acknowledged a letter from developer Michael Peterson of Hometown Builders withdrawing his petition to accept Lamppost Drive because of unresolved drainage issues.

Moved by Garron and seconded by Schleiff, Board unanimously voted to remove the acceptance of Lamppost Drive from the May 2010 Annual Town Meeting Warrant.

LESLIE HICKEY - DRAINAGE ISSUES / ELM STREET

The Board met with Elm Street resident Leslie Hickey. Highway Surveyor Robert Badore was present for the meeting. Hickey had come before the Board some time ago regarding water accumulating on her property, and the recent heavy rains have magnified the problem. Last November, when Elm Street was resurfaced, she had a berm put in at the end of her driveway at her expense. The berm has now disintegrated. Badore stated he was going to take of the berm but winter came and the work could not be done.

Hickey said that three or four years ago, it was observed by then Highway Surveyor Rose Campbell and Town Engineer Bernie Munro that her yard is taking on water from both Halifax and Hanson resulting in flooding in her yard. In addition, her next door neighbor's yard is seeing more water recently, and there is significant water in between both her yard and her neighbor's. Badore is currently pumping water from her property, and her basement has suffered significant damage.

Hickey said that any work done in this area over the years may have attributed to the problem. Years ago, there was no Town water and there was a natural girth to the road. When the water pipes were put in, it seems this girth had gradually been taken away, perhaps due to the pipes being put in. It also seems as though the crown of the road is changing on her street. There are four culverts within a quarter of a mile distance. Hickey does not know why they were put in but thinks it may have been for drainage in the cranberry bog area. She suggested additional culverts might need to be installed.

Hickey stated that Campbell had said there was a plan designed to provide drainage across the street from her house once the land became State property. It has been stalled for about three of four years now. Hickey's goal tonight is to get a time frame as to when the drainage problem could be fixed. Bruno asked what

was needed to rectify this problem. Badore said he needs to get an easement from the State in order to put the drainage onto State property. Fisheries and Wildlife will need to be contacted. Garron suggested she contact her State Representatives Daniel Webster and Tom Calter. Bruno asked Seelig to contact the legal division for Fisheries and Wildlife and Garron asked him to contact Daniel Webster as well. Garron also recommended Hickey make copies of any letters she sends and give them to Seelig.

Hickey said the Town has been great in helping out. She has no interest in changing the environment because she is an environmentalist. She just needs the problem solved and hoped it could be done in a timely fashion. Bruno said the Board will do its best to get the issue resolved. Badore noted it had been a year and a half since they had to pump her yard and the latest storm generated an unusual amount of rain. Hickey agreed with him.

Badore said the existing plans are still good and he can work with them.

TRAFFIC SAFETY COMMITTEE - TRAFFIC ISLAND

The Board met with Traffic Safety Committee members Fire Chief William Carrico, Police Chief Mike Manoogian and Highway Surveyor Robert Badore, relative to the Committee's recommendation to eliminate the traffic island at the intersection of South Street and Franklin Street. This island is a hazard to vehicles making a left turn from South Street onto Franklin Street and to snow plows in poor weather conditions. The Committee was established to help stop accidents before they occur, and this is one area the Committee felt an accident could take place.

Moved by Bruno seconded by Garron, Board voted as follows to amend the Town Code Traffic Rules and Orders by eliminating the traffic island at the intersection of South and Franklin Streets:

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

Motion passed by a 2/3 vote.

FIRE CHIEF - WINNETUXET LEPC GROUP

Fire Chief William Carrico and Police Chief Michael Manoogian met with the Board relative to the Winnetuxet Local Emergency Response Planning Committee. Carrico stated that former Fire Chief Robert Health was a member of the Committee back in 2002. The Committee became inactive and meetings were

not held. Carrico wanted Halifax to once again be participating. Plympton is already active and its Fire Chief is currently the Chairman of the Committee.

Carrico said that, as the Fire Chief, he is required to respond to all hazardous materials incidents and has the ultimate authority until the problem is mitigated. With the LEPC, all the key players within the communities get together and discuss what hazards are within the communities. Certain companies are required to report a list of what hazardous materials they store and the list is sent to the Fire Department. Carrico had received one such list from the Brockton water filtration plant which included all the chemicals they have and emergency contact information.

Carrico said that between Plympton and Halifax there are not a lot of hazards but they must be dealt with. The Committee establishes a plan on how to deal with them and how to notify the public if necessary. Once the plan is established, they must hold an exercise and test the plan. Having a regional plan makes the Town more eligible for grant opportunities to provide funding for planning, hazardous response, etc. Being part of this Committee, which is separate from HEMA, gives the Town more resources and tools to get the job done safely.

Manoogian said the Director of MEMA may want to put the citizens response teams (CERT) under the LEPC's. At this point, a meeting will be posted for the Committee. Eleven disciplines (including police, fire, hospitals, school, transportation, etc.) must participate in the development of the plan. He noted that, right now, Halifax shares shelters, CERT people, dispensing sites, etc.

The Board reviewed the letter designating Carrico as the Emergency Response Coordinator for the Town of Halifax for hazardous material incidents and supporting the Winnetuxet Local emergency Response Planning Committee. Moved by Garron and seconded by Schleiff, Board unanimously authorized the Chairman to sign the letter on behalf of the Board.

DISCUSSIONS

A. Fiscal 2011 Selectmen Office Budget

Board reviewed the budget developed by Seelig. Schleiff asked what savings would result with the retirement of the current Assistant and the hiring of a new Assistant. Seelig estimated a reduction of \$10,000 in the clerical account.

Moved by Garron seconded by Bruno, Board unanimously approved the Selectmen's Budget as presented by Seelig with the following exceptions:

- Town Administrator Salary ... restore salary to level funding at 2010 rate (Seelig had proposed a 3% reduction).

- Selectmen Expense ... restore \$500 back into the line item to cover training costs for the new selectman that will come on board in May.
- Selectmen Salary ... restore salary to level funding at 2010 rate.

B. Designer Selection Procedure

The Board postponed discussion until a later date.

C. Town Administrator Contract

The Board postponed discussion until a later date.

EXECUTIVE SESSION

Moved by Bruno and seconded by Garron, Board voted as follows to enter into Executive Session at 9:00 p.m. with Town Accountant Sandra Nolan and Finance Committee Chairman Kim Roy to discuss collective bargaining and separately with Board members only to discuss collective bargaining issues and 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 not reconvene in open session.

Moved by Garron and seconded by Schleiff, Board voted as follows to come out of Executive Session at 10:00 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 10:00 p.m.

Michael J. Schleiff
Clerk