

BOARD OF SELECTMEN
SELECTMEN MEETING
TUESDAY, MAY 25, 2010 - 7:30 P.M.
SELECTMEN MEETING ROOM

Meeting came to order at 7:30 p.m. with Selectmen Troy E. Garron, Kim R. Roy and Michael J. Schleiff present.

Garron and Schleiff congratulated Roy on her recent election and welcomed her to the Board. Roy thanked everyone for their support.

The following business was discussed:

AGENDA

Town Administrator Charles Seelig added an Executive Session on collective bargaining.

With the above addition, the Agenda for Tuesday, May 25th, was unanimously approved.

REORGANIZATION OF THE BOARD

Moved by Schleiff and seconded by Roy, Board unanimously appointed Troy Garron as Chairman of the Board.

Moved by Garron and seconded by Roy, Board unanimously appointed Michael Schleiff as Vice Chairman of the Board.

Moved by Garron and seconded by Schleiff, Board unanimously appointed Kim Roy as Clerk of the Board.

MINUTES

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

Selectmen Meeting 05-10-10 – Regular Session

Selectman Kim Roy abstained from voting as she was not a member of the Board at that time.

ABATEMENTS/BILLS/COMMITMENTS/WARRANTS

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

Patriot Ledger (employment ad package)	\$ 659.00
Gilman and Associates (legal services/Apr)	\$ 699.28
Halifax Postmaster (stamps)	\$ 91.40
W.B. Mason (office supplies)	\$ 7.70
Harry B. Harding (printing of warrant/surveys)	\$1,879.70

Moved by Roy and seconded by Schleiff, Board unanimously affirmed committing the following for collection:

Ambulance Commitment	#4A	\$12,724.00
Ambulance Commitment	#4B	\$11,216.00
Mobile Home Park License Fee	#05	\$ 5,160.00

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

Vendor Warrant	#90	\$402,185.94
Payroll Warrant	#91	\$318,363.76
Vendor Warrant	#92	\$ 24,606.10
Withholding Warrant	#93	\$114,313.31
Vendor Warrant	#94	\$ 23,335.85

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

Charles Crossley (Holidays in Halifax unpaid F09 bill)	\$ 250.00
Jordan Hospital (unpaid Fiscal 2009 bill)	\$ 153.00
National Grid (unpaid Fiscal 2009 bill)	\$ 41.45
Terminal Exchange System (computer monitors/police station - date of loss 11-17-08)	\$ 520.00
Deutsch Williams Brooks (legal services/Apr)	\$ 579.81
W.B. Mason (office supplies)	\$ 19.90
Beverly Smith (reimburse petty cash/seminar and travel)	\$ 29.00
National Grid (Town Hall/May)	\$ 780.43
CAN Surety (bond - Tax Collector)	\$ 531.00

Moved by Roy and seconded by Schleiff, Board unanimously committed for collection Ambulance Commitment #5A in the amount of \$16,962.00

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

Payroll Warrant	#95	\$321,613.07
Vendor Warrant	#96	\$144,163.24

The Board acknowledged the following payments to the Treasurer:

<u>TURNOVER</u>	<u>AMOUNT</u>
#42	\$130.00
#43	\$ 75.00
#44	\$ 5.00
#45	\$ 5.00

The Board acknowledged payment of the Selectmen Office Payroll for the period ending May 8, 2010 in the amount of \$6,113.18 and the period ending May 22, 2010 in the amount of \$6,574.00

RE-APPOINTMENT – FINANCE COMMITTEE

The Board met with Finance Committee member Peter Beals to act on a re-appointment to the Finance Committee. This appointment is considered “new” and required a majority of the following vote:

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

Moved by Selectmen Chairman Troy Garron and seconded by Moderator John Bruno, the following vote re-appointed Karlis Skulte of 1 Harvest Lane to the Finance Committee, term to expire June 15, 2013:

Selectmen Chairman	Troy Garron	Yes
Finance Committee Member	Peter Beals	Yes
Moderator	John Bruno	Yes

RE-APPOINTMENT –WAGE AND PERSONNEL BOARD

The Board met with Finance Committee member Peter Beals to act on a re-appointment to the Wage and Personnel Board. This appointment is considered “new” and required a majority of the following vote:

Board of Selectmen	(1)
Finance Committee	(1)
Town Moderator	(1)

Moved by Moderator John Bruno and seconded by Finance Committee member Peter Beals, the following vote re-appointed Tamara Dwyer of 28 Hillside Avenue to the Wage and Personnel Board, term to expire June 30, 2013:

Selectman	Troy Garron	Yes
Finance Committee Member	Peter Beals	Yes
Moderator	John Bruno	Yes

OLSON - WATER PROBLEMS FROM 303 HOLMES ST EARTH REMOVAL

The Board met with Lawrence and Susan Olson, abutters to property owned by Todd Roach located at 303 Holmes Street on which a substantial amount of earth had been removed without a permit. Garron gave a brief overview regarding the earth removal operation.

Susan Olson said that, during the various meetings held on this issue, they had expressed concern about the effect the change in grade and removal of trees would have on their property. This past March, with the heavy rains, they began pumping water out of their basement and continue to do so today. There are now springs in their basement which they believe are a direct cause and effect from the excavation. The owner has vacated the property and the Olsons did not know how to reach them. They did not know if the Town could do anything to help them fix their basement. She asked if TNT (the excavating firm) should be fined given they removed the earth without a permit. Garron said the responsibility belongs to the property owner because he had the company do the work.

The Board noted that Bridgewater-Raynham Sand and Stone had met with the Board to see if the issues on the property could be resolved. BRSS had worked with TNT and, while it had no legal obligation to do so, it did not want to leave the property in the present condition. Unfortunately, BRSS could not work out the particulars with the property owner or the individual who owned the driveway over which the trucks would have to traverse.

Roy said she previously worked in foreclosures and sometimes the bank becomes the property manager. Depending upon how far into the foreclosure process, the bank may have taken possession of the property. This would be on file with the Registry of Deeds. If that is the case, the Olsons could talk with the bank.

Lawrence Olson said he did the geological report on what could happen. There is now a large sandpit behind his house. The elevation was twenty one feet high and is now below his property. He felt the Town engineer's estimate on the amount removed was incorrect. During the meetings, the Town's engineer had taken pictures of his house to note the damage from the vibration of the trucks. He had been told if it continued, it would be taken care of. He believed a bond had been put against the project. Olson said there is no one at the house which now has broken windows and is a disaster. He did not think any bank had looked at it.

Olson said he has been pumping for fourteen weeks and has burnt out three pumps. He has holes in his cellar and the water flows into his basement. There has been a major diversion of water flow and it is now going right through his house. Lawrence Olson said he could not afford to fix his basement. It was a finished basement and he had to pull everything out. If he can show this was not an act of God, his insurance company will pay for the damage.

As far as Garron knew, there was nothing the Town could do because it did not have the authority to go on to private property. There is no bond on file with the Town because the permit was never issued. However, he was willing to check with Town Counsel to see what, if anything, the Town could do if the property owner's location is unknown and the bank may be responsible for the property. Lawrence Olson asked would the person who actually removed the gravel be responsible. Garron did not know at this point. Seelig will contact Town Counsel to determine what options are available.

HAWAII GARDEN - CRISTO WONG

The Board met with Hawaii Garden Manager Cristo Wong to discuss a recent incident that resulted in ABCC issuing an alcoholic beverage license violation and suspending Hawaii Garden's license for eight days. Hawaii Garden will pay a fine in lieu of the suspension.

Garron noted this is not the first time Hawaii Garden's license has been suspended for which it has paid a fine and asked what steps have been taken to prevent this in the future. Wong said the incident happened on a Thursday night which was a slow night. The Bartender was behind the bar. A couple came in and ordered a Scorpion Bowl, Bud Light and a Pu Pu Platter. They stayed for a few hours and had two rounds of drinks. Around 11:45 p.m., they came up to the bartender to get another round. At that point, ABCC approached the bartender and said he should not serve the additional round. Wong has discussed this with the bartender and waitress. He knows this can be a serious problem and they took measures to make sure it will not happen. He said this type of incident can be avoided.

Garron stated that, because it was a slow night, the bartender should have been more observant and noticed the person was intoxicated. He noted that the bartender had words with the investigator that the person was not drunk. Wong said, because they were there for over two hours and had food, they should not have been drunk. He went over this with the staff to determine if the couple had anything to drink before they came in or if they were taking medications. Wong stated that everyone is TIPS trained.

Roy said she read through the report. It was a quiet night so, if someone was staggering, someone should have noticed that. When a Scorpion Bowl was delivered to the table and the person was using the table to steady themselves, one

would think they were intoxicated. Wong said that, because the table is a one-stand table, when the gentleman tried to get up, he did kind of bump the table but did not tip it over. Wong explained to ABCC that, because the way the tables are positioned, it is not a straight line to the juke box. The person was not staggering. Roy pointed out that the woman had to hold on to the bar. Wong said that is what the report said and he did not want to argue with the ABCC but sometimes they write down their opinion and it is up to Hawaii Garden to prove if they are right or wrong. The woman came to the hearing and explained what happened and ABCC did drop that part of the case. Unfortunately, the gentleman has some other issue with the authorities and is in jail and did not go to the hearing. Roy hoped Wong would look at this incident and take it very seriously. Wong said, when he talked to the officers, he did find out the man had problems and issues which is why he talked to his staff to make sure before serving.

Schleiff asked if there were any classes or programs the bartender could attend, noting that, after doing something for so many years, one can become complacent. Wong stated that every three years his staff takes the TIPS training program to get re-certified. Schleiff noted that Hawaii Garden seems to have more mishaps than other establishments in town. He didn't know what those other restaurants were doing to prevent these types of things from happening. He felt Hawaii Garden's staff needed to be more diligent and observant.

Garron noted this is the third time the Board has had to talk to Hawaii Garden. He understood that Wong could not be there all the time but said he needed to make it very clear to his staff that everyone's livelihood, including his, was on the line. The next time an incident happens, the Board may take more action than just discussing the matter.

BROCKTON POWER PLANT UPDATE

The Board met with Board of Health Chairman John Delano regarding the status of the Brockton Power Plant. Delano noted the Selectmen had asked him to be the Town's representative on the Task Force and he had provided the Selectmen with information on the impact the proposed power plant would have on Halifax and the surrounding areas.

Because of the interest in the various surrounding communities, the cohesiveness of the group and the support from State Representatives and Senators, for the first in the history of the State Energy Board, they cited the plant in Brockton with the provision they must receive all local permits from the City of Brockton. Usually this is waived.

The Power Plant is making advances in the permitting process. Recently, they shifted from using water from the Brockton wastewater plant to using potable water from the City of Brockton. The Brockton politicians seem to not want to site the plant in Brockton and there are court cases pending.

Because they will not be using the wastewater, it is unknown what is in the water. The water will still have contaminants but not be as dirty. They were proposing to take 1.6 million gallons out of the wastewater plant. All but 600,000 gallons per day would go back into the river. The rest would go up the stack. It would have to be cleaned and maintained to prevent it from blowing out. If it is going to be regular drinking water, we do not have to worry about contamination from other sources.

The former Chairman of the Task Force was from East Bridgewater. He did not run for re-election because he is running for State Representative and he is no longer on the Task Force. The new Selectman from East Bridgewater was appointed in his place. Prior to leaving, he asked if any of the towns could come up with financing to do legal work to fight constructing the plant in Brockton. Not one of the members has come back and said they could provide funding and Delano was not asking Halifax to do so at this point. Garron asked if the Task Force would qualify for any "green" grants. Delano was not sure. He did not think the Task Force was an established entity, just a close knit group of communities coming together. He will look into grant options.

Basically, Delano came tonight to give the Board an update and to assure the Selectmen the effort of the Task Force has not been wasted. He witnessed first hand a power plant approval in Agawam. The only person present was an attorney who supported it.

Delano provided the Board with a copy of proposed legislation to put a moratorium on the development of fossil fuel electric generating facilities and asks the State to look at the health impacts before siting any new power plants and to come up with a strategy to minimize the affect on the area. The Task Force is also working on a proposed Board of Health pollution control regulation which, under public health regulations, towns and cities would have some say in the siting of a power plant and would be able to monitor the area around the plant. DEP regulations have a preamble about protecting the environment while balancing the goals of society. The way DEP monitors this type of operation is to take all the information from the power plant which Delano said is not enough. That is why the Task Force wants independent monitoring and assessment of changes in health and the environment in the area of the plant.

Delano asked the Board to review the information and provide him with their comments on the proposed legislation. The purpose is to control the larger facilities that cause the environmental problems and not the small businesses such as body repair shops, etc.

RECREATIONAL BUILDING

Board met with Lisa Hillcoat relative to a proposal to build a recreational building consisting of a concession stand and bathroom facilities on school grounds. Also present were Youth and Recreation Director Richard Steele, Construction

Engineer Robert Murphy, Municipal and School Building Committee Chairman John Campbell, Elementary School Committee member Paula Hatch and a number of interested residents.

Hillcoat said the group was seeking the Board's approval for the project. The building size has been reduced to 16' x 20' (was 20' x 30') consisting of two bathrooms and a 10' x 16' concession area. Money for the project is in the gift fund. Steele said the Gift Committee has approved use of the funds for this project. Steele noted that part of the original plan included storage which has been removed from the plan because other accommodations had been made elsewhere on the site.

A business plan was provided which called for the building to be leased to the Halifax Youth Baseball; five volunteers will oversee the operation of the concession stand and maintenance of the building including the bathrooms. The Youth and Recreation Commission could use the facility on a schedule that does not conflict with Boys Baseball.

Project cost is \$64,537 based on actual bids.

Robert Murphy would be the construction engineer; he is licensed and insured. The cost of his services is included in the project cost. Murphy was present and said he would be responsible for the project.

The Board discussed the Gift Fund, noting approximately \$12,000 will be left in the account. Steele said funding this building was one of the main goals for the Fund; the remaining money will be used to refurbish the running/walking track and emergency repairs to the HOPS playground.

Hillcoat said the intention is to be self-sufficient and money is always going back into an account for future repairs. Garron asked if a revolving account could be set up; Seelig said that was a possibility. Hillcoat said the Association would donate a portion of the money to the Town.

Roy summarized that the building will be built with Town funds and the Town would own it. The Baseball Association would lease it and would be responsible for pumping the septic, making any needed repairs, etc. Garron noted it would be a Town building and would come under the Municipal and School Building Committee to some extent.

Campbell asked if the School Committee was aware of the proposal. Hillcoat had a letter from the Elementary School Principal. Roy reviewed the letter and felt the Halifax Elementary School Committee would have to vote its approval to site the building on school grounds.

Discussion ensued on the lease agreement. Roy asked if the agreement would designate who would be responsible for what. Seelig said the agreement could

assign responsibility as well as outline any other terms. Hatch wanted to make sure the School Committee would not be a party to the contract and wanted to be advised as to who would be required to sign off on the lease. Seelig suggested Town Counsel draw up the agreement. Garron asked Seelig to develop a draft as a starting point.

In response to a question from Roy, Hillcoat said the proposal includes by-laws from two towns on how they operate their concession stand. Hillcoat said they hoped to do the work over the summer while the children were out of school. Steele pointed out there is not a lot of money made by the concessions stand.

Garron was not ready to make a decision tonight. He wanted an opportunity to look over the proposal, noting he would not want the building any larger. Garron suggested discussing the matter again on June 8th. Roy said her concern was the Gift Fund, noting the Town is not in a position to repair the HOPS playground, running track, etc. She wanted to make sure there was a sufficient buffer in the Gift account. She also noted the cost was a little more than expected. Hillcoat said that is because the Building Inspector is considering it a commercial building. Schleiff said this is the first time he is aware of the project and wanted to ensure various town departments had no concerns about the project. The Board agreed to send the proposal to pertinent town departments for their review and input.

Schleiff asked if the portable bathrooms would be removed from the field once the building was complete. Steele said that soccer may want the ones near the soccer field to remain because of the distance from those fields to the building.

The Board tabled discussion until June 8th at 7:45 p.m.

DOG HEARING - BAYLES / ANNAWON DRIVE

In accordance with MGL Chapter 140, Section 157, Garron opened a hearing to address a complaint that, on April 25, 2010 a one year old female pit bull mix owned by Colette Bayles and housed at 49 Annawon Drive brook loose form its leash, bit an individual on the hand, and bit another dog. The hearing was held at the request of the Selectmen based on a report from Police Officer Patrick Sterling (copy 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:

Colette Bayles
Gary Doucette
Patrick Sterling

Dog Owner
Injured Party
Halifax Police Officer

Following is a statement by Officer Sterling:

On the 25th of April at about 9:15 p.m., I was dispatched to 86 Annawon Drive to speak with Gary Doucette about a dog bite. He told me he was walking his dog along Annawon Drive down near the beach. Said there was a young girl who had a pit bull on a long leash. The pit bull pulled away from the young girl, came over toward his dog, his dog started to growl at the pit bull, the pit bull attacked his dog. When he tried to get the pit bull off of his dog, he got bitten on the left hand twice and the right hand once. On the back of his hand and palm and I think the right thumb. He had three puncture wounds and a scratch on his abdomen. I guess he tried to pick the pit bull up. He advised me as to where the pit bull was staying. I proceeded over and spoke with Ms. Bayles and asked her if she knew of the incident. She told me she allowed her friend's daughter to walk her dog. I asked her how old the girl was and she said eleven. I asked her if it was smart to allow an eleven year old to walk a pit bull. She said probably not. The dog was in the house. The dog was territorial and growled when I was at the door. The Animal Inspector said the dog was fine with her the next day. I advised Colette that her dog had to be quarantined for ten days. That the Animal Inspector would be getting in touch with her and I went to the station and got a municipal dog ordinance violation. I wrote a violation. Her dog was not licensed. Her dog was not vaccinated. So I wrote one for unlicensed dog, unvaccinated dog, and vicious dog.

Selectman Troy Garron asked the following questions (in italics); responses by Sterling immediately follow:

The ten days have expired at this time?

I believe so

Has the dog at this time been licensed and had its shots?

(Bayles stated yes.)

Have we had any other incidents with this dog, any calls?

To my knowledge we have had none before and have had none since.

Selectman Troy Garron asked the following questions (in italics); responses by Doucette immediately follow:

You went to the hospital for shots I assume?

Yes. They put me on antibiotics just to make sure I didn't get infected.

What are your feelings on this situation?

The whole thing was a lot to wrap around and it scared me a little bit. I didn't know what the right thing to do was. I thought the right thing to do was call the cops. I wasn't aware if the dog had bitten anyone before. I don't think the dog was vicious. My dog was walking. It is a little dog. That was a big dog. Maybe it just wanted to come up and see what was going on but they are strangers to each other. When my dog growled, that dog latched on to it. I am an animal lover and I tried to pick it (the pit bull) up off it (my dog); maybe I should have kicked it but that is not in me. Then my dog tried to defend me because the other dog was kicking and scratching to get away from me and that is when my dog got bit on its leg and then that dog bit me.

How is your dog now?

He went through a stage when he was infected but he is okay now.

Selectman Kim Roy asked the following questions (in italics); responses by Bayles immediately follow:

How long have you owned this dog?

Four or five months. I do want to say that when Gary came over to speak to me about this a couple of nights later he told me he was holding my dog. If my dog was vicious she never would have let him hold her. And his dogs were not vaccinated or licensed.

You had this dog for about four months?

About six months.

How old is the dog?

I found out she is almost a year and half.

How did you come about adopting the dog?

One of my son's friends. She had the mother and the puppy of the dog and the girl was going back into the service overseas and she could not keep the dogs and she didn't want to have them put to sleep.

Garron asked:

Is your dog contained other than the time it was being walked and is it contained in an enclosure?

Bayles responded:

Yes. Always. It was a stupid mistake on my part to let the little girl walk the dog. She was suppose to walk around the block but she went further. It was against my better judgment. I said no to begin with, and then I let her. I do not feel the dog is vicious in any way at all. I am not the only one that feels that way. The dog officer came in. The dog came over and licked her. If the dog was vicious she would have barked and been more territorial.

Roy stated:

But she did bark at the police officer

Bayles responded:

In my opinion, the only reason that dog barked at all was because the police officer stood outside the door and she couldn't see who was there and she was sitting on the couch with my boyfriend at the time.

Roy commented the dog was growling.

Bayles responded:

No. She barked or growled slightly.

Officer Sterling said:

She did growl. The boyfriend had to tell her to stop but I looked at that as territorial. It was its home. I was outside the door and did not come into the home.

Doucette said:

I think the dog would have told me if it was vicious.

Garron said:

Because you were holding the dog up in the air near your face and neck, I think it would have done more damage.

Doucette responded:

I think I told Pat I was probably lucky because, if it was vicious, it would have torn me up pretty good.

Schleiff asked:

Any cost related to this?

Doucette responded

Yes.

Schleiff said:

This man has incurred an attack on himself and his animal. A pit bull or any dog you never know what the animal is going to do. Attacking his animal, attacking him - it is not acceptable for an animal to do that.

Roy commented:

To not have the dog licensed or know if the shots are up to date. To not know if it was up on its shots is really irresponsible and to let an eleven year old walk a pit bull even around the small block she could still get loose. That is very concerning to me.

Roy acknowledged that Doucette's dog was also not up to date at the time and should be kept current with license and vaccination.

Schleiff asked

This is the first time the dog has done it.

Garron stated:

According to information here, there has been no other incidents with the dog biting anyone, chasing anyone that we are aware of.

Sterling confirmed not that he was aware of.

Garron asked

And you have the dog fenced in?

Bayles responded:

Yes. She is only outside when we are out.

Garron asked:

And no other incidents?

Bayles responded:

No

Selectman Michael Schleiff asked the following questions (in italics); responses by Bayles immediately follow:

How old is the dog again?

A year and a half.

Has it had any training at all?

From the girl who owned it before who had the mother and the dog. She was supposedly up to date on shots. There was no way to contact her.

When someone is walking the dog around, does it respond to commands:

Yes

So it is pretty much trained and well behaved as far as you can tell?

Yes

And when walking the dog, it has not lunged at other dogs or pulled you along, or chased kids?

No. Not as far as I know.

Bayles asked Doucette what the dog did when he came over. Doucette said the dog was friendly and kissed him.

Schleiff noted it could have been worse. It could have been a child that could not defend themselves or a child riding by on a bicycle. He wanted to ensure the dog was generally well behaved and did not react and that is why he was asking the questions. He did not want this to come back to the Board because it made the wrong decision.

Garron said it is a people world and we invite animals into it. It is important the dog knows its place. Dog problems are usually people problems. He recommend the Board send a letter stating the dog is to be on a leash at all times and under control and up to date on its shots and license. As long as there are no further incidents, no action will be taken. It sounds like a happenstance. He felt a warning should be issued.

Schleiff said he appreciated the two parties getting together and resolving the issue because it makes good neighbors.

Selectman Kim Roy asked the following questions (in italics); responses by Bayles immediately follow:

How big is the fence and is it in good condition?

It is in good condition and there is no way the dog can get out.

How tall is the fence?

Seven feet. She cannot see over the fence. She is not a jumper. She is never outside if we are not home.

Have you ever brought her to a vet?

Yes. Thursday

And how was she with the vet?

The vets love her. They actually called the next day to see how she is doing with her shots.

Roy said she strongly advised Bayles to keep her dog up to date with its license and vaccinations.

Moved by Garron and seconded by Schleiff, Board unanimously voted to issue a letter of warning to Colette Bayles relative to her dog "Carly" housed at 49 Annawon Drive that (a) the Town of Halifax has a leash law in effect which requires that a dog be leashed whenever off its property and at no time should the dog be running loose off the property; (b) the dog must be restrained and under control at all times when off the property; and (c) the dog must be licensed and up to date on its vaccinations at all times.

GENERAL MAIL/BUSINESS

A. Producer Responsibility Bills

The Board discussed a request from Clean Water Action for support of House Bill #4374 for electronic products and #726, for mercury added lamps which would require the producers to pay for the costs of collection and reuse or recycling of electronic equipment and these types of light bulbs. Schleiff commented he would like to see the cost of doing so not be put back on the consumer. Moved by Garron and seconded by Roy, Board unanimously voted to contact the Town's State Representatives urging them to support these bills.

B. Proposed 40B - Waterman Village/Monponsett Street

With regard to the 40B Waterman Village proposal submitted by Comeau as a Local Initiative Petition, Seelig said there is a formal application that must be filed with the State. In the past, the Board has required far more detailed information than what Comeau has provided. Once the detailed information is received, the Board has held informational public hearings and solicited input from various town boards before determining whether or not the Town will be a joint petitioner to the proposal. Garron felt the same process should be followed in this case. Roy and Schleiff noted the issues and concerns brought up at the Selectmen meeting on April 27th.

Moved by Roy and seconded by Garron, Board voted as follows to inform Comeau he must complete the formal application and provide all detailed information after which the Board will notify various Town departments and schedule an informational public hearing:

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

Motion passed by a 2/3 vote. Selectman Schleiff abstained because, at this point, he did not know if he would be reviewing the proposal as a Selectman or a ZBA member.

When the Board holds the informational public hearing, it will send all the information to various Town departments except for ZBA because ZBA will be the determining factor on the necessary special permit that must be issued on 40B projects. ZBA will be informed of the hearing date in the event it wishes to attend. It was noted that a Local Initiative Petition reduces the time frame for State approval in half but does not preclude the application from having to go before the ZBA.

C. Plymouth County Court Houses

The Board acknowledged a letter from Chief Justice Mulligan about the current argument over the costs of maintaining the courthouses versus the State paying for the upkeep. Garron stated the State has owed the County \$1.6 million for over a year and has not paid the rent. As a member of the Plymouth County Advisory Board, he recommended the Commissioners budget "zero" for maintenance. It is unfair that the State owes this money and the County has to still pay the maintenance staff.

D. State Boat Ramp

Seelig reported no response from Highway Surveyor Robert Badore. Seelig will talk with Badore this week so the Board can determine whether or not it wants the State to go forward with the project; this decision would be based on whether or not the Town can maintain the site once the work is completed. Seelig noted that the Conservation Commission has issued an Order of Conditions which has not been met by the contractor to date.

E. Generations/Book Box

Seelig said two locations for the placement of the bin might be possible - one location is by the Council on Aging building (on the left if turning left into the driveway from South Street) or by the electrical box (on the right if turning left into the driveway from South Street). Garron asked which would be less intrusive for people going to the Water Department and Pope's Tavern and he wanted to know the size of the container. Schleiff wanted to see a schematic showing the exact location. Seelig will provide the information next meeting. While Schleiff had no objection to collecting the books, he was concerned other items will be put in or around the container. In response to a question from Schleiff, Seelig confirmed the Council on Aging was in favor of the bin.

F. Vaughn Ball Field - Old Storage Shed

Seelig had talked with Peter Barone who said that the groups are now spending about \$1,800 a year (total) for a 10 x 15 space at Affordable Storage. By keeping the old shed, they can reduce the size of the space needed and the cost. In addition, they can store equipment, etc. that is currently being kept in the basements of people associated with the program.

It bothered Garron the Board was not given complete information when the need for a new shed was discussed, noting this is the first time he was hearing they are renting space, etc. Roy said she knows that Boys Baseball contributes to the cost of the storage unit. Barone had called her and explained they had fully intended to take down the old shed and then someone offered to replace the floor so the shed could still be used. Garron said he approved the new shed based on the fact the floor in the old was rotted out and could not be repaired. He wanted to ensure the Police Chief had no objection.

Schleiff noted the Board was told the shed was no good and they needed to get another one, and the new one was twice the size of the old one. Since the new shed is twice the size, he questioned why an additional shed is now needed. In addition, Schleiff did not like the shed location and noted the Police Chief had not liked the location as well.

Roy asked if the shed will have electric power; and, if so, who will pay the cost. Schleiff believed the way it was discussed, they would not have to come

before the Board to include electricity. Seelig suggested sending a letter telling them they cannot put in electricity without permission from the Board.

It was agreed to bring all parties back in to discuss the shed including the location. Seelig will schedule the meeting.

G. Line Item Transfer - Veterans Accounts

Moved by Roy and seconded by Schleiff, Board unanimously approved the following transfers to cover costs for the rest of Fiscal 2010, as allowed by MGL Chapter 44 Section 33B:

FROM	TO	AMOUNT
#157 Veterans Benefits	#154 Veteran Agent - Salary	\$172.93
#157 Veterans Benefits	#157 Veterans Service Officer	\$ 20.00

H. Traffic Study - Walnut Street

Seelig reported that Old Colony Planning Council plans to have the study done this fall once Bridgewater State College is back in session. He has asked them to add Pine Street to the study since any truck exclusion on Walnut Street will have an impact on Pine Street (connecting 106 and 105). Per instruction from the Board, Seelig will keep the Traffic Safety Committee advised on this project.

I. Use of Town Green - Congregational Church

Moved by Garron and seconded by Roy, Board unanimously granted a request from the Congregational Church for use of the Town Green on Saturday, June 5th, from 9:00 a.m. to 3:00 p.m. for a plant sale and an animal display as an educational outreach for the Heifer Project.

J. Recycling Fee Abatement

Moved by Garron and seconded by Roy, Board unanimously abated Fiscal 2009 Recycling Bill #001536 because the current owner did not own the property during Fiscal 2009.

K. Resignation - Kim Roy/Finance Committee

Moved by Garron and seconded by Schleiff, Board accepted, with regret, the resignation of Kim Roy from the Finance Committee, effective immediately. Roy abstained from voting. Garron and Schleiff made clear their expression of “regret” was not because Roy had been elected a Selectman but because her expertise on the Finance Committee will be missed.

L. Housing Needs Assessment Report

The Board acknowledged receipt of the Housing Needs Assessment Report from the Affordable Housing Partnership Committee. Seelig will ensure the Master Plan Study Committee has a copy of the Report.

M. Fourth of July Activities

Moved by Garron and seconded by Roy, Board unanimously granted the following requests from the Halifax In Lights Committee for the activities to be held on Sunday, July 4th (rain date Saturday July 10th) as outlined in the Committee's letter:

- Use of Town property in various locations for various purposes on July 4th
- Use of various Town parking lots as well as authorization to collect "monetary donations" for said parking facilities.
- Authorization to restrict vendor access to Town property on July 4th
- Use of Town buildings as necessary on July 4th.

N. Sealer of Weights and Measures

Per request by the Board, Seelig will schedule a meeting with the Sealer of Weights and Measures.

O. Street Light - Franklin Street

Seelig reported there has been no response from the Traffic Safety Committee relative to the Town paying for a street light requested by a Franklin Street resident. Before making a decision, Schleiff wanted to know the Town's policy. Seelig will give the Board a copy of the street light policy.

REPORTS AND DISCUSSIONS

A. Capital Planning Committee

Roy proposed changing the membership to include a member of the Board of Selectmen and change the Town Administrator to an "advisory" position. In addition, Roy offered to serve on the Committee as the Board's representative.

Moved by Roy and seconded by Schleiff, Board unanimously voted to change the membership on the Capital Planning Committee as follows:

FROM:

CAPITAL PLANNING COMMITTEE

BY POSITION (OPEN) AND AT-LARGE (3 YEARS)

Town Administrator
Finance Committee Member
Town Accountant
Citizen At Large
Citizen At Large

TO:

CAPITAL PLANNING COMMITTEE

BY POSITION (OPEN) AND AT-LARGE (3 YEARS)

Board of Selectmen Member
Finance Committee Member
Town Accountant
Citizen At Large
Citizen At Large

Advisor: Town Administrator

and designated Kim Roy to be the Board's representative on the Committee.

B. Governmental Study Committee

At his request, the Board will meet with Robert Hughes on June 8th to discuss the Governmental Study Committee.

C. Selectmen Assistant Position

The Board agreed to have Seelig prescreen and interview applicants for the Selectmen Assistant Position. The Board will interview the finalist selected by Seelig.

D. Selectmen Office Staff - Duties and Responsibilities

Roy wanted to review the current duties and responsibilities of the Town Administrator, Selectmen Assistant and Selectmen Secretary to determine if changes in duties should be made. Schleiff noted that Seelig has asked for a contract and the current Selectmen Assistant is retiring. He felt this was a good opportunity to look at the overall operation of the office.

Per instruction from the Board, Seelig will provide a detailed breakdown of the tasks performed by each position so that one can be compared against the other.

E. RFP - Legal Services

The deadline for RFP's was May 24th. Seven proposals have been received. Seelig will leave the proposals on the Selectmen desk for the Board to review in terms of how they want to use them - solely as Town Counsel or for multiple uses (Town Counsel, land use, negotiation, litigation, etc.)

EXECUTIVE SESSION

Moved by Garron and seconded by Roy, Board voted as follows to enter into Executive Session at 10:40 p.m. to discuss collective bargaining:

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.

Moved by Roy and seconded by Schleiff, Board voted as follows to come out of Executive Session at 11:10 p.m.

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

There being no further business, moved by Roy and seconded by Schleiff, Board unanimously voted to adjourn the meeting at 11:10 p.m.

Kim R. Roy
Clerk

/bfs