

BOARD OF SELECTMEN
SELECTMEN MEETING
TUESDAY, AUGUST 10, 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.

The following business was discussed:

AGENDA

The Agenda for Tuesday, August 10th, was unanimously approved without revision.

Three talent bank forms have been submitted for the Finance Committee. Listed below are the interviews that transpired.

GORDON ANDREWS – FINANCE COMMITTEE APLICANT

Gordon Andrews had filled out a talent bank form expressing interest to join the Committee and the Board had asked him to come it to tell them a little about himself. Andrews was asked why he wanted to join the Finance Committee and he went on to say that he has been in this town for thirty years and felt that that it was important to get involved and thought this would be a good place to start. He considered applying last year but due to personal issues he was unable to do so. Roy had asked if he had served on a Board before and why did he choose the Finance Committee. Andrews has not served on a Board and he thought this was the best place to learn/understand the budget. Andrews was also asked if he had any problems with the hours during budget season and he said no. Bruno had asked him if he had any thoughts about any direction he was gearing towards and he said this was going to be a learning experience and was not looking in one particular area.

MARGARET FITZGERALD – FINANCE COMMITTEE APPLICANT

Margaret Fitzgerald also showed interest in joining the Finance Committee and the Board also wanted to meet with her. Garron again had asked Fitzgerald why interested in this Committee. Fitzgerald said that she has enjoyed serving the town over the years and since at this time the town, as well as other towns, is facing difficult financial situations she hopes with her qualifications she can help. After losing last year's election she had to ask herself if she had the right to serve the town but after giving it some thought and feels that she is qualified and decided to take that step and hopes that the residents who did not vote for her are

okay with her joining the Committee. Schleiff agrees that she is qualified and asked Fitzgerald how well they would get along (ran up against each other in the May 2009 election) seeing a Schleiff is the liaison to the Finance Committee and she said that she will not let personal issues get in the way with working with each other and hopes they can serve well together and has no problem working with Schleiff. If she disagrees with someone she would hope they would not take it personally. Fitzgerald stated that she holds no hard feelings of him winning the election. Garron stated that over the years he has appointed people who have ran against him who have made derogatory statements, his only concern is if that person is able to contribute to the town whether he likes or dislikes them he would not let it get in the way of his decision. Fitzgerald did say that you need to take it in to consideration if you are working harmonious with that person. Roy stated her and Fitzgerald have not always agreed on things but its okay not to always agree with one another. Roy added that Fitzgerald has taught her everything she knows about finance and can't think of anyone more qualified. Bruno added that she is the smartest gal in town and asked her how she plans on holding back and not making it her committee. Fitzgerald said it will be hard but she will do her best not to take over and she does not want to be the Madam. Bruno asked this question in sense that he does not want to see the other members of the committee sitting backing thinking that Fitzgerald has the answers to questions that arise and wants the committee to develop as a whole. Roy does not see this happening because she will be working with a talented group on the committee who are strong, motivated and interested. Garron stated that her talent is quite obvious and was surprised as well as appreciated her applying for one of the vacancies.

NATASHA LYMAN – FINANCE COMMITTEE APPLICANT

Lyman has been a resident of the town for three years and at this time she wanted to get involved in the town in which she lives so thought this would be the place to start as there was a spot to be filled. She has read the town reports and has been to two town meetings. At this time she is an Accountant for JP Morgan. She also is on a condo committee and works with the finances. She felt that she could bring something to the table in the finance area. Garron had asked her if there were any time constraints to serving on the committee and Lyman said there wasn't. She would like the residents get the most for their dollar, make decisions on facts and figures, not to jump into anything, and work the best strategy. She added that she has a lot of analyzing skills and is not one to jump into a decision. Bruno explained to Lyman that it is more involved then just the mathematical portion of it but there is a political side of it. The Committee takes the budget and makes a decisions or a recommendation that will affect people as well as the department. Bruno asked how she feels in engaging in that process. Lyman is aware that the Finance Committee gets pressure from various departments and people but knows you need to stay objective and yes you will impact someone but you need to weigh the pros and cons of every situation and see where the money is most needed and do what is best for the town and where the money is best spent at the moment. She realizes that there will be departments breathing down your neck but you work with the personalities and keep in mind that you are working for the town to make it better. Lyman has had to deal with budgets in the past and

are aware that you need to take a lot into consideration. Lyman said that if a request is not granted then you work with it and put it where the money is needed.

Garron stated that the Board had been asked to delay the decision from a member of the Finance Committee, who was unable to attend this evening, and take a vote in two weeks at the Board's next meeting on August 24th at 7:35 p.m. Roy and Schleiff were in agreement. At that time the applicants are not required to attend. Garron added that he was please that they had three applicants interested for this committee.

JOAN PIERCE – DEPART. OF CONSERVATION & RECREATION

Joan Pierce from Massachusetts Department of Fish & Game/SE District came in to talk with the Board in regards to resolving the outstanding obligation MassDFG has to the Town of Halifax resulting from the purchase by MassDFG of the former Northland Cranberry property, now called Burrage Pond Wildlife Management Area.

In 2002 the MassDFG purchased the 1,630 acre of the Northland Cranberry property in Hanson and Halifax. Due to the fact that the land was assessed as agricultural both towns argued that a sale to MassDFG would be a change in use and rollback taxes were owed to each town. The agreement, among all parties, was that the amount in rollback taxes owed to Halifax would be \$400,000 and to Hanson would be \$250,000.

Halifax was paid \$150,000 at the time of sale and an agreement was made that MassDFG would give a parcel of land to Halifax split from the property (valued at \$250,000) purchased from Northland abutting the Elm Street parking area in Halifax.

The problem with this is that Article 97 legislation will be needed (difficult to obtain) and a survey would need to be done to split the property that was agreed on. Under these circumstances MassDFG sees this situation creating a huge obstacle on their ability to manage Burrage Pond WMA and that there are no benefits to the Town of Halifax. Listed below are two proposals that were suggested by MassDFG.

- 1) MassDFG would purchase town properties near and along Aldana Road as additions to Peterson Swamp WMA.

The problem with this proposal is that the parcels would not be appraised for that high and MassDFG will not be able to pay \$250,000 resulting in the obligation being resolved. If agreed upon the purchase funds would go to the Town of Halifax, the property becomes open space and accessible to the general public; mostly of whom will be from Halifax and MassDFG would be responsible to maintaining it.

- 2) Mass DFG would purchase town owned property that is a potential well site, Pheasant Hill Drive.

The problem with this is that Article 97 legislation would needed to let the town sell the property as it was acquired for a potential water supply and if

purchased by MassDFG then the town would no longer have the property for future well site. Seeing as this parcel has no frontage on a public way it will not have a high appraisal value but whatever the value of the property the funds would offset the outstanding obligation. The only benefits would be that the Town of Halifax would receive some money that is owed from MassDFG.

Garron stated that MassDFG signed off on this agreement and gave the town their word that this obligation would be meet and now you are backing out on the agreement and asked if this was correct or not. Pierce said not exactly and said that if these proposals are not preferable to the town then the town can pursue the original agreement. Garron had asked why the town has not been paid the \$400,000 owed and Pierce said that \$150,000 has been paid but they do not have the ability to just write out a check but have money to acquire property and in good faith they have this outstanding obligation and want to try and find a way to fulfill it. Schleiff would need to look at what transpired ten years ago before he added any input on this issue. Roy is open to what is best for the town and asked who would negotiate the price. Pierce said that she would on behalf of Fish and Wildlife and Seelig would or whoever does for the Town of Halifax. She also believes that it would need to be approved by the Board of Selectmen and go before Town Meeting. Seelig said that the challenge is that the town might want the money and not the land. Garron wanted to make sure all the information is out there and if legislatives voted on this then we would get the money but it has not been brought to the legislatives. Any other questions from the board can be conveyed to Seelig and he in turn can contact Pierce with them.

One last comment from Garron was that Bill Meyers came down here and has not made a move to block the parking space along the road. Seelig stated that we asked for stipulations for those couple of spaces and Garron said that we had asked to put stones because residents were complaining that people were coming at four and five in the morning to go hunting and fishing. Pierce stated that Myers has retired and Jason Zimmer, District Manager, went on site to look things over but wants to keep the property as open as we can because its there for the public. Pierce does not know what has been agreed to or has or hasn't been done and that is not her issue.

Moved by Garron and seconded by Roy, Board unanimously voted to take this issue under advisement.

TRANSFER LIQUOR LICENSE - TWIN LAKES BEVERAGE, INC.

At 8:15 p.m., Garron opened the public hearing for the transfer of license from Halifax Beverage d/b/a Twin Lakes Liquor and Convenience located at 653-655 Monponsett Street to Evergreen Beverage Company d/b/a Twin lakes Liquor and Convenience. In attendance were Paul Machado from Carolan Greeley Shea & Machado; Joel Richman, representative for the new ownership; Francis Murphy, new license holder; and Charlene Murphy. Current license owner Robert Hebert was not in attendance. Murphy explained his intentions for the store as well as why he choose this area. He was in the construction business and wanted a change Murphy always wanted to own a business so he contacted a broker and was told of this business that was looking to change owners. Murphy lives in Braintree and feels that he and his wife will be an addition to the community and intends on being there about ninety percent of the time. He plans on monitoring underage buying by getting a scanner to detect false identification cards and monitor the lottery side of it. He also has four cameras at the store and at this time he and his wife are in the process of taking tips course. Garron had asked him if he has ever has operated a business and he stated he had operated a Boston Chicken but never sold alcohol. Even though he is leasing the property he plans on fixing up the site. Garron asked if there were any stipulations on this application and Seelig stated that before the transfer of license can happen there needs to be a hearing on the change of Director, Officers and Stockholders. This hearing was not published therefore the transfer cannot be done without a hearing being published first. Joel Richman, Broker from the firm representing both parties, had asked if the Board could approve the license contingent on change. Seelig said that that the change would need to be done first then the transfer of the license and that this is one of the steps in the process because it needs to go to ABCC. Seeing as Mr. Hebert was not present Garron had asked if he was for this change as well as the transfer and Richman said yes he was. Schleiff had inquired if the abutters needed to be notified and it was stated for the transfers yes but not the change in Directors, Officers and Stockholders. Seelig recommended holding off until the next meeting and do both at once. Garron said holding off will give both parties the opportunity to tie up any loose ends and doing it all in one night would be best. Murphy wanted to add that he has put a lot f money into this venture and does not intend to do anything to jeopardize his license. Garron welcomed him to the Town of Halifax and thanked him.

Moved by Roy, seconded by Schleiff, Board unanimously voted to continue the hearing for August 24, 2010 at 8:20 p.m.

WEBSITE COMMITTEE

Debora Kane, Keith McElman and Debra DeJonker-Berry have all submitted talent bank forms for the Web Site Committee. Kane and McElman have come before the Board and tell them a little bit about their qualifications and ideas they might have in maintaining the Town's web site. Debra DeJonker-Berry was unable to attend.

Seelig mentioned that we need to decided on the content such as what information and how much should we put in there as well as keeping it up to date. Also establishing passwords to protect departments so they can get into their own sites.

Garron had asked if the state offers any training and Seelig said no. Schleiff suggested that maybe Bridgewater State College might have students willing to do this but it was lead to the next question as to who would maintain it.

Debora Kane works for the Halifax Congregational Church and maintains their website and owns her own computer training center in Kingston. She suggested that the committee can get the framework together but the departments need to get the data.

Keith McElman is a service and technical writer and has generated and built websites. He has learned that a website should be user friendly short and right to the link, people do not want to click too many times to get to the information they are looking for. He mentioned that there are lots of software packets and you can make it as sophisticated or simple as you want. Garron had asked if they have spoken to other departments asking them what they might want on the site. He has been to a couple of town websites and has seen that they have maps & Fire & Police information as well as other information. Schleiff suggested putting forms online and this might be cost effective instead of coming in and taking away from man power. Kane asked if there was a budget to work with and it was said that there isn't.

Moved by Schleiff, seconded by Roy, Board unanimously appointed Debora Kane, Keith McElman and Debra DeJonker-Berry to the Web Site Committee all with terms to expire June 30, 2011.

INVENTORY LISTS

There seems to be a problem with some departments submitting their inventory lists in a timely manner. Garron suggested that if the departments feel that they just don't want to take away from man power to do this then maybe contact the school or the Boy Scouts and perhaps they can come in (community service act) and do the inventory. Roy said once a base is formed and if put in the computer then throughout the year items can be added or deleted. Shiavone stated there are some personal things that shouldn't be viewed by outside parties. Schleiff asked if there was an easier way to get these sheets in and or another way for the Clerk to get them in the system.

EXECUTIVE SESSION

Moved by Garron and seconded by Roy, Board voted as follows to enter into Executive Session at 9:25 p.m. with Selectmen Troy Garron, Kim Roy and Michael Schleiff also present was Town Account Sandra Nolan, Treasurer/Collector Kathy Shiavone, Ted Benner, Officer Albert Hingst, and Officer Ryan Botto 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 Executive Session and the Board will reconvene in open session.

Moved by Garron and seconded by Schleiff, Board voted as follows to come out of Executive Session at 10:05 p.m.:

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

MINUTES

No Selectmen Meeting Minutes were considered or approved.

ABATEMENTS/BILLS/COMMITMENTS/WARRANTS

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

Payroll Warrant	#10	\$ 172,661.88
Vendor Warrant	#11	\$ 355,185.04
Withholding Warrant	#12	\$ 60,263.79

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

Harry B. Harding & Son, Inc. (2009 Town Reports)	\$ 2,109.00
Attorney Lawrence P. Mayo (legal services/July).....	\$ 1,675.00
Gilman & Associates (legal services/July)	\$ 1,480.00
Matthew Bender & Co., Inc. (law books)	\$ 287.94
The Patriot Ledger	\$ 659.00
(advertisement for COA Director & Selectmen Secretary)	
FRCOG/Conference (conference 9/2/10 C. Seelig)	\$ 20.00

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

Vendor Warrant	#13	\$ 39,952.84
----------------	-----	--------------

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

Ambulance Commitment	#07	\$ 40,441.25
Mobile Home Park License Fee	#08	\$ 5,160.00

The Board acknowledged the following turnovers to the Treasurer:

2011-07	FOR	\$ 19,413.00
2011-08	FOR	\$ 10.00

The Board acknowledged payment of the Selectmen Office Payroll for the period ending July 31, 2010 in the amount of \$ 4,996.91.

DISCUSSIONS AND GENERAL MAIL / BUSINESS

A. State Boat Ramp

Boat ramp has been re-opened. It was noted that the town was not aware that it was not properly opened.

B. Economic Target Area

OCPC is asking eight communities in Southeastern MA to apply together as an Economic Target Area. This will allow, but not require, communities to use more programs such as Tax Incentive financing (property tax breaks) and Brownfield remediation to increase economic development. Seelig does not expect Halifax to be engaged in anything along these lines, but it may be helpful, sometime in the future, to have this designation. The Town is not required to spend any money as part of an ETA so there are no disadvantages to the Town in belonging to the ETA. Seelig recommended that the Board send a letter of support for this proposal.

Garron stated that it would do no harm in sending a letter in support. Schleiff was not comfortable in doing so.

Moved by Roy and seconded by Garron, Board voted to have Seelig send a letter to OCPC supporting the submission of an application by the Old Colony Planning Council for the creation of the eight town Economic Target Area.

Schleiff abstained from the vote.

C. MA Department of Conservation and Recreation Survey

DCR is looking for input in connection to future planning of lands that they own, particularly forest lands (a small amount is in Halifax – the large, Northlands parcel falls under Fisheries and Wildlife). The survey would need to be returned by September 3rd. Seelig suggested that the Board's review the survey during the next two weeks and he will bring this back to the Board on August 24th for review and approval.

D. Animal Control Officer

The Police Chief recommends that the ACO position be changed to per diem basis (not assigned hours or a steady 20 hours per week of pay). Seelig is continuing to work towards trying something on a regional basis which might be combined with this proposal. Schleiff suggested this position could be like a call fireman.

E. Civil Service List – Police Department

The Police Chief has put in for Public Safety Civil Service Requisition to fill the 11th position (this had been filled by Anthony Barbour last year before he transferred to another Police Department). Seelig does not see any increases in budgets for FY2012, but unless the Town is ready to take a step back, he does not see any drastic cuts in the public safety budgets. The Board has talked with the Police Chief before about the use of the 11th position and back several years ago when this was first discussed; the intent was to simply add another person to one of the shifts. At this point, that orientation has changed to allow the Operations Sergeant not to have to do regular patrol work (so that will give us one Operating Sergeant, one prosecutor and three patrol officers on each of the three shifts (two of them on any particular shift). Garron stated that if an officer was hired off the layoff list then they would not need training. If the requisition is signed by the Board then they are stating that there will not be layoffs. Roy mentioned that 2012 is going to be a bad year and chances are there will be cuts but at this time they do not know in what areas. If the Chief feels he needs to fill the position for the safety of the town Garron does not have a problem with signing the request as long as he is aware that it is uncertain about layoffs and that there are a lot of gray areas in what the State is going to give us.

Moved by Roy and seconded by Schleiff, Board authorized Garron to sign the Public Safety Service Requisition from Police Chief Manoogian requesting an eleventh officer.

F. Harmon Dog Hearing

The thirty day period will be up on Thursday August 12th. Seelig will prepare packets for the Board at that time and they then can decide whether any further action is warranted.

G. Recycling Fee Abatement

Moved by Garron and seconded by Roy, Board unanimously abated Fiscal 2009 Recycling Bill #1739, requested by the Assistant Collector, because the current owner did not own the property during Fiscal 2009.

H. United Nations Proclamation

Each year the United Nations Association of Greater Boston asks cities and towns to recognize October 24th as UN Day and issue a proclamation. This year's proclamation references the "Millennium Development Goals". Seelig will revisit this at the Board's next meeting on August 24th.

I. FEMA/MEMA Reimbursement

Moved by Schleiff and seconded by Roy, Board authorized the Chair, Garron, to sign on behalf of the Town the Standard Contract Form FEMA 1895DR for March 2010 floods.

J. Silver Lake Regional School Committee – Contract Negotiations

Selectmen from both Kingston and Plympton were in agreement about having Roy represent the three towns as a voting member in Silver Lake's collective bargaining process for its teachers and support staff contracts. Seelig will send a note to Silver Lake in regards to this.

K. Outdoor/Live Entertainment - Wal-Mart

Wal-Mart is asking for a live entertainment permit for a concert to take place in the store's parking lot on Thursday, August 26th. This request came in at 3:00 p.m. today therefore Seelig is not asking the Board to take any action on it this evening but to forward to the Fire and Police Chiefs for their input and provide any stipulations and then have the permit ready next Tuesday (when the Board comes in to sign bill warrants) to review, approve and sign.

L. Drainage/B Street

Two of the abutters have sent back the easement documents.

M. Reconciliation

The Town Accountant is currently working on January 2010.

N. Selectmen Secretary Position

Seelig provided the Board with eleven applicants to review. Once Seelig gets input from the Board as to who they would like him to interview he will start setting up the interviews for next week and once done will make the decision as to who will be hired.

O. Republican Board of Registrars Committee – Larry Robinson

Moved by Garron and seconded by Roy, Board unanimously appointed Larry Robinson to the Republican Board of Registrars Committee.

P. Doris Road

Listed below in italics is a summary from Seelig pertaining to vehicles that may be parked on town way that was brought to his attention from a resident. Under the summary is a brief discussion from the Board.

Doris Road runs parallel with Annawon Drive for a couple of blocks, intersecting with Madison Road at its northern end. The southern end of Doris Road appears to be a "stub" that runs 100 feet beyond the intersection with Ash Street. The Assessors' maps show this stub as does the 1948 plan for the Annawon Drive subdivision aka "Monponsett Lake Shores". The Town accepted Doris Road (along with other streets in the subdivision) in 1960 without reference to a specific plan so I have to rely on the 1948 plan and the Assessors' maps. Given the acceptance, it appears that the Town accepted the stub along with the main portion of the road.

Joseph Steven lives on the lot on Holmes Street that separates the stub end of Doris Road from Holmes Street. He has a fence between his property and the stub (for purposes of this discussion, I'm assuming that the fence is on the property line). Apparently he takes regular walks in the neighborhood, climbing over the fence to do so. He alleges that he injured his leg somehow while colliding (?) with one or more vehicles/trailers that are parked in the stub end. The vehicles are owned by Paul and Kelley Mitchell of 9 Ash Road whose lot abuts the west side of the stub.

Mr. Steven wants the immediate removal of the vehicles/trailers, etc. from the stub as the stub is part of the accepted layout. This portion of Doris Road is unpaved, mostly gravel, sand and grass. According to the Mitchells, the Town does not plow or maintain this portion of Doris Road. I suspect that the vehicles have been there for a number of months or possibly years as the spaces they occupy do not prevent egress from the Mitchell property or the east abutter, Luke Barmakian (1 Doris Road).

The Board of Selectmen does have a permanent, no parking order for the winter months to allow for snow plowing operations. The Board can, through the Town's by-laws, prohibit overnight parking during the non-winter months in specific locations, but must vote to do so. In addition, it can, through a

traffic order, prohibit parking at specific locations all day, every day. Or the Board may wish to take no action or to have all the interested parties brought in for a meeting at a future date.

I expect that Mr. Steven will be in the audience tonight although I told him that I was not going to make an appointment to have him meet with the Board.

I have notified the Traffic Safety Committee about this, but given that Mr. Steven brought his complaint to the Selectmen's office just yesterday and I don't see any particular sudden public safety hazard if the Board decided that it wished to have a discussion about this at a future meeting instead of making a decision about it tonight, that's a worthy option. Mr. Steven did mention the possibility of a lawsuit against the Mitchells for having the vehicles on the stub and the Town for allowing them to be there and therefore being liable for his injuries.

Garron had asked if we were sure if its town property and Seelig said no. Before Garron makes a decision he wants to make sure that the towns own the property. A suggestion was made that the town could pay a surveyor to survey the road and Garron had asked if the Highway Surveyor could take a look at it. Seelig will be seeing the Highway Surveyor tomorrow and will ask him.

Q. Next Meeting

Next meeting will be Tuesday August 24, 2010.

Moved by Garron and seconded by Roy, Board unanimously voted as follows to enter into Executive Session at 10:50 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 Executive Session and the Board will not reconvene in open session.

Moved by Garron seconded by Roy, Board voted as follows to come out of Executive Session at 11:20 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 Garron, Board unanimously voted to adjourn the meeting at 11:20 p.m.

 Kim R. Roy
 Clerk

/pjm