

BOARD OF SELECTMEN
SELECTMEN MEETING
TUESDAY, AUGUST 24, 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, June 22nd, was unanimously approved without revision.

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 warrants:

Payroll Warrant	#14	\$ 171,808.06
Vendor Warrant	#15	\$ 63,173.08
Withholding Warrant	#16	\$ 61,272.60
Ambulance Commitment	#08	\$ 16,155.64

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

W.B. Mason (2 pkgs. paper & toner)	\$ 51.92
MMMA (meeting 9/16 C. Seelig)	\$ 30.00
Deutsch Williams Brooks (legal services/July)	\$ 563.95
Doughboy Police & Fire Supply	\$ 469.96
(BOH emergency duffel bag insurance claim @ Police Station date of loss 11/17/08)	

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

Vendor Warrant	#17	\$ 181,946.30
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The Board acknowledged payment of the Selectmen Office Payroll for the period ending August 14, 2010 in the amount of \$ 5,514.91.

The Board acknowledged payment to the Treasurer for the following:

Turnover	#2011-09	\$	5.00
Turnover	#2011-10	\$	10.00
Turnover	#2011-11	\$	5.00

FINANCE COMMITTEE - REVIEWING APPLICANTS AND APPOINTING CANDIDATES

Peter Beals, Chairman to the Finance Committee, was unable to attend the Boards last meeting therefore requesting that the Board of Selectmen hold off on voting on the two vacancies on the Finance Committee until this evening. The Finance Committee has recommended to appoint Gordon Andrews and Margaret Fitzgerald to the Committee and Roy and Schleiff are in agreement with the committee's recommendation. Roy suggested that Natasha Lyman, another applicant who was interviewed for the Finance Committee, would be a great candidate for the Government Study Committee and Beals added that she also would do well on the Capital Planning Committee. Garron feels that all three are quite qualified. Andrews is well informed about the Town and Fitzgerald brings her experience and lots of energy to the table. Garron would also agree with the Finance Committee's recommendation.

Moved by Finance Committee member, Karen Fava and seconded by Selectmen Chairman, Troy Garron, the following vote was taken to appoint Gordon Andrews of 244 Elm Street to the Finance Committee to fill a vacancy, term to expire June 15, 2012:

Board of Selectmen	Troy Garron	yes
Finance Committee	Karen Fava	yes
Moderator	John Bruno	absent

Moved by Garron and Seconded by Fava, the Board of Selectmen and the Finance Committee voted as follows to appoint Margaret Fitzgerald of 463 Plymouth Street to the Finance Committee to fill a vacancy, term to expire June 15, 2013:

Board of Selectmen	Troy Garron	yes
	Kim Roy	yes
	Michael Schleiff	abstained
Finance Committee	Kara Fava	yes
	Karlis Skulte	yes
	Richard Wright	yes

note: when reviewing the minutes the following day it was noticed that the votes taken above were reversed with the term. Votes were taken again on September 7, 2010 and the minutes of that date reflect the correct vote for the term appointed.

GENERAL MAIL / BUSINESSA. Reminders

- September 11 Ceremony at the Fire Department at 9:30 a.m.
- Next meeting September 14, 2010.

B. MA Recreational trails Grant Workshop

The Department of Conservation and Recreation is holding a workshop on September 17th to discuss the Recreational Trails Program and its upcoming grant round. The Recreational Trail Program provides funds to non-profit organizations, municipal, state, and federal land managers to develop and maintain recreational trails and trail related facilities that are used by both motorized and non-motorized recreational trail uses. The maximum grant is \$50,000, but the Town would have to put up a 20% match. The only Town money available would be through the Town's Conservancy Fund (about \$80K) through the Conservation Commission. Seelig has asked Conservation if there are any projects they have in mind. Garron had also added that Seelig contact the Historical society, which Seelig said he would do.

C. Land Donation - Lot 253 Chestnut Road

Marie Valle has asked if a parcel of land, owned by her brother-in-law and then her husband, located on Chestnut Road (Map 31, Parcel 253) be donated to the Town. The Town owns the parcels on either side of this one. In the past, the Board has submitted gifts of land to Town Meeting for its approval. Seelig sees no reason not to notify the owner and tell her that the Town will vote on this at the Town Meeting in May. Garron stated as a Board they can accept it but the town needs to approve and mentioned that if the town does not accept the land then it may go through tax title. Garron would also like to know if any taxes are owed on the property (Seelig will check). Schleiff had asked if anyone has gone out to look at the parcel of land to see if there is anything disposed of on the property.

D. Recycling Commitment

Moved by Schleiff and seconded by Roy, Board voted to have Chairman, Troy Garron sign commitment for payment to the Collector, recycling fee for FY2011 in the amount of \$ 123,280.00.

E. Open Meeting Law

The Board each signed the Open Meeting Law indicating they received the summary which will be returned to the Town Clerk's office.

F. Unemployment Compensation - Stacy Elmes

The Town is appealing the State's decision to grant unemployment compensation to Stacey Elmes. Barbara Gaynor will be representing the Town at the hearing scheduled for next week.

G. Fire Dept Electricity Audit

The Fire Department has had an audit done at the station with National Grid. It was pointed out that there could be a savings of \$1,448.52 annually if the lighting fixtures were changed. The installment cost for the new lighting fixtures would be \$1,799.21 (payments over 12 months), which would be paid by the town or in a lump sum of \$1,529.33, which would make the payback just about 1 year. Seelig recommends signing the agreement and, if the Chief believes that there is sufficient money in FY11, make the lump sum payment from the Fire Station electricity account. Garron had asked how the Chief Carrico felt about it and he was in favor of saving money. The Chief prefers the lump sum because there would be a fifteen percent discount.

Moved by Garron and seconded by Schleiff, Board unanimously voted to allow the Fire Department to pay the lump sum of \$1,529.33 to be paid to have the lighting fixtures changed at the Fire Station.

H. Board of Health - John Weber

Mr. Weber has asked for a three-month leave from absence from the Board of Health. No action is needed from the Board of Selectmen or the Board of Health.

I. Harmon Dog Hearing

On July 13th a hearing was held in regards to barking dogs at Harmon Stables located at 7 Plymouth Street. At this time the thirty day probation period is up and to be reviewed by the Board of Selectmen. The Board could do one of two things; do nothing or hold another hearing. Schleiff had asked if there have been any complaints since the hearing on July 13th. The only complaint that was reported and logged from the police was on August 15th and the complaint on the report was "barking dogs". Schleiff had asked if Scott Clawson was requesting another hearing. Seelig had a conversation with Clawson and mentioned he (Clawson) would like to ask the Board to advise Seelig to go out periodically and check on the situation. Garron does not think it is Seelig's job to go down there and is not advising Seelig to do so. Garron had asked if there was enough to warrant another hearing and there was not so Garron stated that this matter is over until such time we receive further complaints.

TREASURER/COLLECTOR & ACCOUNTANT - AMBULANCE BILLING

Ambulance bills are issued for the transporting of patients, which are not always paid in full because insurance companies have limits on how much they pay and how much the patient pays. Due to the limits, large amounts of money are left over and stay on the books until the Board of Selectmen vote to abate these amounts. Shiavone and Nolan are asking the Board to approve these abatements once a month so that they can balance the books as opposed to having them show up as false revenue on the books for years and doing so will also help them catch up. The Administrative Assistant at the fire station, Patty Forsstrom, will submit a report with the amount to be abated to the Board each month for the previous month.

Shiavone will work on the 2006 and 2007 year abatements and then continue on to 2008.

No action is needed from the board the Treasurer/Collector and Accountant wanted the Board to know of their intentions.

GENERAL MAIL / BUSINESS CONTINUED

J. Reconciliation

The Town Accountant, Sandy Nolan, is working on January 2010 at this time.

K. 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 celebration focuses on the topic "Engaging America in the Millennium Development Goals". Seelig had asked the Board if they wanted to vote on recognizing October 24th as United Nations Day. Garron had stated that they have signed this in the past and he has no problem with doing it this year. After reading the information on the proclamation last year Schleiff had reservations to signing it therefore did not do so.

Moved by Roy and seconded by Garron, Board voted as follows to honor United Nations Day on October 24, 2010:

Troy E. Garron	yes
Kim R. Roy	yes
Michael J. Schleiff	no

L. Survey from Department of Conservation and Recreation

DCR is currently developing a public process to seek input about the zoning of DCR lands this upcoming fall. To assist with this DCR has created a short survey asking for input from cities and towns that will inform the process. The agency wanted to ensure that the communities have the opportunity to be actively engaged and share their perspectives throughout the zoning process. Roy did not feel that she was qualified to fill out this survey and said that the only area the Board might be able to answer on would be questions on the boat ramp. It was suggested to forward the survey to Conservation and Board of Assessors because the questions on the survey seem to pertain to areas those departments might have better knowledge on. Seelig added that if the Board would like him to fill out the survey on behalf of the town he would be more than happy to do so or forward to the suggested departments.

Moved by Roy and seconded by Schleiff, Board unanimously voted to have Seelig fill out the DCR survey on behalf of the Town.

M. Purple Eggplant - New Ownership

The Purple Eggplant has closed and will be changing ownership. Before the new owner re-opens he will need to come before the Board for a license transfer. This transfer will not require a hearing. A letter will be sent to the existing owner stating what is required of the new owner.

N. Holidays in Halifax - Tania Massa

Moved by Garron and seconded by Roy, Board unanimously re-appointed Tania Massa of 29 Hickory Road, to the Holidays in Halifax Committee with a term to expire June 30, 2011.

O. National Waste Management Agreement

A service agreement from National Waste Management was presented to the Board to sign. This agreement is for medical waste and/or x-ray chemical waste disposal that would be picked up on an on-call basis from the Fire Department and National Waste Management, Inc. would like to have a signed contract with the town. Chief Carrico has done some research on other companies that perform the same services and their costs are far more than the amount listed in the contract with National Waste Management (\$120.00). The Chief in the past has paid one hundred and twenty dollars a year to have waste disposed and does not have a signed contract with any particular company. At this time Seelig has reviewed the contract and there are several objectionable terms (allowing for variance on pricing without the Town being able to leave the contract). On the other hand a review of the contract by Town Counsel would cost more than the Town would pay on an annual basis for the contract. The signing of the contract was tabled because the Board wanted to speak with Chief Carrico and get his input on the services and ask who has been taking care of waste disposal in the past. Garron suggested that

the Chief could talk with the local hospitals to see if there is an agreement we can work out with them.

P. Use of Town Green - Rachel Brown Campaign

The Rachel Brown for Congress Campaign is requesting to hold a “weenie roast” and concert (classical, choral) on the town common on September 3rd from 2:00 p.m. - 5:30 p.m. This event will be publicly advertised as a campaign event. The Board was reluctant to allow a political assembly on the town common and Garron does not recall that a request for something has been asked for in the past but Millias seems to think it has some time ago. The only thing he recalls is that we have had candidates come before the Board to introduce themselves. Garron had asked if we can get any legal information on this because he was worried that saying no would open the town to a first amendment lawsuit. Roy added that we should check to see if we are legally obligated to allow something like this. Schleiff noted that the COA has used the town common as well as the Boy Scouts but it was stated that there is a difference between one and the other and all kinds of unpleasant things could come up at a political rally. Schleiff felt that it was too short of a notice and was wondering if there was going to be a large crowd and if police detail would be necessary. Seelig said no in regards to the police detail and took Schleiff’s thought about not having enough time into consideration. Garron and Roy were in agreement of having Seelig research or contact the Secretary of the State in regards to the law pertaining to political campaigns.

Moved by Schleiff and seconded by Roy, Board unanimously voted not to allow a weenie roast and concert on the town common for the Rachel Brown for Congress Campaign.

CHANGE OF STOCKHOLDERS, DIRECTORS AND OFFICERS
TWIN LAKES BEVERAGE, INC. - ROBERT HEBERT

At 8:20 p.m., Garron opened the public hearing for the purpose of the application for Change of Stockholders, Directors and Officers from Sharon Cole to Robert Hebert for Halifax Beverage Inc., d/b/a Twin Lakes Liquor and Convenience located at 653-655 Monponsett. The reason for this change is due to the death of Ms. Cole and so that Mr. Hebert could sell the business. Documentation was provided stating that Robert Hebert is the Shareholder, Director and Officer of Halifax Beverage, Inc and also provided was “Statement of Change of Supplemental Information Contained in Article VIII of Articles of Organization” records stating that Robert Hebert is the President, Treasurer, Secretary and Director of Halifax Beverage, Inc.

Present for this hearing were the following individuals and other interested parties:

Troy Garron	Selectman
Kim Roy	Selectman
Michael Schleiff	Selectman
Charles Seelig	Executive Administrator
Robert Hebert	Currant license holder
Paul Machado	Attorney for Hebert
Joel Richman	Arranged the sale between the parties
Francis Murphy	New license holder
Charlene Murphy	Wife of Francis Murphy
Dan Cosgriff	Tax preparer for Hebert

Moved by Roy and seconded by Schleiff, Board unanimously voted to accept the application for Change of Stockholders, Directors and Officers from Sharon Cole to Robert Hebert for Halifax Beverage Inc., d/b/a Twin Lakes Liquor and Convenience.

**TRANSFER OF ALL ALCOHOLIC PACKAGE STORE LICENSE
FROM TWIN LAKES BEVERAGE, INC. TO EVERGREEN BEVERAGE
COMPANY - FRANCIS MURPHY**

At 8:20 p.m., the Board continued the public hearing relative to the following license.

- Transfer of All Alcoholic Package Store License from Twin Lakes Beverage, Inc to Evergreen Beverage Company.

This hearing was continued from August 10th, at that time a hearing was required to change the Stockholders, Directors and Officers of Twin lakes Beverage, Inc. before the transfer of All Alcoholic license could be voted on.

Present for the continued hearing were the following individuals and other interested parties:

Troy Garron	Selectman
Kim Roy	Selectman
Michael Schleiff	Selectman
Charles Seelig	Executive Administrator
Robert Hebert	Currant license holder
Paul Machado	Attorney for Hebert
Joel Richman	Representative for new ownership
Francis Murphy	New license holder
Charlene Murphy	Wife of Francis Murphy
Dan Cosgriff	Tax preparer for Hebert

Moved by Schleiff and seconded by Roy, Board unanimously voted to accept the application for the transfer of all alcoholic package store license from Twin Lakes Beverage, Inc., d/b/a Twin Lakes Liquor and Convenience to Evergreen Beverage Company d/b/a Twin Lakes Liquor and Convenience.

In connection with this Machado wanted to confirm that the Board take action on the pledge of the license for the inventory.

Moved by Garron and seconded by Schleiff, Board unanimously confirmed that the pledge of license would be for the purchase of the inventory.

GENERAL MAIL / BUSINESS CONTINUED

Q. Easement - B Street

As of today two of the abutters have sent back the easement documents. Seelig will contact the other two abutters via phone at the request of the Board.

R. Doris Road

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 Seelig has 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 which he climbs over to take regular walks in the neighborhood. Steven alleges that he injured his leg somehow while colliding with one or more of the 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 would like the immediate removal of the vehicles/trailers 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 and Seelig guesses 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).

Bob Badore and Seelig went out to Doris Road on Friday, August 20th and based on their observations, using estimates of the center line of the rights-of-way, what appears to be a lot boundary/right-of-way boundary marker, and a measuring wheel, Seelig is fairly sure that the trailer, camper and vehicle, owned by the Mitchells, are located on the right-of-way of Doris Road (a portion of the asphalt that the Mitchells put down to park their active vehicles also is in the right-of-way) and Mr. Steven's fence is, based on Badore's and Seelig's estimate, at the boundary between the stub and his property.

Garron suggested sending a letter to the Mitchells stating that the vehicles need to be move giving them a certain amount to time to do so. Roy fears that if someone else gets hurt there would another issue and does agree with Garron to send a letter to the Mitchells. Garron stated that whether he moves it or not if the Board does not do something then they are condoning it. Schleiff had asked where do they park their vehicles and if on town property then he needs to find another spot on his property to park. Schleiff also suggested having them come in to speak with them. Tom Millias, brought up a point that is you make a statement then it would have to bring it to the attention of other residents doing the same thing.

It was stated that we cannot have vehicles being parked on town property and have residents taking walks and getting hurt.

The Board has several options:

- do nothing and ignore the overnight parking ban during the winter;
- do nothing now, but inform the Mitchells of the overnight parking ban during the winter, giving them a couple of months to move the vehicles;
- through the Town's by-laws, prohibit overnight parking on the stub during the non-winter months;
- through the Town's traffic regulations, prohibit parking on the stub 365/24.

Moved by Garron and seconded by Roy, the Board voted as follows to have a letter sent to Paul and Kelley Mitchell of 9 Ash Road, asking to have the vehicles moved within thirty days. Schleiff added to have the Mitchells come in regards to the car parked in the road.

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

ASSESSORS NORTHLAND / ALDANA PARCELS

Tom Millias came before the Board not on official capacity (on the Board of Assessors) but as a resident. He was unaware of the meeting with Joan Piece from Division of Fisheries and Wildlife that had taken place about a month ago but had he known would have attended to offer information that the Board of

Assessor had on the matter/deal with Northland that took place. From what Millias recalls from this deal was that Northland cut deal with Hanson and did not give Halifax the same treatment. Northland decided to sell the property to Fisheries and Wildlife and there was a roll back taxes due and the State finagle something to avoid paying the tax on the land. Halifax received \$150,000 in place of giving up ownership and Division of Fisheries and Wildlife was going to transfer residentially zoned property along the easterly side of Elm Street to the Town of Halifax in lieu of paying two hundred and fifty thousand dollars to the town. Halifax has yet to receive the approximate sixteen acres DFW agreed to convey to the town. The Board of Assessors pursued all legal means available, which included a court action but nothing was resolved. Schleiff had asked what was offered to Hanson and Millias said he did not know. Garron said that they received pretty much the same that Halifax got. Although arrangements have been made that have not been disclosed to Millias.

Garron stated that ten years ago they could have had the legislature and Mr. Webster, who was the lead on this, write the law to present to the legislature so that they could get the money and pay us back. Millias pointed out the Webster was Selectmen at the time when the deal was made and Garron continue to say that when he became a State Representative he came to a meeting in regards to "road access" and Garron had asked him if we would be getting our money and nothing was said or done.

Millias went on to say that we leaned on Tom O'Brien because he was the one who cut the deal with Division of Fisheries and Wildlife. His recollection was that the State was suppose to come up with some money to do survey work and they dragged on it year after year stating that they could not come up with money. Millias's feeling is that DFW never intended to come up with the money (Garron agreed).

Now DFW is trying to package up a deal to include parcels on Aldana Road that they are trying to purchase from the Town and DFW is under the impression that Halifax will take the deal and be happy. Garron said one has nothing to do with the other and as far as he is concern we have a legal document stating that the land (Elm St.) belongs to us until paid for and if they want to buy the parcels on Aldana Road they can but what it boils down to is that they want both pieces of land and only pay for one and Millias couldn't agree with him more.

Millias has not talked with the other members of the Board of Assessors but has suggested a joint meeting between the Board of Selectmen, Board of Assessors and invite both of our representatives to attend to get some help on this issue and to look at all our options and see what is best for the town. Millias has also talked with Daniel Webster and he is more than willing to help us out and suggested for us to contact Tom Calter's office because he may be helpful and have some options. Garron agreed with Millias in regards to setting up a meeting with everyone as well as bring in our legislature and a representative from Division of Fisheries and Wildlife. Millias had stated that people have come and gone and there are few who know what happened ten years ago so there may be some that are not up to speed on what had transpired.

Garron is bothered by the fact that they have had ten years to pay us this money and now DFW are saying that they are not allowed to put money out unless they are getting something in return but as stated by Garron they are receiving the land.

Millias's take on this is that the land is encumbered and this is why nothing has been done and that's why he suggesting having this joint meeting as well as notify Town Counsel to see what course of action they can take. Schleiff had asked if they would unencumbered the land if we were to sell the parcels of land on Aldana Road and it was stated yes but also noted that these are two separate transactions.

Millias has spoken with former representative Tom O'Brien, who was instrumental in striking the deal for Halifax as well as doing a lot of work for the town, and said that some action needs to be taken with the legislature and he is going to go through his files to see what he has on this matter.

Millias will get in touch with the legislatures to see when they are available and let the Board know. They are not going to shoot for the Board's next meeting on September 14th seeing as that day is the State Primary.

GENERAL MAIL / BUSINESS CONTINUED

S. Route 58 Boat Ramp Ceremony

MA Fish and Game would like to have ribbon cutting ceremony at 12:00 p.m. on Tuesday, September 14th. Seelig has asked the Board if anyone is able to attend. Garron and Schleiff will be attending but Roy is unable to go due to a prior commitment.

T. Next Meeting

The Boards next meeting will be Tuesday, September 28, 2010.

U. Contracts for Municipal Buildings

Moved by Garron and seconded by Roy, Board unanimously voted to sign the following contracts:

Repair & Install Siding @ Town Hall	for	\$ 38,864.00
Repair & Install Roofing @ Holmes Public Library	for	\$ 34,923.00
Repair & Install HVAC Units @ Holmes Public Library	for	\$ 27,350.00

Schleiff had asked if the numbers came in under budget and is the work for everything that was contracted. Seelig did say that the amounts did come in under budgets but as to whether it for everything that needs to be done he does not know.

EXECUTIVE SESSION

Moved by Garron and seconded by Roy, Board voted as follows to enter into Executive Session at 9:15 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 Schleiff and seconded by Roy, Board voted as follows to come out of Executive Session at 9:45 p.m.

Troy E. Garron - Yes
Kim R. Roy - 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 9:45 p.m.

Kim R. Roy
Clerk

/pjm