

BOARD OF SELECTMEN
SELECTMEN MEETING
TUESDAY, NOVEMBER 9, 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, November 9th, was unanimously approved without revision.

MINUTES

No minutes were reviewed or considered.

ABATEMENTS/BILLS/COMMITMENTS/WARRANTS

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

Revised Payroll Warrant	#34	\$ 319,541.46
Withholding Warrant	#36	\$ 120,239.12
Vendor Warrant	#37	\$ 310,312.64

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

Ambulance Commitment	#10	\$ 49,635.20
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Moved by Roy and seconded by Schleiff, Board unanimously approved payment of the following warrants:

Payroll Warrant	#38	\$ 330,879.49
Vendor Warrant	#39	\$ 116,926.16
Withholding Warrant	#40	\$ 122,139.74

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

Mobile Home Park License Fee	#11	\$ 5,160.00
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Moved by Roy and seconded by Schleiff, Board unanimously approved payment of the following Selectmen bills:

W.B. Mason (ink cartridge / Selectmen’s Office)	\$ 16.18
Land Planning, Inc. (inspection & review for Beaver Dam)....	\$ 450.00
(earth removal)	
Beaver Dam Property Management Co., Inc	\$ 31.30
(overpayment on Earth Removal Permit)	
The Patriot Ledger (ad for Admin. Asst. Town Clerk)	\$ 102.87
Plymouth County Commissioners	\$ 150.00
(Plymouth. County Cooperative Extension Service FY2011)	
Matthew Bender & Co., Inc (MA Laws Rules subscription) ...	\$ 148.46
Attorney Lawrence Mayo (professional services/Oct.)	\$ 525.00
Deutsch Williams Brooks (professional services/Oct.)	\$ 381.05
Gilman & Associates (professional services/Oct.)	\$ 832.50
Pembroke Fire Department Ambulance	\$ 250.00
(111F deductable/Schindler)	

The Board acknowledged payment of the Selectmen Office Payroll for the period ending November 6, 2010 in the amount of \$ 5,704.68.

The Board acknowledged payment to the Treasurer for the following turnovers:

<u>TURNOVER</u>	<u>AMOUNT</u>
2011-26	\$ 130.00
2011-27	\$ 175.00
2011-28	\$ 1,524.00
2011-29	\$ 155.00
2011-30	\$ 125.00
2011-31	\$ 81.60
2011-32	\$ 125.00
2011-33	\$ 450.00
2011-34	\$ 825.00

GENERAL MAIL / BUSINESS

A. Regional Solid Waste Management Forum

The Bourne Board of Selectmen will be holding a regional solid waste management forum on November 17th at the Upper Cape Regional Technical School. The forum is to look at possibilities, other than SEMASS, for the disposal of waste. The Finance Committee, Highway/Recycling and Board of Health also have been invited. Garron thought that we should have someone go and represent the town. Seelig said that Bob Badore will not be going but he will ask Susan at the Recycling Center if she will be attending.

B. Burrage Pond

Seelig has informed the legislative delegation that the Town was interested in the money (\$250,000) rather than the land. Betty Benedictus called back today to say that Fish and Game does not have the money to give to the Town (which Joan Pierce's stated a few months ago) but would agree to transfer the land with two stipulations:

- a) that the land remain as open space
- b) that the Town grant an easement so that people could cross over the land to the State's parcel.

Seelig told Benedictus that he would pass this along to the State, but that because these stipulations were not included in the agreement, that it was likely that these terms would not be acceptable to the Town. Though the Town might accept transfer of the land to the Town without the stipulations and then immediately sell it back to the State for the \$250,000. Benedictus will be trying to set up a meeting with Fish and Game and the legislative delegation. Seelig had asked the Board if they have anything else they wanted to pass along and Garron mentioned that he would like to be present at the meeting with Fish and Game.

The Assessors are in favor for going after the \$250,000 if the State is willing to re-negotiate the terms of the agreement.

Sue Duggan has a back of the envelope appraisal of the property for \$178,700.

C. Generations/Got Books Bin

The agreement for the "Got Books" bin is ready to be signed. The Town signs as the property owner for the property where the bin will be placed. The Board needs to vote (if it wishes to) to authorize the Chair to sign on behalf of the Board. Schleiff asked where was it going to be placed and the color, which will be purple and yellow. As for the placement it was not stated.

Moved by Roy and seconded by Garron, Board unanimously voted to authorize the Chair of the Board to sign the agreement.

D. Ambulance Abatement

Moved by Roy and seconded by Schleiff, Board unanimously voted to abate the following amount from the Ambulance Account:

October 2010 FOR \$ 11,913.39

E. Joint Meeting

The Planning Board and Master Plan Committee are available able to meet with the Selectmen to discuss the Town’s Master Plan at their meeting on December 14th.

F. Jordan Hospital Presentation

Jordan Hospital is having a presentation on Wednesday, December 1st in Plymouth regarding various services and projects. Seelig will not be attending but if anyone on the Board plans on attending please let the staff here in the office know so that they can RSVP.

G. Each of the Selectmen has been assigned to do annual inspections for following Alcoholic Beverage License Holders:

SELECTMAN	LOCATION TO INSPECT	TYPE OF LICENSE
KIM	All Seasons Restaurant 327 Plymouth Street	All Alcoholic Restaurant
TROY	BR’s Monponsett Inn 550 Monponsett Street	All Alcoholic Restaurant
TROY	Country Club of Halifax 100 Country Club Drive	All Alcoholic Restaurant
KIM	D’s Grille 58 284 Monponsett Street - Unit 4	All Alcoholic Restaurant
KIM	Hawaii Garden Restaurant 300E Plymouth Street	All Alcoholic Restaurant
MIKE	Halifax Mobil 576 Plymouth Street	Wine and Malt Package Store
KIM	Harmony Two Liquors 284 Monponsett Street	All Alcoholic Package Store
MIKE	Lindy’s General Store 134 Holmes Street	Wine and Malt Package Store
MIKE	Twin Lakes Liquor & Convenience 655 Monponsett Street	All Alcoholic Package Store
KIM	Unit 5 Bar, LLC d/b/a The Tee Box 284 Monponsett Street Unit 205	Wine and Malt General On Premise

SCHEDULED APPOINTMENTS**Revocation Hearing - Halifax Investments – Fuel Storage Permit**

Hearing for Halifax Investment d/b/a Halifax Country Club has been scheduled for this evening to revoke their fuel storage permit. The Country Club was sent a copy of the hearing notice by certified mail and the Selectmen's office has received the green card back showing that they had received it. The reason for the revocation is that the personal property taxes for 2008, 2009 and the first half of fiscal year 2010 have not been paid (the second half has not been paid either, but that is less than 12 months old). Even though the Town Clerk gave them the license based on the Town Collector's office statement, the Board can still revoke the license.

No one showed up to represent the establishment and nothing has been submitted showing that personal property taxes have been paid or that a payment plan has been set up.

Moved by Garron and seconded by Roy, Board unanimously voted to revoke the Fuel Storage Permit for Halifax Investments.

Schleiff had asked what would they have to do to get another permit and Seelig said that if revoked they may have to comply with today's standards. Garron said that the door is open for them to come back to the Board and re apply.

Seelig will notify Halifax Investments regarding the revocation of their Fuel Storage permit as well as requesting the fifty dollar fee for the hearing.

GENERAL MAIL / BUSINESS (CONTINUED)**H. MEMA/Homeland Security Grant**

Moved by Roy and seconded by Schleiff, Board unanimously authorized the Chair, Troy Garron to sign the MEMA/Homeland Security Grant which will be used for CERT expenses.

The Selectmen Assistant will also need to notarize in one area.

H. Farm Service Agency

The FSA has sent the Town of Halifax an official ballot to cast a vote in the County FSA Committee election. The ballot has three candidates (a farmer or rancher) listed, would like to represent the town on the County FSA Committee. Schleiff did not want to cast a vote until he had a chance to read more about it. Kozhaya Nessralla, a resident of Halifax, is listed on the ballot and will be asked to come in to meet the Board at their November 23rd meeting.

SCHEDULED APPOINTMENTS (CONTINUED)**Highway Surveyor – Project Update**

Bob Badore came in to talk about future plans he has pertaining to the roads here in Halifax. His intention is to do South Street from TLC Daycare down to River Street. This will consist of grinding the existing road then repaving. This work will cost approximately \$300,000. He would like to get a price to do the same on Walnut Street and maybe bid both roads out as a package. Walnut should come in cheaper because it is smaller in length. The project will start up in the spring 2011 when the first frost is gone.

Another area he is thinking about doing repairs is north of Route 106 to the Plympton line and the south end of Route 58. It was asked how much would it cost the town to do this and Badore said that it depends on what you want to do. To resurface it may cost about \$200,000 or an overlay could be done to smooth it up.

Garron suggested maybe coordinating with Plympton to do the roads at the same time and maybe there could be a break. Badore could not say if that could be an option.

Roy had asked Badore if he had a priority list for re paving. Badore went on to say it would have to be South, Walnut then Franklin and he would do the worst part of each road. Some work has been done on Annawon Drive, Chestnut Road, Lingan Street, Paradise Lane and Plymouth Street. He mentioned that he is looking into renting a paver because he could rent one for the month for the same amount if he was pay someone for one days work to do the paving. This work will be funded from town maintenance not Chapter 90 money.

Garron asked what the time frame would be for the completion on work that would be done on South Street and Badore said two weeks top.

Schleiff had asked how he was making out on getting Chapter 90 money for the streets that have been accepted and he said that Melissa is working on that.

Garron had asked Badore if he could get them a list of the roads that they will be working on in the spring.

Badore also wanted to talk about the currant cemetery rates. At this time the rates are underpriced compared to the surrounding towns and have not been looked at in a long time. Badore added that if the rates were to change they would not be in effect until January 2011 and said that the town is not here to make money but to cover costs.

Moved by Roy and seconded by Schleiff, Board unanimously voted the following cemetery fees:

	<u>FROM</u>	<u>TO</u>
Full Burial Grave opening	\$ 400.00	\$ 600.00
Full Burial Grave Opening (Saturday)	\$ 500.00	\$ 850.00
Cremation Grave Opening	\$ 75.00	\$ 200.00
Cremation Grave Opening (Saturday)	\$ 75.00	\$ 350.00
Infant Burial	\$ 100.00	\$ 100.00
Infant Burial (Saturday)	\$ 100.00	\$ 100.00
Winter Rate (December 1st - April 1st)	\$ 30.00	\$ 100.00
(this is an additional fee added to the rates listed above)		

Miscellaneous

Compressor Charge	\$ 50.00	\$ 100.00
Tent Rental Charge	\$ 0.00	\$ 100.00

Earth Renewal Permit- Turkey Swamp – Barry Gates

Barry Gates from Turkey Swamp Realty came before the Board to renew his Earth Removal Permit that is expiring on December 8th. At this time he stated that the only a small amount has been removed and that things are gong slow. Garron asked what his projection was for completing the project and he said he was hoping that it would have been done by now but again it has been a slow process.

Steven Wry, Project Engineer from Land Planning has done a site inspection and submitted a report to the Selectmen’s Office. Wry suggested erosion controls be installed and maintained between the earth removal operations and the cranberry bogs to prevent further transport of sediment into the bog ditches and also recommended that all exposed slopes within the earth removal area be graded to eliminate the possible collapse of an excavated wall. Gates was in agreement with Wry and will control the further transport of sediment into the bog ditches and has spoken with the excavator regarding the sloping and he will fix the incline.

Schleiff stated that he has 28,200 cubic yards to go and does he think it will be done within the next year and again Gates said he was hoping it would have been done but with the economy being as it is things are slow. Schleiff had asked how Ms. Tisdale was and Gates went on to say that he cleaned the trench as requested and was happy and have not heard from her since.

Moved by Garron and seconded by Roy, Board unanimously voted to continue the Earth Removal Permit for another twelve months, issued from December 8, 2010 to December 8, 2011 to Barry Gates / Turkey Swamp Bog Realty Trust for work being done at 145 Monponsett Street.

Town Government Study Committee Applicants – John Pesa and Ron Allen

Both Mr. Pesa and Mr. Allen have expressed interest in joining the Town Government Study Committee.

Pesa was asked why he wanted to join and he went on to say that this is a great opportunity to look at the various departments and see how they work. He is great at researching and bringing material together. He was on the Finance Committee a couple years back and hopefully will be able to take some of his knowledge from serving on that committee to this one.

Allen also is interested in looking at the employees and staffing and seeing what they do and how they tie in together.

Bob Hughes, member of the TGSC was present for this said they will try and do is get the departments to work closer together. Garron had asked Hughes what would their schedule be for meetings and Hughes said that he would like his first meeting to take place the week after Thanksgiving.

Schleiff added that Pesa and Allen are in good hands working along side of Hughes and thanked them for coming in to join the committee.

It was noted that Hughes is on the Fire Department Study Committee and that to be on TGSC you cannot serve on another committee but as stated by Hughes he has not gotten sworn in to the FDSC. Both these committees will take a lot of time and Roy would hate to lose Hughes to the FDSC and suggested that maybe TGSC take over the FDSC.

Garron feels that it is a great time to start up both committees and wishes them well.

Moved by Garron and seconded by Roy, Board unanimously appointed John Pesa of 79 Fairway Drive and Ron Allen of 645 Twin Lakes Drive to the Town Government Study Committee both with terms to expire June 30, 2011.

At this time the Board tabled the idea of dissolving the Fire Department Study Committee. Bob Hughes will contact the Chief to get his input on this.

GENERAL MAIL / BUSINESS (CONTINUED)

I. Class II License

Eric Lund has submitted a Class II license application. Back in June, the Board decided that it wanted a complete application before deciding whether he should obtain all other permits first, before coming to the Board of Selectmen or the Board could make a decision on the Class II license and he then could go to the other Boards to see if they would approve the necessary permits. At this time the decision is back with the Board.

Garron would like to see him go before the other Boards first and get the permits from them then come before the Board of Selectmen. Roy had asked if they could approve the Class II license contingent on certain stipulations and Seelig and Garron said yes they could.

It was mentioned that if the economy was good then yes have him go to the other Boards but to see him pay for the various fees or permits then to come before the Board and they say no then he has paid a lot of out of pocket expenses.

Seelig suggested that Mr. Lund come in to meet with the Board of Selectmen. A hearing will be scheduled for the application of a Class II license for Mr. Lund on December 14, 2010.

K. Lloyd Wright Property – 60 Franklin Street

Mary Guiney, the Conservation Agent, submitted a memo regarding the above mentioned property. Her office has reviewed all available materials with respect to the location of wetland resource areas located on this property. There does not appear to be any wetland resource area along the road frontage. The upland area appears to extend at least 200 to 250 feet into the property. In general this is a beautiful piece of property and could be used by the Town of many uses one being open space. Guiney hopes the town would seriously consider purchasing this piece of property.

The Board will discuss this further at their November 23rd meeting.

J. ADA Coordinator

Moved by Roy and seconded by Garron, Board unanimously appointed Michael Schleiff as the ADA Coordinator for the Town of Halifax.

L. 2010 Recycling Fee Abatements

The Board voted at their meeting on October 26th to postpone action to abate Bill #621 on the basis that the property is vacant and has been foreclosed on. The Selectmen's Office was to check with the Water Department and utility company to see if there has been any usage for the past year.

Per Water Department this property does not have town water.

Per National Grid the electric meter is on, however there has been no power usage for over twelve months.

Below is the action that was taken by the Board.

FORCLOSURE

Moved by Garron and seconded by Schleiff, Board unanimously voted not to grant an abatement for Bill #621 on the basis that the current owner is

responsible for the payment of the fee and should make whatever arrangements for partial reimbursement between themselves and the buyer as part of the sales agreement or until such time the Board receives something from the Town Collector to abate the bill.

The Board voted at their meeting on October 26th to postpone action to abate Bill #981, #118, #1761 and #2369 until such time inspections can be done by Tom Millias, the Building Inspector, to clarify as to whether these properties are one or two units.

Below is the action that was taken by the Board.

IN-LAW APARTMENTS

Moved by Garron and seconded by Schleiff, Board unanimously voted to abate \$40 from Bill #981, #118 and #2369 on the basis that the Board has been informed that the in-law apartment was never built or no longer exists and verification from the Building Inspector was submitted stating that the in-law apartment was never built or no longer exists.

Bill #1761 request was withdrawn by the homeowner.

EXECUTIVE SESSION

Moved by Garron and seconded by Roy, Board voted as follows to enter into Executive Session at 9:35 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 Garron and seconded by Schleiff, Board voted as follows to come out of Executive Session at 10:35 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 10:35 p.m.

Kim R. Roy
Clerk
/pjm