

BOARD OF SELECTMEN  
SELECTMEN MEETING  
TUESDAY, DECEMBER 14, 2010 - 7:30 P.M.  
SELECTMEN MEETING ROOM

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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, December 14<sup>th</sup>, was unanimously approved without revision.

**MINUTES**

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

Selectmen Meeting 10-26-10 - Regular Session  
Selectmen Meeting 11-09-10 - Regular Session

Selectmen Meeting 11-23-10 – Executive Session

**ABATEMENTS/BILLS/COMMITMENTS/WARRANTS**

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

Vendor Warrant	#45	\$ 81,152.40
Payroll Warrant	#46	\$ 334,776.08
Vendor Warrant	#47	\$ 528,703.20
Withholding Warrant	#48	\$ 125,082.04

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

Ambulance Commitment	# 11	\$ 34,601.93
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Moved by Roy and seconded by Schleiff, Board unanimously approved payment of the following warrants:

Vendor Warrant	# 49	\$ 48,002.32
Vendor Warrant	# 51	\$ 222.97

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

Mobile Home Park License Fee # 12 \$ 5,160.00

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

Jordan on the Job (Fire Department) .....	\$ 335.00
Land Planning .....	\$ 475.00
(inspection for Earth removal for Turkey Swamp)	
Lycott Environmental, Inc. ....	\$ 7,850.00
(permitting work required for monitoring requirements)	
Atty. Lawrence P. Mayo (services 11/10) .....	\$ 4,487.50
Deutsch William Brooks (services 11/10) .....	\$ 836.34
Gilman & Associates, P.C. (services 11/10) .....	\$ 4,718.82
MEGA Property & Casualty Group, Inc. ....	\$ 5,737.00
(workers' comp. payroll audit for 7/1/08 to 6/30/10)	

The Board acknowledged payment of the Selectmen Office Payroll for the period ending December 4, 2010 in the amount of \$ 5,584.39.

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

<u>TURNOVER</u>	<u>AMOUNT</u>
2011-43	\$ 50.00
2011-44	\$ 50.00
2011-45	\$ 475.00
2011-46	\$ 195.00
2011-47	\$ 70.00
2011-48	\$ 1,250.00
2011-49	\$ 2,450.00
2011-50	\$ 225.00
2011-51	\$ 1,250.00
2011-52	\$ 100.00
2011-53	\$ 275.00
2011-54	\$ 1,250.00
2011-55	\$ 220.00
2011-56	\$ 30.00

**GENERAL MAIL / BUSINESS**

A. Invoice – Town Council – Lawrence Mayo

Invoice from Town Council Lawrence Mayo was received. The amount was a little more than what was anticipated. Seelig mentioned that a number of items came up at once that attributed to the amount. It appears that there was some time spent on “researching” and Seelig suggested he could ask him to cut down detailing in that area. Seelig pointed out that the summer was light and Town Council was not used too much resulting in a little of a savings.

Garron motioned to give permission for Seelig to call Attorney Lawrence Mayo regarding the Town's budget allotted for legal expenses. Motion was seconded by Roy.

B. Housing Rehabilitation Application

Deadline for Housing Rehabilitation applications is Wednesday, December 29<sup>th</sup> at noon. Lottery for Halifax residents slots will take place on Tuesday, January 4<sup>th</sup> at 2:00 p.m. in the Selectmen's Meeting Room.

C. Regional Dispatch

Seelig and one or both Chiefs (Fire & Police) will be attending a regional dispatch meeting scheduled for January 7, 2011.

The Communications Center Committee has asked what the process would be in dissolving the Communication Committee in the event regionalizing the Dispatch Center takes place and Seelig said that since it was a town meeting vote that established it, a similar vote would be needed to dissolve it but that should not occur until and if a regional dispatch system is set up and running.

## SCHEDULED APPOINTMENTS

### **Housing Production Plan**

Members of the Affordable Housing Committee came in this evening to present the Board with a Housing Production Plan for the Town of Halifax in the hopes that the members of the Planning Board and Board of Selectmen will endorse this plan and also to get the ball rolling and get ideas flowing. Speaking on behalf of the Committee was Consultant, Karen Sunnarborg, who came this evening to summarize the benefits of the plan to both Boards.

The Housing Production Plan was created to provide local communities control over affordable housing as well as 40B developments. In order for the town to have this control, a plan that meets the requirements and regulations needs to be in place. Once a plan is approved it can be sent into the state to get certified, meaning that it is inoculated against unwanted comprehensive permit applications for a period of a year.

The Town of Halifax must produce at least ½ percent, which equals 14 units (annual production goal the town would need to meet in order to get the certification), of year round housing stock, as affordable housing. This data was based on the 2000 census data. Once the 2010 census figures are released the figure would probably go up to 15 units. Once the plan is certified developers will present the town with projects for affordable housing and friendly projects that meet the needs of the community.

Sunnerberg wanted the Board aware that once a plan is submitted to the state and approved there are no demerits to a community for not meeting your production goals.

There is a package of strategies, which have been included in the plan, that need to go through normal regulatory channels. The Affordable Housing Committee has come up with reasonable strategies using the resources that the Town of Halifax had to work with.

Strategies were broken down into a number of different categories that reflect the range of local needs. Listed below are the categories with a brief explanation.

*Summary of Demographic and Housing Characteristics and Trends*

- Population and housing growth is starting to slow down
- Age of population – decline in younger age groups and increases in older residents
- Types of households – community of families
- Somewhat higher income levels
- High level of homeownership
- Older single-family homes predominate
- Decrease in persons per unit
- Very low vacancy rate in both homeowner and rental
- Single-family homes sales prices remain high and difficult to find year round rental for less than \$900 per month.
- Few single family homes have been sold for under \$200,000 that would be affordable to low and moderate income households.

*Priority Housing Needs Require a Mix of Housing Choices*

- More subsidized rental housing is necessary to make living in Halifax affordable, particularly for lower wage workers as well as seniors on limited and fixed incomes.
- A wider range of affordable housing options is needed for younger households entering the job market, forming families, municipal employees, empty nesters and seniors.
- Programs needed to support necessary home improvements for units occupied by low and moderate income household.
- Greater emphasis on housing for residents with disabilities that include supportive services and barrier – free improvements.

*Housing Goals and Challenges*

- Meet the needs of diverse population groups and protect attractive neighborhoods, landscapes, and natural resources.
- Accommodate reasonable amount of residential and commercial growth while preserving the town's landscape and rural character and meeting needs for town facilities.
- Range of housing types for more diverse population in more varied traditional neighborhoods.
- Town does not have public sewer system

- System of roads present challenges and many are in poor condition.
- Town's wetlands, flood plains and poor soil constrain development.
- Halifax Zoning By-laws embraces large lot zoning of at least one acre in most areas of town to slow development this constrains the construction of affordable housing that relies on economies of scale, and promotes sprawl.
- Residents typically rely on cars which present an additional cost burden for those with limited income.
- Funding to subsidize affordable housing is limited and extremely competitive.

The biggest component of this plan is the development for the Halifax Housing Authority's Thompson Street project as well as the initial 40B projects that have been presented to the town. Seeing as these projects are somewhat in place these units can be incorporated in the Housing Production Plan.

After the plan is approved by the Planning Board and Board of Selectmen and submitted to the State, it is in effect. Keep in mind that if 40B projects are underway before this plan is submitted they cannot be counted as being part of the production goals.

Millias added that the purpose of this plan is to have more involvement as well as control on 40B housing coming into town and that there isn't a downside if we can't meet the goals but if one is not in place then we are at everybody's mercy.

Garron asked the Planning Board if there are any 40B projects that have been submitted because he wanted to know if we were under any pressure to get the plan approved and submitted. It was stated that Blackledge Farm has been withdrawn and Elm Street has been changed to a subdivision with straight out houses and as for the Thompson Street project, the grant was not awarded to the Housing Authority but they will re-apply when it comes back around. Again as stated by the consultant, if a plan is in place the town will have more control over 40B's and that there is no down side but can only help us and the sooner approved the better. If a 40B is appealed at the State level and the town has a plan in place you are in a much better position for negotiating. Millias added that we were under a lot of pressure with Blackledge Farm but were able to negotiate because we weren't under the gun.

Another idea that was brought up was setting up a Municipal Housing Trust, which is established through a warrant at Town Meeting, with the members of the trust appointed by the Board of Selectmen. One of the Board members would oversee the trust (based on the same lines as the trust the town has for Youth and Recreation Gift Fund). The monies in the trust allow the town to build more affordable housing.

Ed Whitney, member of The Planning Board, asked if the plan was approved is there a cost to the town and it was said no there isn't. Whitney was also

concerned that someone could vote to put the money in the Trust Fund resulting in the increase of taxes. Seelig clarified that the only way that taxes would go up would be if voted at Town Meeting. Garron added he has no intention to do harm to the town that would cause financial burden to the tax payers.

In the discussion it was mentioned that once in a while the town has the option to purchase land and Whitney said that if you were to do that it could be pricey and there could be legal cost associated in doing that.

Whitney said that if this plan was approved by Planning Board and Board of Selectmen, a lot of folks will listen to what has been approved and he felt that it lends people down a path. He also thought that we should take a look at it a little better because he felt it may lead to higher taxes or add more people to the payroll in the Town who may have administer the trust. Elaine Dolan added that there is a trust in Marshfield and is comprised of volunteers therefore no money is spent on administration in that town. Seelig asked Whitney to give examples as to how the townspeople would be paying higher taxes and he went on to say that trust fund was voted at town meeting then money would need to come somewhere.

Garron added that this plan is going to help put in place the project on Thompson Street and allow them to possibly receive a grant to help fund it. Garron said over the last 10 years 40B's have been presented to the town and that we need to proactive and cover ourselves and the goal is to get an accepted plan so that we can move forward.

Seelig said that there is no disadvantage to having a plan and just because you have a housing production plan in place does not mean you have to use it. It puts the town ahead of the game and in a better bargaining position with a developer. This plan would need to go before Town Meeting and if some are against affordable housing here in town they have a right to voice that and vote against it.

Schleiff noted that in-laws were not specific in the plan presented but if they can be added to the list it would help us met our requirement. It was said that State has requirements that need to be put in place that the town would have to adhere to for in-laws and Millias said the difficulty with an in-law is confirming that it is a in-law or a apartment. Seelig said that you can change the by-law with a restriction to change in-laws to rental although it is entirely up to the property owner as to whether they want to do that or not. In doing that the town has just created affordable housing.

Rick Greeley asked when did these laws originate and it was stated around 1968 or 1969 and he went on to say that the town has gone thirty one years without a 40B approval. Dolan said the reason being is because the regulations have changed and Garron added that 40B projects had not come before us except within the last ten years and for twenty one years he does not recall ever getting pressured. Greeley added that is does not seem like we are being pressured and the reason for that is because no projects have been on the books.

Garron said we are trying to be proactive because there have been proposal where a developer wanted to build on swamp land and there was nothing in the zoning by laws stating that they couldn't develop in those areas. If we have something in place then we have more control over what is built with the State backing the town up and any plan is better than none at all. Seeing as this plan is flexible if in the future the committee wants to change or amend some part of it they can.

Greely said that if this plan is approved and submitted then this will guarantee that the town will have a 40B/affordable housing. This is not necessarily true; at this time we do have some affordable housing here in town but can't count it.

Whitney said that Planning will be discussing this plan at their next meeting on January 6<sup>th</sup>.

Garron said after the Planning Board has reviewed the plan he would like to sit down and go over it in detail with them. Schleiff suggested that ZBA also get a copy and look it to comment on it. Seeing as the Board of Selectmen will not meet between the holidays the Planning Board was asked to come back at the Board's next meeting on January 11<sup>th</sup>.

#### **Planning Board & Master Plan Committee – Master Plan**

In July 2008 the Halifax Master Plan Committee was appointed by the Selectmen to review the 2002 Town of Halifax Master Plan. This plan was conducted by the Old Colony Planning Council and completed in conjunction with the Halifax Planning Board. Data used to implement this plan was taken from the census that were done in the late 1990's, the last town report and input from the other Boards and Committees but new data from the current census also should be used to contribute to the plan. Many improvements have been made and the Master Plan Committee feels that the town is moving slowly and in the right direction.

Schleiff asked what needs to be done to carry out this plan to bring it up to date. Because the town is growing and statistics have changed, a suggestion was made to hire a Town Planner (part time or maybe share with another town) for a short time to help the Planning and Zoning Board with the changes and different aspects on the plan. It is not required to have a Town Planner in order to activate the plan but only a suggestion.

Schleiff had asked if the Planning Board has taken a look at it and Whitney said yes but no votes have been taken. Garron added that the Planning Board should look at it, make any changes, then present to the Board of Selectmen. Dolan hopes that will be done because of all the work put into gathering the information and it taking two years to pull it together.

Whitney said that implications are difficult and basic changes in the plan would be by-law changes but the problem is that if you try and change one area and by-laws get changed and it might affect another area. The Planning Board needs to spend more time on it and Whitney does not know if it will be presented this May. Garron asked the Planning Board to notify the Board of Selectmen when they are done reviewing the Master Plan.

**Class II Application – Eric Lund / Lund Collision**

Eric Lund of Lund collision has come before the board in the past inquiring about a class II license. At that time he was unsure of how many cars he wanted to apply for a completed application needed to be submitted. At this time a complete application as well as all necessary papers has been presented.

Lund is requesteing a five (5) car lot license and gave a diagram where customers, employees and collision cars will be kept.

Garron stated that he is an upstanding citizen and has no problem with granting him a Class II license. Schleiff mentioned that the hurdle will be Zoning Board of Appeals, which he was unaware he needed to go before that Board.

Moved by Roy and seconded by Schleiff, Board unanimously approved a Class II License to Lund collision on property located at 940 Plymouth Street for no more than five (5) unregistered, uninspected, or unplatd vehicles on premises with the stipulation that the property be kept clear of debris and in good condition. License will not be released until Zoning Board of Appeals has approved.

**Pole Hearing – Sixth Avenue**

Moved by Garron and seconded by Roy, Board unanimously approved to have two (2) new poles (#3141/1 & #3141/2) on Sixth Avenue with the stipulation that Highway and Water Department be notified when work is being done.

**Cemetery Fees**

Moved by Garron and seconded by Roy, Board unanimously voted to amend the following cemetery fees:

Saturday Full Burial Grave Opening	From:	To:
	\$850.00	\$900.00
Saturday Cremation Grave opening	From:	To:
	\$350.00	\$300.00

**GENERAL MAIL / BUSINESS (CONTINUED)**

**D. Sidewalk Cut – Bay State Gas / 566 Monponsett Sreet**

Moved by Garron and seconded by Roy, Board unanimously approved Permit 2011-28 issued to Bay State Gas for a 3’ x 3’ sidewalk cut to install a new gas service at 566 Monponsett Street.

**E. License Renewals**

Moved by Garron and seconded by Schleiff, Board unanimously approved all Weekday Public Entertainment license renewals.



Moved by Garron and seconded by Schleiff, Board unanimously approved all Sunday Public Entertainment license renewals.

Moved by Garron and seconded by Roy, Board unanimously approved all Common Victualler license renewals.

Seelig has recommended that the Board approve but not to release the Class II license to Davis Automotive until number of vehicle (including boats) is a seventy-five or fewer.

Seelig also recommended that the Board approve but not release the Class II license to Auto Wholesale Company. Auto Wholesale Company has a “zero” license and at this time there is a one plated, uninspected vehicle on the property. The stipulation on the license allows none at all. Again Seelig has recommended that the Board approve the license but not release it until the vehicle is moved.

Moved by Garron and seconded by Roy, Board unanimously voted to approve Class II licenses for Davis Automotive and Class II Auto Wholesale Company but not release either one of them until the above conditions are met.

Moved by Garron and seconded by Schleiff, Board unanimously approved the remaining Class I, II and III licenses renewals.

Moved by Garron and seconded by Schleiff, Board unanimously approved all Automatic Amusement License renewals.

Move by Roy and seconded by Schleiff, Board unanimously approved extended New Years Eve hours (to remain open until 2:00 a.m.) for Hawaii Garden Restaurant and All Seasons Restaurant and Sports Lounge.

All inspections have been done by the Selectmen for Alcoholic Beverage holders. Roy wanted to note that the doors were not locked properly to the liquor at All Season Restaurant and Lounge but was told it will be taken care of right away. Garron, not knowing that Roy had already done an inspection, did an inspection at All Season Restaurant and Lounge and said that everything was fine.

Moved by Garron and seconded by Roy, Board unanimously approved all Alcoholic Beverage license renewals.

NOTE: list attached hereto and made an official part of these minutes

#### F. Small Solid Waste Facilities

The State is contemplating transferring responsibility for the permitting of small facilities (less than 50 tons per day) to the municipalities and is asking

for comments. The Board of Health as well as Seelig is leaning against this action given the complexities in the issues for any permit plus the lack of resources available to small municipalities. Seelig has asked the Board if they would like to state its views on the matter and recommends that a letter be sent to the State. Garron agrees with the Board of Health that the town does not have the capability to handle this.

Moved by Roy and seconded by Schleiff, Board voted to have Seelig send a letter to the State.

G. Long Distance Relay Race

13th Relay is planning a relay race from Easton to Provincetown on May 6<sup>th</sup> and 7<sup>th</sup>. Seelig has received an okay from the Fire Chief and is waiting to hear from the Police Chief. The Board was asked if they would like to meet with the race organizers on January 11<sup>th</sup> or take some other action. The Board agreed to postpone this until they hear back from Chief Manoogian.

H. Water Withdrawal Permit

White Dog Cranberry, located off of Palmer Mill Road, has asked MEPA for approval of a water withdrawal permit for 350,000 gallons of water per day although some reports indicate that the maximum may be more than that. There is going to be a consultation session on Wednesday, December 15th at 10:30 a.m. at the White Dog Cranberries site. The Conservation Commission and the Water Department have been notified and Seelig expects that they will be attending the hearing. Garron mentioned that they would be using water that would taken away from the residents of the town not to mention that when they pull water from the pond to put back into the ponds there are pesticides that are polluting them. Schleiff would go under the recommendation from Conservation and Water Department and Garron also agreed to wait for their input.

I. Resignation – Jill Stanton / Halifax Cultural Council

Moved by Garron and seconded by Roy, Board unanimously accepted, with regret, the resignation of Jill Stanton from the Halifax Cultural Council.

A thank you letter will be sent thanking her for serving on the Council.

J. Ambulance Abatements

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

November 2010 FOR \$ 10,304.99

K. Street Acceptance – Lamppost Drive

Michael Peterson, the developer for Lamppost Drive, has asked that the Board re-visit the subject of the acceptance of this street. In a letter that he has sent he has mentioned that improvements have been made to drainage problems that surfaced in March 2010 and feels that they should be satisfactory to the Town. Peterson would like to ask that the Board waive the normal November 1<sup>st</sup> deadline for requests for acceptance (which the Board has done before). Listed below are a few suggestions that the Board could do:

- decide to meet with him on January 11<sup>th</sup> .
- decide to waive the November 1<sup>st</sup> deadline and hold a hearing on January 11<sup>th</sup> (this would be the first of two; first hearing is informal and the second one is formal).
- decide not to waive the November 1<sup>st</sup> submission deadline and tell him that he will have to wait until the Town Meeting in May 2012.

Garron suggested waiting on making a decision until the Board hears back from the Highway Surveyor with his recommendation.

L. Next Scheduled Meeting – December 28, 2010

Moved by Schleiff and seconded by Roy, Board unanimously voted not to meet on December 28, 2010 and the next Board of Selectmen’s meeting will be January 11, 2011.

**EXECUTIVE SESSION**

Moved by Garron and seconded by Schleiff, Board voted as follows to enter into Executive Session at 9:45 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.

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Moved by Roy and seconded by Garron, Board voted as follows to come out of Executive Session at 10:25 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 10:25 p.m.

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Kim R. Roy  
Clerk  
/pjm