

HALIFAX BOARD OF SELECTMEN
SELECTMEN MEETING
TUESDAY, FEBRUARY 24, 2009 – 7:15 P.M.
SELECTMEN MEETING ROOM

Meeting came to order at 7:15 p.m. with Selectmen John H. Bruno II, Margaret T. Fitzgerald and Troy E. Garron present.

The following business was discussed:

DOG HEARING - WOODBURY/EIGHTH AVENUE (CONTINUED)

The Board continued the hearing from February 10th to address a complaint that a ten year old Lab/Pit Bull Cross named “Quincy” owned by Melissa Woodbury and housed at 35 Eighth Avenue bit an individual while in Plymouth on January 6, 2009.

Present for the hearing were Animal Control Officer Denise Horton and dog owner Melissa Woodbury.

Fitzgerald read Horton’s February 15th home visit report (attached hereto as Exhibit C and made an official part of these Minutes).

Fitzgerald asked Woodbury if she had anything to add. Woodbury responded:

I don’t think there is any new information. That seems to sum up the visit. My dog was met. There is nothing new to add to what I stated at the last meeting.

Bruno asked Horton if there was anything else she can tell the Board about the dog. It sounded to him like the dog was a jittery dog but otherwise all right. Horton responded:

Yea. It seemed all right. Melissa can control him. He seemed friendly. Her father came in, and he was all over her father. He just met her father about a month ago. He was fine, he was friendly, he was wagging his tail. He was apprehensive with me being a stranger. I did try calling her a few other times. I wanted her to bring the dog to the police station. I wanted to get him out of that environment so he wouldn’t feel so threatened but she never returned the call.

Bruno asked:

What is your recommendation here. That it be restrained, it be kept on a leash and it be muzzled if it is outside the house. Is that your recommendation?

Horton replied it was.

Town Administrator Charles Seelig asked if the dog was now licensed. Woodbury said she went this morning and got him licensed today. Seelig asked if he was now vaccinated. Woodbury said he was.

Following are questioned asked by Fitzgerald (in italics); Woodbury's response immediately follows:

I was not at the last meeting but I remember reading that, when the Animal Control Officer or the Animal Inspector went to the house the first time, your father brought the dog down and it took some time and your father said we couldn't bring him down until we got the cats out of the way. Is that a suggestion that the dog will attack the cats?

He is not use to living with cats. The cats are very interested in him. I think it is the whole cat and dog situation.

If he attacked a horse and injured the horse and he attacked a man and injured the man, maybe he is a dog that will attack whatever moves or whatever he doesn't like or anyone who invades his space.

The incident with the horse was 100% poor judgment call on my part. He had not been raised around horses and was not use to the animals. Been my dog for nine years. Was very defensive of me. I work on the horse farm and had begun taking him with me to work. Running loose on seventeen acres, playing with small children and adults alike. When I decided to introduce him to horseback riding, he was a little concerned. He did not understand what was happening. When I had gotten off the horse and I went to remount, he lunged at the horse - actually got him with his front teeth - and the horse pulled back and that tore the skin. It was not a vicious mauling; it wasn't unprovoked. He thought he was defending me. Once again, it was a poor judgment call on my part to put him in that situation when he didn't understand.

I am always very concerned about a dog that bites. We have had horses, we've had cats, we've had dogs - many of them. And regardless of what the kids in the neighborhood or my kids were doing with the horses, or the dogs, or the cats, no dog ever bit. If a dog bites once, a dog to a certain extent is inclined to bite - in my opinion. This is my view of the animals. I am very concerned if you are around a kid and a kid wants to hug you or something

else that dog is liable to go for the kid. That really really bothers me. I really don't like to give a biting dog a chance to do much further damage.

I had him on the farm with me at work. We hosted a summer camp for Girl Scouts for a few weeks over the summer. My dog was at those camps. He was loose. He was in the midst of the little Girl Scouts running around. Running to greet them every morning and I had no problems, no inkling, no hint of aggression.

Then why did he bite this man?

The nearest I can figure from putting the pieces together. I had my dog shut in the tack room where we keep all our equipment while I was putting away a piece of machinery. The man in question was not sure where he was suppose to go, and he opened the door to the room. The nearest I can figure (is) my dog felt he was defending his territory which isn't something that he had done prior. The only witness to the event was my dog and the man who was bitten so it is really hard to tell.

There was evidence the dog did bite him.

I don't question that. I trust the man's word when he said that happened. I don't expect him to have come in and suddenly make up a story.

Fitzgerald said that, when it comes to a conflict between an animal and a person, she generally sides with the person. She was not here at the beginning of the hearing (last week). She reviewed all the minutes which were taken, noting they were taken verbatim. She reiterated she was very leery of a biting dog. At this point she asked if anyone had questions or comments

Garron stated the following:

I heard what Denise said. I feel somewhat the way you do, Peg, on a biting dog. I said that last meeting. Some dogs are always fighting animals or biting people. This dog wants to do both. That (not only) puts other dogs and animals in danger but people too. I think I would feel better if the individual who was bitten came in and testified as to how they felt toward the dog. We don't have anybody else here to testify to Denise's recommendation to muzzle the dog when out of the house. I really don't like making mistakes with animals. My recommendation is that we continue with the recommendation of the Animal Inspector that the dog be muzzled when it leaves the house on a leash and not be allowed to run loose at any time outside the house.

Fitzgerald asked if that was his motion. Garron said it was. Fitzgerald said:

The motion is the dog will be leashed at all times or on a run while outside, will be muzzled while outside and, if people come to the house, there will be a lead on the dog. Is there anything about the dog in the house?

Garron stated:

I feel very uncomfortable telling anyone what to do inside their house. The first time she realizes the dog is not friendly to strangers I would hope she would take precautions because if there is another incident she will be back before us.

In response to a question from Fitzgerald, Garron said part of his motion is that he finds the dog vicious and a nuisance and has to be restrained.

Bruno seconded the motion but asked the following questions (in italics); Woodbury's responses immediately follow:

How are you going to prevent someone from opening the door to your house and the dog just running out?

During the day when I am not home, the dog is actually in my bedroom because we do have two cats. Cats and dogs - I am not going to try to justify that. He is shut in the room. So, someone opening the door to the house, the dog is behind a second shut door. No one has any reason to go into my room. The chances of him getting out unless he learns to open doors and windows and jumps are slim. I am not going to say it is impossible because nothing is impossible - highly improbable.

It might happen and it does happen many times. Someone before you had someone open a door and the dogs got out. This dog seems jittery once it is loose. I am concerned about that.

The only people who have access to the second story of the house are my immediate family who are comfortable and know the dog. They know to stay out of my private space. Anyone else would be there by personal invitation. It is not a common area of the house. Not only is there the door to the house that someone could accidentally open but my bedroom door; they would have to open both doors. He is a very rambunctious dog; he has a lot of energy; he is not the type of dog that would just lie down and curl up in a corner. When my sister or my father or my brother were to come into the house, he would be going over and saying hello.

Fitzgerald asked the following questions (in italics); Woodbury's responses immediately follow:

Suppose you had your brother or sister or niece or nephew come into the house that had someone with them that the dog had never seen before and the other kids acted strangely or something. The dog is liable to attack. You said nothing is impossible. I almost want a guarantee.

Well nothing is impossible. Anything with teeth can bite. I myself have been bitten and banged around and crushed multiple times in my job.

By horses?

Yes. And dogs unfortunately.

We have had horses and dogs and they would not last very long if they did that to a person.

I have worked at breeding farms. I have worked with stallions and troubled horses and young horses. They bite, they kick and they throw temper tantrums. I have scars and medical records from my job.

Do you recommend having animals like that around?

It is what I do. Maybe I look at it differently because I work with animals and I understand their quirks and foibles and take that into consideration and handle them accordingly. If I recommended that every animal that did harm be destroyed, I would not be long in my business and there would be a lot of dead animals.

Before the Board voted on the motion, Selectmen Assistant Beverly Smith asked if the dog is to be restrained whether on or off the property and whether or not the Board is allowing the dog off the property. She noted that, at the last meeting, there was a question on whether the dog should be allowed off the property only to go to and from the vet and her question on the motion is if the dog is to be restrained whether on or off the property

Fitzgerald amended the motion that the dog is to be restrained when outside whether on or off the property, is to be muzzled when outside with a person in attendance at all times and not allowed to be on a run. She said she did not trust the dog and felt Woodbury will be back.

Woodbury said she was willing to take that responsibility. She felt they were fluke accidents and shame on her if they do occur again.

Fitzgerald said it has been her practice while on the Board to put down dogs that bite people. After hearing everything about this dog, she would be inclined to put

this dog down because, when it comes to the safety of people and the safety of animals, she sides with people. She noted that Woodbury lives in a fairly busy highly populated area. She felt Woodbury was taking a lot on her shoulders asking that the dog be spared and that Woodbury should be very concerned about the safety of the people the dog comes in contact with.

Moved by Fitzgerald and seconded by Garron, Board unanimously (a) found the ten year old Lab/Pit Bull cross dog named Quincy owned by Melissa Woodbury and housed at 35 Eighth Avenue a nuisance by reason of vicious disposition in biting an individual and an animal on another occasion and (b) ordered that the dog be leashed, muzzled and supervised by an adult at all times whenever outside whether on or off your property.

AGENDA

The Agenda for Tuesday, February 24th, was unanimously approved without revision.

ABATEMENTS/ COMMITMENTS/ BILLS/WARRANT/TURNOVERS

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

Payroll Warrant	#67	\$308,486.33
Vendor Warrant	#68	\$ 29,054.84

Moved by Garron and seconded by Bruno, Board unanimously approved payment of the following warrants:

Withholding Warrant	#69	\$111,582.05
Vendor Warrant	#70	\$ 93,095.50

Moved by Garron and seconded by Bruno, Board unanimously approved payment of the following Selectmen bills:

ARS Services (flood/clean-up at police station)	\$ 4,002.08
National Grid (Town Hall/Feb)	\$ 554.98
Rockland Cement Block and Flag Company (flags)	\$ 224.64
Malloy, Lynch, Bienvenue (Fiscal 2008 audit)	\$ 6,000.00
AMR (ALS Services/Jan)	\$ 300.00
Deutsch Williams Brooks (legal services/Jan)	\$ 2,500.97
Cushman Insurance (various insurance policies)	\$61,978.00
James P. Lynch (research and consulting services)	\$ 5,000.00

Moved by Garron and seconded by Bruno, Board unanimously acknowledged payment of the Selectmen Office Payroll for the period ending February 14, 2009 in the amount of \$6,031.93

FINANCIAL UPDATE

Finance Committee Chairman Kim Roy came into the meeting to provide the Board with an update on the Town's finances and budget outlook for Fiscal 2010. While it is estimated Halifax will receive \$320,000 less in State aid, there is a savings of about \$300,000 in the elementary school special education which offsets the loss in State aid. In addition, at the request of Kingston and Plympton, Silver Lakes made substantial cuts which result in a decrease in Halifax's assessment by \$310,000. Roy felt services could be provided as in the past if only those capital projects that are absolutely needed are funded. The Committee is watching the revenues carefully. Roy will be attending a regional finance meeting on Thursday at which the latest figures from the State should be available.

Roy said that 2011 will probably be worse than 2010 and that some services may be reduced. She felt the Town needed to develop a three-year plan incorporating revenue projections and reserves. She pointed out that the Town usually does not use reserves to balance the budget, and she would not want to see a change in that philosophy.

Fitzgerald said she has been to a number of the Finance Committee meetings and has been impressed with their deliberations. One of the reasons Halifax has a good free cash figure is because departments were conservative and turned money back to general revenue at the end of the year. It appears the same will be true for this fiscal year as well. Fitzgerald had met with the Wage and Personnel Board and felt they are taking every request into consideration, treating departments fairly and doing an excellent job.

Roy agreed the Town is in the position it is because the department heads and employees have tried hard to keep expenses down. Services will not be cut this year but may have to be in 2011. Fitzgerald pointed out that the Halifax Finance Committee has built a good relationship with the schools and have an agreement that special education students will be funded outside of the regular day budget and, if a special education student leaves a town, that money will be turned back to that town and not spent somewhere else in the school. Roy said that is what happened this year - the school turned the money back to Halifax. They did not have to do that but, by doing so, helped to balance Halifax's budget. Fitzgerald noted that Halifax could have met level service budgets for Silver Lake but Kingston and Plympton could not and everyone agreed to have a level funded budget.

Bruno asked Roy why she thought next year will be worse. Roy said because the State is already saying that State Aid will be less next year. Also, there will be a substantial increase in the Town's retirement assessment. Fitzgerald said that, according to the Tax Collector, payments are slowing. The Town is working with homeowners to work out payment arrangements. The first six months of the year shows decreases in receipts versus the previous year, and this is the money that would be used for free cash in 2011.

MASTER PLAN STUDY COMMITTEE

Master Plan Study Committee members Keith Hopkins and Dennis Carmen provided an overview of the Committee's activity to date.

The Committee has been meeting twice a month since the summer reviewing the two versions of the Master Plan - the first completed in 1964 and the 1992 version which was slow in being finalized and now out of date. The Committee talked with the Planning Board to get their input and will be working with other boards. They will be going to various departments, boards and committees and asking them to look at the relevant parts of the plan, asking if the goals were met or what was needed to meet those goals and what (if any) additional goals should be added. Each member has been assigned specific departments to ascertain this information. In addition public meetings will be held to solicit public comment. The Committee would like to reduce the plan into a more concise report to make it more readable and accessible. They hoped to have a draft plan by the fall and a final Master Plan for town meeting in 2010.

Carmen said there are advantages to having a Master Plan which allows the Town to think about how it should develop and grow in a thoughtful way. It is also a necessary tool in applying for certain grants, etc. Despite financial constraints, the one resource the Town has is its human capital through its many volunteers.

Fitzgerald stated one of the most important components is to develop an affordable housing plan so that the Town can have more control of its destiny. Although the Town has substantial affordable housing, the State does not recognize it as part of the quota because it is not subsidized. The Town is being penalized, and one of the reasons is it has no Master Plan.

Hopkins understood there are some limited funds available to the Committee. Carmen believed this money was owed to Old Colony Planning Council. Seelig will find out the status of the funds. The Committee is looking for funding to type the Plan in a format that can be available electronically and can be edited. A placeholder will be put on the town meeting warrant. The Committee believed it would cost between \$3,000 to \$5,000 and will confirm the actual dollar amount.

MONPONSETT POND MANAGEMENT / LYCOTT ENVIRONMENTAL

The Board met with Lee Lyman of Lycott Environmental. Also present was Brian Creedon (Water Systems Manager for the City of Brockton) and a number of interested residents.

Lyman stated the brook outlet has been cleaned out and the study is completed on the quality of the water going into the west lake basin and in the basin itself. The water is loaded with phosphorous which fosters algae booms. Fortunately, there has not been a toxic boom which can kill fish, make animals sick and can even kill people. Lycott had sent the Board its recommendations on options to manage the situation, both short term and long term.

Lyman said there are two ways to manage algae: One is copper sulfate which is an inexpensive way to manage algae but does not solve the phosphorous problem. Exposing the cells of algae to copper sulfate hopefully dissipates it; however, it does not last and the algae grows back in two or three weeks. While it may kill the algae, there is so much there you would not notice the difference and the algae would be back in two to three weeks. This treatment would not solve the long term problem because it would not tie up the food supply.

Alum will take away the food the algae is living on. There is so much phosphorous in the basin it will take several treatments over a number of years before seeing a significant difference. There is still a lot of phosphorous coming in from the tributaries and there are not too many solutions to that except for a very expensive one which is to design injector feeders that treat the water as it comes in. This system costs hundreds of thousands of dollars.

Fitzgerald stated the Town received a settlement in an MTBE suit which has been put aside in a special fund to preserve the lakes. If there is something that can be done that will make a significant difference, the Board was in support of exploring those options. Fitzgerald noted that the beaches were closed last summer because of the algae bloom. She said the lakes are one of Halifax's greatest assets; they are our water supply and are a cultural and recreational attraction.

Lyman said the Town can take a step forward by doing one alum treatment this year. The water will have less algae and be visibly clearer for several weeks. Because there is so much phosphorous, it will not last all summer and the algae will come back. The cost of the treatment is \$30-40,000. Two treatments a year for a number of years would be needed. He stated that the normal concentration of phosphorous is 25 and 30 parts per billion. In the west lake the count is 345 parts per billion. One alum treatment may cut this in half.

The alum ties up the phosphorous so it cannot be released and settles it to the bottom. Studies show a significant part of the problem is from sediments that resurface in the summer because of higher temperatures and lower oxygen in the

water. The alum will help solve the problem of it resurfacing. However, if the phosphorous continues coming in, the problem will remain unresolved.

Fitzgerald asked if the town could suggest anything to the bog owners to help them keep phosphorous from coming into the lake. Lyman said the EPA is not involved in cranberry bogs but is involved in drinking water. One of the first things to check is whether the Town's municipal water supply is putting phosphorous compounds in the drinking water. They have been told by the federal EPA to do that to sequester lead and copper in the pipes. In other studies we have found high phosphorous in the watershed because they are putting in 1500 to 2000 parts per billion of phosphorous compounds in the drinking water to sequester leaching. If you wash your car in the driveway or water your lawn with municipal water, where does it go? This is not a health problem but a nutrient problem.

Lyman said the other problem is cranberry growers. The Cranberry Grower Association has the cranberry experimental station doing research to reduce the amounts of phosphorous. Right now, they average about 25 pounds per acre per year which is a tremendous amount. A lot are using twice that amount. They are working with growers to cut back. It is not surprising Halifax has a problem. Lyman did not know how many of the bogs in the area are active and being treated.

Lyman said the downside of using alum is that you have to be careful of the ph level. Too much alum could kill the fish. Before proceeding with developing a plan on how much and how often alum should be used, Lycott would take samples in the spring to the lab and dose them with different levels of alum to determine the proper level. They would then do testing in the field as the alum is applied. The fish are affected by ph level. Other than fish, it will not harm other plant or animal life. It is not considered a pesticide or algaecide. In fact it is used in drinking water and considered very safe. Lyman believed the Town would have to go through the Conservation Commission for the project.

Creedon stated that Brockton uses alum to treat its drinking water. However, it does not go into the lake but into their sludge. He asked to meet with Lyman and a member of the board to discuss the scientific data. He stated alum is a coagulant. It is aluminum which, unlike other metals, has a positive 3 and grabs 3 other negatives and pulls them down, phosphate being one of them. He wanted to have an opportunity to look at the research and scientific information before the Town went forward with the treatment. Lyman suggested Creedon start with the generic environmental impact report which contains a section on using alum and treating aquatics. The report is available through the Conservation Commission. Lyman has information on lakes that have been treated. Creedon will look at the information. Fitzgerald suggested Brockton partner with Halifax in sharing the expense, noting that Brockton uses the lakes for its drinking water supply.

A number of interested residents were present; following is synopsis of that discussion:

- Keith McGilven of Ridge Road asked the source of the phosphorous. Lyman said the primary source is the bog; however, the wetlands are now saturated and releasing it into the lakes as well. McGilven said the topography between the east and west lakes is not much different but there is a significant difference in the way they look.
- Maryanne Moore of White Island Road said algae developed on the East Lake this summer and the Health Agent came out and took samples. Lyman was not aware of that and will look into it.
- Jared Weckas of Ocean Avenue said he built a home on the lake and had to sign papers stating he would not fertilize his lawn and yet the bog owners are pumping and putting fertilizer onto the bogs which then flows into the lakes. Fitzgerald said the Town has approached them to see if they will share in the solution. Weckas asked if Hanson is helping with funding. Fitzgerald said Hanson is not provided funding but pointed out there are a number of Hanson residents who have been concerned and wanted to take care of the lakes. She noted Halifax had looked into charging a fee for use of the lakes but found it was not economically feasible.
- David Chamberlain of Plymouth Street asked if the problem of phosphorous was in the water or the sediment. Lyman said it is both as well as in the wetlands. The phosphorous used in the cranberry bogs built up in the sediment and in the wetlands which are now saturated and flowing into the western basin. Fitzgerald stated the water went down Snake River. Brockton has dammed the lake and treats it like a reservoir which stops the flow and causes the sediment to settle to the bottom. When Brockton diverts, they cause the water to flow in the opposite direction of the natural flow. Garron noted that, when he was in charge of the Y camp in 1966, the channel was about sixteen feet deep. Because of the build up of sediment, the channel is now eight feet deep. Creedon said there is a build up of sediment - some from agricultural, some from homeowners and some because of the dam.

As far as cleaning up the watershed, Lyman felt that would be impossible. If phosphorous is put in soil that is not saturated, it will be absorbed by the soil; but, once the soil is saturated, it will flow over the soil.

The water can be treated to get the phosphorous out of the water. Two alum treatments a year for several years has been successful. The first step is to approach the Conservation Commission for an Order of Conditions. Lyman will give the Board a proposal. Seelig will put a placeholder on the Annual Town Meeting Warrant for treatment. He will file for a Notice of Intent, noting the

Town and will most likely have to deal with endangered species. He will see what is in the budget to get this work done before town meeting. With regard to the East Lake, Seelig will check with the Health Agent regarding the algae bloom last summer on the east lake. Lyman noted the weed eradication treatment Lycott did in the eastern basin has lasted four years. There is still a little Milfoil at the north end, and Lyman will provide the Board with an estimate to treat that. He estimated about \$4,000.

U. S. FLAG ETIQUETTE / DAVID WALMSLEY

David Walmsley, past VFW Post Commander brought to the Board's attention when the flag should be displayed and when it should be at half staff. He provided a list of the days and pointed out there are only four days on which the flag should fly at half staff:

Memorial Day (until noon)	First Monday in May
Peace Officers Memorial Day	May 15
Patriot Day	September 11
Pearl Harbor Remembrance Day	December 7

The flag should not be flown at half staff to commemorate the death of a town employee or town officials die.

Moved by Fitzgerald and seconded by Garron, Board unanimously voted to send the list to those departments that have control of the flags at the various town buildings.

LONG TERM TRAILER PERMIT - HATCH/HOLMES STREET

At 9:00 P.M., the Board convened a public hearing to consider an application by David and Gail Hatch for the renewal of a long-term trailer permit for residential use on property located at 435 Holmes Street. The hearing was duly advertised and abutters notified. Present for the hearing were Gail Hatch and abutter David McCarthy.

Hatch informed the Board that, since the last meeting, both she and her husband have been hospitalized and have not been able to complete the work necessary to allow them to move into the home being built on the site.

Abutter David McCarthy of 415 Holmes Street asked why the project is taking so long, pointing out that extensions have been granted for the trailer over a number of years and he was concerned it would be grandfathered. Fitzgerald stated that the Hatches have had serious financial and health problems. At the last hearing in which a ninety day extension was granted, they could not assure the Board the project would be completed by the deadline, and the Board asked them to do what they could. Fitzgerald said the Board also did not want to see a permanent trailer

on the site. The Board was concerned with setting a precedent but felt the situation and circumstances involved were severe and unique

Bruno pointed out that was the purpose of the by-law - to require they are given a specific time line and they must come back before the Selectmen for an extension. He noted this has been an unusual case and cannot dispute the fact it has been protracted over a long period of time. The property is large and the trailer is behind the house shielded from neighbors' views. He did not disbelieve the Hatches and felt they were being candid about their situation and that they were making an earnest effort to get it done. He felt the intention of the Town's regulation was not to create but alleviate hardship. He believed the Hatches would prefer to be living in their home rather than a trailer and were making progress toward that end. If he had any indication the situation was otherwise or the trailer was an eyesore to the neighborhood, he would have a different viewpoint. However, that was not the case.

Garron agreed with Bruno but felt the Board should have something from the Building Inspector indicating what must be done in order for the Hatches to get an occupancy permit and the Hatches should concentrate on getting those items done. The Board agreed with Garron and will request the Building Inspector inspect the property and provide the list to the Selectmen and the Hatches of what has to be done to issue an occupancy permit.

Moved by Bruno and seconded by Garron, Board unanimously approved a sixth renewal of Building Permit #03-15 for a temporary trailer to be used for residential purposes on property located at 435 Holmes Street. This renewal is granted for a period of six (6) months, beginning on February 24, 2009 and expiring on August 24, 2009. The trailer must remain in the exact location on the property as delineated in the schematic provided during the initial hearing for a long-term permit.

GENERAL MAIL/BUSINESS

A. Police Officer Transfer

Moved by Garron and seconded by Bruno, Board unanimously affirmed its approval for the transfer of Police Officer James Keegan III to the Plymouth Police Department and authorization for the Chairman to sign the transfer documents.

B. Town Hall Heating System

The Board acknowledged notification from the Municipal and School Building Committee that the thermostats in the Town Hall building have been locked in attempt to conserve energy. Fitzgerald informed the Board she has received complaints from various Town Hall Departments because the

temperature is not consistent. She noted the problem is more a result of the age of the system and an article is on the town meeting warrant to update the system. Fitzgerald will talk with the Committee and asked them to unlock the thermostats at this time.

C. Retirement Formula - Dispatchers

Seelig informed the Board the Dispatchers may be putting a petition article on the town meeting warrant to move them to Group II which gives them better retirement benefits. Garron thought this issue would be under the jurisdiction of the Plymouth County Retirement Board and not an individual town. Fitzgerald instructed Seelig to contact the Retirement Board to determine the process and to then inform the Dispatchers.

D. Financial Interest Disclosure - Keith Badore

Selectmen noted that Water Department employee Keith Badore also snowplows for the Town. Now that his father is the Highway Surveyor, the Board must approve and sign the Disclosure of Financial Interest by Municipal Employee form in order for him to continue to be able to plow during the winter months. Garron had reservations about an individual working for a relative who is the head of the department for which he would work, given that the relative would oversee the work he did. Fitzgerald and Bruno had no objection since Keith Badore plowed for the Town before his father became the Highway Surveyor. Moved by Bruno and seconded by Garron, Board unanimously voted to sign the form.

E. Pilotte Dogs

Seelig stated that, during a recent hearing against the Pilotte dogs, the Animal Control Officer indicated there were no other complaints. Since that time, a resident has come in to say that a number of complaints have been phoned into the police station. Since these complaints involved barking and not the dogs being loose, the Animal Control Office had not felt they applied when asked the question. The gentleman who brought the complaints to Seelig's attention came into the meeting. He said they had spoken with Pilotte and told her the dogs are barking all day and asked her to keep them quiet. She provided him with her cell phone and said to call her. However, their phone calls to her went unanswered. They then called for the Animal Control Officer and was told the Town did not have one.

Since this is a complaint, Bruno felt the Board should hold a hearing. The gentleman was not sure he wanted to submit a formal complaint and understood the Board needed him to do so in order for the Board to take action. If he decides to do so, he will put in a formal request for a hearing.

F. COPS Hiring Recovery Program Grant

The Board discussed the federally-funded COPS grant which fully funds the salary for additional police officer hires but then requires the Town to permanently keep the individual(s) on the payroll after that period of time at full cost to the Town. While the Town was looking to add an additional officer on the force at this time, it was unknown what the financial situation would be in three years. Therefore, moved by Fitzgerald and seconded by Bruno, Board unanimously voted to advise the Police Chief the Selectmen do not wish to participate in the COPS grant program as proposed by the Federal Government.

G. 40-B Legislation

Selectmen acknowledged notification that the legislation proposed by the Municipal Coalition for Affordable Housing has been introduced into the State Senate and House of Representatives.

H. Post Office Box at Town Hall Parking Lot

Selectmen referred to the Municipal and School Building Committee the suggestion from the Assistant Collector to have a U. S. mailbox outside the Town Hall.

I. Earth Removal Permit - Todd Roach/Holmes Street

Seelig reported that Roach is not interested in submitting a landscaping plan. He only wants to loam and grass the area. He does not feel he should have to replace the trees since he did not need a permit to remove them. Seelig had talked with Town Engineer Bernie Munro who said Roach could take the current plan and just color in the green. An abutter called and said the noise level has dramatically increased, felt the landscape plan and vegetation was a substitute for any fine the Board could impose, and wanted Roach fined if a landscape plan is not required.

Fitzgerald suggested emailing Roach and telling him the Board is looking for a simple plan of what he will include in addition to the grass. Bruno stated he has violated the by-law and subject to penalty. Bruno noted that Roach's defense is he went to Building Inspector Tom Millias and was told he did not need a permit. Fitzgerald said she talked with the Building Inspector who said Roche indicated it was a small hill and he wanted to increase his back yard for his child to play. Based on that discussion, Millias told him it was not a problem. However, given the size of the project, Millias feels he was misled.

Garron said that, to get the property back to normalcy, the project has to be completed. A lot of it will reseed itself. We have someone who said a Town official said he did not need a permit.

Fitzgerald said that, according to Roach, he does not want to plant trees back on the hill because he does not want the ticks or danger of trees falling. He also does not want to maintain plants. The Town Engineer felt loam and seed would be sufficient. He says he has no money to do anything else. He has to remove more to do the slopes, take out the stumps, etc. The contractor is willing to do the work without charging him, but he cannot do the work without the permit.

Garron said he empathized with the neighbors but asked if the Town could force Roach to put in plantings. Fitzgerald felt the Board could make whatever requirements they want, noting the neighbors feel he violated the by-law and changed their quality of life. Garron said even if he planted trees two feet tall it will be years before any growth blocks noise. Fitzgerald noted that he could have removed the trees without a permit. Garron wanted to see the project completed and the neighbors satisfied. Without the permit, the property will stay the way it is and the neighbors will still be unhappy. Fitzgerald noted it is currently a mess, the slope is uneven and eroding and poses a danger.

Garron said we may not give the neighbors 100% satisfaction but can at least get the property sloped correctly and eliminate the eyesore. Garron moved that the Board grant the permit without landscaping except for loam and grass. The motion failed for lack of a second.

Bruno wanted to talk with Millias to get his input on the situation and will contact him directly. Fitzgerald pointed out she would not be at the next Selectmen meeting. She could understand how someone gets into this situation where someone says they will do the work for free if they can have the dirt. In addition, Roach says he talked with a town official and was told it was not a problem. Garron said that was his point in making the motion.

J. Mass Municipal Legislative Breakfast

Seelig will attend the legislative breakfast scheduled for March 13th.

K. OCPC - Pictometry Aerial Imagery

Seelig has forwarded to various Town Departments the information from Old Colony Planning Council on the availability of updated aerial imagery

L. Fleet Insurance

The Board acknowledged notification that the municipal fleet insurance policy has been renewed. Seelig will review the list of vehicles and plate numbers and advise the Town's insurance agent if any changes are needed.

REPORTS AND DISCUSSIONS

A. Recycling Fee Abatement Request

Moved by Bruno and seconded by Garron, Board unanimously denied an abatement request from Thomas DeChane of 14 Circuit Street on the basis he has a dumpster.

B. Collector/Treasurer and Town Clerk Offices

Fitzgerald reported the relocation plan is moving forward and Seelig is overseeing the manpower component. The Municipal and School Building Committee has notified her that they should be in charge of actually moving the furniture, equipment, etc. as they have been in similar situations in the past. Moved by Fitzgerald and seconded by Bruno, Board unanimously voted to write to the Municipal and School Building Committee thanking them for accepting the responsibility and asking them to meet with the personnel involved and to notify Seelig if they wish him to schedule the meeting.

C. Fire Chief Search

Fitzgerald reported that Full-Time Fire Captain Henry Bosworth, Jr. will be in charge of the Fire Department in the interim between when the current Fire Chief leaves and a new Fire Chief has been hired and sworn in.

Discussion ensued on what process will be used in searching for and selecting a new Chief. Seelig will make preliminary inquiries on utilizing the services of Austin Sennette for performance assessments of candidates. It was agreed to place ads in the newspaper now to solicit resumes. A search committee will be set up; Seelig will ascertain who was on the last committee and see if they are willing to serve again. He will provide the Board with the names. The Board will meet with the four Fire Captains during its next meeting.

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

Troy E. Garron
Clerk

/bfs