

HALIFAX BOARD OF SELECTMEN
SELECTMEN MEETING
TUESDAY, MARCH 10, 2009 – 7:30 P.M.
SELECTMEN MEETING ROOM

Meeting came to order at 7:30 p.m. with Selectmen John H. Bruno II and Troy E. Garron present. Selectman Margaret T. Fitzgerald was not in attendance.

The following business was discussed:

AGENDA

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

SELECTMEN MINUTES

Moved by Garron and seconded by Bruno, Board approved the following Selectmen Minutes:

Selectmen Meeting 02-10-09 - Regular Session
Selectmen Meeting 02-10-09 - Executive Session

ABATEMENTS/ COMMITMENTS/ BILLS/WARRANT/TURNOVERS

Moved by Garron and seconded by Bruno, Board affirmed committing for collection Ambulance Commitment #02 in the amount of \$33,902.00

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

Payroll Warrant	#71	\$317,483.58
Vendor Warrant	#72	\$255,381.47

Moved by Garron and seconded by Bruno, Board committed for collection Mobile Home License Fee #03 in the amount of \$5,160.00

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

Withholding Warrant	#73	\$111,992.03
Vendor Warrant	#74	\$331,167.64

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

Borhek Insurance (various policies)	\$60,516.00
Enterprise (Hatch trailer permit)	\$ 144.96
Beverly Smith (reimburse petty cash/postage)	\$ 23.42
Gilman and Associates (legal services/Feb)	\$ 1,561.86
Schwaab (stamp)	\$ 17.99
National Grid (street light lights/Feb)	\$ 1,085.15
National Grid (pole at old police station/Feb)	\$ 33.91
Constellation New Energy (street lights/Feb)	\$ 735.56
Constellation New Energy (pole at old police station/Feb)	\$ 37.62
Constellation New Energy (Town Hall/Feb)	\$ 1,046.50
Constellation New Energy (Pope's Tavern/Feb)	\$ 116.27
National Grid (Pope's Tavern/Feb)	\$ 53.44

Moved by Garron and seconded by Bruno, Board acknowledged payment of the Selectmen Office Payroll for the period ending February 28, 2009 in the amount of \$6,031.93

Moved by Garron and seconded by Bruno, Board acknowledged the following Payments to the Treasurer:

<u>TURNOVER</u>	<u>AMOUNT</u>
#30	\$4,002.08
#31	\$ 125.00
#32	\$ 144.96

DOG HEARING - GILCOINE/ELEVENTH AVENUE

In accordance with MGL Chapter 140, Section 157, Bruno opened a hearing to address complaints that a two and a half year old pub/beagle cross named "Mr. Chubbs" owned by Patricia Gilcoine and housed at 11 Eleventh Avenue was running loose on February 3, 2009 and bit an individual on the right hand. The hearing was held at the request of the Selectmen based on a report from the Animal Control Officer (copy attached hereto as Exhibit A and made an official part of these Minutes).

The following individuals were present and sworn in by Notary Public John Bruno:

- | | |
|-------------------|------------------------|
| Denise Horton | Animal Control Officer |
| Patricia Gilcoine | Dog Owner |

Bruno asked Horton to report on what happened.

Horton replied:

It was the beginning of February. Mr. Pearce was shoveling and throwing sand in someone's driveway on Thirteenth Avenue and her (Gilcoine) dog, Mr. Chubbs, ran across the street and grabbed his (Pearce) right hand and nipped him on his two fingers on his right hand. She (Gilcoine) was right there to get the dog.

Garron asked Horton if she said Thirteenth Avenue, noting that was a distance from where the dog lived on Eleventh Avenue. Horton said that was what the injured party said. Gilcoine stated that Pearce lived on Hillside Street which is across the street from her house. Garron questioned if Pearce had the right dog. Gilcoine said she was right there when it happened and it was her dog.

Following are questions asked by Selectman Bruno (in italics); Horton's responses immediately follow:

Did you check out the dog?

Yes. I went and checked out the dog.

What kind of dog?

A pug and beagle.

Any complaints with this dog?

No. She has two of them. Licensed and up to date. He seemed fine. He was in his kennel barking and wagging his tail. He does not seem aggressive. He weighs about 20 lbs.

Any explanation as to why he nipped this fella?

I don't know. Maybe it was the movement of his hand. It just happened so quick. Maybe he thought he had something to throw for him.

Following are questions asked by Selectman Garron (in italics); Gilcoine's responses immediately follow:

Do you have a fence on your property?

No.

Why was the dog out loose?

There was a snowstorm outside. My boyfriend was sick. I was taking care of the baby all day. The dogs were in the kennel all day. I had to shovel out my car to go to work the next morning. I took the dogs out of the kennel. It was my fault they were not leashed. I took them out to pee real quick. They both peed and we were about to go into the house and I saw who I thought was Oscar, the owner of the house, but it happened to be Ray. Oscar is very good with the dogs and, when he shovels the snow, he throws it in the air for them to play. And so I said "okay, why don't you go see Oscar." My thought, we were just about to go into the house and they went over when Chubbs just walked into his path because he thought it was Oscar. When he (Ray) was throwing the sand, I think he just thought Ray was throwing the sand at him.

Following are questions asked by Selectman Garron (in italics); Horton's responses immediately follow:

Have you had any reports before with this dog biting anybody, bothering anybody, running loose in the streets?

No.

So this is the only incident?

Right.

How serious was the bite?

It was not very serious at all.

(Did he see a doctor? Did he go the hospital?)

No. The ambulance came. They cleaned it up and put a band aid on it.

So it broke the skin?

Barely. Yes.

Following are questions asked by Selectman Bruno (in italics); Gilcoine's responses immediately follow:

You said you keep them in a kennel.

In the house, they sit in a kennel. It is just a little training kennel inside the house. To help out I did hire a dog trainer. We are in the first stage of it right now. The first stage is a five week process. After five weeks, the dog trainer comes back. He is scheduled to come back March 20th and then he teaches us

the second step to the process. The first process is five weeks. We are three and a half weeks into it. (I've) got all the paperwork about what it is all about.

They come to your house?

They come to the house.

How old are your dogs?

The one that did the bite is two and a half and the other one is eight months old.

And they are both the same breed?

Yes. They are both the same.

Bruno stated:

We take dog bites very seriously. This Board does. Mrs. Fitzgerald who is not here is actually stricter than we are. Our view is that the town is for people and dogs are welcome but they have to behave. Any time we see a report of a dog bite, we take it very seriously. I do not see in this case that you have any previous history. Denise, whose judgment I trust, says the dogs are well behaved and should not be a problem. You have also taken prudent steps in terms of dog training. On this basis, he felt the Board should not take any action at this time other than keeping the incident on record.

Garron concurred with Bruno but felt the owner should also be reminded the Town has a leash law and the dog must be under control at all times.

Bruno closed the hearing.

Given that (a) the injured party did not request nor attend the hearing, (b) there is no previous history with this dog, (c) the Animal Control Officer found the dog well behaved and in her judgment will not pose a problem in the future, and (d) the owner has taken prudent measures to train the dog, moved by Bruno and seconded by Garron, the Board voted to take no action on this matter except to keep the incident on record and to remind the owner the Town of Halifax has a leash law in effect which requires dogs be leashed whenever off their property and at no time should they be running loose.

GENERAL MAIL/BUSINESS

A. Firefighters Union Article

Seelig informed the Board that, after the deadline date, a town meeting article came in from the Firefighters Union to fund a contract between the Town and the Firefighters. Even if the article had been received on time, Bruno and

Garron felt it was not a proper request since warrant articles are put on the warrant either by department heads or by citizen petition. It was noted, however, that a "placeholder" had put included in the draft warrant in the event a contract was agreed upon by town meeting.

B. Schedule A

The Board acknowledged notification from the State Department of Revenue that submission of the Town's Schedule A is overdue. Seelig stated the Town Accountant confirmed the report was submitted late last week.

C. Monponsett Lakes - Phosphorous

Seelig informed the Board that Water Superintendent Richard Clark confirms the Town does not add phosphorous to its municipal water supply.

With regard to the cranberry bogs, Bruno instructed Seelig to send a letter to the bog owners stating the bogs have been pinpointed as a source of phosphorous and informing them the Board would like to talk with them.

D. Fire Chief Search

Bruno reported he talked with the Finance Committee last night regarding using an assessment study as part of the search process. While they were persuaded it was a good idea, they asked the Board to forgo the expense if, in reviewing the resumes, one particular candidate stood out well above all other applicants. Finance understood the Board's concern that the Selectmen would not be able to gauge an individual's practical hands-on skill level. If review of the resumes does not produce an exceptional candidate, the assessment study will be under taken.

E. Crystal Lake Road/Oak Place/Fence Issues

Seelig stated that Oak Place resident Kevin Hurley visited the Selectmen's Office last week upset about the fence situation on Crystal Lake Road. He met with the Selectmen a year ago about his neighbor, Daniel Bleckley, who installed a fence in the middle of the road. At that time, the Board concluded that there was no basis for the Town to take any action as the Fire Chief and the Police Chief indicated they could provide emergency services despite the fence. Since that time, Hurley has put up posts on what he considers to be his property and allegedly Bleckley keeps knocking them down when he backs out of his property. Hurley contends that, because of the configuration of the Bleckley's fence, Bleckley cannot back out of his property without going onto Hurley's property. Hurley wants the Town to take some action to get the fence removed from the roadway.

Hurley was present during the discussion. He said that Bleckley's fence is nineteen feet into the roadway. Bleckley cannot make the swing into the roadway and therefore backs up straight onto Hurley's property. He has put in grass and it has been torn up. He put in rocks and Bleckley moves them because he cannot back out of his property without going onto Hurley's. He put in cement posts and Bleckley has backed into them. Hurley called the police and Sergeant Broderick came down. Hurley fixed the posts and Bleckley backed into them again. The Police Department came down again and took pictures. Hurley talked with the Building Inspector and they measured the line. His property is ten feet off the road. Hurley put a fence between his property and the roadway and Bleckley damaged that. Hurley said he does not have a problem with his neighbor personally but he is tired of the damage being done to his property. Because Hurley has put his fence into the road, he cannot back out of his driveway and make the swing without going onto Hurley's property.

Bruno said this is a private road and therefore a private matter. Because it is not an accepted street, the Board has no jurisdiction unless there is a public safety issue. Garron noted that the last time this issue came before the Board both the Chiefs said they could get emergency vehicles down the road.

Hurley said, if I move my fence into the middle of the road, who would be told to move the obstruction. He reiterated he was trying to resolve the issue of his property being damaged. One solution is for the Highway Department to put large boulders along his property line so that when his neighbor backs onto his property he will not hit Hurley's fence. He understood it was important to get emergency vehicles down the road, noting he did not have his fence twenty feet into the road.

Garron noted that the Selectmen cannot instruct the Highway Surveyor to do anything, but he was willing to ask him if he could assist. Moved by Garron and seconded by Bruno, Board voted to ask the Highway Surveyor to contact Hurley to see if he could help resolve the situation.

F. Acting Fire Chief / Henry Bosworth, Jr.

Moved by Bruno and seconded by Garron, Board affirmed its approval to appoint Fire Captain Henry M. Bosworth, Jr. as the Acting Fire Chief for the Town of Halifax effective March 1, 2009 until such time as a new permanent Fire Chief is hired and sworn in.

Moved by Bruno and seconded by Garron, Board affirmed its approval to set the salary rate for Acting Fire Chief Henry M. Bosworth, Jr., effective March 1, 2009 at Grade 12, Step 6 under the Wage and Personnel By-Law and that all other benefits will be per the current Firefighters Union Contract. Once a new Fire Chief has been hired and sworn in, Henry Bosworth will

return to his position as a Full-Time Fire Captain and his salary rate will be as designated under the Union Contract.

G. Special Town Meeting - May 11, 2009

Moved by Bruno and seconded by Garron, Board voted to open the May 11th Special Town Meeting Warrant on March 10th and close the warrant at 4:00 p.m. on March 24th.

H. Fire Chief Search Committee

Moved by Bruno and seconded by Garron, Board appointed the following individuals to the Fire Chief Search Committee:

<u>NAME</u>	<u>ADDRESS</u>
Henry M. Bosworth, Jr.	59 Indian Path Road
Robert Gerhard	53 Cranberry Drive
Robert Hodge	44 Baker Street
Candace Kniffen	58 Harvard Street
Kim Roy	473 Plymouth Street

All terms are open until a new Fire Chief has been hired and sworn in. The Board appointed Candace Kniffen as Chairman Pro Tem until the first meeting of the Committee.

I. Monponsett Ponds/Phosphorous

The Board instructed Seelig to write a letter to the bog owners, the Department of Agriculture, and the Department of Environmental Protection about a joint effort to reduce the amount of phosphorous flowing downstream from the bogs into the Monponsett Ponds.

J. Veterans Agent

Of the nineteen resumes received, Seelig recommended seven applicants. The Board will review the resumes and provide Seelig with the list of candidates to be interviewed on March 24th.

K. Mailbox at Town Hall

Seelig report there is not enough volume generated for the post office to provide a drop-off mailbox at the Town Hall, noting the Post Office is closing drop-off boxes at other locations because of low volume. He had investigated the possibility at the suggestion of the Assistant Town Collector.

AFFORDABLE HOUSING PARTNERSHIP COMMITTEE

The Board met with Affordable Housing Partnership Committee members Elaine Dolan, Thomas Millias and Thomas Schindler.

Millias said that, in order for the Town to have any control and/or standing with the State to put restrictions on or deny 40B applications, the Town must have a certified housing plan in place which identifies Halifax's specific needs, places that may be available in the future and a plan by the Town or some other entity to pursue developing the housing. In response to a question from Garron, Millias said that this would apply to future 40B applications but would not impact those currently before the Town.

The Committee has placed an article on the Annual Town Meeting Warrant in the amount of \$15,000 to hire a consultant to develop an affordable housing plan for the Town. Dolan said that additional funds are provided by and certain waivers granted by the State when the Town reaches certain goals. She noted that, currently there is nothing in the Town's Master Plan on housing and this should be included in the new Master Plan.

Because of the volume of work involved, Dolan said a volunteer board cannot develop the affordable housing plan which would have to be approved by the State. Once the plan is approved, the Town would have to meet compliance. As long as the Town meets the goals for a particular year, the Town would not be required to have additional 40B developments. The plan will indicate how much land is Town or privately owned, how much is buildable and not buildable, and will project affordable housing and where it should be located. The Town can do affordable housing which will be counted by the State. Once the Plan is finalized and approved, the Town can pursue grants, etc.

Discussion ensued on the status of the Inclusionary By-law which was withdrawn from the Town Meeting Warrant last year for further study. Seelig will check on the status of this proposed by-law.

Garron noted the Board has talked with the owner of the Halifax Garden property regarding a 40R development. He asked if this type of project is something that would go into the Affordable Housing Plan. Millias said it could. However, without a Plan, the Committee cannot accomplish anything.

Bruno stated the Board's goal in forming the Committee was to be proactive about affordable housing. He was in favor of whatever was needed to go forward. Garron concurred that the Town needs to have a Plan in place. With regard to the \$15,000 figure, the Committee had not obtained a firm figure, had wanted to first get direction from the Selectmen, and were reasonable sure it would be sufficient.

Moved by Bruno and seconded by Garron, Board voted to support the Affordable Partnership Committee's article in the amount of \$15,000 to hire a consultant to develop an Affordable Housing Plan for the Town.

ACTING FIRE CHIEF HENRY BOSWORTH

The Board met with Acting Fire Chief Henry Bosworth for an update on Department operations and to determine what, if anything, Bosworth needed until a new Fire Chief has been hired and sworn in.

Bosworth reported the Department is running as it did under former Fire Chief Lance Benamino. Benamino had things running well and Bosworth wanted to continue that operation. He said everyone knows their role and their job.

He has reviewed the budget with the Administrative Assistant. It is burning season which can impact the budget, noting that many permits have been issued this year. In addition, the Department has been working on computer upgrades for the system shared by the Fire and Police Departments. Wal*Mart is closed to undergo major store renovations. In addition, there is a major renovation at the Town's well site underway. Bosworth noted these projects are a continuation of what was being done under Benamino. Bosworth is also having some of the Department personnel come with him to see the inspector functions he performs.

Right now, he felt the Department was in good shape. His shift is being filled in accordance with the contract. After twenty-eight days, filling the shift can be revisited, and he will find out what the Board wants to do at the end of that period.

DISCUSSION - EARTH REMOVAL LANDSCAPE PLAN/ROACH

Bruno stated that, after talking with Building Inspector Thomas Millias, he was not convinced that Roach had made much of an inquiry nor given a full explanation as to what he was doing to Millias particularly with regard to the earth removal. Bruno reiterated the Board's offer of compromise to Roach that, if he provided a plan with some plantings, the Board would forego the fine for removing earth without a permit. There were issues brought up at the hearing by abutters and, by taking a few steps, Roach could resolve them. He is in violation of the Town by-law and the fine is substantial. Bruno hoped to avoid imposing the fine and preferred Roach provide the plan, stating the Board will issue the Earth Removal Permit once it receives a plan showing some plantings.

Garron agreed, stating the Board must uphold the law. He also talked with Millias and Munro and both noted that plantings were mentioned in the beginning

of the discussion on this project. If Roach is unwilling to do that, the Town will have to use whatever legal course it has.

There being no further business, moved by Garron and seconded by Bruno, Board voted to adjourn the meeting at 8:50 p.m.

Troy E. Garron
Clerk

/bfs

ATTACHMENT: GILCOINE DOG HEARING / EXHIBIT A - ANIMAL CONTROL OFFICER REPORT