

BOARD OF SELECTMEN
SELECTMEN MEETING
TUESDAY, APRIL 28, 2009 - 7:30 P.M.
SELECTMEN MEETING ROOM

Meeting came to order at 7:30 p.m. with Selectman John H. Bruno II and Margaret T. Fitzgerald present. Selectman Troy E. Garron arrived shortly after the meeting began.

The following business was discussed:

AGENDA

Selectman John Bruno added an update on two employment searches. Selectman Fitzgerald added a request for trees.

With the above addition, the Agenda for Tuesday, April 28th, was approved. Later in the meeting, Selectmen Garron added a report on a Plymouth County Executive Advisory Board meeting.

(AT THE END OF THE MEETING, AN INDIVIDUAL CAME IN TO APPLY FOR THE CAPITAL PLANNING COMMITTEE.)

MINUTES

No Selectmen Meeting Minutes were accepted or approved.

ABATEMENTS/BILLS/COMMITMENTS/WARRANTS

Moved by Bruno and seconded by Fitzgerald, Board affirmed committing to collection Ambulance Commitment #4-A in the amount of \$14,510.00

Moved by Bruno and seconded by Fitzgerald, Board affirmed approving the payment of the following warrants:

Withholding Warrant	#85	\$109,188.56
Vendor Warrant	#86	\$145,479.68

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

Payroll Warrant	#87	\$306,982.29
Vendor Warrant	#88	\$ 48,674.86
Withholding Warrant	#89	\$ 98,688.81

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

Halifax Post Office (town warrant mailing)	\$ 894.21
Mass Municipal Association (employment ad/Accountant) ...	\$ 70.00
OccuHealth Inc. (clean-up/Police Station)	\$1,640.00
ServiceMaster Dynamic Cleaning (clean-up/school)	\$2,370.70
Patriot Ledger (public hearing ads/street acceptances)	\$ 137.17

The Board acknowledged payment of the Selectmen Office Payroll for the period ending April 25, 2009 in the amount of \$6,031.93

The Board acknowledged Payment to the Treasurer #09-36 in the amount of \$4,756.65

TREE REQUEST

In response to a request from Municipal and School Building Committee Chairman John Campbell to purchase and plant a sixteen foot tree on the Town Green to replace a tree that had to be removed, moved by Fitzgerald and seconded by Bruno, Board authorized the Municipal and School Building Committee to use up to \$400 from the Tree Remove and Replace Gift account to purchase a tree to be planted on the Town Green.

TOWN ACCOUNTANT SEARCH

The Town has received twenty-nine applications. Fitzgerald asked if a search committee should be formed to go through them or should the Board screen them initially to see if there a few individuals who stand above the rest.

Seelig stated there are several candidates who are Assistant Town Accountants in other communities and others with various levels of municipal experience. During the last search for a Town Accountant, the candidates were not as experienced in municipal accounting as the current pool of candidates.

Bruno's felt the Board should initially review the resumes. Fitzgerald felt the Board should be able to go through the resumes and develop a short list of about six names. If not, then a committee may be needed. A copy of the resumes will be given to each Selectman who, in turn, will provide Seelig with their choices by next Tuesday.

SELECTMEN TROY GARRON JOINED THE MEETING AT THIS POINT (7:40 P.M.)

Fitzgerald updated Garron on the discussion regarding the Town Accountant.

ALCOHOLIC BEVERAGE LICENSE - D'S GRILLE 58

At 7:45 p.m., the Board convened a hearing for the purpose of considering an application for an All Alcoholic Beverage Restaurant License submitted by D's Grille 58 LLC, d/b/a D's Grille 58 – Debra L. Trotta, Manager on property located at 284 Monponsett Street – Unit 4, Halifax, MA. The Board acknowledged the hearing had been duly advertised and abutters notified. Present for the hearing was Debora Trotta; no abutters made their presence known.

Trotta stated she has owned a restaurant named Scramblers for a number of years, first operating in Plympton and then in East Bridgewater just over the Halifax line for the past two years. There had been no alcoholic beverage licenses available in East Bridgewater and, when one became available, the owner of the property was not in favor of another liquor license since there already is a package store and an alcoholic beverage licensed restaurant on that site. That is when she decided to relocate to Halifax. Trotta plans to run a family style restaurant and is not looking for entertainment. She would like to offer alcoholic beverages with lunch and dinner.

In response to questions from the Board, Trotta said she is the sole owner of the restaurant, has managed an alcoholic licensed restaurant in Hanson in the past, and will ensure her staff will be TIPS certified. The restaurant is still under construction and the Fire Chief, Building Inspector, etc. have been coming in to review the work as it has progressed. She was confident about opening in Halifax during these economic times. Her restaurant is doing an excellent business and, while the name and location will change, the clientele are well aware of the changes.

With regard to the loan document, Seelig noted there is no mention of whether or not interest will be charged on the loan. Trotta said that, as far as she knows, it is 0% interest until October and then moves to 5%.

Moved by Bruno and seconded by Garron, Board unanimously granted an All Alcoholic Beverage Restaurant License to D's Grille 58 LLC, d/b/a D's Grille 58 – Debra L. Trotta, Manager on property located at 284 Monponsett Street – Unit 4, Halifax, MA., contingent upon completion of construction, issuance of an occupancy permit and sign off of the safety certificate by the Fire Chief and Building Inspector. Hours of operation were set at Monday through Saturday 11:00 a.m. to 11:00p.m.; Sunday 12:00 noon to 11:00 p.m.

COMMON VICTUALLAR LICENSE - D'S GRILLE 58

Moved by Bruno and seconded by Garron, Board unanimously granted a Common Victualler License to D's Grille 58 LLC, d/b/a D's Grille 58 – Debra L. Trotta, Manager on property located at 284 Monponsett Street – Unit 4, Halifax, MA., contingent upon completion of construction, issuance of an occupancy

permit and sign off of the safety certificate by the Fire Chief and Building Inspector. Hours of operation were set at 6:00 a.m. to 11:00 p.m. seven days a week.

PLYMOUTH COUNTY EXECUTIVE ADVISORY BOARD MEETING

Garron reported on a recent Plymouth County Advisory Executive Board meeting:

A. Budget

Differences exist between the Executive Advisory Board and the Plymouth County Commissioner's budget. The Advisory Board budget will save six jobs and eliminate the need for furloughs. In addition, the Commissioners are looking to sell the old court building for \$1.5 million which hopefully will keep the County afloat. Bruno and Fitzgerald did not feel the County should be selling off assets to fund an operating budget since those revenues would not be there the next year. Bruno felt the question at this point is whether or not to keep Plymouth County government afloat even though it is not economically feasible to do so. Bruno did not feel the emphasis should be on trying to preserve a dying institution. Garron stated he had voiced his opinion at the meeting that assets should not be used for one time operating budgets. The Executive Board's budget will be presented to the full Advisory Board on Thursday.

B. Registry of Deeds

Garron stated the lack of home sales has reduced revenues at the Registry of Deeds. In addition, the Registry of Deeds had been instructed to remove social security numbers from all deeds which has been done. Fitzgerald stated the Registry of Deeds is an important department and should increase its fees to cover its costs. In response to a question from Bruno, Garron said the fees collected are not kept in the Registry of Deeds but are put into the general County fund.

C. Office Locations

The Commissioners want to remove the Ticketing and Accountant's offices out of the Treasurer's office and put them in the Commissioners office.

Bruno thanked Garron for the great job he does in representing Halifax. Given the shortage of funding and the move in recent times to sell off assets to keep the operation gong, Bruno felt perhaps it was time for Plymouth County to be dissolved.

GENERAL MAIL/BUSINESS

A. Road Opening Permit - Bay State Gas / Lake Street

Moved by Bruno and seconded by Garron, Board unanimously approved Permit #09-36 for a 3' x 3' road cut to cut off an old gas stub at 103 Lake Street. The permit fee was waived because a trench permit is required.

B. Use of Town Green - Congregational Church

Moved by Garron and seconded by Bruno, board unanimously granted a request by the Halifax Congregational Church to use the Town Green on Saturday, May 30th, from 9:00 a.m. to 3:00 p.m. for a plant sale by the Church and an animal display as an educational outreach for the Heifer Project.

C. Soft Right Computer Program

Board acknowledged notification that the Acting Town Collector is attending a meeting on the new Soft Right System. Fitzgerald said that, at its meeting last night, the Finance Committee changed its vote and is now recommending the system be put into the Treasurer-Collector office.

D. I-495 Corridor Study

Seelig noted a meeting to present the results will be held in Middleboro on May 13th. Bruno asked Seelig to get a copy of the report; Garron asked for a copy of the video if the meeting is taped.

E. Road Opening Permit - Bay State Gas / Thirteenth Avenue

Moved by Bruno and seconded by Garron, Board unanimously approved Permit #09-36 for a 3' x 5' road cut to cut off an old gas stub at 34 Thirteenth Avenue. The permit fee was waived because a trench permit is required.

F. Live Entertainment Permit - Phillips/Elm Street

Moved by Bruno and seconded by Garron, Board unanimously (a) approved Permit #09-40 issued to Warren Phillips of 314 Elm Street for live entertainment on Saturday, June 13th, beginning at 2:00 p.m. and (b) voted to waive the Board's policy restricting the end time of 9:00 p.m. and allow entertainment until 10:00 p.m.

G. Pool Table License - The Tee Box

Moved by Bruno and seconded by Garron, Board unanimously renewed the Pool Table License issued to d/b/a The Tee Box located at 284 Monponsett Street - Unit 205.

H. Overtime Authorization - Assistant Town Accountant

Fitzgerald stated it may be necessary for the Assistant Town Accountant to work overtime between the date the Town Accountant retires and the end of the fiscal year. Moved by Bruno and seconded by Garron, Board unanimously authorized the Assistant Town Accountant to work overtime on an as-needed basis from the date Town Accountant Laurel Rigo retires through the remainder of Fiscal 2009. Such authorization is subject to funding. In addition, the Board will discuss next Tuesday obtaining funding for training.

I. Fire Chief Search

Seelig informed the Board the Fire Chief Search Committee will meet on Sunday. Fitzgerald had talked with member Candace Kniffen who said the committee members have individually reviewed the resumes and are ready to discuss selecting candidates for interviews. Kniffen asked about using an assessment process since she did not think any one or two candidates were going to stand out above the rest.

Seelig said the Town has a quote from Austin Sennett of Emergency Response Systems and the Finance Committee has approved funding. He will ask Sennett to attend the Committee meeting on Sunday.

Per instruction from the Board, Seelig will schedule a meeting with Kniffen and Sennette; other members of the Committee are welcome to attend.

J. Clean-Up Day

Garron acknowledged the Girl Scouts who were the only group that came forward to help last Saturday for Clean-Up Day. He thanked them for their hard work cleaning up the playground area. He planned to schedule another day and hoped to get more volunteers at that time.

REPORTS AND DISCUSSIONS

A. Earth Removal - Roach/Holmes Street

Seelig reported the Police Department found no indication that anyone is still living on the property at 303 Holmes Street and Seelig has had no reply from Roach. The Town is left with an unfinished earth removal project that never got permitted, and the applicant does not seem interested in meeting the stipulation regarding provided the landscape plan.

Discussion ensued on imposing a fine. Seelig said the Town could fine Roach. If he does not have the money to pay the fine, the Town would have to pursue criminal as well as civil action. The company that removed the earth could also be fined because the dirt was removed illegally. Based on statements made during the hearing, TNT Excavating appears to be the company involved in the removal. In addition, Bridgewater Sand and Gravel accepted the removed material and have a responsibility to know who their vendors are and whether or not they are meeting all applicable laws.

It was noted that the first priority is to make the area safe. A fine system may encourage the owner to do something. In addition, the applicant has not paid for the work done by the Town Engineer in connection with the permit application. The Board wanted to make sure that any fine covered these costs as well.

Moved by Bruno and seconded by Garron, Board unanimously instructed Seelig to write to Scott Roach, TNT Excavating, and Bridgewater Sand and Gravel informing them that on a date certain the Board will take up the subject of imposing a fine and telling them what the potential fine could be.

B. Annual Town Meeting Warrant

The Board reviewed the Annual Town Meeting Warrant; following is a synopsis of discussion:

- Article 3 (Wage and Personnel) ... The Finance Committee is recommending the establishment of a new Grade 9 and a 2% wage increase across the board. It has not made a decision on the merit increases for two individuals nor on the stipend for Call Captain. The Selectmen are supporting all proposals by Wage and Personnel.
- Article 4 (Elected Officials Salaries) ... The Finance Committee is recommending the Treasurer/Collector salary recommended by the Selectmen and a 2% increase for all elected officials for Fiscal 2010.
- Article 8 (Highway funds) ... The Finance Committee is recommending this article.
- Article 9 (Town Road Maintenance) ... Seelig stated the figure will be reduced to \$125,000 by the Highway Surveyor. Fitzgerald noted he is looking for some equipment in other articles.
- Article 13 (Police Vehicle) ... Fitzgerald noted the Chief is having a problem with one of the newer cruisers. The vehicle went through a puddle and is now having a problem. According to everyone who has

looked at it, the transmission is a sealed unit and there is no way water should have gotten into it. The Chief is going back to the dealer and manufacturer and has been in touch with the Finance Committee in case repairs are needed.

- Article 14 (Data Storage/Police) ... Seelig stated the “data storage” consists of fire proof cabinets. Fitzgerald will advise the Chief he should clarify this to the Finance Committee.
- Article 18 (Town Hall Siding) ... Seelig said this article was made as flexible as possible so that it could include painting, residing or a combination. Fitzgerald said the Building Committee is looking at three options. The Capital Planning Committee recommends something be done but wants something that will last and preserve the historic value of the building. It was noted that the Historic District Commission would have to approve any materials used on the building.
- Article 19 (Library Roof) ... Fitzgerald met with the Library Trustees to see if they would help fund an expert. A member of the Finance Committee is an architect who said it would be too expensive just to have someone look at it. He recommended the Town have an architect look at what is needed. Everyone agrees something has to be done before the roof falls in.
- Article 21 (Fire Alarm/Elementary School) ... School Superintendent John Tuffy has concluded replacing the alarm system is not needed. The system functions when it is suppose to. However, the alarm system will go off when it is not suppose to. Seelig said the Finance Committee wants to send a letter to the Superintendent stating it is understood he does not feel the system needs to be replaced but he still needs to determine what is causing the problem. Seelig will send the letter. It was noted that some of the money being sent to the schools through the stimulus program can be used for capital projects.
- Article 22 (Thompson Street Site Plan) ... Fitzgerald reported she went to the Housing Authority meeting and saw the court decision that the senior center can be put on the Thompson Street property. A non-profit group is putting up \$100,000 and asking the Town to provide \$15,000 to do all of the ecological, legal, engineering and site planning for the senior housing and the senior center. It is an interesting concept and she believes they have a way to get the housing project done. This group puts up the money for the project and manages the housing. Bonds will not be with the Town.

While the senior center will be incorporated into the site planning, this project is separate from the housing and would be the responsibility of the Town. The Town is still looking for a grant or stimulus money for the senior center. It is important to have everything in place so that the Town can move forward if the opportunity presents itself.

- Article 23 (Treasurer/Collector Software) ... Seelig reported the Finance Committee is now recommending this article.
- Article 24 (Computer Equipment/Elementary School) ... Fitzgerald said there may be enough stimulus money to purchase more equipment, noting this was a multi-year plan to update the computers at the school.
- Article 27 (Master Plan) ... Fitzgerald will present this article for the Board.
- Article 28 and 29 (Charitable/Petition Articles) ... Seelig reported he had spoken with both organizations and has reminded them of the dates for Town Meeting and that someone should be present to talk to their article.
- Article 32 (Acceptance of Harvest Lane) ... Seelig will talk with pertinent Town departments to ensure there are no outstanding issues.
- Article 33 (Cemetery Superintendent Term) ... Traditionally the Highway Surveyor has been appointed the Cemetery Superintendent. The article proposes to change the term to coincide with the date of the Town election each year.

C. Special Town Meeting Warrant

The Board reviewed the Annual Town Meeting Warrant. Fitzgerald will present all articles for the Board unless otherwise noted. Following is a synopsis of discussion:

- Article 1 (Law Account) ... Seelig will have the figure by next meeting
- Article 5 (Patrol Officers Contract) ... The contract has been settled. If this article passes, the budget figure for Fiscal 2010 will be changed.
- Article 7 (Treasurer/Collector Fiscal 2009 Salary) ... As of the Town election, the Town will have a newly formed Treasurer/Collector position. The Fiscal 2009 salary will have to be set for the combined position and then

funded for the rest of the fiscal year. The salary figure will be determined by using the Fiscal 2010 figure for this position minus 2%.

- Article 9 and 10 (MBTE Funds) ... Bruno will speak to both these articles. He noted this is a one-time amount and should be used for issues involving the ponds and water supply and not put into general revenue funding. Article 9 is to address the algae problems in the lakes. While Article 10 would establish a Monponsett Pond Stabilization Fund, Bruno saw no reason why that money could not be used for water-related issues as well, noting that use of this fund for any reason will require a town meeting vote. Seelig stated that, if Article 9 passes, that amount will be reduced from the figure in Article 10.
- Article 12 (Water Tower Lease) ... The Water Commissioners are asking to change the provisions from the vote taken in 1997 so the lease can be for twenty years instead of five and the revenue generated from leasing the tower will no longer be divided 50/50 with general revenue. Fitzgerald said that, when the water tower was built, the Water Department was not self supporting and tax revenue money was used. Therefore, the money should continue to be shared. When the article was proposed in 1997, this fact was taken into consideration and that is why it was worded to share the revenue. She felt it should not now be unilaterally changed.
- Article 13 (Land Donation) ... Seelig thought the Board might want to include some type of restriction on the deed; the Town will be writing the deed for transfer of ownership and can include whatever restrictions it wants. After a brief discussion, the Board agreed it did not want to bind a future Board by restricting the use.
- Article 14 (Fire Chief Salary Line Item) ... Seelig will have the figure by next meeting.
- Article 15 (Overlay Surplus) ... The Governor cut local aid for the current fiscal year. Using Overlay Surplus is one option to offset the shortfall. In response to a question from Bruno, Seelig did not know if the Assessors were in favor of this but noted they had previous discussions in which they agreed to \$250,000 in Overlay Surplus funds. Fitzgerald instructed Seelig to check and see if the March and/or June local aid payment had been reduced. If for some reason the State does not cut the payment because of stimulus money, the Town would be put in a difficult position if it votes to use the Overlay Surplus. If for some reason the cut is not made, taking this action will not be necessary and will create a problem when the recap comes in. She felt it might be best to use the recap option instead. Seelig will find out whether the payment has been reduced and advise the Board.

CAPITAL PLANNING COMMITTEE APPLICATION

Holmes Street resident Curt MacLean came into the meeting and said he understood there may be a vacancy on the Capital Planning Committee. He is employed by another municipality and has dealt with the procurement laws. He felt he would be an asset to the Committee and has done a lot of bidding out for the town he works for, particularly writing specifications for vehicles. He stated he could keep an open mind in addressing the needs of various Town departments. He has served on several committees and associations and is currently the Vice President of the Mass Association of Highway and President of his condo association.

Moved by Garron and seconded by Bruno, Board unanimously voted to appoint Curt MacLean of 215 Holmes Street as an At-Large Member to the Capital Planning Committee.

There being no further business, moved by Bruno and seconded by Garron, Board unanimously voted to adjourn the meeting at 9:20 p.m.

Troy E. Garron
Clerk

/bfs

NOTE: AFTER THE MEETING, IT WAS FOUND THAT THE INDIVIDUAL WHO WAS APPOINTED TO THE POSITION MACCLEAN THOUGHT WAS VACANT NEVER ACCEPTED THE APPOINTMENT AND A VACANCY WAS NEVER DECLARED. THE BOARD DECLARED SUCH A VACANCY AT ITS MEETING ON MAY 5TH AND WANTED TO ALLOW ANYONE INTERESTED TO SEND IN AN APPLICATION. THE BOARD WOULD TAKE UP THE APPOINTMENT AFTER TOWN MEETING.