

BOARD OF SELECTMEN  
SELECTMEN MEETING  
TUESDAY, JULY 14, 2009 - 7:30 P.M.  
SELECTMEN MEETING ROOM

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Meeting came to order at 7:30 p.m. with Selectmen John H. Bruno II, Troy E. Garron and Michael J. Schleiff present.

The following business was discussed:

**AGENDA**

Bruno added a brief acknowledgment of the 275<sup>th</sup> Anniversary and Halifax In Lights Committees. Garron added a report on regionalizing some services.

With the above additions, the Agenda for Tuesday, July 14<sup>th</sup>, was unanimously approved.

**SELECTMEN MINUTES**

No Selectmen Meeting Minutes were considered or approved.

**ABATEMENTS/BILLS/COMMITMENTS/WARRANTS**

Moved by Schleiff and seconded by Garron, Board unanimously affirmed committing for collection Ambulance Commitment #6A in the amount of \$14,890.00

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

Vendor Warrant - Fiscal 2009	#109	for	\$148,091.60
Payroll Warrant - Fiscal 2009	#110	for	\$138,776.90
Vendor Warrant - Fiscal 2009	#111	for	\$ 22,533.51
Vendor Warrant - Fiscal 2010	#001	for	\$341,657.85
Payroll Warrant - Fiscal 2010	#002	for	\$ 60,025.97
Vendor Warrant - Fiscal 2010	#003	for	\$226,131.34

Moved by Schleiff and seconded by Garron, Board unanimously affirmed payment of the following Selectmen bills for Fiscal 2009:

High Noon Books (replace damaged items/school) .....	\$ 388.30
Bright Apple (replace damaged items/school) .....	\$ 129.89
Oriental Trading Company (replace damaged items/school) ....	\$ 30.45
Really Good Stuff (replace damaged items/school) .....	\$ 373.76
Jay's Carpet and Interiors (replace damaged carpet/school) ....	\$ 2,900.00
Jay's Carpet and Interiors (replace damaged carpet/school) ....	\$ 337.60
Constellation NewEnergy (Town Hall/Jun) .....	\$ 599.59
National Grid (street lights/June) .....	\$ 1,109.59
National Grid (pole at old police station/June) .....	\$ 33.12
National Grid (pole on Harvest Lane/June) .....	\$ 30.38
Constellation NewEnergy (street lights/June) .....	\$ 496.99
Constellation NewEnergy (pole at old police station/June) .....	\$ 25.33
Harry B. Harding & Son (printing time cards) .....	\$ 269.00
Dorr's Print (office supplies) .....	\$ 31.49
Comcast (internet service/Jun) .....	\$ 62.95
Gilman and Associates (legal services/Jun) .....	\$ 46.95
Spinale and Spinale (legal services/Jun) .....	\$ 8,180.00
Deutsch Williams Brooks (legal services/Jun) .....	\$ 1,379.14
Matthew Bender (law books) .....	\$ 392.35
Franklin Creek Consulting (consulting services) .....	\$ 1,000.00
Charles Seelig (reimbursement - food/assessment center) .....	\$ 148.56
National Grid (Pope's Tavern/June) .....	\$ 37.28
Whitman Trophy (plaque/Fitzgerald) .....	\$ 75.00
Dorr's Print (poster picture/Fitzgerald) .....	\$ 24.50

Moved by Schleiff and seconded by Garron, Board unanimously affirmed payment of the following Selectmen bills for Fiscal 2010:

MMMA (monthly meeting/Seelig) .....	\$ 30.00
MEGA property and Casualty Group (insurance) .....	\$43,893.00
MMMA (annual dues) .....	\$ 124.13
MMA (annual dues) .....	\$ 895.00
Boston Mutual Life (insurance) .....	\$ 3,809.40

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

Ambulance Commitment	#6B	for	\$ 15,850.00
Mobile Home Park License Fee	#07	for	\$ 5,160.00

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

Vendor Warrant - Fiscal 2009	#112	for	\$ 92,725.60
Vendor Warrant - Fiscal 2010	#005	for	\$1,049,747.86

The Board acknowledged payment of the Selectmen Office Payroll for the period ending June 30, 2009 in the amount of \$4,309.35 and the period ending July 4, 2009 in the amount of \$1,756.18

The Board acknowledged the following Payments to the Treasurer:

<u>TURNOVER</u>	<u>AMOUNT</u>
#09-46	\$ 50.00
#10-01	\$ 99.50
#10-02	\$ 30.00
#10-03	\$ 15.00
#10-04	\$ 5,291.96
#10-05	\$ 4,661.24

**FOURTH OF JULY**

Moved by Bruno and seconded by Garron, Board unanimously voted to send a letter to the 275<sup>th</sup> Anniversary Committee and the Halifax In Lights Committee congratulating them on an outstanding Fourth of July and thanking them for their hard work.

**REGIONALIZATION MEETING**

Garron reported on a meeting in Whitman with several towns in the region to explore whether or not there are regionalization opportunities. The group decided that each town should send a letter to their Highway, Police and Fire Department Heads asking for their input on the pros and cons of how regionalization would affect their departments with regard to funding, staffing, etc. Garron understood department operations can be a territorial thing. He emphasized the department head was not being asked their personal opinion but being asked how it would affect them or benefit them. The information will be turned over to the OCPC to study and determine what is feasible.

Seelig and Garron will draft a letter to the Highway Surveyor, Police Chief and Fire Chief for the Board to look at before it goes out.

In response to a question from Schleiff, Garron said this was the fourth meeting held by this group and they did not have an agenda. He was the one who

broached the subject to think about regionalizing road repairs - to go out to bid for several towns at once.

**SENIOR HOUSING DEVELOPMENT - THOMPSON STREET**

Selectmen met with the following individuals relative to the proposed senior housing development and new Senior Center on property owned by the Housing Authority located on Thompson Street:

Housing Authority Director	Elaine Dolan
Housing Authority Members	John Mather Lee Mulready
Council on Aging Director	Maryellen Stevens
Community Builders Northeast Director	Jan Brodie
Mostue & Associates Architects, Inc.	Ross Speer

Dolan said the Housing Authority is regrouping to do the development on Thompson Street that consists of ten acres of land for elderly housing. A portion of the site has been set aside to lease to the Town for a new Senior Center. The senior housing development will be named Dorothy Landry Lane in appreciation to resident Dorothy Landry for her dedication to the Town.

With regard to putting the Senior Center on the property, Dolan stated Probate Court has decreed the Center is an allowed use under the deed restrictions on the property. She will provide the Board with a copy of the court’s decision. Building, operating and maintaining the Center will be the responsibility of the Town.

With regard to the housing, Community Builders has come on board to assist the Town in applying for HUD and other tax credit funding programs to build ninety units of elderly and handicap housing. The project falls under a comprehensive permit because it is for public and elderly housing. All of the units will count toward the Town’s affordable housing quota.

Brodie said Community Builders stepped in around November of last year to work with South Shore Housing. South Shore Housing has had a change in Executive Director just five days ago and is going through a transition. There has been a long term relationship between the old Director and the President of Community Builders and it was decided it would be mutually beneficial to work together. Community Builders has three corporate offices, 300 projects and 22,000 units. Brodie is based in Boston for the Northeast region. They have done numerous tax credit projects and have been awarded two HUD projects, one of which is in Franklin.

Previously, the site consisted of one building with sixty units and twenty two single condo units scattered throughout the site. The new plan has evolved into two buildings defined by the site and financing - Phase I consists of one building located in the front portion of the site to be financed by HUD. The HUD applications will be out in a few days and applications must be submitted in sixty days. Phase II consists of one building located in the back portion of the site to be funded by tax credit programs.

Community Builders is a development and management company and often manages what it builds. In this case, they will manage it as required by the financing agencies. If South Shore can do it, they will do it in conjunction with the Housing Authority. The funding will be through Community Builders. They develop the capital to build. The developer will be South Shore Housing and Community Builders will take a lead role in the development as consultants.

At this point, input from the Selectmen and the Town are needed so the plan can be submitted with the 202 application. Most projects have taken three tries and this will be the third try for Halifax. The individual who got Community Builders through the successful 202 has been hired as a consultant on this project. If the 202 is granted, building will begin with Phase I. The Housing Authority will then have a stronger case to apply for a tax credit project (Phase II). Under a 202, there is usually a maximum of fifty units; the rest will be under tax credit.

Speer provided a schematic of the site (attached hereto and made an official part of these minutes) for civil survey, etc. information. With regard to the buildings themselves, the plan is for the design to be similar to a rambling farmhouse style. The architect will develop the final design based on site considerations. Depending on how the funding comes, Phase II (back portion) could be built before Phase I. The Senior Center is part of the site plan but not part of their development. It is a separate project that is the responsibility of the Town. The Senior Center is located in the front right section of the site. There are separate driveway entrances for the Center and the housing. Walkways make the Center easily accessible from the back portion of the site. Natural buffers shield the project from neighbors. The trees between the front and back buildings are where most of the sloping occurs on the land; beyond the trees the land levels off and is more suitable for building.

In response to a question from Bruno, the building is three stories high. Bruno asked if the Town had a restriction on the number of stories a building could have. Schleiff said that could be waived by the ZBA. With regard to the configuration of individual units, the HUD 202 model has strict requirements on layout, square footage, and amenities. Brodie said the building configuration would be up to the architect and could be an L, E, or U. HUD dictates the configuration inside.

Garron asked how this proposal compares to the Kingston project. Dolan said there is a huge difference. Also, this may be the first project to have a Senior

Center on the grounds which may eliminate the need to provide “community space” inside the buildings. Brodie said the Kingston project is very institutional looking. The Halifax project will be far more aesthetic.

With regard to the application, Dolan said everything is given points, and they are looking into why they lost points before and how they can gain more points this time around. Brodie said they will be looking for municipal approvals as soon as they receive indication the project will be approved for funding which should be some time in the fall. The construction turn around time is about one year per building. Dolan said they are also looking for letters of support from various Town Departments.

Stevens said funding will be needed from town meeting for architectural plans for the Senior Center.

The new South Shore Housing Director came in while discussion was in progress. At this point he said that South Shore Housing knew its strengths and limitations and bringing on Community Builders will augment their capabilities and get this project off the ground.

A public hearing will be held on Thursday at 7:00 p.m. to solicit input/concerns from the public.

### **GENERAL MAIL/BUSINESS**

#### **A. Nessralla Sign on Town Property**

Selectmen discussed the request from Kozhaya Nessralla to increase the size of the sign he has on Town property at the end of Hemlock Lane to make it four times larger than the current sign. Seelig reported the Police Chief and Highway Surveyor have no objection provided the new sign is no closer to the intersection than the current one. The Historic District Commission does have concerns and wants the sign to match the other signs in the district with regard to size and design and asks it be no larger than twice the current size.

Nessralla had provided a schematic of what the sign would say. The proposed size is the same as that for St. David’s Church located at the corner of South Street. He would not place the sign any closer to Plymouth Street than it is now. He will have the sign done by a professional. Nessralla sated he needs to advertise the fact that his business is down Hemlock Lane because no one knows his farm is there and they do not see the current sign.

Bruno felt the Historic District Commission’s input should be taken into consideration. He asked Nessralla to talk with the Commission to come to a mutually acceptable size and design. Nessralla will talk with the Commission. He said the sign will be white with green lettering with simple verbiage as

shown on the schematic. It will be made of wood supported by two wooden poles that have caps on them.

Moved by Garron and seconded by Bruno, Board unanimously granted the request to increase the size of the Nessralla Farm sign on Town property, contingent upon (a) final approval of the Historic District Commission with regard to size and design and (b) the sign be placed no closer to Plymouth Street than the current sign is located.

### **EARTH REMOVAL PERMIT - BOWLES / RIVER STREET**

At 8:15 p.m., the Board continued the public hearing from June 23<sup>rd</sup> to consider an application submitted by Matthew Bowles for an Earth Removal Permit on property located at 355 River Street, Assessors Map 101, Lot 11.

Present for the hearing was Engineer Steven Wry of Land Planning who was present for Town Engineer Bernie Munro and Pat Howard of Beaver Dam Management representing Matthew Bowles.

Howard apologized to the Board for missing the hearing on June 23<sup>rd</sup> and thanked the Board for an opportunity to discuss the application. The project started out as a Title V. The current land owners purchased the property about half way through the project. They did not know that wetland mitigation could result in a large pile of material left on the site. Since Howard installed the septic system and did the wetland mitigation, he felt responsible for the current condition of the site and submitted the application on behalf of the property owner. Howard has made arrangements to move the material from the property on River Street to where Silver Leaf Landscaping is located less than one-half mile from the River Street site. Approximately 2,000 cubic yards of material needs to be removed to bring the level of the pile down to the minimum approved by the Board of Health in order to maintain the cover on the septic system.

In response to a question from Schleiff on the size and number of trucks, Howard said Silver Leaf will be supplying the trucks and will be using eighteen and ten wheelers depending upon which trucks are available. He will use his trucks as well when nothing else is available in order to get the material moved. He will set up a schedule to get the project done as quickly as possible because he will be donating the excavator to do the loading.

Abutter Ellen Murphy was present and said she had no objection to the project no matter how long it takes. She supported them in getting the material off the site.

The Board noted an Order of Conditions has been issued on this project which will be made a part of the Earth Removal Permit. In addition, the Board set the

following conditions for the Permit in accordance with the By-Law:

- (1) No processing of earth and no operation involving earth materials other than the permitted removal shall take place on the subject premises during the period of time of the permit unless specifically permitted by law.
- (2) No earth or other materials foreign to the subject premises, including but not limited to boulders, asphalt, cement, road construction debris, demolition debris and tree stumps, shall be brought onto and deposited on the subject premises during the time period of the permit, except topsoil and living plant material for reclamation use. All stumps and debris shall be removed and disposed of in an approved location.
- (3) Per recommendation of the Town Engineer, moved by Garron and seconded by Schleiff, Board unanimously waived Condition #3 which requires a project to be performed in phases of no more than five acres per phase - this project is less than five acres
- (4) Per recommendation of the Town Engineer, moved by Garron and seconded by Schleiff, Board unanimously waived Condition #4 as stated in the by-law and replace it with the following:

The septic system leaching area is to be staked prior to removal of soil. Stakes should be set at the corners of the 45 mil breakout barrier as well as the bottom of the required slope (elevation 37). Flagging should be connected between the stakes at the breakout barrier location to ensure that the contractor does not work within that area.

The location of the silt fence/hay bale line at the limit of work area noted on the plans should be sufficient as boundary markers for buffer zones with the addition of a silt fence/hay bale line to be installed between the soil being removed and the currently re-established wetland area. This line is at the location of the split rail fence as shown on the pre contour map "A" submitted by applicant.

- (5) Per recommendation of the Town Engineer, moved by Garron and seconded by Schleiff, Board unanimously waived Condition (5) which requires the installation of monitoring wells. Since the work involves removing fill placed in a mounded fashion on an originally flat area, the Engineer felt the location of water table is irrelevant. The applicant is simply reestablishing original site grades.
- (6) No excavation below the natural grade of any boundary line shall be permitted closer than 50 feet to such boundary unless written consent is given to the permit grantee by the issuing authority and the owner of the property abutting such boundary.



- (7) No topsoil shall be removed from subject premises, unless it is determined by the Board to be excess, until reclamation of all disturbed areas is completed. Reclamation requires replacing of topsoil to a depth of not less than four (4) inches, seeding, planting, fertilizing, watering and attending in keeping with the best professional standards.
- (8) The finished level and grading shall leave no slope exceeding a grade of three (3) feet horizontal and one (1) foot vertical. In all cases leveling and grading shall be performed so that the natural contours of the land shall be preserved to the extent possible. Excavating to a lower elevation than required by the plan for which the permit was granted is strictly prohibited and punishable by a fine of one hundred dollars (\$100) per cubic foot, revocation of permit and/or other penalties as determined by the Board.
- (9) The subject premises shall be kept free of any debris, including tree stumps. All debris and tree stumps shall be removed from the site and disposed of in accordance with all applicable local and state regulations.
- (9A) Per recommendation of the Town Engineer, moved by Schleiff and seconded by Garron, Board unanimously added the condition that an As-Built Topographic Plan must be submitted upon completion of soil removal. This will allow the applicable Boards to determine that the work has been completed as proposed and that sufficient soil has been maintained around the septic leaching system.
- (10) Per recommendation of the Town Engineer, moved by Schleiff and seconded by Garron, Board unanimously voted: Records showing the amount of earth removed shall be provided by the permit grantee. The method of measurement of materials removed shall be an engineer's calculation of soil removed that is based on an As-Built Plan after removal is completed.
- (11) Schleiff felt that, given this property is located in a residential neighborhood, operation should not begin until 8:00 a.m. instead of 7:00 a.m. as allowed in the By-law. Howard had no objection.

Moved by Schleiff and seconded by Garron, Board unanimously voted: No earth removal or related operations shall take place except between 8:00 a.m. and 5:00 p.m. Monday through Saturday and in no case on a legal holiday. Included among related operations are the starting of engines, loading and unloading of trucks and preparations for commencing of work which are audible over a distance. All loaded vehicles shall be suitably covered to prevent dust and contents from spilling and blowing from the load.

- (12) The preservation of trees, bushes and other vegetation and the erecting of fencing may be required to muffle objectionable noise and vibration.
- (12.1) The permit holder shall be responsible for all spillage onto the public ways of the Town. If, for reasons of safety, it becomes necessary for the Town to clean up and remove such spillage, the cost shall be charged to the permit holder.
- (12.2) The permit holder shall be responsible for all damage to public ways from traffic, occurring in connection with the permit, entering or exiting the site.
- (13) The Town Engineer recommended the fee for this permit be 10-cents per cubic yard (minimum fee allowed) because it is to everyone's benefit including the Town's to have this material removed. This is not a money making project; this is the result of work that had to be done on the property and removal of the excess will bring the property in line with the surrounding area.

Moved by Garron and seconded by Schleiff, Board unanimously set the permit fee at 10-cents per cubic yard payable to the Town of Halifax. Any inspections by an engineer of the Town's choice to ensure that the work being done follows the approved plans and this section shall be paid by the applicant.

- (14) The earth removal permit is not transferable without approval of the Board. Transfer of equity ownership or legal interest in the subject property shall be considered a transfer; however, the pledging of such a mortgage or other loan shall not be considered a transfer, but if the lender should acquire ownership or interest by foreclosure, it shall be deemed a transfer.
- (15) The permit grantee shall notify the Board, in writing, within forty-eight (48) hours of any material change in his circumstances and or plans as represented in his application, including change of ownership, general/operational contractors or purpose for removing earth.
- (16) The applicant agrees by acceptance of the permit to allow the Board or its representative free access to the site to conduct inspections to determine compliance with the conditions of the permit at any time without prior notice.
- (17) Per recommendation from the Town Engineer, moved by Bruno and seconded by Garron, Board unanimously voted a \$5,000 performance bond must be posted with the Town to repair and restore the land for future use as set forth in Subsection D(7) above, either by the permit grantee, after which

the bond will be released or, if not, by the Town, using the procedures from the forfeited bond for that purpose.

- (18) Discussion ensued on the time frame Howard would need to complete the work. He asked to be given until the end of August. Moved by Bruno and seconded by Garron, Board unanimously set an expiration date of September 1, 2009.
- (19) Per recommendation of the Town Engineer, moved by Bruno and seconded by Garron, the applicant must contact the Board of Health, Board of Selectmen and the Conservation Commission at least 72 hours prior to commencement of removal of material.

Moved by Garron and seconded by Schleiff, Board unanimously granted an Earth Removal Permit to Matthew Bowles for the removal of 2,000 cubic yards of material from property located at 355 River Street, contingent upon (a) posting of \$5,000 performance bond with the Town and (b) payment of the \$200 Permit Fee.

#### **INTERVIEW - ZBA ASSOCIATE MEMBER APPLICANT JERRY SCULLY**

Selectmen met with Jerry Scully of 50 Harvard Street relative to his application to be an Associate Member to the Zoning Board of Appeals. The ZBA is recommending his appointment. Selectman Michael Schleiff abstained from the discussion because he is an Associate Member of the ZBA.

Scully is an architect and can interpret the various aspects of drawings. He is willing to listen to both sides. He had attended the Wal\*Mart hearings to familiarize himself with the issues involved.

Moved by Bruno and seconded by Garron, Board appointed Jerry Scully of 50 Harvard Street as an Associate Member to the Zoning Board of Appeals, term to expire June 30, 2014.

#### **DISCUSSION - FIRE CHIEF SEARCH**

Bruno gave a synopsis of action to date in the search for a new Fire Chief. A search committee was appointed and recommended five individuals to undergo an assessment center conducted by Emergency Response Systems. The Board noted that ERS has been used for the past two Fire Chiefs. Both Chiefs were excellent, brought leadership to the Fire Department and facilitated its growth in different ways.

From that assessment, ERS recommended the Board interview three candidates, all from Massachusetts: William Carrico of Plymouth, Aaron Goodale of Marston Mills and David Goodfellow of Lakeville. The Board agreed to hold

interviews next Tuesday, July 21<sup>st</sup> beginning at 7:00 p.m. In the meantime, Seelig will ask the candidates to spend a day or half day visiting Halifax to acquaint themselves with the Town and the Fire Department. Seelig will invite the members of the Screening Committee, the Acting Fire Chief and the President of the Firefighters Union to attend the interviews.

### **EDWARD GAVIN - FIREFIGHTER UNION**

Firefighter Union President Edward Gavin and a number of Fire Department personnel met with the Selectmen. Gavin said the membership would like to know where the Board is in the process of hiring a new Fire Chief. While they support full-time Captain Henry Bosworth in the role of Acting Fire Chief, Gavin asked if there was an expected date for the new Chief to come on board.

Bruno provided Gavin with a summary of events to date and advised him the Board will interview candidates next week. The Board will not make a decision for a week after the interviews to allow for reference checks, etc. to be completed.

The start date for the new Chief will depend upon who is selected and that person's availability. The question will be discussed during the interviews. The Board intends to enter into a contract with the chosen individual; the start date would also be dependent upon the negotiation timeframe. The Board hoped to have someone on board by the beginning of September. While it was hoped to have the position filled earlier, the Board would rather make the right decision instead of a fast one.

Bruno said if anyone had particular areas of concern or questions they wanted addressed in the interview, they should provide those questions to Bruno or Seelig. He encouraged them to express what issues the Department feels should be addressed. In addition, they are welcome to attend the interviews.

Gavin thanked the Selectmen, stating they had not been aware of what had transpired. Bruno apologized stating he thought they had been kept in the loop as far as where the Town was in the process.

Moved by Bruno and seconded by Garron, Board unanimously voted to schedule a meeting on Tuesday, July 21<sup>st</sup>, at 7:00 p.m. to interview the three candidates recommended by ERS. Seelig will call the individuals and schedule the interview times as well as tell them the Board recommends they visit the Town for a day or half day to meet with Department members as well as the Police Chief because of the Dispatching aspect. In addition, Seelig should reiterate that they must live within fifteen miles of the Fire Station because the Chief is a working Fire Chief and must be available for any major event that happens. The timeframe to move within that distance will be worked out in the contract.

Bruno stated the Board needs to begin thinking about the contract and provided each Selectman, for their review, with a draft composite of various contracts for Fire Chief's in other towns.

**GENERAL MAIL/BUSINESS (CONTINUED)**

B. Resignation - Smith / Council on Aging

In response to questions from the Board, Smith said she was resigning because the Council had a lot of work to do in the next year with regard to the Senior Center and she could not be available to the extent needed because she worked full-time. Moved by Garron and seconded by Bruno, Board unanimously accepted, with regret, the resignation of Beverly Smith from the Council on Aging, effective immediately.

C. Appointment - Police Matron

Moved by Garron and seconded by Bruno, Board unanimously appointed Jeanne Steele as a Police Matron, term to expire June 30, 2010.

D. Appointment - Holidays in Halifax

Moved by Garron and seconded by Bruno, Board unanimously appointed Susan Basile to the Holidays in Halifax Committee, term to expire June 30, 2010.

E. Cable TV

The MMA is asking communities to oppose legislation proposed by Verizon which limits the ability of towns to negotiate contracts. Moved by Garron and seconded by Schleiff, Board unanimously voted to send a letter to the Town's legislators opposing any limitation by outside vendors.

F. Casino

Bruno stated the Wampanoag Tribe had a meeting with Assistant Secretary for Indian Affairs Larry Echo Hawk pushing to change the decision by the Supreme Court last spring that tribes recognized after 1934 have different rights with regard to putting lands into trust. Per recommendation by Bruno, the Board instructed Seelig to write to the Town's legislators opposing any change to that decision and to include the packet of information sent to Echo Hawk disputing the Tribe's claim to land in Middleboro.

G. Monponsett Pond Algae Project

Seelig reported the Town received one proposal to undertake remediation of algae in the West Monponsett Lake. The bid from Lycott Environmental meets the qualifications and is under the amount budgeted. Seelig specified the work is to be completed by December 2010 in case there are tie ups in getting permits to do the work. Moved by Garron and seconded by Bruno,

Board voted as follows to award the contract to Lycott Environmental to remediate the algae in the West Monponsett Pond:

John H. Bruno II	-	Yes
Troy E. Garron	-	Yes
Michael J. Schleiff	-	Abstained

Schleiff questioned why no one else submitted a bid. Seelig did not know why and had not made calls to other firms asking why they did not participate. He would do so if the Board wanted him to. Bruno and Garron were satisfied and did not think it was necessary.

Seelig stated, while it was not required, the bid proposal had been put in the State Register to attract potential bidders. It may be that the work is highly specialized and there are not many firms in this area that do this type of work.

Bruno provided Schleiff with a brief history of the work to date on the Monponsett Ponds with regard to weed remediation and the issue of algae on the West Lake. If Schleiff wanted to meet with Lycott for a more in-depth discussion, Seelig will arrange the meeting.

H. National Grid/Rate Increase

Moved by Garron and seconded by Schleiff, Board opposed the proposed rate increase by National Grid. Seelig will send a letter to the Department of Public Utilities.

I. Water Withdrawal Permits

Seelig reported the current permit for Halifax (Water Department) expires in February 2010. The Town has to apply for a renewal in November 2009. The Water Department has been notified of this requirement.

J. Road Block Permit

Moved by Garron and seconded by Bruno, Board unanimously approved Permit #10-03 issued to Alison Maher of 65 Brandeis Circle to block a portion of Brandeis Circle on August 29<sup>th</sup> for a neighborhood block party.

K. Music in Schools

The Board acknowledged a letter from John Smith looking for support to have the budget in the individual school systems in the District include money for additional instruction in instrumental music.

L. Walnut Street Road Conditions

Bruno had spoken with the Police Chief relative to a letter from a family concerned about the deteriorating conditions on Walnut Street and changes in traffic patterns and safety. Bruno instructed Seelig to call the family informing them the letter has been given to the Police Chief who will be glad to send the radar unit down if there is a place to set it up. The condition of the road comes under the jurisdiction of the Highway Surveyor.

M. SoftRight Contract

Before signing the addendum to include the Treasurer-Collector, Bruno wanted Town Counsel to sign off on the language and wanted the contract to include municipal funding. Seelig will forward to Spinale.

N. Carryovers and Encumbrances

Seelig provided the Board with a list of accounts and dollar amounts to be carried over into Fiscal 2010 as well as one encumbrance for the June bill for Pope's Tavern electric which has not yet been received. He will send the list to the Town Accountant.

O. 40B

The Board acknowledged a copy of a letter from the Massachusetts Slow Growth Initiative to the Pembroke Conservation Commission informing them of a drive to abolish Chapter 40B.

P. Brockton Power Plant

The Board acknowledged notification that the power plant hearing has been postponed until July 30<sup>th</sup>.

Q. St. David's Sign

In response to an inquiry from St. David's Church, the Board did not wish to keep the sign at the end of South Street to use for other purposes now that the church is closing.

R. 275<sup>th</sup> Anniversary Banner

Moved by Bruno and seconded by Garron, Board unanimously granted permission to the 275<sup>th</sup> Anniversary Committee to hang the 275<sup>th</sup> Anniversary Banner from the balcony located in the front of the Town Hall.

S. Road Block - Dwyer/Hillside Avenue

Moved by Bruno and seconded by Garron, Board voted as follows to affirm its approval of Permit #09-60 issued to Tamara Dwyer of 28 Hillside Avenue to block a portion of Hillside Avenue on July 4<sup>th</sup> from 12:00 noon to 7:00 p.m. for a neighborhood block party:

John H. Bruno II	-	Yes
Troy E. Garron	-	Yes
Michael J. Schleiff	-	Abstained

Motion passed by 2/3 vote.

T. Accountant Consulting Contract

Moved by Bruno and seconded by Garron, Board unanimously approved the contract between the Town and John Stanbrook to provide training to the new Town Accountant for a total of forty hours at a total cost of \$35 per hour (\$1,400 total).

There being no further business, moved by Bruno and seconded by Garron, Board unanimously voted to adjourn the meeting at 10:20 p.m.

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Michael J. Schleiff  
Clerk

/bfs