

HALIFAX BOARD OF SELECTMEN  
SELECTMEN MEETING  
TUESDAY, OCTOBER 27, 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**

The Board added an Executive Session on potential litigation and a collective bargaining issue. With the above addition, the Agenda for Tuesday, October 27<sup>th</sup>, was unanimously approved without revision.

**MINUTES**

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

Selectmen Meeting 09-08-09 - Regular Session

**ABATEMENTS/BILLS/COMMITMENTS/WARRANTS**

Moved by Schleiff and seconded by Garron, Board unanimously affirmed approval for the payment of Vendor Warrant #33 in the amount of \$65,570.74

Moved by Schleiff and seconded by Garron, Board unanimously affirmed the payment of the following Selectmen bill:

Zurich (Highway underground storage tank insurance) ..... \$ 635.00

Moved by Schleiff and seconded by Garron, Board unanimously approved payment of Payroll Warrant #34 in the amount of \$325,418.44.

Moved by Schleiff and seconded by Garron, Board unanimously approved payment of Vendor Warrant #35 in the amount of \$186,216.08.

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

Baystate Environmental Consultants Inc. (lakes/mussel and  
dragonfly study) ..... \$1,100.00  
Jordan on the Job (employee physical/Highway) ..... \$ 90.00

Jordan on the Job (employee drug test/Fire) .....	\$	60.00
West Payment Center (revised court rules law book) .....	\$	10.00
W.B. Mason (office supplies) .....	\$	24.62
W.B. Mason (office supplies) .....	\$	8.40

The Board acknowledged payment of the Selectmen Office Payroll for the period ending October 24, 2009 in the amount of \$6,003.49

**TAX CLASSIFICATION (CONTINUED)**

The Board continued the hearing from September 22<sup>nd</sup> for the purpose of allocating the local property tax levy among the five property classes for Fiscal Year 2010. Principal Assessor/Appraiser Janyce Whitney was present and advised the Board the preliminary values have been approved by the State.

Given that no further information was needed, moved by Bruno and seconded by Garron, Board closed the tax classification hearing. The Board signed the necessary documents to establish the Tax Rate for Fiscal 2010.

**GENERAL MAIL BUSINESS**

A. Accounting Consultant Contract (amended)

Moved by Garron and seconded by Schleiff, Board unanimously approved an amendment to the Accounting Consultant Contract increasing the number of consultant hours for a total amount not to exceed \$2,800.

B. Financial Data Migration Assistance Contract

Moved by Bruno and seconded by Garron, Board unanimously approved the contract between the Town and Financial Data Migration Assistance in the amount of \$35.00 per hour, not to exceed \$3,800.00. This contract is to assist the Town Accountant and Treasurer/Collector in mitigating the Town's financial data from the Alpha System (currently in use) to the SoftRight Municipal Management System.

C. Appointment – Board of Registrars

Moved by Garron and seconded by Bruno, Board unanimously appointed Joann Andrews of 688 Plymouth Street to the Board of Registrars, term to expire March 31, 2011.

D. Appointment – Cable T.V. Advisory Board

Moved by Bruno and seconded by Schleiff, Board unanimously appointed John Shiavone of 798 Plymouth Street to the Cable T.V. Advisory Board, term to expire June 30, 2010.

E. Appointment – Cemetery Superintendent/Burial Agent

Moved by Bruno and seconded by Garron, Board unanimously extended the appointment of Robert Badore as Cemetery Superintendent and Burial Agent to May 15, 2010 to bring the term in line with the new Town by-law.

F. Annual Alcohol Beverage License Holder Inspections

The Selectmen will inspect the Alcoholic Beverage License establishments together on November 6<sup>th</sup> beginning at 5:30 p.m. The Board will do as many as possible that evening. Any remaining establishments will be divided among the three Board members and each member will complete those inspections assigned to them on their own.

G. Snow Plowing Private Roads

Bruno acknowledged a letter from the Planning Board stating they had met on October 15<sup>th</sup> to discuss the matter of plowing private roads. On the question as to whether the Planning Board stipulates the Town will plow the road when a subdivision is accepted, the Planning Board has never made such a stipulation nor has it implied the Town will plow the road.

In researching other towns, Seelig found that some towns (a) do not plow private roads at all, (b) will plow if the road meets certain standards, and (c) will plow those streets that are designated as “ancient roads.” The Town of Randolph gets a performance bond from the developer requiring the developer plow the road until it is accepted by the town. The Town of Hanson requires the developer pay a fee for plowing and the developer does not need to sign an agreement.

Town Counsel has opined that the Town cannot require payment for current unaccepted roads. Seelig asked the Board if they wanted him to pursue this issue and/or set a policy regarding plowing unaccepted streets. Garron wanted more research done and was concerned that the biggest problem for the Town would be liability. Seelig said an agreement could be drawn stating that the Town would not be responsible for damages to the road if any were incurred.

Schleiff noted that, if the Town does any work on an unaccepted street, it accepts responsibility for the road. He asked how the Town avoids that when it plows the road should damage occur. Seelig said that, if the road did not meet standards acceptable to the Highway Surveyor for plowing, he could

refuse to plow the road because of potential damage to the road and/or plow. If the developer refuses to meet those standards and the Town refuses to plow, Seelig questioned what the next step would be given the road would remain unplowed.

Since this issue was of particular interest to Schleiff, Bruno recommended that, as the Board’s liaison to the Highway Department, Schleiff meet with the Highway Surveyor and Planning Board to resolve the matter. Moved by Bruno and seconded by Garron, Board unanimously designated Schleiff as the Board’s liaison to the Highway Department and authorized him to coordinate with the Highway Surveyor and Planning Board to develop a policy on plowing private (unaccepted) roads.

H. Conflict of Interest/Section 20 Exemption (McSherry)

Moved by Bruno and seconded by Garron, Board unanimously approved a Section 20 Exemption for Pamela McSherry to work as the Finance Committee Secretary while at the same time working as the Board of Selectmen Secretary. There is no conflict of interest between the two positions.

I. Special Municipal Employees (snow plow drivers)/Section 20 Exemption (Schleiff)

Moved by Bruno and seconded by Garron, Board voted as follows to (a) designate all snow plow drivers for the Town of Halifax “Special Municipal Employees” and (b) approve a Section 20 Exemption for Michael Schleiff to snow plow for the Town of Halifax while, at the same time, serving as a Selectman for the Town:

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

Motion passed by a 2/3 vote.

Moved by Bruno and seconded by Garron, Board voted as follows that Schleiff check with the Ethics Commission to confirm whether or not Schleiff can be paid for both positions (Selectman and snow plow driver):

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

Motion passed by a 2/3 vote.

J. Water Diversion - Monponsett Lakes - Hanson Notification

The Hanson Board of Health would like to be notified when Brockton diverts water from the Monponsett Lakes. Seelig will contact Hanson and suggest they request Brockton placed them on the list of organizations receiving the daily water usage table and to place Hanson on the call list when they plan to divert.

K. Christmas Tree Lane - Tree Plantings

Board acknowledged a letter from Jeff Anderson stating that the original plan submitted by the developer for Christmas Tree Lane included a tree belt between Jeff Anderson's property and the subdivision and that these trees have not been planted. The Selectmen have no jurisdiction over this issue until such time as the developer requests the street be accepted by the Town.

L. Holidays In Halifax

The Board acknowledged a letter from Holidays In Halifax Committee inviting the Selectmen to participate in the festivities to take place on December 12<sup>th</sup>. Seelig will advise the Committee the Selectmen would like to do so.

M. Grave Markers

The Board acknowledged a request from the Veterans Agent to use funds from the Patriotic Celebration account to purchase grave markers at a cost of \$213. This would leave approximately \$287 in that account. Bruno noted that had the request been received in August it could have been included in the Special Town Meeting.

The Board did not want reduce this account in half so early in the fiscal year and therefore opposed to use of the account for this purpose at this time.

**275<sup>TH</sup> ANNIVERSARY COMMITTEE**

The Board met with the 275<sup>th</sup> Anniversary Committee; following is synopsis of discussion:

- Rogers has verified with the Town Accountant that all the expenditures incurred to date have been paid;
- The Committee would like to continue to sell T-Shirts and the Town Hall replicas.

- There is a balance left in the Anniversary Committee account, and the Committee wondered what should be done with the money. Seelig suggested transferring the money into the Halifax In Lights Committee account to help offset the cost of the fireworks in 2010; this would require a vote of town meeting.

The Board congratulated the Committee on an outstanding job and thanked the members for their time and effort in making the celebration a success. Moved by Garron and seconded by Bruno, Board unanimously voted to send a thank-you letter to each member of the 275<sup>th</sup> Committee.

### **MASTER PLAN STUDY COMMITTEE**

The Board met with Master Plan Study Committee members Keith Hopkins and Eleanor Lyons.

The Committee has been meeting to update the 2002 Master Plan written by OCPC. It has been in contact with various Town departments, boards, and committees and has had some feedback, although not as much response as it hoped for by this time. The Committee also held a public hearing with Attorney Daniel Hill on 40B. It was fairly well attended. Members of ZBA, the Planning Board and the Conservation Agent were presents. The Selectmen were given a copy of Hill's presentation.

Hopkins said that, from that presentation, it is clear it is imperative for the Town to have a plan to deal with 40B issues and to have a plan in place before the Master Plan can be completed. He assumed the 40B plan would be developed by the ZBA and would have to be approved by town meeting. Seelig believed the Affordable Housing Partnership Committee is working on a plan. They went out to bid for a consultant but did not get any submissions. They are going to rebid in the next few weeks. Lyons asked if the consultant was to work on one particular piece of land. Seelig said the housing production plan is for the entire town, not just 40B projects. The idea is for the Town to be proactive and get the types of projects the Town wants and where the Town wants them rather than a developer making those decisions. Garron said, for example, the Town has been talking to a land owner near the MBTA station about a possible project in that area.

Hopkins felt the ZBA should be involved in the Affordable Housing Committee to that the 40B plan can be incorporated into the Affordable Housing plan. Seelig will check to see if a member of ZBA is on the Committee. Schleiff said there is a 40B by-law that we incorporated from other towns just to get something on the books but it needs to be updated. Schleiff asked if part of the Master Plan study was to designate certain areas that the Town would like to see 40B projects. Lyon said that is right. Seelig said the Plan would state what projects should be done in what areas. Schleiff said similar to commercial, industrial, etc.

Hopkins said that Hill had some very good points about specific things the ZBA could do in a by-law to help the 40B process as far as permitting, fees, etc. It seems, if the Town is going to hire a consultant on housing issues, 40B should be a part of that mix and a ZBA member should be involved. Seelig said some of that information could go to the ZBA for them to look at versus their current regulations for 40B submissions. As far as the housing production plan, the plan does not look at specific projects already on the table. Technically, there is only one right now - Blackledge Farm. With future projects, the plan would say what the Town prefers. However, the Town cannot just have a plan but has to implement that plan by producing affordable units.

Lyons said that Hill has a lot of experience dealing with both small and large towns. One of his suggestions was that the Town hire a town planner as a consultant to do a specific job and this planner would do an entire layout of the town with regard to specific zones working with the ZBA and the Planning Board in conjunction with one another. This would give the town a model of what to work with in the several years to come. She went on line and looked at Hanover and Kingston which are larger. She felt Halifax needed to model itself after a larger town that has been very successful but on a smaller scale. For the benefit of the people who live here now and in the future, this needs to be done now.

Garron understood the Affordable Housing Committee was doing a plan that encompassed the entire Town, not just 40B. In the towns he has talked to, the written by-law incorporates ZBA, Conservation, etc. Lyons asked if this planner is not just incorporating 40B but designating commercial, etc. Seelig said it is strictly a housing production plan - the idea being that the State wants every community to have affordable housing. The Town would determine what it wants and where but, at the same time, must be proactive by making sure a certain number of affordable houses are built each year. By doing that, the Town can reject a developer that comes in with a plan the Town does not like and say the Town is meeting the goals that the State has set and here is how the Town is doing that. This has nothing to do with commercial, open space, infrastructure, etc. The Master Plan is much more encompassing than housing.

Hopkins said that the housing plan has to be in place before the Master Plan can go ahead. Schleiff suggested the Master Plan Committee meet with the ZBA who has a representative from the Planning Board on 40B as a liaison. ZBA has its own consultant working on a specific 40B.

Hopkins stated that the Master Plan Committee needs professional help in putting together the Master Plan. Most of the funding is left in their account and they wanted to investigate fees, etc. for hiring a consultant. Lyons said there are several committees doing several things and may not all be on the same wave length. Seelig said the Master Plan is far more encompassing. Garron said we need to get the individual portions done as part of that. Each department has to do their part and a by-law put on the books so that it can be incorporated into the overall Master Plan.

Bruno felt having a consultant was a good idea and the cost would have to be worked out. Schleiff said 40B has the most financial impact on the Town and suggested the Master Plan Committee talk with ZBA and Planning to see what they have in place now. Garron stated that the 40B is only a part of the plan and the Committee needs some direction on how to work on the overall plan.

Hopkins said the Committee was using the Master Plan from 2002 that was done with the census report from that year. But a lot of the data is not relevant. He would like to use the data from the census taking place at this time; however, the information will not be available until 2011.

Lyons suggested the Selectmen meet with Attorney Hill and have him explain what the Master Plan Committee is trying to clarify - that a Plan is needed for the town as a whole. The Committee would seek a professional who has done this type of work for all sorts of towns. Garron suggested the Old Colony Planning Council and South Shore Housing may have some input on individuals who do this type of work and how to start the process.

Bruno suggested the Committee meet with Seelig to discuss what the Committee is looking for and explore the cost involved for the type of consultant the Committee felt would meet their needs.

### **VETERANS AGENT INTERVIEWS**

The Board met with candidates for the position of Veterans Agent. Following is a synopsis of those interviews:

#### **A. Gary LeBouef**

LeBouef stated the role of the Veterans Agent is to inform the veterans on the educational benefits and outreach programs available to them. He felt he was very knowledgeable about the benefits offered. While he has never been an Agent before, he keeps in touch with the updated services and is able to walk a veteran through the various procedures. He is familiar with the Mass General laws and uses the website to remain current.

His approach would be to determine a veteran's needs (medical, financial, etc.) and direct them to the right program. He is a veteran and has a desire to help fellow veterans.

In response to a question from Garron, LeBoeuf said he had not been in contact with the Veterans Home in Boston and was unfamiliar with the facility.

The Board noted it is a part time position and the Agent generally sets his own office hours (usually in the evening) as well as organize some events



throughout the year. LeBouef said there was nothing to prevent him from performing the job, but noted his son was getting married next year and he would be unavailable for a short period at that time.

In response to questions from LeBouef, the Board said there is a computer and the current Veterans Agent was willing to familiarize him with the office.

B. Robert Charles

Charles was the Veterans Agent for Norton for four years and for the past year is now the full-time Veterans Agent in East Bridgewater. He is well versed in the procedures and responsibilities of the position. Working with the veterans is a passion of his and he wanted to help those in Halifax - getting the forms and helping them fill out and mail the forms, assisting widows, providing transportation when needed, etc.

Charles felt he could work out the logistics between the two jobs to be available when needed in Halifax. The only conflict could be his being present during ceremonial events (such as parades). He could organize and plan events and ensure someone is in charge on that day but might not be present himself because of his commitment to East Bridgewater.

C. Louis Avitabile

Other than what he picked up from the veterans agent in his town, Avitabile did not have a lot of experience. He felt he could do the job in a pinch if the Town needed a Veterans Agent.

With regard to the role of the Veterans Agent, Avitabile felt the young veterans needed to be reached out to, made aware of the benefits they are entitled to, and made to feel they have a friend that is there to help them. The main role was to be an advisor to veterans and their families with regard to meeting their individual needs. It should be someone who is looking for the best interest of the veterans; someone who provides basic information, makes contact with the individual to make them aware of what is available and to provide help to their families. It is all about contact.

With regard to ceremonial events, he is retired and would be available. He felt the VFW and the American Legion should be the organizer of these things and that he should be an advisor to them so that those organizations got the credit.

D. Benjamin Borsari

Benjamin Borsari failed to appear for his scheduled interview with the Selectmen.

It is the Board's intention to make a decision on Tuesday, November 10<sup>th</sup>, at 7:35 p.m. with regard to which candidate to appoint to the position of Veterans Agent

**RECYCLING FEE ABATEMENT REQUESTS**

The Board postponed action on the 2010 Recycling Fee Abatement requests until the next meeting. Because some of the requests are based on homes being vacant, Schleiff was concerned about advertising the fact and wanted to explore options on how abatements could be voted rather than by property address.

**EXECUTIVE SESSION**

Moved by Bruno and seconded by Garron, Board voted as follows to enter into Executive Session at 9:40 p.m. to discuss potential litigation and a collective bargaining issue:

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

Bruno announced that no statement would be made at the end of the Executive Session and the Board would not reconvene in open session.

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Moved by Garron and seconded by Schleiff, Board voted as follows to come out of Executive Session at 10:00 p.m.

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

There being no further business, moved by Garron and seconded by Schleiff, Board unanimously voted to adjourn the meeting at 10:00 p.m.

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Michael J. Schleiff  
Clerk

pjm/bfs