

BOARD OF SELECTMEN
SELECTMEN MEETING
MONDAY, SEPTEMBER 23, 2013 - 6:30 P.M.
HALIFAX ELEMENTARY SCHOOL – ROOM 105

Meeting came to order at 6:30 p.m. with Selectmen Troy E. Garron, Kim R. Roy and Michael J. Schleiff present.

The following business was discussed:

PLEDGE OF ALLEGIANCE

The Board as well as those attending tonight's meeting stood to recite the Pledge of Allegiance.

AFFIRMED WARRANT

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

Vendor Warrant # 23 160,200.63

APPROVED WARRANT

Moved by Roy and seconded by Schleiff, the Board unanimously approved payment of the following warrants with the exception of Schleiff abstaining from the Police Department payroll:

Payroll Warrant # 24 \$ 333,093.43

APPROVED BILLS

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

W.B. Mason (labels for binders/toner for Selectmen Assistant Printer/toner).....	\$ 173.20
Harry B. Harding & Sons (#10 envelopes/qty. 2,000).....	\$ 132.40
Harry B. Harding & Sons (9/23/13 STM Warrant qty. 3,800)...	\$ 628.00
Deutsch Williams Brooks (legal services/August)	\$ 477.25
Cape Electronics (UHF repeaters/claim 11/17/08).....	\$ 1,101.61
Malloy, Lynch, Bienvenue, LLP (billing for audit yr. ended 6/30/13).....	\$ 5,296.00

The Board acknowledged payment to the Treasurer for the following turnovers:

<u>TURNOVER</u>	<u>AMOUNT</u>
2014-15	\$ 5.00
2014-16	\$ 5.00
2014-17	\$ 10.00
2014-18	\$ 150.00

The Board acknowledged payment of the Selectmen Office Payroll for the period ending:

September 21, 2013 FOR \$ 6,424.35

GENERAL MAIL / DISCUSSIONSPolice Gun Range

A discussion regarding a proposed gun range has been scheduled for October 8th. Seelig has notified Police, Water, Fire, Highway and Youth & Recreation about this so that if they have any question of concerns they can be addressed that evening. Garron stated that he would like clarification on the exact spot.

FEMA Floodplain Maps Workshop

Seelig is waiting to hear back from the Building Inspector as he attended the workshop.

Monponsett Pond Sluice Gate

Brockton will not release water through the gate if the water level is below a certain amount as they are quoting the 1964 legislation. Schleiff asked what the level was and Seelig said that he would find out.

Animal Control Officers

Animal Control Officer Joshua Heal has submitted his resignation due to family commitments. In addition the other ACO, Noreen Callahan, will be on medical leave beginning on September 25th. Calls will be handled by the Police Department while she is out. Chief Broderick is contemplating whether to recommend to the BOS that a second ACO be appointed and if so he will look at the previous applications he received. Garron thinks that another ACO should be hired and Schleiff asked if there were any problems between Callahan and Heal. Both Roy and Garron said there was not. Seelig said that he will let Chief Broderick know that Garron and Schleiff would like another ACO.

Halifax in Lights Fundraiser Sign

The Halifax in Lights Committee is interested in putting up a fund raising sign showing the progress raising money for next years fireworks. Their thoughts are to put it next to the sign by the fire station. Seelig had asked Chief Carrico his thoughts about it being at the fire station and he suggested that it be placed at the site where the fire works are watched or at the Town Hall. Schleiff asked why he did not want it at the station and Roy said because of the other sign that is currently there. Garron thinks it should be put it in front of the HOPS playground or the library where there is open space. Schleiff asked if would be a permanent sign till July and Seelig said yes. Seelig stated that he will ask about the size.

Picnic Table at Boat Ramp

Seelig will check on the status of the picnic tables that were put at the boat ramp.

Off Limit Signs at Elementary School

Elementary School Principal, Claudia Motta, is asking the Board of Selectmen if it would be okay to put up six signs at the entrance to the ball fields and tennis courts stating that non-school personal should stay off the grounds between 8 a.m. and 3 p.m. Roy understands they are needed because people are down there during school hours but asked where they would go and questioned if we needed six. The Board agreed on four at this time to be put at entrance points. As for the color, Garron thought black and white would be fine because either they are or are

not to going to read them. The discussion was tabled at this time as the Board had a Pole Hearing scheduled for 6:45 p.m.

SCHEDULED APPOINTMENTS

Utility Pole Hearing

At 6:45 p.m., the Board convened a public hearing for the purpose of considering the petition submitted by Massachusetts Electric Company to install solely owned pole on South St. beginning at a point approximately 185' N-W of the centerline of the intersection of Hayward St. and South St. and continuing approximately 16 feet in a S-W direction to support the weight from the step down transformer on Pole 72. A public notice had been posted and abutters were notified via regular mail at least seven days prior to the hearing.

Present for the hearing were the following individuals:

Nicholas Alexander	ControlPoint Technologies
Frank Silvia	ControlPoint Technologies
Gilbert Wright	113 South Street (abutter)
Craig Snoeyenbos	106 South Street

Mr. Alexander began by saying that he would like permission for a pole and anchor on South Street to support Pole 72. This will be located approximately 184 feet north west of Hayward Street. Garron asked the purpose of the pole and he said to support Pole 72 which has equipment on it causing the pole to lean away from the street and will be on the opposite side of the street to help support it. Garron asked that in the past have they put up a pole to support the existing one and Mr. Alexander said that those are done to support angles but in this case he and the Overhead Supervisor came up with this solution to support the leaning pole. He continued to say that this would be a new pole and new equipment and that they did not want to change out the pole and this would be a less expensive way to solve the problem. Garron then asked how far off the road will the pole be and Alexander said about five feet.

Schleiff asked what was on the lot at this time. Mr. Wright stated that the stake is it is closer to the edge of the road than five feet and that this is a historical house and that on old homestead and it may represent the utilities right of way. He also said on the old deed he owns into the street. Schleiff asked how we know that guide cable is within the right of way and not into the property. Garron asked Mr. Wright if he had anything showing his property line and how is this pole going to affect his property if they put the pole where they are suggesting putting it. Mr. Wright he said he has pictures, which he showed the Board pictures of his front yard and pointed out that the existing pole is on his property and said this will diminish value on his home especially if they go with the angle pole scenario and if a pole was to be on the other side of the street (he owns that property also) it too will diminish value of that property as well.

Garron then asked if they looked into another way to support the pole and Mr. Alexander said that they could put the pole on the property located at 113 which would lean against another pole to push it away from leaning.

Mr. Wright explained that there was an upgrade recently on the pole in question and his feeling is changes came about for the pole due to the upgrade. He stated that down the street there is an intersection where there are transformers on the poles and asked could the transformers on the pole in question be put down there. Garron stated that National Grid has to make a decision and it is either put a pole on his property, across the street or on another resident's property and asked if Mr. Wright got service from these poles. Mr. Alexander stated that Mr. Wright gets his service from a transformer in his back yard and that the transformers on the pole do not provide service and that they are part of a system. Roy then asked what the purpose of this particular transformer is and he said that they are ratio transformers which steps down a higher voltage to a lower voltage.

Seelig said that in the past the Board has asked National Grid if they would consider doing x or y and stated that the Board does not have to say yes or no tonight. Schleiff asked who property was across the street and if nothing else was added to the pole would it be sufficient on its own. Mr. Wright said that he owns the property where they are proposing the pole to be placed and Mr. Alexander said that it is leaning so that is why they came up with the support pole with a guide wire.

Garron asked if there was going to be and voltage to the new pole or was it just for support and Mr. Alexander said just for support for the guide wire. Schleiff thought that it would be lesser of an eyesore on physical house property then having it across the street but wants to make sure that where National Grid wants to put the pole is not in the right of way or on the property. Roy asked if he was opposed to Mr. Wright's proposal to put it across the street.

Mr. Wright's thoughts are that the reason why the pole is leaning is because it is not regular equipment and in his mind they belong in an intersection where they would not bother anybody. Schleiff said that he has seen poles leaning all over the place with things added to them but if the engineers say it is okay and they will not fall then they know. He thinks that this is an odd situation and if they have to do it as proposed he would be okay with it but wants to make sure it is within the right of way on Hayward Street and asked how you prove that. Mr. Alexander said that if the road way is twenty feet then it is ten feet from the center line. Schleiff stated that the roads are not always perfect to the initial layout and would feel more comfortable if he can be shown that it is within the right of way with the suggestion having it surveyed to make sure.

Garron asked how dangerous is the leaning pole and asked with winter coming will it come down with a lot of snow and ice on it?

Roy stated that the ideal situation would be that the equipment be moved to another pole or move it to an intersection but the second choice that Mr. Wright would prefer is that it be to be moved across the street. Mr. Silvia said that the transformer is there for a reason and placed at a particular spot so that you can measure the voltage from that particular point going forward.

Schleiff asked if this the only spot? Mr. Silvia is not saying that it is the only spot but said that those transformers were there before Mr. Alexander was assigned this project. Schleiff then asked if the transformer at Pole 71 would work just as well at Pole 72 as he knows that voltage is lost if the distance between poles is far between. Mr. Silvia said yes it could be moved and would have to take a look at that option.

Garron stated that he does not see a decision being made tonight and does not know how we can get more information on this without getting the land surveyed. Seelig asked if they had certified engineers with stamped plans and if so could we get the plan showing the location of the pole and the guide wire versus the property lines. Mr. Silvia said yes but they have never provide stamped plans whenever they petition for a pole and the assumption is that the center line of the roadway is the center line of the roadway and Mr. Alexander's placement of the pole & anchor are in the public way.

Garron said that Mr. Wright thinks it might diminish his property and be a eyesore and wants to work together so he is requesting that Mr. Alexander and Mr. Silvia go back to National Grid and ask if they can move the transformers from that particular pole to another location and get a better idea of the schematic of how it would look as this may satisfy the other Board members and Mr. Wright. Mr. Silvia said that they can take another look at it and get to the Board of Selectmen. With that being said Roy thought that was a fair to look at the option as she does not want to pass the *ugly stick* to another property owner.

Schleiff wants make sure that the guide cable does not go beyond the utility line and asked that as a Board could they ask the Highway Surveyor to take a look at it and get some feedback from him. The Selectmen Assistant stated that he was notified and said he was okay with it as long as it was not in the roadway.

Garron has seen that you can double up a pole to make it steadier and suggested that maybe that could be an option. Schleiff just wants to get it right because there has been past instances where fences have been put up in the right of way and wants it done right the first time.

Moved by Roy and seconded by Schleiff, the Board unanimously voted to continue the pole hearing to October 22, 2013 at 8:15 p.m.

GENERAL MAIL / DISCUSSIONS (CONTINUED)

Off Limit Signs at Elementary School (continued)

Moved by Schleiff and seconded by Roy, the Board unanimously voted to allow four (4) black and white signs to be put at the entry points leading to the ball fields. The school will incur the costs for the signs and the Highway Department will be asked if they could put them up.

Loose Manhole Cover

The manhole cover at 340 Plymouth Street has been fixed by the Highway Department.

Plymouth County Solid Waste Regional Initiative Symposium

Seelig and the Recycling Department plan on attending the above meeting that is taking place September 27th. He will update the Board at their October 8th meeting.

Algae Treatment for Monponsett Ponds

Seelig has talked with Lycott about the treatment and they will not be able to do the aluminum sulfate treatment next year because there is a stipulation by Natural Heritage that a mussel/dragonfly survey be done a year after the first survey,

which is the same time frame for the treatment before the algae takes in the phosphorous. Once the survey work is completed it has to be sent to Natural Heritage for review and approval and based on past experience this could take months, therefore the earliest the pond can be treated with aluminum sulfate is spring 2015.

Plymouth County Retirement Assessment

A 14% increase for FY2015 and an 8% increase for FY2016 have been approved. This extends the life of the schedule to 2034 instead of 2030 but Seelig thinks that the Retirement Board is going to try and continue the 8% increases until we get back to the 2030 schedule.

Plymouth Water District Re-Establishment

The attendees at the last session of the working group were unanimous that the Center Plymouth Water District be re-established. Seelig said that he would check with the Board of Selectmen for their approval before contacting the other communities in the district.

Garron stated that he was at the meeting and re-establishing the district might give the town leverage with the 1964 act. Roy said that the people thought that this was a good thing and spoke with Representative Tom Calter and told him she applauded him regarding his speech to Brockton and agrees with Garron about re-establishing the district as this would be another great step. Roy is disappointed that Brockton is playing games with gate but agreed with a Hanson resident who said that it is not just Brockton's fault as there is phosphorus in the water and we need to figure out why. Garron said that Brockton exacerbated the situation by not allowing the water to flow and said that the legislation does not say how Brockton is to use the water after they receive it. Roy explained that this law was established because Brockton was in a huge mess and this was only suppose to be a temporary thing.

Schleiff said that the committee is fifty years old and half the communities have no input on this and no idea of what is going on today. Roy did point out that there is some representation from a couple of the communities. Schleiff said that he is not against this and we need something because we have nothing right now. He had read the mission statement of the committee and said that some of it does not apply today and to reactivate the Act 1964 not knowing what it is going to cause or the parties involved thinks we should be cautious of what we are asking. Roy does not think there is time to re write it and said that the committee cannot make decision that the BOS does not approve. Schleiff thinks it is 50 year legislation and asked why we did not get to the bottom of it beforehand. Roy pointed out there has been a sub committee looking out for the legislation.

Garron said that prior to fifteen years ago the Water Districts did exist with members and was active but has dropped down and people pulled out. He continued to say that they need to re-establish the committee and give them the rights they already have that are written in the law and then look to change the law. Roy thinks that the person from Halifax should be Cathy Drinan as she has so much knowledge of the ponds and was the person who got this the Monponsett Watershed Committee together.

Schleiff asked if someone who has authority on this has looked at the 1964 legislation and Roy said that town counsel has looked at this. Schleiff then asked if anything came back from him and what are the pros and cons reactivating the committee and if there are any pitfalls. Roy does not think it is anything that is legally binding and that re-establishing it will hurt the town.

Schleiff agrees with Roy and Garron that they need to do something but stated that there are a lot of towns involved and want to do it right. He suggested contacting the towns to let them know what is going on and ask if they still want to remain on and become a part of this.

Roy motioned to establish the commission (this was not seconded).

Garron said that they spoke about this at Plymouth County Advisory Board meeting and all the towns there were in agreement. Roy added that they know the mission and trust their judgment have great ideas.

Schleiff asked what would be the first step in establishing/getting this going. Would it be contacting the other towns and getting input from them? Roy said that most of them are aware because there was representation from the other communities at the Working Group meeting but yes the first step would be establishing the committee then the Board would recommend someone to represent Halifax, which Roy earlier did.

Schleiff reiterated what would occur: (1) re-establish the committee; (2) Seelig would send a letter to the communities telling them what they are doing; (3) set up a meeting; (4) send our representative to the meeting. Schleiff asked if the members from the other towns who were at the meeting would also be contacted and Seelig said that he can send a email out to the group so that they are aware that letters are being sent out to the other town's select board and if they then want to get in touch with their Board of Selectmen they can.

Schleiff asked if Attorney Mayo has seen it and Seelig said the only thing Schleiff wanted Seelig to ask Mayo was what is Brockton's obligation regarding the Acts of 1964. Schleiff said that if we are reactivating this he would like his response and Seelig said we could ask him. Schleiff does not understand that if he read this legislation it wouldn't hurt for him to give some input. Seelig said that he can pull up Mayo's previous input on this. Roy stated that Mayo interpreted the same way the BOS did and read about this particular commission so if he had a problem with it then he would have stated it. Schleiff pointed out that he was looking at a different part of it and not the Water District Committee. Roy thinks this will cause a delay and cost the town more money. Schleiff is not talking having him spend hours looking this over.

Garron strongly believes reactivating the commission because it will give the town a voice which we do not have right now because we have nothing and we can sit here and discuss this for hours every week and not be able to put Brockton in a position for them to do what they are suppose to do. Schleiff is not saying not to go forward with this as he is not in disagreement about re-establishing the Water District but is asking for another set of eyes to look it over.

Roy stated that Mayo is here this evening (attending the Special Town Meeting) if Schleiff wanted to ask him for input from him off the cuff. Roy asked Seelig if they really needed Mayo to look it over and Seelig said the thing is he does not know the situation and has no background on this only the 1964 legislation.

Moved by Roy and seconded by Schleiff, the Board unanimously voted to send a letter to the towns telling them that they have an interest in establishing the Center Plymouth Water District setting a date and time that Mr. Elliot had recommended and asking the list of communities to also send representatives.

Recycling Abatements

Vacant Apartment

Moved by Roy and seconded by Schleiff, the Board unanimously voted not to abate FY2013 Bill #44 on the basis that the apartment can be occupied at any time.

Listed as Two Units

Moved by Roy and seconded by Schleiff, the Board unanimously voted to hold recycling abatement request for Bill #1648 until the Building Inspector can visit the property and verify that it is a single residence.

Live Entertainment – Our Lady of the Lake

Moved by Roy and seconded by Schleiff, the Board unanimously approved Permit #2014-23 to Laura Sullivan for live entertainment at Our Lady of the Lake on Saturday, October 5th, from 10:00 a.m. to 4:00 p.m.

MEETING ADJOURNED

There being no further business, moved by Roy and seconded by Schleiff, the Board unanimously voted to continue their meeting to the All Purpose Room to attend the Special Town Meetings at 7:40 p.m.:

Kim R. Roy
Clerk

/pjm