

Special Town Meeting December 14, 2023

Voter check-in occurred in the lobby of the gymnasium at the Halifax Elementary School. Check lists were used in electronic form with the aid of Poll Pad computing devices. Two Hundred and Seventy Eight (278) registered voters were checked-in and there were Twenty Two (22) people in the visitor section.

The Meeting was called to order at 6:57p.m. by the Moderator Robert Gaynor. He started the meeting by leading with the Pledge of Allegiance

Moderator Gaynor asked the Town Clerk, Susan Lawless if there was an official quorum (100 people) and she confirmed that the quorum had been met.

The Moderator introduced the Selectmen, Town Administrator, Town Counsel, Town Clerk and Finance Committee. Mr. Gaynor explained the procedures of Town Meeting. He explained that our bylaw states our articles are picked by a lottery. Since four of the articles are related by topic, they will all be handled at the same time. Those articles are 4, 5, 6 & 7.

Motioned and seconded to dispense with the reading of the warrant.

Passes Unanimously

Motioned and seconded to dispense with the reading of the Constables Return of service.

Passes Unanimously

The moderator explained that there will be two helpers walking around with microphones.

ARTICLE 2 To see if the Town will vote to amend the following salaries of several elected Town Officers for July 1, 2023, to June 30, 2024, or take any action thereto:

	<u>2023-2024</u>
Town Clerk	\$72,389.70
Treasurer-Collector	\$77,459.80
Highway Surveyor	\$80,884.34

**Proposed by the Board of Selectmen
Finance Committee Recommends**

Moved by Jonathan Selig (Selectboard member) and seconded to accept as printed in the warrant. Mr. Selig explained that as part of the compensation and classification study that the Town conducted, the proposed salaries would put them in line with the Town's Compensation Plan and create a basis for compensating each of these positions.

Passes by Simple Majority

The Moderator explained at this time that all of the Articles on the warrant will be a simple majority vote.

ARTICLE 5 was pulled by the lottery – As Articles 4, 5, 6 & 7 were all related Article 4 was taken first.

ARTICLE 4 To see if the Town will vote to rescind Article 32 of the May 9, 2022, Annual Town Meeting and reappropriate the remaining portion of the \$1,740,000 for the purpose of funding the design, construction and project management of the Halifax Council on Aging facility or take any other action relative thereto;

Proposed by the Board of Selectmen

Moved by John Bruno (Chair of Selectboard) that the remaining portion of the \$1,740,000 appropriated by Article 32 of the May 9, 2022 Annual Town Meeting be transferred for the purpose of funding the design, construction, project management and related costs of the Halifax Council on Aging facility. Seconded by Jonathan Selig

Mr. Bruno explained that this article will allow for the Town to utilize the remaining portion of the previously appropriated \$1.74 million for the general construction of a new COA and not limit it to the specific location of the Halifax Museum building. He explained that this project would allow 102 age restricted over 55 condominium units. This would also allow us to move forward with a new Town owned building to be used as a Senior/Community Center. These properties would be at 265 and 266 Monponsett Street. He explained the past proposals for these properties and the Town's objections. After speaking with Town Officials Thorndike Development revised their proposal and this is the revised plan we are voting on. He explained that there have been several open meetings. This project has been extensively discussed and the project has been amended to address the concerns of town citizens and board/committee concerns. The Board of Selectmen feel that this proposal which includes Articles 4, 5, 6 & 7 is in the best interest of the Town. Mr. Bruno asked that the developer make a short presentation on the project.

A town citizen objected to the Developer speaking at Town Meeting stating that they were not a resident of Halifax. Mr. Gaynor explained that the developer would be able to provide details of the project in front of you to provide you with information to vote on Articles 4, 5, 6 & 7. The Moderator explained that it is under the discretion of the Town Moderator to allow the developer to speak.

Thorndike Development made a presentation of the project with a visual presentation and a summary of the proposal.

Some questions were asked regarding the Development that were not relevant to this article but will be addressed in other articles of the same topic. The Town Administrator, Cody Haddad explained that this money has already been appropriated and the reappropriation of this money would not have any additional impact on the tax base. Jonathan Selig explained how this article will allow us to use this money towards a Council on Aging and that this article will essentially untie this money so that it is not specifically tied to the Museum location (the previous proposed project) but for the Council on Aging project wherever that ends up being.

Passes by Simple Majority

ARTICLE 5 To see if Town Meeting will vote to amend the Code of the Town of Halifax, Chapter 167-4 (Zoning Enumeration of Districts), and the Zoning Map as follows: 1. By amending Section 167-4, Enumeration of districts, by adding a new Subsection H, as follows: H. SHO Senior Housing Overlay District. (1) Purpose: To accommodate as of right senior housing development in appropriate areas of the Town of Halifax. The Senior Housing Overlay District allows multifamily housing for persons 55 years of age or older to be developed on lots located entirely within the Senior Housing Overlay District and establishes bulk and dimensional standards that encourage site plans that will meet the needs of our senior population effectively. (2) Overlay District. The Senior Housing Overlay District is an overlay district that does not replace but is superimposed over the underlying zoning district. The provisions of this section shall apply only to senior housing development, as defined herein, on lots located entirely within the Senior Housing Overlay District. All requirements of the underlying zoning district shall remain in full force and effect, except as specifically superseded herein. In the event of any conflict between this Subsection and any other provision of this Zoning Chapter, the provisions of this Subsection shall prevail. The location and boundaries of the Senior Housing Overlay District are as shown on map entitled "Zoning Map of Halifax, Massachusetts," dated March 14, 1966, as amended and on file in the office of the Town Clerk. 5 (3) Establishment; Location. Establishment of a senior housing development, as defined herein, within the Senior Housing Overlay District shall require not less than one and fifty hundredths (1.50) acres of contiguous lot area, one hundred fifty (150) feet of continuous frontage, and location entirely within the Commercial and Business District. (4) Senior Housing Development. For the purposes of this Subsection, "senior housing development" means a building with three (3) or more residential dwelling units, or two (2) or more buildings on the same lot with more than one (1) residential dwelling unit in each building, intended and operated for occupancy by persons 55 years of age or older. For the purpose of this Subsection, housing intended and operated for occupancy by persons 55 years of age or older shall comply with the provisions set forth in 42 U.S.C. 3601 et seq. Senior housing development does not include a nursing home, rest home, or convalescent home. (5) Requirements. Senior housing development shall be permitted as of right in the Senior Housing Overlay District, subject only to the site plan requirements of Section 167-28 and the following. (a) The specific use requirements of Section 167-7.D(2) do not apply. Senior housing development shall be subject to the following specific use requirements: [1] The complete parcel must be under the ownership of the developer before a building permit is granted. [2] Design guidelines. The shapes, scale, location and materials of all buildings shall be consistent with New England style architecture and, in general, utilize horizontal siding, pitched roofs and traditional New England colors. Lighting fixtures shall be residential in scale and streets shall be bordered by street trees wherever practical. [3] All utilities in a senior housing development shall be installed underground. (b) With the exception of Sections 167-10.C, 167-10.D, and 167-10.M, the dimensional and density regulations of Sections 167-10, 167-11, and 167-12 do not apply. Senior housing development shall be subject to the following dimensional and density requirements: [1] Senior housing development shall be limited to a maximum density of twenty (20) dwelling units per acre. [2] More than one residential building and more than one accessory building are permitted on a single lot provided the bulk and dimensional requirements of this Subsection 5 are met. [3] The minimum parcel size shall be one and fifty hundredths (1.50) acres. [4] The maximum building height shall be three (3) stories and fifty (50) feet, as measured from average finished grade. [5] Setbacks; Primary Buildings. The minimum front setback shall be twenty (20) feet, the minimum side yard shall be twenty-five (25) feet, the minimum rear yard shall be fifteen (15) feet, and there shall be at least forty (40) feet between any two (2) primary buildings. [6] Setbacks; Accessory Buildings and

Garages. The minimum front setback shall be twenty (20) feet, the minimum side yard shall be five (5) feet, the 6 minimum rear yard shall be five (5) feet, and there shall be at least ten (10) feet between any accessory building or garage and any primary building and at least ten (10) feet between any two (2) accessory buildings or garages. [7] Minimum residential floor area. No senior housing development, whether condominium or rental, shall be erected, reconstructed, remodeled or altered so that the lowest level, (i.e., ground floor or equivalent) of living space per dwelling unit (i.e., in a unit) contains less than seven hundred fifty (750) square feet. [8] Fire protection. [a] Every senior housing development, whether condominium or rental, shall install an automatic fire-detection system in each building. This system shall not include the smoke-detection systems unless so directed by the State Building Code or MGL c. 148, § 26C. The automatic fire-detection system shall be wired into the fire station, and the alarm notification system shall be compatible to the present alarm notification system. All expenses of the installation, including the tie-in at the fire station, shall be borne by the developer. The system shall be approved by the Fire Chief before any construction is started on the site. The maintenance of the system shall be the responsibility of the owner or condominium association, if any. [b] Every senior housing development, whether condominium or rental, shall have a hydrant system which is capable of supplying the required fire flow, plus fifty percent (50%). The water main shall not be less than eight (8) inches in diameter. All hydrants shall be set at five hundred (500) feet apart within the development. [c] Every senior housing development, whether condominium or rental, shall supply adequate space in front of each building for fire apparatus to approach the buildings as determined by the Town of Halifax Fire Department. (c) The off-street parking requirement of Section 167-14.B shall not apply. Senior housing development shall provide two (2) spaces of off-street parking per dwelling unit. Parking may be provided either in garages attached to the residential building served thereby, in detached free standing structures, or as paved surface parking spaces, provided that any such parking is located not more than two hundred fifty (250) feet from the residential building served thereby and may be provided pursuant to fee simple or easement interest on a lot abutting or directly across the street from the lot on which the residential building served thereby is located. Parking spaces shall be a minimum of nine (9) feet by eighteen (18) feet.

2. By amending the Zoning Map by changing the following parcel from A-R Residential District to B Commercial and Business District and adding the following parcel to the Senior Housing Overlay District: A certain parcel of land with the buildings thereon, situated in the Town of Halifax, Plymouth County, Commonwealth of Massachusetts, on the Easterly sideline of Monponsett Street (Route 58), bounded and described as follows: 7 Beginning at a point on the Easterly sideline of Monponsett Street, said point being the southwest corner of the premises herein described, said point being marked by a drill hole in a concrete bound; thence, N 09°13'57" W by said easterly sideline of Monponsett Street, a distance of five hundred sixty five and twenty-nine hundredths feet (565.29'), to a point; thence, N 84°24'38" E by land n/f of the Halifax Meadows Condominiums, a distance of seven hundred sixty two and twenty-three hundredths feet (762.23'), to a point near a drill hole in a concrete bound, said bound being out S 46°34'22" W a distance of zero feet and thirty-two hundredths feet (0.32'); thence, S 15°44'56" E again by land n/f of the Halifax Meadows Condominiums, a distance of seven hundred ninety three and seventy-one hundredths feet (793.71') to a point; thence, S 48°21'02" W by land n/f of Halifax Housing Authority, a distance of four hundred twenty six and ninety hundredths feet (426.90'), to a point; thence, N 02°43'14" E again by land n/f of Halifax Housing Authority, a distance of three hundred twenty eight and ninety-eight hundredths feet (328.98'), to a point; thence, N 81°29'17" W again by land n/f of Halifax Housing Authority, a distance of five hundred eighty six and forty-two hundredths feet (586.42'), to a point on said easterly sideline of Monponsett Street, said point

being the point of beginning. As shown on that certain “Plan of Land, 265 Monponsett Street in Halifax (Plymouth County), Massachusetts,” prepared by JDE Civil, and dated November 1, 2023, a reduced size copy of which is attached hereto at Exhibit A. Said parcel of land containing approximately 588,554 s.f. or 13.511 acres in area. 3. By amending the Zoning Map by adding to the Senior Housing Overlay District the parcel shown on the Halifax Board of Assessors documents as Map 63, Parcel 8A (266 Monponsett Street). 4. By finding that the parcels proposed to be located within the Senior Housing Overlay District comprise one or more “eligible locations” as defined by General Laws Chapter 40A, Section 1A, and accordingly that the amendments set forth in Items 1, 2, and 3, above, are eligible for passage by a simple majority of Town Meeting under General Laws Chapter 40A, Section 5.

Proposed by the Board of Selectmen

Moved by John Bruno that the Code of the Town of Halifax, Chapter 167-4 (Zoning Enumeration of Districts) and the Zoning Map be amended as printed in the Warrant and that the parcels proposed to be located within the Senior Housing Overlay District be found to comprise one or more “eligible locations” as defined by General Laws Chapter 40A, Section 1A and that the amendments set forth in Article 5 may be passed by a simple majority vote of Town Meeting, as printed in the Warrant. Seconded by Jonathan Selig.

Finance Committee Recommends 6-1

Planning Board Recommends by a vote of 5-0 (Public Hearing was held on 11/16/2023)

Point of Clarity – Alison Long – Monponsett Street. Many of the residents have hearing issues so she pleaded with everyone to slow down, enunciate, and get close to the microphone because she can’t hear.

Thorndike Development Counsel gave a brief overview of the components to Article 5.

A question was asked whether the Town has the required firefighting apparatus for these three-story condominiums. Fire Chief, Mike Witham explained that he has met with Thorndike and reviewed the plans and Thorndike has complied with all his requests and we do have the necessary fire apparatus for these size buildings.

Passes by Simple Majority

ARTICLE 6 To see if Town Meeting will vote to approve a Development Agreement substantially in the form set forth in the attachment titled “Development Agreement” with the owners of the properties located at 265 and 266 Monponsett Street in Halifax, to advance and implement the design and development of a new Senior Center for the Town of Halifax in connection with the establishment of a Senior Housing Overlay District and new senior housing development thereon, and to authorize the Halifax Board of Selectmen and the Town Administrator to finalize and execute the same on behalf of the Town or take any other action relative thereto;

Proposed by the Board of Selectmen

Moved by Jonathan Selig that a Development Agreement substantially in the form set forth in the attachment titled "Development Agreement" be approved, as set forth in the Warrant and that the Board of Selectmen and the Town Administrator be authorized to finalize and execute the Development Agreement on behalf of the Town, as set forth in the Warrant. Seconded by John Bruno.

Finance Committee Recommends 6-1

Mr. Selig explained that this agreement outlines the responsibilities of both the Town of Halifax and Thorndike Development.

Passes by Simple Majority

ARTICLE 7 To see if the Town will authorize the Board of Selectmen to purchase the real property containing approximately 2.03+/- acres, identified as lots one and three in Exhibit B of the document titled, "Development Agreement" for the municipal purpose of constructing a Senior Center and any applicable amenities, and to further authorize the Board of Selectmen to take any and all actions necessary to finalize said purchase and to effectuate all necessary instruments to transfer and acquire said property; said purchase in the amount of Ten Dollars and 00/100 (\$10.00) will be paid for with funding from the operating budget; or take any other action relative thereto;

Proposed by the Board of Selectmen

Moved by Naja Nessralla (Selectboard member) that the Board of Selectmen be authorized to purchase the real property containing approximately 2.03 acres, identified as lots one and three in Exhibit B of the document titled, "Development Agreement" as set forth in the Warrant and that the Board of Selectmen be authorized to take any and all actions necessary to finalize said purchase and to effectuate all necessary instruments to transfer and acquire said property, as set forth in the Warrant. Seconded by John Bruno.

Finance Committee Recommends 6-1

Mr. Nessralla explained that this article would allow the Town to purchase the land for the sum of Ten Dollars from Thorndike Development which is described in the Master Development agreement as being the location of the Town's proposed new Council on Aging and Pickleball Courts.

Passes by Simple Majority

ARTICLE 1 To see if the Town will vote to amend the Wage and Personnel By-Law, as set forth below and recommended by the Board of Selectmen and Finance Committee, or take any action thereto:

(A): Any subsections not listed below remain unchanged in the By-Law. ARTICLE V § 35-22.1. Grades. The following positions are classified as indicated:

- A. Grade 1:
 - (1) Recycling Attendant
- B. Grade 2:
 - (1) Office Assistant
 - (2) Library Technician

(3) COA Van Driver

C. Grade 3:

(1) Administrative Assistant

D. Grade 4:

- (1) Administrative Assessor
- (2) COA Outreach and Services Coordinator
- (3) Library Associate
- (4) Assistant Treasurer
- (5) Assistant Collector
- (6) Assistant Town Clerk
- (7) Assistant Town Accountant

E. Grade 5:

- (1) Executive Assistant
- (2) Conservation Agent 3

F. Grade 6:

(1) Recycling and Solid Waste Coordinator

G. Grade 7:

(1) Assistant Library Director

H. Grade 8:

(1) Technical Support/IT Specialist

I. Grade 9:

(1) Human Resources Manager

J. Grade 10:

- (1) Council on Aging Director
- (2) Principal Assessor

K. Grade 11:

- (1) Building Commissioner
- (2) Health Agent
- (3) Library Director
- (4) Town Accountant
- (5) Water Superintendent

L. Grade 12:

(1) Director of Town Buildings and Maintenance

(B): Appendix A – Rates Effective July 1, 2023 See the Attachment titled “Fiscal Year 2024 Compensation Schedule.” Minimum Maximum

Grade 1: \$18.51 per hour \$24.99 per hour

Grade 2: \$19.44 per hour \$26.24 per hour

Grade 3: \$20.41 per hour \$27.55 per hour
Grade 4: \$21.39 per hour \$28.88 per hour
Grade 5: \$23.53 per hour \$31.77 per hour
Grade 6: \$25.89 per hour \$34.95 per hour
Grade 7: \$28.48 per hour \$38.44 per hour
Grade 8: \$31.32 per hour \$42.29 per hour
Grade 9: \$68,500.00 \$92,745.00
Grade 10: \$75,350.00 \$101,723.00
Grade 11: \$85,885.00 \$111,895.00
Grade 12: \$91,174.00 \$123,084.00

Proposed by the Board of Selectmen and Finance Committee

Moved by Naja Nessralla and seconded that the Wage and Personnel By-law be amended as printed in the Warrant.

Finance Committee Recommends Unanimously

Mr. Haddad Point of clarification – there was a scrivener’s error under grade 11 it was listed as \$83,885 and it should be \$82,885 and that is the Minimum for grade 11. Mr. Haddad explained the process that resulted in the new Compensation Classification study.

ARTICLE 3 To see if the Town will vote to adopt the amended Regional Agreement to be effective July 1, 2024, as presented in the handout titled "SILVER LAKE REGIONAL SCHOOL DISTRICT AGREEMENT" or take any other action relative thereto;

Proposed by the Board of Selectmen

Moved by Paula Hatch, Silver Lake School Committee Chairman and seconded that the amended Silver Lake Regional School District Agreement be adopted as referenced in the Warrant. Ms. Hatch briefly explained that this amendment updates us to the 2020 federal census, brings us up to date with Massachusetts Law and adds the Pre-K program.

A resident asked a question regarding the transportation and Christine Healey, Director of Business Services addressed this.

Finance Committee Recommends Unanimously

PASSES BY SIMPLE MAJORITY

Mr. Bruno made a motion to dissolve the Town Meeting at 8:13p.m. this was seconded by Mr. Selig. Passes Unanimously.

Respectfully Submitted,



Susan Lawless, CMC
Town Clerk