

## SELECTMEN'S MEETING

March 1, 2016

5:00pm

1. **APPROVAL OF AGENDA:** Motion by Bill Shields, seconded by Ed Walsh, to accept the agenda as presented. The motion passed 3-0.
2. **APPROVAL OF MINUTES OF LAST MEETING:** Motion by Bill Shields, seconded by Ed Walsh, to approve the Minutes of the meeting of February 23, 2016 as written. The motion passed 3-0.
3. **DEPARTMENT HEAD / COMMITTEE CHAIR UPDATES:** None
4. **OLD BUSINESS:**
  - A. **Acton Fire Rescue Consolidation / Accounts:** Mrs. Roux informed the Board that Bill Catansye had inquired as to why the Town's Attorney had contacted the Association's Attorney regarding the ongoing transition, which he felt was progressing as agreed. The Chairman stated that the Board had heard that supplies were still being purchased out of the existing fund instead of through the Town. Ed Walsh noted that he was not aware of this prior to a call he had received that morning. Bill Catansye stated that the Association is still collecting some revenues from previous billing and outstanding bills will be paid out of that source. As soon as all revenues and outstanding bills have been processed, all accounts will be turned over to the Town. He noted that the stocks are still in the Ambulance Fund in the amount of approximately \$35 - \$40,000. Bill stated that when questions arise, Board members can ask the President of the Association instead of going through attorneys.
  - B. **Deputy Chief Position:** Mrs. Roux reported that the deadline for submitting applications for the Deputy Chief's position ended on Friday, February 26<sup>th</sup>. She sent seven applications to the Chairman of the Commission which will meet on Wednesday, March 2<sup>nd</sup>.
  - C. **Acton Fire Rescue Warrant Article:** Regarding the Chief's request to include an article on the Annual Town Meeting Warrant asking for authority to place all ambulance revenues into an account dedicated to the purchase of emergency equipment as needed, Ed Walsh stated that he favors functioning for a full fiscal cycle in order to determine the annual total of ambulance revenues and associated expenses. Ted Kryzak noted that the deadline for submitting proposed Warrant Articles was the end of January. He also stated that in his opinion the revenues should be processed the same as revenues generated from other Town Departments and that voters historically support purchasing emergency equipment when the need arises.

Mr. Smith reported that the average quote for an unequipped ambulance is between \$162 - \$180,000. He noted that the cost of one stretcher that prevents injuries to ambulance staff is approximately \$18,000. Ted Kryzak inquired as to whether there is still money in the budget for the purchase of equipment and inventory. He reminded Mr. Smith that the deadline to purchase out of the existing budget is June 30<sup>th</sup>. Ted suggested that he work with the Town's Treasurer to determine what can be purchased in the current budget.

Mr. Smith discussed a recent newspaper article that reported that the average emergency response time across the State of Maine is approximately twelve to fourteen minutes. He noted that Acton's average response time is approximately eight minutes from the time the distress call is received to when the patient contact is actually made, which is below the State's average. He noted that as far as he knows, the staff responds to 100% of the calls received unless there are duplicate calls and the unit

is already in response to another call. Ed Walsh noted that prior to the current procedure of twenty-four hour coverage, the average percentage of response was between 66 and 74%.

- D. Abandoned Properties:** Mrs. Roux reported that judgment for one of the properties was granted by the Court to the Town. The owner of the second property requested that the Judge grant a sixty-day extension to set a new court date.
- E. Winter Sand - Salt Shed:** David Winchell informed the Board that he is waiting for better weather hoping that the ground thaws to set the shed which will generate a significant cost saving. He noted that Ken Paul requested that the area under the structure be paved which can't be done until warmer weather. He expressed appreciation for the excellent communication that Superintendent, Bob England, has provided this season in regards to the roads and school closures. Jennifer Roux thanked David Winchell for helping with the disposal of articles that have accumulated at the Town Hall.
- F. Foreclosures:** Mrs. Roux noted that there are still three properties in a foreclosure status. The deadline is March 9<sup>th</sup>.
- G. Gym Request / Door:** Mrs. Roux reminded the Board that Gail Boisvert requested approximately \$400 for the purchase of gym mats. She noted that in previous years the gym has generated a loss of approximately \$1000 annually. There are currently seventy-six members which includes both exempt and reduced fee membership. However, this year with the increase in fees and decrease in heating costs, the gym should not generate a loss. She also stated that the door should be replaced as it is a secure and safety issue. David Winchell offered to price a door and possible replacement of casing. Consensus of the Board Members was that because there is only \$130 in the budget perhaps members could do fund raising to purchase the requested gym mats.
- H. School Election Dates/Ballot/Sign:** The Town Clerk noted that the School's Annual Meeting will be held on April 5<sup>th</sup> at the School. The Election will be on April 12<sup>th</sup> and the polls will be open from 8:00 a.m. to 8:00 p.m. Consensus of Board Members was that the two Referendum questions will be:
- Do you favor approving the Town of Acton's School Budget for the upcoming school year that was adopted at the last Town Meeting on April 5, 2016;
  - Do you wish to continue the budget validation referendum process in the Town of Acton for an additional three years?

Drummond & Woodsum confirmed that this is the third year of the process so continuation of the budget validation referendum process must be approved. The firm suggested that the Town explain what that means prior to offering absentee ballots.

- I. MMA Visit:** Mrs. Roux reminded the Board that Lance, representative of Maine Municipal Insurance, as a result of inspecting the Safety Building and the Sand / Salt shed, requested replacement of a light at the exit bay door of the safety Building and a second floor railing where the platform is, which should be forty-two inches. He also requested that a lock be installed on the exterior electrical shutoff box at the Salt Shed. David Winchell stated that Lance also requested that a gate be placed where the extension is.
- J. Street Signs:** Jennifer Roux noted that the Town received a letter from the Department of Transportation officially approving placement of speed limit signs on Canal Road, H Road, Nason Road, New Bridge Road, Peacock Road, Youngs Ridge Road and Sam Page Road. She stated that

the signs have been received and are ready to be distributed to the Road Commissioners so that they can be placed.

David Winchell reported that roads will be posted on Thursday to be effective on Friday, March 4<sup>th</sup>.

**K. Budget Timeline:** Mrs. Roux noted that the Selectmen will meet with Michelle Rumney and her on Friday to discuss the proposed budget.

## 5. NEW BUSINESS:

**A. Budget Workshop:** Mrs. Roux reported that a memo went out to each Department Head to meet with the Warrant and Finance Committee on Saturday, March 26<sup>th</sup> to review budget requests.

**B. Vacation Requests:** Board Members approved vacation requests for the Office Assistant and the Code Enforcement Officer.

**C. Library Closure / Floor:** Mrs. Roux informed Board Members that the Library will be closed from March 14 – 18<sup>th</sup> in order to repair the floor. She has scheduled people on Sunday, March 13<sup>th</sup> to help box and move the books. Consensus of the Board members was to pay the same rate of pay that is paid typically to maintenance staff.

**D. ZBA Resignation:** Motion by Ed Walsh, seconded by Bill Shields, to accept the resignation of Bob Anderson from the Zoning Board of Appeal with deep regret. Ted Kryzak expressed appreciation for Bob's efforts over the ten years of service.

**E. CEO Training Schedule:** The Board approved the March Training Schedule for the Code Enforcement Officer:

- March 9<sup>th</sup> - Energy Code, State Fire Marshall's Office
- March 11<sup>th</sup> - NEBOEA, Amherst Ma.
- March 14<sup>th</sup> - Energy Code (Residential), Gray Town Office
- March 15<sup>th</sup> - Energy Code (Commercial), Gray Town Office

**F. Animal Shelter Contract:** The existing contract with the Kennebunk Animal Shelter is due to be renewed. Mrs. Roux noted that there is no change in the contract indicating where any animal that is picked up will be taken, waiver of liability and the fee schedule which is based on population per capita. Motion by Bill Shields, seconded by Ed Walsh, to approve and sign the contract as submitted.

**G. FFP Cooperative Agreement:** Rick Smith explained to Board members that the piece of equipment being offered is a retired six-wheel, cab-over style military forest truck. The plan is to re-equip the vehicle to be used by the Town for forestry purposes replacing two existing units that are no longer serviceable. Ted Kryzak noted that this is an exchange program so one of those vehicles will have to be given to the DOD. Mrs. Roux explained that the agreement requires that the Town insure and register the vehicle; the DOD retains ownership for two years. As long as all the standard requirements of the agreement are met, the vehicle will be transferred to the Town's ownership after that two-year period. Motion by Ed Walsh, seconded by Bill Shields, to enter into the agreement with the DOD and sign the agreement as outlined. The motion passed 3-0.

**H. Appointments:** Motion by Bill Shields, seconded by Ed Walsh, to reappoint David Langley as the Interim Fire Chief for the Town of Acton through Friday, April 1, 2016. The motion passed 3-0. The appointment paper was signed by Board Members.

Motion by Bill Shields, seconded by Ed Walsh, to reappoint Richard Smith as the Interim Deputy Fire Chief for the Town of Acton through Friday, April 1, 2016. The motion passed 3-0.

**I. Handicap Accessibility:** Mrs. Roux informed Board Members that the entrance to the Town Hall is not wheelchair accessible because of the way the ramp meets the door. Ted Kryzak requested that she ask the Code Enforcement Officer to look at the entrance and determine the proper way to resolve the situation. Consensus of Board Members was to find out if a rubber mat or something similar can be used to make the entrance accessible temporarily considering that the Town Hall may be renovated.

**6. OTHER BUSINESS:** None

**7. PUBLIC COMMENT:** Dennis Long spoke with the Board regarding the condition of the Hopper Road. He estimates that it would take as much as \$400,000 to fix the road properly. He requested that the Board address rolling over money from each budget, beginning this year, to use for that purpose. David Winchell informed the Board he plans on improving the road in the Spring and that there is money allocated to work on the Hopper Road, probably as much as \$180,000.

Mr. Long also asked Selectmen if they concur with the Town's Attorney's opinion that Flat Ground Road is not a town road. He feels that facts show that it clearly is a town road. He asked each Board Member if he agrees with the Attorney; all three members responded that yes, they do. Mr. Long reported that, in that case, the citizens on Flat Ground Road plan to take this subject to court; at that point they will also request restitution for maintaining the road for the last ten years. Ted Kryzak felt that if it does go to court, the MMA Liability Insurance will pay for the Town's cost of litigation. Mr. Long reminded Board Members that the answer submitted by Attorney Lenkowski clearly stated that his opinion was not based on the information submitted but it was based more on the intent of the original town meeting vote. Ed Walsh wondered if it would be advisable to ask the Attorney to review the situation once more. Mrs. Roux asked Dennis Long if he has any documents or information that was not submitted to the Attorney when he originally reviewed the question. Mr. Long explained that by statute there are three steps that must be taken to legally abandon or to close a town road. The final step, after the vote is taken at town meeting, is that the County Commissioners must approve the abandonment or closing, even a temporary closing, of a road for the Town's vote to close is legal. He has been working with County Staff in Alfred and can find no record of this taking place. Therefore, because documentation does not exist, he is convinced that Flat Ground Road is still a town road and must be maintained by the Town.

**8. ANNOUNCEMENTS:**

**A. Public Hearing / Planning Board:** In accordance with the Zoning Ordinance, the Acton Planning Board will hold a Public Hearing on Thursday, April 7th for the purpose of discussing a proposed amendment to the Ordinance relative to Resource Protection exceptions.

**B. Caucus Information:** The Acton Republican Party will caucus on Saturday, March 5th at 1:30 p.m. at the Biddeford Middle School. The Acton Democratic Party will caucus on Sunday, March 6th at 4:00 p.m. at the Acton Town Hall.

**C. Nomination Papers:** Nomination papers for three positions, Selectman / Overseer of the Poor, the Northern District Road Commissioner and one School Committee Member, will be available on March 18<sup>th</sup>; completed papers are due in the Town Clerk's Office no later than 4:00 p.m. April 29<sup>th</sup> with a minimum of twenty-five signatures and no more than one hundred signatures. Ted Kryzak's, Scott Mooney's, and Jeanette Bearse's positions are expiring this year.

**D. RFP Municipal Lobby:** The Town of Acton is seeking a qualified general contractor for a design build with specifications included. The project will consist of security renovations to the current Town Clerk / Tax Collectors Office and the creation of a Municipal lobby. The successful bidder will have adequate insurances, deemed necessary by the Town. A mandatory walk through will be held on Tuesday, March 17, 2016 at 3:30pm. Sealed bids will be accepted after that date, until 12noon on Tuesday, **March 29, 2016**. Project is subject to financial approval at the April 5th Town Meeting with an immediate start date. The Board of Selectmen reserve the right to accept or reject any bid.

**9. MEMBERS PRESENT:** Ted Kryzak, Ed Walsh, Bill Shields

**10. OTHERS PRESENT:** Jim Driscoll, David Winchell Jr., Dennis Long III, Dennis Long, Earle Foster, Bill Catansye, Rick Smith

**11. ADJOURNMENT:** Motion by Bill Shields, seconded by Ed Walsh, to adjourn the meeting at 6:25 p.m. The motion passed 3-0.