

SELECTMEN'S MEETING

March 15, 2016

5:00pm

SALUTE TO THE FLAG

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 Selectmen's Meeting of March 1, 2016 as written. The motion passed 3-0.
3. **DEPARTMENT HEAD / COMMITTEE CHAIR UPDATES**
4. **OLD BUSINESS:**
 - A. **MMA Visit Follow-Up:** David Langley reported to the Selectmen that he was in contact with Lance from the MMA Insurance regarding the list of required modifications. Jennifer Roux noted that as far as she knows, the only outstanding issues are that the railing needs to be raised and the supplies need to be inventoried.
 - B. **Winter Sand - Salt Shed:** Ted Kryzak expressed the opinion that the shed should be placed on an asphalt pad and that a foundation is unnecessary.
 - C. **Fire Chief / Deputy Chief / Salaries:** Ed Walsh outlined the consolidation of the Fire Department. Initially, as a result of the 2009 study, the Town's voters approved consolidating the Fire and Rescue Departments. Three Chiefs have left for various reasons since 2009 so the decision was made to hire a Chief instead of working from stipend. The \$15,000 stipend and the elimination of a full time position at \$35,000 would make \$50,000 available to hire the new Chief. However, as a result of the hiring process, it has become apparent that \$50,000 is too low; \$60,000 would be more reasonable. This position is not only an administrative position but a forty-hour working position expected to respond to both fire and rescue calls. The candidate recommended by the Commission is still interested in the position but not at a \$50,000 salary. In addition, six people have applied for the two Assistant Chief positions which must be finalized soon. Mr. Walsh noted that while there are two very capable people running the Department currently and the per diem shifts are working very well, it is vitally important that the Fire Chief position be filled as soon as possible at between a \$60 to \$65,000 salary.

Rich Smith and David Langley read a letter to the Selectmen regarding concerns they have with the process:

"To Whom It May Concern: We write to you today in reference to the unfilled Fire Chief's position. AS the current Department Head, we have been left relatively in the dark as to the filling or lack thereof of the position. We have heard no official reason as to why the position has not been filled. As the current Department Heads in the interim, we have been doing the best we can to run the Department and to move it forward. Despite our best efforts, we are being held back by not filling that position. All Departments work best when they have affective leadership both formally and informally. Filling the Fire Chief's position gives us the formal leadership all Departments need to thrive. When it comes to the financial aspects of filling the position, we have not been counseled on whether or not the position's pay or benefits could be negotiated to fit the budget. As the current Department Heads, the spending of the voter-approved Fire / Rescue approved budget should be discussed with us first. We alone have the ability to delegate financial changes from our budget to accommodate both the needs of the operations and the filling of the position. In conclusion, we feel

that being left in the dark in reference to the filling of this position has done the Department as a whole a disservice. We need an official stance on the position so that we can adjust operations accordingly. If the position is left vacant, the Department will need to seek other avenues to cover the shifts that have been covered by this position. I thank you for your time and I look forward to a response” Signed by Chief David Langley and Deputy Chief Rick Smith.

Mr. Smith told the Board that the per diem pool is currently small and covering the additional shifts is very taxing for that group. Mr. Smith distributed a packet to be used to hire additional firefighters and noted that it is a standard packet used by other Departments.

The Fire Chief offered to sit with the Board to help identify sources of funding. Mrs. Roux noted that a proposal was sent to the Treasurer for consideration. Mr. Kryzak stated that the candidate for the position wants \$1000 for insurance and, at a minimum, a \$65,000 salary. Unfortunately, there are no other candidates for the position to be considered. He expressed the opinion that, if not legally, then at least morally, if the salary is increased, then the application process should begin over again based on the different salary. Mr. Kryzak reminded the Fire Chief that if the salary is increased and the job is offered to a candidate and then the voters don't approve the budget at the Annual Town Meeting in June, the whole process has been wasted; therefore, he suggests postponing filling the position until the budget is approved. There are many more considerations to be addressed including the increased hours for the staff to process billing, accounts payable and receivable, payroll, etc.

Mrs. Roux pointed out that until the Board agrees on the Fire Chief's salary, everything else is irrelevant so the Selectmen need to discuss that at this meeting and they need to remember that it will be difficult to use the figures used by surrounding towns because every town has different Fire Chief job descriptions. Ted Kryzak stated that he feels that because this is a new position, money should not be appropriated from within the account but addressed by the voters at the Annual Town Meeting.

Ted Kryzak suggested including a stand-alone article on the Annual Town Meeting warrant requesting funding for the Fire Chief position up to \$65,000 plus the current town employee benefits. Ed Walsh and Bill Shields were in agreement with this as well. Mrs. Roux suggested beginning the hiring process again in May based on approval of the budget so that the successful candidate could be ready to begin serving as of July 1st.

William Williams stated that the Commission is meeting on March 31st to proceed with reviewing the applications for the Deputy Chief positions.

- D. Sign Warrant:** Motion by Ed Walsh, seconded by Bill Shields, to move section 5A Sign Order / Referendum Ballot Election forward. The motion passed 3-0.

Consensus of Board Members was to include an article on the Warrant of the Annual Town Meeting requesting authority to borrow the Town's share of the Romac Orchard purchase instead of raising it from taxation in case the Three Rivers Trust is not able to raise their share.

- D. Gym Door:** Mrs. Roux reported that David Winchell expects to get the door within the next day or two.
- E. Street Signs:** Mrs. Roux reported that David Winchell has posted the speed limit signs on the roads in the southern section of town. Scott Mooney is in the process of posting the signs in the northern section of town.
- F. Handicap Accessibility:** Mrs. Roux noted that Ken Paul repaired the entrance to the Town Hall so that it is now accessible to wheelchairs.

G. Audit Decision: Motion by Ed Walsh, seconded by Bill Shields, to award the audit contract to RHR Smith and Sons of Buxton for a one-year contract in the amount of \$11,500. The motion passed 3-0.

H. Abandoned Properties: Mrs. Roux reported that a Court order has been issued in the Town's favor regarding one of the properties and a Court Date of May 17th, 1:00 p.m. has been set to hear the other case.

I. Foreclosures: Mrs. Roux stated that only two properties remain on the Right to Redemption list. She stated that the property comprised of thirty-nine acres on Foxes Ridge Road is assessed at \$90,750 and the property on H Road is assessed at \$30,000. Consideration of this item was deferred to the next meeting so that Board Members could review the properties.

J. Library Floor: Mrs. Roux noted that installing the new carpeting in the Library is finished and she has arranged people to help move the library furnishings back in on Saturday afternoon.

5. NEW BUSINESS:

A. Sign Order / Referendum Ballot Election: The item was addressed under "Old Business".

B. Recommendations on Article 19: Motion by Ed Walsh, seconded by Bill Shields, to include an article on the Warrant of the Annual Town Meeting in June to read: *"To see if the Town will vote to allow the expenditure of up to \$25,000 from Undesignated Funds for security renovations to the Town Clerk and Tax Collector's Office and the creation of a Municipal Library."* The motion passed 3-0.

C. Sign Warrant: Motion by Ed Walsh, seconded by Bill Shields, to sign the Town Warrant as presented. The motion passed 3-0 and the Warrant was signed.

D. Freedom of Information Request: Motion by Ed Walsh, seconded by Bill Shields, to approve the Freedom of Information Request for *"all correspondence and content that has occurred regarding the Flat Ground Road since 1/1/2016 to present. This would include all emails, phone conversations, quorums . . ."*. The motion passed 3-0, the approval was signed and the compilation of materials assigned to the Office Manager. Board Members requested that the Office Manager also include a copy of State Statutes regarding the distribution of Executive Session materials with the approval.

E. Pole Permit: Motion by Bill Shields, seconded by Ed Walsh, to approve the Pole Permit submitted by Fairpoint for a new pole on Nason Road. The motion passed 3-0 and the permit was signed.

F. APAT Request: Mrs. Roux distributed a request from Mike Corey, Director of APAT, to use unexpended money from the Supplies Account to purchase a tripod, cords, microphone and a software upgrade totaling approximately \$1500. Consensus of the Board Members was to approve the request.

6. OTHER BUSINESS: None

7. PUBLIC COMMENT: None

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. School Election Dates:** A Town Meeting will be held on Tuesday, April 5, 2016 at 7:00 p.m. to act upon the proposed 2016 / 2017 school budget and one municipal article at the Acton Elementary School. The School Budget Validation Referendum will be held on Tuesday, April 12, 2016 from 8:00 a.m. to 8:00 p.m. at the Acton Town Hall.
- C. Change of Payroll/Warrant Due Dates:** Due to recent restructuring of various staff duties, the Board of Selectmen has adjusted the deadline for submitting bills and payroll to Mondays no later than noontime. This will go into effect for the payroll week ending March 27, 2016.
- D. 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 18th; completed papers are due in the Town Clerk's Office no later than 4:00 p.m. April 29th 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.
- E. RFP Municipal Lobby:** The Town of Acton is seeking a qualified general contractor for a design build consisting of security renovations to the current Town Clerk / Tax Collectors Office and the creation of a Municipal lobby. Sealed bids will be accepted after the mandatory walk through date of Tuesday, March 17, 2016 until 12:00 noon on Tuesday, March 29, 2016. The Board of Selectmen reserve the right to accept or reject any bid.
- F. Budget Workshop Saturday, March 26:** Budget Workshops for Department Heads to present budget requests to the Board of Selectmen and the Warrant and Finance Committee has been scheduled for Saturday, March 26th beginning at 9:00 a.m.
- 9. ADJOURNEMENT:** Motion by Bill Shields, seconded by Ed Walsh, to adjourn the meeting at 6:17 p.m. The motion passed 3-0.
- 10. MEMBERS PRESENT:** Ted Kryzak, Bill Shields, Ed Walsh
- 11. OTHERS PRESENT:** Jennifer Roux, William Williams, David Langley, Rick Smith, Norman Lambert