

## SELECTMEN'S MEETING

May 16, 2017

1. **APPROVAL OF AGENDA:** Moved by Bill Shields, seconded by Elise Miller, to accept the agenda as presented. The motion passed 3-0.
2. **APPROVAL OF MINUTES OF LAST MEETING:** Moved by Bill Shields, seconded by Elise Miller, to approve the Minutes of the Meetings of April 25<sup>th</sup> and May 2<sup>nd</sup> as written. The motion passed 3-0.
3. **DEPARTMENT HEAD / COMMITTEE CHAIR UPDATES:** No updates were offered.
4. **OLD BUSINESS:**
  - A. **MMA Action Plan:** The Chairman noted that the items that remain on the MMA Action Plan will be addressed after the budget is approved in June.
  - B. **Dog Warrant:** Mrs. Roux reported that the list has been reduced to only one outstanding dog license.
  - C. **Gym Parts:** Mrs. Roux reported that the invoice for the equipment that was addressed at the meeting of April 23<sup>rd</sup> came in at \$305. She reminded the Board that there is not a line budget for the gym but there are other areas, including a gym donation account and the heating expense account, that can be used to purchase items that are related to safety. Mrs. Miller stated that the four Ts for \$60 are a priority. Consensus of the Board was that any monies in excess of the gym fees paid and less any gym expenses plus the \$150 that remains in the donation account can be used to purchase items on the list with prioritizing safety sensitive items.
  - D. **The Shed Liquor License Application:** The Fire Chief reported that he has inspected the facility and while there are still some very minor items that he is working with the property owner to address, there are no items of concern. The Chairman noted that no derogatory items came from the Public Hearing or in reviewing the York County Sheriff's call reports.

Moved by Bill Shields, seconded by Elise Miller, to approve the liquor license for KB Enterprises, the Shed Restaurant. The motion passed 3-0 and the license was signed by all three Selectmen.

### 5. NEW BUSINESS:

- A. **Lawn Care Bid:** Mrs. Roux reported that only one bid for lawn care was received. Robin Ham, Ham's Property Services, based on 10 to 14 days between lawn care services including mowing, weed whacking, removal of brush and debris and fertilizing, May, 2017 through October, 2017 bid \$4325:
  - Public Safety Building - \$135 each (15) for a total of \$2025;
  - Town Hall - \$100 each (15) for a total of \$1500;
  - Lincoln School - \$25 (8) each for a total of \$200;
  - Mary Grant Nature Preserve - \$25 (8) each for a total of \$200;
  - Town Hall fertilizing Spring and Fall - \$200 each for a total of \$400.

The Chairman noted that the certificate for liability insurance and Workman's Compensation insurance were both included with the bid.

Moved by Bill Shields, seconded by Elise Miller, to award the Lawn Care bid to Robin Ham, Robin's Property Services, for a total of \$4325. The motion passed 3-0.

**B. Warrant Recommendations:** The Board reviewed the proposed Warrant for the Annual Town Meeting and made recommendations as follows:

Mrs. Miller noted that articles 7 thru and including article 11 address propose changes to the Zoning Ordinance. Moved by Elise Miller, seconded by Bill Shields, to waive the reading of articles 7 thru 11 and to vote on the recommendations for these articles collectively. The motion passed 3-0.

Moved by Elise Miller, seconded by Bill Shields, to recommend that articles 7 thru and including article 11 be approved as written. The motion passed 3-0.

**Article 12:** To see if the Town will authorize the Board of Selectmen to appropriate and expend monies from the Undesignated Funds balance for the purchase of equipment or for use as they deem advisable to meet unanticipated expenses and emergencies during the fiscal year 2017-2018 with a maximum expenditure of \$15,000.

Moved by Elise Miller, seconded by Bill Shields, to recommend that article 12 be approved as written. The motion passed 3-0.

**Article 13:** To see if the Town will authorize the Board of Selectmen to dispose of surplus town-owned equipment with a value of less than or equal to \$500 with such terms and conditions as they deem advisable and to execute any necessary documents to accomplish said purpose. All equipment with a value of more than \$500 shall be put out to public bid. All funds received from such sales shall be placed in the Capital Reserve Account for the associated Department.

Moved by Elise Miller, seconded by Bill Shields, to recommend that article 13 be approved as written. The motion passed 3-0.

**Article 14:** To see if the Town will authorize the Board of Selectmen to sell any tax-acquired property and to issue a quit claim deed for same. Sale to be by sealed bid or at public auction if to other than the property owner of record at the time of foreclosure. No Selectmen during the term of his or her office may acquire from the town any interest in real estate acquired by the Town on account of non-payment of taxes unless the owner of record at the time of foreclosure was the selectmen or the son, daughter, spouse or parent of that Selectmen.

Moved by Elise Miller, seconded by Bill Shields, to recommend that article 14 be approved as written. The motion passed 3-0.

**Article 15:** To see if the Town will vote to put funds received from the sale of tax-acquired property during the year 2017 / 2018 in the Capital Improvement Fund.

Moved by Elise Miller, seconded by Bill Shields, to recommend that article 15 be approved as written. The motion passed 3-0.

**Article 16:** To see if the Town will vote to authorize the Board of Selectmen upon request of the Treasurer to allow the Treasurer to waive foreclosure on a tax lien on a specified property in a specified year with reference to the Tax Lien Certificate recorded in the York County Registry of

Deeds in circumstances where the Board of Selectmen deem that foreclosure may encumber the Town.

Moved by Elise Miller, seconded by Bill Shields, to recommend that article 16 be approved as written. The motion passed 3-0.

**Article 17:** To see if the Town will vote to have real estate and personal property taxes first payment come due on October 17, 2017 and the second payment on April 17, 2018.

Moved by Elise Miller, seconded by Bill Shields, to recommend that article 17 be approved as written. The motion passed 3-0.

**Article 18:** To see what interest the Town will vote to charge on all taxes after October 17, 2017 and April 17, 2018, maximum rate of interest allowed is 7% per annum.

Moved by Elise Miller, seconded by Bill Shields, to recommend that article 18 set the interest rate at 7%. The motion passed 3-0.

**Article 19:** To see if the Town will vote to set the interest rate to be paid by the Town on abated taxes at 3% pursuant to 30 MRSA 506-A.

Moved by Elise Miller, seconded by Bill Shields, to recommend that article 19 be approved as written. The motion passed 3-0.

**Article 20:** To see if the Town will vote to authorize the Tax Collector to accept the prepayment of taxes before the tax commitment with no interest.

Moved by Elise Miller, seconded by Bill Shields, to recommend that article 20 be approved as written. The motion passed 3-0.

**Article 21:** To see if the Town will vote to authorize the Board of Selectmen to make application for, and to execute any documents to, related to any grants or donation, to accept any such grants and donations or any fees and appropriate such funds for their designated use so long as it does not require matching funds or encumber the Town in any way. The Treasurer shall be notified of any grant applications and a copy shall be kept on file in the Treasurer's Office.

Moved by Elise Miller, seconded by Bill Shields, to recommend that article 21 be approved as written. The motion passed 3-0.

**Article 22:** To see if the Town will vote to appropriate all funds received from the sale of snowmobile registration revenues to local snowmobile clubs for maintaining snowmobile trails on condition that these trails are to be open to the public for outdoor recreation purposes at no charge.

Moved by Elise Miller, seconded by Bill Shields, to recommend that article 22 be approved as written. The motion passed 3-0.

**Article 23:** To see if the Town will vote to appropriate revenues received from NEMA and FEMA claims during the upcoming fiscal year into the Emergency Disaster Relief Funds. Said funds are to be utilized at the discretion of the Board of Selectmen to restore budgets of the various Departments for expenses incurred during a declared event.

Moved by Elise Miller, seconded by Bill Shields, to recommend that article 23 be approved as written and that the money be placed in the Disaster Reserve Fund. The motion passed 3-0.

**Article 24:** Moved by Elise Miller, seconded by Bill Shields, to waive the reading of Article 24. The motion passed 3-0.

Moved by Elise Miller, seconded by Bill Shields, to recommend that article 24 be approved as written. The motion passed 3-0.

**Article 25:** To see if the Town will raise and appropriate \$4108 for Health and Welfare. This included \$108 for Health Office stipend cost and \$4,000 for General Assistance.

Moved by Elise Miller, seconded by Bill Shields, to recommend that article 25 be approved as written. The motion passed 3-0.

**Article 26:** To see if the Town will vote to raise and appropriate \$593,427 for wages and operational expenses for the Fire and Rescue Department.

Moved by Elise Miller, seconded by Bill Shields, to recommend that article 26 be approved as written. The motion passed 3-0.

**Article 27:** To see if the Town will vote to raise and appropriate \$0 for the Equipment Expense Revenue for the Fire and Rescue Department

Moved by Elise Miller, seconded by Bill Shields, to recommend that article 27 be approved as written. The motion passed 3-0.

**Article 28:** To see if the Town will vote to raise and appropriate \$15,000 to the Fire Department Capital Improve Fund towards the future purchase of a new fire truck.

Moved by Elise Miller, seconded by Bill Shields, to recommend that article 28 be approved as written. The motion passed 3-0.

**Article 29:** To see if the Town will vote to raise and appropriate \$31,779 for the purchase of Fire Department turn out gear.

Moved by Elise Miller, seconded by Bill Shields, to recommend that article 29 be approved as written. The motion passed 3-0.

**Article 30:** To see if the Town will vote to raise and appropriate \$44,005 for Public Safety to be expended as follows:

- Street lights: \$1,700
- Animal Control: \$9,946
- Communications: \$31,066
- EMA Director: \$1,293

Moved by Elise Miller, seconded by Bill Shields, to recommend that article 30 be approved as written. The motion passed 3-0.

**Article 31:** To see if the Town will appropriate \$17,000 from the Undesignated Funds balance towards the purchase of a new patrol vehicle for the York County Sheriff's contract Deputy. Total purchase price is \$34,000 to be split equally with the Town of Shapleigh.

Moved by Elise Miller, seconded by Bill Shields, to recommend that article 31 be approved as written. The motion passed 3-0.

**Article 32:** To see if the Town will vote to ratify the overdraft in the District 1 and District 2 Winter Plowing and Sand/Salt Stockpile accounts in the amount of \$66,397.09 from the Undesignated Funds balance. Break down of overdraft:

- District 1 Plowing - \$25,618.91;
- District 2 Plowing - \$18,412.44
- Sand / Salt Stockpile - \$22,365.74

Moved by Elise Miller, seconded by Bill Shields, to recommend that article 32 be approved as written. The motion passed 3-0.

**Article 33:** Moved by Elise Miller, seconded by Bill Shields, to waive the reading of Article 33. Motion Carried. Moved by Elise Miller, seconded by Bill Shields, to recommend that article 33 be approved as written. Mrs. Miller stated that there are some changes to this article from last year, and that the warrant can be viewed online after it's signed. Motion carried 2-1. (Miller opposed)

**Article 34:** To see if the Town will vote to raise \$251,076 and appropriate \$276,100 for District 1 roads to be expended as follows:

- \$25,524 appropriated from the Road Capital Improvement Fund for surfacing and reconstruction
- District 1 Winter Maintenance - \$84,183
- Summer Maintenance - \$92,917
- Road surfacing and reconstruction - \$99,000

Moved by Elise Miller, seconded by Bill Shields, to recommend that article 34 be approved as written. The motion passed 3-0.

**Article 35:** To see if the Town will vote to raise \$251,076 and appropriate \$276,100 for District 2 roads to be expended as follows:

- \$25,524 appropriated from the Road Capital Improvement Fund for surfacing and reconstruction
- District 2 Winter Maintenance - \$84,183
- Summer Maintenance - \$92,917
- Road surfacing and reconstruction - \$99,000

Moved by Elise Miller, seconded by Bill Shields, to recommend that article 35 be approved as written. The motion passed 3-0.

**Article 36:** To see if the Town will vote to raise and appropriate \$147,460 for shared road accounts to be expended as follows:

- Stock pile sand / salt - \$132,422

- Public Works building and equipment \$15,038

Moved by Elise Miller, seconded by Bill Shields, to recommend that article 36 be approved as written. The motion passed 3-0.

**Article 37:** To see if the Town will vote to raise and appropriate the sum of \$34,407 for wages and operational costs for the Acton Public Access TV, known as APAT.

Moved by Elise Miller, seconded by Bill Shields, to recommend that article 37 be approved as written. The motion passed 3-0.

**Article 38:** To see if the Town will vote to raise and appropriate \$284,248 for the operation of the Transfer Station.

Moved by Elise Miller, seconded by Bill Shields, to recommend that article 39 be approved as written. The motion passed 3-0.

**Article 39:** To see if the Town will vote to raise and appropriate \$12,113 and appropriate up to \$16,763 for the operation of the Recreation Department \$4,630 to come from anticipated revenues.

Moved by Elise Miller, seconded by Bill Shields, to recommend that article 34 be approved as written. The motion passed 3-0.

**Article 40:** To see if the Town will vote to raise and appropriate \$250 for the Conservation and Forestry Department.

Moved by Elise Miller, seconded by Bill Shields, to recommend that article 40 be approved as written. The motion passed 3-0.

**Article 41:** To see if the Town will vote to raise and appropriate up to \$302,534 for County tax.

Moved by Elise Miller, seconded by Bill Shields, to recommend that article 41 be approved as written. The motion passed 3-0.

**Article 42:** To see if the Town will vote to raise and appropriate \$538 for Planning and Development to be expended as Forester stipend.

Moved by Elise Miller, seconded by Bill Shields, to recommend that article 42 be approved as written. The motion passed 3-0.

**Article 43:** To see if the Town will raise and appropriate \$2,750 for cemetery maintenance, placement of flags and repair of veterans' graves.

Moved by Elise Miller, seconded by Bill Shields, to recommend that article 43 be approved as written. The motion passed 3-0.

**Article 44 thru 65:** Moved by Elise Miller, seconded by Bill Shields, to waive the reading of articles 44 thru and including article 65, non-profit requests, and to vote on the articles collectively. The motion passed 3-0.

Moved by Elise Miller, seconded by Bill Shields, to recommend that article 44 thru and including article 65 be approved as written. The motion passed 3-0.

**Article 66:** To see if the Town will vote to raise \$10,975 and appropriate \$18,128 for dams, \$7,153 to come from the Dam Capital Improvement Fund as follows:

- Mousam Watershed Dam Coalition annual maintenance - \$5,450;
- Mousam Watershed Dam Coalition 2017 Capital Improvements - \$7,153;
- Dam Capital Improvement Reserve Fund - \$5,000;
- Balch Lake Dam Operation stipend - \$525;

Moved by Elise Miller, seconded by Bill Shields, to recommend that article 66 be approved as written. The motion passed 3-0.

**Article 67:** To see if the Town will vote to appropriate up to \$30,000 from the Undesignated Fund Account for replacing siding on the rear of the Town Hall.

Moved by Elise Miller, seconded by Bill Shields, to recommend that article 67 be approved as written. The motion passed 3-0.

**Article 68:** To see if the Town will vote to appropriate up to \$12,000 from the Capital Improvement Fund for replacing doors at the Town Hall.

Moved by Elise Miller, seconded by Bill Shields, to recommend that article 68 be approved as written. The motion passed 3-0.

**Article 69:** Moved by Elise Miller, seconded by Bill Shields, to waive the reading of Article 69 regarding fund balances. The motion passed 3-0.

Moved by Elise Miller, seconded by Bill Shields, to recommend that article 69 be approved as written. The motion passed 3-0.

**Article 70:** To see if the Town will vote to accept any and all funds received from the State of Maine and the Federal Government and appropriate any designated revenues received to their designated use.

Moved by Elise Miller, seconded by Bill Shields, to recommend that article 70 be approved as written. The motion passed 3-0.

**Article 71:** To see if the Town of Acton will vote to authorize the transfer of excess funds from School Undesignated Fund balance to offset taxes contingent to the School Fund Balance Policy and there being a surplus at the end of the fiscal year.

Moved by Elise Miller, seconded by Bill Shields, to recommend that article 71 be approved as written. The motion passed 3-0.

**Article 72:** To see if the Town will vote to appropriate up to \$636,400 from fiscal year 2017/2018 Municipal Revenues and up to \$300,000 from Municipal Undesignated Fund balance to reduce the amount to be raised by taxation during the tax commitment.

Moved by Elise Miller, seconded by Bill Shields, to recommend that article 72 be approved as written. The motion passed 3-0.

Mrs. Roux noted that the Warrant will be available for the Selectmen's signature at the next meeting and will be posted on Wednesday following that meeting. The vote will be on Tuesday, June 13<sup>th</sup> and the Annual Town Meeting will be held at the school on Saturday, June 17<sup>th</sup>.

C. **Public Information Policy:** Moved by Elise Miller, seconded by Bill Shields, to table the review of the Public Information Policy to the next meeting. The motion passed 3-0.

D. **Ambulance Purchase:** Chief Johnson reported to the Board that the Committee, after much discussion and review, recommends awarding the Ambulance bid to Lifeline Ambulance Service because their bid follows the specifications required and offered the lowest bid.

Moved by Bill Shields, seconded by Elise Miller, to award the bid to Lifeline Ambulance Services, not to exceed the amount of \$277,918. The motion passed 3-0.

E. **Animal Control Notice:** Elise Miller read the notice from Mike Roux, ACO for the Town of Acton:

*"Please be advised that at the end of my current ACO term, June 30, 2017, I will respectfully decline reappointment to the ACO position. It has been a pleasure serving the Town of Acton but the 24/7 availability requirement versus the monthly stipend of \$404.17 is too unbalanced for me to continue."*

Mrs. Roux noted that the Town will advertise for an ACO and an ACO Deputy. She stated that there is no back up and calls come in regularly 24/7.

F. **July 22, 2017 Watson Cemetery:** Mrs. Roux reported that the group is requesting that one of the Selectmen speak at the 9:00 break during the event.

G. **Application for Holding Tank Installation:** The Chairman noted that the application is for a holding tank installation at 65 Steward Drive.

Moved by Bill Shields, seconded by Elise Miller, to approve the application. The motion passed 3-0 and the document was signed by all three selectmen.

6. **PUBLIC COMMENT:** The Chairman thanked all the groups including the Search and Rescue Dog Teams, Fire and Rescue, the Warden Service, that helped locate the boy that was lost in the woods.

## 7. ANNOUNCEMENTS:

A. The Acton Planning Board will hold Public Hearing on Thursday, May 18<sup>th</sup> at 7:00 p.m. to discuss a Conditional Use Permit application submitted by Charlie Goodstein, Moose Pond Sand and Gravel, H Road;

B. The Acton Planning Board will hold Public Hearing on Thursday, May 18<sup>th</sup> at 7:00 p.m. to discuss a Conditional Use Permit to establish a professional building by Jim Crowley, Route 109;

C. Mary Grant Nature Preserve clean-up day, Saturday, May 20<sup>th</sup>;

D. The Transfer Station will be Closed on Memorial Day, May 29<sup>th</sup>;

E. Absentee Ballots for the June 13<sup>th</sup> vote are available;

F. Candidates Night will be held on Monday, June 5<sup>th</sup> at 6:00 p.m.

Elise Miller read an announcement regarding Town officials' residency requirement:

*"On April 12, 2017 the Board of Selectmen were notified by their Town Administrator that an individual was questioning whether or not the CEO and/or Fire Chief had to be residents of the State of Maine to be appointed in Acton."*



*The Board of Selectmen immediately sought out legal advice, which was split in regards to the intent of said statutes regarding these positions. Inquiries were made to the Attorney General as well.*

*On May 9, 2017 the Board of Selectmen received an email thread between State Rep Karen Gerrish and Tim Feeley (assistant to the AG) that stated:*

*Hi Rep. Gerrish,  
We also don't find any residency requirement in statute and we think they are appointed positions, not elected. DECD has responsibility for their standards and someone there may know more. This isn't an area we have dealings with so I'm not sure we could provide much guidance.  
Tim*

*On May 10, 2017 the Town of Acton's attorney sent a follow-up letter requesting clarification from the state Department that is responsible for certifying all code enforcement officers, as well as the Attorney General's office. (This department has certified Acton's CEO). As of today, May 16, 2017 no response has been received.*

*Because there has been public interest in the topic, the Board wants to provide this update and assure everyone that they are taking all measures necessary to obtain the answers from State officials on this issue. This matter is extremely important, involving individuals who have provided professional services to the Town (in some cases for many years). If necessary, our state representative is prepared to file legislation in Augusta to clarify the matter. The Board of Selectmen intend to keep these individuals in their current positions and will take the steps necessary to do so"*

**8. MEMBERS PRESENT:** Ed Walsh, Bill Shields, Elise Miller

**9. OTHERS PRESENT:** Jennifer Roux, Steve Johnson, William Williams, Lois Michaud, Robin Ham, Rolin Waterhouse, Paul Poyant, Cindy Hart