

**SELECTMEN'S MEETING  
TOWN OF ACTON  
August 13, 2015  
5:00pm**

**SALUTE TO THE FLAG**

**1. APPROVAL OF AGENDA:**

Motion by Mr. Shields, seconded by Mr. Kryzak, to approve the agenda as presented. Motion carried 2-0.

**2. APPROVAL OF MINUTES OF LAST MEETING:**

Motion by Mr. Shields, seconded by Mr. Kryzak, to approve the minutes as written. Motion carried 2-0.

**3. DEPARTMENT HEAD / COMMITTEE CHAIR UPDATES**

- A. Road Commissioner: Scott Mooney, Road Commissioner of District One, informed the Selectmen that there is a nuisance tree in front of the Mary Grant Nature Preserve on Sam Page Road. He explained that the large Oak poses danger and while it's not on a town road, the Preserve is a town-owned property. He requested that the Selectmen approve the expense of cutting the tree to be expended from his road budget. Motion by Mr. Shields, seconded by Mr. Kryzak, to approve the expenditure as presented. The motion passed 2-0.
- B. Director of Planning / Code Enforcement Officer:
1. Job Description Final Draft Approval – The Office Manager requested that Board Members sign the modified Job Description which was approved at the meeting of August 6<sup>th</sup> with the inclusion of 35 hours per week. Consensus of the Board Members was to defer signing the document until a full board is present.
  2. Zoning / DEP Letter Update / W/F Draft: The Office Manager reaffirmed that the Board is still recommending the question as presented. The Warrant and Finance Committee requests that the Board review Mr. Gore's draft. Mr. Kryzak stated that the Committee was asked to review the proposed article as it is and make a recommendation.
  3. August 6 Public Hearing Recap: Mr. Kryzak stated that 363 voters approved two articles in June which indicates that they wanted a change in the Ordinance, therefore, in order to honor that vote, only one of the two will be retained and only those two articles will be considered. Mr. Paul reported that at the Public Hearing there was some confusion relative to the existing buffers within the Resource Protection districts which was the article that was defeated. He said that once that misunderstanding was cleared up, citizens that attended the Public Hearing seemed to embrace the subject better. The Office Manager expressed concern as to how she could convey to the Warrant and Finance Committee members that they must just consider their recommendations on the articles as presented. Mr. Kryzak confirmed that the Board has been working on this question since the Spring of 2014, many public hearings have been held, attorneys have been involved. The warrant that will be presented to the voters is the result of the Board's efforts as well as those of the Planning Board and Warrant and Finance Committee and is the final chapter of the process.
  4. Little Red Schoolhouse: Mrs. Roux reported that Attorney Lenkowski forwarded an email on August 11<sup>th</sup> in which he attached a proposed warrant article to amend the Zoning Ordinance defining "Historical Structures". He believes that all concerned parties support the proposal and that it meets the concerns that Attorney Morin expressed in that the original question was not in compliance with the Comprehensive Plan. Tom Gore has requested that if the Board of Selectmen plans on including the proposed amendment on a special town meeting warrant, that they also include an article that designates the Schoolhouse as a historical structure. Mr. Lenkowski expressed concern that this

might “open up a can of worms” as any other after-the-fact historical structure might also be damaged or destroyed. Dick Neal stated that he supports the amendment as proposed by Mr. Lenkowski. Mr. Kryzak made the motion that the proposed Zoning Ordinance amendment be forwarded to the Planning Board for consideration, seconded by Mr. Shields. The motion passed 2-0.

Mrs. Roux explained, in response to Mrs. Barrows’ question regarding the time frame, that the Planning Board will hold public hearings, the earliest of which would be September 10<sup>th</sup> or the 17<sup>th</sup> if they set a date at their next meeting on August 20<sup>th</sup>. Therefore based on criteria outlined in the Zoning Ordinance relative to Zoning amendments, the Special Town Meeting could not occur until mid-October.

C. Office Manager Discussions:

1. **ZBA Appointments:** Mr. Shields made the motion to appoint Dwight Venell to the Zoning Board of Appeals until June 30, 2018, seconded by Mr. Kryzak. The motion passed 2-0.

Mr. Shields made the motion to appoint Shirley Levesque to the Zoning Board of Appeals until June 30, 2018, seconded by Mr. Kryzak. The motion passed 2-0

2. **ZBA Hearing Notice:** Mrs. Roux reported that an Administrative Appeal has been submitted to the Zoning Board by Timothy and Jennifer Dahms relative to property at Red Gate Lane, Map 118, Lots 008 and 009. Required notices have been sent and a public hearing scheduled. Attorney Brad Morin will attend that meeting.
3. **Estimate for Electrical Work:** The CEO is requesting to install a wireless projector on the ceiling in the meeting room of the lower level. The estimate for doing the electrical work for this project is \$350. Motion by Mr. Shields, seconded to Mr. Kryzak, to approve \$350 to be expended from the Building and Maintenance account for this project. The motion passed 2-0.
4. **Building Permit / Sand Salt Update:** The appraiser met with the Road Commissioners to finalize the paperwork required by the bank. The CEO reported that no Building Permit Application has been submitted. Mrs. Roux observed that the process should be started in order to avoid delays.
5. **Mary Grant Appointments:** Motion by Mr. Shields, seconded by Mr. Kryzak, to appoint Jean Achille to the Mary Grant Committee until June 30, 2016. The motion passed 2-0.
6. **Ambulance Merge Documents:** Mrs. Roux stated that the Treasurer has been contacted by the Billing Company requesting that the Town obtain a State EMS number, which is in process, apply for an NPI number and a Medicare enrollment number and begin training. The Treasurer is requesting information as to who will apply for the identifiers, who will be in charge of billing, will the Town remain with Higgins, who will retain and maintain pertinent documents. Mr. Kryzak felt that the application for the identifiers should be done by Peter Smith. Mr. Kryzak stated that once the State EMS number is issued, the paperwork should be signed immediately so that there is no lag in making the transfer affecting ambulance response.
7. **Auditor Letter:** Motion by Mr. Kryzak, seconded by Mr. Shields, to sign the letter. The motion passed 2-0 and the documents signed.
8. **URIP Application:** Motion by Mr. Kryzak, seconded by Mr. Shields, to sign the LRAP application. The motion passed 2-0 and the document signed.
9. **2015-2016 Tax Rate Status / Revenues:** Mrs. Roux reported that the Assessor met with the Treasurer and her to review the tax rate calculator. She recapped the report stating that the 2014/15 revenues used to commit taxes were \$599,000; the 2015/16 anticipated revenues is \$959,000. The town is moving over \$200,000 which is an increase of \$100,000 over last year and funds will be

transferred from the school. Many of the anticipated revenues such as excise taxes, etc. have been increased to a more realistic level. As of April first, the total valuation is \$563,608, 550 which is an increase of nearly \$1,000,000. Personal Property Tax increased about \$30,000. Exemptions increased about \$400,000 which also increases the Homestead reimbursement. Total assessments increased from 6.9 to 7.5. The overlay is \$49,000; last year it was \$51,000. Based on these figures, the recommended tax rate for 2015-16 will be \$11.55, which is a \$ .45 increase. Mrs. Roux requested that the Board members review the report and be prepared to consider the tax rate at the next meeting.

10. **August 20 – Schedule:** Mrs. Roux suggested that the Selectmen set the workshop hours at 5:00 p.m., conduct the Special Town Meeting at 7:00 p.m. and then hold an actual Selectmen’s meeting at 7:30 to set the tax rate on August 20<sup>th</sup>.
11. **Request for Information:** The Office Manager explained to the Selectmen that in processing the Request for Information submitted by Mrs. Crockett relative to expenses incurred in developing the Resource Protection articles, figuring the hours spent based on salary has become complicated. She asked for direction on how to address this request. Mr. Kryzak responded that she should provide copies of invoices and reply to the request for staff time spent that staff hours occurred during normal course of business, therefore, actual figures are unavailable.  
  
Mrs. Roux presented a second Request for Information for approval and signature. The request, submitted by Attorney James Shirley, who is representing the applicants in a Zoning Board of Appeals application, is to provide the dates when eight sections of the Zoning Ordinance were first enacted and, if amended, the date of any such amendments and provide the original language and the amended language. Because this request is relative to a pending appeal, Mr. Morin as the Town’s attorney will be notified. Motion by Mr. Kryzak, seconded by Mr. Shields, to approve and sign the request and delegate it to Ken Paul.
12. **Protection One Rider:** Motion by Mr. Kryzak seconded by Mr. Shields, to approve and sign the rider relative to work to be done on the security system as approved at the Meeting of August 6, 2015
13. **SASSM email:** Sexual Assault Response Services of Southern Maine is offering resources to the community that would include an advocate, posters, website links, etc. Mrs. Roux explained that currently there are no links on the website that are not actual town links. Mr. Kryzak requested that the Office Manager contact the SASSM advocate and set up an introductory meeting at one of the regular Board of Selectmen Meetings.
14. **York County Dam Schedule:** The assessment and inspection of Balch Pond Dam is scheduled for Monday, August 31<sup>st</sup> at 9:00 a.m. Also, the Emery Mills Dam in Shapleigh, which is included in the Sanford / Acton / Shapleigh Organization, is scheduled for 11:00 p.m. The Selectmen are hopeful to attend these inspections.
15. **Fairpoint Contract:** Motion by Mr. Kryzak, seconded by Mr. Shields, to sign the contract as approved at the meeting of August 6, 2015. The motion passed 2-0.
16. **Special Town Meeting:** Mr. Kryzak recapped the two zoning questions that will be presented at a special town meeting this fall stating that in the fall of 2012, the Board of Selectmen brought concerns that were expressed by the Town’s Attorney, Joe Lenkowski, to the Planning Board requesting that those areas of the Ordinance be addressed. The Planning Board did nothing. January of the second year, the Board of Selectmen, because Resource Protection Zoning in essence designated a thousand acres of property as “unbuildable” with no option of reconsideration or appeal, drafted a proposed amendment based on Mr. Lenkowski’s recommendations. The Planning Board then came up with a proposal that conflicts with the Selectmen’s proposal. Mr. Kryzak

stressed that the effort to give land back to property owners to be used though conditional use based on Planning Board review will not pollute lakes.

4. **OLD BUSINESS:** none
5. **NEW BUSINESS:** none
6. **OTHER BUSINESS:** 7. **ANNOUCEMENTS:**
8. **MEMBERS PRESENT:** Ted Kryzak, Bill Shields
9. **OTHERS PRESENT:** Jennifer Roux, Ken Paul, Eric, Chip Venell, Dick Neal, Dennis Long, Dale Barrows
10. **ADJOURNMENT: Motion** by Mr. Kryzak, seconded by Mr. Shields, to adjourn at 6:04 p.m. The motion passed 2-0.