

## SELECTMEN'S MEETING

May 24, 2016

5:00pm

1. **APPROVAL OF AGENDA:** Moved 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:** Moved by Bill Shields, seconded by Ed Walsh, to approve the Minutes of the Meeting of May 17, 2016 as written. The motion passed 3-0.

### 3. DEPARTMENT HEAD / COMMITTEE CHAIR UPDATES

**A. Town Clerk Vacation Request:** Mrs. Roux explained that per the Personnel Policy, she currently has earned four weeks of vacation which has been unused because of training Assistants timeline and the difficulty of providing coverage for the Tax Collector and Town Clerk for extended periods of time. She noted that the Treasure is qualified and willing to cover for her flex time when used a day at a time but because of her responsibilities in Shapleigh, she is not able to cover for vacation time. The Personnel Policy allows for the town buying out two of her four weeks but considering the structure of her positions she stated that she is requesting that the Town buy out all four weeks. She noted that the only other option is for her to take her time and close the office, which really isn't feasible. Moved by Ed Walsh, seconded by Bill Shields, to authorize buying out all four weeks of the Town Clerk / Tax Collector's accumulated vacation time to total four weeks. The motion passed 3-0.

**B. Road Commissioner, District 2 Report:** Scott Money reported that about 250 yards of winter sand has been cleaned off Goose Pond Road, paving will be done by Thursday, all 911 signs have been posted. He still has about 25 corner signs to order.

Mrs. Roux stated that it has come to her attention that the signs on each end of Raccoon Road are spelled differently.

**C. Road Commissioner, District 1 Report:** David Winchell informed the Board that a portion of Young's Ridge Road will be closed for no more than eight hours in order to install a culvert up at the Wilson Lake dam. He will notify the Board and the Fire Chief when that is scheduled.

### 4. OLD BUSINESS:

**A. Warrant Articles Recommendations (Article 53 & Article 57):** Ted Kryzak explained that the article was changed so that the request is to carry the LRAP forward but not appropriated because the expenditure is included in the paving account.

Article #53: To see if the Town will vote to carry forward the following fund balances and allow the balance carried forward to be appropriated to the designated Department for the ensuing year: Acton Tree Lighting Donation Fund, Cemetery Fund, Conservation Committee, District 1 and 2 Road Surfacing and Reconstruction Reserve Funds, District 1 and 2 Maintenance Reserve Fund, District 1 and 2 Winter Maintenance Fund (this account was not on the Warrant last year), Fire Department Grants, Donations and Scholarships, FEMA Emergency Disaster Reserve Fund, Forestry Committee, Fuel Assistance Donations, Gravel Processing, Gym Donations, Mary Grant Committee, Neighbors Helping Neighbors Donations; and to carry forward but not appropriate the following Fund balances: Ambulance Reserve Fund, Capital Improvements on Dams, Capital Improvements on Fire Department, Capital Improvements on the Truck, Recreation Capital Improvement Fund, Road Capital Improvement Fund, LRAP Funds, and all other unexpended

balances and revenues to lapse into the Undesignated Fund. School balances to be used for School funding only.

Moved by Bill Shields, seconded by Ted Kryzak to recommend Article 53 as written. Ed Walsh requested that Larissa Crockett, Chairman of the Warrant and Finance Committee, explain the Committee's recommendation on Article 53.

Mrs. Crockett explained that the Committee has expressed concern that the Town holds money that are technically private donations such as the Tree Lighting Account, Gym Donations that the Town Meeting has no interest in. They are not added to taxation nor does the Town have authority to appropriate to any account other than the designated beneficiaries of those donations. She stated that the Committee, therefore, recommends that any funds that the Town has no governance over be eliminated from the Warrant.

Mrs. Crockett confirmed that the Committee also recommended not to move forward District 1 and 2 Summer and Winter Maintenance Accounts as it is better, more transparent budgeting to use the funds in the year they are raised and appropriated and balances be moved into the Undesignated Fund Account to hopefully offset taxation the following year. She stated that the Committee suggests that balances in the Paving Account be carried forward because those accounts are weather dependent and more difficult to use in a particular year.

Ted Kryzak explained that the Treasurer prefers keeping the list of donations on the Warrant for accountability purposes. He also stated that carrying forward Road Summer and Winter Maintenance Accounts is necessary because it's difficult to predict how severe the weather will be.

Motion passed 3-0.

Article 57: To see what sum the Town will raise and appropriate for the following estimated revenues and fund balances to reduce the amount to be raised during the tax commitment.

Mr. Kryzak noted that Fiscal year 2016 / 2017 Municipal Revenues are \$636,400 and stated that the Treasurer confirms that it's an accurate figure. He reminded the Board that the reason that they had tabled making a recommendation was that the original article failed to include requesting "up to" \$300,000 from the Municipal Undesignated Fund. He stated that the Warrant and Finance Committee recommended unanimously appropriating \$401,200 from the Undesignated Funds Account and \$636,400 from the 2016 / 2017 Municipal Revenue Account. Mr. Kryzak read a memo from MMA regarding the Town's request to state an opinion on the legality of the recommendation:

*"I have consulted with two of my colleagues and we all agree that Article #57 appears to be an open-ended article and the Warrant and Finance Committee could recommend an amount higher than that proposed by the Selectmen. If the Warrant has not been signed yet and if the Selectmen wish to limit the total appropriation possible, they could reword the article to read: to see if the Town will appropriate up to \$636,400 from the 2016 / 2017 Municipal Revenues and up to \$300,000 from the Municipal Undesignated Fund balance to reduce the amount to be raised by taxation during the Tax Commitment. The Warrant and Finance Committee's recommendation should still appear below the article with an explanation that parts of it exceeds the amount that could lawfully be appropriated under the above article."*

Motion by Ted Kryzak, seconded by Bill Shields, to rewrite the article according to the recommendation by MMA Legal Services Department.

Ed Walsh requested that Larissa Crockett explain the Warrant and Finance Committee's recommendation to appropriate \$401,200 from the Undesignated Funds Account. Mrs. Crockett explained that the Committee recommended lower appropriations from two accounts: the front walkway entrance for the Library and the siding and fire stairs. Both accounts are funded from the Undesignated Fund so the difference is reflected in the amount to be appropriated from the Fund to offset taxation. Also, a portion of the \$401,200 comes from the Committee's recommendation that the Winter / Summer Maintenance of Road Account not be carried forward. Those balances should be used to offset taxation, in the Committee's opinion. Mrs. Crockett wanted to note that the memo from MMA was not a recommendation but an option for the Board to consider.

Mr. Walsh stated that if the Warrant and Finance Committee recommendation for lowering the amount to be appropriated for the Library entrance and the siding passes, it would make sense to use the difference towards offsetting taxation. Mr. Kryzak reminded the Board that the auditors recommend retaining enough funds to pay bills for three months, which would amount to more than \$1,000,000. He explained that by funding special projects from the Undesignated Fund Account, if at the end of the fiscal year less than the recommended \$1,000,000 remains, the projects won't be done. Once it is known what the valuation is and all bills have cleared, then a figure can be determined. He also reminded the board that previously, in FY 2010 / 2011, the balance in the Undesignated Fund was \$500,000, \$350,000 of which was unpaid taxes so in actuality, only \$150,000 in cash was available. The Undesignated Fund, even though it shows to be over \$1,000,000 its not all cash because the figure includes all back taxes.

Ed Walsh requested that Mrs. Crockett again explain the Warrant and Finance Committee's recommendation. Mrs. Crockett stated that the way the Selectmen's recommendation is worded, the Town Meeting is handcuffed to vote on up to \$300,000. She expressed the opinion that voters at Town Meeting should have the option to vote, after discussion, on the \$401,200 as recommended by the Warrant and Finance Committee. Also, she stated, that if the wording of the article is changed, the modified article should go back to the Warrant and Finance Committee for recommendation on the modified article..

The motion to rewrite the article according to the recommendation by MMA Legal Services Department made by Ted Kryzak and seconded by Bill Shields passed 2-1.

Mrs. Roux questioned as to whether the rewritten article must be sent to the Warrant and Finance Committee for a new recommendation. Mr. Kryzak expressed the opinion that, based on the recommendation from MMA, it does not.

- B. Old Sand/Salt Shed:** Mr. Kryzak confirmed with the Road Commissioners that the salt and sand will be removed from the building on Wednesday and that the cost of the project would come from the Winter Maintenance Account and that the building would be blocked off until the new fiscal year after the funding is approved at the Town Meeting, when it will be demolished.
- C. MMA Action Plan:** Mrs. Roux reported that as soon as it is confirmed that the sirens installed by American Security are functional, the list can be sent the MMA to be closed.
- D. Firefighter/Paramedic Position:** Rick Smith reported that the hiring process for a new Firefighter/EMT is complete and the Committee was actually able to hire a Firefighter/Paramedic. He introduced Sharon Jackson, who is a Firefighter one and two, and noted that she holds the top level of Paramedic in the state of Maine as well as the highest level of Firefighter position.

Motion by Ed Walsh, seconded by Bill Shields, to offer Sharon Jackson the position of Firefighter/Paramedic Position for the Town of Acton. The motion passed 3-0.

**E. Foreclosure Properties (Table No Update)**

**F. Fire Chief Ad - Deadline June 10 (Table No Update)**

**G. Gym Door (Table No Update) )**

**H. Abandoned Properties (Table No Update / Court Order Aug 2016)**

**5. NEW BUSINESS:**

**A. Sign June 14, 2016 Town Meeting Warrant:** Motion by Ed Walsh, seconded by Bill Shields, to approve and sign the amended Warrant. The motion passed 3-0 and Board Members agreed to remain after the meeting to sign the document.

**B. June 15, 2016 Meeting:** Mrs. Roux reminded Board Members that due to a conflict, Ed Walsh is unable to attend this year's Annual Town Meeting. Mr. Walsh had requested that the Board schedule a meeting on Wednesday, June 15<sup>th</sup>, to discuss any changes that might occur in the election. Consensus of the Board was to meet at 4:30 p.m. on June 15<sup>th</sup> for that purpose.

**C. The Shed Restaurant Liquor License:** Ted Kryzak noted that no one spoke at the Public Hearing held on Tuesday, May 17<sup>th</sup> regarding approval of the liquor license for the Shed Restaurant and that there were no problems with the Police Report. David Langley reported that the facility has been inspected and the owner has provided all information that the Department has requested.

Motion by Ed Walsh, seconded by Bill Shields, to approve the Liquor License as submitted by the Shed Restaurant. The motion passed 3-0.

**6. OTHER BUSINESS:** None

**7. PUBLIC COMMENT:** Larissa Crockett, speaking as Chairman of the Warrant and Finance Committee, stated that the Committee has met in good faith several times throughout the budgeting process within the time limit that they were given to make recommendations. Committee Members made their recommendations on a Warrant that they were told was final. Members were unwilling to make recommendations on articles that were incomplete. She noted that, what happened at the current meeting was that after recommendations were made by an elected committee by the Town's body, a warrant article that the Committee in good faith made a recommendation on was changed. She said that though she understands the email from MMA regarding amending the article, only a portion of the email was read. She expressed the opinion that it was an option offered not a recommendation. She requested that the Selectmen again directly request from MMA an opinion as to whether, where the Warrant and Finance Committee met in good faith and made recommendations on what they believed to be a final Warrant and the Selectmen chose to change the Warrant after those recommendation have been made, if the Warrant and Finance Committee has the authority to re-recommend.

Speaking as a citizen of the Town of Acton, Mrs. Crockett reminded the Board that there are very clear rules about how a Warrant is posted, very clear rules as to how many days those Warrants are to be posted, and a rule as to how Warrant articles can be changed. She noted that it is very clear in Maine state statutes that the Board of Selectmen write the Warrant but she feels that it is not good government to change an article in the manner that it was changed at this meeting.

**8. ANNOUNCEMENTS:**

- A. DOT Hearing regarding Route 109 at 6:00 p.m. on May 26.
- B. Personnel Policy Dept Workshop 4:00 p.m. May 31<sup>st</sup>. All Department Head who oversee staff that are affected by the Personnel Policy have been notified.
- C. Election/Absentee Ballots/Town Meeting: The election is scheduled for June 14<sup>th</sup> from 8:00 a.m. to 8:00 p.m. at the School. Absentee ballots are available at the Town Clerk's office during regular business hours.
- D. 4 Leaf Clover Ride: The Nason Community Bicycle Center is hosting a ride on Sunday, September 18<sup>th</sup> and a portion of the scheduled route is through the Town of Acton over Foxes Ridge Road, Milton Mills Road and Route 109. It is expected that there will be as many as one hundred bicyclists participating. The organizers requested to be informed of any road closures during that event. The notices was referred to the Fire Chief.

**9. ADJOURNEMENT:** Moved by Bill Shields, seconded by Ed Walsh, to adjourn the meeting at 6:45 p.m. The motion passed 3-0.

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

**11. OTHERS PRESENT:** Scott Mooney, Holly Mooney, Sharon Jackson, Rick Smith, Else Miller, Larissa Crockett, Paul Poyant, Dave Winchell Jr.