

**TOWN OF ARUNDEL, MAINE
BOARD OF SELECTMEN MEETING**

www.arundelmaine.org

Please visit the home page of our website and click on the link to sign up for email notices, meeting agendas and alerts.

**Monday August 26, 2019
ML Day School
7PM**

- I. Call to Order
- II. Approval of Agenda
- III. Public Forum – Public comment on non-agenda items
- IV. Approve Minutes of August 12, 2019
- V. Committee and Board Reports
- VI. Manager’s Report
 - Loss Prevention Meeting
 - Reminder of upcoming meetings
 - Furniture Review
- VII. Business
 - Arundel Conservation Trust activity update
 - Solar Package
 - Pole Permit
 - FY-19 Overdrafts
 - Service Restitution Ordinance
 - Tax Rate Setting
 - Special Town Meeting Warrant
- VIII. Other Business and Adjournment
 - Approval Payable Warrants
 - Adjournment

TOWN OF ARUNDEL

468 LIMERICK RD ARUNDEL MAINE 04046 (207) 985-4201 FAX (207) 985-7589

BUSINESS MEETING 8-26-19

EXECUTIVE SUMMARY

BOS Members: The purpose of this summary presented is to give you some information over and above just the mentioning of the subject matter on the agenda. It is my hope that this information assists you in your decision making.

MANAGERS REPORT

-Loss Prevention Meeting: Met with Lance Lemieux from MMA Loss Prevention Department. His responsibility is to assist the Town with an observation of the Town's Buildings to determine what steps need to be made in order for the buildings to be in Safety Compliance with State Regulation. He reviewed corrections we had made to the building and identified areas that need attention. Town Hall exterior siding and fire exit lighting in the basement. Fire Station Smoke Detectors to be placed in sleeping quarters. Public Works repair of foundation wall section in Salt Shed.

-Upcoming Meetings: 8/27/19 Construction Meeting for Municipal Building 10AM Fire Station, 8/28/19 Building Committee 7PM @ ML Day Library, Construction Bids Opening New Municipal Building 9/9/19 7PM ML Day Library.

-Furniture Review New Municipal Building: I will report to you of the Meeting at Port City which was held on the 21st.

BUSINESS

-ACT will be present to provide an update to the Board on recent activities.

-Solar Package: RFP's are out with a return date of 8-26-19 for your opening tonight. Packages were sent to seven different companies posted on the Website and appeared in Construct Connect Insight a Construction Website.

-Pole Permit: Application from Private Power Services of Saco has been received. They are requesting Pole to be set on Old Limerick Road with anchors. Roger has reviewed and signed off on this application.

-FY 19 Overdraft in the General Government and Transfer/Recycling Budget I am seeking a movement of funds under your authority as outline in the e-mail I sent to the Deputy Treasurer (see attachment).

-Service Restitution Ordinance: Chief Beaulieu is seeking though an Ordinance enactment the ability to charge Insurance Companies for Traffic Accidents that requires a response from the Department. (See attached draft documents).

-Tax Rate Setting: Tax Assessor will be making a recommendation and range for a new Tax Rate after a review of the documents I will propose a recommendation on an appropriate Rate seeking your approval.

-Special Town Meeting Warrant: I have attached a draft based on the requested changes in the Street Design and Construction Ordinance and enacting a local ordinance exemption excise tax collection from Military Service personnel.

OTHER BUSINESS AND ADJOURNMENT

(a) Account Payable & Payroll Warrants: Provided at Meeting for review.

TOWN OF ARUNDEL
BOARD OF SELECTMEN

Monday August 12, 2019
ML Day Library
7 PM

Members present: Selectmen Dan Dubois, Tom Danylik, Phil Labbe, Velma Hayes, & Jason Nedeau.

Others: Town Manager Trefethen, Planning Board Chairman Rich Ganong, Planner Tad Redway

Call to Order: Chairman Nedeau called the meeting to order @ 7:00PM

Approval of Agenda: *MOTION Dubois second Hayes “approve agenda as presented” passed 5-0.*

Public forum: Rich Ganong asked about funding a Curb Side Trash pick-up for the residents of Arundel.

Approval of Minutes: *MOTION Dubois second Danylik “approve Minutes of July 22, 2019 as presented” passed 5-0.*

Committee & Board Reports: No action required.

Managers Report:

- MMA Dividend Check was presented to the Town for \$1,867 for the Towns efforts in Workers Compensation.
- Tax Rate Setting is set for Monday August 26, 2019 as per the Tax Assessor.
- County Tax Bill was slightly more \$600 +- then what was anticipated.

Old Business:

- Modification proposed by the Planning Board for section 1.6.2.6 of the Street Design and Construction Ordinance was modified by the Board eliminating the work may to shall and adding the phrase “*and approved by the Arundel Fire Chief*” at the end of the sentence. Changes will be made and included in any Special Town Meeting being scheduled in the future.

- The Board also approved adding a Local option exemption on Excise Tax for residents permanently stationed or deployed for military service outside of the state. This too will appear on any Special Town Meeting Warrant developed for future action.

New Business:

- Heritage Day and Mass Gathering Permit: *MOTION Dubois second Labbe “approve the mass gathering application for the Arundel Historical Society for Heritage as presented and wave the application fee” passed 4-0-1 (Hayes)*
- Materials to be posted for BOS and Planning Board Meetings. Selectmen Dubois suggested that enclosures be added to the posting of the Agenda’s for both respective boards in order to provide additional information to the public on the Agenda Items. Both the Town Manager and Planner will provide these enclosures in PDF Form. This however does not prevent other items to be added to the respective Agenda’s at the meeting at the discretions of the boards. A disclaimer will be added to the posting to the effect things may change after these respective posting.

Other Business and Adjournment:

Payable & Payroll Warrant: *MOTION Dubois second Hayes “approve payable & payroll warrants as presented and reviewed” passed 5-0.*

MOTION Hayes second Labbe “to adjourn” passed 5-0 @ 7:43PM

Respectfully submitted,

Keith M. Trefethen
Town Manager

PRIVATE POWER SERVICES

SACO MAINE

APPLICATION FOR POLE LOCATION OR UNDERGROUND LOCATION

In the Town of: Arundel Maine

City

Town of _____ Maine

Country

Private Power Services hereby applies for permission to:

Construct and maintain together with attached facilities and appurtenances upon, along, or across certain streets in said city/town as described below.

Construct and maintain buried cables, conduits, manholes, and handholds, together with wire and cables, transformers, cutouts, and other equipment therein, under, Along, and across certain streets and highways in said city/town as described below:

Private Power Services hereby applies for permission to construct a pole line together with attached facilities and appurtenances upon, along or across certain streets in said town as described below:

1.) Starting point: CMP Pole # 17

2.) Road: OLD Limerick RD

3.) Directions: South

4.) Distance: 180' FIRST 142' Second Pole

5.) Number of poles: 2 Pole 2 Anchors

6.) Overhead wires and cables shall have a minimum clearance of 18 feet over public highway, and be constructed to conform to the requirements of the National Electrical Safety Code.

Buried cable facilities shall be placed at a minimum depth of 26" under pavement and 30" elsewhere and be constructed to the requirements of the National Electrical Safety Code.

Any persons, firm or corporation claiming to be adversely affected by this proposed location shall file a written objection with the D.O.T., City, Town, and Country stating the cause of said objection within fourteen (14) days after the publication of this notice or ninety (90) days after installation of facilities without publication.

Public Notice of this Application has been given by publishing the text of the same in _____ on _____ not published

Approved by Town Hall

By: _____

Date: _____

Private Power Services:

Hector Ricard
Signature

Date: 8-7-19

OK (RT)

Town Manager

From: Town Manager [townmanager@arundelmaine.org]
Sent: Tuesday, August 13, 2019 2:12 PM
To: 'Lisa J. Denner'
Subject: Movement of Funds by Board of Selectmen

With the FY 18/19 Budget ending you have discovered that Two Budgets General Government and Transfer/Recycling Account have expended more than what was approved at the 2018 Annual Town Meeting. With the passage of Article 20 at the 2018 ATM the Board of Selectmen were authorized to transfer funds as long as a total of 5% of Article 9 thru 19 combined is not exceeded in order to provide a budget with a year ending positive balance.

Total of Article 9 thru 19 is \$2,842,593 which means 5% could be adjusted with those budgets. 5% totals \$142,129.65. **General Government** has at present a negative balance of *(18,330.46)* and **Transfer/Recycling** has a negative balance of *(3,110.56)*.

I will be proposing the movement of \$19,000 from Town Hall Administration to cover the General Government negative balance and moving 3,500 from the Public Works Budget to cover the negative balance in Transfer/Recycling.

In another matter we spoke about the uncollected receivables from providing Ambulance Services to folks. Some of this uncollected amounts dates back several years and an attempt to balance this debt is something we need to address. I will reach out to MMA Legal to see if they have any suggestions in managing this.

Keith

Town of Arundel

Fire Department Restitution Ordinance

Section 1- Statement of Purpose:

The Town of Arundel is engaged in providing fire suppression, fire rescue, emergency medical services and fire safety services and in consideration of services rendered hereby desires to set the following restitution policy to the fire department services. This ordinance is adopted pursuant to municipal home rule ordinance authority and Title 30-A MRSA, Section 3001.

Section-2 Definition of Services:

The Town of Arundel will seek payment for the cost of services provided by the Town of Arundel Fire Department when responding to incidents in the Town of Arundel. Services the Town of Arundel shall seek payment for include, but are not limited to:

- a) Scene and Safety control at traffic accidents:

Positioning of fire apparatus and personnel to protect the scene from other traffic and deny entry into the scene of unauthorized personnel. Establishing incident command of the scene, which is the Fire Departments responsibility at emergency incidents and to coordinate with other responding agencies for their needs at the scene. Emergency Medical Services (EMS) personnel id responsible for patient care but at times assistance may be requested.

- b) Disentanglement operations and assist rescue with extrication from vehicles:

The process of removing a vehicle from around a person who has been involved in a motor vehicle collision, when conventional means of exit are impossible or inadvisable. A delicate approach is needed to minimize injury to the victim involved. This includes coordinated efforts with EMS personnel to render patient care during the removal efforts. This could include, but is not limited to: automotive accidents, industrial accidents, confined spaces, below grade or high angle rescues to name a few. Ropes, ladders, air monitoring equipment, self-contained breathing apparatus, hydraulic equipment, cribbing, saws, stabilizing struts are just a few types of equipment used in extrication incidents.

c) Fluid and hazardous substance mitigation at traffic accidents:

Anytime the Fire Department must manage any fluids or hazardous substance through containment or absorption with absorption pads, other fluid absorbents (speedy-dry) or other means permitted by the Department of Environmental Protection (DEP). Mitigation of all hazardous substance is performed in accordance to DEP regulations.

d) Vehicle Fires:

Fire Department response to contain or extinguishment of fire involved in a motor vehicle. Process may also include the laying of hose lines and positioning hand lines for protection of personnel or individuals at the scene to protect from exposure from fire, smoke, leaking fluids, vapors.

Section 3- Fees for Service

Upon adoption of this ordinance, the board of selectman in their expressed authority shall authorize to review and set fees for the Fire Department services as they deem in the best interest of the Town of Arundel. Fees for services shall be limited to cost recovery, methods of calculating the cost of services shall be identified and generally based upon the average cost or specific cost of providing the service. Cost calculations will include direct cost (apparatus, personnel and miscellaneous supplies and services). All fees collected shall be deposited to the Fire Department Capital Equipment Account.

Section 4 Restitution and Billing Procedure:

The Town of Arundel may seek restitution for the cost of the Fire Department services by filing claims with the insurance companies of the insured individuals or the companies involved in an accident where the Fire Department services are provided. The Board of Selectman are authorized to enter into a Cost Recovery Agreement with a third-party billing company for the billing and collection of fees for the Fire Department services through filing of insurance claims. All such claims shall be submitted in the name of the Town of Arundel. The town shall only seek restitution for the Fire Department services from the insured individuals or companies involved.

The Board of Selectman are authorized to institute legal action to collect insurance claims that remain outstanding for more than 60 days. The Board of Selectman are authorized to write-off claims when a claim is not paid with a valid reason (insured not at fault, not covered) or if all attempts to contact the insurance company fail by any common method available.

Section 5-Compensation:

Terms of compensation to the third-party billing company shall be agreed upon by the Board of Selectman and set forth in the terms of the Cost Recovery Agreement.

Section 6-Administration and Enforcement

It shall be the duty of the third-party billing company to effectively pursue the requirements of this ordinance for the payment of the service rendered by the Fire Department as specifically outlined above.

Section 7-Insurance Requirements:

The third-party billing company shall at all times during ht term of the agreement, have a valid General Liability insurance policy, a Cyber Liability policy, and Error and Omissions Policy and the Town of Arundel shall be named as additionally insured.

Section 8-Effective Date:

This ordinance shall take effect upon the adoption by the Town of Arundel at its Town Meeting of --/--/----

Section 9-Validity and Severability:

If any section or provision of this Ordinance is declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

Section 10-Conflict with Other Ordinances:

This Ordinance shall not in any way impair or remove the necessity of compliance with any other applicable rule, ordinance, regulation, by law, permit or provision of the law. Where this Ordinance imposes a greater restriction upon the use of Fire Department Services, the provision of this Ordinance shall control.

Fees and Rates For Service:

2 hours minimum for all personnel and apparatus used 1 hour thereafter.

Personnel

Chief	\$25.00- \$50
Captain/Lieutenant	\$20.00- \$40
Fire fighter	\$18.00- \$30
EMT-Paramedic	\$18.00- \$30

Apparatus

Chief's vehicle	\$250.00 per hour
Fire engine	\$250.00 per hour
Tanker	\$100.00 per hour
Ambulance (on standby)	\$250.00
Engine 302 Brush truck	\$100.00 per hour
Fuel surcharge Per Vehicle	\$75.00
Jaws	\$500.00 -\$1,300
ATV / snowmobile	\$75.00
Fuel spill/Hazmat response	\$250 per hour

**SPECIAL TOWN MEETING WARRANT
MONDAY, SEPTEMBER , 2019**

To Roger Taschereau, a constable or resident of the Town of Arundel in the County of York, State of Maine

GREETINGS

In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of Arundel in said county and state, qualified to vote in town affairs: to meet at the Mildred Day School Library in said town on Monday, _____ 2019 AD., at seven o'clock in the evening, then and there to act on Article 1 thru 3 as set out below, to wit.

ARTICLE 1

To choose a moderator to preside at said meeting and vote by voting cards and/or written ballot.

ARTICLE 2

Shall the Town vote to adopt an Ordinance entitled "Amendment to Section 1.6.2.6 of the Street Design and Construction Ordinance?", as follows:

- 1.6.2.6 Developments containing over 25 dwelling units or which generate average daily traffic (ADT) of over 250 trips per day, shall have at least two street connections either with existing public streets, or with streets shown on an approved subdivision plan or site plan for which a performance guarantee has been filed and accepted. The Planning Board shall permit commercial subdivisions or commercial projects generating 250 trips or more per day to establish a single street connection if said street connection is to a State of Maine highway and approved by the Arundel Fire Chief.

ARTICLE 3

Shall the Town vote to adopt "Local option exemption for residents permanently stationed or deployed for military service outside the State" which allows an exemption of excise tax as described in MRSA Title 26 Sub Section 1483-A.

Dated at Arundel Maine on _____, 2019

Jason Nedeau, Chairman _____

Velma Hayes _____

Dan Dubois _____

Phil Labbe _____

Tom Danylik _____

A majority of the Municipal Officers

Arundel, Maine

