

Sutton Special Selectmen's Meeting
February 20, 2015

Chairman Scott Spencer Called the special meeting to order at 10:40AM

Attending the meeting: Select Board Scott Spencer; Tim Simpson; Joe Solinsky; Fire Department Personnel: Glen Stine; Norbert Patoine; Dana Patoine; Scott Brill; Larry Seymour; Mary Gray

Additions: Sutton Fire Department, no deletions

At the last 1-19-15 selectmen's meeting, Larry Seymour asked why he was here when asked about the dryer on the warrants. Scott said that a dryer on the warrant was something the selectmen didn't know if that could be paid out of the bond vote or not. Scott was going to seek legal counsel about contents being paid by the bond for construction of the fire house. Scott contacted Peter Morrissette's office since he did the original bond. Scott explained that while he was asking about the bond vote and if contents could be paid out it or not, he was also asking about the fire department restricted fund and could that be used for contents.

The selectmen received the answer from the attorney and their answer was no. There was concern to keep within the statute of the original bond. And the question was to keep within the statutes of the restricted funds.

The attorney suggested that the fire department hold a special meeting or put an article on the 2016 warrant to raise those funds.

With that being said, Joe stated, so content if it is screwed in is that contents?
George said the insurance would send a list of items considered contents of the building.

Glen had a question, safety cabinets for gas cans, that was an OSHA requirement should that not be considered part of the building? Tim pointed out the list he has in front of him is for insurance purposes. There is \$400,000.00 insurance replacement cost on the building at this time. Is this insured for enough? Mary looked up the Lister's card and the value for the building was \$413,000. Tim asked about the contents, Mary stated, the Lister's don't deal with contents. The quality of the construction takes into consideration things like cabinets, flooring, etc. Larry said, once we look at definitions, some insurance company's state, building would be anything bolted down.

The bond money would not be considered for contents such gas cans just because it is OSHA required. Turnout gear racks you can bolt to the wall, would that be considered building? The rolling stairways were requirements of OSHA.

Looking at the list of contents, what makes up the \$19,000.00 is any part of that building? The truck insurance was addressed a few years ago with the insurance carriers.

Scott explained today we are trying to come up with a figure to finalize the bond loan.

Larry wants the attorney to give the definition of content. Example, would the radio system be part of the bond vote? This is functionally related to the fire department. Larry questioned if the board was going to take the advice of the attorney. Larry brought all that was presented at the informational

meeting. Scott went to the Town Clerk's Office to get the actual Australian ballot for the bond vote, it states: "Article: Shall the bonds of the Town of Sutton in an amount not to exceed Five Hundred Thousand Dollars (\$500,000.00) be used for the purpose of construction a Fire Station on Burke Road in Sutton at an estimated cost of Five Hundred Thousand Dollars (\$500,000.00)?"

That pretty much explains that the bond vote was for construction not content. So to finalize the bond, we spent out of statute \$9,460.68 that needs to be repaid to the general fund. One way to pay back is the fire department gets an appropriation from the voters when appropriations come up. A town meeting, they could vote down the appropriation and then raise the money by that amount to pay it back in one year. Or if the fire department has some other account that could be used to repay this loan from. Or, the fire department could petition to have a special town meeting and ask the voters if you could borrow money in order to repay the general fund, but what would happen if the town voted it down, the fire department would be at the mercy of the voters. Another option is pay the general fund back over a period of time from your appropriation that you get from the town each year.

Joe stated that Larry contacted him and asked if the closing of the loan could wait until June, after all the wet land is completed. Larry stated he also contacted Tim. Joe felt if we had more of a final figure it might be better to wait. The fire dept. building reserve fund has approximately \$47,000.00, does that money have to be turned in toward the loan now or can it be applied at a later date. Joe said in talking to Larry we can shoot for the first of June, Larry interjected and said towards the end of June, Norbert said that all depends on the weather, they have the hole dug and mounds of top soil piled up that will have to be spread, will need to dry out and worked on. Right now, Norbert will try to cut a swath to get in there. Norbert talked with Joe and Tim and said he would take out the wood. Scott asked if that is on your Act 250 permit. Larry said, there is no Act 250 permit being a municipality. Drainage also need to be done so it does not wash into the pond.

Scott asked about fencing around the pond: What would be the liability for the pond? With this pond could it be an attractant and increased liability? As a tax payer, Scott would like to see a fence around the pond with a locked gate and signage that states "authorized personnel only". The town has a \$1M liability but the town is actually worth \$10M, a law suit would go for more than the \$1M. This pond was engineered to 320,000 gallons of water as a holding tank. The Pond is about ¼ acre. So the cost of putting a fence would cost about \$10,000.00 but we don't know the exact figures.

Then discussion was to close the loan out at \$458,987.34 for the fire house bond.

Scott made a motion to close the fire house loan at \$459,000.00 with Scott making the call to the bank to finalize it. Joe seconded the motion. Scott called for vote on finalizing the fire house loan at \$459,000.00. All voted in the affirmative. Motion passed.

Scott made a motion is to keep the fire department building reserve fund in place until June 30, 2015, to be addressed at that time to roll it into the loan. Tim seconded the motion. All in favor of keeping the fire department building reserve fund in place until June 30, 2015 to be addressed at that time to roll it into the loan. All voted in the affirmative. Motion passed.

Tim made a motion that the town lends \$9,460.00 to the Fire Department for their contents in their building to be paid back over a three year term, we will not ask for the \$.68. Joe seconded motion. Tim made a suggestion the fire department hold spaghetti dinner for snow machine riders to raise funds at a future date. You should utilize the fire station for a fund raiser. The firemen all stated that they could

not occupy the building, but Tim said you could use the parking lot and do hot dogs. Scott called for a vote. All in favor of loaning \$9,460.00 to the Fire Department to be paid back over a three year term. All voted affirmative. Motion passed.

Scott said with all open meeting law changes, the Fire Department should check with the Secretary of State's office to see if they have to abide by the open meeting laws. The fire department holds their meeting the second Monday of the month. The selectmen just wanted to make sure it is being done right with open meetings laws, if they have to announce them in advance and post an agenda, then they could utilize the town's web site. The big change with the selectmen is whenever they hold a meeting, they now have to have additions or deletions at the beginning of the agenda and if they don't get added, then the people don't get to talk.

A letter was sent to the selectmen from the fire department about using the fire department as a meeting place. The fire department said there are so few spaces to park and if they have a fire, they may not be able to get the trucks out. Tim stated he would add parking spaces to the fire department in the front where the flag is in order to utilize the building. For locking the rooms in the building, Larry stated someone had stolen the flag already, and the selectmen said they steal the town road signs also. Scott explained that the selectmen do have control over all the buildings in town and there is statute to back this. Scott explained that if someone wants to use your building or any other municipal building, they would need permission from the selectmen. An example, if someone wanted to get married in the fire dept. or the town clerk's office they would need to ask the selectmen.

Joe said, we don't have anything at this point, but the letter was upsetting to the selectmen. This would be a last resort but it could be a possibility. We are not aware of any funding to fix the town building problem of not being ADA compliant but it would not be fair to the tax payer to go for more funding at this time. Utilizing the fire department could happen in the future, unless we can come up with something else. Larry Seymour and Scott Brill's concern is the public's safety.

Larry suggested using the school, the selectmen explained the school is a locked down facility. Joe understands the fire department concerns, but this was never a formal request from the selectmen, and the selectmen took offense to this letter. It is better talking it out rather than sending a letter. There is nothing in stone about this and it is premature at this point.

The selectmen stated that this building (town offices) does not meet ADA standards for public meetings. The cost to upgrade this building would be about \$150,000.00, and there is no way to add on to this building.

Scott said, just so you know, there is a feasibility study being done now at the cost of moving the old fire station back from the road and possibly moving the town offices to there. If we have to put \$250,000.00 in a building, we don't want to put money into this building.

Joe made a motion to adjourn at 1:00PM. Tim seconded the motion. Scott called for a vote to adjourn. All voted affirmative. Motion passed.

Mary Gray,
Clerk