

TOWN OF ACTON SELECTMEN'S MEETING
August 18, 2021
6:00pm

- 1. CALL MEETING TO ORDER / PLEDGE OF ALLEGIANCE**
- 2. TOWN ADMINISTRATOR WEEKLY UPDATE – None**
- 3. WARRANTS/BILLS - Signed**
- 4. APPROVAL OF AGENDA**

Selectmen Kimberly Stacey-Horn made a motion to approve the agenda with moving Item 8A up to the next item on the agenda; seconded by Selectmen Ed Walsh. No discussion. All in favor.

8. NEW BUSINESS

A. Executive Session 405 6 A-1 - Personnel Issue

Selectmen Ed Walsh made a motion to go into Executive Session pursuant of 405 6 A-1 personnel issue at 6:02 pm; seconded by Selectmen Kimberly Stacey-Horn. No discussion. All in favor.

Selectmen Kimberly Stacey-Horn made a motion to come out of Executive Session pursuant of 405 6 A-1 personnel issue at 6:49 pm; seconded by Selectmen Ed Walsh. No discussion. All in favor.

No action from the Board.

5. MINUTES OF LAST MEETING

Selectmen Kimberly Stacey-Horn made a motion to approve the August 11, 13, and 16, 2021 minutes; seconded by Selectmen Ed Walsh. No discussion. All in favor.

6. DEPARTMENT HEAD / COMMITTEE CHAIR UPDATES

- **Will Langley, District 1 Road Commissioner approached the Board with an update of work done and to present his next Scope of Work for approval. This Scope of Work on Gavin Road is just a few hours work and there are also culverts to be shimmed up and ditching to be done. The Board of Selectmen approved Scope of Work and initialed the copy indicating that approval.**

Mr. Langley reported that the Road Committee asked him to call the Army Corp of Engineers and a meeting has been set up on September 7th at 9 AM on West Shore Drive; Inland Fisheries, Square Pond Road Association, and Board of Selectmen will all be in attendance. The purpose of the meeting will be to answer questions and receive options on what can be done. Following this meeting, there will be a informational night for the public to inform the

residents.

Mr. Langley further reported that the Acton Ridge work had be completed. However, there was a driveway to be addressed to bring it up to the road level. Also mowing had stopped as his mower gear box broke; it is now repaired and mowing will be continued.

- Leslie Berlan, Road Committee Chair approached the Board to report that the Road Committee had 20 – 25 people in attendance to ask questions and hear about West Shore Drive and some thoughtful discourse was heard. The property owners indicated there were two issues that they wanted to have the Board informed about; sought Board approval and support. They were:
 - Consideration to have the culvert posted for weight because it gets beat up with continual construction traffic.
 - Easement Size – This is a critical piece of information needed. Discussion ensued on how big the easement was and the research that was going into that determination; avenues approached unsuccessfully so far have been York County Registry of Deeds, the Assessors and Mr. Joe Stanley (he has not returned calls as of yet).

Selectmen David Winchell Jr. recommended that the Road Committee go down West Shore Drive and take measurements. The Chair indicated the width was not in question; it was the length from center culvert on both sides and the stop point for both sides. One opinion was it went 28 feet on one side and 34 feet on the other. However, that cannot be confirmed. The only way to truly find this information out was to either get a hold of a survey with numbers noted or do a survey; the Inland Fisheries survey did not have any numbers listed.

Discussion ensued.

Selectmen Ed Walsh agreed that this information was critical; the Board decided to get the Land Use Attorney involved in this research work or have a survey redone; money was available in the account. The Town Administrator will ask Mr. Lenkowski if he can find out what the Town's right away length along West Shore Drive on each side of the culvert.

Selectmen David Winchell Jr. next commented on posting the road asking what if someone along the road needed to get work done. They would not be allowed to have heavy equipment or trucks come in to do the work. Selectmen Winchell indicated that the damage to the culvert was not due to a weight issue but the culvert itself rotting and felt that it would be unbeneficial to post.

The Town Administrator informed the Board that the Town has been receiving inquiries regarding travel on West Shore Drive and that requests have been made to stop travelers from Shapleigh from using the road. The Board of Selectmen responded that everyone has the right to go on these roads, just like the ones Acton uses in Shapleigh; there are right of ways or they border those roads.

Mrs. Berlan commented that the Bridge Report has a 4 axle limit. Discussion ensued regarding that there are Bridge laws that permit bridge crossing with the way weight is distributed.

The Board indicated that it was noted that the questions were asked.

While the Road Committee Chair was at the podium, the Town Administrator took the opportunity to inform her that she spoke with the RSMS trainer and the 2nd week in September was being considered for training. As soon as she has a formal date, Mrs. Berlan will be notified.

7. OLD BUSINESS

A. Purchasing Policy -

The Town Administrator presented a few changes to the Purchasing policy for the Board to consider:

- o Competitive pricing – the change was that expenses between 1,000 - \$5,000 would require three quotes.
- o Competitive bidding – the change was to go out to sealed bid when practical at over \$5,000; when not practical, the Boards approval must be sought; the Road Commissioners would be exempt as they are committed to following the Road Ordinance. An additional clause was added that ongoing vendors be considered; a list will be submitted for pre approval.

Discussion ensued. The Board will make one final review and the Town Administrator will bring the final draft to the next meeting for signatures.

B. Transfer Station Supervisor Position – Tabled

8. NEW BUSINESS

A. Executive Session 405 6 A-1 - Personnel Issue – agenda item moved and conducted after the Approval of the Agenda.

B. East Shore Drive -

The Town Administrator notified the Board that there was an issue on East Shore Drive that was being dealt with. Details are as follows:

- Road Commissioner subbed of Tree Service work on East Shore Drive.
- Damage was done that disconnected a trim board and wire.
- Property owner has submitted videos for review and asked the Board be notified of said situation.
- The Tree Service that was subcontracted has liability insurance.
- The Road Commissioner did none of the work; only organized the subcontractor to do the work.

The Town Administrator noted that the Road Commissioner is an elected official, the Tree Service was subcontracted and hopefully an agreement with the subcontractor and resident can be reached regarding the damage, liability and correction.

C. District 1 Scope of Work -

This agenda item was discussed and acted upon under agenda item number 6 - Department Head/Committee Chair Updates.

D. Buzzell Road Concerns -

Mrs. Josephine Boutilier approached the Board to ask the following questions about Buzzell Road:

- When did it close?
- Why did it close?
- What has to be done to get it back open?

Mrs. Boutilier commented this was only 0.2 miles which were unpaved and that she would like to see it back open; she was not only tired of the dust but she'd like to see something done about the ATV traffic speeding up and down the dirt road.

Selectmen David Winchell Jr. responded by stating that he believed the Town discontinued that road in 2006 whereas the State of Maine has a law where Town money can't be spent on Private Road.

The residents can get the road voted back in but there is a process to it. The process is to get the Road Association to draft a letter, have the residents sign it and then bring a warrant to Town meeting. When asked if there was a Road Association, Selectmen Winchell indicated that the Road Association could do a petition but also needed easement rights from everyone concerned on the road. One person denies those rights, this cannot happen.

Mrs. Boutilier indicated this 0.2 mile was just before Foley Road. She had already offered to pave it herself but was turned down; there are only four people located on this portion of road. The person who plows does a great job, however, they are now battling dust and when the Road Association is approached, there was always some excuse.

Mrs. Boutilier asked, if since it was a private road, can drivers take their 4 wheelers up and down the road all of the time? The Board of Selectmen responded it was a matter for either the Sherriff or the Warden Service; another choice was to take it up with the Road Association at one of their meetings.

Mrs. Boutilier next clarified that there were only 4 homes located on the 0.2 mile stretch and that was the only people the Town needed to receive Right of Way easements from and then go to Town meeting? The Town Administrator informed Mrs. Boutilier that if she stopped into the Town office, a copy of the Road Ordinance would be provided to her for her use and that the Road Commissioner could always assist with what the next steps to take were.

E. Rec. Soccer Purchases –

The Town Administrator reported to the Board that the Recreation Committee met however, there was no quorum so no decisions could be made. However, the Committee has a need to spend some money in order for the Sport's programs and concession stand to continue to run and would like the Board's approval to do so. Discussion ensued which also incorporated the missing uniforms which in all probability will be needing replaced as well.

The Board had no issues with supporting the Recreation Committee and the purchases they needed.

F. Tax Commitment –

The proposed tax rate with various overlays was collaboratively worked on by the Tax Collector, Treasurer and Assessors to formulate four options and a recommendation for the Board to consider.

- \$11.90
- \$11.95*
- \$12.00
- \$12.05

* Recommended rate

Discussion ensued on the consideration of not dropping too much due to the receipt of school funds which cannot be counted on again next year. The goal was to flat line the rate but the Board of Selectmen agreed a \$0.10 drop would be considerable and the recommended \$11.95 rate was the best choice.

Also noted was there is a reevaluation to be scheduled soon and if the rate is kept at \$11.95 the Board might be able to keep it there or even drop it a little more depending on what continues to happen.

Selectmen Ed Walsh made a motion to set the tax rate for 2021/2022 at \$11.95 (a \$0.10 drop); seconded by Selectmen Kimberly Stacey-Horn. No discussion. All in favor.

G. Private ROW / Blocked -

The Town Administrator received a complaint from a property owner on Stewart Drive indicating the road was blocked. The Town Administrator informed the Board that the Sherriff's Department was also involved and handling the situation. On the flip side the Town Administrator received a call from a different property owner indicating the road was not being blocked by the initial complainant. The Town Administrator responded to the property owner that this was a civil matter. The property owner asked the Town Administrator to duly notify the Board; this is the Board's notification. This property owner proceeded to state that this was not a civil but safety matter and that he believed if emergency services were needed, those services would not be able to get through. The Town Administrator contacted the Fire Chief. The Fire Chief responded that his department would do anything to handle an emergency even if they had to go through or around any said blockage.

H. Milton Mills Pond -

For informational purposes only, the Town Administrator updated the Board that a notice was received regarding the Maine DEP applying a product to the Northeast Shore Pond to rid the area of invasive aquatic plants.

I. Town Report -

Town Reports are due on August 20, 2021 and the Town Administrator is still looking for Department Heads to submit their reports.

J. Fire Department -

The Fire Chief will be meeting with the department's liaison next Thursday; Selectmen Kimberly Stacey-Horn made a notation on her calendar.

9. PUBLIC COMMENT –

Mr. Dennis Long approached the Board to comment on 2 statements made the prior week and have the Board respond to his inquiries. The first was a comment from Selectmen David Winchell Jr. that in the past, the Town refused to sign a liquor license but somebody in the Town was sued. Selectmen David Winchell Jr. stated he never used the word sue but believed when Mr. Long was a Selectmen, he had refused a liquor license for Mr. Hannon and when that happened, the State ended up granting the license over the Select Board's authority. Mr. Long countered that Selectmen David Winchell Jr. was wrong and the State said the Town had standing and no liquor license was issued.

Mr. Long next commented on Selectmen Ed Walsh's Planning Board accolades and indicated that he served on this Board and agreed 100% with Selectmen Walsh's assessment that they are great people, but, regarding the comment that this was the best Board the Town has had in the last 5 to 8 years, asked what he meant about that? Selectmen Ed Walsh indicated no slam was intended; everyone does a good job. He was referring to past Boards when he did his comparison. Mr. Long indicated he took offense and thought it was disrespectful and didn't feel that in the past... Selectmen Ed Walsh responded he was not going back and rehash at the past.

10. ANNOUNCEMENTS -

- Acton Fair is next week from August 26 – 29 and no restrictions have been noted.
- 08/19/2021 - Planning Board Site Walk - Map 230 Lot 006 5:00 pm
Note – onsite walk may be cancelled if raining; call ahead or check website to verify.
- 08/19/2021 - Board of Selectmen 5:30 pm
- 08/19/2021 - Planning Board Meeting 6:00 pm;
- (To include a Public Hearing - Map 251 Lot 008 Sub 001)
- 08/21/2021 - Mary Grant 12:00pm @ Preserve

11. MEMBERS PRESENT -

Selectmen David Winchell Jr., Selectmen Kimberly Stacey-Horn, Selectmen Ed Walsh and Town Administrator Jennifer Roux.

12. ATTENDANCE -

Dennis Long, Leslie Berlan, Rollin Waterhouse, Will Langley, Robin Ham, Joyce Bakshi, Preston Brick, Josephine Boutilier and Katelyn Long.

Selectmen Ed Walsh made a motion to adjourn at 7:37 pm; seconded by Selectmen Kimberly Stacey-Horn. No discussion. All in favor.