

SELECTMEN'S MEETING
February 19, 2020
6:00pm

1. CALL MEETING TO ORDER / PLEDGE OF ALLEGIANCE

2. TOWN ADMINISTRATOR WEEKLY UPDATE

- Saco River Corridor Commission letter (abutter notices) was received regarding Map Lot 106-108, 30 Lakewood Drive's 2nd propane tank installation notice as was required and read.
- Transfer Station position application deadline has past: several applications were received. The Transfer Station Department Head and the Town Administrator will review and conduct first round of interviews of the top four candidates. The Board of Selectmen liaison will then be a part of final interviews.
- Planning Board will be conducting a public hearing on February 20, 2020 regarding a 2-lot subdivision.
- ADT was in to install the fourth camera and work on pull stations. During their work, it was found that the heat detector sensors in the election hall were not working and will need to be replaced. Decoration tape seemed to be an issue and policy should be reviewed and patrons reminded not to touch. ADT provided a quote for the heat sensors to be replaced; a second quote will be provided for smoke detectors. The library pull station is still being worked on; once all the pull stations were installed, there was still a false alarm being triggered from that station.
- Mary Grant has a meeting scheduled for February 29, 2020 at 11 am at the Town Hall. They have asked that a member of the Board please attend.
- Mrs. Betty Smith, Acton Shapleigh Youth Conservation Commission (ASYCC) will be on the agenda for next Wednesday at 6 pm to review special projects..
- Received an email from the Department of Agricultural Conservation and Forestry that the Brown Tail Moth is in the area; they provided links to information that will be posted.
- The Animal Control Officer since being hired has handled 3 dog bites, 1 dangerous dog situation and a bat issue (which came back negative for rabies). The first part of his formal training with the State is scheduled; the second part will be in April/May.
- Metrocast franchise fees were over paid by 0.5%; more information to follow.
- The Town has acquired a piece of property through foreclosure at Map/Lot 246-028. The Town's Deputy and Treasurer went out to the property and took pictures for insurance purposes. The building is not stable and should be condemned; measures to secure may be required. A "Right to Redemption" letter is on the agenda under new business.
- The Town Administrator commented on her appearance before the City of Sanford Council to speak regarding the Dam Coalition project and lack of communication. Mrs. Roux shared concerns, cost decrease and requests for more information. Mrs. Roux is awaiting Sanford's response.
- The DEP letter regarding Stream Crossing grant correspondence was officially received; Acton did not receive the grant this round.
- Updated the Board that she received emails from an Acton resident and all is well.
- Freedom of Information Requests:

- There is some upcoming training in Portland, Maine regarding Freedom of information requests, the Town Administrator would like a Selectmen to attend with her
- The Town Administrator also spoke regarding a reminder received, that her role in Freedom of information requests is to help point those who require information on how to find said information, not do the work for them.
- Currently working on a request of tax information from 1972 to present.
- Received a request that the outside sign be changed to mention the Gym. This will be considered when the weather breaks and the sign is accessible.
- The Planning Board has been assisted in resetting their Town emails; consideration of moving to a new email system is still in progress.

3. WARRANTS/BILLS

4. APPROVAL OF AGENDA

Selectmen David Winchell made a motion to approve the agenda; seconded by Selectmen Kimberley Stacey-Horn. No discussion. All in favor.

5. MINUTES OF LAST MEETING

Selectmen Kimberley Stacey-Horn made a motion to approve the minutes of February 5, 2020; seconded by Selectmen David Winchell. No discussion. All in favor.

6. DEPARTMENT HEAD / COMMITTEE CHAIR UPDATES

- **Joyce Bakshi, Planning Board**

Mrs. Bakshi approached the Board to update them that there will be a Planning Board Meeting on Thursday, February 20, 2020 at 7 pm in the Town's Election Hall; agenda has been posted.

- **Leslie Berlan, Road Committee**

Mrs. Berlan approached the Board to read aloud a statement she wrote regarding the drafted new proposed Article 43 Application. The Town Administrator clarified that the Board had not yet reviewed said application and all meetings and workshops the Board of Selectmen had regarding this matter and any other matter were posted and open. Selectmen David Winchell after hearing Ms. Berlan's statement commented on the Selectmen's meeting with the lawyer; the bases for some of the points in the application; and the fact that the Board is trying to get it right so that they will be in compliance. This item will be further discussed under old business. Regarding Mrs. Berlan's comments regarding EJ Prescott, Selectmen Ed Walsh will make a follow up call to find out why this company is thwarting this program.

7. OLD BUSINESS

A. Article 43

The Town Administrator and the Board of Selectmen went through the rough draft presented for the Article 43 Application line by line and the comments received from Adele Scritchfield. Discussions ensued on DEP's availability; environmental engineers; process timelines; qualification and verification processes; clarification of the meaning of maintenance; verbiage changes and basic editing; Town Administrator wants to add in dates. Goal is for application to be

uniform for all road associations to follow, total verification of validity of projects and the ability to use the monies received from the State of Maine to be dispersed like a grant. An updated draft will be brought back to the table next week for continued review.

When asked if work done on private roads prior to these application changes will still qualify, the Board of Selectmen stated they will need to review on a case by case basis but there should only be a few to review.

Consensus is moving forward that applications will be done before work is done. It would be good to have an estimate in advance for verbal approval and then payout when the job is complete. There should be a timeline dictating how long so that unused money is not tied up and can go back out to other qualifying applicants; proposing a 9 month timeframe for completion of work. Legal's opinion and wording will be reviewed.

Money in this account rolls over.

8. NEW BUSINESS

A. US Census Validation

The US Census validation request was turned over to the Assessor to complete. He has done so and the last piece to be completed is a signature from the Board of Selectmen. Chairman Ed Walsh signed the completed form.

B. Right to Redemption Letter

The Town Administrator informed the Board when a piece of property goes into foreclosure because taxes have not been paid since 2017, the Board of Selectmen have the option to grant a Right to Redemption process to stop foreclosure. A letter is written with instructions on payment costs to receive the property back. Tonight the Town has received a piece of property and such a letter is being presented. Selectmen Ed Walsh read out Right to Redemption Letter.

Selectmen David Winchell made a motion to sign right to Redemption letter for Map/Lot 246-028; seconded by Selectmen Kimberly Stacey-Horn. No discussion. All in favor.

The Board further discussed the Town's responsibilities for this piece of property while in the Town's possession. The property is in a sad state of affairs and may need some work done on it so that it is not a liability for the Town. The Code Enforcement Officer will review tomorrow. Discussion ensued on the liability of said property and whether to take security measures. The Board will await the Code Enforcement Officers recommendations.

C. Acton Fair Letter

The Fire Chief recommended and had the Town Administrator present to the Board a drafted letter to the Acton Fairgrounds Management regarding a fee for use of the Fire Department during the Acton Fair to offset the financial burdens for the Fire Department to attend. The Fire Chief further recommended after reviewing the Mass Gathering Ordinance that this procedure also be extended and or offered to others who use these grounds for major events. Letter lists a \$500 per day limit.

Selectmen David Winchell made a motion to sign the Mass Gathering Permit fee; seconded by Selectmen Kimberly Stacey-Horn. No discussion. All in favor.

Public Comment will be taken at this time before the Board goes into Executive Session.

9. PUBLIC COMMENT:

• **Joyce Bakshi**

Approached the Board to offer suggestions on how to handle Article 43 as a grant. Suggestions included:

- Applicants cannot reapply for funds within a certain time frame. Selectmen stated, that they can reapply, as long as it is not for the same spot or work. These parameters are still to be defined.
- Can Road Associations apply for other grants as well or will this disqualify them from this application? Board response: Can apply for multiple grants.
- Complimented Selectmen Winchell when he stated applicants can get determinations from other parties beside DEP. Board's response: Yes, as long as that is what the other party does (DEP certified); verbiage is still to be worked on.

• **Jay Ward**

Approached the Board to comment that it was not a very good practice for the Board to have discussions and not allow the public to participate as they did tonight with the Article 43 Application review. It should be allowed for on the agenda and not at the end of the meeting.

Next Mr. Ward asked about several items:

- How did you have the conversations with the attorney to make the Article correct and he says to get rid of the program?;
- Asked about clarifying the original attorney's qualifications to review and speak upon;
- Cleaning culverts, is this considered maintenance? Is the Board concerned over the words routine or maintenance? Where does the Board's concerns lie?

In response, the Town Administrator and Board responded that the Board started this process with Bourque & Clegg and it was easy to stay with that firm. For clarification, the attorney's comments about getting rid of said program were due to the numerous gray areas involved in the process (plus the comment was taken out of context). Selectmen Winchell reiterated the Board wants to do this and they want to make sure things are done right and proper. Selectmen Walsh stated there are appropriate times to hear the Town people's opinions and comments through public hearings and meeting held before voting. The attorney will continue to work diligently with the Board to make sure all is in order.

• **Mr. Joe Diorio**

Mr. Joe Diorio approached the Board regarding Article 43 to ask if the engineering expenses required will be reimbursed separately as \$2,000 in expenses eats up 2/3rds of the project funds reimbursed. Selectmen Winchell responded that most firms will come out and tell you what is needed without charging.

Mr. Diorio claimed the work done last fall on Lakeside Drive before this application was changed. Can they apply for reimbursement? The work was done before hand as instructed? The Selectmen will look at these situations case by case.

- **Leslie Berlan**
Approached the Board to state those applications were sent back, can they now be resubmitted? Response was not yet.
- **Ken Winn**
Mr. Ken Winn approached the Board to comment that Selectmen Winchell indicated that the DEP was stretched thin. Was that requirement put into the application by the Board or the Lawyer? Is DEP agreeable to come and look at every road? Tattle Street's proposal was \$2,000 to have a York Soil and the DEP to do a study. The Selectmen indicated that this was a different situation. What the Selectmen are talking about is a general review of the road.

Regarding maintenance and repair does crown damage qualify for repair? That is maintenance which should be done in the Spring and the Fall.

Commented on 3 minute time allotment varies on speakers and when they speak.

- **Stephen Geranian**
Mr. Stephen Geranian approached the Board to comment that this is a Town Ordinance, and it not the Selectmen's, decision on whether to kill or not. It is up to the Town's voters to decide what maintenance or repairs are because the State does not. If a crown is knocked off and needs to be repaired or maintained, this should be permitted as it is a very important part of keeping the lake clean. This is one of the reasons why a committee has been formed and tasked to ask these questions and get money for the roads.
- **Mr. Jim Farmer** approached the Board to comment on the delay in getting their funds check. They were approved but then the check was with held. The Town Administrator clarified there was nothing wrong with the check, it was held because it was discovered that the Road Committee had not reviewed the application as was a parameter of approval. Once this was done, the check was released.

D. **Executive Session 405 6A**

Selectmen Kimberley Stacey-Horn made a motion to move into Executive Session at 7:35 pm pursuant of 405 6A; seconded by Selectmen David Winchell. No discussion. All in favor.

Selectmen David Winchell made a motion to come out of Executive Session at 7:46 pm; seconded by Selectmen David Winchell. No discussion. All in favor.

10. **ANNOUNCEMENT**

- A. State & Primary Election 03/03/2020 8:00am-8:00pm
- (Town Clerk's Office Closed To All NON RELATED Business)
- B. Democratic Caucus 03/08/2020 4:00pm
- C. Town Clerk's Office Closed 03/14/2020
- D. Mary Grant Committee Openings (2)
- E. School Budget Vote 04/06/2020

11. MEMBERS PRESENT

Selectmen Ed Walsh, Selectmen David Winchell, Kimberley Stacey-Horn and Town Administrator Jennifer Roux

12. ATTENDANCE

Dennis Long, Joyce Bakshi, Leslie Berlan, Cindy Hart, Richard Hart, Robin Ham, Will Langley, Rollin Waterhouse, Ken Winn, Joe Diorio, Jay Ward, Stephen Geranian and Jim Farmer. .