

**SELECTMEN'S MEETING**  
**January 13, 2021**  
**6:00pm**

**1. CALL MEETING TO ORDER / PLEDGE OF ALLEGIANCE**

**2. TOWN ADMINISTRATOR WEEKLY UPDATE**

- Zoning Board of Appeals (ZBA) – The Town of Acton received a ZBA application on December 18, 2020 and the ZBA has called a meeting for January 19, 2021. Notices went out and all deadlines were met. Due to the number of abutters and potential participants a decision was made to hold the hearing as a Zoom meeting. Derwood Parkinson recommended the release of new notices referencing Zoom and that was the plan for this morning, however, around 5 pm last night, the Town was notified by email that both Attorneys' had agreed to a continuation.

The only people who can decide on whether to grant a continuation is the Zoning Board. An emergency meeting of the ZBA was posted so that the ZBA can meet before the hearing to elect a Chairman and decide whether to grant the continuation or not. The Board agreed to waive their policy and allow this to occur 4 days out versus 10 days.

**3. WARRANTS/BILLS - Signed**

**4. APPROVAL OF AGENDA**

**Selectmen David Winchell Jr. made a motion to approve the agenda; seconded by Selectmen Ed Walsh. No discussion. All in favor.**

**5. MINUTES OF LAST MEETING**

**Selectmen David Winchell Jr. made a motion to approve the minutes of January 6, 2021; seconded by Selectmen Ed Walsh. No discussion. All in favor.**

**6. DEPARTMENT HEAD / COMMITTEE CHAIR UPDATES - None**

**7. OLD BUSINESS**

**A. Letter of No Action Continuation -**

Selectmen David Winchell Jr. reviewed all the information pertinent to the project reflected in the Letter of No Action. While performing his review, Selectmen David Winchell's goal was to speak with everyone involved and hear their point of view. One such person was Mr. Bob Cibelli; Selectmen David Winchell Jr. invited Mr. Cibelli to the podium to explain his side of the situation.

Mr. Cibelli read aloud his Letter of No Action and explained chronologically the procedures he followed. Selectmen David Winchell Jr. reviewed the questions he asked Mr. Cibelli and Mr. Cibelli recapped his responses. The Town Administrator clarified that there was no communication from the Land Use Department from May to October when a stop order was issued. Mr. Cibelli agreed.

The Town Administrator read aloud Mr. Michael Demers email statement of what had happened, the procedures followed and a chronological listing of events.

Selectmen David Winchell reiterated that when Mr. Cibelli spoke with the Deputy Code Officer it was stated that no permit was needed. Mr. Cibelli confirmed.

Selectmen David Winchell Jr. stated that looking at the zoning and reading through everything, talking to contractors and investigating the events, the same scenario was coming forth from three different people.

Selectmen Kimberly Stacey –Horn asked that the file be sent to the lawyer for review. Discussion ensued.

Dennis Long exclaimed “Point of Order” and approached the podium to inform the Board that it is very clear in the Town’s zoning ordinance that any appeal or a decision that the Code Enforcement Officer makes goes to the Zoning Board of Appeals (ZBA).

Selectmen Kimberly Stacey-Horn asked what if they didn’t pull a permit. Response, “Not required”.

Mr. Long continued stating the Code Enforcement Officer made a decision, whether it is right or wrong, that goes to the ZBA as laid out very clearly and the Selectmen have no business hearing this case. The law is very clear on the procedures and nowhere in the law does it say that it goes to the Board of Selectmen. Mr. Long asked the Board to send this to the proper channels.

Mr. Cibelli continued that he was not familiar with what the proper channels were and he was not trying to get away with anything. Mr. Cibelli stated he went to the Land Use Department first and asked for permission, was ready to permit even when it came back with a stop work order and additional request for a Conditional Use Permit of which Mr. Cibelli submitted the documentation. Mr. Cibelli’s goal is just to get the project completed.

In conclusion, Mr. Cibelli wanted to state that right now he thought the area was a safety hazard because when they stopped work on site a embankment that is cut basically straight down and there have been kids playing on it; the last thing Mr. Cibelli wants to see is someone get hurt.

Selectmen David Winchell Jr. stated he was under the impression that there was no permit necessary which makes it hard to go to the ZBA. Selectmen Ed Walsh stated, in light of what Mr. Long stated, it might be best that the Board send this off to the Land Use Attorney to review and make a decision on whether it needs to go to the ZBA or not.

The Board directed the Town Administrator to reach out to the Land Use Attorney, have them review the Letters of No Action and see if it needs to go to the ZBA or is an Administrative Appeal if there is no permit issue.

Mr. Cibelli provided a copy of his timeline for the Board’s use; the Attorney will determine decision authority. Once decided, the Board will reach out to Mr. Demers and Mr. Cibelli on what to do next.

**B. Capital Improvement Committee** – Tabled.

**C. Eagle Road** – Tabled until the Road Committee has a chance to review.

**D. Drug Policy** – Tabled.

## 8. NEW BUSINESS

### A. Freedom of Information Request -

- a. **Request from Dennis Chadonnet** – Mr. Chadonnet is looking for information regarding 155 Langley Shore plot plan, septic plan, setbacks for center of the road and well building location.
- b. **Requests from John Donahue** – Mr. Donahue decided that his requests are a tremendous amount of work and information to compile. He appreciated the Town's willingness to compile and the burden it places on staff, so he respectfully wanted to withdraw the request and send some more reasonable requests which would make gathering easier. Smaller requests will be forthcoming. The Town Administrator recapped that Mr. Donahue was withdrawing the request which was asking for everything pertaining to all of the people listed out on Tattle Street including emails.

The next request from Mr. Donahue was for a copy of the video of people entering the lobby of the Town Hall for the Selectmen's meeting on Wednesday, January 6, 2021 between 1730 and 1805.

The Town Administrator ran this request by the Attorney and it is something Mr. Donahue is entitled to have, but the Town Administrator would like to make a public statement to Mr. Donahue and to the Board that staff does not stand at the door and police masks.

The Selectmen reminded the public that before you come through the Town's doors to try and get those masks on walking up the walkway; it is for everybody's safety.

**Another Request from John Donahue** – Mr. Donahue picked up the information on what is being called the Crespi properties and attached was a sheet that wasn't complete and wants to know if someone can please give him the date the Planning Board approved this lot. There was questionable assessment back in 2010 which clearly shows that the lot was 0.39 acres and also claims to be a vacant lot then. The grandfather clause allows continued use of a non-conforming lot of record. The permit issued expanded that use by expanding the use of this lot in 2000 and many other lots in the Edison Farm development which in April the Town claimed had no file available for it. The Town has put a great strain on the already fragile road known as Tattle Street. Was there ever an impact study other than the one completed in 1990?

The Town Administrator asked if this issue was Wentworth Pines. Could this be an alternative name? The Board was not familiar with the name of Edison Farms.

The Town Administrator emailed Mr. Donahue to make sure everyone was on the same page as to what he was requesting because there are still some old requests that the Code Enforcement Department did not have a chance to address.

To recap, Mr. Donahue is waiting to review the Wentworth Pines file, camera activity from January 6, 2021 and the response questions for those two map and lots.

Mr. Donahue stated there was a timeline file for Wentworth Pines which contained more about the development proposal in 1990, so he was asking for the minutes leading up to the signing of the Wentworth Pines.

The Town Administrator confirmed with the Land Use Secretary the minutes available only date back to 1997; staff will continue to look.

As for the third request, the Mr. Donahue stated that it did not appear that there was a discussion on the lot at any Planning Board meeting. A review of all the tapes was made and the Assessor's reports list the lot as vacant in 2010. Mr. Donahue wanted to confirm that there was no Planning Board approval, no DEP permits and no DHHS permits or any other variants before he filed his official complaint.

The Town Administrator told the Board that she did not know where to go with this request and turned some of it over to the Assessor. When a request comes in for everything in a file, those old hand written properties cards are still in the files, a reevaluation was done, there were changes to some of the lots and it is unclear on who to reach out to for some of this information that far back. If there are no 1990 Planning Board minutes, then no one here will be comfortable saying that it didn't happen because we don't know. O'Donnell's will be requested to look into the property itself but the Town Administrator was asking the Board's directions on how to handle.

Selectmen David Winchell Jr. commented that information was being asked for on the Crespi properties? The Town Administrator responded we gave Mr. Donahue everything he asked for and he did come to the Town and picked it up but the indications from him was it incomplete and he had some follow up questions. The Town Administrator continued that she will clarify the Edison Farm name and send an email to Mr. Donahue offering an appointment on Friday to come into the Town Hall and review the Wentworth pines files.

The Board directed the Town Administrator to give Mr. Donahue what was available and initialed the requests as accepted.

**B. Goat Hill Reimbursement Request** – The Town Administrator informed the Board that there was a clerical error on the Goat Hill reimbursement request that was signed last week and needed the Board to resign said request. The amount signed for was \$49,265 however the checks totaled \$50,265. The Board signed new reimbursement request.

**C. Executive Session 405 6.A.-1**

**Selectmen David Winchell Jr. made a motion to go into Executive Session pursuant of M.R.S.A. 405 6 A 1 Personnel matter at 6:35 pm; seconded by Selectmen Ed Walsh. No discussion. All in favor.**

**Selectmen Ed Walsh made a motion to come out of Executive Session pursuant of M.R.S.A. 405 6 A 1 Personnel matter at 7:15 pm; seconded by Selectmen David Winchell Jr. No discussion. All in favor.**

Selectmen Kimberly Stacey-Horn read aloud a letter of resignation from Jonathan Morse who resigned from his Transfer Station position effective January 13, 2021.

**Selectmen Ed Walsh made a motion to accept resignation from Jonathan Morse; seconded by Selectmen David Winchell Jr. No discussion. All in favor.**

**Selectmen Ed Walsh made a motion to go into a second Executive Session pursuant of M.R.S.A. 405 6 A 1 Personnel matter at 7:16 pm; seconded by Selectmen David Winchell Jr. No discussion. All in favor.**

**Selectmen Ed Walsh made a motion to come out of Executive Session pursuant of M.R.S.A. 405 6 A 1 Personnel matter at 7:33 pm; seconded by Selectmen David Winchell Jr. No discussion. All in favor.**

Selectmen David Winchell Jr. announced that the Board advertised for a Temporary Code Enforcement Officer while searching for a Full time Code Officer. As a Board they have met with several candidates and and has chosen an individual to appoint.

**Selectmen David Winchell Jr. made a motion to appoint Michael Gilpatrick as a Temporary Code Enforcement Officer until February 24, 2021; seconded by Selectmen Ed Walsh. No discussion. All in favor.**

Rate of pay offered was \$30.00 per hour plus mileage for inspections. Mr. Gilpatrick's scheduling is being aligned to allow for Thursday hours to handle walk in appointments. Resumes for a full time position is still being accepted. The Town Administrator did not sit in on any of the interviews.

Selectmen Kimberly Stacey-Horn read aloud Mr. Gilpatrick's Code Enforcement Officer's appointment. All Board members signed appointment.

The Land Use Department will be returning calls and setting up inspections. The Planning Board meeting this week may be canceled; the Town Administrator will confirm. The Board is working to keep everything moving forward. The Town Administrator will take care of all change notifications.

9. **PUBLIC COMMENT – None**

10. **ANNOUNCEMENTS – Posted on Town's website**

**Recreation Meeting**

**ZBA Hearings**

**Warrant & Finance Meeting**

**Road Committee Meeting**

11. **MEMBERS PRESENT**

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

**12. ATTENDANCE**

Bob Cibelli, Dennis Long, Joyce Bakshi, Rollin Waterhouse, Mike Long Joe Ruma, Virginia Deboer and Cheryl Drisko.

**Selectmen Ed Walsh made a motion to adjourn 6:45 pm; seconded by Selectmen David Winchell Jr. No discussion. All in favor.**