

SELECTMEN'S MEETING
January 20, 2021
6:00pm

1. CALL MEETING TO ORDER / PLEDGE OF ALLEGIANCE

Selectmen Kimberly Stacey-Horn introduced the Town's Attorney Kevin Maras as their guest tonight.

2. TOWN ADMINISTRATOR WEEKLY UPDATE

- The Zoning Board of Appeals (ZBA) meeting was held on Saturday, January 16, 2021 to elect their slate of Officers and consider a continuance. Dan Archambault was elected Chair. The ZBA agreed to the continuance and it was scheduled for Saturday, February 27, 2021 via Zoom. The Chair agrees legal council should be present so all procedures are being followed, the Town's Attorney will be included. The Town Administrator is awaiting a response from Durwood Parkinson to confirm there is no conflict to handle that role. As soon as the response is received, the Town Administrator will notify the Board.
- The Land Use Secretary asked the Town Administrator to set up ZBA emails accounts; Town Administrator will handle.
- The Recreation Committee will meet via Zoom with the Board's permission on Thursday at 5:30 pm; liaison will try to attend.
- School Budget Timeline - The Town Administrator reported to the Board that she had touched base with the School Secretary with regards to a Town meeting date. After receive the School's budget timeline, the Town Administrator also spoke with the Superintendent. The Superintendent indicated that he is aware that as long as we are in some sort of pandemic under the executive orders it is possible that the timeline might not be met and understand if we stay in the state that we are in, it may be going on a secret ballot again, but they are optimistic that we are going to come out of this and that they will be able to have this and have reached out to Warrant & Finance. The Superintendent is in contact with the Chair regarding meetings and this is the timeline they are hoping to keep.
- As requested, the Town Administrator verified the status of the Planning Board meeting for Thursday, January 21, 2021; this meeting has been canceled.
- The Land Use Secretary has requested that the Board consider closing the Land Use office on Wednesdays temporarily to allow for time to catch up on paperwork and telephone calls as well as work with the Temporary Code Officer when he is available. The Board agreed.
- The Town Administrator informed the Board that she had received a call from Cassie with the State of Maine regarding the RSMS program. Together she and the Town Administrator went through the basic steps of data entry; there is hope to do a more formal training in March. However, prior to that, there is some work to be done to correct information already in the program. The Town Administrator will print a list of the Road Commissioners to review.

- The Town Administrator announced that 336 dogs in the Town are still unlicensed and wanted to remind residents that there will be a State imposed \$25 late fee after January 31, 2021.
- Good news! The Town's Assessor is coming along and is remembering details of the accident. The Town wishes him well and hopes his progress continues.
- Maine Municipal Insurance has issued a list of estimates or present values and changed values. The deductible changed on school house. The Town Administrator asked the Board to review as there was a short amount of time allotted to disagree. The layout was in question; the Town Administrator will verify which column is which and update the Board.

3. WARRANTS/BILLS - Signed

4. APPROVAL OF AGENDA

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

5. MINUTES OF LAST MEETING

Selectmen Ed Walsh made a motion to approve the minutes of January 13, 2021; seconded by Selectmen David Winchell Jr. No discussion. All in favor.

6. DEPARTMENT HEAD / COMMITTEE CHAIR UPDATES - None

7. OLD BUSINESS

A. Letter of No Action Update

A point of order was given last week and the Town Administrator verified with legal council that the Board has all the authority to do what they are doing. There was no permit being appealed and the communication piece is left to interpretation. Council made a few recommendations on how the Board could best handle the situation and they were to meet with the Temporary Code Officer and in the future to do no action requests differently; should be written differently to include timeframes versus projects so that it is not a blanket request. Selectmen David Winchell Jr. commented he was glad that legal was contacted.

The Board scheduled a workshop with the Temporary Code Officer on Thursday, January 21, 2021 and the Town Administrator will put back on the agenda after that meeting.

B. Eagle Road Article 43 – Tabled.

C. Drug Policy – Tabled. General Council advised there may be new litigation which can affect the policy and the Town may want to hold off until these findings are released; Board agreed. The Town Administrator will send to Attorney Brad Morin for review.

8. NEW BUSINESS

A. Jeff Donahue addressed the following concerns with the Board of Selectmen:

- ADA

Mr. Donahue believes he is being segregated for his ability to not be able to wear a mask. The Town Administrator indicated the Town has been following step by step instructions from their legal team. Once Mr. Donahue indicated he couldn't wear a mask, the Town set up special accommodations by staying open late on Wednesdays. Mr. Donahue does not agree with this and says it doesn't work for him. He believes he should be able to dispose of his trash without a mask, and to just have the employee stay inside. His other thought is that the Town could just take the trash out of his vehicle for him. Legal will do more research.

- 13th Street

Mr. Donahue believes that the Town should not be plowing 13th St, to get to Covewood Drive, as it is a private road. The Selectmen told Mr. Donahue that they have gotten more than one legal opinion on this over the years and they will stand behind the decisions of Durwood Parkinson and his firm. Due to 13th St being the only entrance to Covewood, a Town Road, they do have the authority to plow it.

- Tattle Street

Mr. Donahue presented information he had as to why he believes Tattle St was and still is a Town Road. After a lengthy discussion, the Board disagreed with him and indicated they would not be looking into it any further.

- 25 Roads

Mr. Donahue questioned why some roads in Acton, which appeared in Article 41 of the 2010 Town Warrant which asked for approval to accept them, and failed by the vote of the people, were still being maintained. Selectmen Winchell replied this was a frivolous article that some Selectmen at the time tried to move forward and was never necessary. The Town Roads in that article had previously been accepted, and if even it failed on Town Floor that day, it didn't overturn the original acceptance of said roads. Mr. Winchell indicated this was done because a few private roads were snuck into the list.

At the conclusion of Mr. Donahue's presentation, the Town Administrator asked for clarity on which items she was to look into further. After discussion, it was agreed that the ADA would continue to be researched, all three road items however would not.

B. Executive Session

Selectmen Ed Walsh made a motion to go into 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 Ed Walsh made a motion to come out of Executive Session pursuant of M.R.S.A. 405 6 A 1 Personnel matter at 7:41 pm; seconded by Selectmen David Winchell Jr. No discussion. All in favor.

Selectmen David Winchell Jr. made a motion to increase the Land Use Secretary's rate of pay by \$2.00 (\$1.00 immediately based on increased work load and 1.00 for E911) seconded by Selectmen Ed Walsh. No discussion. All in favor. Administrator was given task to look into retro and previous increases.

C. Capital Improvement Committee Appointments – Title 30 MRSA 2602
The Board chose to appoint the following members to the Capital Improvement Committee: 2 year term – Joyce Bakshi and Wayne Michaud; 3 year term – Joseph Ruma, Rollin Waterhouse and Kimberly Stacey-Horn.

Selectmen Ed Walsh made a motion to appoint Joyce Bakshi and Wayne Michaud as Capital Improvement Committee members until June 30, 2022; seconded by Selectmen David Winchell Jr. No discussion. All in favor.

Selectmen Ed Walsh made a motion to appoint Joseph Ruma, Rollin Waterhouse and Kimberly Stacey-Horn as Capital Improvement Committee members until June 30, 2023. No discussion. Vote in favor 2: Abstained on voting for Kimberly Stacey-Horn (Stacey-Horn).

D. Medical Reimbursement Services

The Town Administrator presented to the Board a 3 year renewal contract for Medical Reimbursement Services for the Board to review and sign.

Selectmen Ed Walsh made a motion to sign the 3-year Medical Reimbursement Contract; seconded by Selectmen David Winchell Jr. No discussion. All in favor.

E. Selectman Clarification

Selectmen David Winchell Jr. asked to be on the agenda to clarify misunderstandings and correct comments that have been made over the last three weeks with regards to his handling of the past events as related to the Planning Board and Code Enforcement Officer.

Selectmen David Winchell noted that two individuals contacted the other Select Board members to tell them a story about him having a very heated confrontation with the Code Enforcement Officer last Friday and that is why he quit. Selectmen David Winchell Jr. wanted to know the truth and proceeded to laid out the events and his involvement.

Selectmen David Winchell Jr. related that he spoke to the Code Officer on 3 separate occasions: 1) When Planning Board resigned to assist in figuring out how the situation was going to be handled to keep everything working, 2) The day the Deputy Code Officer got done whereas the Code Officer was assured the Selectmen would assist in any manner they could for him to stay; Selectmen Kimberly Stacey-Horn was present, 3) The final time meeting with Code Officer was with the entire Board. Selectmen David Winchell Jr.

continued to state he was at a restaurant Friday night when so called incidence happened and not in the parking lot.

In conclusion Selectmen David Winchell indicated those who are spreading falsehoods should be ashamed of themselves as they are not spreading correct information; he further commented that he believed the individuals who are stirring up situations with him may also be a part of the stir downstairs.

9. **PUBLIC COMMENT**

- Dennis Long approached the Board to comment on the Point of Order discussed and sent to the Town's Attorney for input.

After reviewing Mr. Demers and Mr. Cibelli's projects and submittals, Mr. Long stated he called a Point of Order because the Board was not following the ordinance and cited pages 84 and 85 of the Zoning book regarding procedures for dealing with decisions of the Code Enforcement Officer. Referring to those pages, it was his opinion that the ordinance trumped and the Board had no authority; there was no instance in his memory where the Selectmen reviewed appeals. Mr. Long continued that it did not look good to step away from the Ordinance because that is what controls what is to be done; it should not have been sent to the Attorney.

The Board responded that they were looking into this as a personnel issue. It originally came to them because there was a disagreement on "what" was said and "what" was authorized by prior staff. This wasn't an appeal of a decision, per say, the original complaint was that Town staff weren't backing their original directions.

Mr. Rollin Waterhouse approached the Board in support of Mr. Long and reiterated what Mr. Long stated was correct and no one should present a letter of no action to the Board to act upon. Again, the Board responded they were overseeing a personnel issue and they had every right to do that. Selectmen David Winchell Jr. responded they did have authority when it came to waiving fines. The Board is not looking towards giving permission moving forward and that is why the Board would be meeting with the Temporary Code Officer with regards to the project to make sure nothing was done unlawfully.

10. **ANNOUNCEMENTS**

11. **MEMBERS PRESENT**

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

12. **ATTENDANCE**

Dennis Long, Joe Ruma, Joyce Bakshi, Adam Doliber, Will Langley, Rollin Waterhouse, Mike Long, Jeff Donahue, Virginia Deboer and Cheryl Drisko

Selectmen Ed Walsh made a motion to adjourn at 8:28 pm; seconded by Selectmen David Winchell Jr. No discussion. All in favor.