

# **TOWN OF ACTON SELECTMEN'S MEETING**

**July 29, 2021**

**6:00pm**

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

## **2. TOWN ADMINISTRATOR WEEKLY UPDATE**

- Recreation Field is officially locked with a combination lock which also has a key on the side; the lawn care and port-a-potty contractors have been given a key so that when code is changed they will not be affected. Cameras have been received; waiting on signage.
- The Town Administrator and Planning Board Chair are meeting on Friday to schedule a workshop with the Board of Selectmen and Planning Board to talk about and get clarity on Bonds; legal advice will be shared. This information will aid in the implementation of solar companies and the legal set up.
- There was a minor incident at the Transfer Station whereas the Hopper was damaged by the company that removes the cans. A claim will be filed with the insurance company for estimate of damage around \$3,500.
- The Road Committee appointment for which Mr. Pat Stevens declined will be advertised.
- The Town Administrator recapped that the Road Committee Chair and the Road Commissioner for District Two met to review the RSMS system. The State is not providing training sessions at this time, however, the programmer is willing to come to Acton and train on the program. The Town Administrator will sit in on the training so that she in turn can train committee members as seats are filled with new members; cost will be \$85.00/hour and expect the training will last 3 hours. When asked by Selectmen David Winchell Jr. as to where the funds would come, the response was that the Road Commissioner, District 2 indicated he was willing to pay for the training from his budget. The Town Administrator stated there was room in the Municipal Management account to accommodate the expense since it is a Town program.
- The acceptance of sealed bids for the Ruby Reed property at 7 West Shore Drive (Map 230 Lot 011) has been posted on the website and advertised in the Reporter; deadline is August 11, 2021.
- The Fire Department has asked the Town Administrator to work with one of his employees to set up a fundraiser to get 911 addresses plated and numbered in the Town; the goal is to sell signs with a portion of the proceeds supporting the Fire Department truck fund or Neighbors Helping Neighbors. The Town Administrator will update the Board as more details are available.
- The Town Administrator attended a licensing certification class with updated information and changes; there was nothing of notable importance for which the Board needed to know.
- A letter of recognition commending the Animal Control Officer James Driscoll was received and read loud.
- Dog licensing extensions due to COVID were lifted by the State and as of July, dogs who have not been registered will be assessed a \$25.00 late fee; the Animal Control Officer has to enforce this and currently he has a 5 to 7 page report to work on.
- The Town Administrator asked the Board of Selectmen if there were any additional committees (those committees not on past reports) who should participate on adding a report to the Town Report. Discussion ensued. Outcome was that stats from the Animal Control Officer would be nice to have included and that the Finance Committee was not necessary as they are

published in multiple places. The Town Administrator will provide a list of recommended committees she would consider for the Board to consider.

- Town Report Dedication was discussed; the Town Administrator will assist the Board with possible candidates.
- The Town Administrator announced that this year there were 89 tax liens filed at the York County Registry; this number is down from last year which was 150.
- Update on possible mask mandate coming back - the Town will follow the CDC guidelines as done in the past if it again becomes an Executive Order.
- The Town Administrator reviewed the Board of Selectmen's meeting schedule for August; the Board will meet the first three Wednesdays (August 4, 11, and 18<sup>th</sup>) and miss the fourth week (August 25<sup>th</sup>) noting that taxes will probably be committed on August 11, 2021.
- Soccer registrations for the Recreation Committee teams are still being inspected until August 1, 2021.
- The York County Sherriff June update report was received; there were three notable happenings for the area:
  - A disturbance on Canal Road
  - A traffic violation in Shapleigh – 3<sup>rd</sup> OUI
  - Shapleigh – use of right of way dispute which was deemed as a civil matter.

**3. WARRANTS/BILLS - Signed**

**4. APPROVAL OF AGENDA**

**Selectmen Ed Walsh made a motion to approve the agenda as written; 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 July14, 2021 minutes as written; seconded by Selectmen David Winchell Jr. No discussion. All in favor.**

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

**7. OLD BUSINESS**

**A. Canal Road Update**

The Town Administrator received a copy of a letter from the Canal Bridge Contractor M.A. Bean which was addressed to Mr. Brock, Town of Wakefield which was read aloud. Highlights covered in the letter were:

- Bridge was completed 3 days ahead of schedule;
- Paving would be complete on Thursday morning;
- The actions of an Acton resident who contacted the Army Corp. insisting that the appropriate permits were not obtained; the responses from Mr. Bean to the Army Corp. and the outcome that Mr. Bean was correct and that no permits were required and confirmed as such. Unfortunately the actions of this resident has put a sour taste in Mr. Bean's mouth especially when Mr. Bean thought his reputation was in question as well as the fact that he had provided a cost efficient, fast track solution for a red listed bridge program.
- Conclusion of letter - Mr. Bean thanked Wakefield for this opportunity and assistance.

After reading the letter, Selectmen David Winchell Jr. recapped that he met with Mr. Bean and apologized to Mr. Bean on behalf of the Board of Selectmen regarding the behaviors exhibited

by person issuing a complaint as he the Board's Liaison was not contacted, but said individual, went over the Board's head. Mr. Bean related how frustrated he was with that incident and when asked if he could be called upon for future work (i.e., Hopper Road Bridge) responded he would do more work.

Road Commissioner District 2, Adam Doliber stepped up to the podium and shared that as of 1 pm that day the bridge was open; Mr. Bean did a phenomenal job. Both Selectmen David Winchell Jr. and Road Commissioner District 2 Adam Doliber were very impressed by the work. The Robinson Road approach was beautiful and the transition was great. Mr. Bean even provided a sign and plaque out of his own pockets documenting the work and history of the bridge. The plow truck turnaround and water deflection were perfect. When maintenance was discussed, Mr. Bean suggested that the bridge be cleaned and sealed at least once a year. It was also noted that Wakefield has also put up new signs on their side of the bridge.

B. Article 43 – Wilkins Road

Will Langley, Road Committee member on behalf of Leslie Berlan, Road Committee Chair updated the Board that there were concerns regarding missing information from the Wilkins Road Article 43 application. The Town Administrator noted that the Wilkins Road Association had already applied for Article 43 funds and was granted those funds and any missing information has probably already been supplied in the initial application; Selectmen David Winchell Jr. thought that the money was granted before some of the additional requests for information was made; the Town Administrator concurred with that assessment. The concerns listed were:

- No information on whether statutory or non profit was available.
- Is it listed as a Great Pond?
- Is the water survey done; looking for a letter from DEP; and
- Is the work maintenance?

The Board decided to hold off on approving the application until all information was provided.

C. Purchasing Policy –

This item has been tabled until Selectmen Kimberly Stacey-Horn is available to participate. The Town Administrator sat with the Treasurer and will email proposed changes to be discussed as a group.

**8. NEW BUSINESS**

A. West Shore Drive

The Town Administrator opened up discussions on West Shore Drive by indicating this agenda item as it was not originally listed as an agenda item until about ½ hour ago.

Starting at the beginning of the week (Monday) Selectmen David Winchell Jr. received a call from someone who had concerns about the culvert. Selectmen Winchell asked the Town Administrator if she knew what was going on with the culvert and through conversations it was determined neither knew anything about it. By Tuesday, the Town Administrator received another three or four telephone calls asking about the size of the culvert, why was this being done, was Square Pond going to be involved, etc.

Conversations continued; calls kept coming in and it was posted on social media asking about room capacity and speaking time limits and again, all the Town Administrator could tell was that the Board of Selectmen knew nothing about this. There was no grant in front of the Board and even though it was clear that this was discussed at the Road Committee meeting, it was not clear how everyone on West Shore Drive knew about this project.

The Town Administrator explained she was not going to bring this up tonight, however, after receiving the last couple of emails tonight, the Town Administrator felt the Board should be addressed or made aware of the issue. The Town Administrator provided a packet to the Selectmen of emails received from property owners who had concerns; the Town Administrator was going to get into whether they were for or against. However, the first email of concern that the Town Administrator received was a 3 pm today and said,

*Mrs. Roux, We have been made aware that the Town is pursuing this subject of culvert replacement. You should be reminded of our October 26<sup>th</sup> 2020 email below where we indicated the discharges of dredged or fill material before the ordinary high water mark would require U.S. Army Corps approval prior to. Based on our experience it is likely that if the fill discharge is both, temporary or permanent, to replace the culvert, the Town would likely need the permit.*

There is confusion with the Army Corp about the Permit-by-Rule, they wanted to take the opportunity to remind the Town that the Department of Inland Fisheries needs to be involved and to basically please contact them.

This letter was addressed to the Town Administrator, so she immediately picked up the telephone and basically said everything that was just said. The Board of Selectmen did not know anything about this. It's possible the Road Committee had a conversation and was going to present this but how it got to this level without the Board of Selectmen, she did not know.

The next email received was from the Department of Inland Fisheries asking for all of the approved plans, the permits and they indicated they received a call stating the project was good to go and ready to start. The Town Administrator had the same conversation with Inland Fisheries that all she could do was apologize and say that they knew no more than what tax payers have told the Administrator or what was read in the emails. The Town Administrator recapped that she did speak to Will Langley (who came in for something else) at the window yesterday and he proceeded to give the Town Administrator an update which she let him recap for the Board, but somehow it went from a little discussion to having the whole Town involved.

Mr. Will Langley gave an update on what transpired at the Road Committee meeting:

- The Road Committee reviewed the West Shore Drive project and previous grant which was not supported or signed by the Board of Selectmen.
- Nothing is going to happen soon.
- The grant is coming up September 1, 2021; deadline is November 16, 2021.
- The Board of Selectmen was not expected to sign anything tonight nor when approached without the opportunity of performing a full review.

The Town Administrator indicated to the Board that what Mr. Langley just stated was the procedure that was expected to happen. The Town has Liaison for committees for these reasons, unfortunately they were not able to meet, but no one is sure how it went from that to this to emails.

Selectmen David Winchell Jr. indicated the call he received was from an individual that was told by a member of the Road Committee that the Board of Selectmen was signing this tonight; the problem is that when that is being told, that is when it spreads.

The Town Administrator also stated that the Army Corp indicated to her that a member of the committee told them directly that it looked like it was good to go and the Board would be moving forward.

Selectmen David Winchell Jr. verified that the Selectmen would not be signing anything without input from the Square Pond Association involved and Inland Fisheries; it's got to be a group thing. The reason not signed in the past was because the Square Pond Association when they heard about this was not happy about it. Obviously if we have to fix the road, we have to fix the road. But there should be some working together to get people happy here. Not sure what the plans are (did watch the meeting); do you have an actual design for a bridge? Mr. Langley indicated the same design as the initial submission would be used. Discussion ensued.

The Town Administrator indicated that she would like to be able to reply to the following email because the composer is unaware of the timeframes and details they are being told.

Email from the Chief Planner of Department of Inland Fisheries stated, *“Dear Ms. Roux, This is the first time I have been notified of this proposal. Can you please provide the Department with copies of the current engineering plans and all permit applications. We would also like clarity on the timing of the proposed work and again request clarity on the navigation related questions we’ve asked you in earlier correspondence.*

In short of replying that the Board knew nothing based on when the email was received, the Town Administrator did not want to ignore the email but be able to tell them something. Selectmen David Winchell Jr. responded that firstly, a point of contact needed to be established. The Town Administrator indicated the Road Committee must have voted as per the ordinance.

Selectmen David Winchell Jr. asked Mr. Langley if the committee voted on this. Mr. Langley responded this was initiated by the Road Committee Chair, Leslie Berlan. Mr. Langley also noted that he personally called today and spoke with the Planner as he was aware of what was going on. As the Road Commissioner and had a lengthy conversation recommending that anyone who was to be involved in this should meet on site and discuss; he'd like to voice his concerns to all. Referring back to the list, he was onboard but wanted to see A, B and C to done.

The Town Administrator read loud the Road Ordinance as it related to voting. Again, the Town Administrator asked how the Board wanted to respond to Inland Fisheries as these agency needed to be told.

Selectmen David Winchell Jr. indicated he did not want any blowback. The Board indicated they wanted to meet and gather ideas before doing any work and that Will Langley should hold the lead and be point of contact.

The Town Administrator reiterated, this work is nothing to be done this year? Will agreed, correct; Mr. Langley recapped his conversations and indicated he wanted to wait at least another year. Not sure what happened from Monday night to now; unfortunately this took a life of its own on. Nothing was set in stone on what was going to happen. Discussion continued regarding the culvert size and the residents wanting to hear about the project and be involved and that there should be a few workshops held. Road Committee needs to vote first to make out the application, assign a point in charge (Board recommends Will Langley be the point of contact for the agencies) and then bring it to the Board.

The Board thanked Mr. Langley for the update.

B. Municipal Authority Level Change

The State of Maine has now certified Acton to be a truck town and the Town Administrator presented a form for the Board to sign. The next step is for the town to be audited and upgraded in the system by the State. The Town Administrator will notify the Board when this has all been completed.

C. Disposal Bill

The Town Administrator presented to the Board an invoice for trash pickup for the amount of \$123 which was received from a resident on Tattle Street claiming he was denied Transfer Station service. The Board denied the request for payment because all concessions were made and offered and the resident refused to use the hours allotted for unmasked people during the State of Emergency.

D. Resignations

The Board of Selectmen received and read aloud two resignations received from the Fire Department; both individuals would remain in per diem positions. The first was Sharon Jackson who had accepted a new position with Sanford Regional Vocational School as a EMT Instructor and Michael Doe who accepted a new position in the Casco area.

The Board accepted both resignations with regrets and well wishes.

E. Road Commissioner Ordinance

Road Commissioner District 2, Adam Doliber met went to the Town Administrator with questions on whether work he was doing in the Town had to go before the Board.

The Town Administrator referenced said Ordinance (Section 2 E.) where it states,

*“The Road Commissioner must plan ahead and discuss all repairs, maintenance and other projects with the Selectmen. This includes developing a line item budget, work schedule detailing the work to be done, a cost estimate for the work, and the location of the work projects. This schedule will be adhered to except in emergency situations such as snowstorms or other unpredictable occurrences. All materials must be purchased in accordance with the Acton Purchasing Policy.”*

The Town Administrator in review of the Road Commissioner ordinance determined that he in fact needed to bring his scope of works to the Board for approval. After an attempt to contact the Liaison who was unavailable, the Chair was contacted, discussions ensued and work was not stopped due to the timing of Selectmen meetings and allotting for an opportunity to sort it out; invoices may be forth coming which will need approval.

Tonight, Road Commissioner Adam Doliber is here and the Board needs to talk about this and its enforcement. There is not a lot that can happen here, the Board can either put this back before the people or enforce it. It's a trickle effect. The voters make a decision like this and it is your legal obligation to enforce it. The Board has a Treasurer and Town Administrator whose job is to enforce it and not pay if we do not have a signed off scope of work; this needs to be done properly.

Selectmen Ed Walsh reminded all that the reason this was varied with Road Commissioner Adam Doliber was because he was appointed and not elected and now that he is elected, Mr. Doliber needs to move forward according to the Ordinance and have everything approved.

The Town Administrator asked if that meant everything the Road Commissioners were doing had to come before the Board first. Discussion ensued regarding the ordinance, Road Commissioners as elected officials, authorities assigned and how the ordinance should be changed.

Selectmen David Winchell Jr. indicated he has been against this ordinance since the beginning because money is given at the Town meeting; delegated for use and then designated in the budgets; this puts a thumb print on the Road Commissioners. Mr. Winchell further believed the jobs of the Road Commissioners should be their responsibility and done wholly by them (not the Selectmen) but there is a lot of hand tying with this ordinance and now is the point where it needs revisited. Everything done is maintenance; maintenance should be removed and/or changed to allow the Road Commissioners to do their jobs.

The road work needs to get done. The Road Commissioners are elected by the Town, job descriptions are written and budgets are set. Now, the Board wants to allow the Road Commissioners to do their jobs but this has become a double edged sword and needs revamped next year; the ordinance must be followed until annual Town meeting. Until then the Road Commissioners need to submit an estimated cost and time.

#### F. District 2 Projects

Road Commissioner Adam Doliber presented the scope of work to be done this week for approval. Estimated cost and time were: \$3434.68 for Sanborn culvert and \$4683.34 on Canal Road. Mr. Doliber stated that tomorrow he will submit to the Board his other scopes of work for approval. The Board indicated they had no concerns and initialed the submitted scopes of work.

Next, Will Langley, District 1 Road Commissioner approached the Board to speak about the shoulder and maintenance work on Hopper Road and ditching work being done on Acton Ridge Rd. Mr. Langley indicated he would submit his scopes of work next week.

The Town Administrator asked both Road Commissioners to stop in and outline their work scopes. Mr. Langley also asked about winter sand and where it fell under this ordinance requirement as it was not repair nor was it maintenance. The Board will work with the Road Commissioners until they can get on top of the schedules.

G. Planning Board Alternate Appointment

The Town Administrator presented an appointment for the Board to accept.

**Selectmen Ed Walsh made a motion to appoint Bevin Corbin as a Planning Board Alternate Member pursuant of Title 30A §2602 effective until 6/30/2024; seconded by Selectmen David Walsh Jr. No discussion. All in favor.**

H. Cemetery Committee Appointment

The Town Administrator presented an appointment for the Board to accept.

**Selectmen Ed Walsh made a motion to appoint Kenneth Allan as a Cemetery Committee Member pursuant of Title 30A §2602 effective until 6/30/2022; seconded by Selectmen David Walsh Jr. No discussion. All in favor.**

F. Executive Session 405.6.A.1. - Personnel

**Selectmen Ed Walsh made a motion to go into Executive Session pursuant of 405.6.A.1 personnel matter at 7:03 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 405.6.A.1 personnel matter at 7:13 pm; seconded by Selectmen David Winchell Jr. No discussion. All in favor.**

The Board announced that the Transfer Station Superintendant would be stepping down from Supervisor to an Attendant position as of October 1, 2021; he did an awesome job in his current position. This position will be advertised. The Board was sorry to see him do this but was glad he would be staying on.

G. Executive Session 405.6.A.1. – Personnel

**Selectmen Ed Walsh made a motion to go into Executive Session pursuant of 405.6.A.1 personnel matter at 7:14 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 405.6.A.1 personnel matter at 7:20 pm; seconded by Selectmen David Winchell Jr. No discussion. All in favor.**

The Board announced that Sharon Jackson’s position would be filled by Firefighter Intermediate Wendy Renicki.

**Selectmen Ed Walsh made a motion to hire Wendy Renicki as a full time firefighter at the scheduled pay rate; seconded by Selectmen David Winchell Jr. No discussion. All in favor. Welcome.**



**9. PUBLIC COMMENT**

Rollin Waterhouse approached the Board to commend Mr. Bean and the work he had done on Canal Bridge. It was fabulous. Mr. Waterhouse further commented that he did not understand the individual's complaints; there was no damage to the canal whatsoever. Mr. Waterhouse stated that the Town should also get Mr. Bean to do Rowe Bridge and the Town would be remiss if they didn't use him.

A quote for Rowe Bridge has already been provided. The Board stated that Acton did not own Rowe Bridge; New Hampshire did. Mr. Waterhouse informed the Board that originally and historically, Canal Bridge was an engineering feat and encompassed two canals. Mr. Bean did an absolutely fantastic job.

Mr. Rollin's final comment to the Board was, if the ordinance needs revised, do it. It's your job as Selectmen to do so. The purchase policy is your policy, fix it, and make it work.

**10. ANNOUNCEMENTS**

- 08/02/2021 - Zoning Board of Appeals 5:00 pm
- 08/04/2021 - Board of Selectmen 6:00 pm
- 08/05/2021 - Capital Improvement Committee 4:30 pm
- 08/05/2021 - Planning Board 6:00 pm
- 08/11/2021 - Board of Selectmen 6:00 pm
- 08/12/2021 - Road Committee 6:00 pm
- 08/18/2021 - Board of Selectmen 6:00 pm
- 08/19/2021 - Planning Board 6:00 pm

**11. MEMBERS PRESENT**

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

**12. ATTENDANCE**

Rollin Waterhouse, Dennis Long, Will Langley, Adam Doliber, Nancy Ruma, Kristen Waitt, Anne Marie McMurray, Renee Hembrough, Maryann Robitor, Lee Robitor, Katelyn Long and Cheryl Drisko.

**A motion was made by Selectmen Ed Walsh to adjourn at 7:22 pm; seconded by Selectmen David Winchell Jr. All in favor.**