

## SELECTMEN'S MEETING

July 2, 2019

5:00pm

### 1. APPROVAL OF AGENDA:

Selectmen Kimberly Stacey-Horn made a motion to accept the agenda as written; seconded by Selectmen Dave Winchell. No further discussion. All in favor. So moved.

### 2. MINUTES OF LAST MEETING:

Selectmen Kimberly Stacey-Horn made a motion to table the minutes; seconded by Selectmen Dave Winchell. No further discussion. All in favor. So moved.

### 3. DEPARTMENT HEAD / COMMITTEE CHAIR UPDATES:

Leslie Berlan, Road Committee Chair approached the Board to let them know the Gravel Road Maintenance class has been scheduled. Mrs. Berlan thanked the Board of Selectmen and Town Administrator for setting it up for in the hall. Information for the class is posted on "What's Up in Acton" and the "Acton Private Roads" facebook pages to get the word out. Class will be held on July 31st between 8 and 12 noon in the Town Hall. Cost is \$20.00. The Town Administrator will also put on the cable station.

Mrs. Berlan continued by asking the Board of Selectmen to clarify the new Road Committee Ordinance. Mrs. Berlan wanted to know, when asked by the Road Commissioner to do something, can the Road Committee can go ahead to do it. The Board responded that if the Road Commissioner asked at a meeting, the Road Committee can go ahead and assist. Discussion ensued regarding the details of how the request should be made and what the Ordinance stated.

The Town Administrator stated for your own protection, have the Road Commissioner make the request at a public meeting to develop a paper trail and then the Ordinance can be looked at together afterward. The Town Administrator reminded all that this was a new process and work in progress.

### 4. OLD BUSINESS:

#### A. Fire-Rescue Commission / Fire Chief Position

The Town Administrator informed the Board that Mrs. Lois Michaud's appointment as the Warrant & Finance (W&F) representative sitting on the Fire Rescue Commission needed to be rescinded. Mrs. Michaud's term on the Warrant & Finance Committee expired June 30th and she has elected not to be reappointed.

Selectmen Kimberly Stacey-Horn made a motion to rescind Lois Michaud's appointment on the Fire Rescue Commission; seconded by Selectmen Dave Winchell. No further discussion. All in favor. So moved.

The Town Administrator notified the Board, to follow up with this information, Warrant & Finance is having a meeting Monday night to gather themselves and to delegate a new liaison. There will be a name presented at next's week's meeting of who will represent the W&F Committee; the Chair will be in touch with the Board.

The candidate application date has come and gone for the Fire Chief position and there are nine well qualified individuals who have applied. Mr. David Winchell is that department's liaison and the Town Administrator has been speaking directly with him with the hopes that by Thursday, July 11th there will be the first Fire Rescue Commission meeting. The six Fire Rescue Commission's members will be looking to choose one member to join the Commission from the public. The Town Administrator has been advertising this opening as well looking for somebody that this Commission can consider during their meeting; the goal is that by the following meeting, the Commission will be ready to start interviewing.

**B. Penny's Rubbish**

The Town Administrator informed the Board that she had spoken with Mr. Mann to inform him that she has been unable to reach out to this individual. Mr. Mann responded that he had spoken to the individual on Monday and allowed him to dump but told him he would not be duping next week Monday if his paperwork was not in. 90% of the paperwork is in; there is one form missing.

**C. Personnel Policy**

The Town Administrator reminded the Board that she had presented a draft copy of the Personnel policy with Treasurer recommended changes regarding State holidays, earning paid time off and health care.

Selectmen Kimberly Stacey-Horn made a motion to accept the Town of Acton's Personnel policy as amended ; seconded by Selectmen Dave Winchell. No further discussion. All in favor. So moved.

**D. Rec. Director**

The Town Administrator last week gave the Board the beginnings of a Recreation Director's job description. Selectmen Winchell had some questions regarding the history and why is this position was needed. The stipend for this position is \$500 per quarter. What Mr. Winchell had not realized was , if you are the Director, you cannot be on the Committee.

The Town Administrator stated that Recreation Director was similar to a Department Head. Discussion ensued about the history of why a stipend was given, number of people on the committee, decision making capabilities, hierarchy of the Committee, responsibilities, decision making capabilities, and whether there is a need for this position and stipend. Also under consideration is who is the point person to work with the Town staff, Treasurer and Board. The Chairman may be recommended to take on this role, the same as other committees. This is a good time to look at this structure while the position is open.

The Board decided to table until after the Recreation Committee meets o July 17th to discuss and possibly formulate a recommendation on whether they want this position or not and/or whether it will be the Chairman or not. The Town Administrator will draft up a synopsis of the Recreation Director for review.

**E. Workshops**

The Town Administrator wanted to follow up with the Board on questions that arose regarding taking minutes at Workshops. Maine Municipal's legal response was that workshops must be posted. Minutes are not required, however, it is recommended that they been done as it is a good business practice, although not required by law. Therefore, nothing has been done incorrectly.

Moving forward, with the setting up of workshop time incorporated into meetings so that all can be filmed, the Town Administrator discussed the points of order for the weekly meetings. It was determined that the meeting would start at 5:30 pm. First item on agenda will be Town Administrator's update. Next there will be time allotted for signing bills. After that, the meeting will flow into what would have been the regularly scheduled Board of Selectmen's meeting. The entire meeting will be filmed.

## **5. NEW BUSINESS:**

### **A. Appointments**

The Town Administrator notified the Board that the Fire Rescue Commission requires someone who is an active or retired Municipal Fire Rescue person to be appointed by the Board of Selectmen to sit on the Commission. The last time this selection was made, the Sanford Fire Chief was chosen. However, he is not interested in taking on this appointment. The Town Administrator has reached out to local Fire Departments in the surrounding locations and has found an acceptable candidate from the Ross Corner Fire Department. Captain Darren Rogers is willing to sit on the Commission. Mr. Rogers is also the EMA Director in Shapleigh and sits on Fire and Rescue over there. Mr. Rogers has 30 years of fire and rescue experience and is willing to assist if the Board so pleases. The Board agreed.

The Town Administrator had Mr. Rogers appointment available to be signed as well as members interested in being on the Recreation Committee. Out of nine members, there are four currently interested in remaining on the Committee. They are: Carol Komezubumwe, Lisa Long, C.W. Cushman Phillips, and Laura Clark Phillips. There is one member at large and the Town Administrator is waiting on a response.

The Town Administrator indicated that this was another item that could go before the Recreation Committee Board as to how many members were wanted for the Council before advertising is started. Further work on searching for committee members to be appointed will be tabled until next week after the Board hears what the Recreation Committee recommends.

Selectmen Walsh read aloud the certificate of appointment titled 30 M.R.S.A 2253 Municipality to Darren Rogers as the Fire Rescue Commission member until August 30, 2019.

Selectmen Kimberly Stacey-Horn made a motion to appoint Mr. Darren Rogers as a Fire Rescue Commission Member until August 30, 2019; seconded by Selectmen Dave Winchell. No further discussion. All in favor. So moved.

Selectmen Walsh read aloud the certificate of appointment titled 30 M.R.S.A 2253 Municipality to Recreation Committee memberships to C.W. Cushman Phillips, Laurie Clark Phillips, Carol Komezubumwe and Lisa Long.

Selectmen David Winchell made a motion to accept the following as Recreation Committee: C.W. Cushman Phillips, Laurie Clark Phillips, Carol Komezubumwe and Lisa Long; seconded by Selectmen Kimberly Stacey-Horn. No discussion. All in favor. So moved.

### **B. Executive Session M.R.S.A. §5405 (6A)**

Selectmen David Winchell made a motion to move into Executive Session titled M.R.S.A. §5405(6A); seconded by Selectmen Kimberly Stacey-Horn. No discussion. All in favor. So moved.

Selectmen David Winchell made a motion to come out of Executive Session; seconded by Selectmen Kimberly Stacey-Horn. No discussion. All in favor. So moved.

**C. Animal Control Officer**

Selectmen David Winchell interviewed the three candidates who applied to be the Dog Catcher. After the interview concluded, Mr. Winchell narrowed the candidates down to two and recommends another Selectmen interview the remaining two candidates. That was done by Selectmen Walsh. The Board while in Executive Session decided unanimous to appoint Gerald Intoni; Selectmen Stacey-Horn was not involved due to the potential of being related to one of the candidates.

Selectman Ed Walsh read the certificate of appointment title 30 M.R.S.A §2253 for Gerald Intony as Animal Control Officer within and for the Municipality of Acton until June 30, 2020.

Selectman David Winchell made a motion to accept the appointment of Gerald Intoni as Animal Control Officer within and for the Municipality of Acton until June 30, 2020; seconded by Selectmen Ed Walsh. Two in favor and one abstention.

**D. Executive Session M.R.S.A. §5405 (6A)**

Selectmen Kimberly Stacey-Horn made a motion to move into Executive Session titled M.R.S.A. §5405 (6A); seconded by David Winchell. No discussion. All in favor. So moved.

Selectmen David Winchell made a motion to come out of Executive Session; seconded by Selectmen Kimberly Stacey-Horn. No discussion. All in favor. So moved.

**E. E911 Addressing Officer**

Selectmen Walsh read aloud the certificate of appointment titled 30 M.R.S.A §2253 Municipality to Kristiina Robinson as the E911 Coordinator until December 31, 2019.

Selectmen Kimberly Stacey-Horn made a motion to appoint Kristiina Robinson as a E911 Coordinator until December 31, 2019; seconded by Selectmen Dave Winchell. No further discussion. All in favor. So moved.

Selectmen Ed Walsh noted that along with this appointment, the Board has adjusted 2 employees' pay: the Land Use Assistant is going from \$14.00 to \$15.50 and the Office Assistant is going from \$13.20 to \$14.25.

**F. Article 43 Packet**

The Town Administrator received a completed packet for Article 43 funds for Maintenance on Loop Road. Procedure in the past has been for the Board to review and then have the Road Committee review. The Road Committee's next meeting is on July 10, 2019. This is an opportunity for the Road Committee to review. The Board will review; the Road Committee will also review as well.

## **G. Jennifer Roux**

The Town Administrator, read the following letter out loud:

To The Board of Selectmen and Residents of Acton,

A week ago during the June 25, 2019 Selectmen's meeting, I was, for the lack of a better terms, blindsided with misinformation and accusations. The public verbal assault, consisted of blatant lies from SOME staff members of our Land Use Department.

The CEO stood at the podium and initially begins by saying, and I quote, ‘a member of the public that was in attendance told him that the Town Administrator wanted disciplinary action against one of his employees and possibly the removal of some Planning Board Members’. Well-There was only one member of the public present, and although the one and only person present during that prior weeks’ workshop stood up and stated, “what was said was, we would deal with this after the election”, AND THAT IS CORRECT. However, the Land Use Department continued to go on and outright lie about me and the facts of the incident. They disrespected me, publicly, and all unannounced and without an ounce of warning or conversation as to how the situation could have been dealt with professionally to protect everyone's rights. Instead, I walked into a meeting where I was the subject of their aggressive, and condescending conversation, and all during an open public meeting. Their attempt to humiliate me was not only unprofessional, but their story contradicted itself within the first few minutes of speaking.

The Deputy CEO looked at the Board of Selectmen in the eyes and again flat out lied about the incident. I would ask you all to watch the whole clip of the June 25th meeting, The Deputy CEO later states, after being called on the false statement, “well maybe those weren’t her exact words”.

I write this letter to the Board and Residents for a few reasons. First of all, to clear my name from this obviously pre-planned personal attack.

Secondly, I apologize for being so passionate about my job that I interrupted the staff publicly while they were attempting to slander me. Later, a Selectmen also asked me to be quiet. It is true, I spoke up—but who wouldn’t under those circumstances? Quite frankly, I was shocked, and yes, I spoke up, to call the staff on their lies and aggressive campaign of misinformation in an attempt to give the entire story, the whole story. At one point, I was even asked by the Dept Head, “so we are going to start from the beginning’. I quickly said, yes - I was starting at the beginning if I was going to be accused and incorrectly chastised in public, without any warning. I could at least give my side of the story, the truth.

I am not writing this to get into the he said she said or re play all of what actually happened, because as I your Town Administrator I know the proper protocol, if necessary and it is not in a public meeting. I know that employees have rights and am confident that I did not violate any of them. My supervisor told me that another employee and planning board member were speaking about me, at a round table at the conclusion of a meeting. I did what any employee should do. I went to my chairman and followed up in an email to the entire Board. After not hearing from my Board, I brought it up the next time I saw them, which was this workshop everyone is speaking of. It was a public workshop, in which people can attend, that week we had one person present. I know what I said in that workshop and stand behind it. I did not in any way, demeanor or talk down about another employee or planning board member. Never did the discussion of removal of a planning board member or discipline of a town employer, ever come up. Ever. If anything, I was more frustrated that MY BOARD, who I work so hard for each and other day, didn’t even acknowledge my email. Never the

less, I could have taken any of this to the public meeting that evening, June 11 but I didn't because I knew better and would never violate another employees rights in an open meeting.

Additionally I'd like to point out, if in fact I did say any of the lies stated against me, why, at the annual Town meeting on the 22 before this public bashing, would I, as Town Administrator have spoken in favor of the Land Use 7% increase when questioned by the public. I could have sat quit, I didn't need to defend that budget at all. Had I known 3 days later, what would have been coming, I would still have done the same thing, defending their budget. Yes, you heard that right. I would have still have stood up for this department. Over my 16 years with the Town of Acton, I have lost count to the amount of times, complaints or concerns from residents and/or property owners have come to me about the Land Use Department. Complaints ranging from impolite staff to over charging, to playing favorites to ridiculous waits to get permits. BUT Never, have I brought these concerns to a public meeting, Instead I have met face to face with the dept head and defused the situations. Always believing in Acton's staff while doing whatever I can for the Town of Acton residents.

In regards to The Deputy CEO's Executive Session, that's her right. However, if I am the subject of her Executive Session, then, I have the right to know the complaints before me and actions being requested. Once I receive those, I would appreciate the chance to review all the documents and decide from there how I want my executive session handled, if the Board feels the need to call one. Most likely I will want this in a public forum so the people of Acton can see what is going on.

In closing, I want the townspeople to know, I love my job, I love this town, and I understand that I work for the townspeople, but I'm still human and will fight defend my name, my work ethic and the hurtful pre planned assault on my reputation. I'm not sure what the plan or end game is , by these few people that are determined to hurt me, but I believe that all of this, has to be brought out from the beginning, the whole story, in open public meeting.

Thank you

**6. PUBLIC COMMENT:**

None: The Board would not take any comments or even compliments on the above subject as they had let it go to far the week previous and apologized for that. Moving forward it will be handled in Executive Session.

**7. ANNOUNCEMENTS:**

None

**8. MEMBERS PRESENT:**

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

**9. OTHERS PRESENT:**

Mr. Dennis Long, Ms. Joyce Bakshi, Mrs. Karen McManus, Mrs. Carol Komezubumwe, Mrs. Cindy Hart