

SELECTMEN'S MEETING

June 20, 2017

1. **CHAIRMAN ELECTION:** Moved by Ed Walsh, seconded by Kim Stacey-Horn, to nominate Elise Miller as the Chairman of the Board of Selectmen. Mrs. Miller accepted the nomination and requested that the new Chairman begin on the meeting of June 20th. The motion passed 2-0-1. (Miller abstained)
2. **APPROVAL OF AGENDA:** Moved by Elise Miller, seconded by Kim Stacey-Horn, to accept the Agenda as presented. The motion passed 3-0.
3. **MINUTES OF LAST MEETING:** Moved by Ed Walsh, seconded by Elise Miller, to approve the Minutes of the Meeting of June 6, 2017 as written. The motion passed 2-0-1. (Stacey-Pike abstained)
4. **DEPARTMENT HEAD / COMMITTEE CHAIR UPDATES:**

A. Three Rivers Land Trust: Carl Davis informed the Board that though approval of the grant has been delayed, the closing for the Romac Orchards is expected to occur on June 28th. He explained that there has been a change in the administration of the Land and Water Conservation Funding so approval has been delayed until the new Administrators can review pending grants.

Mrs. Roux reminded the Board that the Town's Attorney has been overseeing the paperwork necessary to accomplish the land purchase in accordance with the voters' approval. She explained that Michelle Rumney is authorized based on the Town Meeting vote to close on the note through Sanford Institution for Savings for the Town's portion of the purchase.

4. OLD BUSINESS:

A. Specialty Vehicles Sales Contract: Mrs. Roux stated that Attorney Morin reviewed the Contract and requested that the clause which discusses the state of jurisdiction should any legal issues arise be removed. The decision was that if this occurs, the presiding judge would make that determination so the clause was removed.

Also, the contract was revised to list the Town of Acton as the buyer.

All three Selectmen signed the contract agreeing to purchase the ambulance for \$278,613 as specified from Specialty Vehicles.

B. Animal Control Officer Position: Jennifer Roux reported the position has been posted in various places such as the website, Facebook, the Smart Shopper and various newspapers. So far only one application has been received. The deadline has been established as Tuesday, June 27th.

Consensus of the Board was to review application on Thursday, June 29th at 5:30 p.m.

C. MMA Action Plan: Mrs. Roux reported that several of the items listed on the original plan have been finished: relocating the refrigerators, repairing the gutter on the outside of the Town Hall door, replacing ceiling tiles, posting the fire extinguisher signs, disabling the keypad at the gym. She hopes the last few items on the list will be completed by Thursday.

D. Mary Grant Policy: Mrs. Roux reminded the Board that they requested at the last meeting that the party hosting the event at the site would be responsible for obtaining any necessary fire permits instead of the Mary Grant Board holding a blanket permit. Jean Achilles and the Fire Chief agreed that this change is a good idea.

5. NEW BUSINESS:

A. **Liaisons:** Consensus of the Board was to establish the following Selectmen liaisons:

- Fire Department – Elise Miller
- School Department – Kim Stacey-Horn
- Conservation and Forestry – Kim Stacey-Horn
- Warrant and Finance Committee – Ed Walsh
- Planning Board – Ed Walsh
- Recreation – Kim Stacey-Horn
- Transfer Station – Ed Walsh
- Road Committee – Elise Miller
- Cemetery – to be determined

The memo to the chairman and department heads will state that the assigned Selectman is their first contact should the need arise and request a copy of all meeting schedules and agendas.

B. **Settlement Statement, Title Application, etc.:** Mrs. Roux reported that Brad Morin is requesting that the Board vote to authorize one of the Selectmen to sign the papers at the Romac Orchards purchase closing. Moved by Elise Miller, seconded by Ed Walsh, to authorize Mrs. Miller to sign all pertinent documents at the closing with Kim Stacey-Horn as the backup.

C. **Freedom of Information:** The Chairman read a request submitted by Michael Cole stating: *“under the Maine Freedom of Access Act 402, I am requesting to obtain copies of the public records that indicate how many complaints have been made on the property owned by Sean Cardigan at 8 Loop Road, Acton, Maine, especially complaints that haven been made about automobiles. If there are any fees for searching or copying these records, please inform me if the cost will exceed \$10.00; however, I would also like to request a waiver for the fees if that is the disclosure of the requested information is in the public interest. This information is not being sought for commercial purposes. If you intend to deny this request, I will expect to hear from you within five business days as mandated by law. Also, if you expect a signature delay in response to the request, please contact me with information about what you might expect copies or the ability to inspect the requested copies.”*

Mrs. Roux noted that the Maine State law clearly outlines the procedure to gather public information and because Mr. Cole has followed those requirements, she has already notified the Department Head of the request. She stated that she doesn't expect the fees to exceed the \$10.00 as stated. Consensus of the Board was that the fees would not be waived.

D. **CEO Computer:** Mrs. Roux reminded the Board that a spending freeze was imposed for the final thirty days of the fiscal year. However, she noted that the tablet that the CEO has been using to project information during Planning Board meetings does not serve the purpose well. The Town's IT person has not been able to make it more user friendly, therefore, the CEO is requesting the purchase of a laptop to be used for this purpose. The tablet can still be used in the field for documenting information.

Moved by Elise Miller, seconded by Kim Stacey-Horn, to approve the CEO's request to purchase a laptop computer. The motion passed 3-0.

E. **Appointments:** Mrs. Roux informed the Board that she will email a list of committee and Board vacancies as of June 30th for their review. However, there are three appointments that should be

made immediately to eliminate possible disruption of services: the Code Enforcement Office, the Health Officer and the EMA Officer.

Moved by Elise Miller, seconded by Kim-Stacey Horn, to appoint Ken Paul as the Code Enforcement Officer / Local Plumbing Inspector for the Town of Acton until June 30, 2018. The motion passed 3-0. All three Selectmen signed the appointment document.

Moved by Elise Miller, seconded by Kim-Stacey Horn, to appoint Victoria Erickson as the Health Office for the Town of Acton until June 30, 2018. The motion passed 3-0. All three Selectmen signed the appointment document.

Moved by Elise Miller, seconded by Kim-Stacey Horn, to appoint William Catansye as the EMA Director for the Town of Acton until June 30, 2018. The motion passed 3-0. All three Selectmen signed the appointment document.

F. Town Administrator: Elise Miller explained that the question has been raised whether establishing a Town Administrator changes the Town's form of government. She noted that the subject was heavily researched through MMA in March. She read the final response from MMA:

"Thank you for the additional information, I agree that you are a Town Administrator not a Town Manager. Nothing that you have provided would indicate that the Select Board has changed the form of government or otherwise given you authority or job responsibilities that would require a Town Meeting vote."

Mrs. Miller noted that Jennifer Roux was performing many different roles for the Town so two years ago the Board decided to change the title of her job to Town Administrator. Clearly, as indicated in the MMA opinion, this does not change the form of government.

G. Junk yards: Mrs. Miller stated that there have been complaints regarding unregistered vehicles parked on properties, debris, etc which may cause possible well water contamination and reduction of property values. The current Ordinance states that three or more vehicles is a violation. Mrs. Roux provided copies of sample ordinances for the Board's review and the subject will be on the next agenda for consideration.

6. PUBLIC COMMENT:

Cindy Hart stated that the Town needs a Town Administrator as well as a Town Clerk; the two roles are very different and should be treated as different positions. Mrs. Hart went on to say that the jobs were not getting done.

Jim Driscoll stated that he hopes that this issue is not personal. He noted that the job is getting done efficiently. He stated that back in 2006 when he was Selectman daily receipts were not cashed out at the end of each day. At the end of the month the figures would be written off to balance the books. Mrs. Roux implemented the Trio account system and now, the Treasurer and the Tax Collector closes out each day to the penny.

Mrs. Miller agreed that the Town's accounting system is extremely efficient and organized. Ten million dollars goes through the Town's accounting system each year and is balanced precisely as reported by the auditing company.

Brendan Meehan stated that while he agrees that Mrs. Roux does an exemplary job for the Town, he does not agree with how the job was changed. He quoted: *"transparency and open decision making are*

fundamental principles of the Maine Freedom of Access Act and they are essential to ensuring continued trust and confidence in our government.”

Mr. Meehan asked about how to request information; the Chairman replied that he can obtain a form from the office.

Jim Driscoll noted that changing the job to Town Administrator was discussed at several meetings on many agendas.

Lois Michaud reported to the Board that she has located forty-eight cemeteries and that she has a volunteer that has been very helpful.

William Williams stated that many times the actual Board of Selectmen meetings are really announcement forums with the real meeting being held behind closed doors prior to the meeting. He felt that agendas should be distributed in advance of the meetings. There should be standard items on the agendas including committee reports. Department heads reporting activity on a regular basis would be helpful. Unfinished items should always be carried over on the agendas until they are resolved. The Selectmen's and the Town's email addresses should clearly be posted at the meetings. The School which is the largest town department is not included on the website. Mr. William urged the Board to no longer hold workshops but to conduct all business in an open meeting.

The Chairman explained that the Board needs to meet with the Town Administrator prior to meeting in order to get the information they need to meet and that doors are never locked.

Mrs. Roux explained that items arise over the week and the list is reviewed by the Board prior to the meeting to decide which items can be handled by the Administrator and which should be included on the meeting Agenda for the Board to address.

Susan Meehan stated that she has visited the Town's website and found many blank pages. She suggested posting a photo of the selectmen, contact information and a brief biography. She stated that all committee members should be listed with contact information.

Mrs. Roux stated that the current webpage is not Explorer friendly and that there shouldn't be any blank pages. She requested that Mrs. Meehan meet with her after the meeting to look at the blank pages she found. She explained that documents that are posted on the website have to first be converted to a PDF file, uploaded and then linked. There are many things that the website cannot do but perhaps it's time to spend the money to create a new website.

Brendan Meehan asked if Kim Stacey-Horn received a copy of the Board of Selectmen bylaws. Mrs. Roux stated that there is a Municipal Manual for the Selectmen and she will be sure Mrs. Stacey-Horn gets one. The Town of Acton does not have by-laws for Selectmen. Mr. Meehan provided a copy of draft Selectmen bylaws for the Board's review.

Mrs. Meehan suggested including a page on the Town's website. Mrs. Roux explained that there has been discussion in the past as to whether the Library is a Town department.

Susan Meehan suggested including a newsletter in the tax bill.

7. ANNOUNCEMENTS:

- The Chairman welcomed the new Selectmen, Kim Stacey-Horn.

- The Library will feature Jordan Dennison who will perform on the drums as a summer reading program kickoff.

8. MEMBERS PRESENT: Ed Walsh, Elise Miller, Kim Stacey-Horn

9. OTHERS PRESENT: Jennifer Roux, William Williams, Jim Driscoll, Lois Michaud, Susan Meehan, Brandon Meehan, Cindy Hart, Paul Poyant, Rollin Waterhouse, Greg Vermette