

## SELECTMEN'S MEETING

June 27, 2017

1. **APPROVAL OF AGENDA:** Moved by Ed Walsh, seconded by Kim Stacey-Horn, to accept the Agenda as presented. The motion passed 3-0.
2. **MINUTES OF LAST MEETING:** Approval of the Minutes of the Meeting of June 23, 2017 was tabled to the next meeting.
3. **DEPARTMENT HEAD / COMMITTEE CHAIR UPDATES:**

**A. Three Rivers Land Trust:** Carl Davis, Vice-President of the Three Rivers Land Trust, undated the Board of Selectmen regarding the Level One environmental assessment of the twenty-five acres in which a solid waste site was discovered which contained tires, fifty-five gallon drums, a fuel tank, etc. He reported that the waste was removed and the site cleaned up and that the assessment company upon reviewing the photographs provided stated that no further assessment would be required.

Jennifer Roux reported that a check in the amount of \$180,000, which represents the \$100,000 as approved at the annual Town Meeting in June, 2016 and the \$80,000 which is the River Land Trust portion of the sale, which will be reimbursed to the Town, has been prepared. The closing is scheduled for Wednesday, June 28th at 2:00 p.m.

**B. Cemetery Committee:** Mrs. Roux explained to the Board that Lois Michaud submitted a list of cemeteries, flags placed and mileage expense report requesting reimbursement.

Mrs. Roux reported that the question was raised as to whether the Board of Selectmen has the authority to create a committee without voter approval. She requested an opinion from MMA regarding this issue and the Chairman read the response from Brianna Garrison, Staff Attorney, Legal Services Department:

*“Generally the Select Board has the authority to create appointed advisory committees without Town Meeting approval. The Select Board can appoint members to the Committee and authorize the Committee to take on certain tasks. However, the Committee will serve at the will of the Select Board and will not have any official powers or duties. The Committee will be advisory only. I do not see any problem with the Select Board establishing these type of advisory committees to take on tasks that the Select Board would otherwise do. For example: the Select Board could establish a Capital Improvement Committee and delegate research projects to the Committee to help inform the Board of what actions to take concerning capital improvement projects. However, a committee that will be performing tasks that are outside the normal scope of the Select Board’s authority should probably be established by ordinance at Town Meeting. For example: Town Meeting should probably adopt an ordinance to establish a volunteer Cemetery Committee that maintains the Town’s cemeteries. This way the Committee will have clear authority to take on this responsibility and there will, at all times, be a locatable reference of the committee’s role and responsibilities. An ordinance can also outline the number of committee members and their terms which will be helpful in retaining an appointment of members if the committee will be operating for many years.”*

Lois Michaud explained that the committee, which originally was part of the Conservation Committee, has always been advisory and that by State Statute, cemeteries must be maintained. The Chairman thanked Mrs. Michaud for taking on the role but that it was a function separated from the Conservation Committee which is a town meeting approved committee. Ed Walsh suggested establishing specific guidelines in order to conform with the MMA response. Mrs. Michaud

estimated that only about half of the list has been accomplished, which has been very time consuming. Consensus of the Board was that Mrs. Roux will seek further guidance from MMA. Mrs. Roux noted that the Board should consider reimbursing volunteers for mileage expenses based on the policy.

#### 4. OLD BUSINESS:

- A. **Specialty Vehicles Sales Contract:** Mrs. Roux reported that the contract has been signed by all parties and submitted to the Town Treasurer to follow the terms of the payments.
- B. **Animal Control Officer Position:** Mrs. Roux reported that one resume for the ACO position was received. Board members will review the resume and decide whether to proceed with interviewing the applicant.
- C. **MMA Action Plan:** Mrs. Roux stated that the list has been completed except for three issues: the cracks in the exterior wall of the gym, the kitchen stove pilot light and organizing the basement closet. Consensus of the Board was that Mrs. Roux will contact a structural engineer to determine the safety aspect of the gym and get a quote on a kitchen range
- D. **Mary Grant Policy:** Mrs. Roux reported that there has been no update from the Mary Grant Nature Preserve Committee regarding the changes the Board requested.
- E. **Liaisons Memo:** The Chairman read the memo draft in which Committee and Board Chairmen are informed of the list of Selectmen Liaisons. The memo explains that the designated liaison is the first point of contact in the case of an emergency but has no decision-making authority. Also, they will be notified that the Board will begin inviting them to their meetings once or twice a month for updates.  
  
Moved by Ed Walsh, seconded by Kim Stacey-Horn, to approve distribution of the memo to Committees and Board Chairmen as written. The motion passed 3-0.
- F. **Road Committee / Adhoc:** Consensus of the Board was that the ad hoc committee will meet on July 11<sup>th</sup> at 6:00 p.m. to review the survey draft.
- G. **General Government:** Mrs. Roux reminded Board Members that during the Public Comment portion of the last meeting, a statement was made that the Town of Acton spends \$258,000 more in the General Government Account than Shapleigh; Acton at \$868,740 and Shapleigh at \$610,701. She compared the two accounts and noted that Acton has outstanding loans that amount to \$104,000 and the employee retirement fund at \$36,000. Some expenses come out of Acton's General Government account whereas Shapleigh votes on them as separate articles such as the Contract Deputy for \$46,600 and the GIS mapping at \$5500. Acton's Building and Maintenance expenses come out of General Government but Shapleigh account for expenses such as plowing, shoveling, lawn maintenance comes out of the specific accounts. In considering these discrepancies in how expenses are accounted, there is still a difference of about \$40,000 which could be just differences in smaller accounts but certainly not in salaries.

Kim Stacey-Horn noted that Lebanon has two people doing what Acton's Town Administrator does totaling \$104,000. Lebanon also has two employees doing that job totaling \$78,000 and Alfred has three people totaling \$114,334.

Mrs. Miller also noted that one person doing Acton's Town Administration reflects one health insurance policy.

**H. Junk Yard Ordinance:** Board Members expressed support in creating an ordinance and consensus was to schedule a meeting with the Planning Board Chairman, Ed Walsh as the Planning Board Liaison and Ken Paul, Town Planner.

**I. Bill of Sale, GMC Sierra:** Board Members signed the bill of sale transferring ownership of the 1986 GMC Sierra, known as Forester One, to Randy Kinville, 2253 Lovell Lake, Sanbornville, NH for the sum of \$3200 as is where is.

**J. Secret Ballot Voting:** Tabled to the next meeting

#### 4. NEW BUSINESS:

**A. Gym Membership:** Mrs. Roux reminded the Board that currently the Town offers any property owner, any town employee or any member of fire and rescue from any town gym memberships. She noted that there is a request that membership option be extended to any employee of a Town-owned business. Consensus of the Board was to deny the request.

**B. Tennis Courts / Rec:** Mrs. Roux reported that the Rec Department has negotiated with the Tennis Court Association to open the tennis courts to residents a couple nights a week to play for free. The questions of liability insurance came up and the Town's insurance representative responded that *"there's always going to be a risk for the Tennis court owners, Even though our insurance follows us to events, if the injury occurs as a result of the property itself, cracks in the pavement, an uneven surface, etc., it falls on the property owner. If they want to proceed, they should sign agreements to be drafted between the Town of Acton and the tennis court owners."*

Consensus of the Board was to move forward with the agreement.

**C. 8 Loop Road:** Mrs. Roux reminded the Board Members that Mike Cole submitted a Freedom of Information Request. In reviewing the information provided by the Land Use Department it appears that this has been a long running problem with a great deal of history.

Mr. Cole stated that he moved to Loop Road approximately eighteen months ago. His concern is that his well is in close proximity to the abandoned, unregistered cars. He stated that he spoke with the property owner regarding his concern that the state of the property is affecting his property value but that the problem has escalated.

Mrs. Roux distributed photos taken on June 13<sup>th</sup> and she stated that the maps show that the cars are on the property line, not in the right of way but this has not been surveyed. Mrs. Cole stated that after reviewing deeds, his opinion is that some cars and junk are entirely in the right of way.

Mr. Cole requested that the CEO approach the property owner again and if that fails, he has other options.

Consensus of the Board was that Ken Paul and Jennifer Roux would meet with the property owner and report back to the Board at another meeting.

**D. Recycle Bins:** Mrs. Roux distributed a copy of the preferred recycling bins that the Transfer Station Superintendent suggested at \$850 per hundred. Ed Walsh suggested the smaller tote sized bin that would be made available for purchase. Mrs. Roux will research minimum order details.

- E. **York County Budget Memo:** Mrs. Roux read the memo: “The York County Budget Committee is in the process of wrapping up the review of the 2018 County Budget. We spent a considerable amount of time in reviewing the process discussing the impacts of the new courthouse location will have on the County Budget. We are accepting of the fact that the new courthouse is going to be built in Biddeford. We are not accepting, however, of the impacts that this will have on the County Budget and, therefore, on each of the municipalities. We are hoping to have a chance to discuss this with the District Attorney. We are convinced that he essentially doesn’t want to listen to the citizens. The County Budget Committee representing twenty-nine municipalities is asking for your support.”

The communication included a draft letter that requested reconsidering moving the combined facility to Biddeford and closing the Springvale and Alfred Courts.

The issue was tabled to the next meeting in order that Board Members could read the resolution.

- F. **Tax Abatement: Moved by Ed Walsh, seconded by Kim Stacey-Horn,** to approve the abatement request for property on map 144, lot 011, David Moreira, to reflect a change in shoreline footage. The original land value \$222,786 reduced by \$54,312 to \$168474; the tax assessed from \$3248.24 reduced by \$611.01 to \$2637.23. The motion passed 3-0 and the abatement was signed by all three Selectmen.

- G. **Catering Application:** Mrs. Roux reported that regarding a wedding event planned at Blueberry Hill Farm on July 1st, Above and Beyond Caterers, located in Lyman, are notifying the Town of the event and all the liquor licensing is handled through the State.

The notification acknowledgement was signed by all three Selectmen.

- H. **Deputy Vehicle:** Mrs. Roux reminded the Board that purchasing a new vehicle for the Town Deputy was approved at the Town Meeting for both Shapleigh and Acton. She reported that the vehicle has been ordered through the County Manger’s Office through the bid process. Both Shapleigh and Acton own the current vehicle and the County is willing to dispose of the vehicle for an approximate value of \$1,000.

Mrs. Roux will contact the Town of Shapleigh and report back to the next meeting.

- I. **Appointments:** Moved by Ed Walsh, seconded by Kim Stacey-Horn, to appoint Robert Anderson as constable for the Town of Acton for the fiscal year through June 30, 2018. The motion passed 3-0. The appointment document was signed by all three Selectmen.

Moved by Ed Walsh, seconded by Kim Stacey-Horn, to appoint Steve McDonough as Deputy Code Enforcement Officer / Local Plumbing Inspector for the Town of Acton for the fiscal year through June 30, 2018. The motion passed 3-0. The appointment document was signed by all three Selectmen.

Moved by Ed Walsh, seconded by Kim Stacey-Horn, to appoint Corey Normand as Deputy Code Enforcement Officer for the Town of Acton for the fiscal year through June 30, 2018. The motion passed 3-0. The appointment document was signed by all three Selectmen.

- J. **Policies:** Mrs. Roux distributed copies of the current policies to the Board Members. Consensus of the Board Members was that pertinent policies be forwarded to Department Heads for review and input and that a couple of the policies be included on each agenda for consideration.

K. **MMA Committee Mileage:** Mrs. Roux will provide a list of volunteers and budgets for the Board to consider at the next meeting.

## 5. Outstanding Action Items:

- Eagle Road Water Runoff: Mrs. Roux will confer with the Road Commissioners regarding possible resolution;
- Junk Yards: If a new ordinance is approved, the Code Enforcement Office will need additional staff to enforce the ordinance;
- Department Heads Job Descriptions;
- Volunteer Cemetery Committee / Ad hoc Committee;
- Reserve Accounts: Mrs. Roux expressed the opinion that the Auditor should attend a meeting after the audit is completed to explain Reserve Accounts;
- Policies;
- Road Issues – who owns the bridges in Town;
- Website overhaul

## 6. PUBLIC COMMENT:

Susan Meehan spoke again regarding the website and suggested using drop downs to make it more user friendly.

Jim Driscoll read a statement: *I wanted to share some information as a follow-up to last week's Selectmen's Meeting. I was unable to attend the Annual Town Meeting a couple of weeks ago. A family medical appointment prevented me from being able to make it. However, I heard comments and discussions around town about some of the semantics and personal agendas displayed by some in attendance. It's bad enough that folks who decide to turn Town Meeting into a vengeful platform for attacks on a town employee but more unnerving is a lack of factual information and in some cases, selective amnesia from a former and current elected official. Not any of you folks, just to clarify. Growing up in New England, most of us have been blessed and have been fortunate enough to experience a Town Meeting form of government. The Town Meeting is what I think is the purest form of direct democratic rule. I has been New England predominant governing process since the 17<sup>th</sup> century. Wonderfully inclusive community involvement and which most of all the members of the community come together to legislate the budgets of the local town government. I had a chance to watch the Town Meeting on Youtube and I would like to address some of the misinformation and rehearsed unsubstantiated, repetitive calls from some at the Town Meeting that were only directed towards one town employee. The boisterous and uninformed Town Meeting voter was calling out a certain employee and their pay is unsustainable for the tax payer followed by other chants "our taxes are going up, our taxes are going up." But it only came up when it was referenced to this one town employee. The employee that we are talking about is the Town Administrator. A little history for you folks in regards to*

*this employee: I was elected to the Board in 2006. Tony Cogliandro and Nancy Ruma had already hired her part time to work here in the Town. A few weeks into my office, Tony Cogliandro and Nancy Ruma, my fellow Board members at the time, called for a meeting with the accountants. During that meeting a few of us three as a board found that the Town of Acton was on shaky feet with its accounting computer program and software. The three years prior to 2006, there were \$36,000 in adjustments, unaccounted for funds. Over a six year period prior to 2006, the number was \$57,000 funds unaccounted for or adjusted. Instead of addressing the software issues and daily accounting issues, the Town decided to have an accountant make adjustments in the end of the month and the end of the year accounts. Basically throwing out the window the daily accounting. Quite a bit of concern obviously as a Board, we reached out to the State Auditor for help and guidance. We reached out to MMA attorneys. We reached out to the accountants. MMA was fantastic. Then we reached out to our Warrant and Finance Committee to share this information, to help us work on a plan. Two of them are sitting here tonight. The recommendation from MMA was to ask the voters to change the process of electing Town Clerks and Treasurers and making them appointed positions. They recommended cleaning up the software issues that had long been outdated. MMA's opinion, the State Auditors and the accountants all agreed that elected positions to Town Clerk were too intricate, skilled related, and demanding to be left up to a town official. With a Town Clerk, Treasurer elected based on a popularity contest and not the skills required for the job. They recommended that we went over to an appointed position and Town Meeting granted that. We put the vote before the people and explained the situation; that the Town wasn't financially and the voters chose to go to the appointed positions. We, the Town, were also running two different software programs at the town level. One was Northern Data for the Town Government and the other was called Bright Side for assessing. The problem was the program Northern Data was outdated and didn't have the proper fields for accepting certain revenues, when people were bringing checks in. And the Bright Side program didn't work in conjunction with Northern Data. Neither of the programs could talk to each other. The Town had gone essentially six years without cashing out daily to the penny. The Town had lost services granted by Motor Vehicles which is a substantial revenue source and a convenience for our residents. Motor Vehicle lives by accountability and accuracy of a town's ability to reconcile their funds. If you don't balance your books every day, you don't balance them every other week, the plates are gone – that service is gone. There were literally handfuls of checks laying in desk drawers that were never deposited as town revenue because a software program didn't allow a field for it. Checks for programs like the Acton Rec, for example. The Town was on probation for Inland Fishers, another source for prosperous revenues for the Town of Acton and was on the verge of being pulled away due to lack of accurate bookkeeping. We went from elected Town Clerk / Town Treasurer to appointed. We brought in a software program that handled general government and assessing for motor vehicle requirements. The Town hired Jennifer Roux as a Town Clerk and eventually Michelle Rumney as our Treasurer. The two of them are so well versed in our software program, it is the life blood of any town, that at one point, a representative from Trio Software considered hiring them to work for Trio to help implement the program into towns across New England. Within a year, the benefits of hiring highly skilled employees began to pay off. Year's end numbers were actual numbers, real numbers, not accountant adjustments. We were granted Motor Vehicle services back to the Town and we were removed from the probation list of Inland Fisheries. The software updates allow for assessing information to be accounted for within the same program.*

*As I watched the Town Meeting, I found it quite perplexing that a former Selectman would stand on the Town floor and ask to table the Town Administrator's due to his confusion on the issue. I guess it was perplexing for me because the same gentleman while a selectman, had an employee that was paid to do several jobs within the town budget that was funded in exactly the same way that the Town Administrator is.*

*I also watched why Warrant and Finance claimed that the position was not adequately addressed during budget deliberations. As a member of that Committee, I distinctly remember the conversation pertaining to that position, Town Administrator. During that discussion, I made reference that it's nice to see the*

*Board of Selectmen place value and pay scale for the Town Administrator at an equal pay structure as the two men that are comparable in management and responsibility. The position is in line with the Fire Chief and the Code Enforcement Officer. Now I guess what I appreciate most from this Board of Selectmen is that you took the initiative to pay an employee that has been doing all the Town Administrative position for essentially twelve years without being compensated for it while caring enough to literally set the Town on sound financial footing. I commend the selectmen for your understanding of our form of government. You explained your budgets, you gave each member of the Warrant and Finance Committee an itemized and detailed budget book and a binder. You carefully submitted every article and explained them on the town floor and then you let the people decide. That's the bottom line.*

*In closing, the Town is saving in consolidating of the work the Town Administrator is doing. The position isn't unsustainable or causing anyone's taxes to go up as claimed by some on the town floor. It is actually quite the opposite. Thank you.*

Brendan Meehan agreed that the Town Hall Meeting was a “beautiful thing, everyone got their say” and asked if anyone had reviewed the by-laws that he provided at the last meeting. He stated that anyone speaking to the Board should be recognized and should only speak directly to the Board and not have eye contact with anyone else which could appear to be assault.

Mrs. Miller agreed that the Board should re-read the MMA bylaws and the subject is on her Action List.

## **7. ANNOUNCEMENTS:**

- The Board of Selectmen will meet on Wednesday, July 5 at 5:00 p.m. in lieu of the meeting on July 4<sup>th</sup>
- Pre-audit is scheduled for Thursday, June 29<sup>th</sup>
- The Library Summer Reading kickoff will begin on Wednesday, June 28<sup>th</sup>
- One of the Selectmen will be available on the first, second and third Thursday of each month from 6:00 to 7:00 p.m. beginning in August

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

## **9. OTHERS PRESENT:** Jennifer Roux, Carl Davis, Lois Michaud, Mike Cole, Jim Driscoll, Brendan Meehan, Susan Meehan