

TOWN OF ACTON SELECTMEN'S MEETING

June 30, 2021

6:00pm

1. CALL MEETING TO ORDER / PLEDGE OF ALLEGIANCE

2. TOWN ADMINISTRATOR WEEKLY UPDATE

- **Article 24 Update** – The Town Administrator reported back to the Board that an inquiry into Planning Board member terms being 5 years according to the ordinance was researched and there was no formal statement indicating 5 years was a requirement. After discussions with Mr. Long, he too agreed that it must have been the practice of previous Boards. Currently Planning Board members are generally appointed for 3 years.
- **Training -**
 - The Town Administrator updated the Board that she had attended a New Clerk's class via Zoom. It was a great refresher and one notable was that appointments are not needed for committees with no authorities as they are volunteers and informational only.
 - Adam Doliber attended a Department of Transportation (DOT) class; paperwork has been filed.
- Interviews for new Fire Department position conducted by the Fire Chief and Fire Department Liaison will be scheduled in the upcoming weeks.
- The Recreational field on RT 109 has been vandalized on numerous occasions. Incidents include that disappearance of the flag, sanitizer tore off the port-a-potty, tire spin outs tearing up the parking lot, the destruction of the toilet paper dispenser and sanitizer on the new Port-a-potty and boxes of trash including a license plate and mail with address. Deputy Sevigny has been contacted and is addressing the situation. Discussion ensued on how to handle the vandalism and locking the field gate. When locked, the key/codes are to be given to the Town Administrator.
- **Declined appointment information was reviewed:**
 - Mr. Dan Archambault and Mr. Ryan Gleason are not seeking reappointment due to conflicts in work schedules.
 - Zoning Board of Appeal members are being appointed and if anyone else is interested on being on that Board they can contact the Town Administrator; there has been a new received to be heard.
- The alarm company has notified the Town Administrator that there is a fee increase; paperwork will be presented for the Board's review.
- The Town of Sanford has contacted the Town Administrator regarding the Blueberry Hill shed requesting information on the tower. The Board deferred the response to the Fire chief to handle. Discussion ensued on possibly relocating the tower to Goat Hill to eliminate rental fees; the Fire Chief will be notified on this discussion as well.
- The new CEO has been taking classes and has passed the E911 Certification class for the State, the Legal Issue class and the Internal Plumbing Exam.
- Department of Environmental (DEP) has scheduled Town Hall Use for 9/9/21 to conduct an Erosion Training session.

- **Town Reports** – The Town Administrator told the Board that there are currently 40 Town Reports available at the Town Hall. Discussions ensued on whether to order another 100 copies or not. The Board responded to hold off until there are only 5 to 10 copies left. The Town Administrator recommended that the Board and Department Heads start thinking about their portions to be incorporated into the new Town Report now that the fiscal year has closed.
- **Town Meeting Minutes** – There have been several inquiries as to why the Town Meeting Minutes have not yet been posted. The Town Administrator responded that several reasons have held up the finalization of the minutes:
 - The tape has not yet been available for review.
 - While the Town Administrator (who is also responsible for the minutes) and the Treasurer were counting ballots, the Moderator continued with the proceedings and not all of the names for the people who seconded motions were stated or recorded.
 - There was one individual whose name was unknown until the incoming voter records could be reviewed.

Once completed, the final minutes will be given to the Board to review before posting.

- **Warrant Article Review** – The Town Administrator sought the Board’s direction on handling a few of the Warrant Articles which passed at Town Meeting.
 - **Siding on Town Hall** – Was there any instruction regarding starting to use the fund or hold tight? Discussion ensued. Current quote places windows at approximately \$30,000. The Town Administrator will obtain a few more quotes on the windows; Board recommended possible contacts such as Elderidge Lumber, Middleton, etc. Then after windows are complete the siding project will come back up for review.
 - **HVAC** – A quote has been received from the contractor who always does the Town’s work; do we use this contractor or go out to bid? Discussion ensued. The Board decided to keep the relationship and connection with contractor who currently does the work and retain him. The Town Administrator will contact the contractor to have the HVAC installed.
 - **Fire Department Generator** – Craig Normand’s bid came in lower than all bids however a scheduling date is far out. Discussion ensued regarding the schedule timing and old generator’s functionality. The Town Administrator will try to put some pressure on the company to move the generator up on the schedule.

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 June 16, 2021 minutes as written; seconded by Selectmen David Winchell Jr. No discussion. All in favor.

6. DEPARTMENT HEAD / COMMITTEE CHAIR UPDATES

A. Road Commissioner Update-

- **Dist 1 Acton Ridge Road Project** – Mr. Langley presented to the Board a Scope of Work for Acton Ridge Road to replace culverts, grinding, ditching, curbing, grading, paving, road closures and detours starting July 13, 2021. Board signed off on scope of work. The road will be shut down for 2 days; the Fire Departments in Acton and Newfield have both been notified. The Board recommended that the Road Commissioner get a letter from the Road Association granting permission to use private road during this time; Mr. Langley indicated he will take care of that.
- **Town Hall Parking Lot** – Mr. Langley explained to the Board his thoughts on the work to be done in relationship to the Town Hall Parking Lot and tearing down the old Fire Station building. Selectmen David Winchell Jr. stated he'd like to see a formalized plan put in place stating why doing the work; how doing the work; parking affected; issues to be fixed with current parking lot, etc. This plan can be presented to the public for open discussions at a public hearing. First step is for the Board of Selectmen Road Commissioner and Code Officer to have a workshop to formalize the plan. The Town Administrator will schedule said meeting.
- **Future Thoughts** – Mr. Langley would like to see the Town Administrator's office moved to the lower level to accommodate resident access to the hall, lay out handicap parking, etc. The Town Administrator was surprised by the suggestion and was receptive to consider if she could weigh in and offer up her input and thoughts.

B. Leslie Berlan, Road Committee Chair –

Mrs. Berlan approached the Board to revisit the subject of the RSMS to continue the discussions which arose at Town Meeting. According to Mrs. Berlan at the last Board of Selectmen's meeting where this subject was broached, she did not do what was needed for her to do. She was waiting to hear when training was going to take place as it was canceled in March due to COVID. The Town Administrator will look into whether there is any new training schedule as of yet. A meeting was set for Friday, July 16, 2021 for Mrs. Berlan, the Road Commissioners and the Town Administrator to meet and go through the RSMS program. Road Commissioner's were recommended to continue inputting data when they do their paperwork as the program is moved forward. Mrs. Berlan further stated she would like to make sure all manuals are up to date and reach out to the State for updated versions if they are not. Mrs. Berlan further stated that Mr. Paul Brown was willing to conduct a RSMS training session and can reconfirm that. Regarding missing roads from the RSMS database, the Town Administrator will provide a list to Mrs. Berlan on July 16th when they meet. The Town Administrator iterated that the program is a challenge but she would be happy to show it to Mrs. Berlan. Final note, Mrs. Berlan is working on setting up a meeting schedule for the Road Committee and will inform the Town Administrator when done.

- C. Joyce Bakshi, Capital Improvement Committee –**
Mrs. Bakshi approached the Board to update them that the Capital Improvement Committee has been working hard and has done a lot of work in a short amount of time. The committee has been putting together an information only report for the Selectmen to review regarding 3, 5, and 10 year plans for Capital Improvements. This information should be good information for the Board to review as it is compiled from working with all the Department Heads.

7. OLD BUSINESS

A. Sale of Foreclosed Property Update -

The Town Administrator looked into the distribution of excess proceeds and read aloud the law's stipulations to the Board. In summary, the Town of Acton doesn't have a refund program as described so any excess proceeds received will go to the appropriate Town accounts.

B. Liaisons - Mary Grant –

The Town Administrator reported that the liaison list has not been published to Department Heads as of yet due to Mary Grant's liaison was not yet assigned. Discussion ensued. Selectmen Kimberly Stacey-Horn was assigned the liaison role for Mary Grant. The Town Administrator will send out notification letter.

8. NEW BUSINESS

A. Appointments -

Selectmen Ed Walsh made a motion to appoint Michelle Rumney as Treasurer pursuant of Title 30A §2602 effective until 6/30/2024; seconded by Selectmen David Winchell Jr. No discussion. All in favor.

Selectmen Ed Walsh made a motion to appoint Jennifer Roux as Town Clerk/Tax Collector pursuant of Title 30A §2602 effective until 6/30/2024; seconded by Selectmen David Winchell Jr. No discussion. All in favor.

Selectmen Ed Walsh made a motion to appoint Victoria Erickson as Health Officer pursuant of Title 30A §2602 effective until 6/30/2022; seconded by Selectmen David Winchell Jr. No discussion. All in favor.

Selectmen Ed Walsh made a motion to appoint James Driscoll as Animal Control Officer pursuant of Title 30A §2602 effective until 6/30/202; seconded by Selectmen David Winchell Jr. No discussion. All in favor.

Selectmen Ed Walsh made a motion to appoint Robert Anderson as Constable pursuant of Title 30A §2602 effective until 6/30/2022; seconded by Selectmen David Winchell Jr. No discussion. All in favor.

Selectmen Ed Walsh made a motion to appoint Jason Sevigny as Local Plumbing Inspector pursuant of Title 30A §2602 effective until 6/30/2022; seconded by Selectmen David Winchell Jr. No discussion. All in favor.

Selectmen Ed Walsh made a motion to appoint Michael Demers as Deputy Local Plumbing Inspector pursuant of Title 30A §2602 effective until 9/30/2021; seconded by Selectmen David Winchell Jr. No discussion. All in favor.

Selectmen Ed Walsh made a motion to appoint Virginia Debeor, Dan Krampetz, Tammy Krampetz, Linda Leck, Barbara Seckar, and Richard Neal as Mary Grant Committee Members pursuant of Title 30A §2602 effective until 6/30/2022; seconded by Selectmen David Winchell Jr. No discussion. All in favor.

Selectmen Ed Walsh made a motion to appoint Rollin Waterhouse, Dennis Long III, Lois Michaud, and Nancy Ruma as Zoning Board of Appeal Members pursuant of Title 30A §2602 effective until 6/30/2022; seconded by Selectmen David Winchell Jr. No discussion. All in favor.

Selectmen Ed Walsh made a motion to appoint Jamie Paquin, Lori Clarke and Tina Burns as Recreation Committee Members pursuant of Title 30A §2602 effective until 6/30/2022; seconded by Selectmen David Winchell Jr. No discussion. All in favor.

Selectmen Ed Walsh made a motion to appoint Steve Parello, Rollin Waterhouse, Gerald Carter, Tracy Levasseur and Lois Michaud as Cemetery Committee Members pursuant of Title 30A §2602 effective until 6/30/2022; seconded by Selectmen David Winchell Jr. No discussion. All in favor.

Selectmen Ed Walsh thanked everyone who agreed to be reappointed or stepped up to fulfill these roles. The Town Administrator reminded those who needed to take their oaths to please stop into the office and do so.

B. Commercial Hauler Application -

Travis Penney submitted their Application for Commercial Hauler's Permit to the Town for renewal. All fees and requirements were met.

Selectmen David Winchell Jr. made a motion to accept the Commercial Hauler Permit for Travis Penney; seconded by Selectmen Ed Walsh. No discussion. All in favor.

C. Mass Gathering Permit -

Zerbini Family Circus submitted a Mass Gathering Permit application for August 15, 2021. All fees and requirements were met; neither the Fire Department nor the Sherriff's Department had any issues with applicant; insurance was provided.

Selectmen Ed Walsh made a motion to sign the Mass Gathering Permit for Zerbini Family Circus's event on August 15, 2021; seconded by Selectmen David Winchell Jr. No discussion. All in favor.

D. Canal Road Contract in Conjunction w/Wakefield

On June 22, 2021, the Town Administrator received a contract from MA Bean for which the Board of Selectmen asked that the Town's attorney review. The Town's Attorney sent back the contract with his recommended changes. These changes were reviewed with Mr. Bean. Mr. Bean took issue. Discussion ensued regarding changes and modifications to the changes. Selectmen David Winchell Jr. indicated he understood Mr. Bean's concerns on the current bridge's liability but a warranty on the new bridge should be in place. It's not expected to be a 100 year warranty, but a timeframe should be set to make sure there are no issues after the work is completed.

Mr. Charlie Edwards approached the Board to join into the discussions. Mr. Edwards indicated everyone was aware that the Bridge was on the registry and red listed; it is deteriorating and that can be seen. Agreement was stated that Mr. Bean should take pictures of deterioration for the record. The Town Administrator asked if the bridge should be closed if deterioration was too much? Response was no. It was not expected that anything would happen in the near future. As for a warranty, the Town of Wakefield does not expect one. Mr. Edwards also indicated that the work was going to start on August 1, 2021. Wakefield was on board 100% but cannot promise that nothing will happen in the interim.

Mr. Edwards continued explain the scope of work and that pictures were taken and that Wakefield will soak up whatever happens with Acton. He concluded asking that if the Board had to make any decisions, they do it quickly so that Mr. Bean could get paid and move on.

Selectmen David Winchell Jr. indicated that a change order process would only help Mr. Bean and that the Board was expecting a warranty statement on the new bridge which is an overlay.

Final discussion outcomes that the Board was expecting were:

- First statement on contract could be scratched.
- There is a need to place a change order statement permitting the Board of Selectmen the opportunity to sign off on the additional work in advance of it being performed.
- Stamped engineering drawings should be presented.
- Warranty statement.
- Required statement should be stated.
- Negligence could be removed.

Mr. Edwards indicated that Wakefield received and will sign their contract but has not as of yet. The Board recommended that Wakefield's contract reflect Acton's changes so that they are identical. Mr. Edwards indicated Wakefield would have issue in doing that and he was sure his Board would sign.

Discussion next proceeded to timeline of project. Once a timeline is nailed down advertising, posting will be arranged. The Town Administrator will provide an abutters list of property owners to be notified of work and closures and the Road Commissioner will order signage.

E. Transfer Station Hourly Rate

The Transfer Station Superintendent noted that his new employee based on 30 days of performance should receive a salary increase of \$1.00 per hour.

Selectmen Ed Walsh made a motion to raise rate from \$14.00 to \$15.00 effective July 5, 2021 for new T/S employee; seconded by Selectmen David Winchell 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 7:38 pm; seconded by Selectmen David Winchell Jr. No discussion. All in favor.

Selectmen David Winchell Jr. made a motion to come out of Executive Session pursuant of 405.6.A.1 personnel matter at 7:59 pm; seconded by Selectmen Ed Walsh. No discussion. All in favor.

9. PUBLIC COMMENT

- Joyce Bakshi approached the Board to notify them that there was an issue with Interactive Maps online and the depiction of the Town line between Acton and Shapleigh. Mrs. Bakshi presented a paper copy of maps and where the town line was depicted; the shift effects 3 to 4 properties. The Town Administrator will notify O'Donnells & Associates to look into it and have Mrs. Bakshi cc'd on their response.
- Bernard Broader III approached the Board to council them that while conducting the Board of Selectmen's meeting, any time the Select Board votes on any issue, there should be an opportunity for the public to comment. Following that, Mr. Broader continued critiquing the Town Meeting and how the vote taking process was handled, especially between recounts and doing a revote. Discussion ensued and Selectmen David Winchell Jr. noted that no matter the process, the outcome of the vote was the same; it failed. The Town Administrator explained that Mr. Nass was an elected Moderator and that the Board has no jurisdiction and cannot trump the Moderator. Mr. Broader pursued discussing semantics and logistics. Outcome was this was a good lesson learned and when Mr. Nass comes into the Town Hall to review the Town Meeting that took place; at that time, these concerns and issues can be addressed. There have been many indications that secret ballot may be the way to proceed in the future. However, voting practices are a good thing to remind the voters.

Mr. Broader III next indicated that he was offended at the Town Meeting by the Moderator who tried to shut down a woman who was speaking. Unfortunately the speaker was not speaking at the pace the Moderator liked, but Mr. Broader indicated he didn't take lightly to anyone's voice being not heard.

The Town Administrator recapped that an inquiry to Maine Municipal has been made regarding to a secret ballot.

10. ANNOUNCEMENTS

- 07/01/2021 - Planning Board Meeting 6:00pm
- 07/01/2021 - Mary Grant Committee Meeting 6:30pm (At Preserve)
- 07/08/2021 - Planning Board Site Walk 6:00pm at Map 251 Lot 008 Sub 001
- 07/12/2021 - Zoning Board of Appeals 5:00pm
- 07/14/2021 - Capital Improvement Committee 4:30pm
- 07/14/2021 - Board of Selectmen 6:00pm
- 07/15/2021 - Planning Board Meeting 6:00pm
- 07/19/2021 - Recreational Committee 5:30pm
- 07/22/2021 - Planning Board Public Hearing Re: Map 251 Lot 008 Sub 001 6:00pm
- 07/28/2021 - Board of Selectmen 6:00pm

11. MEMBERS PRESENT

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

12. ATTENDANCE

Dennis Long, Rollin Waterhouse, Joyce Bakshi, Adam Doliber, Will Langley, Mike Long, Bernard Broader III, Leslie Berlan, Joe Ruma, Charlie Edwards (Wakefield Selectmen), Virginia Doboer and Cheryl Drisko.

A motion was made by Selectmen Ed Walsh to adjourn at 8:01 pm; seconded by Selectmen David Winchell Jr. All in favor.