

SELECTMEN'S MEETING

March 10, 2021

6:00pm

1. CALL MEETING TO ORDER / PLEDGE OF ALLEGIANCE

Selectmen Kimberly Stacey-Horn read aloud an opening statement responding to a concerned citizen's thoughts on the behavior witnessed during last week's Board of Selectmen's meeting. Selectmen Stacey-Horn reinforced that Selectmen and committee members, when taking on these positions, are supposed to uphold a code of ethics, adhere to the oaths that are taken and policies adopted.

Further, Selectmen Stacey-Horn noted that meetings are held to conduct town business and not about personal issues or attacks on one another and under no circumstances should anyone feel attacked or a need to defend themselves. As for the Board of Selectmen's meeting, Selectmen Stacey-Horn will not allow any further attacks on anyone. There is no need for that kind of behavior at any meeting within the Town.

Selectmen Stacey-Horn further commented that Acton was a wonderful Town with wonderful residents. The Town was lucky to have all of the committee members that step forward and volunteer. So moving forward, it will be Town business only when hearing from the public, which we will be listen to respectfully, but if theses unacceptable behaviors continue, there will be a consideration to change the agenda; possibly a removal of the Public Comment.

Selectmen Stacey-Horn thanked all in advance for abiding by the Board of Selectmen's policies and guidelines.

2. TOWN ADMINISTRATOR WEEKLY UPDATE

- **Budget Meeting Recap** – The Town Administer recapped her notes from the budget meeting held on Saturday, March 6, 2021 asking the Board if any item needing attention was missed. This list included items such as: APAT Revenue and department decreases over the next few years, Road Stripping, Recreation Committee requesting that the Ice Rink be added back in at \$1,210 and their revenue numbers not adding up as presented, Stipends positions versus minimum wage (especially relating to the Health Officer) and the Dam Coalition breakdown. The Town Administrator also informed the Board that Warrant & Finance has set up a meeting schedule to include some Department Heads and the Board.
- **Canal Bridge** – Mr. Bean has been scheduled for Wednesday, March 17, 2021 to talk to the Board about Canal Bridge; Wakefield has also been invited to said meeting. Mr. Bean also looked at Rowe Bridge and drafted a detailed project and presentation for the Board. The Town Administrator will reach out to the Road Commissioner (Adam Doliber) and Road Committee to attend said presentation.
- **Request for Board of Selectmen Meeting Agenda to be Posted Prior to Meeting** – The Town Administrator notified the Board that a request was received from a resident in Town to have the Board of Selectmen meeting agendas posted for the public to see prior to said meetings; if the public is informed of what is on the agenda and it is important to them they as residents can attend. The Town Administrator requires direction from the Board as to whether this was something they wanted to do or not. Points to take into consideration are: 1) the Board has the right to add or delete items (change the agenda) as they deem fit; 2) a deadline would need to be set and adhered to; and 3) the Board is not required to post. Discussion ensued. The

Board decided to give it a try and have an agenda ready by end of day on Tuesdays so that it can be posted prior to the Wednesday meetings.

- **Planning Board Public Hearings** – The Planning Board Public Hearing scheduled for March 18, 2021 on the proposed zoning ordinances has been moved to a date to be determined in April via Zoom. Once a date has been selected the Town Administrator will inform the Board.
- **Notice Served** – The Town Administrator informed the Board that a ADB service notice was received regarding a Zoning Board of Appeals decision that was made in February and has been placed into the Town’s Attorneys hands to handle.
- **Treasurer Meeting** – A meeting has been scheduled for Tuesday, March 16, 2021 at 4 pm between the Treasurer, Town Administrator and Board. This will allot time to know what the school is doing with their budget and any final clarifications the Treasurer needs from the Board before a draft Warrant can be provided. If a final decision is made on the Warrant the Town Administrator will then have a draft of the Warrant to present at the Board’s Wednesday, March 17, 2021 meeting.
- **Square Pond Improvement Association** – The Town Administrator informed that Board that the Square Pond Improvement Association reached out to see if the Board would make the Town Hall available for their June and August meetings so that they can place the information on the newsletter they are drafting. The Association indicated their meetings can generate between 25 – 60 members in attendance and they would follow all COVID mandates. Discussion ensued. The Board decided to stick with their “No” decision to these requests until further notice.

3. WARRENTS/BILLS – Signed

4. APPROVAL OF AGENDA

Selectmen Ed Walsh made a motion to approve the agenda; 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 minutes for March 3, 2021; seconded by Selectmen David Winchell Jr. No discussion. All in favor.

6. DEPARTMENT HEAD / COMMITTEE CHAIR UPDATES - None

7. OLD BUSINESS

A. Disability Resolution –

The Board received for review a Disability Resolution last week from Mr. Jeff Donahue who requested that the Board sign in support. Mr. Jeff Donahue who presented said resolution asked to be heard at tonight’s meeting via telephone as he was unable to come before the Board wearing a mask. The Board accommodated this request by the Town Administrator calling Mr. Donahue during this portion of the meeting. Mr. Donahue addressed the Board with his reasons for garnering the Board’s support.

Mr. Donahue announced there was another participant outside the Town Hall with him by the name of Samantha. In Mr. Donahue’s dissertation to the Board, he spoke about his membership in the Beacon for Sovereignty, a coalition of individuals working together to strengthen, restore and protect their communities and the rights of the people of Maine. Mr. Donahue then stressed that

the reason he was speaking from outside was because of the restrictions placed on the State by the Governor of Maine. Mr. Donahue asked the Board to enact the ADA Preservation Resolution he provided to them and his reasoning of why that should occur. Mr. Donahue concluded that he felt that segregation was not a reasonable accommodation and by the Board signing this resolution they would be protecting the rights of all disabled residents in Acton.

Upon conclusion of Mr. Donahue declarations, the Board disagreed with Mr. Donahue regarding his segregation comments as they have made many accommodation options available. Selectmen Ed Walsh was the first from the Board to speak out and tell Mr. Donahue that when he reviewed the resolution, paragraph 6 stated “WHEREAS, the People of Maine believe Governor Janet T. Mills Executive Order 19 FY 20/21 violates the Federal Americans with Disabilities Act.” To him, this indicated that Mr. Donahue and his group needed to be taking up their complaints to the Governor and not the Select Board. Selectmen Ed Walsh further commented that as Board Members, each of them take an oath of office to uphold the laws and statutes of the State of Maine and to sign this resolution, the Board would be going against what they swore to uphold under oath. The Board members further noted that they have done everything within their power to do right and have followed all mandates in place; the Board has even gone as far as approaching their lawyers for legal advice and justification that they are doing absolutely as they should.

Mr. Donahue spoke over the Board as they were speaking inciting that this resolution was written by a Maine State Representative and their lawyers. The Board declared then, that the Representative should be here standing before the Board to defend what he had written. Mr. Donahue not being appeased wanted to know if the Selectmen would resign their office if this resolution was upheld. All Board members stated, No and then strongly commented that they will not need to do that as they are following their oaths as dictated. In the end, the Board was in full agreement not to sign the ADA Preservation Resolution.

Selectmen Ed Walsh made a motion to not sign the Disability Resolution presented for support; seconded by Selectmen David Winchell Jr. No discussion. All in favor.

Due to accommodations in place, the Town Administrator asked Mr. Donahue if he wanted to be contacted during Public Comment. His response was, “No”.

B Mooring -

The Board had asked the Town Administrator to reach out to the Code Enforcement Officer to see if he had any prior experience when dealing with moorings; he did not. The Board’s discussion led to the fact that interest in this topic has been minimal and will not be pursued by the Board. If it is important to the residents, they are welcome to come forth with a petition.

C. Warrant and Finance Information Policy -

The Town Administrator as requested by the Board reworked the last paragraph of the proposed Warrant and Finance Information policy. This was read aloud. The Board agreed that the policy was clear and concise. The Town Administrator noted that the Warrant & Finance Chair asked that the Board attend the meeting on March 22, 2021 to explain this policy to the Committee Members so that it was coming directly from the Board and not him.

Selectmen David Winchell Jr. made a motion to adopt the Warrant and Finance Request for Internal Information policy; seconded by Selectmen Ed Walsh. No discussion. All in favor.

8. NEW BUSINESS

A. Gil Fecteau – Marijuana –

Mr. Gil Fecteau stood before the Board and conducted a presentation on Medical and Adult Use of Marijuana. The purpose of the presentation was to inform the Town of Acton of new legislation proposed and the affects of said legislation to the Town. Mr. Fecteau felt a need for the Town to be informed, proactive and prepared for what was coming with respect to developing an ordinance to protect the Town and the decisions needed on what restriction measures or controls were necessary to compliment said choice. The Town Administrator reminded the Board that there was a Marijuana Committee which could be revived to review the need for an ordinance; the Town Administrator indicated that she could contact said Committee to see if members were interested; the Board agreed. Mr. Fecteau indicated he would like to join said Committee. The Board thanked Mr. Fecteau for his presentation.

B. APAT Purchase -

Mr. Mike Corey presented to the Board two quotes he received for the purchase of specialized equipment to upgrade the video system:

- Televue’s quote was \$10,709 and did not include the 5 year support plan at \$2,000 per year (\$10,000) or the cost of an additional module needed to place slides on APAT;
- Leightonix’s quote was \$11,116 and software support was included. Mr. Corey also noted this was the same company whom provided the system which is currently in place and worked well.

Note - \$11,120 was approved last year for the purchase of this equipment, so funds are available. With that being said, the APAT Director recommends using Leightonix at \$11,116 to purchase new equipment.

Selectmen Ed Walsh made a motion based on APAT Director’s recommendation to accept Leightonix’s quote to purchase new APAT equipment at \$11,116; seconded by Selectmen David Winchell Jr. No discussion. All in favor.

C. Draft Warrant/ Public Hearing Date -

The Town Administrator updated the Board that the petition which was presented in 2020 was not heard at a Special Town Meeting and according to 2522 of Maine Statues it must go on the next Warrant. That being said, the next Warrant is the School’s Warrant to be voted on tentatively April 27, 2021 with the Board’s approval. A public hearing would need to be scheduled on April 12, 2021; the public hearing will be conducted by Zoom. The public hearing will be advertised according to protocol.

D. April 27, 2021 Order –

The Town Administrator presented an order for the April 27, 2021 election to include all School articles and petition articles.

Selectmen David Winchell Jr. made a motion to sign the Referendum Vote order; seconded by Selectmen Ed Walsh. No discussion. All in favor.

E. Liquor License - Public Hearing -

The Iron Tails Liquor license expires May 1, 2021. The Board would need to conduct a public hearing for the license renewal. It was recommended to hold said hearing on April 8, 2021 at 6:30 pm via Zoom. The Board agreed. The Town Administrator will schedule and advertise.

F. Warrant / Finance Request -

As reviewed by the Town Administrator in her weekly update, a Warrant and Finance Committee member sent a list of questions requesting more information. It was unclear why some of the items on the list needed a response in relation to the budget recommendations especially since the committee hasn't seen the Warrant yet. Questions included statutory reserve needs and acceptance of 7th Street. Discussion ensued.

Selectmen David Winchell Jr. stressed that anything that was not a Warrant & Finance budget related questions should be presented at a Board of Selectmen's meeting.

One question that did come to light during discussions was who is guaranteeing the quality of the work done on Canal Bridge since this is a shared project currently being considered for appropriations. The Town Administrator will ask Mr. Bean.

9. PUBLIC COMMENT –

- Richard Nass, former Chair of the Marijuana Committee approached the Board and stated that he did not understand Mr. Fecteau's purpose in making a presentation. He indicated what was presented were all part of an ongoing legislative process and has not yet gone through the courts. Mr. Nass continued that he would be happy to serve again on the Marijuana Committee but recommended the Board wait until the Town's legislative body approves and moves forward. The question of who is going to enforce again is a valid question however, Mr. Nass again recommends the Board waits until needed.
- Joyce Bakshi approached the Board to comment that marijuana use is still a federal crime that over rules state law and penalties can range from a slap on the wrist to \$1,000 or jail time.

On a different subject, Mrs. Bakshi commented that moorings had come up on different occasions to the Planning Board and the answer was simple, if someone put a mooring up in front of a house that did not belong to them, the only way to get to said mooring is by trespassing. Trespassing is illegal.

The Board noted that there was a discussion regarding a right of way attached to the current mooring situation.

- Mike Long approached the Board to ask for an update on a motion made on February 17, 2021 which he questioned regarding electrical inspections. Selectmen Ed Walsh indicated the motion was reviewed and correctly stated in reference to single family dwellings. Mr. Long rebutted that there was a misunderstanding and it was not single family that was in question but the use of the word electrical in the motion. Selectmen Ed Walsh indicated that he saw no issue with the motion but would clarify by making another motion to add the word electrical to the February 17, 2021 motion.

Selectmen Ed Walsh made a motion to add the word electrical to the February 17, 2021 motion; seconded by Selectmen David Winchell Jr. No discussion. All in favor.

10. ANNOUNCEMENTS

03/11	W/F - (AT SCHOOL)	5:00pm
03/12	Recreational Committee Meeting	5:30pm
03/17	Capital Improvement Committee	4:00pm
03/17	Board of Selectmen	6:00pm
03/18	Planning Board	6:00pm
03/22	Warrant and Finance Committee	6:00pm*
03/24	Board of Selectmen	6:00pm
03/27	Mary Grant	11:00am
03/29	Warrant and Finance Committee	6:00pm
03/31	Board of Selectmen	6:00pm

* The Board of Selectmen were invited to attend.

11. MEMBERS PRESENT

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

12. ATTENDANCE

Gil Fecteau, Richard Nass, Joseph Ruma, William Langley, Dennis Long, Mike Long, Joyce Bakshi, Robin Ham, Michael Corey, Kaitlain Long and Cheryl Drisko.

Selectmen Ed Walsh made a motion to adjourn at 7:37 pm; seconded by Selectmen David Winchell Jr. No discussion. All in favor.