

TOWN OF ACTON BOARD OF SELECTMEN'S MEETING

March 24, 2021 - 6:00pm

1. CALL MEETING TO ORDER / PLEDGE OF ALLEGIANCE
2. TOWN ADMINISTRATOR WEEKLY UPDATE

- **Marijuana Committee** - There will be a Marijuana Committee meeting on April 6, 2021 at 6 pm. The Town Administrator reported that she had no appointments for the Board as she felt it would be a good idea for the committee members to meet and individual decide they wanted to continue.
- **Transfer Station** – The Transfer Station Superintendant brought to the Town Administrator that they are having issues with another individual who will not wear a mask. The Town Administrator asked for the Board's support to handle this new individual in the same manner as the previous issue was handled. The Board agreed. The Sherriff will be contacted.
- **Recreation Committee Openings** – The School's advertisement of Recreation Department openings brought forth 3 new interested individuals. The Committee has met and elected a chair, discussed retaining the Director position and agreed on a proposed budget for the Board to review. The budget will also be sent to Warrant & Finance. Discussion ensued regarding the Rec Director.

Selectmen David Winchell Jr. shared his thoughts on the Rec Director being as past history dictates a middleman and one that was delegated all the work and \$2,000 is not enough money for this type of position. With new individuals coming in, a full committee, an elected chair, there are hopes each will have their strong points and all will give to the committee equally. The Board would like to see the Rec Director position eliminated; removal of this position will bring budget down to \$15,000.

The Town Administrator also related that the Rec Committee asked if people could register online, pay online with credit cards and or Vemmo. The Treasurer responded no due to security, and recommended the Board support continual payment of checks taken at the Clerk's Window.

- **Milton Mills Bridge** – The Town Administrator responded with the liaison regarding inquiries on the Milton Mills Bridge. Selectmen David Winchell Jr. led discussion and gave an update on the Milton Mills Bridge; there are large holes on the bridge surface which need to be addressed. This is a State Road and the Town of Acton has no authority unless the road is closed by the Fire Chief due to an emergency. Road Commissioner, District 2 Adam Doliber indicated that Milton did fill breaches with sand. Selectmen David Winchell Jr. continued stating that Scarborough should be contacted to do an evaluation. The Town Administrator will try to leave another message and the Road Commissioner will step in if the Town Administrator is unsuccessful.

Discussions turned to French Street not being permanently posted. The placement of posting was discussed as is road was placed at a tough angle for trucks to turn if they needed to and presented a road hazard. It would be in Acton's best interest (like on Hopper Road) to post as Passenger Cars only. If the State decided to barricade, French Street becomes the alternative and the Town does not want that. It would be best to close to trucks ahead of time. Discussion ensued regarding putting pressure on the State because the road won't last long with any significant weight. Best scenario according to the Road Commissioner, District 2 was a "Passenger Vehicles Only" sign and speak with Milton for support to notify that French Street is closed to Passenger Vehicles Only – No trucks. North Berwick (summer)/Alfred (winter) will need to be reached out to actually place the signage and create alternate routes. The District 2 Road Commissioner will meet with the Town Administrator on Friday to sort it out.

- **Absentee Ballots** – The Town Administrator announced that Absentee Ballots for the 4/27/21 Election will be ready on Friday, March 26, 2021.
- **Petition Review** – The Town Administrator reviewed the following with regards to the petition on the 4/27/2021 Elections. The Maine State law allows anyone to create a petition. The Town Administrator supplies the petitioner with a MMA chapter as reference guide on the basic requirements of submitting a petition. The petitioner can submit the petition under two different methods: §2522 – Vote on in open Town meeting or §2528 – Vote on by secret ballot; call election in 60 days or put on the next warrant.

The steps in the process are: petition comes in; signatures are certified; petition is sent to legal for review (must meet legal requirements); and since this petition was submitted under §2522, it must go on the next warrant.

To recap, the Board initially decided in August 2020 for an open Town meeting; the petitioner asked for secret ballot; and the next warrant is secret ballot on April 27, 2021. That is just how it worked out.

The petitioner asked why there was a need for a public hearing on this petition. Title 30 M.R.S.A. stipulates that the municipal officers hold a public hearing on the subject of an article to be voted upon by secret ballot referendum I(except candidate election). So, by law there must be a public hearing; the petitioner is welcome to be present to explain his/her petition.

The Town Administrator reading aloud the ordinance section explained that policies can be changed; however, the W&F Ordinance can not unless it is voted upon by the residents of the Town. If anyone has any questions, all they need to do is come in and see the laws. To date, everything has been in compliance and done according to the law.

Selectmen David Winchell Jr. explained these are done to provide transparency and thanked the Town Administrator for the clarity.

- **Code Officer Training via Zoom with the Planning Board** – The Code Officer initiated an inquiry regarding the Planning Board receiving training; there was only 3 out of 7 members interested. The Board would like to see all the members participate but was something they could encourage but not enforce. Discussion ensued. Final comment was this would be beneficial for all, even those who have sat on the committee for a long time as things do change. The Board is willing to help in any way possible.
- **Questions for Budget Analysis** – The Town Administrator informed the Board that she had received an inquiry for the following information to be put on a memory stick which was provided:
 - Expense summaries for 2017, 2018, 2019 in “digital CSV format;
 - A copy of the insurance policy listing participants in the Town’s health plan;
 - Analysis of indirect costs for Library, heat, electricity, insurance, and building maintenance, also asking does the library non-profit, purchase their own office supplies, equipment and internet.

The Town Administrator indicated that no memory stick would be permitted as it is the Town’s policy to not place outside media into the computer systems. Also the Treasurer indicated that according to the law, it can be said how many are on the health plan put not who and the benefits they receive. A CSV formatted document is only good for the individual requesting the information, any committee (lay) person will not be able to read or understand.

- **Insurance Request on Bridges** – The Town Administrator received a form to complete from Insurance listing out the Balch Dam, Canal Bridge, and Rowe Bridge. There were parts of the form that the Town needed to complete that the Town Administrator needed guidance. Selectmen David

Winchell stated the bridge report should be able to answer all the questions. If needed he can walk the Town Administrator through it.

3. WARRANTS/BILLS – Signed

4. APPROVAL OF AGENDA

Selectmen Ed Walsh made a motion to approve the agenda; seconded by Selectmen David Winchell Jr. All in favor.

5. MINUTES OF LAST MEETING

Selectmen David Winchell Jr. made a motion to approve the minutes of March 17, 2021; seconded by Selectmen Ed Walsh. All in favor.

6. DEPARTMENT HEAD / COMMITTEE CHAIR UPDATES – None

7. OLD BUSINESS

A. **Canal Bridge / Letter of Intent**

The Town Administrator noted since the last meeting, M.A. Bean Associates, LLC sent a new scope of work breakdown and added six (6) new items to take care of all the excavation work to the quote; which also increased the price slightly. Final quote: \$217,000 (half of which will be paid by Wakefield; Acton's total would be \$108,500).

Selectmen Ed Walsh noted he met with Mr. Bean on a different situation but had mentioned the \$30,000 which probably prompted this upgrade. The new scope clarifies and straightens out the bridge with a 40' span, gives it more height which inadvertently keeps it even further away from the original bridge. It is more work for a little bit more money.

The new quote will be sent to W&F and Road Committee for review. The warrant article is at \$125,000 and the Board thought it best to keep it at \$125,000; any overage can be put back into the bridge reserve account. The Board noted the warrant will need to be changed to reflect this condition of overages going back to the bridge reserve account.

Both Selectmen Ed Walsh and Selectmen David Winchell Jr. commented on Mr. Bean's prospective work on the transition and the advantages to sticking with the original planned amount with any extra money not used being returned to the bridge reserve account.

The Town Administrator read aloud the drafted Letter of Intent that Mr. Bean requested citing the Town of Acton's intent to move forward on the Canal Bridge project and it's contingent on the passing of the warrant article funding at the Annual Town meeting on June 19, 2021. If that article passes and the Town of Wakefield, NH also funds their portion as scheduled, the Town of Acton will award the Canal Bridge project to M.A. Bean Associates, LLC. However, if the article fails or the Town of Wakefield pulls out, the Town of Acton would be under no obligation to continue the Canal Bridge project. There will be a mutually acceptable written contract written up for the work.

Selectmen Ed Walsh made a motion to sign Letter of Intent with M.A. Bean Associates, LLC; Selectmen David Winchell Jr. seconded. No discussion. All in favor. Letter signed.

B. **Alternate Planning Board Member Appointment**

The Town Administrator updated the Board that one of the candidates presented for appointment last week had withdrawn their intent; new information came in regarding second candidate and a third candidate stepped forward with interest. Names were again presented to the Board for consideration. The Town Administrator that this position would only be in effect until June 30, 2021.

Selectmen Ed Walsh made a motion to appoint Michael Demers as Alternate Planning Board Member until 6/30/2021; seconded by Selectmen David Winchell Jr. No discussion. All in favor.

C. Abuse and Molestation Prevention Policy

The Town Administrator presented an Abuse and Molestation Prevention policy for the Board to adopt, clarifying for Selectmen Winchell a point on organizational (not personal) sleepovers as being not permitted.

Selectmen David Winchell made a motion to adopt the Abuse and Molestation Prevention policy; seconded by Selectmen Ed Walsh. No discussion. All in favor.

D. Warrant and Finance Request Policy

The Town Administrator informed the Board that she had received recommended changes from the W&F Committee with regards to the Board's policy on Warrant and Finance Requests. These recommendations included: consideration of mailing costs, preference of hard copies to be asked at the beginning of the individual's term to the Chair, and the availability of copies for pick up in the Committee's box at the Town Hall. The Town Administrator explained the logistic difficulty in complying with these recommendations. What is currently in place works; mailed copies go out by the end of each week unless time sensitive; mailing costs are minor.

The Board discussed Warrant & Finance's recommendations and decided to leave the policy as written. This process will be reviewed in 1 year.

8. NEW BUSINESS

A. 04/27/2021 Warrant

The Town Administrator noted that the Board was waiting on a Warrant & Finance recommendation on Article 2 which they made Monday. The Warrant & Finance recommends a No Vote (5 – 1). The Board can now sign the warrant; it can be posted tomorrow.

Selectmen Ed Walsh made a motion to sign the local Town Warrant; seconded by Selectmen David Winchell Jr. No discussion. All in favor.

B. 21-22 Draft Warrant

The Town Administrator read aloud each article for the Board. The Town Administrator further noted that the warrant was sent to Paul LaPointe to review.

Articles reviewed and read out were:

- Articles 4 and 4 A – There was probably a lot more information in there than we needed referencing COVID and term expiration dates. At some point the Selectmen, Warrant & Finance and the Voter's need to consider reviewing the W&F ordinance. It is extremely difficult on the Clerk's end to maintain; when it comes to those that get elected, these are difficult to track as alternates shift when there are resignations and people move around, expire and take different positions. This occurs with Planning Board as well. Sending the warrant article to Paul LaPointe to review. The Road Committee will be in the same situation with COVID
- As far as Zoning – that is all copied from the Planning Board
- Articles 8 and 9 are all housekeeping articles.
- Article 21 is General Government

- Article 22 is revenues from Federal Government. The Treasurer tried to put some of the new Articles near General Government and to know that Goat Hill is not in here because it is already budgeted into General Government since the last year.
- Article 23 is new as \$130,000 for the reevaluation fund
- Article 24 is the \$50,000 for the exterior repairs to the site including development to siding. The Town Administrator did reach out to contractor to ask him to come take a look so that better numbers can be provided. He has not been seen yet, so if there is anyone who does siding and interested in quoting, please see the Town Administrator.
- Article 25 is the installation of the HVAC system; \$25,000.
- Article 26 is the Sand & Salt loan, we are paying that off.
- Article 27- 31, the volunteer, Road Commissioner, Fire Department, same 31 and 32. Selectmen Ed Walsh asked if there were any changes needed to be made to the Road Commissioner article with the wage for the trucks and such? Town Administrator: That was all done last year. Selectmen David Winchell indicated he did not think there were any changes to any of the wages at all.
- Article 36, this is one of the new ones, \$100,000 for the bridge/culvert reserve account.

The Town Administrator explained that she was missing it as she wanted to make sure the \$125,000 excess was incorporated.

Selectmen David Winchell asked for clarification of a number change due to Goat Hill; the Town Administrator indicated nothing was changed and that this was the original number from the Treasurer.

Discussion ensued.

The Town Administrator will adjust write up but to recap the new items where the double reevaluation, Bridge Reserve account and to modify unexpended funds to bridge/culvert reserves. The Town Administrator will also revisit notes (Selectmen David Winchell Jr. questioned \$100,000 versus \$40,000; when all is said and done the expect amount is around \$460,000. Selectmen Ed Walsh brought up Article 35 – this is where the excess revenue needs stated to go back to bridge/culvert reserve account. The Town Administrator will contact the Board tomorrow on findings; the goal is to have the warrant to Warrant & finance by their meeting on Monday. The Town Administrator gave instruction to the W&F Committee that there may be a few Articles highlight to hold off on reviewing until final number are received.

C. Donahue - Freedom of Information

The Town Administrator informed the Board that Mr. Donahue put in another Freedom of Information request for Town purchase of road salt for the years 2019 – 2020 and 2020 – 2021, including cost per ton, total cost and tonnage purchased.

D. Fire Department Forestry Equipment Grant

The Town Administrator informed the Board that the Fire Department was awarded a Forestry Equipment Grant for \$1,692.

Selectmen Ed Walsh made a motion to accept Forestry grant for \$1,692; seconded by Selectmen David Winchell Jr. No discussion. All in favor. Signed.

E. Recreational Committee Appointments

The Town Administrator informed the Board that Tina Burns, Jaime Paquin and Emily Elmore all stepped forward to be appointed as Recreation Committee members; all bring special qualities and interests to the committee. Selectmen Ed Walsh read aloud appointments.

Selectmen Ed Walsh made a motion to appoint Tina Burns, Jamie Paquin, and Emily Elmore as Recreation Committee Members until 6/30/2021; seconded by Selectmen David Winchell Jr. No discussion. All in favor.

The Board stated it was great to have new members. Thank you for stepping forward.

9. PUBLIC COMMENT – None

10. ANNOUNCEMENTS – Town Administrator read aloud
(Subject to Change W/O Notice - visit www.actonmaine.org for official postings)

03/24	Board of Selectmen	6:00pm
03/27	Mary Grant	11:00am
03/29	Warrant and Finance	6:00pm
03/31	Board of Selectmen	6:00pm
04/01	Planning Board Meeting & Iron Tails Conditional Use Public Hearing/Zoom	6:00pm
04/05	Warrant and Finance	6:00pm
04/06	Marijuana Committee	6:00pm
04/07	Board of Selectmen	6:00pm
04/08	Iron Tails Liquor Renewal Public Hearing / Zoom	6:30pm
04/12	Public Hearing for 04/27 Election	6:00pm
04/13	ZBA	5:00pm
04/14	Board of Selectmen	6:00pm
04/15	Planning Board Meeting & Proposed Zoning Ordinances Public Hearing / Zoom	6:00pm
04/16	Recreational Committee	5:30pm
04/21	Board of Selectmen	6:00pm
04/28	Board of Selectmen	6:00pm

11. MEMBERS PRESENT

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

12. ATTENDANCE

Dennis Long, Denny Long, Joseph Ruma, Adam Doliber, Will Langley, Rollin Waterhouse, Joyce Bakshi, Robin Ham, Kaitlan Long and Cheryl Drisko.

Selectmen Ed Walsh made a motion to adjourn at 7:06 pm; Selectmen David Winchell Jr. seconded. All in favor.