

SELECTMEN'S MEETING

May 7, 2019

5:00pm

1. APPROVAL OF AGENDA:

Selectmen Elise Miller made a motion to approve the agenda; seconded by Selectmen Kimberly Stacey-Horn. No discussion. All in favor. Approved.

2. MINUTES OF LAST MEETING:

Selectmen Elise Miller made a motion to approve the minutes of April 23, 2019 and April 30, 2019; seconded by Selectmen Kimberly Stacey-Horn. No discussion.

3. DEPARTMENT HEAD / COMMITTEE CHAIR UPDATES:

A. Planning Board

Joyce Bakshi, Planning Board Chairman, approached the Board to present an update since reporting to the Board on March 12, 2019. The Planning Board Members addressed the following issues:

- A second modification to a site Plan review application to establish a Warehouse/Boat Storage Dock shown on Rt 109. Two site visits were conducted and the Board has accepted the application and a Public Hearing has been scheduled.
- A Preliminary Report from Southern Maine Planning and Development Commission regarding a proposed 29-lot Subdivision on Young Ridge Road has come in and the Planning Board is waiting to have discussions with them regarding their conclusions. This is needed because a Conceptual Plan outlining a proposed Not-for-profit, No-kill Rescue Facility on Route 109 that would shelter a maximum of 50 dogs at one time has been given to the Planning Board. This proposed plan includes establishing a Mini-Golf and an Ice Cream Shop to generate revenue for said establishment.
- A Conceptual Plan outlining a proposed event facility on Hopper Road that would offer housing to host large events including: Weddings, Corporate Functions, Farm-to-Table Dinners and some minimal lodging has come before the Planning Board again.
- A Conditional Use Permit application to establish a Home Daycare Operation on Milton Mills Road was submitted. A site visit was conducted and the application was accepted. A Public Hearing has been scheduled. The Planning Board has requested copies of the application submitted to the State.
- An Extractive Use Permit on 11th Street was submitted. Two site visits were conducted. Graded/regrading and revegetation plans were submitted and approved. A Public Hearing has been scheduled.
- Modification on an existing approved Conditional Use Permit allowing the hosting of outdoor events was submitted. The property owner is requesting to convert an existing barn into a place to host small indoor events. A site visit has taken place.
- Best Practical Location Permit to renovate more than 50% of assessed value of a structure on Martha Horn Road was approved.
- At the Planning Board Workshops, definitions within the Subdivision Regulations have been and are being reviewed. (As a side note, the Planning Board finds that definitions can lead to a plethora of problems.) Ongoing Workshops are scheduled on alternate Wednesdays to review the Town's Subdivisions Zoning Ordinance and Comprehensive Plan. The public is invited and encouraged to attend.
- In order to ensure that the Planning Board's review of the Site Planned Reviews, Conditional Use Permits, Subdivision Applications and Good Neighbor Applications are through and consistent,

Planning Board Members are working with the Building Department Staff to develop a Comprehensive Checklist.

As a reminder, the Planning Board Meetings are held on the first and third Thursday of each month at 7 pm in the Planning Board Meeting Room. Again the public is encouraged to attend any and all of these meetings.

Mrs. Bakshi then asked Mr. Gavin Mahoney, Planning Board Member to approach the Board with the question the Planning Board had for the Select Board.

Mr. Mahoney approached the Board. Mr. Mahoney asked the Board if the name of the meeting room where the Planning Board conducted all of their meetings could be named after Thomas A. Cashin and if so, could some funds be appropriated to put up a small plaque on a wooden background declaring this.

Mr. Mahoney apologized to the Board that he wanted to have some sort of number on the cost of said plaque but did not. However, he asked the Board to still consider letting this happen and possibly an estimate could be provided by one of the Planning Board Members if necessary.

Mrs. Joyce Bakshi stepped forward and stated that the Planning Board agreed they would be happy to cover the cost from their pockets. Mr. Thomas Cashin is such a valuable member of the Planning Board and this was their way of making tribute to him. The Planning Board wanted Mr. Cashin to come back and stay with them and thought Mr. Mahoney's idea was great.

The Board liked the idea and will place this request under discussion for next week.

4. OLD BUSINESS:

A. E911 Addressing Operator

The Town Administrator had nothing new to report.

B. 7th Street

The Town Administrator received from Mr. Cote the letter from Engineering that was needed. The Town Administrator spoke to the prior Road Commissioner that covered 7th Street and did all the inspections required; he certainly gives it the go ahead. Mrs. Roux further commented that she knew the current Road Commissioner also met with Mr. Cote during the winter months, but did not have occasion to speak with him about the street. To her, it looked like, assuming the Road Committee passed the change, 7th Street could be placed on the Warrant.

C. Road Commissioner and Road Committee Ordinances

The Town Administrator presented the Road Committee Ordinance to the Board for review commenting that the Road Committee would be meeting after the Select Board meeting to make their final changes. The Town Administrator included a copy to Mrs. Leslie Berlan for the Road Committees use when she handed out the Board copies.

Since the last Public Hearing, the only change made was regarding a Road Committee concern that the current members that were previously elected to the Road Committee, it was going to dissolve and start over. The Town Administrator informed the Board that she reached out to the Town's Legal Department and asked for the best way to handle.

Legal responded it could be argued either way and that it was really the Board's decision. With the Board exhibiting no concerns for having the changes left in the Ordinance, the only paragraph that has changed is the organizational structure and meeting,

Selectman Miller read the paragraph out for all to hear the changes and flow. Mrs. Leslie Berlan approached the Board after the reading to mention there was a small conflict. A portion of the statement was not pulled out of the paragraph that should have been. Mrs. Berlan suggested the statement, “three shall serve for a 3-year period and two shall serve for a 2-year period.” It was decided to remove the whole line stating, “five members elected at Annual Town Meeting, three of which...” Then the next line will be moved up to make state cohesive. The Town Administrator recapped it to read, “The committee will be formed of 7 members, 5 members will be elected at the Annual Town Meeting, all of which will be 3 year terms. The other 2 ... (This sentence will be moved up)” Mrs. Roux further commented that this is intentionally being staggered. The Road Committee will review at their meeting.

The Road Commissioner Ordinance:

The Town Administrator presented the proposed revisions from the Attorney. Email from the Attorney stated that the changes capture the provisions from State Law so that they are all in one place. Changes listed were:

- Paragraph 3 and 11: amended paragraph to better conform with the State Statute.
- Paragraphs 20 – 23: to simplify and conform with the statutory provision.
- Paragraph 24: added a catch-all to incorporate all statutory sections that apply to Road Commissioners and Town maintenance of Town Ways.

The Town Administrator recommended the Board take this document home, look it over and in the next day or two make comment. Mrs. Roux also passed a copy to the Road Committee for them to review. The Public Hearing is not until Monday, so on Monday there can be discussions on any issues that surface with the Attorney's recommendation and by Tuesday, the Board will have to vote to move them forward. Mrs. Roux further commented that as she understood it, the Attorney was just adding the proper statutes in. Mrs. Roux will forward the email to the Board to cross-reference it. Mrs. Roux will also attempt to get a red-line version of changes.

Upon quick review, Mrs. Roux indicated she saw other changes in sections 3 and 4; Selectmen Kimberly Stacey-Horn spoke and indicated there was also a change on the driveways section (number 21) which was good. (The Ordinance previous stated that if the driveways was approved, the Road Commissioner had to do it.) Selectmen Stacey-Horn was pleased that the Attorney pulled it out.

Mrs. Roux further iterated that she, personally, had not made any changes.

D. Paving Bid

The Town Administrator informed the Board that both Road Commissioners have reviewed the Paving Bids. Mr. Langley indicated at last week's Board meeting that the bid was good to go as presented. Mr. Letourneau gave the Town Administrator the same ok, but then Mrs. Roux received an email from Mr. Langley saying to add in a list of additional items. Mrs. Roux made a copy with these new items for the Board to review and also sent the changes to Mr. Letourneau to review. Hopefully all can be incorporated and the bid will go out soon.

Selectmen Walsh asked, “Would we be better off just getting bids per road, instead of bidding on a whole year's worth of work. Selectmen indicated, if we know we have a road, say “XYZ Road” from point to

point, why not get 3 companies to bid that?" The Town Administrator asked, "Do you know what roads on both sides are going to be paved? Even with an election pending?" Selectmen Walsh said, "No, the Road Commissioners would have to tell us what ones they want to pave." The Town Administrator did not know if there was anything that could be done until after the election. Selectmen Walsh agreed. He commented that there would be money sitting to do paving but rather than trying to get a big, elaborate bid which the Town may or not use nine-tenths of it, it may just be easier to do it by road or project. The Town Administrator will reach to both Road Commissioners tomorrow (it will be tough with Mr. Langley but the Town Administrator would also include the new candidates).

Selectmen Walsh continued some of the projects to be considered would be New Bridge Road and East Shore; both are needing immediate attention. These projects do sit on the side to be elected but the Town knows they need attention and the Board can encourage projects to be undertaken. There are others to be done but with the money the Town has, not all may be done.

Selectmen Walsh wanted to bring it to the Board so all could discuss. Selectmen Miller agreed that was why all should sit down together, treat the Town as one District and divvy it up.

During discussions, Selectmen Walsh asked, "How would it work if the Town voted to approve money as \$92,000 on one side and \$90,000 on the other but we want to move money from one side to the other, is that possible?" The Town Administrator responded that she would have to look at how the Warrant Article was written. Was there a particular Article the Board was looking at? Selectmen Miller asked if the Districts were defined? The Town Administrator looked at the Warrant regarding Paving. Article 33 was to raise and appropriate funds for District One. Article 34 was to raise and appropriate funds for District 2. Monies could not be moved from one side to the other. The Warrant Article would have to be changed.

Selectmen Miller stated, "We would have to change it anyways. Why don't we take the paving out and make it one line? Further discussions will ensue when the Warrant Article is discussed.

E. Warrant Updates

The Town Administrator updated the Board that one of the changes Code Enforcement brought before the Board last week had already been made the year before, it was just the office had not updated it in their copies. So it has been removed. The others, i.e., the change in amount of Mineral Extraction, could wait.

The Town Administrator moved on to update the Board regarding the Warrant & Finance recommendations:

- Tabled 5 & 6 - W&F wanted to hear the Public Hearing response.
- The gym needs to be discussed and will be put on next's week agenda. The Board needs to figure out what should be done July 1. The Town Administrator is going to run some scenarios for the Board to review and discuss. Scenarios would reflect current population use of the gym and increase needed to support the gym expenses.
- Road Article -
 - Voted on 22.
 - Voted on 23.
 - Article 33 and 34:
 - Article 33 – Motion came to approved Article as written.
 - Article 34 - W&F decided to put a statement in the Article indicating a need for a line item budget for District 2 before the funds being released. After conversation, it was realized that Article 33 also did not have a line item budget.

Discussions ensued. Consensus was that the Board of Selectmen reword those Articles to incorporate something about a project list of some extent.

Selectmen Miller agreed that it made sense with District 1 being elected in mid-June that the new Road Commissioners may have a different project list than the Interim Road Commissioners are coming up with. With that being said, the Town Administrator asked for direction on what kind of wordage did the Board want to include in the Articles. Response from Selectmen Miller was, something to the extent where it is not appropriated until after a project list with a line-item budget per project is produced and presented to the Selectmen.

The Town Administrator will add to both Articles. Wordage was discussed and decided upon: “said funds will be dispersed after a project list including line-item budget and has been presented to the Board of Selectmen.”

Next, Selectmen Miller asked if this was where the Board would want to combine the surfacing. The Town Administrator asked if the Board wanted to make the Road Surfacing and Reconstruction a shared account? Selectmen Walsh said it would have to be if they were going to be able to use the money between the two districts. Selectmen Miller agreed, she did not feel like the two districts were created equally in needing pavement or resurfacing. Selectmen Kimberly Stacey-Horn asked, “Who is going to monitor this?” Selectmen Miller's thoughts were the Road Committee, Selectmen and Road Commissioners using the RSMS System; a collaborative decision.

Discussion ensued on District 1 and District 2 designations and where to place these changes and how to word them. Mr. Dennis Long approached the Board to answer questions which arose during discussions. A review of Town minutes will be conducted. Road Commissioner input will be required. It was recommended to not make changes for 1 year. Initial changes will be made and reviewed by W&F.

F. Road Ordinance

- Section 2A (Page 17) was the major change made by the Attorney Lenkowski in regards to the 34-foot right of way in the Warrant. This was made to assist 7th Street as well as many of the other roads in Town.
- Sections A through K will be changed to be changed from numbers to letters (clarity)
- Page 18 - “Procedure for the creation of roads.” The Town Administrator reported to the Board that this is where there is a difference of opinions on what this means. Mrs. Roux offered a change to see if it was of interest to the Board to do or whether it was already clear.
 - In dealing with 7th Street, the question keeps coming up as to whether or not 3A and 3B pertain to somebody wanting to be a Class B Road; going back to Class B Road it clearly states, “private roads which are not subject to general provision maybe defined, reconstructed and become a Class B Road.
 - One Attorney believes that everything listed from 2 down to K, that is all 7th Street needs to do to become a Class B.
 - The other Attorney, believes this does say procedure for creation of a road, you're creating a Town Road, although it is kind of already there but, no arguments. However, where B says the Road Commissioners and Engineer shall inspect, one Attorney and prior Road Commissioners believe that the Board should add the word

“new” in on number 3. This will make it read, “Procedure for the creation of a new road...” This relieves interpretation if A and B and pertains to any of these Class A, B or C Roads.

The Board will need to think upon this. The other piece to be considered is under 3B. The suggested change if you read it now, it states, the Road Commissioners (plural) and an Engineer shall inspect the road. Some believe this should only be 1 Road Commissioner and the other Road Commissioner has no say on the side that is not his.

The Road Committee and Board can review these two changes, discuss and decide before the Public Hearing Monday so that the final documents can be made.

Cindy Hart approached the Board. With all the controversy over the Road Ordinance and the number of roads that have wanted to apply, Mrs. Hart had hoped that the Town could take a little time to let other roads be on the list for this warrant. The Board is talking about changing the Road Ordinance for one road. Buzzel has been waiting for a very long time. Mrs. Hart is totally in favor of 7th Street but thinks Buzzel should come back into the picture too.

Selectmen Miller commented that the Board will let come before them and make their own request. Mrs. Hart exclaimed they had been to the Board quite a bit. The Town Administrator stated that Buzzel never turned in a petition as stated in class B with all those listing out like 7th Street did. If you look at the class B Road Listing, the Board doesn't have anything pending like that from Buzzel Road. Mrs. Hart further asked, “If something does come up for you, will you consider it at the same time, right?” The Town Administrator and Board responded unanimously, that there was no time on this year's Warrant. Those roads can turn the paperwork in and then the Board will look at them for future Warrants.

Selectmen Walsh commented, after quickly looking down over the Warrant regarding Road Commissioner, everything else written down on that page refers to Road Commissioner (single); it would make sense to change to singular where plural. Both Attorney's did agree to that.

G. Calcium Chloride

Town Administrator has spoken with resident with Calcium Chloride concerns and he indicated he is all set. Item can be removed from agenda.

5. NEW BUSINESS:

A. Warrant Recommendations and Approvals:

The Town Administrator presented a fresh copy to the Board.

- Article 10: Timber Harvesting

Selectmen Miller made a motion to approve Article 10 as written; seconded by Selectmen Kimberly Stacey-Horn. Discussion. All in favor. Board will table Mr. Gavin Mahoney request on placing “Planning Board recommends..” statement be placed on the Warrant. He stated that this was done in the past and he could provide examples.

- Article 11-16 are all housekeeping changes.

Selectmen Miller made a motion to approve Article 11 - 16 as written; seconded by Selectmen Kimberly Stacey-Horn. Discussion. All in favor.

- Article 17: Percentage needed done in motion.

Selectmen Miller made a motion on Article 17 to allow the maximum rate of interests to be 9%; seconded by Selectmen Kimberly Stacey-Horn. Discussion. All in favor.

- Article 18 – 23, housekeeping issues.

Selectmen Miller made a motion to accept Article 18 - 23 as written; seconded by Selectmen Kimberly Stacey-Horn. Discussion. All in favor.

- Articles 24 – 30

Selectmen Miller made a motion to accept Articles 24 – 30 (including 30) as written; seconded by Selectmen Kimberly Stacey-Horn. Discussion. All in favor.

- Article 31

Selectmen Miller made a motion to accept Article 31 as written; seconded by Selectmen Kimberly Stacey-Horn. Discussion. All in favor.

- Article 32 – skipped. The Town Administrator updated Selectmen Walsh of change to Article.

The Town Administrator let the Board know that W&F made a recommendation to approve State Rates plus 15% and they left everything else in the Warrant. Selectmen Walsh agreed he wanted to know what the rates were comparatively to previous rates. Acton rates are higher than State rates plus 15%. Mr. Long indicated there are a few that are lower. Selectmen Walsh wanted to do a comparative analysis.

- Article 33 & 34 – Skipped until wording is correct.

- Article 35

Selectmen Miller made a motion to accept Article 35 as written; seconded by Selectmen Kimberly Stacey-Horn. Discussion. All in favor.

- Article 36 - 41

Selectmen Miller made a motion to approve Article 36-41 as written; seconded by Selectmen Kimberly Stacey-Horn. Discussion. All in favor.

- Article 42 – 46 (including 46)

Selectmen Miller made a motion to approve Article 42-46 as written; seconded by Selectmen Kimberly Stacey-Horn. Discussion. All in favor.

Board decided to stop here for the evening.

B. Public Hearing Road Ordinance

The Town Administrator updated the Board that the next Public Hearing on the Road Ordinance is scheduled for May 15, 2019 at 7 pm. The Rec Committee has a meeting that night at 7:30 pm but they will either have to miss public hearing or step in and out because this meeting needs to be held that night in order not to miss deadlines.

6. PUBLIC COMMENT:

- Mr. Mike Long approached the Board to find out when the Town was going to finish the remainder of Flat Ground Road which was voted on 11/26/18, Article 3. Mr. Long understood the money allotted for this would run out at the end of June. After reviewing the meeting tape, Article 2 was to pay the remainder that was owed on the debtors; Article 3 was to put \$9,000 in now to finish the rest of the road. When will that be done? The Town Administrator and the Board replied to contact the Road Commissioner Mr. Joe Letourneau directly. Mr. Long asked, since the Road Commissioner is appointed, should this request go through the Board? The Town Administrator said, “No, as Town Employees, the Selectmen give a chance for staff to do their jobs before intervening. If no one has reached out to Road Commissioner to find out their time line on this, that is the first step. Then you follow up with the Board if there are concerns. If not done, the money will roll into the undesignated funds.

Mr. Long had another question. "Is there a time frame on fixing the potholes on Hopper Road?"

Answer: Same thing, reach out to the Road Commissioner is step 1.

- Mr. Jeff Howes approached the Board regarding the same thing for East Shore Drive as Mr. Long. Mr. Howes indicated that he knew that the State had a procedure for potholes to be repaired within a timely manner. Mr. Howes further indicated that he reached out to Mr. Letourneau via 3 telephone calls, the first dating back to April 18th. So Step 1 was started. He further indicated that he also reached out to the Selectmen via email. There was a discussion that it would be addressed. He as Road Commissioner on the private portion of the road has kept that portion of road to standards and feels the public portion should equally be kept to those standards if not better. Financially, there is more revenue on the Town's part than the private sector. So, Mr. Howes stands here tonight to find out when it is going to be addressed.

The Town Administrator indicated that there have been several calls? Selectmen Walsh indicated that Mr. Letourneau has been out there to do some temporary fixes but the fix needs to be permanent.

Discussion ensued on what makes a pot hole, what is required to fix them and what is the best way to make fixes permanent. Selectmen Miller also brought up this is why she believes the paving Article should include both Districts as one. It is evident that East Shore Road is not the only road requiring pothole repair work. Mr. Howes agreed, but he feels the pressure because he is the Road Commissioner on the private side of that road and travels that road as a primary route.

Selectmen Miller informed Mr. Howes that East Shore was on the former Road Commissioners project list that did not get dealt with. Mrs. Roux also indicated that when Mr. Letourneau tried to get cold patch to do a more thorough repair there was none available to get from the plants.

Mr. Howes indicated he was frustrated and wanted to know how to proceed. Selectmen Walsh will take care of speaking with the Road commissioner to address. Mr. Howes indicated such a conversation should be public so that all residents are informed. Mr. Howes said the worst areas should take precedence.

Selectmen Walsh hated to do this publicly but called the District 2 Road Commissioner to the approach the Board. Mr. Letourneau informed the Board that he had gone out several times and did temporary fixes; he attempted some of the bigger holes but the conditions were not good. Mr. Letourneau further commented that he will go back out tomorrow and the road will be patched completely by the end of the week.

While Mr. Letourneau stood before the Board, Selectmen Miller asked him if he had any idea of when Flat Ground Road would be gotten to. Mr. Letourneau replied that he would put it on the schedule and it will get done before the end of June. Mr. Letourneau further commented that there is a lot of things for District 2 that needs to be done in a short amount of time; they are trying their best to stay up with it.

7. ANNOUNCEMENTS:

- Water Talk - May 8th 2 pm, Wakefield Opera House
- Comedy Show - May 10th 6:30 pm, School
- "Fancy Nancy" Tea Party May 11th 10 am
- Public Hearings 7 pm May 13th (Road Commissioner and Road Committee Ordinance)
- Public Hearing 7 pm May 15th (Road Ordinance)

- EMA Director Posting - May 20th closing deadline

Selectman Miller asked Mrs. Hart about errors in the Town Report. Mrs. Hart started in on replacing the Auditor and did not share errors. Selectmen Walsh refused to open that topic and meeting was adjourned.

8. MEMBERS PRESENT:

Selectmen Ed Walsh, Selectmen Elise Miller, Selectmen Kimberly Stacey-Horn and Town Administrator Jennifer Roux

9. OTHERS PRESENT: