

SELECTMEN'S MEETING
November 18, 2020
6:00pm

1. CALL MEETING TO ORDER / PLEDGE OF ALLEGIANCE

2. TOWN ADMINISTRATOR WEEKLY UPDATE

- The Town Administrator informed the Board that the Recreation Committee Liaison gave the recreation committee permission to hold a Recreation Committee meeting via Zoom on Thursday; meeting was posted as required. This opened discussions on whether to allow committees to go back to Zoom with COVID heating up. Discussion ensued. The Town Administrator suggested this was a decision of the Board and not at the committee level; currently not hearing any COVID related issues. The Planning Board has been okay with their meetings. The Board thoughts were that the Town was not too far away from having to reconsider a change, but until then it is something to think about. The Town Administrator reminded the Board that the Zoom level was increased and the Town was still paying for that, however, she would decrease it until again necessary. The Board agreed.
- The Town Administrator and Treasurer attended a 4 hour MMA law webinar and there will be a new Distribution Warrant policy discussed under New Business, Agenda item B.
- Turkey Baskets and Christmas Giving – The Town Administrator informed the Board that there were a few baskets still to be assigned and if anyone knew of someone in need to please reach out to the Town Administrator with their names. The same goes for giving Christmas to some area children. On a side not, there has been a bean delivery (black beans and lentils) and another expected on Friday. If anyone needs beans please, let the Town Administrator know.
- Transfer Station/Mask Executive Order – The Town Administrator informed the Board that the Governor's Executive Order on masks not states that masks must be worn both inside and out. This also pertains to the Transfer Station. If there is anyone with a medical reason to go in without a mask; the Town by law must make accommodations whether it is to run outside and help those people at their cars or some other accommodation measure to keep all safe.

Bob Mann indicated that his staff was aware of the order and all was under control. However, the residents must be aware and obey as well. If at the Transfer Station you must have a mask both inside and out, if this does not work for you please work out a plan with the Transfer Station Superintendent so that they can assist in taking care of your waste. Shields are also an option.

The Board must remember it is their responsibility to protect staff's rights and protect them through this pandemic; as stated by MMA. The Board agreed and asked the Town Administrator to put a notice on social media and the Town's website.

As for enforcement, the Transfer Station can take down plate numbers and inform the Board of those not complying.

- November 25, 2020 the Road Commissioners and Treasurer will join the Board of Selectmen's meeting to go over items reflected in the Road Commissioners financials as Town Employees and employers of subcontracted workers.

- The Town's attorney has completed a review of the Tanker Contract and made a few changes. The contract has been sent back to the company for review and the loan is being worked on by the bank.
- The new project screen has been installed by Ken Paul and he did a great job.
- Saturday, November 21, 2020, the Oldest Resident celebration will take place at 12:30 pm by invitation only. The Board will be making a presentation.

3. WARRANTS/BILLS - Signed

4. APPROVAL OF AGENDA

Selectmen David Winchell made a motion to approve the agenda as written; seconded by Selectmen Ed Walsh. No discussion. All in favor.

5. MINUTES OF LAST MEETING

Selectmen Kimberly Stacey-Horn made a motion to approve the November 12th minutes as written; seconded by Selectmen David Winchell. No discussion. All in favor.

6. DEPARTMENT HEAD / COMMITTEE CHAIR UPDATES - None

7. OLD BUSINESS

A. Recreation Committee Members Update

The Recreation Committee had their first meeting where 3 out of the 5 members showed up. The committee reviewed all the documentation and information as provided by the Town Administrator; worked on the Tree Lighting event; and discussed the need for 2 more members. No Chairman was elected; the committee was waiting for a full slate to be present and all members understood the committee's use and goals.

B. Rabies Clinic

The Town Administrator announce that regrettably the Rabies Clinic would need to be placed on hold as both the Acton and Shapleigh Veterinarians due to COVID were not interested in assisting at this time. The Town Administrator will look into other possible local Veterinarians to approach.

8. NEW BUSINESS

A. Article 43 Application – Tattle Street

The application submitted by Tattle Street has gone to the Road Committee to review on November 30, 2020 and then their recommendations will be offered to the Board of Selectmen on December 2, 2020. The new application has been updated on the website.

B. Policy Disbursement Warrants for Wages and Benefit Policy

According to the Maine Municipal law class the Town Administrator and Treasurer took via webinar, the presented policy regarding Disbursement Warrants for Wages and Benefits must be signed by the Selectmen yearly. The Treasurer asked the Board to review and sign tonight.

Selectmen Ed Walsh made a motion to sign the Disbursement Warrants for Wages and Benefit Policy; seconded by Selectmen David Winchell. No discussion. All in favor.

C. Propane Contract

The Town Administrator contacted Downeast Energy to get this year's contract pricing. Last year was \$1.49/gallon and this year they came back with \$1.04/gallon. Does the Board wish to go with that pricing or go out to bid?

Selectmen Ed Walsh made a motion to accept Downeast Energy's contract price of \$1.04/gallon for Propane as proposed; seconded by Selectmen David Winchell. No discussion. All in favor.

D. Revenue Comparison

The Treasurer presented a chart for the Board's review of FY20 vs. FY21 revenues as of 11/8/2020. Overall the Town is \$31,597 above last year in revenues. This is better than expected in lieu of the pandemic.

E. Resignation / Opening

The Town Administrator presented to the Board the resignation of Nathan Tapscott as a member of the Planning Board. Selectmen Kimberly Stacey-Horn read aloud.

Selectmen Ed Walsh made a motion to accept with regrets Mr. Nathan Tapscott resignation as Planning Board Member; seconded by Selectmen David Winchell with regrets. No discussion. All in favor.

With the opening on the Planning Board, an alternate member would move up into the spot and leave an Alternate Member opening. With that being said, the Town Administrator presented the two Alternate Planning Board members to the Board for consideration. The Board chose between the Alternates based on the first Alternate to be appointed.

Selectmen Kimberly Stacey-Horn read out the appointment of James Driscoll to Planning Board member.

Selectmen Ed Walsh made a motion to appoint James Driscoll as Planning Board Member until 6/30/2023; seconded by Selectmen David Winchell. No discussion. All in favor.

9. **PUBLIC COMMENT:**

- Dennis Long approached the Board to notify them that Planning Board member appointments were supposed to be for 5 years staggered based on the Town's people's vote in 1963.

The Town Administrator indicated that when a new Planning Board was installed the Code Enforcement Officer helped to pick the term dates and that she would look into what Mr. Long was citing.

Mr. Long next asked why the Board chose to not support the Stream Crossing grant application when they had asked the Road Committee to proceed and there were countless hours of work went into said application. Can you explain why it was not voted to accept and then return money when and if not used.

The Board noted the primary reason was that the application spelled out exactly what culvert was to be put into place. The residents were not supportive of the application and the Board was only provided 5 days with which to act upon the issue. There were questions that needed to be clarified before proceeding and there was not an opportunity to do that. Clarification was not

achievable as the grant was locked down until Money after grant closed. There was not enough time for Town to have a debate; after the fact was not prudent. The Board stated that the bridge was not going to fall in tomorrow and there may be other opportunities for grant moneys or the Town to rectify.

Mr. Long kept reiterating it was \$125,000 the Town was not accepting.

Selectmen Dave Winchell responded with various background reasons for not pursuing in such a short timeframe and with residents up in arms.

1. Law suits were a possibility
2. The Board needed more time to do their homework first so as to not get bound up in a sticky situation. Eminent domain and setbacks were not clear.
3. He understood Mr. Long's point of view but rushing too far and too fast was not what the Board wanted to do when there was more that needed to be done. It looks bad to not want money after granted.
4. The property owners spoke up and were dead serious that they did not want this and would take action.
5. No letters were sent to property owners informing them of this proposed culvert change.

Mr. Long disagreed with Selectman David Winchell and stated the Board could have gotten the information needed and put it in front of the property owners in time not to lose out on the money.

Discussion ensued on responsibilities and whether there was a plan. Further discussed was the fact that the property owners wanted the same size culvert and that was not an option and a contingent plan needed to be developed. The Board had 25 to 30 emails from taxpayers in town that are quite concerned with the size of that culvert. The Board had only five days to make up their minds from when they got the application to sign and to get it submitted because the grant window closed either Sunday or Monday.

Selectmen Kimberly Stacey-Horn thought some of the questions that the Board had if they locked down to what was on the grant couldn't be answered as Leslie Berlan could not call the state until the grant submittals were over.

Selectmen Ed Walsh continued that he was disappointed the Board couldn't apply for it but there were too many open-ended things that yes if it was awarded, the Town would just simply say, no, we don't want the money, but he continued, he thought this stuff should be all designed and ready to go knowing what will be built before the Town actually went after the grant money. This concept was not known the first time around when the Board instructed the Road Committee to apply to the grant, but there may be another time.

Mr. Long again asked if the Town could have that debate. The Board responded not the day before, but if there was enough time, they could have. But again, Monday the application had to be submitted because that the end of the window for the grant. Mr. Long continued, what he meant was that the Board could apply for the grant and the Town's people could have that debate whether or not they wanted this.

Selectman Ed Walsh indicated the problem was that on the paperwork this is what it said had to be built. Mr. Long: Right. Selectmen Ed Walsh: The Board couldn't change that, so why go after the money if the Townspeople are going to say, no we don't want to build that.

Mr. Long: But we know there is an issue with the bridge is my point. The Board agreed there is, but again stated it is not going to fall in tomorrow and there is time to act upon this; they may still be able to get the \$125,000. There are one or two other bridges needing more attention.

Selectmen David Winchell spoke up, the issue he had was receiving the telephone calls he had gotten prior to the meeting. He stated he had one individual that called who owned both sides of the south side of that bridge. Then there was the home owners whose land abutted on the other side of it. All were completely against expanding the bridge, so at that point when I'm hearing lawyers; it was not prudent to accept something to get the Town of Acton into a quagmire because the Board did not do their homework first. It is the first thing that should have been done when the guy went and designed that bridge was to make sure that we weren't encroaching onto other people's property to where the Town was going to come into eminent domain where property would need to be bought. It is unknown what the setbacks were and Selectmen David Winchell did not feel like the Board wanted to get into a sticky situation by rushing it. Selectmen David Winchell commented that he understood Mr. Long's point where the Board could have just gone and got the money and then the Board could have just said ok, we now don't want it. But, that looks bad. There is too much stuff that needs to fall in line before the Board is at that point. Selectman David Winchell stated he was initially for the grant, however when these people became so serious, Selectmen Winchell felt like he had not given the property owners as a Town at least a letter saying what was going to be done. That was never done. So, there is a process before you decide to go and alter somebody else's property and that was not done.

Mr. Long: The thing is this person has always fought the Town. The family has done it for 50 years. He continued to state that he shuddered to think that if 25 to 30 people come and say that they don't want the Board doing something, he doubted the Board was going to go along with those 25 or 30 people because that isn't that big a deal and all the people weren't tax payers of Acton as they are also Shapleigh residents. He continued that he thought the information could have been gotten and put in front of the people and that is \$125,000 worth of money that could have been gotten.

Selectmen Kimberly Stacey-Horn commented that the Board felt like there was a lot of miscommunication given to these people too.

Selectmen Ed Walsh indicated he would have loved to have gotten the money and if this thing gets lined up more grant money can be found for this. These grants roll around fairly regularly.

Selectmen Kimberly Stacey-Horn noted that the Board should have taken responsibility to get the information in line whereas the Road Committee was asked to do it. Selectmen David Winchell stated it was the Road Committee's responsibility too when reviewing the grant application to make sure everything was legit and they didn't. Anyone can go and apply for grants, but you've got to make sure you are allowed to do what you are doing first and that wasn't done. That is the only reason he thought that the Board had to put the brakes on because these people were very upset, they were talking lawyers; it did not matter is they fought the Town for 50 years but when they are talking about bringing their lawyers in, then the Town has to bring their lawyers in and

then it becomes sticky. The complaints received were that the residents did not want the culvert bigger. The residents wanted it the same size as it is now. Was the research done saying can we do the same thing in place or do we have to do what the grant says because that is what the grant's only going to give us money for. So, the Board is going to shove this down the resident's throats because there's \$125,000 or maybe only \$50,000 can be spent and just change what is now in place.

Mr. Long: It is also the Selectmen's obligation to know this stuff. The Board agreed. Mr. Long continued that the Board did not allow a meeting with the engineer when Rowe Bridge was being looked at. The prices were given and known; same with Canal Bridge. But, due to some research it was indicated that it could be done a lot cheaper than initially thought and the Townspeople (who the Board represents) voted to have this engineer do this and we've never done anything since nor had a conversation. It is just throwing money away and time away because somebody doesn't like the idea. Instead of the people making that decision is my whole point. Thank you.

The Board thanked Mr. Long. Selectmen David Winchell commented that he himself believed that the job for the person who should be looking at what we are putting in for that bridge should be the person we elect or hire to do the roads. It's their job to put together a plan and come forward to the Town with it. It's not the Selectmen's job to do that. Their job is to bring it to us and then the Board approves what is put forward to the warrant.

Discussion went back and forth between Selectman David Winchell and Mr. Dennis Long regarding what was done with Rowe bridge and the fact it was dead in the water due to the fact that the money and a plan just was not there. A plan was given of what the Town can do; two or three options were given and all were unaffordable. The problem the Town has is that there are two bridges over there that need to be done; the Town is already jumping into one with Wakefield from the sounds of it. We have to get through Town Meeting first. That's hundreds of thousands of dollars we're going to jump into. Then you think that it's a great idea to jump into a grant for another \$175,000 on top of that. That's too many moving parts.

- Rollin Waterhouse approached the Board with a few questions:
 1. Who owns West Shore Drive? Response: The Town.
Comment: The culvert was installed by the State but the Town took it over. Square pond residents did not want an increase amount of boat traffic. But the State in order to get the boat launch did not stock the lake which shut down the lake. A compromise had to be made. People are misinformed. What you are getting with this grant is a stream crossing. However, he totally understood their reasoning as they did not want more boats either. Did they have an option? Probably not. Selectmen David Winchell the Board could look into the State helping out. Rollin Waterhouse further indicated that West Shore Drive was a mistake to begin with and should have gone completely through but it was under resource protection and became a dead end road.
 2. Capital Improvement Committee, is this a dead end? Selectmen Kimberly Stacey-Horn responded no and that it would be back on the agenda next week. There is a need for more members; does anyone want to be on the committee? Joseph Ruma responded that he would. Selectman Kimberly Stacey-Horn indicated that she'd hope the committee had all it needed

by next week and then be able to move forward.

- Selectman Ed Walsh recapped that the generator would be moved to the Town shed and that the Gym has been winterized and shut down.

E. Executive Session pursuant to Title 1 405 (6)(a) Personnel

Selectmen Ed Walsh made a motion to go into Executive Session pursuant of Title 1 405 (6) (a) Personnel at 7:01; seconded by Selectman David Winchell. All in favor.

Selectmen Ed Walsh made a motion to come out of Executive Session pursuant of Title 1 405 (6) (a) Personnel at 7:30; seconded by Selectman David Winchell. All in favor.

F. Personnel Policy

The Board decided to make an exception for Thanksgiving and Christmas Eve this year and pay stay for the day off; New Years Eve the Town will be open. Based on conversations and the reevaluation of budgets, the Board will reevaluate this policy for the new year moving forward.

Selectmen Ed Walsh made a motion to close the Town Hall for a paid holiday the day after Thanksgiving and Christmas Eve for this year only and stay open for New Years Eve; seconded by Selectman David Winchell. All in favor.

The Town Administrator thanked the Board and stated that staff would be appreciative. Moving forward, Department Heads will schedule monthly meetings with staff.

10. ANNOUNCEMENTS:

- A. Town Hall will be closed Thursday Nov 26 / Friday Nov 27
- B. Tree Lightening Dec 5th at 5 pm.

11. MEMBERS PRESENT

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

12. ATTENDANCE

William Langley, Dennis Long, Adam Doliber, Rollin Waterhouse, Joseph Ruma, Katelyn Long and Cheryl Drisko.

A motion was made by Selectmen Ed Walsh to adjourn at 7:45 pm; seconded by Selectmen Dave Winchell. All in favor.