

SELECTMEN'S MEETING
October 16, 2019
6:00 pm

1. CALL MEETING TO ORDER / PLEDGE OF ALLEGIANCE.

2. TOWN ADMINISTRATOR WEEKLY UPDATE

- A general polling of Staff was held. Outcome based on number of hours for staff, personal commitments with children, it is recommended that staff meetings be held during normal business hours. Short of closing the office from Noon to 1pm, maybe it would be feasible to consider having staff meetings only quarterly.
- Maine Municipal has denied insurance claim. Claimant has been notified. Claimant requested all copies of submitted documents because he wanted to be sure MMA saw all documents; packet was also available for BOS to review if they so chose.
- Animal Control Officer is down to 3unlicensed dogs; receiving summons. Town Administrator also informed the Board that there was a dog bite which occurred on H Road. A black lab/cross was on owners dog and when attempting to remove, he was bit. Reports were ran to figure out who the dog was because the dog took off. Nothing came of it and no one knows who dog bit him. Recipient of bite is okay.
- Email was received from Cemetery Committee notifying that their next meeting will be October 29th at 6 pm.
- Committee and Board meetings are going to be scheduled on different evening and not stacked to help alleviate the Videographers time. That being said, the next Forest Conservation Committee meeting is on November 19th at 7 pm. Walk has not been scheduled yet. Town Administrator will let the Board know when it will be held.
- Gym Update. The auditor is monitoring how the gym is being handled because of the way the townspeople voted to fund it. According to the financials on the number of persons paying for a Gym membership versus expenses, the Gym will probably be closed as of January 1st. Holding money needed to reimburse members if the Gym closes, the balance available to cover heating cost is \$989. Board will need to think about winterizing the building and also the Recreation Committee use for storage.
- Reminder to the Board that they have the Mary Grant Pumpkin Carving Event on Saturday at 2 pm.
- Higgin's contract was turned over to legal for review; note the term write-off is not indicated in the contract.
- Tax day was yesterday and all the mail is caught up.
- Town Administrator is starting the Thanksgiving baskets; recipients will be different from last year. Neighbors Helping Neighbors will provide the turkeys and the Townsfolk are generous and provide the remainder of what is given out based on donations. The Deputy will distribute.
- Dog licenses for 2020 are now available at the Town Hall. Livy the Wonder Dog came in for her picture to be taken as she received her license.
- District 2 Road Commissioner has a plan in place for coverage if there is extensive rain and high winds tonight.
- Email received scheduling Steering Committees final meeting on October 21 from 9 to 11 am. The treasurer received enough information to be able to pay the bill and will provide the number to you.

3. WARRANTS/BILLS

4. APPROVAL OF AGENDA

A motion was made by Selectmen Kimberly Stacey-Horn to approve the agenda; seconded by Selectmen David Winchell. No discussion. All in favor.

5. MINUTES OF LAST MEETING

A motion was made by Selectmen David Winchell to approve the minutes of October 9, 2019 as written; seconded by Selectmen Kimberly Stacey-Horn. No discussion. All in favor.

6. DEPARTMENT HEAD / COMMITTEE CHAIR UPDATES

- Will Langley, District 1 -
 - Dump project:
 - Finished all the ditching.
 - Preparations for tonight's storm have been made; hay bales and rock dams to alleviate some of the rain water runoff.
 - Next week the area will be seeded and then that project will be done.
 - Salt was ordered last Friday; Granite State is expecting their shipment this week and then next week start trucking it to us. Note – they are short on drivers and this may be delayed. As soon as the salt arrives, the Road Commissioners will get their sand in. There is about 25 tons of sand currently available along with 500 yards of salt in case something comes up before the deliveries occur.

7. OLD BUSINESS

A. HEB Meeting

With the Board's agreement, the Town Administrator and Selectmen David Winchell are planning to hold a conference call with HEB next week after taxes.

B. Article 43

Town Administrator reviewed everything, developed a packet for the Board to review and wanted to go over a couple things to clear up a misunderstanding of how things should be:

- Approved by the voters in June 2018.
- Article was written by the attorneys who clarified it was legal and the townspeople voted on it.
- The Selectmen have had no issues with the article whatsoever.
- After the article passed and Town Meeting came and went, Bourque & Clegg were reached out to asking now what.
- On July 17, 2018, Bourque & Clegg responded in a letter (which was read aloud at the next Selectmen's meeting) their recommendation on implementing the article. Recommendation was to develop an application process similar to a grant. The road associations applying for the funds would have the burden to show they met the criteria under the warrant article. This criteria could include applications prior formation of the road association the nonprofit qualifications and he spells out the entire process.
- The next page of the packet is the actual statute that is referenced; 3106 the definition of a great pond and what it has to follow
- Next Article 43 is included so that the BOS can see exactly how the article is worded.
- Finally, the auditor. From June 2018 until the Town changed auditor's and received a new person in house, everything seemed to be going along. However, truth needs to be known that this was new to the BOS, this was new to everybody involved. In the last fiscal year, the Town paid out three payments for Article 43. In December of 2018, after the article was approve, paid was Lakeside Drive for \$3,000. (This has bearing on what is to follow.)
 - In December 2018, Lakeside furnished the Town with an August bill (~2 months old) and lists roadside ditching, everything they did is spelled out.

- May of 2019, Tattle Street was paid \$3,000 and that bill came from March 2019 (~2 months old) and lists road maintenance for September, October and November.
- June 2019, Langley Shores Drive was paid \$3,000; their bill was less than just a couple of weeks old for work completed on Langley Shores Drive and spells out the work done there.
- Knowing the BOS does not have the expertise on all of the statues and these laws and regulations regarding this, the BOS came up with what they believed was the best possible practice as far as working with the Road Committee to make this application and to work side by side to get the money, to get them approved. No one that has come in has not been approved.
- Everyone is approved, a few months go by, then the auditor comes in. A fresh set of eyes that hasn't audited the Town before.
- This was all started when the Town Administrator stated the auditor has come and gone and has a few concerns. She had six concerns for the Town of Acton; out of those six, this was but one on them. The other 5 are just as important but this one keeps coming to light. What the Town Administrator said at the time was to the BOS that the auditor has some concerns she wants to talk to you about. Never was the BOS told that they shouldn't be appropriating it or that the article was illegal or that the roads weren't entitled to the money, it wasn't anything like that. The auditor just had some minor concerns.
- Yesterday (October 15, 2019) was the first time the BOS and Town Administrator was able to schedule a conference call with the auditor to discuss; the BOS are sitting on 2 new applications. In good conscience they sat on these until the conference call. The auditor's recommendations are as follows:
 - Conflict of interest with people serving on the Road Committee that live on the private roads that are benefiting from Article 43
 - Follow through and verification from the BOS on each question listed on the application. Ultimately, it is the Board's responsibility to do this, not delegate the final say to the Road Committee. The Road Committee can provide assistance but the BOS is the ones who need to verify and check that the information is acceptable as they are also the ones who are signing off on the warrant. The application will be modified to allow for sign off on each and every question.
 - Old bills being submitted after the fact with no apparent way for anyone to check and determine if it was qualified or not (or even needed).
 - No Town policy in place on how to process the application. Applications have no date received. Form needs minor changes.
 - The auditor does agree that funds should not be for general maintenance and the statue needs to be reread and clarified. The application should be treated like a grant and not as bill submittals.

All this information presented was discussed. There is more work to be done. The Selectmen will take a more active role. Item will stay on agenda as the work continues. The Town Administrator will provide all recommendations and drafts; the BOS will continue to tighten up this process and policies. Article 43 applications will be tabled until this process and policy work is complete.

8. NEW BUSINESS

- A. Mr. Bob Anderson has ceiling fans (2-60 inches / 1-48 inch) with brass trimming to donate to the Town Hall. The BOS thanked Mr. Anderson and accepted the donation.
- B. Committees - open slots on committees and townspeople serving on multiple committees.

Where is this beneficial? Discussion ensued on benefits and conflicts of this approach. The BOS would like to see new people to step up and take the openings. As for the new Capital Improvement Committee, selecting a person from each department, each committee, road commissioners to all have input on the committee; maybe even have a vote on the town floor.

C. Mousam Lake Dam

The lake's level was taken down to do repair on the dam. The leaks stopped when the water levels came down. This confirmed that the spots to be fixed were accurate. Grout can be put into place to repair; work is expected to be done by the end of the month.

D. Saco River Corridor

The Town Administrator received an email from the Saco River Corridor agent asking for a cartographic GIS layer. The TOWN Administrator asked the BOS for permission to proceed. Granted.

E. Efficiency Maine

Efficiency Maine sent the Town a \$500 rebate check for the library lighting work; monies will go back into the building maintenance account.

A motion was made by Selectmen Kimberly Stacey-Horn to accept and sign the Efficiency of Maine's Commercial and Industrial Prescriptive Lighting Solutions participation agreement and \$500 rebate check; seconded by Selectmen David Winchell. No discussion. All in favor.

9. PUBLIC COMMENT

- Dennis Long approached the Board to comment on Capital Improvement Committee membership and his part on other committees as well as getting others to work along side him for the Capital Improvement Committee. Mr. Long did not appreciate the call out; respect is deserved on all sides. Selectmen Walsh responded that that he did not hear anything to slam anyone person anyone and was sorry Mr. Long took it that way.
- Mr. Jim Driscoll approached the Board regarding last year's coat drive; will not burden the Town with all that work again. Has received help from another quarter. However, he has been the recipient of 50 brand new high-end Brooks Brother ski type jackets. These are well made, warm and waterproof. Mr. Driscoll also received a couple hundred pullover hats (all with tags still on them and in bags) and probable 3 or 4 hundred pairs of mittens. Part of the hats and mittens will be going to the elementary schools for kids who need them to go out and play. As for the jackets, Mr. Driscoll needs help in finding them a good home; their coffers are pretty well stacked. What he is asking, can the Town Administrator assist in distributing them to anyone in need. The Town Administrator is more than willing to assist.
- Joyce Bakshi approached the Board asked about Article 43. Making the process more grant like and that is very fair. Question is how will the article be handled. Response, the article will not change at all only the process. Selectmen David Winchell stated there were some good points that came out of the call – some of the monies will be increased. Limitations might be able to change depending on the project needed to be done.

Mrs. Bakshi also indicated that her attended committees is because she has the interest in what happens in town. Her application to be on the Capital Improvement committee is valid according to her qualifications. Selectmen Winchell indicated that Mrs. Bakshi is also taking what was said wrong. We are just looking for new faces and input. All that people do is appreciated.

- Jay Ward, Abbott Road approached the BOS regarding Article 43. He asked that the 2 pending proposal be continued under the present application process rather than the new processes being developed. Selectmen Winchell replied that before the BOS can proceed with any of the applications, they need to make sure they are legit. The Town Administrator reminded all that this question was asked on whether the BOS can go forward on the two application they have with some changes and the auditor's response was, "now that I've pointed out these areas of concern, they should be addressed immediately. Changes to the applications are going to be minor; it may have to be given back to ask for additional supplemental information but they will not have to be start fresh. Selectmen Winchell further commented the 2 applications at hand, the work was done a year ago and the BOS will have to go with what they have. Mr. Ward further commented that the conflict of interest issue also of concern and they have a good policy that we refuse if it is directly relating to any of the ones where individuals are on the committee, but that's just for the recommendation. Mr. Ward did not feel there was any conflict of interest if the BOS was making the final decision. Minutes back up abstentions.

Mr. Ward asked about quoting project upfront. For the application, there are a couple of issues that have to be satisfied before you even consider the bill itself, so you might be looking at a lot of work that may or may not be even applicable when it actually comes into the Board, so why would you want to look at an estimate which would not qualify? Selectmen Walsh responded that if the BOS is going to use for a grant process, grants are usually done prior to work.

Town Administrator reflected that this was an interesting point that Mr. Ward brought up because after reviewing the tapes, she wondered where that came from because there is nothing on this application that says the work has to be done prior to being paid. Mr. Ward showed that #6 on the application asks if there is any supporting documents for the cost of the repair. Selectmen Winchell stated, any grant or any work to be done (that might be the change needed). If the BOS make this a grant process, wording can be changed to reflect an estimate is needed for the work to be done. Discussion ensued regarding this point and the bill paying process. The new process will guarantee the \$3,000 will be paid; the way it is done now that's not a certainty.

- Ray Lopez approached the Board with questions related to Article 43. How will the BOS verify will verify professional opinions. Precedence was already set because 3 have been already approved; holding up the other 2 is not fair. Response by the Board was made to Mr. Lopez that the professionals being used have degrees and certifications will be taken over a layman any day.

Mr. Lopez moved on to ask if there were tapes to view on the Committees seeking participation to see if they would be interested in joining. It's a mixture of appointed and elected.

- Mrs. Deborah Lopez approached the Board to again ask if there was any way to find out what is required to join a committee before joining. The Town Administrator responded for Mrs. Lopez to come talk to her and she will provide information and history.
- Mr. Rollin Waterhouse approached the Board to discuss his participation on Boards and Committees. He asked the BOS to establish what the Capital Improvement Committee is going to be responsible for. His second point is the BOS can't limit who's on what committee. Everybody is volunteering and spends a lot of their time volunteering. All Warrant & Finance does is make recommendations. The town doesn't have a policy on the committees; the BOS should consider setting one. Discussion ensued regarding meetings, attendance, policies and volunteering.

ANNOUNCEMENTS

- Open seats on Boards/Committees:
 - Cemetery Committee
 - Lincoln School
 - Capital Improvement Committee
 - Conservation/Forestry
- Videographers are wanted.
- Pumpkin Carving Oct 19 from 2 – 6 pm.
- Crock Fest Nov 2
- State Election Nov 5

11. ATTENDANCE

Dave Langley, Dennis Long, Joyce Bakshi, Robin Ham, Jim Driscoll, Jay Ward, Carol Ward, Deborah Lopez, Ray Lopez, Charles Crozpi, Tucker Pearson, and Rollin Waterhouse.