

SELECTMEN'S MEETING

October 23, 2018

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. Agenda approved.

2. MINUTES OF LAST MEETING:

Selectmen Miller made a motion to approve the minutes of October 16, 2018; Selectmen Stacey-Horn seconded. No discussion. All in favor; minutes approved.

3. DEPARTMENT HEAD / COMMITTEE CHAIR UPDATES:

- Lois Michaud, Cemetery Meeting Chair approached the Board to state the Cemetery Committee has a meeting upcoming on October 25, 2018 at 5 pm.
- Chuck Gregory approached the Board with a list of updates from the Road Committee:
 - They are looking into grants for culvert work. The Maine DEP processes requests only once per year and the deadline is generally around January 17th of each year which is fast approaching.
 - Article 43 regarding private roads that was passed, there was a question on limit amount to be paid out at around a couple of thousand in review. With less than 20 Road Associations to make application, the Road Committee wanted to make a recommendation of a maximum amount for this year be \$3,000 based on the \$50,000 total budget for it and evaluation as to where they are at the end of the application process and then in June next year decide how to move forward, including potentially adding money into account if needed for next year depending on how much is spent this year.
 - The committee has also done a lot of work on the RSMS application the state provided related to road surface conditions and shoulders. An advantage of the system is to track projects, the cost of those projects, what a project actually entails and having budgeting information on them and knowing completion dates. The committee could go back to the beginning of this year or the beginning of last year with budget and project information and build the database. Moving forward we should start doing it so that we have the information in the system for years to come. Mr. Gregory inquired, was this information based on calendar year or fiscal year? If we go back to July 1st it is not that far back while it is fresh in everyone's mind and it is not a lot of entry. The Town Administrator commented that the Treasurer, if you can make a list of expenses needed and send it to her in the form of an e-mail, she could address the questions.
 - Mr. Gregory passed out a preliminary project list and wanted to inform the Board that the next Road Committee meeting was to be held on Monday at 5 pm. All are invited. The Committee appreciates your attendance just to keep things moving forward. They are trying to set up some processes and procedures and understanding where everything is with the roads right now to assist the Board with information received from the State DOT or DEP.
 - Mr. Gregory also commented he had talked to Cotterwood regarding an estimate done for the Rowe Bridge Engineer Phase 1 submitted in October 2017. Mr. Cotterwood indicated it would be fantastic to have the topology done prior to winter setting in. On a side note, Mr. Gregory was interested in volunteering to cut the weeds on the side of the roads and provided a volunteer form. The Town Administrator commented that he can volunteer if the Board wishes as long as he only uses a weed-whacker and nothing more powerful for insurance purposes (no chainsaws, no trucks, no hanging from tress, etc.) Selectmen Walsh thanked Mr. Gregory.
 - While Mr. Gregory is here, the Town Administrator wanted to inform the Board that the Town needed at least 1 more bid for this work. It needs to be compared to something else. It is good to find 2 or 3 companies. Since Mr. Gregory already reached out to Mr. Cotterwood, would the Board like the Road Committee to continue obtaining bids. The Board agreed.

- The Town Administrator had Town Clerk updates for the Board:
 - There are 2 new plates:
 - The Barbara Bush Plate - a portion goes to Barbara Bush Hospital. If pre-purchased you can bring your voucher in for your plate.
 - The new Veteran Plate to be available on November 13th. All Veteran plates need to be switched out to these new plates. You will be given a year to do this. No extra money to change plate.
 - Absentee Ballots – Available, deadline is Thursday before election unless you meet special circumstances. To date we have issued about 200 absentee ballots.
 - Taxes – all taxes received to date are in the system. Please call your bank first to make sure your check has cleared before calling the Town Office.
 - Dog Licenses – Available effective October 15th.

4. OLD BUSINESS:

A. Generator Bids

Tabled until next meeting.

B. ACO Position

The Town Administrator has covered the month of October; needs another plan. Selectmen by law can not do it. We need a plan moving forward to find one. There was 2 people interested but have jobs daily from 9 to 5. Discussion ensued including Fire Department use to cover.

C. Town Report

None received from District 2. Delegated to Assistant to start report.

D. 13th Street

Tabling until November.

E. Article 43 - Private Roads

Applicant came in today looking for a status - turnaround time and amount. Transferred to Selectmen Miller and Leslie Berlan. It is on agenda for Monday night and they will contact. Discussion ensued on dollar amounts on application and reimbursable amounts. Mrs. Berlin will contact both applicants regarding details.

F. Bridges / Canal – Rowe

Rowe Bridge was discussed in Department Chair updates. The Town Administrator further updated that the guardrails on Rowe are being replaced and the approach can not be handled until there is a new Road Commissioner to come in and do that. The other piece, the Wakefield Town Administrator reached out to inform us and they are still awaiting response from New Hampshire DOT on any grants available.

G. Lincoln School Insurance

The Town Administrator spoke to Treasurer regarding this question. Mrs. Rumney's response was read out to the Board:

“The insurance issue with Lincoln School was before I took over all insurances, so I do not have detail on what the insurance company said. Anything I know would be bits and pieces I've picked up along the way. I believe what the insurance company didn't want was for groups to be going in there such as 4H used to do as it was not structurally secure. But like I said, I never saw that report so I couldn't really speak in regards to that matter.

There is some coverage on the building, and minimal liability because it is a vacant building and vacant buildings have “accidental” exposure at times. As for someone going in to do some work,

first I would ask if it is a contractor, they must provide insurance to us themselves m(which I have not seen) and if it is a volunteer, I would need a volunteer for filled out (which I have also not seen). Like I said, there is some coverage there, and if someone is going to be working in there I'm sure we can make sure the town is covered liability wise. I would just need more detail about what is being done, and who is doing it and when it is happening and if the Board approves it to be done."

Selectmen Miller indicated that it seems like that someone can go in and do work. Mrs. Michaud approached the Board to indicate that it was the historical society that wanted to do the work. Now that there is a solution to getting the work done with coverage, specifics need to be worked out. The Town Administrator advised Mrs. Michaud to move forward, the easiest thing to do is to get something in writing of who is going to do the work, what the work is and present to the Board. Then it can be put on the agenda. Details are needed first before work can be done. Discussion ensued regarding project work and access. Historical Society's next meeting is in April. Will be removed from the agenda until that time.

H. Dist 2 Employees

In regards to a public comment last week, the Town Administrator reached out to the Treasurer who wrote the following:

"The employees of District Two Roads, are hired by the Town as they are paid by the Town. The Town has not fired these employees. It is my understanding that these employees are welcome to continue working once a Road Commissioner has been appointed. Until such time as it is deemed unnecessary to keep these employees, they are considered laid off and they are able to file to collect unemployment for the period of time that they are laid-off. I think it is important for the Board to notify them in writing of their lay-off (effective 10/19/18) and their right to file for unemployment if they have not already found employment and to notify those employees as soon as an appointment has been made for Road Commissioner in District Two, who they can report to find out if they are needed any longer."

I. Mary Grant Update

Pumpkin Carving event was very successful. Good turn out was good, about 20-25 kids and parents. There have been a 6-7 people who have stepped forward, as you will see in appointments further down. Dick and Barbara will stay on as advisers.

J. Flat Ground Road

Selectmen Walsh told the public that a resident on the road Mrs. Irene Snyder had passed away. A person that was very instrumental in getting monies to work on Flat Ground Road.

When the Road Commissioner resigned, we knew that there was \$550 in account. Since then, we have received 2 more bills. A \$880 culvert invoice and a \$6 - \$7 thousand dollar materials invoice. The Warrant clearly states in the Agreement between the Town and the people of Acton is only \$20,000. The Treasurer, Mrs. Rumney, contacted Maine Municipal regarding this situation. Maine Municipal stated we do not have authority to pay these two invoices. The only way they can get paid is to have a special Town Meeting. We can not take it out of any of our other accounts. Mrs. Rumney asked about the contingency fund. There is one Article to spend up to \$15,000 based on a vote. Maine Municipal feels based on Agreement 26A, it has to go through a special Town meeting. Additionally District 1 Road Commissioner (not sure if he can do or willing to do the work), states we are looking at \$9,000 (almost twice what the Board anticipated) to finish the work. The Town Administrator spoke to former District 2 Road Commissioner to make sure he was aware of this situation because this will put us almost \$17,000 over. The former District 2 Road Commissioner was under the impression that the agreement made it a Town road and when he realized it was getting close to going over budget, he was planning to take it out of his maintenance accounts, which generally is acceptable when you have special projects you are working on. However, because of the Warrant Article and the way it is written, Maine Municipal says we absolutely can not do this. We need to get through the next couple of meetings. But then again, the Treasurer can not pay them, but we do need to

schedule them. The Town Administrator did not want to commit to dates until the Board sees what comes in on October 30th.

Mr. Gregory, Road Committee Member, approached the Board to inform them that he took a ride down to Flat Ground today and that there were 2 new culverts put in and the ditching around them was done. There was the old metal culvert and pieces of plastic culvert cut out laying to the side. Mr. Gregory still was not sure (as he hasn't seen anything with the invoices) as to what has all been accomplished. The Town Administrator spoke up to indicate that the Board has seen all the invoices. The Board agreed. Mr. Gregory further stated that the road was still very rough. Selectmen Stacey-Horn replied the road work was not finished. Mr. Gregory continued, that except for the culverts, it doesn't look like there's been much ditching done beside the road unless the leaves are filling it completely up. Selectmen Horn replied this may be so as she thought the ditching was completed in the very beginning all the way down the road. Mr. Gregory also commented that on the shoulders on the side of the road, there has been a large rock put down. He was assuming the dead were just graded over to the side so that the shoulder itself might be an inch or two higher than the road itself which is going to stop drainage from happening.

Selectmen Miller spoke up that regarding Flat Ground Road, indicating it was just frustrating. The Board had sat down with the Road Commissioner and at most, the cost was going to be \$18,000. She did not understand how this has happened.

Further discussion ensued covering how it could have possibly happened. Selectmen Walsh commented that the thinks before the Board goes any further (whether we understand how this happened or not), they should maybe get another estimate to see what it would cost. He indicated that they know what they owe and that does need to get taken care of somehow. He asked the Town Administrator to confirm the cost was \$9,000 to finish the road. Her response was yes. Selectmen Miller stated, "we can't go into snow season with the road the way it is now. And, the Town Administrator commented that the Town legally has to plow that road and that point was not up for discussion, it has to be plowed. She further stated that she knows the Board hates to say the voters of the Town has no choice, but the Board has entered into a contract legally when they approved the Warrant in June and they will have to see it through. At the very least, the Board has to pay those two invoices that are out there. The Town is liable. She further indicated that these were both local contractors that would appreciate being paid and then as far as finishing the road, she was not sure anybody was going to put their plow over it in the condition it is in. Selectmen Stacey-Horn asked, how do we get a couple more estimates to try it out to see if there is something less. The Town Administrator indicated that she could certainly reach out to a couple of people but again she was waiting for the Oct. 30th date to come and go. There may be an applicant that puts in for Road Commissioner, or someone who puts in for the plowing and then we will have something. But there are a couple of contractors that can be called, but the District 1 Road Commissioner's estimate (whether he does the work or not) is pretty spelled out. We can certainly get more prices, but on the invoices you are not able to wait.

Selectmen Walsh asked the Town Administrator if they needed to set a date for special Town meeting right then. Her response was no, she advised they wait until after the October meeting because as stated in the Board's Workshop a week ago, the Board did not know if they are 1) getting someone as a Road Commissioner, 2) going to get bids for plowing on a per mile basis at \$9, \$10, or \$11 thousand dollars, and 3) if they were going to ask the Town if it was a good time to turn that position into a Department Head position. The Board was still unsure which direction that special Town meeting was going to take. Selectmen Stacey-Horn asked, what if the Board finds a Road Commissioner that can do it? He can't use any of that money either, can he? The Town Administer replied, no, but, we know we have to have a special Town meeting and we don't have enough money to plow District 2 yet, so rather than set a meeting date now, the Board should wait 1 week and sort out what the Board is actually going to ask the Town's people for. If the Board doesn't get any Road Commissioner bids and the lowest plowing (remember discussions about this where Alfred went to \$7-9 thousand dollars per mile and Shapleigh is paying \$4-5 thousand dollars per mile on bids that went out a year in advance and you are at bid now), the hesitation to spend any

money until we open those bids, the Board doesn't know what Articles beyond the invoice payment they will be bringing before the special Town meeting. Once we set a date, we are committing ourselves to how many Articles will be presented. Selectmen Walsh agreed. It may be one meeting to satisfy the invoices or it may be a meeting to satisfy the invoices and appropriate more money for roads.

K. D6 Dozer

Tabled. Selectmen Walsh is working on this item and has no update at this time.

5. NEW BUSINESS:

A. Holidays

The Town Administrator updated the Board with the following:

- Veteran's Day falls on Monday, November 12, 2018. It is in the personnel policy, so the Transfer Station will be closed on Monday, 12, 2018. The Town Hall (even though it is not open for regular business hours), any staff that works regular Monday's, the office will be closed as well.
- Thanksgiving falls on Thursday, November 22, 2018. In the past, Thursday is a paid holiday and employees that work Friday uses PTO as we will be closed but it is not a paid holiday.

The Board agreed to do the same as what has always been done. Now as for December, the Town Administrator stated:

- Christmas is on a Tuesday this year. She proposes closing the Transfer Station on Monday, December 24th so that can be their Christmas holiday. They would have Monday and Tuesday off and then they will reopen on Wednesday. The same thing for the Town Hall, Monday is not a holiday per sae but the Office will be closed on Tuesday and staff will return to work on Wednesday.
- New Year's Eve falls on Monday, December 31st. After review of past year schedules, it will be a regularly scheduled day for the Transfer Station and will be opened as scheduled. January 1, 2019, New Years Day is a holiday.

B. ZBA

The Town Administrator updated the Board that Code Enforcement reached out to her to see where the Board stood with Zoning Board of Appeals Members. He thinks that a team may or may not be needed in the near future. The Town Administrator continued that there was no one currently appointed for the Zoning Board. She did however reach out to past Board appointees and of 5 members on their roster, Rollin Waterhouse, Lois Michaud, and Dan Archambault are willing to step back into that role. Dennis Long can not as he is already on the Planning Board and that would be deemed a conflict of interest. The last name on the list was unreachable and leaves 1 opening if anyone wants to apply. The Zoning Board of Appeals is an administrative appeal avenue for something that Code Enforcement has issued a permit for and someone else deems it incorrect and wants to appeal the decision. The appointment is for a 3-year term and generally meets every 5 years if needed or not or when an appeal is presented.

Selectmen Walsh read out appointments for Rollin Waterhouse, Lois Michaud, and Dan Archambault until June 30, 2021.

Selectmen Miller made a motion to appoint Rollin Waterhouse, Lois Michaud, and Dan Archambault to the Zoning Board of Appeals until June 30, 2021; seconded by Selectmen Stacey-Horn. All in favor. Motion passed. Board signed appointments.

C. Abatement

The Town Administrator presented the Board with a revised abatement for Map/Lot 233-017-022 after an error in tax amount was discovered. Selectmen Walsh read out abatement. Selectmen Miller made a motion to accept the tax abatement on Map/Lot 233-017-022; Selectmen Stacey-Horn seconded. All in favor. Abatement signed.

D. Mary Grant

The Town Administrator presented the Board with a follow up appointment for the Mary Grant Committee.

Selectmen Walsh read out appointments for Bobby Joe Rogers, Laura Daskoski and Tammy Krampetz until June 30, 2019.

Selectmen Miller made a motion to appoint Bobby Joe Rogers, Laura Daskoski and Tammy Krampetz to the Mary Grant Committee until June 30, 2019; seconded by Selectmen Stacey-Horn. All in favor. Motion passed. Board signed appointments.

E New Bridge Road

The Town Administrator recapped that the Board was already updated on Flat Ground earlier in this session and it was decided that maybe the Town should not spend excess money until things were settled. That being said, the Town Administrator spoke with the Treasurer who reminded her that the Warrant Article in regards to paving references the Europe funds which is the State reimbursement that has to go towards paving. So even if we go out and get a number that we would also have to go the a special Town meeting for this as well. We can not use paving funds towards anything else than paving as earmarked or the State would not reimburse.

The Town Administrator wanted the Board understand what was on the table. The New Bridge project, the project to rip it up and grind it and put it back down, is \$116,878 as understood from District 1. District 2 had done some of the prep work and it is ready to go. District 2 indicated there was enough money in that paving account to do this project, but it will pretty well drain the account.

The other thing the Board should be made aware of, is that there is some erosion control and edging work that will need to be done. District 1 has stated he would do that is you so choose because he does plow that road in the winter. He's be looking at 4 guys at a full day's wage to do erosion control and then 4 guys on another 2days of work doing edging. He thinks he would need ~\$3,000 of materials to do the job. Doing some numbers averaging out what they make an hour and basing it on an 8-10 hour day, the Town Administrator thinks it figures out to be ~\$6,000 total for the project. (Mrs. Roux wanted to make clear to the Board that these her numbers, not District 1's.) and the Board would need to vote one way or another as it is out of a different District. She only did the figures to give the Board a sense on costs based on average hourly rate.

Selectmen Miller asked, so you are looking at 8 employees for 8 days to equal how much? The Town Administrator responded, no, It is one day with 4 people on erosion control and then same 4 people on for 2 days to do edging. Three days all together plus materials. Please don't use that \$6,000 as a guideline, it was what was come up with mathematically and she did not want to be held to that number (it was only an example). Selectmen Walsh asked, if we do the road for \$116,878 and this is strictly paving money, we can't use it anywhere else, \$6,000 plus or minus would need to come out of the regular fund regular accounts that could be used for something else like plowing? But in order to do that, you really need to do that after you are done doing the road because it is going to leave a 2" base going down and have a 2" lip come on top down to the shoulder of the road and you have to do the shoulders? The Town Administrator responded that at the end of the day, if the Board ends up getting a Road Commissioner in town or a Road Commissioner appointed to the position that has material and can do the job through the Road Commissioner's job, we will be able stay within the budget of what was approved because anyone who applies for that position is going to apply based on posted rates. Which should leave us fine winter-wise. Te Town Administrator's concern

is that if we don't get somebody in that position and we have to go to per mile, I don't think \$6,000 either way is going to make a difference, especially since the road is in bad shape and is going to need to be plowed. We don't know how much money or prep work has gone into the road by District 2 but I'm steered towards its paving because it is ready to be paved.

The Town Administrator continued to report that nothing was said about it needing culvert work. She met with Road Commissioner yesterday and that was the information given. Selectmen Walsh agreed. Mr. Gregory was asked up to provide more information.

Selectmen Walsh asked Mr. Gregory if he recalled doing a road survey and whether there was any culvert work or other additional work to be done? Mr. Gregory replied, in order to get that amount of work done and only cost less than \$10 thousand or \$8,000? The Town Administrator replied, he has got to put that money into it as we don't know what has already been spent to this point to finish it. Selectmen Walsh commented that he feels it needs to be done. If the Board backed up a month it would be done. So, we need to go ahead and do it. Especially with a paving crew in Town. They can do it while they are here. The Town Administrator asked if she was verbally permitted to speak with paver and if he feels like \$6,000 is a safe number to proceed. Problem is, if he starts the work, we can't unload. Selectmen Walsh indicated we can probably wait on that for a little bit and maybe there will be a new a new Road Commissioner to do the roads. We have some time as they have 2 roads to pave right now: Gavin Road and Sam Page Road. Let's get our third road reclaimed to pave.

The Town Administrator asked, so, you are not authorizing any expenditures? But are authorizing paving at this point? Board responded yes.

The Town Administrator summed up that it is going to take a little while and we may even have at least done it right. The Board will have another meeting and she can get a tighter number from the paver or can check with the New Road Commissioner when available.

Selectmen Walsh commented the road does not need the edges done immediately after the road is paved. That can wait a bit longer as well as erosion control which can come out of the paving account. The Town Administrator stated as mentioned, District 1's number of \$116,878 may fluctuate a little bit if the paving company doesn't have flaggers that day and District 1 can throw a couple of guys there. But again, take it out of paving.

Selectmen Walsh asked, do we still have employees in District 2? The Town Administrator responded, we absolutely do have employees in District 2. Selectmen Walsh responded, than there is a job for them! They are qualified to pave and have flags. We just need to give them the go ahead to do it. Get them some flags.

The Town Administrator replied, again, assuming that's something not provided by the paving company, it can be done, but we don't want to step on any toes.

Selectmen Miller asked, didn't we buy both sides? The Town Administrator responded, we bought hard hats and jackets. The guys should still have them. So, we are making a motion to approve the New Bridge project and paving?

Selectmen Miller made a motion to authorize the New Bridge paving; Selectmen Stacey-Horn seconded it. All in favor.

Selectmen Walsh asked, do we want to put a dollar cap on the \$116,878? Town Administrator replied no! Selectmen Walsh announced moved and seconded to authorize F.R. Carroll to pave New Bridge Road, it's 4975 feet x 22 feet wide. No Discussion. All in favor. Motion passed.

6. PUBLIC COMMENT:

Dennis Long approached the Board to comment on two points:

- With Zoning Board, are you going to appoint 5 more people (including 2 alternates)? Board replied: Noted.
- Following up question of why Zoning Board only meets every 5 years is a compliment to Code Enforcement for a great job done. The quality of work coming out of that office reduces the need for appeals.

Lois Michaud approached the Board to remind everyone it's that time of year, please wear orange when going into the woods.

Mr. Gregory approached the Board because he forgot to mention with regards to snow removal we need to consider turnarounds and easements in both District 1 and 2. The Town Administrator advised Mr. Gregory to invite the District 1 Road Commissioner to a meeting to discuss.

Mr. Gregory than asked the Board if anyone asked F.R. Carroll if they did shoulders and what they would charge to do them? Selectmen Walsh responded, good point.

Robin Ham approached the Board in reference to New Bridge and commented there are some trees that need to be cut. They are already marked by District 2 Road Commissioner and was in the process of being cut down before the road was to be paved because the roots were coming up and making all the bumps and cracks in them because the trees are too close and need to be taken away before we pave. He would hate to see the road paved and then dug up again to remove the trees.

Mr. Ham then asked when did the Town of Acton put deadline on projects. Selectmen Stacey- Horn replied when projects were not getting done in a timely manner. Mr. Ham pursued the subject bringing up phone call made and received. Selectmen Walsh would speak to him after the Board meeting but did not want to rehash prior discussions and decisions. The Board confirmed that there was no deadlines on Flat Ground Road and Mr. Ham was misinformed. It was irrelevant at this point. The tax payers asked a question, the Board reached out for answers to give back to the tax payers.

Rollin Waterhouse approached the Board to update them that they still had no defined purpose for the Road Committee, not from the Board of Selectmen. Board responded that they were going to work on that Monday night.

Secondly, Mr. Waterhouse believes there is an upcoming workshop not listed on the upcoming agenda. It was posted for the Rec; Town Administrator said it was on her list to announce tonight.

Thirdly, Mr. Waterhouse asked the Board when we as a Town was going to take full responsibility for Flat Ground Road. It is a Town road. It was never discontinued. If need be, he would put a petition together to get the Town to accept it back as a Town Road. All records show it was simply closed. Selectmen Walsh responded that neither side could show whether in fact it was done properly and they agree to that fact.

Mr. Waterhouse: So it was a town way before, it should be a town road now.

Selectman Walsh: I know we battled this last year and that is why \$20,000 was put forward to do some work.

Mr. Waterhouse: I understand, but it puts us in a bit of a quagmire as far as getting the road finished.

Selectman Walsh: If you want to put a petition forward that's all it takes. Get it in front of the people. Thank you for taking that on.

7. ANNOUNCEMENTS:

Sand bids due 2pm 10/30/2018
District 2 RC resumes due 10/30/2018
District 2 Winter Maintenance due 10/30/2018
Board of Selectmen Meeting and Executive Session 11/01/2018 7pm
Library Chili/Chowder Fest Nov. 3, 3 – 8pm
Election 11/06/2018 (No BOS Meeting)
Board of Selectmen Meeting 11/07/2018 5pm

8. MEMBERS PRESENT:

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

9. OTHERS PRESENT:

Chuck Gregory, Greg Vermette, Dennis Long, Joe Ruma, Joyce Bakshi, Leslie Berlin, Cindy Hart, Rollin Waterhouse, Lois Michaud and Robin Ham.