

**SELECTMEN'S MEETING**  
**October 28, 2020**  
**6:00pm**

**1. CALL MEETING TO ORDER / PLEDGE OF ALLEGIANCE**

**2. TOWN ADMINISTRATOR WEEKLY UPDATE**

- The Town Administrator informed the Board that in 2016 there was 1231 residents who voted in the Presidential elections. This year the office has processed over 800 absentee ballots alone and there has been a steady intake of new voters.
- The State offered a grant with a 80/20 match for a ballot box to be placed outside the Town Hall and we took advantage of the match. A local Newfield company received the bid award. The box came late Monday and is in the process of being installed based on State guidelines. The spot picked is on camera and near the walkway. There is only 3 days until Election Day, however, there are still 425 ballots to be returned and the hopes are for the box to be useful in collecting these ballots. After the elections, we can use this box for other items year round.
- Cleaning – ServPro has been hired to perform a deep cleaning at the Town Hall. They spent 6 hours on the down stair's offices and the Town has not only a lady bug issues but a mice one as well. The upstairs offices have been rescheduled for Thursday, November 5, 2020 due to elections.
- The Board of Selectmen will not be meeting November 4, 2020 due to elections and the November 11, 2020 meeting will be rescheduled to Thursday, November 12, 2020 due to Veteran's Day Holiday.
- The Town Administrator updated the Board that a possible Post Cane recipient has been determined and she was working on presentation options which will include family members and the Historical Society. Discussion ensued; suggestions were made to hold the presentation on a Saturday, scheduling before Thanksgiving, limit exposure and televise it for the public to share in the festivities. The Town Administrator will reach out to recipient for best day and time.
- Mooring/Ordinances – A question of residency of the State of Maine was raised after the Board meeting where a possible petition was proposed and discussed and confirmed that those wishing to petition for an ordinance was not a state resident and would need to be. What will be recommended to these property owners is to reach out and have other residents persuit or address the Board to handle.

**3. WARRANTS/BILLS - Signed.**

**4. APPROVAL OF AGENDA**

Selectmen Dave 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 Dave Winchell made a motion to approve the minutes of the last meeting; seconded by Selectmen Ed Walsh. No discussion. All in favor.

**6. DEPARTMENT HEAD / COMMITTEE CHAIR UPDATES**

**A. Road Committee Update**

Leslie Berlan, Road Committee Chair approached the Board to inform them that the Road Committee reviewed two Article 43 applications: Hawk Road and Lakeside Drive. It was the Road Committee's recommendation to award Hawk Road \$1,744 and Lakeside Drive the full \$3,000 allowed.

Mrs. Berlan then informed the Board that the committee discussed a new Stream Crossing grant available and was working on the RFP. In the process, the committee did a few additional items to help bump up the score. Also, the grant was increased to \$125,000 which is \$30,000 more than last year. Submittal will be ready for next week. Selectmen Walsh commended the work.

Canal Bridge – Mrs. Berlan informed the Board that the Road Committee had a discussion on Canal Bridge and the Wakefield presentation and the committee voted to recommend all the measures needed to be reviewed for this item to go to Town meeting be done and ready.

Mrs. Berlan asked the Town Administrator about a Snow/Ice Class and whether it has been scheduled. Selectman David Winchell noted that it would probably be a good idea for Acton to host the class as long as COVID protocols were met. Mrs. Berlan commented that attendance was a good idea as there are a lot of new developments. The Town Administrator indicated she would follow up and find out the class date. The Board agreed it was a benefit to the Town of Acton; it was suggested the class be taped in order to allow for later viewing.

RMS Update – Mrs. Berlan asked the Town Administrator and Board if there was any update on the RMS and training. The Town Administrator indicated the State had been contact and at this time it was not a priority, nor was the State yet prepared to do the training. The Road Committee members are welcome to come in and look at program to see where it is inputted.

After the Road Committee Chair's update and queries, regarding Canal Bridge and the Road Committee being in favor, what is the Board contemplating? Discussion ensued. The Board indicated that this process needed to be started with permitting and the costs to permit. Warrant & Finance would also need to review which probably will not happen until January. Selectmen David Winchell agreed, process is permit, committee review, April/May the roads are shut down so the process will be bringing the Board to June. Wakefield should take care of the New Hampshire side of the project and Acton will need to take care of the guidelines issued by Maine on our side. The Board was in agreement to start the process, but still does not know what the Town wants. The Board would want the Road Commissioner to take lead and provide solid numbers and set up a plan of what is needed to be done on the Acton side of the project. Selectman David Winchell recommended that the Road Commissioner set up a package, meet with DEP and so forth.

The Board introduced Adam Doliber as the new District 2 Road Commissioner. After introductions, Mr. Doliber was instructed to get with Selectmen David Winchell to review Canal Bridge project, contact Wakefield and set up a meeting, meet with the

Environmental Protection Department to review plans and understand what can be disturbed and what cannot. It was further recommended that Mr. Doliber get certified in Shore land.

Road Commissioner Doliber reported that the sander has been placed on the truck already in case snow arrives soon, however, the wings are not yet on. Mr. Doliber noted that the Town has received two loads of sand.

## **7. OLD BUSINESS**

### **A. Conflict of Interest Legal Opinion**

A conflict of interest question was posed and discussed at the last Board meeting. The Town Administrator followed up the discussions with a call to legal. Legal's response was, "a conflict of interest is a concept that applies to the decision maker not the person needing a decision. So, for example, if a Selectman needs a permit for any reason from the Code Enforcement officer, it is not the Selectman who may have the conflict of interest. It is the Code Enforcement Officer. But unless the Code Enforcement Officer has a financial interest in the permit (example: he is an investor on the project), he would have no disqualifying conflict of interest that would prevent him from issuing the permit. If your question is prompted by a concern that the Code Enforcement Officer may be unduly influenced by the fact that the Selectman is in a sense his boss, I think this is speculative and remote. It does not rise to a level of disqualifying conflict of interest without more direct substantial evidence that in fact, the Code Enforcement Officer would unduly be influenced by his relationship, otherwise, wherever the Selectmen have the power to appoint over the Code Enforcement Officer, he would never be able to issue a permit to a sitting Selectman for any reason." So, it is not a conflict. The Town Administrator will forward response to the person who posed the conflict of interest question.

### **B. D-6**

Selectmen David Winchell updated the Board that the D6 had been moved. It was fired up and pulled to its new location in the shed. Mr. David Winchell Sr. was disappointed to see it go and there were some issues to get it ready, but the project is done.

### **C. Article 43 Applications -**

Selectmen David Winchell made a motion to approve the Article 43 applications to grant Lakeside Drive \$3,000 and Hawk Road \$1,744 as recommended by the Road Committee; seconded by Selectmen Ed Walsh. No discussion. All in favor. The Board thanked the Road Committee for their hard work.

**8. NEW BUSINESS**

A. Salt Bids

Granite State \$53.53/ton delivered  
Eastern State \$57.90/ton delivered  
Morton Salt \$52.86/ton delivered \$0.05 service fee = \$52.91/ton delivered

The Road Commissioner, Will Langley recommended Granite State. Selectmen David Winchell commented on benefits of using Granite State and agreed the Board take the Road Commissioner's recommendation.

Selectmen David Winchell made a motion to approve Granite State at \$53.53/ton delivered; seconded by Selectmen Ed Walsh. All in favor. So moved.

Estimated tonnage is \$1,500.

B. Loan Bids

Kennebunk Savings Bank	1.49 fixed for 5 years,\$250 loan fee
Partners Bank	2.50 fixed for 5 years
Community First National Bank	2.54 fixed for 5 years
Biddeford Savings Bank	3.49 fixed for 5 years

These bids will be passed onto the Treasurer to review and make a recommendation to the Board the week after next.

C. Freedom of Information

These requests were sent to Land Use:

- Charles Crespi – Materials related to Martell Estate submitted by the applicant since October 15, 2020; materials related to the Martell Estates which are in the Planning Board packets for November 5<sup>th</sup>.

**9. PUBLIC COMMENT:**

- Mike Long – Thanks the Board for moving the D-6 and Mr. Winchell Sr. for taking care of it for the many years. He asked the Board to consider a fundraiser to bring the D-6 up to showmanship. Selectman Ed Walsh concurred with Mr. Long and spoke regarding housing with take away sides and the Fairgrounds becoming a permanent display. Selectman Ed Walsh will follow up and get back to the public of what can be done.

**10. ANNOUNCEMENTS:**

- Election Day, Tuesday, November 3, 2020
- Mary Grant had a great turnout for their pumpkin carving event.
- Closed Veteran's Day, Wednesday, November 11, 2020.

**11. MEMBERS PRESENT**

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

**12. ATTENDANCE**

Leslie Berlan, Dennis Long, Preston, Mike Long, Joyce Bakshi, Rollin Waterhouse, Kaitlyn Long, Virginia Doboer, Adam Doliber and Cheryl Drisko

Meeting adjourned at 6:55 pm.