

SELECTMEN'S MEETING
September 23, 2020
6:00pm

1. CALL MEETING TO ORDER / PLEDGE OF ALLEGIANCE

2. TOWN ADMINISTRATOR WEEKLY UPDATE

- The Town Administrator asked the Board if they were interested in continuing payments for Zoom use, especially with the potential of large Public Hearings. The Board agreed to keep paying.
- The generator serviceman was in and found a ground which needed tightening; this was fixed and may have been the source of our issues. Further testing found no other issues and the exercises held. Wednesday tests will be continued and monitored.
- Research was done on whether the Gym could be leased or not. Legal is still looking into the details but at this point it is probably going to need approval at a Town meeting. There are currently no funds budgeted for the Furnace and it needs to be turned off and removed from service. The building has electric only and will need winterized. Selectmen Ed Walsh stated he would take the lead.
- The Board of Selectmen need to take a look at the purchase of Oil as it is nearing the end of its 3 year contract. A determination on whether the Board wants to stay with current vendor or go out to bid needs to be made. Reminder – usage will change with the Gym being removed from the contract.
- An email went out to staff asking them to take the yearly VDT training; a half hour was authorized to assist staff allotted time to take the training.
- The Girls Scouts asked if they could use the Town Hall to hold meetings. The Board apologized but their decision still stands to limit Town Hall use to Town business only.
- A resident expressed interest in the Wentworth Pines Subdivision and asked to review the files. These files were processed for review but subsequently returned to file as COVID hit. The resident will be coming in Friday, September 25 to review the files and write down any questions he would like to have answered. These then will be forwarded for response.
- A resident who is restricted from contacting persons at the Town Hall except the Town Administrator is asking for information that Code Enforcement could provide and he has multiple questions to be answered. It was recommended to him that he sit down with the Board of Selectmen, Town Administrator and Code Enforcement Officer together to get the answers to his questions but he was not interested in that approach. The resident then threatened to contact his attorney in the matter. The Town Administrator reminded the resident that when he contacted his attorney his attorney needed to know the complete reason why he just can't go to Code.
- The Fire Chief will be advertising the old tanker for sale via a sealed bid and no warranty. He was looking for a recommendation from the Board on the minimum price to attach to the bid; he himself was thinking \$5,000. The Tanker goes out of service on October 1, 2020 and the Fire Chief doesn't want to retain it on premise. The Board agreed with the Fire Chief's recommendation of \$5,000.
- Transfer Station Superintendent Bob Mann was working with the Town Administrator to draft a contract for hauling services.
- The Town Administrator took a moment to speak directly to the residents of Acton to inform them that this year a large number of political affiliations were blanketing the area with

absentee ballot request forms and media; some residents are receiving multiples of said forms. **Only one form needs to be completed and sent to the Town in order to request an absentee ballot.** This process is not generated from the Town and in no way to we gender any support for one candidate versus another. It is your right to vote and the Town would never send out such a letter. Please do not write notes on your returns as we have no control over this inundation. If in doubt or you have any questions regarding whether you already completed such an action, PLEASE contact the Town Administrator Jennifer Roux if you have any questions or need to confirm your registration to vote.

The Town Administrator then updated the Board the office has received a large amount of applications for absentee ballots and will probably take the entire staff a scheduled day to process.

3. WARRANTS/BILLS

4. APPROVAL OF AGENDA

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

5. MINUTES OF LAST MEETING

A motion was made by Selectmen Kimberly Stacey-Horn to approve the September 2, 2020 and September 16, 2020 minutes as written; seconded by Selectmen David Winchell. No discussion. All in favor.

6. DEPARTMENT HEAD / COMMITTEE CHAIR UPDATES

District 1 Road Commissioner, Will Langley approached the Board and updated them regarding his proposed and completed projects.

7. OLD BUSINESS

- 1) Iron Tail Concerns

Code Enforcement Officer Ken Paul approached the Board and available to answer questions pertaining to the Iron Tail concerns.

Selectmen Ed Walsh started the conversation by indicating that he was contacted by the Tapscotts and visited their residence and could clearly hear the music including the words to each song from their premise. It was worse than he thought it would be. By the time Selectmen Ed Walsh approached the hot top road area, the sounds faded to no noise at all. There was no noise heard from Camp Nutter or Middle Road at all. Selectmen Ed Walsh concluded that the noise was travelling straight across the pond from Iron Tails.

Selectmen Ed Walsh asked the Code Enforcement Officer if Iron Tails was doing what he should be doing and what course of action can the Board take?

The Code Enforcement Officer explained that the ordinance is black & white regarding noise parameters, however, there are gray areas which lead to interpretation. There is a section regarding noise created from recreational use, but concerts are exempt.

The Code office works by complaints. In the past 10 – 15 years there have been no complaint inquiries. It is hard to prioritize 1 complaint to the top of the list of priorities.

Iron Tails has a conditional use permitting 300 people inside or out. There are no conditions set on decibel ratings in the permit. Furthermore, his conditional permit allows for a 25% increase without going to the Planning Board for review provided it is not a new form of use.

Iron Tails has recently removed a building from the premise but whether it is a factor relating to the new noise exposure has yet to be determined. Location of the building versus the band venue area doesn't seem like there is a correlation but maybe there is. Selectmen David Winchell commented that he too went over to Iron Tails and found it loud in the mid afternoon and too asked if there was anything that could be done about it.

The Code Enforcement Officer stated the best solution was to work with the property owner to make adjustments, i.e., music speakers readjusted to point in a different direction, a barrier to absorb sound, etc. The removal of the building makes the most sense and the easiest solution is for the noise just to be turned down a bit. The Code Enforcement Officer will continue to work with the owner; the Board was please and encouraged the interaction.

Discussion ensued related to other noise like motorcycles and sound echoing off the water.

2) District 2 Road Commissioner Opening / CDL Requirement

The Town Administrator reported back to the Board that legal responded that job qualification criteria can be set by the Board of Selectmen and the ad was consistent with the statute. There ordinance does not specify any qualifications and the Board has every right to list CDL as a requirement.

3) Personnel Policy

The Board's changes to the Personnel policy as requested and read aloud the policy as confirmation.

A motion was made by Selectmen Ed Walsh to approve the personnel Policy as updated; seconded by Selectmen David Winchell. No discussion. All in favor.

4) Capital Improvement Committee Appointments

The Board called for a 5 person committee; the Town Administrator received 6 candidates interested in being on the committee. The Board will review the candidate list and meet with individuals. Decision tabled until next week.

5) Buzzell Road

the Town Administrator through research discovered that the property which was conveyed to the Town was inadvertently filed by the Attorney and that a new plan was signed on 6/12/2020 revising the Lot line to encompass the land back; a corrective deed has been filed. The Attorney is creating an addendum to be attached indicating the Town never accepted. All appropriate steps have been taken.

6) Leasing Out Gym

As stated in the Town Administrator update, this item will be tabled until more information is provided by legal.

7) Petition Update

The Town Administrator recapped the petition as it was presented to the Town's residents and noted it was signed under 2522 which is an open town meeting. COVID happened. The conciliator of the petition believed his options changed and he could do the vote as a secret ballot. However, this is not the case per legal; he has no authority to make that change. The Board however does have the authority to draft a warrant article as its own initiative if it so chooses. The Board needs to decide its intentions. Note, the state law does not require this to be done within 60 days and this can be placed on the Town Meeting in June or the next Special Town meeting. What it comes down to is the enforcement of this edict if it passes; a plan needs to be put in place to handle.

The Town Administrator can certify signatures but, there is not enough time to place on the November elections. How does the Board want to proceed?

The Board discussed. Will Langley was asked to provide input as a Road Commissioner. The consensus was this edict could not be maintained especially based on State requirements.

To put this petition forward, it must be done at in an open Town meeting forum. The Town Administrator will notify the conciliator. Before placing this item on the next Town meeting warrant the Board would want to hold informative sessions for the public to understand the entire scope of this edict.

8) Newfield's Request

The Town Administrator has been notified that the Balch Dam Keeper will be initializing a drawdown on October 13, 2020 in order for the residents around the lake to do maintenance work.

The Newfield Dam Keeper also asked that his compensation be raised to \$1,500. Newfield would like this expense to be split between the 2 towns, however, a budget of \$500 was set and written in the warrant article and can't be changed this year. It can come before the Town to vote upon at the next Town meeting.

8. NEW BUSINESS

1) Sand Bid

Road Commissioner William Langley drafted a Sand bid for up to 4,000 yards. When asked how much sand was currently in storage Will responded around 1,500 yards. As for salt, nothing has come in yet. The Town Administrator will follow up.

2) Executive Session 405 6 A -1 Personnel Matter - moved to after public comment

9. PUBLIC COMMENT:

- Leslie Berlan approached the Board to inform them that two Planning Board meetings and one site walk have not yet been added to YouTube. The Town Administrator will follow up with an email.
- Nathan Tapscott approached the Board to relate that he had pulled Iron Tails files and permits and there was nothing stating the permission was granted to hold live entertainment events.

Executive Session Title 405(6)(A)(1) - Personnel Matter

A motion was made by Selectmen Dave Winchell to go into executive session pursuant of Title 405(6)(A)(1) personnel matter at 7:01 pm; seconded by Selectmen Ed Walsh. No discussion. All in favor.

A motion was made by Selectmen Ed Walsh to come out of executive session pursuant of Title 405(6)(A)(1) personnel matter at 7:16 pm; seconded by Selectmen Dave Winchell. No discussion. All in favor.

A motion was made by Selectmen Ed Walsh to conduct interviews for candidates A, B and D on Monday, September 28, 2020 starting at 6 pm and going ½ hour each; seconded by Selectmen Dave Winchell. No discussion. All in favor. The Town Administrator will set up these interviews.

10. ANNOUNCEMENTS:

- **September 30, 2020 there will be no Board of Selectmen meeting; the public hearing will still be conducted at 6 pm.**

11. MEMBERS PRESENT

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

12. ATTENDANCE

Ken Paul, Leslie Berlan, Joyce Bakshi, Dennis Long, Robin Ham, Richard Neal, Nathan Tapscott, Mike Long, Rollin Waterhouse, Will Langley, Denny Long and Cheryl Drisko.

A motion was made by Selectmen David Winchell to adjourn at 7:20 pm; seconded by Selectmen Ed Walsh. All in favor.