

TOWN OF ACTON SELECTMEN'S MEETING

February 9, 2022

6:00pm

- 1. CALL MEETING TO ORDER / PLEDGE OF ALLEGIANCE**
- 2. WARRANTS/BILLS:** None
- 3. APPROVAL OF AGENDA:** Kimberly Stacey-Horn made a motion to approve the agenda, Tom McGurty seconded the motion. All in Favor, motion carried.
- 4. MINUTES OF LAST MEETING:** Kimberly Stacey-Horn made a motion to approve the Minutes of the February 2, 2022 meeting. Motion was seconded by Tom McGurty. All in favor, motion carried.
- 5. TOWN ADMINSTRATOR WEEKLY UPDATE:**
 - The interviews for the Town Deputy were held today. The Sheriff presented two well rounded candidates. The interviewers were able to voice their opinions, and the Sheriff will make the decision. The decision will be made within the next two weeks.
 - The Town Administrator read the Notable Events that had occurred in Acton and Shapleigh in the past 2 weeks. The events included a search and arrest of an alleged domestic violence, a well check and transport to the hospital, two domestic disturbance calls and a disorderly conduct, a burglary arrest, a violation of protective order arrest and firearm violation, two warrant arrests, and a sexual harassment complaint.
 - A report was issued to the Town by the Sheriff's Department regarding citizen complaints in the area of the H Road. There had been several focused traffic details, four hours in length, in that area during the last couple months. The report listed:
12-27-2021: Distracted Driving Detail resulted in 8 summonses issued and 1 criminal arrest;
1-4-2022: Distracted Driving Detail resulted in 3 summonses issued and 16 warnings;
12 – 29- 2022: Speed Detail resulting in 4 summonses issued and 10 warnings;
1-24-2022: Speed Detail resulting in 4 summons issued and 9 warnings and
1-31-2022: Distracted Driving Detail resulting in 2 summonses issued and 1 warning.
Total 21 summonses issued and 36 warnings.
No record was given of what kind of vehicle was stopped.
 - The motherboard for the security system has been ordered and will have a February 22, 2022 ship date.

- The Budget work has begun. The Town Administrator will be working with the Department Heads and holding round table discussions regarding the budget proposals. The Warrant and Finance Committee has scheduled meetings on Mondays in March. The groups will meet with the Town Treasurer and the proposed budgets will be sent to the Board of Selectmen for their first inspection. The Capital Improvement Committee is proposing a budget item of \$10,000 to hire an engineer for Town Building inspections and improvements needed. The question arose if the Town Hall siding project should be completed. The project needs to go out for bid. The Town Administrator reports that the siding is 75% completed. David Winchell, Jr. questioned whether it was prudent to re-side the building before the engineer's inspection was done. Kimberly Stacey-Horn asked if the job had gone out to bid. Tom McGurty stated it should not take a year to approve the budget. David Winchell, Jr. stated that the warrant should be brought forward before determining the budget to determine whether a new bridge is needed or the fire truck should be paid off.
- The question has risen whether Selectmen who are out of town and missing meetings could participate via ZOOM Meetings. Maine Municipal was consulted and the determination was made that before that could happen there had to be a public hearing and a policy must be written to address this issue. In order to have a ZOOM Meeting, there must be a valid reason and ZOOM Meetings must be made available to all Boards and Committees unless the ZOOM was used just for listening to the meeting and not for participation in the meeting. The Board then addressed changing the meeting schedule to accommodate absences of members. The resolution to the question was that the meetings would be scheduled every other week and that absent members could phone call in to be able to hear the meetings.

6. DEPARTMENT HEAD / COMMITTEE CHAIR UPDATES:

The Fire Chief, Rick Smith, gave an update on the progress of the creation of the new tanker truck.

The original date to receive the tanker was June 21, 2022, according to the contract. That would have given a 182 day timeline for construction on to the chassis. There has been a delay in the build time and new build times are now running 600 days to build. The price has increased as well, but the price for The Town's new tanker is locked in by contract.

The new generator for the Fire Department has been received and will be installed within the next 2 weeks.

7. OLD BUSINESS:

A. Abuse and Molestation Prevention Policy:

The new wording, as requested by the Board of Selectmen, has been sent to review and should be available for review next week.

B. Personnel Policy:

The Personnel Policy has been sent to review for clarity and confirmation to the Department of Labor regulations, and should be available for review next week.

C. Medical Director Position:

The question of the Medical Director Position being a Town Employee or an Independent Contractor was taken to Maine Municipal. The report is that the towns are split 50-50 on whether they have an Employee or an Independent Contractor. If the Medical Director is an Employee, the town assumes the liability for the Employee. An Independent Contractor assumes their own liability and maintains their own insurance contract. The Town's Attorney recommended that the position be filled as an Independent Contractor and the Employee contract will be written up as such.

D. Transfer Station Sunday Hours:

The Transfer Station Supervisor requested that the Transfer Station Hours be increased to include Sunday Hours during the winter and altering the hours for earlier Sunday opening in the summer.

The Board of Selectmen would like to see some logs of usage and do more research on the traffic at the Transfer Station.

The question arose if the hour increase was actually necessary as Sanford, for example, doesn't have any weekend hours.

David Winchell, Jr. stated that there needs to be better information available, and to look at the Supervisor's handyman hours. He stated that the Transfer station was already open in the summer.

He also wanted to talk with the employees to be assured that that they were willing to work every Sunday all year long. He wants to determine what the demand for increased Sunday use and questions is whether it is a fiscally responsible decision. Perhaps the hours could be changed to an earlier opening in the summer to accommodate travelers use.

The Department Head should come to the next meeting to address the need.

8. NEW BUSINESS:

A. Warrant and Finance Questions:

The Town Administrator stated that she had received an e-mail from the Chair of the Warrant and Finance Committee with some questions and a request for the Town Treasurer to attend a meeting. After the Town Administrator spoke with Mr. Long for clarification, he withdrew his request for Michelle to attend the meeting.

The questions that needed clarification were:

- What did the Auditors mean by internal control?

The Town Treasurer's opinion of internal control as noted by the Auditor, when the Auditor stated that there were no concerns regarding internal control and the Auditor should be asked. Tom McGurty replied that the report was probably a boiler plate letter and was not changed for the Town's report.

- The Auditor's report on the School Audit had simple math errors in different places that added up to a schedule error of five million dollars.
- The Town has had the same auditor for the past 20 years. Why is that?
David Winchell, Jr., stated that the Request for Proposals were sent out for bid, and the cost often determined the decision. Unfortunately, few companies reply to the bid requests.
- In the 2020-2021 audit, why a long was and a short report included in the Town Report. The Town Treasurer replied that the Chair asked for the Long report to be included along with the Short report. Tom McGurty added that after the RFP process was finished, He would go over the Audit report with the auditor.
- What is the true definition of infrastructure? The Town Treasurer reported that Infrastructure was bridges, roads, culverts, public ways, drainage, transportation, and communication services.
- What is the long term debt that The Town has?
In 2021, the long term debt was The Goat Hill Loan, the Public Works Building loan, the copier lease, and the Fire Tanker.
In 2022, the long term debt is the copier lease and the Fire Tanker.
- Have Covid funds been dispersed to the Town?
The Treasurer replied that the School received monies for a new heating and ventilation system and a new School Van was purchased. The Town has not received any Covid Funds, but did receive a FEMA re imbursement.

B. FOI request:

- The Town Administrator reported that Mr. Jeff Donahue requested the minutes of a January of 2021 Board of Selectmen Meeting regarding a meeting held in November, 2019, where he stated he was asked to leave a meeting because of mask noncompliance. The Town Administrator and Kimberly Stacey- Horn viewed the minutes of the meeting on video. Kimberly Stacey-Horn took notes at the meeting, but no change was made to the minutes. The Town Administrator asked Kimberly Stacey -Horn if she wanted to reconsider the minutes. Kimberley Stacey- Horn stated we all needed to wear a mask, he had no mask, he walked out of the meeting willingly.
Mr. Donahue chose to leave; the minutes will stay the same.

- Mr. Jeff Donahue requested an Engineer's Report regarding the Tattle Street Road Association, as outlined in Part F.

The 1991 Subdivision Plan was located; the Engineer's Report of the Wentworth Subdivision Plan was copied and sent to Mr. Donahue.

David Winchell, Jr. stated that the e-mails being received are borderline harassment with an insinuation of threatening to the Town of Acton and individuals, and these need to stop.

9. PUBLIC COMMENT:

- **Dennis Long**, Chair of the Warrant and Finance Committee, wanted to clarify his questions and concerns and wanted to focus on the finance of the Town and wanted to reiterate that no employee was being cruised for doing anything wrong. The Budget timeline is due in the middle of April, so is a Saturday meeting needed? The Board of Selectmen would like to meet with Warrant and Finance and the different departments to discuss the budgets. There could be time for each department to meet and allot enough time for discussion of each budget.
- Tom McGurty stated that the staff of the Town Hall is doing excellent work. The Auditors are responsible for the audit issues.
- Tom McGurty is on the Capital Planning Committee dealing with the budgets.
- David Winchell, Jr. states that the Capital Planning Committee could put something forward for long term planning to the Board of Selectmen. Not warrants, but suggestions for an improvement plan.
- Joyce Bashmin reported that The Capital Planning Committee was a positive advisory committee. They have been investigating an engineering company to discover the price range of a prioritized plan, so that the Capital Reserve could be established to fund a plan for the future.

David Winchell, Jr. stated that there should be a Capital Improvement Plan from the Town Treasurer before these things could occur. The Capital Planning Committee is not a subcommittee of the Finance and Warrant Committee and that their work should be idea oriented and not finance oriented. The Capital Improvement Plan should submit a list to the Board of Selectmen to choose the method of finance, get a bid, then use the money amount to put an article on the Warrant.

Joyce Bashim stated that the engineers should look at all the buildings and then a long term capital plan could be developed for the infrastructure.

Tom McGurty stated the purpose of the Capital Plan needs to be assessment so that the Town can plan for long term improvement to maintain the assets of the Town.

Joyce Bashim asked if the roads are assets. David Winchell, Jr. States that the Road Commissioners maintain the roads, and the roads are assets. Joyce Bashim then asked if it really does cost a million dollars a mile to build a road. David Winchell, Jr. Then replied it probably costs \$100,000 a mile to build a new road on blueberry flats.

- Ray Lopez stated that he wanted to thank all the hard work being done at The Town Hall. He questioned whether a bid on a job could have a clause with an end date and if the end date was not met should there be a price reduction? David Winchell, Jr, stated that if he was talking about the Fire Truck, there were other circumstances. If the cost was to be reduced, the contractor would build the price into the bid as an insurance policy. Tom McGurty added that they would pay for an insurance policy and if the job was completed on time, you would lose the insurance. David Winchell, Jr. stated that not having the clause was to the Town's advantage, because the contractor would want a repeat customer. The company's history was investigated and others were consulted on the dealings with the company. The lowest bid is not always the best bid. Due diligence was done before the purchase.

10. ANNOUNCEMENTS:

Monday, Feb 14 Conservation Committee 7:00 pm

Wednesday, Feb 16 Planning Board Workshop 3:00 pm

Wednesday, Feb 16 Capital Improvement Committee 4:30pm

Wednesday, Feb 16 Board of Selectmen 6:00 pm

Thursday, Feb 17 Planning Board 6:00 pm

Tuesday, Feb 22 Mary Grant Committee 6:00 pm

Wednesday, Feb 23 Planning Board Workshop 3:00 pm

Wednesday, Feb 23 Board of Selectmen 6:00 pm

Monday, Feb 28 Warrant and Finance 6:00 pm

11. MEMBERS PRESENT: David Winchell Jr., Kimberley Stacey-Horn, and Tom McGurty

12. ATTENDANCE: Ray Lopez, Ms. Lopez, Dennis Long, Joyce Bashim, Adam Doliber, Joe Ruma