

## SELECTMEN'S MEETING

April 30, 2019

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. Approved.

### 2. MINUTES OF LAST MEETING:

Selectmen Elise Miller made a motion to table the minutes of April 23, 2019; seconded by Selectmen Kimberly Stacey-Horn. No discussion. Minutes tabled.

### 3. DEPARTMENT HEAD / COMMITTEE CHAIR UPDATES:

#### A. Director of Planning

Mr. Ken Paul approached the Board to present his update. Before update he asked the Board to correct fee schedule. Notifications line was omitted and the research line should be removed.

Mr. Paul continued with the Zoning Board's Committee report. The Planning Board was interested in getting 1 or 2 more Articles on the Warrant. With schedule changes the Planning Board was hoping to have not missed the deadline. Mr. Paul pointed out the edits on the Land Use Chart of the Mineral Extraction Article. Change made sense to the Board.

Next, Mr. Paul indicated that on the Filling/Grading Article the order is backward and a change to the order was going to be reassigned. This change did not need a vote, however the Planning Board wanted to modify the 3<sup>rd</sup> item listed at their Thursday meeting and then come back to the Board with a clean Article. When you look at 10,000 yards, the Town is looking at 1,000 dump trucks and the Planning Board wanted to reduce it down to 1,000.

Mr. Paul definitely wanted to see the Green Article placed on the Warrant, however the second one would be nice to be included as well.

If the Board agrees to put these on the Article, they will be added to the end of the Warrant.

Proposed Public Meeting is May 16, 2019. Warrant & Finance would need to meet on May 20<sup>th</sup> to make their recommendation before a vote or Warrant is signed.

The Board decided to add it in.

#### B. Road Committee

Leslie Berlan, Acting Chair approached the Board to recap the Road Committee meeting of Thursday, April 25, 2019.

- The Road Committee voted on Tattle Street. There were several issues the Committee wanted to address before the release of funds:
  1. Is the Association a statutory or nonprofit Association as required by law?

To answer this question, the Road Committee had to follow the following guidelines: "The original call to meeting is the mechanism that establishes a statutory Road Association and it

takes 3 owners to call the founding meeting. This group then sends a notarized letter with the meeting and a photo to all property owners and once established, the Association remains in effect until dissolved.”

Findings: Tattle Street has provided the Road Committee with the necessary documentation. The application to Notary Public to call a meeting was dated April 19, 2007 and notarized by Mrs. Jennifer Roux on April 20, 2007 as required by statute. The date of the letter sent to the Property Owners was dated April 30, 2007 and any conflict after the establishment of the Association does not dissolve the Association, it merely becomes a civil matter between individuals. Tattle Street Association has also provided their bylaws and minutes of their last meeting.

2. Will these funds protect a great pond et cetera from pollution?

Answer: Yes, in the past, Tattle Street has applied and received 319 Grant money. Tattle Street is on the Mousam Lake which is listed on the Maine DEP Lake NPS Priority Watersheds list. It is also listed on the Maine Integrated Water Quality Monitoring and Assessment Report. On top of that, it is identified as a medium risk in a completed watershed survey approved by Maine DEP.

3. Has the work been completed?

Answer: It has. The road was inspected for completion of work on April 24, 2019 and the Road is in excellent condition.

The Road Committee voted to recommend approval of releasing the \$3,000 from the Article 43 statutory funds.

- The Road Committee looked at the issues on 7<sup>th</sup> Street. In reviewing the Town of Acton's Road Ordinance, a Class B Road, in order to be accepted as a Town Way must have a minimum of a 34' right of way and a feasible interest title conveyed to the Town of Acton.

The release deed that was provided only listed 20' which disqualifies 7<sup>th</sup> Street from being accepted as a Class B Road.

The Road Committee is recommending that the Ordinance be amended or at least be considered for amendment.

- The Road Committee has started review of the applications for Stream Crossing Grants. The Committee is looking closely at H Road and West Shore Drive as candidates. The Committee has started gathering the extensive information required for submission. The District 1 Road Commissioner was present at the Road Committee meeting and provided a great deal of information and is actively insisting in the information gathering. The District 2 Road Commissioner was not present.

At the second to the last Warrant & Finance Committee meeting, District 2 Road Commissioner talked about the new bridge and culvert and the availability of grant money. Gavin Mahoney informed District 2 Road Commissioner about the Road Committee meeting held just prior and the fact that he should talk to the Road Committee.

All Road Committee Members and both Road Commissioners were notified of the Road Committee meeting on Thursday. The Road Commissioner of District 2 did not attend the meeting, nor did he respond to emails notifying him of the meeting. If there was a conflict, the Road Committee did not know about it.

The Road commissioner of District 2 appears to be asking for help but seems unwilling to communicate with the Road Committee who is spending hours upon hours to gather information to apply for the grant money. Mrs. Berlain asked, "Does the Road Committee bypass District 2 to get it done or do they simply not apply for the grants for the District 2 side of Town?"

The Road Committee is also concerned that if the Road Committee Ordinance passes, District 2 Road Commissioner will be a voting member of the Road Committee but has yet to attend a meeting or even respond to emails. As a voting member, it is critical that he participates. As elected and appointed officials, the taxpayer rightfully expects the Road Committee and the Road Commissioners to work together for the betterment of the Town. The Road Committee is looking for guidance from the Board of Selectmen to help resolve this apparent impasse.

Selectmen Ed Walsh responded that the Board will be calling the Road Commissioner to bring him in and have a discussion with him.

Mrs. Berlan said ok. Mrs. Berlan further recapped that the Road Committee would love to do New Bridge but does not want to spend hours and hours and hours gathering information for nothing. If the Road Committee is not going to be able to pull it together, the Town and the Tax Payers deserve to know.

Select Walsh responded that the Road Committee will be able to pull it together with or without the Road Commissioners help.

There were no further questions or comments.

#### **4. OLD BUSINESS:**

##### **A. E911 Addressing Operator**

The Town Administrator had nothing to update; meeting with Mr. Paul has not happened yet.

##### **C. 7th Street**

The Town Administrator updated the Board that Legal had reviewed application. The Ordinance does require 34' conveyed as simple interest. The way it sits now, the Road can not go on the Warrant. Attorney Morin recommended an amendment to the Road Ordinance so that 7<sup>th</sup> Street and other interested roads can meet the standards to become a Class B Road, assuming the Engineering Reports are on the Warrant to make it a legal recommendation for an amendment.

Mrs. Roux passed the amendment to the Board to review while stating that the voters would have to first approve the amended Road Ordinance and then they would have to vote to accept 7<sup>th</sup> Street as a Class B Road at the Town meeting.

Mrs. Roux again reminded the Board that they are extremely late in adding one more Article to the Warrant. These are the proposed changes and the Board can do with it as they will.

Discussion of changes occurred. The Road Committee meets next Tuesday and may want to make a recommendation. Selectmen Miller indicated with all the work already done it should be added. Mr. Cote answered timing questions.

Selectmen Walsh responded to go ahead and give it to the Road Committee for their recommendation and then entertain putting it on the Warrant.

#### D. Road Commissioner and Road Committee Ordinances

The Town Administrator passed out revised copies to the Board. The Road Commissioner's Ordinance was marked with an arrow where the changes decided upon were made. Several changes were still in the hands of the Attorney to review statutes. The Road Committee made some minor changes too. The Attorney does know there is a deadline for changes to be made or recommended upon.

For the Road Committee Ordinance, the only changes made on the Ordinance was to allow the two members currently elected to finish out their terms. Mrs. Roux further indicated she had some clearer verbage on the organization that will be shared with the Board next week because she did not currently have it at the meeting with her.

The Public Hearing on this Ordinance is May 13, 2019.

#### E. Tattle Street

The Town Administrator updated the Board that Tattle Street was old business pending a recommendation from the Road Committee in regards to Article 43. Numerous emails were received from a Resident who resided on Tattle Street that had concerns about the Road Association applying for the Grant. The Town Administrator thought this individual would be at the meeting tonight but did not see him in the audience. Nevertheless, the only question that pertains to the Town that is not civil, is whether or not Tattle Street created their Road Association based on the statute. The Town Administrator indicated she had an email from Attorney Lenkowski who was not tied to Tattle Street in any way that reads, "Jennifer, based on the documentation attached in your email, I believe Tattle Street Road in fact did and does qualify as a statutory Road Association formed pursuant to Title 23 MSRA Section 1016."

The Town Administrator noted, Tattle Street would qualify based on the Article set forth in 43. Mrs. Roux further informed the Board that she did forward the recommendation which was just read to the individual with all of the concerns. The Attorney further related any issues between individuals is a civil matter and as for the Town, the Attorney still believes the Road Association does qualify for the funds under Article 43 funds.

The Town Administrator is now looking for a motion from the Board of Selectmen,

Selectmen Elise Miller made a motion to approve Tattle Street for the Article 43 funds in the amount of \$3,000; seconded by Selectmen Kimberly Stacey-Horn. No discussion. All in favor. Approved.

#### F. Paving Bid

The Town Administrator sent the paving bid to both Road Commissioners to review. As of now, Mrs. Roux has not heard from either Road Commissioner. Mr. David Langley approached the Board to indicate there were no changes from him. Mrs. Roux asked Mr. Langley to please respond to the email for the records. Mrs. Roux will wait for the other Road Commissioner's response before sending out the bid package for quotes.

Selectmen Miller asked Mrs. Roux when she sent the email. Mrs. Roux's response was April 24, 2019. Selectmen Miller recommend Mrs. Roux call the Road Commissioner instead of waiting. Mrs. Roux will comply.

#### G. Liquor License Petition

The Town Administrator updated the Board that all signatures on the Liquor License Petition have been certified. After removing duplicates, there is still enough signatures to put this item on the June Warrant.

#### H. Warrant Updates

The Town Administrator gave an update from the previous night's Warrant & Finance review and wanted to make sure the Board were in agreement:

- Article 14 was to see if the Town would vote to put the funds received in the sale of taxes from acquired property into the capital improvement fund; W&F made a recommendation for Undesignated Funds. So with the Board's approval, the wording in the Article will be changed. There hasn't been any sale which would have been effected by this Article in the last 7 years.
- Article 22 language changes were to see if the Town will vote to instead of "appropriate revenues", have it be written as "to accept revenues" and then swap "with utilize" to "with appropriated"; this does the same thing but just different words.
- Language in Article 23 is to clarify that the renewal is based on the Sheriff's Contract being approved by the voters.
- Article 28 – add the word "to" in. To see if the Town will vote to change to change the name "to"...

### 5. NEW BUSINESS:

#### A. Lawn Care Bids

The Town Administrator informed the Board that for a very long time Robin Ham and Ham's Property Service has been the Town's Contractor for the lawn maintenance in all of the local surrounding areas that the Town owns. The Town has gone out to bid many times. Mr. Ham isn't always the lowest, but usually within a couple hundred dollars of competitors. Even when he has been the lowest, the Town has awarded it to him because he is a local resident that does a good job on all of the properties. The Town Administrator advised the Board that, with that being said, the Town's policy says that the Board does not have to go out to bid. The price of presented bid is \$4,700 with a 3 year price commitment. The question is, "Does the Board want to go out to bid to see what else is out there or is the Board interested in awarding this contract to Mr. Ham?"

Selectmen Walsh asked the Town Administrator to clarify, "Anything over \$5,000 is when the Board would need to go to bid, correct? Town Administrator responded, "Yes".

The Board members were in agreement that Mr. Ham has been doing a good job, is local, under \$5,000 and broken down clearly. The Board decided to not go to bid but to award the contract to Mr. Ham.

Selectmen Elise Miller made a motion to award the lawn maintenance contract to Mr. Robin Ham's Property Maintenance Company under the submitted 3 year contract for \$4,700/year; seconded by Selectmen Kimberly Stacey-Horn. No discussion. All in favor. Approved.

#### B. Committee/Department Communications

The Town Administrator was seeking approval from the Board that correspondence going out to different Committees and Departments to all on behalf of the Board's Office would only go to the Chair of the

Committee or Department Head. Once received, these Committee Chairs or Department Heads would then forward pertinent information to their current members. The Board agreed.

#### C. Land Use Fees

Selectmen Elise Miller made a motion to accept the Schedule of Land Use Fees as presented tonight by Mr. Ken Paul replacing items that dropped off; seconded by Selectmen Kimberly Stacey-Horn. No discussion. All in favor. Approved.

#### D. Calcium Chloride

An individual from Tattle Street has been communicating with the Town Office and Mr. Ken Paul regarding the use of Calcium Chloride on some Private Roads. The individual was expected to be present tonight but did not show. A meeting was held with this individual as a workshop and the Board asked said individual to gather data on these documents on this product he felt was harmful and he wanted the Town to step in and stop using, especially Tattle Street. This individual referenced a particular zoning statute that he thought it violated (although the entire State of Maine uses Calcium Chloride along with many others). Said individual did send over the MSDS sheets and some photos which the Board has reviewed. During consideration of bringing an Attorney in to review, this individual quickly stopped us and chose to following the chain of command and the rules the Town and Board has to follow if someone has a concern about a decision that Code Enforcement made. It was Mr. Paul who made the decision that it does not fall under 5.2.1 as being a hazardous material then the individual needs to appeal that decision in writing and then would have the opportunity to go to the Zoning Board.

The Town Administrator was hoping to explain all of this information to the individual but he is not here. If he reaches out again, Mrs. Roux will catch him up with this information.

Selectmen Walsh agreed it was in good hands with Mr. Paul.

#### E. Workshops

The Town Administrator asked the Board if they wanted all workshops to be filmed. Selectmen Miller indicated that other than the 4pm workshops, all workshops should be filmed. Mrs. Roux will add this to communication email.

### 6. PUBLIC COMMENT:

- Dennis Long was called out when he giggled during the Road Ordinance portion of the meeting. Mr. Long approached the Board to inform them why he giggled. Since the Road Ordinance was first adopted, he has commented on it that it was unattainable by the general public on these roads. Mr. Long stated the Town sometimes can't meet these standards with their own work unless tax dollars are available and seeing an Amendment to the Ordinance that was just added made Mr. Long chuckle a little bit because he had wanted this to go into effect a lot of years ago. Mr. Long further indicated that when it came to Zoning changes, talking as a W & F Committee Member, this stuff is pretty well explained and from his standpoint, if the Selectmen have everything ready for the Committee, he would expect recommendations could be done Monday night. That was the schedule the W&F Committee had laid out and can stick to. Mr. long stated, it was now back into the Board's court.

The Town Administrator asked if the W&F would really vote on these Articles without a Public Hearing.

Mr. Long responded that he thought the changes were clear on the Articles and what was being brought forth is more housekeeping edits for clarification than changes. Amendment to Road Ordinance is clear as well; there will not need to be a lot of in depth research because it has already been done.

- Joyce Bakshi, Planning Board Chair, approached the Board to state that the idea of having to pay for a workshop which is open to the public is an unnecessary expense. The Board goes through so many things that do not involve the public, but a lot of housekeeping items as was presented here tonight. Mrs. Bakshi also stated this Board also does not vote nor sign off on any item; all items go to the Board of Selectmen for final review and sign off. Mrs. Bakshi asked again, “As the Departments try to save money is this really necessary?” Currently it feels like it is pick and choose and Selectmen 4:00 workshops should be filmed too.

Selectmen Walsh responded that it is key to get information to the public; all workshops will be filmed.

- Susan Meehan approached the Board to comment on Earth Day clean up and the lack of signs to discourage the public to not litter.

Selectmen Stacey-Horn asked if a fine is imposed whether an ordinance will need to be done. The Town Administrator will work on this.

Selectmen Miller noticed the great clean up job that was done. Rt 109 is a dangerous road to work on and maybe the State can be sought out to help with picking up the trash bags and Do Not Litter signs.

#### **7. ANNOUNCEMENTS:**

- Senator Collins Rep - May 3<sup>rd</sup> 9am - 10am
- Lions Club Breakfast - May 4<sup>th</sup> 8am – 10am
- Water Talk - May 8<sup>th</sup> 2pm, Wakefield Opera House
- Comedy Show - May 10<sup>th</sup> 6:30pm
- “Fancy Nancy” Tea Party May 11<sup>th</sup> 10am
- Public Hearings - May 13<sup>th</sup> (Road Commissioner and Road Committee Ordinance)
- EMA Director Posting - May 20<sup>th</sup> deadline
- Change of Speed Limit at the foot of the Lake.

#### **8. MEMBERS PRESENT:**

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

#### **9. OTHERS PRESENT:**

Mr. Robin Ham, Rollin Waterhouse, Mr. William Langley, Mr. Dave Langley, Mr. Paul Poyant, Mr. Dennis Long, Mrs. Joyce Bakshi, Mr. Ken Paul, Mrs. Leslie Berlan, Mr. Jay Ward, Mrs. Carol Ward, Mr. Mark Cote, Mrs. Denise Bowden, Mr. Bruce Bowden, Mr. Ken Winn, Mrs. Georgia Winn, Mrs. Cindy Hart, Mr. Brenden Meehan, Mrs. Susan Meehan, Mrs. Karen McManus, Mr. Ken Sughre, Mr. Tucker Pearson, Mrs. Adele Scritchfield, Mr. Billy Scritchfield, Mr. Derek Gauvreau, Mr. Kevin Costello, Mrs. Gail Brenda, and Mr. Chris Watkins.