

**SELECTMEN'S MEETING**  
**December 2, 2020**  
**6:00pm**

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

**2. TOWN ADMINISTRATOR WEEKLY UPDATE**

- The Town Administrator read aloud a flyer regarding the Transfer Station that the Superintendent wanted to go out. Cited was the fact that the Town Hall will help assist the T/S with the distribution of annual stickers. Currently being given out are the 2021 stickers; these stickers when applied to a vehicle match that vehicles license plate or is not valid. Other items cited were not new but revamped were seasonal, rental and temporary permits. Seasonal permits are still in development. The Board discussed options for eliminating duplicate stickers being issued and the Town Administrator will look into a registration card punch.
- The Board was notified that the Planning Board meeting for Thursday, December 3, 2020 has been cancelled. The next meeting scheduled is for Thursday, December 17, 2020.
- The School has contacted the Town Administrator to inform the Board that they have an inventory of Chrome Books to give away to the Town if needed; otherwise they will put them up for sale. The Town Administrator will contact and grab a few for future Zoom use or as sign outs.
- The BOS and Planning Board received a letter from Three Rivers Land Trust stating their displeasure with the Martel project.
- The Town has been notified that there is a new York County Sherriff Office Deputy Chief and the Town will be receiving monthly reports of activities recorded in the Town of Acton besides the already received Quarterly Reports. The Town Administrator will ask that the Quarterly Reports be separated from Shapleigh's information as it is currently combined.
- Lake Shore Association sent a thank you letter to the BOS for their support of their erosion control project.
- Department Head Meetings have been initiated with the first meeting to be held in December. The Town Administrator asked the BOS what they wanted to schedule for days and times. The Board recommended later in the day was best. The Town Administrator will set up.
- The Town Administrator notified the Board that the Tax Map data changes are complete; website is also up to date. On a good note, the Town's Assessor Dennis Berube will be coming home from the hospital on Friday.
- The Town Administrator and Treasurer drafted a budget timeline based on warrant articles being voted on by secret ballot. There will be no Special Town Meeting at this time. The Governor's order is back to 50 people. There are items such as the elections of officers that have to be done at Town meeting however; most items slated can wait it out. Elected officials will stay in position until an open Town meeting election can be done; petition needs to also stay at open Town meeting.
- The Town Administrator informed the Board that a member of the Recreation Committee appointed has stepped down from the committee.

**3. WARRANTS/BILLS - Signed**

**4. APPROVAL OF AGENDA**

Selectmen Ed Walsh made a motion to approve the agenda; seconded by Selectmen David Winchell. No discussion. All in favor.

**5. MINUTES OF LAST MEETING**

Selectmen Ed Walsh made a motion to approve the November 18<sup>th</sup> minutes; seconded by Selectmen David Winchell. No discussion. All in favor.

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

**A. Road Commissioner Discussion - Employee vs. Independent Contractor**

The Treasurer approached the Board to discuss rates for independent contractors not tied to any equipment as there is no line item from which to pull funds. The Treasurer needed clarification on whether to use the \$18/hour flagger line or \$27/hour operator line. Next year the funds will be placed in the appropriate accounts and this will be much cleaner. The Board agreed on \$27/hour.

Next the Treasurer asked if there were any labor rate concerns from either Road Commissioner. Both indicated no; District 2 Road Commissioner was still learning the process and District 1 Road Commissioner was all set.

With a new law being enacted, the Treasurer needed a motion from the Board to cover the extra unemployment and worker's compensation expenses still sitting in the General Government line. Next year the funds will be allocated to the proper account lines.

**B. Leslie Berlan – Road Committee**

Mrs. Berlan notified the Board that the Road Committee reviewed the Article 43 application for Tattle Street and recommends the Board award the \$3,000 being requested. Application was all in order.

Next, Mrs. Berlan updated the Board on the Road Committees discussions regarding the Culvert replacement in need. Mrs. Berlan contacted John McLane at the DEP who indicated to her that another round of grant money will be initiated and there might even be more funds available than previously set. Mrs. Berlan proceeded to read out the responses she received from both the DEP and Army Corp of Engineers regarding West Shore Drive permitting. In referring to DEP's requirements, they require that we do not block fish passages, erosion control is utilized, the design installation has to meet the stream grade and you have to embed any new structure one foot or 25% of the diameter, whichever is greater up to a maximum of 2 foot. Mr. McLane also stated that the Army Corps would take the lead on resizing and quite a bit of the permitting.

Mrs. Berlan then indicated she called Colin Greenen, Army Corp of Engineers. Mr. Greenen stated the Army Corp of Engineers regulates aquatic life. In-kind replacements are designed for small streams and brooks. To be able to do an in-kind replacement, the Town must be able to perform the work without drying out the area, fill cannot be added and at this location it would be challenging at best if not impossible. Mr. Greenen looked up the culvert on his maps and was aware of this location. The ownership is on the Town to demonstrate an in-kind replacement is the only alternative. Alternative analysis must be submitted to the Army Corp of Engineers. This is drawings and plans demonstrating that this is the only alternative. The Town would also need to explain why an available funding stream was rejected we can cite expenses as one of the reasons. the grant money was turned down. Mr. Greenen indicated the bar was extremely high and it is doubtful the Town would be able to

make its case. Mrs. Berlan repeated that if funds are an issue, the Town is going to have to justify why a possible revenue stream was not utilized.

Selectmen David Winchell stated the reason the Board did not move on the culvert grant was not because of the stream crossing details but the process. Things were happening too fast and the deadline was too near. This item needs to be heard at a Town Meeting and there needs to be a clear plan in place when calls rebutting the process are received.

Next, Mrs. Berlan reviewed what was discussed on Rowe Bridge. Her questions were: Are the Board of Selectmen going to meet with the Wakefield Selectmen? Response was no. Has a budget for the approach been determined? The response was that the Road Commissioner was working on it. Mrs. Berlan tried to convince the Board to use District 2's paving and reconstruction budget money towards the bridge which would then be that the Town had enough money to do the project.

Selectmen David Winchell disagreed. That \$163,000 was ear marked for projects to be done in the Spring and the Road Committee or Board cannot spend his money for him.

Mrs. Berlan stated she was just throwing this idea out there as an alternative.

Selectmen David Winchell stated to create this plan in the middle of winter when roads are shut down is ludicrous. Until District 2 knows what he going to do with his own budget there can be no discussion.

Selectmen Ed Walsh indicated that Row Bridge needs to go to a Special Town Meeting with a budget in hand know where to allocate. Right now plans are being figured out. The Treasurer indicated she had a copy of the plan that Mr. Letourneau had envisioned and would give a copy to Road Commissioner District 2 for his use and reference as a guideline.

Mrs. Berlan asked if the Road Committee could also receive a copy.

Conclusion of discussion was this item needs to be presented at Town Meeting and the timing to get everything done and implemented will be bringing it close to the June date.

Mrs. Berlan asked we are just waiting for Town meeting then? Response was yes.

## 7. **OLD BUSINESS**

A. Article 43 Applications - Tattle Street

**Selectmen Ed Walsh based on the Road Committee's recommendation made a motion to approve Article 43 application for Tattle Street and award the \$3,000 requested; seconded by Selectmen David Winchell. No discussion. All in favor.**

B. Public Comment - Follow up / Long

The Town Administrator reported back to the Board her findings on Mr. Dennis Long's inquiries into the Planning Board's appointment terms based on 1963 Town vote to adopt Article 24 to accept the provision of the Revised Statutes of 1954, Chapter 90-A, Section 61. With the adoption of said statute, the Planning Board would need to either review the statutes to make sure they are completely in compliance or bring to Town vote a new Article for adoption as it was the department head who

advised the current staggering of terms when the Planning Board was reformed; 3 year terms, not 5 have been initiated for a very long time.

If nothing is found the choice would be to either repeal the Ordinance or follow all parts of the Ordinance.. The Board decided to instruct the Code Enforcement office to research and compare statutes to practices.. The Town Administrator will speak with the Code Enforcement Office regarding the research needed. The Board determined all research would need to be completed within 45 days.

C. Capital Improvement Committee – Tabled as Selectman Kimberly Stacey-Horn was absent.

## 8. NEW BUSINESS

A. Fire Chief - Thermal Image Camera

Mr. Wayne Ham was present to request permission from the Board to sell the Fire Department's old Thermal Image Camera to Fryeburg who was willing to purchase for the set price of \$499.00 and repair. The Thermal Image Camera was 15 years old and has been replaced. The Board had no issue with this.

**Selectmen Ed Walsh made a motion to allow the Fire Department to sell the Thermal Image Camera to Fryeburg for \$499.00; seconded by Selectmen David Winchell. No discussion. All in favor.**

B. Earned Paid Leave Policy

Michelle Rumney, Treasurer was present to inform the Board that the State of Maine passed a new law which will go into effect on 1/2021. This new law states that all employees shall earn 40 hours of paid leave. This new law will require at least \$20,000 in funding which has not previously been budgeted for (based on this year's employees), the implementation of a roll over account, and additional documentation of work hours performed by each employee. Municipalities are not exempt from this new law.

Selectman David Winchell asked the Treasurer about paying off the new PTO time. The Treasurer explained that if PTO time is not used, it is lost. There is no cash value assigned to it. The law states this has to be done and the minimum wage in Maine is \$12.15 and this policy must be minimally set at it. The Treasurer indicated she is in the process of drafting a policy for the Selectmen to review and sign next week. There will need to be an Article developed to raise funds at Town meeting in 2021.

C. City of Sanford Dam invoice

The Treasurer asked the Board if she should pay the City of Sanford Dam invoice with what is budgeted now. The Board responded, yes but only what the Town approved. The Treasurer continued to notify the Board that it is a process to come up with funds and it has taken 6 – 8 months to get over payments from Sanford and recommends holding off paying. There is a need to look at building up a reserve. The Treasurer will draft and get signatures next week.

D. Workers Compensation Policy

The Treasurer stated there is no policy currently in place and with some assistance drafted a Worker's Compensation policy for the Board to review. Any changes or suggestions the Board wishes to incorporate are welcome. This item is tabled until next week to allow the Board to review.

E. Vote to Transfer Road Funds

The Treasurer asked the Board to approve a transfer of Road funds from General Government Unemployment accounts for both Road Commissioner District lines (\$568.33 for District 1 and

\$53.12 for District 2).

**Selectmen Ed Walsh made a motion to allow the Treasurer move \$568.33 for District 1 and \$53.12 for District 2 from General Government lines to corresponding District Unemployment lines and then moving forward allow the Treasurer to pay these expenses out of the General Government line; seconded by Selectmen David Winchell. No discussion. All in favor.**

F. Freedom of Information Request

The Town Administrator updated the Board regarding FOI records received by Charles Crespi.

G. Draft Budget Timeline

The budget timeline memo has been drafted. There is a possibility that dates will be changed if the warrants are voted upon using secret ballot. February 1, 2021 all requests are due. February 5, 2021 all ordinances need to be submitted. April 16, 2021 there will be a joint meeting either by Zoom or in person. This timeline allows for Secret Ballot. The Board supports this timeline as it allows Warrant & Finance 6 weeks of review time. The Warrant & Finance Chair agreed as well.

H. COVID -19 Discussions

The Town Administrator opened a discussion with the Board regarding face covering rules implemented November 23, 2020 via the Governor's Executive orders. Masks must be worn inside and outside according to the orders. There have been several situations (especially but not limited to the Transfer Station) whereas people have refused and the Town Administrator asked the Board how these should be handled and if any what were the ramifications of those who do not comply. Also, what steps are needed to protect staff?

Discussion ensued.

Outcomes of discussion were:

- Special circumstance to service can be established for those with a medical condition, i.e., Transfer Station can establish 1 day a week such as Wednesday from 4:00 – 4:30 to permit those with medical conditions to do their Transfer Station business without masks. Staff would stay inside and supervise from a distance; Town Hall can utilize outside service and or use the drop box.
- CDC Logs – The Fire Department and Transfer Station (anyone entering the Recycling Center) will need to complete logs like the Town Office already does. Board stated that staff must fill out the logs, not the public.
- If there is a shutdown, a public statement will be issued.

**9. PUBLIC COMMENT: None**

I. Executive Session pursuant to Title 1 405 (6)(a) Personnel

**Selectmen Ed Walsh made a motion to go into Executive Session at 7:31 pm; seconded by Selectmen David Winchell. No discussion. All in favor.**

**Selectmen Ed Walsh made a motion to come out of Executive Session at 7:52 pm; seconded by Selectmen David Winchell. No discussion. All in favor.**

**10. ANNOUNCEMENTS:**

- A. Tree Lighting Dec 5<sup>th</sup> at 5 pm.
- B. Town Hall Closed Dec 24/Dec 25/Jan 1
- C. Planning Board Alternate

**11. MEMBERS PRESENT**

Ed Walsh, David Winchell, Michelle Rumney and Jennifer Roux. Kimberly Stacey-Horn was absent.

**12. ATTENDANCE**

Adele Scritchfield, Ken Winn, Wayne Ham, Leslie Berlan, Dennis Long, Mike Long, Adam Doliber, Robin Ham, Rollin Waterhouse and Will Langley.