

SELECTMEN'S MEETING
December 30, 2020
6:00pm

1. CALL MEETING TO ORDER / PLEDGE OF ALLEGIANCE

2. TOWN ADMINISTRATOR WEEKLY UPDATE

- The Town Administrator presented a thank you card to them from Claire Bragg, Boston Post Cane recipient.
- Santa pictures have been hung in the Town Hall foyer and are available for pick up.
- The Recreation Committee asked permission of the Board to hold their next committee meeting via Zoom as one of their participants is in Florida. The Board agreed as long as all Zoom meeting protocols were in place.
- The Town Administrator presented an email received from the Treasurer from MMA indicating that CDC logs were no longer needed to be done at the window or counter service areas. Per this recommendation, the Board agreed to eliminate the CDC logs.
- The Town Report is at print.
- The Town Administrator received a breakdown of Expenses and Revenues from the Treasurer. Both were expected to have all line items come in at 50% or less; most expense lines are in good shape. Discussed negatives; roads are hard to gauge. Revenues look good. The Town Administrator asked the Board to review and cite any issues they feel needs attention.
- The Town Administrator presented the Board with a Notice of Intent to File from Saco River Corridor for the Board to review for improvements on Raccoon Road.
- The Town Administrator presented the Board with the Medical Reimbursement contract which will be expiring next week. The Board will need to review and sign. The company has done a phenomenal job and has been great to work with.

3. WARRANTS/BILLS – Signed

4. APPROVAL OF AGENDA

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

5. MINUTES OF LAST MEETING

Selectmen Ed Walsh made a motion to approve the minutes of November 18, December 2, December 9, December 16 and December 21, 2020; seconded by Selectmen David Winchell Jr. No discussion. All in favor.

6. DEPARTMENT HEAD / COMMITTEE CHAIR UPDATES

Mr. Dennis Long, Warrant & Finance Committee Chairman approached the Board to inform them that he has scheduled a W&F Committee meeting; date decided upon was January 25, 2021 at 6 pm.

7. OLD BUSINESS

- A. Earned Paid Leave Act Policy and B. Workers Compensation Policy

Selectmen Kimberly Stacey-Horn sat with the Treasurer and was able to get answers and clarification of all of the Board's questions relating to these two policies. The Board was now

ready to sign these policies.

Selectmen Ed Walsh made a motion to sign the Earned Paid Leave Act and Workers Compensation policies effective 1/21/2021; seconded by Selectmen David Winchell Jr. No discussion. All in favor.

C. Capital Improvement Committee

The Town Administrator verified interest and presented the names of all interested parties to be members on the Capital Improvement Committee to the Board; there were 5 members in all. The Board reviewed the list; Selectmen David Winchell Jr. spoke up that he was concerned with one of the names on the list. Selectmen Kimberly Stacey-Horn and Selectmen Ed Walsh were both in favor of moving forward and utilizing what was presented because they believe all 5 members had the Town's best interest at heart. The Town Administrator will draft up appointments for next week.

8. NEW BUSINESS

A. Letter of No Action Request

Mr. Mike Demers, resident, approached the Board to request a letter of no action against him and his property in Acton. Mr. Demers asked the Board to recognize his rights to pursue his Land Use because he and the Code Enforcement officers have come to no agreement over the situation. Mr. Demers cited homestead mineral extraction statutes as basis for his argument that he can shape his driveway in any fashion needed with no permit required.

The Code Office had issue with Mr. Demers meeting Best Management Practices for erosion control. Mr. Demers explained there were 4 acceptable best management practices in place. They were: Ditch, rip rap, catch basin and a barrier of bark mulch; all were proving to be quite effective.

Mr. Demers commented that the Code Office was using intimidating tactics the residents were paying for it. Mr. Demers concluded by thanking the Board for listening to his concerns.

Selectmen Ed Walsh as liaison responded that the Code Office was doing further research and he was not comfortable signing this letter tonight until the Board could further look into the situation and research.

Selectmen David Winchell Jr. asked Mr. Demers if he did the appropriate inquiries before starting his project. Mr. Demers responded he had done so before any equipment was brought on site and at that time the Code Office agreed no permit was required. Then while conducting the project, the Code Office became concerned with the amount of material being removed and put a stop work order on the project.

Mr. Demers was asked by the Board when the stop order was issued? Response – October 2020. Mr. Demers also responded in September an Engineering Plan was requested and provided. When asked if he was given a certified letter, the response was yes as well as the abutters, contractors and all parties involved.

The Board told Mr. Demers they would look into the situation and get back to him.

B. Freedom of Information Requests from Jeff Donahue

The first request was for information related to MAP/Lot 153-005 and 153-005-001. The email was sent downstairs to the Code Enforcement Office along with an offer of assistance to copy documents.

The second request, also from Mr. Donahue is a bit more complicated and requires the gathering of correspondence from multiple parties. This is going to take some time to do. The Town Administrator will need to review the policy and set a deposit amount. A timeframe needs to be determined and the consideration that there may be a conflict due to legal matters to prevent some of this request to be fulfilled. After discussion regarding this fact, the Board agreed that legal advice was needed to be sought as this request could be construed as harassment and since there is a conflict with legal and Mr. Donahue, the Town will need to seek an alternative Attorney; Attorney Marass was suggested.

The Town Administrator will proceed with contacting legal and researching the depth, time and costs to do the request.

C. Article 43 Request

The Town Administrator made note to the Board that she sent an Article 43 request to them to review. Selectmen David Winchell Jr. commented that he did not see an amount listed and the Board really would like to see that up front. There was a question is the entire scan came through. It was verified it had by Selectmen Walsh. The Road Committee Chair also received to review.

D. Alternate Planning Board Appointment

Selectmen Kimberly Stacey-Horn read aloud the Alternate Planning Board Appointment for Patricia Pearson.

Selectmen Ed Walsh made a motion to appoint Patricia Pearson as Alternate Planning Board Member until 6/30/2022; seconded by Selectmen David Winchell Jr. No discussion. All in favor.

9. PUBLIC COMMENT

- Mike Demers approached the Board and stated after the occasion for which he dealt with the Code Enforcement Office, he recommends if anyone has any problems or concerns regarding decisions or the way things were handled to please contact the Board of Selectmen and let them know. It is very frustrating when you can't work with someone and it is the Boards job to oversee. Mr. Demers then cited the Board's contact information.
- Rollin Waterhouse approached the Board with 2 inquiries:
 - First, inquiry was regarding the Zoning Board of Appeals and possible business coming up. Mr. Waterhouse asked how many valid members were on the Board; he stated there should be 7 members. And why were 7 people not listed in the Town Report.
 - Secondly, Mr. Waterhouse asked for the reason behind Mr. Paul's resignation as it is the Town's right to know. The Board refused to answer because it was a personnel issue and held in confidence. Mr. Waterhouse continued to berate the Board that Mr. Paul had 19 years of experience and did not walk off for no reason. He demanded to know when it was going to stop citing 4 people resigned from the Planning Board and

now this. The Board responded the two incidents were not related and the Planning Board resignations were of their own doing. Mr. Waterhouse got heated and continued to berate the Board.

Selectmen David Winchell Jr. responded that if Mr. Paul wanted the public to know his reasons for resignation then he can come up here and tell us. Mr. Waterhouse stated he would do just that.

Not appeased, Mr. Waterhouse shouted out that he publically wanted to call for the resignation of Selectmen David Winchell Jr. He screamed and pointed at individuals that we knew why Mr. Paul resigned and it was because of Selectmen David Winchell Jr. and the Town Administrator getting into Mr. Paul's business.

Mr. Waterhouse was asked to sit down.

E. Executive Session Title 1 405 - 6 A-1 Personnel Matter

Selectmen Ed Walsh made a motion to go into Executive Session pursuant to Title 1 405-6 A-1 at 6:47 pm; seconded by Selectmen David Winchell Jr. No discussion. All in favor.

Selectmen Ed Walsh made a motion to come out of Executive Session pursuant to Title 1 405-6 A-1 at 7:30 pm; seconded by Selectmen David Winchell Jr. No discussion. All in favor.

10. ANNOUNCEMENTS

- Dennis Long stated his wife got a clean bill of health.

11. MEMBERS PRESENT

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

12. ATTENDANCE

William Langley, Robin Ham, Rollin Waterhouse, Mike Long, Dennis Long, Mike Demers, Joe Ruma, Joyce Bakshi, Virginia Doboer and Cheryl Drisko.