

SELECTMEN'S MEETING
February 24, 2021
6:00pm

1. CALL MEETING TO ORDER / PLEDGE OF ALLEGIANCE

2. TOWN ADMINISTRATOR WEEKLY UPDATE

- **Staff Training** – There will be AED/Fire Extinguisher Training scheduled for March 11, 2021 at 2:00 pm for all staff. The insurance company recommends making it mandatory attendance. The Board agrees.
- **Census Bureau** – The Census Bureau sent a nice thank you certificate to show their appreciation for all the assistance the staff lent them through the census.
- **Planning Board Meeting** – The Planning Board meeting scheduled for Thursday, February 25, 2021 has been cancelled.
- **IWORQ Zoom Meeting** – The Town Administrator attended a Zoom meeting regarding the installation of the IWORQ software for the Land Use Department. The new Code Enforcement Officer is well versed in the program and ready to use. The vendor is working directly with the Code Enforcement Officer to establish the proper data fields, gather and import related data.
- **Meetings Scheduled for Thursday, February 25, 2021** –
 - Board of Selectmen and Treasurer's Budget Workshop, 4:30 pm. This is a follow up. After initial review, the budget is up; if everything is left as submitted the increase would be approximately \$0.67. Revised numbers will be available for tomorrow. The Board can then review before meeting with Department Heads. Discussions will include budget cuts and then the inclusion of Canal Bridge.
 - Board of Selectmen, Road Committee and HEB Engineers Zoom meeting at 6 pm. Mr. Chris Fournier will be conducting an on screen presentation to all members present and discussing options. A reminder will be sent out including the Road Committee and Road Commissioners.
- **Vaccine** – The Town Administrator received an email update that the vaccines proposed to Municipal workers from the Town of Waterville may have fallen through; recommended is for those interested to reach out to their personal physicians to schedule and receive.
- **CEO Hours** - Monday, March 1, 2021 the new Code Enforcement Officer will be starting full time. The Land Use Department will go back to their regularly posted schedule.
- **Capital Improvement Committee** – The Town Administrator was notified that there may be two more individuals interested in being a part of the Capital Improvement Committee; however, neither individual directly indicated their interest to the Town Administrator. The Town Administrator informed the Board they already appointed a five member board. Did the Board wish to change to a seven member board and allow for the addition of two more members or stay at five members? Discussion ensued. The Board was in agreement to stay with a five member board. Since the Board is not looking to fill any seats, those who contact the Town Administrator as interested will have their name filed for a later use date. **Reminder – For anyone interested on being on any committee, best practice is to go to the Town Administrator and make your interest known.**

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 for February 17, 2021; seconded by Selectmen David Winchell Jr. No discussion. All in favor.

6. DEPARTMENT HEAD / COMMITTEE CHAIR UPDATES

- A. **Recreation Committee Request** – The Recreation Committee would like to receive the approval of the Board to look into and hold Baseball. Discussion ensued. With COVID mandates in place, the Board agreed that the Recreation Committee could proceed.
- B. **Goat Hill Request** – Carl Davis, Goat Hill asked if the Board would allow for Maplestone to remove some pine trees at Goat Hill which were struck by lightning. All safety precautions will be taken: work will be preplanned, marked and done when no one is on the trails. Before any work can be completed, Maplestone must provide proof of \$1 million dollars in liability insurance. The Board agreed to permit the work.
- C. **Will Langley, District 1 Road commissioner** –
 - a. Will Langley Zoomed with York County Soil on Monday, February 22, 2021 regarding Willow Street. The scope of work has been accepted and the 60/40 match grants have been awarded. Mr. Langley will have documents for the Board to sign in the near future. The Town Administrator asked Mr. Langley to send documents to her prior to next week's meeting.
 - b. Winter Sand – Mr. Langley announced to the Board that the Road Commissioners have gone through all the sand that they had put up and are now working on the old stuff.
 - c. Road Postings – The Road Commissioners are looking to post the roads next week but will notify the Town Administrator when it is officially done. Postings to stay in place until 5/1/2021.

7. OLD BUSINESS

- A. **Canal Bridge** – Road Commissioner District 2, Adam Doliber was invited to the podium to be a part of the Canal Bridge discussions with the Board.

The Town Administrator received an update from Wakefield and presented to the Board a total of \$112,500 for Acton's half of the bridge project costs. The breakdown is as follows: \$82,500 for the bridge installation and \$30,000 for tarring and all of the excavation work. Considering a 10% contingency buffer, the Town Administrator recommended \$125,000 be put forth in the budget.

Discussion ensued. The Town Administrator indicated that all the work as confirmed with Wakefield Public Works Director Brock would be completed by the bridge company with Acton's support. The numbers of \$112,500 were also confirmed with Mr. Brock as true. The Wakefield Board of Selectmen was signing off on the costs tonight and a formal set would be sent tomorrow to the Town Administrator for the record.

During discussions there were a few questions raised regarding all roads being tied into the project, right of ways, permissions (if needed), grades, boat launch, who would need to be notified (if any), any road associations involved and that work on Robertson Road was to be included in these costs; the Town Administrator will verify by reaching out to the Land Use Attorney.

In conclusion the numbers have gone from \$180,000 to \$125,000 which is \$55,000 reduction.

The Town Administrator asked the Board what they felt about Wakefield doing all the work. The Board was all in agreement for Wakefield to handle.

8. NEW BUSINESS

A. Town Meeting / Zoning Amendments

The Town Administrator showed the Land Use proposed ordinances to the Board and indicated that these could not be put on a ballot as drafted with all the charts and data; serious conversations were needed regarding the possibility of having a Town meeting in June.

The Town Administrator discussed options with the Board for holding a Town meeting the second Saturday in June. The work that would need to be done to make each of these options work were also discussed. These options included:

- a. Use the Fair Grounds, holding the Town meeting outside. Hurdles included weather, need for tents, sound system, letter to fairgrounds regarding fire department coverage, etc.;
- b. Not put the proposed ordinances on the ballot but keep them on file with the Town Clerk and put a statement on the ballot indicating the date filed. (The Town Administrator does not recommend unless they absolutely need to be voted on.)
- c. Use the School, having overflow rooms and coordinating accessibility for all to equally participate; or
- d. Put on hold until a Special Town meeting can be held as these are not urgent.

Discussion ensued. The Town Administrator reminded the Board that there were 564 ballots casted last year when the last election was held by secret ballot. Selectmen David Winchell Jr. stated he was not comfortable with putting zoning items on secret ballot. The Board has 1 to 2 weeks to make a decision. Reminder, if the School is added in this may double your Town meeting participation. The availability of the fairgrounds (which currently is the Board's preferred option) will be researched further by the Town Administrator as well as the mandate of 100 people attending an outside gathering will be reviewed to see if the Town needs to stick to 100 or if it is based on square foot and will allow more if need be.

B. Code Enforcement Officer Appointment

Ed Walsh read aloud the Code Enforcement Officers Appointment; appointment was done until 6/30/2021 to put the Code Enforcement Officer on the same reappointment schedule as all others.

Selectmen Ed Walsh made a motion to appoint Michael Gilpatrick as Code Enforcement Officer until June 30, 2021; seconded by Selectmen David Winchell Jr. No discussion. All in favor.

C. Freedom of Information (FOI) Requests

- a. FOI email received 2/21/21** – The Town Administrator read aloud the 2/21/21 Freedom of Information request email received relating to accommodations made for individuals who cannot wear face masks due to a medical condition. He indicated he should be allowed to attend Board of Selectmen’s meetings without a mask or face shield to defend his request and be able to answer the questions that may arise.

The Town’s Attorney stated there was nothing in the December 11, 2020 Executive order on inside meetings and that there is absolutely nothing that exempts or gives the Board any authority to allow somebody to come in without a mask or a shield.

Discussion ensued on how to allow said person the availability to attend as requested because he could not wear a mask or shield and does not want to submit questions and receive a written response. Options discussed were:

- 1. Zoom meetings** – Logistical issues including feedback, lap top and microphone placement in order for both the full Board and address to see each other were considered.
 - 2. Telephone Call in** – This was a more viable option and preferred by the Board. The Town Administrator and Assistant will work on the logistics to make that happen.
- b. FOI email received 2/19/21** – The Town Administrator read aloud the 2/19/21 Freedom of Information request email relating to Town Roadways approved by the Town and the proof said resident wanted declaring that happened and when.

Selectmen David Winchell Jr. stated for clarification that even if the Town had roads voted down or not, if the Town initially maintains a road, they are still responsible to continue its maintenance; none of those were ever voted down so that’s why they were continued to be done. Even if you go back and can’t find it, we’ve been maintaining for 50 years that means we still have to wait until we turn that.

The Town Administrator working with the Attorney concluded there were 2 options for the Board to consider: 1) Fulfill this request. The minimum time for staff to complete a search for 3 pages of roads is estimated at 25 hours. The State mandated rate is for the first hour to be free and the subsequent hours to be billed out at \$15.00 per hour (lower than staff’s actual rate). Payments to be required in advance of work being done. 2) Refusal and denial and action for protection. The requester would need to be notified within 5 days. This option for the Town to deny the request is feasible if the request is proven to be unduly burdensome.

Discussion ensued regarding whether it was fiscally responsible to have this work done when the tax payers should not have to fit the bill for someone else’s investigation. Selectmen David Winchell Jr. commented that some of the older documents may be missing, road names may have changed, etc. The Town Administrator agreed that staff would not know those details. This type of research should be done through a Land Use type of attorney because records can stem back years and years; however the costs would be insurmountable. The Town Administrator considering all the details feels the

court would side with the Town on making a denial as the Town has always put forth its best efforts to fulfill all requests.

The last option the Town Administrator had was for the requester to sit at the Town Hall and go through records. Discussion ensued on this option for the requester or a representative on site to review all the Town records; executive orders regarding masks would be in force. The records would not be permitted off premise and a staff member would monitor review of said records. The Town Administrator read aloud the statutes pertaining to this request.

The statute is very clear the Town can ask for payment in advance for anything over \$100 before any work is done. If amount is over \$30.00 the requester should be informed before proceeding; if over \$100, subsection 10 applies and the official having custody over the request may require a requester to pay all or a portion of the estimated cost to complete the request prior to search retrieval, compiling, conversion or copying of the public records.

In conclusion, discussion ensued regarding the amount of requests, the repetitiveness of requests and that the Town was not said persons personal investigator and that the Board already decided not to continue revisiting these questions which have been previously answered. For the Town Administrator's office to do the work, the project is extensive, information can go back as far as 100 years and something might be missed due to name changes or lack of documents. The Town Administrator doesn't have the expected amount of time this project may take, the project would be best in the hands of someone who deals in land use and for a Land Use attorney to do this work, the costs would be extravagant.

All other requests received are being completed properly and on time.

The Board agreed to have the Town Administrator reach out to requester and offer him or a representative of his to come to the Town Hall and review records on site and do their own research or otherwise deem it as unduly burdensome.

D. Budget Workshop Timeline

There will be a budget meeting held in the Town Hall with the Board, Treasurer, Town Administrator, Warrant & Finance and Department Heads concurrently on Saturday, March 6, 2021. The agenda has been presented and timeline reviewed. The Town Administrator will reach out to all Chairs. Department Heads especially needed to meet due to budget changes are the Transfer Station, Fire Department and Roads; the Town Administrator will reach out to those whose budgets are flat lined as they are not needed to come.

E. Pole Permit -

The Town Administrator presented a pole permit request for the Board to review.

Selectmen David Winchell Jr. made a motion to approve the pole permit for Acton Ridge Road/Little Round Pond Road; seconded by Selectmen Ed Walsh. No discussion. All in favor. The Board signed.

F. Executive Session - Personnel 405 6 A 1 -

Selectmen Ed Walsh made a motion to go into Executive Session pursuant of M.R.S.A. 405 6 A 1 Personnel matter at 6:56 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 of M.R.S.A. 405 6 A 1 Personnel matter at 7:34 pm; seconded by Selectmen David Winchell Jr. No discussion. All in favor.

9. PUBLIC COMMENT - None

10. ANNOUNCEMENTS – None

11. MEMBERS PRESENT

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

12. ATTENDANCE

Dennis Long, Rollin Waterhouse, Mike Long, Will Langley, Adam Doliber, Robin Ham, Kaitlan Long and Cheryl Drisko.

Selectmen Ed Walsh made a motion to adjourn at 7:35 pm; seconded by Selectmen David Winchell Jr. No discussion. All in favor.