

SELECTMEN'S MEETING
February 26, 2020
6:00pm

1. CALL MEETING TO ORDER / PLEDGE OF ALLEGIANCE

2. TOWN ADMINISTRATOR WEEKLY UPDATE

- There will be no Board of Selectmen meeting next Wednesday, March 4, 2020 due to elections.
- The Board will hold a Workshop with the Road Commissioners on March 11, 2020 at 4:30 pm to review budgets; requested Treasurer be invited.
- The Town received a notice from Ready Refresh that they are increasing prices. Rental will be \$50; Bottles \$2.00 and sleeve of cups \$1.00.
- The Town Report is complete and ready for a member of the Board of Selectmen to review and proof. Selectmen Kimberly Stacey-Horn volunteered.
- Presented a proposed Board of Selectmen Budget Workshop schedule. The Board approved.
- Freedom of Information Requests being worked on:
 - Berlan request: Article 43 request needs some clarification before continuing. An email was sent; awaiting response from requester. Determination of cost to be determined based on individual request or voted upon as a committee request.
 - Crespi request on subdivision: This request has been forwarded to the Code Enforcement Office for completion.
 - Donahue request: Meeting warrants were reviewed. Further work is still needed to be done on 2 questions (2005/2006 – 15 years worth of warrants). An appointment has been made for Wednesday, March 3, 2020 but needs to be rescheduled due to a schedule conflict. Town Administrator will reschedule.

 - Scritchfield request: Needs further clarification of information being requested.

The Town Administrator reminded the Board that with the frequency of requests and the amount of Freedom Information research to be completed, a reasonable amount of time is needed to complete the work.

- The piece of property that Acton will be foreclosing on was inspected by the Code Enforcement Officer. There is no apparent occupancy of said property and he recommends the Town do nothing on the property until after the Right of Redemption letter expires (30 days).
- Presented a Work Zone Traffic control brochure to the Board for consideration of attending upcoming class; all 3 Selectmen have already attended.
- Selectmen Kimberly Stacey-Horn asked about the upcoming Freedom of information class; Town Administrator will pass this information on.
- The Town Administrator asked the Board to consider permitting Boards such as the Planning Board and the ZBA Board a 7 day pre-meeting date requirement for posting meetings instead of the 10 day policy as it is hard to schedule extra meetings into the schedule because they do not meet at a convenient interval to permit 10 days. The Board was in agreement on the request. The Planning Board has a meeting scheduled for February 27, 2020 and a public hearing on March 12, 2020 at 6 pm to discuss the articles being placed on the June meeting warrant.

- Presented the March 3, 2020 schedule of election workers; there will be a few appointments under new business.
- Updated the Board that no response has been received from the Sanford City Council regarding the comments and questions proposed during public comment on the Dam project and the Freedom of Information request. Shapleigh Board is interested in meeting with the Acton Board to go over. Selectmen Ed Walsh wondered whether the Board should get the Coalition together for a meeting as well. The Town Administrator asked the Board to review the video tape and take a close look at comments made where Acton and Shapleigh stacked the Dam Coalition Committee with Selectmen inappropriately before any further action is taken.
- Acton and Shapleigh received a request from Sherriff King proposing that Shapleigh and Acton both participate in taking on the school year deputy during the summer when the RSU School District is out of session; prorating the fees leaving RSU 57 to bear the brunt of the costs. Shapleigh was not interested. The Board concurs with Shapleigh and did not agree to this proposal as well, but feels it would be an unnecessary burden to the Town.
- Announced that Thursday, February 27, 2020 was the last day to request an absentee ballot.
- Betty Smith, Square Pond Watershed will be on the Board of Selectmen's agenda March 18, 2020.
- Announced that Saco River Corridor Commission has two empty seats for Acton and is seeking out representation. New mapping system available for resident use; willing to set up a meeting for the Board to learn more.
- Received an email inquiry regarding State Coach Road and process for improving the road. The Board directed the Town Administrator to pass onto Code Enforcement for response.
- Informed the Board that the APAT Director will be speaking under Department Heads and a stipend resolution will be addressed.
- Received a report from the Ambulatory Collections Agency and a total of \$53,053.61 in revenue is sighted for collection.
- Addressed questions, comments and concerns expressed during the Department Head and Public Comment section of the meeting last week (February 19, 2020). Such items addressed were:
 - Definition of department head who will speak under the department head agenda item.
 - Individuals speaking on behalf of a department or committee with no time limit inappropriately instead of under public comment which has a 3 minute time limit.
 - Discussed time limit of 3 minute for public comments and time needed during that parameter for Board response. Board decided to try a format of 5 minutes under Public Comment and questions responded to the following week unless it requires an immediate response or defense. This format will allow for more research and thorough answer to questions asked.
 - Responded on opportunities for the public to speak. In the past it was a practice but it bogged down the meetings so it was changed. Items will stay on the agenda for at least 2 weeks so that they can be responded.
 - Town Administrator responded in the Boards defense that it was decided that the comments made under Department Head Committee Updates was done in the wrong forum but was a platform for an individual to speak out on Article 43 concerns when the document was not in her possession. The Town Administrator rebutted several of the comments made which included:
 - Drive to revise the application was spearheaded by a Selectmen who publically stated that he didn't agree with Article 43 and voted against it. **This is an incorrect statement. The Auditor first brought this concern forward in**

November 2019 and it has been on the agenda ever since, furthermore, weeks when that Selectmen was present and others weren't, when a full Board wasn't there they have been tabled; not one person speaking.

- Person had either attended or watched all Board of Selectmen meetings and had heard no reference to a licensed environmental engineer discussed at a meeting, how did this requirement get inserted into the application with no public discussion by the Board of Selectmen? This is just one example of lack of transparency that exists in our Town. **This meeting was actually posted by the Office Assistant seven days prior. It was also mentioned at the January 22nd Board of Selectmen's meeting that the Board would be meeting with the attorney on January 29th . The mention is that it is regarding drug testing, but the Board reserves the right to add a topic as it was a posted meeting.**
|
- Speaking of choices of attorneys, does the attorney who drafted this have special expertise in these issues? Why wasn't the land use attorney used to draft this document? Was he consulted or didn't he give the desired answer?

At the expense of tax dollars, the Town Administrator received the following response from Lenkowski:

- This is in response to your inquiry as to whether I have any information in my files pertaining to Article 43 which established a statutory reserve fund to assist in preventing storm runoff pollution from reaching great ponds or any involvement in the process of considering drafting or adopting Article 43. I have no recollection of any involvement or consideration in the drafting of Article 43 nor have I ever given an opinion regarding the general concept involved in Article 43 or the language of the article. The only reference I find on Article 43 in any of my files is contained in the email memo to you on April 29, 2019, in which I gave my opinion that Tattle Street road Association was a duly established statutory Road Association and therefore met the criteria for funding under Article 43.

It was made very clear that Bourque & Clegg had a conflict with Tattle Street so the Town went to Lenkowski to find out if they qualified.

3. WARRANTS/BILLS

4. APPROVAL OF AGENDA

Selectmen Kimberly Stacey-Horn made a motion to approve the agenda; seconded by Selectmen David Winchell. No discussion. All in favor.

5. MINUTES OF LAST MEETING

Tabled.

6. DEPARTMENT HEAD / COMMITTEE CHAIR UPDATES

- Joyce Bakshi, Planning Board – Updated the Board with Planning Board meeting dates.
 - February 27, 2020 at 7 pm. – Regular meeting; discussing the zoning items to come to the Board.
 - March 7, 2020 – Site Walk, Young’s Ridge, 11 AM
 - March 12, 2020 – Public Hearing on ordinance clarifications and changes at 6 pm
 - March 14, 2020 – Site Walk, Grammy Rose Dog Rescue on 109 at 11 am.

- Will Langley, Road Commissioner – Updated the Board:
 - the Roads will be posted on Monday; Shapleigh completed theirs today. Will notify Town Administrator when done so it can be put on the website.
 - They have gone through a lot of Sand; 3,500 yards was put in; 1,500 left.
 - Crews are getting along well.

- Michael Corey, APAT
 - Thanked Jennifer Roux as liaison to the Board and keeping communications open.
 - Reviewed videographer’s stipend versus double stipend. It was decided that anything that exceeds 4 hours will receive a double stipend.
 - Appreciated consideration of budgetary concerns for the future regarding long term planning and equipment.

7. OLD BUSINESS

- A. Capital Improvements Committee

Board originally decided they wanted 3 members and then considered having 5 members. There have been 4 people who have stepped up. The Board wants to wait another week to see if a 5th person will step up. Town Administrator will post.

- B. Article 43

Town Administrator presented to the Board a draft of the application. DEP was approached on whether they will assist and there has been no response as of yet. The Board reviewed all changes. A discussion ensued regarding on dates to Town Administrator, to Board of Selectmen for review and to Road Committee for review and then the date of when recommendation were done by both the Selectmen and Road Committee.

The attorney had one of the sections all jumbled up and the Town Administrator straightened out in sequential order.

Section 6 was removed because the documentation requested by the Board is estimates, not final documents.

Other qualifying agencies were discussed versus engineer. The Town Administrator will reach out to AWA, York County Soils, and other agencies to see if they are certified to be an accepted environmental consultant and application will indicate preapproved by the Board.

Remove the sections pertaining to 319 Grant as it is irrelevant.

The Board will review over the week and discuss again next week.

8. NEW BUSINESS

A. Protection 1/ADT Rider

The Town Administrator presented to the Board a quote of \$1,154 for the heat detectors.

Selectmen David Winchell made a motion to purchase 2 heat detectors and 6 smoke detectors for the Town Hall for the amount of \$1,154; seconded by Selectmen Kimberly Stacey-Horn. No discussion. All in favor.

Library pull station has been fixed.

B. Appointments

In accordance of Title 30 A M.R.S.A 2602, a motion was made by Selectmen Kimberly Stacey-Horn to appoint Patrick Demers as Deputy Warden, Jenny Morse as Ballot Clerk and Mary Yeaton as Ballot Clerk until 6/30/2021; seconded by Selectmen David Winchell. No discussion. All in favor.

C. Jeff Donahue

Mr. Jeff Donahue presented to the Board a presentation of his concerns related to a public easement and maintenance of road as a town road because a cistern is in place. A lengthy discussion ensued between Mr. Donahue and the Board related to these concerns. It was decided to put Mr. Donahue's inquiry forth to legal (not Bourque & Clegg as this is a conflict of interested parties) for answers to all Mr. Donahue's concerns. The questions to be asked of legal opinion are:

- Can the Town legally plow 13th Street?
- Do we have any responsibility to maintain the road since we own the cistern?

The Board was in agreement as they want to put this subject to rest.

D. Executive Session Title 1 405 6A

The Town Administrator explained the definition and value of the executive sessions and comment that they have been excessive. This Title is a broad band parameter encompassing 4 to 5 different reason to meet.

Selectmen Kimberley Stacey-Horn made a motion to move into Executive Session at 7:55 pm pursuant of Title 1 405 6A; seconded by Selectmen David Winchell. No discussion. All in favor.

Selectmen David Winchell made a motion to come out of Executive Session Title 1 405 6A at 8:12 pm; seconded by Selectmen David Winchell. No discussion. All in favor.

E. Mary Grant Appointment

In accordance of Title 30 A M.R.S.A 2602, a motion was made by Selectmen David

Winchell to appoint Jenel D. Zarbra as Mary Grant Committee member until 6/30/2020; seconded by Selectmen Kimberly Stacey-Horn. No discussion. All in favor.

9. PUBLIC COMMENT:

- Dennis Long asked the Board for clarification of the 3 versus 4 hour stipend ruling. Response: Conversations were held and the numbers were run on options and staff was spoken to and the 4 hour stipend was what was agreed upon. Double stipends are not common; paid out only 1 last year. This is per meeting and if there are 2 meetings in one night they get paid for each meeting.
- Joyce Bakshi approached the Board to say the new time limit of 5 minutes was very gracious. She also suggested everyone bring their questions written down in order to stay on topic and then present to the Board in writing so that the Board can respond.

Asked about Article 43 documents and finished job pictures; great idea to complete project out. Response: With application being revised, this may be irrelevant. Stay tuned.

Would like to present a proposal on a weekend celebration event to encompass 350 years of celebrations with library, fire department and town. The celebrations are culminating together with the State of Maine Bicentennial. The Board thought it was a good idea and she could be the head of the committee.

- Stephen Geranian asked if the Board can have a workshop to explain the changes and requirements of the new Article 43 application. He asked for clarification on people certified to work on the road and the engineering certifications. Response: The Board is still working on who those certified agencies would be and available. If there are no qualifying agencies, the Board will revisit. They do not want the applicants have to spend the monies they would receive for the road on the engineer.
- Jeff Donahue asked the Board to include a provision for any emergency that might occur such as a washout. Response: There is already one built in.

10. ANNOUNCEMENT

- A. State & Primary Election 03/03/2020 8:00am-8:00pm
- (Town Clerk's Office Closed To All NON RELATED Business)
- B. Democratic Caucus 03/08/2020 4:00pm
- C. Town Clerk's Office Closed 03/14/2020
- D. Mary Grant Committee Openings (2)
- E. School Budget Vote 04/06/2020
- F. Mary Grant meeting, 2/29/20 at 11am

11. MEMBERS PRESENT

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

12. ATTENDANCE

Virginia Shea, Jeff Donahue, Dennis Long, Joyce Bakshi, Robin Ham, Will Langley, Rollin Waterhouse, Paul Poyant, Stephen Geranian and Jim Farmer.