

SELECTMEN'S MEETING
January 6, 2021
6:00pm

1. CALL MEETING TO ORDER / PLEDGE OF ALLEGIANCE

2. TOWN ADMINISTRATOR WEEKLY UPDATE

- The Town Administrator informed the Board that the Sherriff was unavailable to meet via Zoom on Wednesdays; asked the Board if they were still interested in meeting with the Sherriff via Zoom if another day could be scheduled. Discussion ensued. The Board agreed; the Town Administrator will schedule some evening.
- A Road Committee meeting has been scheduled for January 19, 2020 at 6 pm.
- The Town Administrator updated the Board regarding the influx of emails being received from Jeff Donahue. These emails have covered a multitude of subject matters such as accommodations at the Transfer Station mask wearing, Freedom of Information requests and why the Board has not acted upon some of his inquiries at the last Board Meeting. The Town Administrator commented that sometime items go to the liaison first and not the full Board to response or handled. If it requires the full Board, then the Board is notified. In the case of Mr. Donahue not receiving a response from the full Board was due to the fact that there was no decision for the full Board to make and the liaison was handling the situation. The Town Administrator further noted there was nothing being withheld.
- As referred to above, the Town has been inundated by Freedom of Information requests from Mr. Donahue. Status of first request: All information was gathered according to the request. The cost was \$22.00 to \$24.00 in copies. Mr. Donahue responded by email that he now did not want all the documents gathered. Per legal's advice, all freedom of information requests from Mr. Donahue are being held until his first request is picked up and paid for. Discussion ensued. Timeframes of material requested should be written on the form; adjust the form if necessary.

Mr. Donahue's second freedom of information request had an extensive list of personal names attached for which he wanted documentation. Some of these persons have active restraining orders in place due to conflicts. The Town Administrator is currently working up an estimate as this is a serious amount of work to calculate and estimate time and materials. Mr. Donahue responded he now wants the freedom of information requests changed to doing 1 person at a time or in smaller increments so that he can get the 1 hour free for each person. The Town Administrator asked the Board for support on handling or guidance on how to handle the 1 hour requests. 1 Hour is per State regulations.

Selectmen David Winchell Jr. commented that the freedom of information requests drags down and strains the staff and resources of the Town of Acton and at a \$15.00/hour charge is wearing those resources thin. If requests continue to flood the office, the Board of Selectmen may have to hire more help. All these items cost the Town of Acton money.

The Town Administrator then moved on to an email received regarding Article 43 as he was relating it to Tattle Street and read aloud to the Board. The request was for information on Article 43 and when introduced to town in 2017/2018, the public hearing video (which he can be pointed to), and Town employees associated to project correspondences. Note - No Tattle Street was referred to in the initiation of Article 43, Leslie Berlan helped to write the article, a

review of Board of Selectmen emails of those involved will be necessary and it is not clear of what is meant by Association. Selectmen David Winchell Jr. referred to the 3 people in the Association, who came before the Board and items were notarized, leads him to think the Town is involved and wants to have what is available.

Reminder, all emails are carbon copied to the Board. After discussion, it was recommended for the Town Administrator to start with a low estimate/minimal work then as things are added; the estimate can go up, especially if other departments are involved. This cannot be delegated, will need to be done by salaried individuals outside of 40 hours and sent to all involved departments.

The Board informed the Town Administrator that they would think upon all of this information while waiting for the first request to be picked up and paid for.

- The Town Administrator read aloud the Governor's Executive Order on Enforcement of face covering requirements in indoor public settings.

The order reads as follows:

- A. Enforcement of face covering requirements in indoor public settings.** Owners and operators of indoor public settings must require all persons to wear face coverings in publicly accessible areas.
- B. Exceptions**
 1. Face coverings are not required for a person:
 - a. Under age 2;
 - b. Who has trouble breathing or related medical conditions, or who is otherwise unable to put on or remove the mask without assistance;
 - c. With a developmental issue that is complicated or irritated by a face covering.
- C. Contrary language repealed.** Section I(A)(4) of Executive Order 14 FY 20/21 is hereby repealed. Contrary language in section I(A)(2) of Executive Order 14 FY 20/21 and section I(C) of Executive Order 16 FY 20/21 is hereby repealed.

The Town Administrator explained ADA's intertwining with the Executive Orders requiring a face shield. Discussion ensued. Outcome is that the Town is doing all it can do.

- The Town Administrator related to the Board there is a second individual in Town that is not permitted downstairs and is not getting any better. An example of said individual breaking windows every ½ hour in his own home because he was unhappy with the Town's responses and threatening of his Nitro pills out on 109 every hour there is no answer. Adult services have been called. Sheriff's office indicated they will not deal with the matter. This individual does not like the answers he has been given; dealing with him is exhausting of staff and resources. Discussion ensued. The Board asked the Town Administrator to seek legal opinion on how to handle.

The Town Administrator struggles with assisting this person; the Town does care for his well being. There is a need to find someone out there to assist this individual as he definitely has problems. This individual is not in a good cycle and it is growing more severe.

- The Town Administrator recapped the Sherriff's Monthly Log for the Board. The Town of Acton made the notable events page with regards to December 23, 2020 violation of Executive Order by resident.
- The Town Administrator updated the Board that the MMA Insurance inspection reported no major issues with the Sand & Salt Building, Rescue Building, Town Hall, School House or Mary Grant. Recommendations were for the siding on the Town Hall to be completed, staff to receive yearly fire extinguisher and AED training. The Town has had 10 claims in the past 2 years; Video training needs to be done by other departments as well as the Town Hall. Report received indicated that overall no hazards were identified. The Fire Chief will assist with training.
- Town Administrator asked the Board if they saw Mrs. Peterson's email regarding last week's meeting. Response: Yes.
- The Town Administrator asked if there was a need to continue to receive Dig Safe notices. Response was to let them continue to come in and pass onto the Road Commissioners.

3. WARRANTS/BILLS – Signed

4. APPROVAL OF AGENDA

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

5. MINUTES OF LAST MEETING

Selectmen David Winchell Jr. made a motion to approve the minutes of December 30, 2020; seconded by Selectmen Ed Walsh. No discussion. All in favor.

6. DEPARTMENT HEAD / COMMITTEE CHAIR UPDATES - None

7. OLD BUSINESS

A. Public Comment Follow up – ZBA

The Town Administrator looked into comments made the previous week during public comments on to why not all ZBA members were listed in the Town report. Answer: They were not in effect on 7/1/2018 print date; the members were appointed in October and November of 2018.

B. Letter of No Action Continuation

Mr. Mike Demers, resident, approached the Board to request a Letter of No Action against him and his property in Acton last week. Selectmen David Winchell Jr. indicated he was looking into this request. There is still 1 person to contact in order to hear all sides. There is follow up to certified letters to be done then a decision can be made. This has been tabled until next week.

C. Capital Improvement Committee

The Town Administrator required appointment timeframes before the appointments could be prepared.

Discussion ensued. The Board directed the Town Administrator to prepare two appointments to 6/2022 and 3 appointments to 3/2023; go by last name alphabetical. These will be prepared for next week.

D. Eagle Road Article 43 - Tabled

8. NEW BUSINESS

A. Registrar of Voters Appointment

Selectmen Kimberly Stacey-Horn read aloud the Registrar of Voters Appointment for Jennifer J. Roux.

Selectmen Ed Walsh made a motion to appoint Jennifer J. Roux as Registrar of Voters until 6/30/2022; seconded by Selectmen David Winchell Jr. No discussion. All in favor.

B. Freedom of Information Request

Mr. Steve Geranium initiated a Freedom of Information request for Map 113-001. The Board reviewed and signed. The Town Administrator will verify if just the Code file is requested.

C. Code Enforcement Job Opportunity/Fill-in Discussion

The Town Administrator read aloud proposed job description. Selectmen Kimberly Stacey-Horn asked that the following be added to the post: website information, requirement of a clean driving record and the completion of a background check. Certifications were discussed. The posting will be generic with a link to a more in-depth job description. This was requested to be posted immediately.

Regarding fill-ins for the Code Enforcement Officer, other local area Code Officers in the area will be called to see if they are interested in covering inspections; the former Code Officer has agreed to be available nights and weekends. Rate of pay will be \$40.00/hour plus mileage. The Town Administrator will set up possible candidates on Monday, January 11, 2021 in the evening to meet with the Selectmen; the Code Enforcement Officer will be invited to join as it may be beneficial if he speaks with the fill in person prior to starting. The Code Officer's last day is January 10, 2021.

D. Saco River Appointment

Julie Burnell has stepped forward to be appointed as an Alternate Member for the Saco River Corridor Commission. Selectman Kimberly Stacey-Horn read aloud.

Selectmen Ed Walsh made a motion to appoint Julie Burnell as Saco River Corridor Commission Alternate Member until 6/30/2022; seconded by Selectmen David Winchell Jr. No discussion. All in favor.

E. Drug Testing Policy

The Town Administrator reminded the Board that pre pandemic, the Board was working through the policies to approve or update. During this interim time, the Drug Testing Policy was changed due to law. The Town Administrator provided a current copy for the Board to review to be accepted next week.

F. Pandemic policy

The Board's current Pandemic policy was in effect between March 18, 2020 and December 31, 2020. The Town Administrator asked the Board to consider extending through 3/21/2021 so that anyone exposed will report and be legally paid.

Discussion ensued regarding exposure; according to federal law the number of days to quarantine has been changed from 14 days to 10 days. The Town Administrator asked, "What if it happens again?" Response, there was no need to pay employee for a second episode within a Quarter.

The Town Administrator will draft with time extension through 3/31/2021 and revise the Board's decision regarding exposure limit authorization to pay and then bring back to the Board next week for signatures.

Selectmen Ed Walsh made a motion to extend the Pandemic policy to March 31, 2021 effective January 1, 2021; seconded by Selectmen David Winchell Jr. No discussion. All in favor.

G. Executive Session Follow Up

The Town Administrator updated the Board that during last week's Executive Session, there were comments made on camera regarding the Board and its requirement to make a motion on business when they come out of executive sessions. The Town Administrator read aloud her email to MMA to verify proper procedures are being adhered to. Response was that the Board is not required to make a motion to take no action and can just move on to the next agenda item.

Selectmen Dave Winchell Jr. invited all to watch the last meeting on December 30, 2020. Cameras are left on so those at home do not think the meeting is over. When the cameras are left on, attendees seem to use the time as a free political forum. Selectmen David Winchell Jr. was disappointed that he and his family were discussed and suggested the cameras be turned off while in Executive Sessions.

Selectman Kimberly Stacey-Horn asked that something be put in front of the camera noting the Board was in Executive Session and will return.

The Board agreed moving forward, the cameras will be turned off during Executive Sessions.

H. Jeff Donahue

Mr. Jeff Donahue's requested to be on the agenda. Mr. Donahue refused to wear a mask inside the Town Hall and chose to leave. The Town Administrator presented the papers Mr. Donahue was going to present to the board for review. These papers were as follows:

- a. **STATEMENT OF THE DEPARTMENT OF JUSTICE ON ENFORCEMENT OF THE INTEGRATION MANDATE OF TITLE II OF THE AMERICAN WITH DISABILITIES ACT AND OLMSTEAD V. L.C.** (dated June 22, 2011)
Asked that the Board read.
- b. Governor's Executive Order of November 4, 2020 – **AN ORDER TO REVISE INDOOR GATHERING LIMITS, STRENGTHEN FACE COVERING REQUIREMENTS AND DELEGATE CERTAIN AUTHORITY.**
- c. Governor's Executive Order of December 11, 2020 – **AN ORDER SIMPLIFYING AND STRENGTHENING ENFORCEMENT OF FACE COVERING REQUIREMENTS**

(This is the same order the Town's legal team refers to when responding to mask mandates.)

d. **AMERICANS WITH DISABILITIES ACT PRESERVATION RESOLUTION**

Mr. Donahue is asking the Town to adopt this resolution because he feels that the Governor's orders violate this.

The Board will review and then speak with Mr. Donahue regarding their findings. This item will be on next week's agenda.

I. Executive Session Personnel Matter – 405 6-A-1

Selectmen Ed Walsh made a motion to go into Executive Session pursuant to Title 1 405-6 A-1 at 7:20 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 7:59 pm; seconded by Selectmen David Winchell Jr. No discussion. All in favor.

9. **PUBLIC COMMENT - None**

10. **ANNOUNCEMENTS** - Upcoming meetings are listed on the website

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, Mike Long, Dennis Long, Joe Ruma, Joyce Bakshi, Chris Whitten, Jim Driscoll, Virginia Doboer and Cheryl Drisko.