

TOWN OF ACTON SELECTMEN'S MEETING
June 16, 2021
6:00pm

1. CALL MEETING TO ORDER / PLEDGE OF ALLEGIANCE

2. TOWN ADMINISTRATOR WEEKLY UPDATE

- **Election Results -**

The Town Administrator recapped for the Board the election results of June 8, 2021. There were 249 ballots cast. Results of Selectmen race was: 200 – Ed Walsh and 49 – Blanks; Road Commissioner race: 173 – Adam Doliber, 74 – Dennis Long III, Blanks – 2; School Budget Committee Members race: 194 – Gardner, 191 – Stanton, 113 – Blanks.

- **New CEO –**

The Town Administrator notified the Board that the new CEO has been working his first week in the office; the new Land Use Secretary has great office skills and upbeat attitude and together it is a good fit for both. The doors have remained closed to allow for the department to get things in order. The old filing system was in disarray; with the assistance for the Town Administrator Assistant, the system is being overhauled to alleviate multiple files when ownership changes or new projects are started and bring all files into one folder according to the Map and Lot designations and one location.

The Town Administrator further informed the Board that Mr. Sevigny has received his login from the State of Maine and a list of courses to take and the order in which to take them. Training has been scheduled for June 29, 2021 as E-911 Addressing Officer.

- **Liaisons -**

The Town Administrator provided a list to the Board of Selectmen recommending liaison assignments to each department.

Kimberley Stacey-Horn

**Capital Improvement Committee
Road Committee
Fire Department**

Selectmen David Winchell Jr.

**Marijuana Committee
Warrant & Finance Committee
Transfer Station
Conservation & Forest**

Selectmen Ed Walsh

**Land Use Department
School Department
Recreation Committee**

The Town Administrator will notify Department Heads and Committee Chairs.

- **Fire Chief -**

The Fire Chief contacted the Town Administrator seeking permission from the Board to extend the Fire Department open position through June 25, 2021 and further advertise as such. Position will not be filled until after the Town Meeting approves. The Board saw no issue in the extension.

- **American Funds -**
The Town Administrator relayed to the Board that the Treasurer had sent out an email with regards to the American Funds program to review. After review, the Treasurer plans on approaching the Board to discuss as there are strict instructions to comply with.
 - **Assessors in Town –**
The Town’s Assessors will be out and about in the Town of Acton reviewing building permits and assessing properties; over 100 assessment cards have been pulled for review; these were changes done between 4/1/2020 and 3/30/2021. Each Assessing representative has a Town letter in their possession and company identification of who they are and why they are there; York County Sheriff’s Department has also been notified. If anyone has any questions, please feel free to contact the Town Administrator for more information.
 - **Flat Ground Road –**
The Town Administrator related that she knew the Board had closed discussion regarding Flat Ground Road, but an inquiry was sent to legal prior to that edict and a response has been received. With Selectmen David Winchell Junior’s permission, the Town Administrator shared the received response. The response indicated that there was an agreement and appropriation of funds discussed with MMA, but no correspondents regarding the status of the road.
 - **Town Administrator/Treasurer Workshop –**
The Town Administrator and Treasurer have scheduled a workshop on Friday, June 18, 2021 at 3:00 pm to prepare for Town meeting and wanted to invite the Board to attend. The Board agreed to attend.
 - **DEP Visit to Transfer Station -**
Selectmen Kimberly Stacey-Horn related to the Board and Town Administrator that she was informed that the DEP would be visiting the Transfer Station in July to do their inspection; she believed the date was July 29, 2021 but would need to confirm. Once date is confirmed, the Town Administrator will notify the Transfer Station Department Head.
 - **Training for Planning Board and Zoning Board –**
A mandatory training class has been set up for Planning Board and Zoning Board members for Tuesday night, July 20, 2021 via Zoom. The Land Use Secretary will have a flyer to hand out at the Planning Board meeting. All three Selectmen indicated they too will be attending said meeting.
- The Town Administrator reminded Selectmen Kimberly Stacey-Horn that she had also signed up for the Marijuana classes and they are coming up soon; please recheck email for dates and times.
- **Auditor Conference Call -**
An outcome of the auditor’s conference call held last week was that the Auditor will be coming to Town the week of August 30th.
 - **Kudos to Road Commissioners -**
The Town Administrator publically thanked the Road Commissioner of District 2 for handling

the Horn Pond causeway signs that were received and stored when Mr. Letourneau passed. District 1 Road Commissioner Will Langley was thanked for the water rescue he performed to save a goat. The Town appreciates all these extra efforts.

- **Ann Pepper -**

The Town Administrator informed the Board that she received an obituary from the nephew of Ann Pepper, a long time resident who has recently passed away. With dementia, Mrs. Pepper remembered Acton vividly through her decline.

3. WARRANTS/BILLS – Signed.

4. APPROVAL OF AGENDA

A motion was made by Selectmen Ed Walsh to approve the agenda; seconded by Selectmen David Winchell Jr. All in favor.

5. MINUTES OF LAST MEETING

A motion was made by Selectmen Kimberly Stacey-Horn to accept the minutes for June 2, 2021; seconded by Selectmen David Winchell Jr. All in favor.

ELECTION OF NEW CHAIR

A motion was made by Selectmen Kimberly Stacey-Horn to elect Selectmen David Winchell Jr. as Chairman of the Board of Selectmen for the ensuing term; seconded by Selectmen Ed Walsh. Vote 2-0. (Selectmen David Winchell Jr. abstained.)

6. DEPARTMENT HEAD / COMMITTEE CHAIR UPDATES - None

7. OLD BUSINESS - None

8. NEW BUSINESS

A. Residents Concerns / Tom Cashin -

Mr. Tom Cashin approached the Board to express his concerns with the Board regarding their approval of the Iron Tails’ Mass Gathering permit and the approval to hold the burnout event. Mr. Cashin asked the Board to rescind issuing this permit and or respond to their reasoning of why permit was issued when the residents (himself included) are upset about this event and the air/noise pollution that the Burnout Competition generates. Mr. Cashin further commented that no one benefits from this event except for Iron Tails and their public notice. He stated the Board needs to take into consideration health issues of residents when this event has no fiscal benefit to the Town, no practical health benefits and can’t understand the support.

Discussion ensued. The Board indicated that this event happens every year, the winners of the competition have been Acton residents, there are many people in Acton who enjoy the event. Furthermore, the event is only one day a year for a couple of hours and there have been no official complaints received. This is a designated place to allow a burnout opportunity and there are no restrictions from DEP.

Mr. Cashin further cited the Town’s ordinance relating to the use not being an allowable use, to support why he felt it was unacceptable to permit, reiterated his air quality concerns and doesn’t buy the Boards reasoning.

Selectmen Kimberly Stacey-Horn told Mr. Cashin that she appreciated him coming forward with his concerns.

Mr. Cashin further declared that during the Mass Gathering permit discussions, the burnout competition was slipped past the Board.

The Board clarified for Mr. Cashin that they were aware of the burnout competition and all the events listed on the Mass Gathering permit; nothing was slipped past the Board. Selectmen David Winchell Jr. responded this was not a surprise. There have been no complaint and the people on those roads go to the event. If there were more people stepping forward and complaining, then it would have to be looked at closer.

Mr. Cashin stated the Board should go closer to the event and smell the odor and take in the smoke being generated; as neighbors, he should be able to ask other neighbor to stop offensive behavior. Mr. Cashin noted that voters are squeamish toward taking issue with things due to retribution and the Board should be held for a healthier environment.

The Board told Mr. Cashin that they understood his point of view and thanked him for expressing his concerns but they would not be moving forward with his concerns.

B. Planning Board Appointment -

The Town Administrator indicated to the Board that Mr. Bernard Broader expressed an interest in sitting on the Planning Board. For this position he can be placed on as an Alternate position to 2021 or 2022, however, the Town Administrator asked the Board to make the end date be June 30, 2021 because there was an indication of a seat opening up and if that occurs, Mr. Broader can be reappointed for open seat. Tonight's appointment was necessary as there was a Planning Board meeting to be held tomorrow evening and he would be able to participate; Mr. Broader observed at the last meeting and indicated he still wanted to become a member. The Board agreed.

Selectmen Kimberly Stacey-Horn read appointment aloud.

A motion was made by Selectmen Ed Walsh to appoint Bernard Broder III as a Planning Board Alternate member effective until June 30, 2021 pursuant to Title 30A MRSA 2602; seconded by Selectmen David Winchell Jr. All in favor.

The Town Administrator will notify Mr. Broader.

C. Fiscal Year Close Out, June 30, 2021 –

The Town Administrator indicated to the Board that the Treasurer requested that the Board permit the Town offices be closed to the public on June 30, 2021 in order to close out the fiscal year; new fiscal year starts July 1, 2021. Staff will work regularly scheduled hours.

D. Mass Gathering Permit -

The Town Administrator received a Mass Gathering permit application from the Renaissance Faire for July 17/18 and July 24/25. All fees were paid, insurance is in place, fire & rescue will be on scene and reports were favorable.

A motion was made by Selectmen Ed Walsh to grant the Mass Gathering permit to the Renaissance Faire for July 17/18 and July 24/25 events; seconded by Selectmen David Winchell Jr. All in favor.

E. Propane Contract -

The Town Administrator received the Propane Contract from Downeast Energy. Did the Board of Selectmen want to entertain them this year as their vendor or go out to bid? Discussion ensued. The Board decided to stay with Downeast this year and go out to bid next year before a contract is received depending on what happens through the year regarding pricing; Downeast's contract came in at \$1.44/gallon.

A motion was made by Selectmen Ed Walsh to sign the Downeast Contract for propane at \$1.44/gallon; seconded by Selectmen David Winchell Jr. All in favor.

F. Deputy CEO Appointment – Michael Demers -

The Town Administrator brought to the Board's attention that when Mr. Jason Sevigny was appointed, Mr. Demer's appointment expired. In order for him to continue to support the Department, the Town Administrator presented a Deputy Code Officer appointment effective to September 30, 2021 to be considered. Appointment was read aloud.

A motion was made by Selectmen Ed Walsh to appoint Michael Demers as Deputy CEO effective until September 30, 2021; seconded by Selectmen David Winchell Jr. All in favor.

G. Solar Fees -

The Code Office is preparing to issue their first Solar project permits and realized that there were no set fees assigned. After consideration of what the surrounding towns are using for fees, the Code Officer determined that \$0.50 per kilowatt hour (kWh) would be what the Town of Acton would use as their standard with a minimum fee of \$25. The Board was in agreement.

A motion was made by Selectmen Ed Walsh to assess the solar project fees at \$0.50/kWh with a minimum of \$25; seconded by Selectmen David Winchell Jr. Vote 2-1 (Stacey-Horn)

Board discussed home owners who put solar in versus large solar fields. For further understanding, discussion turned to the Planning Board's condition of setting up escrow accounts for decommissioning solar fields.

H. Animal Welfare Society Contract (AWS) -

The Town Administrator announced that the AWS contract received by the Town for this year was an exact duplicate of what was already in place and required a signature from the Board.

A motion was made by Selectmen Ed Walsh to sign the Animal Welfare Society Contract; seconded by Selectmen David Winchell Jr. All in favor.

I. Emergency Service Communications -

The Town Administrator received word that the State of Maine was able to provide a log in for Emergency Service Communication (E911) system to both the CEO and the Deputy CEO. The Deputy's login will be different from his Shapleigh log in.

9. PUBLIC COMMENT

- **Rollin Waterhouse**

Mr. Waterhouse approached the Board with a question concerning the H Road solar panel project. He wanted to know if the issue was resolved regarding posting a bond versus an escrow account. The Town Administrator responded yes it was confirmed to be an escrow account.

- **Joyce Bakshi**

Mrs. Joyce Bakshi approached the Board to comment on the decommissioning of solar fields. She commented that there was a lot of work that needed done to decommission a field and that is why the money was asked for in advance; it protects the Town if the owner just walks away and the Town is left to do the clean up. Selectmen David Winchell Jr. understood that if a field is leased to an owner and the owner decides to move that it was good to have the escrow but, they did not want to make it so expensive that people would be dissuaded to do it. Mrs. Bakshi reiterated that it was just a different way to look at it.

Next, Mrs. Bakshi asked about the town owned property on West Shore Drive and when would it be available for sale. The Town Administrator responded the Board decided on a minimum bid of \$49,000 and it would probably be advertised the whole month of July. Mrs. Bakshi noted that the Town can only get what is owed; the remainder must go to the estate. The Town Administrator agreed to look into this.

- **Selectmen David Winchell Jr.**

Selectmen David Winchell reacted to a letter that was distributed inside the Shaw's flyer throughout the Town and York County area; he disagreed with what was issued in print. Selectmen Winchell went through the following points as he disagreed with a lot of it:

- The information contained in flyer and its inaccuracies: Response: Whoever wrote this flyer doesn't know all the facts and are not involved in these matters and thus stated information incorrectly.
- Select Board as the reason for Code Enforcement, Deputies, Recreation Committee and other resignations from the Town of Acton. Response: This Board has been very open the door, give them the reins and do what you want; the Board had nothing to do with the resignations there.
- The half million in surplus funds not used for the paving roads. Response: The surplus money was a onetime situation whereas the school received the excess from COVID reimbursements and returned to the fund. If COVID did not happen, the school would have spent these funds. Why did the Selectmen negatively react against the painting and edging of safety lines on the roads? Response: This statement is false, the Road Commissioners indicated they were not up and ready to do this project. Other items listed for these monies such as Town Hall repairs and the Canal Bridge. Response: There is money on the warrant to fix this bridge and all projects are needed to be voted upon at Town meeting.
- Selectmen Kimberly Stacey-Horn in regards to the extra school money commented that the Board only had maybe 3 weeks prior to budget placement that this money was going to be given back to the Town. This did not allow much time to receive quotes

and get to Warrant & Finance. The Town Administrator commented that timing had everything to do with it. Contractors are not banging down doors for work, especially work that can't be committed until after July 1, 2021.

Selectmen David Winchell Jr. further commented quotes are hard to come by because as with a lot of things, everything is being based on market prices and those prices change daily.

Selectmen David Winchell Jr. continued that he didn't really have to address this flyer, but it was a cheap shot right before Town meeting. What got him further was the Recreation Committee, was the whole group who was giving the reins and just quit and left others behind stuck into positions they may not have wanted to do but they are doing it; kudos to Lori.

As for the Code Officer quitting, you can say whatever you want, but he did not believe the Select Board was aware that the issues was as bad as it was until it came and there is no turning back, but this is a cheap shot.

When you do your concerned citizen and send all over York County, don't be a coward, put your name on it.

Selectmen Ed Walsh expressed that 99% of the things listed on the flyer were incorrect statements and meant to be thrown out there to the public to undermine the Selectmen. He further continued that it was a mechanism to poke the bear and the bear has been poked. Thank you David for responding. Please note, Acton is not as dysfunctional as this letter leads readers to believe.

Selectmen David Winchell Jr. further stated the letter was an embarrassment to the Town of Acton and the composers were cowards as this didn't even have the fortitude to sign their document.

Mr. Rollin Waterhouse approached the Board to comment on the flyer. Mr. Waterhouse stated he was not a part of the composition of the letter and only found out about it when he received it in the mail. He did know who wrote it and that they were credible as the information was known to them. The Selectmen rebuttal that credibility statement as a lot of the items stated were personnel issues and not allowed to be discussed, thus the Executive Sessions to review any and all matters that come before the Board dealing with staff including hiring, firing, resignations, performance and raises; the Town does have a Human Resources Manager on staff and the Executive Sessions are not just a chit chat session between the Board members.

Mr. Waterhouse repeated that the concerns listed in the flyer were put forward by reputable persons who chose not to sign; it might have been meant as a cheap shot, but it did bring attention to the issues that were their concerns and lastly, it was a good thing to do. Now maybe more people will come out to Town meeting, too many people let things slide. Mr. Waterhouse went on to say he believed their were personnel issues, as he knows for a fact that the Deputy CEO filed a grievance against the Town

Administrator. Selectmen Winchell reminded Rollin again that these were personnel issues that they couldn't share with the public, nor should he know anything about.

- Selectmen Ed Walsh thanked everyone who voted for him at the June 8, 2021 elections. He stated it was a humbling, but scary situation to be in and appreciated the support. Mr. Walsh again thanked everyone who came out to vote. Selectmen Walsh further commented to his regret, he would not be in attendance of the Town meeting due to a personal reason; funeral of a long time dear friend on the other side of island in Southwest Harbor at 2 pm on the same day as the Town meeting.
- The Town Administrator stated that now that a resident has clearly stated that the Deputy CEO had filed a grievance against her, which he would have absolutely no way of knowing unless the previous employee would have shared that with him. The Town Administrator asked the Board to publically state that there was an investigation, that the Town Administrator was cleared of any wrongdoing. Additionally she asked that it was made public that she was not involved in the investigation and that there were no findings of that to support the allegations. Selectmen Ed Walsh and Selectmen Kimberly Stacey-Horn confirmed that there were grievances filed and an investigated was preformed. MMA confirmed that the investigation process was conducted correctly and that there were no findings against the Town Administrator which could be substantiated; matter was closed for lack of evidence.

10. ANNOUNCEMENTS

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| A. | Planning Board – Thursday, June 17 | 6:00 pm |
| B. | Town Meeting – Saturday, June 19 | 9:00 am |
| C. | BOS – Wednesday, June 30 | 6:00 pm |
| D. | Lion's Breakfast – Saturday, July 3 | 8 am to 10 am |

11. MEMBERS PRESENT

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

12. ATTENDANCE

Ann Macheran, Tom Cashin, Dennis Long, Rollin Waterhouse, Joyce Bakshi, Adam Doliber, Will Langley, Robin Ham, Mike Long, Virginia Doboer and Cheryl Drisko.

A motion was made by Selectmen Ed Walsh to adjourn at 7:19 pm; seconded by Selectmen David Winchell Jr. All in favor.