

**TOWN OF ACTON SELECTMEN'S MEETING**  
**June 2, 2021**  
**6:00pm**

**1. CALL MEETING TO ORDER / PLEDGE OF ALLEGIANCE**

**2. TOWN ADMINISTRATOR WEEKLY UPDATE**

- **Abutter Notice** – Abutter notices have been sent out for the Kelly Orchards Conditional Permit public hearing to be held on June 17, 2021.
- **Training:** The Town Administrator informed the Board that she attended a Municipal Law Class and passed the certification.
- **June 8, 2021 Election** – The Town Administrator reviewed the upcoming election schedule and workers with the Board. The Board had no conflicts with any of the proposed election workers.
- **Assessor** – The Town Administrator notified the Board that O'Donnell's was going to have a crew in town next week to review and assess property and building changes. The Town Administrator further notified the Board that O'Donnell's asked that a new naming convention be adopted in the Land Use Department moving forward to reflect O'Donnell's naming system as they are currently not being named by map and lot. This will be reviewed with staff; current items in the new fiscal year will be renamed to march naming convention; this system will be used moving forward.
- **Transfer Station Visit** – The Town Administrator recapped for the Board her visit to the Transfer Station. The Department Superintendant informed the Town Administrator that the open hours through the holidays went well and he has decided to hold off on further holiday hour conversations with the Board at this time. The Town Administrator further reported that the new staff was doing well.
- **Board of Selectmen Meetings** – The Town Administrator reminded the Board that there would be no Selectmen's meeting next week, June 9, 2021.
- **Recreation Committee** - The Town Administrator updated the Board that all of the Recreation Committee's orders have been placed and are awaiting delivery.
- **Road Commissioners** - The Town Administrator publically thanked the District 2 Road Commissioner for removing the dead deer from the Town's road; even though it was a State road, the State would not perform this task. The Town Administrator further noted that the signs requested by the Road Commissioners have been ordered.
- **Conversations with the Public:** The Town Administrator asked the Board's permission to speak regarding her performance in light of there being no staff in the Land Use Department and keeping her roles separate. The Board agreed. The following was reviewed:
  - The amount of time the Town Administrator spent doing the Code Enforcement work. With no formal training, the Town Administrator was performing to the best of her abilities to handle all inquiries utilizing only the Planner, Ben Smith and the Planning Board Chairman, Chris Whitman as a resource; the Board of Selectmen have not directed these efforts; however, the Board liaison is cc'd on emails.
  - The frustrations of the Town Administrator who is being constantly questioned or inundated with criticisms when she is doing the very best that she can. The Town Administrator asked the Board what more could she do?
  - Reviewed the timeline of application received cited in an email and the process.
  - Comments that the Board was trying to take over the Planning Board.

The Selectmen weighed in with their responses, thanks and support for all the hard work that the Town Administrator was giving the Town. Selectmen David Winchell Jr. commented that if the Town Administrator had not stepped in when the Town's Land Use Department staff abandoned their positions, the Town would have had to shut that department down. This would have meant that no permits would have been issued or work allowed to be completed. Selectmen Ed Walsh concurred.

Another discussion ensued regarding an incident whereas someone approached the Board to ask a zoning ordinance question. This question was referred to the Planner for a response; this question was unrelated to Code Enforcement. The Board responded to all the rhetoric comments (that the Board is trying to take over the Planning Board) being bantered about town by clarifying that they the Board's only job was to appoint members and not be involved in any other capacity. Also noted was that those on the committee were appreciated by the Board as it was a big job to take on from a volunteer's standpoint.

To recap all discussions pertaining to the Town Administrator role with the Planning Board, it was clearly noted and clarified that the only role played was that of a Planning Board Secretary and was done completely separate from the actual Town Administrator role.

**3. WARRANTS/BILLS – Signed**

**4. APPROVAL OF AGENDA**

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

**5. MINUTES OF LAST MEETING**

**A motion was made by Selectmen Kimberly Stacey-Horn to accept the minutes for May 26, 2021; seconded by Selectmen David Winchell Jr. All in favor.**

**6. DEPARTMENT HEAD / COMMITTEE CHAIR UPDATES – None.**

**7. OLD BUSINESS**

**A. Flat Ground Road -**

The Town Administrator informed the Board that as requested, an email was sent to MMA; no response has been received as yet. Selectmen David Winchell Jr. recapped that in 2006 Attorney Flewellen documented a legal opinion which was reviewed by a second Land Use Attorney and held the same opinion. The underlying issue is that there is no paperwork that can be found to support or contradict; it is simply not there. Further discussions should be put on the back burner; the Board agreed. Selectmen David Winchell Jr. commented that Flat Ground Road was a private road with a contract and not a Town Road.

**B. Policy - Road Commissioners; Re: Town Owned Property -**

The Town Administrator presented to the Board the final Road Commissioners' policy regarding Town Owned Property which now included Goat Hill for adoption.

**A motion was made by Selectmen David Winchell Jr. to adopt the Town Owned Maintenance Property policy; seconded by Selectmen Ed Walsh. All in favor.**

**C. 7 West Shore Drive / Minimum Bid Discussions -**

The Town Administrator clarified for the Board that the Land was valued at \$9,000 and the Building was valued at \$40,000. Discussions ensued regarding back taxes, interest, penalties and administrative fees that need to be added in. Selectmen David Winchell Jr. clarified that when he initial stated his choice of a \$5,000 bid suggestion was done just so that the Town could get back what was owed to them and not make a profit on someone's misfortunes. Selectmen Ed Walsh recommended a minimum bid be the assessed value of \$48, 324. Discussion ensued; coming to a consensus, the Board made a motion.

**A motion was made by Selectmen Edward Walsh to set the minimum bid at \$48,000 for the 7 West Shore Drive property; seconded by Selectmen Kimberly Stacey-Horn. All in favor.**

The Town Administrator asked the Board to review the timeline and detail of sales asking when the Board would be requiring a deposit (24 or 48 hours upon selection?). The Board chose a quick sealed bid opportunity threshold of 15 days and a 10% deposit amount within 48 hours of winning bid notification; closing should also be scheduled within no later than 15 days. The Town Administrator will email to the Board a draft of the sealed bid write up for review and approval.

**D. Public Comment Follow Up - CEO/Electrical –**

The Town Administrator presented to the Board a legal response and follow up to the public comment made last week regarding the Town of Acton not allowed to alter the way electrical permits are handled. Page 22 which was presented and cited was given to legal for review; the Town Administrator read aloud the same proffered statement being reviewed. Legal's response was that the statement included the following words, "construed to include where applicable"; based on this statement, there was absolutely nothing which prohibited the Board of Selectmen from doing what they are doing.

**8. NEW BUSINESS**

**A. Liquor License Application -**

The Town Administrator informed the Board that Roaring Caterers submitted a new liquor license application. All fees were met and proof of insurance received.

**A motion was made by Selectmen Edward Walsh to grant a one day liquor license to Roaring Caterers for an event on Blueberry Hill on June 12, 2021 from 4 – 9:30 pm; seconded by Selectmen David Winchell Jr. All in favor. Board signed.**

**B. Summer Meetings –**

The Board of Selectmen informed the Town Administrator that they were interested in reducing the number of summer meeting to two meetings per month for July and August. Discussion ensued and with timing of the current schedule of closures due to elections and holidays, the Board decided to include June as well. The Board will meet on the following days:

- June: June 16<sup>th</sup> and June 30<sup>th</sup>
- July: July 14<sup>th</sup> and July 28<sup>th</sup>
- August: August 11<sup>th</sup> and August 25<sup>th</sup>

## 9. PUBLIC COMMENT –

- Mr. Rollin Waterhouse approached the Board to make comment on Flat Ground Road. Mr. Waterhouse stated that Flat Ground Road was a Town Road which was closed and asked the following questions:
  - How did it become a private road in 2016?
  - In 1960, this road was discontinued as a camp road?
  - How come it was maintained?

Discussion ensued. Selectmen David Winchell Jr. referred back to the lawyer's response that there was no documented proof but that a contract was placed on the road and there was separate money assigned to the road each year. Selectmen recalled a 1-hr. conversation held on this subject to make sure he understood it completely. The discussion between Mr. Waterhouse and Selectmen David Winchell Jr. got heated because Mr. Waterhouse kept insisting that Flat Ground Road was a Town Road and not done legally no matter what legal opinion was and that it needed to be voted on by the Towns people in order to rectify. A special town meeting was suggested by the Town Administrator. Selectmen David Winchell Jr. stated that only an amendment to the Road Ordinance needed to be done as was done for Peacock Road. Unfortunately, the ordinance is set up for new roads not previously established roads. Discussions ended when each party agreed to disagree.

- Mr. Bernard Broder approached the Board to comment that any legal opinion a lawyer makes must present the authority to back it up and indicated this is what is being acted upon. With that verification, heated feelings can be dispelled. Secondly, Mr. Broder wanted to remark to the Board that the Town Administrator Jennifer Roux was a cut above the rest and makes Acton a great place to live. Mr. Broder stated that the last thing he wants to see was her dissatisfied. Mr. Broder made a few recommendations on how to change the situation including workshops, repercussions and lastly that withdrawal of services. If residents don't get the services they want then they will appreciate those services all the more. Mr. Broder further commented that the Town Administrator was not doing anything wrong and if there were problems, they needed to reside with those responsible for the problems.
- Robin Ham approached the Board to discuss the Fire Department's need for a generator. Mr. Ham was told that due to timing, it was going to be on the warrant for the Town meeting; Treasurer is reviewing funds.
- Joyce Bakshi stepped forward to inform the Board that there was a webinar in July that everybody on the Planning Board should attend. It was a good basic 101 on being on a Planning Board and a great refresher for those who have sat in those sets for a long period of time. Mrs. Bakshi also recommended that Planning Board members review updated MMA Planning Board and Local Land Use Manuals. The Town Administrator noted that the new CEO and Land Use Secretary had both been signed up for said course. Mrs. Bakshi's parting words were, "this is not a popularity contest. There are a lot of things you tell people that they can't do and they don't like it."

**10. ANNOUNCEMENTS**

- A. 06/03/2021 - Planning Board 6:00 pm
- B. 06/10/2021 - Planning Board 6:00 pm Site Walk Map 234 Lot 044
- C. 06/16/2021 - Capital Improvement Committee 4:00 pm
- D. 06/17/2021 - Planning Board 6:00 pm
- E. 06/19/2021 - Town Meeting 9:00 am (Acton Elementary School)
- F. 06/23/2021 - Board of Selectmen 6:00 pm

**11. MEMBERS PRESENT**

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

**12. ATTENDANCE**

Dennis Long, Denny Long, Mike Long, Rollin Waterhouse, Joyce Bakshi, Adam Doliber, Will Langley, Virginia Doboer and Cheryl Drisko.

**A motion was made by Selectmen Ed Walsh to adjourn at 7:08 pm; seconded by Selectmen David Winchell Jr. All in favor.**