

TOWN OF ACTON BOARD OF SELECTMEN'S MEETING

March 17, 2021 - 6:00pm

1. CALL MEETING TO ORDER / PLEDGE OF ALLEGIANCE

2. TOWN ADMINISTRATOR WEEKLY UPDATE

- **T/S Opening** – There is a part time opening from April 15, 2021 to September or October for a Transfer Station Attendant. There are applications available in the Town Clerk's office; deadline for submittal is Friday, March 26, 2021. The Town Administrator will include the T/S liaison in the interviews.
- **Warrant questions** – The Town Administrator reviewed with the Select Board questions received pertaining to the Warrant and the numerous amount of hours put into gathering information for a proper response. In the future, these questions need to pertain the warrants in front of the committee; otherwise it becomes a Freedom of Information request from regular people. The Town Administrator and Treasurer asked that the Board reiterate these questions need to pertain to the warrant in place.
- **Zoning Board of Appeal (ZBA) Serve Notice** – Derwood Parkinson has reviewed the serve notice. There is a ZBA meeting to be called for the first or second week of April; purpose is to review, do the finding of facts, formalize and sign a decision to go to Superior Court.
- **Freedom of Information** - The Town Administrator has received a FOI request for any documentation tied to the Pearson property by the Attorneys handling their case; should go out this week.
- **Extend Positions due to Pandemic** – The Town Administrator reached out to MMA legal with regards to positions that were extended due to the pandemic and when voted upon the associated term limits. Response was to continue to go by expiration date of old appointment for new appointments, example if initially expired June 2020 and a one year term, next expiration would be June 2022; two year term will expire June 2023.
- **Town Meeting** – The Acton Fairgrounds has been booked for June 19, 2021 for the Town meeting. Elections will be held June 8th. The Town Administrator will post notices. The Transfer Station Superintendant will be giving an option to remain open or close to allow resident staff to attend; the last five year the choice was not to go to the meeting.
- **Inland and Fisheries** – The Town Administrator reviewed with the Select Board a statement received from Inland, Wildlife and Fisheries regarding stating the Clerk's books balanced as of December 20th. The total amount collected was \$96,399 in Inland Fisheries Sales in 2020. That is with the pandemic and doesn't include any excise; it is just the amount we would have sent to them.
- **York County Budget Committee** – York County budget committee meeting is coming up on April 14, 2021. They have some vacancies county wide and are asking as elected official that the Board sends some representation. The Town Administrator sent a scanned version of the certified letter received to the Board for review.
- **Goat Hill** – A notification was received from the State of Maine that the last payment for Goat Hill was approved and coming in.
- **Garden Beds** – The Town Administrator informed the Board that the Librarian was given permission to put garden beds on the side of the building based off an email request which was received and not mentioned last week.

- **Board of Selectmen Agenda** – The Board at the request of a resident to post their agenda on Tuesdays by 6 pm was done. The agenda in front of the Board, for clarity, will have any items added after the fact underlined so that the Board can tell what was posted and what was not.

3. WARRANTS/BILLS - Signed

4. APPROVAL OF AGENDA

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

5. MINUTES OF LAST MEETING

Selectmen David Winchell Jr. made a motion to approve the minutes for March 10, 2021; seconded by Selectmen Ed Walsh. All in favor.

6. DEPARTMENT HEAD / COMMITTEE CHAIR UPDATES – None

7. OLD BUSINESS

A. **Budget Recap / Undesignated Fund Use**

The Town Administrator recapped the BOS Workshop. Select Board met to finalize the numbers to be placed on the warrant after receiving the School's budgetary information. There is only 3 months allowed to be in reserves. The Town has to put forward \$500,000 in excess and move it to offset the property taxes; the School has voted to move \$400,000 forward. The \$400,000 is a onetime occurrence and should not be counted on in future years when deciding budget allowances. The Board will use this excess money to do some housekeeping by paying off loans, placing money in bridge reserves and performing some building maintenance projects (i.e., furnaces, siding and generators). With all these items handled, the tax rate will stay consistent in subsequent years. The Town Administrator will produce a draft warrant after W & F meets and makes their recommendation on the petition article for the Board to sign next Wednesday. This will then provide a draft of the Town Meeting warrant for the W & F to look at during their meeting on Monday, March 29, 2021.

8. NEW BUSINESS

A. **M.A. Bean Associates - Canal and Rowe Bridge Discussions**

Mr. Bean opened his presentation by informing the Board of his background and why he started his company relating he found a niche where small towns needed bridge aid and solutions at a reasonable expense.

- **Canal Bridge** – There was concern regarding the historical preservation of Canal Bridge. Mr. Bean explained his work. The new bridge was an overlay to the old bridge, never touching the arch and there would be no impact on the water.

Selectmen David Winchell Jr. asked for clarification on \$30,000 line item and whether it was included in the total or a contingency amount as the Board thought when presented it was for the approach and excavation work. Mr. Edwards, Wakefield Selectmen explained it was Acton's cost to do work. There was a miscommunication on who was responsible for the finishing work. Once understood, the Board will understand how to adjust accordingly.

Mrs. Cindy Hart asked about permitting. Mr. Bean indicated that permitting was not needed as he would never go near the water; everything was done from the road side.

Road Commissioner Adam Doliber was asked to call Penn Foster to verify that Acton needed nothing further.

- **Rowe Bridge** - Rowe Bridge is seriously deteriorated and Mr. Bean was asked to take a look at it and draw up a quote for its repair. Mr. Bean indicated after for perusal, there was a little more money needed to demo this bridge and again not touch the water at all. All the concrete will go to recycling by socking up and removing. An influence line method will be used to save the Town from a wetlands permit.

Mr. Joseph Ruma asked about elevation guardrails and Mr. Bean explained the process for tying in half wrap guardrails.

Mrs. Cindy Hart asked if money was needed to repair the old bridge. Mr. Bean explained he would not be touching it that the overlay goes over the top. Mr. Hart further asked if there could be a plate reader installed as too many people go over that bridge too fast and the fines could be high enough to cover the costs for the cameras.

The Board thought it would be better to have the Deputy have a presence and keep an eye on those using the bridge; not to hold the Deputy there, as that would be crazy, but to increase presence would have the Town heading in the right direction.

Mr. Phillip Twrombley from Wakefield Historical Commission asked about the use of pilot holes as he was concerned the drilling vibration would cause more damage to the bridge. Mr. Bean explained his process and that he would not be near enough to have that sort of impact; he would be going 34 feet out. Mr. Twrombley further asked what M.A. Bean's liability insurance was worth. Response was 2 million dollars. Selectmen David Winchell Jr. commented the Town is through in researching vendors who work in Town and always require that before engagement; no one works unless fully insured.

The Board thanked Mr. Bean for a very informative presentation as this is something they are interested in doing.

In conclusion, Mr. Bean asked the Board to provide a letter of intent so that he does not need to go back to the manufacturers of the bridge and rework the quote. The Town Administrator will draft up a letter and have for the Board to sign next week. The Board indicated there will be nothing decided upon for Rowe Bridge until they speak to Milton. The Town Administrator will reach out to Deputy Sevigny regarding the bridge and also take all the paperwork Mr. Bean has provided to the Board with references and place online so that all can see work completed.

B. Recreation Committee Openings -

The Town Administrator updated the Board that the Recreation Committee was in need of more members. There are currently four members and it would be nice to get 3 more especially with achieving quorum and the consideration of doing spring sports. Selectmen Kimberly Stacey-Horn asked the Town Administrator to reach out to the School Administration to advertise openings to parents.

C. Marijuana Committee / Selectmen Liaison -

After the update last week from Mr. Fecteau regarding what is going on in Augusta, and then Mr. Nass, the Town Administrator at the direction of the Board contacted the former Marijuana Committee to see if there was any interest in revisiting the issue. There are currently had a solid 8 people interested on joining the Marijuana Committee. Five former members contacted were interested and 3 new interested participants; looking for one more. However, not picking and choosing individual, but knowing preferences, this makes a nice balance for both sides of the spectrum. The Town Administrator asked which Board member would like to be the Board's liaison to help set up boundaries and guidelines. Selectmen David Winchell Jr. indicated he was interested. Once one more member is located, a meeting will be set up.

D. April 27, 2021 Warrant Recommendations –

The Warrant & Finance Committee made recommendations on all of the School Committee warrant articles and then they are meeting on Monday, March 22, 2021 to vote on Article 2; the submitted by voter petition. The Town Administrator noted that she had received an email from the petitioner asking why the Warrant & Finance Committee had to make a recommendation and/or a public hearing needed to be performed. The Town Administrator's response stated that short of the Maine Municipal statement that says that Title 30 A requires a Municipal Officer hold a public hearing on the subject of an article to be voted upon by secret ballot referendum anything other than a candidate election and the Warrant & Finance Recommendation Ordinance stating that the committee shall review all proposed Warrant Articles except any that which involve the election of a Municipal Officer and that the committee should obtain factual data perform due consideration and study, then they make a recommendation. The law is very clear.

That being said, the Town Administrator was looking for a Yes or No vote from the Board on the following: Are you in favor of establishing a Town ordinance that reads, "No person shall spread, discharge or permit the discharge of straight road salt (Sodium Chloride), salt brine (Calcium Chloride) or Magnesium Chloride on any road in the Shoreland District, Resource Protection District or within 300 feet of water wells; any sand/salt mix in the aforementioned areas shall not exceed 20 percent.

There will be a public hearing on April 12, 2021.

Selectmen David Winchell Jr. made a motion to vote No; seconded by Selectmen Ed Walsh. All in favor. Vote: 3 – 0

The Board of Selectmen recommend a "No" vote on the warrant.

Selectmen Kimberly Stacey-Horn noted the petition needed more work because the top part and bottom part contradicted each other nor how the Board would be able to enforce.

Selectmen David Winchell Jr. explained he had issues with the entire measure because:

- The State of Maine tells the Town that they shouldn't be using any sand; that all salt should be used.
- There is the 300 feet from the roads, which is impossible considering all the wells on 109 (about 85% of the wells are within 200 feet of 109).
- The Board can't tell the State that they can't use salt on their roads; the Town would end up maintaining 109.
- There is no way to enforce this measure.
- In the long run the Town would end up using more salt than they would originally used because now sand and salt are being dumped three times as many loads over what had been used when running on a little salt.
- The measure is counterproductive; there is no way to enforce it; and it goes against everything DEP and the attended classes are telling the Town to do and it is completely backwards from what should be done.
- This measure would be a complete disaster for the road crews; especially in ice storms.

Selectmen David Winchell Jr. noted he believed the petitioner did not want this on a public hearing because of all the reasons stated above but slide through. Selectmen David Winchell Jr. further stated that the Town of Acton really needs to get out there and let people know what is going on here. The Town does not want to go backwards, but forward. If there is an issue with the Town's salt, there are other ways of taking care of that issue, (example – Follow what the State says and get computers that monitor the salt), but this is not the way to do it.

E. **Gym –**

The Town Administrator has pointed out that the Gym has been closed for 1 year due to the pandemic and it was now time for the Board to decide what their plans were for it for the future. As for the equipment, the Fire Chief is poised to take what the Fire Department needs and put the rest to auction; money generated will go to the reserve account. There are a few people who want their equipment back.

Selectmen Ed Walsh noted he hated to see the Gym close but the pandemic did it no favors and it has lived out its use. Discussion ensued. Selectmen David Winchell Jr. noted that even before the pandemic the enrollment number had not increased sufficiently to remain open; it was not a money maker. Building use will be determined at a later date. Selectmen Kimberly Stacey-Horn also reminded all that the insurance company had constraints.

Selectmen Ed Walsh made a motion to close the Gym permanently and revert the equipment back to the original owners; Selectmen David Winchell Jr. seconded. All in favor.

F. **Pole Permit –**

The Town Administrator presented a CMP pole permit application for the Board to accept.

Selectmen Ed Walsh made a motion to accept the CMP pole permit on Langley Shores Drive and Buzzel Road; Selectmen David Winchell Jr. seconded. All in favor.

G. **Sexual Abuse Prevention Policy Draft –**

Based on new insurance suggestions, the Treasurer provided a draft of a Sexual Abuse Prevention policy for the Board to review before the Recreation Department initiates any further activities.

H **Planning Board Appointment –**

As requested, the Town Administrator posted the Planning Board Alternate appointment opening. Two interested parties presented themselves. One made contact and was interested but not available until they returned from being out of State; the second party interested was ready to go. The appointment expires June 2021.

Selectmen David Winchell Jr. made a motion to appoint Mike Demers; there was no second. Motion failed.

Selectmen Ed Walsh indicated he’s like to talk to both candidates before he decided.

9. PUBLIC COMMENT - None

10. ANNOUNCEMENTS – Town Administrator read aloud

(Subject to Change W/O Notice - visit www.actonmaine.org for official postings)

03/18	Planning Board	6:00pm
03/22	Warrant and Finance	6:00pm
03/24	Board of Selectmen	6:00pm
03/27	Mary Grant	11:00am
03/29	Warrant and Finance	6:00pm
03/31	Board of Selectmen	6:00pm
04/01	Planning Board Meeting & Iron Tails Conditional Use Public Hearing/Zoom	6:00pm
04/05	Warrant and Finance	6:00pm
04/08	Iron Tails Liquor Renewal Public Hearing / Zoom	6:30pm
04/12	Public Hearing for 04/27 Election	6:00pm
04/13	ZBA Public Hearing / Zoom	5:00pm
04/15	Planning Board Meeting & Proposed Zoning Ordinances Public Hearing / Zoom	6:00pm

11. MEMBERS PRESENT

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

12. ATTENDANCE

Michael Bean , Phillip Twrombley, Carroll Shea, Charlie Edwards, Dennis Long, Susan Meehan, Virginia Shea, Denny Long, Joseph Ruma, Mike Long, Adam Doliber, Will Langley, Rollin Waterhouse, Joyce Bakshi, Robin Ham, David Winchell Sr. , Cindy Hart, Richard Hart, Virginia Deboer and Cheryl Drisko.

Selectmen Ed Walsh made a motion to adjourn at 7:25 pm; Selectmen David Winchell Jr. seconded. All in favor.