

SELECTMEN'S MEETING

May 14, 2019

5:00pm

YORK COUNTY FIREFIGHTER OF THE YEAR AWARD - ROBIN HAM

Mr. Ham was not available. Selectmen Walsh acknowledged Mr. Ham received the award, thanked him for his service and a formal presentation will be at a later date.

1. APPROVAL OF AGENDA:

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

2. MINUTES OF LAST MEETING:

Selectmen Elise Miller made a motion to approve the minutes of May 7, 2019; seconded by Selectmen Kimberly Stacey-Horn. No discussion. All in favor. Approved.

3. DEPARTMENT HEAD / COMMITTEE CHAIR UPDATES:

A. Forest/Conservation Committee

Mr. Steve Bodkin approached the Board to get recommendations from the Board regarding enacting an approved Management Plan. Mr. Bodkin stated the plan was in, recommendations have been made, that he had all necessary information on the Lot and was now seeking from the Board on how to proceed on said plan. Shall he proceed in the same manner as was done with the Hebo Hybo plan?

Mr. Bodkin noted, in order to line up multiples of hundreds of acres with different recommendations on different acres is cumbersome, but if it is required to have everything lined up for everyone in town to give the Board their advise on what should be done, public opinion can be heard at designated meetings (Conservation Committee meetings, Board of Selectmen meetings, etc.), or by individually meeting with the Town Forester and/or Educators. Mr. Bodkin further commented that the Committee needs to have a truncated way through this in order to have this plan enacted.

Selectmen Miller asked who the liaison was. Selectmen Kimberly Stacey-Horn indicated she was. Selectmen Stacey-Horn asked Mr. Bodkin when the next Conservation Committee meeting was; response was next week. Mrs. Stacey-Horn will attend and assist with devising actions to move forward.

Continuing the update, Mr. Bodkin informed the Board that the Conservation Committee has lost their secretary and will work on replacing. The Town Administrator informed Mr. Bodkin that until a formal letter of resignation is received, the position can not be filled. Then, depending on when the term expires, will dictate how it is handled.

4. OLD BUSINESS:

A. E911 Addressing Operator

The Town Administrator informed the Board this item will be handled in an Executive Session next week.

B. Road Commissioner and Road Committee Ordinances

The Town Administrator passed to the Board the notes that were gathered regarding both Ordinances. Before the changes are reviewed, Mrs. Roux told the Board that she brought with her the Town Meeting and Elections Manual as a reference to be used as needed. In regards to the Public Hearing, the Public Hearing preceding a Secret Ballot Vote on an Ordinance must be held a minimum of 10 days prior to the consideration of an Article by Secret Ballot. If after the required Public Hearing, there is a substantial

change made to the proposed Ordinance, a further hearing must be held on the new version of the Ordinance. Mrs. Roux commented that was primarily due to the fact that it is a Secret Ballot and changes can't be made on the Town floor. This is being expressed so that the Board can keep it in mind as there is no time left to hold another Public Hearing; Absentee Ballots have to be available on Saturday and unless the Board votes tonight to pull these questions, they are going to be on the Warrant. Minor changes are acceptable.

The Town Administrator and Board ran through a review of changes:

Road Committee Ordinance:

- Section 1, "formed **of** seven people as a Board", is the Board ok with that without the Road Commissioner? Response: Yes. The Town Administrator changed the word "with" to "of".
- The next change is grammatical. "First meeting shall be 30 days after Town meeting." Board was ok with the Town Administrator making the change.
- The term with the two people that the Board is allowing to have the remainder of their term fulfilled is unclear. Mr. Poyant clarified how the text, "the other three members will be an election at the Annual Town Meeting after the two members with the unexpired term" could be stated to make it clearer. The Town Administrator will swap the two sentences; the Board agreed.
- Section 2 G, the change is to correct the spelling of performed.
- Section H, has an addition. The Board needs to decide if it is a substantial change and requires another hearing. The note was to add to H the following: "the Road Committee shall perform duties as requested by Town Meeting". Selectmen discussion ensued; change was not needed.
- Section 3A, "The Road Committee has no purchasing authority without approval of the majority of the Board of Selectmen", adding the words "without approval of Town Meeting" is fine. Not a big change. Board agreed.
- Section 4 – 6: Add punctuation at end of sentences.
- Section 7A: There were concerns about the way the vacancies were filled and that there was in the past an instance where the entire Road Committee quit and the Board was able to appoint for the full term. As much as the Town Administrator agrees with the statement, it is a major change. Does the Board want to make this change or revisit next year? Selectmen decided to revisit next year.

Road Commissioner Ordinance:

- Article 1, Section 3: "An emergency is defined as any incident or occurrence which could **immediately** endanger life or property" Use "imminently", take the word out all together or leave as is? The Town Administrator spoke to the Attorney and he was happy with the word he put in there but doesn't think it makes a difference either way. Selectmen chose to remove word entirely.
- Article 2, grammar change.
- Use of Town vehicle or equipment statement; correction was added.
- The use of Town equipment for private purposes is prohibited. Town owned equipment shall be used before private equipment. Discussion ensued between the Board and the Road Commissioners. Board decided to take the line out and review with the Road Commissioners at a later date.
- Town Administrator spoke with Bourque & Clegg regarding \$100,000 Article. The Attorney said the Town is misinterpreting what the statute is stating. Statute cited says, "any department of the State or its political subdivisions of a County, City Tax or Township **may** engage in construction of any public work involving professional engineering without procuring the services of a licensed professional engineer as long as the contemplated expenditure for the completed project does not exceed \$100,000 and the work both has performed and completed does not create an undo risk to the public. The Attorney advised the statement be left alone as it was. Further, by adding something, you would be trumping what the statute says, which can not be done. However, if the

Town got into projects that were 3, 4 or 5 hundred thousand, then possibly an engineer would be a good idea. Not knowing how many paving projects have been done over the last ten years? Discussion ensued. Selectmen decided to remove because State Law is still in effect.

- T can be removed. Town is not an Urban Compact Municipality.

Another hearing is not needed. The Town Administrator will send out copies for a final proof and both Articles will be on the Warrant as Question 1 & Question 2. Absentee Ballots will be made available.

C. Paving Bid

The Town Administrator reached out to the Road Commissioners and the reported consensus was to leave the bid as is. The only question for the Board was, quote prices were valid through date. Mr. Dave Langley approached the Board to inform them that the Paving Companies are only quoting 30 days due to the material costs. The other option is bid per road which will possibly give the Town a better price. Mr. Winchell also approached the Board to advise them on how he had done the bidding process in the past. The Plant operator for Pike (made hot top) approached the Board to advise them getting a bid sooner than later due to pricing increases. The Board decided that the bids should be requested as “good through December 2019”.

D. Road Ordinance

The Town Administrator announced that the Smart Shopper Ad that was printed with regards to the Public Hearing was a misprint. That being said, the Public Hearing this Thursday, May 16th is for the Planning Board. The Road Ordinance is Wednesday, May 15th at 7 pm. Mrs. Roux further announced that since the Ordinance is on a Warrant and not Secret Ballot, the Town is not required to have a Public Hearing. This will be an informational hearing. The Selectmen will be available for anyone who may show up on Thursday, they can be heard.

The Town Administrator asked the Board to page down to the end of the Warrant so that what was reviewed can be adjusted. In the Class B Road Section, the Attorney indicated the word “new” should not be added. The plural word of Road Commissioners was discussed and the Board will wait to see what happens at the Hearing on Wednesday at 7 pm.

E. Warrant Recommendations

The Town Administrator requested the Board table this item until next week. Tabled.

F. East Shore Drive

Mr. Letourneau addressed this issue and repairs are complete. Bump signs were also put up.

G. Flat Ground Road

Mr. Letourneau will be gathering information over the next few days. Mr. Letourneau will also be speaking with the Treasurer regarding what has been completed and the available funds and assures the Board this issue will be completed before the end of the Fiscal Year.

5. NEW BUSINESS:

A. Transfer Station / May 27

The Transfer Station will be closed for Memorial Day on May 27, 2019.

B. Freedom of Information Request

The Town Administrator asked the Board to review the Freedom of Information Request form received and sign off as approved. The work has been completed. Selectmen Walsh read request to the Public.

The Town Administrator read an email sent to the Treasurer on this matter and the Treasurer's response. The information is ready for the Requester to pick up.

C. Phone System

The Town Administrator reported to the Board that the current Telephone System was purchased in 2007 for \$ 3,500 and the Town is having some serious telephone issues. There are several telephone out of commission (3 telephones are currently working) and it is making it difficult to do business or have private conversations with legal and other business related calls.

The Town Administrator has looked into acquiring a new Telephone System. Coastal Telephone (original vendor) price is \$4,752. Atlantic Broadband was also looked at because Shapleigh has installed a new system from them. Atlantic Broadband's System is all integrated with the internet which makes Mrs. Roux nervous because the internet at the Town Hall has a tendency to go out frequently. Looking at an increase of \$1,000 after 12 years of service Mrs. Roux thought this was a fair quote and recommended the Town stay with Coastal. Since this quote is below \$5,000, it is not necessary to go out to bid.

Mrs. Roux reached out to the Treasurer to see if there were funds available to put in this new Telephone System. Treasurer's response was, yes, there is \$5,300 in the Worker's Comp, Municipal Management line that will not be spent.

Selectmen Walsh agreed that the Telephone issues have been occurring for quite some time and that he was fine with it. The Board agrees.

Selectmen Miller made a motion to approve up to \$4,800 to be used for a new Telephone System; seconded by Selectmen Stacey-Horn. No discussion. All in favor. Approved and signed.

D. Expense Reports / Freeze?

The Town Administrator gave the Board updated expense reports from the Treasurer for the Board to review. The Town is close to the end of the Fiscal Year. No decision is needed to be made tonight. The Board decided to take and review and bring back to the table next week.

E. Acceptance of Payments Policy

The Treasurer is working on new policies for the acceptance of payments to the Town. The new policy would state, "All employees and volunteers who handle cash payments for goods, services remitting in donations must apply to the Treasurer annually to be bonded by the Town's insurance company. In efforts to reduce insurance costs, all cash payments other than rec concession sales shall be directed to the Tax Collector's office to make said payment and a receipt will be provided to the customer. Any checks received by the department shall be remitted to the Treasurer within 5 business days of receipt and should be made payable to the Town of Acton."

Selectmen Miller made a motion to adopt the Acceptance of Payments policy; seconded by Selectmen Stacey-Horn. No discussion. All in favor. Approved.

F. Gym

The Town Administrator gave the Board a spreadsheet showing a forecast of potential income based on current membership. \$4,600 is needed to run the Gym. This spreadsheet utilized the costs of Exempt going to \$10.00, Volunteers and Employees going to \$20.00 and Residents going to \$30.00. Overage could be used for updating equipment. The Board agreed. It is also time to change keys. Tabled for a week or two so that the Board can make a final decision.

G. Meeting Policy

Selectmen Kimberly Stacey-Horn handled the first reading of the newly drafted Meeting Policy. “Town of Acton Maine Meeting/Workshop Policy. All meetings and/or Workshops called by any and all Town Board, Committees or Departments must abide by the following guidelines:

1. Chairman/Department Head confirms space availability with the Town Administrator.
2. The Chairman/Department Head notifies the Town Administrator in writing a minimum of 10 days prior.
3. The Town Administrator posts notices to Town website, cable, and hallway a minimum of 7 days prior.
4. Town Administrator notifies APAT Director to schedule filming coverage.
5. APAT Director assigns Meetings/Workshops to cable person.
6. APAT Director or their designated staff upload video to the Website and YouTube within 3 business days.
 - A) In the case of any inappropriate content, camera person will notify APAT Director who will notify the Town Administrator. Only the Board of Selectmen have the authority to instruct edits.

(This policy does not apply to the staff meetings held between the Board of Selectmen and the Town Administrator.)

H. Calcium Chloride

The Town Administrator recapped an email received from Leslie Berlan who indicated that Tattle Street had reached out to her in regards to Calcium Chloride being something that could be reimbursed through Article 43. This has been placed on the agenda to receive the Boards thoughts. The Town Administrator expected that some research may be necessary to answer properly.

Selectmen Miller commented that when she reread the statute, it did not seem to cover the treatment of roads but were more on the line of road repairs to prevent runoff, and that calcium chloride did not meet that parameter. The Board will look into this more.

I. Executive Session MRSA 405-6A – moved to after Public Comment.

6. PUBLIC COMMENT:

- Ken Winn approached the Board to state that Tattle Street understood that Calcium Chloride was reimbursed. What the Association was trying to find out is, for next year, with budgets going from July to June, if the Association could place Calcium Chloride on the road this year a little early, in June, to keep the dust down and then still apply for next year. The Association is not looking for more money, just using the maintenance piece on next years application but doing the work a bit early. Selectmen Miller responded the work and costs both have to be incurred in the Fiscal Year of the application. Selectmen Miller also that the Board should further look into this before making a decision.
- Mrs. Carol Komezubumwe approached the Board to publicly thank the Board and Mr. David Langley for all the work that he is doing at the Rec Field for the Recreation Committee. It has been a very trying time for the Recreation Committee with the Baseball Season with the condition of the Rec Fields and parking Lot. The School has been wonderful letting the Committee use their fields, but Mr. Langley has gone above and beyond going up there and checking on that and

working on it by raking it and filling in the trench for the electric. These acts were very kind of Mr. Langley and Mrs. Komezubumwe really appreciated it a lot.

- Mr. Paul Poyant approached the Board to comment on the Road Commissioner Ordinance. Is the \$100,000 item, item “S”? The Town Administrator responded, yes. Mr. Poyant's comment on this section was whether the Board wanted to leave it in or take it out, but if the Board leaves it in, Mr. Poyant thinks it is important enough to, again in the interest of avoiding confusion, that the summary that is in the Town's portion of that item, accurately reflects what the State is trying to say in that referenced document. Reflecting on that, Mr. Poyant tonight got the impression that part of the problem is a quote-on-quote misunderstanding of what the State law says and that raises the question on whether we are summarizing it accurately. We don't want to trump State law, so, if our summary is different in intent from what the State law says, then by having that item there, we are inconsistent in those two things, it is going to cause problems.

The Town Administrator agreed and responded that what was said, is it the first few words, “to the extent required by..”.

Mr. Poyant suggests the Board pull that section for now.

- Mr. Ian Spaulding approached the Board to make sure that they were good moving forward with the way they are conducting their business. The Town Administrator indicated there were no concerns but as far as whether there are more requests for information the Board can only field them as they are presented and all information is public. No explanation is due the town.
- Mr. David Winchell approached the Board concerned that the issue is with his sister, Mindy Winchell Spaulding. He believes it is a ploy to pick on his sister in particular. Mr. Winchell wanted to also clear the records on comments that he left a lot of money to be spent on the books. Mr. Winchell reminded everyone that he was only 4 months into his term and the money was scheduled for use to pave a road over the next 8 months. Mr. Winchell claimed he did not need to go down this road. Subcontractors who come work for Acton do not need to be picked on. Mr. Spaulding did a great job.
- Mr. Dennis Long approached the Board and asked them to be consistent with the rules when allowing comments during the meeting versus public comment.

Next, regarding the request for information, anyone who works for a public entity has the right to know where the money is going, who is getting it, and things like that. It is in the Town Report. This is not like a private entity where you don't have the right to know. Example, If Mr. Long wanted to know how much the Town Administrator spent the night the ballots were counted, all he would have to do is fill out a piece of paper and ask. Mr. Long did not believe there was any negativity here or was headed anywhere. Mr. Long personally heard The current District 2 Road Commissioner has indicated the roads were left a mess and not Joe Public.

- Mr. David Winchell approached the Selectmen to remind them that the Road he had were in bad shape to begin with. Mr. Winchell threw out several examples why. Selectmen Walsh stopped the banter.

The Board of Selectmen moved to Executive Session MRSA 405-6A.

Selectmen Elise Miller made a motion to go into Executive Session pursuant to MRSA 405-6A; seconded by Selectmen Kimberly Stacey-Horn. No discussion. All in favor.

Selectmen Elise Miller made a motion to come out of Executive Session; seconded by Selectmen Kimberly Stacey-Horn. No discussion. All in favor.

Items reviewed after Executive Session:

1. The Town Administrator asked the Board their decision on Section S on the Road Commissioner Ordinance. The Board decided to take Section S out.
2. Annual Report 2016-2017 concerns. Mrs. Hart brought a typo to the Town Administrator's attention. The Town Administrator researched the correct information and was able to get the correct information to be passed along.
 - A) On page 31, under the Municipal Accounts Payable, it looks like an employee inadvertently copied and pasted 3 names under "M", 3 times. So it reads, Mainly Media, Robert Mann, Marks Printing, Mass Group and then it repeats. This was a typographical error and these were not paid out 3 times.
 - B) The Auditor's Report is completely separate and they do not proof what is typed in the book and thus, they would not have caught this error. So, the error was not on the Auditor's Report.

7. ANNOUNCEMENTS:

- Public Hearing May 15th (Road Ordinance) at 7 pm.
- Warrant & Finance, May 16th at 6 pm
- EMA Director Posting - May 20th closing deadline
- Library, Pine Cone Pete is not Impressed – 10 to 11pm
- Odyssey of the Mind made their goal.
- No follow up from Executive Session

8. MEMBERS PRESENT:

Selectmen Ed Walsh, Selectmen Elise Miller, Selectmen Kimberly Stacey-Horn and Town Administrator Jennifer Roux

9. OTHERS PRESENT:

Mr. Dennis Long, Mrs. Molly Long, Mrs. Cindy Hart, Mr. Richard Hart, Mr. Peter Smith, Mrs. Karen McManus, Mr. Ken Winn, Mr. Rollin Waterhouse, Mr. David Langley, Mr. Paul Poyant, Mr. William Langley, Mr. David Winchell, Mrs. Shannon Winchell, Mr. Ian Spaulding, Mr. Michael Long, Mrs. Carol Komezubumwe and Mr. Trucker Pearson.