

SELECTMEN'S MEETING
May 21, 2019
5:00pm

1. APPROVAL OF AGENDA:

Selectmen Miller informed the Board that she wanted to add "J. EMA Director" under old business on the agenda. Board was in consensus.

Selectmen Miller made a motion to approve the agenda with "J. EMA Director" added to the agenda; Selectmen Stacey-Horn seconded. No discussion. All in favor. Approved.

2. MINUTES OF LAST MEETING:

Selectmen Miller made a motion to approve the minutes from May 14, 2019; Selectmen Stacey-Horn seconded. No discussion. All in favor. Approved.

3. DEPARTMENT HEAD / COMMITTEE CHAIR UPDATES:

None.

4. OLD BUSINESS:

A. E911 Addressing Operator

Tabled until the Board's Executive Session with the Selectmen's Attorney.

B. Warrant Recommendations

All of the Warrant & Finance recommendations are notated in the Warrant document. Warrant & Finance has the Warrant and will be reviewing it for the Board of Selectmen to make sure that all is well. The Town Administrator notified the Board that they still had a handful of Articles still to be gone through. Mrs. Roux recommended the Board take the time to complete the task at this present meeting so that a draft could be put together and posted.

- Articles 5 and 6, the two Secret Ballot Ordinances.

Selectmen Miller made a motion to accept Articles 5 and 6 Secret Ballots as written; Selectmen Stacey-Horn seconded. No discussion. All in favor.

- Article 32

To see if the Town will vote to pay wages and equipment as presented. Mrs. Roux informed the Board that she knew there was some discussion regarding State Rates and that information was sent over to the Board to review.

Selectmen Miller commented that her feeling was, the Town wages passed at the last two Town meetings and she hated to go backwards.

Selectmen Miller made a motion to accept Article 32 as written; Selectmen Stacey-Horn seconded. No discussion. All in favor.

Articles 33 and 34 were tabled until the Warrant & Finance Committee made a recommendation. A line was added to both Articles to state, "said funds to be dispersed after a project list including line item budgeting has been presented to the Board of Selectmen to be expended as follows..."

Selectmen Miller commented that the added statements worked for her.

Selectmen Miller made a motion to accept Articles 33 and 34 as written; Selectmen Stacey-Horn seconded. No discussion. All in favor.

- Articles 47 through 67
This is a group of 20 Articles related to Social Services of which the Board had reviewed and made recommendations on. Warrant & Finance did make a motion on a couple of these Articles to appropriate lesser amounts and those are reflected.
 - Selectmen Miller made a motion to accept Article 47 through and including Article 54 as written; Selectmen Stacey-Horn seconded. No discussion. All in favor.
 - Article 55 is for the Acton Public library and Selectmen Miller being the Director wanted to abstain from that vote but would make the motion to accept Article 55 as written; Selectmen Stacey-Horn seconded. No discussion. Two in favor; one abstention.
 - Selectmen Miller made a motion to accept Article 56 through and including Article 67 as written; Selectmen Stacey-Horn seconded. No discussion. All in favor.
- Article 68
This Article is for the \$25,000 from capital improvements for the renovations of the kitchen. Warrant & Finance was split 3 to 3 on that vote.

Selectmen Miller made a motion to accept Article 68 as written; Selectmen Stacey-Horn seconded. No discussion. All in favor.

- Article 69
This is the Article that the Board put in towards the end based on the agreement and discussions with Sanford and Shapleigh to see if the Town would vote to raise and appropriate \$18,265 and appropriate \$25,000 from the Reserve Fund and appropriate \$40,000 from Undesignated to total \$83,265 for the Dam. That is with the addition of the \$75,000 which is Acton's half of the half.

Selectmen Miller made a motion to accept Article 69 as written; Selectmen Stacey-Horn seconded. No discussion. All in favor.

The Town Administrator informed the Board that the next few Articles were housekeeping.

- Article 70 was what was carried forward and what was not appropriated.
- Article 71 was to accept all of the grants that Acton might be lucky enough to receive.
- Article 72 was to offset the Undesignated Fund balance for the Acton School Budget.
- Article 73 was to appropriate \$769,907 in anticipated revenues which is an increase from last year and good for the tax dollar.
- Article 74 was to authorize the funds to offset taxes from the “Undesignated Fund”.

Selectmen Miller made a motion to accept Article 70 through and including Article 74 as written; Selectmen Stacey-Horn seconded. No discussion. All in favor.

- Article 75

This Article came to the Board as a recommendation from the State but by petition for the ability to authorize the State to issue Liquor licenses for the sale of liquor on Sundays.

Selectmen Miller made a motion to accept Article 75 as written; Selectmen Stacey-Horn seconded. No discussion. All in favor.

The Town Administrator spoke to the board to inform them that the next Article ties into the Road Ordinance. Mrs. Roux wanted to remind the Board that they had a Public Hearing on Wednesday, May 15, 2019 and due to a miss-posting another on Thursday, May 16, 2019 where 1 couple came in. On May 16, 2019, Selectmen Stacey-Horn and the Town Administrator Mrs. Roux sat with this couple and walked them through the changes.

Mrs. Roux just needed to make sure that before the Board made any recommendation, that the Board was good with the changes that were made in the Warrant. Those changes were:

- Effective date (highlighted under "E.") would change.
- The terminology under "G. A.", and the change of associated to association was fixed.
- "3.B." Road Commissioners went from plural to singular
- Lenkowski and Bourge & Clegg had different opinions on whether or not the word "new" should be under "3.", so it was just left alone until the Board decided if they were going to look at the entire Ordinance as this wasn't a minor change.

The Town Administrator continued by asking the Board if this was their final draft for this Warrant or did the Board receive anything from the Public Hearing that should be adjusted? The Board replied that they did not get anything further. The Board believed that there may be discussions held on the Town Floor but this was good as presented.

Selectmen Miller made a motion to accept Article 76 as written with the changes; Selectmen Stacey-Horn seconded. No discussion. All in favor.

- Article 77 will be held until next meeting as it has not been completed yet. The Town Administrator needs to change some of the wording to reflect that the Town will accept 7th Street as a Class B Road only if Article 76 passes because if that amendment doesn't pass, Article 77 should be tabled. The Town Administrator will have it ready to be voted on and signed off on at the next meeting. The Board was in favor of this action and wording changes.

C. Road Ordinance

See above, discussed during the Warrant Article recommendations.

D. Flat Ground Road

The Town Administrator reminded the Board that at the previous week's meeting, the Road Commissioner was in the process of meeting with some people that had some history on Flat Ground Road and then meeting with the Treasurer to see exactly what was spent on the road and what he had left to spend based on that additional money. The money has to be spent by June 30th and the work also has to be done by June 30th.

E. Freedom of Information Update

The Town Administrator told the Board that as a follow up from last week, there was an individual who requested some information on a specific individual in a specific District and Mrs. Roux wanted to go on

the record for stating she did contact the individual that was listed by name in the Freedom of Information Act as instructed by the Board. That individual had a right to know of the inquiry, so if anyone is wondering how the individual found out, it was the Town Administrator.

F. Budget Freeze

The Town Administrator provided to the Board last week the expenditure lines for review and the Town Administrator awaited the Board's decision. Mrs. Roux also reminded the Board that the laptops listed have been in review for 3 weeks and that the money was in the budget. Mrs. Roux had enlisted Mr. Mike Cory to assist with picking out the correct ones for purchase.

Selectmen Walsh mentioned that the Fire Department was working on Air Packs this year with last year's money. Selectmen Miller indicated that the Fire Department was waiting until June 22 for approval. The Fire Department would have the order ready to go and then proceed because after the discussion relating to the expenditure of funds and how quickly an invoice was needed and could be paid out with the Fiscal Year ending, it was best to wait. Selectmen Walsh also indicated that by waiting, the Fire Department had two goals in mind. 1) To get a better price by buying them all at once and 2) by buying them all at once, they are all the same.

Selectmen Walsh stated the Board would freeze all non-essential items and if anything came up the effected Department could come before the Board. This is the way it has been done in the past and the way the Board will continue to do so.

The Town Administrator will have the Treasurer prepare a memo to be distributed.

G. Gym Fees

The Town Administrator provided to the Board last week a synopsis of possible revenues for the Gym for the Board to review to keep it open. Mrs. Roux wanted to remind the Board that this projection was based on everyone who currently used the Gym would continue to do so, but that it was not a guarantee. The projections were based on increasing current fees by \$10 to \$10, \$20, and \$30 respectively. Another way to assure better income would be to have only two renewal dates of June 30 and December 31 instead of 3 month, 6 month and 12 month.

The Board chose to move forward and require renewals at June 30th and December 31st. The locks will be changed and new keys provided. When a person's term runs out and they do not renew, the key must be returned. If a follow call is needed for renewal, then that will be better managed with only 2 renewal dates.

H. Meeting Workshop Policy

The Town Administrator asked the Board if they were ready to sign the Meeting Workshop Policy which she handed to them last week for review.

Selectmen Miller made a motion to adopt the Meeting Workshop Policy; seconded by Selectmen Stacey-Horn. No discussion. All in favor. Policy signed. The Town Administrator will email all the Committees to inform them of the change.

I. Calcium Chloride

As a follow up of the request received regarding Calcium Chloride and Article 43, Selectmen Miller contacted AWWA and received their opinion on the statute with regards to the Calcium Chloride question. AWWA felt that Article 43 should not be used in the Shoreland Zone areas. The statute was in place for repairs and not treatments. This confirmed Selectmen Miller's interpretation of the statute as well.

Selectmen Walsh agreed stating the design of the Article was to bring roads in fit shape and this is a treatment to basically keep the dust down. One can argue that dust is fines, however, with enough rain, it would run into the Lake but that is what the edges of the road are for and the surfaces beyond. So, it was designed for maintain culverts and whatever other road work was needed. As for AWWA stating this treatment should not be done in a Shoreland Zone, that is a battle for another day. Selectmen Walsh did not believe there was any strict ruling on it. Selectmen Miller stated the information provided indicated that it should be limited or not used at all. The answer from the Board is No.

J. EMA Director

The advertisement for EMA Director is closed. There was phone applicant received. The Town Administrator will forward application to the Board to review.

5. NEW BUSINESS:

A. Absentee Ballots

The Town Administrator announced that the time has come where the Election Laws fall into place. Absentee Ballots were available in the Clerk's Office. There are 2 ballots this year: the Candidate's ballot and the Road Ordinance's ballot and the sample Ordinance for the Road Committee and the Road Commissioner. This means, any time the Clerk's Office is open all of the Election Laws go into effect and discussion of the Ordinances, Candidates or anything related to the activities on June 18th is prohibited. Please help all abide to that and if you need an Absentee Ballot, you can either call in and request one to be mailed to you (The Town Representative will personally talk with the Voter before ballot is sent.) or a Voter can come into the Town Hall in person to acquire a ballot for themselves or an immediate family member.

Selectmen Walsh asked about the distance on the Election Laws and the Town Administrator responded within 250 feet from the building as far as political activities; this includes signs, buttons, bumper stickers, etc. This order does not include private property. If a resident lives within the 250 ft. ruling and chooses to have a sign on their property, that does not violate the law because it is private property.

B. Fire-Rescue Commission

The Fire Chief is going to be leaving the position by the end of July. According to the Ordinance, voted into by the Town's People, 3 active Department Members elected and appointed by the Department (names to be determined), the Selectmen Liaison (Selectmen Stacey-Horn), Warrant & Fiance Committee Liaison (Lois Michaud), and a Retired or Active Member of Municipal Fire and Rescue (this individual will be reached out to), and a Member of the Public (to be selected by the other 6 Members) are required to process a replacement. The Board will review the current job description.

C. Executive Session 405-6A

D. Mr. Walter Moss – History of Rec Field

Mr. Walter Moss (former President of the Recreational Department and Former Chair of the Recreational Land Development Committee) thanked the Board for the opportunity to speak to the Board in regards to the history and some of the existing conditions at the Recreational Fields on RT109.

First Mr. Moss asked the Board to bear with him as he is dealing with what he termed “the Perfect Storm” whereas he is dealing with the end of an illness, he is compassionate to a fault, and public speaking is not one of his strengths. As the Board knows, the Recreational Fields have issues that need to be dealt with.

Mr. Moss reported to the Board that he had an opportunity to attend a Recreational Committee meeting where some of the issues were brought forward which made him want to address a little bit of the history and conditions that this area has now existing and why.

The Rec fields were done in 2000 and 2001. The Fields were done in compliance with an engineering firm that did engineering on the fields (DeLuca Hoffman located in South Portland) and the Recreational Department followed DeLuca's specifications and plans. There was no local permitting needed per Mr. Ken Paul. State permitting was not needed other than to notify the State as to where the entrance ways were located and that aprons would be done to access it.

The assigned Engineer set up plans and specifications that dictated how the Recreational Department was going to approach the project and how it would be done. Inspections were done at various times during the project by representatives of DeLuca Hoffman. Following is a breakdown of certain sections of the Facilities.

Thought was to create a Recreational Field (ball fields specifically) to accommodate the Recreational Department because of the program's quick growth and although the School was very cooperative, they only had the same facilities that they still have today and the Recreational Department was trying to schedule 90 plus children (6 to 8 teams) per year. The Recreational Department had to schedule these teams around the 2 teams that the Middle School Program provided for and of course it was not easy, thus it was decided that the Recreational Committee needed a facility of their own. This was backed by the Selectmen at the time who were working closely with the Recreational Department to form the Land Development Committee. Representatives on the Committee were from the Selectmen's Office, Warrant & Finance, Conservation Committee and the Recreational Department.

Initial problem with the property was that logging (clear cutting) had to be done on the front side. On the back side, light goes all the way to the Garvin Road and at the time, Mr. Moss had expressed to his Vice Chairman on the Committee who was willing to take over that part of it, and come up with a logger who was willing to do this project for them (they made some monies off of that which was shifted directly into the project).

Every phase of the project was done under budget. Volunteer help was used as often as possible.

There was an issue with DEP. Logging of the front section was no issue. However, when the logging crossed over a very low-lying Swale, the DEP had a problem. This area was a watershed to Wilson Lake and work had to be done very carefully. However, the work was done in early Spring during meltdown from the winter and even though Mr. Moss cautioned the Logger and the Vice Chair that if the ground was thawing, they would not be able to cross the Swale.

To the dismay of Mr. Moss the Logger went past the Swale. Someone from Wilson Lake Association noticed that the Swale went down and filtered out over a wide area and then became a small creek down near Wilson Lake on that end of it. Soap was noticed to be running in the water and DEP was called.

The DEP Representative met with Mr. Moss and Mr. Dean Knight the Selectmen at the time and on the Committee. The DEP Representative tested the water above and below the Site. A small amount of Silt was detected in the run off. As a result, the Logger was fined \$500.00 and the Recreational Department was fined \$500.00. Mr. Moss was very upset. The Selectmen advised for Mr. Moss not to overreact and the fine was paid.

The project was held up until the things that had to be done were done. Hay Bales were put across to the satisfaction of DEP. Tier 1, 2 and 3 inspection and permitting were researched with DEP; The DEP representative apologized for holding up the project as it was not his intentions. No further action was needed; no permitting was required and no Tier 1 inspection was needed.

To reiterate, Mr. Moss stated, the field was designed and constructed to withstand a 25 year storm and/or flooding and the retention pond was done according to engineering specifications. The pond has an emergency spillway rip rap on the North side of it, which is the downhill side, and has an outlet that allows for sediment to settle any sediments coming off the field or items that are used to address the fields (i.e, fertilizer, etc.). Once levels hits a certain mark, it would go out the outlet.

Mr. Moss further commented that he checked the fields consistently over the last 2 to 3 years and is concerned that there were maintenance protocols that were not being done at the Site. The pond is observed to have levels of water be be close to the designated mark for 25 year flood control and this should not be. Mr. Moss indicated the reason for this was that the pond has never been dredged as required every 10 to 12 years. When first built, the pond had rip rap and a 6 foot grassy berm all the way around it, and it was actually pleasing to the eye. Mr. Moss continued to state that he was concerned that the area may have significant damage to the Retention Pond.

Mr. Moss's next concern was all the vegetation and trees which have been allowed to grow up around the Pond needs to be addressed with the hopes that damage hasn't already been done.

Mr. Moss announced that he takes some of the responsibility of not informing the Town of these issues due to his lack of participation in the Town's endeavors. However, it has not been done and now needs to be addressed and will now regrettably cost more money.

Mr. Moss continued that during implementation, test holes were done on the Ball fields and satisfactory compaction was done on the fields with reconditioned loam. Crawford & Sons also left some reconditioned loam on the North West corner of the field so that it could be used at a later date, but that stockpile was now overgrown with vegetation and trees. There is an area where a lot of ponding is going on and that loam was there to help that. Mr. Moss humbly suggests that area be cleared out and the loam be use to address the low area out past the Regulation Little League area.

Mr. Moss indicated the original Site plan suggested what was to be the Little League Field is now a Softball Field. The Softball field was supposed to be on the far Northern corner of the lot which is now all grown in. Originally it was cut and stumped for that purpose. That field was supposed to help the School with a Softball Field for the girls in conjunction with their Softball Program and even for Citizens to use. The Site Plan had everything arranged to drain into the Retention Pond.

There is ditching that goes along the side of the Parking Lot and is designed to run off waters from a 25 year storm and direct it down towards the Pond and on into the Retention Pond. Mr. Moss stated that those ditches in the past 18 years have not been addressed, so they too are now in need of repair and maintenance. On the far end of the Parking Lot by the Basketball Court, grass clippings are affecting the ditching in that area; also needing addressed. So, Mr. Moss commented that the ditching is not going to work properly to direct the flow of water.

The Parking Lot has experienced excessive rain after meltdown that is abnormal and has raised havoc with the Program and the area. The Parking Lot was compacted and tested but settlement

and excessive use is causing issues. The Parking Lot and driveway due to settling issues will need to be compacted again and new gravel brought in.

In conclusion, the Parking Lot is suffering from settlement and over usage and Mr. Moss recommends that the area be compacted again, have new gravel brought in, and arrange the drain towards the ditching and then roll the lot out again for compaction. The drying out process, including the raking, currently in place is helping speed up the drying process but the area needs to be more impermeable to alleviate the situation completely.

In response to a Recreational Committee comment that the ditching on the front side of the Parking Lot goes nowhere, Mr. Moss commented that this ditch goes through the culvert that goes across the entrance way was designed to handle a 25 year storm or flooding was not done in the traditional way that ditching is done along the roadsides. It is meant to not only direct the run off from the higher side (south side) and handle that by keeping it off the driveway, but it is also designed to control the flow of that water. The design allowed for 100 feet to extend out, the first part to be lower and it all to be rip rapped with a series of check dams to control the flow of the water. Once you get past the first section it does look like it goes nowhere, the ditches have been filled in with limbs and leaves. If there was a catastrophic flow through there the water would go through there without spraying out. Design plans are stored in the vault.

Mr. Moss finished his presentation urging that the original plans be looked at and issues addressed because these fields and parking area will continue to get worse, the Pond is in desperate need of dredging and repairs or maintenance. The Board can handle anyway they deem fit but Mr. Moss does hold a personal spot in his heart for the Site.

The Board thanked Mr. Moss for the wealth of information he provided and no responsibility is needed with all of the change of hands on the project. The Town Administrator will look into getting a set of plans. Some of the items can be attended to immediately.

Mr. Moss offered his assistance to the Selectmen and Recreational Committee.

6. PUBLIC COMMENT:

- Joyce Bakshi, approached the Board for clarity on Article 75 about the sale and consumption of alcohol on Sundays.

EXECUTIVE SESSION

Selectmen Miller made a motion for the Board to move into Executive session pursuant to the M.R.S.A. 405-6A; Selectmen Stacey-Horn seconded. No discussion. All in favor.

Selectmen Miller made a motion for the Board to come out off Executive session pursuant to the M.R.S.A. 405-6A; Selectmen Stacey-Horn seconded. No discussion. All in favor.

7. ANNOUNCEMENTS:

- EMA Director Posting, May 20, 2019 was closing deadline.
- Transfer Station Closed May 27, 2019, Memorial Day
- Paving Bid Deadline is June 4, 2019
- Library Plant & Book Sale is June 8, 2019. If anyone has any books to donate, they are welcome.

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. Joyce Bakshi, Mrs. Leslie Berlan, Mrs. Karen McManus, Mr. Ken Winn, Mrs. Susan Meehan, Mrs. Cindy Hart, Mr. Joe Letourneau, Mr. Rollin Waterhouse, Mr. Gavin Maloney, Mr. Tucker Pearson, and Mr. Walter Moss.