

**TOWN OF ACTON SELECTMEN'S MEETING**  
**May 5, 2021**  
**6:00pm**

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

**2. TOWN ADMINISTRATOR WEEKLY UPDATE**

- **Paving Bid** – The Paving Bid announcement was sent out and posted.
- **Planning Board Meeting** – The Planning Board Chair moved the May 6, 2021 Planning Board meeting to May 10, 2021
- **Warrant & Finance Recommendations on the Warrant** – The Town Administrator has received all of the W&F recommendations and the Town Administrator hopes that the Board tonight will make their recommendations and motion to sign it.
- **Goat Hill** – Carl Davis approached the Town Administrator to see if the Board would be willing to meet and come up with an agreement with Three Rivers on whose doing what on Goat Hill with the completion of the ADA grant and the projects are currently being maintained by Three Rivers. Mr. Davis was proposing the Board consider supporting Goat Hill by setting aside \$1,000 for this purpose since the Town did own the property. The Town Administrator explained to Mr. Davis where the Town stood in the process for approval; contingencies are available if something did arise and needed attention.

The Selectmen responded they were under the understanding that this was Three River's endeavor and that Three Rivers was solely responsible with its upkeep and these were to be of no financial burden to the Town; however, Selectmen Ed Walsh indicated he wouldn't mind supporting a small financial allotment but, it would need to be voted on by the Town. Mr. Davis indicated there were no current issues; this consideration was him looking toward the future. Discussion ensued regarding a tree issue that was taken care of and the possibility of others occurring. Mr. Davis noted if there was an issue and no volunteers step forward, the location may have to be shut down until the issue is rectified. Agreement was that this was a good idea to put in place in case of an emergency.

- **American Rescue Plan** – State Representative Ted Kryzak announced that \$261,300 in American Rescue Plan money would be refunded to the Town of Acton. The Town Administrator indicated that the Town's has not received any money yet, the Treasurer has not been notified and there has been no information forthcoming regarding the federal guidelines on how to disburse funds. Indications are that the payback will be over split over 2 years of time and that there will be strict guidance's in place. The Town Administrator can offer no more information until it is released.
- **Rec Committee** – The Town Administrator worked with the Recreation Committee Chair on the following:
  - Place a large supply and equipment order in preparation of the new baseball season.
  - Background checks were requested and ordered; the Town Administrator asked the Board how long the background checks would be in effect and whether there needed to be multiple background checks for a single individual if handling multiple functions. The Board agreed that the background checks would be on file for 1 year and that they would only be done once per individual each year.
  - Water Test – There is a water test which needs to be done at the Rec fields; a test kit will be picked up at Springvale Hardware and submitted.

- Keys – Keys were given out to the Chair for the Gym and Concession Stand.
- The Selectmen commented that they were happy to see the kids out playing again.
- **ZBA Findings of Facts** – The Town Administrator updated the Board that the Zoning Board met and the Facts of Findings were done and signed by the Chairman. Derwood sent a copy of the Consent to Sign as they agreed upon a briefing order; essentially both parties agreed on the next steps they are going to be taking on this court case. They’ve agreed to submit said documents by a particular date; this is the first step in the lawsuit. The step order was agreed upon by both parties.
- **Johnson & Johnson Vaccine Clinic** – The Town Administrator announced that the Fire Chief notified her today that the Johnson & Johnson Clinic was back on for May 25, 2021; the link was removed from the website and would now be reinitiated. The Town Administrator will attend to that task.
- **Square Pond Improvement Association Meeting** – The Town Administrator received an inquiry from Square Pond Improvement Association on whether they could use the Town Hall on June 26, 2021 for their upcoming meeting; there would be about 20 to 25 people in attendance and asked the Selectmen what they wanted to do. Discussion ensued. The Selectmen agreed to keep the Town Hall shut down for public use until the Governor opened things up more. The Town Administrator asked for clarification on open up more. The Selectmen thought it would pertain to full capacity use in restaurants; the Town Administrator was instructed to keep an eye on updates and revisit the subject when and if the Governor’s Executive orders change in any way pertaining to this subject.

**3. WARRANTS/BILLS - Signed**

**4. APPROVAL OF AGENDA**

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

**5. MINUTES OF LAST MEETING - Tabled**

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

**7. OLD BUSINESS - None**

**8. NEW BUSINESS**

**A. Dennis Long Email**

For the record, the Town Administrator stated that she was instructed to place agenda item A on the agenda tonight per the Selectmen.

Selectmen David Winchell Jr. spoke up and indicated that there was an email generated by Dennis Long sent after the last Warrant & Finance (W&F) Committee meeting to the full W&F Committee, Town Administrator and Select Board for which he wanted to comment on.

Selectmen David Winchell Jr. read aloud Mr. Long’s email. Mr. Long in this email commented that his statement on vicious attacks being made to the Warrant & Finance Committee Members was solidified when Selectmen David Winchell Jr. used foul language while speaking with one of the W & F members after the meeting last night. Mr. Long further commented that it was so sad to

treat volunteers and senior citizens in this manner and that maybe someday, one of the other Selectmen would put a stop to this abuse.

At the completion of this email's reading, Selectmen David Winchell Jr. commented he wasn't going to make a big deal of this because this was common, but, this was emailed out to everybody on the finance committee. And the other night, we had the finance committee making recommendations on the articles; all of the Selectmen were present at the meeting to offer up their opinions on why they doing what they were doing. At one point in the meeting, one of the members decided to go back 30 years and then up through every project in the Town of Acton that was screwed up, including one the projects that Selectmen Winchell was supposedly part of that was screwed up; even though Selectmen Winchell did not believe it was screwed up. There were accusations made of the Selectmen breaking the law and other items that were not right. When you sit in front of a camera, you try to learn what is said has consequences. Selectmen David Winchell Jr. stated that the Chairman did permit him to speak and rebut what he was saying and that the Chairman did not have his facts right and the offense that was taken by what was said; the meeting continued on. The Chairman apologized for the offense; but offense was taken. If you watch the video, you would understand why.

After the meeting adjourned, while all were getting ready to leave, this member proceeded towards Selectmen David Winchell Jr.'s way. Selectmen David Winchell Jr. explained to him that he did not want to talk about it. As he grabbed Selectmen Winchell's arm, Selectmen Winchell stated this is not a certain TV show you watch where you can just blurt out whatever you want and think that it is real. You have to have your facts straight and what was said was not right. Selectmen David Winchell Jr. further claimed that the statements regarding vicious attacks and language used (Selectmen David Winchell Jr. used the "A" word – not calling him that, but told him that he was trying to make the Select Board like that.) Selectmen David Winchell Jr. next proceeded to tell said individual that when he got his facts straight, then he could come see him and then left. The Board's Chairman was not in this conversation and obviously didn't get the complete facts, but because this email was sent out, Selectmen David Winchell Jr. believes this is a vicious attack again on himself and he had to do what he does and publically rebut it because he did not believe it was right. The attacks on the Select Board the other night, Selectmen David Winchell Jr. thought were terrible. The Board did not come up to argue, and they didn't argue. As far as Selectmen Winchell knew, every time he spoke, he requested permission of the Chair to speak and he permitted it; nothing got out of hand.

This incident was after the meeting and when approached, told said individual he did not want to talk about it, but said individual proceeded. So, you can send these emails every week, if you want, but at the end of the day, watch the video. The meeting on the part of the Selectmen went well and Selectmen David Winchell Jr. wanted to address that.

## **B. Flat Ground Road**

Selectmen David Winchell Jr. spoke up and indicated that what ended up happening the other night, there was a discussion because the Town of Acton, the Finance Committee has a member that seems to think that (we keep beating this dead horse on 7th Street over and over and over) and one of the members had made a mentioned about Flat Ground Road, one of the finance committee members; it was addressed to the Chair asking him what he thought of that and one of the other members answered it by, it is a town road. Selectmen David Winchell Jr. wanted to clarify this because he has spoke three times now and same individual has corrected him and he had been told

many times by some people up here that he has been always wrong, Selectmen Winchell was pretty sure he was right. Selectmen David Winchell Jr. went on to further explain that the Select Board had their lawyer Mr. Lenkowski to send a clarification to make sure that all were on the same boat. Selectmen David Winchell Jr. read aloud a portion of Attorney Lenkowski's response stating his opinion was that Flat Ground Road was currently a private road with a retained public easement based on a discontinuance of the town way by a vote of the Town Meeting in 1960. So, it is a private road. Selectmen Winchell further indicated that he had been told over and over that it was not a town road. So, there have been finance committee members who are giving out false information and when he went to answer the question, he was shut down. So he want to clarify this because he felt he had to. Selectmen Kimberly Stacey-Horn read aloud Attorney Lenkowski's entire statement on the 1960 discontinuance of Flat Ground Road.

### C. **Warrant Recommendations**

The Town Administrator updated the Board that the Warrant & Finance Committee had finished reviewing the warrant articles and made their recommendations for which the Town would read out and get the Board's recommendations. Since this is the Board's warrant and they had written the articles unless the Warrant & Finance Department made major change recommendations, she suggested they be considered in groups. The first set, Zoning Board change articles were read aloud:

- Article 10: Construction of Storage Buildings – **Selectmen Ed Walsh made a motion to adopt as written; seconded by Selectmen David Winchell Jr. All in favor. (3-0)**
- Article 11: Structures over Water - **Selectmen Ed Walsh made a motion to adopt as written; seconded by Selectmen David Winchell Jr. All in favor. (3-0)**
- Article 12: Timber Harvesting - **Selectmen Ed Walsh made a motion to adopt as written; seconded by Selectmen David Winchell Jr. All in favor. (3-0)**
- Article 13: Short Term Rentals – Discussion ensued; the Selectmen felt this article needed more work. **Selectmen David Winchell Jr. made a motion ought not to pass; seconded by Selectmen Kimberly Stacey-Horn. David Winchell Jr. abstained. (2-0, 1 abstained)**
- Articles 14 – 36: **Selectmen Ed Walsh made a motion to adopt as written; seconded by Selectmen David Winchell Jr. All in favor. (3-0)**
- Article 37: **To raise \$370,534 and appropriate \$394,728 for District 2 Road Department to be expended as follows (Dept 105-20 through Dept 105-026):** Selectmen David Winchell Jr. stated there was \$5,000 tied to Flat Ground Road and a need to maintain that road. However, Selectmen David Winchell Jr. indicated he discussed at length with Attorney Joe Lenkowski and everything comes out of this line item; so there is no need to list it separately. Selectmen David Winchell Jr. recommended amending the article to keep the numbers the same but split the \$5,000 in half and assign \$2,500 to summer and \$2,500 to winter and remove Flat Ground Road from the article.

The Town Administrator further explained the options the Board had for amending the article. Selectmen Ed Walsh indicated he wanted to run the article as is and see it redone at Town meeting level. Discussion ensued regarding the possibility next year to keep going as is or make a Town Road. Selectmen David Winchell Jr. indicated the article made no sense; payouts are being done out of other accounts.

After the above discussion the Town Administrator added Article 37 to the next group for a motion.

- Article 37 – 69: **Selectmen Ed Walsh made a motion to adopt as written; seconded by Selectmen David Winchell Jr. All in favor. (3-0)**
- Sign the Warrant: **Selectmen Ed Walsh made a motion to sign the 2021/2022 Warrant; seconded by Selectmen David Winchell Jr. All in favor. (3-0)**

**D. Executive Session Personnel Matter 405 6 A -1**

**A motion was made by Selectmen Ed Walsh to go into Executive Session pursuant of MRSA 405 6 A-1 Personnel Matter at 6:40 pm; seconded by Selectmen David Winchell Jr. All in favor.**

**A motion was made by Selectmen Ed Walsh to come out of Executive Session pursuant of MRSA 405 6 A-1 Personnel Matter at 6:50 pm; seconded by Selectmen David Winchell Jr. All in favor.**

**E. Land Use Secretary Position**

The Board announced that they unanimously chose a Land Use Secretary after interviewing several applicants; rate of pay will be \$16.00 per hour, starting May 17, 2021.

**A motion was made by Selectmen Ed Walsh to hire Ashley Flynn as Land Use Secretary at a rate of \$16.00 per hour; seconded by Selectmen David Winchell Jr. All in favor.**

**9. PUBLIC COMMENT**

**Mike Long:** Mr. Long approached the Board to comment on Flat Ground Road and Attorney Joe Lenkowski’s statement. Mr. Long noted that when Ted Kryzak was Selectmen, MMA made a decision that does not concur with Attorney Lenkowski. Mr. Long asked the Board to investigate this as it was still an open matter. The Town Administrator will look into whether there is an opinion on file and if it is open, it will be dealt with.

**10. ANNOUNCEMENTS**

- 05/06/2021 - Public Hearing for The Shed 6:30 pm VIA ZOOM
- 05/08/2021 - Mary Grant 11:00 am at the Preserve
- 05/10/2021 - Planning Board 6:00 pm
- 05/11/2021 - Recreational Committee 5:30 pm
- 05/12/2021 - Capital Improvement 5:00 pm
- 05/12/2021 - Board of Selectmen 6:00 pm
- 05/19/2021 - Board of Selectmen 6:00 pm
- 05/20/2021 - Planning Board 6:00 pm
- 05/26/2021 - Board of Selectmen 6:00 pm

**11. MEMBERS PRESENT**

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

**12. ATTENDANCE**

Dennis Long, Mike Long, Denny Long, Will Langley, Adam Doliber, Joe Ruma, Preston Bick, Katelyn Long and Cheryl Drisko.

**A motion was made by Selectmen Ed Walsh to adjourn at 6:55 pm; seconded by Selectmen David Winchell Jr. All in favor.**