

# TOWN OF ACTON SELECTMEN'S MEETING

November 10, 2021

6:00pm

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

## 2. TOWN ADMINISTRATOR WEEKLY UPDATE

- The Board received thank you letters from the American Red Cross for the \$500 gift they received and the Center for Wildlife who received a \$100 gift.
- The Code Enforcement Officer has finished another certification; commercial ventilation certification. The CEO Officer is now down to just a couple more left to take.
- There was a minor crash on H Road on the set of guardrails across from the campground; the Sherrif did do a report and sent it over to the Town's insurance company. Road Commissioner Will Langley, District One did go over and take pictures of the cite and a claim will be submitted to Maine Municipal. Mr. Langley is proceeding to work with the guardrail company to get some quotes for replacement.
- An email was received from the Fire Chief updating the assembly of the Town approved Tanker Truck. The manufacturer is still waiting on the chassie; delivery date has been pushed back to February.
- An email from the Treasurer informed the Board that the audit was done and electronic versions can be found attached to the email and online.
- The window company replacing the windows was informed by the manufacturer that the windows can be picked up the first week of December; installation will be scheduled shortly afterwards.
- The Lion's Club came in to the Town Hall and made a \$200 donation for the Christmas Lightening for the Rec.
- A large level was found and brought to the Town Hall; whoever lost this level and can identify it will be able to claim it by speaking to the Town Administrator.
- A second email was received from the Fire Chief indicating that Maine Care came out and did a cite inspection per federal requirements and ffound all to be in order and in compliance; this allows Acton Fire and Rescue to continue to get Maine Care payments.
- Neighbors Helping Neighbors Annual Thanksgiving Basket project is underway. The Town has a list of items of what people what to donate and there are a few spots still left. If anyone knows of anyone who will benefit from a basket, please contact the Town Administrator. It is all confidential.
- Mr. Robert Gore has notified the Town Administrator that he and Mary Staton will be holding a candidates night on December 6, 2021. A list of names and telephone numbers to organize the event will be sent out after the deadline has been met.
- Reminder – The Town Offices are closed tomorrow, November 11, 2021 for Veteran's Day and open on Friday and Saturday, November 12 and 13, 2021 for regular business.
- Office was partially closed on November 9, 2021 for a Motor Vehicle Training Class; one note of interest is that legislation has passed an emergency act that issued temporary plates can be retracted and pulled if they are vanity plates with unacceptable messages. Another key note is that a law has been created for disabled veterans; they are now exempt from excise tax state wide.
- The APAT Director Michael Cory has created a job posting to reach out and get videographers to video tape meetings; the pay is a flat stipend. If anyone is interested, please reach out to the APAT Director or Town Administrator.

- A bittersweet announcement was made regarding Deputy Greg Sevigny. Deputy Sevigny has been promoted to Sargent and will be leaving as Contract Deputy. Congratulations! The Town will be involved in the interview process to get Deputy Sevigney's replacement.

**3. WARRANTS/BILLS - Signed**

**4. APPROVAL OF AGENDA**

**Selectmen Kimberly Stacey-Horn made a motion to approve the agenda; seconded by Selectmen David Winchell Jr. No discussion. All in favor.**

**5. MINUTES OF LAST MEETING**

**Selectmen Kimberly Stacey-Horn made a motion to approve the November 3, 2021 minutes; seconded by Selectmen David Winchell Jr. No discussion. All in favor.**

**6. DEPARTMENT HEAD / COMMITTEE CHAIR UPDATES**

**A. Mary Grant Committee -**

Mr. Dan Krampetz, Mary Grant Committee Chair approached the Board to give an update on the committee's busy year with fundraisers which included Town Meeting concession and yard sale; other events included the pumpkin drive through and finally, the committee was able to get their barn painted. There were a lot of volunteers who made the barn painting happen. The Committee chair, Mr. Krampetz officially thanked the Acton residents for making it happen.

**7. OLD BUSINESS**

**A. Article 43 Request –**

Pending before the Board was the Lakeside Drive application. The Road Committee met last evening and Mr. Jay Ward presented the Road Committees unanimous recommendation to the Board to approve the application total of \$2,680 . Mr. Ward commented that all the documents were reviewed, a site walk was performed and all looked to be in order.

**Selectmen Kimberly Stacey-Horn made a motion to accept the Lakeside Drive Article 43 funds for \$2,680; seconded by Selectmen David Winchell Jr. No discussion. All in favor.**

**B. Salt Bids –**

Eastern Salt (who is in the COG) bought out Granite State three years ago; Eastern is low bidder on the COG. The Town Administrator indicated this item will need to be put off another week because Eastern/Granite State is making a bid of \$68.23 per ton. The COG winning bid through Eastern is \$58.00. When in discussion about being part of the Southern Maine Planning Commission and being accepted under the \$58.00 bid, it was disclosed that Acton was listed there but the amount of tonnage needed wasn't sent back. Marianne Alexander of Southern Maine reassured the Town Administrator that she would take care of this discrepancy and it would need put off a week as the Town was a part of the COG and expects that Acton will get that \$58.00 bid. If for some reason the Town does not, Morton is at \$63.55 which is still \$5.00 cheaper than Granite State/Eastern. The Board granted a week to get this sorted out and try and get the pricing down to the \$58.00.

**8. NEW BUSINESS**

**A. ATV Club Request -**

Mr. Derek Biehl and Mr. Jeff Hemeon as representatives of the Newfield ATV Club approached the Board to submit a town ordinance to the Board for review regarding the use of a few roads in

Acton so that they can connect some of their trails systems that neighbor Acton to get to other towns including Shapleigh. Discussion ensued regarding other towns such as Waterboro using said ordinance and how it would affect Acton; especially the addition of the Acton Roads listed into the ordinance. A request must also be submitted to the State in order to move forward with access. A copy of what was proposed was distributed to the Board for review.

The ATV Club indicated a letter of recommendation is needed from the Town of Acton; discussion ensued. If the Board supports moving this forward it will need to be voted upon in June. The goal of the ATV club is to form a straight throughway from town to town and then expand off of that as interest and use is generated; Acton can be avoided, however, they would like to gauge the interest of Acton riders and their use as well. Mapping options give them an opportunity to get to a few different points within the town. This item will be placed on the agenda for the Board to review once the elections for a new Selectmen are complete and that new Board member is seated; this will also bring it closer to budget and warrant season and it can be decided if the Board wants to move it forward. The Town Administrator told the representatives to check back in after December 14, 2021 to see when it is scheduled on the agenda.

**B. Transfer Station Exit Letters –**

The Town Administrator presented two exit letters from the Treasurer which is required by law to produce for those employees being laid off for the Board to sign. Items included in the letter are: last day, rate of pay, benefits or payouts.

**Selectmen David Winchell Jr. made a motion that the Board sign the exit letters for the Transfer Station; seconded by Selectmen Kimberly Stacey-Horn. No discussion. All in favor.**

**C. Freedom of Information Request –**

The Town Administrator updated the Board that she was almost done with the Buzzel Road inquiry and appreciated the help received from those who watched the tape and reached out with information. Most of the information has been delivered to the individual who requested it. One of the last email received was requesting the length of the road. The District Two Road Commissioner was in and worked with the CEO on measuring that out, so that piece still needs to be sent along to the requestor. This should then wrap the request up.

Another Freedom of Information request was received from Mr. Donahue requesting the full amount that the town has spent on lawyer fees for the fiscal year 2020; specifically from Town Meeting 2020 to Town Meeting 2021. That does not require much time, so that has been sent off to him already; the total was \$10,630. Keep in mind that this is your Chandonnet appeal, Gelia appeal – a lot more than just regular calls of inquiry. Legal payouts include Bourque and Clegg, Lenkowski, Ken Marass and Bergen Parkinson.

**D. Appointment -**

Mr. Jeff Donahue indicated that he would like to be appointed to the Road Committee.

**Selectmen Kimberly Stacey-Horn pursuant to Title 30A MSRA 2602 made a motion to appoint Jeff Donahue to the Road Committee effective until 6/30/2024;seconded by Selectmen David Winchell Jr. No discussion. All in favor.**

## 9. PUBLIC COMMENT

- Josephine Boutlier approached the Board to discuss Buzzell Road. The Town Administrator explained the history of the Freedom of Information inquiries received on Buzzell Road and the information gardenered. Information such as a portion of Buzzell Road was adopted in 1893 by Town Meeting. The article is unclear, however, it specifies in the article a starting point and an ending point; back in 1893 these were referenced as individuals homes. The Town Administrator further explained that she did not know where JK Buzzell lived in 1893 but that was where the portion stopped that was accepted; further research is needed to figure out where this individual stopped. Selectmen David Winchell Jr. commented that this has been numerous times and the same conclusions keep coming up; there has been no word from the Friends of Lakeside. The individual who brought this issue up, lives across the other side of town and it will be hashed through again due to the request. Requestor has been offered the opportunity to come in to review the folder materials relating to Buzzell Road derived over the last five years, coorespondence with legal and different Selectmen, information from Road Committees, etc.

Mrs. Boutlier indicated that she already knew the length; the only portion of the road that is not bad is the two-tenths of a mile at the very end of the road. Selectmen David Winchell Jr. commented that was not an indication whether or not it was a town road or not. Mrs. Boutlier indicated that she could not buy the house unless she signed up for the Road Association's; it was not even discussed until the day of closing. Selectmen David Winchell Jr. indicated that was the realator's fault, but the problem is that according to state law, in 2006 the Town stopped maintaining roads that were considered private roads.

Selectmen David Winchell Jr. further informed Mrs. Boutlier that the road was accepted in 1893; that road starts at Young's Ridge Road and stops at the old farm which has been figured to be at the end where the Y is; from there on, that was the old Swan Subdivision created in the 60s or 70s. That subdivision was created beyond that point. That road did not exist when that road was accepted in 1893. Because they added on to it afterwards doesn't mean your road was accepted.

What happened was there were a lot of roads in the Town of Acton that got plowed sanded, graded that weren't town roads. Then when the state came down on the Town and said that the Town could not spend public funds on private roads, the road committee and others looked into what roads were private and that is why they stopped taking care of them. This has been hashed out for years and we've come up with the same conclusion every year. Opinions vary on where the location is determined to be. Discussion ensued on the small piece paved beyond due to that being plowed; that turns a private at the end of it. If anyone can show the Board otherwise, this subject has been exhausted. The state was unable to give any pertinent information to assist. It is a matter of interpreting the Town records.

Implications are that all the Town records need to be gone through to decide what the townspeople voted what they did there. The Town Administrator told Mrs. Boutlier that she was welcome to come in and take a look at the records. Mrs. Boutlier asked if there was any information held at the York County Registry of Deeds. The Town Administrator indicated that she did not know but again Mrs. Boutlier was welcome to come in and look at all the town warrants. Mrs. Boutlier will see that in 1893 where a portion was accepted; then can continue to go through the records to look for the portion she is referencing. The 1893 vote is clear from point A to point B. Another piece may have been accepted but those records have not been found.

Selectmen David Winchell Jr. again reiterated that this has been research over and over. At one point there was a Road Committee with Mr. Gannon who spend a lot of time researching.

Mrs. Boutlier asked what was needed to bring before the Town to get voted on. Response was to bring it up to standards. Question: If it is paved, is it already at standards? No.

Mrs. Boutlier asked all these rules that are built, some private systems have to build up to standard to get the Town to take care of it? Selectmen Kimberly Stacey-Horn replied that the road has to be up to standards. Mrs. Boutlier asked about the State. The Board responded that the State was not involved, these were Town Roads; these roads were built by the Town.

To recap, the Board told Mrs. Boutlier specifically how she could get this road before the Town to vote upon it. Response:

- It would have to be placed on a warrant. But, Selectmen David Winchell Jr. did not believe that the Town could vote on building her a road.
  - It would have to be brought up to a standard. This wouyld be done as private individuals as explained the last time this topic was discussed. Selectmen Stacey-Horn explained she was putting a road in so that he children could build homes and has to make sure that road is up to the Town's specifications. Then the Town will come and look at it and then they'll either say yes or no. Discussion ensued that Mrs. Boutlier property was part of the old Swan subdivision.
- Mr. Randal Esten approached the podium to speak to the Board. Mr. Esten indicated that he actually measured where the pavement stops when he went down the hill to where the next pavement started; it's just under a half mile. The road where it is not hard, is the exact same width all the way through there; it has a crown in the middle. Mr. Esten indicated that they keep being told it's not good. Selectmen David Winchell Jr. asked what this had to do with whether or not it's a Town Road or not. Mr. Esten responded that's what we're trying to figure out is how can we get this small section of road put back to Buzzell and have that private taken off the sign. Mr. Esten further explained that ATV's see the word private and use the road as they can't be stopped; drivers cruise down the road going at 30 to 35 miles per hour and there are 3 properties who eat dust. Mr. Esten further commented that one can not keep their house clean, or their yard clean, and again can't do anything about it. The Board understood as this happens on all dirt roads in Acton. Discussion ensued on utilizing the Road Association and bringing the road up to standard and on a warrant and the fact that if it is not voted on by the Town, the Town can not do anything about that section of road.

Selectmen David Winchell Jr. further commented the reason there was paved sections was due to the fact that the Road Association received an grant and did the work. Selectmen David Winchell Jr. further suggested Mr. Esten go to his Road Association meetings and press to get the rest of it done. The Town can't pave the road due to dust or every camp road in town would want to be paved. Mr. Easten indicated that he attended the last meeting the Road Association had, asked for Salt to be put down and there was no money. In conclusion, this is why these individuals are trying to find out how to get this accepted. Selectmen David Winchell Jr. responded by repeating the road needs to be brought up to standard which would include redoing the culverts and making sure the road has a base. It was suggested Mr. Esten start with the Road Commissioner; there is a Road Ordinance that lists out the steps to bring a road before the Town to be voted upon; one of the steps is to get the Road Commissioner's approval, so that might be a good place to start and utilize his help at looking at the ordinance.

Selectmen David Winchell Jr. also reminded Mr. Esten to make sure all right ways and setbacks were surveyed and in place. It would be beneficial to have the Road Association work with them as well. Start with the Road Commissioner and a copy of the ordinance (can be printed for Mr. Easten or he can find online) and find out what all needs to be done; then proceed.

Mr. Esten lamented it was unfortunate they bought before they found out it truly was a private road.

- Mr. Rollin Waterhouse approached the Board to read aloud a statement that he indicated related to the Town. *Under Title 38 2606 prohibited appointments. No municipal officer during the term for which that officer was elected and for one year thereafter may be appointed to a civil office of profit or employment position of the municipality which was created or the compensation of which was increased by the action of the municipal offices during the officer's turn.*

Mr. Waterhouse indicated that the reason he was bringing this up was there was a resignation by a Selectmen; the Superintendent wanted to step down from his position. Mr. Waterhouse continued that he had no problem with that particular individual who was thought to be the right choice for the job, however, he stated he was not a legal person and not a lawyer, but if you read that statement, it definitely fits the situation. So what Mr. Waterhouse is saying is, the Town needs to get a legal opinion on this particular hire.

The Town Administrator indicated that the Town will do just that.

Mr. Waterhouse indicated this was not a complaint but pointing out statutes which might be violated.

Selectmen David Winchell Jr. indicated he understood that but before they did that, it was looked into. Selectmen David Winchell Jr. noted that Mr. Waterhouse's concern was that the Board hired a Selectmen for a job in the Town of Acton before he did his resignation? Mr. Waterhouse responded, no.

Selectmen Kimberly Stacey-Horn indicated what was being said here was that the Board can't hire an Officer of the Town or even if he steps down there's a year wait? Mr. Waterhouse responded, no (Selectmen Kimberly Stacey-Horn indicated it was just what he read.) he did not write this statement, it was the state who wrote it.

The Town Administrator indicated it will be looked into and placed on next week's agenda. Mr. Waterhouse agreed and stated the Town did not want to be in violation of state statutes.

## 10. ANNOUNCEMENTS

11/15/2021 -	Rec Committee	5:30pm
11/17/2021 -	Board of Selectmen	6:00pm
11/18/2021 -	Planning Board	6:00pm
11/24/2021 -	Board of Selectmen	6:00pm

**11. MEMBERS PRESENT**

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

**12. ATTENDANCE**

Adam Doliber, Joe Ruma, Nancy Ruma, William Langley, Robin Ham, Randall Esten, Josephine Boutilier, David Boutilier, Jeff Hemeon, Derek Biehl, Jay Ward, Carol Ward, Susan Meehan, Brendon Meehan, Karen McManus, Rollin Waterhouse, Dennis Long, Tom McGurty, Joyce Bakshi and Bernard Broder III.

**Selectmen Kimberly Stacey-Horn made a motion to adjourn at 6:42 pm; seconded by Selectmen David winchell Jr. No discussion. All in favor.**