

SELECTMEN'S MEETING
November 27, 2019
5:00 pm

1. CALL MEETING TO ORDER / PLEDGE OF ALLEGIANCE.

2. TOWN ADMINISTRATOR WEEKLY UPDATE

- The Town Administrator announced that The Deputy Town Clerk/Tax Collector, Deputy Treasurer Sarah Hewitt's last day was today and there will be a sendoff at Willy's after the Board of Selectmen's meeting. With her departure, there will be two openings posted a Deputy Town Clerk/Tax Collector, Deputy Treasurer position and a Cleaning position.
 - Town of Acton Job Opportunity - The Town of Acton is currently accepting resumes for a Deputy Town Clerk/Tax Collector and Deputy Treasurer. This position will require multitudes of cross-training and an impressive ability to multi-task. The ideal candidate will have strong Word, Excel, and PowerPoint skills. Candidates with municipal experience including TRIO, will be given first consideration. In addition, he or she will possess excellent communication and customer service skills. The position will be 25-28 hours to start and pay will commensurate with experience. The Town of Acton offers paid time off and Maine PERS contribution. A complete resume, with a cover letter, and 3 references must be delivered to the Town Administrator, no later than 4:00pm on Friday, December 13, 2019. Town of Acton, 35 H Road, Acton Maine 04001 or email to jroux@actonmaine.org. The Town of Acton is an EOE and reserves the right to reject any and all resumes.
 - The Town of Acton is currently looking for an independent contractor to clean the Acton Town Hall on a weekly basis. Cleaning will consist of light household chores, such as vacuuming, trash removal, window washing, mopping, and dusting. Additionally, there are 3 public bathrooms and a meeting hall area that will need to be cleaned. Cleaning must be done on Monday mornings or Thursdays afternoons. Interested parties should submit their weekly bid to the Town Administrator no later than Dec 13, 2019. The winning bidder must have Commercial liability insurance, workers comp insurance or proof of exemption from the State of Maine is required. The Board of Selectmen reserves the right to accept or reject all bids. The Selectmen ask all personnel in the Town Office to pitch in and assist with cleaning up their areas until suitable help is hired.
 - Jonathan, the Town's handy man, will be replacing the flag; hanging signs that state, "This door must remain open while occupied", per the Fire Chief's citation and the State's Egress ban.
- The Planning Board has had one individual step forward to take the Alternative Planning Board seat. This will be discussed under new business.
- Friday is the deadline for the submission of questions for the Auditor who will be here on Dec. 4th. There have been questions received and all will go to the Auditor, however, some may not be answered if they fall outside of the Auditor's scope.

- The Town Administrator has received resumes from 3 candidates for the Animal Control Officer's position. Selectmen David Winchell and Town Administrator, Jennifer Roux will be conducting interviews on Monday, December 2, 2019.
- The Gym closure will be on the December 11, 2019 agenda to be discussed. There has been a lot of response regarding the gym's situation and people stepping up to help keep it open. However, there are many points to be considered and the Board of Selectmen will review these and discuss. The Board of Selectmen cannot trump the Town Meeting vote and there may be an opportunity to hold an open forum with the town's people to consider what should be done at next Town meeting. The Fire Chief should also be involved as some the issues go beyond the financials and have to do with the insurance company's expectations, staffing, training, safety, regulations (i.e., no key sharing) and building.

3. WARRANTS/BILLS

4. APPROVAL OF AGENDA

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

5. MINUTES OF LAST MEETING

Selectmen Kimberly Stacey-Horn made a motion to accept the minutes of November 20, 2019; seconded by Selectmen David Winchell. No discussion. All in favor.

The Board of Selectmen thanked Sarah Hewitt for her 4 years of service and wished her the best on her new endeavors. She will be missed. There will be a little send off at Willy's after the Board of Selectmen's meeting. You may see Sarah around through December as she will be doing a few Fridays to assist the Treasurer.

6. DEPARTMENT HEAD / COMMITTEE CHAIR UPDATES

Joyce Bakshi, Planning Board Chair updated the Board with what the Planning Board has accomplished since the last update dated September 18, 2019.

- The Martel Project has been an extensive process filled with many objections from the public. There is much involvement with lawyers, the Maine Department of Environmental Protection (EPA), Maine Forest Service, Southern Maine Planning & Development Commission, Great East Lake Improvement Association, professional consultants on both sides, Watershed District and abutters. The workload has increased exponentially on this project as Mr. Martel has changed the plans from a 14 lot subdivision to a 22 lot cluster subdivision back to a 14 lot subdivision and then withdrawing all plans with the intention of submitting different subdivision plans in mid-January.
- The Planning Board has been involved with Freedom of Information requests more than the Town Administrator would ever want in her life time. These are very time consuming and her work is appreciated.

- The Sayer Plant was granted a permit for mineral extraction gravel pity on West Shore Drive with the finish being for personal use only; no retail sales.
- On October 30, 2019, several Planning Board members along with Ken Paul, Brenda Charland and Kristiina Robinson of the Code Enforcement Department attended the Southern Maine Planning & Development Commission Boardsmanship workshop in Sanford. The very interesting topics were:
 - What it means for local ordinances when issues go to court
 - Group was given 7 cases to review to see how the findings of these court decisions can affect local ordinances.
 - Running an effective Planning Board process - Robert's Rules
 - A great workshop which had to do with Roberts Rules and the findings of facts. Again, 3 court cases were distributed for review.
 - When is a decision final or appealable? (Relates to 30 A M.R.S.A. Section 2691384482A)
 - Marijuana and how to regulate in your community; both medical and adult use.
- Other applications reviewed were:
 - York County Agricultural Association
 - 13th Street
 - Extension of the parking lot
 - Hopper Road LLC Event Center (aka Barn Light Weddings)
 - Granny Rose Dog Rescue which is still to come forward.
- Best Practical Locations are coming in at a rate of 2 or 3 per week.
- Conditional Use Permits are coming in all the time.
- There has been 3 public hearings and seven (7) site walks since the last update.

A busy time, which will be getting busier. Thank you.

Leslie Berlan, Road Committee Chair updated the Board on the Article 43 findings. The Road Committee met and reviewed the 3 Article 43 applications.

- The Ridge - Vote taken was 0-5-1 to not approve. This application does not meet either the Priority Watershed list nor the Maine Integrative Water Quality Monitoring and Assessment report. Mrs. Berlan indicated both lists were very extensive. The Town Administrator offered to assist with printing out copies for the Board to review. The Board will table until their final decision is made.

Mrs. Berlan continued that the application did also not meet the requirement of whether there was a watershed survey done and they had not.

Mrs. Berlan also indicated she went to AWA to make sure that nothing was missed. The Town Administrator stated the same research was done by her and the Board prior to the application approval and that they did not discover what she had discovered. System was hard to navigate. Mrs. Berlan reiterated that when it is determined an application did not qualify it was stopped in the process. It was suggested that a watershed survey be done. If the survey is done, the

application could be looked at. Selectmen David Winchell asked what the cost for a survey was. Mrs. Berlan did not know.

- Wilkins Road - Vote 6 - 0 to approve. All questions were reviewed and this application hit yes on the Priority Watershed list, no on the Integrated water quality monitoring and they did have a watershed survey done because it was on Great East Lake. Mrs. Berlan further informed the Board that she, Cindy Hart and Robin Ham looked at the road. At the very end of the road they were able to see that work had been done to stop the water. There was a catch basin, which isn't part of the application, but shows they were obviously working on the road's crown which actually looked very good. Selectmen Winchell asked, So, you inspected what the Road Association did? Answer, "Yes, we looked at the whole road."
- 13th Street - vote was 0 to 6. 13th Street met the Maine Priority List but did not meet the Integrated list nor did they have a watershed survey done. When the application was first looked at the consensus was it was just a sweeping job. If they had removed the sand or material it may have been a different situation. But, the sand was just moved around and can still get to the water.

The BOS thanked Mrs. Berlan for the Road Committee's review.

Mrs. Berlan continued and stated to the Board that there was some discussion on whether the Board's decision to cut off receiving application without any grace period was a good one. But then some new information came to Mrs. Berlan's attention this afternoon that may answer all the questions the Board and Road Committee have on Article 43. Especially when wondering if this process is being done the right way.

Mrs. Berlan presented to the Board a copy of the July 2014 Revision of the Guide to Forming Road Associations which is written by the MEDEP in conjunction with the York Conservation Soil & Water District (YCS&WD) along with other conservation districts in the State. The legal review of this document was done by Clifford H. Goodall from Dwyer Goodall & Dennison in Augusta. So, the attorney's have also looked at this and in the report the section she read was, " If the road is in a lake watershed with threatened water quality and is contributing to the degradation of the lakes' water quality a municipality may use public funds to repair or maintain the road for the purpose of protecting or restoring the lake quality."

Mrs. Berlan again reiterated that this might be the piece missing to clarify Article 43 application qualifications as it was done by the state and reviewed by legal. It clearly states we can do repair and maintenance.

The Town Administrator reiterated that the Board stopped accepting applications because they accepted some fault and knew they needed to better understand the regulations as well as know that the Road Associations can prove they are doing what is indicated.

In going through these applications and really know what they need to know to better understand these answers and they need to make sure that the Road Associations are proving that they are within guidelines; only putting off to be able to clarify. Mrs. Berlan agree and stated that she knew why the Board did what they did and she was not saying it was right or wrong. She just wanted to let the Board know what the conversations were that were being had.

Selectmen Winchell commented that with regards to 13th Street, the Road Committee kind of proved his point to a point. The Road Committee didn't vote for 13th Street. It was the reason of not removing the sand; however, there is no guideline of why it should pass or fail and the Board needs that guideline. And, for that reason, the Board made the decision to cut off the applications. The Road Committee made an opinionated decision because there was nothing in black or white saying removal of this material what so ever qualified or not. We the Board need to decide that.

Leslie Berlan answered back he was right and she understood that, but she also thinks the Road Committees' opinion was in conjunction with the Board's opinion too for that particular application.

Discussion ensued on why the Board did not show up to the Road Committee's meeting. The Board did not want to influence the Committees decision since they already voted. Mrs. Berlan stated that that was appreciated. Selectmen Walsh recapped that their not being at the meeting was the better way to handle the opportunity for the Road Committee to stay impartial.

Mrs. Berlan further commented that sometimes it comes down to common sense and that is where they were at for that particular decision. The whole purpose is to protect the lake. If you're not removing the material away, it still has the opportunity to reach the lake. Selectmen Walsh noted, all these decisions on all these applications don't come easy. Getting more guidelines will help take away the gray' and make it clearer.

As for the Ridge, if that particular application line was answered yes, and we put a must attach proof, then that attachment will validate that was written on the application. If the Road Association knows what list they are on and provides that, the whole process becomes smoother.

The Road Committee wanted to recommend that the Selectmen and Board have a workshop to help hammer out this gray area. The Selectmen responded they were first going together all their information together before proceeding. Mrs. Berlan thanked the Board and confirmed she would provide the Board with copies of both list discussed.

The Town Administrator asked for permission to release the Wilkins check. Selectmen Walsh wanted the Board to revote after the Road Committees presentation.

Selectmen Kimberly Stacey-Horn made a motion to accept the application for the Wilkins Road, the Road Committee had voted 6 -0 with a pass; seconded by Selectmen David Winchell. No further discussion. All in favor.

The Town Administrator clarified that there has been nothing change with regards to 13th Street and they have already received their letter indicating such. The Ridge is tabled until further review of information provided by the Road Committee tonight.

7. OLD BUSINESS

A. Article 43 Applications / Road Committee Recommendations: Handled during Department Chair Updates

B. Policies to Sign

- Demolition Permits policy is still under review - tabled.
- Debit Card Policy was reviewed by the Treasurer and has a few changes. Where the policy states, "When a need for the debit card arises, the Treasurer shall request a transfer of funds from the Treasurer" is inaccurate. What is proposed is, When a need for the debit card arises, the department head shall complete the authorization for use of a debit card and return it to the Town Administrator. The Town Administrator will review and authorize the form and turn over to the Treasurer to make a transfer into the debit card account."

The Town Administrator went on saying that currently what is happening is, she and the Treasurer have an authorization form but using the Rec as an example who have a couple of items they found online and needs to purchase. The Rec then sends the Town Administrator a direct link, the Town Administrator then fills out the form or attaches the email and is the one going through the process and not the Department Head.

What the Town Administrator and Treasurer would like to see happen is for the Department Head to actually fill out the form. Thus, a couple of adjustments have been made to the form. The form now states Department/Committee Authorizing - in this example would be Rec Committee; Authorized Request Signature - this would be the Committee's Chair; Purpose - requestor would state what the item is, the amount (not to exceed \$500) and the date of the request. The form would then state to "please attach detail of the item being purchased from the website (that detail must include price)". By having this form, the Treasurer and Town Administrator are putting a little more responsibility on the Department Head who would then send to us a completed form.

Note - the policy states anything under \$500, the Town Administrator and the Treasurer can approve; anything over \$500 must be authorized by the Board of Selectmen.

Selectmen David Winchell made a motion to sign the Debit Card policy; seconded by Selectmen Kimberly Stacey-Horn. No further discussion. All in favor.

8. NEW BUSINESS

A. Executive Session MRSA 405 6.A

Selectmen David Winchell made a motion to move into Executive Session pursuant of M.R.S.A. 405 6(a); seconded by Selectmen Stacey-Horn. All in favor.

Selectmen David Winchell made a motion to move out of Executive Session pursuant of M.R.S.A. 405 6(a) at 6:11 pm; seconded by Selectmen Stacey-Horn. All in favor.

B. Goat Hill Bid Openings

The Town Administrator notified the Board that Mr. Carl Davis has been notified that the Board will be opening the Goat Hill bids tonight and then sending them to Mr. Davis for review and recommendation.

- Kennebec Trail Company
 - Existing trail - cost per linear foot \$9.00; ADA compliant, \$11.00
 - New trails - \$14,00; ADA compliant \$18.00
 - Naturalized closed trails \$4.00

- Green Shadow Landscaping
 - Grade 5% or less
 - ADA compliant
 - Total \$190,110

These bids will be given to Mr. Davis to review.

C. Ambulance Billing

The Town Administrator provided the Board with a detailed packet which will need reviewed before their discussions next week with the Auditor, Treasurer and Fire Chief regarding Ambulance billings. There is a misunderstanding on the write off of some bills. The company just stopped asking for the money; they were not written off. However, due to the age of some of the bills, they may in fact need to be written off.

D. Law Enforcement Services

The Town Administrator provided a copy of the Law Enforcement Services Contract that was approved at Town Meeting. She noted the contract was reviewed and matched the former contract word for word. The Town of Shapleigh has also approved this contract as they share it with the Town of Acton.

Selectmen Kimberly Stacey-Horn made a motion to accept the Law Enforcement Services Contract; Selectmen David Winchell seconded. No discussion. All in favor.

E. Planning Board Appointment

The Town Administrator announced that Mr. James Crowley stepped forward to take the Alternative Planning Board Seat. Since the Alternative Seat appointments have expired, this appointment will replace those.

Selectmen David Winchell made a motion to appoint Mr. James Crowley to the Planning Board Alternate Seat until June 30 2020; seconded by Selectmen Kimberly Stacey-Horn.

9. PUBLIC COMMENT

Susan Meehan approached the Board to let them know that she did not understand why the Auditor would not be taking questions from the floor. The Town Administrator indicated that at the auditor's request, she wanted questions to be submitted to her in writing so that she could be prepared to answer. Mrs. Meehan further commented that it should not be control that as taxpayers they pay for the right to ask questions. Again is was reiterated that the Board was not trying to dissuade persons from asking questions they were in fact getting questions and all questions would be forwarded whether they were auditor related or not. In fact, the Town Administrator was still waiting for Mrs. Meehan's set of questions and not yet received them.

Mrs. Meehan further commented question from the floor should be allowed because when the Auditor answers a question other questions may formulate and they should be allowed to be asked.

The Board commented that the taxpayers pay for this item however it is expensive and currently there is approximately \$1,000 left in the auditing services budget. The Town Administrator then gave some example of some of the in-depth question which have been received and again commented some may not be answered because they made need a legal answer not an auditor to answer.

Selectmen Ed Walsh stated the Auditor will do her best to answer the questions the best that she can and we will see how the timing goes and whether follow up questions can be asked from the floor.

The Selectmen closed the meeting by again thanking Sarah Hewitt for her 4 years of service and reminding all that there was a gathering at Willy's following the meeting to send her off.

10. ANNOUNCEMENTS

- Videographers Needed - \$50.00 stipend per meeting
- Town Hall Closed Nov 28 & Nov 29 for Thanksgiving
- Tree Lightening Nov 30

11. ATTENDANCE

Joyce Bakshi, Leslie Berlan, Susan Meehan, Cindy /hart, James Crowley, Dennis Long, William Langley, and Joe Letourneau