

TOWN OF ACTON SELECTMEN'S MEETING
October 13, 2021
6:00pm

1. CALL MEETING TO ORDER / PLEDGE OF ALLEGIANCE

2. TOWN ADMINISTRATOR WEEKLY UPDATE

- Mary Grant will be holding their annual pumpkin carving event on October 23, 2021 between 2 – 4 pm.
- The Library will be holding their annual Crockfest on November 6, 2021 from 5 to 7 pm at Barn Lights on Hopper Road; come enter your best chili or chowder.
- Due to the encouragement of the Fire Department for all residents to have their house number's marked, a 911 Sign Fundraiser has been kicked off. Double-sided reflective house number signs are available for \$25.00. The proceeds will not only help get houses numbered and visible for Fire & Rescue, but will also support the Fire Department who will be installing the signs charges and Neighbor Helping Neighbors.
- Presented was an abutters notice regarding Providence Lake Road sent from the Town of Wakefield regarding a public hearing for the Board to review.
- Town office participated in 2 webinars from the Secretary's Office this past week: Title 21 A and Elections: Voter Registrations.
- The Acton Code officer has now completed another required training course, the Commercial Energy Codes; there are only two more required courses to complete.
- The Board was informed that both Acton and Newfield towns received a notice from the Office of Defense regarding an update to the Emergency Acton Plan form for Balch Pond Dam; Newfield generally takes responsibility to complete and submits the form with the Town Administrator's assistance; current plan expires November 6, 2021.
- Presented to the Board was Maine Municipal Legal Services' updated American Rescue Plan consideration for municipalities. The Town has currently been paid for half of the funds. These funds cannot be spent without Town approval so at some point it will be on a warrant. This document gives the Board more information on how the funds can be used. Legal was sent items discussed for review and recommendations on whether or not they qualified as expenditures; after a response is received, a workshop will be scheduled.
- Saco River Corridor Commission sent the Board an abutter notice for 356 Raccoon Road who is seeking an after the fact permit for a paved driveway expansion and replacement of retaining walls and a large vegetation plan. There will be a Zoom webinar on October 27, 2021 if any Board members want to offer any input. A copy will be sent to the CEO.
- The Sherriff's office monthly report was received; Acton did not get a most notable event this month, so only the call breakdown was received; a majority of the calls on the list were administrative followed by community police contact, building area checks, follow up investigations and motor vehicle stops.
- The Town Administrator showed the Board the new plate issued by the State of Maine; a Lighthouse is the main focal point of the plate. This plate's availability starts this week.

3. WARRANTS/BILLS – Signed.

4. APPROVAL OF AGENDA

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

5. MINUTES OF LAST MEETING

Selectmen Kimberly Stacey-Horn made a motion to approve the September 29, 2021 minutes; seconded by Selectmen Ed Walsh. No discussion. All in favor.

6. DEPARTMENT HEAD / COMMITTEE CHAIR UPDATES

- Leslie Berlan, Road Committee Chair approached the Board to give an update on the West Shore Drive culvert meeting which included the participation of Mr. Colin Green, a representative from the Army Corps of Engineers. Mr. Greenland spoke to a lot of the residents who live on West Shore Drive; a lot of great information was given and Mr. Green is willing to come back and help the Town at anytime he is needed.

Mrs. Berlan continued her update noting that she had asked the Town Administrator a week or so ago about needing a legal opinion from the Town's Land Use Attorney to see what rights and responsibilities that the Town of Acton and Inland Fisheries might have since Inland Fisheries are saying that they own half of the culvert. However, last night, the Square Pond Association presented a letter to Mrs. Berlan which included their attorney's opinion. Mrs. Berlan asked the Board if they wanted her to proceed on getting the Town Attorney's opinion or was this sufficient. Selectmen David Winchell Jr. indicated that the letter received pretty much explained that Acton had the responsibility of doing it because Inland Fisheries have anything to do with it other than that they own the land abutting it; Acton still has the right of way over the land. Mrs. Berlan agreed, she noted she did not want to move forward until they had gotten that piece. Discussion ensued; Mrs. Berlan did not believe Inland Fisheries had seen the letter as of yet since she only received it last night. Discussion continued on the positivity of the meeting, the opportunities to ask questions and the fact that there was a lot of good information given out. The Board determined no further legal inquiry was necessary.

An apology was cited for all to hear regarding the Board's inability to attend the Road Committee meeting due to the Transfer Station interview meetings; conflicting meeting schedules. Mrs. Berlan indicated she was glad the meeting was recorded; that recording permits those who were unable to attend either meeting an opportunity to hear what Mr. Green had to say.

When asked by Selectmen Ed Walsh what was next, Mrs. Berlan indicated that the committee will now move forward and start looking at different alternatives for replacing the culvert. There have been continued discussions of replacing it with the stream crossing, replacing it in kind, because apparently there are several ways that might make that possible. Another discussion held was regarding doing the same installation as what was done over on Canal Bridge. Following these discussions, a gathering of information as to what is feasible and the costs do implement these different plans will be done to present to the Board and the Townspeople.

7. OLD BUSINESS

A. Transfer Station Superintendent -

This item to stay on the agenda as old business. There were some interviews done last night and an update will be forthcoming next week.

B. Sand Bids -

The Road Commissioners were presented with the Sand bids in order to offer their recommendations to the Board. To recap, the bids were as follows:

- Seth McCoy was at \$10.25
- Landscapers Depot was at \$10

Both Road Commissioners recommended Landscapers as it was the low bidder and they have both had good experience with this company, the sand was good and there was an availability of extra sand in the middle of the wintertime if it was needed.

Selectmen Ed Walsh made a motion to go with Landscapers Depot at \$10.00 per yard delivered; seconded by Selectmen Kimberly Stacey-Horn. No discussion. All in favor.

C. Fire Dept Generator -

The Town Administrator reported that there have been some discussions regarding this generator over the last few weeks, so as a follow up, time was spent with Fire Chief Rick Smith and the Electrician to figure out where things stood and to make sure everything was in line. What was discovered was, in the beginning, when the bids were disclosed, the bid that Craig Norman actually was awarded and discussed, the low bid, was actually \$25,500. However, when you look at the Fire Chief's budget request, the amount was \$25,000; the difference was never caught. Nevertheless, \$25,000 is what was approved from the voters.

Out of that \$25,000, the first thing done, before any work was started, a \$12,750 deposit was made. Mr. Normand sold the Town the generator at cost (\$21,500) and bought a transformer switch to go with it; the \$12,750 essentially covered the first half. The next invoice received was for \$2,733; this was broke down as follows: \$1,500 generator, \$1,200 was extras being paid out of building maintenance because a new meter box for the alarm to be attached to the other building needed to be installed. The next bill received was for \$5,889 and broken down with the majority listed as conduits to connect the two buildings (noting that will the ground was dug out and that there were no alarms on the other building, this was a good time to have that work done) was over \$4,000 for the extras and over a \$1,000 was the general part of the actual generator itself. So, to date, and based on the balance that we have left, he says the only extra additional is going to be wiring because the generator did have to get moved down a little further because what it was going to sit on, that was only \$250. After all of this is done, Mr. Normand confirmed that the Town can expect to be about \$47 shy of the \$25,000. This means that the project will be within budget. The Treasurer has been reviewing invoices carefully with the Fire Chief and Electrician making sure they have been billed out from all the proper places.

On a further note regarding the generator, the Fire Chief wanted to publically thank Robin Ham for taking the old generator to the recycling center; cash and slip were received for a little over \$200. As per the warrant article, this money went back into a particular fund, so, that money was processed personally by the Town Administrator and the receipt's been done and the Treasurer has it all.

Selectmen David Winchell Jr. commented in the future when a project like this is done that we let the Fire Chief know that we know where this is going before it goes there. The Town Administrator indicated that she and the Fire Chief did have that conversation and that he accepts that and understands that is the proper way to go. Selectmen David

Winchell Jr. acknowledged and indicted the Board just does not like to be blindsided when the public asks and the Board is unaware. The Town Administrator indicated in all fairness, the Board did sign a check request giving the Fire Chief the deposit. Selectmen David Winchell Jr. remarked that was not what he was saying; it's about getting rid of the old generator. Anytime anything is dispersed, the Board would like to be notified ahead of time; the Board would like to make the decision on the dispersing of items, not have the individual do it. Discussion clarifying items to be dispersed (i.e. removal of a couple of desks) ensued. Selectmen David Winchell Jr. commented that if someone gets rid of something for a couple hundred dollars, it is then indicated it is worth more, then the Board was asked why it was let go for a portion of what it was worth, then there is an issue because they didn't have anything to do with it if they are not informed. In summary, the Board should really be notified before any Town property gets discarded. The Town Administrator will send out a notification to all department heads regarding the disposal of equipment.

The Town Administrator notified the Board that the approved Transfer Station pad construction has been started. The work is going on down bottom and will occur over the next couple of days, the Superintendent asks for some patience when using the facilities. After the pad work is complete, the hopper will be able to be repaired.

D. Fresh Air System –

Selectmen David Winchell Jr. recap that he had called the Heating Contractor to get clarification on the fresh air portion of the furnace work. It appears that when the Board asked for a fresh air system, the quote reflected a fresh air intake. However, a fresh air intake is different from a fresh air-to-air exchanger. The Contractor did do a fresh air intake on this furnace, however when he got to the over furnaces and dealing with COVID, the Contractor had to do some research to appease our concerns about fresh air. After that research was completed, the contractor ended up using platinum filters which were above and beyond what the Town was going to pay; the contractor ate the extra expense, he was only charge us \$500 for the fresh air intake and these filters are \$300 - \$400 per filter for each unit.

Selectmen David Winchell Jr. read aloud an email response received from the heating contractor with an explanation to clarify information about the air intake system which arose last week. The letter indicated that Selectmen David Winchell Jr. was talking about a fresh air intake not an air-to-air exchanger. Further the contractor found no laws or codes on fresh air for commercial buildings. Information was found relating to COVID and commercial buildings (attached) indicating that platinum air filters are accepted for this application. An air-to-air exchanger could be added for an additional cost installed is \$3,000; the contractor's opinion is that it would be a waste of money. The voting hall is poorly insulated and there is a tremendous amount of fresh air exchange already happening; work done was the correct way to do it and the Board agreed.

A follow up to the work will be to ask the heating contractor about the maintenance of the filters.

8. NEW BUSINESS

A. Abatements/Supplements

The Town Administrator advised the Board that O'Donnell's and Associates appreciated

the Town's patience with this work and the issue of having other staff step in for about 1 year as Dennis (who has represented Acton for many years) recovered from his car accident; any errors made are easily corrected with tax abatements and supplements before money is brought in. Also noted were the two abatements made last week were calculated on the previous year's tax rate of \$12.05 when in actuality the tax rate is \$11.95. For public transparency, the error has been caught but it is negligible (\$0.50 on one and \$0.35 on the other) the amounts are not worth voiding and redoing and will stand as is.

Moving forward, the tax rate of \$11.95 will be used. This week's **abatements** are:

- Whole Nine Yards - Tax Abatement of \$1,289.51 – Building over assessed.
- Beaudoin Property M/L 128-007– Tax Abatement of \$1,854.76 – House was supposed to be assessed on the split.
- Dennis irrevocable Trust – Tax Abatement of \$1751.42 - Not owner of record.
- Caley & Tucker Brown – Tax Abatement of \$3,744.15 – Not owner of record.
- Mark & Alyssa Sibley – Tax Abatement of \$7,755.82 – Not owner of record.

Supplements –

- David Foley – Supplement of \$7,755.82 – Correct property owner.
- Kimberly Caron – Supplement of \$1,639.66 – Correct property owner.
- Mark Hurley – Supplement of \$2,411.28 - Building on his property.
- Nicole Cloutier - Supplement of \$1,751.42 - Correct property owner.
- Judith Washburne – Supplement of \$3,594.12 – Correct property owner.
- Caley Brown – Supplement of \$465.10 – Correct property owner.

Note – When supplements are done and sent out to the new owner, the first payment is due 60 days out making these taxes due December 6, 2021.

Selectmen Ed Walsh made a motion to approve all the abatements as described by our Town Administrator; seconded by Selectmen Ed Walsh. No discussion. All in favor.

Selectmen Kimberly Stacey-Horn made a motion to accept the certificate of supplement commitment as explained to the Board by the Town Administrator; seconded by Selectmen Ed Walsh. No discussion. All in favor.

B. Library Request -

The Town Administrator informed the Board that the Librarian reached out to get permission to hold a for profit/craft table fundraiser in the Election Hall; table space proceeds would go to the library, craft product sold would remain with the crafters. The Discussion ensued. The Board agreed to permit.

C. Order of Municipal Officers –

The Town Administrator presented the Order of Municipal Officers which is required by Maine State law, Title 36 M.S.R.A. 906 for the Board to sign; this order gives the Board the authorization upon request of the Tax Collector and Treasurer of the Town to hereby authorize and direct the Tax Collector and Treasurer to apply any tax payment received from an individual as a tax payment against any outstanding or delinquent taxes first.

Selectmen Kimberly Stacey-Horn made a motion to accept the Order of Municipal Officers pursuant to Title 36 M.S.R.A 906; seconded by Selectmen Ed Walsh. No discussion. All in favor.

D. District 2 Estimates -

Adam Doliber, Road Commissioner District 2 approached the Board per the ordinance to seek approval of his scope of work for shoulder work on the following roads:

- Langley Shore Drive - \$1,269.89 plus gravel
- Canal Road – \$1,269.89 plus gravel
- Riverview - \$1,693.28 plus gravel
- Sanborn Road - \$2,963.24

Mr. Doliber also presented a scope of work for paving over two culverts and pot holes on County Road - \$320.01; this is being done to maintain until it can be totally paved.

The Board signed off on the work.

During a short break, the Town Administrator told the Board that the Acton School Department had placed a donation box in the Town Hall to receive candy donations for their Trunk or Treat event.

E. Warrant and Finance Committee -

Selectmen David Winchell Jr. spoke regarding the meetings being held by the Warrant and Finance Committee. Mr. Winchell indicated that the Board was aware that a meeting was needed to elect officers however; the last meeting took a turn for the worst which raised concerns. These meetings are to be productive and get Town work completed during the budget process; not be a private platform for expressing opinions and criticizing the Board. The ordinance stipulates that the only reason the Town would be having a Warrant and Finance meeting is to go over warrant articles and there are currently no warrant articles right now under consideration. Selectmen David Winchell Jr. indicated that he did not feel that the Warrant and Finance meetings should be taped when no Town business is at hand because it allows for a platform for committee members to run their mouths, lie and speaking unproductively. Discussion ensued. Until there is a warrant in hand to be worked on, the Board decided that all the Warrant and Finance meetings will no longer be taped; however, minutes will be required to be submitted.

The Town Administrator reported that there is a Warrant and Finance meeting scheduled in November; per this decision, this meeting will not be taped.

F. Executive Session 405 6 A -1 –

Selectmen Kimberly Stacey-Horn made a motion to go into Executive Session pursuant of 405 6 A-1 personnel issue at 7:07 pm; seconded by Selectmen David Winchell Jr. No discussion. All in favor (Ed abstained).

Selectmen Kimberly Stacey-Horn made a motion to come out of Executive Session pursuant of 405 6 A-1 personnel issue at 7:39 pm; seconded by Selectmen David Winchell Jr. No discussion. All in favor (Ed abstained).

9. PUBLIC COMMENT

- Robin Ham approached the Board and asked why a why does the Town need a Warrant & Finance Committee citing that the Board looks over the budget each Department Head gives to them, then it is moved on to Town meeting and as the Chair indicated, the Town Meeting always has the rule. The Board responded that the Warrant and Finance Committee is a good committee to have in order to oversee the Board and budget they put forward; it is a good safety net to catch things that might be overlooked or come up with some ideas; it should be a good thing.

Mr. Ham continued that unfortunately it currently is not; it's like the Hatfield and McCoys and it needs to stop. On the other hand, Mr. Ham asked how the bid process we go through relates. It has been said that Town Meeting has the rule.

The Town meeting came up and indicated that the generator bill was going to be paid. Nothing was said about the generator last year when going through procedures, it was just another stone thrown at the Board trying to indicate you didn't follow the procedure.

Mr. Ham indicated he agreed with the procedure when not going to Town Meeting, but when at Town meeting, and the procedure comes up and the Town votes yes, this is one we want, it should never have been brought back up two weeks ago.

Selectmen David Winchell indicated that unfortunately at Town Meeting, the Board assumed that what was being dealt with was a problem. When Rick came up and explained everything, the Board was under the assumption that this was what they were doing and going with the Town's contractor as always especially since it was the low bid. It is understood that it was not done correctly because the bid was not on a warrant article with the bidders name on it. However, the Board regarding the situation they were in, a decision had to be made to get it in, it was more of an emergency.

Mr. Ham exclaimed this was for a public safety building that had no electricity in it. If a house catches fire and it takes one person to lift the door up and want to hold the ladder and everything else, it should not happen in this time and day. That is why it was needed, it was an emergency, the Board has an opportunity if it's an emergency to overrun everything. If all ducks are in line, the Board has the authority (he believes the Board has the authority) to overrun and say yes. To the Town of Acton the Board can say, this is an emergency, we need it now and be done with it. The nit picking and throwing stones at each other's families and all the other stuff that goes on needs to stop.

The Board agreed and thanked Mr. Ham.

- Susan Meehan approached the Board to ask about the auditor. Mrs. Meehan indicated that the Town has used the same auditor for twenty years and that it is recommended by accountants and other professionals to change auditors every three to five years. Her question to the Board where Acton was in regards to that. Selectmen Ed Walsh responded that we had a new auditing person this year. The Town Administrator indicated that the Town was in the middle of a contract and would have to pull it to see what was signed. The Town Administrator also confirmed that the person who started the audit this was never met by anyone in the Town.

Mrs. Meehan indicated that it was not a new company however and it is recommended to

change companies. Discussion ensued.

The Town Administrator reminded all that Mrs. Meehan brought this same subject up last year at every meeting related to the auditor and the Board reviewed and still signed a three-year contract. Again, the Town Administrator asked for time to double-check and see how long the contract was for, as the Board did hear Mrs. Meehan loud and clear last year and still signed another contract. A review to see how far into the contract the Board is will determine next steps. The Board and Town Administrator encourage change, however, if you call surrounding towns, you will find that they have gone out to bid multiple times for auditors and never got one bid; it is a process to find firms. The Board doesn't disagree with Mrs. Meehan, as they really don't care who audits them, in fact they enjoy it and encourage it. As silly as it sounds, but staff can spend over an hour to locate a penny in a large batch of checks; so, yes it is encouraged and it doesn't matter who does it. Different people are sent every day, but in the end, it is a good auditing firm.

Mrs. Meehan commented yes, but the reality of it is, is that the Town is supposed to change firms and it's been over twenty years.

The Town Administrator replied, it is a recommendation, and like all recommendations in life, it is only a recommendation. Again, the Town Administrator indicated she wanted to pull the contract and take a look.

The Board indicated that they were comfortable with the fact that they had a different person actually doing the audit, albeit not a different firm.

Mrs. Meehan pushed the subject commenting that after three to five years, the Board was kind of auditing themselves, so that is why bringing in a new firm is really what is recommended. The Board disagreed, they are not auditing themselves. The Town Administrator indicated anyone was welcome to come in and watch the process and see what is asked for and what the process looked like. The recommendations given every year are always good and different on what to do and for the better.

Mrs. Meehan asked, if it is no big deal, then why doesn't the Board do what is recommended? The Town Administrator indicated she will pull the contract and let all know where the Board they stand and if they are in their third year, they might want to consider going out to bid.

The Board agreed and thanked Mrs. Meehan.

- Mr. Tom McGurty, West Shore Drive approached the Board to comment that typically (in his experience) when engaging an auditor, one doesn't contract for multiple years; a bid is received whereas they will lay out their pricing for perhaps a three-year period but it allows the receiving party change at any time. With that being said, Mr. McGurty suggested the Board take a look at that. Secondly, Mr. McGurty continued that is the contract had not been put out to bid at all, there is nothing that says you can't put it out to bid and still retain the same firm; this permits the ability to see if there are other interested parties and keep the process open and transparent.

The Board agreed and that is why they will be reviewing. The Town Administrator indicated she believes the Board did go out to bid this last time and Mr. McGurty was correct on his one

to three year comment. The Town Administrator will pull the contract for review; it will be listed as Old Business on next week's agenda.

- Mr. Leary, West Shore Drive approached the Board to indicate that he was at the Road Committee meeting last night and the Army Corp. of Engineers seemed to make it relatively clear that if you're going to do anything with that bridge and you add any material they are not too happy about that. They have a certain procedure and if you don't follow that procedure you have to get permission to do other things. The gentleman was very helpful and very informative but he made it very clear that that's the rule. This makes Mr. Leary very curious because in the past that bridge was built through Mr. Pepin's property using an auxiliary road; Mr. Pepin just built a new road for a new development, why can't the Town use that road, go through Mr. Pepin's pit again and bypass that bridge completely?

Mr. Leary continued, Mr. Pepin's property is for sale and maybe it makes sense for the Town to purchase it, use the road and sell of the remaining property in time for housing and regain the money spent back. The Town Administrator noted that the property was under contract.

Mr. Leary answered he didn't know that, but the Town has been looking at this project for several years and thought this might be a new way to proceed. To him, it seems that it will be several more years before the Town resolves the issues and meanwhile the bridge is still falling apart with all the activity on it and the expansion; there are vehicles who go on that bridge that really shouldn't as it was built for that.

Selectmen David Winchell Jr. responded the bridge was built to hold those vehicles, it's just deteriorating. It's a culvert. Mr. Leary indicated he wasn't trying to find fault with everybody as you're trying to resolve it, it was just a thought that popped into his head.

The Board appreciated Mr. Leary's thoughts. Thank you.

10. ANNOUNCEMENTS

10/18/2021 - Rec. Committee 5:30pm
10/20/2021 - Board of Selectmen 6:00pm
10/21/2021 - Planning Board 6:00pm
10/25/2021 - Zoning Board of Appeals 6:00pm
10/27/2021 - Capital Improvement 4:30pm
10/27/2021 - Board of Selectmen 6:00pm

11. MEMBERS PRESENT

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

12. ATTENDANCE

Dennis Long, Leslie Berlan, Rollin Waterhouse, Susan Meehan, Robin Ham, Adam Doliber, Will Langley, Mary Ann Robator, Lee Robator, Ed Woods, Tom McGurty, Mr. Leary, Katelyn Long and Cheryl Drisko.

Selectmen Kimberly Stacey-Horn made a motion to adjourn at 7:43 pm; seconded by Selectmen David Winchell Jr. No discussion. All in favor.