

**SELECTMEN'S MEETING**  
**October 24, 2017**

*Update to BOS Meeting Procedures*

Elise Miller indicated that effective Oct 24, public comment will be increased to 3 minutes; this is per person, not per subject. As a reminder, if the public has an agenda item that will take more than this allotted time, contact the Town Administrator to be placed on the agenda. Also, the Board of Selectmen reserves the right to call on any person in the meeting room, at any time during their meeting. In closing she stated, members of the public, who speak under "Public Comment", will be invited back to the podium, the following week, if their items are placed under "Old Business" by the Town Administrator to receive a follow up. If requested, said member(s) of the public will be able to engage in conversation during this time.

*Presentation of SMVCMA Check*

Ron Rivard of the Southern Maine Veteran's Cemetery thanked the Town of Acton Selectmen and all of the Townspeople for allocating \$1000 for their organization. The Board presented Mr. Rivard with the first \$500 half.

**1. APPROVAL OF AGENDA:** Motion made by Ed Walsh, seconded by Kimberly Stacy-Horn.  
Motion Passed.

**2. MINUTES OF LAST MEETING:** Motion made by Ed Walsh, seconded by Kimberly Stacy-Horn.  
Motion Passed.

**3. DEPARTMENT HEAD / COMMITTEE CHAIR UPDATES:**

A. Town Forest / Conservation

Tom Cashin mentioned the letter from Joe Lenkowski about a public easement that is believed to exist on the Hebo-Hybo Road; he wanted to make sure the Board is in sync with that finding so that the Conservation/Forestry Board can move forward with a proposed recreational trail. Tom also wanted to inquire if there were monies available to go forward with a Forest Management Plan as mentioned by Steve Bodkin. The next Conservation/Forestry meeting will be the 21st at 7pm.

B. Road Committee

Cindy Hart stated that in 2009 the Selectman of Wakefield, NH contacted Acton about Canal Bridge. Cindy asked the Board to put the responsibility of bridges back to the Road Committee with the reason being knowledge of the bridges, and experience. She also noted that the State of Maine made an error on the state inspection report and claimed Acton to be the 50% owner of Canal bridge, which is not believed to be true. She would like the committee to be able to look into the proposed work that the Road Commissioners presented last week. Cindy also noted the necessity of driveway easements this winter for turn arounds which is printed up by MMA explains constrictions, but covers the town legally.

The Town Administrator noted that some surrounding towns have driveway easements, while others do not. The BOS seems to agree that driveway easements should be necessary for liability purposes, and will speak to the Road Commissioners about this.

**4. OLD BUSINESS:**

A. Management Plan  
- Steve Bodkin Follow-up

The Town Administrator reported that the Forest Committee has no money in their account, after the Goat Hill purchase, so the Treasurer advised against money being spent. It was also mentioned that it is unclear of

the duties the Forester has for his yearly \$500 stipend. The Board agreed that money cannot be spent if it is not there.

- B. Sand Bids
  - Road Commissioners

The Town Administrator reviewed the bids, and after discussion Ed Walsh made a motion to approve the bid from R.Pepin & Son, based on the Road Commissioners recommendation. Seconded by Kim Stacy-Horn. Motion passed.

- C. Goat Hill Parking Lot
  - Rollin Waterhouse Follow - up (Carl Davis)

Carl Davis updated the Board that 10 spaces were needed per the Planning Board requirements, which would make the parking lot 45x60. He noted that these spaces are there, however they are short on the corner where there is a ledge. It was suggested that in the future 3 more spaces could easily be added. The hot top is exactly 15x24. Rollin Waterhouse closed by stating that the Town bid should have been followed exact to the 60x60 bid and the Selectmen, not Three Rivers should be overseeing this project.

- D. Holiday Closures

The Town Administrator indicated that the staff would rather have Tuesday Dec 26 off, rather than the Friday before.

## 5. NEW BUSINESS:

- A. ZBA Appointment

The Town Administrator announced that the ZBA appointment that was signed last week should have been as an alternate. After discussion, motion was made and seconded to appoint William Williams as an alternate to the ZBA.

- B. Warrant & Finance Procedural Packet

- 1. Finance/Personal Director & Superintendent/Principal

The Board discussed the packet that was presented to them from the W&F committee. Ed Walsh stated that the auditor has had no problem with the way things are currently being done so he sees no need for change. William Williams was hoping the board would at least use correct terminology for statutory/ reserve funds. Superintendent Jonathan Ross thanked the Board for their time and for sharing the document with the School, he requested that Kim Oliver speak on their behalf, and noted School Committee members Judy Shain and Jeannette Bearnse were also present if necessary. Kim Oliver addressed the Board:

*"Good Evening and Thank-you for allowing me to speak.*

*I am here tonight in response to a document submitted from the Warrant and Finance to the Town Selectmen. The Acton School Department and School Committee have worked very hard to provide transparency to the Town. This year the school committee authorized RHR Smith to complete a school audit report separate from the Town. This report allows transparency for the taxpayer, showing how the funds were expended compared to the budget, details with the reserve funds specific to the school and the comparison to all state agencies reports.*

*The school committee voted in a fund balance policy in November 2014. An electronic version of this policy was submitted to the Town. This policy defines different types of fund balances based on Government Accounting Standards. This policy is reviewed annually by the Town auditors, specifically to confirm the calculations for the undesignated fund balance. The calculation meets the compliance with the Department of Education's statute 20-A MRSA, Section 15689-B for the undesignated fund balance in which is the exact wording regarding the 3% is within the policy.*

*Tonight I am here to discuss the comments regarding the school department.*

*\*The warrant and finance document discusses terminology and how warrants are written. There are comments regarding the school warrants. It was stated in the document on page 4:*

*The Special Town Meeting to fund public education has been “understood” to fund education for the upcoming new fiscal year and accepted by longtime residents as such. That assumption, however has never been stated in the warrant or the individual articles; thus, and there is often confusion on the part of new residents.*

*The School Budget book provided ahead of and during the meeting states on the cover and within the fiscal year it covers. The School Budget articles contain the following, specifically in Article 15 which summarizes the proposed school budget.*

*To see what sum the Town of Acton will authorize the School Committee to expend for the fiscal year beginning July 1, 20XX and ending June 30, 20XX from the School Department’s contribution to the total cost of fund public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act.... under the Maine Revised Statutes, Title 20-A, section 15690....*

*The recommendations for this article also contains when the fiscal year starts and ends.*

*\*Secondly, it is stated on page 8 of the document that the requirements for town oversight has been lessened and these changes have been brought on by the reliance on information by the Maine Education Association and Dept. of Education which slants to larger school systems.*

*The school has to follow the Statutes for Education under Title 20-A, including the rules for budgets and school finance. With regard to municipal schools, such as Acton, Title 20-A, part 2, Chapter 111, Municipal schools, sub chapter 2307 School budgets, it states:*

*Notwithstanding any other law, municipal school budgets developed after January 1, 2008 must follow the same school budget requirements as regional school units pursuant to Chapter 103-A.*

*Under paragraph 2 it states:*

*The school committee or school board shall determine the allocation of the approved school budget among the cost centers of the cost center summary budget format.*

*Under section 20-A: Education, Part 7 School Finance, Chapter 606B – Essential Programs and Services, Subchapter 15690, Local appropriations, Paragraph 1A it states:*

*(1), “Article ....: To see what sum the municipality will appropriate for the total cost of funding public education Etc. {Article 13}*

*I understand the school articles seem daunting but they have specific purposes for and how funding is allocated for the Essential Programs and Services. Acton has to follow the same rules as every school in the state of Maine.*

*Under Title 20-A: Education, Part 7: School Finance, chapter 601 general provisions, section 15006, School money: finance committees, paragraph 1. Municipal Schools it states:*

*Money appropriated for public schools for educational purposes’ may be paid from the treasury of a municipality by the treasurer for the municipality with a written order of the municipal officers following receipt of a bill of items certified by the superintendent of schools and approved by a majority of the school board.*

*This process is how the warrants are handled between the School and the Town. This is the way it has been. The School has five elected officials on the School Committee. That number has not decreased over time either. I do not see any decrease in Town oversight.*

*The WF document discusses the reserve accounts and their legality. These assigned credit reserves accounts were established in April 2015. The Town of Acton’s elective body voted to create these reserve funds, transfer funds from undesignated funds and allowed expenditure from these funds. The articles were specific in their purpose with how they would be used for unexpected expenditures. These reserve funds are accounts that provide a reserve to assist in continuing normal operation without increasing the tax rate.*

*As the Personnel Director, the final area I would like to discuss is collective bargaining. Maine State Statute Title 26: Labor and Industry, Chapter 9-A: Municipal Public Employees Labor Relations Law, subchapter 965. Obligation to Bargain, paragraph 1. Negotiations, It states:*

*It is the obligation of the public employer and the bargaining agent to bargain collectively. "Collective Bargaining means, to meet at reasonable times, to meet within 10 days after receipt of notice and to confer and negotiate in good faith with respect to wages, hours, working conditions and contract grievance arbitration. To execute in writing an agreements arrived at, the term of any such agreement to be subject to negotiation but may not exceed three years. To participate in good faith and mediation, fact-finding and arbitration procedures required by this section.*

*It is expensive to go through negotiations and the process can be lengthy. To negotiate on an annual basis would be costly. Currently the two collective bargain agreements for the professional staff (Teachers) and for the support staff are for three years. Yes, the salaries, wages and benefits are agreed upon over three years. Each employee is give an annual contract based on the CBA. If the Town votes to decrease the articles, positions are rified. There are no frozen lines.*

*I thank you for your time and if you require anything further from the School, please contact me."*

In closing the Board indicated they didn't see any harm in sending the document to the auditor. Kim Oliver stated she already had and agreed to forward Bill's response to Jennifer for the Board's review.

C. Order of Municipal Officers

The Board signed a 2017 Municipal Officers order instructing the Tax Collector and Treasurer to apply tax payments to the oldest year first.

D. Rec Committee Appointments

Lisa Gore & Jonathan Bowtell were appointed to the Recreation Committee.

## **6. PUBLIC COMMENT:**

Lois Michaud stated that she is at a halt on Hebo-Hybo Road until the whole cemetery Board can get together. She is challenging Mr. Lenkowski's decision.

Dennis Long brought up sand bids and how no sand was purchased from a winning bidder last year and since bidders prepare the product early to be ready on time, he was hoping that was something that wouldn't happen again.. He also noted his concerns last week on Buzzell Road and the fact that it was not on this weeks agenda, and was hoping for an answer. The Town Administrator indicated there was trouble hearing his question and asked him to repeat it for next week.

Cindy Hart asked the Board if clean up on Hopper Road bridge can be done by the neighbors as it should be done before winter and explained that the much needed maintenance needo should be done for preservation. She stated that she's been asking for it to be cleaned up since July. The Board stated that they do not have the authority to allow volunteers to do such work, and said they would speak to the Road Commissioners.

## **7. ANNOUNCEMENTS:**

- A. Lions Club Turkey Dinner Oct 28 4-6pm Shapleigh Church
- B. Truck or Treat Oct 28 4-5:30pm School Parking Lot
- C. Crock Fest Nov 4
- D. State Election Nov 7
- E. Town Hall and Transfer Station closed Nov 11
- F. Town Hall closed Nov 23 and Nov 24
- G. Town Moratorium Election Nov 28
- H. Board of Selectmen Office Hours Dec 7, 14, 21

**8. UPCOMING MEETINGS:**

- A. Public Hearing Moratorium Oct 24 7:00pm
- B. Cemetery Committee Oct 26 5:00pm
- C. Marijuana Committee Oct 27 6:00pm
- D. Board of Selectmen Oct 31 5:00pm

**9. MEMBERS PRESENT:** Edward Walsh, Elise Miller, Kim Stacy-Horn.

- 10. OTHERS PRESENT:** Dennis Long, Tom Cashin, Cindy Hart, Richard Hart, Judy Shain, William Williams, Kim Oliver, Richard Nass, Joan Nass, Michael McCrum, Gregory Vermette, Carl Davis, Andy Brazier, Mary Stanton, Scott Stanton, Rollin Waterhouse, Joe Ruma, Karen McManus, Lois Michuad, Jonathan Ross, Jennifer Roux, Eric Dawalga.