

SELECTMEN'S MEETING

September 4, 2018

5:00pm

1. APPROVAL OF AGENDA:

Selectmen Elise Miller made a motion to approve the agenda; seconded by Selectmen Kimberly Stacey-Horn. All in favor. Agenda approved.

2. MINUTES OF LAST MEETING:

Selectmen Miller requested to table minutes of the last meeting; Selectmen Stacey-Horn seconded. No vote needed. Minutes tabled.

3. DEPARTMENT HEAD / COMMITTEE CHAIR UPDATES:

None.

4. OLD BUSINESS:

A. Meeting Times

The Town Administrator Jennifer Roux recapped meeting time change discussions. Decision was made to leave meeting times at 5:00pm.

B. Road Association Funds

The Town Administrator put Selectmen Miller's form together on letterhead. All hyperlinks work and it is ready to release. The Board indicated they would like for legal to review it. The application does not have a requested dollar amount cap. Just because they request an amount does not mean the full amount will be granted. It is a good opportunity to see what the need is moving forward. The Town Administrator asked about application submission parameters. The Board will consider this, speak to legal and decide next week.

Cindy Hart approached the Board to say that this is a statutory fund and any funds not used will be rolled over and should not have time parameters placed on it. The Town Administrator said yes funds roll over and the fund doesn't close. The Board is considering a time line for record keeping purposes to know what is used and/or available per fiscal year. Mrs. Hart suggested a review process without a time line parameter. The Board will consider and report back next week.

C. Property Maintenance Survey

The Town Administrator reported to the Board the results from the property maintenance survey. Results were:

Q1: Do you support the formation of an ad hoc committee to explore the need to update the current Acton zoning ordinance relative to property maintenance? **114 Yes; 150 No**

Q2: Do you feel that properties which are cluttered with trash, garbage, and junk (including appliances, discarded furniture, scrap metal, lumber, etc.), devalue other nearby properties? **155 Yes; 110 No**

Q3: Would you be in favor of an ordinance that requires property owners to remove or clean up trash, garbage, clutter, appliances, discarded furniture, scrap metal, lumber, etc.? **125 Yes; 138 No**

Q4: If you agree that a committee should be formed, are you willing to serve? **30 responded Yes.**

Q5: Do you feel the subject of property maintenance in the Town of Acton should be left alone? **146 Yes; 117 No**

The Board indicated that the Town has spoken and the numbers indicate the Town folk are happy with the way things are and they will no longer pursue. It will be removed from the agenda.

D. Personnel Policy

The Town Administrator reviewed the request to add the HSA piece into the policy. PTO and Flex time recommendation was discussed. The Board would like to know how much it will cost the Town to put recommendation in place. The Treasurer would need to run reports regarding salary and the hours worked for each part time employee and review totals.

Dave Winchell approached the Board to indicate that he did not believe this was a good idea. He believed more money was better than giving a few hours/days off here and there.

Selectmen Miller suggested the only change to the policy she would like to see is a statement indicating a cap on vacation time paid when a person leaves their position. The Town Administrator said after discussing labor laws with the Treasurer, this may be a legal issue and she will look into what can and can't be done and report back next week before a decision is made.

E. Generator / Truck Specs

The Town Administrator is still working on putting the specs together for both items, requested it to be tabled until next week.

F. Wilson Shores

There are 19 owners that all believe they have 1/19 ownership in Lot 18 which the Town calls common lot. The question the Board asked the Town Administrator to get an answer to is, "Why is property 18 listed in the Machado name if Mrs. Machado is not the owner or does she actually own any piece of that lot? To answer this, the Town Administrator spoke to the attorney and the assessing firm. Findings are: The Town does not believe Mrs. Machado owns any portion of lot 18. She has given up all 19 (1/19th) portions. Also discovered, was the fact that, it is common law/practice that when the original subdivision is done and the subdivision comes from that original person, that original person's last name is left on the property. However for clarification, this name has now been changed to Wilson Lake Common Lot so this will not happen again. Mrs. Roux stated that it was important for the Board to know that there are a few other common lots in the Town listed the same way.

Referring to this subdivision plan, Mrs. Machado doesn't own it, there is nothing assessed to her and that's why it had a zero value. The Town is not losing out on anything. As far as the rest of the matter, in regards to her ability to give people rights to travel over it, Mrs. Roux will go back to her original statements that this is in fact a civil matter and the subdivision's residents will need to take it up with that individual separately or with private attorney's.

In the opinion of the Town's attorney, nothing changed from the Town as far as the assessing piece and there are no changes with the subdivision so this issue has nothing to do with the Town of Acton.

Bruce Ellis approached the Board to comment that he got a hold of the Assessor and he has adjusted his taxes to reflect their easement.

The Town Administrator again reiterated that if the 19 people do not believe that the attorney or property owner had the right to give you that easement, then that goes back to a private matter. If the Assessor adjusted it because he saw that and he felt like you had the right to travel over it, then you know that is his choice as an Assessor. However, it does not change the fact of the ownership and it does not change the fact that you might have received rights that may not have been Machado's right to give away.

Mr. Ellis continue to address the Board to state that the Assessor said that the 19 people did not own the property, they only had the right to use the property. The Assessor indicated that he looked at the original documents, spoke with DEP regarding original documents and those 19 people only have the right to use that property and Mildred owns it. As it is written up, these documents indicate that there is nothing that says that these people own it but that they only have the right to recreational use. The Town Administrator responded that these were all great points and can be used if it is pursued civilly, but this conflict has nothing to do with the Town of Acton.

5. NEW BUSINESS:

A. Canal Bridge

Mr. Chris Fournier of HEB Engineers was hired by Wakefield, NH this summer to take a look at all of their municipal bridges. Kelly Collins, Wakefield Town Administrator was also present. Goal was to assess all 7 bridges and develop a future capital improvement plan. One of the 7 bridges is the Canal Bridge and to this firms understanding, ½ of the bridge is located in Acton and ½ in Wakefield and they have some deeds to support that.

The Town Administrator asked how this determination was made and were they certified to make that decision. Mr. Fournier indicated that his firm had surveyors on staff and they made a cursory review of deeds and documentation. Furthermore, they also contacted the DEP whom indicated that their interpretation was this bridge shared both waters and locations with Acton and Wakefield.

Selectmen Miller responded that the Town of Acton had a Road Committee member whom actively read the bridge reports and reported to the State that there was an error and the Town of Acton did not own it. This member also indicated that when the historical piece was done, it is Wakefield that is mentioned as the sole owner.

The Town Administrator indicated that it is not that the Board didn't want to hear what Mr. Fournier has to say, but the first step to be done was to determine ownership and whether the Board needed to hear the rest or not.

Mrs. Collins approached the Board. She stated that she has not done a title search on the bridge and that they are not anywhere near close to that. She did talk with Selectmen Miller last year and did some cursory review. She indicated that they have a lot of bridge files. The Heritage Commission best of her knowledge indicates the canal is theirs to the Acton side, but there is differing opinions about bridge. Whether it is 50/50 or Acton only has the runoff. Either way, Wakefield cannot improve that bridge or fix the bridge if Acton does not fix the approach. The approach is not wide enough and the NH DEP can not approve the work without this approach fixed.

Selectmen Miller responded that the Town's Road Commissioner agreed that there will be money in the budget to do that when the time came.

Mrs. Collins continued on to say if the bridge is deemed 50/50 ownership, the NH DEP will still not approve work unless MEDOT approved Acton's portion. The bridge it is in imminent danger of being closed and the detour is nine miles. The Town Administrator asked if Wakefield Town would consider splitting a survey expense with Acton to get a once and for all final answer. Mrs. Collins responded that she is not prepared to commit to any expense. She thinks they should take a look at the historical documentation already available and is prepared to send it to the Town of Wakefields' attorney to do a cursory title search. She doesn't think a survey is necessary yet where they will have to do a full on survey before construction and that should only be done once; not ownership first then construction later.

Selectmen Walsh asked how are we going to do construction if we don't know who owns it? Mrs. Collins again responded that she felt they only needed to review deeds and documents they had available but the Acton was welcome to do what they needed to do to be comfortable with it, but she wanted to look at all the historical documentation first.

The Town Administrator agreed that with both legal teams researching this, they would hopefully come back with the same outcome and we can move forward from there.

Mrs. Collins said the bridge is going to eventually close and it is best to act on this problem sooner than later because it is going to be interstate and historic.

Mr. David Winchell approached the Board to discuss the information he knew about the bridge and to suggest a survey to give a definitive answer on ownership. The Town Administrator asked him to summarize (considering Acton owned a portion) about the approach pieces still needing to be addressed. Mr. Winchell stated that he needs to see the Engineer Plan and to know when all this is going to happen. He indicated that he would like to have 6 months in advance so that he can keep the money in the budget or if he has to ask for more, he can. But, he can't do anything with the approach until he sees what the need is because the elevations and everything will change.

Cindy Hart approached the Board to inform them that there was extensive work done on the deeds when the bridge went into the Historical Society. The Board will find that the Town of Acton does own the approach and she believes it was determined that it needed to be 26' wide. She commented that one thing that could be addressed right now if that from the Maine side we are putting a tremendous amount of water flow and that should be corrected no matter what as soon as possible. Mrs. Hart stated that Pam Wiggin is the one that Acton would want to check with because she worked with the Road Committee and did extensive work on all of these deeds and documents.

Mr. Fournier came back before the Board to state as far as the schedule is concerned, they came here in the early stages of their work. The NH funding will not be available until 2026. There is time to budget and sort out the ownership. How soon will the bridge close? The condition is not getting better, the bridge's condition rating is 4 out of 10 and has remained there for 15 years. Closure is possible but work to aid the bridge condition would be helpful. Items such as increasing the load and rehabilitating the site would be most helpful. He suggested the Town's look further into those deeds and available documents to determine ownerships and develop collaboration because this is a long term project. With that said, he was to just state they were there in person to introduce themselves and start the collaboration process.

The 2016 date is NH funding date. However money can be borrowed and work can be done before the 2026 date and then the DOT would refund at 80%; but we still need to deal with the interstate and historical pieces and that will take a few years to complete to keep it to historical standards.

Mr. Fournier asked to receive feedback or be kept informed on at least the financial planning/outlook on when this needs to happen if the event of bridge closure would happen. What would be available to leave it closed for a certain period of time until it could be replaced or would the Town seek something more immediate. Just an understanding of how that is really useful to the Town of Acton. Discussion ensued covering costs, closure, temporary replacement, traffic count, detour routes and loads. Should enforcement be stepped up, especially on posted weight limits?

The Board asked the Town Administrator to look into how much it will cost to survey the bridge.

B. General Assistance Public Hearing

A Public Hearing has been scheduled for next week, September 11th at 5 pm to go over yearly changes to the General Assistance as presented by the State.

C. ACO Position

After careful consideration, Mr. Ham has decided to step down from his position. There is no resignation to present tonight, but he asked us to start advertising for a replacement. This is a conversation the Board needs to think about having in more detail – the what and hows as well as can we tie it to another position. It is a position that for a \$450 monthly stipend one must be on call for 24 hours per day. It involves all hours of day and night and all types of animals domestic and farm. Mr. Ham has done very well, but it is a heavy burden for the amount of stipend and hours required.

D. Thursday Office hours

The Board has decided not to hold scheduled Thursday office hours. However, residents can also call or make an appointment and one of the members will be available.

E. Tax Bills

The Town Administrator announced that tax bills have been sent out. Mrs. Roux reminded everyone that the Town has to send the bill to the owner of record as of April 1st and if one has sold their property after April 1, it is their responsibility to get the tax bill to the new owner. If it is paid through a mortgage company, then it is your responsibility to get it to that company so that they can pay it on your behalf.

6. PUBLIC COMMENT:

Jeanne Achilles approached the Board to ask if the Board will pursue a mooring ordinance or is that a civil issue too? Who will enforce it? A plan would need to be put into place if an ordinance is created. Discussion ensued.

Mrs. Leslie Berlan approached the Board because she had an issue of the Executive Session called today as she only saw one of the requirements to call an Executive Session followed; she did not believe conditions were met. Duly noted.

7. ANNOUNCEMENTS:

Upcoming meetings will be posted on the website.

- 09/11/18 - Senator Collins Office Hours, Acton Town Hall, 10 am – 11 am
- 09/21/18 - Maine Health Care Flu Shorts, 10 am – 11 am
- 09/22/18 to 9/23/18 AppleFest
- 9/22/18 - Bean Supper at the Church, 4:30 – 6:30 pm
- 9/22/18 - Neighbors Helping Neighbors Fundraiser 7 pm

8. MEMBERS PRESENT:

Selectmen Ed Walsh, Selectmen Elise Miller, Selectmen Kimberly Stacey-Horn, and Town Administrator Jennifer Roux.

9. OTHERS PRESENT:

Jeanne Achilles, Leslie Berlan, Kelly Collins, Chris Fournier, Cindy Hart, Dennis Long, Paul Poyant, David Winchell, and other Residents from the Wilson Lake Subdivision.