

TOWN OF ACTON SELECT BOARD MEETING
May 17, 2023
6:00pm

BARN LIGHTS PUBLIC HEARING

1. CALL MEETING TO ORDER / PLEDGE OF ALLEGIANCE

Tom McGurty called the meeting to order at 6:00pm.

2. WARRANTS/BILLS - Signed

3. APPROVAL OF AGENDA

Selectmen Stacey-Horn made a motion to approve the agenda; seconded by Selectmen Winchell Jr. All in favor. Motion Carried.

4. MINUTES OF LAST MEETING

Selectmen Stacey-Horn made a motion to approve the minutes for May 3rd and May 10, 2023; seconded by Selectmen Winchell. All in favor. May 10, 2023

5. TOWN ADMINISTRATOR WEEKLY UPDATE - None

6. DEPARTMENT HEAD / COMMITTEE CHAIR UPDATES

A. Will Langley, District 1 Road Commissioner

Mr. Langley indicated he called another surveyor (LinePro) and will give them until next Wednesday to respond or go with the surveyor they already have. He is scheduled for June 8th to meet with that surveyor and sign the paperwork.

B. Jim Driscoll, Cemetery Committee

Mr. Driscoll approached the Board to give them some information on Ancient and abandoned burial grounds.

In the case of ancient or abandoned burial grounds, it is often the municipality where it is located that can give permission simply because the descendants of the families that established said cemeteries are no longer in the area, can not be identified or located. Under Title 30A Section 3104, these ancient burial grounds are considered abandoned cemeteries. A cemetery in which no burial has been made in the previous 40 years, which are all that are scheduled to be worked on.

There are a lot of grave sites which have not been maintained within the previous 10 years except the maintenance rendered by the municipality where each cemetery is located. The statutes provide that an abandoned cemetery may formally be acquired by the municipality and all the ones in Acton fall into this category. The municipality is also obligated by law to care for Veteran graves and flags must be placed on Veteran graves for Memorial Day. Under the same statute, municipalities may also care for non-Veteran graves from May 1st to September 30th to mow and trim brush and weeds.

The only funding this Cemetery Committee is asking for is to perform tree removal in the cemeteries

where Acton Veterans are laid to rest. All other graves are mowed, cleaned and cared for at no cost. Volunteers work as a committee all across town.

Under Title 13 Section 1101, the municipality may appoint a caretaker but in Acton's case, it is a Cemetery Committee who takes care of the Veteran and non-Veteran graves.

A person who owns land surrounding an ancient burial ground may refuse a municipality's designated caretaker access but if they are Veteran graves, this no longer applies. If a landowner refuses help, then the property owner is obligated to care for the Veterans graves and surrounding burial grounds and must allow the Cemetery Committee or the designated caretaker access to determine the Veteran's graves are being cared for properly.

The two cemeteries scheduled for tree work are next to Willy's Ale House and the cemetery on French Street are the ones the Cemetery committee is asking \$10,000 to do the tree work. There are three veterans buried in the cemetery near Willys and Rt109. They are: Charles Goodwin and Oliver Goodwin - Civil War Veterans and Daniel Hubbard - Revolutionary War Veteran. On French Street there is George Hansen - Civil War Veteran.

Buried in Sanborn Nation Cemetery is Ralph Remick. During the War of 1812, George Washington would travel by horseback from camp to camp with a group of rugged loyal horsemen who were loyal to George Washington. Ralph Remick was one of those men.

Mr. Driscoll commented it was easy to get confused under home rule, public money, private money, but when it came to Veterans cemeteries there is an exception.

The Select Board thanked Mr. Driscoll and his Committee for their time and effort.

C. Robin Ham, Transfer Station Superintendent

Mr. Ham informed the Select Board that someone backed into the fence in front of the demo container and knocked over two railroad ties. Mr. Ham indicated the problem needed to be addressed. When questioned, Mr. Ham stated there was a piece of plywood leaned up against it and must have pushed it when they hit the plywood. He did not know who did the damage. The Town Administrator reminded the Department Head that he should notify the Town as soon as any accident happens, regardless damage.

Discussion ensued regarding replacing the railroad ties with a cement wall and getting three quotes to do the work and whether it was currently a safety hazard. Mr. Ham also explained his temporary fix until something permanent can be budgeted for and done.

The Select Board agreed to allow for Mr. Ham to get estimates and if there was something that needed to be done sooner than budgeting for it, a special town meeting could be called.

Discussions turned to future plans for the Transfer Station. The Board agreed to look at the Transfer Station and plans by going up to the Transfer Station; the Town Administrator will post it; tentative time is Wednesday June 10th when Transfer Station opens.

7. LIAISON UPDATES

Tom indicated that the Warrant & Finance committee met twice and he attended both meetings.

David had no update.

Kimberly and the Rec Chair met via zoom with the Engineer to discuss the work to be done there.

8. OLD BUSINESS

A. Road Survey

Mr. Langley updated during his Department Chair report and is on hold for 1 more week.

B. Audit RFP - reviewed by the Select Board; deadline to bid will be June 7, 2023.

Selectmen Stacey-Horn made a motion to accept the Audit RFP; seconded by Selectmen Winchell. All in favor.

9. NEW BUSINESS -

A. School Administration - Unassigned Funds (Articles 41A and 43)

There are two warrants presented which are designed to restore the capital reserve for the school to \$100,000. Option 1 is to have the school committee fund that out of its undesignated reserves and the second option is for the Town of Acton to fund it from their undesignated reserves.

Judy Shain, School Committee Chair spoke to the Board regarding the school's undesignated reserves. The School Committee members determined they had returned over 3 million dollars and have given back. They only ask Acton to give back the \$75,000 out of returned funds. Their vote was unanimous.

Selectmen McGurty asked a few questions and spoke about reserves being there to cover budgetary and facilities risks.

1. There was a \$400,000 surplus in 2022; what is forecasted for 2023 (current year)?

The School's Finance Director explained they did not expect much of a surplus this year. Judy explained their budget process with enrollments and special education costs. And, the purpose to give back each year was for tax relief.

2. Selectmen asked if other reserves have been drawn on? Response was yes - facilities, and IT.

Selectmen Winchell indicated that it was fine to put this request forward but in the future a closer look at numbers would be warranted.

Selectmen McGurty encouraged in the future that the town be included in these discussions regarding excesses.

Mr. McGurty then turned it over for Public comment.

Mr. Ray Lopez approached the Board regarding the numbering of these warrant articles and the verbiage of undesignated versus unassigned funds. The Town Administrator explained where the numbers came from and will be consistent on verbiage using what the auditors use.

B. Warrant Recommendations

CEO was present to discuss the zoning articles

1. Article 5

Selectmen Stacey-Horn made a recommendation to accept Article 5 as written; seconded by Selectmen Winchell. All in favor.

2. Article 6 - Conditional Use Permits transparent to new owners buying the property.
Discussion ensued why it failed with W & F - proof of insurance

Selectmen Winchell made a recommendation to accept Article 6 as written; seconded by Selectmen Stacey-Horn. All in favor.

3. Article 7 - Solar - concerns removed; guideline on what is needed to be done.
W & F recommended not to pass as it was a conflict with good neighbor ordinance and enforcement issues.

Selectmen Winchell made a recommendation to accept Article 7 as written; seconded by Selectmen Stacey-Horn. All in favor.

4. Mineral Extractions - provide guidance for future operations; existing operations stay as permitted.
New permits - sureties are reviewed every ten years.

Warrant & Fiancé recommended not to pass due to section 3 - Existing Operations section cited codes and council confirmed there are no new conditions on existing operations. Most of these were written in a confusing manner. Modified since Public Hearing to recommendations - word changes only. Council opinion stands and should be part of the record.

Selectmen Winchell made a recommendation to accept Article 8 as written; seconded by Selectmen Stacey-Horn. All in favor.

5. Articles 9 and 10.

Selectmen Stacey-Horn made a recommendation to accept Articles 9 as written and 10; seconded by Selectmen Winchell. All in favor.

6. Article 11.
Warrant & Finance motion failed.

Selectmen Stacey-Horn made a recommendation to accept Article 11 as written; seconded by Selectmen Winchell. All in favor.

7. Articles 12 - 15

Selectmen Winchell made a recommendation to accept Articles 12 - 15 as written; seconded by Selectmen Stacey-Horn. All in favor.

8. Articles 16 - 24

Selectmen Stacey-Horn made a recommendation to accept Articles 16 - 24 as written; seconded by Selectmen Winchell. All in favor.

9. Article 25
Failed with Warrant & Finance due to expenses for electricity in storage building..

Selectmen Winchell made a recommendation to accept Article 25 as written; seconded by Selectmen Stacey-Horn. All in favor.

10. Article 26 - Reserve fund (extra year given)

Failed with Warrant & Finance due to timelines were not included; expectation was it would be done the same year.

Selectmen Stacey-Horn made a recommendation to accept Articles 26 as written; seconded by Selectmen Winchell. All in favor.

11. Article 27 - Transfer Station

Selectmen Stacey-Horn made a recommendation to accept Articles 27 as written; seconded by Selectmen Winchell. All in favor.

12. Article 28 - Transfer Station Site Assessment

Warrant & Finance failed because of a narrowly defined proposal from engineers and future plans.

Selectmen Winchell made a recommendation to accept Article 28 as written; seconded by Selectmen Stacey-Horn. All in favor.

13. Article 29 - Storage Containers; Articles 30 - 34

Warrant & Finance failed because there was no pad built into budget or mentioned to be a part of the installation. Selectmen Winchell stated they were not to be permanent.

Selectmen Winchell made a recommendation to accept Article 29, 30 - 34 as written; seconded by Selectmen Stacey-Horn. All in favor.

14. Articles 35 - 37

Article 37 failed because money was given to have the parking lot done and nothing was done.

Information was lacking from the committees. Questions were asked for from W & F in writing and some of this information now being asked for was not in the questions proposed.

Selectmen Stacey-Horn made a recommendation to accept Articles 35 - 37 as written; seconded by Selectmen Winchell. All in favor.

15. Articles 38 - 40

Selectmen Winchell made a recommendation to accept Article 38 - 40 as written; seconded by Selectmen Stacey-Horn. All in favor.

16. Articles 41 A and 41 B

Selectmen Winchell made a recommendation to remove Article 41 B; seconded by Selectmen Stacey-Horn. All in favor.

17. Article 41

Selectmen Stacey-Horn made a recommendation motion to accept Article 41 as written; seconded by Selectmen Winchell. All in favor.

18. Accept Warrant

Selectmen Stacey-Horn made a motion to accept the 23/24 warrant; seconded by Selectmen Winchell. All in favor

C. Request for Information

FOAA request from Mr. Ruma on septic design was read aloud and signed by the Selectmen.

D. Barn Lights Liquor License

Selectmen Winchell made a motion to sign Barn Lights, LLC Liquor License; seconded by Selectmen Stacey-Horn. All in favor.

E. Investment Manager

Selectmen McGurty spoke on what was done around this item. Two candidates were reviewed as Investment Managers - Fidelity and TD Bank.. T.D. Bank was the Selectmen's choice based on offering comparisons. Checking account stays with Partner's Bank.

Selectmen Stacey-Horn made a motion to go with TD Bank as our Investment Manager; seconded by Selectmen Winchell. All in favor

F. Propane Contract

After discussion the Board of Selectmen decided not to go out to bid, based on the recommendation of the Town Administrator. After discussion, the contracted rate was announced at \$1.74.

G. Pole Permit

Selectmen Stacey-Horn made a motion to accept the pole permit application at the intersection of H Road and Acton Ridge Road; seconded by Selectmen Winchell. All in favor

H. Paving Bid

Town Administrator to prepare and get bids ready to go.

I. List of Volunteers who helped at cleanup

Letter to be drafted and read aloud citing volunteer names.

10. PUBLIC COMMENT

Mr. Ray Lopez thanked Mr. Driscoll for cemetery information. Was informative and he would have changed his vote if he knew that information. The Town is all legal.

Mr. Lopez asked about the Propane amount and whether it falls under policy to go out to bid. Selectmen McGurty responded.

Mr. Lopez asked if a portion of the warrant article was going to be removed that was confusing to all who read it. Response was no. Council gave an opinion and the Board will stick with it. CEO clarified it is scheduling inspections.

Joyce spoke regarding the bid process.

Steve of East Shore Drive spoke to the Board about the speed limit on the road and the speed the cars take on the road. Police were invited to go down and monitor traffic but they have not done so; they recommended a speed bump. The Board decided it needed more enforcement and would contact the Sheriff

11. PENDING

12. ANNOUNCEMENTS

05/18/2023 Planning Board 6pm

05/22/2023 Capital Improvement 5pm

05/24/2023 Workshop 3 pm - Reevaluation

05/25/2023 Mary Grant 6pm

05/31/2023 Select Board 6pm

13. MEMBERS PRESENT

Selectmen Tom McGurty, Selectmen David Winchell and Town Administrator Jennifer Roux. Selectmen Kimberly Stacey-Horn was absent.

14. ATTENDANCE: Jim Driscoll, Joyce Bakshi, Dennis Long II, Robin Ham, Will Langley, Jason Sevigny, Judy Shain, School Finance Director Paula Lantagne, Ray Lopez, Deborah Lopez

Selectmen Stacey-Horn made a motion to adjourn; seconded by Selectmen Winchell. All in favor.