

**TOWN OF ACTON SELECT BOARD MEETING**

**June 28, 2023**

**6:00pm**

**MINUTES – APPROVED**

**1. CALL MEETING TO ORDER / PLEDGE OF ALLEGIANCE**

Select Board Member David Winchell, Jr. called the meeting to order.

**2. WARRANTS/BILLS - signed**

**3. APPROVAL OF AGENDA**

Select Board Member Edward Walsh made a motion to approve the agenda; seconded by Select Board Member Daniel Norwood. All in favor. Motion carried.

**4. MINUTES OF LAST MEETING**

Select Board Member Tom McGurty made a motion to approve the minutes from June 14 and June 21 as amended; seconded by Select Board Member Walsh. All in favor. Motion Carried.

**5. TOWN ADMINISTRATOR WEEKLY UPDATE**

The Town Administrator Jennifer Roux announced the assessments and proposed tax bill for FY23-24 have been sent out and appointments are still available if any town resident has questions or concerns. There are still questions regarding the proposed tax rate and unassigned fund balance: Taxpayers have made comments at the window regarding the Unassigned Fund Balance: what is it and how is it used, and what is the Boards plan with the Unassigned Fund Balance?

McGurty confirmed with the Town Administrator that the tax rate gets set in mid-August and suggested that after the Special Town Meeting a public hearing could be held to address the proposed tax rate and the Unassigned Fund Balance, with a goal to get input on how the Unassigned Fund Balance could be used.

The Town Administrator suggested allowing public comment via email for those unable to attend.

Three suggestions at the window were regarding lowering the tax rate, capital improvements around town, and investment opportunities.

**6. DEPARTMENT HEAD / COMMITTEE CHAIR UPDATES**

**CAPITAL IMPROVEMENT COMMITTEE**

Joyce Bakshi, Capital Improvement Committee Chair:

Today was the Owl's Luncheon which was hosted at the Campground and a common discussion at the luncheon was regarding capital improvements.

A letter was sent by the Capital Improvement Chair regarding the Capital Improvement Committee and the work completed; also advising of delays with the town Audit causing concerns with the committee members addressing potential future needs. In particular, the Fire Department will need new equipment in the next few years.

Bakshi addressed the potential of having the Capital Improvement Committee step aside and take a break for the next 6-9 months: Suggesting that Capital Improvement leads to a comprehensive plan, which the town does currently have in place. Current committee members can potentially assist with the development of an updated comprehensive plan.

McGurty thanked Bakshi and the Capital Improvement Committee for the hard work and dedication they have put in.

Adam Doliber, Road Commissioner Dist. Two:

Carroll has started paving Goding and County Road. Delays have occurred due to the weather. Doliber spoke with Jeff in Shapleigh regarding grading the roads, but he is behind on work currently: he will begin the work as soon as he is able.

## 7. LIAISON UPDATES

No updates.

## 8. OLD BUSINESS

### A. Special Town Meeting Recommendations

A draft Warrant has been provided to review, which includes Warrant & Finance Committee recommendations for Article 2, West Shore Drive, approved as written (6:0); and to appropriate the rec funds for Article 3 (5:1): pending Select Board recommendations to be added and signed tonight for July 12, Special Town Meeting.

**Select Member Walsh made a motion to approve draft Warrant as written for Article 2 and Article 3; seconded by Select Member Norwood. All in favor. Motion Carried.**

## 9. NEW BUSINESS

### A. Appointments

Two committees up for review tonight:

Planning Board Committee: 3 members terms have expired: they are 3-year appointment and are looking to be reappointed.

Cemetery Committee: All members' terms have expired: they are 1-year appointments, and all have indicated they are interested in being reappointed.

**Select Member Walsh made a motion to reappoint Cemetery Committee members Jim Driscoll, Suzanne Doyle, Tracey Levasseur, Gerald Carter, Steve Parello, and Kenneth Allen, through June 30, 2024; seconded by Select Board Norwood. All in favor. Motion Carried.**

**Select Member Norwood made a motion to reappoint Planning Board Committee members Patricia Pearson and Gavin Maloney; and Alternate Adam Brock, through June 30, 2026; seconded by Select Member McGurty. All in Favor. Motion carried.**

The Town Administrator suggested a motion to temporarily suspend the Capital Improvement Committee.

**Select Board Member McGurty made a motion to temporarily suspend the Capital Improvement Committee; seconded by Select Member Winchell, Jr. All in favor. Motion carried.**

McGurty addressed the annual audit and the Town Report and delays in publication: stating the annual audit was completed on May 14, however, the short report, which is published in the Town Report, was not available until May 23. The Town Report was sent to the publisher two days later to be printed. The annual audit was included in the Town Report.

The Town Administrator advised an email with a link was sent to the Select Board with State Statutes addressing requirements for the Town Report as well as a timeline to get the report printed in a timelier manner.

### B. Salary Increases

The Town Administrator confirmed part of the approved budget included salary increases for Town employees and stipend employees. The Fire Department was budgeted under a different classification.

Now that we are going into the next fiscal year is the board looking to support the Warrant (an overall 5%)? The Select Board confirmed agreement with the Warrant that was approved.

C. Article 43

The Town Administrator advised two applications: one for Lakeside Dr. and one for Langley Shore. The Road Committee met and made recommendations to approve \$3000 as requested.

Jay Ward, Road Committee Member

Regarding Lakeside Dr., all roads have been hit hard with recent weather and ditching and water runoff have been causing an issue with recent work that has been done. This should fortify and stop the erosion of the road. McGurty questioned proper use of funds and amount available. Confirmed by Winchell, Jr. The project estimate is \$3600. McGurty questioned who covers the difference? Ward advised the Road Association to cover the difference.

**Select Member Walsh made a motion to approve up to \$3000 for Lakeside Drive: seconded by Select Member Norwood. All in favor. Motion carried.**

Regarding Langley Shores, Winchell, Jr. reviewed a recent meeting and advised of concerns. There is road washout and funds will need to be applied towards raising the road; however there seems to be concerns of a civil matter including multiple property owners and a culvert. A Property owner has contacted the Town Hall; however, this may be a legal matter that needs to be addressed prior to town funds being appropriated.

Ward advised the culvert appears to be the root of the problem; the repair is based off the culvert malfunction. The work needs to be addressed to avoid runoff into the lake. Winchell, Jr. advised he has been in touch with the Code Officer, who has been in touch with the DEP, the landowners have contacted the Town Hall and Select Members regarding the issue, stating the road association owns where the culvert is located and the road.

Leslie Berlin advised the culvert was placed in the storm water ditch and Langley Shores has custody of it. Winchell, Jr. advised the road association does not own the road or right of way and legally you cannot claim another party's property. Winchell, Jr. does not suggest that the Town of Acton get involved in this matter due to the legality of the wording. Select Member McGurty questioned who put the culvert in? Confirmed the landowner placed the culvert.

McGurty advised the town cannot get involved in a private land issue: The Town cannot fund a project on property that is currently in dispute of ownership and has the potential to go through legal actions. The culvert doesn't appear to be the cause of the problem that is being sited.

Berlin advised the road needs to be raised. The DEP made a recommendation to the association to raise the road 6-8 inches and the culvert should be removed. Winchell, Jr. indicated that he spoke with the Code Officer who spoke with the DEP and they did not make the same recommendations. The recommendation was to narrow the access, so it doesn't look like a driveway, and it is okay as it is outside of 100 feet of shoreland.

Winchell, Jr. readvised this is not something the town should be involved in. McGurty confirmed this should be handled between the property owners.

McGurty suggested that this be readdressed with the Association, in an attempt, to find a solution outside of the Town stepping in.

Ward advised that the committee has made a request for the Select Board to reconsider the use of money and amount of funds available. The Town Administrator advised the Towns Attorney wrote Article 43 advising of the Town requirements for which roads are eligible to receive these funds through the Road Association.

Berlin listed five roads that are eligible and receive funds. Winchell, Jr. confirmed roads been denied due to Article 43.

McGurty questioned if the Article has met the needs of the Town since it has been established.

Cindy Hart addressed that over time, Selectman have added restrictions to Article 43: commenting that private roads are not DIY (do it yourself). Suggesting that we need to do better.

**Select Member Walsh made a motion to deny the \$3000 for Langley Shores Drive: seconded by Select Member Norwood. All in favor. Motion carried.**

D. 22-23 Fiscal year - Wednesday, July 5

The Town Administrator advised fiscal year comes to an end on June 30, 2023. Due to the date of the start of the new Fiscal Year, the Town Offices will need a delayed opening of noon on Wednesday, July 5<sup>th</sup>.

The Select Members agree to delayed opening.

E. July 12th Board of Selectman's Meeting

Due to the public meeting, there will not be a regular Board of Select Members Meeting.

F. Executive Session Personnel 405 6 A.1.

Break for Executive Session:

**Select Board Member Walsh made a motion to come out of Executive Session 405 6 A.1. at 745pm.; seconded by Select Member Norwood. All in favor. Motion carried.**

G. Rec. Director Job Description

Winchell, Jr. advised of a change in job description to the Rec Directors job and duties. McGurty advised the Rec Director was hired about a year ago and the rec committee was established. Now, after a year, the Select Board has been able to see the Rec Committee functioning and has decided to make some changes. The Rec Committee will have a Chair elected by the Committee itself. This will create new opportunities for the Committee. The Rec Director will be a voting member and we are looking at creating a six-member committee.

**Select Member McGurty made a motion to revise the position description for the Rec Director as defined in current document; seconded by Select Member Norwood. All in favor. Motion carried.**

The Town Administrator will update the reviewed draft with changes to be signed at the next meeting.

H. Sign Special Town Meeting Warrant

**Select Member McGurty made a declaration for article 1, 2, 3 for the special town meeting on July 12, 2023, at 6pm at the town hall. Signed.**

## **10. PUBLIC COMMENT**

No public comment.

## **11. PENDING**

## **12. ANNOUNCEMENTS**

July 5, 2023	Select Board Meeting
July 6, 2023	Planning Board Meeting 7:00pm
July 10, 2023	Cemetery Committee Meeting 6:00pm
July 11, 2023	Recreation Committee Meeting 5:00pm
July 12, 2023	Special Town Meeting 6:00pm
July 12, 2023	Public Hearing to follow Special Town Meeting
July 15, 2023	Mary Grant Picnic 11am - 1pm
July 19, 2023	Boston Cane Ceremony 4:30pm
July 19, 2023	Select Board Meeting 6:00pm

July 20, 2023 Planning Board Meeting 7:00pm  
July 26, 2023 Select Board Meeting 6:00pm  
July 27, 2023 Road Committee Meeting 6:30pm

**13. MEMBERS PRESENT** – Select Board Members David Winchell, Jr., Tom McGurty, Edward Walsh, Daniel Norwood, and Town Administrator Jennifer Roux

**14. ATTENDANCE** – Adam Doliber, Will Langley, Robin Ham, Joe Ruma, Dennis Long, Joyce Bakshi, Leslie Berlin, Jay Ward, Cindy Hart

**Select Member Norwood made a motion to adjourn; seconded by Select Member Walsh. All in favor. Motion carried.**