

**TOWN OF ACTON SELECT BOARD MEETING**

**January 31, 2024**

**6:00pm**

**MINUTES**

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

**Winchell, Jr. called the meeting to order.**

**2. WARRANTS/BILLS**

**Signed.**

**3. APPROVAL OF AGENDA**

**Norwood made a motion to approve the agenda; seconded by Walsh. All in favor. Motion carried.**

**4. MINUTES OF LAST MEETING**

Norwood made amendments to the minutes from January 25, under section 5, to include the following: decision made to hold Annual Town Meeting at 9am. Under section 7, to included: Mary Grant has one new member that has been sworn in and one person with an interest in becoming a new member.

**Norwood made a motion to approve the minutes as amended for January 25; seconded by Walsh. All in favor. Motion carried.**

**5. TOWN ADMINISTRATOR WEEKLY UPDATE**

The bids were open for the demo of the old gym building last week. After speaking with the chair, due to the low and high bids, he wants to confirm with the Board that there are no questions for the low bidders. The Board did not have any questions. Winchell, Jr. will reach out to address questions with the low bidder.

The Road Assessment draft has been completed. Sebago Tech has offered to come to review assessment in front of the Board. Binders have been provided for review. Roux will set up the meeting.

The EMA Director will be available to attend next week's Select Board Meeting as previously discussed.

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

**A. Code Enforcement Officer**

Jason Sevigny, CEO:

Over at Moose Pond there is a gravel mineral extraction company that has applied for blasting at the State level. The company has sent a letter to abutters and neighboring properties regarding the pre-blast inspection. Residents have reached out with concerns regarding the pre-blast inspection. Sevigny reviewed the Ordinance and spoke with legal counsel and did not find anything in the Ordinance prohibiting blasting for mineral extraction. There are also no special permits needed.

Sevigny spoke with the owner of the pit: the owner will notify the Town prior to blasting and will also be using a professional entity, that is state certified, to complete the blasting. The owner has dug down 35-feet and has not hit water and the owner is required to stay five-feet above the water table.

McGurty questioned if the abutters' concerns were with water. Sevigny confirmed concerns with water quality and blasting. Winchell, Jr. continued that protocol is to go to homes within a certain radius and test water and inspect foundations to confirm no issues after blasting is completed. Sevigny reached out to some neighboring towns to see what procedures may be in place regarding blasting. Smaller towns, similar in size, didn't have specifications. McGurty addressed additional questions regarding water flow rate and contamination. If it is found that the blasting caused changes in well water and foundation, what is the recourse? Sevigny advised it may be a civil matter between the property owner and the blasting company. McGurty suggested encouraging residents to complete pre-testing of water and allowing inspection of foundations to offer proper documentation should issues arise after the blasting is completed.

Sevigny also added the only reference found in the town's ordinance regarding blasting was in the good neighbor's policy regarding noise control: blasting is exempt.

Will Langley, Road Commissioner:

Langley announced he received a call from York County Soil and Water regarding upcoming grants available to the town and advised the town is eligible for funding up to \$100,000 for infrastructure, buildings, etc. The money may be applied to approximately 175 different types of projects. Per Langley, Shapleigh will be participating in the program. Roux indicated she spoke with Winchell, Jr. regarding this and forwarded the email to the Select Board to review. The agreement requested to be signed appears to be used only to express an interest, not to commit. Norwood clarified what types of projects this could be used for. Roux will print out the correspondence for additional review and discussion.

Langley advised with the warmer weather; he will be out tomorrow patching holes in the roads.

## **7. LIAISON UPDATES**

McGurty: Municipal Management / Warrant & Finance, APAT, Cemetery

Municipal Management – there has been a strong focus on putting the budget together, which will be further discussed tonight.

Cemetery – McGurty spoke with Parello regarding his plans for the Cemetery Committee.

McGurty advised he had a chance to speak with a representative from Maine Pers regarding retirement plans. There may be an opportunity to adjust retirement plans which will be further researched.

Previously, McGurty announced that discussions are ongoing with potential replacements for Mark Roy as well as discussion for a new position for a Director of Finance. Roux will provide a job description at the next Select Board meeting. The company that initially expressed interest is no longer interested in pursuing work with the town.

Walsh: Fire Department, Transfer Station, Lincoln School

Walsh is working with a group for the contracting of trash/waste services for the town. There will be a site visit this week to Eco Maine.

We are still pending numbers for the Lincoln School with regards to budgeting.

Norwood: School Department, Conservation / Forest, Mary Grant

Norwood has been in contact with the Conservation and Forest Committee Chair regarding agenda items for the upcoming meeting.

Winchell: Roads & Road Committee, Recreation Committee

n/a

## 8. OLD BUSINESS

### A. Flood Plain Ordinance

Last week Sevigny presented the Flood Plain Ordinance, and the Board has had a chance to review. If the Board has no questions, this will move to the Select Board for final approval.

Sevigny reviewed the highlights and changes made to the Ordinance. Legal has reviewed the document. The State had no concerns about the changes.

Roux advised this will go on the April 6 Warrant and public hearings will need to be scheduled. Norwood questioned the fee. Sevigny advised the town current charges \$100 for flood plain permits. Sevigny continued, this must be adopted by June or July 17, 2024, or the following day, residents will lose their insurance. Norwood agrees with the suggested changes. Winchell, Jr. agreed this needs to be put forward. Roux will provide a timeline to work towards the adoption of the Flood Plain Ordinance.

### B. Sprinkler System / Fire Station

Wayne Ham, Fire Chief:

Roux provided copies of the two bids from last week.

Ham announced that during the quarterly inspection of the fire protection sprinkler system in the fire house, the pump failed and stopped working. The pump was installed when the fire station was built in 1998. It has been tested quarterly since the initial installation. Ham received quotes to repair the system, however it was difficult to find a company to repair the system. Ham reached out to James Kittredge, and he had no interest in the work as it was out of his scope of work. Streeter and Sons indicated they will not work with it as it is part of the fire protection system. Ham called Atlantic Water Solutions and left a message but has not received a call back. The Sprinkler Company quote does not include electrical work and came in at \$9,800. Hagarty Plumbing and Heating works with Sanford and Shapleigh. Their quote was \$5,840 (to include electrical). They can start at the end of next week, earlier the following week. The other company is scheduling 10-12 weeks out. Ham recommends Hagarty Plumbing and Heating at \$5,840. Winchell, Jr. confirmed he wanted Ham to attempt to get three quotes. Ham advised he attempted but was told no.

**Walsh made a motion to hire Hagarty Plumbing and Heating at \$5,840; seconded by Norwood. All in favor. Motion carried. Signed.**

### C. Sebago Technics Transfer Station Updated Concept Plan

Roux provided an update from Sebago Technics of the latest draft of the Transfer Station concept plan for the Board to review. This will be on next week's agenda for discussion.

## 9. NEW BUSINESS

### A. Mass Gathering Permit

Roux stated Mr. and Mrs. Flahan will be holding an event at the Fairgrounds in May. Town fees have been paid, liability insurance has been provided, and liquor will be handled by an outside source that is licensed through the state.

The couple stated they had an opportunity to play at the Acton Fair this past summer and would like to host an event on Memorial Day Weekend, May 24. They have hosted smaller venues previously and this will be the first hosted through a town requiring a permit. The event will have the couples' band, which is an 80s tribute band, and a Kiss tribute band. Security will be hired for the event. They plan to use one gate for entrance and exit. A Business in Sanford has been hired to provide liquor for the event.

Winchell, Jr. questioned how many bands will be hosted. Flahan advised 2 or 3. Norwood questioned the time frame for the event. Flahan indicated the gate would open at 6pm, with the first band going on stage at 7pm, and the event coming to an end by 11pm. McGurty questioned the noise ordinance. Roux asked Seigny to confirm. The Flahan's will review the town's noise ordinance. Norwood also asked about expected capacity and traffic concerns. Flahan anticipates approximately 200 people.

**McGurty made a motion to approve the mass gathering permit for Tommy Flahan for May 24, 2024, at the Acton Fair Grounds; seconded by Norwood. All in favor. Motion carried.**

### B. School Committee Request

Judy Shain: The Acton School Committee would like to request a Special Town Meeting to transfer funds for much needed projects for the school. The Undesignated Fund has excess funds, per the recent audit, and the School Committee would like to use these funds for specific projects. The school has given nearly \$1 million back to the town to assist with tax relief and will plan to continue to assist.

Jon Ross, Superintendent/Principal, confirmed that he has been waiting for the Audit to be completed prior to coming before the Select Board. McGurty requested a list of projects from Ross. Ross advised that per the five-year plan from a long-range planning committee, as items/projects are completed, they are removed from the list. There is a project amount and a date the school would like to have the project added to the local budget. The current list includes: kitchen dishwasher, two convection ovens, kitchen floor replacements, sidewalks, middle school roof maintenance, security doors in the 57 wing (this is the only location left in the building with wooden doors), security upgrades (to include keyless entry, moving the buzz-in entry to the outside set of doors, so there are two sets of security doors to get through), A.E.D.'s, Teacher to include the salary and benefits for first grade, capital projects reserve account (to re-establish reserve account), and fuel reserve account.

Winchell, Jr. questioned the fuel reserve account. Ross deferred to Paula Lantagne to address the fuel reserve account. Lantagne confirmed it was used last year and needs to be replenished. Norwood questioned if the movement of the security buzz-in system needs to be completed this year, as there is already a current system on the second set of doors. Ross advised per the ALICE training and programming completed already, he would like this done as soon as possible to assist with the extra level of security. Norwood continued, asking about prioritizing these items, and if any could be held off until the following year. Ross advised that prior to attending the Select Board meeting, Ross reviewed the list with the School Committee and has removed items already that could wait.

McGurty addressed the status of the school Budget, as budgets are being finalized, the town is trying to forecast the implications on the tax rate with the updated budget as well as complete Warrants without seeing the schools finalized budget. McGurty questioned what projects Ross would like approved prior to April. Ross

asked Any Brazier to come forward. Brazier advised that the school has been working on this list for a while. Brazier has been meeting with contractors, who are already booking for the summer months. These projects need to be completed in the summer months to avoid conflicts with learning and students in the building. McGurty asked if these projects were all in the capital budget for this year. Brazier indicated they are in the L.R.P and they are projected out or staggered per Ross. McGurty questioned life safety issues. Shain indicated possible safety issues would be the doors and A.E.D.s. Shain continued that the school has this money now and wants to use it now instead of asking for money to be applied in future budgeting.

Norwood advised throughout the discussion of combining the Town and School Budget meeting, attendance was a big factor: attempting to get more people involved in all aspects of decision making for the town.

Shain indicated that using this money doesn't impact the tax rate. Winchell, Jr. indicated that this does impact the tax rate, as the surplus money doesn't come back to the town to assist with offsetting the tax rate. Winchell, Jr.'s concern is with amount of the request: \$465,000. McGurty addressed past school surplus funds and funding these high priority items through prior years funds. Ross advised per state law the school is only able to have a certain amount in its reserve funds account.

Additional discussion continued.

Public Comment:

Bernard Broder: addressed focusing on the items surrounding life safety issues and the cost of hosting a Special Town Meeting. Roux indicated the cost is minimal.

Joyce Bakshi: confirmed status of the roof. Ross indicated the roof maintenance is for a section not completed. Warrant and Finance would like to know what is coming back to the town, as it will affect the town's tax rate.

Dennis Long: addressed ages and conditions of projects listed. Winchell, Jr. and McGurty agreed to these items needing attention, however, does it all need to happen prior to April 6.

Shain clarified the purpose of the town meeting, in which the articles request funds be raised and appropriated; questioning how this would be addressed at the Annual Town Meeting.

Roux advised the Warrant Article will be written differently: instead of "raise and appropriate," the wording would indicate "expend "x" amount of the fund balance to move to an account for spending."

Winchell, Jr. added the timing is just not ideal for the request.

Amanda Cobb: advised that moving funds at an upcoming budget year meeting that were already assigned to a prior year's budget doesn't make sense. The funds have already been assigned to the school in a prior budget discussion, why do the funds need to be addressed at the Annual Town Meeting to be moved. McGurty addressed how the articles and warrants apply and work. Cobb continued, questioning why these two meetings would need to be combined instead of keeping them separate. Norwood addressed reasons for not holding a Special Town Meeting and including this Warrant in the Annual Town Meeting and focusing on discussion for assigning the money back to the town to offset taxes or keeping it at the school to apply towards the proposed projects.

Shain re-addressed coming in front of the Select Board to make a request for a Special Town Meeting to use funds that were assigned to the school. Norwood responded, indicating the town voted to approve funds for specific budget line items and those budget line items were not used as allotted, the town now should have the opportunity to decide where those funds now get applied and/or moved.

Charlie Hydek: In prior years, has the school transferred undesignated funds into the active proposed budget to balance the budget. Shain and McGurty confirmed each year this occurs. Hydek continued, questioning what is in the school's five-year plan and can these projects stay in the five-year plan, if they are already on the list, and be addressed per the five-year plan.

Discussion occurred regarding dates for the proposed Special Town Meeting or waiting and including this in the Annual Town Meeting. Norwood addressed concerns of getting enough town involvement in this Special Town Meeting to expedite holding the additional meeting just prior to the Annual Town Meeting.

**Walsh made a motion to approve the Special Town Meeting; Norwood seconded. Two in favor, two opposed. Motion fails.**

C. Town Hall Stream Contract

**Norwood made a motion to accept the Town Hall Stream Contract; seconded by Winchell, Jr. All in favor. Motion carried.**

**Signed.**

D. Pole Permit Request

**Walsh made a motion to accept the Pole Permit Request for Orchard Road, Pole #23; seconded by McGurty. All in favor. Motion carried.**

**Signed.**

E. Budget Deliberations Presentation

McGurty presented some schedules to share with the town, expressing a focus on Town Reserves per the previously discussed school Special Town Meeting request.

McGurty reviewed the proposed budget worksheet: to include the differences and percentage increases. Asking what cuts can be made to bring the tax rate down. The current proposal has a 7 percent tax rate increase.

McGurty reviewed proposed increases and suggested decreases with the Select Board.

Winchell, Jr. reviewed the road budget and suggested some changes. Langley agreed to the suggested changes.

Discussion occurred regarding purchasing vehicles for the town: three potential purchases (command vehicle for the Fire Chief, municipal vehicle for the town office, and a vehicle for Animal Control).

Additional discussion occurred regarding suggested changes for further review.

## **10. PUBLIC COMMENT**

Ray Lopez questioned why the service with Mark Roy was terminated. McGurty confirmed that due to health concerns Mark Roy is stepping down. The firm has decided to disband the services with municipalities.

## **11. PENDING**

- A. Bid Selection – Old Fire Station Demo
- B. Rec Cancellation Policy

- C. Sealed Bid – Old Fire Station Items
- D. Mooring Ordinance
- E. Meeting Hall / Kitchen Upgrade

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

**12. ANNOUNCEMENTS**

On Website

**13. MEMBERS PRESENT: David Winchell, Jr., Tom McGurty, Ed Walsh, Daniel Norwood, Jennifer Roux**

**14. ATTENDANCE: Jason Sevigny, Wayne Ham, Mr. and Mrs. Flahan, Jon Ross, Judy Shain, Dennis Long, Leslie Berlin, Joyce Bakshi, Phil Caruso, Ray Lopez, Deb Lopez, Joe Ruma, Jon Denekamp, Paula Lantagne, Jeanette Bearse, Andy Brazier, Bernard Broder, Will Langley, Robin Ham, CJ Gardiner, Amanda Cobb**