

# TOWN OF ACTON SELECT BOARD MEETING

March 6, 2024

6:00pm

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

Winchell, Jr. called the meeting to order.

## 2. PUBLIC HEARING - Flood Plain / Mooring Ordinance

Flood Plain Ordinance: The State of Maine sent this to the town: for the residents in town to receive flood insurance, the town needs to adopt this ordinance. If not adopted, anyone in the flood zone will lose their flood insurance. There are 83 properties in the flood zone, per Sevigny. Sevigny continued, the ordinance from the state, breaks everything down, and outlines what needs to be done if you build within the flood zone.

Nancy Ruma: addressed questions regarding article 1 (purpose and establishment), the dates of the maps. Sevigny believes the maps are post-dated as the state has been working on this ordinance for a while. Roux will confirm with the state.

No other questions or comments.

Mooring Ordinance: Roux advised there are two sets of the Mooring Ordinance – draft one, which has been posted on the website and has been advertised previously, and draft two, which is new tonight. The Select Board will review draft two, which includes input from the public and from the town’s legal team, who have also looked at the ordinance and made recommendations.

Two public comments came in via email, which Roux forwarded to the Select Board for review.

Nancy Ruma: Article 10: phrasing errors – corrected to eliminate Zoning Board of Appeals.

Jay Ward: Article 7.1: 7.1.7 creates a conflict of terms; one indicates owner permission, and one indicates no permission needed. Discussion occurred. Roux suggested removing anchoring from 7.1 would eliminate the conflict in 7.1.7. Norwood agreed with the confusion of phrasing. Ward would like to see the changes. McGurty indicated if we amend the Ordinance tonight, it will not be viewed and voted on until Town Meeting. Roux advised that ordinances are not changed at town meetings, the moderator will not allow changes: this hearing is to allow for public input and changes. Winchell, Jr. continued, stating if we make changes, we should have legal counsel review the Ordinance again. Roux added, Warrant and Finance may have to be bumped a week due to additional time to review changes.

Ward also indicated that a fiscal note should be included in this as well. How much will this cost the town: designating a Harbor Master; having a boat in the water. McGurty advised the Code Officer will be appointed as the Harbor Master. There will be no additional cost in terms of compensation for this position. The town owns a boat. Winchell, Jr. continued that we do not address these questions with other zoning changes, and questioned why we are questioning this for mooring. Norwood questioned if there were other fiscal concerns, aside from the use of time of the CEO to address mooring concerns.

Joyce Bakshi: Warrant and Finance will be meeting on Monday for recommendations for any changes. Bakshi continued, anchoring to fish is okay, but mooring parties need permission to do so. Bakshi is in favor of the mooring.

Brian Bisson: There is a cost associated with this ordinance: opportunity cost, which takes an employee away from one task to address another task. Also, most deeds address restrictions limiting where moorings can be placed and from going over property lines. Bisson continued, inspecting moorings is not easy and property owners should be able to address moorings themselves: restrictions should not be put in place by the town, specifically stating the town has no right to address the waterfront. Bisson is opposed to the mooring.

Lee Robator: Robator spoke with Ted Thurston at Parks and Recreation to gather some information: Thurston asked if the town had a mooring ordinance. He suggested the town adopt a mooring ordinance and discussed the advantages and time requirements with Robator. Robator is in support of the ordinance.

Keith Harter: Harter addressed questions about implementing the ordinance. Residents who have deeded access to waterfront, what will happen with overlapping water frontage and intersecting moorings, potential litigation. How will the CEO respond? McGurty advised there is a provision in the mooring ordinance, indicating the town would not get involved in litigation matters between property owners. McGurty continued, stating the ordinance should assist with any potential future issues. Norwood reviewed the recent updates in ordinance, section 7.1.6, which address this type of issue regarding an easement and/or commonly used land.

Adele Scritchfield: Addressed concerns with recent changes to the ordinance, specifically section 7.1.6 regarding shared right of ways. McGurty clarified the changes. Scritchfield continued that if 10 residents share a right of way to access the lake, each family can place a mooring. Winchell, Jr. shared a similar experience with Peacock Road and suggested the owner of the right of way should be giving permission for placing moorings. Scritchfield advised this ordinance encourages property owners to place moorings. McGurty advised that the ordinance places guidelines for moorings, which property owners can already place. Scritchfield advised there are no regulations. Norwood further discussed the reasoning for the Mooring Ordinance.

Sevigny clarified the language of the ordinance.

Karen Gallantly: Questioned why section 7.1.4 was removed from the ordinance regarding the 50-foot limit. McGurty advised there are properties will less than 50-foot frontage and the wording meant these properties could not have a mooring. If this does not interfere with a neighbors' mooring, a new mooring would be permissible.

Lee Robator: Addressed the removal of the language of 50-ft, as that is a safety measure. McGurty responded, a lawfully placed mooring from one property can not interfere with a lawfully placed mooring on an adjacent property.

Mary Ann Robator: Commented on the definition of an easement and/or right of way and indicated it makes sense to leave in the verbiage regarding the 50-foot placement of moorings.

Paul Poyant: addressed questions with placement of moorings in shared space and phrasing/terminology in other sections of the mooring ordinance.

McGurty addressed the issue of easements: 7.1.6: leave this section as written or remove: by show of hands. Seven residents wanted to leave this section; four residents showed an interest in removing this section.

Winchell, Jr. suggested this may not be ready to put in front of the town. McGurty continued, further action will need to be taken reading potential adoption of this ordinance.

Winchell, Jr. questioned if changes can be made (can we amend or strike an item from the ordinance) at the Town Meeting. Roux indicated that Maine Moderators Rule recommends against making amendments or changes at Town Meeting.

Scritchfield indicated that she has communicated with neighbors on the lake, and they had no concerns about the initial draft. Now that changes have been made, Scritchfield indicated neighbors will have concerns.

Roux advised public hearings are held in advance to make changes and address questions: Town Meeting is for a final vote.

Mary Ann Robator addressed the 50-foot distance between moorings for safety.

Charlie Hydek: suggested adding phrasing that moorings are granted or restricted, unless otherwise indicated by deeds.

Terry Ball: is in favor of this ordinance and suggests being proactive by adding a mooring ordinance.

The Select Board continued discussion regarding striking out section 7.1.6. regarding the issue of easements and right of ways.

The Select Board addressed additional questions to Sevigny.

Ward suggested leaving the last sentence in 7.1.6.

The Select Board reviewed the suggested changes.

The public hearing was closed at 7:21pm

### **3. WARRANTS/BILLS**

**Signed.**

### **4. APPROVAL OF AGENDA**

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

### **5. MINUTES OF LAST MEETING**

**Tabled.**

### **6. TOWN ADMINISTRATOR WEEKLY UPDATE**

The Planning Board meeting tomorrow has been cancelled.

The Election recap:

124 Democratic primary votes were cast: 96 in favor of Biden.

359 Republican primary votes were cast: 264 in favor of Trump.

Nomination papers for the following seats are available in the Town Clerk's Office: and must be returned no later than 4pm on Friday, April 12<sup>th</sup>, with a minimum of 25 signatures, no more than 100:

- 2 Select Board Members
- 2 School Committee Members
- District 2 Road Commissioner

Roux would like the town to host a workshop on March 27<sup>th</sup> at 5pm. The Engineer will come to review the Road Assessment, the Rec field/parking lot and the Transfer Station. The Select Board agrees.

A Comcast representative would like to attend the Select Board meeting on March 27, to discuss placing lines in Acton.

**Sheriff's Report for February 2024:**

- Jan. 30 – 54-year-old individual from Acton arrested for unlawful possession of schedule drugs and habitual offender.
- Feb. 2 – Deputy Sanborn received a tip on the location of a stolen Dodge pick-up.
- Feb. 3 – Deputies reported to a home on Sanborn Road regarding shots fired in a drive-by shooting. The shooting is related to three drive-by shootings in Lebanon. The investigation is ongoing.
- Feb. 5 – Investigation of a disturbance: a 22-year-old from Sanford was charged with assault.
- Feb. 8 – Vehicle stopped for speeding on Ross Corner Road: the driver, of Shapleigh, was arrested for OUI.
- Feb. 11 – Deputies investigated a report of road rage on Newfield Road and Ross Corner Road: investigation is ongoing.
- Feb. 19 – Two search warrants were conducted in the Town of Sanford in relation to the drive-by shooting.
- Feb. 19 – car stopped for speeding over 30 mph on Shapleigh Corner Road: driver charged with criminal speeding.
- Feb. 21 – Response to a home on Hubbard's Cove Road in Acton: report of suicidal male with handgun.
- Feb. 25 – Individual in Shapleigh arrested for assault and domestic violence.
- Feb 25 – Deputy responded to home in Acton to a report of a 14-year-old girl assaulted by a sibling.

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

Will Langley:

Last Wednesday's windstorm brought trees down, which have been cleaned up. 109 was shut down due to the storm as well for some time. Langley went out on Sunday due to a report of a stolen stop sign and drove through Acton to check road status from the winter months. He started a list of things that need to be addressed this spring. Once roads are un-posted work will begin on the list.

**8. LIAISON UPDATES**

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

n/a

Walsh: Fire Department, Transfer Station, Lincoln School

n/a

Norwood: School Department, Conservation / Forest, Mary Grant

Norwood attended the School Budget Committee meeting and the Warrant and Finance Committee meeting discussing the school warrant articles.

Winchell: Roads & Road Committee, Recreation Committee

n/a

**9. OLD BUSINESS**

A. 24-25 Warrant - Article 50 & Signatures

Changes were reviewed to the Mooring Ordinance.

**McGurty made a motion to move the Mooring Ordinance forward, as revised; seconded by Norwood. All in favor. Motion carried. (4-0)**

Changes were reviewed to the Flood Plain Ordinance.

**Norwood made a recommendation to adopt Article 6, the Flood Plain Ordinance, as written; seconded by Walsh. All in favor. Motion carried. (4-0)**

**Norwood made a recommendation to adopt Article 7, the Mooring Ordinance, as revised; seconded by Walsh. All in favor. Motion carried. (4-0)**

**10. NEW BUSINESS**

A. Grayson's Legacy Request

Crystal Andrews: Andrews and Sam Singleton have been fundraising in town to donate to other organizations over the last three years: in May of 2023, they became an official non-profit organization, Greyson's Legacy. Andrews would like to address waiving the fee to use the Town Hall for events hosted by the organization, specifically the kid's yoga class.

Winchell, Jr. questioned the town hall rental fee. Roux advised \$50: \$100 deposit with a \$50 refund.

Andrews spoke with Elise Miller, at the library, to make sure not to duplicate classes or events in the town. The organization does not profit from the classes, and if a fee is needed, the organization will cover or pay for most of the fee. McGurty questioned if the organization will charge a fee if they incur expenses. Andrews advised no, that if there is a fee for the instruction the organization will cover that cost. Norwood continued, asking if there was an instance where the organization would not cover a fee or costs for an event. Andrews advised of an event with a fee that the organization is covering half the cost.

McGurty discussed policies and procedures. Andrews confirmed the organization has its own insurance policy.

The Select Board Members authorized a fee waiver for four weeks for the kid's yoga program. The yoga instructor is not being paid for the event.

B. Cleaning Bids

Three companies/parties have provided quotes:

- AAA Cleaning Services, \$300 weekly
- House a Home, LLC, \$180 weekly
- Jon Gareau, \$120 weekly

The town was previously paying \$120 weekly.

**Winchell, Jr. made a motion to accept the bid from Jon Gareau, for \$120 weekly; seconded by McGurty. All in favor. Motion carried.**

Ray Lopez: questioned if references would be a good have on file. Winchell, Jr. advised this is an independent contractor and this is weekly, if we decide not to continue working with this individual, it can be addressed as needed.

## **11. PUBLIC COMMENT**

Ray Lopez: questioned the towns say on the mooring issue, regarding Article 9: enforcement, violations, and penalties, indicating the town does have a role.

Nancy Ruma: regarding capital improvement and evaluation of the town's facilities – the town needs to start looking at the facilities and when we have a comfortable financial situation, that is the time to act to address the facilities. A discussion occurred with the Select Board.

## **12. PENDING**

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

## **13. ANNOUNCEMENTS**

On Website

## **14. MEMBERS PRESENT**

**15. ATTENDANCE: Mary Ann Robator, Lee Robator, Karen Gallantly, Terry Ball, William Ball, Brian Bisson, Nancy Ruma, Joyce Bakshi, Ray Lopez, Jason Sevigny, Paul Poyant, Richard Nass, Adele Scritchfield, Kathy McGurty, William Langlely, Keith Harter, Charlie Hydek,  
27 people**