

# TOWN OF ACTON SELECT BOARD MEETING

February 5, 2025

6:00pm

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

## 2. WARRANTS/BILLS

## 3. APPROVAL OF AGENDA

**Norwood made a motion to approve the agenda for February 5, 2025; Walsh seconded. All in favor. Motion carried.**

## 4. MINUTES OF LAST MEETING

**Norwood made a motion to approve the minutes for January 29, 2025; Denekamp seconded. All in favor. Motion carried.**

## 5. TOWN ADMINISTRATOR WEEKLY UPDATE

- Received an Article 43 application from Lakeside Drive Road Association. The application will be passed on to the Road Committee and Winchell so that a meeting to review can be scheduled.
- Discussed budget presentation scheduling:
  - February 12<sup>th</sup> – EMA Director with thoughts to invite the Fire Chief to discuss pieces that might be missing between the two of them.
  - February 12<sup>th</sup> - Animal Control Officer – has one item to discuss.
  - February 12<sup>th</sup> – Cemetery Committee; Denekamp needs to schedule W & F to review.
  - February 12<sup>th</sup> - APAT will need to call into the meeting depending on his schedule; liaison can join call.
  - February 19<sup>th</sup> – Rec Director and liaison are working on confirming a meeting with Warrant & Finance.
  - Social Services - The Select Board has received a large document to review and needs to decide what is moving forward and what is not so that the W & F Committee knows which to review. There is no liaison, the Select Board does this item together.
  - The Forester and Health Officer are small and are not going to be brought before the Select Board to discuss as the Select Board sets those salaries; Norwood, as liaison, can give an update on Forrester next week.

McGurty asked when the ambulance would be revisited. The Town Administrator indicated that after all the budgets are presented, the Warrant & Finance Committee will be invited in to review. All the special projects will be listed, and the overall budget increases will be laid out with them and without them. Then at that point, the Select Board can decide. Last year when reviewed the Select Board made cuts and recommendations. The Fire Chief will be asked to attend next week.

McGurty asked if the Fire Chief would have the grant information by then? The Town Administrator responded that all the information the Fire Chief had was forwarded to the Select Board. What was sent included what was awarded but no timelines or requirements. McGurty stated that was not what he was being looked for; what he was looking for was the guidelines that a potential organization that wants to apply would have to comply with. Again, payment dates, what is available, what kind of things are being funded or will not be funded. These are the things that need to be clarified before the Select Board decides and there is not a lot of time as the Fire Chief would like to see this on the April town meeting and the grant issue needs to be figured out before we do.

Norwood stated his concern was that there was no guarantee that the grant is going to go through and the Select Board will focus too much on trying to figure out the guidelines. The Fire Chief has a lot of experience with applying for grants and if the Select Board spends too much time on asking for those specifics it will cut down on time.

McGurty stated this can be discussed when the Fire Chief joins them, however he had not gotten any positive indication that the Fire Chief was interested or felt that the grant could be had and he wanted to confirm that before the Select Board went through with the warrant for the ambulance. Discussion continued.

McGurty asked the Town Administrator to call the agency and get a copy of the grant application for review.

- Warrants need to be written. Along with that, the Select Board needs to have a conversation about what is going to go be on the town meeting warrant versus what could go on a referendum. Information shared with the Chair were concerns that have come from the residents regarding some of the big ticket items and the need for them to be on a referendum in June (examples: ambulance, sheriff contract, snow plowing, combining of District 1 and 2, municipal car, Comcast agreement, etc.) These ticket items, by going on referendum allows for absentee balloting if people are away that day or feel there might be retaliation on how they voted; making sure their vote is heard.

McGurty asked if the Select Board needed to sign off on all of this on February 19<sup>th</sup>? The Town Administrator responded yes unless there is another Select Board meeting scheduled. Once all the departments are done presenting, the spreadsheet needs to be updated and then the Select Board can look at the bottom number. McGurty suggested another meeting which will allow the Board to come in on the 19<sup>th</sup> and leave pencil down with a budget to be reviewed by the Warrant & Finance Committee.

- There are no Planning Board zoning articles moving forward this year. However, there will be residents (property owners) coming before the Select Board in the next couple of weeks to request that the Select Board ask the voters to opt into Commercial Marijuana.

The first step in this process is knowing that the Town of Acton has not opted in; it's just not allowed. So, either the Select Board must agree to put a question on a referendum, or the petitioners can put a petition together forcing the Select Board to put it to a referendum.

Typically, the Select Board has interested parties go out and have papers signed to place it on ballot. After that, it needs to pass. After it passes, conversations will start regarding zoning and fees.

- York County/Springvale Fish and Game is holding an Ice Derby on February 8<sup>th</sup> with weigh-ins at Iron Tails this weekend. The Select Board does not need to take any action, but this is informational only in case people drive by and see a lot of activity.
- Read aloud the Sherriff's log for January citing Shapley and Acton incidents.  
Notables included:
  - Officer Sanborn's car was outside the area for 8 hours.
  - A 4-hour grant was funded for a speed detail on various roads in Acton and ten cars were stopped during that time.
  - A crash happened on Youngs Ridge Road whereas a Flagger borrowed a company car and crashed it; he was charged with unauthorized use of motor vehicle.
  - Theft of a dirt bike in Acton.
  - Second 4-hour detail; 13 cars were stopped; 5 were summoned.

## 6. LIASION UPDATE

McGurty: Municipal Finance, Warrant & Finance Committee, APAT

- An update was received on Financials; a draft will be received in the second week of February to review internally. Once audited statements are released then the information will be made public. The school is also being reviewed. Both are substantially complete.
- Conversations with Mark Roy to follow up on Capital budgeting were held. Mr. Roy is prepared to move forward on this and is comfortable to pick up where the Capital Planning Committee left off. Mr. Roy indicated he'd like to spend some time with the Select Board (possibly via Zoom to keep down travelling expenses) on the Capital budget and also drafted a Fund Balance policy to discuss.

Once the policy is established, a funding plan can be developed for the Capital budget. A copy of the Capital Improvement Plan made by the Committee was sent to him.

Walsh: Transfer Station, Mary Grant Committee, Animal Control Officer

- Transfer Station – Working on budget which will be presented tonight.
- Mary Grant – Had a planning meeting on Monday; Walsh was unable to attend, but it was basically just to set up what they wanted to do this year.
- Animal Control – Issued his first summons.

Norwood: Fire Department, Recreation Committee, Conservation Forest Committee

- Fire Department – No update.
- Rec Committee/Director – Had a meeting with Rec Director, now trying to schedule Warrant & Finance to meet on budget.
- Conservation and Forestry Committee – The next meeting is next Tuesday, February 11<sup>th</sup> at 6 pm; a new member was appointed to fill out the committee.

Denekamp: School Department, Planning Board/Land Use, Cemetery Committee

- School Committee – Canceled Thursday night's budget meeting due to the impending storm; meeting has been rescheduled for next Thursday after the regularly scheduled School Department meeting.
- Planning Board – No update.
- Cemetery Committee – Denekamp will reach out to Chair and Warrant & Finance Liaison to schedule a budget meeting.

Winchell Jr.: Roads & Road Committee, Municipal Grounds

- Roads – Spoke with Grodin regarding the power situation and the generator overload. The Town Administrator was asked to put the Select Board on alert in case someone needs to come to the Town Hall and turn off the breaker for their trailer in the middle of the night. Discussions continued regarding the electrical issues and the bill in hopes of taking care of that.
- Road Committee – The Road Committee will be scheduling a meeting shortly to go over the Article 43 Application.

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

- A. Winchell address an item that happened the previous week whereas the Select Board is in the budget process, they are doing it differently than has been done in the past. The process done last year is still being finetuned. Last week the Fire Chief presented his proposed budget and when the Chair noticed the Fire Chief was also on the agenda for the next item, the flow of the meeting carried him to go right into that next item while not realizing there was an individual in the doorway who wanted to address the Select Board.

After the Fire Chief was done and went to sit down, the individual in the doorway approached the Select Board and it was thought that he was coming up for public comment and was out of turn as the Select Board was not taking public comment at that time and asked to sit down. A comment was made about disrespect. This caught the Chair off guard, who in turn indicated he messed up and forgot the process. What should have happened differently was what normally happens whereas the Finance Committee member would indicate they were here to address the

budget; but that was not said. The Chair next apologized to the committee members who were present but noted that Public Comment was held later on the agenda and when given that opportunity no one spoke up at that time.

The Chair further indicated he tries to respect all individuals, but it is a two-way street with regards to respect. The following item was not addressed last week as the Select Board chose not to bring it up, but what was said at the School Board meeting two weeks ago, the items being said that were not true and the comments were disrespectful. So, tonight, the Chair wanted to make sure that the following process was going to be done:

- The Department Head/Committee Chairs will be asked to come up.
  - Next the Select Board will go down to New Business.
  - Each budget presentation will be made.
  - Once the presentation is done, the Warrant & Finance Committee can come up and ask questions. (Making sure they stand at the podium and not the doorway).
- When finish speaking, the Chair asked if there were any Department Head/Committee Chair Updates. There were none.

## **8. OLD BUSINESS - None**

## **9. NEW BUSINESS**

### **A. Road Commissioner Budget Presentation**

Will Langley approached the Select Board to present his budget. The Town Administrator distributed the budget.

- Summertime, there was a \$12,000 difference in District 2 so that was dropped to make both sides \$100,000.
- Wintertime, the budget was left at \$126,000 for both sides.
- There was a sheet in the packet that shows Special Projects whereas a lump sum number was given for each district; the Road Commissioner explained each special project in turn and discussion ensued on the details of each:
  - A small project under District 1 (Hawk Road) was listed at \$39,000, making the District 1 total (including projects) to be \$265,000.
  - Salt and Shed Project – The following items were discussed.
    - Have the overhead door looked at.
    - Have the fan looked at in the Sand Shed.
    - Fix plywood and tin in Sand Shed.
  - The special project under District 2 (Lebanon Road) totaled \$376,700 which brings the District 1 budget total to \$603,511. McGurty asked about the scope difference between Hawk Road and Lebanon Road making the calculated costs different; determined Lebanon's scope was different because the road must be completely torn out and not only was the length longer, and there was more than twice the width.
  - Other special projects cited and discussed included:
    - District 1 Maintenance Projects
      - Replace 3 culverts on Mann Road that collapsed.
      - Ditching on Acton Ridge Road

- Tree work on Sam Page and H Road
  - Roadside mowing
  - Fix shoulder on Goose Pond Road
  - Patching
  - District 2 Maintenance Projects
    - Fix run off issue on Youngs Ridge Road
    - Fix two collapsed culverts on Sanborn Road
    - Haul gravel on the dirt roads.
    - Tree work on Hopper Road
    - Roadside mowing
    - Guardrail and concrete work on Rowe Bridge
    - Patching
- Discussion ensued regarding increasing the rates; State Rates were discussed. McGurty suggested that a goal be set to get to the State Rates in three years or something comparable. Winchell pointed out that Shapley did State Rates plus 15%, which is what Acton did, but at that time, the rates were so low that nobody would work for them. McGurty noted that upon looking at the list, Acton was below all the State Rates significantly. Winchell expressed that the argument was this, when sitting at the finance committee meetings and they ask why aren't you charging State Rate? Or, you flip to the other side and say, I am not charging State Rates. It's either you do or you don't. It is whatever makes the Road Commissioner more comfortable as he is the ones working the rates. Further discussion ensued about using the State Rates next year taking equipment maintenance and a need to hire out into consideration. The Select Board appreciated what the Road Commissioner did relating to rates for this year.
- The Road Commissioner informed the Select Board that he had developed a 5-year plan for both District 1 and District 2. McGurty noted, not right now, but when developing the capital budget, those estimated numbers would be good to have. Mr. Langley indicated that the reason he mentioned this was because he was meeting with his paving company and drawing up a 5-year plan. It was a pretty broad number but wanted the Select Board to have it. Discussion ensued.
- Snow Plowing – The Road Commissioner asked if the snow plowing could be contracted this year as he was having a tough time keeping up with the plowing. No one wants to do it this year and the work by the hour is not worth it. The snowplowers that Mr. Langley has are expected to be finished next year; not moving to other towns, just done. Discussion regarding being paid by the hour was held as it was an unpredictable, inconsistent endeavor and not worth it; especially with the cost of maintaining the equipment if there was no snow. Discussion continued regarding putting a warrant article together allowing the Select Board to go out to bid and then out a 3-year contract on a referendum for voting. Most towns are doing it this way. Currently 8 trucks and 3-one-ton pickups are being utilized for snow

plowing. Municipal grounds can still be managed just the same as it is now, instead of adding an additional \$50,000 to the total.

- Warrant and Finance were invited to ask their questions:
  - Joyce Bakshi asked about the bid and how the cost per mile was calculated. The Road Commissioner responded that for the 50.3 miles, it costs \$5,100 per mile. Last year District 1 cost \$80,000 (he gave back \$23,000) and District 2 cost \$103,000 (he gave back \$37,000) as it was a mild year.
  - Ms. Bakshi next asked the Road Commissioner, outside of him, how many hours did his guys work? It varies depending on the time of year and projects underway. Discussion ensued regarding market rates vetted by other towns and that rates cannot exceed what the projects are set at. Mostly the Road Commissioner is the only person working for the town. His crew is paid by him, not the town.
  - Ms. Berlan approached the Select Board and indicated she was looking at the Trio budget printout and that printout indicated that the budget was up 3.3% and with adding the 2026 numbers and the special project numbers it equals \$656,026 then if you add in \$150,000 for plowing that final number becomes \$1,072,000. Is this correct? The response was yes and once the numbers are plugged into the worksheet; she will be able to see it all. Ms. Berlan further asked if going out to bid for plowing was a good idea as she lived on a private road who went out to contract and knew how expensive it was; she indicated she was in favor with going forward with that part of it.
  - Mr. Long approached the podium to ask if the Road Commissioner knew what the total amount spent on Special Projects last year was. The Road Commissioner indicated not off the top of his head, but the only project done last year was H Road; County Road has not been done yet. Mr. Long further commented that the reason he did not agree at the time was because he did not have enough information. His concern was that when Mr. Langley and the former Road Commissioner started, there we got to invest whatever to get some of these roads up which Mr. Langley has done a great job with that, but again his concern is that the project in District 2 is being done (which is great to have that money spent down there to improve that area), but to only spend \$39,000 on that side, we are going to start to fall behind in bringing all the roads up and not be able to keep up with the pace made by the Road Commissioner in the past.

Mr. Langley commented that he did not think they will fall behind if we stick to his plan. The Road Commissioner also felt that District 1 was in a little better shape than District 2. Hawk Road needs to be done in District 1 and by the road assessment the next road to be done is Lebanon Road in District 2. Mr. Long recapped that he appreciated what the Road Commissioner was

doing but also noted he was done what needs to be addressed according to the road assessment and there was nothing denoted by the road assessment for District 1 this year. The Road Commissioner indicated No, because that area was already focused on over the past few years.

- To finish County Road, it would be \$433,000; Lebanon Road is \$367,000 and Hawk Road is \$39,000. Is there any other large project with this you can manage? Response, No. If we keep this pace we should be in decent shape. Discussion ensued regarding capital projects in the 5-year plan and maintenance projects.

Mr. Long reiterated that he appreciated everything that the Road Commissioner was doing; he did a great job and with the great explanations, Mr. Long understood what was being done.

- Mr. Lee Robator asked about Mr. Langley when reviewing both districts could the monies be seen together. The response was that a warrant article was being developed to make the position combined as one, but until then, no.
- Ms. Berlan asked the Road Commissioner how much money was left in the budget from last year. Response, \$211,000. Special projects are separate. District 1 Roads is \$78,000.
- Ms. Bakshi asked about the Fire Department and the grant. Do we happen to know how many times we have been in a situation where we needed mutual aid? Winchell noted that next week the Fire Department will be available to answer those types of questions.

#### B. MSW Bid Opening

The Town Administrator and Walsh prefaced the opening of the bids with information where Tri-County received bids from three different companies and those bids are available and if the Select Board wanted to use those number (the numbers are decent). Winchell indicated that the concern was this, the email that came today, that company did not bid because they were under the assumption that it was going someplace already. The bid was based on going to the Westbrook/Greater Portland area as two of the three bidders are in that area. The Select Board did not really think they were going to look at waste management but in having some discussions with Eco Maine (one of the companies in the greater Portland area), there are some things we would not want to use that they have offered in their bid. Such as recycling. If we do not use that piece in their bid, that number might go up. Winchell asked, such as what? Recycling: cans, bottles, and such. Winchell asked about sheet rock. No, that's construction and demo and then you have recycling, which is anything else like cardboard, paper, newspaper, bottles, cans, and aluminum. The steel is something different and does not count. If we do not use the actual MSW part, that number may go up.

Winchell noted that when he talked earlier, there was an issue with the fact they only accept certain things in their demo, one being sheetrock, and we would have to ship it somewhere else anyway. Walsh replied, "Right, or not accept it." Walsh indicated that Waste Management would accept everything and what the Select Board should do is go out to bid again as these bid numbers will not be good to go in the direction being discussed; the distance is a lot shorter.

McGurty asked if the contracts were up. Response was the end of June. The hauling contract has expired. Currently the demo is at \$155 for the disposal of demo. Transportation is \$300, \$75 for fuel and \$2 per day for rental. That is \$375 plus another \$60 per month. McGurty commented he did not have anything in front of him to digest the information. The Town Administrator noted that for this piece of it, we just found out we might be hauling it to somewhere else.

The Board discussed the receipt of this latest information and the impact on this decision and the fact that this information is needed before the budget can be finalized.

The Board decided to open the bids and if they decided to go in any other direction at least for budgeting purposes, they could have this part done. And then, if for some reason, it changes, and they need to go back out to bid, they would at least have some numbers to go by. Walsh indicated for clarification that when the budget was put together, what was used was the worst-case scenario numbers to form a complete picture. McGurty stated then the department will be asking for more money than needed; Walsh replied not by much.

Triano takes care of the municipal waste, the contract is expired, it was known that the costs were going up, and essentially it was known what the bid was going to be because Triono disclosed previously, however, it was not publicized as it was going out to bid.

#### C. Demo Bid Opening

The Town Administrator opened the bid received from Punskey. Punskey will provide two, 40- yard containers for the town of Acton. Haul fee per loaded container is \$410. Rental fee per day is \$3.00. Currently we are paying \$375 for the haul/fuel and \$2.00 per day for the rental; an increase of \$35.00. For the budget, that line item is going up and John is going to present \$25.00 based on the last three years of increases. This bid number should be pretty accurate should the Board decide to go with him, the bid goes on to say there will be extra hauling fees if the loads are frozen and not scraped out properly. Winchell noted that Punskey did call when he heard that we might go with ECO Maine and added that clause as ECO Maine does not have anything to clean the back of the truck out if it gets stuck.

Opening the MSW bid. Triono was the only bidder. The bid is for three years on the receiver box rental per month is \$125. The haul rate to disposal destination year 1 is \$577.50; year two is \$594.83 and year 3 is \$612.68. Currently, the haul fee is \$290.46, the rental is \$75 per month and the FSC charge is \$13 per haul.

As there was only one bid per item, the Town Administrator read out the names where the bids were sent and noted it was announced in the Smart Shopper and on the website. Discussion ensued on why companies may not have a bid on the work, locking in contracts, building relationships and Tri County plans. Triono also offered to go to their own Transfer Station for the haul at a lower price. McGurty stressed that there needs to be a conversation around the amount coming into Acton, especially that which is not coming in from the residents and how to manage.

The Select Board held off on the bids and the Town Administrator, T/S Liaison (Walsh) and the Superintendent would get together and figure out the direction to go in and present it back to the Board. The Select Board agreed.

#### D. Transfer Station Budget Presentation

The Town Administrator presented the employee related items and then John Rouleau, Transfer Station Superintendent presented the Transfer Station budget.

- Employee wages – 3½% increase based on the current rates.
- Labor wages – After reviewing the numbers and based on the recommendations of the Superintendent and Liaison gave each a \$1.00 increase bringing them that have 14 to 18 years of service at \$18 per hour to \$21 (this is the \$1 increase and 3½ %) plus some temporary summer.
- Health insurance is budgeted for 6 months of actuals (based on whether all employees who qualify would take it).
- Social Security and Medicare are based on the above numbers; other employee benefits are longevity and vacation buyouts.
- Compactor Repair and Maintenance – 83% increase. The Superintendent explained the increase was because the Bailer line item was getting combined with the Compactor Repair and Maintenance line item.
- Telephone – This increased as it did throughout the entire municipality and every department.
- Solid Waste and Demo – self-explanatory and will be skipped over until the Board formalizes its decision on the subject.
- Metal Waste Collection – Punskey picks the metal waste up and the costs for that service have increased.
- Demolition – McGurty expressed that it was believed that people from out of town were disposing of demolition at the site and if that was the case, how do we stop that and are there other considerations to try and reduce that, or maybe assess fees when there's excessive amounts of material are being brought in (even by the town's residents).

The Transfer Station Superintendent explained that the department has become very strict as far as who comes through to the Transfer Station. Yes, there have been nonresidents who have been dumping not only solid waste, but demo and it is a matter of changing the mindset of a small amount of the residents to get a sticker put on their windshield. It is known that the transfer station has had a lot of people who have come through lately and have said they have been doing this for 15 years, I don't need a sticker on my car, but the

department is now getting to the point where everyone understands that a sticker is required.

The other thing we need to do is we need more supervision on the front end. When people are caught without stickers and are not residents, they are sent on their way. The only way to improve is to catch them up front instead of during the middle or at the end of what they are doing. Discussion ensued about where the higher costs are coming from, residents and or nonresidents with truckloads.

Winchell indicated this has been an issue for quite some time and it has been discussed that this was 118% increase as of the end of December the entire budget was paid out. Checking stickers will help, but there is a huge amount of money here that needs accounted for and what McGurty is trying to get to is whether or not there is a way for us to charge for the excess and is it something you think you can handle doing. The Superintendent responded yes, that could be done.

McGurty expresses that the fees need to be levied towards the labor costs to handle the money. The measures need to be tight. If you are not a resident, you will not be permitted to go in. If you have no sticker, you should not be allowed in. The Board reiterated that the Superintendent needs to tell them what he needs to make these things happen. If you come in with routine demo, that is part of the tax benefit. But, if coming in with their barn (two truckloads), we need to decide if we are going to allow that or when it reaches a certain level we say sorry, but there is going to be a fee for this and it will not be meniscus, it will be what it costs us.

The Superintendent agreed but noted it will take a person to do a head count and determine what to charge each customer, then process the transaction accepting checks or credit cards. Discussion ensued on how to solve, how to rate, surveying other towns and what will be needed to put in place.

The Warrant & Finance Committee was invited to ask questions:

- Lee Robator commented on the lack of response to bid and wondered if it was the way the bids were presented or if the containers were part of it and included with the hauling fees. He also wondered if there would be a better response if the metals were separated from the hauling fees. Discussion ensued regarding having universal containers and just having someone haul them.
- Ms. Berlan asked if years ago there were permits issued for demo. The Town Administrator responded that it was done through the Code Office and tied into assessing because there were concerns there were certain things not being done (i.e., taking a deck off). It was still free, but it was being tracked for assessing purposes. Mrs. Berlan asked if it could be reinstated. Winchell commented that the permit only hit a select few depending on the work being done but will be taken into consideration when surveying other towns and how they do it.

E. D.E.P Notice

The Select Board will review and readdress next week.

F. Freedom of Information

The Town Administrator read aloud the Freedom of Information request from Mr. Steven Webber related to the raising of the existing structure and putting a foundation under it plus any expansion of 30% on the roadside of the current structure at 224 34<sup>th</sup> Street; anything for the greatest practical extent.

G. Draft Fund Balance Policy

McGurty reviewed.

2. **PENDING** - None

3. **PUBLIC COMMENT** - None

4. **MEMBERS PRESENT** – Jon Denekamp, Ed Walsh, Dan Norwood, David Winchell Jr., Tom McGurty

5. **ATTENDANCE** – John Rouleau, Leslie Berlin, Joyce Baski, Dennis Long, Lee Robator, Joe Ruma, William Langley

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