

TOWN OF ACTON SELECT BOARD MEETING

June 22, 2022 - 6:00pm

1. CALL MEETING TO ORDER / PLEDGE OF ALLEGIANCE

A. Election of Chair

A motion was made by Kimberley Stacey-Horn to appoint Tom McGurty as Chair of the Select Board. David Winchell Jr. seconded the motion. All in favor, motion carried 2-0.

2. WARRANTS/BILLS: Signed

3. APPROVAL OF AGENDA: A motion was made by Kimberley Stacey-Horn to approve the Agenda. David Winchell Jr. seconded the motion. All in favor, motion carried 3-0.

4. MINUTES OF LAST MEETING: A motion was made by Kimberley Stacey-Horn to approve the minutes with one correction. David Winchell Jr. seconded the motion. All in favor, motion carried 3-0.

5. TOWN ADMINISTRATOR WEEKLY UPDATE :

- The Town Administrator reported that on June 13, 2022, the authority was given to Jennifer Roux, as a municipal agent, as an authorized truck registrar for the State of Maine on a permanent basis to register trucks over 1200 pounds. This is a new level of registration granted to the Town after a 30 day trial. At this time, this registration is not open to citizens of other towns. This is a great convenience to business owners in the Town.
- The Town Administrator reported that the State is no longer using internet Explorer and the State is switching to Chrome, Mozilla, and Edge. Edge is recommended. On Tuesday, June 28, 2022, Fred McDonald from Saco Technology Solutions will be coming to The Town Offices to convert the computers to this operating system.
- On Wednesday, June 29, 2022, the Auditor will be coming for the end of the year accounting. On Friday, July 1, 2022, at 6:00 a.m., the Auditor will meet with the Town Administrator to place the icons for the new fiscal year.
- The Town Web-site needs some revisions. The Town Administrator requested permission from the Select Board to put the revision out to bid. There are funds in the budget for computer repairs and updates. There is an annual fee associated with the web-site. The PDF's would need to be moved. Perhaps Dan Cransit could help the Town staff. Tom McGurty stated that with evolving technology the email system is antiquated. Perhaps a different mail carrier would be easier to access sites. He stated that there would need to be a change in the settings, passwords, and be more user friendly.
- The Town Administrator stated that some citizens have been asking for a Warrant Article on the November vote to change the style of the meeting could be changed to "secret ballot" as anonymous written vote. The inquiry group was asking to have the Town Attorney write an article to be put on a petition to see if there was interest for this kind of balloting by the citizens. It was reported that during the election of 2020, during Covid, 564 voters participated in the voting that was done by paper ballot. David Winchell Jr. stated that was better than having 25 people making the decisions for the whole town. Tom McGurty stated that the Town Meeting was a unique experience keeping people informed about issues and people in the Town. Having the meeting was to the Town's advantage. But he did state that timing is an issue. Perhaps community input could improve if food or day care was provided. The Town Administrator stated that the 4-H Club used to provide these services, but the 4-H has been dissolved. The Town Meeting creates an opportunity to hear from people about their likes and dislikes, changes that have happened over time.

The surrounding towns of Shapleigh, Waterboro, and Lebanon have all gone to the ballot form of Town Meeting.

The question arose about changing the Town Meeting to March.

The Attorney would author the wording for the article to be placed on the petition; signatures will be collected on the petition. A public hearing would then be held and the article could then be put on the ballot.

A motion was made by David Winchell Jr. to authorize the writing of a Warrant Article to change voting to a ballot to be put on a petition. Kimberly Stacey-Horn seconded the motion. All in favor, motion carried 3-0.

- Ramiro Lopez questioned what would happen to the committee and budget deadlines if the Town Meeting were to be moved to March. The Town Administrator replied that the vote would not take place until November and would not take effect until 2024. The appointing of Committees and the nominating process would be done by ballot. The fiscal year ends on June 30. The budget would be developed and voted on.
- Dennis Long III stated that he did not think it was a good idea to change the municipal calendar to a calendar year because the taxes would be posted for 1 ½ years. The school budget was on the fiscal year and 10 or 12 years ago the school budget failed and the school operated on the budget of the year before, so it was moved back and this assured that a budget was in place for the school year. The School budget is ¾ of the Town budget.
- Tom McGurty remarked that when the taxes are flat, there really is no voting issue.
- David Winchell Jr. replied to Dennis Long III that on State elections, people are informed about the issues. If there is no significant issue, the voter turnout is low. If there is an issue, the discussion could lead to chaos.
- Bernard Broder stated that instead of calling the ballot a “Secret Ballot,” it would be appropriate to call it a “Written Ballot.” He stated that people could gather knowledge by watching the Town videos. They would then know if the articles had been voted on to recommend or not recommend to pass. He also stated that the Town Meeting form of government is a tradition but the time for the Town Meeting form of governance has come and gone.
- Joyce Bakshi wondered if the Town Meeting form of government would change. The Town Administrator replied that according to statute 25-25 and 25-28 for the open Town Meeting states there would be no change in the form of government. There would be more public hearings. Joyce stated that there were 72 Warrant Articles in the last Town Meeting and then questioned if people would vote seriously or just do random voting.
- Ramiro Lopez questioned if the Website would be updated so the Voters could send questions into the different committees. The Town Administrator stated that the Voters have the ability to send email questions and they are forwarded to the appropriate Committees.
- ??? LORI??? Wanted to inquire if the voting was done by paper ballot would there be a Town Meeting to be able to change the votes? The Town Administrator stated there could be no changes after the vote.

Following discussion, the Select Board voted, all in favor, motion carried 3-0.

A. Also there has been inquiry into increasing the Select Board from 3 to 5 members.

6. DEPARTMENT HEAD / COMMITTEE CHAIR UPDATES

A. Recreation Department:

Samantha Singleton reported that Jon Denkamp and TJ Dahms have been cleaning up at the Rec site. She also inquired about construction on the parking lot at the Rec Field. She wanted to know if it had to go to bid or if Will Langley could just do the work that was needed. Tom McGurty stated that it would go out to bid. It is the policy of the Town to have work over 5,000 to go out for bid. There is a 40,000

budget for the parking lot. The Rec Field is on Town property and it goes out to bid to get the best value for the Town. David Winchell Jr. stated that Will Langley has done a lot of work, but the precedent cannot be set for a Department Head to just assume work. Sam Singleton replied that Will has done a lot of work, he has the experience, his cost would be Town cost, he has the availability and the Town knows his work.

The Select Board recommends putting the ad out for bid for 2 to 3 weeks.

Will reminded the Board that there are wetlands there. The rough measurements for the parking lot would be 180 feet by 120 feet.

The Board appreciated all of Will's work. Hopefully Will has charged the Town for the work that he has done at the site.

Sam Singleton stated the time frame to have the lot finished by September 1, 2022, before soccer season starts.

Sam asked if the Rec Committee could clean up around the man made pond. Will stated he would finish ditching around the retention pond.

B. Transfer Station:

Robin Ham, Transfer Station Superintendent reported that he received 689 tires during the month of May, 10 tons at a recycle cost to the Town of 13,000.

Contractors bring demo trash by the truck load. Robin would like to implement a rule that demo trash be in 4' long pieces so they would be able to fit in the container better. He reported that he could get a 40' container that would increase quantity and decrease cost.

Information on charging for disposal is being assembled. All vehicles are being checked for stickers. One free load of demo materials are allowed each year. There has been a cost increase for recycle with a reduction in volume and price increase for disposal.

Robin also stated that the old compactor to recycle #5 and #7 plastic is beyond repair. He requested to scrap it for metal and use a tractor trailer to gather more cardboard and use one truck to save on the hauling fees.

7. OLD BUSINESS

A. Treasurer:

Kelly Burgess has been appointed the new Treasurer for the Town of Acton. She was the clear choice for the position. She has started to work with The Town Administrator and the Auditors. She is off to a good start and will take advantage of the offered consulting services by the Auditors.

B. New Bridge Road Fence:

The Letter to the resident is being crafted by the Attorney.

C. Siding Contract:

The Contract from Scott's Roofing has been converted to a contract equivalent to the Town REP contract. He is slated to begin work by the end of July. The building Maintenance contract is 29058.00.

A motion was made by Kimberley Stacey-Horn to accept the proposed contract from Scott's Roofing Service. Tom McGurty recued himself from this vote.

- Bernard Broder wanted to know who would inspect the work done by the contractor. He stated that the new windows that were recently installed did not fit correctly and were difficult to open and close. The Town Administrator reported that the inspection would be done by the Code Officer.

After discussion, David Winchell Jr. seconded the motion. Two in favor, motion carried 2-0-1.

8. NEW BUSINESS

A. Mass Gathering Permit:

- The Zerbini Family Circus, Acton Fairgrounds, August 17, 2022. No concerns noted.
- Vacationland Volkswagen Association, Acton Fairgrounds, August 7, 2022. No concerns noted.

- **A motion was made by Kimberley Stacey-Horn to approve the Mass Gathering Permit for the Zerbini Family Circus. David Winchell Jr. seconded the motion. All in favor, motion carried 3-0.**
- **A motion was made by David Winchell Jr. to approve the Mass Gathering Permit for the Volkswagen Association Car Show. David Winchell Jr. seconded the motion. All in favor, motion carried 3-0.**

B. Personnel Policy Update:

One change was made to the policy for the Treasurer position as it is a 35 hour a week position for the PTO to accrue time off at the 35 hour rate.

A motion was made by Kimberley Stacey-Horn to accept the accrued time off change in the Policy. David Winchell Jr. seconded the motion. All in favor, motion carried 3-0.

C. Propane Contract 2022-2023:

A Downeast Propane commercial account contract was sent to the Town Administrator regarding The Town's propane usage account. Last year the Town used 10,000 gallons on the auto fill program. The price has increased for the July 1, 2022 year to April 2023, from the last price of 1.44/gallon. The Select Board discussed whether to go out to bid or to accept the proposal.

A motion was made by Kimberley Stacey-Horn to approve the proposed Downeast Propane contract at 1.96/gallon. David Winchell Jr. seconded the motion. All in favor, motion carried 3-0.

D. Liquor License - Acton Fair:

"Cheers To You" caterer applied to have the Beer and Wine Tent at the Acton Fair on August 25 thru August 28, 2022. The tent will be in a fenced in area.

A motion was made by Kimberley Stacey-Horn to accept the application of "Cheers To You" for the Acton Fair, August 25 to August 28, 2022. David Winchell Jr. seconded the motion. All in favor, motion carried 3-0.

E. Liaisons

The Select Board Liaisons for July 1, 2022 to June 30, 2023:

David Winchell Jr.: Road Committee, Land Use Committee, Mary Grant, Conservation and Forests

Tom McGurty: Warrant and Finance, Fire Department, Transfer Station, Capital Improvement

Kimberly Stacey-Horn: Recreation, School Committee, APAT, Cemetery

F. Appointments:

A motion was made by Kimberley Stacey-Horn to approve the Appointments for a one year term. David Winchell Jr. seconded the motion. All in favor, motion carried 3-0.

G. Town Meeting Follow Up

1) **RFP Roof:**

The roof on the old 2 bay garage at the Town Shed needs to be replaced as it leaks water when it rains. It houses some equipment and the old Town Bulldozer. It is a 30' by 40' metal roof to be replaced with new insulation to be installed. A commercial roofer needs to be employed for the project as it is a steel building.

The old dozer that is housed in the building has a hydraulic oil leak. The seals have softened up. The hydraulic fluid is to be drained from the system. Less than 1 gallon of fluid has leaked onto the floor of the building and is being contained by Speedy Dry. The dozer is all chained up and a tag will be put on it to warn anyone from starting it up. Perhaps it could be stored at the Fairgrounds as it is a Town historical artifact.

2) **Maine Municipal** responded to inquiry regarding Articles 21 and 26 of the Warrant.

Attorney Livingstone replied that it was legal to carry over and spend the funds. The Town Administrator stated that reserve accounts automatically carry forward the balance.

Dennis Long III stated that he did some research with the MMA that says the funds can carry over but can't be spent unless the dollar amount with that Warrant Article is specified at the Town Meeting, unless the Warrant Article to spend any amount is carried over. MMA Page # to be provided by Mr. Long.

3) **Road Articles:**

Adam Doliber stated that there are trees by the Hopper Bridge that need to be trimmed. The weight limit on the Milton Road and Sam Page Road needs to be posted.

4) **Milton Mills Stop Sign:**

The speed limit sign was chopped down. The DOT in North Berwick will replace the sign.

H. **AWS Agreement:**

This is the contract for the Kennebunk Shelter. There is a 5% increase agreement of 1.39 to 1.46/capita fee. The cost is 3,008.00.

A motion was made by Kimberley Stacey-Horn to approve the Contract for the Animal Welfare Society. David Winchell Jr. seconded the motion. All in favor, motion carried 3-0.

9. **PUBLIC COMMENT**

- **Ramiro Lopez** is concerned about the Ball field parking lot. He wondered about the time limit on the bid. The contractor would add cost to comply with a completed by date. When could a contractor get started with the work? David Winchell Jr. replied that the Select Board would go over the bids and could reject any bid with a time frame incompatible to the job. Tom McGurty added that the timeline depends on facts and circumstances. Kimberly Stacey-Horn said there should be a September 1st time limit. Mr. Lopez stated, "So the bid acceptance is The Select Board's choice and that's not fair." David Winchell Jr. stated that there was concern about the time limit and first consideration would be given to those who could complete by September 1st. Mr. Lopez stated that the choices should be made on a consistent basis and not set a precedent trying to get the Town's business done. Tom McGurty replied the Select Board is getting the business of the town done.
- **Samantha Singleton** wanted the parking lot RFP to contain the answers to, "When can you start?"
Rather than, "When can you complete?"
- **Dennis Long III** stated that there are too many cars parked on 109 near the Rec Field. The Fire Chief has warned that this is a serious safety issue. The RFP should contain the ordinance specifications on the parking lot.
- **Bernard Broder** complimented the new procedure of allowing discussion before the Select Board vote. He also stated that Will Langley should bill the town for work completed. He also stated that on East Shore Drive there have been three truckloads of tree removals. He stated he went to the Code Enforcement Officer and there was no permit filed to remove said trees. The Stumps have been removed so there is no way to account for the number of trees removed. He stated that he filled out a "Citizen Complaint" form but that did not seem like a good title for the form and asked if it could be renamed the "Citizen Inquiry" form or "Citizen Concern" form to keep peace between neighbors. He filed a form for transparency in his concern.

10. **ANNOUNCEMENTS read by Tom McGurty**

Monday, June 27	Road Committee 6:00pm
Wednesday, June 29	Board of Selectmen 6:00pm
Wednesday, July 6	Select Board 6:00pm
Thursday, July 7	Planning Board 6:00pm
Monday, July 11	Forest / Conservation 6:00pm

Wednesday, July 13 Select Board 6:00pm
Wednesday, July 20 Select Board 6:00pm
Thursday, July 21 Planning Board 6:00pm
Wednesday, July 27 Select Board 6:00pm

11. MEMBERS PRESENT: David Winchell Jr, Tom McGurty, Kimberly Stacey -Horn

12. ATTENDANCE: Ramiro Lopez, Deborah Lopez, Joyce Bakshi, Dennis Long, Samantha Singleton, Lori Clark, Will Langley, Adam Doliber, Bernard Broder, Robin Ham, Nancy Ruma.