

**TOWN OF ACTON, MAINE
WARRANT
TO
Robert Anderson
A CITIZEN IN THE TOWN OF ACTON
YORK, SS
GREETINGS:**

In the name of the State of Maine you are hereby required to notify and warn the inhabitants of said Town of Acton, qualified to vote in Town affairs to assemble at the Acton Elementary School on Saturday, April 6th, 2024 at 9:00am in the morning to vote on the following articles:

ARTICLE 1: To choose a moderator for said meeting.

Richard Nass was nominated and elected by written ballot to serve as Moderator; no other nominations.

ARTICLE 2: To choose three (3) members of the Warrant and Finance Committee for a two-year term. (Leslie Berlin, Charlie Hydek, (Philip Caruso's original seat) and Ramiro Lopez terms are expiring)

Nominated: Leslie Berlin, Ed Wood, Lori Wood, Bernard Broder, Dennis Long, Lee Robator

Elected Were: Leslie Berlin, Dennis Long, Lee Robator

ARTICLE 3: To choose one (1) alternate member for the Warrant and Finance Committee for a two year term. (Open seat term is expiring; previous Charlie Hydek's seat)

Nominated: Lori Wood, Charlie Hydek

Elected: Lori Wood

ARTICLE 4: To choose three (3) members of the Town Road Committee for a 3 year term. (Cindy Hart, Dennis Long III, and Richard Bleakney's terms are expiring) (Bleakney was appointed when Mathew Winchell resigned after being appointed to Pat Stevens original elected seat in 2021)

Nominated: Gail Boisvert, Dennis Long III, Tim Collins

Elected: Gail Boisvert, Dennis Long III, Tim Collins

ARTICLE 5: To choose three (3) members of the Forest and Conservation Committee for a three year term. (Kelly Collins, Sheri Vanasse and Joe Ruma's Terms are expiring) (Vanasse was appointed after Vallicourt resigned after being appointed to Ham's original elected seat he declined in 2021) (Ruma was appointed to an original vacant seat from 2021, carried forward from 2018 that was never filled)

Nominated: Joe Ruma, Kelly Collins, Sheri Vanasse

Elected: Joe Ruma, Kelly Collins, Sheri Vanasse

ARTICLE 6: To see if the Town will vote to adopt the Town of Acton Flood Plain Ordinance, as printed below:

FLOODPLAIN MANAGEMENT ORDINANCE

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ARTICLE I - PURPOSE AND ESTABLISHMENT

Certain areas of the Town of Acton, Maine are subject to periodic flooding, causing serious damages to properties within these areas. Relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968.

Therefore, the Town of Acton, Maine has chosen to become a participating community in the National Flood Insurance Program and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended) as delineated in this Floodplain Management Ordinance.

It is the intent of the Town of Acton, Maine to require the recognition and evaluation of flood hazards in all official actions relating to land use in the floodplain areas having special flood hazards.

The Town of Acton has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Title 30-A MRSA, Sections 3001-3007, 4352, 4401-4407, and Title 38 MRSA, Section 440.

The National Flood Insurance Program, established in the aforesaid Act, provides that areas of the Town of Acton having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood hazard areas. This Ordinance establishes a Flood Hazard Development Permit system and review procedure for development activities in the designated flood hazard areas of the Town of Acton, Maine.

The areas of special flood hazard, Zones A and AE, for the Town of Acton, York County, Maine, identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study – York County, Maine," dated July 17, 2024, with accompanying "Flood Insurance Rate Map" dated July 17, 2024, are hereby adopted by reference and declared to be a part of this Ordinance.

ARTICLE II - PERMIT REQUIRED

The Code Enforcement Officer shall be designated as the local Floodplain Administrator. The Floodplain Administrator shall have the authority to implement the commitment made to administer and enforce the requirements for participation in the National Flood Insurance Program.

Before any construction or other development (as defined in Article XIII), including the placement of manufactured homes, begins within any areas of special flood hazard established in Article I, a Flood Hazard Development Permit shall be obtained from the Code Enforcement Officer. This permit shall be in addition to any other permits which may be required pursuant to the codes and ordinances of the Town of Acton, Maine.

ARTICLE III - APPLICATION FOR PERMIT

The application for a Flood Hazard Development Permit shall be submitted to the Code Enforcement Officer and shall include:

- A. The name, address, and phone number of the applicant, owner, and contractor;
- B. An address and a map indicating the location of the construction site;
- C. A site plan showing locations of existing and/or proposed development, including but not limited to structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;
- D. A statement of the intended use of the structure and/or development;
- E. A statement of the cost of the development including all materials and labor;
- F. A statement as to the type of sewage system proposed;
- G. Specification of dimensions of the proposed structure and/or development;

[Items H-K.2. apply only to new construction and substantial improvements.]

H. The elevation in relation to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD), or to a locally established datum in Zone A only, of the:

- 1. base flood at the proposed site of all new or substantially improved structures, which is determined:

- a. in Zone AE from data contained in the "Flood Insurance Study - York County, Maine," or as described in Article I; or,
- b. in Zone A:
 - (1) from any base flood elevation data from federal, state, or other technical sources (such as FEMA's Quick-2 model, FEMA 265), including information obtained pursuant to Article VI.M. and VIII.D.; or,
 - (2) in the absence of all data described in Article III.H.1.b.(1), information to demonstrate that the structure shall meet the elevation requirement in Article VI.H.2.b., Article VI.I.2.a. or b., or Article VI.J.2.b.
- 2. highest and lowest grades at the site adjacent to the walls of the proposed building;
- 3. lowest floor, including basement; and whether or not such structures contain a basement;
- 4. lowest machinery and equipment servicing the building; and,
- 5. level, in the case of non-residential structures only, to which the structure will be floodproofed.
- I. A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in Article VI;
- J. A written certification by:
 - 1. a Professional Land Surveyor that the grade elevations shown on the application are accurate; and,
 - 2. a Professional Land Surveyor, registered professional engineer or architect that the base flood elevation shown on the application is accurate.
- K. The following certifications as required in Article VI by a registered professional engineer or architect:
 - 1. a Floodproofing Certificate (FEMA Form FF-206-FY-22-153, as amended), to verify that the floodproofing methods for any non-residential structures will meet the floodproofing criteria of Article VI.I.; and other applicable standards in Article VI;
 - 2. a Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Article VI.N.2.a.;
 - 3. a certified statement that bridges will meet the standards of Article VI.O.;
 - 4. a certified statement that containment walls will meet the standards of Article VI.P.
- L. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,
- M. A statement of construction plans describing in detail how each applicable development standard in Article VI will be met.

ARTICLE IV - APPLICATION FEE AND EXPERT'S FEE

A non-refundable application fee of \$100.00 shall be paid to the Town of Acton and a copy of a receipt for the same shall accompany the application.

An additional fee may be charged if the Code Enforcement Officer, Planning Board, and/or Board of Appeals needs the assistance of a professional engineer or other expert. The expert's fee shall be paid in full by the applicant within 10 days after the town submits a bill to the applicant. Failure to pay the bill shall constitute a violation of the ordinance and be grounds for the issuance of a stop work order. An expert shall not be hired by the municipality at the expense of an applicant until the applicant has either consented to such hiring in writing or been given an opportunity to be heard on the subject. An applicant who is dissatisfied with a decision to hire expert assistance may appeal that decision to the Board of Appeals.

ARTICLE V - REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The Code Enforcement Officer shall:

- A. Review all applications for the Flood Hazard Development Permit to assure that proposed developments are reasonably safe from flooding and to determine that all pertinent requirements of Article VI (Development Standards) have been, or will be met;
- B. Utilize, in the review of all Flood Hazard Development Permit applications:
 1. the base flood and floodway data contained in the "Flood Insurance Study - York County, Maine," as described in Article I;
 2. in special flood hazard areas where base flood elevation and floodway data are not provided, the Code Enforcement Officer shall obtain, review, and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to Article III.H.1.b.(1); Article VI.M.; and Article VIII.D., in order to administer Article VI of this Ordinance; and,
 3. when the community establishes a base flood elevation in a Zone A by methods outlined in Article III.H.1.b.(1), the community shall submit that data to the Maine Floodplain Management Program.
- C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Article I of this Ordinance;
- D. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344;
- E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;
- F. If the application satisfies the requirements of this Ordinance, approve the issuance of one of the following Flood Hazard Development Permits based on the type of development:
 1. A two-part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with an "under construction" Elevation Certificate completed by a Professional Land Surveyor based on the Part I

permit construction for verifying compliance with the elevation requirements of Article VI, paragraphs H., I., or J. Following review of the Elevation Certificate data, which shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or,

2. A Flood Hazard Development Permit for Floodproofing of Non-Residential Structures that are new construction or substantially improved non-residential structures that are not being elevated but that meet the floodproofing standards of Article VI.I.1. The application for this permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; or,
 3. A Flood Hazard Development Permit for Minor Development for all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. Minor development also includes but is not limited to: accessory structures as provided for in Article VI.L., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.
- G. Maintain, as a permanent record, copies of all Flood Hazard Development Permit Applications, corresponding Permits issued, and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Article IX of this Ordinance, and copies of Elevation Certificates, Floodproofing Certificates, Certificates of Compliance, and certifications of design standards required under the provisions of Articles III, VI, and VII of this Ordinance.

ARTICLE VI - DEVELOPMENT STANDARDS

All developments in areas of special flood hazard shall meet the following applicable standards:

- A. All Development - All development shall:
1. be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse, or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 2. use construction materials that are resistant to flood damage;
 3. use construction methods and practices that will minimize flood damage; and,
 4. use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities, that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.
- B. Water Supply - All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
- C. Sanitary Sewage Systems - All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.
- D. On Site Waste Disposal Systems - On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.

- E. Watercourse Carrying Capacity - All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.
- F. Utilities - New construction or substantial improvement of any structure (including manufactured homes) located within Zones A and AE shall have the bottom of all electrical, heating, plumbing, ventilation and air conditioning equipment, permanent fixtures and components, HVAC ductwork and duct systems, and any other utility service equipment, facilities, machinery, or connections servicing a structure, elevated to at least one foot above the base flood elevation.
- G. Physical Changes to the Natural Landscape - Certain development projects, including but not limited to, retaining walls, sea walls, levees, berms, and rip rap, can cause physical changes that affect flooding conditions.
 - 1. All development projects in Zone AE that cause physical changes to the natural landscape shall be reviewed by a Professional Engineer to determine whether or not the project changes the base flood elevation, zone, and/or the flood hazard boundary line.
 - a. If the Professional Engineer determines, through the use of engineering judgement, that the project would not necessitate a Letter of Map Revision (LOMR), a certified statement shall be provided.
 - b. If the Professional Engineer determines that the project may cause a change, a hydrologic and hydraulic analysis that meets current FEMA standards shall be performed.
 - 2. If the hydrologic and hydraulic analysis performed indicates a change to the base flood elevation, zone, and/or the flood hazard boundary line, the applicant may submit a Conditional Letter of Map Revision (C-LOMR) request to the Federal Emergency Management Agency for assurance that the as-built project will result in a change to the Flood Insurance Rate Map. Once the development is completed, a request for a Letter of Map Revision (LOMR) shall be initiated.
 - 3. If the hydrologic and hydraulic analysis performed show a change to the base flood elevation, zone, and/or the flood hazard boundary line, as soon as practicable, but no later than 6 months after the completion of the project, the applicant shall submit the technical data to FEMA in the form of a Letter of Map Revision request.
- H. Residential - New construction or substantial improvement of any residential structure located within:
 - 1. Zone AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.
 - 2. Zone A shall have the lowest floor (including basement) elevated:
 - a. to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.(1); Article V.B.; or Article VIII.D.; or,
 - b. in the absence of all data described in Article VI.H.2.a., to at least two feet above the highest adjacent grade to the structure.
- I. Non-Residential - New construction or substantial improvement of any non-residential structure located within:

1. Zone AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:
 - a. be floodproofed to at least one foot above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;
 - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
 - c. be certified by a registered professional engineer or architect that the floodproofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K. and shall include a record of the elevation above mean sea level to which the structure is floodproofed.

2. Zone A shall have the lowest floor (including basement) elevated:
 - a. to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.(1); Article V.B.; Article VIII.D.; or,
 - b. in the absence of all data described in Article VI.I.2.a., to at least two feet above the highest adjacent grade to the structure; or,
 - c. together with attendant utility and sanitary facilities meet the floodproofing standards of Article VI.I.1.a., b., and c.

J. Manufactured Homes - New or substantially improved manufactured homes located within:

1. Zone AE shall:
 - a. be elevated such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation;
 - b. be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and,
 - c. be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:
 - (1) over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet long require one additional tie per side); or by,
 - (2) frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 feet long require four additional ties per side).
 - (3) All components of the anchoring system described in Article VI.J.1.c.(1) & (2) shall be capable of carrying a force of 4800 pounds.

2. Zone A shall:

- a. be elevated on a permanent foundation, as described in Article VI.J.1.b., such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.(1); Article V.B.; Article VIII.D.; or,
- b. in the absence of all data as described in Article VI.J.2.a., to at least two feet above the highest adjacent grade to the structure; and,
- c. meet the anchoring requirements of Article VI.J.1.c.

K. Recreational Vehicles - Recreational Vehicles located within:

1. Zones A and AE shall either:

- a. be on the site for fewer than 180 consecutive days; and,
- b. be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or,
- c. be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in Article VI.J.1.

L. Accessory Structures - New construction or substantial improvement of Accessory Structures, as defined in Article XIII, shall be exempt from the elevation criteria required in Article VI.H. & I. above, if all other requirements of Article VI and all the following requirements are met.

1. Accessory Structures located in Zones A and AE shall:

- a. meet the requirements of Article VI.A.1. through 4., as applicable;
- b. be limited in size to a one-story two car garage;
- c. have unfinished interiors and not be used for human habitation;
- d. have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and, when possible, outside the Special Flood Hazard Area.
- e. be located outside the floodway;
- f. when possible, be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and,
- g. have hydraulic openings, as specified in Article VI.N.2., in at least two different walls of the accessory structure.

M. Floodways -

1. In Zone AE riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted within a regulatory floodway which is designated on the community's Flood Insurance Rate Map, unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 2. In Zones A and AE riverine areas for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in Article VI.M.3. unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:
 - a. will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,
 - c. is consistent with the technical criteria contained in FEMA's guidelines and standards for flood risk analysis and mapping.
 3. In Zones A and AE riverine areas, for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.
- N. Hydraulic Openings/Flood Vents - New construction or substantial improvement of any structure in Zones A and AE that meets the development standards of Article VI, including the elevation requirements of Article VI, paragraphs H., I., or J. and is elevated on posts, columns, piers, piles, or crawlspaces may be enclosed below the base flood elevation requirements provided all the following criteria are met or exceeded:
1. Enclosed areas are not "basements" as defined in Article XIII;
 2. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either:
 - a. be engineered and certified by a registered professional engineer or architect; or,
 - b. meet or exceed the following minimum criteria:
 - (1) a minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;
 - (2) the bottom of all openings shall be below the base flood elevation and no higher than one foot above the lowest grade; and,
 - (3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means;
 3. The enclosed area shall not be used for human habitation; and,

4. The enclosed areas are usable solely for building access, parking of vehicles, or storage.
- O. Bridges - New construction or substantial improvement of any bridge in Zones A and AE shall be designed such that:
1. when possible, the lowest horizontal member (excluding the pilings or columns) is elevated to at least one foot above the base flood elevation; and,
 2. a registered professional engineer shall certify that:
 - a. the structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Article VI.M.; and,
 - b. the foundation and superstructure attached thereto are designed to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.
- P. Containment Walls - New construction or substantial improvement of any containment wall located within:
1. Zones A and AE shall:
 - a. have the containment wall elevated to at least one foot above the base flood elevation;
 - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
 - c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K.
- Q. Wharves, Piers, and Docks - New construction or substantial improvement of wharves, piers, and docks are permitted in Zones A and AE, in and over water, and shall comply with all applicable local, state, and federal regulations.

ARTICLE VII - CERTIFICATE OF COMPLIANCE

No land in a special flood hazard area shall be occupied or used and no structure which is constructed or substantially improved shall be occupied until a Certificate of Compliance is issued by the Code Enforcement Officer subject to the following provisions:

- A. For New Construction or Substantial Improvement of any elevated structure the applicant shall submit to the Code Enforcement Officer an Elevation Certificate completed by a Professional Land Surveyor for compliance with Article VI, paragraphs H., I., or J.
- B. The applicant shall submit written notification to the Code Enforcement Officer that the development is complete and complies with the provisions of this ordinance.
- C. Within 10 working days, the Code Enforcement Officer shall:
 1. review the Elevation Certificate and the applicant's written notification; and,

2. upon determination that the development conforms with the provisions of this ordinance, shall issue a Certificate of Compliance.

ARTICLE VIII - REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS

The Planning Board shall, when reviewing subdivisions and other proposed developments that require review under other federal law, state law, or local ordinances or regulations, and all projects on 5 or more disturbed acres, or in the case of manufactured home parks divided into two or more lots, assure that:

- A. All such proposals are consistent with the need to minimize flood damage.
- B. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damages.
- C. Adequate drainage is provided so as to reduce exposure to flood hazards.
- D. All proposals include base flood elevations, flood boundaries, and, in a riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.
- E. Any proposed development plan must include a condition of plan approval requiring that structures on any lot in the development having any portion of its land within a Special Flood Hazard Area are to be constructed in accordance with Article VI of this ordinance. Such requirement will be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The condition shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on any map, plat, or plan to be signed by the Code Enforcement Officer or local reviewing authority as part of the approval process.

ARTICLE IX - APPEALS AND VARIANCES

The Board of Appeals of the Town of Acton may, upon written application of an aggrieved party, hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer in the administration or enforcement of the provisions of this Ordinance.

The Board of Appeals may grant a variance from the requirements of this Ordinance consistent with state law and the following criteria:

- A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- B. Variances shall be granted only upon:
 1. a showing of good and sufficient cause; and,
 2. a determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public, or conflict with existing local laws or ordinances; and,

3. a showing that the issuance of the variance will not conflict with other state, federal, or local laws or ordinances; and,
 4. a determination that failure to grant the variance would result in "undue hardship," which in this subsection means:
 - a. that the land in question cannot yield a reasonable return unless a variance is granted; and,
 - b. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and,
 - c. that the granting of a variance will not alter the essential character of the locality; and,
 - d. that the hardship is not the result of action taken by the applicant or a prior owner.
- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the Board of Appeals may impose such conditions to a variance as it deems necessary.
- D. Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:
1. the criteria of Article IX.A. through C. and Article VI.M. are met; and,
 2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- E. Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of Historic Structures upon the determination that:
1. the development meets the criteria of Article IX.A. through C.; and,
 2. the proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- F. Variances may be issued for new construction and substantial improvement of Agricultural Structures being used for the conduct of agricultural uses provided that:
1. the development meets the criteria of Article IX.A. through C.; and,
 2. the development meets the criteria of Article VI.M. and Article VI.N.
- G. Any applicant who meets the criteria of Article IX.A. through C. and Article IX.D., E., or F. shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:
1. the issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as \$25 per \$100 of insurance coverage; and,
 2. such construction below the base flood level increases risks to life and property; and,

3. the applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks, and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.

H. Appeal Procedure for Administrative and Variance Appeals

1. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party within thirty days after receipt of a written decision of the Code Enforcement Officer.
2. Upon being notified of an appeal, the Code Enforcement Officer shall transmit to the Board of Appeals all of the documents constituting the record of the decision appealed from.
3. The Board of Appeals shall hold a public hearing on the appeal within thirty-five days of its receipt of an appeal request.
4. The person filing the appeal shall have the burden of proof.
5. The Board of Appeals shall decide all appeals within thirty-five days after the close of the hearing and shall issue a written decision on all appeals.
6. The Board of Appeals shall submit to the Code Enforcement Officer a report of all variance actions, including justification for the granting of the variance and an authorization for the Code Enforcement Officer to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.
7. Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five days from the date of any decision of the Board of Appeals.

ARTICLE X - ENFORCEMENT AND PENALTIES

- A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance pursuant to Title 30-A M RSA § 4452.
- B. The penalties contained in Title 30-A M RSA § 4452 shall apply to any violation of this Ordinance.
- C. In addition to any other actions, the Code Enforcement Officer, upon determination that a violation exists, may submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of:
 1. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location;
 2. a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance;
 3. a clear statement that the public body making the declaration has authority to do so and a citation to that authority;
 4. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,

5. a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

ARTICLE XI - VALIDITY AND SEVERABILITY

If any section or provision of this Ordinance is declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

ARTICLE XII - CONFLICT WITH OTHER ORDINANCES

This Ordinance shall not in any way impair or remove the necessity of compliance with any other applicable rule, ordinance, regulation, bylaw, permit, or provision of law. Where this Ordinance imposes a greater restriction upon the use of land, buildings, or structures, the provisions of this Ordinance shall control.

ARTICLE XIII - DEFINITIONS

Unless specifically defined below, words and phrases used in this Ordinance shall have the same meaning as they have at common law and to give this Ordinance its most reasonable application. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and not discretionary.

Accessory Structure - a structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure.

Adjacent Grade - the natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Agricultural Structure - structures that are used exclusively for agricultural purposes or uses in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock. Structures that house tools or equipment used in connection with these purposes or uses are also considered to have agricultural purposes or uses.

Area of Special Flood Hazard - the land in the floodplain having a one percent or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in Article I of this Ordinance.

Base Flood - a flood having a one percent chance of being equaled or exceeded in any given year, commonly called the 100-year flood.

Basement - any area of the building having its floor subgrade (below ground level) on all sides.

Building - see Structure.

Certificate of Compliance - A document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of this Ordinance.

Code Enforcement Officer - A person certified under Title 30-A MRSA, Section 4451 (including exceptions in subsection 4451, paragraph 1) and employed by a municipality to enforce all applicable comprehensive planning and land use laws and ordinances.

Containment Wall - a wall surrounding all sides of an above ground tank to contain any spills or leaks.

Development - any manmade change to improved or unimproved real estate. This includes, but is not limited to, buildings or other structures; mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials; and the storage, deposition, or extraction of materials.

Elevated Building - a non-basement building that is:

- a. built, in the case of a building in Zones A or AE, to have the top of the elevated floor elevated above the ground level by means of pilings, columns, posts, piers, or shear walls; and,
- b. adequately anchored so as not to impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood.

In the case of Zones A or AE, Elevated Building also includes a building elevated by means of fill or solid foundation perimeter walls with hydraulic openings sufficient to facilitate the unimpeded movement of flood waters, as required in Article VI.N.

Elevation Certificate - an official form (FEMA Form FF-206-FY-22-152, as amended) that is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program.

Existing Manufactured Home Park or Subdivision - a manufactured home park or subdivision that was recorded in the deed registry prior to the adoption date of the community's first floodplain management regulations.

Flood or Flooding -

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 1. The overflow of inland or tidal waters.
 2. The unusual and rapid accumulation or runoff of surface waters from any source.
- b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph a.1. of this definition.

Flood Elevation Study - an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Flood Insurance Rate Map (FIRM) - an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study - see Flood Elevation Study.

Floodplain or Flood-prone Area - any land area susceptible to being inundated by water from any source (see Flood or Flooding).

Floodplain Management - the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

Floodplain Management Regulations - zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance), and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing - any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and contents.

Floodway - see Regulatory Floodway.

Floodway Encroachment Lines - the lines marking the limits of floodways on federal, state, and local floodplain maps.

Freeboard - a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

Functionally Dependent Use - a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Historic Structure - any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior, or,
 2. Directly by the Secretary of the Interior in states without approved programs.

Locally Established Datum - for purposes of this ordinance, an elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD), or any other established datum and is used in areas where Mean Sea Level data is too far from a specific site to be practically used.

Lowest Floor - the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to

render the structure in violation of the applicable non-elevation design requirements described in Article VI.N. of this ordinance.

Manufactured Home - a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

Manufactured Home Park or Subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level - for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD), or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Minor Development - all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. It also includes but is not limited to: accessory structures as provided for in Article VI.L., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

National Geodetic Vertical Datum (NGVD) - the national vertical datum, whose standard was established in 1929, which is used by the National Flood Insurance Program (NFIP). NGVD was based upon mean sea level in 1929 and has been called "1929 Mean Sea Level (MSL)".

New Construction - structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

North American Vertical Datum (NAVD) - the national datum whose standard was established in 1988, which is the new vertical datum used by the National Flood Insurance Program (NFIP) for all new Flood Insurance Rate Maps. NAVD is based upon the vertical data used by other North American countries such as Canada and Mexico and was established to replace NGVD because of constant movement of the earth's crust, glacial rebound and subsidence, and the increasing use of satellite technology.

100-year flood - see Base Flood.

Recreational Vehicle - a vehicle which is:

- a. built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection, not including slideouts;
- c. designed to be self-propelled or permanently towable by a motor vehicle; and,
- d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Floodway -

- a. the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height, and,
- b. when not designated on the community's Flood Insurance Rate Map, it is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

Riverine - relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special Flood Hazard Area - see Area of Special Flood Hazard.

Start of Construction - the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, or modification of any construction element, whether or not that alteration affects the external dimensions of the building.

Structure - for floodplain management purposes, a walled and roofed building. A gas or liquid storage tank that is principally above ground is also a structure.

Substantial Damage - damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement - any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or,
- b. Any alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and a variance is obtained from the community's Board of Appeals.

Variance - a grant of relief by a community from the terms of a floodplain management regulation.

Violation - the failure of a structure or development to comply with a community's floodplain management regulations.

ARTICLE XIV - ABROGATION

This ordinance repeals and replaces any municipal ordinance previously enacted to comply with the National Flood Insurance Act of 1968 (P.L. 90-488, as amended).

ARTICLE XV - DISCLAIMER OF LIABILITY

The degree of flood protection required by the ordinance is considered reasonable but does not imply total flood protection.

Warrant and Finance Recommendation: Approve the Article as Written, 6-0.

Select Board Recommendation: Approve the Article as Written, 4-0.

Leslie Berlin made a motion approve the article as written. Dennis Long seconded the motion. Motion passed as written.

ARTICLE 7: To see if the Town will vote to adopt the Mooring Ordinance, as printed below:

ACTON MOORING ORDINANCE

ARTICLE I - TITLE

- 1.1 The title of this ordinance shall be the “Acton Mooring Ordinance” (hereinafter referred to as the “Ordinance”).

ARTICLE II - PURPOSE

- 2.1 This Ordinance is enacted to ensure that mooring installation, use and maintenance does not impair the public’s health, safety and welfare; does not result in degraded water quality, loss of aquatic habitat, or interference with navigation; and does not infringe on the rights of Shoreland property owners.

ARTICLE III - AUTHORITY

- 3.1 This Ordinance is enacted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution and the provisions of 12 M.R.S.A. § 13072, 30-A M.R.S.A. § 3001, and 38 M.R.S.A. §§ 1 to 13.

ARTICLE IV - APPLICABILITY

- 4.1 This Ordinance allows the installation of moorings for the purpose of securing a watercraft, float, float plane, or swim area floats in a great pond or stream within the Town of Acton. The same regulations also apply to anchoring.

ARTICLE V - CONFLICT AND SEVERABILITY

- 5.1 Whenever a provision of this Ordinance conflicts with or is inconsistent with any other ordinances, regulations or statute, the more restrictive provision shall apply. The invalidity of any part of this Ordinance shall not invalidate any other part of this Ordinance.

ARTICLE VI - DEFINITIONS

- 6.1 In this Ordinance, the following terms shall have the following meanings unless a contrary meaning is required by the context or is specifically prescribed.
 - 6.1.1 Great pond: Any inland body of water which in a natural state has a surface area in excess of 10 acres.
 - 6.1.2 Mooring: Any device designed to float and is attached to the anchoring device that secures a watercraft, float, float plane or swim area floats to the bottom of a water body.
 - 6.1.3 Mooring location: A rectilinear area on a body of water in which the master or owner of a boat, float or vessel has been permitted to place a mooring.
 - 6.1.4 Anchoring: To hold fast by means of an anchor.
 - 6.1.5 Watercraft: Any craft meeting the Federal or State definition of a watercraft.
 - 6.1.6 Shorefront mooring zone: The area of water within two hundred (200) feet of the normal high-water line, or one third (1/3) the distance to the opposite shore's normal high-water line, whichever is less, bounded by lines perpendicular to the shore extending from the boundaries of privately owned property.
 - 6.1.7 Float: A floating platform moored or anchored for use by swimmers or boats, that is not integrated and connected with a dock.

ARTICLE VII – SHOREFRONT MOORING ZONE

- 7.1 No person may moor or otherwise affix or secure any boat or any other floating object within a shorefront mooring zone without explicit consent of the owner of the adjacent shorefront property. Mooring placement shall be the responsibility of the property owner subject to the following conditions:
 - 7.1.1 A mooring may be placed by a shorefront property owner or another individual with the shorefront property owner's written permission.
 - 7.1.2 A mooring shall be placed in the shorefront mooring zone directly adjacent to the owner's property.
 - 7.1.3 The mooring shall be restricted to water within 200 feet of the normal high-water line, or one third (1/3) the distance to the opposite shore's normal highwater line, whichever is less. If a mooring is deemed to create a navigation hazard, it shall be removed or moved to a safe mooring location specified by the harbormaster.
 - 7.1.4 Leasing or rending of mooring for commercial purposes shall be prohibited.
 - 7.1.5 A mooring shall not be allowed if watercraft attached to it will interfere with the watercraft attached to other lawful moorings and/or swim area floats, or if safe

navigation is impeded. Anchoring must also not impede safe navigation.

7.1.6 Nothing in this ordinance shall obligate the Town to adjudicate or determine the scope of individual easement rights.

7.1.7 Nothing in this ordinance shall prohibit temporary anchoring of boats (in or outside the shorefront mooring zone) while the operator is engaged in recreational activities.

ARTICLE VIII - HARBORMASTER

8.1 The Select Board shall appoint a Harbormaster to carry out and enforce provisions of this chapter. The Harbormaster shall be appointed for a term of no less than one year in accordance with the requirements of 12 M.R.S.A. § 13072 and this chapter. The Town's Code Enforcement Officer may also serve as its Harbormaster.

ARTICLE IX – ENFORCEMENT, VIOLATIONS, PENALTIES

9.1 The Harbormaster shall determine whether provisions of this chapter have been violated. The Select Board together with the harbormaster, shall assess the nature and severity of the violation and shall take the necessary course of corrective action, which may include assessment of a penalty. If an illegally placed mooring is not removed within 14 days after a notice of violation has been sent by certified mail and regular United States mail to the property owner's last know address, (or a notice left on the boat/mooring), the Harbor Master may remove the mooring. The mooring's owner shall be responsible for all expenses incurred in the removal, including legal fees.

9.2 Any person who violates any provision of this chapter shall be subject to a civil penalty of not less than \$100 and not more than \$250 for a first violation. The violator may be ordered to correct or abate the violation. Each day that such a violation continues to exist shall be considered a separate violation. This chapter shall be enforced pursuant to 30-A M.R.S.A. § 4452. The failure to obey the lawful order of a harbormaster shall be punished as a Class E crime pursuant to 38 M.R.S.A. § 13.

ARTICLE X – APPEALS

10.1 Appeals by any person aggrieved by a decision, act, or failure to act by the harbormaster as it relates to the implementation and enforcement of this chapter shall be made to the Appeals Board through the Town Administrator. In all cases, a person aggrieved by an order or decision made or failure to act by the harbormaster shall file his appeal within 14 days of receipt of notice of the decision or order appealed. The appeal shall specifically describe the grounds for such action. The Town Administrator shall notify the Select Board and the Harbormaster.

ARTICLE XI – EFFECTIVE DATE

11.1 This ordinance shall take effect upon adoption by the Acton Town Meeting.

Warrant and Finance Recommendation: Ought Not To Pass 6-0.

Select Board Recommendation: Approve the Article As Written, 4-0.

Leslie Berlin made a motion to approve the article as written. Jon Denekamp seconded the motion. Motion passed as written, after a counted vote took place, 71-41.

ARTICLE 8: To see if the Town will vote to amend the zoning ordinance relative to filling, grading or other earthy moving activity as specified below:

PROPOSED AMENDMENTS TO THE ZONING ORDINANCE RELATIVE TO FILLING, GRADING OR OTHER EARTH MOVING ACTIVITY

~~Shaded Strike through~~ indicates wording removed

Shaded Underline indicates wording added

Asterisks (* * *) indicates existing wording omitted before or after

2.7 Land Use Chart

ANY USE NOT LISTED HEREIN IS PROHIBITED

- C = Conditional Use Review
- LPI = Licensed Plumbing Inspector
- N = Not Permitted (use not allowed)
- P = Permitted (use allowed without a permit, must comply with all applicable land use standards)
- R = CEO Review (use must be reviewed by CEO and a permit may be required)
- S = Site Plan Review
- SD = Subdivision Review
- NA = Not applicable

	Village Area	Transition Area (2 acre)	Rural Area (2 acre)	Critical Rural Area (5 acre)	Commercial A	Commercial B	Commercial C	Mixed Use	Resource Protection	Shoreland	Little Ossipee	Aquifer Protection Dist.
2.7.5 – OTHER USES												
* * * *												
d. Filling, grading, or other earth moving activity 100 - 499 cubic yards per year	P	P	P	P	P	P	P	P	C	C	C	P
e. Filling, grading, or other earth moving activity 500 - 9,999-999 cubic yards per year	P	P	P	P	P	P	P	P	N	N	N	P
f. Filling, grading, or other earth moving activity more than 10,000 <u>greater than or equal to 1,000</u> cubic yards per year	N C	C	C	C	C	C	C	C	N	N	N	C

Warrant and Finance Recommendation: Approve the Article as Written, 6-0.
 Select Board Recommendation: Approve the Article as Written, 6-0.

Leslie Berlin made a motion to approve the article as written. Rollin Waterhouse seconded the motion. Motion passed as written.

ARTICLE 9: To see if the Town will vote to amend the zoning ordinance relative to water quality protection as specified below:

PROPOSED AMENDMENTS TO THE ZONING ORDINANCE RELATIVE TO WATER QUALITY PROTECTION

~~Shaded Strike through~~ indicates wording removed

Shaded Underline indicates wording added

Asterisks (* * *) indicates existing wording omitted before or after

5.21 – Water Quality Protection

5.21.5 No person shall bury any animal remains, or permit the burial, within 100 feet of a source of potable water, or within 100 ft of a natural water body within the Shoreland and Resource Protection Districts

Warrant and Finance Recommendation: Approve the Article as Written, 4-2.

Select Board Recommendation: Ought Not To Pass; 4-0.

Leslie Berlin made a motion approve the article as written. Mary Stanton seconded the motion. Motion passed as written, after a counted vote took place, 56-49.

ARTICLES 10 THROUGH 20 AUTHORIZE EXPENDITURES IN COST CENTER CATEGORIES

ARTICLE 10: To see what sum the Town of Acton will authorize the School Committee to expend for Regular Instruction.

School Committee Recommends: To expend \$3,100,956.16 for Regular Instruction, 5-0.

Warrant and Finance Committee Recommends: : To expend \$3,100,956.16 for Regular Instruction, 6-0.

Judie Shain made a motion to expend \$3,100,956.16 for Regular Instruction; seconded by Joe Ruma. Motion passed as written.

ARTICLE 11: To see what sum the Town of Acton will authorize the School Committee to expend for Special Education.

School Committee Recommends: To expend \$1,392,900 for Special Education, 5-0.

Warrant and Finance Committee Recommends: To expend \$1,392,900 for Special Education, 6-0.

Judie Shain made a motion to expend \$1,392,900 for Special Education; seconded by Ray Lopez. Motion passed.

ARTICLE 12: To see what sum the Town of Acton will authorize the School Committee to expend for Career and Technical Education.

School Committee Recommends: To expend \$0 for Career and Technical Education, 5-0.

Warrant and Finance Committee Recommends: : To expend \$0 for Career and Technical Education, 6-0.

Judie Shain made a motion to expend \$0 for Career and Technical Education; seconded by Mary Stanton. Motion passed.

ARTICLE 13: To see what sum the Town of Acton will authorize the School Committee to expend for Other Instruction.

School Committee Recommends: To expend \$66,443 for Other Instruction, 5-0.

Warrant and Finance Committee Recommends: To expend \$66,443 for Other Instruction, 6-0.

Judie Shain made a motion to expend \$66,443 for Other Instruction; seconded by Jon Denekamp. Motion passed.

ARTICLE 14: To see what sum the Town of Acton will authorize the School Committee to expend for Student and Staff Support.

School Committee Recommends: To expend \$571,712.81 for Student and Staff Support, 5-0.

Warrant and Finance Committee Recommends: To expend \$571,712.81 for Student and Staff Support, 6-0.

Judie Shain made a motion to expend \$571,712.81 for Student and Staff Support; seconded by Jeanette Bearse. Motion passed.

ARTICLE 15: To see what sum the Town of Acton will authorize the School Committee to expend for System Administration.

School Committee Recommends: To expend \$256,573 for System Administration, 5-0.

Warrant and Finance Committee Recommends: To expend \$256,573 for System Administration, 6-0.

Judie Shain moved to expend \$256,573 for System Administration; seconded by Jeanette Bearse. Motion passed.

ARTICLE 16: To see what sum the Town of Acton will authorize the School Committee to expend for School Administration.

School Committee Recommends: To expend \$299,542 for School Administration, 5-0.

Warrant and Finance Committee Recommends: To expend \$299,542 for School Administration, 6-0.

Judie Shain made a motion to expend \$299,542 for School Administration; seconded by Ray Lopez. Motion passed.

ARTICLE 17: To see what sum the Town of Acton will authorize the School Committee to expend for Student Transportation.

School Committee Recommends: To expend \$385,350 for Student Transportation, 5-0.

Warrant and Finance Committee Recommends: To expend \$385,350 for Student Transportation, 6-0.

Judie Shain made a motion To expend \$385,350 for Student Transportation; seconded by Mary Stanton.

Motion passed.

ARTICLE 18: To see what sum the Town of Acton will authorize the School Committee to expend for Facilities Maintenance.

School Committee Recommends: To expend \$551,916 for Facilities Maintenance, 5-0.

Warrant and Finance Committee Recommends: To expend \$551,916 for Facilities Maintenance, 6-0.

Judie Shain made a motion to expend \$551,916 for Facilities Maintenance, seconded by Mary Stanton. Motion passed.

ARTICLE 19: To see what sum the Town of Acton will authorize the School Committee to expend for Debt Service and Other Commitments.

School Committee Recommends: To expend \$0 for Debt Service, 5-0.

Warrant and Finance Committee Recommends: To expend \$0 for Debt Service, 6-0.

Judie Shain made a motion to expend \$0 for Debt Service; seconded by Jon Denekamp. Motion passed.

ARTICLE 20: To see what sum the Town of Acton will authorize the School Committee to spend for all other expenses, including nutrition.

School Committee Recommends: To expend \$4,000 for All Other Expenditures including Nutrition, 5-0.

Warrant and Finance Committee Recommends: To expend \$4,000 for All Other Expenditures including Nutrition, 6-0.

Judie Shain made a motion to expend \$4,000 for All Other Expenditures including Nutrition; seconded by Mary Stanton. Motion passed.

ARTICLES 21 AND 22 RAISE FUNDS FOR THE PROPOSED SCHOOL BUDGET

ARTICLE 21: To see what sum the Municipality will appropriate for the total cost of funding public education from Pre-kindergarten to grade 12, as described in the Essential Programs and Services Funding Act, (recommend \$4,540,785), and to see what sum the Municipality will raise as the Municipality's contribution to the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, (recommend \$3,921,466), in accordance with the Maine Revised Statutes, Title 20-A, section 15688.

"Explanation: The school department's contribution to the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that a municipality must raise to receive the full amount of state dollars."

School Committee Recommends: To appropriate \$4,540,785 for the total cost of funding public education from Pre-kindergarten to grade 12 and to raise \$3,921,466 as the Municipality's contribution to the total cost of funding public education from Pre-kindergarten to grade 12.

Total Combined State & Local \$4,540,785
Less State Subsidy -\$619,319

The amount required by the State from the Town: \$3,921,466

5-0.

Warrant and Finance Committee Recommends: To appropriate \$4,540,785 for the total cost of funding public education from Pre-kindergarten to grade 12 and to raise \$3,921,466 as the Municipality's contribution to the total cost of funding public education from Pre-kindergarten to grade 12.

Total Combined State & Local \$4,540,785

Less State Subsidy -\$619,319

The amount required by the State from the Town: \$3,921,466

6-0.

Judy Shain made a motion to appropriate \$4,540,785 for the total cost of funding public education from Pre-kindergarten to grade 12 and to raise \$3,921,466 as the Municipality's contribution to the total cost of funding public education from Pre-kindergarten to grade 12; seconded by Mary Stanton. Motion passed.

ARTICLE 22: (This Article requires a Written Ballot) To see what sum the Municipality will raise and appropriate in additional local funds (Recommend \$1,679,302) that exceeds the state's Essential Programs and Services allocation model by (Recommend \$1,679,302) as required to fund the budget recommended by the School Committee.

The School Committee Recommends Raising and appropriating \$1,679,302 in additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services allocation model by \$1,679,302. Essential Programs and Services allocation model does not fully support all the costs of a Pre-K-12 program. These funds support programming not included in the Essential Programs and Services Model, including transportation, nutrition, and other educational and support programs. 5-0.

Warrant and Finance Committee Recommends: Raising and appropriating \$1,679,302 in additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services allocation model by **\$1,679,302**. Essential Programs and Services allocation model does not fully support all the costs of a Pre-K-12 program. These funds support programming not included in the Essential Programs and Services Model, including transportation, nutrition, and other educational and support programs. (5-0-1).

Judie Shain made a motion to raise and appropriate \$1,679,302 in additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services allocation model by \$1,679,302. Essential Programs and Services allocation model does not fully support all the costs of a Pre-K-12 program. These funds support programming not included in the Essential Programs and Services Model, including transportation, nutrition, and other educational and support programs; seconded by Mary Stanton. Vote taken by written secret ballot. Motion passed 100-13.

ARTICLE 23 SUMMARIZES THE PROPOSED SCHOOL BUDGET

ARTICLE 23: To see what sum the Town of Acton will authorize the School Committee to expend for the fiscal year beginning July 1, 2024, and ending June 30, 2025, from the School Department's contribution to the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition

receipts, state subsidy and other receipts for the support of schools.

Explanation: This article is a summary article and approves expenditures of the proposed budget of \$6,629,393.30. This article authorizes the School Committee to expend the funds appropriated in the previous articles, plus other revenues. The article does not raise any additional money.

School Committee Recommends: To expend \$6,629,393.30 for the fiscal year beginning July 1, 2024 and ending June 30, 2025, to fund public education from grades Pre-kindergarten to grade 12, 5-0.

Warrant and Finance Committee Recommends: To expend \$6,629,393.30 for the fiscal year beginning July 1, 2024 and ending June 30, 2025, to fund public education from grades Pre-kindergarten to grade 12, 6-0.

Explanation: This Article is a summary article and approves expenditures of the proposed budget of \$6,629,393.30. This article authorizes the School Committee to expend the funds appropriated in the previous articles, plus other revenues. The Article does not raise any additional money.

Judy Shain made a motion to expend \$6,629,393.30 for the fiscal year beginning July 1, 2024 and ending June 30, 2025, to fund public education from grades Pre-kindergarten to grade 12; seconded by Jeanette Bearse. Motion passed.

ARTICLE 24 AUTHORIZES EXPENDITURE OF GRANTS AND OTHER RECEIPTS

ARTICLE 24: Shall the School Committee be authorized to expend such other sums as may be received from federal or state grants or programs or other sources during the fiscal year for school purposes, provided that such grants, programs, or other sources do not require the expenditure of other funds not previously appropriated.

School Committee Recommends: To authorize the expenditure of grants and other funds as per Article 24, 5-0.

Warrant and Finance Committee Recommends: To authorize the expenditure of grants and other funds as per Article 24, 6-0.

Judie Shain made a motion to authorize the expenditure of grants and other funds as per Article 24; seconded by Mary Stanton. Motion passed.

ARTICLE 25 AUTHORIZES A TRANSFER TO AND EXPENDITURE FROM THE CAPITAL IMPROVEMENT RESERVE FUND

ARTICLE 25: To see what sum the School Committee will be authorized to transfer from the school's undesignated funds to the School's Designated Capital Improvement Reserves Account and to authorize the School Committee to expend funds from that Reserve Account as needed in its discretion. This account is used for Repairs and Maintenance of the building and parking lots.

School Committee Recommends: To transfer \$325,000 from the School's undesignated funds to the School's designated Capital Improvement Reserves Account to replace flooring, sidewalk improvements, roof repair, security doors, and security upgrades, 5-0.

Warrant and Finance Committee Recommends: : To transfer \$325,000 from the School's undesignated funds to the School's designated Capital Improvement Reserves Account to replace flooring, sidewalk improvements, roof repair, security doors, and security upgrades, 6-0

Judy Shain made a motion to transfer \$325,000 from the School's undesignated funds to the School's designated Capital Improvement Reserves Account to replace flooring, sidewalk improvements, roof repair, security doors, and security upgrades; seconded by Joe Ruma. Motion passed.

ARTICLE 26 AUTHORIZES A TRANSFER TO AND EXPENDITURE FROM THE MINOR CAPITAL PROJECT RESERVE FUND

ARTICLE 26: To see what sum the School Committee will be authorized to transfer from the school's undesignated funds to the School's Designated Minor Capital Project Reserves Account and to authorize the School Committee to expend funds from that Reserve Account as needed in its discretion. This account is used for minor projects.

School Committee Recommends: To transfer \$54,700 from the School's undesignated funds to the School's designated Minor Capital Project Reserves Account to replace the kitchen Dishwasher and convection ovens and to purchase AEDs for the school, 5-0.

Warrant and Finance Committee Recommends: To transfer \$54,700 from the School's undesignated funds to the School's designated Minor Capital Project Reserves Account to replace the kitchen dishwasher and convection ovens and to purchase AEDs for the school, 6-0.

Judy Shain made a motion to transfer \$54,700 from the School's undesignated funds to the School's designated Minor Capital Project Reserves Account to replace the kitchen dishwasher and convection ovens and to purchase AEDs for the school; seconded by Ray Lopez. Motion passed.

ARTICLE 27 AUTHORIZES A TRANSFER TO AND EXPENDITURE FROM THE FUEL RESERVE FUND

ARTICLE 27: To see what sum the School Committee will be authorized to transfer from the school's undesignated funds to the School's Designated Fuel Reserves Account and to authorize the School Committee to expend funds from that Reserve Account as needed in its discretion.

School Committee Recommends: To transfer \$10,700 from the School's undesignated funds to the School's designated Fuel Reserves Account to replace used funds, 5-0.

Warrant and Finance Committee Recommends: To transfer \$10,700 from the School's undesignated funds to the School's designated Fuel Reserves Account to replace used funds, 6-0.

Judy Shain made a motion to transfer \$10,700 from the School's undesignated funds to the School's designated Fuel Reserves Account to replace used funds; Mary Stanton seconded. Motion passed.

ARTICLE 28 AUTHORIZES A TRANSFER TO AND EXPENDITURE FROM THE TUITION & ASSISTIVE TECHNOLOGY RESERVE FUND

ARTICLE 28: To see what sum School Committee will be authorized to transfer from the school's undesignated funds to the School's Designated Tuition & Assistive Technology Reserve Account and to

authorize the School Committee expend funds from that Reserve Account. This account is used for purposes of covering unexpected new residents moving in with high school students, home school students deciding to attend charter schools or the high school, and new residents with students having special needs.

School Committee Recommends: To transfer \$75,000 from the school's undesignated funds to the school's designated Tuition & Assistive Technology Reserves Account for Salary & Benefits for a teacher hired after the FY 23/24 School town vote. 5-0.

Warrant and Finance Committee Recommends: To transfer \$75,000 from the school's undesignated funds to the school's designated Tuition & Assistive Technology Reserves Account for Salary & Benefits for a teacher hired after the FY 23/24 School town vote. 6-0.

Judy Shain made a motion to transfer \$75,000 from the school's undesignated funds to the school's designated Tuition & Assistive Technology Reserves Account for Salary & Benefits for a teacher hired after the FY 23/24 School town vote; seconded by Mary Stanton. Motion carried.

Tom McGurty made a motion to block vote and approve Articles 29-37 collectively. Seconded by Mary Station. Motion to block and approve Articles 29-37 as written passed.

ARTICLE 29: To see if the Town will authorize the Select Board to appropriate and expend monies from the Unassigned Fund Balance for the purchase of equipment or to use as they deem advisable to meet unanticipated expenses and emergencies that occur during fiscal year 2024-2025. Expenditures in excess of \$5,000 shall require advice and recommendation of the Warrant and Finance Committee (Maximum expenditure of \$15,000.00).

Warrant and Finance Recommendation: Approve the Article as Written, 6-0.

Select Board Recommendation: Approve the Article as Written, 4-0.

Tom McGurty made a motion to block vote and approve Articles 29-37 collectively. Seconded by Mary Station. Motion to block and approve Articles 29-37 as written passed.

ARTICLE 30: To see if the Town will vote to authorize the Select Board to dispose of surplus town-owned equipment, with the exception of road equipment, having a value of less than or equal to \$500.00, on such terms and conditions as they deem advisable and to execute any necessary documents to accomplish said purpose. (All equipment having a value of more than \$500.00 shall be put out to public bid). Funds received from such sales shall be placed in the Municipal Unassigned Fund Balance.

Warrant and Finance Recommendation: Approve the Article as Written, 6-0.

Select Board Recommendation: Approve the Article as Written, 4-0.

Tom McGurty made a motion to block vote and approve Articles 29-37 collectively. Seconded by Mary Station. Motion to block and approve Articles 29-37 as written passed.

ARTICLE 32: To see if the Town will vote to authorize the Municipal Officers to dispose of tax-acquired property via quitclaim deed by either (A) offering the property to the former owner(s) or if deceased, to his/her/their heirs/devisees/personal representative for a price equal to all outstanding taxes, interest, fees and costs; or (B) using the process authorized by 36 M.R.S. § 943-C, provided that if the former owner does not request that process or the board is unable to list or sell the property as required by § 943-C(3), the Board may sell the property through a competitive sealed bid process in which a notice advertising sale of the

property shall be published at least twice in a newspaper of general circulation in the county. For sales other than to the former owner, excess sale proceeds, as defined in 36 M.R.S. § 943-C, shall be returned to the former owner. No Select Board Member, during the term of his or her office may acquire from the Town any interest in real estate acquired by the Town on account of nonpayment of taxes unless the owner of record at the time of foreclosure was the Select Person or the son, daughter, spouse, or parent of the Select Person.

Warrant and Finance Recommendation: Approve the Article as Written, 6-0.

Select Board Recommendation: Approve the Article as Written, 4-0.

Tom McGurty made a motion to block vote and approve Articles 29-37 collectively. Seconded by Mary Station. Motion to block and approve Articles 29-37 as written passed.

ARTICLE 33: To see if the Town will vote to have Real Estate and Personal Property taxes first payment come due on October 15, 2024 and the second payment on April 15, 2025, interest to be charged at 8.5% on all taxes paid after October 15, 2024 and April 15, 2025 and interest on abated taxes to be paid by the Town at 8.5% pursuant to 36 M.R.S.A. 506-A, and to authorize the Tax Collector to accept the pre-payment of taxes before the tax commitment with no interest.

Warrant and Finance Recommendation: Approve the Article as Written, 6-0.

Select Board Recommendation: Approve the Article as Written, 4-0.

Tom McGurty made a motion to block vote and approve Articles 29-37 collectively. Seconded by Mary Station. Motion to block and approve Articles 29-37 as written passed.

ARTICLE 34: To see if the Town will vote to authorize the Select Board to make application for and execute any documents related to any grant or donation, to accept any such grants or donations or any fees and appropriate such funds for their designated use so long as they do not require matching funds or encumber the Town in any way. The Treasurer shall be notified of any grant applications and a copy shall be kept on file in the Treasurer's Office.

Warrant and Finance Recommendation: Approve the Article as Written 6-0.

Select Board Recommendation: Approve the Article as Written 4-0.

Tom McGurty made a motion to block vote and approve Articles 29-37 collectively. Seconded by Mary Station. Motion to block and approve Articles 29-37 as written passed.

ARTICLE 35: To see if the Town will vote to carry forward the following fund balances and allow the balance carried forward to be appropriated to the designated department(s) for the ensuing year:

APAT Capital Equipment Fund
Cemetery Committee Funds
Earned Paid Leave Fund
Forestry and Conservation Committee Funds
Forestry Reserve Funds
LRAP Fund
(Local Road Assistance Program funds are restricted State funds)

Also, to authorize the Town to carry forward but not appropriate (unless appropriated in other articles) the following fund balances:

Ambulance Reserve Fund
Capital Improvement Fund
Dams Capital Improvement Fund
Fire Dept Capital Vehicle Fund
Recreation Capital Improvement Fund
American Rescue Plan Act Funds

All other unexpended appropriations and revenues to lapse into the Municipal Unassigned Fund Balance. Unexpended school balances shall remain in the School Fund.

For Informational Purposes Only: *The following funds will automatically carry forward and be expensed as necessary: Neighbors Helping Neighbors Fund, Mary Grant Fund, Fuel Assistance Donation Fund, Fire Department Grants-Donations-Scholarships Fund, Lincoln Schoolhouse Donations, MEHAF Grant Funds, Statutory Private Road Association Reserve, Statutory Bridge/Culvert Capital Improvement Reserve, Statutory Town Hall Parking Lot Capital Reserve.*

Warrant and Finance Recommendation: Approve the Article as Written 6-0.
Select Board Recommendation: Approve the Article as Written. 4-0.

Tom McGurty made a motion to block vote and approve Articles 29-37 collectively. Seconded by Mary Station. Motion to block and approve Articles 29-37 as written passed.

ARTICLE 36: To see if the Town will vote to transfer the unexpended balance of the FEMA - Emergency Disaster Reserve Fund into the Unassigned Fund Balance and terminate the Fund.

Warrant and Finance Recommendation: Approve the Article as Written 6-0.
Select Board Recommendation: Approve the Article as Written. 4-0.

Tom McGurty made a motion to block vote and approve Articles 29-37 collectively. Seconded by Mary Station. Motion to block and approve Articles 29-37 as written passed.

ARTICLE 37: To see if the Town will vote to appropriate Fiscal Year 2024-2025 Anticipated Municipal Revenues from the categories listed below, and to use funds from the Municipal Unassigned Fund Balance to reduce the amount to be raised by taxation during the tax commitment:

Revenue Categories:

Excise tax, interest and penalties, plumbing and building permits, tree growth reimbursement, town animal fees, victualer's licenses, vital records, agent fees, investment earnings, ambulance service fees, recycling returns, and miscellaneous non-restricted State revenue not previously appropriated in other articles.

Warrant and Finance Recommendation: Approve the Article as Written, 5-0-1.
Select Board Recommendation: Approve the Article as Written. 4-0.

Tom McGurty made a motion to block vote and approve Articles 29-37 collectively. Seconded by Mary Station. Motion to block and approve Articles 29-37 as written passed.

ARTICLE 38: To see if the Town will vote to raise and appropriate **\$1,110,869** for wages, operational expenses and employer costs of **General Government**.

General Administration	\$277,754
Assessing	\$ 42,000
Municipal Management	\$450,110
Finance	\$160,211
Planning and Land Use	\$180,794

Warrant and Finance Recommendation: Approve the Article as Written 6-0.

Select Board Recommendation: Approve the Article as Written, 4-0.

Leslie Berlin made a motion to approve the article as written; seconded by Ray Lopez.

Dennis Long made a motion to amend the article to read, "To see if the Town will vote to raise \$110,869 and appropriate \$1,000,000 from the undesignated reserve funds for wages, operational expenses and employer costs of General Government. Seconded by Denny Long.

Dennis Long made a motion to vote on Article 38 by written secret ballot, Leslie Berlin seconded. Motion Failed.

Motion to amend the Article as moved by Dennis Long failed.

Original motion made by Leslie Berlin, seconded by Ray Lopez passed.

ARTICLE 39: To see if the Town will vote to raise and appropriate **\$1,087,039** for wages and operational expenses for **Public Safety**.

Fire Department	\$947,501
Animal Control	\$ 21,141
Other Public Safety	\$118,397

Warrant and Finance Recommendation: Approve the Article as Written, 6-0.

Select Board Recommendation: Approve the Article as Written, 4-0.

Leslie Berlin made a motion to approve the article as written; seconded by Ray Lopez. Motion passed.

ARTICLE 40: To see if the Town will vote to pay wages and equipment for repair and maintenance of public ways according to the following schedule: (Rates by the hour)

Wages	
Road Commissioners	\$ 34.81
Equipment w/operator	
Laborer w/no equipment	\$ 25.00
Backhoe 2wd	\$ 76.81
Backhoe 4wd	\$ 86.81
Loaders (base rate for 1 yd loader)	\$ 75.00
Loaders over 1 yard capacity, add	\$ 22.15
Loader at stockpile (price per yard loaded)	\$ 3.50
Grader GVW 21,000	\$107.01

Chainsaw and hand-held power tools	\$ 37.99
Mowing Tractor w/sickle bar/rake	\$ 77.01
Mowing Tractor w/boom mower	\$114.01
Trucks 1-2 cubic yards	\$ 61.01
Trucks 3-4 cubic yards	\$ 71.01
Trucks 5-7 cubic yards	\$ 81.01
Trucks 12 cubic yards	\$ 90.00
Tri Axle	\$ 95.00
Pickup/Service Trucks	\$ 60.00
Excavators up to 20,000 lbs	\$105.00
Excavators over 20,000 lbs	\$115.00
Excavators over 40,000 lbs	\$141.66
Multi Use Tractors/Skidsteer	\$ 88.66
Attachment	\$ 15.00
Winter Road Equipment w/operator	
2wd 26,000 GVW+	\$ 99.78
4wd 26,000 GVW +	\$117.21
10 Wheeler	\$110.01
4wd 1 ton up to 12,499 GVW	\$ 80.38
4wd 1 ton between 12,500- 25,999 GVW	\$ 85.38
¾ ton truck	\$ 75.61
Trucks w/wing add	\$ 5.00
Contractor owned sander 2.5yd	\$ 7.50
Contractor owned sander 6yd –11yd	\$ 10.00
Contractor owned sander 12yd+	\$ 15.00
Sand Screen	\$ 43.05

In the event that the Road Commissioner is the operator of the equipment, a deduction of **\$34.81** will be taken from the equipment rates listed above.

The Town will furnish cutting edges and bolts for equipment used **EXCLUSIVELY** for winter maintenance on Town of Acton roads.

Cost of Operations: The above rates are based on fuel prices up to and including \$5.00 per gallon. The Town of Acton will pay an additional \$1.00/hr for each \$0.25 increase per gallon for equipment utilizing diesel fuel. This will be based on the fuel price at Boonies in Shapleigh on each Sunday. Such price will determine the fuel allowance for the following week’s warrant.

Warrant and Finance Recommendation: Approve the Article as Written, 6-0.

Select Board Recommendation: Approve the Article as Written, 4-0.

Leslie Berlin made a motion to approve the article as written; seconded by Joe Ruma. Motion passed.

ARTICLE 41: To see if the Town will vote to raise and appropriate **\$435,235** for **Public Works**.

Public Works Building	\$ 17,038
Transfer Station	\$406,067
Other Public Works-Dams	\$ 12,130

Warrant and Finance Recommendation: Approve the Article as Written, 6-0.

Select Board Recommendation: Approve the Article as Written, 4-0.

Leslie Berlin made a motion to approve the article as written; seconded by Ray Lopez. Motion passed.

ARTICLE 42: To see if the Town will vote to raise and appropriate \$75,762 and to appropriate \$25,000 from State LRAP funds, for the **District One Road Department**. Said funds to be disbursed after a project list, including line item budgeting, has been presented to the Select Board, to be expended as follows:

Summer Maintenance: \$ 100,762

Warrant and Finance Recommendation: Approve the Article as Written, 6-0.

Select Board Recommendation: Approve the Article as Written, 4-0.

Leslie Berlin made a motion to approve the article as written; seconded by Tammy Krampetz. Motion passed.

ARTICLE 43: To see if the Town will vote to raise and appropriate \$92,917 and to appropriate \$25,000 from State LRAP funds, for the **District Two Road Department**. Said funds to be disbursed after a project list, including line item budgeting, has been presented to the Select Board, to be expended as follows:

Summer Maintenance: \$ 112,917

Flatground Road: : \$ 5,000

Warrant and Finance Recommendation: Approve the Article as Written, 6-0.

Select Board Recommendation: Approve the Article as Written, 4-0.

Leslie Berlin made a motion to approve the article as written; seconded by Tammy Krampetz. Motion passed.

ARTICLE 44: To see if the Town will vote to raise and appropriate \$409,747 for the **District One and District Two Winter Maintenance and Sand/Salt Stockpile**.

District One Winter Maintenance \$126,811

District Two Winter Maintenance: \$126,811

Sand/Salt Stockpile: \$156,125

Warrant and Finance Recommendation: Approve the Article as Written 6-0.

Select Board Recommendation: Approve the Article as Written. 4-0.

Leslie Berlin made a motion to approve the article as written; seconded by Tammy Krampetz. Motion passed.

ARTICLE 45: To see if the Town will vote to establish a Reserve Account called, "H Road Reserve Account" to raise and appropriate \$340,000 to reclaim and pave the portion of H Road from 2978 H Road to 4101 H Road. Any funds remaining in this account after the completion of the repair, no later than 06/30/2026, shall be returned to the Unassigned Fund Balance and said Reserve Account shall be dissolved.

Warrant and Finance Recommendation: Approve the Article as Written, 6-0.
Select Board Recommendation: Approve the Article as Written, 4-0.

Leslie Berlin made a motion to approve the article as written; seconded by Tammy Krampetz.

Will Langley made a motion to change the article to read, " To see if the Town will vote to establish a Reserve Account called, "H Road Reserve Account" to raise and appropriate **\$340,000** to reclaim and pave the portion of H Road from 2978 H Road to 2491 H Road. Any funds remaining in this account after the completion of the repair, no later than 06/30/2026, shall be returned to the Unassigned Fund Balance and said Reserve Account shall be dissolved. Joyce Bakshi seconded, amended article passed.

ARTICLE 46: To see if the Town will vote to establish a Reserve Account called, "County Road Reserve Account" to raise and appropriate **\$433,000** to reclaim and pave 6100 feet. From 246 County Road to Foxes Ridge Road, to include County Road intersections. Any funds remaining in this account after the completion of the repair, no later than 06/30/2026, shall be returned to the Unassigned Fund Balance and said Reserve Account shall be dissolved.

Warrant and Finance Recommendation: Approve the Article as Written, 6-0.
Select Board Recommendation: Approve the Article as Written, 4-0.

Leslie Berlin made a motion to approve the article as written; seconded by Tammy Krampetz. Motion passed.

ARTICLE 47: To see if the Town will vote to raise and appropriate **\$82,997** for **Recreation, APAT, Cemetery, Forestry & Conservation.**

Recreation Department	\$38,822
Acton Public Access TV	\$33,576
Cemetery, Forestry & Conservation	\$10,599

Warrant and Finance Recommendation: Approve the Article as Written 6-0.
Select Board Recommendation: Approve the Article As Written. 4-0

Leslie Berlin made a motion to approve the article as written; seconded by Ray Lopez. Motion passed.

ARTICLE 48: To see if the Town will vote to raise and appropriate **\$94,880** for Community Services.

Health and Welfare	\$2,084.00
Acton Public Library	\$33,370.00
Acton Ecumenical Food Pantry	\$2,500.00
Acton Shapleigh Historical Society	\$2,000.00
Acton Shapleigh Youth Conservation Corps	\$23,100.00
Acton Wakefield Watershed Alliance	\$20,000.00
American Red Cross	\$500.00
Caring Unlimited	\$801.00
Cornerstone Visiting Nurses	\$1,958.00
Kids Free To Grow- Child Abuse Council	\$500.00
Life flight Inc.	\$667.00

Maine Public Broadcast	\$100.00
Saco River Corridor	\$700.00
So. Maine Agency on Aging	\$1500.00
So. Maine Veterans Cemetery	\$1500.00
Trafton Center	\$500.00
York County Comm. Action	\$1,600.00
York County Shelters	\$1,500.00

Warrant and Finance Recommendation: Approve the Article as Written 5-1.
 Select Board Recommendation: Approve the Article as Written; 2-0-2.

Leslie Berlin made a motion to approve the article as written; seconded by Tammy Krampetz.

Ray Lopez made a motion to amend the article to change the allocated amount of the Acton Shapleigh Youth Conservation Corps and the Acton Wakefield Watershed Alliance to \$5,000 each. There was no second to the motion, therefore the amended failed.

Vote taken on original motion made by Leslie Berlin, motion carried. Article approved as written.

ARTICLE 49: To see if the Town will vote to appropriate all the funds received from the State from snowmobile registration revenue to local Snowmobile Clubs for maintaining their snowmobile trails, on condition that those trails are to be open to the public for outdoor recreation purposes at no charge.

Warrant and Finance Recommendation: Approve the Article as Written, 6-0.
 Select Board Recommendation: Approve the Article as Written, 4-0.

Leslie Berlin made a motion to approve the article as written; seconded by Tammy Krampetz.

ARTICLE 50: To seek an advisory vote to determine if the Select Board should amend the current contract with Breezeline (formally Atlantic Broadband) and discontinue the collection of franchise fees.

Warrant and Finance Recommendation: Approve the Article as Written. 6-0.
 Select Board Recommendation: Approve the Article as Written. 4-0.

Leslie Berlin made a motion to approve the article as written; seconded by Tammy Krampetz.

Signed this 20th day of March 2024

David Winchell Jr. - Chairman
 Thomas McGurty
 Daniel Norwood
 Edward Walsh

Town of Acton
 Select Board Members