

TOWN OF ACTON SELECT BOARD MEETING

July 10, 2024

6:00pm

1. CALL MEETING TO ORDER / PLEDGE OF ALLEGIANCE

2. WARRANTS/BILLS - Signed

3. APPROVAL OF AGENDA

Norwood made a motion to approve the agenda for July 10; seconded by Walsh. All in favor. Motion carried.

4. MINUTES OF LAST MEETING

Norwood made a motion to approve the minutes of July 2nd meeting; seconded by Dene Kemp. All in favor. Motion carried.

5. TOWN ADMINISTRATOR WEEKLY UPDATE

- Iron Tails has applied for their liquor license renewal. A public hearing has been scheduled for July 24, 2024 at 6 pm; appropriate parties will be notified.
- York County Soil and Water CRP Self Evaluation has been completed and submitted.

6. LIASION UPDATE

McGurty: Municipal Finance, Warrant & Finance Committee, APAT

Municipal Finance – There has been a lot going on with yearend processes and Marc Roy performing his duties; still in review process. Until Marc Roy reports and Audit submission is received no further comments will be made but things look encouraging – more cash than plan, did not draw as much cash as was planned. About \$500,000 was moved around to maintain accounts. New Treasurer is working out well and doing a good job; thanked Jennifer for her hard work and training.

Norwood: Fire Department, Recreation Committee, Conservation Forest Committee

Fire Department - working to schedule a regular meeting with the Fire Chief.

Recreation Committee – still looking for members to serve on the committee; please speak to Town Administrator if interested.

Conservation Forest Committee – Not meeting this month; talking with Chair about a few things.

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

Animal Control – New ACO is in place and has been relatively busy, doing well.

Mary Grant – meeting coming up on July 15, 2024

Transfer Station – incident on Saturday is being addressed; nothing critical or crucial.

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

School Department - had a meeting but did not attend due to conflict; plans on going to monthly meetings.

Winchell Jr.: Roads & Road Committee, Municipal Grounds

Road Committee – they elected their new board and set some goals. It was a good meeting.

Discussed Article 43 as it is getting depleted on funds. Discussed trying a different route like the inclusion of lake associations if they are interested. This will be a good project to continue the process; if viable and there is a special Town meeting consideration of moving funds forward will be included.

Gym Demo – demo contractor is hoping to be here Monday.

Memorial Site – Met with contractor. Project will be mostly volunteer. Contractor is donating materials and there may be some costs for other materials which Winchell will donate. Pleased with what they wanted to do and suggested the church be contacted to also approve.

Rec Field – later on agenda.

Road Assessment – Sebago Tech did road assessment, met with the committee. Owes us a contract for next steps. Road Commissioner has a 5-year plan he is working on right now. Used the road assessment provided. Not looking forward to punching a bunch of holes in Acton Roads. Winchell did not think proceeding any further should be done until the Road Commissioner completed his plan. McGurty suggested we review Lebanon plan; thought it was detailed, well laid out and should be reviewed. Town Administrator will scan Lebanon plan and resend to Board. Sebago should not do any further work at this time.

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

n/a

8. **OLD BUSINESS**

Gym Demo -

Winchell made a motion to approve the contract with Curtis for the original amount listed at bid for the old Fire House/Gym; seconded by Walsh. All in favor. Motion carried.

9. NEW BUSINESS

A. State of Maine DOT/RT109 Highway Project

Doug Coombs, Senior Project Manager; Shawn Davis, G Welling Design Consultant and Laurie Welch, Negotiator approached the Board to review the State of Maine DOT/Rt109 Highway project.

Ms. Welch reviewed the booklet which is designed for homeowners to understand the project. There is a lengthy process for this project. Currently on the timeline of the project is where an offer is made that is just. The negotiator then goes out to home/landowners and explains property owner report (survey) and amount being offered. When impacting a property, there is a taking of an easement (temporary or permanent). In the town's case, all the work is going to be done in the right-of-way. For some property owners they will be taking title. Because they are straightening up the road. Ditching, cross culverts, under drainages, curbing, road elevation changes and driveway matching will occur; this is a complete construction project. According to the 5th amendment, if you take property for highway purposes, there is a right to compensation and due process. They try to avoid court but there is Maine State Commission for which owners can appeal. Winchell asked how that has worked with landowners so far. Ms. Welch indicated she hadn't had any issues but said you never know. This is eminent domain, so people don't have a choice, the design has been set. You don't have to agree to what is offered. The existing easement highway is what is being taken. McGurty asked if the easements allowed them to take for improvements?

Mr. Davis explained that Rt109 was part easement and part fee and are treating is as fee to get rid of the patchwork. So basically, the offer is to take what is currently an easement and turn it into a fee highway. Winchell indicated they own it and can do what they want. Ms. Welch indicated thus the compensation.

McGurty indicated a valuation was done. Due diligence would require that the town look into what is offered is a good reasonable value for the transfer. Ms. Welch indicated the standard offer was \$1,000 to be given to everyone who is doing this to. Winchell indicated the Rec field needed a culvert and with this project the DOT will be putting that in versus the Town.

Ms. Welch explained that eminent domain appraisals are different than real estate appraisals; this was not applicable to the town. They are trying to give the best dollar they can as we are all in it together.

Winchell asked how long the right-of-way was going to be? Response was 66' right away.

Discussion ensued about property owners and DOT was going to leave it better when done. Negotiations will occur when there is a need for agreement. The town will be getting curbing.

Winchell indicated this project was in the works 6 or 7 years ago and asked if the plans were the same; will Youngs Ridge Road intersection be done this time? Response: yes. They do

not deal with Road Commissioners in each area. Winchell noted that they should for Youngs Ridge Road as there was a catch basin they should be aware of; they confirmed they were.

The town will be happy to take the States \$1,000. The agreement will be sent to the Land Use Attorney to review and then the Board will act on it at the next meeting. They had no further questions.

B. Abatement

Town Administrator indicated the town inadvertently were taxing Keith and Meta Cornish on 60' of frontage when they only had 53 feet.

McGurty made a motion to approve an abatement in the amount of \$31.61 on the property held by Keith and Meta Cornish; seconded by Walsh. All in favor. Motion carried.

C. Comcast Franchise Agreement

The Town Administrator informed the Board that the attorney had reviewed the agreement. A variety of changes were made, which Comcast has not seen yet. The Town Administrator asked the Board permission to let the attorney handle moving forward to get a final draft. Board agreed.

D. Blueberry Hill Contract

Walsh and Roux have been working on updating the Blueberry Hill contract with the property owner; attorney has also reviewed and made a few changes. First, the owner asked for a \$100 increase in payments; the other changes were that the area needed to be cleaned up and a clause has been added that if not done within 60 days the town can clean up at the owner's expense. She has asked for 60 – 90 days to do that work. How to collect cleanup amount wasn't specified; legal can rewrite with stipulation. Note – this is a 5-year lease, not 10 years.

McGurty made a motion to approve the amended lease agreement as drafted and presented with an amendment to allow for reimbursement to the town for any cost it incurs in the cleaning up of the site to be taken from future lease payments; seconded by Walsh. All in favor. Motion carried.

E. Iron Tails Request

Mr. Martinez sent a request to the Select Board to inform and request permission to add two additional outdoor concerts to his summer season. The shows will end promptly at 10 pm and stay within the parameters set by the noise ordinance in town. Mr. Martinez indicated he could appear before the Select Board if necessary if there were any questions or concerns. The two additional dates are July 20th and August 9th. This was not a mass gathering permit request because expected attendance was far less than permitted for by the State and local code.

Discussion ensued regarding Renaissance Fair and a possible conflict. The Board agreed with the request and thanked Mr. Martinez for the information.

F. Executive Session M.R.S.A. 405 6 A – Personnel

Norwood made a motion to go into executive session M.R.S.A. 405 6 A – personnel at 6:55 pm; seconded by Denekamp. All in favor. Motion carried.

Norwood made a motion to come out of executive session M.R.S.A. 405 6 A – personnel at 7:17 pm; seconded by Denekamp. All in favor. Motion carried.

10. PUBLIC COMMENT

Joyce Bakshi approached the Board and asked about the Lebanon plan mentioned and whether it was a capital improvement plan. McGurty responded it was a plan for roads.

Ms. Bakshi commented about Winchell’s memorial grounds improvement update and asked if they were looking for volunteers. Winchell commented not at this time but if she was volunteering, he’d keep her in mind.

11. PENDING

Paving bids to be opened on July 17, 2024

12. ANNOUNCEMENTS

On Website

13. MEMBERS PRESENT: David Winchell Jr., Thomas McGurty, Edward Walsh, Daniel Norwood, Jon Denekamp and Jennifer Roux.

14. ATTENDANCE: Doug Coombs, Shawn Davis, Laurie Welch, Joe Ruma and Joyce Bakshi,

McGurty made a motion to adjourn; seconded by Norwood. All in favor. Motion carried.