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Town of Acton Maine Annual Meeting Minutes 2007

Acton Board of Selectpersons

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TOWN OF ACTON, MAINE

WARRANT

TO
DAVID COTE

A CITIZEN IN THE TOWN OF ACTON

YORK, SS

GREETINGS:

*In the name of the State of Maine you are hereby requested to notify and warn the inhabitants of said Town of Acton, qualified to vote in Town affairs to assemble at the **Acton Town Hall** on **June 12, 2007 at 8 o'clock** in the morning to act on the following articles, to wit:*

ARTICLE 1: To choose a moderator for said meeting.

Richard Nass elected by secret ballot

ARTICLE 2: To elect by secret ballot: One (1) Selectman, Assessor and Overseer of the Poor for three (3) years; one (1) Road Commissioner for the District 1 for three (3) years; one (1) member of the School Committee for three (3) years.

Selectmen, Assessor and Overseer of the Poor

<i>CONWAY, MICHAEL</i>	<i>442</i>
<i>MCALINDEN, PAMELA</i>	<i>176</i>
<i>BLANKS</i>	<i>24</i>
<i>WRITE-INS</i>	<i>0</i>

Road Commissioner, District 1

<i>MOONEY, SCOTT</i>	<i>383</i>
<i>WINCHELL, DAVID JR.</i>	<i>253</i>
<i>BLANKS</i>	<i>6</i>
<i>WRITE-INS</i>	<i>0</i>

School Committee Member

<i>BEARSE, JEANETTE</i>	<i>495</i>
<i>BLANKS</i>	<i>135</i>
<i>WRITE-INS</i>	<i>12</i>

Articles 3 – 6 are to be voted on by referendum.

ARTICLE 3: To see what action the Town will take on the following referendum questions:

Question 1. Shall an ordinance entitled “**Town of Acton Sex Offender Ordinance**” be enacted?

YES	499
NO	113
BLANKS	28

Question 2. Shall an ordinance entitled “**Town of Acton Special Amusement Ordinance**” be enacted?

YES	312
NO	264
BLANKS	64

Question 3. Shall the ordinance entitled “Acton Road Ordinance” be amended as follows?

See G, subsection 1, part a, note 2 - replace the words “Road Committee” with “**Road Commissioners**”, See G, subsection 2, note 9 - delete the words “and/or Road Committee”, See G, subsection 3, note 2- replace the words “Road Committee and CEO” with “**Road Commissioners**”, See G, subsection 3, note 3 - replace the words “The Acton Road Committee shall hold a public hearing and” with “**The Road Commissioners may**”, See B, subsection 2, note b - replace the words “Road Committee” with “**Road Commissioners**”, as submitted by petition.

YES	305
NO	286
BLANKS	49

Question 4. Shall the ordinance entitled “Acton Road Ordinance” be amended as follows?

“All private roads and unaccepted ways in existence prior to July 1, 2003 are exempt from the ordinance road standards”, as submitted by petition.

YES	288
NO	319
BLANKS	31

*The polls for election of officers and referendum questions will open immediately after the election of a Moderator and will remain open until eight o’clock in the evening. After the closing of the polls, the meeting will be recessed until **Saturday, June 16, at nine o’clock** in the morning, when action on the remaining articles will begin at the **Acton Elementary School**.*

ARTICLE 4: To choose three (3) members of the Warrant and Finance Committee for a two (2) year period. Tom Chase, David Cote, and Duncan MacEachern terms have expired.

Percival Lowell, Tom Chase and David Cote elected by secret ballot

ARTICLE 5: To see if the Town will elect two (2) members to the standing Town Road Committee for two (2) years. David Cote and Charles Hefferon terms have expired.

Percival Lowell and Charles Hefferon elected by secret ballot

ARTICLE 6: To see if the Town will elect two (2) members to the Town Forest Committee for three (3) years. Tom Cashin and Mark Hurd terms have expired.

Tom Cashin and Mark Hurd elected by secret ballot

ARTICLE 7: To see if the Town will authorize the Selectmen, with the advice and consent of the Warrant and Finance Committee, to use monies from unappropriated surplus for the purchase of equipment. (Maximum expenditure not to exceed \$5,000)

Selectmen Recommend: Approve the article as written.

Finance Committee Recommends: Accept article as written 5/0

Motion made & seconded to approve article as written – Lotz/Johnson - PASSED

ARTICLE 8: To see if the Town will vote to authorize the Selectmen, with the advice and consent of the Warrant and Finance Committee, to reimburse members of the Acton Fire and Rescue for any National Disaster or State of Emergency, or other fire emergency that exceeds 8 hours in duration, at the same rates established for the highway departments. Firefighters or rescue members to be paid at the same rate as laborer; apparatus operator to be paid at the same rate as equipment operator; officers to be paid at the same rate as Road Commissioners. Funds to come from unappropriated surplus.

Selectmen Recommend: Approve the article as written.

Finance Committee Recommends: Accept article as written 5/0

Motion made & seconded to approve article as written – Lotz/Johnson – PASSED

ARTICLE 9: To see if the Town will vote to authorize the Selectmen to dispose of surplus, Town owned equipment as they deem advisable. All equipment with an estimated value greater than \$500 will be subject to a public bid.

Selectmen Recommend: Approve the article as written.

Finance Committee Recommends: Accept article as written 5/0

Motion made & seconded to approve article as written – Lotz/Johnson – PASSED

ARTICLE 10: To see if the Town will authorize the Selectmen to sell any property acquired by matured lien and issue Quit Claim Deed for the same and authorize the Treasurer to waive foreclosure of mortgage liens. Sale to be by sealed bids or public auction if to other than the owner of record at the time of foreclosure. No Selectman 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 Selectman or the son, daughter, spouse, or parent of the Selectman.

Selectmen Recommend: Adopt the article as written.

Finance Committee Recommends: Accept article as written 5/0

Amended by Michael Conway as follows - To see if the Town will authorize the Selectmen to sell any property acquired by matured lien and issue Quit Claim Deed for the same and authorize the Treasurer to waive foreclosure of mortgage liens. Sale to be by sealed bids or public auction if to other than the owner of record at the time of foreclosure. No Selectman or the son, daughter, spouse or parent of the selectmen 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 Selectman or the son, daughter, spouse, or parent of the Selectman. Lotz/Johnson – PASSED AS AMENDED

ARTICLE 11: To see if the Town will vote to have Real Estate and Personal Property Taxes come due on October 16, 2007.

Selectmen Recommend: Adopt the article as written.

Finance Committee Recommends: Accept article as written 5/0

Motion made & seconded to approve article as written – Lotz/Johnson – PASSED

ARTICLE 12: To see what interest the Town will vote to charge on all taxes after October 16, 2007 and April 15, 2008. Maximum rate of interest allowed is 12% per annum.

Selectmen Recommend: Maximum rate of 12% per annum.

Finance Committee Recommends: Accept the Selectmen's recommendation 5/0

Motion made & seconded to approve article as recommended by the Board of Selectmen – Lotz/Johnson – PASSED

ARTICLE 13: To see if the Town will vote to authorize the Tax Collector to accept the prepayment of taxes before the tax commitment date.

Selectmen Recommend: Adopt the article as written.

Finance Committee Recommends: Accept article as written 5/0

Motion made & seconded to approve article as written – Lotz/Johnson – PASSED

ARTICLE 14: To see if the Town will vote to distribute Snowmobile Reimbursement Funds to Snowmobile Clubs for the purpose of maintaining trails.

Selectmen Recommend: Adopt the article as written.

Finance Committee Recommends: Accept article as written 5/0

Motion made & seconded to approve article as written – Lotz/Yeaton – PASSED

ARTICLE 15: To see if the Town will vote to carry the following fund balances:

Acton Recreation	Late Dog Registration Fees
Capital Improvement Fund	Nutrition Fund Balance
Public Works Capital Expense	Fire Department Donations
Mary Grant Committee	Forestry Committee
Comprehensive Plan Implementation	Gravel Processing Fund

All other unexpended fund balances and revenues will lapse into the General Fund. Lapsed school balances to be designated for school funding only.

Selectmen Recommend: Approve the article as written.

Finance Committee Recommends: Accept article as written 4/0

Motion made & seconded to approve article as written – Lotz/Johnson – PASSED

ARTICLE 16: To see if the Town will vote to accept the categories of funds listed below as provided by the Maine State Legislature and Federal Funds.

	<u>Estimated Amounts</u>
Revenue Sharing	\$ 160,000
Urban Rural Initiative Program	\$ 76,580
General Assistance Reimbursement	\$ 3,500
Tree Growth Reimbursement	\$ 1,100
Snowmobile Registration Funds	\$ unknown
Veteran's Exemption Reimbursement	\$ 1,300
Parks	\$ 600
State Grants or other funds	\$ unknown
Homestead Exemption	\$ 33,000

Selectmen Recommend: Approve the article as written.

Finance Committee Recommends: Accept article as written 5/0

Motion made & seconded to approve article as written – Lotz/Yeaton – PASSED

ARTICLE 17: To see if the Town will vote to appropriate \$514,748 for **GENERAL GOVERNMENT** (Dept. 102) to be expended as follows:

102-01	General Government/Selectmen's Office	\$ 90,308
102-03	Boards (ZBA, BAR)	\$ 458
102-05	Municipal Management	\$153,726
102-07	Elections	\$ 3,000
102-08	Registrar of Voters	\$ 4,306
102-09	Planning Board	\$ 7,400
102-11	Finance/Treasury	\$ 68,209
102-12	Town Clerk/Tax Collector	\$ 85,079

102-13	Assessment	\$ 30,000
102-15	Code Enforcement/Inspection	\$ 72,262

Selectmen Recommend: Approve the article as written.

Finance Committee Recommends: Amend article to reduce appropriation by \$2,800 to \$511,948; approved 3/2

Notes: GENERAL GOVERNMENT includes all expenses (salaries, employment taxes, benefits, and expenses) for Selectmen's Office, Zoning Board of Appeals, Board of Assessment Review, Municipal Management, Elections, Registrar of Voters, Planning Board, Finance/Treasury, Town Clerk/Tax Collector, Assessment, and Code Enforcement/Inspection. The total amount appropriated for these divisions for FY 06/07 was \$567,964.

Motion made & seconded to approve article as recommended by the Board of Selectmen – Lotz/Yeaton – PASSED

ARTICLE 18: To see if the Town will vote to appropriate \$7,108 for **HEALTH & WELFARE** (Dept 103) of which \$108 is for Health Officer stipend and \$7000 for General Assistance.

Selectmen Recommend: Approve the article as written.

Finance Committee Recommends: Accept article as written 5/0

Notes: The total amount appropriated for these divisions for FY 06/07 was \$7,100.

Motion made & seconded to approve article as written - Lotz/Chase – PASSED

ARTICLE 19: To see if the Town will vote to appropriate \$152,533 for **PUBLIC SAFETY** (Dept 104) to be expended as follows:

104-03	Fire Department	\$123,511
104-07	Street Lights	\$ 1,400
104-09	Animal Control	\$ 7,630
104-30	Communications	\$ 17,000
104-40	Emergency Management/911	\$ 2,992

Selectmen Recommend: Approve the article as written.

Finance Committee Recommends: Accept article as written 3/2

Notes: The total amount appropriated for these divisions for FY 06/07 was \$159,850.

Motion made & seconded to approve article as written – Lotz/Conway – PASSED

ARTICLE 20: To see if the Town will vote to pay Road Commissioners, laborers, trucks and hired equipment on public ways as follows:

Road Commissioners	\$16.50 per hour
Heavy Equipment Operators & Truck Drivers	\$13.50 per hour
Labor	\$12.50 per hour
Backhoe 2WD	\$32.80 per hour
4WD	\$37.80 per hour
Loaders (base rate for 1 yd loader)	\$25.40 per hour
Loaders over 1 yd	\$12.15 per hour per cubic yard
Loading at stockpile	\$ 1.00 per yard
Grader GVW 21,000	\$45.65 per hour
Chainsaw	\$ 4.80 per hour
Mowing/Tractor	\$24.00 per hour
Trucks 4 cubic yds	\$23.00 per hour
Trucks 6 cubic yds	\$30.15 per hour
Trucks 7 cubic yds	\$33.70 per hour
Trucks 12 cubic yds	\$45.65 per hour
PU Trucks when used for patching roads	\$15.85 per hour
4WD Pickups pushing Front Runner Rake	\$26.60 per hour
Excavator up to 20,000 lbs	\$45.65 per hour
Over 20,001 lbs	\$55.56 per hour
Over 40,000 lbs	\$75.65 per hour
Dozers/Multi-use Tractor	\$35.65 per hour
D4 equiv, D6, D3, and TD9	\$45.65 per hour
Winter trucks with plows. Town to furnish cutting edges and bolts.	
2WD	\$33.70 per hour
4WD 1 ton and over	\$36.15 per hour
4WD ¾ ton and under	\$26.60 per hour
Trucks with wing add	\$ 2.20 per hour
Contractor owned sander add	\$ 5.00 per hour
Sand Screen	\$31.05 per hour

Fuel Allowance: The above rates are based on fuel prices up to and including \$2.30 per gallon. The Town of Acton will pay an additional \$1.00 per hour for each 25 cent increase per gallon based on the diesel fuel. The fuel allowance for trucks and heavy equipment will be determined by the price on each Tuesday at Boonies in Shapleigh. Such price will determine the fuel allowance for the following week's Warrant.

Winter Overtime Allowance: Drivers working over eight hours shall receive time and a half.

Selectmen Recommend: Approve the article as written.

Finance Committee Recommends: Accept article as written 4/1

Motion made & seconded to approve article as written – Lotz/Chase – PASSED

ARTICLE 21: To see if the Town will vote to appropriate \$755,901 for **PUBLIC WORKS** (Dept 105) to be expended as follows:

105-10 to -19	Roads District 1	\$202,087
105-20 to -29	Roads District 2	\$219,426
105-30	Stockpile	\$ 70,306
105-32	Public Works Bldg & Equip	\$ 15,013
105-40	Transfer Station	\$249,069

Selectmen Recommend: Approve the article as written.

Finance Committee Recommends: Accept article as written 4/1

Notes: The total amount appropriated for these divisions for FY 06/07 was \$730,330.
Anticipated URIP funds of \$76,580 will reduce the tax impact of the Roads appropriations.

Motion made & seconded to approve article as written – Lotz/Chase – PASSED

ARTICLE 22: To see if the Town will vote to appropriate \$500 for **HISTORIC PRESERVATION**, formerly the Conservation Committee (Dept 106-01).

Selectmen Recommend: Approve the article as written.

Finance Committee Recommends: Accept article as written 5/0

Notes: The total amount appropriated for FY 06/07 was \$500.

Motion made & seconded to approve article as written – Lotz/Chase – PASSED

ARTICLE 23: To see if the Town will vote to appropriate \$21,118 for **PLANNING & DEVELOPMENT** (Dept 107) to be expended as follows:

107-01	Comprehensive Plan Implementation	\$20,580
107-05	Forestry	\$ 538

Selectmen Recommend: Approve the article as written.

Finance Committee Recommends: Accept article as written 3/2

Notes: The total amount appropriated for these divisions for FY 06/07 was \$12,260. The Comprehensive Plan Implementation appropriation assumes approximately \$8,860 carried forward from FY 06/07 to reduce the tax impact.

Motion made & seconded to approve article as recommended by the Board of Selectmen – Moore/Conway - PASSED

ARTICLE 24: To see if the Town will vote to appropriate \$289,291 for **COUNTY TAX** (Dept 108-51).

Selectmen Recommend: Approve the article as written.

Finance Committee Recommends: Accept article as written 5/0

Notes: The total amount appropriated for FY 06/07 was \$250,953.

Motion made & seconded to approve article as written – Lotz/Yeaton – PASSED

ARTICLE 25: To see if the Town will vote to appropriate \$500 for Cemetery flags (Dept 109-01).

Selectmen Recommend: Approve the article as written.

Finance Committee Recommends: Accept article as written 5/0

Notes: The total amount appropriated for FY 06/07 was \$500.

Motion made & seconded to approve article as written – Lotz/Yeaton – PASSED

ARTICLE 26: To see if the Town will vote to appropriate \$42,047 for **Donations** (Dept 109-20) to be expended as follows:

509-60	YCCAP	\$ 1,250
509-61	Home Health VN	\$ 2,000
509-62	Southern Maine Agency on Aging	\$ 1,250
509-63	Sexual Assault Response	\$ 250
509-64	American Red Cross	\$ 2,000
509-65	Child Abuse Prevention Council	\$ 400
509-66	York County Shelter	\$ 400
509-67	Busy Workers 4-H Club	\$ 150
509-68	Acton Library	\$11,347
509-69	Acton-Shapleigh Youth Conservation Corp	\$18,000
509-70	Acton-Wakefield Watershed Alliance	\$ 5,000

Selectmen Recommend: Approve the article as written.

Finance Committee Recommends: Accept article as written 4/1

Notes: The total amount appropriated for donations for FY 06/07 was \$34,821.

Motion made & seconded to approve article as written – Lotz/Yeaton – PASSED

ARTICLE 27: To see if the Town will vote to appropriate \$300 for **Dams** (Dept 109-50).

Selectmen Recommend: Approve the Article as written.

Finance Committee Recommends: Accept article as written 5/0

Notes: The total amount appropriated for FY 06/07 was \$300.

Motion made & seconded to approve article as written – Lotz/Yeaton – PASSED

ARTICLE 28: To see if the Town will vote to appropriate \$14,900 for **ACTON RECREATION** (Dept 421-01).

Selectmen Recommend: Approve the article as written.

Finance Committee Recommends: Accept article as written 4/1

Notes: The Town would raise \$9,500 through taxation. The additional \$5,400 would be raised in Acton Recreation program fees. A balance of approximately \$5,000 would be carried. The total amount appropriated for FY 06/07 was \$8,000 plus fees and carried balance.

Motion made & seconded to approve article as written – Stanton/Cashin – PASSED

ARTICLE 29: To see if the Town will vote to appropriate \$40,000.00 for a Capital Improvement/Special Road Project and ask the Town Meeting to determine, by majority vote, whether the \$40,000 should be expended for improvements on Young's Ridge Road at the intersection of Route 109 **OR** Sam Page Road at the intersection of Route 109.

Selectmen Recommend: Approve the article as written.

Finance Committee Recommends: Article ought not pass. Motion to expend \$40,000 defeated 2 yes/3 no. Motion to amend article to spend \$20,000 on Sam Page road failed to receive a Second.

Motion made & seconded, Lotz/Johnson, to approve article as written and designate money to Sam Page Road - FAILED.

Motion made & seconded, Ruma/Johnson, to approve article as written and designate money to Youngs Ridge Road - FAILED.

Motion made & seconded, Chase/Driscoll, to amend the article as follows – To see if the Town will vote to appropriate \$40,000.00 for a Capital Improvement/Special Road Project to be determined by the Road Commissioners – PASSED.

ARTICLE 30: To see if the Town will vote to appropriate \$15,000.00 for a Special Road Project to widen a section of Goding Road.

Selectmen Recommend: Approve the article as written.

Finance Committee Recommends: Accept article as written 4/1

Motion made & seconded to approve article as written – Lotz/Yeaton – PASSED

ARTICLE 31: To see if the Town will vote to appropriate up to \$12,500.00 for installation of a new floor in the meeting room of the Town Hall.

Selectmen Recommend: Approve the article as written.

Finance Committee Recommends: Accept article as written 3/2

Motion made & seconded to approve article as written – Lotz/Yeaton – PASSED

ARTICLE 32: To see if the Town will vote to appropriate up to \$7,000.00 for the replacement of the Lincoln School chimney.

Selectmen Recommend: Approve the article as written.

Finance Committee Recommends: No appropriation 4/0

Motion made & seconded to approve article as recommended by the Finance Committee, no appropriation – Lotz/Moore – PASSED

Motion made & seconded to reconsider Article 32 -Michaud/Conway – Reconsideration Passed.

Motion made & seconded to accept article as written and recommended by the Board of Selectmen – Michaud/Conway – PASSED 52-42.

ARTICLE 33: To see if the Town will vote to authorize the Selectmen to sell a portion (approximately 1/10 of an acre) of Town owned property located on Map 15 Lot 27 to an abutter, for the sum of \$300. Said land being a portion of land formerly owned by Greene Tannery on Foxes Ridge Road.

Selectmen Recommend: Approve the article as written.

Finance Committee Recommends: Ought not to pass. Motion to accept article as written failed 0/4

Motion made & seconded to approve article as written and recommended by the Board of Selectmen – Yeaton/Shields – FAILED 42-53

ARTICLE 34: To see if the Town will vote to accept Peacock Road as a Class B Town Road, as submitted by petition.

Selectmen Recommend: Approve the article as written.

Finance Committee Recommends: Article ought not pass 4/1

Motion made & seconded to approve article as written and recommended by the Board of Selectmen – Driscoll/Lotz – PASSED

ARTICLE 35: To see if the Town will vote to apply the following Revenues, Balances Carried and Fund Transfers, to cover the expenditures appropriated in this warrant. Remaining funding required to be raised by taxation.

Town Balances

Fiscal Year 2006 Municipal Revenues

\$ 70,000

General Fund \$150,000

School Balances

State Agency	\$ 10,000
School Nutrition Revenue	\$ 65,000
General Purpose Aid (estimated)	\$514,449
School Undesignated Fund Balance	\$419,363
Medicaid Reimbursement	\$ 70,000

Selectmen Recommend: Omit the \$70,000 Fiscal Year 2006 Municipal Revenues from the article as revenues lapse into the General Fund at the end of the fiscal year.

Finance Committee Recommends: Motion to accept Selectmen's recommendation to omit the \$70,000 revenue carry forward failed 1/3.

Motion made & seconded to approve article as written. Lotz/Driscoll – PASSED

ARTICLE 36: To see what sum the Town will vote to authorize the School Committee to expend for **Regular Program Instruction (K-8) - Accounts 1100, 1120, 2230, and 4300**

School Committee Recommends: Appropriate \$1,677,454.

Finance Committee Recommends: Accept the School Committee's recommendation 4/1.

Motion made & seconded to approve article as written and accept the School Committee's appropriation recommendation – Bearse/Yeaton - PASSED

ARTICLE 37: To see what sum the Town will vote to authorize the School Committee to expend for **Regular Program Secondary Tuition - Account 1200**

School Committee Recommends: Appropriate \$1,023,532.

Finance Committee Recommends: Accept the School Committee's recommendation 5/0.

Motion made & seconded to approve article as written and accept the School Committee's appropriation recommendation – Bearse/Yeaton - PASSED

ARTICLE 38: To see what sum the Town will vote to authorize the School Committee to expend for **Special Education - Accounts 2100, 2200, 2300, 2500, and 2800**

School Committee Recommends: Appropriate \$792,234.

Finance Committee Recommends: Accept the School Committee's recommendation

Motion made & seconded to approve article as written and accept the School Committee's appropriation recommendation – Bearse/Yeaton - PASSED

ARTICLE 39: To see what sum the Town will vote to authorize the School Committee to expend for **Student Support Services - Accounts 2120, 2130, 9100, and 9200**

School Committee Recommends: Appropriate \$161,355.

Finance Committee Recommends: Accept the School Committee's recommendation 5/0.

Motion made & seconded to approve article as written and accept the School Committee's appropriation recommendation – Bearse/Yeaton -PASSED

ARTICLE 40: To see what sum the Town will vote to authorize the School Committee to expend for the **Explore Program - Account 2900**

School Committee Recommends: Appropriate \$76,593.

Finance Committee Recommends: Accept the School Committee's recommendation 4/1.

Motion made & seconded to approve article as written and accept the School Committee's appropriation recommendation – Bearse/Yeaton -PASSED

ARTICLE 41: To see what sum the Town will vote to authorize the School Committee to expend for **Improvement of Instruction - Account 2213**

School Committee Recommends: Appropriate \$40,594.

Finance Committee Recommends: Accept the School Committee's recommendation 5/0.

Motion made & seconded to approve article as written and accept the School Committee's appropriation recommendation – Bearse/Yeaton -PASSED

ARTICLE 42: To see what sum the Town will vote to authorize the School Committee to expend for **Library Educational Media - Account 2220**

School Committee Recommends: Appropriate \$46,831.

Finance Committee Recommends: Accept the School Committee's recommendation 5/0.

Motion made & seconded to approve article as written and accept the School Committee's appropriation recommendation – Bearse/Yeaton -PASSED

ARTICLE 43: To see what sum the Town will vote to authorize the School Committee to expend for **System Administration - Account 2300**

School Committee Recommends: Appropriate \$211,479.

Finance Committee Recommends: Accept the School Committee's recommendation 5/0.

Motion made & seconded to approve article as written and accept the School Committee's appropriation recommendation – Bearse/Yeaton -PASSED

ARTICLE 44: To see what sum the Town will vote to authorize the School Committee to expend for **School Administration - Account 2400**

School Committee Recommends: Appropriate \$145,025

Finance Committee Recommends: Accept the School Committee's recommendation 3/2.

Motion made & seconded to approve article as written and accept the School Committee's appropriation recommendation – Bearse/Yeaton -PASSED

ARTICLE 45: To see what sum the Town will vote to authorize the School Committee to expend for **Operation and Maintenance of Plant - Account 2610**

School Committee Recommends: Appropriate \$392,025

Finance Committee Recommends: Accept the School Committee's recommendation 4/1.

Motion made & seconded to approve article as written and accept the School Committee's appropriation recommendation – Bearse/Yeaton -PASSED

ARTICLE 46: To see what sum the Town will vote to authorize the School Committee to expend for **Student Transportation - Account 2700**

School Committee Recommends: Appropriate \$209,915.

Finance Committee Recommends: Accept the School Committee's recommendation 4/1.

Motion made & seconded to approve article as written and accept the School Committee's appropriation recommendation – Bearse/Yeaton -PASSED

ARTICLE 47: To see what sum the Town will vote to authorize the School Committee to expend for **Debt Service - Account 5100**

School Committee Recommends: Appropriate \$199,359.

Finance Committee Recommends: Accept the School Committee's recommendation 5/0.

Motion made & seconded to approve article as written and accept the School Committee's appropriation recommendation – Bearse/Yeaton -PASSED

ARTICLE 48: To see what sum the Town will vote to authorize the School Committee to expend for **School Nutrition - Account 3100**

School Committee Recommends: Appropriate \$149,369.

Finance Committee Recommends: Accept the School Committee's recommendation 4/1.

Motion made & seconded to approve article as written and accept the School Committee's appropriation recommendation – Bearse/Yeaton -PASSED

ARTICLE 49: To see what sum the municipality will appropriate for the total cost of funding public education from Kindergarten to Grade 12 as described in the Essential Programs and Services Funding Act and to see what sum the municipality will raise as the municipality's

contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with Maine Revised Statutes, Title 20-A Subsection 15688.

School Committee Recommends: Appropriate \$3,871,621.

Finance Committee Recommends: Accept the School Committee's recommendation 5/0.

Motion made & seconded to approve article as written and accept the School Committee's appropriation recommendation – Bearse/Yeaton –PASSED – Recorded Vote of 54-0

ARTICLE 50: To see what sum the municipality will raise and to appropriate the sum of \$1,254,144 in additional local funds for school purposes under Maine Revised Statutes, Title 20-A, Subsection 15690.

School Committee Recommends: Appropriate \$ 1,254,144.

Finance Committee Recommends: Accept the School Committee's recommendation 5/0.

Motion made & seconded to approve article as written and accept the School Committee's appropriation recommendation – Bearse/Yeaton –PASSED – Secret Written Ballot of 50-10

ARTICLE 51: To see what sum the Town will authorize the School Committee to expend for the fiscal year beginning July 1, 2007 and ending June 30, 2008 from the School Department's contribution to the total cost of funding public education from 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.

School Committee recommends: Appropriate \$5,125,765.

Finance Committee Recommends: Accept the School Committee's recommendation 5/0.

Motion made & seconded to approve article as written and accept the School Committee's appropriation recommendation – Chase/Conway –PASSED – Recorded Vote of 53-1

ARTICLE 52: To see what sum the Town will authorize the School Committee to appropriate from the ending balance of the school general operating funds for the 2006 fiscal year to establish a reserve for teacher retirement.

School Committee Recommends: Appropriate \$137,755.

Finance Committee Recommends: Accept the School Committee's recommendation 4/1.

Motion made & seconded to approve article as written and accept the School Committee's appropriation recommendation – Bearse/Yeaton -PASSED

ARTICLE 53: To see what sum the Town will authorize the School Committee to expend in the fiscal year beginning July 1, 2007 and ending June 30, 2008 from the reserve already established for the purpose of teacher retirement.

School Committee Recommends: Appropriate \$40,350.

Finance Committee Recommends: Accept the School Committee's recommendation 5/1.

Motion made & seconded to approve article as written and accept the School Committee's appropriation recommendation – Bearse/Yeaton -PASSED

ARTICLE 54: To see if the Town will vote to appropriate the receipt of certain Federal and State Grants and carry any previous balances for the following Special Revenue Accounts:

	<u>Amount Estimated</u>
Local Entitlement	Unknown
Title IA	Unknown
Title II	Unknown
Title IV	Unknown
Title V	Unknown
Title VI	Unknown
Nutrition Fed Lunch	Unknown
Nutrition Fed Breakfast	Unknown
Other categories not indicated above	Unknown

School Committee Recommends: Approve the Article as written.

Finance Committee Recommends: Accept the School Committee's Recommendation

Motion made & seconded to approve article as written – Ruma/Lotz - PASSED

ARTICLE 55: To see if the Town will vote to appropriate any unanticipated school revenues, such as reimbursements, grant, donations, building use fees or awards that are not part of the school operating budget, subject to the approval of the School Committee.

School Committee Recommends: Approve the Article as written.

Finance Committee Recommends: Accept the School Committee's Recommendation

Motion made & seconded to approve article as written – Bearse/Lotz - PASSED

ARTICLE 56: To see if the Town will authorize any undesignated balances in the school accounts to go into a reserve account to be used only for school purposes.

School Committee Recommends: Approve the Article as written.

Finance Committee Recommends: Accept the School Committee's Recommendation 5/0.

Motion made & seconded to approve article as written – Ruma/Lotz - PASSED

ARTICLE 57: To see if the Town will authorize the transfer of funds from one account to another with a 4/5 vote of the School Committee.

School Committee Recommends: Approve the Article as written.

Finance Committee Recommends: Accept the School Committee's Recommendation 5/0.

Motion made & seconded to approve article as written – Ruma/Lotz - PASSED

ARTICLE 58: To see if the Town will vote to accept the categories of funds listed below as provided by the Maine State Legislature and Federal Funds.:

	<u>Amount Estimated</u>
General Purpose Aid	\$ 514,449
Title IA	Unknown
Title II	Unknown
Title IV	Unknown
Title V	Unknown
Title VI	Unknown
Local Entitlement	Unknown
Professional Development Grant	Unknown
Nutrition Fed Breakfast	Unknown
Other categories not indicated above	Unknown

School Committee Recommends: Approve the Article as written.

Finance Committee Recommends: Accept the School Committee's Recommendation 5/0

Motion made & seconded to approve article as written – Bearse/Lotz - PASSED

ARTICLE 59: To see if the Town will vote to appropriate the following revenues, balances carried and fund transfers to cover the expenditures appropriated in the previous Articles. Remaining funding required to be raised by taxation.

School Undesignated Fund Balance	\$ 419,363
School Nutritional Revenue	\$ 65,000
General Purpose Aid (estimated)	\$ 514,449
State Agency	\$ 10,000
Medicaid	\$ 70,000

School Committee Recommends: Approve the Article as written.

Finance Committee Recommends: Accept the School Committee's Recommendation 4/1

Motion made & seconded to approve article as written – Ruma/Conway- PASSED

ARTICLE 60: To see what sum the Town will authorize the School Committee to expend for **Playground Surface Cover - Account 2680 - Capital Enhancement and Improvement.**

School Committee Recommends: Appropriate \$18,618

Finance Committee Recommends: Two (2) voted to accept the School Committee's recommendation and three (3) voted not to approve the School Committee's recommendation.

Motion made & seconded to approve article as written and recommended by the Board of Selectmen – Ruma/Lotz - PASSED

ARTICLE 61: To see what sum the Town will authorize the School Committee to expend for **Bus Driveway Construction - Account 2682 - Capital Enhancement and Improvement.**

School Committee Recommends: Appropriate \$16,825.

Finance Committee Recommends: Three (3) voted to accept the School Committee's recommendation and two (2) voted not to approve the School Committee's recommendation.

Bearse amended School Committee Recommendation to appropriate \$10,000 based on additional bids that were received since the printing of this warrant. Motion made & seconded to accept the amended School Committee recommendation of \$10,000 – Bearse/Lotz – PASSED

ARTICLE 62: To see if the Town will vote to amend the following section of the Zoning Ordinance to read as follows:

3.2 Definitions

In this Ordinance the following terms shall have the following meanings unless a contrary meaning is required by the content or is specifically prescribed.

Accessory Use or Structure: a use or structure of a nature customarily incidental and subordinate to those of the principal use or structure. Accessory uses, when aggregated shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

Agriculture: the production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green house products. Agriculture does not include forest management and timber harvesting activities.

Alteration: any change, addition, or modification in construction, or any change in the structural members of a building, such as bearing walls, columns, beams, or girders.

Animal Care Facility: Veterinarian service establishments which primarily diagnose animal diseases and injuries, dispense medications and perform surgery.

Aquifer: a water bearing geologic formation capable of yielding a usable amount of groundwater to a well.

Auto Service Station: a place where gasoline, or any other automobile engine fuel (store only in underground tanks), kerosene, or motor oil and lubricants or grease (for operation of motor vehicles) are retailed directly to the public on the premises; including the sale of minor accessories and the servicing and minor repair of automobiles, not including storage of unlicensed vehicles and not including body, frame, or fender straightening and repair.

Auto Repair Garage: a place where, with or without the attendant sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles.

Automobile Graveyard: a yard, field or other area used as a place of storage for three (3) or more unserviceable, discarded, worn out or junked motor vehicles.

Basement: a portion of the building partly underground but having less than half its clear height below the average grade of the adjoining ground.

Billboard: a sign, structure or surface larger than six (6) square feet which is available for advertising purposes for goods or services rendered off the premises, excluding directional signs.

Boat Launching Facility: a facility designed primarily for the launching and landing of water craft, and what may include an access ramp, docking area, and parking spaces for vehicles and trailers.

Boathouse: a non-residential structure designed for the purpose of storing boats for non-commercial purposes.

Building: a structure built for the support, shelter or enclosure of persons, animals, goods or property of any kind.

Building Height: the vertical distance between the highest point of the roof and the average grade of the ground adjoining the building.

Campground: any premises established for overnight use for the purpose of temporary camping, and for which a fee is charged.

Cellar: a portion of the building partly underground, but having half or more of its clear height below the average grade of the adjoining ground.

Channel: a natural or artificial watercourse with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow is water flowing within the limits of the defined channel.

Child Care Facility: a commercial enterprise registered by the State of Maine Department of Health and Human Services for the care of children by the day.

Child Day Care: a private home registered with the State of Maine Health and Human Services to provide child care by the day.

Code Enforcement Officer: a person appointed by the Municipal Officers to administer and enforce this Ordinance. Reference to the code Enforcement Officer shall be construed to include Building Inspector, Plumbing Inspector, Electrical Inspector, and the like where applicable.

Commercial or Industrial Groundwater Extraction: removal of groundwater from the subsurface by pumping or other means for commercial or industrial use.

Conforming Use: a use of buildings, structures or land which complies with all applicable provisions of this Ordinance.

Congregate Care Facility: a building or group of buildings containing private apartments and central dining facilities and within such supportive services, including medical or social services, are provided to the residents. Such facilities include only those certified by the State of Maine Department of Health and Human Services.

Constructed: includes built, erected, reconstructed, moved upon, or any physical operations on the premises which are required for construction. Excavation, fill, drainage, and the like, shall be considered a part of construction.

Convey: to sell, lease, rent, give, or allow occupancy of a dwelling unit

Dimensional Requirements: numerical standards relating to spatial relationships including, but not limited to, set back, lot area, shore frontage and height.

District: a specified portion of the municipality, delineated on the Official Zoning Map within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Driveway: a vehicular access-way serving two dwelling units or less.

Dwelling: a fixed structure, containing one or more dwelling units.

Dwelling Unit: ~~a room or group of rooms designed and equipped exclusively for use as living quarters for only one family, including provisions for living, sleeping, cooking, and eating. The term shall include mobile homes but shall not include trailers or recreational vehicles.~~

A room or suite of rooms used as a habitation which is separate from other such rooms or suites of rooms, and which contains independent living, cooking, and sleeping facilities; includes single family houses, and the units in a duplex, apartment house, multifamily dwellings, and residential condominiums, but shall not include recreational vehicles.

Earth: topsoil, sand, gravel, clay, peat, rock, or other minerals.

Essential Services: the construction, alteration or maintenance of gas, electrical, communication facilities, steam, fuel or water transmission or distribution systems, collection, supply or disposal systems. Such systems may include towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories, but shall not include buildings which are necessary for the furnishing of such services.

Eutrophication: the process of nutrient enrichment of water bodies.

Excavation: any removal of earth or earth material from its original position.

Expansion of a Structure: an increase in the floor area or volume of a structure, including all extensions such as, but not limited to attached: decks, garages, porches, and greenhouses.

Expansion of Use: the addition of weeks or months to a uses' operating season; additional hours of operation; or the use of more floor area or ground area devoted to a particular use.

Family: one or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, related by blood or marriage.

Filling: depositing or dumping any matter on or into the ground or water.

Flood: a temporary rise in stream flow or tidal surge that results in water overtopping its banks and inundating adjacent areas.

Flood Plain: Special Flood Hazard Area as designated on the Flood Insurance Rate Map for Acton, Maine, prepared by the Federal Emergency Management Agency, dated December 5, 1984.

Floodway: the channel of a stream and those portions of the flood plain adjoining the channel that are required to carry and discharge the flood water or flood flows of any river or stream.

Flood Proofing: a combination of structural provisions, changes, or adjustments to properties subject to flooding, primarily for the reduction or elimination of

flood damages to properties, water and sanitary facilities, structures, and contents of buildings.

Floor Area, Gross: the sum, in square feet, of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks.

Forest Management Activities: timber cruising and other forest resource evaluation activities, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.

Forested Wetlands: a wetland dominated by wooded vegetation that is 20 feet tall or taller.

Foundation: the supporting substructure of a building or other structure including, but not limited to, basements, slabs, sills, posts or frost walls.

Frontage, Shore: the horizontal distance, measured in a straight line, between the intersections of the lot lines with the shoreline at normal high water line.

Frontage, Street/Road: the horizontal distance between the intersections of the side lot lines with the front lot line along the road or street.

Functionally Water-Dependent Uses: those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, waters and which cannot be located away from these waters. The uses include, but are not limited to, commercial and recreational boating facilities, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water and which cannot reasonably be located or operated at an inland site and uses which primarily provide general public access to waters.

Generator: any person whose act or process produces a solid waste or whose act first causes a solid waste to be subject to regulation.

Grade, in Relation to Buildings: the average of the finished ground level at the center of all walls of a building.

Great Pond: ~~any body of water which in a natural state has a surface area in excess of ten (10) acres, and any body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased body of water is completely surrounded by land held by a single owner. The great ponds of Acton are: Balch Pond, Great East Lake, Hansen Pond, Horn Pond, Loon Pond, Moose Pond, Mousam Lake, Square Pond, Swan Pond, and Wilson Lake.~~

Any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has surface area in excess of thirty acres, except for the purposes of these regulations, where the artificially formed or increase inland body of water is completely surrounded by land held by a single owner.

Groundwater: the subsurface water that occurs beneath the water table in soils and geologic formations that are fully saturated.

Growth Permit Application: an application designed to collect information about proposed residences, to be used as a basis for rating them for approval

High Waterline, Normal: around great ponds and wetlands, the elevation where vegetation changes from predominantly aquatic to predominantly terrestrial; and along rivers and streams, the highest elevation on the bank of a channel at which the water has left a definite mark. In the case of wetlands adjacent to rivers and great ponds the normal high water line is the upland edge of the wetland, and not the edge of the open water.

Home Occupation: an occupation or profession which is: customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit; carried on by a member of the family residing in the dwelling unit; clearly incidental and secondary to the use of the dwelling unit for residential purposes.

Individual Private Campsite: an area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include, but are not limited to, gravel pads, parking areas, fire places, or tent platforms.

Junkyard: a yard, field, or other area used as a place of storage for:

1. Discarded, worn-out or junked plumbing, heating supplies, household appliances and furniture;
2. Discarded, scrap and junked lumber;
3. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap ferrous or non-ferrous materials; and
4. Garbage dumps, waste dumps and sanitary fills.

Kennel: any place, building, tract of land, abode, enclosure or vehicle which for compensation, provides food and shelter or other services for six (6) or more

domestic animals for purposes not primarily related to medical care where more than three (3) dogs more than six (6) months old are kept for sale, training, boarding and/or breeding.

Lagoon: an artificial enlargement of a water body, primarily by means of dredging and excavation.

Lot: a parcel of land described on a deed, plot, or similar legal document.

Lot Area: the total horizontal area within the lot lines, minus land below the normal high water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots.

Lot, Corner: a lot with at least two contiguous sides, each abutting upon a street. All corner lots must meet all highway and street setbacks.

Lot, Coverage: the percentage of the plot or lot covered by all structures, parking lots and other non-vegetated surfaces.

Lot, Interior: any lot other than a corner lot.

Lot, Lines: the lines bounding a lot as defined below.

Front Lot Line: on an interior lot, the line separating the lot from the street. On a corner or through lot, the lines separating the lot from both streets.

Rear Lot Line: the lot line opposite the front lot line. On a lot point at the rear, the rear lot line shall be an imaginary line between the side lot lines parallel to the front lot lines, not less than ten (10) feet long, lying farthest from the front lot line. On a corner lot, the rear lot line shall be opposite the front lot line of least dimension.

Side Lot Line: any lot line other than the front lot line or rear lot line.

Lot Width: the horizontal distance between the side lot lines, measured at the setback line.

Lot of Record: a parcel of land, the dimensions of which is shown on a document or map on file with the County Registrar of Deeds or in common use by City or County Officials.

Lot, Shorefront: any lot abutting a water body or wetland.

Lot, Through: any interior lot having frontages on two more or less parallel streets, or between a street and a water body, or between two water bodies, as

distinguished from a corner lot. All sides of through lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.

Manufactured Housing Unit: a structure, transportable in one or two sections which was constructed in a manufacturing facility and was transported to a building site and designed to be used as a dwelling.

Manufactured Home Park: a parcel of land under unified ownership designed and/or used to accommodate three or more manufactured housing units.

Marina: a shorefront commercial facility with provisions for one or more of the following: boat storage, boat launching, or the sale of supplies and services for water craft and their equipment and accessories.

Mineral extraction: any operation which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site.

Multi-family Residence: a building designed for occupation by three (3) or more families in dwelling units that are contiguous.

Net Residential Acreage: the gross acreage available for development, excluding the area for streets or access and the areas which are unsuitable for development.

Net Residential Density: the number of dwelling units per net residential acre.

Non-Conforming Lot: a lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet one or more of the dimensional requirements.

Non-Conforming Structure: a structure which does not meet any one or more of the following dimensional requirements: setback, height, or lot coverage.

Non-Conforming Use: the use of buildings, structure, premises, land or parts thereof which is not permitted in the district in which it is situated.

Nursing Care Facility: a facility licensed by the State, which provides skilled nursing care and medical supervision to persons who are unable to care for themselves.

Open Space Use: a use not involving a structure; earth-moving activity; or the removal or destruction of vegetative cover, spawning grounds, or fish, aquatic life, bird and other wildlife habitat.

Parking Space: a minimum area of two hundred (200) square feet, exclusive of drives, aisles or entrances, fully accessible for the storage or parking of vehicles.

Planned Unit Development: land under unified management, planned and developed as a whole according to comprehensive and detailed plans, including street, utilities, lots or building sites, site plans and design principles for all buildings intended to be located, constructed, used and related to each other, and for other uses and improvements on the land. Development may be a single operation or a programmed series of operations including all lands and buildings, with provision for operation and maintenance of such areas and improvements and facilities necessary for common use by the occupants of the development.

Premises: one or more lots which are in the same ownership and are contiguous or separated only by a road or water body, including all buildings, structures and improvements.

Principal Building: the building in which the primary use of the lot is conducted.

Principal Use: the primary use to which the premises are devoted, and the main purpose for which the premises exist.

Public Utility: any person, firm, corporation, municipal department, board or commission authorized to furnish gas, steam, electricity, waste disposal, communication facilities, transportation or water to the public.

Recreational Vehicle: a vehicle or an attachment designed for temporary sleeping or living quarters for one or more persons, which is not a dwelling and which may include a pick-up camper, travel trailer, tent trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground and must be registered with a State Division of Motor Vehicles.

Rehabilitation Facility: an establishment where persons stay temporarily to restore their condition to good health.

Residential Care Facility: a boarding and care facility providing room and meals and assistance for personal needs.

Residual: solid wastes generated from municipal, commercial or industrial facilities that may be suitable agronomic utilization. These materials may include: food, fiber, vegetable and fish processing wastes; dredge material, sludges; de-watered septage; and ash from wood or sludge fired boilers.

Resource Protection District: the land areas meeting the definition of Resource Protection District set forth in Section 4.1 of this Ordinance.

Riprap: rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) vertical or less.

River: the Salmon Falls River.

~~**Road:** a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles.~~

Seasonal Use: the occupancy, habitation, or use of a structure for less than seven months in a calendar year.

Setback: the minimum horizontal distance from a lot line, water body, or wetland to the nearest part of a structure.

Setback from Water: the minimum horizontal distance from the normal high water line to the nearest part of a structure, road, parking space or other regulated object or area.

Shoreland Zone: the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high water line of any great pond, or river, within two hundred (250) feet of the upland edge of a wetland; or within seventy-five (75) feet of the normal high water line of a stream.

Sign: a name, identification, description, display or illustration which is affixed to, painted or represented, directly or indirectly upon a building, structure, parcel or lot and which relates to an object, product, place, activity, person, institution, organization or business on the premises.

Sludge: non-hazardous solid, semi-solid or liquid residual generated from a municipal, commercial or industrial wastewater treatment plan, water supply treatment plant or wet process air pollution control facility or any other such waste having similar characteristics and effect. The term does not include industrial discharges that are point sources subject to permits under Section 402 of the Federal Water Pollution Act as amended.

Spring Water Extraction: removal for commercial use of groundwater that comes to the surface under natural hydraulic pressure for at least six months of the year.

Stream: a free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted by a blue line on the most

recent edition of a United States Geological Survey 7.5 minutes series topographic map to the point where the body of water becomes a river.

Street/Road: ~~a public or private way which affords access to abutting lots and has been recorded as such.~~

Public and private ways such as alleys, avenues, highways, roads and other rights of way, as well as areas on subdivision plans designated as rights of way for vehicular access other than driveways

Structure: anything constructed or erected, except a boundary wall or fence, the use of which requires location on the ground or attachment to something on the ground.

Subdivision: the division of a tract or parcel of land into three (3) or more lots, in a five (5) year period, for the purpose, immediate or future, of lease, sale, development or building, whether this division is accomplished by platting of the land or by sale of the land by metes and bounds. The term subdivision shall include the subdivision of land for non-residential purposes, mobile home parks and the re-subdivision of land.

Subdivision, Minor: any subdivision containing 3 divisions or fewer and in which no street is proposed.

Subdivision, Major: any subdivision containing 4 or more divisions, or any subdivision containing a proposed street.

Timber Harvesting: the cutting and removal of trees from their growing site, and the attendant operation of cutting and skidding machinery but not the construction or creation of roads. Timber harvesting does not include the clearing of land for approved construction.

Timber Harvesting, Commercial: all timber harvesting activity that does not meet the definition of Timber Harvesting for personal use.

Timber Harvesting for Personal Use: the harvesting of ten cords or less per year, or up to ten thousand (10,000) board feet of lumber per year.

Trailer, Utility: a vehicle without motive power, designed to be towed by a motor vehicle but not designed for human occupancy and which may include a utility trailer, boat trailer, horse trailer, or snowmobile trailer.

Tributary Stream: channel between defined banks created by the action of surface water, whether intermittent or perennial and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland as defined. This

definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the Shoreland Zone of the receiving water body or wetland.

Unserviceable Motor Vehicle: an automobile which is not registered, insured, and inspected for legal use on public streets.

Upland Edge: the boundary between upland and wetland.

Use: the purpose for which land or a structure is arranged, designed or intended, or for which land or a structure is or may be occupied.

Conditional Use: a use permitted only after review and approval by the Planning Board. A conditional use is a use that would not be appropriate without restriction but which, if controlled under the provisions of this Ordinance, would promote the purposes of this Ordinance. Such uses may be permitted if specific provision for such conditional uses is made in this Ordinance.

Conditional Use Permit: a permit issued by the Planning Board for a use with conditions. A conditional use permit may be issued only after the applicant has followed the procedures of this Ordinance.

Variance: a relaxation of the terms of this Ordinance where such variance would not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary or undue hardship. A financial hardship shall not constitute grounds for granting a variance. The crucial points of a variance are undue hardship and unique circumstances applying to the property. A variance is not justified unless both elements are present in the case. As used in this Ordinance, a variance is authorized only for height, area, and size of structures or size of yards or open spaces. Establishment or expansion otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in adjoining zoning districts.

Vegetation: all live trees, shrubs, ground cover, and other plants including, without limitation, trees both over and under 4 inches in diameter, measured at 4 ½ feet above ground level.

Volume of a Structure: the volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

Water Body: any great pond, river, or stream.

Water Crossing: any project extending from one bank to the opposite bank of a river or stream, whether under, through, or over the water course. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings.

Freshwater Wetlands: ~~Freshwater swamps, marshes, bogs and similar area, other than Forested Wetlands:~~

~~(1) Of ten or more contiguous acres; or less than ten (10) contiguous acres adjacent to surface water body, excluding any river, stream or brook such that in a natural state, the combined surface area is in excess of ten acres; and~~
~~(2) Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support a prevalence of wetland vegetation typically adapted for life in saturated soils.~~

~~Freshwater Wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.~~

Areas which are inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and are not part of a great pond, coastal wetland, river, stream or brook. Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the above criteria.

Wetlands Associated with Great Ponds and Rivers: wetlands contiguous with or adjacent to a great pond or river, and which during normal high water, are connected by surface water to the great pond or river. Also included are wetlands which are separate from the great pond or river by a berm, causeway, or similar feature less than one hundred (100) feet in width, and which have a surface elevation at or below the normal high water line of the great pond or river. Wetlands associated with great ponds or rivers are considered to be part of that great pond or river.

Yard: the area of land on a lot not occupied by the principal building.

Yard, Front: the area of land between the front lot line and the nearest part of the principal building. Both through and corner lots shall be considered as having two front lot lines and two front yards.

Yard, Rear: the area of land between the rear lot line and the nearest part of the principal building.

Yard, Side: the area of land between the side lot line and the nearest part of the principal building.

Year-Round Use: the occupancy, habitation, or use of a structure for seven months or more in a calendar year.

Selectmen Recommend: Approve the article as written.

Finance Committee Recommends: Accept article as written 5/0

Motion made & seconded to approve article as written – Ruma/Lotz - PASSED

ARTICLE 63: To see if the Town will vote to adopt the following Ordinance as requested by the Road Advisory Committee:

Town of Acton Ordinance

RESTRICTING VEHICLE WEIGHT ON POSTED WAYS

Section 1. Purpose and Authority

The purpose of this ordinance is to prevent damage to town ways and bridges in the Town of Acton which may be caused by vehicles of excessive weight, to lessen safety hazards and risk of injury to the traveling public, and to reduce the public expense of their maintenance and repair.

This ordinance is adopted pursuant to 30-A M.R.S.A. §3009 and 29 M.R.S.A. §902 and 1611.

Section 2. Definitions

The definitions contained in Title 29 M.R.S.A. shall govern the construction of words contained in this ordinance. Any words not defined therein shall be given their common and ordinary meaning.

Section 3. Restrictions and Notices

The Municipal Officers may, either permanently or seasonally, impose such restrictions on the gross registered weight of vehicles as may, in their judgment, be necessary to protect the traveling public and prevent abuse of the highways, and designate the town ways and bridges to which the restrictions shall apply.

Whenever notice has been posted as provided herein, no person may thereafter operate any vehicle with a gross registered weight in excess of the restriction during any applicable time period on any way or bridge so posted, unless otherwise exempt as provided herein. *(NO RESTRICTION IF ROAD IS SOLIDLY FROZEN, SEE NOTE 1 BELOW)

The notice shall contain, at a minimum, the following information; the name of the way or bridge, the gross registered weight limit, the time period during which the restriction applies, the date on which the notice was posted, and the signatures of the Road Commissioners.

The notice shall be conspicuously posted at each end of the restricted way or bridge in a location clearly visible from the travel way. Whenever a restriction expires or is lifted, the notices shall be removed wherever posted. Whenever a restriction is revised or extended, existing notices shall be removed and replaced with new notices.

No person may remove, obscure or otherwise tamper with any notice so posted except as provided herein.

*Note 1: "Solidly frozen" means that the air temperature is below 32° F and no water is showing in the cracks of the road.

Section 4. Exemptions

I. The following vehicles are exempt from this ordinance:

- a) Any two axle vehicle while delivering home heating fuel;
- b) Any vehicle while engaged in highway maintenance or repair under the direction of the State or Town;
- c) Any emergency vehicle (such as firefighting apparatus or ambulances) while responding to an emergency;
- d) Any school transportation vehicle while transporting students;
- e) Any public utility vehicle while providing emergency service or repairs.

II. The Board of Selectmen may grant additional exemptions from this ordinance, provided an application is made in writing to the Board of Selectmen. The application shall include number of vehicles, hours of operation, duration of work, and a contact person.

Section 5. Administration and Enforcement

This ordinance shall be administered and may be enforced by the municipal officers or their duly authorized designees (such as road commissioner, code enforcement officer, law enforcement officer, or constable). The municipal officers will assign their designees in writing.

Section 6. Penalties

Any violation of this ordinance shall be a civil infraction subject to a fine of not less than \$250.00 nor more than \$1,000.00. Each violation shall be deemed a separate offense. In addition to any fine, the Town may seek restitution for the cost of repairs to any damaged way or bridge and reasonable attorney fees and costs.

Section 7. Severability; Effective Date

In the event any portion of this ordinance is declared invalid by a court of competent jurisdiction, the remaining portions shall continue in full force and effect.

July 1st, 2007

Selectmen Recommend: Approve the article as written.

Finance Committee Recommends: Accept article as written 5/0

Motion made & seconded to approve article as written – Ruma/Lotz - PASSED

ARTICLE 64: To see if the Town will vote to adopt the following revisions to the Town of Acton Road Ordinance as requested by the Road Advisory Committee.

Town of Acton Road Ordinance

Title:

This Ordinance shall be known and cited as the Road Ordinance of the Town of Acton, Maine, and hereafter will be referred to as “this ordinance”.

A. Authority

This Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2 Section 1 of the Maine Constitution and the provisions of Title 30-A, MRSA Section 3001 (Home Rule).

B. Purposes

The purpose of this Ordinance is to give existing private ways, that are not bound by deeded restrictions, a means to be considered for Dedication and Acceptance by the Town Meeting as Town Ways or Public Easements.

C. Conflicts with Other Ordinances

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this ordinance or of any other ordinance, regulation or statute, the more restrictive provision shall control.

D. Validity and Severability

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

E. Effective Date ~~July 1, 2003~~ July 1, 2007

F. Definitions:

Town Way:

- a) An area or strip of land designated and held by a municipality for the passage and use of the general public by motor vehicle;
- b) All town or county ways not discontinued or abandoned before July 19, 1976
- c) All state and highways, or both, which shall be classified town ways as of July 1, 1982, or thereafter, pursuant to 23 M.R.S.A. 53.

Public Easement:

An easement held by a municipality for purposes of public access to land or water not otherwise connected to a public way, and includes all rights enjoyed by the public with respect to private ways created by statute prior to July 29, 1976.

Fee Simple Interest:

An absolute and unqualified interest in the land at common law, with an interest that extends infinitely both above and below the surface of the earth, and includes mineral rights. The owner of a fee simple interest can use the land for any lawful purpose.

Easement Interest:

An interest that allows the public to travel over land owned by someone other than the municipality and allows the municipality to maintain the way.

Hammerhead Turnaround:

A "T" terminus to the road with a minimum extension to one side of 25' and a minimum total length of extensions to both sides of 100'.

G. Road Standards and Classifications:

1. Class A Roads:

All roads, whether public or private, constructed in the Town of Acton after the effective date of this ordinance shall be defined and constructed in compliance with the ~~following requirements for Class A Roads current Town of Acton Subdivision Regulation Road Standards~~. Class A Roads shall be deemed to meet standards necessary for consideration by the Town Meeting for acceptance as a Town Way upon meeting the ~~following standards defined in the current Town of Acton Subdivision Regulations~~.

a) Class A Road Design Standards:

Type of Street

Description	Arterial	Collector	Minor	Private/	Industrial	Commercial
Minimum ROW Width	90'	50'	50'	50'	80'	
Minimum Pavement Width		44'	24'	20'	12' N/A	44'
Sidewalk Width		5'	5'	5'	N/A	8'
Minimum Grade		.5%	.5%	.5%	N/A.	.5%
Minimum or @		5%	6%	6%	10%	5%

Minimum Centerline Radius	800'	230'	150'	N/A	800'
Minimum Tangent between curves of reverse alignment	300'	200'	100'	N/A	300'
Roadway Crown	1/4 '	1/4'	1/4'	N/A	1/4'
Minimum angle of street	90	90	90	90	90
Maximum grade within 75' of intersection	2%	2%	N/A	2%	
Minimum width of shoulders (each side)	3'	3'	3'	3'	9'

- (1) The centerline of the roadway shall be the centerline of the right of way
- (2) ~~Dead End Streets: In addition to the design standards above, dead end streets shall be constructed to provide a hammerhead turn around with the following requirements for radii: Property line 65 ft.; outer edge of pavement 50'. The Planning Board or Road Committee may require the reservation of a twenty foot easement in line with the street to provide continuation of pedestrian traffic or utilities to the next street. The Planning Board or Road Committee may also require the reservation of a fifty foot easement in line with the street to provide continuation of the road where future subdivision is possible~~

- (3) ~~Grades, Intersections, and Sight Distances. Grades of all streets shall conform in general to the terrain, in that cut and fill are minimized while maintaining the grade standards above~~

- ii. ~~All changes in grade shall be connected by vertical curves to provide for the minimum sight distances below~~

- iii. ~~Where new street intersections or driveway curb cuts are proposed, sight distances measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table below:~~

Posted Speed Limit (mph)	25	30	40	45	50	55
Sight Distance:	250'	300'	400'	450'	500'	550'

~~Where necessary, corner lots shall be cleared of all growth and sight obstructions, including ground excavation, to achieve the required visibility.~~

- iii. ~~Crow (four-cornered) street intersections shall be avoided insofar as possible, except as shown on the Comprehensive Plan or at other important traffic intersections. A minimum distance of two hundred feet shall be maintained between center lines of side streets.~~

- (4) ~~Sidewalks. Sidewalks shall be installed within all subdivisions within the urban compact area. Where installed, sidewalks shall meet these minimum requirements:~~

i. Bituminous Sidewalk

- ~~a. The gravel aggregate sub base course shall be no less than twelve inches thick~~
- ~~b. The crushed aggregate base course shall be no less than two inches thick~~
- ~~c. The hot bituminous pavement surface course shall be no less than two inches after compaction.~~
- ~~b. The Portland cement concrete shall be reinforced with six inch square, number 10 wire mesh and shall be no less than 4 inches thick.~~

~~—(5)— Curbing. Where installed, curbing shall be granite or bituminous concrete and shall be installed on a thoroughly compacted gravel base of six inches minimum thickness, except bituminous curbing shall be installed on the base course of the pavement. The specified pavement width above shall be measured between the curbs.~~

b) Class A Street Construction Standards

~~—(1)— Minimum thickness of material after compaction:~~

<u>Street Materials</u>	<u>Minimum Requirement:</u>				
<i>Aggregate Sub-Base Course</i>	Arterial	Collector	Minor	Private	Ind/Co"mmercial
Max..sized stone 4"	18"	18"	18"	12"	18"
<i>Crushed aggregate Base Course</i>	4"	3"	3"	3"	4"

Hot Bituminous Pavement

Total Thickness	3 1/4"	2 1/2"	2 1/2"	3"
Surface Course	1 1/2"	1"	1"	1 1/4"
Base Course	1 3/4"	1 3/4"	1 1/2"	1 3/4"

~~—(2)— Preparation~~

- ~~i. Before any clearing has started on the right of way, the center line and side lines of the new road shall be staked or flagged at fifty foot intervals.~~
- ~~ii. Before grading is started, the entire right of way shall be cleared of all stumps, roots, brush, and other objectionable material. All ledge, large boulders, and tree stumps shall be removed from the right of way.~~
- ~~iii. All organic materials shall be removed to a depth of two feet below the subgrade of the roadway. Rocks and boulders shall also be removed to a depth of two feet below the subgrade of the roadway. On soils which have been identified by the Town Engineer as not suitable for roadways, the subsoil shall be removed from the street site to a depth of two feet below the subgrade and replace with material meeting the specifications for gravel aggregate sub base below.~~
- ~~iiii. Side slopes shall be no steeper than a slope of three feet horizontal to one foot vertical, and shall be graded, loamed, limed, fertilized, and seeded according to the specifications of the erosion and sedimentation control plan.~~

~~iiii. All underground utilities shall be installed prior to paving to avoid cuts in the pavement. Building sewers and water service connections shall be installed to the edge of the right-of-way prior to paving.~~

~~(3) Bases and Pavement~~

~~i. Bases. The Aggregate Sub-base Course shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a 3 inch square mesh sieve shall meet the following grading requirements:~~

Sieve Designation@	Percentage by Weight Passing Square Mesh Sieves
1/4"	25-70%
No. 40	0-30%
No. 200	0-7%

~~Aggregate for the subbase shall contain no particles of rock exceeding four inches in any dimension.~~

~~ii. The Aggregate Base Course shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a 3 inch square mesh sieve shall meet the following grading requirements:~~

Sieve Designation	Percentage by Weight Passing Square Mesh Sieves
1/2"	45-70%
1/4"	30-55%
No. 40	0-20%
No. 200	0-5%

~~Aggregate for the subbase shall contain no particles of rock exceeding four inches in any dimension.~~

~~iii. Pavement Joints. Where pavement joins an existing pavement, the existing pavement shall be cut along a smooth line and form a neat, even, vertical joint.~~

~~iiii. Curbs and Gutters~~

- ~~a. Street curbs and gutters shall be installed as required by the Board~~
~~b. Curbs shall be vertical except when sloped curbs are specifically allowed by the Board.~~

~~iiiii. Pavements~~

- ~~a. Minimum standards for the base layer of pavement shall be the MDOT specifications for plant mix grade B with an aggregate size no more than 1 inch maximum.~~

~~_____ b. Minimum standards for the surface layer of pavement shall meet the MDOT. _____ specifications for plant mix grade C with an aggregate size no more than 3/4" _____ maximum.~~

2. Class B Roads:

Private roads which are ~~shown on year 2000 Acton 911 emergency dispatch maps not subject to~~ "General Provision" H.(7) may be defined and reconstructed in compliance with the following standards for Class B roads. Class B roads shall be deemed to meet standards necessary for consideration by the Town Meeting for acceptance as a Town Way

- (1) Minimum of 34 ft. wide right-of-way fully described with bounds and measurements and fee simple interest title conveyed to Town of Acton.
- (2) 20' wide gravel or paved top course with 7' minimum sides for shoulders and drainage.
- (3) 16" compacted gravel base.
- (4) 3" finish crushed gravel (3/4' to 1.5").
- (5) 100' hammerhead turnaround.
- (6) Maximum grade of 8% in any 100 ft.
- (7) 200' minimum tangent between curves on a reverse alignment.
- (8) 34 ft. right-of-way shall be clear of trees, stumps, boulders, fences and any other hindrance to plowing and maintenance.
- (9) Minimum culvert size of 12". The Code Enforcement Officer and/or Road Committee may require an alternative size culvert based on existing site conditions.
- (10) Maximum 60,000 lbs. GVW shall be permitted except when posted.
- (11) Newly proposed roads that intersect with existing roads must intersect at a 90 degree angle.
- ~~(12) Class B roads must discharge to a Class A or B road.~~

3. Class C Roads:

Private roads which are ~~shown on year 2000 Acton 911 emergency dispatch maps not subject to~~ "General Provision" H.(7) may be defined and reconstructed in compliance with the following standards for Class C roads. Class C roads shall be deemed to meet standards necessary for consideration by the Town Meeting for acceptance of a Public Easement.

- (1) Minimum of 20 ft. right-of-way shall be fully described with bounds and measurements.
- (2) A public easement for turnarounds, as determined by the Road Committee and CEO must be provided.
- (3) The Acton Road Committee shall hold a public hearing and establish such other standards as deemed necessary and unique to the road.
- ~~(4) Class C roads must discharge to class A, Class B, or Class C roads~~
- ~~_____ (5) Class C roads shall not be maintained or deemed suitable for passage by school buses.~~

H. General Provisions:

- (1) Existing Town Ways shall be deemed to meet the standards for Class A roads.
- (2)
 - a. Class A and B roads must discharge on to a Town Way or State Highway
 - b. Class C roads are subject to H.(2.a) but may also discharge onto a Class C road.
 - c. Class C roads shall not be maintained for or deemed suitable for passage by school buses.

~~(2)~~(3) Procedures for the Creation of Roads

- a..The owner of land on which a road is to be created shall submit a petition to the Selectmen requesting the Annual Town Meeting to create a Class A, B or C road. The petition shall be submitted at least three months prior to the annual Town Meeting. The petition shall include a plan, prepared by a registered land surveyor, describing the road. The petition shall be accompanied by a deed for the property described on the plan, conveying a fee simple interest for Class A and B roads and a Public Easement interest for Class C roads to the Town of Acton.
- b. The Road Committee and an Engineer shall inspect the road to determine if the road meets the standards set forth in this ordinance and make an appropriate recommendation for action by the Town Meeting.

~~(3)~~(4) Maintenance of Roads

- a. Town Ways shall be provided winter and summer maintenance by the Town in accordance with the laws of the State of Maine.
- b. Class C roads may receive summer maintenance funded by the Town. Funding for summer maintenance of Class C roads shall be established by the Town Meeting. The road commissioner shall determine the services provided to Class C roads.
- c. Class C roads will receive no maintenance unless a waiver of all claims for damages by the Town within the right of way is received from all abutters to the road.

~~(4)~~(5) Road Commissioner Authority

- a. The road commissioner shall have the authority to declare a snow removal emergency and:
 - i. Post roads to prohibit parking on Town Ways.
 - ii. Order the removal of vehicles parked in Town Ways at the owner's expense.

b. The road commissioner shall have the authority to require the installation of culverts when new curb cuts are being constructed, at the owner's expense.

c. The road commissioner shall have the authority to order the removal of fill, debris, or construction in a Town Way at the owner's expense.

d. The road commissioner shall have the authority to prohibit any construction, excavation, or activities in a Town Way which may substantially damage Town Ways.

(5)(6) Notwithstanding any provision of this ordinance or the Acton Zoning Ordinance, the division of any lot to create Class B or Class C roads as described in this ordinance shall not alter any right of the lot owner provided in the Acton Zoning Ordinance, Article 1, Section 1.4, Non Conforming Uses.

(7) Any approved or unapproved Subdivision Roads constructed after the adoption of the "Planning Board Standards for Reviewing Land Subdivisions" dated October 30, 1972 must be brought to Class A standards to be eligible for consideration by the Town Meeting for acceptance as a Town Way.

Selectmen Recommend: Accept the Article as written.

Finance Committee Recommends: Accept article as written 5/0

Motion made & seconded to approve article as written – Ruma/Lotz – PASSED

Meeting Adjourned 3:10pm – Respectfully Submitted, Jennifer Roux – Town Clerk

Approved and Signed on: _____

Nancy Ruma, Chairman of the Board of Selectmen

Anthony Cogliandro, Selectman

James Driscoll, Selectman