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2008

## Town of Acton Maine Annual Meeting Minutes 2008

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 10, 2008 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 was elected moderator by secret written ballot.**

**ARTICLE 2:** To elect by secret ballot: One (1) Selectman, Assessor and Overseer of the Poor for three (3) years; two (2) members of the School Committee for three (3) years: one (1) member of the school committee for one (1) year.

**Selectmen, Assessor and Overseer of the Poor**

Cogliandro, Anthony 333

Rix, Debra 212

Write-In/Blanks 33

**School Committee Member – One Year Term (ONE)**

Stanton, Mary 422

Write-In/Blanks 156

**School Committee Member – Three Year Term (TWO)**

Kryzak, Theodore 245

Michaud, Richard 277

Shain, Judith 326

Blanks 308

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

**Question 1:** Shall an amendment to the “Acton Zoning Ordinance”, which includes changes to Sections 1 through 5, dated April 18, 2008, and a new Official Zoning Map, dated March 13, 2008, be adopted?

**YES 279**

**NO 277**

**Blanks 23**

**Question 2.** Shall an Ordinance entitled “Site Plan Review Ordinance”, dated April 16, 2008, be adopted?

**YES 284**

**NO 260**

**Blanks 35**

Copies of the amendments to the Zoning Ordinance, the new Official Zoning Map, and the Site Plan Review are available from the Town Clerk.

The polls for election of officers and referendum questions will open immediately after election of the 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 14, 2008, 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. Dennis Long, Charles Hefferon, Andrew Brazier terms have expired.

Nominations were:

Andy Brazier – respectfully declined nomination

**John Moore – 37, elected**

**Richard Weymouth – 35, elected**

**Dennis Long – 28, elected**

Pam MacAlinden - 25

Debra Rix - 23

Richard Neal - 21

**ARTICLE 5:** To see if the Town will elect two (2) members to the standing Town Road Committee for two (2) years. Jack Kelly and Richard Weymouth terms have expired.

**Jack Kelly and Richard Weymouth were nominated and elected by secret written ballot.**

**ARTICLE 6:** To see if the Town will elect two (2) members to the Town Forest Committee for three (3) years. John Moore and Frank Verock terms have expired.

**John Moore and Frank Verock were nominated and elected by secret written 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 surplus equipment. (Maximum expenditure not to exceed \$20,000)

Selectmen Recommend: Approve the Article as written.

Finance Committee Recommends: Approve the Article as written.

**Bill Lotz made a motion to accept the Finance Committee's recommendation, seconded by Mark Lowell. Motion carried.**

**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: Approve the Article as written.

**Bill Lotz made a motion to accept the Finance Committee's recommendation, seconded by Mark Lowell. Motion carried.**

**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: Approve the Article as written.

**Bill Lotz made a motion to accept the Finance Committee's recommendation, seconded by Tom Chase. Motion carried.**

**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: Approve the Article as written.

Finance Committee Recommends: Approve the Article as written.

**Bill Lotz made a motion to accept the Finance Committee's recommendation, seconded by Andy Brazier. Motion carried.**

**ARTICLE 11:** To see if the Town will vote to have Real Estate and Personal Property Taxes 1<sup>st</sup> payment come due on October 15, 2008 and the 2<sup>nd</sup> payment come due on April 15, 2009.

Selectmen Recommend: Approve the Article as written.

Finance Committee Recommends: Approve the Article as written.

**Bill Lotz made a motion to accept the Finance Committee's recommendation, seconded by Mark Lowell. Motion carried.**

**ARTICLE 12:** To see what interest the Town will vote to charge on any unpaid taxes after October 15, 2008 and April 15, 2009. Maximum rate of interest allowed is 11% per annum.

Selectmen Recommend: 11% per annum.

Finance Committee Recommends: Accept the Selectmen's Recommendation.

**Bill Lotz made a motion to accept the Finance Committee's recommendation, seconded by Mark Lowell. Motion carried.**

**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: Approve the Article as written.

Finance Committee Recommends: Approve the Article as written.

**Bill Lotz made a motion to accept the Finance Committee's recommendation, seconded by Mark Lowell. Motion carried.**

**ARTICLE 14:** To see if the Town will vote to authorize the selectmen to accept any local grants, donations or fees and appropriate such funds for their designated use.

Selectmen Recommend: Approve the Article as written.

Finance Committee Recommends: Approve the Article as written.

**Bill Lotz made a motion to accept the Selectmen's recommendation, seconded by Mark Lowell. Motion carried.**

**ARTICLE 15:** To see if the Town will vote to establish the following "Reserve Funds".

Acton Recreation  
Mary Grant

Capital Improvement  
Forestry

PEG Access

**Note:** Any Fund Balances in the current accounts are to be transferred to the appropriate Reserve Account.

Selectmen Recommend: Approve the Article as written.

Finance Committee Recommends: Approve the Article as written.

**Bill Lotz made a motion to accept the Finance Committee's recommendation, seconded by Andy Brazier. Motion carried.**

**ARTICLE 16:** To see if the Town will authorize the transfer of funds from the Undesignated Fund Balance to the following Reserve Accounts: Forestry, Capital Improvement.

Note: These funds were inadvertently lapsed into the Undesignated Fund Balance.

Selectmen Recommend: Approve the Article as written.

Finance Committee Recommends: Approve the Article as written.

**Bill Lotz made a motion to accept the Selectmen and Finance Committee's recommendation, seconded by Mark Lowell. Motion carried.**

**ARTICLE 17:** 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: Approve the Article as written.

**Bill Lotz made a motion to accept the Finance Committee's recommendation, seconded by Mark Lowell. Motion carried.**

**ARTICLE 18:** To see if the Town will vote to appropriate \$588,847 for **GENERAL GOVERNMENT** (Dept. 102).

102-01	General Government /Selectmen's Office	\$113,209
102-03	Boards (ZBA, BAR)	\$ 458

102-05	Municipal Management	\$168,070
102-07	Elections	\$ 6,500
102-08	Registrar of Voters	\$ 4,306
102-09	Planning Board	\$ 12,451
102-11	Finance/Treasury	\$ 76,154
102-12	Town Clerk/Tax Collector	\$ 88,971
102-13	Assessment	\$ 52,556
102-15	Code Enforcement/Inspection	\$ 66,172

Selectmen Recommend: Approve the Article as written.

Finance Committee Recommends: Appropriate \$577,217.

Note: 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.

Debra Rix made a motion to appropriate \$533,718.05 for Article 18, seconded by Tom Chase. Motion Failed.

Bill Lotz made a motion to accept the Finance Committee's recommendation of \$577,217. Motion Failed.

*(Voters motioned and seconded to address Article 34 and return to Article 18 after wards. Motion to go out of order carried. After Article 34 failed, voters removed \$45,000 from the General Government pertaining to the Administrative Assistant Position)*

**Dennis Long made a motion to appropriate \$532,217, seconded by John Moore. Motion Carried.**

**ARTICLE 19:** To see if the Town will vote to appropriate \$15,108 for **HEALTH & WELFARE** (Dept 103) of which \$108 is for Health Officer stipend and \$15,000 for General Assistance.

Selectmen Recommend: Approve the Article as written.

Finance Committee Recommends: Approve the Article as written.

Note: 50% of the General Assistance funds expended will be reimbursed by the Department of Health and Human Services.

**Bill Lotz made a motion to accept the Finance Committee's recommendation, seconded by Mark Lowell. Motion carried.**

**ARTICLE 20:** To see if the Town will vote to pay wages and equipment for repair and maintenance of public ways as follows:

<u>Wages</u>		
Road Commissioners		\$18.60 per hour
Heavy Equipment Operators & Truck Drivers		\$14.00 to \$15.50 per hour
Labor		\$12.50 to \$14.00 per hour
<u>General Equipment</u>		
Backhoe	2WD	\$40.80 per hour
	4WD	\$45.80 per hour
Loaders (base rate for 1 yd loader)		\$33.40 per hour
Loaders over 1 yd		\$20.15 per hour per cubic yard
Loading at stockpile		\$ 1.15 per yard

Grader GVW 21,000	\$53.65 per hour
Chainsaw	\$ 4.80 per hour
Mowing/Tractor	\$32.00 per hour
Trucks 4 cubic yds	\$31.00 per hour
Trucks 6 cubic yds	\$38.15 per hour
Trucks 7 cubic yds	\$41.70 per hour
Trucks 12 cubic yds	\$53.65 per hour
PU Trucks when used for patching roads	\$23.85 per hour
4WD Pickups pushing Front Runner Rake	\$34.60 per hour
Excavator up to 20,000 lbs	\$53.65 per hour
Over 20,001 lbs	\$63.65 per hour
Over 40,000 lbs	\$83.65 per hour
Dozers/Multi-use Tractor	\$43.65 per hour
D4 equiv, D6, D3, and TD9	\$53.65 per hour

#### Winter Road Maintenance Equipment

(Town to furnish cutting edges and bolts and brushes for sweeper.)

2WD	\$41.70 per hour
4WD 1 ton and over	\$44.15 per hour
4WD ¾ ton and under	\$34.60 per hour
Trucks with wing add	\$ 2.20 per hour
Contractor owned sander add	\$ 5.00 per hour
Sand Screen	\$39.05 per hour

Cost of Operations: The above rates are based on fuel prices up to and including \$4.30 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 cost of operations 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: Approve the Article as written.

Dennis Long made a motion to amend the article to read "Town to furnish cutting edges and bolts", seconded by Mark Lowell. Motion Failed.

**Andy Brazier made a motion to accept the article as written and recommended by the Selectmen and Finance Committee, seconded by Bill Lotz. Motion Carried.**

**ARTICLE 21:** To see if the Town will vote to appropriate \$1,006,361 for **PUBLIC WORKS** (Dept 105) to be expended as follows:

District 1 Plowing and Sanding	\$ 76,530
District 2 Plowing and Sanding	\$ 76,530
District 1 Road Maint/Repairs/Surfacing	\$180,296
District 2 Road Maint/Repairs/Surfacing	\$203,406
District 1 Special Projects Sam Page Road	\$ 39,434
Intersection Sam Page/H Road	\$ 11,641
District 2 Special Projects Covewood Drive	\$ 12,230
Sam Page Road by the P.O.	\$ 15,333

	Goding Road	\$ 15,256
Stockpile		\$ 90,383
Public Safety Building/Equipment		\$ 15,038
Transfer Station		\$270,285

**Note:** URIP Funds to be applied for Capital Improvement of roads

**Note:** Recycling revenues will be applied to reduce amount to be raised by taxation.

Selectmen Recommend: Approve the Article as written.

Finance Committee Recommends: Approve the Article as written.

Board of Selectmen clarified Public Safety should read Public Works.

**Andy Brazier made a motion to accept the article as written and as recommended by the Selectmen and Finance Committee, seconded by Richard Neal. Motioned Carried.**

**ARTICLE 22:** To see if the Town will vote to appropriate \$144,618 for **PUBLIC SAFETY** (Dept 104) to be expended as follows:

104-03	Fire Department	\$119,438
104-07	Street Lights	\$ 1,600
104-09	Animal Control	\$ 7,480
104-30	Communications	\$ 16,100

Selectmen Recommend: Approve the Article as written.

Finance Committee Recommends: Approve the Article as written.

**Andy Brazier made a motion to accept the article as written and as recommended by the Selectmen and Finance Committee, seconded by Tom Chase. Motion carried.**

**ARTICLE 23:** To see if the Town will vote to appropriate \$1,500 for **HISTORIC PRESERVATION**, formerly the Conservation Committee (Dept 106-01).

Selectmen Recommend: Approve the Article as written.

Finance Committee Recommends: Approve the Article as written.

Vicki Ridlon made a motion to amend the article to read “To see if the Town will vote to appropriate \$1500 for Historic Preservation, managed by the Conservation Committee, seconded by Richard Neal. Amendment Carried.

**Nancy Ruma made a motion to approve the article as amended, seconded by Michael Conway. Motion Carried.**

**ARTICLE 24:** To see if the Town will vote to appropriate \$22,678 for **PLANNING & DEVELOPMENT** (Dept 107) to be expended as follows:

107-01	Comprehensive Plan Implementation	\$ 22,140
107-05	Forestry	\$ 538

Selectmen Recommend: Approve the Article as written.

Finance Committee Recommends: Approve the Article as written. 3 Yes, 1 no, 1 abstaining



**Nancy Ruma made a motion to accept the Selectmen's recommendation, seconded by Richard Neal. Motion carried.**

**ARTICLE 25:** To see if the Town will vote to appropriate \$308,230 for **COUNTY TAX** (Dept 108-51).

Selectmen Recommend: Approve the Article as written.

Finance Committee Recommends: Approve the Article as written.

**Nancy Ruma made a motion to appropriate \$300,414.89, seconded by Tom Chase. Motion Carried.**

**ARTICLE 26:** To see if the Town will vote to appropriate \$500 for Cemetery flags and holders. (Dept 109-01).

Selectmen Recommend: Approve the Article as written.

Finance Committee Recommends: Approve the Article as written.

**ARTICLE 27:** To see if the Town will vote to appropriate \$49,173 for **Donations** (Dept 109-20) as requested.

	Requested	Selectmen Recommend	W&F Recommend
YCCAP	\$ 1,300	\$ 1,300	\$ 1,300
Home Health VN	\$ 2,000	\$ 2,000	\$ 2,000
Southern Maine Agency on Aging	\$ 1,000	\$ 500	\$ 500
Child Abuse Prevention Council	\$ 400	\$ 400	\$ 400
York County Shelter	\$ 400	\$ 400	\$ 400
Busy Workers 4-H Club	\$ 150	\$ 150	\$ 150
Acton Library	\$13,020	\$13,020	\$13,020
Acton-Shapleigh Y.C.C.	\$22,000	\$22,000	\$18,000
Acton-Wakefield Watershed Alliance	\$ 5,000	\$ 5,000	\$ 5,000
Caring Unlimited	\$ 453	\$ 453	\$ 453
Woodfords Family Services	\$ 400	\$ 400	\$ 400
Southern Me. Parent Awareness	\$ 250	\$ 250	\$ 250
Counseling Services, Inc	\$ 500	\$ 500	\$ 500
Saco River Corridor Commission	\$ 300	\$ 300	\$ 0
American Red Cross	\$ 2,000	\$ 2,000	\$ 1,000
	\$49,173	\$48,673	\$43,373

Selectmen Recommend: Appropriate \$48,673

Finance Committee Recommends: \$43,373

Tom Chase made a motion to appropriate \$43,373 as recommended by the Finance Committee, seconded by Andy Brazier. Motion Failed.

**Mike Conway made a motion to appropriate \$48,673 as recommended by the Selectmen, seconded by Mark Lowell. Motion Carried.**

**ARTICLE 28:** To see if the Town will vote to appropriate \$500 for **Dams** (Dept 109-50).

Selectmen Recommend: Approve the Article as written.

Finance Committee Recommends: Approve the Article as written.

**Andy Brazier made a motion to approve the article as written, seconded by Mike Conway. Motion**

**Carried.**

**ARTICLE 29:** To see if the Town will vote to appropriate \$15,150 for **ACTON RECREATION** (Dept 421-01).

Note: Program fees, etc. to be used to offset appropriation.:

Selectmen Recommend: Approve the Article as written.

Finance Committee Recommends: Approve the Article as written.

**Andy Brazier made a motion to approve the article as written, seconded by Mike Conway. Motion Carried.**

**ARTICLE 30:** To see if the Town will vote to appropriate \$8,000.00 to clean the sand/gravel/rocks from the Town Pound resulting from the 2007 Patriot's Day Storm. (FEMA has approved an 85% reimbursement of the actual cost to the Town.

Selectmen Recommend: Approve the Article as written.

Finance Committee Recommends: Approve the Article as written. 4 yes, 1 no

**Nancy Ruma made a motion to approve the article as written, seconded by Mike Conway. Motion Carried.**

**ARTICLE 31:** To see if the Town will accept a grant from York County Soil and Water Conservation District for \$2,000.00 to be used toward repair/replacement of culvert causing erosion on Covewood Drive.

Selectmen Recommend: Approve the Article as written.

Finance Committee Recommends: Approve the Article as written.

**Mike Conway made a motion to amend the article to read, "To see if the Town will accept and appropriate a grant from York County Soil and Water Conservation District up to \$7500 to be used toward repair/replacement of culvert causing erosion on Covewood Drive." – seconded by Andy Brazier. Motion Carried as Amended.**

**ARTICLE 32:** To see if the Town will vote to put the funds received from the sale of tax acquired property during fiscal year 2007/2008 into the Capital Improvement Reserve Account.

Selectmen Recommend: Approve the Article as written.

Finance Committee Recommends: Approve the Article as written.

**John Moore made a motion to accept the article as written, seconded by Mark Lowell. Motion Carried.**

**ARTICLE 33:** Should the Town consider establishing a Municipal Charter for the Town of Acton?

Selectmen Recommend: Yes

Finance Committee Recommends: Approve the Selectmen's Recommendation.

**Nancy Ruma made a motion to accept the article as written, seconded by Mark Lowell. Motion Failed.**

**ARTICLE 34:** To see if the Town will establish the position of "Administrative Assistant" in the Selectmen's Office.

Selectmen Recommend: Approve the Article as written.  
Finance Committee Recommends: Approve the Article as written.

**Tom Chase made a motion to accept the article as written, seconded by Mike Conway. Motion Failed 34-29.**

**ARTICLE 35:** To see if the Town will authorize the Selectmen to use “Overlay” funds to cover the Tax Abatements and any applicable interest.

Selectmen Recommend: Approve the Article as written.  
Finance Committee Recommends: Approve the Article as written.

**Tom Chase made a motion to approve the article as written, seconded by Mike Conway. Motion Carried.**

**ARTICLE 36:** To see if the Town will vote to establish a PEG (Public Educational Government) Access Reserve Fund from funds provided by Metrocast. The funds to be used to provide televising of various town events at the direction of the Selectmen.

Selectmen Recommend: Approve the Article as written.  
Finance Committee Recommends: Approve the Article as written.

**Nancy Ruma made a motion to accept the article as written, seconded by Richard Neal. Motion Carried.**

**ARTICLE 37:** To see if the Town will vote to appropriate the following estimated Revenues and Fund balances to reduce the amount raised by taxation.

**Town Balances**

Estimated Fiscal Year 08/09 Municipal Revenues	\$ 734,116
Estimated School Revenues 08/09	\$ 406,527
Estimated Undesignated Fund balance Town	\$ 50,000
Estimated Undesignated Fund Balance School	<u>\$ 221,710</u>
	\$1,412,353

Selectmen Recommend: Approve the Article as written.  
Finance Committee Recommends: Approve the Article as written.

**Nancy Ruma made a motion to approve the article as written, seconded by Tom Chase. Motion Carried.**

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Nancy Ruma, Chairman of the Board of Selectmen

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Michael Conway, Selectman

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Richard Neal, Selectman