

**Town of Durham  
Board of Selectmen Meeting Minutes  
September 22<sup>nd</sup> 2015**

**Call to Order:** Selectman Wakeman called the meeting to Order at 6:30 p.m.

**Members Present:** Chairman Jeffrey Wakeman, Vice Chairman Sarah Hall, Selectman Mark Blake, Selectman Michael Stewart. Selectman Joshua Libby excused.

**Quorum:** Chairman Wakeman announced a Quorum has been met with four (4) members present.

**Also Present:** AA/TA Ruth Glaeser, Road Commissioner Calvin Beaumier, Codes Official Paul Baines, Fire Chief/EMA Director William St. Michel, Secretary Jill Toher.

**Pledge of Allegiance:** Completed.

**Amendments to the Agenda:** Chairman Wakeman adds the following under Consent Agenda: c.) Homeland Security Grant Program Budget Worksheet; d-2) ACO (Animal Control Reports. Remove PJ's Auto Park/Pete's Junkyard from Public Hearing; Add the following: 9-h) Meeting with Pownal Selectmen; and, 9-i) Letter to Tri-Town News.

**Public Present:** Priscilla Higgins for Ken Carll II, Larry Emerson, David Kroll, Corinna Miller.

**PUBLIC HEARING and Action – Amendment to General Assistance Ordinance**

**Appendices A-D for 2015-2016:** Chairman Wakeman Opened the Public Hearing at 6:31 p.m., and called for Public Comments. Seeing none, Chairman Wakeman Closed the Public Hearing at 6:31 p.m.

**Action:** Vice Chairman Hall Moves to Approve the revised General Assistance Ordinance Appendices a through D as set forth by the State of Maine. Selectman Stewart Second. Motion Carried 4-0.

**PUBLIC HEARING and Action – Graveyard/Automobile Recycling Business and/or**

**Junkyard Permit Applications:** Chairman Wakeman Opened the Public Hearing at 6:32 p.m., and called for public comments. Seeing none, Chairman Wakeman Closed the Public Hearing at 6:32 p.m.

**Kenneth Carll II** – Priscilla Higgins, Kenneth Carll's mother, appeared for the Applicant. The Codes Official stated that Mr. Carll continues to contend that he does not operate a junkyard, but rather does vehicle repairs on a recreational, hobby related basis only. The Codes Official circulated photos taken this year compared to photos taken last year for the Board's review.

Codes Official Baines recommend approving a Conditional Use Permit with conditions: A suitable plan must be enacted and submitted for consideration within ninety days for the Board's approval as discussed.

**Chairman Wakeman Moves** to Grant a Conditional Use Permit for a Junkyard/Auto Graveyard at Ken Carll's and the Conditions be that Ken Carll and the Codes Officer meet to come up with a meaningful plan to be ready and in place for the Board's Approval within ninety days from today, with implementation of the plan be completed within the year. Vice Chairman Hall Second. Motion Carried 4-0.

Chairman Wakeman advised Ms. Higgins that if Ken Carll would like to talk to the Board, he should request to be placed on the agenda.

**Lawrence Emerson:** Larry Emerson personally appeared before the Board to advise that he is turning the property and repair business to his son. The car crusher is expected to arrive soon.

The Codes Official stated although there have some small improvements, not much has changed to correct conditions on last year's Conditional Use Permit, except he has kept a log of incoming and outgoing vehicles. Maintaining a buffer continues to be problematic. He stated there is more junk there than last year. Codes Official Baines also stated the Junkyard portion of the existing business cannot be turned over to Mr. Emerson's son, as Mr. Emerson's junkyard portion of the property is non-compliant and Conditional Use Permits have been issued under a Grandfather clause as it lies on an aquifer. Codes Official Baines recommended issuing a Conditional Use Permit with conditions including re-inspection on or before November 30<sup>th</sup> 2015 after the vehicle crusher has come.

**Vice Chairman Hall Moves** to Grant a Conditional Use Permit for the Junkyard with the following conditions: that Mr. Emerson contact the Codes Official after the crusher has come but no later than November 30<sup>th</sup> 2015 to verify that the scope of the yard has not increased. Selectman Stewart Second. Motion Carried 40-0.

**Lisa and Troy Peterson:** The Codes Official reported that no new vehicles have been accepted and the Peterson's are upgrading the site with plans to build a garage for restoring classic vintage vehicles. He distributed a photo essay of the premises for the Board's review. The Codes Official stated that the Peterson's yard is maintained in an orderly and good condition. It is working yard and recommends the Selectmen grant a Conditional Use Permit.

**Vice Chairman Hall Moves** to Grant a Conditional Use Permit consistent with the recommendations of the Codes Official for the next year. Selectman Stewart Second. Motion Carried 4-0.

**Alvin C. Dennison, Jr.:** The Codes Official reported that the log-in/log-out records continue to be maintained and the yard is well kept. There has not been much activity during this past year due to Mr. Dennison's continuing health issues. Codes Official Baines recommends approving Mr. Dennison's application for a Conditional Use Permit for another year.

**Selectman Stewart Moves** to Grant a Conditional Use Permit to Mr. Dennison for another year. Selectman Blake Second. Motion Carried 4-0.

**PJ'S Auto Park/Pete's Junkyard (remove):** The Codes Official will take this matter up during his Codes Official's report.

**Public Comments:** David Kroll (see Assessor's Session).

### **ASSESSOR'S SESSION:**

**Chairman Wakeman Moves** the Board into Assessor's Session pursuant to Title #36, M.R.S.A., ss. 841 at 7:12 p.m. Selectman Blake Second. Motion Carried 4-0.

### **Abatement Request from David Kroll, Map #1, Lot #72-A, 125 Dewitt Hill Road:**

David Kroll appeared before the Board to discuss a Abatement Denial letter received from Donna Hays, CMA, dated September 14<sup>th</sup> 2015. It denied Mr. Kroll's request for an abatement. Mr. Kroll has been disputing the Town's assessment since 2011, when he first became aware of the fact that he is being assessed for a portion of the cul-de-sac property, that, according to his property deed, does not belong to him. Assessor's Agent, Donna Hays, CMA, advised that until a survey is completed, she cannot consider making an adjustment to his lot size.

Mr. Kroll recounted that he brought this matter to the attention of the Planning Board in 2012 as well as subsequently bringing this matter to the attention of the Board of Selectmen.

Mr. Kroll stated he simply would like to have this matter settled and offered to split the cost of a survey with the Town.

A very lengthy discussion followed regarding possible options. At the suggestion of Chairman Wakeman, Mr. Kroll was asked to consult with his Title Insurance company to confirm that his deed is correct. The Board will refer this matter to the Town Attorney for his opinion. There is a sixty day window for Mr. Kroll to Appeal the Town's decision to the County Commissioners.

It was mutually agreed that Mr. Kroll will check with his Title Insurance Company while the Selectmen get the Town Attorney's opinion, and re-visit this issue at the October 6<sup>th</sup> 2015 Board meeting.

**Selectman Blake Moves** to deny Mr. Kroll's Request for Abatement, per Donna Hays, CMA's recommendation dated September 14<sup>th</sup> 2015, until a survey is completed. Selectman Stewart Second. Motion Carried 4-0.

**Abatement Request from Marcia Barrington, Map #1, Lot #2-D, 309 Brown Road:**

**Selectman Blake Moves** to Approve the Abatement Request per recommendation of Donna Hays, CMA, for \$18,700.00 in value or \$325.38 in taxes due to a change in the grade of the home and land value reflecting the base lot value of Brown Road. Vice Chairman Hall Second. Motion Carried 4-0.

**Chairman Wakeman Moves** the Board out of Assessor's Session at 7:31 p.m. Selectman Blake Second. Motion Carried 4-0.

**Consent Agenda:**

- a. **Approval of Treasurer's Payables Warrant**
- b. **Approval of Regular Selectmen's Meeting Minutes – September 8<sup>th</sup> 2015**
- c. **Homeland Security Grant Program Budget Worksheet**
- d. **Correspondence:**
  - 1. **LACO Minutes**
  - 2. **ACO (Animal Control) Reports**

**Vice Chairman Hall Moves** to Approve the Consent Agenda as presented. Selectman Stewart Second. Motion Carried 4-0.

**Action and Discussion Items:**

a. **Old Home Days Fundraiser for Historical Society** – Corinna Miller stated that the Historical Society would like to undertake a fundraiser by bringing back Durham's Old Home Days. The purpose of the proposed fund raising event would be to help the Historical Society fund needed repairs at the old Methodist Church. She presented the Board with a brief summary of ideas as well as proposed needs. She stated the last "Old Home Days" event was back in 1989. A general discussion followed. It needs to be determined whether the Historical Society is a separate entity or falls under the Town's umbrella. It was generally agreed that permission for use would need to be obtained from each participating entity. The proposed theme would be "the Old and the New". It was the general consensus of the Board to give the go ahead for the Historical Society to begin making plans, obtain necessary permissions as well as keep the Board informed.

b. **Town Email Addresses** – Chairman Wakeman stated that the Town purchased a block of Town e-mail addresses for those who conduct Town business via e-mail so that Town business related e-mails would be separate from personal e-mail addresses. PIT John Ricker

advised that a number of these e-mail addresses have not been activated and proposes that an E-Mail Opt Out Form be adopted for those to sign who have chosen not to activate the separate Town e-mail account. A rather lengthy discussion followed regarding the "Right to Know" laws. It was decided to add a disclaimer to the "Opt Out" form regarding ramifications of using a personal e-mail account for conducting Town business in addition to supplying a copy of the "Right to Know" law.

**Vice Chairman Hall Moves** to Approve the Opt Out form as amended in discussion. Selectman Blake Second. Motion Carried 4-0.

**c. Act on Tax Acquired Property –** AA/TA Glaeser presented the Board with three tax acquired properties that are ready for the Board to consider putting out to bid. Two properties are land only and the third is a mobile home, which is currently occupied.

The Board discussed at great length how to best pursue putting out to bid the property located on Map #5, Lot #056-017 with the mobile home on it. It was the consensus of the Board to offer to Leonard Barker the right of first refusal by sending a notice to him dated September 22<sup>nd</sup> 2015, offering to accept the minimum bid as payment on or before the opening of bids which is set for November 3<sup>rd</sup> 2015 at 2:00 p.m.

Following a lengthy discussion, it was the consensus of the Board to offer the same terms to the other two land owners. The Selectmen have a fiduciary duty to Town residents to accept the amount due via right of first refusal. The conversation continued regarding legality issues.

**Selectman Blake Moves** to give each property owner the same option to settle the minimum amount due at the time of the Bid opening. Selectman Stewart Second. Motion Carried 4-0.

**d. Proposed New Policies –**

1. AA/TA Glaeser presented the Board with copies of the current Town of Durham Policy for Disposition of Tax Acquired Property along with proposed Option #1 and Option #2, as well as an excerpt from the current Tax Lien Manual for review.

**Vice Chairman Hall Moves** to accept Option #2, revising the current Policy for Disposition of Tax Acquired Property, pending approval from the Town Attorney. Selectman Blake Second. Motion Carried 4-0.

2. AA/TA Glaeser presented the Board with a draft copy of an Accident Reporting Procedure for Work Related Injuries for consideration. Fire Chief St. Michel stated that the Fire Department currently has accident reporting procedures in place. A conversation followed regarding work related injuries as well as non-work related injuries and how the two can intertwine.

Vice Chairman Hall suggested that any current policies should be streamlined so that all departments are governed by one policy. The matter was tabled until the October 6<sup>th</sup> 2015 Board meeting pending review of existing work related and non-work related policies.

3. AA/TA Glaeser presented a draft Cell Phone Use Policy for the Board's review. During discussion, it was decided to change the word "mobile" to "motorized" in section four.

**Vice Chairman Hall Moves** to approve the Cell Phone Use Policy as amended during discussion. Selectman Blake Second. Motion Carried 4-0.

4. The Board next briefly discussed a proposed Policy on Recording.

**Vice Chairman Hall Moves** to approve the Policy on Recording as presented. Selectman Blake Second. Motion Carried 4-0.

**e. RFP for Generator (DPW Building)** – Road Commissioner Baumier presented the Board with the Bid Opening Form dated September 17<sup>th</sup> 2015. along with his recommendations. There were four bidders. A general discussion followed.

**Selectman Blake Moves** to go with ESM (Electric Systems of Maine) for price noted, \$8,700.00, subject to verification of fuel hook up. Vice Chairman Hall Second. Motion Carried 4-0.

**f. E-911 Addressing Road Name Change/Addition** – Codes Official Baines, who is in charge of the E-911 Addressing system stated that the Snow Road, a private way, consists of two sections separated by woods. He stated that according to the Town's E-911 Addressing Ordinance, no two roads shall be given the same name, have similar sounding names and shall have the same name throughout its' entire length. The portion that intersects with the Bowie Hill Road was formerly known as the Parker School House Road, also a private way, and was abandoned in 1956.

Chairman Wakeman stated that during the time frame between 2007 and 2008, this matter was ruled on by the Court and suggested the Codes Official research the Court's decision.

Chief St. Michel noted that, at the time of the change from Parker School House Road to the Snow Road, it was anticipated that the undeveloped portion between the two ends was going to be developed, thus connecting both ends to make it one contiguous road. To date, this has not occurred. Chief St. Michel confirmed that similar situations exist with several other roads in Town.

Codes Official Baines stated his particular concern is with the potential for emergency response vehicles, especially through mutual aid, responding to the wrong section of the road. Following some discussion, the Codes Official will continue to research.

The Codes Official stated the Aquifer Protection maps need updating and is pursuing the matter with Rick Harbison from GPCOG to determine the Town's needs as well as costs. The last time the map was updated was in 2011.

**g. Waiver of Foreclosure on Map #6, Lot #114 (Heirs of John Emerson) –**

**Vice Chairman Hall Moves** to Approve the Waiver of Foreclosure as presented. Selectman Stewart Second. Motion Carried.

**h. Quarterly Meeting with Pownal Selectmen –** Chairman Wakeman stated Pownal Selectmen suggested two dates for the joint-selectmen meeting. After a brief discussion, it was decided to hold the meeting on Tuesday, October 6<sup>th</sup> 2015 at the Durham Town Office beginning at 5:30 p.m. AA/TA Glaeser will advise Pownal and e-mail Selectman Libby with the date and time.

**i. Letter to Tri-Town News –** Board members discussed on-going factual misrepresentations published by the Tri-Town newspaper. Vice Chairman Hall drafted a letter to the editors for the Board's consideration. Board members made two changes to the draft and directed AA/TA Glaeser to send to the publication for printing.

**Chairman Wakeman Moves** to send the letter to the Tri-Town News as discussed. Selectman Blake Second. Motion Carried 4-0.

**Department/Committee Reports:**

**a. Town Administrator AA/TA Glaeser –** stated that Veteran's Day falls on a Wednesday this year and requested the Board consider offering a “floating holiday” for regular full time office staff as the office is customarily closed on Wednesdays. After a brief discussion it was the general consensus of the Board to offer the “floating holiday”, to full-time office staff only, one employee at a time.

**b. Road Commissioner Beaumier -** reported that the re-paving projects are projected to begin in the next few weeks. Selectman Stewart stated that he has heard from a few residents that Ron Dube has told them that the DPW plans to hire an additional worker. Selectman Stewart asked the Road Commissioner to speak to Mr. Dube about this.

**c. Codes Official Baines –** advised that George Powell, Director of Boat Landings has retired and he contacted Ron Hunt and Tom Liscott to follow up on answers regarding Runaround Pond Park prior to moving forward with the permitting process for installing privy through the Planning Board.

The Codes Official provided an update on the EPA clean up status for 118 Brickyard Hill Road, formerly known as Pete's Junkyard, and is looking into the possibility of a way for the property to become eligible for some type of easement to make the property sale-able.

He also advised that Mike Copp has now begun work at the Eureka Center.

**d. Fire Chief/EMA Director St. Michel** - reported the Supplemental Homeland Security Grant for 2013 has been completed. Trees have been cut in anticipation of the Tower which was approved for the 2014 Homeland Security Grant and some of the materials for the tower are now at the Fire Station. The Federal Disaster funds for the winter storm have been received, however, the Town has yet to receive the State's portion.

Forestry Grant Applications are due November 1<sup>st</sup> 2015, and will need the Board's approval at the next meeting. Deadline for another Grant will be due mid-November, and he has been working on the particulars since May, 2015. He and Paul took a Codes Class last week, which was focused mainly on commercial codes. The Fire Chief briefly touched upon changes in Lisbon dispatching and the potential about moving back to the Sheriff's Department as well as the probability regarding anticipated costs for doing so.

Chief St. Michel stated that recruitment is a major issue and from time to time there are no EMS personnel available to handle calls. Over the Labor Day Weekend, one EMS call had to be transferred to Freeport. Summer and weekends are the hardest for providing coverage.

Chief St. Michel stated he will be looking to reinstate annual recruitment to help alleviate these shortages, but usually new recruits need to be trained first.

Chief St. Michel stated the head of the dry hydrant at Beaver Woods had to be replaced and he consulted with DEP on this prior to replacing it and getting approval to dredge the pond.

Chief St. Michel advised the Board that he does not have any plans for leaving the Town's employ right away, and with the Board's permission would like to stay. A short discussion followed regarding the most efficient way to advise the residents of his decision to continue on as Fire Chief/EMA Director.

The Board suggested that the Fire Chief prepare a brief press release announcing his plans to stay and give it to the Tri-Town News for publication.

**Selectmen's Comments:** Chairman Wakeman announced the following:

Regular Selectmen's meetings will be held on Tuesday, October 6<sup>th</sup> 2015, at 6:30 p.m., preceded by a Joint Meeting with the Pownal Selectmen at 5:30 p.m., and Tuesday, October 20<sup>th</sup> 2015 at the Town Office at 6:30 p.m.



The Town Office will be closed on Monday, October 12<sup>th</sup> 2015 on observance of Columbus Day.

**Adjournment:** **Vice Chairman Hall Moves** to Adjourn at 9:05 p.m. Selectman Blake Second. Motion Carried 4-0.

Respectfully submitted,

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Jill S. Toher, Secretary