

**Town of Durham
Board of Selectmen Meeting Minutes
June 16th 2015**

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

Establishment of a Quorum:

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

Quorum: Chairman Wakeman announced a Quorum has been met with five (5) 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 Action and Discussion: K. Tax Commitment; I. Eureka Sink Hole; M. Thibeault Purchase of Guenther Property.

Public Present: Colette and John Wagner, Justin Levesque, Pearl Scribner, Pat and Patrick Provost, Joseph Howe, Todd Beaulieu.

Public Comments: None.

Consent Agenda:

- a. Approval of Treasurer's Payables Warrant
- b. Approval of Regular Selectmen's Meeting Minutes – June 2nd 2015
- c. Correspondence:
 - 1. Franchise Agreement re-signature
 - 2. FEMA Exit Briefing Form

Vice Chairman Hall Moves to Approve the Consent Agenda as presented. Selectman Libby Second. Motion Carried 5-0.

Action and Discussion Items:

a. **Peter Lowe Recognition – Chairman Wakeman Moves** to invite Peter Lowe, who has retired as an Active Fire Department Member after 51 plus years to the next Selectmen's meeting. Selectman Blake Second. Motion Carried 5-0.

b. Patricia Provost – Spirit of America Award – Chairman Wakeman read the Certificate of Appreciation.

c. War Memorial Park – Eagle Scout candidate, Justin Levesque, updated his presentation for plans to update Veteran Memorial Park which includes adding two thirty foot flag poles and four fifteen foot flag poles, adding a power meter with outlets, including underground power lines. He stated he still needs to go before the Historic District Commission. He estimates that the cost is about \$1,000.00 over the \$5,102.00 budgeted and intends to hold raffles to make up the difference. He anticipates his phase of the project will be completed by the end of July.

Scout leader Joseph Howe, stated phase two will be to sell memorial bricks to make a pathway to the Gazebo. The project will be taken on by another Eagle Scout candidate.

Chairman Wakeman Moves to allow the project as outlined as long as the Town's portion does not exceed \$5,102.00 and approval from the Historic District Commission is received. Selectman Libby Second. Motion Carried.

d. Town Mowing Contract – The Board discussed ongoing problems with work done by the contractor. Vice Chairman Hall will be amending the draft letter to include an itemization of what is not being done or done poorly at each contracted location and indicate that if there is not noticeable improvement, the contract will be terminated on June 30th 2015. A formal response must be received on or before June 30th 2015. The letter will be sent by Certified, R.R.R., and by regular mail.

Chairman Wakeman Moves to have Vice Chairman Hall draw up a draft letter to the mowing contractor including stated reasons as discussed, and request a response by June 30th 2015. If an improvement is not seen by June 30th 2015, the Town will terminate the contract. Vice Chairman Hall Second. Motion Carried 5-0.

e. Ordinance Review – The Codes Official reported that a 'meet and greet' was held by the Planning Board at their June 3rd meeting with Nicole Briand and plans were made to meet on July 8th 2015 at 6:00 p.m., to create an action time line. In addition, plans will be made to form a focus group consisting of one member from each of the following groups: Selectmen, Fire Department, DPW and Appeals Board.

Vice Chairman Hall Moves to go forward within the limits of the budget in order to get the Land Use Ordinance streamlined and consistent. Selectman Libby Second. Motion Carried 5-0.

f. Appointments – Selectman Libby Moves to re-appoint Jennifer Fitzpatrick to the Cemetery Committee. Selectman Stewart Second. Motion Carried 5-0.

Selectman Libby Moves to appoint Jill Gastonguay to the Alternate Warrant Committee. Selectman Stewart Second. Motion Carried. 5-0.

g. Codes Official – Fines and Fees - The Board reviewed the proposed update to fines and fees and it was the general consensus to move forward with the fines/fee schedule.

Selectman Stewart Moves to Approve the fee schedule effective July 1st 2015 and to have it placed on the 2016 Town Warrant for the Town's approval. Selectman Libby Second. Motion Carried 5-0.

The updated fines/fee schedule will be posted on the Town Channel and Website as soon as possible.

h. County Commission – Chairman Wakeman provided an overview plus updated information received. The Board discussed what Durham's cost share would be if Durham joined in Lewiston's lawsuit. It would cost \$743.00 if only nine towns joined and \$684.00 if all fourteen towns joined. A lengthy discussion followed. It was decided that Vice Chairman Hall will be the contact person regarding the legal action.

Selectman Libby Moves to approve up to \$743.00 to join the legal action. Vice Chairman Hall Second. Motion Carried 5-0.

i. Runaround Pond Update – The Codes Official reported that Runaround Pond Park is owned by the State and leased to the Town. He has received communication from George Powell at the State level who represented the State will fund monied for a standard privy structure, provided the Town and State come to agreement to guarantee public boat access. Estimated cost is between \$7,500.00 to \$10,000.00. The Codes Official pointed out the current lease expires in 2017 and has automatic renewal.

Chairman Wakeman Moves to authorize the Codes Official to go forward as discussed. Selectman Libby Second. Motion Carried 5-0.

j. Shared Road Commissioner Contract – Vice Chairman Hall Moves to accept the Shared Road Commissioner Agreement with Pownal with changes to Appendix A-1 as discussed. Selectman Libby Second. Motion Carried 5-0.

k. Tax Commitment – AA/TA Glaeser presented four worksheets of the 2015 Municipal Tax Rate Calculations for the Board's review. A lengthy discussion ensued regarding each proposed calculation including comparison to last years figures.

Selectman Libby Moves to approve Option #3 at a rate of 0.01740 to create an overlay of \$141,851.21. Selectman Stewart Second. Motion Carried 5-0.

I. Eureka Center Sink Hole - The Codes Official went into the basement in order to investigate the developing sink hole on the Hallowell Road side of the building and found another sink hole located on the far corner of the foundation that corresponds, noting a large amount of silt and sand has flushed into the basement from both area. He attributes it to water run off coming from the roof. A lengthy discussion followed. It was the consensus of the Board to get quotes and/or RFP's from local contractors for emergency repairs. AA/TA Glaeser will check to see if this damage is covered by insurance. The Road Commissioner will inspect the basement and assess what he thinks needs to be done. There currently is \$638.00 left in the Eureka Center's budget to pay for repairs.

k. Guenther Property/Thibeault Purchase – It was reported that a Florida Judge has issued an Order with Legal Notices to appear in Florida newspapers for two weeks. Should no one come forward, then the Judge will sign the Order.

Selectman Libby Moves to grant an Extension until August 31st 2015. Selectman Stewart Second. Motion Carried 5-0.

Department/Committee Reports:

a. Town Administrator – AA/TA Glaeser reported that additional Election Tabulators are available for lease at \$745.00 per year. The Board discussed at great length whether the Town should take advantage of this offer, weighing the lease amount of \$745.00 per year for four years against a single use which would cost approximately \$2,000.00, should the need arise.

Chairman Wakeman Moves to go ahead with the lease. Vice Chairman Hall Second. Motion Fails. Chairman Wakeman Yea – four Selectman Nay. Motion Fails 1-4.

It was also reported that Louis Levesque, the Town Sealer, has not been authorized to Seal since 2013, when the Maine Legislature repealed Title 10, M.R.S.A. ss. 2451-2455.

b. Road Commissioner Beaumier - Presented his proposed plans to work on a drag-shim with overlay on a portion of Quaker Meetinghouse Road for 2015 as well as to reclaim and fine grade another section, noting these areas are in the worst need. He stated his plan includes holding off work on the Davis Road until next year. A very lengthy discussion ensued.

Chairman Wakeman Moves to go with the Road Commissioner's plans as outlined. Selectman Stewart Second. Motion Carried 5-0.

Road Commissioner Baumier is looking into getting a generator in place at the DPW building, and is considering one made by Caterpillar. He will get the generator specs together to present to the Selectmen for review and approval.

c. Codes Official – The Codes Official reported that the two recent Appeals Hearings went extremely well stating that the current Appeals Board is the best one he has ever worked with. He also stated that the work the Planning Board did was upheld 100%, and represented a year's efforts.

d. Fire Chief/EMA Director - The Chief discussed the recently approved FEMA reimbursement for the December storms noting the Grant was just for roads, stating the Town should receive from the Federal Government approximately \$24,500.00.

He also reported that all fire extinguisher re-certifications have been completed and that each Town department has received their invoice.

The Fire Chief stated the Apparatus Committee will begin looking into options for Engine #22 and will start formal meetings shortly.

Selectmen's Comments:

Chairman Wakeman announced the following:

Regular Selectmen's meetings will be held on Tuesday, June 30th 2015 and Tuesday, July 14th 2015 at the Town Office at 6:30 p.m.

Executive Sessions: **Chairman Wakeman Moves** the Board into Executive Session #1 pursuant to Title 1, M.R.S.A., ss.405(6)(A) Personnel Matters – Animal Control Officer preceded by a brief recess at 8:32 p.m. Selectman Libby Second. Motion Carried 5-0.

Respectfully submitted,

Jill S. Toher, Secretary

Executive Session #1: **Chairman Wakeman Moves** the Board out of Executive Session #1 at 8:49 p.m.

ACTION TAKEN: **Chairman Wakeman Moves** to send a new offer letter to Pat Johnson, the Town of Durham's prospective Animal Control Officer as discussed. Selectman Blake Second. Motion Carried 5-0.

Executive Session #2: **Chairman Wakeman Moves** the Board into Executive Session #2 pursuant to Title 1, M.R.S.A., ss. 405(6)(C) – Real Estate at 8:52 p.m. Selectman Stewart Second. Motion Carried 5-0.

Chairman Wakeman Moves the Board out of Executive Session #2 at 9:13 p.m.

ACTION TAKEN: **Chairman Wakeman Moves** to have the Codes Official communicate with the parties involved. Selectman Libby Second. Motion Carried 5-0.

Adjournment: **Selectman Libby Moves** to Adjourn at 9:15 p.m. Selectman Blake Second. Motion Carried 5-0.

Respectfully submitted,

Ruth Glaeser, AA/TA