

**Town of Durham
Board of Selectmen
Regular Meeting Minutes
May 28, 2019**

1. Call to Order and Establishment of a Quorum: Chairman Nadeau called the meeting to Order at approximately 6:00 p.m.; quorum met with five (5) members present

Members present: Kevin Nadeau, Chairman; Rob Pontau, Vice Chairman; Todd Beaulieu; Marc Farrin; and Richard George

Also present: AA/TA Ruth Glaeser; Fire Chief Joseph Moore; Road Commissioner Calvin Beaumier

2. Pledge of Allegiance: Done

3. Amendments to Agenda: None

4. Public Comment (not associated with NECEC):

5. Action & Discussion Items:

a) Robert Forrest, CEO

b) Public Comment, NECEC

Kevin Nadeau Moves to re-open Public Comment. Rob Pontau Seconds. Motion Carries 5-0.

c) Board Discussion of Petition

Kevin Nadeau Moves to accept Article 1 and reject Article 2 of the petition submitted. Todd Beaulieu Seconds. Motion Carries 5-0.

Marc Farrin Moves to send a letter to New England Clean Energy Connect clarifying that the Durham Board of Selectmen do not have a position on the project and have never formally taken one. Rich George Seconds. Motion Carries 5-0.

Rob Pontau Moves to take agenda item 6 out of order. Rich George Seconds. Motion Carries 5-0.

6. Department Reports:

a) Fire Chief Joseph Moore presents his report (see attached)

Kevin Nadeau Moves to take Road Commissioner Calvin Beaumier's report out of order. Marc Farrin Seconds. Motion Carries 5-0.

b) Road Commission Calvin Beaumier presents his report (see attached)

Rob Pontau Moves to accept the bid from Freightliner of Maine for \$194,927 and authorize Calvin Beaumier to sign the agreement with them. Kevin Nadeau Seconds. Motion Carries 5-0.

Rob Pontau Moves to authorize Calvin Beaumier to sign the contract with Crooker not to exceed an amount of \$2.1 million, based on last year's contract pricing with the adjustments as noted. Todd Beaulieu Seconds. Motion Carries 5-0.

d) Capital Improvement Plan

Rob Pontau Moves to accept the Capital Improvement Policy with revisions as noted. Todd Beaulieu Seconds. Motion Carries 5-0.

e) Options for Solid Waste

6. Department Reports (continued):

c) Town Administrator's Report (see attached)

Kevin Nadeau Moves to not require proof of workmen's compensation insurance or a waiver for a sole proprietor/independent contractor to perform work for the Town of Durham as long as they are not compensated more than \$599 or less per year. Rob Pontau Seconds. Motion Carries 4-1 (Todd Beaulieu Opposed).

Rob Pontau Moves to sign the Little League lease as written and authorize Kevin Nadeau to sign the letter with the amendments. Todd Beaulieu Seconds. Motion Carries 5-0.

Kevin Nadeau Moves to adjust the Durham Town Offices hours to be open from 8:30 a.m. to 4:30 p.m. on Wednesday, July 3, and be closed for the recognized Fourth of July holiday on Thursday, July 4, and also be closed on Friday, July 5. Rob Pontau Seconds. Motion Carries 5-0.

Kevin Nadeau Moves to take \$50 from the Selectmen's Fund to donate to the Colandia Carcinoma Foundation in Shawn Bennett's name. Rob Pontau Seconds. Motion Carries 5-0.

7. Assessor's Section:

Kevin Nadeau Moves to go into the Assessor's Section. Rob Pontau Seconds. Motion Carries 5-0.

a) Correction to Commitment Records

Rich George Moves to accept the corrected Commitment Records for the 2018 tax year. Rob Pontau Seconds. Motion Carries 5-0.

Kevin Nadeau Moves to go out of the Assessor's Section. Rich George Seconds. Motion Carries 5-0.

8. Consent Agenda:

a) Approve Treasurer's Payables Warrant

b) Approve Minutes from May 14, 2019

c) Correspondence

Rich George moves to Accept the Consent Agenda as presented. Rob Pontau Seconds. Motion Passes 5-0.

9. Selectmen's Comments:

Kevin Nadeau announced the following:

The next Regular Board of Selectmen meetings will be held on Tuesday, June 11, and Tuesday, June 25, at 6:30 p.m. at the Durham Town Office.

Kevin Nadeau Moves to adjourn at approximately 9:18 p.m. Rich George Seconds. Motion Passes 5-0.

Respectfully submitted,

Kathy Dion
Meetings Secretary



DURHAM FIRE & RESCUE

Chief's Report on Department

Durham Select Board

05/28/19

General Overview:

- The department is currently functioning well with many discussions and projects underway.

Departmental Changes/Major Projects:

- Training building operations
- Update on Department Financial Situation and Historical EMS Revenue Data Requested

Apparatus:

- New Engine 22 nearing completion (Attached Document)
- Truck 24 Update

Respectfully Submitted,

Joseph C. Moore

Chief of Department



Town of Durham

**1099 Royalsborough Road
Durham, Maine 04222**

Tel.: (207) 353-3281

**Road Commissioner
Calvin Beaumier
Cell Phone (207) 844-1774**

Durham Public Works Department Head Report 5-28-2019

- Continued work with Crooker on the 2019 maintenance and bond paving projects. I went through Meadow and Plummers Mill Roads and was able to shave 30K off of the Plummers mill Road reconstruction.
- I have asked the engineer to revise the contract docs at Crooker's request to add the liquid asphalt escalator into the contract. I have also requested that he revise the contract to reflect the lower cost of Plummers Mill Road.
- We started the Quaker Ridge Road reconstruction. After grinding up the existing pavement we found two areas that were saturated due to springs and lack of drainage. We have corrected one of the areas by installing a drain and cross culvert. We are working on the second area today along with dicing and hope to have that completed this week so Crooker can base pave.
- Held truck bid opening on Thursday, May 16th. The bids were very close with the low bidder being Freightliner of Maine. I would like authorization from the Board to enter into a sales contract to purchase the Freightliner truck with Viking Cives plow and body gear.
- We had a very successful Bulky Waste Day on Saturday, May 18th.
- We had a good day with the equipment in the Memorial Day Parade.

Town Administrative Report 5/28/19

On the agenda is an Assessor's Session. Donna is audited by the State every year. In the past, her auditor would hand correct any insubstantial inconsistencies. Unfortunately, her auditor has retired and we have been assigned a new auditor who found a discrepancy (probably due to rounding-though we are not sure). As such, we are now required to do a correction of the commitment records. The correction amounts to \$33.49 worth of taxes and the change appears in the overlay.

At the last meeting the question was posed as to if there was a minimum on contractors as far as Worker's Comp and Liability Insurance. The short answer is "no". This is what I get from our insurance agent: When there is a worker's comp audit, the State by law requires the auditor to charge the insured for any contractor for whom there is no proof of WC or a waiver. At the most, the rate would be \$9 per hundred of payment (\$11 with our mod – which will increase next year). So, say we have to pay for the beaver trapper, and the audit charges an additional \$22. The amount is not substantial. Even if you racked up a couple thousand dollars in uninsured vendor payments it would not be substantial. But if the trapper breaks his leg while setting his trap, without proof that he has workers comp insurance or a waiver, he could place a worker's comp claim against the Town and we would be required to pay it. It is entirely our responsibility to provide paperwork to negate any claim he may have. The same goes with liability. If we do not require proof of liability and the contractor damages our property or anyone else's property, the Town would be responsible and/or liable. It has happened in other municipalities – including one case where an "off the street" contractor severed a finger. Without insurance, the Town had to pay all WC costs and was subject to all other applicable laws regarding "employees" including DOL requirements and investigations. I ask that you determine a policy to address the amount of risk reasonable for the Town.

We had a new worker's comp claim this week. One of the workers at Public Works hit his shoulder and head (he was wearing a hardhat) on the loader bucket. We have reported it to our insurance carrier and are completing the investigation.

I have looked into training for the Board regarding the difference between a manager and administrator form of government. MMA can't provide training on this because of a lack of staff. They have suggested we contract with Don Gerrish (I have enclosed his credentials). He has replied and given me a flat rate quote of \$300 for 1-2 hours. MMA offers a course called "Roles of Elected Officials and Municipal Managers" (brochure enclosed). I have been to this course and it is well worth the money. Unfortunately, the course isn't offered until October. One of the course instructors is Don Gerrish. At \$55 (\$275) each for the course in October, I would encourage you to take advantage of Don's expertise in the one on one setting.

I got to thinking after the last meeting and exploring options regarding our solid waste will take some time. I have spoken to Nate, who is the General Manager of Casella, and asked if he can give us a price to extend the contract we presently have until June 2021. This will give the Board more time to explore options, resident opinions and cost and perhaps form a committee. One of the tasks assigned to this committee could be an exploration of possible steps with regard to the orphaned Emerson dump. I spoke to Tony from GPCOG and he outlined a possible plan where the Town partners with the heirs to look into an assessment of the land and a possible Brownfield's grant to assist with cleanup if the site is determined to be a Brownfield Site.

I have spoken to Chris from Little League Baseball. In 2007, a lease was signed that included a section of the property displayed on the plans. There were originally two properties combined to make that lot. The bigger lot, referred to as the "Collins" lot, is referenced in the 2007 lease but not included. It was not included because the Town had not previously filed a tax lien on the property and ownership was unclear. After approximately 2 ½ years, the second half was included in the lease which I have obtained from Jack. However, neither I nor Chris can find a signed copy of the lease. I have asked Jack if we should go ahead and make a motion to sign the updated lease and he says it would probably be a good idea as they may need it in the grant applications. I have also looked into the easement which Little League wishes the Town to place on the property. I have enclosed a similar easement which was placed on the River Park prior to the Town owning the land and a pamphlet from the State that explains what the easement is. Jack has contacted the agency which would approve the grant. Usually, another organization puts an easement on your land, you don't put an easement on your own land. Instead an agreement may be required whereby if the land is ever used for another purpose the funds granted would have to be repaid. We will make sure when this is settled that we file it at the registry.

We are on schedule to commit taxes at your June 25th meeting.

The July 4th holiday is quickly approaching. It falls on a Thursday this year. One of our busiest times is the weekends before the Memorial and July 4th when everyone is registering boats, campers and picking up fishing licenses. We propose that the Town Office open Thursday hours on July 3rd (10:30 to 6:30) and close on Friday the 5th. This will give residents the opportunity to complete last minute registrations and the staff will be able to enjoy a 4-day weekend.

My schedule for the next month includes several meetings and trainings. As long as commitment goes without a hitch, I will be requesting vacation from July 12 through July 21 (five working days).

May 29th – GPCOG Pacts at St Joseph's College

June 4th – TRIO training and update workshop in Bridgeton

June 13th – Cash Management Training Augusta

Enclosed: Assessor's Certificate of Correction
 Don Gerrish Credentials
 MMA Roles of Elected Officials and Managers Brochure
 Update, unsigned version of the baseball lease
 River Park Easement