

**Town of Durham
Board of Selectmen Meeting Minutes
October 6th 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: None.

Public Present: Residents Ben Pearson, James and Barbara Stanley, Wally Staples, David Kroll.

Public Comments: Residents of the Quaker Meetinghouse Road and Ross Road voiced a number of concerns regarding the current ditching project in preparation for re-paving.

Ben Pearson of the Ross Road stated that, in his opinion, ditching in that area is too steep and that not enough of a shoulder exists. He pointed out that a pedestrian, horse back rider or cyclist has no safe room to move when a vehicle traveling in either direction is in the process of passing one another. He stated that, at the top of the hill, approximately three feet have been lost so that it is unsafe for a vehicle to pull over in order for the driver to use a cell phone. He also noted that standing water remains a problem in the ditch at the corner of Quaker Meetinghouse Road and Ross Road making it a prime habitat for mosquitoes.

Barbara and Jim Stanley who own Thanksgiving Farm stated there have been a number of traffic accidents in the vicinity of their home and farm, and with the steepness of new ditching, Ms. Stanley refers to it as creating a "death ditch". Ms. Stanley cited several fatalities have occurred during the last three to four years and feels deeper ditches could exacerbate the issue. The Stanleys suggested that perhaps striping the road might help and were advised that Maine Law has changed now making road striping used only for advisory purposes.

Wally Staples stated he has been a life long resident of Durham and also contends the ditches are currently too steep and that shoulder area appears to be compromised. He asked if the project had been approved by a civil engineer and suggested that the ditching grade be

made less severe so that it's depth be less abrupt. Mr. Staples suggested that Speed Limit Signs and Do Not Pass be considered. The Road Commissioner will pursue the posting of signs with the DOT.

Assessor's Session: **Chairman Wakeman Moves** the Board into Assessor's Session pursuant to Title #36, M.R.S.A., ss 841 at 7:03 p.m. Vice Chairman Hall Second. Motion Carried 4-0.

a. Abatement for Map #5, Lot #41-G: Matthew Staples, 142 Cedar Pond Road:

Vice Chairman Hall Moves to Approve the Request for Abatement per recommendation of Assessor's Agent, Donna Hays, CMA, for \$7,800.00 in value or \$135.72 taxes, which is five (5) percent as the garage has no access to the second floor and is currently lacking a septic system. Selectman Blake Second. Motion Carried 4-0.

b. Abatement for Map #11, Lot #36-C: Dale Adams Stair, Snow Road:

Vice Chairman Hall Moves to Approve the Request for Abatement per recommendation of Assessor's Agent, Donna Hays, C.M.A., for \$2,200.00 in value or \$38.28 in taxes due to an error in land area. Selectman Blake Second. Motion Carried 4-0.

c. Abatement for Account #159-PP: Osterman Gas, LLC d/b/a Downeast Energy, for Personal Property located at 662 Newell Brook Road:

Vice Chairman Hall Moves to Approve the Request for Abatement for Personal Property in the amount of \$38.28, as the business was sold on December 8th 2014 and the equipment is no longer located in Durham. Selectman Blake Second. Motion Carried 4-0.

Chairman Wakeman Moves the Board out of Assessor's Session at 7:05 p.m. Selectman Stewart Second. Motion Carried 4-0.

Consent Agenda:

a. Approval of Treasurer's Payables Warrant

b. Approval of Regular Selectmen's Meeting Minutes–September 22nd 2015

c. Correspondence:

- 1. PSAP Services from Androscoggin County**
- 2. Proposed State Valuation**
- 3. Brann Memo to Municipalities**

Chairman Wakeman noted that the proposed PSAP Contract from January 1st 2015 through December 31st 2016 will be signed tonight by AA/TA Glaeser at the direction of the Selectmen.

Chairman Wakeman also discussed the contents of the Brann memo and the potential for litigation as the County Commissioners have not considered any settlement offers. Chairman Wakeman further stated that the County Commissioners filed a Motion to Dismiss, which is currently before the Judge for a ruling. Vice Chairman Hall stated she will be attending the upcoming meeting of the Steering Committee with the County Commissioners.

Selectman Blake Moves to Approve the Consent Agenda as presented. Selectman Stewart Second. Motion Carried 4-0.

Action and Discussion Items:

a. Legal Opinion regarding DeWitt Hill Road Survey (re: David Kroll) – Mr. Kroll personally addressed the Board reiterating his concerns regarding the placement of the cul-de-sac. He contends a portion of that cul-de-sac lies on his property. He stated he discovered the discrepancy in 2011, when applying to refinance his mortgage with a local bank and is requesting the Town help pay for a new survey so that he can have the documentation he needs to continue pursuing his request for an abatement from the Town. Mr. Kroll stated that his real estate agent, his builder as well as the Title Company missed this issue.

At the September 29th 2015 meeting, it was the consensus of the Board to contact the Town Attorney for a legal opinion. All parties have a copy of Attorney Conway's opinion letter dated October 2nd 2015, in which he stated that he sees no legal requirement for the Town to pay for any portion of providing a new survey on Mr. Kroll's behalf. Additionally, Attorney Conway stated this is an issue that was created by the developer and the responsibility for providing a survey lies with Mr. Kroll who is requesting an abatement.

Mr. Kroll contends that the Road Commissioner at the time, Mr. Larrabee, was also the contractor who built the cul-de-sac. He added that subsequent to the completion of the construction of the cul-de-sac, the Town returned the escrow monies to the developer.

A general discussion followed during which Selectman Blake stated that, in his opinion, responsibility lies with the developer and/or the Title Insurance Company since the cul-de-sac was already in place when Mr. Kroll purchased the property at 125 DeWitt Hill Road.

Vice Chairman Hall stated that Mr. Kroll's property taxes are predicated on the information contained in schedule "A" of his deed.

Chairman Wakeman clarified that, in his opinion, the issue lies between Mr. Kroll, his Title Insurance Company and the developer. The remainder of the Board concurred.

b. New Policies - (postponed)

c. 911 Addressing Road Name Change/Addition – Codes Official Baines stated that during his research, he found nothing to support that the Town was involved in any lawsuit regarding the re-naming of the Bowie Hill side of what was formerly known as the Parker School House Road to the Snow Road.

Codes Official Baines stated that according the E-911 Addressing Ordinance, no two roads can bear the same or similar names. When the Bowie Hill side was re-named the Snow Road, it was anticipated that the wooded area between both sides would be developed, and the Snow Road would become one road.

A general discussion followed. It was the consensus of the Board, that in order to properly administer the E-911 Ordinance, each separate section needs to bear different names.

Chairman Wakeman directed the Codes Official to send a letter to all abutters, per the E-911 Addressing Ordinance and explain the circumstances for the decision to change the name of that section of the road that intersects with the Bowie Hill Road back to the Parker School House Road. It was noted that currently three homes will be affected by the change.

Chairman Wakeman Moves to Authorize the Codes Official to take action to rename that portion of the Snow Road at the Bowie Hill end renaming it back to the Parker School House Road. Selectman Blake Second. Motion Carried 4-0.

d. Amendment to Runaround Pond Park Lease – The Codes Official presented the Board with a proposed Amendment to the License Agreement between the Town of Durham and the State of Maine, Department of Agriculture, Conservation and Forestry dated March 15th 1988 for the Runaround Pond Property for review. Each item contained in proposed Article #13 was fully discussed. The Codes Official stated that once the Amendment to the License Agreement is signed, it will trigger plans to move forward with necessary permitting in preparation to hold a public hearing for the installation of a new outhouse at the park.

Vice Chairman Hall Moves to Approve the Amendment to the License Agreement as amended. Selectman Stewart Second. Motion Carried 4-0.

Briefly discussed was the status of the excavation work at the Eureka Center and Codes Official Baines stated work has been completed and held up without incident during the recent rain storm. Arrangements will be made for the Town's insurance company to inspect the work and re-adjust the insurance rating.

e. Discussion of Public Information Technician Position – PIT Ricker formerly advised the Board that he has accepted a shift-work position with Tambrands and will make himself available to help train his replacement so that the Town is not left in a lurch.

A discussion followed regarding updating the current job description before it is posted. Chairman Wakeman requested that Mr. Ricker assist in formulating the updated job description and further requested that PIT Ricker join with the Telecommunications Committee in conducting initial interviews.

Chairman Wakeman Moves to put out the PIT Position for bid and get an ad together to be approved by the Chair and to keep the posting open until the position is filled. Vice Chairman Hall Second. Motion Carried 4-0.

Department/Committee Reports:

a. Town Administrator AA/TA Glaeser – AA/TA Glaeser stated she is continuing to work on the Personnel Policies. Selectman Stewart requested that AA/TA Glaeser look into saving money on current employee's health insurance costs as well as looking into H.R.A. Plans as figures need to be available in November, 2015 in order to make any changes on or before December 31st 2015.

b. Road Commissioner Beaumier - stated that as a result of a recent rain storm a number of roads had to be closed including Route #9 in the vicinity of the Durham-Lisbon Bridge as well as closing a portion of Route #125. He advised he contacted the D.O.T regarding these emergency closures. The Road Commissioner stated the DPW is still in the process of repairing other minor road wash-outs. Ditching at problematic areas on Town roads continues.

Arrangements were made for Selectman Stewart to do a "ride along" starting at 9:00 a.m.. tomorrow with the Road Commissioner.

c. Codes Official Baines - presented proposed Conditional Use Permits - Junkyards for the Board's review and signatures. He reported he followed up with Priscilla Higgins regarding the need to meet with her son, Ken Carll, to establish a plan. He represented that Ms. Higgins advised that her son is still in the process of healing and is aware of the fact that the deadline to come up with a plan is approaching.

d. Fire Chief/EMA Director St. Michel - stated he hopes work on the Tower will begin next week.

Chief St. Michel recommended requesting an extension on the Lisbon Dispatch Contract for the time being so that Durham will have sufficient time to make the necessary arrangements with the County Sheriff's Department so there is no interruption in service. He represented that Sheriff Sampson advised the rate would be \$2,50 per capita for Durham. He will check with surrounding towns to check their per capita rates.

Chief St. Michel next discussed the need to replace or refurbish Engine #22, which is now twenty years old. Current estimate to refurbish is somewhere between \$250,000.00 and \$300,000.00 with work taking somewhere between ten to eighteen months to complete.

Estimates for replacing Engine #22 would cost between \$420,000.00 and \$550,000.00. He pointed out that if Engine #22 is refurbished, the Department would be down one piece of apparatus. Buying a replacement would alleviate this situation.

A very lengthy discussion followed regarding the capital plan and monies currently available in that plan. The Fire Chief stated that if another piece of apparatus was to be purchased, he would arrange it so that payments would not commence until 2017 if the purchase was made in 2015.

It was decided that the Chief put out two RFP's: one for purchase and one for refurbishing Engine #22 to vendors stipulating in each RFP that the purpose for each RFP is for research purposes only and include the following disclaimer: "Durham has the right to accept or reject any bid".

The Fire Chief advised that the Department is going to begin a Recruitment Campaign from November 15th 2015 through the second week in December, 2015, which will include advertising in the usual manner.

Chief St. Michel reported that he and AA/TA Glaeser are continuing their work on Personnel Policies.

Selectmen's Comments: Chairman Wakeman announced the following: Regular Selectmen's meetings will be held on Tuesday, October 20th 2015 and Tuesday, November 3rd 2015 at the Town Office at 6:30 p.m.

There will be a Joint Meeting with Pownal Selectmen on Monday, October 19th 2015 at Mallett Hall in Pownal beginning at 6:00 p.m.

The Town Office will be closed on Monday, October 12th 2015 in observance of Columbus Day.

Adjournment: **Selectman Blake Moves** to Adjourn at 8:43 p.m. Selectman Stewart Second. Motion Carried 4-0.

Respectfully submitted,

Jill S. Toher, Secretary