

**Town of Durham
Board of Selectmen
Regular Meeting Minutes
August 8th 2017**

Call to Order: Chairman Nadeau called the meeting to Order at 6:30 p.m.

Members Present: Chairman Kevin Nadeau, Vice Chairman Mark Blake, Selectman Richard George, Selectman Beaulieu. Vice Chairman Mark Blake and Selectman Rob Pontau excused.

Quorum: Chairman Nadeau announced a Quorum had been met with three (3) members present.

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

Public Present: Janet Yurek, Ted Yurek, Valerie Rich, Curtis Dimock, Adam Salve, Meredith Weaver, Jeffrey DeWitt, Rebecca Straubler, Milt Simon, John Simoneau. Jill Gastonguay arrived late.

Amendments to Agenda: Road Commissioner Report.

Public Comments: Meredith Weaver a resident of 28 Brown Road complained about the condition of the culvert at the end of her driveway. She stated she has been requesting a resolution in excess of five years which is since before the previous Road Commissioner resigned and is now asking the Selectmen to intercede.

During discussion, it was noted that although Ms. Weaver resides on the Pownal side of Brown Road, there is an agreement between Durham and Pownal. She contends her address is the Town's responsibility. Chairman Nadeau stated the Selectmen will follow up and give her a prompt reply.

Rebecca Straubler who resides at 427 Runaround Pond Road is requesting a culvert be placed at the end of her driveway as ponding is occurring on her property and she claims this is eroding part of her leach field as well as breeding mosquitos. Road Commissioner Beaumier stated an engineer needs to take a look and make suggestions.

Consent Agenda:

- a. Approve Treasurer's Payable Warrant**
- b. Approval of Selectmen's Meeting Minutes – July 25th 2017**
- c. BYOB Permit for Karon Homer**
- d. Oath for Nathaniel White**
- h. Correspondence –**
 - 1. Letter from Comcast**

Selectman Beaulieu Moves to Approve the Consent Agenda as Presented. Selectman George Second. Motion Carried 3-0.

Assessor's Session: **Chairman Nadeau Moves** the Board into Assessor's Session pursuant to Title #36 M.R.S.A., ss. 841 at 6:45 p.m. Selectman Beaulieu Second. Motion Carried 3-0.

a. Supplemental Tax Bill for Tree Growth Penalty – Map #14, Lot #6 – Chairman Nadeau Moves to Grant a supplemental tax warrant issued to William Hotham, Jr., in the amount of \$152.32 for his request to withdraw 4.76 acres from the tree growth program and issue a supplemental tax bill by virtue of Title #36 M.R.S.A., ss. #713 as amended. Selectman Beaulieu Second. Motion Carried 3-0.

b. Property Tax Abatement – Map #1, Lot #69 - Chairman Nadeau Moves to Grant an Abatement request from Donna Hays, CMA pursuant to Title #36, M.R.S.A., ss. 841, for Map #1, Lot #69 in the amount of \$130.07 to Meghan Pottle as the property had been assessed for 10.3 acres and the lot is actually a five (5) acre lot. Selectman George Second. Motion Carried 3-0.

Chairman Nadeau Moves the Board out of Assessor's Session at 7:52 p.m. Selectman Beaulieu Second. Motion Carried 3-0.

Action and Discussion Items:

a. Budget Presentation – AA/TA Glaeser distributed updated budget expense sheets through June 30th 2017 as well as a paper copy of her PowerPoint presentation for review.

Budget Committee members had several questions. Milt Simon asked why Rental Equipment, Culverts, drains and paving had no balance as of June 30th 2017. AA/TA stated that no bills were submitted as of that date. He also asked why approved Donations were not one hundred percent paid out. AA/TA Glaeser stated that two requests for payment were received and the Town is waiting for the last four requests. Mr. Simon also queried the DPW Capital Fund for payment of the Municipal Bond Bank. AA/TA Glaeser stated that one-half of the interest is due in the spring and the second half plus the Bond payment is due in the fall.

John Simoneau asked about the Dispatch line and AA/TA Glaeser stated there was a small price increase and the Town's billing cycle is not on a fiscal year.

b. LUCA Participation – AA/TA opened a discussion regarding the Town participating in LUCA as it relates to the 2020 census update. The census bureau is requesting municipalities provide information directly to the Bureau. This could negate the need for the Bureau to provide census takers.

It was generally agreed assimilating the information would be time consuming. Chairman Nadeau stated that AA/TA Glaeser should contact MMA for the pros and cons and table this topic to a meeting in the near future.

c. Marijuana Ordinances and Public Hearing – Chairman Nadeau opened the discussion regarding what the Town needs to do in order to prepare. It was the general consensus of the Board to initiate a six month moratorium and begin working with the Planning Board on a permanent Marijuana Ordinance. He suggested using a template in order to tailor a draft expressly for Durham's needs, then send to the Town Attorney.

The Board agreed on the following course of actions: 1) The moratorium should be done as soon as possible; 2) make plans for a Public Hearing in September, 2017; and, 3) determine whether the Town could vote on the Ordinance as a Referendum question during the November, 2017 general election.

d. ACO Resignation – AA/TA Glaeser stated that the ACO resigned as his part-time duties with Durham clashed with his full-time job. It was generally agreed that he performed admirably while in Durham's employ.

Chairman Nadeau Moves to allow the AA/TA to advertise and post ACO job openings in the usual manner. Selectman George Second. Motion Carried 3-0.

It was suggested that AA/TA Glaeser check with Lisbon for possibilities to share as well as check with other neighboring towns for possible candidates.

e. Conservation Commission – Board members discussed the overall disrepair in Durham's parks and trails. It was noted that the Royal River Land Trust fixed did a cleanup at Runaround Pond Park. The Trust reported that drug paraphernalia was found in one primary area of Runaround Pond Park. The DPW is currently picking up trash and doing the mowing in Town parks. It was suggested that the types of work be broken down with the hopes of attracting residents to work Community Service Projects.

It was the general consensus of the Board that this topic needs more discussion as well as a fine tuning on the draft by-laws. This will be tabled until next month.

f. Letter of No Action – Jeff DeWitt personally appeared before the Board to request the Board consider approving a “Letter of No Action” for property located at 169 Stackpole Road, Map #12, Lot #29 on behalf of Theodore and Janet A. Yurek, his buyers.

Mr. DeWitt stated his father bought the property in 1978, which is under one acre adding the lot was grandfathered. He stated his father passed away in 2011.

Mr. DeWitt stated he received a building permit from former CO Baines. He demolished the long existing old cement slaughter house and built a new one story dwelling using its footprint. Mr. DeWitt stated that a Certificate of Occupancy was issued.

The mortgage inspectors for the buyers discovered the right rear corner eave of the dwelling is approximately 4 feet over the 20 foot setback line from Lot #30. They also identified a discrepancy at the northwesterly line where the set pin and cap was found near the old iron pipe which was lying down.

Mr. DeWitt represented that the dwelling has no cellar and that the buyers represented they will not be adding any patios, porches, etc.

Mr. DeWitt presented a Letter of Non-Action prepared by the Title Company for the Board to consider then sign.

Selectman George Moves to accept the letter drafted by the Title Company as presented. Selectman Beaulieu Second. Motion Carried 3-0.

g. CMP Pole Permit – Selectman George Moves to Grant a permit to allow CMP to plant a new pole, #13, on Rangdale Road. Selectman Beaulieu Second. Motion Carried 3-0.

Department/Committees:

a. Fire Chief/EMA Director William St. Michel - presented and reviewed his one page Fire and Rescue Selectmen's Report dated August 8th 2017. The Fire Chief/EMA Director's report, hereinafter referred to as Attachment #1, is attached hereto and incorporated herein and made a part of these Minutes.

A very lengthy conversation evolved surrounding the condition of the existing well and its water. Chief St. Michel presented a Certificate of Analysis from A & L Laboratory, Auburn, Maine which noted the following failures: Manganese, pH, Coliform Bacteria and E.coli.

Chief St. Michel suggested that should the existing well need to be replaced, he recommends replacing it with an artesian drilled well.

In the interim, water cannot be used for personal washing, cooking, cleaning dishes, drinking, etc. Currently, hand sanitizer is being used. Fresh water is being brought in by department members. Chairman Nadeau suggests that Chief St. Michel look into renting drinking water on a temporary basis and set up special handwashing stations. A number of individual Board members suggested that the Department try bleaching then resting the well first by following the instructions, then send sample for re-test. Water cannot be used, with exception of toilet flushing.

b. Road Commissioner Calvin Beaumier – presented and reviewed his one page Durham Public Works Department Head Report dated August 8th 2017. The Road Commissioner's report, hereinafter referred to as Attachment #2, is attached hereto and incorporated herein and made a part of these Minutes.

Road Commissioner Beaumier stated he is currently hesitant to move the culvert and do more ditching on Runaround Pond Road. Per request of Chairman Nadeau, Road Commissioner will follow up with resident advising that since no changes to the road have been made the request will be held off for now.

The Road Commissioner advised Mrs. Weaver earlier in the season that her request is on the list and is scheduled to be done this year. He represented he told her he intends to fix it by using cold patch. Approaching it in any other way would require the removal of large trees.

Road Commissioner Beaumier asked if the monies set aside by the Town for the Auburn-Pownal Road culverts can be encumbered. The DEP Funds are available for two years. He also wanted to know if the culvert work is not completed by the end of the year, can the request for \$100,000.00 be put into a Warrant Article for 2018.

a. Town Administrator Ruth Glaeser – no written report. The Board suggested that AA/TA put the paving schedules on the website.

AA/TA Glaeser reported she will be attending a training session and will be out of the Office from Wednesday through Friday.

Selectmen's Comments: Chairman Nadeau announced the following:

Regular Selectmen's meetings will be held on Tuesday, August 22nd 2017 and Tuesday,

September 5th 2017 at the Town Office beginning at 6:30 p.m.

The Selectmen will hold two site walks on Tuesday, August 22nd 2017. The Selectmen will meet at 5:00 p.m., at the Durham Methodist Church on Runaround Pond Road then reconvene at the Old Durham Town Hall immediately following.

Executive Session: **Chairman Nadeau Moves** the Board into Executive Session pursuant to Title #1, M.R.S.A. ss. 405(6)(A) – Personnel – Fire Department at 8:37 p.m. preceded by a brief recess. Selectman Rich Second. Motion Carried 3-0.

Respectfully submitted,

Jill S. Toher
Meetings Secretary

Chairman Nadeau Announced the Board came out of Executive Session at 9:27 p.m.

ACTION TAKEN: None.

Adjournment: **Selectman Rich Moves** to Adjourn at 9:28 p.m. Selectman Beaulieu Second. Motion Carried 3-0.

Respectfully submitted,

Kevin Nadeau
Chairman

Attachment #1: Durham Public Works Department Head Report from Road Commissioner Calvin Beaumier dated August 8th 2017, one page.

Attachment #2: Fire Department Selectmen's Report from Fire Chief/EMA Director William St. Michel dated August 8th 2017, one page.