

**Town of Durham  
Board of Selectmen  
Special Meeting Minutes  
March 1<sup>st</sup> 2016**

**Call to Order:** Chairman Wakeman Called the meeting to Order at 6:00 p.m.

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

**Others Present:** AA/TA Ruth Glaeser, Meetings Secretary Jill Toher, Fire Chief/EMA Director William St. Michel.

**Consent Agenda:**

**a. Bottle Club Registration for AMVETS (approved)**

**Selectman Libby Moves** to Approve the Consent Agenda as presented. Selectman Blake Second. Motion Carried 5-0.

**ACTION and DISCUSSION ITEMS:**

**a. Act on Draft of 2016 Annual Town Warrant.**

To: Shannon Plourde, a resident of the Town of Durham, Androscoggin County, State of Maine.

Greetings:

In the name of the State of Maine, you are hereby required to notify and warn the Inhabitants of the Town of Durham in said county and state, qualified by law to vote in Town affairs, to assemble at Durham Community School, 654 Hallowell Road, Durham, Maine on Friday, April 1, 2016 at 7:45 a.m., then and there to act upon Article 1 and by secret ballot on Article 2 and Article 3 as set out below. (Polls shall be open from 8:00 a.m. to 8:00 p.m.) And, to notify and warn said Inhabitants to assemble at Durham Community School on Saturday, April 2, 2016 at 9:00 a.m.; then and there to act upon Articles 4 through 48 as set out to wit:

**Article 1.** To choose a moderator to preside at said meeting.

**Discussion:** Gary Wood has agreed to Moderate the 2016 Annual Town Meeting.

**Article 2.** To elect all municipal officers, school committee members, and budget committee members as are required to be elected.

**Discussion:** None.

**Article 3.** To vote on the following referendum question:

*Do you favor filing a petition for withdrawal with the Board of Directors of Regional School Unit 5 and with the Commissioner of Education, authorizing the withdrawal committee to expend \$ 50,000 and authorizing the municipal officers to issue notes in the name of the Town of Durham or otherwise pledge the credit of the Town of Durham in an amount not to exceed \$ 50,000 for this purpose?*

### **TOWN OF DURHAM FINANCIAL STATEMENT**

1. Total Town Indebtedness

<b>A. Bonds Outstanding</b>	<b>\$3,777,191</b>
<b>B. Bonds Authorized and Unissued</b>	<b>\$ -0-*</b>
<b>C Bonds to be issued if this vote is approved</b>	<b>\$ <u>50,000</u></b>
<b>Total</b>	<b>\$4,251,191</b>

**\*excluding any other bond authorizations in other articles of this warrant**

2. Costs

At an estimated interest rate of 3.22% percent and an estimated 1-year maturity, the estimated costs of this bond will be:

Principal:	<b>\$ 50,000.00</b>
Interest:	<b>\$ <u>876.37</u></b>
Total Debt Service	<b>\$ 50,876.37</b>

3. Validity

The validity of the bonds or the voters' ratification of the bonds may not be affected by any errors in the above estimate. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

Ruth Glaeser  
/s Treasurer

**Discussion:** Chairman Wakeman stated that because of the wording of the Warrant Article, the Town Attorney advised that a Financial Statement be included for this article.

***Saturday, April 2, 2016***

**Article 4.** To see if the Town will vote to adopt the Maine Moderator's Manual Rule of Procedure, sixth edition, as the rules of order for this meeting.

**Article 5.** To see if the Town will vote that all warrant articles over \$40,000 be voted on by written ballot. This shall not include items such as contracts and bonds into which the Town has previously entered into in good faith.

**Discussion:** Article #5 was requested by the Alternative Warrant Committee.

**Article 6.** To see if the Town will vote to appropriate \$195,587 from undesignated funds to correct a clerical error for the budget year 2015.

*Note: During the 2015 commitment the figures for appropriated funds and raised funds were inadvertently switched causing a shortfall in the Town's tax commitment of \$195,587. The audit this year reflects the use of undesignated funds for this shortfall.*

**Article 7.** To see what sum of money the Town will vote to raise and/or appropriate for Administration Expenses.

**Selectmen and Budget Committee Recommend:** \$352,409 Transfer \$98,762 from designated funds (*Building permits \$11,050; Electrical permits \$4,875; Plumbing permits \$5,475; Delinquent Tax Interest \$36,577; Vehicle registrations \$14,000; Tax Exempt reimbursement \$18,551; Town Clerk fees \$6,877; Miscellaneous revenues \$1,357*) and Raise \$253,647.

**Article 8.** To see what sum of money the Town will vote to raise and/or appropriate for Animal Control.

**Selectmen and Budget Committee Recommend: \$ 13,043.** Transfer \$129 from designated fund balance (Animal Control \$129) and Raise \$12,914.

**Article 9.** To see what sum of money the Town will vote to raise and/or appropriate for Assessing.

**Selectmen and Budget Committee Recommend: \$20,050** Raise \$20,050.

**Article 10.** To see what sum of money the Town will vote to raise and/or appropriate for Cemeteries.

**Selectmen and Budget Committee Recommend: \$3,850** Raise \$3,850.

**Article 11.** To see what sum of money the Town will vote to raise and/or appropriate for Conservation.

**Selectmen and Budget Committee Recommend: \$2,150.** Transfer \$2,150 from designated fund balance (Recreation Fund \$2,150)

**Article 12.** To see what sum of money the Town will vote to raise and/or appropriate for Social and Community Service Agencies.

***Selectmen and Budget Committee Recommend: \$3,000*** Raise \$3,000

Community Concepts	\$500
Western Maine Transportation	\$500
LACO	\$500
Androscoggin Home Health	\$500
Seniors Plus	\$500
Lifeflight	\$500

**Article 13.** To see what sum of money the Town will vote to raise and/or appropriate for Eureka Community Center.

***Selectmen and Budget Committee Recommend: \$5,436*** Transfer \$624 from designated fund balance (Eureka Rentals \$624) and Raise \$4,812.

**Article 14.** To see what sum of money the Town will vote to raise and/or appropriate from the Eureka Community Center Fundraising Fund to reimburse the Emergency Fund which was utilized to repair the sink hole at the Eureka Center.

***Selectmen and Budget Committee Recommend: \$1,650*** Transfer \$1,650 from designated fund balance (Eureka Fundraising \$1,650) to the Emergency Fund.

**Article 15.** To see what sum of money the Town will vote to raise and/or appropriate for Durham Fire and Rescue Operating Budget.

***Selectmen and Budget Committee Recommend: \$306,552*** Raise \$306,552

**Article 16.** To see what sum of money the Town will vote to raise and/or appropriate for Fire and Rescue Capital Improvement Account.

***Selectmen and Budget Committee Recommend: \$45,000*** Raise \$ 45,000

**Article 17.** To see what sum of money the Town will vote to raise and/or appropriate for Fire and Rescue Capital Improvement Projects.

***Selectmen and Budget Committee Recommend: \$66,400*** Transfer from Fire Capital Improvement Fund \$66,400.

**Article 18.** To see what sum of money the Town will vote to raise and/or appropriate for the annual loan payment for the Fire Station (Payment 5 of 5 re-finance )

***Selectmen and Budget Committee Recommend: \$39,510*** Transfer from Fire Capital Improvement Fund \$39,510.

**Article 19.** To see what sum of money the Town will vote to raise and/or appropriate for the annual bond payment for the Quint Ladder Fire Truck (Payment 3 of 6)

*Selectmen And Budget Committee Recommend: \$33,004* Transfer from Fire Capital Improvement Fund \$33,004.

**Article 20.** To see if the Town of Durham will vote: (1) to approve the purchase of a fire truck (the “Project”) with a total anticipated cost of up to **\$474,000**; and (2) to appropriate an amount of **\$474,000** for the Project; and (3) to fund the appropriation, authorize the Treasurer and the Chairman of the Board of Selectmen to issue general obligation bonds of the Town of Durham (including temporary notes in anticipation of the sale thereof) in an aggregate principal amount not to exceed **\$474,000**; and (4) to delegate to the Treasurer and the Chairman of the Board of Selectmen the discretion to fix the date(s), maturity(ies), interest rate(s), denomination(s), place(s) of payment, form and other detail of said general obligation bonds, including execution and delivery of said general obligation bonds and to provide for the sale thereof as well as the negotiation and execution of any loan agreement necessary with any party.

**Discussion:** Selectman Blake stated that at the last Budget Meeting he was made aware of new information. He stated he is now in favor of recommending the purchase this year instead of pushing it out another year or so as the cost to purchase will increase exponentially..

**MOTION:** **Selectmen Blake Moves** to go forward with this Article. Selectman Libby Second. Motion Carried 3-2.

**TOWN OF DURHAM FINANCIAL STATEMENT**

**1. Total Town Indebtedness**

<b>A. Bonds outstanding</b>	<b>\$ 3,777,191</b>
<b>B. Bonds authorized and unissued</b>	<b>\$ -0-*</b>
<b>C. Bonds to be issued if this vote is approved</b>	<b>\$ <u>474,000</u></b>
<b>Total</b>	<b>\$ 4,251,191</b>

\*excluding any other bond authorizations in other articles of this warrant

**2. Costs**

At an estimated interest rate of 3.22% percent and an estimated 7-year maturity, the estimated costs of these bonds will be:

Principal:	<b>\$ 474,000.00</b>
Interest:	<b>\$ <u>46,232.94</u></b>
Total Debt Service	<b>\$ 520,232.94</b>

**3. Validity**

The validity of the bonds or the voters' ratification of the bonds may not be affected by any errors in the above estimate. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by

reason of the variance.

Ruth Glaeser  
/s Treasurer

***Selectmen and Budget Committee Recommend***

**Article 21.** To see what sum of money the Town will vote to raise and/or appropriate for General Assistance.

***Selectmen and Budget Committee Recommend: \$ 3,000*** Raise \$3,000.

**Article 22.** To see what sum of money the Town will vote to raise and/or appropriate for Parks and Recreation.

***Selectmen and Budget Committee Recommend: \$16,020*** Transfer \$16,020 from Designated Fund Balance (State Park Fees \$4,547 Recreation Fund \$11,473)

**Article 23.** To see what sum of money the Town will vote to raise and/or appropriate for Planning Board/Appeals/Historic District Commission.

***Selectmen and Budget Committee Recommend: \$16,474*** Transfer \$780 from Designated Fund Balance (Conditional Use Permits \$500, Appeals Administration Fees \$280), Raise \$15,694

**Article 24.** To see what sum of money the Town will vote to raise and/or appropriate for Public Works.

***Selectmen and Budget Committee Recommend: \$1,055,439*** Transfer \$787,759 from Designated Fund Balance (Auto Excise \$733,847, URIP \$53,912) and Raise \$267,680.

**Discussion:** Math does not compute. Raise figure changed from \$500,324.00 to \$267,680.00.

**MOTION: Chairman Wakeman Moves** to change the RAISE amount to \$267,680.00. Vice Chairman Hall Second. Motion Carried 5-0.

**Article 25.** To see what sum of money the Town will vote to appropriate for the Public Works Capital Reserve Fund.

*These monies were received from FEMA for Disaster Relief in response to the Blizzard on January 27, 2015.*

***Selectmen and Budget Committee Recommend: \$ 14,241*** Transfer \$14,241 from Undesignated Fund Balance.

**Article 26.** To see what sum of money the Town will vote to raise and/or appropriate for the Public Works Equipment Bond annual bond payment. (Payment 2 of 10)

***Selectmen and Budget Committee Recommend: \$ 141,524*** Raise \$141,524.

**Article 27.** To see what sum of money the Town will vote to raise and/or appropriate for the Public Works Building Bond annual bond payment. (Payment 2 of 15)

**Discussion:** The Selectmen discussed whether this is payment #2 of #15 or payment #2 of #10. It was determined the total number of payments should be changed to fifteen.

**MOTION:** **Chairman Wakeman Moves** to change the payment to #3 of fifteen payments. Vice Chairman Hall Second. Motion Carried 5-0.

***Selectmen and Budget Committee Recommend: \$ 91,120*** Raise \$91,120.

**Article 28.** To see what sum of money the Town will vote to raise and/or appropriate for the purchase of a new truck and snowplow package.

***Selectmen and Budget Committee Recommend: \$204,000*** Transfer \$102,000 from Designated Fund Balance (Public Works Capital Fund \$102,000) and Raise \$102,000.

**Article 29.** To see if the Town of Durham will vote: (1) to approve a road construction and paving project, including all engineering and associated costs therewith (the "Project") with a total anticipated cost of up to **\$1,100,000**; and (2) to appropriate an amount of **\$1,100,000** for the Project; and (3) to fund the appropriation, authorize the Treasurer and the Chairman of the Board of Selectmen to issue general obligation bonds of the Town of Durham (including temporary notes in anticipation of the sale thereof) in an aggregate principal amount not to exceed **\$1,100,000**; and (4) to delegate to the Treasurer and the Chairman of the Board of Selectmen the discretion to fix the date(s), maturity(ies), interest rate(s), denomination(s), place(s) of payment, form and other detail of said general obligation bonds, including execution and delivery of said general obligation bonds and to provide for the sale thereof as well as the negotiation and execution of any loan agreement necessary with any party.

### **TOWN OF DURHAM FINANCIAL STATEMENT**

#### **1. Total Town Indebtedness**

<b>A.</b>	<b>Bonds outstanding</b>	<b>\$ 3,777,191</b>
<b>B.</b>	<b>Bonds authorized and unissued</b>	<b>\$ -0-*</b>
<b>C.</b>	<b>Bonds to be issued if this vote is approved</b>	<b>\$ <u>1,100,000</u></b>
<b>Total</b>		<b>\$ <u>4,877,191</u></b>

\*excluding any other bond authorizations in other articles of this warrant

#### **2. Costs**

At an estimated interest rate of 3.52 percent and an estimated 10-year maturity, the estimated costs of these bonds will be:

Principal: **\$ 1,100,000.00**

Interest:	\$ <u>226,658.08</u>
Total Debt Service	\$ <u>1,326,658.08</u>

### 3. Validity

The validity of the bonds or the voters' ratification of the bonds may not be affected by any errors in the above estimate. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

Ruth Glaeser  
/s Treasurer

### ***Selectmen and Budget Committee Recommend***

**Article 30.** To see what sum of money the Town will vote to raise and/or appropriate for Solid Waste.

***Selectmen and Budget Committee Recommend: \$198,175*** Transfer \$15,586 from Designated Fund Balance (Solid Waste Tags \$15,586), and Raise \$182,589.

**Article 31.** To see what sum of money the Town will vote to raise and/or appropriate for Telecommunications.

***Selectmen and Budget Committee Recommend: \$52,658*** Transfer \$52,658 from Designated Fund Balance (Franchise Fees \$52,658)

**Article 32.** To see if the town will vote to increase the maximum property tax levy limit established by State law, in the event that the municipal budget approved at this town meeting results in a tax commitment in excess of the maximum property tax levy otherwise allowable. (***Note: This article requires a written ballot***)

***Note: The levy limit is \$877,364***

**Article 33.** Shall an Ordinance to Amend the Town of Durham Ordinances to:

- (1) Repeal The 2005 Land Use Ordinance, amended by Town Meetings 2006, 2007, 2008, 2009, and 2014 the 2005 Subdivision Ordinance, amended by Town Meeting in 2007, and 2008 the Back Lot Development Ordinance enacted in 6/88 and amended by Town Meeting in 2014 the Groundwater Protection Ordinance enacted in 3/88
- (2) Adopt the Land Use Ordinance which incorporates provisions for Subdivision, Backlot Development and Groundwater Protection as proposed

### ***Proposed by the Planning Board of Durham Maine***

Be enacted ? (an attested true copy of the full text of this ordinance is available from the office of the town clerk and will be available at the Town Meeting.)



- Article 34.** Shall an Ordinance to Amend the Town of Durham Ordinances to:
- (1) Repeal Historic District Ordinance enacted by Town Meeting 2005
  - (2) Adopt the Historic District Ordinance as proposed

***Proposed by the Historic District Commission of Durham Maine***

Be enacted ? (an attested true copy of the full text of this ordinance is available from the office of the town clerk and will be available at the Town Meeting.)

- Article 35.** To see if the Town will vote to recommend holding a secret ballot referendum election in accordance with Title 30-A and Title 21-A to be held after Town meeting \_\_\_\_ to approve all warrant articles in excess of \$\_\_\_\_. This referendum shall not include items such as contracts and bonds into which the Town has previously entered into in good faith nor shall it include any initial votes to approve bonds.

**Discussion:** Vice Chairman Hall questioned whether it was the intention of the Alternative Warrant Committee to put this article in place for only one year, 2017, or to continue on a yearly basis. It was also suggested to remove the amount \$50,000.00, and leave that space blank as well and insert the following: Alternative Warrant Committee Recommends in excess of \$50,000.00.

Selectman Blake suggested having a member of the Alternative Warrant Committee explain the Committee's intent on the floor prior to voting on Article #35 and Article #36.

Chairman Wakeman suggested that in order to make the proposed Article amendable, it should be worded "to see if the Town Wants to hold a Secret Ballot ..."

**MOTION: Chairman Wakeman Moves** to Amend Article #34 to leave the year and amount blank so it can be amendable whatever way the Town wants to vote. Selectman Stewart Second. Motion Carried 5-0.

**Note** – *The Alternative Warrant Committee recommends warrant articles in excess of \$50,000*

**Note** – *This is an advisory vote and is not binding on the Selectmen. Per Title 30-A §2501, without a Charter "the method of voting and the conduct of a municipal election are governed by Title 21-A."*

**Note** – *Articles 36 through 38 are dependent upon this article and will not be required if this Article is voted down.*

- Article 36.** To see if the Town will vote to move Town Meeting to the Third Saturday in March \_\_\_\_ to accommodate the referendum vote.

**MOTION: Chairman Wakeman Moves** to Amend Article #35 to leave the date blank so it can be

so it can be amendable whatever way the Town wants to vote. Selectman Stewart Second. Motion Carried 5-0.

**Discussion:** Chairman Wakeman requests that AA/TA consult with legal in order to make certain wording on the above two motions are reviewed by legal.

**Article 37.** To see if the Town will vote to authorize the Board of Selectmen to spend an amount not to exceed an average of the past three accepted annual budget amounts for those budgets to be voted on by referendum (excepting Public Works) until a budget is passed.

**Article 38.** To see if the Town will vote to authorize the Board of Selectmen to spend an amount not to exceed an average of the past two accepted annual Public Works budget amounts until a budget is passed.

**Discussion:** Vice Chairman Hall asked whether Article #37 and #38 are binding or are they advisory. Chairman Wakeman stated in his opinion both of the preceding articles are binding. Vice Chairman Hall stated her concern that department heads may have to manipulate their budgets so there is enough money available to cover expenses for the new budget year when averaging the previous three years.

Chairman Wakeman suggested this could be further discussed on the Town floor.

The Selectmen discussed the possibility that Department Heads could be caught short in June prior to the new tax commitment. Chairman Wakeman stated that the Budget process would still have to be done with both the Selectmen and Budget Committee. Vice Chairman Hall pointed out the only way to solve this would be to change Durham's fiscal year.

**Article 39.** To see if the Town will vote to authorize the Selectmen, after public hearing to seek, accept and disburse grant funds from private, state or federal agencies, for the purpose so designated in each specific grant.

**Discussion:** Chairman Wakeman suggested getting a legal opinion as to the current wording of Article #39. AA/TA Glaeser will follow up on this.

**MOTION:** **Chairman Wakeman Moves** to remove the words “after public hearing” from Article #39 if that wording is not required. Vice Chairman Hall Second. Motion Carried 5-0.

**Article 40.** To see what action the Town will take in regard to fixing interest on delinquent taxes and establishing a date for interest to start. Taxes to be due when committed. Interest shall start on all unpaid taxes forty five days from the date of commitment. The interest rate on delinquent taxes shall be 7 % per annum.

**MOTION:** **Vice Chairman Hall Moves** to change the start date for interest to begin accruing at a

rate of seven (7%) per annum forty five (45) days from the date of Commitment to accommodate mailing between the between the Commitment and the mailing of the Tax Bills. Selectman Stewart Second. Motion Carried 5-0.

- Article 41.** To see if the Town will vote to leave the appointment of standing committee members and minor officials in the hands of the Board of Selectmen.
- Article 42.** To see if the Town will vote to authorize the Board of Selectmen to dispose of any town owned property which they determine is no longer needed or usable by the town, on such terms as they deem advisable.
- Article 43.** To see if the Town will vote to authorize the Board of Selectmen, on behalf of the Town, to sell and dispose of any real estate acquired by the Town for non-payment of real estate taxes thereon, on such terms as they deem advisable and to execute quit-claim deeds thereon.
- Article 44.** To see if the Town will vote to set the interest rate to be paid by the Town on abated taxes at 3 % pursuant to 36 MRSA § 506.
- Article 45.** To see if the Town will vote to authorize the Tax Collector or Treasurer to accept prepayments of taxes not yet committed pursuant to 36 MRSA § 506.
- Article 46.** To see if the Town will authorize the Board of Selectmen to resolve any disputes with parties having an interest adverse to that of the Town which do not involve the expenditure of public funds or where there are sufficient funds in budgeted accounts to allow payment of any claim which is to be settled.
- Article 47.** To see if the Town will vote to authorize the Board of Selectmen to spend an amount not to exceed four twelfths of the budget amount in each category of the Town of Durham annual budget during the period from January 1, 2017 to the close of the annual town meeting.
- Article 48.** To see if the Town will vote to authorize the Treasurer and Administrative Assistant to borrow money on notes countersigned by at least three Selectmen, to pay for the operating costs of the Town.

**Given under our hands this 1<sup>st</sup> day of March, 2016:**

**Board of Selectmen**

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**Jeffrey Wakeman**

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**Sarah Hall**

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**Mark Blake**

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**Joshua Libby**

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**Michael Stewart**

**Chairman Wakeman Moves** to Accept the Warrant as Amended tonight. Selectman Libby Second.  
Motion Carried 5-0.

**b. Discussion of Missed Meeting for RSU#5** – Chairman Wakeman directed AA/TA Glaeser to send a letter of apology to the other boards for not attending the joint meeting with Pownal, Freeport and the RSU#5 that was held last night in Freeport.

**ADJOURNMENT:** **Selectman Libby Moves** to Adjourn at 6:50 p.m. Selectman Blake Second.  
Motion Carried 5-0.

Respectfully submitted,

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/s/ Jill S. Toher  
Secretary