

**Town of Durham
Board of Selectmen
Regular Meeting Minutes
July 28, 2020**

Call to Order: Kevin Nadeau calls the meeting to Order at 6:30 p.m.

Roll Call: Kevin Nadeau, Chairman; Todd Beaulieu (late); Marc Farrin; and Richard George

Quorum: Quorum met with four (4) members virtually present

Kevin Nadeau announces that the election of Chair and Vice Chair will be postponed until next meeting when all members can be present.

Amendments to Agenda: None

Public Comment: Allan Purinton discusses an issue regarding fireworks on the Day Road. Ruth Glaeser will put the matter on a future Select Board agenda for discussion about a fireworks ordinance.

Action/Discussion:

a) No Action Letter:

Rich George Moves to grant a Letter of No Action for the garage setback at 83 Pass Brook Road, according to the letter drafted by Ruth Glaeser. Marc Farrin Seconds. Motion Carries 4-0.

b) Tax Rate:

Todd Beaulieu Moves to set the 2020 budget year tax mil rate the same as last year, \$20.25. Rich George Seconds. Motion Carries 3-1 (Farrin Opposed).

c) Pine Tree Contract:

Kevin Nadeau Moves to approve the contract with Pine Tree Waste as presented and sent via email by Ruth Glaeser and reviewed by the Town Attorney, and to authorize Kevin Nadeau to sign it. Rich George Seconds. Motion Carries 4-0.

d) COVID-19 Sick Policy:

Ruth Glaeser will draft something for review at the next meeting on August 11.

Departments/Committees:

- a) Road Commissioner Calvin Beaumier presents his report.
- b) Fire Chief Joseph Moore was not present.
- c) Town Administrator Ruth Glaeser presents her report (see attached).

Consent Agenda:

Kevin Nadeau Moves to Approve the Consent Agenda as presented. Marc Farrin Seconds. Motion Carries 4-0.

Selectmen's Comments:

Kevin Nadeau announces that the next regular meetings of the Durham Select Board will be held at 6:30 p.m. on Tuesday, August 11, and Tuesday, August 25, via Zoom.

Kevin Nadeau Moves the meeting into Executive Session at 7:21 p.m.

Kevin Nadeau Moves to come out of Executive Session at 8:17 p.m. Rich George Seconds. Motion Carries 4-0. No action taken.

Kevin Nadeau Moves to Adjourn at 8:18 p.m. Rich George Seconds. Motion Carries 4-0.

Respectfully submitted,

Kathy Dion
Meetings Secretary

Town Administrator Report

July 28, 2020

No Action Letter

There is a request for a “no action” letter regarding 83 Pass Brook Road. In 2004, the current owner, Todd Ham contracted with Colonial Builders of Lisbon Falls to build a garage on his property at 83 Pass Brook Road. The building was constructed. There are no notes in the file beyond the building and electrical permits. Mr. Ham is selling his house and, because of this process, a Mortgage Home Inspection Plan was submitted by Dave Hughes which shows the setback of the front of the garage at 33+/- feet where 50 feet is, and was, the required setback. The closing was originally scheduled for Thursday, July 23rd, but has been rescheduled for Wednesday, July 29th. Bob can issue a “no action” letter but that letter is only legally enforceable during his tenure. I have enclosed a draft “no action” letter for this request, three examples of “no action” letters from Augusta, minutes from a few past no action letters, one “no action” letter issued by Durham, a google map that shows the property and other pertinent information. Below is an excerpt from the CEO MMA manual.

“No Action” Letters. Some CEOs have begun issuing what they refer to as “no action” letters instead of negotiating consent agreements. Such a letter basically says that the municipality is aware that a particular property is in violation of a municipal ordinance, but that the municipality has no intention of prosecuting at the present time. Apparently some title attorneys, lenders, and landowners have been willing to accept this in order to resolve title problems and pave the way for financing. Such a letter makes no guarantee that a future council or board of selectpeople will agree to abide by it. “No action” letters are typically issued in cases involving minor dimensional violations that have existed for years, which occurred in good faith, and which have gone unchallenged by the municipality. (See Appendix 6 for sample letters.) Municipal issuance of a “no action” letter is a better way to resolve a minor, good faith violation of a municipal ordinance than asking a board of appeals for a variance that it should not grant.

Tax Commitment

Enclosed, you will find a ratio declaration and reimbursement application outlining the Town of Durham’s ratio for 2020. This year’s ratio is 79%. For purposes of taxation the state will allow us to use a ratio of 87%.

There are three separate municipal tax rate calculations: one for a mil rate of 20.20, 1 for a mil rate of 20.25 and one for mill rate of 20.30.

The main difference between the three Mil rates is the amount of overlay. if the town stays at 20.25 the overlay will be \$151,506.74. This overlay is about 2.05%, well below the maximum of 5%. The funds could be used for any poverty abatements we may receive due to COVID 19 and may partially alleviate some of the projected revenue shortfalls. This year, the Homestead Exemption will be \$21,750, an increase from \$18,400 last year. If the town remains at the same tax rate, residents who have a Homestead Exemption will see a slight decrease in their tax bill.

Although our valuation increased this year, the town lost \$1,413,430 worth of value from CMP do to the change in our ratio (from 92% to 87%). Although the property located on CMP land is taxed through real estate, it is affected by the town's ratio. Next year, if the ratio drops another 5%, Durham could claim

81%. Everything else remaining equal, the town would lose another \$1,698,119. This is something the town will want to watch in the future.

Tax bill will be printed the end of this week and residents should receive their bills the first week in August. They will be due on September 11th.

Pine Tree Waste

Also enclosed is a draft copy of the Pine Tree Contract. I have sent it off to Jack for approval. Please read it over and tell me if you feel we should make any changes. When you approve of the contract you will also be approving the last page which is the Addendum the spells out the roles to the town residents.

I have received the first bill including tonnage and the recycling fee at this time is \$94.26 a ton, much lower the maximum of \$150.

Sick Policy on COVID19

Recently, there was a worker in the Town of Durham out sick with a fever. There is no town wide policy on precautionary measures that should be taken in the case a Town of Durham employee comes down with a fever. I would like the board to discuss what steps an employee of the town should expect to take in the case they come down with a fever. Below is an excerpt of information received regarding a town who had an employee test positive.

According to the CDC updates and the employee's physician, if diagnosed with Covid-19, the employee must be at least 10 days past the date of diagnosis and at least 3 days fever free, without the aid of medications, before returning to work. If the employee has not been diagnosed as positive, but has experienced a fever in excess of 101.4, they should remain out of work for a minimum of 72 hours after the fever has dissipated without the aid of medication. They are not required to see a doctor and, as long as they follow the guidelines above, you cannot require them to take a test.

There is the question of what happens if an employee does not have enough sick time for the period. Does the Town allow them to borrow time? How much? Would the Board be open to an employee who has a large bank of sick time accumulated giving the ill employee their "time"?

Things to look at in the future

At the end of August, the Town will begin its second year of the CIP.

I have checked with Pine Tree and as of yet, no other Town has scheduled a Bulky Waste. At this time, we probably don't have enough info to set a date (or cancel for this year) but it should be on our radar.

George Theborge and the Planning Board have been working very hard at fine tuning our ordinance and bringing it into compliance with the State requirements. A discussion of where we are headed on those issues which were not addressed in the July referendum. Does the Board want to entertain the idea of another referendum or do they wish to wait until these can be addressed in a Town Meeting?