

**DURHAM SELECT BOARD
MEETING MINUTES
MAY 12, 2020**

Virtual meeting of the Durham Select Board via Zoom.

1. Call to Order and Establishment of Quorum
Members present via Zoom: Kevin Nadeau, Chair; Rob Pontau, Vice Chair; Todd Beaulieu; Marc Farrin; Rich George
2. Pledge of Allegiance – Not done, no flag.
3. Amendments to Agenda – None
4. Public Comment – None
5. Action & Discussion Items:
 - a) Discussion of Budget Referendum

Rich George Moves to accept the Warrant document (named by Town Administrator Ruth Glaeser “2020 Final Corona”) as presented and with edits Ruth has made during tonight’s meeting. Todd Beaulieu Seconds. Motion Carries 5-0.

Kevin Nadeau Moves to send all Warrant Articles to vote by secret ballot referendum this year. Rob Pontau Seconds. Motion Carries 5-0.

Ruth will gather information on options for creating a direct mail piece with information about the Warrant and Town Meeting, and she will present the information to the Select Board.

- b) Discussion of Tax Anticipation Note (TAN)

Rob Pontau Moves:

That under and pursuant to Title 30-A, Section 5771 of the Maine Revised Statutes, as amended and supplemented, there be and hereby is authorized the issuance of a \$1,050,000 principal amount Tax Anticipation Note of the Town in anticipation of the receipt of taxes for the municipal fiscal year which commences January 1, 2020, and ends December 31, 2020;

That said Note shall be dated on or about June 1, 2020, shall mature on December 31, 2020, shall be signed by the Treasurer and countersigned by the Chairman of the Board of Selectmen and otherwise be in such form and bear such details as the signers may determine;

That said Note is hereby sold and awarded to Androscoggin Bank;

That said Note is hereby designated qualified tax-exempt obligations of the Town for the 2020 calendar year pursuant to the Internal Revenue Code of 1996;

And, that all things heretofore done and all action heretofore taken by the Town, its municipal officers and agents in the authorization of said Note are hereby ratified, approved and confirmed and the Treasurer and Chairman are each hereby authorized to take any and all action necessary or convenient to carry out the provisions of this voting, including delivering said Note against payment therefore.

Kevin Nadeau Seconds. Motion Carries 5-0.

c) Discussion of Town Offices Re-Opening

Ruth Glaeser presents a plan that the Durham Town Offices will re-open as follows: from 1:00 to 4:00 p.m. on Mondays, Tuesdays, and Fridays; and from 3:00 to 6:00 p.m. on Thursdays; and also on those mornings by appointment only for high-risk populations. Ruth is given authority to make adjustments to these hours on the fly, and will inform the Select Board as soon as possible thereafter.

d) Discussion of Maintenance at the Old Town Hall (added here at the request of Todd Beaulieu)

6. Department/Committee Reports:

Road Commissioner – Calvin Beaumier presents his report (see attached)

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

Town Administrator – Ruth Glaeser presents her report (see attached)

7. Consent Agenda – Tabled to next meeting
8. Selectmen's Comments –

Kevin Nadeau announces that the next regular Select Board Meeting will be a virtual meeting held via Zoom at 6:30 p.m. on Tuesday, May 26.

There will be a Public Hearing at 6:00 p.m. on Tuesday, June 9, for Town Meeting Warrant Articles, followed by the regular Select Board meeting. Information about whether this meeting will be virtual or in-person will be announced later.

9. Adjourn –

Kevin Nadeau Moves to Adjourn at 7:48 p.m. Rob Pontau Seconds. Motion Carries 5-0.

Respectfully submitted,
Kathy Dion
Meetings Secretary



DURHAM FIRE & RESCUE

Chief's Report on Department

Durham Select Board

05/12/20

Report Date: 05/11/20

General Overview:

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

Departmental Changes/Major Projects:

- **DFR COVID-19 Response and Preparedness** – We continue to monitor the situation locally and state wide. We receive updates from Maine EMS, the Maine CDC and other entities. We update our providers regularly to ensure our preparedness for any response. We continue to work with the other down departments to provide readiness and information dissemination as needed to ensure best practices are being used town wide. Meeting with Command Staff this week about plans for resuming full operations within the department. Processing information to submit COVID-19 specific expenditures for reimbursement.
- **Annual Hose Testing Scheduled** – Scheduled for May 19th with Fail Safe Hose Testing. Annual compliance requirement
- **Well/Septic Projects** – As both bids have been selected, I will be moving forward this week with contacting the awardees and will keep the board up to speed on the project timeline.

Apparatus:

- **No Major Issues** - All apparatus are in service and functioning.

Discussion Topics:

- **Balance of Capital Projects for 2020** – The only project left undiscussed under the 2020 CIP Project is the replacement of the Firefighter Protective “Turnout Gear”. To be fiscally responsible while protecting our staff, I’d like to request the amount be dropped to \$10,000 (initial was \$12,000) with the rest of the gear deferred until next year.

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 05-12-2020

- Continued work on cleaning up the grounds at the Town properties/ parks etc. We cleared the trails of fallen trees in the trails around the Town Office leading to the Eureka and ball field.
- We have been changing driveway culverts that we didn't get to last fall.
- I've been working with Crooker to address some bad spots in the binder from last year's bond paving. I have directed them to mill out those areas and repave them before putting on the surface layer.
- We have opened up the Runaround Pond outhouse and restocked it. This appears to be a very busy area.
- The crew is back to our summer hours of four 10hr days, Mon-Thurs.
- I spoke with Freightliner about getting a written offer to extend the bid numbers on the new truck to the end of July. He is on Vacation and will get it to me next week.
- Crew will be changing driveway culverts over the next week before we start in with ditching, culvert replacement, and box cutting for this year's maintenance paving.
- We have been trying to get the two dirt piles behind the Fire Station hauled off but the ground is still too wet to get the trucks back there. We will try it again later this week.
- Called MDOT again and finally got some pot holes paved after we painted them out. The worst one on the hill at Deadman's corner is still not done and I can only assume its because there is water pumping up out of it. I will follow up with them again to try and get it addressed.

Town Administrator Report

May 12, 2019

Voting on the Budget

At the point I am writing this, the Governor has not given clear guidance regarding Town Meeting. The increased testing ability makes me hopeful that Maine will begin to open up in the coming months. However, at this time, I think the Town needs to go forward with a secret ballot for our budget. I have heard arguments on both sides.

Below is an article in the 2016 warrant that was defeated:

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 in 2017 to approve all warrant articles in excess of \$50,000. 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.

This warrant article specifies the year, 2017, so I would argue it is not binding for any other year.

The question seems to be whether or not the Town has ever adopted the secret meeting ballot at a Town or Special Town Meeting. I have been unable to locate this article, though I will continue looking. Somewhere in 1977 the Town stopped having a warrant article which specifically asked if the Town would vote to elect positions by secret ballot. Those elections then took place directly after Town Meeting. There seems to be no mention of why this changed by I would assume it was because they determined they not longer needed it.

The legislature passed legislation that requires secret ballot for Select Boards and School Boards (Title 30-A, §2525). But the date on this legislation is 1987, ten years later. Again, leading me to assume that the Town has passed some form of secret ballot article.

The difference between a written ballot and a secret ballot is that a written ballot is voted on at Town Meeting and a Secret Ballot (synonymous with referendum) is voted on during an election. If I wanted to have a written ballot, I would make a motion to this regard during Town Meeting which would then be carried out at Town Meeting. There is no form of absentee ballot for a written ballot. Secret Ballots can be voted on outside the hours of a Town Meeting and require certain time windows and absentee ballots.

There will still be a warrant. It will still need to be posted and we will need to have a Public Hearing. I have attached a schedule. To further make information accessible to the residents, I advise we create a short newspaper style informational mailer. I will be checking on the cost of this in the next couple days to see if mailing the material would be cost prohibitive and perhaps we will have residents pick them up as they would/will our annual report.

I am sending two draft ballots (as well as a copy of the warrant). One includes closed ballot questions and one includes open ballot questions. The closed ballot questions give the amount to be voted on and a simple yes or no choice. The open ballots leave options for the Select Board and the Budget

Committee (please look at the first page only as I am waiting for the Budget Committee to meet Monday night and hope many of their recommendations will correspond with your own). There must be a response that basically says “no”. MMA’s example and preference is the closed ballot. I have seen open ballots other in several Towns and enclosed one here. If the Board decides to go with the closed ballot, the amount voted on will be the Select Board’s recommendation but the Budget Committee’s recommendation must be printed on the ballot.

If I receive or discover any additional info, I will email it before Tuesday.

TAN

I have enclosed the TAN motion. If we are going to take out a TAN we should start the process to allow the paperwork to be completed for funding to be available no later than mid-June.

Office Reopening

I have also enclosed three things regarding the reopening of the Town Office. The first is a letter written by MMA on guidance for reopening municipal offices. The other two are an hour sign and an announcement which outlines the plan which we have put together upon hearing the Board’s position.