

The Town Clerk opened the meeting at 7:45 a.m. on Friday, April 5, 2024 by welcoming the crowd and reading the greeting, and the return on the warrant. One hundred Nine (109) residents were checked in on the incoming voter list, on Saturday, April 6, 2024 to discuss, learn and vote on the warrant articles.

**In Attendance:**

Jessica Landberg (Town Clerk), Cindy Faragi (Deputy Treasurer), Bill Schneider (Moderator), Jerry Douglass (Town Manager), Devin Garneau (IT Support), Kimberly Garneau (Meeting Secretary), Rob Tripp (Fire Chief), Calvin Beaumier (Road Commissioner) George Theborge (Town Planner) and Marc Roy (Accountant Consultant).

**Representing the Select Board:** Joseph Tomm (Chair), Richard George (Vice Chair), Josh Klein-Golden, Heather Roy and Joe Roy.'

**Representing the Budget Committee:** Milton Simon (Chair), Jill Gastonguay (Vice Chair), Neil Berry, Allan Purinton, John Talbot, Phyllis Brannon and Donna Church.

**To: Kimberly Garneau, 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 the Durham Eureka Community Center, 606 Hallowell Road, Durham, Maine on Friday, April 5, 2024 at 7:45 a.m., then and there to act upon Articles 1 and by secret ballot on Articles 2 as set out below. Polls will be open from 8:00 a.m. to 8:00 p.m. Further, to notify and warn said inhabitants to assemble at the Durham Community School on Saturday, April 5, 2024 at 9:00 a.m., then and there to act upon Articles 3 through 39 as set out to wit:

**Article 1.** To choose a moderator to preside at said meeting. Nominations were made and ballots cast for Catherine Curtis to be elected as our moderator for said meeting.

On Saturday, April 6, 2024 Catherine Curtis deputized William Schneider as the deputy moderator for Town Meeting.

**Vote Carries**

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

**Vote Carries**

Catherine Curtis then opened the polls at 8:00 a.m.

**Saturday, April 5, 2024**

The Moderator requests if the Town has any objections to adopting the Maine Moderator’s Manual Rule of Procedure, seventh edition, as the rules of order for this meeting.

**No Objections**

**Article 3.** To see if the Town will allow non-voters, who have information pertaining to any following articles, to speak when recognized.

List of Non-Voters to speak at Town Meeting:

Jerry Douglass (Town Manager), Calvin Beaumier (Road Commissioner), Robert Tripp (Fire Chief), George Thebarge (Town Planner), Mark Roy (Tax Consultant), Stephanie Paine (FHS Scholarship, President), Tia Wilson (Durham Historical Society, Chair) and

**No Objections**

Presentation by Joseph Tomm for the Durham Scholarship Committee. The Scholarship was presented to Jack Quinn.

**Article 4. M: Joseph Tomm S: Richard George** To see if the Town will vote to appropriate an amount not to exceed the 2023 Durham Municipal Budget for any budget articles **not** approved in this warrant.

**Vote Carries**

**Overspent Article**

**Article 5. M: Joseph Tomm S: Richard George** To see if the Town will vote to appropriate and transfer **\$3,235** from undesignated fund balance to cover Fire Department expenditures above the approved 2022 Fire Department budget.

**Vote Carries**

**Operating Budget Articles**

**Article 6. M: Joseph Tomm S: Richard George** To see if the Town will vote to appropriate **\$689,991** for General Government.

|                               | <u>FY23 Appr</u> | <u>FY24 Req</u> |
|-------------------------------|------------------|-----------------|
| Administration                | \$ 518,124       | \$ 473,656      |
| Municipal Buildings & Grounds | 30,565           | 22,235          |
| Assessing                     | 21,000           | 22,800          |
| Information Technology        | 52,000           | 47,000          |
| Planning and Code Enforcement | 56,420           | 124,300         |

**M: Neil Berry** amends the motion on the floor to vote to appropriate \$684,981 for General Government. **S: Jill Gastonguay** seconds the motion.

**Motion Fails**  
**Original Motion Carries**

**Article 7. M: Joseph Tomm S: Richard George** To see if the Town will Vote to raise and appropriate **\$622,495** for Public Safety.

|                 | <u>FY23 Appr</u> | <u>FY24 Req</u> |
|-----------------|------------------|-----------------|
| Fire Department | \$ 522,470       | \$ 603,845      |
| Animal Control  | 18,600           | 18,650          |

**Vote Carries**

**Article 8. M: Joseph Tomm S: Richard George** To see if the Town will Vote to raise and appropriate **\$1,843,228** for Public Works.

|                 | <u>FY23 Appr</u> | <u>FY24 Req</u> |
|-----------------|------------------|-----------------|
| Public Works    | \$ 1,338,920     | \$ 1,454,228    |
| Solid Waste     | 370,000          | 375,000         |
| Tags            | 2,540            | 2,000           |
| Bulky Waste Day | 12,000           | 12,000          |

**Vote Carries**

**Article 9. M: Joseph Tomm S: Richard George** To see if the Town will Vote to raise and appropriate **\$16,700** for Community Services.

|                           | <u>FY23 Appr</u> | <u>FY24 Req</u> |
|---------------------------|------------------|-----------------|
| General Assistance        | \$ 600           | \$ 600          |
| Durham Youth Baseball     | 2,500            | 2,500           |
| Durham Snowmobile Trails  | 1,100            | 1,100           |
| AMVETS (Generator)        | 0                | 2,500           |
| Freeport Scholarship Fund | 0                | 10,000          |

**M: Neil Berry** amends the motion on the floor to vote to raise and appropriate **\$6,700** for Community Services. **S: Milton Simon** seconds the motion.

**Motion Fails**  
**Original Motion Carries**

**Article 10. M: Joseph Tomm S: Richard George** To see if the Town will Vote to raise and appropriate \$780,349 for Debt Service.

|              |                  |                 |
|--------------|------------------|-----------------|
|              | <u>FY23 Appr</u> | <u>FY24 Req</u> |
| Debt Service | 958,394          | 780,349         |

**Vote Carries**

**ADDITIONS TO RESERVES ARTICLES**

**Article 11. M: Joseph Tomm S: Richard George** To see if the Town will vote to raise and appropriate \$180,000 for the Fire Department Capital Reserve.

**Vote Carries**

**Article 12. M: Joseph Tomm S: Richard George** To see if the Town will vote to raise and appropriate \$205,000 for the Public Works Department Capital Reserve.

**Vote Carries**

**Article 13. M: Joseph Tomm S: Richard George** To see if the Town will vote to raise and appropriate \$10,000 for the Municipal Buildings Capital Reserve.

**Vote Carries**

**Article 14. M: Joseph Tomm S: Richard George** To see if the Town will vote to raise and appropriate \$50,000 for the Eureka Community Center Reserve.

**Vote Carries**

**Article 15. M: Joseph Tomm S: Richard George** To see if the Town will vote to raise and appropriate \$160,000 for the Assessing and Revaluation Reserve.

**Vote Carries**

**Article 16. M: Joseph Tomm S: Richard George** To see if the Town will vote to raise and appropriate \$2,293 for the Grants Match Reserve.

**Vote Carries**

**Article 17. M: Joseph Tomm S: Richard George** To see if the Town will Vote to raise and appropriate \$9,543 for the Union Church Restoration Reserve.

*Explanatory Note: The monies in the Union Church Restoration Fund would be managed jointly by the Historical Society and the Town. Any expenditure from the Fund would be for maintenance, repair and/or restoration of the Church. All expenditures would be approved by the Select Board.*

**Vote Carries**

**FUNDING SOURCES ARTICLES**

**Article 18. M: Joseph Tomm S: Richard George** To see if the Town will Vote to reduce the amounts authorized to be raised in taxes in Articles 6 through 17 by **\$2,562,114** based on estimates for non-tax municipal revenues.

|                             | <u>FY23 Est</u>    | <u>FY24 Est</u>    |
|-----------------------------|--------------------|--------------------|
| Excise Taxes                | \$ 1,034,097       | \$ 1,100,000       |
| Licenses, Permits, and Fees | 80,212             | 75,400             |
| Intergovernmental Revenue   | 936,174            | 1,149,714          |
| Charges for Services        | 163,703            | 172,000            |
| Other Revenues              | 66,603             | 65,000             |
| <b>Total</b>                | <b>\$2,280,789</b> | <b>\$2,562,114</b> |

**Vote Carries**

**Article 19. M: Joseph Tomm S: Richard George** To see if the Town will authorize the Select Board to appropriate up to **\$668,000** from the General Fund’s existing fund balance to reduce the amounts authorized to be raised in taxes in Articles 6 through 17.

**Select Board recommends \$668,000.**

**Budget Committee recommends \$628,475.**

**M: Milton Simon** amends the motion on the floor to vote to appropriate up to **\$628,475** from the General Fund’s existing fund balance to reduce the amounts authorized to be raised in taxes in Articles 6 through 17. **S: Neil Berry** seconds the motion.

**Motion Withdrawn by Milton Simon**

**M: Allan Purinton S: Neil Berry** amends the motion on the floor to accept the Budget Committee’s recommendation of **\$628,475** from the General Fund’s existing fund balance.

**Motion Fails  
Original Motion Carries**

**RESERVE APPROPRIATIONS ARTICLES**

**Article 20. M: Joseph Tomm S: Richard George** To see if the Town will vote to appropriate \$9,130 from Coronavirus Local Fiscal Recovery Funds (aka American Rescue Plan or ARPA Funds) received by the Town from the federal government for the following project: Upgrades to the Eureka Community Center.

**Vote Carries**

**Article 21.**     **M: Joseph Tomm S: Richard George** To see if the Town will vote to appropriate **\$25,000** from Coronavirus Local Fiscal Recovery Funds (aka American Rescue Plan or ARPA Funds) received by the Town from the federal government for the following project: Computer Aided Dispatch for Emergency Vehicles.

**Vote Carries**

**Article 22.**     **M: Joseph Tomm S: Richard George** To see if the Town will vote to appropriate **\$10,500** from Coronavirus Local Fiscal Recovery Funds (aka American Rescue Plan or ARPA Funds) received by the Town from the federal government for the following project: Codification of the Towns Land Use Ordinance

**Vote Carries**

**Article 23.**     **M: Joseph Tomm S: Richard George** To see if the Town will authorize the Select Board to appropriate funds upon the request of the Town Manager from the Town’s reserves as they deem necessary for expenditures in accordance with the purpose of the reserves.

**Vote Carries**

**ORDINANCE WARRANT ARTICLES**

**Article 24.**     **M: John Talbot S: Joseph Tomm** To see if the Town will vote to enact amendments to the Land Use Ordinance as set forth in the document “Town of Durham, Land Use Ordinance as Adopted at Town Meeting, April 1, 2023, Proposed Revisions for Town Meeting, April 6, 2024, PART 1 – DRAFT AMENDMENTS TO IMPLEMENT COMPREHENSIVE PLAN RECOMMENDATIONS FOR HOUSING DIVERSITY & TO COMPLY WITH STATE LAW ON HOUSING DENSITY (Articles 4, 5, 16, & 19)” to make greater allowance for accessory apartments and to increase lot sizes where State law requires multiple full-sized dwelling units on a single lot.

**Approved – YES**

**Article 25.**     **M: John Talbot S: Joseph Tomm** To see if the Town will vote to enact amendments to the Land Use Ordinance as set forth in the document “Town of Durham, Land Use Ordinance as Adopted at Town Meeting, April 1, 2023, Proposed Revisions for Town Meeting, April 6, 2024, PART 2 – DRAFT AMENDMENTS TO ENACT STANDARDS FOR SOLAR ENERGY SYSTEMS (Articles 3, 5, 8, & 19)” to establish submission requirements, review procedures, and performance standards for solar energy systems.

**Approved – YES**

**Article 26.** **M: John Talbot S: Joseph Tomm** To see if the Town will vote to enact amendments to the Land Use Ordinance as set forth in the document “Town of Durham, Land Use Ordinance as Adopted at Town Meeting, April 1, 2023, Proposed Revisions for Town Meeting, April 6, 2024, PART 3 – DRAFT AMENDMENTS TO CODIFY CERTAIN FEES FOR INCLUSION IN THE FEE SCHEDULE (Article 18)” to enact new fees for certain permitting services provided by Town.

**Approved – YES**

**BUSINESS ARTICLES**

**Article 27.** **M: Neil Berry S: Joseph Tomm** To see if the town will vote to authorize the Select Board, on behalf of the Town, to transfer the property located at 744 Royalsborough Road, Durham, Maine, also known as the Union Church, to the Durham Historical Society by means of a quitclaim deed.

*Explanatory Note: The deed from the Town to the Historical Society would contain a reversionary clause that would require the Union Church to be used solely for the Historical Society use and if the property were ever to be used for other purposes, the property would revert back to the Town.*

**Vote Carries**

**Article 28.** **M: Joseph Tomm S: Richard George** To see if the Town will vote to authorize the Selectboard to spend the funds in the Union Church Restoration Reserve account in conjunction with the Durham Historical Society for repairs and maintenance of the Union Church.

*Explanatory Note: Prior to this Annual Meeting there was \$21,632 in the Union Church Restoration account. Article 17 asked the town to raise and appropriate an additional \$9,543 to the reserve account for a total of \$31,175.*

**Vote Carries**

**Jill Gastonguay motioned** to combine Articles 29 through 39 for approval.

**Article 29.** To see if the Town will vote to authorize the Select Board to seek, accept and disburse grant funds from private, state or federal agencies, for the purpose so designated in each specific grant.

**Article 30.** To see what action the Town will take in regard to fixing interest on delinquent taxes and establishing a date for interest to start. Interest shall begin to accrue on all unpaid taxes forty-five days after the date taxes are committed. The interest rate on delinquent taxes shall be the maximum allowable by State Law.

**Article 31.** To see if the Town will vote to leave the appointment of standing committee members and officials in the hands of the Select Board.

- Article 32.** To see if the Town will vote to authorize the Select Board to dispose of town owned property which they determine is no longer needed or usable by the town, on such terms as they deem advisable.
- Article 33.** To see if the Town will vote to authorize the Select Board, on behalf of the Town, to sell and/or dispose of any property acquired by tax liens and allow the Select Board to authorize the Treasurer to waive automatic lien foreclosures when it is in the best interest of the Town.
- Article 34.** To see if the Town will vote to set the interest rate to be paid by the Town on overpayment of abated taxes at 2% pursuant to 36 MRSA § 506-A.
- Article 35.** To see if the Town will vote to authorize the Tax Collector or Treasurer to accept prepayments of taxes not yet due or assessed, and to pay interest thereon at an interest rate of 0% pursuant to 36 M.R.S.A § 506.
- Article 36.** To see if the Town will authorize the Select Board 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 37.** To see if the Town will vote to authorize the Select Board to spend an amount not to exceed one third (1/3) of the budget amount in each category of the Town of Durham 2023 annual budget during the period from January 1, 2024, to the close of the 2024 annual town meeting.
- Article 38.** To see if the Town will vote to authorize the Treasurer to borrow money on notes approved by at least three members of the Select Board and countersigned by the Select Board Chair, to pay for the operating costs of the Town.
- Article 39.** To see if the Town will authorize the Select Board to move up to 5% of budget lines that have unexpended appropriations to other budget lines, as they deem necessary, to avoid individual budget lines being over-expended.

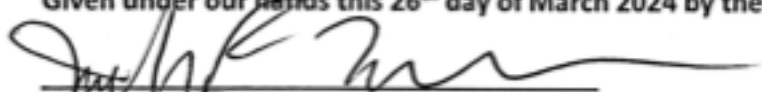
**M: Joseph Tomm S: Richard George** To approve Articles 29 through 39 as written.


**Vote Carries**


**Adjourn:** Joseph Tomm motions to adjourn, Richard George seconds. Vote carries. Meeting adjourns at 12:09 pm.

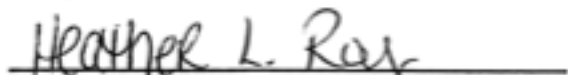


Given under our hands this 26<sup>th</sup> day of March 2024 by the Durham Select Board:

  
\_\_\_\_\_  
Joseph Tomm, Chair

  
\_\_\_\_\_  
Richard George, Vice Chair

  
\_\_\_\_\_  
Josh Klein-Golden

  
\_\_\_\_\_  
Heather Roy

\_\_\_\_\_  
Joseph Roy

  
\_\_\_\_\_  
Jessica Landley  
Durham Town Clerk

Attest, A True Copy,  
Durham Town Clerk