

The Town Clerk opened the meeting at 7:45 a.m. on Friday, March 31, 2023 by welcoming the crowd and reading the greeting, and the return on the warrant. One Hundred Sixty-four (164) residents were checked in on the incoming voter list, on Saturday, April 1, 2023 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), and Calvin Beaumier (Road Commissioner).

Representing the Select Board: Kevin Nadeau (Chair), Richard George (Vice-Chair), Todd Beaulieu, Joe Tomm and Josh Klein-Golden.

Representing the Budget Committee: Milton Simon (Chair), Allan Purinton, Neil Berry, Jane Rice, Heather Roy, and John Talbot, Jill Gastonguay (Vice-Chair), Rod Stimpson, Mark Blake.

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, March 31, 2023 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 Durham Community School on Saturday, April 1, 2023, at 9:00 a.m., then and there to act upon Articles 3 through 43 as set out to wit:

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

William Schneider came forward and the oath was administered by the Town Clerk. Mr. Schneider proceeded with the swearing in of Catherine Curtis as Deputy Warden for the day.

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 1, 2023

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 Thebarger (Town Planner), Alan Plummer (Code Enforcement Officer), Mark Roy (Tax Consultant) and Maria Greely.

No Objections

Presentation by Kevin Nadeau for the Durham Scholarship Committee. The Scholarship was presented to Piper Williams.

Article 4. 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.

Pass Over

Capital Improvement Articles

Article 5. **M: Kevin Nadeau S: Richard George** To see if the Town will vote to appropriate and transfer \$50,000 from Public Works Capital Reserves Fund for stream crossing/culvert replacements.

Vote Carries

Article 6. **M: Kevin Nadeau S: Richard George** To see if the Town will vote to appropriate \$105,000 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: "One-Ton Plow Truck for Public Works"

Vote Carries

Article 7. **M: Kevin Nadeau S: Richard George** To see if the Town will vote to appropriate \$50,000 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: "Exhaust removal equipment at the Fire Station"

Vote Carries

Article 8. **M: Kevin Nadeau S: Richard George** To see if the Town will vote to raise and appropriate \$60,000 for future Assessing/Market Revaluation Reserves.

Vote Carries

Article 9. **M: Kevin Nadeau S: Richard George** To see if the Town will vote to appropriate and transfer \$60,000 for the Fire Department Rapid Response Vehicle.

Vote Carries

Article 10. **M: Kevin Nadeau S: Richard George** To see if the Town will vote to appropriate and transfer \$32,800 from the Fire Department Capital Reserves Fund for the purchase of a Generator.

Vote Carries

Article 11. **M: Kevin Nadeau S: Richard George** To see if the Town will vote to appropriate \$125,000 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: "Quint Fire Truck Refurbishing"

Vote Carries

Article 12. To see what sum the Town will vote to raise and appropriate for Public Works Reserves.

Select Board Recommendation		Budget Committee Recommendation	
Raise and Appropriate	\$100,000	Raise and Appropriate	\$50,000

M: Milton Simon S: Neil Berry to raise and appropriate \$50,000 for Public Works Reserves.

M: Michelle Ritcheson amends the motion on the floor to raise and appropriate \$100,000 for Public Works Reserves. **S: Paul First** seconds the motion. Vote was close, requires a count.

YES – 64

No – 79

Motion Fails
Original Motion Carries

ORDINANCE WARRANT ARTICLES

Article 13. **M: John Talbot S: Allan Purinton** To see if the Town will vote to enact amendments to the Land Use Ordinance and Zoning Map as set forth in the document "Town of Durham, Land Use Ordinance as Adopted at Town Meeting, April 2, 2022, Proposed Revisions for Town Meeting, April 1, 2023, PART 1 – DRAFT AMENDMENTS TO APPLY RESOURCE PROTECTION CRITERIA PER 2018 COMPREHENSIVE PLAN RECOMMENDATIONS (Article 2 and the Official Zoning Map) to revise the Resource Protection District criteria and boundary to follow recommendations of the 2018

Comprehensive Plan for protection of natural resources and to correct mapping based on inaccurate floodplain data.

M: Kevin Nadeau S: Jill Gastonguay
Count was called - written ballot

Yes – 74

No – 47

Vote Carries

Article 14. M: John Talbot S: Allan Purinton 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 2, 2022, Proposed Revisions for Town Meeting, April 1, 2023, PART 2 – DRAFT AMENDMENTS TO CLARIFY THE PROCESS FOR ACCEPTANCE OF ROADS FOR TOWN MAINTENANCE (Article 5)" to clarify that acceptance of any road for public maintenance requires Town Meeting approval.

Vote Carries

BUDGET ARTICLES

Article 15. M: Kevin Nadeau S: Richard George To see if the Town will vote to appropriate all General and Intergovernmental revenues received that are not dedicated or otherwise appropriated for other expenses, to reduce the tax commitment.

Auto Excise Tax	\$1,034,097
LRAP (Local Roads Assistance)	\$54,724
Building Permits	\$28,154
Electrical Permits	\$9,975
Plumbing Permits	\$11,435
Vehicle Registration Fees	\$21,288
Delinquent Tax Interest	\$20,955
Tax Exemption Reimbursement	\$23,853
Town Clerk Fees	\$4,995
Misc. Revenues	\$45,648
Solid Waste Revenue	\$33,381
Ambulance Fees	\$67,522
Animal Control Fees	\$949
Cemetery Lot Sales	\$0
Eureka Community Center	\$1,420
Planning Fees	\$3,416
Total	1,361,812
Intergovernmental Revenue	
State Revenue Sharing	\$551,052
Homestead Reimbursement	\$322,683
BETE Reimbursement	\$1,027
Total	\$874,762

Vote Carries

- Article 16. M: Kevin Nadeau S: Richard George** To see what sum the Town will vote to transfer from Undesignated Fund Balance to be used toward the 2023 budget appropriation, thereby decreasing the amount to be raised from property taxes.

Select Board Recommendation	
Total Appropriation	\$230,000

Budget Committee Recommendation	
Total Appropriation	\$230,000

Vote Carries

- Article 17. M: Kevin Nadeau S: Richard George** To see what sum the Town will vote to transfer from Undesignated Fund Balance to be used toward the 2023 budget appropriation, thereby decreasing the amount to be raised from property taxes.

Select Board Recommendation	
Total Appropriation	\$230,000

Budget Committee Recommendation	
Total Appropriation	\$230,000

Vote Carries

- Article 18. M: Kevin Nadeau S: Richard George** To see what sum the Town will vote to raise and appropriate for the Public Works Operating Budget:

Select Board Recommendation	
Raise and Appropriate	\$1,338,920

Budget Committee Recommendation	
Raise and Appropriate	\$1,338,920

Vote Carries

- Article 19. M: Kevin Nadeau S: Richard George** To see what sum the Town will vote to raise and appropriate for the Administration Budget:

Select Board Recommendation	
Raise and Appropriate	\$535,924

Budget Committee Recommendation	
Raise and Appropriate	\$535,924

Vote Carries

- Article 20. M: Kevin Nadeau S: Richard George** To see if the Town will vote to raise and appropriate **\$372,540** for Solid Waste.

Vote Carries

- Article 21. M: Kevin Nadeau S: Richard George** To see if the Town will vote to raise and appropriate **\$12,000** for Bulky Waste Day.

Vote Carries

Article 22. M: Kevin Nadeau S: Richard George To see if the Town will vote to raise and appropriate **\$958,394** for the Town of Durham's annual debt service.

Vote Carries

Article 23. M: Kevin Nadeau S: Richard George To see what sum the Town will vote to raise and appropriate for: Animal Control

Select Board Recommendation		Budget Committee Recommendation	
Animal Control	\$18,600	Animal Control	\$18,600

Vote Carries

Article 24. M: Kevin Nadeau S: Richard George To see what sum the Town will vote to raise and appropriate for: Assessing

Select Board Recommendation		Budget Committee Recommendation	
Assessing	\$21,000	Assessing	\$21,000

Vote Carries

Article 25. M: Kevin Nadeau S: Richard George To see what sum the Town will vote to raise and appropriate for: Cemeteries

Select Board Recommendation		Budget Committee Recommendation	
Cemeteries	\$450	Cemeteries	\$450

Vote Carries

Article 26. M: Kevin Nadeau S: Richard George To see what sum the Town will vote to raise and appropriate for: Conservation, Parks & Recreation

Select Board Recommendation		Budget Committee Recommendation	
Transfer from Conservation, Parks and Recreation	\$9,380	Transfer from Conservation, Parks and Recreation	\$9,380
Raise	\$0	Raise	\$0
Total Appropriation	\$9,380	Total Appropriation	\$9,380

Vote Carries

Article 27. M: Kevin Nadeau S: Richard George To see what sum the Town will vote to raise and appropriate for: Eureka Community Center

Select Board Recommendation	
Eureka Center	\$6,535

Budget Committee Recommendation	
Eureka Center	\$6,535

Vote Carries

Article 28. M: Kevin Nadeau S: Richard George To see what sum the Town will vote to raise and appropriate for: General Assistance

Select Board Recommendation	
General Assistance	\$600

Budget Committee Recommendation	
General Assistance	\$600

Vote Carries

Article 29. M: Kevin Nadeau S: Richard George To see what sum the Town will vote to raise and appropriate for the Telecommunication Budget:

Select Board Recommendation	
Transfer from Franchise Fees	\$52,000
Raise	\$0
Total Appropriation	\$52,000

Budget Committee Recommendation	
Transfer from Franchise Fees	\$52,000
Raise	\$0
Total Appropriation	\$52,000

Vote Carries

Article 30. M: Kevin Nadeau S: Rich George To see what sum the Town will vote to raise and appropriate for the Planning Board/Appeals Board/Historic District Commission Budget:

Select Board Recommendation	
Raise and Appropriate	\$46,420

Budget Committee Recommendation	
Raise and Appropriate	\$46,420

M: Lois Kilby-Chesley S: Paula Erdmann Purdy motioned to amend the article to add \$10,000 of undesignated funds to the Historic District Commission to help fix the Union Church sill. Paula Erdmann Purdy seconded. Total sum to raise and appropriate: \$56,420

Amendment Passes

Vote Carries

PROPERTY TAX LEVY LIMIT

Article 31. 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 by this referendum results in a tax commitment in excess of the maximum property tax levy limit otherwise allowable.

The levy limit is: **\$1,872.790.00**

Note: The municipal tax assessment is expected to be well under the Levy Limit in 2023, making a vote on this article unnecessary. However, it appears on the warrant in the event the budget is amended at Town Meeting to an amount that would exceed the Levy Limit.

Vote Fails Due To Lack Of Motion

BUSINESS ARTICLES

Article 32. **M: Kevin Nadeau S: Richard George** To see if the Town will vote to reduce the number of seats on the Budget Committee from 9 to 7, electing 2 members instead of 3 in 2024 and 2025; the process would be that if a seat is vacated by a member prior to the end of their term, that seat shall not be filled by Select Board appointment or Special Election unless filling the seat is necessary to maintain a minimum of 7 Budget Committee members.

Vote Fails

Article 33. **M: Kevin Nadeau S: Richard George** To see if the town will vote to appropriate an amount not to exceed 5% of the total 2023 Net Assessment for Commitment to pay tax abatements and applicable interest granted during the 2023 fiscal year.

Vote Carries

Article 34. **M: Kevin Nadeau S: Richard George** 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.

Vote Carries

Article 35. **M: Kevin Nadeau S: Richard George** 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.

Vote Carries

Article 36. M: Kevin Nadeau S: Richard George To see if the Town will vote to leave the appointment of standing committee members and officials in the hands of the Select Board.

Vote Carries

Article 37. M: Kevin Nadeau S: Richard George 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.

Vote Carries

Article 38. M: Kevin Nadeau S: Richard George 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 Selectmen to authorize the Treasurer to waive automatic lien foreclosures when it is in the best interest of the Town.

Vote Carries

Article 39. M: Kevin Nadeau S: Richard George 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.

Vote Carries

Article 40. M: Kevin Nadeau S: Richard George 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 MRSA § 506.

Vote Carries

Article 41. M: Kevin Nadeau S: Richard George 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.

Vote Carries

Article 42. **M: Kevin Nadeau S: Richard George** 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.

Vote Carries

Article 43. **M: Kevin Nadeau S: Richard George** 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.

Vote Carries

Adjourn: **Bill Schneider motions to adjourn, Richard George seconds. Vote carries. Meeting adjourns at 1:29 pm.**