

TOWN OF TOPSHAM
BOARD OF SELECTMEN MEETING
APRIL 7, 2016 - 7:00 P.M.

MEMBERS PRESENT: David Douglass
Marie Brilliant
Ruth Lyons
William Thompson
Roland Tufts

MEMBER(S) ABSENT: All present

STAFF PRESENT: Town Manager, Richard Roedner

A meeting of the Topsham Board of Selectmen was held on Thursday, April 7, 2016, in the Donald A. Russell Meeting Room, at the Municipal Building, 100 Main Street, Topsham, Maine.

CALL TO ORDER

Chairman Douglass called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE/ROLL CALL - All present were invited to stand and recite the Pledge of Allegiance to the Flag. The recording secretary took the roll call and noted that all Selectmen were present.

TOWN MANAGER'S REPORT

Tomorrow is the deadline for responses to our Age Friendly Survey. Returned surveys should be dropped off, or postmarked, by tomorrow so we can complete the process of compiling the data. Over the next month or two the data will be analyzed and results will be announced later this spring.

The Corey Garver American Legion Post is holding its annual Law Enforcement Breakfast this weekend, and I am pleased to announce that Sgt. Mark Gilliam will be recognized for his ongoing service to the Town of Topsham in some very difficult situations.

Next week, on Wednesday the 13th, at 6:30 pm at the Topsham Library, will be the final episode of our very successful Back to the Future series of community discussions. This session is intended as a wrap up of the previous meetings, with some discussion as to how this information will be used in our upcoming Comprehensive Plan process. The public, as always, is invited and very welcome to attend.

Next Thursday, April 14, the Board of Selectmen and the Finance Committee will hold a public hearing on the draft warrant for our May 18 Town Meeting. This will include the proposed budget, as well as several ordinance amendments that are being proposed. The hearing will be held here at Town Hall at 7 pm.

On Wednesday, April 27, the Maine Department of Transportation will be holding a formal public meeting to present its plans for the Frank Wood Bridge, and to accept public comment. The meeting will be at 6 pm in the LL Bean Learning Commons at the SMCC MidCoast Campus on Brunswick Landing. The address is 29 Sewall Street. More details and a formal announcement from DOT will be forthcoming.

April 30 will be a busy day. From 10-2 there will be an unwanted medicine collection event at the Topsham Police Station, and also that morning will be a Household Hazardous Waste collection event in either Bath or Brunswick. More details on both events will be forthcoming in the next couple of weeks.

Lastly, the Transfer Station is now on summer hours, T-R from 8 to 6, and Fri/Sat from 8 to 5, and Ed wanted me to let everyone know that compost is now for sale.

BOARD AND COMMITTEE REPORTS AND UPDATES - None noted.

PUBLIC COMMENT - Selectman Lyons urged everyone to check the maine.gov site to see if they, or anyone they know may have money sitting in an account. Ms. Lyons said she was surprised to find that her husband's name was on the list.

CORRESPONDENCE - Nancy Randolph spoke to the need for volunteers for the "Save our Swinging Bridge" program and encouraged participation in the April 17th walk for the cause. Call her at 207-837-0558 with any questions.

ADJUSTMENTS TO THE AGENDA - None noted.

Motion was made by Selectman Tufts, seconded by Selectman Lyons and it was unanimously

CONSENT CALENDAR

1. APPROVAL OF THE MINUTES OF THE REGULAR SELECTMENS MEETING OF MARCH 17, 2016

Motion was made by Selectman Tufts, seconded by Selectman Lyons, and it was unanimously

VOTED

To approve the Consent Calendar, accepting minutes of the March 17, 2016 meeting as written.

2. APPROVAL OF THE ELECTION CLERKS FOR THE JUNE STATE PRIMARY ELECTION AND SAD #75 BUDGET VALIDATION REFERENDUM

Motion was made by Selectman Tufts, seconded by Selectman Lyons, and it was unanimously

VOTED

To approve the list of Election Clerks for the June State Primary Election and SAD #75 Budget Validation Referendum.

Election Clerks for June and November 2016 include:

Elizabeth Bavor	Bill Eaton	Kathy Lyon
Donna Beauregard	Gail Eaton	Susan Page
Claudia Beckwith	Priscilla Edgecomb	Al Paisley
Mary Bois	Ann Eustis	Linda Paisley
Ed Bobalek	Muriel Fournier	Esther Palmer
Jeannette Breton	Robert Goddard	Peter Lepari
Roland Breton	Kim Gore	Lena Pinette
Cindy Burr	Gary Griffeth	Carla Rensenbrink
Roger Caouette	Priscilla Hall	Helen Riddle
Ruth Caouette	John Ketner	Helena Stevenson
Claire Cobin	Helen Kincaid	Cindy Tracy
Carmela Crafts	Monica Kincaid	Barbara Weathers
Felix Miranda-Cruz	Cherylene Labbe	Jane Welch
Irene Dubreuil	George Lemieux	Diane Wyman

PUBLIC HEARING

16-23 CONSIDERATION AND ANY APPROPRIATE ACTION ON A CODE AMENDMENT ON CHAPTER 109 "COST OF APPLICATION REVIEWS, RECOVERY OF"

The Public Hearing was declared open. Planning Director Rod Melanson said the Planning Office undertook the task of reviewing application fees. They reviewed 8 municipalities of similar status with Topsham and concluded that Topsham's fees need to be adjusted. The language of the current fee schedule the Board of Selectmen updated in 2013 has been clarified and updated. The Select Board is the authority that governs the fee structures which must be adopted at a Town Meeting. The Planning Department recommends that the Board of Selectmen review the fee schedule every five years.

There were no comments to be received following Mr. Melanson's presentation and the Public Hearing was declared closed.

During discussion between Board members, suggestion was made to add wording in paragraph 102, B noting "adjustments be made in fees which are comparable to status in similar municipalities" and that new fees be effective July 1, 2016.

Motion was made by Selectman Tufts, seconded by Selectman Lyons and it was unanimously

VOTED

That the code amendment to Chapter 109 "Cost of Application Reviews," including amendments be forwarded to the April 14th Public Hearing for inclusion on the Town Meeting Warrant.

UNFINISHED BUSINESS - None noted.

OLD BUSINESS - None noted.

NEW BUSINESS**16-24 CONSIDERATION AND ANY APPROPRIATE ACTION ON ACCEPTANCE OF THE BID RESULTS FOR STRIPING**

Following review of the two bids received for street striping (Hi-Way Safety Systems - \$33,373.20 and Lucas Striping - \$31,880.85 from the Public Works Director, motion was made by Selectman Tufts, seconded by Selectman Lyons, and it was unanimously

VOTED

To accept the bid from Lucas Striping in the amount of \$41,880.85.

16-25 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE ACCEPTANCE OF THE FOLLOWING POLICIES BY THE POLICY COMMITTEE. BANNER POLICY, BUDGET SEPARATE POLICY, BOARD AND COMMITTEE POLICY, AUTO ACCIDENT POLICY

The Board was in agreement to address each policy individually, beginning with the Banner Policy.

Banner Policy - There was a thorough discussion whether or not the Town should be hanging banners using town equipment. Selectman Lyons noted that the town has been hanging the Veteran's Day banner for the past 40 years and suggested the Fire Department should do so in respect for the event. Fire Chief Brian Stockdale recommended that the Fire Department no longer hang the banners as doing so puts the ambulance out of service in excess of a half hour each time a banner is hung. In the past, if a banner was hung and needed adjustment, the fire department has been called up to 5 times to adjust the banner, creating a cost and lost service time to the town.

A memo from Michelle Pelletier, Underwriting Manager for Risk Management with Maine Municipal Association dated April 6, 2016 and filed with these minutes was also considered. In the memo Ms. Pelletier recommended the Certificate of Insurance amount be increased for \$1,000,000 and said if the banner was hung on CMP poles the amount would need to be \$5,000,000. Last paragraph of memo stated "Keep in mind, if the town hangs the banners then the Town has taken on the liability for negligence regardless of the typical certificate of insurance/hold harmless/indemnity language; and if, during the hanging of these banners by the Town Fire and Rescue they damage something or injure someone, the Town will likely be liable and may not have immunity defenses. It might be best to have this done by someone other than the Town."

Selectman Thompson added that in 1976, the Town had time to participate in hanging banners but situations are not the same in 2016. He expressed that a million dollar piece of equipment should not be used to hang banners and doing so ties up emergency vehicles. Selectman Tufts asked who firms were in the area that could do the task; those with an appropriate cherry picker, such as A&D Electric or other tree service businesses.

The Board approved of the wording in the policy in general with the removal of participation by the fire department and to increase the amount of insurance. There was a discussion of the percentage of coverage on a banner from sponsors and it was agreed logos should not take more than 25% of space. The Board also wants to see specifics on date and timing the banners would

be up and wording regarding the firms that will be hanging the banners.

Nancy Randolph was present at the meeting representing the Swinging Bridge project, along with Don Gower. Ms. Randolph unrolled the actual banner to be hung showing the quality of same to members of the Board and public. Ms. Randolph urged the Board to direct the Fire Department to hang the banner the day after the meeting.

Kathy Koronus, 332 Augusta Road, owner of Fairwinds Farm and president of the MidCoast Winter Farmers Market which runs from November through April and on Fridays at the Fairgrounds. She said the Fire Department put up their banner in the past. Ms. Koronus said she was in favor of the policy and was willing to pay for it. She asked if a third party had to put up the banner, would the Town take care of the arrangements. Response was that the individuals wanting to hang a banner would be responsible for making arrangements, not the town.

Following discussion and much consideration, motion was made by Selectman Tufts, seconded by Selectman Lyons, and it was unanimously

VOTED

To approve the Banner Policy, increasing the amount of insurance to \$1 million, naming the Town as an additional insured, allowing up to 25% of the banner space for logos, removing the references for the town installing the banners, and giving the town the ability to set the time and dates for installation and the ability to create a preferred vendor list.

Nancy Randolph asked to speak and said "Notwithstanding the new Banner Policy, I still ask for my request for the Swinging Bridge Banner to be hung this year and this year only. Will you give me the courtesy of a vote from the Board?" Chairman Douglass said the request would be a vote to break a new policy and he would not allow it.

Budget Separation Policy - The Town Manager noted the language changes and questioned if we need this policy along longer as the budget process has been changed over the years.

Motion was made by Selectman Tufts, seconded by Selectman Lyons, and it was unanimously

VOTED

To remove the Budget Separation Policy from consideration.

Board and Committee Policy - Following the Town Manager's review of the suggested new policy, motion was made by Selectman Tufts, seconded by Selectman Lyons, and it was unanimously

VOTED

To accept the Board and Committee Policy as presented.

Auto Accident Policy - The Town Manager explained that the existing policy was clarified so an employee can clearly understand what steps to take following an accident with a town-owned vehicle.

Motion was made by Selectman Tufts, seconded by Selectman Lyons, and it was unanimously

VOTED

To accept the Auto Accident Policy as presented.

16-26 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE APPROVAL OF THE FIRE AND RESCE DEPARTMENT TO APPLY FOR A GRANT FROM THE FIREHOUSE SUBS PUBLIC SAFETY FOUNDATION

Fire Chief Stockdale introduced Cody Acker who is in his second year of the SMCC Fire Science Program. Mr. Acker said one of his projects is to write and submit a grant for the benefit of the department and town and has done so with guidance from Chief Stockdale. The grant would be used to purchase new and replace old rescue equipment which can be used for water rescue, ice rescue, basic rope rescue, as well as other multiple uses. No cost to the Town is involved in this grant request.

Motion was made by Selectman Tufts, seconded by Selectman Lyons, and it was unanimously

VOTED

To approve the application of the Fire and Rescue Department grant from the Firehouse Subs Public Safety Foundation asking for \$11,576.

16-27 CONSIDERATION AND ANY APPROPRIATE ACTION ON APPROVAL FOR THE FIRE AND RESCUE DEPARTMENT TO APPLY TO THE MAINE MUNICIPAL ASSOCIATION SAFETY GRANT PROGRAM

Chief Stockdale spoke to this request to apply to the Maine Municipal Safety Grant Program to purchase safety equipment identified during the Bureau of Labor review, including safety harnesses, tie down equipment and safety lanyards and training. He said the equipment will assist the department in meeting the requirements set forth by OSHA and the MBOL for tasks that require the use of the aerial ladder during non-emergency situations. The maximum grant is \$2,000. This is a 2:1 grant and the Town would be responsible for 1/3 of the total cost up to \$2,000.

Motion was made by Selectman Tufts, seconded by Selectman Lyons, and it was unanimously

VOTED

To approve the application for the Maine Municipal Association Safety Grant Program from the Fire and Rescue Department in the amount of \$1,760.

16-28 CONSIDERATION AND ANY APPROPRIATE ACTION ON APPROVAL FOR THE FIRE AND RESCUE DEPARTMENT TO APPLY TO THE STEPHEN AND TABITHA KING FOUNDATION GRANT PROGRAM

Fire Chief Stockdale introduced Fire Fighter Brett Vallee who is in his second year of the SMCC Fire Science Program. Mr. Vallee said one of his projects is to write and submit a grant for the benefit of the department and town and has written an application to the Stephen and Tabitha King Foundation for a grant in the amount of \$18,730. No cost to the Town is involved.

Motion was made by Selectman Tufts, seconded by Selectman Lyons, and it was unanimously

VOTED

To approve the Fire and Rescue Department's applicant for the Stephen and Tabitha King Foundation Grant Program.

At 8:45 p.m., motion was made by Selectman Tufts, seconded by Selectman Lyons, and it was unanimously

VOTED

To move into Executive Session to discuss Agenda Items 16-29, 16-30 and 16-31, all related to tax acquired properties pursuant to 1 MRSA §405(6)(F).

EXECUTIVE SESSION

16-29 CONSIDERATION AND ANY APPROPRIATE ACTION TO ENTER INTO EXECUTIVE SESSION TO DISCUSS TAX ACQUIRED PROPERTIES PURSUANT TO 1 M.R.S.A. § 405 (6) (F)

16-30 CONSIDERATION AND ANY APPROPRIATE ACTION TO ENTER INTO EXECUTIVE SESSION TO DISCUSS TAX ACQUIRED PROPERTIES PURSUANT TO 1 M.R.S.A. § 405 (6) (F)

16-31 CONSIDERATION AND ANY APPROPRIATE ACTION TO ENTER INTO EXECUTIVE SESSION TO DISCUSS TAX ACQUIRED PROPERTIES PURSUANT TO 1 M.R.S.A. § 405 (6) (F)

At 9:52 p.m. motion was made, seconded and unanimously **VOTED** to come out of Executive Session and return to the regular meeting forum.

Motion was made by Selectman Tufts, seconded by Selectman Lyons, and it was unanimously

VOTED

To authorize the Town Manager to enter into repurchase agreements related to agenda items 16-29, 16-30 and 16-31, based on the terms discussed.

ADJOURN

Motion was made by Selectman Tufts, seconded by Selectman Lyons, and it was unanimously

VOTED

To adjourn the meeting at 9:53 p.m.

Respectfully submitted,

Patty Williams, Recording Secretary