

TOWN OF TOPSHAM
BOARD OF SELECTMEN MEETING
JANUARY 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, January 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

A reminder that Dog Licenses are due for renewal. A late fee will be charged if your dog's license is not renewed by the end of January.

Many of you have noticed the work taking place on Rt. 196. This is a DOT project to replace and upgrade traffic signals. Please be aware that while the lights might be functional, they are not necessarily correct. We are working with DOT and DOT's contractor to try and get the lights set correctly, but it may be some time before that is completed. Please know that we understand the problem, but we are relying on others to correct it.

The annual Father/Daughter Dance has been scheduled for February 14. Check the Parks and Recreation web site for details and registration information.

This next Tuesday, January 12, will be the third installment of Topsham's Back to the Future series of public information and discussion sessions. Next weeks topic will focus on historical resources, and how we, as a community, can build for the future without losing touch with our past. The session will be held at the Topsham Public Library starting at 6:30 p.m.

The Police Department has welcomed a new officer to the ranks, Lucas Shirland. Lucas started work on December 28, and will soon be heading to the Police Academy. I would like to welcome Lucas to the Police Force. On a contrary note, Officer McDonald has submitted his

resignation. Mark is taking a position with the Sagadahoc County Sheriff's Department, and we would all like to wish him well.

Wright Pierce has offered the Town several computer monitors. With the Board's agreement, I would like to accept those gifts on behalf of the Town to replace some older monitors that we are still using.

Lastly, our Planning Office is working with a group of students and faculty at the Williams Cone School, the Tiger Team, on various issues surrounding homelessness, hunger, and what role each of us plays in addressing these issues. As part of the overall effort, the students are sponsoring a book drive to collect books for distribution. Town Hall will be one of the drop-off sites, so keep your eyes peeled for a container in the lobby.

Following the Town Manager's report, the Board unanimously agreed to accept the computer monitors as a gift from Wright-Pierce Engineers to replace some older monitors in the Town Office.

There was a discussion among Board members with concerns expressed that the DOT is not completing the lights upgrade on Route 196 as they originally agreed. There are some items that can wait until spring, but those that require immediate change need to be done while the contractor is still on the job. Mr. Roedner said DOT is aware of the concerns and he will contact them again in the matter. Suggestion was also made to get out two State representatives involved.

BOARD AND COMMITTEE REPORTS AND UPDATES - None noted.

PUBLIC COMMENT - None noted.

CORRESPONDENCE - None noted.

ADJUSTMENTS TO THE AGENDA

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

VOTED

To table Agenda Item 16-07 to a future meeting.

CONSENT CALENDAR

1. APPROVAL OF THE MINUTES OF THE REGULAR SELECTMENS MEETING OF DECEMBER 3, 2015

Motion was made by Selectman Tufts, seconded by Selectman Thompson, and it was

VOTED

To approve the Consent Calendar, approving minutes of the December 3, 2015 meeting as written.

PUBLIC HEARING - None noted.

UNFINISHED BUSINESS - None noted.

OLD BUSINESS - None noted.

NEW BUSINESS

16-01 CONSIDERATION AND ANY APPROPRIATE ACTION TO EXTEND THE OPTION TO GRIND THE WOOD AT THE SOLID WASTE FACILITY

Dressed in his finest attire, Ed Caron, Solid Waste Director, recommended the contract with Marshall Grinding be extended another year. Cost to test the demo chips prior to movement is \$925.00 and the town will not be responsible for this cost as Marshall will haul the demo wood raw to his site to be blended with other grindings and will be responsible for the testing.

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

VOTED

To extend the contract for another year, to grind the wood at the Solid Waste Facility, to Marshall Grinding, Inc.

16-02 CONSIDERATION AND ANY APPROPRIATE ACTION TO AWARD THE WASTE DISPOSAL AND HAULING BID TO PINE TREE WASTE FOR A PERIOD OF THREE YEARS

Solid Waste Director, Ed Caron, reviewed the three bids received as a result of RFP's for removal of the Town's waste and recycling as well as trucking. Bids were received from Pine Tree Waste, Waste Management and ECO Maine. Mr. Caron recommended accepting the bid from Pine Tree.

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

VOTED

To award the waste disposal and hauling bid to Pine Tree Waste for a three year period.

16-03 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE LIBRARY BOARD REQUEST FOR AN EXCEPTION OF TOWN POLICY REGARDING ALCOHOLIC BEVERAGES ON THE EVENING OF FEBRUARY 5, 2016 FOR THE WHITTEN HONORS RECEPTION

Library Director, Susan Preece, spoke on behalf of the Library Board of Trustees and requested an exception from Town policy to be able to serve wine at the library the evening of Friday, February 5, 2016. The event is an invitation-only reception for Whitten Society Members, which will include the presentation of the Sarah Whitten Community Award to former Selectman Don Russell. This award is given annually to an individual, group or business in recognition of outstanding contributions to the Topsham Public Library and the community and honors the spirit of Sarah Whitten who donated her family home to the library in 1941.

During a period of questions from Board members, it was noted that there were no complaints received by the Police Chief following last year's event. The entity serving the wine will be licensed to do so and will provide a copy of the license to the Town Office through the Clerk's office. Motion was made by Selectman Tufts, seconded by Selectman Lyons, and it was unanimously

VOTED

To approve the Library Board's request for an exception to Town Policy regarding alcoholic beverages to serve wine at an event honoring Donald Russell on February 5, 2016, with a snow date of February 6, 2016.

16-04 CONSIDERATION AND ANY APPROPRIATE ACTION TO ACCEPT AN AARP GRANT AWARD IN THE AMOUNT OF \$4,748 TO HIRE A CONSULTANT FOR THE AGE FRIENDLY COMMUNITY SURVEY

Assistant Planner, Carol Eyerman informed the Board that the Town has been awarded \$4,748 to hire a consultant for the Age Friendly Community Survey. The Board approved the application for the grant at its December meeting.

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

VOTED

To accept the AARP grant award in the amount of \$4,748 to hire a consultant for the Age Friendly Community Survey.

16-05 CONSIDERATION AND ANY APPROPRIATE ACTION TO DISCUSS OPTIONS IN REGARDS TO A PROPOSED GIFT OF LAND

Rod Melanson, Town Planner, asked the Board how they wished to go forward regarding a proposed gift of land from developer Bowie Home Construction, Inc. in the Roberts Hill Subdivision. Memos are in file from the Legal Services Department of MMA dated December 22, 2015 and from the Planner to the Town Manager dated December 23, 2015 explaining the matter in detail.

The developer approached staff in December 2015 saying the market is no longer such that developing Phase II is a viable option as the costs associated with the development equal or exceed the anticipated revenues. There are currently liens on all of the lots in the second phase of the project (9 lots total - 6 building lots and 3 open space lots). The liens will mature in February of 2016 and go to foreclosure. The developer has indicated a desire to make a gift to the Town of the Phase II portion of the project. He would like to discuss this with the Board prior to investing in the legal work to make such a gift possible and before the properties go to foreclosure.

There was a discussion of the following options, **if the Selectboard is willing to accept the proposed gift:**

1. As the developer is proposing, he may "gift" the Town the remaining lots within the subdivision along with the ROW (not part of the actual parcels of land).

2. The developer will settle all current tax liens on all of the remaining lots to be gifted prior to their maturity in February 2016. (This option gives the Town best possible title for future reuse, likely Warranty Deeds).
3. The developer will handle all costs of deed descriptions and transfers per lot gifted.

If the Selectboard is NOT willing to accept the proposed gift:

1. The developer may return to the Planning Board to dissolve the subdivision.
 - a. This may be a difficult task, as not having road connectivity requires waivers, and once the waivers are granted, certain standards then apply, of which do not appear to be met with this development as it currently is.
2. The developer can allow the liens to mature and forfeit the parcels to the Town via foreclosure. (Poor title for future reuse. Matured tax liens would only allow the Town to issue Quit-Claim deeds in the future, likely a significant impact to future value.)

It was noted that there are advantages and disadvantages to both accepting or not accepting the proposed gift, including being paid the \$13,510 in tax liens or going through foreclosure and not being paid the \$13,510.

The Board entered into a lengthy discussion with several questions such as:

- Does accepting this gift set a precedent for other subdivision situations
- Performance Bonds are now required on all future subdivisions
- Would the town be responsible to finish the road
- What about the paper road that connects to Deer Run
- What is the liability that might be put on the Town
- Can the process of foreclosure be stopped

The Board was in unanimous agreement that they are willing to consider the options but asked that questions be posed to the Town Attorney and that written responses be received before further consideration.

Motion was made by Chairman Douglass, seconded by Selectman Brilliant, and it was unanimously

VOTED

To table Item 16-05 pending written answers from the Town Attorney.

16-06 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE ADOPTION OF HEALTH REIMBURSEMENT ARRANGEMENT PLAN, AND APPOINTMENT OF A PLAN ADMINISTRATOR

Town Manager Roedner said the Town has signed on with Group Dynamics to administer the health reimbursement account as well as the flexible spending accounts, which have been in discussions over the last month or two. As part of the setup for our Health Reimbursement Arrangement (HRA) the Town has to adopt a plan and appoint an administrator.

Group Dynamics has provided language in 3 different plans:

- Flexible Spending Plan
- HRA Plan
- Dependent Care Plan

Mr. Roedner will leave the full printout of the plan in the Selectboard's meeting room for their review.

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

VOTED

To approve the adoption of the Health Care Reimbursement Arrangement Plan and the appointment of the Town Manager as the Administrator.

16-07 CONSIDERATION AND ANY APPROPRIATE ACTION ON APPEAL OF MANAGER'S DECISION ON GRIEVANCE FILED BY IAM SUPERVISORY UNIT REGARDING MERIT REVIEWS AND PAY

(This item was tabled.)

ADJOURN

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

VOTED

To adjourn the meeting at 8:10 p.m.

Respectfully submitted,

Patty Williams, Recording Secretary