

MINUTES
TOWN OF TOPSHAM
BOARD OF SELECTMEN MEETING
OCTOBER 4, 2018 - 7:00 p.m.

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

MEMBER(S) ABSENT: All present

STAFF PRESENT: Richard Roedner, Town Manager

A meeting of the Topsham Board of Selectmen was held on Thursday October 4, 2018 in the Donald A. Russell Meeting Room, at the Municipal Building, 100 Main Street, Topsham, Maine.

CALL TO ORDER

Chairman Douglass called the regular 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

Several reminders... This Saturday, October 6 from 2-4 pm at the Library, the Comprehensive Plan Committee will be holding a public meeting to hear from you on the draft plan that was released in June. So, you are all invited to stop by and provide your input and comments into this important tool that will help guide our growth for the next decade.

Sunday, October 7 is the Topsham Fire Department Open House. Come by to check out the station and the trucks, learn something about fire prevention, and join the fun of raising funds for the restoration of The Androscoggin, our 140+-year old hand pumper, by dunking the Fire Chief! Tell your friends, tell your neighbors, tell your friend's neighbors to come by, meet our new Fire Chief, and then drop him into the tank.

Saturday, October 13 is the next Household Hazardous Waste Collection Day. This time it is being held at the Brunswick Public Works facility. Pre-registration is required, which can be done via our website. This will also give you the dos and don'ts for bring material in for disposal.

Tuesday, November 6 is Election Day. Polls will be open in Topsham from 8:00 a.m. to 8:00 p.m. at the Fairground. Absentee ballots are now available for those that need them.

Tomorrow night, beginning at 7:00 p.m. will be the first game of the Boston Red Sox versus the New York Yankees!

BOARDS AND COMMITTEE REPORTS AND UPDATE – None noted.

PUBLIC COMMENT – None noted.

CORRESPONDENCE – None noted.

ADJUSTMENTS TO THE AGENDA – Motion was made by Chairman Douglass, seconded by Selectman Tufts, and it was unanimously

VOTED

To add Item 18-86 to the agenda: **18-86 CONSIDERATION AND ANY APPROPRIATE ACTION TO MOVE INTO EXECUTIVE SESSION PURSUANT TO 1 M.R.S.A. §405 (6) (E) TO DISCUSS AN APPEAL**

CONSENT CALENDAR

1. Approval of the minutes of the Regular Selectmen's Meeting of September 20, 2018.
2. Approval to open the polls at 8:00 a.m. on November 6, 2018 for the State of Maine General and Referendum Election and the Municipal Annual Election.
3. Approval to open and process absentee ballots on Saturday, November 3, 2018 beginning at 9:00 a.m. and continuing until completed.
4. Approval to extend the Registrar's office hours on Thursday, October 25, 2018 to remain open until 7:00 p.m. for the purpose of additional hours for voter registration as required by State Statute 21-A §122.6.
5. Approval to appoint Linda Dumont as Warden for the State Election.

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

VOTED

To approve the Consent Calendar as printed.

PUBLIC HEARING

18-81 CONSIDERATION AND ANY APPROPRIATE ACTION ON AN APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR AMERICAN LEGION COREY EDWIN GARVER POST 202

The Public Hearing was declared open.

Nik Hamlin and Josephine Eltzroth were present representing the American Legion Corey Edwin Garver Post 202. Ms. Eltzroth came to the podium to represent the Legion and answer any questions the Board might have. It was noted this is a renewal application which the Legion renews annually. Ms. Eltzroth said there have been no changes from the Legion's operation in the past year. Letters are on file from Chris McLaughlin, Fire Chief; Christopher Lewis, Police

Chief and Tom Lister, Building Inspection, Code Enforcement Officer stating they have no concerns with this application.

Chairman Douglass asked if anyone from members of the public wished to speak to this item. There being no response, the Public Hearing was declared closed.

The following **FINDING OF FACTS** were determined:

1. The applicant is Corey Edwin Garver, Post 202.
2. Address is 79 Foreside Road, Topsham, Maine.
3. The current liquor license will expire on October 9, 2018.
4. The type of entertainment at the establishment is live bands with a D.J.
5. The entertainment is held in the Lounge in the Upstairs Hall.
6. The entertainment usually is held on Friday and Saturday nights.
7. The hours of operation are 1:00 p.m. to 1:00 a.m.
8. The only furniture to be moved for the entertainment is 1 to 2 round tables to make room for the band and D.J.
9. The size of the lounge is approximately 160' x 20'; the same size on both levels of the hall.
10. The seating capacity of the lounge is 85 and the hall is 230.
11. There is adequate parking at the facility
12. It was noted that letters are on file from the police, fire and codes officers stating they have no issues with granting of the Amusement Permit.
13. Letter is on file also from the Fire Department stating that the Legion has made all previously communicated changes needed following a recent inspection.

CONCLUSION

The Board was in unanimous agreement that based on the findings, it is concluded that the issuance of a Special Amusement Permit would not be detrimental to the public health, safety or welfare or would not violate any municipal ordinances, rules or regulations.

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

VOTED

That the application for a Special Amusement Permit for the Corey Edwin Garver Post 202 be granted as meeting the requirements of Maine Revised Statutes, Title 25-A, Section 1054 and the Topsham Code, Chapter 71, Article 1, Sections 6 and 7.

18-82 CONSIDERATION AND ANY APPROPRIATE ACTION ON SIGNING THE WARRANT FOR THE MUNICIPAL ANNUAL TOWN MEETING ON NOVEMBER 6, 2018

The Public Hearing was declared open.

Chairman Douglass asked if there were any comments to be heard from members of the public. There being none, the Public Hearing was declared closed.

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

VOTED

To approve the signing of the Warrant for the Municipal Annual Town Meeting on November 6, 2018.

18-83 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE GENERAL ASSISTANCE ORDINANCE APPENDIX (A-D)

The Public Hearing was declared open.

Linda Dumont, Town Clerk and General Assistance Director reviewed the slight changes in each appendix of the new (October 1, 2018 to September 30, 2019) General Assistance Ordinance, Appendix A-D. She said Appendix A – Overall Maximums has a slight increase, as does Appendix B - Food and Appendix C, housing. There is no change to Appendix D – Utilities.

Chairman Douglass asked if there were any comments to be heard from members of the public. There being none, the Public Hearing was declared closed.

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

VOTED

To accept the General Assistance Ordinance Appendix A through D for 2018 to 2019.

UNFINISHED BUSINESS – None noted.

OLD BUSINESS - None noted.

NEW BUSINESS**18-84 CONSIDERATION AND ANY APPROPRIATE ACTION ON AMENDING TOPSHAM'S PERSONNEL POLICY REGARDING PER DIEM FIREFIGHTERS PURCHASING INSURANCE THROUGH THE TOWN**

The Town Manager explained that under the Affordable Care Act, employers are supposed to offer health coverage to all employees that average more than 30 hours per week (or 135 hours per month). He said we now have several per diem employees who work more than 40-50 hours per week on a regular basis. This would subject us to a financial penalty should they seek coverage via the Health Care Marketplace – probably in the area of about \$3,000. When one employee seeks Marketplace coverage the IRS then looks at all of our employees and the penalty is assessed against on behalf of all employees who average the 30 hours per week, which could easily be between \$20,000 to \$30,000.

Mr. Roedner suggested that our Personnel Policy be amended to allow per diem employees who work more than 20 hours per week (MMA's threshold for health care eligibility) to purchase an MMA health plan through the Town of Topsham, as their employer. The Town would not provide any match or pay for any share of the coverage costs. Mr. Roedner also proposed that in addition to the PPO 1500 Plan, that all employees have access to the PPO 2500 Plan which is about \$50 less per month. Both plans are rates affordable under the ACA rules.

Mr. Roedner suggested wording be amended in the first part that “employees not designated as full time or permanent part time, such as per diem firefighters who average more than 20 hours a week for a six month period.

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

VOTED

To amend Topsham’s Personnel Policy regarding employee’s designated full time or permanent part time purchasing health insurance through the Town.

EXECUTIVE SESSION

At 7:20 p.m. motion was made by Chairman Douglass, seconded by Selectman Lyons and it was unanimously

VOTED

To move into Executive Session to discuss a grievance matter. All members were present, along with Town Manager Roedner, the Assistant Town Manager and Police Unit Representative.

18-85 CONSIDERATION AND ANY APPROPRIATE ACTION TO MOVE INTO EXECUTIVE SESSION PURSUANT TO 1 M.R.S.A. §405 (6) (A) TO DISCUSS A GRIEVANCE MATTER

At 8:00 p.m. motion was made, seconded and it was unanimously **VOTED** to come out of Executive Session.

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

VOTED

To uphold the Town Manager’s determination on the grievance filed by the Police Union due to a lack of harm.

18-86 CONSIDERATION AND ANY APPROPRIATE ACTION TO MOVE INTO EXECUTIVE SESSION PURSUANT TO 1 M.R.S.A. §405 (6) (E) TO DISCUSS AN APPEAL

At 9:01 p.m. motion was made by Chairman Douglass, seconded by Selectman Lyons and it was unanimously

VOTED

To move into Executive Session to discuss an Appeal. All members were present, along with Town Manager Roedner, and the Assistant Town Manager.

Following discussion, motion was made, seconded and it was unanimously **VOTED** to come out of Executive Session.

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

VOTED

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

VOTED

To instruct the Town Manager to work with the Town Attorney to determine the merits of filing an appeal of the recent Board of Appeals Decision and, if warranted, file an appeal within the 45-day period.

ADJOURNMENT

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

VOTED

To adjourn the meeting at 9:02 p.m.

Respectfully submitted,

Patty Williams, Recording Secretary