

MINUTES
TOWN OF TOPSHAM
BOARD OF SELECTMEN MEETING

March 2, 2017

6:00 p.m. Workshop with Town Auditors and Finance Committee

7:00 p.m. Regular Board Meeting

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

MEMBER(S) ABSENT: All present

STAFF PRESENT: Richard Roedner, Town Manager

On Thursday, March 2, 2017, the Topsham Board of Selectmen held a workshop with Town Auditors and the Finance Committee in the Donald A. Russell meeting room. The regular Board of Selectmen meeting immediately followed.

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

Joy of Lens applications are now available at the library and on their webpage. This is your opportunity to offer your photography for display.

Our Fire Chief, Brian Stockdale, has reported that, after six years of work and effort at upgrading out Fire Department's organization, record keeping, procedures and the like, we have been rewarded an upgraded rating by the Insurance Services Organization (ISO). Our ranking has improved from a Level 5 up to a Level 2. If your insurance company is paying attention, this could result in decreased insurance rates for Topsham residents that live within 5 miles of the fire station. Congratulations to Brian for a job well done.

As a reminder to all registered voters, this coming Tuesday, March 7, is your chance to vote on the proposed bond issue for construction of a new Mount Ararat High School. Polls open at 8:00 a.m. and close at 8:00 p.m. and are located at the Exposition Hall at the Fairgrounds.

Remember to check our webpage for the current list of upcoming meetings of your Town boards and committees, or to sign up for email notices.

BOARD AND COMMITTEE REPORTS – None noted.

PUBLIC COMMENT – None noted.

CORRESPONDENCE – The Town Manager said he received a letter from Tom Connelly, owner of the Black Lantern Bed and Breakfast, asking about zoning regulations and rules governing transient housing, short-term rentals and things of that nature. Mr. Roedner spoke with Mr. Connelly and went through Topsham’s rules and explained that this isn’t something in our rules for regulations. Mr. Connelly followed up with a letter to the Planning Board with suggestions for consideration that would create some zoning structure around businesses such as his.

ADJUSTMENTS TO THE AGENDA

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

VOTED

To add Item 17-22 - **CONSIDERATION AND ANY APPROPRIATE ACTION ON THE REPLACEMENT PURCHASE OF A TOTALED POLICE CRUISER**

CONSENT CALENDAR

1. **Approval of the minutes of the Regular Selectmen’s Meeting of February 16, 2017**
2. **Approval to open the polls at 8:00 a.m. on March 7, 2017 for the SAD #75 Construction Referendum Election.**
3. **Approval to appoint ballot clerks for the SAD #75 March 7, 2017 Election.**

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

VOTED

To approve the Consent Calendar as listed, with the correction on #3 of eliminating one double-name on the list of ballot clerks.

List of Ballot clerks for the March 7, 2017 SAD 75 Election include:

- | | |
|------------------|--------------------|
| Claudia Beckwith | Kathy Lyon |
| Mary Boie | Felix-Cruz Miranda |
| Jeannette Breton | Al Paisley |
| Roland Breton | Esther Palmer |
| Judy Bussell | Roger Perkins |
| Ruth Caouette | Lena Pinette |
| Carmella Crafts | Helen Riddle |
| Muriel Fournier | Clara Rensenbrink |
| Cherylene Labbe | Jane Scease |
| Paul Labbe | Cindy Tracy |
| Peter Lapari | |

PUBLIC HEARING**17-18 CONSIDERATION AND ANY APPROPRIATE ACTION ON POSTING THE FOLLOWING ROADS FROM MARCH 2, 2017 TO APRIL 30, 2017, OR SOONER, IF CONDITIONS ALLOW**

Public Works Director, Dennis Cox recommended that the Town post certain roads in town due to the conditions created by the warming temperatures as the frost leaves the ground under these side roads. The procedure to be followed will be that as described in the Town of Topsham's Code Book, Chapter 210, Vehicles and Traffic, Article IX, Weight Restrictions, 210-62, closing roads to travel of certain trucks.

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

VOTED

To approve the posting of the following roads from March 3, 2017 to April 30, 2017, or sooner, if conditions allow:

Winter Street/River Road from Main Street to Whitehouse Crossing Road
 Whitehouse Crossing Road
 Cathance Road
 Meadow Cross Road
 Ward Road
 West Merrill Road
 Robert's Hill Road
 Foreside Rd. from Townsend Way to the Northern Part of Middlesex Rd

UNFINISHED BUSINESS – None noted.

OLD BUSINESS - None noted.

NEW BUSINESS**17-19 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE PROPOSAL FOR UPGRADING THE SECURITY DOOR SYSTEM AT THE PUBLIC SAFETY BUILDING**

EMS Director, Mike Labbe told the Board it has been a challenge to find a door replacement system for the Public Safety Building. The current system is a proprietary system by Compass Security System. It is Windows XP compatible only, and has issues with the circuit boards for which upgrades are no longer available. After contacting several vendors, only one has responded with the appropriate nonproprietary system. That company is Exactitude, the original installer of the Town's present system. Exactitude is familiar with the Town's current systems and needs. Material was included in the Board package showing that the Exactitude system will use the present hardware, door locks and code cards, which will save money. Mr. Labbe proposed the upgrade be done by Exactitude for \$16,000 from the Capital Budget 2016/2017.

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

VOTED

To approve the proposal for upgrading the security door system at the Public Safety Building as submitted by Exactitude for an amount not to exceed \$16,000.

17-20 CONSIDERATION AND ANY APPROPRIATE ACTION TO APPROVE THE TOPSHAM VERNAL POOL SPECIAL AREA MANAGEMENT PLAN – THIRD PARTY AGREEMENT

The updated agreement was included in the Board package for review prior to the meeting. The purpose of the Vernal Pool Special Area Management Plan (VA SAMP) is an alternate mitigation mechanism that allows for the collection of a compensation fee in exchange for impacts to vernal pools in specified areas within the growth areas identified in the Comprehensive Plan. The Maine VP SAMP is implemented through a partnership between the US Army Corps of Engineers, the Maine Department of Environmental Protection, a town or city, and a not-for-profit land conservation organization.

The Town Manager noted that the agreement has been worked on for months. The Brunswick-Topsham Land Trust has approved the three-party agreement. However, they have added a paragraph on dispute resolution. The Town Manager recommended that the Board approve the revised agreement. He said he will add the dispute resolution paragraph and get a final document to Board members to sign and then the document will be forwarded to the State.

In summary, he said this is a program to regulate vernal pools in construction areas; specified areas only within the community. Rather than trying to work around or do mediation, with intensive development in certain areas, vernal pools are no longer effective. The permit process will allow developers to be able to fill in vernal pools in construction areas. The developer would be required to pay a fee that would be calculated based on appraisals of the value gained for the project. That fee would come to the Town and be turned over to the Brunswick-Topsham Land Trust. The Trust will use the money to negotiate with vernal pool property owners in the receiving end of the part of town to look towards acquisition of vernal pools, along with buffered areas, either through buying outright, securing easements, development restrictions; a mechanism to protect vernal pools. This is a pilot program from the State, various state agencies, and other groups and has been adopted by the Army Corps of Engineers and the Maine DEP. The Town of Topsham and the Town of Old Town has been working on developing this program over a six-year period.

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

VOTED

To approve the Topsham Vernal Pool Special Area Management Plan Third Party Agreement.

17-21 CONSIDERATION AND ANY APPROPRIATE ACTION ON UPDATES TO THE PERSONNEL POLICY

Town Manager Roedner said he didn't want to spend a long time discussing the updated Personnel Policy which was included in the Board package, but just wanted the Board to realize

what was included in the 60 page document. Actually, two versions of the same document were in the Board package. The first, a marked up version of the existing personnel policy and rules (with the recent changes for the Fire Department and hiring practices included) and the second, a “clean” version of the edited document. The marked up version shows a line drawn through text that will be eliminated and any new text is underlined. It was noted that this is not a final document as notes in the margin of the clean version represent questions or things that need to be researched.

Mr. Roedner’s memo to the Board dated February 22, 2017 included some gray areas, i.e., “...employees who are exempt from overtime under the Fair Labor Act rules, do not collect or earn comp time. In some cases, this ‘over 40 hours’ a week is quite a burden, approaching unfair. The question would be, do we leave it as is, or do we consider a policy of “no comp time,” but grant a fixed amount of additional paid time off? This is how department heads in Brunswick are rewarded for the burden of night meetings, weekend work, etc.

Another issue that has been raised is that of taking vacation and sick time. Our policy has been that you can’t take the time until after your probation period. For most employees, this is 7 months, but for some it is a year. The fair approach would seem to be to allow time to be taken after 6 months, even if probation is a longer period.”

Mr. Roedner asked for basic feedback on the amended policies so he can make changes before seeking review from the Town Attorney. He said he is also seeking a second round of department head input.

During discussion, Chairman Douglass said the theme of the changes appear to go entirely too far in a lot of things. He said there are significant questions, problems, etc.. that need to be discussed further and suggested a workshop. Selectman Thompson said this policy has been in effect since 2003, so maybe a workshop could be moved ahead of the budget process. Selectman Lyons said she wants the policy done, but done right. She said we need to go over every aspect of the policy. It was agreed that a workshop will be scheduled for the last week of April or first week of May. In the meantime, Board members were asked to forward any concerns or suggestions to the Town Manager.

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

VOTED

To table Item 17-21 to a date uncertain.

17-22 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE REPLACEMENT PURCHASE OF THE TOTALED POLICE CRUISER

Mr. Roedner said a recent rear-end accident totaled one of the SUV police cruisers. Our insurance settlement is for \$21,400, plus associated costs for new wiring, painting, decals and things of that nature. Four vendors that have previously bid on supplying the town with new cruisers were contacted and only one of them has a cruiser to sell. That is Quirk Ford in Augusta. They have given us a purchase price of \$27,347, leaving us a balance of \$6,000.

Mr. Roedner recommended that we allocate \$561.83 from Account G1 200 00 Cruisers, and the balance of \$5,386 from a Police Department Restitution reserve account, which currently has a balance of \$12,911.02.

Police Lt. Fred Dunn said the \$21,400 is going towards the cruiser but extracting equipment will be paid at a future date.

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

VOTED

To approve the replacement from Quirk Ford of the totaled SUV cruiser in the amount of \$27,347.

EXECUTIVE SESSION

At 7:37 p.m., motion was made by Chairman Douglass, seconded by Selectman Lyons, and it was unanimously

VOTED

To move into Executive Session to discuss to discuss acquisition of real property.

17-23 CONSIDERATION AND ANY APPROPRIATE ACTION TO ENTER INTO EXECUTIVE SESSION PURSUANT TO 1 M.R.S.A. §405 (6) (C) TO DISCUSS ACQUISITION OF REAL PROPERTY

Joining the Board in Executive Session were Richard Roedner, Town Manager; John Shattuck, Director of Economic and Community Development; and Shana Cook-Mueller, Town Attorney.

The Board returned from Executive Session to regular session at 8:50 p.m. with all members present. Chairman Douglass announced that there was no report to give, and instructed staff to coordinate the future meetings as discussed.

ADJOURN

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

VOTED

To adjourn the meeting at 8:50 p.m.

Respectfully submitted,

Patty Williams, Recording Secretary