

MINUTES
TOWN OF TOPSHAM
BOARD OF SELECTMEN MEETING
DONALD A. RUSSELL MEETING ROOM
JUNE 20, 2019 – 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, June 20, 2019, 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

First item tonight is one I think most people are aware of, based on the news coverage yesterday. There was an incident here in Topsham where a young child was bitten by a dog. The child had to be transported to Portland, and Life Flight was called. Due to foggy weather in Portland, the child and the Life Flight crew were actually transported to Portland in one of our ambulances.

I received notice today from the Police Chief that the child has been treated and released from the hospital, is home, and that the investigation is closed.

On a lighter note, as has been reported, the Topsham Public Library was the recipient of a very large bequest from Janice Solomon. To honor that donation, the Library Board has announced that starting on Monday, July 1; it will begin a three-year experimental effort of opening on Mondays, 9 am to 5 pm. The Library will then monitor activity to see if it warrants continuing Monday hours beyond the three-year trial period.

Also from the Library, the Summer Reading Program has started. Stop by and find out how you can participate.

Many of you have no doubt seen the new displays about recycling – either at Town Hall or at the Solid Waste Facility. Changes in what we take, and how we take it, are underway to adapt to new market conditions. In addition to the new displays and brochures, there will be on-site training at different times over the next couple of weeks, to make sure all residents have a chance to learn, hands on, about the new standards. Lastly, Mt. Ararat HS Visual Arts students have put together a video on the new standards. That is currently on the Solid Waste facilities You Tube station, it will soon be posted on our web page and will run periodically on Channel 3.

Lastly, this July, the Town’s contractor, Crooker Construction, will begin work on replacing a culvert under River Road. While the work will begin the latter half of July, there will be a closure that the Board will be discussing this evening. It is currently estimated to be 5 days, but the actual length will be discussed later this evening by the Board. As the date draws near, there will be plenty of notice, including signage, on-line, and via social media to get the word out.

BOARDS AND COMMITTEE REPORTS AND UPDATES

Update from Denise Tepler, Representative House District #54 – This report has been postponed until a July meeting of the Selectboard.

Update TDI/ECD – John Shattuck, Topsham Economic and Community Development, Inc. Director covered several items involving TDI/ECD, including:

- Thank you letter to the Board of Selectmen from Don Spann, Chairman of the TDI Board of Directors thanking the Selectboard for their support for TDI’s capital funding request by placing an article providing this funding on this year’s Town Meeting Warrant with their recommendation that the article ought to pass.
- DAC and MDOT have finalized basic bridge elements
 - LVD supports the proposed plans
 - Pricing pending for consideration of local enhancements – cost share
 - Ingoing: memorialization and mitigation planning
 - RFP target: By the end of 2019
- Thanks to CPC and Town Meeting for updated Comprehensive Plan
- Build Maine Conference a success
- DAC permitting process will be complete in early May
- Thanks extended to the Comprehensive Plan Committee for their fine work

PUBLIC COMMENT – None Noted.

CORRESPONDENCE – Selectmen Lyons received an e-mail from a resident in Bay Park complaining about the number of mini bikes and 4-wheelers traveling on their property and making too much noise. The bikes and 4-wheelers travel behind the houses. Police have been out there but this has not stopped the nuisance. The Town Manager noted that ATV’s are allowed to travel on public roads to get from point A to point B. It was noted that most offenders

are not members of the ATV Club. Selectman Lyons will discuss this further with the Codes Enforcement Officer.

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

VOTED

To add agenda Item No. **19-48 CONSIDERATION AND ANY APPROPRIATE ACTION ON AWARDING FY19 AUDIT SERVICES CONTRACT TO SMITH AND ASSOCIATES**

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

VOTED

To add to the Executive Session, Item No. **19-49 CONSIDERATION AND ANY APPROPRIATE ACTION ON ENTERING INTO EXECUTIVE SESSION PURSUANT TO 1 M.R.S.A. § 405 (6) (F) TO DISCUSS TAX ACQUIRED PROPERTY, ITEM 2019-7**

CONSENT CALENDAR

1. Approval of the minutes of the Regular Selectmen’s Meeting of April 18, 2019.

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

VOTED

To approve the minutes of the Regular Selectmen’s Meeting of April 18, 2019 as written. (The vote was 3 in favor with 2 abstentions.)

2. Approval of the minutes of the Regular Selectmen’s Meeting of June 6, 2019.

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

VOTED

To approve the minutes of the Regular Selectmen’s Meeting of June 6, 2019 as written. (The vote was 4 in favor with 1 abstention.)

PUBLIC HEARING – None noted.

UNFINISHED BUSINESS

19-20 CONSIDERATION AND ANY APPROPRIATE ACTION ON UNION GRIEVANCE RELATED TO HEALTH REIMBURSEMENT ACCOUNTS (HRA)

The Town Manager explained his decision on the grievance from the Supervisory and Operations Units of the IAM regarding the Health Reimbursement Accounts that were established following the last approved collective bargaining agreement in 2016. Memo from Mr. Roedner dated March 28, 2019 presenting history is filed with these minutes.

The Board listened to interpretation of the contract from Rick Gilley, Machinest Union Representative and held a discussion following Mr. Gilley's presentation. Mr. Gilley referenced a verbal agreement, but Board members responded that the contract made no note of such an agreement. Selectman Thompson expressed his opinion that the carrier enacted changes to the contract, not the Town and therefore Mr. Gilley's grievance should be with the carrier.

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

VOTED

To uphold the decision of Town Manager Roedner *that the Town has met its obligations under the contract with respect to the HRA values and that there is no violation of the contract terms, therefore the request to retroactively increase the HRA amounts back to July 1, 2016 is denied.*

OLD BUSINESS – None noted.

NEW BUSINESS

19-43 CONSIDERATION AND ANY APPROPRIATE ACTION ON ACCEPTANCE OF LAND FOR MAINE FUTURE GRANT

Planner Rod Melanson asked the Board to authorize the acceptance of a \$788 Grant from Land for Maine's Future to pay for a kiosk at the Head of Tide Park. The kiosk is expected to cost under \$1,000 and it was noted there are additional funds left from other grants on this project to take care of the additional cost beyond the grant.

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

VOTED

To accept the award from Land for Maine's Future Grant.

19-44 CONSIDERATION AND ANY APPROPRIATE ACTION ON ANTICIPATED ROAD CLOSURE FOR RIVER ROAD

Town Planner, Rod Melanson, passed out a Traffic Control Plan for the River Road Culvert Replacement which was submitted by Ian Messier, P.E., Chief Engineer with Crooker Construction, LLC. Mr. Melanson said that due to the depth of the culvert it will be necessary to close the road from August 5 to August 9. The Planning office will mail notices to everyone on the road to explain that waterline work and one-lane passage will begin in late July. The Planning office will come before the Selectboard at their July meeting to explain details of the project. An alternate route is being considered to go through the Topsham Fair Mall to Route 196.

Following the discussion, motion was made by Chairman Douglass, seconded by Selectman Tufts, and it was unanimously

VOTED

To authorize the closing of River Road for the culvert replacement project with the anticipation in August for 5 days.

19-45 CONSIDERATION AND ANY APPROPRIATE ACTION ON CREATING A FACILITIES COMMITTEE

Town Manager Roedner said the Board held a discussion at the previous meeting about the need for a Facilities Committee to consider needs and issues surrounding a Community Center – yes/no, what size, areas, features, etc. At that meeting, the Board wanted to discuss it a bit more to fully understand the scope of the project and whether it should include working with the library to help assess any future space needs they may have.

Chairman Douglass commented that the Community Center will have its own strength of support and its own difficulties. If the library is added in the discussion, it will create another level of competition, one versus the other. This is a big enough project to stand by itself. He said he does not have any interest in muddying the project with any other project. Selectman Tufts added that the Community Center has to have its own group that can only focus on that one project. He added that a Facilities Committee in addition is a great idea – a group that will focus on what do we think the estimates will be on some of these repairs that need to be done; why we need consignees to cover some of these expenses. We will have at least something on paper to document the roofing issues and HVAC issues. It will be a good lead into the Finance Committee. Selectman Lyons asked who would be on the committee. Response from Selectman Tufts was various staff members, managers, a couple people from the Selectboard and others from the community. Selectman Brilliant asked what timeline is anticipated for the Community Center. Mr. Roedner said we are probably talking sometime next summer or fall to come forward with a plan. It was noted that \$15,000 has been set aside at Town meeting to begin this process.

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

VOTED

That we create a Community Center Committee consisting of 7 community members.

19-46 CONSIDERATION AND ANY APPROPRIATE ACTION ON PAINTING/REPAIRING SOFFITS ON TOWN HALL AND/OR PUBLIC SAFETY BUILDING

Town Manager Roedner said he has been working on this subject for approximately 4 years. One year trying to get someone to call him back, another year finally was given the name of someone one who didn't call back. He turned the project over to Assistant Town Manager Scrapchansky to handle.

Memo from Mr. Scrapchansky dated June 4, 2019 was included in the Board package explaining that *“Since the Town accepted the Municipal Complex buildings in 2007, painting and maintenance on the facia or soffits on the upper roof line of Town Hall or the Public Safety Building has not been performed. The current facia and soffit (cement board material) has been damaged and continues to deteriorate due to water intrusion. Since the fall of 2018, 4 painting companies and 4 general contractors were contacted to review the scope of work and provide*

estimates. Only one painting company was available to perform work in the fall, but would not repair or replace trim. One general contractor was interested and provided an estimate assuming the work would begin in August of 2019. The contractor provided an estimate for each building and is based on replacing all fascia boards from the roof line down with PVC composite (Azek) trim boards and Fypon crown molding. This estimate also includes painting all fascias and soffits.....”

Selectman Brilliant asked why it wouldn't be a good idea to simply extend the overhang to address the water problem. Selectman Lyons said she would like to see a plan for the repair and the Town Manager responded that Mr. Scrapchansky will put a plan together. During further discussion, the Board was in agreement that they would like to have a contractor come before the Board and provide some advice.

This item was tabled to a future meeting.

EXECUTIVE SESSION

At 8:30 p.m. motion was made by Chairman Douglass, seconded by Selectman Lyons, and it was

VOTED

To move into Executive Session to discuss Agenda Item 19-49.

All Board members entered the Executive Session, along with Town Manager Roedner.

The Board returned from Executive Session and back to regular session at 8:36 p.m. All members, along with the Town Manager were still present.

19-49 CONSIDERATION AND ANY APPROPRIATE ACTION ON ENTERING INTO EXECUTIVE SESSION PURSUANT TO 1 M.R.S.A. § 405 (6) (F) TO DISCUSS TAX ACQUIRED PROPERTY, ITEM 2019-7

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

VOTED

To authorize the Town Manager to enter into a repurchase agreement with the former property owner.

At 8:37 p.m., motion was made by Chairman Douglass, seconded by Selectman Lyons, and it was

VOTED

To move into Executive Session to discuss Agenda Item 19-47.

All Board members entered the Executive Session, including the Town Manager.

19-47 CONSIDERATION AND ANY APPROPRIATE ACTION ON ENTERING INTO EXECUTIVE SESSION PURSUANT TO 1 M.R.S.A. § 405 (6) (A) TO DISCUSS PERSONNEL MATTERS, SPECIFICALLY THE TOWN MANAGER'S ANNUAL REVIEW

The Board returned to regular session at 9:32 p.m., with all members still present.

Chairman Douglass noted that no action was being taken.

19-48 CONSIDERATION AND ANY APPROPRIATE ACTION ON AWARDING FY19 AUDIT SERVICES CONTRACT TO SMITH AND ASSOCIATES

Motion was made, seconded and it was unanimously

VOTED

To award the FY19 Audit Services Contract to Smith and Associates.

At 9:35 p.m. motion was made by Chairman Douglass, seconded by Selectman Brilliant, and it was unanimously

VOTED

To adjourn.

Respectfully submitted,

Patty Williams, Recording Secretary