

**7:00PM Board of Selectmen Meeting
Topsham Municipal Building
Donald A. Russell Meeting Room
April 04, 2019**

Pledge of Allegiance –

Roll Call of Board Members –

Town Manager's Report –

Board and Committee Reports and Updates-

- Update from the Topsham Development Inc, - Don Spann
- Update TDI/ECD – John Shattuck, Topsham Economic and Community Development, Inc Director

Public Comment –

Correspondence –

Adjustments to the Agenda –

1. Approval of the minutes of the Regular Selectmen meeting March 21, 2019.

Consent Calendar –

Public Hearing –

19-10- Consideration and any appropriate action on a Special Amusement Permit for the Duck Pub

Unfinished Business –

19-11- Consideration and any appropriate action to schedule a public hearing on a proposed licensing ordinance regarding Medical Marijuana. (Click link for back up material:<https://topsham.govoffice.com/vertical/Sites/%7B95A28B10-4485-4BEC-B8FC-5E8BF056A147%7D/uploads/20190322 - Chapter 150.pdf>)

19-14- Consideration and any appropriate action on a review of North East Ambulance contract.

19-15- Consideration and any appropriate action on the results of the Neighborhood meetings- https://www.topshammaine.com/vertical/Sites/%7B95A28B10-4485-4BEC-B8FC-5E8BF056A147%7D/uploads/2019_Topsham_Neighborhood_Meetings_Summary_14Mar2020.pdf

Old Business –

New Business –

19-18- Consideration and any appropriate action on awarding the road striping bid to Lucas Stripping.

19-19- Consideration and any appropriate action on awarding the low bidder for the purchase of a 1 ton truck with plow to O'Connor Chevrolet.

✓ **19-20-** Consideration and any appropriate action on union grievance related to Health Reimbursement Accounts (HRA).

✓ **19-21-** Consideration and any appropriate action on reviewing draft Capital Replacement Policy.

Executive Session-

19-16- Consideration and any appropriate action to enter into Executive session pursuant to 36 M.R.S.A. § Title 1 405 (6) (F) to discuss a tax acquired property.

19-17- Consideration and any appropriate action to enter into Executive session pursuant to 1 M.R.S.A. § 405 (6) (E) to consult with legal counsel.

19-22- Consideration and any appropriate action to enter into Executive session pursuant to 1 M.R.S.A. § 405 (6) (E) to consult with legal counsel.

19-23- Consideration and any appropriate action to enter into Executive session pursuant to 1 M.R.S.A. § 405 (6) (C) to discuss property acquisition.

Any public member desiring to address the Board shall be recognized by the Chair, shall state name and address for the record, and shall limit remarks to the question under discussion. All remarks and questions addressed to the administration of Town shall be addressed to the Town Manager or the Board of Municipal Officers through the Chair and not to any municipal town employee. No person other than members of the Board and the person having the floor shall enter into any discussion either directly or through a member of the Board without the permission of the presiding officer.

Public members attending Board Meetings also shall observe the same rules of propriety, decorum, and good conduct applicable to the members of the Board. Any person making personal impertinent and slanderous remarks, or who becomes boisterous while addressing the Board or those attending the Board meeting shall be removed from the room if so directed by the presiding officer. Aggravated cases shall be prosecuted on appropriate complaint signed by the presiding officer. In case the presiding officer should fail to act, any member of the Board may move to require the Chair to act to enforce the rules, and the affirmative vote of the Board shall require the presiding officer to act. 05/29/2003

Board of Selectmen Meeting

For the date of: 04/04/2019

Type of Item:

- Board or Committee Presentation
- Consent Agenda Item
- Public Hearing
- Unfinished Business
- Old Business
- New Business
- Executive Session
- Workshop

Type of Submission:

- Regular Submission
- Additional Agenda Item
- Additional Information

Agenda Number 1

(If this is unfinished business, please remember to research and enter the original agenda number above. For regular agenda items, the secretary will assign a number.)

Brief Title of consent or Agenda Item: Approval of the minutes of the regular Selectmen meeting 03-21-2019.

Brief Description of Consent or Agenda Item: see attached

Submitted by Rich Roedner, Town Manager

Date: 03-25-2019

MINUTES
TOWN OF TOPSHAM
BOARD OF SELECTMEN MEETING
DONALD A. RUSSELL MEETING ROOM
MARCH 21, 2019 – 7:00 P.M

MEMBERS PRESENT: Marie Brilliant
Ruth Lyons
William Thompson
Roland Tufts

MEMBER(S) ABSENT: David Douglass

STAFF PRESENT: Richard Roedner, Town Manager and Derek Scrapchansky,
Assistant Town Manager

A meeting of the Topsham Board of Selectmen was held on Thursday, March 21, 2019, in the Donald A. Russell Meeting Room, at the Municipal Building, 100 Main Street, Topsham, Maine.

CALL TO ORDER

In the absence of Chairman Douglass, Vice Chairman Thompson 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, except for Chairman Douglass who had been excused.

TOWN MANAGER'S REPORT – None Noted.

BOARDS AND COMMITTEE REPORTS AND UPDATES

Proposed Ordinance Amendments from the Planning Board – Unanimously **VOTED** to be addressed at the next meeting.

Update from Topsham Development, Inc. -- To be addressed at the next meeting.

Update from TDI/ECD - None noted.

PUBLIC COMMENT – None noted.

CORRESPONDENCE – None noted.

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

VOTED To defer agenda items 19-10, 19-11, 19-14, 19-25, 19-16 and 19-17 to the next meeting of the Board.

CONSENT CALENDAR

1. Approval of the minutes of the Regular Selectmen's Meeting of March 7, 2019.

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

VOTED

To accept the Consent Calendar, approving the minutes of the regular Selectmen's Meeting of March 7, 2019 as written.

PUBLIC HEARING

19-10 CONSIDERATION AND ANY APPROPRIATE ACTION ON A SPECIAL AMUSEMENT PERMIT FOR THE DUCK PUB

Deferred to the next meeting of the Board.

UNFINISHED BUSINESS – None noted.

OLD BUSINESS – None noted.

NEW BUSINESS

19-11 CONSIDERATION AND ANY APPROPRIATE ACTION TO HOLD A PUBLIC HEARING ON A PROPOSED LICENSING ORDINANCE REGARDING MEDICAL MARIJUANA

Deferred to the next meeting of the Board.

19-12 CONSIDERATION AND ANY APPROPRIATE ACTION ON APPROVING THE PROPOSAL FOR ELM STREET EXTENSION DESIGN SERVICES

John Shattuck, Topsham Economic and Community Development, Inc. Director noted that the RFP for construction design and plans for the Elm Street Extension and proposal from TY Lin was included in the Board package for review. He said that RFP's were forwarded to all local engineering firms with only one response from TY Lin. Mr. Shattuck said the restoration of two-way graphic on Elm Street Extension was one of the key elements of the Committee's Lower Village Redevelopment Concept Plan and was approved by the Selectmen in March of 2015. The RFP included two phases: Phase 1 - A survey of the existing right-of-way and a preliminary plan showing the proposed location of the roadway within the right-of-way. Phase 2 - The development of construction plans based on the preliminary plan, but only if Phase 1 is reviewed and approved by the Selectmen and only if the Selectmen vote to proceed with Phase 2.

It was noted that the proposal from TY Lin is fully compliant with the terms, timeline, service and budget required by the RFP and that TY Lin has the competency and capacity to perform as required by the RFP.

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

VOTED

To approve the proposal for Elm Street Extension Design Services and to award the bid to TY Lin, the amount not to exceed \$50,000.

19-13 CONSIDERATION AND ANY APPROPRIATE ACTION ON APPOINTMENT OF BINH DANG TO THE TOPSHAM HOUSING AUTHORITY BOARD

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

VOTED

To appoint Binh Dang to the Topsham Housing Authority Board.

19-14 CONSIDERATION AND ANY APPROPRIATE ACTION ON A REVIEW OF NORTH EAST AMBULANCE CONTRACT

Deferred to the next meeting of the Board.

19-15 CONSIDERATION AND ANY APPROPRIATE ACTION ON RESULTS FROM THE NEIGHBORHOOD MEETINGS

Deferred to the next meeting of the Board.

EXECUTIVE SESSION

19-16 CONSIDERATION AND ANY APPROPRIATE ACTION TO ENTER INTO EXECUTIVE SESSION PURSUANT TO 36 M.R.S.A. TITLE 1 §405 (6) (F) TO DISCUSS A TAX ACQUIRED PROPERTY

Deferred to the next meeting of the Board.

19-17 CONSIDERATION AND ANY APPROPRIATE ACTION TO ENTER INTO EXECUTIVE SESSION PURSUANT TO 1 M.R.S.A. §405 (6) (D) TO DISCUSS LABOR NEGOTIATIONS

Deferred to the next meeting of the Board.

ADJOURNMENT

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

VOTED

To adjourn the meeting at 7:12 p.m.

Respectfully submitted,

Patty Williams, Recording Secretary

Board of Selectmen Meeting

For the date of: 04/04/2019

Type of Item:

- Board or Committee Presentation
- Consent Agenda Item
- Public Hearing
- Unfinished Business
- New Business
- Executive Session
- Workshop

Type of Submission:

- Regular Submission
- Additional Agenda Item
- Additional Information

Agenda Number: 19-10

(If this is Unfinished Business, please remember to research and enter the original agenda number above. For Regular Agenda items, the Secretary will assign a number.)

Brief Title of consent or Agenda Item: Consideration and any appropriate action on a Special Amusement Permit for The Duck Pub

Brief Description of Consent or Agenda Item: Attachments

- * Special Amusement application to allow entertainment
- * Extension of Premise letter to allow consumption of liquor on deck and outside patio

Submitted by: Linda Dumont, Town Clerk

Date: 3/12/2019



TOWN OF TOPSHAM

ORIGINAL

Town Clerk's Office
100 Main Street, 04086
ldumont@topshammaine.com
(207)725-1719 Fax: 725-1733

APPLICATION FOR LICENSE OR PERMIT

Please complete:

Type of Business:

Partnership- Partner's Names: _____
 Corporation- Corporation Name Sandbaggers Golf LLC
Incorporation Date: 01/17 Incorporation State ME

Type of License Special Amusement

New License: Opening Date _____ Renewal

Business Name: Sandbaggers Golf LLC E-Mail: Sean@resurrectiongolf.com
114 Village Dr.

Business Address: The Duck Pub Business Phone Number (207) 939-8626

Name of Contact Person: Sean McClammy Contact's Phone Number (207) 939-8626

Mailing Address for Correspondence: 18 Pleasant St. Suite 106 Brunswick, ME

Signature of Applicant: [Signature] Date: 3/12/19

Any information provided in this application, which is found to be false will result in denial or revocation of this license-
Per 1 M.R.S.A.17-A§ 453

SELECT TYPE OF LICENSE YOU ARE APPLYING FOR ON BACK OF THIS PAGE

Corporations Please Complete:

Address of Incorporation: <u>18 Pleasant St. Brunswick, ME</u> Phone#: <u>(207) 939-8626</u>			
Name of Corp. Officer, Owner, or Partners:			
<u>Kevin McClammy</u>	<u>President</u>	<u>Atlanta, GA</u>	<u>100%</u>
<u>Sean McClammy</u>	<u>VP</u>	<u>Woolwich, ME</u>	<u>0%</u>

Office Use Only (Make copy of signed State application for office file)

Type of License: Special Amus Permit Fee \$ 50.00 Paid Advertising Fee \$ 102.00 Paid

For Peddler-Police Chief sign off required: _____

Required Approvals for Special Amusement and new Liquor license: BOS _____ Fire Police

Public Hearing Posted Public Notice Dates Copy of current State liquor license _____
Temp. extension

Town Clerk Signature [Signature]

Complete back

License Fees & Schedule: Please check the type of license you are applying for

- Catering Privileges Off - Premises** (Title 28-A§1052) (events which involve liquor) holders of current state liquor license
*Requires Town Clerk's sign off & approval of FC, PC CEO (Attach approval to office copy application)
No Town fee

Entertainment/Dancing \$50 + 3 day Public Hearing advertising fee

- Special Amusements** (Title 28-A§1054) Expires annually with liquor license, must provide copy of current state certificate with renewal application
Requires annual Public Hearing
* Include supplemental pages 3 & 4
*Describe in detail the type and nature of entertainment, the room or rooms to be used
*Provide a diagram of room to be used

Victualer (Food Service Establishment to include Bed and Breakfast) Expires May 31st

Describe food to be sold Full Service Restaurant and pub food, to include catering + delivery

- FSE with- out Liquor **\$50** Copy of State Certificate required
- FSE with Liquor (Title 28-A§652) **\$100** Copy of State Certificate required (requires Public Hearing on new applications)
- FSE Outside Liquor Service Extension of Premise (deck, lawn) Municipal approval required - submitted in writing to Bureau of Liquor Enforcement
Describe food to be sold _____

Peddler (The selling of tangible commodities having no established or fixed place of business in Topsham) **\$25 Resident \$50 Non-Resident \$25** - #___ of months (up to 3 months \$25)

Description of nature of business and goods to be sold _____
Name and address of employer and evidence of employment _____
Vehicle Description: Make _____ Model _____ Year _____ Color _____ License plate # _____
Photo of applicant taken with- in 60 days of application
Description of location if stationary and letter of agreement from owner of record
Names of two reliable property owners, references, or other evidence of good character
A statement of whether the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, nature of the offense, punishment or penalty assessed

Taxicabs/Vehicles for Hire 30A- §3009(1) (F) \$50 per vehicle Expires April 1st each year.

Number of Taxicabs for which license is desired _____

Taxicab Driver \$25 annually

SUPPLEMENTAL APPLICATION IS REQUIRED

***Supplemental page for Special Amusement Permit**

Describe in detail the type and nature of entertainment:

Indoor/Outdoor Live music and entertainment, craft fairs, parties, group functions, seasonal events, Karaoke, open mic nights, Private Golf Outings.

Describe in detail the room or rooms to be used under this license:

Outside Patio + Seating area, outdoor veranda and stage w/ seating upstairs dining room and private function room, Downstairs pub + dining golf course

DIAGRAM

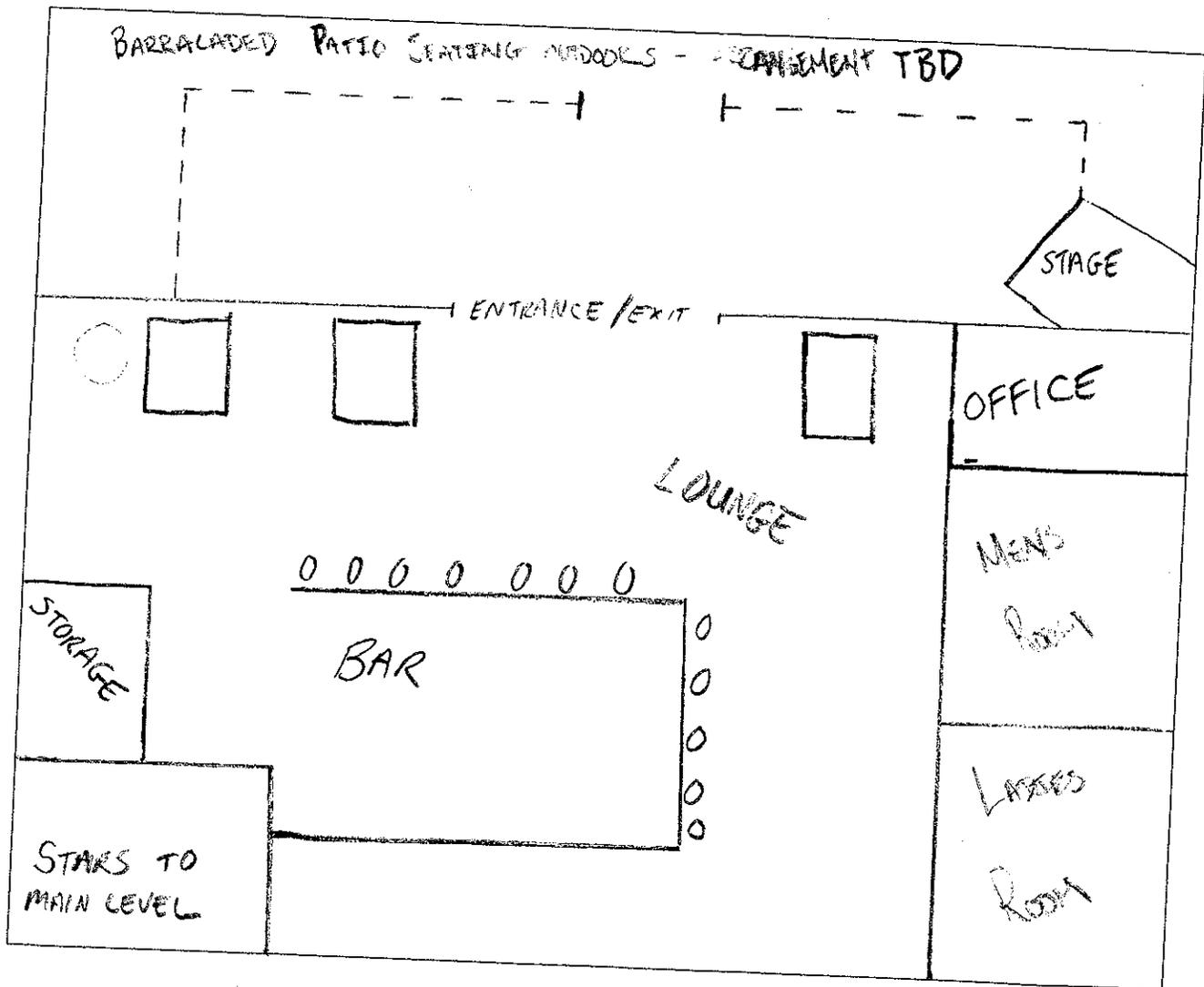
Bureau of Alcoholic Beverages and Lottery Operations
 Division of Liquor Licensing & Enforcement
 8 State House Station, Augusta, ME 04333-0008
 10 Water Street, Hallowell, ME 04347
 Tel: (207) 624-7220 Fax: (207) 287-3434
 Email Inquiries: MaineLiquor@maine.gov

DIVISION USE ONLY	
<input type="checkbox"/>	Approved
<input type="checkbox"/>	Not Approved
BY:	

ON PREMISE DIAGRAM

In an effort to clearly define your license premise and the area that consumption and storage of liquor is allowed. The Division requires all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram including entrances, office area, kitchen, storage areas, dining rooms, lounges, function rooms, restrooms, decks and all areas that you are requesting approval from the Division for liquor consumption.



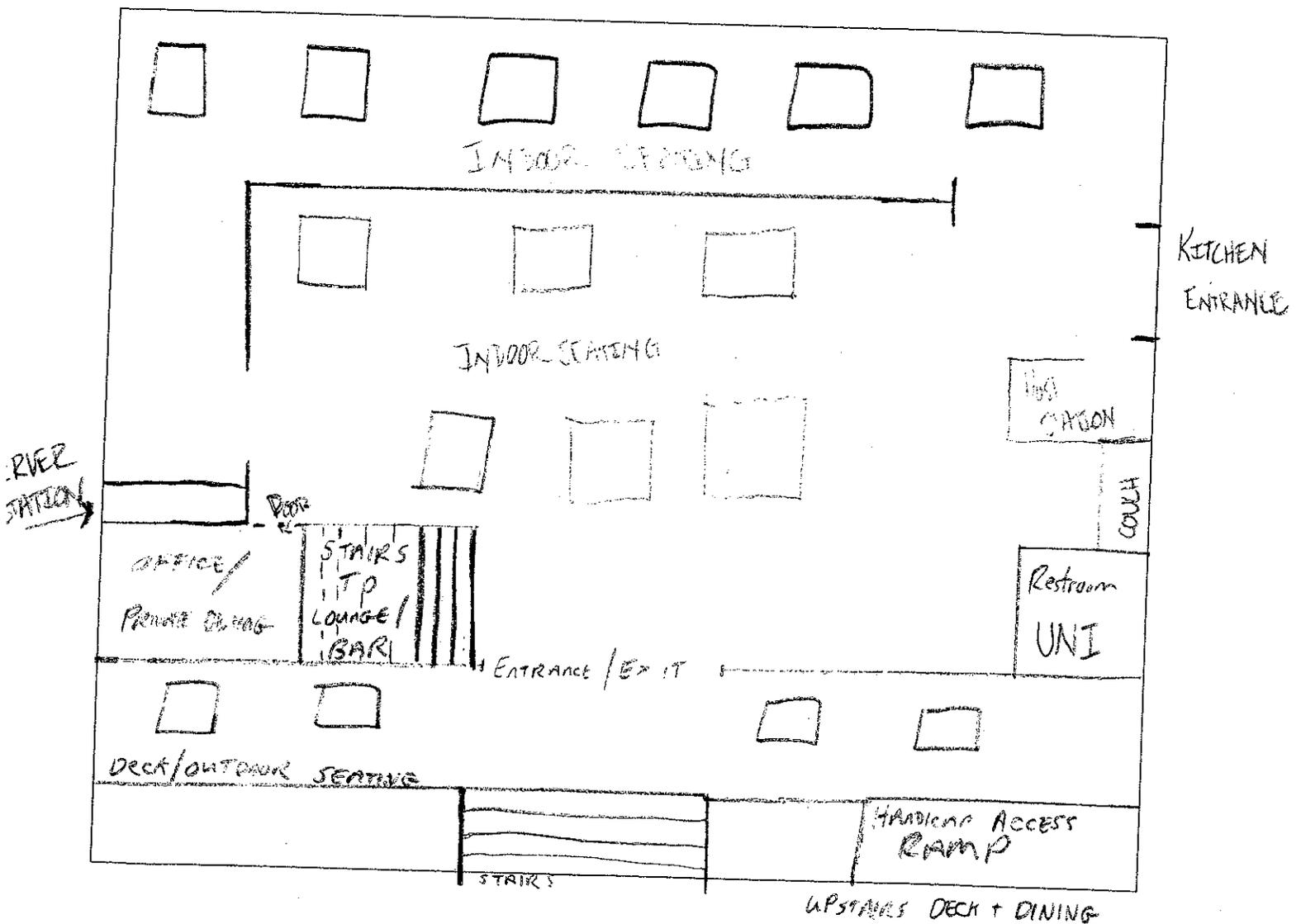
Bureau of Alcoholic Beverages and Lottery Operations
 Division of Liquor Licensing & Enforcement
 8 State House Station, Augusta, ME 04333-0008
 10 Water Street, Hallowell, ME 04347
 Tel: (207) 624-7220 Fax: (207) 287-3434
 Email Inquiries: MaineLiquor@maine.gov

DIVISION USE ONLY	
<input type="checkbox"/>	Approved
<input type="checkbox"/>	Not Approved
BY:	

ON PREMISE DIAGRAM

In an effort to clearly define your license premise and the area that consumption and storage of liquor is allowed. The Division requires all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

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Special Amusements Application

Topsham Board of Selectmen

Signatures:

Date: 4-2-2019

Office of the Town Clerk
100 Main Street
Topsham, ME 04086

Linda Dumont
Town Clerk
Phone: 207-725-1719
Fax: 207-725-1733
ldumont@topshammaine.com

Date: 3/21/2019
To: Board of Selectmen
Re: Extension of Premise

The Duck Pub is seeking your permission to allow liquor to be served on the outside restaurant patio and front porch. Your approval must be included with the liquor application for the Division of Liquor Licensing. Your signatures are required.

The Topsham Board of Selectmen gives approval to allow Spirituous, Vinous and Malt to be served on the patio and front porch of the Duck Pub.

David Douglass, Chair

William Thompson, Vice Chair

Roland Tufts

Ruth Lyons

Marie Brilliant

4-2-2019

Date

Linda Dumont

From: Chris Lewis
Sent: Tuesday, March 12, 2019 12:35 PM
To: Linda Dumont
Subject: RE: special amusement permit

There have been no issues or complaints received regarding the Wild Duck pub. No concerns from the police department for a renewal or amusement permit.

Christopher A. Lewis
Chief of Police
Topsham Police Department
100 Main Street
Topsham, ME 04086
207-725-4337
Fax: 207-725-4604
Email: clewis@topshammaine.com

From: Linda Dumont
Sent: Tuesday, March 12, 2019 11:19 AM
To: Chris McLaughlin <cmclaughlin@topshammaine.com>; Chris Lewis <clewis@topshammaine.com>
Subject: special amusement permit

Hello
The wild duck has submitted applications for both liquor renewal and special amusement permit. I am planning on putting the SA on the agenda for 3/21/2019 with a public hearing.

Linda J. Dumont
Town Clerk & Registrar of Voters
General Assistance Coordinator
Town of Topsham
100 Main Street
Topsham, Maine 04086
ldumont@topshammaine.com
(207) 373-5091
Fax (207) 725-1733

Please be advised that pursuant to Title 1 M.R.S.A. Section 402(3), a public record includes any written, printed or graphic matter or any mechanical or electronic data in the possession or custody of an agency or public official that has been received or prepared for use in connection with the transaction of public or governmental business and contains information relating to the transaction of said business; therefore, the public is advised that any correspondence,

Rich Roedner

From: Chris McLaughlin
Sent: Tuesday, March 26, 2019 2:50 PM
To: Rich Roedner
Cc: Linda Dumont; Dave Douglass
Subject: Duck Pub

I followed up with Duck Pub this afternoon and the sprinkler system has been checked.

I am all set with approving their Special Amusement Permit.

Have a good day.

Chris

Chris McLaughlin
Fire Chief
100 Main St.
Topsham, ME 04086
207-725-7581

Board of Selectmen Meeting

For the date of: 04/04/2019

Type of Item:

- Board or Committee Presentation
- Consent Agenda Item
- Public Hearing
- Unfinished Business
- Old Business
- New Business
- Executive Session
- Workshop

Type of Submission:

- Regular Submission
- Additional Agenda Item
- Additional Information

Agenda Number 19-11

(If this is unfinished business, please remember to research and enter the original agenda number above. For regular agenda items, the secretary will assign a number.)

Brief Title of consent or Agenda Item: Consideration and any appropriate action to schedule a Public Hearing on a proposed licensing ordinance regarding Medical Marijuana.

Brief Description of Consent or Agenda Item:

Submitted by Rod Melanson, Town Planner

Date: 03-12-2019

MEMORANDUM

To: Rich Roedner, Town Manager
Selectboard
Planning Board
From: Rod Melanson, Planning Director
Date: March 12, 2019
Re: Medical Marijuana licensing

At the direction of the Selectboard, a working group of business and citizen interest has been working on drafting Medical Marijuana Licensing language. Over many months we have clarified how and where Marijuana Businesses could operate, and locate. The group focused on having a license code regulate the activities on an annual basis, while proposing adding definitions and land uses within our land use code/ table of uses to further dictate where licenses could be issues.

The proposed licensing will allow (per the Nov, 2018 vote) the following activities:

1. Registered Caregiver Retail Store
2. Marijuana Cultivation Facility
3. Marijuana Products manufacturing Facility
4. Marijuana Testing Facilities

During our discussions and research we have decided to go about this allowance in an incremental manner. We have found that by controlling the total number of licenses issued, and having a public hearing review by the selectboard on an annual basis (to maintain a license) is the best oversight/ tool that a municipality can enact to control the use.

Below is a summary of the discussions that have led to the proposed attached License Code, Land Use Amendments, maps showing zoning locations, and application template.

Land Use Amendments – Chapter 225-6/ 225-16/ 225-60.17

Attached is the proposed land use amendments...these simply identify and define the Marijuana activities, and places them within the land use table as P/X/C. As we were developing this initially we were trying to steer clear from PB oversight, and have this strictly be a selectboard license (with annual review). The thought was that these businesses were already identified within our land use code as retail (Med MJ retail store), and light manufacturing (product manufacturing and cultivations). Given that thought...the attached table reflects where we came up with P/ X/ C in our zoning proposal.

Initially we placed a **P** in the zones where the group thought the uses were appropriate, the thinking behind this is that the business would need to go through a rigorous licensing hearing with the Selectboard...so adding a conditional review by the PB, seemed redundant...perhaps the Board can offer guidance with this.

Board of Selectmen Meeting

For the date of: 04/04/2019

Type of Item:

- Board or Committee Presentation
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- Workshop

Type of Submission:

- Regular Submission
- Additional Agenda Item
- Additional Information

Agenda Number 19-14

(If this is unfinished business, please remember to research and enter the original agenda number above. For regular agenda items, the secretary will assign a number.)

Brief Title of consent or Agenda Item: Consideration and any appropriate action on a review of North East Ambulance contract.

Brief Description of Consent or Agenda Item: see attached

Submitted by Rich Roedner, Town Manager **Date:** 03-01-2019

Memo

#

To: Town of Topsham Selectmen
From: Chris McLaughlin, Fire Chief
CC: Rich Roedner
Date: 13 March 2019
Re: Bowdoinham EMS Coverage Update

Selectman,

When we agreed to sign a mutual aid contract with Northeast Mobile Health Services (NEMHS) the board requested a 6-month review, which I am now providing.

In July of 2018, Topsham Rescue responded to 13 calls in Bowdoinham which resulted in this agreement. Since that agreement in September, Topsham Rescue responded to 34 calls in Bowdoinham from September 2018 through the end of February 2019.

The department has been able to handle that call volume without reducing the level of service to the Town of Topsham. We have averaged 5.6 calls per month to Bowdoinham.

Northeast Mobile Health has currently paid all of their invoices dating back to July 2018 for a total of \$12,250.

To date, this mutual aid agreement has had a positive outcome for both services and the Town of Bowdoinham. We can always revisit this agreement should anything drastically deviate from the response numbers above.

Thank You

Chief McLaughlin

Board of Selectmen Meeting

For the date of: 04/04/2019

Type of Item:

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Type of Submission:

- Regular Submission
- Additional Agenda Item
- Additional Information

Agenda Number 19-15

(If this is unfinished business, please remember to research and enter the original agenda number above. For regular agenda items, the secretary will assign a number.)

Brief Title of consent or Agenda Item: Consideration and any appropriate action on the results of the Neighborhood meetings.

Brief Description of Consent or Agenda Item:

Submitted by Rich Roedner, Town Manager **Date:** 03-12-2019

MEMORANDUM

To: Richard Roedner, Town Manager
From: Derek Scrapchansky, Asst. Town Manager
Date: March 10, 2019
Re: 2019 Topsham Neighborhood Meetings Summary

Attached is a summary of the 2019 Topsham neighborhood meetings conducted in January. Included in the summary is a Map depicting the boundaries of each neighborhood and a table illustrating the focus of each neighborhood meeting. The Topsham Board of Selectmen convened four neighborhood meetings to listen to issues, concerns, desires, and suggestions of town residents. In an effort to mitigate risk of exceeding facility capacity at each of the four meetings scheduled, the town was divided into 4 neighborhoods. Each residence in Topsham was mailed a postcard with a date and location for their respective meeting. The total attendance at the meetings represented approximately 2.5% of the residences in town.

During the meetings, the Board of Selectmen received numerous comments from citizens. The comments were discussed and were forwarded to the appropriate town department for a response. Each comment and response has been categorized into the following areas: Town government, Speeding/Safety, Signage/Lights/Crosswalks, Economic Development, Land use/Development/Codes Enforcement, Roads/Sidewalks, Paving, Recreation, Trails/Bicycling/Pedestrian, and Waste Management. This method was used to assist in identifying common areas of interest across town. The Board of Selectmen expects to follow-up with residents who participated at the meetings, post a neighborhood meeting summary on the Town's web site, and reevaluate and prioritize their focus and goals for the future.

Board of Selectmen Meeting

For the date of: 04/04/2019

Type of Item:

- Board or Committee Presentation
- Consent Agenda Item
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- Workshop

Type of Submission:

- Regular Submission
- Additional Agenda Item
- Additional Information

Agenda Number 19-18

(If this is unfinished business, please remember to research and enter the original agenda number above. For regular agenda items, the secretary will assign a number.)

Brief Title of consent or Agenda Item: Consideration and any appropriate action on awarding the road striping bid to Lucas striping.

Brief Description of Consent or Agenda Item: see attached

Submitted by Dennis Cox, Public Works Director

Date: 03-22-2019



TOPSHAM PUBLIC WORKS
100 MAIN STREET / 10 MAINTENANCE WAY
TOPSHAM, ME 04086
207-725-1728 / FAX 207-725-1739



To: Rich Roedner
From Dennis Cox
Subject: Line Painting Recommendation
Date: March 22, 2019

It is that time of year again for me to prepare for the striping of our roads. It has been several years since we have been out to bid for the work, so I have sent out bid packages to 5 contractors and only received back one.

The one I did receive does meet all of our specifications and is from Lucas Striping, the contractor we have been using.

I recommend the Town's street painting work be awarded to Lucas Striping for \$32,628.85. This is within the budgeted amount as well.

Board of Selectmen Meeting

For the date of: 04/04/2019

Type of Item:

- Board or Committee Presentation
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- New Business
- Executive Session
- Workshop

Type of Submission:

- Regular Submission
- Additional Agenda Item
- Additional Information

Agenda Number 19-19

(If this is unfinished business, please remember to research and enter the original agenda number above. For regular agenda items, the secretary will assign a number.)

Brief Title of consent or Agenda Item: Consideration and any appropriate action on awarding the low bidder for the purchase of a 1 ton truck with plow to O'Connor Chevrolet.

Brief Description of Consent or Agenda Item: see attached

Submitted by Dennis Cox, Public Works Director

Date: 03-22-2019



TOPSHAM PUBLIC WORKS
100 MAIN STREET / 10 MAINTENANCE WAY
TOPSHAM, ME 04086
207-725-1728 / FAX 207-725-1739



To: Rich Roedner
From: Dennis Cox
Subject: One Ton Bid Results
Date: March 22, 2019

The Public Works Department has been out to bid for a 1 ton dump truck and plow to replace the existing 2009 unit. This replacement is in our 2019 Capital Budget for \$ 70,000.

I sent out the bid package to 6 dealers, including several in the Topsham and Brunswick area, and heard back from the following for the chassis:

Quirk Chevrolet	\$ 46,430.48
O'Connor	\$ 41,651.00

The only company that bid the "dump body" was H.P. Fairfield for \$ 17,160.

I am recommending the chassis from O'Connor Chevrolet and the dump body from H.P. Fairfield for a total of \$ 58,811. This is approximately \$10,000 less than the budgeted amount and is a new 2019 truck.

Please contact me with any questions or concerns.

Town Of Topsham
New 1 Ton Dump Truck Chassis & Plow
Bid Form
February 28, 2019

Dealer Name: Buick Chevrolet

Address: 1000 Brighter Ave
Portland, Me 04107

Phone Number: 207-321-5520

Contact Person: Steve Parke

Price of New Truck w/ plow: 50,430.48

Make, Model, Year: 2019 Chevrolet Silverado 2500 Dump

Bid Alternative truck with a diesel motor: N/A

Trade in value on 2009 Ford F350: 4,000.00
(approx. 100,000 miles)

Exception or Upgrades: 6 way power seat not avail. CD player
not avail. Console not avail. Rear black molded splash
guards not avail. Manuals, parts, service CD's not avail.
Tires are 17" All-Terrain not 18 inch.

The Town reserves the right to accept or reject any or all bids submitted. Any exceptions to the specifications are to be noted on your Bid Form. Bids are due to the Town Manager's Office on Tuesday, March 19, 2019 at 10:00 AM,

Town Of Topsham
New 1 Ton Dump Truck Chassis & Plow
Bid Form
February 28, 2019

Dealer Name: O'Connor Auto Park

Address: 187 Riverside Drive

Augusta ME 04330

Phone Number: 207-622-3191

Contact Person: Jeremy Parker

Price of New Truck w/ plow: 47,939.⁰⁰

Make, Model, Year: 2019 Chevy Silverado 3500 with dump + blade

Bid Alternative truck with a diesel motor: 56,794.⁰⁰

Trade in value on 2009 Ford F350: (6288)
(approx. 100,000 miles)

Exception or Upgrades: Gas unit does not have power seat,
upfitter switches except emergency light switch, 18" wheels/tires
floor mats, Partst Service Manuals N/A, includes owners manuals

Diesel has switches + power seat, 17" wheels. No Floor mats

V-Plow does not have center cut out

The Town reserves the right to accept or reject any or all bids submitted. Any exceptions to the specifications are to be noted on your Bid Form. Bids are due to the Town Manager's Office on Tuesday, March 19, 2019 at 10:00 AM,



CENTRAL MAINE
 9 Green St/P.O. Box 188
 Skowhegan, ME 04976
 P: (207) 474-9836
 F: (207) 474-6526
 Toll Free (800) 356-2813

Sales Quote

IMPORTANT: All invoices are due and payable in U.S. Dollars in Guadalupe County, Texas, or where indicated below. No goods to be returned without our written permission. Goods must be returned transportation charges pre-paid. A handling charge will be made on all returned goods. **LATE CHARGE:** A late charge of 1.5% of any past due balance of the dealers account as of the last day of the month will be billed as of the 15th day of the following month if payment has not been received by that date.

CUSTOMER NO	828744	TERRITORY	391	PAGE 1 of 2
ORDER DATE	02/22/2019	CUSTOMER PO	79297HOLSTON	
QUOTE DATE	03/21/2019	SHIPPED VIA		
SALES ORDER	5240519 - SQ	FREIGHT TERMS	FCA FACTORY- FRT ARRANGED & PREPAID, TRANSFER AT ORIGIN	
PAYMENT TERMS	Net 30 Days(Override)/Invoice		CODE	002
DELIVERY INSTRUCTIONS:				
			REQUESTED SHIP DATE	02/22/2019

SOLD TO:
 TOWN OF TOPSHAM CHP
 100 MAIN ST
 TOPSHAM ME 04086-1209

SHIP TO:
 TOWN OF TOPSHAM CHT
 10 MAINTENANCE WAY
 TOPSHAM ME 04086

DESCRIPTION/REMARKS
2019 TOWN OF TOPSHAM ONE TON BODY BID
RUGBY FDS-9-4 STAINLESS STEEL 3-4 YARD DUMP BODY WITH FOLD DOWN SIDES, ELECTRIC OVER HYDRAULIC HOIST WITH SUBFRAME
Outside Length 9' 7" Outside Width " 96" Side Height 17" Tailgate Height 23" SR 4016 Hoist Capacity 10.1 TON Fully boxed top rail Fold down sides feature center attached quick release lever Three heavy duty double strip greasable hinges per door 8" formed longsills EZ-LATCH™ tailgate / Patented Fully boxed perimeter tailgate w/two vertical braces LED Oval shaped auxiliary stop /turn/tail/reverse light in rear corner posts All appearance corners have radius bends 1/4 cab shield w/window SR 4016 hoist includes subframe - class 40 Operating pressure of 3200 psi MUDFLAPS 6 STROBES IN FRONT, SIDES OF CABSHIELD AND REAR POSTS MANUAL TARP KIT 4 D RING TIE DOWNS IN EACH CORNER OF DUMP BODY FLOOR INSTALLED \$17160.00 REMOVAL OF EXISTING BODY TO BE BILLED AT \$70 PER HOUR LABOR CHARGE IF NEEDED ADDED BODY OPTIONS OF THICKER 7 GAUGE STEEL FLOOR AND 12" ON CENTER CROSS MEMEBERS FOR STRENGTH INCLUDED ESTIMATED LEAD TIME FROM PO TO RECIEVE BODY IS 12 WEEKS

R E M A R K S	NET DUE	CASH DISC.	IF PAID BY	SUB-TOTAL	17,160.00
	17,160.00	0.00	04/20/2019	FREIGHT & HANDLING	0.00
				SALES TAX	0.00
				TOTAL(USD)	17,160.00
				PREPAID AMOUNT	

IMPORTANT: Alamo Group or affiliates (Alamo Group) shall not be liable to any person for any claim for injuries or damages which claim for injuries or damages arises out of or which results from the repair of this product by a person or firm other than Alamo Group. Repair parts are intended for use only on equipment manufactured or sold by Alamo Group.

Board of Selectmen Meeting

For the date of: 04/04/2019

Type of Item:

- Board or Committee Presentation
- Consent Agenda Item
- Public Hearing
- Unfinished Business
- Old Business
- New Business
- Executive Session
- Workshop

Type of Submission:

- Regular Submission
- Additional Agenda Item
- Additional Information

Agenda Number 19-20

(If this is unfinished business, please remember to research and enter the original agenda number above. For regular agenda items, the secretary will assign a number.)

Brief Title of consent or Agenda Item: Consideration and any appropriate action on union grievance related to Health Reimbursement Accounts (HRA).

Brief Description of Consent or Agenda Item: see attached

Submitted by Rich Roedner, Town Manager

Revised 08-2002

Date: 03-19-2019

MEMORANDUM

To: Board of Selectmen
From: Richard Roedner, Town Manager
Date: March 28, 2019
Re: HRA grievance from IAM units

On March 13, 2019, I received a grievance (attached) from both the Supervisory and Operations Units of the IAM regarding the Health Reimbursement Accounts (HRA) that were established following our last approved collective bargaining agreement in 2016. At that time, the Union agreed to a different level health insurance plan, and the Town agreed to fund an HRA for all employees taking health insurance. The agreed upon value of the HRA was \$2,500 for those with single coverage, and \$5,000 for those with family plans. This was done knowing that the MMA Health Insurance Plan had a maximum out of pocket of \$3,000 for individuals and \$6,000 for family plans, which were not included in the contract language.

On January 1, 2019, MMA changed the maximum out of pocket totals to \$3,500 for single plans and \$7,000 for family plans. The Union is claiming a breach of the contract since the Town has raised the maximum out of pocket without a corresponding increase in the HRA totals.

The sought after remedy is to change the HRA levels going back to July 1, 2016 and to reimburse any employee that may have run out of HRA benefit during that period.

No damages to any employee are being claimed by the union based on the new limits.

My reply to the union is also attached. This was dated March 14. The union then appealed my denial to the Board, dated March 14. I have not scheduled this appeal for executive session as no sensitive employee information was included, nor performance issues alleged.

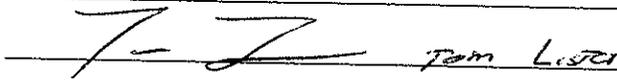
As noted in my letter to the union, the collective bargaining agreement clearly stated the limits of the HRA allowance at \$2,500/\$5,000, and no provisions were included to increase that level due to actions by any third parties, such as MMA raised out of pocket levels, or even the federal or state governments implementing limits on the total value of the HRA.

Further, the HRA rules established by the federal government clearly limit the time a claim can be made on a previous year's HRA, to 90 days after the end of the insurance year. Based on this alone, the sought after remedy cannot be granted.

IAM LOCAL S89
SUPERVISORY/OPEATIONS UNIT
GRIEVANCE FORM

Name of Employee: All supervisory and operations unit employees covered by Agreement between the Town of Topsham and Local S/89 District Lodge #4 dated July 1, 2016 – June 30, 2019

Date of Grievance filed: 3-13-2019

Signature of Grievant:  Tom Lister

Nature of violation:

Agreement between the Town of Topsham (Town) and Local S/89 District Lodge #4 (Union) dated July 1, 2016 – June 30, 2019 including Article 20 Health Insurance Health Reimbursement Account (HRA) and Article 33 Alteration of Agreement.

The Health Insurance Plan (PPO 1500) presented by the Town for negotiation 9/24/2015 listed Out of Pocket Maximum Deductible plus Coinsurance amounts per calendar year as \$3000 single/\$6000 family. The Town and Union negotiated Article 20 in good faith based on the proposed insurance plan, it was agreed that the Town would fund an HRA in the amount of \$2500 single subscriber and \$5000 for an employee electing dependent coverage in order to limit the maximum out of pocket expense per covered employee at \$500 single/\$1000 family.

The PPO 1500 Out of Pocket Maximum Deductible plus Coinsurance amounts per calendar year were unilaterally changed by the Towns insurance company to \$3500 single/\$7000 family resulting in a higher out of pocket expense per covered employee without the benefit of negotiation.

Settlement desired by the Union:

The Union requests that the contract be made whole in every way including funding the Health Reimbursement Account (HRA) described in Article 20 to levels that limit employee out of pocket expense to no more than \$500 single/\$1000 family. The Union further requests that this funding be made retroactive back to the contract date July 1, 2016 and that any covered employee having exceeded these out of pocket amounts be compensated in the amount exceeded.

Step 1 Department Head response:

Department Head Signature: 

Date of Union's receipt of Department Head response: 3-13-2019

Signature of Union Rep: 

Is the Union sending this grievance to step 2: YES NO

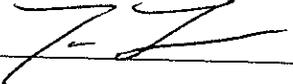
Date grievance submitted to 2nd step: 3-13-2019

Step 2 Town Manager's response:

Denied - see attached.

Town Managers Signature: 

Date of Union's receipt of Town Managers response: 3-14-2019

Signature of Union Rep: 

Is the Union sending this grievance to step 3: YES NO

Date grievance submitted to 3rd step: 3-14-2019

Step 3 Selectboard Chair response:

Signature of Chair of the Board: _____

Date of Union's receipt of Selectboard chair response: _____

Signature of Union Rep: _____

Is the Union sending this grievance to step 4: YES NO

Date grievance submitted to 4th step: _____

Step 4 Grievance Arbitration:

Date of Notification to Town of Topsham of intent to arbitrate: _____

Signature of Union Rep: _____



Office of the Town Manager

100 Main Street
Topsham, ME 04086

Richard Roedner

Town Manager

Phone: 207-725-5821

Fax: 207-725-1731

rroedner@topshammaine.com

www.topshammaine.com

March 14, 2019

Mr. Tom Lister
IAM Operations Unit Steward
100 Main St.
Topsham, ME 04086

Mr. Mike Labbe
IAM Supervisory Unit Steward
100 Main St.
Topsham, ME 04086

Re: Grievance dated 3/13/19
HRA funding levels

Dear Tom & Mike:

I am in receipt of the Grievance you have filed on behalf of both the Supervisory and Operations Units of the IAM Local S89. The grievance is filed over changes in the MMA terms of insurance. As noted in the grievance, "The Town and Union negotiated Article 20 in good faith (emphasis added) based on the proposed insurance plan, it was agreed that the Town would fund an HRA in the amount of \$2,500 single subscriber and \$5,000 for an employee electing dependent coverage in order to limit the maximum out of pocket expense per covered employee at \$500 single/\$1,000 family".

I agree completely that we negotiated in good faith and selected an insurance option and HRA plan with the agreed upon financial limits. We agreed to fund the HRA at the levels described, \$2,500/\$5,000. However, the contract does not include language that forever limits out of pocket to \$500/\$1,000 as suggested in your grievance statement. The language in the contract reads:

"The Health Insurance plan provided to the employee in this unit is MMEHT PPO-1500. As part of the Health Insurance plan, the Town agrees to fund, on an annual basis, a Health Reimbursement Account (HRA) with the amount of two thousand five-hundred dollars (\$2,500.00) for a single subscriber and five thousand dollars (\$5,000.00) for an employee electing dependent coverage. Unused money in the HRA does not carry forward but the account is replenished each year to the amounts stated above."

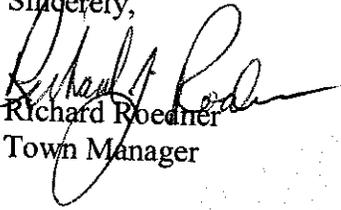
As you are aware, we continue to provide the PPO-1500 plan, and we continue to ensure adequate funding is in the budget to fund the HRA, with the limits we negotiated. I am sure you are also aware that we have no ability to affect the terms of the insurance policy, as those are decided by a third party.

Because the value of the HRA was clearly agreed to by all parties, and we have met our obligations under the contract with respect to the HRA values, I find that there is no violation of

the contract terms. Your request to retroactively increase the HRA amounts back to July 1, 2016 is denied.

Based on our Collective Bargaining agreement, you may appeal my decision to the Board of Selectmen within 15 working days of today's date, March 14, 2019.

Sincerely,


Richard Roemer
Town Manager

Board of Selectmen Meeting

For the date of: 04/04/2019

Type of Item:

- Board or Committee Presentation
- Consent Agenda Item
- Public Hearing
- Unfinished Business
- Old Business
- New Business
- Executive Session
- Workshop

Type of Submission:

- Regular Submission
- Additional Agenda Item
- Additional Information

Agenda Number 19-21

(If this is unfinished business, please remember to research and enter the original agenda number above. For regular agenda items, the secretary will assign a number.)

Brief Title of consent or Agenda Item: Consideration and any appropriate action on reviewing draft Capital Replacement Policy.

Brief Description of Consent or Agenda Item: see attached

Submitted by Rich Roedner, Town Manager **Date:** 03-25-2019

Revised 08-2002

MEMORANDUM

To: Board of Selectmen
From: Richard Roedner, Town Manager
Date: March 28, 2019
Re: Consideration of Draft Capital Replacement Policy

During our budget discussions, there was considerable debate over the line in our Capital Budget "Replacement", what it meant, what it was to be used for, etc. While there were several opinions voiced about the budget item, it was clear that there was no one understanding that everyone accepted.

So, I put together the attached draft policy that defines what the line item is intended to accomplish (create a reserve fund), what it can be spent on (facilities) and for what purposes (high value components of facilities).

It established the capacity to limit the size of the fund, To Be Determined, and gives some operating restrictions regarding how to keep it at/near the desired level.

I have forwarded this draft to the two Chairs of the Finance Committee to see if this the type of policy that they are seeking to have, and any comments I receive will be provided to the Board at next week's meeting.

Capital Replacement Policy

The intent of the Capital Replacement line in the proposed budget is to create a reserve fund to be used to replace high value components of our built facilities, due to sudden failure or planned replacement. These would include components such as:

- Roofs
- Furnaces
- A/C systems
- Windows/doors (replacement, not merely repair)
- Parking and/or driveway repaving
- Lighting system replacement (not replacing bulbs/fixtures, but large scale systemic change over)
- Flooring
- Renovations

The fund would be capped at approximately \$XXXXXXXX. Once that level is achieved, it will be replenished as needed. The fund can exceed the stated limit through the budget process, for upcoming planned expenditures that either exceed the stated limit, or would leave us with insufficient funding for emergency needs, as long as the fund would return to the stated limit or lower upon the planned expenditure.

The facilities covered by the fund are:

- Municipal Building
- Public Safety
- Public Works
- Library
- Solid Waste Facility

Any future facilities will be included upon completion.

This policy can be amended by the Board of Selectmen.

Board of Selectmen Meeting

For the date of: 04/04/2019

Type of Item:

- Board or Committee Presentation
 Consent Agenda Item
 Public Hearing
 Unfinished Business
 Old Business
 New Business
 Executive Session
 Workshop

Type of Submission:

- Regular Submission
 Additional Agenda Item
 Additional Information

Agenda Number 19-16

(If this is unfinished business, please remember to research and enter the original agenda number above. For regular agenda items, the secretary will assign a number.)

Brief Title of consent or Agenda Item: Consideration and any appropriate action to enter into Executive Session pursuant to 36 M.R.S.A § Title 1 405 (6) (F) to discuss a tax acquired property.

Brief Description of Consent or Agenda Item:

Submitted by Rich Roedner, Town Manager

Date: 03-01-2019

Revised 08-2002

Board of Selectmen Meeting

For the date of: 04/04/2019

Type of Item:

- Board or Committee Presentation
- Consent Agenda Item
- Public Hearing
- Unfinished Business
- Old Business
- New Business
- Executive Session
- Workshop

Type of Submission:

- Regular Submission
- Additional Agenda Item
- Additional Information

Agenda Number 19-17

(If this is unfinished business, please remember to research and enter the original agenda number above. For regular agenda items, the secretary will assign a number.)

Brief Title of consent or Agenda Item: Consideration and any appropriate action to enter into Executive Session pursuant to 1 M.R.S.A. § 405 (6) (E) to consult with legal counsel.

Brief Description of Consent or Agenda Item:

Submitted by Rich Roedner, Town Manager

Date: 03-19-2019

Board of Selectmen Meeting

For the date of: 04/04/2019

Type of Item:

- Board or Committee Presentation
- Consent Agenda Item
- Public Hearing
- Unfinished Business
- Old Business
- New Business
- Executive Session
- Workshop

Type of Submission:

- Regular Submission
- Additional Agenda Item
- Additional Information

Agenda Number 19-22

(If this is unfinished business, please remember to research and enter the original agenda number above. For regular agenda items, the secretary will assign a number.)

Brief Title of consent or Agenda Item: Consideration and any appropriate action to enter into Executive Session pursuant to 1 M.R.S.A. § 405 (6) (E) to consult with legal counsel.

Brief Description of Consent or Agenda Item:

Submitted by Rich Roedner, Town Manager

Date: 03-19-2019

Board of Selectmen Meeting

For the date of: 04/04/2019

Type of Item:

- Board or Committee Presentation
- Consent Agenda Item
- Public Hearing
- Unfinished Business
- Old Business
- New Business
- Executive Session
- Workshop

Type of Submission:

- Regular Submission
- Additional Agenda Item
- Additional Information

Agenda Number

19-23

(If this is unfinished business, please remember to research and enter the original agenda number above. For regular agenda items, the secretary will assign a number.)

Brief Title of consent or Agenda Item: Consideration and any appropriate action to enter into Executive Session pursuant to 1 M.R.S.A. § 405 (6) (C) to discuss property acquisition.

Brief Description of Consent or Agenda Item:

Submitted by Rich Roedner, Town Manager

Date: 03-19-2019