

**6:30PM Board of Selectmen Meeting
Topsham Municipal Building
Donald A. Russell Meeting Room
January 2, 2020**

Pledge of Allegiance –

Roll Call of Board Members –

Town Manager's Report –

Board and Committee Reports and Updates-

Public Comment –

Correspondence –

Adjustments to the Agenda –

Consent Calendar –

1. Approval of the minutes of the Special Selectmen meeting December 17, 2019.
2. Approval of the minutes of the Regular Selectmen meeting December 19, 2019.

Public Hearing –

Unfinished Business –

Old Business –

New Business –

20-01- Consideration and any appropriate action to consider pursuing a potential contract with Central Maine Cost recovery.

Executive Session- Unfinished Business-

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: 01/02/2020

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 Special Selectmen meeting 12-17-2019.

Brief Description of Consent or Agenda Item: see attached

Submitted by Derek Scrapchansky, Interim Town Manager

Date: 12-31-2019

Draft

Topsham Board of Selectman

Minutes

December 17, 2019

Donald A. Russell Meeting Room

Call to Order Chairman Douglass called the meeting to order at 6:16 pm

Roll Call.

Members Present

Chairman Douglass
Vice Chairman Roland Tuffs
Ruth Lyon
Matt Nixon
Marie Brilliant

Executive Session

Item 19-102- Consideration and appropriate Action on entering Executive Session pursuant to 1.MRSA § 405(6) (A) to discuss personnel matters.

All members present entered Executive Session

The Board returned from Executive Session at 6:56 p.m., all members present.

Voted 5-0

To move forward with the search for a Town Manager based on the plan discussed in Executive Session.

Motion by Selectman Nixon, seconded by Selectman Brilliant, to adjourn.

All were in favor.

Respectfully Submitted

David Douglass
Chairman, Board of Selectmen

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Agenda Number 2

(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 12-19-2019.

Brief Description of Consent or Agenda Item: see attached

Submitted by Derek Scrapchansky, Interim Town Manager

Date: 12-31-2019

MINUTES
TOWN OF TOPSHAM
BOARD OF SELECTMEN MEETING
DONALD A. RUSSELL MEETING ROOM
DECEMBER 19, 2019 – 7:00 P.M

MEMBERS PRESENT: David Douglass
Marie Brilliant
Ruth Lyons
Matt Nixon
Roland Tufts

MEMBER(S) ABSENT: All present

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

A meeting of the Topsham Board of Selectmen was held on Thursday December 19, 2019 in the Donald A. Russell Meeting Room, at the Municipal Building, 100 Main Street, Topsham, Maine. *(The Board actually met at 6:00 p.m. to conduct a Workshop on the transition of Town Managers.)*

CALL TO ORDER

Chairman David 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 members were present.

TOWN MANAGER'S REPORT

A reminder to all residents that the transfer station does not accept wrapping paper, ribbons or bows for recycling any longer. These items should all be placed in the garbage.

On a personal note, this is my last Selectman's meeting here in Topsham. For the past six years, I have been here every first and third Thursday evening, and for the 11 years before that, I was a very frequent guest at these events as Town Planner. Starting on January 6, I will begin working as the Town Manager in Elon, North Carolina.

I would like to say thank you to the Board of Selectmen for the trust they have placed in me, first as your Planner, and then as your Town Manager. You have supported me in goals for Topsham, and I believe we have made some great progress in helping to guide the growth of this community. In all of our discussions and debates, we have always put Topsham first, even if we had different opinions, but those differences never clouded the strong relationship we have had with each other.

I would also like to say Thank You to the staff here in Topsham. You people have made my job easy, by being great employees, great co-workers and great friends. For those of you who are still here since the time I started, you welcomed me into the fold of Topsham co-workers. Again, when we have disagreed on issues, we always agreed that what was best for Topsham had to come first. Your dedication to this town is remarkable, and so very much appreciated.

Lastly, to the residents of Topsham, you have made this more than a job – your support, enthusiasm, involvement and obvious sense of caring for the community has made this job more of a calling. I have grown to love Topsham, and while I grumbled at times about spending two or three nights a week here, I never regretted working for all of you. You are what makes this a remarkable and wonderful community.

I know that your next Town Manager will be chosen with the utmost care by the Board of Selectmen, and I have every confidence that Topsham will continue to be a special place in the Midcoast – not the biggest, not the wealthiest or even the flashiest, but a welcoming and vibrant community filled with dedicated people. Thank you for sharing your town with me for these many years.

Both Chairman Douglass and Selectman Lyons praised Mr. Roedner for the fine job he did as Town Manager

BOARD AND COMMITTEE REPORTS AND UPDATES

UPDATE FROM THE MDOT PEDESTRIAN PLAN, PATRICK ADAMS, MDOT

Patrick Adams, Transportation Planner, from the Maine Department of Transportation complimented the Town Manager for his drive, determination and passion. He said Mr. Roedner was a joy to work with, along with the Topsham Staff.

Mr. Adams talked about the MDOT Pedestrian Mitigation Plan, a copy of which was given to each of the Board members. He said the Plan is a tool for Topsham to continue their work in making the Town a safer place for crosswalk crossings and bicyclists. Chairman Douglass inquired as to what type of support, including financial, the Town could expect from the State. Mr. Adams said money has been set aside for the 21 towns listed in the plan, Topsham included. The money will be considered in a cost sharing way. Selectman Brilliant asked if there was a way to include horse riders. Mr. Adams responded that requests have been presented from the riding sector.

UPDATE TDI/ECD – John Shattuck, Topsham Economic and Community Development, Inc. Director reported to the Board on the following:

Elm Street Extension (ESE) Project – Based on traffic studies and preliminary design plans for restoring ESE, the Board of Selectmen has determined that the extension redesign and reconstruction of the Elm Street Extension is not justified at this time. However, the town will be proceeding with the upgrade of the Lower Village Storm Water System.

Topsham Development, Inc. (TDI) Strategic Planning – The TDI Board kicked off its Strategic Plan Update process at its annual strategic priorities meeting on Friday, December 13th. A subcommittee will be drafting proposed updates based on the meeting discussion and will report to the Board when completed. The full Board will consider the proposed updates at their

January meeting and will request an opportunity to present their revised plan to the Board of Selectmen at their convenience.

Farewell to the Town Manager – Mr. Shattuck said it has been his privilege to work with Rich for nearly twelve years. Said he was a great colleague and partner when he was the Town’s Planning Director and has been a wonderful leader as Manager, who sought staff input and effectively guided staffs efforts. Rich works with a consistent goal to enhance staff effectiveness through collaboration. Mr. Shattuck said Rich has many accomplishments in Topsham that he can be proud of. He added “But he does still have to answer for being part of the Search Committee that hired me!”

PUBLIC COMMENT – None noted

CORRESPONDENCE – None noted

ADJUSTMENTS TO THE AGENDA – None noted

CONSENT CALENDAR

1. Approval of the minutes of the Selectmen’s meeting of November 21, 2019.

Motion was made by Selectmen Tufts, seconded by Selectman Nixon, and it was

VOTED

To approve the minutes of the Special Selectmen’s meeting of November 21, 2019, as written. (The vote was 4 in favor with 1 abstention from Selectmen Brilliant.)

2. Approval of the minutes of the Selectmen’s Meeting of December 5, 2019.

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

VOTED

To approve the minutes of the Special Selectmen’s meeting of December 5, 2019, as written.

A reminder was noted that the Board of Selectmen Meeting on January 2, 2020 will begin at 6:30 p.m.

PUBLIC HEARING

19-103 CONSIDERATION AND ANY APPROPRIATE ACTION ON APPROVING A MARIJUANA BUSINESS LICENSE APPLICATION TIER 2 MARIJUANA CULTIVATION FACILITY LOCATED AT 49 TOPSHAM FAIR MALL ROAD, TAX MAP R05, LOT 09-A SUBMITTED BY 4207 LLC (A/K/A Highbrow)

The Public Hearing was declared open.

Rod Melanson, Town Planner, spoke to this item saying the application was found to be complete. He noted that sensitive information was removed from the Board package for safety purposes. Topsham will issue only two licenses of this nature.

Staff comments included:

- Charles Doherty is the sole owner of 4207 LLC.
- Highbrow is an operating business.
- Town staff have not received any complaints regarding the operation of this business.
- The applicant is licensed through the State of Maine as a caregiver and is seeking a retail caregiver license from the Town.
- Correspondence from the owner of the Topsham Fair Mall, John Larson, is included in the submitted materials and Mr. Larson highly regards how the business has operated since opening.
- All of the information required for the application was submitted and has been reviewed by staff.

Mr. Doherty spoke before the Board and said the use of the area of his business will be within the 1,500 square foot restriction. He expects to occupy approximately 600 square feet.

Chairman Douglass asked if anyone present in the audience wished to speak to the application. With no one wishing to speak, the Public Hearing was declared closed.

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

VOTED

To approve the application of 4207 LLC Registered Caregiver Retail Store including the Findings of Fact as listed in memo from Town Clerk Linda Dumont to the Town Manager dated December 6, 2019 with the following Condition of Approval:

1. No changers to this approved license are allowed to occur. The applicant must return to the Board of Selectman for any license renewals or amendments.

UNFINISHED BUSINESS – None noted

OLD BUSINESS – None noted

NEW BUSINESS

19-104 CONSIDERATION AND ANY APPROPRIATE ACTION TO REQUEST THE SETUP OF THE COMPREHENSIVE PLAN IMPLEMENTATION COMMITTEE

Planner Melanson said before he would speak to this agenda item he wished to extend to the outgoing Town Manager his debt of gratitude and admiration. He said Mr. Roedner hired him back in 2004.

He referenced his memo to the Town Manager dated August 1, 2019 saying the Topsham Comprehensive Plan Update, adopted in May of 2019, recommends the creation of an Implementation Committee to both actively work to implement certain provisions of the

Comprehensive Plan and to guide the implementation of other provisions. The memo notes three tasks for the committee to consider. During discussion, it was agreed not to identify the complete committee at this meeting, but to initiate the committee with three members who served on the previous committee to begin the process.

Larry Fitch, who chaired the former committee spoke suggesting staggered terms for the committee during the 10-year process and to try to keep residents engaged as much as possible. During discussion it was agreed that up to 9 members was a good number to consider when forming the committee.

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

VOTED

To create a Comprehensive Plan Implementation Committee (CPIC) composed of up to 9 members consisting of Susan Rae Reeves, Joe Feely and Larry Fitch as the first initial 3 members.

19-105 CONSIDERATION AND ANY APPROPRIATE ACTION ON RELEASE OF A SOLAR POWER PURCHASE AGREEMENT (PPA) RFP PROPOSED BY THE TOPSHAM SOLAR ADVOCATE GROUP

Nick Watery represented the Topsham Solar Advocate Group and began the discussion of a possible Request for Proposals, a copy of which was included in the Board package. The 8-page document was discussed with questions asked such as *Do we need a claw back provision if they don't meet our expectations? What about a performance bond? Should we add the wording that we are looking for 100%? What is the amount of electricity are we looking to gain? Assume completion date would be January 1, 2021?*

Yvette Meunier spoke telling the Board that the solar power should not affect the budget. Selectman Tufts asked if there was a fixed capacity and are they regulated so they can't over sell. Response was that regulation was not needed because the Town would be operating under a contract. Chairman Douglass said when the selection process is narrowed down to perhaps three firms; the firms should come before the Board in a workshop session so the Board's concerns could be addressed. Selectman Nixon thanked the group for bringing solar considerations before the Board and said he was interested in cost but looking more for stability.

It was noted that on Friday the Brunswick-Topsham Water District and the Sewer District is putting out the same RFP and perhaps the entities could work together.

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

VOTED

To authorize the release of the Solar Power Purchase Agreement RFP as proposed by the Topsham Solar Advocate Group.

EXECUTIVE SESSION

At 8:33 p.m., motion was made by Selectman Nixon, seconded by Chairman Douglass, and it was unanimously

VOTED

To move into Executive Session to discuss agenda item 19-93. All Board members were present, as was Town Manager Roedner and Assistant Town Manager Scrapchansky.

19-93 CONSIDERATION AND ANY APPROPRIATE ACTION TO ENTER INTO EXECUTIVE SESSION PURSUANT TO 1 M.R.S.A. §405 (6) (A) TO DISCUSS PERSONNEL MATTERS

The Board returned to regular session at 9:01 p.m. with all members and staff still present.

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

VOTED

To authorize the expenditure of up to \$10,000 for an audit by the Maine Chiefs of Police Association to work with the Topsham Police Department to perform a Department Evaluation.

ADJOURN

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

VOTED

To adjourn the meeting at 9:03 p.m.

Respectfully submitted,

Patty Williams, Recording Secretary

Board of Selectmen Meeting

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Agenda Number: 20-01

(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 consider pursuing a potential contract with Central Maine Cost recovery.

Brief Description of Consent or Agenda Item: See attached Memo.

Submitted by: Chris McLaughlin, Fire Chief

Date: 12-18-2019

Memo

#

To: Rich Roedner, Town Manager
From: Chris McLaughlin, Fire Chief
CC: Board of Selectmen,
Date: December 18th, 2019
Re: Central Maine Cost Recovery

Central Maine Cost Recovery is a private billing company that specializes in billing for fire department services, mainly for vehicle accidents. I am proposing this agenda item to see if the board is interested in pursuing this potential revenue stream.

Fire departments can bill a vehicle's insurance company for services rendered at motor vehicle accidents. The payment of this falls under the clean-up and towing portion of their insurance policy. The idea of this program is to bill car insurance companies for non-residents that use our services and subsequently cost our taxpayers money in staffing, fuel, equipment, etc.

Central Maine Cost Recovery is a relatively new company based out of Fairfield, ME. The current owners purchased the company in 2018. They currently serve 27 towns in Maine, with 20 other towns currently working on approval from their governing bodies. Fire departments can access claims via a web portal that tracks all of the activity regarding that claim, including copies of checks received. The company retains 20% of recovered funds and sends a check for the remaining 80% to the municipality.

As of 12/18/2019, the Topsham Fire and Rescue Department has responded to 103 motor vehicle accidents in 2019.

Revenue Projection: It is hard to accurately predict revenue on this program as each town is set up a little bit different, but I have reviewed several towns in this program to attempt a rough estimate. One

town I looked at billed for 39 accidents for a total amount of \$27,885. To date, they have collected \$12,140. Another town had ten accidents a collected \$3,235. Based on what the company has sent me, I would estimate \$30,000-\$40,000 in potential revenue for Topsham. One other consideration is the I-295 corridor. A tractor-trailer rollover is a long event and ties up emergency crews for a long time. Recovery funds for these types of events are usually higher than the normal accident.

The billing company highly recommends that the town drafts an ordinance regarding this, although it is not required. Some insurance companies will not pay without an ordinance in place. The ordinances will spell out who we bill and what for. Some towns only bill the insurance company and never go after the individual for non-payment and some towns chose only to bill the non-resident at-fault insurance companies. It is customizable to each town.

I have attached an article from the International Association of Fire Chiefs that explains this program.

I am looking for guidance from the board to see if this is a program that we want to pursue. If so, I will come back to the board with a contract and start the process of drafting an ordinance. Regardless of the board's decision, this program will not affect the daily operations of the fire department one way or the other.

Respectfully submitted,
Chris McLaughlin, Fire Chief



<https://www.iafc.org/topics-and-tools/department-administration/cost-recovery-for-fire-based-emergency-response-services>

Cost Recovery for Fire-Based Emergency Response Services

Cost recovery for fire-based emergency response services is becoming a more familiar concept for cities, counties and their fire departments. Fire-based billing for emergency medical services is already an SOP for many fire departments, and a variety of companies can assist them with billing the individuals who receive the medical services.

Newer to the fire service is the concept of cost recovery for emergency response to multiple-vehicle accidents. At-fault drivers' insurance providers are billed by cities and counties for the fire department services they incur. Cost recovery is a viable option as cities and counties experience a decrease in their tax bases. They need options to offset the costs of the demand for emergency response by their fire departments. There continues to be a demand for timely and high-quality emergency responses even when budgets are shrinking.

Ordinances Support Cost Recovery

Many fire departments provide emergency services along major interstate freeways or other high traffic areas. A high proportion of the motor vehicle accidents to which they respond involve drivers who are non-residents and not part of the fire department's tax base. For this reason, the cities and counties are realizing it is reasonable for them to file claims against the at-fault driver to help cover the cost of the response.

Although the process may vary depending upon the applicable state law, generally the fire department's city or county will adopt an ordinance that sets forth the terms of their cost recovery program. The ordinance is adopted by the city or county, and the fire department then has the authority to file claims for their emergency response services.

Citizens Accept Cost Recovery When They Understand Its Purpose

When citizens first hear about motor vehicle emergency response fees, they may oppose the concept. They become more accepting when they understand that only at-fault, nonresident drivers will be responsible for the claim -- not every driver involved in an accident.

They are usually concerned about the impact the emergency response claims will have on their insurance rates. For most at-fault drivers, the emergency response fee is less than \$450. It is reasonable to assume most of the cost of the emergency response fee will be passed on to the at-fault drivers in the form of higher premiums. While it is possible a portion of the insurance companies

increased costs will be spread to all policy holders, it is more likely the relatively small emergency response fee will mostly be paid by at-fault drivers.

From the fire departments perspective, however, making numerous emergency response calls, including those caused by nonresident drivers, can become quite a burden upon its resources. Taken in total, the calls can strain the city and county emergency response resources.

As citizens begin to understand the nominal size of the emergency response fee and probable minimal impact on their insurance premiums, they generally become more accepting of the concept. Finally, when citizens realize filing claims for emergency response fees is the only acceptable alternative for many fire departments, they come to accept the policy.

Countering the Opponents' Arguments

Cost recovery is not double taxation, as some opponents have claimed. In situations where only non-residents are being billed, there is no out-of-pocket expense to taxpayers. Also, cost recovery is not a tax; it is comparable to a user fee. The at-fault, nonresident driver has used the city and county emergency response services. In fact, all costs recovered are a direct benefit to the taxpayer and the community served by the local fire department.

Opponents of cost recovery also claim that insured drivers are being discriminated against because uninsured drivers generally will not have to pay for emergency response fees. However, uninsured drivers run the risk of great financial exposure from driving without insurance and, in most states, are at risk of having their car impounded, losing their driving privileges or both. Most prudent drivers will not feel they

are being discriminated against because they have already made the decision to secure insurance to protect themselves and their families in case of an accident.

Conclusion

Cost recovery is a reasonable option in a time when communities are facing the possibility of raising taxes to cover the actual costs, or lowering the services provided by the fire department, for example, by increasing response times.