

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

Pledge of Allegiance –

Roll Call of Board Members –

Town Manager's Report –

Board and Committee Reports and Updates-

- Update from the Topsham Sewer District- Board members Mark Ponziani, Dwight Balzer and Chris LeClerc.

Public Comment –

Correspondence –

Adjustments to the Agenda –

Consent Calendar –

1. Approval of the minutes of the Regular Selectmen meeting October 17, 2019.

Public Hearing –

19-79- Consideration and any appropriate action on the revised General Assistance Ordinance Appendices (A-F and H).

Unfinished Business –

Old Business –

New Business –

19-80-Consideration and any appropriate action on the repeal of the Single-Use Plastic Bag Ordinance for May 2021 Town Meeting.

19-81- Consideration and any appropriate action on the election of Chair for the Board of Selectmen.

19-82- Consideration and any appropriate action on the election of Vice-Chair for the Board of Selectmen.

19-83-Consideration and any appropriate action on approving the Rules of Order and Procedure for the Topsham Board of Municipal Officers

Executive Session-

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: 11/07/2019

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 10-17-2019.

Brief Description of Consent or Agenda Item: see attached

Submitted by Rich Roedner, Town Manager **Date:** 10/22/2019

MINUTES
TOWN OF TOPSHAM
BOARD OF SELECTMEN MEETING
DONALD A. RUSSELL MEETING ROOM
OCTOBER 17, 2019 – 7:00 P.M

MEMBERS PRESENT: David Douglass
Marie Brilliant
Ruth Lyons
William Thompson

MEMBER(S) ABSENT: Roland Tufts

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

A meeting of the Topsham Board of Selectmen was held on Thursday October 17, 2019 in the Donald A. Russell Meeting Room, at the Municipal Building, 100 Main Street, Topsham, Maine.

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, except for Selectman Tufts, who had been excused.

TOWN MANAGER'S REPORT

The hours for household hazardous waste collection at the Landfill on Saturday, **October 19** has been extended to 9:00 a.m. to 2:00 p.m. Paints, latex and oil base, should not be brought to this site. They can be brought to the Sherwin Williams at the Topsham Fair Mall.

The next Drug Take-Back will be held on Saturday, **October 26** from 10:00 a.m. to 2:00 p.m. at the Police Department. This is for any unused or unwanted drugs; no liquids and no needles will be accepted. (Selectman Lyons noted that needles can be put in detergent bottles, sealed and marked “needles in bottle” and put in your regular trash containers.)

Sunday, **October 27** from 9:00 a.m. until noon is the dedication of the mountain bike trail at the Solid Waste Facility .

October 31 is the Halloween celebration which will kick off in front of Smity’s and go down to Hannafords.

Dog licenses are now available. Avoid the late January rush as there is a fine as of February 1st. You can do it on line.

BOARD AND COMMITTEE REPORTS AND UPDATES

Update from Brunswick-Topsham Water District

Stu Kay and Yvette Meunier presented the Annual Water Quality Report. Ms. Meunier said the District has 21 full-time employees and a \$5 million dollar budget for 2020. They deliver an average 2 million gallons of water per day to 7,226 users, 2/3 of which are in Brunswick and 1/3 in Topsham.

Sources of supply are all from groundwater taken from various wells:

- Jackson Station, Topsham: One 24-inch diameter well and one 18-inch diameter well.
- Jordan Avenue Station, Brunswick: 138 2.5-inch diameter wells.
- Taylor Station, Brunswick: One 24-inch diameter well, one 18-inch diameter well and one 12-inch diameter well;
- and the Williams Station in Brunswick with one 12-inch diameter well.

The water distribution system includes approximately 120 miles of water main, two storage tanks, 7,226 services, and 1,100 private and public hydrants. In 2018 an average of 2.05 million gallons of water per day was delivered to customers. February 5 was our highest demand day in 2018 delivering 3.4 million gallons of water.

Stu Kay said the District is busy working on their Master Plan. The goal is to have as few failures as possible in the system and to keep abreast on necessary water main replacements. Mr. Kay said there is a significant difference in the number of breakages between Topsham and Brunswick and that of other towns due to continued replacement of mains as needed.

Ms. Meunier passed out a brochure giving the Annual Water Quality Report.

Update from the Conservation Commission

Raija Suomela, a member of the Conservation Commission, presented an update to the Board. She said some of their major successes for the year included:

- Support of the Comprehensive Plan and involvement in reading sections, commenting on them and commenting on the open spaces.
- Wrote a letter of endorsement or celebration of the natural resources in Town.
- Endorsed the plan which was successfully accepted at the Town Meeting.
- Paper Streets – Helped assess an inventory of paper streets and continue to look at them at meetings to assess their value.
- Hosted an event at the Town Library to educate citizens of the purpose of our commission.
- Continue to support work with invasive plant awareness and removal.
- Implemented a disposal location at the Solid Waste Facility.
- Worked with forrester with tree clearing at the recreation field which included a lot of volunteer time clearing invasive plants.
- Assess the Town's conservation easement properties.

Chairman Douglass asked how he can identify what the invasive species are. Ms. Suomela said there is a sign at the landfill. Also, there is a link on the website for residents to be able to identify the plants. Selectman Lyons asked if a list could be left at the Town Office.

Chairman Douglass asked how one would know when volunteers are needed and how volunteers are identified. Ms. Suomela said the Commission mostly does the needed work within the group. Town Manager Roedner noted that Bowdoin College has a day when they offer volunteers to the Town and the Commission usually accepts the students and puts them to work on various projects.

Update TDI/ECD

John Shattuck, Topsham Economic and Community Development, Inc. Director gave an update including:

Build Maine (BME) Strategic Planning Effort

- Annual project going well. Continuing to work with BME on a municipally focused planning effort.
- Joined in a BME presentation to municipal attorneys in Portland.

Assistant Planner Interviews

- Mr. Shattuck joined Mr. Scrapchansky, Mr. Melanson and Ms. LeDuc to serve on the interview panel for the Assistant Planner position.

Design Advisory Committee (DAC)

- Contacted MDOT asking for their final costs for amenities. They expect to have this by the end of this month.
- DAC will probably meet one last time in early November to look at the final rendering.
- DAC leadership will meet with the Town leadership to discuss local cost shares.

During a discussion on the bridge, the Town Manager asked what DOT says in terms of start time. Mr. Shattuck said there are some utility issues and issues with the Brookfield Dam, so the startup has been deferred. RFP's will go out in August and the process will take 1 to 3 months so, realistically, there won't be any building season left in 2020. The goal now is to start in 2021. This will give the Town a couple of budget years to plan. It appears we won't expend any money in the 2021 budget.

PUBLIC COMMENT – None noted

CORRESPONDENCE – None noted

ADJUSTMENTS TO THE AGENDA – None noted

CONSENT CALENDAR

1. Approval of the minutes of the Regular Selectmen's Meeting of September 19, 2019

Motion was made by Chairman Douglass, seconded by Selectman Lyons, and it was unanimously (of those present)

VOTED

To table any action on the minutes of September 19, 2019.

2. Approval of the minutes of the Regular Selectmen meeting of October 3, 2019

Motion was made by Chairman Douglass, seconded by Selectman Lyons, and it was unanimously (of those present)

VOTED

To approve the minutes of the regular selectmen's meeting of October 3, 2019.
(The vote was 3 in favor with 1 abstention [Selectman Brilliant]).

PUBLIC HEARING – None noted

UNFINISHED BUSINESS – None noted

OLD BUSINESS – None noted

NEW BUSINESS – None noted

EXECUTIVE SESSION

19-78 CONSIDERATION AND ANY APPROPRIATE ACTION TO ENTER INTO EXECUTIVE SESSION PURSUANT TO 1 M.R.S.A. §405 (6) (A TO DISCUSS A PERSONNEL MATTER

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

VOTED

To move into Executive Session to discuss agenda item 19-78. All Board members were present, along with Town Manager Rich Roedner and Assistant Town Manager Derek Scrapchansky.

The Board returned from Executive Session at 8:06 p.m. with all members and staff still present.

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

VOTED

To provide a 1.5% Cost of Living Increase to all non-union employees, to reflect the last 12 months of CPI-U, and a 1.5% wage adjustment to maintain competitive positioning in the

overall market, retroactive to July 1, 2019. Further, the Town will maintain the current HRA contribution levels for calendar year 2020.

During discussion, it was noted that funding would be provided to the Library to maintain consistency with comparable Town positions.

All voted in favor.

ADJOURN

Motion was made by Chairman Douglass, seconded by Selectman Brillant, and it was unanimously (of those present)

VOTED

To adjourn the meeting at 8:08 p.m.

Respectfully submitted,

Patty Williams, Recording Secretary

Board of Selectmen Meeting

For the date of: 11/7/ 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: 19-79

(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 revised General Assistance Ordinance Appendices (A – F and H).

Brief Description of Consent or Agenda Item. To adopt MMA's new Oct 1, 2019– September 30, 2020 revised General Assistance Ordinance Appendix A – C and H, all of which reflect an increase and Appendix D, E & F that are unchanged.

*Public Hearing

*Adoption page require signatures

Submitted by: Linda Dumont, Town Clerk -General Assistance Director **Date:** 10/9/2019



To: Welfare Officials and Contracted Agents
From: Sara Russell, Program Manager, General Assistance
Date: September 6, 2019
Subject: New GA Maximums

Enclosed please find the following items:

- MMA's new (October 1, 2019–September 30, 2020) “**General Assistance Ordinance Appendices**” (A – F and H).
- “**GA Maximums Adoption Form**” which was developed so that municipalities may easily send DHHS proof of GA maximums adoption. Once the selectpersons or council adopts the new maximums, the enclosed form should be signed and submitted to DHHS. (see “*Filing of GA Ordinance and/or Appendices*” below for further information).

Appendix A – F & Appendix H

The enclosed Appendices A – F, and Appendix H have been revised for your municipality’s General Assistance Ordinance. These new Appendices, **once adopted**, should replace the existing Appendices A – F and Appendix H. Even if you have already adopted MMA's model General Assistance Ordinance, **the municipal officers must approve/adopt the new Appendices yearly.**

The Adoption Process

The **municipal officers (i.e., selectpersons/council)** adopt the local **General Assistance Ordinance and yearly Appendices**, even in town meeting communities. The law requires that the municipal officers adopt the ordinance and/or Appendices **after notice and hearing**. Seven days posted notice is recommended, unless local law (or practice) provides otherwise.

At the hearing, the municipal officers should:

- 1) Allow all interested members of the public an opportunity to comment on the proposed ordinance;
- 2) End public discussion, close the hearing; and
- 3) Move and vote to adopt the ordinance either in its posted form or as amended in light of public discussion.

Municipalities May Establish Their Own Maximums

Municipalities may establish their own maximum levels of assistance provided that the proposed levels of assistance are reasonable and meet adequate standards sufficient to maintain the health and safety of applicants in the municipality. The municipality must submit to the Department documentation to justify these levels of assistance and verify that the figures developed are appropriate to maintain health and decency.

A municipality's maximum assistance level for Food may not be below the Department provided figures which are issued by the USDA and published annually following a study of cost of food for various family sizes. A market basket survey may be used to establish food maximums if the maximums provided by the USDA are insufficient to maintain health in the municipality.

Filing of GA Ordinance and/or Appendices

Please remember that General Assistance law requires each municipality to send DHHS a copy of its ordinance once adopted. *(For a copy of the GA model ordinance, please call MMA's Publication Department, or visit their web site www.memun.org).* In addition, any changes or amendments, such as new Appendices, must also be submitted to DHHS. DHHS will accept the enclosed "adoption sheet" as proof that a municipality has adopted the current GA maximums.

2019-2020 GA Overall Maximums

Metropolitan Areas

COUNTY	Persons in Household				
	1	2	3	4	5*
Bangor HMFA: Bangor, Brewer, Eddington, Glenburn, Hampden, Hermon, Holden, Kenduskeag, Milford, Old Town, Orono, Orrington, Penobscot Indian Island Reservation, Veazie	759	862	1,096	1,373	1,924
Cumberland County HMFA: Baldwin, Bridgton, Brunswick, Harpswell, Harrison, Naples, New Gloucester, Pownal, Sebago	865	909	1,176	1,634	1,866
Lewiston/Auburn MSA: Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	725	783	1,007	1,265	1,606
Penobscot County HMFA: Alton, Argyle UT, Bradford, Bradley, Burlington, Carmel, Carroll plantation, Charleston, Chester, Clifton, Corinna, Corinth, Dexter, Dixmont, Drew plantation, East Central Penobscot UT, East Millinocket, Edinburg, Enfield, Etna, Exeter, Garland, Greenbush, Howland, Hudson, Kingman UT, Lagrange, Lakeville, Lee, Levant, Lincoln, Lowell town, Mattawamkeag, Maxfield, Medway, Millinocket, Mount Chase, Newburgh Newport, North Penobscot UT, Passadumkeag, Patten, Plymouth, Prentiss UT, Seboeis plantation, Springfield, Stacyville, Stetson, Twombly UT, Webster plantation, Whitney UT, Winn, Woodville	725	728	964	1,208	1,330
Portland HMFA: Cape Elizabeth, Casco, Chebeague Island, Cumberland, Falmouth, Freeport, Frye Island, Gorham, Gray, Long Island, North Yarmouth, Portland, Raymond, Scarborough, South Portland, Standish, Westbrook, Windham, Yarmouth; Buxton, Hollis, Limington, Old Orchard Beach	1,089	1,191	1,526	2,037	2,418
Sagadahoc HMFA: Arrowsic, Bath, Bowdoin, Bowdoinham, Georgetown, Perkins UT, Phippsburg, Richmond, Topsham, West Bath, Woolwich	809	915	1,076	1,425	1,677

2019-2020 Food Maximums

Please Note: The maximum amounts allowed for food are established in accordance with the U.S.D.A. Thrifty Food Plan. As of October 1, 2019, those amounts are:

Number in Household	Weekly Maximum	Monthly Maximum
1	\$ 45.12	\$ 194
2	82.56	355
3	118.37	509
4	150.23	646
5	178.60	768
6	214.19	921
7	236.74	1,018
8	270.70	1,164

Note: For each additional person add \$146 per month.

Appendix C

Effective: 10/01/19-09/30/20

Metropolitan FMR Areas

Penobscot Cty. HMFA	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	133	574	156	671
1	133	574	156	671
2	167	720	206	886
3	211	908	260	1,117
4	224	964	284	1,221
Portland HMFA				
	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	218	938	241	1,035
1	232	999	262	1,127
2	298	1,282	337	1,448
3	404	1,737	453	1,946
4	477	2,052	537	2,309
Sagadahoc Cty. HMFA				
	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	153	658	176	755
1	168	723	198	851
2	193	832	232	998
3	262	1,125	310	1,334
4	305	1,311	365	1,568
York Cty. HMFA				
	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	174	748	197	845
1	179	769	209	897
2	220	946	259	1,112
3	285	1,225	333	1,434
4	308	1,326	368	1,583
York/Kittery/S. Berwick HMFA				
	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	223	961	246	1,058
1	223	961	251	1,079
2	295	1,267	333	1,433
3	370	1,593	419	1,802
4	532	2,288	592	2,545

Appendix H

Effective: 10/01/19-9/30/20

Funeral Maximums

Burial Maximums

The maximum amount of general assistance granted for the purpose of burial is \$1,475. (*\$ 350. increase*)
Additional costs may be allowed by the GA administrator, where there is an actual cost, for:

- the wholesale cost of a cement liner if the cemetery by-laws require one;
- the opening and closing of the grave site; and
- a lot in the least expensive section of the cemetery. If the municipality is able to provide a cemetery lot in a municipally owned cemetery or in a cemetery under municipal control, the cost of the cemetery lot in any other cemetery will not be paid by the municipality.

The municipality's obligation to provide funds for burial purposes is limited to a reasonable calculation of the funeral director's direct costs, not to exceed the maximum amounts of assistance described in this section. Allowable burial expenses are limited to:

- removal of the body from a local residence or institution
- a secured death certificate or obituary
- embalming
- a minimum casket
- a reasonable cost for necessary transportation
- other reasonable and necessary specified direct costs, as itemized by the funeral director and approved by the municipal administrator.

Cremation Maximums

The maximum amount of assistance granted for a cremation shall be \$1,025. Additional (*\$ 240 increase*) costs may be allowed by the GA administrator where there is an actual cost, for:

- a cremation lot in the least expensive section of the cemetery
- a reasonable cost for a burial urn not to exceed \$55
- transportation costs borne by the funeral director at a reasonable rate per mile for transporting the remains to and from the cremation facility.

Oct 1, 2019 to Sept 30, 2020

OVERALL MAXIMUMS

Persons in Household		3	4	5
1	2	1,076	1,425	1,677
809	915	1,076	1,425	1,677

Household of 6 = 1,752

* Add \$75 for each additional person

Housing Maximums

BEDROOM	UNHEATED		HEATED	
	Weekly	Monthly	Weekly	Monthly
0	153	658	176	755
1	168	723	198	851
2	193	832	232	998
3	262	1,125	310	1,334
4	305	1,311	365	1,568

FOOD MAXIMUMS

Persons	Weekly	Monthly
1	\$45.12	\$194
2	82.56	355
3	118.37	509
4	150.23	646
5	178.60	768
6	214.19	921
7	236.74	1,018
8	270.70	1,164

Add \$144 per month for each + person

HEATING FUEL

Month	Gallons	Month	Gallons
September	50	January	225
October	100	February	225
November	200	March	125
December	200	April	125
		May	50

NOTE: When the dwelling unit is heated electrically, the maximum amount allowed for heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon. When fuels such as wood, coal and/or natural gas are used for heating purposes, they will be budgeted at actual rates, if they are reasonable. No eligible applicant shall be considered to need more than 7 tons of coal per year, 8 cords of wood per year, 126,000 cubic feet of natural gas per year, or 1000 gallons of propane.

PERSONAL CARE & HOUSEHOLD SUPPLIES

Number in Household	Weekly Amount	Monthly Amount
1-2	\$10.50	\$45.00
3-4	\$11.60	\$50.00
5-6	\$12.80	\$55.00
7-8	\$14.00	\$60.00

NOTE: For each additional person add \$1.25 per week or \$5.00 per month.

SUPPLEMENT FOR HOUSEHOLDS WITH CHILDREN UNDER 5

When an applicant can verify expenditures for the following items, a special supplement will be budgeted as necessary for households with children under 5 years of age for items such as cloth or disposable diapers, laundry powder, oil, shampoo, and ointment up to the following amounts:

Number of Children	Weekly Amount	Monthly Amount
1	\$12.80	\$55.00
2	\$17.40	\$75.00
3	\$23.30	\$100.00
4	\$27.90	\$120.00

ELECTRIC

NOTE: For an electrically heated dwelling also see "Heating Fuel" maximums below. But remember, an applicant is not automatically entitled to the "maximums" established applicants must demonstrate need.

1) Electricity Maximums for Households Without Electric Hot Water: The maximum amounts allowed for utilities, for lights, cooking and other electric uses excluding electric hot water and heat:

Number in Household	Weekly	Monthly
1	\$14.00	\$60.00
2	\$15.70	\$67.50
3	\$17.45	\$75.00
4	\$19.20	\$86.00
5	\$23.10	\$99.00
6	\$25.00	\$107.00

NOTE: For each additional person add \$7.50 per month.

2) Electricity Maximums for Households With Electrically Heated Hot Water: The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses excluding heat:

Number in Household	Weekly	Monthly
1	\$20.65	\$89.00
2	\$23.75	\$102.00
3	\$27.70	\$119.00
4	\$32.25	\$139.00
5	\$37.30	\$160.00
6	\$41.00	\$176.00

NOTE: For each additional person add \$10.00 per month.

1-800-442-6003

Burial Maximum \$1,475

Cremation Maximum \$1,025

TOWN OF TOPSHAM
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Board of Selectmen of the Town of Topsham shall hold a Public Hearing for consider and any appropriate action on the new MMA's General Assistance Ordinance Appendix (A-F and H)

This meeting will take place on Thursday November 7, 2019 at 7:00 pm in the Donald A. Russell meeting room at the Topsham Municipal Complex.

Any and all person(s) may appear to show cause, why Ordinance Appendix should or should not be approved.

**GENERAL ASSISTANCE ORDINANCE
APPENDICES A-D & APPENDIX H
2019-2020**

The Municipality of Topsham adopts the MMA Model Ordinance GA Appendices (A-D) for the period of Oct. 1, 2019—September 30, 2020. These appendices are filed with the Department of Health and Human Services (DHHS) in compliance with Title 22 M.R.S.A. §4305(4).

Signed the 7 (day) of November (month) 2019 (year)
by the municipal officers:

(Print Name)

(Signature)

Board of Selectmen Meeting

For the date of: 11/07/2019

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- Board or Committee Presentation
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Type of Submission:

- Regular Submission
- Additional Agenda Item
- Additional Information

Agenda Number 19-80

(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 repeal of the Single-Use Bag Ordinance for May 2021 Town Meeting.

Brief Description of Consent or Agenda Item:

Submitted by David Douglass, Chair- Board of Selectmen **Date:** 11/29/2019

Board of Selectmen Meeting

For the date of: 11/07/2019

Type of Item:

- Board or Committee Presentation
- Consent Agenda Item
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Type of Submission:

- Regular Submission
- Additional Agenda Item
- Additional Information

Agenda Number 19-81

(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 election of Chair for the Board of Selectmen

Brief Description of Consent or Agenda Item:

Submitted by Rich Roedner, Town Manager **Date:** 11-22-2019

Board of Selectmen Meeting

For the date of: 11/07/2019

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 19-82

(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 election of Vice-Chair for the Board of Selectmen

Brief Description of Consent or Agenda Item:

7
Submitted by Rich Roedner, Town Manager **Date:** 11-22-2019

Board of Selectmen Meeting

For the date of: 11/07/2019

Type of Item:

- Board or Committee Presentation
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- Public Hearing
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- New Business
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- Workshop

Type of Submission:

- Regular Submission
- Additional Agenda Item
- Additional Information

Agenda Number 19-83

(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 approving the Rules of Order and Procedure for the Topsham Board of Municipal Officers.

Brief Description of Consent or Agenda Item:

Submitted by Rich Roedner, Town Manager **Date:** 11-22-2019

MEMORANDUM

To: Board of Selectmen
From: Richard Roedner, Town Manager
Date: October 31, 2019
Re: Rule of Procedure

This is on the agenda more as a formality than anything else. Since each Board is a separate entity, it makes sense that once each Board is set up after the elections it adopt its rules of procedure.

This version is the same one that was adopted in 2014.

RULES OF ORDER AND PROCEDURE FOR TOPSHAM BOARD OF MUNICIPAL OFFICERS

BOARD MEETINGS

1. Regular Board Meetings: The Board shall meet in regular session in the meeting room at the Municipal Building at 7:00pm. On the first and third Thursday of each month or any other location and time which has been designated with the requisite advance notice. From time to time, the Municipal Officers may conduct meetings or workshops as deemed necessary.
2. Board Meeting Agenda: All reports, communications, resolutions, documents or other matter to be submitted to the Board shall be delivered to the Town Manager's Office by Wednesday at noon prior to the regular meeting if they are going to have consideration at that meeting. There will be no exceptions.

Urgent matters not on the agenda may be brought before the Board only when the Board votes to suspend the rules of procedure and add that matter to the agenda. Agenda items should state clearly the scope and intent of the action to be taken.

3. Appointments to the Town Boards, Committees and Commissions: these shall be made in accordance with State Statues and the following guidelines. Appointees may not be full time employees of the Town. Members of Standing Town Boards, Committees or Commission may serve on more than one committee, board or commission at the same time, with the approval of the Board of Selectmen. Employees and Department Heads may participate on Boards, Committees and Commissions but shall not have a vote on any matters. Selectmen shall not be appointed as members to any Topsham Board, Committee or Commission while holding the Office of Selectmen. The intent of this policy is not to prevent Selectmen from attending meetings of said Boards, Committee or Commissions but rather to make clear that Selectmen are not to have an undue influence on the actions of these Boards, Committees and Commissions. Types of Appointments: New appointments, continuing appointments and reappointments. A new appointment would be the first time that an individual is appointed to a Board or Committee. A continuing appointment would be the appointment of an individual to a Board or Committee when their initial or subsequent appointment is expiring. A reappointment would be an occasion when an individual has previously served on a Board or Committee, their appointment lapsed or they resigned and now they desire to get back on the Board or Committee.

Appointment Process: All new and reappointments--will be advertised, and will require a completed standard application. An interview with new applicants will be scheduled as soon as practical upon receipt of the application. The opportunity for the Board or Committee to make comment on any application will be considered incidental to the decision of the Board. The Board will have the discretion to take whatever action it deems appropriate in the appointment process. When an existing committee member is re-applying, and there are more applicants

than openings, the Board will interview all applicants, including the existing member, before making an appointment.

Conflicts of Interest: Appointments to Boards and Committees may be questionable if there could be advantage for the appointee's business, personal finances, and/or family.

4. Special Meetings: Special meetings may be called by the Chair of the Board, by the Vice-Chair in the absence, or by a majority of the Board after having attempted to contact all members of the Board. Notice of these meetings stating the date, the hour, and the purpose shall be served to the Board members, if possible, at least 24 hours before the specified meeting time and placed through the appropriate news media.
5. Adjourned Meetings: Any meeting of the Board may be continued or adjourned from day to day, or for more than one day, but no adjournment shall be extended beyond the next regular meeting.
6. Executive Session: The Board may enter into executive session only by a three fifths (3/5ths) vote of the Board. No orders, rules, resolutions, regulations, contracts, appointments, or other official action shall be finally approved at executive sessions. An executive session shall comply with the requirements of 1 M.R.S.A., Sec. 401, et seq. and shall not be used to defeat the purpose of 1 M.R.S.A., Section 401 which reads as follows:

The Legislature finds and declares that public proceedings exist to aid in the conduct of the people's business. It is the intent of the Legislature that their actions be taken openly and that their deliberations be conducted openly.

PRESIDING INSTRUCTIONS

7. Chair: The Chair of the Board, or if absent, the Vice Chair, shall take the chair at the hour appointed for the Board to meet, and shall call the members to order as the presiding officer. The recording secretary shall call the roll and enter in the minutes of the meetings the names of the members present.
8. Vice Chair: The Vice Chair shall serve as Chair during the absence or disability of the Chair and, in case of vacancy in the position of the chair, pending the election of a successor.
9. Board Privileges: The presiding officer may move, second, declare by unanimous consent, and debate from the chair, subject only to such limitations of debate as are by these rules imposed

on all members and shall not be deprived of any rights or privileges of a Selectman by virtue of action as the presiding officer.

10. Recording Secretary: The recording secretary shall be responsible for the taking and transcribing of official Board Minutes. Appointment to this non-employee position shall be for an indefinite term determined by the Board.
11. Temporary Chair: In case of the absence of the Chair and Vice Chair, the recording secretary shall call the Board to order and call the roll of the members. If a quorum is found to be present, the Board shall proceed to elect, by majority vote of those present, a chair of the meeting to act until the Chair or Vice Chair appears.
12. Decorum and Order: The presiding officer shall preserve decorum and decide all questions of order and procedure, subject to appeal to the Board.

During Board meetings, Municipal Officers shall preserve order and decorum and shall neither by conversation or otherwise delay or interrupt the proceedings nor refuse to obey the order of the presiding officer or the rules of the Board. Every Board Member desiring to speak shall address the Chair, and upon recognition by the presiding officer, shall confine comments to the question under debate and shall avoid all personalities and inflammatory language. A Board Member once recognized shall not be interrupted while speaking unless called to order by the presiding officer, unless a point of order is raised by another member or unless the speaker chooses to yield to questions from another member. If a Board Member is called to order while speaking, the Board Member shall cease speaking immediately until the question of order is determined.

If ruled to be in order, the speaker shall be permitted to proceed. If ruled to be not in order, the speaker shall remain silent or shall alter remarks so as to comply with rules of the Board. All members of the Board shall accord the utmost courtesy with each other, to the Town; the speaker shall remain silent or shall alter remarks so as to comply with rules of the Board. All members of the Board shall accord the utmost courtesy with each other, to Town Employees and to the public appearing before the Board and shall refrain at all times from all rude and derogatory remarks, reflections, or abusive comments. Board Members shall confine questions as to the particular matters before the assembly and in debate shall confine remarks to the issues before the Board. Members shall be removed from the meeting for failure to comply with decisions of the presiding officer or for continued violations of the rules of the Board. If the presiding officer fails to act, any member may move to require the enforcement of the rules and the affirmative vote of a majority of the Board shall require the presiding officer to act.

Members of the administrative staff and employees of the Town shall observe the same rules of procedure and decorum applicable to members of the Board. While the presiding officer shall have the authority to preserve decorum in meetings as far as staff members and Town employees are concerned, the Town Manager also shall be responsible for the orderly conduct and decorum of all Town employees. Any staff member or employees 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 matter under discussion. All remarks and questions addressed to the Board shall be addressed to the Board as a whole and not to any member thereof. No staff member other than the person with the floor, shall enter into any discussion either directly or indirect 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 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 majority of the Board shall require the presiding officer to act.

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 the 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.

13. Quorum: A majority of the Board constitutes a quorum. If less than a quorum convenes at any meeting, the majority of those present may send for any or all of those members absent. If a quorum cannot be obtained, the meeting may be adjourned as provided by Rule 4.

OFFICERS AND EMPLOYEES

14. Election of Officers: At its first regular meeting following the annual election, the Board shall elect one of its members as Chair and another as Vice Chair by majority vote. The Chair or Vice Chair may be removed from such position and a successor may be elected by a majority vote of the Board at a meeting called for such purpose. The call of a meeting for removal or election meeting shall be scheduled at a reasonable time and with reasonable notice to all Board members.

15. Town Manager: Unless excused, the Town Manager shall attend all meetings of the Board, except when the Town Manager's removal is being considered. The Town Manager shall keep the Board fully advised as to the financial condition and needs of the Town. If requested by the Board, the Town Manager may make recommendations and may take part in discussions on all matters concerning the welfare of the Town, but may not vote.
16. Town Clerk: The Town Clerk is the ex-officio clerk of the Board. The Clerk shall keep a minute book in which shall be recorded in chronological order the minutes of all proceedings of the Board.
17. Town Attorney: The Town Attorney is appointed by the Board. The Board or any Board Member, Chair of the Board, or Town Manager may at any time call upon the Town Attorney for an oral or written opinion to decide any question of law. Further, the attorney may be asked to state an opinion upon any rule of parliamentary procedure, which opinion shall not be binding upon the Board.
18. Officers and Employees to Attend: The head of any department, or any officer or employee of the Town, when requested by the Town Manager or Board Chair shall attend any regular, adjourned, or special meeting and confer with the Board on all matters relating to the Town.

DUTIES AND PRIVILEGES OF MEMBERS

19. Seating Arrangement: Members shall occupy the respective seats in the Board meeting room assigned to them by the Chair but any two or more members may exchange seats by joining in a mutual request to the Chair.
20. Right of Floor: When recognized by the Chair, a member shall confine discussion to the question under debate, avoid personalities, and refrain from impugning the motives of any other member's argument or vote. No member shall address the Chair and demand the floor while any vote is being taken.
21. Right of Appeal: Any member may appeal to the Board from a ruling of the presiding officer. If the appeal is seconded, the member making the appeal may briefly state the reason for it, and the presiding officer may briefly explain the ruling. There shall be no debate on the appeal, and no other member shall participate in the discussion. The presiding officer shall then put the

question “shall the decision of the Chair be sustained” to the vote. If a majority of the members present vote yes, the ruling of the Chair is sustained; otherwise it is overruled.

22. Voting: Every Board member present when a question is put to vote shall vote either, “yes”, “no” or “abstained”. An abstentions shall not count as a vote for purposes of determining the total votes cast. Where a majority is required, it shall not mean a majority of those present and voting, but at least 3 votes in favor.
23. Dissent and Protest: Any Board member shall have the right to express dissent from or protest against any action of the Board and have the reason therefore entered into the minutes. Such dissent or protest must be filled in writing and presented to the Board no later than the next regular meeting following the date of passage of the objected action.
24. Excusal from Attendance: Board members are urged to attend all meetings, workshops, hearings and other functions of the Board. Members shall be excused from attendance at a Board meeting upon request and approval by the presiding officer.
25. Excusal during Meetings: No Board member may leave the Board meeting while in session without permission of the presiding officer.

BOARD PROCEDURE

26. Order of Business: The business of all regular meetings of the Board shall be transacted in the following order, unless the Board changes the order:
 1. Pledge of Allegiance
 2. Roll call of Board members
 3. Town Manager’s Report
 4. Board and Committee Goal and Updates
 5. Public Comments
 6. Correspondence
 7. Adjustments to Agenda
 8. Consent Calendar, including minutes
 9. Hearings
 10. Unfinished Business
 11. New Business
 12. Executive Session (As needed)

At each meeting a draft of the minutes of the preceding meeting shall be reviewed and approved revisions shall be accepted by vote of the Board.

27. Documents prepared by the Manager: The Manager shall have copies of all related resolutions, documents, reports, and other matters ready for delivery to the Board as soon as possible of the day on which they are come before the Board of consideration.
28. Procedure of Motions: When a question is before the Board, no motion shall be entertained except: (a) to adjourn, (b) to recess, (c) to table, (d) for the previous question, (e) to refer, (f) to precedence in the order indicated. Any such motion, except a motion to amend, shall be put to a vote without debate.
29. Motion to be stated by the Chair-Withdrawal of Motion: When a motion is made and seconded, it shall be stated by the chair before the vote is taken. A motion may not be withdrawn by the mover without the consent of the member who seconded it.
30. Motions out of Order: The Board may at any time permit a member to introduce a scheduled matter or motion out the regular agenda order.
31. Motion to Adjourn- When not in Order- Not Debatable: A motion to adjourn is in order at any time except as follows: (a) when repeated without intervening business or discussion, (b) when made as an interruption of a member while speaking, (c) when the previous question has been ordered, and (d) while a vote is being taken. A motion to adjourn is debatable only as to the time to which the meeting is too adjourned.
32. Motion to Table: A motion to table precludes all amendments or debate of the subject under consideration. If the motion prevails, consideration of the subject at same session may be resumed only upon the affirmative vote of one vote more than a simple majority.
33. The Previous Question: When the previous question is moved and seconded there shall be no further amendment or debate: but pending amendment shall be put in their order before the main question. If a motion for the previous question fails, the main question and any pending amendments remain open for debate.
34. Amend an Amendment: A motion to amend an amendment is in order but one to amend an amendment may be introduced. An amendment modifying the intention of a motion is in order, but an amendment relating to a different matter is not in order.
35. Motion to Postpone: All motions to postpone, except a motion to postpone indefinitely, may be amended as to time. If a motion to postpone indefinitely is carried, the principal question shall be declared lost.

36. Procedure in the Absence of Rule: In the absence of rule to govern a point or procedure, it shall be determined by the Board.
37. Communication: If a Board Member (including the Chair) receives mail c/o the Town Office building address, regardless of whether the title of "Selectmen" or "Chairman" is used, it should be disseminated equally to all members of the Board by the addressee. If a Board member (including the Chair) receives correspondence c/o Town Office address, but there is no title designation of "Selectmen" or "Chairman", it will be deemed to be personal correspondence and not requiring dissemination to all other members of the Board unless the addressee wishes to do so. If a Board member (including the Chair) receives correspondence directed to their home address, regardless of whether the titles of "Selectmen" or "Chairman" are used, it will be considered private correspondence not requiring dissemination to the other members of the Board unless the addressee should choose to do so.
38. Anonymous Communications: Unsigned communications may not be introduced in a Board meeting.
39. Tie Vote: In case of a tie vote on any proposal before the Board, the proposal shall be declared lost.

MISCELLANEOUS

40. Suspension of Rules: Any provisions of these rules not otherwise governed may be temporarily suspended at any meeting of the Board by majority vote. The vote of the suspension shall be taken and recorded in the minutes.
41. To Amend Rules: These rules may be amended or new rules adopted by a majority vote of the Board. An amendment must be submitted in writing at a preceding meeting and shall be placed on the next agenda under the order of new business.
42. "Firsthand information obtained from random and carefully planned observation of Town activities can be useful in providing proper oversight of the Town's activities and responsibilities. However, too frequent involvement in Town administrative activities or overzealous pursuit of information can undermine the efficiency and effectiveness of the Town Manager and other properly appointed department heads and supervisors. Therefore, Selectmen shall not stop, disrupt or unduly preoccupy any Town employee in the proper conduct of their activities, nor

shall Selectmen excessively occupy any Town employee's personal working space such that their presence interferes with the proper and efficient conduct of their duties.

43. Developing Effective Working Relationships: The Board subscribes to the concept that effective working relationships between Board members and the Town Manager are based on a clear understanding of respective roles, responsibilities and an appreciation for the value of constructively working through differences. Both the Board and the Manager should additionally embrace the goal of working together as associates with a common purpose without stifling independent thinking. The facilitated workshop sessions of the 1992 Board of Selectmen clearly demonstrated the value of understanding the agenda's individual Selectmen into a blended identification of service goals, preferential working relationships, and a methodology for facilitating constructive reforms. Consequently, it is appropriate that these rules and regulations express a commitment to an ongoing pursuit of developing continued effective working relationships through regular workshop sessions. Advanced notice of these public sessions shall be given to the public pursuant to the freedom of access statues of the State of Maine. The Board of Selectmen shall schedule a minimum of four (4) regular facilitated workshops each fiscal year and hopefully more to optimize their working relationships. Thirty (30) days from the swearing in of any new Selectmen, to the Board of Selectmen, the Board shall schedule a facilitation workshop to share and familiarize new members with the working relationships that are currently being used so that new members of the Board may have an opportunity to consider the value of being part of the exploration of goals for the Town of Topsham.

Amended 02-18-99

Updated 11-15-00

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