

TOWN OF MADISON - PUBLIC NOTICE

The Inhabitants of the Town of Madison are hereby notified of a public meeting,
The time, place and purpose of which are as follows:

**MINUTES
BOARD OF SELECTMEN
OLD POINT AVENUE FACILITY, 108 OLD POINT AVENUE, MADISON
Monday, December 22, 2014
6:30 p.m.**

- A. Salute to the flag. Done
- B. Roll Call. Present were Albert Veneziano, Jack Ducharme, Mike Edgerly and Paul Fortin. Cyp Johnson was absent.
- C. Consent Agenda.
1. Warrants dated: #19 (12/8/14 - \$43,729.48). Payroll Registers dated: Week #48 (11/26/14 - \$19,361.31), #49 (12/4/14 - \$22,897.14), #50 (12/11/14 - \$23,369.79), #51 (12/18/14 - \$20,868.72). Selectman Edgerly made a motion to accept the warrants. Selectman Ducharme seconded. Motion carried.
- D. Discuss meeting minutes of December 8, 2014. Selectman Fortin made a motion to accept. Selectman Edgerly seconded. Motion carried.
- E. Old business (Selectmen's Concerns from immediately preceding meeting). None.
- F. Items of Communication.
1. Chairman Veneziano read a letter of commendation to the Police Department.
 2. Selectman Fortin made a motion to appoint Nancy Gove as Registrar of Voters for a 2-year term. Selectman Ducharme seconded. Motion carried.
 3. Joint Board meeting between Madison and Skowhegan scheduled here in Madison for January 8th at 7 pm to work on the language of the legislative work to be done with local legislators.
 4. The Thomas Street house property has been surveyed. The lot has been defined. Jack passed out a survey map. The property will be pinned out. We're just waiting on the written description.
 5. Ice rink update – the building was moved today, the boards are up, and the water hydrant has been moved. New Balance is going to donate a \$1,000 to improve the warming hut.
 6. January 9 is the appeal of our local valuation to the State – appeal will be held in Augusta.
 7. The Board received a copy of the Audit report.
 8. The Board will conduct interviews for Town Manager on December 30th.
 9. The Board received the proposed Channel 11 budget to review and approve at the next meeting.
- G. New Business.
1. Department head reports: Highway, Fire Department, Economic Development. Highway – has spent about \$30,000 on salt. DOT called on Route #43 – they're schedule to work on it in June and July. Highway moved the ice shack to Weston Avenue. They also hauled in about 700 yards of town fill to level it off for skating. It will be leveled in the Spring.
- Fire Department – Chief said budget is on track, he is working on evaluating response to fires in the community. He's working on automatic aid and deployment standards. We are now set up with Warden's report – residents can now go online www.wardensreport.com to get your burning permit at no cost to the resident. Upcoming – joint training with Athens and Skowhegan. On January 1, Shawn Howard takes over as President of Somerset County Fire Chief's Association.

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Economic Development – we submitted our application for an exhaust capture system at both fire stations. Matching grant programs – Bob's Cash Fuel has submitted all their invoices for their propane auto filling station. They did meet all their requirements. Selectman Fortin made a motion to award Bob's Cash Fuel the \$5,000 matching grant. Selectman Ducharme seconded. Motion carried. Lakewood Theater hoped to complete their project this year (roof and men's room) – they got the roof done; the men's room has not been completed. They would like partial reimbursement - \$2,286.50. Selectman Fortin made a motion to grant Lakewood Theater \$2,286.50 for their partially completed project. Selectman Ducharme seconded. Motion carried.

2. Discuss liquidated damages on Weston Avenue with contractor. Jim Lord and David Trask were present. Project contracts were signed July 29, 2014. They were granted a certain number of calendar days to complete the work. The date of contract substantial completion was October 27. They achieved substantial completion on November 10. There were additional efforts for engineering, inspection and administration. Per request of the Town, they have requested liquidated damages in the amount of \$500/day per the contract. Mr Trask said he left the contract with his earthwork contractor – Dirt Diggers Inc. He agrees with partial liquidated damages for him going over his deadline. The abandonment of the well went over 6 days. There is an issue of extra work of removing styrofoam which was not in the contract – an extra couple of days work. At the time of discovery, he should have asked for time plus materials to do that. He's asking for liquidated damages back in the amount of \$5,000 (which represents 8 days of work and \$1,000 for styrofoam removal). Jim Lord said that no one knew about the styrofoam when we bid the project. When the pavement was removed, they didn't receive a phone call, they just put the loam over the top of it. When that was unacceptable and we made them remove it and there was styrofoam pieces through it, it took extra work to get it out. Had they called Dirigo when they first discovered it, Dirigo would have come to the Town to approve a little bit extra to deal with it. It didn't happen that way. The well in East Madison was not done to specifications. It required a certified well driller to abandon that well per state law. By the time it was done per code, it was over on time limit as well. The engineering overruns due to the additional inspection and administration was \$1,817.40. Selectman Edgerly asked where that material from the parking lot went. Jim Lord thought it went to Waste Management but he doesn't have certification on where that material went. If Mr. Trask had been asked to do a change order, it would have been two days plus removal of styrofoam and material. Mr. Trask didn't ask for an extension. Some of the material was hauled down to Yonder Hill Campground and Dirt Diggers tore down electrical wires in the process. Mr Trask stated that this has to do with Dirt Diggers Inc and his insurance not David P Trask.

Selectman Fortin asked Mr. Trask to submit, in writing a request explaining what he proposes we do on liquidated damages and why – include a more reasonable estimate of what it takes to remove the styrofoam, what exactly he's asking for from the Town and to recognize the issue of Yogi Bear Campground.

Selectman Ducharme asked if we're getting another bill from Dirigo for the \$1,800 in overruns. Jim Lord said that some of that may have already been billed. There will be an additional bill coming to the Town including an estimate for tonight, whether it will be that full amount or not he was not sure. Jim said there \$4,390 in retainage right now. What has been paid to date is \$83,427.70. Dirt Diggers asked the Fire Department to come up and water the area for one day to control dust and offered them up a donation for that service. The amount of the donation was unknown. To date, the donation has not been received.

Mr. Trask indicated that there was nothing to put in writing – the board knows what he's asking for.

3. Discuss AFG Compressor Bid Award. The IPS bid is \$38,211. The Town would match 5% of that. Selectman Fortin made a motion to award the bid to IPS for \$38,211 and to take the 5% match out of TIF. Selectman Edgerly seconded. Motion carried.

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4. General Bond Obligation for our \$2,500,000 line of credit. Selectman Fortin made the following motion: "Proposed vote. Voted by the Select Board for the Town of Madison, Maine as follows: Voted: (1) that under and pursuant to Title 30-A, Section 5772 of the Maine Revised Statutes, as amended and supplemented, there be and hereby is authorized the issuance of \$2,500,000 principal amount of General Obligation Bond of the Town to be used to lessen the impact of the loss of tax revenue from Madison Paper. (2) That said Bond shall mature no later than November 1, 2020; shall be signed by the Treasurer and countersigned by the Chair of the Select Board, shall bear interest at the rate of 3.19% per annum, shall be payable at Bangor Savings Bank in Bangor, Maine, and otherwise be in such form and bear such details as the signers may determine. (3) That all things heretofore done and all action heretofore taken by the Town, its municipal officers and agents in the authorization of said Bond are hereby ratified, approved and confirmed and the Treasurer and Chair are each hereby authorized to take any and all action necessary or convenient to carry out the provisions of this voting, including delivering said Bond against payment therefor. Selectman Edgerly seconded. Motion carried three in favor, one abstained – Selectman Ducharme.
5. Discuss Economic Development project list. The Board tabled this item. It was clarified that the new contract is on a project by project basis. The Board of Selectmen needs to give direction as to which projects to be working on. Tim is working on grant writing and maintenance, research and development projects. The Board needs to review the "menu" list that Tim gave the Board with his contract and prioritize with dates. Selectman Ducharme asked for the last 30 days of invoices and attach the project list to it and put it in the Selectmen's box.
6. Discuss Solid Waste and Recycling. The Board thought that there was proprietary information that needs to be kept confidential at this point. Selectman Ducharme made a motion to go into executive session to discuss economic development pursuant to 1 M.R.S.A. 405 (6) (c). Selectman Fortin seconded. The Board went into executive session at 8:02 p.m. The Board came out of executive session at 8:55 p.m. No action taken.

H. Selectmen's Concerns. There were none.

I. Citizen's Concerns. Pamela Messier asked the Board for a 30 day extension on cleaning up her property – a garage (the Code Enforcement Officer gave her until December 26th – a 30-day extension). Selectman Fortin made a motion to give Pamela Messier a 30 day extension on the demolition of her garage. Selectman Edgerly seconded. Motion carried.

J. Executive Session to discuss the Personnel Policy pursuant to 1 M.R.S.A. §405 (6)(A). Chairman Veneziano asked the employees if they wanted to discuss the policy in executive session. The employees did not opt to go into executive session. Selectman Ducharme distributed the proposed personnel policy to the employees. He had received some comments – there was nothing in the policy for **performance reviews**. He got some language from the attorney who wrote 99% of this policy. It provides some framework to the administration of the Town to administer performance reviews, reviews should be done annually, any employee who has not been reviewed or scheduled for performance review for more than one year should request an evaluation from their supervisor in writing, annual evaluation may be considered by the Town in issues such as but not limited to training, promotion, discipline and amount of any individual annual pay adjustments. Some pay adjustments are covered by contract and some are not.

Jeff Wright had a concern about giving raises based upon merit because giving some people more money than others caused problems in the past.

Nancy Gove had several questions on the new proposed policy, beginning on page 5, there's a new section 4 regarding **appointed employees** who "are not entitled to continued employment beyond the expiration of the appointment.." Selectman Ducharme said the language was put to ensure that there's not an expectation of continued appointment. Section D. **Probationary Period** means a six month period,

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except for police officers, who may be subject to a 1 year period. Selectman Ducharme said that the current contract that the police are under will be a one year probationary period. Page 6. Section D. **Physical Examination.** All applicants who are given a conditional offer of Town employment shall satisfactorily undergo a physical and or psychological examination prior to being hired. "Shall" is a requirement not discretionary like the word "may". Selectman Ducharme said he saw this and has an email into Matt on this. The second thing that was odd to Nancy was that the Town would select a healthcare provider for us. Why wouldn't we be allowed to choose our own physician? Selectman Ducharme said that was part of the conversation with Matt. Page 11, second paragraph, second sentence has a syntax error – "The Town may override individual passwords and codes and require employees to disclose and passwords or codes. Should be "all". Selectman Ducharme will fix. Page 12. **Overtime**, 4. Elected employees are exempt from the provisions of this section – what does it mean? Selectman Ducharme doesn't understand this line and will check with Matt on it. Selectman Fortin said that elected employees can set their own schedule and therefore should be exempt from this section. Selectman Ducharme will get it clarified. Pages 13 and 14 D. **Sick Leave**, 1. last sentence - Any employee hired after approval of this policy will be capped at 360 hours accrued sick time. No other hours or pay will be given. Otherwise, no additional time shall accrue. This will be hard to track i.e., earned benefit time is tracked automatically and a deviation from this system would require manual tracking. Selectman Ducharme said the issue is accrued liability to the taxpayers of Madison. Section 7 of our existing policy has been removed from the proposed policy which allows employees to use sick time to care for family members. It has no monetary effect to the town but does affect the benefit to the employee as it currently allows employees to use sick leave to care for immediate family members i.e. spouse, children or parents. Selectman Ducharme said that Nancy should refer to Family and Medical Leave Act which requires that. Nancy objected stating that Family Medical Care Act pertains to extended leave not the occasional one day or less than a day leave. Selectman Ducharme will check with Matt. Page 16. **Vacation**. 1. A. No vacation day shall be earned during the probationary period. Our current policy allows for ½ day during the probationary period. Selectman Ducharme will check it. Page 17 **Health** – The Town shall retain the option to offer alternative plans of its choice to all eligible employees. Will we be given timely notice to make any necessary changes i.e. prior to open enrollment? Selectman Ducharme said the language is there so that should other plans become available that might be cost effective for both the Town and the employee. Page 18 **Longevity Bonuses** – our existing policy gives credit to permanent part time employees but only allows a bonus to full-time employees in the proposed policy. Selectman Ducharme said he would talk with Nancy about it for seasonal and part-time employees.

There were no other comments from employees.

- K. Executive Session to discuss the interview process pursuant to 1 M.R.S.A. §405 (6)(A). Selectman Ducharme made a motion to go into executive session. Selectman Edgerly seconded. Motion carried. The Board went into executive session at 9:23 p.m. The Board came out of executive session at 10:10 p.m. No action taken.
- L. Executive Session to discuss labor negotiations pursuant to 1 M.R.S.A. §405 (6)(D). Selectman Fortin made a motion to into executive session. Motion was seconded. The Board went into executive session at 8:56 p.m. The Board came out of executive session at 9:22 p.m. No action taken.
- M. Adjournment. Selectman Ducharme made a motion to adjourn. Selectman Edgerly seconded. The meeting adjourned at 10:11 p.m.