

MINUTES
TOWN OF TOPSHAM
BOARD OF SELECTMEN MEETING
JANUARY 19, 2012, 7:00 P.M.

MEMBERS PRESENT: Donald Russell
Marie Brilliant
David Douglass
Andrew Mason
Ronald Riendeau

MEMBERS ABSENT: All present

STAFF PRESENT: Town Manager, Cornell Knight

A meeting of the Topsham, Maine Board of Selectmen was held on Thursday, January 19, 2012 at the Municipal Building at 100 Main Street, Topsham, Maine.

CALL TO ORDER

Chairman Russell called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE - All present were invited to stand and pledge allegiance to the flag.

ROLL CALL

The recording secretary took the roll call and noted that all Selectmen were present.

TOWN MANAGER'S REPORT

The Town Manager's Report included:

- The Highway Department's new plow truck was delivered late last month; a photo of the new truck is on the Town's website.
- The Department of Transportation will hold a preliminary public meeting on February 14, 2012 at 6:00 p.m. at the Municipal Building. The purpose of the meeting is to explain details of the Cathance Road river bridge replacement.
- A reminder that the Board has a workshop with the Town Auditor and the Finance Committee on Wednesday, January 25, 2012 at 6:00 p.m.
- We are in good shape at the half-way point in the budget. Expenditures are at 55%, but that is skewed by the capital and bond payment expenses in the first half of the year and very little in the second half. Major revenue collections such as revenue sharing and excise tax are just over 50% collected.

- The General Assistance Fund has received \$5,000 from an anonymous donor to be used for heating or other form of assistance as determined by the Administrator.

Following the Town Manager's report, motion was made by Mr. Riendeau, seconded by Mr. Mason, and it was unanimously

VOTED

To accept the donation of \$5,000 to the General Assistance Fund.

BOARD AND COMMITTEE REPORTS AND UPDATES

TDI/ECD - TDI - John Shattuck, ECD Director and TDI Board member presented an update on economic community development activities. Mr. Shattuck said he is encouraged by the increased number of inquiries coming into his office.

ECD - Peter Lepari, Chairman of Topsham Development Incorporated, reviewed proposed changes to the TDI Bylaws which resulted from a Workshop with the Board of Selectmen on December 1, 2011. Mr. Lepari distributed copies of the proposed changes. Selectmen agreed to review the changes and provide comments at a future meeting.

Mr. Lepari remarked on the Route 196, 295 area and said he would like to ask that a study be done and report to the Board of Selectmen and Planning Board and inquire from developers why they shy away from developing this area. He said he suspected one reason was that the maximum building size allowed of 100,000 square feet was too restrictive. Selectman Mason added that it is good to be proactive to find such answers early on so we will be ready to encourage new businesses to that area when the recession lifts and projects move forward.

Following the Board and Committee Reports and Updates, Chairman Russell asked if there were any comments from members of the public. James Trusiani responded saying it wasn't necessary to spend \$5,000 to \$10,000 for a study and to simply look at the restrictive zoning which he considered to be the problem. He said for one thing, setbacks don't allow the building to be seen from the highway.

TDI Resignation - Chairman Russell noted a letter dated January 9, 2012 from John Moncure tending his resignation from TDI, to be effective immediately, due to his appointment as Chairman of MRRA. The Board asked the Town Manager to send a letter of appreciation to Mr. Moncure for his tenure with TDI.

Meeting Notice - Chairman Russell informed the Board that at least one member from the Board of Selectmen is needed to serve on the County Budget Advisory Committee. A meeting is scheduled for February 7, 2012 at 6:00 p.m. at the County Court House.

CORRESPONDENCE - None noted.

ADJUSTMENTS TO THE AGENDA - None noted.

CONSENT CALENDAR

1. APPROVAL OF THE MINUTES OF THE SPECIAL SELECTMEN MEETING OF 12-15-11

Motion was made by Mr. Riendeau, seconded by Mr. Mason, and it was

VOTED

To approve the minutes of the December 15, 2011 meeting as written.

PUBLIC HEARING - None noted.

UNFINISHED BUSINESS - None noted.

OLD BUSINESS - None noted.

NEW BUSINESS

01-12 CONSIDERATION AND ANY APPROPRIATE ACTION AS THE PLANNING OFFICE SEEKS APPROVAL TO WORK ON A WATERSHED PLAN TO ADDRESS THE TOPSHAM FAIR MALL URBAN IMPAIRED STREAM

Rod Melanson, Assistant Town Planner and Natural Resource Planner, spoke to this agenda item saying that there are two streams in Topsham which are classified as "urban impaired streams" and are listed on the State 303d list of impaired streams (the Topsham Fairgrounds Stream and the Topsham Fair Mall Stream). Topsham's 2005 Comprehensive Plan identified the development of a Watershed Management Plan for our urban impaired stream as a strategy within our Natural Resource Protection Goals. There was only one stream in Topsham identified as urban impaired at the time the Comprehensive Plan was developed. The Topsham Fair mall Stream has since been included.

The Planning Department has not been successful in its many attempts to seek funding from various sources to address this issue and the Maine DEP has offered assistance to develop a basic watershed plan for the Topsham Fair Mall Stream. A proposed Work Plan Draft of a Watershed Based Plan Development has been written and was included in the Board package for review.

Mr. Melanson said there is no cost to the Town to develop the watershed plan. A suggested timetable for implementation is listed, as is the next federal grant cycle for funding. The Planning Office is asking for approval to work on the plan at this time. Chairman Russell asked if the Planning Office would be looking for points of pollution and way to mitigate them; Mr. Melanson responded that would be included in the work.

Motion was made by Mr. Douglass, seconded by Mr. Mason, and it was unanimously

VOTED

To approve that the Planning Office work with assistance from the Maine DEP on the Topsham Fair Mall Stream Watershed-Based Plan.

02-12 CONSIDERATION AND ANY APPROPRIATE ACTION TO HEAR A REQUEST FROM THE GREATER TOPSHAM TRAIL ALLIANCE REGARDING THE DEVELOPMENT OF A MOUNTAIN BIKING COURSE ON TOWN-OWNED PROPERTY AT THE SOLID WASTE FACILITY

The Board heard a request from the Greater Topsham Trail Alliance regarding the development of a mountain biking course on town-owned property at the Solid Waste Facility. Parks and Recreation Director Pam LeDuc began the discussion of his item representing Town Staff. Victor Langello, Vice President of the Trail Alliance explained what the group would like to do. He said if any cost if required it will be provided by the Alliance.

A slide presentation showed the areas of use and possible trail locations. A letter dated December 14, 2011 was entered into the record from the Topsham Conservation Commission supporting the bike trail. The letter stated that the Commission has been working with local and regional trail groups to improve access to outdoor recreation in Topsham for a number of years, an effort greatly enhanced by the adoption of the Natural Areas Plan at Town Meeting in May of 2010. Also, the Greater Topsham Trail Alliance and the Topsham Trail Riders Association are two partners of this collaborative effort, as are private landowners, the Brunswick-Topsham Land Trust and the Maine Department of Conservation.

Mr. Langello said there is a lot of work to be done before any decisions are made, such as exploring the liability issues with MMA and the Maine Bike Coalition Trail Group, contacting abutters for authorization access and developing rules and regulations.

During discussion from the Board questions were answered such as would others be able to use the trail - *answer was yes*. Time table - *Hope to start work on the trail this summer*. Length of trail - *approximately 5 miles long*. Where to access - *From Bay Park area*.

James Trusiani expressed concern that the Town has never had a long-term goal for the property in question and if the bike trail is allowed the Town will lose control of this land. He said the public needs to be advised what is going on with this Town-owned land and asked who would police the trail. Mr. Trusiani also expressed concern with liability issues.

Tim Doyle told the Board he would be the primary individual monitoring the trail. Mr. Doyle said he is a member of the Topsham Trail Riders and has worked closely with Ed Caron. He said the trail has been carefully planned out, the wood on the land could still be harvested if desired, the land would still be owned by the Town and the trail does not pass over where debris is buried.

Following discussion, motion was made by Chairman Russell, seconded by Mr. Mason and it was unanimously

VOTED

To approve the concept of a Mountain Biking Course at the Solid Waste Facility as presented, contingent upon the Alliance coming back to the Board with details on liability, cost of maintenance and rules and regulations governing the operation.

03-12 CONSIDERATION AND ANY APPROPRIATE ACTION TO AUTHORIZE TOWN EMPLOYEES TO SEEK STATE AND FEDERAL PERMISSION TO CONSTRUCT THE ANDROSCOGGIN RIVERWALK TRAIL

Town Planner Richard Roedner said that the Public Work's Department has completed the construction of the Bridge-to-Bridge Trail along Bridge Street from the Swinging Bridge upstream toward the Black Bridge. As there was no available cash for a match, in-kind services were used to provide the local match and the project came in below the initial estimates.

Mr. Roedner said the Androscoggin Riverwalk is another trail running from the Swinging Bridge downstream to Summer Street. There it will tie into the sidewalk along Summer Street and continue across the Androscoggin River into Brunswick. The Androscoggin Riverwalk committee has secured funding for the local match so no cash from the Town is required. The initial construction estimates are higher than the initial estimates, and the total grant amount. It was noted this is due to the Town's blanket bid from Crooker on hot top, which is much less than general contractor's put in. Question was asked if it would be best to have the Town crews build this section of the trail as the Bridge-to-Bridge Trail. It would require no cash from the Town and all costs would be reimbursed by either DOT or the Androscoggin Riverwalk committee. DOT has advised that since this is Federal money, making it a public works project rather than a public bid project is not the preferred option, but the Town could request authority from DOT and Federal authorities for clearance.

A discussion followed on whether to have the Public Works Department do the work or bid the project out. Public Works Director Dennis Cox told the Board that the employees could work on the project between jobs as a fill in. Concern was expressed that other PWD duties might not get done such as cleaning ditches, picking up litter, etc.

During receipt of comments from members of the public, James Trusiani expressed concern that he has heard over the past several years that the Public Works Department cannot possibly take on any additional work, that they are overloaded. He said he was concerned that important items such as road maintenance will not get done.

Nancy Randolph said she was ashamed of penny pinching and urged everyone to work together in a positive fashion.

Following receipt of all comments, motion was made by Mr. Russell, seconded by Ms. Brilliant, and it was unanimously

VOTED

To authorize the Town Planner to obtain information from the DEP if we can hire a contractor to do the prep work and a subcontractor to do the hot top work and not involve the highway department crew and also if we can simply have the highway department do the work.

04-12 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE SALE OF THE FUEL TANK AND PUMPS FORMERLY USED AT THE HIGHWAY GARAGE

It was noted that the tank and pumps are no longer being used. These were put out to bid and only one offer was made on the equipment from Steve Bisson.

Motion was made by Mr. Douglass, seconded by Mr. Mason, and it was unanimously

VOTED

To approve the sale of the fuel tank and pumps formerly used at the highway garage for \$1,000 from Steve Bisson.

05-12 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE FORMATION OF AN AD HOC CITIZENS COMMITTEE TO CONSIDER AND DEVELOP DESIGN ALTERNATIVES FOR A LOWER VILLAGE WATERFRONT PARK IN THE AREA OF GREEN STREET TRIANGLE

John Shattuck noted that the committee would be expected to make recommendations to the Selectmen regarding the expenditure of funds allocated to this project, as well as the hiring of consultant(s) to assist the committee in discharging its responsibilities.

Motion was made by Mr. Riendeau, seconded by Mr. Mason, and it was unanimously

VOTED

To advertise for the establishment of a 7-member Ad Hoc Committee to consider and develop design alternatives for a lower village waterfront park in the area of the Green Street triangle.

06-12 CONSIDERATION AND ANY APPROPRIATE ACTION TO ACCEPT COASTAL GRANT FROM STATE PLANNING OFFICE FOR \$40,000 FOR CONTINUING WORK ON THE WATERFRONT ACCESS STUDY

Motion was made by Mr. Riendeau, seconded by Mr. Mason, and it was unanimously

VOTED

To accept a Coastal Grant from the State Planning Office in the amount of \$40,000 for continuing work on the Waterfront Access Study.

07-12 CONSIDERATION AND ANY APPROPRIATE ACTION ON AN APPOINTMENT TO THE CONSERVATION COMMISSION

Motion was made by Mr. Mason, seconded by Mr. Douglass, and it was unanimously

VOTED

To appoint Christopher Dwinal to the Topsham Conservation Commission.

ADJORNMENT

With no further business to conduct, the meeting was adjourned at 9:05 p.m.

Respectfully submitted,

Patty Williams, Recording Secretary