

MINUTES
TOWN OF TOPSHAM
BOARD OF SELECTMEN MEETING
DECEMBER 15, 2011, 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 and Town Attorney Jeff Hole

A meeting of the Topsham, Maine Board of Selectmen was held on Thursday, December 15, 2011 at the Municipal Building at 100 Main Street, Topsham, Maine.

CALL TO ORDER - OPENING CEREMONY

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

The Topsham Police Color Guard presented the opening ceremony which was followed by everyone standing to recite the Pledge of Allegiance. Chairman Russell introduced Nicholas Beaudoin and Julia Nadeau, from Mt. Ararat High School. Mr. Beaudoin accompanied Ms. Nadeau as she sang America the Beautiful.

SWEARING-IN CEREMONY

The Town Clerk, Ruth Lyons, officially swore in Jane Scease and Jeffrey Wilkins to the SAD #75 Board of Directors, followed by the swearing in of Ronald Riendeau and David Douglass as Selectmen and Overseers of the Poor. Chairman Russell welcomed the in-coming Selectmen and noted that Mr. Douglas was serving his first term as Selectman and Mr. Riendeau was serving his 5th term. Chairman Russell also thanked Ms. Scease and Mr. Wilkins for their interest in the SAD #75 Board.

Former Selectmen Jim Trusiani was asked to come forward. Chairman Russell read aloud words of congratulations and appreciation for Mr. Trusiani's tenure on the Board.

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 Planning Department submitted a grant application to the Maine Coastal Program to try to leverage the \$25,000 approved at last months Town Meeting to be used for the Lower Village Waterfront Park design.
- Ralph Williams, Town Historian, was recognized with a Spirit of America Award at a ceremony held last week at the Grange Hall. A picture is posted on the Town's website.

BOARD AND COMMITTEE REPORTS AND UPDATES

Sustainable Topsham Update - Jane Scease, facilitator of Sustainable Topsham, presented an update of the work the group is doing in reducing energy costs. Ms. Scease referenced a draft report which the Board had received a copy of. She asked if the Board was agreeable to holding a workshop with Sustainable Topsham to talk about the report and suggest any changes. It was agreed that the Town Manager will schedule a date after the holidays for the workshop to take place.

ECD/TDI Update - ECD Director John Shattuck reported on happenings with ECD and TDI, including:

- Seacoast United has agreed to purchase Howard Sports. The closing is expected to take place in the next few days.
- Mr. Shattuck thanked the Selectmen for taking time to sit with TDI in a Workshop Meeting. Suggestions made by the Board will be taken into consideration and Mr. Shattuck will report shortly on any changes made.
- The Waterfront Access Study Report is coming along as planned and is near completion.

There was no public comment on any of the reports presented.

CORRESPONDENCE - None noted.

ADJUSTMENTS TO THE AGENDA - None noted.

CONSENT CALENDAR

1. APPROVAL OF THE MINUTES OF THE SPECIAL SELECTMEN MEETING OF 11-16-11

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

VOTED

To approve the minutes of the November 16, 2011 meeting as written.

(The vote was 3 in favor with 2 abstentions [Brilliant and Douglass]).

PUBLIC HEARING

UNFINISHED BUSINESS - None noted.

OLD BUSINESS - None noted.

NEW BUSINESS

97-11 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE RESOLUTION IN SUPPORT OF THE AMH PLAN FOR THE FORMER NAVY HOUSING AT THE TOPSHAM ANNEX

Chairman Russell reviewed this agenda item saying that MRRA will be entering into a Purchase and Sales Agreement with AMH for the land beneath the former Navy housing at the Topsham Annex. He said the agreement was contingent with both Brunswick and Topsham agreeing to the disposition of the land of the housing the way it is laid out. Many meetings have been held with suggestions made to be sure the Town is protected. At a recent meeting the Board of Selectmen reviewed the endorsement but felt at that time that there were not enough specifics to endorse and move forward.

The Board Package contained a suggested resolution to move the project forward and also the Total Housing Plan that would be part of the covenants. Chairman Russell read aloud the 12 covenants from the Patriot Commons section and he also read the resolution which the Board would endorse if they felt comfortable with it.

A lengthy discussion followed where the Board asked questions and expressed concerns such as the fact that there is no agreement on record at this time between AMH and the Brunswick-Topsham Sewer District. Scott Howard, the facilitator between AMH and MRRA, told the Board that AMH intends to upgrade the facilities to the satisfaction of all the various utilities.

During comments from members of the public, Bill Fitzsimmons said it is important that a contract/agreement be in place between AMH and the Sewer District and he urged the Selectmen not to sign the resolution until such an agreement is in place. John Hodge, Executive Director of Topsham Housing Authority, said he felt the agreements could be worked out with the individual sales. Jim Trusiani said he was in favor of signing the resolution so the project could move forward but cautioned the Town not to accept any roads that is not up to Town standards.

After all comments were heard, motion was made by Mr. Riendeau, seconded by Mr. Mason and it was unanimously

VOTED

To sign the Resolution as presented.

The Resolution reads as follows:

"TOWN OF TOPSHAM - BOARD OF SELECTMEN -- Resolution in support of the sale of former Navy housing real estate to AMH, Inc. Adopted: December 15, 2011

1. **WHEREAS**, The closing of Naval Air Station Brunswick resulted in more than seventy existing homes in Topsham becoming vacant and available for occupancy, and,
2. **WHEREAS**, Affordable Midcoast Housing, LLC (AMH) has purchased the long-term leases for all of these homes, and,
3. **WHEREAS**, AMH needs to have ownership of the land in order to effectively market and manage the sales of the homes, and AMH and the Midcoast Regional Redevelopment Authority (MRRRA) have reached an agreement for the sale of the underlying real estate that merges the land with the homes, and,
4. **WHEREAS**, AMH has committed to manage the number of units to be sold to minimize any negative impact on the local real estate sales market, and,
5. **WHEREAS**, AMH has agreed to a twelve item Topsham Annex Redevelopment Plan, which is hereunto attached and incorporated by reference, and MRRRA has agreed to incorporate AMH's Topsham Annex Redevelopment Plan as covenant in the deed conveying the Topsham real estate to AMH, and,
6. **WHEREAS**, AMH is committed to re-developing the property consistent with the goals for the Topsham LRA Master Reuse Plan and the MRRRA Housing Disposition Plan, and is also committed to working with the Town of Topsham and the utility districts to address the infrastructure and future housing development plans, and,
7. **WHEREAS**, AMH has agreed to report to the Board of Selectmen on a semi-annual basis, or at the Request of the Board of Selectmen on the progress of the sales of the housing, and,

NOW THEREFORE, BEIT RESOLVED THAT THE Topsham Board of Selectmen finds that the disposition plan developed by Affordable Midcoast Housing and the terms of the purchase and sales agreement between AMH and MRRS satisfies the goals of the MRRRA housing disposition plan.

Given under our hands this 15th day of December, 2011.

Don Russell, Chairman

Ronald Riendeau, Vice Chairman

Marie Brilliant

David Douglass

Andrew Mason

98-11 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE RESULTS OF THE FIREWORKS QUESTIONNAIRE ON THE TOWN'S WEBSITE

Following the Board's Workshop last week, a series of questions regarding the use and sale of fireworks were posted on the Town's website. Also, an e-mail was sent to all persons in the Town's web address book. Results of the survey were as follows:

FIREWORKS SURVEY	YES	NO
Should Topsham ban the sale of fireworks?	104	105
Should Topsham regulate the sale of fireworks?	110	91
Should Topsham simply rely on the State to regulate the sale of fireworks?	82	96
Should Topsham ban the use of fireworks?	95	91
Should Topsham adopt regulations regarding the use of fireworks?	110	74
Should Topsham simply rely on the State to regulate the use of fireworks?	70	119

Bill Fitzsimmons gathered 35 signatures from citizens opposed to allowing the sale, possession or use of fireworks in Topsham and noted he had 66 people who signed an electronic petition.

A discussion followed on whether or not to hold a Special Town Meeting, tentatively set for December 28, 2011, to consider a temporary ban on the sale and use of fireworks or just a temporary ban on the sale of fireworks. It was noted that this action would prevent a business from opening and being grandfathered before the issue is addressed at the May 2012 Town Meeting. Examples of the two warrant options were enclosed for review in the Board package. Concern was expressed that an interested party could put up a building only to sell fireworks. After further discussion the concern of anyone selling the fireworks was lessened as it was noted the State's regulations were strict, re, a stand-alone building at least 60' from the nearest building and with a 300' setback...thus such sale would be prohibited from the Lower Village or anywhere on Main Street. The majority of comments leaned towards doing nothing at this time. Ed Caron said he felt the State restrictions were fine and that we should not rush to a town meeting.

After all comments were heard, motion was made by Mr. Russell, seconded by Mr. Mason and it was unanimously

VOTED

To take no action at this time and to wait to address this item at the May 2012 Town Meeting.

99-11 CONSIDERATION AND ANY APPROPRIATE ACTION REGARDING THE TOWN'S ACCEPTANCE OF A \$1,241.82 GRANT FROM THE MAINE MEMORY NETWORK FOR THE TOPSHAM HISTORICAL SOCIETY TO USE FOR EQUIPMENT AND TRAINING TO SCAN DOCUMENTS

The Town Manager said the Board needs approval from the Board to accept a grant for the Topsham Historical Society to use for equipment and training to scan documents.

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

VOTED

To accept a grant of \$1,241.82 from the Maine Memory Network for the Topsham Historical society to use for the purchase of equipment and training to scan documents.

100-11 CONSIDERATION AND ANY APPROPRIATE ACTION REGARDING THE HISTORICAL SOCIETY'S APPLICATION FOR DIGITIZING TOWN ARCHIVES MATERIALS

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

VOTED

To approve the application from the Topsham Historical Society to digitize archives materials for the Town.

101-11 CONSIDERATION AND ANY APPROPRIATE ACTION ON AWARDING THE BID FOR GRINDING AND DISPOSAL OF WOOD CHIPS AT THE SOLID WASTE FACILITY

Ed Caron, Solid Waste Director reported on the results of bids sent out for the grinding and disposal of wood chips at the Solid Waste Facility. Following Mr. Caron's presentation, motion was made by Mr. Riendeau, seconded by Mr. Mason and it was unanimously

VOTED

To award the contract for grinding and disposal of wood chips at the Solid Waste Facility to Marshall Grinding, Inc. as presented.

102-11 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE STATUS OF SAINDON PLACE

The Town Manager said that for many years the Town has maintained Saindon Place without any clear indication that the Town had a right of way or easement. There are records that the Fairground Association owns the land. It was noted that if the Town is going to continue plowing (which is has done for the past 30 years) there should be an easement in place with the Association.

A citizen, Mark Filtranti, 40 Elm Street told the Board that the Town has ceased to maintain the property.

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

VOTED

To follow the advice of the Town Attorney, keep the status quo, and take no action on this item.

103-11 CONSIDERATION AND ANY APPROPRIATE ACTION REGARDING ON BANKING PROPOSAL RECOMMENDATION

The Town Manager told the Board that the Town's banking was put out to bid via 10 proposals. Three proposals were returned and the Manager is recommending going with Androscoggin Bank who provided the highest rates, waived all fees and they provide FDIC coverage up to \$7.5 million. The contract will be for 3 years effective January 1, 2012.

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

VOTED

To approve the change of the Town's bank and to award the 3-year contract to the Androscoggin Bank as recommended by the Town Manager.

104-11 CONSIDERATION AND ANY APPROPRIATE ACTION OF APPOINTMENTS TO BOARDS/COMMITTEES

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

VOTED

To appoint Michael Whitney to serve on the Finance Committee.

Topsham Housing Authority - It was noted that additional information is required before this appointment.

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

VOTED

To table the appointment of Daniel Breed to the Topsham Housing Authority until additional information is gathered.

105-11 CONSIDERATION AND ANY APPROPRIATE ACTION DETERMINING THE PROPERTY LINE BETWEEN THE TOWN LAND AT THE TRANSFER STATION AND THE ABUTTER, MARY ELWELL

As discussed at a previous meeting, the exact line of property of Mary Elwell and that of the Town at the Transfer Station is not known. Rather than guessing where a temporary line may fall, Mrs. Elwell would prefer to share in the cost with the Town to hire a surveyor to determine the exact line between her property and Town land at the Transfer Station. An estimate has been received from surveyor Pat Hardy of \$1,400. Therefore the Town would pay \$700 and Mrs. Elwell would pay \$700.

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

VOTED

That we split the cost, not to exceed \$700, to establish research and boundary of the Elwell property and that of the Town of Topsham.

ADJORNMENT

With no further business to conduct, the meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Patty Williams, Recording Secretary