

MINUTES
TOWN OF TOPSHAM
BOARD OF SELECTMEN MEETING
FEBRUARY 16, 2012, 6:00 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, February 16, 2012 at the Municipal Building at 100 Main Street, Topsham, Maine.

CALL TO ORDER

The Board of Selectmen met in the private meeting area - all were present - and at 6:05 p.m. motion was made by Mr. Riendeau, seconded by Mr. Douglass and it was unanimously

VOTED

To enter into Executive Session.

At 6:50 p.m. Chairman Russell declared the Board of Selectmen back into public session and the group moved into the public meeting area. The regular meeting was called 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 Selectmen and Finance Committee will hold a budget workshop all day on Saturday, February 18, 2012 at the Municipal Building. The group will meet again on Wednesday, February 22, 2012 at 6:00 p.m.
- There is a new prescription drug drop-off container in the Public Safety Building lobby for anyone to dispose of unwanted prescription drugs.
- The Department of Transportation held a meeting this week regarding the Cathance Bridge. They received comments from the public and will be back in the summer with their recommendation of either to repair or replace the bridge. There is no funding for same until at least the 2014-2015 fiscal year.

BOARD AND COMMITTEE REPORTS AND UPDATES

Historic District Commission Presentation - Assistant Planner Rod Melanson gave an update on the Historic District Commission. The Commission has been conducting public meetings and seeking feedback on amendments to their current ordinance for over a year and has received guidance from landowners and residents both within and outside of the District. The Board was presented an overview of the ordinance amendment, proposed new boundary map and the draft language to date. In general the wording has been made clearer in order for people in the Historic District to better understand the requirements of the District, what they can and cannot do. Also, whole parcels have been incorporated rather than using the meets and bounds system. The Commission will hold a workshop with the Planning Board which will be followed by a public hearing in March. The end result product will come before the Board of Selectmen for possible inclusion on the Warrant for an upcoming Town Meeting.

Comprehensive Plan Implementation Committee Presentation - Mr. Melanson told the Board when the Comprehensive Plan Implementation Committee (CPIC) provided their most recent update to the Board of Selectmen, they were conducting public meetings and seeking feedback on the amendments to their current ordinance. Since the adoption of the National Areas Plan (NAP) they have held public meetings to garner feedback about the implementation of the NAP. The language to date offers three options for landowners in regards to the subdivision of land and does not force any mandated method of subdivision. An overview of the ordinance amendment was included in the Board package for review. The CPIP will come before the Planning Board in a workshop and then schedule a public hearing in March.

Ordinance Changes to BOCA Code/Knox Box Requirement - Fire Chief Brian Stockdale presented a report and update of BOCA changes regarding Knox Box requirements and Civil Penalties for violations. He told the Board that some of the current codes are out of date in conjunction with what the State of Maine is doing with the NFPA Code. Chief Stockdale said Topsham will be drafting an ordinance similar to that of State requirements and will submit same to the Board of Selectmen for review.

A system of Knox Box requirements will be included to give quicker, easier access to apartments and commercial buildings when needed. Appropriate notification will be given to property owners with amply time to comply with the new ordinance.

Civil penalties will be tweaked to make it easier to enforce the ordinance without having to visit offenders 3, 4 and 5 times before action can be taken. A similar system has been implemented in Brunswick with reports of good compliance.

The revised ordinance will be presented to the Board of Selectmen for their review and possible submission on the Warrant for an upcoming Town Meeting.

PUBLIC COMMENT - None noted.

CORRESPONDENCE - None noted.

ADJUSTMENTS TO THE AGENDA - None noted.

CONSENT CALENDAR

1. APPROVAL OF THE MINUTES OF THE SELECTMEN MEETING OF 2-2-12

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

VOTED

To approve the minutes of the February 2, 2012 meeting as written.

PUBLIC HEARING - None noted.

UNFINISHED BUSINESS - None noted.

OLD BUSINESS - None noted.

NEW BUSINESS

14-12 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE DOG ORDINANCE AMENDMENTS

The Town Manager spoke to the Dog Ordinance amendments which now include comments and adjustments suggested by the Town Attorney resulting from the workshop held in January.

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

VOTED

To accept the revisions to the Dog Ordinance and move the document forward for inclusion on the Warrant for the May Town Meeting.

15-12 CONSIDERATION AND ANY APPROPRIATE ACTION ON A PROPOSAL FOR A LOCAL OPTION EXCISE TAX EXEMPTION FOR ACTIVE DUTY PERSONNEL

The Town Manager spoke to this agenda item which was brought to the Town Clerk by an individual on active duty. Last year, the Legislature enacted a local option excise tax exemption for vehicles owned by Maine residents who are on active military duty and who are either permanently stationed outside of Maine or deployed for more than 180 days but who still wish to register their vehicles in Maine. The new law (36 M.R.S.A. § 1483-A) became effective on January 1, 2012.

During discussion, it was noted that this exemption is strictly a local option. If a municipality wishes to "opt in," its legislative body (Town meeting or Board of Selectmen) must adopt an ordinance to implement the exemption, otherwise no action is required. No action means no exemption. It was also noted that the Maine Municipal Association takes no position one way or another on whether municipalities should exercise this local option. Local options such as this are not State reimbursed and concern was expressed by the Board as to what affect such an exemption would have on financial receipts from registrations. If the Board approved such an option, it would have to come before a Town Meeting for acceptance. The question was asked

if several requests for such an option had been made at the Town Clerk's office and the response was that only one individual had called this to the Town Clerk's attention.

After all comments had been received, motion was made by Mr. Riendeau, seconded by Mr. Mason, and it was unanimously

VOTED

To table Agenda Item 15-12 indefinitely until more information is made available.

EXECUTIVE SESSION

At 7:35 p.m., motion was made by Mr. Mason, seconded by Mr. Douglas, and it was unanimously

VOTED

To move into Executive Session to discuss Agenda Items 16-12 and 17-12.

16-12 CONSIDERATION AND ANY APPROPRIATE ACTION TO ENTER INTO EXECUTIVE SESSION TO DELIBERATE OVER AN ABATEMENT PURSUANT TO 36 M.R.S.A. §841 AND TITLE 1 405 6(F)

17-12 CONSIDERATION AND ANY APPROPRIATE ACTION REGARDING AN EXECUTIVE SESSION AS PER M.R.S.A. TITLE 1 405 6(A)

At 8:17 p.m., Chairman Russell declared the Board back into public session and members returned to the public meeting area.

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

VOTED

To approve the abatement requests under Agenda Item 16-12.

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

VOTED

To approve a 2% pay raise as a result of the Town Manager's yearly review as funded in the current budget.

Motion was made, seconded and unanimously VOTED to adjourn at 8:20 p.m.

Respectfully submitted,

Patty Williams, Recording Secretary