

TOWN OF TOPSHAM
BOARD OF SELECTMEN MEETING
FEBRUARY 18, 2016 - 7:00 P.M.

MEMBERS PRESENT: David Douglass
Marie Brilliant
Ruth Lyons
William Thompson
Roland Tufts

MEMBER(S) ABSENT: All present

STAFF PRESENT: Town Manager, Richard Roedner

A meeting of the Topsham Board of Selectmen was held on Thursday, February 18, 2016, in the Donald A. Russell Meeting Room, at the Municipal Building, 100 Main Street, Topsham, Maine.

CALL TO ORDER

Chairman Douglass called the 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 Selectmen were present.

TOWN MANAGER'S REPORT

AARP will be holding a public shredding event on March 24, 2016 from 10:00 a.m. to 2:00 p.m. at the Donald Cook Building on the Highlands Campus. This event is open to members of the public. More information on this to follow.

Next Tuesday, February 23, 2016 the Topsham Sewer District is holding a public hearing on a proposed sewer rate increase, as part of the plan to pay Topsham's share of the Brunswick Treatment Plan upgrade. The hearing will be held at the District's offices on Bowdoin Mill Island.

Following last years neighborhood meetings, we requested that the Maine Department of Transportation look at speed limits on Route 196 and Winter Street. We have heard back from the DOT traffic engineer in Scarborough, and DOT will be changing the speeds on Route 196 at Roberts Hill Road and again at James Street, dropping from 50 mph to 45 mph and then to 40 mph before entering Lisbon, where the speed limit will remain at 30 mph. Winter Street will not see any changes and will remain at 30 mph.

When talking with the DOT engineer in the Scarborough office, it was learned that reports have been favorable regarding the rumble strips on Route 196.

BOARD AND COMMITTEE REPORTS AND UPDATES - None noted.**PUBLIC COMMENT**

Concerned Citizen - Regina Luchesse, a Topsham resident, expressed concern about a problem of second-hand cigarette smoke coming from an apartment in the complex where she resides. She said that senior citizens and several disabled individuals reside in the complex and are concerned about health issues from having to inhale the second-hand smoke. Ms. Luchesse said she would like the Town of Topsham to consider having such an ordinance in place to address this problem such as the one the City of Portland has. She asked the Board for help in obtaining relief from the situation. The Town Manager said he would speak to the Codes Enforcement Officer and Linda Dumont and look into what can be done.

Ms. Luchesse also requested the Board to have "No Smoking" signs put up in Topsham's parks and asked for an ordinance to address same. The Town Manager told her that our parks are already smoke free and if anyone is noticed smoking, to report same to local authorities. It was agreed that no smoking signs will be put up at the parks.

CORRESPONDENCE

Chairman Douglass reported the receipt of a letter addressed to the Board from Jim Wellehan of Lamey Wellehans pertaining to an agenda item. He said he will read the letter aloud when the agenda item comes up.

ADJUSTMENTS TO THE AGENDA - None noted.**CONSENT CALENDAR****1. APPROVAL OF THE MINUTES OF THE REGULAR SELECTMENS MEETING OF FEBRUARY 4, 2016**

Motion was made by Selectman Tufts, seconded by Selectman Lyons, and it was unanimously

VOTED

To approve the Consent Calendar, accepting minutes of the February 4, 2016 meeting as written.

PUBLIC HEARING - None noted.**UNFINISHED BUSINESS** - None noted.**OLD BUSINESS****15-50 CONSIDERATION AND ANY APPROPRIATE ACTION TO AUTHORIZE THE REFOCUSING OF THE LOWER VILLAGE ROUNDABOUT FEASIBILITY STUDY**

John Shattuck, Economic and Community Development Director, spoke to this item saying that on January 28, 2016, the Selectmen met in a workshop with the Lower Village Development Committee (LVDC) to consider possible next steps in view of MDOT's rejection of the proposed Lower Village Roundabout. That meeting was attended by the Selectmen, the LVDC, several

TDI directors and members of the public. Mr. Shattuck said that both the LVDC, which is overseeing the Roundabout Feasibility Study, and TDI, which, with the Town, is the co-funder of the study, voted unanimously to request that the Board of Selectmen approve this refocusing of the Lower Village Study. Specifically, both the LVDC and TDI asked the Selectmen to consider redirecting the remaining balance of funds for the study (approximately \$15K) to study other elements of the LVDC concept plan for lower village redevelopment, as well as additional ideas proposed at the December meeting of the Town and MDOT staff.

Mr. Shattuck said that based on the discussion at the January 28th workshop, the LVDC concurs with the Selectmen that the refocused study should first concentrate on identifying traffic/pedestrian/bicyclist improvements that would be low cost, high impact and easy to implement quickly.

Mr. Shattuck told the Board that the LVDC would like to propose another workshop with the Selectmen and the Selectmen agreed to hold the workshop at 5:30 or 6:00 p.m. prior to the regular Selectmen's Meeting on Thursday, March 3, 2016. Tom Errico, Traffic Engineer from MDOT will be invited to the meeting to present information regarding the traffic modeling programs used to assess the roundabout and to discuss the scope of the refocused study.

Motion was made by Selectman Tufts, seconded by Selectman Lyons, and it was unanimously

VOTED

That we authorize appropriate action on the refocusing of the Lower Village Roundabout Feasibility Study.

NEW BUSINESS

16-12 CONSIDERATION AND ANY APPROPRIATE ACTION ON A REQUEST FROM MIDCOAST BRING YOUR OWN BAG (MBYOB) ON A PROPOSED PLASTIC BAG FEE AND POLYSTYRENE FOAM ORDINANCE

Jesse McMahon, from 4 Longview Drive in Topsham, made a Power Point presentation on the problems posed resulting from the use of plastic bags and polystyrene foam products. During one of the Neighborhood Meetings, the subject of a ban on polystyrene containers and an ordinance regulating the use of single use bags was brought up.

Several citizens were in attendance at the meeting to express their desire for the Board to consider two separate ordinances: 1) A ban on the use of polystyrene containers, and 2) A fee on the use of single-use plastic and paper bags.

Three separate items were included in the Board package from MCBYOB, including:

- An overview of the issues prepared by MCBYOB
- A proposal for a 5-cent fee on single use plastic and paper bags, including a draft ordinance
- A proposal for a ban on the use of polystyrene containers, including a draft ordinance

Diane Schetky from the Highlands spoke to the proposed 5-cent fee on single-use plastic and paper bags at checkouts. The 5-cents would be left with the stores. It was noted the group has reached out to approximately 30 businesses and have over 300 signatures in support of the proposed ordinances. Ms. Schetky requested a workshop be scheduled with the Select Board to

further discuss the proposed ordinances and to put the item on the May Town Meeting Warrant.

Chairman Douglass explained the steps the group would have to go through before the item could be placed on a town meeting warrant. He said several workshops with the Select Board and public hearings would need to happen and that it might be best to schedule them following the busy budget season, now in progress. Suggestion was made that it might be a good idea to put the question before the citizens at the voting in November.

The Board was in agreement to schedule the workshop meetings following the budget hearings which will end around the middle of April.

Ed Caswell asked to be recognized and reminded Chairman Douglass to read aloud the letter received from Jim Wellehan of Lamey Wellehans. Chairman Douglass read the letter dated February 16, 2016 in its entirety (it is filed with these minutes). The letter was in support of the ordinances.

Ed Freedman, from Bowdoinham and Chairman of Friends of Merrymeeting Bay asked to be recognized and spoke in favor of the proposed ordinances saying there is 8 million tons of plastic waste getting into the oceans each year. Much of the plastic litter is from single-use, disposable items like plastic bags and Styrofoam cups. Mr. Freedman explained how the plastic, over time, breaks down into tiny pieces and how fish and other wildlife are perishing after mistaking the micro plastics for food.

Jeanette MacNeille spoke to the Board urging them to schedule the workshops as soon as possible.

16-13 CONSIDERATION AND ANY APPROPRIATE ACTION ON A PROPOSED TWO-YEAR CONTRACT WITH ELIZABETH HERTZ, NOT TO EXCEED \$84,000 FOR WORK ASSOCIATED WITH OUR EPA GRANT TO IMPLEMENT THE MAINE VERNAL POOLS SPECIAL AREA MANAGEMENT PLAN

The Town Manager said as part of our Vernal Pool Project, we have obtained an EPA grant, (which the Board has accepted) to help with the implementation and monitoring of the effectiveness of the project over the next two years. The general budget for the grant is as follows:

Grant total	\$105,971
In-kind	\$ 44,248 (includes town staff and UMO staff)
Local cash match	\$ 6,400

As part of the grant, a contracting budget (\$103,200) is included to cover various aspects of the project. The major portion is intended as one contract for a consultant to:

- Provide education support
- Field verification
- Tracking and monitoring of the VP protocol
- SAMP approval process, working with the Corps of Engineers and securing delegated authority for Topsham

It was noted that the local cash match of \$6,400 is actually money we will be spending on the Comprehensive Plan, tying the VP work into the overall framework of the Plan, and not new money that has to be appropriated.

During discussion, the Board was in agreement that it would make sense to waive the local bid policy and grant this contract to Elizabeth Hertz who has been a member of the Vernal Pool Team from day one.

Motion was made by Selectman Tufts, seconded by Selectman Lyons, and it was unanimously

VOTED

That we approve the proposed two-year contract with Elizabeth Hertz, not to exceed \$84,000, for work associated with our EPA Grant to implement the Maine Vernal Pools Special Area Management Plan.

16-14 CONSIDERATION AND ANY APPROPRIATE ACTION ON ACCEPTANCE OF AWARDED PROJECT CANOPY GRANT FUNDING IN THE AMOUNT OF \$7,900 FOR INSTALLATION OF CANOPY TREES FOR ROUTE 196

Assistant Planner Carol Eyerman spoke to this item presenting history that in December the Board approved submission of a Project Canopy Grant in the amount of \$7,990 to purchase canopy trees to be planted in areas along Route 196. In January word was received that the grant was awarded. Ms. Eyerman requested that the Board accept and allow expenditure of the grant in the amount of \$7,990 for the trees to be planted in spring and summer of 2016 with the project completed before fall of 2016.

Motion was made by Selectman Tufts, seconded by Selectman Lyons, and it was unanimously

VOTED

To accept the awarded canopy grant funding in the amount of \$7,900 for the installation of canopy trees to be planted along Route 196.

16-15 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE RECOMMENDED ACCEPTANCE OF PLANNING DECISIONS PROPOSAL FOR THE AGE FRIENDLY GRANT FROM AARP THAT WAS ACCEPTED IN JANUARY

Pam LeDuc, Parks and Recreation Director, spoke to this item saying RFP's were sent out and two companies responded (Analytic Insights and Planning Decisions). Both consultants were interviewed and recommendation made to award the contract to Planning Decisions. Ms. LeDuc said meetings were held with the stakeholders looking to what was needed for information from senior population. She said in the next 10 years there will be a huge change in population with ages of 50 and above, and it is important to be aware of what people value, i.e., parking, walking, parks, etc.

Motion was made by Selectman Tufts, seconded by Selectman Lyons, and it was unanimously

VOTED

That the Town accept the Planning Decisions proposal for the Age Friendly Grant from AARP that was accepted in January, not to exceed \$4,800.

16-16 CONSIDERATION AND ANY APPROPRIATE ACTION TO APPROVE OF A COMPENSATION FEE UTILIZATION PLAN FOR THE TOPSHAM FAIR MALL URBAN IMPAIRED STREAM WATERSHED

The Town Manager spoke to this item and said during the review process, they are required to go to DEP for Stormwater Permits and DEP has the authority to require that an applicant come up with funds for a larger more wide spread improvement. The Board is being asked to approve at the Town level this compensation in lieu of fee to create an account locally. When DEP approves a project that requires funding from them, that funding will come to us, go into that account and we will be able to use that to implement the watershed grant. The goal is to improve water quality in the Topsham Fair Mall Stream.

Motion was made by Selectman Tufts, seconded by Selectman Lyons, and it was unanimously

VOTED

To approve the Compensation Fee Utilization Plan for the Topsham Fair Mall Urban Impaired Stream Watershed.

16-17 CONSIDERATION AND ANY APPROPRIATE ACTION ON POLICE DEPARTMENT'S APPLICATION FOR SPEED ENFORCEMENT GRANT THROUGH MAINE BUREAU HIGHWAY SAFETY

Police Chief Christopher Lewis told the Board that the Department is seeking approval for the Bureau of Highway Safety's 2016 Speed Enforcement Program Grant which focuses on the increased officer's presence on the roads to reduce speed. This will cover the officer's overtime with the department eligible to receive \$3,285. The grant does not require an additional financial match as the grant will be administered by Lt. Dunn. The grant period will begin April 15, 2016 and end on September 15, 2016.

Motion was made by Selectman Tufts, seconded by Selectman Lyons, and it was unanimously

VOTED

That the Town approve the Police Department's application for Speed Enforcement Grant in the amount of \$3,285 through the Maine Bureau Highway Safety.

16-18 CONSIDERATION AND ANY APPROPRIATE ACTION ON DOT'S PROPOSED CHANGE TO THE TIMING OF THE LIGHTS AT ROUTE 196 AND ROUTE 201

Town Manager Roedner explained the change DOT made to the timing of the lights at Route 196 and Route 201. The change has been completed with no comments or complaints coming in to the Manager's office.

No action was taken on this item.

At 8:55 p.m., motion was made by Selectman Tufts, seconded by Selectman Lyons, and it was unanimously

VOTED

To move into Executive Session pursuant to 36 MRSA, Section 405 (6) (C) to discuss tax acquired property.

EXECUTIVE SESSION

16-19 CONSIDERATION AND ANY APPROPRIATE ACTION TO ENTER INTO EXECUTIVE SESSION TO DISCUSS THE FORECLOSURE OF PROPERTY AT 31 CLEARVIEW LANE PURSUANT TO 36 MRSA §405 (6) (C)

Following discussion, motion was made by Selectman Tufts, seconded by Selectman Lyons, and it was unanimously

VOTED

To instruct the Town Manager to issue a final Two-Week Demand Letter to the owner of the property in question. Absent full payment of FY 13 taxes by the end of the 14-day notice period, the Town Manager is instructed to issue a 30-Day Notice of Termination.

At 9:10 p.m. it was moved, seconded and unanimously voted that the Board come out of Executive Session and return to regular session.

ADJOURN

Motion was made by Selectman Tufts, seconded by Selectman Lyons, and it was unanimously

VOTED

To adjourn the meeting at 9:11 p.m.

Respectfully submitted,

Patty Williams, Recording Secretary