

TOWN OF TOPSHAM
BOARD OF SELECTMEN MEETING
MARCH 19, 2015 - 7:00 P.M.

MEMBERS PRESENT: Donald Russell
Marie Brilliant
David Douglass
Ruth Lyons
William Thompson

MEMBER(S) ABSENT: All present

STAFF PRESENT: Town Manager, Richard Roedner

A meeting of the Topsham Board of Selectmen was held on Thursday, March 19, 2015 at the Municipal Building at 100 Main Street, Topsham, Maine.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE/ROLL CALL

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

Received two calls this week regarding our Public Works Department. The first was from a Main Street business about what a good job our crews have done this winter, despite very difficult circumstances, frequent and heavy storms, and being shorthanded. The second compliment came from a resident who lost a tree across the road. The Department of Public Works got there, cleared the tree from the street, and cleaned up the street before they left. Both people commented about what professional jobs the crew, including those in the office, did.

Music in March continues at the library. Check their website for details.

Our animal control officer is making calls to residents who may have forgotten to have their dogs registered. So, if you get a call, remember it is a complimentary reminder we are providing to help avoid future actions.

We received a grant from the MidCoast Presbyterian Church to our heating assistance fund. We would like to thank them very much for their generosity.

There is a Department of Transportation (DOT) public meeting on Tuesday the 31st at 6:00 p.m. to discuss a proposed DOT project this summer that will install a centerline rumble strip from White House Crossing to the Lisbon town line. The goal is to reduce the number of accidents and fatalities that have occurred on this stretch of road over the past several years.

Next Wednesday the Board of Selectmen is meeting with the Finance Committee to go over their respective budget proposals, and hopefully come to agreement on a common budget for town meeting, which is scheduled for May 20.

Lastly, there is a Red Cross blood drive from 1:00 to 6:00 p.m. next Wednesday at the fire station. All are welcome to donate.

There were no questions or comments from the Board or members of the public following the Town Manager's report.

Motion was made, seconded and it was unanimously **VOTED** to move article 84-14 up to this point in the meeting.

84-14 CONSIDERATION AND ANY APPROPRIATE ACTION ON SETTING DATE FOR PUBLIC HEARING ON AMENDMENTS TO THE MUNICIPAL INFRASTRUCTURE MUNICIPAL DEVELOPMENT AND TAX INCREMENT FINANCING DISTRICT

Community Development Director, John Shattuck, introduced the Town's TIF Attorney, Shana Cook Mueller, from Burnstein Shur. Attorney Mueller reviewed the TIF Portage Option amendments being proposed for the May 2015 Town Meeting. These changes were discussed in a workshop meeting with the Board last week. Copies of the proposed revised TIF documents and work plan were included in the Board package for review prior to the meeting.

Following Attorney Mueller's presentation, motion was made by Selectman Douglass, seconded by Selectman Lyons and it was unanimously

VOTED

To set the public hearing date for the Municipal Infrastructure Interchange TIF for April 2, 2015.

BOARD AND COMMITTEE REPORTS AND UPDATES - Update and information on proposed ordinance changes for Town Meeting. Rod Melanson, Town Planner, gave a Power Point presentation on each of the proposed ordinance changes that the Planning Board has been working on for some time. He told the Board that the Planning Board voted unanimously to forward each of the amendments on to the Board of Selectmen with a recommendation from the Planning Board of "Ought to Pass."

Some questions and comments were addressed following presentation of the proposed amendments, especially the amendment relating to changes in daycare operation. The amendments include:

1. A proposed ordinance amendment to Chapter 185, Chapter 191, that set performance standards for the construction of and acceptance of roads within the Town of Topsham.
2. A proposed ordinance amendment that amends the open space in lieu fee calculation within the subdivision 191-18.

3. A proposed ordinance amendment to amend Chapter 225 to add a new suburban residential business district zone (R2B), which governs uses and dimensional standards and amends the zoning map to accommodate for the proposed R2B zone.
4. A proposed ordinance to add daycare-home as a new use and amend chapter 225-6 definitions, chapter 225-16 use regulations, and chapter 225-60.19 to define, identify where this proposed use may be allowed and set performance standards for the proposed use.
5. A proposed ordinance amendment to amend the current floodplain ordinance to reference the newly adopted county floodplain maps, chapter 225-25.
6. A proposed ordinance amendment to amend the Topsham zoning map to expand the industrial zone and amend chapter 225-85 to reflect the proposed boundary description.

No action was taken on this item.

PUBLIC COMMENT - Andrea Imrie, a member of the public, asked to be recognized. Ms. Imrie told the Board she has been operating a day care center for the past 6 years. She suggested the need for a fence at a day care operation should be considered on a case-by-case basis.

CORRESPONDENCE - None noted

ADJUSTMENTS TO THE AGENDA - None noted.

CONSENT CALENDAR

1. APPROVAL OF THE MINUTES OF THE REGULAR SELECTMENS MEETING OF MARCH 5, 2015

Motion was made by Selectman Thompson, seconded by Selectman Douglass, and it was unanimously

VOTED

To approve the minutes of March 5, 2015 as written.

UNFINISHED BUSINESS

PUBLIC HEARING

15-10 CONSIDERATION AND ANY APPROPRIATE ACTION FOR A LIQUOR LICENSE AND SPECIAL AMUSEMENT PERMIT REQUEST FROM SMITTY'S CINEMA RESTAURANT

Chairman Russell said he would take the Liquor License and Amusement Permit individually and the Board was in agreement.

Liquor License - It was noted the Public Hearing was duly advertised. Tucker (Milton) Smith, part owner of Smitty's spoke to the item. The operation is owned by four individuals: Milton S. Smith, 25%; Benton G. Smith, 25%; Cabot B. Smith, 25%; and MacGregor Smith, 25%. The Public Hearing was declared open. Mr. Smith told the Board Smitty's had been operating the

cinema/restaurant business for approximately 20 years. It will be a 6-screen theater showing new release movies. The restaurant/pub will have a full menu including beer and wine. The Board questioned how the operation would control stopping minors from being served liquor and Mr. Smith said management is very strict requesting identification. It was noted that letters are in file stating no objection to the liquor license from Chris Lewis, Chief of Police; Tom Lister, Code Enforcement Officer and Brian Stockdale, Fire Chief. There was no one to comment from members of the public and the Public Hearing was declared closed.

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

VOTED

To approve the Liquor License Application for Smitty's Cinema at the Topsham Fair Mall.

Special Amusement Permit - Milton Smith told the Board the lobby at the cinema would have the usual amusement arcade games that are found in local theaters. The Public Hearing was declared open. There being no comment from members of the public, the Public Hearing was declared closed.

Motion was made by Chairman Russell, seconded by Selectman Douglass and it was unanimously

VOTED

To grant a Special Amusement Permit for the video games held at 65 Topsham Fair Mall Road for Smitty's Cinema.

15-11 CONSIDERATION AND ANY APPROPRIATE ACTION ON POSTING THE FOLLOWING ROADS FROM MARCH 23, 2015 TO APRIL 30, 2015, OR SOONER IF CONDITIONS ALLOW: WINTER STREET/RIVER ROAD TO WHITEHOUSE CROSSING ROAD, WHITEHOUSE CROSSING, CATHANCE, MEADOW CROSS, WARD, WEST MERRILL, ROBERT'S HILL AND FORESIDE ROAD FROM TOWNSEND WAY TO MIDDLESEX ROAD

Following a brief explanation from the Public Works Director, Dennis Cox, motion was made by Selectman Douglass, seconded by Selectman Thompson and it was unanimously

VOTED

To post the following roads from March 23, 2015 to April 30, 2015, or sooner if conditions allow:

- Winter Street/River Road from Main Street to Whitehouse Crossing Road
- Whitehouse Crossing Road
- Cathance Road
- Meadow Cross Road
- Ward Road
- West Merrill Road
- Robert's Hill Road
- Foreside Road from Townsend Way to Middlesex Road

UNFINISHED BUSINESS

15-14 CONSIDERATION AND ANY APROPRIATE ACTION ON A PROPOSED INTERLOCAL AGREEMENT FOR THE CONSTRUCTION AND MAINTENANCE OF THE MERRYMEETING TRAIL

Selectman Thompson spoke to this item noting that the agreement is ready for passing along at the meeting scheduled for the 23rd of this month.

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

VOTED

To approve the Interlocal Agreement for the Merrymeeting Trail.

OLD BUSINESS

65-14 CONSIDERATION AND ANY APPROPRIATE ACTION ON SETTING DATE FOR FINAL PUBLIC HEARING REGARDING CDBG-EDP GRANT FUNDS AWARDED TO THE TOWN OF TOPSHAM ON BEHALF OF WICKED JOE COFFEE

Community Development Director John Shattuck told the Board that Wicked Joe Coffee has met all its grant requirements, including meeting hiring goals and documenting both reimbursable expensed and matching fund expenditures - all well ahead of schedule. Their final grant funds drawdown has been submitted and is expected to be paid by the end of this month. As a result, this grant is ready to be processed for formal closeout, acknowledging that the Town and Wicked Joe has satisfied all grant requirements. As part of the closeout process, the Town is required to hold a final public hearing on the grant, which will serve as a public reporting and record of the performance of the grant. Mr. Shattuck suggested that the Selectmen set this matter for hearing at their regular meeting on April 2, 2015.

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

VOTED

That we hold a Public Hearing regarding the closeout of the CDBG and EDP grant funds awarded to the Town of Topsham on behalf of Wicked Joe Coffee on April 2, 2015.

NEW BUSINESS

15-12 CONSIDERATION AND ANY APPROPRIATE ACTION ON PROPOSED INSTALLATION OF "RUMBLE STRIPS" ON ROUTE 196 IN TOPSHAM BY MDOT

Public Works Director Dennis Cox told the Board that Rich Roedner, Town Manager; Mike Labbe, EMS Director; Chris Lewis, Police Chief; and Brian Stockdale, Fire Chief met to discuss their concerns with the serious accidents happening on Route 196. The area being talked about is from Whitehouse Crossing to the Lisbon town line where several lives have been lost.

The group met with P.E. Duane Brunell from the Maine Department of Transportation who suggested the installation of a rumble strip down the center line of the road. This application has worked successfully in other towns to stop drivers from crossing over the center of the road into on-coming traffic.

The installation of the rumble strips is eligible for full funding with DOT and federal funds and the State is asking for the Town's endorsement. Post cards have been sent to residents along Route 196 which would be affected by the installation and a public meeting is scheduled for Tuesday, March 31, 2015 at the Municipal Building to receive comments and concerns regarding the project.

Following Mr. Cox's presentation, motion was made by Selectman Douglass, seconded by Selectman Lyons, and it was unanimously

VOTED

To support the installation of rumble strips on Route 196 from Whitehouse Crossing Road to the Lisbon Town Line.

ADJOURN - With no further business to address, motion was made by Selectman Lyons, seconded by Selectman Brilliant, and it was unanimously

VOTED

To adjourn the meeting at 8:30 p.m.

Respectfully submitted,

Patty Williams, Recording Secretary