

TOWN OF TOPSHAM  
BOARD OF SELECTMEN MEETING  
APRIL 14, 2016 - 7:00 P.M.

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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, April 14, 2016, in the Donald A. Russell Meeting Room, at the Municipal Building, 100 Main Street, Topsham, Maine. The following members of the Finance Committee were also present and participating in the meeting: Ryan Pelletier, Kenneth Stockford, Jeff Deletesky and Gail Eaton.

**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, as well as members of the Finance Committee noted above.

**TOWN MANAGER'S REPORT** - No report given.

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

**PUBLIC COMMENT** - None noted.

**CORRESPONDENCE** - None noted.

**ADJUSTMENTS TO THE AGENDA** - None noted.

**CONSENT CALENDAR** - None noted.

**PUBLIC HEARING**

**16-32 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE TOWN MEETING WARRANT**

Chairman Douglass explained the order in which the meeting would be conducted:

1. Open the Public Hearing.
2. Chairman will read all articles and ask for any public comment on each article. (this is when members of the public may speak).

3. After all articles have been read and comments received, the Public Hearing will be closed, with no more public comments being received.
4. Board members will discuss each article and vote on each one, followed by the Finance Committee's discussion of the article and their vote on each article.

The Public Hearing was declared open.

Chairman Douglass read each article aloud and asked for comments from members of the public:

**Article 2**

To have the Town vote to raise, appropriate and spend the sum of \$1,460,308 for Debt Service Proposed Debt Service Schedule for the coming year:

Public Works Plow Truck	\$20,997
2011 Ladder	\$63,455
Refinanced Bond (Town Hall)	\$799,349
Library bond	\$109,437
Municipal Complex #2	\$89,600
2015 Equipment Bond	\$88,953
Monument Place	\$187,501
Sidewalks	\$89,600
2017 Equipment Bond (proposed)	\$11,416

There were no comments from members of the public after the reading of Article 2.

**Article 3**

To see what sum the Town will vote to spend for General Government under the following accounts and to see what sum the Town will vote to raise and appropriate for the same:

	<u>2015-2016</u>	<u>2016-2017</u>
1. Administration	209,432	205,878
2. Municipal Officers	19,199	18,621
3. Finance Manager	77,230	74,439
4. Central Services	99,800	101,100
5. Tax/Clerk	251,978	250,928
6. Codes	86,250	90,549
7. Assessing	109,875	142,315
8. Elections/Registration	11,236	14,209
9. Planning Office	223,974	229,852
10. Economic Development	110,365	118,065
11. Municipal Insurance	110,500	88,842
12. Facilities Maintenance	172,898	165,057
13. Parks/Recreation	374,410	369,985
14. Library	470,546	541,355
15. General Assistance	58,621	61,853
16. Contractual Services	103,500	98,500
17. Public Utilities	324,000	339,250
18. Municipal TIF Fund	<u>133,588</u>	<u>227,173</u>
Total	\$2,947,402	\$3,137,971

Board of Selectmen Recommendation	\$3,137,971
Finance Committee Recommendation	\$3,137,971

Following the reading of Article 3, Hanna Chatalbash, a Topsham resident asked to speak. Ms. Chatalbash said she is affiliated with the MidCoast Hunger Prevention Program, a non-profit organization headquartered in Brunswick but serves communities in Harpswell, Brunswick and Topsham. Ms. Chatalbash explained the various programs such as the Food Pantry, Backpack Program (where school children are sent home on Fridays with backpacks filled with food to eat over the weekend) and the Summer Food Program for Children. Reference was made to a memo Ms. Chatalbash forwarded to the Board in February, requesting that Topsham appropriate \$7,500 to assist the various programs of the non-profit organization.

**Article 4**

To see what sum the Town will vote to spend for the Capital Projects Fund under the following accounts and to see what sum the Town will vote to raise and appropriate for the same:

	<u>2015-2016</u>	<u>2016-2017</u>
	\$835,750	\$756,600 New Appropriation
	\$13,750	\$16,000 Targeted Reserves*
Total	\$849,500	\$772,600

Board of Selectmen Recommendation	\$772,600
Finance Committee Recommendation	\$772,600

There were no comments from members of the public after the reading of Article 4.

**Article 5**

To see if the Town will vote to (1) approve the purchases of the following pieces of equipment: three Plow Truck Units, one Ambulance and one Fire Department Engine (the “Project”); (2) appropriate a sum not to exceed \$1,335,000 for the costs of the Project; and (3) to fund this appropriation (a) authorize the Treasurer and the Chairman of the Board of Selectmen to borrow money through a lease purchase arrangement or to issue, at one time or from time to time, general obligation securities of the Town of Topsham, Maine, including temporary notes in anticipation of the sale thereof and refunding obligations, in an aggregate principal amount not to exceed \$1,335,000 and to delegate to the Treasurer and Chairman of the Board of Selectmen the authority and discretion to fix the date(s), maturity(ies), denomination(s), interest rate(s), places(s) of payment, call(s) for redemption, current or advance refunding(s) of the securities, form(s), and other details of said securities, including execution and delivery of said securities against payment therefore, execution of certificates, loan agreements and any other documents reasonably related thereto, and to provide for the sale thereof.

**FINANCIAL STATEMENT**

Total Town Indebtedness:

A. Bonds outstanding and unpaid:	\$9,314,218
(this projection anticipates Town’s payment to be made in April 2016 prior to Town vote)	
B. Bonds authorized and unissued:	\$ 0
C. Bonds to be issued if this Article is approved:	\$ 1,335,000
Total	\$10,649,218

Costs:

At an estimated interest rate of 2.4% for an estimated 10-year maturity, the estimated costs of this bond issue will be:

Principal:	\$ 1,335,000
Interest:	\$ <u>168,583</u>
Total Debt Service:	\$ 1,503,583

Validity: The validity of the bonds and the voters' ratification of the bonds may not be affected by any errors in the above estimates. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

Board of Selectmen Recommendation	Ought to pass
Finance Committee Recommendation	Ought to pass

There were no comments from members of the public after the reading of Article 5.

Article 6

To see what sum the Town will vote to spend for Public Safety under the following accounts and to see what sum the Town will vote to raise and appropriate for the same:

	<u>2015-2016</u>	<u>2016-2017</u>
Police Protection	\$1,555,962	\$1,583,479
Fire Protection/Rescue	\$ <u>776,340</u>	\$ <u>796,580</u>
Total	\$2,332,302	\$2,380,059

Board of Selectmen Recommendation	\$2,380,059
Finance Committee Recommendation	\$2,380,059

There were no comments from members of the public after the reading of Article 6.

**Article 7**

To see what sum the town will vote to spend for Public Works, Solid Waste, and Recycling under the following accounts and to see what sum the Town will vote to raise and appropriate for the same: (The Public Works Department is authorized to spend funds from this article in support of Capital Projects)

	<u>2015-2016</u>	<u>2016-2017</u>
Public Works	\$1,179,823	\$1,183,383
Solid Waste/Recycling	\$ <u>345,289</u>	\$ <u>392,361</u>
Total	\$1,525,112	\$1,575,744

Board of Selectmen Recommendation	\$1,575,744
Finance Committee Recommendation	\$1,575,744

There were no comments from members of the public after the reading of Article 7.

**Article 8**

To see what sum of money the Town will vote to spend for the Topsham Community Fund, which will go towards short-term unanticipated costs associated with the Androscoggin Bike Path, for local costs associated with the development and acquisition of the Head of Tide Park, into the Topsham Community Fund for future projects.

Board of Selectmen Recommendation	\$10,000
Finance Committee Recommendation	\$10,000

There were no comments from members of the public after the reading of Article 8.

**Article 9**

To see what sum the Town will vote to increase the maximum property tax levy limit established by State Law (L.D.1) in the event that the municipal budget approved at this Town Meeting results in a tax commitment in excess of the maximum property tax levy otherwise applicable such that the increase maximum property tax levy hereby established will equal the amount committed: (By State Law, the vote on this article must be by written ballot.)

Board of Selectmen Recommendation	Ought to Pass/Ought not to Pass
Finance Committee Recommendation	Ought to Pass/Ought not to Pass

There were no comments from members of the public after the reading of Article 9.

**Article 10**

To see if the Voters will adopt an ordinance entitled “An Ordinance to amend the Town Code, Chapter 225-6, Definitions to clarify single family dwelling unit and nonconforming structure.”

225-6

**DWELLING**

Any building or structure or portion thereof designed or used for residential purposes.

- A. SINGLE-FAMILY DWELLING: Any structure A building containing only one dwelling unit for occupation by not more than one family.
- B. TWO-FAMILY DWELLING: A building containing only two dwelling units for occupation by not more than two families.
- C. MULTIFAMILY DWELLING: A building containing three or more dwelling units, such building being designed exclusively for residential use and occupancy by three or more families living independently of one another, with the number of families not exceeding the number of dwelling units.

**NONCONFORMING STRUCTURE**

A structure that does not meet all any one or more of the following dimensional requirements: setbacks, height and lot coverage. It is allowed solely because it was in lawful existence at the time this chapter or subsequent amendments took effect.

Planning Board Recommendation: Ought to Pass

There were no comments from members of the public after the reading of Article 10.

**Article 11**

To see if the Voters will adopt an ordinance entitled “An Ordinance to amend the Town Code, Chapter 225-14, nonconforming uses, structures, and lots of record by clarifying standards for the conformance of nonconforming structures.”

There were no comments from members of the public after the reading of Article 11.

**Article 12**

To see if the Voters will adopt an ordinance entitled “An Ordinance to amend the Town Code, Chapter 225-16, Use Regulations (Table of land Uses) by creating Mixed Use Building as a use in the table of land uses, add Schools as a permitted use in the R4 zoning district, and add a footnote to single family dwelling use in the village center zone, and amend Chapter 225-17 Dimensional Requirements by adding a footnote to the maximum setback requirement that limits the setback to residential uses.”

There were no comments from members of the public after the reading of Article 12.

**Article 13**

To see if the Voters will adopt an ordinance entitled “An Ordinance to amend the Town Code, Chapter 225-17, Dimensional requirements by creating performance standards for consistent setbacks for sheds.”

There were no comments from members of the public after the reading of Article 13.

**Article 14**

To see if the Voters will adopt an ordinance entitled “An Ordinance to amend the Town Code, Chapter 225-6, Definitions; 225-11 Establishment of Zones; add section 225-20.2, Vernal Pool Overlay District; add section 225-41.1 Vernal Pools; amend chapter 175, Site Plan; amend chapter 191, Subdivision to adopt a vernal pool overlay zoning district that offers landowners the option to offer mitigation for the disturbance of vernal pool habitat as laid out in State and Federal adopted Special Area Management Plan.”

There were no comments from members of the public after the reading of Article 14.

**Article 15**

To see if the Voters will adopt an ordinance entitled “An ordinance to amend the Town Code, Cost of Application Review, Chapter 109, to create a fee schedule for planning office permit applications.”

There were no comments from members of the public after the reading of Article 15.

**Article 16**

To see if the Town will fix the date of the May 2017 Special Town Meeting, May 17, 2017

There were no comments from members of the public after the reading of Article 16.

**Article 17**

To see if the Town will fix the dates when taxes are due and payable, Monday, October 17, 2016 and Tuesday, March 15, 2017 and to see if the Town will fix a rate of interest to be charged on taxes after said date at 7% or the Maximum amount determined by the State Treasurer.

There were no comments from members of the public after the reading of Article 17.

**Article 18**

To see if the Town will establish a maximum interest rate to be paid on abated taxes.

There were no comments from members of the public after the reading of Article 18.

**Article 19**

To see if the Town will authorize the Selectmen to dispose of Town-owned personal property with a value of \$5,000 or less under such terms as they deem advisable.

There were no comments from members of the public after the reading of Article 19.

**Article 20**

To see if the Town will authorize the Selectmen to accept gifts on behalf of the Town under such terms as they deem advisable.

There were no comments from members of the public after the reading of Article 20.

**Article 21**

To see if the Town will authorize the Selectmen to convey by deeds of quit-claim title or other titles as appropriate any real estate acquired by the Town to such persons for such considerations as the Selectmen may in each case determine.

There were no comments from members of the public after the reading of Article 21..

**Article 22**

To see if the Town will authorize the Board of Selectmen to apply for grants, approve the acceptance of grants, receive grants, appropriate the Town's share of the grants from funds raised at a Town Meeting and expend the grant for the purpose stated in the grant.

There were no comments from members of the public after the reading of Article 22.

With no further comments to be heard, the Public Hearing was declared closed and the Select Board and Finance Committee began their discussion of each article beginning with Article 2, resulting in the following actions:

**Article 2:**     **Select Board:** Motion was made by Selectman Tufts, seconded by Selectman Lyons, and it was unanimously **VOTED** to move Article 2 to the Town Meeting with a vote from the Board of Selectmen of "Ought to Pass."

**Finance Committee:** Motion was made by Ryan Pelletier, seconded by Gail Eaton, and it was unanimously **VOTED** to move Article 2 to the Town Meeting with a vote from the Finance Committee of "Ought to Pass."

**Article 3:**     **Select Board:** Motion was made by Selectman Tufts, seconded by Selectman Lyons, and it was unanimously **VOTED** to move Article 3 to the Town Meeting with a vote from the Board of Selectmen of "Ought to Pass."

**Finance Committee:** Motion was made by Ryan Pelletier, seconded by Kenneth Stockford, and it was unanimously **VOTED** to move Article 3 to the Town Meeting with a vote from the Finance Committee of "Ought to Pass."

**Article 4:** **Select Board:** Motion was made by Selectman Tufts, seconded by Selectman Lyons, and it was unanimously **VOTED** to move Article 4 to the Town Meeting with a vote from the Board of Selectmen of "Ought to Pass."

**Finance Committee:** Motion was made by Gail Eaton, seconded by Ryan Pelletier, and it was unanimously **VOTED** to move Article 4 to the Town Meeting with a vote from the Finance Committee of "Ought to Pass."

**Article 5:** **Select Board:** Motion was made by Selectman Tufts, seconded by Selectman Lyons, and it was unanimously **VOTED** to move Article 5 to Town Meeting to appropriate a sum not to exceed \$1,335,000, with a recommendation from the Board of Selectmen of "Ought to Pass."

**Finance Committee:** Motion was made by Jeff Deletesky, seconded by Gail Eaton, and it was unanimously **VOTED** to move Article 5 to Town Meeting to appropriate a sum not to exceed \$1,335,000, with a vote from the Finance Committee of "Ought to Pass."

**Article 6:** **Select Board:** Motion was made by Selectman Tufts, seconded by Selectman Lyons, and it was unanimously **VOTED** to move Article 6 to the Town Meeting to raise and appropriate the sum of \$2,380,059, with a vote from the Board of Selectmen of "Ought to Pass."

**Finance Committee:** Motion was made by Ryan Pelletier, seconded by Gail Eaton, and it was unanimously **VOTED** to move Article 6 to the Town Meeting to raise and appropriate the sum of \$2,380,059, with a vote from the Finance Committee of "Ought to Pass."

**Article 7:** **Select Board:** Motion was made by Selectman Tufts, seconded by Selectman Lyons, and it was unanimously **VOTED** to move Article 7 with recommendation from the Board of Selectmen of "Ought to Pass" in the amount of \$1,575,744.

**Finance Committee:** Motion was made by Gail Eaton, seconded by Kenneth Stockford, and it was unanimously **VOTED** to move Article 7 with recommendation from the Finance Committee of "Ought to Pass" in the amount of \$1,575,744.

**Article 8:** **Select Board:** Motion was made by Selectman Tufts, seconded by Selectman Lyons, and it was unanimously **VOTED** to move Article 8 to the Town Meeting with a vote from the Board of Selectmen of "Ought to Pass" in the amount of \$10,000.

**Finance Committee:** Motion was made by Ryan Pelletier, seconded by Gail Eaton, and it was unanimously **VOTED** to move Article 8 to the Town Meeting with a vote from the Finance Committee of "Ought to Pass" in the amount of \$10,000.

**Article 9:** **Select Board:** Motion was made by Chairman Douglass, seconded by Selectman Lyons, and it was unanimously **VOTED** to move Article 9 to the Town Meeting with a vote from the Board of Selectmen of "Ought Not to Pass."

**Finance Committee:** Motion was made by Gail Eaton, seconded by Ryan Pelletier, and it was unanimously **VOTED** to move Article 9 to the Town Meeting with a vote from the Finance Committee of "Ought Not to Pass."

**Article 10 through Article 22:** Motion was made by Selectman Tufts, seconded by Selectman Lyons, and it was unanimously **VOTED** to move the slate of Articles 10 through 22, including change in tax due dates, to the Town Meeting with recommendation from the Planning Board of "Ought to Pass."

**UNFINISHED BUSINESS** - None noted.

**OLD BUSINESS** - None noted.

**NEW BUSINESS**

**16-33 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE BID RESULTS FOR THE BRIDGE STREET CULVERT**

Dennis Cox, Public Works Director, reviewed the results of a bid sent out for the Bridge Street culvert project. The three bid responses included:

ETTI	\$89,600
Crooker Construction	\$54,725
Ray Labbe & Sons	\$51,920

\$38,000 was originally budgeted for this work last year, but due to increases in material and labor costs, the lowest bid came in at \$51,920. Mr. Cox suggested that the balance between what was budgeted and the lowest bid come from the capital account for street paving.

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

**VOTED**

To accept the bid from Ray Labbe & Sons in the amount of \$51,920, with the remainder of \$13,920 to come from the Capital Account for street paving for the Bridge Street culvert replacement.

**ADJOURN**

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

**VOTED**

To adjourn the meeting at 8:20 p.m.

Respectfully submitted,

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Patty Williams, Recording Secretary