

TOWN OF TOPSHAM
BOARD OF SELECTMEN MEETING
APRIL 25, 2013, 7:00 P.M.

MEMBERS PRESENT: Donald Russell
Marie Brilliant
David Douglass
Ronald Riendeau
James Trusiani

MEMBERS ABSENT: All Present

STAFF PRESENT: Town Manager, Cornell Knight

A meeting of the Topsham Board of Selectmen was held on Thursday, April 25, 2013 at the Municipal Building at 100 Main Street, Topsham, Maine.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE/ROLL CALL

Chairman Russell called the regular 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. Jeff Deletetsky, Phyllis Ponziani, Denise Tepler and Mike Whitney were also present, representing the Finance Committee.

TOWN MANAGER'S REPORT

The Town Manager's Report included:

- A prescription medication drop-off day will be held at the Municipal Building on Saturday, April 29, 2013 from 10:00 a.m. to 2:00 p.m.

BOARD AND COMMITTEE REPORTS AND UPDATES - None noted.

PUBLIC COMMENT - Jeff Deletetsky expressed concerns that there appears to be excessive drinking of alcohol and drug use in the Topsham Heights area by the river. He asked the Board to give consideration of designating this area to be "Drug Free." No action was taken at this time.

CORRESPONDENCE - None noted.

ADJUSTMENTS TO THE AGENDA - None noted.

CONSENT CALENDAR

1. **APPROVAL OF THE MINUTES OF THE REGULAR SELECTMEN MEETING OF APRIL 11, 2013**

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

VOTED

To approve the consent calendar granting approval of the minutes of the regular Selectmen Meeting of April 11, 2013.

(The vote was 4 in favor with 1 abstention [Ms. Brilliant]).

PUBLIC HEARING

25-13 CONSIDERATION AND ANY APPROPRIATE ACTION ON A PROPOSED AMENDMENT TO THE TOPSHAM ZONING ORDINANCE, CHAPTER 225, SECTION 6 (DEFINITIONS) AND ATTACHMENT 1 (TABLE OF REGULATIONS) REGARDING ADDING FOOD PROCESSING AS A REGULATED USE

Town Planner Roedner spoke to this item saying that at its meeting of April 22, 2013 the Planning Board voted to forward to the Board of Selectmen the following language for inclusion on the upcoming Town Meeting Warrant, with a recommendation of "ought to pass:"

"An ordinance to Amend the Topsham Zoning Ordinance, Chapter 225, by defining the use "Food Processing" and including it in Attachment 1, Table of use Regulations.

225-6 Definitions

Food Processing - A commercial facility in which food is processed or otherwise prepared for eventual consumption, but not intended to be consumed on the premises, other than on an incidental basis.

Attachment 1 - Table of Use Regulations

	R1	R2	R3	CC	RCU	MUL	MUC	MUC-1	BP	CC196	1	BP2	R4	LI	VC	MV	LV
Food Processing	X	X	X	C	C	C	C	C	P	P	P	C	X	P	X	X	C"

This consideration was brought to light when the Planning staff realized that food processing was not included in the code. There is one business currently engaging in Food processing and another business interested to establish its business in Topsham.

Following discussion of where food processing should be allowed or prohibited in various districts, the Public Hearing was declared open. Comments included:

John Shattuck, Chairman of the Community and Economic Development Committee spoke in support of the amendment to the ordinance.

Denise Tepler - spoke in favor of the amendment, but was concerned if the possibility of regulating odors and waste was considered. The Planner responded that those issues were covered in language already in the ordinance.

Phyllis Ponziani asked questions relative to Conditional Use in the Lower Village and Prohibited Use in the residential district...The Planner responded to Ms. Ponzioni's satisfaction.

With no further comments to be heard the Public Hearing was declared closed and the Board discussed the concerns expressed. Earlier the question arose if this item would best be presented at a special referendum or simply be included on the May Town Meeting Warrant. Due to the extra expenses involved in a referendum, the Board was in agreement it would be best to bring this consideration before the citizens at the May Town Meeting.

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

VOTED

That we move forward to amend the Topsham Zoning Ordinance, Chapter 225, by defining the use of Food Processing and including Attachment 1, Use Regulations, for inclusion on the Warrant for the May Town Meeting with the recommendation from the Planning Board of "Ought to Pass."

26-13 CONSIDERATION AND ANY APPROPRIATE ACTION TO HOLD A PUBLIC HEARING ON CHANGES TO ARTICLE 4 OF THE MAY 15, 2013 TOWN MEETING WARRANT

The Town Manager gave a briefing on this article noting that an error was found in the numbers presented at an earlier meeting when this item was discussed. A full compilation of the correction was included in the Board package and is filed with these minutes. After reviewing the suggestion of possible transfers from existing accounts to rectify the addition error, a solution was agreed upon as follows:

\$ 7,000	Whittier Family Bequest
5,000	Planning Board Open Space
3,000	Bridge-to-Bridge Reimbursement Account

It was noted that the financing plan that the Topsham Community Fund Committee submitted will still be implemented. As funds are received through donations or grants, or as additional funds are raised via Town Meeting Allocation, the additional set asides will be reduced, and each existing account will be made as funds are received. With no further comments to be heard, the Public Hearing was declared closed.

Following discussion, motion was made by Chairman Russell, seconded by Mr. Douglass, and it was unanimously

VOTED

At the last meeting we had \$80,000 in the targeted reserve fund. We need to amend that figure to read \$105,000. That will come from the Whittier Fund of \$36,000. And to the Open Space Fund we are adding \$5,000 more to that for \$21,000. The Insurance Fund will remain \$45,000 and the Bridge-to-Bridge, a new one added, will be \$3,000 and that would give us a total of \$773,500, to be forwarded for inclusion on the May Town Meeting Warrant with a recommendation from the Board of Selectmen of "Ought to Pass."

Motion was then made for the Finance Committee by Mr. Whitney, seconded by Ms. Tepler, to revise Article #4 of the Warrant to \$773,500 for Capital Fund Projects; the revision is from \$80,000 out of targeted Capital Reserves to \$105,000 targeted Capital Reserves all of which come from Town funds and to move forward for inclusion on the Warrant for the May Town Meeting.

VOTE was called and the motion failed with 2 voting for and 2 voting against.

Motion was then made by Mr. Whitney, seconded by Ms. Ponziani and it was unanimously

VOTED

That the Capital Projects, Article 4, be amended by the Finance Committee to \$773,500 as previously described and be moved forward for inclusion on the Warrant for the upcoming Town meeting.

UNFINISHED BUSINESS - None noted.

OLD BUSINESS - None noted.

NEW BUSINESS

27-13 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE REQUEST FROM TOPSHAM PROPERTY HOLDINGS LLC TO PURCHASE 100 FEET OF TOWN RIGHT-OF-WAY AT TOPSHAM FAIR MALL ROAD

Wes Thames, Vice President of Construction for Priority Management Group, LLC reviewed his letter (undated) to the Selectmen explaining why Topsham Property Holdings LLC (TPHLLC) would like to purchase a portion of the right of way in front of the Panera Bread Building at 75 Topsham Fair Mall Road. The right of way is roughly 100 feet wide and runs deep into the parking lot of the mall. It encompasses a row of parking along the roadway of the Topsham Fair Mall Road.

Mr. Thames proposed two options to purchase the property. Option One that they purchase the area at fair market value and own it fee simple with no obligation to resale it back if the Town needed it for future widening of the Town road. Option Two would be to purchase the area for \$1.00 with an option that the Town could purchase it back in the future due to the needs of widening the Town road for the same amount of \$1.00. Mr. Thames said TPHLLC will be responsible for the legal work for the sale.

A discussion ensued between Board members of the pros and cons of both Option 1 and Option 2. Following discussion, motion was made by Mr. Douglass, seconded by Mr. Trusiani, and it was unanimously

VOTED

To go with Option 2, as presented, which is to sell the area for \$1.00 with the option that the Town could purchase it back at a future date should there be any widening of the road.

ADJOURN

Motion was made, seconded, and it was unanimously VOTED to adjourn the meeting at 8:00 p.m.

Respectfully submitted,


Patty Williams, Recording Secretary