

TOWN OF TOPSHAM
BOARD OF SELECTMEN MEETING
MAY 5, 2016 - 7:00 P.M.

MEMBERS PRESENT: David Douglass
Marie Brilliant
William Thompson
Roland Tufts

MEMBER(S) ABSENT: Ruth Lyons

STAFF PRESENT: Town Manager, Richard Roedner

A meeting of the Topsham Board of Selectmen was held on Thursday, May 5, 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, except Selectman Lyons, who had been excused.

TOWN MANAGER'S REPORT

Town Meeting is on May 18 at 7:00 p.m. at Mt. Ararat High School commons. The Town Meeting Warrant was delivered via the Topsham Cryer this week. You can also access the warrant from the front page of our website under Town Meeting.

Spring Recreational programs are in full swing and summer registration information will be out shortly.

The Topsham Fair Mall Transportation Planning effort held it kick-off meeting with stakeholders recently. Stakeholders included landowners, town committee representatives (Planning Board, TDI, Conservation Commission) and local business owners. We are currently putting together the work schedule that completes the project by November. The Board will be asked to endorse members of the Steering Committee/Stakeholder Planning Committee at a June Board meeting.

This coming Monday morning, we are welcoming our newest police officer, Garrett Decker, to the force. This leaves us with one vacancy which we will be advertising for in the near future.

Our solid waste facility was recently inspected (done bi-annually) by DEP and all appears to be in order. The caps are doing well and our monitoring program is adequate.

Finally, as a reminder, Town Meeting is on May 18.

BOARD AND COMMITTEE REPORTS AND UPDATES

Update on the DOT Frank Wood Bridge Replacement Project - John Shattuck, Topsham Economic Development Director presented a report on the Frank Wood Bridge Replacement Project. He said the project has been in the works for the past 14 months with Topsham and Brunswick working closely with the Maine DOT staff. Several staff and public meetings have been held exchanging ideas, including budgetary considerations on how to either replace or repair the current bridge, including:

- Tuesday, April 19 - Presentation to the Brunswick Council. (There was unanimous support for replacement by all councilors who spoke)
- Monday, April 15 - Presentation and request for input from active stakeholders (Overwhelmingly positive response with numerous constructive ideas to improve presented)
- Wednesday, April 27 - Strong support for replacement (Again, with many constructive ideas to improve and for the first time, there was also strong support for retaining and rehabbing the current bridge)

Maine DOT listened and acted on concerns and requests from varied stakeholders and constituencies as evidenced by the preliminary design proposal that included:

- Doubled pedestrian access which increases safety and reduces pedestrian crossing conflicts
- 5-foot wide bikeways shown on both sides of the bridge
- Current available paved shoulder is then 2-feet wide
- Bicyclists can either ride the line or share the lane

Mr. Shattuck said the Town Staff has recommended replacement of the current bridge to the Board of Selectmen as the best option for our Town in consideration of:

- That bridges don't last forever and the accelerating deterioration of the current bridge
- Higher ongoing costs of maintenance and inspection associated with a rehabilitated bridge
- Substantial adverse impacts to local businesses arising from the repeated lengthy closures required for rehabilitation of the existing bridge
- Lower life-cycle costs of a new bridge
- Significantly improved and safer facilities provided by a new bridge for all users
- If rehabilitated, the bridge would still need to be replaced - at higher cost - at the end of the limited additional useful life resulting from a rehabilitation
- Recommendation of the MDOT that the existing bridge be replaced after a year of careful consideration of all alternatives, including rehabilitation
- Staff recognizes that the preliminary replacement plan can be improved with the thoughtful, constructive suggestions offered at the various public meetings.

Mr. Shattuck asked that the Board adopt a resolution in support of the replacement of the existing bridge and that a Joint Design Advisory Committee (with Brunswick) be appointed with MDOT to create the best plan to meet MDOT's transportation needs and the Town's design and function preferences.

Following Mr. Shattuck's presentation, the Board entered into a discussion of goals, aesthetic design elements and traffic calming considerations. Naming a Joint Committee was discussed and how many should be on the committee. Conclusion was that 14 members would be a workable number with 7 individuals from each Town. It was agreed to place adopting a resolution with Brunswick and naming a committee on the agenda for the June BOS meeting.

Chairman Douglass noted that there were several members of the public present at the meeting and asked if they wished to speak informally at the meeting. Several citizens expressed a desire to comment and they were asked to come to the podium, state their name and address and speak. Speakers and some of their comments included:

Doug Bennett, 52 Elm Street - Said he was an advocate of preserving and his first thought was to keep the current bridge. However, after all things considered, is now in favor of replacing. He urged the Board and Staff to work with Brunswick and MDOT to end up with a bridge that feels comfortable to pedestrians and bicyclists. Said he was pleased that MDOT is willing to work with the citizens.

Ann Carroll, 24 Summer Street - Said replacing the bridge will be devastating to citizens in the Lower Village and subjecting them to concrete is ugly and threatening. Said no one came to speak to the 16 families who live in the Lower Village and wished the Board put themselves in the shoes of the people who live there.

Pat Maloney, Bridge Street - Was at meeting last week. Appreciated that people respected each other's opinions. Supports restoring the current bridge. Said Brunswick and Topsham are proud of their history and heritage. Speed limit is critical. If new bridge is curved, will we have to blow up the river? The new bridge work in Durham has ruined the landscape. Feels MDOT's presentation was one sided.

Charles Carroll, 24 Summer Street - Said Mr. Shattuck said stakeholders were represented at the meeting. Said he couldn't imagine any more stakeholders than the 14 residents of the Lower Village. Asked why attention to the bridge when it needed painting wasn't there. Said it is terrifying to ride a bike on the 196 Connector. Said the design of the new bridge will spray headlights into every house in the neighborhood. Told the Board there was no reason for them to take a position on the bridge right now. Felt the Board should not have taken a position until after the committee is named and their findings reported. Feels MDOT has made a bad decision and predicted there is going to be a terrible accident because of all the traffic.

Phinney White, Bridge Street - Spoke of the economic factor. Feels the current bridge is unique in design and hopes the Board will table any decision until they give this more consideration. It is possible that the update on current bridge will last more than 30 years. Showed a book with the Pejepscot Paper Mill on the cover and noted the charm of the current bridge. Said the bridge is worth preserving and saving. Urged the Board to listen to "the other side."

Curt Neufeld, 14 Merrymeeting - Endorsed replacing. Current bridge is 84 years old. Fiduciary responsibility of the people to have a bridge with requires less maintenance, more environmentally friendly. Feels people who live near the bridge should be part of the committee. Noted an excellent article in the paper from Planning Board members Bruce Van Note. This bridge was state of the art 84 years ago but it is a new era and material science will be a benefit. MDOT will work with the people of both Towns.

Curtis Becart, Roberts Hill Road - Support Mr. Neufeld's comments. Spoke of the economic value to replace. Likes the new design and suggestions made. Likes outcropping near the river. Feels forming committee with the purpose of providing suggestions is a good idea.

Scott Hanson, 8 Pleasant Street - I'm the Architectural Historian who the Town hired in 2010 to update the Town's Historic Resources Survey. I was charged with determining whether a structure was a contribution or non-contributing historic structure. My determination on the Frank Woods Bridge was that it is a contributing structure. The Bridge had been found eligible to be placed on the National Register by the Maine Historic Preservation Commission. This Board has accepted that it is a Historic Structure and that's our starting point. The Federal Section 106 Historic Review Process is underway on this bridge. This process is just beginning and will influence how this plays out - whether or not the bridge can come down and what MDOT might have to do in mitigation if it is allowed to come down. There are numerous bridges in other states that have been rehabilitated and it is worthwhile to ask MDOT to see what assumptions have been made that might have been made differently. This bridge can be rehabilitated in a safe way for pedestrians and bicyclists.

Disagrees with the arguments being made. Urged Board to wait to make a decision. MDOT can build temporary bridge while rehabilitating current bridge. There is a Facebook page to Save the Frank Woods Bridge. Site has over 300 followers.

Don Russell, 80 Winter Street - In favor of replacing the bridge. His house was built in 1764. Said he could have built three new houses for what it cost him to rehabilitate the 1764 house. Noted MDOT's financial restrictions and said the Town is lucky to be having something done. Said we need to be realistic. Times have changed. Type of traffic has changed. We need to keep up with the changes. MDOT may be willing to add what citizens have suggested, but suggestions may cost the towns dollars.

PUBLIC COMMENT - None noted.

CORRESPONDENCE - Chairman Douglass read aloud a letter from Don Spann as a business owner. Letter is dated 5/4/16 and spoke in favor of replacing the bridge.

Chairman Douglass noted he received a phone call from a concerned citizen opposing moving the tax due date to March 15th.

ADJUSTMENTS TO THE AGENDA - None noted.

CONSENT CALENDAR

1. **Approval of the minutes of the Regular Selectmen Meeting of April 4, 2016**
2. **Approval of the minutes of the Regular Selectmen Meeting of April 14, 2016**

Motion was made by Selectman Tufts, seconded by Selectman Thompson, and it was unanimously (of those present)

VOTED

To approve the Consent Calendar, approving minutes of April 4, 2016 and April 14, 2016, as written.

PUBLIC HEARING

16-34 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE APPROVAL OF AN APPLICATION FOR A LIQUOR LICENSE FOR KOBE GARDEN RESTAURANT (FORMALLY CHINATOWN RESTAURANT)

Chairman Douglass declared the Public Hearing open. Geng Geng Chen, new owner of the former Chinatown Restaurant (now named Kobe Garden) was present at the meeting and came to the podium to answer any questions the Board might pose. It was noted that Japanese food will be added to the menu.

Letters are on file with no concerns expressed from the Code Enforcement Officer, Fire Chief, Police Chief and EMS/EMA Deputy Chief.

There being no one wishing to speak, the Public Hearing was declared closed.

Motion was made by Selectmen Tufts, seconded by Selectman Thompson, and it was unanimously (of those present)

VOTED

To approve the application for a liquor license for Kobe Garden Restaurant.

16-35 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE APPROVAL OF AN APPLICATION FOR A LIQUOR LICENSE FOR 111 MAIN (THIS IS AN OFF-SITE CATERING BUSINESS BUT STILL REQUIRES A LIQUOR LICENSE FOR THE BUSINESS)

The Public Hearing was declared open. Ian Talmage represented applicant Jennifer Banis and came to the podium to answer any question posed by the Board and/or members of the public. The catering is done off-site, but the business still requires a liquor license.

It was noted that letters are on file, with no concerns expressed, from the Code Enforcement Officer, Fire Chief, Police Chief and EMS/EMA Deputy Chief.

There being no one wishing to speak, the Public Hearing was declared closed.

Motion was made by Selectmen Tufts, seconded by Selectman Thompson, and it was unanimously (of those present)

VOTED

To approve the application for a liquor license for 111 Main Street.

16-36 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE APPROVAL OF A TEMPORARY EXTENSION OF PREMISE FOR A ONE-DAY EVENT FOR THE AMERICAN LEGION, CORY E. GARVER POST 202

No action was taken on this agenda item as required information had not been provided and the application is not yet complete.

UNFINISHED BUSINESS - None noted.

OLD BUSINESS - None noted.

NEW BUSINESS -

16-37 CONSIDERATION AND ANY APPROPRIATE ACTION ON ACCEPTING A CONSERVATION EASEMENT FROM THE TOPSHAM HOUSING AUTHORITY

Town Planner Melanson spoke to this item saying this is before the Board for acceptance of a donated conservation easement to the Town of Topsham from the Topsham Housing authority (Pleasant Woods Housing) to conserve a 1.97 acre parcel of land located at the bend in Pleasant Street.

The Planning Board approved the subdivision application on April 19, 2016 for an 8-unit housing development off of Pleasant Street. The Conservation Commission has met with the applicant and agreed that the proposed conservation meets the criteria of the open space ordinance within our subdivision code. The proposed easement solidifies a trail connection to the Williams Cone School, as well as the "raving trails" located on The Highlands property.

John Hodge, from the Topsham Housing Authority, spoke saying the Authority approved of the easement.

Victor Langelo spoke on behalf of the Conservation Commission and asked that pins be placed designating where the trail is actually located before the easement is signed.

Motion was made by Selectman Tufts, seconded by Selectman Thompson and it was unanimously (of those present)

VOTED

To accept the Conservation Easement from the Topsham Housing Authority and to give the Town Manager authority to sign same.

16-38 CONSIDERATION AND ANY APPROPRIATE ACTION ON A REQUEST TO ABANDON TOWN INTEREST IN CROSS STREET, A PAPER STREET

Town Planner Melanson spoke to this item which is before the Board with request to abandon Town interest in an existing right of way on Cross Street, a paper street. Mr. Melanson referenced a letter dated March 10, 2016 from Shawn and Abigail Lowell who live at 67 Barrows Drive. The Lowell's are interested in acquiring the Town's interest in the Cross Street right of way that was part of the original Barrows subdivision approval to use for private purposes.

Mr. Melanson said the Planning Office has researched files to determine the current status of Cross Street and have solicited comments from Department Heads for their input. Cross Street was retained by the Town as a paper street in 1997. The Board of Selectmen voted to retain

Cross and First Street at their February 20, 1997 meeting, where they identified the emergency access on First Street and pedestrian/bicycle utilization of Cross Street. The vote was to extend this right for 20 years which is due to expire in 2017. Abiding by State Statutes, the Town will need to address all paper streets (whether or retain ownership and/or access) in 2017. It was noted that 100% of the Town Department Heads polled, expressed no interest in seeing the Town dispose of the right of way.

Shawn Lowell told the Board he felt the street has been abandoned by the Town as he has kept the grass cut and he expressed interest in obtaining the land.

Chairman Douglass said he visited the area and the street has already become two yards. Although he said he appreciated comments from Town Staff, the Town hasn't cared over the past 20 years. We already have two bike paths and said he supports abandoning the street. The question arose if there might be a water line going through the right of way. If so, there would need to be an easement for the water line should the street be abandoned. As the right of way is in an approved subdivision, the Board was in agreement that more research needs to be done before action of any kind is taken.

Motion was made by Selectman Tufts, seconded by Selectman Thompson, and it was unanimously (of those present)

VOTED

To table Agenda Item 16-38 until further research can be done regarding utilities.

16-39 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE ADOPTION OF THE LEGAL SERVICES POLICY

Following review of changes suggested on the Legal Services Policy by the Town Manager, motion was made by Selectman Tufts, seconded by Selectman Thompson, and it was unanimously (of those present)

VOTED

To adopt the proposed Legal Services Policy as presented.

16-40 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE ADOPTION OF THE MEDIA COVERAGE POLICY

Following review of changes suggested on the Media Coverage Policy by the Town Manager, motion was made by Selectman Tufts, seconded by Selectman Thompson, and it was unanimously (of those present)

VOTED

To accept the proposed Media Coverage Policy as presented.

16-41 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE ADOPTION OF THE COMPUTER USE POLICY

The Town Manager told the Board that every year we go through a renewal process of all our insurances with MMA. In the process this year they talked to us about a cyber policy which covers us for catastrophic losses, gives us protection from system hacking, loss of information

and they want to make sure we have a Computer Use Policy. The suggested policy used MMA's model, adjusting wording as appropriate.

A discussion ensued on what employees should have and not have access to when using Town computers. Suggestion was made to strike wording relative to personal use of the computer in general and use of social media - that computers are to be used for Town business only. The Town Manager agreed to make the changes on the proposed policy.

Following discussion, motion was made by Selectman Tufts, seconded by Selectman Thompson, and it was unanimously (of those present)

VOTED

To adopt the Computer Use Policy modeled from MMA with suggested changes.

16-42 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE DELETION OF ATTACHED POLICY ON COMMITTEE APPOINTMENTS

Following a brief discussion, motion was made by Selectman Tufts, seconded by Selectman Thompson, and it was unanimously (of those present)

VOTED

To delete the former policy on Committee Appointments.

16-43 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE APPROVAL OF LABOR CONTRACTS WITH IAMAW SUPERVISORY AND OPERATIONS UNITS

The Town Manager noted items such as 16-43 are usually done in Executive Session and asked if the Board wanted to adjourn to the private meeting area. The Board was in consensus to address this item in open session.

Mr. Roedner said following at least 12 months of deliberations, a one-year contract was settled from July 1st of last year to June 30th of this year. At the same time, a tentative agreement for a 3-year contract was agreed upon to begin in July and still is being drafted. The three-year contract will come before the Board for approval.

Chairman Douglass asked the Town Manager to call Dave Barrett, our negotiator, and ask him to see that their portion of the contract is ratified and gets back to the Board of Selectmen for acceptance before June as there are big changes that could affect the Town's budget.

Following discussion, motion was made by Selectman Tufts, seconded by Selectman Thompson, and it was unanimously (of those present)

VOTED

To accept the one-year contract with IAMAW Supervisory and Operations Units.

ADJOURN

Motion was made by Selectman Tufts, seconded by Selectman Lyons, and it was unanimously (of those present)

VOTED

To adjourn the meeting at 9:10 p.m.

Respectfully submitted,

Patty Williams, Recording Secretary