

TOWN OF TOPSHAM
BOARD OF SELECTMEN MEETING
JUNE 2, 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, June 2, 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

This Saturday, June 4, is our annual fishing derby out at the Topsham Ponds at the Transfer Station. The hours are 8:00 a.m. to 11:00 a.m.

Tuesday, June 14 is our primary day. The ballot will include candidates for various State offices, as well as votes on the proposed SAD 75 budget. The last day to vote by absentee ballot is next Thursday, June 9.

Last Friday, we swore in our newest police officer, Garrett Decker. Garrett is slated to attend the Police Academy in August, and in the meantime will be undergoing in-house training. We believe he is a great addition to our force.

BOARD AND COMMITTEE REPORTS AND UPDATES

Presentation on the process of tree harvesting that will happen at the solid waste facility this fall and winter - Jean Bamforth, Chairman of the Tree Committee, introduced Paul Larrivee, Forester from Sappi. Mr. Larrivee talked about the various projects he has done. He has put together a timeline, along with assistance from the Tree Committee to harvest the trees at the solid waste facility. Letters will be forwarded to all abutters and a formal presentation will be given in September. A public walk-thru will be scheduled prior to beginning the project and also during the actual cutting. The Town's liability will be covered under Mr. Larrivee's insurance carrier with proper verification provided to the Town prior to start of the project. Two high tech machines will be used to harvest the trees; no skidders will be used. There will be no

chipping and the trees will be carried out, not dragged. The wood will be sold with the best interest of the Town considered. The project will begin in late fall and is scheduled to be completed in early winter.

PUBLIC COMMENT - None noted.

CORRESPONDENCE - Chairman Douglass noted a letter received from Curtis Pickard regarding the Frank Wood Bridge. The letter will be entered into the record during discussion of that item on the agenda.

ADJUSTMENTS TO THE AGENDA - None noted.

CONSENT CALENDAR

1. **Approval of the minutes of the Regular Selectmen Meeting of May 5, 2016**
2. **Approval of Linda Dumont as Warden at the June 14, 2016 election**
3. **Approval to open the polls at 8:00 a.m. on June 14, 2016 for the State of Maine Primary and S.A.D. No. 75 Budget Validation Referendum**
4. **Approval to open and process absentee ballots at the polls during the hours of 10:00 a.m., 1:00 p.m., 3:00 p.m., 7:00 p.m. and 8:00 p.m.**

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

VOTED

To approve all four items under the Consent Calendar as submitted.

PUBLIC HEARING

16-44 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE APPROVAL OF AN APPLICATION FOR A LIQUOR LICENSE FOR THAI'S CUISINE, 6 FIRST STREET (FORMERLY TOP-SPICE)

The Public Hearing was declared open.

Prayad Phousirith told the Board he has purchased the restaurant which was formerly Top-Spice and he wishes to be able to serve beer and wine. He is currently in the process of obtaining the necessary paperwork from the State. A diagram of the floor area of the restaurant was submitted with the application. Town Clerk Linda Dumont noted that necessary letters stating no objection to the application are on file from the Police Chief, Fire Department and Codes Enforcement Officer.

There were no comments to be heard from members of the public and the Public Hearing was declared closed.

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

VOTED

To approve the application for a liquor license for Thai's Cuisine at 6 Front Street.

UNFINISHED BUSINESS - None noted.

OLD BUSINESS - None noted.

NEW BUSINESS -

16-45 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE FIRE AND RESCUE DEPARTMENT TO SPEND \$5,500 ON PROTECTIVE EQUIPMENT

Chief Stockdale told the Board that over the past several years the department has experimented with several different gear manufactures and distributors and find Globe gear from Bergeron Protective Equipment to be the best. The gear has held up well and the service from Bergeron has been excellent. Chief Stockdale asked for the Board's approval to spend \$5,500 on three sets of jackets and pants. This gear is expected to last approximately 10 years.

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

VOTED

To approve the Fire and Rescue Department to spend \$5,500 for protective equipment.

16-46 CONSIDERATION AND ANY APPROPRIATE ACTION ON MAINE DOT PROPOSAL FOR REPLACING THE FRANK WOOD BRIDGE

Economic Development Director, John Shattuck, opened the discussion on this agenda item saying this is the 7th public meeting held on the Frank J. Woods Bridge. The Maine Department of Transportation has completed their study and both Topsham and Brunswick agree with MDOT that the bridge should be replaced.

Chairman Douglass asked how we arrived at naming Mr. Shattuck (our Economic and Development Director) as the Town's representation in the 106 Process. The Town Manager responded that the Town has a seat if we want one and it seemed easiest to have Mr. Shattuck represent the Town dealing with both historic and environmental purposes rather than several other department heads.

Although not a Public Hearing, the meeting was opened at this point to receive comments from members of the public. Several individuals spoke, including:

Scott Hanson - Mr. Hanson spoke on behalf of the group "Friends of the Frank J. Wood Bridge." He said the organization is registered with the State and has a facebook page also. Mr. Hanson spoke at length saying the group feels the MDOT decision to replace the bridge is premature and the 106 Process can demand that MDOT do further research. The group has 764 followers on facebook. The group prepared a booklet entitled "Frank J. Wood Bridge Improvement Project Considerations" and Mr. Hanson asked the Board to review the information it contained. (A copy is filed with these minutes.) The group questions the validity of the report done by T.Y.Lin. Mr. Hanson urged the Board to not take any action on this agenda item. Mr. Hanson said the Federal Highway Administration will fund the 106 Process.

Phiney White, Bridge Street - Mr. White displayed enlarged color photographs of three bridges in Massachusetts built in 1931 by Boston Bridge Works - same company that build the Frank J. Wood Bridge. They were rehabilitated in 2012. One was built in 1883 and rehabilitated in 2013.

He said rehabilitation of a bridge is not foreign to large firms. Mr. White said that T.Y. Lin's figures are not accurate. Wants to see the bridge rehabilitated.

Paul Loveless, 36 Williams Drive - Said he was here in Topsham during the last rehab. Said it will take more time and more money to rehab. Spending dollars to save this bridge is not a good idea. If one is stopped on the bridge when a big truck goes by, the bridge rocks back and forth. Bridge needs to be replaced.

Curt Neufeld, 14 Merrymeeting Drive - In favor of new bridge. Said bridges are being taken down because they need to be replaced. Bridge was built in 1932 for cars and trucks built in 1932 which are no comparison to cars and trucks of today. Agreed that the bridge is a hero, but should be replaced. Urged the Board not to throw good money after bad.

Don Russell, 80 Winter Street - Urged the Board to make a recommendation to MDOT relevant to replacing the bridge. You need to do that based on what you have heard. The one thing I did hear, I want to thank Scott for the work they did. In favor of proceeding with the 106 Process.

John Graham, Pleasant Street - In favor of restoring the bridge. Have walked across it many times. It is a historical structure and should be saved. The Town should have appointed the Historic District Commission to handle the 106 process, not a person in the town office.

Ann Carroll, Summer Street - Plea is emotional. It was insulting that no one in our neighborhood was notified of the meetings. It was like we didn't count. Urged the Board to take the human element into account. Thanked Don Russell for spending money to keep his property up. When you drive by Don's house you have a piece of history.

Jill Raymond, 25 Summer Street - I have never come to a meeting. I did not get a notice of these meetings. It is offensive that I heard nothing. Want to see a restoration project, not a new bridge. Does a village have a super highway?

Charles Carroll, Summer Street - This is a neighborhood built 200 years ago. Our house was built in 1825. This is a neighborhood 200 years old. People socialize on this bridge. We are closest to the bridge. Have lived there for 6,000 nights. I look at the bridge every single day. The folks that built the bridge gave it much thought. I don't feel that way about the design of the new bridge. It seems nonsensical for you as a Board to take a position. The better part of wisdom would be for you to say "No, we don't need to take a position."

Arlene Morris, 13 Main Street - Loves Topsham. Urged the Board not to vote one way or another. There is no hurry.

John Shattuck - Brief statement. When a public outreach is done, some people will be missed. However, the papers were plastered with announcements of these meetings. This is a process that has been on-going for over 14 months. The 106 Process will continue over the next 6 or 7 months.

Steve Stern, 13 Main Street - Said he has degrees in Civil and Structural Engineering from Maine and MIT. Is not unfamiliar with some of the issues being brought up. This bridge is safe. It has been deemed safe by the DOT. There are mistakes made in any profession. As an engineer, he can attest to some of the mistakes. TY Lin is the largest engineering firm in the world. They have about a \$3 billion overrun on a bridge that is now rusting. Some of the smaller

projects they get...they are not as screened as they possibly should be. We are trying to save this historic bridge. Save money and make everybody happy. All we are asking, is...it is obvious we don't have all the information. If you go ahead and endorse the DOT's recommendations...we intend to have meetings with Joyce Taylor, the Chief Engineer at DOT. She is a reasonable person. I think you have to be very careful, because you can look very bad if you make the wrong decision here tonight.

Josey Seamore, Summer Street - Want to see the bridge saved. It is an important part of my life, my children's lives and my grandchildren's.

Having heard comments from all who wanted to speak, the Board entered into a lengthy discussion with each Board member contributing. Chairman Douglass read the letter mentioned earlier from Curtis Pickard speaking in favor of the new bridge. Some on the Board were not aware of the 106 Process and statement was made that that process will determine what will finally happen. Statement was made that the State does not take proper care, maintenance wise, and if the bridge is rehabilitated, would they let its care lapse.

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

VOTED

To approve the Maine DOT proposal for replacement of the Frank J. Wood Bridge and to adopt the resolution regarding the Topsham-Brunswick Bridge.

16-47 CONSIDERATION AND ANY APPROPRIATE ACTION ON APPOINTING MEMBERS TO A JOINT TOPSHAM/BRUNSWICK DESIGN ADVISORY COMMITTEE FOR THE NEW BRIDGE

John Shattuck noted that MDOT has clearly communicated that it has completed its engineering and safety assessment of the Frank J. Wood Bridge and that it intends to proceed with its recommendation to replace the existing bridge. They have presented renderings of the preliminary bridge design recommendations, but have indicated that these design recommendations are not final. They have informed the Towns of Topsham and Brunswick that it would be helpful for them to work with a joint Design Advisory Committee (DAC) which would be appointed by both towns and that they (MDOT) would be receptive to input and suggestions from that committee. Brunswick will act on their resolutions at a meeting on June 6.

The following individuals were recommended to serve on a Joint Design Advisory Committee:

Bruce Van Note, representing the Planning Board
 Nancy Randolph, representing the Swinging Bridge Committee
 Doug Bennett, representing the Lower Village Development Committee
 Don Spann, representing the Topsham Development, Inc. and the Planning Board
 Jim Howard, representing the Lower Village Development Committee (LVDC) & bridge abutter
 Gary Smart, representing the Historic District Commission and LVDC
 Victor Langelo, representing the Topsham Community Fund and Conservation Commission
 Cathy Lamb, Chair of the Riverwalk Committee - member at large for both towns

Following Mr. Shattuck's presentation, Scott Hanson said he had respect for Jim Howard but felt it would be better to have a representative from the Friends of the Frank J. Wood Bridge on the committee. Recommendation was also made to have an individual from Summer Street to be included. Not being able to decide on the spot, motion was made by Chairman Douglass, seconded by Selectman Lyons, and it was unanimously

VOTED

To table item 16-47 to the June 16, 2016 Selectmen's Meeting.

16-48 CONSIDERATION AND ANY APPROPRIATE ACTION ON APPOINTMENTS TO THE MCEDD BOARD OF DIRECTORS

John Shattuck told the Board that the bylaws of the Midcoast Economic Development District require that the Town appointment to its Board of Directors be renewed annually. Past practice has been to appoint the Town Manager and Economic and Community Development Director to the MCEDD board. Because of the heavy schedule of the Town Manager, this year it is recommended that the Selectmen appoint the Economic and Community Development Director and the Planning Director to the MCEDD Board.

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

VOTED

To appoint John Shattuck, Topsham Economic & Community Development Director, and Rod Melanson, Topsham Planning Director to serve on the Board of Directors of the Midcoast Economic Development District.

16-49 CONSIDERATION AND ANY APPROPRIATE ACTION TO CHANGE TRAFFIC CALMING METHODS ON GREEN STREET

John Shattuck spoke to this agenda item saying the Lower Village Development Committee (LVDC) is happy with the success of last year's traffic calming measures and is recommending the same calming measures be implemented again this year but with the following changes:

- Restriping of the sidewalk to locate it on the easterly side for the full length of Green Street
- Elimination of the mid-street crosswalk that supported switching the sidewalk from one side of the street to the other
- Consultation with the Public Works Director regarding the usefulness of additional speed signage
- Use of temporary pylons, planters or other objects to reduce speeds after drivers have negotiated the entrance striping and pylons

With regard to the use of temporary pylons, planters or other objects to reduce speeds after drivers have negotiated the entrance striping and pylons, the LVDC will return to the Selectmen with a detailed plan before seeking their approval for implementation on this method.

Mr. Shattuck said the LVDC would also like the Selectmen's approval to proceed with research and planning of a "pop-up" park in the Green Street Triangle parking lot. Such pop-up demonstrations are intended to raise public awareness and understanding of potential enhancements to the design and use of public space and would remind Topsham residents of the LVCD's ultimate goal of establishing a waterfront public park abutting the Green Street Triangle, and to re-engage public interest and support for this goal. LVDC proposes to create such a pop-up park one in mid-summer, when being on the waterfront is particularly attractive and again in the fall to celebrate the opening of the Town Landing Trail.

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

VOTED

To approve the proposed changes to traffic calming methods on Green Street.

16-52 CONSIDERATION AND ANY APPROPRIATE ACTION ON REVIEW OF TOWN HOURS

The Town Manager spoke to this item saying tracking of visits to the various offices began in August. A printout of the responding numbers through May was included in the Board package. The numbers for Thursday evenings was much larger than for Wednesday mornings. The Planning Office has been successful in doing passport work in the evenings for folks who couldn't get in during the regular day hours. Mr. Roedner said the staff has mostly gotten used to the new hours and appreciate leaving early on Friday.

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

VOTED

To continue on a permanent basis with the Town office hours as they are now:

Monday through	Wednesday	8:30 a.m. to 4:30 p.m.
	Thursday	8:30 a.m. to 6:00 p.m.
	Friday	8:30 a.m. to 3:00 p.m.

16-53 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE APPROVAL OF LABOR CONTRACTS WITH IAMAW SUPERVISORY AND OPERATIONS

Town Manager Roedner said the final contracts are in their hands and that business representatives are expected to vote next week, so there is no action to be taken on this item.

Chairman Douglass noted that on February 22, 2016 a tentative agreement was reached and we have gone through an entire budget process. If the contract is not ratified, it puts the town in a significant financial crisis. There are certain time lines we have to make decisions by. He proposed that we request that the Town Manager put through a plan that if this is not ratified by July 1st, how we are going to deal with this. Any offsets we need to make due to added health care costs due to this come from personnel costs associated with all positions in the labor agreements.

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

VOTED

To direct the Town Manager to create a plan that, should the contracts fail to be ratified or not attempted to be ratified by July 1st, that a plan be in place for the Board to look at June 16th, strictly utilizing personnel costs from those units.

EXECUTIVE SESSION

16-54 CONSIDERATION AND ANY APPROPRIATE ACTION TO ENTER INTO EXECUTIVE SESSION TO DISCUSS TAX ACQUIRED PROPERTY PER TITLE 1 405 (6) (F)

At 9:40 p.m., motion was made, seconded, and it was unanimously **VOTED** to move into Executive Session to discuss tax acquired property per Title 1 405 (6) (F).

At 10:08 motion was made, seconded, and it was unanimously **VOTED** to come out of Executive Session and to return to regular session.

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

VOTED

To instruct the Town Manager to accept payments from the tax foreclosed property owner, as discussed, but to leave the 30-Day Termination Order in place, to be acted upon if the owner misses any of the payments agreed to.

ADJOURN

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

VOTED

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

Respectfully submitted,

Patty Williams, Recording Secretary