

MINUTES  
TOWN OF TOPSHAM  
BOARD OF SELECTMEN MEETING  
JUNE 7, 2012, 7:00 P.M.

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MEMBERS PRESENT: Donald Russell  
Marie Brilliant  
David Douglass  
Andrew Mason  
Ronald Riendeau

MEMBERS ABSENT: All present

STAFF PRESENT: Town Manager, Cornell Knight

A meeting of the Topsham, Maine Board of Selectmen was held on Thursday, June 7, 2012 at the Municipal Building at 100 Main Street, Topsham, Maine.

**CALL TO ORDER**

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

**PLEDGE OF ALLEGIANCE** - All present were invited to stand and recite the Pledge of Allegiance to the Flag.

**ROLL CALL**

The recording secretary took the roll call and noted that all Selectmen were present.

**TOWN MANAGER'S REPORT**

The Town Manager's Report included:

- A reminder to residents that as part of the voting next Tuesday, there are two questions regarding the sale and use of fireworks. A specimen ballot is posted on the Town's website and at the municipal offices.
- The Fire Department is currently advertising for the night-time EMT positions so coverage can start on July 1st.
- The one bidder for the old police cruiser declined to purchase it, so it will be re-bid.
- The Planning Department has a summer intern. She is Jordan Smith, a Junior at Bowdoin College. Jordan received a Psi Epsilon Environmental Fellowship to work with the Town.
- The recent heavy rain caused approximately \$15,000 damage to the Ward Road. Minor erosion occurred on several roads and a portion of sidewalk near the river on Summer Street collapsed.
- Property taxes can now be paid on line with a credit card, except for VISA, or a check. More information can be found on the Town website.

**BOARD AND COMMITTEE REPORTS AND UPDATES** - **Head of Tide Park** - Pam LeDuc spoke in behalf of Angela Twitchell and Ron Melanson, updating the Board on the construction implementation at the Head of Tide Park.

Ms. LeDuc said that on Monday, June 4th, the Committee received notification that the Army National Guard had been officially approved to complete improvements at the Head of Tide Park in support of the Land and Water Conservation Fund Grant. They have scheduled themselves to begin work on June 16 through June 28, a full month prior to the tentative date discussed earlier.

Ms. LeDuc said that everyone has worked hard to prepare the site for the Guard's efforts. All building permits, planning board approvals, site work and estimates for materials are in order and all that is remaining to do is:

- Material lists for 2 picnic shelters and 2 privies
- Estimates and pouring of two 6-inch concrete slabs for the base of shelters
- Site improvements and preparation (mowing and foundation clean up)
- Purchase of approved vaults for the privies
- Gate design and materials

Access to the park will be limited during the 2-week period.

**PUBLIC COMMENT** - None noted.

**CORRESPONDENCE** - None noted.

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

**CONSENT CALENDAR**

**1. APPROVAL OF THE MINUTES OF THE REGULAR SELECTMEN MEETING OF MAY 3, 2012**

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

VOTED

To approve the minutes of the May 3, 2012 meeting as written.

**2. APPROVAL OF THE ELECTION WORKERS FOR THE JUNE 12, 2012 PRIMARY**

**3. APPROVAL OF OPENING THE POLLS AT 8:00 A.M. ON JUNE 12, 2012**

**4. APPROVAL OF PROCESSING ABSENTEE BALLOTS ON JUNE 12, 2012 STARTING AT 10:00 A.M., 11:00 A.M., 1:00 P.M., 2:00 P.M., 3:00 P.M., 4:00 P.M., 6:00 P.M., 7:00 P.M. AND 8:00 P.M.**

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

VOTED

To approve Consent Calendar Items 2, 3, and 4 as written.

**PUBLIC HEARING**

**61-12 CONSIDERATION AND ANY APPROPRIATE ACTION ON AMENDMENTS TO THE GENERAL ASSISTANCE ORDINANCE.**

The Public Hearing was declared open.

General Assistance Director, Linda Dumont, explained that due to recent actions of the State Legislature, the General Assistance Program ordinances that are adopted by municipal officers according to State Statute (MRSA, Section 4305(1) must be amended no later than July 1, 2012. Backup material was included in the Board package explaining the minor changes, including a nine-month housing assistance limit and a 10% reduction to the overall maximum level of assistance. The changes will commence on July 1, 2012 and end on June 30, 2012.

Following Ms. Dumont's presentation, there were no comments to be heard from members of the public and the Public Hearing was declared closed.

Motion was made by Mr. Russell, seconded by Mr. Mason and it was unanimously

VOTED

To amend the General Assistance Ordinance to reflect the adjustment to Housing Assistance and the reduction of 10% on the overall maximum level of assistance to the General Assistance Ordinance as outlined in the memo dated May 29, 2012.

**UNFINISHED BUSINESS**

**OLD BUSINESS**

**NEW BUSINESS**

**62-12 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE DRAFT FOST (FINDING OF SUITABILITY TO TRANSFER) REPORT FOR 12.58 ACRES AT THE TOPSHAM ANNEX**

Paul Bergio discussed the Draft Finding of Suitability to Transfer FOST 2012-2 for the former Brunswick Naval Air Station and the Topsham Annex. Mr. Bergio is the BRAC coordinator representing the Department of the Navy Base Realignment and Closure Program based in Philadelphia, Pennsylvania. Steve Levesque, representing MRRA, was also present at the meeting. It was noted that the Navy will be ready to transfer the property as soon as a few concerns including identification of asbestos-containing material, Lead-based paint, Polychlorinated biphenyls reports are completed to the Navy's and State's satisfaction.

Concern was expressed that there may be a time lapse waiting for the Navy and State to coordinate report results. Mr. Bergio responded that transfers could take place with certain properties in question to be handled at a later date.

Claudia Biden, Project Manager for DEP's Bureau of Remediation and Waste Management, spoke saying she has completed a field trip through the buildings, will report back to the Navy and wait for their response. Ms. Biden said the State wants to be sure there is no health hazards present to people or the environment. Concern was also expressed that the transfer should be completed before the buildings go through another winter without heat, which could cause additional damage.

Steve Levesque, Executive Director of MRRA said MRRA will repaint and fix identified concerns and once cleared environmental the transfer can move forward. The Board requested that Ms. Biden respond with her reports expeditiously and that she forward copies of her report to Topsham's Town Manager, which she agreed to do.

**63-12 CONSIDERATION AND ANY APPROPRIATE ACTION ON USING THE NEW ATV FOR PATROL ON THE RAILROAD TRACKS FOR THE DEPARTMENT OF TRANSPORTATION**

Acting Police Chief, Chris Lewis, presented a brief history of why the department is asking the Board of Selectmen to approve its use of the forfeited 2007 Yamaha Big Bear 400 for the purpose of patrol and/or search and rescue operations. It was noted that the Police Department does currently have one ATV purchased in 2007 using grant funds under the agreement through the Maine DOT. Chief Lewis said the maintenance cost for this ATV since its purchased in 2007 is a total of \$32077 and the gas used, according to the gas log book, was 12 gallons of gas or approximately \$42.00. The forfeited ATV will require some work in order to make the vehicle safe for operating purposes and Woody's Performance Center has provided a written estimate for the cost of these repairs at approximately \$1,059.66. The Police Department can absorb the repair cost under the current operating budget. Use of the ATV would also be available for the Topsham Fire and Rescue Department to utilize as needed.

It was stated that during the past four years, the department has received \$5,986.00 in reimbursement funds from the DOT which are utilized to cover the cost of personnel overtime. The secondary ATV will allow the department the ability to increase patrol coverage by allowing two officers working together on a more consistent basis. The ATV is covered automatically under the current insurance policy of the Town and the ATV does not require registration. Chief Lewis said all officers in the department have gone through a safety-training course.

During discussion by the Board, Selectman Douglass questioned if it was a good idea to be taking 20% of available department staff to operate the ATV and said he couldn't see the benefit of adding a second ATV to a 10-man department. Town Manager Knight suggested authorizing the department to use the second ATV for a one year period to determine its practicality.

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

VOTED

To authorize the Police Department to use the ATV that was authorized for acceptance at the last meeting, and to keep records on it and report back to the Board of Selectmen after a 12-month period of use.

**64-12 CONSIDERATION AND ANY APPROPRIATE ACTION ON A REQUEST OF STEVE'S HOT DOGS TO PLACE A HOT DOG CART IN THE TOWN RIGHT OF WAY OF THE TOPSHAM FAIR MALL**

John Larson, owner of the Topsham Fair Mall, spoke to this agenda item. Before addressing Mr. Alexander's application, Mr. Larson made a public statement saying he and Mrs. Larson own the mall, that they were not a "big company from away" as an individual stated when asked not to disturb the many plantings at the mall. Mr. Larson said he and Mrs. Larson work hard to present the mall in a professional, homey atmosphere and urged citizens to "leave the flowers alone." Following his statement, Mr. Larson expressed his appreciation for the excellent relationship the mall has working with the various departments of the Town.

Mr. Larson briefly reviewed that Steve Alexander, owner of Steve's Hot Dogs, recently received approval from the Planning Board to operate a hot dog cart at the Topsham Fair Mall. The preferred location of the cart lies within the Town's right of way of the Topsham Fair Mall, but within the parking lot in front of Reny's. Mr. Alexander is seeking authorization from the Board to place his hot dog cart within the Town's right of way. The location does not interfere with the parking lot in any way.

Selectman Riendeau spoke in favor of the request and the Planning Director said the Planning Board has no objections. Mr. Roedner asked the Board if they wanted the Planning Board to work on wording for future requests at a workshop. There was no objection from the Board.

Motion was made by Mr. Douglass to allow Four J, LLC to locate Steve's Hot Dog Stand in the Town's right of way at the Topsham Fair Mall.

Discussion followed that Mr. Larson would like permission to place a third cart at the Mall without having to come back before the Board. Mr. Douglass withdrew his motion and motion was made by Mr. Mason, seconded by Mr. Douglass and it was unanimously

VOTED

To authorize use of the Town's right of way for three mobile carts, subject to Four J, LLC's licensing of same.

**65-12 CONSIDERATION AND ANY APPROPRIATE ACTION ON APPROVING AN AGREEMENT BETWEEN THE TOWN AND THE TOPSHAM SEWER DISTRICT REGARDING MAINTENANCE OF THE RIVERWALK TRAIL**

Rich Roedner spoke to this agenda item saying it is anticipated that construction of the Riverwalk Trail will commence this summer. As part of the project, the Topsham Sewer District

and the Town have amended the agreement signed two years ago related to the Bridge-to-Bridge Trail, to reflect this new section of trail. The technical items in the agreement were approved by the Town Attorney in 2010.

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

VOTED

To authorize the Town Manager to sign the amended agreement between the Town and the Topsham Sewer District regarding maintenance of the Riverwalk Trail from the Swinging Bridge to Summer Street.

Mr. Roedner informed the Board that the Town has received reimbursement from the Department of Transportation for the Bridge-to-Bridge project and asked for the Board's permission to take the labor cost and apply as a match to the bike path, a total of \$9,433. Mr. Douglass told the Board he was not comfortable with taking action on an item not on the agenda with concern there will be a cost to the Town. It was agreed to place the item on the agenda for the next meeting.

**66-12 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE TOWN'S ANNUAL APPOINTMENTS TO THE GENERAL ASSEMBLIES OF MCOG AND MCEDD**

Following a brief presentation from John Shattuck, Economic and Community Development Director, motion was made by Mr. Mason, seconded by Mr. Riendeau, and it was unanimously

VOTED

To appoint the Town Manager and the Economic Development Director, to both MCOG and MCEDD, and appoint Marilyn Hunter, Don Russell and David Douglass to MCOG.

**67-12 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE MAINE DEPARTMENT OF TRANSPORTATION BID OPENING FOR ROUTE 196 PROJECT THAT INCLUDES VIDEO DETECTION INSTALLATION AT THE TOWN'S TRAFFIC LIGHTS**

Town Manager Knight made a brief presentation on this item saying the cost to the Town to install cameras to replace the loop detectors at both intersections is \$9,060. Funds will come from the traffic signals account.

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

VOTED

To accept the bid from the Maine Department of Transportation for the Route 196 project that includes video detection installation at the Town's traffic lights.

**68-12 CONSIDERATION OF AN ABATEMENT OF \$19.67 ON AN OUTSTANDING PERSONAL PROPERTY TAX FROM 1993, ACCOUNT HOO46P**

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

VOTED

To abate \$19.67 on an outstanding personal property tax from 1993, Account HOO46P.

**EXECUTIVE SESSION**

**69-12 CONSIDERATION AND ANY APPROPRIATE ACTION TO ENTER INTO EXECUTIVE SESSION TO DISCUSS UNION NEGOTIATIONS AS PER TITLE 1 M.R.S.A. §405 (6) (D)**

Motion was made, seconded, and unanimously

VOTED

To move into Executive Session to discuss union negotiations as per Title 1, MRSA §405 (6) (D).

At 8:40 p.m. the Board left the meeting area to hold the Executive Session in private quarters. At 9:17, the Board moved back into the public meeting area and Chairman Russell declared the Board of Selectmen back in public session.

Town Manager Knight reviewed highlights, including a 3 year contract with raises of 2.5% in year one; 3% in year two; and 3.5 in year three. The health insurance plan was changed from Plan A to Plan C which will increase uniform payments by \$25 in year 2 and year 3 for a total of \$725 per year.

Selectmen Douglass said this was too much liability over 3 years. Increase for all Town employees is \$210,000 over 3 years. 23% increase for employees in 7 years from last contract to the end of this one.

Selectmen Mason said he supported the proposal and that it was a good contract going forward. He added that employees are not overpaid.

Motion was made by Mr. Mason, seconded by Mr. Russell and it was

VOTED

To approve the 3-Year Contract with the police members. (The vote was 4 to 1 with Mr. Douglass voting in opposition.)

**ADJOURN**

Motion was made, seconded and it was unanimously VOTED to adjourn the meeting at 9:25 p.m.

Respectfully submitted,

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Patty Williams, Recording Secretary