

TOWN OF TOPSHAM
BOARD OF SELECTMEN MEETING
JULY 16, 2015 - 7:00 P.M.

MEMBERS PRESENT: Donald Russell
Marie Brilliant
Ruth Lyons
William Thompson

MEMBER(S) ABSENT: David Douglass

STAFF PRESENT: Town Manager, Richard Roedner

A meeting of the Topsham Board of Selectmen was held on Thursday, July 16, 2015 at the Municipal Building at 100 Main Street, Topsham, Maine.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE/ROLL CALL

Chairman Russell called the 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, except for Mr. Douglass who had been excused.

TOWN MANAGER'S REPORT

Library Book Fair is Sept. 25-27, and donations are gladly being accepted.

30-day notices on delinquent taxes are going out in the next couple of weeks. Currently, we have 206 scheduled to be sent out, which is lower than last year's total.

The test striping of Green Street, that the Lower Village Development Committee has talked to the Board about, is now complete. We have had at least one complaint because the person had to drive more slowly. We have received several compliments, and one request to have it replicated in another neighborhood.

We are progressing with DOT on the Rt. 196 signal replacement project. I don't have a date for the beginning of the project yet, but it is planned for this summer – so stay tuned.

We had a fairly significant woods fire earlier in the week – over three acres were burned, and our Fire Department, along with six surrounding departments, spent about 7 hours fighting random outbreaks in some very difficult terrain. Many thanks to our personnel, as well as those from other communities that responded to our mutual aid request. I would also like to extend a thank you to the Topsham Fire Department Ladies Auxiliary. They were on-site a good portion of the afternoon, providing food and perhaps more significantly, cold beverages. If you recall, Monday was in the 80s, and the air temperatures, combined with the heat and exertion of moving through the woods in full gear, with water, put a lot of strain on everyone involved. The support of the Auxiliary is something we too often take for granted, and forgets how invaluable it can be.

BOARD AND COMMITTEE REPORTS AND UPDATES

TDI/ECD - John Schatuck, Topsham Economic and Community Development, Inc. Director presented an update on TDI and ECD.

PUBLIC COMMENT - None noted.

CORRESPONDENCE - None noted.

ADJUSTMENTS TO THE AGENDA - None noted.

CONSENT CALENDAR

1. APPROVAL OF THE MINUTES OF THE REGULAR SELECTMENS MEETING OF JULY 2, 2015

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

VOTED

To approve the Consent Calendar as amended. (Amendment: Pg. 3 of the minutes, Item 15-34, 1st paragraph, strike out "Town Manager Roedner" as he was not in attendance.

PUBLIC HEARING

15-39 CONSIDERATION AND ANY APPROPRIATE ACTION ON AN APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR FAIRGROUND CAFÉ

Chairman Russell explained how he would conduct the 3 hearings for an Amusement Permit: 1) Call on the application; 2) have applicant representative come to the podium, give name and address, and 3) explain what they plan to do. The Board will then ask questions, make a decision and move on to the next application.

The Public Hearing was declared open. Perry Leavitt, 15 Theodore Drive, Brunswick, Maine, owner of the Fairground Café, told the Board he would like to have guitar music played during dinner on Thursday, Friday and Saturday from 5:00 to 8:00 p.m. Also 3 older ladies may sing during that time also. A period of questions and answers from the Board followed Mr. Leavitt's presentation.

There being no questions or comments from members of the public, the Public Hearing was declared closed and the following facts were developed.

FINDING OF FACTS

1. The applicant is the Fairground Café.
2. It is located at 49 Topsham Fair Mall Road.
3. The type of entertainment will be background music during dinner.
4. It will take place primarily on Thursday, Friday and Saturday from 5:00 p.m. to 8:00 p.m.
5. The largest number of people in the group would be from 1 to 3.

6. The restaurant seats approximately 177.
7. The applicant stated there is ample parking to service the facility.
8. There are 3 letters in the application from the fire chief, police chief and codes officer stating they have no problem with the application.
9. The date on the application for the current liquor license goes to 9/21/15.

The Board unanimously agreed with the Finding of Facts.

CONCLUSIONS

Based on the Findings, it is concluded that the issuance of the Special Amusement Permit would not be detrimental to the public health, safety or welfare, or would not violate municipal ordinances, rules or regulations.

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

VOTED

That the application for a Special Amusement Permit for the Fairground Café be granted as meeting requirements of Maine Revised Statute Title 25, A, §1054 and the Topsham Code, Chapter 7, Article 1, Sections 6 and 7.

15-40 CONSIDERATION AND ANY APPROPRIATE ACTION ON AN APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR SEADOG BREWING COMPANY

The Public Hearing was declared open. Seth Hale, 1 Main Street, Topsham, Maine, General Manager of the Seadog Brewing Company presented the application. Mr. Hale told the Board the restaurant plays Trivia on Thursday evenings, has a 3 piece band on Friday evenings and plays Karaoke on Saturday evenings. Hours of operation and other information can be seen in the Finding of Facts that follow. During receipt of comments or questions from members of the public, John Shattuck told the board that he worked with Mr. Hale during an event for the October Fest at the Seadogs and he found Mr. Hale and the company to be very flexible and cooperative. With no further comments to be heard, the Public Hearing was declared closed.

FINDING OF FACTS

1. The applicant is the Seadog Brewing Company.
2. Address of applicant is 1 Main Street, Topsham, Maine.
3. Their liquor license expired on 2/10/16.
4. The entertainment group will range up to 6 individuals and could be flexible with a number of people during Karaoke night.
5. The tables where this will be located (3) will be removed so an open clear pathway remains.
6. Hours of operation will be from 9:30 p.m. to 12:30 a.m.
7. The dining room seats up to 265.
8. The applicant stated they have adequate parking to serve the restaurant
9. Letters from the fire chief, police chief and codes officer stating they have no problems with the operation.

The Board unanimously agreed with the Finding of Facts.

CONCLUSIONS

Based on the Findings, it is concluded that the issuance of the Special Amusement Permit would not be detrimental to the public health, safety or welfare, or would not violate municipal ordinances, rules or regulations.

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

VOTED

That the application for a Special Amusement Permit for the Seadog Brewing Company be granted as meeting requirements of Maine Revised Statue Title 25, A, §1054 and the Topsham Codes, Chapter 7, Article 1, Sections 6 and 7.

15-41 CONSIDERATION AND ANY APPROPRIATE ACTION ON AN APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR NINETY NINE RESTAURANT AND PUB

The Public Hearing was declared open. Paul Bandouveres, 34 Topsham Fair Mall Road, Topsham, Maine, General Manager of the 99 Restaurant told the Board he was requesting a Special Amusement Permit so an individual could play a guitar in the bar area one night on August 6, 2015, a Thursday. The restaurant has been refurbished and the entertainment will be only for this one evening. With no questions or concerns from members of the public, the Public Hearing was declared closed.

FINDING OF FACTS

1. The applicant is Ninety Nine Restaurant and Pub.
2. It is located at 34 Topsham Fair Mall Road.
3. The entertainment is for one individual and only for one night, 8/6/15,
4. The hours will be from 4:45 p.m. to 7:30 p.m.
5. The player will be set up in the back corner of the bar area.
6. Date of expiration of that liquor license is 12/30/15.
7. Letters are in the application packet from the police chief, fire chief and codes officer stating they have no problem with the restaurant.

The Board unanimously agreed with the Finding of Facts.

CONCLUSIONS

Based on the Findings, it is concluded that the issuance of the Special Amusement Permit would not be detrimental to the public health, safety or welfare, or would not violate municipal ordinances, rules or regulations.

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

VOTED

That the application for a Special Amusement Permit for the Ninety Nine Restaurant and Pub be granted as meeting requirements of Maine Revised Statue Title 25, A, §1054 and the Topsham Codes, Chapter 7, Article 1, Sections 6 and 7.

UNFINISHED BUSINESS

15-31 CONSIDERATION AND ANY APPROPRIATE ACTION ON HOURS OF OPERATION OF TOWN HALL AND SERVICES

This item was discussed at the last Board meeting and the Town Manager was charged to make some tweaks to a suggested schedule of hours to be open and bring it back to the Board. A memo from Mr. Roedner dated July 9, 2015 offering feedback from staff is filed with these minutes. Three different options were put before the Board and during discussion; a 4th option was developed as follows:

Option 4

Monday	8:30 to 4:30	8 hours
Tuesday	8:30 to 4:30	8 hours
Wednesday	8:30 to 4:30	8 hours
Thursday	10:00 to 7:00	9 hours
Friday	8:30 to 3:30	7 hours

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

VOTED

To do a trial change of Town Office hours, for 6 months beginning the week of August 3, 2015, from 8:30 a.m. to 4:30 p.m. Monday through Wednesday, 10:00 a.m. to 7:00 p.m. on Thursday and 8:30 a.m. to 3:30 p.m. on Friday.

OLD BUSINESS - None noted.

NEW BUSINESS

15-42 CONSIDERATION AND ANY APPROPRIATE ACTION TO PURCHASE RADAR UNITS FOR THE CRUISERS WITH CAPITAL FUNDS IN CONJUNCTION WITH GRANT MONEY

Police Chief Chris Lewis asked the Board to approve the purchase of in-car speed radar enforcement equipment to replace older models in the cruisers now, utilizing Capital expense funds. \$18,000 has been budgeted for this update and the Bureau of Highway Safety will reimburse the Town 75% up to \$10,000.

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

VOTED

To purchase 7 radar units, Model DSR 2X KA, at a total cost of \$22,060, including display and insulation cables and to apply reimbursement of a \$7,500 grant from the Maine Bureau of Highway Safety.

5-43 CONSIDERATION AND ANY APPROPRIATE ACTION ON CREATING A NEW FULL-TIME POSITION IN THE POLICE DEPARTMENT TO INCLUDE ANIMAL CONTROL, TRAFFIC SAFETY AND FLEET MAINTENANCE

Police Chief Lewis reviewed his request for a consolidation of Roland Pinette and Paul Saindon's positions, which are already part of the budget. The consolidation will include Animal control, Fleet Maintenance and Traffic Safety into one full-time position. He said the position will have the advantage of flexible daytime hours to complete the necessary tasks such as animal complaints, dog licensing concerns, neighborhood speeding complaints and traffic crash investigations. It is anticipated that the position will eliminate approximately 160 hours of overtime and Chief Lewis said he has officers who have voices an interest in the position.

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

VOTED

To create a new position in the Police Department by combining the Animal Control, Traffic Safety and Fleet Maintenance positions into a full-time position at no more cost to the residents of Topsham and more service.

15-44 CONSIDERATION AND ANY APPROPRIATE ACTION ON APPOINTMENT TO THE TOPSHAM DEVELOPMENT, INC. BOARD

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

VOTED

To appoint Mary Kate Reny to the Topsham Development, Inc. Board.

15-45 CONSIDERATION AND ANY APPROPRIATE ACTION ON WRITING OFF DELINQUENT ACCOUNTS

Town Manager Roedner explained the two pieces to this item including old personal property accounts and old ambulance accounts. Some of the old personal property accounts which appear to be uncollectible go back to 2004. A spread sheet was enclosed in the Board package listing everything from 2011 and earlier totaling approximately \$28,372.00. Over the past year the Town has only been able to collect \$475 on these accounts.

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

VOTED

To write off bad debts from ambulance fees starting 2007 to 2011 in the amount of \$44,969 plus any accrued interest.

Motion was made by Chairman Russell, seconded by Selectman Lyons, and it was unanimously

VOTED

To write off personal property taxes from 2004 to 2011, excluding the accounts with an asterisk after them, excluding those billed in 2012.

EXECUTIVE SESSION

15-46 CONSIDERATION AND ANY APPROPRIATE ACTION TO ENTER INTO EXECUTIVE SESSION ON THE LIST OF TAX ACQUIRED PROPERTIES PER 36 M.R.S.A. §405 (6) (C)

At 8:45 p.m. motion was made by Selectman Brilliant, seconded by Selectman Lyons, and it was unanimously

VOTED

To move into Executive Session to discuss Agenda Item 15-46.

At 8:50 p.m. Chairman Russell called the Executive Session to order. At 9:25 motion was made by Selectman Thompson, seconded by Selectman Brilliant, and it was unanimously

VOTED

To move back into Public Session.

The Board directed Town Manager Roedner to propose payment plans on foreclosed properties to the owners of all three properties in question, based on the discussions the Board had with the three individuals.

ADJOURN

Meeting was adjourned at 9:26 on a motion by Selectman Thompson and seconded by Selectman Brilliant. All were in favor.

Respectfully submitted,

Patty Williams, Recording Secretary