

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

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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, July 7, 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**

Mostly a quiet period to report on.

DOT has hired Crooker Construction to repave Main Street, starting at the Volvo Dealership, and running to the First Parish Church in Brunswick. You may have seen signs go up this week, and work will begin in earnest next week. Based on the schedule, they plan to be done by the end of August.

Last Friday we had a leak at the library from the domestic water line coming into the building. The leak was located and fixed. However, to do that required cutting out a portion of the floor in Susan's office, re-plumbing the water line, and then fixing the floor. Titan Mechanical was on top of this starting Friday afternoon when they were called, and until Wednesday afternoon when the plumbing was completed. To repair the hole, our Public Works crew backfilled the hole, reinsulated and poured the new section of concrete flooring.

We are waiting for the cleaning service to stop by and assess the issues, and we anticipate additional work will have to take place, including some sheetrock repair and likely some new carpeting.

Lastly, we welcomed a new employee to Town Hall this week. Brandi Lohr has taken the position of Assistant Clerk/Tax Collector, following the retirement of Joan Gray. Brandi was most recently the Clerk in West Bath, and was able to step right in helping at the counter by 9 a.m. on Tuesday morning.

**BOARD AND COMMITTEE REPORTS AND UPDATES** - None noted.

**PUBLIC COMMENT** - None noted.

**CORRESPONDENCE** - Chairman Douglass noted he received three pieces of correspondence regarding plastic bags and will read them during consideration of that agenda item.

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

**CONSENT CALENDAR**

**1. Approval of the minutes of the Regular Selectmen Meeting of June 16, 2016**

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

**VOTED**

To approve the Consent Calendar as submitted. (Vote was 4 in favor with 1 abstention [Tufts]).

**PUBLIC HEARING** - None noted.

**UNFINISHED BUSINESS** - None noted.

**OLD BUSINESS** - None noted.

**NEW BUSINESS** -

**16-63 CONSIDERATION AND ANY APPROPRIATE ACTION ON A PROPOSED ORDINANCE TO CREATE A FIVE-CENT FEE ON REUSABLE BAGS IN CERTAIN COMMERCIAL BUSINESSES**

It was noted that several workshops have been held regarding a proposed ordinance to create a five-cent fee on reusable bags in certain commercial businesses and the Board has asked that a Draft Ordinance be brought forward for consideration. The item was not listed as a Public Hearing at this point, but is more of an opportunity for the proponents to officially present the ordinance to the Board for consideration to be placed on the November ballot, for the Board to ask additional questions, and to solicit questions/comments from the public. It was noted that a Public Hearing can follow on the 21st, if the Board chooses to go in that direction.

Chairman Douglass read the correspondence received, which is filed with these minutes, from **Phiney White, 67 Bridge Street** (in support of placing the ordinance on the November ballot); **Gail Eaton, 67 Winter Street** (in support of placing the ordinance on the November ballot); and **Ed Caron, 100 Main Street** (no position).

Members from the public commenting included:

**Ed Caswell** - Spoke as a representative of BYOB which was organized in 2015. Has spoken to several stores and residents, and the group has raised \$5,000 to provide bags to individuals who want them. Urged the Board to place the ordinance on the November warrant.

**Jim Wellehan** - Said humans need to take responsibility for what they do. Talked about the huge gyres where nothing lives, because plastic fills the ocean so intensely. Some of the gyres are 200 miles wide. One in the Pacific Ocean is twice as large as Texas at its smallest point and almost the size of the USA when it expands. This was created with only fifty years of plastic use. He said there needs to be a consumer cost for all Point of Sale Packaging so people will use their own bags. Suggested a scholarship be created with the 5 cent charge. He said his store (Lamey-Wellehan) was able to save \$12,000 a year on bags and added three scholarships to its college scholarship program when they stopped using plastic bags.

**Curtis Picard, Roberts Hill Subdivision, Executive Director of the Retail Association of Maine** - Said he would like to see consistency among the bag ordinances to create a level playing field and that an ordinance should be done on a State-wide level coming from Augusta rather than from separate towns.

**Diane Schetky** - Said plastics never go away as they break down into smaller and smaller pieces, leak out toxins, kill birds and threaten the shellfish industry. The stores have no outlet for the plastic, which is sent to China, burned and puts toxin in the air.

**Denise Tepler** - Said she understood Mr. Pickard's position that laws governing the plastic bags should come from the State, but the complex political issues taking place in Augusta have prevented such legislation to take place. Ms. Tepler told of a trip she took to Belize where plastic lined the beaches. She urged the Board to put the issue before the voters.

Chairman Douglass asked why representatives at the State level do not have the courage to take this issue on. Selectman Lyons added that this should be a State issue and not pushed on the municipalities.

**Ron Turcotte** - Said this change is long overdue and will take courage. But it is the right thing to do.

**Bill Ewing** - Said he had a 3-page letter from John Larson, who was unable to be present at the meeting. Said Mr. Larson is passionate about the problem as he picks up plastic bags and trash constantly at the mall. Wants to let the voters decide.

**Jane Scease** - Said the Topsham Garden Club supports placing the ordinance on the November warrant.

**Pat Maloney** - Said it is time the people of Topsham take a stand and that it is critical that the people have a choice.

With all comments having been heard from members of the public wishing to speak, the Board discussed the options. Chairman Douglass said he sees the options as: 1: To move forward with the ordinance as presented to a Public Hearing; 2: Instruct staff to review the ordinance and move it forward; 3: Have further meetings on the ordinance and make changes; and 4: Do nothing.

Selectman Lyons said she is 100% for the environment. Not opposed to the ordinance, but does not like it that some stores will have to follow the ordinance but others do not

have to. Has sympathy for the BYOB Group but is uncomfortable with "chipping away" at the ordinance. Opposed to putting a tax on the bags. Need to work on the ordinance.

Selectman Tufts is not opposed to putting this before the public for a vote, but feels the ordinance needs work. Valid issues were raised, especially uniformity. Agrees with the SNAP exemption; it should be permanent. Five cent feed back needs to go to a scholarship of some type. How will the public be educated on this issue? Said he supports the fee on plastic bags, but not on paper bags.

Selectman Brilliant said she agrees with everything that has been said.

Selectman Thompson would like to see the Town staff tweak the ordinance after hearing the comments made. Agrees with Selectman Tufts' comments.

Chairman Douglass said he has an issue with "this store can and this store can't." Does not support the ban...Do everything or nothing at all. Has concern with this Board, anytime a special interest group comes before it that we just move it forward. There is a way for special interest groups to get items on a ballot through the petition method. Asked what is the next special interest group that will come forward the Board with something to be put on the ballot. Needs to be done on the State level.

Selectman Lyons said she did her homework and interviewed several people from Hannaford's Corporate Office. They have a problem as it stands now. They feel discriminated against. Will cooperate, but feel it is not fair that some retailers have to comply and others do not.

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

**VOTED**

To direct Town Staff to work with the BYOB Group in developing ordinance language that addresses the concerns that were voiced tonight and to ensure that the environmental impacts are well documented and mitigated but at the same time making sure that this is fair to this community.

(The vote was 4 in favor and 1 opposed [Douglass]).

Chairman Douglass said he voted against, because he thinks "we are going down a hole" and if the group needs it, wants it forward, there is a way to do that through petitioning.

The Town Manager asked the Board: "So the motion is for Staff to take what we got, amend it, addressing some of the issues addressed here tonight, still a fee based ordinance but with a larger population of stores involved?" All agreed.

**16-64 CONSIDERATION AND ANY APPROPRIATE ACTION ON A PROPOSED ORDINANCE BANNING THE USE OF POLYSTYRENE CONTAINERS IN CERTAIN COMMERCIAL BUSINESSES**

Chairman Douglass said this was the first half of workshops in May and June. He asked for public comment.

**Ed Caswell** explained that the ordinance would ban the use of polystyrene containers in stores, town facilities and town sponsored events. There are two exceptions of the packaging of raw and live seafood and items packaged outside of the Town of Topsham.

**Curtis Pickard** - Said it was clear that the Styrofoam coffee cups was the first issue. He said that a lot of plastic products, including takeout containers are actually made from polystyrene. The foam polystyrene products include meat and poultry trays packaged in Topsham but continues to allow packages that come into Topsham so the question is what impact will this ordinance actually have. Even paper coffee cups have a poly lining to make them waterproof. Mr. Pickard pointed out two sentences that contradict each other and suggested wording be like the Portland ordinance.

With no other members of the public wishing to comment, Chairman Douglass said his comments were exactly the same as on the last item. Other comments from Board members include, "don't include paper plates and cups," "State should have had the courage to take care of this," "This is a segment of the polystyrene issue and not the bigger issue," "It's the coffee cup issue", "If we are trying to eliminate the trash, let's work on addressing that as opposed to having something that is going to potentially cause businesses in Topsham to have a disadvantage."

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

**VOTED**

To take no action on this item and allow the BYOB group to petition to put it on the November ballot if they wish.

(The vote was 4 in favor with 1 opposed [Brillant]).

**16-65 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE ANNUAL CONTRACT WITH THE COASTAL HUMANE SOCIETY**

Following a brief discussion, motion was made by Selectman Tufts, seconded by Selectman Lyons, and it was unanimously

**VOTED**

To approve the annual contract with the Coastal Humane Society.

**16-66 CONSIDERATION AND ANY APPROPRIATE ACTION ON AN ANNUAL APPOINTMENT AND BOARDS/COMMITTEES**

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

**VOTED**

To appoint Mike Labbe as Back-up Health Officer; Regina Leonard to the Conservation Commission and Ann Carroll to the Design Advisory Committee.

**EXECUTIVE SESSION**

**16-67 CONSIDERATION AND ANY APPROPRIATE ACTION TO ENTER INTO EXECUTIVE SESSION TO DISCUSS A PERSONNEL MATTER PURSUANT TO 1 M.R.S.A. §405 (6) (A)**

At 8:35 p.m., motion was made by Selectman Tufts, seconded by Selectman Lyons, and it was unanimously

**VOTED**

To move into Executive Session to discuss a personnel matter pursuant to 1 M.R.S.A. §405 (6) (A).

At 9:23 p.m., motion was made by Selectman Thompson, seconded by Selectman Lyons, and it was unanimously

**VOTED**

To come out of Executive Session and return to regular session.

Chairman Douglass noted that the Board discussed several personnel issues with the Town Manager. Upon the Manager leaving, the Board discussed the process by which it would conduct the Manager's annual review. No action was taken.

**ADJOURN**

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

**VOTED**

To adjourn the meeting at 9:25 p.m.

Respectfully submitted,

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Patty Williams, Recording Secretary