

MINUTES
TOWN OF TOPSHAM
BOARD OF SELECTMEN MEETING
SEPTEMBER 20, 2012, 7:00 P.M.

MEMBERS PRESENT: Donald Russell
David Douglass
Andrew Mason
Ronald Riendeau

MEMBERS ABSENT: Marie Brilliant

STAFF PRESENT: Town Manager, Cornell Knight

A meeting of the Topsham, Maine Board of Selectmen was held on Thursday, September 20, 2012 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 Selectman Brilliant.

TOWN MANAGER'S REPORT

The Town Manager's Report included:

- The town's request to the Department of Transportation to lower the Meadow Road speed limit was denied based upon their review and analysis; the speed limit will stay at 45 mph.
- The library's annual book sale and fund raiser will be held this weekend. Additional information may be found on their website.
- There will be a prescription medication collection on Saturday at the municipal building from 10:00 a.m. to 2:00 p.m.
- The town's AA- bond rating was affirmed by Standard & Poors. That is an investment grade rating.
- Today the town went to the bond market for the refunding of the existing municipal complex bond issued in 2005 with a balance of \$7,460,000. The average rate was 1.83%, much lower than the existing 4%, which translates to a savings of \$478,398 over the next 14 years, after all expenses.

BOARD AND COMMITTEE REPORTS AND UPDATES

Chairman Russell reported that he attended the Fire Institute Ceremony for the 911 Memorial which was held at the former Navy base. Fire Chief Stockdale represented his people and also the rescue crew for the Town of Topsham. The Captain of the Bath Fire Department gave the keynote speech and did an excellent job.

TRANSPORTATION STUDY - John Shattuck introduced Sarah Curran, Senior Planner from Planning Decisions, MCOG's Consultant, who talked about a recent report "*A Regional Transit Network Study for Topsham, Brunswick, Freeport, West Bath and Bath.*" The report concluded that because of demographic changes, including substantial increases in the area's senior population, there is a demand for additional public transit in the region. Ms. Curran said as a next step, it is recommended that the communities seek to find out and study what an alternative, regional bus system would involve, including cost, coverage, etc. She suggested issuing an RFP to providers to develop a proposed regional bus service or work with a transit consultant to develop the alternative.

TDI/ECD UPDATE - John Shattuck, Topsham Economic Development Director, presented an update, including:

- Review of the Business Friendly Community Certification Program which was announced this spring by Governor LePage. Each Maine municipality was encouraged to submit an application to be designated as a Certified Business Friendly Community (CBFC). The certification is for a two year period, after which communities may apply for re-certification. The program is run on a points system determined as follows:
 - Customer Service/Product/Capacity (30 points)
 - Business/Local Involvement/Collaboration (30 points)
 - Notice for Public Comments/Application Support Letters (15 points)
 - Licensing and Permitting (25 points)

14 Maine communities have been designated as CBFCs and Topsham's application is in the process of being completed.

- Paper work has been completed for Panera Bread. The firm will operate out of a new building to be constructed in the Topsham Fair Mall.
- We are now officially the owners of the Topsham Annex as the deeds were conveyed this date.
- The Lower Village Traffic Study is expected to begin in October.

Chairman Russell complimented TDI for launching its Outreach Program, which will introduce TDI members to the community and also familiarize TDI members with local businesses and key individuals.

PUBLIC COMMENT - None noted.

CORRESPONDENCE - Chairman Russell noted a letter received from Dr. Fred Blanchard with some thoughts relative to the Annex. A letter in response which was included in the Board package. The Board was in unanimous agreement to forward the letter to Dr. Blanchard.

ADJUSTMENTS TO THE AGENDA - None noted.

CONSENT CALENDAR

1. APPROVAL OF THE MINUTES OF THE REGULAR SELECTMEN MEETING OF 9/6/12

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

VOTED

To approve the minutes of the Regular Selectmen Meeting of 9/6/12, as written.

2. TO APPROVE THE OPENING OF THE POLLS ON NOVEMBER 6, 2012 AT 7:00 A.M. FOR THE STATE AND FEDERAL ELECTION AND ALSO THE TOWN OF TOPSHAM'S ANNUAL TOWN MEETING

Motion was made by Mr. Riendeau, seconded by Mr. Mason, and it was unanimously (of those present)

VOTED

To approve the opening of the polls on November 6, 2012 at 7:00 a.m. for the State and Federal Election and also the Town of Topsham's Annual Town Meeting.

PUBLIC HEARING - None noted.

UNFINISHED BUSINESS

101-12 CONSIDERATION AND ANY APPROPRIATE ACTION ON SIGNING THE CABLE TV FRANCHISE AGREEMENT WITH COMCAST

This item was discussed at the last Board of Selectmen meeting and it was noted that the previous franchise agreement between the Town and Comcast has expired. This agreement is a template negotiated by municipal attorneys and the cable industry. It has been reviewed by the Town Attorney. Two noteworthy items include the 5% franchise fee remains the same and payable in two installments; \$100,000 is estimated in the current budget. Comcast will pay the Town \$20,000 which will be used to purchase equipment for the town's government channel.

Following discussion at the earlier meeting, the Board expressed concern that if the agreement was signed as a PEG (which is a public, educational and government) station if we would be committed to have the public part of it. After discussion with the attorneys, it has been determined we can sign the agreement as presented. However, if we leave out the public part, then we would have to rewrite the contract at a later date.

Discussion followed with Board member Mason expressing concerns regarding the 5% franchise fee. At the last Board meeting the Board suggested that a representative from Comcast come to this meeting to respond to concerns. It was noted that an invitation was extended, but the representative did not attend the meeting. The Board was in unanimous agreement that their concerns warranted a response from the Comcast representative and the Town Manager was instructed to invite the Comcast rep. to be present at the October 4, 2012 meeting when the item will again be placed on the agenda.

OLD BUSINESS - None Noted.

NEW BUSINESS

102-12 CONSIDERATION AND ANY APPROPRIATE ACTION TO AWARD THE CONTRACT FOR CONSULTING SERVICES FOR THE ROUTE 196 CORRIDOR STUDY

The Town Planner explained that the Route 196 Corridor Committee has solicited proposals for consulting services to assist it in developing a Route 196 Corridor Plan. The town has budgeted \$20,000 for this effort. The Committee reviewed two proposals, one from Wright-Pierce, teamed with Gorrill-Palmer and one from Planning Decisions, teamed with Terrance DeWan & Associated, Greener Prospects and T.Y. Lin International. The Committee recommended that the contract be awarded to Wright-Pierce who is currently working on a 196 Corridor Plan in Lisbon.

Motion was made by Mr. Douglass, seconded by Mr. Mason, and it was unanimously (of those present)

VOTED

To award the contract for consulting services for the Route 196 Corridor Study to the firm of Wright-Pierce not to exceed the amount of \$20,000.

103-12 CONSIDERATION AND ANY APPROPRIATE ACTION ON A CONTRACT WITH AMENICO TO RECYCLE VEGETABLE OIL AT THE TRANSFER STATION

Following a presentation from Ed Caron, Solid Waste Manager at the transfer station, regarding a 3-year contract with Amenico to recycle vegetable oil at the transfer station, motion was made by Mr. Douglass, seconded by Mr. Mason and it was unanimously (of those present)

VOTED

To approve the signing of a 3-year contract, as presented, with Amenico to recycle vegetable oil at the transfer station.

104-12 CONSIDERATION AND ANY APPROPRIATE ACTION FOR PUTTING A PETITION ON THE NOVEMBER 6, 2012 BALLOT

As the Board is obligated to get a petition to the public within 60 days, and as the petition received by the Town Clerk has been certified, motion was made by Mr. Riendeau, seconded by Mr. Mason and it was unanimously (of those present)

VOTED

To send the petition forward to be placed on the November 6, 2012 General Election.

Chairman Russell noted that the Selectmen involved with the petition can vote on this item as there are only two things that can create a conflict of interest: 1) any involvement with revenues, and 2) bias - both which are not involved. This vote deals with only process, not content.

105-12 CONSIDERATION AND ANY APPROPRIATE ACTION TO ACCEPT CHANGES MADE IN THE RULES OF ORDER AND PROCEDURE FOR TOPSHAM BOARD OF MUNICIPAL OFFICERS

Review of the Board of Selectmen Rules and Regulations was discussed at a previous meeting and the Board held a workshop which resulted in two suggested changes, including on page 1, item #3, 2nd paragraph, strike the words "and interview" from the first sentence. Page 9, Item #43, 13th line down, - change the word "shall" to "may" therefore not forcing the Board to hold four meetings a year if not necessary.

Markups of the proposed changes were included in the Board Package for review. During discussion at the meeting further changes were discussed, after which, motion was made by Mr. Russell, seconded by Mr. Mason and it was unanimously (of those present)

VOTED

To make the following changes to the Policy for the Board of Selectmen:

- Page 1 of 9, Item 3, 2nd paragraph, at the end of the first sentence, strike out "and interview."
- Page 1 of 9, Item 3, 2nd paragraph, 3rd line down, change "will" to "may."
- Page 9 of 9, Item 43, next to the last sentence to read: "The Board of Selectmen may schedule workshops each fiscal year to optimize their working relationships."

ADJOURN

Motion was made, seconded, and it was unanimously (of those present)

VOTED

To adjourn the meeting at 8:05 p.m.

Respectfully submitted,

Patty Williams, Recording Secretary