

MINUTES
TOWN OF TOPSHAM
BOARD OF SELECTMEN MEETING
DONALD A. RUSSELL MEETING ROOM
JANUARY 3, 2019 – 7:00 P.M

MEMBERS PRESENT: David Douglass
Marie Brilliant
Ruth Lyons
William Thompson
Roland Tufts

MEMBER(S) ABSENT: All present

STAFF PRESENT: Derek Scrapchansky, Assistant Town Manager

A meeting of the Topsham Board of Selectmen was held on Thursday, January 3, 2019, in the Donald A. Russell Meeting Room, at the Municipal Building, 100 Main Street, Topsham, Maine.

CALL TO ORDER

Chairman Douglass called the regular 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

In the absence of Town Manager Roedner, the Assistant Town Manager, Derek Scrapchansky, gave the Manager's Report as follows:

On behalf of the Town Manager and our entire staff, we wish all of you and the Town of Topsham citizens a very prosperous and Happy New Year!

Last week we mailed out notifications for the upcoming neighborhood meetings. These meetings have been planned by staff with the Board of Selectmen to allow Topsham citizens an opportunity to share ideas for how we can better serve the community. All residences should have received a yellow post card with a date, time and location for their particular neighborhood meeting, as well as a backup date and location in the event of cancellation due to weather. If there is a cancellation, the location will be at Town Hall on the snow date assigned. A map, list of streets, dates and locations of the meetings are also posted on the front page of the Town's website in the event a notification was not received. Please note, if there is a problem attending the meeting date assigned, please feel free to attend a meeting on another date.

Our Parks and Recreation Department recently hosted a retirement reception for Gerry Ouellette. It was an opportunity for the public to stop by and recognize Gerry for his 21 years of dedicated and faithful service to the citizens of Topsham. We wish Gerry and his family the best. Kelly LaFountain, who has been serving the Town for the past 16 years, has filled Gerry's vacancy and assumed the role and duties of Program Coordinator. We have also gained the services of Bob Neron who will now operate our TV equipment.

The Topsham Police Department has recently hired two new police officers: Jose Gomez and Courtney Everett. They are anticipated to start employment with the department on January 7th. Both officers are expected to attend the 18 week Maine Criminal Justice Academy in August 2019.

BOARDS AND COMMITTEE REPORTS AND UPDATES - UPDATE FROM THE TREE COMMITTEE

Kevin Doran, Ed.D, Natural Science Educator with the Maine Forest Service, a licensed forester and Topsham Tree Committee member, presented an update from the Tree Committee with a video presentation. He said trees provide a tremendous amount of value. Recently invasive insects invaded Wooster, Massachusetts involving 50,000 trees hit by Asian Wild Worm Beetles.

Trees planted approximately 20 years ago by the snack shack on the playing field were shown, comparing the size they were 20 years ago and their size now, showing a heavy growth. Mr. Doran said trees improve air quality. They sequester the carbon, and improve water quality. 89% of Topsham's area is covered by trees.

One of the highlights of the Tree Committee in 2018 was the harvesting of trees on the Foreside Road. Mr. Doran explained how the damaged trees were marked (a lot of the damage caused from poor soil, heavy growth and the October wind storm). He said half of the trees, or more, were rotten, diseased and drying out. They were thinned out in a way to receive proper light so the healthy trees could continue to grow.

Paul Larivee, Forrester from SAPPI Paper, talked about the Emerald Ash Borer, which will become a bigger issue as we move forward. He said the Topsham Tree Committee has worked with the Public Works Department. He showed a map which anticipates the Emerald Ash Borer will kill close to 100% of the Ash trees in Maine. 4% of the forest consists of Ash trees. The Boer has come here from Michigan. Maine is the last New England state to discover the Emerald Ash Borer, which has been identified in York County, Acton and Madawaska. It is expected to spread in the next 5 to 10 years. Also, the Brown Tail Moth continues to invade local Oak trees.

Mr. Larivee spoke about Tree City USA and said this is one of the goals of the Tree Committee to see what is involved in becoming a member of Tree City USA. There are 4 qualifying criteria involving a Community Tree Ordinance, a percentage of dollars to come from the Town, and involvement with the Public Works Department on tree work. Mr. Larivee said with the work the town crews already do and the involvement of the Tree Committee itself, most of the criteria is already covered. There is a State-wide celebration in May of each year with all of the Towns coming together, including the governor. It was noted that the Tree Committee currently falls under the Conservation Committee, and in order to be a part of Tree City USA, would have to be a committee on its own.

Chairman Douglass asked if there were any questions and the following comments/questions were heard:

Jane Tuttle, 9 Thomas Avenue – Said she bought her house two years ago. It has a 3-foot high chain link fence she does not want and offered it to anyone who will come take it. She said when the tree harvesting vehicles went in, a huge new road resulted. She asked if it was necessary. Mr. Larivee responded that the area in questioned is known as “the landing” a main haul road to take the trees out. He said the opening was necessary to bring in a chipper and was actually made wider in an attempt to get more sun into the area. He said future cutting would not require such a large opening.

Chairman Douglass said, as we found with the landfill cut and this cut, the Tree Committee and staff made sure we have professionals doing this and the right decisions are made at all times. The hope is that this area will get better with every year.

Karen Murphy, 22 Arbor Avenue – Ms. Murphy said she would like to know, when they go in to re-harvest the next time, will you be using the same roads as before that new growth is going to be growing up on. I know that a lot of the branches and stuff has been left on the grown to decompose, but there are some huge piles of debris that look like they should have been removed. She said she didn't see how anything could grow up from the piles of debris 4 feet tall. Are there any plans to plant anything in there?

Mr. Larivee said some of the piles left behind were intentionally left for wild-life piles. He said when you bring in big machinery, even if it's horses, you change the character of the forest. Some of the piles were intentionally left for wild life. It will decompose, but it will take time. The Tree Committee is working on assessing the inventory levels and will make recommendations on the reassessment.

Mr. Doran said the crews did an excellent job of working with the harvesters. One of the biggest challenges is to not remove all the debris because of the deprived condition of the soils. He said he asked the crew to leave the brush. It was noted there is no need to replant. Seeds will drop and the growth will happen naturally.

Jane Tuttle, 9 Thomas Avenue – Said the marked trails that people walk on were impossible to walk on because of the branches left. Mr. Larivee responded that he had to clear near one trail, as there is a slope on one side and a fence on the other side so he had to move the equipment accordingly. He said it was difficult to get through that area with the fence on one side and trees on the other.

Chairman Douglass said at the end of the day, the work that was done up there was to save that forest. We have been told that an overwhelming amount of trees up there were rotting. The place was dying on its own. Yes, forestry is messy to people but this was an effort to save the area.

Pam LeDuc, Parks and Recreation Director – Ms. LeDuc said that the Conservation Committee did a lot and has plans on cleaning up some of the trails. Also, we have Community Forestry Days in the fall where we work with volunteers from Bowdoin College to help do that.

Ms. LeDuc said “Go out to the Solid Waste Transfer Station to see where the cut happened a year ago, and see the change in the growth. Because if anything can give you a different outlook, that does.”

PUBLIC COMMENT

Fire Hydrants – Chairman Douglas said, as snow starts falling, it would be helpful if you would clear snow from the fire hydrants in front of your house.

Chairman Douglass commented on the aquifer protection area up in the Foreside area. He said it didn't make a lot of sense to him so he talked with Allen Fraiser, General Manager at the Water District, asking why that area in particular is in aquifer protection. Mr. Douglass learned that aquifer protection isn't designated by the Water District. Each independent town designates where aquifer protection should be.

He was shown a map where the Brunswick-Topsham Water District views aquifer protection in Brunswick and Topsham. In Topsham, in our codes, Foreside Road and the Foreside Field area and a large portion of the town is in aquifer protection. However, the only area the Brunswick-Topsham Water District shows aquifer protection is on the River Road where their main office is situated.

Maine Geological Society maps 10 and 11 cover our area. A lot of towns utilize that information. This is something that hasn't been looked at for many, many years in Topsham; update back to 1989. Chairman Douglass said he had a discussion with the Town Manager that maybe it is time we use our local experts, being our Water District, and take a look at where should our aquifer protection be. He agreed to talk with Planning and approach the Water District to help in this effort.

Chairman Douglass showed a map which depicts the entire Town of Brunswick in the aquifer protection zone including the Bowdoin College area and the entire former Brunswick Naval Station area, according to maps 10 and 11 of the Maine Geological Society.

Selectman Lyons commented on the importance of using professionals when designating any changes.

CORRESPONDENCE

E-Mail from Randy Minet – Chairman Douglass read the correspondence aloud: “December 21, 2018...Hi Dave, I just finished reading your recent feedback in the Times Record regarding current projects.

‘This is government in general. It's the budget process it's all of it,’ said Chairman David Douglass. ‘People don't pay attention until they have to, but the Town is always operating around you. Things are done in public, nothing is hidden.’

Your hard work (and council) is always appreciated. Thanks for reminding, and putting it in perspective for all. Don't ever think it's a thankless endeavor. Merry Christmas! S/Randy Minet”

Karen Murphy, January 1, 2019 – Ms. Murphy sent a letter to the Town Manager and I, which I copied the Board with the correspondence back and forth, and then she copied you last night regarding four paragraphs in the meeting minutes of the December 20th Select Board Meeting. One of them, paragraph 4, said the Town Attorney determined that the Town does have right, title and interest to cut out Thomas Avenue. However, when I watched the video you clearly stated that the Town Attorney had not gotten back to you on this issue. Instead, it was the sense of the attorney at this point.

Chairman Douglass said that Karen’s letter went on to talk about inaccuracies she saw in the meeting minutes. When we get to the next item, we will talk about this a bit more. Also, Pam LeDuc had sent Rich an e-mail from the 12/20 meeting that her sense of what was in the minutes was also inaccurate.

ADJUSTMENTS TO THE AGENDA – None noted.

CONSENT CALENDAR

1. Approval of the minutes of the Regular Selectmen’s Meeting of December 20, 2018.

Motion was made by Chairman Douglass to table the approval of the December 20, 2018 minutes and for Patty to bring back a third draft at the January 17, 2018 meeting. This was seconded by Selectman Tufts and it was unanimously approved.

A discussion followed regarding meeting minutes. Chairman Douglass said it was extremely important for everybody to know that our meeting minutes are not word for word. Patty is not a stenographer. She is not writing down every word. Our meeting notes are a summation. Mr. Douglass said he didn’t plan on getting into a habit of taking corrections and people wanting their summation. Patty has been doing this for over 25 years and she will continue to do it the same way she always has. If you need to hear comments word for word, there is the video. In the future, if you wish your comments included in their entirety in the minutes, then please give Patty your written copy and she will include it in the minutes. This is the exact way the Legislature requires you to do it when you testify before them on any item.

Selectman Lyons added that by Maine State Law, you don’t have to keep minutes. She said we do it because we do it. She added that a lot of places just keep the vote and action taken.

PUBLIC HEARING

19-01 CONSIDERATION AND ANY APPROPRIATE ACTION ON AN APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR SEA DOG VENTURES, INC.

Chairman Douglass reviewed the process of the Public Hearing saying that once he gavels the meeting open, anyone wishing to address the Special Amusement Application for Sea Dogs, that’s where we will take questions or concerns. Once we gavel out of the Public Hearing, there is no more commentary, questions, etc. outside of the Board of Selectmen.

The Public Hearing was declared open.

Seth Hale represented the Sea Dog Ventures, Inc. and reviewed the activities involved. He said their current liquor license will expire in February. It was noted that the Fire Chief, when inspecting the establishment, had asked that an outside exit door be installed. Memo is in file from Chief McLaughlin saying he and Deputy Labbe inspected the Sea Dogs on January 3, 2019 and noted that the contractor has started the work. They have opened up a wall to create a new exit and a door is installed. At this point, all they have to do is install an exit sign and emergency light in the new opening, which an electrician is scheduled to do. Chief McLaughlin said all of the other deficiencies from our original inspection have been corrected.

Chairman Douglass reviewed the application with information provided by the applicant to compile the Finding of Facts as follows:

FINDING OF FACTS

1. Name of Applicant is Sea Dog Brewing Company.
2. Company is located at 1 Bowdoin Mill Island, Topsham, Maine.
3. The current liquor license will expire in February, 2019.
4. Type of Entertainment includes open mic, trivia, karaoke and a live band consisting of 3 people.
5. The main area the entertainment will be held is in front of the bar area.
6. Nights of entertainment are Tuesday, Wednesday, Friday and Saturday.
7. Hours of operation are from 11:00 a.m. to 2:00 a.m. Entertainment happens from 9:30 p.m. to 11:00 p.m.
8. The only furniture that will be moved for the entertainment is at the front of the bar and in the corner towards the deck.
9. Size of the hall is approximately 1,600 square feet.
10. Seating capacity of the establishment is 260.
11. There is adequate parking.
12. Letters are in file from the Police Department stating they have no issues with the granting of the Special Amusement Permit and from the Fire Department stating the Sea Dogs have made all previously communicated changes needed as a result of recent inspection.

Chairman Douglass asked if there was anyone wishing to comment on the application. There being no response, the Public Hearing was declared closed.

CONCLUSION

The Board was in unanimous agreement that based on the Findings of Fact, it is concluded that the issuance of a Special Amusement Permit would not be detrimental to the public health, safety or welfare or would violate municipal ordinances, rules or regulations.

VOTE

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

VOTED

That the application for a Special Amusement Permit for the Sea Dog Brewing Company be granted as meeting requirements of Maine Revised Statutes, Title 25-A, Section 1054, and the Topsham Code Chapter 71, Article 1, Sections 6 and 7.

UNFINISHED BUSINESS – None noted.

OLD BUSINESS – None noted.

NEW BUSINESS – None noted.

ADJOURNMENT

Motion was made, seconded and it was unanimously,

VOTED

To adjourn the meeting at 8:00 p.m.

Respectfully submitted,

Patty Williams, Recording Secretary