

TOWN OF TOPSHAM
BOARD OF SELECTMEN MEETING
OCTOBER 17, 2013, 7:00 P.M.

MEMBERS PRESENT: Donald Russell
Marie Brilliant
David Douglass
Ronald Riendeau

MEMBER(S) ABSENT: James Trusiani

STAFF PRESENT: Town Manager, Cornell Knight

A meeting of the Topsham Board of Selectmen was held on Thursday, October 17, 2013 at the Municipal Building at 100 Main Street, Topsham, Maine.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE/ROLL CALL

Chairman Russell called the regular 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. Trusiani.

TOWN MANAGER'S REPORT

The Town Manager's Report included:

- A reminder that the first half payment of property taxes was due on Tuesday.
- Topsham will again be co-hosting a Regional Household Hazardous Waste Collection Day on Saturday, October 26, in Brunswick. Go to the town website or call the transfer station for more information.
- The new dog tags are now available at the Clerk's office. Dogs must be licensed by January 31, 2014.
- Friends of the Topsham Public Library would like to thank the town for a very successful book sale. The sale brought in approximately \$8,000, which is our best year since 2009. Proceeds from the book sale support virtually all library programs from story times and book discussions to concerts and artist talks.
- The library will hold a discussion on the Affordable Care Act on Thursday, October 24 beginning at 6:30 p.m. "The Affordable Care Act 101: Understanding the New Health Care Law." This event will go through the basics of the law and the newly available resources every Mainer should know about. Presented by Jake Grindle, Health Marketplace Navigator, Program Specialist from Western Maine Community Action.
- Artist Talk and Demonstration, Saturday, October 26 beginning at 11:00 a.m.: artist and MECA Art Instructor, Kathleen Boldt will talk about her display, "Things Seen III", now appearing in the Crooker Gallery, and will demonstrate her technique.

- The Men's Book Group will meet on Wednesday, November 13 at 6:30 p.m. New members are welcome to attend. This month's book is "*Paris by Edward Rutherfurd.*" For more information, call the Topsham Public Library.
- At the recent Maine Municipal Association Convention Awards Luncheon, Town Clerk Ruth Lyons was named Town Clerk of the Year by the Maine Town & City Clerk's Association. A plaque will be put up in the lobby recognizing her achievement. **Congratulations to Ruth.**

BOARD AND COMMITTEE REPORTS AND UPDATES - None noted.

PUBLIC COMMENT - None noted.

CORRESPONDENCE - Letter was acknowledged from Douglas Bennett, which will be read when considering Item 95-13.

ADJUSTMENTS TO THE AGENDA - Motion was made by Selectman Douglass, seconded by Selectman Riendeau, and it was unanimously, of those present,

VOTED

To remove Item 103-13 from New Business and to place same under Executive Session.

CONSENT CALENDAR

1. **APPROVAL OF THE MINUTES OF THE REGULAR SELECTMENS MEETING OF SEPTEMBER 19, 2013**
2. **SIGN WARRANT FOR THE NOVEMBER 5, 2013 TOWN OF TOPSHAM'S ANNUAL TOWN MEETING**
3. **APPROVAL OF ELECTION WORKERS TO WORK AT THE POLLS ON NOVEMBER 5, 2013**
4. **APPROVAL OF THE POLLS OPENING ON NOVEMBER 5, 2013 AT 8:00 A.M. FOR THE STATE REFERENDUM AND THE ANNUAL TOWN MEETING**
5. **APPROVAL OF OPENING THE ABSENTEE BALLOTS FOR THE STATE REFERENDUM AND ANNUAL TOWN MEETING STARTING AT 9:00 A.M., 10:00 A.M., 11:00 A.M., 2:00 P.M., 3:00 P.M., 4:00 P.M. AND 8:00 P.M.**

Motion was made by Selectman Riendeau, seconded by Selectman Douglass, and it was unanimously, of those present,

VOTED

To approve the Consent Calendar with a correction to Item 1.

(Correction: Pg. 4, Item 94-13, add to the end of 2nd paragraph: "We checked with the State and signs are in fact allowed on State roads.")

PUBLIC HEARING

UNFINISHED BUSINESS**95-13 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE NO-PARKING ZONE ON PLEASANT STREET**

Police Chief Chris Lewis began the discussion giving the definition of several words from the Town ordinance, including public way, traffic and pedestrian. He referenced Ordinance Section 210-34 where it states that there shall be no parking on either side of Pleasant Street. So, it was determined that the ordinance does say no parking on Pleasant Street. Chief Lewis said he took a measurement from Melcher to Elm Street in a straight line which is a distance of 383'. Perkins to Melcher, intersection to intersection, 243', and from Melcher looking up from the intersection to the rise in the road or by the fire hydrant, 112'. He said that no parking is allowed also on the south side of Melcher Place.

The Public Hearing was declared open. Several citizens spoke, including:

- **Robin Noyes, 7 Pleasant Street** - Mrs. Noyes told the Board she wanted to approach the parking issue from another avenue and made a presentation of how the Historic District homeowners are the caretakers of the beautiful old buildings and that they honor the codes and requirements. She said winters in Maine are more moderate today, but in the days when these homes were built, they were placed as close to the road as possible with close driveways. The homes were placed close together to curtail Indian attacks. She told the board there is no place to park other than on the street. She asked the Town work with the residents, together for a reasonable solution. *Selectman Douglass asked Mrs. Noyes if she had a solution to the problem. She responded that she did not.*
- **Peter Rosenberg** - Asked question to Chief Lewis, which the Chief responded to regarding if 10' would be left on the street if a car was parked on the side of the road. *Response was yes.* Other questions relative to the sight line issue were asked and responded to by the Chief. His main concern is the speed of individuals coming down the street and causing a hazardous condition.

Mr. Rosenberg asked what would need to be done to adjust the ordinance to allow parking on Pleasant Street. *Response was there are two ordinances that would need to be changed for the rules of the road and Town itself.* Mr. Rosenberg said in an effort to make things safer in Town we have actually made things less safe for the residents of Pleasant Street. He said there were three tasks before us: 1) Return to the status quo; 2) Make revisions to the ordinance; and/or 3) consider other alternatives...make safety the primary issue.

- **Tom Connelly, 57 Elm Street** - Mr. Connelly said the geometric criteria taken for Pleasant Street should be applied to all other narrow streets in Town as there are many that should also be tagged for no parking. He said he uses Pleasant Street regularly and has not noticed any increase in traffic over the years. He added that the Town should have held some discussion with the residents before putting the no parking signs up. *Chairman Russell explained that the evening the decision was made by the Board, it was simply to put the signs up saying there was to be no parking on the street. The ordinance stating same had been in effect many years prior.*

- **Reid Kenny** - Asked what is the reason that parking is allowed on Williams Drive. Said signs need to be put on other streets in Town such as Williams Drive and Bay Park. A strategy to reduce the volume and speed of traffic is to allow cars to park on the street. Said children running from between parked cars is not feasible.
- **Bill Fitzsimmons** - Asked what the definition of "no parking" is and how does it become enforced. He said to him no parking means no parking and a common sense approach needs to be put in place. Utilities park on the street all the time and no one bothers them.

Chairman Russell read a letter into the record addressed to the Board of Selectmen from Douglas Bennett, 53 Elm Street, and it is filed with these minutes. Mr. Bennett offered two solutions:

- 1) Allow parking on the west side of Pleasant Street, except for the 75' along Pleasant Street from the intersection with Elm Street; and
- 2) Allow parking on Pleasant Street and to make lower Pleasant Street one way going south one way down hill towards Elm Street.

Peter Rosenberg - Told the Board it is within their power to regulate parking on Pleasant Street and that they (the Board) need to listen to the residents who are unhappy....Asked how do we get back to the status quo.

The Public Comment portion of the meeting was declared closed and discussion ensued between the Board. It was noted that ample time needs to be scheduled to place the proper notification ads in the paper if public hearings are to take place to make a change to the ordinance. Organizing a small committee was suggested to look at the alternatives and come back to the Board with a presentation.

Peter Rosenberg, John Noyes and Reid Kenny all commented that they were in favor of a committee and that there was a definite need to change the ordinance.

Motion was made by Selectman Douglass, seconded by Selectman Riendeau, and it was unanimously (of those present)

VOTED

To hold a Public Hearing to discuss changing the ordinance to reflect parking on the west side of Pleasant Street from Melcher Place north to just south of the dog leg coming around on Pleasant Street, and from Melcher Place down to the Elm Street intersection with no parking on either side of that street.

OLD BUSINESS - None noted.

NEW BUSINESS

101-13 CONSIDERATION AND ANY APPROPRIATE ACTION TO ALLOW THE POLICE DEPARTMENT TO APPLY FOR HIGHWAY SAFETY GRANTS FOR THE 2013/2014 GRANT PERIOD

Chief Lewis explained that these grants are for seatbelt enforcement, operation under the influence enforcement and speed enforcement. The total amount for overtime cost

reimbursement varies for each grant. In the past, seatbelt is a maximum of \$5,000, OUI \$10,000 and speed \$12,000. By participation in these grants, the agency is eligible for free equipment as well as reduced priced equipment, such as new radars and in-car video systems. Following Chief Lewis' presentation, motion was made by Selectman Douglass, seconded by Selectman Riendeau, and it was unanimously (of those present)

VOTED

To allow the Police Department to apply for the 2013-2014 Highway Safety Grants.

102-13 CONSIDERATION AND ANY APPROPRIATE ACTION ON ADJUSTING THE SPECIAL DETAIL COST FOR THE POLICE DEPARTMENT

Officer Frederick Dunn spoke to this item saying the current rate is \$35/hr and has not been adjusted for several years. This is the OUI details, special events and construction projects.

Following discussion, motion was made by Selectman Douglass, seconded by Selectman Riendeau, and it was (of those present)

VOTED

To adjust the Special Detail Cost for the Police Department to \$51.44 per hour.

103-13 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE OUTSTANDING TAX BALANCE ON BRIAN MCDONALD PROPERTY

(This item was moved to the Executive Session).

104-13 CONSIDERATION AND ANY APPROPRIATE ACTION ON A PROPOSED GRANT APPLICATION UNDER THE STATE'S RECREATIONAL TRAIL PROGRAM FOR THE CONSTRUCTION OF THE TOWN LANDING TRAIL

The Town Planner said back in August we were given notice of a new grant round for the RTP Program at the State. The Board was notified of our request to the State for a site visit along the Town landing Trail. The site visit went well and we are not seeking authority to submit a grant application to the RTP Program for construction of the trail. The deadline for the submission is November 23, 2013. The Planner asked the Board if they wanted his staff to complete the application. It is an 80/20% match which would be covered with in kind services and volunteer labor.

Following discussion, motion was made by Selectman Douglass, seconded by Selectmen Brilliant, and (of those present) it was

VOTED

To allow staff to move forward with the grant application for the State's Recreational Trail Program with the understanding that no cash match will come out of this year's budget for the cash match.

105-13 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE PRESENTATION OF THE DRAFT ROUTE 196 CORRIDOR PLAN BY THE ROUTE 196 CORRIDOR PLANNING COMMITTEE

Chairman of the Route 196 Corridor Study, Wayne Zazeski, presented the Draft Plan. The committee was created by the Selectmen in 2012 and began meeting on a monthly basis in September of 2012. The Committee has held several public meetings to solicit input for the community, and using that input, along with data generated by the consulting team, has completed the draft plan. This plan is currently being presented to various Town Boards, including the Selectmen. A final draft will be created after this round of presentations, which will then be taken to Public Hearing and ultimately submitted back to the Board of Selectmen for placement on the Town Meeting Warrant in may of 2014.

Following Mr. Zazeski's presentation, Chairman Russell thanked the Committee for their work. He said Route 196 is the toughest road in Town to work into a plan. He added that passing this plan will solve many problems for the citizens on that road.

No action was taken.

EXECUTIVE SESSION

At 9:18 p.m., motion was made by Selectman Douglass, seconded by Selectman Riendeau and (of those present) it was

VOTED

To move into Executive Session to discuss Agenda Item 103-13,

103-13 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE OUTSTANDING TAX BALANCE ON BRIAN MCDONALD PROPERTY

The Board entered into Executive Session at 9:20 p.m. and returned to regular session at 9:30 p.m.

Motion was made by Selectman Riendeau, seconded by Selectman Douglass, and it was unanimously, of those present

VOTED

To approve the requested payment plan of \$50 per month from Mr. McDonald for the current level of taxes and \$50 per month towards back taxes.

ADJOURN

Motion was made by Selectman Riendeau, seconded by Selectman Douglass, and it was unanimously, of those present,

VOTED

To adjourn the meeting at 9:31 p.m.

Respectfully submitted,

Patty Williams, Recording Secretary