

MINUTES
TOWN OF TOPSHAM
BOARD OF SELECTMEN MEETING
OCTOBER 19, 2017 - 7:00 p.m.

MEMBERS PRESENT: David Douglass
Marie Brilliant
Ruth Lyons
William Thompson

MEMBER(S) ABSENT: Roland Tufts

STAFF PRESENT: Richard Roedner, Town Manager

A meeting of the Topsham Board of Selectmen was held on Thursday, October 19, 2017 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, except for Selectman Tufts who had been excused.

TOWN MANAGER'S REPORT

This Saturday is our next Household Hazardous Waste collection day. If you haven't registered, you are too late, as all slots are filled. If you did register, don't forget to go.

Saturday, October 28 is the next Drug Collection day at the Topsham Police Department, from 10 until 2. No liquids or needles will be accepted.

On Tuesday, the 31st, is our annual Halloween Parade at the Topsham Fair Mall. It will start at 4:15 pm, so get there early for line up.

A couple of warnings: First, we are into hunting season, so be careful out in the woods, and make sure to have some blaze on. Second, we have seen a rash of vehicle break-ins, so please keep your cars locked at night and don't leave valuables inside.

The big news to announce is that our long-awaited, much-anticipated, never-to-be-duplicated Town Wide Comprehensive Plan Mega Kick-off event-appaloosa, has kicked-off. Tonight's baked bean supper was followed by a community discussion that will continue until about 8:30 tonight. I would encourage everyone to check out our webpage, www.topshammaine.com or the [planyourtopsham](#) face book page to find out about the upcoming schedule of activities. There are

multiple venues to provide information, including small group discussions, informal drop in periods, and more formal public meetings. There are also walking tours and a bike infrastructure workshop and ride. Plus, there will be fun activities, including a free movie, Wonder Woman, tomorrow night, a block party on Saturday and an Artisan's Market on Sunday. All events take place at the old Fire Station on Green St.

BOARDS AND COMMITTEE REPORTS AND UPDATES

UPDATE TDI/ECD – John Shattuck, Economic and Community Development Director, gave a thorough summary to the Board regarding the recent traffic test in the Lower Village. Mr. Shattuck covered:

- **Traffic Issues – Goals of Traffic Test**
 - To reduce rush hour congestion, especially during the afternoon commute
 - Increase safety by
 - Reducing unsafe turns onto Winter Street from Main Street
 - Reduce use of curb-side parking stalls as vehicle lane at that location
- **Traffic Test Pattern Change Consisted of...**
 - Eliminate left turns from Main Street onto Winter Street
 - Make last block of Winter Street one-way toward Main Street
 - Redirect such turns – 250 feet north to the intersection of Main and Elm Street
 - Where there is already a left turn lane and protected left turn signal
 - Create additional left turn lane storage capacity – stacking order can stock 5 cars
- **Traffic Tracking Data**
 - Summer Street
 - Before date unreliable – machine failures
 - After Data: 425 trips per day and average speed of 24 mph
 - Winter Street
 - Before data: Average trips per day: 2,500 and average speed 26 mph
 - After data: Average trips per day: 1,000 and average speed 27 mph
- **Public Feedback Via Phone, e-mail and Letters**
 - Support to oppose ratio: Approximately 60% to 40%
 - Support New Pattern**
 - Less congestion on Main Street
 - Safer on Main Street
 - No risky turns at Winter Street and protected turns at Elm Street Ext
 - Slower speeds on Winter Street
 - Oppose New Pattern**
 - Too much traffic on Elm Street Ext and speeding
 - Turns onto Elm Street Ext will be harder in snowy conditions
 - NB: Slope steeper on Winter Street with sharp turn – speeding
 - Negative impacts to residents at two buildings at Main and Elm Street Ext

Charts were included in the Board package for the Board to review figures and numbers of the pros and cons. Those for noted less congestion on Main Street and considered Main Street safer with protected turn. Those opposed noted too much traffic on the Elm Street Ext, complained that individuals drive too fast and the two buildings on Main and Elm Street Ext. do not like the extra traffic.

Comments from letter dated 9/6/17 from Traffic Engineer Tom Errico (and filed with these minutes) was discussed. Chairman Douglass commented that anytime we do anything with traffic, all we do is push the balloon somewhere else. Mr. Douglass said he was not comfortable to make any changes with only 35 comments received and would like to add an agenda item (**17-94 CONSIDERATION AND APPROPRIATE ACTION TO EXTEND THE WINTER STREET AREA TRAFFIC CIRCULATION TEST TO SUNDAY, NOVEMBER 19, 2017 AND HAVE A WORKSHOP TO RECEIVE PUBLIC COMMENTS PRIOR TO THE SELECTMEN'S REGULAR MEETING ON NOVEMBER 16**) That motion was made by Chairman Douglass, seconded by Selectman Lyons and it was so **VOTED**.

Selectman Thompson noted the importance of the public meeting/workshop to be duly advertised to reach as many citizens as possible.

PUBLIC COMMENT – None noted.

CORRESPONDENCE – None noted.

ADJUSTMENTS TO THE AGENDA – 17-94 - CONSIDERATION AND APPROPRIATE ACTION TO EXTEND THE WINTER STREET AREA TRAFFIC CIRCULATION TEST TO SUNDAY, NOVEMBER 19, 2017 AND HAVE A WORKSHOP TO RECEIVE PUBLIC COMMENTS PRIOR TO THE SELECTMEN'S REGULAR MEETING ON NOVEMBER 16) (So voted above.)

CONSENT CALENDAR

1. Approval of the minutes of the Regular Selectmen's Meeting of 10/5/17.

Motion was made by Selectman Lyons, seconded by Selectman Brilliant, and it was unanimously (of those present)

VOTED

To approve the minutes of the Regular Selectmen's Meeting of October 5, 2017, as written.

PUBLIC HEARING

17-90 –CONSIDERATION AND APPROPRIATE ACTION ON THE GENERAL ASSISTANCE ORDINANCE APPENDIX (A-D)

Linda Dumont, Town Clerk and General Assistance Director asked the Board to adopt MMA's new October 1, 2017 to September 30, 2018 General Assistance Appendix A – D, which is required annually.

The Public Hearing was declared open. There being no one wishing to speak, the Public Hearing was declared closed.

Following a brief review, motion was made by Selectman Lyons, seconded by Chairman Douglass, and it was unanimously (of those present)

VOTED

To adopt MMA's new October 1, 2017 to September 30, 2018 General Assistance Ordinance Appendix A-D.

UNFINISHED BUSINESS – None noted.

OLD BUSINESS – None noted.

NEW BUSINESS

17-91 CONSIDERATION AND ANY APPROPRIATE ACTION TO SEE IF THE SELECTMEN WILL APPROVE EXTENDING THE CONTRACT WITH SAPPI COMPANY FOR THE SOLID WASTE FACILITY TO FOLLOW THE 2012 FORESTRY PLAN FOR THE FORESIDE RECREATION FACILITY AS OF NOVEMBER 1, 2017

Pam LeDuc, Parks and Recreation Director asked the Board to consider extending our contract with SAPPI for an addition 6 months. She said in this time, the harvesting will be moved to the Foreside Recreation area. The current contract with SAPPI allows us to extend the agreement and adjust the area with mutual agreement. Currently, SAPPI has completed the harvest at the Solid Waste Facility and is requesting to begin harvesting the identified trees in the plan starting in November. Ms. LeDuc said that prior to the harvest, a meeting will be held at the library with all property owners who are adjacent to the field so their concerns can be addressed. A plan will be developed that will have limited impact to the neighborhoods.

During discussion between the Board it was noted that Forester Paul Larrivee did an excellent job with the harvesting at the Solid Waste Facility. Motion was made by Chairman Douglass, seconded by Selectman Brilliant, and it was unanimously (of those present)

VOTED

To extend the contract with the SAPPI Company for the Foreside Recreation Facility for a period of up to 6 months.

17-92 CONSIDERATION AND ANY APPROPRIATE ACTION ON ELECTRICITY PURCHASE AGREEMENT

Town Manager Roedner told the Board he has been working with Maine Power Options over the past several months, monitoring electric rates. He said rates have dropped as the summer has moved along and the split service concept was also dropped, allowing us to be on a single rate, which has been dropping consistently from \$.067 down to \$.0667 as of October 11. This is for a fixed rate four-year contract. The rates are slightly higher for shorter terms, and would then likely be renewed at even higher projected rates when renewed. This would represent an increased cost to us of about \$4,447 (based on past usage) from our current rate of \$.062/kwh.

Mr. Roedner recommended that the Board enter into a four-year contract. Motion was made by Chairman Douglass, seconded by Selectman Lyons, and it was unanimously (of those present)

VOTED

To authorize the Town Manager to sign a four-year Electricity Purchase Agreement with Maine Power Options.

17-93 CONSIDERATION AND ANY APPROPRIATE ACTION ON ADOPTING A PROPOSED MORATORIUM ON MEDICAL MARIJUANA STORE FRONTS, AND CONSIDERATION OF A SPECIAL TOWN MEETING

Town Manager Roedner said a week or so ago, we had the grand opening of a “Glass Shop” in the Topsham Fair Mall. This retail use, which required no permits other than building-type permits, has, as an accessory use, a marijuana clinic with a nurse in residence. These clinics are allowed by State Statute with up to five clients. Mr. Roedner said since the approval of the recreational marijuana legislation, we have seen a proliferation of retail-style clinics across the State, which have perhaps four permanent clients. The fifth slot is held open for people who show up, sign up as a client (or obtain a card if needed), obtain their product and then leave as a client. The resulting vacancy is then open for the next person to come through the door. The sense is that these establishments are trying to get ahead of the retail facilities that will be opening over the next year or so.

The Town has expressed a level of concern over retail operations (hence the moratorium and the thought of perhaps having local regulations) and following the grand opening at the Mall, we have been contacted by three other “clinics” about opening up in Topsham. Mr. Roedner said Brunswick has recently adopted a moratorium on store front clinics. He said he has asked our attorney for advice on avenues that may be open to us. In general, local governments cannot regulate clinics based on the statute. However, according to our attorney, DHHS has been allowing local regulation at the zoning level. This will allow us to regulate the store front business model – locations, hours, etc.

A Draft Moratorium on Medical Marijuana Storefronts which was modeled on a version recently approved by Brunswick, and reviewed by our attorney, was included in the Board package. The Board discussed if this issue constituted an ‘emergency’ under the law, and if a Special Town Meeting to present the Moratorium for adoption should be held. Time wise, 2 or 3 weeks advance notice would be required for a Special Town Meeting. Suggestion of a workshop to be held on the 8th of November was made. Selectman Lyons said, if a Special Town Meeting was held, she would like to see Official Business Directional Signs included on the agenda.

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

VOTED

That we start the process of a Special Town Meeting for an Emergency Moratorium Ordinance on Medical Marijuana Storefronts, and Official Business Directional Signs following a timing that the Town Manager can work out as soon as feasible.

17-94 - CONSIDERATION AND ANY APPROPRIATE ACTION TO EXTEND THE TRAFFIC TEST PATTERN AT MAIN AND WINTER STREETS TO SUNDAY, NOVEMBER 19, 2017 AND HAVE A WORKSHOP TO RECEIVE PUBLIC COMMENTS PRIOR TO THE SELECTMEN’S REGULAR MEETING ON NOVEMBER 16)

Chairman Douglass said he agreed with Tom Errico’s e-mail, T.Y.Lin, saying if we are going to keep the test up, do so, don’t take a couple weeks break and reinstitute again, as that would be confusing to the public. Also, we have only had 28 and 35 comments.

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

VOTED

To extend the test until Sunday, November 19, with a plan of reaching a final determination at the Board of Selectmen meeting on Thursday night, November 16 of permitting it or doing away with it and holding a workshop session on Wednesday, November 8 at 7:00 p.m. in the Donald A. Russell meeting room to received additional feedback.

ADJOURNMENT

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

VOTED

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

Respectfully submitted,

Patty Williams, Recording Secretary