

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

MEMBERS PRESENT: David Douglass
Ruth Lyons
William Thompson
Roland Tufts

MEMBER(S) ABSENT: Marie Brilliant

STAFF PRESENT: Town Manager, Richard Roedner

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

CALL TO ORDER

Chairman David 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 members were present, except for Selectman Brilliant who had been excused.

TOWN MANAGER'S REPORT

I am proud to announce that Susan Preece, Director of the Topsham Public Library, was selected by the Maine Library Association as Librarian of the Year last month. Congratulations to Susan for such a fine job, and congratulations to her whole team at the library for making her look so good!

Another award that should have been announced earlier, but due to scheduling conflicts it never happened. Carol Eyeran, who has recently resigned as our Assistant Town Planner, was named Planner of the Year by the Maine Association of Planners. Kudos to Carol for her hard work here, and on behalf of the Planning profession!

This Sunday, October 6 from 12-4 pm is the Annual Open House at the Topsham Fire Department.

Saturday, October 19, from 9 to 2 pm is the next Household Hazardous Waste Collection event. This year it will be held at the Brunswick Public Works facility on Water St. Pre-registration is required, either on-line at the Solid Waste Department webpage, or you can call in and register. Make sure you check with website for details. As a reminder, paint cans no longer need to be brought to these events. They can instead be taken to Sherwin Williams for disposal. This includes Latex as well as Oil-based paints, as long as they are in the original cans and sealed.

Election Day is right around the corner, Nov. 5, 2019. Absentee ballots will be available this coming Monday, Oct. 7 at the Town Clerk's Office.

BOARD AND COMMITTEE REPORTS AND UPDATES

Update from Denise Tepler, Representative House District #54

Representative Tepler presented an update to the Board on the late session wrap up. She mentioned bills she has worked on and other activities of her committee. Following her presentation, Board members asked questions which Representative Tepler responded to. It was noted that a total of 530 bills were passed into law during this session.

PUBLIC COMMENT – None noted

CORRESPONDENCE – None noted

ADJUSTMENTS TO THE AGENDA

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

VOTED

To add item 19-77 to the agenda under Executive Session: **19-77 CONSIDERATION AND ANY APPROPRIATE ACTION TO ENTER INTO EXECUTIVE SESSION PURSUANT TO 1 MRSA §405 (6) (E), CONSULTATION WITH LEGAL COUNSEL REGARDING ON-GOING LITIGATION**

CONSENT CALENDAR

1. Approval of the minutes of the Regular Selectmen's Meeting of September 19, 2019.

No action was taken on the September 19, 2019 meeting minutes.

2. Approval to open polls at 8:00 a.m. on November 5, 2019 for the State-Wide Referendum Election and Municipal annual election; approval to extend the Registrar's office hours on Thursday, October 31, 2019 to remain open until 7:00 p.m. for the purpose of additional hours for voter registration as required by State Statute 21-A§ 122.6. and to appoint Linda Dumont as Warden for the State Election.

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

VOTED

To grant approval of Consent Calendar Item number 2.

PUBLIC HEARING

19-73 CONSIDERATION AND ANY APPROPRIATE ACTION ON SIGNING THE WARRANT FOR THE MUNICIPAL ANNUAL TOWN MEETING ON NOVEMBER 5, 2019

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

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

VOTED

To sign the warrant for the Municipal Annual town Meeting on November 5, 2019 as presented.

19-74 CONSIDERATION AND ANY APPROPRIATE ACTION ON A SPECIAL AMUSEMENTS LICENSE FOR COREY EDWIN GARVER POST 202 AMERICAN LEGION

The Public Hearing was declared open.

Nancy Gillespie represented the American Legion Post 202 and talked about the special amusements the post planned. The following Finding of Facts were obtained:

FINDING OF FACTS

1. Name of applicant is Corey E. Garvey American Legion Post 202.
2. Location of the post is 79 Foreside Road, Topsham, Maine 04086
3. The current liquor license will expire on October 9, 2019.
4. Type of entertainment will be live music with a DJ.
5. Area of entertainment will include the downstairs lounge and the upstairs hall.
6. Nights of entertainment will be Monday through Wednesday from 3:00 p.m. to 9:00 p.m. on Thursday through Sunday.
7. The hours of operation will be from 1:00 p.m. to 9:00 p.m.
8. None of the furniture in the post will need to be moved for the entertainment.
9. Approximate size of the lounge area is 20'x20'.
10. Approximate size of the hall is 30'x20'.
11. Seating capacity of the lounge is 81 and the hall is 263.
12. It was noted there is ample parking.
13. Letters are in file from the Codes Officer and Police stating they have no issues. The Fire Department has identified two minor issues that are being addressed and have no issued with the issuance of the license.

CONCLUSION

The Board was in unanimous agreement that based on the Findings, 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.

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

VOTED

That the application for a Special Amusement permit for the Corey E. Garver American Legion Post 202 be granted as meeting requirements of Maine Revised Statutes, Title 25-A, Section 1054 and the Topsham Code Chapter 71, Article 1, Section 6 and 7.

UNFINISHED BUSINESS – None noted

OLD BUSINESS – None noted

NEW BUSINESS

19-75 CONSIDERATION AND ANY APPROPRIATE ACTION ON SELLING A LAND LOCKED TOWN-OWNED PARCEL

Town Manager Roedner said a letter was received from a resident asking if the Town would consider selling a piece of property (Map R08, lot 52) located off of Middlesex Road behind Clearview Lane. The Town acquired the parcel in 1938.

Comments have been received from Town officials including Dennis Cox, Justin Hennessey, Rod Melanson and the Conservation Commission, all filed with these minutes. After discussing the pros and cons of selling this parcel such as putting a stipulation on the deed that nothing could be built on it, protection of possible vernal pools, etc., the Board instructed the Town Manager to call the interested party and express the Board's decision.

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

VOTED

To table this item and reconsider action after response from the Town Manager.

19-76 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE ACCEPTANCE OF THE BID FOR THE RFP FOR THE ROOF LINE/FASCIA REPAIR AND REPLACEMENT ON THE MUNICIPAL BUILDING

The Town Manager noted memo from Assistant Town Manager Scrapchansky dated September 26, 2019 saying SMRT, firm hired to so Assessment Report and develop RFP's with the assistance of Frontline Construction Services, duly advertised the RFP's. On September 20, 2019, a mandatory pre-bid meeting was held and only one contractor, Lajoie Brothers, Inc. was present. Lajoie Brothers stated the work would be done by the beginning of December, but due to the cold weather settling in, the new material will have one coat of paint and will be sealed

when installed. A second coat of paint would be added in the spring/summer of next year. Lajoie Brothers bid for the project at \$74,777. However, this bid did not include any contingencies for damage or rot that may be discovered during the project. The project would be funded through the remaining FY2020 Capital Replacement line and the remaining funds, to include any contingencies, from FY2019 Capital Reserve Replacement account. Mr. Roedner said there is approximately \$100,000 in the budget for this.

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

VOTED

To accept the Lajoie Bros. bid of \$74,777 and to give the Town Manager a 10% contingency for any possible issues that might be found.

EXECUTIVE SESSION

19-77 CONSIDERATION AND ANY APPROPRIATE ACTION TO ENTER INTO EXECUTIVE SESSION PURSUANT TO 1 MRSA §405 (6) (E), CONSULTATION WITH LEGAL COUNSEL REGARDING ON-GOING LITIGATION

At 7:53 p.m., motion was made by Chairman Douglass, seconded by Selectman Tufts, and it was unanimously (of those present)

VOTED

To enter into Executive Session pursuant to 1 MRSA §405(6)(e), for consultation with legal counsel regarding on-going litigation. Present were Selectman Douglass, Selectman Lyons, Selectman Tufts and Selectman Thompson, along with Richard Roedner, Town Manager.

The Board returned from Executive Session at 8:00 p.m. after reviewing correspondence from the Town Attorney.

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 proposed documents prepared by the Town Attorney.

ADJOURN

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

VOTED

To adjourn the meeting at 8:01 p.m.

Respectfully submitted,

Patty Williams, Recording Secretary