

MINUTES  
TOWN OF TOPSHAM  
BOARD OF SELECTMEN MEETING  
NOVEMBER 1, 2018 - 7:00 p.m.

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MEMBERS PRESENT: David Douglass  
Marie Brilliant  
Ruth Lyons  
Roland Tufts

MEMBER(S) ABSENT: William Thompson

STAFF PRESENT: Richard Roedner, Town Manager

A meeting of the Topsham Board of Selectmen was held on Thursday, November 1, 2018, 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 Thompson, who had been excused.

**TOWN MANAGER'S REPORT**

A reminder to everyone that the time change is this weekend. At 2:00 a.m. you are supposed to wake up and change your clocks to 1:00 a.m. Some people do it when they go to bed. It is also time people should be changing the batteries in their smoke and carbon monoxide detectors. If you need help or assistance with installing detectors, please feel free to contact the Fire Department.

This past Wednesday, October 31, Detective LaFountain retired from the Topsham Police Department. While we only had Mark in our service the past 12 years, all tolled Mark had 25 years as a law enforcement officer, serving in multiple communities in Maine and Vermont. Mark has served as a patrol officer, training officer and most recently as Detective. It is with deep gratitude for his service, that we bid Mark bon voyage as he embarks on new adventures.

Through a competitive process, Bill Collins, our Animal Control and Traffic Safety Officer, will be selected to become Detective starting this next week. The selection process for ACO and Traffic Safety officer is ongoing.

One last comment about our police department, we are hiring to fill three positions, so if you, or someone you know has ever considered a career in law enforcement, contact the Police Chief to learn about the positions and the process for applying.

Our Solid Waste Facility has switched to its non-summer hours, which are Tuesday through Saturday, 8:00 a.m. to 5:00 p.m.

Another reminder to all residents that it is hunting season. Pay attention when you are out an about, and make sure you are sporting a flash of blaze orange for safety.

Next Tuesday is Election Day. Polls are open at the Fair Ground from 8:00 a.m. to 8:00 p.m. Today was the last day to request routine Absentee Ballots. You can still register to vote, but it now has to be done in person at Town Hall, or at the polls on Tuesday.

GrowSmart, Maine Association of Planners and the Town of Topsham are collaborating to bring a program entitled “Rethinking Commercial Strip Redevelopment to Strengthen Your Community” to Topsham. It will be held at the Topsham Public Library on Nov. 15 from 4:00 p.m. until 7:00 p.m. There is a fee to attend this program, but through the Town’s support, Topsham residents can register at no cost by emailing [info@growsmartmaine.org](mailto:info@growsmartmaine.org).

Chairman Douglass extended congratulations to Bill Collins for his new position as Detective. He also noted that information on GrowSmart can be found on the Town’s website.

**BOARDS AND COMMITTEE REPORTS AND UPDATES** - None noted.

**CORRESPONDENCE** (All filed with these minutes.)

**Murphy** - Several pieces of correspondence in the form of e-mails were entered into the record from resident Karen Murphy. At the last Board of Selectmen Meeting, Ms. Murphy was present and said she had forwarded correspondence to both the Town Manager and Chairman Douglass, for which she received no response.

At tonight’s meeting (11/1/18) Chairman Douglass read aloud all the e-mails and noted that Ms. Murphy had the wrong e-mail address and was the reason he did not receive the e-mail to him. Response from Town Manager Roedner to Ms. Murphy was also read aloud and was sent to her approximately 24 hours after he had received her e-mail. Chairman Douglass noted that the acquisition that no one had responded to Ms. Murphy was inaccurate. Selectman Brilliant asked if it could be possible that Ms. Murphy didn’t receive the Town Manager’s e-mail.

Chairman Douglass read aloud the following correspondence from Daniel Flaig, Jr.:

**“Flaig** – E-mail from Daniel Flaig

**Sent:** Wednesday, October 31, 2018 7:26:38 PM

**To:** Dave Douglass; Ruth Lyons (Selectperson); Marie Brilliant; Roland Tufts; Bill Thompson

**Cc:** Karen Murphy; Rich Roedner

**Subject:** Thomas Avenue

*Dear Board of Selectmen,*

*I've attached a letter I've prepared that I hope you will consider as part of your discussion of the Thomas Ave neighborhood special select board meeting agenda item on 11/1/2018 and also include it in the public*

*correspondence record. I will not be able to attend the meeting tomorrow night, but I hope the Board moves the Town toward a solution for Thomas Avenue that considers neighborhood input and more optimum use of our athletic field resources available in Topsham.*

*thank you,*

*Dan:*

The letter follows (Also read aloud by Chairman Douglass):

*“10/31/2018*

*Dear Topsham Board of Selectman,*

*I understand from reviewing the BOS agenda for November 1, 2018 that the Board will consider and take any appropriate action on scheduling a special board meeting with the Thomas Avenue neighborhood regarding parking. I think facilitating a neighborhood meeting is an appropriate action for the board to consider and would foster a productive a dialog with residents to discuss concerns and possible solutions with parking and traffic associated with the Hillside Field.*

*I don't live in this neighborhood, but I'm a Topsham resident and a frequent spectator of soccer games on the town fields on Saturday mornings. As a lifelong Topsham resident, I grew up playing sports on the Town and Mt. Ararat fields. I also attended the Planning Board meeting on 7/17/18, the BOS meeting on 8/16/18, and the board of appeals hearing on 9/17/18, all of which included public comment on the parking lot proposal for Hillside. I've heard from the residents at these meetings and have made my own observations that I would like to share with this board.*

*During the planning board meeting presentation on 7/17/18, Town staff presented a conditional use application for the parking lot at Hillside and indicated that the circumstances leading to the Thomas Ave Hillside field parking lot proposal was twofold and directly related:*

- 1. The wooded area next to the Hillside field was cleared during a planned timber harvest of the Town owned Hillside forest in February 2018. The contractor Sappi created a large cleared area next to the field that was used as a storage area for harvesting equipment and timber for the duration of the wood harvest scope of work. The staging area was selected by Sappi after consulting with town staff on other location options including the softball field. The funds from the harvest were planned to be used for the parking lot construction if authorized by the BOS and;*
- 2. MTA high school athletic director requested use of Town fields to host MTA high school games for the next three years during MTA high school construction when the new high school soccer fields would not be available. It was reported that Bowdoin College could only accommodate MTA lacrosse on their fields during the spring season, and not the fall MTA soccer program, which initiated the request from Mt. Ararat athletic director to the Parks and Recreation Department (PRD) to use Town fields.*

*The Town staff reported during the planning board presentation on 7/17/18 that the Riverside field was identified by the PRD as the most appropriate field for MTA to use during this period of high school construction. PRD reviewed options and indicated that that the plan was to move the fall soccer program 10-11 year old and 12-15 year old age group games to Hillside to dedicate Riverside for MTA soccer.*

*The PRD and school athletic programs have worked cooperatively to share resources such as indoor and outdoor facilities for both programs and MTA has assisted the PRD with field maintenance. The ongoing cooperative relationship lead to the MTA request to use the Town soccer field during High School construction. I think this is a reasonable request since our PRD offers programs to not only Topsham residents, but also to their youth within SAD 75 for select programs including soccer. Our Town soccer program and fields are used by participants and families throughout the school district. I think sharing resources given the popularity of athletics and especially soccer within our school district should be considered and having a good relationship between Town and school athletic programs is positive and beneficial to the community.*

*I have attended games at Foreside and Hillside fields on Saturday mornings this fall. I have found that the entire youth soccer programs schedule of games is compressed into Saturday mornings, which utilizes most of the parking*

resources on Foreside Road and creates a significant amount of vehicle and pedestrian traffic between 8 AM and 12 PM.

*I think several issues could be solved with improving parking availability on Foreside Road by scheduling Saturday afternoon games for the older youth age groups. I've also observed that the Riverside field has not been used on Saturday mornings this fall by MTA and the fields could have been available to the Town for the Hillside games with additional parking available down at the Riverside field area that has been designated for staff and handicap parking during MTA games. I understand that the MTA fields are striped with larger dimensions for the High School needs. However, there are two fields at Riverside and I would suggest that one of those fields could be striped to also accommodate the smaller field dimensions of the youth soccer groups that played on Hillside this fall.*

*I've also observed that the middle school soccer fields have been completely available every Saturday morning and afternoon this fall. The middle school has ample parking and two soccer fields to accommodate Saturday morning games that have been scheduled on the Hillside field. If Riverside cannot be an alternative for Hillside games, I would suggest that the agreement with MTA include use of the middle school soccer fields next season for games that were played on Hillside this year. Given the relatively short duration of the MTA high school construction, I think this is one possible solution to alleviate the current irritation felt by many residences that live in the Arbor Ave and Thomas Avenue neighborhood.*

*I have also observed many vehicles illegally parking on Saturday mornings within the no parking area of Thomas Avenue and where the gate to the Hillside field is locked. The people parking in this area are not primarily grandparents or individuals that cannot walk to Hillside from the Hillside parking area.*

*The no parking sign on the field gate clearly indicated, "do not block" for emergency vehicles access and handicap access only, but the gate remained locked and routinely blocked by parked vehicles every Saturday morning this fall. I have observed many vehicles parking in front and between the no parking signs on Thomas Avenue.*

*The Town should review alternatives to playing soccer and lacrosse games at Hillside including use of the Middle school fields and Riverside on Saturday mornings, afternoons, and evenings. We have an ongoing cooperative relationship with MTA athletics and an established history of sharing recreational facilities. I think there are plenty of fields and existing parking to accommodate the needs of the school and Town during construction of the new High School and athletic fields without the addition of parking at the Hillside field.*

*I also think the pedestrian paths between Foreside and Hillside should be improved for pedestrian access between Hillside and Foreside with signage and hand rails. I think there is definitely room for enhancement of existing pedestrian access points. I believe trail enhancement would improve connectivity of the existing trail systems on the town own property that abuts the surrounding neighborhoods.*

*I think a portion of the funds from the timber harvest should be considered for improving pedestrian trails for access to the Town property and repair of erosion of the Foreside hill. I think this would align nicely with our comprehensive plan and trail initiative in Topsham.*

*I appreciate the Board's time considering this issue among the several responsibilities you each have with Town governance. Your time and commitment to the Town as our elected representatives is much appreciated.*

*Sincerely,*

*Daniel Flaig, Jr.  
32 Beechwood Drive  
Topsham"*

**ADJUSTMENTS TO THE AGENDA** – None noted.

## **CONSENT CALENDAR**

### **1. Approval of the minutes of the Regular Selectmen's Meeting of October 18, 2018.**

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

**VOTED**

To approve the minutes of the Regular Selectmen's Meeting of October 18, 2018 as written.

**PUBLIC HEARING** – None noted.

**UNFINISHED BUSINESS**

**18-88 CONSIDERATION AND ANY APPROPRIATE ACTION ON AMEDING TOPSHAM'S PERSONNEL POLICY REGARDING FULL-TIME FIRE FIGHTERS**

This item was discussed at the last meeting of the Board, with instructions given to the Town Manager to update the policy relative to holiday pay, making it clear that when a holiday is worked, the employee is to be paid time and a half.

Mr. Roedner made the requested adjustments to the proposed policy and said he also clarified the section on meal breaks based on input from Chief McLaughlin. Board members reviewed the changes and found them acceptable.

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

**VOTED**

To amend the Personnel Policy regarding full-time fire fighters as presented.

**18-89 CONSIDERATION AND ANY APPROPRIATE ACTION ON PERSONNEL POLICY REGARDING MEPERS MATCH**

The Town Manager spoke to this item which was discussed at the previous meeting of the Board. Memo is in file from Derek Scrapchansky, Assistant Town Manager, dated October 25, 2018 which presents background and the issue concerning two current employees that currently withdraw retirement benefits from the Plan. The change to the Plan will have an impact to the Town, current employees and future employees with regard to cost, recruiting, retirement options, and collective bargaining. Impacts to the Town were outlined in the memo.

The Town Manager was charged with writing a letter to both MMA and MEPERS expressing the Boards' concern. He said he felt more discussion of what the long-term obligations would be put before the Town before he completed the letters. Selectman Lyons said she strongly feels it is unfair to charge 10½% to tax payers and plans to discuss this further during the budget discussions. It was mentioned that there are more retirees than people paying in as the base of employees has been reduced.

The Board was in agreement that employees should pay the 5% and asked that this become effective on November 1, 2018. Existing retirees would be grandfathered. Town Manager Roedner was charged to draft a policy stating the above and bring back to the Board for acceptance.

**OLD BUSINESS** - None noted.

**NEW BUSINESS**

**18-80 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE REQUEST TO SEND OUT AN RFP ON ELM STREET EXTENSION**

John Shattuck, Topsham Economic and Community Development, Inc. Director presented a Draft Request for Proposals for Elm Street Extension Construction Plans. He said the RFP is supported by the Lower Village Development Committee and has been reviewed by staff, including the Town Planner and Public Works Director. The RFP seeks construction plans for the restoration of two-way traffic on Elm Street Extension.

Mr. Shattuck said, as requested by the Board of Selectmen, the RFP has been revised to break the project into two phases: 1) A survey of the existing right-of-way and a preliminary plan showing the proposed location of the roadway within the ROW; and 2) the development of construction plans based on the preliminary plan, if the preliminary plan is acceptable to the Town. Mr. Shattuck said, upon approval of the RFP from the Board of Selectmen, he will begin an outreach to residents in the area.

Following Mr. Shattuck's presentation, motion was made by Chairman Douglass, seconded by Selectman Tufts, and it was unanimously (of those present)

**VOTED**

To Support the RFP as presented in John Shattuck's memo dated October 19, 2018 based on Request for Proposal Construction, Design and Plans for Elm Street Extension as two different tasks up to \$50,000.

**18-91 CONSIDERATION AND ANY APPROPRIATE ACTION ON REVIEWING AND DISCUSSING DRAFT BOARD GOALS FOR 2019**

A workshop was held a few weeks ago where the Board talked about draft goals for 2019. A list from previous year's neighborhood meetings was reviewed and additional ideas discussed. Town Manager Roedner's memo to the Board dated October 16, 2018 was included in the Board package which listed goals discussed. New neighborhood meetings will be scheduled to begin in January.

Chairman Douglass asked Board members to review the list of suggestions and whittle it down to 3 to 5 things to concentrate on in the coming year and get the list back to the Town Manager in the next couple of weeks. This item will be placed back on the agenda for the next meeting of the Board.

**18-92 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE APPOINTMENT OF BRYAN BACHELDER TO WEIGHTS & MEASURES**

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

**VOTED**

To appoint Bryan Bachelder to Weights & Measures.

**18-93 CONSIDERATION AND ANY APPROPRIATE ACTION ON SCHEDULING A SPECIAL BOARD MEETING TO MEET WITH RESIDENTS OF THOMAS AVENUE NEIGHBORHOOD REGARDING PARKING**

Selectman Brillant said she received a call from Karen Murphy saying the residents of Thomas Avenue Neighborhood would like the Board to call a meeting to discuss parking in their neighborhood.

Selectman Lyons responded that scheduled neighborhood meetings will begin in January, which would be a good forum to discuss any concerns the neighbors might have. The neighborhood meetings are set up by dividing the Town into four sections where issues and concerns will be received and noted. Also, each Board meeting agenda includes a section entitled “Public Comment” where residents may voice concerns at the twice monthly meetings of the Board.

**Susan Lohnes, 3 Allen Street** asked to be recognized and told the Board that Ms. Murphy is not the only resident wishing to express concerns, that others want to be included also. Ms. Lohnes asked the Board to consider scheduling a workshop for the Thomas Avenue Neighborhood residents. Chairman Douglass responded that the Board certainly could vote to hold a workshop, but no motion was made to do so. Again, the Neighborhood Meetings scheduled to begin in January was mentioned. Ms. Lohnes asked how members of the public could express their concerns to the Board and how they can be updated on what is going on. Town Manager Roedner responded that citizens can leave their e-mail with his office and they would automatically be included in announcements of meetings, etc. Agendas are listed on the website also. He added that the parking lot project was denied and there currently is no proposal to bring the project back before the Board. If the project comes back, it will have to go before the Planning Board and all meetings are open to members of the public.

No action was taken.

**EXECUTIVE SESSION** – None noted.

**ADJOURNMENT**

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

**VOTED**

To adjourn the meeting at 8:06 p.m.

Respectfully submitted,

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Patty Williams, Recording Secretary