

MINUTES
TOWN OF TOPSHAM
BOARD OF SELECTMEN MEETING
NOVEMBER 15, 2018 - 7:00 p.m.

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

MEMBER(S) ABSENT: All present

STAFF PRESENT: Richard Roedner, Town Manager

A meeting of the Topsham Board of Selectmen was held on Thursday, November 15, 2018, in the Donald A. Russell Meeting Room, at the Municipal Building, 100 Main Street, Topsham, Maine. (The Board met at 6:00 p.m. to hold a workshop with TDI to discuss capitol funding.)

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

As most of you know, Topsham is the proud owner of a historic piece of fire-fighting equipment, our 1850 hand pump engine, The Androscoggin. This historic gem is in need of some TLC, and the Topsham Fire Department Association is kicking off a fund raising campaign to restore the 'Andy' to its former glory. The ultimate goal is to also have it on public display. Sunday, Nov. 18, Smitty's Cinema will be assisting in this effort with a donation for every ticket purchased, as long as you have this card. Contact the Topsham Fire Department at 725-7581 for information on getting a card.

We received a note of commendation for one of our Police Officers, Lucas Shirland, from the Sagadahoc County District Attorney's Office, with respect to his role in a recent conviction.

Dear Chief Lewis,

I wanted to take a moment to drop you a line regarding the trial we completed today, which resulted in the successful conviction of a long time burglar, Christopher Kelly. Officer Shirland, Sgt. Gilliam and Officer Decker had responded to provide an agency assist for an attempted break in at the Bowdoinham Country Store in March, and Officer Shirland came to testify about critical assistance he provided with K9 Jobe, tracking the suspect from the back of the store to a ditch off the River Road.

I wanted to pass on to you that Officer Shirland did fantastic on the witness stand. The air came right out of the defense upon the conclusion of his testimony. He was professional, yet extremely personable with the jury. He didn't argue with defense council, admitted his limitations, but respectfully pushed back and stood his ground where he was being taken out of context or misunderstood. His ability to explain and teach the jurors about his training, education and experience with K9 Jobe was nothing short of phenomenal. This was his first jury trial, but you could have told me it was his 20th and I would have believed it. The impact of his testimony cannot be understated, and he should be recognized for his efforts.

Sincerely,
 A.J. Chalifour
 Assistant District Attorney
 Sagadahoc County

A reminder that our Comprehensive Plan Committee continues to meet to review public comments on the draft plan. The next meeting is this coming Tuesday, November 20 at 6 pm here at Town Hall. As a side note, there is no Planning Board this coming Tuesday.

Lastly, it is with regret that I announce that Officer Troy Garrison has retired from the Topsham Police Department effective this week. Troy has been a full-time employee for Topsham since 1997, including time as a dispatcher and then as a police officer. Prior to that, he was a Junior Fire Fighter. Troy's dedication to the Town of Topsham, and all of its residents, has been evident throughout his career, and will be truly missed by all who have come to know him. On behalf of all Topsham employees, I want to thank Troy for his years of service, and wish him the very best in his new endeavors.

Selectman Lyons suggested consideration be given to a large clear box to surround The Androscoggin to protect it from the elements. The Town Manager said this is being considered in the restoration plans.

BOARDS AND COMMITTEE REPORTS AND UPDATES

TDI/ECD – John Shattuck, Topsham Economic and Community Development, Inc. Director reviewed TDI funding opportunities. He said TDI has exercised excellent stewardship of funds entrusted to its care and reviewed expenditures to date:

DATE	AMOUNT	DESCRIPTION
2009 -	4,000	Head of Tide Park land acquisition – original parcel
2009 -	7,500	MARRA funding for marketing – later refunded with interest
2010 - 01	4,000	Business Park Concept Plan – Crooker-Sandlin parcels - Sitelines
2011 -	10,000	Lower Village Traffic Study 1 – Gorrill-Palmer
2013 -	2,500	River Landing Project – community contribution LITC
2013 - 12	2,000	Topsham Bike Path contribution
2014 -	4,000	Head of Tide Park land acquisition –Direnzo parcel
2014 -	10,000	Maine Harvest Company market study grant
2014 – 06	1,500	Topsham Public Library Business Round Table membership – 2014-2016
2014 – 07	1,000	SMMC October sponsorship – 2015
2015 - 08	3,500	Chuck Marohn strong Towns economics presentation at Topsham Public Library
2015 - 08	15,000	Lower Village Traffic Study Two – Tom Errico/TY LIN
2015 - 08	500	SMMC Oktoberfest sponsorship – 2015
2017 - 01	1,800	Form Based Codes Workshop at the Topsham Public Library
2017 – 08	1,500	Topsham Comprehensive Plan – Funding for kick-off open studio expenses
2018 -07	500	Topsham Public Library Business Roundtable Membership - 2018

Mr. Shattuck said TDI continues with consistent strategic commitment to strengthening Topsham's long-term economic and community development which provides balanced support for both economic and community development.

TDI public endorsement of important projects and initiatives include:

- Wicked Joe Coffee CDBG Grant
- Lower Village redevelopment (also provided funding)
- Downtown TIF
- Food processing hub (also provided funding)
- Business park development (also provided funding)
- Research and confirm others

Basis and Goals for re-funding of TDI:

- Continued strategic support for Topsham's long-term economic and community development.
- Strengthened capacity to make strategic investments like Head of Tide purchases
- Provides Town with ability to respond flexibility and quickly to short-term opportunities or protect town interests in key properties or projects
- Future focus on key economic investments, e.g.:
 - Wright-Pierce parcel
 - Lower Village parcels
- Seek opportunities for return on investments
- Funding to come from Downtown TIF – either in single transfer or installments over several years
- Expenditures over \$50,000 subject to BOS approval

The Lower Village Development Committee tweaked the RFP Assessment incorporating comments made by the Board of Selectmen on the Elm Street Extension. This will come back before the Board in a short timeline.

We are on track on a final decision from the Federal Highway Department with their preferred alternative on the Frank J. Wood Bridge. Approximately 30,000 people have voiced their choice in this matter.

POLICE TRAFFIC STUDIES - Police Chief Christopher Lewis reviewed a handout providing information on traffic speed studies done from February to August using a radar traffic board. The board was placed on several streets and the report shows what the speed limit is and the average speed which vehicles traveled at. Chief Lewis said during this time 3,925 stops were made, 3,731 calls answered for service and conducted 30 operating under the influence stops. It appears the heaviest traffic problems occur between 3:00 p. and 6:00 p.m.

PUBLIC COMMENT – None noted.

CORRESPONDENCE

Chairman Douglass reported receiving two letters which he forwarded to members of the Board. He read them out loud as follows:

Brett & Krista Chase Letter

November 15, 2018

Topsham Board of Selectman:

As we cannot attend the meeting tonight please accept this letter with regards to the No Parking restrictions in front of our house located at 15 Thomas Avenue.

We have lived on Thomas Avenue for 13 years and are eager to see the Hillside Field used more frequently for youth sports and are excited for the parking lot to be installed in order to support that. We would like to see the “No Parking” signs removed from the street when the much-needed 40 space parking lot is finally installed. If this parking lot is not built the removal of these signs would create a huge safety issue. Vehicles exiting the short access road would have their vision impaired with cars lining the street. Kids, parents, family members, friends, and even normal neighborhood traffic would be at risk from these cars as their vision would be diminished until they pull into the road.

We feel strongly the safest way to continue to utilize the field behind our house is with the proposed parking lot. Being one of three houses that will be impacted the most it only makes sense for a designated parking area where cars are off the street

We both coach youth sports and are varsity coaches at Mt Ararat High School. We have seen firsthand the role athletics plays in development of critical life-long skills. For some, athletics enhances the educational experience. For others, athletics IS the educational experience. We need to support kids playing sports from a young age through high school, whether it is for fun, social outlet or a serious athletic path.

In conclusion, we want to see this field used. While we will all have to deal with increased neighborhood traffic we need to make sure cars are not lining the street. The no parking signs should only be removed from in front of our house if we have a designated parking lot for cars to safely park behind our house and not in front!

*Thank You,
Brett & Krista Chase
15 Thomas Avenue*

Andrea Imrie Letter

November 14, 2018

Chair Douglass and members of the Board of Selectmen:

Mr. Douglass, I only had your email and I would ask this email be shared to all members of the Board. I apologize for the lateness. I just recently was able to review the agenda.

My name is Andrea Imrie and I reside at Pinewood Drive in Topsham. I am hoping that the Board will take the understanding that the need for either off street parking is needed (removing the signs) or a parking lot. I understand the concern for traffic. However, traffic is everywhere. Roads within our town have become busier than others and ones that once were busy may not be. Living in Pinewood Drive we have a church right in the middle of the neighborhood. This building brings traffic every single Sunday, and many times during the week. Everyone in this neighborhood coexists with this. Many neighborhoods have some sort of business within them that brings traffic, and some families living in neighborhoods who have children can also make a lot of traffic as well. The traffic concern on Thomas Ave. is a limited amount due to not being used during winter months. Concerns regarding traffic on Thomas Ave. also

need to be recognized that this amount we're speaking about is small; nothing compared to what Pinewood Drive currently has. The recreation department and community members who also are tax payers need an area to park. My grandparents who want to see my children play soccer cannot climb up that hill they are elderly. Siblings or family members wheelchair bound, people in crutches, parents pushing a stroller up a very large hill also tends to be difficult as well. Four parking spots are currently posted for handicapped, if we have more that need it street parking is the only choice they have. This field is being used by children in our community. We should embrace the fact that utilizing this field allows more kids to be active. In doing this we, as taxpayers, need a place to park. I hope you are all able to either remove the street signs or allow a parking lot. It is possible to coexist as Pinewood Drive has done for many, many years. It works and surely Thomas Ave. will work as well.

Thank you for your time.

Andrea Imrie

Team to Work on Union Negotiations

The Town Manager asked for volunteers to work on the upcoming union negotiations. Chairman Douglass and Selectman Thompson volunteered.

ADJUSTMENTS TO THE AGENDA

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

VOTED

To add Agenda Item **18-102 CONSIDERATION AND ANY APPROPRIATE ACTION TO MOVE INTO EXECUTIVE SESSION PURSUANT TO 1 M.R.S.A. §405 (6) (A) TO DISCUSS A PERSONNEL MATTER**

CONSENT CALENDAR

1. Approval of the minutes of the Regular Selectmen's Meeting of November 1, 2018.

Motion was made by Selectman Tufts, seconded by Selectman Lyons, and it was

VOTED

To approve the minutes of the Regular Selectmen's Meeting of November 1, 2018 as written.

The vote was 4 in favor with 1 abstention (Selectman Thompson).

PUBLIC HEARING – None noted.

UNFINISHED BUSINESS

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

This item was discussed at a previous meeting. The Town Manager reviewed draft language for the Board's consideration as a result of previous discussions. The Board had asked for a policy that would require new employees, who are drawing MPERS retirement benefits, to be responsible for the 5% contribution that MPERS is now requiring on behalf of any such new

employee. The policy is effective as of November 1, 2018, for new employees only, meaning that when MPERS requires this contribution behalf of existing employees, those current employees will not be affected.

Following discussion, motion was made by Chairman Douglass, seconded by Selectman Lyons, and it was unanimously

VOTED

To accept the draft language as presented on the personnel policy regarding the MEPERS match.

NEW BUSINESS

18-94 CONSIDERATION AND ANY APPROPRIATE ACTION ON POLICE DEPARTMENT'S ABILITY TO PROVIDE FINANCIAL INCENTIVES FOR HIRING FULL-TIME OFFICERS WHO ARE CURRENTLY CERTIFIED IN THE STATE OF MAINE

Police Chief Christopher Lewis reviewed his memo dated November 7, 2018 to the Town Manager saying the Police Department is seeking permission to increase their ability to recruit and retain police officers. He said the department is currently faced with a reduced workforce and a challenging job market. Chief Lewis said the current budget includes funds to cover the cost of an officer to attend the Maine Criminal Justice Academy for 18 weeks. The flat fee for which is \$2,500.

Chief Lewis asked the Board of Selectman to allow the department to utilize these funds for the recruitment and retention of those police officers who have already completed the academy. The funds would be offered at the end of the successful completion of the six months probationary period. Potential applicants are comparing pay rate, contracts and benefit packages, even asking for ride-a-longs to make sure the agency is a good "fit" for them. Chief Lewis said the initial investment has the potential to increase the department's ability to become competitive with the active hiring of police officers across the State. Currently there are 4 positions open in the department.

There was a discussion whether giving an officer a vehicle would be an appropriate incentive. Offering reimbursement for student loans was suggested. Chief Lewis said statistics indicate that a take-home cruiser produced a lower turnover. Question was asked if the Chief conducts an exit interview. Response was that the process is currently not done, but could be a way of receiving input to what it would take to keep officers. Chief Lewis said Topsham starts officers at \$20 an hour but other departments are paying \$24 an hour. As an initial step, the Chief was asked to check with other towns to ask what incentives they are providing, such as bonuses.

Motion was made by Selectman Tufts, seconded by Selectman Lyons, and it was

VOTED

To allow the Police Chief to utilize the \$2,500 for the recruitment and retention of those Police Officers who have already completed the Academy.

(The vote was 4 to 1 with Chairman Douglass voting against.)

18-95 CONSIDERATION AND ANY APPROPRIATE ACTION ON POLICY REVIEW FOR VAULT STORAGE AREA

A discussion was held regarding the policy regarding access to the vault in the basement. Selectman Lyons said there were precious items in the document room. The vault contains records that we have to keep for a period of time before destruction, as well as documents that we have to keep forever. It also includes valuable pieces, documents and other artifacts that belong to the Town. It is used to house confidential materials, such as the Clerk's permanent records, vital records, etc.

Selectman Lyons said she is opposed to anyone having free access to the valuable and irreplaceable information and cited instances where people have ripped out pages of personal family records for their own use. Town Clerk Linda Dumont was asked to review the policy and suggested changing the locks on the vault as there are several master keys which currently allow access. Suggestion was made to move items out of the vault that do not have to be kept in there and to reorganize the vault. The only individual, in addition to the Town Clerk, who should have access to the vault, is Ralph Williams, Topsham's Town Historian.

Agreement was reached to re-key the doors and to remove non-confidential materials. No formal action was taken.

18-96 CONSIDERATION AND ANY APPROPRIATE ACTION ON EXISTING "NO PARKING" RESTRICTIONS ON THOMAS AVENUE

Town Manager Roedner presented history on this item which is back before the Board regarding Thomas Avenue parking issues. The item started with correspondence from Karen Murphy, Arbor Avenue, about parking issues on Thomas Avenue and the validity of the 1996 Special Order issued by Police chief Paul Lessard. Several memos of correspondence are filed with past meeting minutes with citizens expressing concerns. There have been questions on the interpretation of the ordinance on parking on the traveled portion of streets. The Comprehensive Plan was brought up several times expressing concerns with speeding on local roads. One suggestion in the new draft plan to help slow traffic on local roads is to allow On-street parking which would narrow the travel way, adding obstacles which would result in slower traffic. Mr. Roedner said the Town has received calls complaining that people can't park on the street when visiting friends because of the posted signs.

There was a lengthy discussion between the Board in considering such things as:

1. How to clarify, to the extent possible, whether the small extension off of Thomas Avenue was part of the 1971 street acceptance or not.
2. Need to clarify the "No Parking" status on Thomas Avenue. Is it permanent or only during events or should it be rescinded.
3. Discuss the need to clarify the ordinance with respect to parking on Town roads.
4. Think about parking; i.e., on the lower fields we allow handicapped parking down next to the field where access convenient. Should we open the gates during events to allow vehicles access to the fields? If so, how do we regulate access by others into the area?

There were people in the audience that wished to comment, and Chairman Douglass opened the meeting to receive public comment. Speakers included:

Jane Tuttle, 9 Thomas Avenue – Not clear what all the past discussions have been on the parking lot and want to talk about only the parking issues. Said the roads are narrow in a lot of the neighborhoods. If parking is allowed on the roads, concern should be given to children and dogs playing. That paper street is not yet available for Town use. Chairman Douglass responded that the town has retained rights to all paper streets in Town since the 1980's, mandated by the State.

Susan Lohnes, 3 Alan Street – Asked what the difference is between a paper street and a neighborhood owned right of way. How was it determined that the Town owned the paper street.

Jane Leduc, Freeport – Chairman Douglass questioned if Ms. Leduc should be allowed to speak on a Topsham matter as she is a resident of Freeport. Consensus of the Board was to hear what Ms. Leduc had to say. Ms. Leduc said that the people on Thomas Avenue have asked her to present research information on the right to put in the parking lot. She said she helped them in the past during the Arbor Avenue Appeal. Ms. Leduc said the Town does not have the right to adopt the paper Street. She said people in the neighborhood objected to the parking because of traffic issues and safety issues and again said the Town does not have a right to the paper street. The roadway was adopted by the residents of the Arbor Avenue Subdivision. It was adopted on paper.

Susan Lohnes, 3 Alan Street – I thought you (referring to Chairman Douglass) said you thought the Town owned the paper street. Chairman Douglass responded: "We believe we do." Town Manager Roedner said there are lots of rights in the paper street through State regulations. Chairman Douglass said we are not talking about the paper street tonight. We are talking about the confusion with the former Police Chief's order.

Ann Bouchard, 1 Taylor Street. I have been there 23 years. I know about the Police Chief's order, The Chases had an objection to any cars parking there. They want to protect family on both sides of the street and we also wanted handicapped parking there. Years ago, everybody parked down below and walked up the hill. I have a corner lot and if I have company they park on the grass. They never got ticketed. There is a big gate but you still have to get through a softball field. My questions to you "David" does this have to go through another meeting? Chairman Douglass responded that we want to clarify the situation so whenever we have that proposal it will have to go through Town Meeting in May. There will be a Public Hearing and if it makes it through those steps it will go to Town Meeting.

Barry Lohnes, 3 Alan Street – Said if there had been a walkway with a handrail on the sliding hill, not only for seniors, but for sledders and their parents, that would have cut down on the numbers of the people who cannot make it up the hill. The issue of the parking lot would not ring so important. If oversight had been given to cutting down park like timber to fund a parking lot, the whole issue would be more positive. Perhaps there is a logical answer but we haven't heard it all along. Also, I am not convinced that there has been activity in investigating other fields in Topsham...if we must put in an upper field and parking lot,...do we really need to do that? Nobody has convinced me that this needs to be done.

Pam LeDuc, Parks and Recreation Director – Pam asked to give reassurance to the residents. She said the wood cut was done under State guidance. We found lots of dead timbers. The wood was not taken to build a parking lot. In the January meeting of the Board of Selectmen, our Tree Committee will be talking and explaining what was found and what had to be cut. There were a lot of dangerous trees that had to be cut. It is important that folks hear some history.

After everyone wishing to do so had an opportunity to speak, motion was made by Chairman Douglass, seconded by Selectman Lyons, and it was unanimously

VOTED

To rescind the Police Chief Lessard’s Emergency Parking Band from 1996 and direct the Town Manager to work with staff to amend wording to alleviate confusion within the parking ordinance.

18-97 CONSIDERATION AND ANY APPROPRIATE ACTION ON EXTENDING MORATORIUM ON MEDICAL MARIJUANA RETAIL STOREFRONTS

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

VOTED

To extend the moratorium on medical marijuana retail storefronts for an additional 6 months starting on December 4, 2018 and to restate the reasons that are in the moratorium.

18-98 CONSIDERATION AND ANY APPROPRIATE ACTION ON DISCUSSING THE OUTCOME OF THE MARIJUANA BALLOT QUESTIONS

The Board of Selectmen voted to place three questions on the ballot to seek guidance from Topsham voters. The questions and results are as follows:

1. Do the voters of Topsham wish to allow Medical Marijuana to be sold in a retail setting?

Yes: 3078 No: 2060

2. Do the voters of Topsham wish to allow adult (recreational) use marijuana to be sold in a retail setting:

Yes: 2485 No: 2631

3. Do the voters of Topsham wish to allow commercial growing of marijuana?

Yes: 2623 No: 2485

Town Manager Roedner asked for direction from the Board on how to proceed with these issues. Once a clear direction is given, he said he will direct staff (if needed) to begin the process of developing rules and regulations for these uses that we wish to allow.

During discussion it was noted a licensing fee would be established and criteria by which they would operate, including a set of standards. Town Planner Melanson noted the importance of working closely with the Town Attorney in establishing an appropriate policy.

Jennah Gotto, 2 Westwind Drive - asked to be recognized and wanted to be sure she understood correctly that the town would move forward with the two questions that passed for wording to go before and be accepted at Town Meeting. Response was that Ms. Gotto was correct.

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

VOTED

To direct the Town Manager to direct staff to begin the process of developing rules and regulations for ballot question 1 (medical marijuana to be sold in a retail setting) and question 3 (to allow commercial growing and manufacturing of marijuana) all but the retail sales and to include caregivers.

18-99 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE ELECTION OF CHAIR FOR THE BOARD OF SELECTMEN

Selectman Thompson nominated David Douglass to serve as Chairman for the Board of Selectman for the coming year. There were no further nominations and nominations ceased. Vote was called and David Douglass was unanimously elected to serve as Chairman of the Topsham Board of Selectman for the coming year.

18-100 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE ELECTION OF VICE-CHAIR FOR THE BOARD OF SELECTMEN

Selectman Lyons nominated William Thompson to serve as Vice Chairman for the Board of Selectman for the coming year. There were no further nominations and nominations ceased. Vote was called and William Thompson was unanimously elected to serve as Vice Chairman of the Topsham Board of Selectman for the coming year.

At 9:35 p.m. motion was made by Chairman Douglass, seconded by Selectman Thompson, and it was unanimously

VOTED

To move into Executive Session.

EXECUTIVE SESSION

18-101 CONSIDERATION AND ANY APPROPRIATE ACTION TO MOVE INTO EXECUTIVE SESSION PURSUANT TO 1 M.R.S.A. §405 (6) (C) TO DISCUSS PROPERTY NEGOTIATIONS

Joining the Board was Rich Roedner, Town Manager; John Shattuck, Economic and Community Development Director; Rod Melanson, Planning Director and Derek Scrapchansky, Assistant Town Manager.

The Board returned from Executive Session at 10:23 with all members present. Chairman Douglass reported that the Board instructed staff to commence property discussions in accordance with the directions given during the Executive Session.

18-102 CONSIDERATION AND ANY APPROPRIATE ACTION TO MOVE INTO EXECUTIVE SESSION PURSUANT TO 1 M.R.S.A. §405 (6) (A) TO DISCUSS A PERSONNEL MATTER

Joining the Board was Rich Roedner, Town Manager and Derek Scrapchansky. Assistant Town Manager.

The Board returned from Executive Session at 10:23 with all members present. The Board instructed the Manager to proceed as discussed in dealing with the personnel issue raised.

ADJOURNMENT

Motion was made by Selectman Brilliant, seconded by Selectman Tufts, and it was unanimously

VOTED

To adjourn the meeting at 10:26 p.m.

Respectfully submitted,

Patty Williams, Recording Secretary