

MINUTES
TOWN OF TOPSHAM
SPECIAL BOARD OF SELECTMEN MEETING
NOVEMBER 16, 2011, 7:00 P.M.

MEMBERS PRESENT: Ronald Riendeau
Andrew Mason
Donald Russell

MEMBERS ABSENT: Marie Brilliant and David Douglass

STAFF PRESENT: Town Manager, Cornell Knight

A special meeting of the Topsham, Maine Board of Selectmen was held on Wednesday, November 16, 2011 at the Municipal Building at 100 Main Street, Topsham, Maine. The meeting date was changed from Thursday, November 17th to the 16th because of conflicts in schedules.

CALL TO ORDER - PLEDGE OF ALLEGIANCE

Chairman Riendeau called the meeting to order at 7:00 p.m. All present stood to recite the Pledge of Allegiance.

ROLL CALL

The recording secretary took the roll call and noted that all Selectmen were present except for Marie Brilliant and newly-elected member, David Douglass.

TOWN MANAGER'S REPORT

The Town Manager's Report included:

- The Board will hold a workshop on December 1st, in lieu of a regular meeting, to discuss bylaw changes with TDI; talk with the History Committee about forming a committee to organize Topsham's 250-Year Celebration in 2014 and discuss whether to ban the use and sale of fireworks in Town when the new state law takes effect.
- The Town has complied with a Freedom of Information Request from Stephen Hinchman on behalf of the Androscoggin River alliance, Fred Wigand, Arlene Morris and Steven Stern for records related to the additional access to Bowdoin Mill Island which is being sought by the Bowdoin Mill Associates.
- Plans were to have an agenda item to replace the lights at the recreation field, but as only one bid was received, which was \$5,000 over budget, the project will be re-bid.
- The Draft Waterfront Access Report for the Green Street Area will be reviewed by the consultant at a meeting on Monday, November 21, 2011 at 6:00 p.m. at the Municipal Building. The report can be viewed on the Town's website.

BOARD AND COMMITTEE REPORTS AND UPDATES

Topsham Housing Authority Update - John Hodge, Executive Director of the Brunswick Topsham Housing Authority, presented an update on the status of the organization which plans to create 7 apartments offering affordable housing to working families in Topsham through the receipt of Federal Grants. One building is on Green Street and the other on Main Street. Mr. Russell commended the group for doing a good job and Mr. Hodge told the Board he would keep them apprised of the progress of the group.

CORRESPONDENCE - A Letter of Resignation for his seat on the Finance Committee was noted and accepted from the newly-elected Selectman David Douglas.

ADJUSTMENTS TO THE AGENDA - Item 94-11 (94-11 CONSIDERATION AND ANY APPROPRIATE ACTION ON A REQUEST FROM HABITAT FOR HUMANITY'S REQUEST FOR ABATEMENT OF TAXES ON PROPERTY DONATED IN 2010) was removed from the agenda as the matter has been acceptably discharged and a new 94-11 was added **94-11 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE SAGADAHOC COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN.**

CONSENT CALENDAR

1. APPROVAL OF THE MINUTES OF THE REGULAR SELECTMEN MEETING OF 11-3-11

Motion was made by Mr. Russell, seconded by Mr. Mason, and it was unanimously (of those present)

VOTED

To approve the minutes of the November 3, 2011 meeting as written

PUBLIC HEARING

92-11 PUBLIC HEARING FOR THE NOVEMBER 30, 2011 TOWN MEETING WARRANT

Chairman Riendeau explained the process that the hearing would follow. He declared the Public Hearing open and said he would read each of the warrant articles. After reading the articles, each one will be publicly discussed. Then the Public Hearing will be closed and the Selectmen will vote on each article.

Chairman Riendeau proceeded to read Article 1 through 5. Each article was then discussed with comments received from members of the public.

Article 1 - To elect a Moderator to preside at said meeting. No action was taken on this item.

Article 2 - Shall the Town of Topsham vote to approve a Community Development Block Grant application for the following program(s) and dollar amounts.....\$10,000

John Shattuck, Economic Community Development Chairman explained that this item would allow a study to be conducted to determine the feasibility of connecting transportation facilities with Brunswick and Topsham. The program will involve no cost to the Town.

Article 3 - To see what sum the Town will vote to appropriate and spend from an existing reserve account.....for the purpose of creating redevelopment designs for the Green Street area.....BOS recommendation: \$26,000.

Town Planner Rich Roedner explained this item which involves a grant from the State Planning Office - a Shore and Water Grant - with a focus of creating some type of lower village waterfront park and access to the water. Several public meetings have been held with much input received from interested members of the public who want to move forward with the project.

Phyllis Ponziani noted that the Quality of Life line funds were reduced by approximately \$25,000 for the bike path. However it was noted that approximately \$26,260 remains as a reserve in the account.

A letter dated November 16, 2011 urging citizens to support the authorization of the remaining funds in the account was noted from the Quality of Life Committee consisting of Gary Fogg (Topsham Conservation Commission); Grace Lewis-McLaren (Topsham Conservation Commission); Fred Wigand (Topsham Development, Inc.); Michael Colleran (Topsham Planning Board) and Ed Mendes (Topsham Historic District Commission).

Article 4 - To see if the voters will adopt an ordinance entitled "An Ordinance to Amend the Topsham Zoning Code, Chapter 225-33, Signs to provide standards for sign installation in new zoning districts....."Planning Board Recommendation: Ought to Pass

Town Planner Rich Roedner reviewed this item and explained the need for approval in order for businesses to be able to consider signage in the newly created zones. During 2008 and 2009, changes were made to the ordinance which inadvertently removed wording for signage in the newly created zones. Following the explanation there were no comments from members of the public.

Article 5 - To see if the voters will adopt an ordinance entitled "An ordinance to amend Chapter 225-69, Fairgrounds....."Planning Board Recommendation: Ought to Pass

Town Planner Rich Roedner explained this article. Following the explanation, there were no comments from members of the public.

At this point in the meeting, the Public Hearing was declared closed and the Board discussed each article, as follows:

Article 1 - No action taken.

Article 2 - Motion was made by Mr. Russell, seconded by Mr. Mason and it was unanimously (of those present)

VOTED

To place Article 2 on the November 30, 2011 Town Meeting Warrant with a recommendation from the Board of Selectmen of "Ought to Pass."

Article 3 - During discussion the Board was in unanimous agreement (of those present) to strike "vote to appropriate and spend" and add in place "authorize to spend" in the first sentence of Article 3.

Motion was made by Mr. Russell, seconded by Mr. Mason and it was unanimously (of those present)

VOTED

To send Article 3 forward to be placed on the November 30, 2011 Town Meeting Warrant to be considered regarding the authorization to spend the remaining funds and to incorporate the plan suggested by the Town Manager regarding the recommendation from the Finance Committee with a recommendation from the Board of Selectmen of "Ought to Pass."

Article 4 - During discussion, Selectman Mason explained his concern that only a few months were left before the regular Town Meeting. He said he would like to see the final adjustments to the sign ordinance incorporated as one complete package and not included at this time.

Selectman Russell responded that he felt it was important for this article to go before Town Meeting at this time because we have three zones in this area with no regulations on signs.

Motion was made by Mr. Russell and seconded by Mr. Riendeau to forward Article 4 to Town Meeting regarding the Amendment of Signs to Chapter 225-33. Vote was called and failed due to lack of a majority vote (voting in favor, Mr. Riendeau and Mr. Russell, with Mr. Mason abstaining).

Comment was made that the Board was simply voting to send the article to Town Meeting for the citizens to make a decision on. Mr. Mason asked for another motion.

Motion was made by Mr. Russell, seconded by Mr. Riendeau and it was unanimously (of those present)

VOTED

To reconsider the motion and to send Article 4 to Town Meeting on the November 30, 2011 warrant.

Article 5 - Motion was made by Mr. Russell, seconded by Mr. Mason and it was unanimously (of those present)

VOTED

To place Article 5 on the November 30, 2011 Town Meeting Warrant with a recommendation from the Board of Selectmen of "Ought to Pass."

UNFINISHED BUSINESS - None noted.

OLD BUSINESS - None noted.

NEW BUSINESS

93-11 CONSIDERATION AND ANY APPROPRIATE ACTION ON AMH'S REQUEST FOR A LETTER OF SUPPORT FOR THEIR PLANS FOR THE TOPSHAM ANNEX PROPERTY

The Town Manager spoke to this item reviewing material in the Board package including a draft letter of support that includes plans for the vacant land in future years, an e-mail from Scott Howard, and excerpts from the Reuse Plan and the Comprehensive Plan regarding affordable housing.

Scott Howard presented some history and told the Board that George Schott purchased all the base housing units. He will soon purchase all the land underneath those units from MRRA. Mr. Schott has approved a proposed replacement of paragraph 4, on page 2 of the plan to read:

"AMH proposed to sell the remaining 73 Topsham Annex - Patriot Commons Housing Units and land to an abutting assisted housing developer in 2012. The new order of the Topsham Annex - Patriot Commons, will work with the Town of Topsham on the housing development plan and with the Topsham Sewer District to address the sewer system. If AMH continues to own the Topsham Annex - Patriot Commons Housing, AMH is committed to re-developing the property consistent with the Topsham LRA Reuse Plan and the MRRA Housing Plan. AMH envisions long term, based on market conditions, building some combination of single homes, multi-family homes and/or condominiums on the undeveloped land."

Following Mr. Howard's presentation, questions were posed from the Board. Mr. Russell asked if he was correct to understand that AMH will own the roads and all utilities going into the development. He said he is a strong believer that the land and the housing have to be married together for it to work. He asked if there has been any type of agreement for this road to open up to the Highlands. Response was that there was not currently an agreement in place but Sea Coast made it clear they did want the road to be open.

Mr. Scott said it was important that the letter of support be signed by the Board of Selectmen prior to an upcoming meeting with MRRA. Mr. Russell said he would feel better about signing the endorsement after knowing what MRRA was going to do. He added he was 100% in agreement that the buildings and land had to come together.

John Hodge said he didn't say that Midcoast Housing supported the plan, but that they saw no concerns with the plan other than the fact that if some of the housing was going to be affordable,

some sort of covenant should be in place to assure that the units would remain affordable for a certain period of time. He asked how affordability would be guaranteed. Mr. Scott said the affordable housing owner in the plan is essentially determined by the guidelines of the Maine State Housing Authority. He said the formula is 120% of the median household income in Topsham. In Brunswick the 120% household income is approximately \$79,000 and anything below that qualifies as affordable under the guidelines.

Phyllis Ponziani asked to be recognized and told the Board it appeared that endorsing the project prior to MRRA's decision-making meeting would be putting the cart before the horse.

Following all comments, motion was made by Mr. Russell, seconded by Mr. Mason and it was unanimously (of those present)

VOTED

To table Item 93-11 until the next regular meeting of the Board of Selectmen on December 15, 2011.

~~94-11 CONSIDERATION AND ANY APPROPRIATE ACTION ON A REQUEST FROM HABITAT FOR HUMANITY'S REQUEST FOR ABATEMENT OF TAXES ON PROPERTY DONATED IN 2010~~

94-11 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE SAGADAHOC COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN - 2011 FINAL REVISION

The Town Manager referenced the Mitigation Plan which was included in the Board package for review. Updates of the plan must be made every 5 years and the Board last approved same in 2006. The update will not cost the Town any money and will allow the Town to apply for disaster aid if FEMA declares a disaster. The County is requesting approval by November 30, 2011.

Mike Labbe, EMA Director, explained the process of the plan and urged the Selectmen to sign the resolution.

Motion was made by Mr. Russell, seconded by Mr. Mason and it was unanimously (of those present)

VOTED

To approve the Sagadahoc County Multi-Jurisdictional Hazard Mitigation Plan Resolution as presented in memo to the Board dated 11/16/11.

The resolution reads as follows:

"RESOLUTION

WHEREAS, the cities and towns of Sagadahoc County, in the State of Maine, recognize that natural hazards create a risk of harm to persons and damage to property, and

WHEREAS, the cities and towns of Sagadahoc County recognize that implementing certain measures may reduce the risk of harm to persons and damage to property resulting from these natural hazards; and

WHEREAS, this multi-jurisdictional county of one city, nine towns and a portion of Maine's Unorganized Territory (Perkins Township) is committed to the mitigation goals and measures as presented in this plan;

THEREFORE, the Bath City Council and the Select Boards of the 9 Incorporated Towns hereby adopt the 2011 Sagadahoc County Multi-Jurisdictional Hazard Mitigation Plan; and

THEREFORE, Sagadahoc County, acting on behalf of the County and the portion of the Unorganized Territory within its boundaries, hereby adopts the 2011 Sagadahoc County Multi-Jurisdictional Hazard Mitigation Plan."

95-11 ELECTION OF A CHAIRMAN FOR THE BOARD OF SELECTMEN

Mr. Riendeau nominated Don Russell to serve as Chairman of the Topsham Board of Selectmen. There were no further nominations. Nominations ceased, vote was called, and Mr. Russell was elected as Chairman of the Topsham Board of Selectmen for the ensuing year.

Mr. Riendeau said it was a privilege and an honor to have served as Chairman of the Board and he thanked everyone for their cooperation and support.

Mr. Riendeau turned the gavel over to Mr. Russell who expressed a sincere thank you to Mr. Riendeau for his many years of service on the Board.

96-11 ELECTION OF A VICE CHAIRMAN FOR THE BOARD OF SELECTMEN

Mr. Russell said he would now take nominations for the position of Vice Chairman of the Board and he nominated Ron Riendeau to serve as Vice Chairman. He asked for other nominations. There were none. Nominations ceased, vote was called and Mr. Riendeau was unanimously (of those present) voted Vice Chairman of the Topsham Board of Selectmen.

ADJORNMENT

With no further business to conduct, the meeting was adjourned at 8:35 p.m.

Respectfully submitted,

Patty Williams, Recording Secretary