

TOWN OF TOPSHAM
BOARD OF SELECTMEN MEETING
NOVEMBER 21, 2013, 7:00 P.M.

MEMBERS PRESENT: Chairman, Donald Russell
 Vice Chair, David Douglass
 Ronald Riendeau
 Marie Brilliant

MEMBERS ABSENT: William Thompson - Excused

STAFF PRESENT: Planning Director, Rich Roedner; Pam Leduc, Parks and
 Recreation; Director of Public Works, Dennis Cox; Police Chief,

A meeting of the Topsham Board of Selectmen was held on Thursday, November 21, 2013 at the Municipal Building at 100 Main Street, Topsham, Maine.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE/ROLL CALL

Chairman Russell called the regular meeting to order at 7:00 p.m. All present were invited to stand and recite the Pledge of Allegiance to the Flag. Tonya Jenusaitis, recording secretary took the roll call and noted that Selectmen Ronald Riendeau, Chairman Donald Russell, Marie Brilliant and Vice Chair David Douglass were present. William Thompson was absent.

TOWN MANAGER'S REPORT

The Town Manager's Report included:

- Please check the winter recreation brochure on the Town's website for information on basketball programs, learn to ski, open gym, open swim, bowling, wrestling and when you can meet Santa.
- The 2013 Financial audit was received on November 21, 2013 and the Town is in excellent financial condition. Manager Knight asked if he should schedule a workshop with the Selectmen and the Financial Auditor. Selectman David Douglass replied that they should meet and Donald Russell agreed. It was decided to schedule a joint workshop, date forthcoming.
- Representative Andrew Mason, presented the 2013 Clerk of the Year Award to Topsham Town Clerk, Ruth Lyons.

BOARD AND COMMITTEE REPORTS AND UPDATES

UPDATE FROM THE 250TH ANNIVERSARY COMMITTEE – STEVE EDMONDSON: Steve Edmondson stated that the Committee has been making progress and that he is very excited about the upcoming year.

Events planned include:

- New Year's Eve event at the Topsham Fair Grounds from 8:00 PM to midnight with and bon fire and fireworks at 9:00 PM. The Exhibition Hall will be open for coco, coffee and tea. The Committee is working with the same organization that plans the fireworks for the Fair Grounds. John Wasileski is funding a majority of the cost for the fireworks, but donations are needed and due by Friday, November 29, 2013. In the event of inclement weather, the fireworks will be rescheduled.
- Celtic Festival on May 16, 2014 from 7:00 PM – 10:00 PM at the Orion Performing Arts Center. There will be Celtic dancing and music. The Committee is looking for funding to make this a free of cost event for the community.
- Birthday Party Celebration on July 18, 19 and 20, 2014 at the Topsham Fairgrounds featuring a 5K Road Race on Saturday morning, an Old Fashioned Barn Dance Friday or Saturday night, Civil War Reenactment, Time Capsule, Quilters Festival, Fireman's Muster and Head of Tide Park Dedication. Donations for funding of the events are greatly appreciated and there is an entrance fee for the road race.

Proposed Events include:

- NASCAR Show with dates yet to be determined.
- Working with the Friends of Topsham Library to develop a passport that would be stamped when citizens attend different events; working on an incentive/prize.
- Historical Society working on once a month talks at the Library.
- Working on a Historic calendar that would list the upcoming events and historical photos as a possible fundraiser.

David Douglass asked where citizens could make donations. Pam Leduc of the Parks and Recreation Department replied that donation forms and donations can be picked up or made at the Parks and Recreation Department.

PUBLIC COMMENT– None Noted

CORRESPONDENCE – None Noted

ADJUSTMENTS TO THE AGENDA

Motion was made by Mr. Riendeau, seconded by Mr. Douglass and it was unanimously among those present

VOTED

to add Item 117-13 to the NEW BUSINESS Agenda.

CONSENT CALENDAR -

APPROVAL OF THE MINUTES OF THE REGULAR SELECTMEN MEETING 10-17-2013

Motion was made by David. Douglass, seconded by Ronald Riendeau, and it was unanimous among those present

VOTED

to approve the consent calendar granting approval of the minutes of the regular Selectmen Meeting of November 7, 2013 as written with Marie Brilliant abstaining.

PUBLIC HEARING

111-13 **CONSIDERATION AND ANY APPROPRIATE ACTION ON AMENDING THE ORDINANCE TO ALLOW PARKING ON PLEASANT STREET FROM MELCHER PLACE NORTH TO THE TURN.**

Chairman Donald Russell opened the public hearing.

Ralph Williams, Main Street, asked if the Board was considering one or both sides of the street for parking. Donald Russell explained that right now there is no parking on either side of Pleasant Street and that the public notice states that they will be considering parking on Pleasant Street from Melcher Place north to the turn; the Board is willing to hear other comments. Mr. Williams stated that his concern is that even the wider parts of the street would become extremely narrow if they allowed parking on both sides and asked if they have taken into consideration the lack of visibility it would create in and out of driveways and if they have considered the school busses.

Reid Kinney, 2 Pleasant Street, stated that he has spoken with a representative of MSA75 who has stated that there have been not documented issues in regards to parking on Pleasant Street but that there have been issues with snow at times. Mr. Kinney stated that it

has been his desire to have the parking looked at in the lower block as he especially needs other places to park at time when he has visitors. Mr. Kinney stated that when parking was looked at over the summer, it was determined that the ordinance prohibits parking on both sides of Pleasant Street and signs were placed. Mr. Kinney is asking for reconsideration of parking and suggested the possibility of the lower portion becoming one way; this may also be traffic calming. Donald Russell asked Mr. Kinney what the size of his lot was and Mr. Kinney replied that he did not know or have an estimate.

Vivian McKale, 2 Green Street, stated that she has a daughter who attends Williams Cone School who has friends in the Lower Village and cannot count the number of times she has had a difficult time trying to find someplace to park; being prohibited from parking on the street would create a hardship for her in the community that they wish to be a part of. Mrs. McKale stated that she is unsure where the parking from Melcher Place north came from, but she believes that it feels arbitrary as a means to change the ordinance given the dimensions of the street and that the street should be treated equally. Mrs. McKale hopes that parking south of Melcher is still an option.

Chairman Russell stated that parking from Melcher Place north to the turn was just an idea and reiterated that Pleasant Street has been no parking, but that there were no signs stating this.

Doug Bennett, 53 Elm Street, stated two reasons to allow parking on Pleasant Street is that no parking leads people to drive quicker and makes the neighborhood less safe. Secondly, Mr. Bennett believes that no parking inconveniences those who live on Pleasant Street and have insufficient parking space. Mr. Bennett stated that not allowing parking on Pleasant Street runs against the values that Topsham was founded in, but agrees that allowing parking on Pleasant Street is not an ideal solution. Mr. Bennett stated that the two best solutions would be to forbid parking 75 feet from the Elm Street and Pleasant Street intersection and making Pleasant Street one way downhill.

Wayne Renshaw, resident, stated that he has a large tree in the front of his house that has been hit twice by vehicles going around the corner and strongly opposes parking there; if cars are parked on the side then vehicles need to wait for oncoming traffic before passing as the street isn't wide enough. Mr. Renshaw believes that Pleasant Street is almost as busy as Main Street and used as a

bypass especially in the wintertime. Mr. Renshaw likes the idea of a one way which would eliminate the street being a bypass and would still allow for parking on one side of the street.

Chris Bowdrisky, 40 Pleasant Street, stated that the road is very narrow with the sidewalk and opposes any parking on the street.

Reid Kinney, stated that he is only proposing parking on the lower end of Pleasant Street as those on the upper end have more available for parking. Mr. Kinney stated that he is only proposing that they allow parking as it was before the signs were posted on the lower portion of Pleasant Street. Mr. Kinney suggested a restriction for the parking on the southbound side with setbacks and no overnight parking.

Chairman Russell read an email submitted by **Amy Caster, 38 Pleasant Street**, dated November 12, 2013 and provided in the packet.

Vivian McKale pointed out that there are many concerns and suggested that the Board take more time and gather more information before making their decision.

Chairman Russell asked Police Chief Lewis to speak about the speed, ordinance restrictions and the finding of how far from a curb is supposed to remain no parking. Mr. Russell pointed out that since the signs have been put up, the only increase is parking with four issued on Pleasant Street and 6 on Green Street. Police Chief Lewis stated that this issue is a quality of life issue and that he has heard passionate reviews from both sides. Chief Lewis stated that Pleasant and Green Street have unique qualities and suggested if they are going to continue to look at the concerns being brought forth that they wait to make their decision. Chief Lewis stated that speed is the number one issue that he hears on a weekly basis and reviewed the findings from the patrol vehicles as included in the packet.

David Douglass asked Mr. Kinney if he was the only resident effected by a small driveway. Mr. Kinney replied that his parking issues were probably greater than other residents, but that it was not to say that other residents have not been effected by the no parking and that others have not parked on the street as he has in the past.

Vivian McKale asked for clarification on the procedure and decision making and Chairman Russell instructed her on the

procedures and stated that if the decision is made not to allow parking on Pleasant Street, that the applicant will have the opportunity to appeal should they wish to do so. Mrs. McKale reiterated that they should wait to gather more information before making a decision. Mr. Kinney replied that in the ordinance it was clear that parking was not allowed in certain areas and the decision to place signs was consistent with the ordinance, but that no one really knew there was no parking until it was looked into. Mr. Kinney stated that it was his understanding that it was ok to park on the street and was not enforced; things have changed as people could park before because it was not effectively effective. Mr. Kinney stated that the travel lane is not an issue for not allowing parking and pointed out that the site lines was debunked at the last meeting.

Chairman Donald Russell closed the public comment period.

David Douglass replied to Mr. Kinney's comment that the site lines were debunked and clarified that the site lines needed to go down Elm Street in order to go down Green Street and stated that it is impossible to have for a vehicle taking a right or left off Elm Street onto Pleasant Street; line of site never gets far enough and therefor was not debunked. Mr. Douglass stated that the Board has been asked to come up with a compromise, letters have been submitted talking about non-conforming lots do not allow for parking and that the Board has heard the history of horse and carriage barn, how modern families have two to three cars and the lots do not allow for adequate parking and the concern that people were speeding downhill. Mr. Douglass stated that at the last meeting he was willing to look at the one way possibility and noted that his big concern is that it is close to a school. Mr. Douglass pointed out that the Town has taken out large bonds to place sidewalks in, Pleasant Street being one of the roads and it was at this time that Pleasant Street went from being 26 feet wide to 20 feet wide and lost over a half of a parking space. Mr. Douglass reiterated that they have been asked to come up with a solution and in doing so, Mr. Douglass spent a lot of time in and around Pleasant Street looking at houses and driveways and was wondering if the Town has been negligent in not making sure that there is parking for these houses whether it be a one way intersection or not. Mr. Douglass that that what he found is that Mr. Kinney's house has the one driveway that is shortened and can at best fit three cars. Mr. Douglass stated that Mr. Kinney's lot is .17 acres and in his opinion this issue boils down the convenience for Mr. Kinney alone. David Douglass stated that he has a series of photos from Google Earth from 2003 to 2010

where Mr. McKinney's driveway was 91 feet long, somewhere between 2010 and 2012, the driveway went to approximately 47 feet long and the end of the driveway was filled in. Mr. Douglass stated that he verified the width / measurements by doing the same thing to his house and stated that Google Earth measured his driveway at 71 feet and with a tape measure it measured 72 feet. Mr. Douglass stated that the Board has heard that Mr. Kinney needs space for parking when he has guests and noted that Mr. Kinney is free to do what he wants with his property. Mr. Douglass adamantly stated that he is against any changes in the road and parking as Mr. McKinney has stated himself that he is the only one greatly affected by the no on street parking. Ronald Riendeau agreed with Mr. Douglass and stated that the first issue to come before the board was a speeding and then a safety issue and that he believes that allowing cars to park to slow down traffic is not a solution. Mr. Riendeau believes in leaving the street the way it is.

Chairman Donald Russell reopened the public hearing for Mr. McKinney only so that he could address the shortening of his driveway.

Reid McKinney stated that he shortened his driveway three years ago to allow his children more space to play; he did it with the understanding that he was allowed to park on the street when needed.

Chairman Russell closed the public hearing again.

Chairman Russell stated that the issue is that the road is 20 feet wide and does not allow for parking and noted that if they approved this change, the Board would also need to review all the roads that are narrow relative to parking.

Motion was made by David. Douglass, seconded by Ronald Riendeau, and it was unanimous among those present

VOTED

not to amend the Ordinance to allow parking on Pleasant Street from Melcher Place North to the turn.

UNFINISHED BUSINESS

112-13- **CONSIDERATION AND ANY APPROPRIATE ACTION ON A PROPOSED RECREATIONAL TRAIL PROGRAM GRANT APPLICATION FOR THE CONSTRUCTION OF THE TOWN LANDING TRAIL**

Planning Director, Rich Roedner stated that the RTP Grant Application before the Board is for funds to construct the Town Landing Trail which would go from Town Landing Road at Green Street, down to the river, roughly 750 along the river and then back up to Elm Street; the project is being tied in with the Feasibility Study that the Town is currently undertaking. Mr. Roedner pointed out that the Feasibility Study had been put on hold pending the River Landing Project, but that the River Landing Project is moving forward and the Feasibility Study is 99% complete. Mr. Roedner noted that the estimate of costs to construct the trail have increased significantly due mainly to changes made along Town Landing Road. Mr. Roedner stated that given what is shown on the Feasibility Study estimate, the Town does not have the funding to build this project. Mr. Roedner explained that the estimated costs breakdown to a total of roughly \$94,050 with a grant of \$35,000 a local match of \$7,000 and volunteer labor costs on top of that. Mr. Roedner reviewed the Town Landing Trail network and recommended that the Town work with the Littlefield's and Gary Smart to bring down some of the costs on Town Landing Road and to eliminate section 4 (loop behind the cemetery) for a new total of \$77,214. Mr. Roedner pointed out that the numbers that they were given included labor costs, but working with volunteer labor through BTLT and Topsham Public Works under existing payroll, would internalize the costs and bring the new total down to \$40,000; grant funds of \$35,000, \$5,000 from the River Landing Project and \$31,078 volunteer labor costs.

David Douglass asked of the \$31,078 would be town employees. Mr. Roedner replied that roughly \$10,000. Mr. Douglass asked if the work on Town Landing Road did not occur, what would be the harm. Mr. Roedner replied that the road is a public way with essentially one user at the moment; in negotiations with the residents owning the property down by the river, the desire was to have the trail separate from their front yard. Donald Russell clarified that the trail, as proposed, sets off the roadway and Mr. Roedner replied that is the current design. Manager Knight asked if it was safe to assume that the Public Works crew would be working on the most accessible portions of the trail and Mr. Roedner replied

that they would be working off the side of the road and not down in the woods; drainage conditions would need to be addressed.

Bill Littlefield, resident, stated that he believes that trail would still be on Town Landing Road; the drainage ditch would need to be straightened out. Mr. Littlefield stated that this allows the Town to obtain two easements along the water and agrees with Mr. Roedner that the costs can be reduced. Mr. Littlefield stated that if Public Works is involved, in his opinion, the work crew will still be on Town Landing Road. Mr. Littlefield emphasized that he would like to see the trail built and that he intends on staying on Town Landing Road.

Donald Russell asked Director of Public Works, Dennis Cox if the proposal and timeframe fits into the schedule with other Town jobs. Mr. Cox replied that this was the first time he has seen the proposal and is not aware the timeframe, but pointed out that he has been enthusiastically supporting the trail and his crew working on it. Mr. Russell asked if the project was approved, would Mr. Cox be able to fit this project in with his other work and Mr. Cox replied that he should be able to. Rich Roedner clarified that the funding would not be available until 2014 and that they are not looking to do any work until next summer.

Donald Russell clarified that they are only submitting the grant at this point and if unable to meet the assumptions made they can decide to not accept the grant.

Ronald Riendeau asked if this project was tied in with the Parks Department Project. Rich Roedner replied that this project could stand on its own, but if the community decides to address the issues on Green Street, then it could tie in with the proposed trail and the Lower Village Park and possibly the Androscoggin River Walk.

Marie Brilliant clarified that this project would be completed by the grant funds and Rich Roedner stated that she was correct; it would be funded through the grant funds, the Town match and the River Landing Project funds.

David Douglass stated that his concern was that Public Works has the time to fit this project in with their other obligations. Mr. Douglass stated that he is in favor of the project but that he does not want to see any taxpayer funds needed for this project.

Motion was made by David Douglass, seconded by Ronald Riendeau, and it was unanimous among those present

VOTED

to allow appropriate action on a proposed Recreation Trail Program Grant Application for the Construction of the Town Landing Trail.

OLD BUSINESS– None Noted

NEW BUSINESS

113-13 CONSIDERATION AND ANY APPROPRIATE ACTION ON A PROPOSED PROJECT CANOPY GRANT FOR THE CONSTRUCTION OF A 250TH ANNIVERSARY COMMEMORATIVE GROVE AT THE TOWN HALL.

Planning Director, Rich Roedner, reviewed the Project Canopy Grant application for a small commemorative grove to be located along the Bike Path at Town Hall. Mr. Roedner stated that the grant would be for \$8,000 with a local match of \$8,000 and would include design, irrigation, plantings, site material and signage. Mr. Roedner stated that they have compiled letters of support which would accompany the application. Mr. Roedner stated that he believe that this project can be completed with no local cash through local labor and donated trees from the nursery. However, Mr. Roedner noted that there may be some features, such as a commemorative plaque, which would not be covered by the grant and would require a small cash match of possibly \$1,000 to \$2,000; as the grant is awarded, they will be able to budget accordingly.

David Douglass stated that his biggest concern is the trees under the power lines and Rich Roedner replied that they will take this into consideration during the design.

Motion was made by David Douglass, seconded by Ronald Riendeau, and it was unanimous among those present

VOTED

to allow appropriate action on a proposed Project Canopy Grant for the construction of a 250th Anniversary Commemorative Grove at Town Hall.

114-12

CONSIDERATION AND ANY APPROPRIATE ACTION ON THE ADMINISTRATION POOL CAR.

Town Manager Knight stated that the 1992 red VW needs over \$1,700 in repairs for its sticker and it is not worth fixing at this point; he would like to go out to bid. Manager Knight noted that a resident has already contacted him and is extremely interested in the vehicle. Manger Knight said that he would like to attend the State Surplus Auction to find a replacement vehicle under \$2,000 and Ronald Riendeau asked what he could get for that little. Manger Knight reviewed some of the vehicles up for auction. David Douglass asked what the status was of the new police cruiser and Manager Knight replied that the old cruiser went as part of the bid, but that they received \$5,000 for it. Manager Knight stated that there is \$1,700 left from last year's cruiser purchase and he could use some of that, but that he was confident that he could get something for around \$2,000.

Motion was made by David Douglass, seconded by Marie Brilliant, and it was unanimous among those present

VOTED

to allow the Town Manger to attend the State Surplus Auction to bid on a replacement vehicle for no more than \$2,500 and to put the 1192 red VW out to bid.

115-13

CONSIDERATION AND ANY APPROPRIATE ACTION ON THE CONTRACT AWARD FOR UNIFORMS FOR TOWN EMPLOYEES.

Motion was made by David Douglass, seconded by Marie Brilliant and it was unanimous among those present

VOTED

to accept the bid from UniFirst for \$72.38 per week contract for uniforms for Town employees.

116-13

CONSIDERATION AND ANY APPROPRIATE ACTION ON ISSUING A QUIT CLAIM DEED TO WILLIAM NOYES, 11 LASKEY ST. FOR PAYMENT OF BACK TAXES.

Motion was made by David Douglass, seconded by Ronald Riendeau, and it was unanimous among those present

VOTED

to discharge the lien against William Noyes, 11 Laskey Street, for payment of back taxes.

117-13

CONSIDERATION AND ANY APPROPRIATE ACTION ON A DONATION OF \$3,500 FROM THE RIVERWALK COMMITTEE TO FUND AN ADDITIONAL HISTORIC DISTRICT SIGN.

Manager Knight stated that the original proposal was for three signs in the Historic District, but due to budget constraints, the Board only approved two. Upon hearing this, the Riverwalk Committee has donated \$3,500 to fund the third Historic District sign as originally proposed.

Motion was made by David Douglass, seconded by Marie Brilliant, and it was unanimous among those present

VOTED

to accept a donation of \$3,500 from the Riverwalk Committee to fund an additional Historic District sign.

ADJOURN

Motion was made, seconded, and it was unanimous among those present

VOTED

to adjourn the meeting at 9:10P.M.

Respectfully submitted,



Tonya Jenusaitis
Recording Secretary