

MINUTES  
TOWN OF TOPSHAM  
BOARD OF SELECTMEN MEETING  
DONALD A. RUSSELL MEETING ROOM  
NOVEMBER 21, 2019 – 7:00 P.M

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MEMBERS PRESENT: David Douglass  
Ruth Lyons  
Matt Nixon  
Roland Tufts

MEMBER(S) ABSENT: Marie Brilliant

STAFF PRESENT: Town Manager, Richard Roedner; Assistant Town Manager Derek Scrapchansky

A meeting of the Topsham Board of Selectmen was held on Thursday November 21, 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**

Town Manager Roedner reported that he submitted his Letter of Resignation and assured the Board that he will leave the Town's business in good order. He said working for the Town of Topsham has been a "dream job" and that he could see himself remaining in the Town Manager's position until he retired. He thanked everyone for the confidence shown him during his tenure and said he will miss everyone.

Mr. Roedner said Elizabeth Reed has been hired as a full-time fire fighter and will start work in a couple of weeks.

A reminder was mentioned that dog licenses are due.

The Police Department is working on a program "nextdoor.com" a neighborhood program where residents can keep a watchful eye on and report concerns in their neighborhood; sort of an outreach program.

Following the Manager's report, Chairman Douglass said Mr. Roedner's leaving is not a goodbye and, on behalf of the Board, extended best wishes to Rich and Dory. Mr. Douglass said "The Town has been in good hands." Selectman Lyons added that after having worked with Mr. Roedner for many years, it will be hard to not see his face in the office and at the meetings. Smiling, Selectman Tufts said "the official roast will happen later!"

**BOARD AND COMMITTEE REPORTS AND UPDATES** – None noted.

**PUBLIC COMMENT** – None noted

**CORRESPONDENCE** – None noted

**ADJUSTMENTS TO THE AGENDA** – None noted

**CONSENT CALENDAR**

**1. Approval of the minutes of the Regular Selectmen's Meeting of November 7, 2019/**

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

**VOTED**

To approve the minutes of the regular Selectmen's Meeting of November 7, 2019 as written.

**PUBLIC HEARING** – None noted

**UNFINISHED BUSINESS** – None noted

**OLD BUSINESS** – None noted

**NEW BUSINESS**

**19-85 CONSIDERATION AND ANY APPROPRIATE ACTION ON APPROVAL FOR THE NEW STREET LIGHT AT THE CORNER OF HORTON PLACE AND MONUMENT PLACE**

Public Works Director Dennis Cox said this item was placed on the agenda per the request of Selectman Tufts. Mr. Cox told the Board he reviewed the area of Monument Place and Horton Place and agreed it was very dark and where there is turning traffic and a pedestrian crossing, a light would make the intersection safer. He said there is a utility pole on the northeast corner on which a light could be installed and recommended that the Selectmen approve same.

During discussion, Selectman Nixon asked if any consideration had been given to the use of solar panels for such lighting. It was agreed that this is something to be considered for future needs.

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

**VOTED**

To approve the installation of a light to be placed on the northeast corner utility pole at the intersection of Horton Place and Monument Place.

**19-86 CONSIDERATION AND ANY APPROPRIATE ACTION TO ACCEPT THE LOW BID FOR THE MAIN STREET CULVERT REPLACEMENT PROJECT.**

Public Works Director Dennis Cox said this project has been out for a long duration. Two bids for the replacement of the 36-inch diameter culvert that runs from Elm Street Extension to the Androscoggin River near the Red Mill have come in: One from Crooker Construction in the amount of \$523,165 and the second from St. Laurent and Sons Construction in the amount of \$468,885. Mr. Cox said both bids qualify and meet the specifications and he recommended approving the bid from St. Laurent.

During discussion, it was noted that approximately \$250,000 was budgeted for this project so there is a need to come up with another \$22,000. This type of project is TIF eligible, so the funds could be allocated from the TIF. Selectman Nixon asked if applying for a grant has been looked into. It was noted there is a grant application in the works for a culvert project on Elm Street, but another grant request could be looked into.

Chairman Douglass asked where we were with the Elm Street Study. Response was that Phase I is expected to come before the Board at the December Board of Selectman meeting. Work is being done on determining a footprint of where the Town owns and what the impact will be on the landowners.

Mr. Cox said that if the bid is accepted from St. Laurent and Sons, they would like to get started and wouldn't look to be paid until string.

Motion was made by Chairman Douglass, seconded by Selectman Nixon, and it was

**VOTED**

To bring this item back to the December 5, 2019 Board of Selectman meeting with the full particulars for consideration.

**19-87 CONSIDERATION AND ANY APPROPRIATE ACTION TO REQUEST PERMISSION TO POST A WEIGHT LIMIT ON A PORTION OF VILLAGE DRIVE**

This item was withdrawn by the applicant so no action was taken.

**19-88 CONSIDERATION AND ANY APPROPRIATE ACTION TO ACCEPT BIDS ON THE THOMAS AVENUE PARKING AREA**

The Town Manager provided some history on this item saying the Planning Board approved the project which went out to bid with two bids returned. The Town received a Notice Appeal from a group of local neighborhood residents. Therefore, the bids were placed on hold until the appeal process was dealt with. The Board of Appeals found that one of the 7 standards of Conditional Use was not met, giving proof of access to the site, and whether or not the Town owned the paper street.

At Town Meeting in May, by recommendation of the Town Attorney, Mary Costigan, the Town voted to accept the paper street to give access to the Hillside Field. The Planning Board Okayed the project to build the parking lot. In October, the Town Attorney represented the Town and the application for approval, based on the acceptance of the paper street. This was accepted at Town Meeting. Following recommendation of the Planning Board's lawyer, Richard Hornbeck, the Planning Board again approved the application to build the parking lot, finding that all 7 standards of Conditional Use had been met.

Director of Parks and Recreation, Pam LeDuc's memo to the Board of Selectman dated November 13, 2019 noted that she met with the low bidder, Mac Hunter, to discuss his original bid from July of 2018. Mr. Hunter agreed to meet the price of the bid at that time. It was noted that at the town Meeting in May of 2009, the Town approved the Capital Expenditure of \$65,000 for facility improvements and these funds would be used to create accessibility to the Hillside Field. Ms. LeDuc asked the Board for acceptance of the bid submitted in July, 2018 from Mac Hunter in the amount of \$62,579.

Ms. LeDuc told the Board that there is \$26,000 remaining in the Forestry Fund from the tree harvesting and that she planned to come back before the Board in the spring to request items such as fencing, landscaping, trash barrels, etc., to be done to protect the landowners surrounding the parking lot and to enhance the area.

Selectman Nixon asked if there was any way the Board could get involved in a pilot project for perhaps a swale or rain garden to better the parking lot surroundings. Mr. LeDuc said she was not opposed to such as idea, as long as the project would be affordable, and would look to the Planning Department to come forward with Mr. Nixon's suggestion.

Motion was made by Selectman Douglass, seconded by Selectman Lyons, and it was unanimously

**VOTED**

To accept the bid from Hunter Excavation in the amount of \$62,579 for the Thomas Avenue parking lot.

**19-89 CONSIDERATION AND ANY APPROPRIATE ACTION TO ACCEPT BIDS ON THE BASKETBALL COURTS LIGHTING**

Pam LeDuc, Director of Parks and Recreation said the project went out to bid for a Best Value Proposal to replace the lighting at the outdoor basketball courts and the mini rink. She said the project has been sitting for 8 years because of lack of funding. LED lights would be less expensive and give more light to the courts. Two bids were received. One from Enterprise Electric, who have since said they were unable to make the bid deadline because of their current work load, and one from Favreau Electric for \$29,259. (Favreau will match their bid until March, 2020) which would need an additional \$7,335.

Selectman Lyons said she has concerns when the Town is given a certain bid amount, raises the money and then a second amount of \$7,335 is added to the original bid. She said the Fair Association recently had all their lights changed to LED through a grant process and said this is a conversation that should be had.

The Town Manager asked Ms. LeDuc if the \$2,258 needed could come from an outlay account. Ms. LeDuc said she probably could work it out. Question was asked how much the monthly bill was for the lights on the court. Response was approximately \$45 a month. The lights are only used for 3 months a year for approximately 3 hours at a time.

After all comments were heard, motion was made by Chairman Douglass, seconded by Selectman Lyons, and it was unanimously

**VOTED**

To accept the bid from Favreau Electric in the amount of \$29,258 for lighting on the basketball courts.

**19-90 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE APPOINTMENTS OF OPENINGS ON BOARDS AND COMMITTEES**

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

**VOTED**

To appoint Brian Bickford to serve on the Planning Board, Monica Kincaid to serve on the Topsham Housing Authority and Nancy Ban to serve on Topsham Development, Inc.

**19-91 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE APPOINTMENT TO THE MERRYMEETING BOARD OF DIRECTORS**

Town Manager Roedner said approximately 5 or 6 years ago the Board nominated William Thompson to serve on the Merrymeeting Board of Directors to discuss projects for several towns including Topsham, Bowdoinham, Hallowell and Harpswell. Mr. Thompson is no longer interested in representing Topsham so the position which created a vacancy. Mr. Roedner asked if anyone on the Board of Selectmen was interested in representing Topsham. Selectman Nixon expressed an interest and Selectman Tufts nominated Matt Nixon to serve on the Merrymeeting Board of Directors. No further nominations were heard and Matt Nixon was elected to serve on the Merrymeeting Board of Directors.

**EXECUTIVE SESSION**

At 7:44 p.m., motion was made by Selectman Tufts, seconded by Selectman Lyons, and it was unanimously

**VOTED**

To move into Executive Session to discuss Agenda Items 19-92 and 19-93.

**19-92 CONSIDERATION AND ANY APPROPRIATE ACTION TO ENTER INTO EXECUTIVE SESSION PURSUANT TO 1 M.R.S.A. §405 (6) (C) TO DISCUSS PROPERTY NEGOTIATIONS**

All Board members were present (except for Selectman Brilliant who was absent). Also present was Town Manager Roedner and Assistant Town Manager Scrapchansky.

Motion was made, seconded and unanimously voted to come out of Executive Session and return to the regular session at 8:22 p.m. Above members remained present.

The Board instructed staff to contact property owner about possible purchase of the property.

**19-93 CONSIDERATION AND ANY APPROPRIATE ACTION TO ENTER INTO EXECUTIVE SESSION PURSUANT TO 1 M.R.S.A. §405 (6) (A) TO DISCUSS PERSONNEL MATTERS**

No action was taken on this item.

At 8:23 p.m., motion was made by Selectman Nixon, seconded by Chairman Douglass, and it was unanimously

**VOTED**

To adjourn the meeting.

Respectfully submitted,

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Patty Williams, Recording Secretary