

MINUTES  
TOWN OF TOPSHAM  
BOARD OF SELECTMEN MEETING  
DONALD A. RUSSELL MEETING ROOM  
DECEMBER 19, 2019 – 7:00 P.M

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MEMBERS PRESENT: David Douglass  
Marie Brilliant  
Ruth Lyons  
Matt Nixon  
Roland Tufts

MEMBER(S) ABSENT: All present

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

A meeting of the Topsham Board of Selectmen was held on Thursday December 19, 2019 in the Donald A. Russell Meeting Room, at the Municipal Building, 100 Main Street, Topsham, Maine. *(The Board actually met at 6:00 p.m. to conduct a Workshop on the transition of Town Managers.)*

**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.

**TOWN MANAGER'S REPORT**

A reminder to all residents that the transfer station does not accept wrapping paper, ribbons or bows for recycling any longer. These items should all be placed in the garbage.

On a personal note, this is my last Selectman's meeting here in Topsham. For the past six years, I have been here every first and third Thursday evening, and for the 11 years before that, I was a very frequent guest at these events as Town Planner. Starting on January 6, I will begin working as the Town Manager in Elon, North Carolina.

I would like to say thank you to the Board of Selectmen for the trust they have placed in me, first as your Planner, and then as your Town Manager. You have supported me in goals for Topsham, and I believe we have made some great progress in helping to guide the growth of this community. In all of our discussions and debates, we have always put Topsham first, even if we had different opinions, but those differences never clouded the strong relationship we have had with each other.

I would also like to say Thank You to the staff here in Topsham. You people have made my job easy, by being great employees, great co-workers and great friends. For those of you who are still here since the time I started, you welcomed me into the fold of Topsham co-workers. Again, when we have disagreed on issues, we always agreed that what was best for Topsham had to come first. Your dedication to this town is remarkable, and so very much appreciated.

Lastly, to the residents of Topsham, you have made this more than a job – your support, enthusiasm, involvement and obvious sense of caring for the community has made this job more of a calling. I have grown to love Topsham, and while I grumbled at times about spending two or three nights a week here, I never regretted working for all of you. You are what makes this a remarkable and wonderful community.

I know that your next Town Manager will be chosen with the utmost care by the Board of Selectmen, and I have every confidence that Topsham will continue to be a special place in the Midcoast – not the biggest, not the wealthiest or even the flashiest, but a welcoming and vibrant community filled with dedicated people. Thank you for sharing your town with me for these many years.

Both Chairman Douglass and Selectman Lyons praised Mr. Roedner for the fine job he did as Town Manager

**BOARD AND COMMITTEE REPORTS AND UPDATES**

**UPDATE FROM THE MDOT PEDESTRIAN PLAN, PATRICK ADAMS, MDOT**

Patrick Adams, Transportation Planner, from the Maine Department of Transportation complimented the Town Manager for his drive, determination and passion. He said Mr. Roedner was a joy to work with, along with the Topsham Staff.

Mr. Adams talked about the MDOT Pedestrian Mitigation Plan, a copy of which was given to each of the Board members. He said the Plan is a tool for Topsham to continue their work in making the Town a safer place for crosswalk crossings and bicyclists. Chairman Douglass inquired as to what type of support, including financial, the Town could expect from the State. Mr. Adams said money has been set aside for the 21 towns listed in the plan, Topsham included. The money will be considered in a cost sharing way. Selectman Brilliant asked if there was a way to include horse riders. Mr. Adams responded that requests have been presented from the riding sector.

**UPDATE TDI/ECD** – John Shattuck, Topsham Economic and Community Development, Inc. Director reported to the Board on the following:

**Elm Street Extension (ESE) Project** – Based on traffic studies and preliminary design plans for restoring ESE, the Board of Selectmen has determined that the extension redesign and reconstruction of the Elm Street Extension is not justified at this time. However, the town will be proceeding with the upgrade of the Lower Village Storm Water System.

**Topsham Development, Inc. (TDI) Strategic Planning** – The TDI Board kicked off its Strategic Plan Update process at its annual strategic priorities meeting on Friday, December 13<sup>th</sup>. A subcommittee will be drafting proposed updates based on the meeting discussion and will report to the Board when completed. The full Board will consider the proposed updates at their

January meeting and will request an opportunity to present their revised plan to the Board of Selectmen at their convenience.

**Farewell to the Town Manager** – Mr. Shattuck said it has been his privilege to work with Rich for nearly twelve years. Said he was a great colleague and partner when he was the Town’s Planning Director and has been a wonderful leader as Manager, who sought staff input and effectively guided staffs efforts. Rich works with a consistent goal to enhance staff effectiveness through collaboration. Mr. Shattuck said Rich has many accomplishments in Topsham that he can be proud of. He added “But he does still have to answer for being part of the Search Committee that hired me!”

**PUBLIC COMMENT** – None noted

**CORRESPONDENCE** – None noted

**ADJUSTMENTS TO THE AGENDA** – None noted

**CONSENT CALENDAR**

**1. Approval of the minutes of the Selectmen’s meeting of November 21, 2019.**

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

**VOTED**

To approve the minutes of the Special Selectmen’s meeting of November 21, 2019, as written. (The vote was 4 in favor with 1 abstention from Selectmen Brilliant.)

**2. Approval of the minutes of the Selectmen’s Meeting of December 5, 2019.**

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

**VOTED**

To approve the minutes of the Special Selectmen’s meeting of December 5, 2019, as written.

A reminder was noted that the Board of Selectmen Meeting on January 2, 2020 will begin at 6:30 p.m.

**PUBLIC HEARING**

**19-103 CONSIDERATION AND ANY APPROPRIATE ACTION ON APPROVING A MARIJUANA BUSINESS LICENSE APPLICATION TIER 2 MARIJUANA CULTIVATION FACILITY LOCATED AT 49 TOPSHAM FAIR MALL ROAD, TAX MAP R05, LOT 09-A SUBMITTED BY 4207 LLC (A/K/A Highbrow)**

The Public Hearing was declared open.

Rod Melanson, Town Planner, spoke to this item saying the application was found to be complete. He noted that sensitive information was removed from the Board package for safety purposes. Topsham will issue only two licenses of this nature.

Staff comments included:

- Charles Doherty is the sole owner of 4207 LLC.
- Highbrow is an operating business.
- Town staff have not received any complaints regarding the operation of this business.
- The applicant is licensed through the State of Maine as a caregiver and is seeking a retail caregiver license from the Town.
- Correspondence from the owner of the Topsham Fair Mall, John Larson, is included in the submitted materials and Mr. Larson highly regards how the business has operated since opening.
- All of the information required for the application was submitted and has been reviewed by staff.

Mr. Doherty spoke before the Board and said the use of the area of his business will be within the 1,500 square foot restriction. He expects to occupy approximately 600 square feet.

Chairman Douglass asked if anyone present in the audience wished to speak to the application. With no one wishing to speak, the Public Hearing was declared closed.

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

#### **VOTED**

To approve the application of 4207 LLC Registered Caregiver Retail Store including the Findings of Fact as listed in memo from Town Clerk Linda Dumont to the Town Manager dated December 6, 2019 with the following Condition of Approval:

1. No changers to this approved license are allowed to occur. The applicant must return to the Board of Selectman for any license renewals or amendments.

**UNFINISHED BUSINESS** – None noted

**OLD BUSINESS** – None noted

**NEW BUSINESS**

#### **19-104 CONSIDERATION AND ANY APPROPRIATE ACTION TO REQUEST THE SETUP OF THE COMPREHENSIVE PLAN IMPLEMENTATION COMMITTEE**

Planner Melanson said before he would speak to this agenda item he wished to extend to the outgoing Town Manager his debt of gratitude and admiration. He said Mr. Roedner hired him back in 2004.

He referenced his memo to the Town Manager dated August 1, 2019 saying the Topsham Comprehensive Plan Update, adopted in May of 2019, recommends the creation of an Implementation Committee to both actively work to implement certain provisions of the

Comprehensive Plan and to guide the implementation of other provisions. The memo notes three tasks for the committee to consider. During discussion, it was agreed not to identify the complete committee at this meeting, but to initiate the committee with three members how served on the previous committee to begin the process.

Larry Fitch, who chaired the former committee spoke suggesting staggered terms for the committee during the 10-year process and to try to keep residents engaged as much as possible. During discussion it was agreed that up to 9 members was a good number to consider when forming the committee.

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

**VOTED**

To create a Comprehensive Plan Implementation Committee (CPIC) composed of up to 9 members consisting of Susan Rae Reeves, Joe Feely and Larry Fitch as the first initial 3 members.

**19-105 CONSIDERATION AND ANY APPROPRIATE ACTION ON RELEASE OF A SOLAR POWER PURCHASE AGREEMENT (PPA) RFP PROPOSED BY THE TOPSHAM SOLAR ADVOCATE GROUP**

Nick Watly represented the Topsham Solar Advocate Group and began the discussion of a possible Request for Proposals, a copy of which was included in the Board package. The 8-page document was discussed with questions asked such as *Do we need a claw back provision if they don't meet our expectations? What about a performance bond? Should we add the wording that we are looking for 100%? What is the amount of electricity are we looking to gain? Assume completion date would be January 1, 2021?*

Yvette Meunier spoke telling the Board that the solar power should not affect the budget. Selectman Tufts asked if there was a fixed capacity and are they regulated so they can't over sell. Response was that regulation was not needed because the Town would be operating under a contract. Chairman Douglass said when the selection process is narrowed down to perhaps three firms; the firms should come before the Board in a workshop session so the Board's concerns could be addressed. Selectman Nixon thanked the group for bringing solar considerations before the Board and said he was interested in cost but looking more for stability.

It was noted that on Friday the Brunswick-Topsham Water District and the Sewer District is putting out the same RFP and perhaps the entities could work together.

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

**VOTED**

To authorize the release of the Solar Power Purchase Agreement RFP as proposed by the Topsham Solar Advocate Group.

**EXECUTIVE SESSION**

At 8:33 p.m., motion was made by Selectman Nixon, seconded by Chairman Douglass, and it was unanimously

**VOTED**

To move into Executive Session to discuss agenda item 19-93. All Board members were present, as was Town Manager Roedner and Assistant Town Manager Scrapchansky.

**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**

The Board returned to regular session at 9:01 p.m. with all members and staff still present.

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

**VOTED**

To authorize the expenditure of up to \$10,000 for an audit by the Maine Chiefs of Police Association to work with the Topsham Police Department to perform a Department Evaluation.

**ADJOURN**

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

**VOTED**

To adjourn the meeting at 9:03 p.m.

Respectfully submitted,

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Patty Williams, Recording Secretary