

MINUTES
TOWN OF TOPSHAM
BOARD OF SELECTMEN MEETING
FEBRUARY 1, 2018 - 7:00 p.m.

MEMBERS PRESENT: David Douglass
Ruth Lyons
William Thompson
Roland Tufts

MEMBER(S) ABSENT: Marie Brilliant

STAFF PRESENT: Richard Roedner, Town Manager

A meeting of the Topsham Board of Selectmen was held on Thursday, February 1, 2018 in the Donald A. Russell Meeting Room, at the Municipal Building, 100 Main Street, Topsham, Maine.

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, except for Selectman Brilliant who had been excused.

TOWN MANAGER'S REPORT

Tonight I have provided the Board of Selectmen a draft budget proposal for the upcoming fiscal year. Tomorrow this will be posted on the Town's web page. Paper copies of the complete budget document and staff presentations are available at Town Hall and at the Library for people to review. The Board and the Finance Committee will hold joint workshops with department heads on Feb. 7, 13 and 26. All meetings will be held at 6 pm in the Town Hall Meeting Room, and are open to the public. The Finance Committee is meeting on February 20 at 6 pm in the Second Floor Conference Room at Town Hall. Other meetings that may be scheduled will be posted on the Town's webpage, www.topshammaine.com.

Tickets are now on sale for the annual Father/Daughter Valentine Dance, which will be held on Sunday, Feb. 11 from 2:00 p.m. until 4:00 p.m.

Starting this next Monday, February 5, at the Foreside Recreational Facility, the upper forest will be closed for all activities (top of hill sliding). To preserve the health of the woods, a selective tree harvesting project will take place. For your safety, please stay out of the upper forest area. Signs will be placed at access points. If you have any questions, please contact Pam in the Parks and Recreation Office at 725-1726.

The Comprehensive Plan Committee is continuing to meet monthly at the Topsham Public Library. Committee members are reviewing draft chapters of our upcoming Comprehensive Plan. A link to the complete schedule, along with the appropriate documents, is on our home page, www.topshammaine.com.

Lastly, we have recently added a link to several promotional videos about Topsham to our homepage. CGI did this task at no cost to the Town. These videos were created this past fall, and are now ready for viewing. We are still working on the Community Organizations video, so know that will change at a future date.

Lastly, at our last meeting, I mentioned the passing of Lionel Thiboutot, a 45-year veteran of our Fire Department. Chief Labbe is here tonight with members of the Department, and they would like to make brief presentations.

BOARDS AND COMMITTEE REPORTS AND UPDATES – None noted.

PUBLIC COMMENT – Fire Chief Mike Labbe, along with Assistant Chief Steve Emmons, called Mrs. Lionel Thiboutot (Joleen) to the podium and presented her with a plaque honoring Lionel for his service to the Town and naming the new fire truck in honor of him. Several members of the Thiboutot family were in attendance for the presentation.

CORRESPONDENCE – None noted.

ADJUSTMENTS TO THE AGENDA – None noted.

CONSENT CALENDAR

1. Approval of the minutes of the Regular Selectmen’s Meeting of 1/18/18.

Motion was made by Selectman Tufts, seconded by Selectman Lyons, and it was unanimously (of those present)

VOTED

To approve the minutes of the Regular Selectmen’s Meeting of January 18, 2018, as written.

PUBLIC HEARING – None noted.

OLD BUSINESS – None noted.

NEW BUSINESS

18-08 CONSIDERATION AND ANY APPROPRIATE ACTION ON AN APPLICATION FOR A LIQUOR LICENSE FOR RUBY TUESDAY

The Public Hearing was declared open.

Jason Willey represented the applicant and told the Board a new application is being submitted due to a change of ownership of Ruby Tuesday in Topsham. Mr. Willey said he has been with the restaurant for 13 years, 10 of them at the Topsham location. The restaurant can seat 270 guests.

There were no comments offered from members of the public so the Public Hearing was declared closed.

During discussion by the Board it was noted that letters are on file from the Fire Chief, Police Chief, and the CEO, all stating they have no concerns with the operation of the restaurant. Selectman Thompson inquired who to contact in case of concerns. Mr. Willey responded to start with him, customer service, or contacts stated on the application. Selectman Lyons stated she found customer service at Ruby Tuesday easy to contact.

Motion was made by Chairman Douglass, seconded by Selectman Lyons, and it was unanimously (of those present)

VOTED

To approve the application for Ruby Tuesday so they may apply to the State for a liquor license.

18-09 CONSIDERATION AND ANY APPROPRIATE ACTION ON AN APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR COREY EDWIN GARVER POST 202 AMERICAN LEGION

The Public Hearing was declared open. Matthew Jabaut, Post Commander of the Corey Edwin Garver Post 202 American Legion spoke to the Board saying the Post has submitted a renewal application to allow the Legion to sell liquor and to have live music, dancing or entertainment. He said a live band is often at the Legion on Friday and Saturday evenings and sometimes on Sunday. The band usually stops playing from 11:00 p.m. to 1:00 a.m. There is a specific area where the dance floor is set up and an area for the band to play. Seating capacity downstairs is 79 and 220 upstairs. There is adequate parking on the premises.

With no one from members of the public wishing to speak, the Public Hearing was declared closed.

During discussion by the Board, it was noted that letters stating no objections to the application are on file from the Fire Chief, Police Chief and CEO. The Board's Conclusions include:

1. The applicant is Corey Edwin Garver Post 202 American Legion.
2. The Legion is located at 79 Foreside Road, Topsham, Maine.
3. The current liquor license will expire on October 9, 2018.
4. Entertainment at the establishment will include live bands and a DJ.
5. The entertainment is held both downstairs and in the upstairs area.
6. Nights of entertainment will occur on Fridays and Saturdays and occasionally on Sundays.
7. The hours of operation are from 1:00 p.m. to closing; no later than 1:00 a.m.
8. It is not necessary to rearrange any furniture for the events as there is a designated space for the band to set up and a specific dance floor.
9. The down stairs area is approximately 2,000 sq.ft. and the upstairs area approximately 4,000 sq.ft.
10. Seating capacity in the lounge is 79 and upstairs 220.
11. There is adequate parking on the premises to service the facility.
12. Letters are on file from the Fire Chief, Police Chief and CEO stating no concerns with granting the permit requested.

Therefore, the Board concluded that based on the findings, it is concluded that the issuance of a Special Amusement Permit would not be detrimental to the public health, safety or welfare or would not violate municipal ordinances, rules or regulations.

Motion was made by Chairman Douglass, seconded by Selectman Lyons, and it was unanimously (of those present)

VOTED

To grant the Special Amusement Permit for the Corey Edwin Garver Post 202 American Legion, as meeting requirements of the Maine Revised Statutes, Title 25-A, Section 1054 and the Topsham Code Chapter 71, Article 1, Sections 6 and 7.

NEW BUSINESS

18-10 CONSIDERATION AND ANY APPROPRIATE ACTION ENSURING PUBLIC SAFETY IN AREAS OF THE ANDROSCOGGIN RIVER ADJACENT TO THE BRUNSWICK HYDROELECTRIC FACILITY

Samantha Edwards and Tom Mapletoft, from Brookfield, were present to bring before the Board draft ordinance language which would create a water safety zone on both sides of the Brunswick Hydro Facility. The ordinance would give authority to the Topsham Police Department to enforce no-trespassing rules in the river. Individuals would be prohibited from being in the stretch of river extending approximately 500 feet downstream of the Brunswick Hydroelectric facility to the east side of the green bridge and approximately 3,000 feet upstream of the Brunswick Hydroelectric Facility to the Maine Department of Transportation Railroad Bridge.

Town Manager Roedner spoke of the meeting a couple of years ago with Brookfield wherein Brookfield expressed safety concerns. Except for allowing danger signs to be erected, no action was taken at that time.

Ms. Edwards explained that Brookfield Renewable operates nearly 50 facilities in the Northeast region and 170 hydro facilities across North America. She said safety is their top priority. Brookfield owns and operates the Brunswick Hydroelectric Facility and noted this area is widely used for recreational activities such as swimming, boating and fishing by community members. She added that while many areas of the river are safe for such recreational activities, there are portions upstream and downstream of the hydroelectric facility that pose public safety risks. Water from the Brunswick Hydroelectric Facility peaks in the spring of the year, water levels can rise quickly and cause a strong current in the Androscoggin River, and danger to anyone in the water. People often climb on the rocks and become stranded.

When questions arose as to what the Town's liability might involve if anyone drowned or got hurt in the water, Pam LeDuc, Recreation Director, noted that the area of concern is leased from Central Maine Power Company. The Town Manager added that under Maine Municipal Law, municipal liability is limited and he said he wasn't sure just what the Town's liability would be. Selectman Lyons inquired who would be responsible for erecting the proposed signs to accompany the ordinance. Ms. Edwards responded that Brookfield would be responsible for the signs. Chairman Douglass said he worked for the Brunswick Fire Department for 10 years and personally pulled at least 13 people out of the river. He said every time fire, rescue and police people are called, there is liability and they also are at risk while saving those in danger.

Citizen Yvette Meunier, 35 Prospect Street asked if fishing from the shore would be permitted. Response was that the ordinance has not been written yet, but appropriate wording would be included prior to the ordinance coming before Town Meeting. Mr. Meunier would like to know how much rescues cost the Town. It was noted that people jumping in the water to swim cause the most problems.

Fire Chief Labbe said his department is called out 3 or 4 times a summer because of people jumping off the bridge (both swinging bridge and black bridge). There was a drowning approximately 11 years ago and had to drain the river to find the person. We had people walk out to the island, the flood gates were opened and in a matter of 5 minutes there were stranded and we had to rescue them. Selectman Lyons said she worries about children near the water and suggested that wording should be considered in the ordinance passing responsibility onto the parents who should be responsible for their children.

Citizen Phinn White, 67 Bridge Street told the Board he loved to see people swimming, fishing and enjoying the water. He added that this is the State of Maine. People want to fish. Mr. White said he can't believe we will be taking that right away from people. He asked what has changed from conditions always present. He said the individual who drowned several years ago was found to be intoxicated. Feels that signs are threats and they create animosity. Mr. White said the kids that jump off the Swinging Bridge "know their stuff." He suggested that Brookfield make that area a swimming spot. He asked to see more details of rescue reports. Mr. White said there is currently barb wire fencing by the water which looks unsightly.

Motion was made by Chairman Douglass, seconded by Selectman Tufts, and it was unanimously (of those present)

VOTED

To direct the Town Manager to assemble an ordinance prohibiting the use inside the water way within this stretch, (500 feet down stream from the Brunswick Hydroelectric Facility to the east side of the Frank J. Woods Bridge, extending approximately 3000 feet upstream from the Brunswick Hydroelectric Facility) and bring that back to the Board for consideration.

Selectman Thompson said there will be a lot of emotions expressed when this is further discussed. Town Manager Roedner said this item will be on the February 15th agenda for review in draft form.

Pam LeDuc commended Brookfield for the work that they done to work with us to do what is best and safest for people without taking the beauty of the river away.

ADJOURNMENT

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

VOTED

To adjourn the meeting at 7:45 p.m.

Respectfully submitted,

Patty Williams, Recording Secretary