

MINUTES  
TOWN OF TOPSHAM  
BOARD OF SELECTMEN MEETING  
FEBRUARY 15, 2018 - 7:00 p.m.

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MEMBERS PRESENT: David Douglass  
Marie Brilliant  
Ruth Lyons  
William Thompson  
Roland Tufts

MEMBER(S) ABSENT: All present

STAFF PRESENT: Richard Roedner, Town Manager

A meeting of the Topsham Board of Selectmen was held on Thursday, February 15, 2018 in the Donald A. Russell Meeting Room, at the Municipal Building, 100 Main Street, Topsham, Maine. (The Board held a Workshop with Town Auditors and the Finance Committee at 6:00 p.m.)

**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.

**TOWN MANAGER'S REPORT**

As a reminder, we are into budget season. The Board and Finance Committee have already held two budget review meetings. Two more are scheduled, one on February 26 and one on March 5. Both will be here at 6:00 p.m. After that meeting, both Board's will hold workshops on their own to go over the budget and make recommended changes, with a follow-up joint meeting on March 21 at 6 pm. At this meeting, the discussions will be held on both sets of recommendations. It is generally the goal to come up with one set of recommendations for Town Meeting at this workshop. Also as a reminder, all of these meetings are open to the public.

Our Parks and Recreation Director, Pam LeDuc, negotiated a reduced price round trip fare on the Downeaster to Boston for school vacation week. 80 tickets were sold for a day long trip to Boston, with discount tickets to the Aquarium also available. Sorry, no more tickets are available at this point, but keep your eyes posted as there may be similar events in the future.

Cutting on the upper Foreside Field is ongoing, but should be wrapping up pretty quickly. We have discovered a lot of dying trees, so the thought is that in 3-4 years to come back and take out additional trees. This will allow low level brush to grow up a bit and provide some buffering to the nearby residents before we cut any more trees.

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

**PUBLIC COMMENT** – None noted.

**CORRESPONDENCE** – Chairman Douglass read aloud a letter addressed to the Board from Jeff Deletetsky urging the Board to keep current signs up near the hydroelectric facility, but to take no further action. The letter is filed with these minutes.

**ADJUSTMENTS TO THE AGENDA** – None noted.

**CONSENT CALENDAR**

**1. Approval of the minutes of the Regular Selectmen’s Meeting of 2/1/18.**

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

**VOTED**

To approve the minutes of the Regular Selectmen’s Meeting of February 1, 2018, as written.

**PUBLIC HEARING** – None noted.

**OLD BUSINESS**

**18-10 CONSIDERATION AND ANY APPROPRIATE ACTION REGARDING DRAFT WATER SAFETY ZONE ORDINANCE FOR THE ANDROSCOGGIN RIVER ADJACENT TO THE BRUNSWICK HYDROELECTRIC FACILITY**

Town Manager Roedner reviewed the proposed Draft Water Safety Zone Ordinance, which was included in the Board package for review. The ordinance was developed based on the discussion at the Board’s last meeting with Brookline regarding safety concerns with public use of the water near the hydroelectric facility. Mr. Roedner said the ordinance is being reviewed by the Town Attorney.

Mr. Roedner said the ordinance is written in generic form by creating a term and definition for Water Safety Zone, and giving the Board the authority to create such a zone, following a public hearing. He said he identified one zone between the bridges, thus giving the Board the ability to create additional zones as needed, without having to wait for Town Meeting. Progressive penalties have been included as proposed by Brookfield, with language about recovering court costs and the cost of rescue. The Board suggested a couple changes to the draft such as in the first paragraph, next to last sentence, add “in the water” after “fishing;” paragraph B, (b) to read: “It shall be unlawful to be on or in the Water Safety Zone;” and under Section 215-3 Penalties, B, add “intentional disregard” in place of “court”.

As request at the last Board meeting, a summary sheet was included in the Board package showing the number of emergency responses from the Brunswick and Topsham Fire and Rescue, as well as the number of rescues by the Topsham Police Department. Comparing the dates for the two Fire Departments, 14 separate rescues can be identified since 2007. Topsham Police Department has recorded 21 calls to the Swinging Bridge area since 2006.

A general discussion ensued between Board members with concerns and suggestions thrown onto the table such as...

- More signs were erected and they didn't help;
- If Topsham does a rescue, who is responsible for the costs incurred;
- Asked to hear from Inland Fisheries and Sportsman's Association. Don't want anyone hurt but also don't want to restrict water use;
- Being in that water is a high risk activity and ordinance needs to be restrictive enough to discourage dangerous use;
- If signage didn't work, how is an ordinance going to solve anything? (response was that the ordinance gives authority to enforce fines.

Chairman Douglass reviewed his history of rescuing people who swam 75' from shore and were too tired to swim back. It took two individuals in the rescue boat and several of shore. He said it was a bad decision to swim out there with a bad result. He added that we are not taking away all use of the river, only the high risk areas. During the month of April, any part of the river can be a risk.

Pat McDonner, with Brookside, explained in the area where they place their boat barriers may appear calm, but there is a swift current in the water.

Chairman Douglass asked what the will of the Board was and how they want to proceed. There was some talk about the use of a horn to alert people to impending changes in water levels and whether a horn would give sufficient notice for a boat to vacate the area.

Consensus of the Board was to table this agenda item and to direct the Town Manager to have a discussion with the DEP, Brookfield and Inland Fisheries and Wildlife to determine where various authorities lie and come back before the Board with the ordinance for further discussion.

**NEW BUSINESS** – None noted.

**ADJOURNMENT**

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

**VOTED**

To adjourn the meeting at 7:50 p.m.

Respectfully submitted,

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Patty Williams, Recording Secretary