

MINUTES  
TOWN OF TOPSHAM  
BOARD OF SELECTMEN MEETING  
FEBRUARY 2, 2012, 7:00 P.M.

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MEMBERS PRESENT: Donald Russell  
Marie Brilliant  
David Douglass  
Andrew Mason  
Ronald Riendeau

MEMBERS ABSENT: All present

STAFF PRESENT: Town Manager, Cornell Knight

A meeting of the Topsham, Maine Board of Selectmen was held on Thursday, February 2, 2012 at the Municipal Building at 100 Main Street, Topsham, Maine.

**CALL TO ORDER**

Chairman Russell called the meeting to order at 7:00 p.m.

**PLEDGE OF ALLEGIANCE** - All present were invited to stand and pledge allegiance to the flag.

**ROLL CALL**

The recording secretary took the roll call and noted that all Selectmen were present.

**TOWN MANAGER'S REPORT**

The Town Manager's Report included:

- Mr. Knight said he will present the 2013 budget to the Board of Selectmen and Finance Committee at a workshop scheduled for Thursday, February 9, 2012 at 7:00 p.m.
- Because of a recent resignation, there will be a position available for an officer in the Police Department which will be advertised soon.
- The changeover in banks has been completed and the Town now banks with Androscoggin Bank. Checks are being deposited electronically from the Clerk's office to the Town's bank account.
- The Department of Transportation will hold an informational meeting on the replacement of the Cathance River Bridge on Tuesday, February 14, 2012 at 6:00 p.m. at the Municipal Offices.

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

**CORRESPONDENCE** - None noted.

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

**CONSENT CALENDAR**

**1. APPROVAL OF THE MINUTES OF THE SELECTMEN MEETING OF 1-19-12**

Motion was made by Mr. Mason, seconded by Mr. Douglass, and it was

VOTED

To approve the minutes of the January 19, 2011 meeting as written.

**PUBLIC HEARING** - None noted.

**UNFINISHED BUSINESS** - None noted.

**OLD BUSINESS** - None noted.

**NEW BUSINESS**

**08-12 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE PROPOSED BYLAW CHANGES FOR THE TOPSHAM DEVELOPMENT INCORPORATED**

Chairman Russell noted that the Board was considering the proposed changes to the TDI Bylaws which included incorporating the Memorandum of Understanding into the bylaws instead of having a separate document and the job description placing the Director under the Town Manager's control. Also, number of members going from 6 to 12 with the Executive Director, Town Manager and Planner being non-voting members of the Board. There will be one voting member included from the Planning Board. The terms are for three years with no term limits.

During discussion, John Shattuck clarified how a quorum was determined. The quorum is actually a moving number, determined on how many individuals are serving at the time in each position. Mr. Shattuck told the Board an Economic Development Plan for the coming year will be presented to them for their review and approval.

During receipt of comments from members of the public, James Trusiani urged the Board to adopt the changes. Mr. Trusiani expressed concern that he had heard rumors that some members of TDI want TDI to "go away." He noted the importance of TDI to remain active in order to be eligible for certain grants such as that needed for the Head of Tide Park.

Motion was made by Mr. Mason, seconded by Mr. Douglass, and it was unanimously

VOTED

To adopt the proposed bylaws with a revision date of 2/11/12 as the final bylaws of TDI Incorporated.

**09-12 CONSIDERATION AND ANY APPROPRIATE ACTION ON A REQUEST TO MOVE THE CROSSWALK AT BRIDGE AND UNION STREET INTERSECTION**

Jeff Deletesky came to the podium and said he requested this item be included on the agenda. Mr. Deletesky said the crosswalk was effective where it used to be (approximately 100 feet to the south) and that although there is a little more site distance provided where the crosswalk is now, no one is using it. People are crossing where the crosswalk used to be because it is more convenient aligned with the walk on Union Street.

A discussion followed with questions were posed as to why the crosswalk was moved in the first place, if there was in fact enough sightline to be safe if it was put back where it was. There is a memo in file from the Public Works Director, Dennis Cox, saying he had looked into the sight distance to the proposed location and find the location to be satisfactory and he included a copy of a chart used to reference this type of issue in the Manual of Uniform Traffic Control Devices (MUTCD). It was noted the chart called for the area to be posted at 25 miles per hour and concern was raised that people drive in that area in a higher speed. Some members of the Board expressed that where 99.9% of the public use the former crosswalk area, and since it conformed with the MUTCD standards that it would be safer for drivers to see a painted crosswalk at the former location.

During receipt of public comment, James Trusiani challenged the statements Mr. Deletesky made and told the Board that the majority of the Topsham Heights residents requested the crosswalk be moved to where it is currently located. It was noted that the Black Bridge was open at that time, but now is closed which might make the difference in where residents cross.

Following all comments having been heard and considered, motion was made by Mr. Douglass, seconded by Mr. Riendeau, and it was unanimously

VOTED

To move the current crosswalk from its current location to the proposed location at Bridge and Union Street.

Motion was made by Mr. Russell, seconded by Mr. Riendeau, and it was unanimously

VOTED

That a sign be erected at the top of the hill on Bridge Street indicating the crosswalk and danger below.

**10-12 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE SIDEWALK CLEARING SCHEDULE FOLLOWING A SNOWSTORM**

Chairman Russell said he and other Selectmen had received phone calls from a resident expressing concern with the priority set on plowing the sidewalks to the local schools. The caller felt the sidewalks to the schools should be plowed before any others in town for the safety of children walking to school. Chairman Russell said the Town Manager asked the Public Works Director to come up with a schedule showing how that would work, realizing it probably won't be as efficient as that currently used schedule but sometimes the department has to do what is best for the general public.

Mr. Cox included a schedule in the Board package for review. In his memo he said "*The sidewalks are plowed as soon after a snow event as possible by Public Works. We have only one machine with a blower and this is what it usually takes to clear them. The driver is one of three that is qualified to operate the machine and does this work once their plow route is complete and the storm has ended. ....in the past, the work was done in a systematic way so the operator wasn't driving around any more that necessary, making the work as efficient as possible. The busier roads with walks were done first, including the business district. I will be implementing the following sidewalk clearing schedule, understanding that the Selectmen want the school areas done as a priority:*

*Pleasant Street, Perkins Street and Melcher Place  
Main Street from Route 196 to Brunswick  
Wilson Street, Barrows Drive, Patricia Drive  
Bickford Drive  
Winter Street  
Bridge Street, Bridge to Bridge Path  
Mallet Drive  
Chad Drive and Anthony Avenue  
Monument Place  
Route 201 to Canam Drive  
Route 196 to Topsham Fair Mall Road  
Granite Hill Drive  
Elm Street  
Foreside Road  
Middlesex Road  
Topsham Crossing  
Village Drive*

*This order will facilitate the clearing of the walks near the two elementary schools first and then the high school, before continuing elsewhere in town. Please realize though, that some of these walks will not connect to other plowed walks until later in the schedule....."*

During receipt of public comment, James Trusiani urged the Board to give latitude to the Public Works Director and said the Town should have more than one machine to do sidewalks.

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

VOTED

To accept the Public Works Director's schedule for plowing sidewalks in the Town of Topsham with the latitude of being able to adjust same as he deems necessary.

Mr. Cox said the schedule will be posted on the Town's website for their information.

**11-12 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE PROPOSAL FOR LABOR NEGOTIATION FROM THE MAINE MUNICIPAL ASSOCIATION**

Town Manager Knight informed the Board that the Union Contract will expire in June and recommended that the Board hire a negotiator to represent the Town at the bargaining table.

During discussion, Board members agreed that a negotiator to represent the Town would be appropriate and consideration was given to the recommendation of an individual (David Barrett, Director of Personnel Services and Labor Relations) from the Maine Municipal Association.

Motion was made by Mr. Douglass, seconded by Mr. Mason, and it was unanimously

VOTED

To accept the proposal for an individual to represent the Town during labor negotiations from the Maine Municipal Association.

**EXECUTIVE SESSION**

**12-12 CONSIDERATION AND ANY APPROPRIATE ACTION REGARDING EXECUTIVE SESSION UNDER TITLE 1, SECTION 405, 6(A) FOR THE TOWN MANAGER'S EVALUATION**

At approximately 8:45, motion was made by Mr. Douglass, seconded by Mr. Mason, and it was unanimously

VOTED

To move into Executive Session to discuss the Town Manager's Evaluation.

At approximately 9:00 p.m., motion was made by Mr. Riendeau, seconded by Mr. Mason and it was unanimously

VOTED

To move back into regular session.

No action was taken and the meeting was adjourned.

Respectfully submitted,

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Patty Williams, Recording Secretary