

TOWN OF TOPSHAM
BOARD OF SELECTMEN MEETING
February 5, 2015

MEMBERS PRESENT: Chairman, Donald Russell
Vice Chair, David Douglass
Marie Brilliant
Ruth Lyons
William Thompson

MEMBERS ABSENT: All members present

STAFF PRESENT: Town Manager, Rich Roedner

A meeting of the Topsham Board of Selectmen was held on Thursday, February 5, 2015 at the Municipal Building at 100 Main Street, Topsham, Maine.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE/ROLL CALL

Vice Chair, David Douglass called the regular meeting to order at 7:00 p.m. All present were invited to stand and recite the Pledge of Allegiance to the Flag. Tonya Jenusaitis, recording secretary took the roll call and noted that all Selectmen were present.

TOWN MANAGER'S REPORT

The Town Manager's Report included:

- The Department Public Works (DPW) reported that due to all the snow, four of eight vehicles were out of order last week, but that they are all running now. They are working to catch up on snow removal and clearing of sidewalks in time for the next storm
- As of today, the Town is entering budget season. A budget draft was handed out to Selectmen this evening. There will be a joint workshop with the Finance Committee and Selectmen on February 11th at 6:00 P.M.
- The Town currently has one Police Officer enrolled and completing their second week at the Police Academy; 16 more weeks to go. There are plans for two more officers to go into the academy in the next academy round later this year and hopefully the Town will be up to full status in near future.
- David Douglass and William Thompson echoed the DPW efforts and said that they have been incredible keeping open what has been open and thanked them for their efforts.
- The new DPW truck is expected to arrive towards the end of February.
- Note that the DPW staff has averaged over 50 hours each during the past week.

BOARD AND COMMITTEE REPORTS AND UPDATES

Update from Denise Tepler of the State House -Denise Tepler from the State House and member of the Taxation Committee said that over 2000 legislative bills have been submitted for the upcoming year; she has submitted two plus a resolution. Denise said that many of the bills being brought out are originating from the office of the Revisor and that the bills just beginning to be looked at. Denise said that the Taxation Committee has met several times and she will be sitting in with Appropriations Committee for a series of workshops during February vacation. Denise said that one bill she has submitted is to restore revenue sharing and asked that it be an incremental approach and in the fifth year it would be at the full 5% sales tax. The second bill is for a constituent in Topsham and if it passes, it will reduce overall retainers for commercial construction; it will free up more capital for investors and enable sub-contractors to receive some portion of their profit before completion of the job.

Denise said that she has recently met with the Department of Transportation (DOT) liaison, Nina Fisher, and they have reviewed the list given to her by Town Manger Roedner and a few concerns taken from local residents.

- Curve on 196 near Roberts Hill road: DOT will do a public safety check in the spring and try to come up with a solution to help improve safety.
- Meadow Road pedestrian safety: this is a Type 5 road which means that Topsham does winter weather maintenance and DOT does summer maintenance. DOT has stated that they do not have a commitment to shoulders or sidewalk but they did discuss a gravel shoulder as a possible safety improvement.
- Rt.196 light project: at this point waiting on NEPA evaluation. The bid should out in April and begin in June. At this time there is still no determination on radar versus video.
- There will be joint sealing on the Frank J. Wood Bridge this paving season. There is no other paving scheduled for Rt. 201 just joint paving on the bridge itself.
- There was no information in the DOT database about a Rt. 196 rumble strip and may have to be brought back to DOT if the Town wants them to consider this.
- Preliminary engineering discussion for the Frank J. Wood Bridge: it is possible that the bridge will be found structurally deficient, but not definite.
- Cathance Road: Type 6 road which means it is a local road, whatever is done to improve pedestrian safety falls upon the financial responsibility of the Town.
- Compete Streets Policy: at local level is not mandated by DOT, but the Town may incorporate these policy's if they so choose to.
- DOT will work with Dennis from DPW on best practices for winter ice and snow.

Donald Russell thanked Denise for her work with DOT. David Douglas noted that there is a meeting at the Library in the Highlands room on February 25th at 6:00 P.M. to discuss the bridge. David said that DOT is looking for all levels of feedback and that DOT hopes to be able to recommend a plan to move forward by October/November.

William Thompson said that he is concerned with the Governor's proposed budget as MMA has conducted a rough study and that 75 towns will do better with revenue sharing under the old formula while the others will do a lot worse. William said that he does not see how the legislature can agree to a budget plan where this is the potential outcome and some of the remarks coming from Augusta are out of line as Topsham has done everything that they can to try and consolidate services. Denise stated that she understands and hears his concerns. She wants to be clear that they are still unpacking the budget and suggested, if the Town is willing, to work with the Maine Coast Heritage Trust to see how the proposed budget, if approved, would affect Topsham; what it means in terms of Topsham's mill rate and property tax. Marie Brilliant noted that the Fairgrounds would be devastated with the proposed budget. Manager Roedner replied that he has had the Assessor look at the potential tax implications particularly around the non-profits and there are three to four non-profits in Topsham that would be subject to taxation with the potential for roughly \$30,000 in tax revenue versus current revenue share of \$440,000. Denise replied that organizations like the Land Trust have a problem because they are based in one community but own land in other parts of the State and the question becomes who then taxes the land. Angela Twitchel replied that the land is taxed in the Town it resides in.

With regards to the Homestead Exemptions, Manager Roedner stated that the plan to eliminate exemptions for those under 65 and double the exemptions for those over 65 will be difficult because they do not know anyone's ages and in order to find out, the Town would have to contact every property owner and provide proof of their ages. Denise replied that the State would have to provide the ages taken from the tax rolls. Manager Roedner added that there is a process which the exemptions need to go through and are evaluated on the date of April 1st. The Governor's budget, when approved, will likely not occur until June after evaluations in Topsham are completed and after the Town budget is most likely already approved; mechanically this will be very difficult to go through retroactively. Denise replied that these are two good points to ask. David Douglas replied that he believed that if the budget is approved, the revenue sharing would go through this fiscal year and the new system would begin next fiscal year.

William Thompson noted that this budget pushes more costs on to the school which flows through the Town and then ultimately to the tax payers. Denise noted that another problem that they face is that the Governor has proposed a five year tax proposal but has only presented a two year budget and if they follow the tax proposal down the line they are facing a deficit of 200million.

PUBLIC COMMENT:

Janet McNeil of 2 Brookside Dr. thanked the Public Work's staff for not pushing the snow into her drive as they came by.

CORRESPONDENCE:

- David Douglas received a call from a concerned citizen late Saturday afternoon regarding the lack of snow removal at Foreside Field forcing cars to park on the side of the road to use the sledding field. David drove by on Sunday afternoon and the area was still not

plowed out. Manager Roedner replied that he has not had a chance to follow-up with Public Works, but explained the normal clean-up routine. Manager Roedner will speak with Public Works on placing the area on a higher priority level.

- On 2/2/15, David Douglas was stopped by a concerned citizen regarding the traffic light failure on Rt. 196 and Main Street in mid-afternoon with no traffic; this has been the second time Mr. Douglas has been spoken to about this as this was not the first incident. Manager Roedner replied that the lights were down a few weeks ago and AD Electric was able to get them working, but after they left, they stopped working again. Ruth Lyons replied that this has occurred on several occasions and that this is dangerous. Manager Roedner replied that Topsham has replaced many of the lighting components and that this has been a challenge, but that he will check with the Police Chief.
- David Douglas received a voice mail from a concerned citizen on 2/4/15 regarding what the Town was doing to assist those at the Topsham Mall pan handling. David said that after speaking with the man today, the conversation went to why the Town is allowing pan handling. Manager Roender will speak to Linda in the Town Office and the Police Officers who patrol the area to let the individuals aware of what is available to them for assistance.

ADJUSTMENTS TO THE AGENDA: Motion by Ruth Lyons, seconded by Marie Brilliant, and it was unanimously

VOTED

To add item 15-05, Appointment to Finance Committee to the agenda.

CONSENT CALENDAR

1. **APPROVAL OF THE MINUTES OF THE REGULAR SELECTMEN MEETING JANUARY 15, 2015**

Motion was made by William Thompson seconded by Marie Brilliant and it was unanimously

VOTED

To approve the consent calendar granting approval of the minutes of the regular Selectmen Meeting of January 15, 2015 as written.

UNFINISHED BUSINESS – None noted.

PUBLIC HEARING – None noted.

OLD BUSINESS -No old business.

NEW BUSINESS:

15-03- Consideration and any appropriate action to authorize the Topsham Planning office to submit an application to the Land For Maine's Future water access funding program to acquire the abutting upstream parcel located at the Head of Tide park off of the Cathance Road. (Map R09, Lots 44 & 46A-1)

Angela Twitchel of Main Street in Topsham and Executive Director of BTLT, spoke and said that for many years, the Town along with BTLT and TDI have attempted to acquire the Direnzo property for parking and water access to the river. If funding is acquired and the land is purchased, this will total roughly 7 acres with roughly 1,000 feet of river frontage. Angela reviewed the breakdown of funding for this project as noted in the MEMO to Town Manager, Rich Roedner from Planning Director, Rod Melanson dated 1/20/15 included in the meeting materials.

Ruth Lyons asked if the Town needed to guarantee for a match – in – kind and Angela replied that the match will come from other sources. Ruth said that she is very pleased with what they have accomplished with the park and that this is truly an asset to the Town.

Motion was made by Donald Russell seconded by Ruth Lyons and it was unanimously

VOTED

To authorize the Topsham Planning Office to submit an application to the Land For Maine's Future waster access funding program to acquire the abutting upstream parcel located at the Head of Tide park off the Cathance Road.

15-04- Consideration and any appropriate action to accept an Interlocal Agreement from the Merrymeeting Trail Board of Supervisors.

Victor Angelo, resident of 2 Brookside Drive, said that this agreement was modeled after the Kennebec River Rail Trail Agreement and what they have learned from that experience and language such as leaving some things unspecified. William Thompson said that they met before the holidays and really reviewed the document in hand. William said that they only made two changes. One change to Article 2-A; rewritten to allow more flexibility to the Board. The second change was to Article 5; reworded in a way so that once up and running the representatives representing each Town will submit their budget proposals when budgets are due in their respective municipalities.

Donald Russell asked if this will be an assessment to the communities and Victor replied that it will be a request to the Budget process and then it will go through Town Meeting. David Douglas suggested language changes to Article 5 to the effect that an annual budget be prepared even if they are simply looking to raise funds not just expending money. Victor replied that a request would come with a budget. Under New Members, Article 7, David said that his concern is that they start off with two voting members out of eight and as municipalities are added, Topsham, goes from a 25% vote to a 10%. Victor replied that the only way for another

municipality to be added is for the trail to be extended further and noted that the ends are already competed. Victor pointed out that some of the language included in the agreement is required per the State Statute that governs interlocal agreements. Donald Russell asked, with regards to the majority vote, is it a majority of the membership or the majority of those present and voting. Victor replied that he did not know and agreed that they will need to clarify what *majority* means.

Unanimous decision to table 15-04.

15-05 – Appointment to the Finance Committee.

Motion by Ruth Lyons, seconded by Marie Brilliant, and it was unanimously

VOTED

To appoint Ryan Pelletier to the Finance Committee.

EXECUTIVE SESSION -No executive session.

ADJOURN

Motion by Ruth Lyons, seconded by Marie Brilliant and it was unanimously

VOTED

To adjourn at 8:17 PM.

Attest

Tonya Jenusaitis
Recording Secretary

Approved