

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

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, March 1, 2018 in the Donald A. Russell Meeting Room, at the Municipal Building, 100 Main Street, Topsham, Maine. (The Board held interviews for Boards/Committee at 6:15 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

Following a recent meeting where we discussed a potential contract with Bowdoinham to provide EMS services, I talked to the Town Manager about our difficulty in filling all of our slots, and our concern about extending guaranteed service to another community. I have talked to him again more recently, and he reported that Northeast is still responding, so not all of the calls are coming to us, even though our calls to Bowdoinham are currently running about 7% of our total EMS calls. He did say that they are looking at options for the coming year, and would love to get a proposal from us (if we are interested) in what it would take for us to provide EMS coverage.

This past summer, Officer Lucas Shirland became involved in apprehending a driver that left the scene of a car/pedestrian accident in Brunswick. Officer Shirland heard the radio traffic from Brunswick about the accident, and the lack of any witnesses that could help identify the vehicle. Officer Shirland positioned himself on the Coastal Connector and pulled over a vehicle with front end damage, which turned out to be the car involved. The case resulted in a guilty plea, a 6-year sentence, fines and loss of license. We received a letter of appreciation from the Brunswick PD, acknowledging Officer Shirland's efforts and the successful conclusion of the case.

After some discussions, the SAD 75 Board meeting with elected officials from all communities will remain on Monday, March 12 at 6:30 p.m. in Room 201 at Mount Ararat High School.

Our last joint Selectman/Finance committee workshop is this coming Monday, March 5 at 6:00 p.m. Both groups will hold workshops over the next two weeks to discuss the budgets, and they will re-convene together on March 26 to see if they can agree on a draft budget for Town Meeting. The Public Hearing on the budget, and on the rest of the Town Meeting Warrant items, will be held on April 12 at 7:00 p.m.

Memorial Day is coming up soon, and the bi-town committee is seeking members from Topsham. So, if you are interested in helping organize the Memorial Day Parade, you can contact my office and we will put you in touch with the organizing committee.

There were no questions following the town Manager's report. Chairman Douglass referenced the request from Bowdoinham and whether or not the Board was interested in doing an RFP to provide EMS coverage to Bowdoinham. He said if the Board is interested, the item can be placed on the next agenda for discussion. There was no response from Board members, so no action was taken.

BOARDS AND COMMITTEE REPORTS AND UPDATES – None noted.

PUBLIC COMMENT – Selectman Thompson asked about the handout the Town Manager distributed relative to how to handle emergency incidents that might arise. Mr. Roedner said the Town has a specific Emergency Action Plan for the Municipal Building and the Public Safety Departments have Emergency Management Plans. Selectman Thompson expressed concerned if the high school, for example, had an emergency crises and news media positioned themselves in Town and looked for coverage from Town officials, who would respond. Response was the Town Manager would or Board of Selectmen would assign the questions to either the Police Chief or Fire Chief, depending on the emergency.

CORRESPONDENCE – None noted.

ADJUSTMENTS TO THE AGENDA – Motion was made by Chairman Douglass, seconded by Selectman Tufts, and it was unanimously

VOTED

To add three items to the agenda, as follows:

18-16 – CONSIDERATION AND ANY APPROPRIATE ACTION ON AUTHORIZING EXPENDITURES FROM THE CAPITAL LINE FOR EXTERIOR LIGHTS FOR THE LIBRARY FURNACE REPAIR

18-17 (Under Executive Session) – CONSIDERATION AND ANY APPROPRIATE ACTION ON THE REDEMPTION OF A FORECLOSED PIECE OF PROPERTY

18-18 – CONSIDERATION AND ANY APPROPRIATE ACTION ON THE ACCEPTANCE OF A GIFT

CONSENT CALENDAR

1. Approval of the minutes of the Regular Selectmen’s Meeting of 2/15/18.

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 15, 2018, as written.

PUBLIC HEARING

18-11 CONSIDERATION AND ANY APPROPRIATE ACTION ON POSTING THE FOLLOWING ROADS FROM MARCH 1, 2018 TO APRIL 30, 2018 OR SOONER IF CONDITIONS ALLOW: WINTER STREET/RIVER ROAD FROM MAIN STREET TO WHITEHOUSE CROSSING ROAD, WHITEHOUSE CROSSING ROAD, CATHANCE ROAD, MEADOW CROSS ROAD, WARD ROAD, WEST MERRILL ROAD, ROBERT’S HILL ROAD, AND FORESIDE ROAD FROM TOWNSEND WAY TO THE MIDDLESEX ROAD

The Public Hearing was declared open. There being no one wishing to comment, the Public Hearing was declared closed.

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

VOTED

To allow the following roads to be posted from March 1, 2018 to April 30, 2018, or sooner if conditions allow: Winter Street/River Road from Main Street to Whitehouse Crossing Road, Whitehouse Crossing Road, Cathance Road, Meadow Cross Road, Ward Road, West Merrill Road, Robert’s Hill Road, and the Foreside Road from Townsend Way to the Middlesex Road.

UNFINISHED BUSINESS

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

The Town Manager said he contacted the Inland Fisheries & Wildlife as a result of discussions with Brookfield who suggested restricting use of some water areas adjacent to the Brunswick Hydroelectric facility for safety reasons. The letter from Inland Fisheries, from Timothy E. Peabody, Deputy Commissioner, dated February 27, 2018 is filed with these minutes. In the letter, Commissioner Peabody said “This is a follow-up o our conversation regarding your proposed water safety ordinance on the Androscoggin River in Topsham. After careful review, the department believes the proposed ordinance is preempted by 12 M.R.S. § 13201 to the extent that it regulates fishing and boating in the “no water contact zones.” With certain limited exceptions not applicable here, § 13201 prohibits the regulation, by local ordinance, of fishing and boating activities. In addition, public trust rights exist for the use of the Androscoggin River for fishing, fowling and navigation. Notwithstanding the limitations imposed by § 13201, the extent of municipal authority to restrict public trust uses through local ordinances, if at all, is unclear. The department is authorized by law

to regulate fishing and boating. If the town believes restrictions on these activities are needed in certain areas for safety or other reasons it can request that the department consider the adoption of appropriate rules....”

Mr. Roedner said that Inland Fisheries & Wildlife has regular discussions with Brookfield, but this concern with Topsham has never come up. Chairman Douglass said his opinion on this issue has not changed. All the hazards that have been talked about over the past month are potential hazards and pose a risk to our citizens. He suggested the Board direct the Town Manager to work with the Department of Inland Fishers & Wildlife to take a look at the boating. If they do nothing, that will be on them. The swimming still is on our watch. Other members of the Board chimed in. It was noted that Brunswick took the item off their agenda after seeing the letter from Commissioner Peabody. Concern was expressed that Brunswick doing nothing is disappointing. Question was asked why Brookfield wasn't at the meeting this evening. At this point, all the ordinance can say is that you can't enter the river from Topsham. The Board reached a consensus that the Board needs to meet with Brunswick.

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

VOTED

To direct the Town Manager to begin conversations with the Brunswick Town Manager regarding the objectives of the Water Safety Ordinance with the thought that the two Boards need to get together in a workshop session to get this solved.

OLD BUSINESS - None noted.

NEW BUSINESS

18-12 CONSIDERATION AND ANY APPROPRIATE ACTION TO APPROVE SUBMISSION OF A FY 2018 CERTIFIED LOCAL GOVERNMENT HISTORIC PRESERVATION GRANT APPLICATION FOR THE SAGADAHOC AGRICULTURAL SOCIETY FAIRGROUNDS GRANDSTAND ROOF

Selectman Brilliant recused herself from consideration of this item due to a possible conflict of interest.

Assistant Planning Director Carol Eyerman reviewed some history saying that in November 2016 the Board approved submission of the FY2017 Federal Historic Preservation Fund CLG Grant for \$24,000 to replace the Topsham Fairgrounds grandstand roof. The grant application was submitted to the Maine Historic Preservation Commission in December, 2016.

In February, 2017, Topsham received an award letter from the State for only \$2,500. They requested more detail in the plans and specifications before they would consider the larger grant. James Herrick, Architect, as hired to provide the plans and specs. The new application showing total project cost at \$56,037.28 with request for \$24,995 in CLG Grant funding is now completed. The rest of the funding will be through volunteer in kind donation of time and cash by the Agricultural Society. Ms. Eyerman said the balance of in kind donation of time by Town staff will be minor.

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

VOTED (4 in favor with 1 abstention [Selectman Brilliant])

To approve the submission of the fiscal year 2018 Certified Local Government Historic Preservation Grant Application.

18-13 CONSIDERATION AND ANY APPROPRIATE ACTION IN THE APPOINTMENT OF WILLIAM GREENWOOD TO THE TREE COMMITTEE AND SHANA STEWART DEEDS TO THE CONSERVATION COMMISSION

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

VOTED

To table Agenda Item 18-13.

18-16 CONSIDERATION AND ANY APPROPRIATE ACTION TO AUTHORIZE EXPENDITURE OF \$8,000 FROM 26-50-74 ON LIBRARY EXTERIOR LIGHT REPLACEMENTS FOR FURNACE REPAIRS

The Town Manager asked for the Board's authorization to spend money from the account set aside for the exterior lights (set aside \$10,000, but budget came to only \$2,000). He said that will give us \$8,000 and the balance can come out of our Capital Maintenance Account and/or Facilities Maintenance Account. The total cost for the repair is anticipated to come to approximately \$12,000.

Chairman Douglass said he is uncomfortable using maintenance funds and moved that the Manager come up with the necessary funds out of this year's Capital Improvement Budget for the furnace repair at the library and if the cost goes above the \$12,000 to come back before the Board. Selectman Lyons seconded the motion.

VOTE was called and the motion passed with all in favor.

18-18 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE ACCEPTANCE OF A GIFT

Chairman Douglass said the Town Manager was contacted by a gentlemen in Town saying his sister left him three Lithographs and that he would like to donate them to the Town. It was noted that the Town does not have a policy on accepting gifts and the Town Manager included a couple examples for the Board to consider.

Accepting the gift was discussed and the Board noted appreciation of the gesture. The Boards consensus was that the lithographs would not fit anywhere in the Town Hall. The Board instructed the Town Manager to thank the gentlemen for his kindness and to decline acceptance of the lithographs.

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

VOTED

To table consideration of a Gift Acceptance Policy to the March 15th meeting.

At 7:45 p.m., Selectman Tufts made a motion to enter into Executive Session. Selectman Lyons seconded the motion and it was unanimously

VOTED

To move into Executive Session to discuss Agenda Items 18-14, 18-15 and 18-17/

EXECUTIVE SESSION

18-14 CONSIDERATION AND ANY APPROPRIATE ACTION TO ENTER INTO EXECUTIVE SESSION TO DELIBERATE AN ABATEMENT PURSUANT TO 36 MRSA §841 AND TITLE 1 405 6 (F)

Following discussion, motion was made by Chairman Douglass, seconded by Selectman Tufts, and it was unanimously

VOTED

To grant an abatement on Agenda Item 18-14 in the amount of \$2,580.62.

18-15 CONSIDERATION AND ANY APPROPRIATE ACTION TO ENTER INTO EXECUTIVE SESSION TO DELIBERATE AN ABATEMENT PURSUANT TO 36 MRSA §841 AND TITLE 1 405 6 (F)

Following discussion, motion was made by Chairman Douglass, seconded by Selectman Lyons, and it was unanimously

VOTED

To deny the request for abatement on Agenda Item 18-15 as the applicant had not demonstrated hardship and there is a mortgage holder on the property that can cover the outstanding taxes.

18-17 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE REDEMPTION OF A FORECLOSED PIECE OF PROPERTY

Following discussion, motion was made by Chairman Douglass, seconded by Selectman Lyons, and it was unanimously

VOTED

To authorize the Town Manager to accept payment of foreclosed taxes, and to sign a Quit Claim Deed on the subject property.

ADJOURNMENT

At 8:05 p.m., motion was made by Selectman Tufts to adjourn, seconded by Selectman Lyons and so voted.

Respectfully submitted,

Patty Williams, Recording Secretary