

MINUTES  
TOWN OF TOPSHAM  
BOARD OF SELECTMEN MEETING  
MARCH 15, 2012, 7:00 P.M.

---

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, March 15, 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 recite the Pledge of 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:

- The Board of Appeals meeting scheduled for Monday, March 19, 2012 has been postponed until Monday, April 2, 2012.
- The backup 2005 ambulance needs a new engine. The oil pump broke and that in turn caused something to let go in the engine. The engine only has 65,000 miles and the extended warranty expired 4 months ago. We will be talking to Ford about some assistance with the \$17,400 cost for a new engine. The Town of Brunswick is covering the backup calls while the new engine is being ordered.

**BOARD AND COMMITTEE REPORTS AND UPDATES**

**TDI/ECD Update** - John Shattuck, ECD Director and TDI Board member, presented an update on several items, including:

- Several applications have come in from those interested in serving on The Lower Village Waterfront Park Committee. The applications will be reviewed early in April.

- A Public Forum will be held at the Topsham Municipal Building on Thursday, March 22, 2012 beginning at 7:00 p.m. with the Sagadahoc County Commissioners to receive comments and input on moving funding of MCOG to the county level.
- There is increased interest from national companies looking at the vacant properties at the Topsham Fair Mall and also on developing new pads and plots.
- Lee Toyota is planning to hold their Grand Opening in April and also to celebrate the Nissan association in July or August.
- ECD is looking into applying for state certification for the Business Friendly Community Program. Mr. Shattuck said he will report back to the Board with their progress.
- Work continues moving forward with MRRRA on the Annex redevelopment.

**MRRRA Update** - Steve Levesque, MRRRA Executive Director, gave an overview of the Midcoast Regional Redevelopment Authority saying it is a quasi-independent public municipal corporation with dual responsibilities from the federal government, as well as the state, to redevelop closed bases.

Mr. Levesque said a lot of work has been done since the closing of the base in May of 2011 including:

- Implementing the Reuse Master Plans for NASB and the Topsham Annex
- Managing the transition of base properties from military to civilian uses
- Redeveloping base properties and creating new high quality jobs and a tax base

Mr. Levesque said Brunswick Landing involves approximately 3,240 acres, of which 3,100 acres involving the base; 76 acres with McKeen Street Housing and 66 acres at the East Brunswick Transmission Site. Topsham Commerce Park consists of 74 acres. Over 200 buildings are involved totaling nearly 2 million square feet of commercial and industrial space. The "State of the Art" aviation complex has two 8,000 ft. runways, modern hangars and maintenance facilities. There are 650 housing units located on and around Brunswick Landing and the Topsham Commerce Park.

MRRRA's Short-Term Goals include: Recover civilian job losses in the primary impact community resulting from the base closure; Intermediate Goal: Recover economic losses and total job losses in the primary impact community; and Long-Term Goal is to facilitate the maximum redevelopment of base properties.

A two-day Brunswick International Fly-In will be hosted on June 2nd and 3rd and the State of Maine Air Show on August 24th, 25th and 26th.

Mr. Levesque told the Board there are approximately 15 businesses at Brunswick Landing involving 130 jobs. The hope is to employ over 400 people in the next couple of years.

Businesses already doing business at Brunswick Landing include:

- American Bureau of Shipping (ABS)
- FlightLevel Aviation
- Goodwill Industries of Northern New England
- Great Island Boat Yard
- Integrated Marine Systems

- Kestrel Aircraft Company
- Maine Technology Institute
- Maine Tool and Machine
- Harris Golf/Mere Creek Golf Course
- Molnlycke Health Care
- New England Tent & Awning
- Resilient Communications
- Southern Maine Community College

Following his presentation, the Board commended Mr. Levesque on doing a good job and said the future of BNAS looks much brighter than in did when the closing announcement was made. Mr. Riendeau said he learned more in the last 10 minutes than we had over the past 6 months. Mr. Levesque said the group appreciated the good work done by John Shattuck.

**PUBLIC COMMENT** - None Noted.

**CORRESPONDENCE** - Chairman Russell referenced correspondence from the American Legion Post 202 in Topsham inviting the Town Manager and the Board of Selectmen to the 40th Annual Law Enforcement Breakfast to be held on Saturday, April 14, 2012. The breakfast is held annually to recognize law enforcement people, fire fighters and medical response personnel. The Board unanimously agreed to attend the breakfast along with the Town Manager.

Letter was acknowledged from Chris Taylor, Secretary of the Topsham Heights Neighborhood Association, dated March 12, 2012. The association expressed appreciation for the good work accomplished last fall on the Bridge-to-Bridge Bike Path. They thanked the Board (both current and previous members), Public Works Department, MDOT, Pam LeDuc and Rich Roedner for their part in the project.

**ADJUSTMENTS TO THE AGENDA** - Motion was made by Mr. Riendeau, seconded by Mr. Mason and it was unanimously

VOTED

To add Item 36-12 - **CONSIDERATION AND ANY APPROPRIATE ACTION ON SAGADAHOC COUNTY EMA'S REQUEST FOR REVERSE 911 EMERGENCY NOTIFICATION SYSTEM FUNDING** and Item 104-11 **CONSIDERATION AND ANY APPROPRIATE ACTION TO APPOINT DANIEL BREED TO THE TOPSHAM HOUSING AUTHORITY** to the agenda.

**CONSENT CALENDAR**

1. **APPROVAL OF THE MINUTES OF THE SPECIAL SELECTMEN MEETING OF March 1, 2012**

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

VOTED

To approve the minutes of the March 1, 2012 meeting as written.

**2. APPROVAL OF THE MINUTES OF THE RESCHEDULED REGULAR SELECTMEN MEETING OF MARCH 8, 2012**

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

VOTED

To approve the minutes of the March 8, 2012 meeting as corrected.

*(Correction included: Pg. 7, Item 29-11...add to end of vote "with Constellation Energy.")*

**PUBLIC HEARING** - None noted.

**OLD BUSINESS** - (See 104-11 following)

**NEW BUSINESS**

**30-12 -CONSIDERATION AND ANY APPROPRIATE ACTION TO AWARD A DIRECT FUNDING DEPARTMENT OF ENVIRONMENTAL PROTECTION 319 PROGRAM GRANT FOR WATERSHED PLANNING**

Ron Melanson, Assistant/Natural Resource Planner, reported that we have been awarded funding from the Maine Department of Environmental Protection 319 Watershed Planning Program. It was originally thought that the state had no funds for this program. Topsham has applied for this money for the past 3 years and has finally been awarded a grant. This money will allow the town to develop a more comprehensive watershed plan. This funding is a non-competitive direct funded grant where the Maine DEP, along with the Topsham Planning Office, has identified Wright-Pierce and FB Environmental to be the lead consultants on the project. Mr. Melanson said that the Planning Office believes the approach of having a watershed plan will serve the town better in the long run since we will conduct the planning process locally, with stakeholders, to determine how we address the impaired stream issues versus having some other agency or organization dictate what needs to be done. He said there is a threefold goal of the project including 1) To develop, facilitate and engage an action-oriented stakeholder group and technical advisory team to advise and oversee watershed assessments and the development of a 10-year implementation plan; 2) to conduct detailed watershed assessments, including a stream corridor assessment and a stormwater retrofit reconnaissance inventory; and 3) to produce a detailed and user-friendly watershed based management plan that will outline a course of actions to bring the stream into Class B attainment levels. \$65,412 is budgeted for the project with a \$26,500 in-kind match from the town.

Following Mr. Melanson's presentation, motion was made by Mr. Mason, seconded by Mr. Riendeau and it was unanimously

VOTED

To allow the Town Manager to accept the award from the Maine Department of Environmental Protection 319 Program Grant for Watershed Planning.

**31-12 CONSIDERATION AND ANY APPROPRIATE ACTION TO ACCEPT A YAMAHA ATV SEIZED AS A RESULT OF A DRUG-RELATED COURT CASE IF SO ORDERED BY THE COURT**

Police Chief Timothy Young explained that before the Court can award the Town the Yamaha ATV vehicle which was seized as a result of a drug-related court case, the legislative body (which in this case is the Board of Selectmen) must vote to accept same.

Chief Young told the Board that the Police Department current has one ATV vehicle that has been put to good use in various patrols. It is often used by the department to patrol the railroad tracks in town, time which is requested and reimbursed by the railroad. The Chief said it is better to send two ATV's out for safety reasons and they usually borrow a second machine from another town.

A discussion followed with questions posed from the Board whether or not the department really has a need for a second ATV and what extra costs might be involved in the budget, if other departments would be allowed to use the machine, who would operate same and when. Selectman Douglass inquired if the ATV could be auctioned off. The Chief said it could but his opinion was that the department would get good use from a second machine. Selectman Mason asked if we could accept the ATV now and then decide at a later date what to do with it.

Motion was made by Mr. Douglass, seconded by Mr. Mason to accept the Yamaha ATV seized as a result of a drug related court case with a decision to be made on the use of the ATV at a later date.

During discussion concern was raised if the court would accept the caveat of deciding what to do with the ATV at a later date. Mr. Douglass rescinded his motion and Mr. Mason rescinded the second.

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

VOTED

To accept the Yamaha ATV seized as a result of a drug related court case if so ordered by the Court.

**32-12 CONSIDERATION AND ANY APPROPRIATE ACTION ON A RECOMMENDATION FROM THE ASSESSOR TO ABATE PERSONAL PROPERTY TAXES FROM 2010**

The Town Manager explained that Direct Capital Corporation disposed of their assets in 2010 and so notified the Assessors Office. However the account was not removed from the town records. Justin Hennessey, the Assessor, told the Board in a memo dated February 24, 2012 that he granted the abatement for fiscal year 2011 to 2012, which is within his one year authority under Maine Law. However, after one year the municipal officers must grant abatement for an error or irregularity.

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

VOTED

To abate the amount of \$190.86 from Direct Capital Corporation as a result of the disposing their assets in 2010.

**33-12 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE LIST OF TAX ACQUIRED PROPERTIES**

Town Manager Knight had provided a spreadsheet listing the properties, valuations and total amount due for all years. Heather Hollenbach asked to be recognized and told the Board that she would pay the whole amount due for back taxes on her property at 24E Bay Bridge Road. Tim Justice also asked to speak and told the Board he was present at the meeting to pay the full amount due for back taxes for his mother's property at 590 River Road.

Ms. Hollenbach and Mr. Justice were asked to come to the Town office by Friday, March 16, 2012 and pay the taxes to the tax collector.

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

VOTED

To accept payment for taxes on property at 24E Bay Bridge Road and 590 River Road and once they are paid a Quit Claim Deed will be issued as soon as possible.

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

VOTED

To have the Town Manager contact the owners of property at 384 Cathance Road, 3 Bunny Lane and 55 Marc Avenue and give them a second opportunity to come in and take care of those taxes and report back to the Board at the April meeting.

**34-12 CONSIDERATION AND ANY APPROPRIATE ACTION TO AUTHORIZE THE TOWN MANAGER TO SIGN A MEMORANDUM OF AGREEMENT WITH THE MAINE ARMY NATIONAL GUARD**

Mr. Knight referenced the memo dated March 9, 2012 from Pam LeDuc, Director of Topsham Parks and Recreation saying we have been given the green light to proceed in making plans with the Maine Army National Guard to assist us in construction at the Head of Tide Park. All of the Guard's time will be used as a match to the Land and Water Conservation Grant we received this year. In total, Ms. LeDuc said we have \$74,850 to spend. The Guard is willing to construct two pavilions, 2 vault toilets, 2 gates, 2 kiosks, a variety of picnic tables and construct rock walls from some of the available feldspar stones to help secure a variety of historical artifacts at the park. Also, the Guard is willing to build the handicapped parking area and the boat drop-off area adjacent to the current boat launch.

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

VOTED

To authorize the Town Manager to sign a memorandum of agreement with the Maine Army National Guard for their assistance with the Head of Tide Park project.

**35-12 CONSIDERATION AND ANY APPROPRIATE ACTION ON SAGADAHOC COUNTY EMA'S REQUEST FOR REVERSE 911 EMERGENCY NOTIFICATION SYSTEM FUNDING**

Chairman Russell addressed this agenda item and referenced a letter dated February 6, 2010 which was included in the Board package which explained that the Reverse 911 Emergency Notification System is a new tool that the County has to be able to contact large segments of town at once if they need to evacuate a particular area. The County is asking for \$750 from Topsham to fund a portion of the system's cost. The County will cover the cost of maintaining the system in their budget in the future.

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

VOTED

To pay \$750.00 to Sagadahoc County in support of the County-Wide Reverse 911/Code-Red Emergency Notification System.

**104-12 CONSIDERATION AND ANY APPROPRIATE ACTION TO APPOINT DANIEL BREED TO THE TOPSHAM HOUSING AUTHORITY**

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

VOTED

To appoint Daniel Breed to the Topsham Housing Authority.

**ADJOURN**

Motion was made, seconded and unanimously VOTED to adjourn at 7:55 p.m.

Respectfully submitted,

---

Patty Williams, Recording Secretary