

MINUTES
TOWN OF TOPSHAM
BOARD OF SELECTMEN MEETING
DONALD A. RUSSELL MEETING ROOM
MARCH 7, 2019 – 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 and Derek Scrapchansky,
Assistant Town Manager

A meeting of the Topsham Board of Selectmen was held on Thursday, March 7, 2019, in the Donald A. Russell Meeting Room, at the Municipal Building, 100 Main Street, Topsham, Maine.

CALL TO ORDER

Chairman Douglass called the regular meeting to order at 7:00 p.m. It was noted that all members were present.

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

The deadline to register for our Second Annual Galactic Bowl is tomorrow, March 8. This is open to boys and their parent escorts. See details in the Parks and Recreation office.

Tonight, the Topsham Fire Fighters Association is being hosted by Pub 99. All meals served tonight until 10:00 p.m. will result in 15% going to the Association. You will need a copy of the flyer, which should be available from one of the Fire Fighters who will greet you as you enter the parking area.

Music in March is back in the Library. This Saturday, Porch Light will be highlighted. The show starts at 1:00 p.m. and is open to all; no cover.

Also at the Library, Joy of the Lens nominations are now being accepted. Check the Library website for details.

Residents interested in any of our Rec programs are encouraged to check the Parks and Recreation web page for deadlines and details, as well as registration information.

As a long-distance notice, this summer there will be a major culvert replacement project taking place on River Road, which will necessitate a complete road closure for a minimum of five days. The project has not been scheduled yet, but once it is, we will have notices on our web page, advance warnings posted on River Road, as well as detour signs in place during the actual project.

BOARDS AND COMMITTEE REPORTS AND UPDATES

Proposed Ordinance Amendments From the Planning Board - Assistant Planner Carol Eyerman reviewed 6 amendments proposed by the Planning Board resulting from several Planning Board Workshops and asked for feedback from the Board. The amendments include:

1. Municipal Signs – School and Town use. Ms. Eyerman said the Town Attorney and School District Attorney have reviewed and approve the amendments.
2. Aquifer Protection Overlay District – Adds public water utility facilities. (More work will be done on this in the coming years.)
3. MUC Zone Changes – It was noted this proposed amendment has nothing to do with Crooker. After considerable review, the Planning Board is proposing consideration of implementing the MUC zoning change as a starting point on the parcels south of the stream that runs along Park Drive. The stream and its conservation area offer a natural boundary line for a transitional neighborhood, from single-family residential to higher density mixed use, to commercial and retail space. Currently the first floor of dwellings have to be used commercially. The amendment would allow apartment style condos which would allow transitional use between a residential area and the mall area.

Developer, Dan Catlin spoke on this item saying he can vision three stories, 12-unit buildings fitting well with the commercial businesses.

4. Zoning changes to lot sizes in the Lower Village. Make it more walkable, more suburban. Change the lot size from 7,500 square foot minimum lot size. In the shoreland zone we have 30,000 to 60,000 s.f. minimum lot size. Proposal is to change the lot size in the Lower Village (40 lots) to be consistent with the Comprehensive Plan to change minimum lot size in the Shoreland Zone and change the shoreland frontage to 50 feet along the river.

Peter Casada, Bowdoin Mill Associates, came to the podium and told the Board that they own two or three 30,000 foot lots, one of them the former fire station lot and the house beyond that. He said their guide posts was the Lower Village Vision before they purchased the property and are now full with the Bowdoin Mill and one floor of the Red Mill and are considering what to do with their other property. He said their alternatives are restaurants or apartments. The Comprehensive Plan calls for more density in the village. After discussing with the Planning Department, he sees a market for housing. It would be a nice place for people to live who want to walk.

5. Proposed amendment which will create language to better direct the Board of Appeals. Amendment is currently before the town attorney for review.
6. An amendment change to coincide with State Law.

The Board listened to and commented on each of the proposed changes and instructed the Assistant Planner to continue to move the amendments forward for presentation to the Board of Selectmen.

PUBLIC COMMENT – Dan Catlin said he would appreciate ideas and suggestions on how best to move forward with a plan for the land across the street from the Town Office where Wright-Pierce Engineering was formerly located - 99 Main Street, which Mr. Catlin owns.

CORRESPONDENCE – None noted

ADJUSTMENTS TO THE AGENDA – None noted.

CONSENT CALENDAR

1. Approval of the minutes of the Regular Selectmen’s Meeting of February 7, 2019.

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

VOTED

To accept the Consent Calendar, approving the minutes of the regular Selectmen’s Meeting of February 7, 2019 as written in the Third Draft.

PUBLIC HEARING

19-06 CONSIDERATION AND ANY APPROPRIATE ACTION ON POSTING THE FOLLOWING ROADS FROM MARCH 1, 2019 to APRIL 30, 2019 OR SOONER IF CONDITIONS ALLOW

The Public Hearing was declared open.

Dennis Cox, Public Works Director, recommended that the Town post the following roads due to the conditions created by the warming temperatures and frost heaves.:

- 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
- Forside Road from Townsend Way to the Middlesex Road

The road posting would be effective March 8, 2019 to April 30, 2019, or sooner if conditions allow.

There being no one from members of the public wishing to comment, the Public Hearing was declared closed.

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

VOTED

To post the roads according to the Memo/Public Notice from the Public Works Director being 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; Foreside Road from Townsend Way to the Middlesex Road, effective March 8, 2019 to April 30, 2019, or sooner if conditions allow.

UNFINISHED BUSINESS – None noted.

OLD BUSINESS

19-03 CONSIDERATION AND ANY APPROPRIATE ACTION ON CHANGING THE TITLE "BOARD OF SELECTMEN" TO "SELECT BOARD"

At the last meeting a resident asked the Board to consider changing its name from Board of Selectmen to Selebtboard (or Select Board). There was general understanding of the issue that was raised and staff was asked to work on a policy rather than an ordinance change. The Town Manager submitted a draft policy for the Board's consideration that would establish the practice of referring to the elected body as the Selectboard or Select Board. The policy also provides for a minor amendment to the Town Code, to clarify that Board of Selectmen also means Selectboard, and that Selectman also means Selectwoman and Selectperson.

The Board acknowledged receiving and reading the policy that Town Manager Roedner developed. Mr. Roedner said if we were to go with an ordinance change, the response he received from the Maine Municipal Association was that the legal terminology in the State Statute is Selectmen and Board of Selectmen. Therefore, from a legal standpoint they were hesitant for us to legally change the name to Selectman Board. On a policy level, they said do what you want to do.

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

VOTED

To make no changes to the Board of Selectmen title.

NEW BUSINESS

19-07 CONSIDERATION AND ANY APPROPRIATE ACTION ON ESTABLISHING A REGISTRATIONS APPEAL BOARD AND APPOINTING MEMBERS

Te Board discussed the following memo from Linda Dumont, Town Clerk:

*"TO: Board of Selectmen
FROM: Linda Dumont, Town Clerk
DATE: January 25, 2019*

RE: Registration Appeals Board

In reviewing election laws, I have found that the town should have in place a Registration Appeals Board in the event that a voter is aggrieved by the decision of the Registrar to cancel the voter.

I have been working on establishing this committee and have since received a nomination from both the Democratic and Republican political part as required by State Statute and I have selected a nominee to serve a chair.

I am requesting that the Board authorize forming this Board and to appoint the following nominees to the Registration Appeals Board. Each member serves a three-year term, with the exception of the chair, which serves a four-year term. I have attached the statute for your review.

Democratic Party: Sara Ward
Republican Party: Dwayne Bickford
Alternate: Gail Eaton
Chair: Peter Lepari”

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

VOTED

To create a Registrations Appeal Board and to appoint Sara Ward, Dwayne Bickford and Gail Eaton to a three-year term and Peter Lepari as Chairman to a 4-year term to such Board to follow the positions in the memo from Linda Dumont dated January 25, 2019.

19-08 CONSIDERATION AND ANY APPROPRIATE ACTION ON REVIEWING THE PROCESS FOR APPROVING AP WARRANTS

Town Manager Roedner referenced his memo dated February 25, 2019 to the Board saying he had a difficult time this past week in getting three signatures to release the AP Warrant. Selectman Tufts raised the issue of whether we can have a streamlined process to sign the warrant electronically.

Mr. Roedner contacted The Maine Municipal Association and their response was included in the Board Package for review.

Senior Staff Attorney Richard Flewelling from MMA noted that “under 10 M.R.S. Section 9502(1):

1. Digital Signature: “Digital signature” means a computer-created electronic signature tat:
 - A. Is intended by the person using it to have the same force and effect as the use of a manual signature: [1999, c. 762, §2 (NEW) .]
 - B. Is unique to the person using it; [1999, c. 762. §2 (NEW) .]
 - C. Is capable of verification; [1999, c. 762. §2 (NEW) .]
 - D. Is under the sole control of the person using it; and [1999, c. 762. §2 (NEW) .]
 - E. Is linked to data in such a manner that it is invalidated if the data are changed. [1999, c. 762. §2 (NEW) .]

The Town Manager said he was looking for a sense of how the Board feels about the idea of electronic signatures and if they want him to proceed with developing a form for the process.

Chairman Douglass said he would want to see the signing page, and would want to know what extra he is giving up to sign these, if someone wants to come back to challenge.

The Board was in agreement that Mr. Roedner should continue to go forward with this idea, and shoot for consideration in May at Town Meeting, if possible.

EXECUTIVE SESSION

At 8:35 p.m. motion was made by Selectman Tufts, seconded by Selectman Lyons, and it was unanimously

VOTED

To enter Executive Session to consider appropriate action pursuant to 1 M.R.S.A. §405, (6) (A) to discuss a personnel matter.

19-09 CONSIDERATION AND ANY APPROPRIATE ACTION TO ENTER INTO EXECUTIVE SESSION PURSUANT TO 1 M.R.S.A. §405 (6) (A) TO DISCUSS A PERSONNEL MATTER

The Executive Session was called to order at 8:41 p.m. In attendance was Chairman Douglass, Selectman Thompson, Selectman Brilliant, Selectman Lyons and Selectman Tufts.

At 9:10 p.m., motion was made, seconded, and it was unanimously

VOTED

To come out of Executive Session.

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

VOTED

For the Board Chair and Vice Chair to handle the personnel matter as discussed in Executive Session.

ADJOURNMENT

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

VOTED

To adjourn the meeting at 9:12 p.m.

Respectfully submitted,

Patty Williams, Recording Secretary