

MINUTES  
TOWN OF TOPSHAM  
BOARD OF SELECTMEN MEETING  
MARCH 8, 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, March 8, 2012 at the Municipal Building at 100 Main Street, Topsham, Maine. (This meeting was originally scheduled for March 1, 2012 but was rescheduled to March 8 because of a snowstorm that occurred on the 1st.)

**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:

- A discussion was held at a previous meeting of the possibility of using the Highway Crew to work on the Androscoggin Riverwalk Trail Project. The Town Planner has been in discussions with the Department of Transportation about how the contract could be structured and the plan has become too complicated for it to work. Therefore, a Request for Proposals will go out soon to contractors for the project and the Board of Selectmen will consider bids next month with the work to be completed by later summer.
- Property taxes are due in April and payments can be deposited in the drive-up drop box located in the municipal office parking lot.
- New batting cages are being installed at the Recreation Fields. The cages were donated by the Atlantic Regional Federal Credit Union and Enterprise Electric and should be ready for use by the first of April.

**BOARD AND COMMITTEE REPORTS AND UPDATES**

**Head of Tide Park** - Don Nicely, President of the Brunswick Rotary Club, Pam LeDuc and Susan Chadima each spoke at the meeting. On behalf of the Brunswick Rotary Club, Mr. Nicely presented the Head of Tide Park a check in the amount of \$500. Ms. LeDuc said \$2,400 and \$1,100 has been raised for the project in addition to the \$500 donation.

Ms. LeDuc also gave a brief update on the Army National Guard's agreement to move forward with the project. A date has not yet been established for when their work will begin.

**PUBLIC COMMENT** - Jim Trusiani applauded Pam LeDuc for her commitment and work with the Recreation Committee. He also expressed thanks to Atlantic Regional Federal Credit Union and Enterprise Electric for the batting cages which will be installed soon at the rec field. Mr. Trusiani also gave an update of the Sagadahoc County Budget meetings which will be held on the 4th Thursday in April. A 5% increase in the budget is expected earmarked to the new jail.

**CORRESPONDENCE** - Chairman Russell acknowledged receipt of a letter from a citizen expressing concern with the condition of three properties in his neighborhood. A copy of the letter was turned over to the Code Enforcement Officer who will address the concerns.

**ADJUSTMENTS TO THE AGENDA** - The Board was in unanimous agreement to consider Agenda Item 20-12 ahead of item 19-12.

**CONSENT CALENDAR****1. APPROVAL OF THE MINUTES OF THE SELECTMEN MEETING OF 2-16-12**

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

VOTED

To approve the minutes of the February 16, 2012 meeting as written.

**PUBLIC HEARING****18-12 - CONSIDERATION AND ANY APPROPRIATE ACTION RELATIVE TO LIMITING HEAVY LOADS ON TOWN-OWNED ROADS, TOWN ORDINANCE SECTION 210-62**

The Public Hearing was declared open. Dennis Cox, Public Works Director spoke stating it was the time of year to post certain roads, including:

Winter Street/River Road from Main Street to Whitehouse Crossing Road

Whitehouse Crossing Road

Meadow Cross Road

Cathance Road

Ward Road

West Merrill Road

Robert's Hill Road

Forside - Townsend to Middlesex

During discussion between the Board it was noted that the posting of roads is not meant to disrupt business, rather to protect our infrastructure. It was also noted that the Public Works Director (PWD) will grant exemptions when necessary and appropriate.

During receipt of comments from members of the public, Jim Trusiani told the Board he was not a fan of posting roads. He said that fire trucks are allowed, as are oil trucks and Town of Topsham trucks to the landfill, but a lumber truck can't be allowed to deliver a load of lumber to a citizen to build a house.

With no further comments to be heard, the Public Hearing was declared closed.

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

VOTED

To give the Public Works Director authority to post roads as stated in his memo to the Board and to issue permits of exemption as well as revoke permits as he deems necessary.

**UNFINISHED BUSINESS** - None noted.

**28-12 CONSIDERATION AND ANY APPROPRIATE ACTION TO HEAR AN APPEAL OF A GRIEVANCE FILED BY THE LOCAL S/89 DISTRICT LODGE #4 INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS**

Chairman Russell said the procedure will be to ask for comments from the applicant, listen to his remarks, then listen to comments from the town staff relevant to their decision. The town staff decision is being appealed - the Board will then make a decision based on the evidence and facts received from the presentation.

Union Representative David Sullivan spoke first addressing Article 9 - Working Hours and Overtime in the Union Agreement expressing dissatisfaction with a change in the call-in process recently made by the Public Works Department Supervisor and the Town Manager. Public Works personnel Wayne Campbell and David Campbell also spoke to the matter. Request was made to return the call-in process to the way it was since 2003. Wayne Campbell told the Board he has worked for the Town for 25 years and has tried to work with the town, sometimes foregoing raises. He said the new public works director used a different list which worked fine during the summer months and agreed to go back to the original winter list but didn't do so and therefore not allowing the workers to gain comp time as in previous years.

Mr. Sullivan said the former call-list language always worked fine until the new Town Manager and new Public Works Director and new Town Attorney became involved and he asked the Board to restore the former process.

The Public Works Director explained why the call-in schedule was changed and comments were also received from the Town Manager.

After all comments were heard, motion was made by Mr. Douglass, seconded by Mr. Russell

To uphold the Town Manager's interpretation regarding the grievance filed for Local S/89 District Lodge #4 International Association of Machinists and Aerospace Workers (IAMAW) Operations Unit.

VOTE was called and the motion was defeated and the grievance upheld. Voting in favor of the motion was Russell and Douglass. Voting against: Brilliant, Mason and Riendeau.

**OLD BUSINESS** - None noted.

**NEW BUSINESS**

**20-12 CONSIDERATION AND ANY APPROPRIATE ACTION ON A PROPOSED ORDINANCE REGARDING A BAN ON THE USE OF FIREWORKS**

(See Article 19-12, below)

**19-12 CONSIDERATION AND ANY APPROPRIATE ACTION ON A PROPOSED ORDINANCE REGARDING A BAN ON THE SALE OF FIREWORKS**

Although the Board agreed to address article 20-12 ahead of article 19-12, as the discussions began it seemed appropriate to discuss both articles together which is what ended up happening.

Chairman Russell said this first came to the Board in September, due to the fact that the State passed a statute that allowed the use of fireworks in municipalities and allowed the sale and possession of fireworks also. At that time the Board felt strongly that the decision should be left to the voters at Town Meeting. A date for a special town meeting was selected for December 28, 2011, but the Board felt that was not a fair date being so close to the Christmas holiday. Therefore, we deferred to the State ordinance by doing nothing, which is still in effect at this time.

Chairman Russell continued the Town needs to decide do we have the ban on fireworks or do we allow fireworks in Topsham. The other issue is the sale of fireworks in Topsham. Do we allow the sale of fireworks in Topsham or do we ban then. Two follow-up ordinances were also written to be able to control the use of fireworks and therefore the 4 items on the agenda. Chairman Russell said he is a strong believer that we should take the articles to a Town Meeting to let the citizens decide whether they want to allow fireworks or ban fireworks in Topsham.

This is the point where the Board decided it would be best to discuss agenda items 19-12 and 20-12 together.

The Public Hearing was declared open with several wishing to comment. Some of the comments included:

- **Bill Fitzsimmons** - Asked that the Board make a decision at this meeting to put all four items (19-12, 20-12, 21-12 and 22-12) on the warrant for Town Meeting. Said he would take out a petition to address the items at a Town Meeting.

- **Wes Thames** - Urged the Board to support business in town. Be kind to businesses and allow the sale and use of fireworks.
- **Ralph Williams** - Control fireworks with regulations. The particular use of a store should not be decided at a town meeting.
- **Jim Trusiani** - Not in favor of banning. If we ban fireworks we won't be able to have them at Topsham Fair or our upcoming 250 Year anniversary Celebration.
- **Bill Fitzsimmons** - We are not deciding yes or no on them tonight, simply whether or not to put them on the warrant for a town meeting vote. Urged Board to put all 4 articles on the warrant for the people to vote on.
- **Harold Sandlin** - Fireworks have been illegal since he was 5 years old. Urged the Board not to send to Town Meeting as small groups gather and decide for many who are not there. Asked how would we get this question to a referendum vote. People would say their real feeling if they could vote in private.

Following receiving comments from those wishing to speak, there was a lengthy discussion on the pros and cons of allowing the use of fireworks but not the sale and then banning the sale and allowing the use. John Shattuck explained the difference between the State Ordinance and the proposed ordinances written for Topsham. He said Topsham's actual have more restrictions.

After all comments were heard, motion was made by Mr. Mason, seconded by Mr. Riendeau and it was

VOTED

That the questions concerning the sale and use of fireworks be put to a referendum vote in the upcoming Primary Election in June.

(The vote was 4 in favor and 1 opposed (Mr. Douglass).

**21-12 CONSIDERATION AND ANY APPROPRIATE ACTION ON A PROPOSED AMENDMENT TO THE TOPSHAM ZONING CODE REGARDING THE SALE OF CONSUMER FIREWORKS**

No action taken.

**22-12 CONSIDERATION AND ANY APPROPRIATE ACTION ON A PROPOSED AMENDMENT TO THE TOPSHAM CODE REGARDING THE USE OF CONSUMER FIREWORKS**

No action taken,

**23-12 CONSIDERATION AND ANY APPROPRIATE ACTION ON A REQUEST FROM THE COMPREHENSIVE PLAN IMPLEMENTATION COMMITTEE TO CREATE A ROUTE 196 CORRIDOR STUDY COMMITTEE**

Town Planner Richard Roedner began the discussion spoke to this item and referenced a request from the Comprehensive Plan Implementation Committee (CPIC) from Chairman Roger Perkins dated February 9, 2012. The letter states that the Comprehensive Plan adopted by the voters in

2005 directed the Town to conduct a Route 196 Corridor Plan "that defines a vision for the future of this corridor. The plan should examine zoning, land use patterns, transportation patterns, safety and utility extensions (Strategy 39)." The Corridor Plan would become part of the Comp. Plan upon adoption at Town meeting and would then provide the basis for proposals for any proposed zoning modifications within the corridor. Funds have been allocated in the current budget for the study.

Following a brief discussion, motion was made by Mr. Riendeau, seconded by Mr. Douglass and it was unanimously

VOTED

To grant the request of the Comprehensive Plan Implementation Committee to create a Route 196 Corridor Study Committee to take the necessary action to conduct a corridor study along Route 196.

**24-12 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE ANNUAL CONTRACT WITH THE COASTAL HUMANE SOCIETY**

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

VOTED

To renew the annual contract with the Coastal Humane Society.

**25-12 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE APPOINTMENTS OF THE TOPSHAM 250 CELEBRATION STEERING COMMITTEE**

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

VOTED

To appoint the following individuals to serve on the Topsham 250 Celebration Steering Committee:

Ron Riendeau  
Jane Scease  
Tim Young  
Steve Edmondson  
Mike Labbe  
Pam LeDuc  
Ralph Williams  
Ruth Lyons

**26-12 CONSIDERATION AND ANY APPROPRIATE ACTION REGARDING THE DEPARTMENT OF TRANSPORTATION'S REQUEST TO REPLACE EXISTING TRAFFIC LOOPS WITH CAMERAS AS PART OF THEIR ROUTE 196 MILL AND FILL PROJECT IN THE SUMMER OF 2012**

Public Works Director Dennis Cox spoke to this article and recommended that the Town ask the Department of Transportation to include the cameras as part of the bid and once knowing the

price the Town can decide whether to purchase or not. Mr. Cox said the DOT will credit the savings of not installing the loops towards the camera purchase. The camera system consists of newer technology and allows for easier maintenance.

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

VOTED

To go forward and ask DOT to include the cost to replace existing traffic loops with video cameras as part of their Route 196 Mill and Fill Project.

**29-11 CONSIDERATION AND ANY APPROPRIATE ACTION ON ELECTRICITY BIDS FOR THE TOWN ACCOUNTS**

Town Manager Knight distributed the bid results from the bid opening which took place at 1:00 p.m. date of this meeting (3-8-12). Following a brief discussion, motion was made by Mr. Mason, seconded by Mr. Riendeau and it was unanimously

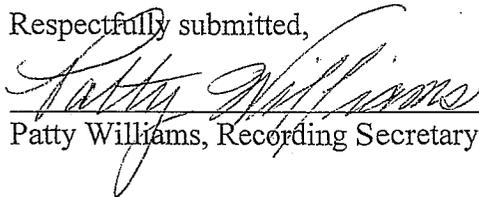
VOTED

To accept the Town Manager's recommendation to accept the 4-Year Bid of \$0.0599/kwh with Constellation Energy.

**ADJOURN**

Motion was made, seconded and unanimously VOTED to adjourn at 9:55 p.m.

Respectfully submitted,



Patty Williams, Recording Secretary