

MINUTES
TOWN OF TOPSHAM
BOARD OF SELECTMEN MEETING
APRIL 12, 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 special meeting of the Topsham Board of Selectmen was held on Thursday, April 12, 2018 in the Donald A. Russell Meeting Room, at the Municipal Building, 100 Main Street, Topsham, Maine.

Also present at the meeting were the following members of the Finance Committee: Christopher Dawson, Gail Eaton, Kimberley Mondonedo, David Reed, Peter Richard, Tori Ryan and Kenneth Stockford.

CALL TO ORDER

Chairman Douglass called the 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, as well as the 7 above members of the Finance Committee.

TOWN MANAGER'S REPORT

Due to the "spring" thaw, we are lifting road postings as of tomorrow, Friday the 13th. Despite the cold weather, the frost is out and the weight restrictions are no longer needed.

Saturday, June 23 is the planned date for the Comprehensive Plan Committee's next big public event as our new Comprehensive Plan takes shape. Stay tuned for details.

Saturday, June 2 is the grand opening of the Head of Tide Park. This project started in 2007 with an idea, and over the years, a close partnership between the Town, Brunswick Topsham Land Trust and TDI, has enabled the Town to acquire land at the head of tide on the Cathance River, and develop a really remarkable riverside park. The last piece of property on the upstream side of the road has now been deeded to the Town, and the park is now complete. There will be future improvements no doubt, but it is now complete and functional park. On June 2, there will a series of events throughout the day, including a history program at Town Hall, the annual plant sale from the Garden Club at Town Hall, fly fishing demonstrations, a ribbon cutting and a reception at the Library. Again, stay tuned for the final schedule of events and the times involved.

Several weeks ago, we were contacted by the Town of Lisbon about the Celotex facility that straddles the town lines. Our Board agreed that a joint meeting made sense, and we are now planning to schedule that for Thursday, May 24 at the Lisbon Town Offices, at 7 p.m. This date/time is subject to Board agreement by both Boards.

Lastly, a reminder that Town Meeting will be held at 7:00 p.m. on Wednesday, May 16, 2018 at the Commons at Mt. Ararat High School. Doors open at 6:30 p.m. for registration.

BOARDS AND COMMITTEE REPORTS AND UPDATES – None noted.

PUBLIC COMMENT – None noted.

CORRESPONDENCE – None noted.

ADJUSTMENTS TO THE AGENDA – None noted.

CONSENT CALENDAR

1. Approval of the minutes of the Regular Selectmen’s Meeting of 4/5/18.

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 April 5, 2018, as written.

PUBLIC HEARING

18-28 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE TOWN MEETING WARRANT

Chairman Douglass explained the process of how he would conduct the Public Hearing to review the articles for the Town Meeting Warrant. He said he would open the Public Hearing, read each article, at which time members of the public could express their comments. The Public Hearing would then be closed. The Board would then deliberate and vote on each article – Selectmen first and then by the Finance Committee. He noted that the Board and Finance Committee had been working on the budget process since December of last year.

The Public Hearing was declared open and each article addressed as follows:

Article 1: To elect a Moderator to preside at said meeting. (No comment from members of the public.)

Article 2: To have the Town vote to raise, appropriate and spend the sum of \$1,398,979 for Debt Service Proposed Debt Service Schedule for the coming year Ladder \$59,985, Municipal Complex \$768,589, Library Bond \$101,938, Municipal Complex #2 \$31,500, 2015 Equipment Bond \$87,172, Monument Place \$180,287, Sidewalks \$31,500, 2016 Equipment Bond \$138,008. (No comment from members of the public.)

Article 3: To see what sum the Town will vote to spend for General Government under the following accounts and to see what sum the Town will vote to raise and appropriate for the same: 1. Administration \$345,885, 2. Municipal Officers \$18,621, 3. Finance Manager

\$88,589, 4. Central Services \$133,100, 5. Tax/Clerk \$309,965, 6. Codes \$92,312, 7. Assessing \$128,270, 8. Elections/Registration \$13,064, 9. Planning Office \$242,006, 10. Economic Development \$124,400, 11. Municipal Insurance \$186,980, 12. Facilities Maintenance \$166,275, 13. Parks/Recreation \$408,582 14. Library \$651,146, 15. General Assistance \$20,600, 16. Contractual Services \$117,600, 17. Public Utilities \$370,763, 18. Municipal TIF Fund \$ 106,147. Total \$3,524,305. Board of Selectmen Recommendation \$3,524,305, Finance Committee Recommendation \$3,524,305 **(No comment from members of the public.)**

Article 4 : To see what sum the Town will vote to spend for the Capital Projects Fund under the following accounts and to see what sum the Town will vote to raise and appropriate for the same: 2018-2019, \$1,346,355 Board of Selectmen and Finance Committee Recommendation: \$1,346,355. **Parks and Recreation Director, Pam LeDuc asked to be recognized and explained that she was not able to be at the last meeting when the budget process was reconciled. Ms. LeDuc explained the poor condition of the zero turn lawn mower and the various uses for the piece of equipment. She requested that an additional \$8,000 be added to the budget for the purchase of a new mower.**

Article 5: To see what sum the Town will vote to spend for Public Safety under the following accounts and to see what sum the Town will vote to raise and appropriate for the same: 2018-2019, Police Protection \$1,807,432, Fire Protection/Rescue \$1,002,511 Total \$2,809,943. Board of Selectmen and Finance Committee Recommendation: \$2,809,943. **(No comment from members of the public.)**

Article 6: To see what sum the town will vote to spend for Public Works, Solid Waste, and Recycling under the following accounts and to see what sum the Town will vote to raise and appropriate for the same: (The Public Works Department is authorized to spend funds from this article in support of Capital Projects) 2018-2019 Public Works \$1,228,995, Solid Waste/Recycling \$393,820. Total \$1,622,815 Board of Selectmen and Finance Committee Recommendation: \$1,622,815. **(No comment from members of the public.)**

Article 7: To see what sum of money the Town will vote to spend for the Topsham Community Fund, which will go towards short-term unanticipated costs associated with the Androscoggin Bike Path, for local costs associated with the development and acquisition of the Head of Tide Park, or into the Topsham Community Fund for future projects. Board of Selectmen Recommendation and Finance Committee Recommendation \$15,000. Both recommending Ought to Pass. **(No comment from members of the public.)**

Article 8: To see what sum the Town will vote to increase the maximum property tax levy limit established by State Law (L.D.1) in the event that the municipal budget approved at this Town Meeting results in a tax commitment in excess of the maximum property tax levy otherwise applicable such that the increase maximum property tax levy hereby established will equal the amount committed: (By State Law, the vote on this article must be by written ballot.) Board of Selectmen and Finance Committee Recommendation Ought to Pass/Ought not to Pass **(No comment from members of the public.)**

Article 9: To see if the Voters will adopt an Ordinance to amend the Town Code, Chapter 225-6, Definitions and 225-16 Attachment 1:3, Table of Use Regulations – to amend the Definitions Section to add a definition of retail marijuana and to amend the Use Table to prohibit retail marijuana establishments throughout Town. Planning Board Recommendation - Ought to Pass.

Charles Dogherty, owner of HighBrow at the Topsham Fair Mall, spoke against the article saying its passing would hurt his business and that he is in favor of selling retail marijuana. He spoke of the business advantage and the importance of stopping the black market. Mr. Dogherty said he paid \$5,000 to the state for his license. Chairman Douglass explained the Board's position of wanting to wait to see what the State comes up with for regulations. Planning Board member, Peter Richard, also explained the Planning Board's reasoning for recommending an "Ought to Pass" on this article.

Article 10: To see if the Voters will adopt an Ordinance to amend the Town Code, Chapter 225-50, Apartment Buildings and Multifamily Developments – to amend the section to correct omissions and errors. Planning Board recommendation: Ought to pass. **(No comment from members of the public.)**

Article 11: To see if the Voters will adopt an Ordinance to amend the town Code, Chapter 225-16 Attachment 1:1 Table of Use Regulations – to amend the table to delete, add and allow certain existing uses within all zoning districts. Planning Board Recommendation: Ought to pass. **(No comment from members of the public.)**

Article 12: To see if the voters will vote to pay for tax abatements and applicable interest granted during the fiscal year of 2018/2019 from Overlay. (Explanation: The Assessor is authorized to raise Overlay under 36 MRSA, Section 710, but voter authorization is required to spend Overlay. Overlay cannot be more than 5% of the Tax Commitment.) **Town Manager Roedner spoke of the importance of voter approval of this article at Town Meeting.**

(Articles 13 through 19 were noted as "Housekeeping Items" and were addressed all together with no comments from members of the public.)

Article 13: To see if the Town will fix the date of the Maine 2019 Special Town Meeting May 15, 2019 Board of Selectmen Recommendation: Ought to pass.

Article 14: To see if the Town will fix the dates when taxes are due and payable, Monday, October 15, 2018 and Tuesday, April 16, 2019 and to see if the Town will fix a rate of interest to be charged on taxes after said date at 8% or the maximum amount determined by the State Treasurer. Board of Selectmen Recommendation: Ought to pass.

Article 15: To see if the Town will establish a maximum interest rate to be paid on abates taxes. 8% or the maximum rate established by the State Treasurer. For delinquent taxes the interest rate to be paid by the town will be reduced by 2%. Board of Selectmen Recommendation: Ought to pass.

Article 16: To see if the Town will authorize the Selectmen to dispose of Town-owned personal property with a value of \$5,000 or less under such terms as they deem advisable: Board of Selectmen Recommendation: Ought to Pass/Ought not to Pass

Article 17: To see if the Town will authorize the Selectmen to accept gifts on behalf of the Town under such terms as they deem advisable: Board of Selectmen Recommendation: Ought to Pass/Ought not to Pass

Article 18: To see if the Town will authorize the Selectmen to convey by deeds of quit-claim title or other titles as appropriate any real estate acquired by the Town to such persons for such

considerations as the Selectmen may in each case determine: Board of Selectmen Recommendation: Ought to Pass/Ought not to Pass

Article 19: To see if the Town will authorize the Board of Selectmen to apply for grants, approve the acceptance of grants, receive grants, appropriate the Town's share of the grants from funds raised at a Town Meeting and expend the grant for the purpose stated in the grant: Board of Selectmen Recommendation: Ought to Pass/Ought not to Pass

With all comments having been heard, the Public Hearing was declared closed.

Chairman Douglass explained that the Board of Selectmen would look at each article, discuss it if necessary, and vote. Then the Finance Committee would follow on each article. Results of the voting follows with Finance Committee vote in italics.

Article 1 – Motion was made by Selectman Tufts, seconded by Selectman Lyons, and it was unanimously **VOTED** to move Article 1 to Town Meeting.

Article 2 - Motion was made by Selectman Tufts, seconded by Selectman Lyons, and it was unanimously **VOTED** to move Article 2 (\$1,398,979) to Town Meeting.

*Motion was made by Mr. Stockford, seconded by Ms. Eaton, and it was unanimously **VOTED** to move Article 2 (\$1,398,979) to Town Meeting.*

Article 3 - Motion was made by Chairman Douglass, seconded by Selectman Lyons, and it was unanimously **VOTED** to move Article 3 (\$3,524,305) to Town Meeting.

*Motion was made by Ms. Eaton, seconded by Ms. Mondonedo, and it was unanimously **VOTED** to move Article 3 (\$3,524,305) to Town Meeting.*

Article 4 - This article was discussed. The amount of \$1,346,355 was budgeted. Following discussion, the Board and Finance Committee agreed to increase the amount by \$9,000 to include the recreation mower requested by Ms. LeDuc. Amount to vote on would now \$1,355,355. Motion was made by Chairman Douglass, seconded by Selectman Thompson, and it was **VOTED** to increase the budgeted figure of \$1,346,355 to \$1,355,355 and to forward to Town Meeting.

Motion was made by Ms. Eaton, seconded by Ms. Ryan to add \$9,000 to the budgeted figure of \$1,346,355 and to send the figure of \$1,355,355 forward to Town Meeting. Vote was called and the motion passed. (Vote was 6 in favor with one voting against, Mr. Reed.)

Article 5 - Motion was made by Selectman Tufts, seconded by Selectman Lyons, and it was unanimously **VOTED** to move Article 5 (\$2,809,943) to Town Meeting.

*Motion was made by Mr. Stockford, seconded by Ms. Mondonedo, and it was unanimously **VOTED** to move Article 5 (\$2,809,943) to Town Meeting.*

Article 6 - Motion was made by Selectman Tufts, seconded by Selectman Lyons, and it was unanimously **VOTED** to move Article 6 (\$1,622,815) to Town Meeting.

*Motion was made by Ms. Eaton, seconded by Ms. Mondonedo, and it was unanimously **VOTED** to move Article 5 (\$1,622,815) to Town Meeting.*

Article 7 - Motion was made by Selectman Tufts, seconded by Selectman Lyons, and it was unanimously **VOTED** to move Article 7 (15,000) to Town Meeting.

*Motion was made by Ms. Eaton, seconded by Ms. Mondonedo, and it was unanimously **VOTED** to move Article 7 (15,000) to Town Meeting.*

Article 8 - Motion was made by Chairman Douglass, seconded by Selectman Lyons, and it was unanimously **VOTED** to mover Article 8 forward to Town Meeting with no recommendation from the Board of Selectmen.

*Motion was made by Mr. Richard, seconded by Ms. Eaton, and it was unanimously **VOTED** to move Article 8 to Town Meeting with no recommendation from the Finance Committee.*

Article 9 - Motion was made by Chairman Douglass, seconded by Selectman Lyons to move Article 9 to Town Meeting with recommendation from the Board of Selectmen of “Ought to Pass.”

Article 10 - Motion was made by Chairman Douglass, seconded by Selectman Lyons to move Article 10 to Town Meeting with recommendation from the Board of Selectmen of “Ought to Pass.”

Article 11 - Motion was made by Chairman Douglass, seconded by Selectman Lyons to move Article 11 to Town Meeting with recommendation from the Board of Selectmen of “Ought to Pass.”

Article 12, Article 13, 14, 15, 16, 17, 18 and 19. Motion was made by Chairman Douglass, seconded by Selectman Lyons and it was unanimously **VOTED** to move Articles 12 through 19 to Town Meeting with recommendation from the Board of Selectmen of “Ought to Pass.”

OLD BUSINESS – None noted.

NEW BUSINESS

18-29 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE APPOINTMENT OF WILLIAM GREENWOOD TO THE TREE COMMITTEE, SHANA STEWARD DEEDS TO THE CONSERVATION COMMISSION AND CHARLENE SWIFT TO THE FINANCE COMMITTEE

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

VOTED

To appoint William Greenwood to the Tree Committee, Shana Steward Deeds to the Conservation Commission and Charlene Swift to the Finance Committee.

EXECUTIVE SESSION

At 7:48 p.m. motion was made by Chairman Douglass, seconded by Selectman Lyons, and it was unanimously

VOTED

To move into Executive Session to discuss acquisition of real property, pursuant to 1 M.R.S.A. § 405 (5) (C).

18-30 CONSIDERATION AND ANY APPROPRIATE ACTION TO ENTER INTO EXECUTIVE SESSION TO DISCUSS ACQUISITION OF REAL PROPERTY, PURSUANT TO 1 M.R.S.A. § 405 (5) (C)

Following discussion, no action was taken.

ADJOURNMENT

The Board came out of Executive Session at 8:50 p.m. Motion was made by Selectman Brilliant, seconded by Selectman Thompson, and it was unanimously

VOTED

To adjourn the meeting.

Respectfully submitted,

Patty Williams, Recording Secretary