

MINUTES
TOWN OF TOPSHAM
BOARD OF SELECTMEN MEETING
April 13, 2017 - 7:00 p.m.

MEMBERS PRESENT: David Douglass
Marie Brilliant
Ruth Lyons
William Thompson

MEMBER(S) ABSENT: Roland Tufts

STAFF PRESENT: Richard Roedner, Town Manager

A meeting of the Topsham Board of Selectmen was held on Thursday, April 13, 2017 in the Donald A. Russell Meeting Room, at the Municipal Building, 100 Main Street, Topsham, Maine. The Finance Committee was also present, represented by Kenneth Stockford, Gail Eaton and Peter Richard. (Those three members did not constitute a quorum for the Finance Committee. Jeff Deletetsky, Christopher Dawson, Ryan Pelletier and Tori Ryan were absent.)

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, except for Selectman Tufts, who had been excused.

TOWN MANAGER'S REPORT

Just a reminder that May 8 is the day that the citizen-initiated bag fee and polystyrene ban ordinances take effect. Copies of the ordinances can be read on our website: www.topshammaine.com.

As reported last week, our Spring Household Hazardous Waste Collection day has been cancelled due to the overwhelming response we got during our Fall Household Hazardous Waste Collection day!

We have been very successful in obtaining federal grants from the state and government. One of the grants we received a year or two ago was to build the Town Landing Trail. The woods trail runs parallel to the river, through the woods and comes back up to Elm Street by the River View Apartments. These are the signs you will see when they get put up next week or so – directional signs to tell you where the trail goes.

Reminder that Town Meeting is scheduled for 7:00 p.m., May 17, 2017 at Mt. Ararat High School Commons. Doors open at 6:30 for registration.

BOARD AND COMMITTEE REPORTS – None noted.

PUBLIC COMMENT – None noted.

CORRESPONDENCE – None noted.

ADJUSTMENTS TO THE AGENDA – None noted.

CONSENT CALENDAR – None noted.

PUBLIC HEARING

17-35 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE PROPOSED 3RD AMENDMENT TO BYPASS NORTH TIF AND CREDIT ENHANCEMENT AGREEMENT

Chairman Douglass declared the Public Hearing open. He said that the public notice of this hearing was published in the times Record on Friday, March 31, 2017. He explained the ground rules. (Open the public hearing and if anyone wishes to speak about the item, they may do so during the time allotted. No additional comments will be allowed after the hearing is closed; discussion will only be between Board members at that time. Then, each item in the actual warrant will be gone through and if anyone would like to speak to the item they may do so.

Town Manager Roedner explained that the two hearings (17-35 and 17-36) actually work in tandem but said he will reserve his comments to consideration of the third amendment. The focus of this amendment is to partition the overall project into two pieces. The Bypass North TIF (Highland Green) was approved by the Town in 1999. It has been amended at various times since then, on two different occasions. The focus of this amendment is to partition the overall project into two pieces. The Bypass North TIF will change to be just the areas that are already built. That will shrink the size of the Bypass North TIF District and will continue for the balance of its 28 years – approximately another 10 years.

Chairman Douglass asked if there were any public comments. There being none, the Public Hearing on Article 17-35 was declared closed.

17-36 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE PROPOSED HIGHLAND GREEN PHASE II TIF AND CREDIT ENHANCEMENT AGREEMENT

Chairman Douglass declared the Public Hearing open. He said that the public notice of this hearing was published in the times Record on Friday, March 31, 2017 and that the same rules apply to the hearing as did for the above article, 17-35.

Town Manager Roedner explained that this creates a new TIF District for the undeveloped portions of the Highland Green Project. A new TIF District for old land, but the time starts over; a 30-year planned TIF District. It is proposed to go forward at a 50-50 split, meaning that any of the tax revenues received for any new value created will come to the Town and half of it will be returned to the developer for costs. A Credit

Enhancement Agreement is in place that will do a couple of things. It lays out the Towns proposed development plan for our share of the revenue. The following 9 projects have been suggested:

1. Downtown and Transit Oriented Omnibus TIF Development Project Costs
2. Road and associated infrastructure improvements on:
 - Canam Road Mountain Road (yet to be built)
 - Tedford Road Aububon Road (yet to be built)
 - Village Drive
 - and any other roads constructed to serve as access to the District
3. Fire capital equipment purchased
4. Capital improvements and equipment costs
5. Economic development costs
6. Economic development revolving loan or grant program
7. New or existing trails with economic development potential, permitting and application costs
8. Administrative costs
9. Professional service costs

The developers public benefit projects are to be completed by December 31, 2020 and include:

1. Mountain Road Improvements – The construction of Mountain Road connecting to Canam Road (including extensions or water and sewer lines) built to the standards required for Planning Board approvals of the project.
2. Bicycle Path Improvement Payment - \$400,000 payment to the Town for the bike path and pedestrian improvements. (Present plans include connection of public bike paths to Highland Green via Canam Road and/or Village drive.

Selectman Lyons asked if the trails developed will be maintained by the developer. (*Response was no, they would be maintained by the Town.*)

Chairman Douglass asked if there were any public comments. There being none, the Public Hearing on Article 17-36 was declared closed.

17-37 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE TOWN MEETING WARRANT

Chairman Douglass noted there are 23 warrant items to consider. He said he will open the hearing and will read the heading of each item and totals involved. Public Comment may be made as each item as it comes up. It was noted there are copies of the warrant articles on a table just outside the meeting room for anyone who wishes one. (Also filed with these minutes.)

The Public Hearing was declared open.

Chairman Douglass read the heading of each article and monetary amount involved.

Article 1: To elect a Moderator. *No comments received.*

Article 2: Raise for Debt Service for Coming Year. *No comments received.*

Article 3: To see what sum the Town will vote to spend for General Government.*It was noted the Board of Selectmen and that of the Finance Committee were different. No comments received.*

- Article 4:** Vote to spend for Capital Projects Fund.... *No comments received.*
- Article 5:** What sum the town fill vote to spend for Public Safety... *No comments received.*
- Article 6:** Vote to spend for Public Works, Solid Waste, and Recycling... *No comments received.*
- Article 7:** Vote to spend for Topsham Community Fund... *No comments received.*
- Article 8:** Vote to increase the maximum property tax levy limit established for State Law... *No comments received.*
- Article 9:** Amend the municipal tax increment financing district known as the Bypass North Municipal Development and Tax Increment Financing District... *Only comment received was from Matt Teare, the Highlands, announced that a Public Forum will be held at the Topsham Public Library, Monday, May 1, 2017 at 6:00 p.m.*
- Article 10:** Adopt An Ordinance to amend the Town Code, Chapter 225-27 Off Street Parking.... *No comments received.*
- Article 11:** Planning Board Items to see if the Voters will adopt an ordinance to amend the Town Code, Chapter 225-17, 225-6..... *No comments received.*
- Article 12:** An ordinance to amend the Town Code, Chapter 225-33, Signs. *Rod Melanson explained that the proposal is to regulate commercial signs in Town. The once change is regarding the public right of way. Concern was raised that this might be an issue all year round for non-commercial signs. MMA attorney rules it is a public forum and cannot be eliminated. These non-commercial signs will be prohibited unless approved by the Board of Selectmen. Selectman Lyons comments that the regulations should be the same as State regulations. No comments were received from members of the public.*
- Article 13:** Adopt an ordinance to amend the Town Code, Chapter 225-34, Stormwater Management... *No comments received.*
- Article 14:** Adopt an ordinance to amend the Town Code, Chapter 225-20.2 Vernal Pool Overlay District. *No comments received.*
- Article 15:** Accept Trillum Lane as a Town-owned way. *No comments received.*
- Article 16:** Adopt an ordinance entitled "Town of Topsham Moratorium Ordinance on Retail Marijuana Establishments....*Chairman Douglass explained that the State is still in the process of establishing rules. They have their own moratorium. When the State's rules end, Topsham has the right to place its own moratorium. Jennah Godo thanked the Board for its consideration of the marijuana moratorium. She said it is in the Town's best interest to be cautious.*
- Article 17:** To see if the Town will fix the date of the May 2018 Town Meeting to May 16, 2018. *No comments received.*
- Article 18:** To see if the Town will fix dates when taxes are due and payable, Monday, October 16, 2017 and Tuesday, April 17, 2018.... *No comments received.*
- Article 19:** Establish maximum interest rate... *No comments received.*
- Article 20:** Selectmen to dispose of Town-owner Personal Property with a value of \$5,000 or less.... *No comments received.*
- Article 21:** To see if the Town will authorize the Selectmen to accept gifts on behalf of the Town..... *No comments received.*
- Article 22:** To see if the Town will authorize the Selectmen to convey by deeds *No comments received.*
- Article 23:** To see if the Town will authorize the Board of Selectmen to apply for grants... *No comments received.*

Chairman Douglass offered members of the public a chance to comments on any of the articles reviewed. *No comments received.*

The Public Hearing was declared closed.

Chairman Douglass said at this point in the meeting the Board of Selectmen will review each article and vote to move or not to move the article forward to the Warrant for Town Meeting. Because a quorum is not present, the Finance Committee cannot vote. During discussion it was agreed the Finance Committee will call a special meeting where a quorum will be present and will vote on each article and let their recommendation be known to the Town Manager prior to Wednesday, April 19, for inclusion in the Warrant.

The Selectmen voted as follows on each article:

Article 1: No action taken.

Article 2: Motion made by Chairman Douglass, seconded by Selectmen Lyons, and it was unanimously (of those present) **VOTED** to pass Article 2 and send it forward to the warrant as ought to pass to spend \$1,441,771.

Article 3: Motion made by Chairman Douglass, seconded by Selectmen Lyons, and it was unanimously (of those present) **VOTED** that the Board of Selectmen forward the Finance Committee's recommendation and approve that same amount of \$3,220,212, based on discussions.

Article 4: Motion made by Chairman Douglass, seconded by Selectmen Lyons, and it was unanimously (of those present) **VOTED** to spend \$1,647,900 and forward to the warrant with Board of Selectmen's recommendation of ought to pass.

Article 5: Motion made by Chairman Douglass, seconded by Selectmen Lyons, and it was unanimously (of those present) **VOTED** to move Article 5 to the warrant with the recommendation of ought to pass in the amount of \$\$2,466,601.

Article 6: Motion made by Chairman Douglass, seconded by Selectmen Lyons, and it was unanimously (of those present) **VOTED** to spend \$1,560,844 and forward to the warrant with a recommendation of ought to pass.

Article 7: Motion made by Chairman Douglass, seconded by Selectmen Lyons, and it was unanimously (of those present) **VOTED** to spend \$10,000 for Article 7, and forward to the warrant with Board of Selectmen's recommendation of ought to pass.

Article 8: Motion made by Chairman Douglass, seconded by Selectmen Lyons, and it was unanimously (of those present) **VOTED** to put Article 8 on the warrant without a recommendation.

Article 9: Motion made by Chairman Douglass, seconded by Selectmen Lyons, and it was unanimously (of those present) **VOTED** to forward Article 9 to the warrant with Board of Selectmen's recommendation of ought to pass.

Article 10 and 11: Motion made by Chairman Douglass, seconded by Selectmen Lyons, and it was unanimously (of those present) **VOTED** send Article 10 and Article 11 to the warrant with Board of Selectmen's recommendation of ought to pass.

Article 12: Motion made by Chairman Douglass, seconded by Selectmen Lyons, and it was unanimously (of those present) **VOTED** to send Article 12 forward to the Warrant with the added Line No. C,6 to read: Non-commercial signs located in, on, or projecting over any Town-owned or leased property, or over rights of way, with the exception of signs authorized by the Topsham Board of

Selectmen, in accordance with the guidelines adopted by the Board or their designee or as otherwise permitted by this ordinance, with recommendation of ought to pass.

Articles 13, 14, and 15: Motion made by Chairman Douglass, seconded by Selectmen Lyons, and it was unanimously (of those present) **VOTED** to send Articles 13, 14, and 15 to be included on the Warrant with the Planning Board's recommendation of ought to pass.

Articles 16 through 23: Motion made by Chairman Douglass, seconded by Selectmen Lyons, and it was unanimously (of those present) **VOTED** to send Articles 16 through 23 to the Warrant with the Board of Selectmen's recommendation of ought to pass.

UNFINISHED BUSINESS – None noted.

OLD BUSINESS - None noted.

ADJOURN

Motion was made, seconded, and it was unanimously (of those present)

VOTED

To adjourn the meeting at 8:10 p.m.

Respectfully submitted,

Patty Williams, Recording Secretary