

MINUTES  
TOWN OF TOPSHAM  
BOARD OF SELECTMEN MEETING  
April 6, 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 6, 2017 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.

**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**

A reminder to all Topsham residents, that effective May 8, two new ordinances will take effect. One is a ban on certain poly-styrene containers. The other is a new \$.05 per bag fee to be collected by stores in Topsham. The goal of this citizen-initiated ordinance is to reduce the use of single-use plastic and paper bags. Stay tuned for more information on these two ordinances over the next several weeks.

The Joy of the Lens is well underway, with a planned reception at the Library this coming Saturday, April 8 from 1-3 pm. This reception includes the awards ceremony for the displayed photographic works.

A fixture of spring time in Topsham for the last many years has been a household hazardous waste collection day. Unfortunately, the fall collection day was so successful, that our budget for this has been spent. This means that Topsham will not be participating in the tri-town collection effort. We will join the program again this coming fall.

Big Truck Day is scheduled for Friday, April 21, 10:00 a.m. until noon at the Topsham Public Library. So if you, or someone in your household, have a thing for big trucks, this is the day. Get up close and personal with fire and police vehicles, public works trucks, construction trucks and the like.

Being considered for inclusion on the May 17 Town Meeting Warrant is an ordinance that deals with proposed changes to the existing Highland Green Tax Increment Financing program and the creation of a new Highland Green TIF program. It is anticipated that Topsham Development, Inc. will be sponsoring a public meeting to discuss Tax Increment Financing in general, along with the proposed Highland Green TIF program on May 1, at 6:00 p.m. at the Topsham Public Library

Next Thursday, April 13, the Board of Selectmen will hold a Special Board Meeting to hold a public hearing on the proposed May 17 Town Meeting Warrant. There will also be public hearings on the Highland Green TIF proposals.

In case anyone has missed it, Town Meeting is Wednesday, May 17, at 7:00 p.m. at the Mt. Ararat Commons. You must be a Topsham resident, registered to vote in Topsham, to participate.

## **BOARD AND COMMITTEE REPORTS**

### **Update From House Representative Denise Tepler**

Representative Tepler, a member of the Appropriations Committee, reported on activities at the House of Representatives. She reported on various topics, including:

- Bill coming up regarding bags on a state level.
- Revenue Sharing Bill; work session scheduled for Tuesday, April, at 1:00 p.m.
- Rep. Tepler presenting a bill on Brown Tail Moth issues
- Has 100% voting record to date on attending sessions

A discussion followed Rep. Tepler's presentation. Selectman Lyons asked about LD706, Exercise Tax Bill. She said there is momentum for this bill more than usual this year. Tax is paid on what the car was actually purchased for, not what the book value is. Rep. Tepler said one problem is that vehicles have a different value in different parts of the state and has the potential for unfairness.

Regarding the Brown Tail Moth Legislation, Chairman Douglass said that \$50,000 is a great number. However, 75% must be utilized to those in need is essentially throwing money out the window when you are talking about an air borne problem. Limiting that money that way does not help the greatest number of people. There needs to be a large scale addressing of the problem. The way it is set up becomes a tax on citizens with no great benefit. Rep. Tepler said she is open to further consideration and suggested that Chairman Douglass send a letter expressing his thoughts to the committee. Selectman Lyons expressed concerned about any spraying because of past history of cancer causing possibilities.

**PUBLIC COMMENT** – Nancy Randolph, treasurer of the “Save Our Swinging Bridge” urged everyone to sign up for the 13<sup>th</sup> Annual Save Our Swinging Bridge 5k and 2k Family walk on Sunday, April 17, starting at 10:00 a.m. The group is looking for volunteers and if interested, you may call Nancy Randolph at 837-0558 for additional information or you can check out the web site at “[saveourswingingbridge.org](http://saveourswingingbridge.org).”

Ms. Randolph told the Board that the hanging hardware on the poles in the lower village do not fit the banners produced to the specifications as written in the “Temporary Street Banner Permit Application.” Ms. Randolph requested that the Board place this item for consideration on a future Board agenda.

**CORRESPONDENCE** – None noted.

**ADJUSTMENTS TO THE AGENDA** – None noted.

**CONSENT CALENDAR**

**1. Approval of the minutes of the Regular Selectmen’s Meeting of March 16, 2017**

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

**VOTED** (of those present)

To approve the Consent Calendar, accepting the minutes of the March 16, 2017 meeting, as written.

**PUBLIC HEARING** – None noted.

**UNFINISHED BUSINESS** – None noted.

**OLD BUSINESS** - None noted.

**NEW BUSINESS**

**17-29 CONSIDERATION AND ANY APPROPRIATE ACTION IN RECOGNIZING THE RETIREMENT OF MARCO, THE TOPSHAM POLICE K-9, AND THE SERVICE PROVIDED BY ROBERT RAMSEY AS OUR LONG-TIME K-9 HANDLER, ALONG WITH THE INTRODUCTION OF THE NEW K-9 TEAM OFFICER, LUCAS SHIRLAND AND K-9 JOBE**

The Town Manager asked Sgt. Robert Ramsey to come to the podium and he presented him a plaque in recognition of his 14 years of dedicated service to the community. A plaque was also presented to K-9 Marco for his 10 years of dedicated service to the department.

New K-9 Officer, Lucas Shirland, was also present at the meeting and introduced Jobe, the new K-9 to be trained for service with the department.

**17-30 CONSIDERATION AND ANY APPROPRIATE ACTION ON APPROVING A GRANT APPLICATION BY THE TOPSHAM POLICE DEPARTMENT FOR TRAFFIC SAFETY AND SEAT BELT AND SPEED ENFORCEMENT.**

Sgt. Ramsey said the Department is seeking permission to participate in a State-wide Seat Belt-Enforcement Grant, which is sponsored by the Maine Bureau of Highway Safety. The grant will reimburse the agency for those officers who participate in the specific activity. Enforcement measures will be conducted at various locations within the Town. The matching funds will come from on-duty personnel time for the administration and oversight of the grant. The total amount awarded to the agency is \$5,089. The grant period begins on May 22, 2017 and ends on June 4, 2017. The grant does not reimburse for court time which may occur at a much later date and time.

Motion was made by Selectman Thompson, seconded by Selectman Lyons, and it was unanimously (of those present)

**VOTED**

To approve a grant application, by the Topsham Police Department, for Traffic Safety and Seat Belt and Speed Enforcement.

**17-31 CONSIDERATION AND ANY APPROPRIATE ACTION ON AWARDING A BID TO PURCHASE A ZERO-TURN MOWER FOR THE PUBLIC WORKS DEPARTMENT**

Public Works Director Dennis Cox reported that 4 bids were send out for a zero-turn mower for the department and only 2 bids were returned. Mr. Cox recommended accepting the bid from Chad Little for the Exmark Model LZS 52” mover at a price of \$8,646.00. Bids received were as follows:

Chad Little	Exmark Model LZS 52”	\$8,646.00
	Exmark Model LZX 52”	\$9,470.00
LaPointe’s	Exmark Model LZE 60”	\$8,669.00
	Exmark Model LXS 52”	\$8,946.00
	Exmark Model LZS 60”	\$9,970.00
	Gravely 992282	\$10,159.20
	Gravely 992283	\$10,759.20

Motion was made by Chairman Douglass, seconded by Selectman Lyons, and it was unanimously (of those present)

**VOTED**

To award the bid for a Zero-turn Mower to the firm of Chad Little in an amount not to exceed \$8,646.00.

**17-32 CONSIDERATION AND ANY APPROPRIATE ACTION ON ADOPTING A MORATORIUM CONCERNING THE DEVELOPMENT OF RECREATIONAL MARIJUANA RETAIL FACILITIES, SOCIAL CLUBS, GROWING FACILITIES OR TESTING FACILITIES**

Town Manager Roedner said the Board talked about this item last fall, and at that time it was to wait for receipt of the rules to be developed by the State. The State has postponed issuing such rules until February, 2018. He said if the Board wants to move forward with a moratorium at the Town Meeting the Board would be able to extend it until next May. Mr. Roedner said he will assign a staff member to see what other towns are doing regarding ordinances and rules. If the Board waits until next February, it wouldn’t have time to get something to the May town meeting.

Quite a few towns have come up with a moratorium. Suggestion was made to get several groups involved and come back to the Board with suggestions of which way to go. A four-page draft” *Town of Topsham Moratorium Ordinance on Retail Marijuana establishments and Retail Marijuana Stores and Retail Marijuana Social Clubs*” was included in the Board package which originally came as an example from

Maine Municipal Association.

Chairman Douglass read aloud a letter received from Jennah Godo, which read as follows:

*“Good Evening Selectboard, Town Manager and others:*

*I am unable to attend the meeting this evening, but would like my thoughts on the potential marijuana moratorium to be placed in the meeting notes for the record.*

*As I have previously stated, I strongly believe that putting a moratorium in place is a smart decision for the Town of Topsham. Placing a moratorium allows officials and all others involved with the process adequate time to come to thoughtful and cautious conclusions or decisions that represent what is believed to be in the best interest of our community as a whole.*

*Ideally, the Town would be prepared with larger picture intentions of what may or may not be allowed then, more details completed or decisions can be made once the State rules come into play as some of what they decide will likely impact some decisions. A moratorium (and a potential for an additional) should allow ample time for the process of information gathering, professional and community input, and other necessary steps to occur independent of the State process, which may conclude in several months or much later, there really is now way to know.*

*I appreciate your time and consideration on this important topic.*

*Jennah Godo*

*Topsham Resident*

*Mother*

*Public Health Professional”*

During discussion, John Shattuck, said he was concerned the legislature won't meet the February schedule. If we are tied into a moratorium cycle that closes next May, and they don't get their stuff together before May, then where are we? We loose our moratorium in May and we may not get a chance to act. He reminded the Board that we did a moratorium on the Affording Housing TIF a few years back which went well. So if we do this the last week in September, it gives us an alternative.

Rod Melanson, Town Planner, said he wanted to contradict Mr. Shattuck's comments...saying that the Planning Board will be working on land use ordinances, which are typically adopted at a May Town Meeting. Timing wise, a moratorium extended a year is the perfect time to enact an ordinance. The timing of the state rules will be an issue whether they are done or not. I believe in pre-February we will be 90% completed on definitions.

The Town Manager said he sees options as, (1) we could wait and put a moratorium question on the ballot in November. (2) We could have a town meeting some time in the fall and it would take us to the fall of 2018. (3) If we know where the State is, if they truly hit their deadline some time in February, and if we did nothing between now and then we could have a special town meeting in February to do a moratorium and then work on language. He said the more he has talked to managers and read about it, the standards that the state are going to be establishing are a lot of technical standards, contacts, percentages, tax levels, etc., none of which pertain to us. From a local perspective, do we allow them or not? If we do, how many? If we do, where? What kind of restrictions on operating, etc....all somewhat independent on what the state has to say. Selectman Lyons suggested we press our representatives, on a federal level, to find out where the administration is going with this.

Motion was made by Chairman Douglass, seconded by Selectman Lyons, and it was unanimously (of those present)

**VOTED**

To support sending Article 17-32, "Adopting a Moratorium Concerning The Development of Recreational Marijuana Retail Facilities, Social Clubs, Growing Facilities or Testing Facilities" to next week's Public Hearing for inclusion on the agenda for the May Town Meeting.

**17-33 CONSIDERATION AND ANY APPROPRIATE ACTION ON PLACING ITEMS ON THE APRIL 13, 2017 TOWN MEETING WARRANT PUBLIC HEARING**

Motion was made by Chairman Douglass, seconded by Selectman Brilliant, and it was unanimously (of those present)

**VOTED**

To send Articles 1 through 33 of the Draft Warrant to the April 13, 2017 Public Hearing.

**EXECUTIVE SESSION**

At 7:58 p.m., motion was made by Selectman Brilliant, seconded by Selectman Lyons, and it was unanimously (of those present)

**VOTED**

To move into Executive Session pursuant per 1 M.R.S.A. §405 (6) (A) to discuss personnel matters. Present were all Selectmen and the Town Manager.

**17-34 CONSIDERATION AND ANY APPROPRIATE ACTION TO ENTER INTO EXECUTIVE SESSION PER 1 M.R.S.A. §405 (6) (A) TO DISCUSS PERSONNEL MATTERS**

At 8:36 p.m. the Board returned from Executive Session, with the same members that entered.

Chairman Douglass announced that there was no action to be taken.

**ADJOURN**

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

**VOTED**

To adjourn the meeting at 8:38 p.m.

Respectfully submitted,

\_\_\_\_\_  
Patty Williams, Recording Secretary