

TOWN OF TOPSHAM
BOARD OF SELECTMEN MEETING
MAY 7, 2015 - 7:00 P.M.

MEMBERS PRESENT: Donald Russell
Marie Brilliant
David Douglass
Ruth Lyons
William Thompson

MEMBER(S) ABSENT: All present

STAFF PRESENT: Town Manager, Richard Roedner

A meeting of the Topsham Board of Selectmen was held on Thursday, May 7, 2015 at the Municipal Building at 100 Main Street, Topsham, Maine.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE/ROLL CALL

Chairman Russell called the regular meeting to order at 7:00 p.m. 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

- A reminder to all residents that our Annual Special Town Meeting will be held on Wednesday, May 20 at 7 p.m. in the Mt. Ararat High School Commons.
- There will be no Board of Selectmen's meeting on May 21, 2015.
- Saturday, May 9 at 11:00 a.m. the "Joy of the Lens" award winners will be announced.
- A reminder to all food vendors that now is the time to renew your Victualer's License. Touch base with Linda Dumont, Town Clerk.
- In the past week, we have been approached by two businesses; one is already in Topsham and is looking to expand. They are requesting that we assist them with CDBG grants, as we did last year with Wicked Joe Coffee. The deadline for submitting Letters of Intent is June 5. If acceptable, then the DECD Office will invite Towns to apply for grant funds. If the Board would like to discuss these in detail, we can add them to the agenda, or if the Board is comfortable with the Manager submitting the Letter of Intent, knowing that no grant application will be submitted without Board approval, then I would look to you for your consent to submit the Letters of Intent, which are non binding.

- Chief Stockdale has let me know that one of the Fire Department's Student Firefighters, Samantha Mayo, is graduating from the Fire Science Program on May 17 and will be returning to Cape Cod after that. The Fire Science Program allows students to gain valuable hands on experience in a solid learning environment under the watchful eye of mentors. In return, the department, and ultimately the Town, receives an engaged and productive member who certainly contributes to the safety of Topsham.
- Firefighter Mayo started as a live-in student with the Department in 2013. During these two years, she has accumulated over 1,000 hours of training, and has secured her Firefighter 2, Driver Operator, Hazardous Materials, Incident Command and Emergency Medical Technician Certifications. She has taken assigned shifts, served call duty, provided the Town with more than 3,700 hours of service, all while attending school full time. As part of her service, she has completed numerous special projects for the Department, which would not have happened without her services.
- Lastly, we have reluctantly accepted a letter of resignation from Roland Pinette, who has been a reserve police officer, and our Animal Control Officer, since 1980. Roland's last day with us will be on May 15. In talking with Chief Lewis, he noted that:

"Roland's strong work ethic and compassion for animals will be greatly missed as he leaves the Topsham Police Department after thirty five years.

As a Reserve Officer, Roland specialized in traffic enforcement making his presence known throughout the community.

He was always willing to help a fellow officer and made himself available for any emergency situation involving an animal at any time of day or night.

It has been a privilege working with Roland knowing he has served his country and his community with great pride and honor.

On behalf of the Chief, Topsham employees, I would like to extend a Thank You to Roland for his hard work and dedication to the Topsham Police Department and the residents of Topsham."

On behalf of the Board of Selectmen, Chairman Russell thanked Roland Pinette for his dedication to the Town and said he will be missed.

BOARD AND COMMITTEE REPORTS AND UPDATES

Update from the Topsham Parade Committee - Tasha Connors, Chairperson

As Ms. Connors, Chairperson of the Topsham Parade Committee, was not present at the meeting, Selectman Lyons commented on the parade saying some very nice floats are lined up this year and it is going to be a very nice parade. She added that the program put on by the American Legion at the Municipal area is very special. The parade will begin at 8:30 a.m.

Ms. Connors joined the meeting at 7:20 p.m. and completed reporting on the Memorial Day Parade. Following her presentation, Ms. Connors was in agreement that the Town could assume ownership of the parade street banner.

PUBLIC COMMENT - None noted.

CORRESPONDENCE - Selectman Douglass read a letter received from Kim Cornish of 36 Cornish Lane. Ms. Cornish expressed her concern that the current hours the Town Office is open is not meeting the needs of the citizens of Topsham. The Board was in unanimous agreement to add consideration of this subject to a future meeting for a full discussion.

ADJUSTMENTS TO THE AGENDA

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

VOTED

To add to the agenda **ITEM 15-28 (out of order, after Item 15-26) CONSIDERATION AND ANY APPROPRIATE ACTION TO AUTHORIZE THE TOWN MANAGER TO SUBMIT AN APPLICATION FOR A VERNAL POOL GRANT**

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

VOTED

To add agenda **ITEM 15-29 CONSIDERATION AND ANY APPROPRIATE ACTION TO AUTHORIZE THE TOWN MANAGER TO SUBMIT A LETTER OF INTENT FOR A CDBG GRANT FOR CELL PHONE TOWERS AND COMPONENTS OF CELL PHONE TOWERS FOR NORTHERN PRIDE COMMUNICATIONS**

CONSENT CALENDAR

1. APPROVAL OF THE MINUTES OF THE REGULAR SELECTMENS MEETING OF April 16, 2015

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

VOTED

To approve the Consent Calendar (minutes of April 16, 2015 as written). The vote was 4 in favor with 1 abstention - Selectman Brilliant.

PUBLIC HEARING

15-21 CONSIDERATION AND ANY APPROPRIATE ACTION ON APPROVAL OF AN APPLICATION FOR A LIQUOR LICENSE FOR BLUEBERRIES RESTAURANT

The Public Hearing was declared open. Chairman Russell asked the applicant, Drew Victory of 78 Leighton Road, Pownal, Maine, to come to the podium and tell the Board the details of his request for a liquor license for Blueberries Restaurant. Mr. Victory said he was the owner of Blueberries, officially Victory Foods, LLC. He told the Board the restaurant is open for breakfast and lunch from 7:00 a.m. to 2:00 p.m. Tuesday through Friday and from 8:00 a.m. to

2:00 p.m. on Saturday and Sunday. Mr. Victory said he would like to be able to offer beer and wine to his customers.

Chairman Russell reviewed the application. Note was made that letters were in file from Chris Lewis, Chief of Police; Brian Stockdale, Fire Chief; and Tom Lister, Codes Enforcement Officer, all stating they had no concerns with granting of the application.

With no one from members of the public wishing to speak, the Public Hearing was declared closed.

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

VOTED

To approve the application for a Liquor License for Blueberries Restaurant.

UNFINISHED BUSINESS - None noted

OLD BUSINESS - None noted

NEW BUSINESS

15-22 CONSIDERATION AND ANY APPROPRIATE ACTION TO GRANT AN EASEMENT TO L&K 1, LLC TO PLACE A SIGN WITHIN THE TOPSHAM FAIR MALL RIGHT OF WAY

Kevin Kelly spoke to this agenda item requesting that Barlo Signs place a post mounted sign at the west corner of the westerly entrance to the Topsham Fair Mall from the Topsham Fair Mall Road. A set of plans was included in the Board package for review and Paul Martin from Barlo Signs was also present at the meeting to answer any questions.

Mr. Kelly told the Board that the Maine Department of Transportation has granted L&K 1, LLC approval for the sign with the following conditions: "The Applicant acknowledges and agrees to comply with the Standard Conditions of Approval attached hereto and to any Specific Conditions of Approval shown below.

- In the Town of Topsham at 65 Topsham Fair Mall Road, the leading edge of the sign to be no closer than fifteen (15) feet from the edge of traveled way (as established by the white line) of Topsham Fair Mall Road.
- This license applied only to the Sign in the location as requested on March 9, 2015. Any additions or changes to the Sign that move closer to the Topsham Fair Mall Road right-of-way will be deemed to be in violation of Title 23 Maine Revised Statutes §1914, sub section 4."

There was a discussion whether the best way to protect the Town's interest would be to grant an easement to L&K or go through a licensing process. Should the sign need to be moved because of possible future changes to the road, or other circumstances, the Board needs to protect the Town's best interest.

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

VOTED

That the Town Manager be designated to work with the Town Attorney to develop and sign a license to grant L&K, LLC the right to place a sign within the Town right of way at 65 Topsham Fair Mall Road.

The Town Manager agreed to forward a draft of the license to Board members for their approval before signing same.

15-23 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE ANNUAL CONTRACT WITH THE COASTAL HUMANE SOCIETY

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

VOTED

To authorize Police Chief Christopher Lewis to sign the annual contract with the Coastal Humane Society.

15-24 CONSIDERATION AND ANY APPRIOPRIATE ACTION TO ASK THE MAINE DEPARTMENT OF TRANSPORTATION TO CONDUCT A SPEED STUDY ON THE LEWISTON ROAD FROM LISBON FALLS TO TOPSHAM AND ALSO ON WINTER STREET

Public Works Director, Dennis Cox, explained the process of open-ended speed studies on Route 196 from Lisbon Falls to Topsham and also on Winter Street. The study on Winter Street would be from the railroad tracks to Main Street. There will be no charge to the Town to conduct the studies. The request for these studies actually came up during the public hearing that was held to educate the residents living along the Lewiston Road (Rte. 196) about the proposed rumble strip project.

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

VOTED

To ask the Maine Department of Transportation to conduct speed studies on Route 196 from the I-295 Interchange to the Lisbon Falls town line and also on Winter Street from the railroad tracks to Main Street.

15-25 CONSIDERATION AND ANY APPROPRIATE ACTION TO APPROVE A CONTRACT WITH MAINE DEPARTMENT OF TRANSPORTATION PROPOSED IMPROVEMENTS TO ROUTE 196 TRAFFIC SIGNALS UPGRADE AND INTERCONNECT FROM I-295 NORTHBOUND OFF RAMP TO BYPASS DRIVE, INCLUDING LIGHTS ON TOPSHAM FAIR MALL ROAD

Public Works Director, Dennis Cox, told the Board he is requesting that the Town enter into an agreement with the Maine Department of Transportation to have the 3 signal lights and controllers on the Mall Road replaced by the same contractor that is doing their upgrade work on Route 196 this summer. Mr. Cox told the Board it would save the Town money by having this work included in the bid package and not have to bid out this work on such a small standalone project. He added that the signal at Park Drive and Topsham Fair Mall Road has a broken loop detector and temporary repairs have been made. Mr. Cox said the estimated cost for this work is \$17,000 and could be paid from the Public Works Budget.

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

VOTED

To approve the contract with the Maine Department of Transportation proposed improvements to Route 196 traffic signal upgrade and interconnect from I-295 northbound off ramp to Bypass Drive, including the lights on the Topsham Fair Mall Road.

15-26 CONSIDERATION AND ANY APPROPRIATE ACTION TO CLOSE THE TAX/CLERK OFFICE EARLY ON FRIDAY, MAY 29 AT 4:00 P.M. AND TO REOPEN ON MONDAY, JUNE 1 AT 10:00 A.M. FOR THE UPGRADE ON NEW SOFTWARE

The Town Manager explained the need for the office hours changes in order to install the new computer software.

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

VOTED

To approve the closure of the Tax/Clerk Office early on Friday, May 29, 2015 at 4:00 p.m. and to reopen on Monday, June 1, 2015 at 10:00 a.m. for the upgrade on new computer software.

15-28 CONSIDERATION AND ANY APPROPRIATE ACTION TO AUTHORIZE THE TOWN MANAGER TO SUBMIT AN APPLICATION FOR A VERNAL POOL GRANT

Town Manager Roedner reviewed this agenda item that the office has been working on for the past several years. He said we are at the point where all the parties are in agreement and developing a Special Area Management Plan (SAMP) for adoption by the Army Corps of Engineers that would codify this new regulatory scenario. Individual Towns would then adopt the pertinent language in order to participate. The Town has been asked by principals at UMO and the Coastal Program to consider sponsoring the grant application and administering it if it is awarded. Mr. Roedner said the preliminary budget is approximately \$42,000 per year, plus another \$4,200 for Topsham's Administrative Fees. In addition, there would be \$12,000 to \$18,000 per year in local match which would include additional staff time, Orono staff time, BTLT time, volunteer committee member time and cash from our Comprehensive Plan process that we can count since we will be incorporating this whole project into our Comp Plan.

Following the Town Manager's presentation, motion was made by Selectman Douglass, seconded by Selectman Lyons, and it was unanimously

VOTED

To authorize the Town Manager to submit an application for a Vernal Pool Grant.

15-29 CONSIDERATION AND ANY APPROPRIATE ACTION TO AUTHORIZE THE TOWN MANAGER TO SUBMIT A LETTER OF INTENT FOR A CDBG GRANT FOR CELL PHONE TOWERS AND COMPONENTS OF CELL PHONE TOWERS FOR NORTHERN PRIDE COMMUNICATIONS

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

VOTED

To authorize the Town Manager to submit a Letter of Intent on behalf of Northern Pride Communications for a CDBG Grant.

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

VOTED

To adjourn the regular meeting at 8:00 p.m. and to move into Executive Session to discuss Agenda Items 15-16 and 15-27.

The Board remained in the public meeting room for the Executive Session on 15-16.

EXECUTIVE SESSION

15-16 CONSIDERATION AND ANY APPROPRIATE ACTION TO ENTER INTO EXECUTIVE SESSION PURSUANT TO 1 M.R.S.A. §405 (6) (E) TO DISCUSS THE SUPERVISORY UNIT IAMAW, DISTRICT LODGE #4 APPEAL

At 8:45 p.m. motion was made, seconded, and it was unanimously **VOTED** to move out of Executive Session and back into Regular Session.

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

VOTED

To grant the appeal to Mr. Campbell and address any deficiencies going forward.

(The vote was 4 in favor with 1 opposed [Selectman Douglas]).

At 8:50 p.m., motion was made, seconded, and it was unanimously **VOTED** to move into Executive Session to discuss agenda item 15-27. The Board moved to the upstairs meeting area.

15-27 CONSIDERATION AND ANY APPROPRIATE ACTION TO ENTER INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSION LITIGATION WITH THE TOWN ATTORNEY PURSUANT TO MRSA Title 1 §405 (6) (E)

The Board returned to regular session at 9:30 p.m.

On a motion by Selectman Douglass, seconded by Selectman Thompson, the Board voted unanimously to approve the proposed settlement with Grimmel Industries. (A copy of the Agreement is attached to these minutes.)

ADJOURN - With no further business to address, motion was made by Selectman Lyons, seconded by Selectman Thompson, and it was unanimously

VOTED

To adjourn the meeting at 9:34 p.m.

Respectfully submitted,

Patty Williams, Recording Secretary