

MINUTES
TOWN OF TOPSHAM
BOARD OF SELECTMEN MEETING
VIRTUAL MEETING VIA ZOOM (TV CH 3)
MAY 7, 2020 – 6:30 P.M

MEMBERS ON LINE: David Douglass
Marie Brilliant
Ruth Lyons
Matt Nixon
Roland Tufts

MEMBER(S) ABSENT: All present

STAFF ON LINE: Town Manager, Derek Scrapchansky; Acting Town Clerk, Tyler Washburn; Economic Community Development Director, John Shattuck.

A meeting of the Topsham Board of Selectmen was held on Thursday, May 7, 2020 via Zoom.

CALL TO ORDER

Chairman David Douglass called the regular meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE/ROLL CALL

Everyone was invited to stand and recite the Pledge of Allegiance to the Flag. The recording secretary took the roll call and noted that all members were present.

TOWN MANAGER'S REPORT

Good evening,

The Maine Department of Transportation has started pavement work and making safety improvements on Route 196 in Topsham, Lisbon, and Lewiston. Drivers should expect daytime lane closures, but between the hours of 3:00 p.m. and 6:00 p.m. there will be two-way traffic. MDOT expects the project will be completed by September 7th.

Despite the challenging issues associated with COVID19, we remain dedicated and continue to provide service to our community. Our Public Works, Solid Waste, Fire/EMS, and Police departments have done an outstanding job while adjusting to increased safety measures.

We have remained consistent in following State and CDC guidelines to ensure it is understood by our community. Our Public safety departments have been monitoring and communicating with residents and businesses to assist in educating and providing a safe environment while

continuing to respond to emergencies. Our Public Works Department has been working hard and transitioned from winter to summer duties. Some of their current projects include the Main Street culvert replacement and the removal of the concrete area on Main Street near Elm Street extension. Our Solid Waste Department has also implemented new safety measures and has experienced increased waste disposal during the last couple of months. Given the circumstances, these departments are doing well and extend their thanks to the community for its support.

Although our Town Hall has been closed to in-person transactions since mid-March, we have continued to serve the public via on-line services, email, phone, and virtual meetings. As restrictions are lifted, we will open the doors to Town Hall. We are currently in the process of installing a glass partition on the Tax/Clerk counter which will provide additional safety for the public and our employees. We are anticipating opening our Tax/Clerk office for in-person transactions on June 1st. This will be by appointment only until further notice as we adhere to safe practices. Expect to be able to make appointments beginning May 18th. Please visit the Town Website or call the Tax/Clerk office for instructions which will be posted next week..

The Economic and Community Development department remains active and open for enquiries. Please contact ECD director John Shattuck at -jshattuck@topshammaine.com. The Town boards and committees that John staffs, including TDI and the Government Review Committee, continue to meet, though meetings are currently via remote. John continues to represent the Town at recurring remote meetings devoted to COVID19 issues and resources hosted by: DECD, Maine's Federal delegation, the Southern Midcoast Maine Chamber and others. John commends the efforts of the Chamber's board and its executive director, Cory King, for its strong leadership in providing information about COVID19 resources for businesses and in coordinating business input on reopening plans. John's update this evening will include details on some of the Department's current projects.

The Planning department has continued to meet with boards and committees and applicants have not been delayed in reviews for planning or codes. Multi-department development review meetings continue to occur, and the virtual meeting format has been working well, particularly with screen sharing capabilities. State agency virtual meetings have also been successful and continue to occur.

Our Assessor would like to remind everyone that property record cards are available online at vgsi.com and are updated monthly. Voicemails and emails for more detailed questions are being responded to within 24 hours during the weekdays.

Our Parks and Recreation Department has removed all caution tape and restrictive barriers to Parks and Recreation Facilities on May 1st. This includes: Foreside Recreational Area (Hillside/Foreside/Riverside Fields), Head of Tide Park, and Mountain Biking Trails and fishing ponds at Solid Waste Facilities. Please note the Foreside Playground remains closed until further notice. All ordinances regarding the use of these Facilities are in effect. This includes all facilities closing at dusk.

The following guidelines apply when using the facilities and parks.

- Do not use parks or trails if you or any of your family members are exhibiting symptoms of an illness.
- Follow the CDC's guidance on personal hygiene prior to visiting.

- Practice social distancing.
- The governor's order regarding the use of face masks in public where social distancing is not possible, are required.
- Be prepared for no access to public restrooms or water fountains.
- Use our spaces using distances advised, i.e.: a family shooting hoops would be acceptable, a group of individuals in a full court contact game would not.
- Share Trails and warn other trail users of your presence as you approach.
- Follow Leash laws with pets and pick up excrements.
- Do not leave any trash behind.

Lastly, I would like to thank Lois Skillings, President & CEO, and Dr. Christopher Bowe, Vice President & Chief Medical Officer of MidCoast-Parkview Health for attending this meeting to provide an update.

Thank you and have a good night.

There were no questions from the Board following the Town Manager's presentation.

BOARD AND COMMITTEE REPORTS AND UPDATES

UPDATE - TDI/ECD – JOHN SHATTUCK, TOPSHAM ECONOMIC AND COMMUNITY DEVELOPMENT, INC. DIRECTOR

ECD Update – Mr. Shattuck presented an update on EDC, including:

Business Retention, Expansion and Attraction (BREA)

Wicked Joe, LLC CDBG application

- Participated in April 16th Selectmen's meeting regarding setting of a public hearing on the grant application
- Public Hearing will be held at Selectmen's meeting this Thursday, May 7th.

Proposed Main Street-Route 196 Corner project

- Several Town committees have submitted statements opposing this project on the ground that it conflicts with the newly adopted 2019 Comprehensive Plan and does not meet the requirement of Town code for a conditional use permit, including:
 - § Comprehensive Plan Implementation Committee,
 - § Topsham Conservation Commission
 - § Topsham Development, Inc.

Topsham ReVision Municipal Solar Project

Together with The Town Manager, I have had extended correspondence, calls and video meetings with Kevin Decker of Bernstein Shur regarding the negotiation of the final terms of ReVision's proposed municipal solar PPA contract, as directed by the Selectmen at their April 16th meeting.

Within the next week, we expect to receive a proposed final contract from Bernstein Shur, along with Kevin Decker's comments on the impacts of the revised terms.

TOPSHAM DEVELOPMENT – TDI

TDI Board of Directors met remotely on Wednesday, April 22, 2020 and discussed a variety of issues:

- Ongoing strategic update process
- Possible TDI actions to support Topsham's C19 response/recovery
- Progress on expansion of Mountain Road water infrastructure supported by TDI funding.

Government Review Committee (GRC)

- After skipping its April meeting until C-19 issues and timelines became clearer, the Government Review Committee will resume its regular monthly meetings on Wednesday, May 13, 2020.

Cathance River Education Alliance (CREA)

- CREA is also preparing for its move to new office location that will also house the Brunswick Topsham Land Trust.
- Both organizations anticipate that this co-location will save both organizations rental expense while provide additional efficiencies through increased opportunities for collaboration in providing programming.

MidCoast Economic Development District (MCEDD)

- I am working with MCEDD to determine if Topsham may be eligible for supplemental CDBG funding provided to the states under the CARES Act to provide additional small business support for small businesses.

UPDATE FROM MID COAST HOSPITAL

Lois Skillings, President and CEO of MidCoast-Parkview Health and Christopher Bowe, MD, Vice President, Medical Administrator and Chief Medical Officer, gave an update on the Covid-19 Pandemic. They brought with them a Power Point presentation which was left with the Town Manager and is available to anyone who would like to view it.

CORRESPONDENCE – **Notice given to residents:** (*"If anyone has any comments/questions on an agenda topic, email them to info@topshammaine.com by Tuesday, May 5. Please include your full name and address in the email. Emails will be reviewed and addressed during the meeting which will be televised on Channel 3."*)

Chairman Douglass gave the phone number and instructions to anyone joining the Zoom meeting to call in with questions or concerns at 373-5090. The Board waited for several minutes, but there was no response from anyone wishing to comment.

Question was asked if any action should be taken regarding the several signs posted on businesses such as “Now Open for Business” and other signs put up temporarily due to the Covid -19 pandemic. This type of sign is illegal according to the ordinance. Following discussion, no action was taken as several legal pauses are a result of the pandemic.

ADJUSTMENTS TO THE AGENDA

Motion was made by Chairman Douglass, seconded by Selectman Nixon, to add agenda item **20-30 CONSIDERATION AND ANY APPROPRIATE ACTION TO MOVE INTO EXECUTIVE SESSION PURSUANT TO SUBSECTION M.R.S.A.405. 6-A TO DISCUSS PERSONNEL MATTERS**

Vote was called and the motion passed with a **unanimous vote in favor.**

CONSENT CALENDAR

1. Approval of the minutes of the Regular Selectmen meeting of April 16, 2020.

Motion was made by Chairman Douglass, seconded by Selectman Nixon, to approve the minutes of the April 16, 2020 meeting as written.

Vote was called and the motion passed with a **unanimously vote in favor.**

PUBLIC HEARING

20-24 CONSIDERATION AND ANY APPROPRIATE ACTION REGARDING WHETHER THE TOWN SHALL APPROVE AN APPLICATION FOR CDBG-EDP GRANT TO WICKED JOE, LLC, IN THE AMOUNT OF \$500,000 FOR PLACEMENT ON THE TOWN MEETING WARRANT

Chairman Douglass explained how residents can call in with their questions/concerns and repeated the number to call. The Public Hearing was declared open.

John Shattuck, Economic and Community Development, Inc. Director, presented background on Wicked Joe, LLC, and how they were in good standing with the original grant they received for their business. A copy of the Indemnification Agreement, which has been reviewed and approved by the Town Attorney was included in the Board package for their review.

Chairman Douglass expressed concern that the June Town Meeting would have to be postponed to perhaps September and asked how that would affect the application. (Town meeting had to be postponed due to the Covid-19 Pandemic.) Mr. Shattuck said that Deborah Johnson from DECD indicated that, due to the circumstances, they will make accommodations for the Town to submit the final application for Town Meeting approval when it occurs with no penalty applied. Selectman Nixon said he would like to see Ms. Johnson’s statement in writing.

Chairman Douglass asked for comments from members of the public. There was no response so the Public Hearing was declared closed.

During Board discussion, Board members were polled and had no questions and were all in favor of moving the application before the upcoming Town Meeting.

Motion was made by Chairman Douglass, seconded by Selectman Tufts, to approve the application for CDBG and EDP Grant for Wicked Joe, LLC for \$500,000 with placement on the Town Meeting Warrant with a recommendation of “Ought to Pass” from the Board of Selectman.

20-25 CONSIDERATION AND ANY APPROPRIATE ACTION ON AN APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR SANDBEGGERS GOLF, LLC AT DUCK PUB

The applicant was not present at the meeting. Chairman Douglass continued on with the agenda giving the applicant time to tune into the meeting.

Not having heard from the applicant when the meeting was about to conclude, motion was made and seconded to Table Item 20-25 to the May 21, 2020 meeting of the Board. Vote was called and the **motion passed unanimously.**

UNFINISHED BUSINESS – None noted.

OLD BUSINESS – None noted.

NEW BUSINESS

20-26 CONSIDERATION AND ANY APPROPRIATE ACTION TO CANCEL TOWN MEETING DATE OF JUNE 17, 2020 TO A DATE TO BE DETERMINED. THIS IS BASED ON GOVERNOR MILLS PLAN TO RESTART THE ECONOMY WHICH LIMITS GATHERINGS TO LESS THAN 50 PEOPLE DURING THE MONTH OF JUNE

Chairman Douglass said the Governor’s plan to limit gatherings to 50 people or less during the month of July has been extended through the month of August, as it stands today. However, she is constantly reevaluating the plan. This means the Town will be through 2 months of the annual budget. He said the Town will have to move forward under the continued resolution of last year’s budget, under last years guidelines, and all that pertains. Until a Town Meeting can be held, there will be no pay raises, or no additional projects to take place. Anything that has been worked on over the last several months on the budget for the next fiscal year disappears. We do have the ability to do this on a ballot. The next ballot could be July 14 through mail in. He said he has great reservations to put this budget to a simple yes or no at the ballot box. We all know the hours and months of work the staff and Finance Committee goes through. Not being able to have a discussion at Town Meeting is dangerous. All it takes is a “no” vote under some department, or all departments, and the doors are locked up the following morning until we can get a budget passed.

Selectman Lyons said she is not in favor of voting the budget by ballot as the Chairman said. She said people should have an opportunity to speak. Selectman Tufts agreed and said there could be questions that people have that need to be answered and for now we need to stay the course.

Selectmen Nixon said it is not wise to make a definitive decision whether or not we will be doing ballots until the Governor makes a final decision. He added he is 100% in agreement with Chairman Douglass' comments. Things are changing almost every single day so we should wait and see what happens. Selectman Brilliant agreed with the comments made.

Chairman Douglass added that the Public Hearing on the Warrant is scheduled for May 21, 2020 and asked if it made sense to hold the Public Hearing when there is the reality we may be 3 months to a Town Meeting meeting date. He asked for the opinion of Board members. The Board was in unanimous agreement to hold off on the Public Hearing.

Motion was made by Chairman Douglass, seconded by Selectman Lyons, to cancel the June 17, 2020 Town Meeting date to a date to be determined.

Vote was called and the Board voted unanimously in favor, so **the motion passed.**

20-27 CONSIDERATION AND ANY APPROPRIATE ACTION TO DISCUSS WAVING THE PROPERTY TAX INTEREST PENALTY UNTIL JUNE 30, 2020 FOR APRIL 2020 TAXES AND APPROVAL FOR PLACEMENT ON THE TOWN MEETING WARRANT

Chairman Douglass said Town Meeting sets the date for the taxes to be due and the interest to be applied to late taxes. He said he didn't know what date would be appropriate and would like to take this to Town Meeting. He asked how the Board wanted to proceed.

Question was asked if this was a one-time thing. Response was yes. The Towns' good tax collection rate was noted, but flexibility would be favorable. Selectman Lyons said we should prepare for October as we don't know about layoffs, closing of businesses, etc. If things continue on the downslide it is a good thing for the Town to consider this and show how much we care. She mentioned that a lot of taxes come to the Town from mortgage companies.

With all comments having been heard, motion was made by Chairman Douglass, seconded by Selectman Lyons to table Item 20-27.

Vote was called and **the motion passed unanimously.**

20-28 CONSIDERATION AND ANY APPROPRIATE ACTION TO DISCUSS ADDING AN ARTICLE TO THE TOWN MEETING WARRANT THAT ALLOWS THE BOARD OF SELECTMEN TO WAIVE INTEREST PENALTIES ON PROPERTY TAXES DURING A DECLARED STATE OF EMERGENCY BY THE TOWN AND APPROVAL FOR PLACEMENT ON THE TOWN MEETING WARRANT

Chairman Douglass said what we just tried to do was have the legislative body be able to waive interest during a declared state of emergency. He suggested putting forward to allow the Board of Selectman to waive interest penalties with a 2/3 majority. The vote would take 4 out of 5 to be a majority. He added, if we go to the people and show a high bar, given the recent episode, he feels that they would be receptive.

Selectman Tufts said he would expect anyone asking for a waiver to provide justification for the waiver to be sure there is truly a need. Selectmen Nixon said, given the bar proposed, we could get by with a blanket in this case. We probably will never find ourselves in a situation like the

one we are in right now. Selectman Lyons said it should have a beginning and an end. What if it goes on for two years? She asked how much money we are really talking. It is more of a “feel good” gesture from the Town. How many taxes are being paid by mortgage companies? Do we need to know the percentage of homes that are mortgaged?

With no more comments to be heard, motion was made by Chairman Douglass, seconded by selectman Nixon, to add an article to the Town Meeting Warrant that allows the Board of Selectmen, by a two-thirds majority, to waive the interest penalty on property taxes for up to six months beyond the due date during a declared state of emergency within the past six months.

Vote was called and **the motion was passed unanimously.**

20-29 CONSIDERATION AND ANY APPROPRIATE ACTION ON APPROVING THE ORDINANCE CHANGES TO CHAPTER 161. PARKS AND RECREATION 161-4 RULES AND REGULATIONS FOR PLACEMENT ON THE TOWN MEETING WARRANT

Ed Caron spoke to this item saying the Topsham Parks and Recreation Department, in cooperation with the Solid Waste Facility is requesting that the following ordinance changes be adopted. This change will enable the ponds (Little Eddy and Big Eddy) to be available to the free supply from Maine State Hatcheries through the Inland Fish and Wildlife Department.

Chapter 161. Parks and Recreation

161-4 Rules and Regulations

19. Open water fishing *and Ice Fishing* ~~from the banks of ponds at the Solid Waste Facility~~ is allowed *with proper Maine License and adherent to Maine State Law*; Observance of the ponds use times must be observed. ~~No ice skating, commercial bait fishing or ice fishing is allowed.~~

(Items to be deleted have been struck out and items to add are underlined and italicized.)

Following Mr. Caron’s presentation, motion was made by Chairman Douglass, seconded by Selectman Tufts, to forward this proposed ordinance amendment to Chapter 161. Parks and Recreation, with the memo provided to the Town Manager dated April 23, 2020, for placement on the Town Warrant at the next Town Meeting.

At 7:55 p.m. motion was made, seconded, and it was unanimously voted to move into Executive Session.

EXECUTIVE SESSION

20-30 CONSIDERATION AND ANY APPROPRIATE ACTION TO MOVE INTO EXECUTIVE SESSION PURSUANT TO M.R.S.A. §405, (6) (A) TO DISCUSS PERSONNEL MATTERS

At 8:45 p.m., motion was made by Chairman Douglass, seconded by Selectman Nixon, and it was unanimously voted to come out of Executive Session and to return to the regular Board meeting.

No action was taken as a result of the Executive Session.

ADJOURN

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

^VOTED

To adjourn the meeting at 8:46 p.m.

Respectfully submitted,

Patty Williams, Recording Secretary