

MINUTES  
TOWN OF TOPSHAM  
BOARD OF SELECTMEN MEETING  
June 15, 2017 - 7:00 p.m.

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MEMBERS PRESENT: David Douglass  
Marie Brilliant  
Ruth Lyons  
William Thompson  
Roland Tufts

MEMBER(S) ABSENT: All present

STAFF PRESENT: Richard Roedner, Town Manager

A meeting of the Topsham Board of Selectmen was held on Thursday, June 15, 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.

**TOWN MANAGER'S REPORT**

We have just been notified by the Maine Forest Service that the on-line fire permit system we have been using for the past five years, with approval from the Maine Attorney General's Office and the Forest Service, is no longer allowed. This means that residents will have to come to the Fire Station to fill out a paper permit, between 9 a.m. and 6 p.m. (staffing available) and get a free permit. Or, residents can go to the Forest Service web page and fill out an on-line permit for \$7.00.

This Saturday, from 8 am to 11 a.m., is our annual fishing derby out at the Topsham Ponds (Little Eddy and Big Eddy) at the Transfer Station. This annual event is an opportunity for kids of all ages to join in the fun of trying to catch the best fish in town.

Starting Monday, July 3, our Planning Office will have new hours for passports, due to some temporary staff shortages. The new hours will be walk-in Tuesday 1:00 p.m. to -3:30 p.m. only, Thursday 1:00 p.m. to 5:30 p.m. All other hours are by appointment only.

Last Friday, June 9, Officer Shirland and K9 Officer Jobie graduated from the K9 Police Academy. We are glad to have them on the road serving the public.

We have learned that Wild Duck Pub is up and running and open for business.

Following the Manager's Report, suggestion was made to ask our State Representatives to submit a bill next year to change the fire permit process back to the way it was. Concern was expressed that the new process appears to be a way for the Maine Forest Service to make money from citizens who simply want to have a small back yard fire to sit by.

## **BOARD AND COMMITTEE REPORTS**

**Transportation Study Presentation** – Hanna Whitney, Meghan Cooper and Michael Shephard, Graduate Students from USM Muskie School, gave a presentation on the costs and feasibility of providing transit service in Topsham. The research was done as a class project at the request of Western Maine Transportation.

The three participants took turns covering various parts of the report which was presented to the Board in hard copy, including:

- Demographics
- Regional Transit Need
- Regional Transit Infrastructure
- Potential Regional Transit Expansions
- Cost Information

The service would result in a mil rate tax increase from \$17.99 to \$18.22.

Chairman Douglass thanked the group for presenting the report; no action was taken.

**Update on TDI/ECD** - John Shattuck, Topsham Economic and Community Development, Inc. Director brought the Board up to date on economic development items, including

- Buffalo Wild Wings in on schedule to open in early July
- Work is under way at the Kume Restaurant, a Dan Catlin project next to Sherman Williams and Sport Clips
- The Maine Beer Festival to be held at the Fairgrounds has been postponed until next year, due to logistical concerns
- Highland Green has submitted preliminary plans to the Planning Department for their significant condominium buildings. The project has been relocated to the Mountain Road area, which may result in the Mountain Road rebuild being completed prior to 2020
- Morning Stone and Time has submitted their updated expansion plans to the Planning Department. The plans will also be reviewed by TDI as the project is within the Park Street Business area
- TDI's annual meeting and election of officers will be held on Wednesday, June 21, 2017.

**PUBLIC COMMENT** – Selectman Lyons expressed concern regarding a memo from the Secretary of State which she read while at a town office in another town. The State took over voting lists from Maine towns, which the Town Clerks worked very hard to keep up to date. When the State took over the lists it was mandated to use scanners, labeling machines and a computer (all provided to each town by the State). Per the above noted memo, the equipment has become outdated and now the State has mandated that the towns in Maine replace the equipment and absorb the cost of doing so. Selectman Lyons suggested that our representatives be asked to work with the Secretary of State's office to get support in this matter.

**CORRESPONDENCE** – None noted.

**ADJUSTMENTS TO THE AGENDA** – Motion was made by Selectman Tufts, seconded by Selectman Lyons, and it was unanimously

**VOTED**

To add Item **17-59** to the agenda - **TO MOVE INTO EXECUTIVE SESSION TO REVIEW THE TOWN MANAGER’S PERFORMANCE EVALUATION, TITLE 1, §405 (6) (A)**

**CONSENT CALENDAR**

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

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

**VOTED**

To approve the minutes of the Regular Selectman’s meeting of June 1, 2017, as written. (Vote was 4 in favor with 1 abstention [Selectman Tufts])

**PUBLIC HEARING** – None noted.

**UNFINISHED BUSINESS** – None noted.

**OLD BUSINESS** - None noted.

**NEW BUSINESS**

**17-54 CONSIDERATION AND ANY APPROPRIATE ACTION ON HEAD OF TIDE PARK - LAND FOR MAINE’S FUTURE GRANT ACCEPTANCE AND CONSERVATION EASEMENT**

Rod Melanson, Town Planner, reviewed the need for a Conservation Easement (included in the Board package for review), as the Land for Maine’s Future (LMF) is now ready to fund and assist in closing of the Direnzo parcel which the Selectboard actually authorized in February of 2015. Mr. Melanson’s memo to the Town Manager, dated June 7, 2017 (and filed with these minutes) asked the Board to consider taking action to accept the \$50,000 LMF award and to authorize the Town Manager to sign the conservation easement held by the Brunswick Topsham Land Trust, pending legal review by the town attorney.

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

**VOTED**

To authorize the Town Manager to sign a Conservation Easement held by the Brunswick Topsham Land Trust, pending legal review by the Town Attorney.

**17-55 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE HIRING OF SMITH AND ASSOCIATES FOR THE FY 2017 AUDIT**

The Town Manager noted a proposal from Smith and Associates to do the Town’s annual audit. The price for the routine audit is the same as this past year. A provision has been added for what’s referred to as a single audit which kicks in when you spend more than \$750,000 of federal

money. We are getting very close to the amount considering between police grants, the bike path and other project. The line item is an additional \$1,300.

The Board discussed if they wanted to stay with Smith and Associates, who have done the Town's audit since the early 80's. Selectman Lyons inquired if it would be wise to rotate auditors from time to time. Consensus of the Board was that Smith and Associates have done a very good job and to continue with their service.

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

**VOTED**

To approve the hiring of Smith & Associates for the FY 2017 Annual Audit, with an expense of up to \$13,500.

**17-56 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE REAPPOINTMENTS AND NEW APPOINTMENTS TO THE VARIOUS BOARDS AND COMMITTEES**

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

**VOTED**

**Board of Assessment Review** - To reappoint Gordon Donley and Mike Baribeau and add new applicant Michael Nelson to the Board of Assessment Review for the coming year.

**Board of Appeals** - To reappoint Gordon Donley and Jotham Trafton and add new applicant Michael Nelson to the Board of Appeals for the coming year.

**Planning Board** - To reappoint Ron Bisson, Donald Spann, Tom Thompson and Scott Libby and add new applicant Peter Richard to the unfinished term to 2019.

**Topsham Development, Inc.** – To reappoint Lawrence Fitch to serve on Topsham Development, Inc. for the coming year.

**Historic District** – To reappoint John Graham and Greg Simard to the Historic District Commission for the coming year.

**Finance Committee** – To reappoint Ken Stockford and Jeff Deletsky to serve on the Finance Committee for the coming year.

**Topsham Housing Authority** – To reappoint Helen Kincaid and Daniel Breed to serve as members of the Topsham Housing Authority for the coming year.

**History Committee** – To reappoint Ralph Williams and John Chonko to serve as members on the History Committee for the coming.

Before voting on the Water District Board, Chairman Douglass made it known that his wife works for the Water District. He asked if anyone on the Board considered this a conflict of interest. Consensus was for Chairman Douglass to continue in the voting process.

Chairman Douglass noted that there are two candidates for the Water District Board – Yvette Meunier and Paul Rossignol. He moved to reappoint Yvette Meunier to serve on the Water District Board. The motion was seconded by Selectman Brilliant.

Discussion followed with Selectman Lyons saying this is a very difficult decision for her to make as both candidates are highly qualified. It was noted that Mr. Rossignol also serves on the Sewer District. Other Board members agreed with Selectman Lyons.

Vote was called and the motion passed unanimously, reappointing Yvette Meunier to the Water District Board.

### **17-57 CONSIDERATION AND ANY APPROPRIATE ACTION ON ANNUAL APPOINTMENTS**

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

#### **VOTED**

To appoint the following individuals to serve for the coming year:

Tom Lister	Codes/Health Officer
Carol Eyerman	Alternate Codes Enforcement Officer, Administrative/Enforcement
Jeffery Hutchinson	Alternate Building/Electrical/Plumbing (Brunswick)
Carl Adams	Alternate Building/Electrical/Plumbing (Brunswick)
Mike Labbe	Civil Emergency
Brian Stockdale	Fire Warden/Health Officer
Dennis Cox	Road Commissioner

### **17-58 CONSIDERATION AND ANY APPROPRIATE ACTION TO DISCUSS THE TOWN'S RESPONSIBILITY AND POLICY IN REGARDS TO THE MEMORIAL DAY BANNER**

Town Manager Roedner began the conversation explaining that a couple years ago the question arose of whether or not the Fire Department should be hanging banners for various groups. He said at that time the Board accepted the Memorial Day Banner from the Memorial Day Committee, so it became the Town's banner. Mr. Roedner said, this last year, he is not sure how the banner got hung or taken down, because the Town did not do it. The banner reappeared this year about a week before the parade. The Fire Department put it up and took it down.

The question now is: *"Is this a banner that the Town should be putting up and taking it down or have someone else be responsible as other groups do with their banners?"* The Town is a partner with the Memorial Day Committee and owns the banner. A lengthy discussion ensued with concerns and questions put on the table such as:

- Selectman Lyons said she is on the Memorial Day Committee and has been for the last 15 years. She said last year the committee was told that the Town was not going to do it any more (hang and take down the banner). The committee arranged for another entity to do the work. Ms. Lyons said she feels strong, and so does the committee members, that it is the Town's banner and other towns hang and take down the banners. Brunswick does not use town equipment but has the banner hung, and finance it, and pay for it to be hung. She said she feels very strong that this is in remembrance of our veterans, the committee is small and works very hard and that the Town should allow the Fire Department to use

their equipment and manpower to hang and take down the banner each year.

- Chairman Douglass said it is our banner and if we are only talking about this banner, he is OK with it as we do work in conjunction with the Memorial Day Committee and help fund it. However, he said his fear is that we also work in conjunction with the walking bridge and that different groups will start donating banners to the Town which the Town will have to be responsible for. He added there is another question – by using the Fire Department...are they able to do this...are we going to get fined by an OSHA group? He said he would be fine if this is the only banner we ever are responsible for.
- Selectman Thompson expressed concern regarding liability insurance if a problem occurs. The Town Manager said insurance does play a role, but this banner is covered because we own it. Mr. Thompson requested that the Town Manager check with MMA to be sure we are covered when hanging a banner that we own.

No action was taken, except for the Town Manager to obtain insurance information from MMA and report back to the Board.

### **EXECUTIVE SESSION**

At 8:10 p.m. motion was made by Chairman Douglass, seconded by Selectman Lyons, and it was unanimously

### **VOTED**

To move into Executive Session to review the Town Manager's Performance Evaluation.

### **17-59 - TO MOVE INTO EXECUTIVE SESSION TO REVIEW THE TOWN MANAGER'S PERFORMANCE EVALUATION, TITLE 1, §405 (6) (A)**

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

### **VOTED**

To take no action on agenda item 17-59.

### **ADJOURN**

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

### **VOTED**

To adjourn the meeting at 8:25 p.m.

Respectfully submitted,

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Patty Williams, Recording Secretary