

TOWN OF TOPSHAM
BOARD OF SELECTMEN MEETING
JUNE 6, 2013, 7:00 P.M.

MEMBERS PRESENT: Donald Russell
Marie Brilliant
David Douglass
Ronald Riendeau
James Trusiani

MEMBERS ABSENT: All present

STAFF PRESENT: Town Manager, Cornell Knight

A meeting of the Topsham Board of Selectmen was held on Thursday, June 6, 2013 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

The Town Manager's Report included:

- The Fire Department now has a no-fee Burn Permit System on line. Just go to the Town's website and click on the Fire Department.
- The SAD 75 School budget Referendum Vote will be held on Tuesday June 11, 2013 at the Fairgrounds Building.
- The Town's consultant on the Downtown TIF Project is inviting the public to a meeting on Tuesday, June 25, 2013 at 6:00 p.m. at the Municipal Building.
- The Parks and Recreation Summer Brochure of activities has been printed and is available on line. The Annual Fishing Rally is Saturday, June 15, 2013 from 8:00 a.m. to 11:00 a.m. at the Solid Waste Facility ponds.
- The summer intern started this week in the Planning Department. Molly Sun is a Junior at Bowdoin College.

Mr. Douglass inquired if a citizen would know if or not they could burn after they request a permit on line. Fire Chief Stockdale responded they would know.

BOARD AND COMMITTEE REPORTS AND UPDATES

One-Year Update on ATV Patrol of Railroad Tracks - Police Chief Chris Lewis presented a report on the use of the ATV Patrol during the past year. A report was included in the Board package and is filed with these minutes.

PUBLIC COMMENT - None noted.

CORRESPONDENCE - Selectman Douglass expressed concerns regarding a second letter forwarded to the Board regarding a nuisance dog not being properly contained. The person complaining had written the Selectmen a letter of complaint earlier in the year. Mr. Douglass said response from management was that the matter had been taken care of and implied that someone is not doing their job correctly as a second letter has been received and the same dog is still not under control. He said we need to see that the animal ordinance is enforced and suggested a workshop be schedule to discuss the issue. The Board concurred and a workshop will be scheduled to continue a discussion on this matter.

ADJUSTMENTS TO THE AGENDA - Motion was made by Mr. Douglass, seconded by Mr. Riendeau, and it was unanimously

VOTED

To add as Agenda Item **63-12 - CONSIDERATION AND ANY APPROPRIATE ACTION RELATIVE TO THE 2ND ATV AT THE POLICE DEPARTMENT**

CONSENT CALENDAR

1. **APPROVAL OF THE MINUTES OF THE REGULAR SELECTMEN MEETING OF MAY 2, 2013**
2. **APPROVAL OF THE ELECTION WORKERS FOR THE JUNE 11, 2013 SAD #75 BUDGET REFERENDUM VOTE**
3. **APPROVAL OF OPENING THE POLLS AT 8:00 A.M. ON JUNE 11, 2013 FOR SAD #75 BUDGET REFERENDUM VOTE**
4. **APPROVAL OF PROCESSING ABSENTEE BALLOTS ON JUNE 11, 2013 STARTING AT 10:00 A.M., 2:00 P.M.; 6:00 P.M. AND 8:00 P.M.**

Motion was made by Mr. Trusiani, seconded by Mr. Douglass, and it was unanimously

VOTED

To approve Items 1 through 4 of the consent calendar as amended.

(Amendment was to Item 3 adding "and closing the polls at 8:00 p.m." to the end of the item.)

PUBLIC HEARING

32-13 CONSIDERATION AND ANY APPROPRIATE ACTION FOR A LIQUOR LICENSE REQUEST FROM TOP SPICE RESTAURANT

Chairman Russell reviewed the application for a Liquor License from Top Spice Restaurant. He noted a sketch plan was included, as were letters from the Police Chief, Fire Chief and Codes Officer all stating no concerns.

The Public Hearing was declared open. There were no comments to be heard from members of the public and the Public Hearing was declared closed.

Motion was made by Mr. Trusiani, seconded by Mr. Riendeau and it was unanimously

VOTED

To approve the request for a Liquor License for Top Spice Cuisine, located at 6 First Street, as presented.

UNFINISHED BUSINESS - None noted.

OLD BUSINESS

63-12 -CONSIDERATION AND ANY APPROPRIATE ACTION RELATIVE TO THE 2ND ATV AT THE POLICE DEPARTMENT

There was a lengthy discussion regarding the second ATV currently with the Police Department, whether or not it was necessary and how it may or may not benefit the Town. The Board was split - some in favor of using the second ATV and others expressed it was not necessary. Officer Troy Garrison explained how the ATV was used during the past year and the benefits of the machine to the Town. He explained the benefits of sending out two ATV's on a call, rather than just one officer in the woods alone.

Board members asked questions as to the proposed hours of use, the effects on manpower and cost to the Town, all of which were responded to. As the second machine is not costing the Town anything to use, other than maintenance costs, the suggestion was made to use both machines during the coming year and report back to the Board at the end of the year with a decision being made at that time whether or not to keep both ATVs.

Following discussion, motion was made by Mr. Douglass to eliminate the use of one ATV from the Police Department, their choice on which one to eliminate, and to put the machine up for sale. Mr. Riendeau seconded the motion. **Vote was called and the motion failed.**

(Voting for: Douglass and Riendeau. Voting against: Brilliant, Russell and Trusiani.)

Motion was then made by Mr. Russell, seconded by Mr. Trusiani, and it was

VOTED

That a policy be put forth on how the ATV machines will be used, based on personnel, and that a log or record be kept showing costs and activity of the machines during the coming year with a report given to the Board of Selectmen.

(Voting in favor: Brilliant, Russell and Trusiani. Voting against: Douglass and Riendeau.)

NEW BUSINESS

33-13 CONSIDERATION AND ANY APPROPRIATE ACTION ON A ONE-YEAR AGREEMENT WITH PLANET AID FOR A COLLECTION BIN AT THE SOLID WASTE FACILITY

Town Manager Knight spoke to this item saying there currently is a collection bin at the Transfer Station that receives clothing. Currently the Town does not benefit from the bin. An Agreement to Host a Collection Bin is under consideration which would allow the Town to be paid 5-cents a pound for material in the bin. If the agreement is accepted, no other similar bins would be allowed at the facility.

Ms. Brillant wanted to be sure Planet Aid has proof of liability insurance. Response was that the firm does have liability insurance and a copy of same was included with the agreement.

A discussion followed with questions posed about some parts of the contract that were not clear, i.e., actual date it would start and how much a pound the Town would be paid.

Motion was made by Mr. Trusiani, seconded by Mr. Douglass, and it was unanimously

VOTED

To table consideration of Item 33-13 to the next Board of Selectmen's meeting to clarify questions posed regarding the contract.

34-13 CONSIDERATION AND ANY APPROPRIATE ACTION ON SIGNING A QUITCLAIM DEED TO TOPSHAM PROPERTY HOLDINGS, LLC FOR THE PURCHASE OF 100 FEET OF TOWN RIGHT OF WAY AT THE TOPSHAM FAIR MALL

The Board had voted to take this action on this item at a previous meeting. Motion was made by Mr. Trusiani, seconded by Mr. Riendeau, and it was unanimously

VOTED

To authorize the Town Manager to sign a Quitclaim Deed to Topsham Property Holdings, LLC for the purchase of 100 feet of Town right of way at the Topsham Fair Mall.

35-13 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE COPS GRANT MEMORANDUM OF UNDERSTANDING WITH SAD #75 FOR A SCHOOL RESOURCE OFFICER

Town Manager Knight spoke to this item saying the agreement was part of the COPS Grant application filed earlier this week. The grant, a competitive grant program, if funded, would provide \$125,000 over a 3-year period. Police Chief Lewis noted that the Memorandum of Understanding has been reviewed by and approved by SAD #75.

During discussion, Mr. Douglass noted that the Town already has an SRO approved in this year's budget and asked if there would have to be a second officer at the school. He said a lot of these grants don't cover when the town has already budgeted for same. Mr. Douglass voiced concern that the grant application has already been submitted before coming in front of the Board of Selectmen for approval. He said this is an on-going issue and that he has questions with the whole process of grants being submitted before they are put before the Board of Selectmen.

Request was made for a list of all grants that have been applied for in the last 3 years and also staffing hours put on them in in-kind service.

Mr. Trusiani said he was uncomfortable with items that are put in front of the Board on a Thursday night that are due the coming Monday. Mr. Riendeau added that it was his pet peeve that grants have come before the Board which they hadn't even approved. He said the will of the people at town meeting needed to be followed and that no grants are going to move ahead until they come before the Board.

The Town Manager said the COPS Grant opened in mid-May and that he made the assumption that, given the number of times we had budget conversations where it was complained about the cost of having an SRO and how much it was going to cost the Town, not one meeting, but numerous meetings, and if we could find a way to lower the Town's cost and not have to raise as many tax dollars that this Board would be enthusiastically in support of it. To say now that you didn't know about it, I guess you didn't know about it, but you've had them in the past and it is going to save dollars, along with numerous other grants. We can make a list of grants we have applied for but I have followed past practice. Grant notices come out and we apply for them. It take a minimal amount of staff time and it benefits some goal or plan with a minimum cost to the Town. We will apply for it and if we get it we ask for approval from the Board. We can notify the Board before we apply, but we were simply following past practices.

Mr. Douglass responded that he was all for the grant if it is saving the Town money, but had concerns with the technicality that the Town had already budgeted for the position but was not 100% sure this is saving the Town money.

Motion was made by Mr. Russell, seconded by Mr. Douglass and it was unanimously

VOTED

To accept the Memorandum of Understanding with SAD #75 for a School Resource Officer.

36-13 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE REQUEST BY SEACOAST DEVELOPMENT FOR A HOUSING TIF AT 21 ELM STREET AS PART OF THEIR 32 UNIT ELDERLY HOUSING PROJECT

John Shattuck, Community Economic Development Director, reviewed the process for an Affordable Housing TIF for River Landing Senior Living, a cooperative effort by John Wasileski and Matt Teare of Seacoast Management (The Highlands) and Kevin Bunker of the Developers Collaborative. The group is seeking to purchase (currently under contract) the former Amenity Manor property at 21 Elm Street and redevelop it as a 32 to 36 unit elderly housing. The current building would be demolished, requiring approval from the Historic District Commission as the property lies within the Topsham Historic District. The group is seeking approval from the Board of Selectmen to continue with the process of developing the AF TIF Agreement and permitting of the project.

The developers intend to replace the building built in compliance with building codes and land use ordinances. The new facility will have a smaller footprint, bring the building closer to the street and relocate parking from the front to the side and rear of the building. Mr. Teare reviewed a site plan of the proposed project.

The developers are seeking an Affordable Housing TIF (AH TIF) from the Town, which would rebate 50% of their taxes for 17 years (covering two years of construction and 15 years of operation). Mr. Shattuck said because the project would have a much higher value than the present use, the Town would receive a significant increase in tax revenue even after 50% was returned to the developers.

A proposed project schedule was submitted as follows:

PROPOSED SCHEDULE FOR RIVER LANDING SENIOR LIVING PROJECT	
PLANNING BOARD	
June 4	Sketch Plan
July 2	Preliminary Review
August 6	Final Review and Approval
August 20	Alternate Date for Final Review and Approval
HISTORIC DISTRICT COMMISSION	
June 12	HDC Review
July 10	HDC Follow-up Review and Approval
BOARD OF SELECTMEN	
June 6	Presentation of Overview and Timeline for AH TIF and Housing
August 15	Update on AF and DT TIFs
August 22	Public Hearing on DT and AH TIFs
August 29	Alternate Date for TIF Hearings
September 5	Hearing on Special Town Meeting Warrant
SPECIAL TOWN MEETING	
September 25	Special Town Meeting

A discussion ensued from the Board, including:

- What will the cost of the units average for seniors? *Kevin Bunker responded that 1-bedroom units will average \$600/\$700 a month and 2-bedroom units approximately \$800 a month based on 30% of income.*
- Request to have copies of various charts similar to those developed for past TIFs.
- Want further discussion of the 50% - 17 years. *Mr. Bunker reviewed the process involved.*

Following discussion, motion was made by Mr. Trusiani, seconded by Mr. Riendeau, and it was unanimously

VOTED

To move forward with the AH TIF of Seacoast Development for Elderly Housing at 21 Elm Street according to schedule presented.

37-13 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE REQUEST FROM THE FIRE CHIEF TO IMPLEMENT A NEW HOME SAFETY SURVEY PROGRAM

Fire Chief Stockdale talked about a Home Safety Survey Program he would like to see implemented. The program looks at issues such as 1) potentially unsafe home environments such as electrical cords, candles, fall hazards, too hot water, etc.; 2) lack of operational, fire and carbon dioxide detectors; and 3) home numbers missing or in disrepair.

The Chief said the reviews would be for any resident of the Town, free of charge and would be handled as confidential. A department member would review the dwelling at the request of the occupant and provide safety tips, depending on what is identified. The survey is expected to take approximately 30 to 40 minutes and once complete, a list of recommendations would be left with the resident.

During discussion between the Board, request was made to the Fire Chief to adjust the program so that landlords are dealt with regarding items of concern and not to the renter of the property.

Motion was made by Mr. Douglass, seconded by Mr. Trusiani, and it was unanimously

VOTED

To allow the Fire Chief to implement the new Home Safety Survey Program.

38-13 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE REQUEST BY MDOT FOR A PERMIT TO EXCEED WEIGHT LIMITS OVER MUNICIPAL ROADS FOR A STATED PERIOD OF TIME

Town Manager Knight reviewed a letter from MDOT requesting a permit for heavy equipment to exceed weight limits while working on the Cathance River Bridge. It was noted this is standard procedure when starting such projects.

Motion was made by Mr. Trusiani, seconded by Mr. Riendeau, and it was unanimously

VOTED

To approve MDOT's request for a Municipal Overlimit Permit for Construction.

39-13 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE AWARD OF A \$7,900 GRANT FROM THE MAINE HISTORIC PRESERVATION COMMISSION FOR INTERPRETIVE SIGNS IN THE LOWER VILLAGE

Natural Resource and Assistant Planner Rod Melanson spoke to this agenda item saying that on May 15, 2013 the Town received notice for the successful Certified Local Government Grant application to conduct an interpretive sign plan and installation within and surrounding the Historic District. Request is being made that the Town Manager be authorized to sign the grant contract.

Mr. Melanson said the overall objective is to create an awareness and appreciation of the rich cultural heritage of Topsham through the use of interpretive signage. Proposed products will include an overall interpretive signage plan, physical interpretation centers, maps to assist locating the centers and significant local landmarks, social media development and accompanying brochures. The Historic District Commission will work closely with the Lower

Village Development Committee to dovetail with the work currently being done by this committee.

Specifics for the grant include:

- Award totals \$7,913, in-kind match of \$4,860 and a cash match of \$2,000 from the contracted service account, making the total project \$14,773 (funding for same is included in the current budget.)
- Timeline begins as soon as the contract is signed and extends to August of 2014.
- A Request for Proposals (RFP) will be developed to have an architectural historian and graphic design company conduct the project tasks.
- Signage will comply with the Sign Ordinance.

Following Mr. Melanson's presentation, the Board discussed the project. Although a worthy project, Mr. Riendeau said he would like to have grant applications such as the one presented come before the Board of Selectmen for a ruling whether to proceed with the particular grant or not prior to the staff actually working on same. Mr. Douglass said he would like to have heard from someone from the Historic District Commission speak to the project.

Motion was made by Mr. Trusiani, seconded by Mr. Riendeau, and it was unanimously

VOTED

To approve the grant from the Maine Historic Preservation Commission for interpretive signs in the Lower Village and to authorize the Town Manager to sign the grant application.

EXECUTIVE SESSION

40-13 CONSIDERATION AND ANY APPROPRIATE ACTION TO ENTER INTO EXECUTIVE SESSION TO DELIBERATE OVER AN ABATEMENT PURSUANT TO 36 MRSA SUBSECTION 841 AND TITLE 1 405 6 (F)

At 9:35 p.m., motion was made, seconded and it was unanimously

VOTED

To move into Executive Session to deliberate over an abatement pursuant to 36 MRSA Subsection 841 and Title 1 405 6 (F).

EXECUTIVE SESSION

40-13 CONSIDERATION AND ANY APPROPRIATE ACTION TO ENTER INTO EXECUTIVE SESSION TO DELIBERATE OVER AN ABATEMENT PURSUANT TO 36 MRSA SUBSECTION 841 AND TITLE 1 405 6 (F)

At 9:35 p.m., motion was made, seconded and it was unanimously

VOTED

To move into Executive Session to deliberate over an abatement pursuant to 36 MRSA Subsection 841 and Title 1 405 6 (F).

The Chairman declared the Board of Selectmen back into public session at 9:45 p.m.

Motion was made by Mr. Trusiani, seconded by Mr. Douglass, and it was unanimously

VOTED

To table the abatement application until June 20th meeting.

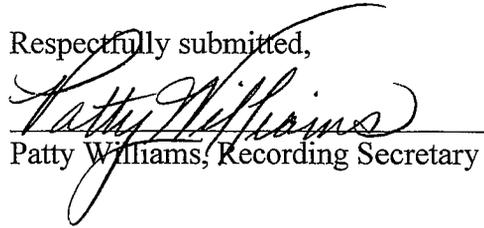
ADJOURN

Motion was made, seconded, and it was unanimously,

VOTED

To adjourn the meeting at 7:25 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Patty Williams", is written over a horizontal line.

Patty Williams, Recording Secretary