

TOWN OF TOPSHAM
BOARD OF SELECTMEN MEETING
JULY 21, 2016 - 7:00 P.M.

MEMBERS PRESENT: David Douglass
Marie Brilliant
William Thompson

MEMBER(S) ABSENT: Ruth Lyons, Roland Tufts

STAFF PRESENT: Town Manager, Richard Roedner

A meeting of the Topsham Board of Selectmen was held on Thursday, July 21, 2016, in the Donald A. Russell Meeting Room, at the Municipal Building, 100 Main Street, Topsham, Maine.

CALL TO ORDER

Chairman Douglass called the meeting to order at 7:00 p.m. and noted where there were only three selectmen present, any item voted on would have to have a unanimous vote or the motion would fail.

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 Lyons and Selectman Tufts, both of whom had been excused.

TOWN MANAGER'S REPORT

Over the next couple of weeks, final paving will be completed on Main Street and final striping will be finished. As part of our policy related to road work and bike/pedestrian access, we are looking at ways to improve the striping and lane assignments on Main St. between the Volvo dealership and Route 196. Our plan is to hire a consultant to work with DOT to develop a new striping plan that will be implemented next spring during our annual striping program. The hope is that we can improve safety in the area in front of the post office and Town Offices, while providing additional capacity for bicyclists.

SAD 75 will be holding a community meeting on August 3 in the Mt. Ararat Commons on the current status of the new High School Plans, including an update and a solicitation of feedback and comments from residents on some important components of the new project.

Our community experienced a tragic death earlier this week, with the sudden passing of a two-year old boy. His family has reached out to the Town to be the recipient of donations for a community improvement project. I believe the obituary will be in tomorrow's newspaper, and will list both the heating oil account as well as a dedicated recreation development account. While we share the family's grief in this loss, I would like to thank the family for allowing us to join in preserving their son's memory.

Our community suffered another loss this week, with the passing of Steve Dyer, the SAD 75 Business Manager. I had the privilege of working with Steve over the last several years on projects related to the district, as well as budgetary issues, and on behalf of the staff and the Board, I want to extend my condolences to Steve's family, and to his co-workers.

BOARD AND COMMITTEE REPORTS AND UPDATES

Update From the Topsham Sewer Board - Mark Ponziani, Topsham Sewer District, presented a report of accomplishments the Sewer District completed in the past couple of years, including:

- Major projects with Topsham Fair Mall developers Larson and Kelly; The Highlands; Dan Catlin, and Kasprzak. Mr. Ponziani said that Bruce and Joan Allen are also still players in Topsham's future.
- Mr. Ponziani reported that Bill Fitzsimmons retired from the Board after 29 years of service as its Treasurer. He said Bill was instrumental in modernizing the antiquated billing system into the computerized system in place today. He was involved in negotiations between the Topsham Sewer District on several occasions resulting in a fair and equitable number of shared costs between the two districts. Current Trustees on the Board include Mr. Ponziani and Paul Rossignol.

Mr. Ponziani commended members of the staff, including Dennis Cox and Tom Lister for their assistance on various projects. He added that Paul Rossignol and Engineer Kevin Obery were also very helpful.

Stu Kay added that...

- The District held an Open House at the Pinewood Drive Pumping Station on September 27, 2014 with 19 members from the public in attendance.
- In November of 2014, planning for the future rate increase for Capital items, T.S.D. facilities and our share of costs for the new treatment plan upgrade was addressed.
- In April of 2015, owners of the pressure effluent systems, which affects approximately 145 customers, requested a meeting regarding the system located on Wood Avenue. The system and how it works was explained to everyone's satisfaction.
- Since July, 17, 2014, there have been 42 residential permits added, and 2 commercial permits.
- Relative to upgrading equipment and Capital upgrades of stations, Munroe Lane was constructed in 1985. In 2015, the control panel, piping and pumps were replaced under the CIP Program for \$40,000, which was paid for in cash. The Pinewood Drive Station received a new grinder to replace the 41-year old one that failed, at a cost of \$50,000. In 2016, Green Street has started to receive renovations after 41 years of use. New piping, on site outside generator, and new pump. This station is expected to be completed by September, 2016 at a cost of \$117,000, well below the Engineer's estimate. Mr. Kay said that over the past two years, all monies to pay for the upgrades have been by cash raised by rate increases.
- Mr. Kay also spoke accolades to the work Bill Fitzsimmons contributed during his tenure.

Following the reports, members of the Board posed questions which Mr. Kay and Ponziani responded to, as did Paul Rossignol, Secretary to the Sewer District.

PUBLIC COMMENT - None noted.

CORRESPONDENCE - Letter from Bill Fitzsimmons announcing his retirement, which was accepted by the Board, was noted and is filed with these minutes. It was noted that one application has been received for the vacant position and others are being accepted.

Letter was also received from Curtis Pickard, which he will speak to later in the meeting when the item of interest is addressed.

ADJUSTMENTS TO THE AGENDA - None noted.

CONSENT CALENDAR

1. Approval of the minutes of the Regular Selectmen Meeting of July 7, 2016

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

VOTED

To approve the Consent Calendar as amended.

(Amendment: Pg. 4 of the minutes, 3rd par., change "tweet" to "tweak.")

PUBLIC HEARING

16-68 CONSIDERATION AND ANY APPROPRIATE ACTION TO RENEW A SPECIAL AMUSEMENT PERMIT FOR THE FAIRGROUND CAFÉ

The Public Hearing was declared open. Perry Leavitt's application to renew a Special Amusement Permit for the Fairground Café was reviewed. Letters were in file from the CEO, Fire Chief and Police Departments stating no concerns and the application was found to be in order. Mr. Leavitt operates a restaurant which seats approximately 170 people and has a small band play dinner music no later than 9:00 p.m.

Chairman Douglass asked if there was anyone wishing to speak to the application. With no response, the Public Hearing was declared closed. Motion was made by Selectman Thompson, seconded by Selectman Brilliant, and it was unanimously, of those present,

VOTED

To approve renewal of the Special Amusement Permit for the Fairground Café.

UNFINISHED BUSINESS

16-63 CONSIDERATION AND ANY APPROPRIATE ACTION ON A PROPOSED ORDINANCE TO CREATE A FIVE CENT FEE ON REUSABLE BAGS IN CERTAIN COMMERCIAL BUSINESSES

This item was discussed at the last meeting of the Select Board, after holding several workshops. At that meeting, the Board asked the Town Manager to revise the draft ordinance addressing some of the comments received from the public. The changes were made with the ordinance not applying to all retail establishments, except restaurants. SNAP has a permanent exclusion at the

retailer's choice and implementation of the ordinance is set for 10 months after adoption to allow businesses time to reprogram computers. Also, the bag weight has been changed to 2.5 mils (other ordinances in Maine include 2.5, 3.0 and 4.0 mils). The Town Manager said if the Board wants to make changes, there is time to do so before the hearing, which could be scheduled for August 18. This will give staff time to set the wording up for the ballot and, if needed, another meeting could be held on September 1st. The proposed changes were forwarded to BYOB members and the Retail Association of Maine for review prior to this meeting.

It was noted letters were on file from BYOB and the Retail Association asking for uniformity of the proposed ordinance with that of other towns. Ed Caswell, representing BYOB, read a letter from the group asking that Portland standards be incorporated.

Curtis Pickard, representing the Retail Association of Maine spoke saying the changes made by the Town Manager were broad and that he was not clear of the options available. Marsha Harrington from Brunswick informed the Board that she had spoken with Selectman Tufts and Selectman Lyons and wanted the Board and public to know that both Selectmen were aware of the letters.

With all comments having been heard, the Board deliberated amongst themselves. Chairman Douglass stated that his position had not changed; i.e., special interest groups should use the route of obtaining necessary signatures to petition placement on a warrant. He said he would prefer an ordinance be passed on a large scale - statewide - so that everyone would be treated fairly. Selectman Thompson said he has no issue with the reason behind the ordinance, but would like to see it come down from the State level with the same regulations for all towns and businesses.

Ed Caswell asked to be recognized and told the Board that the BYOB group would be happy to proceed with a petition for the ordinance.

Motion was made by Chairman Douglass, seconded by Selectman Thompson, and it was unanimously, among those present,

VOTED

That the Board of Selectmen take no further action on the proposed ordinance to create a five cent fee on reusable bags on certain commercial businesses and, if this project wants to continue, the group wishing to do it will need to seek signatures to force a referendum.

OLD BUSINESS - None noted.

NEW BUSINESS -

16-69 CONSIDERATION AND ANY APPROPRIATE ACTION TO ACCEPT A MAIL BOX REPLACEMENT POLICY

Public Works Director, Dennis Cox, spoke to this item saying the Town does not have an official policy for repairing or replacing mailboxes that are struck and damaged by a snow plow truck. Due to the growing number of high-end decorative mailboxes being placed within the Town's right of way (those with planters attached, granite posts, etc.) a policy is needed so residents will clearly understand the Town's position if and when a mailbox is damaged. Mr. Cox submitted

two different proposals for consideration. One proposal provides an option to reimburse the resident up to \$30 for the mounting post and up to \$25 for the mailbox, including the numbers. The second proposal simply does not reimburse the owner if a mailbox is damaged (drafted after the current policy adopted by the Maine DOT).

Following discussion, motion was made by Chairman Douglass, seconded by Selectman Thompson, and it was unanimously, of those present,

VOTED

That a mailbox replacement policy be created, not to exceed \$55 to replace the mailbox, post and numbers, as presented by the Public Works Director and that an education platform be created to explain same to residents.

16-70 CONSIDERATION AND ANY APPROPRIATE ACTION TO APPROVE THE PAVING OF TOWN STREETS BY CROOKER CONSTRUCTION

Public Works Director Dennis Cox told the Board he had received a low bid for the paving work in Topsham this fiscal year from Crooker Construction of \$71.95 per ton for 9.5 mm mix. Originally Crooker had quoted \$73.50 per ton, but the price of asphalt has come down in price and Crooker agreed to reduce the \$73.50 to \$71.95. A letter dated July 21, 2016 from Mr. Cox is in file explaining the merits of contracting with the Crooker firm.

Following discussion, motion was made by Chairman Douglass, seconded by Selectman Brilliant, and it was unanimously, of those present,

VOTED

To extend the existing agreement with H. E. Crooker and Son at \$71.95 per ton for 9.5 mm mix.

16-71 CONSIDERATION AND ANY APPROPRIATE ACTION TO ACCEPT THE FINAL REPORT OF THE AGING IN PLACE COMMUNITY SURVEY AND FOCUS GROUP RESULTS

Assistant Town Planner Carol Eyeran introduced Sarah Curran with Planning Decisions. Ms. Curran summarized the work and end results of the Aging in Place Survey and focus groups results. The report is now fully completed and copies were provided to members of the Board for review prior to the meeting. Paper copies of the survey were mailed to 1,200 citizens, an e-mail line to the online survey was available and additional survey forms were placed in strategic locations throughout the town to reach citizens 50 years of age or older. 302 completed surveys were received, which is approximately 8% of the town's population. The surveys are supported by grants from Maine AARP who partnered with Spectrum Generations. Debra Silva from Spectrum Generations was also present.

Ms. Eyeran said the next step is to prioritize the various issues and possibilities, and further develop and consider potential strategies to address those issues. She said the process of updating the Comprehensive Plan will begin in September and suggestions received from the survey and focus group will be given consideration. It was noted the town does not have a bicycle/pedestrian plan that gives direction so that could also be a consideration. Western

Transportation is looking to work more closely with a route from Bath to the Lewiston/Auburn area; which may be considered also.

Chairman Douglass noted the importance of getting the Recreation Department involved and also Dennis Cox with Public Works. Ms. Eyerman said the survey is currently only on her desk, but she will work to get other departments involved. Active public engagement is also expected during meetings on the Comprehensive Plan.

Chairman Douglass thanked the participants for a job well done. Motion was made by Chairman Douglass, seconded by Selectman Thompson, and it was unanimously, of those present,

VOTED

To accept the Aging in Place Community Survey and Focus Group results.

16-72 CONSIDERATION AND ANY APPROPRIATE ACTION TO ALLOW A TEMPORARY POP-UP PARK IN THE LOWER VILLAGE PARKING LOT

Carol Eyerman, AICP and Assistant Planner reported that she has been working with the Lower Village Committee to create a half-day event known as a pop-up park. She explained that the event will not cost the town any money, except for the staff time involved, and will present the idea of how a park might function in the Lower Village. The parking lot is a town-owned parcel forming a triangle between Green Street and Main Street.

The event is suggested to take place on September 10, 2016 from 1:00 p.m. to 4:00 p.m. with a rain date of September 11. Ms. Eyerman said she is current in the process of obtaining necessary permits and is hoping to coincide the part date with the official Trail Opening. Four trees will be placed (received through the Project Canopy Grant) as well as games and picnic tables around the parking lot area. Two food trucks are anticipated to be present.

Mark Ponziani asked to be recognized and commented that the Sewer District will work with Ms. Eyerman to assist if needed. As a Town resident he added that he would like to see the Town know what is theirs and that care of it. He mentioned a row of Cedar Trees on the right side of Green Street that belongs to the Town that need attention. He also asked if the "old bridge" was going to be left on the ground forever and suggested an official take with Mr. Quesada about it.

Following discussion, motion was made by Selectman Thompson, seconded by Selectman Brilliant, and it was unanimously, of those present,

VOTED

To allow the proposed temporary Pop-Up Park in the Lower Village Parking Lot.

16-73 CONSIDERATION AND ANY APPROPRIATE ACTION TO AWARD THE TOPSHAM TRAILS BIKE PATH CONSTRUCTION CONTRACT

Rod Melanson, Planning Director, told the Board that the bids for the Topsham Trails Bike Path construction were opened on July 19, 2016. The bids were reviewed by the Public Works Director, Peer Review Engineer and Consulting Engineer from TYLIN. As this is a locally administered project from MDOT the process is that the Selectmen will recommend a firm, then

MDOT will review and award the job based upon the recommendation. The last steps will be drafting and signing contracts with the construction company and construction engineers and then begin the construction of the trail which is anticipated to be completed this November.

The total project cost is \$644,673.60. Recommendation was to go with the low bid from Shaw Brothers from Gorham. Chairman Douglass commented that since \$160,000 has been set aside for the project, it appears that \$30,000 will be left over. He asked that something be brought back to the Board to show where the extra money will go.

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

VOTED

To award the Topsham Trails Bike Pate Construction Contract to Shaw Brothers in the amount of \$586,073.

EXECUTIVE SESSION

16-74 CONSIDERATION AND ANY APPROPRIATE ACTION TO ENTER INTO EXECUTIVE SESSION TO DISCUSS A PERSONNEL MATTER PURSUANT TO 1 M.R.S.A. §405 (6) (A)

At 8:40 p.m., motion was made by Selectman Thompson, seconded by Selectman Brilliant, and it was unanimously

VOTED

To move into Executive Session to discuss a personnel matter pursuant to 1 M.R.S.A. §405 (6) (A). (Members present included Chairman Douglass, Selectman Brilliant, Selectman Thompson and Town Manager Roedner.)

The Board returned from Executive Session at 9:11 p.m. with the above listed members still present.

Chairman Douglass reported that the discussion was about personnel matters and that no action was being taken at this time.

ADJOURN

On a motion by Selectman Brilliant, seconded by Selectman Thompson, the Board voted unanimously, of those present, to adjourn at 9:12 p.m.

Respectfully submitted,

Patty Williams, Recording Secretary