

MINUTES  
TOWN OF TOPSHAM  
BOARD OF SELECTMEN MEETING  
HELD VIA ZOOM FROM INDIVIDUAL RESIDENCES  
SEPTEMBER 17, 2020 – 6:30 P.M.

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

MEMBER(S) ABSENT: All present

STAFF PRESENT: Derek Scrapchansky, Town Manager; Mark Waltz, Assistant Town Manager

A meeting of the Topsham Board of Selectmen was held on Thursday, September 17, 2020, with individuals joining the meeting from their residences via Zoom.

**EXECUTIVE SESSION**

**20-64 CONSIDERATION AND ANY APPROPRIATE ACTION TO ENTER INTO EXECUTIVE SESSION PURSUANT TO 36 M.R.S.A., TITLE 1, §405 (6) (F) TO DISCUSS TAX ACQUIRED PROPERTIES**

At 6:00 p.m., the Board met prior to the regular meeting and held an Executive Session to discuss Items 20-64 and 20-65. Motion was made, seconded and it was unanimously

**VOTED**

To come out of Executive Session at 6:25 and to enter into regular session.

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

**VOTED**

To authorize the Treasurer to sell the tax-acquired condominium units located at 55 Munroe Lane and 88 Munroe Lane by the sealed bid process, with the bids due to the Town Manager's office by October 13, 2020 at 3:00 p.m., at which time they will be opened, with a winning bid (if any) to be determined by the municipal officers at their meeting on October 15, 2020. Said bid process to utilize the procedures set forth in the Town of Topsham's Management of Tax-

Acquired Property Guidelines, with the exception that in lieu of a minimum bid being included in the Notice of Sale, the right to reject any all offers will be reserved.

(The vote was 4-0-1 with Selectman Brilliant abstaining)

**20-65 CONSIDERATION AND ANY APPROPRIATE ACTION TO ENTER INTO EXECUTIVE SESSION PURSUANT TO 36 M.R.S.A., TITLE 1, §405 (6) (F) TO DISCUSS TAX ACQUIRED PROPERTIES**

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

**VOTED**

To authorize the Treasurer to deed the tax-acquired real estate located at 18 Mallett Drive to the former owner, Maine Drywall Consultants, Incorporated for the total sum of \$8,247.51.

(The vote was 4-0-1 with Selectman Brilliant abstaining)

**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 Selectmen were present.

**TOWN MANAGER'S REPORT**

Good Evening,

The Clerk's office is taking applications for absentee ballot requests. They are available by phone, mail, in-person, or online. As of today, we have received over 2100 applications for absentee ballots. Due to the increased demand for absentee ballots and COVID19 safety concerns, the Town has purchased a state approved ballot box that has been installed at the municipal complex near the flags and monuments. The state will reimburse the Town for 80% of its cost. Also, the Town has been granted permission by the Secretary of State and SAD 75 to use the new High School gymnasium for the November 3, 2020 election. Polls will be open from 7:00 a.m. to 8:00 p.m. Information will be posted on the on social media, signs, the Town website, and local newspapers.

The Town's net tax commitment will result in a tax rate decrease from \$19.15 to \$17.86 per one thousand dollars of assessed value. Contributing factors to this rate decrease are the elected official's conservative approach to this year's budget: a \$49 million increase in valuation, and increases in projected state revenue sharing and general revenues. Topsham property owners will receive their tax bills during the next few days, and many will notice an increase in the assessed value of their parcels. This increase reflects real estate sale prices continuing to increase in Topsham within the prior year. The goal of the valuation increase is to keep town assessments reasonably close to 100% of market value. If the assessed values diverge too far from market value, State Law would require proportional reductions to Homestead, Veteran and Blind exemptions. Reducing those exemptions would also reduce state reimbursement, causing an increase to local property tax burden.

The annual household hazardous waste collection day will take place on Saturday, October 17, from 9:00 a.m. to 1:00 p.m. at Brunswick Public Works located at 9 Industry Road, Brunswick Maine. The cost is free to residents but you must pre-register by visiting [www.brunswickme.org](http://www.brunswickme.org). Information is also available on the Town of Topsham website.

We are sad to announce that Debbie Fischer, who has been with the Town of Topsham for seventeen years, will be retiring on September 30th. In all her years as Finance Manager, the Town of Topsham has been financially solvent, a direct reflection of her hard work and attention to detail. She is not only competent and reliable; she is a pleasure to work with. Debbie will be missed, and her work will be remembered and very much appreciated. On behalf of the Town Staff, Debbie, we wish you and your family the very best!

The Town of Topsham could not have been more fortunate and is pleased to announce that the position of Finance Director has been filled by Mr. George Zoukee. George brings extensive experience to the position, including experience as the Executive Director of the New Hampshire Municipal Bond Bank and a multitude of executive finance positions. The Town is lucky to have him, and we look forward to seeing how he guides the financial needs of Topsham. Welcome, George!

Thank you and have a good night.

Derek Scrapchansky, Town Manager

## **BOARD AND COMMITTEE REPORTS AND UPDATES**

**TDI/ECD** – John Shattuck, Topsham Economic and Community Development, Inc. Director brought the Board up to date on TDI/ECD happenings, including:

### **BRUNSWICK-TOPSHAM BRIDGE PROJECT**

- The lawsuit opposing the bridge replacement is now entering the active litigation phase.
- The Request for Proposals is now expected to be released in early 2021.

## **BUSINESS RETENTION, EXPANSION AND ATTRACTION (BREA)**

### **Crooker Relocation/Rezoning**

- Crooker is returning to the Planning Board in October with a preliminary draft of proposed zoning

### **Central Maine Healthcare (CMH) Topsham Ambulatory Surgery Center Project**

- The Department of Health and Human Services preliminary analysis of Certificate of Need application is likely to be received within a few weeks. It may include a preliminary recommendation on the Certificate of Need decision.
- That report will trigger a public comment period.

### **Wicked Joe CDBG-EDP Grant**

- Wicked Joe, LLC has executed the required Indemnification MOU with the Town and the required Community Development Services contract with the Town and MCEDD for administration services with Wicked Joe.

### **Government Review Committee**

- At their September meeting, the Committee...
  - ...Reviewed Form of Government survey responses from towns with similar populations and
  - ...Reviewed the preliminary draft of the Committee's report. The Committee expects to submit this to the Selectmen in the fall.

### **UPDATE REGARDING THE ESTABLISHMENT OF ENERGY COMMITTEE**

Mark Waltz, Assistant Town Manager, presented an update regarding the establishment of an Energy Committee. He said staff is looking for volunteers who would like to serve on the committee and that applications can be found on the Town's website. He said members are also needed to serve on the Finance Committee.

Mr. Waltz's memo said, regarding concerns with Topsham Development, Inc. (TDI) bylaws were amended in 2012. A director position on TDI was reserved for a member of the Planning Board. TDI promotes and assists with economic development in Topsham. The Planning Board is charged with objective review of projects that come before them. Concerns have been raised that TDI's organizational structure may create a situation where the Planning Board member, who also serves on TDI, could be at least perceived to have a bias when TDI has taken a position on a project coming before the Planning Board. To date, these issues have been addressed with recusals as they come up, but we believe it is prudent to obtain an opinion from the town attorney on whether serving on both the Planning Board and as a TDI Director are what is referred to as "Incompatible positions". If so, TDI's bylaws would need to be revised. We are awaiting the attorney's opinion, but in the meantime the Planning Board member who also serves on TDI, Don Spann, has requested a leave of absence from TDI while the issue is evaluated, which we recommend that you accept. We also recommend that the Planning Board position on TDI be left vacant until we hear back from our attorney. TDI's board has more than the nine member minimum so the position can be left vacant for now.

Following Mr. Waltz's presentation, motion was made, seconded, and the Board unanimously agreed to approve Mr. Spann's request for a leave of absence from the TDI Board.

### **CORRESPONDENCE**

Chairman Douglass advised if anyone from the audience wished to comment, that they call 373-5090, or raise their hand and they would be recognized. There being no one wishing to comment, Chairman Douglass moved forward with the meeting and referenced an e-mail received from Yvette Meunier, 35 Prospect Street, asking what the time frame is for establishing the Energy Committee. Assistant Town Manager Waltz said at least 3 members are needed, but it would be

good to have 5. The committee will be formed as soon as 3 members are identified. Anyone wishing to serve on the committee were encouraged to go to the website and complete an application.

Selectman Nixon said he forwarded an e-mail to Board members regarding his concerns about a possible conflict of interest on the TDI Board and did not received a response to his memo. He said to his knowledge Board Members were supposed to remain neutral on agenda items and a memo recently sent did not adhere to the neutral position. Chairman Douglass suggested that perhaps it would be best to discuss Selectman Nixon's concerns in an Executive Session and that one could be scheduled. Selectman Lyons added that this conflict has gone on for many years and asked why it was being brought up at this time. Response was that a controversial project is coming before the Planning Board and management wants to be sure all aspects are handled correctly.

Selectman Nixon asked if consideration could be given to changing the TDI meeting time of 7:30 a.m. to make it more convenient for members of the public to attend. Mr. Shattuck said because TDI members are business folks, they meet from 8:00 a.m. to 9:00 p.m. on the second and third Wednesdays of the month. Selectman Nixon then asked if the TDI agenda could be placed on the Town's website in advance of the meetings.

#### **ADJUSTMENTS TO THE AGENDA**

Motion was made, seconded and it was unanimously

#### **VOTED**

To add Agenda Item **20-66 CONSIDERATION AND ANY APPROPRIATE ACTION TO APPROVE THE TOWN MANAGER'S ORDERING OF SUPPLIES AND COMPLETE WORK OUTLINED IN THE APPROVED KEEP MAINE HEALTHY 2020 MUNICIPAL COVID-19 AWARENESS CAMPAIGN GRANT**

#### **CONSENT CALENDAR**

1. Approval of the minutes of the Regular Selectmen's meeting of September 3, 2020.

Motion was made by Selectman Tufts, seconded by Selectman Lyons, to approve the minutes of the Regular Selectmen's meeting of September 3, 2020 as written. Vote was called and **the motion was passed.**

2. Approval to extend the Registrar's office hours on Tuesday, September 22, 2020, National Voter Registration Day, and on Thursday, October 29, 2020 until 7:00 p.m. for the purpose of additional hours for voter registration as required by State Statue 21-A §122.6.

Motion was made by Chairman Douglass, seconded by Selectman Lyons to extend the Registrar's office hours on Tuesday, September 22, 2020 National Voter Registration Day and on Thursday, October 29, 2020 until 7:00 p.m. for the purpose of additional hours for voter registration as

required by State Statue 21-A §122.6. . Vote was called and **the motion was passed.**

**PUBLIC HEARING**

**20-62 CONSIDERATION AND ANY APPROPRIATE ACTION ON AN APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR THE AMERICAN LEGION COREY EDWIN GARVER, POST 202**

The Public Hearing was declared open.

It was noted that the Public Hearing was duly advertised. Nancy Laffin represented the applicant and responded to questions posed by Chairman Douglass and the following findings were gathered.

- Applicant:** American Legion, Corey Edwin Garver, Post 202
- Location:** 79 Foreside Road, Topsham, Maine
- Liquor License Expiration Date:** October 9, 2020
- Type of Entertainment:** Live music and DJ’s
- Area For Entertainment:** Downstairs Lounge and Upstairs Hall
- Nights of Entertainment:** Monday – Wednesday, 3:00 p.m. to 8:00 p.m.  
Thursday – Sunday, 1:00 p.m. to 9:00 p.m.
- Hours of Operation:** See above
- Any Furniture Moved:** None
- Size of Lounge:** 30’x50’
- Size of Hall:** 30’x50’
- Seating Capacity:** Lounge: 81 (Currently, per Governor’s orders due to the Covid-19 Pandemic, no more than 50 allowed.)  
Hall: 263
- Adequate Parking:** There is ample parking
- Letter from Town Departments:** Letters in file from Fire and Police Departments stating no issues
- Conclusion:** Based on the Findings, the Board unanimously concluded that the issuance of a Special Amusement Permit would not be detrimental to the public health, safety or welfare, or would not violate municipal ordinances, rules or regulations.

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

**VOTED** That the application for a Special Amusement Permit for the Corey E. Garver American Legion Post 202 be granted as meeting requirements of Maine Revised Statutes, Title 25-A, Section 1054 and the Topsham Code, Chapter 71, Article 1, Sections 6 and 7.

**UNFINISHED BUSINESS** – None noted.

**OLD BUSINESS** – None noted.

**NEW BUSINESS**

**20-63 CONSIDERATION AND ANY APPROPRIATE ACTION TO AWARD THE BID FOR WINTER SAND**

Public Works Director Dennis Cox reported that he has heard back from three of the six vendors that bid packages were sent to for winter sand as follows:

Copp Excavating, Inc.	\$9.97 per cubic yard delivered
Country Fare	\$13.75 “ “
McGee Construction	\$12.75 “ “

Mr. Cox recommended awarding the bid to Copp Excavating, Inc. He said \$15,000 was budgeted for this year’s winter sand.

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

**VOTED**

To award the bid for winter sand to Copp Excavating, Inc. at \$9.97 per cubic yard delivered.

**20-66 CONSIDERATION AND ANY APPROPRIATE ACTION TO APPROVE THE TOWN MANAGER’S ORDERING OF SUPPLIES AND COMPLETE WORK OUTLINED IN THE APPROVED KEEP MAINE HEALTHY 2020 MUNICIPAL COVID-19 AWARENESS CAMPAIGN GRANT**

Chairman Douglass said the Town was approved by Maine DHHS for \$251,146 in the Keep Maine Healthy Municipal COVID-19 Awareness Grant, Part 2. The grant will reimburse the Town for specific functions, supplies, maintenance, repairs, modifications, and projects related to COVID-19 public education, public health support and physical distancing, and local business assistance.

\$115,206 has been allocated for personnel expenses; \$87,362 for installing a glass barrier at the Town Hall public service desks, installation of hands-free plumbing devices in the Library and Recreation Facilities, installation of hands free door entry units in the Town Hal, etc. The grant also includes \$48,578 for materials/supplies for decontamination, social distancing, cleaning sanitation, signage, thermometers, etc. All supplies must be received and paid for prior to October 31, 2020. The approved grant will reimburse the Town 100% for approved expenditures and will not impact the current budget.

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

**VOTED**

To approve the Town Manager's ordering of supplies and complete work as outlined in the approved Keep Maine Healthy 2020 Municipal COVID-19 Awareness Campaign Grant.

**EXECUTIVE SESSION** – (Both held prior to the regular meeting at 6:30 p.m. – see above.)

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**ADJOURNMENT**

Motion was made, seconded and it was unanimously

**VOTED**

To adjourn the meeting at 8:15 p.m.

Respectfully submitted,

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Patty Williams, Recording Secretary