

TOWN OF TOPSHAM
BOARD OF SELECTMEN MEETING
SEPTEMBER 19, 2013, 7:00 P.M.

MEMBERS PRESENT: Donald Russell
David Douglass
Ronald Riendeau

MEMBERS ABSENT: Marie Brilliant (excused)
James Trusiani

STAFF PRESENT: Town Manager, Cornell Knight

A meeting of the Topsham Board of Selectmen was held on Thursday, September 19, 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 Selectman Russell, Douglass and Riendeau were present, Selectman Brilliant had been excused and Selectman Trusiani was absent.

TOWN MANAGER'S REPORT

The Town Manager's Report included:

- A reminder that the Special Town Meeting is next Wednesday, September 25, 2013 at 7:00 p.m. at the Mt. Ararat High School. There will be 5 articles: 1) The Downtown TIF; 2) The Affordable Housing; 3) The Elm and Green Street Neighborhood Revitalization Plan; 4) A Zoning Amendment; and 5) a CDBG Business Application. The Warrant can be viewed on the Town's website.
- There is 1 opening on the Planning Board and 2 openings on the Conservation Commission. If any resident is interested in these openings, they should go to the Town's website to retrieve an application or stop in the Town Office to pick one up.
- The library book sale is scheduled for September 27th - 29th.
- Compost is now available for residents at the Transfer Station.
- There will be a public flue shot clinic on October 3rd from 2:00 p.m. to 5:00 p.m. here at the Municipal Building.
- Fire Prevention Day is October 6th from noon to 4:00 p.m. at the fire station.

BOARD AND COMMITTEE REPORTS AND UPDATES

Update From the Topsham 250 Committee - Steve Edmondson, Co-Chair of the Topsham 250 Committee, presented an update to the Board on how plans for the Topsham 250 Celebration in coming along. The Committee originally discussed planning a year-long event with several suggestions considered for a year of celebration, including a New Year's Eve sendoff at the fairgrounds with fireworks and a family atmosphere.

Mr. Edmondson explained that the Committee's call is to facilitate the celebration, with the events sponsored and put on by various citizens, clubs and organizations. He expressed disappointment that not many volunteers have come forward to express an interest. The Committee scheduled a public meeting to talk about events and only 2 citizens attended. Another difficulty in scheduling events is that several annual events in the area occur the same time each year in surrounding communities and already have a date scheduled, not leaving many weekends available during July and August. Mr. Edmondson said he will continue to "beat the drums," think positive, and hopefully, citizens and organizations will come forward with event ideas.

PUBLIC COMMENT - None noted.

CORRESPONDENCE - Chairman Russell read a Letter of Resignation from Gary Fogg from his position on the Conservation Commission. Motion was made by Selectman Riendeau, seconded by Selectman Douglas, and it was unanimously, of those present,

VOTED

To accept the Letter of Resignation, with regrets, and to instruct the Town Manager to send a letter of appreciation to Mr. Fogg for his community service.

ADJUSTMENTS TO THE AGENDA - Motion was made by Selectman Douglas, seconded by Selectman Riendeau, and it was unanimously, of those present,

VOTED

To add as Item 100-13 to the agenda: **100-13 CONSIDERATION AND ANY APPROPRIATE ACTION FOR THE FIRE DEPARTMENT TO APPLY FOR A SAFETY GRANT THROUGH THE MAINE MUNICIPAL ASSOCIATION WORKERS COMPENSATION FUND**

CONSENT CALENDAR

1. APPROVAL OF THE MINUTES OF THE REGULAR SELECTMENS MEETING OF SEPTEMBER 5, 2013

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

VOTED

To approve the Consent Calendar as written.

PUBLIC HEARING - None noted.

UNFINISHED BUSINESS

88-13 (Tabled from 9-5-13) CONSIDERATION AND ANY APPROPRIATE ACTION ON THE COPIER BIDS

The Town Manager reviewed bids received from 3 companies on two new copiers for the Town. The machine in the Clerk's office is beyond repair and, therefore, the need for 2 copies. However, only one machine is in the Capital Improvement Budget. Recommendation was made

that the Clerk's machine be financed at \$109.24/month until it can be paid off in next year's budget.

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

VOTED

To accept the bid for the Konica Color Copier 554e for a total price after trade-in of \$7,340 and the bid for the Konica 423 after trade-in, from Budget Document Technology for \$4,675, being financed for \$109.24 a month until it can be paid off in next year's budget and to include the 10-month lease.

NEW BUSINESS

91-13 CONSIDERATION AND ANY APPROPRIATE ACTION TO AWARD THE MONTGOMERY DESIGN & SUTHERLAND CONSULTING TEAM THE HISTORIC DISTRICT INTERPRETIVE SIGN PROJECT

Rod Melanson, Natural Resource/Assistant Planner spoke to this item and noted his memo of September 19, 2013 saying that in June, 2013, the Selectboard approved a grant from the Maine Historic Preservation Commission for the Topsham Historic District Commission to conduct an interpretive signage planning and implementation project. A Request for Proposals was advertised in August and at their September 11, 2013 meeting, the Commission recommended awarding the contract to Montgomery Design/Sutherland Consulting. A comparison of the two responding firms was included in the Board package.

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

VOTED

To accept the proposal from Montgomery Design and Sutherland Consulting for a total of \$8,444.

92-13 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE SALE OF LAND AT 26 RIVER ROAD

It was noted that neither the applicant nor a representative was present at the meeting. Chairman Russell said he would have to recuse himself as he was an abutter to the property. This would leave only 2 members on the Board to vote and not constituting a quorum. Therefore, motion was made by Selectman Douglass, seconded by Selectman Riendeau and it was

VOTED

To table Item 92-13 to the next regularly scheduled Board of Selectmen Meeting.

93-13 CONSIDERATION AND ANY APPROPRIATE ACTION ON A PROPOSED CONSERVATION EASEMENT FOR REQUIRED CONSERVATION LAND IN THE MALLETT WOODS SUBDIVISION, AN APPROVED OPEN SPACE SUBDIVISION

The Town Planner presented background on this item saying that in May, 2013, the Planning Board approved Mallett Woods, a 47-lot Open Space Subdivision. As part of this approval, the

applicant is required to set aside open spaces within the project, subject to a conservation easement. The applicant is seeking to have the Town of Topsham, through the Conservation Commission, hold and administer this conservation Easement for Phase 1 of the project. The applicant is proposing to provide funding to the Town that could be set aside to help defray any costs associated with the administration of the easement. A draft easement, which has been approved by the Town's Attorney, was included in the Board package. The Planning Board has approved the amendment and the applicant is asking the Town to accept the 4 parcels of land.

During discussion and questions from the Board, it was noted that this is a 4-phase project and the developer has agreed to contribute \$16,000 to cover any cost to the Town. Victor Langelo explained the process for accepting the land and said the Conservation Commission is comfortable with accepting the easement.

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

VOTED

To accept the Conservation Easement Deed for the required conservation land in the Mallett Woods Subdivision.

94-13 CONSIDERATION AND ANY APPROPRIATE ACTION ON INSTALLING "3-FOOT LAW" BICYCLE SAFETY SIGNS

Richard Cromwell, Past President of the Merrymeeting Wheelers Bicycle Club, talked to the Board about the importance of drivers being aware of the 3-foot Law which requires motorists to stay 3 feet away from bicyclists. He said the club is willing to purchase 4 to 6 signs alerting motorists to the law and are requesting the signs be placed in 4 to 6 areas of Topsham. Suggestions for placement include Main Street, Foreside Road, Route 24, Route 196 and the River Road.

Reid Kinney, 2 Pleasant Street, asked why there was no mention of placing signs on Main and Elm Streets. Mr. Cromwell responded that was because Elm Street is a State Road - Route 24 - and signs are not allowed to be place on State roads. We have looked this up and find that signs are in fact allowed to be placed on this road.

Following the presentation, motion was made by Selectman Douglass, seconded by Selectman Riendeau, and it was unanimously, of those present,

VOTED

To accept the 3-Foot Law bicycle signs and to allow Town Staff to work with the Merrymeeting Wheelers Bicycle Club for the installation of the signs.

95-13 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE NO-PARKING ZONE ON PLEASANT STREET

Reid Kinney, of 2 Pleasant Street, requested that this item be place on the agenda for discussion. He spoke to 95-13 saying he moved to his home on Pleasant Street, a busy residential neighborhood, approximately 10 years ago and at that time was told it was okay to park his

vehicle on the street, except for snow plowing considerations in the winter time. Mr. Kenney said he never had any problems with parking on the street.

He expressed concern with the vote at Town Meeting in July of this year to place no parking signs on Pleasant Street. He said there was no notification forwarded to residents and that not being able to park on the street was a problem for him, his family and several neighbors. He said he did not like changes made without being informed and asked the Board to reconsider the no-parking decision. He said he was specifically asking that parking be allowed on the lower part of Pleasant Street with certain conditions: 1) Never during snowstorms; 2) Only on the south bound side on the right; and 3) never within 75-feet of the intersection of Melcher.

Questions were fielded from the Board. Selectman Douglass asked Mr. Reid if he was aware that parking has never been allowed on all of Pleasant Street, except for the 3 spaces designated for the former library. As the library was moved from Pleasant Street it has come to the Board's attention that there were still 3 parking spaces allowed where the library was located, and therefore, the decision to sign the street.

Chairman Russell expressed concern that when a car is coming around Melcher Place, driving south, and a vehicle is parked on the street, the on-coming car has to pull into the other lane to drive around the parked car. What happens if another car is heading up Elm Street and makes a right-hand turn? Are they looking to come head on to each other? Mr. Kinney responded that his parked car is clearly visible and the only way one would get into trouble is if they are driving too fast.

Pete Rosenberg introduced himself, saying he lives at the bottom of Green Street, that he is an attorney, and walks his child to school every day. He said the issue is how everybody drives and that simply following the ordinance, the presumption by statute in allowing the proper distance will solve the problem, whatever number to be able to park from the intersection. He said the speed of traffic on the street has increased significantly and when there is a car parked on the street, it slows traffic down. He said there is always parking on Pleasant Street and that we need to consider a change. If we have finally enforced the law that we weren't enforcing, we know the law isn't doing what we wanted it to do. He said he has a 9-year old and doesn't feel safe. He added that the solution to slowing traffic on Pleasant Street is to park a car there as it makes it harder for traffic to speed if a car is parked on the street.

Jessica Kinney, 2 Pleasant Street, asked what kind of Town do people want Topsham to be? She said for too long, Topsham has been a drive-thru community on their way to Brunswick or Augusta. When you see a street that is mostly all residences, you want to make that kind of street a welcoming and safe environment. She added that where you see no parking signs it signifies a drive through street.

John Noyes, 7 Pleasant Street, asked if there was any background as to why the ordinance of no parking on Pleasant Street was created in the first place. Was it for a safety issue? Why does it have to be no parking? Mr. Noyes said he has lived there for 26 years and has parked on both sides of the street and is asking why it needs to be no parking.

Selectman Douglass explained why an exception was made 10 years ago for the 3 parking spaces on Pleasant Street in front of the library. He said Pleasant Street has always been no parking, except for the 3 exceptions.

The Town Manager responded that originally the no parking on Pleasant Street was put into effect because of the narrowness of the street.

Selectman Riendeau noted that the school bus uses the narrow street...there has been a lot of construction with trucks parked on the sidewalk and busses couldn't get through. He said he uses Pleasant Street regularly and that the streets are for everybody to use. A couple of months ago, a car was parked and he had to pull to the left to go around the parked car and a car turned onto the street from Elm Street and posed a dangerous situation. He added he couldn't imagine using illegal parking as a means to control traffic.

Douglass Bennett, 53 Elm Street, asked the Board to allow parking on Pleasant Street to accommodate the citizens. He said that trying to enforce no parking on the street would serve no purpose except to make life difficult for the residents.

Bill Fitzsimmons, 41 Elm Street, said the short cut through Pleasant Street is not actually a short cut. He said we live in a Historic District and part of the charm is that the house lots are small, close together, non-conforming, and there is no room for widening a driveway. Times have changed from when this law was passed. Today families have 2 and 3 vehicles and there is no solution for these residents with small lots. He urged the Board to take the people who have requested the change into consideration and not just say this is the law.

Ralph Williams, Town Historian, supported no parking on Pleasant Street as the street is narrow and large vehicles need to be able to pass such as oil trucks, delivery trucks, school busses and emergency vehicles. He added history that there was an accident where two young children ran between two parked cars and were hit because the passing vehicle couldn't see them.

After all who wish to had an opportunity to speak, motion was made by Selectman Douglass, seconded by Selectman Riendeau, and it was unanimously, of those present,

VOTED

That no action be taken this evening, but to schedule this item for a discussion with the Police Chief at a future Board of Selectman's Meeting open to the public.

96-13 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE BIDS FOR A FLASHING LIGHT AND PEDESTRIAN SIGNAL CROSSING

Town Manager Knight spoke to this item saying that only 1 bidder responded to the RFP for a pedestrian signal on the Topsham Fair Mall Road and flashing signal at the intersection of Mallett and Monument.

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

VOTED

To accept the bid from AD Electric, Sabattus Maine, in the amount of \$16,099, for a pedestrian signal on the Topsham Fair Mall Road and flashing signal, yellow and red, at the intersection of Mallett and Monument.

97-13 CONSIDERATION AND ANY APPROPRIATE ACTION ON SETTING UP A GENERAL LEDGER ACCOUNT TO ALLOW THE TOPSHAM 250 COMMITTEE TO ACCEPT DONATIONS

During discussion, Selectman Douglass asked, when accepting donations, at the end of the event, would the money left over dissolve into a general account, or be kept in the 250 Celebration Committee Account to be used for something to benefit that committee. The Town Manager responded that the balance would be determined at a later date.

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

VOTED

To set up a General Ledger Account for the Topsham 250 Committee to accept donations.

98-13 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE NOMINATION TO RE-APPOINT JOHN SHATTUCK TO THE MRRA BOARD OF DIRECTORS

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

VOTED

To endorse John Shattuck's re-appointment to the MRRA Board of Directors and to forward the letter of recommendation to Governor LePage.

100-13 CONSIDERATION AND ANY APPROPRIATE ACTION FOR THE FIRE DEPARTMENT TO APPLY FOR A SAFETY GRANT THROUGH THE MAINE MUNICIPAL ASSOCIATION WORKERS COMPENSATION FUND

The Town Manager spoke to this item saying the item was posted on the website last Friday. Motion was made by Selectman Douglass, seconded by Selectman Riendeau, and it was unanimously, of those present,

VOTED

To apply for the Safety Grant with a \$600 match because of the importance of having the two gas meters operable.

EXECUTIVE SESSION

99-13 CONSIDERATION AND ANY APPROPRIATE ACTION TO ENTER INTO EXECUTIVE SESSION AS PER M.R.S.A. 1, SECTION 405 6 (A), REVIEW OF THE TOWN MANAGER'S CONTRACT

At 9:00 p.m., motion was made by Selectman Douglass, seconded by Selectman Riendeau, and it was unanimously, of those present,

VOTED

To move into Executive Session as per M.R.S.A. 1, Section 405 (6) (A), to review the Town Manager's Contract.

The Board returned to regular session at 9:05 p.m.

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

VOTED

To renew the Town Manager's Contract for a 3-year term, starting February 1, 2014.

ADJOURN

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

VOTED

To adjourn the meeting at 9:06 p.m.

Respectfully submitted,

Patty Williams, Recording Secretary