

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

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MEMBERS PRESENT: David Douglass  
Marie Brilliant  
Ruth Lyons  
William Thompson

MEMBER(S) ABSENT: Roland Tufts

STAFF PRESENT: Richard Roedner, Town Manager; Justin Hennessey, Town Assessor

A meeting of the Topsham Board of Selectmen was held on Thursday, September 7, 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, except for Selectman Tufts, who had been excused.

**TOWN MANAGER'S REPORT**

This Saturday, September 9, is our opening weekend for Soccer at the Foreside Fields. Activities start at 8:30 a.m., so please drive carefully.

Monday, September 18, Maine DOT will be shutting the northbound lane of the Frank Wood Bridge for maintenance. This closure will hopefully only be for a couple of weeks.

Wednesday, Sept. 20 at 6 pm at Mt. Ararat High School Commons, the Maine DOT will be holding one of its Pedestrian Safety Workshops. Topsham is one of the communities that DOT is working with to identify safety issues, and to help develop plans to address those concerns.

September 29 through October 1 is the annual Topsham Library Book Sale. Donations are being accepted through September 15.

Sunday, October 8 from noon until 4 pm will the annual Open House at the Topsham Fire & Rescue Department.

Saturday, October 21 will be the next Household Hazardous Waste Collection Day. It will be held in Brunswick, and pre-registration will be required. Stay tuned for more information as it is developed.

And for those of you who Plan for the Future, Thursday, October 19 through Monday, October 23 will be a Comprehensive Plan Extravaganza at the Old Fire Station on Green St.! These five days will be devoted to food, various community events and activities, food, planning discussions and workshops, food, and visioning Topsham of the Future. So, come Find, Meet and Plan your Topsham!

Lastly, the Topsham Fire Department and Police Department were both recipients of \$1,000 each from Eulsum Kennedy. She contacted both departments and asked to give them these gifts, which I will ask the Board to formally accept this evening.

### **Acceptance of Gift**

The Board was in unanimous agreement to accept the gift of \$1,000 each from Eulsum Kennedy to the Fire and Police Department.

The Board also unanimously agreement to consider taking Agenda Item 17-75 (New Business) out of order to allow the presenter to meet an appointment.

### **17-75 CONSIDERATION AND ANY APPROPRIATE ACTION ON DECLARING SEPTEMBER AS CHILDHOOD CANCER AWARENESS MONTH**

Ashley Arndt, from Brunswick, told the Board that her daughter, Madison, who turned 3 last month, was diagnosed with stage 3 high risk neuroblastoma. She is currently completing her treatment and doing well. Ms. Arndt asked the Board if they would designate the month of September as Childhood Cancer Awareness Month.

Chairman Douglass read aloud a Proclamation recognizing the month of September as childhood cancer awareness month (filed with these minutes). Motion was made by Chairman Douglass, seconded by Selectman Lyons, and it was unanimously (of those present)

### **VOTED**

To accept the Proclamation as read and to declare each month of September as Childhood Cancer Awareness Month.

### **BOARDS AND COMMITTEE REPORTS**

**UPDATE ON THE TOPSHAM LIBRARY** – Susan Preece, Director of the Topsham Library, presented the FY 2017 Report of Accomplishments at the Topsham Public Library. She distributed the Library’s Long Range Plan, revised 7/19/17, which included the Long Range Plan from 2016 to 2019. Following Ms. Preece’s presentation, Chairman Douglass said the efforts on behalf of the library and staff, and Friends of the Library, everything you have done to outreach, and mainly at the financial level, the library has taken on a challenge and has met it. Every year there is something new which has been successful and the efforts are noticed. Selectman Lyons agreed and said she is at the library once a week and is impressed with the staff and the programs.

**UPDATE FROM THE COMPREHENSIVE PLAN COMMITTEE** – Larry Fitch, Chairman, presented an update as where the Comprehensive Plan Update process is. They are currently in the listening stage and encourage everyone to go to the Facebook Page of “Know your Topsham” and either there, or at the meetings express what they want to see their Topsham’s

future look like. He reviewed the events scheduled from October 19<sup>th</sup> to the 23<sup>rd</sup> at the former fire station and encourages everyone to participate.

- Thursday evening a Bean Supper fundraiser for the Fire Department and community conversation
- Friday – Input sessions and open studio evening Historic Lantern Walk – Outdoor Movie (the Parks and recreation Department will be screening Wonder Woman.)
- Saturday – Input sessions, pop-up library with activities, music, food trucks and evening community conversation
- Sunday –Elected officials meeting with the consulting team and a Sunday Market with local vendors
- Monday – Open studio, food vendors, closing session focusing on what was learned/heard over the 5-day event

A workshop is scheduled on Sunday the 22<sup>nd</sup> at 10:00 a.m. for elected officials. In addition to the meetings and events to be held at the former fire station, meeting will also be announced to take place at the library. Consultants will be there from early on until late in the evening. Selectman Lyons encouraged the committee not to forget the Pejepscot Village as that area contains some tremendous history.

**UPDATE FROM THE TREE COMMITTEE/FORESTER REGARDING TREE HARVEST AT THE SOLID WASTE FACILITY**

– John Cullen, a member of the Tree Committee, presented a report of the harvesting done at the Solid Waste Facility. 85 acres of the 160 acre parcel were carefully harvested, all trees having been marked. 1,757 tons, a combination of hard wood, pine and pulp was harvested. The objective of the operation was to clear out the bad wood, to open the area to light to encourage the better quality trees to grow and also to attract more wild life. A harvest walk was conducted with approximately 40 people in attendance. Mr. Cullen said Paul Larivee and his crew did an excellent job in the harvesting operation. \$13,872 was generated with sale of the wood.

**PUBLIC COMMENT** – Selectmen Lyons said she received a lot of public comment as to why the sidewalks were torn up in front of the Town Office Building. The Town Manager explained that when Monument Place was built, the first link was built in the chain of bike lanes. That was Phase I. This summer we completed Phase II, which starts at Main Street and runs out to Community Drive. The connection between the two links is the sidewalk in front of the town offices. You go from an 8’ to a 10’ bike path to a 5’ sidewalk, back to a full size bike bath. We opted to widen the sidewalk to make it consistent with the bike path.

**CORRESPONDENCE** – Letter was noted from George Phillips, 15 Rainbow Court, expressing concern with shooting near his home. He said he thinks he has also heard automatic gun shots. Mr. Phillips said he had spoken with the Police Department last year and suggested an ordinance be written to prohibit the firing of guns within the town. The town Manager replied to the letter to Mr. Phillips satisfaction. He explained that we have had a couple phone calls about the rules, but no complaints. Mr. Phillips complaint has been registered with the police department.

**ADJUSTMENTS TO THE AGENDA**

Town Manager Roedner said he received a call regarding campaign signs. The sign ordinance was changed this past May and no commercial signs are now allowed in a public right of way.

They can only be allowed with the Board's authorization. As candidates turn in their papers, ordinance changes will be explained. Following discussion, the Board was in unanimous agreement to add Item 17-81 to the agenda as follows:

**AGENDA NUMBER 17-81 – CONSIDERATION AND ANY APPROPRIATE ACTION TO GIVE THE TOWN MANAGER GUIDANCE RELATIVE TO CAMPAIGN SIGNS**

**CONSENT CALENDAR**

**1. Approval of the minutes of the Regular Selectmen's Meeting of 8-17-17**

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

**VOTED**

To approve the minutes of the Regular Selectmen's Meeting of August 17, 2017, as written. (Chairman Douglas abstained.)

**PUBLIC HEARING** – None noted.

**UNFINISHED BUSINESS** – None noted.

**OLD BUSINESS** - None noted.

**NEW BUSINESS**

**17-76 CONSIDERATION AND ANY APPROPRIATE ACTION ON APPROVING LANDFILL MONITORING AND TESTING CONTRACT TO CES, INC**

Solid Waste Director, Ed Caron asked the Board to waive the bid process and contract with CES to do the necessary landfill monitoring and testing. He said the Town has worked well with CES for the past several years. Following Mr. Caron's presentation, motion was made by Chairman Douglass, seconded by Selectman Lyons, and it was unanimously (of those present)

**VOTED**

To waive the bid process and approve the Landfill Monitoring and Testing Contract with CES, Inc.

**17-77 CONSIDERATION AND ANY APPROPRIATE ACTION TO APPROVE THE REQUEST TO MAKE THE SOLID WASTE FACILITY A TREE FARM**

Ed Caron, Solid Waste Director said, after finishing the Tree Harvesting at the Solid Waste Facility, the Forester, Paul Larivee from SAPPI, Has encouraged us to consider applying for Tree Farm status. An application was enclosed in the Board package for the Boards consideration. Mr. Caron said becoming a Tree Farm would be beneficial to the Town for the following reasons:

1. Establishes that we are being a responsible sustainable forest owner to the public.
2. May enable us to apply for additional Project Canopy Grants.
3. Will improve our application to Tree City USE, should we choose to do so.

A discussion between the Board followed Mr. Caron's presentation. The Town Manager said a couple weeks ago the Town was approached by a local individual whose company installs solar

farms. He is interested in talking to the Town about solid waste caps at the Solid Waste Facility and is interested in leasing land from the Town. Their preliminary numbers indicate that there is enough acreage at the facility. Question was asked if we designate the area as a tree farm, would this hinder the solar project. Mr. Roedner said he wanted everyone to be aware of the discussions before considering the tree farm designation.

Mr. Caron said the designation of a tree farm would not hinder the solar considerations. Only 10 acres are need for a tree farm and 80 acres of the 160 acres is available to designate.

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

**VOTED**

That the request to designate the Solid Waste Facility as a Tree Farm be approved.

**17-78 CONSIDERATION AND ANY APPROPRIATE ACTION TO APPROVE THE COMPUTER SERVICE CONTRACT**

Pam LeDuc, Parks and Recreation Director, said she has been overseeing the Town's servers and equipment for the past 10 years. She said in recent months the need to increase updates and coordinate with Trio has caused some hefty invoices from out IT provider, Ion Networking. Ms. LeDuc said she and the Town Manager have discussed concerns with Ion regarding the need for increased maintenance and oversight. Ion has developed a proposed contract which includes the majority of items currently on our system, including our exchange server (e-mail) and our NAS server and service on the two Virtual Servers, Trio SQL and Vision. The cost is approximately \$750 for the conversion and \$70 each month for service. Under the contract, Ion will come in and manage our servers and get us up to date. Ion currently services the towns of Windham, Poland and Yarmouth.

Selectman Lyons expressed concern that this didn't go out to bid. Chairman Douglass responded that for a cost of \$750, he didn't see that going out to bid was necessary as this is a maintenance issue. He added that we need to start a process to get computer people doing computer work for the Town of Topsham and this may be a baby step to start going down that road.

Motion was made by Chairman Douglass, seconded by Selectman Thompson, and it was unanimously (of those present)

**VOTED**

To approve the computer services contract with Ion as presented.

**17-79 CONSIDERATION AND ANY APPROPRIATE ACTION ON STATUS AND DISPOSITION OF EDGECOMB BRIDGE**

Town Manager Roedner said this item is on the agenda for a discussion and also to seek guidance. He explained the situation where the Edgecomb Bridge which spans the Little River between Lisbon and Topsham is in dire need of repair, evidenced by reports from DOT inspections. DOT has indicated that the bridge, due to its low usage, is entitled to a 50/50 share of repair of costs between state and local, but due to funding issues, it is unlikely that the State will appropriate any funds for its repair. The State also indicated that if both communities (Lisbon and Topsham) request it, they will remove the bridge at their cost.

Mr. Roedner said the Town of Lisbon has been considering voting to ask DOT to remove the bridge. In the past, Lisbon wanted the bridge to remain, as their animal control officer utilized land in Topsham as part of his duties, thereby needed access over the bridge. This is no longer the situation.

Topsham's history with the bridge is confusing. In 1910, Town Meeting voted unanimously to discontinue the New Road (present day Ward Road) from the Goodwin Road to the Lisbon town line (this would have included Topsham's half of the bridge). In 1911, Town Meeting then voted to layout a portion of the New Road, previously discontinued. (We assume this is the paved portion of Ward Road that we maintain today.) There are only a few parcels in Topsham that utilize this bridge, and all of those have access via Ward Road, both the public and private sections. There are records that indicate that the Town has spent money on the Edgecomb Bridge, as recently as 1980. Mr. Roedner asked if we have any interest in the bridge.

Selectman Lyons said she did some research which indicated that in 1986 both Androscoggin County and Sagadahoc County agreed to repair the bridge. Androscoggin County put up the money to do so and Sagadahoc did nothing, so it stayed in limbo. Ms. Lyons asked if we do something with the bridge, will there be any liability and if we take it out, what liability will there be. She said she has no passion whether to keep it or not, just for the best interest of the Town.

Michael Chonko of 10 Blueberry Lane wished to speak and was recognized. Mr. Chonko said the property on the Topsham side has several abutters. His Father purchased the land in the 1950s. He has since passed away and the land was transferred to him (Michael Chonko). Mr. Chonko said he owns 50 acres. The big challenge he sees is accessibility to his and his neighbor's parcels. He said the Ward Road is almost impassible and there is no other access. He added if the bridge goes away, he will have no access to his land. The property is currently in tree growth. He told the Board that he was glad that the Board is having this conversation and asked that the abutters of the bridge be notified of any meetings. He asked when a formal decision would be made.

The Town Manager said it used to be a public bridge. Lisbon believes they still own it. Our records show we got rid of it in 1910 but yet we have spent money on it after that date. He said his question is "What is our stake in that bridge?"

Chairman Douglass asked the Town Manager if he had a process in mind on how to answer these questions. He responded that some of it will involve research within our records, check county records for the late 70's, early 80's, and obtain some assistance from our attorneys on what does this all mean to us.

Motion was made by Chairman Douglass, seconded by Selectman Lyons, and it was unanimously (of those present)

**VOTED**

To direct the Town Manager to investigate further into the Edgecomb Bridge regarding the Town's interest and its history.

**17-80 CONSIDERATION AND ANY APPROPRIATE ACTION TO EXTEND TOPSHAM'S CURRENT LIST OF PAPER STREETS PURSUANT TO TITLE 23 MRSA §3302 FOR A PERIOD OF TWENTY YEARS**

Town Manager Roedner noted that this item has been discussed several times. He recommended that the Board vote to extend the exception on the list of paper streets for a period of 20 years. With that done, the staff will start working on the list of streets to determine whether it makes sense for the Town to hang onto these, if any are of valid use to the Town. If not, the abandonment process can begin.

Mr. Roedner said that First and Cross Streets came up several years ago, and doing the current research it was learned that the Town's interest in them lapsed in March of 2017. The Town has therefore given up interest in these two streets. Moving forward, Mr. Roedner said the land will be split down the center line to the abutters, but this needs to be verified by the Town Attorney.

Reviewing the list of streets, #1 Phillipon Drive should not be included as there was no approved subdivision of land through the Planning Board, nor does the book and page reference anything regarding the street. Also, #37, the note about "any other street not identified" should be removed as we recommended that we do not need to further research paper streets that we have no reference for. Mr. Roedner suggested that at this point staff will start the review process internally and determine use and go through the abandonment process.

Tax Assessor, Justin Hennessey, spoke affirming that First and Cross Streets are done as referenced above, that ownership reverts to the center line.

Tim Doyle, 10 Loon Drive, asked to speak and was recognized. He expressed concern that there are a lot of snowmobile trails on these paper streets that snowmobilers would not want to lose. He was also concerned about Phillipon Drive as his stepfather lives on that street. Mr. Doyle was informed that Phillipon Drive was on the list in error and is not a paper street.

Motion was made by Chairman Douglass, seconded by Selectman Lyons, and it was unanimously (among those present)

**VOTED**

That the Town of Topsham Board of Selectmen extend the current list of paper streets pursuant to Title 23 MRSA §3032 to except the unaccepted ways or portions thereof as referenced in a document entitled "Exhibit A" which references the 1997 list of paper streets - Notice 07684 and recorded in Book 1523, page 292, in the Sagadahoc County Registry of Deeds.

**17-81 CONSIDERATION AND ANY APPROPRIATE ACTION TO GIVE THE TOWN MANAGER GUIDANCE RELATIVE TO CAMPAIGN SIGNS**

The Town Manager said other towns do prohibit campaign signs from right of ways. The ordinance Topsham adopted gives the Board of Selectmen the authority to set certain guidelines. If the guidelines are that you will allow signs in the right of way for a period of 40 days starting October 1<sup>st</sup> each year - that is content neutral and has nothing to do with who it is, where it is and is content neutral. People can use it for campaign signs and other non-commercial signs. Size of the signs could be included and no overhang onto sidewalks or roadways could be included. The Town Manager agreed to develop wording to bring to the next meeting of the Board.

**EXECUTIVE SESSION** – None noted.

**ADJOURNMENT**

Motion was made by Selectman Lyons, seconded by Chairman Douglass, and it was unanimously (of those present)

**VOTED**

To adjourn the meeting at 9:10 p.m.

Respectfully submitted,

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Patty Williams, Recording Secretary