

**6:30 PM Interview with Board/Committee applicant
7:00PM Board of Selectmen Meeting
Topsham Municipal Building
Donald A. Russell Meeting Room
January 4, 2018**

Pledge of Allegiance –

Roll Call of Board Members –

Town Manager's Report –

Board and Committee Reports and Updates

Public Comment –

Correspondence –

Adjustments to the Agenda –

Consent Calendar –

1. Approval of the minutes of the Regular Selectmen meeting 12-21-2017.

Public Hearing –

Unfinished Business –

Old Business –

New Business –

18-01- Consideration and any appropriate action on discussing Library Board request to an exception on Town policy regarding alcoholic beverages.

18-02- Consideration and any appropriate action to extend the bid to grind the wood at the Solid Waste Facility.

18-03- Consideration and any appropriate action on Police Department's participation in a State-wide Safety Enforcement Grant.

18-04- Consideration and any appropriate action on consideration of Town of Bowdoinham request to negotiate an EMS services contract.

18-05- Consideration and any appropriate action on the appointment of Susan Rae-Reeves to the Comprehensive Plan Committee.

Executive Session-

Any public member desiring to address the Board shall be recognized by the Chair, shall state name and address for the record, and shall limit remarks to the question under discussion. All remarks and questions addressed to the administration of Town shall be addressed to the Town Manager or the Board of Municipal Officers through the Chair and not to any municipal town employee. No person other than members of the Board and the person having the floor shall enter into any discussion either directly or through a member of the Board without the permission of the presiding officer.

Public members attending Board Meetings also shall observe the same rules of propriety, decorum, and good conduct applicable to the members of the Board. Any person making personal impertinent and slanderous remarks, or who becomes boisterous while addressing the Board or those attending the Board meeting shall be removed from the room if so directed by the presiding officer. Aggravated cases shall be prosecuted on appropriate complaint signed by the presiding officer. In case the presiding officer should fail to act, any member of the Board may move to require the Chair to act to enforce the rules, and the affirmative vote of the Board shall require the presiding officer to act. 05/29/2003

Board of Selectmen Meeting

For the date of: 01/04/2018

Type of Item:

- Board or Committee Presentation
- Consent Agenda Item
- Public Hearing
- Unfinished Business
- Old Business
- New Business
- Executive Session
- Workshop

Type of Submission:

- Regular Submission
- Additional Agenda Item
- Additional Information

Agenda Number 1

(If this is unfinished business, please remember to research and enter the original agenda number above. For regular agenda items, the secretary will assign a number.)

Brief Title of consent or Agenda Item: Approval of the minutes of the regular Selectmen meeting 12-21-2017.

Brief Description of Consent or Agenda Item: see attached

Submitted by Rich Roedner, Town Manager

Date: 12-27-2017

MINUTES
TOWN OF TOPSHAM
BOARD OF SELECTMEN MEETING
DECEMBER 21, 2017 - 7:00 p.m.

MEMBERS PRESENT: David Douglass
Marie Brilliant
Ruth Lyons
William Thompson
Roland Tufts

MEMBER(S) ABSENT: All present

STAFF PRESENT: Richard Roedner, Town Manager

A meeting of the Topsham Board of Selectmen was held on Thursday, December 21, 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.

TOWN MANAGER'S REPORT

- The Joy of Art Exhibit at the library has been extended. Call the library to learn the date.
- Last Friday, one of our police officers, Gabriel Matthew graduated from the Police Academy in Vasselboro. He is now a permanent, full-time police officer.
- Happy Hanukkah and Merry Christmas to all.

BOARDS AND COMMITTEE REPORTS AND UPDATES – Town Clerk Linda Dumont reported that the Town received a \$2,500 donation from Jim Howard and the Priority Group toward the Heating Assistance Fund. The Board unanimously agreed to accept the donation.

PUBLIC COMMENT – Selectman Thompson thanked Mr. Howard and the Priority Group for their donation and also to the Gallery Hair Salon and Spa Stylist for their gift of \$200 to the Heating Assistance Fund.

CORRESPONDENCE -- None noted.

ADJUSTMENTS TO THE AGENDA – None noted

CONSENT CALENDAR

1. Approval of the minutes of the Regular Selectmen's Meeting of 12/7/17.

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

VOTED

To approve the minutes of the Regular Selectmen's Meeting of December 7, 2017, as written.

The vote was 4-0-1 with Selectman Brilliant abstaining.

PUBLIC HEARING

17-105 CONSIDERATION AND ANY APPROPRIATE ACTION ON AN APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR SEA DOG VENTURES, INC.

The Public Hearing was declared open. Brian Sherwood represented the Sea Dog Ventures and reviewed the programs the restaurant wished to sponsor during the coming year. Following Mr. Sherwood's presentation, the hearing was open to members of the public. With no one wishing to speak, the Public Hearing was declared closed.

The following Finding of Facts was determined by the Board:

1. The applicant is Sea Dog Ventures, Inc., d/b/a Sea Dog Brewing Company
2. Applicant's address is 1 Bowdoin Mill Island, Suite 100, Topsham, Maine 04086
3. Sea Dog's current liquor license will expire on September 1, 2018.
4. Type of entertainment proposed is the use of a D.J., Karaoke and Small Bands.
5. Entertainment will occur in the evenings on Wednesday, Friday and Saturday nights.
6. Hours of operation are from 11:00 a.m. to 1:00 a.m. With entertainment scheduled from 8:30 p.m. to 11:30 p.m.
7. Three tables will be moved each evening to provide space for the entertainment.
8. The dining room is approximately 40-feet by 80-feet and can seat 240 people.
9. There is adequate parking on site.
10. Letters from the Police, Fire and Codes Office are in file listing no concerns.

The Board concluded that based on the findings, 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 was made by Chairman Douglass, seconded by Selectman Lyons, and it was unanimously

VOTED

To grant the application for a Special Amusement Permit to the Sea Dog Brewing Company as meeting the requirements of Maine Revised Statutes, Title 25-A, Section 1054 and the Topsham Code, Chapter 71, Article 1, Sections 6 and 7.

17-106 CONSIDERATION AND ANY APPROPRIATE ACTION ON AN APPLICATION FOR A NEW LIQUOR LICENSE AND SPECIAL AMUSEMENT PERMIT FOR WILD DUCK PUB WITH EXTENSION OF PREMISE

Peter Flint, General Manager of the Wild Duck Pub, explained to the Board what he planned to do at the Pub. Mr. Flint said the Pub does not currently have a liquor license but are waiting for same from the State. Plans include an outside seating area to seat approximately 30 people. He explained hours of operation and type of entertainment as listed in the findings which follow. The Public Hearing was declared open and there being no one wishing to speak, the Public Hearing was declared closed.

The following Finding of Facts were determined:

1. Name of applicant is Sandbaggers, LLC, d/b/a Wild Duck Pub.
2. Location of the pub is 114 Village Drive, Topsham, Maine 04086.
3. The Pub currently does not have a liquor license but has applied for same to the State.
4. Entertainment will include indoor and outdoor live music and occasionally a D.J. and Karaoke.
5. There will be an outside deck and seating area and an outdoor veranda and stage upstairs.
6. There will be a dining room and private function room in the downstairs pub and lounge.
7. Entertainment will occur 7 days a week.
8. The hours of operation at the pub will be from 7:00 a.m. to 8:00 p.m. and the dining room will be open from 11:00 a.m. to 8:00 p.m.
9. The Pub can hold seating up to 25 and the dining room 55.
10. Both levels are approximately 20-feet by 50-feet.
11. Letters are in file from the police, fire and codes office stating no concerns.

The Board concluded that, based on the above findings, it is 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 regulation.

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

VOTED

To approve the application for a Special Amusement Permit for Wild Duck Pub 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

17-04 CONSIDERATION AND ANY APPROPRIATE ACTION ON PROPOSAL FOR INVESTMENT OF MUNICIPAL FUNDS

Town Manager Roedner reported back to the Board of responses from various banks, including Androscoggin Bank, Bar Harbor Bank & Trust, TD Bank, Key Bank and Camden Bank. He said that Androscoggin provided the best interest rates on CDs. They indicated that they will add them to our on-line banking so that monitoring them, renewing, etc. can be done from our desks. They said they will work with us to facilitate renewals and rollovers.

TD Bank has a separate program they call a Money Market Account (not a Money Market Investment). These funds are kept in-house and we can draw on the account at will, add to it, etc. They will collateralize it so that it is fully insured. The rate on this account is 1.25%. Androscoggin Savings also has a Money Market account with a \$100,000 minimum at an interest rate of 1.1%, with a cap of \$250,000 to match the FDIC limits.

Mr. Roedner said he sees an advantage to using Androscoggin Savings, mostly based on the ease with which it will be to manage from our end. He recommended that the Town utilize Androscoggin for about \$200,000 as this will give immediate access to the funds should they be needed. He suggested investing an equal amount with TD Bank, to give the Town a bit of extra interest income.

Following discussion by the Board, motion was made by Chairman Douglass, seconded by Selectman Tufts, and it was unanimously

VOTED

To approve the recommendation of the Town Manager to place \$200,000 into an Androscoggin Bank Money Market Account and also to place \$200,000 into a TD Bank Account.

OLD BUSINESS – None noted.

NEW BUSINESS

17-107 CONSIDERATION AND ANY APPROPRIATE ACTION TO AMEND THE TOPSHAM PLANNING APPLICATION FEE SCHEDULE

Town Planner Rod Melanson reviewed a memo to the Board dated December 11, 2017, and filed with these minutes. He said in 2016 the Town adopted a new format for application fees in regards to planning office application fees. The planning department has continued to monitor the fees associated with project reviews and has proposed some changes to better accommodate applicants, clear up confusion within the office in regards to calculating fees, while continuing to cover the costs associated with application reviews.

The Board reviewed the proposed changes which included:

1. Rewording the fees associated with subdivision amendments to make the calculation of the fee easier for the office and applicant, simply requiring a fee of \$150 per lot or unit.
2. Rewording the site plan per square foot calculation from gross floor area to building footprint area. This reduces the fees for applicants, especially in situations of multi-story buildings.
3. Rewording the site plan amendment cost to reflect the building footprint calculation.

Following discussion, motion was made by Chairman Douglass, seconded by Selectman Lyons, and it was unanimously

VOTED

That we amend the Topsham Planning Board Application Fee Schedule as posted in the memo from Rod Melason dated December 11, 2017.

17-108 CONSIDERATION AND ANY APPROPRIATE ACTION ON DISCUSSION AND DISPOSITION OF EDGECOMB BRIDGE

Town Manager Roedner addressed this item saying a couple months back the Department of Transportation did an inspection of the Lisbon and Topsham Edgcomb Road and Ward Road Bridge. The DOT said the bridge needs to be repaired and advised the towns would have to pay for the repair or DOT will take it down. Mr. Roedner noted that in reviewing the history of the bridge, back in 1910 – 1911 Topsham discontinued the Ward Road and then recreated the part of the Ward Road that is tarred and used at this time. Therefore, Topsham as a town has no interest in the bridge. Lisbon at one point suggested they might put a barrier up on their end. Topsham's attorney says we have no interested in it. In the past week letters have been received from an attorney representing property owners on the Topsham end asking if it was a country road. If so, it would require county approval. We have since received correspondence from the DOT indicating that the Ward Road was never a county road. The county road was the Merrill Road. Mr. Roedner recommended that the Board take no action. Topsham has no legal interest in that part of the Ward Road, nor the bridge. Selectman Lyons asked if someone got hurt on the bridge, who would be liable. Chairman Douglass said if it is on personal property, the property owner would be liable. The Town of Topsham has no authority over it as it is not a road belonging to them.

Chairman Douglass asked if anyone in the audience wished to ask questions or comment.

Julie Ann Baumer, Lisbon Falls asked who would be taking the bridge down. Response was that nobody would be taking it down on the Topsham side.

Roger Bickford, Lisbon Falls said his garage is on the Edgcomb Road. He said the bridge can handle light traffic, but not a logging truck. He said a "Mr. Ford" (an abutter) wants to take everyone to court who tries to put a barrier up at the site. Mr. Bickford said one abutter is Cheryl Goddard. Another abutter, Mark Goddard gated the bridge to protect his liability. He suggested that the two town managers get together to discuss the bridge further.

Herman Baumer, Lisbon Falls said he owned land beyond the bridge and that Topsham has never given them a dime. Mr. Baumer said he has rebuilt the bridge many times and that Topsham washed their hands of it. He added that Topsham sends them a tax bill though.

Julie Ann Baumer, Lisbon Falls asked who constructed the bridge in the first place. Town Manager Roedner said he has been told that Topsham did some work on the bridge as early as the 1960's but there is no record of same.

Selectman Lyons asked if the road was called the Stage Coach Road at one time. Mr. Baumer responded that at one time that road was the main road to Topsham prior to the building of Route 196.

Roger Bickford, Lisbon Falls said at one time a circus traveled to Topsham and one of their units broke through the bridge. It was rebuilt at that time.

Selectman Lyons said she and Mr. Lyons used to own 3,600 feet on that road. She went to see a lawyer when they bought the land from Mr. Popadak. They received all the deeds back and turned them over to the people that bought the house and land. She said in 1910 there was a discontinuance of the Ward Road at Town Meeting. In 1911, J. Wheeler wrote a letter that was

supposed to be attached to the minutes of the Town restoring part of that road and it did not say anything about layout. It said restoring that part that was discontinued. She said her lawyer said it was ambiguous. Town Manager Roedner responded that the letter from J. Wheeler is in file, although difficult to read. The letter talks about laying out the road over private property. The tone of the letter was what do you do about damages to the private property owners.

Chairman Douglas said we have a recommendation from the Town Manager, via the Town Attorney, as well as verified through the county that it wasn't a county road. Our Town Attorney is of the opinion that this is not a Town of Topsham bridge and is a private issue.

Selectman Lyons said she is not going to vote for it as she is not fully convinced or comfortable with it. (It was noted there would be no action/vote at this meeting.) Chairman Douglass asked Selectman Lyons what she was not comfortable with. She responded that she was involved with it and remembers things a little different and that she did go to a municipal lawyer at the time. She said if she had those papers before her she could say what she is uncomfortable with. Chairman Douglass said we have had this item before us for 3 or 4 months and repeatedly Selectman Lyons has said to the Board that she remembered things differently. However, there is nothing in town files after 1910 and 1911. Selectman Lyons said she is uncomfortable and does not want to be ouster sized about it. Chairman Douglass said he is just trying to understand why Selectman Lyons is uncomfortable. Selectman Lyons responded that she will call the owner and see if she can obtain the paperwork she is concerned with and will bring it before the Board.

Julie Ann Baumer, Lisbon Falls said she is a writer and a researcher and asked how she can obtain the correspondence to the Town from the lawyers. The Town Manager said the documents are public property and he will copy them for her.

No action was taken.

17-109 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE REAPPOINTMENT OF STEVE PELLETIER TO THE CONSERVATION COMMISSION

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

VOTED

To reappoint Steve Pelletier to the Conservation Commission.

ADJOURNMENT

Motion was made by Selectman Tufts, seconded by Selectman Lyons, and it was unanimously

VOTED

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

Respectfully submitted,

Patty Williams, Recording Secretary

Board of Selectmen Meeting

For the date of: 01/4/2018

Type of Item:

- Board or Committee Presentation
- Consent Agenda Item
- Public Hearing
- Unfinished Business
- New Business
- Executive Session
- Workshop

Type of Submission:

- Regular Submission
- Additional Agenda Item
- Additional Information

Agenda Number: 18-01

(If this is Unfinished Business, please remember to research and enter the original agenda number above. For Regular Agenda items, the Secretary will assign a number.)

Brief Title of consent or Agenda Item: Consideration and any appropriate action on discussing Library Board request to an exception on Town policy regarding alcoholic beverages.

Brief Description of Consent or Agenda Item:

Submitted by: Susan Preece, Director of Topsham Library **Date:** 12-21-2017



TOPSHAM PUBLIC LIBRARY

To: Rich Roedner, Town Manager and Board of Selectmen
From: Susan M Preece, Director and Larry Fitch, President of the Topsham
Public Library Board of Trustees
Re: Whitten Society Event; February 9, 2018- Beverages to be served
Date: Dec. 21, 2017

Once again, we write on behalf of the library Board of Trustees to request an exception from Town policy to serve wine at an event to be held at the library the evening of Friday, February 9, 2018 (snow date: Feb. 10, 2018). The event is an invitation-only reception for adult Whitten Society Members, which will include the presentation of the Sarah Whitten Community Award to Topsham resident, Don Sanders. This award is given annually to an individual, group or business in recognition of outstanding contributions to the Topsham Public Library and the community and honors the spirit of Sarah Whitten who donated her family home to the library in 1941.

The Board of Selectmen has granted our request for this exception for the past three years. Hors d'oeuvres, wine and cheese were served during these 2 hour events. This procedure for the occasional exception for adult-only events sponsored by the library was very successful. All participants had a pleasant evening and no problems occurred.

We are obviously willing to discuss any questions or concerns you might have. We ask that this matter be placed on the agenda for the next Select board meeting on Jan. 4, 2018.

Board of Selectmen Meeting

For the date of: 01/4/2018

Type of Item:

- Board or Committee Presentation
- Consent Agenda Item
- Public Hearing
- Unfinished Business
- New Business
- Executive Session
- Workshop

Type of Submission:

- Regular Submission
- Additional Agenda Item
- Additional Information

Agenda Number: 18-02

(If this is Unfinished Business, please remember to research and enter the original agenda number above. For Regular Agenda items, the Secretary will assign a number.)

Brief Title of consent or Agenda Item: Consideration and any appropriate action to extend the bid to grind the wood at the Solid Waste Facility.

Brief Description of Consent or Agenda Item: Award the wood grinding bid to Marshall Grinding Inc.

Submitted by: Ed Caron, Solid Waste Director **Date:** 12-22-2017

**Town of Topsham
100 Main Street
Topsham, Maine 04086**

Memo

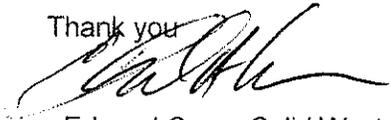
To: Rich Roedner
CC: Selectman
From: Ed Caron
Date: December 22, 2017
Re: Wood Grinding

I would like to extend the contract for Wood grinding to Marshall Grinding, they have agreed to hold the price from last year which was part of a three year option to continue. This will be the last year of the contract option and will go out to bid next year.

Marshall Grinding Inc.

A. Clean wood grind and removal	+ \$4 per ton + paid to Town
B. Demo Wood removal raw (ungrounded)	- \$25 per ton - Town pays
C. Grinding of Compost	\$400 per hour

Thank you



Edward Caron Solid Waste Dir.

Board of Selectmen Meeting

For the date of: 01/04/2018

Type of Item:

- Board or Committee Presentation
- Consent Agenda Item
- Public Hearing
- Unfinished Business
- New Business
- Executive Session
- Workshop

Type of Submission:

- Regular Submission
- Additional Agenda Item
- Additional Information

Agenda Number: 18-03

(If this is Unfinished Business, please remember to research and enter the original agenda number above. For Regular Agenda items, the Secretary will assign a number.)

Brief Title of consent or Agenda Item: Consideration and any appropriate action on Police Department's participation in a State wide Traffic Safety Enforcement grant.

Brief Description of Consent or Agenda Item: The Police Department seeks permission to participate in a State wide Traffic Safety Enforcement grants which are sponsored by the Maine Bureau of Highway Safety. These grants will reimburse the agency for those officers who participate in the specific activity. Enforcement measures will be conducted at various locations within the Town. The matching funds will come from on duty personnel time for the administration and oversight of the grant. The total amount awarded to the agency is \$5,076.65 for Seat Belt Enforcement, \$17,075.22 for Distracted Driving Enforcement, and \$3,602.88 for Impaired Driving Enforcement. The grant period begins on December 15, 2017 and ends September 15, 2018. The grant does not reimburse for court time which may occur at a much later date and time.

Submitted by: Christopher A. Lewis, Chief of Police

Date: 12/27/2017

Memo

To: Town Manager Rich Roedner
From: Christopher A. Lewis
cc:
Date: December 27, 2017
Re: Traffic Safety Grant Applications

The Topsham Police Department has been selected to participate in a State wide Traffic Safety Enforcement grant. The grant is sponsored by the Maine Bureau of Highway Safety and will begin December 15, 2017 and end September 15, 2018. These grants will reimburse the agency for those officers who participate in the specific activity. Enforcement measures will be conducted in various locations within the Town. Matching funds will be provided by on duty salaried personnel for the administration and oversight of each grant.

The totals approved for our agency is as follows:

Seat Belt Enforcement: \$5,076.65

Distracted Driving: \$17,075.22

Impaired Driving: \$3,602.88.

The grant does not reimburse for court time which may occur after the grant has ended. These grants allow the agency more resources to concentrate on improving the overall safety of motorists traveling within the Town of Topsham.

Respectfully,

Christopher A. Lewis

Board of Selectmen Meeting

For the date of: 01/4/2018

Type of Item:

- Board or Committee Presentation
- Consent Agenda Item
- Public Hearing
- Unfinished Business
- New Business
- Executive Session
- Workshop

Type of Submission:

- Regular Submission
- Additional Agenda Item
- Additional Information

Agenda Number: 18-04

(If this is Unfinished Business, please remember to research and enter the original agenda number above. For Regular Agenda items, the Secretary will assign a number.)

Brief Title of consent or Agenda Item: Consideration and any appropriate action on consideration of Town of Bowdoinham request to negotiate an EMS services contract.

Brief Description of Consent or Agenda Item: see attached

Submitted by: Rich Roedner, Town Manager

Date: 12-27-2017

MEMORANDUM

To: Board of Selectmen
From: Richard Roedner, Town Manager
Date: Dec. 27, 2017
Re: Bowdoinham EMS service

I have been asked by the Town Manager in Bowdoinham whether Topsham would entertain entering into a contract with Bowdoinham to provide EMS coverage, starting July 1 certainly, earlier if there was interest.

While this could represent a new revenue stream (insurance reimbursement payments as well as base fee paid by the Town), there are several issues to consider:

- We are in the process of hiring a new chief, and this may be something to hold off on until the Chief is on the job;
- Overtaxing our department and equipment to provide primary coverage (versus the mutual aid coverage we have been providing);
- Maintaining our own coverage levels through per diem and call

As some additional background, Northeast Ambulance has not responded to Bowdoinham's request for a new contract, and appears to have been backing off of coverage in the area, leaving Bowdoinham with no coverage. We have been responding via mutual aid.

Board of Selectmen Meeting

For the date of: 01/04/2018

Type of Item:

- Board or Committee Presentation
- Consent Agenda Item
- Public Hearing
- Unfinished Business
- New Business
- Executive Session
- Workshop

Type of Submission:

- Regular Submission
- Additional Agenda Item
- Additional Information

Agenda Number: 18-05

(If this is Unfinished Business, please remember to research and enter the original agenda number above. For Regular Agenda items, the Secretary will assign a number.)

Brief Title of consent or Agenda Item: Consideration and any appropriate action on the appointment of Susan Rae-Reeves to the Comprehensive Plan Committee.

Brief Description of Consent or Agenda Item:

Submitted by: Rich Roedner, Town Manager

Date: 12-12-2017-