

**7:00PM Board of Selectmen Meeting
Topsham Municipal Building
Donald A. Russell Meeting Room
January 17, 2019**

Pledge of Allegiance –

Roll Call of Board Members –

Town Manager's Report –

Board and Committee Reports and Updates-

- Update from Denis Tepler, Representative House District #54
- Update TDI/ECD- John Shattuck, Topsham Economic and Community Development, Inc. Director

Public Comment –

Correspondence –

Adjustments to the Agenda –

Consent Calendar –

1. Approval of the minutes of the Regular Selectmen meeting December 20, 2018.
2. Approval of the minutes of the Regular Selectmen meeting January 3, 2019.

Public Hearing –

Unfinished Business –

Old Business –

New Business –

Executive Session-

19-02- Consideration and any appropriate action to enter into executive session to deliberate over an abatement pursuant to 36 M.R.S.A. §841 and Title 1 405 6 (F)

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: 01/17/2019

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 12-20-2018.

Brief Description of Consent or Agenda Item: see attached

Submitted by Rich Roedner, Town Manager **Date:** 01-08-2019

MINUTES
TOWN OF TOPSHAM
BOARD OF SELECTMEN MEETING
DONALD A. RUSSELL MEETING ROOM
DECEMBER 20, 2018 – 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 20, 2018, 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 Town Office will be open on Monday, December 24th from 8:30 until noon and then closed for the Christmas Holiday. Office will be closed on Tuesday and reopen on Wednesday. On the following week we will be closed on Tuesday, January 1st for New Years.

Merry Christmas to everyone.

BOARDS AND COMMITTEE REPORTS AND UPDATES

UPDATE - TDI/ECD – John Shattuck, Topsham Economic and Community Development, Inc. Director presented an update. He thanked the Board of Selectmen for bringing VOC 10 Director Nancy Weed to their December 12th meeting. Mr. Shattuck said he will be meeting with her to discuss how the Town and MCEDD can help advance her vision for a 4 year comprehensive technical high school. The school will be a critically important driver for economic growth in our area.

Mr. Shattuck is participating in the reconvened marijuana regulation advisory group per vote results. This could result in high quality jobs in Topsham – technical manufacturing jobs.

Business Retention, Expansion and Attraction (BREA) – Mr. Shattuck is working with two companies from nearby towns seeking to relocate and expand in Topsham. They are technically oriented, high quality businesses.

Comprehensive Plan Committee (CPC) – The Committee has completed its detailed review of the Draft Comprehensive Plan. Mr. Shattuck said he will be continuing to work with the Planner, the Consultants and other staff on the parallel, ongoing staff review of the plan.

Design Advisory Committee (DAC) and Section 106 Process – We are still anticipating an announcement from the Federal Highway Administration and related agencies, finalizing their decision to replace the existing Brunswick-Topsham Bridge. Mr. Shattuck said he attended a December 5 presentation by the Friends of the Frank J. Wood bridge. The Friends’ presentation continues to advocate for rehabilitation. At the conclusion of the meeting, a leader of the group stated that the Friends had retained a Washington, DC attorney specializing in appeals of FHWA decisions to replace older bridges. It was noted that over 30,000 citizens of the Topsham and Brunswick area represent an overwhelming majority for the bridge replacement.

Congratulations to Topsham Resident – Congratulations were extended to Bruce Van Note for his new position as Commissioner of the Maine Department of Transportation.

PUBLIC COMMENT – None noted.

CORRESPONDENCE – Chairman Douglass read into the record two pieces of correspondence regarding Thomas Avenue issues; one from Barry and Susan Lohnes dated 12/19/18 and the other from Jane Tuttle dated 12/20/18. Both letters are filed with these minutes and are part of the public record.

ADJUSTMENTS TO THE AGENDA – Motion was made by Chairman Douglass, seconded by Selectman Tufts and it was unanimously

VOTED

To take Agenda Item **18-110 CONSIDERATION AND ANY APPROPRIATE ACTION ON APPLYING TO THE PLANNING BOARD FOR SITE PLAN APPROVAL FOR A PARKING AREA ADJACENT TO THE UPPER FIELDS** out of order.

CONSENT CALENDAR

1. Approval of the minutes of the Regular Selectmen’s Meeting of December 6, 2018.

Town Manager Roedner said he received an e-mail from Yvette Meunier saying she was at the December 6 meeting and had wanted to mention how much the residents of the Maple Street neighborhood appreciated the fine job the Public Works Department did plowing snow. Her comment is noted as part of these minutes.

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

VOTED

To approve the Consent Calendar as presented: **Approval of the minutes of the Regular Selectmen's Meeting of December 6, 2018.**

PUBLIC HEARING – None noted.

UNFINISHED BUSINESS

18-64 CONSIDERATION AND ANY APPROPRIATE ACTION AWARDDING THE BID FOR A CULVERT REPLACEMENT ON THE RIVER ROAD

Planner Melanson explained that in August this item was reviewed and tabled. One bid was received that came is higher than the cost estimate/project budget. Staff has since been working on seeking extensions on grant funds, discussing details of the project with Crooker and the Water District and also Wright-Pierce Engineers to assist in navigating the project implementation.

Since that time, a full grant extension from MDEP/EPA (to expire in December of 2019) as well as securing an extension of the SEP funding has been received for the project. Public Works Director Dennis Cox confirmed with Crooker Construction that they are willing to hold their price on the bid. After meeting with the engineers, DPW Director and Town Manager, a couple of options to continue this project with funding assistance in place have been identified.

1. Accept the current bid from Crooker and budget the funding difference for the upcoming fiscal budget year;
2. Decline the Bid from Crooker and re-bid the project in March;
3. Forfeit the project/grant funds.

During discussion, the Board was in agreement that the project needed to be done and suggestion was made that the Town Manager discuss the project with TIF attorney to determine if economic developments funds could be used.

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

VOTED

To continue accepting the current bid and to budget the difference from the upcoming budget.

OLD BUSINESS – None noted.

NEW BUSINESS

18-110 CONSIDERATION AND ANY APPROPRIATE ACTION ON APPLYING TO THE PLANNING BOARD FOR SITE PLAN APPROVAL FOR A PARKING AREA ADJACENT TO THE UPPER FIELDS

Town Manager Roedner issued a 4-page memo dated December 6, 2018, which is filed with these minutes, responding to issues/questions that have been received from Board members and members of the public regarding the parking lot.

He began the discussion saying he has talked to the Town Attorney about the Board of Appeals decision regarding right, title and interest and the sense of the attorney, at this point, is that the Town does have a right interest to the parcel. This went to the Planning Board this past summer and a public hearing was held. The Planning Board granted Site Plan Approval which is still valid. They also granted a Conditional Use Approval which was appealed to the Zoning Board of Appeals, which the Board of Appeals overturned, due to the question raised regarding right, title and interest. The attorney is working on this and has not gotten back to the Town.

Selectman Thompson responded to the correspondence received from Ms. Tuttle and disagreed with many of the comments she made, especially about young children being at risk for drugs and also on property values. He did not agree that the parking lot would place a negative impact on the neighborhood or that child predators and drug dealers would be an issue. He said all these things are not happening now and will not happen because of a parking lot. Selectman Thompson said he wants comments backed by facts. He said he lives at 26 Arbor Avenue and supports the project as a resident and also as a Town Official.

Chairman Douglass said we have before us the reapplying for the parking lot to the Planning Board. We need to go back to the Planning Board to show we have right, title and interest, which we believe we have. The Town Manager said when we accepted the road in 1972; there were no meets and bounds to describe the road. The Subdivision Plan of Thomas Avenue shows this cut out or stub, so when accepted by Town Meeting, that was part of it. The other argument is if that was a different road and laid out as a paper street, by State Statute, then towns retain whatever rights they have in that street as part of the subdivision. Any rights we have for access have been reserved. So under both scenarios, it appears the Town does own it, but the Town Attorney needs to get back with final information.

Selectman Lyons said she wants to be sure we are working with correct facts. She said she understands the feelings of the citizens in the neighborhood as they have every right to their feelings. She said we need to communicate well with the citizens and make ourselves available to them. If they need to speak again, they need to be heard again. Chairman Douglass asked Selectman Lyons if she believed that the Board did not allow the neighbors to speak. She said she did not say that in any way.

Chairman Douglass asked if anyone wished to comment. Those wishing to comment included the following (note that, due to the length of comments, they are only partially listed).

Karen Murphy – Finds it “interesting” that the Board is going to propose to bring this back to the Planning Board before the Town Attorney has fully given her opinion. Said the Town has looked at the street but has not adopted it. Asked what is the Town’s process for adopting paper streets. Asked what the Town plans to do about replanting the trees that were cut down? Inquired about zoning and building guidelines in the aquifer protection zone, future plans for forest management, and fund allocation from the tree harvesting. Said no one has talked about the drug situation. Asked how the Town can prove there isn’t going to be a problem. Said the fears people have are real.

Ann Bouchard – Ms. Bouchard said she lived across the street from a house that dealt in drugs for 20 years. Said there were incidents in the street and in the field. 20 cars a day used to come and go from the house and some from out of state. The house has now been foreclosed and the problem is gone. Asked what about the aquifer? Said we were never told there was going to be a parking lot. Gravel there now is OK, but what about runoff when it is tarred? Asked how Towns' people find out about when meetings will be held? How much is the parking lot going to cost? How much money did you get from the tree cutting? Where do citizens go to find out this information?

Chairman Douglass responded that every single thing Ms. Bouchard brought up has been transparent. People need to pay attention. This was all talked about in public meetings. Meetings that are posted on the website. Nothing is hidden.

David Marcello, Chairman of the Board of Appeals – Mr. Marcello spoke of the appeal of the Planning Board's decision. He said the Board of Appeals followed the rules and only the question of right, title and ownership of who owned the road is why the Board overturned the Planning Board's decision. Mr. Marcello said he was not aware of a workshop on this item and it seemed like the process went quickly. He said the Zoning Board of Appeals was the first ones to hear concerns of the public. He added that we need to go back to step one and be sure there is ownership.

Krista Chase, 19 Thomas Avenue – Said the parking lot will be in their backyard. They have lived there 13 years and that field has not been used. Said it boggled their mind for years why the Town of Topsham is not utilizing that space. Said her family is in favor of the parking lot as parents and grandparents need to be able to easily watch their family play. Said her family is happy to see the field now going to be used and it was wonderful having all those little soccer people around. Said a parking lot makes a lot of sense. Said she has no fear of any harm coming to her children from the parking lot. Said they lived across from the so-called drug house and this has been talked about but it is now gone. Said they loved the fact that the field was being used this fall. Said they love their neighbors and appreciate their perspective but it is time people stopped talking about it.

Pam LeDuc, Director of Parks and Recreation – Ms. LeDuc said the tree harvesting was duly advertised and a public meeting was held at the Library in November of 2017 and only 23 people attended. She said on January 3, 2019, the Tree Committee will give a full report of the harvest to the Board of Selectmen and all in attendance. Paul Larivee, Forester for SAPPI, will be in attendance. She went on to explain that the \$13,500 plus from the harvest is a General Ledger Account with the monies from the harvest at the Solid Waste facility. Ms. LeDuc clarified that bids were received from the bidders for the parking lot in the amounts of \$62,000 and 84,000 and were declined. She also clarified that the funds collected from the harvest can only be spent with the Board of Selectmen's approval.

Kari Hojara, 21 Arbor Avenue – Ms. Hojara said "Actually, I wrote a letter to Mr. Roedner which he replied to. I just want to express my continued concerns about the traffic that might come into the neighborhood, and I know that the industry numbers and what this might look like and that it shouldn't be an increase, but I'm hearing growing numbers and more gains. I'm not sure why we shouldn't sort of consider more specifically a traffic study or some sort of evaluation ahead of time. I have very small children. I walk with them.I also worry that there are no sidewalks for safe pedestrian travel.....I'm not sure why there couldn't be more

planning ahead of time. I've heard that sidewalks may be considered but I don't know what that meant. When will they be considered?"

Town Manager Roedner responded to the questions posed.

Chairman Douglass said he lives beside and in front of the parking lot to the Topsham Public Library. He has two small children. Has zero fears. People can be there 24 hours a day. There are no lights proposed for the parking lot. We all have speeders. We have talked about speeders at every single meeting. The Police Department has heard from this Board that it is a priority. We need this parking lot. People need to have the ability to go watch their kids and to have an area to safely park. I'm going to support this going back to the Planning Board and would like the Town Attorney to make the presentation to the Town to make sure there are no questions.

Selectman Tufts – Said he wants to be sure we have clarity on the ownership and how the aquifer protection zone applies. Going to support going back to the Planning Board. Said there is now a new road to go down to that field from Brookside and Homeplace.

Selectman Lyons – Said she wants the absolute facts about ownership of that piece of land. In favor of presentation from the Town Attorney. We all need to continue to talk.

Selectmen Brilliant – Says she is in support of going back to the Planning Board, especially for a safety issue. Not safe parking on the side of the road.

After all comments were heard, motion was made by Chairman Douglass, seconded by Selectman Lyons and it was unanimously

VOTED

That following a clear opinion from the Town Attorney on Right, Title and Interest on the entrance to the field, I make a motion to apply to the Planning Board for Conditional Use Approval for the Thomas Avenue Parking Lot and for this to be handled and presented by the Town Attorney.

18-108 CONSIDERATION AND ANY APPROPRIATE ACTION ON DECLARING THE OLD BRUSH TRUCK, A 1993 GMC SIERRA PICKUP AS SURPLUS

The Town Manager spoke to this item saying they would like to get rid of the 1993 GMC Sierra pickup which has been replaced and sell it using the bid process. Mike Labbe added that the truck is rusting away in the parking lot, but is still running good. The bid will go inside and outside with anyone able to bid.

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

VOTED

To declare the 1993 GMC Sierra Pickup as surplus and to put same out to bid.

18-109 CONSIDERATION AND ANY APPROPRIATE ACTION ON CREATING A GOVERNANCE REVIEW COMMITTEE

The Town Manager said per our Town Code, Chapter 6, Article IX, Paragraph 25, every 10 years the Board is charged with creating a committee to review Chapter 6 and recommend any necessary changes. We considered this section in 2016 and determined that the work the Town undertook with the Charter Commission and Chapter 6 made in 2009 qualified as the last review period. Therefore, in 2019 we are due to appoint a committee for this review.

Code language reads as follows:

"It shall be the duty of the Town to review and bring up to date this chapter at least once in every ten (10) years, and a committee of seven (7) citizens, three (3) of whom may be Selectmen, shall be chosen for this purpose."

There was a discussion of whether or not Board members serving on the committee would be a conflict of interest.

Chairman Douglass said his opinion on the portion where three Selectmen could be on the committee, that under our Rules and Regulations, Board members should not be a part of anything. He said he believes when reviewing the government, Board members should not be involved and that it is in contradiction to our own rules. Selectman Tufts agreed. Selectman Lyons said she would like to be on the committee as she has served on two processes in the past, but understood why it might be conflict and perhaps she could simply express her comments at the appropriate time.

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

VOTED

To start creating a Governance Review Committee.

ADJOURNMENT

Chairman Douglass wished everybody a Merry Christmas and said he hoped everyone would have an opportunity to spend quality time with their families.

Motion was made, seconded and it was unanimously,

VOTED

To adjourn the meeting at 8:45 p.m.

Respectfully submitted,

Patty Williams, Recording Secretary

Board of Selectmen Meeting

For the date of: 01/17/2019

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 2

(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 01-03-2019.

Brief Description of Consent or Agenda Item: see attached

Submitted by Rich Roedner, Town Manager **Date:** 01-08-2019

MINUTES
TOWN OF TOPSHAM
BOARD OF SELECTMEN MEETING
DONALD A. RUSSELL MEETING ROOM
JANUARY 3, 2019 – 7:00 P.M

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

MEMBER(S) ABSENT: All present

STAFF PRESENT: Derek Scrapchansky, Assistant Town Manager

A meeting of the Topsham Board of Selectmen was held on Thursday, January 3, 2019, 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

In the absence of Town Manager Roedner, the Assistant Town Manager, Derek Scrapchansky, gave the Manager's Report as follows:

On behalf of the Town Manager and our entire staff, we wish all of you and the Town of Topsham citizens a very prosperous and Happy New Year!

Last week we mailed out notifications for the upcoming neighborhood meetings. These meetings have been planned by staff with the Board of Selectmen to allow Topsham citizens an opportunity to share ideas for how we can better serve the community. All residences should have received a yellow post card with a date, time and location for their particular neighborhood meeting, as well as a backup date and location in the event of cancellation due to weather. If there is a cancellation, the location will be at Town Hall on the snow date assigned. A map, list of streets, dates and locations of the meetings are also posted on the front page of the Town's website in the event a notification was not received. Please note, if there is a problem attending the meeting date assigned, please feel free to attend a meeting on another date.

Our Parks and Recreation Department recently hosted a retirement reception for Gerry Ouellette. It was an opportunity for the public to stop by and recognize Gerry for his 21 years of dedicated and faithful service to the citizens of Topsham. We wish Gerry and his family the best. Kelly LaFountain, who has been serving the Town for the past 16 years, has filled Gerry's vacancy and assumed the role and duties of Program Coordinator. We have also gained the services of Bob Neron who will now operate our TV equipment.

The Topsham Police Department has recently hired two new police officers: Jose Gomez and Courtney Everett. They are anticipated to start employment with the department on January 7th. Both officers are expected to attend the 18 week Maine Criminal Justice Academy in August 2019.

BOARDS AND COMMITTEE REPORTS AND UPDATES - UPDATE FROM THE TREE COMMITTEE

Kevin Doran, Ed.D, Natural Science Educator with the Maine Forest Service, a licensed forester and Topsham Tree Committee member, presented an update from the Tree Committee with a video presentation. He said trees provide a tremendous amount of value. Recently invasive insects invaded Wooster, Massachusetts involving 50,000 trees hit by Asian Wild Worm Beetles.

Trees planted approximately 20 years ago by the snack shack on the playing field were shown, comparing the size they were 20 years ago and their size now, showing a heavy growth. Mr. Doran said trees improve air quality. They sequester the carbon, and improve water quality. 89% of Topsham's area is covered by trees.

One of the highlights of the Tree Committee in 2018 was the harvesting of trees on the Foreside Road. Mr. Doran explained how the damaged trees were marked (a lot of the damage caused from poor soil, heavy growth and the October wind storm). He said half of the trees, or more, were rotten, diseased and drying out. They were thinned out in a way to receive proper light so the healthy trees could continue to grow.

Paul Larivee, Forrester from SAPPI Paper, talked about the Emerald Ash Borer, which will become a bigger issue as we move forward. He said the Topsham Tree Committee has worked with the Public Works Department. He showed a map which anticipates the Emerald Ash Borer will kill close to 100% of the Ash trees in Maine. 4% of the forest consists of Ash trees. The Boer has come here from Michigan. Maine is the last New England state to discover the Emerald Ash Borer, which has been identified in York County, Acton and Madawaska. It is expected to spread in the next 5 to 10 years. Also, the Brown Tail Moth continues to invade local Oak trees.

Mr. Larivee spoke about Tree City USA and said this is one of the goals of the Tree Committee to see what is involved in becoming a member of Tree City USA. There are 4 qualifying criteria involving a Community Tree Ordinance, a percentage of dollars to come from the Town, and involvement with the Public Works Department on tree work. Mr. Larivee said with the work the town crews already do and the involvement of the Tree Committee itself, most of the criteria is already covered. There is a State-wide celebration in May of each year with all of the Towns coming together, including the governor. It was noted that the Tree Committee currently falls under the Conservation Committee, and in order to be a part of Tree City USA, would have to be a committee on its own.

Chairman Douglass asked if there were any questions and the following comments/questions were heard:

Jane Tuttle, 9 Thomas Avenue – Said she bought her house two years ago. It has a 3-foot high chain link fence she does not want and offered it to anyone who will come take it. She said when the tree harvesting vehicles went in, a huge new road resulted. She asked if it was necessary. Mr. Larivee responded that the area in question is known as “the landing” a main haul road to take the trees out. He said the opening was necessary to bring in a chipper and was actually made wider in an attempt to get more sun into the area. He said future cutting would not require such a large opening.

Chairman Douglass said, as we found with the landfill cut and this cut, the Tree Committee and staff made sure we have professionals doing this and the right decisions are made at all times. The hope is that this area will get better with every year.

Karen Murphy, 22 Arbor Avenue – Ms. Murphy said she would like to know, when they go in to re-harvest the next time, will you be using the same roads as before that new growth is going to be growing up on. I know that a lot of the branches and stuff has been left on the ground to decompose, but there are some huge piles of debris that look like they should have been removed. She said she didn’t see how anything could grow up from the piles of debris 4 feet tall. Are there any plans to plant anything in there?

Mr. Larivee said some of the piles left behind were intentionally left for wild-life piles. He said when you bring in big machinery, even if it’s horses, you change the character of the forest. Some of the piles were intentionally left for wild life. It will decompose, but it will take time. The Tree Committee is working on assessing the inventory levels and will make recommendations on the reassessment.

Mr. Doran said the crews did an excellent job of working with the harvesters. One of the biggest challenges is to not remove all the debris because of the deprived condition of the soils. He said he asked the crew to leave the brush. It was noted there is no need to replant. Seeds will drop and the growth will happen naturally.

Jane Tuttle, 9 Thomas Avenue – Said the marked trails that people walk on were impossible to walk on because of the branches left. Mr. Larivee responded that he had to clear near one trail, as there is a slope on one side and a fence on the other side so he had to move the equipment accordingly. He said it was difficult to get through that area with the fence on one side and trees on the other.

Chairman Douglass said at the end of the day, the work that was done up there was to save that forest. We have been told that an overwhelming amount of trees up there were rotting. The place was dying on its own. Yes, forestry is messy to people but this was an effort to save the area.

Pam LeDuc, Parks and Recreation Director – Ms. LeDuc said that the Conservation Committee did a lot and has plans on cleaning up some of the trails. Also, we have Community Forestry Days in the fall where we work with volunteers from Bowdoin College to help do that.

Ms. LeDuc said “Go out to the Solid Waste Transfer Station to see where the cut happened a year ago, and see the change in the growth. Because if anything can give you a different outlook, that does.”

PUBLIC COMMENT

Fire Hydrants – Chairman Douglas said, as snow starts falling, it would be helpful if you would clear snow from the fire hydrants in front of your house.

Chairman Douglass commented on the aquifer protection area up in the Foreside area. He said it didn't make a lot of sense to him so he talked with Allen Fraiser, General Manager at the Water District, asking why that area in particular is in aquifer protection. Mr. Douglass learned that aquifer protection isn't designated by the Water District. Each independent town designates where aquifer protection should be.

He was shown a map where the Brunswick-Topsham Water District views aquifer protection in Brunswick and Topsham. In Topsham, in our codes, Foreside Road and the Foreside Field area and a large portion of the town is in aquifer protection. However, the only area the Brunswick-Topsham Water District shows aquifer protection is on the River Road where their main office is situated.

Maine Geological Society maps 10 and 11 cover our area. A lot of towns utilize that information. This is something that hasn't been looked at for many, many years in Topsham; update back to 1989. Chairman Douglass said he had a discussion with the Town Manager that maybe it is time we use our local experts, being our Water District, and take a look at where should our aquifer protection be. He agreed to talk with Planning and approach the Water District to help in this effort.

Chairman Douglass showed a map which depicts the entire Town of Brunswick in the aquifer protection zone including the Bowdoin College area and the entire former Brunswick Naval Station area, according to maps 10 and 11 of the Maine Geological Society.

Selectman Lyons commented on the importance of using professionals when designating any changes.

CORRESPONDENCE

E-Mail from Randy Minet – Chairman Douglass read the correspondence aloud: “December 21, 2018...Hi Dave, I just finished reading your recent feedback in the Times Record regarding current projects.

‘This is government in general. It's the budget process it's all of it,’ said Chairman David Douglass. ‘People don't pay attention until they have to, but the Town is always operating around you. Things are done in public, nothing is hidden.’

Your hard work (and council) is always appreciated. Thanks for reminding, and putting it in perspective for all. Don't ever think it's a thankless endeavor. Merry Christmas! S/Randy Minet”

Karen Murphy, January 1, 2019 – Ms. Murphy sent a letter to the Town Manager and I, which I copied the Board with the correspondence back and forth, and then she copied you last night regarding four paragraphs in the meeting minutes of the December 20th Select Board Meeting. One of them, paragraph 4, said the Town Attorney determined that the Town does have right, title and interest to cut out Thomas Avenue. However, when I watched the video you clearly stated that the Town Attorney had not gotten back to you on this issue. Instead, it was the sense of the attorney at this point.

Chairman Douglass said that Karen's letter went on to talk about inaccuracies she saw in the meeting minutes. When we get to the next item, we will talk about this a bit more. Also, Pam LeDuc had sent Rich an e-mail from the 12/20 meeting that her sense of what was in the minutes was also inaccurate.

ADJUSTMENTS TO THE AGENDA – None noted.

CONSENT CALENDAR

1. Approval of the minutes of the Regular Selectmen's Meeting of December 20, 2018.

Motion was made by Chairman Douglass to table the approval of the December 20, 2018 minutes and for Patty to bring back a third draft at the January 17, 2018 meeting. This was seconded by Selectman Tufts and it was unanimously approved.

A discussion followed regarding meeting minutes. Chairman Douglass said it was extremely important for everybody to know that our meeting minutes are not word for word. Patty is not a stenographer. She is not writing down every word. Our meeting notes are a summation. Mr. Douglass said he didn't plan on getting into a habit of taking corrections and people wanting their summation. Patty has been doing this for over 25 years and she will continue to do it the same way she always has. If you need to hear comments word for word, there is the video. In the future, if you wish your comments included in their entirety in the minutes, then please give Patty your written copy and she will include it in the minutes. This is the exact way the Legislature requires you to do it when you testify before them on any item.

Selectman Lyons added that by Maine State Law, you don't have to keep minutes. She said we do it because we do it. She added that a lot of places just keep the vote and action taken.

PUBLIC HEARING

19-01 CONSIDERATION AND ANY APPROPRIATE ACTION ON AN APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR SEA DOG VENTURES, INC.

Chairman Douglass reviewed the process of the Public Hearing saying that once he gavels the meeting open, anyone wishing to address the Special Amusement Application for Sea Dogs, that's where we will take questions or concerns. Once we gavel out of the Public Hearing, there is no more commentary, questions, etc. outside of the Board of Selectmen.

The Public Hearing was declared open.

Seth Hale represented the Sea Dog Ventures, Inc. and reviewed the activities involved. He said their current liquor license will expire in February. It was noted that the Fire Chief, when inspecting the establishment, had asked that an outside exit door be installed. Memo is in file from Chief McLaughlin saying he and Deputy Labbe inspected the Sea Dogs on January 3, 2019 and noted that the contractor has started the work. They have opened up a wall to create a new exit and a door is installed. At this point, all they have to do is install an exit sign and an emergency light in the new opening, which an electrician is scheduled to do. Chief McLaughlin said all of the other deficiencies from our original inspection have been corrected.

Chairman Douglass reviewed the application with information provided by the applicant to compile the Finding of Facts as follows:

FINDING OF FACTS

1. Name of Applicant is Sea Dog Brewing Company.
2. Company is located at 1 Bowdoin Mill Island, Topsham, Maine.
3. The current liquor license will expire in February, 2019.
4. Type of Entertainment includes open mic, trivia, karaoke and a live band consisting of 3 people.
5. The main area the entertainment will be held is in front of the bar area.
6. Nights of entertainment are Tuesday, Wednesday, Friday and Saturday.
7. Hours of operation are from 11:00 a.m. to 2:00 a.m. Entertainment happens from 9:30 p.m. to 11:00 p.m.
8. The only furniture that will be moved for the entertainment is at the front of the bar and in the corner towards the deck.
9. Size of the hall is approximately 1,600 square feet.
10. Seating capacity of the establishment is 260.
11. There is adequate parking.
12. Letters are in file from the Police Department stating they have no issues with the granting of the Special Amusement Permit and from the Fire Department stating the Sea Dogs have made all previously communicated changes needed as a result of recent inspection.

Chairman Douglass asked if there was anyone wishing to comment on the application. There being no response, the Public Hearing was declared closed.

CONCLUSION

The Board was in unanimous agreement that based on the Findings of Fact, it is concluded that the issuance of a Special Amusement Permit would not be detrimental to the public health, safety or welfare or would violate municipal ordinances, rules or regulations.

VOTE

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 Sea Dog Brewing Company 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 – None noted.

ADJOURNMENT

Motion was made, seconded and it was unanimously,

VOTED

To adjourn the meeting at 8:00 p.m.

Respectfully submitted,

Patty Williams, Recording Secretary

Board of Selectmen Meeting

For the date of: 01/17/2018

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 19-02

(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 enter into executive session to deliberate over an abatement pursuant to 36 M.R.S.A § 841 and Title 1 405 6 (F)

Brief Description of Consent or Agenda Item:

Submitted by: Linda Dumont, Town Clerk/GA Coordinator

Date: 01-02-2019