6:00PM Board of Selectmen Workshop with TDI on Capital Funding

7:00PM Board of Selectmen Meeting
Topsham Municipal Building
Donald A. Russell Meeting Room
November 15, 2018

Pledge of Allegiance –

Roll Call of Board Members –

Town Manager's Report –

Board and Committee Reports and Updates-

- Update TDI/ECD- John Shattuck, Topsham Economic and Community Development, Inc. Director
- Update on Police Traffic Studies, Chris Lewis, Police Chief

Public Comment –

Correspondence –

Adjustments to the Agenda –

Consent Calendar –

1. Approval of the minutes of the Regular Selectmen meeting November 1, 2018.

Public Hearing –

Unfinished Business –

18-89- Consideration and any appropriate action on personnel policy regarding MEPERS match.

Old Business –

New Business –

18-94- Consideration and any appropriate action on Police Department's ability to provide financial incentives for hiring fulltime officers who are currently certified in the State of Maine.

18-95- Consideration and any appropriate action on policy review for vault storage area.

18-96- Consideration and any appropriate action on existing "No Parking" restriction on Thomas Ave.

18-97- Consideration and any appropriate action on extending moratorium on Medical Marijuana Retail Storefronts.

18-98- Consideration and any appropriate action on discussing the outcome of the marijuana ballot questions.

18-99- Consideration and any appropriate action on the election of Chair for the Board of Selectmen.

18-100- Consideration and any appropriate action on the election of Vice-Chair for the Board of Selectmen.

Executive Session-

18-101- Consideration and any appropriate action to move into Executive session pursuant to 1 M.R.S.A. §405 (6) (C) to discuss property negotiations.

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

Update Handout

TOPSHAM POLICE DEPARTMENT

22 Elm Street Topsham, ME 04086
Phone: (207) 725-4337 Fax: (207) 725-4604

Christopher A. Lewis
Chief of Police

Frederick Dunn
Lieutenant

10/15/2018

Christopher Lewis
Topsham Police Department
100 Main Street
Topsham, Maine 04086

Chief:

The radar traffic boards have been deployed a total of 24 times since April 2018. The boards have been deployed to both gather both vehicle speeds and to obtain traffic statistics in certain areas. The boards have also been deployed, with the oncoming vehicle's speed displayed, to remind the driver of their actual speed, for in some cases, "self-correction/enforcement".

The board has been deployed on the following roadways;

- Arbor Ave (25 MPH): *06/29/18 – 07/04/18: Average Speed: 21 mph.*
- Barrows Dr. (25 MPH): *04/13/18 – 04/15/18: Average Speed: 18 mph.*
- Barrows Dr. (25 MPH): *09/04/18 – 09/13/18: Average Speed: 13 mph.*
- Bay Park Dr. (25 MPH): 09/27/18 – 10/12/18: Average Speed: 29 mph.
- Elm St. (25 MPH): 05/16/18 – 05/21/18: Average Speed: 26 mph.
- Elm St. (25 MPH): 08/13/18 – 08/30/18: Average Speed: 28 mph.
- Foreside Rd. (35 MPH): *04/24/18 – 04/26/18: Average Speed: 32 mph.*
- Foreside Rd. (35 MPH): *05/04/18 - 05/08/18: Average Speed: 39 mph.*
- Foreside Rd. (40 MPH): *05/04/18 – 05/08/18: Average Speed: 39 mph.*
- Goldeneye Dr. (25 MPH): *07/04/18 – 07/11/18: Average Speed: 17 mph.*
- Lewiston Rd. (45 MPH): *04/10/18 – 04/16/18: TPW Board- No Data***
- Lewiston Rd. (35 MPH): *08/10/18 – 08/13/18: Average Speed: 36 mph.*
- Main St. (25 MPH): *07/27/18 – 08/06/18: Average Speed: 26 mph.*
- Main St. (30 MPH): *09/13/18 – 09/19/18: Average Speed: 27 mph.*
- Mallett Dr. (25 MPH): *04/11/18 – 04/15/18: Average Speed: 21 mph.*
- Meadow Rd. (45 MPH): *09/19/18 – 09/27/18: Average Speed: 42 mph.*
- Meadow Rd. (45 MPH): *10/12/18 – 10/23/18: Average Speed: 43 mph.*
- Middlesex Rd. (40 MPH): *04/09/18 – 04/15/18: TPW Board- No Data***
- Middlesex Rd. (40 MPH): *04/09/18 – 04/30/18: Average Speed: 39 mph.*
- Middlesex Rd. (40 MPH): *07/19/18 – 07/27/18: Average Speed: 35 mph.*
- River Rd. (40 MPH): *06/25/18 – 06/29/18: Average Speed: 39 mph.*
- River Rd. (40 MPH): *07/11/18 – 07/18/18: TPW Board- No Data***
- Somerset Pl. (25 MPH): *06/12/18 – 06/25/18: Average Speed: 21 mph.*
- Tedford Rd. (25 MPH): *04/30/18 – 05/04/18: Average Speed: 24 mph.*

**TPW Board- No Data= Radar unit but does not record any data.

- Arbor Ave: 06/29/18 – 07/04/18
    - Posted Speed Limit: 25 mph
    - Average Speed: 21 mph
    - Total Vehicle Count: 1,747
    - % of Vehicles Respecting Speed Limit: 78%
    - % of Vehicles w/in Tolerated Speed (=/<30 mph): 17%

- Barrows Dr.: 09/04/18 – 09/13/18 *Woodside School Zone
    - Posted Speed Limit: 25 mph
    - Average Speed: 13 mph
    - Total Vehicle Count: 6,795
    - % of Vehicles Respecting Speed Limit: 97%
    - % of Vehicles w/in Tolerated Speed (=/<30 mph): 3%

- Bay Park Dr.: 09/27/18 – 10/12/18
    - Posted Speed Limit: 25 mph
    - Average Speed: 29 mph
    - Total Vehicle Count: 10,989
    - % of Vehicles Respecting Speed Limit: 18%
    - % of Vehicles w/in Tolerated Speed (=/<35 mph): 66%

- Elm St.: 05/16/18 – 05/21/18
    - Posted Speed Limit: 25 mph
    - Average Speed: 26 mph
    - Total Vehicle Count: 12,012
    - % of Vehicles Respecting Speed Limit: 76%
    - % of Vehicles w/in Tolerated Speed (=/<30 mph): 76%

- Elm St.: 08/13/18 – 08/30/18
    - Posted Speed Limit: 25 mph
    - Average Speed: 28 mph
    - Total Vehicle Count: 40,483
    - % of Vehicles Respecting Speed Limit: 26%
    - % of Vehicles w/in Tolerated Speed (=/<35 mph): 65%

- Foreside Rd.: 04/23/18 – 04/26/18 *Rec Field Area
    - Posted Speed Limit: 35 mph
    - Average Speed: 33 mph
    - Total Vehicle Count: 3,202
    - % of Vehicles Respecting Speed Limit: 62%
    - % of Vehicles w/in Tolerated Speed (=/<40 mph): 27%

- Foreside Rd.: 05/04/18 – 05/08/18
    - Posted Speed Limit: 40 mph
    - Average Speed: 39 mph
    - Total Vehicle Count: 1,535
    - % of Vehicles Respecting Speed Limit: 92%
    - % of Vehicles Traveling =/<50 mph: 92%

- Goldeneye Dr.: 07/04/18 – 07/11/18
    - Posted Speed Limit: 25 mph
    - Average Speed: 17 mph
    - Total Vehicle Count: 1,193
    - % of Vehicles Respecting Speed Limit: 86%
    - % of Vehicles Traveling =/<30 mph: 13%

- Lewiston Rd.: 08/10/18 – 08/13/18
    - Posted Speed Limit: 35 mph
    - Average Speed: 36 mph
    - Total Vehicle Count: 21,929
    - % of Vehicles Respecting Speed Limit: 40%
    - % of Vehicles w/in Tolerated Speed (=/<40 mph): 27%

- Main St.: 07/27/18 – 08/06/18 *Lower Main St.
    - Posted Speed Limit: 25 mph
    - Average Speed: 26 mph
    - Total Vehicle Count: 55,977
    - % of Vehicles Respecting Speed Limit: 36%
    - % of Vehicles w/in Tolerated Speed (=/<30 mph): 34%

- Main St.: 09/13/18 – 09/19/18
    - Posted Speed Limit: 30 mph
    - Average Speed: 27 mph
    - Total Vehicle Count: 33,303
    - % of Vehicles Respecting Speed Limit: 72%
    - % of Vehicles w/in Tolerated Speed (=/<35 mph): 21%

- Mallett Dr.: 04/10/18 – 04/15/18
    - Posted Speed Limit: 25 mph
    - Average Speed: 21 mph
    - Total Vehicle Count: 3,101
    - % of Vehicles Respecting Speed Limit: 63%
    - % of Vehicles w/in Tolerated Speed (=/<30 mph): 16%

- Meadow Rd.: 09/19/18 – 09/27/18
    - Posted Speed Limit: 45 mph
    - Average Speed: 42 mph
    - Total Vehicle Count: 7,238
    - % of Vehicles Respecting Speed Limit: 63%
    - % of Vehicles w/in Tolerated Speed (=/<55 mph): 35%

- Middlesex Rd.: 04/09/18 – 04/30/18
    - Posted Speed Limit: 40 mph
    - Average Speed: 39 mph
    - Total Vehicle Count: 9,699
    - % of Vehicles Respecting Speed Limit: 83%
    - % of Vehicles w/in Tolerated Speed (=/<45 mph): 27 mph

- Middlesex Rd.: 07/19/18 – 07/27/18
    - Posted Speed Limit: 40 mph
    - Average Speed: 35 mph
    - Total Vehicle Count: 30,662
    - % of Vehicles Respecting Speed Limit: 87%
    - % of Vehicles w/in Tolerated Speed (=/<45 mph): 27%

- River Rd.: 06/25/18 – 06/29/18
    - Posted Speed Limit: 40 mph
    - Average Speed: 39 mph
    - Total Vehicle Count: 3,604
    - % of Vehicles Respecting Speed Limit: 55%
    - % of Vehicles w/in Tolerated Speed (=/<50 mph): 41%

- Somerset Pl.: 06/12/18 – 06/25/18
    - Posted Speed Limit: 25 mph
    - Average Speed: 21 mph
    - Total Vehicle Count: 1,055
    - % of Vehicles Respecting Speed Limit: 64%
    - % of Vehicles w/in Tolerated Speed (=/<35 mph): 31%

- Tedford Rd.: 04/30/18 – 05/05/18
    - Posted Speed Limit: 25 mph
    - Average Speed: 24 mph
    - Total Vehicle Count: 2,989
    - % of Vehicles Respecting Speed Limit: 98%
    - % of Vehicles w/in Tolerated Speed (=/<35 mph): 98%

Board of Selectmen Meeting

For the date of: 11/15/2018

Type of Item:

_____Board or Committee Presentation
____x_____Consent Agenda Item
_____Public Hearing
_____Unfinished Business
_____Old Business
_____New Business
_____Executive Session
_____Workshop

Type of Submission:

___x____ 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 11-01-2018.

Brief Description of Consent or Agenda Item: see attached

Submitted by___Rich Roedner, Town Manager_____ **Date**: _11-07-2018_____
Revised 08-2002

MINUTES
TOWN OF TOPSHAM
BOARD OF SELECTMEN MEETING
NOVEMBER 1, 2018 - 7:00 p.m.

MEMBERS PRESENT:	David Douglass Marie Brillant Ruth Lyons Roland Tufts
MEMBER(S) ABSENT:	William Thompson
STAFF PRESENT:	Richard Roedner, Town Manager

A meeting of the Topsham Board of Selectmen was held on Thursday, November 1, 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, except for Selectman Thompson, who had been excused.

TOWN MANAGER'S REPORT

A reminder to everyone that the time change is this weekend. At 2:00 a.m. you are supposed to wake up and change your clocks to 1:00 a.m. Some people do it when they go to bed. It is also time people should be changing the batteries in their smoke and carbon monoxide detectors. If you need help or assistance with installing detectors, please feel free to contact the Fire Department.

This past Wednesday, October 31, Detective LaFountain retired from the Topsham Police Department. While we only had Mark in our service the past 12 years, all tolled Mark had 25 years as a law enforcement officer, serving in multiple communities in Maine and Vermont. Mark has served as a patrol officer, training officer and most recently as Detective. It is with deep gratitude for his service, that we bid Mark bon voyage as he embarks on new adventures.

Through a competitive process, Bill Collins, our Animal Control and Traffic Safety Officer, will be selected to become Detective starting this next week. The selection process for ACO and Traffic Safety officer is ongoing.

One last comment about our police department, we are hiring to fill three positions, so if you, or someone you know has ever considered a career in law enforcement, contact the Police Chief to learn about the positions and the process for applying.

Our Solid Waste Facility has switched to its non-summer hours, which are Tuesday through Saturday, 8:00 a.m. to 5:00 p.m.

Another reminder to all residents that it is hunting season. Pay attention when you are out an about, and make sure you are sporting a flash of blaze orange for safety.

Next Tuesday is Election Day. Polls are open at the Fair Ground from 8:00 a.m. to 8:00 p.m. Today was the last day to request routine Absentee Ballots. You can still register to vote, but it now has to be done in person at Town Hall, or at the polls on Tuesday.

GrowSmart, Maine Association of Planners and the Town of Topsham are collaborating to bring a program entitled "Rethinking Commercial Strip Redevelopment to Strengthen Your Community" to Topsham. It will be held at the Topsham Public Library on Nov. 15 from 4:00 p.m. until 7:00 p.m. There is a fee to attend this program, but through the Town's support, Topsham residents can register at no cost by emailing info@growsmartmaine.org.

Chairman Douglass extended congratulations to Bill Collins for his new position as Detective. He also noted that information on GrowSmart can be found on the Town's website.

BOARDS AND COMMITTEE REPORTS AND UPDATES - None noted.

CORRESPONDENCE (All filed with these minutes.)

Murphy - Several pieces of correspondence in the form of e-mails were entered into the record from resident Karen Murphy. At the last Board of Selectmen Meeting, Ms. Murphy was present and said she had forwarded correspondence to both the Town Manager and Chairman Douglass, for which she received no response.

At tonight's meeting (11/1/18) Chairman Douglass read aloud all the e-mails and noted that Ms. Murphy had the wrong e-mail address and was the reason he did not receive the e-mail to him. Response from Town Manager Roedner to Ms. Murphy was also read aloud and was sent to her approximately 24 hours after he had received her e-mail. Chairman Douglass noted that the acquisition that no one had responded to Ms. Murphy was inaccurate. Selectman Brillant asked if it could be possible that Ms. Murphy didn't receive the Town Manager's e-mail.

Chairman Douglass read aloud the following correspondence from Daniel Flaig, Jr.:

"**Flaig** – E-mail from Daniel Flaig
Sent: Wednesday, October 31, 2018 7:26:38 PM
To: Dave Douglass; Ruth Lyons (Selectperson); Marie Brillant; Roland Tufts; Bill Thompson
Cc: Karen Murphy; Rich Roedner
Subject: Thomas Avenue

Dear Board of Selectmen,

I've attached a letter I've prepared that I hope you will consider as part of your discussion of the Thomas Ave neighborhood special select board meeting agenda item on 11/1/2018 and also include it in the public

correspondence record. I will not be able to attend the meeting tomorrow night, but I hope the Board moves the Town toward a solution for Thomas Avenue that considers neighborhood input and more optimum use of our athletic field resources available in Topsham.
thank you,
Dan:

The letter follows (Also read aloud by Chairman Douglass):

"10/31/2018

Dear Topsham Board of Selectman,

I understand from reviewing the BOS agenda for November 1, 2018 that the Board will consider and take any appropriate action on scheduling a special board meeting with the Thomas Avenue neighborhood regarding parking. I think facilitating a neighborhood meeting is an appropriate action for the board to consider and would foster a productive a dialog with residents to discuss concerns and possible solutions with parking and traffic associated with the Hillside Field.

I don't live in this neighborhood, but I'm a Topsham resident and a frequent spectator of soccer games on the town fields on Saturday mornings. As a lifelong Topsham resident, I grew up playing sports on the Town and Mt. Ararat fields. I also attended the Planning Board meeting on 7/17/18, the BOS meeting on 8/16/18, and the board of appeals hearing on 9/17/18, all of which included public comment on the parking lot proposal for Hillside. I've heard from the residents at these meetings and have made my own observations that I would like to share with this board.

During the planning board meeting presentation on 7/17/18, Town staff presented a conditional use application for the parking lot at Hillside and indicated that the circumstances leading to the Thomas Ave Hillside field parking lot proposal was twofold and directly related:

1. *The wooded area next to the Hillside field was cleared during a planned timber harvest of the Town owned Hillside forest in February 2018. The contractor Sappi created a large cleared area next to the field that was used as a storage area for harvesting equipment and timber for the duration of the wood harvest scope of work. The staging area was selected by Sappi after consulting with town staff on other location options including the softball field. The funds from the harvest were planned to be used for the parking lot construction if authorized by the BOS and;*

2. *MTA high school athletic director requested use of Town fields to host MTA high school games for the next three years during MTA high school construction when the new high school soccer fields would not be available. It was reported that Bowdoin College could only accommodate MTA lacrosse on their fields during the spring season, and not the fall MTA soccer program, which initiated the request from Mt. Ararat athletic director to the Parks and Recreation Department (PRD) to use Town fields.*

The Town staff reported during the planning board presentation on 7/17/18 that the Riverside field was identified by the PRD as the most appropriate field for MTA to use during this period of high school construction. PRD reviewed options and indicated that that the plan was to move the fall soccer program 10-11 year old and 12-15 year old age group games to Hillside to dedicate Riverside for MTA soccer.

The PRD and school athletic programs have worked cooperatively to share resources such as indoor and outdoor facilities for both programs and MTA has assisted the PRD with field maintenance. The ongoing cooperative relationship lead to the MTA request to use the Town soccer field during High School construction. I think this is a reasonable request since our PRD offers programs to not only Topsham residents, but also to their youth within SAD 75 for select programs including soccer. Our Town soccer program and fields are used by participants and families throughout the school district. I think sharing resources given the popularity of athletics and especially soccer within our school district should be considered and having a good relationship between Town and school athletic programs is positive and beneficial to the community.

I have attended games at Foreside and Hillside fields on Saturday mornings this fall. I have found that the entire youth soccer programs schedule of games is compressed into Saturday mornings, which utilizes most of the parking

resources on Foreside Road and creates a significant amount of vehicle and pedestrian traffic between 8 AM and 12 PM.

I think several issues could be solved with improving parking availability on Foreside Road by scheduling Saturday afternoon games for the older youth age groups. I've also observed that the Riverside field has not been used on Saturday mornings this fall by MTA and the fields could have been available to the Town for the Hillside games with additional parking available down at the Riverside field area that has been designated for staff and handicap parking during MTA games. I understand that the MTA fields are striped with larger dimensions for the High School needs. However, there are two fields at Riverside and I would suggest that one of those fields could be striped to also accommodate the smaller field dimensions of the youth soccer groups that played on Hillside this fall.

I've also observed that the middle school soccer fields have been completely available every Saturday morning and afternoon this fall. The middle school has ample parking and two soccer fields to accommodate Saturday morning games that have been scheduled on the Hillside field. If Riverside cannot be an alternative for Hillside games, I would suggest that the agreement with MTA include use of the middle school soccer fields next season for games that were played on Hillside this year. Given the relatively short duration of the MTA high school construction, I think this is one possible solution to alleviate the current irritation felt by many residences that live in the Arbor Ave and Thomas Avenue neighborhood.

I have also observed many vehicles illegally parking on Saturday mornings within the no parking area of Thomas Avenue and where the gate to the Hillside field is locked. The people parking in this area are not primarily grandparents or individuals that cannot walk to Hillside from the Hillside parking area.

The no parking sign on the field gate clearly indicated, "do not block" for emergency vehicles access and handicap access only, but the gate remained locked and routinely blocked by parked vehicles every Saturday morning this fall. I have observed many vehicles parking in front and between the no parking signs on Thomas Avenue.

The Town should review alternatives to playing soccer and lacrosse games at Hillside including use of the Middle school fields and Riverside on Saturday mornings, afternoons, and evenings. We have an ongoing cooperative relationship with MTA athletics and an established history of sharing recreational facilities. I think there are plenty of fields and existing parking to accommodate the needs of the school and Town during construction of the new High School and athletic fields without the addition of parking at the Hillside field.

I also think the pedestrian paths between Foreside and Hillside should be improved for pedestrian access between Hillside and Foreside with signage and hand rails. I think there is definitely room for enhancement of existing pedestrian access points. I believe trail enhancement would improve connectivity of the existing trail systems on the town own property that abuts the surrounding neighborhoods.

I think a portion of the funds from the timber harvest should be considered for improving pedestrian trails for access to the Town property and repair of erosion of the Foreside hill. I think this would align nicely with our comprehensive plan and trail initiative in Topsham.

I appreciate the Board's time considering this issue among the several responsibilities you each have with Town governance. Your time and commitment to the Town as our elected representatives is much appreciated.

Sincerely,

Daniel Flaig, Jr.
32 Beechwood Drive
Topsham"

ADJUSTMENTS TO THE AGENDA – None noted.

CONSENT CALENDAR

1. Approval of the minutes of the Regular Selectmen's Meeting of October 18, 2018.

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

VOTED

To approve the minutes of the Regular Selectmen's Meeting of October 18, 2018 as written.

PUBLIC HEARING – None noted.

UNFINISHED BUSINESS

18-88 CONSIDERATION AND ANY APPROPRIATE ACTION ON AMEDING TOPSHAM'S PERSONNEL POLICY REGARDING FULL-TIME FIRE FIGHTERS

This item was discussed at the last meeting of the Board, with instructions given to the Town Manager to update the policy relative to holiday pay, making it clear that when a holiday is worked, the employee is to be paid time and a half.

Mr. Roedner made the requested adjustments to the proposed policy and said he also clarified the section on meal breaks based on input from Chief McLaughlin. Board members reviewed the changes and found them acceptable.

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

VOTED

To amend the Personnel Policy regarding full-time fire fighters as presented.

18-89 CONSIDERATION AND ANY APPROPRIATE ACTION ON PERSONNEL POLICY REGARDING MEPERS MATCH

The Town Manager spoke to this item which was discussed at the previous meeting of the Board. Memo is in file from Derek Scrapchansky, Assistant Town Manager, dated October 25, 2018 which presents background and the issue concerning two current employees that currently withdraw retirement benefits from the Plan. The change to the Plan will have an impact to the Town, current employees and future employees with regard to cost, recruiting, retirement options, and collective bargaining. Impacts to the Town were outlined in the memo.

The Town Manager was charged with writing a letter to both MMA and MEPERS expressing the Boards' concern. He said he felt more discussion of what the long-term obligations would be put before the Town before he completed the letters. Selectman Lyons said she strongly feels it is unfair to charge 10½% to tax payers and plans to discuss this further during the budget discussions. It was mentioned that there are more retirees than people paying in as the base of employees has been reduced.

The Board was in agreement that employees should pay the 5% and asked that this become effective on November 1, 2018. Existing retirees would be grandfathered. Town Manager Roedner was charged to draft a policy stating the above and bring back to the Board for acceptance.

OLD BUSINESS - None noted.

NEW BUSINESS

18-80 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE REQUEST TO SEND OUT AN RFP ON ELM STREET EXTENSION

John Shattuck, Topsham Economic and Community Development, Inc. Director presented a Draft Request for Proposals for Elm Street Extension Construction Plans. He said the RFP is supported by the Lower Village Development Committee and has been reviewed by staff, including the Town Planner and Public Works Director. The RFP seeks construction plans for the restoration of two-way traffic on Elm Street Extension.

Mr. Shattuck said, as requested by the Board of Selectmen, the RFP has been revised to break the project into two phases: 1) A survey of the existing right-of-way and a preliminary plan showing the proposed location of the roadway within the ROW; and 2) the development of construction plans based on the preliminary plan, if the preliminary plan is acceptable to the Town. Mr. Shattuck said, upon approval of the RFP from the Board of Selectmen, he will begin an outreach to residents in the area.

Following Mr. Shattuck's presentation, motion was made by Chairman Douglass, seconded by Selectman Tufts, and it was unanimously (of those present)

VOTED

To Support the RFP as presented in John Shattuck's memo dated October 19, 2018 based on Request for Proposal Construction, Design and Plans for Elm Street Extension as two different tasks up to $50,000.

18-91 CONSIDERATION AND ANY APPROPRIATE ACTION ON REVIEWING AND DISCUSSING DRAFT BOARD GOALS FOR 2019

A workshop was held a few weeks ago where the Board talked about draft goals for 2019. A list from previous year's neighborhood meetings was reviewed and additional ideas discussed. Town Manager Roedner's memo to the Board dated October 16, 2018 was included in the Board package which listed goals discussed. New neighborhood meetings will be scheduled to begin in January.

Chairman Douglass asked Board members to review the list of suggestions and whittle it down to 3 to 5 things to concentrate on in the coming year and get the list back to the Town Manager in the next couple of weeks. This item will be placed back on the agenda for the next meeting of the Board.

18-92 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE APPOINTMENT OF BRYAN BACHELDER TO WEIGHTS & MEASURES

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

VOTED

To appoint Bryan Bachelder to Weights & Measures.

18-93 CONSIDERATION AND ANY APPROPRIATE ACTION ON SCHEDULING A SPECIAL BOARD MEETING TO MEET WITH RESIDENTS OF THOMAS AVENUE NEIGHBORHOOD REGARDING PARKING

Selectman Brillant said she received a call from Karen Murphy saying the residents of Thomas Avenue Neighborhood would like the Board to call a meeting to discuss parking in their neighborhood.

Selectman Lyons responded that scheduled neighborhood meetings will begin in January, which would be a good forum to discuss any concerns the neighbors might have. The neighborhood meetings are set up by dividing the Town into four sections where issues and concerns will be received and noted. Also, each Board meeting agenda includes a section entitled "Public Comment" where residents may voice concerns at the twice monthly meetings of the Board.

Susan Lohnes, 3 Allen Street asked to be recognized and told the Board that Ms. Murphy is not the only resident wishing to express concerns, that others want to be included also. Ms. Lohnes asked the Board to consider scheduling a workshop for the Thomas Avenue Neighborhood residents. Chairman Douglass responded that the Board certainly could vote to hold a workshop, but no motion was made to do so. Again, the Neighborhood Meetings scheduled to begin in January was mentioned. Ms. Lohnes asked how members of the public could express their concerns to the Board and how they can be updated on what is going on. Town Manager Roedner responded that citizens can leave their e-mail with his office and they would automatically be included in announcements of meetings, etc. Agendas are listed on the website also. He added that the parking lot project was denied and there currently is no proposal to bring the project back before the Board. If the project comes back, it will have to go before the Planning Board and all meetings are open to members of the public.

No action was taken.

EXECUTIVE SESSION – None noted.

ADJOURNMENT

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

VOTED

To adjourn the meeting at 8:06 p.m.

Respectfully submitted,

_____

Patty Williams, Recording Secretary

Board of Selectmen Meeting

For the date of: 11/15/18

Type of Item:

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

Type of Submission:

X	Regular Submission
_____	Additional Agenda Item
_____	Additional Information

Agenda Number: 18-89

(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 personnel policy regarding MEPERS match.

Brief Description of Consent or Agenda Item: See attached memo and draft language.

Submitted by: Richard Roedner, Town Manager **Date:** 11/15/18

Revised 08-2002

MEMORANDUM

To: Board of Selectmen
From: Richard Roedner, Town Manager
Date: November 6, 2018
Re: MPERS Policy Changes

I have prepared some draft language for the Board's consideration, based on our conversation at the last Board meeting. Specifically, the Board asked for a policy that would require new employees, who are drawing MPERS retirement benefits, to be responsible for the 5% contribution that MPERS is now requiring on behalf of any such new employee. The policy is effective as of November 1, 2018, for new employees only, meaning that when MPERS requires this contribution on behalf of existing employees, those current employees will not be affected.

The attached language is our current language on MPERS, with new text underlined.

ARTICLE VII
INSURANCE, RETIREMENT AND OTHER RELATED EMPLOYEE BENEFITS

A. SOCIAL SECURITY

All employees of the Town of Topsham shall participate in Social Security in accordance with Federal Law. The rate of contribution for both the Town and the employee will be as determined by federal regulations.

B. INSURANCE: HOSPITAL, SURGICAL, MAJOR MEDICAL, DENTAL, LIFE and DISABILITY COVERAGE

The Town is committed to providing comprehensive employee and dependent health care insurance and supplemental insurance coverage for all regular employees that elect to avail themselves of this benefit. The selection of health insurance and supplemental insurance carriers and the portion of premium costs to be assumed by the employee shall be determined by the Town.

The Town shall administer a Section 125 Plan to enable the employee's share of insurance premiums to be paid pre-tax.

The Town may provide for a Health Reimbursement Account (HRA) for any employee that utilizes the Town's Health Insurance program, at an amount to be determined by the Town.

The Town may provide for employees to participate in a Flexible Spending Account plan.

Employees not designated as full time or permanent part time, such as but not limited to Per Diem firefighters, who average more than 20 hours per week for a six-month period, shall be eligible to purchase health coverage through the Town's Health Plan, at full cost to the employee. Premiums would be paid via payroll deduction. Coverage would be contingent on the employee continuing to meet the minimum qualifications established by the Town's Health Insurance carrier. Per Diem employees are not eligible for participation in the Town's HRA program, but are eligible to enroll in the Town's Flexible Spending Account plan. (added 10/4/2018)

C. RETIREMENT

The Town of Topsham affords retirement benefits to employees in two areas:

1. Maine Public Employees Retirement System (MePERS) The Town of Topsham is a participating local district in the MePERS. The regulations of MePERS state that any regular full time or part time employee must be offered the opportunity to participate in the System. However, it is not required that an employee participates.

   (a) For any employee who chooses to participate, the Town will deduct a percentage of the employee's paycheck in the form of a payroll deduction. The Town will make an employer contribution on behalf of the employee at a rate to be determined by MePERS.

   (b) An employee who is a member of the MePERS shall be subject to rules adopted by MePERS with respect to withdrawal, Buy Back privileges, or life insurance.

(c) Information concerning MePERS benefits may be obtained by calling their office at 1-800-451-9800.

(d) Beginning on November 1, 2018, any new employee who is receiving MPERS, and for whom MPERS is requiring a 5% contribution be made to the MPERS retirement fund, shall be responsible for contributing the 5% via a payroll deduction. This withholding will not preclude the employee from participating in the Town's ICMA Money Purchase Plan and receiving a Town Match up to the limits established in Paragraph C(2) below.

2. ICMA - Money Purchase Plan (Optional): Regular full time and regular part time employees may choose to participate in this tax-deferred retirement plan. Employees are eligible as of the date of hire. Employees may enroll during the course of the year as permitted by the plan. Contributions of the employees are matched by a Town contribution at maximum rates determined by the Town. Unless otherwise provided by contractual employment agreement or prior approved practice for a specific employee, the maximum employer contribution shall not exceed six (6) percent of the employee's gross salary, providing no other limitations are imposed by the plan or the Internal Revenue Service regulations.

(NOTE: If an employee elects to enroll in both MePERS and ICMA retirement plans, the Town will only contribute the employer portion of the MePERS contribution and the eligible employee shall pay the ICMA Plan.)

Board of Selectmen Meeting

For the date of: 11/15/2018

Type of Item:

_____Board or Committee Presentation
_____Consent Agenda Item
_____Public Hearing
_____Unfinished Business
____X____New Business
_____Executive Session
_____Workshop

Type of Submission:

____X_____Regular Submission
_____ Additional Agenda Item
_____Additional Information

Agenda Number: 18-94
(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 ability to provide financial incentives for hiring fulltime officers who are currently certified in the State of Maine.

Brief Description of Consent or Agenda Item: The Police Department is seeking approval to utilize current budgetary funds in an effort to recruit and retain fulltime officers. Currently, the agency is experiencing a drastic reduction in applications for vacant positions. The Police Department seeks to increase our ability to be competitive in today's open job market in an effort to attract qualified personnel.

Submitted by: Christopher A. Lewis, Chief of Police **Date:** 11/06/2018

Topsham Police

Memo

To: Town Manager Rich Roedner

From: Christopher A. Lewis

cc:

Date: November 7, 2018

Re: Selectmen Agenda Financial Incentives for Hiring

The Police Department seeks permission to increase our ability to recruit and retain Police Officers. The agency is currently faced with a reduced workforce and challenging job market. The strain of a reduced work force places more work load on the entire agency and increases overtime costs as well. Our current budget does include funds to cover the cost of an officer to attend the Maine Criminal Justice Academy for 18 weeks. The flat fee for attending the Academy is $2,500.00.

I am asking for the permission of the Selectmen to utilize these funds for the recruitment and retention of those Police Officers who have already completed the Academy. These funds would be offered at the end of the successful completion of the probationary period. Today's job market allows potential candidates the ability to research an agency before applying. Potential applicants are now comparing pay rate, contracts and benefit packages, even asking for Ride A- Longs, to make sure the agency is a good "fit" for them.

This initial investment has the potential to increase our agency's ability to become competitive with the active hiring of Police Officers across the State of Maine. Police Officers are in high demand and the more possibilities we can provide to market our agency will increase our opportunities to hire qualified personnel.

Thank you for your consideration of this opportunity to increase our hiring potential.

Respectfully,

Christopher A. Lewis

Chief of Police

Board of Selectmen Meeting

For the date of: 11/15/2018

Type of Item:

_____Board or Committee Presentation
_____Consent Agenda Item
_____Public Hearing
_____Unfinished Business
____x_____New Business
_____Executive Session
_____Workshop

Type of Submission:

____X_____Regular Submission
_____ Additional Agenda Item
_____Additional Information

Agenda Number: 18.96
(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 policy review for vault storage area.

Brief Description of Consent or Agenda Item:

Submitted by: Rich Roedner, Town Manager **Date:** 10-19-2018

MEMORANDUM

To: Board of Selectmen
From: Richard Roedner, Town Manager
Date: November 7, 2018
Re: Vault Access Policy

Ruth has asked me about our policy regarding access to the vault in the basement. The vault contains records that we have to keep for a period of time before destruction, as well as documents that we have to keep forever. It also includes valuable pieces, documents and other artifacts that belong to the Town. Lastly, it is used to house confidential materials, such as the Clerk's permanent records, vital records, etc.

Access to the room in the old building was limited to the Clerk. When we moved everything the new building, authority over the room remained with the Clerk, but access was done a bit differently. The way the building doors are keyed, the vault has specific keys for access. Only the Clerk has these keys. However, there are master keys that also work on the vault doors. This has been true since the building opened.

So, while authority over the room and the contents remains with Clerk, there are several employees that have access to the vault through the possession of Master Keys.

Operationally, we have had no issues, as those with access only use their access for the intended purpose, such as getting an old departmental file for instance. When research has to be done (old minutes for instance) it is done by the Clerk.

A simple solution would be to re-key the vault doors to a new key, with no Master Key override. Operationally, this does place a slightly higher burden on the Clerk's Office whenever someone needs to get into an old file. We can also look at what is kept in the room and determine whether some of it can be kept in another location in a locking file cabinet if it something that needs to have regular access to it.

Board of Selectmen Meeting

For the date of: 11/15/2018

Type of Item:

_____Board or Committee Presentation
_____Consent Agenda Item
_____Public Hearing
_____Unfinished Business
____x_____New Business
_____Executive Session
_____Workshop

Type of Submission:

____X_____Regular Submission
_____ Additional Agenda Item
___ _____Additional Information

Agenda Number: 18-96

(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 existing "No Parking" restriction on Thomas Ave.

Brief Description of Consent or Agenda Item:

Submitted by: Rich Roedner, Town Manager **Date:** 10-19-2018

MEMORANDUM

To: Board of Selectmen
From: Richard Roedner, Town Manager
Date: November 15, 2018
Re: Thomas Ave. Parking

This item is back before the Board to discuss Thomas Ave. parking issues. The item started with correspondence from Karen Murphy, Arbor Ave., about parking issues on Thomas Ave. and the validity of the 1996 Special Order issued by Chief Lessard.

As you are aware (see attached), there is a long history of discussion Thomas Ave. and parking, specifically related to the Town's recreation fields. In 1996, then Police Chief Lessard issued an Emergency Declaration that prohibited parking on a portion of Thomas Ave. during events at the field. Over the years, this intermittent emergency parking ban had evolved into a permanent posted 'No Parking' area on both sides of the entrance to the fields.

In addition, you have language (attached) from our Town Code which effectively prohibits parking on the traveled portion of streets (with some question due to interpretation).

Lastly, in reading the draft of our new comprehensive plan, one of the issues that pops up regularly, and which the Board is quite familiar with, is speeding on local roads. Requests for speed bumps, bump outs, more enforcement, narrow streets, etc. run through the comments received via the Comp Plan. One suggesting in the draft plan to help slow traffic on local roads, is to allow on-street parking. This narrows the travel way, adds obstacles to the road, makes people move when driving, and generally results in slower traffic. This may be something the Board would want to look at via the Traffic Ordinance, either in conjunction with Thomas Ave. or separately.

We have received calls about lack of enforcement of the parking ban, and we have received calls complaining that people can't park on the street when visiting friends because of the posted signs.

Questions to consider:

1. Is Chief Lessard's Order still valid?
2. Does our ordinance provide sufficient authority to ban parking on Thomas Ave.
3. Should parking on Thomas Ave. be prohibited only during events, all the time, or no need to prohibit parking at all?
4. Would allowing parking help with concerns raised about traffic and speeding?

Rich Roedner

From: Karen Murphy <kmurphycci@gmail.com>
Sent: Sunday, October 28, 2018 8:06 PM
To: Rich Roedner; Marie Brillant; Ruth Lyons (Seleperson); Dave Douglass; Roland Tufts
Subject: Thomas Avenue
Attachments: Thomas Ave Parking Restrictions.pdf

To the Members of the Topsham Board of Selectmen,

I sent this e-mail to Mr.Douglass and Mr.Roedner on Septemeber 17. Because I had not heard a response from either of these gentlemen I asked about the letter at last Select Board Meeting. While asking about the letter I was informed that it was "sent to the town manager only" and that if I wanted it considered that it would need to go to the whole board. Well, here it is.

I must say that as a resident of of this town, with a legitimate concern for the safety of other town residents it would have been nice for either Mr. Douglass or Mr. Roedner to have responded to the letter to tell me that in order to have it heard it needed to go to the whole board.

(I believe that in the original letter I had sent a copy of the minutes of a previous town meeting but then sent a copy of this document at a later date. Please correct me if I am wrong.)

Thank you for your time,

Karen Murphy

Begin copied message:

Dear Messrs. Douglass and Roedner,

My name is Karen Murphy and I live at 23 Arbor Avenue in Topsham. This past Monday night, I along with several members of my nieghborhood had a meeting with the Topsham Appeal Board in regard to the proposed parking lot off of Thomas Avenue.

Attached you will find a copy of the Thomas Ave Parking restriciton imposed by Paul Lessard, Chief of police, on August 8, 1996. A copy of this document was presented to the Appeal Board during our hearing. I am sending this to you in the hopes that you can confirm whether or not the policy is still valid. If the policy is still valid it should be enforced through direction of the Select Board to the Police Department as well as the Parks and Recreation Department.

I would truly appreciate any help you could provide in regard to looking into this matter.

Sincerely yours,
Karen Murphy
23 Arbor Ave
Topsham, Me

Total Control Panel

Login

To: rroedner@topshammaine.com
From: kmurphycci@gmail.com

Message Score: 1
My Spam Blocking Level: Medium

Block this sender

High (60): Pass
Medium (75): Pass
Low (90): Pass

Rich Roedner

From:	Rich Roedner
Sent:	Thursday, September 20, 2018 2:05 PM
To:	Karen Murphy
Cc:	Dave Douglass; Marie Brillant; Rich Roedner; Roland Tufts; Rose Woodd; Ruth Lyons (Seleperson); Bill Thompson
Subject:	RE: Thomas Ave Parking restriction
Attachments:	Thomas Ave Parking Restrictions 1996.pdf

Good afternoon Karen

Thank you for reaching out to me on the parking questions on Thomas Ave.

As you noted in your email, in 1996, at the request of the Board of Selectmen, Chief Lessard issued an order (attached) declaring an emergency due to parking during recreation events at the field off of Thomas Ave. He cited Topsham's Traffic Ordinance, Chapter 8, Section 8-411, Emergency Parking. This stated that parking during events was prohibited. These Ordinance citations are no longer valid. At some point, the Chief's Emergency Declaration turned into permanent signs being installed prohibiting parking.

We are reviewing the Order from Chief Lessard as to whether it is still valid. I am not certain what our Town Code provided for in 1996 (that is being researched), but I would certainly think the Chief would have had the authority to declare an emergency (usually for snow storms, snow removal, large events, etc.) and restrict parking for that period of time. To declare a permanent emergency, may have been permitted at the time, but I am not clear on that.

I have checked our Traffic Ordinance, Article IV, Chapter 210 in our current Town Code, and there is no mention of "No Parking" on Thomas Ave. The Emergency Parking language reads as follows:

§ 210-44 Emergency parking.
When, in the best judgment of the municipal officers or the Chief of Police an emergency exists or is about to exist, because of snow, ice, hurricane or other weather hazard or because of a large gathering such as a fair or concert, the municipal officers or the Chief of Police may, notwithstanding any other provision of this chapter, determine and designate, by proper emergency signs, streets or portions of streets on which no stopping or parking of vehicles may be permitted and also to determine and designate, by proper emergency signs, streets or portions of streets on which no vehicular traffic may be permitted or on which vehicular traffic may move only in one (1) direction.

Under our current Town Code, while the Chief still has emergency authority to prohibit parking in a specific location for a specific period of time, to effect a permanent parking prohibition would require action by the Board of Selectmen through an amendment to our Town Code, Traffic Regulations.

I am re-attaching the 1996 Order, and copying this to the Board of Selectmen for their information.

As I noted, we are researching our previous town ordinances to see what rules/authority was in place in 1996, and whether those rules/authority are compatible with today's ordinance provisions.

Rich Roedner

Rich Roedner
Town Manager
100 Main St.
Topsham, ME

207-725-5821 ext. 2110

rroedner@topshammaine.com

Please be advised that pursuant to Title 1 M.R.S.A. Section 402(3), a public record includes any written, printed or graphic matter or any mechanical or electronic data in the possession or custody of an agency or public official that has been received or prepared for use in connection with the transaction of public or governmental business and contains information relating to the transaction of said business; therefore, the public is advised that any correspondence, whether by traditional method or e-mail with Town offices or Town officials, with certain limited exceptions, is public record and is available for review by any interested party.

From: Karen Murphy [mailto:kmurphycci@gmail.com]
Sent: Thursday, September 20, 2018 12:35 PM
To: Rich Roedner <rroedner@topshammaine.com>
Subject: Thomas Ave Parking restriction

Dear Mr. Roedner

My name is Karen Murphy and I live at 23 Arbor Avenue in Topsham. This past Monday night, I along with several members of my nieghborhood had a meeting with the Topsham Appeal Board in regard to the proposed parking lot off of Thomas Avenue.

Attached you will find a copy of the Thomas Ave Parking restriciton imposed by Paul Lessard, Chief of police, on August 8, 1996. A copy of this document was presented to the Appeal Board during our hearing. I am sending this to you in the hopes that you can confirm whether or not the policy is still valid. If the policy is still valid it should be enforced through direction of the Select Board to the Police Department as well as the Parks and Recreation Department.

I would truly appreciate any help you could provide in regard to looking into this matter.

Sincerely yours,
Karen Murphy
23 Arbor Ave
Topsham, Me

Total Control Panel

Login

To: rroedner@topshammaine.com
From: kmurphycci@gmail.com

Message Score: 1
My Spam Blocking Level: Medium

Block this sender
Block gmail.com

High (60): Pass
Medium (75): Pass
Low (90): Pass

This message was delivered because the content filter score did not exceed your filter level.

MEMORANDUM

To: Board of Selectmen c: P. LeDuc, C. Lewis
From: Richard Roedner, Town Manager
Date: October 3, 2018
Re: Thomas Ave. Parking Issues/Discussion

Over the past several weeks, there has been much discussion over Thomas Ave. and the issue of parking along it, all related to the existing Town recreational facility located adjacent to Thomas Ave.

Thomas Ave. Acceptance

Thomas Ave. was accepted in two phases, from Alan St. to Salem, and then from Salem to Merrymeeting Dr., in 1966 and 1971 respectively. The 1966 acceptance was complete with metes and bounds, while the 1971 acceptance merely referenced "Thomas Ave." There is no mention of inclusion, or exclusion, of the short, unnamed strip that runs from Thomas Ave. to the Recreational Fields. Our road book does not include any deed for the transfer of the road, or any maps showing just what was included.

By our 1971 vote, we either own the extension of Thomas Ave, or we don't. We have maintained interest in the extension, or unnamed ROW, to the Recreational Fields via the provisions of State Paper Street Law, namely preserving our rights (as recently as last year) since the late 1980s..

Parking

Topsham's Town Code, Chapter 210, Article IV, Section 34 L, reads generally as:

> "No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or a traffic control device, in any of the following places:
>
> > K. On any street or highway that is the traveled portion of said street or highway

What this language means is somewhat open to interpretation – does it mean you can never park on a paved portion of a road unless otherwise allowed? Does it mean you can never stop – including delivery vehicles, cars dropping off resident, DPW/utility vehicles – on a paved portion of a roadway? The confusion is then magnified by follow up sections of the code that specify roads, and portions of roads, where parking is not permitted. For instance, Section 39 A reads:

A. Elm Street. There shall be no parking of vehicles on Elm Street in any of the following locations.

(1) On either side from the intersection of Main Street and Elm Street to the intersection of Pleasant Street and Elm Street. Vehicles parked alongside Elm Street in this one (1) area and not within the traveled portion on Sunday for church services are exempt.
(2) On the north side:
(a) From the intersection of Pleasant Street and Elm Street to the intersection of the main entrance to the Topsham Fairgrounds and Elm Street.
(b) From the intersection at Fair Circle to the intersection of Foreside Road and Elm Street.
(3) On the south side of 63 Elm Street (Fields Spar Mill) to the railroad overhead bridge.

Do these specifically identified stretches of 'No Parking' mean that parking in other areas is permitted?

Then we have the whole section on parking bans during snow storms, which says you can't park on roads when a parking ban is declared. The Municipal Officers are also authorized to establish "No Parking Zone" as well as loading zones where parking is allowed.

In July, 1996, after discussing parking issues on Thomas Ave. related to the Recreation facility, (by recollection, the major concern was from the then-current owner at 15 Thomas Ave.) the Board of Selectmen reached "consensus" to have the Police Chief designate property close to the field as handicapped parking, and to "post and enforce the remaining areas". (It is worth noting that the current owner at 15 Thomas Ave. has an opposite point of view on this issue).

In August, Chief Lessard issued Special Order 17-96, stating that under the emergency parking section of the order, he was (1) prohibiting parking on both sides of Thomas Ave. within Right of Way (pavement and grass); (2) No Parking during functions at the Town Recreation Facility; and (3) At or close to the intersection of the Town Athletic field and Thomas Ave. to include the area between house numbered 9 and house numbered 19. Said restrictions to remain in effect until rescinded.

At some point after this order was issued, the town installed "No Parking" signs in front of the two homes in question, making the emergency 'no parking during events' rule permanent and 24/7. There doesn't appear to have been Board action to create this "No Parking" zone, and there is no notation in our Traffic Ordinance to this effect.

The questions that I see are:

1. When the Town voted to accept Thomas Ave. in 1971, did that include the short extension that lead to the Town's recreation facility? Or, is that short extension actually an unnamed ROW that was not accepted? What rights have we maintained since the 1980s by voting to retain interest in this paper street?
2. Is the 1996 Emergency Parking prohibition still in effect (it cites previous versions of the Town Code, prior to our new codification).
3. Is the parking prohibition only during events, or is it 24/7 as the signs indicate?
4. The numbers indicated on Thomas Ave. 9 and 19, do not correspond to where the signs are posted. There are signs on the even side of the road by 16 and 18, and signs on the

odd side of the road between 13 and 15. (19 is two homes past the drive, and 9 is 4 homes before the drive).

Approvals

In 2011, the Town had a forestry plan developed for the woods around the Foreside Fields, specifically that wooded area at the top of the hill surrounding the Thomas Ave. Recreational Fields. This past October, during the severe wind storm, there were numerous trees that came down, and many that got hung up in other trees. We also found many trees were diseased. We then hired a forester to do a selective cut of the area, cleaning up the downed and falling trees, as well as thinning the woods, not only to improve the health of the woods, but also to improve safety. There were notices sent out, notices in the paper and ultimately neighborhood meetings to describe the process.

As this cut was underway, the decision was made to have the laydown area be the wooded area directly to the right as you enter from the drive off of Thomas Ave., rather than on one of the existing fields. This was done, partially based on the forester's recommendation, and ultimately to avoid the damage to the ball field that would ensue. In addition, if future thinning was undertaken per our Forestry Plan, there would be a ready-made lay down area for stacking and loading lumber.

As the project wound down, and we were looking at restoring the existing fencing and gate, it made sense to look at the laydown area as a parking area, to get cars off of Thomas Ave., to reduce the turn-around traffic on Thomas from parents dropping off kids, and to reduce foot traffic through the drive, which is used by vehicles. At this point, we found that public facilities required both site plan approval, and conditional use approval, from the Planning Board.

Pam met with the direct neighbors of the proposed parking area, who were generally supportive of the idea. She then worked with Rod to determine what was needed in the applications, and then worked with Tom Saucier, our review engineer, to figure out the approach that would have the smallest impact. This plan was brought to the Planning Board, which granted both Site Plan and Conditional Use approvals. At the time of approval, several more distant neighbors attended the Board meeting and expressed concerns about the increased traffic on Thomas Ave., and commented that this facility would be a burden to the neighborhood, since it had no sidewalks, no sewers and because a road from another subdivision was connecting to roads that passed through the wider neighborhood.

Following the PB approval, a resident from Arbor Ave. filed an appeal with the Board of Appeals, citing numerous chapters of the Town Code that the project did not conform to, without providing any specific issues. The Board of Appeals met on Monday, Sept. 17 to consider the appeal, and after about two hours of testimony, the Board found that the Town had not demonstrated adequate right, title and interest in the ROW from Thomas to the fields, and overturned the PB's Conditional Use approval.

The Board of Appeals has 45 days to reconsider its decision. Appeals of the BOA's decision would have to be taken within 30 days.

Recommendations

1. We should clarify, to the extent possible, whether the small extension off of Thomas Ave. was part of the 1971 street acceptance or not.
2. The Board should clarify the "No Parking" status on Thomas Ave. Is it permanent, is it only during events, or should it be rescinded. Is it accurate based on the Order from Chief Lessard?
3. We should clarify our Traffic Ordinance with respect to parking on town roads. Not allowing people to park on the street in front of their home makes little sense to me, and on street parking is a good way of lowering speeds, and ultimately making streets safer. In addition, if we routinely ignore the 'no parking on traveled portions of roadways' we should eliminate the prohibition, in favor of designating areas where parking is not allowed.
4. We identify what we mean by handicapped parking near the fields. Having two or three spaces located near Thomas Ave. that then require people to travel several hundred feet over rough terrain to get to the destination doesn't seem to meet the intent of the spaces. As an example, on the lower fields, we allow handicapped parking down next to the field where access is much easier. Should we open the gates during events to allow vehicles access to the fields? How do we regulate access by others into the area? What kind of signage is appropriate/necessary to maintain emergency access?
5. We should determine whether we are interested in pursuing an appeal of the Board of Appeals decision to Superior Court.

Town of Topsham, Maine

Incorporated 1764

Police Department

22 Elm Street, Topsham, Maine 04086-1421
Telephone (207) 725-4337 Fax (207) 725-4604

Paul J. Lessard
Chief of Police

Steven R. Edmondson
Lieutenant

August 8, 1996

Special Order # 17- 96

Restricted Parking
Thomas Ave.

Effective August 8, 1996, with the authority vested in me under the Town of Topsham Traffic Ordinance, Chapter 8 Section 8-411 Emergency Parking, the following parking restrictions are established;

<u>On Thomas Ave:</u>

A. No parking of motor vehicles on either side of Thomas Avenue;

1. On the traveled portion of the roadway or the grass section of the Town property.

2. No parking during functions at the Town Recreation field, i.e. Sporting events, gatherings of any kind at the recreation field. (Includes athletic practice sessions)

3. At or close to the intersection of the Town Athletic field and Thomas Avenue to include the area between house numbered No.9 and house numbered No. 19.

B. This parking restriction will remain in effect until rescinded by proper authority.

By:

Paul J. Lessard

Paul J. Lessard
Chief of Police

Distribution:

Town Manager
Elected Officials
All Police Personnel
Posting - Town Hall
Recreation Department
Thomas Ave. residents

Board of Selectmen Meeting

For the date of: 11/15/2018

Type of Item:

_____Board or Committee Presentation
_____Consent Agenda Item
_____Public Hearing
_____Unfinished Business
____x_____New Business
_____Executive Session
_____Workshop

Type of Submission:

_____X_____Regular Submission
_____ Additional Agenda Item
_____ _____Additional Information

Agenda Number:__1897__
(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 extending moratorium on Medical Marijuana Retail Storefronts.

Brief Description of Consent or Agenda Item:

Submitted by:__Rich Roedner, Town Manager_____ **Date:** _10-19-2018_____

MEMORANDUM

To: Board of Selectmen
From: Richard Roedner, Town Manager
Date: November 7, 2018
Re: Medical Marijuana Retail Storefront Moratorium

This is back before the Board as the moratorium adopted by the Board is set to expire in at the end of the month. The new State regulations which require a Town to opt in to allowing these facilities does not become effective until 90 days after the end of the Legislative session, which was well into September, meaning the new law is not effective until mid-December.

Therefore, based on the past actions by the Town and the Board, I recommend that the Moratorium be extended for a six-month period. This will cover the 'gap' in regulation, and will give us time to evaluate the response we received via our referendum questions, and direct staff on how to proceed on either developing regulations or not.

I would suggest something along the lines of the following motion:

"I move that the Topsham Board of Selectmen finds that the conditions identified in the December 6, 2017 moratorium on Medicinal Marijuana Storefronts, and re-stated in the May 30 extension of said moratorium, are still in existence, and that to protect the Town of Topsham from unintended consequences that may arise from the improper placement of such uses, this Board declares that the identified emergency is still in existence, and the Medicinal Marijuana Storefront Moratorium is hereby extended for 6 months, starting on December 4, 2018"

Board of Selectmen Meeting

For the date of: 11/15/2018

Type of Item:

_____Board or Committee Presentation
_____Consent Agenda Item
_____Public Hearing
_____Unfinished Business
____x_____New Business
_____Executive Session
_____Workshop

Type of Submission:

____X_____Regular Submission
_____ Additional Agenda Item
____ _____Additional Information

Agenda Number:__18-98__
(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 the outcome of the marijuana ballot questions.

Brief Description of Consent or Agenda Item:

Submitted by:__Rich Roedner, Town Manager_____**Date:** _11-07-2018_____

MEMORANDUM

To: Board of Selectmen
From: Richard Roedner, Town Manager
Date: November 7, 2018
Re: Discussion of Local results on Marijuana Questions

Yesterday's ballot include three local questions related to marijuana, that we placed on the ballot to seek guidance from Topsham voters. The questions and results are as follows:

1. Do the voters of Topsham wish to allow Medical Marijuana to be sold in a retail setting?

   Y 3078 N 2060

2. Do the voters of Topsham wish to allow Adult (Recreational) Use Marijuana to be sold in a retail setting?

   Y 2485 N 2631

3. Do the voters of Topsham wish to allow commercial growing of marijuana?

   Y 2623 N 2485

The vote tallies show a distinct difference of opinion amongst Topsham voters regarding medical and adult use marijuana. Growing marijuana also passed, but by a narrower margin.

I would like to get direction from the Board on how to proceed with these issues. Once a clear direction is given, I can direct staff (if needed) to begin the process of developing rules/regulations for those uses that we wish to allow.

Board of Selectmen Meeting

For the date of: 11/15/2018

Type of Item:

_____Board or Committee Presentation
_____Consent Agenda Item
_____Public Hearing
_____Unfinished Business
_____Old Business
___x_____New Business
_____Executive Session
_____Workshop

Type of Submission:

___x_____Regular Submission
_____Additional Agenda Item
_____ Additional Information

Agenda Number 18-99
(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 election of Chair for the Board of Selectmen

Brief Description of Consent or Agenda Item:

Submitted by Rich Roedner, Town Manager **Date:** 11-01-2018
Revised 08-2002

Board of Selectmen Meeting

For the date of: 11/15/2018

Type of Item:

_____Board or Committee Presentation
_____Consent Agenda Item
_____Public Hearing
_____Unfinished Business
_____Old Business
___x_____New Business
_____Executive Session
_____Workshop

Type of Submission:

___x_____Regular Submission
_____Additional Agenda Item
_____ Additional Information

Agenda Number 18-100
(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 election of Vice-Chair for the Board of Selectmen

Brief Description of Consent or Agenda Item:

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Submitted by Rich Roedner, Town Manager **Date:** 11-01-2018
Revised 08-2002

Board of Selectmen Meeting

For the date of: 11/15/2018

Type of Item:

_____Board or Committee Presentation
_____Consent Agenda Item
_____Public Hearing
_____Unfinished Business
_____New Business
___x_____Executive Session
_____Workshop

Type of Submission:

_____X_____Regular Submission
_____ Additional Agenda Item
___ _____Additional Information

Agenda Number: 18-101
(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 move into Executive Session pursuant to 1 M.R.S.A. § 405 (6) (C) to discuss property negotiations.

Brief Description of Consent or Agenda Item:

Submitted by: John Shattuck,ECD Director **Date:** 10-19-2018