

TOPSHAM SENDS CONFLICT QUESTION TO DEVELOPMENT BOARD

Town's attorney says as long as the designated planning board member on the Topsham Development Inc. board recuses themselves from votes on projects that may go to the planning board, there shouldn't be a conflict of interest.

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TOPSHAM - Selectmen held off Thursday on deciding whether or not to keep a planning board member on the Topsham Development Inc. board so that the TDI board can weigh in first.

Topsham Development Inc. is a quasi-municipal organization that supports economic development in town. TDI bylaws have included a designated voting seat on the board of directors for a member of the planning board since 2003, according to a memo to selectmen from Assistant Town Manager Mark Waltz.

Community members raised the question of whether having a planning board member on the TDI board presents a conflict of interest after some controversial projects went before the planning board for approval recently, Waltz said.

Waltz said the town's attorney didn't find any legal problems with including a planning board representative on the TDI board. The attorney did state that to avoid conflict issues, if a project is expected to come before the planning board, the planning board member should recuse himself or herself from TDI proceedings which will take a position on the project.

In his memo, Waltz notes that repeated recusals can undermine the overlapping board member's ability to fully carry out their duties to each board.

"We wanted to make sure that we weren't setting the town up for a situation where we could have liability later or a way to challenge a planning board decision," Waltz said Thursday.

Selectmen voted unanimously to ask TDI to review whether it believes the benefits of having a designated planning board seat on its board outweigh the drawbacks.

Selectmen elect leadership

Selectmen voted to keep their current leadership in place. David Douglass, who was reelected to the five-member board of selectmen last week, was unanimously reelected as the chair Thursday. Roland Tufts was unanimously reelected as vice chair of the board.

Selectmen also appointed Daniel Flaig to a 2.5-year term on the planning board.