

**6:00 Interviews for Boards/Committees
7:00PM Board of Selectmen Meeting
Topsham Municipal Building
Donald A. Russell Meeting Room
April 12, 2018**

Pledge of Allegiance –

Roll Call of Board Members –

Town Manager's Report –

Board and Committee Reports and Updates-

Public Comment –

Correspondence –

Adjustments to the Agenda –

Consent Calendar –

1. Approval of the minutes of the Regular Selectmen meeting 04-05-2018. —

minutes will be sent as soon as they are completed

Public Hearing –

18-28- Consideration and any appropriate action on the Town Meeting Warrant.

Unfinished Business –

Old Business –

New Business –

18-29- Consideration and any appropriate action on the appointment of William Greenwood to the Tree Committee, Shana Stewart Dees to the Conservation Commission and Charlene Swift to the Finance Committee.

Executive Session-

18-30- Consideration and any appropriate action to enter into Executive Session to discuss acquisition of real property, pursuant to 1 M.R.S.A. § 405 (6) (C).

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: 04/12/2018

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 18-28

(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 Town Meeting Warrant.

Brief Description of Consent or Agenda Item: see attached

Submitted by Rich Roedner, Town Manager

Date: 04-04-2018

DRAFT

CONSIDERATION AND ANY APPROPRIATE ACTION RELATIVE TO THE BOARD OF SELECTMEN ARTICLE RECOMMENDATIONS AND PLACEMENT ON THE MAY 16, 2018 SPECIAL TOWN MEETING WARRANT

Article 1

To elect a Moderator to preside at said meeting.

Article 2

To have the Town vote to raise, appropriate and spend the sum of \$1,398,979 for Debt Service.

2011 Ladder	\$59,985
Municipal Complex	\$768,589
Library bond	\$101,938
Municipal Complex #2	\$31,500
2015 Equipment Bond	\$87,172
Monument Place	\$180,287
Sidewalks	\$31,500
2016 Equipment Bond	\$138,008

Article 3

To see what sum the Town will vote to spend for General Government under the following accounts and to see what sum the Town will vote to raise and appropriate for the same:

	<u>2017-2018</u>	<u>2018-2019</u>
1. Administration	\$218,017	\$345,885
2. Municipal Officers	\$18,621	\$18,621
3. Finance Manager	\$87,235	\$88,589
4. Central Services	\$102,800	\$133,100
5. Tax/Clerk	\$293,691	\$309,965
6. Codes	\$89,816	\$92,312
7. Assessing	\$139,535	\$128,270
8. Elections/Registration	\$10,684	\$13,064
9. Planning Office	\$231,970	\$242,006
10. Economic Development	\$118,866	\$124,400
11. Municipal Insurance	\$213,548	\$186,980
12. Facilities Maintenance	\$172,514	\$166,275
13. Parks/Recreation	\$382,385	\$408,582
14. Library	\$595,225	\$651,146
15. General Assistance	\$20,700	\$20,600

16. Contractual Services	\$131,100	\$117,600
17. Public Utilities	\$355,012	\$370,763
18. Municipal TIF Fund	<u>\$ 32,493</u>	<u>\$106,147</u>
Total	\$3,214,212	\$3,524,305

Board of Selectmen Recommendation **\$3,524,305**
Finance Committee Recommendation **\$3,524,305**

Article 4

To see what sum the Town will vote to spend for the Capital Projects Fund under the following accounts and to see what sum the Town will vote to raise and appropriate for the same:

	<u>2017-2018</u>	<u>2018-2019</u>	
	\$1,647,900	\$1,346,355	New Appropriation
	<u>\$0</u>	<u>\$0</u>	Targeted Reserves*
Total	\$1,647,900	\$1,346,355	

Board of Selectmen Recommendation **\$1,346,355**
Finance Committee Recommendation **\$1,346,355**

Article 5

To see what sum the Town will vote to spend for Public Safety under the following accounts and to see what sum the Town will vote to raise and appropriate for the same:

	<u>2017-2018</u>	<u>2018-2019</u>
Police Protection	\$1,625,070	\$1,807,432
Fire Protection/Rescue	<u>\$841,531</u>	<u>\$1,002,511</u>
Total	\$2,466,601	\$2,809,943

Board of Selectmen Recommendation **\$2,809,943**
Finance Committee Recommendation **\$2,809,943**

Article 6

To see what sum the town will vote to spend for Public Works, Solid Waste, and Recycling under the following accounts and to see what sum the Town will vote to raise and appropriate for the same: (The Public Works Department is authorized to spend funds from this article in support of Capital Projects)

	<u>2017-2018</u>	<u>2018-2019</u>
Public Works	\$1,173,907	\$1,228,995
Solid Waste/Recycling	<u>\$386,937</u>	<u>\$ 393,820</u>
Total	\$1,560,844	\$1,622,815

Board of Selectmen Recommendation **\$1,622,815**
Finance Committee Recommendation **\$1,622,815**

Article 7

To see what sum of money the Town will vote to spend for the Topsham Community Fund, which will go towards short-term unanticipated costs associated with the Androscoggin Bike Path, for local costs associated with the development and acquisition of the Head of Tide Park, or into the Topsham Community Fund for future projects.

Board of Selectmen Recommendation **\$15,000**
Finance Committee Recommendation **\$15,000**

Article 8

To see what sum the Town will vote to increase the maximum property tax levy limit established by State Law (L.D.1) in the event that the municipal budget approved at this Town Meeting results in a tax commitment in excess of the maximum property tax levy otherwise applicable such that the increase maximum property tax levy hereby established will equal the amount committed: (By State Law, the vote on this article must be by written ballot.)

Board of Selectmen Recommendation **Ought to Pass/Ought not to Pass**
Finance Committee Recommendation **Ought to Pass/Ought not to Pass**

Article 9

To see if the Voters will adopt an Ordinance to amend the Town Code, Chapter 225-6, Definitions and 225-16 Attachment 1:3, Table of Use Regulations- to amend the definitions section to add a definition of retail marijuana and to amend the Use Table to prohibit retail marijuana establishments throughout town.

(Additions are underlined; deletions are struck through)

225-6 Definitions

Retail Marijuana Establishment

Retail marijuana establishment means "retail marijuana store", "retail marijuana cultivation facility", "retail marijuana products manufacturing facility", "retail marijuana testing facility", "retail marijuana social club". The term retail marijuana establishment also includes any establishment which resembles a retail storefront in terms of signage, hours of operation and accessibility to patrons or clients which is operated, staffed, or serviced by one or more "registered primary caregiver", "medical provider" or any other individuals or entities for the purpose of sale or distribution of "marijuana", "marijuana product", "marijuana concentrate" to a "qualifying patient" or

any other individuals or entities. Where above referenced terms are not defined by this ordinance, such terms shall have the same meaning ascribed to them in MRS Title 7 §2442 and MRS Title 22 §2422.

Use	District																	
	R-1	R-2	R-3	CC	RCU	MUL	MUC	MUC-1	BP	CC196	I	BP2	R-4	LI	VC	MV	LV	R2B
<u>Retail marijuana establishment</u>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

Planning Board Recommendation

Ought to Pass

Article 10

To see if the Voters will adopt an Ordinance to amend the Town Code, Chapter 225-50, Apartment buildings and multifamily developments- to amend the section to correct omissions and errors.

(Additions are underlined; deletions are struck through)

§ 225-50 Apartment buildings and multifamily developments.

[Amended 5-21-1997 STM, Art. 42; 5-19-1999 STM, Art. 13]

- A. All proposals to construct apartment buildings and multifamily developments shall be in conformance with the general performance standards of Article VII, Chapter 191 Subdivision of Land, Chapter 175 Site Plan and the design requirements listed below. Apartment buildings and multifamily housing, including dwelling units within a mixed-use building, that are part of a planned mixed-use development shall be exempt from the requirements of § 225-50, provided that they are served by public water and public sewerage and are consistent with the approved master plan for the development. **[Amended 5-24-2007 STM, Art. 15]**
- B. Applications for approval shall include a map of the area; dimensions, boundaries and principal elevations of the land for which approval is sought; the names of all property owners within 200 feet of the proposed site, as found on the most recent tax list; building layout and general construction plans; a site plan of all driveways and parking areas proposed to be constructed; and other information which addresses all appropriate performance standards and design requirements and all appropriate factors to be considered in evaluating proposals.
- C. Design requirements.
 - (1) Density. The net residential density shall not exceed the density required for single-family dwellings in the zone or district in which the apartment buildings or multifamily development is proposed, ~~except in the LV, VC and LI Zones in accordance with § 225-50C(1)(i).~~ that: **[Amended 5-17-2000 STM, Art. 6; 11-13-2008 STM, Art. 8; 5-20-2009 STM, Art. 15]**
 - (a) Any dwelling in the R-1 Zone existing prior to enactment of this chapter shall require 10,000 square feet for the first unit plus 2,000 square feet for each additional unit.
 - (b) New multifamily developments built on lots vacated by the demolition of a single-family dwelling which existed prior to the enactment of this chapter shall not exceed the density required for single-family dwellings in the zone, except in the LV, VC and LI Zones in accordance with § 225-50C(1)(i).

- (c) *New multifamily dwellings built in the R-1 Zone and connected to public sewer and water shall require 30,000 square feet of usable land for each two dwelling units.*
- (d) *New multifamily dwellings built in the R-2 Zone and connected to public sewer and water shall require 40,000 square feet of usable land for each two dwelling units.*
- (e) *New multifamily dwellings or apartments built in the Mixed Use Limited (MUL) Zone and connected to public sewer and water must have a minimum of 12,500 square feet of lot for each dwelling unit.*
- (f) *New multifamily dwellings built in the CC, RCU, MUC, LV, MV, VC, and LI Zones shall be connected to public sewer and water and shall have a minimum lot area of at least the minimum lot size for the first unit plus 1/2 of the minimum lot size of usable land for each additional unit.*
- ~~(g) *New multifamily developments of more than eight dwelling units must be designed according to the cluster principles as found in this chapter or as a planned development if planned developments are permitted in the zone.*~~
- ~~(h)~~ (q) *New multifamily developments located in the R4 Zone shall be connected to public sewer and water and shall be allowed at the density specified in the Topsham Annex Reuse Master Plan, in the areas so identified. In those areas of the R4 not included in the Topsham Annex Reuse Master Plan, new multifamily dwellings may be constructed at a density of four (4) units per acre.*
- ~~(i)~~ (h) *In the LV, VC and LI Zones, the first two dwelling units do not count towards the maximum density calculations in mixed-use developments. Each additional unit shall have 1/4 the minimum lot size for the zone and shall meet all other applicable dimensional and performance standards.*

Planning Board Recommendation

Ought to Pass

Article 11

To see if the Voters will adopt an Ordinance to amend the Town Code, Chapter 225-16 Attachment 1:1 Table of Use Regulations- to amend the table to delete, add and allow certain existing uses within all zoning districts.

Use	District																	
	R-1	R-2	R-3	CC	RCU	MUL	MUC	MUC-1	BP	CC196	I	BP2	R-4	LI	VC	MV	LV	R2B
Amusement Park												X	X	X	X	X	X	X
Batch Plant	X	X	X	C	C	X	X	X	X	X	P	X	X	C	X	X	X	X
Concrete product manufacturing	X	X	X	C	C	X	X	X	X	X	P	X	X	C	X	X	X	X
Food processing	X	X	X	C	C	C	C	C	P	P	P	C	X	P	X	X	X	X
Mobile food service	X	X	X	P	P	P	P	P	P	P	P	P	X	P	P	X	P	P
Small wind energy conversion systems	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

Notes:

- 8 Maximum 5,000 square feet of gross floor area.
- 18 Maximum of 6,500 square feet of building footprint per use
- 20 Limited to 15,000 square feet of building footprint per lot

Planning Board Recommendation

Ought to Pass

Article 12

To see if the voters will vote to pay for tax abatements and applicable interest granted during the fiscal year of 2018/2019 from Overlay. (Explanation: The Assessor is authorized to raise Overlay under 36 MRSA, Section 710, but voter authorization is required to spend Overlay. Overlay cannot be more than 5% of the Tax Commitment)

Article 13

To see if the Town will fix the date of the May 2019 Special Town Meeting, May 15, 2019

Board of Selectmen Recommendation

Ought to Pass

Article 14

To see if the Town will fix the dates when taxes are due and payable, Monday, October 15, 2018 and Tuesday, April 16, 2019 and to see if the Town will fix a rate of interest to be charged on taxes after said date at 8% or the Maximum amount determined by the State Treasurer.

Board of Selectmen Recommendation

Ought to Pass

Article 15

To see if the Town will establish a maximum interest rate to be paid on abated taxes:

8% or the maximum rate established by the State Treasurer.

For delinquent taxes the interest rate to be paid by the Town will be reduced by 2%

Board of Selectmen Recommendation

Ought to Pass/Ought not to Pass

Article 16

To see if the Town will authorize the Selectmen to dispose of Town-owned personal property with a value of \$5,000 or less under such terms as they deem advisable:

Board of Selectmen Recommendation

Ought to Pass/Ought not to Pass

Article 17

To see if the Town will authorize the Selectmen to accept gifts on behalf of the Town under such terms as they deem advisable:

Board of Selectmen Recommendation

Ought to Pass/Ought not to Pass

Article 18

To see if the Town will authorize the Selectmen to convey by deeds of quit-claim title or other titles as appropriate any real estate acquired by the Town to such persons for such considerations as the Selectmen may in each case determine:

Board of Selectmen Recommendation

Ought to Pass/Ought not to Pass

Article 19

To see if the Town will authorize the Board of Selectmen to apply for grants, approve the acceptance of grants, receive grants, appropriate the Town's share of the grants from funds raised at a Town Meeting and expend the grant for the purpose stated in the grant:

Board of Selectmen Recommendation

Ought to Pass/Ought not to Pass

Board of Selectmen Meeting

For the date of: 04/12/2018

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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 04-05-2018.

Brief Description of Consent or Agenda Item: see attached

Submitted by Rich Roedner, Town Manager

Date: 03-15-2018

Board of Selectmen Meeting

For the date of: 04/12/2018

Type of Item:

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

Type of Submission:

- Regular Submission
- Additional Agenda Item
- Additional Information

Agenda Number: 18-29

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

Brief Title of consent or Agenda Item: Consideration and any appropriate action on the appointment of William Greenwood to the Tree Committee, Shana Stewart Dees to the Conservation Commission and Charlene Swift to the Finance Committee

Brief Description of Consent or Agenda Item:

Submitted by: Rich Roedner, Town Manager

Date: 04-01-2018

Board of Selectmen Meeting

For the date of: 04/12/2018

Type of Item:

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

Type of Submission:

- Regular Submission
- Additional Agenda Item
- Additional Information

Agenda Number 18.30

(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 discuss acquisition of real property, pursuant to 1 M.R.S.A. § 405 (6) (C)

Brief Description of Consent or Agenda Item:

Submitted by Rich Roedner, Town Manager **Date:** 03/22/2018