

**6:30PM Board of Selectmen Meeting
Virtual Meeting (TV Ch. 3)
April 16, 2020**

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
- Staff Updates on Planning Board- summary of the Planning Board Ordinances- Andrew Deci, Assistant Planner
- Staff update on Comprehensive Plan Implementation Committee- Rod Melanson, Town Planner

If you have any comments/questions on an agenda topic, email them to info@topshammaine.com by Tuesday, April 14th. Please include your full name and address in the email. Emails will be reviewed and addressed during the meeting which will be televised on channel 3.

Correspondence –

Adjustments to the Agenda –

Consent Calendar –

1. Approval of the minutes of the Regular Selectmen meeting February 20, 2020.
2. Approval of the minutes of the Regular Selectmen meeting March 5, 2020.
3. Approval of the minutes of the Special Selectmen meeting March 16, 2020.
4. Approval of the minutes of the Regular Selectmen meeting April 2, 2020.
5. Approval to appoint election clerks for the period of May 1, 2020 through May 1, 2022.

Public Hearing –

Unfinished Business –

Old Business –

New Business –

20-22- Consideration and any appropriate action regarding whether the Town shall schedule a public hearing on submitting an application for a CDBG-EDP grant to Wicked Joe, LLC, in the amount of \$500,000.

20-23- Consideration and any appropriate action on approving the Draft Ordinance on Cost Recovery for Fire-Based Emergency Response Services for placement on the June 17, 2020 Town Meeting Warrant.

Executive Session-

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

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

MEMORANDUM

To: Dave Douglass, Chair
Select Board Members
From: Andrew H. Deci, Assistant Town Planner
Date: April 8, 2020
Re: Anticipated Warrant Articles from the Planning Board

The Planning Board has facilitated a number of workshops over the past few months, related to anticipated warrant articles for consideration at the 2020 Town Meeting. This is a summary of those warrant articles.

Road Acceptance Requests

Two development projects are seeking acceptance of streets as Town Ways; Oak Hill Condominiums (Granite Hill Drive and Beryl Loop) and Mallet Woods Subdivision (Merryman Way, Forest Glen Lane, and Marilynne Way).

Aquifer Protection Overlay District Revisions

Revisions are proposed to both the boundaries and performance standards of the Aquifer Protection Zone; the changes clarify the purpose of the district (to protect public water sources) and modernize the performance standards based on best management practices. The regulated area is proposed to be reduced to the vicinity of the Brunswick Topsham Water District well on River Road. The proposed changes have been vetted and are supported by the Brunswick Topsham Water District and the Maine Drinking Water Program.

Zoning Map Amendment—Mobile Home Overlay, Rural Residential, and CC196 Districts

Revisions are proposed to the zoning map in order to facilitate the expansion of the Mobile Home Overlay District. The proposal converts Business Park Zone (BP) land to Rural Residential (R-3), expands the Mobile Home Overlay Zone to encompass a portion of parcel R05-34, and converts BP Zone land to Commercial Corridor 196 (CC-196) designation. The changes are championed by Andy Maynard of Topsham Mobile Homes.

Solar Energy Conversion Systems (Solar Farms)

Revisions are proposed to the Zoning Ordinance to define and regulate solar farms. The ordinance amendment defines principal-use Solar Energy Conversion Systems, establishes performance standards for the use, and identifies where stand-alone solar farms may be located. In addition to regulating solar farms, the proposed changes establish a habitat mitigation fee for commercial uses, based on the Natural Areas Plan. The ordinance amendment is championed by the Topsham Solar Advocates.

MEMORANDUM

To: Rich Roedner, Town Manager
Board of Selectmen
From: Rod Melanson, Planning Director
Date: August 01, 2019
Re: Topsham Comprehensive Plan Implementation Committee (CPIC)

The Topsham Comprehensive Plan Update, adopted in May of 2019, recommends the creation of an Implementation Committee, to both actively work to implement certain provisions of the Comp Plan, and to guide the implementation of other provisions.

I see two immediate functions of the committee with a potential long term third function.

The first task is to develop a system/ program to monitor the progress made on the recommendations in the plan. For instance, keeping tabs with the Planning Office to see how progress is coming on the various plans that are included in the Comp Plan. I don't see the task of the Committee as being the planning committee for each of these plans (master transportation plans, facilities plans, etc.), but rather an advocate, and oversight for completing the recommendations in the Comp Plan.

The second task is to take the regulatory framework section of the plan, review and prioritize the land use related recommendations in the Plan, and develop the language or map amendments to accomplish those recommendations. It is anticipated that some of this will be completed with the assistance of a consultant as we are looking towards adding in elements of character based coding. I would envision this part being a multi – year effort and focusing around the “catalyst sites” areas suggested in the plan. I would suggest that the new language be finished and presented to a Town Meeting vote per each zoning effort.

A possible third task for the Committee involves the Long Range Planning part of the name. Zoning language, and to some extent zoning map boundaries, require constant monitoring, and in many cases, amending. As new issues come up, new language either has to be created to fix a problem, address a need, allow something that hadn't been thought of previously, etc. The Planning Board has traditionally fulfilled this role and has been discussing the importance of this function for some time. The PB does often address ordinance amendments on an annual basis, but they rarely have sufficient time to devote to comprehensive zoning change reviews. These activities will be raised in various ways, through requests from the Selectmen, requests from staff, requests from the Planning Board or other Boards, or requests from landowners. This Committee would be the working committee, with products passed to the Planning Board for the statutory requirements for amendments to the Zoning Ordinance.

This last function is the more permanent function of the Committee...of which I would not implement until it may be further defined by an implementation committee.

Members from the CPUC that are looking to act as members of the CPIC include the following:

Susan Rae Reeves

Larry Fitch

Joe Feely

I would recommend that they be appointed to the CPIC, where an immediate task would be to recruit members to fill out the committee.

Comprehensive Plan Implementation Committee

The Comprehensive Plan Implementation Committee, a committee charged with assisting the Town in updating, reviewing, tracking and assisting with the *implementation* of the recommendations of the 2019 Comprehensive Plan. The Committee shall work with Staff, and coordinate with other Town Departments, Boards, and Committees on priority tasks as directed by the plan.

Membership:

The Comprehensive Plan Implementation Committee shall be composed of up to nine (9) members each serving for a three year term. Membership may consist of at large community members, but preference shall be for standing committee and board representation. There shall also be two (2) alternate member positions available.

Duties/Responsibilities:

1. The committee shall hold regular meetings not more than once a month in accordance with an established schedule and post minutes of meetings as required.
2. Staff shall post notice of meetings/workshops or hearings as required by law and maintain a page on the Town's website to serve as a communication tool for the public.
3. Staff shall forward notice of meetings/workshops and/or hearings to Town Departments, Boards and Committees.
4. Staff shall maintain a permanent project file that, at a minimum, includes:
 - a. Meeting agenda and public notices;
 - b. Meeting minutes;
 - c. Reports to the Select Board as needed;
 - d. Project correspondence; and
 - e. Other materials as deemed necessary.
5. Meetings are open to the public. The Committee may hold workshop meetings with members of the public and/or businesses to allow public input and discussion, and as an educational forum on issues relevant to the Comprehensive Plan implementation.
6. The committee shall regularly review the Comprehensive Plan, recommend setting or resetting priorities to the Planning Board or select Board, identify the most efficient strategies for implementation, and document responsible parties to complete goals for consideration by the Planning Board or Select Board.

Implementation Process

As a town committee that oversees implementation of the adopted comprehensive plan, the committee will track and convene the identified responsible parties for particular implementation strategies to ensure that the plan goals are being addressed. The Committee may choose to bring certain items forth to the select board for discussion/ action and/ or to town meeting for action.

Board of Selectmen Meeting

For the date of: 04/16/2020

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 February 20, 2020.

Brief Description of Consent or Agenda Item: see attached

Submitted by Derek Scrapchansky, Town Manager **Date:** 02-11-20

MINUTES
TOWN OF TOPSHAM
BOARD OF SELECTMEN MEETING
DONALD A. RUSSELL MEETING ROOM
FEBRUARY 20, 2020 – 6:30 P.M

MEMBERS PRESENT: David Douglass
Ruth Lyons
Matt Nixon
Roland Tufts

MEMBER(S) ABSENT: Marie Brilliant

STAFF PRESENT: Town Manager Derek Scrapchansky

A meeting of the Topsham Board of Selectmen was held on Thursday, February 20, 2020 in the Donald A. Russell Meeting Room, at the Municipal Building, 100 Main Street, Topsham, Maine.

CALL TO ORDER

Chairman David Douglass called the regular meeting to order at 6:30 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 members were present.

TOWN MANAGER'S REPORT

Good evening,

I am pleased to announce the Topsham Police Department is now fully staffed with the hiring of Mr. Robert Wright. Robert will begin training at the Law Enforcement Academy in May and we are glad to have him on our team.

I would like to recognize and thank Officer Bruce Swanson of the Topsham Police Department. A letter of appreciation was received thanking him for his service and contribution during a medical emergency on January 22nd. This letter is a reminder to our first responders that their service is very much appreciated.

From the Parks and Recreation Department:

- All Baseball, Softball and Lacrosse Programs for this spring are now available for registration. Residents can go online at: topshamparksrec.com to register. There is a March 1st deadline for Most of the Programs (other than Tee Ball).
- We are still looking for coaches in the 3rd & 4th Grade Lacrosse Program. If anyone is interested please call the Parks and Recreation Office.

Tickets for the Boy's Bowling Event at Yankee Lanes in Brunswick are now on sale. Forms are available on the department website, but escorts must register in person at the Parks and Recreation Office.

From the Topsham Public Library:

On Friday, February 21st from 10AM - 2PM For "kids" of all ages!

The Maine 3 Railers O-Gauge Model Railroad Club will be setting up a running model railroad display in their meeting room. Please come watch the trains and talk to club members.

On Saturday, February 22nd at 11:00 AM – Joy of Art closing reception.

This will be held in the Crooker Gallery. The winner of this year's People's Choice Award and the Library Lovers' Lottery will be announced. The winning artists in all categories will talk about their work.

The last day to vote absentee, without a special circumstance, is Thursday the 27th. The Tax Office will remain open until 7:00 PM for absentee voting and new voter registrations. Proof of residency and identification is required.

BOARD AND COMMITTEE REPORTS AND UPDATES – John Shattuck, Topsham Economic and Community Development, Inc. Director presented an update to the Board, including:

Miscellaneous:

- Nancy Weed, the Region 10 Superintendent, recruited me to the Steering Committee to support development of a 4-year Comprehensive Technical Education High School at Brunswick Landing. The school will seek to more effectively meet the needs of both employers and students. The process will involve input from the community and businesses.
- Working with Wicked Joe Coffee for a Community Development Block Grant similar to the one received 6 years ago.

Economic Development Program (CDBG-EDP)

- Wicked Joe Coffee will begin to process a CDBG-EDP Grant application through the Town.
- In 2014 the Town secured a grant on behalf of Wicked Joe Coffee which
 - o Helped the company's relocation to Topsham
 - o Resulted in high quality redevelopment of the Commissary
 - o Wicked Joe Coffee has continued to grow at a fast pace. They now have 35 employees
- The first step to obtaining the grant will be to submit a Letter of Intent (LOI) to apply
- If the Board of Selectmen support the application, it will need to be approved at the May Town Meeting. Wicked Joe Coffee will provide the town with an indemnification Agreement.

Topsham Commerce Park (TCP)

- Highland Green (HG) has commenced construction on Mountain Road.
- Construction includes connection of HG pump to future Brunswick Topsham Water District water tower on Highland Green property.
- Extending line during construction will be much less costly than a later retrofit.
- This connection is necessary to support future development in the area.
- The proposal for this extension has a cost of \$41,746.

PUBLIC COMMENT – None noted.

CORRESPONDENCE

Chairman Douglass read aloud the following correspondence which was received by Selectman Nixon from Charlene Swift, a member of the Finance Committee.

Dear Selectman Nixon,

I'm unable to attend the Board of Selectmen meeting on Thursday February 20, when Topsham Solar Advocates are presenting the 3 proposals received from the RFP, and I would like to add my voice of support for this project. I've read the materials submitted by Topsham Solar Advocates, as well as articles in Maine news about municipalities who have installed solar arrays. As a taxpayer, an advocate of clean/renewable energy, and a member of the Topsham Finance Committee, it makes good sense for Topsham to move forward with this project. We know that power and water costs will continue to increase into the future, and the Town will need ways to both cut costs and generate revenue. While I understand that this array is to power the Town's municipal-complex power needs, I look at it as a first step toward possible solutions for future needs at other town sites (Transfer Station, Library, Schools).

Re-Vision Energy is a great, reliable company (I'm a customer of theirs for solar-heated domestic water), with expertise and knowledge in municipal installations. Any way that the Town can both make significant savings AND take action toward clean energy. I support this, and appreciate the Board's consideration of this exciting opportunity.

*Sincerely,
Charlene Swift
6 Quartz Bluff Road
Topsham*

ADJUSTMENTS TO THE AGENDA – None noted.

CONSENT CALENDAR

1. Approval of the minutes of the Regular Selectmen's meeting of February 6, 2020.
2. Approval to open the polls at 8:00 a.m. on March 3, 2020 for the State Primary Election and Special Referendum Election, extended Registrar's hours on Thursday, February 27, 2020 to remain open until 7:00 p.m. for voter registration as required by State Statute 21-A, §122.6 and approve Linda Dumont as warden for the State Election.

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

VOTED

To approve the Consent Calendar as presented.

PUBLIC HEARING – None noted.

UNFINISHED BUSINESS – None noted.

OLD BUSINESS – None noted.

NEW BUSINESS

20-11 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE EVALUATION AND RECOMMENDATIONS OF TOPSHAM SOLAR ADVOCATES REGARDING SOLAR PURCHASE POWER PROPOSALS RECEIVED

John Shattuck began the discussion of this item saying that Nick Whatley, representing the Topsham Solar Advocates, talked to staff over a year ago bringing this idea forward. Mr. Shattuck asked for the Town's blessing speaking in favor of the idea of solar use to benefit the Town. He said that 3 proposals resulted from the Request of Proposals put forward. The committee has talked to the providers and also discussed how other towns have moved forward with solar considerations.

Victor Langelo reviewed the municipal power purchase agreements, and figures which were included in the Board package for review. Proposals were received from ECA Solar, NexAmp Solar and Re-Vision Energy. The Topsham Solar Advocates recommended working with Re-Vision Energy which appears to be the most beneficial for the town. A memorandum was noted, which is on file, from Craig Douglas, P.E. with the Brunswick Topsham Water District dated February 4, 2020 talking about the District's investigation of the potential financial impact of solar power purchase. Mr. Langelo expects that solar use will pay approximately 85% of Central Maine Power's charge to the town and said it will be a challenge to get the project off the ground.

Chairman Douglas expressed thanks to the committee for the work they put in to make the process easy to understand.

Following the Solar Advocates presentation, the Board asked questions, which were responded to providing responses such as:

- The Town will pay as electricity is generated.
- How much energy produced will result somewhat on the weather, more days of sunshine will provide more energy.
- There will be no cost to the Town for the installation.
- The solar panels are guaranteed for 25 years. If they don't generate any power, the Town pays nothing.

- ReVision is employee owned and is not a venture capital company.
- ReVision will work with CMP to develop an agreement.
- If approved, the site is likely to be built in late summer or early fall.
- Following the 20-year contract, 5-year extensions are possible.
- Brunswick Topsham Water Department is working to develop their contract.
- Residents can't buy in at this time but other programs will become available in the future.

Following discussion, motion was made by Selectman Tufts, seconded by Selectman Nixon, and it was unanimously (of those present)

VOTED

To authorize the Town Manager to work on an agreement with Re-Vision to provide solar energy to the Town of Topsham.

20-12 CONSIDERATION AND ANY APPROPRIATE ACTION TO APPROVE THE MAIN STREET ENGINEERING COSTS

Public Works Director Dennis Cox asked that the Board approve the cost of \$57,770 for the Main Street Engineering project. The cost includes a resident inspector. Mr. Cox said Wright-Pierce Engineers started the project back in 2015. When the project was approved several months ago, the amount for strictly for the contractor cost for the actual work. This amount due is for the engineering.

Town Manager Scrapchansky said when the project was first presented it was for the lowest bid for the construction. The problem was that when the Board looked at the contract, they looked at the lowest bid cost for the contract work, which did not include the engineering costs. Recommendation was to take the additional funds out of TIF revenues.

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

VOTED

That we approve a total of \$81,115 for the Main Street engineering costs, as well as a contingency fund for the construction work, with funds to come from the Downtown TIF reserve.

20-13 CONSIDERATION AND ANY APPROPRIATE ACTION TO APPROVE THE MAIN STREET CULVERT PROJECT TRAFFIC PLAN

Public Works Director Dennis Cox said the Traffic Plan to be used during the Main Street culvert project is a 2-part plan to 1) detour traffic when Winter Street is closed and 2) detour traffic when Elm Street Extension is closed. A copy of the plan was included in the Board package for the Board's review.

During the first plan, Winter Street will be closed for approximately 5 days. The commercial truck traffic will be routed to the Mall Road and Monument Place and Main Street. Passenger vehicles will be detoured to Bridge Street to Summer Street and then to Main Street.

The second part will be the closure of Elm Street Extension for only a couple of days with a similar traffic plan where commercial trucks going from Main Street to the Mall will have to use Monument Drive. There will be lighted signage directing the traffic and a message board set up in advance to warn drivers of the scheduled closure dates.

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

VOTED

To approve the Main Street Culvert Project Traffic Plan as presented.

EXECUTIVE SESSION – None noted.

ADJOURN

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

VOTED

To adjourn the meeting at 7:15 p.m.

Respectfully submitted,

Patty Williams, Recording Secretary

Board of Selectmen Meeting

For the date of: 04/16/2020

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 March 5, 2020.

Brief Description of Consent or Agenda Item: see attached

Submitted by Derek Scrapchansky, Town Manager **Date:** 02-11-20

MINUTES
TOWN OF TOPSHAM
BOARD OF SELECTMEN MEETING
DONALD A. RUSSELL MEETING ROOM
MARCH 5, 2020 – 6:30 P.M

MEMBERS PRESENT: David Douglass
Marie Brilliant
Ruth Lyons
Matt Nixon

MEMBER(S) ABSENT: Roland Tufts

STAFF PRESENT: Town Manager Derek Scrapchansky; Director of Recreation Pam LeDuc and Public Works Director Dennis Cox

A meeting of the Topsham Board of Selectmen was held on Thursday, March 5, 2020 in the Donald A. Russell Meeting Room, at the Municipal Building, 100 Main Street, Topsham, Maine.

CALL TO ORDER

Chairman David Douglass called the regular meeting to order at 6:30 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 members were present.

TOWN MANAGER'S REPORT

Good evening,

I am pleased to announce that Topsham had a 45% voter turnout at the election on Tuesday. I would like to extend special thanks and appreciation to our Clerk, Tax Department and the dedicated and outstanding citizens who assisted in this election process. Due to warm weather and thawing on election day, we faced challenges with mud. I would like to thank our Public Works Department for making the fairground parking lot useable and directing traffic throughout the day.

We have an update to Wicked Joe Organic Coffee's invitation to apply for CDBG-EDP Grant. Topsham's Letter of Intent (LOI) notifying DECD of the Town's intent (if invited) to submit a Community Development Block Grant – Economic Development Program (CDBG-EDP) application on behalf of (WJC) was successful! This week, the Town received DECD's letter inviting the Town to submit a formal application for CDBG-EDP funding to continue WJC's continuing growth, which has created very significant increases in both tax base and employment. The grant application is due in May with a final decision expected in July.

On Friday, February 28th, the TDI Board voted unanimously to fund the extension of a high pressure (HP) water line on Mountain Road to the Highland Green boundary at Canam Road (which is not required under the 201812 HG2 TIF/CEA). The project cost of \$41,746 will be paid from TDI's Enterprise Fund. Doing this work after the road is completed would substantially increase the cost due to the need to open the road, blast a separate trench in the ledge, connect to a pressurized system and then repair the road. John Shattuck, our Economic Development Director, will provide a detailed update to Wicked Joe's grant application and the high pressure water line extension at the next Board of Selectmen meeting.

From the Parks and Recreation Department

- Deadline for the Galactic Bowling Adventure is tomorrow March 6th. Please register at the office before 3:00 pm.
- We are delighted to have a set of parents who are willing to run a 3rd & 4th Grade Lacrosse program if we have enough interest. Please call the office and provide your child's name.
- Easter Egg Hunts will be occurring prior to Easter, but just like every other year we will not be posting it on Facebook. We will send out the information to individuals on a list serve, and through the Topsham Elementary Schools the week prior.

From the Topsham Public Library:

- Topsham Public Library is partnering with the Southern Midcoast Career Center to provide a variety of employment and training services at no charge for Maine workers and businesses on Wednesdays from 2:00 -4:30 PM at the Topsham Public library.
- The Topsham Public Library's Crooker Gallery exhibit entitled, "What's in a name?" celebrates the Maine bicentennial, with reproductions of artifacts from Charlie Crosby and others. The exhibit will be up until March 27th.

BOARD AND COMMITTEE REPORTS AND UPDATES

Community Center Committee Update

Co-Chairmen Gary Massanek and Leslie Byrne presented a report of efforts to date of the Topsham Community Center Committee.

Mr. Massanek reviewed the Work Plan, a copy of which was included in the Board package. Ms. Byrne read aloud the Committee's Mission Statement as follows:

"The mission of the Community Center Committee is to understand the desires and determine the needs of the Topsham Community for an accessible, affordable, sustainable building that would serve the multi-generational community and foster social connections among Topsham citizens. The Committee will facilitate the inclusion of many stakeholders, including the public, library and school district, into a process to develop a needs assessment. The committee will report on the interest of such a facility to the Board of Selectmen through the preparation of a Needs Assessment Report."

Other members of the Committee present were Jay Collier and Catherine Meier. Mr. Massanek reviewed the Work Plan which consisted of two phases. Phase one included a Needs Assessment and Request for Proposals, Program Development and request for Board of Selectmen's direction to proceed to Phase Two in February or March of this year. Phase Two consists of a Feasibility Study, hiring of a consultant and a study.

Following the presentation, questions were asked from Board members including: What outreach has the Committee actually had with Topsham residents? *Response was that the Committee will focus on the RFP to obtain that information. A Need Assessment was suggested. Do we need more committee meeting rooms? Gyms? Need to get a sense of what we currently have.*

Selectman Lyons asked if consideration was being given to what rooms, gym space, etc. will be included in the new school being built. Selectman Nixon said he had questions but would wait until this item is discussed in the agenda item coming up later in the meeting.

Chairman Douglass thanked the Committee for presenting the report.

PUBLIC COMMENT – On behalf of the Board, Chairman Douglass offered condolences to the families of Esther Lacognata and David Caron who recently passed away. Selectman Lyons added condolences to the family of George Moore who also passed away recently. It was noted that these three individuals were devoted to involvement in matters of the Town.

CORRESPONDENCE – Chairman Douglass said he received two e-mails expressing concern with the muddy condition of the fairgrounds during voting last Tuesday. He said he responded to the e-mails and said changes need to be made so this situation won't happen again.

Selectman Lyons said it has been 20 years since we had an election in the month of March and that the Board, Town Manager and staff feel bad about the muddy condition of the grounds.

ADJUSTMENTS TO THE AGENDA – Motion was made by Chairman Douglass, seconded by Selectman Nixon, and it was unanimously (of those present)

VOTED

To postpone addressing 20-16 to a future meeting.

CONSENT CALENDAR – None noted.

PUBLIC HEARING

20-14 **CONSIDERATION AND ANY APPROPRIATE ACTION ON POSTING THE FOLLOWING ROADS FROM MARCH 9, 2020 TO APRIL 30 2020 OR SOONER IF CONDITIONS ALLOW. WINTER STREET/RIVER ROAD FROM MAIN STREET TO WHITEHOUSE CROSSING ROAD, WHITEHOUSE CROSSING ROAD, CATHANCE ROAD, MEADOW CROSS ROAD, WARD ROAD, WEST MERRIL ROAD, ROBERT'S HILL ROAD, FORESIDE ROAD FROM TOWNSEND WAY TO THE MIDDLESEX ROAD, AND VILLAGE DRIVE FROM ROUTE 196 TO THE MOUNTAIN ROAD**

The Public Hearing was declared open.

Public Works Director Dennis Cox recommended that the Town post Winter Street/River Road from Main Street to Whitehouse Crossing Road, Whitehouse Crossing Road, Cathance Road, Meadow Cross Road, Ward Road, West Merrill Road, Roberts Hill Road, Foreside Road from Townsend Way to the Middlesex Road and Village Drive from Route 196 to Mountain Road. He said the posting is necessary due to the conditions created by the warming temperatures as frost heaves leaves the ground. Mr. Cox asked that the posting be effective from March 9, 2020 to April 30, 2020, or sooner if conditions allow.

Following Mr. Cox's presentation, Chairman Douglass asked if anyone present wished to comment. There being no comments to be heard, the Public Hearing was declared closed.

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

VOTED

To approve the road postings, listed in agenda item 20-14, from March 9, 2020 to April 30, 2020, or sooner if conditions allow.

UNFINISHED BUSINESS – None noted.

OLD BUSINESS – None noted.

NEW BUSINESS

20-15 CONSIDERATION AND ANY APPROPRIATE ACTION ON APPROVAL OF THE RFP FOR NEEDS ASSESSMENT FROM THE TOPSHAM COMMUNITY CENTER COMMITTEE

Pam LeDuc said she didn't prepare the RFP, but she was at the meeting to represent the Committee. The RFP was written by Andrew Deci, Topsham's Assistant Planner, who is familiar with the process. Ms. LeDuc said a rough draft of the Request for Proposals was forwarded to the Board prior to the meeting so they could familiarize themselves with the language.

Selectman Nixon said he will bring several of his comments to the Town Manager and Assistant Planner in terms of "nuts and bolts" of the terminology. He referenced page 2, Selection Committee, and asked if the Committee members would be on the committee or a group consisting of people from the library, school committee, and selectmen? Ms. LeDuc responded that the selectmen should be involved in the process. She said there are architectural firms in Portland that do this and that there should be a screening process to review the best three proposals received. Ms. LeDuc added that she feels certain members of the Committee should be on the selection committee as well as the Board of Selectmen, Town Staff and go from there.

Selectman Nixon referenced page 5, Market Analysis...he asked "In relation to what?" Ms. LeDuc responded that People Plus would be looked at and anything that serves our residents. Selectman Nixon said his biggest concern is that community engagement should come first. A lot of the questions are based on the idea that we are going to be moving forward with

something. This is something we are going to be paying for a very long time and all citizens should be able to comment. Ms. LeDuc responded that we could do an on-line survey, advertise in the Town Cryer, or something of that sort. Selectman Nixon said people were turned off with the on-line survey for the Comprehensive Plan and a mailer might be more effective.

Chairman Douglass said he proposes that the Board sit down with the Committee and hold a workshop; table further action on this until the workshop. He said this very quickly has gotten out of the scope that the Board of Selectmen ever thought it would and we need to have a conversation in a workshop session. He added that the Board failed to give stronger direction when they sat down to talk about this.

Selectman Nixon added that it would be good to hold the workshop sooner rather than later and the Board agreed.

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

VOTED

To table the RFP and schedule a workshop with the Topsham Community Center Committee.

EXECUTIVE SESSION

20-16 CONSIDERATION AND ANY APPROPRIATE ACTION TO ENTER INTO EXECUTIVE SESSION PURSUANT TO 36 M.R.S.A., TITLE 1, §405 (6) (F) TO DISCUSS TAX ACQUIRED PROPERTY

This item was postponed to a future meeting.

ADJOURN

Motion was made by Selectman Brilliant, seconded by Selectman Nixon, and it was unanimously (of those present)

VOTED

To adjourn the meeting at 7:06 p.m.

Respectfully submitted,

Patty Williams, Recording Secretary

Board of Selectmen Meeting

For the date of: 04/16/2020

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 3

(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 Special Selectmen meeting March 16, 2020.

Brief Description of Consent or Agenda Item: see attached

Submitted by Derek Scrapchansky, Town Manager

Date: 03-17-2020

Topsham Board of Selectman

Draft Minutes

March 16, 2020

Donald A. Russell Meeting Room

Call to Order Chairman Douglass called the meeting to order at 6:00 pm

Roll Call Town Manager Scrapchansky conducted the roll call.

Members Present

Chairman Douglass
Vice Chairman Tufts
Ruth Lyon
Marie Brilliant

Derek Scrapchansky, Town Manager

Motion by Selectman Douglass seconded by Selectman Brilliant to add item

20-20- Consideration and any appropriate action on a proclamation of State of Civil Emergency to Further Protect Public Health.

Motion by Selectman Douglass, seconded by Selectman Lyons

Vote 5-0

To proclaim a state of Civil Emergency to further Protect Public Health.

Executive Session

Motion by Chairman Douglass, seconded by Selectmen Nixon to move into Executive Session

All were in favor

All members present entered Executive Session, along with Mr. Scrapchansky.

Item 20-19- Consideration and appropriate action on entering Executive Session pursuant to 1. MRSA §405 (6)(A) to discuss a personnel matter.

Motion by Chairman Douglass, seconded by Vice Chair Tufts to move into Executive Session

Vote 5-0

To affirm Town Managers Operation Plan.

Adjournment

Motion by Chairman Douglass, seconded by Selectman Brilliant to adjourn at 6:49PM

Voted all in favor.

Respectfully Submitted

David Douglass
Chairman of the Selectmen

Board of Selectmen Meeting

For the date of: 04/16/2020

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 4

(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 April 2, 2020.

Brief Description of Consent or Agenda Item: see attached

Submitted by Derek Scrapchansky, Town Manager

Date: 4-6-2020

MINUTES
TOWN OF TOPSHAM
BOARD OF SELECTMEN MEETING
HELD VIA ZOOM FROM INDIVIDUAL RESIDENCES
APRIL 2, 2019 – 6:30 P.M.

MEMBERS PRESENT: David Douglass
Marie Brilliant
Ruth Lyons
~~William Thompson~~ ? should be Matt
Roland Tufts

MEMBER(S) ABSENT: All present

STAFF PRESENT: Derek Scrapchansky, Town Manager

A meeting of the Topsham Board of Selectmen was held on Thursday, April 2, 2020, with individuals joining the meeting from their residences via Zoom.

CALL TO ORDER

Chairman Douglass called the regular meeting to order at 6:35 p.m. It was noted that all members were present.

PLEDGE OF ALLEGIANCE/ROLL CALL

Town Manager Scrapchansky stood and recited 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

Good evening,

On March 17th, the Town of Topsham declared a State of Civil Emergency. Like every other community, we are in the midst of a Public Health Crisis that continues to impact the lives of everyone. The uncertainty and the return to normalcy in our lives is on the minds of many. We are dealing with a level of change that is seldom experienced; a major change that continues to have a tremendous impact on all of us. Feelings of shock, denial, anxiety, depression, detachment, and isolation may have been felt by each of us. Acceptance of our situation and reestablishing normalcy will happen as we continue to communicate and be kind, respectful, and patient with one another.

One day after Topsham declared a State of Civil Emergency, Governor Mills issued an Executive Order mandating all restaurants be closed to dine-in customers, prohibit all gatherings of more than 10 people, and urge non-essential businesses to close for two weeks.

On March 24th, an Executive Order was issued that mandated all non-essential businesses and operations in Maine close their physical locations that were public facing, meaning those that allow customer, vendor or other in-person contact. The Order also closed non-essential business sites that required more than ten workers to convene in a space where physical distancing was not possible.

On March 31st, Governor Mills issued a series of substantial new mandates to protect public health and safety in response to COVID-19, including a Stay Healthy at Home directive that requires people living in Maine to stay at home at all times unless for an essential job or an essential personal reason, such as obtaining food, medicine, health care, or other necessary purposes. The Executive Order was in effect at 12:01 a.m. this morning and will last until at least April 30, 2020.

Since March 17th, the Town of Topsham has continued to be proactive and responsive. Town Hall closed to mitigate risk of COVID-19 exposure but continues to utilize on-line services, mail-ins, and email correspondence. Public Safety, Public Works, and Solid Waste Departments continue operations with newly implemented safety measures. Although Parks and Recreation programs and facilities are closed, facilities maintenance and programming continue in preparation for reopening. The Topsham Public Library also closed but offers on-line programs and MSAD 75 is closed at least until April 27th. Please visit each website for current updates.

Our Solid Waste facility is now on summer hours (Tues., Wed., Thurs. 8am-6pm, Fri., Sat., 8am-5pm). Until further notice, we ask that you attempt to use the transfer station during the week to avoid congestion on Saturdays. Zero Sort Recycling should also be disposed of with trash. This is to prevent residents and our employees from exposure to contaminated materials. The disposal cost will be waived for clean recycling that would have otherwise been accepted at the Recycle Barn. During this period of the Governor's Stay at Home Order, please refrain from disposing of yard waste and construction debris to help reduce Solid Waste facility activity and risk of COVID19 exposure.

In summary, I believe our community is doing well in complying with guidelines established by the CDC and Executive Orders issued by Governor Mills, but I urge everyone to remain engaged and continue to adhere to Governor Mills Stay at Home order. We are aware that each Executive Order issued results in the public buying excess amounts of groceries and toiletries. Please be considerate to your neighbors with respect to stocking up on dry and frozen foods as well as toiletries. Store managers have informed me that delivery and stocking of those items cannot meet the demand and there is not a shortage. I would like to thank our local stores for providing specific times for our seniors and commend the employees who remain at work and those who volunteer to provide our community with essential goods and services. You are also our first responders by ensuring our community has the means to live.

I mentioned change earlier in this report and returning to normalcy. The new normal may be different in the way we conduct business (i.e. this is the first Town of Topsham Board of Selectmen meeting in which each elected official is participating from a remote location), how we interact and greet others (friendly smiles may replace the fist pump or a customary firm handshake), hobbies and interests, and how we prepare for the future. I know we will continue to learn from this and grow stronger as a community.

Good weather is coming and I'm certain the desire to get outside will be overwhelming. Please exercise, enjoy the outdoors, utilize recreational trails, but be aware of your surroundings and please maintain social distancing. Our Emergency services personnel and Public Safety departments continue to monitor our businesses and any potential gatherings in Town. As Town Manager, I will take all necessary actions to protect the citizens of Topsham. Please feel free to contact me or the Town department heads if you have any comments or questions. Tonight, we are meeting to defer the Town meeting to June 17th. This decision will be ratified during Town Meeting.

Please be safe, enjoy your families and stay focused on preventing the spread of this virus.

NEW BUSINESS

20-21 CONSIDERATION AND ANY APPROPRIATE ACTION ON CHANGING THE DATE, TIME AND PLACE OF TOWN MEETING FROM MAY 20, 2020 AT 7:00 P.M. AT MT. ARARAT HIGH SCHOOL TO JUNE 17, 2020 AT 7:00 P.M. AT MT. ARARAT MIDDLE SCHOOL ORION CENTER

Town Manager Scrapchansky gave a brief overview saying with the Covert 19 situation, and budget hearings we found it necessary to change the date of Town Meeting. Holding the meeting on May 20, 2020 at 7:00 p.m. at Mt. Ararat High School was voted on at Town Meeting last year. We were able to secure the Mt. Ararat Middle school Orion Center on June 17, 2020 at 7:00 p.m. with a backup date of June 18th. This will be ratified at Town Meeting.

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

VOTED

To move Town Meeting from May 20, 2020 to 7:00 p.m. to June 17, 2020 at 7:00 p.m. at the Mt. Ararat Middle School Orion Center.

ADJOURNMENT

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

VOTED

To adjourn the meeting at 6:45 p.m.

Respectfully submitted,

Patty Williams, Recording Secretary

Board of Selectmen Meeting

For the date of: 04/16/2020

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 5

(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 to appoint Election Clerks for the period of May 1, 2020 through May 1, 2022

Brief Description of Consent or Agenda Item: see attached

Submitted by Tyler Washburn, Interim Town Clerk

Date: 04-08-2020

Town of Topsham - Election Clerks
May 1, 2020 to May 1, 2022

Allen, Linda	Labbe, Paul
Bachofen, Jonathan	Lepari, Peter
Bavor, Elizabeth	Lyon, Katharine
Beauregard, Donna	Lyons, Ruth
Beckwith, Claudia	Nixon, Matthew
Boie, Mary	Page, Susan
Boundy, Victoria	Paisley, Al
Breton, Jeanette	Perkins, Roger
Breton, Roland,	Pinette, Lena
Bussell, Judith	Pratt, Pam
Caouette, Ruth	Rebber, Jeniffer
Cauoette, Roger	Rensenbrink, Carla
Corbin, Claire	Riddle, Helen
Crafts, Carmela	Sorg, Susan
Cruz-Miranda, Felix	St. Louis, Linda
Dolan, Susan	Thorner, Susan
Doucett, Deborah	Tracy, Cindy Lou
Dumont, Maddy	Weathers, Barbara
Eaton, Gail	Welch, Martha
Eaton, William	Whatley, Nancy
Eustis, Ann	
Gore, Kim	
Kincaid, Helen	
Kincaid, Monica	

Board of Selectmen Meeting

For the date of: 04/16/2020

Type of Item:

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

Type of Submission:

- Regular Submission
- Additional Agenda Item
- Additional Information

Agenda Number:

20.22

(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 regarding whether the Town shall schedule a public hearing on submitting an application for a CDBG-EDP grant to wicked Joe, LLC, in the amount of \$500,000.

Brief Description of Consent or Agenda Item:

Submitted by: John Shattuck, ECD Director

Date: 04-08-2020

MEMORANDUM

Date: 2020-04-08

For: 2020-04-16 Selectmen's meeting

From John Shattuck

To: Derek Scrapchansky & Board of Selectmen

Re: CDBG-EDP grant - Wicked Joe, LLC

Community Development Block Grant – Economic Development Program (CDBG-EDP)

Attached documents

- 2020-04-08 TOT-WJ Indemnification MOU - DRAFT REV Costigan
- 2020-04-08 TM warrant article - WJ CBDG-EDP - DRAFT

Background

In 2014, the Town Meeting approved the application for the first CDBG-EDP grant for Wicked Joe, LLC in the amount of \$270,000, requiring the creation of 9 new FTE jobs.

Memorandum

The Town, on behalf of Wicked Joe, LLC has been invited to submit a second application for a CDBG-EDP grant to Wicked Joe, LLC, this time in the amount of in the amount of \$500,000, requiring the creation of 17 new FTE jobs.

The CDBG-EDP process requires that the Town take the following steps, with proposed dates:

04-16 Schedule public hearing on grant application – at BOS meeting

05-08 Publication of legal notice of public hearing in Times Record

Save two hardcopies of the Times Record page with the notice – CDBG requirement

05-21 Conduct public hearing on grant application – at BOS meeting

Approve inclusion of article regarding grant application on TM warrant – at BOS mtg

Conduct public hearing on TM warrant, including grant application article – at BOS mtg

This is the same procedure that the Town followed in 2014 when the Town Meeting approved the first \$270K CDBG-EDP grant for Wicked Joe, LLC. The indemnification MOU has been reviewed and revised by Mary Costigan, this week.

Wicked Joe, LLC has been an excellent addition to the Topsham business community, that has consistently provided a growing number of jobs, restored historic buildings at the former Annex, and been very active and supportive participant in community activities.

I recommend that the Town support this application.

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE TOWN OF TOPSHAM & WICKED JOE, LLC**

THIS AGREEMENT made this _____ day of _____, 2020 is by and between the Town of Topsham (the “Town”) and Wicked Joe, LLC (the “Company”).

WHEREAS, the United States government through the Housing and Community Development Act of 1974, as amended, has established a program of Community Development Block Grants and has allowed the State of Maine to administer such Federal funds for its non-entitlement areas, subject to certain conditions, and

WHEREAS, the State of Maine has elected to administer such Federal funds through the Department of Economic and Community Development’s Office of Community Development, and

WHEREAS, the Department of Economic and Community Development has established a set-aside of funds titled the Community Development Block Grants (“CDBG”) Economic Development Program, and

WHEREAS, the Town has been awarded a \$500,000 CDGB grant (the “Grant”) that will be passed through to the Company primarily for purchase of materials, equipment and working capital in connection with building renovations for an existing facility, which will enable new job creation in the building owned by the Company; and

WHEREAS, because the Town is the initial grant recipient, it is responsible for compliance with federal and state CDBG requirements regarding financial and programmatic activities and resulting creation of new jobs; and

WHEREAS, the Company has agreed to share responsibility for compliance with the conditions of the CDBG Grant;

NOW, THEREFORE, in consideration of the mutual undertakings set forth herein, the Town of Topsham and Wicked Joe, LLC hereby agree as follows:

1. The Town and the Company shall be responsible for completion and submission of documentation required by the CBDG Phase II process for the Grant with assistance from the Midcoast Economic Development District (hereinafter “MECDD”).
2. The Town shall be responsible, with assistance from MCEDD, for the financial administration and compliance for the 2020 Grant and shall establish such financial accounts and procedures as required and necessary to request, receive, and disburse the CDBG funds under the contract with DECD. The Company shall furnish project invoices and financial documentation of the private matching funds as required by the Town.
3. The Company shall provide the Town with documentation that the creation of seventeen (17) new full-time (or full-time equivalent) jobs, at least 51 percent (9/nine) of which shall be filled by people of low to moderate income, has occurred.
4. The Town and the Company shall both be available as needed at site visits and compliance monitoring visits conducted by DECD as well as to respond to issues raised by DECD until final close-out of the 2020 Grant.

5. The Town and the Company shall establish and maintain regular communications among themselves and with MCEDD regarding progress on their respective responsibilities in connection with the Grant and pursuant to this Memorandum of Understanding.
6. The Company shall provide written evidence of fire, hazard, and extended coverage insurance on the Company's real property and associated personal property in an amount no less than the Grant funds. The Company shall also maintain adequate liability insurance and worker's compensation insurance. All insurance coverage shall be in effect while any part of the 2020 Grant contract remains outstanding.
7. Upon a demonstration of compliance by the Company, the Town shall provide written documentation that the premises of the Company have been inspected and a certificate of occupancy issued by the local building inspector. The Company must obtain and maintain all applicable permits, licenses and authorizations to operate the project and conduct business.
8. The Company commits to the creation of seventeen (17) new full-time (or full-time equivalent) jobs, at least 51 percent (9/nine) of which shall be filled by people of low to moderate income, in their facilities as a result of the purchase of materials, equipment and working capital in connection with building renovations for an existing facility with funds received through the Grant. If for any reason the job creation goal is not met, the Company agrees to indemnify, fully reimburse, and save harmless the Town from any loss incurred by the Town due to the Company's failure to meet job creation requirements specified in the Grant. In the event that a repayment demand is placed upon the Town by the State of Maine, the Town will notify the Company of the repayment demand and within 30 days from such notification, the Company will pay the Town the full amount of the repayment demand placed upon the Town by the State of Maine, as well as any and all associated costs incurred by the Town arising from the repayment demand, including reasonable attorney's fees. In the event that the Company fails to reimburse the Town the full amount of such repayment demand and associated costs as provided herein, the Company agrees that the Town may place a lien on the Company property in the Town in the full amount of such repayment demand and associated costs.

IN WITNESS WHEREOF, this Agreement has been duly executed by the Town and Company as of _____, 2020.

TOWN OF TOPSHAM

Witness

By: _____
Derek Scrapchansky
Its Town Manager

WICKED JOE, LLC

Witness

By: _____
Robert Garver
Its Owner

Board of Selectmen Meeting

For the date of: 04/16/2020

Type of Item:

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

Type of Submission:

- Regular Submission
- Additional Agenda Item
- Additional Information

Agenda Number: 20-23

(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 approving the Draft Ordinance on Cost Recovery for Fire-Based Emergency Response Services for placement on the June 17, 2020 Town Meeting Warrant.

Brief Description of Consent or Agenda Item:

Submitted by: Chris McLaughlin, Fire Chief

Date: 04-08-2020

TOWN OF TOPSHAM

Cost Recovery for Fire-Based Emergency Response Services

Section 1-Statement of Purpose:

The Town of Topsham is engaged in providing fire suppression, fire rescue and fire safety services, and in consideration of services rendered hereby desires to set the following restitution policy for Fire Department services. This Ordinance is adopted pursuant to municipal home rule ordinance authority and Title 30-A MR.SA, Section 3001.

Section 2-Definition of Services:

The Town of Topsham will seek payment for the cost of services provided by the Town of Topsham Fire Department when responding to incidents in the Town of Topsham. Services the Town of Topsham shall seek payment for include, but are not limited to:

A - Scene and safety control at traffic accidents:

The positioning of fire apparatus and personnel to protect the scene from other traffic and deny entry into the scene of unauthorized personnel. Police will move traffic around the area the Fire Department has deemed as the safe zone for the occupants of the vehicles and the rescuers on the scene. Safely staging other incoming agencies responding to this incident may also include a pulled hose line for the protection of people on scene from possible fires and fumes or residue from such things as gasoline and airbag propellants. The most important function is establishing incident command of the scene, which is the Fire Department's responsibility at emergency incidents and to coordinate with other responding agencies for their needs at the scene. Patient care is the responsibility of Emergency Medical Service (EMS) personnel but assistance may be requested.

B -Disentanglement operations and assist rescue with extrication from vehicles:

Anytime a person has to be lifted or taken out of an emergency situation or forcible entry is necessary to gain proper access to victims, the Fire Department will assist ambulance or EMS personnel in a coordinated effort. Ropes, ladder devices, air monitoring equipment, self-contained breathing apparatus, hydraulic equipment, shoring, saws, cribbing, and airbags are just a few of the types of equipment used in extrication incidents.

C - Fluid and hazardous substance mitigation at traffic accidents:

Anytime the Fire Department has to manage any fluids or hazardous substances through containment or absorption with pads, sand or other means permitted by the Department of Environmental Protection

(DEP). Mitigation of all hazardous substances is performed in accordance with DEP regulations.

D - Vehicle fires:

Anytime the Fire Department personnel have to contain or extinguish a fire. It also includes the laying of hose lines and positioning a hand line for the protection of individuals at the scene because of fire, smoke, or leaking fluids, such as gasoline.

Section 3-Fees for Services:

Upon adoption of this Ordinance, the Board of Selectmen in their expressed authority shall be authorized to review and set the fees for Fire Department services as they deem in the best interest of the Town of Topsham. Fees for services shall be limited to cost recovery. Methods of calculating the cost of services shall be identified and generally based upon the average cost or specific cost of providing the service. Cost calculations will include direct costs (apparatus, personnel, and any miscellaneous supplies and services).

Section 4 - Restitution and Billing Procedure:

The Town may seek restitution for costs of Fire Department services by filing claims with the insurance companies that insure the individuals or companies involved in an incident where Fire Department Services are provided. The Board of Selectmen is authorized to enter into a Cost Recovery Agreement with a third-party billing company for the billing and collection of fees for Fire Department services through the filing of insurance claims. All such claims shall be submitted in the name of the Town of Topsham. The Town shall only seek restitution for Fire Department Services from insured Non-Resident drivers at-fault. Restitution will only be billed to the insurance company and never the individual.

Section 5-Compensation:

Terms of compensation to the third party billing company shall be agreed upon and approved by the Board of Selectmen and set forth in the terms of the Cost Recovery Agreement.

Section 6-Administration and Enforcement:

It shall be the duty of the third-party billing company to effectively pursue the requirements of this Ordinance for payment of services rendered by the Fire Department as specifically outlined above.

Section 7-Insurance requirements:

The third-party billing company shall at all times during the term of the agreement, have valid General Liability insurance policy, a Cyber Liability policy, an Error and Omissions Policy and the Town of Topsham shall be named as additionally insured.

Section 8-Effective Date:

This Ordinance shall take effect upon adoption by the Town of Topsham at its annual Town meeting of May 20th, 2020.

Section 9-Validity and Severability:

If any section or provision of this Ordinance is declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.