

**6:00PM Selectmen Boards/Committees Interviews
7:00PM Board of Selectmen Meeting
Topsham Municipal Building
Donald A. Russell Meeting Room
August 3, 2017**

Pledge of Allegiance –

Roll Call of Board Members –

Town Manager's Report –

Board and Committee Reports and Updates –

- Update from the Topsham Public Library- Susan Preece, Director
- Update TDI/ECD- John Shattuck, Topsham Economic and Community Development, Inc. Director

Public Comment –

Correspondence –

Adjustments to the Agenda –

Consent Calendar –

1. Approval of the minutes of the Regular Selectmen meeting 7-20-2017.
2. Approval of the Executive Session minutes meeting 7-20-2017
3. Approval of the minutes of the Special Selectmen meeting 7-27-2017. –

Public Hearing –

17-65 Consideration and any appropriate action on an application for a Special Amusement permit for the Fairground Café.

Unfinished Business –

Old Business –

New Business –

17-66-Consideration and any appropriate action on the approval of an abatement pursuant to Title 36 M.R.S.A. §841 (1)

17-67- Consideration and any appropriate action for participation in the Department of Transportation Heads Up- Pedestrian Safety Project.

17-68- Consideration and any appropriate action on appropriate action on a proposed test plan from the Lower Village Development Committee to make Winter Street one way for the last block as it enters Main Street.

17-69-Consideration and any appropriate action on the annual contract with the Coastal Humane Society.

17-70-Consideration and any appropriate action on the appointment of Kimberly Mondonedo to the Finance Committee and Brian Robinson to the TDI, Inc Board.

Executive Session-

17-63- Consideration and any appropriate action to enter into Executive session to discuss a personnel matter pursuant to 1 M.R.S.A. § 405 (6) (A)

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: 08/03/2017

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 07-20-2017.

Brief Description of Consent or Agenda Item: see attached

Submitted by Rich Roedner, Town Manager **Date:** 07/24/2017

MINUTES
TOWN OF TOPSHAM
BOARD OF SELECTMEN MEETING
July 20, 2017 - 7:00 p.m.

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

MEMBER(S) ABSENT: All present

STAFF PRESENT: Richard Roedner, Town Manager

A meeting of the Topsham Board of Selectmen was held on Thursday, July 20, 2017 in the Donald A. Russell Meeting Room, at the Municipal Building, 100 Main Street, Topsham, Maine.

CALL TO ORDER

Chairman Douglass called the regular meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE/ROLL CALL

All present were invited to stand and recite the Pledge of Allegiance to the Flag. The recording secretary took the roll call and noted that all Selectmen were present.

TOWN MANAGER'S REPORT

As most of you are no doubt aware, this is the last full week that we can call Brian Stockdale our Fire Chief. His last day with us will be next Wednesday, the 26th. He starts as Lewiston's Fire Chief on Thursday the 27th. I have had the pleasure of working with Brian for seven years, first as a co-worker, and then as Town Manager. He has been a great asset to the community, to the Fire Department, and to me. I think Lewiston has made a great decision to offer the position to Brian, and I think Brian has made an absolute awful decision in accepting! Brian, you will be missed, and congratulations.

The summer reading program at the Topsham Library is underway. Make sure you stop by to find out how you can participate.

If you find yourself driving, or walking, on Main Street, you will notice a new feature at the Wilson St. intersection. A pedestrian actuated walk signal is now installed and operational. This illuminating device will provide warning to drivers that pedestrians are crossing. They have proven effective across the country, and the other one's we have in Topsham have been shown to help make crossing easier and safer. Thank you Public Works for securing this device from DOT, and working on the installation.

Speaking of pedestrian and bicyclists, there will be a public forum in Topsham during September to discuss hazardous crossings, or problems with pedestrian/bicyclist access around Town. The details are still being worked out, so stay tuned.

There have been a lot questions about road striping. No, the budget was not cut. No, we have not given up on painting the stripes. Our problem this year has been weather, which has caused delays as our contractor has had to jump around the state to find places to stripe that are dry enough. The contractor is back in the area and is working at finishing up the striping as soon as possible.

Mark your calendars! October 19-23 will be our kick-off public spectacle for the Comprehensive Plan. There will be five days of events, meetings and time for residents to stop by the old fire station and give their input into the future of Topsham. Details are being developed now, so stay tuned and start thinking about your community, its present and its future – “Find, Meet, Plan...Your Topsham”

Resident Ruth Bean will be presented the Boston Post Cane as Topsham’s oldest citizen. Ms. Bean is 100 years of age. It was noted there is a plaque in the town office lobby listing former recipients.

Fire Chief Stockdale Honored

Chairman Douglass called Chief Stockdale to the podium and presented him with a plaque honoring him for his tenure as Topsham’s Fire Chief. Chief Stockdale received a standing ovation from those in attendance.

BOARD AND COMMITTEE REPORTS

Update From the History Committee – Ralph Williams, Chairman of the History Committee and Town Historian presented an update of the inventory being done to protect precious artifacts of the past. The committee is responsible for the displays in the town office lobby. The group currently meets every Thursday at 1:30 p.m. at the town office and would welcome any interested citizens participation. Mr. Williams said there is a link to the History Committee through the library site.

Selectman Lyons inquired what was happening to protect the parts of the old fire truck engine currently located in Bath. Mr. Williams said the parts have been moved inside along with an old buckboard seat and hoses.

Update from the Brunswick-Topsham Water District Yvette Meunier and Stu Kay gave the Water District’s annual review before the Board. The district currently serves approximately 7,100 customers. Mr. Kay said work is in progress researching the most economical way to build a much needed new treatment plant, administration offices and a maintenance area. The current building housing the operation was built in 1971 and more space is needed. Two engineering firms are looking at the best options for the project.

Update From the Topsham Sewer District Mark Ponziani and Chris LeClerc presented an update of work accomplished and ongoing at the Sewer District.

Mr. Ponziani said he has been with the District for 35 years as serves as Trustee. The District has worked with several businesses this year including:

- Hancock Lobster
- Buffalo Wild Wings
- The Highlands -- Mountain Road
- Tucker Ford
- SAD 75

Mr. Ponziani noted that Paul Rossignol has resigned and will be missed. He expressed appreciation for the work Kevin Obery, an engineer with Wright-Pierce, does with the District and introduced Chris LeClerc, saying Mr. LeClerc is a great trustee and a valuable asset to the District.

Mr. LeClerc presented some financial figures, saying the rate has increased from \$57.20 to \$63.00 per thousand cubic feet. The treatment contract with Brunswick will expire in 2023 and the District is working with Brunswick in consideration of the renewal contract.

Update from the Planning Department on the Paper Street Inventory in Preparation for the September 2017 Disposition Deadline - Town Planner, Rod Melanson, included information regarding paper streets in the Board package. The Board of Selectmen considered the paper streets in 1997 and accepted 36 paper streets, not having to take any action on doing anything with them for the next 20 years. The term expires this year and the Planning Department is seeking advice from the Board as to which streets to keep and which to let go.

It was noted that in 1997 the State required all municipalities to take action on their paper streets (the right-of-ways outlined in subdivision plans that were never constructed but are still owned by the Town. Topsham chose to extend their rights on most of the paper streets [36 of them] for a 20-year time period.) A report was issued showing each street mapped using GIS. The length of each street was calculated and rough estimates made as to whether there might be existing water or sewer infrastructure in the street area, and streets bordering open spaces were recorded. The 36 streets range from paved roadways, private driveways, unofficial trails, and completely undeveloped land.

The Planner's memo dated July 10, 2017, and filed with these minutes, states that the Planning Office and Assessing Office recommends a short-term and long-term process to comply with Maine Statute MRS Title 23, Section 3032 for the Town to decide upon extending the "unknown paper street rights."

Short-Term (Pre-September 2017)

1. Selectboard reviews inventory report of paper street prior to September 2017
 - a. Confirm 1997 Paper Street Inventory List
 - i. Attach report (research conducted by Bowdoin College Fellow with guidance from Assessing and Planning Office).

Long-Term

1. Develop a process to review each unknown paper street
 - a. Map each paper street and create digital parcel (Done)
 - b. Review by Conservation Committee/Planning Board/Staff/Town Attorney (when necessary)

- c. Public Engagement Plan (through Board reviews)
- 2. Create a final recommendation report
 - a. Include all recommendations for retainage
 - b. Include all recommendations for disposal

Chairman Douglass asked if the Board wanted to push this down the road for another 20 years and do nothing or undertake a long process and look at the streets to determine which are valuable and which are not.

The Town Manager explained the process the State set up to clear the title of all the old paper streets. He said after consideration he would like to suggest the Board hang onto the streets with a plan attached to look at on an annual basis and come to an agreement whether we should maintain whatever rights we may have through legal research or decided to let certain streets go. The street abandonment process would have to be looked into. Under the law, if the Town abandons a road, it would go to the abutters. Questions arose regarding how to tax, and how to handle if not paid and the street comes back to the Town. Selectman Lyons said she would like to see a public hearing on these streets identified for abandonment so abutters would be aware of what the Town is planning to do. She added that people have certain rights to the land, i.e., they have used it for 20 years with no objections from anyone, so who owns it? Selectmen Tufts suggested that the Town not spend money on research until we know how much it will cost. He said perhaps we need to do research on one street to determine the cost, and/or check what other towns are doing. Mr. Melanson, Town Planner, agreed to gather information and come back before the Board at a future meeting.

PUBLIC COMMENT – Chairman Douglass recognized the fact that Mt. Ararat won the State of Maine Cal Ripken Baseball Tournament. 10-year olds from Topsham, Harpswell, Bowdoin, Bowdoinham and Richmond. Three of the players: Stan Spooner, Aaron Paul and Dash Farrell played for Topsham.

CORRESPONDENCE – Letter of resignation from Paul Rossignol.

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

VOTED

To add Item 17-64 **CONSIDERATION AND ANY APPROPRIATE ACTION TO APPOINT MIKE LABBE AS ACTING HEALTH OFFICER AND FIRE WARDEN**

CONSENT CALENDAR

1. Approval of the minutes of the Regular Selectmen's Meeting of June 15, 2017

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

VOTED

To approve the minutes of the regular Selectmen's meeting of June 15, 2017 as written.

2. Approval of the minutes of the Special Selectmen's Meeting of June 26, 2017

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

VOTED

To approve the minutes of the Special Selectmen's Meeting of June 26, 2017.

PUBLIC HEARING -- None noted.

UNFINISHED BUSINESS -- None noted.

OLD BUSINESS - None noted.

NEW BUSINESS

17-60 CONSIDERATION AND ANY APPROPRIATE ACTION AUTHORIZING THE TOWN MANAGER TO SIGN A LAND FOR MAINES FUTURE PROJECT AGREEMENT FOR THE "DIRENZO" PARCEL AT HEAD OF TIDE PARK

The Town Planner referenced his memo dated July 11, 2017 explaining the process of the acquisition of the Direnzo property from Topsham Development, Inc. (filed with these minutes) This was discussed at the June Board meeting. He stated the paperwork is now completed.

Following discuss, motion was made by Chairman Douglass, seconded by Selectman Lyons, and it was unanimously

VOTED

That the Town Manager be authorized to sign the Land for Maine's Future Fund Project Agreement for the Direnzo Property for the Head of Tide Park.

17-61 CONSIDERATION AND ANY APPROPRIATE ACTION ON POLICE DEPARTMENT'S ACCEPTANCE OF BIDS FOR THE PURCHASE OF THREE CRUISERS

Police Lt. Fred Dunn reviewed the bids received for the purchase of three police cruisers from Yankee Ford, Casco Bay Ford and Wiscasset Ford.

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

VOTED

To accept the bid from Yankee Ford not to exceed \$85,828.

17-62 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE POLICE DEPARTMENT SUBMITTING A GRANT REQUEST FOR A BALLISTIC VEST FOR K-9 JOBE

Police Chief Chris Lewis explained that the Police Department would like to submit a grant request for a ballistic vest for K-9 Jobe. The grant does not require any matching funds.

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

VOTED

To authorize the Police Department to submit a Grant Request for a ballistic vest for K-9 Jobe.

17-64 CONSIDERATION AND ANY APPROPRIATE ACTION TO APPOINT MIKE LABBE AS ACTING HEALTH OFFICER AND FIRE WARDEN

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

VOTED

To appoint EMS Director Mike Labbe as Acting Health Officer and Fire Warden.

EXECUTIVE SESSION – None to consider

ADJOURN

Motion was made, seconded, and it was unanimously

VOTED

To adjourn the meeting at 8:25 p.m.

Respectfully submitted,

Patty Williams, Recording Secretary

Board of Selectmen Meeting

For the date of: 08/03/2017

Type of Item:

- Board or Committee Presentation
- Consent Agenda Item
- Public Hearing
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- 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 Executive Session minutes on 07-20-2017.

Brief Description of Consent or Agenda Item: see attached

Submitted by Rich Roedner, Town Manager **Date:** 07/24/2017

Minutes
Topsham Board of Selectmen
July 20, 2017 6:00 pm

Call to Order

The Meeting was called to order at 6:00 pm by Chair David Douglass.

Roll Call

Members Present

David Douglass, Chair
William Thompson, Vice Chair
Roland Tufts
Marie Brilliant- 6:12PM

Members Absent

Ruth Lyons

Rich Roedner, NA

17-63 Consideration and any appropriate action on to enter into Executive Session to discuss a personnel matter pursuant to 1 M.R.S.A. § (6) (A)

Met to discuss Town Managers annual review. Will meet again 7/27/2017 to finalize review.

No action taken

Adjournment:

Motion by Selectmen Douglass to adjourn at 6:35pm, seconded by Selectmen Tufts

Vote: 4-0

Respectfully Submitted

Dave Douglas
Chair, Board of Selectmen

Board of Selectmen Meeting

For the date of: 08/03/2017

Type of Item:

- Board or Committee Presentation
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- 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 Executive Session minutes on 07-27-2017.

Brief Description of Consent or Agenda Item: see attached

Submitted by Rich Roedner, Town Manager

Date: 07/24/2017

Board of Selectmen Meeting

For the date of: 08/3/2017

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:

17-105

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 an application for a Special Amusement permit for Fairground Café

Brief Description of Consent or Agenda Item: This is a renewal application and allows establishment licensed to sell liquor to have live music, or entertainment.

* Everything is in order for this permit

Submitted by: Linda Dumont, Town Clerk

Date: 7/13/2017



TOWN OF TOPSHAM

Town Clerk's Office
100 Main Street, 04086
ldumont@topshammaine.com
(207)725-1719 Fax: 725-1733

APPLICATION FOR LICENSE OR PERMIT

Please complete:

Type of Business: Sole Proprietor - (DBA) Owner's Name Perry Leavitt
 Partnership- Partner's Names: _____
 Corporation- Corporation Name Fairground CAFE FNC
Incorporation Date: June 07 Incorporation State Maine

New License: Opening Date _____ Renewal

Business Name: Fairground CAFE E-Mail: PerryLeavitt@gmail.com

Business Address: 49 TOPSHAM FAR Business Phone Number 729-5366

Name of Contact Person: MICHELLE Contact's Phone Number 798-0126

Mailing Address for Correspondence: Leavitt

Signature of Applicant: [Signature] Date: 7-12-17

Any information provided in this application, which is found to be false will result in denial or revocation of this license-
Per 1 M.R.S.A.17-A§ 453

SELECT TYPE OF LICENSE YOU ARE APPLYING FOR ON BACK OF THIS PAGE

Corporations Please Complete:

Address of Incorporation: _____ Phone#: _____

Name of Corp. Officer, Owner, or Partners:	Title	Address	% of Stock ownership

Special Amusement

Office Use Only (Make copy of signed State application for office file)

Type of License: 1 e \$ 50 Paid Advertising Fee \$ 102.50 Paid

For DBA or Peddler-Codes Officer signoff required: _____

Required Approvals: BOS _____ CEO Fire Police

Public Hearing Posted Public Notice Dates 7/31, 8/1 + 8/2 Copy of current State liquor license

Approved _____ Denied Mailed or Issued Date: _____

Town Clerk Signature Linda Dumont

Everything is in order - no concerns Complete back

License Fees & Schedule: Please check the type of license you are applying for

Catering Privileges Off - Premises (Title 28-A§1052) (events which involve liquor) holders of current state liquor license
*Requires Town Clerk's sign off & approval of FC, PC CEO (Attach approval to office copy application)
No Town fee

Certificate of Sole Proprietor (M.R.S.A. Title 31, Sec.2) adopting name other than own name **DBA** (doing business as)
\$10.00 one- time fee
Requires FC, PC CEO approval (attach approval to office copy application)

Entertainment/Dancing \$50 + 3 day Public Hearing advertising fee

Special Amusement (Title 28-A§1054) Expires annually with liquor license, must provide copy of current state certificate with renewal application

Requires annual Public Hearing

* Include supplemental pages 3 &4

*Describe in detail the type and nature of entertainment, the room or rooms to be used

*Provide a diagram of room to be used

Victualer (Food Service Establishment to include Bed and Breakfast) Expires May 31st

Describe food to be sold _____

FSE with- out Liquor

\$50 Copy of State Certificate required

FSE with Liquor (Title 28-A§652)

\$100 Copy of State Certificate required (requires Public Hearing on new applications)

FSE Outside Liquor Service Extension of Premise

(deck, lawn) Municipal approval required - submitted in writing to Bureau of Liquor Enforcement

Describe food to be sold _____

Peddler (The selling of tangible commodities having no established or fixed place of business in Topsham)

\$25 Resident \$50 Non-Resident \$25 - #___ of months (up to 3 months \$25)

Description of nature of business and goods to be sold _____

Name and address of employer and evidence of employment _____

Vehicle Description: Make _____ Model _____ Year _____ Color _____ License plate # _____

Photo of applicant taken with- in 60 days of application

Description of location if stationary and letter of agreement from owner of record

Names of two reliable property owners, references, or other evidence of good character

A statement of whether the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, nature of the offense, punishment or penalty assessed

Taxicabs/Vehicles for Hire 30A- §3009(1) (F) \$50 per vehicle Expires April 1st each year.

Number of Taxicabs for which license is desired _____

Taxicab Driver \$25 annually

SUPPLEMENTAL APPLICATION IS REQUIRED

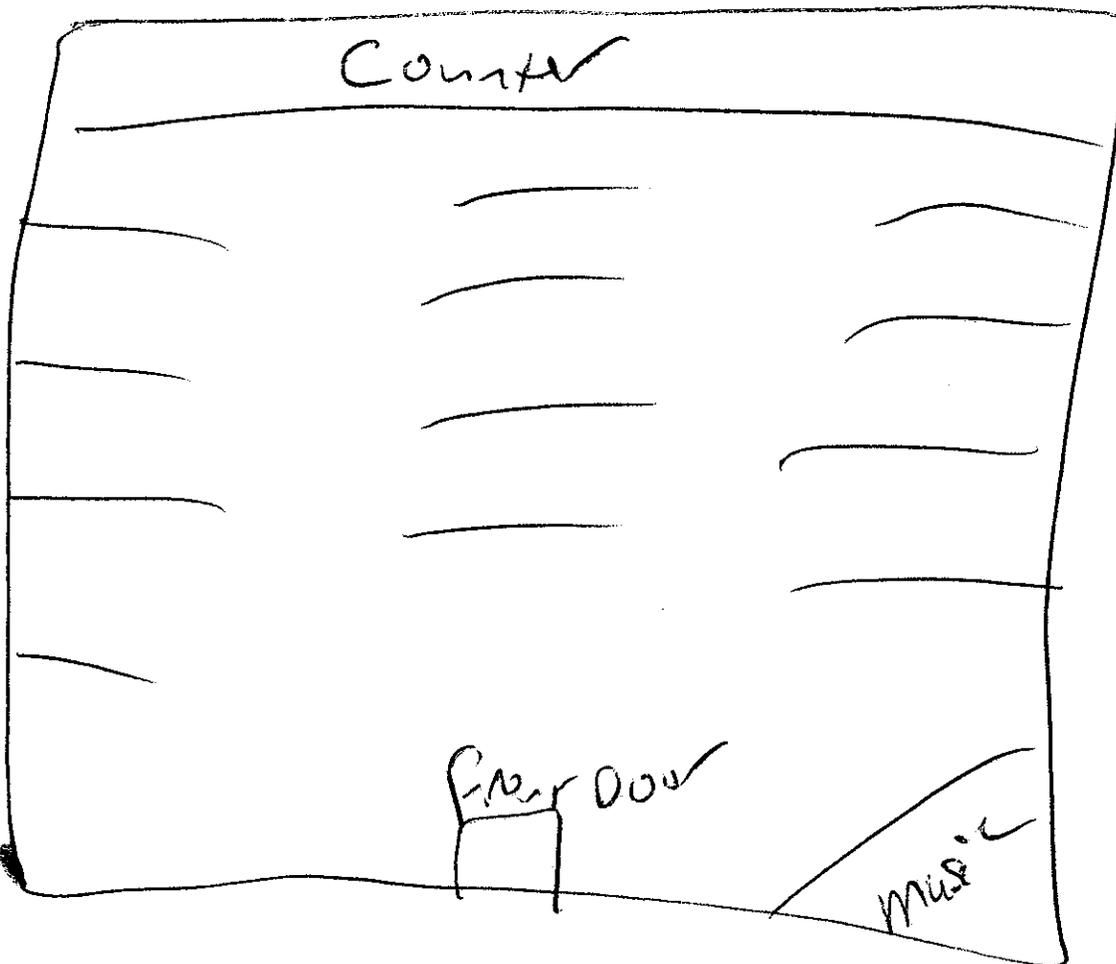
Describe in detail the type and nature of entertainment:

1 TO possible 3 people playing
DINNER BACKGROUND music

Describe in detail the room or rooms to be used under this license:

170 seat Dining Room

DIAGRAM



Special Amusements Application

Topsham Board of Selectmen

Signatures:

Date: _____

MAINE BUREAU OF
Alcoholic Beverages & Lottery Operations

Liquor License Status Search Service

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SERVICE INFORMATION

[FAQ](#)

[State Monthly Summary Reports](#)

LICENSE STATUS SEARCH

License No.:

5310

or

Account Name (DBA):

FAIRGROUND CAFE II

or

Street Address:

City:

TOPSHAM

License Status Search: Details

Licensee Information

Business Name: FAIRGROUND CAFE INC
 License Number: 5310
 In Business: Yes
 Location Address: 49 TOPSHAM FAIR MALL ROAD
 City/Town: TOPSHAM
 State: ME
 Telephone Number: 729-5366

License Held	License Status	License Effective Date	Licensee Expiration Date
CLASS I - SPIRIT, WINE, AND MALT LIQUOR	Active	9/22/2016	9/21/2017

Premise Description

CLASS "A" RESTAURANT

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Questions about this Service? Contact Liquor Licensing at: (207) 624-7220 or Email: liquor.licensing@maine.gov

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Linda Dumont

From: Brian Stockdale
Sent: Thursday, July 13, 2017 6:39 AM
To: Linda Dumont
Subject: Re: special amusement

No issues from me.

Brian

Brian Stockdale, M.S.
Fire / Rescue Chief

Town of Topsham
Topsham, Maine 04086
207-725-7581

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Linda Dumont <ldumont@topshammaine.com>
Date: 7/12/17 15:40 (GMT-05:00)
To: Brian Stockdale <bstockdale@topshammaine.com>, Chris Lewis <clewis@topshammaine.com>, Tom Lister <tlister@topshammaine.com>
Subject: special amusement

Good Afternoon,

Fairground Café has submitted applications for special amusement and liquor license renewals, please let me know if you have any concerns. Thanks, Linda

Linda J. Dumont

Linda J. Dumont
Town Clerk
General Assistance Director
Town of Topsham
100 Main Street
Topsham, Maine 04086
ldumont@topshammaine.com
(207) 725-1720
Fax (207) 725-1733

Linda Dumont

From: Chris Lewis
Sent: Wednesday, July 12, 2017 4:02 PM
To: Linda Dumont
Subject: RE: special amusement

There are no concerns from the Police Department.

Christopher A. Lewis
Chief of Police
Topsham Police Department
100 Main Street
Topsham, ME 04086
207-725-4337
Fax: 207-725-4604
Email: clewis@topshammaine.com

From: Linda Dumont
Sent: Wednesday, July 12, 2017 3:40 PM
To: Brian Stockdale <bstockdale@topshammaine.com>; Chris Lewis <clewis@topshammaine.com>; Tom Lister <tlist@topshammaine.com>
Subject: special amusement

Good Afternoon,

Fairground Café has submitted applications for special amusement and liquor license renewals, please let me know if you have any concerns. Thanks, Linda

Linda J. Dumont

Linda J. Dumont
Town Clerk
General Assistance Director
Town of Topsham
100 Main Street
Topsham, Maine 04086
ldumont@topshammaine.com
(207) 725-1720
Fax (207) 725-1733

Linda Dumont

From: Tom Lister
Sent: Wednesday, July 12, 2017 3:43 PM
To: Linda Dumont
Subject: RE: special amusement

No issue with me.

Tom

Tom Lister
Building Inspection, Code Enforcement
Town of Topsham
100 Main Street
Topsham, ME 04086
(207) 725-1724
tlister@topshammaine.com

Per 1 MRSA § 402(3), correspondence to/from municipal offices/officials (with limited exceptions) is a public record and available for review by any interested party.

From: Linda Dumont
Sent: Wednesday, July 12, 2017 3:40 PM
To: Brian Stockdale <bstockdale@topshammaine.com>; Chris Lewis <clewis@topshammaine.com>; Tom Lister <tlister@topshammaine.com>
Subject: special amusement

Good Afternoon,

Fairground Café has submitted applications for special amusement and liquor license renewals, please let me know if you have any concerns. Thanks, Linda

Linda J. Dumont

Linda J. Dumont
Town Clerk
General Assistance Director
Town of Topsham
100 Main Street
Topsham, Maine 04086
ldumont@topshammaine.com
(207) 725-1720
Fax (207) 725-1733

**NOTICE
PUBLIC HEARING
TOWN OF TOPSHAM**

NOTICE IS HEREBY GIVEN that the Board of Selectmen of the Town of Topsham shall hold a Public Hearing on August 3, 2017 at the Topsham Municipal Building at 7:00 P.M. to consider an application for a Special Amusement permit for Fairground Café located at 49 Topsham Fair Mall Road.

Any and all person(s) may appear to show cause why said application should or should not be approved.

Board of Selectmen Meeting

For the date of: 08/03/2017

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: 17-666

(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 any appropriate action on the approval of an abatement pursuant to Title 36 M.R.S.A. § 841 (1)

Brief Description of Consent or Agenda Item: Please see attached packet

Submitted by: Justin Hennessey, Assessor

Date: 07/24/2017

Rose Woodd

From: Justin Hennessey
Sent: Monday, July 24, 2017 12:09 PM
To: Rich Roedner
Cc: Rose Woodd
Subject: Agenda Item Board of Selectmen
Attachments: 11 OFarrell Street Tax Bill copy.pdf; 11 OFarrell Street Tax Information.pdf; MRSA Title 36 Sec 841--1.docx; 11 Ofarrell Street Certificate of Abatement.docx

Rich,

I would like to request an agenda item for the Board of Selectmen during an August meeting. The purpose is the authorization of an abatement under Municipal Officer Authority in accordance with the provisions of Title 36 MRSA Section 841 (1). This is not a poverty abatement, there is no need for executive session. I plan to attend the meeting to give a brief overview and answer any questions from the Board.

- Abatement requested for Map R09 Lot 63-T-44, account RE3463, mobile home owned by Erik Robinson Sr., formerly located at 11 O Farrell St.
- July 2017 reminder notice from tax office returned undeliverable. Discussion with the mobile home park revealed the home was removed from Topsham sometime in April 2014.
- No notice of mobile home removal was provided to assessing office, resulting in an invalid tax being issued for April 1, 2015 and April 1, 2016.
- Assessor has issued abatement in accordance with Title 36 MRSA Section 841 (1) for assessment date April 1, 2016.
- Municipal Officer authorization is required for abatement of the void tax for assessment date April 1, 2015. The corresponding commitment date of September 2015 falls within the officers authority period of more than one year, less than three years in accordance with Title 36 MRSA Section 841 (1).
- Approval of the abatement will release the Tax Collector from the obligation of collecting a void tax.

Suggested motion – Motion to abate all tax, interest and fees for property of Erik Robinson Sr, Map R09, Lot 63-T-44 originally committed September 2015, in accordance with Title 36 MRSA Section 841 (1).

Attached for the selectmen packet are copies of;

Certificate of Abatement for selectmen signature after their vote.

Original tax bill.

Tax information sheet from TRIO for reference.

Related Statute.

Justin Hennessey, CMA
Assessor / Addressing Officer
Town of Topsham
100 Main Street
Topsham, ME 04086
Phone 207-725-1722
Fax 207-725-1736

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

TOWN OF TOPSHAM

100 MAIN STREET
TOPSHAM, ME 04086
Telephone: 207-725-1719



2016 REAL ESTATE TAX BILL

**THE TOWN DOES NOT
BILL MORTGAGE HOLDERS**

**THIS IS THE ONLY BILL
YOU WILL RECEIVE**

ROBINSON ERIK SR
11 OFARRELL ST
TOPSHAM ME 04086

CURRENT BILLING INFORMATION	
LAND VALUE	\$0.00
BUILDING VALUE	\$31,100.00
TOTAL: LAND & BLDG	\$31,100.00
FURNITURE & FIXTURES	\$0.00
MACHINERY & EQUIPMENT	\$0.00
TELECOMMUNICATIONS	\$0.00
MISCELLANEOUS	\$0.00
TOTAL PER. PROP.	\$0.00
HOMESTEAD EXEMPTION	\$0.00
OTHER EXEMPTION	\$0.00
NET ASSESSMENT	\$31,100.00
TOTAL TAX	\$558.56
LESS PAID TO DATE	\$0.62
TOTAL DUE ->	\$557.94

MAP/LOT: R09-063-T-44
LOCATION: 11 OFARRELL ST
ACREAGE: 0.00
ACCOUNT: 003463 RE

MIL RATE: 17.96
BOOK/PAGE:

FIRST HALF DUE: \$278.66
SECOND HALF DUE: \$279.28

TAXPAYER'S NOTICE

Notice is hereby given that your first payment of school, county and municipal tax is due by 10/15/2015 and the second payment is due by 04/15/2016. Interest will be charged on unpaid taxes at an annual rate of 7% beginning 10/16/2015 and 04/16/2016. As per State Statute, the ownership and taxable valuation of all real estate and personal property subject to taxation shall be fixed as of April 1st of each year.

For information regarding your tax bill, please contact the Tax Collector's Office, phone 207-725-1719 or 207-725-1720. Fax Number: 207-725-1733.

STATE REVENUE SHARING AND STATE AID TO EDUCATION HELP REDUCE LOCAL PROPERTY TAXES. FOR THE FISCAL YEAR JULY 1, 2015 THROUGH JUNE 30, 2016, THE ESTIMATED STATE AID REDUCES LOCAL PROPERTY TAXES BY 42%.

As of June 30, 2015 the Town of Topsham has outstanding bonded indebtedness in the amount of \$10,353,171.

Next Town Meeting is scheduled for May 18, 2015 at 7:00 pm in the Mt. Ararat Commons.
New Topsham Town Hall Office hours: Monday, Tuesday, Wednesday 8:30AM - 4:30PM,
Thursday 8:30AM - 6:00 PM, Friday 8:30 - 3:00 PM

CURRENT BILLING DISTRIBUTION

County Tax	\$50.38	9.020%
Municipal	\$219.63	39.320%
School/Education	\$288.55	51.660%
TOTAL	\$558.56	100.000%

REMITTANCE INSTRUCTIONS

Please make check or money order payable to
TOWN OF TOPSHAM and mail to:

**TAX COLLECTOR
TOWN OF TOPSHAM
100 MAIN STREET
TOPSHAM, ME 04086-1496**

Or you may pay on-line at www.topshammaine.com/tax.
Or you may drop off payments in our Drop Box in the parking area.

TOWN OF TOPSHAM 100 MAIN STREET TOPSHAM ME 04086



INTEREST BEGINS ON April 16th, 2016

DUE DATE AMOUNT DUE AMOUNT PAID

April 15th, 2016 \$279.28

PLEASE REMIT THIS PORTION WITH YOUR SECOND PAYMENT

TOWN OF TOPSHAM 100 MAIN STREET TOPSHAM ME 04086



INTEREST BEGINS ON October 16th, 2015

DUE DATE AMOUNT DUE AMOUNT PAID

October 15th, 2015 \$278.66

PLEASE REMIT THIS PORTION WITH YOUR FIRST PAYMENT

ACCOUNT: 003463 RE
NAME: ROBINSON ERIK SR
MAP/LOT: R09-063-T-44
LOCATION: 11 OFARRELL ST
ACREAGE: 0.00

ACCOUNT: 003463 RE
NAME: ROBINSON ERIK SR
MAP/LOT: R09-063-T-44
LOCATION: 11 OFARRELL ST
ACREAGE: 0.00

**Town of Topsham
Tax Information Sheet
As of: 07/24/2017**

Account: 3463 **Name:** ROBINSON ERIK SR

Location: 11 OFARRELL ST

Map and Lot: R09-063-T-44

Sale Date:

Deed Reference:

Sale Price:

Land:	0	Total Acres:	0
Building:	31,100	Tree Growth:	Soft : 0 Mixed : 0 Hard : 0
Exempt	0	Farmland:	
Total:	31,100	Open Space:	
		Zoning:	16 - Upper Village
		SFLA:	0

	Amount	Mill Rate
Last Billed : 2017-1	559.49	17.990
Previous Billed : 2016-1	558.56	17.960

Outstanding Taxes

Year	Per Diem	Principal	Interest	Costs	Total
2016-1	0.1070	557.94	59.54	53.94	671.42
	0.1070	557.94	59.54	53.94	671.42

Information Given By: _____
Title: _____ 07/24/2017

All calculations are as of: 07/24/2017

Maine Revised Statutes
Title 36: TAXATION
Chapter 105: CITIES AND TOWNS

§841. ABATEMENT PROCEDURES

1. Error or mistake. The assessors, either upon written application filed within 185 days from commitment stating the grounds for an abatement or on their own initiative within one year from commitment, may make such reasonable abatement as they consider proper to correct any illegality, error or irregularity in assessment, provided that the taxpayer has complied with section 706.

The municipal officers, either upon written application filed after one year but within 3 years from commitment stating the grounds for an abatement or on their own initiative within that time period, may make such reasonable abatement as they consider proper to correct any illegality, error or irregularity in assessment, provided the taxpayer has complied with section 706. The municipal officers may not grant an abatement to correct an error in the valuation of property.

| 1993, c. 133, §1 (RPR) .|

TOWN OF TOPSHAM
CERTIFICATE OF ABATEMENT
Under M.R.S.A. Title 36 Section 841

To: **Richard Roedner, Tax Collector for Town of Topsham:**

In accordance with the provisions of Title 36 MRSA Section 841, we hereby certify that you are discharged from further obligation to collect the property tax so abated:

Map #: R09 Lot #: 63-T-44 Account #: 3463 Abatement #: 2016-07

Name(s) of the property owner(s) benefited:

ERIK ROBINSON SR

Tax year for which abatement granted: FY 2015-2016

Abatement granted in real estate valuation: Land: 0 Building: \$31,100

Abatement granted in personal property valuation: 0

Above abatement value equates to below tax abatement dollar value:

Total for year: \$ 558.56

Certificate of Abatement includes all fees and interest accrued against unpaid amount subject to abatement.

Reason for granting abatement: X illegality error, or irregularity in assessment

Mobile home was removed from the leased lot prior to the assessment date of April 1, 2015. No notice of the move was provided to the assessing office. Due to there being no property owned by Erik Robinson Sr. in Topsham as of the assessment date, the entire tax is void.

Municipal officers may make abatement for an illegal assessment after one year, but within three years from commitment. Original commitment was 8 September 2015.

Given under our hands this _____ day of August, 2017
Board of Selectmen Town of Topsham:

David Douglass, Chairman

William Thompson, Vice Chairman

Marie Brilliant

Ruth Lyons

Roland Tufts

Original - Tax Collector
Cc Assessor
Cc Finance Director

Board of Selectmen Meeting

For the date of: 8/3/17

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: 17-67

(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 for participation in the Maine Department of Transportation Heads Up – Pedestrian Safety Project

Brief Description of Consent or Agenda Item: See Attached memo.

Submitted by: Carolyn Eyerman, AICP, Assistant Town Planner **Date:** July 19, 2017

MEMORANDUM

To: Board of Selectmen
From: Carolyn Eyerman, AICP, Assistant Planner
Date: July 19, 2017
Re: Heads Up Pedestrian Safety project

The town of Topsham was contacted several months ago by Patrick Adams, Bicycle and Pedestrian Program Manager from Maine Department of Transportation (MDOT) Multimodal Planning Division about participation in a project called "Heads Up, Pedestrian Safety."

The project idea was spurred on by recent pedestrian crashes in Maine. The major concerning trend is that pedestrian crash fatal outcomes have greatly increased in the past two years. Maine's 5 year pedestrian fatality average from 2010 through 2014 was 10.4 fatalities/year. From 2012 to 2016, Topsham had seven (7) pedestrian crashes.

The project is totally funded by MDOT and is proposed for 21 focus communities of which Topsham is one. The project would include education and a forum to gather input from residents and others about their experiences and knowledge of difficult locations. The forum would also include the leaders listed below, along with MaineDOT and the Bicycle Coalition of Maine. Part of the presentation will include pedestrian crash and safety stats, along with suggestions for improving the safety of pedestrians. After the public forum, it is expected that we would hold a walking audit of up to 5 "problem locations". We would then convene a SWOT (Strengths, Weaknesses, Opportunities & Threats) analysis. All of this work would result in a Pedestrian Safety Mitigation Plan that would include both short & long term alternatives for reducing pedestrian crashes.

As a kick off to the process and to learn more about it, the town staff and school leaders met with Patrick Adams, MDOT Bike and Pedestrian Project Manager earlier this spring. We were sent basic information and were invited to participate in the informational meeting. The following leaders were invited and most attended.

Rich Roedner, Town Manager
Rod Melanson, Director of Planning
Dennis Cox, Director of Public Works
John Shattuck, Director of Economic Development
Pam LeDuc, Director of Parks and Recreation
Chris Lewis, Chief of Police
Donna Brunette, Mt. Ararat High School principal
Josh Ottow, Mt. Ararat Middle School principal
Randa Rineer, Williams-Cone Elementary School principal
Rick Dedek, Woodside Elementary School principal

To prepare and gather more information, some of the leaders above met on July 19th with Darcy Whittemore, Bicycle Coalition of Maine to discuss the forum, advertising, and to pick a date for the forum. Darcy Whittemore is the consultant chosen to lead the project for MDOT. We

discussed and agreed on a tentative date of September 18th from 6 pm to 8 pm at The Commons in Mt. Ararat High School. This will be confirmed prior to August 7th so that advertising can begin. Promotion of the forum would be through several modalities including flyers placed around town, The Cryer, town website, town list-serves, library, several Facebook pages, schools, and the like.

The town staff recommends that the above group serve as an ad-hoc committee to shepherd this project to completion.

Board of Selectmen Meeting

For the date of: 08/03/2017

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: 17-68

(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 a proposed test plan from the Lower Village Development Committee to make Winter Street one way for the last block as it enters Main Street.

Brief Description of Consent or Agenda Item: See attached memo and back up material

Submitted by: John Shattuck, ECD Director

Date: 07/24/2017

MEMORANDUM

Wednesday 2017-07-26

Fr: John Shattuck
To: Richard Roedner & Board of Selectmen
Re: Proposed plan for traffic pattern change at Main and Winter Streets

The attached proposed plan for a traffic pattern change and Main and Winter Streets is the result of the work of the Lower Village Development Committee with Tom Errico of TY Lin in assessing Lower Village traffic problems and proposing solutions.

The rationale for the Committee's recommendation that the last block of Winter Street be converted to one-way toward Main Street was detailed in Tom Errico's 2016-12-06 traffic study report on this issue, which he presented to the Selectmen at their regular meeting on 2017-03-16. This change in the traffic pattern would eliminate left turns from Main Street onto Winter Street and would redirect such turns approximately 250 feet north to the intersection of Main and Elm Streets, where there is already a left turn lane and protected left turn signal. At present, cars stopping on Main Street to take a left turn onto Winter Street routinely cause backups in the northbound lane, because there is no turning lane at this location. This congestion is particularly frequent and disruptive during commuting hours. The report's conclusion section states:

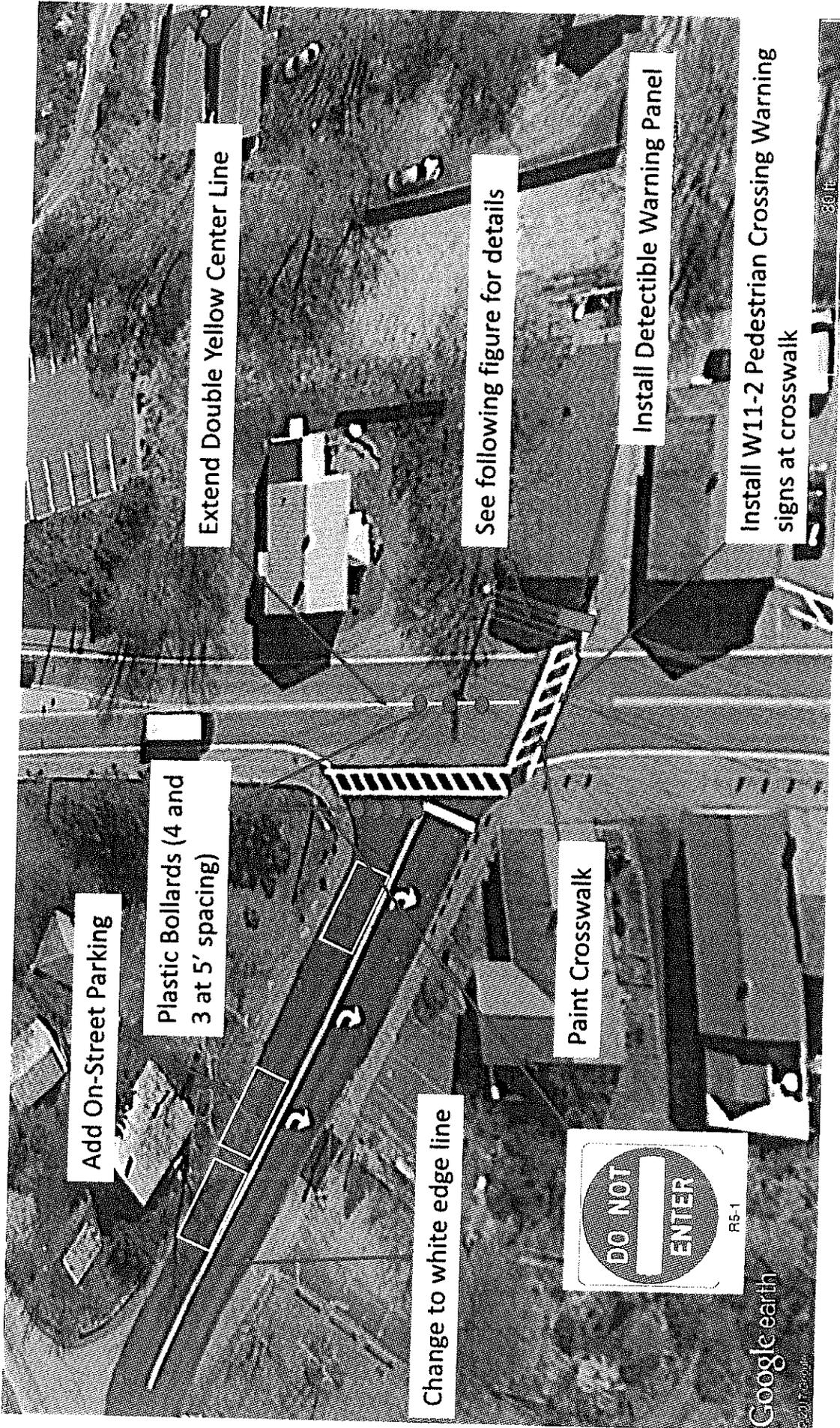
Based upon the previously noted analysis the following conclusions were identified.

- The diversion of left-turn traffic from Winter Street to the Elm Street connector will not create congestion deficiencies at the Elm Street intersection.
- The left-turn storage bay on northbound Main Street onto the Elm Street Connector will provide insufficient capacity for the 95th% queue length. Signal timing adjustments that favor this movement should assist in minimizing this issue during peak time periods.
- Left-turns onto Winter Street currently delay northbound Main Street vehicles. This delay will be eliminated and overall improvement in traffic flow can be expected.
- With the elimination of vehicles turning left onto Winter Street, the Elm Street intersection will operate in free flow control and thus will incur not delay for motorists.

The Committee strongly supports the attached proposed plan, as does the Committee's supporting staff. I have also asked Dennis Cox to comment on this proposal, and he has expressed the following concerns:

- Proposed parking on Winter Street
- Function of this traffic pattern and plowing issues during winter months
- Placement of signs
- Placement of bollards protecting crosswalk in front of Michaud's Market

After reviewing these concern in detail with Tom Errico, I am confident that Dennis' concerns can be addressed and resolved, in very large part because I anticipate that Dennis will be playing the lead role in translating this concept plan into a practical implementation on the ground. Additionally, I would note that the purpose of this proposed plan is to test this concept, using temporary materials at a very low cost, to determine if it will efficiently resolve the recurring problem of congestion caused by motorists taking left turns at this location. Given the low cost and simplicity of the materials employed, we will be able to adjust the configuration of the plan during the test as we observe how the design functions.



Add On-Street Parking

Plastic Bollards (4 and 3 at 5' spacing)

Extend Double Yellow Center Line

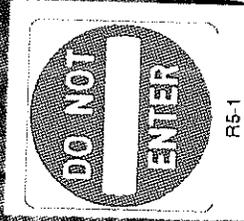
Change to white edge line

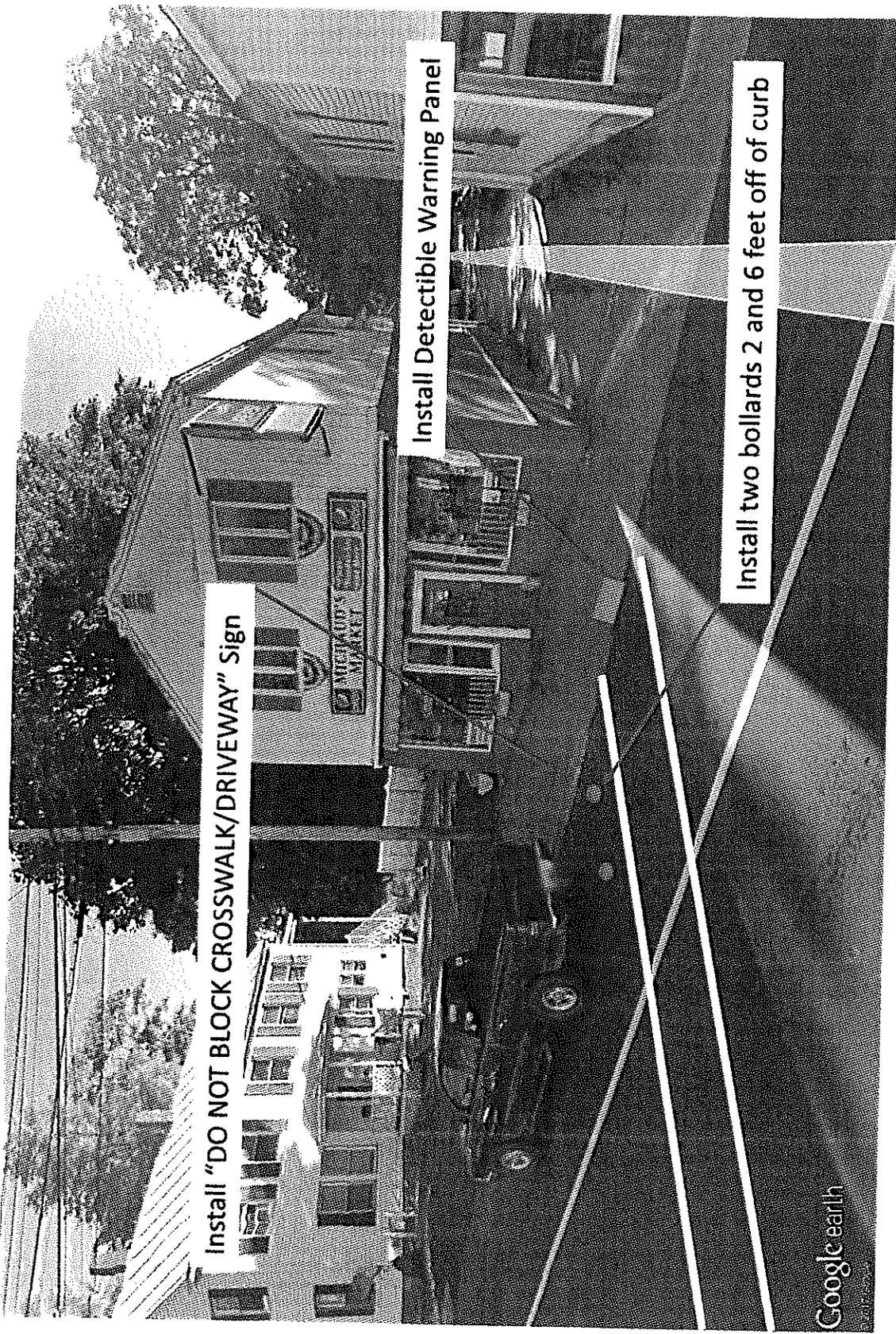
See following figure for details

Paint Crosswalk

Install Detectible Warning Panel

Install W11-2 Pedestrian Crossing Warning signs at crosswalk

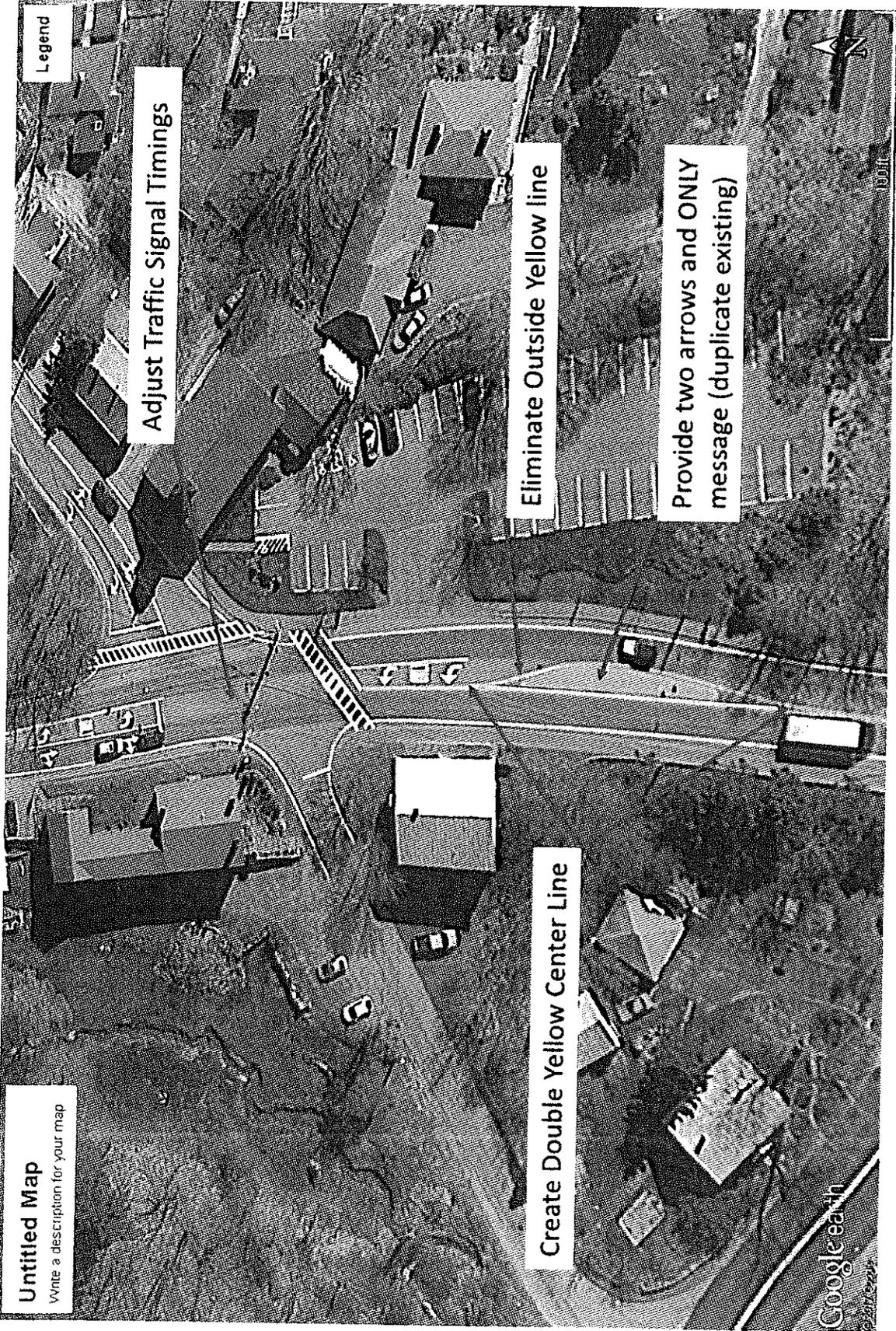




Install "DO NOT BLOCK CROSSWALK/DRIVEWAY" Sign

Install Detectible Warning Panel

Install two bollards 2 and 6 feet off of curb



Legend

Adjust Traffic Signal Timings

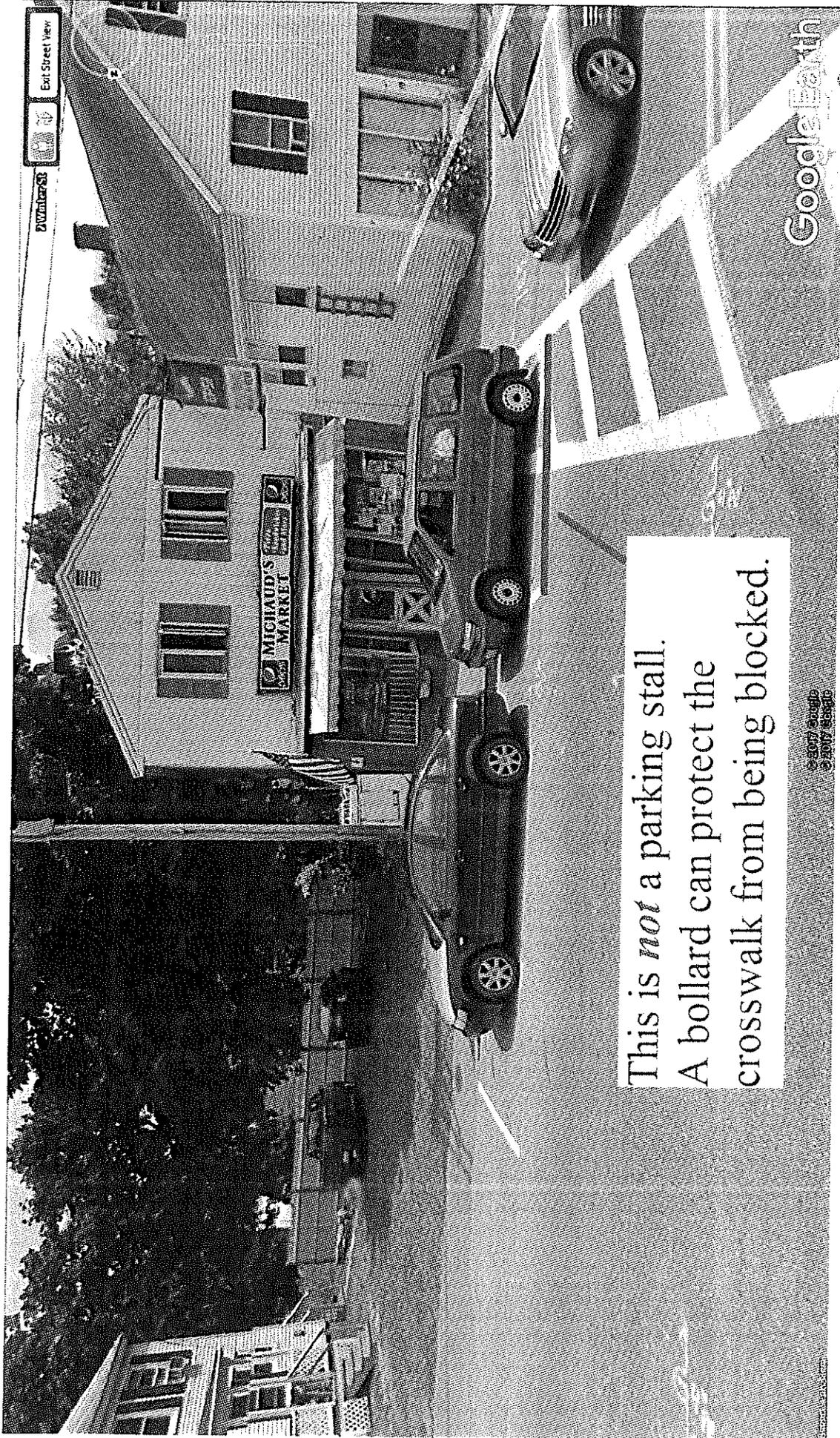
Eliminate Outside Yellow line

Provide two arrows and ONLY message (duplicate existing)

Create Double Yellow Center Line

Untitled Map
Write a description for your map

Google earth
© 2017 Google



This is *not* a parking stall.
A bollard can protect the
crosswalk from being blocked.

To: John Shattuck
Director, Economic and Community
Development

From: Thomas Errico, P.E.

Address: Town of Topsham
100 Main Street
Topsham, ME 04086

Date: December 6, 2016

CC:

Re: Lower Village Traffic Study – Main Street/Winter Street/Elm Street Intersections

MEMORANDUM

In response to your request, TYLI has conducted traffic analyses in the Lower Village area of Topsham with the following objectives:

- Assess the feasibility of converting Winter Street to One-Way toward Main Street.
- Assess Crosswalk Enhancements at Main Street and Winter Street.
- Consider the Feasibility of restoring Two-Way traffic on Elm Street Extension
- Assess the Feasibility of Converting Green Street to One-Way Flow.

Details and results is provided in the Memorandum.

Assess the feasibility of converting Winter Street to One-Way toward Main Street.

An assessment of traffic conditions was performed as it relates to prohibiting left-turn movements from Main Street northbound onto Winter Street and requiring motorists to turn left onto the signalized controlled Elm Street Extension. Traffic volumes in the Lower Village Area were obtained from prior traffic studies in the area and adjusted to reflect current traffic conditions. Estimated 2016 AM and PM peak hour traffic volumes are presented in **Table 1**. Following review of the traffic volumes it was determined that PM peak hour volumes are significantly higher than AM peak hour volumes and thus traffic modeling was conducted for the critical PM conditions only.

Table 1 2016 Estimated Peak Hour Traffic Volumes									
Main Street/Elm Street									
Movement	Main NB Left	Main NB Thru	Main NB Right	Main SB left	Main SB Thru	Main SB Right	Elm WB Left	Elm WB Thru	Elm WB Right
AM Peak Hour	1	318	57	29	671	8	163	7	38
PM Peak Hour	9	813	96	34	531	16	182	49	75
Main Street/Winter Street									
Movement	Main NB Left	Main NB Thru	Main SB Thru	Winter Right					
AM Peak Hour	21	374	833	38					
PM Peak Hour	136	918	712	129					
Winter Street/Elm Street Connector									
Movement	Winter EB Right	Winter WB Left	Elm Connector Thru						
AM Peak Hour	38	21	16						
PM Peak Hour	129	136	74						

The standard used to evaluate traffic operating conditions of the transportation system is referred to as the Level of Service (LOS). This is a qualitative assessment of the quantitative effect of factors such as speed, volume of traffic, geometric features, traffic interruptions, delays, and freedom to maneuver. Level of Service provides a measurement of the delay experienced at an intersection as a result of traffic operations at that intersection. In general, there are six levels of service: Level of Service A to Level of Service F. The highest, Level of Service A, describes a condition of free-flow operations where the effects of incidents are easily absorbed. Level of Service B, describes a state in which maneuverability and speed limits are beginning to be restricted by other motorists although level of comfort is still high. In Level of Service C, experienced drivers are still comfortable but maneuverability is noticeably restricted. Level of Service D brings noticeable congestion and driver comfort levels decrease. In Level of Service E, roadway capacity is reached and disruptions are much more prevalent – driver comfort has declined. Finally, Level of Service F is the results of volumes greater than roadway capacity with congestion and possible stopped conditions. MaineDOT has determined that Levels of Service A-D are acceptable conditions for intersections. The measures of delay for each Level of Service rating for unsignalized and signalized intersections are found in **Table 2**.

Level of Service	Signalized Intersection	Unsignalized Intersection
A	≤10 sec	≤10 sec
B	10–20 sec	10–15 sec
C	20–35 sec	15–25 sec
D	35–55 sec	25–35 sec
E	55–80 sec	35–50 sec
F	>80 sec	>50 sec

Queue lengths computed represent the distance of vehicles waiting at the stop bar. Most commonly reported is the 95th percentile queue, in other words the queue that will not be exceeded 95% of the time. A vehicle length of 20 feet can be used to visualize the number of vehicles waiting. While it does not impact the level of service directly, it is another measure of intersection performance. SimTraffic computer models were used to analyze the study intersections. For SimTraffic, the Trafficware version 9 standard output was used, based on 5 runs of 60 minutes of simulation. It should be noted that the analysis is based upon an optimized signal timing scenario. The report printouts can be found in Appendix A and results are seen in the tables that follow. The following should be noted for each of the study intersections:

- Main Street/Elm Street – This intersection operates at acceptable levels of service during peak volume time periods assuming a fully functioning actuated traffic signal.
- Main Street/Winter Street – This intersection operates at an acceptable level of service from a vehicle delay perspective. However, queue estimates for the Main Street northbound approach indicate significant vehicle queuing while vehicles are turning onto Winter Street. Over 285 feet of vehicle queuing was estimate under a 95th condition.
- Winter Street/Elm Street Connector – This low volume intersection operates with little vehicle delay.

		Main Street			Main Street			Elm Street			Overall
		Northbound			Southbound			Westbound			
		Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
PM Peak	Volume	9	813	96	29	671	8	182	49	75	1805
	LOS	B	B	B	C	A	A	C	C	B	B
	Delay (sec/veh)	17	16	12	24	8	6	27	27	18	15
	95 th Queue (feet)	25	291		51	188		179		113	N/A

Table 4						
Main Street/Winter Street						
2016 Existing Level of Service Results						
		Main Street		Main Street	Winter Street	Overall
		Northbound		Southbound	Eastbound	
		Left	Thru	Thru	Right	
PM Peak	Volume	136	918	712	129	1895
	LOS	B	B	A	A	A
	Delay (sec/veh)	14	11	2	9	8
	95 th % Queue (feet)	285		3	75	N/A

Table 5					
Winter Street/Elm Street Connector					
2016 Existing Level of Service Results					
		Winter Street	Winter Street	Elm Street	Overall
		Eastbound	Westbound	Westbound	
		Right	Left	Through	
PM Peak	Volume	129	136	74	339
	LOS	A	A	A	A
	Delay (sec/veh)	0	0	3	1
	95 th % Queue (feet)	0	0	31	N/A

Alternative Analysis

The evaluation of traffic operating conditions was performed assuming traffic would be prohibited from turning left on northbound Main Street at Winter Street. Traffic destined to Winter Street would be diverted to the traffic signal at Elm Street, where a left-turn bay is provided. Based upon available data, 136 vehicles would be added to left-turns onto Elm Street Connector. Table 6 presents peak hour traffic volumes with the left-turn prohibited onto Winter Street. The shaded cells represent movements that would change. A traffic simulation was conducted and Table 7 presents the results. As indicated, the Main Street/Elm Street intersection would operate at an acceptable level of service with the added traffic. It should be noted that the Main Street northbound left-turn storage bay would need to be extended to provide approximately 100 feet of storage (95th% Design). Currently, 60 feet of storage is provided, thus during peak time periods, vehicle queues would spill into the Main Street through lane. I would note that the model has estimated an average queue of 52 feet.

Table 6 2016 Estimated Peak Hour Traffic Volumes with Left-Turns Prohibited at Winter Street									
Main Street/Elm Street									
Movement	Main NB Left	Main NB Thru	Main NB Right	Main SB left	Main SB Thru	Main SB Right	Elm WB Left	Elm WB Thru	Elm WB Right
AM Peak Hour	22	318	57	29	671	8	163	7	38
PM Peak Hour	145	813	96	34	531	16	182	49	75
Main Street/Winter Street									
Movement	Main NB Left	Main NB Thru	Main SB Thru	Winter Right					
AM Peak Hour	0	395	833	38					
PM Peak Hour	0	1054	712	129					
Winter Street/Elm Street Connector									
Movement	Winter EB Right	Winter WB Left	Elm Connector Thru						
AM Peak Hour	38	0	37						
PM Peak Hour	129	0	210						

Table 7 Main Street/Elm Street 2016 Level of Service Results Left-Turns Prohibited at Winter Street											
		Main Street			Main Street			Elm Street			Overall
		Northbound			Southbound			Westbound			
		Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
PM Peak	Volume	145	813	96	29	671	8	182	49	75	1805
	LOS	C	B	B	C	B	A	C	C	C	B
	Delay (sec/veh)	20	16	12	28	11	8	31	33	20	17
	95 th Queue (feet)	97	294		73	225		199		122	N/A

Conclusions

Based upon the previously noted analysis the following conclusions were identified.

- The diversion of left-turn traffic from Winter Street to the Elm Street connector will not create congestion deficiencies at the Elm Street intersection.
- The left-turn storage bay on northbound Main Street onto the Elm Street Connector will provide insufficient capacity for the 95th queue length. Signal timing adjustments that favor this movement should assist in minimizing this issue during peak time periods.
- Left-turns onto Winter Street currently delay northbound Main Street vehicles. This delay will be eliminated and overall improvement in traffic flow can be expected.
- With the elimination of vehicles turning left onto Winter Street, the Elm Street intersection will operate in free flow control and thus will incur not delay for motorists.

Assess Crosswalk Enhancements at Main Street and Winter Street

Consider the Feasibility of restoring Two-Way traffic on Elm Street Extension

Assess the Feasibility of Converting Green Street to One-Way Flow.

Board of Selectmen Meeting

For the date of: 08/03/2017

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: 17-69

(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 any appropriate action on the annual contract with the Coastal Humane Society.

Brief Description of Consent or Agenda Item: see attached

Submitted by: Rich Roedner, Town Manager **Date:** 07/24/2017



June 15, 2017

Christopher Lewis, Chief of Police
Topsham Police Department
100 Main St
Topsham, ME 04086

Dear Christopher,

Please find enclosed two signed copies of the agreement for services between Coastal Humane Society (CHS) and the Town of Topsham covering the period from July 1, 2017 to June 30, 2018. Please sign one copy and return it to me in the envelope provided. After we receive your signed agreement, we will generate an invoice.

As you may know, in June of 2016, CHS took over ownership of the Lincoln County Animal Shelter. As a result, we have been able to increase the capacity of our facilities and offer additional resources while maintaining the first-rate care and treatment of our animal guests. We are fortunate to have Dr. Mandie Wehr as our Director of Shelter Operations, and the only full-time shelter veterinarian in the State of Maine. Dr. Wehr has an extensive background in practicing shelter medicine, and her protocols and procedures are consistent with best practices for shelters nationwide.

Additionally, in 2015 CHS had a 97% live release rate, among the highest in Maine. That means that 97% of the stray, abandoned and surrendered animals we take in every year are successfully rehomed, with many requiring vaccinations, spay/neuter procedures, dental care and sometimes extensive medical treatment and procedures. Our adoption process ensures that our adopters are screened and matched with an appropriate animal, resulting in a remarkably high rate of our pets finding their 'forever homes.'

CHS also offers a variety of services to the communities it serves. Please visit our website, www.coastalhumanesociety.org, to learn more about our humane education program, low-cost rabies and micro-chipping clinics and other programs offered to the public.

Please contact me with any questions or concerns. I have taken over as the Director of Community Relations since our last contact with you, and I will be handling the contracts for the towns that we service from this point forward. I would be pleased to meet with you in the near future to discuss our relationship further or to arrange a tour of our facility.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kate Griffith'.

Kate Griffith
Director of Community Relations, Programs and Special Events
kgriffith@coastalhumanesociety.org
(207) 449-1366, ext. 107



COASTAL
HUMANE
SOCIETY

COASTAL HUMANE SOCIETY & TOWN OF TOPSHAM AGREEMENT FOR SERVICES

This agreement, made and entered into on June 15 2017, by and between the Town of Topsham, Maine, a municipal corporation hereinafter referred to as the Municipality, and Coastal Humane Society, a non-profit corporation established under the laws of the State of Maine, hereinafter referred to as CHS. This agreement will cover the contract period beginning July 1, 2017, and ending June 30, 2018.

CHS and the Municipality, in consideration of the payments set forth in Section X below, agree as follows:

I. Services to be provided

The services to be performed under this Agreement are for animal shelter management services in accordance with the terms, conditions and specifications contained or referenced herein.

1. CHS will furnish, manage and operate animal shelter facilities located at 30 Range Road, in Brunswick, Maine. CHS shall be responsible for the day-to-day custodial care of the shelter facility and grounds, including the removal of litter and debris from outdoor areas and for use of all utilities, including, without limitation, electric, gas, water oil, sewage and telephone.
2. CHS will provide adequate food, water, shelter, space, care, treatment and transportation for small domestic companion animals which come into its custody through the following:
 - A. Animals that are voluntarily surrendered by residents of the Municipality.
 - B. Stray animals and impounded animals that are apprehended by the Municipality's Animal Control Officer or other authorized employees of the Municipality.
 - C. Stray animals that are found by residents of the Municipality and are brought to CHS by such residents.
3. The Municipality is obligated to pick up stray dogs and stray cats and deliver those animals to CHS. The municipality also will be responsible to pick up stray cats and deliver them to CHS as time and circumstances permit. ("Stray cat" means a cat that is not under

the obvious control of an individual, which is reported as being at large for at least two days, and which may appear not to be properly cared for.)

4. A duly authorized representative of the Municipality, customarily the Municipality's Animal Control Officer, hereinafter referred to as the Representative, will be furnished a key to CHS's isolation area for the purpose of delivering animals during hours when CHS is not open to the public. During hours when CHS is open to the public, the Representative shall deliver animals to the isolation area and shall, in both cases, complete all required paperwork. The Municipality shall at all times provide CHS with the name of its Representative and contact information and shall notify CHS of any changes. The Municipality shall be responsible for obtaining the key from any former Representative and providing such key to its current Representative.
5. In the event that the Representative delivers an animal to CHS, the Municipality shall be responsible for notifying the animal's owner of such impoundment. The Municipality shall be responsible for collecting all fines imposed upon the animal's owner by the Municipality for violation of animal welfare offenses. CHS shall release the animal to its owner only upon proof of such payment of all fines and fees, as well as upon the payment by the Municipality or the animal's owner to CHS of any fees assessed by CHS, as stated below.
6. All animals that are brought to CHS by a Representative shall not be removed from CHS by a Representative other than upon the written authorization of CHS.
7. Sick or injured animals picked up by the Representative may be brought to CHS for the CHS veterinarian to examine during regular working hours. The veterinarian will give his/her recommendation on whether CHS is able to treat the animal or whether it needs to be transported to another veterinary clinic or like facility. The Municipality acknowledges that CHS may be limited in its ability to treat all injuries due to limited space or lack of equipment (e.g., x-ray machine, etc.). The cost of transporting animals that cannot be treated at CHS, as well as the cost of such treatment at another veterinary clinic, will be borne by the Municipality if such costs are incurred during the mandatory waiting periods as required by State of Maine statutes.
8. CHS will be responsible for finding "forever homes" and placement for all animals in its care. Whenever the ownership of an animal is ascertained, CHS shall make a reasonable effort to notify the owner of the animal within 24 hours of determining the animal's owner.
9. In the event that euthanasia is required for reasons of public safety or welfare or in satisfaction of any obligation of the Municipality, CHS shall be responsible for the humane euthanasia of any animal in its care using methods approved by the State of Maine.

10. CHS will maintain regularly scheduled business hours at the animal shelter for the convenience of the public and for the purpose of transacting business in connection with the duties under this agreement and for the purpose of receiving animals or for accepting applications for the redemption of impounded animals. From time to time, CHS may close due to weather conditions, staff training, or other unforeseeable circumstances. Notice of any closings will be provided to the public as far in advance as possible.
11. CHS will appoint competent and qualified agents for the carrying out of the responsibilities under this agreement, such agents to be responsible to the CHS Board of Directors.
12. CHS contact personnel, available to the Municipality during regular CHS business hours and on an emergency basis during non-business hours, are as follows:
 - Dr. Mandie Wehr, Director of Shelter Operations. Office: 207-725-5051 ext. 23.
 - Sarah Murray, Shelter Manager. Office: 207-725-5051, ext. 14
 - Emergency Phone Number. Cell: 207-773-7377

In the event that either of these persons is no longer employed by CHS, CHS will notify the Municipality and furnish the Municipality with the contact information for their successors.

13. CHS shall provide systems to monitor medical and other information on each shelter animal.
14. On request of a resident of the Municipality, CHS shall provide a list of the names and telephone numbers of the Municipality's Animal Control Officer(s) and animal care providers who are available and on call for emergency services.

II. Ownership of dogs

CHS will adhere to the mandatory waiting periods and ownership requirements for uncontrolled dogs as articulated in Title 7 M.R.S.A. §3913 and any amendments thereto.

III. Ownership of cats

CHS will adhere to the mandatory waiting periods and ownership requirements for stray cats as articulated in Title 7 M.R.S.A. §3919 et seq. and any amendments thereto.

IV. Public service programs

CHS shall provide at its sole cost and expense the following services:

1. A reduced-cost spay-neuter program for any animal owned by a resident of the Municipality, except that, in the event that CHS determines that it is no longer feasible to offer such spay/neuter program, CHS shall no longer be under any obligation to do so.
2. A volunteer program to encourage support for CHS and its operation of the shelter.
3. Events designed to promote animal adoptions and to educate the public about animal welfare and the benefits of sheltering in general.
4. An adoption program designed to ensure that CHS identifies and secures humane, permanent homes for the animals under its care.

V. Adoption fees and recordkeeping

1. CHS will collect all adoption fees and shall keep proper financial records to account for same. CHS will permit the Municipality, at all reasonable times, to inspect and audit such records and shall make such reports of funds received as required by statute or regulation.
2. CHS shall keep full and accurate records of all animals taken into custody, showing the date, place, reason and manner whereby animals were brought into custody, with a description of the animal and a record of its final disposition.

VI. Indemnification

1. The Municipality shall indemnify and hold harmless CHS, its employees, directors, officers and agents from all demands, claims, causes of action or judgments, and from all expenses that may be incurred in investigating or resisting the same, arising from, or growing out of, any act or neglect of the Municipality, its employees, contractors or agents, in connection with the seizure, transportation or maintenance of stray dogs and cats during the mandatory waiting periods prescribed in Title 7 M.R.S.A. §3913, 3919 and 3919-A.
2. CHS will indemnify and hold harmless the Municipality, its employees, directors, officers and agents from all demands, claims, causes of action or judgments, and from all expenses that may be incurred in investigating or resisting the same, arising from, or growing out of, any act or neglect of CHS, its employees, contractors or agents, in connection with the operation of CHS.

VII. Insurance

CHS shall procure and maintain during the term of this agreement comprehensive general liability coverage that shall protect CHS from claims of damages for personal injury including accidental and wrongful death, as well as claims arising from services rendered

under this agreement, whether such services be by CHS, by any subcontractor, or anyone employed directly or indirectly by either of them.

VIII. Agreement not assignable

CHS shall not have the right, authority, or power to sell, mortgage, or assign this agreement or the powers granted to it, or any interest therein, nor any right, power or authority to allow or permit any other person or party to have any interest in the services outlined in this agreement without the written consent of the Municipality.

IX. CHS's independent capacity from Municipality

CHS, its officers, employees, directors, agents and volunteers shall act independently of Municipality and not as officers, employees, agents of volunteers of Municipality.

X. Payment

1. In compliance with the terms and conditions of this agreement, the Municipality shall agree to pay the following to CHS for the performance of its obligations and responsibilities:

The annual agreed payment shall be computed on the basis of \$1.37 per capita of the human population of the Town of Topsham. For purposes of this computation, CHS has relied on the population count as reported in the most recent official census – 8,784 residents. Accordingly, based on the Town of Topsham's 2010 census, the Municipality shall pay CHS a flat annual fee of \$12,034.08.

2. Services NOT covered by the above computation that would result in additional payments to CHS may include, but are not necessarily limited to:
 - A. An instance when any animal brought to CHS by the Municipality appears to be infected with rabies. In such instances, the Municipality shall be responsible for any veterinary fees and for transporting laboratory specimens for testing.
 - B. Instances in which, because of a pending legal action, an animal is boarded at CHS at the request of the Municipality for a period in excess of eight days, the Municipality shall pay CHS a boarding fee of \$20.00 per dog and \$10.00 per cat for each day over the eight days.
 - C. Animals that are legally impounded by the Municipality and boarded at CHS. In these instances, CHS shall be paid \$20.00 per dog per night and \$10.00 per cat per night.

- D. During the six-day waiting period as prescribed by Title 7 M.R.S.A. §3913 for dogs, the Municipality shall be responsible for the payment of all veterinary services furnished outside CHS as described above in this agreement.

- E. During the waiting periods prescribed by Title 7 M.R.S.A. §§3919 and 3919-A, for cats (with an ID), the 48-hour waiting period for unidentified cats and the 24-hour waiting period for feral cats, the Municipality shall be responsible for the payment of all veterinary services furnished outside of CHS, as described above in this agreement.

XI. Agreement terms

It is mutually understood and agreed by the parties hereto that this agreement shall continue in effect for a period of one year from the date hereof. However, it is fully agreed that this agreement may be terminated by either party upon 90 days written notice to the other party of an intention to terminate this agreement or enter into a new agreement.

It is mutually understood and agreed by the parties hereto that the Municipality will defend this agreement with all due and proper diligence should it be challenged by any action in law. This agreement is intended by the parties hereto as the final and exclusive expression of the provisions contained in this agreement, and it supersedes and replaces any and all prior or contemporaneous agreements and understandings, oral or written, in connection therewith, between the parties hereto. This agreement may be modified or changed only upon the written consent of the parties hereto.

In the performance of this agreement, the Municipality shall abide by all CHS regulations as they presently exist and as they may hereafter be amended.

XII. Applicable law

The parties hereto agree that this agreement shall be construed and governed by the laws of the State of Maine and that, in the event of a conflict between the provisions of this agreement and any State of Maine statute, the State of Maine law will control, with the exception that, in the event that any animal boarding rates contained herein are in excess of any State of Maine statutory rates, the rates contained herein will control.

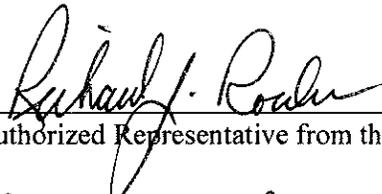
CHS agrees that all animal shelter management services performed for the Municipality shall be performed in full compliance with the applicable Federal and State of Maine laws, regulations and guidelines for such services.

It is understood and agreed by the Municipality and CHS that, in the event the Municipality's animal control ordinances are revised in such a way as to cause a

substantial increase in the level of services to be performed by CHS under this agreement, then such revisions shall not be covered by this agreement and the parties shall enter into negotiations regarding amendments to this agreement to address such revisions.

In witness whereof, the parties signify their acceptance of this agreement by their execution below.

TOWN OF TOPSHAM, MAINE

By: 
Authorized Representative from the Town of Topsham

Date: 7/19/17

Richard J. Roeder Town Manager
Print name and title

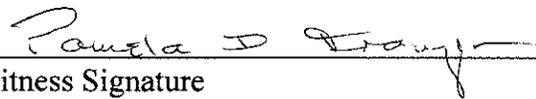
Witness Signature

Date: _____

COASTAL HUMANE SOCIETY

By: 
Kate Griffith
Director of Community Relations, Programs, Special Events

Date: 6/21/17


Witness Signature

Board of Selectmen Meeting

For the date of: 08/03/2017

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: 17-70

(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 appointments of Kimberly Mondonedo to the Finance Committee and Brian Robinson to the TDI, Inc Board

Brief Description of Consent or Agenda Item:

Submitted by: Rich Roedner, Town Manager **Date:** 07-26-2017

Board of Selectmen Meeting

For the date of: 08/03/2017

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:

17-63

(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 a personnel matter pursuant to 1 M.R.S.A. § 405 (6) (A).

Brief Description of Consent or Agenda Item:

Submitted by: Rich Roedner, Town Manager

Date: 7/26/2017