6:00PM Workshop on transition going forward with Interim Town Manager
7:00PM Board of Selectmen Meeting
Topsham Municipal Building
Donald A. Russell Meeting Room
December 19, 2019

Pledge of Allegiance –

Roll Call of Board Members –

Town Manager's Report –

Board and Committee Reports and Updates-

- Update from the MDOT Pedestrian Plan, Patrick Adams, MDOT
- 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 November 21, 2019.
2. Approval of the minutes of the Regular Selectmen meeting December 05, 2019.

Public Hearing –

19-103- Consideration and any appropriate action on approving a Marijuana Business License application – Tier 2 marijuana cultivation facility located at 49 Topsham Fair Mall Road, Tax Map R05B lot 09-A- submitted by 4207 LLC (aka Highbrow).

Unfinished Business –

Old Business –

New Business –

19-104- Consideration and any appropriate action to request the set-up of the Comprehensive Plan Implementation Committee.

19-105- Consideration and any appropriate action on release of a Solar Power Purchase Agreement (PPA) RFP proposed by the Topsham Solar Advocates group.

Executive Session- Unfinished Business-

19-93- Consideration and any appropriate action to enter into Executive Session pursuant to 1 M.R.S.A. § 405 (6) (A) to discuss personnel matters.

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: 12/19/2019

Type of Item:

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

Type of Submission:

___x____ Regular Submission
_____Additional Agenda Item
_____ Additional Information

Agenda Number_____1_____
(If this is unfinished business, please remember to research and enter the original agenda number above. For regular agenda items, the secretary will assign a number.)

Brief Title of consent or Agenda Item: Approval of the minutes of the Special Selectmen meeting 11-21-2019.

Brief Description of Consent or Agenda Item: see attached

Submitted by___Rich Roedner, Town Manager_____ **Date**: _12-09-2019_____
Revised 08-2002

SECOND DRAFT

MINUTES
TOWN OF TOPSHAM
BOARD OF SELECTMEN MEETING
DONALD A. RUSSELL MEETING ROOM
NOVEMBER 21, 2019 – 7:00 P.M

MEMBERS PRESENT: David Douglass
Ruth Lyons
Matt Nixon
Roland Tufts

MEMBER(S) ABSENT: Marie Brillant

STAFF PRESENT: Town Manager, Richard Roedner; Assistant Town Manager Derek Scrapchancsky

A meeting of the Topsham Board of Selectmen was held on Thursday November 21, 2019 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 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 members were present, except for Selectman Brillant who had been excused.

TOWN MANAGER'S REPORT

Town Manager Roedner reported that he submitted his Letter of Resignation and assured the Board that he will leave the Town's business in good order. He said working for the Town of Topsham has been a "dream job" and that he could see himself remaining in the Town Manager's position until he retired. He thanked everyone for the confidence shown him during his tenure and said he will miss everyone.

Mr. Roedner said Elizabeth Reed has been hired as a full-time fire fighter and will start work in a couple of weeks.

A reminder was mentioned that dog licenses are due.

The Police Department is working on a program "nextdoor.com" a neighborhood program where residents can keep a watchful eye on and report concerns in their neighborhood; sort of an outreach program.

Following the Manager's report, Chairman Douglass said Mr. Roedner's leaving is not a goodbye and, on behalf of the Board, extended best wishes to Rich and Dory. Mr. Douglass said "The Town has been in good hands." Selectman Lyons added that after having worked with Mr. Roedner for many years, it will be hard to not see his face in the office and at the meetings. Smiling, Selectman Tufts said "the official roast will happen later!"

BOARD AND COMMITTEE REPORTS AND UPDATES – None noted.

PUBLIC COMMENT – None noted

CORRESPONDENCE – None noted

ADJUSTMENTS TO THE AGENDA – None noted

CONSENT CALENDAR

1. **Approval of the minutes of the Regular Selectmen's Meeting of November 7, 2019/**

   Motion was made by Selectman Tufts, seconded by Selectman Nixon, and it was

   VOTED
   To approve the minutes of the regular Selectmen's Meeting of November 7, 2019 as written.

PUBLIC HEARING – None noted

UNFINISHED BUSINESS – None noted

OLD BUSINESS – None noted

NEW BUSINESS

19-85 CONSIDERATION AND ANY APPROPRIATE ACTION ON APPROVAL FOR THE NEW STREET LIGHT AT THE CORNER OF HORTON PLACE AND MONUMENT PLACE

Public Works Director Dennis Cox said this item was placed on the agenda per the request of Selectman Tufts. Mr. Cox told the Board he reviewed the area of Monument Place and Horton Place and agreed it was very dark and where there is turning traffic and a pedestrian crossing, a light would make the intersection safer. He said there is a utility pole on the northeast corner on which a light could be installed and recommended that the Selectmen approve same.

During discussion, Selectman Nixon asked if any consideration had been given to the use of solar panels for such lighting. It was agreed that this is something to be considered for future needs.

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

VOTED

To approve the installation of a light to be placed on the northeast corner utility pole at the intersection of Horton Place and Monument Place.

19-86 CONSIDERATION AND ANY APPROPRIATE ACTION TO ACCEPT THE LOW BID FOR THE MAIN STREET CULVERT REPLACEMENT PROJECT.

Public Works Director Dennis Cox said this project has been out for a long duration. Two bids for the replacement of the 36-inch diameter culvert that runs from Elm Street Extension to the Androscoggin River near the Red Mill have come in: One from Crooker Construction in the amount of $523,165 and the second from St. Laurent and Sons Construction in the amount of $468,885. Mr. Cox said both bids qualify and meet the specifications and he recommended approving the bid from St. Laurent.

During discussion, it was noted that approximately $250,000 was budgeted for this project so there is a need to come up with another $22,000. This type of project is TIF eligible, so the funds could be allocated from the TIF. Selectman Nixon asked if applying for a grant has been looked into. It was noted there is a grant application in the works for a culvert project on Elm Street, but another grant request could be looked into.

Chairman Douglass asked where we were with the Elm Street Study. Response was that Phase I is expected to come before the Board at the December Board of Selectman meeting. Work is being done on determining a footprint of where the Town owns and what the impact will be on the landowners.

Mr. Cox said that if the bid is accepted from St. Laurent and Sons, they would like to get started and wouldn't look to be paid until string.

Motion was made by Chairman Douglass, seconded by Selectman Nixon, and it was

VOTED

To bring this item back to the December 5, 2019 Board of Selectman meeting with the full particulars for consideration.

19-87 CONSIDERATION AND ANY APPROPRIATE ACTION TO REQUEST PERMISSION TO POST A WEIGHT LIMIT ON A PORTION OF VILLAGE DRIVE

This item was withdrawn by the applicant so no action was taken.

19-88 CONSIDERATION AND ANY APPROPRIATE ACTION TO ACCEPT BIDS ON THE THOMAS AVENUE PARKING AREA

The Town Manager provided some history on this item saying the Planning Board approved the project which went out to bid with two bids returned. The Town received a Notice Appeal from a group of local neighborhood residents. Therefore, the bids were placed on hold until the appeal process was dealt with. The Board of Appeals found that one of the 7 standards of Conditional Use was not met, giving proof of access to the site, and whether or not the Town owned the paper street.

At Town Meeting in May, by recommendation of the Town Attorney, Mary Costigan, the Town voted to accept the paper street to give access to the Hillside Field. The Planning Board Okayed the project to build the parking lot. In October, the Town Attorney represented the Town and the application for approval, based on the acceptance of the paper street. This was accepted at Town Meeting. Following recommendation of the Planning Board's lawyer, Richard Hornbeck, the Planning Board again approved the application to build the parking lot, finding that all 7 standards of Conditional Use had been met.

Director of Parks and Recreation, Pam LeDuc's memo to the Board of Selectman dated November 13, 2019 noted that she met with the low bidder, Mac Hunter, to discuss his original bid from July of 2018. Mr. Hunter agreed to meet the price of the bid at that time. It was noted that at the town Meeting in May of 2009, the Town approved the Capital Expenditure of $65,000 for facility improvements and these funds would be used to create accessibility to the Hillside Field. Ms. LeDuc asked the Board for acceptance of the bid submitted in July, 2018 from Mac Hunter in the amount of $62,579.

Ms. LeDuc told the Board that there is $26,000 remaining in the Forestry Fund from the tree harvesting and that she planned to come back before the Board in the spring to request items such as fencing, landscaping, trash barrels, etc., to be done to protect the landowners surrounding the parking lot and to enhance the area.

Selectman Nixon asked if there was any way the Board could get involved in a pilot project for perhaps a swale or rain garden to better the parking lot surroundings. Mr. LeDuc said she was not opposed to such as idea, as long as the project would be affordable, and would look to the Planning Department to come forward with Mr. Nixon's suggestion.

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

VOTED

To accept the bid from Hunter Excavation in the amount of $62,579 for the Thomas Avenue parking lot.

19-89 CONSIDERATION AND ANY APPROPRIATE ACTION TO ACCEPT BIDS ON THE BASKETBALL COURTS LIGHTING

Pam LeDuc, Director of Parks and Recreation said the project went out to bid for a Best Value Proposal to replace the lighting at the outdoor basketball courts and the mini rink. She said the project has been sitting for 8 years because of lack of funding. LED lights would be less expensive and give more light to the courts. Two bids were received. One from Enterprise Electric, who have since said they were unable to make the bid deadline because of their current work load, and one from Favreau Electric for $29,259. (Favreau will match their bid until March, 2020) which would need an additional $7,335.

Selectman Lyons said she has concerns when the Town is given a certain bid amount, raises the money and then a second amount of $7,335 is added to the original bid. She said the Fair Association recently had all their lights changed to LED through a grant process and said this is a conversation that should be had.

The Town Manager asked Ms. LeDuc if the $2,258 needed could come from an outlay account. Ms. LeDuc said she probably could work it out. Question was asked how much the monthly bill was for the lights on the court. Response was approximately $45 a month. The lights are only used for 3 months a year for approximately 3 hours at a time.

After all comments were heard, motion was made by Chairman Douglass, seconded by Selectman Lyons, and it was unanimously

VOTED

To accept the bid from Favreau Electric in the amount of $29,258 for lighting on the basketball courts.

19-90 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE APPOINTMENTS OF OPENINGS ON BOARDS AND COMMITTEES

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

VOTED

To appoint Brian Bickford to serve on the Planning Board, Monica Kincaid to serve on the Topsham Housing Authority and Nancy Ban to serve on Topsham Development, Inc.

19-91 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE APPOINTMENT TO THE MERRYMEETING BOARD OF DIRECTORS

Town Manager Roedner said approximately 5 or 6 years ago the Board nominated William Thompson to serve on the Merrymeeting Board of Directors to discuss projects for several towns including Topsham, Bowdoinham, Hallowell and Harpswell. Mr. Thompson is no longer interested in representing Topsham so the position which created a vacancy. Mr. Roedner asked if anyone on the Board of Selectmen was interested in representing Topsham. Selectman Nixon expressed an interest and Selectman Tufts nominated Matt Nixon to serve on the Merrymeeting Board of Directors. No further nominations were heard and Matt Nixon was elected to serve on the Merrymeeting Board of Directors.

EXECUTIVE SESSION

At 7:44 p.m., motion was made by Selectman Tufts, seconded by Selectman Lyons, and it was unanimously

VOTED

To move into Executive Session to discuss Agenda Items 19-92 and 19-93.

19-92 CONSIDERATION AND ANY APPROPRIATE ACTION TO ENTER INTO EXECUTIVE SESSION PURSUANT TO 1 M.R.S.A. §405 (6) (C) TO DISCUSS PROPERTY NEGOTIATIONS

All Board members were present (except for Selectman Brillant who was absent). Also present was Town Manager Roedner and Assistant Town Manager Scrapchancsky.

Motion was made, seconded and unanimously voted to come out of Executive Session and return to the regular session at 8:22 p.m. Above members remained present.

The Board instructed staff to contact property owner about possible purchase of the property.

19-93 CONSIDERATION AND ANY APPROPRIATE ACTION TO ENTER INTO EXECUTIVE SESSION PURSUANT TO 1 M.R.S.A. §405 (6) (A) TO DISCUSS PERSONNEL MATTERS

No action was taken on this item.

At 8:23 p.m., motion was made by Selectman Nixon, seconded by Chairman Douglass, and it was unanimously

VOTED

To adjourn the meeting.

Respectfully submitted,

_____

Patty Williams, Recording Secretary

Board of Selectmen Meeting

For the date of: 12/19/2019

Type of Item:

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

Type of Submission:

___x____ Regular Submission
_____Additional Agenda Item
_____ Additional Information

Agenda Number_____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 12-05-2019.

Brief Description of Consent or Agenda Item: see attached

Submitted by___Rich Roedner, Town Manager_____ **Date**: _12-09-2019_____
Revised 08-2002

MINUTES
TOWN OF TOPSHAM
BOARD OF SELECTMEN MEETING
DONALD A. RUSSELL MEETING ROOM
DECEMBER 5, 2019 – 7:00 P.M

MEMBERS PRESENT: David Douglass
Marie Brillant
Ruth Lyons
Matt Nixon
Roland Tufts

MEMBER(S) ABSENT: All present

STAFF PRESENT: Town Manager, Richard Roedner; Assistant Town Manager Derek Scrapchancsky

A meeting of the Topsham Board of Selectmen was held on Thursday December 5, 2019 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 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 members were present.

TOWN MANAGER'S REPORT

With the change in the recycling market and with Christmas coming, this year wrapping paper will not be accepted at the transfer station. Wrapping paper includes some foil paper, various types of ribbon and tape which poses a contamination issue.

BOARD AND COMMITTEE REPORTS AND UPDATES – None noted.

PUBLIC COMMENT – None noted

CORRESPONDENCE – Selectman Nixon asked if wrapping was accepted at the transfer station last year. Chairman Douglass responded that it was not due to the possibility of containments.

ADJUSTMENTS TO THE AGENDA – None noted

CONSENT CALENDAR

1. **Approval of the minutes of the Special Selectmen meeting November 18, 2019.**

   Motion was made by Chairman Douglass, seconded by Selectman Lyons, and it was

   VOTED
   To approve the minutes of the Special Selectmen's meeting of November 18, 2019, as written.

2. **Approval of the minutes of the Regular Selectmen's Meeting of November 21, 2019.**

   No action was taken on the minutes of November 21, 2019.

PUBLIC HEARING

19-94 CONSIDERATION AND ANY APPROPRITE ACTION ON APPROVING A MARIJUANA BUSINESS LICENSE APPLICATION SUBMITED BY SUNDOG CAREGIVING, LLC FOR A TIER 2 REVIEW. MARIJUANA CULTIVATION FACILITY LOCATED AT 248 AUGUSTA ROAD, TAX MAP R05, LOT 089-B

The Public Hearing was declared open. Planning Director Rod Melanson spoke to the application saying Ryan Holmes is applying for a Marijuana Business Cultivation license from the Town under his company, Sundog Caregiving LLC. Mr. Holmes is the sole owner of the business and is licensed in the State of Maine as a registered caregiver. Sundog Caregiving LLC is applying for the cultivation license to grow up to 2,000 s.f. of marijuana. Currently, the State of Maine has yet to provide licensing to entities other than caregivers. In order to receive a state license (when the time comes) the applicant will need to have proof of authorization from the municipality where they would like to locate.

It was noted that the Public Hearing was duly advertised. The applicant has received approvals from Planning and Codes for building/site improvements prior to applying for the Marijuana Business License.

During a period of questions from the Board, Chairman Douglass questioned page 2 of the application where it says the business is an LLC and not sole proprietor. Mr. Holmes responded that he is the sole proprietor and explained why that particular question was checked. It was noted that a complete Security Plan was submitted to the Planning Office with the application, but for obvious reasons is not made public information.

The need to require a background check was discussed and the Board was in agreement that the background check completed by the State of Maine would be sufficient. Communication between the Town and the State needs to be established. Question arose of what would be involved with a transfer of ownership of the business. Response was that there cannot be a transfer of ownership without the new owner coming back before the State and the Town. Each license will be issued on an annual basis and come before the Board of Selectmen.

Mr. Holmes explained the process of how the State releases applications and how the licensing process works for cultivating and said there is tracking from seed to sale. He said this is a completely new industry and he hopes to become a role model grower and provider.

Selectman Lyons said she was glad Mr. Holmes was the Town's first case to process and wished him well. Selectman Nixon added that the process began at the 2016 referendum and he was glad Mr. Holmes stepped in, became knowledgeable with the process and stuck with it.

Chairman Douglass asked to receive comments from members of the public. With no comments to be heard, the Public Hearing was declared closed.

The Board found the following **FINDINGS:**

1. The applicant is Sundog Caregiving LLC (Ryan Holmes owner/operator), with Business location at 248 Augusta Road, identified by Map R05, Lot 089-B.
2. The use is a permitted use in the RCU Zone.
3. The applicant has received site plan and the necessary codes permits to operate.
4. The license being sought allows up to 2,000 square feet of cultivation area.
5. The applicant (owner of Sundog LLC) is a licensed caregiver in the State of Maine and is identified as the operator of the business.
6. The applicant attests to comply with the operating requirements within the licensing code sections found in Section 150-11:
   (1) If a State License is required for the proposed use, a copy of the Applicant's State License Application and supporting documentation as filed with the State Licensing Authority and any amendments thereto. *Applicant has submitted a State Medical Marijuana Caregiver License.*
   (2) Evidence of all State approvals or conditional approvals required to operate a Marijuana Business, including, but not limited to, a State License as defined by this Article, a State Retail Certificate or a State Health License. *Applicant has submitted a State Medical Marijuana Caregiver License, State Resale License and a Retail Certificate.*
   (3) If not included in the Applicant's State License Application, attested copies of the Articles of Incorporation and Bylaws if the applicant is a corporation, operating agreement if the applicant is a Limited Liability Company, evidence of partnership of the applicant is a partnership, or Articles of Association and Bylaws if the applicant is an association. *The applicant has submitted the Certificate of Formation for Sundog Caregiving LLC, Ryan Holmes is 100% owner.*
   (4) If not included in the Applicant's State License Application, an affidavit that identifies all owners, officers, members, managers, or partners of the applicant, their ownership interests and their places of residence at the time of the application and for the immediately preceding three years. *The applicant has submitted the Certificate of Formation for Sundog caregiving LLC, Ryan Holmes is 100% owner. A notarized affidavit is included in the application.*
   (5) Evidence of a property interest in the premises in which th4 Marijuana Business will be located, along with the written consent of the owner of the premises for such use if the applicant is not the owner. *The applicant has provided proof of Lease Agreement with the property owner of 248 Augusta Road.*
   (6) A description of the premises for which the Local License is sought, including a floor plan of the premises showing how the floor space is or will be used, parking for the premises, total floor area of the building(s) and the nature and location of

any existing or proposed exterior lighting and signage. *The applicant has submitted a basic floor plan and site layout. The applicant received a site plan approval for minor upgrades to the property prior to submitting this license application.*

(7) A copy of the applicant's Security Plan and Operations Manual. *The applicant has submitted a Security Plan and Operations Manual.*

(8) Evidence that operating requirements of Section 150-14 are met. *The applicant attests to meet all operating requirements of this section by signing their application submission.*

7. The Board of Selectmen has determined that on the application that the company is an LLC and not a sole proprietorship and this has been reviewed by the Board as such.

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

VOTED

To approve the application of Sundog Caregiving, LLC Marijuana Cultivation Facility Tier 2 based upon the Findings of Fact as listed in a memo from Town Clerk Linda Dumont dated September 4, 2019 with the following Conditions of Approval:

1. The applicant/facility may not operate as a State licensed cultivation facility until such time the State marijuana cultivation licenses are approved, delivered and reviewed by the Town Clerk's office.
2. No changes to this approved license are allowed to occur. The applicant must return to the Board of Selectmen for any license renewals and/or amendments.

UNFINISHED BUSINESS – None noted

OLD BUSINESS – None noted

NEW BUSINESS

19-95 CONSIDERATION AND ANY APPROPRIATE ACTION WRITING OFF UNPAID NON-SUFFICIENT FUNDS (NSF) FOR 2014 AND 2015 PROPERTY TAX AND TO CONSIDER ADOPTING A POLICY FOR FUTURE REVIEW AND WRITE OFF UNPAID NSF. TOTAL AMOUNT OF REQUEST IS $563.29 AS SHOWN ON THE ATTACHED UNPAID NSF LIST

Finance Director Debbie Fischer spoke to this item saying the Town's auditors recommended writing off the past 10 years of unpaid property tax. The original request was to write off $563.29 but Ms. Fischer amended her request to $1,598.40 to include unpaid taxes from 2007 through 2010. She also requested a policy be written to go by to writeoff future unpaid taxes.

Discussion ensued with concerns expressed by Board members on how to prevent businesses with unpaid taxes to apply for future licenses. Selectman Lyons asked why we even have personal property taxes and said it is unfair to those individuals who pay their taxes faithfully when others don't pay theirs. The Board asked the Town Manager to develop a policy for Board consideration addressing write off of unpaid NSF accounts.

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

VOTED

To write off $563.29 of NSF funds and that the new total of $1,598.40 for those that are 10 years old.

19-96 CONSIDERATION AND ANY APPROPRIATE ACTION TO DISCUSS FUNDING OPTIONS FOR MAIN STREET CULVERT REPLACEMENT

Memo is in file from Town Manager Roedner to the Board dated November 27, 2019 explaining the history on this item. Low bid for the project is being considered from St. Laurent & Sons Construction in the amount of $468,885.

The Board discussed funding options noting there is approximately $245,000 remaining the budget from FY18. Two possible sources were considered to fund the balance, one being FY2021 allocation through the budget process, effective July 1, 2020 and the other to draw from the Economic Development reserve which had $475,455 in it as of June 30, 2018 in TIF funds.

Following further discussion, motion was made by Chairman Douglass, seconded by Selectman Tufts, and it was unanimously

VOTED

To award the culvert replacement project to St. Laurent & Sons Construction with the amount not to exceed $468,885. The funds for this will come from the fiscal year 2018 with the remaining balance to come out of the TIF Economic Development Reserve Fund.

19-97 CONSIDERATION AND ANY APPROPRIATE ACTION ON ADJUSTING THE START TIME OF THE BOARD OF SELECTMEN MEETING FROM 7:00 P.M. TO 6:30 P.M.

Following discussion of this item, motion was made by Chairman Douglass, seconded by Selectman Tufts, and it was unanimously

VOTED

That effective January 1, 2020, the Board of Selectmen meetings will begin at 6:30 p.m.

19-98 CONSIDERATION AND ANY APPROPRIATE ACTION ON APPOINTING DEREK SCRAPCHANSKY AS THE INTERIM TOWN MANAGER TO BE EFFECTIVE JANUARY 6, 2019

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

VOTED

To appoint Derek Scrapchansky as Topsham's Interim Town Manager effective January 2, 2020 at 5:01 p.m. with a salary of $2,000 a week.

EXECUTIVE SESSION

At 7:56 p.m., motion was made by Chairman Douglass, seconded by Selectman Lyons, and it was unanimously

VOTED

To move into Executive Session to discuss agenda items 19-99 and 19-100. All Board members were present, as was Town Manager Roedner, Assistant Town Manager Scrapchansky, Public Works Director Dennis Cox, Planning Director Rod Melanson, and Economic and Development Director John Shattuck.

19-99 CONSIDERATION AND ANY APPROPRIATE ACTION TO ENTER INTO EXECUTIVE SESSION PURSUANT TO 1 M.R.S.A. §405 (6) (C) TO DISCUSS ACQUISITION OF REAL PROPERTY OR ECONOMIC DEVELOPMENT

When the Board returned to regular session at 9:05 p.m., motion was made by Chairman Douglass, seconded by Selectman Nixon, and it was unanimously

VOTED

To instruct staff to undertake survey work of the subject property.

19-100 CONSIDERATION AND ANY APPROPRIATE ACTION TO ENTER INTO EXECUTIVE SESSION PURSUANT TO M.R.S.A. §405 (6) (D) TO DISCUSS LABOR NEGOTIATIONS

In regular session, which included the Town Manager and Assistant Town Manager, motion was made by Chairman Douglass, seconded by Selectman Brillant and it was unanimously

VOTED

To approve the proposed collective bargaining contracts with the IAM Supervisory and Operations units, effective July 1, 2019 for a period of three years, conditioned on Unit approvals.

ADJOURN

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

VOTED

To adjourn the meeting at 9:06 p.m.

Respectfully submitted,

_____

Patty Williams, Recording Secretary

Board of Selectmen Meeting

For the date of: 12/19/2019

Type of Item:

_____Board or Committee Presentation
_____Consent Agenda Item
____x_____Public Hearing
_____Unfinished Business
_____New Business
_____Executive Session
_____Workshop

Type of Submission:

____X_____Regular Submission
_____ Additional Agenda Item
_____Additional Information

Agenda Number:__ 19-163
(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 a Marijuana Business License application – Tier 2 marijuana cultivation facility located at 49 Topsham Fair Mall Road, Tax Map R05B Lot 09-A- submitted by 4207 LLC (aka Highbrow).

Brief Description of Consent or Agenda Item: See attached

Submitted by: Linda Dumont, Town Clerk **Date:** 12-11-2019

MEMORANDUM

To: Rich Roedner
From: Linda Dumont, Town Clerk
Date: 12/06/2019
Re: Marijuana Business License – Registered Caregiver Retail Store License - Review for 4207 LLC (aka Highbrow)
Tax Map(s)R05B, Lot(s)09-A – 49 Topsham Fair Mall Road

Application Information

Project Name: 4207 LLC (Highbrow) – Registered Caregiver Retail Store
Applicant: Charles Doherty – 4207 LLC
Map(s) # R05B, **Lot(s) #** 09-A
Address: 49 Topsham Fair mall Road
Zoning: MUC

Background

This is before the Board for review of a proposed Marijuana Business – Registered Caregiver Retail Store - located on 49 Topsham Fair Mall Road, Tax Map R05B, Lot 09-A. The applicant submitted the application in September of 2019. The business is currently operating as a medical marijuana retail store, and will be the first registered caregiver retail license sought for the Town.

The application was found to be complete and received a staff review.
Staff comments:

- Charles Doherty is the sole owner of 4207 LLC – this was accomplished in 2018 where his parents were removed from the LLC
- Highbrow is an operating business
- Town staff have not received any complaints regarding the operation of this business
- The applicant is licensed through the State of Maine as a caregiver, he is seeking a registered retail caregiver license from the Town.
- Correspondence from John Larson (owner of Topsham Fair mall) is within the submittal materials, and highly regards how the business has operated since opening.

For ease of your review, and to remove sensitive information…we removed security plan details, full lease document (signature pages are left in), full corporate structure documents, IRS employer identifications, the full application is in the Clerks office and is available for review. All of the information required for application was submitted and reviewed by staff.

FINDINGS

1. The applicant is 4207 LLC (Charles Doherty owner/ operator), Business location 49 Topsham Fair Mall Road - Map R05B Lot 09-A
2. The use is a permitted use in the MUC zone
3. The applicant has received the necessary codes permits to operate
4. The license being sought allows up to 1,500 square feet of "public" floor area

5. The applicant (owner of 4207LLC) is a licensed caregiver in the state of Maine and is identified as the owner and operator of the business.
6. The applicant attests to comply with the operating requirements within the licensing code sections found below:

Section 150-30

1. If a State License is required for the proposed use, a copy of the Applicant's State License Application and supporting documentation as filed with the State Licensing Authority, and any amendments thereto.
   Applicant has submitted a state medical marijuana caregiver license and retailer.
2. Evidence of all State approvals or conditional approvals required to operate a Marijuana Business, including, but not limited to, a State License as defined by this Article, a State retail certificate, or a State health license.
   Applicant has submitted a state medical marijuana caregiver license, state resale license, beverage redemption license, and retail certificate.
3. If not included in the Applicant's State License Application, attested copies of the articles of incorporation and bylaws if the Applicant is a corporation, operating agreement if the Applicant is a limited liability company, evidence of partnership if the Applicant is a partnership, or articles of association and bylaws if the Applicant is an association.
   The applicant has submitted the certificate of formation for 4207 LLC, Charles Doherty is 100% owner.
4. If not included in the Applicant's State License Application, an affidavit that identifies all owners, officers, members, managers, or partners of the Applicant, their ownership interests, and their places of residence at the time of the application and for the immediately preceding three (3) years.
   The applicant has submitted the certificate of formation for 4207 LLC, Charles Doherty is 100% owner.
5. Evidence of a property interest in the premises in which the Marijuana Business will be located, along with the written consent of the owner of the premises for such use if the applicant is not the owner.
   The applicant has provided proof of lease agreement with the property owner of 49 Topsham Fair Mall Road (lease agreement, letter of authorization from Four J LLC).
6. A description of the premises for which the Local License is sought, including a floor plan of the premises showing how the floor space is or will be used, parking for the premises, total floor area of the building(s), and the nature and location of any existing or proposed exterior lighting and signage.
   The applicant has submitted a basic floor plan and site layout. The applicant received permits for minor upgrades to the property prior to submitting this license application.
7. A copy of the Applicant's security plan and operations manual.
   The applicant has submitted a security plan and operations manual.
8. Evidence that operating requirements of section 150-33 are met.
   The applicant attests to meet all operating requirements of this section (attached below), by signing their application submission.

Section 150-33

The Licensee shall comply with all of the following requirements during the term of the Local License:

(a) Display of License. The current Local License shall be displayed at all times in a conspicuous location within the Licensed Premises.

(b) Compliance with other laws. A Marijuana Business shall meet all operating and other requirements of State and local law and regulation. To the extent the State of Maine has adopted or adopts in the future any stricter law or regulation governing Marijuana Business, the stricter law or regulation shall control.

(c) Location.

1. All Licensed Premises shall be fixed, permanent locations. Licensees shall not be permitted to operate registered caregiver retail store in temporary locations such as mall kiosks or farm stands.
2. No more than one registered caregiver retail store shall be located on a single parcel of land.

3. No registered caregiver retail store shall be located within 1,000 feet of the entrance of a pre-existing public or private school. For the purposes of this Ordinance, "school" includes a public school, private school, or public preschool program as defined in 20-A M.R.S. §1, or any other educational facility that serves children from prekindergarten to grade 12. Distance shall be measured in a straight line, without regard to intervening structures or objects, from the nearest entrance of the school to the nearest entrance of the Registered caregiver retail store.

4. No Registered caregiver retail store shall be located such that the nearest entrance to the facility is any closer than 1,000 feet, measured in a straight line, without regard to intervening structures or objects, to the nearest entrance of another Registered Caregiver Retail Store located on a separate parcel of land.

4. No Registered caregiver retail store shall be located inside a building containing residential units, including transient housing such as lodging, group homes, hotels, motels, and boardinghouses.

(d) Operating Standards:

1. No Registered caregiver retail store is permitted to utilize or provide a drive up service window
2. Hours of operation may be established by the Selectboard, but in no event shall a Registered caregiver retail store be open to the public, and no sale or other distribution of marijuana shall occur upon the premise or via delivery from the premises, between the hours of 8:00pm and 8:00am.
3. No outside storage is permitted for a Registered caregiver retail store.
4. Outdoor Cultivation of marijuana is prohibited.
5. A ventilation plan shall be included for Marijuana Cultivation Facilities, Marijuana Manufacturing facilities, and Marijuana Testing Facilities that provides for adequate ventilation so as to prevent pesticides, insecticides or other chemicals used in the cultivation or processing of marijuana or marijuana related products from being dispersed or released outside the premises. The plan shall further provide for resulting smoke, vapor, fumes, gases and particulate matter from marijuana or its processing or cultivation to be effectively confined to the premises.
6. Marijuana-Businesses shall provide odor control measures so that odor generated on site is mitigated at the property line of the lot containing the Marijuana-Business. Applications must demonstrate appropriate measures, such as carbon filtration, ventilation and exhaust systems, facility plans or other additional practices adequate to mitigate odors for the scale of operations for the uses proposed.

(e) Advertising/ Signage:

1. Only one on-site sign per Registered caregiver retail store is allowed.
2. Maximum size for all signage shall be 75 square feet, or as permitted by Chapter 225-33, whichever is less
3. Any signage is limited to displaying the following information: name of business; logogram of business; and business' address, hours of operation and contact information. Other than the forgoing information, no advertising for Marijuana or Marijuana Products shall be displayed on any sign in a publicly visible location.
4. Portable signs or sandwich board signs located in the public right of way are prohibited.
5. Electronic Message Center and internally illuminated signs are prohibited.
6. Marijuana plants, products, and paraphernalia shall not be visible from outside the building in which the Registered caregiver retail store is located.

Potential Motion to Approve:

Motion to approve the application of 4207 LLC Registered Caregiver Retail Store upon the findings of fact as listed in a memo from Town Clerk Linda Dumont, dated 12/06/2019 with the following conditions of approval:

1. No changes to this approved license are allowed to occur. The applicant must return to the Board of Selectmen for any license renewals or amendments.
2. Other conditions?

FROM THE DESK OF

HIGHBROW

SEP 2 7 2019

SEP 2 7 2019

August 30, 2019

COPY

Mr. Dave Douglass, Chairman, Board of Selectman
Municipal Building
100 Main Street
Topsham, Maine 04086

Dear Mr. Douglass,

Attached you will find 4207, LLC's application to continue operating as a medical cannabis caregiver storefront in the Topsham Fair Mall. If you have questions about anything please reach out. We look forward to continuing to operate our business in the Town of Topsham.

Thank you in advance for your time and consideration.

Sincerely yours,

Richelle Ann Stacy

Business Manager

Highbrow, LLC

1234 MAIN STREET ANYTOWN, STATE ZIP (123) 456-7890

Date/ Time Received: RECEIVED 9/3/19 2:20 pm

TOWN OF TOPSHAM
Clerk's Office
100 Main Street,
Topsham, Maine 04086
Phone: (207) 725-1720 • Fax: (207) 725-1733

#2019- 005

ALL REQUIRED INFORMATION AND NON REFUNDABLE FEE MUST BE SUBMITTED AT THE TIME OF APPLICATION. ATTACH ADDITIONAL PAGES WHEN NECESSARY

Application is not complete without payment of Non-Refundable Fee $250 – subject to change per Board of Selectmen

FEE	☑ **$250.00 Non Refundable** ☐ **Total Fee due upon License Issuance $** 3,000 **-$250 =** 2,750	**Non-Refundable Paid: $** 250 **Date:** 9/3/19

Type of License Application: ☑ Retail Caregiver ☐ Cultivation Tier_____ ☐ Manufacturing ☐ Testing

LICENSE APPLICATION: MARIJUANA BUSINESS

BUSINESS INFORMATION

BUSINESS LOCATION	**Parcel ID**	**Map**	R05 B	**Lot**	004-A	**Zoning District**	MUC	**Total Land Area**	N/A
	Physical Address	49 Topsham Fair Mall Rd, Suite 19							
BUSINESS INFORMATION	**Business Name**	4207, LLC				**Phone**	207-356-9377		
	Business Address (if different from property location)					**EMAIL**	highbrowmaine@gmail.com		
Square Footage to be occupied/ No. of Employees		600 sq ft / 9 employees							
Hours of Operation		11am - 7pm							
Number of Registered Caregivers		1							

Please provide 6 copies of packet

Business Type (Check All That Apply):

- ☐ Sole Proprietorship
- ☑ Corporation (Including LLC)
- ☐ Partnership
- ☐ S Corporation
- ☐ Trust
- ☐ Non-Profit Organization

If business type is anything other than a sole proprietorship, attach the following:

- ☑ Attachment A – Articles of Incorporation

List below all officers, directors, and shareholders including their home addresses. If the business is a partnership, list the names and home addresses each of the partners. If necessary, provide additional information on a separate sheet.

Name	Home Address, City, State, and Zip Code	DOB	Position
Charles Doherty IV	27 Court St. Rockland, ME 04841	5-9-86	Owner

APPLICANT INFORMATION: Highest level official or employee of business/ cooperative such as Board President, Chief executive officer, Executive Director, or comparable position.					
Applicant Name	Charles Doherty IV		**Date of Birth**	5-9-86	
Applicant Address	27 Court St				
Applicant EMAIL Address	Chazdoherty.IV@gmail			**PHONE**	376-5446
City	Rockland	**State**	ME	**Zip**	04841
☐ **Attachment B - Provide state or federally issued photo identification**					

OPPERATOR INFORMATION: If different than the applicant, list the individual(s) responsible for day to day operations.					
Operator Name			**Date of Birth**		
Operator Address					
Operator EMAIL Address				**PHONE**	
City		**State**		**Zip**	
Operator Name			**Date of Birth**		
Operator Address					
Operator EMAIL Address				**PHONE**	
City		**State**		**Zip**	
☐ **Attachment C – Provide copy of state or federally issued photo identification**					

LICENSE INFORMATION

Has the applicant and/or operator been denied an application for medical marijuana retail store, dispensary, marijuana product manufacturing, marijuana cultivation facility or other related business from any jurisdiction?

☐ Yes

☑ No

If yes, state when, where and why: _____

_____

Has the applicant had medical marijuana retail store, dispensary, marijuana product manufacturing, marijuana cultivation facility or other related business license suspended or revoked by any jurisdiction?

☐ Yes

☑ No

If yes, state when, where and why: _____

_____

If yes to either question, what was the next business activity or occupation of the applicant subsequent to such action of suspension or revocation?

_____

_____

Has the applicant or operator ever been convicted of a felony or controlled substances violation(s) in a federal, state, or other court?

☐ Yes

☑ No

If yes, please provide the following: (If necessary, provide additional information on a separate sheet.)
***Town Clerk shall order a background check for each individual per Town Code

Name and Location of Court	Conviction Charge	Sentence	Date of Sentencing	Last date of incarceration/ parole/probation

PROPERTY OWNER INFORMATION

Owner Name	Four J, LLC				
Home Address	49 Topsham Fair Mall		**Phone**	207-729-9000	
City	Topsham	**State**	ME	**Zip**	04086

Does the applicant have legal possession of the premises from the date that this license will be issued by virtue of ownership, lease, or other arrangement?

☐ Ownership

☑ Lease

☐ Other: (Explain in detail)

☑ **Attachment D – Provide proof of ownership or copy of lease**

☑ **Attachment E – If premises are leased, attach written permission from the owner of the premises for the use specified in this application**

FACILITY INFORMATION

Does the applicant have an alarm system in place?

☑ Yes

☐ No

If yes, name the alarm company, contact name and phone number: ADT (855) 210-0572
Chad Anderson (207) 272-4403

Does the applicant propose to have retail sales of packaged food, beverages, or other merchandise on site?

☑ Yes

☐ No

If yes, what items will be sold? Drinks, cookies, chocolates, coffee
all pre-packaged & labeled

Does the applicant have a retail sales or food service license?

☑ Yes

☐ No

License #: 1180496 If yes, when did the applicant obtain the license? 01-01-2019

Application Information 150-11 (Please respond to whether each standard is met or not – Y/N)

1. **If a State License is required for the proposed use, a copy of the Applicant's State License Application and supporting documentation as filed with the State Licensing Authority, and any amendments thereto**

☑ Yes The State retains the original application

☐ No

2. **Evidence of all State approvals or conditional approvals required to operate a Marijuana Business, including, but not limited to, a State License as defined by this Article, a State retail certificate, or a State health license.**

☑ Yes

☐ No

3. **If not included in the Applicant's State License Application, attested copies of the articles of incorporation and bylaws if the Applicant is a corporation, operating agreement if the Applicant is a limited liability company, evidence of partnership if the Applicant is a partnership, or articles of association and bylaws if the Applicant is an association.**

☑ Yes

☐ No

4. **If not included in the Applicant's State License Application, an affidavit that identifies all owners, officers, members, managers, or partners of the Applicant, their ownership interests, and their places of residence at the time of the application and for the immediately preceding three (3) years.**

☑ Yes

☐ No

5. **Evidence of a property interest in the premises in which the Marijuana Business will be located, along with the written consent of the owner of the premises for such use if the applicant is not the owner.**

☑ Yes

☐ No

6. **No Marijuana Business is permitted to utilize or provide a drive up service window**

☑ Yes

☐ No

7. **A description of the premises for which the Local License is sought, including a floor plan of the premises showing how the floor space is or will be used, parking for the premises, total floor area of the building(s), and the nature and location of any existing or proposed exterior lighting and signage (please attach a floor plan)**

☑ Yes

☐ No

8. **A copy of the Applicant's security plan and operations manual (please attach).**

☑ Yes

☐ No

9. **Evidence that operating requirements of section 150-14 are met (please fill out next section)**

☑ Yes

☐ No

Operating Requirements (Please respond to whether each standard is met or not – Y/N)

1. All Licensed Premises shall be fixed, permanent locations. Licensees shall not be permitted to operate a Marijuana Business in temporary locations (such as mall kiosks, vending carts, or farm stands).

☑ Yes

☐ No

2. No more than one Registered Caregiver Retail Store shall be located on a single parcel of land

☑ Yes

☐ No

3. No Marijuana Business shall be located within 1,000 feet of the entrance of a pre-existing public or private school. For the purposes of this Ordinance, "school" includes a public school, private school, or public preschool program as defined in 20-A M.R.S. §1, or any other educational facility that serves children from prekindergarten to grade 12. Distance shall be measured in a straight line, without regard to intervening structures or objects, from the nearest entrance of the school to the nearest entrance of the Marijuana Business.

☑ Yes

☐ No

4. No Marijuana Business shall be located such that the nearest entrance to the facility is any closer than 1,000 feet, measured in a straight line, without regard to intervening structures or objects, to the nearest entrance of another Marijuana Business or Registered Caregiver Retail Store located on a separate parcel of land.

☑ Yes

☐ No

5. No Marijuana Business shall be located inside a building containing residential units, including transient housing such as lodging, group homes, hotels, motels, and boardinghouses.

☑ Yes

☐ No

6. No Registered Caregiver Retail Store shall be located within 200 feet of any residence, a building containing residents, or residential use. Distance shall be measured in a straight line, without regard to intervening structures or objects, from the nearest entrance of the residential building or use to the nearest entrance of the Registered Caregiver Retail Store

☑ Yes

☐ No

7. **No Marijuana Business is permitted to utilize or provide a drive up service window**

☑ Yes

☐ No

8. **Hours of operation shall be established by the licensing authority, but in no event shall a Marijuana Business be open to the public, and no sale or other distribution of marijuana shall occur upon the premise or via delivery from the premises, between the hours of 8:00pm and 8:00am**

☑ Yes

☐ No

9. **No registered caregiver retail store shall have a gross floor area, open to the public, in excess of 1,500 square feet.**

☑ Yes

☐ No

10. **No outside storage is permitted**

☑ Yes

☐ No

11. **Outdoor Cultivation of marijuana is prohibited.**

☑ Yes

☐ No

12. **Only one on-site sign per Marijuana Business is allowed.**

☑ Yes

☐ No

13. **A ventilation plan shall be included for Marijuana Cultivation Facilities, Marijuana Manufacturing facilities, and Marijuana Testing Facilities that provides for adequate ventilation so as to prevent pesticides, insecticides or other chemicals used in the cultivation or processing of marijuana or marijuana related products from being dispersed or released outside the premises. The plan shall further provide for resulting smoke, vapor, fumes, gases and particulate matter from marijuana or its processing or cultivation to be effectively confined to the premises**

☑ Yes

☐ No

14. **Marijuana Businesses shall provide odor control measures so that odor generated on site is mitigated at the property line of the lot containing the Marijuana Business. Applications must demonstrate appropriate measures, such as carbon filtration, ventilation and exhaust systems, facility plans or other additional practices adequate to mitigate odors for the scale of operations for the uses proposed.**

☑ Yes

☐ No

15. **Only one on-site sign per Marijuana Business is allowed.**

☑ Yes

☐ No

16. **Maximum size for all signage shall be 75 square feet, or as permitted by Chapter 225-33, whichever is less**

☑ Yes

☐ No

17. **Any signage is limited to displaying the following information: name of business; logogram of business; and business' address, hours of operation and contact information. Other than the forgoing information, no advertising for Marijuana or Marijuana Products shall be displayed on any sign in a publicly visible location.**

☑ Yes

☐ No

18. **Portable signs or sandwich board signs located in the public right of way are prohibited.**

☑ Yes

☐ No

19. **Marijuana plants, products, and paraphernalia shall not be visible from outside the building in which the Marijuana Business is located.**

☑ Yes

☐ No

THE ORIGINAL SIGNED COPY OF THIS FORM MUST BE ACCOMPANIED BY THE REQUIRED APPLICATION FEES AND OTHER NECESSARY SUBMISSIONS.

The undersigned hereby makes application to the Town of Topsham for approval of the proposed Marijuana Busines. License and declares all attached and embedded information to be true and accurate to the best of his/her knowledge.

Charles Doherty
SIGNATURE: APPLICANT OR APPLICANT'S AGENT

8/26/19
DATE

Charles Doherty
PRINT NAME

Licensing procedures.

(1) Applications shall be reviewed in the order they are received and determined to be complete. After a completed application packet and fee is received by the Town Clerk, the Clerk will review the information and will contact the applicant if clarifications or updates to the submitted application materials are needed. The Clerk will notify the applicant whether they have met the standards necessary to be invited to be reviewed by the Topsham Selectboard.

(2) The initial application for a license shall be processed by the Town Clerk but shall be reviewed by the Topsham Selectboard. Applications shall be made on a form prepared by the Town and must include all information required by Sec. 150-11 of this Article and by the form.

(3) In the event that the Town Clerk determines that a submitted application is not complete, the Town Clerk shall notify the Applicant within ten (10) business days that the application is not complete and shall inform the Applicant of the additional information required to process the application.

(4) The Town Clerk shall order national background checks of each applicant and renewal applicant. If the applicant is a business entity, every officer, director, manager and general partner of the business entity is required to submit to a criminal history record check. Failure to submit required releases for a background check is grounds for denial of a license. The cost of the background check shall be borne by the applicant above and beyond the application fee.

(5) Public hearing. A public hearing on an application for a license shall be scheduled after receipt of a completed application pursuant to Sec. 150-11. The Town Clerk shall post and publish public notice of the hearing not less than seven (7) days prior to the hearing.

(6) A renewal application shall be subject to the same review standards as applied to the initial issuance of the license and the same notice requirement as a new application. As part of the renewal process, the Town Selectboard shall consider compliance from prior years, and based upon that review, may add conditions to any future license to correct, abate or limit past problems. The Town Clerk shall refer action on a renewal application to the Town Selectboard for public hearing and action.

(7) Applications received after the maximum number of licenses has been issued shall be placed on a waiting list at the request of the applicant. Following termination of an existing license, the Selectboard shall consider applications in order from the waitlist.

LLC Renewal

UNANIMOUS CONSENT

OF MANAGING MEMBER FOR ANNUAL RENEWAL, YEAR 2019

I, **CHARLES DOHERTY IV**, do hereby agree and consent that our corporate counsel shall dutifully file the required 2019 annual renewal paperwork with the Secretary of State so that our LLC can continue for another year.

Date: 12-19

CHARLES DOHERTY IV, Managing Member, **4207, LLC**

Various Business Licenses

STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE & FINANCIAL SERVICES
Bureau of Business Management

Medical Use of Marijuana Program

Caregiver Application

SECTION 1: Caregiver Information	☐ New ☒ Renewal ☐ Modification to plant count	
Legal Name: Charles Doherty III		
Date of Birth: (Must be at least 21) 5-9-86	Telephone Number: (207) 376-5466	
Home Address: 27 Court St		
City: Rockland	State: Me	Zip: 04841
Mailing Address:		
City:	State:	Zip:
Email Address:	SSN or Federal Identification Number:	

SECTION 2A: Cultivating Location		*See Section 5--Attestation M
Street Address: 275 N. Road		
City: Detroit	State: Me	Zip: 04929
Indoor: Please Describe indoor, closed, locked, security monitered		
Outdoor: Please Describe		
If you do not own the property where you will be cultivating medical marijuana, please complete the following: Legal Name of Property Owner: Ronald Friend		
Home Address: 195 N. Road		
City: Detroit	State: Me	Zip: 04929

SECTION 2B: Dispensing Location (If different from addresses listed above)		*See Section 5—Attestation M
Street Address: 49 Topsham Fair Mall Rd	Name of Business if applicable: 4207	
City: Topsham	State: Me	Zip: 04086

Submit completed application and applicable fees to the following address:
Maine Medical Marijuana Program (MMMP)
162 State House Station
Augusta, ME 04333-0162
Tel: (207) 287-9330 or 287-3282 Fax: (207) 287-2671 TTY users: Dial 711 (Maine relay)
E-mail dhhs.mmmp@maine.gov Website: www.maine.gov/dafs/bbm/mmmp/

SECTION 3: Fees

Caregiver-**Servicing patients** and/or cultivating $240 per 6/12.

Plant count: Maximum 30 mature/60 immature.

Mature	Immature	Fee	Check one
6	12	$ 240	☐
12	24	$ 480	☐
18	36	$ 720	☐
24	48	$ 960	☐
30	60	$ 1200	☒

Total plant count fee: $ 1200

Criminal background check $31 (Required annually): $ 31

Total bank check/money order enclosed: $ 1231

Make bank check/money order payable to "Treasurer, State of Maine". All Fees are non-refundable.

*** We are unable to accept personal checks and cash.**

The exceptions for the $240 fee are found in 22 M.R.S. §2423 2-C.
If you are registering under Section 2-C, you may not sell marijuana plants at wholesale, operate as a retail store or organize as a business entity as per 22 M.R.S. §2423 2-C1. Any 6/12 plants and harvested marijuana from those plants cannot be sold for any type of monetary payment.
If one of the exceptions apply, please identify the relationship: _____

_____

SECTION 4: Submission

Remember to submit the following documents with your completed application:

- A bank check or money order made payable to "Treasurer, State of Maine".
- Copy of Government issued photo ID with proof of address.

SECTION 5: Attestation

I have read and attest to the following:

A. All information on this application is true and correct. Misrepresentation on this application may jeopardize my status as a card holder in the Maine Medical Marijuana Program (MMMP).
B. I have reviewed rules & statute to allow me to execute my duties, rights and responsibilities as a caregiver under the laws and regulations governing the MMMP.
C. In the event that law enforcement, MMMP staff, and/or their representatives question my status as a card holder, I must provide my registry identification card and current government issued photo ID.
D. I will comply with inspections as required and refusal of entry could jeopardize my status as a caregiver.
E. My authorization to cultivate medical marijuana for out of state visiting patients and minor patients is contingent on possessing a designation form and required paperwork for each designated patient.
F. I will comply with applicable regulations and requirements if I am producing edibles with medical marijuana or using pesticides in the cultivation of medical marijuana.
G. I will abide by packaging and labeling requirements as defined in rule and statute.
H. I will not sell, furnish or give marijuana to a person who is not allowed to possess marijuana for medical purposes.
I. I may operate one retail store to sell harvested marijuana to qualifying patients for the patients' medical use.
J. I may employ assistants to assist in performing the duties of the caregiver and they must be registered with the State of Maine in accordance with state law.
K. I have provided my social security number or federal identification number for reporting to the Maine Revenue Service for tax purposes only.
L. I will report sales tax related to my sales and transactions of medical marijuana.
M. I have reviewed local/town/municipal ordinances and my status as a caregiver does not violate any ordinances currently in place.
N. I will submit to annual background checks as required in statute or as required by program policy.
O. I must submit to the department annually, a report of the number of qualifying patients and visiting qualifying patients I have assisted.
P. I must submit a new application each time I apply for a card and renew a card.
Q. If any of my information changes after this application is processed, I must notify MMMP.
R. I am a Maine resident.
S. If I do not comply with these requirements, the Department of Administrative and Financial Services may revoke authorization to serve as a caregiver under the Maine law.

Charles Doherty	[signature]	6-14-19
Caregiver Name-Print	**Caregiver Name-Signature**	**Date**

STATE OF MAINE
OFFICE OF MARIJUANA POLICY
162 STATE HOUSE STATION
32 BLOSSOM LANE
AUGUSTA, MAINE 04333-0162

ADMINISTRATIVE & FINANCIAL SERVICES

KIRSTEN LC FIGUEROA
COMMISSIONER

OFFICE OF MARIJUANA POLICY

ERIK GUNDERSEN
DIRECTOR

JANET T. MILLS
GOVERNOR

JULY 1, 2019

CHARLES DOHERTY, IV
27 COURT STREET
ROCKLAND, ME 04841

Dear: CHARLES DOHERTY, IV

Attached please find your registry card that authorizes you to participate in the Maine Medical Use of Marijuana Program (MMMP). Your authorization attached to this card is as follows:

- [x] Caregiver
  Remuneration and/or cultivation
- [ ] Caregiver (Family/household member)
  May cultivate but receive no remuneration
- [ ] Non-cultivating Caregiver
  Pick-up and administer only
  Nothing of remuneration value in return
- [ ] Please note issue date
- [ ] Re-issue (lost, or changes to card)

In order for this card to be valid, it must be accompanied with your Maine or government issued photo ID.

Please be sure to familiarize yourself with the MMMP rules pertaining to your authorizations. This registry identification card provide protection only when the rules are followed.

Current rules, statute and forms can be found on the MMMP website listed below.
www.maine.gov/dafs/bbm/mmmp/

If any information changes or is you have questions, please notify the program at one of the following:
Telephone: 287-9330 or 287-3282 E-mail: dhhs.mmmp@maine.gov

Maine Medical Use
Of Marijuana

Date Issued: 07/20/2019
Expires: 07/19/2020

Individual Caregiver
CHARLES M. DOHERTY
DBA: 4207
DOB: 05/09/1986
Retail Location: 49 TOPSHAM FAIR MALL RD STE 19,
TOPSHAM, ME 04086-1735

Registration #: CGR25535 Control # : 596836
Authorized for: 30 mature/60 immature and/or
Harvested

If found, please return to:
Maine Medical Use Of Marijuana Program
162 STATE HOUSE STATION
AUGUSTA, ME 04333-0162

Address: 27 COURT ST, ROCKLAND, ME 04841-3005

STATE OF MAINE
MEDICAL MARIJUANA PROGRAM
162 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0162

ADMINISTRATIVE & FINANCIAL SERVICES

ALEXANDER E. PORTEOUS
COMMISSIONER

MEDICAL MARIJUANA PROGRAM

CRAIG PATTERSON
MANAGER

PAUL R. LEPAGE
GOVERNOR

Maine Medical Marijuana Program (MMMP)

☒ **On-Site Assessment** ☒ **Case Number:** 2018-MMP-89 ☐ **Other**

MMMP Participant: ☒ Caregiver ☐ Dispensary ☐ Patient ☐ Provider

Name: CHARLES DOHERTY ☐ Donation (s)

Location (s): 49 TOPSHAM FAIR MALL TOPSHAM
275 NORTH RD DETROIT

Investigator: ☐ Wade Maddox ☐ James York ☐ Mark Desjardin ☒ Matt Clark

☒ No finding of Non-Compliance on this date: 10/16/18 No action required at this time.

☐ Notice of Non-Compliance on this date: _____ Further action required.

Violation Type:

- ☐ Collective
- ☐ Current registry identification card (s)
- ☐ Employee registered/card/personnel file
- ☐ Failure to notify changes
- ☐ Food establishment license if applicable
- ☐ Legible tag on each plant/patient random identification number
- ☐ Packaging and labeling
- ☐ Patient paperwork
- ☐ Pesticide license if applicable
- ☐ Plant count
- ☐ Refusal of entry
- ☐ Security/fence/locks
- ☐ Trip tickets
- ☐ Other _____

☐ *A Plan of Correction must be submitted to MMMP within 5 business days of receipt of this notice.*

****By signing this form, I acknowledge I have received:**

1. **A copy of this report.**
2. **A notice of the reason for an on-site assessment, prior to entry.**

☐ **Refusal to sign**

****Participant Signature** 10/16/18

A

STATE OF MAINE
MAINE REVENUE SERVICES
RESALE CERTIFICATE

THIS CERTIFICATE IS VALID
JANUARY 01 2019 THRU DECEMBER 31 2023

Business Name and Location Address	Certificate Number	Business Type
4207 LLC 10 BENNER RD ROCKLAND, ME 04841-6304	1180496	DRUG STORE

This is to certify that the above named business is authorized to purchase during the period indicated on this certificate: (1) tangible personal property to be resold in the form of tangible personal property, or (2) a taxable service to be resold as the same taxable service. **This certificate cannot be reassigned or transferred and can only be used by the above business or its authorized employees. This certificate is void if the business has ceased operating or if the certificate has been altered.**

The above named business certifies that the following is being purchased in the ordinary course of business for resale as provided above.

_____

_____

Presented to: _____
(Insert name of seller on photocopy) (date)

Presented by: _____
Authorized Signature (purchaser) (date)

04014

DO NOT WRITE ON THIS ORIGINAL FORM

The document printed above is your new Resale Certificate. **Retain this copy as an original in your file.** This certificate is valid only for the period indicated.

Prior to the expiration of this certificate, Maine Revenue Services will automatically renew and reissue a new resale certificate for the next period if:

- your account is active; and
- you have reported $3,000 or more in gross sales during the previous 12 months

Make copies of this original, fill in the appropriate data and provide it to the vendors from whom you make purchases for resale.

If you cease doing business, this certificate is void and must be returned to Maine Revenue Services.

Use of a resale certificate to make purchases not intended for resale is a criminal offense.

If you have any questions regarding this document, please call (207) 624-9693.

State of Maine

Department of Agriculture, Conservation & Forestry
Division of Quality Assurance & Regulations
28 State House Station, Augusta, ME 04333-0028
(207) 287-3841

SERIAL NUMBER
122047

2-33249	February 12, 2019	January 1, 2020
LICENSE NUMBER	DATE OF ISSUE	DATE OF EXPIRATION

This certificate is valid only between the date issued and expiration date appearing herein. Only the named holder at the location for which issued may use it.

The person named herein is authorized to sell or manufacture food products, fuel and/or sell or repair weighing and measuring devices as permitted by law for the listed authorizations.

This certificate and/or each type of authorization represented is subject to suspension, revocation or cancellation as authorized by Maine Revised Statutes.

This certifies that

4207 Confections
4207 Confections
14 Cherrywood DR

Lewiston, ME 04240-

HOME PROCESSOR

Location: 14 Cherrywood DR, Lewiston

LICENSE TYPE	DESCRIPTION OF LICENSE AUTHORIZATIONS	FEE
License Type	**Authorizations**	**Fee**
Home Food Processor	Cakes, Pies Jams, Jellies	20.00
	TOTAL:	20.00

Division of Quality Assurance

Director

State of Maine

Beverage Container Redemption Program License

Department of Environmental Protection
17 State House Station, Augusta, Maine 04333-0017
207-287-3901 www.maine.gov/dep/sustainability/bottlebill

7679	1638	07/16/2020
Transaction Number	Business Number	Expiration Date

On the basis of the information furnished by the applicant and receipt of the license fee,

4207 LLC

10 Benner Rd

Rockland, ME 04841

is hereby licensed as: Initiator of Deposit

Brewer/Vintners/Other Beverage Manufacturers producing less than 50,000 gallons annually

Gerald D. Reid, Commissioner
Maine Department of Environmental Protection

Scott Wilson, Manager
Container Redemption Program

Maine.gov

- A secure, online service provided by the Department of Environmental Protection

Beverage Container Label Registration and Licensing Portal

Beverage Container Label Registration

Manage Licenses

Licenses

License Type	Expiration Date	Status
Initiator of Deposit - Brewer/Vintners/Other Beverage Manufacturers producing less than 50,000 gallons annually	07/16/2020	Approved

+ Add a License View License

Questions about this Service? Contact DEP at: (207) 287-7688 or email: bottlebill@maine.gov

Account Information

- User: **highbrowmaine**

Manage Account Information

Log Out

Menu

- Home
- Manage Product Labels
- Manage Licenses
- Transaction History

Credits

Lease Agreement, & Building layout

TOPSHAM FAIR MALL

August 19, 2019

Mr. David Douglass, Chairman, Board of Selectmen
Municipal Building
100 Main Street
Topsham, ME 04086

SEP 1 1 2019

Re: Highbrow (unit #19) sublet to '4207'

Dear Mr. Douglass:

Please be advised that Highbrow's owners have my permission to sublet space to '4207', as said sublet conforms to the use restriction in Highbrow's lease, which reads, in part, as follows:

"... shall be used and occupied solely for the purposes of a high-end functional glass and legal cannabis provider."

Either I or Jeffrey Larson would be happy to provide any additional information you or the Board may need in this regard.

Very truly yours,
Four J, LLC (d/b/a Topsham Fair Mall)
By:

John M. Larson, Manager/Member

49 Topsham Fair Mall Road, Topsham, Maine 04086 (207) 729-9000 Fax (207) 279-9009

LEASE AGREEMENT

THIS LEASE made this 31st day of July, 2017 by and between Four J, LLC (d/b/a Topsham Fair Mall), a Maine corporation with a principal place of business at Management Office, 49 Topsham Fair Mall Road, Topsham, Maine 04086 ("Landlord") and Highbrow, LLC a Maine corporation with a principal place of business of 49 Topsham Fair Mall Road /Suite #19, Topsham, ME 04086 ("Tenant").

WITNESSETH:

SECTION 1 – Leased Premises

A. Landlord hereby leases, demises and lets to Tenant, and Tenant hereby takes and hires from Landlord, for the Term of and upon and subject to the terms and conditions set forth in this Lease, the property identified as Suite #19, with all improvements therein, described as certain interior premises containing approximately 2,000 square feet, shown as the marked area on the plan attached hereto as EXHIBIT A (the "Premises") in the building known as the Topsham Fair Mall (the "Building"), having an address of 49 Topsham Fair Mall Road, Topsham, Maine 04086, together with the right to use in common with others parking spaces in the parking area on the site. For the purposes of this Lease, the Premises shall include its appurtenances and all exterior areas, yards, plazas, sidewalks, decks, landscaping and the like located outside of the building and to be used in common with all other tenants subject to reasonable rules and regulations concerning said parking and common areas to be amended from time to time by the Landlord and attached hereto as EXHIBIT B.

SECTION 2 – Term of the Lease

A. Landlord and Tenant hereby agree that the Term of this Lease (the "Term") shall be a period of Five (5) years commencing on the earlier to occur of November 1, 2017 or the date when Tenant opens for business (the "Commencement Date").

B. Landlord will allow Tenant access to the Premises no less than ninety (90) days prior to the Commencement Date (the "Delivery Date") for the purpose of finishing, installing fixtures and equipment within and stocking the Premises.

C. Tenant shall have the option to extend the Term as provided for in SECTION 4, below. As referenced herein, the Term shall include said extended term, should Tenant elect to exercise said option.

SECTION 31 - Execution and Acknowledgment

IN WITNESS WHEREOF, the parties hereto have caused this Lease to be executed and delivered as of the day and year first above written.

WITNESS:

LANDLORD:
Four J, LLC (d/b/a Topsham Fair Mall
By:

John M. Larson, Member/Manager

WITNESS;

TENANT:
Highbrow, LLC
By:

STATE OF MAINE
COUNTY OF SAGADAHOC

The foregoing instrument was acknowledged before me this 31st day of July, 2017 by John M. Larson, the Manager/Member of Four J, LLC (d/b/a Topsham Fair Mall), a Maine corporation, on behalf of the Corporation.

NOTARY PUBLIC

KARRY R. KANE
NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRES AUGUST 15, 2017

STATE OF MAINE
COUNTY OF SAGADAHOC

The foregoing instrument was acknowledged before me this 31st day of July, 2017 by Charles Doherty, the Owner of Highbrow, LLC, a Maine Corporation, on behalf of the Corporation.

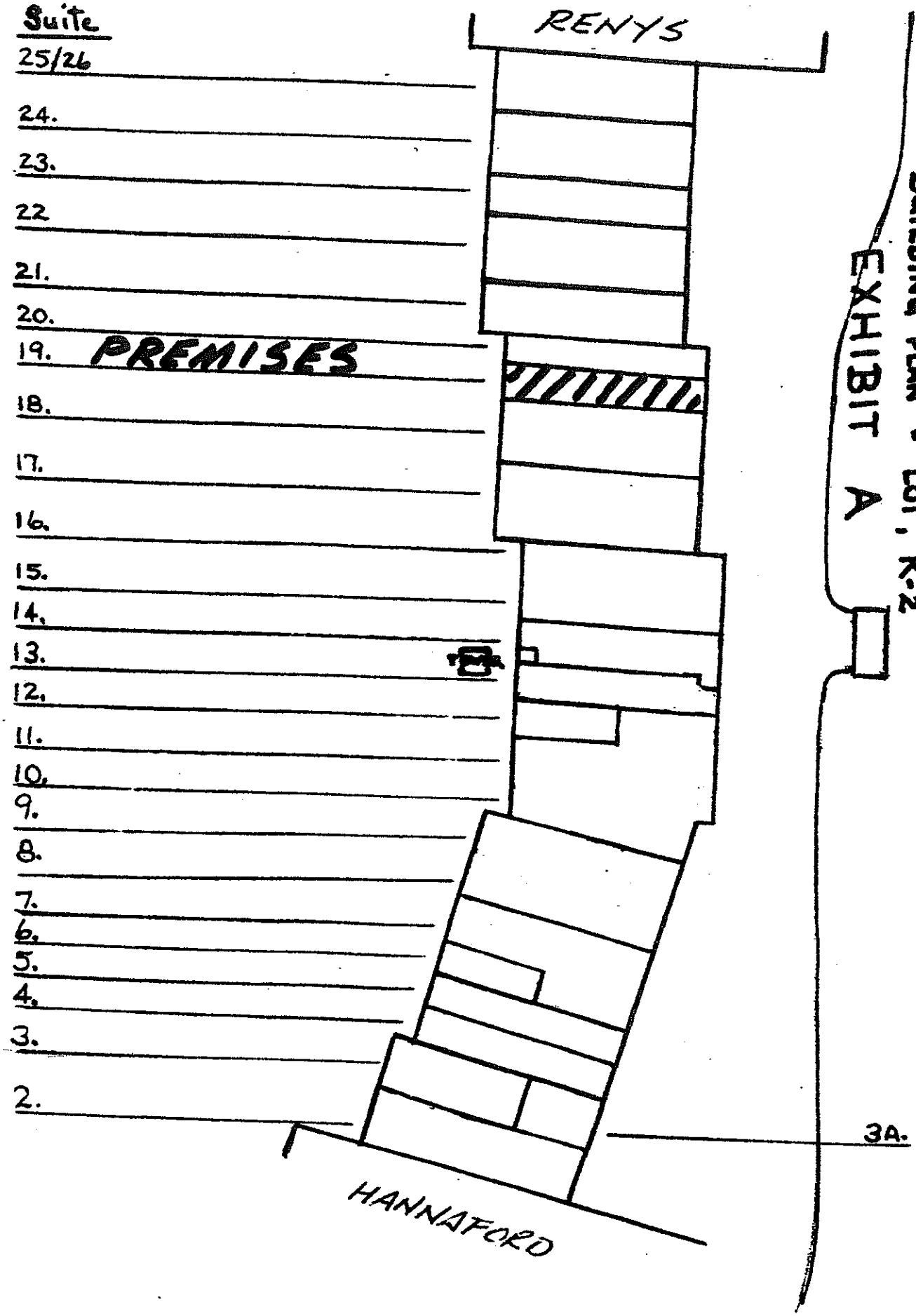
NOTARY PUBLIC

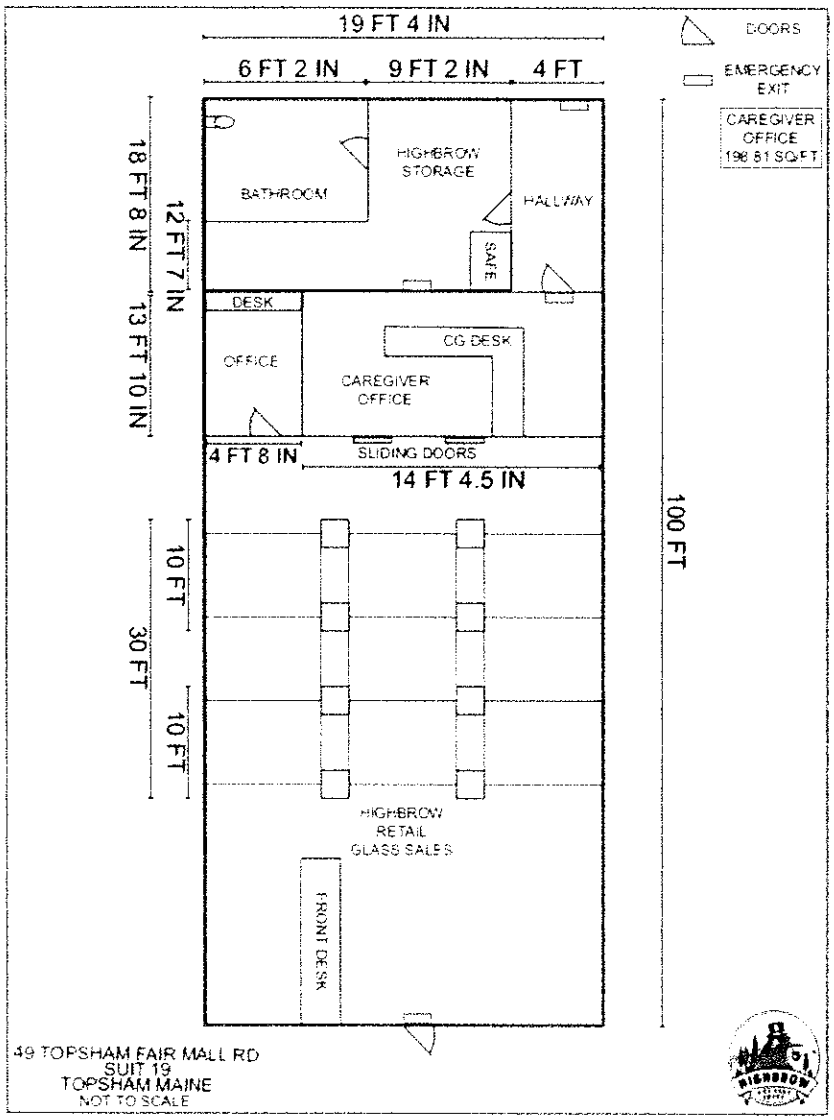
Brandi D. Lohr
Notary Public, Maine
My Commission Expires October 24, 2021

TOPSHAM FAIR MALL, 65,000 SF ± GROSS LEASE AREA

BUILDING PLAN - LOT, K-2

EXHIBIT A



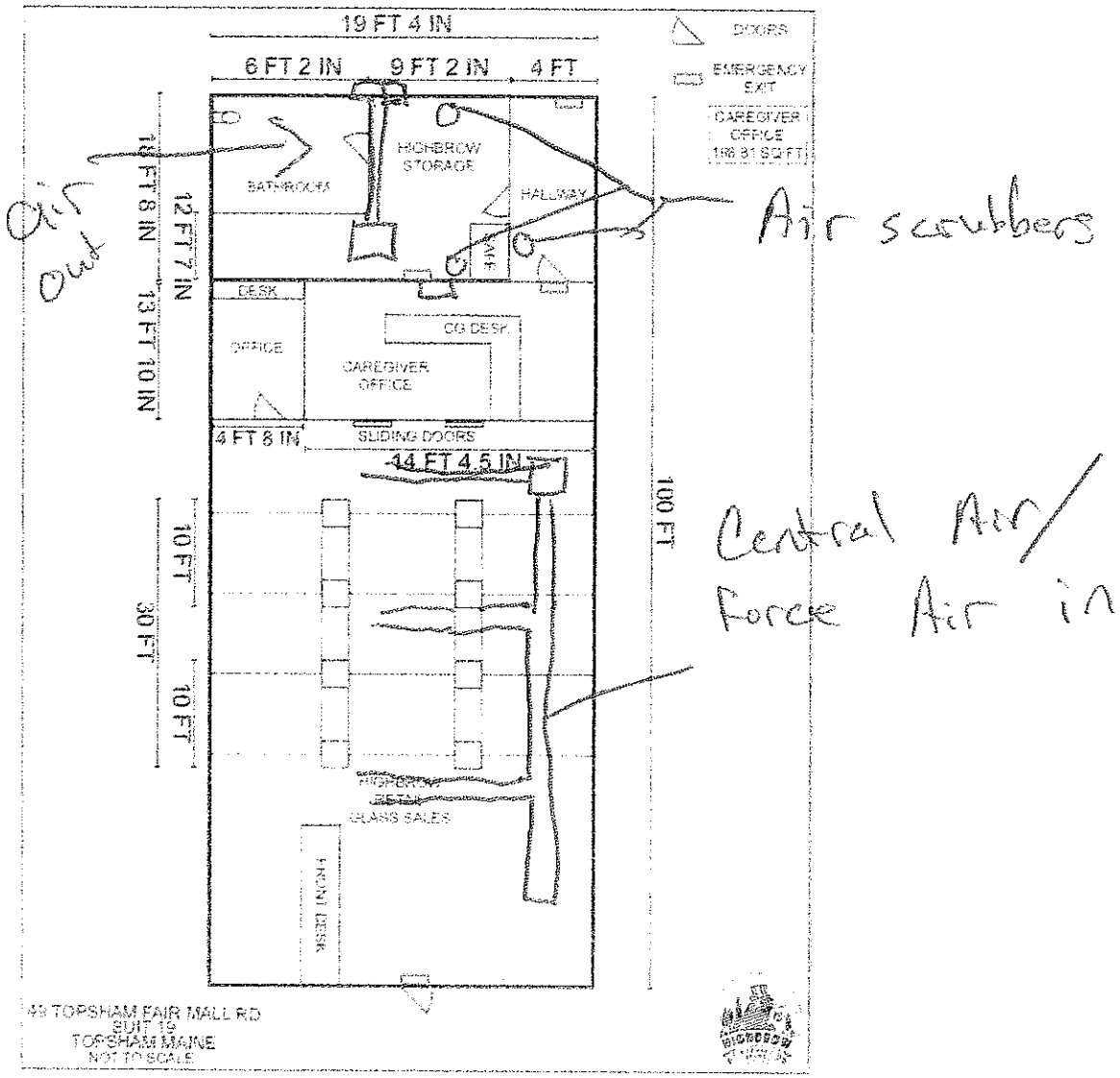

19 FT 4 IN
6 FT 2 IN
9 FT 2 IN
4 FT
DOORS
EMERGENCY EXIT
CAREGIVER OFFICE 198.81 SQ.FT.
18 FT 8 IN
12 FT 7 IN
13 FT 10 IN
BATHROOM
HIGHBROW STORAGE
HALLWAY
SAFE
DESK
OFFICE
CG DESK
CAREGIVER OFFICE
4 FT 8 IN
SLIDING DOORS
14 FT 4.5 IN
100 FT
10 FT
30 FT
10 FT
HIGHBROW RETAIL GLASS SALES
FRONT DESK
49 TOPSHAM FAIR MALL RD
SUIT 19
TOPSHAM MAINE
NOT TO SCALE

Ventilation Plan / odor control

remove measurements

O = Air filtration Carbon scrubbers

Add write up from bottom



Central Air is forced in through A/C and air handler.

Air is pulled from Care giver office

TOPSHAM FAIR MALL

August 19, 2019

Mr. David Douglass, Chairman, Board of Selectmen
Municipal Building
100 Main Street
Topsham, ME 04086

SEP 1 1 2019

Re: Odor issues associated with Highbrow's use

Dear Mr. Douglass:

As Highbrow's Landlord, I have been requested to respond to a question as to the ability of the HVAC equipment serving unit #19 to mitigate any odor issues associated with Highbrow's medical marijuana use.

First, let me emphasize that I had concerns about this same subject when I was approached by Highbrow's owners about leasing space at Topsham Fair Mall. Having no background with this potential issue, I contacted our mechanical contractor, HVAC Services, which has considerable experience in many other locations dealing with the particularly pungent odor characterizing this product, including the significantly greater problem associated with marijuana 'grow' facilities. HVAC Services indicated that a combination of measures would adequately mitigate any odor associated with this use that might otherwise be detectable off-premises. These measures were:

- Set the HVAC rooftop unit ventilation to produce a 'negative pressure' within the space, such that air would be drawn into the store and then expelled through the rooftop unit, to preclude air from within the store infiltrating the adjacent units.
- Add carbon filters to the rooftop unit, which filters do an excellent job of mitigating odors of many types (including, in the past, preventing the strong aromas emanating from Village Candle penetrating into Mall stores!).
- Add a free-standing air 'scrubber' filter in the area where the product is stored, to address odors 'at the source'.

The first two measures were implemented prior to Highbrow opening for business, and Highbrow's owners added a 'scrubber' as part of their installation of fixtures and equipment. However, as a result of concerns expressed on two or three occasions over the last year by the Manager of the adjacent JoAnn's store about odor thought to be originating from Highbrow (although it is perhaps more likely that the odor may have originated from other sources, given the increasingly common encounters with marijuana and related products as a result of its recent legalization), I went back to HVAC Services and asked what more could be done. One addition measure was suggested which I immediately implemented, that being the installation of separate ventilation ductwork in

49 Topsham Fair Mall Road, Topsham, Maine 04086 (207) 729-9000 Fax (207) 279-9009

the area where the product is sold and an exhaust fan through the rear wall to ensure that any possible residual odor associated with the packaging and sale of the product to the customer is discharged through the rear wall rather than the rooftop unit where, however unlikely, ventilated air might be picked up and distributed internally by the rooftop units of adjacent tenants. Additionally, *within an hour* after one of the complaints received by JoAnn's Manager, Highbrow's owners purchased and installed a third 'scrubber' (a piece of equipment costing several hundreds of dollars).

I should also note that, Gamebox, the tenant on the other side of Highbrow, has never noticed any odors associated with Highbrow's use.

Lastly, I want to emphasize that Highbrow's owners have been *extremely responsive* to the aforementioned two or three complaints we have received (all from the abutting JoAnn's store). They have spoken with JoAnn's Manager, with whom they have a good relationship, and have gone into JoAnn's as soon as possible (given their store hours) after a complaint has been made to try to determine if their store might be at fault. And, as noted, they added an additional 'scrubber' filter immediately upon learning of one of the initial complaints. I have found them to be an involved, concerned and responsible owner.

Given Highbrow's local ownership and high degree of responsiveness, its enviable success and growth over a relatively short period, its fully 'vertically-integrated' business model (growing, processing, packaging and selling) and the very attractive appearance of the store, I sincerely hope the Town of Topsham views Highbrow as a truly 'local business' deserving of its support. In this regard, I urge the Town to permit sale of the product for recreational use, especially in view of the fact that several nearby towns (including one as small as Woolwich) are in the process of doing so. It would be unreasonable to put any locally-owned and properly and responsibly managed Topsham business at a competitive disadvantage relative to similar businesses in neighboring communities. This outcome would be particularly unfortunate in Highbrow's case, given that its owners were among the first in the state to take a substantial entrepreneurial risk and seize upon this new opportunity. If the Town approves sale for recreational use there is no question that Highbrow would expand its already highly successful Topsham store, and isn't the expansion of a properly managed local business something Topsham should encourage and facilitate from a regulatory viewpoint as long as its location is deemed appropriate?

Either I or Jeffrey Larson would be happy to provide whatever other information you would find helpful.

Very truly yours,
Four J, LLC (d/b/a Topsham Fair Mall)
By:

John M. Larson, Manager/Member

Security System Cert.

SEP 1 1 2019

Security System Installation Certificate

For Eligible Business Insurance Savings

The security system that has been installed may entitle you to savings on your business insurance. You should check with your insurance agent or broker to determine if you are eligible.

This Security System Installation Certificate reflects that an ADT LLC dba ADT Security Services, security system, as described in the ADT Small Business Services Contract for the business identified below.

Name: HIGHBROW

Address: 49 TOPSHAM FAIR MALL RD STE 19

City: TOPSHAM

State: ME ZIP: 040861734 Tel: 207-310-1818

Central Station Signal Receiving and Notification Service is being provided seven days a week, 24 hours a day, by our U.L. Listed Alarm Service Center for the service(s) checked below:

☒ Monitored Burglar Alarm ☐ Monitored Fire Alarm ☒ Backup Communicator

Services in addition to those indicated above may also be provided, please refer to the customer contract for details.

If you have any questions regarding this installation or services provided, contact ADT Security Services, at 800.ADT.ASAP® or 800.238.2727.

This Security System Installation Certificate is subject to the terms and conditions of your ADT Small Business Contract.

Signed: Date: 08/13/2019

Tim Whall, Chief Executive Officer

©2016 ADT LLC dba ADT Security Services. All rights reserved. (11/16)

Board of Selectmen Meeting

For the date of: 12/19/2019

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:___19-104___
(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 request the set-up of the Comprehensive Implementation Committee.

Brief Description of Consent or Agenda Item:

Submitted by: Rod Melanson, Town Planner _____ **Date:** 12-11-2019

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.

Attached is a sample of how the committee may be set and function.

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: 12/19/2019

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:____19-105____
(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 release of a Solar Power Purchase Agreement (PPA) RFP proposed by the Topsham Solar Advocates group

Brief Description of Consent or Agenda Item:

Submitted by: Rich Roedner, Town Manager _____ **Date:** 11-26-2019

TOWN OF
TOPSHAM

REQUEST FOR PROPOSALS

Topsham Solar Power Purchase Agreement

100 Main Street
Topsham, Maine
04011

INDEX OF RFP DOCUMENTATION

PROJECT DESCRIPTION AND GENERAL RFP INTRODUCTION

1 Invitation to Bid
2 Instruction to Bidders
3 Request for Proposal Requirements

1. INVITATION TO BID

DATE: December 19, 2019

TO: CONTRACTORS:

Open to Public Bid

RE: **Town of Topsham Seeking Solar Power Purchase Agreement**

The Topsham Solar Advocates, on behalf of the Town of Topsham, Maine Board of Selectmen invites you to submit a bid on the project noted above. Bidding Contractors should note:

1. Refer to the Instructions to Bidders, Request for Proposal Requirements, for information concerning procurement of bid documents.

2. Bidding by Contractors will be by select competitive bid. Price, project completion, schedule, experience with bidder, and ability to perform periodic maintenance after installation are factors used to determine award.

3. Sealed bids are due at the Town Manager's Office, 100 Main St. no later than **3:00 PM on Friday, January 31, 2020**. Refer to "Instructions to Bidders" for additional bidding information. A public opening of bids will take place at that time.

4. This invitation to bid is not to be construed as an offer which can be accepted by submitting a bid. The Town of Topsham, reserves the right to reject any and all bids, with or without cause, to negotiate with any person both before and after bids are submitted, to modify its specifications at any time, to accept any bid regardless of price and regardless of whether a bid complies with the terms of the bid request or instructions contained in this letter and to disclose the bids and other information concerning bids to any person at any time to use bid information submitted to it for any purpose.

2. INSTRUCTIONS TO BIDDERS

1. PREPARATION AND SUBMISSIONS OF PROPOSALS

A. A proposal for a solar power purchase agreement (PPA) shall be received by:

Topsham Solar Advocates
c/o Derek Scrapchansky,
Assistant Town Manager 100
Main Street
TOPSHAM, ME 04011
Tel: (207) 725-5821

dscrapchansky@topshammaine.org

B. Provide (1) original and (1) printed copy of the bid proposal, bid forms and supplemental information within a sealed envelope and deliver to the Town Managers Office at the Topsham Municipal building at the address above. Mark envelope "**Sealed Bid for Power Purchase Agreement**".

BIDS ARE DUE FRIDAY, JANUARY 31, 2020 TO THE TOWN NO LATER THAN 3:00PM AT THE ABOVE LOCATION.

All original documents shall be properly executed by an individual authorized to legally bind the bidder. Failure to comply with any requirements may be cause for rejection of the proposal. Proposals received after the Bid Due Date and time will be disqualified.

Partial, obscure or conditional proposals may not be considered. Proposals shall be in strict conformity with the Bid Package Documents and any applicable addenda. It is the sole responsibility of the bidder to ensure that its proposal is submitted by the Bid Due Date.

The attached Bid Forms must be completed and submitted with the bidder's proposal. The Bidder may duplicate the form on its own letterhead.

Each proposal shall show the full legal name and business address of the bidder, including its street address if it differs from its mailing address, and shall be dated and signed by a person or persons authorized to legally bind the bidder.

The preparation of all Proposals shall be at the expense of the bidder.

Each bidder submitting a Proposal is responsible for examining the complete Bid Package including all addenda and is also responsible for informing itself of all conditions, which might in any way affect the cost, or the performance of any work. Failure to do so will be at the sole risk of the bidder and no relief will be given for errors or omissions be the bidder.

Submissions of a proposal shall be considered presumptive evidence that the bidder is familiar with (a) Site facilities and conditions, (b) all the requirements of the Bid Package Documents, (c) all pertinent local, state,

and federal laws, and (d) prevailing local labor and markets, and is made due allowance in its Proposal for contingencies.

Alternate proposals the bidder wishes to submit should be sent as an attachment to the bid forms, clearly outlining the reasons for the alternatives and any cost of other benefits associated with them. Bidders are required to respond to the basic bid as described in this Request for Proposal, any alternate shall be in addition to the basic bid.

C. The Topsham Solar Advocates welcomes questions and requests for more information. Contact: TopshamSolarAdvocates@gmail.com.

3. VALIDITY PERIOD

A. Bidder's proposals for this contract shall be binding and valid for a period of at least one hundred twenty

(120) days from the Bid Due Date. Bidder agrees to accept an order based on the terms of the submitted Proposal if a written or oral notification of award is received on or before expiration of the 90-day period.

B. A bidder may modify its proposal at any time prior to the Bid Due Date by submitting such modified Proposals to the address to which the original Proposal was submitted.

C. A bidder may, without prejudice, withdraw its Proposal by written request, at the address to which the original Proposal was submitted, provided that the request is received by Town of Topsham prior to the Bid Due Date. The bidder may submit a new Proposal, if it is received by the Town of Topsham prior to the Bid Due Date.

4. BASIS OF AWARD

A. The Town of Topsham reserves the right to accept or reject any or all proposals submitted in response to this RFP. The Town of Topsham is not obligated to select or accept the lowest price proposal. If only one proposal is received, it may be selected, accepted or rejected at The Town of Topsham's sole discretion.

B. The Town of Topsham reserves the right to select any proposal considered by it to be in its best interest or the most satisfactory. By submitting a proposal, the bidder agrees that if its proposal is selected by The Town of Topsham, the bidder will negotiate in good faith with The Town of Topsham for a reasonable period.

C. In assessing a Proposal, The Town of Topsham may consider, and may select, accept or reject any proposal based upon the following criteria, in no particular order.

- The proposal cost effectiveness.

- The level of experience, ability and qualifications of the bidder and its subcontractors.
- Any previous work the bidder has completed a project of similar size and scope.
- The extent in which the bidder will utilize local labor and/or suppliers.
- The solar array location and environmental impact of the project.
- Any other factors appropriate to the Town of Topsham in its sole discretion.

D. The Town of Topsham reserves the right to reject all proposals if none are considered satisfactory and, in that event, at its option, to call for additional proposals. The Town of Topsham may select one or none of the proposals.

E. The Town of Topsham shall be entitled, at its sole discretion, to waive any irregularity, informality or non-conformance with these instructions in any proposal received by the Town of Topsham or to reject any proposal containing any such irregularity or non-conformity.

F. No term or condition shall be implied, based upon any industry or trade practice or custom, any practice or policy of the Town of Topsham or any other basis which is consistent or in conflict with the foregoing provisions.

5. COMPLIANCE WITH TERMS AND CONDITIONS

A. No terms or conditions other than those contained in the bid package shall be binding upon

the Town of Topsham, unless specifically agrees to in writing.

B. The successful bidder will be required to submit proof of insurance in the amounts shown within.

C. The successful bidder will also submit a W-9 to the Town of Topsham.

6. TAX STATUS

A. Any equipment related to this project located in the Town of Topsham shall be taxed according to applicable laws.

7. TIME OF COMPLETION

A. The contractor shall prosecute the work expeditiously and continuously until completion.

B. Schedule for Construction: It is the intent to have the project operational and producing power no later than December 31, 2020.

END OF SECTION

3. REQUEST FOR PROPOSAL REQUIREMENTS

1. PROPOSAL BID REQUIREMENTS

A. The Town of Topsham's goal is to reduce its carbon footprint and optimize utility rates through the installation of solar photovoltaic ("PV") systems. The Town is therefore soliciting bids for a power purchase agreement between the Town of Topsham and a third party that can provide sufficient solar generated power to cover the yearly expected power demand of the Town or sufficient credit equal to the total yearly cost of electricity for the Town.

Project Scope and Standards:

1. Current estimates are the town uses 750,000 KWh per year. The town spends an estimated $154,000 per year on power including leases on street lighting.
2. Bids should include:
   a. The option to purchase power without the Town owning the system for a term of 20 years with options to extend, and
   b. where possible the option for the Town to buy out the system after a period of several years.
3. The solar provider(s) will design, install, finance, own, operate, and maintain the PV systems pursuant to the terms and conditions of an agreed upon solar PPA and according to the pricing proposals received. This RFP is not an offer, and no contract will exist unless and until a PPA is signed by the town and the solar provider(s).
4. The provider shall include a cost proposal for operation and maintenance if the Town decides to exercise an option to purchase the system and include this in the proposal as an optional item.
5. Monitoring of system performance and providing public education and outreach is an important element of this RFP. The Town of Topsham will favor a proposal that includes a turnkey monitoring system that can be integrated into the Town of Topsham's website. The system should display and analyze historical and live solar electricity generation data. Additionally, the regularly collected data should reflect, but not be limited, to the following:
   a. Instantaneous, average, and accumulated output (kW and kWh).
   b. Log showing at least monthly energy (kWh) generated and percentage of installed capacity realized.
   c. Year-to-date and aggregate cost savings estimate based on cumulative output and Topsham's current grid electric rate.
   d. Greenhouse gas emissions averted (and real-world equivalents conversion)
6. Operation and maintenance services provided once the Town owns the system should include:
   a. Online monitoring as mentioned above.

b. Performance monitoring, notification, and troubleshooting including notifications to the Town of an outage or decrease in system production.

c. Corrective maintenance to mitigate risks to the system and minimize down time.

d. Manufacturer recommended maintenance.

7. Ground cover and vegetation management plan shall be included in the proposal.

8. Construction must comply with the current adopted State of Maine Building Code, which includes the IBC and the NEC.

9. Inverters shall have an efficiency of 95% or higher.

10. Module Warranty of a minimum of 25-year power output and a minimum 10- year workmanship limited warranty.

11. Inverter warranty of 10- year warranty.

12. Racking warranty of 10-year warranty.

13. Minimum of 10-year workmanship warranty.

B. Additional Considerations

The following optional requirements will improve the ranking of a proposal.

1. The ideal project would be located somewhere in or near the Town of Topsham and be visible from a public right of way.

2. Providing pollinator habitat, agriculture" (e.g., row crops), and/or grazing opportunities.

3. Minimal removal of trees or lands from current forest or agricultural uses

C. Technical Description

1. A system schematic design layout for the solar PV system, including PV model type and model number, wattage, number of modules, degradation percentage, inverter type and model, mounting system type, azimuth, tilt, and system size (AC and DC).

2. Details about the estimated kilowatt hours (kWh) generated by the proposed PV systems, including all necessary assumptions such as sunlight availability, dark time, maintenance downtime, mean time between failures, efficiency of the system proposed, efficiency losses, and net metering.

3. A complete project schedule indicating major project milestones and durations.

4. The impact of the proposed PPA on demand-related charges on the Town's utility bills and monthly demand charges.

5. A pro forma statement inclusive of buy-out/purchase options, pricing schedule, capacity (demand) utility attributes, Renewable Energy Credits (RECs) attributes, tax credits, accelerated depreciation, other environmental credits attributable to financing of the project.

A. References

The Bidder shall provide information regarding its experience specific to services for projects of similar scope and magnitude to this projects scope of work. The Bidder is asked to provide the following information pertaining to three (3) such projects.

1. Project name and location
2. Project size (total cost and project capacity in kW)
3. Project type – turnkey or third party energy sales
4. Cumulative kWh produced since system installation
5. Year completed
6. Name of project manager
7. Name of client contact
8. Physical description of the project (equipment manufacturer, model, etc.)
9. A brief discussion of any specific challenges and how they were overcome
10. Present a detailed cash flow analysis for the projected life of the agreement
11. PPA proposal should clearly state the percent escalator, if applicable.

B. Qualifications

1. Demonstrated extensive experience in the successful installation and management of multiple, large commercial or public solar electric systems.
2. Previous work with a public entity on a solar PV program.
3. Possession of all applicable valid and pertinent State of Maine licenses for the installation of commercial solar PV systems in Maine.
4. If not a locally-based firm, has established a partnership with a local office or project manager, or will do so if selected.
5. Sufficient, current information indicating the solar provider's financial strength and the stability of the solar provider in terms of length of service, professional capabilities, construction experience and capabilities over time.

Board of Selectmen Meeting

For the date of: 12/11/2019

Type of Item:

_____Board or Committee Presentation
_____Consent Agenda Item
_____Public Hearing
____x_____Unfinished Business
_____New Business
_____Executive Session
_____Workshop

Type of Submission:

____X_____Regular Submission
_____ Additional Agenda Item
___ _____Additional Information

Agenda Number:____19-93_____
(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 pursuant to 1 M.R.S.A. § 405 (6) (A) to discuss personnel matters.

Brief Description of Consent or Agenda Item:

Submitted by: Rich Roedner, Town Manager **Date:** 12-11-2019