

**Committee  
7:00PM Board of Selectmen Meeting  
Topsham Municipal Building  
Donald A. Russell Meeting Room  
February 1, 2018**

**Pledge of Allegiance –**

**Roll Call of Board Members –**

**Town Manager's Report –**

**Board and Committee Reports and Updates-**

**Public Comment –**

**Correspondence –**

**Adjustments to the Agenda –**

**Consent Calendar –**

1. Approval of the minutes of the Regular Selectmen meeting 01-18-2018.

**Public Hearing –**

**18-08-** Consideration and any appropriate action on an application for a Liquor License for Ruby Tuesday.

**18-09-** Consideration and any appropriate action on an application for a Special Amusements permit for Corey Edwin Garver Post 202 American Legion.

**Unfinished Business –**

**Old Business –**

**New Business –**

**18-10-** Consideration and any appropriate action regarding ensuring public safety in areas of the Androscoggin River adjacent to the Brunswick Hydroelectric Facility.

**Executive Session-**

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

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

# Board of Selectmen Meeting

For the date of: 02/01/2018

**Type of Item:**

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

**Type of Submission:**

- Regular Submission
- Additional Agenda Item
- Additional Information

**Agenda Number** 1

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

**Brief Title of consent or Agenda Item:** Approval of the minutes of the regular Selectmen meeting 01-18-2018.

**Brief Description of Consent or Agenda Item:** see attached

**Submitted by** Rich Roedner, Town Manager

**Date:** 01-19-2018

MINUTES  
TOWN OF TOPSHAM  
BOARD OF SELECTMEN MEETING  
JANUARY 18, 2018 - 7:00 p.m.

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

MEMBER(S) ABSENT: All present

STAFF PRESENT: Richard Roedner, Town Manager

A meeting of the Topsham Board of Selectmen was held on Thursday, January 18, 2018 in the Donald A. Russell Meeting Room, at the Municipal Building, 100 Main Street, Topsham, Maine.

**CALL TO ORDER**

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

**PLEDGE OF ALLEGIANCE/ROLL CALL**

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

**TOWN MANAGER'S REPORT**

This past week, the Topsham community suffered the loss of a long time resident, Lionel Thiboutot. Lionel served the community as a dedicated member of the Topsham Fire Department from 1966 until his retirement in 2011. At his Celebration of Life service, it was noted that due to his close proximity to the Fire Station on Green Street, Lionel was almost always the first one there for a call, and was the first out with the old Mack Engine. On behalf of the staff, I would like to extend my condolences to Lionel's wife and children, and a thank you to them for sharing him with the Town of Topsham for so many years.

**Budget Schedule:**

Initial presentation to the Board will be on February 1<sup>st</sup>.

Board/Finance review with Dept. Heads is Feb. 7, 13 and 26 at 6:00 p.m.

Joint Board of Selectmen/Finance Committee reconciliation meeting March 21 at 6:00 p.m.

(All meetings will take place in the Donald A. Russell Meeting Room at the Municipal Building.)

**BOARDS AND COMMITTEE REPORTS AND UPDATES** – TDI/ECD John Shattuck, Economic and Community Development Director presented an update including:

- **Head of Tide Park Committee (HTPC)** – Mr. Shattuck said the Town has completed all the substantive requirements for receiving the Land for Maine’s Future funding for the acquisition of the Direnzo property for Topsham’s Head of Tide Park. Closing of the sale was held on December 13, 2017 from TDI to the Town. TDI purchased this property in 2014 to provide the Town time to raise funds for this substantial expansion of the Head of Tide Park. The land includes 7 acres with more than 600 feet of frontage on the Cathance River. Mr. Shattuck said, as with the 2007 Kelso property purchase to start the Head of Tide Park, TDI again contributed \$4K. He extended major thanks to the Brunswick Topsham Land Trust as the major contributing partner in acquiring the land.
- **Design Advisory Committee (DAC) and the Section 106 Process** – The next DAC meeting will be on Wednesday, February 2, 2018 in Brunswick Town Office. The meeting will focus on historic memorialization, parks and trail connectivity. The DAC’s Interim Report and all agendas, minutes and imagery can be linked from the Topsham home page at <https://app.box.com/s/cybcsmp7y7g9yy4teas6eq48hggw5n5>. Mr. Shattuck said that Maine DOT has indicated that the next and final Section 106 meeting is likely to take place in March, though the specific date and location have not been announced. Still looking at construction in 2019.
- **TIF’s** – On December 21, 2017 DECD sent the approval letter for the Highland Green Phase 2 TIF. DECD has already approved the other component of this TIF – the 3<sup>rd</sup> Amendment to the original Highland Green TIF (Bypass North TIF). A major feature of these TIF’s is the completion of the connection of Canam and Mountain Roads to be completed before the end of 2020, or sooner.
- **Amazon Headquarters 2** – Mr. Shattuck said he was sorry to announce that neither Scarborough nor Greater Topsham or Brunswick made it to the list of finalist locations. Actually, nobody made it from Maine.

**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 12/21/17.**

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

**VOTED**

To approve the minutes of the Regular Selectmen’s Meeting of December 21, 2017, as written.

**PUBLIC HEARING** – None noted.

**OLD BUSINESS** – None noted.

**NEW BUSINESS**

**18-01 CONSIDERATION AND ANY APPROPRIATE ACTION TO EXTEND THE BID TO GRIND THE WOOD AT THE SOLID WASTE FACILITY**

Solid Waste Director Ed Caron told the Board he would like to extend the contract for wood grinding to Marshall Grinding. They have agreed to hold the price from last year which was part of a three-year option to continue. Mr. Caron said this will be the last year of the contract option and will go out to bid next year.

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

**VOTED**

To approve the wood grinding bid from Marshall Grinding.

**18-02 CONSIDERATION AND ANY APPROPRIATE ACTION ON DISCUSSING LIBRARY BOARD REQUEST TO AN EXCEPTION ON TOWN POLICY REGARDING ALCOHOLIC BEVERAGES**

Susan Preece, Library Director, on behalf of the library board, requested an exception from Town policy to serve wine at an event to be held at the library the evening of Friday, February 9, 2018 with a snow date of February 10. Ms. Preece said this is the 4<sup>th</sup> year the event has been held, an invitation –only reception for adult Whitten Society members. The Sarah Whitten Community Award this year will be presented to Don Sanders, a bus driver for MS75. The event will take place from 6:00 p.m. to 8:00 p.m. at the library.

Following Ms. Preece's presentation, motion was made by Selectman Tufts, seconded by Selectman Thompson, and it was unanimously

**VOTED**

To approve the Library Board's request for an exception to Town policy regarding alcoholic beverages.

**18-03 CONSIDERATION AND ANY APPROPRIATE ACTION ON ACCEPTING WRIGHT-PIERCE'S PROPOSAL FOR ENGINEERING SERVICES FOR THE LOWER VILLAGE DRAIN REPLACEMENT**

Public Works Director Dennis Cox recommended that the Town accept proposal from Wright-Pierce Engineers to assist in the engineering of the culvert that needs replacing from Elm Street Extension to its outlet near the back of the Hearth Store. Mr. Cox said after meeting with Wright-Pierce he learned that they have information on the culvert that needs replacing from past work in the area.

Following questions from the Board, motion was made by Selectman Tufts, seconded by Selectman Lyons, and it was unanimously

**VOTED**

To accept Wright-Pierce’s proposal for engineering services for the Lower Village drain replacement, fee not to exceed \$5,000.

**18-04 CONSIDERATION AND ANY APPROPRIATE ACTION ON POLICE DEPARTMENT’S PARTICIPATION IN A STATE-WIDE SAFETY ENFORCEMENT GRANT**

Police Chief Christopher Lewis asked the Board for permission to participate in a State wide Traffic Safety Enforcement Grant sponsored by the Maine Bureau of Highway Safety. He said these grants will reimburse the agency for those officers who participate in the specific activity. Enforcement measures will be conducted in various locations within the Town. Matching funds will be provided by on-duty salaried personnel for the administration and oversight of each grant. Totals approved are as follows:

Seat Belt Enforcement	\$ 5,076.65
Distracted Driving	\$17,075.22
Impaired Driving:	\$ 3,602.88

Chief Lewis said the grant does not reimburse for court time which may occur after the grant has ended. These grants allow the agency more resources to concentrate on improving the overall safety of motorists traveling within the Town of Topsham.

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

**VOTED**

To approve the Police Department’s participation in a State-wide Safety Enforcement Grant as presented.

**18-05 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE APPOINTMENT OF SUSAN RAE-REEVES TO THE COMPREHENSIVE PLAN COMMITTEE**

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

**VOTED**

To appoint Susan Rae-Reeves to the Comprehensive Plan Committee.

**18-06 CONSIDERATION AND ANY APPROPRIATE ACTION ON CONSIDERATION OF TOWN OF BOWDOINHAM REQUEST TO NEGOTIATE AN EMS SERVICES CONTRACT**

Town Manager Roedner said he had been asked by the Town Manager in Bowdoinham whether Topsham would entertain entering into a contract with Bowdoinham to provide EMS coverage beginning July 1 or earlier if any interest.

The Board entered into a lengthy discussion of pros and cons in considering working with Bowdoinham. It was noted that Northeast Ambulance has not responded to Bowdoinham’s request for a new contract and appears to have been backing off of coverage in the area, leaving

Bowdoinham with no coverage. Topsham has been responding via mutual aid.

Selectman Lyons said Topsham actually needs another ambulance. She said Bowdoinham is a growing community, a lovely community and wonders why they haven't considered buying their own ambulance. Concern was also expressed that when Topsham covers for Bowdoinham, there is no coverage in Topsham. Chairman Douglass said we need to immediately evaluate aid we are providing to citizens in our own town.

Mr. Roedner asked the Board if they felt additional conversations with Bowdoinham would be of interest. It would be necessary to assess what the impact would be to Topsham. We currently provide mutual aid coverage and will continue to do so. Topsham responds to approximately 200 to 220 calls a year or 3 or 4 a week.

Chairman Douglass said he has no interest in beginning negotiations with Bowdoinham and we need to immediately evaluate the aid we are providing to citizens in our town. This issue won't get solved in the next budget cycle. We are struggling here to do our own coverage. We don't have a Fire Chief at this time. It was suggested that Bowdoin, Bowdoinham and Richmond should meet to discuss the issue.

The Board instructed the Town Manager to inform Bowdoinham of the Board's decision not to get involved and that the Board has no interest in negotiating further.

**18-07 CONSIDERATION AND ANY APPROPRIATE ACTION ON ADOPTING REVISED PERSONNEL POLICY**

Town Manager Roedner said drafting a new Personnel Policy has been under way for over a year. A copy of a final draft was included in the Board Package for the Board's review and approval. The Board reviewed a proposed policy last September and debated a couple areas after Town Attorney Linda McGill had reviewed it. Suggestions made by the Board have been incorporated. A new paragraph under article 6, paragraph F on pages 13 and 14 has been added dealing with temporary v. call v. part-time employees and longevity for non-union employees.

There was a discussion to clarify language and intent on the sick time bank. The Board okayed how sick time bank is written as long as it is under tight rules. The Board agreed to move on the Personnel Policy as presented and come back for further discussion on the sick time bank.

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

**VOTED**

To approve the Personnel Policy as presented.

**ADJOURNMENT**

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

**VOTED**

To adjourn the meeting at 7:55 p.m.

Respectfully submitted,

\_\_\_\_\_  
Patty Williams, Recording Secretary

# Board of Selectmen Meeting

For the date of: 2/01/2018

**Type of Item:**

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

**Type of Submission:**

- Regular Submission
- Additional Agenda Item
- Additional Information

**Agenda Number:** 18-08

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

**Brief Title of consent or Agenda Item:** Consideration and any appropriate action on an application for a Liquor License for Ruby Tuesday

**Brief Description of Consent or Agenda Item:** A new application is required due to change of ownership effective 12-20-17, CEO, Fire and Police approvals attached.

**Submitted by:** Linda Dumont, Town Clerk **Date:** 01/17/2018

**BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS**  
**DIVISION OF LIQUOR LICENSING AND ENFORCEMENT**  
 8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008  
 10 WATER STREET, HALLOWELL, ME 04347  
 TEL: (207) 624-7220 FAX: (207) 287-3434  
 EMAIL INQUIRIES: [MAINELIQUOR@MAINE.GOV](mailto:MAINELIQUOR@MAINE.GOV)

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	

NEW application:  Yes  No

\*\*Change of Ownership

PRESENT LICENSE EXPIRES 08/10/2018 (#5415)

INDICATE TYPE OF PRIVILEGE:  MALT  VINOUS  SPIRITUOUS

**INDICATE TYPE OF LICENSE:**

- |  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input type="checkbox"/> RESTAURANT/LOUNGE (Class XI)     | <input type="checkbox"/> CLASS A LOUNGE (Class X)        |
| <input type="checkbox"/> HOTEL (Class I,II,III,IV)                 | <input type="checkbox"/> HOTEL, FOOD OPTIONAL (Class I-A) | <input type="checkbox"/> BED & BREAKFAST (Class V)       |
| <input type="checkbox"/> CLUB w/o Catering (Class V)               | <input type="checkbox"/> CLUB with CATERING (Class I)     | <input type="checkbox"/> GOLF COURSE (Class I,II,III,IV) |
| <input type="checkbox"/> TAVERN (Class IV)                         | <input type="checkbox"/> QUALIFIED CATERING               | <input type="checkbox"/> OTHER: _____                    |

REFER TO PAGE 3 FOR FEE SCHEDULE

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

Corporation Name: <b>RT New England Franchise LLC</b>		Business Name (D/B/A) <b>Ruby Tuesday</b>	
APPLICANT(S) –(Sole Proprietor) <b>N/A</b>		DOB:	
DOB:		Physical Location: <b>55 Topsham Fair Mall Road</b>	
Address		City/Town State Zip Code <b>Topsham, ME 04086</b>	
Mailing Address		City/Town State Zip Code <b>Orlando, FL 32835</b>	
City/Town State Zip Code		City/Town State Zip Code	
Telephone Number Fax Number		Business Telephone Number Fax Number <b>207-721-0145</b>	
Federal I.D. # <b>63-1214970</b>		Seller Certificate #: or Sales Tax #: <b>R270598</b>	
Email Address: Please Print <b>jennifer@smlaw.org (atty)</b>		Website: <b>www.rubytuesday.com</b>	

If business is NEW or under new ownership, indicate starting date: Change of Ownership -Est. 12/20/17

Requested inspection date: TBD Business hours: 11:00am-9pm Sun-Sat

- If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: N/A
- State amount of gross income from period of last license: ROOMS \$ N/A FOOD \$ on file LIQUOR \$ on file
- Is applicant a corporation, limited liability company or limited partnership? YES  NO   
If Yes, please complete the Corporate Information required for Business Entities who are licensees.
- Do you own or have any interest in any another Maine Liquor License?  Yes  No  
If yes, please list License Number, Name, and physical location of any other Maine Liquor Licenses.

See attached (Use an additional sheet(s) if necessary.)

License #	Name of Business	Physical Location	City / Town

5. Do you permit dancing or entertainment on the licensed premises? YES  NO
6. If manager is to be employed, give name: on file - no changes
7. Business records are located at: 333 E. Broadway Avenue, Maryville, TN 37804
8. Is/are applicant(s) citizens of the United States? YES  NO
9. Is/are applicant(s) residents of the State of Maine? YES  NO
10. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:  
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
Aziz Hashim -CEO/President	12/24/66	Karachi, Pakistan
Rhonda Parish-Chief Legal Officer/Secretary	06/03/56	Clinton, Arkansas
Ruby Tuesday, Inc.	N/A	N/A
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
Mr. Hashim: 987 Mr. Paran Rd., Atlanta, GA 30327 (since 10/04)		
Ms. Parish: 627 Cherokee Circle, Orlando, FL 32801 (since 8/15); 935 10th Street, Boulder, CO 80302 (since 5/10)		

11. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES  NO

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_ (use additional sheet(s) if necessary)

12. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?  
Yes  No  If Yes, give name: \_\_\_\_\_

13. Has/have applicant(s) formerly held a Maine liquor license? YES  NO

14. Does/do applicant(s) own the premises? Yes  No  If No give name and address of owner: \_\_\_\_\_  
Four J, LLC, 49 Topsham Fair Mall Road, Topsham, ME 04086

15. Describe in detail the premises to be licensed: (**On Premise Diagram Required**) Diagram on file - no changes.

16. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?  
YES  NO  Applied for: \_\_\_\_\_

17. What is the distance from the premises to the **NEAREST** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? +1000 feet

Which of the above is nearest? N/A

18. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES  NO

If YES, give details: \_\_\_\_\_

The Division of Liquor Licensing & Enforcement is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

**NOTE:** "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: Atlanta, GA on Dec. 1, 2017  
Town/City, State Date



Please sign in blue ink

Signature of Applicant or Corporate Officer(s)  
~~Aziz A. Hashim, CEO/President~~  
 \_\_\_\_\_  
 Print Name

  
 Signature of Applicant or Corporate Officer(s)  
 Aziz A. Hashim, CEO, Pres.  
 \_\_\_\_\_  
 Print Name

**FEE SCHEDULE**

<b>FILING FEE: (must be included on all applications).....</b>	<b>\$ 10.00</b>
<b>Class I</b> Spirituous, Vinous and Malt .....	<b>\$ 900.00</b>
<b>CLASS I:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	
<b>Class I-A</b> Spirituous, Vinous and Malt, Optional Food (Hotels Only) .....	<b>\$1,100.00</b>
<b>CLASS I-A:</b> Hotels only that do not serve three meals a day.	
<b>Class II</b> Spirituous Only .....	<b>\$ 550.00</b>
<b>CLASS II:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
<b>Class III</b> Vinous Only .....	<b>\$ 220.00</b>
<b>CLASS III:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
<b>Class IV</b> Malt Liquor Only .....	<b>\$ 220.00</b>
<b>CLASS IV:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
<b>Class V</b> Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) .....	<b>\$ 495.00</b>
<b>CLASS V:</b> Clubs without catering privileges.	
<b>Class X</b> Spirituous, Vinous and Malt – Class A Lounge .....	<b>\$2,200.00</b>
<b>CLASS X:</b> Class A Lounge	
<b>Class XI</b> Spirituous, Vinous and Malt – Restaurant Lounge .....	<b>\$1,500.00</b>
<b>CLASS XI:</b> Restaurant/Lounge; and OTB.	

**UNORGANIZED TERRITORIES** \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval and signatures for liquor licenses prior to submitting them to the bureau.

All fees must accompany application, make check payable to the Treasurer, State of Maine.

This application must be completed and signed by the Town or City and mailed to:  
Bureau of Alcoholic Beverages and Lottery Operations  
Division of Liquor Licensing and Enforcement  
8 State House Station, Augusta, ME 04333-0008.  
Payments by check subject to penalty provided by Title 28A, MRS. Section 3-B.

**TO STATE OF MAINE MUNICIPAL OFFICERS & COUNTY COMMISSIONERS:**

Hereby certify that we have complied with Section 653 of Title 28-A Maine Revised Statutes and hereby approve said application.

Dated at: Dopsten, Maine Androscoggin  
City/Town (County)  
On: February 1, 2018  
Date

The undersigned being:  Municipal Officers  County Commissioners of the  
 City  Town  Plantation  Unincorporated Place of: \_\_\_\_\_, Maine

**THIS APPROVAL EXPIRES IN 60 DAYS**

**NOTICE – SPECIAL ATTENTION**

**§653. Hearings; bureau review; appeal**

**1. Hearings.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms. [1993, c. 730, §27 (AMD).]

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c. 140, §4 (AMD).]

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application. [2003, c. 213, §1 (AMD).]

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant. [1995, c. 140, §5 (NEW).] [2003, c. 213, §1 (AMD).]

**2. Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime; [1987, c. 45, Pt. A, §4 (NEW).]

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c. 45, Pt. A, §4 (NEW).]

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c. 730, §27 (AMD).]

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c. 592, §3 (AMD).]

E. A violation of any provision of this Title; [2009, c. 81, §1 (AMD).]

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and [2009, c. 81, §2 (AMD).]

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages. [2009, c. 81, §3 (NEW).]  
[2009, c. 81, §§1-3 (AMD).]

**3. Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. [1993, c. 730, §27 (RP).]

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause. [1993, c. 730, §27 (AMD).]  
[1995, c. 140, §6 (AMD).]

**4. No license to person who moved to obtain a license.** [1987, c. 342, §32 (RP).]

**5. Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

[1995, c. 140, §7 (AMD); 1999, c. 547, Pt. B, §78 (AMD); 1999, c. 547, Pt. B, §80 (AMP).]

**Please be sure to include the following with your application:**

Completed the application and sign the form.

Signed check with correct license fee and filing fee.

Your local City or Towns signature(s) are on the forms.

Be sure to include your ROOM, FOOD and LIQUOR gross income for the year (if applicable).

Enclose diagram for all businesses, auxiliary locations, extended decks and storage areas.

Complete the Corporate Information sheet for all ownerships except sole proprietorships.

If you have any questions regarding your application, please contact us at (207) 624-7220.

*Bureau of Alcoholic Beverages and Lottery Operations  
Division of Liquor Licensing & Enforcement  
8 State House Station, Augusta, ME 04333-0008  
10 Water Street, Hallowell, ME 04347  
Tel: (207) 624-7220 Fax: (207) 287-3434  
Email Inquiries: [MaineLiquor@maine.gov](mailto:MaineLiquor@maine.gov)*

DIVISION USE ONLY	
<input type="checkbox"/>	Approved
<input type="checkbox"/>	Not Approved
BY:	

### ON PREMISE DIAGRAM

In an effort to clearly define your license premise and the area that consumption and storage of liquor is allowed. The Division requires all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram including entrances, office area, kitchen, storage areas, dining rooms, lounges, function rooms, restrooms, decks and all areas that you are requesting approval from the Division for liquor consumption.

ON FILE - NO CHANGES (this filing is for a change in ownership only)



Division of Alcoholic Beverages and Lottery  
Operations  
Division of Liquor Licensing and Enforcement

**Corporate Information Required for  
Business Entities Who Are Licensees**

<b>For Office Use Only:</b>	
License #:	_____
SOS Checked:	_____
100% Yes	<input type="checkbox"/> No <input type="checkbox"/>

Questions 1 to 4 must match information on file with the Maine Secretary of State's office. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752.

Please clearly complete this form in its entirety.

- Exact legal name: RT New England Franchise LLC
- Doing Business As, if any: Ruby Tuesday
- Date of filing with Secretary of State: 11/18/1998 State in which you are formed: DE
- If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:  
03/27/2000
- List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attach additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
Aziz A. Hashim	987 Mt. Paran Road, Atlanta, GA 30327	12/24/66	CEO/ President	0%
Rhonda J. Parish	627 Cherokee Circle, Orlando, FL 32801; 935 10th Street, Boulder, CO 80302	06/03/56	Secretary/ Chief Legal Officer	0%
Ruby Tuesday, Inc.	333 E. Broadway Ave., Maryville, TN 37804	N/A	LLC Member	100%

(Stock ownership in non-publicly traded companies must add up to 100%.)

- If Co-Op # of members: N/A (list primary officers in the above boxes)

7. Is any principal person involved with the entity a law enforcement official?

Yes  No  If Yes, Name: \_\_\_\_\_ Agency: \_\_\_\_\_

8. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes  No

9. If Yes to Question 8, please complete the following: (attached additional sheets as needed)

Name: \_\_\_\_\_

Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_

Location of Conviction: \_\_\_\_\_

Disposition: \_\_\_\_\_

**Signature:**

 12-1-17  
Signature of Duly Authorized Person Date

**Aziz A. Hashim**

Print Name of Duly Authorized Person

Submit Completed Forms to:

Bureau of Alcoholic Beverages  
Division of Liquor Licensing and Enforcement  
8 State House Station, Augusta, Me 04333-0008 (Regular address)  
10 Water Street, Hallowell, ME 04347 (Overnight address)  
Telephone Inquiries: (207) 624-7220 Fax: (207) 287-3434  
Email Inquiries: [MaineLiquor@Maine.gov](mailto:MaineLiquor@Maine.gov)

**RT NEW ENGLAND FRANCHISE, LLC  
OWNERSHIP CHART POST-MERGER**

NRD Partners II, LP  
An SEC-Regulated Investment Fund  
No individual owns 5% or more  
Aziz Hashim – Principal of GP



RTI Investment Company, LLC



RTI Holding Company, LLC



Ruby Tuesday, Inc.  
Aziz Hashim – President/CEO  
Rhonda Parish – Chief Legal Officer/Secy



RT New England Franchise, LLC  
Aziz Hashim – Dir/President  
Rhonda Parish –Secy/VP

**WRITTEN CONSENT  
OF THE MANAGING MEMBER OF  
RT NEW ENGLAND FRANCHISE, LLC**

**Dated as of November 21, 2017**

The undersigned, who will become the Managing Member of RT New England Franchise, LLC, a Delaware limited liability company (the “**Company**”), immediately upon the closing of the merger contemplated by that certain Merger Agreement dated October 16, 2017, between Ruby Tuesday, Inc., RTI Holding Company, LLC and RTI Merger Sub, LLC (the “**Merger**”), and who is hereby acting pursuant to Title 8 of the Delaware Code, does hereby consent to the adoption of, and does hereby adopt, the following resolutions, to be effective immediately upon the effective time of the Merger:

**WHEREAS**, the undersigned constitutes the Managing Member of the Company immediately upon the effective time of the Merger (the “**Managing Member**”);

**WHEREAS**, the Managing Member has determined it to be in the best interest of the Company to make certain changes to the officers of the Company, effective immediately upon the effective time of the Merger;

**NOW, THEREFORE, BE IT RESOLVED**, that immediately upon the effective time of the Merger, the officers of the Company will be as follows (the “**Officers**”):

<b>Name</b>	<b>Title</b>
Aziz Hashim	President and Chief Executive Officer
Rhonda Parish	Chief Legal Officer and Secretary

**FURTHER RESOLVED**, that immediately upon the effective time of the Merger, all officers of the Company, other than those Officers listed above, will be removed from all positions as officers of the Company;

**FURTHER RESOLVED**, that immediately upon the effective time of the Merger, the Officers will have power and authority to take all actions deemed necessary or prudent to carry on the business of the Company, in satisfaction of the roles and responsibilities customarily assigned to the respective titles listed for such Officers above, or as otherwise approved by the Managing Member, in each case in accordance with the Operating Agreement and other organizational documents of the Company, until such time as the Officers may resign or be removed by the Managing Member.

*[SIGNATURE PAGE FOLLOWS]*

IN WITNESS WHEREOF, the undersigned has executed this Written Consent as of the date first written above.

**MANAGING MEMBER:**

**RUBY TUESDAY, INC.**

Sign:   
Name: Aziz Hashim  
Title: President

## Linda Dumont

---

**From:** Chris Lewis  
**Sent:** Friday, January 05, 2018 9:50 AM  
**To:** Linda Dumont  
**Subject:** Re: Liquor license

The police department does not have any concerns regarding the liquor license for Ruby Tuesday restaurant.

Chief Chris Lewis.

Sent from my iPhone

> On Jan 4, 2018, at 5:07 PM, Linda Dumont <ldumont@topshammaine.com> wrote:

>

> Ruby Tuesday's is under new ownership and will need to apply for a new liquor license with a public hearing. I will put them on the February 1 Bos agenda.

> Please let me know if you have any concerns, thanks Linda

>

> Sent from my iPhone

## Linda Dumont

---

**From:** Tom Lister  
**Sent:** Friday, January 05, 2018 9:04 AM  
**To:** Linda Dumont  
**Subject:** RE: Liquor license

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

No issue with this office.

Thanks,  
Tom

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

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

-----Original Message-----

**From:** Linda Dumont  
**Sent:** Thursday, January 04, 2018 5:08 PM  
**To:** Chris Lewis <clewis@topshammaine.com>; Mike Labbe <mlabbe@topshammaine.com>; Tom Lister <tlister@topshammaine.com>  
**Subject:** Liquor license

Ruby Tuesday's is under new ownership and will need to apply for a new liquor license with a public hearing. I will put them on the February 1 Bos agenda.

Please let me know if you have any concerns, thanks Linda

Sent from my iPhone

## Linda Dumont

---

**From:** Mike Labbe  
**Sent:** Monday, January 22, 2018 11:42 AM  
**To:** Linda Dumont  
**Subject:** Liquor Lic Ruby tuesdays

Linda

I have inspected Ruby Tuesday and have found all issues repaired, The Fire Department does not oppose the Liquor License for Ruby Tuesdays.

Mike

Michael Labbe, Deputy Chief, EMS/EMA  
Topsham Fire Rescue  
100 Main Street  
Topsham, ME 04086-1209  
mlabbe@topshammaine.com  
207 725-1729

Please be advised that pursuant to Title 1 M.R.S.A. Section 402(3), a public record includes any written, printed or graphic matter or any mechanical or electronic data in the possession or custody of an agency or public official that has been received or prepared for use in connection with the transaction of public or governmental business and contains information relating to the transaction of said business; therefore, the public is advised that any correspondence, whether by traditional method or e-mail with Town offices or Town officials, with certain limited exceptions, is public record and is available for review by any interested party.

**NOTICE**  
TOWN OF TOPSHAM

NOTICE IS HEREBY GIVEN that the Board of Selectmen of the Town of Topsham shall hold a Public Hearing on February 1, 2018 at the Topsham Municipal Building at 7:00 P.M. to consider the following applications:

New Liquor application for Ruby Tuesday, located at 55 Topsham Fair Mall Rd.

Special Amusement Permit for Corey Edwin Garver Post 202 American Legion, located at 79 Foreside Rd.

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

# Board of Selectmen Meeting

For the date of: 2/01/2018

**Type of Item:**

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

**Type of Submission:**

- Regular Submission
- Additional Agenda Item
- Additional Information

**Agenda Number:** 18-09

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

**Brief Title of consent or Agenda Item:** Consideration and any appropriate action on an application for a Special Amusements permit for Corey Edwin Garver Post 202 American Legion.

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

CEO, Fire and Police approvals attached.

**Submitted by:** Linda Dumont, Town Clerk

**Date:** 01/17/2018

original



# TOWN OF TOPSHAM

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

## APPLICATION FOR LICENSE OR PERMIT

**Please complete:**

Type of Business:

- Partnership- Partner's Names: \_\_\_\_\_
- Corporation- Corporation Name Corey Edwin Garver Post No 202  
Incorporation Date: 1965 Incorporation State Maine

Type of License Amusement License

New License: Opening Date \_\_\_\_\_  Renewal

Business Name: Corey Edwin Garver Post no 202 E-Mail: americanlegionpost202me@gmail.com

Business Address: 79 Foreside Rd, Topsham, ME Business Phone Number (207) 729-9870

Name of Contact Person: Matt Jabaut Contact's Phone Number (253) 226-1227

Mailing Address for Correspondence: 79 Foreside Rd, Topsham, ME 04086

Signature of Applicant: Lucien J Mecker Date: 3 Oct 2017

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

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

**Corporations Please Complete:**

Address of Incorporation: 79 Foreside Rd, Topsham, ME 04086 Phone#: (207) 729-9870

Name of Corp. Officer, Owner, or Partners:	Title	Address	% of Stock ownership
<u>Corey Edwin Garver Post No 202</u>			
<u>Matthew Jabaut</u>	<u>Post Commander</u>		
<u>Lucien Hecker</u>	<u>Post Adjutant</u>		

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

Type of License: SA Permit Fee \$ \_\_\_\_\_ Paid  Advertising Fee \$ \_\_\_\_\_ Paid

For Peddler-Police Chief sign off required: \_\_\_\_\_

Required Approvals for Special Amusement and new Liquor license: BOS \_\_\_\_\_ CEO  Fire  Police

Public Hearing \_\_\_\_\_ Posted  Public Notice Dates Jan 22, 23 & 24 Copy of current State liquor license

Town Clerk Signature Jada Dumont

Everything is in order.

Complete back

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

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

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

Requires annual Public Hearing

**\* Include supplemental pages 3 & 4**

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

\*Provide a diagram of room to be used

**Victualer (Food Service Establishment to include Bed and Breakfast) Expires May 31<sup>st</sup>**

Describe food to be sold \_\_\_\_\_

FSE with- out Liquor **\$50** Copy of State Certificate required

FSE with Liquor (Title 28-A§652) **\$100** Copy of State Certificate required (requires Public Hearing on new applications)

FSE Outside Liquor Service Extension of Premise

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

Describe food to be sold \_\_\_\_\_

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

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

Description of nature of business and goods to be sold \_\_\_\_\_

Name and address of employer and evidence of employment \_\_\_\_\_

Vehicle Description: Make \_\_\_\_\_ Model \_\_\_\_\_ Year \_\_\_\_\_ Color \_\_\_\_\_ License plate # \_\_\_\_\_

Photo of applicant taken with- in 60 days of application

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

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

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

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

Number of Taxicabs for which license is desired \_\_\_\_\_

**Taxicab Driver \$25 annually**

**SUPPLEMENTAL APPLICATION IS REQUIRED**

Describe in detail the type and nature of entertainment:

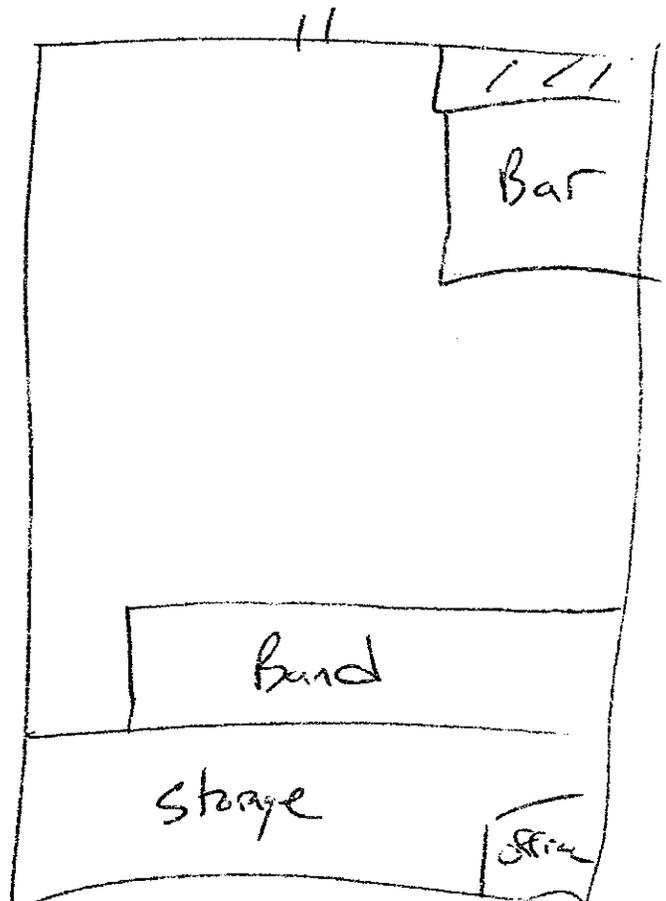
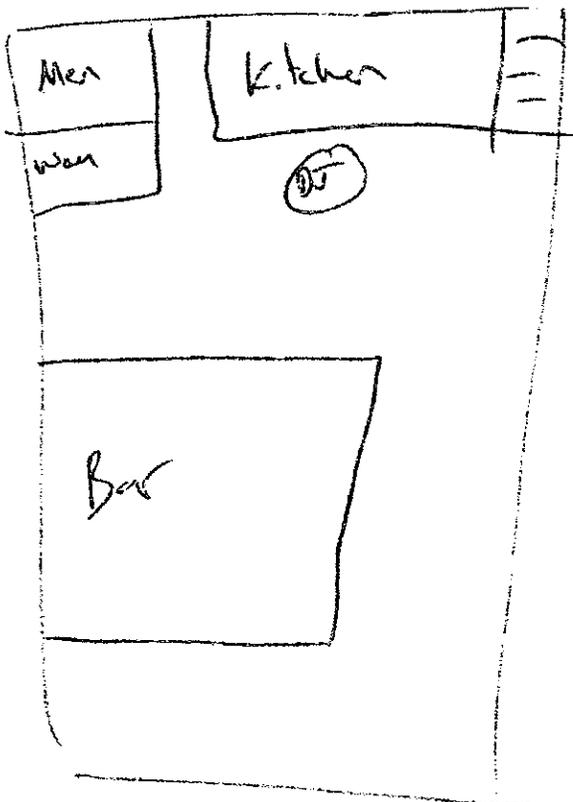
Live Bands / DJ's

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

Downstairs lounge  
upstairs Hall

**DIAGRAM**

Down stairs



**Special Amusements Application**

Topsham Board of Selectmen

Signatures:

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Date: February 1, 2018



STATE OF MAINE  
 DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES  
 BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS  
 DIVISION OF LIQUOR LICENSING AND ENFORCEMENT  
 8 STATE HOUSE STATION  
 AUGUSTA, MAINE 04333-0008



### License for the Sale of Liquor

License Number	Issue Date	Expiration Date
CCP-1990-3016	10/10/2017	10/09/2018

This License is valid only between the Issue Date and the Expiration Date appearing on this document. This License may be used only for the Named Holder at the Location for which the License was issued. The person or business named in this License is authorized to sell or serve liquor with liquor content as permitted by Maine law for the license type designated in this License.

All licensees shall make available for inspection their licenses at the premises to which those licenses apply. This License or each type of License issued as part of this License is subject to fine, suspension or revocation pursuant to Title 28-A of Maine law. License fee is non-refundable and the License is non-transferable unless approved by the Bureau.

Legal Name of Licensee: AMERICAN LEGION COREY EDWIN GARVER POST  
 Business Name of Licensee: AMERICAN LEGION COREY EDWIN GARVER POST #202  
 Address of Licensee: 79 FORESIDE ROAD  
 TOPSHAM, ME

CODE	License Type and Description	FEE
CCP	CLASS I-CLUBS WITH CATERING PRIVILEGES-MALT LIQUOR, WINE AND SPIRITS	900.00
FF	FILING FEE	10.00

Total Fees:

\$ 910.00

*Timothy R. Poulin*

\_\_\_\_\_  
 Timothy R. Poulin, Deputy Director  
 Bureau of Alcoholic Beverages and Lottery Operations

AMERICAN LEGION COREY EDWIN GARVER  
 POST #202  
 79 FORESIDE ROAD  
 TOPSHAM, ME 04086

## **Linda Dumont**

---

**From:** Chris Lewis  
**Sent:** Wednesday, January 17, 2018 3:05 PM  
**To:** Linda Dumont  
**Subject:** Re: Special Amusement

No concerns from the police department.

Chief Christopher Lewis.

Sent from my iPhone

On Jan 17, 2018, at 11:40 AM, Linda Dumont <[ldumont@topshammaine.com](mailto:ldumont@topshammaine.com)> wrote:

Hello All,

Corey Edwin Garver Post 202 American Legion has submitted an application for a Special Amusement permit, please let me know if you have any concerns.

I will put them on the Feb 1<sup>st</sup> BOS meeting for a public hearing. Thanks, Linda

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

## Linda Dumont

---

**From:** Tom Lister  
**Sent:** Wednesday, January 17, 2018 12:33 PM  
**To:** Linda Dumont  
**Subject:** RE: Special Amusement

No issue with the code office.

Tom

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

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

**From:** Linda Dumont  
**Sent:** Wednesday, January 17, 2018 11:40 AM  
**To:** Chris Lewis <[clewis@topshammaine.com](mailto:clewis@topshammaine.com)>; Mike Labbe <[mllabbe@topshammaine.com](mailto:mllabbe@topshammaine.com)>; Tom Lister <[tlister@topshammaine.com](mailto:tlister@topshammaine.com)>  
**Subject:** Special Amusement

Hello All,

Corey Edwin Garver Post 202 American Legion has submitted an application for a Special Amusement permit, please let me know if you have any concerns.

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

## **Linda Dumont**

---

**From:** Mike Labbe  
**Sent:** Wednesday, January 17, 2018 11:43 AM  
**To:** Linda Dumont  
**Subject:** RE: Special Amusement

With the inspection of the legion for the liquor license all issues have been addressed so the fire dept. has no issues with this.

Michael Labbe, Deputy Chief, EMS/EMA  
Topsham Fire Rescue  
100 Main Street  
Topsham, ME 04086-1209  
mlabbe@topshammaine.com  
207 725-1729

Please be advised that pursuant to Title 1 M.R.S.A. Section 402(3), a public record includes any written, printed or graphic matter or any mechanical or electronic data in the possession or custody of an agency or public official that has been received or prepared for use in connection with the transaction of public or governmental business and contains information relating to the transaction of said business; therefore, the public is advised that any correspondence, whether by traditional method or e-mail with Town offices or Town officials, with certain limited exceptions, is public record and is available for review by any interested party.

**From:** Linda Dumont  
**Sent:** Wednesday, January 17, 2018 11:40 AM  
**To:** Chris Lewis <clewis@topshammaine.com>; Mike Labbe <mlabbe@topshammaine.com>; Tom Lister <tlist@topshammaine.com>  
**Subject:** Special Amusement

Hello All,  
Corey Edwin Garver Post 202 American Legion has submitted an application for a Special Amusement permit, please let me know if you have any concerns.  
I will put them on the Feb 1<sup>st</sup> BOS meeting for a public hearing. Thanks, Linda

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

# Board of Selectmen Meeting

For the date of: 02/01/2018

**Type of Item:**

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

**Type of Submission:**

- Regular Submission
- Additional Agenda Item
- Additional Information

**Agenda Number** 18.10

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

**Brief Title of consent or Agenda Item:** Consideration and any appropriate action regarding ensuring public safety in areas of the Androscoggin River adjacent to the Brunswick Hydroelectric Facility.

**Brief Description of Consent or Agenda Item:** Attached is a report from Brookfield that requests the Topsham Board of Selectmen create a Water Safety Zone on both sides fo the Brunswick Hydro Facility, and giving authority to the Topsham Police Department to enforce no-trespassing rules in the river.

**Submitted by** Rich Roedner, Town Manager **Date:** 01-22-2018

**Brookfield**

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# **Brookfield Renewable's Topsham Ordinance Proposal**

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**Proposal to Address Public Safety Concerns on the  
Androscoggin River**

## Contents

Proposal	2
Draft Ordinance Language	4
Draft Signage	5
Map of Water Safety Zone	6

## Purpose

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### Background

Brookfield Renewable operates nearly 50 facilities in the Northeast region and 170 hydro facilities across North America. Safety is our top priority. Among our assets, Brookfield Renewable owns and operates the Brunswick Hydroelectric Facility on the Androscoggin River. This area is widely used for recreational activities such as swimming, boating, and fishing by community members. While many areas of the river are safe for such recreational activities there are portions upstream and downstream of the hydroelectric facility that pose public safety risks.

With safety being a priority, Brookfield created a Public Safety Working Group to assess our North American assets. Of Brookfield assets in the United States and Canada, the Brunswick Hydroelectric Facility presented some of the highest public safety risks.

The unsafe conditions peak each spring as individuals take advantage of the warm weather and stray too close to the hydroelectric facility. Brookfield Renewable installs boat/safety barriers annually to keep individuals from becoming too close to the dam, however, due to the high flow conditions and swift currents often found in the headpond it is difficult for Brookfield's Operations team to safely install them. Each year both Topsham and Brunswick emergency personnel respond to calls for help in this stretch of the river. This poses safety concerns not only for the individuals on the water, but also for the first responders.

Brookfield has previously presented to the Town of Topsham these concerns. Initially, we attempted to improve public safety by increasing signage along the river to warn people of the hazardous conditions. Unfortunately, this effort has not been as successful as we had hoped and we are looking at additional measures. In our opinion, this is the logical next step to promote public safety and provide law enforcement the tools to enforce these measures.

This is a natural resource enjoyed by many in the region; however, we must ensure the proper safety procedures are in place.

### Proposal

Brookfield Renewable is proposing a Water Safety Zone ordinance in the town of Topsham that would discourage people from accessing and using parts of the river where there are significant public safety hazards. The ordinance would prohibit individuals from being in the stretch of river extending approximately 500 feet downstream of the Brunswick Hydroelectric facility to the east side of the Frank Woods Bridge (Route 24), and approximately 3,000 feet upstream of the Brunswick Hydroelectric facility to Maine Department of Transportation Railroad Bridge.

This ordinance provides the Topsham Police Department with the ability to enforce these restrictions and promote water safety on the Androscoggin River. Additionally, an ordinance to enact a Water Safety Zone will be presented to the Brunswick Town Council to provide consistency in enforcement on both ends of the river.

## Draft Ordinance Language

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### **Marine Activities, Structures and Ways**

#### Article I. HARBOR, COASTAL, TIDAL AND NAVIGABLE FRESH WATER

##### Section XX-1 Definitions

Water Safety Zone means an area in which physical access to water poses a substantial risk to the public due to adjacency with a structure, facility, and land/water based operations. A Water Safety Zone prohibits recreational activities such as swimming, boating, fishing, and water navigation at any time within the prescribed areas.

##### Section XX-XX Water Safety Zones

- (a) The portions of the Androscoggin River extending approximately 500 feet downstream of the Brunswick Hydroelectric facility to the east side of the Frank Woods Bridge (Route 24), commencing to the thread of the river and then extending approximately 3000 feet upstream of the Brunswick Hydroelectric facility to Maine Department of Transportation Railroad Bridge.
- (b) A violation of Section XX-XX is punishable by a \$100.00 fine on the first offense, a \$250.00 fine on second offenses and up to a \$500.00 for subsequent offenses.

Draft Signage

---

**DANGER**

**DO NOT CONTINUE  
DOWNSTREAM**

**NO WATER ACCESS  
FROM HERE TO DAM**

**PUNISHABLE BY LAW**

Ordinance #

Brookfield

The signs would be prominently placed between the Mill Street Canoe Portage and the seasonal boat/safety barriers.

# Map of Water Safety Zone

