

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

Pledge of Allegiance –

Roll Call of Board Members –

Town Manager's Report –

Board and Committee Reports and Updates-

- Comprehensive Plan Commission Update- Larry Fitch

Public Comment –

Correspondence –

Adjustments to the Agenda –

Consent Calendar –

1. Approval of the minutes of the Regular Selectmen meeting 05-03-2018.

Public Hearing –

18-34- Consideration and any appropriate action on an application for a new Liquor License for Urban Element, LLC- 225 Lewiston Road.

18-35- Consideration and any appropriate action on an application for a new Liquor License for KUME- 86 Topsham Fair Mail Road, Unit 3.

Unfinished Business –

Old Business –

New Business –

18-36- Consideration and any appropriate action on amending policy on non-commercial sign guidelines

18-37- Consideration and any appropriate action on installing stop signs on Home Place where it becomes Home Place Extension and at Somerset Place where it becomes Home Place Extension.

18-38- Consideration and any appropriate action on the approval to spend money from the revenue line of the wood harvest to replace the gate at Thomas Avenue.

18-39- Consideration and any appropriate action on annual appointments.

18-40- Consideration and any appropriate action on the attached list of re-appointments to Boards/Committees.

18-41- Consideration and any appropriate action on the annual contract with the Coastal Humane Society.

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: 06/07/2018

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 05-03-18.

Brief Description of Consent or Agenda Item: see attached

Submitted by Rich Roedner, Town Manager **Date:** 05-21-2018

MINUTES
TOWN OF TOPSHAM
BOARD OF SELECTMEN MEETING
MAY 3, 2018 - 7:00 p.m.

MEMBERS PRESENT: David Douglass
Marie Brilliant
William Thompson
Roland Tufts

MEMBER(S) ABSENT: Ruth Lyons

STAFF PRESENT: Richard Roedner, Town Manager

A meeting of the Topsham Board of Selectmen was held on Thursday, May 3, 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, except for Ms. Lyons, who had been excused.

TOWN MANAGER'S REPORT

Several dates to highlight for people.

Saturday, May 5 at 10:00 a.m. is the dedication of the baseball field in honor of Charlie Crosby, II. This will take place at the Foreside Field.

Wednesday, May 16 at 7:00 p.m. is Town Meeting, held at Mt. Ararat Commons. All residents should have received copies of the Warrant in the Cryer. Detailed information is available on our web site as well. Registration starts at 6:30 p.m.

Saturday, June 2 is a busy day in Topsham. That morning is the fishing rally at the Topsham Ponds at the Transfer Station. At 4:00 p.m. is the official ribbon cutting at the Head of Tide Park on the Cathance Road. Angela Twitchell from the Brunswick Topsham Land Trust, is here tonight to elaborate on this project, and the planned opening ceremonies, including a series of events that will be taking place that day in honor of Trails Day.

Saturday, June 23 will be the next big public event associated with our Comprehensive Plan. Last October, we received a lot of input from a large number of residents during our five-day kick-off event. Since then, the Committee, staff and consultants have been working on several

fronts, including: developing the data necessary to put Topsham's story into perspective; taking the public input and identifying consistent themes, which are being distilled into a series of Big Ideas; developing strategies that will help the community achieve those Big Ideas. June's meeting is intended to show where the process is, what the Big Ideas are, and to solicit additional comments on the progress that has been made.

This past week we held another Take Back the Drugs collection. Topsham turned in 603 pounds of old medications. This was the 7th largest total (30 to 40 sites) of all the collection sites across the state.

As we approach the end of our budget year, it is worth reminding people that we have openings on various committees, and that appointments are done in June, so if you are interested, check out our web site, or Channel 3, and find out which committees have openings and come into the office to fill out appropriate paperwork.

And finally, a reminder that Town Meeting is on Wednesday, May 16 at Mt. Ararat Commons. The meeting starts at 7:00 p.m., with registration starting at 6:30 p.m.

BOARDS AND COMMITTEE REPORTS AND UPDATES

Update from House Representative, Denise Tepler

Representative Tepler reported happenings in Augusta before the Board. Sessions of the 120th Legislature have adjourned with the body coming to an agreement on 11 bills. Representative Tepler said she was concerned that a few items were left undone. She added that changes in the structure in which decisions are made needs to be tweaked.

During discussion following Representative Tepler's presentation, Chairman Douglass asked for the thought behind an 18 year old to be able to purchase narcan. Representative Tepler said the thinking is that if you are a high school senior, 18 years old, and your mother is a drug addict, you should be able to have a narcan needle with you to save her life. She said there is no training needed, it is the same as using epipen. Chairman Douglass expressed concern because of his experience on the Brunswick Fire Department and witnessing an individual having been given narcan becoming extremely violent when they have lost their high.

Selectman Tufts noted Representative Tepler mentioned savings being achieved on cutting public pensions and asked her how this is being done. Response was the Pension Funds is extremely complicated. The committee may some streamlining and there were cutbacks in some municipalities but she wasn't sure what. Selectman said he would hope that the first avenue of relief would not be by cutting benefits. The Town Manager explained how some rules have changed with municipalities with towns that have retirees being rehired. Selectman Tufts said his main concern is that there has been a lot of talk about the difficulties in hiring people for public service in municipalities, as well as teachers, and cutting benefits is not the way to go.

Update on Head of Tide Park: Angela Twitchell, Executive Director of the Brunswick-Topsham Land Trust announced a 12-year project that the Town of Topsham has working on – Head of Tide Park. A 12-acre park on Cathance Road on both sides of the road. The Grand Opening Celebration will be held on June 2nd. A number of activities are planned for the day.

Ms. Twitchell thanked the Board for their support, as well as that of the Brunswick-Topsham Land Trust, Topsham Development, Inc. and the Conservation Commission. Ribbon cutting is at 4:00 p.m. with a reception immediately following at the Library.

Update on – TDI/ECD - John Shattuck, Economic and Community Development Director, reminded everyone that Town Meeting is on Wednesday, May 16 at Mt. Ararat Commons.

His report included:

Crooker Relation and Zoning Change

- Crooker is proposing to relocate their asphalt manufacturing facility from the present location to their quarry on the River Road.
- The relocation will require some zoning changes, which are being assessed by the Planning Board.
- The relocation will drastically reduce Crooker truck traffic both on the River Road and the Interchange.
- The firm hopes the proposed changes and other articles can be considered at the fall Town Meeting.

Central Maine Healthcare (CMH) – Topsham Care Center

- It is anticipated that the Topsham Care Center will open in early summer.

Topsham Commerce Park (TCP) and Brunswick-Topsham Water District (BTWD)

- Communications on the sewage issue at the Topsham Commerce Park are continuing with Alan Frasier, the General Manager of BTWD.
- BTWD is assessing minimum upgrades to sustain the existing infrastructure.
- They are also assessing comprehensive upgrades that could be less costly in the long term.
- More comprehensive upgrades would serve existing users and also future development.
- Any upgrade must meet BTWD standards to become part of the public water system.
- When BTWS assessment is completed, the Town will convene a meeting of all interested parties:
 - Highland Green, Helios, MRRA, BTWD and the Town
 - Determine which approach the parties will support
 - Degree to which they will contribute to costs of upgrading the system

Highland Green TIFs

- The Town staff is working the Highland Green to ensure a smooth implementation of TIFs which has been recently revised.
- Highland Green continues to enjoy significant growth and new construction

PUBLIC COMMENT – None noted.

CORRESPONDENCE – Chairman Douglass noted the usual annual request to nominate a citizen of the year was received. The County has come up with a name, so no action was taken.

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

VOTED

To add Agenda Item 18-32 – EXECUTIVE SESSION - CONSIDERATION AND ANY APPROPRIATE ACTION TO DISCUSS TAX ACQUIRED PROPERTIES

CONSENT CALENDAR

1. Approval of the minutes of the Selectmen’s Meeting of 3/15/18.

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

VOTED

To approve the minutes of the March 15, 2018 Selectmen’s Meeting as written.

2. Approval to open the polls at 8:00 a.m. on June 12, 2018 for the State of Maine Primary and Referendum Election and M.S.A.D. #75 District Budget Referendum.

3. Approval to extend the Registrar’s office hours on Wednesday, June 6, 2018 to remain open until 6:30 p.m. for the purpose of additional hours for voter registration as required by State Statute 21-A§122.6.

4. Approval to appoint Ballot Clerks for the June 12, 2018 Municipal Election, as follows:

Elizabeth Bevor	Anne Becklean	Vanessa Bell
Claudia Beckwith	Mary Boie	Jeannette Breton
Roland Breton	Judy Russell	Roger Caouette
Buth Caouette	Claire Corbin	Carmella Crafts
Felix-Miranda Cruz	Madeline Dumont	Bill Eaton
Gail Eaton	Ann Eustis	Mary Henderson
Jennifer Johnson	Helen Kincaid	Monica Kincaid
Elaine Kurtz	Cherylene Labbe	Paul Labbe
Peter Lepari	Kathy Lyon	Linda Nesbit
Al Paisley	Sue Page	Ester Palmer
Roger Perkins	Lena Pinette	Jennifer Reeber
Carla Rensenbrink	Helen Riddle	Jane Scease
Henry Schwartz	Susan Sorg	Cindy Tracy
Barbara Weathers	Jane Welch	Sara White

5. Approval to appoint Linda Dumont as Warden for the State Election.

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

VOTED

To approve items 2, 3, 4 and 5 of the Consent Calendar as written.

PUBLIC HEARING – None noted.

UNFINISHED BUSINESS – None noted.

OLD BUSINESS - None noted.

NEW BUSINESS

18-31 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE REQUEST TO AWARD THE BID TO REMOVE ASBESTOS FROM THE OLD FIRE STATION ON GREEN STREET TO THE LOWEST BIDDER, NEW MEADOWS ABATEMENT

Following explanation from Public Works Director, Dennis Cox, motion was made by Chairman Douglass, seconded by Selectman Tufts, and it was unanimously (of those present)

VOTED

To approve the request of \$6,510 to New Meadows Abatement, Inc. for the removal of asbestos at the old fire station.

EXECUTIVE SESSION

At 7:55 p.m. motion was made by Selectman Tufts, seconded by Selectman Thompson, and it was unanimously (of those present)

VOTED

To move into Execution Session to discuss Agenda Item 18-32.

18-32 CONSIDERATION AND ANY APPROPRIATE ACTION TO ENTER INTO EXECUTIVE SESSION TO DISCUSS TAX ACQUIRED PROPERTIES PURSUANT TO 36 M.R.S.A., §841, TITLE 405, 6 (F)

All Board Members present entered the Executive Session, including Town Manager Richard Roedner.

The Board returned to the regular meeting from Executive Session at 8:01 p.m. with all members present and Town Manager Roedner.

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

VOTED

To accept payment for back taxes and all accumulated interest and fees for the property in question.

ADJOURNMENT

At 8:03 p.m., motion was made by Chairman Douglass to adjourn, seconded by Selectman Brilliant, and it was so voted.

Respectfully submitted,

Patty Williams, Recording Secretary

Board of Selectmen Meeting

For the date of: 6/7/2018

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: 1834

(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 new Liquor License for Urban Element, LLC- 225 Lewiston Road.

Brief Description of Consent or Agenda Item: See Attachment for State Liquor application to serve Malt, Vinous and Spirituous.

Submitted by: Linda Dumont, Town Clerk

Date: 5/29/2018

Linda Dumont

From: Chris Lewis
Sent: Wednesday, May 30, 2018 3:38 PM
To: Linda Dumont
Subject: RE: liquor licenses

No concerns from the Police Department on the approval for liquor license.

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

From: Linda Dumont
Sent: Wednesday, May 30, 2018 3:37 PM
To: Mike Labbe <mlabbe@topshammaine.com>; Chris Lewis <clewis@topshammaine.com>
Subject: liquor licenses

Hi Guys,
Any info regarding liquor license sign off on KUME and Urban Element I need to get agenda packet to Rosie. Thanks,
Linda

Linda J. Dumont
Town Clerk & Registrar of Voters
General Assistance Coordinator
Town of Topsham
100 Main Street
Topsham, Maine 04086
ldumont@topshammaine.com
(207) 373-5091
Fax (207) 725-1733

Linda Dumont

From: Tom Lister
Sent: Thursday, May 24, 2018 11:40 AM
To: Linda Dumont
Subject: RE: liquor license

I have no objection to a liquor license being issued for Kume or the old Boot and Buckle. Note that neither establishment has been approved to open to the public at this time, both are still working on their projects.

Urban Element

Tom

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

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

From: Linda Dumont
Sent: Friday, May 18, 2018 10:56 AM
To: Chris McLaughlin <cmclaughlin@topshammaine.com>; Mike Labbe <mllabbe@topshammaine.com>; Tom Lister <tlister@topshammaine.com>; Chris Lewis <clewis@topshammaine.com>
Subject: liquor license

Hi All,

I have received an application for a liquor license for a new restaurant in the old Boot & Buckle location. I plan to have them on the June 7th BOS meeting for a public hearing. Also, KUME has requested to be on this agenda as well, let me know if you think they will be ready to include as I will need to submit the Public hearing ad by June 1st. Please let me know if you have any concerns. Thanks, Linda

Linda J. Dumont
Town Clerk & Registrar of Voters
General Assistance Coordinator
Town of Topsham
100 Main Street
Topsham, Maine 04086
ldumont@topshammaine.com
(207) 373-5091
Fax (207) 725-1733

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: maine@maine.gov

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

NEW application: Yes No

PRESENT LICENSE EXPIRES _____

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:		Business Name (D/B/A)	
		URBAN ELEMENT LLC	
APPLICANT(S) --(Sole Proprietor)	DOB:	Physical Location:	
		225 LEWISTON Rd.	
	DOB:	City/Town	State
		TOPSHAM	MAINE
		Zip Code	04086
Address		Mailing Address	
		6 WALCOTT AVE	
City/Town	State	Zip Code	
FALMOUTH	ME	04105	
Telephone Number	Fax Number	Business Telephone Number	Fax Number
		NOISE VEST	
Federal I.D. #	Seller Certificate #: or Sales Tax #:		
Email Address: Please Print	Website:		

If business is NEW or under new ownership, indicate starting date: 7/18/2018

Requested inspection date: _____ Business hours: _____

- If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: _____
- State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ _____ LIQUOR \$ _____
- 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.

 License # Name of Business (Use an additional sheet(s) if necessary.)

 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: _____
7. Business records are located at: _____
8. Is/are applicants(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
* Mackenzi Howard	9/7/78	August, ME
John Howard	10/16/69	Miss
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
6 Walcott Avenue, Falmouth ME 04105		

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: _____

15. Describe in detail the premises to be licensed: (On Premise Diagram Required)

FULL SERVICE LUNCH AND DINNER RESTAURANT

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? MT ARARAT H.S. / NORTH HARBOR COMMUNITY church

Which of the above is nearest? NORTH HARBOR COMMUNITY church, 1.2 miles

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: _____

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: Jopsham, Maine Sagadahoc
City/Town (County)

On: _____
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

I. **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 (AFF) .]

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.

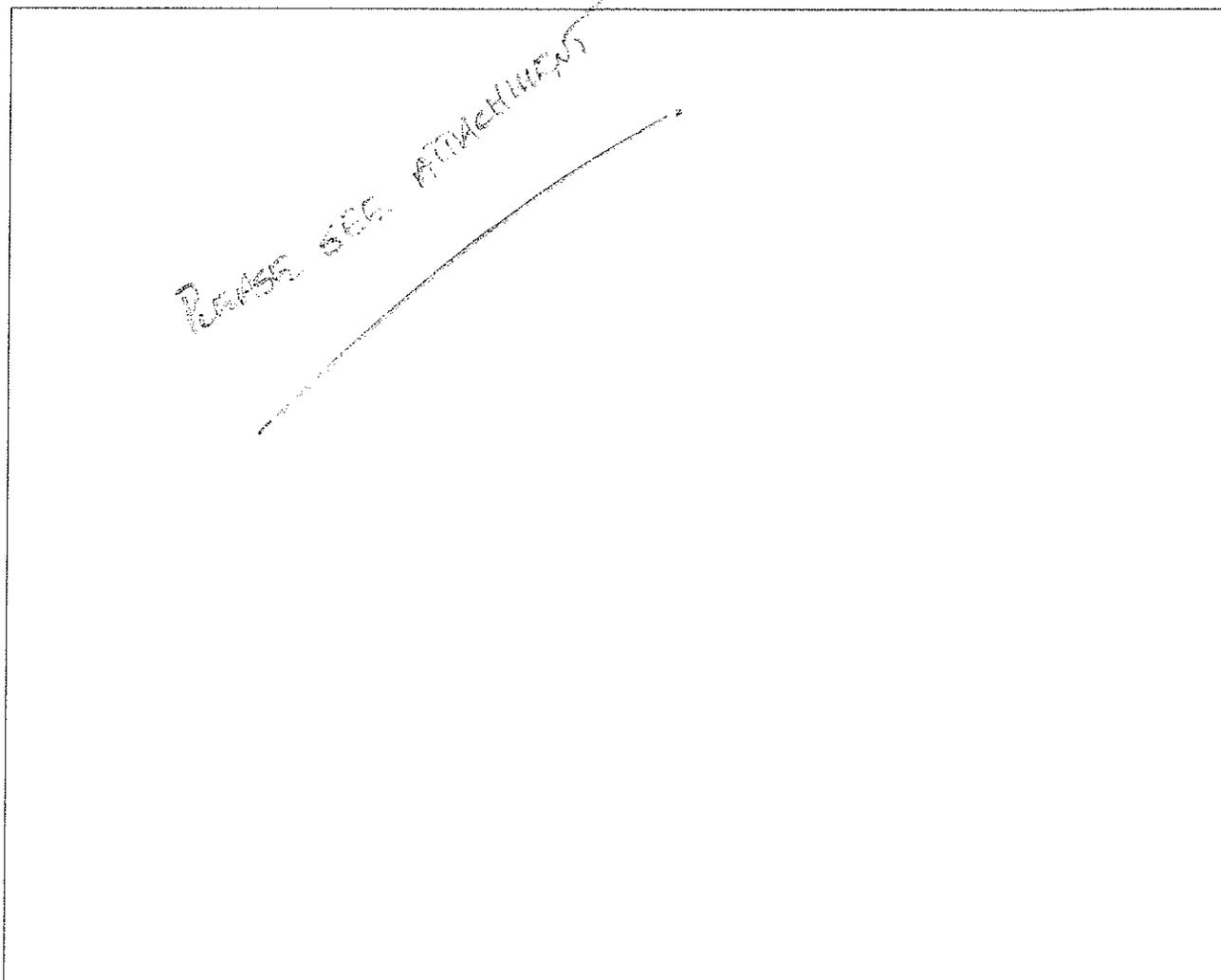
Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing & Enforcement
8 State House Station, Augusta, ME 04333-0008
10 Water Street, Hallowell, ME 04347
Tel: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@maine.gov

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.





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

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

For Office Use Only:	
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: Urban Element
- Doing Business As, if any: _____
- Date of filing with Secretary of State: 5/14/18 State in which you are formed: Maine
- If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: _____
- 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 %
Mackenzi Howard	6 Wakcott Ave, Falmouth	9/7/78	V. President	100
John Howard	6 Wakcott Ave, Falmouth	10/16/69	President	100

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

- If Co-Op # of members: _____ (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:

 5/16/18
Signature of Duly Authorized Person Date

Mackenzi Howard
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: aineLiquor@Maine.gov

Board of Selectmen Meeting

For the date of: 6/7/2018

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: 18-35

(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 new Liquor License for KUME- 86 Topsham Fair Mall Road, Unit 3.

Brief Description of Consent or Agenda Item: See Attachment for State Liquor application to serve Malt, Vinous and Spirituous.

Submitted by: Linda Dumont, Town Clerk

Date: 5/29/2018

Linda Dumont

From: Mike Labbe
Sent: Wednesday, May 30, 2018 4:28 PM
To: Linda Dumont
Subject: RE: liquor licenses

If Urban Element is the old boots and buckles they are not ready, it is an empty space under construction.
KUME not sure if he has his check list done yet will check tomorrow

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, May 30, 2018 3:37 PM
To: Mike Labbe <mlabbe@topshammaine.com>; Chris Lewis <clewis@topshammaine.com>
Subject: liquor licenses

Hi Guys,
Any info regarding liquor license sign off on KUME and Urban Element I need to get agenda packet to Rosie. Thanks,
Linda

Linda J. Dumont
Town Clerk & Registrar of Voters
General Assistance Coordinator
Town of Topsham
100 Main Street
Topsham, Maine 04086
ldumont@topshammaine.com
(207) 373-5091
Fax (207) 725-1733

Linda Dumont

From: Chris Lewis
Sent: Wednesday, May 30, 2018 3:38 PM
To: Linda Dumont
Subject: RE: liquor licenses

No concerns from the Police Department on the approval for liquor license.

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

From: Linda Dumont
Sent: Wednesday, May 30, 2018 3:37 PM
To: Mike Labbe <mlabbe@topshammaine.com>; Chris Lewis <clewis@topshammaine.com>
Subject: liquor licenses

Hi Guys,
Any info regarding liquor license sign off on KUME and Urban Element I need to get agenda packet to Rosie. Thanks,
Linda

Linda J. Dumont
Town Clerk & Registrar of Voters
General Assistance Coordinator
Town of Topsham
100 Main Street
Topsham, Maine 04086
ldumont@topshammaine.com
(207) 373-5091
Fax (207) 725-1733

Linda Dumont

From: Tom Lister
Sent: Thursday, May 24, 2018 11:40 AM
To: Linda Dumont
Subject: RE: liquor license

I have no objection to a liquor license being issued for Kume or the old Boot and Buckle. Note that neither establishment has been approved to open to the public at this time, both are still working on their projects.

Tom

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

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

From: Linda Dumont
Sent: Friday, May 18, 2018 10:56 AM
To: Chris McLaughlin <cmclaughlin@topshammaine.com>; Mike Labbe <mlabbe@topshammaine.com>; Tom Lister <tlister@topshammaine.com>; Chris Lewis <clewis@topshammaine.com>
Subject: liquor license

Hi All,

I have received an application for a liquor license for a new restaurant in the old Boot & Buckle location. I plan to have them on the June 7th BOS meeting for a public hearing. Also, KUME has requested to be on this agenda as well, let me know if you think they will be ready to include as I will need to submit the Public hearing ad by June 1st. Please let me know if you have any concerns. Thanks, Linda

Linda J. Dumont
Town Clerk & Registrar of Voters
General Assistance Coordinator
Town of Topsham
100 Main Street
Topsham, Maine 04086
ldumont@topshammaine.com
(207) 373-5091
Fax (207) 725-1733

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

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

NEW application: Yes No

PRESENT LICENSE EXPIRES _____

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: <i>Chen Kume Hibachi Inc</i>	Business Name (D/B/A) <i>Kume.</i>
APPLICANT(S) – (Sole Proprietor) <i>Xin Ru Chi</i>	DOB: <i>04/10/1983</i>
Physical Location: <i>86 Topsham Fair Mall Rd unit 3.</i>	City/Town State Zip Code <i>Topsham ME 04086.</i>
Address <i>19 Stephen King Dr Suite 1</i>	Mailing Address <i>SAME.</i>
City/Town State Zip Code <i>Augusta ME 04330.</i>	City/Town State Zip Code
Telephone Number Fax Number <i>201-888-1111</i>	Business Telephone Number Fax Number
Federal I.D. # <i>82-1391040.</i>	Seller Certificate #: or Sales Tax #: <i>21187637</i>
Email Address: Please Print <i>Kevinchi711@gmail.com</i>	Website: <i>KumeMaine.com.</i>

If business is NEW or under new ownership, indicate starting date: 02/25/18.

Requested inspection date: _____ Business hours: N/A

- If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: in website.
- State amount of gross income from period of last license: ROOMS \$ N/A FOOD \$ 1200000 LIQUOR \$ 230000
- 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.

4. 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.

9678 Chen Chi Sushi Hibachi Inc. (Use an additional sheet(s) if necessary.)
 License # Name of Business
19 Stephen King Dr Suite 1 Augusta ME 04330.
 Physical Location City/Town



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
TELEPHONE: (207) 624-7220
FAX: (207) 287-3434
EMAIL INQUIRIES: MAINELIQUOR@MAINE.GOV

NOTICE

To avoid any delay in the processing of your application and issuance of your liquor license, please make sure that:

1. You completed the application in full. (Please allow us 30 days to process)
2. Application is signed by the owner(s), corporate officer(s).
3. The application is signed by the Town or City Municipal Officers or County Commissioners.
4. The license fee is correct, you have included the \$10.00 filing fee and the check is made out to Treasurer, State of Maine.
5. Your room, food and liquor gross income for the year is filled in (if applicable).
6. A diagram of the premises to be licensed accompanies the application.
7. If business is located in an unorganized township, the application must be approved by the County Commissioners and the \$10.00 filing fee must be paid to them. Please be sure to include a copy of the receipt of payment with your application.
8. Corporations, limited liability companies, partnerships must complete and submit the Corporate Information Required for Business Entities who are Licensees.
9. If not a publicly traded entity, ownership must add up to 100%.

5. Do you permit dancing or entertainment on the licensed premises? YES NO
6. If manager is to be employed, give name: _____
7. Business records are located at: 86 Topsham Fair Mall Rd #3 Topsham ME 04086
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
PiN Yue Chen.	08/29/1985	China.
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
4 B West Mill Pond Rd Lee NH 03861.		

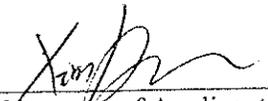
11. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES NO
- Name: _____ Date of Conviction: _____
- Offense: _____ Location: _____
- Disposition: _____ (use additional sheet(s) if necessary)
12. 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: _____
15. Describe in detail the premises to be licensed: (On Premise Diagram Required) N/A
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? 5-10 miles.
- Which of the above is nearest? _____
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."

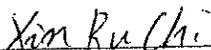
Dated at: _____ on _____, 20____
Town/City, State Date

Please sign in blue ink



 Signature of Applicant or Corporate Officer(s)

 Signature of Applicant or Corporate Officer(s)



 Print Name

 Print Name

FEE SCHEDULE

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

On: _____
Date

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

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

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 li-

cense 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 (AFF).]

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.

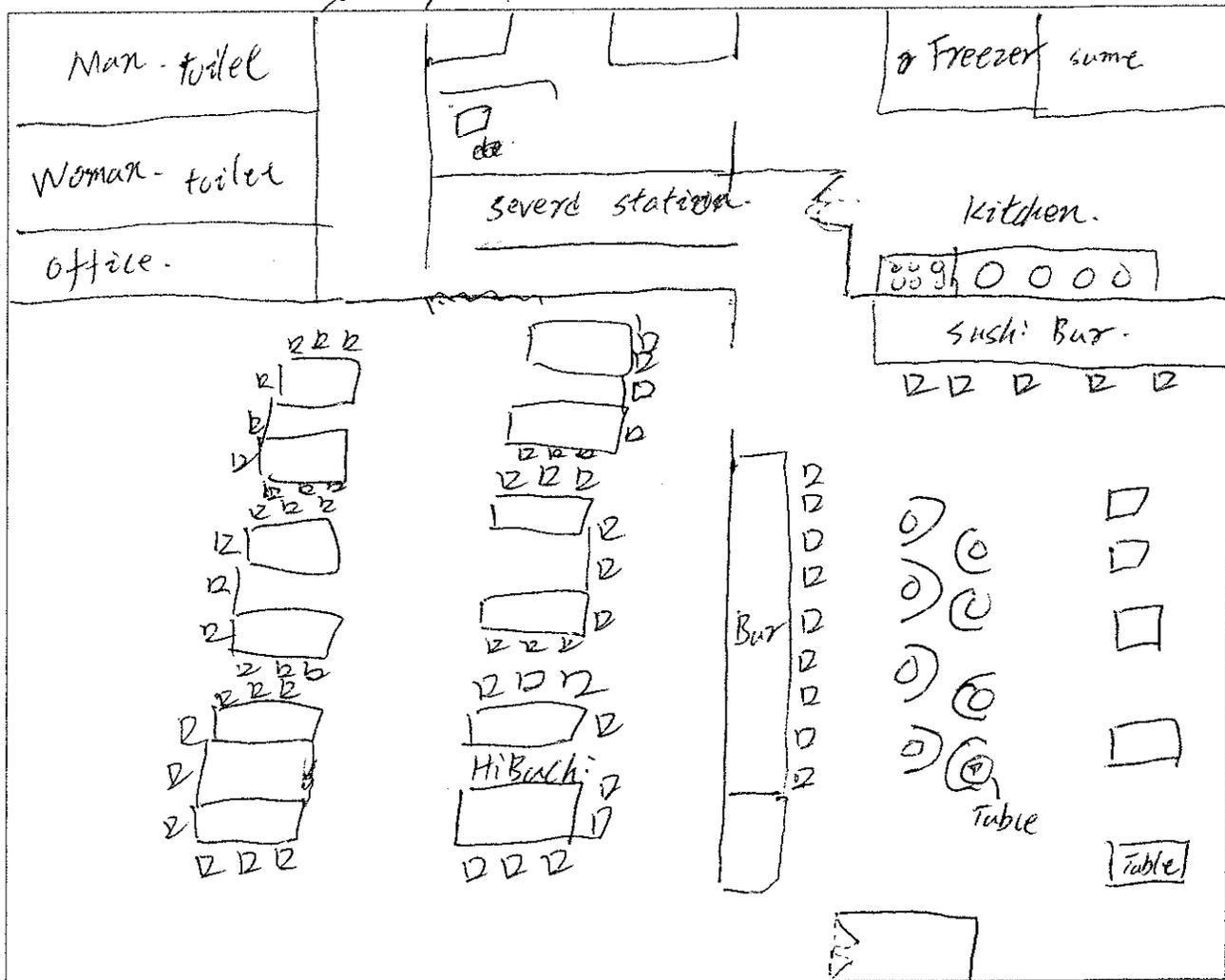
Bureau of Alcoholic Beverages and Lottery Operations
 Division of Liquor Licensing & Enforcement
 8 State House Station, Augusta, ME 04333-0008
 10 Water Street, Hallowell, ME 04347
 Tel: (207) 624-7220 Fax: (207) 287-3434
 Email Inquiries: MaineLiquor@maine.gov

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.





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

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

For Office Use Only:	
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: Chen Kume Hibachi Inc.
- Doing Business As, if any: Kume Steakhouse.
- Date of filing with Secretary of State: 04/18/2017. State in which you are formed: Maine.
- If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

- 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 %

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

6. If Co-Op # of members: _____ (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: _____

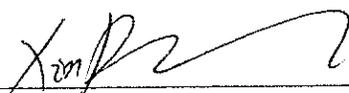
Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:

 01/03/17

Signature of Duly Authorized Person Date

Xia Ru Chi

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

Linda Dumont

From: Mike Labbe
Sent: Wednesday, May 30, 2018 4:28 PM
To: Linda Dumont
Subject: RE: liquor licenses

If Urban Element is the old boots and buckles they are not ready, it is an empty space under construction. KUME not sure if he has his check list done yet will check tomorrow

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, May 30, 2018 3:37 PM
To: Mike Labbe <mlabbe@topshammaine.com>; Chris Lewis <clewis@topshammaine.com>
Subject: liquor licenses

Hi Guys,
Any info regarding liquor license sign off on KUME and Urban Element I need to get agenda packet to Rosie. Thanks,
Linda

Linda J. Dumont
Town Clerk & Registrar of Voters
General Assistance Coordinator
Town of Topsham
100 Main Street
Topsham, Maine 04086
ldumont@topshammaine.com
(207) 373-5091
Fax (207) 725-1733

Board of Selectmen Meeting

For the date of: 06/07/18

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: 18-36

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

Brief Title of consent or Agenda Item: Consideration any appropriate action on amending policy on non-commercial sign guidelines.

Brief Description of Consent or Agenda Item: The Board adopted this policy last September, but we left our language covering primary contests.

Submitted by: Richard Roedner, Town Manager **Date:** May 14, 2018

Topsham Board of Selectmen

Non-Commercial Sign Guidelines

Chapter 225-33 of the Topsham Zoning Ordinance, provides for the Board of Selectmen to adopt guidelines for the placement of non-commercial signs in the public Right of Way. On September 21, 2017, the Topsham Board of Selectmen adopted the following guidelines:

The Right of Way is meant to include those areas along public roads that extend beyond the edge of pavement to the back side of any sidewalk, utility pole, fire hydrant, guard rails, MDOT or Town fencing, gravel shoulders, or MDOT or Town maintained lawns/ditches/culverts.

Non-commercial signs shall be allowed to be placed within the Right of Way of public roads for a period of six weeks, starting five weeks before an election or primary, and concluding one week after an election or primary. ~~on October 1 of each year for a general election and on May 1 for primary contests.~~ Signs remaining in the Right of Way at the end of the six week period shall be deemed in violation of the Topsham Zoning Ordinance, and the owner of said sign may be subject to established daily penalties.

No sign placed within the Right of Way may exceed four (4) feet x eight (8) feet.

No sign may obstruct any sidewalk or roadway, overhang any curb line or sidewalk, nor can any sign be placed on public property designated as a Veteran's Memorial.

No sign shall be placed such that it causes a hazard to the traveling public, including, but not limited to, blocking sight lines at intersections, within road center traffic islands or median strips.

The Codes Enforcement Officer, or his/her designee, is authorized to remove any signs that fail to conform to these guidelines.

Adopted by the Topsham Board of Selectmen;

September 21, 2017

To be reviewed in 1 year.

Board of Selectmen Meeting

For the date of: 06/07/18

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: 18-37

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

Brief Title of consent or Agenda Item: Consideration any appropriate action on installing stop signs on Home Place where it becomes Home Place Extension and at Somerset Place where it become Home Place Extension.

Brief Description of Consent or Agenda Item: Condition 18 of the Planning Board approval of the Glades above Home Place required the developer to request that the Selectmen have two stop signs installed at each end of the road connecting Home Place and Somerset.

Submitted by: Richard Roedner, Town Manager **Date:** 05-08-2018

Rich Roedner

From: Tom Bethea <tdbethea@gmail.com>
Sent: Monday, May 07, 2018 12:50 PM
To: Rich Roedner
Cc: Rod Melanson; Dennis Cox
Subject: Fwd: Somerset Place Stop Sign
Attachments: ATT00001.htm; Final Plan Signed.pdf

Hi Rich,

Per Rod Melanson's suggestion, I'd like to request on behalf of Glades Above Homeplace, LLC that you advise the selectboard of the planning board's subdivision approval requirement for a stop sign on north side of Somerset Place at the Merrymeeting Drive intersection where the new Homeplace extension meets Somerset, at same time requesting the selectboard's approval of said stop sign placement.

Thank you,

Tom Bethea
Member, Glades Above Homeplace, LLC
13658 N Lobelia Way
Oro Valley, AZ 85755
773-653-4580

Begin forwarded message:

From: Rod Melanson <rmelanson@topshammaine.com>
Subject: RE: Somerset Place Stop Sign
Date: May 7, 2018 at 6:59:31 AM MST
To: Tom Bethea <tdbethea@gmail.com>, Dennis Cox <dcox@topshammaine.com>
Cc: Doug Cameron <dcamcorp@yahoo.com>, Rich Roedner <rroedner@topshammaine.com>

All,

In reviewing the approvals, there is Condition #16 (attached approved plan). It seems that the Planning Board has required the applicant to request the stop signs through the Board of Selectmen...

Tom, it seems that you should write a formal request to add stop signs to your development and send to Rich Roedner. He will then bring this to the attention of the Selectboard to decide upon, as they oversee stop sign placement within Topsham.

Best,

Rod Melanson
Director-Planning, Development & Codes
Town of Topsham



TOPSHAM PUBLIC WORKS
100 MAIN STREET / 10 MAINTENANCE WAY
TOPSHAM, ME 04086
207-725-1728 / FAX 207-725-1739



To: Rich Roedner
From: Dennis Cox
Subject: Stop Sign Recommendation for Homeplace at Somerset Place
Date: May 9, 2018

The purpose of this memo is to explain why I do not believe the placement of a stop sign on Homeplace at Somerset Place is appropriate.

First, I would like to express my concern and state that I am not in favor of naming the road or street through the "Glades Above Homeplace" project Homeplace Extension. This is confusing and since it is the continuation of either Somerset or Homeplace, the street should be either of these. It is not my decision, but maybe one name would be appropriate for the street, running continuously from Arbor Avenue to Brookside Drive.

However, getting beyond the street name, the request for a stop sign on Homeplace at Merrymeeting Drive would be against the "Manual on Uniform Traffic Control Devices" (MUTCD) guide that is approved by the Federal Highway Administrator as the National Standard. In the manual starting on page 49, Section 2B.04 discusses the use of Yield and Stop signs. The manual reads as follows:

Yield or Stop signs should be used at an intersection if one or more of the following conditions exist:

- A. An intersection of a less important road with a main road where application of the normal right-a-way rule would not be expected to provide reasonable compliance with the law
- B. A street entering a designated through highway or street
- C. An signalized intersection in a signalized area

Yield or Stop signs should not be used for speed control

There for, based on these requirements or conditions, Homeplace / Somerset is the "through" street and Merrymeeting is the "street entering" and the stop sign should be placed on Merrymeeting. It would be inappropriate to place a stop sign on Homeplace to "slow down" the traffic. The other permissible option would be a "Yield" sign on Merrymeeting.

Therefore, based on the MUTCD manual which we should follow for traffic control, the appropriate traffic control devise would be a stop or yield sign on Merrymeeting at the "Tee" intersection of Somerset / Homeplace.

I have included a copy of the manual regarding the placement of Stop or Yield signage.

Table 2B-1. Regulatory Sign and Plaque Sizes (Sheet 4 of 4)

Sign or Plaque	Sign Designation	Section	Conventional Road		Expressway	Freeway	Minimum	Oversized
			Single Lane	Multi-Lane				
SUNDAY (and times) (2 lines) (plaque)	R10-20aP	2B.53	24 x 18	24 x 18	—	—	—	—
Crosswalk, Stop on Red	R10-23	2B.53	24 x 30	24 x 30	—	—	—	—
Push Button To Turn On Warning Lights	R10-25	2B.52	9 x 12	9 x 12	—	—	—	—
Left Turn Yield on Flashing Red Arrow After Stop	R10-27	2B.53	30 x 36	30 x 36	—	—	—	—
XX Vehicles Per Green	R10-28	2B.56	24 x 30	24 x 30	—	—	—	—
XX Vehicles Per Green Each Lane	R10-29	2B.56	36 x 24	36 x 24	—	—	—	—
Right Turn on Red Must Yield to U-Turn	R10-30	2B.54	30 x 36	30 x 36	—	—	—	—
* Signal (plaque)	R10-31P	2B.53	24 x 9	24 x 9	—	—	—	—
Push Button for 2 Seconds for Extra Crossing Time	R10-32P	2B.52	9 x 12	9 x 12	—	—	—	—
Keep Off Median	R11-1	2B.57	24 x 30	24 x 30	—	—	—	—
Road Closed	R11-2	2B.58	48 x 30	48 x 30	—	—	—	—
Road Closed - Local Traffic Only	R11-3a,3b,4	2B.58	60 x 30	60 x 30	—	—	—	—
Weight Limit	R12-1,2	2B.59	24 x 30	24 x 30	36 x 48	—	—	36 x 48
Weight Limit	R12-3	2B.59	24 x 36	24 x 36	—	—	—	—
Weight Limit	R12-4	2B.59	36 x 24	36 x 24	—	—	—	—
Weight Limit	R12-5	2B.59	24 x 36	24 x 36	36 x 48	48 x 60	—	—
Weigh Station	R13-1	2B.60	72 x 54	72 x 54	96 x 72	120 x 90	—	—
Truck Route	R14-1	2B.61	24 x 18	24 x 18	—	—	—	—
Hazardous Material	R14-2,3	2B.62	24 x 24	24 x 24	30 x 30	36 x 36	—	42 x 42
National Network	R14-4,5	2B.63	30 x 30	30 x 30	36 x 36	36 x 36	—	42 x 42
Fender Bender Move Vehicles	R16-4	2B.65	36 x 24	36 x 24	48 x 36	60 x 48	—	48 x 36
Lights On When Using Wipers or Raining	R16-5,6	2B.64	24 x 30	24 x 30	36 x 48	48 x 60	—	36 x 48
Turn On Headlights Next XX Miles	R16-7	2B.64	48 x 15	48 x 15	72 x 24	96 x 30	—	72 x 24
Turn On, Check Headlights	R16-8,9	2B.64	30 x 15	30 x 15	48 x 24	60 x 30	—	48 x 24
Begin, End Daytime Headlight Section	R16-10,11	2B.64	48 x 15	48 x 15	72 x 24	96 x 30	—	72 x 24

* See Table 9B-1 for minimum size required for signs on bicycle facilities

Notes: 1. Larger signs may be used when appropriate
2. Dimensions in inches are shown as width x height

- 07 Where side roads intersect a multi-lane street or highway that has a speed limit of 45 mph or higher, the minimum size of the STOP signs facing the side road approaches, even if the side road only has one approach lane, shall be 36 x 36 inches.
- 08 Where side roads intersect a multi-lane street or highway that has a speed limit of 40 MPH or lower, the minimum size of the STOP signs facing the side road approaches shall be as shown in the Single Lane or Multi-lane columns of Table 2B-1 based on the number of approach lanes on the side street approach.
Guidance:
- 09 The minimum sizes for regulatory signs facing traffic on exit and entrance ramps should be as shown in the column of Table 2B-1 that corresponds to the mainline roadway classification (Expressway or Freeway). If a minimum size is not provided in the Freeway column, the minimum size in the Expressway column should be used. If a minimum size is not provided in the Freeway or Expressway Column, the size in the Oversized column should be used.

Section 2B.04 Right-of-Way at Intersections

Support:

- 01 State or local laws written in accordance with the "Uniform Vehicle Code" (see Section 1A.11) establish the right-of-way rule at intersections having no regulatory traffic control signs such that the driver of a vehicle approaching an intersection must yield the right-of-way to any vehicle or pedestrian already in the intersection.

When two vehicles approach an intersection from different streets or highways at approximately the same time, the right-of-way rule requires the driver of the vehicle on the left to yield the right-of-way to the vehicle on the right. The right-of-way can be modified at through streets or highways by placing YIELD (R1-2) signs (see Sections 2B.08 and 2B.09) or STOP (R1-1) signs (see Sections 2B.05 through 2B.07) on one or more approaches.

Guidance:

02 *Engineering judgment should be used to establish intersection control. The following factors should be considered:*

- A. Vehicular, bicycle, and pedestrian traffic volumes on all approaches;
- B. Number and angle of approaches;
- C. Approach speeds;
- D. Sight distance available on each approach; and
- E. Reported crash experience.

03 *YIELD or STOP signs should be used at an intersection if one or more of the following conditions exist:*

- A. An intersection of a less important road with a main road where application of the normal right-of-way rule would not be expected to provide reasonable compliance with the law;
- B. A street entering a designated through highway or street; and/or
- C. An unsignalized intersection in a signalized area.

04 *In addition, the use of YIELD or STOP signs should be considered at the intersection of two minor streets or local roads where the intersection has more than three approaches and where one or more of the following conditions exist:*

- A. The combined vehicular, bicycle, and pedestrian volume entering the intersection from all approaches averages more than 2,000 units per day;
- B. The ability to see conflicting traffic on an approach is not sufficient to allow a road user to stop or yield in compliance with the normal right-of-way rule if such stopping or yielding is necessary; and/or
- C. Crash records indicate that five or more crashes that involve the failure to yield the right-of-way at the intersection under the normal right-of-way rule have been reported within a 3-year period, or that three or more such crashes have been reported within a 2-year period.

05 *YIELD or STOP signs should not be used for speed control.*

Support:

06 Section 2B.07 contains provisions regarding the application of multi-way STOP control at an intersection.

Guidance:

07 *Once the decision has been made to control an intersection, the decision regarding the appropriate roadway to control should be based on engineering judgment. In most cases, the roadway carrying the lowest volume of traffic should be controlled.*

08 *A YIELD or STOP sign should not be installed on the higher volume roadway unless justified by an engineering study.*

Support:

09 The following are considerations that might influence the decision regarding the appropriate roadway upon which to install a YIELD or STOP sign where two roadways with relatively equal volumes and/or characteristics intersect:

- A. Controlling the direction that conflicts the most with established pedestrian crossing activity or school walking routes;
- B. Controlling the direction that has obscured vision, dips, or bumps that already require drivers to use lower operating speeds; and
- C. Controlling the direction that has the best sight distance from a controlled position to observe conflicting traffic.

Standard:

10 **Because the potential for conflicting commands could create driver confusion, YIELD or STOP signs shall not be used in conjunction with any traffic control signal operation, except in the following cases:**

- A. If the signal indication for an approach is a flashing red at all times;
- B. If a minor street or driveway is located within or adjacent to the area controlled by the traffic control signal, but does not require separate traffic signal control because an extremely low potential for conflict exists; or
- C. If a channelized turn lane is separated from the adjacent travel lanes by an island and the channelized turn lane is not controlled by a traffic control signal.

Rich Roedner

From: Rod Melanson
Sent: Thursday, May 10, 2018 10:10 AM
To: Rich Roedner
Cc: Dennis Cox
Subject: RE: Somerset Place Stop Sign

Rich,

AS an FYI in regards to the condition of approval from the PB...the board was silent in regards to the Stop signs being a good/ bad idea. The applicant proposed the signs as a traffic calming measure...to reduce the "cut through" traffic concerns of the connection.

Some relevant take aways from the minutes of the meeting where the subdivision was approved:

With all comments having been heard, the Public Hearing was declared closed and a lengthy discussion ensued between Board members. Board member Thompson asked if the Board felt it should get an opinion from the Town's attorney regarding the deed. The majority of the Board responded that it would accept response from the applicant's attorney. The Board discussed traffic calming suggestions and noted the street connections must be open to the public and could not be gated. The Planning Board cannot institute a stop sign. This has to come before the Board of Selectmen. Regarding the comments on the groundwater, the board concluded that they received good evidence from licensed individuals, a geologist and an engineer, stating there would be no long-term impacts and have to trust what they said. The addition of the 15-foot easement abutting Mr. Vogue's property would preserve pedestrian access. The Board agreed that monitoring wells should be shown on the plan and a monitoring plan submitted.

I understand that this may not offer any guidance for the Select Board...but thought you would want to know how the condition came about.

If you need more info let me know.

Rod Melanson
Director-Planning, Development & Codes
Town of Topsham
100 Main Street
Topsham, ME 04086
(207) 725-1724
rmelanson@topshammaine.com

 Be Green! Only print this email when necessary.

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: Tom Bethea [mailto:tdbethea@gmail.com]
Sent: Thursday, May 10, 2018 9:55 AM

Rich

I just read the memo you sent out from Dennis. I agree we should follow the manual and I agree with Dennis' findings in his report. I have seen communities who utilize well marked speed tables to slow traffic down as the roadway transitions from one area to the next. This may break up a long through way and reduce the temptation to accelerate the entire length of the roadway.

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

Board of Selectmen Meeting

For the date of: 06/07/18

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: 18-38

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

Brief Title of consent or Agenda Item: Consideration any appropriate action on the approval to spend money form the revenue line of the wood harvest to replace the gate at Thomas Avenue.

Brief Description of Consent or Agenda Item: We have collected over \$13,500 from the Foreside Harvestry Project, and we need to replace the gate and entrance to the Hillside Field.

Submitted by: Pam LeDuc, Parks and Recreation Director **Date:** 06/07/2018

Parks and Recreation Memo

To: Board of Selectmen
From: Pam LeDuc, Director, Parks and Recreation
cc: Richard Roedner, Manager
Date: 5/31/18
Re: Request for use of Foreside Forestry Money



As you are aware, the Town signed a contract with SAPPI to continue harvesting wood at Foreside Recreational Area according to our Forestry Plan from 2012. During the 2 week harvest, the town received payment of \$13, 584 for wood processing. We also were required to knock down our fencing and gate entry to the Hillside Field.

Currently we are working on plans to turn the logging yard created on Hillside in the woods into a parking lot. We do need to go through the Planning Board process however, so that won't occur until mid August.

At this time, I am requesting permission to use funds in the amount of \$2,250 to install a gate that will fit into the plan of creating the parking area.

Board of Selectmen Meeting

For the date of: 06/07/2018

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: 1839

(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 annual appointments:

Tom Lister	Codes/Health Officer
Carol Eyerman	Alternate CEO, Administrative/Enforcement
Mike Labbe	Civil Emergency
Chris McLaughlin	Fire Warden/Health Officer
Dennis Cox	Road Commissioner

Justin Hennessey *Town Assessor – this appointment is for 5-years*

Brief Description of Consent or Agenda Item:

Submitted by: Rich Roedner, Town Manager **Date:** 05-21-2018

Board of Selectmen Meeting

For the date of: 06/07/2018

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: 18-40

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

Brief Title of consent or Agenda Item: Consideration and any appropriate action on the attached list of re-appointments to Boards/Committees.

Brief Description of Consent or Agenda Item:

Submitted by: Rich Roedner, Town Manager **Date:** 05-21-2018

List of Re-appointments

Thomas Sawyer Michael Nelson	Assessment Review Assessment Review	2 Potential openings
Bruce VanNote- Re-appointment Joshua Spooner	Planning Board Planning Board	2 Potential openings
Chris Wasileski- Re-appointment Curtis Picard- Re-appointment Mary Kate Reny- Re-appointment Cutis Neufeld – Re-appointment Agnela Twitchell- Re-appointment	Topsham Development, Inc Topsham Development, Inc Topsham Development, Inc Topsham Development, Inc Topsham Development, Inc	5 Potential opening
Ed Mendes- Re-appointment/Alternate	Historic District	2 Potential openings
Dwight Balser- Re-appointment	Sewer District	1 Potential openings
Christopher Dawson- Re-appointment	Finance Committee	2 Potential openings
Ed Mendes-Re-appointment/Alternate	History Committee	3 Potential openings
Rod Melanson – Re-appointment John Shattuck- Re-appointment	MCEDD MCEDD	

Board of Selectmen Meeting

For the date of: 06/07/2018

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: 184

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

Brief Title of consent or Agenda Item: Consideration any appropriate action on the annual contract with the Coastal Humane Society.

Brief Description of Consent or Agenda Item: see attached

Submitted by: Rich Roedner, Town Manager **Date:** 05-30-2018



COASTAL
HUMANE
SOCIETY

COASTAL HUMANE SOCIETY & TOWN OF TOPSHAM AGREEMENT FOR SERVICES

This agreement, made and entered into on May 3, 2018, by and between the Town of Topsham, Maine, a municipal corporation hereinafter referred to as the Municipality, and Coastal Humane Society, a non-profit corporation established under the laws of the State of Maine, hereinafter referred to as CHS. This agreement will cover the contract period beginning July 1, 2018, and ending June 30, 2019.

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

I. Services to be provided

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

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

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

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

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

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

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

II. Ownership of dogs

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

III. Ownership of cats

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

IV. Public service programs

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

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

V. Adoption fees and recordkeeping

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

VI. Indemnification

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

VII. Insurance

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

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

VIII. Agreement not assignable

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

IX. CHS's independent capacity from Municipality

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

X. Payment

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

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

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

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

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

XI. Agreement terms

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

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

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

XII. Applicable law

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

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

It is understood and agreed by the Municipality and CHS that, in the event the Municipality's animal control ordinances are revised in such a way as to cause a substantial increase in the level of services to be performed by CHS under this agreement, then such revisions shall not

be covered by this agreement and the parties shall enter into negotiations regarding amendments to this agreement to address such revisions.

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

TOWN OF TOPSHAM, MAINE

By: _____
Authorized Representative from the Town of Topsham

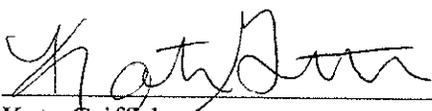
Date: _____

Print name and title

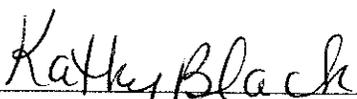
Witness Signature

Date: _____

COASTAL HUMANE SOCIETY

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

Date: 5/3/18


Witness Signature

