

**6:30PM Board of Selectmen Board/Committee interview
7:00PM Board of Selectmen Meeting
Topsham Municipal Building
Donald A. Russell Meeting Room
March 21, 2019**

Pledge of Allegiance –

Roll Call of Board Members –

Town Manager's Report –

Board and Committee Reports and Updates-

- Update from the Topsham Development Inc, - Don Spann
- Update TDI/ECD- John Shattuck, Topsham Economic and Community Development, Inc. Director

Public Comment –

Correspondence –

Adjustments to the Agenda –

Consent Calendar –

1. Approval of the minutes of the Regular Selectmen meeting March 7, 2019.

Public Hearing –

19-10- Consideration and any appropriate action on a Special Amusement Permit for Duck Pub.

Unfinished Business –

Old Business –

New Business –

19-11- Consideration and any appropriate action to hold a Public Hearing on a proposed licensing ordinance regarding Medical Marijuana.

19-12- Consideration and any appropriate action on approving the proposal for Elm Street Extension Design Services.

19-13- Consideration and any appropriate action on the appointment of Binh Dang to the Topsham Housing Authority Board.

19-14- Consideration and any appropriate action on a review of North East Ambulance contract.

19-15- Consideration and any appropriate action on results from the Neighborhood meetings.

Executive Session-

19-16- Consideration and any appropriate action to enter into Executive Session pursuant to 36 M.R.S.A. § Title 1 405 (6) (F) to discuss a tax acquired property.

19-17- Consideration and any appropriate action to enter into Executive Session pursuant to 1 M.R.S.A. § 405 (6) (D) to discuss Labor Negotiations.

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: 03/21/2019

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 03-07-2019.

Brief Description of Consent or Agenda Item: see attached

Submitted by Rich Roedner, Town Manager **Date:** 03-01-2019

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

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

MEMBER(S) ABSENT: All present

STAFF PRESENT: Richard Roedner, Town Manager and Derek Scrapchansky,
Assistant Town Manager

A meeting of the Topsham Board of Selectmen was held on Thursday, March 7, 2019, 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. It was noted that all members were present.

PLEDGE OF ALLEGIANCE/ROLL CALL

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

TOWN MANAGER'S REPORT

The deadline to register for our Second Annual Galactic Bowl is tomorrow, March 8. This is open to boys and their parent escorts. See details in the Parks and Recreation office.

Tonight, the Topsham Fire Fighters Association is being hosted by Pub 99. All meals served tonight until 10:00 p.m. will result in 15% going to the Association. You will need a copy of the flyer, which should be available from one of the Fire Fighters who will greet you as you enter the parking area.

Music in March is back in the Library. This Saturday, Porch Light will be highlighted. The show starts at 1:00 p.m. and is open to all; no cover.

Also at the Library, Joy of the Lens nominations are now being accepted. Check the Library website for details.

Residents interested in any of our Rec programs are encouraged to check the Parks and Recreation web page for deadlines and details, as well as registration information.

As a long-distance notice, this summer there will be a major culvert replacement project taking place on River Road, which will necessitate a complete road closure for a minimum of five days. The project has not been scheduled yet, but once it is, we will have notices on our web page, advance warnings posted on River Road, as well as detour signs in place during the actual project.

BOARDS AND COMMITTEE REPORTS AND UPDATES

Proposed Ordinance Amendments From the Planning Board - Assistant Planner Carol Eyerman reviewed 6 amendments proposed by the Planning Board resulting from several Planning Board Workshops and asked for feedback from the Board. The amendments include:

1. Municipal Signs – School and Town use. Ms. Eyerman said the Town Attorney and School District Attorney have reviewed and approve the amendments.
2. Aquifer Protection Overlay District – Adds public water utility facilities. (More work will be done on this in the coming years.)
3. MUC Zone Changes – It was noted this proposed amendment has nothing to do with Crooker. After considerable review, the Planning Board is proposing consideration of implementing the MUC zoning change as a starting point on the parcels south of the stream that runs along Park Drive. The stream and its conservation area offer a natural boundary line for a transitional neighborhood, from single-family residential to higher density mixed use, to commercial and retail space. Currently the first floor of dwellings have to be used commercially. The amendment would allow apartment style condos which would allow transitional use between a residential area and the mall area.

Developer, Dan Catlin spoke on this item saying he can vision three stories, 12-unit buildings fitting well with the commercial businesses.

4. Zoning changes to lot sizes in the Lower Village. Make it more walkable, more suburban. Change the lot size from 7,500 square foot minimum lot size. In the shoreland zone we have 30,000 to 60,000 s.f. minimum lot size. Proposal is to change the lot size in the Lower Village (40 lots) to be consistent with the Comprehensive Plan to change minimum lot size in the Shoreland Zone and change the shoreland frontage to 50 feet along the river.

Peter Casada, Bowdoin Mill Associates, came to the podium and told the Board that they own two or three 30,000 foot lots, one of them the former fire station lot and the house beyond that. He said their guide posts was the Lower Village Vision before they purchased the property and are now full with the Bowdoin Mill and one floor of the Red Mill and are considering what to do with their other property. He said their alternatives are restaurants or apartments. The Comprehensive Plan calls for more density in the village. After discussing with the Planning Department, he sees a market for housing. It would be a nice place for people to live who want to walk.

5. Proposed amendment which will create language to better direct the Board of Appeals. Amendment is currently before the town attorney for review.
6. An amendment change to coincide with State Law.

The Board listened to and commented on each of the proposed changes and instructed the Assistant Planner to continue to move the amendments forward for presentation to the Board of Selectmen.

PUBLIC COMMENT – Dan Catlin said he would appreciate ideas and suggestions on how best to move forward with a plan for the land across the street from the Town Office where Wright-Pierce Engineering was formerly located - 99 Main Street, which Mr. Catlin owns.

CORRESPONDENCE – None noted

ADJUSTMENTS TO THE AGENDA – None noted.

CONSENT CALENDAR

1. Approval of the minutes of the Regular Selectmen’s Meeting of February 7, 2019.

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

VOTED

To accept the Consent Calendar, approving the minutes of the regular Selectmen’s Meeting of February 7, 2019 as written in the Third Draft.

PUBLIC HEARING

19-06 CONSIDERATION AND ANY APPROPRIATE ACTION ON POSTING THE FOLLOWING ROADS FROM MARCH 1, 2019 to APRIL 30, 2019 OR SOONER IF CONDITIONS ALLOW

The Public Hearing was declared open.

Dennis Cox, Public Works Director, recommended that the Town post the following roads due to the conditions created by the warming temperatures and frost heaves.:

Winter Street/River Road from Main Street to Whitehouse Crossing Road
Whitehouse Crossing Road
Cathance Road
Meadow Cross Road
Ward Road
West Merrill Road
Robert’s Hill Road
Forside Road from Townsend Way to the Middlesex Road

The road posting would be effective March 8, 2019 to April 30, 2019, or sooner if conditions allow.

There being no one from members of the public wishing to comment, the Public Hearing was declared closed.

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

VOTED

To post the roads according to the Memo/Public Notice from the Public Works Director being Winter Street; River Road from Main Street to Whitehouse Crossing Road; Whitehouse Crossing Road; Cathance Road; Meadow Cross Road; Ward Road; West Merrill Road; Robert's Hill Road; Foreside Road from Townsend Way to the Middlesex Road, effective March 8, 2019 to April 30, 2019, or sooner if conditions allow.

UNFINISHED BUSINESS – None noted.

OLD BUSINESS

19-03 CONSIDERATION AND ANY APPROPRIATE ACTION ON CHANGING THE TITLE "BOARD OF SELECTMEN" TO "SELECT BOARD"

At the last meeting a resident asked the Board to consider changing its name from Board of Selectmen to Selebtboard (or Select Board). There was general understanding of the issue that was raised and staff was asked to work on a policy rather than an ordinance change. The Town Manager submitted a draft policy for the Board's consideration that would establish the practice of referring to the elected body as the Selectboard or Select Board. The policy also provides for a minor amendment to the Town Code, to clarify that Board of Selectmen also means Selectboard, and that Selectman also means Selectwoman and Selectperson.

The Board acknowledged receiving and reading the policy that Town Manager Roedner developed. Mr. Roedner said if we were to go with an ordinance change, the response he received from the Maine Municipal Association was that the legal terminology in the State Statute is Selectmen and Board of Selectmen. Therefore, from a legal standpoint they were hesitant for us to legally change the name to Selectman Board. On a policy level, they said do what you want to do.

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

VOTED

To make no changes to the Board of Selectmen title.

NEW BUSINESS

19-07 CONSIDERATION AND ANY APPROPRIATE ACTION ON ESTABLISHING A REGISTRATIONS APPEAL BOARD AND APPOINTING MEMBERS

Te Board discussed the following memo from Linda Dumont, Town Clerk:

*"TO: Board of Selectmen
FROM: Linda Dumont, Town Clerk
DATE: January 25, 2019*

RE: Registration Appeals Board

In reviewing election laws, I have found that the town should have in place a Registration Appeals Board in the event that a voter is aggrieved by the decision of the Registrar to cancel the voter.

I have been working on establishing this committee and have since received a nomination from both the Democratic and Republican political part as required by State Statute and I have selected a nominee to serve a chair.

I am requesting that the Board authorize forming this Board and to appoint the following nominees to the Registration Appeals Board. Each member serves a three-year term, with the exception of the chair, which serves a four-year term. I have attached the statute for your review.

Democratic Party: Sara Ward
Republican Party: Dwayne Bickford
Alternate: Gail Eaton
Chair: Peter Lepari”

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

VOTED

To create a Registrations Appeal Board and to appoint Sara Ward, Dwayne Bickford and Gail Eaton to a three-year term and Peter Lepari as Chairman to a 4-year term to such Board to follow the positions in the memo from Linda Dumont dated January 25, 2019.

19-08 CONSIDERATION AND ANY APPROPRIATE ACTION ON REVIEWING THE PROCESS FOR APPROVING AP WARRANTS

Town Manager Roedner referenced his memo dated February 25, 2019 to the Board saying he had a difficult time this past week in getting three signatures to release the AP Warrant. Selectman Tufts raised the issue of whether we can have a streamlined process to sign the warrant electronically.

Mr. Roedner contacted The Maine Municipal Association and their response was included in the Board Package for review.

Senior Staff Attorney Richard Flewelling from MMA noted that “under 10 M.R.S. Section 9502(1):

1. Digital Signature: “Digital signature” means a computer-created electronic signature tat:
 - A. Is intended by the person using it to have the same force and effect as the use of a manual signature: [1999, c. 762, §2 (NEW) .]
 - B. Is unique to the person using it; [1999, c. 762. §2 (NEW) .]
 - C. Is capable of verification; [1999, c. 762. §2 (NEW) .]
 - D. Is under the sole control of the person using it; and [1999, c. 762. §2 (NEW) .]
 - E. Is linked to data in such a manner that it is invalidated if the data are changed. [1999, c. 762. §2 (NEW) .]

The Town Manager said he was looking for a sense of how the Board feels about the idea of electronic signatures and if they want him to proceed with developing a form for the process.

Chairman Douglass said he would want to see the signing page, and would want to know what extra he is giving up to sign these, if someone wants to come back to challenge.

The Board was in agreement that Mr. Roedner should continue to go forward with this idea, and shoot for consideration in May at Town Meeting, if possible.

EXECUTIVE SESSION

At 8:35 p.m. motion was made by Selectman Tufts, seconded by Selectman Lyons, and it was unanimously

VOTED

To enter Executive Session to consider appropriate action pursuant to 1 M.R.S.A. §405, (6) (A) to discuss a personnel matter.

19-09 CONSIDERATION AND ANY APPROPRIATE ACTION TO ENTER INTO EXECUTIVE SESSION PURSUANT TO 1 M.R.S.A. §405 (6) (A) TO DISCUSS A PERSONNEL MATTER

The Executive Session was called to order at 8:41 p.m. In attendance was Chairman Douglass, Selectman Thompson, Selectman Brilliant, Selectman Lyons and Selectman Tufts.

At 9:10 p.m., motion was made, seconded, and it was unanimously

VOTED

To come out of Executive Session.

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

VOTED

For the Board Chair and Vice Chair to handle the personnel matter as discussed in Executive Session.

ADJOURNMENT

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

VOTED

To adjourn the meeting at 9:12 p.m.

Respectfully submitted,

Patty Williams, Recording Secretary

Board of Selectmen Meeting

For the date of: 3/21/2019

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: 19-10

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

Brief Title of consent or Agenda Item: Consideration and any appropriate action on a Special Amusement Permit for The Duck Pub

Brief Description of Consent or Agenda Item: Attachments

- * Special Amusement application to allow entertainment
- * Extension of Premise letter to allow consumption of liquor on deck and outside patio

Submitted by: Linda Dumont, Town Clerk

Date: 3/12/2019



TOWN OF TOPSHAM

ORIGINAL

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

APPLICATION FOR LICENSE OR PERMIT

Please complete:

Type of Business:

Partnership- Partner's Names: _____
 Corporation- Corporation Name Sandbaggers Golf LLC
Incorporation Date: 01/17 Incorporation State ME

Type of License Special Amusement

New License: Opening Date _____ Renewal

Business Name: Sandbaggers Golf LLC E-Mail: Sean@resurrectiongolf.com
114 Village Dr.

Business Address: The Duck Pub Business Phone Number (207) 939-8626

Name of Contact Person: Sean McLaughlin Contact's Phone Number (207) 939-8626

Mailing Address for Correspondence: 18 Pleasant St. Suite 106 Brunswick, ME

Signature of Applicant: [Signature] Date: 3/12/19

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

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

Corporations Please Complete:
 Address of Incorporation: 18 Pleasant St. Brunswick, ME Phone#: (207) 939-8626
 Name of Corp. Officer, Owner, or Partners:

Name	Title	Address	% of Stock ownership
<u>Kevin McLaughlin</u>	<u>President</u>	<u>Atlanta, GA</u>	<u>100%</u>
<u>Sean McLaughlin</u>	<u>VP</u>	<u>Woolwich, ME</u>	<u>0%</u>

Office Use Only (Make copy of signed State application for office file)
 Type of License: Special Amus Permit Fee \$ 50.00 Paid Advertising Fee \$ 102.00 Paid
 For Peddler-Police Chief sign off required: _____
 Required Approvals for Special Amusement and new Liquor license: BOS _____ Fire Police
 Public Hearing Posted Public Notice Dates Copy of current State liquor license _____
 Town Clerk Signature [Signature] Temp. extension

Complete back

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

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

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

- Special Amusements** (Title 28-A§1054) Expires annually with liquor license, must provide copy of current state certificate with renewal application
Requires annual Public Hearing
* Include supplemental pages 3 &4
*Describe in detail the type and nature of entertainment, the room or rooms to be used
*Provide a diagram of room to be used

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

Describe food to be sold Full Service Restaurant and pub food, to include catering + delivery

- FSE with- out Liquor **\$50** Copy of State Certificate required
- FSE with Liquor (Title 28-A§652) **\$100** Copy of State Certificate required (requires Public Hearing on new applications)
- FSE Outside Liquor Service Extension of Premise
(deck, lawn) Municipal approval required - submitted in writing to Bureau of Liquor Enforcement
Describe food to be sold _____

Peddler (The selling of tangible commodities having no established or fixed place of business in Topsham)
\$25 Resident \$50 Non-Resident \$25 - #___ of months (up to 3 months \$25)

Description of nature of business and goods to be sold _____
Name and address of employer and evidence of employment _____
Vehicle Description: Make _____ Model _____ Year _____ Color _____ License plate # _____
Photo of applicant taken with- in 60 days of application
Description of location if stationary and letter of agreement from owner of record
Names of two reliable property owners, references, or other evidence of good character
A statement of whether the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, nature of the offense, punishment or penalty assessed

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

Number of Taxicabs for which license is desired _____

Taxicab Driver \$25 annually

SUPPLEMENTAL APPLICATION IS REQUIRED

***Supplemental page for Special Amusement Permit**

Describe in detail the type and nature of entertainment:

Indoor/Outdoor Live music and entertainment, craft fairs
parties, group functions, Seasonal events, Karaoke, open mic
nights, Private Golf outings.

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

Outside Patio + Seating area, outdoor veranda and stage
w/ Seating upstairs dining room and private function room.
Downstairs pub + dining golf courses

DIAGRAM

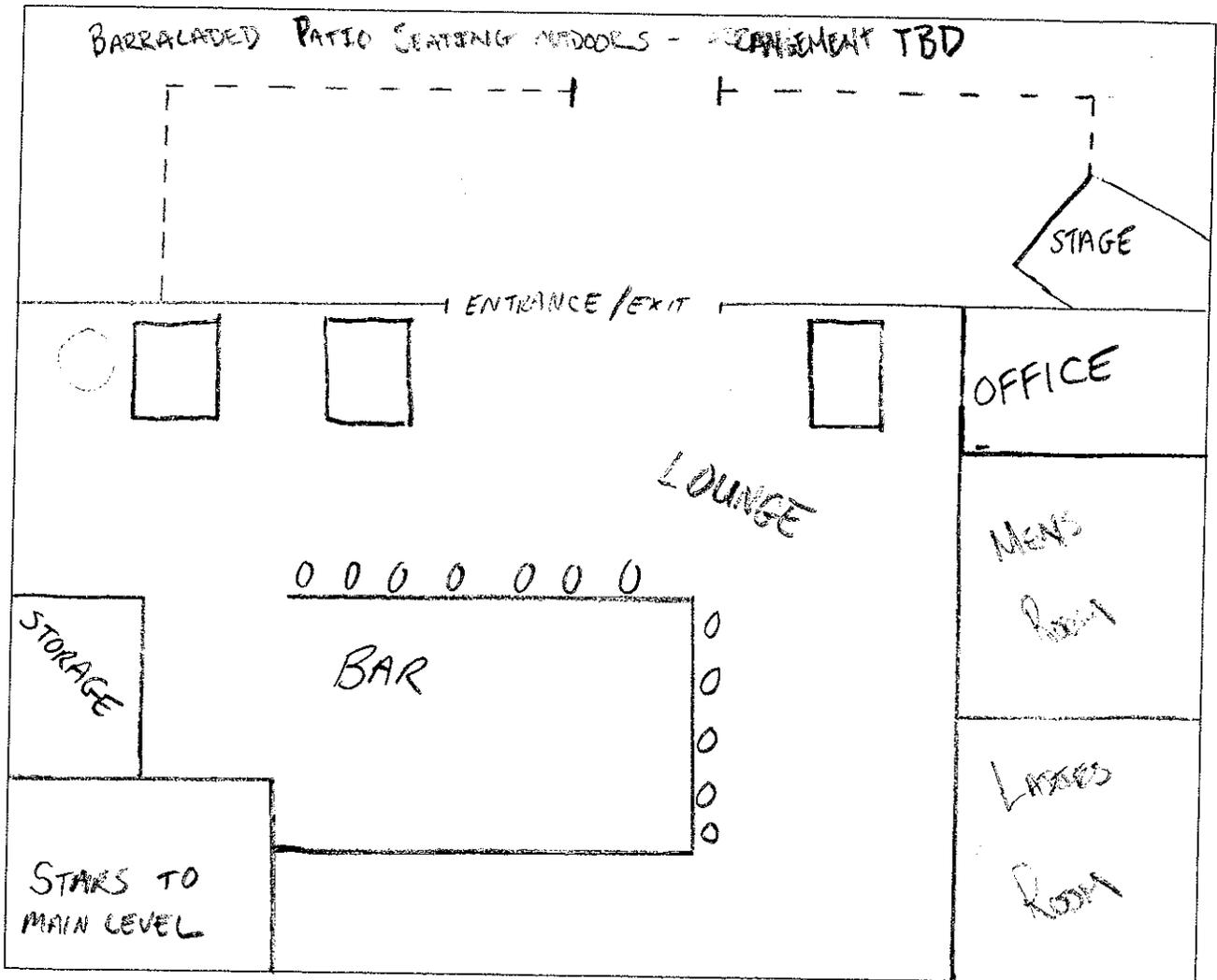
Bureau of Alcoholic Beverages and Lottery Operations
 Division of Liquor Licensing & Enforcement
 8 State House Station, Augusta, ME 04333-0008
 10 Water Street, Hallowell, ME 04347
 Tel: (207) 624-7220 Fax: (207) 287-3434
 Email Inquiries: MaineLiquor@maine.gov

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.



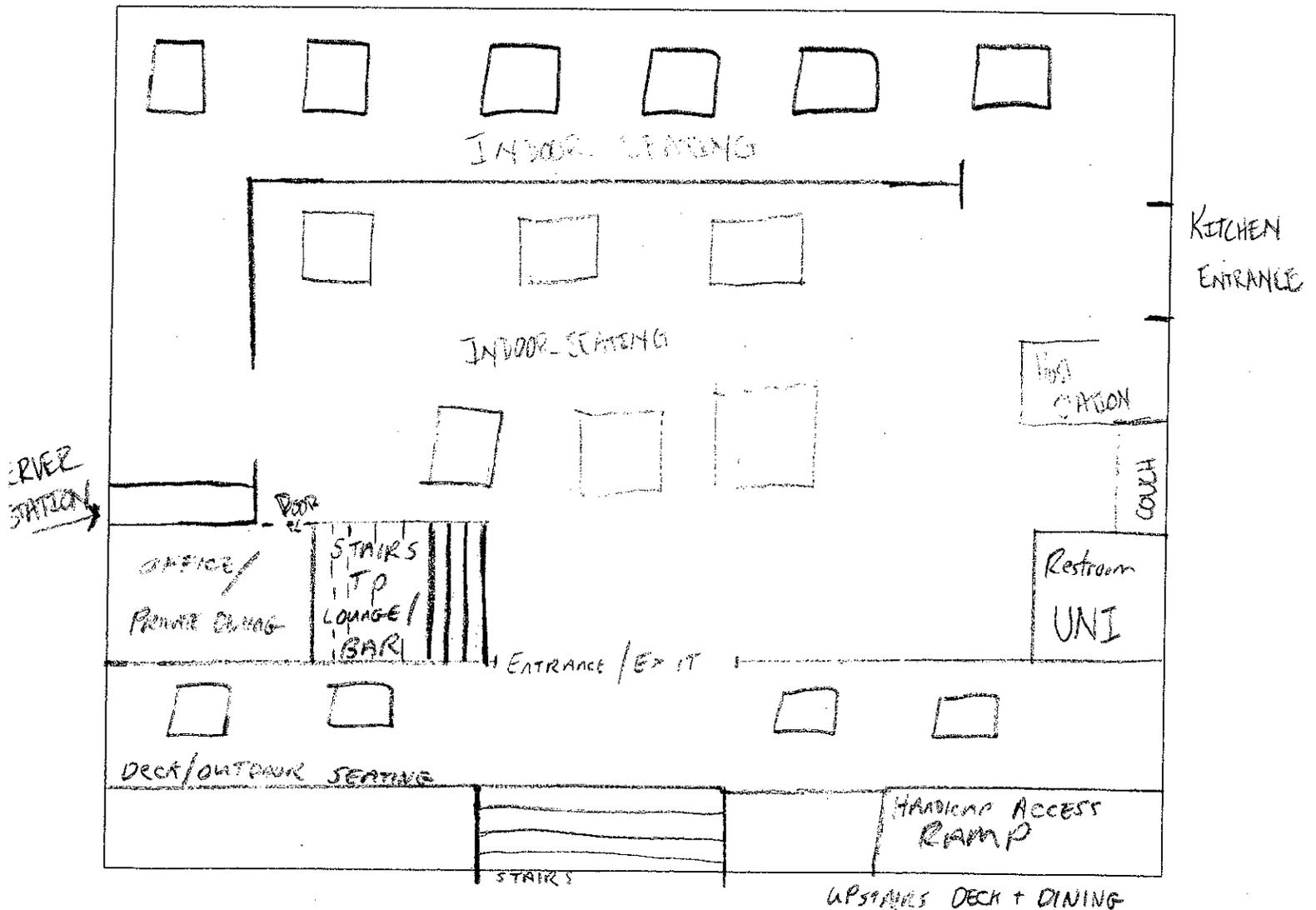
Bureau of Alcoholic Beverages and Lottery Operations
 Division of Liquor Licensing & Enforcement
 8 State House Station, Augusta, ME 04333-0008
 10 Water Street, Hallowell, ME 04347
 Tel: (207) 624-7220 Fax: (207) 287-3434
 Email Inquiries: MaineLiquor@maine.gov

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.

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Special Amusements Application

Topsham Board of Selectmen

Signatures:

Date: 3/21/2019

Linda Dumont

From: Chris Lewis
Sent: Tuesday, March 12, 2019 12:35 PM
To: Linda Dumont
Subject: RE: special amusement permit

There have been no issues or complaints received regarding the Wild Duck pub. No concerns from the police department for a renewal or amusement permit.

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: Tuesday, March 12, 2019 11:19 AM
To: Chris McLaughlin <cmclaughlin@topshammaine.com>; Chris Lewis <clewis@topshammaine.com>
Subject: special amusement permit

Hello
The wild duck has submitted applications for both liquor renewal and special amusement permit. I am planning on putting the SA on the agenda for 3/21/2019 with a public hearing.

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

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,

Office of the Town Clerk

100 Main Street
Topsham, ME 04086

Linda Dumont

Town Clerk

Phone: 207-725-1719

Fax: 207-725-1733

ldumont@topshammaine.com

Date: 3/21/2019

To: Board of Selectmen

Re: Extension of Premise

The Duck Pub is seeking your permission to allow liquor to be served on the outside restaurant patio and front porch. Your approval must be included with the liquor application for the Division of Liquor Licensing. Your signatures are required.

The Topsham Board of Selectmen gives approval to allow Spirituous, Vinous and Malt to be served on the patio and front porch of the Duck Pub.

David Douglass, Chair

William Thompson, Vice Chair

Roland Tufts

Ruth Lyons

Marie Brilliant

3/21/2019
Date

Board of Selectmen Meeting

For the date of: 03/21/2019

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Type of Submission:

- Regular Submission
- Additional Agenda Item
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Agenda Number 19-11

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

Brief Title of consent or Agenda Item: Consideration and any appropriate action to hold a Public Hearing on a proposed licensing ordinance regarding Medical Marijuana.

Brief Description of Consent or Agenda Item:

Submitted by Rod Melanson, Town Planner

Date: 03-12-2019

MEMORANDUM

To: Rich Roedner, Town Manager
Selectboard
Planning Board
From: Rod Melanson, Planning Director
Date: March 12, 2019
Re: Medical Marijuana licensing

At the direction of the Selectboard, a working group of business and citizen interest has been working on drafting Medical Marijuana Licensing language. Over many months we have clarified how and where Marijuana Businesses could operate, and locate. The group focused on having a license code regulate the activities on an annual basis, while proposing adding definitions and land uses within our land use code/ table of uses to further dictate where licenses could be issues.

The proposed licensing will allow (per the Nov, 2018 vote) the following activities:

1. Registered Caregiver Retail Store
2. Marijuana Cultivation Facility
3. Marijuana Products manufacturing Facility
4. Marijuana Testing Facilities

During our discussions and research we have decided to go about this allowance in an incremental manner. We have found that by controlling the total number of licenses issued, and having a public hearing review by the selectboard on an annual basis (to maintain a license) is the best oversight/ tool that a municipality can enact to control the use.

Below is a summary of the discussions that have led to the proposed attached License Code, Land Use Amendments, maps showing zoning locations, and application template.

Land Use Amendments – Chapter 225-6/ 225-16/ 225-60.17

Attached is the proposed land use amendments...these simply identify and define the Marijuana activities, and places them within the land use table as P/X/C. As we were developing this initially we were trying to steer clear from PB oversight, and have this strictly be a selectboard license (with annual review). The thought was that these businesses were already identified within our land use code as retail (Med MJ retail store), and light manufacturing (product manufacturing and cultivations). Given that thought...the attached table reflects where we came up with P/ X/ C in our zoning proposal.

Initially we placed a **P** in the zones where the group thought the uses were appropriate, the thinking behind this is that the business would need to go through a rigorous licensing hearing with the Selectboard...so adding a conditional review by the PB, seemed redundant...perhaps the Board can offer guidance with this.

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Agenda Number 19-12

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

Brief Title of consent or Agenda Item: Consideration and any appropriate action on approving the proposal for Elm Street Extension Design Services.

Brief Description of Consent or Agenda Item:

Submitted by John Shattuck, ECD Director

Date: 03-12-2019

Revised 08-2002

MEMORANDUM
WED 2019-03-13

Fr: John Shattuck
To: Town Manager & Selectmen
Re: TY Lin proposal: Construction Design & Plans for Elm Street Extension

- Item no: 19-06 on Selectmen's 2019-03-21 regular meeting agenda

Attached:

- 2019-01-29 Town RFP - Construction Design & Plans for Elm Street Extension
- 2019-03-01 TY Lin proposal - Construction Design & Plans for Elm St Extension

On January 29th 2019, the Town released and widely distributed a request for proposals for "Construction Design & Plans for Elm Street Extension" (RFP), which solicited construction design and plans for the restoration of two way traffic on Elm Street Extension. This RFP was supported by the Lower Village Development Committee (Committee) and was reviewed and approved by staff, including Public Works Director Dennis Cox, Planning Director Rod Melanson and myself.

The restoration of two-way traffic on Elm Street Extension was one of the key elements of the Committee's Lower Village Redevelopment Concept Plan, which was approved by the Selectmen in March of 2015. As requested by the Selectmen, the RFP was revised to break the project into two phases:

- **Phase 1:** A survey of the existing right-of-way and a preliminary plan showing the proposed location of the roadway within the right-of-way.
- **Phase 2:** The development of construction plans based on the preliminary plan, but *only* if Phase 1 is reviewed and approved by the Selectmen, **and only** if the Selectmen vote to proceed with Phase 2.

In response to the RFP, the Town received a single proposal, on March 1st 2019, from TY Lin. On March 12th 2019, Dennis, Rod and I met with TY Lin's Darin Bryant, PE and Thomas Errico, PE to review the proposal in detail.

As a result of that review with TY Lin, Dennis, Rod and I have concluded that this proposal is fully compliant with the terms, timeline, services and budget required by the RFP and that TY Lin has the competency and capacity to perform as required by the RFP.

We respectfully recommend that the proposal be accepted by the Town.



REQUEST FOR PROPOSALS:

CONSTRUCTION DESIGN & PLANS – ELM STREET EXTENSION TOPSHAM, ME

OVERVIEW

The Town of Topsham is soliciting proposals from qualified firms interested in providing engineering services in order to assist the Town in developing road design construction documents for Elm Street Extension project. As part of the overall Lower Village development and planning efforts conducted by the Town and the Lower Village Development Committee (the Committee), the Town seeks to develop design and construction plans to implement the goals and objectives of the Committee. The goals of this plan reflect the shared values that have been identified to-date by the Committee in consultation with stakeholders. This project focuses on restoring two-way traffic to Elm Street Extension, a short section of one-way public roadway between Main Street and Winter Street.

ANTICIPATED SCOPE OF WORK

This project will include the following submissions:

- Survey, including determination of existing ROW
- Draft and final Preliminary Design Report (PDR)
- Draft and final Plan Impacts Complete (PIC)
- Draft and final Plans, Specifications and Estimates (PS&E).

This scope is to be covered in two separate phases as outlined immediately below. Applicants shall provide a budget and task outline for each phase of the project. ***The Town intends to utilize Phase 1 to determine feasibility of constructing these improvements within the existing ROW and, therefore, will not make a decision on proceeding with Phase 2, until Phase 1 has been reviewed and approved by the Board of Selectmen.***

Phase 1: Preliminary concept plans for recommended improvements within ROW and intersections, superimposed on orthographic image of the project area, including:

- Survey, including determination of existing ROW
- All other studies and investigations needed to complete preliminary reports
- Preliminary site-walk and meetings with Town staff, State agencies and stakeholder group
- Meeting with affected property owners

- Draft Preliminary Design Report (PDR)
- Draft Plan Impacts Complete (PIC)
- Draft Plans, Specifications and Estimates (PS&E).

Phase 2: All other elements of the scope – final reports and plans:

- Meetings with Town staff, State agencies, stakeholder working group
- Public meetings
- Final Preliminary Design Report (PDR)
- Final Plan Impacts Complete (PIC)
- Final Plans, Specifications and Estimates (PS&E).

SCOPE ELEMENTS/DETAILS

Data

- Data collection for the analysis should include the following:
 - Survey, including determination of existing ROW
 - Mapping of ROW and identification of needed easements
 - Clear delineation of any/all private uses within the ROW
 - Geotechnical, if retaining walls are required
 - Identify any required environmental permitting (eg: wetlands and/or storm water outlets)
 - Outline utility coordination, following MaineDOT LPA process
 - Document current turning movement volume data at the Main Street intersections at Elm Street Extension/Elm Street and at Winter Street during the AM and PM peak periods

Tasks:

- Conduct a traffic study that documents existing and future traffic volumes, and:
 - Development of traffic simulation model/s pursuant to MaineDOT standards
 - A summary of level of service and queue conclusions
 - Suggestions on traffic signal phasing and timing.
 - Identification of pedestrian improvements within the study area
- The following general tasks shall be included:
 - Field investigation of the project area
 - Collect/review existing data
 - Develop a Design Criteria memorandum
 - Development of base plans at a scale that meets MaineDOT requirements and is in MicroStation format
 - Design of roadway and sidewalk including horizontal and vertical design, typical section, curb, drainage (the project shall coordinated with Wright-Pierce culvert

design), minimizing ROW, tree, utility, natural resources impacts. Vertical alignment could be difficult to get appropriate grade at intersection while minimizing impacts to abutters

- Driveway revisions. Drive at yellow house may need to be shifted quite a bit to the north and could require significant grading to make it work
- Historic impact considerations shall be included; project is within Town Historic District
- Traffic signal modifications at the Main/Elm intersection. This shall include vehicle and pedestrian provisions
- PDR to include report, title sheet, typical sections, signal upgrades, horizontal alignment, vertical alignment, drainage layout, working cross sections pavement markings, signage, conceptual estimate
- PIC to include the above, plus more signal upgrade details, roadway design notes/item schedules, quantity sheets, general notes, special provisions, utility coordination meetings
- Final PS&E will respond to town / state comments
- Include other status / coordination meetings
- Provide assistance with bidding process / answering questions during bid process / reviewing bids

Meetings

Participate in meetings with Town staff, State Agencies, stakeholders, affected property owners, and facilitate public meetings, as necessary to review and discuss project design issues and complete the project in a satisfactory manner. The consultant shall be responsible for documenting the meetings and preparing meeting notes with a summary of action items for distribution. The proposal shall estimate and reflect the number of such meetings.

For the purposes of the cost estimate, the consultant shall assume:

- Preliminary site-walk to kick-off the project and review project area and highlight design issues/opportunities with Town staff and State agencies
- Consultant/staff team update meetings, approximately monthly during both Phases
 - May be conducted by conference call, if feasible
- Four (4) consultant-stakeholder/progress review meetings (field and office);
- Two (2) public meetings
 - One (1) public input meeting
 - One (1) plan presentation meeting
 - One (1) plan presentation to Board of Selectmen at conclusion of Phase 1

The cost proposal shall also include a per-meeting fixed cost for additional meetings, of two kinds, if needed:

- Public meetings
- Meetings with Board of Selectmen, Planning Board, and/or other town committees

Deliverables

- Five paper copies and an electronic copy in PDF format of a summary Report that includes a description of recommended improvements associated with all items above, to include segment layout plans of recommended improvements within roadway and intersections, pedestrian mobility plan, landscape. Appendices should include traffic analysis
- One electronic copy of any AutoCAD/ GIS files

Project Budget

- Project budget for **both** phases shall not exceed \$50,000

Project Schedule

- Proposals due: 1 March 2019
- Interviews with selected firms: 11-15 March 2013
- Anticipated decision date: 21 March 2019
- The selected consultant will be expected to begin work within two weeks of contract signing
- Completion of all Tasks:
 - Phase 1: within 8 weeks of contract signing
 - Phase 2: to be negotiated

Key Staff Contacts

- Dennis Cox, Public Works Director – staff project leader
- Rod Melanson, Planning Director
- John Shattuck, Economic & Community Development Director

SUBMISSION REQUIREMENTS

Please submit five (5) paper copies and one (1) electronic copy of all submission materials:

TOWN OF TOPSHAM
Attn: John Shattuck – ESE RFP
100 Main Street
Topsham ME 04086

All RFP submissions must include the following information to be considered by the Town of Topsham:

- Cover letter stating the firm's interest in the RFP and experience working on similar projects for a municipality
- Title page listing name of firm and contact information
- Table of contents

- Company profile(s)
- Identify personnel that will be assigned to the Town and their qualifications and expertise
- Estimate the level of involvement for each staff member assigned to the Town
- Hourly rates of personnel responsible for project management and design (including support personnel)
- A cost estimate based on the estimated level of involvement of each staff member and their respective hourly rate
- Administrative costs including mileage, photocopying, etc
- Availability of personnel for listed meetings
 - If there are recommendations or considerations for the public process in general or specific stakeholders or property owners, please note those here, especially if they involve more meetings or contact time on the behalf of the selected consultant
- List of references, (preferably one of which is a municipal client)
- Any other information the firm(s) may wish to submit that demonstrates their ability to provide the highest level of service to the Town of Topsham

Selection Criteria

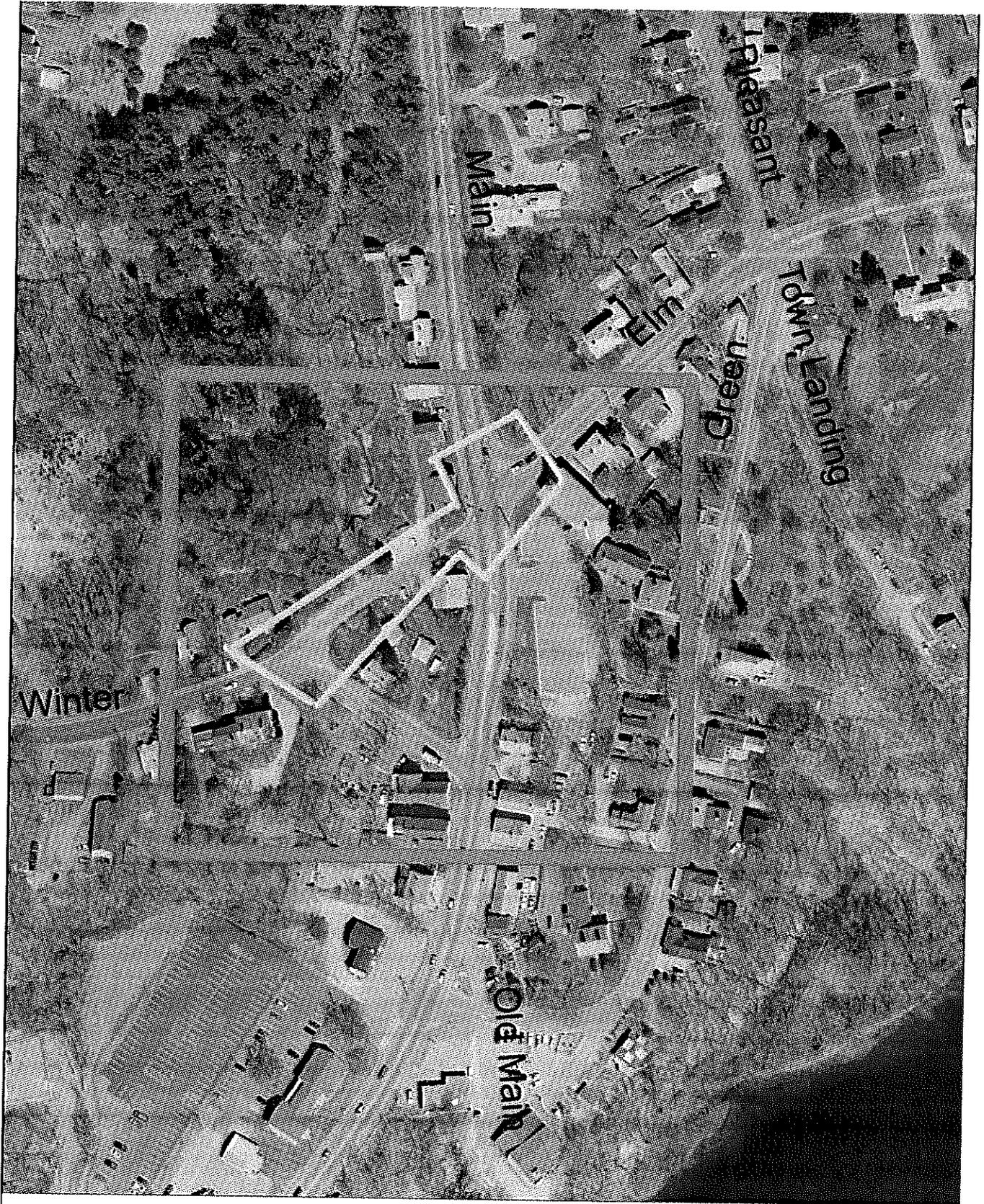
An ad hoc Selection Team will score the applications and select firms for interviews or contract negotiations based on the following criteria. The Selection Team will use the following scoring system as guidance for the selection of firms:

- Approach to conducting the tasks outlined in the scope of service - 30%
- Amount of experience and performance (e.g., adherence to schedule and budget, quality of design, experience implementing complete streets methods) on similar types of projects - 30%
- Personnel qualifications and relevant individual experience - 20%
- Proposal price - 20%

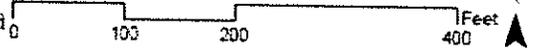
Reservation of Rights

The Town of Topsham reserves the right to reject any and all proposals, decline to proceed with selection of any candidates, to request additional qualifications, and to make inquiries as may be necessary to verify qualification, or to conduct further negotiation of the terms.

Nothing in this document shall require the Town of Topsham to proceed with any of the identified services stated in this request for proposals.



Elm Street Extension - Project area



Board of Selectmen Meeting

For the date of: 03/21/2019

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 19-13.

(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 the appointment of Binh Dang to the Topsham Housing Authority Board.

Brief Description of Consent or Agenda Item: see attached

Submitted by Rich Roedner, Town Manager

Date: 03-04-2019

Board of Selectmen Meeting

For the date of: 03/21/2019

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 19-14

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

Brief Title of consent or Agenda Item: Consideration and any appropriate action on a review of North East Ambulance contract.

Brief Description of Consent or Agenda Item: see attached

Submitted by Rich Roedner, Town Manager **Date:** 03-01-2019

Memo

#

To: Town of Topsham Selectmen
From: Chris McLaughlin, Fire Chief
CC: Rich Roedner
Date: 13 March 2019
Re: Bowdoinham EMS Coverage Update

Selectman,

When we agreed to sign a mutual aid contract with Northeast Mobile Health Services (NEMHS) the board requested a 6-month review, which I am now providing.

In July of 2018, Topsham Rescue responded to 13 calls in Bowdoinham which resulted in this agreement. Since that agreement in September, Topsham Rescue responded to 34 calls in Bowdoinham from September 2018 through the end of February 2019.

The department has been able to handle that call volume without reducing the level of service to the Town of Topsham. We have averaged 5.6 calls per month to Bowdoinham.

Northeast Mobile Health has currently paid all of their invoices dating back to July 2018 for a total of \$12,250.

To date, this mutual aid agreement has had a positive outcome for both services and the Town of Bowdoinham. We can always revisit this agreement should anything drastically deviate from the response numbers above.

Thank You

Chief McLaughlin

Board of Selectmen Meeting

For the date of: 03/21/2019

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 19-15

(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 results of the Neighborhood meetings.

Brief Description of Consent or Agenda Item:

Submitted by Rich Roedner, Town Manager

Date: 03-12-2019

MEMORANDUM

To: Richard Roedner, Town Manager
From: Derek Scrapchansky, Asst. Town Manager
Date: March 10, 2019
Re: 2019 Topsham Neighborhood Meetings Summary

Attached is a summary of the 2019 Topsham neighborhood meetings conducted in January. Included in the summary is a Map depicting the boundaries of each neighborhood and a table illustrating the focus of each neighborhood meeting. The Topsham Board of Selectmen convened four neighborhood meetings to listen to issues, concerns, desires, and suggestions of town residents. In an effort to mitigate risk of exceeding facility capacity at each of the four meetings scheduled, the town was divided into 4 neighborhoods. Each residence in Topsham was mailed a postcard with a date and location for their respective meeting. The total attendance at the meetings represented approximately 2.5% of the residences in town.

During the meetings, the Board of Selectmen received numerous comments from citizens. The comments were discussed and were forwarded to the appropriate town department for a response. Each comment and response has been categorized into the following areas: Town government, Speeding/Safety, Signage/Lights/Crosswalks, Economic Development, Land use/Development/Codes Enforcement, Roads/Sidewalks, Paving, Recreation, Trails/Bicycling/Pedestrian, and Waste Management. This method was used to assist in identifying common areas of interest across town. The Board of Selectmen expects to follow-up with residents who participated at the meetings, post a neighborhood meeting summary on the Town's web site, and reevaluate and prioritize their focus and goals for the future.

Board of Selectmen Meeting

For the date of: 03/21/2019

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

19-16

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

Brief Title of consent or Agenda Item: Consideration and any appropriate action to enter into Executive Session pursuant to 36 M.R.S.A § Title 1 405 (6) (F) to discuss a tax acquired property.

Brief Description of Consent or Agenda Item:

Submitted by Rich Roedner, Town Manager

Date: 03-01-2019

Revised 08-2002

Board of Selectmen Meeting

For the date of: 03/21/2019

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 19-17

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

Brief Title of consent or Agenda Item: Consideration and any appropriate action to enter into Executive Session pursuant to 1 M.R.S.A. § 405 (6) (D) to discuss Labor negotiations.

Brief Description of Consent or Agenda Item:

Submitted by Rich Roedner, Town Manager

Date: 03-14-2019