

**7:00PM Board of Selectmen Meeting
Topsham Municipal Building
Donald A. Russell Meeting Room
May 2, 2019**

Pledge of Allegiance –

Roll Call of Board Members –

Town Manager's Report –

Board and Committee Reports and Updates-

Public Comment –

Correspondence –

Adjustments to the Agenda –

Consent Calendar –

1. Approval of the minutes of the Regular Selectmen meeting April 04, 2019.
2. Approval of the minutes of the Special Selectmen meeting April 11, 2019.
3. Approval of the minutes of the Regular Selectmen meeting April 18, 2019.
4. Approval to open the polls on June 11, 2019 at 8:00am for the Municipal Election- MSAD #75 Budget Validation Referendum Election., to extend the Registrar's office until 7:00pm on May 30, 2019 per State Statue 21-A. §122.6 and appoint Linda Dumont as Moderator for the Municipal Election.

Public Hearing –

Unfinished Business –

19-20- Consideration and any appropriate action on union grievance related to Health Reimbursement Accounts (HRA).

Old Business –

New Business –

19-28- Consideration and any appropriate action on discussing Library Board request to an exception on Town policy regarding alcoholic beverages.

19-29- Consideration and any appropriate action on adopting a fee schedule related to Marijuana licensing ordinances.

19-30- Consideration and any appropriate action on the resignation letter from a member of the MSAD #75 school board of directors

19-31- Consideration and any appropriate action on creating an Ad Hoc Government Review Committee.

Executive Session-

19-32- Consideration and any appropriate action to move into executive session pursuant to 36 M.R.S.A § Title 1 405 (6) (F) to discuss tax acquired property.

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: 05/02/2019

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 04-04-2019.

Brief Description of Consent or Agenda Item: see attached

Submitted by Rich Roedner, Town Manager

Date: 04-11-19

MINUTES
TOWN OF TOPSHAM
BOARD OF SELECTMEN MEETING
DONALD A. RUSSELL MEETING ROOM
APRIL 4, 2019 – 7:00 P.M

MEMBERS PRESENT: David Douglass
Marie Brilliant
Ruth Lyons
William Thompson

MEMBER(S) ABSENT: Roland Tufts

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

A meeting of the Topsham Board of Selectmen was held on Thursday, April 4, 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.

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 Mr. Tufts, who had been excused.

TOWN MANAGER'S REPORT

Topsham's Comprehensive Plan is nearing completion. There will be a Public Hearing on Monday, April 8 at 6:00 p.m. in the Donald A. Russell meeting room to accept comments. The plan will then be forwarded to Town Meeting on May 14, 2019 for a vote on adoption.

Speaking of Town Meeting, next Thursday, April 11 at 7:00 p.m. the Selectboard will hold a Public Hearing on the Draft Town Meeting Warrant. There will also be a Public Hearing on the proposed Marijuana Licensing Regulations that are being proposed and which will be discussed later this evening.

Saturday, April 27 will be a busy day. From 10:00 a.m. to 2:00 p.m. at the Police Department lobby, the next Drug Take Back collection will be held. Bring in your old, unused and unwanted medications for proper disposal. No liquids or needles will be accepted.

Also, on the 27th, the next Regional Household Hazardous Waste Collection Day will be held. We join with Brunswick and Bath to collect materials that should not be disposed of with regular

garbage. The collection this year will take place at Bath Public Works. Pre-registration is required. All information is available on our website: www.topshammaine.com.

Finally, the Solid Waste Facility has shifted to its summer hours: Tuesday, Wednesday and Thursday from 8:00 a.m. to 6:00 p.m. and Friday and Saturday from 9:00 a.m. to 5:00 p.m.

BOARDS AND COMMITTEE REPORTS AND UPDATES

Update from Topsham Development, Inc. – John Shattuck, Topsham Economic and Community Development, Inc. Director expressed Don Spann's regrets that he could not be present at the meeting. This update will be placed on the agenda at a later date.

Update from TDI/ECD - John Shattuck, Topsham Economic and Community Development, Inc. Director reported on economic and community development, including:

Business Retention, Expansion and Attraction (BREA) – The Town Manager, Assistant Town Manager, Planner and Mr. Shattuck met with a prominent commercial real estate broker to discuss possible sites for a significant, high value office development possibility for Topsham. So far, the Topsham property is the interested party's first choice for the project. More information to follow as it develops.

Chamber: At the Annual Chamber's Award Dinner on March 8, dinner award recipients included Topsham residents Bruce Van Note (President's Award for community contribution/DAC Leadership) TDI Director, Brian Robinson – Young Professional of the Year Award.

Lower Village Development Committee (LVDC) - Elm Street Extension – Resulting from the Board of Selectmen's March 21st meeting, contract for ESES Survey and Plans has been executed. The survey is expected to start next week. Abutter outreach has been initiated.

Comprehensive Plan – The Lower Village Development Committee held a special meeting this date and voted to endorse the proposed Comprehensive Plan Update.

Design Advisory Committee (DAC and Section 106 Process) – March 14: FHWA FONSI working to complete permitting process for replacement of the Frank Wood Bridge. The Design Advisory Committee will reconvene in the Donald A. Russell meeting room on April 24 to hear recommendation from the DOT. DAC will again invite input from the Friends of the Frank Wood Bridge. The Friends have repeatedly stated intention to bring suit to appeal the Federal decision.

Topsham Development, Inc. (TDI) – On March 20 the TDI Board of Directors unanimously voted to support the proposed Comprehensive Plan Update. Nancy Weed, Voc 10, presented plans to develop comprehensive voc-tech high school at Brunswick Landing. Ms. Weed also detailed key legislation to support CTE and WF development. The Board of Directors voted unanimously to actively support these efforts, as did the Lower Village Development Committee.

PUBLIC COMMENT – None noted.

CORRESPONDENCE

Chairman Douglass read aloud a letter from Barry and Susan Lohnes dated March 3, 2019. The letter is filed with these minutes.

Chairman Douglass acknowledged a letter he received last night (4/3/19) from Jenna Gotto.

ADJUSTMENTS TO THE AGENDA – Motion was made, seconded and unanimously (of those present) **VOTED** to move agenda item 19-11 to be addressed after Item 19-21.

CONSENT CALENDAR

1. Approval of the minutes of the Regular Selectmen’s Meeting of March 21, 2019.

Motion was made by Selectman Brilliant, seconded by Selectman Lyons, and it was

VOTED

To accept the Consent Calendar, approving the minutes of the regular Selectmen’s Meeting of March 21, 2019 as written.

(The vote was 4-0 with one abstention, Chairman Douglass.)

PUBLIC HEARING

19-10 CONSIDERATION AND ANY APPROPRIATE ACTION ON A SPECIAL AMUSEMENT PERMIT FOR THE DUCK PUB

Sean McCarthy, Director of Operations for the Duck Pub, represented the applicant and talked about how the pub was run and its various activities.

The Public Hearing was declared open and Chairman Douglass asked if anyone had questions, comments or concerns. There being no response, the Public Hearing was declared closed.

FINDING OF FACTS

The following Finding of Facts were noted:

1. Name of applicant is The Duck Pub, Sandbaggers Golf, and LLC
2. Location of the Duck Pub is 114 Village Drive, Topsham, Maine
3. Liquor license will expire on March 21, 2020 and is listed for service both inside and outside.
4. Type of entertainment includes live music, karaoke and open mic.
5. Entertainment is held outside on the patio and upstairs in the dining room and in the private function room.
6. Hours of operation are from 11:00 a.m. to 9:00 p.m.
7. No furniture will need to be moved to accommodate the entertainment.
8. Size of the downstairs lounge and upstairs area is approximately 20’x25.’
9. Seating capacity is 48 downstairs and 24 upstairs.
10. There is adequate parking on the site to accommodate the functions.

11. Letters are on file from the Codes Enforcement Officer, Fire and Police stating no concerns with the operation, especially since a sprinkler system has been inspected.

CONCLUSIONS

The Board unanimously agreed that, based on the Findings, the issuance of a Special Amusement Permit would not be detrimental to the public health, safety or welfare or would violate municipal ordinances, rules or regulations.

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

VOTED

That the application for a Special Amusement Permit for The Duck Pub be granted as meeting the requirements of the Maine Revised Statutes, Title 25-4, Section 1054 and the Topsham Code, Chapter 71, Article 1, Section 6 and 7.

UNFINISHED BUSINESS

19-11 CONSIDERATION AND ANY APPROPRIATE ACTION TO SCHEDULE A PUBLIC HEARING ON A PROPOSED LICENSING ORDINANCE REGARDING MEDICAL MARIJUANA

(This item was moved to be addressed after Agenda Item 19-21.)

19-14 CONSIDERATION AND ANY APPROPRIATE ACTION ON A REVIEW OF NORTH EAST AMBULANCE CONTRACT

Fire Chief Chris McLaughlin provided a six-month review of the mutual aid contract with Northeast Mobile Health Services regarding Bowdoinham EMS coverage. In July, 2018, Topsham Rescue responded to 13 calls in Bowdoinham and 34 calls from September 2018 through the end of February 2019. He said the department has been able to handle that call volume without reducing the level of service to the Town of Topsham, averaging approximately 5.6 calls per month to Bowdoinham. Northeast Mobile Health has paid all invoices dating back to July 2018 for a total of \$12,250.

There were no questions posed by the Board following the Chief's review.

19-15 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE RESULTS OF THE NEIGHBORHOOD MEETINGS

Assistant Town Manager Scrapchansky talked about the results of the 2019 Neighborhood Meetings which were conducted in January. The meetings (divided into 4 neighborhoods) were held to listen to issues, concerns, desires and suggestions of town residents. Each resident in Topsham was mailed a postcard with a date and location for their respective meeting.

Mr. Scrapchansky said the majority of concerns were the same as expressed at previous neighborhood meetings including:

- Town government
- Speeding and safety
- Signage/Lights/Crosswalks
- Economic Development
- Land use/Development/Codes Enforcement
- Roads/Sidewalks
- Paving
- Recreation
- Trails – bicycle and Pedestrian
- Waste Management

During discussion, Chairman Douglass said the Board needed to determine a date for a workshop and asked each Board member to bring 3 to 5 items they feel the strongest need to be discussed as a group. Goals will be set before calling another neighborhood meeting. Date for the workshop will be determined and announced shortly.

OLD BUSINESS – None noted.

NEW BUSINESS

19-18 CONSIDERATION AND ANY APPROPRIATE ACTION ON AWARDING THE ROAD STRIPING BID TO LUCAS STRIPING

Public Works Director Dennis Cox said he sent out 5 RFP's and only one response came back. The one received, from Lucas Striping, met all specifications. Mr. Cox said he is satisfied with the work Lucas Striping has done for the Town in the past and recommended that they be awarded the contract for \$32,628.85 which is within the budget.

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

VOTED

To award the contract for Road Striping to Lucas Striping in the amount of \$32,628.85.

19-19 CONSIDERATION AND ANY APPROPRIATE ACTION ON AWARDING THE LOW BIDDER FOR THE PURCHASE OF A 1-TON TRUCK WITH PLOW TO O'CONNOR CHEVROLET

Public Works Director Dennis Cox said the replacement for the 1-ton dump truck and plow to replace the existing 2009 unit is in the Capital Budget for \$70,000. He recommended purchasing the chassis from O'Connor in the amount of \$41,651.00, the lowest bid received, and the dump body from H. P. Fairfield for \$17,160 (the only bid response).

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

VOTED

To accept the bid from O'Connor Auto Park in the amount of \$41,651 and from H. P. Fairfield for the dump body and plow in the amount of \$58,811.

19-20 CONSIDERATION AND ANY APPROPRIATE ACTION ON UNION GRIEVANCE RELATED TO HEALTH REIMBURSEMENT ACCOUNTS (HRA)

Chairman Douglass began the discussion saying that IAM Local S89 filed a grievance to the Town Manager. In the contract, the agreed upon value of the HRA was \$2,500 for those with single coverage and \$5,000 for those with family plans. This was done knowing that the MMA Health Insurance Plan had a maximum out of pocket of \$3,000 for individuals and \$6,000 for family plans, which were not included in the contract language.

It was noted that several pieces of documentation on this item were included in the Board package and are on file including the grievance form dated March 13, 2019; letter to Tom Lister and Mike Labbe, IAM Operations Unit Stewards dated March 14, 2019 from Town Manager Roedner denying the grievance; and memorandum to the Board of Selectmen from the town Manager dated March 28, 2019.

Mr. Roedner said the sought after remedy is to change the HRA levels going back to July 1, 2016 and to reimburse any employee that may have run out of HRA benefit during that period. He said the collective bargaining agreement clearly stated the limits of the HRA allowance at \$2,500/\$5,000 and no provisions were included to increase that level due to actions by any third parties, such as MMA raised out of pocket levels or even the federal or state governments implementing limits on the total value of the HRA.

Chairman Douglass asked if there was an HRA representative present at the meeting to speak to this item. It was noted that no HRA representative was in attendance.

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

VOTED

To uphold the Town Manager's denial of the grievance and to notify the unit of same

19-21 CONSIDERATION AND ANY APPROPRIATE ACTION ON REVIEWING DRAFT CAPITAL REPLACEMENT POLICY

Town Manager Roedner explained that this item came out of the budget discussions. He said there is a difference of opinion regarding this line between the Finance Committee and the Board of Selectmen. Based on the discussions, he has created a Draft Capital Replacement Policy for the line called "Replacement," which was established last year. The funds would be available if something fails or breaks, such as furnaces, A/C systems, lighting systems, flooring, roofs, etc. Funds for this line would be capped at a determined amount and be replenished as needed. Facilities covered by the fund are municipal building, public safety, public works, the library and solid waste facility. Selectman Lyons said we already have a Capital Fund and wants to be sure not to overlap taxpayer's money. Mr. Roedner said we have not been budgeting for such items as furnaces, roofs, etc.

The proposed policy was discussed and the amount at which it should be capped. Following discussion, motion was made by Chairman Douglass, seconded by Selectman Lyons and it was unanimously (of those present)

VOTED

To accept the Capital Replacement Policy, with second full paragraph, that the fund be capped at \$500,000.

19-11 CONSIDERATION AND ANY APPROPRIATE ACTION TO SCHEDULE A PUBLIC HEARING ON A PROPOSED LICENSING ORDINANCE REGARDING MEDICAL MARIJUANA

Planner Rod Melanson spoke to this item saying that this week the Planning Board held a public hearing on the land use component on the various uses including (1) Registered Caregiver Retail Store; (2) Marijuana Cultivation Facility; (3) Marijuana Products Manufacturing Facility and (4) Marijuana Testing Facilities. These are defined in the Use Table of where they would be permitted.

Mr. Melanson said tonight we are discussing licensing. The Selectboard will be the authority on the businesses, such as we did tonight for the Duck Pub but with greater detail. If the businesses meet the requirements scheduled, a license will be granted. Distributions of licenses was discussed and the number for each use that could be issued. Care givers will be asked to register with the Town Clerk. There would be no charge for the registration.

Town Attorney Mary Costigan joined the meeting at this point to answer any questions. There was a discussion of how licensing fees would be developed. Ms. Costigan said she has been working with several towns and trying to make it all work. She said these sessions are great to discuss concerns. You used to have limited ability to regulate but now you have all sorts of ability to do that. It would be good for the Board to have fees and details established prior to Town Meeting if times permits.

Chairman Douglass asked if anyone from the public wished to comment. The following comments were heard:

Ryan Holmes, 50 Adams Landing Road – Talked about licensing and the number to be issued. He said this was a massive discussion at the committee meetings. Most operations, when you talk about cultivation facilities, will have a manufacturing plant inside of that. The manufacturing side is not a very big space, but when you are in a cultivation facility, there is a lot of different things that are happening now that have to be produced whether you are going to a kitchen or to concentrate. A person having a cultivation facility license might also need to apply for a manufacturing license. That is the reason we justify multiple licenses. Only one license would block how you do business.

The fees would be justifiable with how much time the Town would have to put in. Other towns have done lotteries but I wouldn't recommend it. There could be some kind of point system assigned points for certain things such as if you live in the town you could get points. Someone that is operating in compliance. We are blazing a path for the future and are looking to make the best decisions we can. We are trying to move ahead on the medicinal side. We focus too much on criminal activity, but there are good people in this industry trying to make a difference. This is a good opportunity for our economy to be boosted. We want to protect the Town but also want to help businesses flourish in a positive way.

Mary Costigan – We are talking about an annual license and people are going to have to behave themselves or their license won't be renewed.

Charles Dougherty, High Brow, Rockland - Talked about the need for multiple licenses. Regarding the transferring of licenses, if something would happen to me, it would be nice for my family to be able to continue the business. On the other side, ending a license it is scary for a business owner to know your license your form of income, could be stripped away after a year. Any type of protection for the business owner's side would be nice. Everybody is allowed to grow 3 plants over 21, 6 plants on medical. You are still going to have sales in residential areas. People are going to do what they want to do. The State will do inspections any time there is a complaint. All you have to do is called Nicky or Ginger in Augusta, two retired sheriffs. They will come done and do inspections for you. It might save your guys a little bit of money. Talked that they did a glass show that lasted until 9:00 p.m. There were people in attendance who wanted to make a purchase, but couldn't after 8:00 p.m. I don't want to have to say, go in the parking lot. I can legally do a sale 50 feet outside the door. You guys are going to have to look at every scenario.

Eric McMaster, Brunswick – Said he is a caregiver and storefront owner in another town. Said he came to help out. His business is grandfathered in until the licensing process is established. Said he used to be in dentistry but has been in the cannabis service since he was 14. It's not a bad drug and he helps a lot of people. Said he too knows Nicky and Ginger and they don't mess around. Hallowell did a lottery and it was terrible for them.

Discussion between the Board continued on several issues to be on agenda for next meeting, including:

- Licensing
- Prioritization
- Enforcement
- number of licenses
- implementation date
- schedule
- How to establish a waiting list and how to deal with someone who is already operating, coming in for a license.
- The issue if someone doesn't have a facility, how long do they have to start operating to stay in compliance with the preliminary license.
- Signage removal from registered caregivers
- Transfer of ownership
- Fee schedule first week in May
- Point system first week in June

EXECUTIVE SESSION

At 9:17 p.m., motion was made by Selectman Thompson, seconded by Selectman Lyons, and it was unanimously (of those present)

VOTED

To move into Executive Session. Those attending included Town Manager Roedner, Assistant Town Manager Scrapchansky, Town Attorney Mary Costigan, Selectman Douglass, Selectman Lyons, Selectman Thompson, and Selectman Brilliant.

Motion was made, seconded and it was voted to come out of Executive Session and return to regular session at 10:43 p.m. with the following action noted:

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

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

VOTED

To direct the Town Manager to enter into a repayment plan to redeem the foreclosed property in question, based on the terms discussed.

19-17 CONSIDERATION AND ANY APPROPRIATE ACTION TO ENTER INTO EXECUTIVE SESSION PURSUANT TO 1 M.R.S.A. §405 (6) (E) CONSULT WITH LEGAL COUNSEL

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

VOTED

To direct the Town Manager to pursue negotiations with Bowdoinham to provide EMS coverage, based on the terms discussed.

(The vote was 3 in favor with one opposed [Selectman Lyons])

19-22 CONSIDERATION AND ANY APPROPRIATE ACTION TO ENTER INTO EXECUTIVE SESSION PURSUANT TO 1 M.R.S.A. §405 (6) (E) TO CONSULT WITH LEGAL COUNSEL

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

VOTED

To amend the Draft Town Meeting Warrant, scheduled for Public Hearing on April 11, 2019, to include an article to accept the Thomas Avenue unnamed right-of-way stub as a public way, as depicted on the Arbor Avenue subdivision plans.

19-23 CONSIDERATION AND ANY APPROPRIATE ACTION TO ENTER INTO EXECUTIVE SESSION PURSUANT TO 1. M.R.S.A. §405 (6) (C) TO DISCUSS PROPERTY ACQUISITION

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

VOTED

To authorize the Town Manager to pursue property negotiations as discussed.

ADJOURNMENT

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

VOTED

To adjourn the meeting at 10:44 p.m.

Respectfully submitted,

Patty Williams, Recording Secretary

Board of Selectmen Meeting

For the date of: 05/02/2019

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 2

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

Brief Title of consent or Agenda Item: Approval of the minutes of the Special Selectmen meeting 04-11-2019.

Brief Description of Consent or Agenda Item: see attached

Submitted by Rich Roedner, Town Manager

Date: 04-11-19

MINUTES
TOWN OF TOPSHAM
SPECIAL BOARD OF SELECTMEN MEETING
DONALD A. RUSSELL MEETING ROOM
APRIL 11, 2019 – 7:00 P.M

MEMBERS PRESENT: David Douglass
Marie Brilliant
Ruth Lyons
William Thompson

MEMBER(S) ABSENT: Roland Tufts

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

A special meeting of the Topsham Board of Selectmen was held on Thursday, April 11, 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.

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 Selectmen Tufts, who had been excused.

TOWN MANAGER'S REPORT - None noted.

BOARDS AND COMMITTEE REPORTS AND UPDATES – None noted.

PUBLIC COMMENT – None noted.

CORRESPONDENCE – None noted.

ADJUSTMENTS TO THE AGENDA –None noted.

CONSENT CALENDAR – None Noted

PUBLIC HEARING

19-11 CONSIDERATION AND ANY APPROPRIATE ACTION TO HOLD A PUBLIC HEARING ON A PROPOSED LICENSING ORDINANCE REGARDING MEDICAL MARIJUANA

Chairman Douglass explained the process of the Public Hearing.

Planner Melanson reviewed the work that had been done resulting from discussions with the Planning Board, and the Board of Selectmen in developing an ordinance for the licensing of medical marijuana. It was noted the discussion will be extended later in the meeting after the article has been added to the warrant. Chairman Douglass said he planned to make a motion to list the items individually on the warrant so if one article is not approved, the other part could proceed.

The Public Hearing was declared open. Those commenting included:

Peter Richard, 32 Westwind Drive – Mr. Richard said he could not support the ordinances as they are illegal federally.

Jenna Gotto, 2 Westwind Drive – Ms. Gotto said she appreciated being able to vote individually on the marijuana articles and she cautioned that the Town should move slowly on the issues.

Gail Eaton, 67 Winter Street – Ms. Eaton said we had to start somewhere at the grass roots level and, hopefully, the Federal Government will do the right thing.

With no one else wishing to comment, the Public Hearing was declared closed.

During discussion between Board members, Chairman Douglass reiterated that he will make a motion to send the marijuana licensing ordinance to the warrant in 3 separate articles. Selectman Lyons agreed with doing so and said the proposed ordinance is a document in progress and it is unfortunate that it gets passed by the State and put forth to the Town. Selectman Thompson said he was in favor of the ordinance as it will be a good source of revenue for the Town. He noted if businesses in Town get shot down, like the use of fireworks, the revenue goes to surrounding towns and Topsham end up with fireworks taking place anyway. He urged citizens to think about the complete picture before casting their vote. Selectman Lyons thanked the committee for doing a good job and said she appreciated their effort. Chairman Douglass said he appreciated the efforts of the Town staff but had no compassion for store front owners who talked about the loop holes and how they planned to get through them. However, he said he approved of the manufacturing and testing.

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

VOTED

That the proposed marijuana licensing ordinance be separated into 3 warrant articles with neither “ought or ought not to pass” recommendation from the Planning Board and Board of Selectman. Acknowledgement was made that if all three articles pass, the ordinance will be written as one item.

19-24 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE DRAFT TOWN MEETING WARRANT

Chairman Douglass explained that he would read each article and receive comments from members of the public. He said he would also accept comments on any article prior to the closing of the Public Hearing. Once the hearing is closed, discussion will take place between the Selectboard and Finance Committee.

Article 1 – To elect a Moderator to preside at said meeting.

Article 2 – To have the Town vote to raise, appropriate and spend the sum of \$1,262,975 for Debt Service.

Karen Murphy expressed concern regarding an article she read in the Times Record predicting a 4% budget increase for the Town and 5% for the schools or a total of 9% increase. She asked if the figures are accurate and questioned a large jump in Parks and Recreation. The Town Manager responded to the concerns as well as Chairman Douglass giving a 5-year history of predicted and actual increases.

Article 3 - To see what sum the Town will vote to spend for General Government under the following accounts and will vote to raise and appropriate for the same, and to authorize the Board of Selectmen to transfer funds from the payroll adjustment line in insurance to departments outside of General Government for anticipated employee wage and benefit adjustments.

No comments.

Article 4 - To see what sum the Town will vote to spend for the Capital Projects Fund under the following accounts the Town will vote to raise and appropriate for the same.

There is a difference between the Selectboard and Finance Committee of \$100,000. Chairman Douglass explained that under Administration, Facilities System Replacement, the Selectboard put \$100,000, essentially as a holding, for such things as if the furnace breaks, HVAC system, unexpected repairs needed. The Selectboard approved a Capital Replacement Policy for this.

Mr. Richard (Chairman of the Finance Committee) said the Finance Committee didn't agree to move the line forward. The main purpose is that preplanning for items such as replacement of roofs, furnaces, etc. should be going into line items in the Capital Budget. Tori Ryan added that things like plow trucks come through the Capital Replacement Line. There is a natural life span for a roof and in order to prevent having to bond something to pay up front, it would be better to develop a similar schedule for these large ticket items. She added this is something that requires a little more thoughtfulness. Member Gail Eaton added that she disagreed; that every household has an emergency fund. Things come up you don't anticipate and the Town needs a fund to deal with emergencies. Susan Lohnes – Expressed concern that that is a big increase in Main Street Improvements and facility improvements under Recreation. Chairman Douglass responded that Main Street

from Goodwin's Volvo up to Canam Drive is going to have a study on what we can do for pedestrian safety. The Town has attempted to put money into a parking lot on Thomas Avenue. We have put money into the budget for one or two things...Either \$65,000 should we get everything resolved for the parking lot. If that doesn't happen the money can be used to improve the pathway up from Foreside Road.

Article 5 - To see what sum the Town will vote to spend for Public Safety under the following accounts and to see what sum the Town will vote to raise an appropriate for same.

No comments.

Article 6 - To see what sum the Town will vote to spend for Public Solid Waste and Recycling Program under the following accounts and to see what sum the Town will vote to raise and appropriate for the same.

No comments.

Article 7 - ~~To see what sum of money the Town will vote to spend for the Topsham Community Fund, which will be held in reserve for future projects, including unanticipated Topsham Bike Path expenses and local match or development expenses for the acquired Head of Tide Park and to see what sum the Town will vote to raise and appropriate for the same.~~

It was noted the above wording is from last year's warrant and should read:

To see what sum of money the Town will vote to spend for the Topsham Community Fund, which will be used to design and install trail signs and kiosks, and to support a municipal facilities study committee, and to see what sum the Town will vote to raise and appropriate for the same.

No comments.

Article 8 - To see what sum the Town will vote to increase the maximum property tax levy limit established by State Law L.D. 1 in the event that the municipal budget approved at this Town meeting results in a tax commitment in excess of maximum tax levy otherwise applicable such that the increase maximum property tax levy hereby established will equal the amount committed.

We will not have to do anything with this article as long as there are not substantial changes up as far as amounts to spend, we can ignore this article.

Article 9 - To see if the voters will adopt an Ordinance to Amend the Topsham Zoning Ordinance to amend Chapter 225-6, Definitions and Chapter 225-33, signs, to define public notice signs and allow the Town and School District to utilize electronic message signage for public notice signs.

Comments from Dan Stockford, Attorney, representing SAD 75. Attorney Stockford thanked Planning Staff and the Selectboard for working with SAD 75 to

allow the electronic sign for safety reasons. Attorney Stockford made a suggestion for clarity in the warrant: Article 9, Section 225-33 Signs, C. Prohibited Signs, after (1), before (12) should be "D. Exempt Signs:"

Kim Mondonado concurred with the proposal and said the signs are needed. She said the signage is important in addressing the student's needs. Peter Richard, Chairman of the Planning Board, thanked the Town staff and District for working through the process to be sure it encompassed everything we wanted for the Town.

Article 10 - To see if the Voters will adopt an Ordinance to amend the Topsham Zoning Ordinance to amend Chapter 225-20, Aquifer Protection Overlay District and Chapter 225-16 Attachment 1:1 Table of use Regulations to define public water utility facility and allow the current public water utility facility in its existing location.

No comments.

Article 11 - To see if the Voters will adopt an Ordinance to Amend the Topsham Zoning Ordinance to Amend Chapter 225-70 Board of Appeals, which aligns the Board of Appeals review procedures with State Statute.

No comments.

Article 12 - To see if the voters will adopt an Ordinance to amend the Topsham Subdivision ordinance, Chapter 191-Definitions to remove the definition for re-subdivision and update the definition of subdivision to align with State of Maine Statutes.

No comments.

Article 13 -To see if the voters will adopt an ordinance to amend the Topsham Zoning Ordinance to amend Chapter 225-16 attachment 1-1, Table of Use regulations to allow residential units on the first floor in the MUC Zoning District which encompasses the Topsham Fair Mall and Park Drive areas.

No comments.

Article 14 - To see if the voters will adopt an Ordinance to amend the Topsham Zoning Ordinance to amend Chapter 225-16 Attachment 1:1, Table of use Regulations, Chapter 225-60.17 medical marijuana Dispensaries, to Businesses per November 2018 non-binding Town Vote as follows:

(Made motion earlier to move into three separate licenses and two different land uses.)

Article 15 - To see if the Voters will adopt an Ordinance to amend the Topsham Code to add Chapter 150 Marijuana Business Licensing to regulate Marijuana Businesses through an annual license review authorized through the Board of Selectmen as follows:

(Made motion earlier to move into three separate licenses and two different land uses.)

Article 16 - To see if the Voters will accept David Drive as a Town-owned way.

No comments.

Article 17 - To see if the Voters will accept Somerset Place as a Town-owned way.

No comments.

Article 18 - Shall the Town of Topsham vote to adopt the 2019 Topsham Comprehensive Plan.

Larry Fitch, Chairman of the Comprehensive Plan Committee said he hoped this will go forward with a vote of acceptance.

Article 19 - To see if the voters will accept unnamed ROW off of Thomas Avenue as a Town-owned way.

Karen Murphy- Read a letter concerning the Thomas Avenue right-of-way and asked that the letter be placed in Town files.

(The following articles [21 through 27] are all general house keeping articles and were read grouped together.) *There were no comments on any of them.*

Article 20- To see if the voters will vote to pay for tax abatements and applicable interest granted during the fiscal year of 2019/2020 from Overlay.

Article 21 - To see if the Town will fix the date of Wednesday, May 20, 2020 for the Special Town Meeting.

Article 22 - To see if the Town will fix the dates when taxes are due and payable: Tuesday, October 15, 2019 and Wednesday April 15, 2020. To see if the Town will fix a rate of interest to be charged on taxes after said date at 9% or the maximum amount determined by the Treasurer.

Article 23 - To see if the Town will establish a maximum interest rate to be paid on abated taxes.

Article 24 - To see if the Town will authorize the Selectmen to dispose of Town-owned personal property with value of \$5,000 or less under such terms they deem advisable.

Article 25 - To see if the Town will authorize the Selectmen to accept gifts on behalf of the Town under such terms as they deem advisable. .

Article 26 - To see if the Town will authorize the Selectmen to convey by deeds of quit-claim title or other titles as appropriate any real estate acquired by the Town to such persons for such considerations as the Selectmen may in each case determine.

Article 27 - To see if the Town will authorize the Selectmen to apply for grants, approve the acceptance of grants, receive grants, appropriate the Town's share of the grant from funds raised at a Town Meeting and expend the grant for the purpose stated in the grant.

Chairman Douglass asked if anyone wanted to speak on any item before closing the Public Hearing. **Susan Lohnes** said there is a policy to resurface roads every 30 years. She asked who decides the priority of what road get resurfaced and when and what input does the public have to influence that decision. Chairman Douglass responded that the road is evaluated by the Public Works Director, the expert for the Town of Topsham. Selectman Thompson suggested the individual contact the Selectboard or the Town Manager and state the condition of the road and ask when it is scheduled to be done.

With all comments having been heard, the Public Hearing was declared closed.

Discussions continued between the Selectboard and the Finance Committee.

Article 1 – To elect a Moderator to preside at said meeting.

Motion was made by Chairman Douglass, seconded by Selectman Lyons and it was **VOTED** to send Article 1, as written, with a recommendation from the Board of Selectmen as "ought to pass," to the Warrant for Town Meeting.

Article 2 – To have the Town vote to raise, appropriate and spend the sum of \$1,262,975 for Debt Service.

Motion was made by Chairman Douglass, seconded by Selectman Lyons and it was **VOTED** to send Article 2, as written, to the Warrant for Town Meeting, with the Board of Selectmen's recommendation of "ought to pass." Motion was then made by Chairman of the Finance Committee, Peter Richard, seconded by Ms. Ryan, and it was **VOTED** to send Article 2, as written, to the Warrant for Town Meeting, with the Finance Committee's recommendation of "ought to pass."

Article 3 - To see what sum the Town will vote to spend for General Government under the following accounts and to see what sum the Town will vote to raise and appropriate for the same, (\$4,063,544) and to authorize the Board of Selectmen to transfer funds from the Payroll Adjustment line in insurance, to departments outside of General Government for anticipated employee wage and benefit adjustments.

Motion was made by Chairman Douglass, seconded by Selectman Lyons and it was **VOTED** to send Article 3, as written, to the Warrant for Town Meeting, with the Board of Selectmen's recommendation of "ought to pass." Motion was then made by Chairman of the Finance Committee, Peter Richard, seconded by Ms. Ryan, and it was **VOTED** to send Article 3, as written, to the Warrant for Town Meeting, with the Finance Committee's recommendation of "ought to pass."

Article 4 - To see what sum the Town will vote to spend for the Capital Projects Fund under the following accounts the Town will vote to raise and appropriate for the same.

This item was discussed. Selectmen Lyons spoke in favor of the amount of \$1,293,200, stating the necessity of having a set aside fund for unexpected repairs/replacements such as a malfunctioning furnace, roof replacement, etc. Gail Eaton stated she was the sole supporter of the extra \$100,000 for this item as a member of the Finance Committee.

Motion was made by Chairman Douglass, seconded by Selectman Lyons and it was **VOTED** to send Article 4, in the amount of \$1,293,200, to the Warrant for Town Meeting, with the Board of Selectmen's recommendation of "ought to pass." Motion was than made by Chairman of the Finance Committee, Peter Richard, seconded by Ms. Ryan, and it was **VOTED** to send Article 4, In the amount of \$1,193,200, to the Warrant for Town Meeting, with the Finance Committee's recommendation of "ought to pass."

Article 5 - To see what sum the Town will vote to spend (\$2,987,847) for Public Safety under the following accounts and to see what sum the Town will vote to raise an appropriate for same.

There was a discussion where Chairman Douglass said he was in favor of the addition of one full-time individual to the Fire Department, but not the per diem additions which totaled \$59,914 and said he will make a motion at Town Meeting to adjust that number. Selectman Thompson suggested the original amount be put before Town Meeting and to let the voters decide if they want to subtract the \$59,914 figure.

Motion was made by Chairman Douglass, seconded by Selectman Brilliant to remove \$59,914. from the Board of Selectmen's ought to pass figure, reducing the amount to \$2,934,533. **Vote was called and the motion failed.**

Motion was made by Chairman Douglass, seconded by Selectman Lyons and it was **VOTED** to send Article 5, as written (\$2,987,847), to the Warrant for Town Meeting, with the Board of Selectmen's recommendation of "ought to pass." Motion was than made by Chairman of the Finance Committee, Peter Richard, seconded by Ms. Mondonedeo, and it was **VOTED** to send Article 5 as written, to the Warrant for Town Meeting, with the Finance Committee's recommendation of "ought to pass."

Article 6 - To see what sum the Town will vote to spend for Public Solid Waste and Recycling Program (\$1,764,040) under the following accounts and to see what sum the Town will vote to raise and appropriate for the same.

Motion was made by Chairman Douglass, seconded by Selectman Lyons and it was **VOTED** to send Article 6, as written, to the Warrant for Town Meeting, with the Board of Selectmen's recommendation of "ought to pass." Motion was than made by Chairman of the Finance Committee, Peter Richard, seconded by Ms. Ryan, and it was **VOTED** to send Article 6, as written, to the Warrant for Town Meeting, with the Finance Committee's recommendation of "ought to pass."

~~**Article 7 - To see what sum of money the Town will vote to spend for the Topsham Community Fund, which will be held in reserve for future projects, including unanticipated Topsham Bike Path expenses and local match or development expenses for the acquired Head of Tide Park and to see what sum the Town will vote to raise and appropriate for the same.**~~

It was noted the above wording is from last year's warrant and should read:

Article 7 - To see what sum of money the Town will vote to spend for the Topsham Community Fund, (\$27,000) which will be used to design and install trail signs and kiosks, and to support a Municipal Facilities Study Committee, and to see what sum the Town will vote to raise and appropriate for the same.

During discussion, Selectman Lyons said we discussed this in length and we are constantly taking money that was already there and funding it this year. She said she is not for the Community Fund and feels it should be in the departments that are asking for it. Again, she said this is like the \$100,000 discussed earlier. If you want to do signs, it should be in the department where it is and not from additional funds. She added she will support it because we did take money from the previous year.

Motion was made by Chairman Douglass, seconded by Selectman Lyons and it was **VOTED** to send Article 7, as written, to the Warrant for Town Meeting, with the Board of Selectmen's recommendation of "ought to pass." Motion was then made by Chairman of the Finance Committee, Peter Richard, seconded by Ms. Ryan, and it was **VOTED** to send Article 7, as written, to the Warrant for Town Meeting, with the Finance Committee's recommendation of "ought to pass."

Article 8 - To see what sum the Town will vote to increase the maximum property tax levy limit established by State Law L.D. 1 in the event that the municipal budget approved at this Town meeting results in a tax commitment in excess of maximum tax levy otherwise applicable such that the increase maximum property tax levy hereby established will equal the amount committed.

Motion was made by Chairman Douglass, seconded by Selectman Lyons and it was **VOTED** to send Article 8, as written, to the Warrant for Town Meeting, with no recommendation from the Board of Selectmen. Motion was then made by Chairman of the Finance Committee, Peter Richard, seconded by Ms. Ryan, and it was **VOTED** to send Article 8, as written, to the Warrant for Town Meeting, with no recommendation from the Finance Committee.

(As the above is the end of the financial items, the Finance Committee exited the meeting at this point (except for Ms. Mondonado, who stayed.)

Chairman Douglass said when the warrant was in first draft, it is sporadic where things are and made a motion to reorder the non-financial items. Motion was made by Chairman Douglass to reorder the Warrant to move to place the street acceptance articles to immediately follow the budgetary articles 9, 10 and 11. Motion was seconded by Selectman Lyons and so **VOTED**.

Chairman Douglass also suggested moving the Comprehensive Plan more forward in the Warrant as **Article 12**. Motion was seconded by Selectman Lyons and so **VOTED**.

Chairman Douglass then moved to divide the Marijuana Business Licensing Article into three new articles dealing with Registered Care Giver (Article 18), Retail Medical Store Fronts (Article 19) and one dealing with Cultivation, Manufacturing and Testing (Article 20). Motion was seconded and so **VOTED**.

Chairman Douglass then moved to divide Marijuana Business Zoning into two articles (Articles 21 and 22). Motion was seconded and so **VOTED**.

Article 9 - To see if the voters will accept David Drive as a Town-owned way.

Motion was made by Chairman Douglass, seconded by Selectman Lyons, and it was **VOTED** to move Article 9 as written, with the Planning Board recommendation of “ought to pass,” to the Warrant for Town Meeting.

Article 10 - To see if the voters will accept Somerset Place as a Town-owned way.

Motion was made by Chairman Douglass, seconded by Selectman Lyons, and it was **VOTED** to move Article 10 as written, with the Planning Board recommendation of “ought to pass,” to the Warrant for Town Meeting.

Article 11 - To see if the voters will accept unnamed ROW off of Thomas Avenue as a Town-owned way.

Motion was made by Chairman Douglass, seconded by Selectman Lyons, and it was **VOTED** to move Article 1 as written, with the Board of Selectmen’s recommendation of “ought to pass,” to the Warrant for Town Meeting.

Article 12 - Shall the Town of Topsham vote to adopt the 2019 Topsham Comprehensive Plan.

Motion was made by Chairman Douglass, seconded by Selectman Lyons, and it was **VOTED** to move Article 12 as written, with a recommendation from the Board of Selectmen of “ought to pass,” to the Warrant for Town Meeting.

Article 13 - To see if the voters will adopt an Ordinance to Amend the Topsham Zoning Ordinance to amend Chapter 225-6, Definitions and Chapter 225-33, Signs, to define public notice signs and allow the Town and School District to utilize electronic message signage for public notice signs.

Motion was made by Chairman Douglass, seconded by Selectman Lyons, and it was **VOTED** to move Article 13 as written, with the Planning Board recommendation of “ought to pass,” to the Warrant for Town Meeting with one non-substantive change of prohibitive signs notebook, Subsection D-12.

Article 14 - To see if the Voters will adopt an Ordinance to amend the Topsham Zoning.

Ordinance to amend Chapter 225-6, Definitions, Chapter 225-20, Aquifer Protection Overlay District and Chapter 225-16 Attachment 1:1 Table of use Regulations to define

public water utility facility and allow the current public water utility facility in its existing location.

Motion was made by Chairman Douglass, seconded by Selectman Lyons, and it was **VOTED** to move Article 14 as written, with the Planning Board recommendation of “ought to pass,” to the Warrant for Town Meeting.

Article 15 - To see if the Voters will adopt an Ordinance to Amend the Topsham Zoning Ordinance to Amend Chapter 225-70 Board of Appeals, which aligns the Board of Appeals review procedures with State Statute.

Motion was made by Chairman Douglass, seconded by Selectman Lyons, and it was **VOTED** to move Article 15 as written, with the Planning Board recommendation of “ought to pass,” to the Warrant for Town Meeting.

Article 16 - To see if the voters will adopt an Ordinance to amend the Topsham Subdivision ordinance, Chapter 191-Definitions to remove the definition for re-subdivision and update the definition of subdivision to align with State of Maine Statutes.

Motion was made by Chairman Douglass, seconded by Selectman Lyons, and it was **VOTED** to move Article 16 as written, with the Planning Board recommendation of “ought to pass,” to the Warrant for Town Meeting.

Article 17 – To see if the voters will adopt an ordinance to amend the Topsham Zoning Ordinance to amend Chapter 225-16 attachment 1-1, Table of Use regulations to allow residential units on the first floor in the MUC Zoning District which encompasses the Topsham Fair Mall and Park Drive areas.

Motion was made by Chairman Douglass, seconded by Selectman Lyons, and it was **VOTED** to move Article 17 as written, with the Planning recommendation of “ought to pass,” to the Warrant for Town Meeting.

Article 18 - To see if the voters will adopt an Ordinance to amend the Topsham Code to add Chapter 150, Article I, Marijuana Business Licensing to regulate Registered Caregiver Retail Stores through an annual license review authorized through the Board of Selectmen as follows, to be enacted only if voters approve Article 20 permitting Registered Caregiver Retail Stores.

Motion was made by Chairman Douglass, seconded by Selectman Lyons, and it was **VOTED** to move Article 18 as written, with the ~~Board of Selectmen’s recommendation of “ought to pass,”~~ to the Warrant for Town Meeting.

Chairman Douglass requested to amend his motion, submitting this Article 18 with no recommendation to the Warrant for Town Meeting. The amendment was seconded by Selectman Lyons and so **VOTED**.

Article 19 - To see if the Voters will adopt an Ordinance to amend the Topsham Code to add Chapter 150, Article I, Marijuana Business Licensing to regulate the establishment of marijuana cultivation, product manufacturing and testing facilities through an annual

license review authorized through the Board of Selectmen as follows, to be enacted only if voters approve Article 21 permitting Marijuana Cultivation Facilities, Marijuana Products Manufacturing Facilities, Marijuana Testing Facilities.

Motion was made by Chairman Douglass, seconded by Selectman Lyons, and it was **VOTED** to move Article 19 as written, with no recommendation to the Warrant for Town Meeting.

Article 20 - To see if the voters will adopt an ordinance to amend the Topsham Code to add Chapter 150, Article III, Marijuana Business Licensing to regulate Registered Caregivers through a registration process.

Motion was made by Chairman Douglass, seconded by Selectman Lyons, and it was **VOTED** to move Article 20 as written, with no recommendation to the Warrant for Town Meeting.

Article 21 - To see if the voters will adopt an Ordinance to amend the Topsham Zoning Ordinance to Amend Chapter 225-6, Definitions, Chapter 225-16 Attachment 1:1, Table of Use Regulations, Chapter 225-60.17 Medical Marijuana Dispensaries, to permit and regulate Marijuana Business Registered Caregiver Retail Stores as follows, to be enacted only if the voters approve Article 18 which allows for the licensing of Registered Caregiver Retail Stores.

Motion was made by Chairman Douglass, seconded by Selectman Lyons, and it was **VOTED** to move Article 21 as written, with recommendation from the Planning Board of “ought to pass” to the Warrant for Town Meeting.

Article 22 - To see if the voters will adopt an Ordinance to amend the Topsham Zoning Ordinance to Amend Chapter 225-6, Definitions, Chapter 225-16 Attachment 1:1, Table of Use Regulations, Chapter 225-60.17 Medical Marijuana Dispensaries to permit and regulate Marijuana Businesses, Cultivation, Manufacturing and Testing Facilities as follows, to be enacted only if the voters approve Article 19, which allows for the licensing of Marijuana Cultivation Facility, Marijuana Products Manufacturing Facility, Marijuana Testing Facility.

Motion was made by Chairman Douglass, seconded by Selectman Lyons, and it was **VOTED** to move Article 22 as written, with the Planning Board recommendation of “ought to pass,” to the Warrant for Town Meeting.

Article 23 - To see if the voters will vote to pay for tax abatements and applicable interest granted during the fiscal year of 2019/2020 from Overlay.

Motion was made by Chairman Douglass, seconded by Selectman Lyons, and so **VOTED** that Articles 23 through Article 30, be placed on the Warrant for Town Meeting with a recommendation from the Board of Selectmen of “ought to pass.”

Article 24 - To see if the Town will fix the date of Wednesday, May 20, 2020 for the Special Town Meeting.

Motion was made by Chairman Douglass, seconded by Selectman Lyons, and so **VOTED** that Articles 23 through Article 30, be placed on the Warrant for Town Meeting with a recommendation from the Board of Selectmen of “ought to pass.”

Article 25 - To see if the Town will fix the dates when taxes are due and payable: Tuesday, October 15, 2019 and Wednesday April 15, 2020. To see if the Town will fix a rate of interest to be charged on taxes after said date at 9% or the maximum amount determined by the State Treasurer.

Motion was made by Chairman Douglass, seconded by Selectman Lyons, and so **VOTED** that Articles 23 through Article 30, be placed on the Warrant for Town Meeting with a recommendation from the Board of Selectmen of “ought to pass.”

Article 26 - To see if the Town will establish a maximum interest rate to be paid on abated taxes.

Motion was made by Chairman Douglass, seconded by Selectman Lyons, and so **VOTED** that Articles 23 through Article 30, be placed on the Warrant for Town Meeting with a recommendation from the Board of Selectmen of “ought to pass.”

Article 27 - To see if the Town will authorize the Selectmen to dispose of Town-owned personal property with value of \$5,000 or less under such terms they deem advisable.

Motion was made by Chairman Douglass, seconded by Selectman Lyons, and so **VOTED** that Articles 23 through Article 30, be placed on the Warrant for Town Meeting with a recommendation from the Board of Selectmen of “ought to pass.”

Article 28 - To see if the Town will authorize the Selectmen to accept gifts on behalf of the Town under such terms as they deem advisable.

Motion was made by Chairman Douglass, seconded by Selectman Lyons, and so **VOTED** that Articles 23 through Article 30, be placed on the Warrant for Town Meeting with a recommendation from the Board of Selectmen of “ought to pass.”

Article 29 - To see if the Town will authorize the Selectmen to convey by deeds of quit-claim title or other titles as appropriate any real estate acquired by the Town to such persons for such considerations as the Selectmen may in each case determine.

Motion was made by Chairman Douglass, seconded by Selectman Lyons, and so **VOTED** that Articles 23 through Article 30, be placed on the Warrant for Town Meeting with a recommendation from the Board of Selectmen of “ought to pass.”

Article 30 - To see if the Town will authorize the Selectmen to apply for grants, approve the acceptance of grants, receive grants, appropriate the Town’s share of the grant from funds raised at a Town Meeting and expend the grant for the purpose stated in the grant.

Motion was made by Chairman Douglass, seconded by Selectman Lyons, and so **VOTED** that Articles 23 through Article 30, be placed on the Warrant for Town Meeting with a recommendation from the Board of Selectmen of “ought to pass.”

UNFINISHED BUSINESS - None noted.

OLD BUSINESS – None noted.

NEW BUSINESS – None noted.

ADJOURNMENT

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

VOTED

To adjourn the meeting at 9:10 p.m.

Respectfully submitted,

Patty Williams, Recording Secretary

Board of Selectmen Meeting

For the date of: 05/02/2019

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 _____ 3

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

Brief Title of consent or Agenda Item: Approval of the minutes of the regular Selectmen meeting 04-18-2019.

Brief Description of Consent or Agenda Item: see attached

Submitted by Rich Roedner, Town Manager **Date:** 04-11-19

MINUTES
TOWN OF TOPSHAM
BOARD OF SELECTMEN MEETING
DONALD A. RUSSELL MEETING ROOM
APRIL 18, 2019 – 7:00 P.M

MEMBERS PRESENT: David Douglass
William Thompson
Roland Tufts

MEMBER(S) ABSENT: Marie Brilliant and Ruth Lyons

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

A meeting of the Topsham Board of Selectmen was held on Thursday, April 18, 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.

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 Selectman Brilliant and Selectman Lyons, both of whom had been excused.

TOWN MANAGER'S REPORT

- BIG TRUCK day is tomorrow, Friday, April 19, at the Topsham Public Library, from 10:00 a.m. to Noon. We are asking visitors to park at the Recreation Fields on Foreside Road and walk down to the library, due to space constraints.
- The next Household Hazardous Waste collection day is almost upon us. The date is Saturday April 27, 9:00 a.m. to 1:00 p.m. Information is available on the Topsham website. Please note that you must pre-register in order for your items to be accepted.
- Also on Saturday, April 27, is the next Drug Take Back Collection at the Topsham Police Department 10:00 a.m. until 2:00 p.m. Bring in your old, unused, expired medications for proper disposal. We cannot accept liquids or any needles.
- Last news concerns the annual Easter Egg Hunt. Friday's Flashlight Hunt will take place as scheduled at the Foreside Field. This is for 8, 9, and 10 year olds only. The event starts at 8:00 p.m.

- On Saturday, McDonald's is sponsoring breakfast with the Easter Bunny from 8:00 a.m. until 9:30 a.m. at McDonalds.
- Due to the weather, Saturday's Hunts are being relocated from the Foreside Field to the Mount Ararat High School Gym. The times are also changing to allow late stragglers to get there on time. 2, 3, and 4 year olds will be at 10:30 a.m.

BOARDS AND COMMITTEE REPORTS AND UPDATES

Update from Denise Tepler, Representative House District #54

Representative Denise Tepler presented an update of happenings at the House of Representatives in Augusta, including:

- Municipal Revenue Sharing
- Hearing this coming Wednesday on three bills on the Brown Tail Moth problem
- Her work on the Brunswick Naval Museum and Memorial Garden
- LD 1177 – Improving the Public Sector - Labor and Health Commission
- LD 900 -- Bill that would grant public legislative court, municipal county court house, teachers, etc. the right to strike...would give employees the right to shut down government
- Talked about new site where people can post on line and become a part of public records
- Representative Tepler extended an open invitation to kids in her district to come to Augusta to be pages. The kids would have to bring along a chaperone. Also welcomed anyone from the district to come to Augusts to shadow her.

Update from Steven Levesque, Executive Director of MidCoast Regional Redevelopment Authority (MRRRA)

The Board previously sent a letter to Mr. Levesque asked for an update on the water infrastructure situation at the annex and he presented an overview of the problems involved in getting the matter resolved.

Mr. Levesque explained the steps that have already been taken and the many conveyances from the Navy to address the problem and the roadblocks that have to be worked through to get the issues addressed, including how the new BRAC works. Money is a big problem as there are no funds available from the Navy and it seems everything needed to be done on this end has to be funded by MRRRA. Plans are to remove the water tower at a cost of \$100,000. The tower can be removed without affecting the water system currently in use. There are 1.75 miles of waterline in Topsham that need to be replaced. The Federal Government has been notified that it should be a morale obligation of theirs to help, but they have not responded. The decaying waterlines were put in in the 40's and 50's and it is anticipated to cost approximately \$3 million to replace them. Mr. Levesque was told by the USDA that Topsham is too wealthy to be able to apply for a grant.

Chairman Douglass said it is important to get this situation solved as we have 200 residents living in the annex area. He asked if there have been conversations with Senator Collins. Mr. Levesque said "yes" and response was that they couldn't help. Suggestion was made to look into a Community Development Block Grant.

The Town Manager said he talked to Representative Tepler to inquire about the possibility of applying for an Infrastructure Bond. She agreed to put a request in at the November session.

PUBLIC COMMENT – **Jane Scease** commented on LD 1177 and LD 900. She said the Teacher’s Union is pushing these and their passing could be very costly. She urged the Board to help in any way they can.

CORRESPONDENCE – Chairman Douglass noted receipt of a letter from Karen Murphy (the one she read at the last Board meeting) and said the letter has been placed in file.

ADJUSTMENTS TO THE AGENDA – Letter dated April 18, 2019 to Senator Diamond, Chair and Members of the Joint Committee on Transportation from the Board of Selectmen regarding LD 1141 Resolve, Directing the Department of Transportation to Construct the Merrymeeting Trail from Topsham to Gardiner was noted and filed with these minutes. It was agreed that the Board would sign the original letter and put in the mail.

CONSENT CALENDAR

1. Approval of the minutes of the Regular Selectmen’s Meeting of April 4, 2019.

No action was taken on the minutes.

PUBLIC HEARING – None noted.

UNFINISHED BUSINESS – None noted.

OLD BUSINESS – None noted.

NEW BUSINESS

19-25 CONSIDERATION AND ANY APPROPRIATE ACTION TO APPROVE HIRING WILLIAMS CONSTRUCTION FOR THE SAGADAHOC AGRICULTURAL SOCIETY FAIRGROUNDS GRANDSTAND ROOF/CERTIFIED LOCAL GOVERNMENT GRANT PROGRAM

Assistant Planner Carol Eyerman reviewed the 5 bids sent out and explained that only 2 of them met the specifications. The Historic District’s and Planning Board’s recommendation is to award the project to Williams Construction.

Following Ms. Eyerman’s presentation, motion was made by Chairman Douglass, seconded by Selectman Tufts, and it was unanimously

VOTED

To approve the hiring of Williams Construction for the Sagadahoc Agricultural Society Fairgrounds Grandstand Roof/Certified Local Government Grant Project.

**-19-26 CONSIDERATION AND ANY APROPRIATE ACTION ON WRITING OFF
OUTSTANDING PERSONAL PROPERTY TAXES FOR A DECEASED
BUSINESS OWNER**

Town Manager Roedner explained that the business owner is deceased and the Town is unable to collect the amount of back taxes due.

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

VOTED

To write off the outstanding personal property taxes going back to 2014 for Davis Construction in the amount of \$4,791,06, plus interest.

**19-27 CONSIDERATION AND ANY APPROPRIATE ACTION ON AMENDING
TRAFFIC ORDINANCE TO REMOVE THE YIELD SIGN AT THE BOTTOM
OF ELM STREET EXTENSION**

The Town Manager said this item came up at the Neighborhood Meetings. Elm Street Extension is now a one way, so the yield sign is no longer needed. Both Police Chief Chris Lewis and Public Works Director Dennis Cox have indicated that the sign can be safely removed.

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

VOTED

To remove the yield sign at the bottom of Elm Street Extension and the subsequent amendment to the Inventory List of Traffic Control Signs.

ADJOURNMENT

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

VOTED

To adjourn the meeting at 8:15 p.m.

Respectfully submitted,

Patty Williams, Recording Secretary

Board of Selectmen Meeting

For the date of: 05/02/2019

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 4

(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 to open the polls at 8:00 am on June 11, 2019 for the Municipal Election - MSAD #75 Budget Validation Referendum Election.

Approval to extend the Registrar's office hours on Thursday May 30, 2019 to remain open until 7:00 pm for the purpose of additional hours for voter registration as required by state statute 21-A§122.6

Approval to appoint Linda Dumont as Moderator for the Municipal Election.

Brief Description of Consent or Agenda Item:

Submitted by: Linda Dumont, Town Clerk **Date:** 5/02/2019

Board of Selectmen Meeting

For the date of: 05/02/2019

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 19-20

(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 union grievance related to Health Reimbursement Accounts (HRA).

Brief Description of Consent or Agenda Item: see attached

Submitted by Rich Roedner, Town Manager

Date: 03-19-2019

MEMORANDUM

To: Board of Selectmen
From: Richard Roedner, Town Manager
Date: March 28, 2019
Re: HRA grievance from IAM units

On March 13, 2019, I received a grievance (attached) from both the Supervisory and Operations Units of the IAM regarding the Health Reimbursement Accounts (HRA) that were established following our last approved collective bargaining agreement in 2016. At that time, the Union agreed to a different level health insurance plan, and the Town agreed to fund an HRA for all employees taking health insurance. The agreed upon value of the HRA was \$2,500 for those with single coverage, and \$5,000 for those with family plans. This was done knowing that the MMA Health Insurance Plan had a maximum out of pocket of \$3,000 for individuals and \$6,000 for family plans, which were not included in the contract language.

On January 1, 2019, MMA changed the maximum out of pocket totals to \$3,500 for single plans and \$7,000 for family plans. The Union is claiming a breach of the contract since the Town has raised the maximum out of pocket without a corresponding increase in the HRA totals.

The sought after remedy is to change the HRA levels going back to July 1, 2016 and to reimburse any employee that may have run out of HRA benefit during that period.

No damages to any employee are being claimed by the union based on the new limits.

My reply to the union is also attached. This was dated March 14. The union then appealed my denial to the Board, dated March 14. I have not scheduled this appeal for executive session as no sensitive employee information was included, nor performance issues alleged.

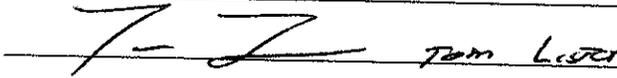
As noted in my letter to the union, the collective bargaining agreement clearly stated the limits of the HRA allowance at \$2,500/\$5,000, and no provisions were included to increase that level due to actions by any third parties, such as MMA raised out of pocket levels, or even the federal or state governments implementing limits on the total value of the HRA.

Further, the HRA rules established by the federal government clearly limit the time a claim can be made on a previous year's HRA, to 90 days after the end of the insurance year. Based on this alone, the sought after remedy cannot be granted.

IAM LOCAL S89
SUPERVISORY/OPEATIONS UNIT
GRIEVANCE FORM

Name of Employee: All supervisory and operations unit employees covered by Agreement between the Town of Topsham and Local S/89 District Lodge #4 dated July 1, 2016 – June 30, 2019

Date of Grievance filed: 3-13-2019

Signature of Grievant:  Tom Lester

Nature of violation:

Agreement between the Town of Topsham (Town) and Local S/89 District Lodge #4 (Union) dated July 1, 2016 – June 30, 2019 including Article 20 Health Insurance Health Reimbursement Account (HRA) and Article 33 Alteration of Agreement.

The Health Insurance Plan (PPO 1500) presented by the Town for negotiation 9/24/2015 listed Out of Pocket Maximum Deductible plus Coinsurance amounts per calendar year as \$3000 single/\$6000 family. The Town and Union negotiated Article 20 in good faith based on the proposed insurance plan, it was agreed that the Town would fund an HRA in the amount of \$2500 single subscriber and \$5000 for an employee electing dependent coverage in order to limit the maximum out of pocket expense per covered employee at \$500 single/\$1000 family.

The PPO 1500 Out of Pocket Maximum Deductible plus Coinsurance amounts per calendar year were unilaterally changed by the Towns insurance company to \$3500 single/\$7000 family resulting in a higher out of pocket expense per covered employee without the benefit of negotiation.

Settlement desired by the Union:

The Union requests that the contract be made whole in every way including funding the Health Reimbursement Account (HRA) described in Article 20 to levels that limit employee out of pocket expense to no more than \$500 single/\$1000 family. The Union further requests that this funding be made retroactive back to the contract date July 1, 2016 and that any covered employee having exceeded these out of pocket amounts be compensated in the amount exceeded.



Office of the Town Manager
100 Main Street
Topsham, ME 04086

Richard Roedner
Town Manager
Phone: 207-725-5821
Fax: 207-725-1731
roedner@topshammaine.com
www.topshammaine.com

March 14, 2019

Mr. Tom Lister
IAM Operations Unit Steward
100 Main St.
Topsham, ME 04086

Mr. Mike Labbe
IAM Supervisory Unit Steward
100 Main St.
Topsham, ME 04086

Re: Grievance dated 3/13/19
HRA funding levels

Dear Tom & Mike:

I am in receipt of the Grievance you have filed on behalf of both the Supervisory and Operations Units of the IAM Local S89. The grievance is filed over changes in the MMA terms of insurance. As noted in the grievance, "The Town and Union negotiated Article 20 in good faith (emphasis added) based on the proposed insurance plan, it was agreed that the Town would fund an HRA in the amount of \$2,500 single subscriber and \$5,000 for an employee electing dependent coverage in order to limit the maximum out of pocket expense per covered employee at \$500 single/\$1,000 family".

I agree completely that we negotiated in good faith and selected an insurance option and HRA plan with the agreed upon financial limits. We agreed to fund the HRA at the levels described, \$2,500/\$5,000. However, the contract does not include language that forever limits out of pocket to \$500/\$1,000 as suggested in your grievance statement. The language in the contract reads:

"The Health Insurance plan provided to the employee in this unit is MMEHT PPO-1500. As part of the Health Insurance plan, the Town agrees to fund, on an annual basis, a Health Reimbursement Account (HRA) with the amount of two thousand five-hundred dollars (\$2,500.00) for a single subscriber and five thousand dollars (\$5,000.00) for an employee electing dependent coverage. Unused money in the HRA does not carry forward but the account is replenished each year to the amounts stated above."

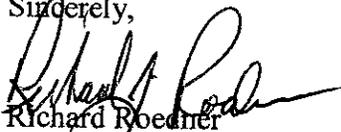
As you are aware, we continue to provide the PPO-1500 plan, and we continue to ensure adequate funding is in the budget to fund the HRA, with the limits we negotiated. I am sure you are also aware that we have no ability to affect the terms of the insurance policy, as those are decided by a third party.

Because the value of the HRA was clearly agreed to by all parties, and we have met our obligations under the contract with respect to the HRA values, I find that there is no violation of

the contract terms. Your request to retroactively increase the HRA amounts back to July 1, 2016 is denied.

Based on our Collective Bargaining agreement, you may appeal my decision to the Board of Selectmen within 15 working days of today's date, March 14, 2019.

Sincerely,

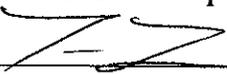


Richard Roedner
Town Manager

Step 1 Department Head response:

Department Head Signature: 

Date of Union's receipt of Department Head response: 3-13-2019

Signature of Union Rep: 

Is the Union sending this grievance to step 2: YES NO

Date grievance submitted to 2nd step: 3-13-2019

Step 2 Town Manager's response:

Denied - see attached.

Town Managers Signature: 

Date of Union's receipt of Town Managers response: _____

Signature of Union Rep: _____

Is the Union sending this grievance to step 3: YES NO

Date grievance submitted to 3rd step: _____

Step 3 Selectboard Chair response:

Signature of Chair of the Board: _____

Date of Union's receipt of Selectboard chair response: _____

Signature of Union Rep: _____

Is the Union sending this grievance to step 4: YES NO

Date grievance submitted to 4th step: _____

Step 4 Grievance Arbitration:

Date of Notification to Town of Topsham of intent to arbitrate: _____

Signature of Union Rep: _____

Board of Selectmen Meeting

For the date of: 05/02/2019

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: 19-28

(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 discussing Library Board request to an exception on Town policy regarding alcoholic beverages.

Brief Description of Consent or Agenda Item: see attached

Submitted by: Susan Preece, Director of Topsham Library

Date: 04-19-2019



TOPSHAM PUBLIC LIBRARY

To: Rich Roedner, Town Manager and Board of Selectmen
From: Susan M Preece, Director and Larry Fitch, President of the Topsham
Public Library Board of Trustees
Re: Whitten Society Event; June 7, 2019 - Beverages to be served
Date: April 17, 2019

Once again, we write on behalf of the library Board of Trustees to request an exception from Town policy to serve wine at an event at the library the evening of Friday, June 7, 2019. It is an invitation-only reception for adult Whitten Society members, Business Support Program members and local officials which will include a posthumous presentation of the Sarah Whitten Community Award to former Topsham resident, Janice Solomon. This award is given annually to an individual, group or business in recognition of outstanding contributions to the Topsham Public Library and the community and honors the spirit of Sarah Whitten who donated her family home to the library in 1941.

The Board of Selectmen has granted our request for this exception for the past four years. Heavy hors d'oeuvres, wine and cheese were served during these 2 hour events. These adults-only events were very successful. All participants had a pleasant evening and no problems occurred.

We are obviously willing to discuss any questions or concerns you might have. We ask that this matter be placed on the agenda for the Select board meeting on May 2, 2019.

Board of Selectmen Meeting

For the date of: 05/02/2019

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: 19.29

(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 adopting a fee schedule related to Marijuana licensing ordinances.

Brief Description of Consent or Agenda Item: see attached

Submitted by: Rod Melanson, Town Planner

Date: 04-19-2019

MEMORANDUM

To: Rich Roedner, Town Manager
Selectboard
Planning Board
From: Rod Melanson, Planning Director
Date: April 23, 2019
Re: Medical Marijuana licensing

At the most recent Selectboard public hearing on this topic there was a discussion about clearly identifying the implementation of this new licensing program should it be approved at Town Meeting.

The following are the items to have prepared prior to the roll out of the Licensing program:

1. Finalizing a fee schedule
 - a. Attached municipal fee research as of 12/2018
 - b. Discussion Below
2. License Application Form
 - a. Attached proposed application form
 - b. Discussion Below
3. Priority Policy and roll out
 - a. Discussion below

Fee Schedule:

Based on the attached document which identifies various municipalities that are currently discussing/ proposing licensing, some common themes are apparent:

1. Retail facility licensing appears to consistently be approximately \$1,500
 - a. No one addresses annual renewal fees
2. Manufacturing and cultivation do not have any consistent fee between the towns who have proposed or active fees...I would suspect these facilities will likely be either new facilities or moving into existing commercial space. All towns have separated the fees of a manufacturing facility versus a cultivation facility, and most have delineated the cultivation fees by the tiers of cultivation facility.
3. Testing facility licensing fees seem to be \$500 between towns

For discussion, staff has compiled the following fee schedule for Topsham:

Schedule of Fees for Marijuana Business Licensing (also attached):
License Fee code language:

Fees for a Marijuana Business License shall be as set forth in the Schedule of License, Permit, Inspection and Application Fees established by Selectboard order and shall be paid annually.

A \$250 non-refundable deposit is required with each application and shall be applied to the balance of the remaining application fee due seven (7) calendar days upon the notice of an approved license from the Board of Selectmen.

Caregiver Retail Store	\$1,500
Marijuana Products Manufacturing Facility	\$1,000
Marijuana Cultivation Facility	
1. Tier 1	\$500
2. Tier 2	\$1,000
3. Tier 3	\$2,000
4. Tier 4	\$3,000
5. Nursery	\$1,000
Marijuana Testing Facility	\$500

License Application Form:

The attached form works as a checklist, and provides the applicant with all of the items from the licensing code that need to be addressed. The intent of this form is to provide the reviewing authority with a checklist of “findings” that may be acted upon during a public hearing.

Priority Policy and Licensing “Roll Out”:

Below is the language in the proposed code:

1. Prioritization of License Review.
 - a. Marijuana Businesses that were operating with Town approval prior to December 13, 2018 shall have a priority of review for license issuance by the Selectboard, provided that the owner/operator of the business submits a completed application for a license within ninety days of enactment of this ordinance. Such businesses shall be included in the maximum number of licenses permitted in each category.
 - b. Any change in ownership or change in officers of an owner of an existing Marijuana Business License shall have a priority of review to maintain the issued license, provided that a completed license application is submitted prior to the change of ownership.
2. Licensing procedures.
 - (a) Applications shall be reviewed in the order they are received and determined to be complete.

Two areas within the code give attention to priority of review...we specifically placed currently operating business within a priority review, as well as transfer of ownership (to enable upstanding businesses to maintain their business within town).

Otherwise...licenses are reviewed in the order they are received, and are deemed to be complete (by staff).

Rich and I had discussed the potential of "opening up the floodgates" once the chapter gets enacted by the selectboard, and the thought of having a line of applicants at the door at 8:30am to get there spot in line.

To alleviate that potential situation, we thought that only having hardcopies of licenses available on the day the code gets enacted may be a solution...in other words we have a stack of printed applications to hand out, and we receive them and time stamp them as they come back in (hopefully in more of a trickle in manner).

A discussion of the schedule moving forward if in fact the code passes at the May 15 Town Meeting:

The effective date of enactment of the license articles

May 7th - Selectboard adopts a fee schedule, application form and sets effective date of article enactment

May 15th – Licensing Code gets passed at Town Meeting

May 16th - Effective date of code article enactment

June 1st – Applications distribution (pick up hardcopies at Town Hall)

September 1st – Review of applications (90 days after distribution)

October – BOS may hold Public Hearings

Medical & Adult Use Marijuana Fee Research

Town of Fairfield:

Annual **Adult Use** Facility Business License Fee:

Retail Store: \$1,500

Products Manufacturing Facility: \$1,500

Testing Facility: \$1,500

Cultivation Facility:

 Tier 1-\$1,500

 Tier 2-\$2,500

 Tier 3-\$3,500

 Tier 4-\$4,500

City of South Portland: Fees

Retail Store: \$1,400

Manufacturing Facility: \$300

Testing Facility: N/A no license required

Cultivation Facility: \$600

Town of Lisbon: Medical Establishments

Retail Store: \$250

Manufacturing Facility: \$250

Testing Facility: \$250

Registered Dispensary: \$250

Town of Farmington: Proposed Medical & Adult Use: (in addition to application fee)

Retail Store: \$1,250

Manufacturing Facility: \$1,250

Testing Facility: \$500

Cultivation Facility:

 Tier 1: Up to 30 mature plants (and unlimited # of immature plants & seedlings) or up to 500 SF of mature plants:

 Permit/License by plant count: \$10/plant indoor or indoor/outdoor \$5/plant outdoor

 Permit/License by SF: \$250/indoor or indoor/outdoor \$125/outdoor

 Tier 2: 501-2,000 SF of mature plant canopy: \$1,500/indoor or indoor/outdoor \$750/outdoor

 Tier 3: 2,001-7,000 SF of mature plant canopy: \$5,000/indoor or indoor/outdoor

\$2,500/outdoor

 Tier 4: 7,001-20,000 SF of mature plant canopy: \$15,000/indoor or indoor/outdoor

\$7,500/outdoor

 Nursery: Cultivation of not more than 1,000 SF of plant canopy per 28-B M.R.S. § 501.3 \$175

Town of Damariscotta Proposed

Adult Use:

Retail Store: \$1,500

Manufacturing Facility: \$500

Testing Facility: \$500

Cultivation:

Tier 1- ≤ 30 plants, ≤ 500 SF: \$500

Tier 2- ≤ 2,000 SF: \$1,000

Tier 3- ≤ 7,000 SF: \$1,500

Tier 4- ≤ 20,000 SF: N/A (recommending no Tier 4 licenses)

Nursery: ≤ 1,000 SF: \$500

Medical:

Caregiver Retail Store: \$1,500

Manufacturing Facility: \$500

Testing Facility: \$500

Registered Dispensary: \$1,500

Brunswick Fee Schedule

Marijuana Cultivation Facility	\$600.00
Marijuana Products Manufacturing Facility	\$300.00
Marijuana Retail Store	\$1,400.00

Marijuana Testing Facility N/A License not required

****Late fee will be an additional 10% of the total license fee for 1 to 30 days past the due date, and an additional 10% for every 30 days thereafter the license remains late**

Town of Topsham
Schedule of Fees for Marijuana Business Licensing (Chapter 150):

A \$250 non-refundable deposit is required with each application and shall be applied to the balance of the remaining application fee due seven (7) calendar days upon the notice of approval from the Board of Selectmen.

Caregiver Retail Store	\$1,500
Marijuana Products Manufacturing Facility	\$1,000
Marijuana Cultivation Facility	
1. Tier 1	\$500
2. Tier 2	\$1,000
3. Tier 3	\$2,000
4. Tier 4	\$3,000
5. Nursery	\$1,000
Marijuana Testing Facility	\$500



Date/ Time Received:

[Empty box for Date/ Time Received]

TOWN OF TOPSHAM

Clerk's Office

100 Main Street,

Topsham, Maine 04086

Phone: (207) 725-1724 • Fax: (207) 725-1737

#2019001

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

Non-Refundable Fee \$250 – subject to change per Board of Selectmen

Type of License Application: Retail Caregiver Cultivation Tier _____ Manufacturing Testing

LICENSE APPLICATION: MARIJUANA BUSINESS								
BUSINESS INFORMATION								
BUSINESS LOCATION	Parcel ID	Map		Lot		Zoning District		Total Land Area
	Physical Address							
BUSINESS INFORMATION	Business Name					Phone		
	Business Address (if different from property location)					EMAIL		
Square Footage to be occupied/ No. of Employees								
Hours of Operation								
Number of Registered Caregivers								
Business Type (Check All That Apply): <input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Corporation (Including LLC) <input type="checkbox"/> Partnership <input type="checkbox"/> S Corporation <input type="checkbox"/> Trust <input type="checkbox"/> Non-Profit Organization								
If business type is anything other than a sole proprietorship, attach the following: <input type="checkbox"/> Attachment A – Articles of Incorporation								

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

Name	Home Address, City, State, and Zip Code	DOB	Position

APPLICANT INFORMATION: Highest level official or employee of business/ cooperative such as Board President, Chief executive officer, Executive Director, or comparable position.					
Applicant Name				Date of Birth	
Applicant Address					
City		State		Zip	
<input type="checkbox"/> Attachment B - Provide state or federally issued photo identification					
OPERATOR INFORMATION: If different than the applicant, list the individual(s) responsible for day to day operations.					
Operator Name				Date of Birth	
Operator Address					
City		State		Zip	
Operator Name				Date of Birth	
Operator Address					
City		State		Zip	
<input type="checkbox"/> Attachment C - Provide state or federally issued photo identification					

LICENSE INFORMATION

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

- Yes
- No

If yes, state when, where and why: _____

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

- Yes
- No

If yes, state when, where and why: _____

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

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

- Yes
- No

If yes, please provide the following: (If necessary, provide additional information on a separate sheet.)

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

PROPERTY OWNER INFORMATION				
Owner Name				
Home Address		Phone		
City		State	Zip	
<p>Does the applicant have legal possession of the premises from the date that this license will be issued by virtue of ownership, lease, or other arrangement?</p> <p><input type="checkbox"/> Ownership</p> <p><input type="checkbox"/> Lease</p> <p><input type="checkbox"/> Other: (Explain in detail)</p> <p>_____</p> <p>_____</p>				
<p><input type="checkbox"/> Attachment D – Provide proof of ownership or copy of lease</p> <p><input type="checkbox"/> Attachment E – If premises are leased, attach written permission from the owner of the premises for the use specified in this application</p>				

FACILITY INFORMATION
<p>Does the applicant have an alarm system in place?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p>If yes, name the alarm company, contact name and phone number: _____</p> <p>_____</p>
<p>Does the applicant propose to have retail sales of food, beverages, or other merchandise on site?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p>If yes, what items will be sold? _____</p> <p>_____</p>

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

Yes

No

License #: _____ If yes, when did the applicant obtain the license? _____

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

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

Yes

No

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

Yes

No

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

Yes

No

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

Yes

No

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

Yes

No

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

Yes

No

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

Yes

No

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

Yes

No

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

Yes

No

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

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

Yes

No

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

Yes

No

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

Yes

No

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

Yes

No

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

Yes

No

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

Yes

No

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

Yes

No

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

Yes

No

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

Yes

No

10. No outside storage is permitted

Yes

No

11. Outdoor Cultivation of marijuana is prohibited.

Yes

No

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

Yes

No

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

Yes

No

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

Yes

No

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

Yes

No

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

Yes

No

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

Yes

No

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

Yes

No

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

Yes

No

Board of Selectmen Meeting

For the date of: 05/02/2019

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: 19-30

(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 resignation letter from a member of the MSAD #75 school board of directors

Brief Description of Consent or Agenda Item: Letter of resignation attached

Submitted by: Linda Dumont, Town Clerk

Date: 4/24/2019

Rich Roedner

From: Linda Dumont
Sent: Wednesday, April 24, 2019 11:45 AM
To: Dave Douglass; Roland Tufts; Bill Thompson; Ruth Lyons (Seleperson); Marie Brillant
Cc: Rich Roedner
Subject: FW: Resignation from MSAD #75 School Board
Attachments: ATT00001.txt; MDC MSAD #75 Resignation Letter (2019).pdf

Good Morning,

I will be placing this on the agenda for the May 2nd meeting so that you may accept the resignation and announce the vacancy. When appointing a member to fill this vacancy it will be only until the annual meeting in November, we will then seek nominations beginning July 29 to complete the rest of the unexpired term (11/2020) at the November election. Thank you, Linda

From: Matthew Drewette-Card [mailto:drewettecardm@link75.org]
Sent: Friday, April 19, 2019 4:18 PM
To: Linda Dumont <ldumont@topshammaine.com>
Subject: Resignation from MSAD #75 School Board

Good afternoon.

My name is Matthew Drewette-Card (26 Anthony Avenue), and a current Topsham Representative on the MSAD #75 School Board of Directors. Effective July 1, 2019, I will be resigning my position for to personal, family, and professional reasons, and am trying to connect with the appropriate people at the Town Offices to help in any way I can to support a smooth transition. I have attached the letter I have sent to School Board Chair Tyler Washburn and Superintendent Robert Lucy. If I need to send this to someone else, please either let me know, or forward this email and letter on to the appropriate person.

Thank you. Please contact me at the information below with any questions.

Matthew Drewette-Card
drewettecardm@link75.org
(207) 319-9267

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Matthew I. Drewette-Card

26 Anthony Ave
Topsham, ME 04086
207-319-9267
drewettecardm@link75.org

April 19, 2019

Board Chair Tyler Washburn and Superintendent Robert Lucy
50 Republic Avenue
Topsham, ME 04086

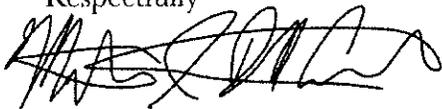
Dear Chair Washburn and Superintendent Lucy,

I am writing to inform you that I will be resigning from the MSAD #75 School Board of Directors, effective July 1, 2019. I am resigning from the Board for personal, family, and professional reasons. My resignation is not related to any of the tumultuous or challenging events that have affected the School Board over the last months. I have been pondering this action since last fall, and have decided that I cannot continue to give the Board, district, students, and educators the time, focus, attention, and commitment they deserve due to my many personal, family, and professional commitments and obligations. This is a decision I have not come to lightly. I have deeply valued my time on the School Board, and am very appreciative of my fellow Board members, of the professional educators that work for MSAD #75 whom I hold in the highest regard, and of the people of Topsham for electing me twice to be their School Board Representative. I may consider running for the School Board again, but the educators and students of MSAD #75 need Board members who are able to fully commit to the position. Unfortunately, due to the time constraints of my personal, family, and professional life, I can no longer meet that commitment and am stepping aside for someone who can fully commit to the position.

Please contact the Town of Topsham to inform them of my resignation so they can put into place a plan to fill the seat I will be vacating, effective July 1, 2019. If there is anything I can do to help in this matter, please let me know and I will do what I can.

I am willing to discuss the full scope of the reasons for my resignation with you or any current Board member. I thank you for your understanding and acceptance of my letter of resignation from the MSAD #75 School Board of Directors, effective July 1, 2019.

Respectfully



Matthew I. Drewette-Card

Board of Selectmen Meeting

For the date of: 05/02/2019

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 19-31

(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 creating an Ad Hoc Government Review Committee.

Brief Description of Consent or Agenda Item: see attached

Submitted by Rich Roedner, Town Manager

Date: 04-24-2019

MEMORANDUM

To: Board of Selectmen
From: Richard Roedner, Town Manager
Date: April 24, 2019
Re: Government Review Committee

Our Town Code, §6-25 Revision, directs the “Town to revise and bring up to date this chapter at least once in every ten (10) years, and a committee of seven (7) citizens, three (3) of whom may be Selectmen, shall be chosen for this purpose”. The last time this was done was in 2009.

The Code calls for a committee of 7 citizens (3 of whom can be Selectboard members) to conduct the review and make recommendations.

By vote of the Board to create this ad hoc committee, we can begin advertising for volunteers, and then bring folks in for interviews.

Board of Selectmen Meeting

For the date of: 05/02/2019

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: 19-32

(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 move into executive session pursuant to 36 M.R.S.A § Title 1 405 (6) (F) to discuss tax acquired property.

Brief Description of Consent or Agenda Item:

Submitted by: Rich Roedner, Town Manager

Date: 04-24-2019