

**6:30PM Board of Selectmen Meeting
Virtual Meeting (TV Ch. 3)
May 7, 2020**

Pledge of Allegiance –

Roll Call of Board Members –

Town Manager's Report –

Board and Committee Reports and Updates-

- Update from Mid Coast Hospital- Lois Skillings, President & CEO of Mid Coast-Parkview Health and Christopher Bowe, MD, Vice President, Medical Administrator & Chief Medical Officer.
- Update TDI/ECD- John Shattuck, Topsham Economic and Community Development, Inc. Director

Correspondence – If you have any comments/questions on an agenda topic, email them to info@topshammaine.com by Tuesday, May 5th. Please include your full name and address in the email. Emails will be reviewed and addressed during the meeting which will be televised on channel 3.

Adjustments to the Agenda – At this time we will be taking phone calls for any comments/question you have on this agenda at 373-5090. We will be asking for you name, address and brief comment/question.

Consent Calendar –

1. Approval of the minutes of the Regular Selectmen meeting April 16, 2020.

Public Hearing –

20-24- Consideration and any appropriate action regarding whether to the Town shall approve an application for CDBG-EDP grant to Wicked Joe, LLC, in the amount of \$500,000 for placement on the Town Meeting Warrant.

20-25- Consideration and any appropriate action on an application for a Special Amusement permit for Duck Pub.

Unfinished Business –

Old Business –

New Business –

20-26-Consideration and any appropriate action to cancel Town Meeting date of June 17, 2020 to a date to be determined. This is based on Governor Mills plan to restart the economy which limits gatherings to less than 50 people during the month of June.

20-27-Consideration and any appropriate action to discuss waving the Property Tax interest penalty until June 30, 2020 for April 2020 taxes and approval for placement on the Town Meeting Warrant.

20-28- Consideration and any appropriate action to discuss adding an Article to the Town Meeting Warrant that allows the Board of Selectmen to waive interest penalty on Property taxes during a declared State of Emergency by the Town and approval for placement on the Town Meeting Warrant.

20-29- Consideration and any appropriate action on approving the Ordinance changes Chapter 161. Parks and Recreation 161-4 Rules and Regulation for placement on the Town Meeting Warrant

Executive Session-

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

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

Board of Selectmen Meeting

For the date of: 05/07/2020

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 April 16, 2020.

Brief Description of Consent or Agenda Item: see attached

Submitted by Derek Scrapchansky, Town Manager

Date: 4-23-2020

MINUTES
TOWN OF TOPSHAM
BOARD OF SELECTMEN MEETING
VIRTUAL MEETING VIA ZOOM (TV CH 3)
APRIL 16, 2020 -- 6:30 P.M

MEMBERS ON LINE: David Douglass
Marie Brilliant
Ruth Lyons
Matt Nixon
Roland Tufts

MEMBER(S) ABSENT: All present

STAFF ON LINE: Town Manager, Derek Scrapchansky; Town Planner, Rod Melanson; Assistant Town Planner, Andrew Deci; Fire Chief, Chris McLaughlin; Economic Community Development Director, John Shattuck.

A meeting of the Topsham Board of Selectmen was held on Thursday, April 16, 2020 via Zoom.

CALL TO ORDER

Chairman David Douglass called the regular meeting to order at 6:35 p.m. He explained how members of the public may call in during receipt of correspondence at (207) 373-5090 with request to indicate their full name and address. The meeting will be televised on channel 3. Emails forwarded to the Town prior to April 14th will be reviewed and addressed during the receipt of correspondence at the meeting.

PLEDGE OF ALLEGIANCE/ROLL CALL

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

TOWN MANAGER'S REPORT

Good evening,

The Governor, through Executive Order, has pushed back the June Primary Election to July 14th. The intention of SAD 75 is to push their budget referendum to coincide with the Primary Election on the same day.

The Town Clerk's Office is still processing vital records requests – including the issuing of marriage licenses (and their subsequent registrations), birth certificates, death certificates, marriage certificates, and some genealogical research. While questions about vital records are received via the phone, mail, or email, the issuing of a record must be done via mail. The Clerk's Office is also in the process of sending out reminder notices for victualer license renewals. The current licenses expire on May 31st.

We are preparing for our Town Meeting, which is now scheduled for June 17th, 7:00 p.m. at Mt. Ararat Middle School Orion Center. We will be holding several virtual meeting workshops and Board of Selectmen (BoS) meetings prior to Town Meeting via the Zoom meeting platform and have provided options for public comment/questions and public hearings. One option is to email your comment or question to info@topshammaine.com once a meeting agenda is posted on the Town website. Your comment/question will be addressed at the following BoS meeting which can be viewed on TV channel 3. During the BoS meeting, the Chair of the BoS will announce the opportunity to call into the meeting during the Public Comment or Public Hearing portion(s) of the agenda. The phone number to call in is (207) 373-5090. Once a call is received, the residents name, address, and comment/question will be received and transferred to a queue for the Board of Selectmen to answer. Please stay on the line until your comment/question is addressed. This process should mitigate risk of interruptions that could jeopardize or stop the meeting.

The Topsham Public Library's Crooker Gallery has gone virtual and is curating a growing list of free electronic resources for families, teens, and adults. The library is calling it the "Stay at home mega list." Please visit the library's website at www.topshamlibrary.org. for more information.

The Topsham Fire Rescue Department thanks the community for its support during this pandemic. There have been several generous donations from multiple businesses. Lowes provided Lysol wipes, Home Depot has provided N95 masks and gloves, and Servpro of Bath/Brunswick has cleaned our trucks and stations. These donations to our first responders are greatly appreciated and welcomed as we too continue to serve the residents of Topsham.

The Solid Waste and Public Works facilities will be closed on Tuesday, April 21st. This is also posted on the Town's website.

Following the Town Manager's report, Mr. Nixon asked if the closure of the Solid Waste and Public Works Facility would be every Tuesday, or if the closing on the 21st was a one time only occurrence. Mr. Scrapchansky responded that closing on the 21st was a one-time closure.

BOARD AND COMMITTEE REPORTS AND UPDATES

Update TDI/ECD – John Shattuck, Topsham Economic and Community Development, Inc. Director presented his report, including:

Covid 19 Response

- Mr. Shattuck said he continues to meet and confer regularly with three regional groups: The Chamber of Commerce, MCEDD and Regional Municipal Economic Community Development Directors.
- The primary focus is on distributing and mobilizing information on small business resources.
- He said that adverse impacts and the federal response are far beyond the scope of municipal resources.
- Attention and thought is being given to preparing to be ready for the re-opening of the economy.
- Topsham Development Incorporated will be exploring what role it can play in supporting the re-opening of local business activity.

Lower Village Development Committee (LVDC)

- Proposal has been received from Titcomb Surveyors regarding the completion of a full survey of Elm Street Extension and a permanent demarcation of its boundaries at a cost of \$2,500.
- The details of the scope of the survey will be clarified, including demarcation and a final report issued.

ReVision Solar PPA Agreement

- A memo has been submitted to the Selectman with supporting documentation on:
 - Roughgarden – MSE report on ReVision PPA Rev 1-2
 - Bernstein-Shur comments on the ReVision contract
 - ReVision/Samson email on the need to act promptly
- Maine Solar Engineering stated they believe that the contract provides the Town with substantial value but notes that they are aware of other contracts with lower kilowatt hour (kwh) rates, or with no escalation over 20 years.
- Bernstein-Shur identified concerns regarding clarity, enforceability and the parity between the parties in terms of contract rights and remedies.
- Although only a preliminary review, Bernstein-Shur identified a significant number of substantive legal issues that should receive additional evaluation.
- Due diligence and appropriate prudence require that the Town can best protect its interests, with a detailed, attorney-supported negotiation of the terms of a final contract before proceeding.
- Mr. Shattuck said this is not surprising, because this sort of negotiation was always likely to be needed, as it would be with any contract with this amount of money, length of commitment and potential liabilities involved.

Staff Updates on Planning Board – Summary of the Planning Board Ordinances – Andrew Deci, Assistant Planner, reviewed his April 8, 2020 memo to the Select Board. A Public Hearing is scheduled for May 5 to discuss four items which the Planning Board has worked on during a number of workshops in the past few months. The items that will come before the Town Meeting in June include:

Solar Energy Conversion Systems (Solar Farms) – Revisions are proposed to the Zoning Ordinance to define and regulate solar farms. The ordinance amendment defines principal use Solar Energy Conversion Systems, establishes performance standards for the use and identifies where stand-alone solar farms may be located. The ordinance, championed by the Topsham Solar Advocates, includes a habitat mitigation fee for commercial uses, based on the Natural Areas Plan.

Aquifer Protection Overlay District Revisions – Revisions are proposed to both the boundaries and performance standards of the Aquifer Protection Zone. The changes clarify the purpose of the district to protect public water sources and modernize the performance standards based on Best Management Practices. The regulated area is proposed to be reduced to the vicinity of the Brunswick Topsham Water District well on River Road. It was noted that the proposed changes have been vetted and are supported by the Brunswick Topsham Water District and the Maine Drinking Water Program.

Mobile Home Overlay – Zoning Map Amendment for Rural Residential and CC196 Districts Revisions are proposed to the zoning map in order to facilitate the expansion of the Mobile Home Overlay District. The proposal converts Business Park Zone (BP) land to Rural Residential (R-3), expands the Mobile Home Overlay Zone to encompass a portion of parcel R05-34 and converts BP Zone land to Commercial Corridor 196 (CC-196) designation. The changes are championed by Andy Maynard of Topsham Mobile Homes.

Road Acceptance Requests – Mr. Deci said that two development projects are seeking acceptance of streets as town ways, including Oak Hill Condominiums (Granite Hill Drive and Beryl Loop) and Mallet Woods Subdivision (Merrymen Way, Forest Glen Lane and Marilynne Way).

There were no questions or comments from the Board following Mr. Deci's presentation.

Staff Update on the Comprehensive Plan Implementation Committee - Rod Melanson, Town Planner, presented a status update on the Comprehensive Plan Implementation Committee. He said the three appointees (Susan Rae Reeves, Larry Fitch and Joe Feeley) met in March. The first order of business was to discuss ways to recruit members to fill the 9 member committee, each serving for a 3-year term. There will also be two alternate member positions available.

Mr. Melanson said the committee will hold monthly meetings which will be posted on the Town's website to serve as a communication tool for the public. Notice of the meetings will be forwarded to Town Departments, Boards and Committees. A permanent project file will be maintained which will include:

1. Meeting agenda and public notices;
2. Meeting minutes;
3. Reports to the Select Board as needed;
4. Project correspondence; and
5. Other materials as deemed necessary.

The meetings will be open to the public. Chairman Douglass noted that the interviews scheduled for March 19 did not happen due to the restrictions associated with Covid-19. He questioned if interviews could be conducted via Zoom media. This will be discussed further with the Town Manager.

PUBLIC COMMENT – *(Note was included on the meeting agenda that if you have any comments/questions on an agenda topic, email them to info@topshammaine.com by Tuesday, April 14. Include your full name and address in the email. Emails will be reviewed and addressed during the meeting which will be televised on Channel 3.)*

Chairman Douglass noted two email correspondence, one from **Peter LePari** and one from **Yvette Meunier** with questions on how the Zoom meetings will be conducted. A disadvantage was noted for those citizens who do not receive Channel 3 broadcasting.

Another email was noted from **Yvette Meunier** asking if Zoom meetings would also be available for Planning Board meetings. Response was that the Planning Board will use the same procedure with Zoom as this Board of Selectmen meeting.

The first caller of the evening was **Nick Whatley**, Whatley Farm Road – Mr. Whatley congratulated the Board on a well run Zoom meeting. In response to a question posed earlier in the meeting on whether the finish date of the Solar construction project was December 2020 or 2021. Mr. Whatley said the finish date is December 2020. He thanked the Board for moving forward with the project.

The second caller of the evening was **Yvette Meunier**, 35 Prospect Street – Ms. Meunier thanked the Board for their work on the publicly engaged process to put the meetings forth. She wished everyone to be safe and well.

Chairman Douglass reiterated the phone number to be able to call in and waited for 10 minutes. With no further callers, the next agenda item was addressed.

ADJUSTMENTS TO THE AGENDA – None noted.

CONSENT CALENDAR

1. Approval of the minutes of the Regular Selectmen meeting February 20, 2020.
2. Approval of the minutes of the Regular Selectmen meeting of March 5, 2020.
3. Approval of the minutes of the Special Selectmen meeting of March 16, 2020.
4. Approval of the minutes of the Regular Selectmen meeting of April 2, 3030.
5. *Approval to appoint election clerks for the period of May 1, 2020 through May 1, 2022.

Motion was made by Chairman Douglass, seconded by Selectman Nixon to approve #1, #2 and #5 of the Consent Calendar as written. The recording secretary polled each Board member, receiving a positive vote from each. Therefore the **Motion to approve #1, #2 and #5 as written was passed unanimously.**

*Chairman Douglass read the name of the Town of Topsham Election Clerks as follows:

Allen, Linda	Cruz-Miranda, Felix	Nixon, Matthew
Bachofen, Jonathan	Dolan, Susan	Page, Susan
Bavor, Elizabeth	Coucette, Deborah	Paisley, Al
Beauregard, Donna	Dumont, Maddy	Perkins, Roger
Beckwith, Claudia	Eaton, Gail	Pinette, Lena
Boie, Mary	Eaton, William	Pratt, Pam
Boundy, Victoria	Eustic, Ann	Rebber, Jennifer
Breton, Jeanette	Gore, Kim	Rensenbrink, Carla
Breton, Roland	Kincaid, Helen	Riddle, Helen
Bussell, Judith	Kincaid, Monida	Sorg, Susan
Cauoette, Ruth	Labbe, Paul	St. Louis, Linda
Cauoette, Roger	Lepari, Peter	Thorner, Susan
Corbin, Claire	Lyon, Katharine	Tracy, Cindy Lou
Crafts, Carmela	Lyons, Ruth	Weathers, Barbara
		Welch, Martha
		Whatley, Nancy

Motion was then made by Chairman Douglass, seconded by Selectman Lyons to approve the minutes of the Special Selectmen’s meeting of March 16, 2020 as written and to approve the

Minutes of the April 2, 2020 meeting with one correction: Under “Members Present” to remove the name of William Thompson and replace with the name of Matt Nixon. The recording secretary polled each Board member, receiving a positive vote from each. Therefore the **Motion was passed Unanimously.**

PUBLIC HEARING – None noted.

UNFINISHED BUSINESS – None noted.

OLD BUSINESS – None noted.

NEW BUSINESS

20-22 CONSIDERATION AND ANY APPROPRIATE ACTION REGARDING WHETHER THE TOWN SHALL SCHEDULE A PUBLIC HEARING ON SUBMITTING AN APPLICATION FOR A CDBG-EDP GRANT TO WICKED JOE, LLC, IN THE AMOUNT OF \$500,000

John Shattuck, Topsham Economic and Community Development Director reviewed history saying in 2014 the Town Meeting approved the application for the first CDBG-EDP Grant for Wicked Joe, LLC for \$270,000 resulting in the creation of 9 new FTE jobs. The Town, on behalf of Wicked Joe, LLC, has been invited to submit a second application for a CDBG-DEP grant, this time in the amount of \$500,000, requiring the creation of 17 new FTE jobs.

Mr. Shattuck reviewed the steps the Town needs to take in the process, the same procedure the Town followed with the 2014 grant. Copy of the Memorandum of Understanding Between the Town of Topsham and Wicked Joe, LLC was included in the Board package for review. The contract has been reviewed by Town Attorney Mary Costigan from Burnstein-Shur. Mr. Shattuck said, as the money is going to Wicked Joe, should there be any problem in satisfying the grant, the State would look to the Town to pay back the money. It is standard in these situation to have a Claw Back or Indemnification Agreement. Ms. Costigan made small changes to the document to make it more clear and she is comfortable that it protects the Town’s interest. Mr. Shattuck said Wicked Joe, LLC has been an excellent addition to the Topsham business community, has consistently provided a growing number of jobs, restored historic buildings at the former Annex, has been active and supportive in community activities. He recommended that the Town support the application.

Following Mr. Shattuck’s presentation, the Board entered into a discussion. Chairman Douglass asked if there was a particular public hearing that needed to be held prior to the regular public hearing. Mr. Shattuck responded there was not, just the normal public hearing. He added that the EPA does have to hold its own public hearing, the same as was held 5 years ago solely on the CDBG application.

Selectman Lyons asked, in protecting the Town’s interest, in case they defaulted on the grant, are we able to put a lien on the property or take some type of lien and file it at the Registry of Deeds until the contract is satisfied? Mr. Shattuck said that is not called for, but they probably would support a lien if the Board felt it necessary. Selectman Lyons said she personally thinks that is standard procedure for any business involving a half a million dollars. She said she is delighted they are expanding and have purchased the whole triangle, and supports them. She said Wicked

Joe is a great asset to Topsham, but the lien would be for security to protect the Town. Selectmen Tufts responded that he personally favors the grant without the security. They have been a good business partner. They have demonstrated that they are very successful in running this business and that their growth strategy will give them the capital necessary and would honor this without the need of security. Selectman Lyons added that she agreed they have been great and will continue to be great but if something happens the Board has a duty to protect the Town and not lose the \$500,000. Mr. Tufts said he stays with this last statement to move forward without the extra security.

Chairman Douglass asked Mr. Shattuck if we can do the initial Public Hearing prior to the night we are doing the Town Meeting Public Hearing. Mr. Shattuck said we do have enough time to publish the notice by the 28th of this month.

Motion was made by Chairman Douglass, seconded by Selectman Tufts, that we set the Public Hearing on submitting an application for a CDBG-EDP Grant for Wicked Joe, LLC in the amount of \$500,000. The recording secretary called the vote and received a **unanimous response in favor, passing the motion.**

20-23 CONSIDERATION AND ANY APPROPRIATE ACTION ON APPROVING THE DRAFT ORDINANCE ON COST RECOVERY FOR FIRE-BASED EMERGENCY RESPONSE SERVICES FOR PLACEMENT ON THE JUNE 17, 2020 TOWN MEETING WARRANT

Fire Chief Chris McLaughlin presented a draft ordinance for Cost Recovery for Fire-Based Emergency Response Services. The ordinance will go before a public hearing and then on to Town Meeting in June. Chairman Douglass asked if the State decides to outlaw this type of action, is there any way we can cover this. Chief McLaughlin responded that he added in Section 9 that “If any section or provision of this Ordinance is declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.” Selectman Nixon said he thinks the proposed ordinance looks fine as it is.

Motion was made by Chairman Douglass to move the proposed ordinance on Cost Recovery For Fire-Based Emergency Response Services for placement on the June 17, 2020 Town Meeting Warrant. Seconded by Selectman Lyons. The recording secretary called the vote and received a **unanimous response in favor, passing the motion.**

EXECUTIVE SESSION – None noted.

ADJOURN

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

VOTED

To adjourn the meeting at 7:35 p.m.

Respectfully submitted,

Patty Williams, Recording Secretary

Board of Selectmen Meeting

For the date of: 05/07/2020

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: 20-24

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

Brief Title of consent or Agenda Item: Consideration and any appropriate action regarding whether the Town shall approve an application for a CDBG-EDP grant to Wicked Joe, LLC, in the amount of \$500,000 for placement on the Town Meeting Warrant.

Brief Description of Consent or Agenda Item:

Submitted by: John Shattuck, ECD Director

Date: 04-21-2020

MEMORANDUM

Date: 2020-04-27

For: 2020-05-07 Selectmen's meeting

From John Shattuck

To: Derek Scrapchansky & Board of Selectmen

Re: Public hearing on CDBG-EDP grant - Wicked Joe, LLC
Community Development Block Grant – Economic Development Program (CDBG-EDP)

Attached documents

- 2020-04-08 TOT-WJ Indemnification MOU - DRAFT REV Costigan
- 2020-04-08 TM warrant article - WJ CBDG-EDP - DRAFT

Background

- In 2014, the Town Meeting approved the application for the first CDBG-EDP grant for Wicked Joe, LLC in the amount of \$270,000, requiring the creation of 9 new FTE jobs.
- At the April 16th Selectmen's meeting (virtual), the Selectmen voted to schedule the required public hearing on the grant application at BOS meeting on May 7th.
- On April 24th, the required legal notice of public hearing in was published in the Times Record

Remaining CDBG process -

- 05-07 Conduct public hearing on grant application – at BOS meeting
 - Approve inclusion of grant application article on TM warrant – at BOS mtg
- 05-21 Conduct public hearing on TM warrant, including CDBG article – at BOS mtg
 - Adopt final Town meeting Warrant – at BOS mtg

Memorandum

The Town, on behalf of Wicked Joe, LLC has been invited to submit a second application for a CDBG-EDP grant to Wicked Joe, LLC, this time in the amount of in the amount of \$500,000, requiring the creation of 17 new FTE jobs.

This is the same procedure that the Town followed in 2014 when the Town Meeting approved the first \$270K CDBG-EDP grant for Wicked Joe, LLC

Wicked Joe, LLC has been an excellent addition to the Topsham business community, that has consistently provided a growing number of jobs, restored historic buildings at the former Annex, and been very active and supportive participant in community activities.

I recommend that the Selectmen support this application throughout the CDBG and Warrant formation process.

Article __ Shall the Town of Topsham vote to authorize the municipal officers to submit a Community Development Block Grant application, **in support of Wicked Joe, LLC**, for the following program and dollar amount:

Program: Economic Development Program

Amount: \$500,000

and to submit same to the Department of Economic and Community Development, and if said program is approved, to authorize the municipal officers to accept said grant funds, to make such assurances, assume such responsibilities, and exercise such authority as are necessary and reasonable to implement such programs.

Furthermore, the Town of Topsham is cognizant of the requirement that should the intended National Objective of the CDBG program not be met, all CDBG funds must be repaid to the State of Maine CDBG program.

Board of selectmen Recommendation:

Ought to Pass

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE TOWN OF TOPSHAM & WICKED JOE, LLC**

THIS AGREEMENT made this _____ day of _____, 2020 is by and between the Town of Topsham (the “Town”) and Wicked Joe, LLC (the “Company”).

WHEREAS, the United States government through the Housing and Community Development Act of 1974, as amended, has established a program of Community Development Block Grants and has allowed the State of Maine to administer such Federal funds for its non-entitlement areas, subject to certain conditions, and

WHEREAS, the State of Maine has elected to administer such Federal funds through the Department of Economic and Community Development’s Office of Community Development, and

WHEREAS, the Department of Economic and Community Development has established a set-aside of funds titled the Community Development Block Grants (“CDBG”) Economic Development Program, and

WHEREAS, the Town has been awarded a \$500,000 CDGB grant (the “Grant”) that will be passed through to the Company primarily for purchase of materials, equipment and working capital in connection with building renovations for an existing facility, which will enable new job creation in the building owned by the Company; and

WHEREAS, because the Town is the initial grant recipient, it is responsible for compliance with federal and state CDBG requirements regarding financial and programmatic activities and resulting creation of new jobs; and

WHEREAS, the Company has agreed to share responsibility for compliance with the conditions of the CDBG Grant;

NOW, THEREFORE, in consideration of the mutual undertakings set forth herein, the Town of Topsham and Wicked Joe, LLC hereby agree as follows:

1. The Town and the Company shall be responsible for completion and submission of documentation required by the CBDG Phase II process for the Grant with assistance from the Midcoast Economic Development District (hereinafter “MECDD”).
2. The Town shall be responsible, with assistance from MCEDD, for the financial administration and compliance for the 2020 Grant and shall establish such financial accounts and procedures as required and necessary to request, receive, and disburse the CDBG funds under the contract with DECD. The Company shall furnish project invoices and financial documentation of the private matching funds as required by the Town.
3. The Company shall provide the Town with documentation that the creation of seventeen (17) new full-time (or full-time equivalent) jobs, at least 51 percent (9/nine) of which shall be filled by people of low to moderate income, has occurred.
4. The Town and the Company shall both be available as needed at site visits and compliance monitoring visits conducted by DECD as well as to respond to issues raised by DECD until final close-out of the 2020 Grant.

5. The Town and the Company shall establish and maintain regular communications among themselves and with MCEDD regarding progress on their respective responsibilities in connection with the Grant and pursuant to this Memorandum of Understanding.
6. The Company shall provide written evidence of fire, hazard, and extended coverage insurance on the Company's real property and associated personal property in an amount no less than the Grant funds. The Company shall also maintain adequate liability insurance and worker's compensation insurance. All insurance coverage shall be in effect while any part of the 2020 Grant contract remains outstanding.
7. Upon a demonstration of compliance by the Company, the Town shall provide written documentation that the premises of the Company have been inspected and a certificate of occupancy issued by the local building inspector. The Company must obtain and maintain all applicable permits, licenses and authorizations to operate the project and conduct business.
8. The Company commits to the creation of seventeen (17) new full-time (or full-time equivalent) jobs, at least 51 percent (9/nine) of which shall be filled by people of low to moderate income, in their facilities as a result of the purchase of materials, equipment and working capital in connection with building renovations for an existing facility with funds received through the Grant. If for any reason the job creation goal is not met, the Company agrees to indemnify, fully reimburse, and save harmless the Town from any loss incurred by the Town due to the Company's failure to meet job creation requirements specified in the Grant. In the event that a repayment demand is placed upon the Town by the State of Maine, the Town will notify the Company of the repayment demand and within 30 days from such notification, the Company will pay the Town the full amount of the repayment demand placed upon the Town by the State of Maine, as well as any and all associated costs incurred by the Town arising from the repayment demand, including reasonable attorney's fees. In the event that the Company fails to reimburse the Town the full amount of such repayment demand and associated costs as provided herein, the Company agrees that the Town may place a lien on the Company property in the Town in the full amount of such repayment demand and associated costs.

IN WITNESS WHEREOF, this Agreement has been duly executed by the Town and Company as of _____, 2020.

TOWN OF TOPSHAM

By: _____

Derek Scrapchansky
Its Town Manager

WICKED JOE, LLC

By: _____

Robert Garver
Its Owner

Witness

Witness

Board of Selectmen Meeting

For the date of: 05/07/2020

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: 20-25

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

Brief Title of consent or Agenda Item: Consideration and any appropriate action on an application for a Special Amusement permit for Duck Pub.

Brief Description of Consent or Agenda Item: This is a renewal application

Submitted by: Tyler Washburn, Interim Town Clerk

Date: 03-11-2020



TOWN OF TOPSHAM

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

APPLICATION FOR LICENSE OR PERMIT

Please complete:

Type of Business:

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

Type of License Special Amusement

New License: Opening Date _____ Renewal

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

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

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

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

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

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

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

Corporations Please Complete:

Address of Incorporation: 18 Pleasant St Brunswick, ME Phone#: (207) 939-8626

Name of Corp. Officer, Owner, or Partners:	Title	Address	% of Stock ownership
<u>Kevin McLaughlin</u>	<u>President</u>	<u>Atlanta, GA</u>	<u>100%</u>
<u>Sean McLaughlin</u>	<u>VP</u>	<u>Woolwich, ME</u>	<u>0%</u>

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

Type of License: Special Amus Permit Fee \$ _____ Paid Advertising Fee \$ _____ Paid

For Peddler-Police Chief sign off required: _____

Required Approvals for Special Amusement and new Liquor license: BOS _____ Fire Police

Public Hearing Posted Public Notice Dates Copy of current State liquor license _____
Temp. extension

Town Clerk Signature [Signature]

Complete back

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

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

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

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

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

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

- FSE with- out Liquor **\$50** Copy of State Certificate required
- FSE with Liquor (Title 28-A§652) **\$100** Copy of State Certificate required (requires Public Hearing on new applications)

- FSE Outside Liquor Service Extension of Premise
(deck, lawn) Municipal approval required - submitted in writing to Bureau of Liquor Enforcement

Describe food to be sold _____

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

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

Description of nature of business and goods to be sold _____

Name and address of employer and evidence of employment _____

Vehicle Description: Make _____ Model _____ Year _____ Color _____ License plate # _____

Photo of applicant taken with- in 60 days of application

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

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

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

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

Number of Taxicabs for which license is desired _____

- Taxicab Driver \$25 annually**

SUPPLEMENTAL APPLICATION IS REQUIRED

***Supplemental page for Special Amusement Permit**

Describe in detail the type and nature of entertainment:

Indoor/Outdoor Live music and entertainment, craft beer
parties, group functions, seasonal events, Karaoke, open mic
nights, Private Golf Outings

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

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

DIAGRAM

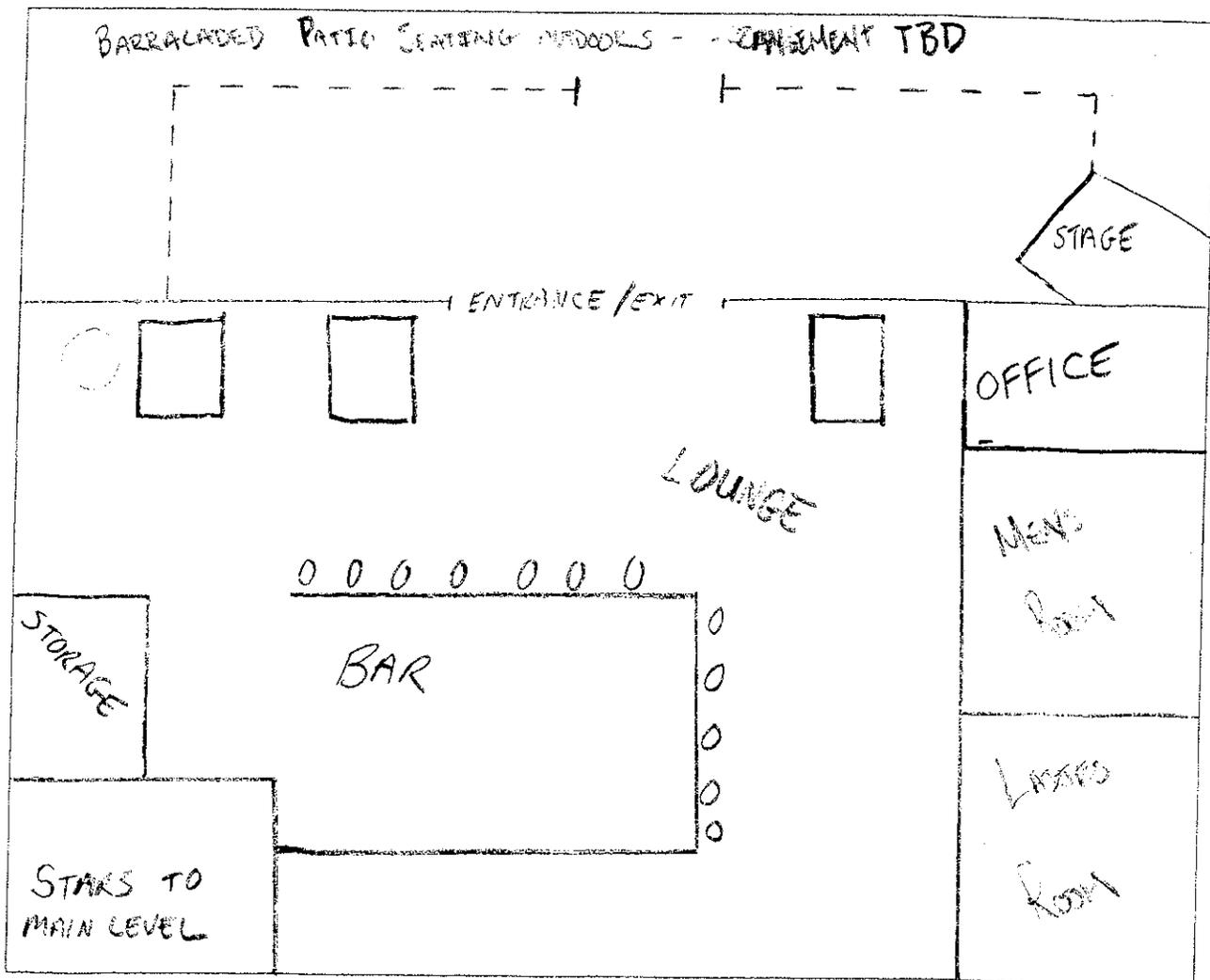
Bureau of Alcoholic Beverages and Lottery Operations
 Division of Liquor Licensing & Enforcement
 8 State House Station, Augusta, ME 04333-0008
 10 Water Street, Hallowell, ME 04347
 Tel: (207) 624-7220 Fax: (207) 287-3434
 Email Inquiries: MaineLiquor@maine.gov

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

ON PREMISE DIAGRAM

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

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



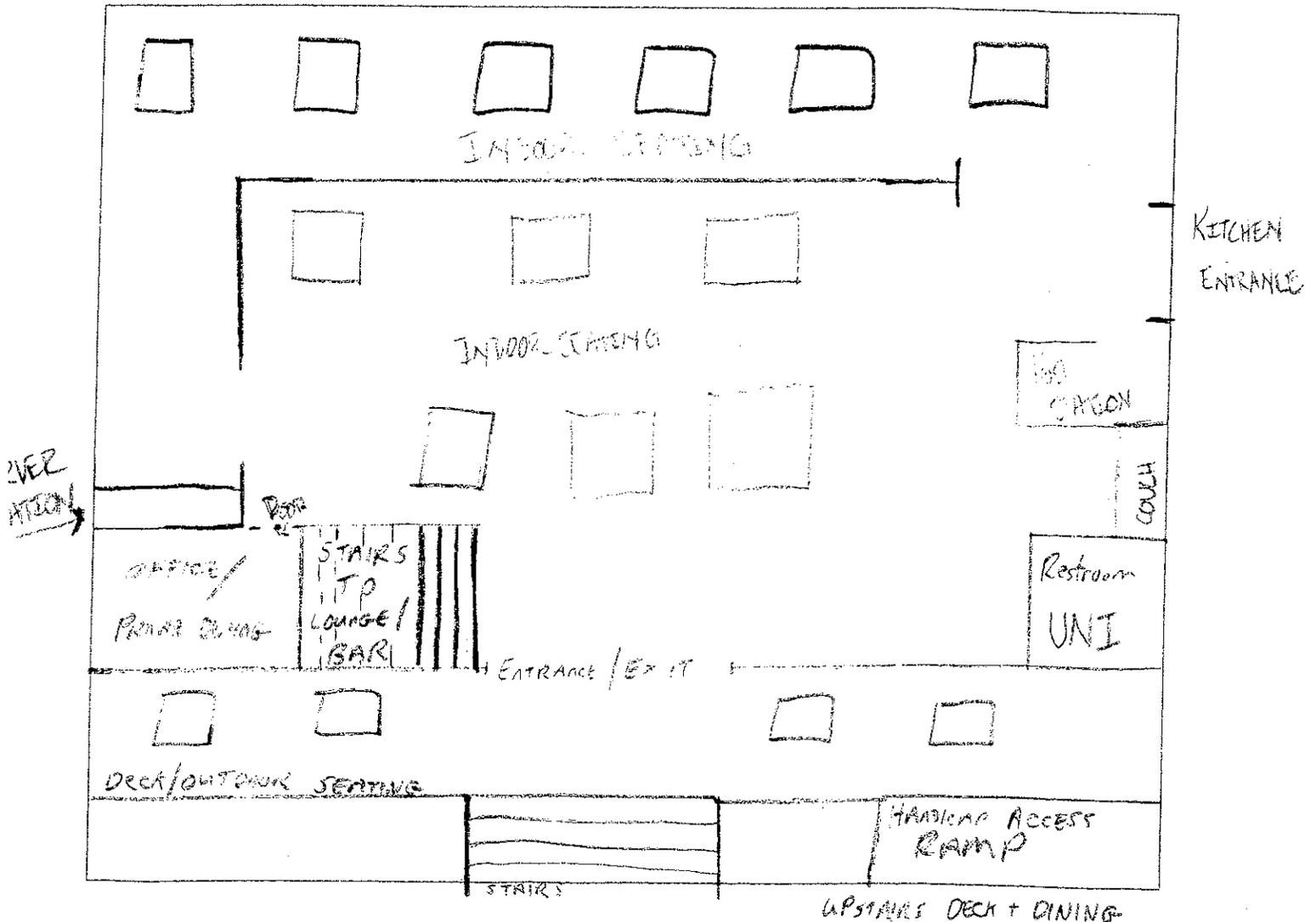
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DIVISION USE ONLY	
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BY:	

ON PREMISE DIAGRAM

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Topsham Board of Selectmen

Signatures:

Date: _____

Linda Dumont

From: Chris Lewis
Sent: Friday, March 6, 2020 11:16 AM
To: Linda Dumont
Subject: RE: liquor license

There are no concerns with the liquor license being issued from the Police Department.

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

From: Linda Dumont
Sent: Friday, March 06, 2020 10:58 AM
To: Chris Lewis <clewis@topshammaine.com>; Chris McLaughlin <cmclaughlin@topshammaine.com>; Mike Labbe <miabbe@topshammaine.com>
Subject: liquor license

Hi All,
The Duck Pub located at 114 Village Dr. Highland Green has submitted their application for a liquor license renewal and a special amusement permit. Is it possible to inspect ASAP as they have received a 10 day extension from the division of liquor licensing for their expired liquor license. As far as the SA I will put them on the agenda for the April 2 BoS meeting ? Thanks, Linda

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

Tyler Washburn

From: Chris McLaughlin
Sent: Friday, March 13, 2020 11:46 AM
To: Tyler Washburn
Subject: Duck Pub

Tyler,

The duck pub has made all of the requested changes to meet code. I am okay with renewing their liquor license at this time.

Chris

Chris McLaughlin
Fire Chief
100 Main St.
Topsham, ME 04086
207-725-7581



The Times Record

Local. Legitimate. Journalism.

Midcoast Maine's Only Daily Newspaper

Classified Advertising Proof

Linda Dumont
Town of Topsham
ATTN: FINANCE MANAGER
100 MAIN STREET
TOPSHAM
ME
04086
(207) 725-1724
dfischer@topshammaine.com

Thank you for placing your advertisement with us.

Your order information and a preview of your advertisement are attached below for your review. If there are changes or questions, please contact the classified department at (207) 729-3311

Thank you

(207) 729-3311

sodell@timesrecord.com

Monday – Friday 8:00 am – 4:30pm

Order Number	0181227	Order Price	\$45.94
Sales Rep.	Sara Odell	PO No.	Tyler Washborn
Account	ATR359	Payment Type	Invoice
Publication	The Times Record	Number of dates	1
First Run Date	05/04/2020	Last Run Date	05/04/2020

Public Notice

NOTICE PUBLIC HEARING TOWN OF TOPSHAM

NOTICE IS HEREBY GIVEN that the Board of Selectmen of the Town of Topsham shall hold a virtual public hearing on May 7, 2020 at 6:30 P.M. to consider an application for a Special Amusement permit for The Duck Pub located at 114 Village Drive. Any and all person(s) may appear to show cause why said application should or should not be approved.



STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

TELEPHONE: (207) 624-7220

FAX: (207) 287-3434

EMAIL INQUIRIES: maineliqor@maine.gov

Thank you for your interested in becoming a licensed establishment to sell and serve alcoholic beverages in Maine. To avoid any delay in the processing of your application and the subsequent issuance of your liquor license, please use the following checklist to assist you in completing the application. If you are renewing your license, this checklist is useful as well.

- Your application has been completed in its entirety and is legible. For a renewal, please submit your application 30 days prior to the expiration date of your liquor license.
- Your application is signed and dated by a duly authorized person.
- The application is signed and approved by the Town or City Municipal Officers or County Commissioners.
- The license fee submitted is for the correct fee for the license class for which you are applying and includes the \$10.00 filing fee.
 - The check must be made payable to "Treasurer, State of Maine"; both the license and filing fees can be submitted on one check.
 - If the licensee/applicant(s) is in an unorganized township, the application must be approved by the County Commissioners and the \$10.00 filing fee must be paid to them. Please be sure to include a copy of the receipt of payment with your application.
- For a renewal, the dollar amount of your gross income for food, liquor and guest rooms, if applicable must be completed – see Section I.1
- A diagram of the facility to be licensed must accompany all applications whether for a new license or the renewal of an existing license
- If you are a registered business entity with the Maine Secretary of State's office like a corporation or a limited liability company, you must complete Section VII of the application. This does not need to be completed if you are a sole proprietor.
- Have you applied for other required licensing from other state and federal agencies? See attached list.

Important – all applications whether for a new license or to renew an existing license for an on-premises liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places to have their application approved and signed prior to submitting it to the Bureau for further consideration.

The address to send your completed application to:

1. Mailing address:

Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing and Enforcement
8 State House Station
Augusta, ME 04333-0008

2. Courier overnight address:

Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing and Enforcement
10 Water Street
Hallowell, ME 04347

The following licenses/permits may be required prior to be licensing as an on-premises licensee with the Bureau

Obtained ✓	License/Permit	State/Federal Agency to Contact	Telephone Number	Physical Location
	Seller Certificate or Sales Tax Number	Maine Revenue Services www.maine.gov/revenue	(207) 624-9693	51 Commerce Dr. Augusta
	Health License	Health and Human Services www.maine.gov/dhhs	(207) 287-5671	286 Water St. 3 rd floor. Augusta
	Victualer's License	Municipality where premise is located.	Contact your town office or county office	Contact your town office or county office
	Shellfish License	Marine Recourses www.maine.gov/dmr	(207) 624-6550	<ul style="list-style-type: none"> • 32 Blossom Lane, Augusta • 194 McKown Point Rd, West Boothbay Harbor • Lamoine State Park, Lamoine • 650 State St, Bangor • 317 Whitneyville Rd. Jonesboro
	Dance or Entertainment License	Fire Marshall's Office www.maine.gov/dps/fmo	(207) 626-3882	45 Commerce Drive, Suite 1, Augusta
	Federal I.D. Number	www.irs.gov	(800) 829-4933	
	Legal business names for corporations and limited liability companies and "Doing Business As" Names (assumed names)	Secretary of State, Bureau of Corporations, Elections and Commissions www.maine.gov/sos/cec	(207) 624-7752	111 Sewall St. 3 rd Fl. Augusta
	Retail Beverage Alcohol Dealers Permit	Alcohol and Tobacco Tax and Trade Bureau (TTB) https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers	(877) 882-3277	



STATE OF MAINE
 DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
 BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
 DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

Application for an On-Premises License

All Questions Must Be Answered Completely. Please print legibly.

Division Use Only	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Payment Type:	
OK with SOB: Yes <input type="checkbox"/> No <input type="checkbox"/>	

**Section I: Licensee/Applicant(s) Information;
 Type of License and Status**

Legal Business Entity Applicant Name (corporation, LLC): Sandbaggers Golf LLC	Business Name (D/B/A): The Duck Pub
Individual or Sole Proprietor Applicant Name(s):	Physical Location: 114 Village Dr. Topsham, ME 04086
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different:
Mailing address, if different from DBA address:	Email Address: info@resurrectiongolf.com
Telephone # Fax #: 207-939-8626	Business Telephone # Fax #: 207-405-2000
Federal Tax Identification Number: 82-1174335	Maine Seller Certificate # or Sales Tax #: 1184927
Retail Beverage Alcohol Dealers Permit:	Website address: www.theduckpub.com

1. New license or renewal of existing license? New Renewal

If a renewal, please provide the following information:

Your current license expiration date: 03/05/2020

The dollar amount of gross income for the licensure period that will end on the expiration date above:

Food: \$ 126,475.00 Beer, Wine or Spirits: \$ 59,998.00 Guest Rooms: \$ 0.00

2. Please indicate the type of alcoholic beverage to be sold: (check all that apply)

Malt Liquor (beer) Wine Spirits

3. Indicate the type of license applying for: (choose only one)

- Restaurant (Class I, II, III, IV)
 Class A Restaurant Lounge (Class X1)
 Class A Lounge (Class X)
 Hotel (Class I, II, III, IV)
 Hotel – Food Optional (Class I-A)
 Bed & Breakfast (Class V)
 Golf Course with auxiliary and mobile cart options (Class I, II, III, IV)
 Tavern (Class IV)
 Qualified Caterer
 Self-Sponsored Events (Qualified Caterers Only)
 Other: _____

Refer to Section V for the License Fee Schedule

4. If application is for a new license or the business is under new ownership, indicate starting date:

5. Business records are located at the following address:

114 Village Dr. Topsham, ME 04086

6. Is licensee/applicant(s) a business entity like a corporation or limited liability company?

Yes No If Yes, complete Section VII at the end of this application

7. Do you own or have any interest in any another Maine Liquor License? Yes No

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

Name of Business	License Number	Complete Physical Address:
Preservation Bath LLC	3396	387 Whiskeag Rd. Bath, ME 04530

8. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

Full Name	DOB	Place of Birth
Sean McCarthy	04/17/1990	Portland, ME

Residence address on all the above for previous 5 years

Name Address:
Sean McCarthy - 39 High St. Bangor, ME; 435 River Rd. Woolwich, ME; 10 Cresfield Ter. Portland, ME

Name Address:

Name Address:

Name Address:

9. Is the licensee/applicant(s) citizens of the United States? Yes No

10. Is the licensee/applicant(s) a resident of the State of Maine? Yes No

11. For a licensee/applicant who is a business entity as noted in Section 1, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?

Yes No

Not applicable -- licensee/applicant(s) is a sole proprietor

12. Is the licensee/applicant(s) directly or indirectly giving aid or assistance in the form of money, property, credit, or financial assistance of any sort, to any person or business entity holding a liquor license granted by the State of Maine? Yes No

13. Will any law enforcement officer directly benefit financially from this license, if issued?

Yes No

If Yes, provide name of law enforcement officer and department where employed:

14. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States? Yes No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____
Offense: _____ Location: _____
Disposition: _____

15. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States? Yes No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: Sean McCarthy Date of Conviction: 05/01/2014
Offense: OUI Location: Cumberland, ME
Disposition: Convicted

16. Has the licensee/applicant(s) formerly held a Maine liquor license? Yes No

17. Does the licensee/applicant(s) own the premises? Yes No

If No, please provide the name and address of the owner:

Seacoast Management, 114 Village Dr. Topsham, ME 04085

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: _____

19. Please describe in detail the area(s) within the premises to be licensed. This description is in addition to the diagram in Section VI. (Use additional pages as needed)

Upstairs dining room, downstairs bar, outside patio area

20. What is the distance from the premises to the nearest school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel?

Name: Mt. Ararat High School

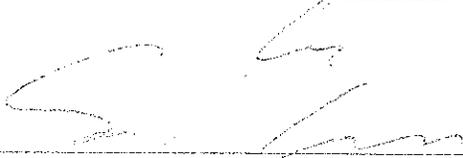
Distance: 2

Section II: Signature; Fee; Delivery of application

By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: 6-5-2020



Signature of Duly Authorized Person*

Signature of Duly Authorized Person*

Sean P. McLerran

Printed Name Duly Authorized Person

Printed Name of Duly Authorized Person

*The person signing this application must appear in Section VII on this application.

Section III: For use by Municipal Officers and County Commissioners only
Approval of an application for an on-premises liquor license

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application on this date: 3/13/2020

Check only one: City Town Unorganized Territory

Name of City/Town/Unorganized Territory: Town of Topsham

Who is approving this application? Municipal Officers
 County Commissioners of _____ County

Please Note: The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of establishment to be licensed by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title
	Tyler Washburn, Interim Town Clerk

This Approval Expires in 60 Days

Included below is the section of Maine's liquor laws regarding the approval process by the municipalities or the county commissioners. This is provided as a courtesy only and may not reflect the law in effect at the time of application. Please see <http://www.mainelegislature.org/legis/statutes/28-A/title28-Asec653.html>

§653. Hearings; bureau review; appeal

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

A. The bureau shall prepare and supply application forms.

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

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

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

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

A. Conviction of the applicant of any Class A, Class B or Class C crime;

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control;

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

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;

D-1. Failure to obtain, or comply with, the provisions of a permit for music, dancing or entertainment required by a municipality or, in the case of an unincorporated place, the county commissioners;

E. A violation of any provision of this Title;

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

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

A. Repealed

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause.

4. Repealed

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

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

Section IV: Terms and Conditions of Licensure as an Establishment that sells liquor for on-premises consumption in Maine

- The licensee/applicant(s) agrees to be bound by and comply with the laws, rules and instructions promulgated by the Bureau.
- The licensee/applicant(s) agrees to maintain accurate records related to an on-premise license as required by the law, rules and instructions promulgated or issued by the Bureau if a license is issued as a result of this application.
 - The licensee/applicant(s) authorizes the Bureau to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also any books, records and returns during the year in which any liquor license is in effect.
- Any change in the licensee's/applicant's licensed premises as defined in this application must be approved by the Bureau in advance.
- All new applicants must apply to the Alcohol and Tobacco Tax and Trade Bureau (TTB), for its Retail Beverage Alcohol Dealers permit. See the TTB's website at <http://www.ttb.gov/nrc-retail-beverage-alcohol-dealers> for more information.

Section V: Fee Schedule

Filing fee required. In addition to the license fees listed below, a filing fee of \$10.00 must be included with all applications.

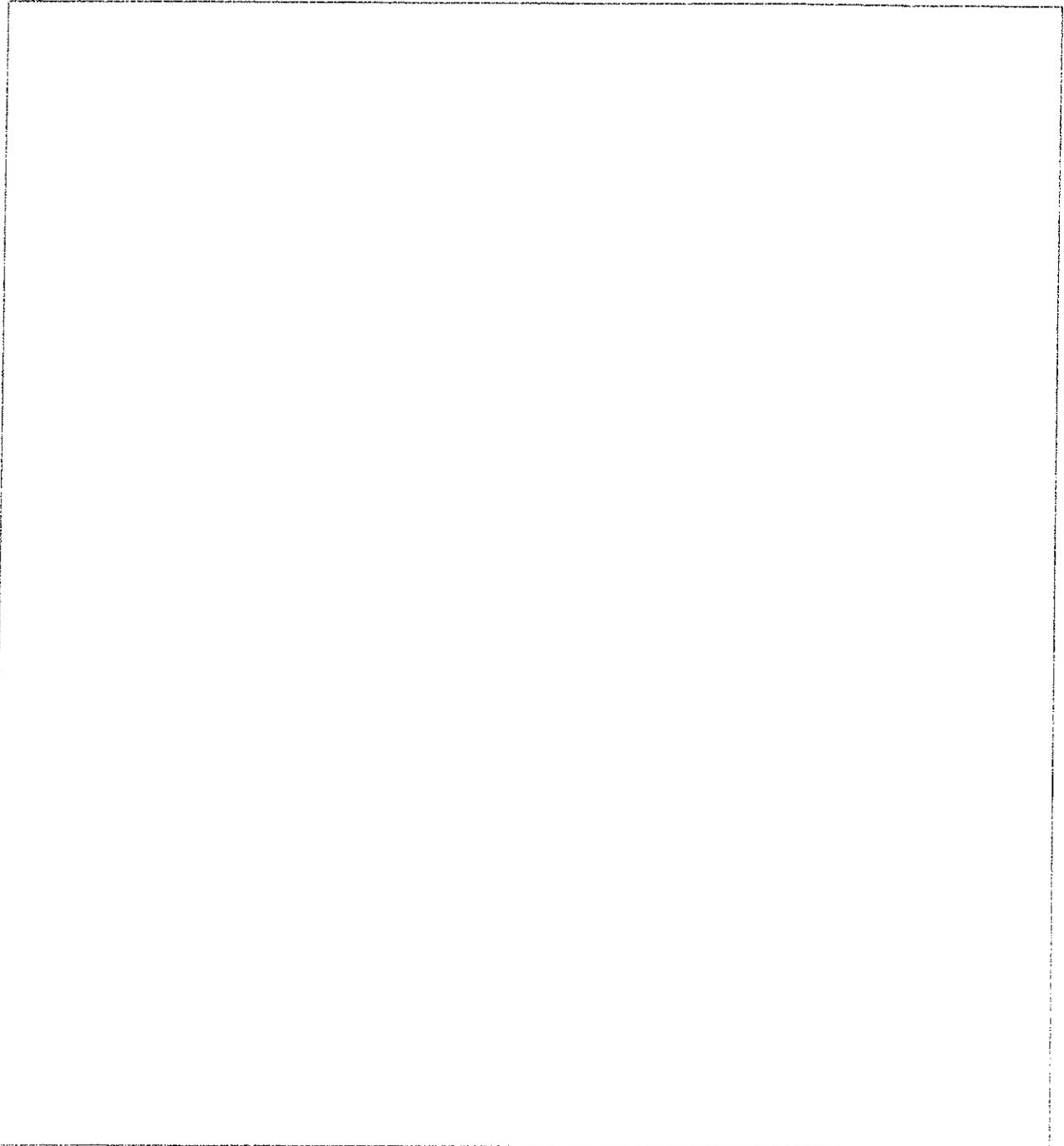
Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together with the application.

<u>Class of License</u>	<u>Type of liquor/Establishments included</u>	<u>Fee</u>
Class I	For the sale of liquor (malt liquor, wine and spirits) This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers	\$ 900.00
Class I-A	For the sale of liquor (malt liquor, wine and spirits) This class includes only hotels that do not serve three meals a day.	\$1,100.00
Class II	For the Sale of Spirits Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; and Vessels.	\$ 550.00
Class III	For the Sale of Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class IV	For the Sale of Malt Liquor Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class III and IV	For the Sale of Malt Liquor and Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 440.00
Class V	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Club without catering privileges.	\$ 495.00
Class X	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Class A Lounge	\$2,200.00
Class M	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Restaurant Lounge	\$1,500.00
Self-Sponsored Events	This class is for Qualified Caterers Only	\$ 700.00

Section VI Premises Floor Plan

In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside area/decks or any other areas on the premise that you are requesting approval. Attached an additional page as needed to fully describe the premise.



Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: Sandbaggers Golf LLC
2. Doing Business As, if any: The Duck Pub, Highland Green Golf Course
3. Date of filing with Secretary of State: 05/01/2017 State in which you are formed: ME
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Resurrection Golf, LLC	114 Village Dr. Topsham, ME		Pass through	100.0000
Owners of Resurrection Golf:				
Kevin McCarthy	1551 Dunwoody Village Parkway	05.06.1955	President	62.0000
Sean McCarthy	10 Cresfield Ter. Portland, ME	04.17.1990	VP	33.0000
Ryan Atwood	46 Ward Road	10.05.1982	Owner	5.0000

(Ownership in non-publicly traded companies must add up to 100%)

Board of Selectmen Meeting

For the date of: 05/07/2020

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: 20-26

(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 cancel Town Meeting date of June 17, 2020 to a date to be determined. This is based on Governor Mills plan to restart the economy which limits gatherings to less than 50 people during the month of June.

Brief Description of Consent or Agenda Item:

Submitted by: Derek Scrapchansky, Town Manager

Date: 04-27-2020

Board of Selectmen Meeting

For the date of: 05/07/2020

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: 20-27

(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 discuss waving the Property Tax interest penalty until June 30, 2020 for April 2020 taxes and approval for placement on the Town Meeting Warrant.

Brief Description of Consent or Agenda Item:

Submitted by: Derek Scrapchansky, Town Manager

Date: 04-27-2020

Board of Selectmen Meeting

For the date of: 05/07/2020

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: 20-28

(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 to discuss adding an Article to the Town Meeting Warrant that allows the Board of Selectmen to waive interest penalty on Property Taxes during a declared State of Emergency by the town and approval for placement on the Town Meeting Warrant.

Brief Description of Consent or Agenda Item:

Submitted by: Derek Scrapchansky, Town Manager

Date: 04-27-2020

Board of Selectmen Meeting

For the date of: 05/07/2020

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: 20-29

(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 approving the Ordinance changes Chapter 161. Parks and Recreation 161-4 Rules and Regulation for placement on the Town Meeting Warrant.

Brief Description of Consent or Agenda Item:

19. Open water fishing and Ice Fishing from the banks of Ponds at Solid Waste Facility is allowed with proper Maine License and adherent to Maine State Law. Observance of the Ponds use times must be observed. ~~No ice skating,~~
~~commercial bait fishing is allowed.~~ (Items to delete have been struck out, items to add are underlined and italicized)

Submitted by: Pam LeDuc, Parks/Recreation Director

Date: 04-24-2020

APRIL 23, 2020

TO: DEREK SCRAPCHANSKY, TOWN MANAGER

FROM: PAM LEDUC, PARKS AND RECREATION DIRECTOR
ED CARON, SOLID WASTE FACILITY DIRECTOR

SUBJECT: PUBLIC HEARING ON AN ORDINANCE CHANGE AT JUNE TOWN MEETING

The Topsham Parks and Recreation Department in cooperation with the Solid Waste Facility is requesting the following Ordinance changes be adopted. By making the changes we will enable the ponds to be available to free supply from Maine State Hatcheries through the Inland Fish and Wildlife Department.

Shall the Town accept the following changes to the Town of Topsham Ordinance –

Chapter 161. Parks and Recreation

161-4 Rules and Regulations

19. Open water fishing and Ice Fishing ~~from the banks of Ponds at Solid Waste Facility~~ is allowed with proper Maine License and adherent to Maine State Law. Observance of the Ponds use times must be observed. ~~No ice skating, commercial bait fishing or ice fishing is allowed~~

Items to delete have been struck out, items to add are underlined and italicized.

