

**7:00PM Board of Selectmen Meeting
Topsham Municipal Building
Donald A. Russell Meeting Room
September 6, 2018**

Pledge of Allegiance –

Roll Call of Board Members –

Town Manager's Report –

Board and Committee Reports and Updates-

Public Comment –

Correspondence –

Adjustments to the Agenda –

Consent Calendar –

1. Approval of the minutes of the Regular Selectmen meeting August 16, 2018.

Public Hearing –

18-70- Consideration and any appropriate action on the non-binding questions for the November ballot.

Unfinished Business –

18-63- Consideration and any appropriate action on approving the submitted bid for the Fire Department tanker repair.

Old Business –

New Business –

18-71- Consideration and any appropriate action on a request to develop a mountain bike trail system at the Topsham Transfer Station.

18-72- Consideration and any appropriate action on approval to enter into a mutual aid agreement with Northeast Mobile Health Services.

18-73- Consideration and any appropriate action for selection of consultant for the Topsham Historic District Interpretive Signage Project.

18-74- Consideration and any appropriate action on awarding of Police cruisers bid.

18-75- Consideration and any appropriate action on recommendation to Planning Board regarding data requested related to Crooker re-zoning request.

18-76- Consideration and any appropriate action on advising staff on developing a property maintenance code.

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: 09/06/2018

Type of Item:

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

Type of Submission:

- Regular Submission
- Additional Agenda Item
- Additional Information

Agenda Number 1

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

Brief Title of consent or Agenda Item: Approval of the minutes of the regular Selectmen meeting 08-16-2018.

Brief Description of Consent or Agenda Item: see attached

Submitted by Rich Roedner, Town Manager **Date:** 08-15-2018

MINUTES
TOWN OF TOPSHAM
BOARD OF SELECTMEN MEETING
AUGUST 16, 2018 - 7:00 p.m.

MEMBERS PRESENT: David Douglass
Ruth Lyons
William Thompson
Roland Tufts

MEMBER(S) ABSENT: Marie Brilliant

STAFF PRESENT: Richard Roedner, Town Manager

A meeting of the Topsham Board of Selectmen was held on Thursday, August 16, 2018 in the Donald A. Russell Meeting Room, at the Municipal Building, 100 Main Street, Topsham, Maine.

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE/ROLL CALL

All present were invited to stand and recite the Pledge of Allegiance to the Flag. The recording secretary took the roll call and noted that all Selectmen were present, except for Selectman Brilliant who was excused.

TOWN MANAGER'S REPORT

A reminder that the Parks and Recreation on-line registration program is up and running. So, when you need to register for a program, simply go to the department web page, find the link for on-line registration, and then follow the prompts.

Looking way into the future, Topsham Development, Inc. will be holding a community forum on October 10 from 6-8 pm at the Library for residents to learn Crooker re-zoning request, and to ask questions about the proposal.

As many of you know, Justin Hennessey, who started working for Topsham in 2006, and has been our Assessor the past 10 years, is leaving our staff as of tomorrow. On Monday, he will start as the new Assessor for the Town of Brunswick. I would like to say that I have worked with multiple Assessor's over the years, and I have met very few as diligent and honest as Justin, and as committed to fairness as Justin has been. He has been a pleasure to work with over the years, and his presence in Town Hall will be sorely missed. While I hate to see him leave, I would like to wish him the very best in his new position.

FIRST DEAF

It is with sadness that I read of the passing of Scott Riendeau, a former member of our Finance Committee. On behalf of the Board and the staff, I would like to extend my condolences to Scott's family and friends.

(Following the Town Manager's report, Selectman Lyons also offered condolences and said Mr. Riendeau was a great asset to the Town.)

BOARDS AND COMMITTEE REPORTS AND UPDATE

UPDATE TDI/ECD – John Shattuck, Topsham Economic and Community Development, Inc. Director, gave an update on happenings in Town, including:

- On Wednesday, October 10, 2018, beginning at 6:00 p.m. TDI will hold a forum on the Crooker Relocation Proposal at the Topsham Public Library. There will be an opportunity to engage in questions and answers from members of the public and staff.
- Interest has been shown from a large employer seeking a site in Topsham. If this materializes, it would bring several high quality jobs to Topsham.
- Work will begin soon on demolishing the Green Street firehouse. We will be working with local owners to resolve traffic conflicts.
- The Frank Woods Bridge decision and process is expected to be completed this fall. DOT is proceeding with the replacement scenario.
- Exploring possibility of Federal funding to resolve the Annex/TCP water issues. EDA policies have restricted EDA funding for Topsham.

SAD 75 SPORTS TEAM AGREEMENT – Pam LeDuc, Parks and Recreation Director, reviewed agreement with the SAD 75 Sports Athletic Director for the use of our Riverside Field, which is the Field that goes down from Foreside along the river. She said improvements are being done (grading, etc.). Some signage is being installed to restrict parking lot flow for safety issues. We have designated what the school staff will do and what we will do. Ms. LeDuc said SAD 75 has been very helpful with mowing, applying lime, etc., and a good relationship has been formed. Relative to the parking lot, there is a gate in place which will remain.

Chairman Douglass said he feels it is high time people stop thinking the paths to the fields are acceptable. There are many grandparents and disabled fans who come to the games who cannot use a path through the woods.

Chairman Douglass said he wanted to make sure it is clear that it is strictly Riverside and not Thomas Avenue.

PUBLIC COMMENT

J P Ouellette – Mr. Ouellette asked to be recognized and read two letters aloud; one from his neighbor, Jane Tuttle, and one from him regarding the parking lot. (The letters are filed with these minutes and read as follows:

Letter from Jane Tuttle: *“Thank you JP for offering to read this: I apologize for not being present to let you know my thoughts on adding acres to parking from Thomas Avenue in the upper recreation field woods.*

The foreside Recreation property is a lovely piece of property that is well used and loved by many people in and around Topsham. So far, the upper soccer field and surrounding woods are under-used, relative to the rest of the property. It makes sense to find ways to use this to serve Topsham, if there is a worthwhile need.

FIRST DEAF

I do have concerns:

1. *I strongly object to access through the Arbor neighborhood. Not because it is the neighborhood in which I live, but because the neighborhood was not designed for the volume and speed of traffic. I used to live nearby, and if I still did, I would express the same concerns.*
 - a. *There are no sidewalks in the neighborhood.*
 - b. *there are no speed bumps.*
 - c. *Due to kids and dog walkers, cars go well less than 25 miles per hour.*
 - d. *With access to the soccer field from Thomas, the number of cars coming in and out will at times before and after games create arterial traffic.*
 - e. *Cars will go well over 25 mph, which as I said, is already over common speeds.*
 - f. *access from Arbor onto Middlesex is already marked a 'Dangerous Intersection', per the signs on Middlesex.*
 - g. *It is currently difficult to gauge the speed of vehicles and the amount of time you have before a car arrives coming from Bowdoinham, due to the angle of Middlesex relative to Arbor. Drivers who are not familiar with this intersection will misjudge those vehicles.*
 - h. *Waiting for a clearing onto or off of Middlesex will cause cars to back up and some drivers will be impatient to get onto or off of the state route.*
 - i. *As I said, this is already marked a dangerous intersection.*

THIS WILL BE A TRAGEDY WAITING TO HAPPEN.

2. *The reason we are being given that parking needs to be added is because of the reconstruction of the high school. That implies a short-term usage but the solution being proposed is permanent. Because this will be a permanent change, I plea for a careful review and thorough planning to make a good permanent solution. Such ideas include:*
 - a. *Building a good walking path from Foreside parking lots (currently access is un-maintained dirt paths.)*
 - b. *Looking for other locations for high school soccer games during the high school reconstruction."*

Mr. Ouellette's letter which he read aloud:

"August 16, 2018

I have spoken at a previous meeting in opposition to the proposed park parking lot. At that time, I mentioned the inherent safety issues surrounding such a parking lot being placed within the confines of a quiet neighborhood. I still feel strongly about these issues as I have 2 young daughters, as well as other neighbors whom have young children. These concerns are real.

The following issues will come to light;

- 1) *Unwanted users will utilize this area. Children will be at risk of increased numbers of people transiting our neighborhood and a potential for unwanted unknowns lurking in our neighborhood. It is areas such as this which get placed in quiet neighborhoods that place young children at risk of solicitations for drugs and unwanted activities and abductions.*
- 2) *Beyond the scope of these safety concerns comes the devaluation of fellow tax paying, long-time residence's properties. I have always been under the belief that it is one of the town's responsibilities to ensure enhancements and additions such as this don't hurt fellow residents. Constructing such a parking lot will create an environment within this neighborhood which will be a negative stigma. This in turn will drastically affect surrounding property values and in turn, hurt tax paying members of this town. What form of restitution do you propose for those select tax payers of this community whom will bear the financial hardships of an expected property devaluation? This is a real issue. This WILL have a huge, negative impact on the entire neighborhood!*
- 3) *This is not a case of eminent domain. This parking lot is not essential to the growth, economy or critical structure of the Town of Topsham. This is an issue of convenience for a minute fraction of the cross-section of this town's residence. 40 vehicles!?? Just 40 people will enjoy a benefit of this parking lot on very few occasions. As opposed to over twice that many families whom will directly bear the burden, risks and financial hardships created by this proposal.*

FIRST DEAF

4) *In addition to the turmoil created within this quiet neighborhood, who has actually proposed an actual and realistic budget for this project? Besides the budget for site prep and development, who has created a projected analysis on increased budgeting/cost for local law enforcement who will be required to continuously patrol this area to keep out child predators and drug dealers? I would expect this number to be quite costly. A parking lot situated in a quiet neighborhood cannot be put on a back burner and patrolled once a shift and a simple locked gate is NOT an adequate deterrent. Also, the key control system doesn't seem manageable.*

Summary

As selected and elected representatives for this township, it is up to you to identify projects such as this which have such a high risk and negative impact to its taxpayers and residents. A project such as this should only be approved if it benefits the masses! Not 40 people. The cost burden to tax payers, the depreciated property values for the surrounding neighborhood, the risk factors of dark,, unpatrolled parking lots place upon a quiet neighborhood the extreme potential for exposing our young children to an environment which may attract drive-by abductions and is all on your shoulders. It is up to you to protect your people. This is your job.

Lastly, I want to ask who conducted the impact study for this project. Can I see the actual report? If one doesn't exist right now, this proposal MUST BE scrapped. A project like this, which bares so much potential negative impact on one neighborhood MUST HAVE an impact study completed.

JP Ouellette"

Selectman Lyons informed the Board and members of the public that reporter for the Times Record, Chris Cousins passed away at just 42 years of age. Ms. Lyons said Mr. Cousins did a great job reporting, was always accurate, fair and never negative.

CORRESPONDENCE – None noted.

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

VOTED

To move Agenda Item 18-68 behind Item 18-61.

CONSENT CALENDAR

1. Approval of the minutes of the Regular Special Selectmen’s Meeting of 8/2/18

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

VOTED

To Approve the minutes of the regular selectmen’s meeting of August 2, 2018, as written.

PUBLIC HEARING – None noted.

UNFINISHED BUSINESS – None noted.

OLD BUSINESS - None noted.

NEW BUSINESS

18-61 CONSIDERATION AND ANY APPROPRIATE ACTION ON THE APPOINTMENT OF NANCY RANDOLPH TO THE HISTORY COMMITTEE

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

VOTED

To appoint Nancy Randolph to the History Committee.

18-68 CONSIDERATION AND ANY APPROPRIATE ACTION ON APPOINTING AN INTERIM ASSESSOR

Town Manager Roedner noted the resume of David Sawyer which was included in the Board package for the Boards' review and recommended that Mr. Sawyer be appointed as Interim Assessor to fill Justin Hennessey's absence. The length of time Mr. Sawyer will serve in this capacity is estimated to be from August 20 to September 15, with the goal that the tax commitment would be completed by September 15. It is estimated that the time required for the task would be up to ten days of work.

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

VOTED

To appoint David G. Sawyer as an Interim Assessor for the Town of Topsham.

18-62 CONSIDERATION AND ANY APPROPRIATE ACTION ON A REQUEST FROM THE COMPREHENSIVE PLAN COMMITTEE TO HOST NEIGHBORHOOD MEETINGS TO SOLICIT COMMENTS ON THE DRAFT COMPREHENSIVE PLAN

Mr. Fitch said, from the beginning meetings of the Comprehensive Plan Committee, it has been the plan to have as many citizens as possible give their ideas on how they want the Comprehensive Plan to work. He said that approximately 400 residents have provided input to date which has helped form the basis of the plan.

Mr. Fitch asked if the Board of Selectmen would be interested in hosting a 90 minute to 2-hour presentation of neighborhood discussions. The discussions would be a joint venture with the Board and Comp. Plan Committee.

During discussion with the Board, some felt people don't respond to neighborhood discussion, but agreed it was important to get as many citizens to take part and express their ideas as possible. Consideration needs to be given to what day and time would work best. Chairman Douglass said he was in favor of the Board sponsoring such meetings after further consideration of the right title of the meetings to peak interest.

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

VOTED

To support this idea and work with the Comprehensive Plan Committee.

18-63 CONSIDERATION AND ANY APPROPRIATE ACTION ON APPROVING THE SUBMITTED BID FOR THE FIRE DEPARTMENT TANKER REPAIR

FIRST DEAF

Mike Labbe spoke to this agenda item as the Fire Chief was on vacation. Memo from Chief McLaughlin dated August 1, 2018 was reviewed.

Chief McLaughlin's memo said the Fire Department is seeking approval to accept the submitted bid to repair the tanker truck. It was noted that at the Annual Town Meeting, the voters voted to approve \$60,000 for the repair of the tanker truck. Bids went out the first week of July. One was returned from Greenwood Emergency Vehicles in the amount of \$60,000. The scope of work was listed in Chief McLaughlin's memo and included a new pump, which was not mentioned at the Town Meeting; only repair to the tanker. The Town Manager said there was some talk about the current pump being undersized.

During discussion, Chairman Douglass told Mr. Labbe that the approval was only for the tanker, and that a new pump was not mentioned and that the department is circumventing the town meeting process. Selectman Lyons inquired what the cost would be for only the tanker.

Mr. Roedner explained how the budgeting process works. He said he gets it that we didn't talk about the pump, but we are getting what the department needs for the same amount budgeted. Chairman Douglass asked how does the Board know that just the tanker may cost only \$30,000. Looks like we are taxing citizens because we can and said he too would like to have the Fire Department come back to the table with cost for only the tanker.

Selectman Thompson moved that the bid for \$60,000 for the tanker and pump be approved. The motion failed for lack of a second.

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

VOTED

3 to 1 to ask the Fire Department to come back to the Board at the September 6, 2018 meeting with cost for the tanker only. (Selectman Thompson voted against)

18-64 CONSIDERATION AND ANY APPROPRIATE ACTION ON AWARDING THE BID FOR A CULVERT REPLACEMENT ON RIVER ROAD (SPEC IS AVAILABLE IN THE PLANNING DEPARTMENT AND SELECTMENS OFFICE)

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

VOTED

To table this item and put it back out to bid in the spring.

It was noted that grant money has already been approved for the project. The cost came in higher than anticipated and the thought is that a more favorable price may be able to be negotiated in the spring when contractors don't have so much work lined up.

18-65 CONSIDERATION AND ANY APPROPRIATE ACTION ON INSTALLING A PEDESTRIAN LIGHT AT FORESIDE FIELD

Public Works Director Dennis Cox spoke to this item and referenced his memo on the subject dated August 8, 2008 which is filed with these minutes. He said the Pedestrian Safety Committee, made up by John Shattuck, Carol Eyeran, himself and Pam LeDuc, were able to

FIRST DEAF

qualify for a crosswalk warning light system from the Maine Department of Transportation at no cost to the town. After reviewing several possible locations to place the crosswalk, the committee decided that the Foreside Road location held the highest priority. The committee recommends that the warning light system be installed at the third crosswalk on Foreside Road's recreation area that leads from the parking lot to the concession stand area. It was noted that the only expense involved will be the installation by ETTI.

Following Mr. Cox's presentation, motion was made by Chairman Douglass, seconded by Selectman Lyons, and it was unanimously (of those present)

VOTED

To approve the installation of a "RFB (rapid flash beacon)" crosswalk warning light system as recommended by the Pedestrian Safety Committee.

18-66 CONSIDERATION AND ANY APPROPRIATE ACTION ON FIXING THE PEJEPSCOT SCHOOL FURNACE

Parks and Recreation Director Pam LeDuc explained the situation of the furnace needing to be replaced at the Pejepscot School, which the Town owns and leases out. Memo from Ms. LeDuc dated August 8, 2018 is filed with these minutes explaining suggested process in detail.

Mr. LeDuc said she talked with Chris Shaw who managed the building prior to the Town's acquisition in 2006. Mr. Shaw recommended the Town work with Johnson and Jordan from Scarborough who is familiar with the hearing system, using Honeywell equipment. Cost of replacement will be approximately \$30,000. The furnace and pipes contain asbestos and a separate company will be required to remove same.

Ms. LeDuc said that at the end of 2017, the Pejepscot Reserve account had approximately \$19,000. At the end of the audit for 2018 that amount will increase to \$23 or \$24,000 with another \$5,000 anticipated from this years lease. Ms. LeDuc said there is a Capital Reserve account for possible heating issues (anticipated from the library) that might be available.

During discussion the question arose of why does the Town own this school house and could it be sold? Ms. LeDuc explained some history where there is a question of ownership. The Board asked the Town Manager to get a written opinion from Attorney John Moncure on how to proceed to sell the building. Following discussion, motion was made by Chairman Douglass, seconded by Selectman Tufts, and it was unanimously (of those present)

VOTED

To approve the furnace project to include the removal of asbestos, along with a new furnace for the Pejepscot School, at a cost of approximately \$30,000.

18-67 CONSIDERATION AND ANY APPROPRIATE ACTION ON POLICE DEPARTMENT'S ACCEPTANCE OF CRIMINAL FORFEITURE ASSETS

Police Chief Lewis said the department is seeking permission to accept Criminal Forfeiture Assets in the amount of \$1,050. He said it is a formality that a municipal officer must sign the acceptance.

FIRST DEAF

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

VOTED

To authorize the Town Manager to sign Civil Auction Docket No. CV-18- as the Municipal Officer for the Town of Topsham.

18-69 CONSIDERATION AND ANY APPROPRIATE ACTION ON PURHASING MUNIS MUNICIPAL SOFTWARE PACKAGE

Town Manager Roedner spoke to this item reviewing his memo to the Board of Selectmen dated August 7, 2018 and filed with these minutes. He said over the past couple of years, we have talked multiple times about the difficulties we have with out current financial software package. In last year’s budget, Town Meeting approved expenditure for a new software package of \$220,000, based on estimates received in the winter of 2017/18.

Bids went out this spring to software companies. Ultimately, we received only one proposal from Tyler Technologies in Falmouth. Their product, MUNIS, is a robust software package that has a good reputation as being stable, effective and adaptable. MUNIS is also compatible with VISION and the Secretary of State software packages for vehicles and various state permits. The software package comes in two formats: self-hosted and cloud based.

Christine Minard, from Tyler was present at the meeting and answered pertinent questions. Going with Cloud based will be more costly but seemed to respond to all needs for effectively. It was noted two sets of books will need to be run for one year and the Town may have to pay a little more for the usual audits. The Board was polled and going with Cloud won out.

Regarding funding, the following was suggested:

| | |
|--|--------------|
| Capital line for software | \$220,000.00 |
| Balance from phone system | \$ 4,649.40 |
| Balance from previous years Office Equipment | \$ 1,310.90 |
| Balance from FY18 Office Equipment | \$ 11,901.46 |
| TOTAL | \$237,861.76 |

The remainder can be used for costs associated with new equipment (printers) as needed.

For future consideration, the purchase of a new server can be financed via our FY19 Office Equipment Line, along with other remaining funds from in the Capital Budget stemming from the savings on the DPW roadside mower.

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

VOTED

To purchase a SAAS Municipal Software Package from MUNIS with the modular specified in the proposal with Tyler Technologies using the Cloud Base.

FIRST DEAF

EXECUTIVE SESSION – None noted.

ADJOURNMENT

At 8:55 p.m., motion was made by Selectman Tufts, seconded by Selectman Lyons, and it was unanimously (of those present)

VOTED

To adjourn the meeting.

Respectfully submitted,

Patty Williams, Recording Secretary

Board of Selectmen Meeting

For the date of: 09/06/2018

Type of Item:

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

Type of Submission:

- Regular Submission
- Additional Agenda Item
- Additional Information

Agenda Number 18-70

(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 non-binding questions for the November ballot.

Brief Description of Consent or Agenda Item:

Submitted by: Linda J. Dumont, Town Clerk

Date: 8/21/2018

Revised 08-2002

MEMORANDUM

To: Board of Selectmen
From: Richard Roedner, Town Manager
Date: August 27, 2018
Re: Marijuana Referendum questions

Several weeks ago, the Board discussed the issues surrounding the legal marijuana trades (both medical and adult use (recreational)). The Board decided to place an advisory, non-binding referendum on the November ballot, seeking community input on the how Topsham should address these new uses and industries. The draft introduction makes it clear that is not intended as an Opt-in question with respect to the State Laws governing marijuana uses.

I drafted three questions and an introduction for our staff to look at, made some modifications, and then forwarded to our Town Attorney for her review. She replied with some modified language in the introduction, and a total of eight referendum questions (retail sale, growing, testing, product manufacture). She did agree with form of the questions that I drafted.

I am recommending that we only consider the three questions (attached) that deal with Adult Use (recreational) retail, Medical Retail, and growing. My assumption is that based on the input from residents, the Board can use its judgement to deal with the remaining types of uses. My concern was making the referendum questions too lengthy and confusing.

This has been advertised as a public hearing for September 6. To be on the November ballot, final language has to be provided to the Linda Dumont by September 7 so that we can get it to the printer in time to meet our statutory deadlines on having absentee ballots ready.

**NOTICE OF PUBLIC HEARING
TOWN OF TOPSHAM**

Notice is hereby given that the Board of Selectmen of the Town of Topsham will hold a public hearing on September 6, 2018 at the Topsham Municipal Building at 7:00 p.m. to hear public comment on the following:

Referendum Ballot questions for the November 6, 2018 Municipal Election

Recent changes to State Statutes have prohibited various activities related to both medicinal and adult (recreational) use of marijuana, unless a Town formally votes to allow those uses to take place. The following questions are non-binding to the Town, and are not intended to allow these uses, but rather to give feedback to the Board of Selectmen in its deliberations and actions, including the drafting of local regulations.

1. Do the voters of Topsham wish to allow Medical Marijuana to be sold in a retail setting?
2. Do the voters of Topsham wish to allow Adult (Recreational) Use Marijuana to be sold in a retail setting?
3. Do the voters of Topsham wish to allow commercial growing of Marijuana?

Selectmen's Return

Topsham, Maine

Pursuant to 30-A M.R.S.A. §2528(5), we have this day, being at least seven days before the hearing, notified the inhabitants of Topsham of a public hearing, to be held at the time and place, and for the purposes stated above, by posting a copy of said notice at the following public and conspicuous places in the town of Topsham.

Dated: _____, 2018

Posted at the following locations:

Municipal Building
Post Office
Police Department
Library
Solid Waste Facility

Posted by Brandi Lohr, Deputy Clerk

Board of Selectmen Meeting

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Agenda Number: 18-63

(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 submitted bid for the Fire Department tanker repair.

Brief Description of Consent or Agenda Item:
See Attached

Submitted by: Chris McLaughlin, Fire Chief

Date: 08-27-2018-

Memo

#

To: Rich Roedner, Town Manager
From: Chris McLaughlin, Fire Chief
CC: Board of Selectmen
Date: August 27th, 2018
Re: Tanker Bid Additional Information.

As requested at the last select board meeting I am providing some additional information to the tabled agenda item regarding the tanker bid repair.

I spoke with Greenwoods regarding the submitted bid to break down some pricing.

The list price of the pump from Waterous is \$11,481; Greenwoods was selling the pump to us at their cost and not the listed price. They estimate that if we removed the pump from this bid, we would save around \$8,000. This would leave the project with a \$52,000 price tag.

In addition to this, I asked Greenwoods what it would cost to upgrade the pump at a future date and not as part of this project. They estimate that a pump upgrade on its own would cost around \$20,000.

Thank you for considering this request.

Chris McLaughlin
Fire Chief

Board of Selectmen Meeting

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Agenda Number: 18-71

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

Brief Title of consent or Agenda Item: Consideration and any appropriate action on a request to develop a mountain bike trail system at the Topsham Transfer Station.

Brief Description of Consent or Agenda Item: The New England Mountain Bike Association (NEMBA) seeks to work with town staff and volunteers to develop a system of public biking trails at the transfer station property. See attachments provided.

Submitted by: Rod Melanson, Town Planner **Date:** 08/27/2018

MEMORANDUM

To: Rich Roedner, Town Manager
Board of Selectmen

From: Rod Melanson, Planning, Development & Codes

Date: August 24, 2018

Re: Topsham Transfer Station – Mountain Bike Trails

In January of 2012 the Board of Selectmen Authorized the Greater Topsham Trail Alliance (GTTA) to develop/ construct mountain bike trails at the Topsham Transfer station property. The Board placed a contingency that the GTTA come back to discuss liability, cost of maintenance and rules and regulations regarding the operation of the trail system. The GTTA never returned to finalize the details...and subsequently trails were never constructed.

Since this time a resurgence of interest among organized groups in the area and town department interest (Planning, Parks & Rec, Solid Waste, Eco Dev), there is now an opportunity to revisit the development of public biking trails for all levels of trail riding. The New England Mountain Bike Association (NEMBA) has recently developed a local chapter (Six Rivers NEMBA) that includes the Towns of Bath, Brunswick and Topsham. Six Rivers NEMBA is an officially organized group that is currently developing trails at the former naval air base in Brunswick, and working with the Bath community to enhance the existing trail network there. They are very interested in partnering with the Town to develop and maintain trails in Topsham.

Town staff (Pam Leduc, Ed Caron, John Shattuck, and Rod Melanson) have met with NEMBA representatives on multiple occasions to discuss the transfer station property. As part of the discussions Ed Caron helped to identify the areas where trails could be allowed, and the proper access points to those trails. Trail development at this site aligns with past planning efforts. We are all excited at the opportunity that the property offers for trail development. We discussed past efforts, and what will likely be needed to see trail development come to fruition on the site and have included attachments to address the previous board's comments.

We are looking to the selectboard to authorize the town staff to work with NEMBA to develop trails at the transfer station site. This would include the following:

1. Trail layout
2. Assisting to identify outside funding sources for trail development (RTP, BCM, etc.)
3. Assist permitting process (if necessary)

NEMBA is a legitimate organization that has years of experience in working with communities...we are fortunate that a local chapter now exists in our area that we may collaborate with.

Attached to this memo are the following:

1. Minutes from January 19, 2011 meeting
2. Example of Memorandum of Understanding developed between NEMBA and the Brunswick Topsham Land Trust (Use Permit)
3. NEMBA Liability insurance Certificate
4. Map of area for trail placement and access
5. Information about NEMBA

①

APPROVED VERSION

02-12 CONSIDERATION AND ANY APPROPRIATE ACTION TO HEAR A REQUEST FROM THE GREATER TOPSHAM TRAIL ALLIANCE REGARDING THE DEVELOPMENT OF A MOUNTAIN BIKING COURSE ON TOWN-OWNED PROPERTY AT THE SOLID WASTE FACILITY

The Board heard a request from the Greater Topsham Trail Alliance regarding the development of a mountain biking course on town-owned property at the Solid Waste Facility. Parks and Recreation Director Pam LeDuc began the discussion of his item representing Town Staff. Victor Langelo, Vice President of the Trail Alliance explained what the group would like to do. He said if any cost if required it will be provided by the Alliance.

A slide presentation showed the areas of use and possible trail locations. A letter dated December 14, 2011 was entered into the record from the Topsham Conservation Commission supporting the bike trail. The letter stated that the Commission has been working with local and regional trail groups to improve access to outdoor recreation in Topsham for a number of years, an effort greatly enhanced by the adoption of the Natural Areas Plan at Town Meeting in May of 2010. Also, the Greater Topsham Trail Alliance and the Topsham Trail Riders Association are two partners of this collaborative effort, as are private landowners, the Brunswick-Topsham Land Trust and the Maine Department of Conservation.

Mr. Langelo said there is a lot of work to be done before any decisions are made, such as exploring the liability issues with MMA and the Maine Bike Coalition Trail Group, contacting abutters for authorization access and developing rules and regulations.

During discussion from the Board questions were answered such as would others be able to use the trail - *answer was yes*. Time table - *Hope to start work on the trail this summer*. Length of trail - *approximately 5 miles long*. Where to access - *From Bay Park area*.

James Trusiani expressed concern that the Town has never had a long-term goal for the property in question and if the bike trail is allowed the Town will lose control of this land. He said the public needs to be advised what is going on with this Town-owned land and asked who would police the trail. Mr. Trusiani also expressed concern with liability issues.

Tim Doyle told the Board he would be the primary individual monitoring the trail. Mr. Doyle said he is a member of the Topsham Trail Riders and has worked closely with Ed Caron. He said the trail has been carefully planned out, the wood on the land could still be harvested if desired, the land would still be owned by the Town and the trail does not pass over where debris is buried.

Following discussion, motion was made by Chairman Russell, seconded by Mr. Mason and it was unanimously

VOTED

To approve the concept of a Mountain Biking Course at the Solid Waste Facility as presented, contingent upon the Alliance coming back to the Board with details on liability, cost of maintenance and rules and regulations governing the operation.



SIX RIVERS NEMBA

MOUNTAIN BIKE (non-motorized bicycle) USE PERMIT

This permit is granted July 23, 2018, by Brunswick-Topsham Land Trust to Six Rivers New England Mountain Bike Association to establish and maintain on the hereinafter described land, a mixed use trail that can be used for bicycling. Brunswick-Topsham Land Trust, through license agreement with the land owner, MRRRA, grants this permit over and upon the following described premises situated in the county of Cumberland, and the town of Brunswick to Six Rivers New England Mountain Bike Association until terminated by either party.

SUBJECT TO:

1. This permit shall terminate upon sale of the land, or upon notification in writing to the Permittees, which notice shall be given 30 days prior to termination by the permittors.
2. The said trail shall be open to the general public for mountain biking as well as other use without charge and shall be properly signed to direct mountain bike traffic and notify motor vehicle and ATV traffic at road crossings.
3. The permittor or his/her authorized representatives shall at all times have the right to enter upon said mountain bike single track trail for any purpose necessary to carry out his/her powers and duties.
4. The permit is for a three-foot wide trail over the lands described in Exhibit "A."
5. All rubbish, debris and garbage of any nature or kind arising out of the use of the trail shall be promptly picked up and disposed of properly.
6. The permittor shall have the authority to close said trail for any reason with the advance written notice to the permittee.
7. The permittee agrees that no trees will be cut that are greater than four inches in diameter, except by verbal agreement by the permittor. The permittee may remove debris or downed trees which may obstruct the trail without additional permission of the permittor (for the purpose of trail maintenance only).
8. The permittor's liability for injuries and damage that may be suffered on the authorized trail is controlled by Title 14, MRSA, Chapter 7, Section 159-A of the Revised Maine Statutes "Limited Liability for Recreational or Harvesting Activities."
9. The New England Mountain Bike Association (NEMBA), acting through the Six Rivers Chapter, will purchase and keep in full effect an insurance policy providing

\$1,000,000 per occurrence, liability protection to the permittor, its directors, officers and employees.

10. This permit prohibits future claims of adverse possession and/or prescriptive use by the permittee for the permitted mountain bike single track trail.

11. Permission to publish a map of the trails is granted:
yes no

12. Permission to ride at night with lights is granted: yes no
**Except by mutual agreement for scheduled events or other special purposes.

Date: _____ Signature of Permittor: _____

Name: _____ Title: _____

Date: _____ Signature of Permittee: _____

Name: _____ Title: _____

Exhibit A: Property and Trail as Described in June DEP PBR Application

Project Narrative

Introduction:

EDC7 is a property owned by Midcoast Regional Redevelopment Authority (MRRRA), located at 349 Neptune Drive in Brunswick, ME.

The Brunswick Topsham Land Trust (BTLT) is planning to acquire this property through donation from MRRRA. Once ownership of the property is transferred, BTLT will construct a 1-mile, passive-recreation trail on the property. The course of the trail was laid out to minimize impacts to the landscape and provide a sustainable trail surface. The trail will cross one small, marginal, unnamed stream feature.

See the included trail map.

The trail system to be built does not include any activities that would impact vernal pools or their ecological function. The property has not been surveyed for DEP regulated/significant vernal pools, however, a professional environmental engineer surveyed the entire trail length during wood frog chorusing to search for any potential vernal pools. No pools of any size were found within 250 feet of the proposed trail area.

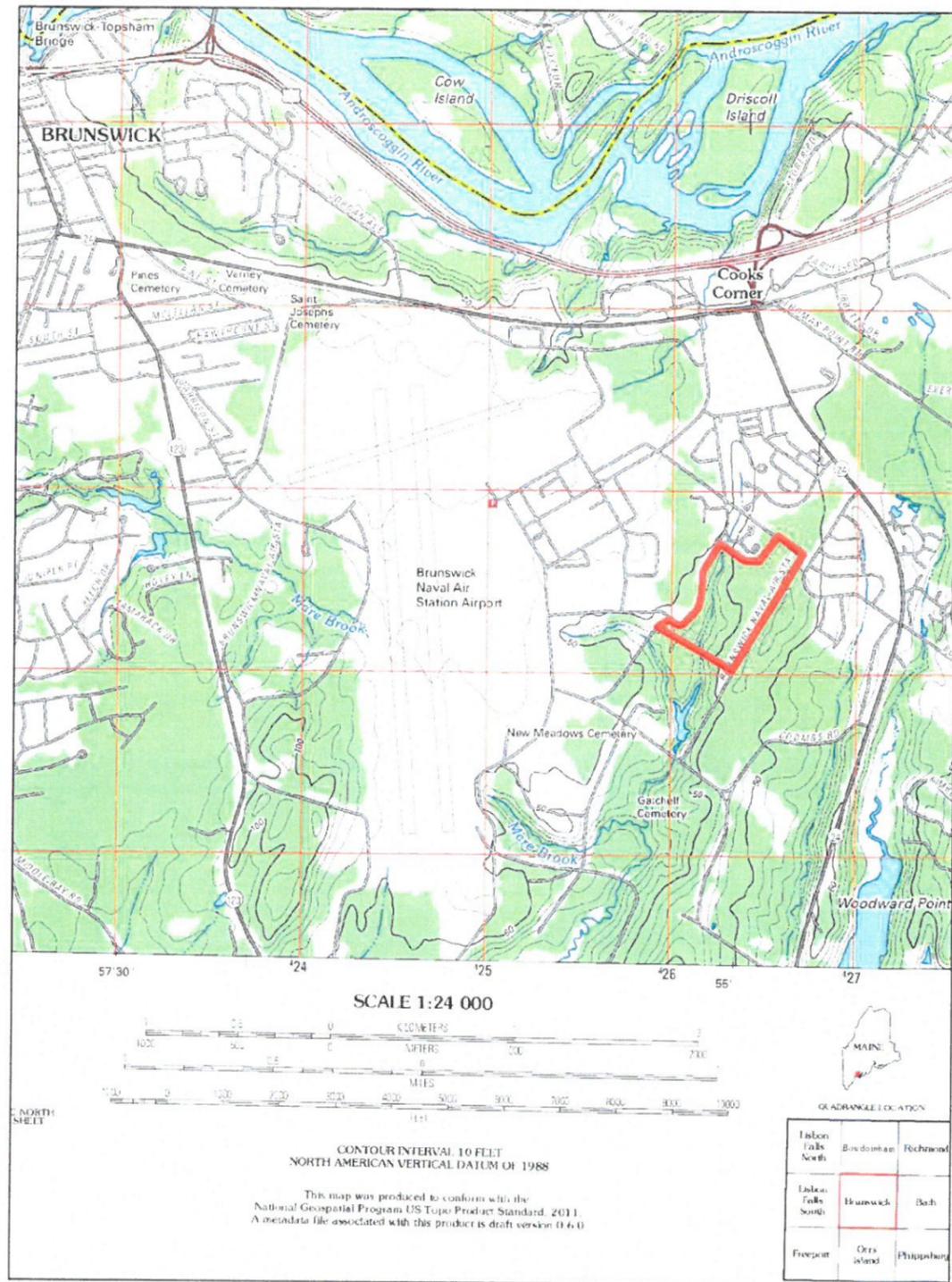
Stream Crossing

This stream is approximately 3 ft across, with low banks (6-8 inches above the water level as noted in April). The crossing structure will be a standard bog bridge raised on footers, and approximately 8 foot long at location 1 on the attached Trails and Proposed Bog Bridges map. See the photo sheets for a picture of this crossing location and a sample photo of BTLT's standard bog bridge construction.

Wetland Swale

There are numerous areas on the property that are wetland swales and do not meet the definition of a stream, but are seasonally wet due to rain and snow melt events. Two such areas are noted on the attached Trails and Proposed Bog Bridges map (locations 2 and 3) that will require a standard bog bridge raised on footers, approximately 8 foot long or less. See the photo sheets for a picture of a representative wetland swale and a sample photo of BTLT's standard bog bridge construction.

Map Showing Property Location



Trails and Proposed Bog Bridge Locations

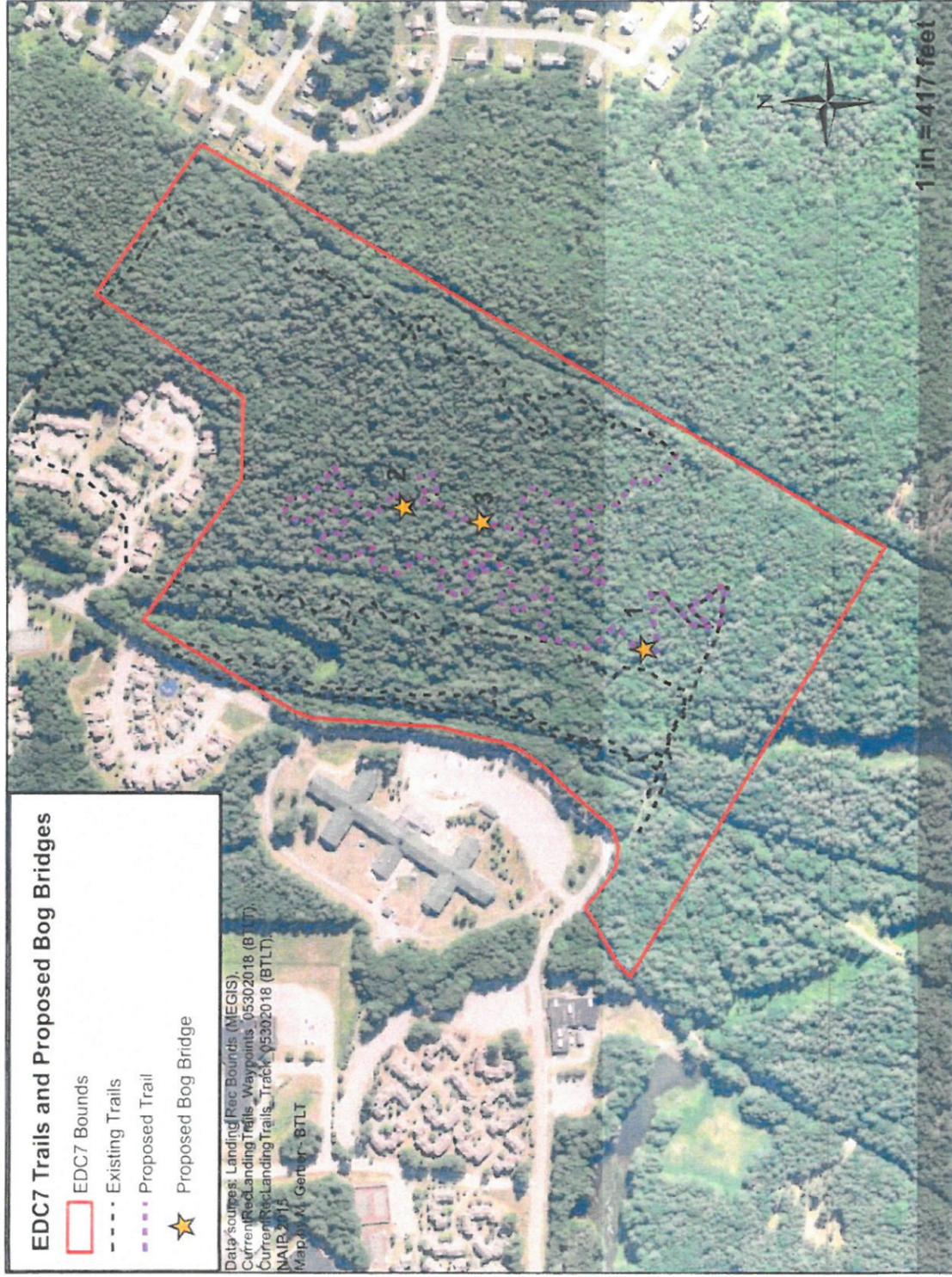




Photo 1 – Representative example of forested wetlands and uplands within 75 feet of perennial stream.



Photo 2 – Representative example of proposed trail location in uplands within 75 feet of perennial stream.



Photo 3 – Location of proposed bog bridge trail crossing of intermittent stream.



Photo 4 – Intermittent stream channel dissipates a short distance downstream of proposed trail crossing location in a wetland swale.



Photo 5 – Representative photo of forested wetland swale and adjacent uplands on the site.



Photo 6 – Existing trail bridge crossing of perennial tributary to Mere Brook and adjacent wetlands located on the existing trail network.



Photo 7 – Representative section of existing trail on the property similar to what will be constructed.



Photo 8 – Representative section of existing nearby trail similar to what will be constructed.



BRUNSWICK-TOPSHAM LANDTRUST

Volunteer Release and Waiver of Liability

I desire to participate as a volunteer with Brunswick-Topsham Land Trust (Land Trust), am at least eighteen years old, and am voluntarily signing the Release and Waiver of Liability.

Assumption of Risk. I understand that the volunteer activities may include work that may be hazardous, including but not limited to, outdoor work that may involve construction tools, removal of trees and brush, exposure to animals, insects, and noxious plants, and traversing rough terrain; events setup and takedown; and transportation to and from work or stewardship sites. I hereby expressly and specifically assume the risk of injury or harm in any volunteer activities with the Land Trust.

Release and Waiver. I hereby release, forever discharge and hold the Land Trust harmless from any and all liability, claims, and demands of whatever kind or nature, including bodily injury, personal injury, illness, death, or property damage that may sustain from my volunteer activities with the Land Trust, whether caused by the negligence of the Land Trust or its officers, directors, employees, agents or otherwise.

Medical Treatment. I hereby release and forever discharge Land Trust from any claim whatsoever which arises or may hereafter arise on account of any first aid, treatment, or service rendered in connection with my volunteer activities with the Land Trust.

Insurance. I understand that the Land Trust does not carry or maintain health, medical, or disability insurance coverage for any Volunteer. Each Volunteer is expected and encouraged to obtain his or her own medical or health insurance coverage.

Other. I will abide by all Land Trust policies and procedures. I understand that I am identified with the Land Trust at all times during my volunteer activities and that it is my responsibility to be courteous in all contacts with the public and landowners, and to follow the guidance of Land Trust supervisors.

I have read and fully understand the above important information, warning of risk, and waiver and release of all claims.

Volunteer Name _____

Volunteer Signature _____ Date _____

Emergency Contact Name _____

Relationship _____ Phone Number _____

Address _____



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
1/29/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

| | | |
|--|--------------------------------------|----------------|
| PRODUCER RT SPECIALTY - CHICAGO, IL 500 W MONROE ST FL 28 CHICAGO, IL 60661 (312) 379-8244 | CONTACT NAME: | |
| | PHONE (A/C, No, Ext): (312) 379-8244 | FAX (A/C, No): |
| E-MAIL ADDRESS: | | |
| INSURER(S) AFFORDING COVERAGE | | NAIC # |
| INSURER A: | United States Fire Insurance | 21113 |
| INSURED SPORTS AND RECREATION PROVIDERS ASSOCIATION (PURCHASING GROUP) AND ITS PARTICIPATING MEMBERS: New England Mountain Bike Association Philip Keyes P.O Box 2221 Acton, MA 01720 | INSURER B: | |
| | INSURER C: | |
| | INSURER D: | |
| | INSURER E: | |
| | INSURER F: | |

COVERAGES CERTIFICATE NUMBER: USP260801 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE | ADDL INSR | SUBR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS | |
|----------|--|-----------|----------|-------------------|-------------------------|-------------------------|-------------------------------------|----------------|
| A | GENERAL LIABILITY | | | SRPGAPML-101-0717 | 03/01/2018 12:01 AM | 03/01/2019 12:01 AM | GENERAL AGGREGATE | \$2,000,000.00 |
| | <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY | | | | | | PRODUCTS - COMP/OP AGG | \$2,000,000.00 |
| | <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR | | | | | | PERSONAL & ADV INJURY | \$1,000,000.00 |
| | | | | | | | EACH OCCURRENCE | \$1,000,000.00 |
| | | | | | | | FIRE DAMAGE (Any one fire) | \$300,000.00 |
| | | | | | | | MED EXP (Any one person) | \$5,000.00 |
| | | | | | | | | |
| | AUTOMOBILE LIABILITY | | | | | | COMBINED SINGLE LIMIT (Ea accident) | \$ |
| | <input type="checkbox"/> ANY AUTO | | | | | | BODILY INJURY (Per person) | \$ |
| | <input type="checkbox"/> ALL OWNED AUTOS | | | | | | BODILY INJURY (Per accident) | \$ |
| | <input type="checkbox"/> HIRED AUTO | | | | | | PROPERTY DAMAGE (Per accident) | \$ |
| | <input type="checkbox"/> SCHEDULED AUTOS | | | | | | | |
| | <input type="checkbox"/> NON-OWNED AUTOS | | | | | | | |
| | UMBRELLA LIAB | | | | | | EACH OCCURRENCE | \$ |
| | EXCESS LIAB | | | | | | AGGREGATE | \$ |
| | DED | | | | | | | |
| | RETENTION \$ | | | | | | | |
| | | | | | | | EACH OCCURRENCE | \$ |
| | | | | | | | GENERAL AGGREGATE | \$ |
| | | | | | | | EACH OCCURENCE | \$ |
| | | | | | | | GENERAL AGGREGATE | \$ |

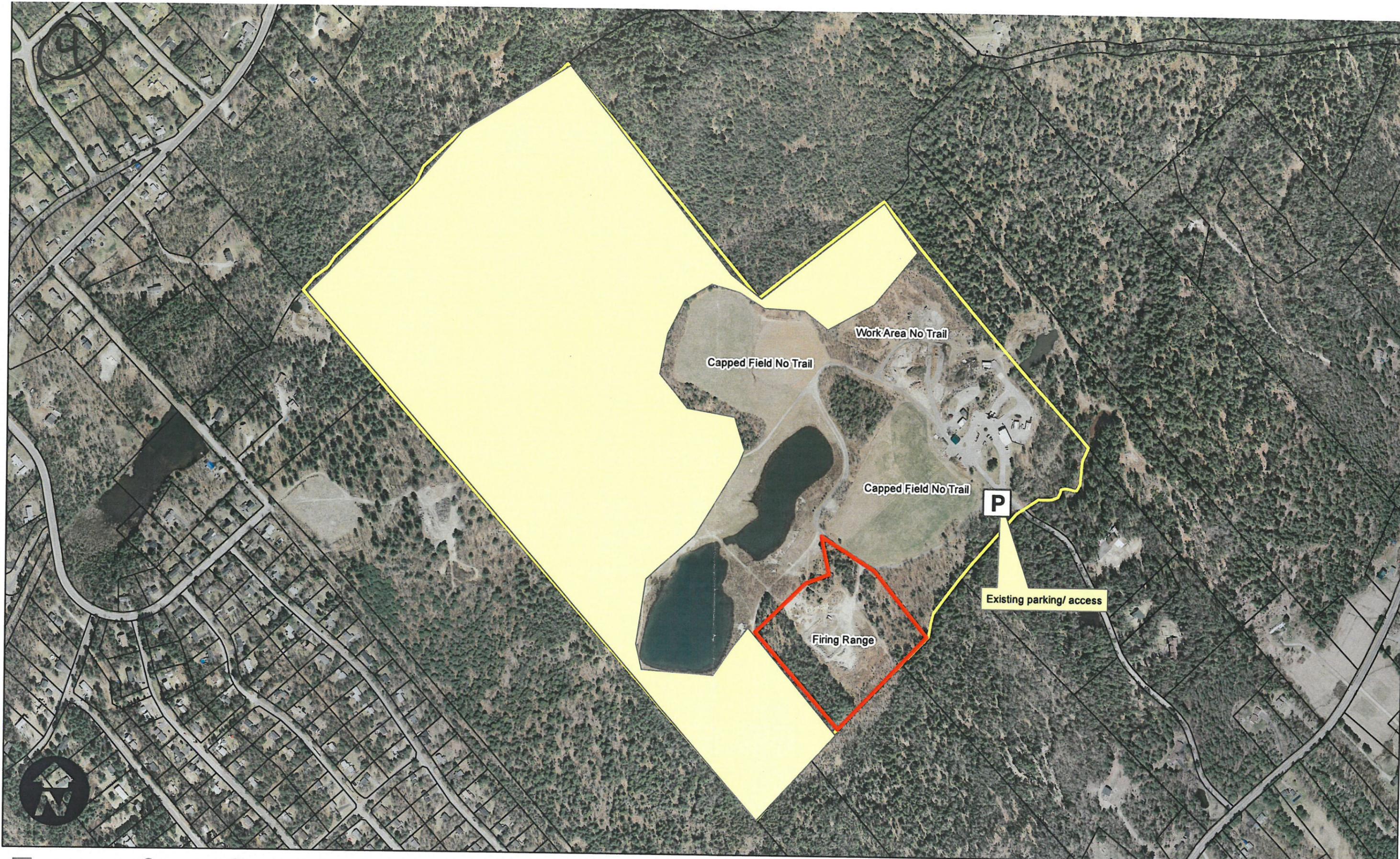
DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Cycling - Annual

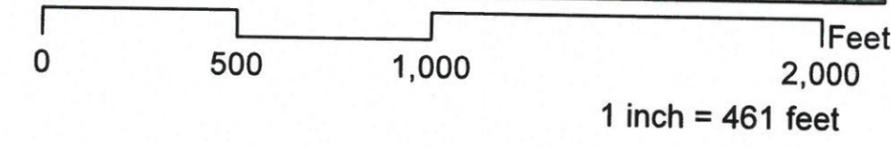
The Certificate Holder is added as an additional insured but only with respect to liability arising out of the named insured during the policy period.

Scheduled Activities Exclusion Applies-Please Refer to Named Insured Member Certificate of Coverage

| | |
|---|--|
| CERTIFICATE HOLDER Town of Barnstable 367 Main St. Barnstable, MA 02601 | CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE R-T Specialty, LLC |
|---|--|



Transfer Station Trails Area



5



NEW ENGLAND MOUNTAIN BIKE ASSOCIATION

ABOUT CHAPTERS TRAILS GET INVOLVED NEWS & EVENTS RESOURCES COMMUNITY

Our Mission

Chapters

CONNECTICUT

- Central CT
- Housatonic Valley
- Southeastern CT
- Fairfield County
- Northwest CT
- Quiet Corner

MAINE

- Bethel Area
- Carraobasset Region
- Central Maine
- Greater Portland
- Midcoast Maine
- Penobscot Region
- Six Rivers

MASSACHUSETTS

- Berkshire
- Blackstone Valley
- Cape Cod
- Greater Boston
- Merrimack Valley
- North Shore
- Pioneer Valley
- Southeast MA
- Westchester

NEW HAMPSHIRE

- Brattleboro-Keene
- Central NH
- Franconia Area
- Pemi Valley
- Southern NH
- White Mountains

RHODE ISLAND

ABOUT



NEMBA, a community of mountain bikers committed to creating epic riding experiences, preserving open space, and guiding the future of mountain biking in New England.

We are a recreational trails advocacy organization with 27 chapters throughout New England and over 7,000 members. Our mission is to promote the best that mountain biking has to offer, steward the trail systems where we recreate and preserve open space. We are an educational 501 (c) 3 non-profit.

We lead nearly a thousand mountain bike rides a season, put on various skills clinics and trail building schools, and advocate for mountain biking and recreational trails. We put on hundreds of trail building and maintenance events in scores of parks in the region, and donate over 8,000 hours of volunteerism to local park.

We work with key leaders and land managers to protect our sport and allow our members to give back to the trails and to the sport they love.

[Join Us.](#) [Come Ride with Us.](#)



Winter Fat Tracks

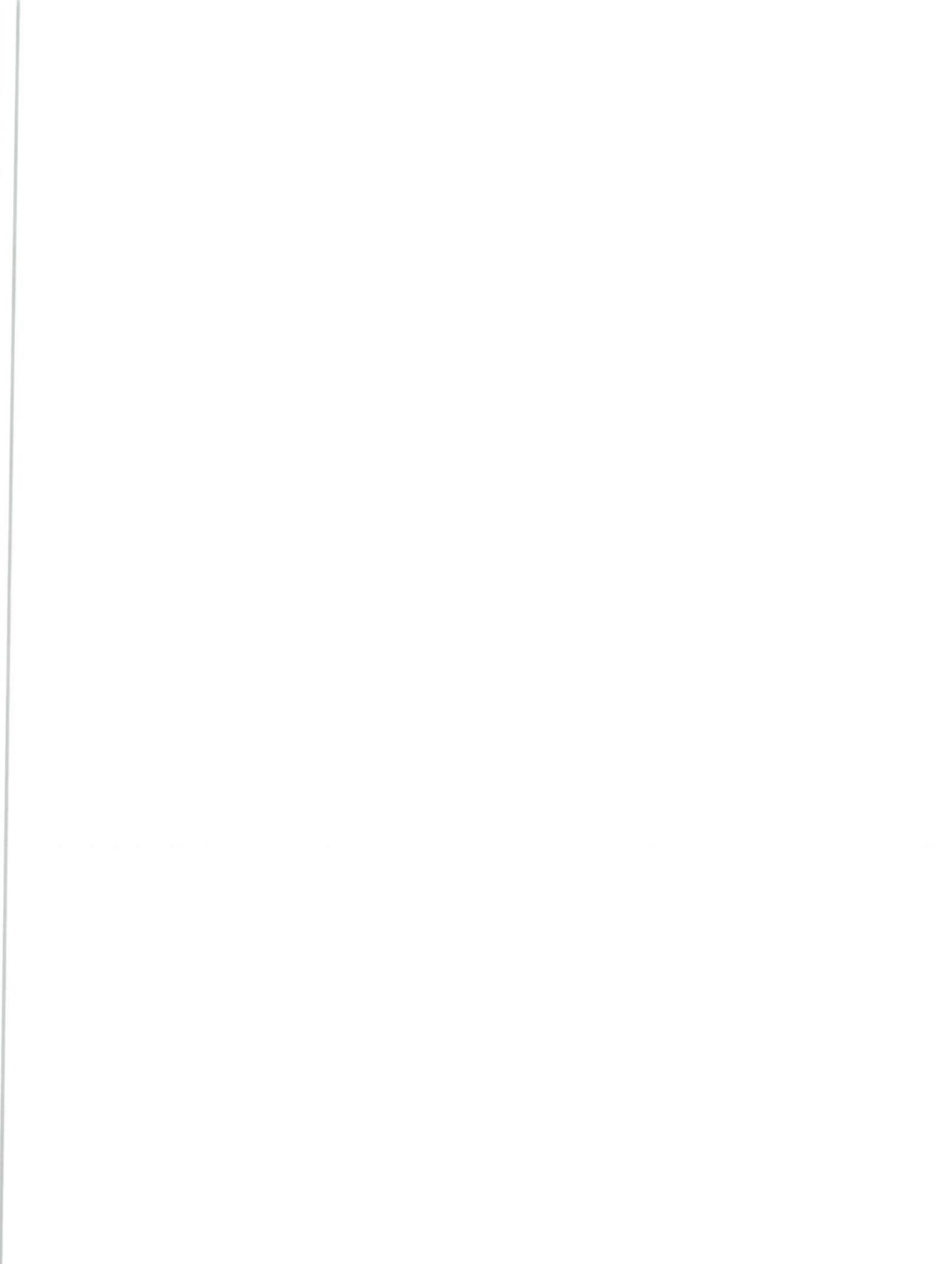
Fat Biking in the snow on groomed trails is definitely the way to go when the snow gets deep. This list of locations and events will be updated frequently to guide you to the best Winter Fat Biking opportunities in New England. This is a...

[Read More >](#)

Upcoming Events

It's summer and the riding is HOT! Special Events 9/9 Quiet Corner NEMBA Old Furnace Fun Ride All Killingly, CT 9/9 Kona MTB Adventure Ride @ Great Brook Farm SP All Carlisle, MA 9/16 ...

[Read More >](#)



Board of Selectmen Meeting

For the date of: 09/6/2018

Type of Item:

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

Type of Submission:

- Regular Submission
- Additional Agenda Item
- Additional Information

Agenda Number: 18-72

(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 approval to enter into a mutual aid agreement with Northeast Mobile Health Services.

Brief Description of Consent or Agenda Item: See attached Memo.

Submitted by: Chris McLaughlin, Fire Chief

Date: 08/14-2018

Memo

#

To: Rich Roedner, Town Manager
From: Chris McLaughlin, Fire Chief
CC: Board of Selectmen
Date: August 14, 2018
Re: Northeast Mobile Health Services Mutual Aid Agreement

On 8/14/2018, Manager Roedner, Deputy Chief Labbe, and I met with Northeast Mobile Health Services (NEMHS) regarding our responses to Bowdoinham. As of July 1, 2018 NEMHS signed a contract with the Town of Bowdoinham to provide EMS services for 1-year at the cost of \$25,000.

In July of 2018, there were 36 EMS calls in Bowdoinham. Topsham Fire-Rescue covered 13 of those calls. We do not have a contract with Bowdoinham or a Mutual Aid Agreement with Northeast.

Collectively we came up with a resolution that both parties would benefit from. Once a month Topsham Fire Rescue will bill NEMHS \$250 for every response to Bowdoinham that NEMHS cannot cover. This fee is separate from patient billing and will be handled in-house. This resolution accomplishes two major objectives.

- 1) Topsham Fire Rescue will be reimbursed for the use of their staff, equipment, and services. This is especially important on the non-billable or no pay calls that we do in Bowdoinham.
- 2) NEMHS will now have an added incentive to cover their calls in Bowdoinham. They have stated that there will be an increased effort by management to cover Bowdoinham especially with the fee they have to pay when they cannot do so.

This agreement will be retroactive to July 1, 2018. NEMHS thanked us many times for helping them out recently. We believe that this plan will work well for both services and the Town of Bowdoinham.

Thank you for considering this request.

Chris McLaughlin
Fire Chief

Mutual Aid Agreement

Topsham Fire/Rescue and Northeast Mobile Health Services.

This mutual aid agreement entered into on the _____ day of _____, 2018 by the Topsham Fire/Rescue Department (TFR), 100 Main St. Topsham Maine, 04086 and Northeast Mobile Health Services (NEMHS), 24 Washington Ave, Scarborough, Maine 04074.

Whereas, the Topsham Fire/Rescue department will provide Emergency Medical Services(EMS) to the Town of Bowdoinham when Northeast Mobile Health Services are unavailable to do so.

It is further agreed that Northeast Mobile Health Services will pay Topsham Fire/Rescue \$250 per call when TFR has to provide coverage in NEMHS absence. This fee is only applicable when TFR responds to Bowdoinham in NEMHS absence. Both parties agree to continue general mutual aid coverage for each other as requested, if available.

The details of the said agreement are provided below:

Scope of Service

The TFR will provide EMS services to the Town of Bowdoinham whenever Northeast is unable to do so, and TFR is requested to respond. If TFR cannot fulfill the request, dispatch will be notified, and NEMHS will have to use a different mutual aid service. TFR cannot guarantee they will have the adequate resources to cover such calls, but every effort will be made to respond. TFR cannot guarantee that every response will be at the Paramedic Level.

Service Fees

NEMHS agrees to pay TFR Two Hundred Fifty Dollars (\$250.00) per call when TFR has to respond to Bowdoinham in NEMHS absence or for a Paramedic Intercept. This fee will not be charged when NEMHS is on scene and is requesting additional EMS help to the same incident. I.e., MVA with multiple patients, MCI incidents, etc. TFR will bill NEMHS monthly with a 30-day notice of payment. TFR reserves all rights to bill any patients separately when responding to Bowdoinham as part of this agreement. This fee will begin on July 1, 2018.

Term of Agreement and Termination

The term of this agreement will have no end date and remain in effect until one or both parties wish to end the said agreement. To terminate this agreement a 60-day notice in writing must be provided to the other party. Both parties will meet annually to discuss the agreement.

Amendments

Any amendments to this agreement must be provided in writing to the other party. An amendment to this agreement must be mutually agreed upon by both parties, approved by their governing bodies if required to do so, and signed by both parties.

Representatives

NEHMS shall at all times act through its CEO or Deputy Chief. TFR shall at all times act through the Fire Chief, Deputy Chief, Town Manager under the guidance and direction of its select board.

In Witness Whereof, the parties have hereunto set their hands.

Signed: _____ Dated: _____

Northeast Mobile Health Services

BY:

Title:

Signed: _____ Dated: _____

Topsham Fire Rescue

BY:

Title:

Board of Selectmen Meeting

For the date of: 9/6/18

Type of Item:

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

Type of Submission:

- Regular Submission
- Additional Agenda Item
- Additional Information

Agenda Number: 18-73

(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 for selection of consultant for the Topsham Historic District Interpretive Signage Project

Brief Description of Consent or Agenda Item: See Attached memo.

Submitted by: Carolyn Eyerman, AICP, Assistant Planner **Date:** August 21, 2018

Town of Topsham

100 Main Street
Topsham, Maine 04086

Planning & Codes Office

Planning Office: (207) 725-1724
Codes Office: (207)725-1723

MEMORANDUM

To: Board of Selectmen
From: Carolyn Eyerman, AICP, Assistant Planner
Date: August 21, 2018
Re: Interpretive Signage project consultant recommendation

Last year, the Community Fund Committee through its public process recommended and budgeted for three additional historic interpretive signs. In May, 2018, the Town Meeting approved the recommended \$15,000 to add three additional historic interpretive signs to the already installed signage. This money is to be spent on a consultant as well as construction and installation of the signs. The process is anticipated to take until summer 2019 to complete.

The Community Fund Committee recommended that the Historic District Commission work with a consultant to create the signs, since they had worked on the project previously. The planning office and the Historic District Commission wrote the attached RFP and it was sent to seven (7) qualified architects. The Commission received two (2) bids in response and has voted to recommend that the town contract with Montgomery Design in association with Sutherland Conservation and Consulting to create the additional signs. Although, not the low bidder, the reasons that Montgomery Design with Sutherland Conservation and Consulting were chosen were:

1. They created and worked with the Commission a few years ago on the original plan, locations, and signage.
2. They submitted a complete information package.
3. They showed complete understanding of the entire project scope.
4. They provide "turn-key" process and product.

Bid summary

We received two bids for the interpretive signage project. They were from:

1. Fall Design – quote did not provide all required information and expected research to be completed by Commission; \$2,410.00
2. Montgomery Design with Sutherland Conservation and Consulting – quote provided all required information and was "turn-key"; \$10,990 which includes a \$1,500 donation of time by Scott Hanson (resident of Topsham historic district and professional)

Note: This consultant will provide the signs only. Following the exact process from a few years ago, the town will contract with the same metal fabricator for the metal brackets to hold the signs. Purchase the granite posts from the same manufacturer and the Public Works staff will install everything like they did previously.

Town of Topsham

100 Main Street
Topsham, Maine 04086

Planning & Codes Office

Planning Office: (207) 725-1724
Codes Office: (207)725-1723

The Public Works Director is a participant in the Community Fund Committee, participated in the previous process and is aware that this project will follow the same course of action.

Possible motion:

I move that the town contract with Montgomery Design in association with Sutherland Conservation and Consulting for the cost of \$10,990 for the creation of additional historic interpretive signs.

Town of Topsham

100 Main Street
Topsham, Maine 04086

Planning & Codes Office

Planning Office: (207) 725-1724
Codes Office: (207)725-1723

REQUEST FOR PROPOSALS**Topsham Historic District Interpretive Signage Project**

The Town of Topsham is requesting proposals from qualified historic architects and graphic design/interpretive signage professionals for services to conduct the Topsham Historic District Interpretive Signage Project. The Town of Topsham will evaluate all timely proposals and award a contract on a qualification basis.

Project Background

The Town of Topsham is utilizing its Topsham Community Fund money for the purpose of implementing additional signage related to the Historic District Interpretive Signage Project. We anticipate three additional signs over the next year, based upon the original signage plan (See Appendix). Upon hiring consultants for this project, we will undertake the tasks identified in the scope of services. The project is anticipated to begin in late September, 2018 and be finalized in January, 2019.

Project Description

The Town of Topsham Historic District Signage Project will develop interpretive signage throughout the Historic District. This project will include planning for three (3) additional physical panels for installation by the Town.

Deliverables

The successful candidate will assist the Historic District Commission (HDC) with the following tasks:

- Review the original overall plan for the signage project, showing locations of signs and information for each panel;
- Identify the number of panels, locations and themes;
- Create the design and material specifications for the three (3) panel construction and installations;
- Review the Historic District map with the originally proposed panel locations;
- Finalize and prepare for the installation of three (3) additional sign panels.

Scope of Services

To provide the above referenced deliverables, the following scope of services is requested:

- Undertake research and gather images, if needed;
- Develop graphic concepts;

Town of Topsham

100 Main Street
Topsham, Maine 04086

Planning & Codes Office

Planning Office: (207) 725-1724
Codes Office: (207)725-1723

- Create construction and installation specifications for sign panels;
- Present graphic concepts and seek feedback from Town staff, HDC members and the general public;
- Attend at least one (1) meeting with staff and three (3) meetings with the Topsham HDC;
- Revise concepts (as needed) and develop draft text;
- Present draft layouts with text and seek additional feedback from HDC
- Finalize layouts and text for approval of HDC;
- Prepare high resolution files for sign vendors;
- Coordinate work of sub-contractors including proofing, construction and delivery of sign panels
- Deliver the three (3) interpretive sign panels to the Town by January 2019 for installation by Town.

Proposal Specifications

Proposals must include the following information.

1. A statement of the applicants understanding of the work to be done.
2. Names of the individuals who will make up the project team. Describe each team member's qualifications and experience, and submit resumes.
3. A list of completed projects representative of the work of the firm, particularly in relation to successful installation of historic interpretive signage.
4. Names and addresses of clients for whom similar projects have been conducted in the past. Include telephone numbers and names of contacts for reference purposes.
5. Itemized budget that encompasses the Scope of Services and Project deliverables listed above.
6. Project schedule with a January 2019 completion date.
7. A signature on the proposal by an authorized individual.
8. Total cost for the project must not exceed \$11,000. Bids in excess of this amount will not be considered.

Proposal Terms and Submission

1. The Town of Topsham reserves the right to waive all formalities and reject any and all proposals when it is in the best interest of the Town to do so. This includes the right to reject a proposal when an applicant is not in a position to perform the contract.
2. Five (5) signed paper copies and one (1) electronic thumb drive of the proposal must be submitted in a sealed envelope clearly marked BID – Topsham Historic District Interpretive Signage Project no later than 12:00 p.m. on August 9, 2018.
3. Proposals may be mailed or hand delivered to the Planning Department, Town of Topsham, 100 Main Street, Topsham, ME 04086. Please note that only proposals actually received in the Planning Department, Town of Topsham, 100 Main Street on or before 12:00 p.m. on August 9, 2018 will be considered. Bidders submitting

Town of Topsham

100 Main Street
Topsham, Maine 04086

Planning & Codes Office

Planning Office: (207) 725-1724
Codes Office: (207)725-1723

- proposals by mail are responsible for allowing adequate time for delivery. Proposals must be typed.
4. All proposals/bids will be available for inspection by interested parties.
 5. A pre-bid meeting, to answer any questions, will be held at the Topsham Town Office on July 31, 2018 at 3:00p.m.
 6. The decision and awarding of the bid will be made by the Board of Selectmen on September 6, 2018. Bidders may call Carol Eyerman at (207) 725-1724 x 2126 or ceyerman@topshammaine.com for more information.

Board of Selectmen Meeting

For the date of: 09/06/ 2018

Type of Item:

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

Type of Submission:

- Regular Submission
- Additional Agenda Item
- Additional Information

Agenda Number: 18-74

(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 awarding of Police cruiser's bid

Brief Description of Consent or Agenda Item: See recommendation attached

Submitted by: Chris Young, Police Chief **Date:** 08/27/2018



Christopher A. Lewis
Chief of Police

Town of Topsham, Maine
Incorporated 1764
Police Department
100 Main Street, Topsham, ME 04086-1421
Telephone: 207-725-4337 Fax: 207-725-4604

Frederick Dunn
Lieutenant

The 2018-2019 cruiser bid was for two Ford Police Interceptors Utility AWD cruisers. The bid information was sent out to four Ford dealerships – Yankee Ford, Quirk Ford, Casco Bay Ford and Wiscasset Ford.

Vehicles being traded on this bid:

1. 2008 Ford Crown Victoria 149,824 miles
2. 2014 Ford Explorer SUV 92,404 miles

The bids are as follows:

1. Yankee Ford: Each unit \$28,795
 X2
 \$57,590.00

- a. 2008 Ford Crown Victoria - Trade amount \$2,500.00
- b. 2014 Ford Explorer SUV – Trade amount \$8,000.00

Total trade amount \$10,500.00

Net amount for 2 Ford Explorer Cruisers - \$47,090.00

2. Quirk Ford: Each unit \$28,590.00
 X2
 \$57,180.00

- a. 2008 Ford Crown Victoria -
- b. 2014 Ford Explorer SUV- Total trade amount \$5,280.00

Net amount for 2 Ford Explorer Cruisers - \$51,900.00

3. Casco Bay Ford: Did not respond to bid request.

4. Wiscasset Ford: Did not respond to bid request.

The lowest bid came in at \$47,090.00 from Yankee Ford.

The remaining budgeted funds will be used for transferring equipment from the old cruisers to the new and purchasing roof mounted light bars as well as equipment necessary for the safety and functionality of the police cruiser.

Submitted by,

Christie A. Lewis

Board of Selectmen Meeting

For the date of: 09/6/2018

Type of Item:

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

Type of Submission:

- Regular Submission
- Additional Agenda Item
- Additional Information

Agenda Number: 18-75

(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 recommendation to Planning Board regarding data requested related to Crooker re-zoning request.

Brief Description of Consent or Agenda Item: See attached Memo.

Submitted by: Rich Roedner, Town Manager

Date: 08-24-2018

MEMORANDUM

To: Board of Selectmen
From: Richard Roedner, Town Manager
Date: August 24, 2018
Re: Crooker re-zoning

Following the recent joint workshop between the Planning Board and the Board of Selectmen, I was left with some points of confusion in my mind, that I thought should be clarified. I think there was some confusion amongst various Board members as well.

First, there is some debate about the process the Planning Board should be going through, whether looking at the broad impacts of rezoning an area, or limiting its review to specific standards in the Zoning Ordinance. Perhaps the best way to express my understanding is that the PB plays two roles. The first is as a permitting authority (quasi-judicial), where it reviews applications against a specific set of standards – if an application meets the standards it is approved, if it doesn't then it is not. The information gathering process is very formal, and the rules governing the Board member's action and interactions are highly regulated. This is the role that the PB plays most often.

The second role of the Board is referred to as its legislative role, where it reviews zoning issues – both language and maps – and makes a recommendation to the Board of Selectmen and Town Meeting. In this role, the rules of procedure are entirely different from its permitting role – opinions are valid, additional information can be used in making a recommendation, and the Board can look at different issues, other than specific standards in the code.

When looking at an amendment to the zoning map, the Board can consider a wide range of topics, including financial impacts to the neighbors and the Town, character, growth patterns, the desirability of development type in different parts of Town, broad capacity of infrastructure, etc.

In the case of an application to the Board for a map amendment, the Board can expand its review beyond the map change, to include text changes, new standards for the types of development that would be allowed in the new zone, and changes to the use tables.

All of this can, and should, be done absent a proposed site plan application. That review process comes only after a Town Meeting votes to change the zoning map or ordinance.

The second area of potential confusion is the process by which amendments are made to our zoning code, or our zoning maps. The usual process is the Planning Board, or in some cases a Comp Plan Implementation Committee, recommends changes based on the Comprehensive Plan. The Town made many changes to both the code and map over the past 10 years or so based on strategies in our 2005 Comprehensive Plan.

The second way changes can be initiated is by the Board of Selectmen referring an issue to the Planning Board.

The third process used to be a formal application by a property owner that forced the Town to hold a Town Meeting within 45 days. This process was amended several years ago to leave it as a petition from a property owner to change the map or the text.

Finally, a citizen's petition, signed by 10% of the number of voters in the last gubernatorial election can force a question onto the Town Meeting Warrant.

As I understand it, the Board of Selectmen told the PB to do its job as thoroughly as needed, and to take whatever time was needed. Then, pass a recommendation to the Board of Selectmen.

However, I have since heard different suggestions as to what was meant, even to the point of some people feeling that the PB can't ask for certain information, or that the Selectmen were taking charge of the review process.

To help facilitate the Planning Board's efforts, it might make sense for the Selectmen to make it clear to the PB that it is empowered to request whatever information it feels it needs to make a recommendation on changing the zoning of the land that Crooker Construction has requested be rezoned. This could include fiscal/financial impacts to the Town, financial impacts to the area residents, build-out traffic scenarios that could result in the PB drafting language to control vehicular access to the areas in question, impacts from approved uses on neighboring properties (included noise restrictions, time of day restrictions on certain permitted activities, etc.), adequacy of existing standards within the proposed zone for the types of allowed uses (in the context of the proximity to neighboring properties), or other information the Board feels would be useful.

This will help ensure that whatever recommendation comes to the Selectmen from the Planning Board is well informed and provides accurate information on the impacts of the change for the Selectmen to weigh as part of its policy review.

Board of Selectmen Meeting

For the date of: 09/6/2018

Type of Item:

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

Type of Submission:

- Regular Submission
- Additional Agenda Item
- Additional Information

Agenda Number: 18-76

(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 advising staff on developing a property maintenance code.

Brief Description of Consent or Agenda Item: See attached

Submitted by: Rich Roedner, Town Manager **Date:** 08/14-2018

MEMORANDUM

To: Board of Selectmen
From: Richard Roedner, Town Manager
Date: August 21, 2018
Re: Property Maintenance Discussion

I have placed this on the agenda at the request of Selectwoman Lyons, who wanted to talk about how we could adopt and implement some form of a property maintenance code, that would allow us to address certain structures, without being overly burdensome to property owners, or those that are limited in financial resources.

In the past, when this topic has been raised, the concern over property maintenance has been on aesthetics, height of grass, broken fences, etc., and the Town has not pursued such a restrictive code. A recent code adopted in Bath is focused on vacant buildings only, requiring them to be in good repair and safe.

Based on the Board's input, we can certainly begin the drafting process for a property maintenance code that is as stringent as the Board wishes it to be.

Attached are press clippings of the new Bath ordinance, along with the text of the new Bath code.



Home / Mid-Coast / Bath / Bath council OKs vacant buildings rules, amends Wing Farm TIF

Bath council OKs vacant buildings rules, amends Wing Farm TIF

By Alex Lear on August 2, 2018 @learics

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BATH — The City Council on Wednesday unanimously OKed a new ordinance governing vacant buildings.

The panel also unanimously amended the Wing Farm TIF, which Regional School Unit 1 has acquired to develop a new financing district, removing the property from the High School.

The ordinance on vacant buildings stems from a request by Councilor Peter Owen said July 11, when the council granted the request.

Although some unoccupied buildings may be worth more than their own taxes, the city has lacked an ordinance to deal with them.

Vacant buildings can negatively impact values of nearby properties, and to address problem properties, Owen noted.

Councilor Phyllis Bailey pointed out that the rules would help emergency personnel.

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Ann White of West Milan Street, who was among the residents that supports the stricter rules, noted her neighborhood has five houses, of which three had been foreclosed upon or abandoned.

"The level of upkeep is pretty up and down; in fact, it's mostly down," she said. "Fortunately I'm retired so I can mow a lot of lawns. Not quite what I was thinking of doing with my retirement, but you know."

Her neighbors' concern is to ensure the properties "at least have some appearance of being cared for, so as to prevent meth labs, or crack houses, or whatever else from coming in," White added. "A house that looks abandoned ends up being kind of a trouble spot."

The city has a registry of about 35 vacant properties, of which eight are the most egregious, with holes in the roofs and plywood on the windows, Davis said. In some cases, the roof is caving in, or a floor is missing, Davis noted.

The ordinance defines a vacant building as being unoccupied for more than 30 days, with the owner or mortgage holders having no concrete plans or timeline for it to be occupied again. Since someone going to Florida for six months in the winter intends to return, their home would not be considered vacant.

Roofs must be "structurally sound," and doors and windows "substantially weather tight" to prevent animals like birds from entering. All exterior doors of vacant structures that could pose dangers to emergency responders have to be placarded. Fences, barriers, exterior walls, chimneys, smokestacks, roofs, decks, porches, balconies, signs, awnings, fire escapes and duct work must also be structurally fit.

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Owners of buildings either vacant or about to be... contact information of a person to reach should p... enforcement and fire officers must be able to acc... building condition, and any hazards to emergency



to provide Davis with the... perty arise. Codes... ensure ordinance compliance,

In cases of violation, Davis will serve a written not... days. Building owners who fail to comply will incur... as injunctive relief, in accordance with state statut

ective action be taken within 30... they are in violation as well

TIF amendment

The City Council also approved the amendment c... Development TIF district, which was created in 20... Iron Works parcel and a Wing Farm business parl



/Enterprise Municipal... non-contiguous tracts: a Bath

The amendment removes a nearly 25-acre parcel from the wing farm piece due to its future non-commercial use as a school. The reduction would reduce the district size from about 62.6 acres to 37.7, and reduce its assessed value from \$9.3 million to \$8.7 million.

The council in October 2016 approved RSU 1's purchase of the property for \$277,500. A new Morse High School is slated to open at the site in fall 2020.

Alex Lear can be reached at 781-3661 ext. 113 or alear@theforecaster.net. Follow him on Twitter: @learics.



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Vacant buildings that have fallen into disrepair in Bath, Maine, prompted the City Council Wednesday to enact stronger rules.

on Willow Street, prompted the council to enact stronger rules in such situations.

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 A Maine native and Colby College graduate, Alex has been covering coastal communities since 2001, and currently handles Bath, Topsham, Cumberland, and North Yarmouth. He and his wife, Lauren, live in the Portland area, and Alex recently released his third album of original music.

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PORTLAND NORTHERN MID-COAST SOUTHERN



NEWS SPORTS POLICE BEAT OPINION COMMUNITY OBITS LIFESTYLE THE FORECASTER MAINEJOBS DIRECTORY Q

Home / Mid-Coast / Bath / Bath to crack down on abandoned buildings

Bath to crack down on abandoned buildings

By Alex Lear on July 25, 2018 @learics

SHARE TWEET SHARE SHARE 0 COMMENTS

BATH — The City Council next week is expected governing vacant residential and commercial build

"We've had a number of complaints about vacant living in the house," City Manager Peter Owen sai first passage.

The buildings may be owned, and the owners ma city lacks an ordinance to deal with unoccupied bi rejected a prior proposed set of rules because the

"Bath did not want to get into ... policing the heigh recently been painted," he explained. "But we do l housing values, and that's because we may have ... This (ordinance) is an effort to try to address th

The proposed ordinance – available at City Hall a section at cityofbath.com – defines a vacant build with the owner or mortgage holders having no coi

Since someone going to Florida for six months in considered vacant.

Roofs would have to be "structurally sound," and prevent animals such as birds from entering. All exterior doors of vacant structures that could be dangerous to emergency responders have to be placarded. Fences, barriers, exterior walls, chimneys, smokestacks, roofs, decks, porches, balconies, signs, awnings, fire escapes and ductwork must also be structurally fit.

Owners of buildings either vacant or about to become so would have to provide Codes Enforcement

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d final time on stricter rules

are buildings where no one is council granted the ordinance

ate taxes, he noted. But the pose a hazard. The council anded," Owen said.

and whether the fences had are affecting (neighboring) e may have holes in the roof.

f the July 11 council agenda pped for more than 30 days. ine for it to be occupied again.

eturn, their home would not be

"substantially weather tight" to



Officer Scott Davis with the contact information of a person to reach should problems with the property arise. Codes enforcement and fire officers must have access to the buildings in order to ensure ordinance compliance, building condition, and any hazards to emergency responders.

"Some of these buildings, the roofs are caving in," Davis told the council. "One on High Street's missing the floor. You walk in the front door, you're in the cellar."

In cases of violation, Davis would serve a written notice mandating corrective action be taken within 30 days. If they fail to comply, building owners would incur penalties each day they are in violation as well as injunctive relief, in accordance with state statute.

The ordinance was vetted by the city's Community Development Committee and staff "to try to come up with something that we thought would be reasonable that would address some of the concerns of vacant properties," Owen said.

Councilor Phyllis Bailey, who sits on the committee, noted that the rules are not about appearance, but rather security and safety, particularly for emergency personnel.

The city has a registry of about 35 vacant properties, of which eight are the most egregious, with holes in the roof and plywood on the windows, Davis said.

"As these buildings come to my attention I'll get with the owner and cause them to give us what we need to make this work," he said.

The council meets Wednesday, Aug. 1, at 6 p.m. in City Hall.

Alex Lear can be reached at 781-3661 ext. 113 or alear@theforecaster.net. Follow him on Twitter: [@learics](https://twitter.com/learics).

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ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE CODE OF THE CITY OF BATH, ADOPTED FEBRUARY 2, 1977, AND SUBSEQUENTLY AMENDED, BE FURTHER AMENDED AS FOLLOWS:

CHAPTER 8. BUILDING AND ELECTRICAL CODES

Add a new Article 9, Vacant Buildings Standards, as follows:

Article 9. Vacant Buildings Standards

Section 9-101. Purpose & Definition:

The purpose of this ordinance is to address or prevent negative effects that vacant buildings sometimes cause due to lack of maintenance. For the purpose of this ordinance, a vacant building is one that is unoccupied for more than thirty days, and the owner and/or mortgage holder have no specific plans or timeframe for the building to become reoccupied.

Section 9-102. Standards:

Roofs shall be structurally sound and such that birds or animals cannot enter the building through them. Repairs must be made with materials similar to the original construction. Tarps or plastic sheeting can only be used for temporary (less than thirty days) repairs.

Doors and windows shall be substantially weather tight and such that birds or animals cannot enter the building through them. Repairs must be made with materials similar to the original construction, or the opening can be covered with clear material such as polycarbonate. Sheet lumber products (such as but not limited to plywood, oriented strand board, and paneling), tarps or plastic sheeting can only be used for temporary (less than thirty days) repairs.

Vacant buildings with features that may be dangerous to emergency personnel shall be placarded at all exterior doors, with a placard of a type and size specified by the Fire Chief or his designee.

Fences and barriers shall be structurally sound.

Exterior walls, roofs, chimneys, smokestacks, stairs, decks, porches, and balconies shall be structurally sound.

All projections from structures, such as awnings, signs, fire escapes, and ductwork shall be properly anchored and structurally sound.

D. Application of other Codes/Conflicts. The terms and provision of this Ordinance are not intended to supersede or otherwise replace provisions of other City of Bath Codes or State Law (e.g. Dangerous Building Statute), as they are applied to properties and structures. Whenever a provision of this Ordinance conflicts with or is inconsistent with a provision of another Ordinance, Regulations, or Statute, then the provision imposing the greater restriction shall control.

Section 9-106. Violations and Penalties:

Any persons violating the provisions of this Ordinance, including noncompliance with notices issued by the Codes Enforcement Officer, or his/her designee, shall be penalized in accordance with the provision of 30-A M.R.S. Section 4452. This shall specifically include per diem penalties and injunctive relief. All penalties assessed against the violator shall be retained by the City of Bath together with its reasonable attorney's fees, expert witness fees, and all costs, including costs of remediation and emergency action required by the failure of the violator to take appropriate action.

Section 9-107. Emergency Actions:

A. Emergency Conditions. Where the Codes Enforcement Officer or his/her designee becomes aware of conditions on the premises or relating to the structure on the premises, that creates imminent danger to the occupant(s) of the property or structure or to the general public due to the failure or collapse of the building or structure or a possibility thereof, or the presence of explosives, explosive fumes or vapors, or toxic fumes, gases or materials, the Code Enforcement Officer or his/her designee shall take such action as is appropriate to secure the premises and prevent access to the premises. Under such circumstances, if a structure is involved, a notice to that affect that the building has been closed to occupancy shall be posted on each entrance. From the time of posting forward, entrance shall only be permitted to make required repairs, remove hazardous conditions, or demolish the structure.

B. Emergency Actions/Recovery of Costs. When the Codes Enforcement Officer or his/her designee observes an unsafe condition that causes imminent danger, he/she shall have the authority to cause the necessary work to be done that will provide relief from the imminent danger. Such work may be done on an immediate basis without further legal or administrative procedure, in order to protect the occupant(s) and/or the general public from the imminent danger. In such instances where the City of Bath has caused the work to be done, due to noncompliance by the owner, the costs for such work shall be recovered as a cost in any codes enforcement action or may alternatively be recovered through a civil action.

Section 9-108. Appeals:

A decision by the Codes Enforcement Officer in enforcing this Ordinance shall be considered an enforcement action that may only be appealed to the Superior Court.