

## WARRANT FOR SPECIAL TOWN MEETING

Topsham, Maine  
May 14, 2014  
Sagadahoc, ss

TO: Chris Lewis, a Constable for the Town of Topsham  
FROM: Municipal Officers of Topsham

GREETING: You are hereby required in the name of the State of Maine to notify and warn the Inhabitants of the Town of Topsham, qualified to vote on Town Affairs, to assemble at Mt. Ararat High School on the 14<sup>th</sup> day of May, 2014 A.D. at 7:00 o'clock p.m. Eastern Daylight Time and then and there to act on Articles 1 thru 24 to wit:

**Article 1** - To elect a **Moderator** to preside at said meeting. Robert Lenna

**Article 2** - To have the Town vote to raise, appropriate and spend the sum of **\$1,407,787** for Debt Service.

	<u>2014-15 Board of Selectmen Recommendation</u>	<u>Allocation</u>	<u>2014-15 Finance Committee Recommendation</u>
<b>Library</b>	\$116,500	Taxation	\$116,500
<b>Monument Place Ext</b>	\$191,168	Municipal TIF	\$191,168
<b>Municipal Building</b>	\$215,155	Frost St/By-Pass TIF	\$215,155
	\$599,827	Taxation	\$599,827
<b>Municipal Complex (Includes Sidewalks)</b>	\$192,000	Taxation	\$192,000
<b>Fire Truck</b>	\$53,476	Taxation	\$53,476
	\$15,973	By-Pass North TIF	\$15,973
<b>Public Works Truck</b>	\$15,871	Taxation	\$15,871
	<u>\$7,817</u>	By-Pass North TIF	<u>\$7,817</u>
	<b>\$1,407,787</b>	<b>TOTAL</b>	<b>\$1,407,787</b>

<u>Board of Selectmen Recommendation:</u>	<u>Ought to Pass</u>	<b>PASSED</b>
<u>Finance Committee Recommendation:</u>	<u>Ought to Pass</u>	

**Article 3**- To see what sum the Town will vote to spend for **General Government** under the following accounts and to see what sum the Town will vote to raise and appropriate for the same:

	<u>2013-14 Approved Appropriation</u>	<u>2014-15 Board of Selectmen Recommendation</u>	<u>2014-15 Finance Committee Recommendation</u>
<b>General Government</b>			
1. Administration	\$202,520	\$199,986	\$199,986
2. Municipal Officers	\$18,837	\$18,878	\$18,878
3. Finance Manager	\$74,491	\$74,918	\$74,918
4. Central Services	\$97,000	\$97,700	\$97,700
5. Tax/Clerk	\$235,670	\$242,003	\$242,003
6. Codes	\$85,319	\$84,996	\$84,996
7. Assessing	\$163,964	\$100,060	\$100,060
8. Elections/Registration	\$9,125	\$13,125	\$13,125
9. Planning Office	\$237,741	\$221,203	\$221,203
10. Economic Development	\$100,881	\$102,304	\$102,304
11. Municipal Insurance	\$79,352	\$80,900	\$80,900
12. Facilities Maintenance	\$161,868	\$162,574	\$162,574
13. Parks & Recreation	\$346,959	\$350,594	\$350,594
14. Library	\$400,900	\$420,546	\$420,546
15. General Assistance	\$70,861	\$73,642	\$73,642
16. Contractual Services	\$106,500	\$103,500	\$103,500
17. <u>Public Utilities</u>	<u>\$295,100</u>	<u>\$317,000</u>	<u>\$317,000</u>
<b>TOTALS</b>	<b>\$2,687,088</b>	<b>\$2,663,929</b>	<b>\$2,663,929</b>

<u>2014-15</u> <u>Board of Selectmen</u> <u>Recommendation</u>	<u>Allocation</u>	<u>2014-15</u> <u>Finance Committee</u> <u>Recommendation</u>
\$232,792	Municipal TIF	\$232,792
\$443,411	State Revenue Sharing	\$443,411
\$700,000	General Revenue	\$700,000
\$186,000	Homestead Exemption	\$186,000
\$25,000	BETE Reimbursement	\$25,000
<u>\$1,076,726</u>	<u>Taxation</u>	<u>\$1,076,726</u>
<b>\$2,663,929</b>	<b>Total</b>	<b>\$2,663,929</b>

**Board of Selectmen Recommendation:**  
**Finance Committee Recommendation:**

**Ought to Pass**      **PASSED**  
**Ought to Pass**

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

	<u>2013-2014</u> <u>Approved</u> <u>Appropriation</u>	<u>2014-15</u> <u>Board of Selectmen</u> <u>Recommendation</u>		<u>2014-15</u> <u>Finance Committee</u> <u>Recommendation</u>	
		<u>Raise</u>	<u>Spend</u>	<u>Raise</u>	<u>Spend</u>
<b><u>Assessing</u></b>					
Hydro Dam Appraisal	\$1,500	\$1,500	\$0	\$1,500	\$0
Revaluation	\$15,000	\$15,000	\$0	\$15,000	\$0
Software	\$0	\$8,000	\$8,000	\$8,000	\$8,000
<b><u>Administration</u></b>					
Computers/Photo Copier	\$14,000	\$14,000	\$14,000	\$14,000	\$14,000
<b><u>Public Works</u></b>					
Sweeper	\$200,000	\$0	\$0	\$0	\$0
Plow Truck w/catch basin cleaner	\$0	\$26,000	\$26,000	\$26,000	\$26,000
Road Construction	\$275,000	\$350,000	\$350,000	\$350,000	\$350,000
Bay Park Drainage	\$25,000	\$0	\$0	\$0	\$0
Sidewalk Plow	8,300	\$8,300	\$8,300	\$8,300	\$8,300
<b><u>Solid Waste</u></b>					
Compost Pad	\$5,000	\$0	\$10,000**	\$0	\$10,000**
<b><u>Fire Protection/Rescue</u></b>					
Cardiac Monitors	\$20,000	\$35,000	\$55,000**	\$35,000	\$55,000**
Chief's Vehicle	\$10,000	\$17,500	\$27,500**	\$17,500	\$27,500**
EMS Car 2	\$0	\$13,750	\$0	\$13,750	\$0
Engine 2	\$0	\$50,000	\$50,000	\$50,000	\$50,000
<b><u>Police</u></b>					
Cruiser	\$30,000	\$30,000	\$30,000	\$30,000	\$30,000
<b><u>Library Maintenance</u></b>					
	\$15,000	\$5,000	\$5,000	\$5,000	\$5,000
<b><u>Targeted Cap Reserve</u></b>					
Bike Path Reserve	\$105,000	\$0	\$0	\$0	\$0
Crosswalk lights	\$7,100	\$0	\$0	\$0	\$0
Bay Park Drainage Engineering	\$0	\$0	\$100,000**	\$0	\$100,000**
<b><u>Recreation</u></b>					
Truck	\$0	\$8,000	\$0	\$8,000	\$0
<b>TOTALS</b>	<b>\$730,900</b>	<b>\$582,050</b>	<b>\$683,800</b>	<b>\$582,050</b>	<b>\$683,800</b>

**Board of Selectmen  
Recommendation**

\$522,393\*  
\$41,657  
\$18,000  
\$140,000\*\*  
**\$722,050**

**Allocation**

Taxation  
By-Pass North TIF  
Municipal Tif  
Capital Reserves  
**Total**

**Finance Committee  
Recommendation**

\$522,393\*  
\$41,657  
\$18,000  
\$140,000\*\*  
**\$722,050**

**Board of Selectmen Recommendation  
Finance Committee Recommendation**

**Ought to Pass      **PASSED**  
Ought to Pass**

\*\* \$140,000 Capital, includes funds from Capital Reserves, not included in "Raise" as follows:

Compost Pad \$10,000      Cardiac Monitors \$20,000  
Bay Park Eng. \$100,000      Chief's vehicle \$10,000

\* Includes \$38,250 into Capital Reserves to be spent at a later date.

**Article 5-** To see if the Town will vote to authorize the Board of Selectmen to solicit bids for the purchase and financing of the following items:

Fire Engine in the amount of \$450,000  
Plow Truck & Catch Basin in the amount of \$215,000  
Sidewalk plow in the amount of \$70,000  
Compost Pad in the amount of \$25,000

With \$10,000 to come from Compost Pad reserve account, and the remaining \$760,000 to be financed over ten (10) years through lease/purchase and/or a General Obligation Bond, as the Board deems appropriate.

**Financial Statement**

Total Town Indebtedness:  
A. Bonds outstanding and unpaid:      \$10,646,624  
B. Bonds authorized and unissued:      \$0  
C. Amount of Bond to be issued:      \$760,000  
**Total**      \$11,406,624

**Costs:** At an estimated net interest rate of 2.5% for a ten (10) year maturity, the estimated cost of this bond issue will be:

Principal:      \$760,000  
Interest:      \$84,492  
Total Debt Service:      \$844,492

**Validity:** The validity of the bonds and the voter's ratification of the bonds may not be affected by any errors in the above estimates, the ratification by the voters is nonetheless conclusive and the validity of the bonds is not affected by reason of the variance.

\_\_\_\_\_  
Town Treasurer

**Board of Selectmen Recommendation  
Finance Committee Recommendation:**

**Ought to Pass      **PASSED**  
Ought to Pass**

**Article 6 -** To see what sum the Town will vote to spend for **Public Safety** under the following accounts and to see what sum the Town will vote to raise and appropriate for the same:

	<b><u>2013-14</u> <u>Approved</u> <u>Appropriation</u></b>	<b><u>2014-15</u> <u>Board of Selectmen</u> <u>Recommendation</u></b>	<b><u>2014-15</u> <u>Finance Committee</u> <u>Recommendation</u></b>
<b>Public Safety</b>			
Police Protection	\$1,431,028	\$1,478,153	\$1,478,153
Fire Protection/Rescue	<u>\$739,382</u>	<u>\$766,979</u>	<u>\$766,979</u>
<b>TOTALS</b>	<b>\$2,170,410</b>	<b>\$2,245,132</b>	<b>\$2,245,132</b>

	<b><u>2014-15</u> <u>Board of Selectmen</u> <u>Recommendation</u></b>	<b><u>Allocation</u></b>	<b><u>2014-15</u> <u>Finance Committee</u> <u>Recommendation</u></b>
	\$326,939	General Revenues	\$326,939
	\$360,000	Surplus	\$360,000

\$1,558,193	Taxation	\$1,558,193
<b>\$2,245,132</b>	<b>Total</b>	<b>\$2,245,132</b>

**Board of Selectmen Recommendation:** **Ought to Pass** **PASSED**  
**Finance Committee Recommendation:** **Ought to Pass**

**Article 7** - To see what sum the Town will vote to spend for **Public Works, Solid Waste and Recycling Program** under the following accounts and to see what sum the Town will vote to raise and appropriate for the same: (The Public Works Department is authorized to spend funds from this article in support of Capital Projects.)

	<b><u>2013-14</u></b> <b><u>Approved</u></b> <b><u>Appropriation</u></b>	<b><u>2014-15</u></b> <b><u>Board of Selectmen</u></b> <b><u>Recommendation</u></b>	<b><u>2014-15</u></b> <b><u>Finance Committee</u></b> <b><u>Recommendation</u></b>
Public Works	\$1,114,250	\$1,147,568	\$1,147,568
Solid Waste/Recycling	\$360,752	\$337,818	\$337,818
<b>TOTALS</b>	<b>\$1,475,002</b>	<b>\$1,485,386</b>	<b>\$1,485,386</b>

  

	<b><u>2014-15</u></b> <b><u>Board of Selectmen</u></b> <b><u>Recommendation</u></b>	<b><u>2014-15</u></b> <b><u>Allocation</u></b>	<b><u>2014-15</u></b> <b><u>Finance Committee</u></b> <b><u>Recommendation</u></b>
	\$1,485,386	General Revenues	\$1,485,386
	<b>\$1,485,386</b>	<b>Total</b>	<b>\$1,485,386</b>

**Board of Selectmen Recommendation:** **Ought to Pass** **PASSED**  
**Finance Committee Recommendation:** **Ought to Pass**

**Article 8-** To see what sum of money the Town will vote to spend for the Topsham Community Fund, which will go toward the Androscoggin Bike Path project and to see what sum the Town will vote to raise and appropriate for the same:

<b><u>2014-15</u></b>		<b><u>2014-15</u></b>
<b><u>Board of Selectmen</u></b> <b><u>Recommendation</u></b>	<b><u>Allocation</u></b>	<b><u>Finance Committee</u></b> <b><u>Recommendation</u></b>
<b>\$10,000</b>	<b>Taxation</b>	<b>\$10,000</b>

**Board of Selectmen Recommendation:** **Ought to Pass** **PASSED**  
**Finance Committee Recommendation:** **Ought to Pass**

**Article 9-** To see what sum the Town will vote to increase the maximum property tax levy limit established by State Law (L.D. 1) in the event that the municipal budget approved at this Town Meeting results in a tax commitment in excess of the maximum property tax levy otherwise applicable such that the increased maximum property tax levy hereby established will equal the amount committed: (By State Law, the vote on this article must be by written ballot.)

**Board of Selectmen Recommendation:** **Ought Not to Pass**  
**Finance Committee Recommendation:** **PASSED AS OUGHT NOT TO PASS**  
**Ought Not to Pass**

**Article 10-** To see if the voters will approve an ordinance entitled "An Ordinance to regulate Mobile Food Services"

**Planning Board Recommendation** **Ought to Pass** **PASSED**

An Ordinance to regulate Mobile Food Services

225-6 Definitions

Mobile Food Service Food service establishments in mobile units, either towed or self-propelled registered vehicles, preparing and serving food products on a particular site, open to the general public.

225-55 Restaurants

D. Mobile food service operations pose unique issues based on where they are located, what space is available for parking, and potential impacts on traffic flow. Consequently, mobile food service businesses shall comply with the State of Maine rules relating to eating and

lodging places, as periodically amended, shall require a victualer's permit from the municipal officers, and shall comply with the following regulations governing operations and siting.

1. Mobile food service operations, unless permanently connected to public utilities and approved by the Planning Board, shall not be left on-site or displayed, or left in public view, in the location of business during nonbusiness hours.
2. Mobile Food Service Permits shall be issued by the Codes Enforcement Officer for a period not to exceed one (1) year. The Codes Officer's review of mobile food service operations shall ensure, as a minimum, the following:
  - a. The placement of the vehicle:
    - (1) Shall not hinder vehicular traffic or cause traffic congestion; and
    - (2) Shall not hinder, or interfere with, pedestrian traffic; and
    - (3) Shall not block or otherwise hinder access to or from private property; and
    - (4) Shall not adversely impact on abutting properties in regards to:
      - (a) Noise.
      - (b) Odor, fumes or smoke.
      - (c) Light and glare.
  - b. The operator shall have written permission from the property owner to locate the vehicle on said property. If the property is Town-owned, then permission shall be sought from the Board of Selectmen.
  - c. The operator shall have available, and under written agreement, at least three off-street parking spaces. In cases where on-street parking is available immediately in front, the operator must have one off-street parking space for any vehicle belonging to an employee working on a given shift.
  - d. Adequate provisions for solid waste disposal shall include, at a minimum:
    - (1) one fifty-five-gallon covered trash receptacle, or similar sized container, to hold wastes and debris. No paper, food or other wastes shall be allowed to accumulate on-site.
    - (2) The waste container shall be emptied at least daily into an approved commercial dumpster (it being emptied by a licensed hauler on a regular basis) or other suitable and approved means of transport away from the site. It shall be the responsibility of the operator to ensure that all wastes are handled and disposed of properly.
  - e. The operator shall ensure that there is an adequate supply of potable water for cleaning equipment and the preparation of foods.
  - f. The operator shall ensure that there is an adequate and safe source of electrical power.
  - g. The operator shall ensure that all storage of food supplies and other business material is within the vehicle or other container secured to the vehicle. No loose material shall be permitted outside of the vehicle.
  - h. There shall be no signs placed on sidewalks or other rights-of-way. No temporary or mobile signs shall be allowed.
  - i. The trailer, or vehicle, being used shall be in good upkeep and provide a neat appearance.
  - j. Exterior seating is only permitted when sufficient off-street parking is provided, per Section 225-27.

Use Table

<u>Permitted use</u>	<u>LI, CC196, MUC, RCU, CC, VC, LV, MUC-1, BP, BP2, MUL</u>
<u>Prohibited</u>	<u>R1, R2, R3, R4, MV</u>

**Article 11 -** To see if the voters will approve as an amendment to the Topsham Comprehensive Plan the Route 196 Corridor Plan, as prepared by the Rt. 196 Corridor Committee.

**Planning Board Recommendation:**

**Ought to Pass**

**PASSED**

**See Exhibit A**

**Article 12-** To see if the voters will approve an ordinance entitled "An Ordinance to amend the Appeals Process for Decisions Related to the Historic District Commission"

**Planning Board Recommendation:**

**Ought to Pass**

**PASSED**

An Ordinance to Amend the Appeals Process for Decisions Related to the Historic District Commission

225-18.D

(3) Appeals.

~~Administrative appeals involving any alleged error by the planning staff or by the Historic District Commission in the interpretation of the provisions of this section may be made by any party to the Appeals Board, which shall send the matter back to the Code Enforcement Officer or the Commission for proper handling, should an error be determined by a majority vote of the Appeals Board. The owner of a property in a Historic Overlay District may appeal the designation of the property as a contributing or noncontributing property. Such appeals shall be heard and decided by the Appeals Board following the procedures for administrative appeals. To reverse a classification, the Appeals Board must find that there is clear evidence that the property is misclassified based on documentation prepared by the Main Historic Preservation Commission (MHPC) qualified architectural historians. All appeals from any final decision of the Commission may be taken by any party or by any authorized officer of the Town to Superior Court in accordance with Rule 80-B of the Maine Rules of Civil Procedure.~~

3. Appeals.

- a. Appeals of decisions of the Historic District Commission on the issuance or denial of a Certificate of Appropriateness or the Codes Enforcement Officer, shall be made within 30-days of the decision being appealed from. All appeals shall be made to the Board of Appeals under the provisions of Article X of the Zoning Ordinance.
- b. Decisions of the Town Planner on exempt activities, section 225-18.C, shall be appealed to the Historic District Commission within 30 days of the date of decision.
- c. Appeals may only be made by an aggrieved party as defined in 225-6.
- d. The owner of a property in a Historic Overlay District may appeal the designation of the property as a contributing or noncontributing property. Such appeals shall be heard and decided by the Appeals Board following the procedures for administrative appeals. To reverse a classification, the Appeals Board must find that there is clear evidence that the property is misclassified based on documentation prepared by the Main Historic Preservation Commission (MHPC) qualified architectural historians.

225-6 Definitions

TOWN PLANNER – shall be the Department Head of the Topsham Planning Department, or his/her designee.

AGGRIEVED PARTY An owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under: Chapter 225, Zoning; Chapter 85, Blasting; Chapter 175, Site Plan Review; Chapter 191, Subdivision Review; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

BOARD OF APPEALS The Appeals Board established pursuant to Section 225-68 o this Code.

**Article 13-** To see if the voters will approve an ordinance entitled “ An Ordinance to Amend the Town Code, Chapter 191, Subdivisions, Regarding Open Space Subdivisions”

**Planning Board Recommendation:** **Ought to Pass** **PASSED**

**See Exhibit B**

**Article 14** – To see if the voters will adopt amendment to the Topsham Zoning Map regarding Shoreland Zoning

**Planning Board Recommendation:** **Ought to Pass** **PASSED**

**See Exhibit C**

**Article 15-** Shall the Town of Topsham vote to authorize the municipal officers to submit a Community Development Block Grant application, **in support of Maine Harvest Company**, for the following program and dollar amount:

**Program: Economic Development Program** **Amount: \$240,000**

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** **PASSED**  
**Finance Committee Recommendation:** **Ought to Pass**

**Article 16-** Shall the Town of Topsham vote to authorize the municipal officers to submit a Community Development Block Grant application, **in support of Wicked Joe Coffee Roasting Company**, for the following program and dollar amount:

**Program: Economic Development Program** **Amount: \$270,000**

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** **PASSED**  
**Finance Committee Recommendation:** **Ought to Pass**

**Article 17-** Shall the Town of Topsham vote to authorize the municipal officers to submit a Community Development Block Grant application, **in support of Frosty’s Donuts**, for the following program and dollar amount:

**Program: Economic Development Program** **Amount: \$210,000**

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** **PASSED**  
**Finance Committee Recommendation:** **Ought to Pass**

**Article 18-**To see if the Town will fix the date of May 20, 2015 for the Special Town Meeting:

**Board of Selectmen Recommendation:** **Ought to Pass** **PASSED**

**Article 19-** To see if the Town will fix the dates when taxes are due and payable , Wednesday, October 15, 2014 and Wednesday, April 15, 2015 and to see if the Town will fix a rate of interest to be charged on taxes after said date at 7% or the maximum amount determined by the State Treasurer.

**Board of Selectmen Recommendation:** **Ought to Pass** **PASSED**

**Article 20 -** To see if the Town will establish a **maximum interest rate** to be paid on abated taxes:

**7% or the maximum rate established by the State Treasurer**

**For delinquent taxes the interest rate to be paid by the Town reduced by 2%**

**Board of Selectmen Recommendation:** **Ought to Pass** **PASSED**

**Article 21-** To see if the Town will authorize the Selectmen to dispose of **Town-Owned personal property** with value of \$5,000 or less under such terms they deem advisable:

**Board of Selectmen Recommendation:** **Ought to Pass** **PASSED**

**Article 22-** To see if the Town will authorize the Selectmen to **accept gifts** on behalf of the Town under such terms they deem advisable:

**Board of Selectmen Recommendation:** **Ought to Pass** **PASSED**

**Article 23-** To see if the Town will authorize the Selectmen to convey by deeds of quit-claim title or other titles as appropriate any real estate acquired by the Town to such persons for such considerations as the Selectmen may in each case determine:

**Board of Selectmen Recommendation:** **Ought to Pass** **PASSED**

**Article 24-** To see if the Town will authorize the Selectmen to apply for grants, approve the acceptance of grants, receive grants, appropriate the Town’s share of the grant from funds raised at a Town Meeting and expend the grant for the purpose stated in the grant:

**Board of Selectmen Recommendation:** **Ought to Pass** **PASSED**

**GIVEN UNDER OUR HANDS THIS 10<sup>th</sup> DAY OF April, 2014 BY THE BOARD OF SELECTMEN:**

\_\_\_\_\_  
Donald Russell, Chair

\_\_\_\_\_  
David Douglass, Vice-Chair

\_\_\_\_\_  
Ronald Riendeau

\_\_\_\_\_  
William Thompson

\_\_\_\_\_  
Marie Brilliant