

# DRAFT

## CONSIDERATION AND ANY APPROPRIATE ACTION RELATIVE TO THE BOARD OF SELECTMEN ARTICLE RECOMMENDATIONS AND PLACEMENT ON THE MAY 17, 2017 SPECIAL TOWN MEETING WARRANT

### Article 1

*To elect a Moderator to preside at said meeting.*

### Article 2

To have the Town vote to raise, appropriate and spend the sum of \$1,441,771 for Debt Service  
Proposed Debt Service Schedule for the coming year

2011 Ladder	\$61,207
Municipal Complex	\$795,542
Library bond	\$105,750
Municipal Complex #2	\$32,500
2015 Equipment Bond	\$88,219
Monument Place	\$186,608
Sidewalks	\$32,500
2016 Equipment Bond	\$139,445

### 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>2016-2017</u>	<u>2017-2018</u>
1. Administration	\$205,878	\$218,017
2. Municipal Officers	\$18,621	\$18,621
3. Finance Manager	\$74,439	\$87,235
4. Central Services	\$101,100	\$108,800
5. Tax/Clerk	\$250,928	\$293,691
6. Codes	\$90,549	\$89,816
7. Assessing	\$142,315	\$106,088
8. Elections/Registration	\$14,209	\$10,684
9. Planning Office	\$229,852	\$231,970
10. Economic Development	\$118,065	\$118,866
11. Municipal Insurance	\$88,842	\$213,548
12. Facilities Maintenance	\$165,057	\$172,514
13. Parks/Recreation	\$369,985	\$382,385
14. Library	\$541,355	\$595,225
15. General Assistance	\$61,853	\$20,700

16. Contractual Services	\$98,500	\$131,100
17. Public Utilities	\$339,250	\$355,012
18. Municipal TIF Fund	<u>\$ 227,173</u>	<u>\$32,493</u>
<b>Total</b>	<b>\$3,137,971</b>	<b>\$3,186,765</b>

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

**\$3,186,765**  
**\$3,220,212**

**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:

	<b><u>2016-2017</u></b>	<b><u>2017-2018</u></b>	
	\$756,600	\$1,647,900	New Appropriation
	<u>\$16,000</u>	<u>\$0</u>	Targeted Reserves*
Total	<b>\$772,600</b>	<b>\$1,647,900</b>	

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

**\$1,647,900**  
**\$1,647,900**

**Article 5**

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

	<b><u>2016-2017</u></b>	<b><u>2017-2018</u></b>
Police Protection	\$1,583,479	\$1,625,070
Fire Protection/Rescue	<u>\$796,580</u>	<u>\$841,531</u>
Total	<b>\$2,380,059</b>	<b>\$2,466,601</b>

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

**\$2,466,601**  
**\$2,466,601**

**Article 6**

To see what sum the town will vote to spend for Public Works, Solid Waste, and Recycling 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>2016-2017</u></b>	<b><u>2017-2018</u></b>
Public Works	\$1,183,383	\$1,173,907
Solid Waste/Recycling	<u>\$392,361</u>	<u>\$386,937</u>
Total	<b>\$1,575,744</b>	<b>\$1,560,844</b>

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

**\$1,560,844**  
**\$1,560,844**

**Article 7**

*To see what sum of money the Town will vote to spend for the Topsham Community Fund, which will go towards short-term unanticipated costs associated with the Androscoggin Bike Path, for local costs associated with the development and acquisition of the Head of Tide Park, or into the Topsham Community Fund for future projects.*

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

**\$10,000**  
**\$10,000**

**Article 8**

*To see what sum the Town will vote to increase the maximum property tax levy limit established by State Law (L.D.1) in the event that the municipal budget approved at this Town Meeting results in a tax commitment in excess of the maximum property tax levy otherwise applicable such that the increase 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**  
**Finance Committee Recommendation**

**Ought to Pass/Ought not to Pass**  
**Ought to Pass/Ought not to Pass**

**Article 9**

*Shall the voters of the Town of Topsham, Maine amend the municipal tax increment financing district known as the "Bypass North Municipal Development and Tax Increment Financing District," adopt an amendment to development program for such district, designate a municipal tax increment financing district to be known as the "Highland Green Phase II Municipal Development and Tax Increment Financing District" and adopt a development program for such district, all of which shall be pursuant to the following findings, terms and provisions?*

Section 1. The Town hereby amends the Bypass North Municipal Development and Tax Increment Financing District (the "Bypass District"), adopts an amendment to the development program for such Bypass District, designates the Highland Green Phase II Municipal Development and Tax Increment Financing District (the "Phase II District"), and adopts a development program for such Phase II District, such designations and adoptions to be pursuant to the following findings, terms and provisions:

Section 2. The Town hereby finds and determines the following for both the Bypass District and the Phase II District, demonstrating compliance with State statute:

- a) At least twenty-five percent (25%), by area, of real property within each district, as hereinafter amended, is suitable for commercial uses; and
- b) The total area of each of the districts does not exceed two percent (2%) of the total acreage of the Town, and the total area of all existing development districts within the Town (including both of these districts) does not exceed (5%) of the total acreage of the Town; and

- c) The original assessed value of all existing tax increment financing districts (including these districts) does not exceed five percent (5%) of the total value of equalized taxable property within the Town as of the most recent April 1; and
- d) The designation of these districts and the pursuit of the respective development programs will generate substantial economic benefits for the Town and its residents, including employment opportunities, broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose. The Town has considered all evidence, if any, presented to it at the required public hearing with regard to any adverse economic effect on or detriment to any existing business and has found and determined that such adverse economic effect on or detriment to any existing business, if any, is outweighed by the contribution expected to be made through the districts and the development programs.

Section 3. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the Town hereby amends the Bypass District and hereby designates the Phase II District, described more particularly in the relevant development programs presented to Town Meeting in the form attached hereto and such development programs are hereby incorporated by reference into this vote as the development programs for the districts.

Section 4. Pursuant to the provisions of 30-A M.R.S.A. Section 5227, the percentage of captured assessed value to be retained in the Bypass District is established as set forth in the development program for the Bypass District, as amended. Pursuant to the provisions of 30-A M.R.S.A. Section 5227, the percentage of captured assessed value to be retained in the Phase II District is established as set forth in the development program for the Phase II District.

Section 5. The Town Manager or his duly-appointed representative, be and hereby is authorized, empowered and directed to submit the proposed amendment to the Bypass District and the proposed designation of the Phase II District, along with the respective development program materials, to the State of Maine Department of Economic and Community Development for review and approval pursuant to the requirements of 30-A M.R.S.A. Section 5226.

Section 6. The Town Manager or his duly-appointed representative, be and hereby is authorized and empowered, to make such revisions to the development program for the Bypass District and the Phase II District as the Town Manager, or its duly appointed representative, deems reasonably necessary or convenient in order to facilitate the process for review and approval of the District by the State of Maine Department of Economic and Community Development, or for any other reason, so long as such revisions are not inconsistent with these articles or the basic structure and intent of the applicable development program.

Section 7. The Town Manager, via Town Meeting vote, is hereby authorized to enter into Credit Enhancement Agreements or Credit Enhancement Agreement Amendments, as contemplated by the development programs to be in such form and to contain such terms and provisions not inconsistent with the development programs.

Section 8. The foregoing shall automatically become final and shall take full force and effect upon receipt by the Town of approval by the State of Maine Department of Economic and Community Development of (a) the amendment to the Bypass District and its development program, and (b) the designation of the Phase II District and its development program, without requirement of further action by the Town, the Board of Selectmen or any other party.

**Board of Selectmen Recommendation**

**Ought to Pass**

**Article 10**

To see if the Voters will adopt an ordinance entitled "An Ordinance to amend the Town Code, Chapter 225-27, Off Street Parking - to amend the minimum standards for off street parking, and allow alternative parking standards.

(Exhibit 10)

**Planning Board Recommendation**

**Ought to Pass**

**Article 11**

To see if the Voters will adopt an ordinance entitled "An Ordinance to amend the Town Code, Chapter 225-17, Table of Dimensional Requirements – and Chapter 225-6 – Definitions - Building Height – To allow parking within buildings and increase overall building height to 50' in MUL Zone, and amend the definition in regards to measuring the height of the building.

To see if the Voters will adopt an ordinance entitled "An Ordinance to amend the Town Code, Chapter 225-6 Definitions and 225-17 Dimensional Requirements; by deleting current building height definition and replacing with architecturally appropriate language and amending the dimensional standards to increase building height in the MUL zone, and allow for parking within structures."

**BUILDING HEIGHT**

That distance measured from the average grade at the front of the building to the highest point on the roof, excluding chimneys, spires, towers or similar accessory, uninhabited structures.

[Amended 5-21-2003 STM, Art. 12]

The vertical distance measured between the average finished grade of the ground at the front of the building to the highest point of a flat roof, to the deck of a mansard roof or to the mean height between eaves and ridges of a gable, hip, or gambrel roof, not to include chimneys, spires, towers or similar accessory roof structures.

Amend § 225-17

**Table of Dimensional Requirements**

	CC	MUL	MUC	LV	VC	LI	MUC-1 BP	BP2	CC-196	
Maximum Building Height	45 <sup>29</sup>	35	50 <sup>29</sup>	45 <sup>29</sup>	45 <sup>29</sup>	45 <sup>29</sup>	45 <sup>29</sup>	50 <sup>29</sup>	35 <sup>29</sup>	45 <sup>29</sup>

Footnotes:

29: Where a ground level or below grade parking area resides within the building footprint, 15' of height may be added to the maximum building height.

**Planning Board Recommendation**

**Ought to Pass**

**Article 12**

*To see if the Voters will adopt an ordinance entitled "An Ordinance to amend the Town Code, Chapter 225-33, Signs – To amend sign definitions to comply with content based non-commercial sign federal regulations.*

**(Exhibit 12)**

**Planning Board Recommendation**

**Ought to Pass**

**Article 13**

*To see if the Voters will adopt an ordinance entitled "An Ordinance to amend the Town Code, Chapter 225-34, Stormwater Management – to amend the code to adhere to MDEP chapter 500 state standards, and add standards to the urban impaired stream watershed.*

**(Exhibit 13)**

**Planning Board Recommendation**

**Ought to Pass**

**Article 14**

*To see if the Voters will adopt an ordinance entitled "An Ordinance to amend the Town Code, 225-20.2, Vernal Pool Overlay District; amend chapter 175, Site Plan; amend chapter 191, Subdivision to amend the vernal pool overlay Zoning district to adhere to delegated authority standards within the State and Federal Special Area Management Plan.*

**(Exhibit 14)**

**Planning Board Recommendation**

**Ought to Pass**

**Article 15**

*To see if the voters will accept Trilium Lane as a Town-owned way.*

**(Exhibit 15)**

**Planning Board Recommendation**

**Ought to Pass**

**Article 16**

To see if the Voters will adopt an Ordinance entitled "Town of Topsham Moratorium Ordinance on Retail Marijuana establishments and retail marijuana stores and retail marijuana social clubs."

(Exhibit 16)

**Board of Selectmen Recommendation**

**Ought to Pass**

**Article 17**

To see if the Town will fix the date of the May 2018 Special Town Meeting, May 16, 2018

**Board of Selectmen Recommendation**

**Ought to Pass**

**Article 18**

To see if the Town will fix the dates when taxes are due and payable, Monday, October 16, 2017 and Tuesday, April 17, 2018 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**

**Article 19**

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 will be reduced by 2%**

**Board of Selectmen Recommendation**

**Ought to Pass/Ought not to Pass**

**Article 20**

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

**Board of Selectmen Recommendation**

**Ought to Pass/Ought not to Pass**

**Article 21**

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

**Board of Selectmen Recommendation**

**Ought to Pass/Ought not to Pass**

**Article 22**

*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/Ought not to Pass**

**Article 23**

*To see if the Town will authorize the Board of Selectmen to apply for grants, approve the acceptance of grants, receive grants, appropriate the Town's share of the grants 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/Ought not to Pass**

The Registrar of Voters office located at the Municipal Building is open Monday - Friday during regular business hours; for the purpose of accepting new registrations and to make address, name and /or enrollment changes. In addition, the Deputy Registrar will be present at the Special Town Meeting from 6pm -7pm on May 17, 2017.

A true copy of the warrant.

Attest: \_\_\_\_\_

Clerk of: Topsham