

**Readfield Select Board  
Meeting & Workshop Agenda  
October 17, 2016, Readfield Town office**

**Meeting starts: 5:30 PM  
Meeting ends (unless extended): 7:25 PM**

**Executive Session - 60 minutes**

To have the Select Board hold an executive session for the purpose of discussing the Town Manager's review pursuant to 1 MRSA, Section 405, subsection 6(A).

**Pledge of Allegiance**

**Regular Meeting - 10 minutes**

17-082 - Minutes: Select Board meeting minutes of October 3, 2016. - 5 minutes

17-083 - Warrants: #16 & #17. - 5 minutes

**Communications - 20 minutes**

Select Board communications. - 5 minutes

Town Manager Report - 5 minutes

Public Communication - Members of the public may address the Select Board. – 10 minutes

**Appointments & Re-appointments - 5 minutes**

17-084 - Appoint a member to the Appeals Board

17-085 - Appoint a member to the Trails Committee

17-086 - Appoint a member to the Recreation Board

**Unfinished Business - 10 minutes**

17-033 - Identify who individual Select Board members voted for with respect to the Budget Committee appointments made on August 8, 2016. - 10 minutes

**New Business - 10 minutes**

17-087 - Consider bids for the purchase of the old town truck and equipment - 5 minutes

17-088 - Complete the final Bond Bank loan documents for the new fire truck. - 5 minutes

**Adjournment & Short break**

**Appeals and Hearings Workshop starts: 7:30 PM**

**Workshop ends (unless extended): 8:30 PM**

The Select Board is holding a workshop on the appeal and hearing processes by which municipal decisions are reviewed. To this end the workshop will consider the following areas:

**Overview of the appeals and hearing process - 5 minutes**

**Code Enforcement Process - 20 minutes**

Statutory basis

Appeals process

Administrative procedures and the role of the Select Board

Next steps

**Quasi-judicial functions of the Select Board - 10 minutes**

Statutory basis

Appeal / Hearing process

Next steps

**Board of Appeals - 20 minutes**

Status update

Statutory basis

Appeal process

Next steps

# **REGULAR MEETING**

- **MINUTES**
- **WARRANTS**

## Readfield Select Board Regular Meeting Minutes – October 3, 2016 – *Unapproved*

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**Select Board Members Present:** Bruce Bourgoine, Thomas Dunham, John Parent, Christine Sammons, and Kathryn Woodsum

**Others Attending:** Eric Dyer (Town Manager), Kristin Parks (Board Secretary), William Starret (Channel 7), Mark Edgecomb, Ken Edgecomb, Cyrus Whitcomb, Allen Curtis, Grace Keene, Milton Wright, Debora Doten, Sandra Rourke, Sean Goodwin, Sam Tippet

Mr. Bourgoine called the meeting to order at 6:42 pm followed by The Pledge of Allegiance.

### Executive Session

5:30 pm on 10/03/2016 at the Readfield Town Office

Select Board in attendance: Bruce Bourgoine, Tom Dunham, John Parent, Chris Sammons, Kathryn Woodsum  
Others in attendance: Eric Dyer, Stephen Langsdorf (legal counsel)

5:30 pm. **Motion** made by Bruce Bourgoine to enter into executive session for the purpose of discussing a pending legal action by Reay Excavation against the Town of Readfield pursuant to 1 MRSA, Section 405, subsection 6(E) and invite the Town Manager and Town Counsel to participate. **Motion seconded** by Chris Sammons. **Unanimous.**

6:40 pm. Bruce Bourgoine declared the Board out of executive session.

*Submitted by Eric Dyer, Town Manager*

### Regular Meeting

- **Motion** made by Mrs. Woodsum to authorize Preti Flaherty to defend the lawsuit brought by Reay Excavation & Trucking Incorporated. **Second** by Mr. Parent, **Vote** 4-1, opposed by Mr. Dunham
- **17-071 – Minutes: Select Board meeting minutes of September 19, 2016**
  - **Motion** made by Mrs. Woodsum to approve the minutes of the September 19, 2016 meeting as presented, **second** by Mr. Dunham. **Vote** 4-1, abstained by Mrs. Sammons due to being absent last meeting.
- **17-072 – Warrants #14 & #15**
  - **Motion** made by Mrs. Sammons to approve Warrants #14 & #15 in the amount of \$589,741.40, **second** by Mr. Dunham. **Vote** 5-0 in favor.

### Communications

- **Select Board Communications**
  - Mrs. Sammons met with Val Pomerleau, Dale Clark and Deb Doten regarding Veterans Day. There will be another meeting in October. Planning a small ceremony on November 11, 2016 in honor of our Veterans.
  - Mrs. Sammons is also working on children and adult activities and hoping to get something going by Halloween.



**Readfield Select Board**  
**Regular Meeting Minutes – October 3, 2016 – *Unapproved***

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- Mr. Dunham has an email that he sent to Larry Perkins concerning the snow plow contract. His analysis of the information received. Gave to Mr. Dyer to put a copy in the town records.
  - Mr. Dunham received feedback from the public about not allowing some of the public to speak. Feels it's important that town residents are able to come and speak and they feel comfortable bringing concerns and issues to us. Important to listen to the public.
  - Mr. Dunham asked what the purpose is by having a short break. Mr. Bourgoine said it was just to get up and recharge for a second and take a quick break.
  - Mr. Bourgoine spoke and said he is always open to public speaking and criticism.
  - Mr. Bourgoine attended the KVCOG meeting. Very informational and learned more about what KVCOG does. The Town of Readfield's representative Mark Hanish was elected to their Board of Directors.
  - Mr. Parent followed up from a comment from last meeting made by Mr. Dunham that the cost of hauling demo out at the Transfer Station closely equals the money we are taking in.
- **Town Manager**
    - Mr. Dyer went over his Town Manager report dated October 3, 2016.
      - Make sure to complete an Age Friendly survey by 10/14/16 if you are 55 or over.
      - Mr. Dyer to make sure the notification to bid for our old truck and equipment is on the town website.
- **Boards, Committees, Commissions & Departments**
    - Age Friendly Community Committee meeting minutes of September 2, 2016
    - Conservation Commission minutes of August 9, 2016
    - RSU #38 meeting schedule (2016-2017)
      - *Thank you all for submitting your minutes and meeting schedule.*
- **Public Communications - Members of the public may address the Select Board on any topic**
    - None

**Appointments & Re-Appointments:**

- **17-073 – Appoint a member to the Budget Committee**
  - Allen Curtis spoke and feels that his qualifications are equal and some more than others that have been appointed to the committee.
  - **Motion** made by Mr. Dunham to appoint Allen Curtis to the Budget Committee to complete the term ending June 30, 2017, **no Second vote, motion failed.**
  - Allen Curtis spoke regarding the previous appointments, would like to see them reversed as there was an illegal action taken by doing a secret vote. If not he will move forward with legal action. He also mentioned that he was never notified that he was appointed to the Appeals Board.
  - **Motion** made by Mr. Parent to appoint Martin Hanish to finish the Budget Committee term ending June 30, 2017, **Second** by Mrs. Sammons. **Vote** 4-1, Mr. Dunham did not vote.
- **17-074 – Appoint members to the Appeals Board**
  - **Motion** made by Mr. Parent to appoint Peter Bickerman for the three year term ending June 30, 2019 for the Board of Appeals, **Second** by Mr. Dunham. **Vote** 5-0 in favor.



**Readfield Select Board**  
**Regular Meeting Minutes – October 3, 2016 – *Unapproved***

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- **Motion** made by Mr. Dunham to appoint Clifford Buuck for a term starting immediately and ending June 30, 2017 for the Board of Appeals, **Second** by Mrs. Woodsum. **Vote** 5-0 in favor.
- **Motion** made by Mr. Dunham to appoint Henry Whittemore for a term starting immediately and ending June 30, 2018 for the Board of Appeals, **Second** by Mrs. Woodsum. **Vote** 5-0 in favor.
- All new appointed members will need training. Still looking for two more members. Mr. Dyer to get the process going quickly to get training and preliminary meeting set up.

**Short Stretch Break**

**Unfinished Business:**

- **17-027 – Conduct a 2<sup>nd</sup> reading of the Structure for the Readfield Enterprise Committee**
  - Mr. Dyer gave a quick summary of the 2<sup>nd</sup> Reading of the Readfield Enterprise Committee and the changes made as presented in the packet.
  - **Motion** made by Mrs. Woodsum to accept the Readfield Enterprise Committee document as amended, **Second** by Mr. Parent. **Discussion:** Mr. Dyer really excited to get this committee going. Will post the Readfield Enterprise Committee openings. **Vote** 5-0 in favor.
- **17-048 – Town Manager review process**
  - Last meeting an Executive Session was held to discuss the Town Manager contract. Due to other issues the executive session before tonight's meeting was used for legal matters brought against the town. Next executive sessions scheduled for Tuesday, October 11, 2016 at 5:00 pm. All feedback to be collected and sent to Mr. Bourgoine by Wednesday so he can make copies for everyone by Friday and ready for discussion during executive session on Tuesday. Second executive session on October 17, 2016 at 5:30 pm and including the Town Manager.

**New Business:**

- **17-075 – Consider the Kennebec County Revised hazard Mitigation Plan & Resolution**
  - Sean Goodwin, Kennebec County Emergency Management Agency Director, gave a brief description of the 2016 Kennebec County Hazard Mitigation Plan. There are 3 current road projects for the town of Readfield; Sadie Dunn Road, Giles Road and Wings Mills Road. Mr. Dyer to further review the plan and add to the agenda at next meeting for signing.
- **17-076 – Investments recap with Sam Tibbett**
  - Sam Tibbett went over the information as presented in the packet. Reviewed recommendations on changes to be made for better investments.
  - Sam Tibbett, Mr. Dyer and Mrs. Sammons to get together and work out all the details.
  - Brief discussion between Sam Tibbett and the Select Board members.
  - These are not tax dollars; these are all trust funds that have been given to the town.
- **17-077 – Consider authorizing an engineering review of the Transfer Station access road**
  - Mr. Bourgoine and Mr. Dyer gave a brief discussion with the concerns of the Transfer Station access road. The intent is to do an investigation on the project that would be able to fix the concerns. Mrs. Woodsum went over information that was gathered four years ago regarding the issues on the Transfer Station access road. Discussion amongst the Select Board regarding the



**Readfield Select Board**  
**Regular Meeting Minutes – October 3, 2016 – Unapproved**

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access road. Mr. Dyer to check into the old engineering information on the Transfer Station access road.

- **Motion** made by Mr. Parent that we authorize Mr. Dyer to engage an engineer to look at the transfer station access road and to come up with the best case scenario to have a more permanent fixture. **Second** by Mrs. Woodsum. **Discussion:** Goal would be to look at the possibility of paving or gravel on the access road. **Vote** 5-0 in favor.

- **17-078 – Consider action steps to review municipal energy use and improvements**

- Mr. Bourgoine gave a brief review of the Municipal Energy Use and Improvements goal that was set at their recent retreat. Take 2016 numbers and try to decide what our energy costs are by buildings and utilities. The goal is to try to understand the town's totals energy cost and how to break down by units and find where the biggest pieces are where we will want to address energy improvements. Suggested by Mrs. Woodsum to research what other towns have used for energy use and improvement ideas.
- **Motion** made by Mr. Bourgoine that the Selectboard direct the Town Manager to pull together our energy cost for the last fiscal year and any prior cost that are easily obtained and to begin pricing any audits that we may have and work with any municipal contacts that he may have at getting feedback. **Second** by Mrs. Woodsum. **Vote** 5-0 in favor.

- **17-079 – Consider approval of three automobile graveyard applications (renewals)**

- Mr. Dyer gave a quick summary and went over the CEO's memo as presented in the packet. CEO has completed the reviews for the three applications received from Kens Drag-In Auto, Lucas Auto Parts & Salvage and Antique Auto Recycling. All met the required expectations and criteria for the state statute.
- **Motion** made by Mrs. Sammons to approve the applications for Kens Drag-In Auto, Lucas Auto Parts & Salvage and Antique Auto Recycling, **Second** by Mr. Bourgoine. **Discussion:** Permit numbers 16-123/17, 16-129/14 and 16-109/7. **Vote** 5-0 in favor.

- **17-080 – Assign MMA voting credentials**

- **Motion** made by Mrs. Woodsum to appoint Mr. Dyer, if it works into his schedule, to be the MMA Voting Delegate, **Second** by Mrs. Sammons. **Vote** 5-0 in favor.

- **17-081 - Other**

- Future Agenda Items: Suggested to not have meeting on October 31 and move next November meeting to the 3<sup>rd</sup>. November 3<sup>rd</sup> meeting will meet prior to CIP workshop and have a brief warrant and business meeting.
- **Motion** made by Mrs. Woodsum for the Selectboard not to meet on October 31<sup>st</sup> and have the meeting instead on Thursday, November 3<sup>rd</sup> thereby suspending the policy that we will meet every other Monday meeting, except for that meeting, **Second** by Mr. Dunham. **Vote** 5-0 in favor.
- Mr. Dunham to follow up with MMA on questions for a Charter. Mr. Dyer will look into all information the town has on Charters.

**Motion** made by Mr. Dunham to adjourn the meeting at 8:51 pm, **second** by Mrs. Woodsum. **Vote** 5-0 in favor.

*Minutes recorded by Kristin Parks, Board Secretary*





# **COMMUNICATIONS**

- **SELECT BOARD**
- **TOWN MANAGER**
- **PUBLIC COMMUNICATIONS**



**APPOINTMENTS**  
**REAPPOINTMENTS &**  
**RESIGNATIONS**

## TOWN OF READFIELD

RECEIVED	OFFICE USE
	OCT 06 2016 DATE RECEIVED
By _____	

### APPOINTMENT APPLICATION

The Select Board shall not discriminate against an applicant based on religion, age, sex, marital status, race color, ancestry, national origin, sexual orientation or physical or mental disabilities. The Select Board may exclude from consideration any applicant with physical or mental disabilities only when the physical or mental handicap would prevent the applicant from performing the duties of the appointment and reasonable accommodation cannot be made.

The Select Board shall have final authority over the appointment of citizens to Boards, Committees and Commissions that are instruments of Town Government. The Select Board shall not appoint an applicant to a position for which the applicant will likely have a frequent or recurring conflict of interest.

#### Which Board, Committee or Commission

are you applying for?

Appeals Board

Term:

2 yr.

Do you have previous experience on this board or committee?

☐

Yes

☒

No

Name:

Holly Rahmlow

Phone (H):

Street address: 118 Thundercastle

Phone (C):

685-3287

Mailing address: Same

E-Mail:

holly@thundercastle.com

Below please tell us of any experience and/or training that might be useful in this position.

When we lived in Portland I was on the <sup>Condo</sup> association board, serving as Secretary and president.

Below please tell us the reason you are interested in applying for this position.

I've been thinking for a while that I should contribute to town gov't, and Robin suggested that Appeals needed people (when I came in to ask about it).

If you are currently employed, what is your position?

I do some writing/editing from home (freelance).



## APPLICATION FOR APPOINTMENT FOR:

Name: Holly Rahmlow Position: Appeals Board Term: 2016-2018

"By signing this application for this position the Applicant understands and agrees that the information contained in this application is required by law to be available for public viewing and agrees to hold the Town of Readfield harmless from any misuse of the application information by anyone viewing it. As a member of this board, committee or commission

Check one!



I approve the use of my e-mail and phone numbers on the Town's public sites and publications.



I DO NOT approve the use of my e-mail and phone numbers on any of the Town's public sites or publications.

Name: Holly I Rahmlow Date: 10-5-16

### CLERK'S USE BEFORE THE APPOINTMENT

This is a Consecutive Re-Appointment ☐ Yes ☒ No

Was this position advertised? ☒ Yes ☐ No If no, please explain: \_\_\_\_\_

Confirmation from Applicant of attendance at Select Board Meeting if required. ☒ Yes ☐ No

Confirmed meeting date: Oct 17, 2016

### SELECT BOARD APPROVAL

To Holly Rahmlow of Readfield, in the County of Kennebec and State of Maine: There being a position on the Appeals Board we the Select Board of the Municipality of Readfield do, in accordance with the provisions of the laws of the State of Maine, hereby appoint you to said position within and for the Municipality of Readfield, such appointment to be effective:

6/30/18 thru 6/30/18. Given under our hand this   day of   20 .

Bruce Bourgoine

Thomas Dunham

John Parent

Christine Sammons

Kathryn Mills Woodsum

### CLERK'S USE AFTER THE APPOINTMENT

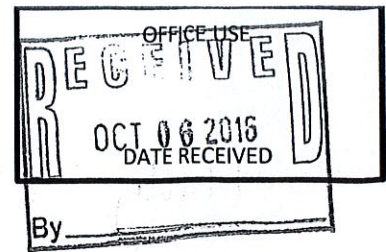
Chair has been notified of appointment? ☐ Yes ☐ No If yes, what date:

Is an Oath appropriate: ☐ Yes ☐ No If yes, what date:



## TOWN OF READFIELD

### APPOINTMENT APPLICATION



The Select Board shall not discriminate against an applicant based on religion, age, sex, marital status, race color, ancestry, national origin, sexual orientation or physical or mental disabilities. The Select Board may exclude from consideration any applicant with physical or mental disabilities only when the physical or mental handicap would prevent the applicant from performing the duties of the appointment and reasonable accommodation cannot be made.

The Select Board shall have final authority over the appointment of citizens to Boards, Committees and Commissions that are instruments of Town Government. The Select Board shall not appoint an applicant to a position for which the applicant will likely have a frequent or recurring conflict of interest.

#### Which Board, Committee or Commission

are you applying for?

Trails Committee

Term:

3yr.

Do you have previous experience on this board or committee?

☐

Yes

☒

No

Name: Holly Rahmlow

Phone (H):

Street address: 118 Thundercastle Rd

Phone (C):

685-3287

Mailing address: same

E-Mail: holly@thundercastle.com

Below please tell us of any experience and/or training that might be useful in this position.

When we lived in Portland I was on the condo association board, serving as secretary and president.

Below please tell us the reason you are interested in applying for this position.

I'm interested in the trails, as I sometimes ride my horse on them.

If you are currently employed, what is your position?

I do some writing/editing from home (freelance).



## APPLICATION FOR APPOINTMENT FOR:

Name: Holly Rahmlow Position: Trails Com. Term: 3yr.

"By signing this application for this position the Applicant understands and agrees that the information contained in this application is required by law to be available for public viewing and agrees to hold the Town of Readfield harmless from any misuse of the application information by anyone viewing it. As a member of this board, committee or commission

Check one!



I approve the use of my e-mail and phone numbers on the Town's public sites and publications.



I DO NOT approve the use of my e-mail and phone numbers on any of the Town's public sites or publications.

Name: Holly L R Rahmlow Date: 10/5/16

### CLERK'S USE BEFORE THE APPOINTMENT

This is a Consecutive Re-Appointment ☐ Yes ☒ No

Was this position advertised? ☒ Yes ☐ No If no, please explain: \_\_\_\_\_

Confirmation from Applicant of attendance at Select Board Meeting if required. ☒ Yes ☐ No

Confirmed meeting date: Oct 17, 2016

### SELECT BOARD APPROVAL

To Holly Rahmlow of Readfield, in the County of Kennebec and State of Maine: There being a position on the Trails Committee we the Select Board of the Municipality of Readfield do, in accordance with the provisions of the laws of the State of Maine, hereby appoint you to said position within and for the Municipality of Readfield, such appointment to be effective:

                     thru 6/30/19. Given under our hand this            day of            20  .

Bruce Bourgoine

Thomas Dunham

John Parent

Christine Sammons

Kathryn Mills Woodsum

### CLERK'S USE AFTER THE APPOINTMENT

Chair has been notified of appointment?



Yes



No

If yes, what date:

Is an Oath appropriate:



Yes



No

If yes, what date

## TOWN OF READFIELD

### APPOINTMENT APPLICATION

OFFICE USE
OCT 05 2016
341 PM
DATE RECEIVED

The Select Board shall not discriminate against an applicant based on religion, age, sex, marital status, race color, ancestry, national origin, sexual orientation or physical or mental disabilities. The Select Board may exclude from consideration any applicant with physical or mental disabilities only when the physical or mental handicap would prevent the applicant from performing the duties of the appointment and reasonable accommodation cannot be made.

The Select Board shall have final authority over the appointment of citizens to Boards, Committees and Commissions that are instruments of Town Government. The Select Board shall not appoint an applicant to a position for which the applicant will likely have a frequent or recurring conflict of interest.

#### Which Board, Committee or Commission

are you applying for?

Rec Board

Term:

3yr.

Do you have previous experience on this board or committee?

☐

Yes

☒

No

Name:

Adam Woodford

Phone (H):

685-0217

Street address:

493 Main Street

Phone (C):

713-4489

Mailing address:

P.O. Box 485, Manchester ME

E-Mail:

awoodford6@icloud.com

Below please tell us of any experience and/or training that might be useful in this position.

Coach - caysa softball for 4 years

rec soccer coach, kids in travel clubs

Below please tell us the reason you are interested in applying for this position.

I have kids in the rec programs (ages 6-15),  
looking to help out

If you are currently employed, what is your position?

Pre press operator - The Dingley Press  
Lisbon, ME



## APPLICATION FOR APPOINTMENT FOR:

Name: Adam Woodford Position: Rec board Term: 2019

"By signing this application for this position the Applicant understands and agrees that the information contained in this application is required by law to be available for public viewing and agrees to hold the Town of Readfield harmless from any misuse of the application information by anyone viewing it. As a member of this board, committee or commission

Check one!



I approve the use of my e-mail and phone numbers on the Town's public sites and publications.



I DO NOT approve the use of my e-mail and phone numbers on any of the Town's public sites or publications.

Name: Adam Woodford Date: 10/5/16

### CLERK'S USE BEFORE THE APPOINTMENT

This is a Consecutive Re-Appointment ☐ Yes ☒ No

Was this position advertised? ☒ Yes ☐ No If no, please explain: \_\_\_\_\_

Confirmation from Applicant of attendance at Select Board Meeting if required. ☐ Yes ☐ No

Confirmed meeting date: \_\_\_\_\_, 20\_\_

*Not sure. He is attending the school's policy mtg.*

### SELECT BOARD APPROVAL

To Adam Woodford of Readfield, in the County of Kennebec and State of Maine: There being a position on the Rec Board we the Select Board of the Municipality of Readfield do, in accordance with the provisions of the laws of the State of Maine, hereby appoint you to said position within and for the Municipality of Readfield, such appointment to be effective:

         thru 6/30/19. Given under our hand this          day of          20\_\_.

Bruce Bourgoine

Thomas Dunham

John Parent

Christine Sammons

Kathryn Mills Woodsum

### CLERK'S USE AFTER THE APPOINTMENT

Chair has been notified of appointment? ☐ Yes ☐ No If yes, what date:         

Is an Oath appropriate: ☐ Yes ☐ No If yes, what date:

# **UNFINISHED BUSINESS**



Readfield Board of Selectmen

October 17, 2016

Item # 17-033

Ballot for Budget Committee (VOTE FOR 3)

- ☒ Curtis, Allen J.  
☒ Davis, Pete  
☐ Hanish, Martin  
☒ Pomerleau, Valarie  
☐ Tolman, Andrews

Ballot for Budget Committee (VOTE FOR 3)

- ☐ Curtis, Allen J.  
☒ Davis, Pete  
☒ Hanish, Martin  
☐ Pomerleau, Valarie  
☒ Tolman, Andrews

Ballot for Budget Committee (VOTE FOR 3)

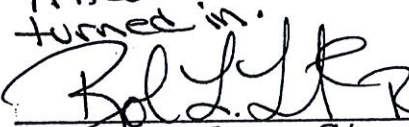
- ☐ Curtis, Allen J.  
☒ Davis, Pete  
☐ Hanish, Martin  
☒ Pomerleau, Valarie  
☒ Tolman, Andrews

Ballot for Budget Committee (VOTE FOR 3)

- ☐ Curtis, Allen J.  
☒ Davis, Pete  
☒ Hanish, Martin  
☐ Pomerleau, Valarie  
☒ Tolman, Andrews

Ballot for Budget Committee (VOTE FOR 3)

- ☐ Curtis, Allen J.  
☒ Davis, Pete  
☐ Hanish, Martin  
☒ Pomerleau, Valarie  
☒ Tolman, Andrews

Ballots used at  
the August 8, 2016 select  
Board mtg. to vote on  
Budget Com. Appointments.  
Ballots were followed up  
with a motion and vote  
to make appointments.  
Attested true copy of Ballots  
turned in.  
  
Robin L. Hint  
Town Clerk



# **NEW BUSINESS**



Readfield Board of Selectmen  
October 17, 2016  
Item # 17-087

## TOWN OF READFIELD

8 OLD KENTS HILL ROAD • READFIELD, MAINE 04355

Tel. (207) 685-4939 • Fax (207) 685-3420

Email: [Readfield@roadrunner.com](mailto:Readfield@roadrunner.com)

### Plow Truck and Equipment For Sale

The Town of Readfield is accepting bids for a 2007 Ford F-550 6.0L V8 Diesel with Galion hoist and super duty dump body, Everest plow hitch, and other accessories. The truck can be outfitted for winter maintenance with one of two 9' plow blades (straight and right side) from HP Fairfield and a large (2+ yard) Swenson spreader. The truck has 54,839 miles. The truck and equipment are in need of repair and will be sold in "as is" "where is" condition. The Town of Readfield provides no guarantees or warranties, either expressed or implied.

The truck and equipment can be viewed during regular business hours at the Readfield and Wayne Transfer Station on Recycle Road in Readfield. Bids will be accepted for both the truck and equipment as a package and for the truck exclusive of the plows and spreader. The Town of Readfield reserves the right to accept any proposal and/or reject any or all proposals for any reason or no reason. **The deadline for bids is Thursday, October 13 at 2:00pm.**

Bids can be mailed to the Town of Readfield at 8 Old Kents Hill Rd., Readfield, ME 04355 with the envelope clearly marked "Truck Bid" or emailed to [readfield.tmgr@roadrunner.com](mailto:readfield.tmgr@roadrunner.com) with the subject line of "Truck Bid". Bids may be reviewed and awarded at the Select Board meeting on October 17, 2016. **For more information please call Bruce at 207-751-4924 or email him at [readfield.maint@ne.twcbc.com](mailto:readfield.maint@ne.twcbc.com).**



**Truck Bid Tab**

Bidder Name	Truck, Plow, Sander	Extra Plow	Truck, Both Plows, Sander
Charles Hippler	\$ 3,575.00		
Warren Smith	\$ 3,200.00	\$ 222.00	
<b>Matt Scruton</b>			<b>\$ 6,555.00</b>
Reay Excavation & Trucking			\$ 4,000.00

**Apparent high bidder**

Bids were opened and recorded by the Town Manager at 4:30pm on October 13th, 2016

Used Cars  
& Trucks

Charles L. Hippler Jr.  
887 Western Avenue  
P.O. Box 6  
Manchester, ME 04351

Since  
1949

10-12-16

*I would like to submit  
a bid For \$3,575.<sup>00</sup> on your  
Ford plow truck, dump and sander*

*Thank you*

CHARLES L. HIPPLER, JR.  
USED CARS AND TRUCKS  
P.O. BOX 6  
MANCHESTER, ME 04351

(207) 623-3357



10-12-16

I Warren Smith AM Bidding  
on the 2007 F-550 with  
straight Front Pbw and Sander  
my Bid Price for this is  
\$3200.00

Warren Smith  
42 Diamond Rd  
Livermore Falls Me  
04254

Cell # 320-0475

10-12-16

I Warren Smith Am Bidding  
222.00 on the Right side  
plow hook up. That is not  
on truck.

Warren Smith Cell 320-0475  
42 Diamond Rd  
Livermore Falls ME  
04254



Sealed bid 2007 Truck + Plow + Sander 10/11/16

I, Matt Scruton, bid \$6,555.<sup>55/100</sup>

on the Surplus Town + 550 Truck with  
the two plows + Sander. I understand the  
Truck may need engine work, Transmission work,  
rust work and that the Sander is currently  
non-operational. My bid is made knowing  
everything is sold AS-IS WHERE-IS  
with NO guarantees.



Matt Scruton  
Ten Rod Farm  
195 Ten Rod Road  
Rochester, NH 05867  
Phone 603-312-2142

October 11, 2016

Town of Readfield  
Truck Bid

## TRUCK BID

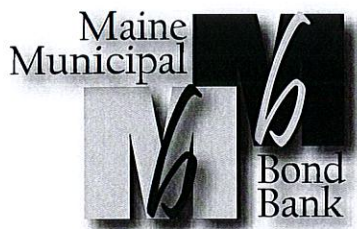
Reay Excavation & Trucking Inc, would like to place a bid for the entire truck package including the truck, plows and sander.

TOTAL BID PRICE	\$ 4,000.00
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Sue Reay - VP





Readfield Board of Selectmen  
October 17, 2016  
Item # 17-088

Michael R. Goodwin, *Executive Director*  
Tel 207-622-9386  
Fax 207-623-5359

October 6, 2016

James Pitney, Jr., Esq.  
Preti Flaherty  
P.O. Box 1058  
Augusta, ME 04332

Dear Mr. Pitney, Jr.:

The Maine Municipal Bond Bank entered into a purchase contract to sell bonds on October 5, 2016, and included in the issuance was an amount to cover bonds purchased by the Bank for the municipal entities that are represented by you.

The final closing will take place on November 2nd and November 3rd, 2016. Immediately after the closing on November 3, 2016 we will be transferring the amount of the loan to your client. I have enclosed the following:

1. Interest Rates
2. Executed Loan Agreement

**In order to meet the above-mentioned schedule, I would appreciate it if the following original documents could be sent to Arthur Cohen, Hawkins, Delafield & Wood, 28 Liberty Street, 42<sup>nd</sup> Floor, New York, NY 10005 (telephone #212-820-9359) by Wednesday, October 19, 2016.**

1. Final Opinions.
2. Executed Bonds dated **November 3, 2016**.
3. Final Arbitrage and Use of Proceed Certificate dated **November 3, 2016**.
4. Non-litigation Certificate.
5. Signature Certificate and Award.
6. United States Internal Revenue Service Form 8038G or 8038GC dated **November 3, 2016**.

**Copies** of each of the documents should be sent to the Maine Municipal Bond Bank to my attention for receipt by me no later than the above-mentioned date of **Wednesday, October 19, 2016**. If you have any questions, please call me as soon as possible.

Sincerely,

Toni Reed  
Program Officer

Enclosures  
cc: Arthur Cohen

Maine Municipal Bond Bank - Final Schedules  
MMBB Series 2016C

Town of Readfield	Fiscal Year	12/31/2016
Debt Service Schedule - Project Loan		

Date	Tax-Exempt Principal	Tax-Exempt Coupon	Tax Exempt Interest	Tax-Exempt Debt Service	Annual Net Debt Ser.	Bond Statistics
11/3/2016						
5/1/2017	0.00		2,550.54	2,550.54	0.00	Average Life: 3.994
11/1/2017	52,000.00	1.160%	2,579.20	54,579.20	57,129.74	TE Proceeds: 364,000.00
5/1/2018	0.00		2,277.60	2,277.60	0.00	Net Interest Cost 1.514%
11/1/2018	52,000.00	1.220%	2,277.60	54,277.60	56,555.20	True Interest Cost: 1.512%
5/1/2019	0.00		1,960.40	1,960.40	0.00	Max Coupon: 1.740%
11/1/2019	52,000.00	1.300%	1,960.40	53,960.40	55,920.80	Min Coupon 1.160%
5/1/2020	0.00		1,622.40	1,622.40	0.00	TE Arb Yield: 2.696511%
11/1/2020	52,000.00	1.390%	1,622.40	53,622.40	55,244.80	
5/1/2021	0.00		1,261.00	1,261.00	0.00	
11/1/2021	52,000.00	1.500%	1,261.00	53,261.00	54,522.00	
5/1/2022	0.00		871.00	871.00	0.00	
11/1/2022	52,000.00	1.610%	871.00	52,871.00	53,742.00	
5/1/2023	0.00		452.40	452.40	0.00	
11/1/2023	52,000.00	1.740%	452.40	52,452.40	52,904.80	
5/1/2024						
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# **FUTURE AGENDA ITEMS**

## Appendix A

### **Future Agenda Items - Proposed DRAFT**

#### November - Potential Meeting and Workshop Items

Treasurer's report discussion

Approval of Fiscal Year 2017-2018 (FY18) Budget Process

Emergency Operations Plan (EOP) / Hazard Mitigation Plan review

CIP Review meeting - Joint Workshop **November 3, 2016 at 6:00pm**

Annual Chairs Meeting - **November 28, 2016 at 6:30pm**

#### December - Potential Meeting and Workshop Items

Quarterly goals review (Comp Plan and Select Board)

Commercial Haulers Permits

Revised SWRC Interlocal Agreement

#### Potential Future Meetings Items:

Safety and access issues on Church Road

Record Retention Policy

#### Potential Future Workshops:

Personal Property Taxes

#### Ongoing Goals:

##### *Group 1*

Review the need for and nature of governance documents:

(Current and proposed ordinances and policies, town charter, etc.)

Review Capital Improvement/Investment Program

Clarify the authority of boards, committees and commissions

Hold an annual Community Meeting with a pot-luck supper.

##### *Group 2*

Welcome business, and develop a plan to support the business environment in Readfield

Investigate the most efficient, long-term renewable energy investment and conservation

Name and dedicate ball field

Create a Parks Commission

Obtain the status of, and create plans for town buildings, specifically the fire station, transfer station and library

Create activities for kids and adults

Understand and address issues of poverty

Create an action plan resulting from the age-friendly survey and report

Build the Church Street sidewalk

# **WORKSHOP**



## ARTICLE 2

### ADMINISTRATION, ENFORCEMENT AND PENALTIES

#### SECTION 1. ADMINISTERING BODIES AND AGENTS

##### A. Code Enforcement Officer

1. Appointment. A Code Enforcement Officer shall be appointed or reappointed annually by the Town Manager.
2. Powers and Duties. The Code Enforcement Officer shall have the following powers and duties in addition to those provided for in Section 2.B of this Article:
  - a. Interpret and enforce the provisions of this Ordinance.
  - b. Act upon permit applications, review applications requiring Planning Board review, and refer requests for variances and administrative appeals to the Board of Appeals.
  - c. Enter any property at reasonable hours or enter any building with the consent of the property owner, occupant or agent, to inspect the property or building for compliance with this Ordinance.
  - d. Investigate complaints and reported violations, and take action as appropriate.
  - e. Revoke any permits issued in error or which are based on erroneous information.
  - f. Exercise any additional powers or duties authorized by the statutes.
  - g. Exercise additional duties as directed by the Board of Selectmen or Town Manager.
  - h. Develop permit application forms.

##### B. Planning Board

The Planning Board shall be maintained in accordance with State Law and shall be responsible for reviewing and acting upon Site Review Applications, and as otherwise provided herein. Following approval by the Planning Board, applicants shall return to the Code Enforcement Officer for a Building Permit, if applicable.

##### C. Board of Appeals

The powers and duties of the Board of Appeals include hearing and making binding decisions on appeals in regard to final decisions of the Code Enforcement Officer or the Planning Board and granting or rejecting variance requests. The Board of Appeals must be maintained in accordance with the provisions of Title 30-A, M.R.S.A., Section 2691. The Board of Appeals shall conduct its affairs, as specified below:

##### 1. Administrative Appeals

To hear and decide where it is alleged, there is an error in any order, requirement, decision or determination by the Planning Board or Code Enforcement Officer in the administration of this Ordinance. The action of the Code Enforcement Officer or any decision from the Planning Board may be affirmed, remanded or reversed in whole or in part by the Board of Appeals by concurring vote of at least four members in accordance with the provisions set forth in Section 1.C.5.e.(5) of this Article.

All appeals from a decision, determination, or requirement of the Code Enforcement Officer shall be conducted *de novo*. The Board of Appeals shall conduct a fact-finding hearing at which it may receive and consider evidence and testimony and oral or written argument in addition to the record of the action taken by the Code Enforcement Officer and, based on all the evidence presented to the Board, shall decide whether the action of the Code Enforcement Officer constituted an error of law, misinterpretation of the Ordinance or misapplication of the law to the facts.

Appeals from decisions of the Planning Board shall be strictly "appellate" proceedings. Such review is limited to the record of the proceedings before the Planning Board, and the Board of Appeals shall not receive or consider any evidence which was not presented to the Planning Board, but the Board of Appeals may receive and consider oral and written argument. If the Board of Appeals determines that the record of the Planning



Board proceedings is not adequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding. The Board of Appeals shall not substitute its judgment for that of the Planning Board on questions of fact.

## 2. Variance Appeals

a. To hear and decide, upon appeal, specific cases where a relaxation of terms of this Ordinance would not be contrary to the public interest, and where, owing to conditions peculiar to the property and not to the neighborhood locale, and to conditions not the result of actions of the applicant or any predecessor in title, strict application of this Ordinance to the applicant and the applicant's property would result in undue hardship. For purposes of this subsection "undue hardship" means:

- (1) That the land in question cannot yield a reasonable return unless a variance is granted; and
- (2) That the need for a variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood; and
- (3) That the granting of a variance will not alter the essential character of the locality; and
- (4) That the hardship is not the result of action taken by the applicant or a prior owner.

b. A financial hardship shall not constitute grounds for granting a variance.

c. Convenience to the applicant shall not constitute grounds for granting a variance. Further, applicants shall demonstrate that no other feasible alternative to his/her proposal is available.

d. As used in this Ordinance, a variance is authorized only for height, setback, lot area or dimensional requirements. Establishment or expansion of uses otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the land use district or uses in adjoining land use districts.

e. The Board of Appeals shall limit any variances granted as strictly as possible in order to insure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The owner of record shall comply with any conditions imposed.

f. A copy of each variance request involving property within the Shoreland Districts, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

g. Any variance shall expire unless following issuance of same, there is compliance with Article 4, Section 7.

## 3. Disability Variance for a Building

The Board of Appeals, upon concurring vote of at least two-thirds of its appointed members, may grant a variance to an owner of a dwelling unit for the purpose of allowing equipment and structures necessary to make the dwelling on that property accessible to any person with a disability who regularly uses such dwelling. The Board of Appeals shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by persons with disabilities who regularly use such dwelling unit. The Board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in or regularly uses the dwelling.



#### 4. Setback Variance for Single Family Dwellings

The Board of Appeals may permit a variance from setback requirements for a single-family dwelling which is the primary year-round residence of the applicant or its accessory structure(s) upon finding that strict application of this Ordinance to the applicant's property would create undue hardship, defined for purposes of this subsection only as follows:

- a. The need for the variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
- b. The granting of a variance will not alter the essential character of the locality;
- c. The hardship is not the result of action taken by the applicant or a prior owner;
- d. The granting of the variance will not substantially reduce or impair the use of abutting property; and
- e. The granting of the variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.

The Board of Appeals may not grant a setback variance for a single family dwelling under this subsection if the result would be to exceed the lot coverage ratio allowed in the district. Minimum setback from a waterbody or wetland may not be reduced under this subsection. Minimum front, side, and rear setbacks may be reduced by more than 20% under this subsection only if the applicant has obtained the written consent of any affected abutting landowner.

#### 5. Appeal Procedure

The following applies to all forms of appeal to the Board of Appeals:

- a. Time Limit  
An administrative or variance appeal shall be filed within 45 days of the date of the written decision being appealed.
- b. Submittals  
Such appeal shall be made by filing with the Board of Appeals a written notice which includes:
  - (1) A concise written statement indicating what relief is requested and why it should be granted.
  - (2) A sketch drawn to scale showing lot lines, location of existing buildings and structures, and other physical features of the lot pertinent to the relief requested.
- c. Record of Case  
Upon being notified of an appeal, the Code Enforcement Officer shall transmit to the Board of Appeals copies of all of the papers constituting the record of the decision being appealed.
- d. Public Hearing  
The Board of Appeals shall hold a public hearing on the appeal within 30 days of its receipt of a complete appeal request. The Board of Appeals shall publish a notice of the date, time, place and purpose of the public hearing in a newspaper of general circulation in the Town, at least 10 days prior to the public hearing. The Board shall also notify by first-class mail all property abutters to the site at least 10 days prior to the public hearing and a Certificate of Mailing shall be obtained from the postal clerk at the time of mailing. The Certificate of Mailing shall be retained as a part of the official records of the appeal.
- e. Decision by Board of Appeals
  - (1) Quorum. A majority of the full Board of Appeals shall constitute a Quorum for the purpose of deciding an appeal.
  - (2) Majority Vote. The concurring vote of at least 4 members of the Board of Appeals shall be necessary to make a decision.
  - (3) Burden of Proof. The person filing the appeal shall have the burden of proof.
  - (4) Time Frame: Written Decision.
    - (a) The Board of Appeals shall decide each appeal within 10 days after the close of the hearing, shall issue a dated written decision on each appeal, and shall send a copy of the decision to the applicant, Code Enforcement Officer and the Planning Board within 7 days thereafter. For decisions regarding development in shoreland districts, the Board of Appeals shall send such written decisions to the Department of Environmental Protection within 7 days of the



Board's decision.

- (b) All decisions of the Board of Appeals shall become a part of the record, shall include a statement of findings of fact and of conclusions along with the reasons therefor. In instances where the Board of Appeals remands a case to the Planning Board or Code Enforcement Officer, such decisions shall include an appropriate order.

(5) Administrative Appeal Decisions. When rendering a decision based on an administrative appeal, the Board of Appeals may, in whole or in part:

- (a). Affirm the decision of the Planning Board or Code Enforcement Officer;
- (b). Remand the case for further proceedings, findings of fact or conclusions of law or direct the Planning Board or Code Enforcement Officer to hold such proceedings or take such action as the Board of Appeals deems necessary; or
- (c). Reverse or modify any decision if the administrative findings, conclusions or decisions are clearly contrary to the provisions of this Ordinance and/or are:
  - i) In violation of this Ordinance or constitutional or statutory provisions; and/or
  - ii) In excess of the authority of the Planning Board or Code Enforcement Officer; and/or
  - iii) Made upon unlawful procedure; and/or
  - iv) Affected by bias or error of law; and/or
  - v) Unsupported by substantial evidence on the whole record; and/or
  - vi) Arbitrary or capricious or characterized by abuse of discretion.

f. Reconsideration

Upon its own motion, or upon the written request by any party, the Board of Appeals, for good cause, may vote to reconsider its decision. Any motion or request to reconsider must be made within fourteen (14) days of the decision of the Board.

The Board may then decide to either: 1) deny the request for reconsideration; or 2) to re-open the proceedings in order to reconsider its earlier decision and, in doing so, may conduct further hearings and receive additional evidence and testimony. If the Board decides to re-open the earlier decision, the Board must notify all interested parties. The Board may limit the scope of any reconsideration.

The Board's decision to either deny the request for reconsideration or to re-open the proceedings for reconsideration shall be made within fourteen (14) days of the motion or request to reconsider.

If the Board decides to reconsider its decision and reopen the proceedings, then the Board shall issue a final decision within thirty (30) days.

A request or motion for reconsideration shall toll the appeal period for the original decision of the Board. The time for taking an appeal to Superior Court shall be 30 days from the date of the Board of Appeals decision to either deny the request for reconsideration or from the issuance of its final decision made upon reconsideration.

g. Appeal to Superior Court

Any party aggrieved by the decision of the Board of Appeals or the Planning Board may appeal to Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure within 45 days of the Board's final decision.

(1) In the event of an appeal to the Superior Court from the Board of Appeals review of a Code Enforcement Officer decision, the decision of the Board of Appeals shall be the operative decision for judicial review.

(2) In the event of an appeal to the Superior Court from Board of Appeals review of a Planning Board decision, the decision of the Planning Board shall be the operative decision for judicial review.

- h. The applicant shall record the variance at the Registry of Deeds within 90 days of the date of the final written approval of the variance as per Title 30-A, M.R.S.A. Section 4353.5.



## SECTION 2. ENFORCEMENT

### A. Nuisances

Any violation of this Ordinance shall be deemed to be a nuisance.

### B. Code Enforcement Officer Actions

1. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer determines that any provision of this Ordinance is being violated, the Code Enforcement Officer shall take action. Such action may include ordering the discontinuance of illegal use of land, buildings or structures, or work being conducted; removal of illegal signs, removal of illegal buildings, structures; and abatement of nuisance conditions. A copy of such order shall be maintained as a permanent record.
2. The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance and shall take appropriate action.
3. When any violation of any provision of this Ordinance, including failure to comply with any subdivision or site plan approved by the Planning Board, any condition imposed by the Board of Appeals or any order of the Code Enforcement Officer shall be found to exist, the Code Enforcement Officer shall notify the Municipal Officers who may then institute any and all actions to be brought in the name of the Town.
4. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On a biennial basis, a summary of this record for all development in the shoreland district shall be submitted to the Director of the Bureau of Land and Water Quality within the Department of Environmental Protection.

### C. Legal Actions

When the actions described in subsection B, above, do not result in the correction or abatement of the violation or nuisance condition, the Board of Selectmen, upon notice from the Code Enforcement Officer, may institute any and all actions and proceedings, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town of Readfield.

The Board of Selectmen, following the conclusion of the administrative process in Section 1, may enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without court action. Such agreements shall not allow an illegal structure or use to continue, unless there is clear and convincing evidence that the illegality was a direct result of erroneous information or advice given by the Code Enforcement Officer, and there is no evidence that the owner/violator acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health, safety and welfare or will result in substantial environmental damage.

### D. Civil Penalties

Any person, including but not limited to a landowner, agent or a contractor, who orders or conducts any activity in violation of this Ordinance shall be subject to the penalties prescribed in Title 30-A, M.R.S.A., Section 4452. The minimum penalty for a specific violation shall be \$100 per day and the maximum penalty shall be \$2,500 per day. Notwithstanding the foregoing, the maximum penalty for any violation of this ordinance shall be \$5,000 per day if the violation occurs within an area zoned for resource protection.



**Maine Municipal Association**

## Municipal Officers' Quasi-Judicial Role

**Maine Townsman - November, 2004**

We normally think of municipal officers (selectmen or councilors) as policymakers, with executive and, in some cases, legislative functions, but municipal officers also have an important quasi-judicial role, where they must impartially hear and weigh evidence, make findings of fact, and reach a decision in much the same way as a judge in court would do.

There are three general areas in which municipal officers may be called upon to act in a quasi-judicial capacity: (1) licenses and permits, (2) certain appeals, and (3) personnel matters. Below are some common examples in each category:

Licenses and permits. Junkyard/auto graveyard permits; concealed weapons permits; on-premise liquor licenses; special amusement permits (for on-premise entertainment); pawnbroker licenses.

Certain appeals. General assistance fair hearing appeals; tax abatements for poverty or illegality; secret ballot election recounts; certificate of occupancy appeals; farmland registration appeals.

Personnel matters. Discipline and termination of employees; removal of appointees.

The municipal officers may also have to make quasi-judicial decisions in other contexts, such as declaring a nuisance under the "Dangerous Buildings" law or the "Malfunctioning Septic System" law.

In all of these quasi-judicial settings, basic due process requires notice to the person or persons affected and a fair hearing before an impartial panel. This is fundamentally different from the policymaking or legislative process, where the decision-makers are free to act on their preferences and prejudices without fear of due process complaint. It should be noted, however, that although the municipal officials cannot be held liable for either legislative or quasi-judicial decisions under the Maine Tort Claims Act, quasi-judicial decisions can lead to liability under the federal Civil Rights Act if they violate federally protected rights such as to due process or equal protection. Thus, it is critical that the municipal officers, in their quasi-judicial role, act fairly and without bias or predisposition to a particular result.

For more on the municipal officers' quasi-judicial role, including recommendations for ensuring due process, see our Municipal Officers Manual, available free to members on MMA's web site at [www.memun.org](http://www.memun.org). (By R.P.F.)

### [Return](#)

*This information is intended for general information purposes only and is not meant as legal advice. This information should not take the place of a thorough review of pertinent statutes, consultation with legal counsel, or other specific guidance on the subject.*

Search Legal Notes:

[Search](#)



## **Quasi-Judicial Function**

When the municipal officers are called upon to formally hear facts and make a decision, they are performing a “quasi-judicial” function, since this is similar to what judges do in court. This duty most commonly arises in issuing licenses and permits. Title 30-A M.R.S.A. § 3701 states that the municipal officers are the town’s licensing authority unless otherwise provided by statute, charter, or ordinance.

The municipal officers also act in a quasi-judicial capacity when they act as an appeals board. Even though most towns have a board of appeals which hears land use and zoning appeals, there are several other decisions made by other town officials which may be appealed to the municipal officers. These are discussed further below.

The third general area where the municipal officer acts in a quasi-judicial capacity is with regard to personnel matters, specifically, when they are hiring, evaluating, disciplining or firing employees.

## **Issuing Permits and Licenses**

The following are examples of some of the more common licenses and permits which involve the municipal officers:

- Automobile graveyard/junkyard permits (30-A M.R.S.A. § 3751)
- Pawnbrokers (30-A M.R.S.A. § 3961)
- Special amusement permits (28-A M.R.S.A. § 1054)
- Concealed weapons permits (25 M.R.S.A. § 2003)
- On-premise consumption of alcoholic beverages (28-A M.R.S.A. § 653)
- Innkeepers licenses (30-A M.R.S.A. § 3811)

The licensing/permitting process with regard to these and dozens of other licenses/permits required by State law is discussed in MMA’s *Licensing and Permitting Handbook* (1999). For detailed guidance on the process for conducting a hearing and preparing a written decision, see MMA’s *Manual for Local Planning Boards: A Legal Perspective*.

## **Acting as an Appeals Board**

The following is a list of some of the areas in which the municipal officers have the authority to hear appeals under State law:

- Building inspections (authority to enter by municipality) (25 M.R.S.A. § 2352);
- Building permit appeals (30-A M.R.S.A. § 4103(5));

- Farmland registration appeal issues (7 M.R.S.A. § 54);
- General assistance (GA) appeals (excluding any officer involved in the administration of the GA application at issue (22 M.R.S.A. § 4322);
- Occupancy certificate appeals (25 M.R.S.A. §-A); § 2357-A)
- CEO or building inspector decisions (if by ordinance);
- Special amusements permit appeals (28-A M.R.S.A. § 1054)(2);
- Tax abatements (36 M.R.S.A. § 841) (where a legal or constitutional problem with the assessment is claimed, not simply an overvaluation; or where the taxpayer claims an inability to pay due to poverty or infirmity; or where a tax collector demonstrates that a tax is uncollectible after two years for one of the reasons listed in the statute) (See MMA's "Poverty Abatement" Information Packet and MMA's *Municipal Assessment Manual*.);
- Secret ballot election recounts and appeals of removal of voters names from the voting list (30-A M.R.S.A. § 2531-A; 21-A M.R.S.A. § 163).

The municipality also may have ordinance or charter provisions which give the municipal officers jurisdiction to hear certain appeals.

For appeals where there is no mandatory procedure imposed by statute, a few recommended basic steps for such hearings and decisions appear below. For detailed guidance on conducting administrative appeals and preparing a written decision, see MMA's *Manual for Local Appeals Boards: A Legal Perspective* and "How to Conduct an Appeal-Proof Hearing on Zoning Issue" in Appendix 4.

- 1) Make certain that proper notice of the date, place and time of the hearing has been given to the applicant and the public. If the appeal is a poverty tax abatement, the board must begin in an advertised public meeting and then move to go into executive session. The meeting notice and motion must not reveal the identity of the applicant. Proceedings involving General Assistance or concealed weapons applications are totally confidential and are not preceded by public notice.
- 2) Inform the applicant that he or she has the right to have legal counsel present (at his/her own expense).
- 3) Where the facts are vague or need further investigation, use a neutral person to investigate. If the municipal officers who sit as the appeals board also do the investigating or if members of the board offer substantial testimony of their own, this could give the appellant grounds to challenge their decision on the grounds of denial of due process or bias (not able to be impartial).



- 4) Put the decision in writing. A sample “Findings of Fact, Conclusions and Decision” form is in Appendix 4 to this manual and is a good guide to use.
- 5) Make certain the applicant is advised in writing of his/her right to appeal the decision to court or other appropriate body. Since an appeal heard by the municipal officers usually is the final appeal possible on the local level, the route of appeal typically would lead the appellant to Superior Court by means of Rule 80B of the Maine Rules of Civil Procedure, except for tax abatement appeals, which would go to either the County Commissioners or the State Board of Assessment Review in the absence of a local board of assessment review.

## **Personnel**

The municipal officers often are responsible for the hiring, supervision, and firing of employees and appointed officials, another quasi-judicial function of the board. State law and court cases set some guidelines in this regard, and the municipality also may have a personnel policy, union contract, or charter provision which describes how to conduct personnel matters. Refer to Chapter 9 for an extensive discussion of personnel issues.

## **Other Matters**

The municipal officers may be asked to make other quasi-judicial decisions, such as:

- Declaring a building to be dangerous (*17 M.R.S.A. § 2851*) (see MMA’s “Dangerous Buildings” Information Packet);
- Reviewing a General Assistance decision (*22 M.R.S.A. § 4322*) (see MMA’s *General Assistance Manual*);
- Deeming a road to be abandoned (*23 M.R.S.A. § 3028*) (see MMA’s *Municipal Roads Manual*);
- Deciding whether a septic system is malfunctioning and must be fixed (*30-A M.R.S.A. § 3428*) (see MMA’s “Malfunctioning Wastewater Disposal Units” Information Packet);
- Reviewing subdivisions where there is no planning board (*30-A M.R.S.A. § 4403, 4404*) (see MMA’s *Manual for Local Planning Boards: A Legal Perspective*).



There are other situations in which the municipal officers will act in this quasi-judicial role, and it is more important to know the general procedure rather than attempting to memorize or list every possible situation. As stated above, the process should include four basic steps: (1) fact-finding (complaint and investigation), (2) notice to the affected person, (3) a hearing, and (4) a decision based on the most persuasive evidence. A formal hearing is not always necessary, but may be required by statute or local ordinance and often is advisable.

[Back](#)

### Findings of Fact, Conclusions, and Decision

TO:

FROM: Board of Municipal Officers

REGARDING:

DATE:

Dear:

This is to inform you that the Board of Municipal Officers has acted on your **[state the type of appeal or application here]**. A hearing was held on [date] and the Board has made the following findings of fact, conclusions, and decision in the matter:

**Findings of Fact:** [state the nature and substance of evidence presented, including documents and statements by witnesses, and indicate what you found to be credible and relevant to the matter--what you believe the facts to be, based on evidence presented.]

**Conclusions:** [state how the particular ordinance or law which is involved applies to the facts; whether the application or appeal should be granted or denied.]

**Decision:** [state the actual decision--whether applicant's request is granted or denied; if the permit or license has conditions attached, state those here and on the permit itself. If this form *is* the permit, indicate that as well. If the request is denied, state where the applicant may appeal and within how many days.]

\_\_\_\_\_, Chairman

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Board of Municipal Officers

## How to Conduct a Public Hearing

(from *Maine Townsman*, April 1976, 1998)

By Clifford H. Goodall, Esq.

**Editor's Note:** The author is a partner in the Augusta law firm of Lund and Goodall and is a member of the MMA Advisory Committee.

Every conscientious town official will, sooner or later, be involved in a public hearing. The laws and liabilities regarding public hearings are changing and as a result every councilman, selectman, planning board member, fire chief, conservation commissioner, town manager, road commissioner, school board member, building inspectors and others must be aware of the basics in this increasingly used legal mechanism. If the basics are not understood, then every town official may cause considerable confusion and invite costly court cases. All of this can be avoided with a fairly simple understanding of the public hearing concept and purpose.

### Two Types

The first determination that needs to be made before a public hearing is announced is whether it is to have a legislative or quasi-judicial function. All levels of government use both types but each is clearly different with different purposes and legal requirements. The fact that both types are called public hearings is unfortunate and a source of confusion.

### The Legislative Public Hearing

Whenever any government body is considering the adoption of a law, ordinance, rule, or regulation and calls a public hearing to consider the proposal, a legislative type public hearing will result. Examples are when the selectmen call a public meeting to discuss a proposed ordinance for road construction standards or the planning board calls a public meeting to discuss proposed subdivision regulations. Each of these are legislative because they will have a general application throughout the town. The purpose is to get public reaction to a proposal which will restrict and regulate whoever may be affected by the proposal in the future.

The legislative public hearing, until recently, has been the most common. It is generally an informal affair with all of the proponents having their say and then all of the opponents. Speakers can say just about what they want and usually do even if it is not terribly relevant. There are very few procedural rules for the conduct of this type of hearing. Generally, notices are published in a newspaper and posted in town. Since the purpose is to get public input, an effort should be made to get as much reaction as possible from as many people as possible. Therefore, the more people who know about it, the better. The legislative public hearing is most efficient when multiple copies of a clear and written proposal is widely distributed for discussion. Every degree of vagueness increases in proportion the chaos this type of hearing can sometimes cause. Most Mainers have the healthy attitude that if we can't understand it, we don't like it.

Every government unit and agency will from time to time hold a legislative public hearing. The goals are the greatest possible public input, broadest public notice, a clear proposal, and a simple procedure.

### The Quasi-Judicial Public Hearing

The quasi-judicial public hearing is in sharp contrast to a legislative public hearing. It is a formal affair, restricted by clear legal restraints, and if not properly conducted, can result in costly litigation for the town, individuals, and town officials. This type of hearing is becoming much more common and is now required as a matter of law in many circumstances.



The key to understanding this type of hearing is in its name: quasi-judicial. In other words, it is like a court case and those involved usually have a lot to lose or gain. For example, when the selectmen hold a public hearing for Joe Smith's junkyard license, it must be a quasi-judicial hearing. When a planning board holds a public hearing for John Doe's real estate subdivision, it must be a quasi-judicial public hearing.

## **Constitutional Rights**

Every quasi-judicial public hearing has constitutional limitations and the participants have rights that are very important. These set the goals for how the hearing should proceed.

The Fourteenth Amendment requires that every government unit and agency not "deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

The 'due process' requirement mandates that every decision and hearing be based on fair and reasonable written ordinances and regulations that correspond to the facts at issue. In other words, each town unit should have written rules for conducting these public hearings; the ordinances or laws that are the subject of the hearing must be reasonable and written; and the evidence at the hearing must relate to the purpose and criteria of the relevant law or ordinance.

The 'equal protection' requirement mandates that everyone affected by the particular ordinance or law be treated in a similar fashion. The key here is the 'treatment' which must be the same. It does not mean that the outcome or decision must be the same. All rules, regulations, ordinances, and laws must be applied equally to different facts. Because the facts are always different, the outcome is almost always different to some degree.

## **Rules of Procedure**

Every unit of town government which may hold a quasi-judicial public hearing and does not now have written rules of procedure is in for potential trouble.

Do it now and keep them simple!

If you do not have any written rules, it is difficult to provide adequate due process. In addition, procedural rules help everyone, especially the chairman. Rules, if they are clear and simple, can prevent the process from turning into a circus and shouting match. Without rules the final decision may be challenged in court. Maine law requires that these rules be adopted before anyone needs a public hearing. Once anyone has filed an application for a permit, license, etc., it's too late to start worrying about rules of procedure. Therefore, adopt them now!

## **Evidence**

In this type of hearing, as in a court, there needs to be limitations on the type of evidence that is presented and considered.

The most important factor is relevancy. The test is a fairly simple one compared to the test used in court trials. Generally, any evidence should be allowed to be presented which will be helpful and which has some reliability. Emotional and speculative presentations should be discouraged, but they never can be completely avoided. These hearings are frequently emotional so the chairman should conduct the hearing with both compassion and fairness. This is a task which is sometimes almost impossible, but the effort is worth it.

At the very beginning of the hearing the chairman should explain the procedural rules and read the criteria of the law or ordinance that applies. He should make it very clear that only evidence that



relates to those criteria can be considered. That is the best test of relevancy: does it relate to the criteria of the law or ordinance which is being applied? For example, evidence and discussions about more school age children is generally irrelevant in a subdivision hearing before a planning board because the state law requiring the subdivision license does not list this factor as one of the criteria. Unless it has been clearly included in a locally adopted ordinance or regulation, it cannot be considered.

Any person presenting evidence at this type of hearing should be available to answer questions from town officials and others. In other words, anyone who testifies should be subject to cross-examination.

Whenever a quasi-judicial hearing is used another crucial limitation automatically results: the decision must be based only on information and evidence gathered at the hearing.

This is an important point. Just one year ago, the Maine Supreme Judicial Court reviewed the results of this type of hearing in South Portland and threw out the decision of the city council in a license case for a self-service gasoline station. The city did this because the council based its decision on evidence not presented at the public hearing. In its decision, the court said:

"While an administrative agency of government does possess a broad area of discretion, it is . . . requires, that a decision be based upon substantial evidence rather than the visceral reaction of its number. When, as in the instant case, the application was supported by uncontradicted evidence that the proposed operation did not pose a threat to the public safety, the Council may not base its adverse decision, however well motivated, solely upon the personal opinion of one of its members, particularly where the reservations expressed were purely speculative."

## **The Decision**

Once the hearing is over, a decision must be made within a reasonable, period of time. Check the law or ordinance governing each case because some set clear time limitations.

The final decision must be in writing and must state the reasons for the decision. This is a requirement of state law and also of general fairness. The best form is the listing of the facts that were relied upon for reaching this final decision. A convenient form will be in two parts. The first is a 'Finding of Facts' and the second is a 'Decision.' The decision generally can be either approval, approval with conditions, or denial. If conditions are included, they must be listed.

## **Caution**

There is a clear trend to give more control to municipalities. Because of this, there will be an increase in public hearings of both types. They are a useful and important tool, but a word of caution is needed in conclusion. Always consult the law governing the specific issue and hearing. When in doubt, seek legal assistance. What appear to be minor errors can result in costly litigation and can damage the interests of private individuals as well as the town.

# Maine Revised Statutes

## **Title 30-A: MUNICIPALITIES AND COUNTIES HEADING: PL 1987, C. 737, PT. A, §2 (NEW)**

### **Part 2: MUNICIPALITIES HEADING: PL 1987, C. 737, PT. A, §2 (NEW)**

#### **Subpart 3: MUNICIPAL AFFAIRS HEADING: PL 1987, C. 737, PT. A, §2 (NEW)**

#### **Chapter 123: MUNICIPAL OFFICIALS HEADING: PL 1987, C. 737, PT. A, §2 (NEW)**

#### **Subchapter 5: BOARD OF APPEALS HEADING: PL 1987, C. 737, PT. A, §2 (NEW)**

### **§2691. Board of appeals**

This section governs all boards of appeals established after September 23, 1971. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

**1. Establishment.** A municipality may establish a board of appeals under its home rule authority. Unless provided otherwise by charter or ordinance, the municipal officers shall appoint the members of the board and determine their compensation.

[ 1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

**2. Organization.** A board of appeals shall be organized as follows.

**A.** The board shall consist of 5 or 7 members, serving staggered terms of at least 3 and not more than 5 years, except that municipalities with a population of less than 1,000 residents may form a board consisting of at least 3 members. The board shall elect annually a chairman and secretary from its membership. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

**B.** Neither a municipal officer nor a spouse of a municipal officer may be a member or associate member of the board. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

**C.** Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting on that issue shall be decided by a majority vote of the members, excluding the member who is being challenged. [1987, c. 737, Pt. A, §2 (NEW);



1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

**D.** The municipal officers may dismiss a member of the board for cause before the member's term expires. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

**E.** Municipalities may provide under their home rule authority for a board of appeals with associate members not to exceed 3. If there are 2 or 3 associate members, the chairman shall designate which will serve in the place of an absent member. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[ 1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

**3. Procedure.** The following provisions govern the procedure of the board.

**A.** The chairman shall call meetings of the board as required. The chairman shall also call meetings of the board when requested to do so by a majority of the members or by the municipal officers. A quorum of the board necessary to conduct an official board meeting must consist of at least a majority of the board's members. The chairman shall preside at all meetings of the board and be the official spokesman of the board. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

**B.** The secretary shall maintain a permanent record of all board meetings and all correspondence of the board. The secretary is responsible for maintaining those records which are required as part of the various proceedings which may be brought before the board. All records to be maintained or prepared by the secretary are public records. They shall be filed in the municipal clerk's office and may be inspected at reasonable times. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

**C.** The board may provide, by regulation which shall be recorded by the secretary, for any matter relating to the conduct of any hearing, provided that the chair may waive any regulation upon good cause shown. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

**D.** The board may receive any oral or documentary evidence but shall provide as a matter of policy for the exclusion of irrelevant, immaterial or unduly repetitious evidence. Every party has the right to present the party's case or defense by oral or documentary evidence, to submit rebuttal evidence and to conduct any cross-examination that is required for a full and true disclosure of the facts. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

**E.** The transcript or tape recording of testimony, if such a transcript or tape recording has been prepared by the board, and the exhibits, together with all papers and requests filed in the



proceeding, constitute the public record. All decisions become a part of the record and must include a statement of findings and conclusions, as well as the reasons or basis for the findings and conclusions, upon all the material issues of fact, law or discretion presented and the appropriate order, relief or denial of relief. Notice of any decision must be mailed or hand delivered to the petitioner, the petitioner's representative or agent, the planning board, agency or office and the municipal officers within 7 days of the board's decision. [1991, c. 234, (AMD) .]

F. The board may reconsider any decision reached under this section within 45 days of its prior decision. A request to the board to reconsider a decision must be filed within 10 days of the decision that is to be reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within 45 days of the date of the vote on the original decision. The board may conduct additional hearings and receive additional evidence and testimony as provided in this subsection.

Notwithstanding paragraph G, appeal of a reconsidered decision must be made within 15 days after the decision on reconsideration. [2003, c. 635, §1 (AMD) .]

G. Any party may take an appeal, within 45 days of the date of the vote on the original decision, to Superior Court from any order, relief or denial in accordance with the Maine Rules of Civil Procedure, Rule 80B. This time period may be extended by the court upon motion for good cause shown. The hearing before the Superior Court must be without a jury. [1991, c. 234, (AMD) .]

[ 2003, c. 635, §1 (AMD) .]

**4. Jurisdiction.** Any municipality establishing a board of appeals may give the board the power to hear any appeal by any person, affected directly or indirectly, from any decision, order, regulation or failure to act of any officer, board, agency or other body when an appeal is necessary, proper or required. No board may assert jurisdiction over any matter unless the municipality has by charter or ordinance specified the precise subject matter that may be appealed to the board and the official or officials whose action or nonaction may be appealed to the board. Absent an express provision in a charter or ordinance that certain decisions of its code enforcement officer or board of appeals are only advisory or may not be appealed, a notice of violation or an enforcement order by a code enforcement officer under a land use ordinance is reviewable on appeal by the board of appeals and in turn by the Superior Court under the Maine Rules of Civil Procedure, Rule 80B. Any such decision that is not timely appealed is subject to the same preclusive effect as otherwise provided by law. Any board of appeals shall hear any appeal submitted to the board in accordance with Title 28-A, section 1054.

[ 2013, c. 144, §1 (AMD) .]

#### SECTION HISTORY

1987, c. 737, §§A2,C106 (NEW). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§A24,C8,C10 (AMD). 1991, c. 234, (AMD). 2003, c. 635, §1 (AMD). 2013, c. 144, §1 (AMD) .

The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public.  
If you need legal advice, please consult a qualified attorney.



WARRANT  
SPECIAL TOWN MEETING  
Sept 4, 1973

To: Frank Ramsey, a constable of the Town of Readfield, Maine, in the County of Kennebec,

In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of Readfield, qualified by law to vote in Town affairs, to meet at the Readfield Lions Club House in said Town on Tuesday, the fourth day of September, 1973, at seven-thirty o'clock in the evening, then and there to act on Articles numbered 1 thru 8:

Article 1. To choose a moderator to preside at said meeting.

Article 2. To see if the Town will vote to appropriate the sum of one hundred fifty dollars (\$150.00) from Federal Revenue Sharing funds, to be used for the purchase of a Salvation Army paper collection receptacle.

Article 3. To see if the Town will vote to appropriate the sum of three hundred dollars (\$300.00) from Federal Revenue Sharing funds for the publication of financial reports required by the Revenue Sharing regulations.

Article 4. To see if the Town will vote to appropriate the sum of two hundred dollars (\$200.00) from Federal Revenue Sharing funds, to be used to pay for the audits required by the Federal Revenue Sharing regulations.

Article 5. To see if the Town will vote to establish a Board of Appeals under Section 2411, title 30, Maine Revised Statutes.

Article 6. To see if the Town will ~~will~~ vest the Board of Appeals with the power to hear any appeal, by any person, affected directly or indirectly, from any decision, order, rule or failure to act of any officer, board, agency or other body where such appeal is necessary, proper or required.

Article 7. To see if the Town will vote to provide the following guidelines to be used by the Board of Appeals in deciding upon Applications for Variances and other appeals:

1. Powers. In deciding any appeal, the Board may interpret the provisions of the ordinance which are called into question.

2. Variance. A variance may be granted by the Board only where strict application of the ordinance, or a provision thereof, to the petitioner and/or his property would cause undue hardship or would not be in the best interest of the community. A variance, by definition, is the relaxation of the terms of an ordinance, where such variance would not be contrary to the public interest and where, owing to conditions peculiar to the property, and not the result of actions of the applicant, a literal enforcement of the ordinance would result in unnecessary or undue hardship. The crucial points of granting a variance are undue hardship and unique circumstances applying to the property.

3. Parties. The Board shall reasonably notify of any hearing, the applicant, the Town official(s) or board(s) involved, and the municipal officers: and such persons or entities shall be made parties to the proceedings. All interested persons shall be given a reasonable opportunity to have their views expressed at any hearing. In appeals involving variances from land ordinances, the Board shall notify in writing the owners of all property within 500 feet of the property involved at a reasonable time before the hearing of the subject in question and the time and place of the hearing. Inadvertent failure to notify any such property owner shall not be grounds for attacking the validity of the hearing.



#### 4. Appeal Procedure.

A. In all cases, a person aggrieved by a decision, or failure to decide, of a Town board, office or official, shall commence his appeal within 30 days after the decision or failure to decide. Where circumstances justify the chairman of the Board may waive the 30-day limitation. The appeal shall be filed, in writing, with the Board on forms approved by the Board, and the applicant shall specifically set forth the grounds for the appeal.

B. Within 30 days after the filing of an appeal, the Board shall hold a public hearing on the appeal. The Chairman may extend the 30-day period where unusual circumstances so justify. Notice of the subject matter and time and place of the hearing shall be published at least 7 days before the hearing in a newspaper of general circulation in the community.

C. At any hearing, a party may be represented by an agent or attorney. Hearing shall not be continued to other times except for good cause.

D. The Town Manager shall attend all hearings at which his presence is desirable: and may present the Board any plans, photographs, or other material he deems appropriate for an understanding of the appeal.

E. The applicant's case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. Questions shall be asked through the chair, except for members of the Board, or when permission is granted to question directly. All persons at the hearing shall abide by the order of the chairman.

F. Within 20 days of the hearing, the Board shall make its decision, and shall inform, in writing, the applicant, the municipal officers, and the official or board involved, of its decision. The 20-day period may be extended if the Board feels that it does not have sufficient information to decide the appeal.

G. A variance granted by the Board shall expire if the work or change authorized by the variance is not commenced within one year of the date on which the applicant was notified of the granting of the variance; or if the work or change is not substantially completed within two years of such date.

5. Criteria. In passing upon an application for a variance from a land ordinance, the Board shall evaluate and consider the immediate and long-range effects of the variance upon:

A. The maintenance of safe and healthful conditions.

B. the protection and control of water pollution and sedimentation.

C. The control of building sites, placement of structures and land uses, as they pertain to environmental concerns.

D. The protection of spawning grounds, fish, aquatic life, and bird and other wildlife habitats.

E. The conservation of shore cover and the preservation of visual and/or actual points of access to inland waters and areas of natural beauty.

F. The need of the applicant to use a particular location.

G. Access to the site from existing or proposed roads.

H. The location of the site with respect to flood plains.

I. The amount and type of wastes to be generated by the proposed use, and the adequacy of the proposed disposal systems.

J. The impact of the variance on the land and adjacent water bodies, and the capability of the land and water to sustain such use without degradation.

K. Existing topographic and drainage features and vegetative cover on the site.

L. The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.

M. The impact of the variance on local water supplies.

6. Assistance. In its consideration of an appeal, the Board may request the assistance of the regional planning commission, the county soil and water conservation district.



and any other State, Federal or local board or agency which can provide technical assistance.

~~7.~~ Taxes. No appeal shall be entertained from an applicant whose taxes to the Town of Readfield have not been fully paid to the end of the preceding year; however, the Board shall be able to waive this requirement where circumstances warrant.

~~7.8.~~ Refusal to Hear Appeal. The Board shall have the authority to refuse to hear and decide any appeal, upon any reasonable grounds.

Article 8. To see if the Town will vote to provide the following guidelines to be used by the Board of Appeals in deciding upon Applications for Variances and other appeals:

1. Variances and appeals may be granted upon the basis that literal enforcement of the ordinance or decision appealed from would result in undue hardship, provided there is no substantial departure from the intent of the ordinance and that granting the variance or appeal will not be detrimental to the safety, health and welfare of the community.

2. The Board of Appeals may adopt, and shall act in accordance with, such reasonable rules and regulations, in regard to any ordinance or area of its jurisdiction, as are not inconsistent with the intent of the ordinance, or applicable State or Federal law, if any.

3. No appeal shall be entertained from an applicant whose taxes to the Town of Readfield have not been fully paid to the end of the preceding year; however, the Board shall be able to waive this requirement where circumstances warrant.

NOTICE is hereby given that the Registrar will be in session for the purpose of correcting the list of voters from 7:30 p.m. until the meeting closes at the Readfield Lions Club House on the 4th day of September, 1973.

Given under our hands this 27th day of August A.D. 1973

Board of Selectmen, Town of Readfield

Harold E. Macomber  
Charles E. Elvin

Frederick E. Mitchell  
William E. Norwood

A true copy:

Attest: s/ Frank Ramsey, Constable of Readfield.

# STATE OF MAINE

Kennebec, ss.

August 28, 1973

Pursuant to the within warrant to me directed, I have notified and warned the inhabitants of the Town of Readfield, Maine to meet at the Readfield Lions Club house on Tuesday Sept. 4, 1973 at 7:30 o'clock in the evening by posting attested copies at the Postoffices at Readfield, Readfield Depot and Kents on Tuesday August 28, 1973, being at least seven days before the meeting.

Attest: s/ Frank Ramsey, Constable of Readfield, Me.