

**Readfield Select Board  
Regular Meeting  
Agenda**

**December 14, 2015**

**Meeting starts: 5:00 PM**

**Location: Readfield Town Office - Giles Hall**

**Pledge of Allegiance**

**Tax Abatement Appeal Hearing - 30 minutes**

To have the Board of Selectmen hold a hearing to consider an appeal of a decision of the Board of Assessors.

**Workshop - 60 minutes**

To have the Board of Selectmen hold a workshop to discuss the Selectboard Roles and Responsibilities Policy.

**Regular Meeting - 10 minutes**

16-049 - Minutes: Select Board meeting minutes of November 30, 2015 - 5 minutes

16-050 - Warrant: #25 & #26 - 5 minutes

**Communications - 45 minutes**

Select Board communications - 15 minutes

Town Manager - 10 minutes

Boards, Committees, Commissions & Departments - 5 minutes

- Cobbossee Watershed District minutes from August 11, 2015

- Cemetery Committee minutes from November 16, 2015

- Ad Hoc Appointments Committee minutes from November 18, 2015

Public Communication - Members of the public may address the Select Board on any topic – 15 minutes

**Unfinished Business - 20 minutes**

16-044 - 2<sup>nd</sup> Reading of amended Purchasing Policy - 10 minutes

16-051 - Consider revisions to the Appointments Committee directives - 10 minutes

**New Business - 70 minutes**

16-052 - Consider any action related to the appeal of a decision of the Board of Assessors - 10 minutes

16-053 - Consider any action related to the Notice of Violation for 1149 Main St. - 20 minutes

16-054 - Consider goals for the budget process and the structure of the Warrant - 20 minutes

16-055 - Other - 5 minutes

**Future Agenda Items - 5 minutes**

As identified in Appendix A

Other

**Adjournment**

## **Appendix A**

### **Future Agenda Items**

#### **Next Meeting:**

1st reading of the revised FOAA policy  
Presentation by Steve Vose of Maranacook Adult Education  
Library Building Committee status  
Safety measures at the Transfer Station  
Consider Town Office Hours

#### **Future Meetings:**

1st Reading of amended Conflict of Interest & Recall Process Ordinance  
Giles Hall Use Policy Amendment  
What to do about the Town Truck...  
Review of Comprehensive Plan & checklist  
Establish staggered terms for the Readfield Solid Waste and Recycling Committee  
Revision to SWRC Interlocal Agreement  
Cemetery Mowing RFP  
Brush Grinding RFP  
Snow Plowing RFP  
Striping RFP  
Website Committee  
Technology Plan  
Potential Parks / Town Property Committee

# **TAX ABATEMENT APPEAL**

## **HEARING**

**RE Account 841 Detail  
as of 11/10/2015**

Name: Morgan Fredrick Jr & Morgan Deborah

Land: 23,600

Location: 24 SOMERS DRIVE

Building: 87,800

Acreage: 7.3 Map/Lot: 104-009

Exempt 10,000

Book Page: B4297P9

Total: 101,400

2015-1 Period Due:

2) 390.52

Ref1:

Mailing

Address: 24 Somers Drive  
Readfield ME 04355

Year	Date	Reference	P C	Principal	Interest	Costs	Total
2015-1 R	09/02/15	Original		1,833.31	0.00	0.00	1,833.31
	2/4/2015	PREPAY-A	A Y	107.30	0.00	0.00	107.30
	9/22/2015	ck120	A P	809.36	0.00	0.00	809.36
	10/26/2015	A15-1	A A	526.13	0.00	0.00	526.13
		Total		390.52	0.00	0.00	390.52
2014-1 R				0.00	0.00	0.00	0.00
2013-1 R				0.00	0.00	0.00	0.00
2012-1 R				0.00	0.00	0.00	0.00
2011-1 R				0.00	0.00	0.00	0.00
2010-1 R				0.00	0.00	0.00	0.00
2009-1 R				0.00	0.00	0.00	0.00
2008-1 R				0.00	0.00	0.00	0.00
2007-1 R				0.00	0.00	0.00	0.00
2006-1 R				0.00	0.00	0.00	0.00
2005-1 R				0.00	0.00	0.00	0.00
2004-1 R				0.00	0.00	0.00	0.00
2003-1 R				0.00	0.00	0.00	0.00
2002-1 R				0.00	0.00	0.00	0.00
2001-1 R				0.00	0.00	0.00	0.00
2000-1 R				0.00	0.00	0.00	0.00
1999-1 R				0.00	0.00	0.00	0.00
1998-1 R				0.00	0.00	0.00	0.00
1997-1 R				0.00	0.00	0.00	0.00
1996-1 R				0.00	0.00	0.00	0.00
1995-1 R				0.00	0.00	0.00	0.00
1994-1 R				0.00	0.00	0.00	0.00
Account Totals as of 11/10/2015				390.52	0.00	0.00	390.52

Exempt Codes: 01 - Homestead .....

Note: Payments will be reflected as positive values and charges to the account will be represented as negative values.

## **Do You Know The Difference Between Error In Assessment And Error In Valuation?**

*Question:* We have a taxpayer who has been assessed since 1874 for more acreage than he actually owns. He wants abatement for the full 30 years. We think we are limited to the three-year abatement for illegalities, errors or irregularities in assessment. Who is correct?

*Answer:* Neither of you. Tax abatements of this variety are strictly governed by 36 M.R.S.A. 841 (1),

Which authorizes an abatement for up to three years back from the date of commitment for any "illegality, error or irregularity in assessment." An assessment for more acreage than the tax-payer actually owns is *not* an illegality, error or irregularity in assessment however.

According to Main's courts, and overestimate of acreage, or any misclassification of property resulting in an assessment that is too high, is an error in *valuation*. An *illegality*, error or irregularity in an assessment, such as assessing property that is tax-exempt or a clerical mistake that results in over taxation, is different. This difference is important because, according to 36 M.R.S.A. 841(1), errors in valuation can only be abated back one year from the commitment. For more on tax abatements and the reasons for these distinctions, see "tax abatement time limits" *Maine Townsman* February 1999 (By R.P.F.) ▲

# CHAPTER 10

## ABATEMENTS

### Fundamental Concepts

Abatement is the process by which assessed taxes that are determined to be excessive, may be reduced either in whole or in part. Abatements may be made because of errors in valuation by the assessor, because of overvaluation, ability to pay or because they are simply uncollectible. Abatement requests must be properly classified in order to determine who has authority to decide the issue and under what condition. Although abatements are permitted by law, assessors do not have the authority to grant them arbitrarily. Tax assessments are always presumed to be valid and the burden of proving eligibility for abatement falls on the party filing the request.

Neither municipal officials, nor attorneys retained to collect taxes by suit, have authority to abate, settle or compromise taxes, except in conformity with the law (Frankfort v. Waldo Lumber Co.). Neither can a municipality vote to direct the assessors to grant specific abatements (Thorndike v. Camden). In fact, an Opinion of the Justices (1979) (Me. 402 A.2d §601\*) declared a proposed legislative resolve to authorize a town to abate certain property taxes unconstitutional. The underlying principle was that it was never within the bounds of legitimate legislation to enact a special law granting a privilege to one town in a particular case by overriding the operation and effect of general law, but leaving all other towns under its operation. Such an attempt violates the equal protection and special legislation clauses of the Maine Constitution (Art IV, Pt. 3, section 13 and Art. I, section 6-A respectively).

The statutes that grant authority for abatements are stated in terms of the ordinarily permissive "may," but it is an accepted principle of statutory construction that when the word "may" is used in imposing a public duty upon public officials in the performance of their duty for the public good, and the public or some third party has an interest in the exercise of that power, then the word "may" is read "shall." The exercise of the power is viewed imperative as a matter of legislative intent. (Collins v. State of Maine).

Assessors, appellate boards and the courts, when considering questions of over-valuation, are required by law to implement the general rule of equality and uniformity of taxation required by constitutional and statutory provisions.

### Types of Abatements

**Error in valuation.** The only remedy available to a taxpayer who believes his property to be **over-valued** is an abatement request, in writing, to the assessor within **one year** from the commitment of the tax (36 MRSA § 841(1)), (Perry v. Lincolnville). For commitments made after April 1, 1992, an abatement request must be made within 185 days from commitment of taxes. Failure to request valuation abatement within this time period precludes further appeal procedures. **Municipal officers** have no authority to grant an abatement to correct an error in valuation.

An abatement request to correct a partially void assessment because of exemption or mistaken ownership may properly be included in this category of overvaluation and is subject to an action for abatement (Berry v. Daigle).

An abatement based on overvaluation is the proper recourse for any legally assessed tax against the owner in the taxing jurisdiction. The abatement amount must be relative to the just value of other property in the taxing jurisdiction. The abatement seeker shoulders the burden of proving that his assessed valuation in relation to just value is manifestly wrong (Delta Chemicals, Inc. v. Searsport\*) or that an unjust discrimination exists (Sears Roebuck Co. v. Presque Isle\*). The courts have said that the sales price is evidence of market value, that is used in determining property value for tax assessment purposes. Where average property in the area (of two lots) was assessed at 108% of sales price, and 2 lots were assessed at 147% and 128% of sales price respectively, the assessed value of those lots was "manifestly wrong. (Weekley v. Scarborough). In determining just value, the assessment ratios contained in the assessment ratio studies of the Property Tax Division are prima facie evidence of the claimed municipal ratio, unless a party to a proceeding establishes that this ratio was derived in a manner contrary to law or proves the existence of a different ratio. In any proceeding related to a protested assessment, it is a sufficient defense of the assessment to show that it is accurate within reasonable limits of practicality, except when a proven deviation of 10% or more from the relevant assessment ratio exists (36 MRSA § 848-A).

**Illegality, irregularity or error.** The assessors, within one year from commitment, or the municipal officers thereafter, but within 3 years from commitment, upon written application, or on their own initiative, stating the grounds therefor, may make reasonable abatement as they think proper to correct any illegality, error or irregularity in assessment (36 MRSA §841(1)). If a list of property was requested under 36 MRSA §706, the abatement seeker must have complied with this request or be barred from applying for abatement or from any appeal therefrom. "Assessors" means the assessors in office at the time the abatement request is filed. The reference to "grounds therefor" means the facts that would have justified a lower valuation if they were known or considered at the time of the original assessment. Assessors cannot refuse an abatement on the grounds that there is no appropriation for abatements.

Erroneous assessments that require an abatement on the assessors own initiative include situations where property was assessed to someone not taxable for it, where an assessment was void, or where a taxpayer entitled to exemption was assessed. If property is exempt, the law states that the taxpayer does not need to include it in a filed list of his estates. (36 MRSA § 706).

Although abatements that are illegal or void should be claimed pursuant to this section of law, the necessity for pursuing statutory remedies appears unsettled where the assessment complained of is void and illegal. In other states' courts, statutory remedies have been viewed irrelevant to situations where the assessors acted entirely without jurisdiction, or where the assessment was so incomplete or devoid of property authentication that there was nothing legally sufficient to lay before an appeals board for their action, or where the taxpayer had no opportunity to know of a discrimination in his assessment within the statutory time for notice of appeal, or according to some authority, where the assessment was fraudulently made.

In situations of a clearly illegal assessment, assessors should, on their own initiative, correct assessments to eliminate the need for a taxpayer to appear before an appeals tribunal that may not be in a position to consider the particular objection made.

Abatements actions are only available to consider the overvaluation of an otherwise lawful tax. Where a taxpayer seeks to recover moneys paid for an allegedly unlawful and therefore invalid tax, he may not request abatement. When a tax is legally assessed in form, but against an inhabitant of another town, the assessors have no jurisdiction and are not protected by their own faithfulness and integrity. (Herriman v. Stowers). When there is a claim that an entire assessment is alleged to be void or the taxing authority is invalid, then there is no remedy by the abatement process. (Berry v. Daigle)

The abatement/supplement process cannot be used to perfect an imperfect but valid assessment. For example, if a person is assessed for land he does not own, then the assessment is illegal and the tax should be abated and a supplemental tax assessed against the proper owner. However, if the tax assessed is not accompanied by a description of the land in the assessment record, then the tax, being valid, cannot be abated simply to issue a more perfect supplemental assessment.

**Infirmity or poverty.** The municipal officers, or the State Tax Assessor for the Unorganized Territory, may on their own knowledge or based on a written application, within 3 years from commitment, make abatements as they believe reasonable of real and personal taxes of persons who, by reason of poverty or infirmity, are in their judgment unable to contribute to the public charges (36 MRSA § 841(2)). Municipal officers have an obligation to inform persons indicating an inability to pay their tax of their right to seek abatement and to assist them in making application. Hearings and proceedings to decide poverty or infirmity abatements must be held in executive session, and materials submitted in support of the application, including the application itself, are protected as confidential. The 3 year period for abatements under this section may be extended by the municipal officers.

The statutes provide no guidance as to reasonable criteria to be used to evaluate a person's ability to contribute to the public charges. However, in Macaro v. Windham\*, the court reviewed a record which revealed that the plaintiff's monthly expenses, exclusive of real estate tax and repayment of a debt to her mother for paying off a bank mortgage on the taxed property, exceeded the taxpayer's monthly income during the years in question. Even though the plaintiff owned a valuable asset, her mobile home, the court found that in the absence of any ability to repay a loan, reliance on the existence of that asset to deny poverty abatement would defeat the purpose of this law. The purpose of the law is to prevent towns from forcing sale of a property in order to collect taxes from those otherwise unable to pay. In arriving at necessary expenses, the court considered mortgage payment on a modest mobile home, operating expenses of a vehicle, driveway snowplowing, car and homeowner insurance and personal debts. If it is clear that an applicant's poverty is undisputable, he is entitled to abatement in whole or in part, as a matter of law. It is not inappropriate, however, to delay action on an abatement request, with the approval of the applicant, until just prior to lien expiration if there is real possibility that the taxpayer's financial circumstances might be significantly improved.

**Inability to pay after 2 years.** If after 2 years from the date of assessment a collector is satisfied that a real or personal property tax committed for collection cannot be collected by reason of death, absence, poverty, insolvency, bankruptcy or other inability of the person assessed to pay, he must notify the municipal officers in writing and under oath, stating the reasons why the tax cannot be collected. The municipal officers may, after due inquiry, abate the tax or any portion thereof (36 MRSA § 841 (3)). The purpose of this statute is to relieve the collector of the obligation to collect a tax that is, in fact, uncollectible. Municipal officers should not confuse an uncollectible tax with negligent or ineffective collection efforts of the collector. In the latter case, the collector should be held to the statutory responsibility of collecting the tax. Taxes can be enforced by tax lien mortgages and there is little to recommend a policy of non-vigorous tax collection practices. Furthermore, the mere fact of death, absence insolvency or bankruptcy is not, in itself, sufficient to abate a tax. Taxes may be recoverable in each of these situations through heirs, executors, court distributions for court-appointed administrators, or the subsequent location of a taxpayer.

**Minor Amounts.** A minor or burdensome amount may be discharged and releases the tax collector from having to collect any unpaid personal property tax that may be deemed too small or burdensome. (36 MRSA § 760-A (1))



**Veteran's widow, widower or minor child.** Notwithstanding the failure to comply with 36 MRSA §706, assessors, on written application within one year from the date of commitment, may make abatement as they think proper in the case of the unmarried widow, widower or minor child of a veteran if the widow, widower or child would be entitled to exemption under 36 MRSA §653(1)(D), except for her or his failure to make application and file proof within the time set by 36 MRSA §653(1)(G) so long as the veteran died during the 12 month period preceding the April 1 for which the tax was committed (36 MRSA §841(4)).

**Municipal discount.** At any meeting when it votes to raise a tax, a municipality may by vote determine that all taxpayers who pay their taxes prior to specified times shall be entitled to an discount (abatement) of not more than 10% which is specified in the vote (36 MRSA § 505(5)).

### **Abatement Procedures**

**Method of seeking abatement.** Current statutes require that applications for abatement, initiated by a taxpayer, be timely submitted within 185 days from commitment in writing. Formerly, the court ruled that an application need not be in writing unless required by the assessors (Levant v. Penobscot County Commissioners). When applying for abatement of taxes, the burden of showing adequate reason for it is on the applicant, and he must prove or demonstrate enough justification to make, at least on first appearance, a reasonable request for relief (Shawmut Manufacturing Co. v. Benton\*).

The abatement process may be continued by a subsequent owner of the assessed property. Where true and perfect lists were filed with the assessors and the record owner of the property requested, but was denied an abatement by the assessors, a subsequent purchaser timely pursued administrative appeal under authority of the prior record owner. The court ruled that even though the purchaser was not the owner on the date established by the statute as the record date for the assessment, that fact should not be used as a device to limit the purchaser's ability to seek judicial review of the assessor's denial of the abatement request (Freeport Minerals Co. v. Bucksport).

If a taxpayer is given notice by mail to furnish a true and perfect list of his taxable estate and he fails to comply, then he is barred of his right to make application to the assessor or any appeal for any abatement of his taxes, unless he furnishes the list with his application and satisfies the assessor that he was unable to furnish it at the appointed time (36 MRSA §706). A person who files a true and perfect list of taxable property, but who refuses to answer all inquiries in relation to the nature and situation of his property is likewise barred from appeals of the decision of the assessors (Lambard v. Kennebec County Commissioners\*). If the assessors fail to give notice by mail, the taxpayer is not barred the right to seek abatement provided that upon demand the taxpayer answers in writing all proper inquiries as to the nature and situation and value of his taxable property (36 MRSA §706).

The court has held that reasonable excuse or good cause does not satisfy the requirement of inability to furnish a list (see Inventory of taxable property in Powers and Duties, Chapter 3).

There is language in relevant Superior Court cases that, if assessors accept or deny an abatement requested by a taxpayer who has failed to provide a true and perfect list of his estates as required, the assessors may be deemed to have waived the taxpayer's bar to appeal their decision.

**Notification of decision.** For poverty and infirmity abatement requests, the municipal officers must provide the applicant with written notification within 30 days of application. The decision must include the specific reasons for the decision and must inform the applicant of the right to appeal and the procedure for requesting an appeal (36 MRSA §841 (2)(F,G)).

For other abatement requests, assessors must give the applicant written notice of their decision within 10 days after they take final action. Such notice must state that the applicant has 60 days from the date that the notice is received to appeal the decision and also identify the board or agency designated by law to hear the appeal. If the assessors fail to give notice of their decision within 60 days from the filing of the application, the application is deemed to have been denied and the applicant may appeal to the next tribunal unless he has agreed in writing to a further delay by the assessors (36 MRSA § 842).

**Certification/records.** Whenever an abatement is made, other than by the State Tax Assessor, the abating authority shall certify it in writing to the collector who is thereby discharged from further obligation to collect the tax. When an abatement other than for poverty or infirmity is made, a record setting forth the beneficiaries, the abated amount and the reasons for the abatement must be made within 30 days and be available to the public, and a report of it must be made to the municipality at its annual meeting, or to the mayor and aldermen of cities by the first Monday in each March (36 MRSA § 841(5)).

A taxpayer who has been granted an abatement for taxes already paid is entitled to interest on the amount of overpayment at the same rate that was established by the municipality, unless the municipality has set a rate in accordance with 36 MRSA § 506-A.

**Foreclosure.** A delinquent taxpayer is not entitled to a hearing before foreclosure of his title where he did not challenge the amount of the tax through the abatement process and where he retains other due process rights to protect his interest in the property (Auburn v. Mandarelli).

A municipality's title to property acquired under the tax lien mortgage statute is absolute. A town has no obligation to reconvey property to a former owner.

## Abatement and Appeal

Taxpayers may challenge their property tax assessments through the abatement process. Local abatement decisions may be appealed to local, county and State boards and to the courts. A number of different rules and procedures that govern the abatement and appeals processes are discussed in this chapter.

### Types of Abatement Requests

It is important to categorize properly an abatement request at the outset in order to know who has authority to grant it and under what conditions. The following are the various types of abatement requests that can be filed under Maine law.

**Overvaluation ("Error in Valuation").** Overvaluation is the most common type of request for abatement of property taxes. If a taxpayer believes that the valuation of his or her property is too high, the taxpayer's only remedy is to submit a written application for abatement, stating the grounds for the abatement. 36 M.R.S.A. § 841(1). The assessors also may grant such an abatement on their own initiative. The municipal officers have no legal authority to grant an abatement based on a claim of overvaluation.

- > **Deadlines.** An application for abatement based on overvaluation must be filed by the taxpayer within 185 days of the commitment of the tax. Assessors may grant an abatement for overvaluation on their own initiative, but it must be done within one year of the commitment date. If no abatement action is initiated on an overvaluation within the 185-day or one-year deadlines in 36 M.R.S.A. § 841(1), that value must stand for that tax year, even if everyone agrees later that it was too high. These deadlines are critical since they are jurisdictional and may not be waived by the assessors or by an appeal body.

*Inhabitants of Town of Monmouth*

*v. County Commissioners of County of Kennebec*, CV-90-573 (Me. Super. Ct., Kenn. Cty., Aug. 23, 1991); *Salvation Army v. City of Lewiston*, CV-93-393 (Me. Super. Ct., Andro. Cty., June 27, 1994).

- > **Scope of overvaluation remedy.** An abatement based on "overvaluation" is the proper (and only) remedy if a person believes that the assessed value of his or her property is too high, or where questions exist regarding the just value of the property based on the amount of acreage assessed, the actual description and conditions of the property on April 1st, and the assessment techniques used. *Berry*

*v. Daigle*, 322 A.2d 320 (Me. 1974); *Depositors Trust Co. v. City of Belfast*, 295 A.2d 28 (Me. 1972). An abatement based on "overvaluation" also is the proper remedy if a person who is properly assessed for certain property in one town also is assessed for certain other property alleged to be taxable in that town but which in fact is: (1) taxable in an adjoining town; (2) exempt from taxation; or (3) not

owned by him. *Berry v. Daigle*, 322 A.2d 320 (Me. 1974); *Depositors Trust Co. v. City of Belfast*, 295 A.2d 28 (Me. 1972); *City of Lewiston v. All Maine Fair Assoc.*, 138 Me. 39 (1941); *Portland Terminal Co. v. City of Portland*, 129 Me. 264, 267 (1930); *City of Rockland v. Rockland Water Co.*, 82 Me. 188 (1887); *Inhabitants of Town of Georgetown v. Reid*, 132 Me. 414 (1934); *City of Bath v. Whitmore*, 79 Me. 182 (1887); *Gilpatrick v. Inhabitants of Saco*, 57 Me. 277 (1869). *Contra*, *Holbrook Island Sanctuary v. Inhabitants of Town of Brooksville*, 161 Me. 476 (1965). In addition, an abatement for overvaluation is the proper remedy to correct a misclassification of property. *Goldstein v. Town of Georgetown*, 1998 ME 261, 721 A.2d 180 (erroneous assessment of property as waterfront property when it actually was separated from water by a strip of land was a valuation error, not "illegality, error or irregularity in assessment"). However, where an assessment is wholly void, as for example, where a person not legally liable to be taxed for any of the property assessed to that person nevertheless is assessed for it, an application for abatement based on overvaluation is not appropriate. *City of Rockland v. Rockland Water Co.*, 82 Me. 188, 192, 19 A.163 (1889); *Herriman v. Stowers*, 43 Me. 497 (1857); *Talbot v. Inhabitants of Wesley*, 116 Me. 208, 100 A.937 (1917). The proper abatement request for a void assessment is based on "illegality, error, or irregularity" in the assessment. (See the next section of this chapter.)

**Illegality, Error, or Irregularity.** Title 36 M.R.S.A. § 841(1) authorizes the municipal officers (selectpersons or councilors) to grant an abatement on their own initiative or on written application at any time after one year but within three years from the commitment of the tax where necessary to correct an illegality, error or irregularity in the assessment. As noted above, these deadlines may not be waived. The assessors may grant an abatement on these grounds within the deadlines for assessors outlined above for an error in valuation.

> **Scope of illegality, error or irregularity abatement.** As was noted above and in Chapter 4, the reference in § 841(1) to "illegality, error or irregularity" envisions a tax assessment that is void, not just imperfect. A real estate assessment is not void simply because it is not accompanied by any description of the property being assessed or is accompanied by a defective description; it is an assessment which cannot provide a legal basis upon which a tax collector can use a tax lien or tax deed as a method for collecting the tax which is due. *City of Rockland v. Farnsworth*, 111 Me. 315, 318-319 (1913). The tax in such a case must be collected through court action. On the other hand, if a person does not own any land in a town but is taxed for a parcel anyway, that tax is illegal and void. A tax also probably would be void if there is a significant error in the name of the person or business being assessed. For example, if the property were owned by Joe Smith who used it for a business that he owned called "The Handy Man, Inc." and the property were assessed to "The Handy Man, Inc." the assessment probably would

be void. Or, if it were assessed to "Joleen A. Jones" when the taxpayer's real name was "Joellen A. Jones" or "Joleen S. Jones," then the error in the spelling of the name or the use of the wrong middle initial probably would make the assessment void. Likewise, if the real property of a deceased person were assessed to "The Estate of Helen Hunt" rather than to the heirs, or devisees or personal representative (depending on which was legally correct in that situation), the assessment probably would be void. (See Chapters 5, 6 and 8 for additional discussion of this issue.)

An abatement on the grounds of error, illegality or irregularity is justified where the person assessed does not own any of the property, where all of the property is taxable in another town, or where all of it is exempt. *Credit Counseling Centers, Inc.*

*v. City of South Portland*, 2003 ME 2 (case citation from April 2003 Supplement); *Town of East Millinocket v. Town of Medway*, 486 A.2d 739 (Me. 1985); *Berry v. Daigle*, *supra*; *Depositors Trust Co. v. City of Belfast*, *supra*; *City of Lewiston v. All Maine Fair Association*, 138 Me. 39 (1941); *Portland Terminal Co. v. City of Portland*, 129 Me. 264, 267 (1930); *City of Rockland v. Rockland Water Co.*, 82 Me. 188 (1889); *Inhabitants of Town of Georgetown v. Reid*, 132 Me. 414 (1934); *City of Bath v. Whitmore*, 79 Me. 182 (1887); *Gilpatrick v. Inhabitants of Saco*, 57 Me. 277 (1869); *contra*, *Holbrook Island Sanctuary v. Inhabitants of Town of Brooksville*, 161 Me. 476 (1965). In addition to the examples provided above, other "illegalities" or "errors" might include: (1) an assessment in which an amount not legally raised at town meeting was included (36 M.R.S.A. § 503); (2) an assessment based on a tax rate in which too much overlay was included (36

M.R.S.A. § 710); (3) an assessment based on a computation error in preparing the commitment which results in too much tax being assessed (*Eastport Water Co. v. City of Eastport*, 288 A.2d 718 (Me. 1972)); (4) an assessment that is too high because too little State revenue sharing was deducted from the commitment; or (5) an assessment that is based on an *unconstitutional assessment* methodology that does not value all property in the same class in a like manner (*Farrelly v. Inhabitants of Town of Deer Isle*, 407 A.2d 302 (Me. 1979)) (e.g., adjustments made in value only for those properties which were recently sold), as opposed to using the wrong assessment methodology or classification for a piece of property (e.g., using the replacement cost less depreciation approach where the income approach more closely determines a property's just value, or where property was valued as "waterfront property" but was separated from the water by land of another. *Goldstein v. Georgetown*, *supra*).

For a discussion of declaratory judgment actions in court as an alternative to a tax abatement in the case of exempt property, see "**Declaratory Judgment Action-Exemption Claims**" appearing at the end of this chapter. (new paragraph from April 2003 Supplement)

# **WORKSHOP**

**(SELECT BOARD ROLES &  
RESPONSIBILITIES POLICY)**

**Roles and Responsibilities of the Readfield Select Board**, adopted June 3, 2010, amended August 30, 2010, amended July 6, 2011, amended February 13, 2012, amended October 10, 2012, updated on October 21, 2013 with all amended dates listed above, amended February 10, 2014, amended November 16, 2015.

### Purpose of Select Board

The Readfield Select Board will fulfill the executive functions of the town. It implements the directions of Readfield's residents as voted upon in Annual and Special Town Meetings. Many of the actions of the Select Board are delegated to the Town Manager (the Town Manager will frequently delegate tasks to his or her staff). The Select Board may also create and empower certain committees to oversee specific town functions.

Responsibilities of the Select Board fall into 4 general categories:

1. Oversight of town finances
2. Protection of health, safety and welfare of town residents
3. Management of town property and town manager
4. Management of relations with contractors, with external agencies, and with the public

While most of the tasks associated with these responsibilities will be delegated to others (typically the Town Manager), the ultimate responsibility remains with the Select Board.

### Makeup of Select Board

Readfield's Select Board is composed of 5 members, each elected by public vote of town residents. Each member will be a town resident.

### Election of Select Board members

Each Select Board member is elected for a 3-year term, whose term will begin at the start of the town's fiscal year which immediately follows the election. Vacancies on the Select Board may be filled by interim elections, with a term limited to the end of the current vacated term.

### Duties and Responsibilities of the Select Board

The Select Board is, and shall act as, a body, and not as individuals. Except as provided in this document or by a specific action of the Select Board, no individual Select Board member will have authority to act outside of official sessions of the Select Board.

Specific duties and responsibilities of the Select Board are enumerated below.

1. Prepare, with assistance of a Budget Committee and the Town Manager, an annual budget, and present the budget at town meeting
2. Review and modify, on at least an annual basis, a Capital Investment Plan (CIP) for the town
3. Annually elect a 3-person Board of Assessors from the Select Board

4. Annually, at first meeting in each fiscal year, elect a Chair and a Vice-chair of the Select Board
5. Annually establish a tax rate (mil rate)
6. Recruit, contract with and supervise a Town Manager, who will conduct much of the work of managing town business
7. Develop, review and modify policies *annually* for town business, including the function of the Select Board itself
8. Hold regular bi-weekly public meetings of the Select Board to conduct town business. These meetings will be televised and will include opportunity for public participation. Meetings will follow an agenda prepared in advance by the Chair, the Vice Chair, and the Town Manager. A template for meeting agenda items will include:
  - a) Call to order
  - b) Pledge of Allegiance to American flag
  - c) Review and approval of minutes of the previous meeting
  - d) Approval of warrants for payments of all town expenses
  - e) Oral and written communications among Select Board and other town offices, including reports from Select Board members, Town Manager, Town Clerk, town boards, commissions and committees
  - f) Appointments and reappointments
  - g) Old (unfinished) business
  - h) New business
  - i) Other
  - j) Executive session
  - k) Public Communications
  - l) Adjournment
9. The Select Board will appoint a member to take notes at meetings of what requests for information and to-do items were mentioned at each meeting, and to share those notes with the Town Manager. The Town Manager shall distribute these notes to all members of the Select Board. The Select Board Chair and Vice-Chair will discuss current workload and time demands with the Town Manager as part of bi-weekly agenda meetings.
10. Schedule and conduct special meetings as needed for specific purposes and as the Select Board deems necessary.
11. Establish standing boards and commissions, and approve appointment of all members to these boards and commissions.
12. Establish ad hoc committees as needed to accomplish specific Town business; approve goals for each such Committee; and approve all members seeking appointment to such Committee.
13. Conduct a Select Board retreat at least annually for purpose of assessing the town's success in meeting previously established goals, and to set goals for the coming year.
14. Conduct an annual joint meeting of Select Board and Chairs of all town boards and Commissions to review Town goals.
15. Maintain and encourage a free exchange of information between the Select Board, the public, Town Manager and his or her staff and other town, county and state offices, town boards and commissions.



16. Appoint individuals from the Select Board as liaisons to the various town boards, commissions, committees and ad hoc committees.
17. Annually appoint an individual to the following positions: Treasurer, Road Commissioner, Transfer Station Manager, Tax Collector, Welfare Director and Fire Chief.
18. Dispose of surplus or unnecessary equipment or property owned by the town, when such disposal is deemed by the Select Board to be in the best interest of the town.
19. Upon and to the extent of approval of voters at town meeting make appropriations from any available budget line to cover emergency expenses.
20. Act as a quasi-judicial body when and as required by Maine statutes.
21. Work collaboratively with nearby towns for sharing resources, joint purchases, sharing best practices and similar actions which are beneficial to the towns but which do not diminish the individual character of each town.
22. Conduct a quarterly review of the Comprehensive Plan implementation checklist by the Select Board.

#### Duties and Responsibilities of Select Board Chair and Vice Chair

In addition to their duties and responsibilities as members of the Select Board, the Chair and Vice Chair have additional duties and responsibilities. These additional duties are discussed in this section. Except when the Chair and Vice Chair are noted jointly, it is presumed that primary responsibility falls upon the Chair, but that the Vice Chair will assume such responsibility in the following instances: (a) absence of the Chair; (b) whenever the Chair has a conflict of interest, as defined by law or by the Town of Readfield's Conflict of Interest Ordinance with the business being conducted by the Select Board; (c) at any other time at the reasonable discretion of the Chair.

1. The Chair will conduct all meetings and workshops of the Select Board.
2. The Chair and Vice Chair, working with the Town Manager, will prepare an agenda for each Select Board meeting.
3. The Chair will maintain a schedule and preliminary agenda for all meetings and workshops to be conducted in his or her term. This will be used to help assure efficient use of the Select Board's time while conducting necessary town business.
4. The Chair and Vice Chair will routinely meet with the Town Manager to ensure that they stay current with town issues. This meeting will be no less frequently than bi-weekly, and may be combined with the task of setting the agenda for regular Select Board meetings.
5. The Chair, representing and with the approval of the whole Select Board, will communicate with the Town's legal counsel when the Select Board is seeking advice in the following: (a) issues that concern the Select Board's supervision of the Town Manager; (b) issues that concern the Select Board at its role as an arbitrator between the Town Manager and other town employees; or (c) any other legal matter involving town business with a good faith exception that the Chair has determined s/he must immediately act in a time sensitive emergency situation without consultation. The Select Board, at its sole discretion and as legally applicable, may involve the Town Manager in the above discussion with counsel. The Chair will report back to the whole Select Board any advice given by legal counsel. All communication between the Chair and counsel will be posted in a publicly-available log which notes time, date, persons communicating, method of communication and general nature of the communication; however,

specific advice will not be posted, as it will likely be considered privileged attorney-client communication.

6. The Chair maintains files containing information pertinent to his/her duties. Such information includes manuals and policies, a copy of Robert's Rules of Order, a history of various projects and issues of interest to the Town, contract, personnel information and evaluations relating to the Town Manager (if not confidential in nature), budget and CIP information for past and current years, and legal communications. Only files deemed as public information may be kept by the Chair, as all confidential records must be kept at the Town Office in accordance with law. Select Board members will have unlimited access to the Chair's files upon request. An outgoing Chair will convey these files to the succeeding Chair.
7. The Chair is deemed to be the public spokesperson for the Select Board, although he/she can designate this responsibility freely. With consent of the Select Board, the Chair will execute agreements, appointments, licenses, applications, correspondence and other documents.
8. The Chair on behalf of the Select Board will approve payroll and expense documentation for the Town Manager.
9. All members of the Select Board are eligible for election as Chair or Vice Chair and may serve any number of consecutive terms, as elected annually by fellow members.
10. A vacancy in the position of Chair or Vice Chair will be filled as soon as possible by a regular election process.
11. The Select Board may remove the Chair from office by a vote of at least three (3) Select Board members. Such vote shall be taken only after notice in writing to the Chair, public notice and a hearing conducted in open session. The Chair shall have the right to waive the requirement for public notice and/or hearing in open session; however, any vote for removal of the Chair must be conducted in open session. The Chair is responsible for writing an article for the Town Report each year and monthly for the Readfield Messenger.
12. Discussions with town staff by Select Board members are limited as described in this document.

#### Access to Information

The Select Board may require access to recorded or historical information as it conducts town business. The Select Board (or individual members) will have complete access to any town information unless protected by law. Requests for any information should be made through the Town Manager, but can also be made to other appropriate town employees when delegated by the Town Manager. Requests for information that would require an undue amount of staff time (in excess of 1/4 hour) should be reconfirmed among the Select Board Chair, the requesting member and the Town Manager to see if the request can be narrowed. If, after consideration by this group, the information request is still considered by the Town Manager to be unduly difficult or time-consuming, the matter will be reconsidered by the full Select Board, whose decision will be binding. The Select Board and its individual members should structure requests so that they deal only with retrieval of documents and data, and so that such requests minimize the need for additional work. Select Board requests for opinions and recommendations on specific items will go through the Town Manager or his/her designee.

Notwithstanding the above, it is imperative that the Select Board receive the professional observations, opinions, ideas, criticisms and concerns of the Town Manager and town staff.

Town employees are often more keenly aware of issues and opportunities, and, if Select Board action is required to advance or correct the issue, it needs to be actively communicated to the Select Board by the Town Manager. Such communication may take one of several forms, including (a) discussion at bi-weekly meeting of Chair and Town Manager, (b) a paragraph in the written Town Manager's report at each regular meeting of the Select Board, (c) verbal comments at the annual Select Board/Town Manager retreat or (d) comments directly from town staff within Select Board meetings or as designated by the Town Manager. All Select Board members should recall, however, that they are not permitted to act individually to resolve any such issues so communicated, nor to interfere with the Town Manager's role; action by the full Select Board is still required, while respecting appropriate roles for the Select Board and Town Manager. The Select Board should encourage the Town Manager to rely on the professional input of the town employees to better inform decisions that affect town government operations.

Select Board members must always abide by the Select Board > Manager > staff communication / "chain of command" structure. Select Board members should refrain from entering into discussion with town staff (town staff defined as all town employees except the Town Manager) regarding conditions of employment and management issues. If town staff member begins such a discussion, the Select Board member should ask the employee to discuss this matter with their supervisor. These limits are set so as to preserve the "chain of command" and the Select Board member's neutrality when and if the condition of employment rises to a level in which the Select Board must participate as arbiter.

#### Procedural responsibilities of Select Board

The Select Board will use the following norms/rules in conducting its duties and responsibilities:

1. Select Board will hold regular public meetings (currently held on alternate Mondays), at which it will conduct its regular business. All Select Board members will use best efforts to attend each meeting. At least 3 members of the Select Board must be present to vote on issues. A majority vote of those Select Board members present is required for approval of any action.
2. Select Board members agree to observe Meeting Ground Rules as presented in Appendix B.
3. It will be a goal to complete each Select Board meeting within a 2 and a half-hour time limit. A longer meeting will be conducted with the consent of a majority of Select Board members in attendance at that meeting.
4. Robert's Rules of Order will be used as a guide for conducting each meeting. Deviations from Robert's Rules will be allowed if agreed upon by a majority of members.
5. An agenda for each regular Select Board meeting will be prepared by the Select Board Chair and Vice-chair in collaboration with the Town Manager. Each Select Board member is encouraged to recommend to the Chair agenda items for upcoming meetings. The agenda will be posted at prominent places within the town, and will be distributed to each Select Board member and to other interested parties at least 3 days in advance of the meeting.
6. Special meetings of the Select Board may be held at the request of the Chair or upon the request of a majority of Select Board members. Such special meetings will be held to conduct business of a time-sensitive nature or when the amount of business to be conducted by the Select Board

requires more time than available in regular meetings. Public notice and agenda will be posted in advance of special meetings, and no business outside of the posted agenda may be conducted at that special meeting.

7. The Select Board conducts several workshops each year to perform informational, educational or deliberative functions. No formal action (voting) is conducted at these workshops (any action will be taken at a forthcoming Select Board meeting.) Select Board workshops will be held according to an Annual Select Board Workshop Schedule, which will be published no later than August 31<sup>st</sup> each year, but which can be modified at any time. All workshops are open to the public.
8. Each Select Board member will swear an Oath of Office before the Town Clerk, as stipulated by State statute, after election, or as soon as practicable thereafter, and in accordance with 30-A M.R.S.A. § 2526(9), 6/6/2011 and before participating as a Select Board member in any Town business.
9. Each Select Board member is expected to use best efforts to complete the training courses listed in Appendix A within 6 months of initial election.
10. All Select Board members will certify that they have completed mandatory training including, but not limited to, The National Incident and Management System and Maine's Freedom of Access Act.
11. Select Board members are free, and are encouraged, to communicate with members of the public, but should realize that they are not empowered to act individually on behalf of the town. Any requests from the public for information or action should be directed to Town Manager or his or her designee.
12. Select Board members are expressly forbidden to conduct town business outside of a duly posted public forum. Thus, they should use discretion whenever they find themselves together in groups of 3 or more. It would be best to disperse any such group of 3 or more members.
13. Select Board members should use discretion in communicating via email. Specifically, individual members should not address other members as a group via email, and should refrain from emailing any other individual Select Board members. The recommended procedure for distributing information via email is for an individual to communicate only with the Chair or the Town Manager. The Town Manager will, in turn, distribute any information to the entire group of Select Board members. It is understood that all email documents and communications between or among any town officials are a matter of public record.
14. Telephone communication between two Select Board members is permitted, but phone conversation among more than two Select Board members is prohibited. Select Board members are not permitted to participate in meetings via telephone.
15. The Select Board By-laws (see Appendix C) are incorporated by reference.

#### Conflict with Laws

Any conflict or inconsistency between these Roles and Responsibilities and any applicable law shall be resolved in favor of the law.

Amendments

These Roles and Responsibilities, or any provision thereof, may be waived on any occasion by majority vote of the Select Board unless otherwise provided by law. These Roles and Responsibilities may be amended at any time in writing by majority vote of the Select Board.

Appendix A

**ORIENTATION OF NEW SELECT BOARD MEMBERS**

**AFTER ELECTION:**

- Take oath of office from Town Clerk
- Fill out w-2 with Finance Director

**Things to do, read and know before attending your first meeting:**

- Select Board Roles & Responsibilities
- Select Board By-laws
- Town Manager Roles & Responsibilities
- Town Manager Contract
- Procedures for appointments to boards and committees
- Executive sessions law and procedures
- Chain of command with employees
- Financial Procedures
- Current agenda items
- Current and pending contracts
- E-mail addresses and phone contacts for other board members and town officials
- Become familiar with the Maine State Statutes site. Title 30-A Municipalities and Counties web site: <http://www.mainelegislature.org/legis/statutes/30-A/title30-Ach0sec0.html>

**Sign up and attend ASAP:**

- Maine Municipal Association (MMA) training for Newly Elected Officials workshop and other relevant workshops
- National Incident Management (NIMS) course- (Can be done online)

**As you can, but sooner than later, it is a recommendation to read the Town Policies:**

- Personnel Policy
- Purchasing Policy
- Disbursement of employees' wages Policy
- Disbursement of state fees Policy
- FOAA, NON-FOAA complaint Policies
- Public Communication Policy
- Investment Policy and Fund Balance Policy
- Annual Board Chairs Meeting procedures
- Disposition of tax acquired properties Policy
- Government TV Policy and Procedures
- Mailbox Guidelines
- Pre-Holiday Closing Policy
- Warrant article petition Policy
- Rentals of Town Hall and Beach Property

**Read Town Ordinances:**

- Land Use Ordinance
- Conflict of Interest and Recall Ordinance
- General Assistance Ordinance
- Animal Ordinance
- Communication Towers Ordinance
- Firearms Ordinance
- Fire Department Ordinance
- Flood Plain Ordinance

- E-911 Ordinance
- Mass Gathering Ordinance
- Noise Ordinance
- Sludge Ordinance
- Solid Waste Ordinance
- Snow Plow Ordinance
- Readfield Corner Parking Ordinance
- Readfield follows state law pertaining to fireworks. There is no local policy or ordinance at this time, so please read the state law.

**Know the following Town Plans:**

- Emergency Operations Plan ( EOP )
- Capital Improvement Plan (CIP Plan)
- Comprehensive Plan

**Meetings that can take place:**

- Workshops
- Public Hearings
- Ad hoc committees
- Annual Select Board Retreat
- Select Board members attend the Annual Chairs meeting

**As time allows:**

- Read MMA Elected Officials Manual
- Become familiar with Town website: [www.readfield.govoffice.com/](http://www.readfield.govoffice.com/)
- Walk the Trail system
- Tour the Transfer Station



- Tour the cemeteries
- Tour town roads
- Walk the sidewalk
- Know the Town buildings we are responsible for
- Read the Inter local Agreements: (Transfer Station and Maintenance )
- Attend other board, committee, and commission meetings
- Write articles for Readfield Messenger: (people love information)

**Update yourself on various committees and boards working on future projects:**

- Library Status
- Fire Station
- Athletic Fields
- Conservation and Open Space Plan
- Town Farm Forest Plan
- Try to stay involved in the RSU 38 budget process
- Attend municipal and RSU 38 school budget meetings in spring

**Miscellaneous:**

- Be on time for meetings
- Be prepared with what is in the packet; do your homework
- Review an accounts payable and payroll warrant with someone before taking one on yourself
- Return calls, e-mails, questions, etc. from residents AFTER researching the information
- No questions are ever stupid
- Can't please everyone, so don't try
- Don't act on your own as a board member. Be careful how you speak and state something to anyone.

- You can call any other board member anytime
- You can call the Town Manager anytime
- If there is something you want on the agenda, talk to the Chair
- If you receive a letter from a resident, you should pass it on to JUST the Town Manager, and he/she and the Chair can decide to pass on to the rest of the Select Board (unless it is a complaint about the Town Manager which would go directly to only the Chair)
- Don't EVER respond to anyone on behalf of the Select Board, except to relay voted positions
- Remember there are 5 on the board that decide all town issues
- Enjoy it and have some fun
- LISTEN TO THE PUBLIC, stay upbeat and positive
- Try to get back to a resident whether by returning a call, e-mails or answering a question, after researching it
- Don't try to be a hero
- When making decisions, remember you are representing the entire community
- Admit when you are WRONG
- Vote how you really feel, don't just go with other board members
- People that voted you in like to see you attend Fireman's Breakfast, Bean hole supper, Heritage Days, etc.
- Follow chain of command with employees (This is important that you know you cannot direct any employees to do something for you nor ask them questions concerning information about their job)
- DON 'T TAKE THINGS PERSONALLY!!!

## Appendix B

### Meeting Ground Rules

Ground rules are the rules of conduct by which the Select Board members as a group agree to abide during a meeting. Ground rules are helpful because they explicitly spell out behavior and procedures that people normally consider fair but sometimes abandon in the heat of the discussion.

Behavioral ground rules identify norms for behavior. The Readfield Select Board members agree that:

- 1) We will treat each other and the public with respect.
- 2) We will not use language or tone intended to dismiss or belittle any individual or group.
- 3) The Board may disagree or have differing opinions amongst itself or with members of the public. Active listening shall be practiced by all board members and the public in an attempt to understand and resolve the underlying issues.
- 4) We will advocate for public participation providing it enhances the decision making process to informed decisions incorporating the interests and concerns of the whole community.

Procedural ground rules include any guidelines for how meetings will proceed. The Readfield Select Board members agree that:

- 1) When one Select Board member leaves a Select Board meeting for the duration of the meeting in progress, all discussion on the topic being discussed at the time the member leaves shall stop. If a Board member has to leave the meeting temporarily, the discussion may continue and a vote on the topic may be taken if a motion is made and seconded. In any situation where a Board member has to leave a meeting, the member has the responsibility to inform the Chair if the member plans to return to the meeting in progress and whether the member would like to be included in a vote on the topic under discussion.
- 2) The agenda shall suggest the amount of time for open discussion on any topic and the Select Board will agree or modify those suggestions at the beginning of each meeting. A time allowance for each agenda item will be provided as part of the agenda.
- 3) The Chair shall be in charge of running the meeting.
- 4) All Select Board members will be given adequate, reasonable and equal opportunity to express an opinion on every issue. The Chair will recognize each member, in turn, to give their opinion. If additional discussion on a topic is necessary, beyond time allowed in the agenda, the Chair will agree to schedule it for an upcoming meeting.
- 5) Meetings will begin on time and end on time. The meeting cannot extend beyond 2.5 hours without an affirmative vote by the board.

Substantive ground rules describe what content will be covered during the meetings.

The Chair shall suggest substantive rules for each topic on the agenda and the Select Board will

agree or modify them at the beginning of each meeting. If the substance of a topic is expected to be open for any conversation, the topic will be listed as “Open”.

### **Code of Ethics for Public Participation Practitioners**

The International Association of Public Participation (IAP2) Code of Ethics for Public Participation Practitioners supports and reflects IAP2’s Core Values for the Practice of Public Participation. The Core Values define the expectations and aspirations of the public participation process. The Code of Ethics speaks to the actions of practitioners.

#### **Preamble**

As members of IAP2, we recognize the importance of a code of Ethics, which guide the actions of those who advocate including all affected parties in public decision-making process. In order to fully discharge our duties as public participation practitioners, we define terms used explicitly throughout our Code of Ethics. We define stakeholders as any individual, group of individuals, organizations, or political entity with a stake in the outcome of a decision. We define the public as those stakeholders who are not part of the decision-making entity or entities. We define public participation as any process that involves the public in problem-solving or decision making and that uses public input to make better decisions.

This Code of Ethics is a set of principles, which guide us in our practice of enhancing the integrity of the public participation process. As practitioners, we hold ourselves accountable for these principles and strive to hold all participants to the same standards.

- 1) **PURPOSE:** We support public participation as a process to make better decisions that incorporate the interests and concerns of all affected stakeholders and meet the needs of the decision making process.
- 2) **ROLE OF PRACTITIONER:** We will enhance the public’s participation in the decision making process and assist decision makings in being responsive to the public’s concerns and suggestions.
- 3) **TRUST:** We will undertake and encourage actions that build trust and credibility for the process among all the participants.
- 4) **DEFINING THE PUBLIC’S ROLE:** We will carefully consider and accurately portray the public’s role in the decision making process.
- 5) **OPENNESS:** We will encourage the disclosure of all information relevant to the public’s understanding and evaluation of a decision.
- 6) **ACCESS TO THE PROCESS:** We will ensure that stakeholders have fair and equal access to the public participation process and the opportunity to influence decisions.
- 7) **RESPECT FOR COMMUNITIES:** We will avoid strategies that risk polarizing community interests or that appears to “divide and conquer.”
- 8) **ADVOCACY:** We will advocate for the public participation process and will not advocate for interest, party or project outcome.
- 9) **COMMITMENTS:** We ensure that all commitments made to the public, including those by

the decision makers, are in good faith.

- 10) **SUPPORT OF THE PRACTICE:** We will mentor new practitioners in the field and education decision makers and the public about the value and use of public participation.

## Appendix C

**Bylaws of the Select Board of the Town of Readfield** adopted initially on 09/02/03 and as part of the Select Board Roles and Responsibilities on 06/03/10, amended July 6, 2011, and amended February 13, 2012, amended October 10, 2012, Updated on Oct 21<sup>th</sup>, 2013 with all amended dates listed above, amended February 10, 2014.

### **Section 1. Purpose and Scope**

The purpose of these Bylaws is to establish reasonable rules of procedure for Select Board (hereinafter referred to as the "Board") meetings and to promote the fair, orderly and efficient conduct of the Board's proceedings and affairs. These Bylaws shall govern the Board's practices and procedures except as otherwise provided by law and shall be liberally construed so as to accomplish their purpose.

### **Section 2. Officers; Duties**

Officers of the Board shall consist of a Chair and a Vice Chair. These officers shall be chosen annually at the first regular meeting in July of each year by and from among Board members unless otherwise provided by law. The Chair shall preside at all Board meetings and shall have authority to rule on questions of evidence and procedure, to maintain order and determine the course of proceedings and to take such other action as may be necessary and not inconsistent with these Bylaws or other law to enable the Board to perform its duties and conduct its affairs. The Chair also shall, together with the Town Manager, set the agenda in accordance with Board agenda policy for each meeting. In the absence of the Chair, the Vice Chair shall preside and shall have the same authority as the Chair. In the event of the absence at a scheduled meeting of both the Chair and the Vice-Chair, the Board members present shall elect a Chair Pro Temp from amongst those members present to conduct the meeting.

### **Section 3. Meetings**

Regular meetings of the Board shall be held every other Monday throughout the year or as rescheduled by a majority vote of the Board. Special meetings may be called at the discretion of the Chair or upon the request of a majority of the Board, provided; however, that notice thereof shall be given to each member and to representatives of the press at least four days in advance of the scheduled meeting, except in case of extraordinary circumstances know the meaning when notice shall be given by the fastest and earliest means possible. No business may be conducted other than as specified in said notice for the call of the meeting.

Notice of all Board meetings shall be given as required by law and by Board policy, and all such meetings shall be open to the public except as otherwise provided by law.

No business may be conducted by the Board except at a duly called and noticed meeting or without a quorum consisting of a majority of the Board members being present. The order of business at

regular meetings shall be as follows:

- a) Call to order and roll call
- b) Pledge of Allegiance to American flag
- c) Review and approval of minutes of the previous meeting
- d) Approval of warrants for payments of all Town expenses
- e) Oral and written communications among Select Board and other Town offices, including reports from Select Board members, Town Manager, Town Clerk, Town Boards, Commissions and Committees
- f) Appointments and reappointments
- g) Old (unfinished) business
- h) New business
- i) Other
- j) Executive session
- k) Public Communications
- l) Adjournment

The Town Manager or the Town Manager's designee shall act as secretary at Board meetings. The duties of the secretary shall be to prepare agendas of all Board meetings, take minutes of Board meetings, maintain records of the Board, and at the Chair's direction, prepare correspondence for the Board and perform other duties as are normally carried out by a secretary. The secretary shall keep a record of all resolutions, votes, transactions, correspondence, findings and conclusions of the Board. Minutes of Select Board meetings will include a brief summary of each agenda item, as well as roll call vote on the issue. All records of the Board shall be deemed public and may be inspected with reasonable notice during normal business hours.

Vacancies in the position of either the Chair or Vice-Chair positions shall immediately be filled by regular election procedures.

#### **Section 4. Hearings**

Public hearings of the Board shall be called as required by law or on such other occasions as a majority of the Board may deem appropriate. Notice of all such hearings be given as required by law and Board policy and shall include the date, time and of the hearing and-a general description of the subject matter.

The Chair shall convene all hearings by describing the purpose of the hearing and general procedures to be followed. The Board may receive any oral or documentary evidence but shall exclude irrelevant, immaterial or unduly repetitious evidence, provided; however, that formal rules of evidence shall not apply. Each party shall have right to present its case in the order determined by the Chair and without interruption, provided; however, that the Chair may impose such reasonable time limits as may be necessary to ensure that all parties have an adequate opportunity to be heard. In any adjudicatory proceeding, including proceedings on licenses, permits or other approvals, each party shall also have the right to submit rebuttal evidence and to conduct cross- examination of any other party through the Chair, provided, however, that the Chair may impose such other reasonable

limitations as may be necessary to prevent an abuse of process.

### **Section 5. Participation and Voting**

Any action of the Board shall require the affirmative vote of a majority of its membership present and voting unless otherwise provided by law.

No Board member may participate or vote on any matter in which the member has a conflict of interest or other disqualification as defined by law. Any question of whether a Board member has such a conflict of interest or other disqualification shall be decided by majority vote of the remaining members.

All members who are present and not disqualified as provided herein shall vote in every matter to be voted upon unless excused by the Chair for good cause shown.

### **Section 6. Decisions**

All decisions of the Board shall be made within the time limits, if any, established by law. All final decisions shall be in writing, shall become a part of the Board's permanent record, and shall, where required by law, include a statement of findings and conclusions and the reasons or basis therefore.

All such decisions, together with any tape recording or transcript of testimony and deliberations and any documents and exhibits offered to the Board, shall constitute the record of the proceedings and shall be a public record, except as otherwise provided by law.

Notice of any decision, if required, shall be given as prescribed by law.

The Board may reconsider any decision at the same meeting or at a subsequent meeting within 15 days of its original decision, provided; however, that both a vote to reconsider and any action taken pursuant thereto shall occur and be completed within said 15 days. The Board may conduct additional hearings and receive additional evidence and testimony as provided herein.

### **Section 7. Conflict with Laws**

Any conflict or inconsistency between these Bylaws and any applicable law shall be resolved in favor of the law.

### **Section 8. Waivers; Amendments**

These Bylaws, or any provision thereof, may be waived on any occasion by majority vote of the Board unless otherwise provided by law. These Bylaws may be amended at any time in writing by majority vote of the Board.

**Roles and Responsibilities of the Readfield Select Board**, adopted June 3, 2010, amended August 30, 2010, amended July 6, 2011, amended February 13, 2012, amended October 10, 2012, updated on October 21, 2013 with all amended dates listed above, amended February 10, 2014.



**Select Board for the Town of Readfield:**

\_\_\_\_\_  
Valarie Pomerleau, Chair

\_\_\_\_\_  
Tom Dunham, Vice Chair

\_\_\_\_\_  
Bruce Bourgoine

\_\_\_\_\_  
Allen Curtis

\_\_\_\_\_  
Chris Sammons

Signed this \_\_\_\_\_ day of \_\_\_\_\_ 2015

# **REGULAR MEETING**

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

**Readfield Select Board**  
**Executive Session, Workshop & Regular Meeting Minutes – November 30, 2015 – *Unapproved***

**Executive Session:**

To have the Board of Selectmen hold an executive session to discuss a tentative collective bargaining agreement pursuant to 1 M.R.S.A. § 405 6(D)

- Meeting called to order at 5:00 pm by Ms. Pomerleau
- Present: Mr. Dyer, Ms. Pomerleau, Mr. Dunham, Mrs. Sammons, Mr. Bourgoine, Mr. Curtis
- **Motion** made to enter an executive session to discuss a tentative collective bargaining agreement pursuant to 1 M.R.S.A. § 405 6(D), made by Ms. Pomerleau and **seconded** by Mr. Bourgoine – **Unanimous**
- The Board exited the executive session at 5:40 pm (Notes recorded by Mr. Dyer, Town Manager)

**Workshop:**

To have the Board of Selectmen hold a workshop to discuss the Select board Roles & Responsibilities Policy

**Select Board Meeting**

**Select Board Members Present:** Valarie Pomerleau, Thomas Dunham, Christine Sammons, Bruce Bourgoine, and Allen Curtis

**Others Attending:** Eric Dyer (Town Manager), Kristin Parks (Board Secretary), William Starret (Channel 7), Thomas Donegan, Roland K. Cote, Brad Jackson, Elizabeth Silvis, Victoria Townley, David Linton, Lenny Reay, Steve Monsulick, Dale Potter Clark, Romaine Turyn, Doug Riley, Kathryn Mills Woodsum and Sandra Rourke

Ms. Pomerleau called the meeting to order at 6:34 pm followed by The Pledge of Allegiance.

**Regular Meeting**

- **16-038 - Minutes:** Select Board meeting minutes of September 28, September 30 & November 16, 2015
  - **Motion** made by Mrs. Sammons to approve the minutes of the September 28, 2015 meeting as amended, **second** by Mr. Curtis. **Vote 5-0** in favor.
  - **Motion** made by Mr. Dunham to approve the minutes of the September 30, 2015 special board meeting as amended with one change, **second** by Ms. Pomerleau. **Vote 5-0** in favor.
  - **Motion** made by Mrs. Sammons to approve the minutes of the November 16, 2015 meeting as amended, **second** by Mr. Curtis. **Vote 5-0** in favor.
- **16-039 - Warrant: #23 & #24**
  - **Motion** made by Mrs. Sammons to approve Warrant #23 & #24 in the amount of \$345,239.42, **second** by Mr. Bourgoine. **Vote 5-0** in favor.

**Communications**

- **Select Board Communications**
  - Ms. Pomerleau would like to thank Lorraine Wagner and Marilyn Dunham for the beautiful wreath on the Veterans Monument at the town office. Also, a reminder that the annual tree lighting is Friday, December 4 starting at 6:00 at the Library followed by a remembrance at the

Veterans Memorial and then cookies and Santa at the town office. Dave Linton offered to check the lights on the town office tree on Wednesday, December 2 to get ready for the tree lighting.

- Mr. Curtis wanted to remind everyone of the site visit at the Transfer station with Maine Scale is Thursday, December 3 at 1:00 pm, Select board will be in attendance and open to the public.
- Mr. Dunham reported that Dale Clark has offered to donate a sign to the library for the building. Signs would have original owners name with circa information. Discussion on sign regulations, naming of the building and code enforcement requirements. Dale Clark presented samples of the signs, two different sizes, along with the information to have on the library sign.  
**Motion** made by Mr. Dunham to accept the donation of a library sign by Dale Clark, **second** by Mr. Bourgoine. **Discussion:** Brief discussion if this was going to interfere with the naming policy. **Vote 4-1**, Mr. Curtis opposed.
- Mr. Dunham suggested that it would be helpful for the Select Board to re-affirm the directives of the Ad Hoc committee. Add to next meeting agenda.
- Mr. Dunham was asking for Select Boards feedback from an email received from a town resident with the subject: The Cost of Tom Dunham. A lengthy discussion was held regarding the different parts of the email. Decided that the topic discussion was to end as it has reference to specific individuals.
- Mr. Dyer went over Occupancy Denied posting on 1149 Main Street provide by CEO, Gary Quintal. A public hearing is scheduled for Wednesday, December 9 at 6:30 pm regarding this.

- **Town Manager**

- Town Manager, Eric Dyer, went over his Town Manager Report dated 11/30/2015.

- **Boards, Committees, Commissions & Departments**

- **Cobbossee Watershed District Minutes – July 14, 2015**
  - Thank you for the minutes from the July 14, 2015 meeting.
- **Cemetery Committee Minutes – October 19, 2015**
  - Thank you for the minutes from the October 19, 2015 meeting.
- **Ad Hoc Appointments Committee Minutes – November 4, 2015**
  - Thank you for the minutes from the November 4, 2015 meeting.

- **Public Communications - *Members of the public may address the Select Board on any topic***

- Elizabeth Silvis, lives in center of town and has had a lot of concerns regarding the Corner Stone Café. Wants to know how to stay updated and stay in the loop on what is going on. Suggested to attend meetings of Planning Board, talk with Gary Quintal; CEO and check website for postings.
- Lenny Reay voiced his concerns regarding the raised beds and the living fence.
- Lenny Reay hears the town truck, the F150, is not fit for the road and would like to know why they truck is in the condition that it is in for a 2008. Ms. Pomerleau spoke on behalf of the board and did let them know that they are unsure why the truck is in the condition that it is in. Dave Linton would like to know who said the town truck was not fit for the road and how it is cheaper to purchase a new vehicle instead of repairing the current one owned by the town. He suggested getting a second quote from someone else, not just from Quirk Ford.

### Appointments / Reappointments & Resignations:

- **16-040 – Accept the resignation of Henry Clauson as an alternate to the Planning Board**
  - **Motion** made by Mr. Dunham to reluctantly accept the resignation of Henry Clauson as an alternate to the Planning Board, **second** by Mrs. Sammons. **Vote 5-0** in favor.
- **16-041 – Appoint Douglas Riley to the Road Committee, term expiring June 20, 2018**
  - **Motion** made by Mr. Bourgoine for the appointment of Doug Riley to the Road Committee with the term expiring June 20, 2018, **second** by Mr. Curtis. **Discussion:** Douglas Riley has a lot of knowledge and seems like a great fit to be a member of the Road Committee. **Vote 5-0** in favor.
- **16-042 – Set the Road Committee term of Roland Cote to expire June 30, 2017**
  - **Motion** made by Mr. Dunham for the appointment of Roland Cote to the road committee with the term expiring of June 30, 2017, **second** by Mr. Bourgoine. **Vote 5-0** in favor.

### Unfinished Business:

- **16-043 – FirstPark Update**
  - Brad Jackson of FirstPark held a lengthy presentation and review of the KRDA Operational Lines of Activity chart and the 5 year plan of what FirstPark is planning in the future.
- **16-032 - Consider a tentative Collective Bargaining Agreement**
  - **Motion** made by Mr. Curtis that the select board accepts the proposed collective bargaining agreement between the Town of Readfield and the American Federation of State, County and Municipal Employees (AFSCME Council 93) Local 2011-00, effective immediately, **second** by Ms. Pomerleau. **Discussion:** The collective bargaining agreement is not public at this point until after the union member vote which will be scheduled soon. **Vote 4-1**, Mr. Dunham opposed.
- **16-044 – 1<sup>st</sup> Reading of Amended Purchasing Policy**
  - Draft changes to the Purchasing Policy for the Town of Readfield reviewed by Mr. Dyer and changes discussed among the select board.
  - **Motion** made by Mr. Bourgoine that the select board accepts the 1<sup>st</sup> reading, as written, for the purchasing policy for the Town of Readfield, **second** by Mrs. Sammons. **Discussion:** Process is 1<sup>st</sup> reading, then 2<sup>nd</sup> reading and at the 2<sup>nd</sup> reading is when you adopt the new policy. Mr. Dyer looking for feedback from the 1<sup>st</sup> reading. **Vote 4-1**, Mr. Dunham opposed.

### New Business:

- **16-045 – Fiscal Year 2016 – 2017 (FY17) Budget Process**
  - Draft of the Fiscal Year 2016-2017 (FY17) Budget Process summary. Mr. Dyer went over the budget and warrant process schedule and where improvements can be made and set out expectations and goals. Statutory deadlines are outlined. Budget process summary includes: One Informational Meeting, One Referendum Hearing, Three Joint Meetings, Five Budget Committee meetings, Seven Select Board meetings with budget drafts and fifteen scheduled opportunities for public comment. Lengthy discussion with select board and Kathryn Mills Woodsum regarding the meeting policies and who should be in attendance.
  - **Motion** made by Mr. Bourgoine to approve this as a preliminary 2016-2017 budget process, states preliminary as moving forward may find some adjustments along the way as necessary,

**second** by Mrs. Sammons. **Discussion:** Question on why we are changing the budget process when it seems to have worked so well in the past. Looks like a good, working timeline. Make at least one meeting a joint meeting between Select Board and Budget Committee. Question on where the Secret Ballot falls into place. **Vote 3-2**, Mr. Dunham and Mr. Curtis opposed.

**Motion** made by Mr. Bourgoine to extend the meeting until 9:30 pm, **second** by Mr. Dunham **Vote 4-1**, Mr. Curtis opposed.

- **16-046 – Consider how the Town can work to better serve Senior Citizens**
  - Mr. Bourgoine went over some suggestions that he presented on how to make the town of Readfield friendlier for senior citizens. Vary from medical things to small things like minor maintenance help. Included a handout from AARP Network of Age-Friendly Communities. Would like to figure out how we should approach this topic. Look at what the needs are for senior citizens in the town. The goal would be not necessarily to deliver all these services, but to seek funding or volunteerism, communicating with other resources, compiling a list of resources, website, etc. Romaine Turyn offered to help on this project as she has many years of experience.
- **16-047 – Consider the disposition of Town property at the Library**
  - A current list of items at the library was presented. These items are no longer needed. Some will be good for the Historical Society as a donation and some can be put up for sale.
  - **Motion** made by Mr. Bourgoine to direct the Town Manager to proceed with the gifting and sale of these items as set forward on the list provided and with the discussion followed, **second** by Mr. Dunham. **Discussion:** Make sure Historical Society has met as a group and has decided to take all these items and if anymore interest of the items to go to the Historical Society. **Vote 5-0** in favor.
- **16-048 – Other**
  - Upcoming workshop for the select board, MMA's Roles of Elected Officials & Municipal Managers scheduled for Tuesday, December 8 at 4:00 pm.
  - Start discussing the secret ballot process at a future meeting.

**Motion** made by Mr. Dunham to adjourn the meeting at 9:30 pm, **second** by Mrs. Sammons. **Vote 4-1**, Mr. Curtis absent from vote.

*Minutes recorded by Kristin Parks, Board Secretary*

# **COMMUNICATIONS**

- **SELECT BOARD**
- **TOWN MANAGER**
- **BOARDS & COMMITTEES**
- **PUBLIC COMMUNICATIONS**

ROBERT C. CLUNIE, JR.  
Chairperson

# COBBOSSEE WATERSHED DISTRICT

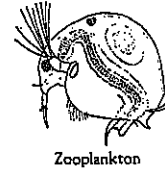
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Telephone (207) 377-2234



WILLIAM J. MONAGLE  
Executive Director

*Maine's first regional lake management district*



## MINUTES

The Cobbossee Watershed District Board of Trustees held its four-hundred and nineteenth meeting on August 11, 2015 at 7:00 PM, at the Winthrop Police Department's Conference Room, Winthrop, Maine. Present were:

Robert Clunie – Gardiner Trustee, Chairperson  
Jane Andrews – Wayne Trustee  
Shelly Gerstein – Readfield Trustee  
Sandra Small-Hughes – Winthrop Trustee  
Douglas Ludewig – Monmouth Trustee, Clerk  
Joseph Saunders – Monmouth Trustee  
Brian Sylvester – Manchester Trustee  
Heinz Walbaum – Winthrop Trustee, Vice Chairperson  
William Monagle – Executive Director  
Wendy Dennis - Limnologist

Chairperson Clunie called the meeting to order at 7:08 PM.

Mr. Monagle presented the minutes from the April meeting. Trustee Saunders **moved** to accept the April minutes as presented; Trustee Small-Hughes **seconded**; the motion **passed** unanimously. Mr. Monagle presented the minutes from the May budget meeting. Trustee Saunders **moved** to accept the May minutes as presented; Trustee Sylvester **seconded**; Trustee Small-Hughes suggested that in the minutes that Tamara Whitmore, Executive Director of the Friends of the Cobbossee Watershed, and Sue Neal, President of the Annabessacook Lake Improvement Association, are recognized by their respective titles; the motion **passed** unanimously as amended.

Mr. Monagle presented the July Financial Report. Trustee Small-Hughes **moved** to accept the July Financial Report as presented; Trustee Saunders **seconded**; the motion **passed** unanimously.

Mr. Monagle reported that he will likely need to request an extension from the DEP to complete the Wilson Pond NPS Watershed Restoration Plan, Phase II (CWA §319) in 2016. He said that there is one prospective project that may be completed this year that includes closure of an unofficial boat launch on Mt. Pisgah Road on Wilson Pond and which will also include the stabilization of the eroded shoreline. He said that another prospective project on Dexter Pond Road, and which includes the Dexter Pond Road Bridge, will not take place this year as the DEP has not yet made a determination if the project meets all of the grant requirements. He said he has also been working with local residents as well as the Towns of Wayne and Winthrop to



promote support for the project and offer guidance. At this time, he said, too much needs to be resolved before that project can move forward. He said the Friends of the Cobbossee Watershed's Youth Conservation Corp are in the process of completing three shoreline stabilization projects on Wilson Pond, each of which involves 100 feet of shoreline. And in response to excess runoff onto Merganser Lane on Wilson Pond, he said he has conducted an investigation of a recently expanded farm and adjacent areas immediately upslope of Merganser Lane to determine the cause of increased runoff. He said the runoff has caused the formation of sediment deltas well into Wilson Pond, and that so far he has not identified a clear direct hydraulic connection between the farm and the increased runoff. In any case, he said, Wilson Pond has not been looking very good this year. He cautioned that what may be a contributing cause is that we have received greater than normal precipitation for ten consecutive years and that there may be similar situations around the pond, as well as other area lakes, that have gone mostly undetected or reported. Trustee Ludewig said that in the 1950's there were several farms around the pond, including livestock and dairy, but that the lake looked much clearer than it does now. Ms. Dennis commented that now we may also be dealing with an internal phosphorus loading condition due to long-term accumulation of phosphorus in the pond's sediments.

Ms. Dennis reported that the Cochnewagon Lake Watershed-Based Plan Project (CWA §319) is starting to get into full swing and that she expects to have it completed in December. She said the project Steering Committee will hold its first meeting on August 25<sup>th</sup> at the Monmouth Town Office. The completion of an approved Watershed-Based Plan, she said, is required before further Section 319 funds can be pursued to conduct implementation of either watershed (NPS) or in-lake mitigation work. The committee, she said, will examine potential funding sources for future implementation work and to develop an education and outreach plan.

Mr. Monagle reported that the DEP released the Request for Proposal for Nonpoint-Source Pollution grants (i.e., CWA §319) in late July with proposals due on September 15<sup>th</sup>. He said he will be preparing a proposal to conduct implementation work in the watershed of Cobbossee Lake as a follow-up to the recently completed watershed survey and watershed-based protective plan. The project, he said, will focus on road-related and shoreline erosion problems in the watershed. He reminded the board of the Torsey Pond Watershed Survey Project that the CWD has arranged to do with the Torsey Pond Association (TPA) and reported that the project steering committee met last week. He said that he expects 12 volunteers to attend a survey training session at the Readfield Town Office on August 29<sup>th</sup> and that the formal survey effort will commence in spring of 2016.

Ms. Dennis reported that we received nearly 5" of rain in July, and that the lakes are not as low as they might normally be at this time. All lakes, she said, are below full pond level. The water level of Cobbossee Lake, she said, is inching downward due to some leakage in the dam. She said that it is not currently a problem, but that an inspection of the dam, possibly using a diver, may be needed. Pleasant Pond downstream, she said, has benefitted from the leakage and is holding a good amount of water. She said the fall drawdown of Cobbossee Lake may be conducted earlier this year to enable some shorefront owners to complete projects along the shoreline and that she does not anticipate that the drawdown will go lower than the minimum standard for the lake.

Ms. Dennis said that voters in Readfield will have an opportunity to vote on September 1<sup>st</sup> on whether to fund the engineering study for the Maranacook Lake Outlet Dam as well as the additional funds to support future work on the dam. Trustee Gerstein said that although there doesn't appear to be any real opposition to the funding, the Maranacook Lake Outlet Dam Committee has prepared an informational flyer to inform the public about the failed vote on the funding in June, why that occurred, and why the funding is warranted. He said he is optimistic that the article will be voted on favorably.

Trustee Small-Hughes noted that there will be a public meeting on August 20<sup>th</sup> at the Winthrop Town Office regarding the Superfund Site (former Winthrop Town dump) on Annabessacook Road, specifically to discuss a pilot project to mitigate an arsenic seep area in Hoyt Brook, which discharges to Annabessacook Lake. She explained the history of the Superfund site, including previous work to clean up the site, and the proposed pilot project in Hoyt Brook. She said that currently, an orange arsenic floc contains levels above those safe for human contact, but that following the pilot project, chances of direct human contact with the seep area will be greatly reduced, and although there will still be some arsenic in the groundwater entering the brook, it should become very dilute as it flows toward the lake.

Ms. Dennis circulated a graph prepared by staff Water Resources Technician, Ryan Burton that compares lake water clarity, measured as Secchi disk transparency (SDT) that was reported on July 14<sup>th</sup> to the most recent SDT readings. In general, she said that most lakes had changed little during that period, but that Annabessacook Lake's SDT had declined, which she said is to be expected. And, Wilson Pond, she said, is also a bit less clear, but that that is not the big story. Wilson Pond, she said, has been quite productive (green) all summer and that the agent most responsible for the "bloom" conditions is *Anabaena*, a genus of blue-green algae that commonly causes such blooms. She said that it is not known at this time what the primary source of nutrients (i.e., phosphorus) is that is causing the bloom conditions, but that there is likely a high degree of internal loading of phosphorus from the pond's sediments. Several trustees reported that they have seen an increase in the growth of algae growing along the lake bottoms of a few of the CWD lakes, including Annabessacook Lake, Cochnewagon Lake, and Maranacook Lake. Mr. Monagle said that the type of algae they describe is called metaphyton, and which has been described by many as looking like green "cotton candy", is a group of green algae that inhabit the nearshore, or littoral zone, of lakes. He said there has been an increase in reports of metaphyton growth over the past several years, and that he believes this increased growth has been exacerbated, but not necessarily caused by, the higher than normal precipitation that we've received annually over the past decade. He said the increased precipitation has raised the local water tables, which he said, has more than likely increased the groundwater component of our lakes' hydrologic budgets. The increased in-seepage of groundwater in the nearshore zone, he said, provides a rather steady supply of nutrients (e.g., nitrogen and phosphorus) which he believes to be adequate to sustain a healthy metaphyton community in our lakes. He said that groundwater as a source of lake nutrients is often overlooked or ignored, and cited a recent study on Lake Tahoe which was inspired by a decline in nearshore conditions and that concluded that groundwater served as a major source (36 percent) of the annual soluble reactive phosphorus load to Lake Tahoe. The metaphyton, he said, represent a sort of bio-filter by intercepting the in-seeping nutrient load before it reaches the open water zones where it can cause increased

phytoplankton growth. He said that although in some cases the prolific growth of metaphyton may represent a symptom of excessive nutrient loading, nonpoint source or otherwise, in general, they are members of algal communities in some of our least productive lakes. Trustee Walbaum said that this information would provide for a nice article in lake association newsletters. Back to general lake conditions, Ms. Dennis reported that the SDT of Cochnewagon Lake is on the decline, although at 5.1 meters, it is a good reading relative to some other lakes. Cobbossee Lake, she said, has been looking quite good this year after a slow start in the north basin in June. The low SDT at that time, she said, was likely the result of wind-driven algae accumulating in the north basin.

Ms. Dennis reported that the invasive aquatic plant (i.e., variable milfoil) survey on Annabessacook Lake is ongoing. She said this has been a big job and that this year there were 39 sectors to be surveyed. She said that 31 volunteers from the Annabessacook Lake Improvement Association (ALIA) surveyed 24 of the sectors. The remaining sectors, she said, were surveyed by the DEP (2), the Friends of the Cobbossee Watershed (4), the CWD (5), and the remaining 4 sectors still to be assigned. She said the survey is about 60 percent complete and hopes that at least 90 percent gets completed this year. She said there have been several samples that have been sent to the Volunteer Lake Monitoring Program (VLMP) that appear suspicious and will be subject to DNA analysis for confirmation. She said that a similar, but less intensive, survey effort on Maranacook Lake is just getting started. She said that an Invasive Plant Patrol Paddle, or training session, was recently held at Camp K-V and was conducted by the VLMP with assistance from the Friends of the Cobbossee Watershed. She noted that the ALIA was recognized by the VLMP as *Invasive Aquatic Plant Patroller of The Year* at their annual meeting in July. She said that she accepted the award on the ALIA's behalf and will present it to them at their annual meeting next week.

Mr. Monagle reported that he had received two estimates, or bids, to perform an independent financial review for the CWD's fiscal year 2015. He said he felt that both bidding parties were capable of performing the review, but that the fees were far apart. He recommended that at this time the board accept the lower bid which was submitted by a local accountant, Elizabeth Curtis. Trustee Saunders **moved** to retain Ms. Curtis to perform the review; Trustee Sylvester **seconded**; the motion **passed** unanimously.

The meeting adjourned at 9:12 P.M.

Respectfully submitted,



William J. Monagle, CLM  
Executive Director  
Secretary to the Board

ROBERT C. CLUNIE, JR.  
Chairperson

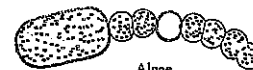
# COBBOSSEE WATERSHED DISTRICT

P.O. Box 418, Winthrop, Maine 04364

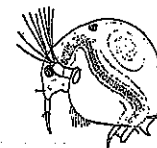
Telephone (207) 377-2234

WILLIAM J. MONAGLE  
Executive Director

*Maine's first regional lake management district*



Algae



Zooplankton

## FINANCIAL REPORT FOR OCTOBER 2015

(67% of fiscal year remains)

	BUDGETED	Expended	YTD	Balance	% Remaining
<b>DIRECT COSTS</b>					
Personnel	160,600.00	12,682.48	58,448.87	102,151.13	64%
Monitoring expenses	8,500.00	1,796.87	3,747.22	4,752.78	56%
Conference expenses	200.00	0.00	0.00	200.00	100%
Pro. Development	500.00	0.00	0.00	500.00	100%
Education/Information	250.00	48.30	48.30	201.70	81%
Bookkeeping	1,200.00	258.16	783.16	416.84	35%
Contractual					
Wilson 319	3,550.00	0.00	0.00	3,550.00	100%
NPS Direct					
Wilson 319	21,375.00	0.00	0.00	21,375.00	100%
Gage Operation	3,600.00	104.69	417.51	3,182.49	88%
Trustees expenses	650.00	0.00	600.00	50.00	8%
<b>TOTAL</b>	<b>200,425.00</b>	<b>14,890.50</b>	<b>64,045.06</b>	<b>136,379.94</b>	<b>68%</b>
<b>OVERHEAD COSTS</b>					
Health benefits	20,300.00	1,616.37	6,465.48	13,834.52	68%
Unemployment comp.	350.00	3.58	50.43	299.57	86%
Social Security	12,286.00	970.35	4,471.46	7,814.54	64%
---Benefits subtot.	32,936.00	2,590.30	10,987.37	21,948.63	67%
Office supplies	1,200.00	71.98	375.14	824.86	69%
Photocopy/printing	500.00	0.00	0.00	500.00	100%
Telephone	1,700.00	143.52	588.50	1,111.50	65%
Postage	300.00	0.00	49.00	251.00	84%
GIS License	400.00	0.00	0.00	400.00	100%
Library	700.00	45.95	183.80	516.20	74%
Petty Cash	100.00	0.00	50.00	50.00	50%
---Off. Oper. subtot.	4,900.00	261.45	1,246.44	3,653.56	75%
Office rent	13,500.00	1,076.00	4,304.00	9,196.00	68%
Truck operations	1,750.00	75.00	749.01	1,000.99	57%
Accounting/legal	250.00	0.00	731.40	-481.40	-193%
Insurance	6,000.00	0.00	3,004.00	2,996.00	50%
<b>TOTAL</b>	<b>59,336.00</b>	<b>4,002.75</b>	<b>21,022.22</b>	<b>38,313.78</b>	<b>65%</b>
Capital expense	1,000.00	0.00	218.00	782.00	78%
<b>TOTAL OPERATING COST</b>					
<b>AS BUDGETED</b>	<b>260,761.00</b>	<b>18,893.25</b>	<b>85,285.28</b>	<b>175,475.72</b>	<b>67%</b>
<b>UNBUDGETED EXPENSES</b>		<b>0.00</b>	<b>0.00</b>		
(See Notes*)					
<b>TOTAL EXPENSES</b>		<b>18,893.25</b>	<b>85,285.28</b>		

October 2015, cont'd.

	BUDGETED	Received	YTD	Balance	% Remaining
<b>INCOME</b>					
Municipal assessment	210,546.00	0.00	86,520.00	124,026.00	59%
Water District cont.	8,716.00	0.00	2,905.33	5,810.67	67%
Federal/State Grants					
Wilson 319	32,600.00	0.00	2,124.00	30,476.00	93%
Contracts/fees	2,700.00	157.50	157.50	2,542.50	94%
Contributions/misc.	600.00	100.00	1,778.79	-1,178.79	-196%
Forward from Reserve	5,599.00	0.00	0.00	5,599.00	100%
<b>TOTAL REVENUES AS BUDGETED</b>	<b>260,761.00</b>	<b>257.50</b>	<b>93,485.62</b>	<b>167,275.38</b>	<b>64%</b>

UNBUDGETED REVENUES (See Notes*)	0.00	0.00
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<b>TOTAL REVENUES</b>	<b>257.50</b>	<b>93,485.62</b>
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**CASH BALANCES**

Checking Account	10/30/2015	52,904.01
Stormwater Comp. Funds		
- Cobbossee Lake (DEP)	10/30/2015	16,762.55
- Annabessacook Lake (DEP)	10/30/2015	6,207.10
- Woodbury Pond (DEP)	10/30/2015	622.67
- General Fund (CWD)	10/30/2015	10,861.93
<b>TOTAL</b>		<b>87,358.26</b>

NOTES:

# COBBOSSEE WATERSHED DISTRICT

ROBERT C. CLUNIE, JR.  
Chairperson

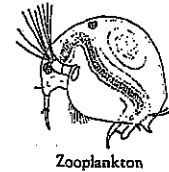
P.O. Box 418, Winthrop, Maine 04364

Telephone (207) 377-2234



WILLIAM J. MONAGLE  
Executive Director

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## FINANCIAL REPORT FOR NOVEMBER 2015

(58% of fiscal year remains)

	BUDGETED	Expended	YTD	Balance	% Remaining
<b>DIRECT COSTS</b>					
Personnel	160,600.00	12,346.70	70,795.57	89,804.43	56%
Monitoring expenses	8,500.00	2,688.81	6,435.83	2,064.17	24%
Conference expenses	200.00	0.00	0.00	200.00	100%
Pro. Development	500.00	110.00	110.00	390.00	78%
Education/Information	250.00	0.00	48.30	201.70	81%
Bookkeeping	1,200.00	83.16	866.32	333.68	28%
Contractual					
Wilson 319	3,550.00	3,750.00	3,750.00	-200.00	-6%
NPS Direct					
Wilson 319	21,375.00	0.00	0.00	21,375.00	100%
Gage Operation	3,600.00	300.45	717.96	2,882.04	80%
Trustees expenses	650.00	0.00	600.00	50.00	8%
<b>TOTAL</b>	<b>200,425.00</b>	<b>19,278.92</b>	<b>83,323.98</b>	<b>117,101.02</b>	<b>58%</b>
<b>OVERHEAD COSTS</b>					
Health benefits	20,300.00	1,616.37	8,081.85	12,218.15	60%
Unemployment comp.	350.00	0.88	51.31	298.69	85%
Social Security	12,286.00	944.50	5,415.96	6,870.04	56%
---Benefits subtot.	<b>32,936.00</b>	<b>2,561.75</b>	<b>13,549.12</b>	<b>19,386.88</b>	<b>59%</b>
Office supplies	1,200.00	0.00	375.14	824.86	69%
Photocopy/printing	500.00	0.00	0.00	500.00	100%
Telephone	1,700.00	130.64	719.14	980.86	58%
Postage	300.00	0.00	49.00	251.00	84%
GIS License	400.00	0.00	0.00	400.00	100%
Library	700.00	290.25	474.05	225.95	32%
Petty Cash	100.00	0.00	50.00	50.00	50%
---Off. Oper. subtot.	<b>4,900.00</b>	<b>420.89</b>	<b>1,667.33</b>	<b>3,232.67</b>	<b>66%</b>
Office rent	13,500.00	1,076.00	5,380.00	8,120.00	60%
Truck operations	1,750.00	1,090.56	1,839.57	-89.57	-5%
Accounting/legal	250.00	0.00	731.40	-481.40	-193%
Insurance	6,000.00	0.00	3,004.00	2,996.00	50%
<b>TOTAL</b>	<b>59,336.00</b>	<b>5,149.20</b>	<b>26,171.42</b>	<b>33,164.58</b>	<b>56%</b>
Capital expense	1,000.00	217.00	435.00	565.00	57%
<b>TOTAL OPERATING COST</b>					
<b>AS BUDGETED</b>	<b>260,761.00</b>	<b>24,645.12</b>	<b>109,930.40</b>	<b>150,830.60</b>	<b>58%</b>
<b>UNBUDGETED EXPENSES</b>					
(See Notes*)		0.00	0.00		
<b>TOTAL EXPENSES</b>		<b>24,645.12</b>	<b>109,930.40</b>		

## November 2015, cont'd.

	BUDGETED	Received	YTD	Balance	% Remaining
<b>INCOME</b>					
Municipal assessment	210,546.00	62,013.00	148,533.00	62,013.00	29%
Water District cont.	8,716.00	2,905.33	5,810.66	2,905.34	33%
Federal/State Grants					
Wilson 319	32,600.00	0.00	2,124.00	30,476.00	93%
Contracts/fees	2,700.00	0.00	157.50	2,542.50	94%
Contributions/misc.	600.00	362.60	2,141.39	-1,541.39	-257%
Forward from Reserve	5,599.00	0.00	0.00	5,599.00	100%
<b>TOTAL REVENUES AS</b>	<b>260,761.00</b>	<b>65,280.93</b>	<b>158,766.55</b>	<b>101,994.45</b>	<b>39%</b>
<b>BUDGETED</b>					

UNBUDGETED REVENUES  
(See Notes\*)

0.00	0.00
------	------

<b>TOTAL REVENUES</b>	<b>65,280.93</b>	<b>158,766.55</b>
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## CASH BALANCES

Checking Account	10/30/2015	52,904.01
Stormwater Comp. Funds		
- Cobbossee Lake (DEP)	10/30/2015	16,762.55
- Annabessacook Lake (DEP)	10/30/2015	6,207.10
- Woodbury Pond (DEP)	10/30/2015	622.67
<u>- General Fund (CWD)</u>	10/30/2015	<u>10,861.93</u>
<b>TOTAL</b>		<b>87,358.26</b>

NOTES:

*Cemetery Committee Meeting  
November 16, 2015  
Approved December 7, 2015*

**Members Present:** Grace Keene, Sandra Rourke, Pam Osborn, Andy Tolman, Deb Doten, Marianne Perry, Lydia Adelson

**Members Excused:** John Moran, Brenda Lake

**Staff:** Karen Peterson, Eric Dyer

**Select Board Liaison:**

The meeting came to order at 9:00.

Minutes of November 16, 2015 meeting were approved with minor corrections. Motion by Marianne Perry, Second by Andy Tolman. Approved 6 Abstain 1.

**The Cemetery Rules**

To be in compliance with state laws committee approved adding wording for:

- ATV's and snowmobiles are not allowed in cemeteries.
- Cemeteries are closed to the public ½ hour after sunset and open ½ hour before sunrise.
- In addition to these rules, the all State laws apply and will be enforced.

Motion by Deb Doten. Second by Andy Tolman. Motion passed 6-1

**Veteran's Day**

There is a state law about recognizing Veterans by ringing a bell at 11:00 on 11/11 each year. The laws have wording for how to spend trust on.

Future work will be to look into "green burials". Karen Peterson will look into this type of burial as there is more interest.

**Cemetery Mapping Update:**

All information is recorded and kept on an EXCEL data base maintained by the Town Clerk.

A map is needed of the "very old section" of the Readfield Corner Cemetery.

The Goals of Mapping would be to (a) map what is not mapped and (b) document repairs needed to monuments and stones.

There are GIS maps available through the state of some of the Readfield Cemeteries. The town will be looking at GIS for other aspects of management. The Town Manager will keep the cemeteries in mind as the GIS work progresses.

Grace, Andy, Lydia and Deb will meet to begin mapping the "very old section" at Readfield Corner on 12/1/2015 at 10:00.

**Fall Clean-up**

Progress is being made with clean up and raking. Flags have been removed.

The new mower is ordered and will be here in December.



Can students help with volunteering?

The Town Manager asked for the Committee's thoughts on replacing the maple trees as they come down. Generally the committee would like to see a planting of some sort when a tree is removed. The cost to remove a large maple tree is approximately \$1500.

There is an arborist who will be doing tree work in East Readfield and Kent's Hill cemeteries. The arborist will be asked to look at the Whittier Cemetery tree that has a loose, hanging branch.

#### Budget

No numbers planning through December. January and February will be active budget planning.

The Road Committee has not met to look at the run off issue at the Readfield Corner Cemetery.

#### Other

The Liaison Policy discussion will be on the Select Board's agenda. Remember to reach out to the Select Board to be sure they are aware of the issues.

The Town Manager suggested "actions items" be listed at the end of the minutes.

#### Mission Statement & Committee Structure

Two committee members are recommending that the Cemetery Committee be better defined as a committee. This definition should be separate from the rules and might include the mission statement, number of committee members, positions in the committee (for example Chair and Vice Chair), and tasks that are routinely accomplished. It is recommended that this definition be consistent with other advisory committees. It is hoped that the Ad Hoc Committee on Committee Roles and Responsibilities will develop guidelines for advisory committees to define their structure.

The draft mission statement for our committee should be approved by the Select Board.

#### Other

Veteran's Day Celebration. Is this something that the Cemetery Committee could oversee? The statute for bell ringing could be implemented. The recommendation for the committee is that the planning of Memorial Day and Veterans Day activities be planned and delegated by the Select Board.

There has been an offer to donate T posts for snow plow reflectors for the Dudley Plains fence and the berms.

Next meeting will be 12/7 at 9:00 to work on budget goals.

# Readfield Appointments Ad Hoc Committee Minutes

November 18, 2015

**Members Present:** Tom Dunham, Cliff Buuck, Val Pomerleau, Robin Lint, Rob Peale, Henry Whittemore

**Members Excused Absent:** None

**Members Unexcused Absent:** None

**Present and Participating:** Eric Dyer (left meeting about 6:00 PM)

**Guests Present:** None

Meeting was called to order at 5:06 PM upon arrival of all current members.

## **Discussion:**

**Directives:** Tom raised the issue of lack of clarity on directives for the committee and that he believed the approved directives were the ones provided in the selectboard (SB) packet and dated 6/22/15. Henry and Cliff felt we had agreed to move forward with review of Application Procedures and Guidelines documents, and that we would ultimately address all that the SB wants us to do. Tom wants to make sure we cover everything above the bold triple line on the directives document stamped DRAFT and dated 6/22 in writing on the top right corner. Eric feels we should do one thing at a time and make sure nothing falls thru the cracks.

Henry will continue to maintain a working draft (all ideas) and consensus draft (ideas approved by majority vote or consensus of committee) of the Procedures and Guidelines documents. (For this work minutes will reflect discussion points but not necessarily specific wording of documents.)

**Recall Ordinance and Volunteer Removal from Boards, Committees, and Commissions (BCCs):** Questions about removal include whether our existing Recall ordinance applies to BCC members and whether all members of BCCs are

considered Town Officials. Val will check with MMA and report back to the committee at the next meeting.

#### **Minutes for 11/4/15:**

Changes were made to paragraph headings to clarify whether the paragraphs were about the Application For Appointment document revisions suggested by Robin, or the Application Procedures document. Revised minutes were approved unanimously.

#### **Application for Appointment Revisions:**

Robin presented the document with revisions suggested at our last meeting. Rob moved and Tom seconded approval. We discussed whether our continuing discussion might result in additional changes. The motion of approval was withdrawn by Rob and Tom. Consensus is leave the document "in process" in case more changes are needed.

#### **Appointment Application Revisions:**

Larry Dunn's email comment on the introductory paragraph was discussed and the consensus was to leave it as is in the current consensus document. Discussion of how our deliberations are presented to the public ensued. Consensus decisions were:

Clearly indicate which documents are preliminary or draft;

We may take up some email comments as we proceed (since many will be things committee members would bring up in any case) but we will directly consider all public email comments at the end of our discussions before finalizing any document. Robin will keep a running compilation of public email comments sent to committee members.

**Section 1b):** We need to define "re-appointment". Val suggests "continuous uninterrupted service on the same BCC". This will be incorporated in the document. Eric suggests we should include a definition section in the document.

**Section 1c):** We discussed having terms of office in the document. Consensus was terms should not be in this document and should be left to the SB or documentation for individual BCCs.

**Section 1d):** We discussed how re-appointments should be handled and whether it should be considered automatic if a member wants to continue. The consensus was that any expiring term would trigger advertising for the position even if the current member plans to ask for re-appointment. Terms expire at the end of June and on May 1st positions where terms are expiring should be advertised in accordance with our advertising procedures. To be considered for appointment and/or re-appointment as of July 1st any application should be received by the Town Clerk by May 31st to allow the SB to evaluate and make appointments prior to July 1st. Any applications submitted after May 31st should not be taken up until after July 1st if a vacancy remains. The SB has the right to reject an applicant even if it is the only one and appoint someone else later. However, a late application should not be taken up until after July 1st.

**Section 1f):** Consensus was the document should include a listing of required training that members of specific BCCs would need to take after appointment. Robin will provide a list at the next meeting.

**Next meeting:** December 2, 5 to 7 PM.

**Adjourned:** 7:02 PM

Respectfully submitted: Rob Peale, Secretary

# **UNFINISHED BUSINESS**

**Purchasing Policy for the Town of Readfield**

*Adopted 04-08-04, amended 02-11-13, 11-04-13, and 12-15-2014.*

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**Purpose** - The Town of Readfield spends a considerable portion of its annual budget purchasing goods and services for the administration of Town business. It is important that these purchases be made in a businesslike manner, assuring accountability for the expenditure of Town funds. The Select Board directs the Town Manager and/or designees to use the policy described below to guide them in making purchases on the Town's behalf. It is the intent of this policy to set out the rules and guidelines for the purchase of goods and services.

**Policy** - The Board shall make bid and quote openings and contract awards during regular Select Board meetings or direct the Town Manager to set and publicize a public opening. It is recommended that a Select Board member attend this type of public opening.

**A. Bidding for Goods and Services Non-Roadwork:**

It is the intention of the Board that purchases made for or on behalf of the Town be as economical as possible while still meeting the required standards. To that end the Town implements the following rules:

1. For all non-road related purchases over ~~\$5,000~~ \$10,000, the Town will request bids through written Requests for Proposals (RFP's). At a minimum the RFP will clearly describe the work to be done, or the purpose of the goods to be purchased, the time frame for delivery, and any specifications required. A closing date will be established beyond which no other bids will be reviewed, and review criteria established for selecting the winning bid. No emailed or faxed bids will be accepted.
2. Exceptions to using the written bidding process may only be made following a majority vote of the Board. In an emergency, this may be done by telephone/e-mail with a confirming vote at the next Board meeting.
3. Purchases of less than ~~\$1,000~~ \$5,000 may be made using the most cost-effective source without a formal process. The Select Board will review all purchases during warrant review, and assure that they are appropriate.
4. ~~For all purchases made which cost between \$1,000 and \$4,999~~ For all purchases made which cost between \$5,000 and \$10,000 sealed written quotes shall be solicited from at least three vendors, at least one that will be from outside of Readfield, whenever practicable. A closing date will be established beyond which no other quotes will be received, and review criteria will be established for selecting the winning quote. No emailed or faxed quotes will be accepted. ~~Quotes shall be opened publicly and the~~ Quotes shall be opened publicly and the vendors and their quoted prices shall be reported to the Board as a regular part of the Town Manager's report, if not opened at a regular Select Board meeting.

5.4. If multiple vendors are not available for a particular item or service, or if there is an emergency need, the purchase may be made on a sole source basis. These purchases must also be indicated to the Board at their regular meetings.

#### **B. Roadwork-Related Purchases:**

1. In January of each year the Town Manager shall send out to all area contractors a request for quotes on labor, equipment and material rates for the upcoming year. All contractors submitting quotes will be held to the prices submitted in their quotes for all work performed for the Town during that year.
2. For emergency repair roadwork the Town Manager will use contractors from the list of those submitting quotes seeking to get the best quality work for the lowest cost. All work let out under this section will be reported to the Board during their regular meetings.
3. For all major road construction/reconstruction projects the Town Manager shall use the written RFP process to select the contractor to perform the work. Alternatively, with Board approval, the Town Manager and/or designee may act as General Contractor on behalf of the Town, using quoted prices for contracted services and equipment to perform major road construction/reconstruction projects.
4. For all road maintenance work over \$5,000 the Town Manager shall solicit sealed written quotes from at least 3 contractors, at least one that will be from outside of Readfield, whenever practicable. A closing date will be established beyond which no other quotes will be received, and review criteria will be established for selecting the winning quote. No emailed or faxed quotes will be accepted. Quotes shall be opened publicly and the The contractors and their quoted prices shall be reported to the Board as a regular part of the Town Manager's report, if not opened at a regular Select Board meeting.
- 4.5. Road maintenance work of less than \$5,000 may be made using the most cost-effective source without a formal process. The Select Board will review all purchases during warrant review, and assure that they are appropriate.

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#### **C. Past due Taxes:**

It shall be the policy of the Town of Readfield to accept contract bids for work authorized by the Town from individuals, partnerships, businesses etc. without regard for any past due taxes owed to the Town of Readfield by the bidder.

Regular bid procedures and awarding of contracts will be followed in all cases.

Any vehicles used for Town work must have a current registration (if required legally) and valid inspection sticker.

However, before any contract is awarded and signed by the Town, bidders must be in good financial standing with the Town and provide proof that all past due / overdue personal property taxes have been paid or have a signed payment agreement with the Town prior to award. If the Town awards a contract to a business that has past due /overdue personal property taxes owed to the Town, any payments(s) made for work done under the pending contract will be deducted from what the business owes the Town.

Individuals (sole proprietors), partnerships, and businesses not registered in Readfield but doing contract work with Readfield must be in good financial standing with their respective towns and must provide proof that all personal property taxes owed to their respective municipalities have been paid or have a signed payment agreement with the respective town prior to any contract award.

Select Board Approved: December 15, 2014

~~Sue Reay~~Val Pomerleau, Chair \_\_\_\_\_

~~Tom Dunham~~Val Pomerleau, Vice Chair \_\_\_\_\_

~~Greg Durgin~~Bruce Bourgoin e \_\_\_\_\_

Allen Curtis \_\_\_\_\_

~~Tom Dunham~~Chris Sammons \_\_\_\_\_

Attested as a true copy:

Robin Lint, Town Clerk

Date:

saved: TClerk\Policies & Procedures\Current Adopted Policies\Purchasing Policy 04-08-04,  
amended 02-11-13, 11-04-13, and 12-15-2014



# **Town's Comprehensive Plan**

## **Pages 70 and 71**

### **Adopted June 11, 2009 regarding volunteers.**

Town's Comprehensive Plan adopted June 11, 2009 regarding volunteers, as this is supposed to be the Town's guiding document when establishing policies

#### **Page 70, "Goals & Policies":**

<b>Goal:</b> <b>Encourage citizen participation in community affairs.</b>
---

Related specifically to boards & committees (p. 70):

5.6. Develop and/or maintain clear written operating procedures and responsibilities for town boards and committees to facilitate effective decision-making and public involvement.

- Have a written job description provided by the Select Board or Town Manager for each board or committee.
- Review each of the town's ordinances and regulations. Repeal unnecessary ordinances and update outdated ordinances.
- Require that each board periodically review its administrative processes to assure predictable times and cost-effective decision-making.

#### **Page 71, "Policies":**

5.9. Improve citizen participation in town government.

- Encourage residents to volunteer for local boards, committees and activities.
- Establish a "people resource" bank of volunteers with special skills.
- Annually recognize individual volunteers who have made significant contributions of their time.

# DRAFT

## Boards and Committees

### Ad Hoc Committee Directives

4/01/2015

- Review current Appointment policy.
- Review current committee mission statements.
- Write DRAFT Boards and Committee policy that may include the following:

Application process

FOAA responsibilities for all committees

General responsibilities for all committees

Appointment/ un-appointment process

Ethics policy

Term limits?

Define qualifications and expertise for each committee

The goal is to clarify the rolls and responsibilities of all of our appointed committees.

By T. Dunham

DRAFT

## Appointment Policy Ad Hoc Committee

### Boards and Committees Ad Hoc Committee Directives

Review current Appointment Policy and Guidelines

Review Committees general Roles & Responsibilities

Write Draft Boards and Committee policy that may include the following:

- Application Process
- Email/FOAA responsibilities for all committees
- General responsibilities for all committees
- Appointment/Un-appointment process
- Define qualifications and expertise for each Committee
- Email communication

The goal is to clarify the roles and responsibilities of all our pointed committees.

#### Each Committees Responsibility

- Review current Committee mission Statements

#### Ethics and Term limits

- Discussed and the consensus was to wait until July 2015 and have a separate policy with those two items so it would include boards, committees, employees, volunteers and elected officials

June 15 2015  
in packet 20/63  
Approved 6/15/2015  
minutes.

# **NEW BUSINESS**

Readfield Board of Selectmen

December 14, 2015

Item # 16-0052

**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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Board of Municipal Officers

**Title 36: TAXATION**  
**Part 2: PROPERTY TAXES**  
**Chapter 105: CITIES AND TOWNS**  
**Subchapter 8: ABATEMENT**

**§844. Appeals to county commissioners**

**1. Municipalities without board of assessment review.** Except when the municipality or primary assessing area has adopted a board of assessment review, if the assessors or the municipal officers refuse to make the abatement asked for, the applicant may apply to the county commissioners within 60 days after notice of the decisions from which the appeal is being taken or within 60 days after the application is deemed to have been denied. If the commissioners think that the applicant is over-assessed, the applicant is granted such reasonable abatement as the commissioners think proper. If the applicant has paid the tax, the applicant is reimbursed out of the municipal treasury, with costs in either case. If the applicant fails, the commissioners shall allow costs to the municipality, taxed as in a civil action in the Superior Court, and issue their warrant of distress against the applicant for collection of the amount due the municipality. The commissioners may require the assessors or municipal clerk to produce the valuation by which the assessment was made or a copy of it. Either party may appeal from the decision of the county commissioners to the Superior Court, in accordance with the Maine Rules of Civil Procedure, Rule 80B. If the county commissioners fail to give written notice of their decision within 60 days of the date the application is filed, unless the applicant agrees in writing to further delay, the application is deemed denied and the applicant may appeal to the Superior Court as if there had been a written denial.



Readfield Board of Selectmen  
December 14, 2015  
Item # 16-0053

## TOWN OF READFIELD

8 OLD KENTS HILL RD. • READFIELD, MAINE 04355  
TEL. (207) 685-4939 • FAX (207) 685-3420

# OCCUPANCY VIOLATION NOTICE

Catherine Bruce - Owner  
1149 Main St.  
Readfield, ME 04355

December 1, 2015

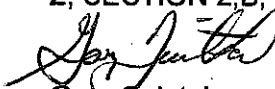
### Occupancy Issues:

- Readfield Code Enforcement Officer (CEO) **has not issued** an Occupancy permit for a dwelling or rental units at 1149 Main Street (map120/ lot 39),
- Readfield Planning Board (RPB) review of Bruce's application to convert the Café' to (2) three bedroom apartments scheduled for the December 9, 2015 meeting **could be** tabled and/or the RPB **could take no action** until the units meet Life / Safety standards,
- An inspection on December 1, 2015 by the Readfield Fire Chief, CEO and Health Officer found the following issues:
  - 1) 1st floor;
    - a. Bedroom windows of all bedrooms did not meet egress standards,
    - b. No smoke detector in master bedroom,
    - c. Egress doors and escape routes to be free and without obstruction to outside,
  - 2) 2nd floor;
    - d. Bedroom windows of all bedrooms did not meet egress standards,
    - e. Exit door without a landing needs to be removed or restrict opening to be fall safe,
    - f. Egress doors and escape routes to be free and without obstruction to outside,
    - g. Electrical outlets to be covered properly to prevent shock,
  - 3) Basement;
    - h. Sump pump discharge to be contained on property to remove safety hazard on sidewalk or get approval from DOT and/or Town of Readfield to hook discharge to storm drain,
    - i. Dehumidifier shall not use an extension cord for power supply,
    - j. Electrical lines to be secured by electrician.

**Town of Readfield Select Board will be given this NOTICE**

The Town of Readfield Code Office has made this ORDER/ NOTICE to the Readfield Select Board that the dwelling / rental units do not meet life safety codes and other safety hazards as provide in the above list. The units should not be occupied due to the above deficiencies and occupancy shall not be allowed. The owner, Catherine Bruce, was given a verbal "NOTICE OF VIOLATION" on 11/5/2015, a written notice on November 24, 2015 and this violation notice dated December 1, 2015. Catherine Bruce **SHALL be the responsible party for any Liability** and SHALL obtain the required change of use permit from RPB and an occupancy permit from the Town of Readfield before allowing any individual to occupy these rental units at 1149 Main Street (aka Map 120 / Lot 39).

ALL PERSONS ACTING CONTRARY TO THIS ORDER ARE ON NOTICE THAT SAID OCCUPANCY IS A VIOLATION OF THE READFIELD LAND USE ORDINANCE. THE PENDING REVIEW BY THE PLANNING BOARD IS SCHEDULED & THE SELECT BOARD MAY TAKE LEGAL ACTION FOR ANY AND ALL VIOLATIONS. THE REMOVAL OF THIS NOTICE AND/OR THE NONCOMPLIANCE WITH THIS ORDER ARE LIABLE UNDER MAINE REVISED STATUTES - TITLE 30-A ENFORCEMENT, SECTION 4452 and the LUO ARTICLE 2, SECTION 2,B, 3 action required from Board of Selectpersons (see attached).

 12/2/15  
Gary Quintal  
Code Enforcement Officer



## 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.



D. Review Criteria

The Code Enforcement Officer shall approve a permit application, or amendment thereto, according to the following review criteria:

1. The proposal has obtained approval by the Planning Board for Site Review if applicable.
2. The permit and application fee has been paid.
3. The permit application is complete.
4. The proposal conforms to all the applicable provisions of this Ordinance.
5. The property currently is not in violation of any requirements of this Ordinance. If the Code Enforcement Officer determines that an enforceable violation exists, the Code Enforcement Officer shall issue a Notice of Violation to the applicant within the review period of time provided for and the application, if otherwise approved, shall be conditioned upon the resolution of the violation prior to the use or occupancy of the permitted activity applied for. This provision shall not prohibit, restrict or otherwise preclude the applicant from appealing to the Board of Appeals under Article 2 of this Ordinance any determination by the Code Enforcement Officer of an alleged violation.

E. Inspections

For any new structure, or for any expansion of the footprint of an existing structure, the applicant or the applicant's agent or contractor shall notify the Code Enforcement Officer at least 48 hours prior to commencement of construction of any foundation footing. The Code Enforcement Officer shall determine by inspection or otherwise that the applicant is in compliance with all setback requirements set forth in Table 2 of this Ordinance and as set forth in Chapter 7 of the Maine Subsurface Waste Water Disposal Rules, and that all temporary soil erosion control measures have been properly installed in compliance with Article 8, Section 11.

**SECTION 3. SITE REVIEW**

A. Applicability

This section shall apply to all land use activities that require Planning Board Review. Site review shall not be required for the direct replacement of a conforming structure provided there is no expansion of use or change of use in the structure.

B. Administration

1. The Planning Board shall administer this section and shall review all site plan applications according to the applicable procedures and review criteria.
2. The Code Enforcement Officer shall make a preliminary determination of whether the application is complete before the application is placed on the Planning Board's agenda. The Planning Board is responsible for making the final decision concerning whether or not the application is complete.
3. The Planning Board may require the applicant to perform additional studies or hire a consultant to review portions of the entire site review application. The cost to perform additional studies or hire a consultant shall be borne by the applicant. The Planning Board may require the applicant to deposit with the Town the estimated cost of any consultant or additional study, which shall be placed in an escrow account. The town shall pay for the services rendered and reimburse the applicant, if funds remain after payments are completed. If necessary, the applicant shall place additional funds into the escrow account in order to meet expenses.
4. The Planning Board shall provide the Code Enforcement Officer a copy of its final decision on a site review application including all application materials.

C. Review Criteria

The applicant shall demonstrate that the proposed use to the maximum extent possible meets the review criteria listed below. The Planning Board shall approve the application unless it makes written findings that one or more of these criteria have not been met:

1. Aesthetic, Cultural and Natural Values. The proposed activity shall not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, archeological sites, significant wildlife habitat

# ARTICLE 6

## PERMIT REVIEW, APPLICATION PROCEDURES AND STANDARDS

### SECTION 1. PURPOSE

The purposes of Development Review are to:

- A. Provide a level of municipal review that would not otherwise occur for projects that could adversely impact the surrounding Community as a whole;
- B. Maintain and protect the Town's rural character and natural resources, including scenic and historic resources, by requiring that structures, signs and other alterations on, or to the land, are sited and developed in accordance with certain standards; and
- C. Promote and protect the health, safety and welfare of the Townspeople, and provide permanent records of conditions that run with ownership of property.

### SECTION 2. CODE ENFORCEMENT OFFICER PERMIT REVIEW

#### A. Applicability

This section shall apply to all land use activities that require Code Enforcement Officer review.

#### B. Application Procedure

- 1. Within 14 days of receiving a permit application, the Code Enforcement Officer shall determine if the application is complete. The Code Enforcement Officer shall notify the applicant in writing if the application is incomplete and shall specify the additional material needed to make the application complete.
- 2. Within 14 days of determining that the application is complete, the Code Enforcement Officer shall, in writing approve, deny, or approve the application with conditions.
- 3. Any conditions, modifications and waivers to permits shall be in a form suitable for filing with the Registry of Deeds. Prior to commencing work under a permit, proof of such filing shall be provided to the Code Enforcement Officer.

#### C. Submission Requirements

A permit application shall be made on the forms provided by the Town and shall contain the following:

- 1. A copy of the deed to the property, option to purchase the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant.
- 2. A written description of the project including estimated cost.
- 3. Receipt of application fee, payable to the Town of Readfield.
- 4. A schedule of construction, including anticipated beginning and completion dates.
- 5. A map drawn to scale, showing the location, boundaries, dimensions, elevations, uses and size of the following: site, type of structure, setbacks from the front, side and rear lot lines, parking areas, driveways, and existing and proposed roads or ways.
- 6. The location of all water bodies and their distance from all structures proposed for the site.
- 7. When a permit is to be issued for purposes of demolition, evidence that the structure to be demolished originates in the Town of Readfield, all others being prohibited, identification of any special waste, and the identity of the place and method of demolition, with evidence that no provision of this Ordinance, including but not limited to Article 8, Section 19B, shall be violated, and shall be provided with the application for such permit.
- 8. Any other information necessary to show that the proposal complies with the applicable provisions of this Ordinance.
- 9. A list of all other state and federal permits required by the proposal.

# Maine Revised Statutes

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**§4451****Title 30-A:****§4453**

## **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 6-A: PLANNING AND LAND USE  
REGULATION HEADING: PL 1989, C. 104, PT. A, §45  
(NEW)**

**Chapter 187: PLANNING AND LAND USE  
REGULATION HEADING: PL 1989, C. 104, PT. A, §45  
(NEW)**

**Subchapter 5: ENFORCEMENT OF LAND USE  
REGULATIONS HEADING: PL 1989, C. 104, PT. A, §45  
(NEW)**

### **§4452. Enforcement of land use laws and ordinances**

**1. Enforcement.** A municipal official, such as a municipal code enforcement officer, local plumbing inspector or building official, who is designated by ordinance or law with the responsibility to enforce a particular law or ordinance set forth in subsection 5, 6 or 7, may:

A. Enter any property at reasonable hours or enter any building with the consent of the owner, occupant or agent to inspect the property or building for compliance with the laws or ordinances set forth in subsection 5. A municipal official's entry onto property under this paragraph is not a trespass; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

B. Issue a summons to any person who violates a law or ordinance, which the official is authorized to enforce; and [1993, c. 23, §1 (AMD).]

C. When specifically authorized by the municipal officers, represent the municipality in District Court in the prosecution of alleged violations of ordinances or laws, which the official is authorized to enforce. [1993, c. 23, §1 (AMD).]

[ 1993, c. 23, §1 (AMD); 2007, c. 699, §24 (REV) .]

**2. Liability for violations.** Any person, including, but not limited to, a landowner, the landowner's agent or a contractor, who violates any of the laws or ordinances set forth in subsection 5 or 6 is liable for the penalties set forth in subsection 3.

[ 1991, c. 732, §2 (AMD) .]

**3. Civil penalties.** The following provisions apply to violations of the laws and ordinances set forth in subsection 5. Except for paragraph

H, monetary penalties may be assessed on a per-day basis and are civil penalties.

A. The minimum penalty for starting construction or undertaking a land use activity without a required permit is \$100, and the maximum penalty is \$2,500. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

B. The minimum penalty for a specific violation is \$100, and the maximum penalty is \$2,500. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

B-1. Notwithstanding paragraph B, the maximum penalty is \$5,000 for any violation of a law or an ordinance set forth in subsection 5, paragraph Q, if the violation occurs within an area zoned for resource protection. [1999, c. 370, §1 (NEW).]

C. The violator may be ordered to correct or abate the violations. When the court finds that the violation was willful, the violator shall be ordered to correct or abate the violation unless the abatement or correction results in:

- (1) A threat or hazard to public health or safety;
- (2) Substantial environmental damage; or
- (3) A substantial injustice. [1989, c. 727, §1 (AMD).]

C-1. [2007, c. 92, §1 (RP).]

C-2. Notwithstanding paragraph C, for violations of the laws and ordinances set forth in subsection 5, paragraph Q, the provisions of this paragraph apply. The court must order the violator to correct or mitigate the violation unless the correction or mitigation would result in a threat or hazard to public health or safety, substantial environmental damage or a substantial injustice.

(1) Except for timber harvesting, correction or mitigation of a violation that involves the cutting of a tree or trees must include, but is not limited to, replacement of each tree cut with a tree or trees of varying size and species such that the visual impact from the cutting will be remediated, the tree canopy that was cut will be restored within a reasonable time period and a total basal area equal to at least 50% of the basal area cut will be replanted.

(2) Except for timber harvesting, correction or mitigation of a violation that involves the cutting of understory vegetation must include, but is not limited to, replacement of the understory vegetation with understory vegetation of substantially similar size and species to the extent reasonably available and feasible.

(3) For violations requiring correction or mitigation pursuant to subparagraph (1) or (2), the violator shall submit to the municipality a reforestation plan and 5-year management plan developed with and signed by a forester licensed pursuant to

Title 32, chapter 76 or other qualified professional. The reforestation plan must include consideration of specified site conditions and address habitat and other riparian restoration, visual screening, understory vegetation and erosion and sedimentation control. The management plan must address how the replacement trees must be maintained to enable the trees to grow to a healthy, mature height.

For purposes of this paragraph, "timber harvesting" has the same meaning as in Title 38, section 438-B, subsection 1, paragraph C.

For purposes of this paragraph, "understory vegetation" means all saplings that measure less than 2 inches in diameter at 4.5 feet above ground level and all shrubs. [2011, c. 228, §1 (AMD).]

D. If the municipality is the prevailing party, the municipality must be awarded reasonable attorney fees, expert witness fees and costs, unless the court finds that special circumstances make the award of these fees and costs unjust. If the defendant is the prevailing party, the defendant may be awarded reasonable attorney fees, expert witness fees and costs as provided by court rule. [1989, c. 727, §1 (AMD).]

E. In setting a penalty, the court shall consider, but is not limited to, the following:

- (1) Prior violations by the same party;
- (2) The degree of environmental damage that cannot be abated or corrected;
- (3) The extent to which the violation continued following a municipal order to stop; and
- (4) The extent to which the municipality contributed to the violation by providing the violator with incorrect information or by failing to take timely action. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

F. The maximum penalty may exceed \$2,500, but may not exceed \$25,000, when it is shown that there has been a previous conviction of the same party within the past 2 years for a violation of the same law or ordinance. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

G. The penalties for violations of a septage land disposal or storage site permit issued by the Department of Environmental Protection under Title 38, chapter 13, subchapter 1, are as prescribed in Title 38, section 349. [1997, c. 794, Pt. A, §1 (AMD).]

H. If the economic benefit resulting from the violation exceeds the applicable penalties under this subsection, the maximum civil penalties may be increased. The maximum civil penalty may not exceed an amount equal to twice the economic benefit resulting from the violation. Economic benefit includes, but is not limited to, the costs avoided or enhanced value accrued at the time of the violation as a result of the violator's noncompliance with the

applicable legal requirements. [1989, c. 727, §1 (NEW).]

[ 2011, c. 228, §1 (AMD) .]

**4. Proceedings brought for benefit of municipality.** All proceedings arising under locally administered laws and ordinances shall be brought in the name of the municipality. All fines resulting from those proceedings shall be paid to the municipality.

[ 1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

**5. Application.** This section applies to the enforcement of land use laws and ordinances or rules that are administered and enforced primarily at the local level, including:

A. The plumbing and subsurface waste water disposal rules adopted by the Department of Health and Human Services under Title 22, section 42, including the land area of the State that is subject to the jurisdiction of the Maine Land Use Planning Commission; [2007, c. 699, §18 (AMD); 2011, c. 682, §38 (REV).]

B. Laws pertaining to public water supplies, Title 22, sections 2642, 2647 and 2648; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

C. Local ordinances adopted pursuant to Title 22, section 2642; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

D. Laws administered by local health officers pursuant to Title 22, chapters 153 and 263; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

E. Laws pertaining to fire prevention and protection, which require enforcement by local officers pursuant to Title 25, chapter 313; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

F. Laws pertaining to the construction of public buildings for the physically disabled pursuant to Title 5, sections 4582-B, 4582-C and 4594-F; [2011, c. 613, §28 (AMD); 2011, c. 613, §29 (AFF).]

G. Local land use ordinances adopted pursuant to section 3001; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

H. [2007, c. 699, §18 (RP).]

I. [2007, c. 699, §18 (RP).]

J. Laws pertaining to junkyards, automobile graveyards and automobile recycling businesses and local ordinances regarding junkyards, automobile graveyards and automobile recycling businesses, pursuant to chapter 183, subchapter 1 and Title 38, section 1665-A, subsection 3; [2007, c. 699, §18 (AMD).]

K. Local ordinances regarding electrical installations pursuant to



chapter 185, subchapter 2; [2007, c. 699, §18 (AMD).]

L. Local ordinances regarding regulation and inspection of plumbing pursuant to chapter 185, subchapter 3; [2007, c. 699, §18 (AMD).]

M. Local ordinances regarding malfunctioning subsurface waste water disposal systems pursuant to section 3428 and laws regarding malfunctioning subsurface waste water disposal systems pursuant to Title 38, section 424-A; [2007, c. 568, §6 (AMD).]

N. The subdivision law and local subdivision ordinances adopted pursuant to section 3001 and subdivision regulations adopted pursuant to section 4403; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

O. Local zoning ordinances adopted pursuant to section 3001 and in accordance with section 4352; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

P. Wastewater discharge licenses issued pursuant to Title 38, section 353-B; [1999, c. 127, Pt. A, §46 (AMD).]

Q. Shoreland zoning ordinances adopted pursuant to Title 38, sections 435 to 447, including those that were state-imposed; [2005, c. 240, §4 (AMD).]

R. The laws pertaining to harbors in Title 38, chapter 1, subchapter 1, local harbor ordinances adopted in accordance with Title 38, section 7 and regulations adopted by municipal officers pursuant to Title 38, section 2; [2007, c. 112, §4 (AMD).]

S. Local ordinances and ordinance provisions regarding storm water, including, but not limited to, ordinances and ordinance provisions regulating nonstorm water discharges, construction site runoff and postconstruction storm water management, enacted as required by the federal Clean Water Act and federal regulations and by state permits and rules; [2007, c. 661, Pt. A, §1 (AMD); 2007, c. 699, §18 (AMD).]

T. Laws pertaining to limitations on construction and excavation near burial sites and established cemeteries in Title 13, section 1371-A and local ordinances and regulations adopted by municipalities in accordance with this section and section 3001 regarding those limitations; [RR 2007, c. 2, §16 (COR).]

U. Standards under a wind energy development certification issued by the Department of Environmental Protection pursuant to Title 35-A, section 3456 if the municipality chooses to enforce those standards; and [RR 2007, c. 2, §17 (COR).]

***(Paragraph U as enacted by PL 2007, c. 699, §18 is REALLOCATED TO TITLE 30-A, SECTION 4452, SUBSECTION 5, PARAGRAPH V)***

V. (REALLOCATED FROM T. 30-A, §4452, sub-§5, ¶U) The Maine Uniform Building and Energy Code, adopted pursuant to

**Title 10, chapter 1103. [RR 2007, c. 2, §18 (RAL).]**

[ 2011, c. 613, §28 (AMD); 2011, c. 613, §29 (AFF); 2011, c. 682, §38 (REV) .]

**6. Septage and sludge permits issued by the Department of Environmental Protection.** A municipality, after notifying the Department of Environmental Protection, may enforce the terms and conditions of a septage land disposal or storage site permit or a sludge land application or storage site permit issued by the Department of Environmental Protection pursuant to Title 38, chapter 13, subchapter 1.

[ 1997, c. 38, §1 (AMD) .]

**7. Natural resources protection laws.** A code enforcement officer, authorized by a municipality to represent that municipality in District Court and certified by the former State Planning Office or the Department of Economic and Community Development, Office of Community Development under section 4453 as familiar with court procedures, may enforce the provisions of Title 38, section 420-C, Title 38, chapter 3, subchapter 1, article 5-A and Title 38, chapter 13-D by instituting injunctive proceedings or by seeking civil penalties in accordance with Title 38, section 349, subsection 2.

[ 2011, c. 655, Pt. FF, §9 (AMD); 2011, c. 655, Pt. FF, §16 (AFF) .]

**SECTION HISTORY**

1989, c. 104, §§A45, C10 (NEW). 1989, c. 287, §§3, 4 (AMD). 1989, c. 727, §1 (AMD). 1991, c. 548, §D6 (AMD). 1991, c. 732, §§1-4 (AMD). RR 1993, c. 1, §77 (COR). 1993, c. 23, §§1, 2 (AMD). 1995, c. 58, §1 (AMD). 1995, c. 704, §B1 (AMD). 1995, c. 704, §C2 (AFF). 1997, c. 38, §1 (AMD). 1997, c. 296, §8 (AMD). 1997, c. 794, §A1 (AMD). 1999, c. 127, §A46 (AMD). 1999, c. 370, §1 (AMD). 2003, c. 689, §B6 (REV). 2005, c. 148, §1 (AMD). 2005, c. 240, §§4-6 (AMD). RR 2007, c. 2, §§16-18 (COR). 2007, c. 92, §§1, 2 (AMD). 2007, c. 112, §§4-6 (AMD). 2007, c. 568, §6 (AMD). 2007, c. 569, §1 (AMD). 2007, c. 661, Pt. A, §§1-3 (AMD). 2007, c. 699, §18 (AMD). 2007, c. 699, §24 (REV). 2011, c. 228, §1 (AMD). 2011, c. 613, §28 (AMD). 2011, c. 613, §29 (AFF). 2011, c. 655, Pt. FF, §9 (AMD). 2011, c. 655, Pt. FF, §16 (AFF). 2011, c. 682, §38 (REV).

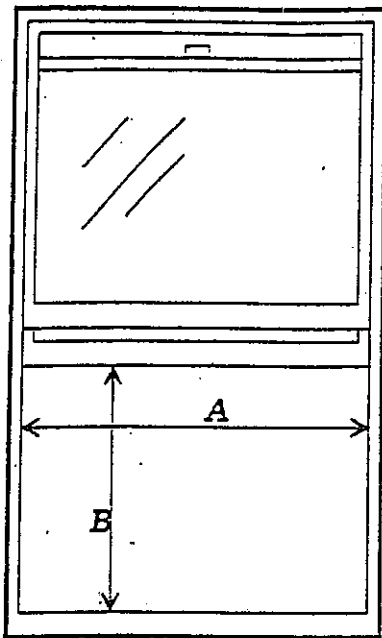
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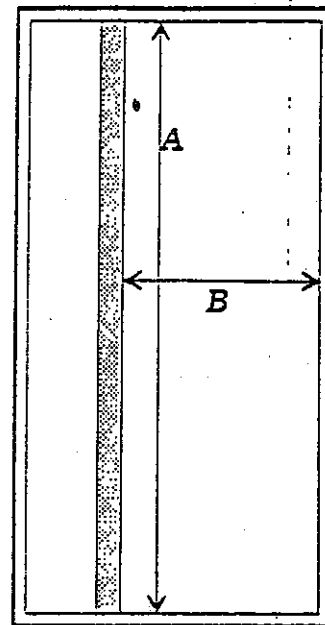
**Office of the Revisor of Statutes**

**7 State House Station  
State House Room 108  
Augusta, Maine 04333-0007**

# THE EGRESS WINDOW



double-hung



casement

**When the window is in the normal open position the opening must be at least 5.7 square feet in area.**

**A times B must equal at least 820.8 square inches.**

**The width of the opening must be at least 20 inches.**

**The height of the opening must be at least 24 inches.**

**20 x 24 only equals 480 square inches, not enough.**

**32 x 26 = 832 square inches. 832 divided by 144 equals 5.7777 square feet.**

*sill 44" off floor; latching 54" off floor. OS, within 20' of ground*

# EGRESS WINDOW CHART 5.7

## SQUARE FEET

WIDTH		I N C H E S															
HT	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36
24	3.3	3.5	3.6	3.8	4	4.1	4.3	4.5	4.6	4.8	5	5.1	5.3	5.5	5.6	5.8	6
25	3.4	3.6	3.8	3.9	4.1	4.3	4.5	4.6	4.8	5.0	5.2	5.3	5.5	5.7	5.9	6.0	6.2
26	3.6	3.7	3.9	4.1	4.3	4.5	4.6	4.8	5.0	5.2	5.4	5.5	5.7	5.9	6.1	6.3	6.5
27	3.7	3.9	4.1	4.3	4.5	4.6	4.8	5.0	5.2	5.4	5.6	5.8	6	6.1	6.3	6.5	6.7
28	3.8	4.0	4.2	4.4	4.6	4.8	5.0	5.2	5.4	5.6	5.8	6.0	6.2	6.4	6.6	6.8	7
29	4.0	4.2	4.4	4.6	4.8	5.0	5.2	5.4	5.6	5.8	6.0	6.2	6.4	6.6	6.8	7.0	7.2
30	4.1	4.3	4.5	4.7	5	5.2	5.4	5.6	5.8	6.0	6.2	6.4	6.6	6.8	7.0	7.2	7.5
31	4.3	4.5	4.7	4.9	5.1	5.3	5.5	5.8	6.0	6.2	6.4	6.6	6.8	7.1	7.3	7.5	7.7
32	4.4	4.6	4.8	5.1	5.3	5.5	5.7	6	6.2	6.4	6.6	6.8	7.1	7.3	7.5	7.7	8
33	4.5	4.8	5.0	5.2	5.5	5.7	5.9	6.1	6.4	6.6	6.8	7.1	7.3	7.5	7.7	8.0	8.2
34	4.7	4.9	5.1	5.4	5.6	5.9	6.1	6.3	6.6	6.8	7.0	7.3	7.5	7.7	8.0	8.2	8.5
35	4.8	5.1	5.3	5.5	5.8	6.0	6.3	6.5	6.8	7.0	7.2	7.5	7.7	8.0	8.2	8.5	8.7
36	5	5.2	5.5	5.7	6	6.2	6.5	6.7	7	7.2	7.5	7.7	8	8.2	8.5	8.7	9
37	5.1	5.3	5.6	5.9	6.1	6.4	6.6	6.9	7.1	7.4	7.7	7.9	8.2	8.4	8.7	8.9	9.2
38	5.2	5.5	5.8	6.0	6.3	6.5	6.8	7.1	7.3	7.6	7.9	8.1	8.4	8.7	8.9	9.2	9.5
39	5.4	5.6	5.9	6.2	6.5	6.7	7.0	7.3	7.5	7.8	8.1	8.3	8.6	8.9	9.2	9.4	9.7
40	5.5	5.8	6.1	6.3	6.6	6.9	7.2	7.5	7.7	8.0	8.3	8.6	8.8	9.1	9.4	9.7	10
41	5.6	5.9	6.2	6.5	6.8	7.1	7.4	7.6	7.9	8.2	8.5	8.8	9.1	9.3	9.6	9.9	10
42	5.8	6.1	6.4	6.7	7	7.2	7.5	7.8	8.1	8.4	8.7	9.0	9.3	9.6	9.9	10	10
43	5.9	6.2	6.5	6.8	7.1	7.4	7.7	8.0	8.3	8.6	8.9	9.2	9.5	9.8	10	10	10
44	6.1	6.4	6.7	7.0	7.3	7.6	7.9	8.2	8.5	8.8	9.1	9.4	9.7	10	10	10	11
45	6.2	6.5	6.8	7.1	7.5	7.8	8.1	8.4	8.7	9.0	9.3	9.6	10	10	10	10	11
46	6.3	6.7	7.0	7.3	7.6	7.9	8.3	8.6	8.9	9.2	9.5	9.9	10	10	10	11	11
47	6.5	6.8	7.1	7.5	7.8	8.1	8.4	8.8	9.1	9.4	9.7	10	10	10	11	11	11
48	6.6	7	7.3	7.6	8	8.3	8.6	9	9.3	9.6	10	10	10	11	11	11	12
49	6.8	7.1	7.4	7.8	8.1	8.5	8.8	9.1	9.5	9.8	10	10	10	11	11	11	12
50	6.9	7.2	7.6	7.9	8.3	8.6	9.0	9.3	9.7	10	10	10	11	11	11	12	12

## CHAPTER 21 ONE- AND TWO-FAMILY DWELLINGS

### SECTION 21-1 GENERAL REQUIREMENTS

#### 21-1.1 Application.

**21-1.1.1\*** This chapter establishes life safety requirements for all one- and two-family dwellings. One- and two-family dwellings include buildings containing not more than two dwelling units in which each living unit is occupied by members of a single family with no more than three outsiders, if any, accommodated in rented rooms.

**21-1.1.2** The requirements of this chapter are applicable to new buildings and to existing or modified buildings according to the provisions of Section 1-5 of this *Code*.

#### 21-1.2 Mixed Occupancies.

**21-1.2.1** Where another type of occupancy occurs in the same building as a residential occupancy, the requirements of 1-5.7 of this *Code* shall be applicable.

**21-1.2.2** For requirements on mixed mercantile and residential occupancies, see 24-1.2 or 25-1.2; for mixed assembly and residential occupancies, see 8-1.2 or 9-1.2; for mixed business and residential occupancies, see 26-1.2.

#### 21-1.3 Definitions.

**21-1.3.1** Terms applicable to this chapter are defined in Chapter 3 of this *Code*; where necessary, other terms will be defined in the text as they may occur.

#### 21-1.4 Classification of Occupancy. (See 21-1.1.1.)

#### 21-1.5 Classification of Hazard of Contents.

**21-1.5.1** The contents of residential occupancies shall be classified as ordinary hazard in accordance with 4-2.1.

**21-1.6 Minimum Construction Requirements.** No special requirements.

**21-1.7 Occupant Load.** No requirements.

### SECTION 21-2\* MEANS OF ESCAPE REQUIREMENTS

**21-2.1 General.** The provisions of Chapter 5 are not applicable to means of escape unless specifically referenced in this chapter.

#### 21-2.2 Number and Types of Means of Escape.

**21-2.2.1 Number of Means of Escape.** In any dwelling or living unit of two rooms or more, every sleeping room and every living area shall have at least one primary means of escape and one secondary means of escape.

**21-2.2.2 Primary Means of Escape.** The primary means of escape shall be a door, stairway, or ramp providing a means of unobstructed travel to the outside of the dwelling unit at street or ground level.

**21-2.2.3\* Secondary Means of Escape.** The secondary means of escape shall be one of the following:

(a) A door, stairway, passage, or hall providing a way of unobstructed travel to the outside of the dwelling at street or ground level that is independent of and remote from the primary means of escape.

(b) A passage through an adjacent nonlockable space independent of and remote from the primary means of escape to any approved means of escape.

(c) An outside window or door operable from the inside without the use of tools and providing a clear opening of not less than 20 in. (50.8 cm) in width, 24 in. (61 cm) in height, and 5.7 sq ft (.53 sq m) in area. The bottom of the opening shall not be more than 44 in. (112 cm) off the floor. Such means of escape shall be acceptable if:

1. The window is within 20 ft (6.1 m) of grade, or
2. The window is directly accessible to fire department rescue apparatus as approved by the authority having jurisdiction, or
3. The window or door opens onto an exterior balcony.

*Exception No. 1: A secondary means of escape is not required:*

(a) If the bedroom or living area has a door leading directly to the outside of the building at or to grade level, or

(b) If the dwelling unit is protected throughout by an approved automatic sprinkler system in accordance with NFPA 13, *Standard for the Installation of Sprinkler Systems*, or NFPA 13D, *Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Mobile Homes*, or NFPA 13R, *Standard for the Installation of Sprinkler Systems in Residential Occupancies up to Four Stories in Height*, as applicable.

*Exception No. 2: Existing approved means of escape may continue to be used.*

**21-2.2.4** Every story of every dwelling or living unit that is greater than 2,000 sq ft (185 sq m) or that has a travel distance to the primary means of escape greater than 75 ft (23 m) shall be provided with two primary means of escape remotely located from each other.

*Exception No. 1: Existing buildings.*

*Exception No. 2: Buildings protected throughout by an approved supervised automatic sprinkler system in accordance with Section 7-7.*

#### 21-2.3 Arrangements of Means of Escape.

**21-2.3.1** No required path of travel from any room to the outside shall be through another room or apartment not under the immediate control of the occupant of the first room or through a bathroom or other space subject to locking.

#### 21-2.4 Doors.

**21-2.4.1** No door in the path of travel of a means of escape shall be less than 28 in. (71 cm) wide.

*Exception: Bathroom doors shall be not less than 24 in. (61 cm) wide.*

**21-2.4.2** Doors shall be a minimum of 6 ft 6 in. (198 cm) in nominal height.

**21-2.4.3** Every closet door latch shall be such that children can open the door from inside the closet.

**21-2.4.4** Every bathroom door shall be designed to allow opening from the outside during an emergency when locked.

**21-2.4.5** Doors shall be swinging or sliding.

**21-2.4.6\*** No door in any means of escape shall be locked against egress when the building is occupied. All locking devices that impede or prohibit egress or that cannot be easily disengaged shall be prohibited.

#### **21-2.5 Stairs, Landings, Ramps, Balconies, or Porches.**

**21-2.5.1** Stairs, ramps, guards, and handrails shall be in accordance with 5-2.2 for Class B stairs. A handrail shall be provided on at least one side of stairways of four or more risers. Spiral stairs and winders in accordance with 5-2.2.2.7 and 5-2.2.2.8 shall be permitted within a single living unit. The minimum clear width of stairs, landings, ramps, balconies, and porches shall be 36 in. (91 cm) measured in accordance with 5-3.2.

*Exception No. 1: Existing means of escape shall be permitted to be continued in use. However, guards and handrails shall be provided, and no sleeping rooms or living area shall be accessible by only a ladder, stair ladder, folding stairs, or through a trap door.*

*Exception No. 2: The provisions of 5-2.2.3 shall not apply to stairs within a dwelling unit.*

**21-2.6 Hallways.** The minimum width of hallways shall be 36 in. (91 cm). The minimum height shall be not less than 7 ft (213 cm) nominal height with projections from the ceiling providing not less than 6 ft 8 in. (203 cm) nominal height.

*Exception: Existing approved hallways shall be permitted to be continued in use.*

### **SECTION 21-3 PROTECTION**

**21-3.1 Protection of Vertical Openings.** No requirements.

**21-3.2 Interior Finish.**

**21-3.2.1** Interior finish on walls and ceilings of occupied spaces shall be Class A, B, or C as defined in Section 6-5.

**21-3.2.2 Interior Floor Finish.** No requirements.

**21-3.3 Detection, Alarm, and Communication Systems.**

**21-3.3.1 Detection.** Approved single station or multiple station smoke detectors continuously powered by the house electrical system shall be installed in accordance with 7-6.2.9.

*Exception No. 1: Dwelling units protected by an approved smoke detection system installed in accordance with Section 7-6, having an approved means of occupant notification.*

*Exception No. 2: In existing construction, approved smoke detectors powered by batteries shall be permitted.*

### **SECTION 21-4 (RESERVED)**

### **SECTION 21-5 BUILDING SERVICES**

**21-5.1 Heating Equipment.** No stove or combustion heater shall be so located as to block escape in case of fire caused by the malfunction of the stove or heater.

# READFIELD - 2016-2017 (FY 17) BUDGET AND WARRANT

Readfield Board of Selectmen

December 14, 2015

Item # 16-0054

## Meeting Schedule

Date	Task	Responsibility
12/7/15	Budget process memo sent to Depts., Boards, & Committees - To include PY & YTD #s	Various
12/14/15	Selectboard Meeting - Board goals & Warrant	BoS
12/22/15	Joint Budget Committee & Selectboard Meeting - Capital Improvement / budget goals & Warrant	BoS / BC
12/31/15	Preliminary Dept., Board & Committee budget #s & goals due	Various
01/05/16	Budget Committee Meeting - Departments I - <i>See notes below for meeting details</i>	BC
01/11/16	Selectboard Meeting - First budget draft presented	BoS
01/19/16	Budget Committee Meeting - Departments II - <i>See notes below for meeting details</i>	BC
01/25/16	Selectboard Meeting - Second budget draft presented	BoS
02/02/16	Budget Committee Meeting - Departments III - <i>See notes below for meeting details</i>	BC
02/08/16	Selectboard Meeting - Third budget draft presented	BoS
02/16/16	Budget Committee Meeting - Budget review (+ Beach & Recreation Departments)	BC
02/22/16	Selectboard Meeting - Fourth budget draft presented	BoS
03/01/16	Joint Budget Committee & Selectboard Meeting - Revenues & general budget review	BoS / BC
03/02/16	Selectboard Meeting - Joint with School Committee - school budget - 6:30 pm @ the High School	BoS / SC
03/21/16	Selectboard Meeting - Fifth budget draft presented	BoS
03/21/16	85 days before vote - Nomination Papers available	TC
03/29/16	Joint Budget Committee & Selectboard Meeting - Public Information Meeting	BoS / BC
04/04/16	Selectboard Meeting - Draft warrant review	BoS
04/19/16	Selectboard Meeting - Final budget approval	BoS
04/29/16	45 days before voting - Nomination papers due	Various
05/02/16	Selectboard Meeting - Final Warrant approval	BoS
05/10/16	35 Days before voting - Signed Warrant due to Clerk (absolute deadline)	BoS
05/25/16	Public Hearing - Referendum questions	BoS
06/03/16	10 days before voting - Last day to hold referendum question hearings	BoS
06/07/16	7 days before voting - Town Meeting Warrant posted (absolute deadline)	TC / Constable
06/14/16	Town Meeting - State Primary	TC

### Budget Process Summary:

### Key:

Fifteen scheduled opportunities for public comment	BC - Budget Committee
Six Selectboard meetings with budget drafts	BoS - Board of Selectmen
Four Budget Committee meetings	SC - School Committee
Four joint meetings	TC - Town Clerk
One Public Informational Meeting	Statutory deadlines
One Public Referendum Hearing	

### Notes:

**Meeting Times** - BoS meetings are held at 6:30 and BC meetings at 5:30 at the Town Office unless otherwise noted

**Involvement** - Although not addressed directly it is expected that the Town Manager, Finance Officer, and Residents of the Town of Readfield will have ongoing roles in nearly all aspects of the budget process.

**Selectboard Attendance** - Joint meetings will have full Selectboard attendance but all meetings may have three or more Selectpeople

**Departments I** - Includes the following: **General Government** (Administration, Insurance, Office Equipment, Assessing, Coder Enforcement, Boundaries, Maintenance, Grant writing / Planning, Heating Assistance), **Boards & Commissions** (Appeals Board, Conservation Commission, Planning Board), **Buildings** (Fire Station, Giles Hall, Library, Building Maintenance)

**Departments II** - Includes the following: **Community Services** (Animal Control, Kennebec Land Trust, Library, Public Access TV, Street Lights, Town Farm, Maranacook Lake Dam), **Protection** (Fire Department, Ambulance, Water Holes, Dispatching, Personal Protection Gear Replacement), **Cemeteries** (Cemeteries), **Regional Assessments** (Cobbossee Watershed, Kennebec County, KVCOG, First Park, Debt Service)

**Departments III** - Includes the following: **Recreation** (Heritage Days, Open Space, Community Park, Trails Committee), **Roads & Drainage** (Roads & Drainage), **Capital Improvements** (Admin Technology, Fire Station Addition, Gile Hall, Ball Field, Library, Transfer Station, Maranacook Lake Dam), **Solid Waste** (Transfer Station, Backhoe), **Unclassified** (Non-profits, Snowmobiling, Enterprise Fund, Revaluation, General Assistance)

\* As Amended 12/07/2015 - Town Manager

## **Fiscal Year 2016-2017 (FY17) Budget Goals**

### **December 14, 2015 Select Board Meeting**

**Identify three budget goals you have for the Town as a whole, and how they might be accomplished:**

1. Goal:

How to accomplish the goal:

2. Goal:

How to accomplish the goal:

3. Goal:

How to accomplish the goal:

**Identify three budget goals you have for specific areas or departments, and how they might be accomplished:**

1. Goal:

How to accomplish the goal:

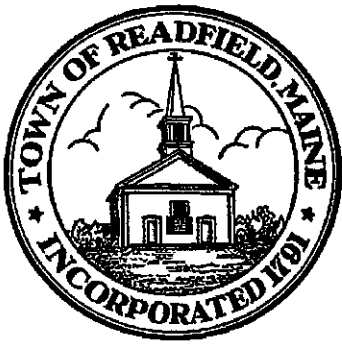
2. Goal:

How to accomplish the goal:

3. Goal:

How to accomplish the goal:





## TOWN OF READFIELD

8 OLD KENTS HILL ROAD • READFIELD, MAINE 04355  
Tel. (207) 685-4939 • Fax (207) 685-3420

### Annual Town Meeting Warrant Secret Ballot Tuesday, June 14, 2016

To: \_\_\_\_\_, resident of the Town of Readfield, in the County of Kennebec, State of Maine,

#### GREETINGS:

In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of Readfield in said county and state, qualified by law to vote in town affairs, to meet at the Town Hall in said Town on Tuesday, the 14<sup>th</sup> day of June, A.D. 2016, at eight o'clock in the forenoon, then and there to act upon Article 1 and by secret ballot on Articles 2 through \_\_\_\_\_ as set out below, the polling hours therefor to be from 8 o'clock in the forenoon until 8 o'clock in the afternoon, said articles being the following:

Article 1: To elect a moderator to preside at said meeting and to vote by written ballot.

Article 2: To elect two Select Board members with three year terms, two RSU #38 School Board members, one with a one year term and one with a three year term and two Local School Board members, one with a two year term and one with a three year term.

Article 3: Shall the Town of Readfield vote to allow the Select Board to establish **Salaries and or Wages** of town officers and employees, not elsewhere established, for the period July 1, 2016—June 30, 2017?

Article 4: Shall the Town vote to fix **September 30, 2016** or thirty days after the taxes are committed, whichever is later, and **February 28, 2017** as the dates of each of which one-half of the property taxes are due and payable, and as the dates from which interest will be charged on any unpaid taxes at a rate of \_\_\_\_% per year, which is lower than the State rate of \_\_\_\_% pursuant to Title 36 MRSA, 505.4?

Article 5: Shall the Town vote to authorize the Tax Collector to **Pay Interest** at a rate of \_\_\_\_% , which is lower than the State Rate of \_\_\_\_% , from the date of overpayment, on any taxes paid and later abated pursuant to Title 36 MRSA, § 506 & 506A?

Article 6: To see if the Town will vote to authorize the municipal officers, **If an Article Fails**, to spend an amount not to exceed 3/12 of the budgeted amount in each operational budget category that the town is legally obligated to pay, of the last year's approved budgeted amount during the period July 1, 2016 to October 1, 2016?

Article 7: Shall the Town vote to raise and appropriate \$ \_\_\_\_\_ for the **General Government for Municipal Admin., Insurance, Office Equipment** budget category for the following budget lines?

Municipal Administration	\$ _____
Insurance	\$ _____
Office Equipment	\$ _____

*Select Board recommends:*

*Budget Committee recommends:*

Article 8: Shall the Town vote to raise and appropriate \$\_\_\_\_\_ for the **General Government for Assessing and Code Enforcement/Plumbing Inspector/Building Inspector** budget category for the following budget lines?

Assessing	\$_____
CEO/LPI/BI	\$_____

*Select Board recommends:*

*Budget Committee recommends:*

Article 9: Shall the Town vote to raise and appropriate \$\_\_\_\_\_ for the **General Government for Town Boundaries, Grant Writing/ Planning and Heating Assistance** budget category for the following budget lines, with all unexpended balances to be carried forward?

Town Boundaries	\$_____
Grant Writing/Planning Ser.	\$_____
Heating Assistance	\$_____

*Select Board recommends:*

*Budget Committee recommends:*

Article 10: Shall the Town vote to raise and appropriate \$\_\_\_\_\_ for the **General Government for Municipal Maintenance** budget category for the following budget lines?

*Select Board recommends:*

*Budget Committee recommends:*

Article 11: Shall the Town vote to raise and appropriate \$\_\_\_\_\_ for the **Boards and Commissions** budget category for the following budget lines, with unexpended balance of the Conservation budget line carried forward?

Appeals Board	\$_____
Conservation Commission	\$_____
Planning Board	\$_____
Trails Committee	\$_____

*Select Board recommends:*

*Budget Committee recommends:*

Article 12: Shall the Town vote to raise and appropriate \$\_\_\_\_\_ for the **Town Buildings Operations & Maintenance** budget category for the following budget lines?

Fire Station	\$_____
Gile Hall	\$_____
Library	\$_____
Maintenance Building	\$_____

*Select Board recommends:*

*Budget Committee recommends:*

Article 13: Shall the Town vote to raise and appropriate \$\_\_\_\_\_ for the **Community Services** budget category for the following budget lines?

Animal Control	\$ _____
Kennebec Land Trust	\$ _____
KVCOG	\$ _____
Library Services	\$ _____
Readfield TV	\$ _____
Street Lights	\$ _____
Maranacook Lake Dam	\$ _____

*Select Board recommends:*

*Budget Committee recommends:*

Article 14: Shall the Town vote to appropriate \$ \_\_\_\_\_ for the **Beach and Recreation** budget category for the following budget lines with any unexpended balances to be carried forward?

Beach	\$ _____
Recreation	\$ _____

*Select Board recommends:*

*Budget Committee recommends:*

Article 15: Shall the Town vote to raise and appropriate **\$5,000** for the **Heritage Days** budget category to be expended for the 2017 Heritage Days with any unexpended balances to be carried forward?

*Select Board recommends:*

*Budget Committee recommends:*

Article 16: Shall the Town vote to raise and appropriate \$ \_\_\_\_\_ for the **Readfield Community Park** budget category?

*Select Board recommends:*

*Budget Committee recommends:*

Article 17: Shall the Town vote to raise and appropriate \$ \_\_\_\_\_ for the **Protection Department** budget category for the following budget lines with any unexpended balances to carry forward with the exception of the Ambulance Service, Dispatching and Emergency Operations Plan lines?

Operations Fire Dept.	\$ _____
Fire Dept. Equipment	\$ _____
Ambulance Service	\$ _____
Waterholes	\$ _____
Tower Sites	\$ _____
Dispatching	\$ _____
Annual Physicals	\$ _____
Personal Prot. Gear Repl.	\$ _____
Emergency Operations Plan	\$ _____

*Select Board recommends:*

*Budget Committee recommends:*

Article 18: Shall the Town vote to (1) raise and appropriate \$ \_\_\_\_\_ for the **Cemetery Maintenance** budget category (2) appropriate \$ \_\_\_\_\_ from the Perpetual Care Trust Fund to the Cemetery Maintenance budget category, and (3) accept and appropriate an anticipated donation in the amount of \$ \_\_\_\_\_ from the

Audrey Luce Living Fence Fund to the Cemetery Maintenance budget category, with any unexpended balances to carry forward?

*Select Board recommends:*

*Budget Committee recommends:*

Article 19: Shall the Town vote to raise and appropriate \$\_\_\_\_\_ for the **Roads & Drainage** budget category for the following budget lines with any unexpended balance to be carried forward for the Summer Roads budget?

Summer Road Maint.	\$ _____
Winter Road Maint.	\$ _____
Vehicles Maint.	\$ _____
Interlocal Work	\$ _____

*Select Board recommends:*

*Budget Committee recommends:*

\*\*\* AS PER C.I.P. PLAN

Article 20: Shall the Town vote to appropriate \$\_\_\_\_\_ for the **Capital Improvements for Fairgrounds and Transfer Station** budget category for the following budget lines with all accounts to be carried forward?

Fairgrounds Athletic Fields	\$ _____
Transfer Station	\$ _____

*Select Board recommends:*

*Budget Committee recommends:*

Article 21: Shall the Town vote to raise and appropriate \$\_\_\_\_\_ for the **Capital Improvements for Equipment and Maranacook Dam** budget category for the following budget lines with all accounts to be carried forward?

Equipment	\$ _____
Maranacook Lake Dam	\$ _____

*Select Board recommends:*

*Budget Committee recommends:*

Article 22: Shall the Town vote to raise and appropriate \$\_\_\_\_\_ for the **Solid Waste Department** budget category for the following budget lines with all accounts to be carried forward?

Transfer Station	\$ _____
Backhoe	\$ _____

*Select Board recommends:*

*Budget Committee recommends:*

Article 23: Shall the Town vote to raise and appropriate \$\_\_\_\_\_ for the **Regional Assessments** budget category for the following budget lines which the town are legally bound to pay?

Cobbossee Watershed	\$ _____
Kennebec County Tax	\$ _____
First Park	\$ _____

*Select Board recommends:*

*Budget Committee recommends:*

Article 24: Shall the Town vote to raise and appropriate \$\_\_\_\_\_ for the **Debt Service** budget category for the following budget lines which the town are legally bound to pay?

2015 Fire Truck Bond/Lease	\$ _____
2013 Road & Bridge Bond	\$ _____
2008 Road & Bridge Bond	\$ _____

*Select Board recommends:*

*Budget Committee recommends:*

Article 25: Shall the Town vote to appropriate the amount equal to that paid to the Town by the State (based on snowmobile registrations) for the **Readfield Blizzard Busters Snowmobile Club** to be used for trail creation, maintenance and grooming?

*Select Board recommends:*

*Budget Committee recommends:*

Article 26: Shall the Town vote to raise and appropriate the requested amount of \$\_\_\_\_\_ for the **Central Maine Agency on Aging/Cohen Center/Senior Spectrum?**

*Select Board recommends:*

*Budget Committee recommends:*

Article 27: Shall the Town vote to raise and appropriate the requested amount of \$\_\_\_\_\_ for the **Kennebec Behavioral Health Agency?**

*Select Board recommends:*

*Budget Committee recommends:*

Article 28: Shall the Town vote to raise and appropriate the requested amount of \$\_\_\_\_\_ for the **Family Violence Agency?**

*Select Board recommends:*

*Budget Committee recommends:*

Article 29: Shall the Town vote to raise and appropriate the requested amount of \$\_\_\_\_\_ for the Courtesy Boat Inspection Program to the **Maranacook Lake Association** for \$\_\_\_\_\_, and the **Torsey Pond Association** for \$\_\_\_\_\_ on Maranacook Lake and Torsey Pond?

*Select Board recommends:*

*Budget Committee recommends:*

Article 30: Shall the Town vote to raise and appropriate the requested amount of \$910 for the **Sexual Assault Agency?**

*Select Board recommends:*

*Budget Committee recommends:*

Article 31: Shall the Town vote to raise and appropriate the requested amount of \$\_\_\_\_\_ for the **30 Mile River Association?**

*Select Board recommends:*

*Budget Committee recommends:*

Article 32: Shall the Town vote to appropriate \$ \_\_\_\_\_ for the **Readfield Enterprise Fund** budget category with any balance to be carried forward?

*Select Board recommends:*

*Budget Committee recommends:*

Article 33: Shall the Town vote to raise and appropriate \$ \_\_\_\_\_ for a **Revaluation?**

*Select Board recommends:*

*Budget Committee recommends:*

Article 34: Shall the Town vote to raise and appropriate \$ \_\_\_\_\_ for the **General Assistance** budget category?

*Select Board recommends:*

*Budget Committee recommends:*

Article 35: Shall the Town vote to appropriate funds to cover **\$all Overdrafts** from the Unassigned Fund Balance?

*Select Board recommends:*

*Budget Committee recommends:*

Article 36: Shall the Town vote to accept in trust the sums to be deposited as part of the **Readfield Cemetery Trust Funds** and the income to be used for the upkeep and maintenance of cemetery lot(s) in the Town of Readfield cemeteries as collected from 03/01/15 to \_\_/\_\_/16?

Article 37: Shall the Town vote to authorize **Expenditure of Revenues** from Federal, State, Local and private sources (including user fees), in those categories for which the revenue was intended (if no use is identified, the funds shall be deposited with the General Fund), in addition to the amounts appropriated previously in these articles?

Article 38: Shall the Town vote to appropriate the following **Estimated Revenues** to reduce the 2016 Tax Commitment?

State Revenue Sharing	\$ _____
Interest on Property Taxes	\$ _____
Interest on Investments	\$ _____
Veterans Exemption	\$ _____
Homestead Exempt. Reimb.	\$ _____
Tree Growth Reimb.	\$ _____
Bete Reimbursement	\$ _____
Boat Excise Taxes	\$ _____
Motor Vehicle Excise Taxes	\$ _____
Agent Fees	\$ _____
Certified Copy Fees	\$ _____
Other Income	\$ _____
Heating	\$ _____
Plumbing fees	\$ _____
Land Use Permit Fees	\$ _____

Dog License Fees	\$ _____
Library Revenue	\$ _____
Cable Television Fees	\$ _____
Beach Income	\$ _____
Recreation Income	\$ _____
Protection	\$ _____
Audrey Luce Live Fence	\$ _____
Local Roads	\$ _____
Interlocal	\$ _____
Transfer Station Capital	\$ _____
Transfer Station	\$ _____
First Park	\$ _____
Snowmobile (State reimb.)	\$ _____
Readfield Enterprise Fund	\$ _____
General Assistance (State reimb.)	\$ _____
<b>TOTAL</b>	<b>\$ _____</b>

*Select Board recommends:*

*Budget Committee recommends:*

**Article 39:** Shall the Town vote to authorize the Select Board to expend up to \_\_\_\_\_ **Thousand Dollars** (\$\_\_\_\_\_) from the Unassigned Fund Balance (General Fund), in the aggregate for one or more purposes, to meet emergencies that may occur during the ensuing fiscal year?

*Select Board recommends:*

*Budget Committee recommends:*

**Article 40:** Shall the Town vote to appropriate \$\_\_\_\_\_ from the Unassigned Fund Balance to **reduce the total tax commitment?**

*Select Board recommends:*

*Budget Committee recommends:*

**Article 41:** Shall the following amendments be made to the Town's **Land Use Ordinance** and be enacted?

·???????????

**Article 42:** Should the Town continue to use the **Secret Ballot** process for the 2017 Annual Town Meeting?

NOTE: An attested true copy of the summary and/or full text of the ordinances has been posted together with this warrant, and copies are available from the office of the Town Clerk and will be available at the polls. The Municipal Officers have ordered this secret ballot referendum vote.

Voted & Approved:

\_\_\_\_\_, 2016

_____	Valarie Pomerleau, Chair
_____	Thomas Dunham, Vice Chair
_____	Bruce Bourgoine
_____	Allen Curtis
_____	Christine Sammons

A true copy of the warrant,

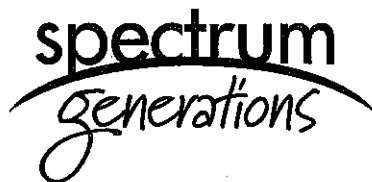
Attest: \_\_\_\_\_

Robin L. Lint

Clerk of the Town of Readfield



**FYI**



Central Maine Area Agency on Aging  
Aging and Disability Resource Center

One Weston Court, Suite 203 • P.O. Box 2589 • Augusta, ME 04338-2589  
1.800.639.1553 • Fax 207.622.7857 • TTY 1.800.464.8703

RECEIVED  
DEC 03 2015

November 30, 2015

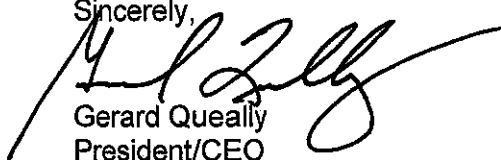
Ms. Robin Lint  
Town Clerk  
Town of Readfield  
8 Old Kents Hill Road  
Readfield, ME 04355

Dear Ms. Lint:

Your \$1,441.00 gift is already at work furthering Spectrum Generations mission to bring nutrition, social engagement, wellness, and independence to maturing and/or disabled adults living throughout central Maine. Please know that your gift matters and will be judiciously used for programs and services that help tens of thousands of people each year.

You have made a powerful contribution with this generous gift – and we are committed to being excellent stewards of your generosity. We are so proud to have you as one of our supporters! Many thanks for your commitment to our work.

Sincerely,



Gerard Queally  
President/CEO

*Please retain this letter as your receipt for tax purposes. No goods, services, or considerations were made for your gift in the amount of \$1,441.00 received by Spectrum Generations on October 26, 2015. Your gift is tax deductible to the fullest extent of the law. Spectrum Generations is a 501(c)(3) non-profit organization, our tax ID number is 01-0318051.*

*"No wrong door for older and disabled adults"*

**Belfast**  
Waldo Community  
Center

**Damariscotta**  
Coastal Community  
Center

**Hallowell**  
William S. Cohen  
Community Center

**Rockland**  
Knox Community  
Center

**Skowhegan**  
Somerset Community  
Center

**Brunswick**  
Aging & Disability  
Resource Center

**Waterville**  
Edmund S. Muskie  
Community Center

# **FUTURE AGENDA ITEMS**

## Appendix A

### **Future Agenda Items**

#### Next Meeting:

1st reading of the revised FOAA policy  
Presentation by Steve Vose of Maranacook Adult Education  
Library Building Committee status  
Safety measures at the Transfer Station  
Consider Town Office Hours

#### Future Meetings:

1st Reading of amended Conflict of Interest & Recall Process Ordinance - 20 minutes  
Giles Hall Use Policy Amendment  
What to do about the Town Truck...  
Review of Comprehensive Plan & checklist  
Establish staggered terms for the Readfield Solid Waste and Recycling Committee  
Revision to SWRC Interlocal Agreement  
Cemetery Mowing RFP  
Brush Grinding RFP  
Snow Plowing RFP  
Striping RFP  
Website Committee  
Technology Plan  
Potential Parks / Town Property Committee