

Town of Wayne Board of Selectmen

MEMBERS: Gary Kenny, Stephanie Haines, Peter Ault, Don Welsh and Jon Lamarche

Meeting Agenda

Date: Tuesday, July 14, 2015

Time: 6:30 PM

Place: Wayne Elementary School – Gymnasium

Call Meeting to Order.

Pledge of Allegiance.

Selectmen Present / Quorum.

Meeting Minutes.

- a. Reconsider approving of meeting minutes of the Wayne Board of Selectmen – June 16, 2015.**
Manager Recommendation: Move the Board to approve meeting minutes of the Wayne Board of Selectmen – June 16, 2015.
- b. Consider approving of meeting minutes of the Wayne Board of Selectmen – June 30, 2015.**
Manager Recommendation: Move the Board to approve meeting minutes of the Wayne Board of Selectmen – June 30, 2015.

Warrants.

- a. Consider approving of Payroll Warrant #1.**
Manager Recommendation: Move the Board to approve Payroll Warrant #1.
- b. Consider approving of Payroll Warrant #2.**
Manager Recommendation: Move the Board to approve Payroll Warrant #2.
- c. Consider approving of Accounts Payable Warrant #3**
Manager Recommendation: Move the Board to approve Accounts Payable Warrant #3.

Business Agenda.

- a. OATH OF OFFICE: SELECTMAN/ ASSESSOR/ OVERSEER OF POOR.**
Stephanie Haines (3-Year Term).
Jonathan Lamarche (3-Year Term).
- b. ELECTION OF CHAIR & VICE-CHAIR BY SECRET WRITTEN BALLOT.**

MOTION: Move to nominate _____ for Chair.

MOTION: Move to nominate _____ for Vice-Chair.

c. BYLAWS OF BOARD OF SELECTMEN.

Manager Recommendation: Move the Board to adopt Bylaws of Board of Selectmen.

d. SELECTMEN MEETING DATES / TIME / PLACE FOR FISCAL YEAR 2015 / 2016.

Manager Recommendation: Move the Board to adopt the manager recommended Selectboard Meeting Schedule including DATES / TIME / PLACE FOR FISCAL YEAR 2015 / 2016.

e. ORDER OF THE MUNICIPAL OFFICERS, Pursuant to 36 M.R.S.A. § 906.

Manager Recommendation: Move the Board to adopt Order of the Municipal Officers, Pursuant to 36 M.R.S.A. § 906.

f. Discuss discrepancies in Demo waste costs and fees collected. Consider approving Solid Waste Committees Recommendations.

Manager Recommendation: Move the Board to approve Solid Waste Committees Recommendations.

g. Consider approving “Application for Catered Function By Qualified Catering Organization”

Manager Recommendation: Move the Board to approve “Application for Catered Function By Qualified Catering Organization”

h. Consider awarding the “USED FIRE TRUCK for Sale” to Dennis Bruen and authorization the Town Manager to execute/ sign any necessary paperwork to proceed with the sale.

Manager Recommendation: Move the Board to award the “USED FIRE TRUCK for Sale” to Dennis Bruen and authorization the Town Manager to execute/ sign any necessary paperwork to proceed with the sale.

i. Letter from Residents of East Shores of Berry and Dexter Pond.

Manager Recommendation: Discussion Only.

j. Malfunctioning Septic System at Wayne General Store.

Manager Recommendation: Discussion Only.

k. Roadside Mowing.

Manager Recommendation: Move the Board to contract with Mark Birtwell to provide Roadside Mowing.

Supplements / Abatements.

Town Manager Report.

Board Member Reports.

Public Comments.

Adjourn.

The next regularly scheduled **Board of Selectmen Meeting** is scheduled for **Tuesday July 28, 2015 at 6:30 PM** at the Wayne Elementary School - Gym.

**Town of Wayne, Maine
Select Board Meeting Minutes
Tuesday June 16, 2015
Wayne Elementary School**

Call Meeting to Order/ Selectmen Present

Gary Kenny determined quorum and called meeting to order at 6:30 PM with the following members present: Peter Ault, Stephanie Haines, Gary Kenny, Stephen Saunders, and Don Welsh.

Others Present: Aaron Chrostowsky, Town Manager; Cathy Cook, Town Clerk.

Audience: Peter Davis, Jonathan Lamarche, Cindy Pettengill and Robert Stephenson

Pledge of Allegiance

Meeting Minutes

- a. A motion was made to approve the meeting minutes of the Board of Selectmen on June 2, 2015. (Haines/Saunders) (5/0)
- b. A motion was made to approve the meeting minutes of the 2015 Annual Town Meeting on June 9, 2015. (Haines/Saunders) (5/0)

Warrants

- a. The Board approved Warrant #53 (Payroll) in the amount of \$15,231.48. (Welsh/Haines) (5/0)
- b. The Board approved Warrant #54 (Accounts Payable) in the amount of \$11,432.19. (Welsh/Haines) (5/0)

Business Agenda

- a. Town Meeting Round-up. Board members stated presentation was good. Some suggestions were: Print Warrant separately for residents, as in years before; Use larger and more readable print/font on power point presentation; Make budget summary report available. Board also felt the straw poll was confusing.
- b. Discussion about Mooring concerns. The Board listened to Peter Davis' concerns that the moorings in the mill cove and Androscoggin Yacht Club area, is breaking the state law by allowing illegal moorings in the channel, and in aquatic plant habitats on Androscoggin Lake. Peter feels his complaints have not been listened to, and Peter alluded to getting the State involved to get action in getting the moorings moved. Peter recommended the town adopt a mooring ordinance and hire a harbor master. The Board asked to have a year to work on this, but Peter stated he wasn't willing to wait and was going to take his own action. Town Manager will look into information about role of harbor master.
- c. Brush Removal concerns. Gwendolyn Bowen, Old Winthrop Road resident, presented a letter of complaint about damage done to her property last year when the town hired roadside brush

mowing. The Board members discussed the complaint and will continue to look into determining the correct right of way. Town Manager to consult with Charlie King about right of way.

- d. The Board was moved to approve changes to Financial Management Policy. (Saunders/ Haines) (5/0)
- e. 2015 Road Construction Work. Tabled until next meeting.
- f. Appointment of Town Officials. Tabled until next meeting.

Supplements/ Abatements: None

Town Manager Report:

- a. Time Warner Cable is conducting a field survey of the town. Town Warner Cable will get back to the Town Manager with findings shortly.
- b. Ladd Recreation Center had to fire a seasonal employee due to an incident off the property. Both the Ladd Rec Board, Rec Director, and Town Manager all agreed to take this action.

Board Member Reports:

Public Comments:

- a. Cindy Pettengill asked for residents in the audience to have copies of the same information packet that the Selectboard have and the Board responded that due to the large amount of pages, only one printed will be available. Town Manager said he will post the Selectboard packet online for future meetings.

Adjourn.

Motion to Adjourn at 7:45 PM. (Haines/Saunders) (5/0)

The next Select Board Meeting is scheduled for Tuesday, June 30, 2015 at 6:30 p.m. at the Wayne Elementary School Gym.

Recorded by:
Cathy Cook, Town Clerk

Select Board Members

Gary Kenny

Stephanie Haines

Stephen Saunders

Peter Ault

Don Welsh

**Town of Wayne, Maine
Select Board Meeting Minutes
Tuesday June 30, 2015
Wayne Elementary School**

Call Meeting to Order/ Selectmen Present

Gary Kenny determined quorum and called meeting to order at 6:30 PM with the following members present: Peter Ault, Stephanie Haines, and Stephen Saunders. Gary Kenny and Don Welsh were absent.

Others Present: Aaron Chrostowsky, Town Manager; Cathy Cook, Town Clerk.

Audience: Peter Davis, Jonathan Lamarche, Cindy Pettengill and Robert Stephenson

Pledge of Allegiance

Meeting Minutes

- a. It was the consensus of the Board to make revisions on the meeting minutes of the Board of Selectmen on June 16, 2015, per request of Peter Davis concerning his comments.

Warrants

- a. The Board approved Warrant #1 (Payroll) in the amount of \$15,231.48. Tabled until new fiscal year.
- b. The Board approved Warrant #55 (Accounts Payable) in the amount of \$38,924.29. (Saunders/Ault) (3/0)

Business Agenda

- a. The Board moved to purchase Used Fiberglass Flagpole from Tubby's to be placed at Memorial Park. (Saunders/Ault) (3/0)
- b. The Board was moved to utilize the 30-mile River Association's Youth Conservation Corp. for Buffer Enhancement Project. (Saunders/Ault) (3/0)
- c. Discussed Road Construction Work. Town Manager provided attached Proposed Road Work information sheet. There was a motion to allow Town Manager to send out bid specs, as written and distributed, for paving projects throughout the year. Town Manager to provide Board with rough estimate of costs. (Saunders/Ault) (3/0)
- d. The Board was moved to appoint Town Officials, with corrections to the list. (Saunders/ Ault) (3/0)

Supplements/ Abatements: None

Town Manager Report:

Select Board Meeting Minutes 6-30-2015

- a. Auditors finished up with year- end reports and pre-audit. They will return early August to finish audit.
- b. Town Manager checked with MMA about concept of mooring ordinance. Mooring fees often cover cost of harbormaster, and training for harbormaster.
- c. Town Manager will follow up with Readfield about roadside mowing.
- d. Town Manager met with Time Warner Cable about cable franchise. Some towns set aside revenue to assist payment for future expansion.
- e. Fire Department requesting internet and possible Broadband access.

Board Member Reports:

- a. Stephanie Haines thanked Steve Saunders for his years of service as Selectboard member.
- b. Steve Saunders expressed thanks and wished the Board good luck in future years.

Public Comments:

- a. Peter Davis asked how much other towns, Harrison specifically, pay for harbormaster. Town Manager will look into it. Peter also said he didn't feel the last meeting minutes from June 16 accurately reflected what he said. Said he preferred something like, "according to State rules, there are illegal moorings in the AYC cove." Town Manager stated he was willing to make revisions to the notes, to be approved at next meeting.
- b. Cindy Pettengill had concern about what foreclosed Pettengill property would accrue for taxes and Stephanie explained because the town owns the property it will not be taxed.

Adjourn.

Motion to Adjourn at 7:45 PM. (Saunders/Ault) (3/0)

The next Select Board Meeting is scheduled for Tuesday, July 14, 2015 at 6:30 p.m. at the Wayne Elementary School Gym.

Recorded by:
Cathy Cook, Town Clerk

Select Board Members

Gary Kenny

Stephanie Haines

Stephen Saunders

Peter Ault

Don Welsh

Select Board Meeting Minutes 6-30-2015

Town of Wayne

P.O. Box 400; 48 Pond Road
Wayne, ME 04284
Phone: (207) 685-4983 Fax: (207) 685-3836
<http://www.waynemaine.org>

Selectboard FY 2015 - 2016

Gary Kenny

38 Richmond Mills Road
Wayne, Maine 04284
(207) 685-9576
gkenny1515@aol.com

Term Expires 2017
(3-Year Term)

Stephanie Haines

577 Main Street
Wayne, Maine 04284
(207) 685-9637
sharradon@gmail.com

Term Expires 2018
(3-Year Term)

Peter Ault

157 Morrison Height Road
Wayne, Maine 04284
(207) 685-4220
lpault@roadrunner.com

Term Expires 2016
(3-Year Term)

Don Welsh

220 Leadbetter Road
Wayne, Maine 04284
(207) 685-4117
dtwelsh277@gmail.com

Term Expires 2017
(3-Year Term)

Jonathan Lamarche

P.O. Box 414
Wayne, Maine 04284
(207) 491-0582
JonLamarche@gmail.com

Term Expires 2018
(3-Year Term)

Staff Contact:

Aaron Chrostowsky, Town Manager

P.O. Box 400; 48 Pond Road
Wayne, ME 04284
(207) 685-4983
townmanager@waynemaine.org

Town of Wayne

48 Pond Road

Wayne, Maine 04284

PH: (207)685-4983 FAX: (207)385-3836

OATH OF OFFICE

July 1, 2015

*I, **Jonathan Lamarche**, do solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States, and of the State of Maine; that I will in all respects observe the provisions of the Charter and Ordinances of the Town of Wayne, and will faithfully discharge the duties of the office of **Board of Selectmen, Assessors, and Overseers of the Poor.***

*Term: **Ending June 30, 2018** according to the Constitution and Laws of the State SO HELP ME GOD.*

Signature: _____

Kennebec SS:

Wayne, Maine

_____, 20 _____

Subscribed and sworn before me,

Town Clerk

Expires: June 30, 2018

**TOWN OF WAYNE
BOARD OF SELECTMEN**

**Election of Board Leadership
SECRET BALLOT**

CHAIR: _____

VICE-CHAIR: _____

**TOWN OF WAYNE, MAINE
BYLAWS OF THE BOARD OF SELECTMEN**

Section 1. Purpose and Scope

The purpose of these bylaws is to establish reasonable rules of procedure for Board of Selectmen (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. Parliamentary Authority

The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with these bylaws.

Section 3. Officers and their Duties

Officers of the Board shall consist of a Chair and a Vice-Chair to be chosen annually at the first Board meeting in July by and from among Board members. 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. In the absence of the Chair, the Vice-Chair shall preside and shall have the same authority.

Notwithstanding the presence of the Chair, the Selectman may, by unanimous consent, authorize the Vice-Chair to preside at that Board meeting. In that instance the Vice-Chair is to have and exercise any and all authority conferred upon the Chair. In a situation where the Chair and the Vice-Chair of the Board are absent, the Board shall appoint by affirmative majority vote of its present members present, a temporary Chair of the Board to serve until such a time as the Chair or Vice-Chair returns to the Chair. The temporary Chair is to have and exercise any and all authority conferred upon the permanent Chair. The Town Clerk shall maintain a permanent record of all Board meetings and all correspondence of the Board, which shall be a public record except as otherwise provided by law.

Section 4. Meetings

Regular meetings of the Board should be held every other Tuesday at 6:30 PM or as otherwise necessary or required by law. 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 at least twenty-four hours in advance, whenever possible, and that no business may be conducted other than as specified in said notice.

Notice of all Board meetings shall be given as required by law. The town Manager or designee will post all meeting notices at the following locations:

1. Wayne Post Office;
2. Wayne General Store;
3. Town Office;
4. North Wayne Building; and
5. Town of Wayne Website

All such meetings shall be open to the public except 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 being present. The regular order of business at meetings shall be as follows:

1. Call meeting to Order:
2. Pledge of Allegiance.
3. Selectman Present / Quorum.
4. Meeting Minutes.
5. Warrants.
6. Business Agenda.
7. Supplements / Abatements
8. Town Manager Report.
9. Board Member Reports.
10. Public Comments.
11. Adjourn.

Board members are allowed to go into an executive session to deliberate on the matters authorized by 1 MRSA 405 and no others. The executive session can only be entered after a motion has been made in public session to go into executive session. The motion to go into executive session must indicate the precise subject matter although the wording of the motion, obviously, may not substantially reveal the sensitive information which the law intends to protect by the executive session process. The motion also must "include a citation of one or more sources of statutory or other authority that permits an executive session for that business". The motion must carry by at least 3/5 of the members present. No topic other than that referred to in the motion shall be discussed during executive session. All matters discussed during the executive session shall be held in strictest confidence by the Board and shall not be discussed with or divulged to any person other than a fellow Board member or persons in attendance at the executive session. Any violation of this confidentiality requirement shall be deemed to be malfeasance of office and shall subject the offending Board member to sanction by the Board.

Section 5. Public to Address Board

The Select Board encourages citizens of the Town of Wayne to attend Board meetings, conducted at the Town office at 6:30 Tuesday evenings, which are open to both the press and the public except during executive sessions. Executive sessions, which usually occur at the end of a meeting, deal with topics that the open discussion of which may potentially harm the Town, affected individuals or both, or are authorized / mandated by state law. The Select Board follows state law with regard to executive sessions. The Board encourages residents to bring issues of concern or interest of an individual or of the community to the attention of the Select Board. Citizen involvement in Town governance enhances the sense of community that makes Wayne a great place to live, work and visit. Select Board meetings follow an agenda, which lists the issues the Board will address. The Board wants to hear from citizens and recognizes one way for residents to participate is to speak out in the "Public Communications" sections of each Select Board Meeting. The Select Board also recognizes that efficient, productive and orderly meetings are essential to ensure full and fair consideration of agenda subjects at each meeting. To balance these two interests, the Select Board adopts this Policy to govern the "Public Comments" agenda item of the meetings.

Citizens will be allowed to comment on each agenda, with comments pertaining only to the item being discussed before final action is taken. Comments will be limited to three to five minutes.

There will be one "Public Comments" segment at each regularly scheduled Select Board Meeting at the end of the meeting. Each "Public Comments" segment is limited to fifteen minutes, allowing three (3) minutes per person. Repeat speakers shall be allowed to speak again after anyone wishing to speak has done so and we are still in the fifteen minute allotted time frame. The full fifteen minute time interval will not be reserved for potential discussion. A citizen who is present at the meeting may request the Select Board to extend the Public Comments time, with the Select Board voting on the amount of time and either accepting or rejecting the additional time allocation requested.

All Public comments or questions shall be directed to the Chairperson, who will recognize each speaker in turn. Remarks may not exceed three minutes per speaker. Each speaker must identify him/herself and the group he/she represents, if applicable. Speakers may not "read into the record" remarks prepared for or directed to another person or entity. This segment of the agenda is intended for brief, usually informal, discussions.

A speaker requesting to present a more formal or comprehensive discussion may request in advance to be on the agenda for that evening. To request to be on the agenda, one should contact the Town Manager by Tuesday noon prior to the following scheduled Select Board Meeting. The "Public Comments" segment is not an appropriate time to request an interpretation and/or decision of the Select Board. All reasonable requests will be considered, but will be at the Select Board Chairperson's discretion

whether to allow an agenda item, depending on the nature of the request and the time available at a specific meeting. Any request to be on the agenda denied by the Chairperson of the Board, may be brought forth before the entire Select Board during Public Comments time for the entire Select Board to review. If a motion is made and passes to add the item to a future agenda, the Chairperson will add it to the agenda within the next two scheduled Select Board meetings.

The Select Board will not accept written materials distributed at a Select Board meeting, other than petitions submitted in accordance with state law. Individuals or groups must submit written materials for the Board's attention to the Chairperson of the Select Board, no later than noon on the Monday before the next scheduled Select Board meeting. The Chairperson shall provide to the Town Manager any written materials received from the public for distribution to all Board members.

Individuals or groups who desire a response from the Select Board are advised to contact the Town Manager and all Select Board Members to request placing an item on the Board's agenda for discussion or submit a letter rather than relying on a "Public Comments" session. The Select Board shall note any concerns, questions, comments and communications from the public and possibly address at a following meeting. The Chairperson also could direct the individual or group to an appropriate resource for further information. The Select Board will not enter into debate with the public on a topic but may provide factual information regarding the substance of a comment or ask clarifying questions. Following the meeting, the Chairperson, on behalf of the Select Board will submit contact information (if provided) for the member of the public who asked a question or provided a comment to the appropriate resource for further information, if needed.

Questions about Town affairs and criticisms or concerns about Town policies, actions, or programs are welcome, provided they do not become personal.

No personal attacks on any individual or firm, including Town employees, Town officials, or members of the public, will be tolerated during any meetings. Please direct concerns about Town officials to the Chairperson of the Select Board outside the public meeting. Complaints concerning any employee of the Town, other than the Town Manager, shall be directed only to the Town Manager and are not permitted to be publicly discussed, pursuant to Maine Labor Laws. Complaints involving the Town Manager shall be directed to the Select Board for consideration, but are not permitted to be discussed pursuant to Maine Labor Laws.

The Select Board vests in its Chairperson the discretion to terminate any remarks if the speaker does not adhere to this policy. At any time, remaining Select Board may call a point of order and ask the Chairperson to address any individual(s) that are not abiding by this policy. This pertains to the public, Select Board Members, and all Town employees.

Section 6. Workshop Sessions

Workshop sessions may be scheduled by the Chair for the purpose of disseminating information for Board enlightenment and evaluation or for the discussion or refinement of future agenda items.

Members of the public are invited to attend any workshop session but will not be allowed to participate in the workshop. Prior to adjourning any workshop session, the Board will provide time for members of the public to address the session to provide information relevant to the subject being explored or to ask questions, through the Chair, relating to the subject of the workshop session.

Section 7. Agenda Items

All agenda items shall be, under normal circumstances, submitted by the Board members to the Town Manager three working days prior to any regular or special meeting. The Town Manager will draft the agenda and obtain the Chair's approval before distribution. In the event that a matter shall arise which was not submitted to the Town Manager within the proper time frame, then that item shall be presented to the Chair as soon as possible. The Chair may present the matter to be considered by the Board, with a majority vote of Board members present required for it to be included on the agenda.

Section 8. 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 shall be given as required by law and shall include the date, time and place 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 the 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 rule of evidence shall not apply. Every party shall have the 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, every 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 9. Meeting Length

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

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

No member may participate or vote in any adjudicatory proceeding, including proceedings on licenses, permits or other approvals, unless the member was present during all hearings thereon.

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. Those present, in such circumstances, who refuse to vote are regarded as having voted affirmatively, i.e. for the proposition, or to have voted with the majority.

Section 10. Meeting Length

All Board meetings, workshops or executive sessions should, except in extraordinary circumstances, adjourn at or before 9:30 p.m.

Section 11. Conflict with Laws

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

Section 12. Waivers; Amendments

These bylaws, or any provisions 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.

RULES OF PROCEDURES ADOPTED BY THE BOARD OF SELECTMEN ON JULY 14, 2015 BY:

Gary Kenny

Stephanie Haines

Peter Ault

Donald Welsh

Jon Lamarche

Attest:

Aaron Chrostowsky, Town Manager

Last Updated: 7/2015

**Town of Wayne, Maine
Board of Selectmen
FY 2015-2016
Meeting Schedule**

July 2015

July 14, 2015
July 28, 2015

August 2015

August 11, 2015
August 25, 2015

September 2015

September 8, 2015
September 22, 2015

October 2015

October 6, 2015
October 20, 2015

November 2015

November 3, 2015
November 17, 2015

December 2015

December 8, 2015
December 22, 2015

January 2016

January 5, 2016
January 19, 2016

February 2016

February 2, 2016
February 16, 2016

March 2016

March 1, 2016
March 15, 2016
March 29, 2016

April 2016

April 12, 2016
April 26, 2016

May 2016

May 10, 2016
May 24, 2016

June 2016

June 7, 2016
June 21, 2016

All meetings will be held at the Wayne Elementary School – Gymnasium at 48 Pond Road, Wayne, ME at 6:30 PM. Notices will be posted for all regular, special and emergency meetings at following locations around Town; 1) Wayne General Store; 2) Wayne Post Office; 3) old Town Office in North Wayne; 4) outside new Town Office and the Town website at <http://www.waynemaine.org/>. Please don't hesitate to contact the Town Office at (207) 685-4983, if you have any questions about the agenda or meeting date, time or location.

Town of Wayne

P.O. Box 400; 48 Pond Road

Wayne, ME 04284

Phone: (207) 685-4983 Fax: (207) 685-3836

<http://www.waynemaine.org>

ORDER OF THE MUNICIPAL OFFICERS

Pursuant to 36 M.R.S.A. § 906

We, the Municipal Officers of the Town of Wayne, Maine upon the request of the Tax Collector / Treasurer of the Town of Wayne, Maine, hereby authorize and direct the Tax Collector / Treasurer, pursuant to Title 36, Maine Revised Statutes Annotated, Section 906, to apply any tax payment received from an individual as payment for any property tax against an outstanding or delinquent taxes due on said property in chronological order beginning with the oldest unpaid tax bill, provided, however, that no such payment may be applied to any tax for which an abatement application or appeal is pending unless approved in writing by the taxpayer.

Dated: July 14, 2015

Municipal Officers:

Gary Kenny

Stephanie Haines

Peter Ault

Don Welsh

Jon Lamarche

ACKNOWLEDGEMENT

We, the Tax Collector and Treasurer of the Town of Wayne, Maine, hereby acknowledge making the aforesaid request and receipt of the above Order.

Dated: July 14, 2015

Dawna Gardner, Tax Collector

Bruce Mercier, Treasurer

Agenda for SWRC Special Meeting 7-9-15 at Readfield Town Office 5 to 7:15 pm

Members: Aaron Chrostowsky, Mary Farnham, Stephanie Haynes, Teresa Shaw, Darcy Whittemore, and Kathryn Mills Woodsum-Chair

Members absent: Tom Dunham, Glen Hawes, and Jon Lamarche

Public: Mark Birtwell

1. Disposal costs for all demolition 1 hour 50 mins

The Readfield Select Board has asked us to consider solutions to the demo costs not matching the amounts collected from residents. They are ready to enact something and would like our input first. We should plan on developing several solutions and listing them out with our preference for the Select Board to consider.

Teresa gave us an analysis back to 2011 showing fees billed to us and fees collected. Fees are not collected to match costs, over a four-year period, for all demo and shingles. We need a solution for the towns to collect the proper fees for all demo and shingles.

We discussed this for almost 2 hours and considered all of the following recommendations multiple times, and decided the only approach worth considering was a multi-pronged one as the situation is complex in nature, and the combination of all the recommendations is needed.

The situation as we see it: "Waste materials are brought in to the site on a regular basis and are removed when the collection bins are full. Residents are required to pay for all items deposited in the bins. The monies collected match the slips written for receipts to residents and turned in to the Readfield Town Office. However, the monies collected do not nearly match the charges for disposal of the materials, consistently over a four-year period.

There is an effect of weight being added to the demo bin only due to rain and snow accumulating in the bin. A driveway barrier gate is the only protection against dumping when the site is not staffed. Evidence shows that residents are not always charged for items, for various reasons, primarily due to small quantities being brought to dispose of."

Proposed solution approach:

- 1) We need to shed light on what is occurring with the demo. Tally the total on Teresa's sheets and present to both the Readfield and Wayne Select Boards and the transfer station employees.
- 2) Pass out the Transfer Station pamphlet to all folks who register vehicles at each town office (after revision of typos and inclusion of 2-bag limit per vehicle for demo charges; partial truck fee applies after 2 bag limit.)
- 3) Covers for the demo bins, costs approved for by both towns in June 2015 at town meetings, should be ordered immediately and installed.
- 4) Refine transfer station attendant job description to include expanded workplace rules.
 - a. At least one employee must be present in the drop-off zone at all times.
 - b. Greet all customers as they enter the drop-off zone. All vehicles must see the attendant before dumping anything, whether for a fee or for free. Attendant sees everything each vehicle is bringing before anything is

dropped. Attendants stand outside all day positioned at the beginning of the unloading zone.

- c. Evaluate the load the customer is bringing, provide direction for: where to place items, what cannot go in the swap-shop, and what must be paid for.
- d. Write bill and receipt in front of customer while monitoring placement of materials disposed of. Collect fees and provide receipt to customer.
- e. Every placement of materials into the demo or shingles bins, clean wood waste, items with Freon, household hazardous waste, and propane tanks areas, must have a receipt written for.
- f. Fee schedule must be posted visibly for all customers to see.
- g. Fee schedules will be passed out to all customers during the months of July, August and September of 2015. (To assist in startup of each town office passing out with vehicle registrations.)
- h. Lead worker of the shift will take a photo of the demo and shingles bins at opening and closing every day on town provided camera and provide to transfer station manager each Tuesday morning.
- i. Advise workers that demo loads for all materials must match with fees collected and charges billed to the town. Employees will be shown historical data for validation of cost issues. Employees will be held accountable in the same manner as all front office employees of the town office are; i.e. all financial transactions must match up for collections and charges.
- j. Provide employees with needed support to enact correct and reliable transactions; i.e. fees posters and brochures, signs, and security cameras, training on revised workplace rules.

5) Install new signage and implement new dropping procedures.

- a. Signage is outdated, worn and faded, missing, or never placed. Proper signage is key to customers using the transfer station correctly. Uniform signs in size, color and printing are the most clearly visible. Green background for free disposal, red background for pay disposal. Directional signs for improved and safe traffic flow. All signs posted prominently and in correct location.
 - b. New dropping procedure is: A transfer station employee will greet all customers as they enter the drop-off zone, where their load will be evaluated for what is being disposed of. Direction will be provided for: where to place items, what cannot go in the swap-shop, and what must be paid for. Customer will receive a bill written by the employee for all materials that require a fee, as noted on the fee schedule posted prominently, and must pay on site when billed. Customer will receive a receipt for every transaction.
- Install security cameras at the transfer station to monitor transactions between the residents and the employees as well as after-hours activity.
 - o There is no other way to secure the facility and to monitor what is deposited into the bins and disposal areas.

- o Cameras will be mounted in strategic locations to record vehicle license plates, items in disposal areas, and in the event of after hours illegal dumping the vehicles, persons and items in the area.
- o Recording equipment will be in a locked container accessible only by the transfer station manager.
- o Transfer station manager will be responsible for reviewing film weekly to spot-check for discrepancies and for review whenever a questionable event has taken place.
- o Transfer station manager will be responsible for demo load costs matching demo fees collected. All reasonable procedures to ensure financially responsible operation of the site may be enacted.
- Costs for above items can be paid for with carry-forward transfer station funds from each town. Signage had been included in the previous two budgets, and was not purchased, thus comprising part of the carry-forward fund. A warrant article for permission to spend from carry-forward funds for signs and cameras can be written and placed on the warrant for the upcoming town meeting in August or September.
- This recommendation is for immediate implementation with an October 1st deadline for completion.

2. Signs - Update on design and placement 10 mins

Darcy visited the transfer station and discussed needs with Glenn and Mike. Kathryn also visited the transfer station, and met with the transfer station manager and the town maintenance worker. Darcy and Kathryn discussed needed signage. Kathryn designed signs and presented to the transfer station manager in June. The sign designs, as listed below, were shared with everyone in attendance.

24" x 24" Aluminum sign, 80 mil, Engineer Grade Reflective, Green background, White lettering

- 1 - COMMERCIAL HAULERS ONLY ON THURSDAYS
- 1 - METALS NO picking from pile No LP Gas Tanks, No Gas Cans, No Whole Cars
- 1 - GREEN COMPOSTABLE Grass clippings, Plants, Weeds
- 1- BROWN COMPOSTABLE Leaves, Horse Manure
- 1- COMPOST 2 BUCKET LIMIT
- 1- SAND 2 BUCKET LIMIT
- 1- BRUSH NO FEE  (arrow below letters)
- 1- LOADING ZONE  (arrow below letters)

We would like the titles in largest letter size to fit sign, and the rest in appropriate letter size for best visibility.

24" x 24" Aluminum sign, 80 mil, Engineer Grade Reflective, Red background, White lettering

- 1- STAY IN VEHICLE UNTIL IN UNLOADING ZONE

1- SEE ATTENDANT BEFORE UNLOADING ANYTHING
Want to have same size font as on the signs above.

24" Wide x 12" High Aluminum sign, 80 mil, Engineer Grade Reflective, Red background, White lettering

- 1- DEMOLITION \$ FEE
- 1- TIRES \$ FEE
- 1- CLEAN WOOD \$ FEE
- 1- PROPANE TANKS \$ FEE
- 1- ITEMS WITH FREON \$ FEE
- 1- SHINGLES \$ FEE

We would like all on 1 line if possible. Want to have same size font as on the signs above.

24" x 24" Aluminum sign, 80 mil, Engineer Grade Reflective, White background, Black lettering, with Black border

- 1- ENTER  (arrow below letters)
- 1- STOP TO SHOP  (arrow below letters)
- 1- RETURN TO DROP-OFF POINT  (arrow below letters)

Want to have same size font as on the signs above.

18" x 18" Aluminum sign, 80 mil, Engineer Grade Reflective, White background, Black lettering, with Black border

- 2- EXIT  (arrow below letters)

Want to have largest size font that will fit.

24" Wide x 12" High Aluminum sign, 80 mil, Engineer Grade Reflective, Blue background, White lettering

- 1- RECYCLABLES
- 1- TRASH

Want to have largest size font that will fit.

We agreed on all signs and added two additional ones. Poles and mounting screws are also needed for most signs.

"Only Readfield and Wayne residents may leave and take items from the Swap Shop. Residents may not give items to employees." (Red, 24" x 24")

"Thank you for visiting the Transfer Station. All transactions must have a receipt. Have a nice day!" (Green, 36" x 36")

3. Swap Shop-Update from Teresa. John Parker who organized the shop died last week. 10 mins

We agreed that the Swap shop is a good thing. It's currently open whenever the transfer station is open. There should be equal access to all residents who enter the shop. The shop needs to be monitored for drop-offs so the items are appropriate. Employee resident may only use the shop on their day off or during their break. Sign needed "Residents may not give items to employees." Aaron will look into a clothing deposit bin now that we don't have John to sort the clothing. We need to advertise for volunteers for the shop. For now, either close the shop with an explanatory sign that asks for new volunteers, or have employees maintain the shop on Thursdays when the site is only open for commercial haulers and they are in-between drop-offs.

4. Paving of the previously paved portions of the transfer station. 5 mins

Wayne will not, and really should not, pay for repaving, which a capital cost. Readfield may pay for repaving and stripping whatever they can afford. Funds were approved from the transfer station carry-forward account at the June 2015 town meeting.

5. Setting next agenda 5 mins

Items for consideration for meeting Wednesday November 4th at the Readfield Town Office

Update from transfer station manager, Promote recycling, Minutes and record keeping of same, Maintaining anecdotal records, other?

We agreed not to meet in August as we have now covered everything needed. If something were to arise in the meantime we can call an additional meeting.

Draft respectfully submitted by: Kathryn Mills Woodsum, July 10, 2015



State of Maine

Bureau of Alcoholic Beverages and Lottery Operations

Division of Liquor Licensing and Enforcement

8 State House Station

Augusta, ME 04333-0008

Telephone: (207) 624-7220

Fax: (207) 287-3434

Application for Catered Function By Qualified Catering Organization

License No.: 5878 Name of Qualified Caterer: WHITE FLOUR CATERING

Mailing Address: 205 CHURCH HILL ROAD

Town/City: AUGUSTA State: ME Zip Code: 04330

Telephone: 207-622-8755 Fax: 622-8756

Title and Purpose of Event: Wedding Reception

Location of Event: Androscooggin Yacht Club, Wayne

Physical Address of Event: 22 Lake St

Town/City: Wayne State: ME Zip Code: _____

Indoor Event Outside Event (IF OUTSIDE AREA, DIAGRAM MUST BE INCLUDED)

Describe specific indoor and/or outdoor area to be licensed: fire place Room + porch

Date of Event: July 18, 2015 Time - From: 4pm To: 10pm

Number of Persons Attending: 90

Name of Sponsor: Ulen Gado

Address: 3626 Chain Bridge Rd Town/City: Fairfax

State: VA Zip Code: 22030 Telephone Number: 914 803 2211

Carla Noves
Signature of Licensee or Corporate Officer

6/25/15
Date

CARLA NOVES
Print Name of Licensee or Corporate Officer

MAINE ADDRESS:
128 Longfellow Lane
WINTHROP, ME 04304

FOR USE ONLY BY DIVISION OF LIQUOR LICENSING & ENFORCEMENT

RESTRICTIONS:

[] APPROVED

DATED: _____

[] NOT APPROVED

ISSUED BY: _____

Town of Wayne

P.O. Box 400; 48 Pond Road

Wayne, ME 04284

Phone: (207) 685-4983 Fax: (207) 685-3836

<http://www.waynemaine.org>

Used Fire Truck for Sale.

The Town of Wayne, Maine is accepting bids for the purchase of a used fire truck. Each bid must be in writing and in a sealed envelope marked "Used Fire Truck Bid" on the outside of the envelope. The Board of Selectmen must receive all bids no later than **1:00 PM on Thursday July 9, 2015**. Late, faxed, or emailed bids will not be opened or considered.

Each bid must also include the bidder's name, mailing address and phone number and must be accompanied by a Bank Treasurer's Check made payable to "Town of Wayne, Maine" in the amount of at least the listed minimum bid price as a deposit for the bid. Each successful bidder's deposit will be credited to the total purchase price for the fire truck. Deposit checks will be returned to the unsuccessful bidders. Any bid that does not contain the proper deposit will be rejected. Submit bids to **Town Manager, Town of Wayne, 48 Pond Road, P.O. Box 400, Wayne, ME 04284**.

Bids will be opened, read aloud, reviewed **on Thursday July 9, 2015** at the Town Office. The bid will be awarded on **Tuesday July 14, 2015, Wayne Elementary School Gymnasium at 6:30 PM** by the Board of Selectmen during their meeting. The Board of Selectmen reserves the right to reject any and / or all bids. Each successful bidder shall have 30 days from the date of bid acceptance to complete the purchase at the discretion of the Board of Selectmen. In the event that a successful bidder fails, for any reason, to complete the purchase in the time stated, the bid acceptance is void and the bidder's deposit shall be forfeited to the Town. The Board of Selectmen may thereafter negotiate a sale of the used fire truck with any or all-unsuccessful bidders.

The used fire truck for sale:

- Make/ Model: 1979 GMC Sierra 7000 --- FMC
- Powered: V-8
- Fuel: Gas
- Mileage: 22,564
- Tank: 750 gallon
- Pump: 1,000 GPM
- Warranty: AS IS, WITH ALL FAULTS
- Comments: Unsafe, Tow Away

Minimum Bid Price: \$1,000

For more information, regarding the sale of the used fire truck, please don't hesitate to contact the Town Manager at (207) 685-4983 or townmanager@waynemaine.org.

**Town of Wayne, Maine
Used Fire Truck Sale
Bid Form**

Please complete bid form and enclose with Bank Treasurer's Check made payable to the **"Town of Wayne, Maine"** in a sealed envelope labeled **"Used Fire Truck Bid"** with on the outside of the envelope. Complete bids are due on **1:00 PM on Thursday July 9, 2015** at the **Town of Wayne, P.O. Box 400 or 48 Pond Road, Wayne, ME 04284**. The Town of Wayne Board of Selectmen reserves the right to reject any and / or all bids.

Name: _____

Mailing Address: _____

Phone: _____

Bid Amount: _____
Minimum Bid Price (at least)

Used Fire Truck for Sale

	Bid #1	Bid#2	Bid#3
Name:	Dennis Bruen	Tony Bachelder	Frank Cochran
Mailing Address:	P.O. Box 601, Readfield, ME 04355	95 Paris Hill Road, Buckfield, ME 04220	302 Tolman Road, Warren, ME 04864
Phone:	(207) 685-9603	(207) 336-2343	(207) 596-1065
Bid Amount:	\$ 1,465.66	\$ 1,050.00	\$ 1,200.00

To: Selectboard
From: Aaron Chrostowsky, Town Manager
Re: Craig's Bridge
Date: 7/14/2015

Enclosed is a letter from Jan Patterson and residents of the East Shores of Berry and Dexter Pond. They are looking for one-time financial assistance to fix and repair the bridge and causeway.

The residents are claiming the bridge is unsafe. Emergency vehicles may no longer be able to service the neighborhood.

I have done the following:

- Contacted **Peter Nielsen, Winthrop Town Manager**, at this time Winthrop is not considering helping them with the bridge.
 - Winthrop Ambulance will respond.
 - Winthrop Fire Department will respond.
 - Winthrop Fuel will deliver fuel.
- **Contacted Bruce Mercier, Wayne Fire Chief**, said, we would respond probably would be selective of what truck we put over the bridge.
- Conducted a site visit with Peter Ault (Selectmen and Former MaineDOT Engineer) and Dennis Bruen (Deputy Road Commissioner). We agreed the headwall and steel appears in good shape. The steel might need some painting. The concrete decking appears to be deteriorating. The decking appears to not be bolted down to the steel beam which causes the rattling and movement of the decking on the bridge. The bridge is 10 ft. wide. This is narrow.
- Contacted **Lee Bragg, Town Attorney**, about the "Owner Unknown" parcel adjacent to the bridge. He feels there is no need to clarify ownership on this parcel. He is not concerned that the Town is using the parcel as a snowplow turnaround.
- Enclosed is a copy of a spreadsheet, I developed illustrating the properties that gain primary access over this bridge with secondary access through Winthrop to Route 133. This spreadsheet illustrates the number of parcels affected and how much taxes generated annually. (See tax maps)

Recommendations:

- Don't contribute towards the bridge replacement (Private property and use).
- Potentially assist with improving causeway to protect water quality (Private use but public service). Next Thursday July 16, 2015 at 10 AM, I will be meeting with Bill Monagle, Executive Director of Cobbossee Watershed, to discuss making improvements to the causeway through a DEP Grant for the Cobbossee Watershed.

If you have any questions, please don't hesitate to contact me at (207) 685-4983 or townmanager@waynemaine.org.

June 22, 2015

Dear Town Manager,

SUBJ: CONCRETE BRIDGE SPANNING DEXTER AND BERRY PONDS

I am writing as a representative of and on behalf of many residents of the East Shores of Dexter Pond and Berry Pond. We are asking for one time financial assistance from the Town of Winthrop for needed safety repairs/upgrades to the bridge over which we must travel to our homes. We will continue to maintain the bridge following repairs.

We all purchased our properties as we enjoy the recreational possibilities, the solitude, and the beauty of living on a small pond in Maine. We understand that we live on a private road for which the Town of Winthrop does not provide services. We were well aware that we would and do pay taxes to the Town of Winthrop for which we do not receive road services and accept that as we feel the value of living where we do over-rides that fact. Both Berry Pond and Dexter Pond have road associations that take care of the maintenance of the roads. Neither group has the technical ability or adequate funding to address the bridge.

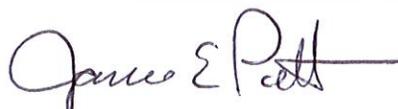
However, our taxes should grant us the right to emergency services and we are concerned that emergency vehicles may no longer be able to service us due to the bridge condition. Permits were issued when our homes were built and the road assessed to ensure emergency vehicles could respond as needed to our homes. If this were not true, permits for constructing homes should not have been issued. Issuance of these permits helped the tax base of the Town of Winthrop but was no thought given to the safety of the homeowners?

We are finding it is becoming more difficult to enjoy our properties as the condition of the subject bridge is limiting not only our ability to receive emergency service, if needed, but also to receive the basic necessities to live our lives. Three area oil companies refuse to cross the bridge and many of us have been refused furniture delivery and package delivery if crossing the bridge is required. This will continue to get worse and as homeowners, we cannot continue to live here if we cannot get oil or other needed items to sustain our homes and lifestyles. If the bridge is not brought to a safe condition, such that we can feel comfortable regarding receipt of emergency services and needed deliveries, the attractiveness of living where we do declines.

We are not asking the Town to take over ownership or long term maintenance of the bridge, understanding that would impose a financial burden on the Town. We are asking for a one time repair/upgrade such that we can again feel safe and comfortable traversing the bridge to our homes and needed deliveries will not be impeded.

We welcome the opportunity to meet with you at your convenience and hope you will consider this a request worthy of your time and financial investment.

Thank you
Jan Patterson
janeng@myfairpoint.net
cell 620-6002



CC: TOWN OF WINTHROP, TOWN MANAGER
TOWN OF WINTHROP, TOWN COUNCIL

Craig's Bridge, Dexter Pond Road (Private), Wayne Neighborhood

Map/Lot	Seasonal	Acres	Land Assessment	Building Assessment	Assessment	Ownership	Physical Address
003-064		78	\$ 139,100	\$ -	\$ 139,100	Kennebec Land Trust	Mount Pisgah Road
016-042		0.16	\$ 5,600	\$ -	\$ 5,600	Hiscock	Dexter Pond Road
016-043		0.16	\$ 28,000	\$ -	\$ 28,000	Patterson	89 Dexter Pond Road
016-045-1		0.56	\$ 38,100	\$ -	\$ 38,100	Deflurin	Dexter Pond Road
016-045-2	Yes	0.76	\$ 121,600	\$ 87,200	\$ 208,800	Botticelli	239 Dexter Pond Road
016-045-3	No	0.79	\$ 121,900	\$ 98,000	\$ 219,900	Gazmuri	249 Dexter Pond Road
016-045-4	No	1.4	\$ 127,900	\$ 68,300	\$ 196,200	Townsend	251 Dexter Pond Road
016-045-5	Yes	0.81	\$ 122,400	\$ 93,800	\$ 216,200	Cotton	259 Dexter Pond Road
016-045-6		0.81	\$ 55,000	\$ -	\$ 55,000	Richmond	Dexter Pond Road
016-045-7		0.31	\$ 29,200	\$ -	\$ 29,200	Patterson	Dexter Pond Road
016-046	?	6	\$ 55,600	\$ 14,700	\$ 70,300	Ravis	265 Dexter Pond Road

Total Acreage: 89.76

Mil Rate (14.37)

Total Assessment (2014-2015): \$ 844,400 \$ 362,000 \$ 1,206,400

Total Tax Collected (2014-2015): \$ 12,134 \$ 5,202 \$ 17,336

PROPERTY
MAP
OF
TOWN
OF
WAYNE

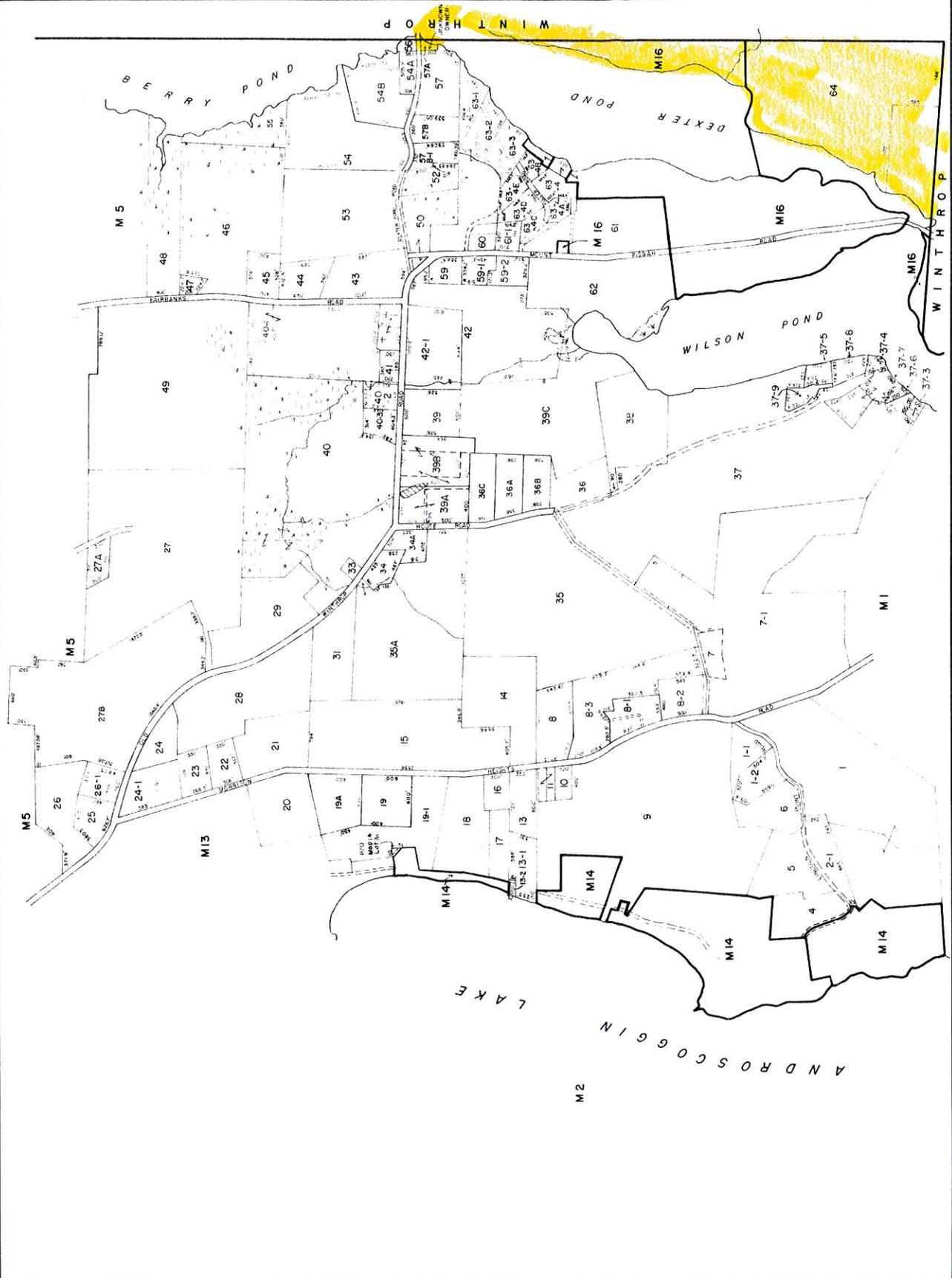
KENNEBEC
COUNTY
MAINE
1979

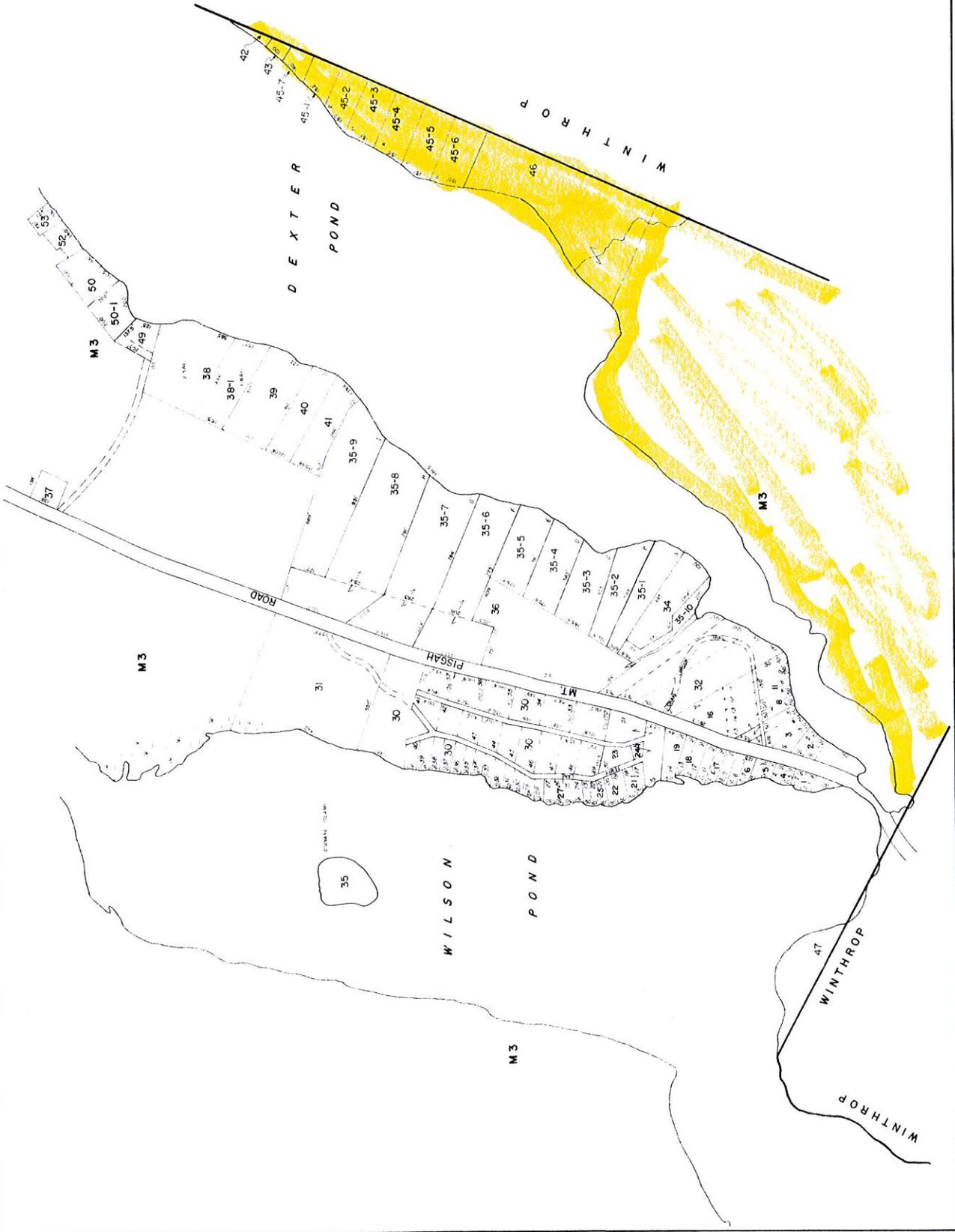
PREPARED
BY
S.L.F. Inc
SKOWHEGAN
MAINE



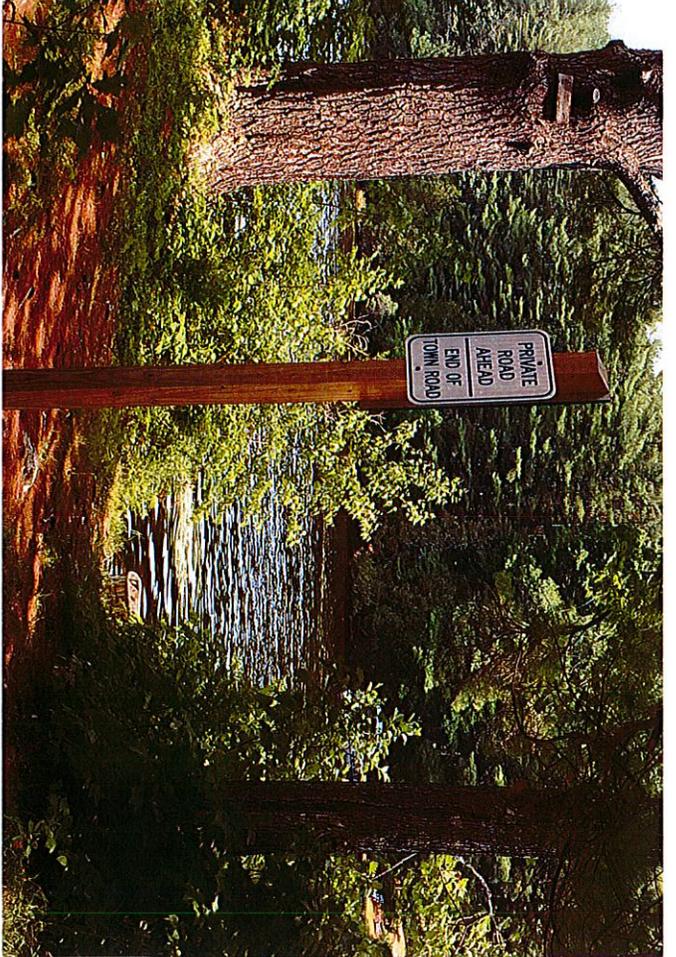
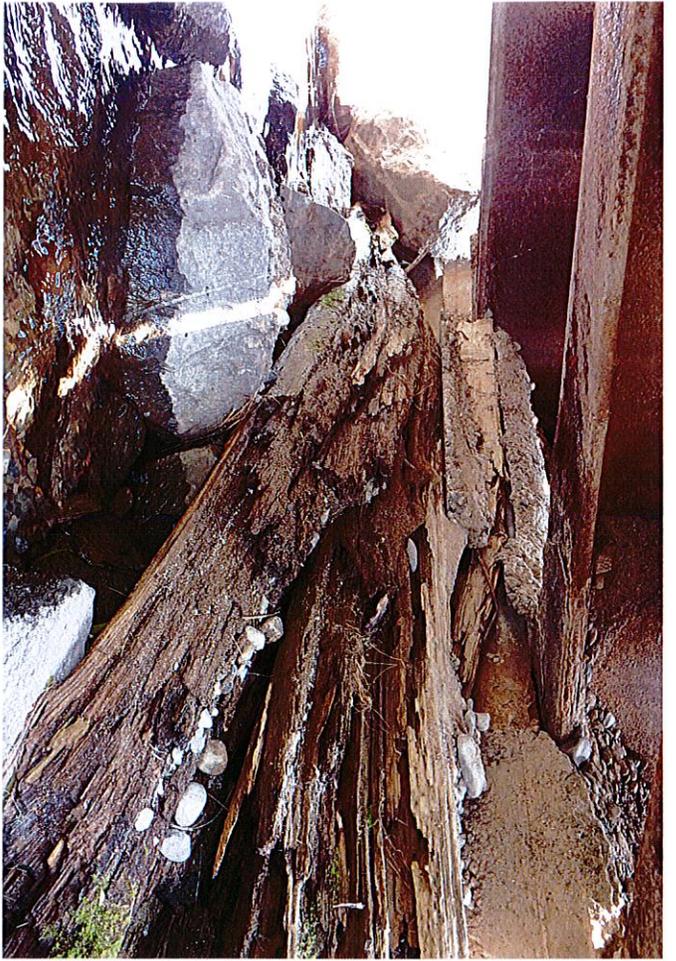
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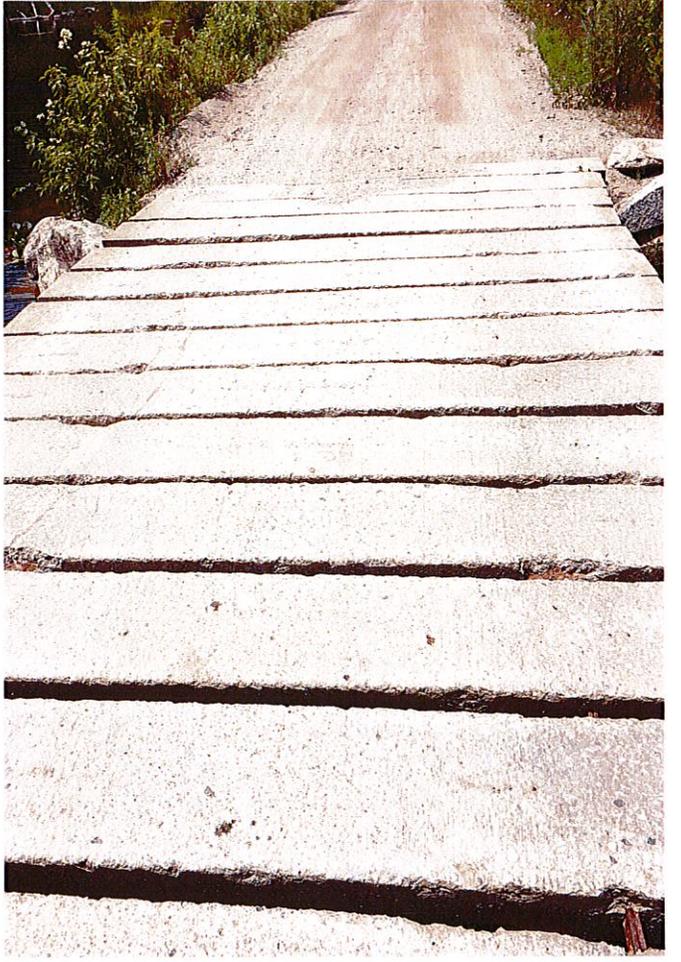
LEGEND
PARCEL NUMBER...
ADJACENT MAPS...
MATCH LINE
NOT FOR ASSESSMENT PURPOSES ONLY
NOT TO BE USED FOR RECORD PURPOSES











To: Board of Selectmen

From: Aaron Chrostowsky, Town Manager

Re: Wayne General Store Malfunctioning Septic System

Date: 7/14/2015

As explained to many of you this week, the Wayne General has a malfunctioning septic system. The Town has been made aware of this problem last summer. The Town has been working with the General Store owners to fix the problem. They have been modifying some of their usage/ practices and pumping regularly. They spoke to several people about repairing the system. However, as winter arrived, the problem abated. Then, we came days away from tax foreclosure. This spring, the Town Office continued to receive complaints. It appears the pumping is not working.

This week I met with representatives from Kennebec Council of Government in Fairfield to discuss this problem. Under state law, municipalities are legally liable to enforce, inspect and maintain public and private wastewater (sewer) systems. Town may get fined from DEP for polluting the waterway.

I will be meeting on Monday July 13, 2015 at 10 AM with the Brent Lawson, State Plumbing Inspector and the Ken Pratt, Wayne Code Enforcement Officer to evaluate the system. He will assist us in issuing a "Notice of Violation" to the General Store.

The Town has several options:

Option#1: Town enforces waste water rules, hold special town meeting to appropriate funds to repair or install new septic system; place lien on store; set-up installment; (Town may spend public funds on private property because imminent public health threat by potential polluting waterbody);

Option#2: Town enforces waste water rules, store repairs or installs new system or closes store and residence.

Recommendation:

Consider Option #1.

More resource information in your packet from MMA on "Malfunction Wastewater Disposal Units"



waynetm



Logout



Malfunctioning Wastewater Disposal Units

Links to the following documents are provided as examples for informational purposes only. They have not been reviewed by MMA Legal Services. Do not use any sample unless it has been reviewed by your legal counsel and tailored to meet the needs of your municipality.

This packet includes the following attachments:

- Title 30-A M.R.S.A. §§ [3428](#), [3444](#), [4452](#), [4213](#);
- Sample [Order](#)
- Sample [Delegation of Authority for CEO](#)
- Sample [Assessors' Certification of Assessment](#) [Special Assessments]
- "[Correcting Malfunctioning Septic Systems - Collection of Costs](#)," *Maine Townsman*, "Legal Notes," December 1996
- Sample [Installment Payment Agreement](#)

Important issues and considerations include:

I. Generally

Often, when a municipality notifies a property owner or occupant that his or her septic system is malfunctioning, the owner or occupant will have the problem fixed. However, there are some cases in which people cannot afford to repair their septic systems or will not do so. In these cases, State law (30-A M.R.S.A. § 3428) allows a municipality to enter onto the property and repair or replace the malfunctioning septic system, and to either sue for the costs of repair, add those costs to the person's taxes or collect installment payments. The reasons a municipality might want to take these actions are to prevent contamination of neighboring wells, to prevent nuisance to neighboring properties and to protect public health.

II. Abatement Procedure

If a municipality chooses to use 30-A M.R.S.A. § 3428 as a way to correct a malfunctioning wastewater disposal unit, the municipal officers are responsible for serving an order to take corrective action upon the owner of the premises. If the malfunction is not corrected within 10 days of service of the order, the municipal officers or their agents may enter the premises and have the malfunction corrected (usually by hiring a contractor to perform the work). The municipality may recover actual and direct expenses, including reasonable attorney fees, if the municipality is the prevailing party in a civil action against the owner. We strongly recommend that the municipality engage the services of an attorney to assist in determining ownership and proper service of process. In an attempt to obtain voluntary compliance, the municipal officers may even wish to communicate to the owner of the premises their intent to engage legal counsel to assist them and to recover all related costs prior to starting the formal process.

The owner may request an extension of the 10-day compliance deadline if allowed by the municipal officers. The extension may be no more than an additional 20 days. If the municipal officers approve an extension, they must find that it is reasonably necessary for and likely to result in correction of the malfunction. When issuing their initial corrective order, the municipal officers should indicate in the order whether they will permit an extension and how to request one.

III. Inspection

If possible, an on-site inspection by a qualified person (such as the plumbing inspector) should be conducted before issuance of an order, and a copy of the inspection report should be attached to it. Plumbing inspectors may enter property for the purposes of inspection, but only with the permission of the owner, occupant, or person having control of the property or with a court order (see 30-A M.R.S.A. §§ 4452 and 4213). Therefore, if the plumbing inspector has reasonable cause to suspect that the septic system is malfunctioning, but the property owner refuses admittance to the plumbing inspector, the municipality will have to obtain an administrative warrant from the District Court under Rule 80E of the Maine Rules of Civil

Procedure before the inspection can occur. (For further information on this subject, please see MMA's *Code Enforcement Officers Manual*).

IV. Service

The order must be served "personally" on the owner by a municipal officer (selectperson or councilor) or by a law enforcement officer (30-A M.R.S.A. § 3428). This means delivering it to the individual personally or leaving it at his/her usual place of abode with someone of suitable age and discretion who resides there; service by mail is insufficient. Although the statute indicates that the order may be served on the occupant or a tenant, since the order may now only be directed to the owner, we recommend that the order always be served on the owner directly, even if it is also served on an occupant or tenant.

V. Special Tax or Civil Action

Municipal expenses of abatement may be recovered by assessing a "special tax" against the land (30-A M.R.S.A. § 3428). The tax must be included in the "next annual warrant" to the collector and may be collected in the same manner as property taxes (including by automatic lien foreclosure). (See MMA's *Municipal Assessment Manual* for a discussion of special assessments and related forms and the "Assessors' Certification of Assessment" included in this packet.) In the alternative, a municipality may file a civil action against the owner to recover its actual and direct expenses for abating the nuisance and may recover its costs, including reasonable attorney fees, if it is the prevailing party.

VI. Installment Payments

As an alternative to the civil action and lump sum special tax authorized under § 3428, the municipal officers may adopt a general standing order under 30-A M.R.S.A. § 3444. The order would authorize the assessors and tax collector to assess and collect the municipality's expenses involved in the abatement of a malfunctioning wastewater disposal unit over a period not exceeding 10 years.

Section 3444 outlines three principal steps to be followed in establishing an installment payment plan, once the municipal officers have adopted the general standing order described above. First, the municipal officers and the landowner must agree to this method of assessment and collection in writing. A notice of the agreement must be properly recorded in the registry of deeds. Second, the municipal officers must annually file with the tax collector a list of installment payments due to the municipality for that year's payments. Also, the municipal officers must send a notice to the landowner regarding the amount of the installment due that year, the rate of interest, and when interest will start to accumulate on that installment. (Up to this point, no interest has begun to accrue.) Third, if the installment remains unpaid after 30 days from when this notice is sent, the assessors may levy a special assessment against the property and commit it to the tax collector in the next annual warrant for the amount of the total unpaid assessment and charges. Interest will begin to accrue on the unpaid portion of assessments and charges due to the municipality from this date, which is 30 days from the date of the written notice by the municipal officers to the landowner. If the amount due remains unpaid, the tax collector may collect the principal and interest using the normal property tax lien process, proceed to sell the property, or go to court. (For additional information and sample forms for the general standing order and annual certified list, see Legal Note, *Maine Townsman*, December 1996 linked above.)

The sample installment payment agreement that is included in this packet is a modification of a sewer construction assessment installment payment agreement prepared by Peter Beckerman, Esq. for one of his municipal clients prior to his retirement. We appreciate his willingness to share his work with us.

VII. Relation to Enforcement of "State Plumbing Code"

The process for abating a malfunctioning septic system outlined in 30-A M.R.S.A. § 3428 is an alternative to prosecuting the owner in court for operating a malfunctioning system in violation of the State Subsurface Wastewater Disposal Rules ("State Plumbing Code"). Many communities are reluctant to take corrective action under 30-A M.R.S.A. § 3428 for fear of "setting a precedent." When a municipality does use § 3428, it is generally either because the municipal officers know that the landowner could not afford the cost of installing a new system even if the municipality won an enforcement action against him or her and the court ordered the owner to correct the malfunction, or because the malfunction poses an immediate possible health threat or nuisance.

VIII. DEP "Small Community Wastewater Program"

In some situations, an individual malfunctioning system or group of systems in a neighborhood poses a public health or safety concern which may qualify the system for replacement under a program run by the Maine Department of Environmental Protection referred to as the "Small Community Wastewater Program." This program provides grant funding to help pay for the costs of installing a new central subsurface system or individual subsurface system. For more information, contact the DEP, Bureau of Land and Water Quality, in Augusta (287-3901) or the nearest DEP regional office. Prior to implementing a DEP grant project, the municipal legislative body (town meeting or council) must accept the grant funds and appropriate the funds for the repair/replacement activities. Click here to access the area of the State of Maine website that provides [more information about this program](#).

IX. Delegation of Authority to Local Code Enforcement Officer

The process outlined in 30-A M.R.S.A. § 3428 requires the municipal officers to take various steps in attempting to abate a malfunctioning system and recover the municipality's costs. The municipal officers often request the local code enforcement officer or plumbing inspector to conduct an inspection and issue the necessary written orders as their "agent." To ensure that the officer or inspector is properly authorized, we recommend that the municipal officers adopt a written delegation of authority and that a copy be provided to the officer or inspector. (Sample wording is included in Delegation of Authority for CEO, linked above.)

This packet is designed to provide general information and is not intended as a substitute for legal advice for specific situations. The statutes and other information herein are only current as of the date of publication.

Date of last revision: 8/09

Maine Revised Statutes
Title 30-A: MUNICIPALITIES AND COUNTIES
HEADING: PL 1987, c. 737, Pt. A, §2 (new)

Chapter 161: SEWERS AND DRAINS
HEADING: PL 1987, c. 737, Pt. A, §2 (new)

**§3428. MALFUNCTIONING DOMESTIC WASTE WATER DISPOSAL UNITS;
ABATEMENT OF NUISANCE**

Malfunctioning waste water disposal units, including septic tanks, cesspools, cisterns, dry wells, drainage beds, drains, sewer lines and pipes and the like, have become a menace to the health and general welfare of the citizens of this State and are declared to be a nuisance. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

1. Abatement procedure. Upon complaint of any person resulting in documentation of a malfunctioning waste water disposal unit or on their own information, the municipal officers shall serve an order to remedy a malfunctioning waste water disposal unit upon the owner of any premises within that municipality that has such a malfunctioning unit.

[2007, c. 568, §1 (AMD) .]

2. Content of order. The order must be addressed to the owner of the premises and must contain:

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

B. The fact of the malfunctioning waste water disposal unit; [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

C. A notice to remedy the nuisance within 10 days of service of the order; and [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

D. The signatures of the municipal officers. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

The municipal officers may allow the owner of the premises to request an extension of the 10-day period for no longer than an additional 20 days and may explain how to request an extension in the order. The municipal officers or their agents may approve an extension if it is reasonably necessary for and likely to result in remediation of the nuisance.

[2007, c. 568, §1 (AMD) .]

3. Service and return of service. One of the municipal officers or a law enforcement officer shall serve the order personally upon the owner, tenant or occupant in possession. The server shall make and file a return of service indicating the method used and the person served.

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

4. Abatement. If the nuisance is not abated within the 10-day period or such period up to but not exceeding the additional 20 days as allowed by the municipal officers under subsection 2, the municipal officers or their agents may enter the premises and have the malfunction adequately remedied. To recover any actual and direct expenses, including reasonable attorney's fees if the municipality is the prevailing party, incurred by the municipality in the abatement of such nuisances, the municipality shall:

A. File a civil action against the owner. The costs, including reasonable attorney fees, to create and prosecute an action to collect expenses following such a civil complaint, shall also be recovered from the owners; or [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. Assess a special tax against the land on which the waste water disposal unit is located for the amount of the expenses. This amount shall be included in the next annual warrant to the tax collector of the municipality for collection in the same manner as other state, county and municipal taxes are collected. Interest as determined by the municipality pursuant to Title 36, section 505, in the year in which the special tax is assessed, shall accrue on all unpaid balances of any special tax beginning on the 60th day after the day of commitment of the special tax to the collector. The interest shall be added to and become part of the tax. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[2007, c. 568, §1 (AMD) .]

SECTION HISTORY

1987, c. 737, §§A2,C106 (NEW). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8,10 (AMD). 2007, c. 568, §1 (AMD).

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Maine Revised Statutes
Title 30-A: MUNICIPALITIES AND COUNTIES
HEADING: PL 1987, c. 737, Pt. A, §2 (new)

Chapter 161: SEWERS AND DRAINS
HEADING: PL 1987, c. 737, Pt. A, §2 (new)

§3444. COLLECTION OF ASSESSMENTS

Except for service charges established under section 3406 which shall be collected as provided in that section, all assessments and charges made under this chapter shall be certified by the municipal officers and filed with the tax collector for collection. A facsimile of the signatures of the municipal officers imprinted at their direction upon any certification of an assessment or charge under this chapter has the same validity as their signatures. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

1. Payment over time. The municipal officers of a municipality may adopt an order generally authorizing the assessors and the tax collector to assess and collect those assessments and charges over a period of time not exceeding 10 years, including expenses involved in the municipality's abatement of malfunctioning domestic waste water disposal units under section 3428, subsection 4.

A. The assessors and collector may exercise this authority only when the person assessed has agreed to that method of assessment and collection in writing and notice of that fact has been recorded in the appropriate registry of deeds. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. The municipal officers shall annually file with the collector a list of installment payments due the municipality, which must be collected with interest at a rate determined by the municipal officers. If, within 30 days after written notice of the total amount of the assessments and charges, or annual installment payment and interest, the person assessed fails, neglects or refuses to pay the municipality the expense incurred, the municipal assessors may assess a special tax, equal to the amount of the total unpaid assessment and charges, upon each lot or parcel of land so assessed and buildings upon the lot or parcel of land. This assessment must be included in the next annual warrant to the tax collector for collection and must be collected in the same manner as state, county and municipal taxes are collected.

(1) Interest at the same rate used for delinquent property taxes as established by Title 36, section 505, subsection 4 on the unpaid portion of assessments and charges due the municipality accrues from the 30th day after written notice to the person assessed and must be added to and becomes part of the special tax when committed to the tax collector. [1995, c. 91, §1 (AMD).]

[1995, c. 91, §1 (AMD) .]

2. Action to recover unpaid assessments. If assessments under this section are not paid, and the municipality does not proceed to collect the assessments by a sale of the lots or parcels of land upon which the assessments are made, or does not collect or is in any manner delayed or defeated in collecting the assessments by a sale of the real estate so assessed, then the municipality may maintain a civil action in its

name against the party so assessed for the amount of the assessment in any court competent to try the action. In this action, the municipality may recover the amount of the assessment with 12% interest on the assessment from the date of the assessment and costs.

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

SECTION HISTORY

1987, c. 737, §§A2,C106 (NEW). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8,10 (AMD). 1995, c. 91, §1 (AMD).

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Maine Revised Statutes

Title 30-A: MUNICIPALITIES AND COUNTIES
HEADING: PL 1987, c. 737, Pt. A, §2 (new)

Chapter 187: PLANNING AND LAND USE REGULATION
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 I, 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 I, 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; [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 [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. [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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Maine Revised Statutes

Title 30-A: MUNICIPALITIES AND COUNTIES

HEADING: PL 1987, c. 737, Pt. A, §2 (new)

Chapter 185: REGULATION OF CONSTRUCTION AND

IMPROVEMENTS HEADING: PL 1987, c. 737, Pt. A, §2 (new)

§4213. RIGHT OF ENTRY ON INSPECTION

The department and any duly designated representative or employee of the department, including the local plumbing inspector, may enter any property at reasonable hours, enter any building with the consent of the property owner, occupant or agent, inspect the property or structure for compliance with the applicable rules or investigate alleged conditions which do not comply with the rules. Upon the request of the occupant of the premises, the department's representative or the local plumbing inspector shall present proper credentials before entering the premises. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

If entry is denied, entry shall not be attempted until after obtaining an order of the court. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

SECTION HISTORY

1987, c. 737, §§A2,C106 (NEW). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8,10 (AMD).

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ORDER

**Pursuant to 30-A M.R.S.A. § 3428
(Malfunctioning Waste Water Disposal Unit)**

TO:
(owner's name)

(owner's address)

On dfadf an inspection was made of the premises owned by
(date)
you, described as _____ and shown on Map _____, Lot
(type of premises)

of the current Tax Maps of the City/Town of _____, Maine. The

inspection disclosed the existence of a malfunctioning waste water disposal unit as described in the

inspection report which is attached to this order/described as follows: _____

Therefore, pursuant to 30-A M.R.S.A. § 3428, you are hereby **ORDERED** to abate said nuisance in accordance with the Maine Subsurface Wastewater Disposal Rules and all other applicable laws within 10 days of service of this order. If you do not comply with this order by this deadline, the Municipal Officers may make the necessary repairs at municipal expense and recover all of its expenses, including reasonable attorney's fees, from you by means of a special tax or civil action.

Dated: _____ Municipal Officers
City/Town of _____, Maine

/s/ _____

/s/ _____

/s/ _____

RETURN OF SERVICE

STATE OF MAINE
(county), ss.

On the _____ day of _____,
order

, I made service of the within

upon _____
to

by delivering a copy thereof

(name)

Dated: _____

/s/ _____

Municipal Officer/Law Enforcement Officer

This packet is designed to provide general information and is not intended as a substitute for legal advice for specific situations. The statutes and other information herein are only current as of the date of publication.

[Back](#)

Sample Motion to Delegate Enforcement Authority

The following motion can be used as a guide by the municipal officers in delegating their enforcement powers to the CEO or LPI under 30-A M.R.S.A. § 3428 (malfunctioning subsurface waste water disposal units):

"I move that we vote to delegate the authority vested in the municipal officials pursuant to 30-A M.R.S.A. § 3428 to the code enforcement officer. This delegation includes the authority to conduct site inspections, issue corrective orders, and enter property to remedy a malfunctioning system and initiate a civil action to recover costs."

Once a motion is approved, the board can send to the CEO or LPI an attested copy of the board's minutes showing the motion and the vote to approve it. The board can accompany this with a simple cover letter from the board to the CEO or LPI indicating that an attested copy of the motion and the vote delegating authority to the CEO or LPI under 30-A M.R.S.A. §§ 3428 and 3758 is attached to this letter.

ASSESSORS' CERTIFICATION OF ASSESSMENT
(For use in connection with special assessments)

WE HEREBY CERTIFY, that the pages herein, numbered from _____ to _____ inclusive, contain a list and valuation of Estates, Real and Personal, liable to be taxed in the Municipality of _____ for State, County, District, and Municipal Taxes for the fiscal year _____ to _____ as they existed on the first _____ mm/dd/yy _____ mm/dd/yy day of April _____. We further certify that the pages herein numbered (Special _____ yr Assessment-1 to Special Assessment-_____), inclusive, contain a list of those properties which have been specially assessed pursuant to _____ (cite the specific State statute) and are included in this commitment for collection in the same manner as State, county and municipal taxes for the year _____.

IN WITNESS THEREOF, we have hereunto set our hands at _____, this _____ day of _____, 20__.

Municipal Assessors

_____ **MUNICIPAL TAX ASSESSMENT WARRANT**
year

State of Maine Municipality _____ County _____
To _____, Tax Collector _____

In the name of the State of Maine you are hereby required to collect of each person named in the list herewith committed to you the amount set down on said list as payable by that person.

Assessments

- | | |
|---|--------|
| 1. County Tax | _____ |
| 2. Municipal Appropriation | _____ |
| 3. TIF financing plan amount | _____ |
| 4. School/Educational Appropriation | _____ |
| 5. Overlay (Not to exceed 5% of Net Assessment) | _____ |
| 6. Total Assessments | \$0.00 |

Deductions

- 7. State Municipal Revenue Sharing _____
- 8. Homestead Reimbursement _____
- 9. Other Revenue _____
- 10. Total Deductions _____
- 11. Net Assessment for Commitment (Line 6 minus Line 10) _____
(Should agree with Item 13, Municipal Valuation Return)
- 12. Total Special Assessments _____
(indicate type and amount: dangerous buildings; malfunctioning subsurface disposal systems, etc.)
- 13. Total Commitment (sum of lines 11 and 12) _____

You are to pay to _____, the Municipal Treasurer, or to any successor in office, the taxes herewith committed, paying on the last day of each month all money collected by you, and you are to complete and make an account of your collections of the whole sum on or before _____
mo/day/yr

In case of the neglect of any person to pay the sum required by said list until after

_____;

mo/day/yr

you will add interest to so much thereof as remains unpaid at the rate of ____ percent per annum, commencing _____ to the time of payment, and collect the same with the tax remaining unpaid.
mo/day/yr

Given under our hands, as provided by a legal vote of the Municipality and Warrants received pursuant to the Laws of the State of Maine, this _____
mo/day/yr

_____ Assessor(s) of: _____

CERTIFICATE OF COMMITMENT

To _____, The Collector of the Municipality of
_____, aforesaid.

Herewith are committed to you true lists of the special assessments of the Estates of the persons wherein named; you are to levy and collect the same, of each one their respective amount, therein set down, of the sum total of \$_____ (being the amount of the lists contained herein), according to the tenor of the foregoing warrant.

Given under our hands this _____.
mo/day/yr

_____ Assessor(s) of: _____

Complete in Duplicate
File Original with Tax Collector/File Copy in Valuation Book

CERTIFICATE OF ASSESSMENT TO BE RETURNED TO MUNICIPAL TREASURER

STATE OF MAINE

County of _____, ss.

We hereby certify, that we have assessed a tax on the estate, real and personal liable to be taxed in the Municipality of _____ for the fiscal year _____, at _____ mils
m/d/yy

on the dollar, on a total taxable valuation of \$_____. We further certify that we have specially assessed taxes on certain properties in the Municipality of _____ pursuant to State law.

Assessments

- 1. County Tax _____
- 2. Municipal Appropriation _____
- 3. TIF financing plan amount _____
- 4. School/Educational Appropriation _____
- 5. Overlay (Not to exceed 5% of Net Assessment) _____
- 6. Total Assessments _____

Deductions

- 7. State Municipal Revenue Sharing _____
- 8. Homestead Reimbursement _____
- 9. Other Revenue _____
- 10. Total Deductions _____
- 11. Net Assessment for Commitment (Line 6 minus Line 10). _____
(Should agree with Item 13, Municipal Valuation Return)
- 12. Total Special Assessments \$ _____
- 13. Total Commitment (sum of lines 11 and 12) \$ _____

Lists of all the same we have committed to _____, Tax Collector of said Municipality, with warrants in due form of law for collecting and paying the same to _____, Municipal Treasurer of said Municipality, or the successor in office, on or before such date, or dates, as provided by legal vote of the Municipality and warrants received pursuant to the laws of the State of Maine. (Title 36 M.R.S.A., section 712)

Given under our hands this _____.
m/d/yy

_____ Municipal Assessor(s)

[Back](#)

from Legal Notes Archive Collection

Correcting Malfunctioning Septic Systems - Collection of Costs

by Rebecca W. Seel

(from *Maine Townsman*, "Legal Notes," December 1996)

Question: Our town would like to repair or replace someone's malfunctioning septic system at town expense and then recover our costs using an installment payment plan agreed to by the landowner. We are aware that we can do this pursuant to 30-A M.R.S.A. § 3428 and § 3444. Could you explain how to institute and implement an installment payment system?

Answer: As you correctly noted, the authority to recover the town's costs using an installment payment plan is found in 30-A M.R.S.A. § 3444, which reads in part as follows:

Except for service charges established under section 3406 which shall be collected as provided in that section, all assessments and charges made under this chapter shall be certified by the municipal officers and filed with the tax collector for collection. A facsimile of the signatures of the municipal officers imprinted at their direction upon any certification of an assessment or charge under this chapter has the same validity as their signatures.

1. Payment over time. The municipal officers of a municipality may adopt an order generally authorizing the assessors and the tax collector to assess and collect those assessments and charges over a period of time not exceeding 10 years, including expenses involved in the municipality's abatement of malfunctioning domestic waste water disposal units under section 3428, subsection 4.

A. The assessors and collector may exercise this authority only when the person assessed has agreed to that method of assessment and collection in writing and notice of that fact has been recorded in the appropriate registry of deeds.

B. The municipal officers shall annually file with the collector a list of installment payments due the municipality, which must be collected with interest at a rate determined by the municipal officers. If, within 30 days after written notice of the total amount of the assessments and charges, or annual installment payment and interest, the person assessed fails, neglects or refuses to pay the municipality the expense incurred, the municipal assessors may assess a special tax, equal to the amount of the total unpaid assessment and charges, upon each lot or parcel of land so assessed and buildings upon the lot or parcel of land. This assessment must be included in the next annual warrant to the tax collector for collection and must be collected in the same manner as state, county and municipal taxes are collected.

(1) Interest at the same rate used for delinquent property taxes as established by Title 36, section 505, subsection 4 on the unpaid portion

of assessments and charges due the municipality accrues from the 30th day after written notice to the person assessed and must be added to and becomes part of the special tax when committed to the tax collector.

The first step in this process is for the municipal officers to adopt a general order which authorizes the assessor and the tax collector to assess and collect on an installment period not exceeding 10 years the total charges due from a landowner whose system has been corrected by the town. The municipal officers then must negotiate with a particular landowner and agree on the amount of the annual installment payment and the number of years over which the payments will be spread. At the beginning of each year, the municipal officers file a certified list of installment payments due from all landowners for that year with the tax collector; the certification may be personally signed by the municipal officers or may be done by a facsimile stamp used with their permission by someone preparing and signing the list on their behalf. Although not required by the statute, it makes sense to file a copy of this list with the assessor also. The municipal officers then send a written notice to each landowner stating the installment amount due, the rate of interest applicable, and the date on which interest will begin to accrue; a copy of this notice should be sent to the collector even though not required by the statute. At this point no interest has accumulated on that installment. If the installment remains unpaid after 30 days from when the notice is sent, the assessors are then authorized to levy a special assessment for the amount of the principal amount of the installment due and commit it to the collector in the next annual warrant. (Although not required by the statute it makes sense for the collector to formally notify the assessor in writing when the 30 days has expired and what amount remains unpaid and must be specially assessed). At this point, interest will begin to accumulate from the date which is 30 days after the date on which the written notice was sent. The rate of interest for a particular installment is the same as the rate applicable to delinquent taxes for that year. If the installment payment and/or accrued interest remain unpaid, the collector then may use the normal property tax lien process to collect the amount outstanding.

A sample certified list filed by the municipal officers with the collector follows:

To _____, Tax Collector for the Town of _____:

We the undersigned municipal officers for the Town of _____ hereby certify that the following landowners have agreed to repay the town on an installment basis for costs incurred in abating their malfunctioning domestic wastewater disposal units pursuant to 30-A M.R.S.A. § 3428. The names of the landowners, the amount of their annual installment payment, and the number of years over which the payments will be made are certified and listed below. Interest on a particular installment will accrue at the same rate as that applicable to delinquent taxes for the year in which the installment is due and runs from the date which is 30 days after the date on which written notice is sent by the municipal officers to the landowner.

Name of Landowner Amount of Installment Number of Years

- 1.
- 2.

3.

Date: _____

/s/ _____

/s/ _____

/s/ _____

Municipal Officers for the Town of _____

A sample order authorizing the use of installment payments follows:

We the undersigned municipal officers of the Town of _____ hereby approve an order authorizing the tax assessor and the tax collector for the Town of _____ to assess and collect on an installment basis over a period not exceeding 10 years the town's expenses incurred in abating malfunctioning domestic wastewater disposal units pursuant to 30-A M.R.S.A. § 3428. The authority to assess and collect the installments due in a given year will be based on a certified list filed by the municipal officers with the tax collector at the beginning of that year.

Date: _____

/s/ _____

/s/ _____

/s/ _____

Municipal Officers for the Town of _____

**INSTALLMENT PAYMENT AGREEMENT
WITH THE TOWN OF _____, MAINE**

**MALFUNCTIONING SUBSURFACE DISPOSAL SYSTEM REPAIR SPECIAL
ASSESSMENT PURSUANT TO TITLE 30-A M.R.S.A. SECTIONS 3428 and 3444**

This Agreement, entered into this ___ day of _____, 2009 between the Town of _____ (Town), whose mailing address is _____, and _____ (Property Owners), whose mailing address is _____, owners of property on the _____ Road in _____, Maine, _____ County on which the Town completed the repair of a malfunctioning subsurface wastewater disposal system, which property consists of the land and all buildings and improvements thereon, described as follows:

That certain lot or parcel of land located in _____, County of _____, and State of Maine shown on Map __, Lot __ of the Assessor's Tax Maps of the Town of _____, Maine located at the _____ Town Office, (insert street address), _____, Maine prepared by _____, dated _____, consisting of maps numbered 1 to 45, inclusive, and as amended and updated from time-to-time by the Town Tax Assessor.

The parties agree as follows:

That on the ___ day of _____, 2009 the Town of _____ by its Municipal Officers authorized and directed the town's Tax Assessor to assess and the town's Tax Collector to collect in accordance with Title 30-A M.R.S.A. Sections 3428 and 3444 the costs associated with the repair of a malfunctioning subsurface wastewater disposal system on the above-described property over a period of 10 years. The Property Owners hereby acknowledge those actions by the Town and agree to pay those costs in the amount of \$ _____, with the amount unpaid as of this date being \$ _____, plus interest at the annual rate used by the Town for delinquent property taxes established under Title 36 M.R.S.A. Section 505(4) and to be paid on those terms and conditions as stated below.

The above-stated outstanding unpaid cost hereby acknowledged and owed by the Property Owners to the Town shall be repaid to the Town as follows:

The first installment of \$ _____ shall be due on _____, and _____ equal installments thereafter shall be due on _____ of each calendar year beginning _____.

If within 30 days after written notice from the Town of the annual installment payment due the Property Owners fail, neglect or refuse to pay the Town that installment, the Town Assessor may assess a special tax in the amount of the unpaid assessment and interest as provided below. This assessment shall be included in the next annual warrant to the Tax Collector for collection in the same manner as municipal taxes.

Interest on such special tax assessment shall be at the same rate used for delinquent property taxes applicable to that tax year and shall begin accruing on such assessment from the 30th day after written notice to the person(s) assessed. The interest shall be added to and become a part of the special tax when committed to the Tax Collector.

This Installment Payment Agreement, by the signatures below of the Property Owners and the Municipal Officers, has been agreed to by the Property Owners and the Town of _____, Maine and shall be recorded in the _____ County Registry of Deeds.

IN WITNESS WHEREOF the parties, duly authorized, agree to the terms and conditions of this Agreement set forth above as of the day and year first above-written.

Property Owner

Property Owner

Municipal Officer
Town of _____

Municipal Officer
Town of _____

Municipal Officer
Town of _____

STATE OF MAINE
_____, SS _____, 2009

Personally appeared the above-named _____ and _____, Property Owners of the above-referenced subject parcel of land, and acknowledged the above-instrument to be their free act and deed.

Before me,

Notary Public (print name)

My Commission Expires:

Maine Department of Environmental Protection

[Home](#) → [Water](#) → [Grants & Loans](#) → SCG

Small Community Grant Program (SCG)

The Small Community Grant Program provides grants to towns to help replace malfunctioning septic systems that are polluting a waterbody or causing a public nuisance. Grants can be used to fund from 25% to 100% of the design and construction costs, depending upon the income of the owners of the property, and the property's use. An actual pollution problem must be documented in order to qualify for funding. The highest priority is given to problems which are polluting a public drinking water supply or a shellfishing area. DEP grants are not available to provide septic systems for new homes, and any home constructed since October, 1974 must show evidence that a septic system was previously installed which complied with the Maine Subsurface Wastewater Disposal Rules. Grant applications must be submitted by the municipality in which the property owner resides. Applications must be sent to the department by January 31 in order to receive funding in that year except under special circumstances.

Individual families may qualify for the grant program if their federal taxable income for the previous year was \$40,000 or less. Commercial establishments may qualify if their gross profit for the previous year was \$100,000 or less. Potential applicants are not eligible for grant assistance if their income exceeds these figures. Applicants are required to show proof that they meet the income limit. A sliding-scale grant percentage applies depending on the amount of income or profit. Participants in the program are also required to grant an easement to the town allowing construction and inspection of the system.

Contact

[Tim.A.MacMillan](#), P.E.

Small Community Grant Program

(207) 287-7765

- [Frequently Asked Questions](#)
- [Grant Application](#)
- [Municipal Handbook](#)
- Rules. [Chapter 592](#), The Small Community Wastewater Program (off-site)
- Statutory section. Title 38, Chapter 3, § [411](#) (off-site)

Credits

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MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
Small Community Grant Program
Frequently Asked Questions

Topics:

- **What is the Small Community Grant Program?**
- **Who can apply for a small community grant?**
- **What types of wastewater disposal problems are eligible for grant assistance?**
- **What types of problems are not eligible for grant funding?**
- **What are the incomes limits for inclusion in the program?**
- **What costs are eligible for the grant?**
- **What costs are not eligible for the grant?**
- **How can I apply for a grant?**
- **My malfunctioning system needs to be fixed right away. Can it be funded immediately?**

What is the Small Community Grant Program?

The Small Community Grant Program is a water pollution control program administered by the Maine Department of Environmental Protection. The program may provide financial and technical assistance in solving wastewater disposal problems in unsewered areas. Grants for 25 to 100% of the replacement costs of a year round residence, 25% to 50% of a business, and 25% to 50% of a seasonal or second home are available for qualifying systems. Property owners benefiting from the grants must have a taxable income of \$40,000 or less, although technical assistance is available to anyone. The maximum project size which can be funded in a single year is \$100,000. The goal of the small community grant program is to improve water quality, protect public health, and open shellfishing areas which are affected by wastewater discharges.

Who can apply for a small community grant?

A municipality(a city or town government) may apply for a grant on behalf of residents who own property within the municipal limits. A quasi-municipal organization, such as a sewer district, may also apply for a grant for problems within the district boundaries. For unorganized territories, the county commissioners may apply for a grant. Individual property owners are not eligible to receive a grant directly, although the funding may be used to construct individual septic systems.

What types of wastewater disposal problems are eligible for grant assistance?

Discharges of untreated or partially treated sewage which flow into public drinking water supplies, shellfishing areas, or other waterbodies, or which cause a public health hazard, are eligible to receive assistance if the property owners meets the income qualifications.

What types of problems are not eligible for grant funding?

The program may not be used to construct septic systems for new homes or those which have been unoccupied during the previous year, or to replace or improve septic systems which are not malfunctioning and causing a public nuisance, or for buildings constructed or placed on the site after July 1, 1974 which did not install a system in compliance with the Maine Subsurface Wastewater Disposal Rules. **The grant program cannot pay back the cost of work done before a grant is awarded.**

What are the incomes limits for inclusion in the program?

The grant program may be used to help fund small municipally owned and operated treatment facilities which collect user fees, or for privately owned septic systems. For municipal systems which collect user fees the grant percentage

is 90%. For privately owned systems, income determines the grant percentage. For residences, income is the sum of all the owner's taxable income from the previous year. For commercial properties, the income limit is based on gross profit. These are both specific lines on the federal income tax return. The percentage of the eligible costs that the grant can pay are based on the income information as follows:

ANNUAL INCOME (TAXABLE INCOME)	SINGLE FAMILY DWELLING	SEASONAL DWELLING
\$0 TO \$5,000	100%	50%
\$5,001 TO \$20,000	90%	50%
\$20,001 TO \$30,000	50%	25%
\$30,001 TO \$40,000	25%	25%
\$40,001 OR MORE	0%	0%

ANNUAL INCOME (GROSS PROFIT)	COMMERCIAL ESTABLISHMENT
\$0 TO \$50,000	50%
\$50,001 TO \$100,000	25%
\$100,001 OR MORE	0%

What costs are eligible for the grant?

The grant will pay a percentage, based on the income limitations, of the following costs:

- Design
- Construction of replacement systems to serve the existing use of the property
- Administrative costs such as advertising for bids
- External plumbing to connect to the system
- External plumbing permits
- Recording fee for recording program easement
- Additional inspection fees beyond the minimum requirements of the plumbing code

What costs are not eligible for the grant?

The grant will not pay for the following costs:

- Construction expenses incurred by the owner prior to department approval of an application for funding.
- Internal plumbing
- Easement or land acquisition costs.
- Excessive restoration or other costs beyond the minimum amount necessary to comply with the Maine Subsurface Wastewater Disposal Rules.

How can I apply for a grant?

Grants may not be made directly to individuals. You need to contact your town officials (or county commissioners in unorganized areas) and ask them to apply for a grant on your behalf.

If the application is approved for funding and the bond issue that funds the program is approved, a grant will be available to the town during the next construction season.

My malfunctioning system needs to be fixed right away. Can it be funded immediately?

Emergency requests received from the town will be considered if funding is available. To qualify as an emergency a problem must be determined by DEP to present a severe immediate threat to public health which can't wait for future funding. Funding is extremely limited for this situation and may not be available

To: Selectboard
From: Aaron Chrostowsky, Town Manager
Re: Roadside Mowing
Date: 7/14/2015

As you know, the Town of Wayne normally contracts with the Town of Readfield to mow the roadsides. Readfield uses a sickle bar mower. This tractor and mower does a fair job due to the equipment limitations.

This year I would like to try something different. I would like to contract with Mark Birtwell and rent a boom mower. This mower can mow the backside of the ditches. Mowing the backside of ditches will save us, money in the long haul with brush cutting and tree removal. He would be responsible with renting the mower and providing insurance. He would charge us \$25 an hour plus cost (Rental, Gas, Insurance and etc.).

Roadside Mowing Budget: \$4,000

Proposed Budget

Rental (40 hrs./ week)	\$2,200
Misc. Costs (Gas, insurance)	\$500
Labor (\$25/ hr.)	\$1,000
<hr/>	
Project Estimate:	\$3,700

Expense Summary Report

Fund: 1
ALL Months

Account	Budget Net	YTD Net	Unexpended Balance	Percent Spent
100 - General Admin	0.00	20,264.32	-20,264.32	----
01 - Salaries	0.00	3,869.91	-3,869.91	----
05 - Town Manager	0.00	1,798.40	-1,798.40	----
20 - Tax Collector	0.00	900.74	-900.74	----
25 - Town Clerk	0.00	902.16	-902.16	----
70 - Med/Fica	0.00	268.61	-268.61	----
02 - Operating Expense	0.00	12,435.65	-12,435.65	----
01 - Office Expense	0.00	279.64	-279.64	----
10 - Training Expense	0.00	89.69	-89.69	----
20 - Dues	0.00	2,570.00	-2,570.00	----
25 - Computer Repairs	0.00	60.00	-60.00	----
30 - Computer Software	0.00	9,436.32	-9,436.32	----
03 - Contractual	0.00	3,747.75	-3,747.75	----
05 - Audit Services	0.00	1,800.00	-1,800.00	----
25 - Copier lease	0.00	1,947.75	-1,947.75	----
05 - Utilities	0.00	211.01	-211.01	----
01 - Telephone	0.00	211.01	-211.01	----
105 - Assessing	0.00	1,200.00	-1,200.00	----
03 - Contractual	0.00	1,200.00	-1,200.00	----
30 - Assessing/Mapping	0.00	1,200.00	-1,200.00	----
106 - Animal Control	0.00	472.63	-472.63	----
10 - Social Services/Community Serv	0.00	472.63	-472.63	----
90 - Humane Society	0.00	472.63	-472.63	----
107 - Code Enforcement	0.00	494.66	-494.66	----
01 - Salaries	0.00	489.66	-489.66	----
56 - Code Enforcement Officer	0.00	454.86	-454.86	----
70 - Med/Fica	0.00	34.80	-34.80	----
65 - Unclassified	0.00	5.00	-5.00	----
30 - Ordinance & Mapping	0.00	5.00	-5.00	----
108 - Public Safety	0.00	5,663.42	-5,663.42	----
03 - Contractual	0.00	5,116.90	-5,116.90	----
45 - Sheriff Dept	0.00	1,520.00	-1,520.00	----
50 - PSAP Dispatching	0.00	3,596.90	-3,596.90	----
05 - Utilities	0.00	546.52	-546.52	----
20 - Street lights	0.00	546.52	-546.52	----
109 - Roads	0.00	3,127.46	-3,127.46	----
25 - ROADS	0.00	3,127.46	-3,127.46	----
20 - Patching	0.00	1,456.65	-1,456.65	----
40 - Culverts	0.00	300.00	-300.00	----
45 - Gravel	0.00	1,370.81	-1,370.81	----
110 - Transfer Station	0.00	12,681.75	-12,681.75	----
03 - Contractual	0.00	12,681.75	-12,681.75	----
65 - Transfer Station	0.00	12,681.75	-12,681.75	----
112 - Recreation	0.00	787.29	-787.29	----

Expense Summary Report

Fund: 1
ALL Months

Account	Budget Net	YTD Net	Unexpended Balance	Percent Spent
112 - Recreation CONT'D				
03 - Contractual	0.00	787.29	-787.29	----
70 - Park Mowing	0.00	316.43	-316.43	----
71 - Ladd Mowing	0.00	470.86	-470.86	----
113 - Land and Buildings	0.00	147.43	-147.43	----
02 - Operating Expense	0.00	15.00	-15.00	----
97 - Town House	0.00	15.00	-15.00	----
03 - Contractual	0.00	132.43	-132.43	----
72 - Historic Property Mowing	0.00	132.43	-132.43	----
115 - School RSU #38	0.00	155,921.51	-155,921.51	----
60 - INTER GOVERNMENT	0.00	155,921.51	-155,921.51	----
15 - RSU #38	0.00	155,921.51	-155,921.51	----
117 - Cobbossee Watershed District	0.00	781.67	-781.67	----
60 - INTER GOVERNMENT	0.00	781.67	-781.67	----
25 - Cobbossee Watershed District	0.00	781.67	-781.67	----
Final Totals	0.00	201,542.14	-201,542.14	----

Revenue Summary Report

Fund: 1
ALL

Account	Budget Net	YTD Net	Uncollected Balance	Percent Collected
100 - General Admin	0.00	10,969.98	-10,969.98	----
03 - Lien costs	0.00	56.98	-56.98	----
04 - Interest on taxes	0.00	585.27	-585.27	----
05 - MV Agent fees	0.00	167.00	-167.00	----
06 - IFW Agent fees	0.00	36.00	-36.00	----
07 - Motor Vehicle excise	0.00	9,719.13	-9,719.13	----
08 - Boat Excise	0.00	361.00	-361.00	----
09 - Vitals	0.00	44.60	-44.60	----
Final Totals	0.00	10,969.98	-10,969.98	----

General Ledger Summary Report

Fund(s): ALL

ALL

Account	Beg Bal	----- Y T D -----			Pending Activity	Balance Net
	Net	Debits	Credits	Net		
1 - General Fund	0.00	24,519.18	24,519.18	0.00	9,527.70	9,527.70
Assets	1,145,240.56	18,467.01	12,897.73	5,569.28	6,973.37	1,157,783.21
100-00 Cash / Checking	1,042,637.82	16,711.45	5,899.19	10,812.26	11,539.52	1,064,989.60
110-00 Debit Card Account-Androscogg	2,030.92	0.00	0.00	0.00	0.00	2,030.92
110-01 Cash Drawers	400.00	0.00	0.00	0.00	0.00	400.00
110-03 Andro Savings 1600191314	242,867.27	0.00	0.00	0.00	0.00	242,867.27
116-00 NSF CHECK	10.00	0.00	0.00	0.00	0.00	10.00
121-00 PAYROLL TAXES RECEIVABLE	1,431.57	0.00	0.00	0.00	0.00	1,431.57
150-05 2005 Real Estate Taxes	0.00	0.00	0.00	0.00	0.00	0.00
150-12 2012 Real Estate Taxes	5,612.92	0.00	0.00	0.00	0.00	5,612.92
150-13 2013 Real Estate Taxes	3.86	0.00	0.00	0.00	0.00	3.86
150-14 2014 Real Estate Taxes	81,832.36	0.00	5,833.26	-5,833.26	-75.65	75,923.45
150-15 2015 Real Estate Taxes	-6,286.39	0.00	586.90	-586.90	0.00	-6,873.29
155-04 2004 pp Taxes	1,268.36	0.00	0.00	0.00	0.00	1,268.36
155-05 2005 pp Taxes	168.81	0.00	0.00	0.00	0.00	168.81
155-06 2006 pp Taxes	250.19	0.00	0.00	0.00	0.00	250.19
155-07 2007 pp Taxes	261.03	0.00	0.00	0.00	0.00	261.03
155-08 2008 pp Taxes	421.05	0.00	0.00	0.00	0.00	421.05
155-09 2009 pp Taxes	554.20	0.00	0.00	0.00	0.00	554.20
155-10 2010 pp Taxes	880.67	0.00	0.00	0.00	0.00	880.67
155-11 2011 pp Taxes	1,504.76	0.00	0.00	0.00	0.00	1,504.76
155-12 2012 pp Taxes	1,761.53	0.00	0.00	0.00	0.00	1,761.53
155-13 2013 pp Taxes	2,154.16	0.00	0.00	0.00	0.00	2,154.16
155-14 2014 pp Taxes	6,082.73	0.00	0.00	0.00	0.00	6,082.73
155-15 2015 Taxes-p	-0.04	0.00	0.00	0.00	0.00	-0.04
160-09 2009 Liens	5,411.87	0.00	0.00	0.00	0.00	5,411.87
160-10 2010 Liens	5,611.57	0.00	0.00	0.00	0.00	5,611.57
160-11 2011Liens	5,611.57	0.00	0.00	0.00	0.00	5,611.57
160-12 2012 Liens	-20.51	0.00	0.00	0.00	0.00	-20.51
160-13 2013 Liens	44,161.95	0.00	242.38	-242.38	-3,834.00	40,085.57
165-00 Write off	0.08	0.00	0.00	0.00	0.00	0.08
199-02 Due to/from Ladd Rec	-26,196.69	1,755.56	0.00	1,755.56	-587.50	-25,028.63
199-03 Due to/from Special Revenues	-10,733.22	0.00	336.00	-336.00	-69.00	-11,138.22
199-04 Due to/from Capital Projects	-257,342.48	0.00	0.00	0.00	0.00	-257,342.48
199-05 Due to/from Trust Funds	-7,111.36	0.00	0.00	0.00	0.00	-7,111.36
Liabilities	174,995.22	1,692.60	5,425.36	3,732.76	-2,554.33	176,173.65
310-01 BMV	2,182.95	0.00	2,907.36	2,907.36	-3,220.33	1,869.98
310-03 State Vital Fees	28.40	0.00	6.40	6.40	0.00	34.80
310-15 IFW	4,080.00	0.00	603.06	603.06	401.00	5,084.06
310-30 Dog License State	-301.50	0.00	0.00	0.00	0.00	-301.50
310-35 State Plumbing Fee 25%	583.75	0.00	0.00	0.00	62.50	646.25
310-36 DEP Plumbing Fee \$15.00	15.00	0.00	0.00	0.00	15.00	30.00
320-05 LPI Plumbing Fee 75%	-436.25	0.00	0.00	0.00	187.50	-248.75
330-10 Federal withholding	0.00	1,406.69	1,406.69	0.00	0.00	0.00
330-25 State withholding	0.00	195.76	195.76	0.00	0.00	0.00
330-40 Retirement withholding	0.00	90.15	90.15	0.00	0.00	0.00
330-50 MMEHT with holding	18.65	0.00	215.94	215.94	0.00	234.59
400-00 Deferred Tax Revenues	168,824.22	0.00	0.00	0.00	0.00	168,824.22
Fund Balance	970,245.34	4,359.57	6,196.09	1,836.52	0.00	972,081.86

General Ledger Summary Report

Fund(s): ALL
ALL

Account	Beg Bal Net	----- Y T D -----			Pending Activity	Balance Net
		Debits	Credits	Net		
1 - General Fund CONT'D						
500-00 Expense control	0.00	4,359.57	0.00	-4,359.57	0.00	-4,359.57
510-00 Revenue control	0.00	0.00	6,196.09	6,196.09	0.00	6,196.09
520-00 Undesignated fund balance	970,245.34	0.00	0.00	0.00	0.00	970,245.34
2 - Ladd Rec Operations						
Assets	0.00	1,755.56	1,755.56	0.00	587.50	587.50
199-01 Due to/from	26,196.69	0.00	1,755.56	-1,755.56	587.50	25,028.63
Liabilities	0.00	0.00	0.00	0.00	0.00	0.00
Fund Balance	26,196.69	1,755.56	0.00	-1,755.56	0.00	24,441.13
500-00 Expense Control	0.00	1,755.56	0.00	-1,755.56	0.00	-1,755.56
520-00 Fund Balance	26,196.69	0.00	0.00	0.00	0.00	26,196.69
3 - Special Revenues						
Assets	0.00	336.00	336.00	0.00	69.00	69.00
120-01 No. Wayne School House KSB	1,245.57	0.00	0.00	0.00	0.00	1,245.57
199-01 Due to/from	10,733.22	336.00	0.00	336.00	69.00	11,138.22
Liabilities	0.00	0.00	0.00	0.00	0.00	0.00
Fund Balance	11,978.79	0.00	336.00	336.00	0.00	12,314.79
510-00 Revenue Control	0.00	0.00	336.00	336.00	0.00	336.00
525-00 Animal Control	2,100.03	0.00	0.00	0.00	0.00	2,100.03
531-00 Farmers Market	754.52	0.00	0.00	0.00	0.00	754.52
532-00 Wayne History Project	3,973.42	0.00	0.00	0.00	0.00	3,973.42
534-00 TOWN BOAT LAUNCH	-542.15	0.00	0.00	0.00	0.00	-542.15
535-00 Soccer	1,881.59	0.00	0.00	0.00	0.00	1,881.59
536-00 Softball	635.48	0.00	0.00	0.00	0.00	635.48
537-00 Baseball	452.36	0.00	0.00	0.00	0.00	452.36
539-00 Community Directory	70.00	0.00	0.00	0.00	0.00	70.00
541-00 Water Quality	2,653.54	0.00	0.00	0.00	0.00	2,653.54
4 - Capital Reserves						
Assets	0.00	0.00	0.00	0.00	0.00	0.00
109-00 Fire Truck - WAFCU - 24852-00	25.00	0.00	0.00	0.00	0.00	25.00
110-00 Fire Truck - WAFCU - 24852-64	15,817.99	0.00	0.00	0.00	0.00	15,817.99
199-01 Due to/from	257,342.48	0.00	0.00	0.00	0.00	257,342.48
Liabilities	0.00	0.00	0.00	0.00	0.00	0.00
Fund Balance	273,185.47	0.00	0.00	0.00	0.00	273,185.47
521-00 Transfer Station	73,572.00	0.00	0.00	0.00	0.00	73,572.00
522-00 Voting Machine	6,500.00	0.00	0.00	0.00	0.00	6,500.00
523-00 Roads	47,314.15	0.00	0.00	0.00	0.00	47,314.15
524-00 Fire Truck	15,817.99	0.00	0.00	0.00	0.00	15,817.99

General Ledger Summary Report

Fund(s): ALL
ALL

Account	Beg Bal Net	----- Y T D -----		Net	Pending Activity	Balance Net
		Debits	Credits			
4 - Capital Reserves CONT'D						
525-00 Sand Salt Shed	2,918.64	0.00	0.00	0.00	0.00	2,918.64
526-00 Footbridge	3,767.44	0.00	0.00	0.00	0.00	3,767.44
529-00 Building maintenance	152.50	0.00	0.00	0.00	0.00	152.50
530-00 Fire Station	1,591.74	0.00	0.00	0.00	0.00	1,591.74
531-00 Lord Road Paving	30,410.48	0.00	0.00	0.00	0.00	30,410.48
532-00 Hardscrabble Road	2,810.53	0.00	0.00	0.00	0.00	2,810.53
533-00 Lovejoy Pond Dam	18,183.53	0.00	0.00	0.00	0.00	18,183.53
534-00 Land/Building	4,327.61	0.00	0.00	0.00	0.00	4,327.61
535-00 Cemetery Stone Cleaning	9,900.00	0.00	0.00	0.00	0.00	9,900.00
536-00 Town Office	32,250.00	0.00	0.00	0.00	0.00	32,250.00
537-00 Besse Road Chip Seal	4,800.00	0.00	0.00	0.00	0.00	4,800.00
538-00 Fire Equipment	6,246.00	0.00	0.00	0.00	0.00	6,246.00
539-00 Village Improvements	2,281.29	0.00	0.00	0.00	0.00	2,281.29
540-00 Technology	1,163.00	0.00	0.00	0.00	0.00	1,163.00
541-00 GIS Map	1,100.00	0.00	0.00	0.00	0.00	1,100.00
542-00 Emergency Management	5,200.00	0.00	0.00	0.00	0.00	5,200.00
543-00 Fire Pond/Dry Hydrant	1,633.00	0.00	0.00	0.00	0.00	1,633.00
544-00 North Wayne School House	1,245.57	0.00	0.00	0.00	0.00	1,245.57
5 - Trust Funds	0.00	0.00	0.00	0.00	0.00	0.00
Assets	75,046.96	0.00	0.00	0.00	0.00	75,046.96
101-00 Jaworski Andro 45107709	1,138.40	0.00	0.00	0.00	0.00	1,138.40
103-00 Ruth Lee Andro 45107645	8,461.03	0.00	0.00	0.00	0.00	8,461.03
104-00 Ladd Worthy Poor Andro 4510761	21,088.14	0.00	0.00	0.00	0.00	21,088.14
105-00 Ladd WAFCU 25542-ID 00	25.11	0.00	0.00	0.00	0.00	25.11
106-00 Ladd WAFCU 25542-ID 10	14,722.12	0.00	0.00	0.00	0.00	14,722.12
107-00 Ladd WAFCU 25542-ID 64	22,500.80	0.00	0.00	0.00	0.00	22,500.80
199-01 Due to/from	7,111.36	0.00	0.00	0.00	0.00	7,111.36
Liabilities	0.00	0.00	0.00	0.00	0.00	0.00
Fund Balance	75,046.96	0.00	0.00	0.00	0.00	75,046.96
521-00 Jaworski Fund Balance	1,138.40	0.00	0.00	0.00	0.00	1,138.40
522-00 Ladd Recreation Capital FB	41,033.03	0.00	0.00	0.00	0.00	41,033.03
523-00 Ruth Lee FB	8,461.03	0.00	0.00	0.00	0.00	8,461.03
524-00 Ladd Worthy Poor FB	24,414.50	0.00	0.00	0.00	0.00	24,414.50
Final Totals	0.00	26,610.74	26,610.74	0.00	10,184.20	10,184.20