

Town of Wayne Board of Selectmen

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

Meeting Agenda

Date: Tuesday, September 8, 2015

Time: 6:30 PM

Place: Wayne Elementary School – Library

Call Meeting to Order.

Pledge of Allegiance.

Selectmen Present / Quorum.

Meeting Minutes.

- a. **Consider approving of meeting minutes of the Wayne Board of Selectmen – August 25, 2015.**
Manager Recommendation: Move the Board to approve meeting minutes of the Wayne Board of Selectmen – August 25, 2015.

Warrants.

- a. **Consider approving of Payroll Warrant #10.**
Manager Recommendation: Move the Board to approve Payroll Warrant #10.
- b. **Consider approving of Accounts Payable Warrant #11**
Manager Recommendation: Move the Board to approve Accounts Payable Warrant #11.

Business Agenda.

- a. **Award General Obligation Bond**
Manager Recommendation: Move the Board to vote to award the 2015 General Obligation Bond for the reconstruction and paving to **Camden National Bank** with **2.16%** interest.
- b. **Authorization to Sign necessary paperwork**
Manager Recommendation: Move the Board to authorize the Chair, Board of Selectmen and Treasurer to sign any necessary paperwork approved by Bond Counsel regarding the 2015 General Obligation Bond for the road reconstruction and paving.
- c. **Designate the Town Manager to vote at the MMA Annual Business Meeting.**
Manager Recommendation: Move the Board to designate the Town Manager to vote at the MMA Annual Business Meeting.
- d. **Consider Gwendolyn Bowen request for compensation for Brush removed in the Town's ROW.**
Manager Recommendation:

e. **Proclamation for Constitution Week**

Manager Recommendation: Move the Board to sign Proclamation for Constitution Week.

Supplements / Abatements.

Town Manager Report.

Board Member Reports.

Public Comments.

Adjourn.

The next regularly scheduled **Board of Selectmen Meeting** is scheduled for **Tuesday September 22, 2015** at **6:30 PM** at the Wayne Elementary School - Gymnasium.

**Town of Wayne, Maine
Select Board Meeting Minutes
Tuesday August 25, 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, and Don Welsh. Jonathan Lamarche was absent.

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

Audience: Bruce Burleigh, Peter Davis, Mary Farnham, Chris McKee, and David Stevenson

Pledge of Allegiance

Meeting Minutes

- a. A motion was made to approve the meeting minutes of the Board of Selectmen on August 11, 2015. (Haines/Welsh) (4/0)

Warrants

- a. The Board approved Warrant #8 (Payroll) in the amount of \$5849.23. (Welsh/Haines) (4/0)
- b. The Board approved Warrant #9 (Accounts Payable) in the amount of \$37,806.08. (Welsh/Haines) (4/0)

Business Agenda

- a. Discussion about potential mooring ordinance. Peter Davis and Androscoggin Yacht Club officers were present. Town Manager provided information in packet (attached) about mooring ordinances. Chris McKee stated he has talked with a game warden who felt the moorings were within law. Chris stated that he has been working to have owners of moorings that were in channel to move their moorings. Peter Davis stated he felt AYC doesn't have room for all the boats moored in the cove and he feels moorings remain in front of his shoreline property, which he states he pays premium taxes for and can't access. The Board stated they are not convinced that a mooring ordinance is needed in Wayne, and suggested Peter resolve his issue with AYC moorings in another way.
- b. The Board moved to sign Assessor's Certification of Assessment. (Haines/Welsh) (4/0)
- c. The Board moved to sign Municipal Tax Assessment Warrant. (Haines/Welsh) (5/0)
- d. The Board moved to sign Certificate of Commitment. (Welsh/Haines) (4/0)
- e. The Board moved to sign Assessor's Certification of Assessment to be Returned to Municipal Treasurer. (Haines/Welsh) (4/0)

- f. The Board moved to authorize the Chair/Vice-Chair of Board of Selectmen and Town Manager to sign Management Representation Letter. (Welsh/Haines) (4/0)
- g. The Board moved to authorize the Town Manager to sign Winthrop Ambulance Service Contract for FY 2015-2016. (Welsh/Haines) (4/0)
- h. The Board moved to approve Farmers Market Committee Directive. (Welsh/Haines) (4/0)
- i. Discussion about future contracting methods of road work. Town Manager stated C.H. Stevenson complained that too much work was going to out of town contractors. Board feels Bruen provides great service to town, but sees need for fairness and for more bidding out of work. Town Manager suggests putting the annual grading out to bid. Tabled until time closer to budget time.

Abatements/Supplements: None

Town Manager Report:

- a. KVCOG email stating need for one elected and one appointed official. Board moved to accept Don Welsh and Aaron Chrostowsky to represent Wayne at KVCOG General Assembly meetings. (Haines/Ault) (4/0)
- b. Town Manager stated the Town Attorney reviewed and approved the Policy Governing Access to Public Records under the Maine Freedom of Access Act.
- c. Wayne General Store repaired their septic system, using gravel to divert water runoff from going over leach field.
- d. The Bank of Maine approved Wayne's proposal to clean up Earle Welch Jr. property on North Wayne road. Work will begin soon.
- e. Noise and Firework complaints at North Wayne Dam have prompted increased sheriff patrol. A resident suggested turning off spot light there to discourage loitering, but Board did not feel that necessary.

Board Member Reports:

- a. Gary Kenny requested an update on the Time Warner Cable Franchise agreement. He stated that Fairpoint received a grant to expand their network. He suggested that the Town Manager get a copy of the map.
- b. Gary Kenny stated he received a long voice mail from Gwendolyn Bowen requesting that the new Selectboard member Lamarche visit her property to see the damage done to her trees last year by the road mowing. Town Manager said he will ask Lamarche to accompany him on a visit. The Board stated no need/desire to have the town do anything for reparation.
- c. Gary Kenny wanted to confirm meeting with Robert Pettengill and several Board members on 9/3/2015 at 3pm.
- d. Gary Kenny said he received a letter from Gibson Realty LLC, who gave a grant to the Ladd Recreation Center, requesting town purchase his book, which is fundraiser for Cancer Research. Town to use Sunshine Fund to purchase book and donate to Cary Memorial Library. The Board agreed.

- e. Gary Kenny stated he will be unable to attend next Selectboard meeting on Tuesday September 8, 2015.

Public Comments:

- a. Mary Farnham asked for July 14 Selectboard minutes to be corrected because Peter Davis was incorrectly listed as a non-resident.

Adjourn.

Motion to Adjourn at 7:50 PM. (Haines/Welsh) (4/0)

The next Select Board Meeting is scheduled for Tuesday, September 8, 2015 at 6:30 p.m. at the Wayne Elementary School Library.

Recorded by:
Cathy Cook, Town Clerk

Select Board Members

Gary Kenny

Stephanie Haines

Peter Ault

Don Welsh

Jonathan Lamarche

To: Board of Selectmen
From: Aaron Chrostowsky, Town Manager
Re: General Obligation Bond Award
Date: September 10, 2015

As you recall Annual Town Meeting authorized the Town to borrow for paving and road construction, this FY 15-16. The Town received three complete bids from the following lending institutions:

Camden National Bank:	2.16%
Skowhegan Savings	2.35%
Androscoggin Bank	2.62%

I recommend the Town award the General Obligation Bond to Camden National Bank.

For reference purposes, our previous road bonds:

Year	Bank	Principal	Interest
2013	TD Bank,	\$170,000	2.32%.
2014	Camden National Bank,	\$300,000	2.21%
2015	Camden National Bank,	\$300,000	2.16%

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>

INVITATION TO BID GENERAL OBLIGATION BOND

The Town of Wayne (the "Town") invites bids for a General Obligation Bond in an amount up to \$300,000 to fund road reconstruction and repair. The Bond will be dated on or about **September 22, 2015** and loan proceeds will be taken as a lump sum on that date. Repayment of the principal on the Bond will be made in five (5) annual installments of equal amount, plus accrued interest.

Interested banks must submit sealed bids by 12:30 p.m. on Thursday, September 3, 2015. Each bid should be submitted to Aaron Chrostowsky, Town Manager, P.O. Box 400, Wayne, ME 04284 in a sealed envelope marked "Bid for General Obligation Bond". Bids will be considered by the Select Board at its meeting convening at 6:30 p.m. on the evening of **September 8, 2015** at the Wayne Elementary School - Gym. Information regarding the Town's finances can be obtained by calling Aaron Chrostowsky during business hours at (207) 685-4983.

Bids must disclose the amount of any fees or other charges relating to the borrowing. Bids must permit the Town to prepay the note at the election of the Town without penalty at any time. Bids shall remain firm for acceptance by the Town for 5 days from the submission deadline.

The Town has engaged Lee Bragg of the firm of Bernstein, Shur, Sawyer & Nelson to act as Bond Counsel in connection with this borrowing, and, if required, the successful bidder will be provided with an unqualified opinion from Bond Counsel at the time of the closing. The Town will certify that the debt is a qualified tax-exempt obligation within the meaning of Section 265(b)(3)(B) of the Internal Revenue Code.

The Town reserves the right to accept or reject any or all bids, to waive any informality in the bids and to exercise its judgment in evaluating the bids. The decision of the Select Board on these matters shall be final and conclusive.

DISTRIBUTION LIST

Paul T. Soucie, Vice President
Androscoggin Bank
30 Lisbon Street
Lewiston, ME 04240
Phone: (207) 897-3491
E-mail: psoucie@androscogginbank.com

John A. Moore, Senior Vice President
Bangor Savings Bank
P.O. Box 930
Bangor, ME 04402-0930
Phone: (207) 262-4936
E-mail: john.moore@bangor.com

Nathan Cotnoir, Vice-President
Camden National Bank
21 Armory Street
Augusta, ME 04330
Phone: 207-622-8742
Email: ncotnoir@camdennational.com

Julie A. Buffington, Vice President
KeyBank, N.A.
286 Water Street
Augusta, ME 04322
Phone: (207) 623-5454
E-mail: Julie_A_Buffington@KeyBank.com

D. Mark Stebbins
VP & Commercial Loan Officer
Kennebec Savings Bank
150 State Street
Augusta, ME 04330
Phone: 622-5801
Email: mstebbins@kennebecsavings.com

Debbie Knox, Commercial Account Officer
Skowhegan Savings Bank
P.O. Box 250
Skowhegan, ME 04976
Phone: (207) 858-2573
E-mail: dknox@skowsavings.com

Barbara Durr, Vice President
TD Bank, N.A.
Government Banking
Two Portland Square, 3rd Floor
Portland, ME 04101
Barbara.Durr@td.com

Theodore N. Scontras
Executive Vice President
The Bank of Maine
640 Main Street
Saco, ME 04072
tscontras@thebankofmaine.com

 **Camden National Bank**

August 31, 2015

Aaron Chrostowsky
Town Manager
P.O. Box 400
Wayne, ME 04284
"Bid for General Obligation Bond"

Dear Mr. Chrostowsky:

Thank you for the opportunity to bid on your request for municipal funds for the Town of Wayne in an amount not to exceed Three Hundred Thousand and 00/100 Dollars (\$300,000.00) for the purpose of road reconstruction and repair. Camden National Bank (the "Bank") is pleased to offer this Note subject to the following conditions:

- 1) ISSUER: Town of Wayne
- 2) ISSUE DATE: On or about September 22, 2015
- 3) DENOMINATION OF NOTES: One note in an amount not to exceed \$300,000.00 will be issued on a lump-sum basis.
- 4) MATURITY DATE: Sixty (60) months from closing
- 5) INTEREST RATE: The tax exempt interest rate will be **2.16%**, fixed. The interest is computed on the basis of actual days elapsed over a 360-day year, resulting in total interest paid of approximately \$19,047.60.
- 6) REPAYMENT TERMS: Principal PLUS interest on the note shall be payable annually until the maturity of the note, estimated as approximately equal installments of \$60,000 to principal plus accrued interest.
- 7) PREPAYMENT PROVISION AND FEES: The note may be prepaid at any time without penalty. The Bank assesses no fees associated with the loan closing.
- 8) LEGAL OPINION: This bid is subject to a legal opinion from bond counsel acceptable to the Bank, the cost of which will be borne by the Town of Wayne. The opinion must include a statement that the note represents a valid and binding obligation of the issuer and further that the note is a "bank qualified and designated tax exempt obligation" for the purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended. The issuer's counsel will be responsible for preparing the required loan documents and filing the necessary forms with the Internal Revenue Service.



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Page 2
August 31, 2015

9) ADDITIONAL PROVISION: It is a condition of this commitment that none of the proceeds shall be used or invested in any manner such as to result in the loss of exemption from Federal income taxation of interest earned on this obligation. If this condition is violated by the issuer, the actions of any of its officers, agents, or employees, said issuer shall be liable to any holder of this obligation for all income tax liability incurred by said holder as a result of said condition broken, and in addition, all obligations under this Note shall become immediately due and payable at the option of the holder. All acts, conditions and formalities essential to the validity of said obligation have been performed and complied with as required by law, and the total indebtedness of the issuer is within the legal debt limit prescribed by law.

10) CONFIRMATIONS: The Town of Wayne must confirm in writing that:
-The Town of Wayne will comply with all of the Tax Reform Act of 1986, as amended, including all provisions relating to arbitrage and rebate.

11) SUBMISSION OF FINANCIAL STATEMENTS: The Town of Wayne will provide the Bank with year-end audited financials within one hundred twenty (120) days of the City's fiscal year-end. Such statements are to be prepared by an independent certified public accountant.

This commitment shall expire if it is not accepted in writing by September 10, 2015 and may be withdrawn if any adverse information relating to the issuer's affairs is discovered prior to closing.

Should you have any questions regarding this commitment or require additional information, please contact me at 207-512-0778 or by email at ncotnoir@camdennational.com. Thank you for considering Camden National Bank for the Town's financial needs.

Sincerely,



Nathan R. Cotnoir
Vice President



Maine Municipal
Association

60 COMMUNITY DRIVE
AUGUSTA, MAINE 04330-9486
(207) 623-8428
www.memun.org

MEMORANDUM

TO: Key Municipal Officials of MMA Member Cities, Towns and Plantations

FROM: Stephen W. Gove, Interim Executive Director

DATE: September 1, 2015

SUBJECT: Voting Credentials for MMA Annual Business Meeting

The Maine Municipal Association Annual Business Meeting is being held in conjunction with the MMA Annual Convention and will take place on **Wednesday, October 7, 2015, at 1:30 p.m. in the Cumberland Room at the Augusta Civic Center.** The MMA Bylaws entitle each member community to one (1) voting representative.

Enclosed please find the *MMA Voting Delegates Credential Form* on which the municipal officers may designate their municipality's voting representative and alternate. We have also attached the Proposed Agenda for the MMA Annual Business Meeting for your reference. The current MMA Bylaws as adopted in 2013 will be available at the MMA Annual Business Meeting or may be viewed on the MMA website at

<http://www.memun.org/public/MMA/Gov/bylaws.pdf>.

If you plan to be at the MMA Annual Convention and would like to have a Voting Delegate represent your municipality, please complete the MMA Voting Delegate Credential Form and return to our office by **Tuesday, October 6, 2015** or bring it with you to the MMA Annual Business Meeting. We have provided a self-addressed, self-stamped envelope for your convenience.

We look forward to seeing you at this year's MMA Annual Convention. If you have any questions on this information, please contact Theresa Chavarie at 1-800-452-8786 ext. 2211 or in the Augusta area at 623-8428.

**Maine Municipal Association
Annual Business Meeting
Wednesday, October 7, 2015
1:30 – 2:30 p.m.
Augusta Civic Center
Level 1 – Cumberland Room**

AGENDA

- 1. Introductions and Welcoming Remarks – MMA President Stephan Bunker
(Selectperson, Town of Farmington)**
- 2. Approval of 2014 MMA Annual Business Meeting Minutes – Stephan Bunker**
- 3. MMA President’s Report – Stephan Bunker**
- 4. Announcement of Election Results for MMA Executive Committee and
Introduction of New Executive Committee Members – Stephan Bunker**
- 5. Executive Director’s Report - Stephen Gove, Interim Executive Director**
- 6. Other Business (*comments from the floor*)**
- 7. Adjournment**

**MAINE MUNICIPAL ASSOCIATION
VOTING DELEGATE CREDENTIALS**

_____ is hereby designated as the official Voting Delegate and
(name)
_____ as the alternate voting delegate for Wayne
(name) (municipality)
to the Maine Municipal Association Annual Business Meeting which is scheduled to be held,
Wednesday, October 7, 2015, 1:30 p.m., at the Augusta Civic Center, Augusta, Maine.

The Voting Delegate Credentials may be cast by a majority of the municipal officers, or a municipal official designated by a majority of the municipal officers of each Municipal member.

Date: September 8, 2015 Municipality: Wayne

Signed by a Municipal Official designated by a majority of Municipal Officers:

Name: _____ Position: _____

Or Signed by a Majority of Municipal Officers:

_____	_____
_____	_____
_____	_____
_____	_____

Please return this form no later than **Tuesday, October 6, 2015** or bring it with you to the MMA Annual Business Meeting. If mailing, send to:

**MMA Annual Business Meeting
Maine Municipal Association
60 Community Drive
Augusta, Maine 04330
FAX: 207-626-3358**

June 17, 2015

Dear Town Manager and Board of Selectmen for Wayne,

I have lived at 205 Old Winthrop Road since 1981. My mother died in October of 2014 in Indiana, and I have been there, getting her house ready to sell and working on closing her estate, and came home to Wayne on May 6 of this year. Soon after arriving home, during a walk along the road, I observed that much regarded trees along my side of the stone wall alongside the road, which had been growing and flourishing and providing valuable privacy and noise reduction, had been removed. I saw stump after stump, not cleanly cut with a chainsaw, but ragged. Heartbroken at the loss of trees that were very important to me (how our properties look from the road near our homes really determines the character of the whole property), and puzzled because I couldn't figure out what could have happened to them all, I called Aaron Chrostowsky to inquire. He mentioned a bad winter, heavy snow pushed on the trees, as a possibility, but was nice enough to say that he would come and take a look. The first visit, he only had five minutes, but the moment he saw the damage, he knew just what had happened. He said it wasn't winter or the snow plow. To his credit, he was honest and said it was "special mowing," to prepare for repaving the Old Winthrop Road in the fall of 2014 (when I was not here). A big, powerful, non-specific mowing machine came through,

carelessly removing long vertical swaths of bark from 100 year old specimen Canadian Hemlock trees, left high branches in tatters (branches that didn't need to be taken because they were so high and because their habit is to point upwards), and removed tree after tree ^{clearly} on my property (mostly evergreens, 25 - 35 years old). I had been working diligently on the woods near the house to get everything just right, and ^{along} the road, near the house and down the road toward Morrison Heights for a few hundred feet was PERFECT, just beautiful, and in just one day, all of that beauty was decimated, needlessly, recklessly, with no regard whatsoever for private property or doing quality, intelligent work.

I believe in the past, we were told that the town's right of way on this road was 18 feet from the center of the road on both sides. But lately, people are saying it is 20 feet on either side. Don Welsh was nice enough to come and take a look at what happened, and measured from the center of the road, and all of the trees ^{that were mistakes by me,} that were on the map I made and showed to Aaron, were more than 20 feet from the center of the road. Several were 24, 25 and 26 feet from the center of the road.

They were all beautiful, healthy trees. Most were decades old.

Here is a list of the trees that were wrongly taken:

- 1 Balsam fir tree
- 1 American beech tree
- 2 pagoda dogwood trees
- 4 Canadian hemlock trees
- 9 Northern white cedars
(*Thuja occidentalis*)

Here is what I'm asking all of you for:

Financial compensation for the full amount of money which would cover:

- 1) Replacement value for much smaller trees than were taken (in most cases, $\frac{1}{4}$ to $\frac{1}{3}$ as tall as the trees that were cut

Roaring Brook Nursery in Wales (639 Gardner Rd.)

207-375-4884 sells the size of white cedar and hemlocks that I am asking ^{for} compensation for.

Hemlocks, 6'-7' \$250 each with a slight discount for municipalities

Northern white cedars, 7'-8' \$125 each for towns.

(Anything smaller than 8' would be gobbed up by deer in short order. Next to apple trees, cedars seem to be their passionate preference). Their 'Nigra' cultivar is closest to the trees I lost.

Longfellow's in Manchester carries pagoda dogwoods (\$89.99 each) and balsam fir (59.99 each).

Longfellow's might be able to special order an American beech, or an installer would know a good source and a price for a medium-sized beech tree.

2) The cost for a landscaper to remove stumps of trees that were wrongfully taken, transport trees here, and plant, using ^{large} machines (root balls of trees from Roaring Brook for cedars and hemlocks can be hundreds of pounds in weight).

Roaring Brook recommended only one landscape person, Aaron Robertson of Down to Earth Landscaping, from Winthrop. 377-3603, as being reliable and good.

Aaron Chrostowsky told me that he has used Stuechi in the past. I would ask that you, to determine how much the job would cost, for trees and labor, pay Aaron Robertson or Stuechi to come here and write up an estimate for you. Cedars and hemlocks of less size than Roaring Brook's would not be acceptable. They give good value for medium-sized trees. I would ask that Don Welsh would meet either or both landscapers here & show them exactly what they would be giving an estimate for, tree by tree, if he has time and is

willing to do this, as he has seen each severed tree, and measured and taken pictures.

Rather than have the job of making things right, to some extent, while I am away tending to my mother's estate, I am asking to be financially compensated for the amount it would cost if it were to be done now.

I am not asking for

- 1) Replacement of a lovely ^{which I planted} red maple on my property that was cut, ^(by the mowing machine) because it was as important to me as the others were.
- 2) Trees as large as what you took. I hope you can try to appreciate this, because I think I would have a right to expect you to compensate me for the tree value of the trees (I saw some 6' bushy hemlocks at Strach's last year + asked how much they were, just out of curiosity - they were set aside in a group and didn't have price tags - the lady, ~~the~~ Cindy, I believe, said \$800 each, so I can only imagine how much a 22' tall hemlock would be).
- 3) I am not asking for compensation for the 4 hemlock trees which were badly butchered but left standing, or the cedars that once were beautiful but have had their bark scraped off and branches torn away needlessly.

(Redors have a very narrow growing habit).

To use a mowing machine for a job that requires a licensed arborist who is skilled and intelligent is tantamount to declaring war on the town. Please consider reversing your stand on this matter, and protecting the people of Wayne, who are depending upon you to have their best interests at heart. I doubt if any of you would appreciate having 17 of your most valuable trees mowed down (not to mention, quite a few ^{all but} ruined). So, why would you want to do that to somebody else? Whenever we let monetary concerns override basic decency, we are descending down a dangerous slope. Everything good is worth sacrificing for. Licensed arborists, in my view, are going to help you keep the good will of the citizenry, help you not to incur further liability, and help you do your jobs with a high degree of quality. If this were the ugliest town in the ugliest state, and all of the citizens agreed, sure, go ahead and use a mowing machine. But this is Maine. And this is a particularly beautiful town. Please reconsider before you offend each and every homeowner, just to save money. I'm sure to speak for nearly every citizen. We would rather pay for a bucket truck. Dennis Bruce's nephew is highly competent, and now I

hear that Taylor Stevenson may be doing that kind of work also.

Natural beauty inspires, heals, and encourages us. Part of Wayne's extraordinary beauty can be seen along most of her roads.

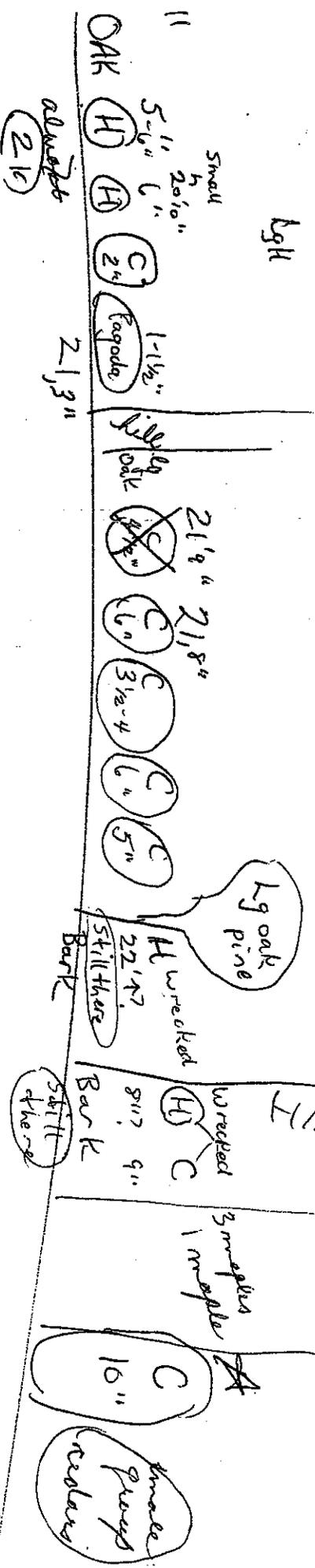
Once you determine how much it would cost to compensate me for what I am asking to be compensated for, I ask that you do not ask me to compromise on that amount. I am already compromising as much as I can by not asking to be compensated for trees the same size as the ones which were wrongfully taken, and for not asking for compensation for the trees which are still there but have been resin'd or all but resin'd (some were valuable trees).

Thank you so much to those of you who gave your time to come over, and thank you for considering my request.

Most sincerely,
Gwendolyn Bowen

P.S. I have never complained before about anything.

lgh



Abies wood 20

Hemlock cut

cedar plus prays of small

poplar dogwood

8 cedars
2 hemlocks

15"
C

knock prays
cedars

3 maples
1 maple

HILL

Lg oak
pine

wrecked
still there
Bark

wrecked
Bark

downway

~~Poplar~~

~~Hemlock~~
8"-9"

~~H~~
4 1/2"

~~Beak~~
4"

Hemlock
still there
ruined
11" ← ?

full

Hemlock
still
there
cut fairly

~~26~~
(25, 30)

~~22~~
(21, 11")

25

24

11" ← ?

log cut & cut

~~red maple~~
4"

fir
7-8"
24

1 poplar

2 hemlock cut, 2 missed

1 beak

1 fir

Municipal Ownership of Roads and Types of Roads

Municipal Ownership of Roads

Questions often arise about who “owns” a road or the land on which a road sits. As pertains to municipalities, the law does not use the term “ownership,” rather, it looks at the municipality’s legal title or legal interest in the road. Municipalities will have either a *fee simple interest* or an *easement interest*.¹

Fee Simple Interest. A fee simple interest is an absolute and unqualified interest in the land. At common law, this interest extends infinitely both above and below the surface of the earth, and includes mineral rights. The owner of a fee simple interest can use the land for any lawful purpose.

All roads accepted or taken by a municipality after December 31, 1976 are held in fee simple interest, unless the acceptance, deed or order of condemnation states otherwise.²

Easement Interest. An easement interest is much more limited than a fee simple interest. An easement is the right to use land owned by someone else for a specified purpose. In the case of roads, the easement allows the public to travel over land owned by someone other than the municipality.

Most municipal roads in Maine “rest on” an easement interest rather than a fee simple interest. This is because most municipal roads are held as easements over property. Some roads accepted or taken before January 1, 1977 may be held in fee simple, but this must be stated clearly in the deed or other document by which the municipality obtained the property.³

In some cases, municipalities own the fee interest in ancient roads and so-called “rangeways” that were established by grants of land from the English monarchy to the colonial proprietors of early Maine settlements. (In rare instances, the municipality may own the fee interest in the land beneath the road (e.g., through tax lien foreclosure); however, this does not necessarily mean that the road over such land is a town way unless the land has been accepted for road purposes.)

Because a municipality can accept an easement interest in a road rather than the entire fee to the road, the road so created may not include utility rights. Therefore, the deed conveying the easement and the warrant article accepting the conveyance should include those utility rights expressly.⁴ The owner of an easement or right-of-way interest created by deed executed on or after January 1, 1990 that does not expressly reserve the right to install utility services will not have that right by implication.

Types of Roads

Though the legal interest held by a municipality is important, it is the road type that determines the town's maintenance obligation. Whereas legal *interest* defines or characterizes ownership rights, road type defines or characterizes legal *status*. It is the legal status of a road that decides whether a municipality is obligated to maintain a road or whether maintenance is discretionary. Questions about the municipality's legal interest in a road generally arise with regard to activities in the right of way (cutting trees and brush, for example) and responsibilities for repair, plowing and maintenance of the road.

This Manual focuses on three types of local roads: (1) town ways; (2) public easements; and (3) privately owned roads. The "type" of road refers to its legal status, not to its physical condition (paved or gravel). State statute and case law identify other types of roads (such as "public ways" and state and state-aid highways), and these are discussed later in this Manual.

Town Way. A *town way* is defined⁵ as:

- (A) An area or strip of land designated and held by a municipality for the passage and use of the general public by motor vehicle;
- (B) All town or county ways not discontinued or abandoned before July 29, 1976; and
- (C) All state and state-aid highways, or both, which shall be classified town ways as of July 1, 1982, or thereafter, pursuant to 23 M.R.S.A. § 53.

Most town ways are created by some action of the municipality, such as dedication and acceptance, purchase and acceptance, eminent domain, or prescriptive use. These methods of creating roads are discussed in detail in Chapter 2, "Creation of Municipal Roads."

Some town ways came into existence by operation of State law.⁶ County ways were transformed into town ways and effectively took the counties out of the road business in organized areas. This transformation of county roads into town ways only applies to those county roads which had not been abandoned or discontinued before July 29, 1976. So, it is important to review the history of any such road before deciding whether to maintain it.

Town ways also may be created by State classification.⁷ State law allows MaineDOT, through a rule-making procedure, to reclassify state and state-aid highways as town ways, or just the reverse, namely, to classify town ways as state-aid or state highways.⁸

A municipality must keep all town ways "in repair so as to be safe and convenient for travelers with motor vehicles"⁹ and keep such ways passable if they become "blocked or

encumbered with snow.”¹⁰ Road maintenance obligations are discussed further in Chapter 5, “Road Maintenance and Repair,” and liability for failure to maintain town ways is discussed in Chapter 9, “Liability.”

A public easement differs from a town way in that while the general public has a right of unobstructed access by motor vehicle or foot over a public easement, a municipality is not obligated to maintain the easement.

Public Easement. A public easement is defined in State law as “an easement held by a municipality for purposes of public access to land or water not otherwise connected to a public way, and includes all rights enjoyed by the public with respect to private ways created by statute” prior to

July 29, 1976.¹¹ Do not confuse the term “public easement” with “easement interest,” which is a type of legal interest in property (see the first section of this chapter).

Prior to 1976, public easements were called “private ways” or “private roads subject to gates and bars.” This term should not be confused with “private roads” or “privately-owned roads,” which are discussed further below. Note that neither State statute nor local ordinances are consistent in the use of the term “private way.”

A public easement differs from a town way in that while the general public has a right of unobstructed access by motor vehicle or foot¹² over a public easement, the municipality is not obligated to maintain or repair a public easement. A municipality’s legislative body *may* authorize the repair and maintenance of public easements, but it is not required to do so.¹³ When a municipality does maintain public easements, it is not required to maintain them to the same level or degree of maintenance as town ways. Since the decision to maintain is discretionary, the level of maintenance is likewise up to the legislative body. Additionally, the municipality is not liable for defects in or lack of repair to public easements¹⁴ but may be liable for injuries caused by negligent acts or omissions in its ownership, maintenance or use of vehicles or machinery and equipment on such roads.¹⁵ Liability is discussed in Chapter 9.

Private landowners cannot prohibit public access to public easements, but they can erect gates and bars for the purpose of discouraging excessive traffic.

As to the “gates and bars” language often found in older references to private ways, the purpose of gates and bars was to allow abutting owners to “lessen the hazard of

unwarranted or casual intrusion on their property due to it being opened to easy access from the main highway. In spite of the erection of gates and bars the public still would have the right to use the way in the same manner as the parties who are primarily interested in it.”¹⁶ The Legislature removed this phrase from the public easement statute in 1976 (P.L. 1975, c. 711).

Private Road. A privately owned road, commonly called a “private road,” is a road over which neither the municipality nor the general public has the right to pass by vehicle or

on foot. Anyone using or repairing a privately owned road without the owner's permission is subject to an action by the owner for trespass.¹⁷

In general, a municipality has no legal right to spend public funds to repair, maintain or plow privately owned roads.¹⁸ In emergency cases, such as a house fire in the winter, it is probably legal to send a snowplow down a privately owned road so that the fire truck can get in, but the owner is responsible for ensuring that the road is sufficiently maintained to allow the plow to get through. This and other issues, such as school bus and mail access, are discussed in Chapter 5, "Road Maintenance and Repair."

Other References to Roads

As previously discussed, the term "town way" is defined in State law. Sometimes State law includes within this definition the terms "way" and "public way." For example, the term "public way" used in the criminal statutes includes town ways and public easements, and also includes roads to which the public has access as invitees or licensees, such as the access roads and parking lot of a shopping center.¹⁹ In the statutes regulating motor vehicles, the term "way" means the entire width between boundary lines of a road, highway, parkway, street or bridge, whether public or private.²⁰ Also, a municipal ordinance may use the terms "road" or "street" differently than does any State law. It is important, therefore, to read local ordinances carefully and to be aware of possible discrepancies between the ordinance and State law. For example, roads in a subdivision may be "public ways" for subdivision review purposes, but unless or until accepted by the municipality, they are not necessarily town ways which the municipality must accept or maintain.

Determining the Legal Status of a Road

There is no simple formula for determining the legal status of a particular road. One road, over portions of its total length, may be a combination of a town way, a public easement and a privately owned road. The status of a road depends on its creation, its history of use and maintenance, and its discontinuance, if any. It may even require court action to finally resolve the legal status of a road or portion of a road. Chapter 10 of this Manual, "Creating and Maintaining a Road Inventory," describes some techniques that local officials can use to determine a road's status.

¹ It is theoretically possible to have a leasehold interest as the basis of a public road, but we are not aware of this form of legal interest in Maine; therefore, we will not discuss it further in this manual.

² 23 M.R.S.A. § § 3023 and 3025.

³ See 33 M.R.S.A. § 460, where it provides that effective October 3, 1973, a conveyance of property abutting a town or private way conveys all of the grantor's interest in the abutting way, unless the grantor expressly reserves title to the way.

⁴ See 33 M.R.S.A. § 458.

⁵ 23 M.R.S.A. § 3021.

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- ⁶ 23 M.R.S.A. § 3021(3)(B).
- ⁷ 23 M.R.S.A. § 3021(3), which cites 23 M.R.S.A. § 53.
- ⁸ Under 23 M.R.S.A. § 754, these highways must be in good repair when the State “turns back” state or state-aid highways to a municipality.
- ⁹ 23 M.R.S.A. § 3651.
- ¹⁰ 23 M.R.S.A. § 3201.
- ¹¹ 23 M.R.S.A. § 3021.
- ¹² 23 M.R.S.A. § 3022 and 17-A M.R.S.A. § 505.
- ¹³ 23 M.R.S.A. § 3105. Although 23 M.R.S.A. § 3105 refers to the “town meeting” as authorizing the repair of public easements, it should be read to include city or town council actions as well. See also 23 M.R.S.A. § 2.
- ¹⁴ 23 M.R.S.A. § § 3651, 3655.
- ¹⁵ 14 M.R.S.A. § 8104-A(1).
- ¹⁶ *Browne v. Connor*, 138 Me. 63, 67-68, 21 A.2d 709 (1941); *Franklin Property Trust v. Foresite, Inc.*, 438 A.2d 218; 48 Me. L. Rev. 197.
- ¹⁷ See 14 M.R.S.A. § § 7551-B and 7552; and *Hatch v. Donnell*, 74 Me. 163 (1882); *Massachusetts Bay Ins. Co. v. Ferraiolo Constr. Co.*, 584 A.2d 608 (1990).
- ¹⁸ See opinion of the Justices, 560 A.2d 552 (Me. 1989).
- ¹⁹ 17-A M.R.S.A. § 505.
- ²⁰ 29-A M.R.S.A. § 101(92).

Road Boundaries

One of the more common problems related to municipal roads is defining the legal boundaries of roads. Most rights-of-way are wider than the traveled portion of the way, and include a non-traveled portion of the right of way. For example, a three-rod road is forty-nine and one-half feet (49.5) wide, but often only twenty-five to thirty feet is paved or graded for the passage of vehicles. Questions arise when abutters or others want to use the land which is outside the traveled way but still within the right of way or when the municipality needs to widen the road: how much property does the municipality own outside the traveled way, and does it need to purchase or take more property?

Outlined below are several methods for determining road boundaries.

Deed and Survey Descriptions

In some cases, particularly for roads established since the 1960's, there will be an exact description of the road contained in a deed, subdivision plan, or survey. For roads created by purchase and acceptance, dedication and acceptance, or eminent domain, it is likely that one or more of the documents involved will accurately define the road's boundaries; check both the registry of deeds and the town office for information on the road in question. However, do not rely solely on the description of a road boundary in a tax map; tax maps are not generally reliable as a source of legal descriptions. If the road in question is a former county road, contact the MaineDOT Property Office Division, 16 State House Station, Augusta, ME 04333 or call (207) 624-3000/3460 for information. That office has records on most old county roads and can often help determine the road's bounds. The county commissioners' files also may be useful sources of information for former county roads.

Lost Boundary Statute

When a road's boundaries cannot be determined, Maine law permits the municipal officers to treat it as a three-rod road (49.5 feet wide).¹ This width is measured from the center of the traveled way, i.e., one and one-half rods on each side of the centerline. However, the municipality must award damages to abutters whose property is taken as a result of the municipality exercising its rights under this law. For example, if an existing road is thirty feet wide (fifteen feet either side of the centerline), and the municipal officers wish to make it a three-rod road, compensation must be paid for the additional twenty feet of unimproved land (ten feet either side of the existing road) so taken.² The municipality does not take fee simple title to property under the Lost Boundary Statute, rather, it takes an easement interest (see Chapter 1 for discussion of title).

Longtime Buildings and Fences Law

The boundaries of a road may be changed by the long existence of buildings and fences in the right of way.³ The length of time required will depend on whether the road boundaries are known or unknown in the first place. This law is an exception to the well-established rule that public property cannot be taken by adverse possession⁴ or by prescriptive use.⁵ This law is not really a method to establish road boundaries; it is more accurately a limitation on the municipality's ability to set road boundaries.

Boundaries Unknown. Where the road boundaries are *unknown* and cannot be made certain by records or monuments, any buildings or fences fronting the road that have been in existence more than *twenty years* will be deemed to be the true bounds of the road. For example, if the road boundaries are unknown, and there is a one hundred year old stone wall abutting each side of the road, those walls will be the boundaries. *This law should not be used by the town to take property for highway purposes.* For example, where the boundaries of a road are unknown, but there is a stone wall two hundred feet back from the travel way, the town should not claim that the stone wall is the road boundary, because that wall does not really "front" the road. In that situation, it is more appropriate to use the Lost Boundary Statute or some other method for determining the true bounds.

Boundaries Known. Where the road boundaries are *known*, any building or fence which encroaches within these bounds and is allowed to remain there for *forty years* or more will be deemed to exist legally, and thus will narrow the true boundary of the road. It is very important, therefore, to prevent such encroachments. Note that this provision applies only to the extent that the building or fence physically exists. For example, a road is two miles long and forty feet wide (boundaries are known). A two hundred foot long chicken barn was built fifty years ago and it encroaches four feet into the road boundary. The barn is now legally allowed to remain, and the road width is thirty-six feet for the length of the barn. The remainder of the road is still forty feet wide.

In view of the longtime buildings and fences law, municipal officials should be attentive to buildings and fences near or within road boundaries, and should take steps to remove them (see Chapter 6) before the statute protects their encroachment.

MaineDOT has the authority to establish the boundaries of state and state-aid highways.⁶

Agreement with Abutters

Another means of clarifying the boundary of a road is to enter into an agreement with each landowner whose property abuts the road and with all others who have a legal interest in the road. Any such agreement must be in writing should be in the form of a deed, should be prepared by an attorney and should be recorded in the registry of deeds. It also may require the services of a surveyor. This method can be quick and inexpensive or incredibly cumbersome, depending on the number and personalities of the abutters. It

normally will be less expensive than litigation, however, and for that reason is worth trying first. Before entering negotiations or signing any agreements as to boundaries, the municipal officers must obtain the authorization of the legislative body. This authorization should include a provision allowing the municipal officers to execute and accept all documents and deeds relating to the agreement.

Eminent Domain

Eminent domain (see discussion in Chapter 2) is a process by which the municipality can take private property for highway purposes. The landowner must be compensated for this taking, but it is a useful method if the property in question is critical to the municipality and the landowner is unwilling to sell voluntarily. Just as an entire road can be created by eminent domain, an unknown boundary can be established by taking the necessary property by eminent domain.

Petition to the County Commissioners

The municipal officers can petition to have the county commissioners determine road boundaries which are doubtful, uncertain or lost.⁷ As part of this procedure, the commissioners may order the municipality to pay damages to the abutting landowners.

Court Action

In some cases it may be necessary to file a civil action in court to determine the legal boundaries of a road. This is usually done through a declaratory judgment action⁸ or perhaps a quiet title action.⁹ Court action will require the services of an attorney. The court will review all pertinent evidence and issue a decision establishing the road's boundaries. Given the high costs and slow pace of litigation, it may be less expensive and faster to take the disputed property by eminent domain. Eminent domain does require the payment of damages, but it will establish the legal boundary of the road. Eminent domain is discussed in detail in Chapter 2.

¹ See 23 M.R.S.A. § 2103.

² The determination and award of damages must be in accordance with 23 M.R.S.A. § 3029.

³ 23 M.R.S.A. § 2952.

⁴ *Portland Water Dist. v. Town of Standish*, 2006 ME 104; *Town of Sedgwick v. Butler*, 1998 ME 280, 722 A.2d 357.

⁵ *Portland Water Dist. v. Town of Standish*, 2006 ME 104; *Libby v. Tobey*, 82 Me. 391 (1890).

⁶ See 23 M.R.S.A. § 653.

⁷ 23 M.R.S.A. § 2101.

⁸ 14 M.R.S.A. § 5951, *et. seq.*

⁹ 14 M.R.S.A. § 6651.

Road Maintenance and Repair

This Chapter discusses municipal road maintenance and repair obligations. Several topics are covered, including summer and winter maintenance, state and state-aid roads, brush cutting, and bidding and contracting practices. Related topics are discussed in Chapter 6 and Chapter 9.

Legal Obligation to Maintain and Repair Roads

A municipality's obligation to maintain and repair a road varies depending on the type of road: town way, public easement, or privately owned road. These are addressed separately below.

Town Ways. Maine law requires that town ways be kept open and in repair so as to be "safe and convenient" for travelers with motor vehicles.¹ If a municipality fails to meet this repair obligation, three or more responsible persons may petition the county commissioners to order the municipality to repair the town way.² If, after notice and hearing, the county orders the municipality to repair the way and yet the municipality fails to do so, the county commissioners may have the work performed by their agent and then may send the bill for repairs to the municipality.³

Additionally, if a town way is "blocked or encumbered" with snow, it must be opened and made passable within a reasonable time.⁴ This obligation to remove snow from town ways also requires the removal of snow and ice from sidewalks; however, the municipality is immune from liability for accidents caused by ice and snow on streets and sidewalks⁵ and is liable only for injury caused by a defect in the sidewalk.⁶ The process for closing roads to winter maintenance in order to avoid having to keep some or all of certain ways clear of snow is discussed later in this Chapter.

No private maintenance of town ways. Municipal officials are often asked whether private citizens can repair and maintain public ways at their own expense, and what rights and liabilities this involves. There is no statute on point, but the case law is clear that private individuals have no right to repair or reconstruct town ways; this may only be done by the municipality or a person acting with authority of the municipality.⁷ This result is logical, since the municipality is responsible for defects in the town way, and so the municipality should be able to control the repair of a town way and the resultant liability.

Public Easements. The voters of a town or village corporation *may* authorize the selectmen or assessors to use municipal equipment to maintain and repair private ways (public easements) within the town or village corporation.⁸ The voters can determine the level of maintenance the town will provide, as there is no requirement that public easements be kept "safe and passable" on a year-round basis. The voters can designate

that some public easements (or portions thereof) be maintained at public expense, while others are not. In short, municipalities have broad discretion in deciding how to care for public easements.

In contrast with town ways, private individuals may repair or reconstruct public easements. It would seem that private individuals should be able to do so in order to permit them to use the easement, especially since the municipality is not obligated to maintain public easements and is not liable for any maintenance it does provide or for any defect in a public easement. Further, these same private individuals often have private easement rights in the same way, and at common law, an easement holder has the right (and generally, the duty) to maintain the easement.⁹ The Maine Superior Court determined that upon discontinuance of a public way, the individuals abutting the way have “very broad rights, including the right to maintain the way with respect to width and character that was sufficient to them so long as their exercise has some reasonable basis and was within the scope of the prior public use.”¹⁰

However, in the event that private repairs are performed improperly and cause injury, the person who made the repairs to a public easement (or contracted for them) may be personally liable. In addition, there are other related questions that as yet are unanswered, such as: (1) Whether it is possible to “overburden” or “surcharge” a public easement (in other words, to increase its use beyond that for which it originally was intended) as could occur if a landowner were to create a major subdivision on a lot abutting the public easement; (2) Whether a person could widen the traveled portion of the public easement right-of-way; or (3) Whether a person could improve a public easement both for purposes of personal use and to accommodate additional traffic.¹¹ The position of MMA Legal Services staff is that a municipality should not prevent private parties from maintaining a public easement but should not act to authorize or condone private maintenance either, and that a municipality may act to prevent a private party from damaging a public easement when it becomes aware of potential damage (as could happen if logging trucks were to use a public easement during mud season).

Privately Owned Roads. The Maine Supreme Court has stated that because of constitutional limitations, public funds or equipment may not be used to maintain or plow privately owned roads.¹² This is true even if the public is not prevented by signs or gates from using the road. The Court’s reasoning was that the “implied consent of access” is transitory at best, and one or more of the road’s owners could at any time restrict access. For example, the municipality might make substantial repairs to a private camp road open to the public, only to find that the very next day the road was closed to public access. Therefore, the Court held that the proposed use of public funds to maintain a private road would represent an unconstitutional expenditure of public funds for a private purpose, thereby violating the “public purpose” doctrine of the Maine Constitution.

Maine law, however, permits repairs to private roads for the limited purposes of protecting or restoring a great pond. The law allows municipal repair of a private road if (1) the road

is within the watershed of a great pond, (2) the great pond is identified by the Department of Environmental Protection (DEP) as at risk, threatened or impaired, (3) the DEP or the municipality has determined that the road is contributing to degradation of the great pond's water quality, (4) the repair complies with the DEP's best management practices, and (5) the road is maintained by an organized private road association.¹³ A "great pond" is an inland water body with a surface area greater than 10 acres in its natural state or, if artificially formed or increased, with a surface area greater than 30 acres.¹⁴ Since great ponds are public property and their protection is deemed to be a public trust,¹⁵ the use of public funds to repair a private road to prevent pollution of a great pond presumably satisfies the Maine Constitution's "public purpose" clause. (The public purpose clause requires that public funds be expended for public purposes.¹⁶)

Note that this law authorizes only road repairs, not maintenance or snow removal. Routine maintenance, including plowing, is the responsibility of a road association or of private road owners (see above). (See "Plowing Private Roads & Driveways Revisited," *Maine Townsman*, "Legal Notes," November 2003.)

The Maine Supreme Court opinion has raised many questions, particularly in municipalities that traditionally have maintained privately owned roads. Some of the commonly asked questions are addressed below:

- **People on private roads pay taxes, too; doesn't that entitle them to have their roads plowed?** No. A municipality is not legally required to provide identical services to all roads, just as some parts of town may have public sewer and water, while others do not. Property without those services, however, should not be assessed as though it had them. In other words, the lack of public maintenance of the road may become a consideration in calculating the "just value" of the property for tax purposes. (In some cases, the increased privacy or exclusivity resulting from lack of public maintenance actually may enhance the value of the property.)
- **What can landowners on private roads do to get road maintenance?** The landowners have three general options.

First, they can arrange for private plowing and maintenance. They can do this by informal agreement, or by creating a formal road association for that purpose. State law authorizes members of road associations to call a meeting of abutters to select a "commissioner," who may determine what repairs are to be done and may order the private way repaired. This commissioner may assess the cost of repairs, and the association may raise funds by assessing the abutting owners and may collect assessments in the same manner in which town taxes are collected.¹⁷

Second, the landowners can request that the municipal legislative body accept the road as a public easement, which could then be maintained at public expense. This option will depend on three events: first, all of the abutters on the private road must

agree to grant the public easement; second, the legislative body must vote to accept the way as a public easement; third, the legislative body must vote to authorize maintenance of the public easement, since it is not required by law.

A third option, though unlikely, is to ask the legislative body to accept the road as a town way, perhaps after the road is improved to municipal standards at the expense of the abutters. If so accepted, the municipality assumes the legal obligation to maintain the road in a safe and passable condition.

- **What about access for emergency vehicles, buses, and other municipal vehicles?** The Supreme Judicial Court has not addressed this point. MMA Legal Services staff is of the opinion that it is probably permissible to send the plow down a privately-owned road ahead of a fire truck, police car or ambulance, since opening the road is necessary to provide the emergency service and the provision of that service represents an isolated occurrence for the purpose of saving life or limb, and does not constitute, therefore, a regular practice. But because the Supreme Judicial Court has ruled that public money cannot be used for the benefit of private roads, we recommend that persons living on private roads keep them open, as there is no guarantee that town vehicles can get through in an emergency. It is important to remember that a municipality is not liable for the failure to provide emergency services.¹⁸

Nor should a municipality plow privately owned roads to allow access for school buses, garbage trucks, or other non-emergency municipal vehicles. People living on a private road are responsible themselves for keeping it open for those vehicles, or else to bring their children, trash, etc., out to the public road for pick-up.¹⁹

- **Is it legal to maintain privately owned roads if the road owners pay the municipality for road maintenance services?** MMA Legal Services recommends against this practice. Generally speaking, Maine court cases have determined municipalities should not compete against the private sector unless the service provided to private individuals is one of public necessity, convenience and welfare and the subject matter is of such a nature that the difficulty which individuals encounter in providing for themselves constitutes an exigency, e.g., fuel, water, electricity, food and other necessities. In the cases where courts condoned municipalities competing in the private business sector, an ordinance or law justifying the activity was in place. In those cases, the reason for the ordinance or law was the necessity of specific, basic services for the general welfare of the community and either the lack of those services or their inconsistent provision.²⁰
- **What legal problems may the municipality encounter if it continues to maintain privately owned roads without a contract?** The municipality exposes itself to broader liability when it maintains privately owned roads. Such liability includes:

a state or state-aid highway that is within the compact area of an urban compact municipality, without first obtaining a written permit from the municipal officers. Municipalities are authorized to adopt rules and regulations for the location of driveways, and MaineDOT is required to adopt rules, including a limitation on the number, spacing, design and location of driveways.

Ditches and Drains

Improper drainage is the leading cause of road deterioration. Ditches and drains are therefore critical aspects of road maintenance. A municipality's rights and obligations in this regard depend to a great degree on how the ditch or drainage course was established. This is discussed below.

Common Law Right to Control Water. Maine's law governing control of water has changed as a result of a legislative enactment. The law applies the "reasonable use rule." The reasonable use rule is an express repudiation of the "common enemy rule," which was the governing law in Maine. The reasonable use rule establishes as a nuisance the unreasonable use of a person's land that results in the altering of the flow of surface water that unreasonably injures another's land or that unreasonably interferes with the reasonable use of another's land.⁴⁵

Ditches and Drains Laid Out by Statute. Maine law authorizes the municipal officers to construct ditches, drains and culverts when necessary for the public convenience or to properly care for the road. These ditches, drains and culverts may be located along the road or over adjoining private property,⁴⁶ provided that no such ditch, drain or culvert may pass within twenty feet of a dwelling without the owner's consent. Note that ditches and drains may not be constructed over or through any private lands unless an easement is acquired or land is taken by exercise of eminent domain (see Chapter 2, eminent domain).⁴⁷ A drainage easement may have been acquired when the road was established, in which case it would not be necessary to pay damages to abutters a second time or through prescriptive use.⁴⁸ Town ways which were formerly State roads may include drainage easements that were acquired by the State either through eminent domain or by existing for more than 20 years.⁴⁹

- **Municipal duty to maintain drains, ditches and culverts.** The municipality has a legal duty to maintain and keep in repair the drains, culverts and ditches it has established, regardless of whether these are located on public or private property (presumably, in the latter case, the municipality has an easement to allow the installation and repair of drains, ditches and culverts on private property), and is liable to the owners or occupants of property damaged by the failure to do so. However, the municipality is not liable for failure to construct a sufficiently large ditch, drain or culvert, nor is it liable for damage caused by defective or eroding drainage ways which were not constructed or established by the municipality.⁵⁰

- **Liability for interference with municipal ditches, drains and culverts.** Under Maine law, persons interfering with the municipality's ditches, drains and culverts are subject to a fine of not more than \$500, imprisonment of not more than three months or both.⁵¹ Also, no person shall cultivate plants, operate farm machinery or deposit fill within the municipal ditches, drains and culverts.⁵² A willful violation of this prohibition results in a fine of \$50 and costs (\$100 and costs for each subsequent offense), plus double the amount of actual damages suffered by the municipality.

A related State law covers public drainage systems and how they affect municipal roads.⁵³ Municipalities have under State law a duty to maintain and repair public drains they have constructed. Anyone who negligently or willfully obstructs or damages a public drain or any street or culvert to a public drain may be liable for the possibility of paying double damages.⁵⁴

Sample drainage easements are included in Appendix J.

Brush and Tree Removal

The municipality's obligation⁵⁵ to keep town ways "safe and convenient" includes the duty to remove roadside brush, trees and grass that could pose a road safety problem. Uncontrolled brush can limit sight distances and in some cases may intrude onto the travel way itself.

State law authorizes the removal of shrubbery and bushes growing within the limits of the town way,⁵⁶ but specifically excludes from this authority the removal of shrubbery and trees planted for profit (such as an apple orchard) or ornamental and "public shade trees."⁵⁷ Therefore, these should not be cut unless they pose a safety threat to the traveling public or pedestrians, or hamper the municipality's ability to repair and maintain the road. Public shade trees are defined and protected by the provisions of State law.⁵⁸

The law governing municipal affairs authorizes the municipality to initially remove roadside brush and requires abutting landowners who have "cultivated or mowing fields" to thereafter remove brush from the adjoining roadside by October 1st of each year; removal of brush from all other roadside land is the responsibility of the municipality.⁵⁹ If the abutter fails to timely cut roadside brush, the municipality may do so and may impose a lien on the land for the actual expense of this work. This law is a throwback to the days when road repairs and maintenance were done by abutters. We recommend against using this lien method, however, as it raises constitutional issues of due process and equal protection.

One common question is, who is entitled to keep usable wood (such as hardwood) resulting from brush cutting within the road right-of-way? Generally, this wood belongs to the abutting landowner, since abutters own to the centerline of most roads in Maine. However, if the municipality owns the fee simple to the road, then any wood or other

usable items belong to the municipality (the question of ownership is discussed further in Chapter 1). We recommend that usable wood be left behind for the landowner, unless that person has agreed to let the municipality take it.

Another source of questions is the removal of trees in the right of way. The municipality may at its expense remove healthy or dead trees located within the right of way if they pose a safety hazard to the traveling public or impede the municipality's ability to maintain the road. If a tree is located in the right of way but is not (in the determination of the municipal officers or road commissioner) a safety hazard, then the municipality is under no duty to remove it, even if the abutter requests removal. If the reason for removing the tree is to protect an abutter's house or property, rather than the traveling public, then the abutter should pay the costs of removal. Trees located outside the road right of way should not be removed by the municipality without the landowner's permission. The municipality may cut any limbs in the air or roots on the ground that intrude into the right of way, even if the trunk of the tree is outside the right of way.

Spraying

The Maine Department of Transportation often sprays herbicides to control brush along State roads. A municipality can enter into a "no spray" agreement with MaineDOT for land within its borders, and individual landowners can do so as well⁶⁰ (7 M.R.S.A. § 625). In both cases, the municipality and the landowner are responsible for removing roadside brush in areas that would otherwise have been sprayed. Under its home rule powers, a municipality also may adopt an ordinance governing the use of pesticides within its borders, and even prohibiting the spraying of pesticides.⁶¹

Municipalities may spray along their own roads, but the "no spray" arrangement should be offered to abutting landowners. Sample "no spray" agreements are included in Appendix K; those samples pertain to state roads but can be modified for local roads.

Public Works in Resource Protection Areas

The Natural Resources Protection Act (NRPA)⁶² requires that a permit be obtained from the DEP before undertaking activities in resource protection areas. The NRPA⁶³ allows certain public works to proceed under a "permit-by-rule" process that is faster and involves less paperwork than the usual full-blown permit procedure. The activities allowed under permit-by-rule include "emergency repair and normal maintenance and repair of existing public works which affect any natural resource."⁶⁴ Also allowed is the repair or replacement of road culverts, as long as the replacement is not more than 25% longer than the existing culvert and is no longer than 75 feet.⁶⁵ The permit-by-rule process requires the municipality to submit to the DEP a notification form outlining the work to be done. Contact the DEP Bureau of Land & Water Quality, 17 State House Station, Augusta, ME 04333, or call (207) 287-3901 or 800-452-1942, for the most recent version of the performance standards imposed under the permit-by-rule process.

Salt/Sand Storage Facilities

Maine law requires that salt/sand piles be managed so that they do not contaminate ground and surface waters of the State. For some salt/sand piles, containment in a structure is required, while low priority sites may require only the use of "best management practices" to prevent groundwater and surface water contamination. Both DEP and MaineDOT play a role in the administration of this law.

Pursuant to statute, DEP developed a priority list in 1986 stating when public and private salt/sand piles are to be contained.⁶⁶ The timetable for compliance is set out in 38 M.R.S.A. § 451-A; This deadline does not apply to Priority 4 and 5 sites. Priority 4 and 5 sites are not required to follow best management practices to protect ground water provided that a municipal or county site was classified as Priority 4 or Priority 5 as of April 1, 2000 and was registered pursuant to section 413 prior to October 15, 1997. Such Priority 4 or 5 sites have been determined by statute not to be in violation of any groundwater classification or reclassification for discharges to the groundwater from those facilities. However, Priority 4 and 5 sites may need to comply with other State and federal laws regarding surface water impacts and effects on wetlands. Also note: if a town moves its priority 4 or 5 pile from the exempt, registered location, it becomes a new pile no longer exempt and subject to DEP rules. Priority 4 and 5 municipal sites are entitled to reimbursement of construction costs for facilities constructed before November 1, 1999 if plans and financial information were submitted to MaineDOT before that date. The timetable addresses several steps of the process: preliminary plans, financing arrangements, final plan, MaineDOT review, and actual construction. For further information generally or concerning siting or location changes, contact DEP, Bureau of Land & Water Quality, 17 State House Station, Augusta, ME 04333, or call (207) 791-8110. Information can also be found on the MaineDOT web page: <http://state.me.us/mdot/community-programs/sand-salt-program.php>; information is also available on the DEP website: <http://www.maine.gov/dep/blwq/docstand/sandsalt/index.htm>

Even if a town is not required to construct a facility for groundwater protection, call MaineDOT at 624-3270 for technical assistance. Pursuant to State law, MaineDOT reviews and approves plans for county and municipal storage facilities, in accordance with MaineDOT guidelines.⁶⁷ MaineDOT administers a program for reimbursement of the State share of salt/sand storage facility construction costs.⁶⁸ For more information, contact MaineDOT's Community Services Division, 16 State House Station, Augusta, ME 04333, or at (207) 624-3270.

Maintenance of State and State-aid Roads

Terminology. Pursuant to law, the Department of Transportation classifies roads as state highways, state-aid highways, or town ways and may reclassify roads within these

Dear Select Board of the Town of Wayne and
Town Manager

As the Constitution Week Chair for the
State of Maine, Maine Society of the Daughters
of the American Revolution, I am hoping you
will, once again, be able to provide us with a
Proclamation for Constitution Week,
September 17, 2015 which is the 228th Anniversary
of this document, the Supreme Law of the Land.

I would also appreciate if you would inform
me of your next meeting where this can be
read publicly, and--if possible--I could be
in attendance to receive it.

I have provided for you a model copy to consider
for this for this Proclamation, but you may amend
accordingly. DAR 's three goals nationally are
education, historic preservation and patriotism.
and celebrating Constitution Week each year is
one of our national projects.

On behalf of the Maine DAR and the Koussinoc
Chapter in Augusta, I offer our sincere thanks.

Bonnie Wilder

Bonnie Wilder,
Constitution Week State Chair MSODAR
Member of the Koussinoc Chapter, Augusta
summer home 685-4483
bwilder2012@gmail.com



Educational Programs

Constitution Week

The United States Constitution stands as a testament to the tenacity of Americans throughout history to maintain their liberties and freedoms and to ensure those unalienable rights to every American.

The tradition of celebrating the Constitution was started by the Daughters of the American Revolution. In 1955, DAR petitioned Congress to set aside September 17-23 annually to be dedicated for the observance of Constitution Week. The resolution was later adopted by the US Congress and signed into public law on August 2, 1956 by President Dwight D. Eisenhower.

The aims of the celebration are to:

- Emphasize citizen's responsibilities for protecting and defending the Constitution.
- Inform people that the Constitution is the basis for American's great heritage and the foundation for our way of life.
- Encourage the study of the historical events which led to the framing of the Constitution in September 1787.

Constitution Week is a great time to learn more about this important document and celebrate the freedoms it gave us. Get involved by encouraging young people to sign the Constitution Week Proclamation Pledge and ask your local community officials to issue a proclamation about Constitution Week.

For additional information about Constitution Week, please contact your local DAR chapter or visit DAR.org.

The Daughters of the American Revolution is a non-profit, non-political volunteer women's service organization. DAR members are dedicated to promoting historic preservation, education and patriotism in communities across the nation. All students are invited to participate and learn more about the educational programs the DAR offers. Educators, parents and students are encouraged to contact their local DAR chapters for more detailed information on these programs.

For more information please contact:

DAR Chapter: _____

Contact Name: _____

Phone Number: _____

Email: _____

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>

Proclamation for Constitution Week

WHEREAS: The Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and

WHEREAS: September 17, 2015, marked the two hundred twenty-eighth anniversary of the framing of the Constitution of the United States of America by the Constitution Convention; and

WHEREAS: It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate it; and

WHEREAS: Public Law 915 guarantees issuing of a proclamation each year by the President of the United States of America designating September 17th through 23rd as Constitution Week.

NOW, THEREFORE, WE, by virtue of the authority vested in me as the Selectboard of the Town of Wayne in the State of Maine do hereby proclaim the week of September 17th through the 23rd as CONSTITUTION WEEK and ask our citizens to reaffirm the ideals that the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Town of Wayne to be affixed this eighth day of September in the year of our Lord two thousand fifteen.

Selectboard:

Gary Kenny, Chair

Stephanie Haines, Vice-Chair

Peter Ault

Don Welsh

Jon Lamarche

Expense Summary Report

Fund: 1
ALL Months

Account	Budget Net	YTD Net	Unexpended Balance	Percent Spent
100 - General Admin	228,109.00	60,746.73	167,362.27	26.63
01 - Salaries	147,219.00	24,846.30	122,372.70	16.88
01 - Selectmen	7,162.00	0.00	7,162.00	0.00
05 - Town Manager	46,752.00	8,992.00	37,760.00	19.23
15 - Treasurer	3,000.00	0.00	3,000.00	0.00
20 - Tax Collector	21,805.00	4,391.14	17,413.86	20.14
25 - Town Clerk	22,619.00	4,478.59	18,140.41	19.80
35 - Meeting Clerk	1,257.00	0.00	1,257.00	0.00
70 - Med/Fica	7,907.00	1,332.53	6,574.47	16.85
75 - Health Insurance	33,360.00	5,558.04	27,801.96	16.66
80 - Retirement	2,480.00	0.00	2,480.00	0.00
81 - Income Protection plan	877.00	94.00	783.00	10.72
02 - Operating Expense	27,250.00	15,276.60	11,973.40	56.06
01 - Office Expense	4,000.00	680.95	3,319.05	17.02
05 - Travel expenses	2,000.00	374.69	1,625.31	18.73
10 - Training Expense	3,000.00	174.69	2,825.31	5.82
20 - Dues	2,300.00	2,570.00	-270.00	111.74
25 - Computer Repairs	1,500.00	159.00	1,341.00	10.60
30 - Computer Software	8,500.00	9,436.32	-936.32	111.02
35 - Website	750.00	450.00	300.00	60.00
40 - Town Report	1,000.00	0.00	1,000.00	0.00
45 - Sunshine Fund	200.00	0.00	200.00	0.00
50 - Tax Administration	4,000.00	1,430.95	2,569.05	35.77
03 - Contractual	50,840.00	19,991.01	30,848.99	39.32
01 - Legal Services	15,000.00	3,686.50	11,313.50	24.58
05 - Audit Services	5,040.00	4,540.00	500.00	90.08
07 - Bookkeeping Assistance	1,000.00	0.00	1,000.00	0.00
15 - Insurance	20,000.00	7,709.00	12,291.00	38.55
20 - Rent	6,700.00	0.00	6,700.00	0.00
25 - Copier lease	3,100.00	4,055.51	-955.51	130.82
05 - Utilities	2,800.00	632.82	2,167.18	22.60
01 - Telephone	2,800.00	632.82	2,167.18	22.60
101 - Debt Service	103,785.00	103,774.38	10.62	99.99
15 - Debt Service	103,785.00	103,774.38	10.62	99.99
05 - North Wayne Road Bond	37,155.00	37,144.39	10.61	99.97
15 - Old Winthrop Road Bond	66,630.00	66,629.99	0.01	100.00
102 - Elections & Hearings	2,500.00	0.00	2,500.00	0.00
01 - Salaries	1,500.00	0.00	1,500.00	0.00
41 - Elections clerk	1,500.00	0.00	1,500.00	0.00
02 - Operating Expense	1,000.00	0.00	1,000.00	0.00
01 - Office Expense	1,000.00	0.00	1,000.00	0.00
103 - General Assistance	3,000.00	529.00	2,471.00	17.63
10 - Social Services/Community Serv	3,000.00	529.00	2,471.00	17.63
85 - General Assistance	2,500.00	529.00	1,971.00	21.16
87 - Ladd Alternative GA	500.00	0.00	500.00	0.00
104 - Fire Department	53,995.00	3,213.89	50,781.11	5.95
01 - Salaries	13,995.00	0.00	13,995.00	0.00
50 - Chief Officers stipends	6,000.00	0.00	6,000.00	0.00

Expense Summary Report

Fund: 1
ALL Months

Account	Budget Net	YTD Net	Unexpended Balance	Percent Spent
104 - Fire Department CONT'D				
52 - Firefighter stipends	7,000.00	0.00	7,000.00	0.00
70 - Med/Fica	995.00	0.00	995.00	0.00
02 - Operating Expense	40,000.00	3,213.89	36,786.11	8.03
60 - Fire Operations	22,000.00	2,533.29	19,466.71	11.51
61 - Fire Communications	4,000.00	680.60	3,319.40	17.02
62 - Fire Equipment	14,000.00	0.00	14,000.00	0.00
105 - Assessing	22,000.00	3,600.00	18,400.00	16.36
02 - Operating Expense	1,800.00	0.00	1,800.00	0.00
75 - GIS Maps	1,800.00	0.00	1,800.00	0.00
03 - Contractual	20,200.00	3,600.00	16,600.00	17.82
30 - Assessing/Mapping	14,400.00	3,600.00	10,800.00	25.00
35 - Quarterly review	5,800.00	0.00	5,800.00	0.00
106 - Animal Control	5,180.00	945.26	4,234.74	18.25
01 - Salaries	3,230.00	0.00	3,230.00	0.00
55 - Animal control officer	3,000.00	0.00	3,000.00	0.00
70 - Med/Fica	230.00	0.00	230.00	0.00
10 - Social Services/Community Serv	1,950.00	945.26	1,004.74	48.47
90 - Humane Society	1,950.00	945.26	1,004.74	48.47
107 - Code Enforcement	16,214.00	2,593.30	13,620.70	15.99
01 - Salaries	12,514.00	2,448.30	10,065.70	19.56
56 - Code Enforcement Officer	11,625.00	2,274.30	9,350.70	19.56
70 - Med/Fica	889.00	174.00	715.00	19.57
02 - Operating Expense	2,700.00	0.00	2,700.00	0.00
20 - Dues	2,700.00	0.00	2,700.00	0.00
65 - Unclassified	1,000.00	145.00	855.00	14.50
30 - Ordinance & Mapping	1,000.00	145.00	855.00	14.50
108 - Public Safety	32,920.00	14,717.45	18,202.55	44.71
03 - Contractual	26,420.00	13,620.57	12,799.43	51.55
40 - Ambulance	9,810.00	4,904.63	4,905.37	50.00
45 - Sheriff Dept	4,000.00	3,140.00	860.00	78.50
50 - PSAP Dispatching	12,610.00	5,575.94	7,034.06	44.22
05 - Utilities	6,500.00	1,096.88	5,403.12	16.88
20 - Street lights	6,500.00	1,096.88	5,403.12	16.88
109 - Roads	306,343.00	67,131.96	239,211.04	21.91
03 - Contractual	163,593.00	1,882.20	161,710.80	1.15
55 - Parking Lot Plowing	3,600.00	0.00	3,600.00	0.00
60 - Road Plowing	155,493.00	0.00	155,493.00	0.00
75 - Roadside mowing	3,500.00	1,882.20	1,617.80	53.78
80 - Landfill mowing	1,000.00	0.00	1,000.00	0.00
05 - Utilities	500.00	43.65	456.35	8.73
05 - Electricity	500.00	43.65	456.35	8.73
25 - ROADS	142,250.00	65,206.11	77,043.89	45.84
01 - Roads Administration	2,000.00	953.36	1,046.64	47.67
05 - Brush/Tree removal	13,000.00	10,128.98	2,871.02	77.92
10 - Calcium chloride	8,000.00	5,724.95	2,275.05	71.56

Expense Summary Report

Fund: 1
ALL Months

Account	Budget Net	YTD Net	Unexpended Balance	Percent Spent
109 - Roads CONT'D				
15 - Sweeping	3,500.00	0.00	3,500.00	0.00
20 - Patching	4,000.00	2,983.65	1,016.35	74.59
30 - Signs	3,000.00	891.50	2,108.50	29.72
35 - Painting	750.00	0.00	750.00	0.00
40 - Culverts	15,000.00	5,865.65	9,134.35	39.10
45 - Gravel	25,000.00	9,889.02	15,110.98	39.56
46 - Winter salt	20,000.00	0.00	20,000.00	0.00
70 - Grading	8,000.00	3,865.00	4,135.00	48.31
75 - Ditching	40,000.00	24,904.00	15,096.00	62.26
110 - Transfer Station	118,498.00	29,344.65	89,153.35	24.76
02 - Operating Expense	4,250.00	461.25	3,788.75	10.85
80 - Hazardous waste	1,000.00	0.00	1,000.00	0.00
85 - TS Backhoe Rental	3,250.00	461.25	2,788.75	14.19
03 - Contractual	114,248.00	28,883.40	85,364.60	25.28
65 - Transfer Station Operations	107,998.00	28,883.40	79,114.60	26.74
66 - Transfer Station CIP	6,250.00	0.00	6,250.00	0.00
111 - Outside Agencies	25,698.00	0.00	25,698.00	0.00
10 - Social Services/Community Serv	25,698.00	0.00	25,698.00	0.00
01 - Library	6,000.00	0.00	6,000.00	0.00
10 - Archival board	600.00	0.00	600.00	0.00
15 - Messenger	2,000.00	0.00	2,000.00	0.00
20 - Cemetery Association	3,500.00	0.00	3,500.00	0.00
25 - Rural Community Action	3,700.00	0.00	3,700.00	0.00
30 - Senior Spectrum	1,004.00	0.00	1,004.00	0.00
35 - Hospice	1,000.00	0.00	1,000.00	0.00
40 - Family Violence	1,000.00	0.00	1,000.00	0.00
45 - Maine Public Broadcasting	100.00	0.00	100.00	0.00
50 - Kennebec Valley Behavioral Hea	1,600.00	0.00	1,600.00	0.00
60 - Red Cross	1,200.00	0.00	1,200.00	0.00
65 - Sexual Assault Crisis Support	417.00	0.00	417.00	0.00
66 - Crisis & Counseling Center	1,977.00	0.00	1,977.00	0.00
67 - Community Health and Counselin	100.00	0.00	100.00	0.00
94 - Winthrop Food Pantry	1,500.00	0.00	1,500.00	0.00
112 - Recreation	18,233.00	6,361.87	11,871.13	34.89
02 - Operating Expense	4,300.00	0.00	4,300.00	0.00
90 - Ladd Operational expenses	4,300.00	0.00	4,300.00	0.00
03 - Contractual	5,583.00	2,361.87	3,221.13	42.30
70 - Park Mowing	2,244.00	949.29	1,294.71	42.30
71 - Ladd Mowing	3,339.00	1,412.58	1,926.42	42.31
10 - Social Services/Community Serv	8,350.00	4,000.00	4,350.00	47.90
91 - Kennebec Land Trust	250.00	0.00	250.00	0.00
92 - Friends of Cobbossee Watershe	1,300.00	0.00	1,300.00	0.00
93 - Memorial Day	300.00	0.00	300.00	0.00
96 - Athletic League	500.00	0.00	500.00	0.00
97 - Andro Lake Improve Corp	1,500.00	0.00	1,500.00	0.00
98 - Andro Yacht club	500.00	0.00	500.00	0.00
99 - 30 Mile Watershed	4,000.00	4,000.00	0.00	100.00
113 - Land and Buildings	2,540.00	1,768.63	771.37	69.63

Expense Summary Report

Fund: 1
ALL Months

Account	Budget Net	YTD Net	Unexpended Balance	Percent Spent
113 - Land and Buildings CONT'D				
02 - Operating Expense	1,600.00	1,371.34	228.66	85.71
15 - Maintenance and Repairs	1,000.00	1,270.81	-270.81	127.08
95 - NW Schoolhouse	200.00	23.62	176.38	11.81
96 - NW Building	200.00	31.31	168.69	15.66
97 - Town House	200.00	45.60	154.40	22.80
03 - Contractual	940.00	397.29	542.71	42.26
72 - Historic Property Mowing	940.00	397.29	542.71	42.26
114 - Capital Reserves transfers	117,000.00	0.00	117,000.00	0.00
52 - CAPITAL RESERVE	117,000.00	0.00	117,000.00	0.00
05 - Fire Truck	25,000.00	0.00	25,000.00	0.00
45 - Land and Buildings	2,500.00	0.00	2,500.00	0.00
50 - Road Recon. & Pav. Project	50,000.00	0.00	50,000.00	0.00
65 - Town Office	15,000.00	0.00	15,000.00	0.00
70 - Village Improvement Projects	2,500.00	0.00	2,500.00	0.00
75 - Technology Replacement Plan	2,000.00	0.00	2,000.00	0.00
85 - Water Quality	5,000.00	0.00	5,000.00	0.00
90 - Former Pettengill Property Leg	15,000.00	0.00	15,000.00	0.00
115 - School RSU #38	1,871,059.00	467,764.69	1,403,294.31	25.00
60 - INTER GOVERNMENT	1,871,059.00	467,764.69	1,403,294.31	25.00
15 - RSU #38	1,871,059.00	467,764.69	1,403,294.31	25.00
116 - County Tax	183,969.00	0.00	183,969.00	0.00
60 - INTER GOVERNMENT	183,969.00	0.00	183,969.00	0.00
20 - Kennebec County Tax	183,969.00	0.00	183,969.00	0.00
117 - Cobbossee Watershed District	2,345.00	781.67	1,563.33	33.33
60 - INTER GOVERNMENT	2,345.00	781.67	1,563.33	33.33
25 - Cobbossee Watershed District	2,345.00	781.67	1,563.33	33.33
118 - Overlay	15,000.00	0.00	15,000.00	0.00
60 - INTER GOVERNMENT	15,000.00	0.00	15,000.00	0.00
30 - Overlay	15,000.00	0.00	15,000.00	0.00
120 - Selectboard Contingency	5,000.00	0.00	5,000.00	0.00
65 - Unclassified	5,000.00	0.00	5,000.00	0.00
01 - Contigent	5,000.00	0.00	5,000.00	0.00
Final Totals	3,133,388.00	763,273.48	2,370,114.52	24.36

Revenue Summary Report

Fund: 1
ALL

Account	Budget Net	YTD Net	Uncollected Balance	Percent Collected
100 - General Admin	392,926.00	2,719,156.31	-2,326,230.31	692.03
03 - Lien costs	5,000.00	397.70	4,602.30	7.95
04 - Interest on taxes	12,000.00	2,395.41	9,604.59	19.96
05 - MV Agent fees	4,000.00	1,031.00	2,969.00	25.78
06 - IFW Agent fees	500.00	112.00	388.00	22.40
07 - Motor Vehicle excise	200,000.00	60,174.61	139,825.39	30.09
08 - Boat Excise	2,000.00	775.40	1,224.60	38.77
09 - Vitals	500.00	200.60	299.40	40.12
13 - Cable TV Franchise	4,200.00	0.00	4,200.00	0.00
14 - Misc revenue	10,000.00	194.95	9,805.05	1.95
15 - Surplus	100,000.00	0.00	100,000.00	0.00
20 - Insurance Dividends/Reimburse	0.00	1,224.00	-1,224.00	----
21 - State revenue sharing	44,726.00	10,003.37	34,722.63	22.37
25 - Tax Commitment	0.00	2,642,647.27	-2,642,647.27	----
26 - Supplemental Taxes	10,000.00	0.00	10,000.00	0.00
103 - General Assistance	1,250.00	0.00	1,250.00	0.00
01 - GA Reimbursement	1,250.00	0.00	1,250.00	0.00
105 - Assessing	31,500.00	7,930.00	23,570.00	25.17
01 - Tree Growth	4,000.00	0.00	4,000.00	0.00
02 - Homestead Exemption	26,000.00	6,467.00	19,533.00	24.87
03 - Veteran reimbursement	1,500.00	1,463.00	37.00	97.53
106 - Animal Control	750.00	1.00	749.00	0.13
01 - Dog fees	750.00	1.00	749.00	0.13
107 - Code Enforcement	2,000.00	16.00	1,984.00	0.80
01 - Building permits	2,000.00	15.00	1,985.00	0.75
02 - Yard Sale Permit	0.00	1.00	-1.00	----
109 - Roads	30,532.00	0.00	30,532.00	0.00
01 - Local Road Assist Program	30,532.00	0.00	30,532.00	0.00
110 - Transfer Station	6,250.00	0.00	6,250.00	0.00
15 - Transfer from Cap. Reserve Fnd	6,250.00	0.00	6,250.00	0.00
Final Totals	465,208.00	2,727,103.31	-2,261,895.31	586.21

General Ledger Summary Report

Fund(s): ALL
ALL

Account	Beg Bal Net	----- Y T D -----		Pending Activity	Balance Net
		Debits	Credits	Net	
General Fund	0.00	6,621,801.56	6,621,801.56	0.00	7,192.19
Assets	1,180,860.34	2,863,014.40	720,443.97	2,142,570.43	6,841.89
100-00 Cash / Checking	1,045,091.47	186,059.92	644,620.12	-458,560.20	44,187.87
110-00 Debit Card Account-Androscogg	1,377.44	0.00	0.00	0.00	0.00
110-01 Cash Drawers	400.00	0.00	0.00	0.00	0.00
110-03 Andro Savings 1600191314	243,025.32	0.00	0.00	0.00	0.00
116-00 NSF CHECK	2,611.50	135.76	2,747.26	-2,611.50	0.00
121-00 PAYROLL TAXES RECEIVABLE	1,277.60	0.00	0.00	0.00	0.00
150-05 2005 Real Estate Taxes	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
150-13 2013 Real Estate Taxes	3.86	0.00	2.87	-2.87	0.00
150-14 2014 Real Estate Taxes	82,601.05	2,316.64	25,544.71	-23,228.07	0.00
150-15 2015 Real Estate Taxes	-6,286.39	2,632,011.66	26,205.89	2,605,805.77	-37,264.56
150-16 UNKNOWN	0.00	0.00	0.00	0.00	-0.02
155-04 2004 pp Taxes	1,268.36	0.00	0.00	0.00	0.00
155-05 2005 pp Taxes	168.81	0.00	0.00	0.00	0.00
155-06 2006 pp Taxes	250.19	0.00	0.00	0.00	0.00
155-07 2007 pp Taxes	261.03	0.00	0.00	0.00	0.00
155-08 2008 pp Taxes	421.05	0.00	0.00	0.00	0.00
155-09 2009 pp Taxes	554.20	0.00	0.00	0.00	0.00
155-10 2010 pp Taxes	880.67	0.00	0.00	0.00	0.00
155-11 2011 pp Taxes	1,504.76	0.00	0.00	0.00	0.00
155-12 2012 pp Taxes	1,761.53	0.00	0.00	0.00	0.00
155-13 2013 pp Taxes	2,154.16	0.00	0.00	0.00	0.00
155-14 2014 pp Taxes	6,082.73	0.00	0.00	0.00	0.00
155-15 2015 Taxes-p	-0.04	10,930.47	0.00	10,930.47	-81.40
160-09 2009 Liens	5,411.87	0.00	0.00	0.00	0.00
160-10 2010 Liens	5,611.57	0.00	0.00	0.00	0.00
160-11 2011 Liens	5,611.57	0.00	0.00	0.00	0.00
160-12 2012 Liens	-20.51	20.51	0.00	20.51	0.00
160-13 2013 Liens	44,161.95	0.00	14,485.66	-14,485.66	0.00
165-00 Write off	0.00	0.00	0.00	0.00	0.00
199-02 Due to/from Ladd Rec	-26,196.69	27,037.44	5,802.16	21,235.28	0.00
199-03 Due to/from Special Revenues	-11,978.79	2,508.00	1,002.15	1,505.85	0.00
199-04 Due to/from Capital Projects	-225,651.49	1,523.00	0.00	1,523.00	0.00
199-05 Due to/from Trust Funds	-7,111.36	471.00	33.15	437.85	0.00
Liabilities	94,996.63	46,293.96	43,425.29	-2,868.67	-350.30
310-01 BMV	2,235.45	27,091.66	27,420.21	328.55	-529.50
310-03 State Vital Fees	0.00	0.00	30.40	30.40	2.40
310-15 IFW	4,123.00	6,709.56	3,235.44	-3,474.12	176.80
310-30 Dog License State	-4.00	10.00	10.00	0.00	0.00
310-35 State Plumbing Fee 25%	286.25	0.00	62.50	62.50	0.00
310-36 DEP Plumbing Fee \$15.00	15.00	0.00	15.00	15.00	0.00
320-05 LPI Plumbing Fee 75%	-436.25	0.00	187.50	187.50	0.00
330-10 Federal withholding	0.00	9,978.19	9,978.19	0.00	0.00
330-25 State withholding	0.00	1,178.79	1,178.79	0.00	0.00
330-40 Retirement withholding	0.00	443.50	443.50	0.00	0.00
330-50 MMEHT with holding	18.65	882.26	863.76	-18.50	0.00
400-00 Deferred Tax Revenues	88,758.53	0.00	0.00	0.00	0.00

General Ledger Summary Report

Fund(s): ALL

ALL

Account	Beg Bal Net	----- Y T D -----			Pending Activity	Balance Net
		Debits	Credits	Net		
4 - Capital Reserves CONT'D						
Fund Balance	242,103.85	1,523.00	0.00	-1,523.00	0.00	240,580.85
500-00 Expense Control	0.00	1,523.00	0.00	-1,523.00	0.00	-1,523.00
521-00 Transfer Station	43,572.00	0.00	0.00	0.00	0.00	43,572.00
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	16,427.36	0.00	0.00	0.00	0.00	16,427.36
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	717.58	0.00	0.00	0.00	0.00	717.58
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	0.00	0.00	0.00	0.00	0.00	0.00
5 - Trust Funds	0.00	504.15	504.15	0.00	0.00	0.00
Assets	75,537.40	33.15	471.00	-437.85	0.00	75,099.55
101-00 Jaworski Andro 45107709	1,140.06	0.00	0.00	0.00	0.00	1,140.06
103-00 Ruth Lee Andro 45107645	8,473.68	0.00	0.00	0.00	0.00	8,473.68
104-00 Ladd Worthy Poor Andro 4510761	21,120.12	0.00	0.00	0.00	0.00	21,120.12
105-00 Ladd WAFUCU 25542-ID 00	25.04	0.00	0.00	0.00	0.00	25.04
106-00 Ladd WAFUCU 25542-ID 10	14,788.35	0.00	0.00	0.00	0.00	14,788.35
107-00 Ladd WAFUCU 25542-ID 64	22,878.79	0.00	0.00	0.00	0.00	22,878.79
199-01 Due to/from	7,111.36	33.15	471.00	-437.85	0.00	6,673.51
Liabilities	0.00	0.00	0.00	0.00	0.00	0.00
Fund Balance	75,537.40	471.00	33.15	-437.85	0.00	75,099.55
500-00 Expense Control	0.00	471.00	0.00	-471.00	0.00	-471.00
510-00 Revenue Control	0.00	0.00	33.15	33.15	0.00	33.15
521-00 Jaworski Fund Balance	1,140.06	0.00	0.00	0.00	0.00	1,140.06
522-00 Ladd Recreation Capital FB	41,477.18	0.00	0.00	0.00	0.00	41,477.18
523-00 Ruth Lee FB	8,473.68	0.00	0.00	0.00	0.00	8,473.68
524-00 Ladd Worthy Poor FB	24,446.48	0.00	0.00	0.00	0.00	24,446.48
Final Totals	0.00	6,660,188.46	6,660,188.46	0.00	7,192.19	7,192.19

Town News – September 2015

In observation of **Labor Day, Monday September 7, 2015**, the Town Office will be closed. It will re-open on Tuesday September 8, 2015, during our regularly scheduled hours.

Reminder, the town has a fireworks ordinance banning the use in town.

This month the **Board of Selectmen** will be meeting on **September 8 and September 22 at 6:30 PM** at the **Wayne Elementary School Gymnasium**.

Reminder, school will be in session, which means children will be out by the road waiting or unloading from the school bus. Drive cautiously. The Sheriff will take notice.

Your 2015 property taxes were committed in August and tax bills will be mailed at the end of August. **Property taxes are due on October 1st, 2015**

The Town's **Assessor Agent** Matt Caldwell from RJD Appraisal will be available by appointment on **Monday September 28, 2015** to answer any questions you might have about your assessment or tax bill. Please contact, the Town Office to schedule an appointment.

The Town of Wayne will be conducting a **major road reconstruction and paving project** on the Cross Road, Hathaway Road, Kings Highway, portions of Berry Road, Lovejoy Pond Road, Walton Road this summer. Road closures, detours and other information will be communicated to residents along the roadway and with emergency responders. If you have any questions, please don't hesitate to contact the Town Office.



K E N N E B E C V A L L E Y
C O U N C I L O F G O V E R N M E N T S
Regional service, local results

You're Invited

Kennebec Valley Council of Governments'

48th Annual Meeting

Tuesday, September 22, 2015

9:30 AM to 11:30 AM

KVCC Hinckley Campus
Route 201, Hinckley, ME 04944

*Please join us for a Business Meeting followed by our
Guest Speaker:*

Tanya Swain, Project Director, Maine Food Strategy

A tour of the KVCC Farm and Agriculture program will follow the meeting.

Locally-sourced refreshments and breakfast will be served

Agendas will be distributed via email one week prior to meeting

**Please RSVP to Kaycee Small:
info@kvcog.org or 453-4258 ext. 211**



**DON'T MISS THESE
SPECIAL FEATURES & EVENTS!**

2015 MMA Convention October 7-8, 2015 Augusta Civic Center, Augusta, ME



Keynote – Eric Klinenberg Going Solo: A Demographic Sea Change

Wednesday, October 7 – 9:00-10:15 a.m.

Our special guest is Eric Klinenberg, a New York University professor whose ground-breaking demographic research and book – “Going Solo: The Extraordinary Rise and Surprising Appeal of People Living Alone” – holds dramatic implications for town and city officials and the important work that we do.

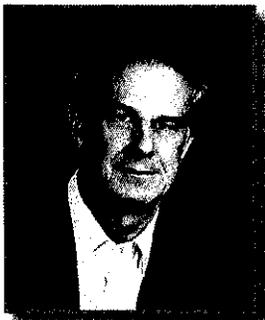
An internationally recognized and oft-interviewed expert on sociology and American demographics, Eric’s presentation is sure to challenge the conventional wisdom about living in families and separately. He will also explore the trend’s effects on economic development, planning, transportation and even fire-rescue and police service.



Municipal Collaboration: Real-Life Case Studies

Wednesday, October 7 – 10:30-11:45 a.m. – FEATURED SPEAKER

Our featured speaker this morning is Suzanne Leland, a professor at the University of North Carolina at Charlotte who has worked hands-on with municipal collaboration and consolidation projects in Kansas, Kentucky and elsewhere in the U.S. What works? What doesn’t? What should local and state leaders really expect from collaborative efforts? Suzanne will bring hard facts and data to this discussion, which comes at an important point in Maine government and politics.



Killer Show: Lessons from the Station Nightclub Fire

Thursday, October 8 – 9:00 – 10:15 a.m. – FEATURED SPEAKER

In recognition that this is National Fire Prevention Week, our featured speaker this year is John Baryllick, an attorney who represented many families whose loved ones died in the fire and a sought-after lecturer on safety, medical and legal issues. On Feb. 20, 2003, the world was stunned by the news of a tragic fire at The Station nightclub in West Warwick, R.I. This presentation analyzes the causes of that fire, conditions that contributed to its severity, and will include discussion of the aftermath and what can be done to prevent similar catastrophes.



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