Town of Wayne
Selectboard

MEMBERS: Don Welsh, Trent Emery, Amy Black, Stan Davis, and Lloyd Irland

Meeting Agenda

Date: Tuesday July 10, 2018
Time: 6:30 PM.
Place: Wayne Elementary School – Gymnasium

Call Meeting to Order.
Pledge of Allegiance.
Selectboard Present / Quorum.
Business Agenda.

a. **OATH OF OFFICE: SELECTMAN/ ASSESSOR/ OVERSEER OF POOR.**

Amy Cushman Black. (3-Year Term).
Stan Davis. (3-Year Term).
Lloyd Irland. (3-Year Term).

b. **ELECTION OF CHAIR & VICE-CHAIR.**

MOTION: Move to nominate _____ for Chair.
MOTION: Move to nominate _____ for Vice-Chair.

Meeting Minutes.

c. **Consider approving the Town Meeting Minutes for June 13, 2018.**
Manager Recommendation: Move the Board to approve the Town Meeting Minutes for June 13, 2018.

d. **Consider approving the Special Town Meeting Minutes for June 26, 2018.**
Manager Recommendation: Move the Board to approve the Town Meeting Minutes for June 26, 2018.

e. **Consider approving the Selectboard meeting minutes for June 26, 2018.**
Manager Recommendation: Move the Board to approve the Selectboard meeting minutes for June 26, 2018.

Warrants.

f. **Consider approving Payroll Warrant #1.**
Manager Recommendation: Move the Board to approve Payroll Warrant #1 in the amount of $_____.

g. **Consider approving Accounts Payable Warrant #2.**
Manager Recommendation: Move the Board to approve Accounts Payable Warrant #2 in the amount of $_____.

Business Agenda (Continued).

h. BYLAWS OF BOARD OF SELECTMEN.

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

i. SELECTMEN MEETING DATES / TIME / PLACE FOR FISCAL YEAR 2018 / 2019.

Manager Recommendation: Move the Board to adopt the manager recommended Selectboard Meeting Schedule including DATES / TIME / PLACE FOR FISCAL YEAR 2018 / 2019.

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

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

k. Maine Freedom of Access Law.

Manager Recommendation: Discussion Only.

l. Authorize Town Manager to Solicit Bids for General Obligation Bonds for Road Work.

Manager Recommendation: Move the Board to authorize Town Manager to Solicit Bids for General Obligation Bonds for Road Work.

m. Considering adopting a Town-wide Tobacco Free Policy.

Manager Recommendation: Move the Board to adopt a Town-wide Tobacco Free Policy.

n. Board Transition and Goal Setting and Priorities.

Manager Recommendation: Take any action needed.

Supplements and Abatements.
Town Manager Report.
Board Member Reports.
Public Comments.
Adjourn.

The next regularly scheduled for **Tuesday July 24, 2018** at **6:30 PM** at the Wayne Elementary School - Gymnasium.

Please remember Selectboard Meetings are working meetings between Board members and town staff.

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

OATH OF TOWN OFFICE

July 1, 2018

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

*Term: **Ending June 30, 2021**, according to the Constitution and Laws of the State SO HELP ME GOD.*

Signature: _____

Kennebec SS:
Wayne, Maine

July 1, 2018

Subscribed and sworn before me,

_____
Town Clerk or Deputy Town Clerk

Town of Wayne

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OATH OF TOWN OFFICE

July 1, 2018

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

*Term: **Ending June 30, 2021**, according to the Constitution and Laws of the State SO HELP ME GOD.*

Signature: _____

Kennebec SS:
Wayne, Maine

July 1, 2018

Subscribed and sworn before me,

_____
Town Clerk or Deputy Town Clerk

Town of Wayne

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OATH OF TOWN OFFICE

July 1, 2018

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

*Term: **Ending June 30, 2020**, according to the Constitution and Laws of the State SO HELP ME GOD.*

Signature: _____

Kennebec SS:
Wayne, Maine

July 1, 2018

Subscribed and sworn before me,

_____
Town Clerk or Deputy Town Clerk

Town of Wayne

P.O. Box 400; 48 Pond Road
Wayne, ME 04284
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Selectboard
FY 2018 - 2019

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

Term Expires 2020
(3-Year Term)

Trent Emery
137 Besse Road
Wayne, Maine 04284
(207) 615-4488
emeryfarm@gmail.com

Term Expires 2019
(3-Year Term)

Amy Black
383 Old Winthrop Road
Wayne, ME 04284
(207) 592-6439
ablack1503@aol.com

Term Expires 2021
(3-Year Term)

Stan Davis
409 North Wayne Road
Wayne, ME 04284
(207) 685-9639
stanleyfdavis@gmail.com

Term Expires 2021
(3-Year Term)

Lloyd Irland
174 Lord Road
Wayne, ME 04284
(207) 685-9613
lcirland@gmail.com

Term Expires 2020
(3-Year Term)

Staff Contact:
Aaron Chrostowsky, Town Manager
P.O. Box 400; 48 Pond Road
Wayne, ME 04284
(207) 685-4983
townmanager@waynemaine.org

TOWN OF WAYNE
BOARD OF SELECTMEN

Election of Board Leadership
SECRET BALLOT

CHAIR: _____

VICE-CHAIR: _____

TOWN OF WAYNE
2018
ANNUAL TOWN MEETING MINUTES

STATE OF MAINE
KENNEBEC, SS

To Cathy Cook, a resident in the Town of Wayne, County of Kennebec, and State of Maine:

GREETINGS:

In the name of the State of Maine, you are hereby required to notify and warn the voters in the Town of Wayne, in said County, qualified by law to vote in Town Affairs, to meet at the Ladd Recreation Center on **Tuesday June 12, 2018** at 8:00 AM to elect a Moderator to preside at said meeting, to elect Town Officers for the ensuing years and by secret ballot on Articles 2. Polls are to be opened from 8:00 AM to 8:00 PM. The meeting will recess after the ballot count.

ARTICLE 1. To elect a Moderator to preside at said meeting.

Eric Gardner, Moderator (Articles 1-2)
Doug Stevenson, Moderator (Articles 3-30)

ARTICLE 2. To proceed with the voting, by secret ballot, as directed by statute, on the election of Town Officers for the ensuing years.

- **Two Board of Selectmen, 3-year term, Term Expires 2021**
  - **Amy Black** — **275 votes**
  - **Stanley Davis** — **214 votes**
  - Stephanie Haines — 148 votes
  - Elaine Christopher — 81 votes
- **One Board of Selectmen, 2-year term, Term Expires 2020**
  - **Lloyd Irland** — **262 votes**
  - Cynthia Pettengill — 140 votes
- **Four Budget Committee,**
  - **David Stevenson** — **5 year term** — **328 votes**
  - **Dallas Folk** — **3 year term** — **296 votes**
  - **James Perkins** — **2 year term** — **281 votes**
  - **Write-In: Wendy Ault** — **1 year term** — **4 votes**
- **One Regional School Unit Board of Trustee Member, 3-year term, Term Expires 2021**
  - **Gary Carr** — **250 votes**
- **One Local School Committee, 3-year term, Term Expires 2021**
  - **Steve Hudson** — **3 votes**

The residents of the Town of Wayne, qualified to vote in Town Affairs, are hereby also warned to assemble at the Ladd Recreation Center at 26 Gott Rd, Wayne, Maine 04284 at 6:00 PM on **Wednesday June 13, 2018** to act on Article 3 to end of Warrant.

<u>Community Recognitions</u>

Lincoln Ladd, presented the following award:

- **Helen Hicks Healy Award – Gary Kenny**

Gary Kenny, Selectboard Chair

- **Town Report Dedication – Andrew Knight, Elinor Ault, Edwin Baker, Nancy Mullen**

Aaron Chrostowsky, Town Manager, presented the following awards:

- **Spirit of America Award – Gary Kenny, Stephanie Haines and Open Space Committee: Trent Emery, Ford Stevenson, Stephen McLaughlin, Lloyd Irland, Ken Spaulding, Chris Cushman, Margaret Lane, Bruce Mercier**
- **Selectboard retirement – Gary Kenny, Stephanie Haines, and Jon Lamarche**

Meeting Called to Order by Douglas Stevenson, Moderator at 6:00 PM - 71 Registered Voters Present

Town Meeting: A motion was made to allow Town Manager to speak at Town Meeting because he is not a registered voter of Wayne. **TOWN MEETING: APPROVED**

ARTICLE 3. To see if the Town will authorize interest on taxes due, but not yet paid by each installment date, at a rate of 7% per year. **TOWN MEETING: APPROVED**

ARTICLE 4. To see if the Town will allow the Tax Collector to accept money for taxes before taxes are committed. **TOWN MEETING: APPROVED**

ARTICLE 5. To see if the Town will establish a 3% interest payment for tax abatements (per annum).
TOWN MEETING: APPROVED

ARTICLE 6. To see if the Town will authorize the Selectboard, on behalf of the Town, to enter into contracts not exceed five years for ambulance, assessing, auditing, cemetery maintenance, computer and software, dispatching services, park maintenance, road maintenance and construction, snowplowing and solid waste operations, on such terms and conditions as they deem appropriate.
TOWN MEETING: APPROVED

ARTICLE 7. To see if the Town will vote to appropriate all funds received from the State of Maine for snowmobile registrations during the current fiscal year, to the Thirty-Mile Snowmobile Club for the purpose of maintaining their snowmobile trails within the Town, and to authorize the municipal officers to enter into an agreement with the Club for that purpose, under such terms and conditions as the municipal officers may deem advisable, including the condition that the trails will be open to the public as long as the trails are frozen and adequately covered in snow.
TOWN MEETING: APPROVED

ARTICLE 8. To see what sum of money the Town will raise and appropriate for **GENERAL ADMINISTRATION**.

General Admin.	**BUDGET FY 17 / 18**	**BUDGET FY 18 / 19**
Selectmen's Stipend	$7,162	$7,162
Town Manager Salary	$50,000	$50,500
Bookkeeper		$480
Treasurer stipend	$3,000	$3,000
Tax Collector wages	$22,686	$23,138
Town Clerk wages	$23,532	$24,008
Meeting Recording Clerk wages	$603	$616
Social Security/ Medicare Match	$8,184	$8,331
Health Insurance	$38,561	$39,576
Retirement	$4,811	$4,913
Disability	$950	$960
Office Expense	$3,000	$4,000
Travel Expense	$900	$1,600
Training Expense	$1,000	$1,000
Dues (MMA)	$2,461	$2,500
Computer maintenance	$500	$500
Computer software (Trio)	$9,500	$10,000
Website management	$500	$500
Town Report	$1,000	$1,000
Sunshine Fund	$0	$0
Tax Administration	$3,000	$4,000
Legal	$10,000	$12,000
Audit Reporting	$5,300	$5,300
Insurance	$18,000	$18,000
Town Office Rent	$6,656	$6,656
Copier lease & maintenance	$4,000	$4,000
Telephone	$2,500	$2,500
Subtotal	**$227,806**	**$236,240**

Select Board Recommends: **$236,240**
Budget Committee Recommends: **$236,240**
TOWN MEETING: APPROVED

ARTICLE 9. Shall the Town (1) approve a capital project consisting of road reconstruction and repair, including transaction costs and other expenses reasonably related thereto; (2) appropriate the sum of **$246,000** to fund the project; (3) authorize the Town Treasurer and the Chair of the Selectboard to issue general obligation securities of the Town (including temporary notes in anticipation of the sale thereof) in an aggregate principal amount not to exceed **$246,000** to fund the appropriation; and (4) delegate to the Treasurer and the Chair of the Selectboard the authority and discretion to fix the dates, maturities, interest rates, denominations, calls for redemption (with or without premium), form, and other details of said securities, including authority to execute and deliver the securities on behalf of the Town?

FINANCIAL STATEMENT

Total Town Indebtedness:

A.	Outstanding balance of bonds previously issued:	$740,881
B.	Bonds authorized and unissued:	$-0-
C.	Anticipated amount of bonds to be issued:	**$246,000**
	Total:	$986,881

Costs: At an estimated net interest rate of 3.0% for a five (5) year maturity, the estimated cost of this bond issue will be:

Total Principal	**$246,000.00**
Interest:	$ 20,000.00
Total Debt Service:	$266,000.00

Validity: The validity of the bonds and the voter's ratification of the bonds may not be affected by any errors in the above estimates, the ratification by the voters is nonetheless conclusive and the validity of the bonds is not affected by reason of the variance.

_____
Treasurer
Town of Wayne

TOWN MEETING: **APPROVED**

ARTICLE 10: To what sum of money the Town will raise and appropriate for **DEBT SERVICE.**

Debt Service	**BUDGET FY 17 / 18**	**BUDGET FY 18 / 19**
North Wayne Road Bond (5/5)	$35,578	$34,789
Old Winthrop Road Bond (4/5)	$63,974	$62,652
Kings Highway Road Bond (3/5)	$65,256	$63,943
Mt. Pisgah Road Bond (2/5)	$52,004	$51,003
Lovejoy Road Bond (1/5)		$39,419
Subtotal	**$216,812**	**$251,806**

Select Board Recommends: **$251,806**
Budget Committee Recommends: **$251,806**
TOWN MEETING: **APPROVED**

ARTICLE 11. To see what sum of money the Town will raise and appropriate **for HEARINGS AND ELECTIONS.**

Elections/ Hearings	**BUDGET FY 17 / 18**	**BUDGET FY 18 / 19**
Election / Ballot Clerks wages	$1,000	$1,000
Social Security/ Medicare Match	$77	$77
Election Supplies	$500	$500
Subtotal	**$1,577**	**$1,577**

Select Board Recommends: **$1,577**
Budget Committee Recommends: **$1,577**
TOWN MEETING: APPROVED

ARTICLE 12. To see what sum of money the Town will raise and appropriate for **GENERAL ASSISTANCE.**

General Assistance	**BUDGET FY 17 / 18**	**BUDGET FY 18 / 19**
Town support for LADD GA Fund	$0	$0
General Assistance	$1,500	$1,500
Subtotal	**$1,500**	**$1,500**

Select Board Recommends: **$1,500**
Budget Committee Recommends: **$1,500**
TOWN MEETING: APPROVED

ARTICLE 13. To see what sum of money the Town votes to raise and appropriate for the **FIRE DEPARTMENT** budget category for the following budget lines with any unexpended balances to carry forward to **Misc. Fire Equipment Capital Reserve Fund**?

Fire Department	**BUDGET FY 17 / 18**	**BUDGET FY 18 / 19**
Chief Officers' stipends	$6,000	$6,000
Firefighters' stipends	$8,000	$9,000
Social Security/ Medicare match	$1,071	$1,148
Operations	$22,000	$22,000
Communications	$4,000	$4,000
Equipment	$14,000	$14,000
Subtotal	**$55,071**	**$56,148**

Select Board Recommends: **$56,148**
Budget Committee Recommends: **$56,148**
TOWN MEETING: APPROVED

ARTICLE 14. To see what sum of money the Town will raise and appropriate for **ASSESSING.**

Assessing Mapping	**BUDGET FY 17 / 18**	**BUDGET FY 18 / 19**
Assessing/ Mapping	$15,000	$15,250
Quarter Review	$6,000	$6,200
GIS Mapping	$1,800	$2,800
Subtotal	**$22,800**	**$24,250**

Select Board Recommends: **$24,250**
Budget Committee Recommends: **$24,250**
TOWN MEETING: APPROVED

ARTICLE 15. To see what sum of money the Town will raise and appropriate for **ANIMAL CONTROL.**

Animal Control	**BUDGET FY 17 / 18**	**BUDGET FY 18 / 19**
Animal Control Officer stipend	$3,000	$3,000
Social Security/ Medicare match	$230	$230
Humane Society	$1,900	$1,900
Subtotal	**$5,130**	**$5,130**

Select Board Recommends: **$5,130**
Budget Committee Recommends: **$5,130**
TOWN MEETING: APPROVED

ARTICLE 16. To see what sum of money the Town will raise and appropriate for **CODE ENFORCEMENT & LAND USE BOARDS SUPPORT.**

Code Enforcement & Land-Use Board Support	**BUDGET FY 17 / 18**	**BUDGET FY 18 / 19**
Code Enforcement Officer stipend	$11,625	$13,000
Social Security/ Medicare match	$889	$995
KVCOG Membership	$0	$2,587
Ordinance/ Mapping	$1,000	$1,000
Subtotal	**$13,514**	**$17,582**

Select Board Recommends: **$17,582**
Budget Committee Recommends: **$17,582**
TOWN MEETING: APPROVED

ARTICLE 17. To see what sum of money the Town will raise and appropriate for **PUBLIC SAFETY**.

Public Safety	**BUDGET FY 17 / 18**	**BUDGET FY 18 / 19**
Street Lights	$6,900	$7,000
Ambulance Service	$11,022	$11,573
Sheriff's Department	$4,000	$4,000
PSAP & Dispatching contracts	$11,889	$12,088
Subtotal	**$33,811**	**$34,661**

Select Board Recommends: **$34,661**
Budget Committee Recommends: **$34,661**
TOWN MEETING: **APPROVED**

ARTICLE 18. To see what sum of money the Town will raise and appropriate for the **ROADS**.

Roads	**BUDGET FY 17 / 18**	**BUDGET FY 18 / 19**
Lot Plowing	$3,827	$3,827
Highway Plowing	$162,963	$166,123
Roadside Mowing	$3,000	$3,200
Sand/ Salt Shed lights	$500	$600
Road Administration	$1,000	$2,000
Brush/ Tree Removal	$12,000	$10,000
Calcium Chloride	$8,000	$6,000
Sweeping/ Catch basin cleaning	$4,000	$4,000
Patching	$4,000	$4,000
Signs & Posts	$2,000	$2,000
Culverts	$9,000	$8,000
Gravel	$26,000	$26,000
Winter Salt	$12,000	$16,500
Cracksealing		$4,750
Line Painting	$1,000	$1,000
Grading	$8,000	$8,000
Ditching	$35,000	$35,000
Subtotal	**$292,290**	**$301,000**

Select Board Recommends: **$301,000**
Budget Committee Recommends: **$301,000**
TOWN MEETING: **APPROVED**

ARTICLE 19. To see what sum of money the Town will raise and appropriate for the **TRANSFER STATION & LANDFILL.**

Transfer Station	**BUDGET FY 17 / 18**	**BUDGET FY 18 / 19**
Transfer Station Operation Cost	$73,774	$80,084
Transfer Station Capital Cost	$5,902	$6,407
Backhoe	$0	$0
Mow Landfill	$0	$0
Hazardous Waste	$1,500	$1,500
Subtotal	**$81,176**	**$87,991**

Select Board Recommends: **$87,991**
Budget Committee Recommends: **$87,991**
TOWN MEETING: APPROVED

ARTICLE 20. To see what sum of money the Town will raise and appropriate for **OUTSIDE AGENCIES.**

Outside Agencies	**BUDGET FY 17 / 18**	**BUDGET FY 18 / 19**
Library	$6,000	$6,000
Archival Board	$500	$500
Messenger	$3,000	$3,000
Cemetery Association	$3,500	$3,500
Rural Community Action	$3,700	$3,700
Spectrum Generations	$1,004	$1,004
Hospice	$1,000	$1,000
Family Violence	$1,000	$1,000
Maine Public Broadcasting	$100	$100
Kennebec Valley Behavioral Health	$1,600	$1,600
Red Cross	$1,200	$1,200
Crisis & Counseling Center	$1,562	$1,562
Children's Center	$595	$595
Sexual Assault Crisis Support Center	$417	$417
Aging-at-Home	$250	$375
Winthrop Hot Meal Kitchen	$1,000	$0
Winthrop Food Pantry	$1,500	$1,500
Subtotal	**$27,928**	**$27,053**

TOWN MEETING: APPROVED

ARTICLE 21. To see what sum of money the Town will raise and appropriate for **RECREATION**:

Recreation	**BUDGET FY 17 / 18**	**BUDGET FY 18 / 19**
Memorial Day	$300	$300
Town Parks Mowing	$2,448	$2,574
Town support for Ladd Recreation Center Operation	$4,300	$4,300
Ladd Rec. Ctr. Mowing	$4,175	$4,384
Wayne Athletic League	$2,000	$2,000
WAL – Social Security/ FICA	$153	$153
Androscoggin Lake Improvement Corp.	$2,500	$2,500
Androscoggin Yacht Club - Docks	$500	$500
30 Mile River Snowmobile Association	$0	$0
30 Mile River Watershed Association	$5,000	$5,000
Kennebec Land Trust	$250	$250
Friends of Cobbossee Watershed - Wilson Pond Boat Inspection	$1,300	$1,300
Subtotal	**$22,926**	**$23,261**

Select Board Recommends: **$23,261**
Budget Committee Recommends: **$23,261**
TOWN MEETING: APPROVED

ARTICLE 22. To see what sum of money the Town will raise and appropriate for **LAND & BUILDINGS.**

Land & Buildings	**BUDGET FY 17 / 18**	**BUDGET FY 18 / 19**
North Wayne Schoolhouse Utilities	$200	$144
North Wayne Building Utilities	$200	$480
Wayne Town House Utilities	$200	$192
Footbridge Utilities		$168
Maintenance & Repair	$1,000	$1,000
Historic Properties Mowing	$1,024	$1,074
Subtotal	**$2,624**	**$3,058**

Select Board Recommends: **$3,058**
Budget Committee Recommends: **$3,058**
TOWN MEETING: APPROVED

ARTICLE 23. To see what sum of money the Town will raise and appropriate for the **CAPITAL RESERVE ACCOUNTS.**

Capital Reserve	**BUDGET FY 17 / 18**	**BUDGET FY 18 / 19**
Besse Road	$0	$0
Broadband Expansion	$5,000	$5,000
Cemetery Stone Cleaning	$0	$0
Dam	$0	$0
Emergency Management	$0	$0
Fire Pond	$0	$0
Fire Truck	$30,000	$30,000
Fire "Misc. Fire Equipment"	$0	$0
Footbridge	$0	$0
Hardscrabble Road	$0	$0
Ladd Recreation Center	$10,000	$10,000
Land and Buildings	$0	$10,000
Lord Road	$0	$0
Planning/ Grant Assistance	$0	$0
Road Reconstruction & Paving	$50,000	$50,000
Salt/Shed	$0	$0
Technology	$0	$2,000
Town Office	$0	$0
Transfer Station	$0	$0
Village Center Improvement Projects	$0	$1,000
Water Quality	$0	$0
Wilson Pond Lot "Open Space"	$0	$0
Subtotal	**$95,000**	**$108,000**

Select Board Recommends: **$108,000**
Budget Committee Recommends: **$108,000**

Motion to amend the Ladd Recreation Center Capital Reserve Account from $10,000 to $11,000. (George Dragonetti/ Steve McLaughlin). Motion Approved by Town Meeting.

ARTICLE 24. To see what sum of money the Town will raise and appropriate for the **CONTINGENCY ACCOUNT.**

Contingency	**BUDGET FY 17 / 18**	**BUDGET FY 18 / 19**
Misc. Contingency	$2,500	$4,000
Subtotal	**$2,500**	**$4,000**

Select Board Recommends: **$4,000**
Budget Committee Recommends: **$4,000**
TOWN MEETING: APPROVED

ARTICLE 25. To see what sum of money the Town will vote to apply from various sources to the **2018-2019** tax commitment, thereby reducing the amount to be raised from property taxes.

Revenues	**BUDGET FY 17 / 18**	**BUDGET FY 18 / 19**
Lien Costs	$5,000	$3,000
Interest on taxes	$12,000	$9,300
Checking Interest	$1,000	$4,000
MV Agent Fees	$5,000	$5,000
IF&W Agent Fees	$1,000	$500
MV Excise	$250,000	$266,000
Boat Excise	$5,000	$2,000
Vitals	$500	$800
Building Permits	$2,000	$350
Yard Sale		$5
Plumbing Permits	$2,000	$2,000
Burning Permits		$75
Dog license fee	$750	$750
Dog license - late fee	$0	$100
Cable TV franchise	$5,000	$3,300
Misc. Revenues	$5,000	$5,000
Supplemental Taxes	$5,000	$1,000
Transfer from Transfer Station Capital Reserve	$5,902	$6,407
Transfer from Undesignated Fund Balance "Surplus"	$100,000	$50,000
Tree Growth	$4,000	$3700
Veteran Reimbursement	$1,500	$1,300
Snowmobile State Reimbursement	$0	$0
General Assistance	$750	$750
State Revenue Sharing	$46,968	$46,968
Road Assistance	$30,708	$30,708
BETE Reimbursement	$3,700	$7,542
Homestead Exemptions	$35,000	$53,734
TOTAL	**$525,778**	**$504,289**

Select Board Recommends: **$504,289**
Budget Committee Recommends: **$504,289**
TOWN MEETING: **APPROVED**

ARTICLE 26. To see if the Town will authorize the Board to accept grants and gifts on such terms and conditions as the Board deems appropriate, apply any such grants or gifts, along with any fees, to categories deemed appropriate by the Board, including the following categories:

Grants, for capital project development and administration
Gifts, for capital project development and administration
Building Permits, for building permit administration
Plumbing Permit Fees, for plumbing permit administration
Dog License Fees, for animal control expenses
Ladd Center Revenue, for operation and maintenance of Ladd Rec. Center
TOWN MEETING: APPROVED

ARTICLE 27. To see if the Town will authorize the Selectboard to apply, on behalf of the Town, for federal financing assistance under the provisions of the Land and Water Conservation Fund Act, Public Law 88-578 for the re-development of Ladd Recreation Center Tennis and Basketball Courts and further authorize Selectboard to enter into the Land and Water Conservation Fund Project Agreement with the State subsequent to federal approval of the project.

TOWN MEETING: APPROVED

ARTICLE 28. Shall the Town of Wayne vote to approve a Community Development Block Grant application for the Micro-Enterprise Assistance Grant program in the amount of $50,000, and to submit same to the Department of Economic and Community Development and if said program is approved, to authorize the municipal officers to accept said grant funds, to make such assurances, assume such responsibilities, and exercise such authority as are necessary and reasonable to implement such programs. Further, the Town of Wayne is cognizant of the requirement that should the intended National Objective of the CDBG program not be met all CDBG funds must be repaid to the State of Maine CDBG program.

TOWN MEETING: APPROVED

ARTICLE 29. Shall an Ordinance entitled "2018 Amendments to the Town's Zoning Ordinance and Adoption of Updated Official Zoning Map" be enacted?
TOWN MEETING: APPROVED

(A copy of the proposed ordinance change is available for review and inspection at Town Clerks' Office; and will also be available on the Town website: www.waynemaine.org.)

ARTICLE 30. Shall an Ordinance entitled "2018 Amendments to the Town's Yard Sale Ordinance" be enacted? **TOWN MEETING: APPROVED**

(A copy of the proposed ordinance change is available for review and inspection at Town Clerks' Office; and will also be available on the Town website: www.waynemaine.org.)

Given under our hands this **10th** day of **July, 2018**

Don Welsh	Trent Emery
Amy Black	Stan Davis
Lloyd Irland	

Board of Selectmen

Attest: A true copy of meeting minutes entitled "Town of Wayne 2018 Annual Town Meeting Minutes", as certified to me by the municipal officers of Wayne on the **10th** day of **July, 2018.**

Wayne Town Clerk

TOWN OF WAYNE
SPECIAL TOWN MEETING MINUTES
June 26, 2018

STATE OF MAINE
KENNEBEC, SS

To Cathy Cook, a resident in the Town of Wayne, County of Kennebec, and State of Maine:

GREETINGS:

In the name of the State of Maine, you are hereby required to notify and warn the voters in the Town of Wayne, in said County, qualified by law to vote in Town Affairs, to meet at the Wayne Elementary School - Gymnasium on **Tuesday, June 26, 2018** at **6:00 PM** to elect a Moderator to preside at said special town meeting and act on Article 2.

The Board of Selectmen determined quorum with 9 residents in attendance of Special Town Meeting. The Board of Selectmen moved to open Special Town Meeting at 6:00 PM. APPROVED. (9/0).

Article 1. To elect a Moderator to preside at said meeting.
A motion was made to nominate Douglas Stevenson, Moderator. APPROVED. (9/0).

Article 2. To see if the Town will vote to exceed the maximum property tax levy limit (LD1) established by State law in the event that the municipal budget approved results in a tax commitment in excess of the property tax levy otherwise allowable, such that the increased maximum property tax levy hereby established will equal the amount committed, or see what action the Town will take. (By State Law, the vote on this article must be by written ballot). **APPROVED. (9/0).**

Meeting Adjourned at 6:15 PM

Wayne Board of Selectmen

Don Welsh	Trent Emery	Amy Black
Stan Davis	Lloyd Irland	

Attest: A true copy of meeting minutes entitled "Town of Wayne Special Town Meeting Minutes," as certified to me by municipal officers of Wayne on the **10th** day of **July, 2018**.

Wayne Town Clerk

Town of Wayne, Maine
Select Board Meeting Minutes
Tuesday June 26, 2018
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: Gary Kenny, Stephanie Haines, Jonathan Lamarche, and Don Welsh. Trent Emery was absent.

Others Present: Aaron Chrostowsky, Town Manager, and Cathy Cook, Town Clerk

Audience: Peter Ault, Mark Birtwell, Tammy Birtwell, Amy Black, Tyson Brown, George Dragonetti, Lloyd Irland, Gina Lamarche, Josh Robertson, Kim Robertson, Robert Stephenson, and Charles Tyburski.

Pledge of Allegiance
Meeting Minutes

a. The Board approved the meeting minutes of the Board of Selectmen for June 12, 2018. (Haines/ Lamarche) (4/0)
b. The Board tabled the Town Meeting minutes for June 13, 2018.

Warrants

a. The Board approved Payroll Warrant #58 in the amount of $7,375.72 (Welsh/ Haines) (4/0).
b. The Board approved Payroll Warrant #59 in the amount of $6,875.95 (Welsh/ Haines) (4/0).

Business Agenda

a. The Board approved List of Appointment of Town Officials. (Haines/Lamarche) (4/0).
b. Town Manager will have an updated Traffic Ordinance for next meeting.
c. Brief update on mooring issue at Androscoggin Yacht Club.
d. Household Hazardous Waste summary determined it was well attended by Wayne residents.
e. Public works update: Grading has been completed and liquid calcium applied to all gravel roads. Mark Birtwell to begin mowing soon.
f. The Board voted on the MMA's Legislative Committee official ballot for Kurt Schaub and Anthony Ward. (Welsh/ Haines) (4/0)
g. Annual Town Meeting summary discussion.

Abatements/Supplements: None

Town Manager Report:

a. The Town Attorney determined the Town is responsible for single Health Insurance premium for Ladd Recreation Center employee. The Board approved paying for single Health Insurance premium for Ladd Recreation Center employee as per Town's Personnel Policy. (Haines/Welsh) (4/0).
b. Town Manager thanked Gary Kenny, Stephanie Haines, and Jonathan Lamarche for their service to the Town of Wayne.

Board Member Reports:

a. Gary Kenny stated it was very rewarding being on the Selectboard for fourteen years and that he will miss everyone.
b. Stephanie Haines also said she enjoyed being on the Selectboard for eighteen years and that she will miss everyone.
c. Jonathan Lamarche also stated he enjoyed being on Selectboard for three years and that he will miss everyone.

Public Comments:

a. Mark Birtwell thanked Selectboard members for their service.
b. Charlie Tyburski stated concerns about the grant which Town and Sustain Wayne applied for and the possible liability to the town. The Town Manager assured him this is a common practice for Towns to accept grants for small businesses and non- profits and the grant would be managed appropriately.

Motion to Adjourn at 7:30 PM. (Lamarche/Haines) (4/0).

The next Select Board Meeting is scheduled for Tuesday, July 10, 2018 at 6:30 p.m. at the Wayne Elementary School Gymnasium.

Recorded by:
Cathy Cook, Town Clerk

Select Board Members

Gary Kenny	Stephanie Haines
Don Welsh	Jonathan Lamarche
Trent Emery	

TOWN OF WAYNE, MAINE
SELECTBOARD BYLAWS

Section 1. Purpose and Scope

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

Section 2. Parliamentary Authority

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

Section 3. Officers and their Duties

Officers of the Board shall consist of a Chair and a Vice-Chair to be chosen annually at the first Board meeting in July by and from among Board members. The Chair shall preside at all Board meetings and shall have authority to rule on questions of evidence and procedure, to maintain order and determine the course of proceedings, and to take such other action as may be necessary and not inconsistent with these bylaws or other law to enable the Board to perform its duties and conduct its affairs. In the absence of the Chair, the Vice-Chair shall preside and shall have the same authority. Notwithstanding the presence of the Chair, the Selectman may, by unanimous consent, authorize the Vice-Chair to preside at that Board meeting. In that instance the Vice-Chair is to have and exercise any and all authority conferred upon the Chair. In a situation where the Chair and the Vice-Chair of the Board are absent, the Board shall appoint by affirmative majority vote of its present members present, a temporary Chair of the Board to serve until such a time as the Chair or Vice-Chair returns to the Chair. The temporary Chair is to have and exercise any and all authority conferred upon the permanent Chair. The Town Clerk shall maintain a permanent record of all Board meetings and all correspondence of the Board, which shall be a public record except as otherwise provided by law.

Section 4. Meetings

Regular meetings of the Board should be held every other Tuesday at 6:30 PM or as otherwise necessary or required by law. Special meetings may be called at the discretion of the Chair or upon the request of a majority of the Board, provided, however, that notice thereof shall be given to each member at least twenty-four hours in advance, whenever possible, and that no business may be conducted other than as specified in said notice.

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

1. Wayne Post Office;
2. Wayne General Store;
3. Cobbie's Corner Store;
4. Town Office;
5. North Wayne Building "Old Town Office"; and
6. Town of Wayne Website

All such meetings shall be open to the public except otherwise provided by law.

No business may be conducted by the Board except at a duly called and noticed meeting or without a quorum consisting of a majority of the Board being present. The regular order of business at meetings shall be as follows:

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

Board members are allowed to go into an executive session to deliberate on the matters authorized by 1 MRSA §405 and no others. The executive session can only be entered after a motion has been made in public session to go into executive session. The motion to go into executive session must indicate the precise subject matter, although the wording of the motion, obviously, may not substantially reveal the sensitive information which the law intends to protect by the executive session process. The motion also must "include a citation of one or more sources of statutory or other authority that permits an executive session for that business".

Reason for Executive Session	Statutory Citation
• Personnel Matters:	1 M.R.S.A §405(6)(A)
• Acquisition or sale of real property or economic development:	1 M.R.S.A §405(6)(B)
• Labor negotiations:	1 M.R.S.A §405(6)(C)
• Consultations with legal counsel:	1 M.R.S.A §405(6)(E)
• Discussion of confidential records:	1 M.R.S.A §405(6)(F)
• Poverty abatements:	36 M.R.S.A §841(2)

The motion must carry by at least 3/5 of the members present. No topic other than that referred to in the motion shall be discussed during executive session. All matters discussed during the executive session shall be held in strictest confidence by the Board and shall not be discussed with or divulged to any person other than a fellow Board member or persons in attendance at the executive session. Any violation of this confidentiality requirement shall be deemed to be malfeasance of office and shall subject the offending Board member to sanction by the Board. No votes/ decisions shall be made in Executive Session. All votes/ decisions shall be made out of executive session for the record.

Section 5. Public to Address Board

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

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

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

All Public comments or questions shall be directed to the Chairperson, who will recognize each speaker in turn. Remarks may not exceed three minutes per speaker.

Each speaker must identify him/herself and the group he/she represents, if applicable. Speakers may not "read into the record" remarks prepared for or directed to another person or entity. This segment of the agenda is intended for brief, usually informal, discussions.

A speaker requesting to present a more formal or comprehensive discussion may request in advance to be on the agenda for that evening. To request to be on the agenda, one should contact the Town Manager by Tuesday noon prior to the following scheduled Select Board Meeting. The "Public Comments" segment is not an appropriate time to request an interpretation and/or decision of the Select Board. All reasonable requests will be considered, but will be at the Select Board Chairperson's discretion whether to allow an agenda item, depending on the nature of the request and the time available at a specific meeting. Any request to be on the agenda denied by the Chairperson of the Board, may be brought forth before the entire Select Board during Public Comments time for the entire Select Board to review. If a motion is made and passes to add the item to a future agenda, the Chairperson will add it to the agenda within the next two scheduled Select Board meetings.

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

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

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

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

pursuant to Maine Labor Laws. Complaints involving the Town Manager shall be directed to the Select Board for consideration, but are not permitted to be discussed pursuant to Maine Labor Laws.

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

Section 6. Workshop Sessions

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

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

Section 7. Agenda Items

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

Section 8. Hearings

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

The Chair shall convene all hearings by describing the purpose of the hearing and the general procedures to be followed. The Board may receive any oral or documentary evidence but shall exclude irrelevant, immaterial or unduly repetitious evidence, provided, however that formal rule of evidence shall not apply. Every party shall have the right to present its case in the order determined by the Chair and without interruption, provided however, that the Chair may impose such reasonable time limits

as may be necessary to ensure that all parties have an adequate opportunity to be heard. In any adjudicatory proceeding, including proceedings on licenses, permits or other approvals, every party shall also have the right to submit rebuttal evidence and to conduct cross-examination of any other party through the Chair, provided, however, that the Chair may impose such other reasonable limitations as may be necessary to prevent an abuse of process.

Section 9. Board Action.

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

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

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

All members who are present and not disqualified as provided herein shall vote in every matter to be voted upon unless excused by the Chair for good cause shown.
Those present, in such circumstances, who refuse to vote are regarded as having voted affirmatively, i.e. forhe proposition, or to have voted with the majority.

Section 10. Meeting Length

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

Section 11. Conflict with Laws

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

Section 12. Waivers; Amendments

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

Section 13. Oath of Office.

At the first Board meeting in July, the Oath of Office will be administered by the Town Clerk or his/her designee to newly elected Selectboard members

Below is the Oath of Office to be administered:

I, XXXX, do solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States, and of the State of Maine; that I will in all respects observe the provisions of the Charter and Ordinances of the Town of Wayne, and will faithfully discharge the duties of the office of ***Selectboard, Board of Assessors and Overseer of Poor.*** *SO HELP ME GOD.*

Section 14. Training For Elected Officials on Maine's Freedom of Access Law.

Selectboard members must complete training on the requirements of Maine's Freedom of Access laws relating to public records and proceedings (1 M.R.S.A. § 412). Selectboard members must complete the training within 120 days after the official takes the oath of office.

After completing the training, Selectboard members are required to make a written record attesting that the training has been completed. The record will be filed at the Town Office, which will be available to the public upon request.

Section 15. Legal Counsel.

1. The Town Manager will promptly inform the Selectboard Chair as to the Town's receipt of service of a Complaint or other pleading filed against the Town in Federal, State, or other judicial or administrative forum and will promptly notify the Town's liability insurer as to the receipt of a complaint or other pleadings which may potentially be covered under the Town's insurance policy. Within fourteen (14) days after the Town's receipt of service, the Board will meet to determine whether legal counsel needs to be retained, and decide what legal counsel will be retained to represent the Town's interest in defense of such legal action.

2. A notice of Tort Claim served upon the Town will promptly be delivered to the Town's Liability Insurer and a copy will be provided to each Selectman before the next Board meeting.

3. No legal action will be filed or otherwise prosecuted by the Town without prior authorization by the Selectboard.

4. The authorization to retain legal service for a specific matter will be approved by the Selectboard.

5. Only current members of the Selectboard, Town Manager, Town Clerk and Code Enforcement may request written and/ or telephonic legal opinions from the Maine Municipal Association (MMA) Legal Department.

Section 16. Personnel Complaints

The Selectboard agrees to follow this specific procedure for receiving, investigating and responding/ resolving citizen complaints about town government action or inaction including the conduct of any Town Official or department.

1.In the event that a member of the Selectboard, resident, non-resident and/ or staff member transmits to the Town Manager, either verbally or in writing, a complaint or grievance about town government action or inaction, including the conduct of any Town Official or department, that Member or Town Manager shall prepare a written memorandum summarizing the complaint or grievance, which shall be confidentially filed by the Town Manager and confidentially forwarded to all other members of the Selectboard, such as by confidential inclusion in the next Selectboard Meeting packet of information.

2. The Town Manager may, in his discretion, await further action by the Selectboard, including its decision whether to schedule an executive session for a personnel issue, before proceeding further to investigate or respond to the matter.

RULES OF PROCEDURES ADOPTED BY THE SELECTBOARD ON JULY 10, 2018 BY:

Donald Welsh	Trent Emery
Amy Black	Stan Davis
Lloyd Irland	

Attest:

Aaron Chrostowsky, Town Manager

Last Updated: 7/2018

waynetm Logout

Maine Municipal Association

Board Bylaws (or Rules of Procedure)

MMA Legal Services Information Packet

This packet is intended for general informational purposes only. It is not meant, nor should it be relied upon, as legal advice in any particular situation. Links to documents herein are provided as examples for informational purposes only and have not been reviewed by MMA Legal Services. Do not use any sample unless it has been reviewed by your legal counsel. The information herein is not a substitute for consultation with legal counsel and legal review or other specific guidance on the subject. The statutes and other information herein are only current as of the date of publication.

Date of last revision: 2/2015

This packet includes the following attachments:

- Sample Board Bylaws
- Sample Planning Board Bylaws
- Sample Rules for the Conduct of Public Hearings
- See "Right to Know Law" Information Packet
- Title 1 M.R.S.A. § 403
- Planning Board Manual
- Local Land Use Appeals Boards Manual

Important issues and considerations include:

I. Nature and Purpose

Bylaws simply are written guidelines, rules or regulations governing a board's practices and procedures. Their limited (but important) purpose is to ensure the fair, orderly and efficient conduct of board business. Typically, they are confined to "housekeeping" matters, such as the election of officers, meeting schedules, the order of business, and record-keeping. Bylaws are not ordinances, do not supersede ordinances or other laws, and generally should not deal with substantive issues or matters already dealt with by law unless they are carefully drafted to avoid conflicts and inconsistencies. As an aid to the conduct of business, bylaws also should avoid imposing overly rigid rules of procedure and always should provide for a waiver of the rules in appropriate circumstances.

II. Authority to Adopt

In the absence of an ordinance or other law to the contrary, boards generally have the authority to adopt their own bylaws or rules of procedure without specific legislative authority or approval (*In re Maine Clean Fuels, Inc.*, 310 A.2d 736 (Me. 1973)).

III. Sample Bylaws

The sample bylaws in the first three attachments are generic and generally are suitable for any board. Among other things, they provide for a regular meeting schedule and a standard order of business, public hearings, the qualification (and disqualification) of members to vote, decision-making and reconsideration, and waiver of the rules. These bylaws have been carefully drafted to take into account various State laws (e.g., the Freedom of Access Law, conflict of interest, procedural due process) and to avoid conflicts or inconsistencies with ordinances or other laws. They should be used only as a guide, however. Provisions may be added or deleted to suit local conditions. Further, State statutes may require particular boards to follow certain additional procedures. See 30-A M.R.S.A. § 2691 (boards of appeals); 30-A M.R.S.A. § 4353 (zoning boards of appeal); 30-A M.R.S.A. § 2526(6) (boards of assessment review); and 30-A M.R.S.A. § 4403(2) (planning boards). See also 1 M.R.S.A. § 71.

IV. Freedom of Access

No law affects the way boards do business more than Maine's Freedom of Access Law (1 M.R.S.A. §§ 401-414), and a thorough knowledge of its requirements is essential for any board (refer to "Right to Know Law" Information Packet). Among other things, it requires public notice of all meetings, all public proceedings to be open to the public, prohibits executive sessions except in limited circumstances, requires most decisions to be in writing and to state reasons, and requires a record of each public proceeding to be made and open to public inspection (see 1 M.R.S.A. § 403).

V. The Role of Chairperson

Apart from whatever duties may be assigned by ordinance or bylaw, the only official responsibility of a chairperson is to preside at board meetings. A chairperson is entitled to the same privileges as other members (e.g., to make motions, to participate in deliberations, to vote) unless otherwise provided by state statute, charter, or ordinance. Also, unless otherwise provided by law, charter, or ordinance, a chair should not vote only to break a tie, and should not be the last to vote, but should vote right along with other members. A chair with strong leadership skills, commitment, and an evenhanded disposition can greatly enhance board productivity and public confidence, and a board would do well to seek these qualities in all its officers.

VI. Sample Board Bylaws

The "Sample Board Bylaws" linked above are a basic set of bylaws. They may be amended to address specific local concerns. For example, a planning board or zoning board of appeals that is plagued by long meetings might want to add to Section 4 that "The Board shall not act on new matters after 10:00 p.m." Also, if the Board wishes to state what the authority will be if the Sample Board Bylaws do not address a particular procedural issue, it may specify that "Where State law, local ordinances, and these bylaws are silent on a procedural matter, Robert's Rules of Order shall apply." (However, be aware that "Roberts Rules of Order" is an extremely long and complicated set of rules to administer; a board probably is better off to adopt its own set of simpler rules.) Alternatively, the Board could refrain from addressing the matter in the Bylaws and could simply address procedural issues as they arise; the Maine Supreme Judicial Court held in *Jackson v. Town of Kennebunk*, 530 A.2d 717 (Me. 1987) that in the absence of a controlling statute, ordinance or rule, a local board may adopt any procedure it wishes so long as that procedure is fair and does not violate due process. Of course, implementing comprehensive bylaws will reduce stress by largely eliminating the need to make procedural decisions on a case-by-case basis.

Finally, Section 5 provides that no member may participate in any adjudicatory proceeding on licenses, permits or approvals if that member had been absent from one or more previous hearings in that same matter. This is conservative advice based upon the Maine Supreme Judicial Court's decision in *Pelkey v. City of Presque Isle*, 577 A.2d 341 (Me. 1990). However, based on several more recent court decisions, many municipal attorneys are now offering less conservative advice to municipal board members who miss meetings. They are advising those members that they may continue to participate in the decision-making process related to a particular application if the board member takes steps to educate himself/herself about the substance of the meeting that was missed and makes a statement as part of the official record documenting the educational steps that were taken. This issue is discussed in more detail in Chapter 3 of MMA's *Board of Appeals Manual* and Chapter 2 of MMA's *Planning Board Manual*, "Participation by Board Members Who Miss Meetings." Boards wishing to adopt rules of procedure that are based on the "Sample Board Bylaws" linked above may want to consider revising Section 5 prior to adoption using the discussion in MMA's manuals as a guide.

For a more thorough discussion of the various procedural issues that might be addressed in board bylaws, please see MMA's *Planning Board Manual* and *Board of Appeals Manual*.

Town of Wayne, Maine
SELECTBOARD
FY 2018-2019
Meeting Schedule

July 2018
July 10, 2018
July 24, 2018

August 2018
August 7, 2018
August 21, 2018

September 2018
September 4, 2018
September 18, 2018

October 2018
October 2, 2018
October 16, 2018
October 30, 2018

November 2018
November 13, 2018
November 27, 2018

December 2018
December 11, 2018
December 25, 2018[1]

January 2019
January 8, 2019
January 22, 2019

February 2019
February 5, 2019
February 19, 2019

March 2019
March 5, 2019
March 19, 2019

April 2019
April 2, 2019
April 16, 2019
April 30, 2019

May 2019
May 14, 2019
May 28, 2019

June 2019
June 11, 2019
June 11, 2019[2]
June 12, 2019[3]
June 25, 2019

Notes:
1. Meeting cancelled or rescheduled
2. Annual Town Meeting – Election of Town Officers, Referendum
3. Annual Town Meeting – Budget Meeting

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

Town of Wayne

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

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

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

Dated: July 10, 2018

Municipal Officers:

Don Welsh	Trent Emery
Amy Black	Stan Davis
Lloyd Irland	

ACKNOWLEDGEMENT

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

Dated: July 10, 2018

Dawna Gardner, Tax Collector	Bruce Mercier, Treasurer

Maine Revised Statutes

Title 36: TAXATION

Part 2: PROPERTY TAXES

Chapter 105: CITIES AND TOWNS

Subchapter 9: DELINQUENT TAXES

Article 1: GENERAL PROVISIONS

§906. Application of payments to unpaid taxes

The municipal officers of a municipality may, upon request of the municipal treasurer or the tax collector, require that any tax payment received from an individual as payment for any property tax be applied against outstanding or delinquent taxes due on that property in chronological order beginning with the oldest unpaid tax bill. Taxes may not be applied to a period for which an abatement request or appeal has not been resolved unless approved in writing by the taxpayer. [1985, c. 653, (NEW).]

SECTION HISTORY
1985, c. 653, (NEW).

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

Office of the Revisor of Statutes (mailto:webmaster_ros@legislature.maine.gov) • 7 State House Station • State House Room 108 • Augusta, Maine 04333-0007

Page composed on 03/22/2018 12:33:59.

TOWN OF WAYNE, MAINE
POLICY GOVERNING ACCESS TO PUBLIC RECORDS
UNDER THE MAINE FREEDOM OF ACCESS ACT

1. SUMMARY AND PURPOSE

This policy governing access to public records is established to implement the provisions of the Maine Freedom of Access Act, 1 M.R.S.A. Sections 401-412. The purpose of these rules are to support the policy of providing public access to the public records in the possession of the Town while, at the same time, complying with state law requirements as to confidential information and maintaining administrative efficiency.

2. DEFINITIONS

Terms used in this Policy Governing Access to Public Records shall have the same meaning as in the Maine Freedom of Access Act.

"FOAA" means Freedom of Access Act.

"Requestor" means person who submits a request for public records under the provisions of the FOAA.

3. PROCEDURES FOR REQUESTING PUBLIC RECORDS

Written requests for public records are requested to be submitted to the Town Clerk, who is appointed as the Town Public Access Officer at the following addresses:

Town Clerk
Wayne Town Office
P.O. Box 400; 48 Pond Road
Wayne, Maine 04284

OR:

townclerk@waynemaine.org

Written or oral requests submitted to Town Officials or Town employees other than the Town Clerk will be referred to the Town Public Access Officer for processing and response. The public access officer will confer with the Town Manager as needed regarding any information request. The public access officer shall be responsible for ensuring that each records request is acknowledged and that an estimate of the response time is provided, but a request must be acknowledged and responded to regardless of whether it was delivered or directed to the public access officer. Also, a response may not be delayed due to the unavailability of the public access officer.

4. FORM AND CONTENT OF REQUEST

Requests in accordance with the FOAA and the Town of Wayne Policy Governing Access to Public Records are requested to be made in writing to ensure that a complete response is given, but a written request is not required. For the requestor's convenience, e-mail shall be considered a written request.

The following information is requested when submitting a FOAA request:

10. The requestor's full name, address and phone number. If a requestor does not wish to provide this information, the requestor will be informed as to when the requested information, or an estimate, will be available.

B. A brief description of the public records being sought, being as specific as possible. If you do not know what document you are seeking please state which specific information is being sought.

C. Whether the request is for inspection of public records, copies of public records, or both.

5. TIMELINE FOR TOWN RESPONSE TO REQUEST FOR PUBLIC RECORDS

The town shall respond to a request in a "reasonable time" after the receipt of such request, and must provide a good faith non-binding estimate of the response time and must make a good faith effort to respond within that time.

Should a request be denied by the Town, the requestor shall be notified of the reasons for the denial within 5 working days.

Factors defining "reasonable time" shall include administrative work load, complexity of request or amount of staff time required to fill request.

6. TOWN RESPONSE TO REQUEST FOR PUBLIC RECORDS

After review of a request for public records, the Town may either provide the materials; give notice that the materials shall be made available upon payment of reproduction costs and/or staff time, or give notice of the time and place for inspection of records. A denial of a request for public records shall be made in writing. It shall state the reason(s) for the denial.

The town may request additional clarification concerning what public records are sought before responding to a request.

Acknowledgement of receipt of request. **PL 2013, c. 1216 amends 1 M.R.S.A. (SS) 408-A to require officials to acknowledge receipt of a public records request within five working days. (A good faith, nonbinding estimate of when the request will be fulfilled, along with a cost estimate, must still be provided "within a reasonable time.") Also, if an official refuses a request but fails to provide written notice of denial, stating reasons, within five working days (a longstanding requirement), this is now considered a failure to allow inspection, which is subject to appeal to Superior Court within 30 days (formerly five working days). Effective 10/9/13**

7. PROCEDURES FOR APPEAL OF A DENIAL

A requestor whose FOAA request has been denied may appeal in accordance with the requirements of Maine Law.

8. PROCEDURES FOR PROVIDING RECORDS TO REQUESTORS

Inspection of records at Town Offices – generally, public records will be made available for inspection during normal working hours of the Wayne Town Office.

Unless otherwise arranged, the inspection of records shall take place at the Wayne Town Office.

Documents which the requestor wishes to have copied shall be segregated during the course of the inspection. An employee of the Town may be present throughout the inspection.

Generally, all copying shall be done by a Town employee. A requestor may be prohibited from bringing bags, brief cases or other containers into the inspection room.

Person requesting copies can also request the public access officer to make and mail a copy, for which a reasonable copying fee and actual mailing costs may be charged. A request for a copy need not be made in person or in writing.

Town is not required to create a record that does not already exist.

Access to electronically stored records must be provided either as a printed document

or in an electronic medium in which the record is stored at the requestor's option, except that an agency **or** official is not required to provide access to a computer file if they have no ability to separate or prevent disclosure of confidential information in that file. The law does not require the Town to provide access to a computer terminal. Nor does it require that an electronically stored record be provided in a different electronic medium or format. If an electronically stored record must be converted into a comprehensible or usable format in order to provide access to it, the Town may charge for the actual cost of conversion.

Copies of public records shall be provided to the requestor only upon payment of any charges which are due.

Charges for copies of public records shall be assessed in accordance with the "fee schedule" as approved by the Select Board.

9. FEES

The Town shall assess any and all fees to the requestor allowable by the State of Maine Freedom of Access Act. Current law authorizes a charge of up to $ 15.00 per hour after the first hour of staff time. Copying costs: $0.15 / page

Should a requestor make a request requiring Town employee time to fill such request, which exceeds the allowable "free" time allotted by the FOAA, an estimate of charges to fulfill the request shall be given to the requestor before such work begins. Prepayment shall be required if the estimated response costs exceed $100 or if the requestor has previously failed to pay a properly assessed fee under this policy in a timely manner. Any overpayment shall be refunded upon receipt of request by requestor through the Town's payment warrant system.

10. STATE PUBLIC ACCESS OMBUDSMAN

The new law funds an Assistant State Attorney General position to serve as a Public Access Ombudsman. The Ombudsmen's duties include working to informally resolve complaints by the public and public officials concerning FOAA and, upon request, issuing advisory opinions on the interpretation of and compliance with the FOAA.

Link to FOAA www.maine.gov/foaa

Town of Wayne Selectboard:

Gary Kenny	Stephanie Haines
Peter Ault	Don Welsh
Jon Lamarche	

Signed this 24th day of July 2015

Maine Freedom of Access Act: Your Right to Know

Your Right to Know: The Maine Freedom of Access Act

The public's right to information about government activities lies at the heart of a democratic government. The Maine Freedom of Access Act ("FOAA") grants the people of this state a broad right of access to public records while protecting legitimate governmental interests and the privacy rights of individual citizens. The act also ensures the accountability of the government to the citizens of the state by requiring public access to the meetings of public bodies. Transparency and open decision-making are fundamental principles of the Maine Freedom of Access Act, and they are essential to ensuring continued trust and confidence in our government.

This website was created as part of the state's ongoing effort to educate and inform state employees and the public about the Maine Freedom of Access Act. On the site, you will find general information about the Freedom of Access Act, including information on how to make a FOAA request, answers to frequently asked questions, and regular updates on other important freedom of access issues. Providing universal access to resources that will inform and educate state employees and the public on the Freedom of Access Act is not just an aim but a priority for the state.

Open government is good government and the state is committed to ensuring and protecting your "right to know."

Credits

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Maine Freedom of Access Act: Your Right to Know

Home → Training

Training For Elected Officials on Maine's Freedom of Access Law

Training related to public records and public proceedings

Beginning July 1, 2008, elected officials must complete training on the requirements of Maine's Freedom of Access laws relating to public records and proceedings. The law, enacted upon the recommendation of the Right to Know Advisory Committee, requires that those elected officials serving in office on July 1, 2008 must complete the training by November 1, 2008. Public officials elected after July 1st must complete the training within 120 days after the official takes the oath of office.

Minimum requirements for training

At a minimum, the training must be designed to be completed in less than 2 hours and include instruction in:

1. the general legal requirements regarding public records and public proceedings;
2. the procedures and requirements regarding complying with a request for a public record; and
3. the penalties and other consequences for failure to comply with the law.

Elected officials can meet the training requirement by conducting a thorough review of the material on the Frequently Asked Question (FAQ) page of this website or by completing another training course that includes all of this information but may include additional information. *Training courses do not need the approval of the Right to Know Advisory Committee, or any other State agency.*

Elected officials required to complete training

Elected officials required to complete the training include:

1. the Governor;
2. Attorney General, Secretary of State, Treasurer of State and State Auditor;
3. Legislators elected after November 1, 2008;
4. Commissioners, treasurers, district attorneys, registers of deeds, registers of probate and budget committee members of any county;
5. Municipal officers, clerks, treasurers, assessors and budget committee members of municipal governments;
6. Officials of school units and school boards; and
7. Officials of regional or other political subdivisions, including officials of water districts, sanitary districts, hospital districts, transit districts or regional transportation districts.

Certification and record of completed training

After completing the training, elected officials are required to make a written or electronic record attesting that the training has been completed. The record, which will be available to the public, must be kept by the elected official or filed with the public entity to which the official was elected. A sample training completion form (PDF) (This file requires the free Adobe Reader) is available for use by elected officials.

Credits

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Maine Freedom of Access Act: Your Right to Know

Home → Frequently Asked Questions

Frequently Asked Questions (FAQ)

General Questions | Public Records | Public Proceedings

GENERAL QUESTIONS

What is the Freedom of Access Act?

The Freedom of Access Act (FOAA) is a state statute that is intended to open the government of Maine by guaranteeing access to the "public records" and "public proceedings" of state and local government bodies and agencies.

Are federal agencies covered by the Freedom of Access Act?

No. The FOAA does not apply to federal agencies operating in Maine or to federal government records. A similar but different federal statute called the Freedom of Information Act (FOIA) applies to the federal government. This federal statute does not apply to state or local government bodies, agencies or officials.

For more general information on the Freedom of Information Act go to:

FOIA.gov - Freedom of Information Act

Who enforces the Freedom of Access Act?

Any aggrieved person may appeal to any Superior Court in the state to seek relief for an alleged violation of the FOAA. 1 M.R.S. § 409(1)

Relief can be in the form of an order issued by the court that directs the government body, agency or official to comply with the law, such as by providing access to a public proceeding or by making public records available for inspection or copying.

In addition, the Office of the Attorney General or the District Attorneys may bring an enforcement action seeking penalties if the alleged violation is willful. 1 M.R.S. § 410

What are the penalties for failure to comply with the Freedom of Access Act?

A state government agency or local government entity whose officer or employee commits a willful violation of the FOAA commits a civil violation for which a forfeiture of not more than $500 may be adjudged. 1 M.R.S. § 410 Under the current law, there are no criminal penalties for failure to comply with a request for public records. It is a Class D crime to intentionally remove, alter, or destroy documents belonging to a state office. 1 M.R.S. § 452

What is the Public Access Ombudsman?

The Legislature created a public access ombudsman position to review complaints about compliance with the FOAA and attempt to mediate their resolution, as well as answer calls from the public, media, public agencies and officials about the requirements of the law. The ombudsman is also responsible for providing educational materials about the law and preparing advisory opinions. The ombudsman works closely with the Right to Know Advisory Committee in monitoring new developments and considering improvements to the law.

How do I contact the Public Access Ombudsman?

Call the Office of the Attorney General at (207) 626-8577 or get more information online at:

Your Right to Know: Maine's Freedom of Access Act

Are elected officials required to take training on the Freedom of Access Act?

Yes. All elected officials subject to this section and public access officers must complete a course of training on the requirements of the FOAA. 1 M.R.S. § 412

Which elected officials are required to take Freedom of Access training?

Elected officials required to complete the training include:

- the Governor
- Attorney General, Secretary of State, Treasurer of State and State Auditor
- Legislators
- Commissioners, treasurers, district attorneys, sheriffs, registers of deeds, registers of probate and budget committee members of any county
- Municipal officers, clerks, treasurers, assessors and budget committee members of municipal governments
- Officials of school administrative units
- Officials of regional or other political subdivisions, including officials of water districts, sanitary districts, hospital districts, transit districts or regional transportation districts
- Public access officers.

What is a public access officer?

A public access officer must be designated to serve as the contact person for an agency, county, municipality, school administrative unit and regional or other political subdivision for public records requests. An existing employee is designated public access officer and is responsible for ensuring that public record requests are acknowledged within five working days of receiving the request and that a good faith estimate of when the response to the request will be complete is provided.

What does the training include?

At a minimum, the training must be designed to be completed in less than 2 hours and include instruction in:

- the general legal requirements regarding public records and public proceedings
- the procedures and requirements regarding complying with a request for a public record
- the penalties and other consequences for failure to comply with the law

Elected officials and public access officers can meet the training requirement by conducting a thorough review of the material in this FAQ section of the State's Freedom of Access website or by completing another training course that includes all off this information but may include additional information.

Do training courses need to by certified by the Right to Know Advisory Committee?

No. Training courses do not need the approval of the Right to Know Advisory Committee, or any other State agency.

How do elected officials and public access officers certify they have completed the training?

After completing the training, elected officials and public access officers are required to make a written or electronic record attesting that the training has been completed. The record, which will be available to the public, must be kept by the elected official or filed with the public entity to which the official was elected. A public access officer must file the record with the agency or official that designated the public access officer. A sample training completion form is available (PDF) (This file requires the free Adobe Reader).

PUBLIC RECORDS

What is a public record?

The FOAA defines "public record" as "any written, printed or graphic matter or any mechanical or electronic data compilation from which information can be obtained, directly or after translation into a form susceptible of visual or aural comprehension, that is in the possession or custody of an agency or public official of this State or any of its political subdivisions, or is in the possession or custody of an association, the membership of which is composed exclusively of one or more of any of these entities, and has been received or prepared for use in connection with the transaction of public or governmental business or contains information relating to the transaction of public or governmental business". A number of exceptions are specified. (See the discussion of exemptions below.) 1 M.R.S. § 402(3)

Do I have to be a citizen of this state to submit a Freedom of Access Act request for a public record?

No. The FOAA provides that "a person" has the right to inspect and copy public records. 1 M.R.S. § 408-A

How do I make a Freedom of Access Act request for a public record?

See the How to Make a Request page on this site.

Is there a form that must be used to make a Freedom of Access Act request?

No. There are no required forms.

Does my Freedom of Access Act request have to be in writing?

No. The FOAA does not require that requests for public records be in writing. However, most governmental bodies and agencies ask individuals to submit requests in writing in order to maintain a record of when the request was received and what records were specifically requested.

What should I say in my request?

In order for the governmental body, agency or official to promptly respond to your request, you should be as specific as possible when describing the records you are seeking. If a particular document is required, it should be identified precisely-preferably by author, date and title. However, a request does not have to be that specific. If you cannot identify a specific record, you should clearly explain the type of records you are seeking, from what timeframe and what subject the records should contain. For example, assume you want to obtain a list of active landfills near your home. A request to the state Department of Environmental Protection asking for "all records on landfills" is very broad and would likely produce volumes of records. The fees for such a request would be very high; the agency would likely find your request too vague and ask that you make it more specific. On the other hand, a request for "all records identifying landfills within 20 miles of 147 Main Street in Augusta" is very specific and the request might fail to produce the information you desire because the agency has no record containing data organized in that exact fashion. You might instead consider requesting any record that identifies "all active landfills in Augusta" or "all active landfills in Kennebec County." It is more likely that a record exists which contains this information. You might also want to explain to the agency exactly what information you hope to learn from the record. In other words, if you are really trying to determine whether any active landfills near your home in Augusta accept only wood waste, this additional explanation may help the agency narrow its search and find a record that meets the exact request.

Does an agency have to acknowledge receipt of my request?

Yes. An agency or official must acknowledge receipt of a request within 5 working days of receipt of the request. 1 M.R.S. § 408-A(3) P.L. 2013, ch. 350

Can an agency ask me for clarification concerning my request?

Yes. An agency or official may request clarification concerning which public record or public records are being requested. 1 M.R.S. § 408-A(3)

Does an agency have to estimate how long it will take to respond to my request?

Yes. An agency or official must provide a good faith, nonbinding estimate of how long it will take to comply with the request within a reasonable time of receiving the request. The agency or official shall make a good faith effort to fully respond within the estimated time. 1 M.R.S. § 408-A(3) P.L. 2013, ch. 350

When does the agency or official have to make the records available?

The records must be made available "within a reasonable period of time" after the request was made. 1 M.R.S. § 408-A The agency or official can schedule the time for your inspection, conversion and copying of the records during the regular business hours of the agency or official, and at a time that will not delay or inconvenience the regular activities of the agency of official. 1 M.R.S. § 408-A(5)

Can an agency or official delay responding if my request was not directed to the agency public access officer?

No. An agency that receives a request to inspect or copy a public record must acknowledge and respond regardless of whether the request was directed to the public access officer. The unavailability of a public access officer may not be reason for a delay. 1 M.R.S. § 413(3)

What if the agency or official does not have regular office hours?

If the agency or official does not have regular office hours, the name and telephone number of a contact person authorized to provide access to the agency's or official's records must be posted in a conspicuous public place and at the office of the agency or official, if an office exists. 1 M.R.S. § 408-A(5)

Does an agency have to produce records within 5 days of my request?

No. The records that are responsive to a request must be made available "within a reasonable period of time" after the request was made. 1 M.R.S. § 408-A Agencies must acknowledge the request within 5 working days of receipt. A written denialwithin 5 working days of receipt is required if your request is denied in whole or in part. 1 M.R.S. § 408-A(4) P.L. 2013, ch. 350

Do I have to go to the agency to inspect the records or can I ask the agency or official to mail me the records?

A person may inspect or copy any public record in the office of the agency or official during reasonable office hours. The agency or official shall mail the copy upon request. The agency may charge a reasonable fee to cover the cost of making the copies for you, as well as actual mailing costs. 1 M.R.S. § 408-A(1), (2), (8)(E)

When may a governmental body refuse to release the records I request?

The FOAA provides that certain categories of documents are not public records. Included among these are records that have been designated confidential by statute, documents subject to a recognized legal privilege such as the attorney-client privilege or the work-product privilege, records describing security plans or procedures designed to prevent acts of terrorism, medical

records, juvenile records, and the personal contact information of public employees contained within records. 1 M.R.S. § 402(3)(A)-(O)

For a list of records or categories of records deemed by statute to be confidential or otherwise not a public record, see the Statutory Exceptions List. While this listing may not be totally complete, it contains the vast majority of exceptions to the FOAA.

What happens if a public record holds some information that is open to the public and some information that falls within an exception to the Freedom of Access Act?

Some public records contain a mixture of information that is public and information that is confidential or otherwise not subject to public inspection under the FOAA. If the record you requested contains any confidential or excepted information, the custodian will decide if the confidential or excepted information can be adequately redacted or blacked out so that public access can be provided or if public access to the document should be denied.

Must an agency have computer technology resources that allow for maximum accessibility to public records while protecting confidential information?

When purchasing and contracting for computer software and other information technology resources, an agency shall consider the extent to which it will maximize accessibility and exportability while protecting confidential information that may be contained in the public records. 1 M.R.S. §414

Does an agency have to explain why it denies access to a public record?

Yes. When an agency denies access to a public record, it must provide the reason for its denial in writing within 5 working days of the receipt of the request for inspection or copying. 1 M.R.S. § 408-A(4) P.L. 2013, ch. 350

What can I do if I believe an agency has unlawfully withheld a public record?

If you are not satisfied with an agency's decision to withhold access to certain records, you are entitled to appeal, within 30 calendar days of your receipt of the written notice of denial, to any Superior Court within the state. 1 M.R.S. § 409(1) P.L. 2013, ch. 350

What can I do if an agency fails to provide a written denial?

If an agency withholds access to a public record and does not provide a written denial within 5 working days of the receipt of the request, this is considered a failure to allow inspection or copying and is subject to appeal. 1 M.R.S. § 408-A(4) P.L. 2013, ch. 350

May a governmental body ask me why I want a certain record?

The FOAA does not specifically prohibit agencies or officials from asking why an individual is requesting a public record. However, if asked, the individual is not required to provide a reason

for seeking a record, and the agency cannot deny an individual's request based solely on either the individual's refusal to provide a reason or the reason itself. An agency or official may request clarification concerning which public record or public records are being requested. 1 M.R.S. § 408-A(3)

Can I ask that public reports or other documents be created, summarized or put in a particular format for me?

No. A public officer or agency is not required to prepare reports, summaries, or compilations not in existence on the date of your request. 1 M.R.S. § 408-A(6)

If the public record is electronically stored, the agency or official subject to a request must provide the public record either as a printed document or in the medium in which the record is stored, except that the agency or official is not required to provide access to an electronically stored public record as a computer file if the agency or official does not have the ability to separate or prevent the disclosure of confidential information contained in or associated with that file. 1 M.R.S. § 408-A(7)

Must the agency or official provide me with access to a computer terminal to inspect electronically stored public records?

No. The agency or official is not required to provide access to a computer terminal. 1 M.R.S. § 408-A(7)(B)

I asked a public official a question about a record, but he/she didn't answer. Is he/she required to answer my question?

No. A public officer or agency is not required to explain or answer questions about public records. The FOAA only requires officials and agencies to make public records available for inspection and copying.

Are an agency's or official's e-mails public records?

Any record, regardless of the form in which it is maintained by an agency or official, can be a public record. As with any record, if the e-mail is "in the possession or custody of an agency or public official of this State or any of its political subdivisions, or is in the possession or custody of an association, the membership of which is composed exclusively of one or more of any of these entities, and has been received or prepared for use in connection with the transaction of public or governmental business or contains information relating to the transaction of public or governmental business" and is not deemed confidential or excepted from the FOAA, it constitutes a "public record". 1 M.R.S. § 402(3)

An agency or official must provide access to electronically stored public records, including e-mails, as a printed document or in the medium it is stored at the discretion of the requestor. If an agency or official does not have the ability to separate or prevent the disclosure of confidential information contained in an e-mail, the agency is not required to provide the records in an electronic format. 1 M.R.S. § 408-A(7)

Email messages are subject to the same retention schedules as other public records based on the content of the message. There are no retention schedules specific to email messages. The State of Maine E-mail and Digital Records Retention Guide contains more information on electronic records.

Is information contained in a communication between a constituent and an elected official a public record?

Information of a personal nature consisting of an individual's medical information, credit or financial information, character, misconduct or disciplinary action, social security number, or that would be confidential if it were in the possession of another public agency or official is not a public record. However, other parts of the communication are public. 1 M.R.S. § 402(3)(C-1)

Can an agency charge for public records?

There is no initial fee for submitting a FOAA request and agencies cannot charge an individual to inspect records unless the public record cannot be inspected without being compiled or converted. 1 M.R.S. § 408-A(8)(D) However, agencies can and normally do charge for copying records. Although the FOAA does not set standard copying rates, it permits agencies to charge "a reasonable fee to cover the cost of copying". 1 M.R.S. § 408-A(8)(A)

Agencies and officials may also charge fees for the time spent searching for, retrieving, compiling or redacting confidential information from the requested records. The FOAA authorizes agencies or officials to charge $15 per hour after the first hour of staff time per request. 1 M.R.S. § 408-A(8)(B) Where conversion of a record is necessary, the agency or official may also charge a fee to cover the actual cost of conversion. 1 M.R.S. § 408-A(8)(C)

The agency or official must prepare an estimate of the time and cost required to complete a request within a reasonable amount of time of receipt of the request. If the estimate is greater than $30, the agency or official must notify the requester before proceeding. The agency may request payment of the costs in advance if the estimated cost exceeds $100 or if the requester has previously failed to pay a fee properly assessed under the FOAA. 1 M.R.S. § 408-A(9), (10) P.L. 2013, ch. 350

I cannot afford to pay the fees charged by the agency or official to research my request or copy the records. Can I get a waiver?

The agency or official may, but is not required to, waive part or all of the total fee if the requester is indigent, or if the agency or official considers release of the public record to be in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of government and is not primarily in the commercial interest of the requester. 1 M.R.S. § 408-A(11)

Is a public agency or official required under the Freedom of Access Act to honor a "standing request" for information, such as a request that certain reports be sent to me automatically each month?

No. A public agency or official is required to make available for inspection and copying, subject to any applicable exemptions, only those public records that exist on the date of the request. Persons seeking to inspect or obtain copies of public records on a continuing basis are required to make a new request for any additional records sought after the date of the original request.

PUBLIC PROCEEDINGS

What is a public proceeding?

The term "public proceeding" means "the transactions of any functions affecting any or all citizens of the State" by the Maine Legislature and its committees and subcommittees; any board or commission of a state agency or authority including the University of Maine and the Maine Community College System; any board, commission, agency or authority of any county, municipality, school district or any regional or other political or administrative subdivision; the full membership meetings of any association, the membership of which is comprised exclusively of counties, municipalities, school districts, other political or administrative subdivisions, or their boards, commissions, agencies or authorities; and any advisory organization established, authorized or organized by law, resolve or executive order.1 M.R.S. § 402 (2)

What does the law require with regard to public proceedings?

The FOAA requires all public proceedings to be open to the public and any person must be permitted to attend. 1 M.R.S. § 403

When does a meeting or gathering of members of a public body or agency require public notice?

Public notice is required of all public proceedings if the proceedings are a meeting of a body or agency consisting of 3 or more persons. 1 M.R.S. § 406

What kind of notice of public proceedings does the Freedom of Access Act require?

Public notice must be given in ample time to allow public attendance and must be disseminated in a manner reasonably calculated to notify the general public in the jurisdiction served by the body or agency. 1 M.R.S. § 406

Can a public body or agency hold an emergency meeting?

Yes. Public notice of an emergency meeting must be provided to local representatives of the media, whenever practicable. The notice must include the time and location of the meeting and be provided by the same or faster means used to notify the members of the public body or agency conducting the public proceeding. 1 M.R.S. § 406 The requirements that the meeting be open to the public, that any person be permitted to attend and that records or minutes of the meeting be made and open for public inspection still apply. 1 M.R.S. § 403

Can public bodies or agencies hold a closed-door discussion?

Yes. Public bodies or agencies are permitted, subject to certain procedural conditions, to hold closed "executive sessions" on specified subjects after a public recorded vote of 3/5 of the members present and voting. 1 M.R.S. § 405(1)-(5)

Can the body or agency conduct all of its business during an executive session?

Generally, no. The content of deliberations during executive sessions is restricted to the matters listed in the FOAA, such as the following: discussions regarding the suspension or expulsion of a student; certain employment actions; the acquisition, use or disposition of public property; consultations between a body and its attorney concerning its legal rights and responsibilities or pending litigation; and discussion of documents that are confidential by statute. In addition, any governmental body or agency subject to the FOAA is prohibited from giving final approval to any ordinances, orders, rules, resolutions, regulations, contracts, appointments or other official action in an executive session. 1 M.R.S. § 405(2), (6)

What if I believe a public body or agency conducted improper business during an executive session?

Upon learning of any such action, any person may appeal to any Superior Court in the State. If the court determines the body or agency acted illegally, the action that was taken by the body or agency will be declared to be null and void and the officials responsible will be subject to the penalties provided in the Act. 1 M.R.S. § 409(2)

Can members of a body communicate with one another by e-mail outside of a public proceeding?

The law does not prohibit communications outside of public proceedings between members of a public body unless those communications are used to defeat the purposes of the FOAA. 1 M.R.S. § 401

E-mail or other communication among a quorum of the members of a body that is used as a substitute for deliberations or decisions which should properly take place at a public meeting may likely be considered a "meeting" in violation of the statutory requirements for open meetings and public notice. "Public proceedings" are defined in part as "the transactions of any functions affecting any or all citizens of the State..." 1 M.R.S. § 402 The underlying purpose of the FOAA is that public proceedings be conducted openly and that deliberations and actions be taken openly; clandestine meetings should not be used to defeat the purpose of the law. 1 M.R.S. § 401 Public proceedings must be conducted in public and any person must be permitted to attend and observe the body's proceeding although executive sessions are permitted under certain circumstances. 1 M.R.S. § 403 In addition, public notice must be given for a public proceeding if the proceeding is a meeting of a body or agency consisting of 3 or more persons. 1 M.R.S. § 406

Members of a body should refrain from the use of e-mail as a substitute for deliberating or deciding substantive matters properly confined to public proceedings. E-mail is permissible to communicate with other members about non-substantive matters such as scheduling meetings, developing agendas and disseminating information and reports.

Even when sent or received using a member's personal computer or e-mail account, e-mail may be considered a public record if it contains information relating to the transaction of public or governmental business unless the information is designated as confidential or excepted from the definition of a public record. 1 M.R.S. § 402(3) As a result, members of a body should be aware that all e-mails and e-mail attachments relating to the member's participation are likely public records subject to public inspection under the FOAA.

Can I record a public proceeding?

Yes. The FOAA allows individuals to make written, taped or filmed records of a public proceeding, or to broadcast the proceedings live, provided the action does not interfere with the orderly conduct of the proceedings. The body or agency holding the proceeding can make reasonable rules or regulations to govern these activities so long as the rules or regulations do not defeat the purpose of the FOAA. 1 M.R.S. § 404

Do members of the public have a right to speak at public meetings under the Freedom of Access Act?

The FOAA does not require that an opportunity for public participation be provided at open meetings, although many public bodies or agencies choose to permit public participation. In those instances, the public body or agency can adopt reasonable rules to ensure meetings are conducted in a fair and orderly manner. For example, the body or agency can set a rule that requires the same amount of time be afforded to each person that wants to speak.

Is a public body or agency required to make a record of a public proceeding?

Unless otherwise provided by law, a record of each public proceeding for which notice is required must be made within a reasonable period of time. At a minimum, the record must include the date, time and place of the meeting; the presence or absence of each member of the body holding the meeting; and all motions or votes taken, by individual member if there is a roll call.

The FOAA also requires that public bodies and agencies make a written record of every decision that involves the conditional approval or denial of an application, license, certificate or permit, and every decision that involves the dismissal or refusal to renew the contract of any public official, employee or appointee. 1 M.R.S. § 407(1), (2)

If the public proceeding is an "adjudicatory proceeding" as defined in the Maine Administrative Procedure Act, the agency is required to compile a record that complies with statutory specifications, including a recording in a form susceptible of transcription. 5 M.R.S. § 8002(1); 5 M.R.S. § 9059

Is the agency or body required to make the record or minutes of a public proceeding available to the public?

Yes. Any legally required record or minutes of a public proceeding must be made promptly and shall be open to public inspection. In addition, every agency is required to make a written record of any decision that involves conditional approval or denial of any application, license, certificate

or other type of permit and to make those decisions publicly available, 1 M.R.S. § 403 , 407; 5 M.R.S. § 9059 (3)

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Maine Municipal Association

Right to Know Law

MMA Legal Services Information Packet

This packet is intended for general informational purposes only. It is not meant, nor should it be relied upon, as legal advice in any particular situation. Links to documents herein are provided as examples for informational purposes only and have not been reviewed by MMA Legal Services. Do not use any sample unless it has been reviewed by your legal counsel. The information herein is not a substitute for consultation with legal counsel and legal review or other specific guidance on the subject. The statutes and other information herein are only current as of the date of publication.

Date of last revision: 11/2017

This packet includes the following attachments:

- Title 1 M.R.S.A. §§ 400-414;
- State of Maine Freedom of Access Act website
- Executive Session Motion Citations - A Quick Guide (Revised 09/16)
- "Emailing Board Members Outside Public Meetings," ***Maine Townsman***, Legal Notes, April 2012
- "FOAA Amendments for 2015," ***Maine Townsman***, Legal Notes, October 2015
- "FOAA Fees," ***Maine Townsman***, Legal Notes, December 2015
- "Devil's in emails: How to manage Freedom of Access requests," Brenda Kielty, Public Access Ombudsman, ***Maine Townsman***, May 2016
- "Update: Remote Participation in Board Meetings Not OK'd," ***Maine Townsman***, Legal Notes, June 2016
- "Five Common Violations of 'Open Meetings' Law," ***Maine Townsman***, Legal Notes, April 2017
- "Five Common Violations of 'Open Records' Law," ***Maine Townsman***, Legal Notes, June 2017
- "FOAA Amendments for 2017," ***Maine Townsman***, Legal Notes, October 2017

Important issues and considerations include:

I. Purpose of the Law

Maine's "Right to Know" Law, officially called the Freedom of Access Act (1 M.R.S.A. §§ 400 to 414), was enacted along with similar "sunshine" legislation in other states following the Watergate scandal of the early 1970s. Its purpose is to assure general public access to both the public proceedings and public records of governmental entities, including municipalities and quasi-municipal entities, such as school and sanitary districts. The Right to Know Law specifically directs that the law be liberally construed to promote its purposes–a rule often cited by the courts when finding in favor of public access where the statute's applicability is otherwise uncertain. 1 M.R.S.A. § 401.

II. Public Proceedings

The term "public proceeding" is broadly defined by the statutes and the courts to mean the transaction of any function by a public body or agency affecting any or all citizens of the State. 1 M.R.S.A. § 402(2). This includes regular and special meetings of municipal boards and committees, including but not limited to selectboards, town and city councils, planning boards, boards of appeals, boards of assessment review and school boards, as well as committees and sub-committees of those boards. The term also includes work sessions, workshops, strategy meetings and any other informal meeting of a municipal board or committee, even if no decisions will be made or no formal action will be taken at the meeting.

If there is a question as to whether a particular entity is a public "body or agency" subject to the Right to Know Law, the court will consider and weigh four factors: "(1) whether the entity is performing a governmental function; (2) whether the funding of

the entity is governmental; (3) the extent of governmental involvement or control; and (4) whether the entity was created by private or legislative action." *Town of Burlington v. Hospital District No. 1*, 2001 ME 59, 769 A.2d 857, 863.

Except where the Right to Know Law allows for an executive session (see below), all public proceedings must be open to the public and any person shall be permitted to attend. It is important to note that the law gives the public the right to attend a public proceeding, but does not provide the public with a right to participate in the meeting. Other than public hearings, the board or committee conducting a public proceeding retains the right to control when and how much public participation is allowed, if at all.

The Right to Know Law does not prohibit all communications between individual board members outside of a properly noticed public proceeding. 1 M.R.S.A. § 401. These communications, however, must not be used to defeat the purposes of the law. For example, board members may communicate with each other, by phone, email or otherwise, to develop agendas, schedule meetings, or distribute information for discussion at an upcoming meeting. Board members may not discuss, deliberate on or make any decision on substantive matters pending before the board outside of a properly noticed, public meeting of the board. Since, for boards of three, only two members need to be present to constitute a quorum (the minimum number of members required to act), a telephone call or e-mail between two members involving substantive discussions, deliberations or decisions on town business is likely a violation of the law. For more information see the "Emailing Board Members Outside of Public Meetings" Legal Note, linked above.

A. General Notice Requirements

The Right to Know Law does not specify the timing or method of giving notice for public meetings. The law merely requires that notice "be given in ample time to allow public attendance and… be disseminated in a manner reasonably calculated to notify the general public" in the municipality. 1 M.R.S.A. § 406. The board or committee holding the meeting should choose a method of notification that will reasonably communicate to most people in the community the fact that the meeting will be held. Notice should be given far enough in advance for people to reasonably arrange to attend the meeting. If a true emergency arises so that it is impossible to give meaningful notice to the general public, the board must first notify local representatives of the media by the same means that notice of an emergency meeting was communicated to the other members of the board. 1 M.R.S.A. § 406.

We recommend that notice of a meeting contain a statement that the board is meeting and the date, time and place of the meeting. The notice need not contain an agenda of the meeting. Despite the fact that an agenda is not required, we recommend the notice should mention something about the topic(s) to be discussed, particularly for emergency meetings. This is a courtesy to the public that will save the board members the nuisance of numerous inquiries asking what the meeting is for.

B. Special Notice Requirements

Other statutes impose special notice requirements for certain types of proceedings; some of these statutes are listed below. The following list is not intended to be used as a substitute for reading the full text of the statute. In addition, municipal charters and ordinances may contain other special notice requirements. The stricter of these requirements generally will apply. See chapter 6 of MMA's *Municipal Officers Manual* for additional information on special notice and hearing requirements.

Charter Adoption or Amendment. 30-A M.R.S.A. § 2103(2) requires 7 days' notice of the charter commission's organizational meeting. 30-A M.R.S.A. § 2103(5) requires 10 days' notice of the public meeting, newspaper publication required. 30-A M.R.S.A. § 2104(5) requires 7 days' notice of the public hearing on petitioned charter amendments, newspaper publication required.

Comprehensive Plan. 30-A M.R.S.A. § 4324(8) requires posting of notice at least 30 days before the public hearing on the proposed plan; proposed plan must be available for public inspection at least 30 days before hearing.

Ordinance Adoption or Amendment. 30-A M.R.S.A. § 3002 requires 7 days' notice for enactment or revision of ordinances by the legislative body of a municipality. 30-A M.R.S.A. § 4352(9) regarding **zoning ordinances and zoning maps**, requires more notice, and the notice must be published two times. 38 M.R.S.A. § 438-A(1-B) requires that a municipality give landowners written notification (in addition to the notice under § 4352(9)) when their property is being considered for placement in a resource protection district. For ordinances that can be enacted by municipal officers (i.e., selectmen or councilors): 30-A M.R.S.A. § 3008 **(cable TV)** requires 7 days' posted notice of meeting. 30-

A M.R.S.A. § 3009 **(traffic regulation)** requires 7 days' posted notice of meeting. Although not specifically required by statute, a 7-day notice also should be given before adopting **General Assistance** ordinances.

Referendum Questions. For municipalities that will consider a secret ballot referendum question, 30-A M.R.S.A. § 2528(5) requires at least 7 days' notice of the public hearing on the subject of the referendum. The public hearing must be held at least 10 days before the day of the vote.

Source Water Protection Area. When a proposed land use project is located within the source water protection area of a public drinking water supplier and that project is reviewed by a planning board through a review process that requires notification to abutters, the municipality must notify the public drinking water supplier. 30-A M.R.S.A. §4358-A. This notice requirement specifically applies to contract and conditional zoning (30-A M.R.S.A. § 4352(8)); zoning (30-A M.R.S.A. § 4352(9)(E)); and subdivision (30-A M.R.S.A. § 4403(3)) proceedings.

Subdivision. Where no local subdivision ordinance has been adopted, 30-A M.R.S.A. § 4403(2) requires 7 days' notice of the municipal reviewing authority's hearing to adopt, amend or repeal local subdivision regulations. 30-A M.R.S.A. § 4403(4) requires two notices by newspaper publication of any public hearing to approve a subdivision application, with the first notice published at least 7 days before hearing.

Town Meetings. For annual and special town meetings, 30-A M.R.S.A. § 2523 requires at least 7 days' notice by posting a warrant in one or more conspicuous, public places in town.

C. Executive Sessions

The Right to Know Law permits closed-door deliberations by municipal boards and committees on certain sensitive matters. 1 M.R.S.A. § 405(6). A board or committee may only enter into an executive session to deliberate on the matters listed in the law. (Additionally 36 M.R.S.A. § 841(2) requires that hearings and proceedings related to poverty abatements be held in executive session). Once in an executive session, the board may only discuss the matter for which the executive session was called.

Executive sessions are permitted for the following topics (1 M.R.S.A. § 405(6)):

1. Personnel matters concerning an individual or group of public officials, appointees or employees - but only when public discussion could damage a person's reputation or when a person's right to privacy would be violated. *NOTE: When an executive session is held to investigate or hear charges, complaints, or allegations of misconduct the individual who is the subject of the executive session may request an open meeting in writing, in which case the meeting must be open to the public. Any person bringing charges, complaints, or allegations of misconduct may be present.*
2. Discussion or consideration by a school board of the suspension or expulsion of a public school student, or a private school student whose costs of education are paid from public funds. *NOTE: The student, parents/guardians of a minor, and legal counsel are permitted to be present at the executive session.*
3. Real estate and economic development negotiations- but only when premature disclosure would hurt the town's competitive or bargaining position.
4. Discussion of labor contracts and proposals between the municipality and the labor negotiators. Negotiations may be held openly provided both parties agree. *NOTE: Parties must be named before the board may go into executive session for this purpose.*
5. Consultations between the municipality and its attorney, but only when premature disclosure of the topic would place the municipality at a substantial disadvantage. *NOTE: In order to enter into an executive session for this purpose, the municipal attorney must be present - at least by telephone or conference call.*
6. Consultations between the municipal officers (selectmen or councilors) and the code enforcement officer representing that municipality in a Rule 80(K) land use enforcement matter pending in District Court when the consultation relates to that enforcement matter.
7. Discussion of information contained in records made confidential by statute.
8. Discussion, consultation, review or approval of the content of examinations that were administered by the municipality for licensing, permitting, or employment purposes.

Strict rules apply to calling and conducting executive sessions. 1 M.R.S.A. §§ 405(1) to (5). Municipal officials should especially note the following:

• Executive sessions may be held only for the limited purpose of the permitted deliberation. No final action may be taken in executive session.

• The law requires that a board must first be conducting a properly noticed public meeting before it goes into executive session.

• Before a board enters executive session, there must be a public motion to enter executive session and the motion must be approved by a public recorded vote of at least 3/5ths of the board members present and voting. 1 M.R.S.A. § 405(3).

• The motion to enter executive session must state, "the precise nature of the executive session" and "include a citation of one or more sources of statutory or other authority that permits an executive session for that business." 1 M.R.S.A. § 405(4). In most instances the authority for an executive session will be a Maine statute. The statute must be cited by providing the title and section of the statute. Failure to cite all authorities justifying the executive session is not a violation, nor is an inaccurate citation, if a valid citation was provided and the inaccurate citation was inadvertent. For more information and sample motions see the "Executive Session Motion Citations – A Quick Guide," above.

• The board that meets in executive session bears the burden of establishing the legitimacy of the executive session if its legality is challenged in court (see *Underwood v. City of Presque Isle*, 1998 ME 166, 715 A.2d 148).

• If the board members wish to approve an action after they have discussed a matter in executive session, the board must exit the executive session, return to the public meeting, and take any vote or other formal action in the public portion of its meeting.

• The purpose of the Right to Know Law cannot be defeated through the misuse of executive session. Action taken or resulting from an executive session in violation of the Right to Know Law is illegal, and upon complaint would be found by a court to be void and unenforceable.

Documents prepared for, and notes taken during, a lawful executive session are confidential under the Right to Know Law (see *Blethen Maine Newspapers, Inc. v. Portland School Committee*, 2008 ME 69, 947 A.2d 479). While these documents are not expressly exempt from the statutory definition of public records, the court explained that to hold that these documents are not confidential "would produce an absurd and illogical result". For more information see the "Executive Sessions & Personnel Matters" Legal Note, ***Maine Townsman***, May, 2008.

Note: There are certain matters that must be discussed entirely outside of a public proceeding. For example, review of General Assistance applications must be performed in complete confidentiality so that no information relating to an applicant or recipient is disclosed to the general public, unless expressly permitted by that person. **22 M.R.S.A. § 4306**. See the "General Assistance Confidentiality and Disclosure of Information" Information Packet for more information. In addition, the review of concealed handgun permit applications must be accomplished entirely beyond the range of public scrutiny. **25 M.R.S.A. § 2006(1)**.

D. Record of Meeting Required

The Right to Know Law requires that a record be made of all public proceedings, except where the body is a purely advisory one. The law requires that a record be made of each public proceeding within a reasonable time after the meeting and that the record be open to public inspection. At a minimum, the record must include: (1) the time, date, and place of the meeting; (2) the members of the body recorded as either present or absent; and (3) all motions and votes taken, by individual member, if there is a roll call. 1 M.R.S.A. § 403. There is no requirement for detailed minutes of deliberations, although certain types of proceedings may require a detailed record (see the discussion on "Mandatory Records" below). The failure to make or maintain a record of the public proceeding does not affect the validity of any action taken at the public proceeding. An audio, video, or other electronic recording of a public proceeding is generally deemed to satisfy this requirement.

Persons attending a public proceeding may take notes, tape, or film the proceedings so long as they do not interfere with the orderly conduct of the proceeding. 1 M.R.S.A. § 404. The board or committee holding the public proceeding may make reasonable rules or regulations governing the taping or filming of the proceedings, so long as the rules do not defeat the purpose of the Right to Know Law.

III. Public Records

The term "public record" is defined very broadly by the statutes and by the courts to include "any written, printed or graphic matter or any mechanical or electronic data compilation from which information can be obtained" that has been received or prepared for use in transacting municipal business, or is related to municipal business, and is in the possession or custody of the municipality or a public official. 1 M.R.S.A. § 402(3). This definition includes paper documents, such as meeting minutes, agendas, town reports, and personal notes of board members, as well as e-mails, computer files, and audio or video recordings.

A. Confidential Records

Only records that have been specifically excepted by law may be withheld from the public. 1 M.R.S.A. § 402(3). Because such designations are widely scattered throughout both State and Federal statutes, some commonly encountered exclusions are listed alphabetically below. For a detailed list of confidential records, see Chapter 3 of MMA's *Municipal Clerk's Manual*.

- **Ambulance and rescue records**, including medical records, 1 M.R.S.A. § 402(3)(H).
- **Collective bargaining records**, including materials prepared for and used exclusive in preparing for negotiations by the municipality in collective bargaining with its employees, 1 M.R.S.A. § 402(3)(D).
- **Community well-being check program information**, participant application materials and other personal information collected for voluntary programs that provide regular or daily contact with participants, 1 M.R.S.A. § 402(3)(V).
- **General assistance**, 22 M.R.S.A. § 4306.
- **Income tax information**, including FICA withholding and other deductions or withholdings, 26 U.S.C. §6103 et seq. MMA Legal Services routinely advises that tax-related information is not public under most circumstances.
- **Information contained in a communication between a constituent and an elected official**, if the information is of a personal nature or if the information would be confidential if it were in the possession of another public agency or official, 1 M.R.S.A. § 402(3)(C-1).
- **Noninteractive email lists**, 1 M.R.S.A. § 402(3)(S). Email addresses obtained by a municipality for the sole purpose of disseminating noninteractive notifications, updates and cancellations.
- **Personnel records**, 30-A M.R.S.A. § 2702. This includes records pertaining to an identifiable employee and containing the following: medical information (physical and mental problems); performance evaluations and personal references; credit information, information about the personal history, general conduct or character of members of an employee's immediate family; complaints, charges and accusations of misconduct and replies to same, and other information which may result in disciplinary action.
- **Privileged records**, 1 M.R.S.A. 402(3)(B). Records that are privileged against discovery or use as evidence in a court action are not public records.
- **Resumes, applications, references** and other information submitted by a person seeking municipal employment are confidential, 30-A M.R.S.A. § 2702(1)(A). Except for letters and notes of reference expressly submitted in confidence, the application, resume, and letters and notes of reference of a successful applicant become public records after that applicant is hired.
- **Poverty abatement applications**, 36 M.R.S.A. § 841(2)(E).
- **Voter address**, 21-A M.R.S.A. § 22(3). Where a voter submits to the registrar a signed statement that the voter has good reason to fear for the safety of the voter or the voter's family if the voter's address were public, the registrar shall treat that voter's address as confidential.

A thorough search of State and Federal statutes should be undertaken before granting a request for records. The Maine Legislative Council on behalf of the Maine Right to Know Advisory Committee created and maintains this helpful online search tool for identifying State statutory exemptions to the Right to Know Law: http://www.mainelegislature.org/legis/foa/. This database does not include confidentiality exceptions created by Federal law and is not entirely infallible. If there is any doubt about the public nature of a requested record, municipal officials should contact their municipal attorney or MMA Legal Services, even if the online search tool displays no exception.

B. Mandatory Records

Records created under the Right to Know Law must be kept and made available to the general public. However, other than the records required by statute (see "Record of Meeting Required" above), the Right to Know Law does not generally require that a record be made or that information be compiled in a form that does not otherwise exist. 1 M.R.S.A. § 408-A(6). If information does not exist in one form but is available in another, however, the person requesting it must be so informed and invited to inspect and copy it in the form available (see *Bangor Publishing Co. v. City of Bangor*, 544 A.2d 733 (Me. 1988)).

In addition, the Right to Know Law requires a written record, with findings of fact and reasons, in the following instances: (1) denial or conditional approval of a license, permit or certificate (1 M.R.S.A. § 407(1)); (2) dismissal or refusal to renew the contract of a public official, employee or appointee (1 M.R.S.A. § 407(2)); and (3) "final" employee disciplinary action (**30-A M.R.S.A. § 2702(1)(B)(5)**).

Other statutes may require the issuance of written decisions with findings of fact and conclusions of law in other instances or may impose other requirements. For example, **30-A M.R.S.A. § 2691(3)(E)** requires all decisions of a board of appeals to "include a statement of findings and conclusions, as well as the reasons or basis for the findings and conclusions, upon all the material issues of fact, law or discretion presented and the appropriate order, relief or denial of relief," and **30-A M.R.S.A. § 4403(6)** requires a planning board to make findings of fact in acting upon an application for subdivision approval. Also, conflict of interest law requires certain disclosures related to a vote (e.g., to award a contract) to be filed with the municipal clerk.

C. Inspection and Copying of Public Records

Every person – not just residents or taxpayers of the municipality – has the right to inspect and copy any public record during reasonable office hours of the municipality or official having custody of the public record. 1 M.R.S.A. § 408-A(1). Persons asking to inspect or copy public records shall be granted access "within a reasonable time" of making the request. 1 M.R.S.A. § 408-A. However, inspection, translation and copying may be scheduled so as not to delay or inconvenience the custodian of the records. Requests to inspect or copy public records do not have to be made in person or in writing.

The law requires that access to an electronically stored record be provided either as a printed document or in the electronic medium in which the record is stored, at the requestor's option. However, a municipality or official is not required to provide access to a computer file if they have no ability to separate out, or prevent disclosure of, confidential information in that file. The law does not require that a municipality or official provide access to a computer terminal. Nor does it require that an electronically stored record be provided in a different electronic medium or format. If an electronically stored record must be converted into a comprehensible or useable format in order to provide access to it, the municipality may charge for the actual cost of conversion. 1 M.R.S.A. § 408-A(7).

Municipalities are required to *consider* the purchase of computer software and other resources that will maximize the public's access to public records and maximize the exportability of public records, while protecting confidential information that may be a part of those public records. 1 M.R.S.A. § 414.

In addition, every person has the right to request that a municipality make a copy of a public record and mail it to them. 1 M.R.S.A. 408(A)(2). The municipality or official with custody of a public record may charge a reasonable fee to recover the cost of copying. The municipality may also recover "the actual cost of searching for, retrieving and compiling the requested public record of not more than $15 per hour after the first hour of staff time per request." Compiling the public record includes reviewing and redacting confidential information. The actual cost of converting a public record into a different form or usable format also is recoverable. There can be no charge for inspection, unless the public record cannot be inspected without being compiled or converted. 1 M.R.S.A. § 408-A(8). For more information, see the "FOAA Fees" Legal Note, above. However, note that in 2017 the Legislature amended the law to require payment of all costs associated with public records requests before the records are provided to the requester. 1 M.R.S.A. § 408-A(8)(F). Prior to the adoption of this law, a requestor only had to pay prior to commencing the search, retrieval, compilation and copy of records if the estimated cost exceeded $100 or the requestor previously failed to pay any costs.

D. Responding to Requests for Public Records

The municipality or official with custody of a public record must acknowledge receipt of a request for public records within 5 working days and may request clarification concerning which public record or records are being requested. The record itself must be provided to the requestor within a reasonable time of receiving the request, which may be longer than 5 days from receipt of the request if necessary. When acknowledging a request, the municipality or official must include a good faith,

nonbinding estimate of time necessary to complete the request and a cost estimate. The municipality or official must make a good faith effort to comply with the estimates given. 1 M.R.S.A. § 408-A(3). If the estimate of the total cost exceeds $30, the agency or official must inform the requestor before proceeding to fulfill the request. 1 M.R.S.A. § 408-A(9). If the estimated cost exceeds $100, or if the requestor has previously failed to pay costs in a timely manner, the municipality may require payment in advance. 1 M.R.S.A. § 408-A(10). The municipality may, but is not required to, waive part or all of these costs if the requestor is indigent or if release of the records is "in the public interest" and "not primarily in the commercial interest of the requestor." 1 M.R.S.A. § 408-A(11).

The date a request is received is the date a sufficient description of the public record is received by the municipality or official at the office responsible for maintaining the record. If the request is received by an office that does not maintain the record, but the record is maintained by another office of the municipality, then the office that received the request must forward the request without willful delay to the office that maintains the record. The office that received the request must notify the requestor that the request has been forwarded to the proper office and that office will acknowledge receipt of the request within five working days of receiving it.

If the municipality or official having custody or control of a public record refuses permission to inspect or copy or abstract a public record, that official shall issue a written denial stating the reasons for denial within 5 working days of receipt of the request for inspection. 1 M.R.S.A. § 408-A(4). However, if it is impossible to determine within this timeframe whether a record is public or confidential, the municipality or official may issue within five working days of receipt of a request, an explanation that the request will be denied in full or in part pending further review. The requestor may appeal the refusal within 30 calendar days of receipt of the written notice of refusal or denial with the Superior Court, and the municipality will have 14 days to file an answer. 1 M.R.S.A. § 409(1).

E. Unduly Burdensome or Oppressive Requests

A request for records may be denied if it is unduly burdensome or oppressive and the municipality or official has sought and received an order of protection from the Superior Court. 1 M.R.S.A. § 408-A(4-A). To obtain an order of protection, the municipality must file an action in the Superior Court for the county where the request for records was made within 30 days of receipt of the request. The municipality must give the party requesting the records a notice of its intent to file for an order of protection at least 10 days before filing with the court. The complaint must include the terms of the request and any modifications agreed to by the requestor, a statement of facts demonstrating the burdensome or oppressive nature of the request, estimates of the cost and time required to fulfill the request, and a description of the efforts made to discuss possible modifications of the request that would reduce the burden of production.

IV. Local Public Access Officers

The Right to Know Law requires each unit of government, including each municipality, to designate an existing employee as its public access officer to serve as the contact person for public records requests. Public access officers are subject to the same FOAA training requirements as certain other local officials (see "Training" below). Public access officers are responsible for ensuring that each records request is acknowledged and that an estimate of the response time is provided. However, a request must be acknowledged and responded to regardless of whether it was delivered or directed to the public access officer. A response may not be delayed due to the unavailability of a public access officer. 1 M.R.S.A. § 413.

The law establishes an Assistant State Attorney General position to serve as a Public Access Ombudsman. **5 M.R.S.A. § 200-I**. The Ombudsman's duties include working to informally resolve complaints by the public and public officials concerning the Right to Know Law and, upon request, issuing advisory opinions on the interpretation of and compliance with the law. To contact Maine's Public Access Ombudsman visit Maine's Right to Know website for contact information: **http://www.maine.gov/foaa/ombudsman/index.htm**.

V. Training

Public access officers and certain State, county and municipal officials are required to complete a course of training on Maine's Right to Know Law. 1 M.R.S.A. § 412. On the municipal level, selectmen, councilors, public access officers, officials of school administrative units and *elected* clerks, treasurers, assessors and budget committee members must complete the training. Appointed officials are not subject to the requirement (although all officials should be familiar with the Right to Know Law). Officials who are subject to the requirement must complete the training no later than 120 days after they take the oath of office or are designated as the public access officer. The training must be completed each time an individual is elected to a new term of office.

The training can be taken online by reviewing all of the information in the "Frequently Asked Questions" section on the State of Maine's Freedom of Access website (http://maine.gov/foaa/). This is a self-study option and is free of charge. The requirement can also be met by attending any other training that includes all of the information on the State's website. To verify that the training has been completed, officials must make a written or electronic record certifying that they have completed the training, identifying the training completed, and the date of completion. This record must be kept by the official or filed with the municipality. Forms for certifying compliance are available on the State's website at: http://www.maine.gov/foaa/Training/CertificationofCompletion.pdf.

VI. Violations

Willful violations of the law are punishable by a civil forfeiture (fine) of up to $500, payable by the governmental entity whose officer or employee committed the violation. 1 M.R.S.A. § 410. The fine is recoverable by the Attorney General or District Attorney only. Also, in an expedited appeal, a Superior Court may order the disclosure of wrongfully withheld public records and may invalidate action illegally taken in executive session. 1 M.R.S.A. § 409.

Town of Wayne
Debt Service Schedule

Year	Bank	Due Date	Interest Rate	Principal	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
2013	TD Bank	8/6	2.32%	170,000	$ 37,944	$ 37,155	$ 36,366	$ 35,578	$ 34,789					
2014	Camden	8/18	2.21%	300,000		$ 66,630	$ 65,309	$ 63,974	$ 62,652	$ 61,326				
2015	Camden	9/28	2.16%	300,000			$ 65,904	$ 65,256	$ 63,942	$ 62,628	$ 61,318			
2016	Camden	10/4	2.10%	235,000				$ 52,004	$ 51,003	$ 50,002	$ 49,007	$ 48,001		
2017	Camden	9/26	2.49%	175,000					$ 39,418	$ 38,534	$ 37,658	$ 37,658	$ 35,884	
2018		10/2		246,000										
				1,426,000	**$ 37,944**	**$ 103,785**	**$ 167,580**	**$ 216,811**	**$ 251,804**	**$ 212,491**	**$ 147,983**	**$ 85,659**	**$ 35,884**	**$ -**

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 **$246,000** to fund road reconstruction and repair. The Bond will be dated on or about **Tuesday October 2, 2018** 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 1:00 p.m. on Thursday, August 30, 2018. 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 **Tuesday September 4, 2018** 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.

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

July 1, 2018

Dear Resident:

I am writing to inform you about an upcoming road project on:

- **Walton Road (from Pond Road to Lovejoy Road)**

As you might have noticed, the Town has been working hard this summer (Brush cutting, culvert replacement, ditching and shoulder restoration) to prepare for paving this fall on the above road. Thank you for your patience. The following contractors have been hired to conduct the following work:

Contractor:	Stevenson Solutions, Wayne, ME
Type of Work:	Brush and tree removal within Town Right-of-Way
Date of Work:	Month of July 2018*
Contractor:	C.H. Stevenson, Inc., Wayne, ME
Type of Work:	Culvert replacement and draining improvements
Date of Work:	Month of July 2018*
Contractor:	All States Asphalt, Windham, ME
Type of Work:	Paving: Full Width Variable Depth HMA Shim, AR SAM Surface
Date of Work:	Month of August 2018*

*Tentative date: Dependent on work schedule schedules and weather.

If you have any items in the Town's Right-of-Way or concerns about the potential roadwork that you would like addressed. Please contact me, at the Town Office, so I can meet with you and discuss your concerns.

I want to reassure you that the Town staff and I are working with the contractors to make this transition as safe and as convenient as possible. ***During the construction process, the road will be closed to thru traffic; however, will be open for local traffic (residents, emergency vehicles, post office and school buses) you might experience temporary road closures and delays, be prepared to stop and obey all flaggers and signs for your safety and the contractors.*** Also, the Town has coordinated with all emergency response agencies that serve Wayne, and they are aware of the construction. Wayne Fire Department, Winthrop Ambulance, Kennebec County Sheriff's Office, Maine State Police, School District and the Post Office have been made aware of the road construction and they all are prepared for the delays.

Please bear with us, while we work toward improving the Town roads. This will only be temporary and in the end, the Town will have smooth and safe road to travel. Thank you in advance for your cooperation.

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

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

Sincerely,

Aaron Chrostowsky
Town Manager

Town of Wayne
5-Year Proposed Road Reconstruction and Paving Plan

Year 1: FY 2018-2019 ***Bond***

Walton Road Full Width Variable Depth HMA Shim, AR SAM Surface	$197,494
Total	$197,494

Year 2: FY 2019-2020 ***Capital Reserve***

Gott Road Reclaim, Fine Grade, 2" HMA Base, 1" HMA Surface	$78,771
Leadbetter Road (Coolidge Road to end of town road) Reclaim Fine Grade, 2" HMA Base, 1" HMA Surface	$97,437.22
Coolidge Road (Rte. 133 to Gravel) 1.25" Overlay	$8,840
Coolidge Road (Leadbetter Road to end of town road) Fine Grade, Compact, 3" PMRAP, Latex Modified Chip Seal, includes Crushed Gravel	$33,000
Memorial Park Lane (Rte. 133 to End of Town Way) Hot Mix Asphalt Shim, 1" Hot Mix Asphalt Surface	$12,295
Lake Street (Memorial Park Lane to Lake Andro.) Hot Mix Asphalt Shim, 1" Hot Mix Asphalt Surface	$7,407
Bridge Street Hot Mix Asphalt Shim, 1" Hot Mix Asphalt Surface	$5,054.00
Total:	$242,804.22

Year 5: FY 2020-2021 ***Capital Reserve***

Morrison Heights Road (Old Winthrop Road to Hardscrabble Road) Reclaim, Fine Grade, 2" HMA Base, 1" HMA Surface	$260,029
Total	$260,029

Year 5: FY 2020-2021 ***Capital Reserve***

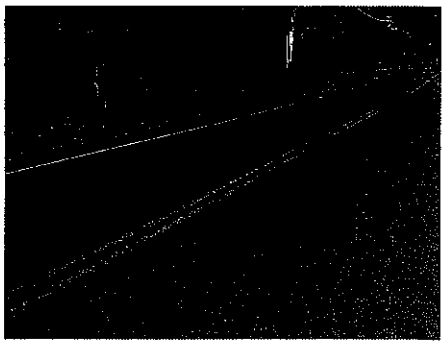
Strickland Ferry Road (Rte. 219 to end of pavement) CMA Shim, Chip Seal	$36,707
Total:	$36,707

All States Materials Group®

Asphalt-Rubber SAM is a stress absorbing membrane type surface treatment which creates a highly durable wearing surface for demanding pavements. The innovative surface treatment consists of hot pre-coated 3/8" or 1/2" crushed stone placed over a thick (0.45 to 0.6 gallons per yd²) hot-applied crumb rubber modified asphalt (CRMA). The CRMA is composed of performance graded asphalt blended with ground rubber from recycled tires and meets the ASTM Specification D-6114 for Asphalt-Rubber Binder. The tire rubber is finely ground at ambient temperatures then blended with asphalt at temperatures exceeding 350° F. The high temperature causes the oils in the asphalt to swell the elastomeric rubber polymer, resulting in a durable, elastic and flexible binder material that is less sensitive to brittleness at low temperatures and bleeding at high temperatures. The tire rubber contributes polymer, carbon black and anti-oxidants. The result is a very adhesive and cohesive high viscosity binder that provides high film thickness on the aggregates, improving durability and resistance to oxidative aging, aggregate loss and delamination. The Asphalt-Rubber SAM durability doubles the life of conventional chip seals while greatly reducing reflective cracking and the propagation of new cracks.

Asphalt-Rubber SAM Benefits

- ☑ Waterproofs and seals small cracks and imperfections on the existing pavement surface
- ☑ Minimizes loss of curb reveal and alignment; thinner than hot mix overlays
- ☑ Uses recycled material, reduces scrap tire inventories
- ☑ More durable than conventional asphalt
- ☑ Developed for higher traffic volume roads
- ☑ Quick construction and traffic return with minimal user delays
- ☑ Long lasting preventive maintenance preserves the value of your structurally sound pavements with distressed surfaces



Asphalt-Rubber SAM Uses

Asphalt-Rubber SAM is designed for demanding, higher traffic roadways; but they may be used on any type of road where a high performance surface treatment is desired. They are ideal for cracked and raveled surfaces where traffic delays, curb reveal, and clearances under bridges and overpasses are a concern. The pavement to be sealed should be structurally sound and properly drained. It should have a good profile, but may have aged asphalt with moderate surface cracking and raveling.

When warranted, potholes and cracks should be filled. The surface should be swept of any stones, sand, mud or other loose debris. Asphalt-Rubber SAM is a long-lasting treatment for distressed-surface pavements that you want to preserve.

All States Materials Group wants to make sure your road surfacing job is a success. We can help with determining the right treatment at the right time for your pavement. Contact our professionals for more information about protecting your roadways with Asphalt-Rubber SAM surfacing.

All States Materials Group®

ASMG SERVICES

Surface Treatments: Asphalt-Rubber SAM

Asphalt rubber SAMs (Stress Absorbing Membranes) serve as highly durable wearing surfaces for demanding pavements. The innovative surface treatment includes 3/8" or 1/2" stone placed over a thick (0.5 to 0.7 gallons per yd^2) hot-applied binder composed of asphalt blended with 20% by weight rubber from recycled tires. The tire rubber is finely ground at ambient temperatures then blended with asphalt at temperatures exceeding 350°F. The high temperature causes the oils in the asphalt to swell the elastomeric rubber polymer, resulting in a stiff, elastic and flexible binder material that is less sensitive to brittleness at low temperatures and bleeding at high temperatures. The tire rubber contributes polymer, carbon black and anti-oxidants. The result is a very adhesive and cohesive high viscosity binder that gives high film thickness on the aggregates, improving durability and resistance to oxidative aging, aggregate loss and delamination. The SAM durability doubles the life of conventional chip seals and reduces spalling around existing reflective cracks.

Benefits of Asphalt Rubber SAMs

- Waterproofs and seals small cracks and imperfections on the existing pavement surface
- Minimizes loss of curb reveal and alignment; thinner than hot mix overlays
- Uses recycled material, reduces scrap tire inventories
- More durable than conventional asphalt
- Developed for high traffic volume roads
- Quick construction and traffic return with minimal user delays
- Long lasting preventive maintenance preserves the value of your structurally sound pavements with distressed surfaces

The SAM Process

All States Materials Group's asphalt rubber is formulated for durability and adhesiveness. It is manufactured at our facility with strict quality control for consistency and performance. We use coated and heat-treated high quality stone that has been tested for shape, hardness, proper gradation and cleanliness. A laboratory design with the project materials determines the correct asphalt rubber and aggregate application rates. There should be sufficient asphalt to give the proper embedment (and therefore bonding) of the aggregate in the asphalt, and just enough aggregate to cover the surface (typically 30-35 pound per yd^2). After any repairs are made and the pavement is cleaned of any loose debris, a properly adjusted and calibrated distributor truck sprays the hot asphalt rubber on the pavement at the predetermined shot rate. This is immediately covered by the aggregate from a continuous, self-propelled aggregate spreader. The seal is then rolled to properly orient and seat the aggregate. After any excess aggregate is swept off, the newly surfaced road can be opened immediately to traffic.

Additional Resources

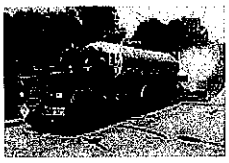
- Asphalt-Rubber SAM
- FHWA Checklist - Chip Seal Application
- Minnesota Seal Coat Handbook
- Municipal Pavement Management (Chip Seal) Flier Example

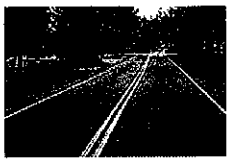
Related Videos

- MNRoads Chip Sealing on High-Volume Roadways Video
- NCPP Changing Course to Preserve America's Roads
- NCPP Pothole Prevention

Case Studies

- Barnstable, MA: AR SAM
- Hadley, MA: AR SAM





Request a Quote

Where and When to Use Asphalt Rubber SAMs

Asphalt rubber SAMs are designed for demanding, high traffic volume highways; but they may be used on any type of road where a high performance surface treatment is wanted. They are ideal for cracked and raveled surfaces where traffic delays, curb reveal, and clearances under bridges and overpasses are a concern. The pavement to be sealed should be structurally sound and properly drained. It should have a good profile, but may have aged asphalt with extensive surface cracking and raveling. There should be no sign of sub-base movements or surface bleeding. When warranted, potholes and cracks should be filled. The surface should be swept of any stones, sand, mud or other loose debris. Asphalt

All States Materials Group®

ASMG Headquarters
P.O. Box 91
Sunderland, MA 01375
Phone: 413.665.7021

Rubber SAMs are the long-lasting treatment for distressed-surface pavements that you want to preserve. All States Materials Group wants to make sure your surface treatment job is a success. We can help with determining the right treatment at the right time for your pavement. For your overall road program, we can help you evaluate single versus multiple surface treatments, equipment rentals and aggregate supply instead of our complete turnkey contracting. Contact our professionals for more information about how asphalt rubber SAMs can help you preserve your pavements.

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All States Materials Group®

ASMG SERVICES

Hot Mix Asphalt (HMA)

At All States Materials Group, we use our Hot Mix Asphalt (HMA) to construct new pavements as well as overlays on distressed or aging pavements that need additional structure and improved surfaces. All States Materials Group's hot mix asphalt (HMA) is a high quality, flexible and durable pavement manufactured and constructed with well-maintained, state-of-the-art equipment by knowledgeable, experienced professionals. We use performance-graded (PG) neat and modified asphalts as well as conventional and Superpave mixes. We manufacture and place high performance HMA with modified asphalt binders and additives and special mixes (such as open- and gap-graded) for especially difficult locations, such as high traffic intersections and urban interstates.

Hot Mix Asphalt Benefits

- Smooth and quiet riding surfaces
- Flexible but strong pavement structures resistant to rutting, cracking and moisture damage
- Easily maintained
- Easily recycled
- Improved smoothness and skid resistance and correction of surface defects (HMA overlays)
- Available in a variety of high-performance and conventional materials for building and maintaining all types of pavements

The Hot Mix Asphalt Process

The first step is a laboratory mix design. We use the project aggregate and asphalt to design a mix that meets all specifications and your expectations for performance. Our laboratories have the latest equipment for the designs. Our drum and batch plants manufacture the mixture under strict quality control. The mixture is transported to the jobsite, placed with a paver and compacted with rollers using the latest equipment run by our experienced crews. We use quality procedures to have all materials at the correct temperatures, to prevent mixture segregation and to meet target densities. We take pride in safety for our workers and quality materials and construction. For new construction, we build the HMA pavement in layers (lifts) constructed on a well-drained, well-prepared granular base. The bottom layer has the largest size aggregate and resists tensile strain caused by traffic, preventing cracks from forming in the bottom of the pavement. The intermediate or binder course provides the bulk of the HMA structure, distributing the load. The surface or wearing course uses high quality, durable, skid resistant aggregate for a safe, smooth, quiet, easily maintained riding surface.

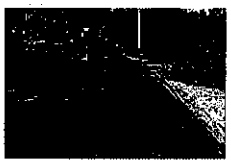
Where and When to Use Hot Mix Asphalt

HMA pavements are the cost-effective durable road surface of choice for all types of roads, streets and highways, as well as race tracks, airports and other industrial applications. They should be built over well-prepared base structures. HMA overlays are the corrective treatment of choice for asphalt and concrete pavements with severe surface distresses, especially where the ride is rough and/or structure is needed. Before placement, any base or drainage deficiencies should be repaired, and HMA overlays should not be placed over pavements with signs of moisture damage. Any quality paving project requires quality materials and quality construction. Hot Mix Asphalt manufacture and paving have many variables. Our years of expertise combine quality materials, well-maintained and state-of-the-art equipment, superior methods and trained, experienced crews to seamlessly provide consistently superior projects. And we always stand behind our work, making sure that you are satisfied. Contact us for help with constructing the best pavements and overlays for your needs.

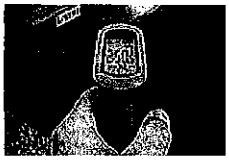
Additional Resources

- FHWA Checklist - Thin Hot Mix Application
- Useful Calculators & Formulas

Hot mix paving



Cold mix paving



ECOBIT warm mix paving

Request a Quote

All States Materials Group®

ASMG Headquarters
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Phone: 413.665.7021

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CREATING TOBACCO-FREE RECREATION ENVIRONMENTS THAT PROTECT AGAINST SECONDHAND SMOKE

POLICY STAKEHOLDERS
MUNICIPALITIES

INTRODUCTION

Tobacco use remains the leading cause of death and disease in this country with over 443,000 deaths per year. As youth become more independent, they often take up unhealthy behaviors that they consider more "adult". We know that almost 9 out of 10 adult smokers began using tobacco when they were adolescents. Less than 1 out of 4 Maine adults smoke. To eliminate the false perception that smoking is an "adult" activity, no age group should be permitted to use tobacco on recreation center grounds.

ADDRESSING TOBACCO IN THIS ENVIRONMENT

- Youth are sensitive to nicotine and can feel dependent earlier than adults. As a result, 3 out of 4 teen smokers will smoke as adults.
- Local recreation groups influence Maine's children and are important partners in promoting policies for better health. When they're not in school, children in communities across Maine spend much of their time at community-based recreation facilities. Making these environments tobacco-free changes the social norm around tobacco use and promotes tobacco-free living.
- There is no risk-free level of exposure to secondhand smoke. It travels and is harmful to others, in both indoor and outdoor settings.
- Cigarette butts are the most littered item in the country, adopting a tobacco-free policy can reduce maintenance costs from cleaning up these items.

POLICY IMPLEMENTATION STEPS

1. Assess the current policy climate and identify partners.
2. Develop a policy proposal for decision makers.
3. Present the policy for approval.
4. Put the policy into place.
5. Monitor results.

WHAT IS A MODEL POLICY?

A model tobacco-free policy prohibits the smoking of, or use of, any tobacco products including but not limited to, cigarettes, cigars, snuff, chewing tobacco, snus and electronic nicotine delivery systems, such as e-cigarettes, on all recreational area properties 24 hours a day, 365 days a year, including athletic facilities, playgrounds or assembly areas operated by the town.

RESOURCES

- Local District Tobacco Prevention Partner – usually located at a local Community Coalition, the DTPP can provide technical assistance on policy adoption and implementation and provide tips on creating tobacco-free environments.
- 2017 Tobacco-Free School Policy Toolkit which includes a policy templates, rationale for municipal policies and steps for change.
- Tobacco-free signage is available for municipalities that meet model policy and can be accessed through local District Tobacco Prevention Partners.

MAINE PREVENTION SERVICES
Maine Center for Disease Control & Prevention
Department of Health and Human Services

Town News – July 2018

The Selectboard would like to thank everyone who participated in the **Annual Town Meeting and Election** this June 12 and June 13. Annual Town Meeting is special privilege and tradition of this community that makes Wayne. The Selectboard would like to welcome **Amy Black, Stan Davis** and **Lloyd Irland** to the Selectboard and thank **Stephanie Haines, Cynthia Pettengill** and **Elaine Christopher** interest in being a member of the Board. **Dallas Folks, David Stevenson** and **Jim Perkins** were elected to the Budget Committee. A special congratulation goes to our awardees at Annual Town Meeting. **Gary Kenny** was presented the **Helen Hicks Healy Award** from Lincoln Ladd for his many years of service to the community. The Selectboard honored **Gary Kenny, Stephanie Haines** and **Open Space Committee** with the Spirit of American Foundation Award for their many years of volunteerism to the community. The Selectboard dedicated the Annual Town Report to **Andrew Knight, Elinor Ault, Edwin Baker, Nancy Mullen** for their many years of service to the community. For a copy of the Town Report visit the Town Office. Lastly, the Selectboard would like to thank **Gary Kenny**, **Stephanie Haines** and **Jon Lamarche** for years of service to the Board of Selectmen.

In observation of **Independence Day, Wednesday July 4, 2018**, the Town Office & Readfield Transfer Station will be closed. We will re-open on **Thursday July 5, 2018**, during our regularly scheduled hours. Have a fun and safe Independence Day!

Several years ago, the Town adopted a **Consumer Fireworks ban**. Please respect this ban for everyone's safety and peaceful enjoyment of town. The Town will enforce this ban.

This month the **Planning Board** will be meeting on **Wednesday July 5th at 7:00 PM** at the **Wayne Elementary School Gymnasium.**

This month the Board of Selectmen will be meeting on **Tuesday July 10** and **July 24** at **6:30 PM** at the Wayne Elementary School Gymnasium.

The Town's **Assessor Agent** Matt Caldwell from RJD Appraisal will be available by appointment on **Monday July 23, 2018** between 8:00 AM to 4:00 PM to answer any questions you might have about your assessment or tax bill. Please contact, the Town Office to schedule an appointment.

Please be courteous of your neighbors and drive responsibly. The Town has contracted with Kennebec County Sherriff's Office for rural patrol this summer. Police will take notice.

The Town of Wayne has an Animal Control Ordinance that states no domesticated animal, licensed or unlicensed, shall be permitted on Town property (highways, sidewalks, Ladd Recreation Center, parks, footbridge, Wayne Town House, North Wayne School House, Town Boat Launch, Fire Stations, or old Town Office) **without a**

leash. The Town provides dog waste bags in the parks around the mill pond, please be courteous of others who use these public facilities and **pickup after your dogs.**

Town of Wayne, Maine
Assessor Agent
2018 Schedule

Matt Caldwell, CMA, Assessor Agent,
RJD Appraisal, P.O. Box 99, Pittsfield, ME 04967
Contact Town Office for appointment at (207) 685-4983

July 2018 Fri. July 23, 2018[1]	9 AM – 3 PM
August 2018 Mon. August 27, 2018	9 AM – 3 PM
September 2018 Mon. September 24, 2018	9 AM – 3 PM
October 2018 Mon. October 22, 2018	9 AM – 3 PM
November 2018 Mon. November 26, 2018	9 AM – 3 PM
December 2018 Mon. December 24, 2018[2]	9 AM – 3 PM

Notes:
1. No appointments – Tax Commitment Only
2. Tentative date, subject to change

Appointed Town Officials

Aging at Home Outreach Coordinator
Pam Chenea (Town Manager Appointment)

Animal Control Officer (Town Manager Appointment)
Taylor Stevenson
Anna Karll - Deputy

Assessor Agent (RJD Appraisal) (Selectboard Contractual Appointment)
Matt Caldwell

Code Enforcement Officer
and Local Plumbing Inspector (Town Manager Appointment)
Kenneth Pratt

E-911 Addressing Officer (Town Manager Appointment)
Bruce Mercier

Fence Viewer
Charles King

Fire Department (Town Manager Appointment upon recommendation by Fire Department)

Bruce Mercier, **Fire Chief, Fire Warden and Emergency Management Director**
Taylor Stevenson, **Deputy Fire Chief and Fire Warden**
James Welch, **Assistant Fire Chief** and **Fire Warden**
Mark Bachelder
Andy Blais
Steve Booth
Jillian Booth
John Christopher
Elaine Christopher
Bill Coolidge
Pauline Coolidge
Tim Sullivan

Ladd Recreation Center Director (Town Manager Appointment upon recommendation by Board of Trustees)

Donna Freeman

Tax Collector (Town Manager Appointment)
Dawna Gardner

Town Clerk, Registrar of Voters (Town Manager Appointment)
Cathy Cook

Town Manager, General Assistance Administrator, Health Officer and Road Commissioner (Selectboard Contractual Appointment)
Aaron Chrostowsky

Treasurer (Selectboard Appointment)
Bruce Mercier

Wayne Village Dam Keeper (Town Manager Appointment)
Wayne Bryant

Boards, Commissions, and Committees

Archival Board (Selectboard Appointment)
Leo Behrendt
Judy Danielson
Carroll Paradis
Gerry Paradis
Vacancy

Board of Appeals (Selectboard Appointment)
David Ault
Anne Huntington
Theresa Kerchner
Vacancy
Vacancy

Cemetery Association (Selectboard Appointment)
Peter Ault
Warren Davenport, President
George Draper, Secretary
Ken Foss, Sexton
Tom Fylstra, Treasurer
Britt Norton
Vacancy

Cobbosse Watershed District Trustee (Selectboard Appointment)
Jane Andrews

Conservation Commission (Selectboard Appointment)
Leslie Burhoe
Pamela Green
Anne Huntington
Lloyd Irland
Leslie Latt, Chair
Bill Messer
Ken Spalding

Farmers' Market Committee (Selectboard Appointment)
Tammy Birtwell
Leslie Burhoe
Jane Davis
Sandra Dwight-Barris
Theresa Kerchner
Emily Perkins, Emeritus

Memorial Day Committee (Selectboard Appointment)
David Ault
Peter Ault
Kathleen Ballou
Doug Stevenson
Holly Stevenson
Don Welsh

Open Space Committee (Selectboard Appointment)
Chris Cushman
Lloyd Irland
Margaret Lane
Stephen McLaughlin
Bruce Mercier
Ken Spaulding
Ford Stevenson

Planning Board (Selectboard Appointment)
Vacancy
Laura Briggs, Alternate
Fred Duplisea
Seth Emery
Reed Lee
Steve McLaughlin
Ford Stevenson, Chair

Readfield/ Wayne/ Fayette Solid Waste Committee (Selectboard Appointment)
Vacancy
Vacancy
Vacancy

Recreational Sports Committee
(former Wayne Athletic League) (Selectboard Appointment)
Chris Bennett
Chase Morrill

Nicole Perry
Rebecca Reynolds
Dave Webb

30-Mile River Watershed Association Representative (Selectboard Appointment)
Martha Hoddinott

Androscoggin Lake Improvement Corporation Representative (Selectboard Appointment)
Aaron Chrostowsky