

**Readfield Select Board
Regular Meeting
Agenda**

February 24, 2014

**Location: Town Office
Meeting Starts: 6:30 PM**

Pledge of Allegiance

1. **Minutes:** Select Board meeting minutes of February 10, 2014 – 5 minutes; possible reconsideration of minutes of February 3, 2014.
2. **Warrant: 19** – 5 minutes

Communications – 30 minutes

3. Select Board communications
4. Town Manager
5. Boards, Committees, Commissions & Departments

Appointments/Reappointments

6. Readfield Enterprise Fund (REF) Committee: Travis Frautten

Unfinished Business:

7. Public Works data & analysis: Val Pomerleau – 10 minutes

New Business:

8. Land Use Violation/Proposed Consent Agreement: CEO Buuck – 10 minutes
9. Budget process update – 10 minutes
10. Road Commissioner duties – 20 minutes
11. Spirit of America nominations – 5 minutes
12. Other (if needed)

Public Communications – 15 minutes

13. Members of the public may address the Select Board on any topic.

Adjournment

#1

Minutes



Readfield Select Board
Regular Meeting Minutes February 10, 2014 - Unapproved

Select Board members present: Valarie Pomerleau, Sue Reay, Greg Durgin, Allen Curtis and Larry Dunn.
Others attending: Kristie Hutchinson (PEG TV), Stefan Pakulski (Town Manager), William Brown, Lenny Reay, Pamela Glidden, David Glidden, Dave Linton, Gene Carbona, Sandra Rourke, Debora Doten, Tom Dunham and Rosie Vanadestine (KVCOG).

The meeting was called to order at 6:32 pm by Sue Reay, Chair. The Pledge of Allegiance was made.

(1) Minutes:

- **Motion** by Mr. Curtis, **second** by Ms. Pomerleau to approve the minutes of 01/27/2014 as amended; **vote** 5-0-0.
- **Motion** by Ms. Pomerleau, **second** by Mr. Durgin to approve the minutes of 01/30/2014; **vote** 5-0-0.
- **Motion** by Mr. Durgin, **second** by Mr. Curtis to approve the minutes of 02/03/2014 as amended; **vote** 4-0-1 (Reay abstained due to absence).

(2) Warrant #18: The warrant was reviewed by Ms. Pomerleau. The Survey Monkey renewal for \$204 was discussed. **Motion** by Mr. Curtis to accept warrant #18 in the amount of \$330,021.44, **second** Ms. Pomerleau; Mr. Curtis **amended** the motion to remove the amount of \$204 for Survey Monkey, **second** by Mr. Durgin; **vote** 5-0-0.

(3) Select Board communications:

- Mrs. Reay gave a reminder of upcoming meetings.
- Mrs. Reay referenced a letter included in the packet and asked the board to set a policy regarding what is to be included in the packet. The board gave a directive to the town manager to not enclose any communication letters unless the chair or vice chair asks for them to be in the packet.
- An executive session regarding labor negotiations was scheduled for 4:30 pm on 02/19/2014, with a workshop on job descriptions and road commissioner duties to follow.
- Mrs. Reay read a debriefing she created on the ice storm events. Mr. Durgin, Mr. Dunn and Chief Mank will work on a draft of a non-disaster policy.
- Mr. Durgin read a report of the 02/06/2014 budget committee meeting which he attended. Mrs. Reay said there was miscommunication at the meeting, and John Parent has clarified that all residents are encouraged to attend meetings and provide input. Tom Dunham said an agenda is required for meetings and a time for public communication should be on the agenda.

Motion by Mr. Durgin to take item #13 out of order, **second** by Mrs. Reay; **vote** 5-0-0.

(13) (Out of order) KVCOG Director Rosie Vanadestine: Rosie Vanadestine gave a presentation summarizing KVCOG, who they serve and what services they provide. There was a question and answer period. Lenny Reay asked questions regarding taxpayer support and grant money. The town manager explained how the town uses KVCOG services. He provided the recent KVCOG survey in order for the board to offer input.

(4) Town Manager: Mr. Pakulski reviewed his recent and ongoing tasks. He will be out of the office on 02/24, 25 and 26. The town wood cutting percentage was discussed. A joint meeting with the Town of Fayette will be scheduled.

Unfinished business:

- Mr. Durgin has researched information regarding the 911 system and trails. In order for trails to have an address they need to have a number. Mrs. Reay spoke with Chief Mank and he suggested a trail map be provided to dispatch.
- **Motion** by Mrs. Reay to accept the updated Town Manager Roles & Responsibilities, Select Board Roles & Responsibilities, FOAA policy and the naming policy as presented tonight, **second** by Mr. Durgin; **vote** 5-0-0.

(9) Town Manager Job Description: Mr. Curtis requested a section be added as noted in the revised document. There was a discussion.

Motion by Mrs. Reay to adopt the town manager job description with the additions provided by Mr. Curtis, **second** Mr. Curtis; **vote** 5-0-0.

(11) Fee schedule review: There was a discussion.

Motion by Mrs. Reay to charge .25 for 8 ½ x 11 black and white copies, .50 for 11x17 black and white copies; color copies .75; faxes .25 per page incoming or outgoing; and \$6 charge for discs, **second** Mr. Durgin; **vote** 5-0-0.

(12) Public Works data & analysis: Mrs. Reay suggested the creation of an ad hoc committee to review all public works charges with a goal of getting closure on this issue. There was a discussion. The board will revisit this topic at the next meeting.

(14) Legal services RFP: The town manager made recommendations as to where and how long to advertise the RFP. The draft document was reviewed.

Motion by Mrs. Reay to make the suggested changes, to send to the board for review, to get the RFP out by 02/14/2014, proposals to be due on 03/03/2014 and publicly opened at 3:00 pm; town manager to give the board follow-up recommendations at the 03/10/2014 meeting, **second** Ms. Pomerleau; **vote** 5-0-0.

(15) Job description updates: There was no discussion. Chair Reay suggested board members contact the town manager directly if there are any questions prior to the workshop.

(16) Quarterly objectives: Mr. Curtis reviewed the objectives he provided. Mrs. Reay clarified employee evaluations are not reviewed by the board. There was a discussion regarding the objectives the town manager added.

Motion by Mr. Durgin to approve quarterly objectives #1-5 provided by Mr. Curtis and #1-22 provided by the town manager, **second** Mr. Curtis; **vote** 4-1-0; Mrs. Reay opposed due to objective #6.

(17) Road Commissioner Duties: To be discussed at a future workshop.

(18) Budget process update: FYI.

(19) Other: Mrs. Reay requested board approval to contact the town attorney pertaining to personnel issues. Mr. Durgin, Mr. Curtis and Ms. Pomerleau were in agreement.

(20) Public Communications: Mrs. Reay read the policy.

- Pam Glidden commented on the survey she referenced at the last meeting. She feels it is in poor taste for the survey to be posted in the town manager's office.

Motion by Mrs. Reay to extend the meeting to 9:15 pm, **second** Mr. Curtis; **vote** 5-0-0.

- Tom Dunham commented about the town website. He said according to town policy, agendas and minutes for committee meetings should be posted to the website. He asked about the appropriateness of residents serving on both the road committee and budget committee. Mrs. Reay asked Mr. Pakulski to remind committee chairs to please provide minutes and agendas. Mr. Dunham also asked about a possible conflict between the SWRC charter and the SWRC ordinance in regard to who manages the solid waste station.
- Lenny Reay requested a definition of town manager objectives.

The meeting was adjourned at 9:17 pm.

Recorded by Deborah Nichols

**Readfield Select Board
Special Meeting Minutes February 3, 2014**

Select Board members present: Valarie Pomerleau, Greg Durgin (Vice Chair), Allen Curtis, and Larry Dunn.

Select Board members absent: Sue Reay (Chair) recused herself.

Others attending: Stefan Pakulski (Town Manager); Lenny Reay Jr., Bill Brown, Mark Birtwell and Seth McGee.

Meeting called to order by Vice Chair, Greg Durgin at 6:30 PM.

Motion by Mr. Durgin, **second** by Mr. Curtis, to enter executive session pursuant to Title 1 MRSA, section 405 6 A to hear a complaint of a personnel matter with the Town Manager and Mr. Reay invited to attend. **Vote:** 4 – 0.

The Board entered executive session at 6:32 PM.

The Board left executive session at 8:59 PM and reconvened in open session.

Mr. Durgin adjourned the meeting without further action at 9:00 PM.

Recorded by Stefan Pakulski

#2

**Warrant
Presented
at Meeting**

#3

Select Board

3. Select Board communications

The Board is reminded to attend the March 5th RSU budget meeting with all Select Boards from RSU member towns.

Select Board members may share other communications items.

3

Winthrop Ambulance Service

"Serving since 1978"

RECEIVED
FEB 13 2014

February 12, 2014

Dear Community Partners,

I wanted to write you and keep you updated on some recent programmatic changes and additions here at the Winthrop Ambulance Service.

In mid-January Winthrop Ambulance began a contractual agreement with the Town of Monmouth to provide their emergency coverage needs. In order to accommodate the added call volume, Winthrop Ambulance is staffing an additional ambulance, bringing the total to three. Additional staff are being hired and trained to accommodate the additional coverage. Your community should see no change in service, and will actually benefit from an additional ambulance being staffed. We will continue to staff an ambulance out of the Readfield Fire station during the day, with the other two ambulances being located at our base in Winthrop.

In March we will begin our partnership with Winthrop Family Practice and Maine General Medical Health in collaboration to provide a Community Paramedic Pilot Program that will serve patients throughout our service area. Patients will be referred to Winthrop Ambulance through Winthrop Family Practice for home follow-up of their medical needs. We will check in on patients for vital sign screenings, medication checks, blood draws and home safety assessments. We are very excited to embark on this program as a way to not only become more visible to our member communities, but to provide a more preventative interaction with our patients in an effort to reduce hospital admissions.

Winthrop has recently taken delivery of another new ambulance, one that completes the replacement of the entire emergency fleet. This new ambulance, built on a Chevy chassis, continues our commitment to safely transport staff and patients with the addition of several cutting edge safety measures. The new unit is also equipped to handle bariatric patients, those over 600 pounds, in a safe and dignified manner.

Lastly, we are continuing our planning and training to respond to an Active Shooter event. We are currently adding equipment and training that will allow quicker and safer access to patients during an active shooter event in an effort to provide lifesaving treatment as early as possible, even while the event is still unfolding.

As always, we strive to provide you with the most effective and efficient EMS system available. Please contact me at 377-7220 x205 if you have questions or other needs as we enter the budgeting season.

John Dovinsky, Director



Winthrop Ambulance Service

#4

Town Manager

4. Town Manager tasks update for Feb. 24, 2014

Recent activities and updates of on-going tasks since the last Select Board meeting, in addition to regular duties, include the following:

Budget process: The Town Manager continues to work with employees, committees, and the Budget Committee to develop a budget proposal for the next fiscal year. An update of the most recent budget items reviewed with the Budget Committee is included in the packet for tonight.

Legal Services RFP: This RFP was advertised and released on Feb. 14th. Copies of the RFP also were sent directly to a list of legal firms with municipal law experience, as provided by MMA. Proposals are due on March 3rd with Board review planned for March 10th.

Cemetery Committee: The Town Manager met with the Cemetery Committee on Feb. 13th to review a final cemetery budget proposal for the next fiscal year. The one bidder for a possible mowing contract withdrew the bid.

MMA training opportunity: The Town Manager requests to close the Town Office on Wednesday, April 2, 2014 so that all employees may attend a training session called "Verbal Judo". The Select Board previously discussed this as a possible training for staff last fall. The office could be opened for public business a short period until 6:00 PM following the training.

Advertising for volunteers to help with the Messenger and website: This was noted as a quarterly objective, but more detailed guidance is requested. Does the Board want volunteers to take over the production of the Messenger and maintenance of the website? Are there specific tasks related to each that the Board would like to see handled by volunteers? It is important to get feedback from the employees who currently handle these tasks, and to get clarity on what and how different tasks could be handled by volunteers. Hopefully this guidance could be provided prior to advertising for specific help.

Office organization: This will continue as an on-going objective, given daily demands and numerous additional meetings.

General Assistance: One application for heating assistance was processed.

REF: The Town Manager recruited a new member to the REF Committee (for appointment consideration tonight), and spoke with a potential REF program applicant. The REF program can continue past June 30, 2014 using funds already repaid by borrowers, if Town Meeting approves of continuing it. But federal CDBG funds will not be available for any new REF loans or grants after June 30, 2014. This would mean the Town would have much less to work with after June 30th, but also there would no longer be the stringent federal requirements for compliance.

KVCOG meetings: The Town Manager attended a KVCOG Board of Directors meeting on Feb. 11th and a Mobilize Maine economic development meeting on Feb. 18th.

Legal contacts: The Town Manager had several contacts with MMA legal services and the Town's attorney on different subjects. All of these contacts as well as several Select Board legal contacts were entered into the legal log. An updated version of the log will be available to the Board by February 28th, as a quarterly objective.

Special meetings: The Town Manager prepared for, scheduled, and attended three separate special Select Board meetings related to labor negotiations and personnel matters, including seven executive sessions.

Select Board roles: The Town Manager will work with the Chair and Vice Chair to schedule continued review and implementation of appropriate Select Board roles and responsibilities through the next few months, as part of the quarterly objectives approved at the last meeting.

Bank of Maine meeting: The Town Manager, Select Board Chair, Vice Chair, and Code Enforcement Officer met with Ron Maggiacomo, Exec. VP of the Bank of Maine on February 11th to explore options for the bank building, following the closing of the branch in January. The Bank is willing to lease or sell the building for Town purposes, but will list it for sale sometime this year if the Town is not interested.

Resident meetings: The Town Manager met with many residents over the past two weeks to talk about or assist with a variety of issues.

Regional meeting request: Fayette Town Manager, Mark Robinson suggests a possible regional meeting of Select Boards perhaps in the first week of April, or later that month, pending other schedules.

#5

**Boards,
Committees,
Commissions
& Departments**

#6

Appointments

#6

TOWN OF READFIELD

APPOINTMENT APPLICATION

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

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

Please check one: 1st time appointment re-appointment

Which Board, Committee or Commission

are you applying for?

REF Committee

Name: Travis J. Frawtten Phone (H): _____

Street address: 18 Lakeview Dr. Phone (C): 207-485-2575

Mailing address: 18 Lakeview Dr, Readfield, ME 04355

E-Mail: tfrawtten@gmail.com or tfrawtten@androscogginbank.com

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

The experience I have developed as a Commercial Credit Analyst with Androscoggin Bank I am hopeful will be beneficial to the Committee. I work with loan requests every day and am responsible for performing stringent financial due diligence

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

The REF program is of particular interest to me as it falls right in line with the type of work I perform each & every day in the financial services industry. It is rather rewarding to think that I may have an opportunity to lend a hand in granting a local small business owner the funds needed to kick-start their professional success.

If you are currently employed, what is your position?

Androscoggin Bank - Commercial Credit Analyst / Commercial Banker

#7

PUBLIC WORKS

DATA &

ANALYSIS

7. Public Works data & analysis: Val Pomerleau

At the previous meeting, at the request of Val Pomerleau, the Select Board discussed the question of conducting further research and review of data related to the public works department abolished in 2011. Part of this included the possibility of appointing an ad hoc committee to do this work. Each Select Board member was then asked to consider what the possible charge or purpose might be for an ad hoc committee if the Select Board were to consider appointing a committee to study more about the public works department. These comments, suggestions, and questions should be provided at the meeting.

#8

**Land Use Violation
Consent Agreement**

TO: Select Board Members
FROM: Clif Buuck, CEO
DATE: February 20, 2014
RE: Consent Agreement

Attached is a copy of a proposed Consent Agreement regarding a violation of the Land Use Ordinance on property owned by Stacy Shaw. The "Whereas" page outlines the facts of the case and the "Now Therefore" pages lay out a potential resolution. As you read the Consent Agreement I have attached for reference and in order of your reading, copies of the applicable documents.

I will attend your Board meeting if you have any further questions.

CONSENT AGREEMENT

WHEREAS, Stacy Lynn Shaw (The "Landowner") is the owner of record of a certain parcel of land located at 16 Roddy, Readfield, Maine, as identified on the Town of Readfield Assessor's map 108 as lot 005, and further described in deeds recorded in the Kennebec County Registry of Deeds in Books 6051 page 305, Book 7095 page 325, and Book 9965 page 345, (the "Property"); and,

WHEREAS, the subject Property is located within the Rural Residential district as depicted on the Town's Land Use District map; and,

WHEREAS, The Landowner applied for and received from the Code Enforcement Officer a building permit to construct a 32 ft.x 36 ft. detached garage "with room above" dated June 8, 2000 (permit #00-36); and,

WHEREAS, pursuant to a request relating to mortgage financing to confirm code compliance of the Property, the Code Enforcement Office inspected the Property on February 6, 2014, which revealed the existence of a 5-room rental dwelling unit in the second floor of the detached garage; and,

WHEREAS, the Landowner did not apply for or receive a building permit to construct and occupy a dwelling within the garage, nor obtain the required internal or external plumbing permits or subsequent inspections; and,

WHEREAS, The Town of Readfield Land Use Ordinance (The Ordinance) effective at the time of issuance of the permit (adopted March 20, 2000) allowed for the development and use of a Two-Family Dwelling only as part of the same building (as defined in Article 11 "Dwelling Unit") on a lot meeting the minimum lot size of 80,000 sq. ft., as described in Article 7, section 6, Table 2; and,

WHEREAS, The Landowner's lot contains 87,901 sq. ft. as described in the deed reference in Book 7095, page 325, and is of insufficient size for two, separate single-family dwellings as required by The Ordinance; and,

WHEREAS, The Landowner's existing subsurface wastewater disposal system is designed to treat 360 gallons/day wastewater rather than 480 gallons/day to comply with the State of Maine Subsurface Wastewater Rules to accommodate the additional dwelling unit; and,

WHEREAS, the Town of Readfield Alternate Code Enforcement Office issued a Certificate of Compliance (CMP form 1190) to Central Maine Power on November 27, 2001 stating all local permits and approvals had been issued and are current, and to energize the Landowner's garage; and,

WHEREAS, the Town failed to inspect the Property prior to authorizing the CMP form 1190; and,

WHEREAS, the Landowner relied on the CMP form 1190 to be factual; and,

WHEREAS, the Property is located within a low-density, semi-rural neighborhood wherein the use of a single-family dwelling as a two-family dwelling is allowed; that the limited use of a separate building as a second dwelling is not likely to have an undue adverse affect on the character of the environment, and it's removal could result in a substantial injustice.

NOW, THEREFORE, after hearing testimony of all parties at a meeting duly called and held on February 24, 2014, the Municipal Officials of the Town of Readfield voted and the Landowner agrees as follows:

1. The Landowner acknowledges violations of Article 4, Section 1 (“Permit Required”) of The Ordinance to obtain building, internal and external plumbing permits; and,
2. The Landowner acknowledges the violation of the minimum lot size requirement of Article 7, section 6; and,
3. The Landowner agrees to apply for all after-the fact building and plumbing permits by March 15, 2014 and to pay the appropriate after-the-fact fees;
4. The Landowner agrees to obtain and submit to the Code Enforcement Officer a valid design on HHE-200 Form, by June 1, 2014 for an expanded subsurface disposal system to document an increase of 120 gallons/day wastewater (or as otherwise determined by a licensed Site Evaluator); and,
5. The Landowner agrees to record with the Registry of Deeds, by June 1, 2014, a Notice and Intent to Install the designed system in the event of a future malfunction of the existing system, and to install the system immediately upon any malfunction; and
6. The Landowner agrees to record this Consent Agreement by March 15, 2014 with the Registry of Deeds; and,
7. The Landowner agrees to forever limit the occupancy of the garage dwelling unit to a total of two persons only, and to record with the Registry of Deeds by March 15, 2014 a Certificate of Limited Use Occupancy provided by the Town,; and,
8. The Landowner agrees to an inspection by the Local Plumbing Inspector (LPI) by March 15, 2014 of all internal plumbing installed in the garage after issuance of the plumbing permit and if the LPI determines it to be necessary, the Landowner agrees to remove any wall, ceiling or floor coverings necessary for inspection; and,
9. The Landowner agrees to pay a civil penalty to the Town of Readfield in the amount of \$100 as the minimum required under M RSA 30-A, section 4452.3.A, for violating the minimum lot size requirement of The Ordinance; and,
10. The Landowner agrees to return to the Code Enforcement Officer an attested copy of all documents required by this Agreement to be recorded at the Registry of Deeds; and,
11. The Town agrees to issue a Certificate of Limited Use Occupancy permit for this dwelling, and to relinquish its right to prosecute The Landowner for violation of the above-referenced violations of The Ordinance; **EXCEPT THAT**, if The Landowner breaches any of the terms of this Agreement, The Town then may institute appropriate proceedings to further enforce the provisions of the Ordinance
13. This shall run with the land and be binding upon the executors, heirs, successors and assigns of the Grantor acquiring any interest in the land. If any term or provision of this Consent Agreement shall be determined by a court to be invalid or unenforceable, such decision does not invalidate any other term or provision of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Consent Agreement this _____ day of February, 2014.

LANDOWNER

Witness

Stacy Lynn Shaw

TOWN OF READFIELD

Witness

By: _____
Stefan Pakulski, Town Manager
For the Readfield Select Board as authorized
by them on February _____, 2014

STATE OF MAINE
COUNTY OF KENNEBEC, ss.

February _____, 2014

Personally appeared the above-named Stacy Lynn Shaw and acknowledge the foregoing instrument to be his free act and deed.

Before me,

Name:

Notary Public/Attorney-at-Law
Commission expires: _____

APPLICATION FOR BUILDING,

GN. OR USE PERMIT

P.O. Box 97

Readfield, ME 04355 Tel: 685-3290

Permit Fee: 57

Date Pd. 6/6/00 Rec. # 11553

Date Issued 6/8/00

Ext. Plng Permit# _____

E-911 # _____

The undersigned hereby applies for a permit for the following construction or use of property, said permit to be issued on the basis of the information contained within this application and in accordance with all applicable local and State laws. The applicant certifies that all information and attachments to this application are true and correct.

PROPERTY OWNER:

NAME: STACEY L. SHAW PHONE: 685-7327

MAILING ADDRESS: PO. BOX 101 READFIELD, ME ZIP: 04355

APPLICANT (if not owner, proof of right, title, or interest required, i.e. letter of authorization, purchase & sale agreement, etc.).

NAME: _____

ADDRESS: _____ Phone: _____

CONTRACTOR: JOHN CUSHING Phone: 685-7328

LOCATION OF PROPERTY (road): 16 RODDY LN

Tax Map No. 10 Lot No. 206 Zoning District RURAL

LOT SIZE:

Road Frontage _____ Depth _____ Area _____ Shore frontage _____

If lot has no road frontage, include copy of right-of-way deed description

EXISTING USE OF PROPERTY: _____

PROPOSED USE OF PROPERTY AND/OR PROJECT DESCRIPTION:

GARAGE 32 x 36 w/ 2 room garage

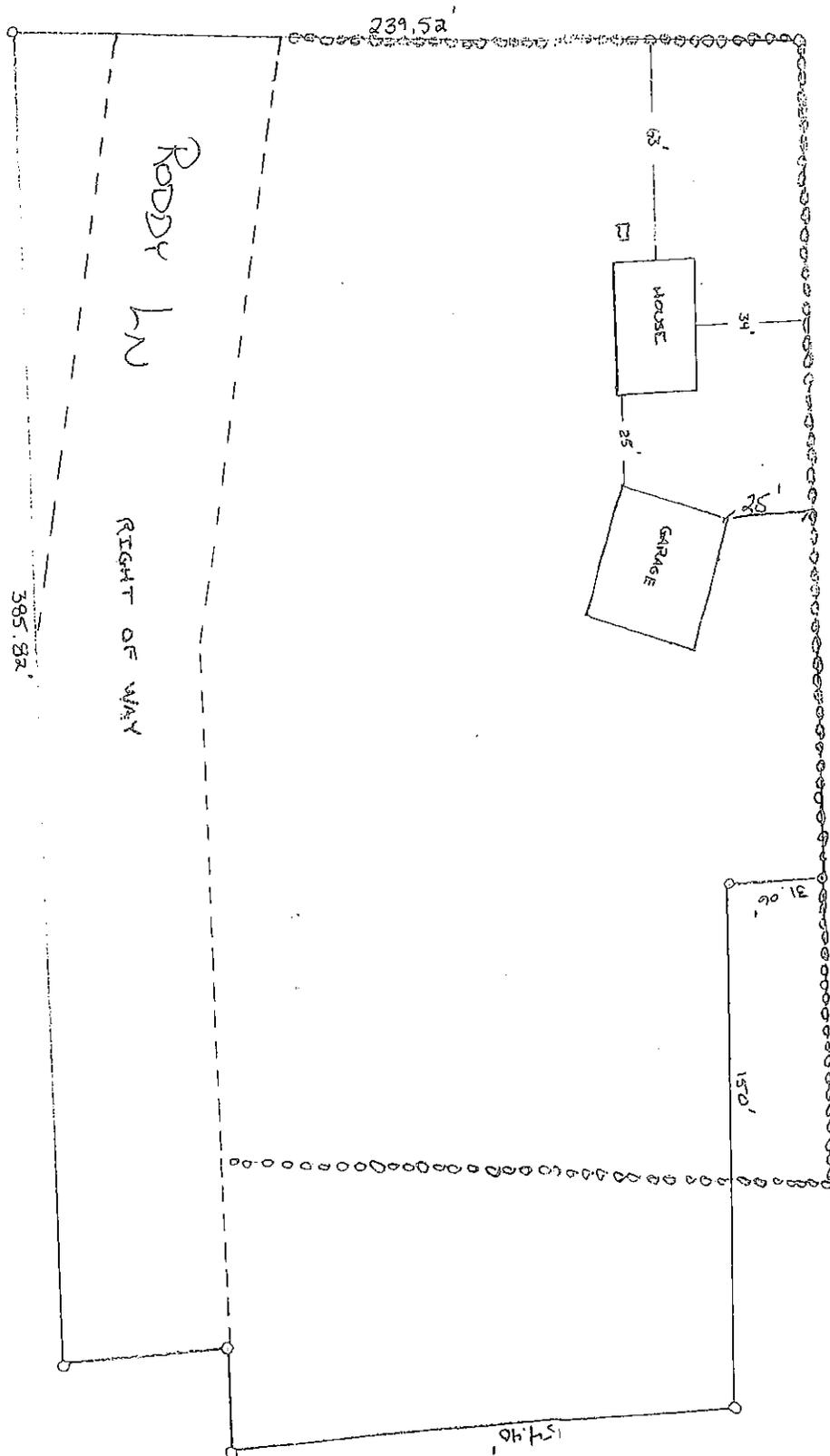
Dimensions _____ # rooms _____ # bedrooms _____ # baths _____
Height of bldg. 12' 1st FLR Foundation: full: _____ partial: _____ frost wall: _____ slab: other: _____

IS STRUCTURE IS A DWELLING. IS IT: (1) Year-round, or (2) Seasonal?

IS STRUCTURE IS A MOBILE HOME. WHAT IS THE MAKE? _____
YEAR? _____ WHERE IS IT BEING MOVED FROM? _____

IS STRUCTURE IS A MODULAR HOME, WHAT BRAND? _____

SEWAGE DISPOSAL: Existing Proposed
(If proposed, please include copy of Site Evaluator's report & design)



... NOW ... 24' ...
 ... 1" ...
 ...

TOWN OF READFIELD

CODE ENFORCEMENT OFFICE

8 Old Kents Hill Road 685-3290

PERMIT

No. 00-36

This is to certify that: **Stacey Shaw**
has permission to **construct 32 ft. x 36 ft. detached garage**
at the following property address: **16 Roddy Lane**
as identified on the Assessor's map no. 10 lot no. 20G provided that the person or persons,
firm or corporation accepting this permit shall comply with all applicable provisions of the
Town of Readfield Land Use Ordinance and Statutes of Maine regulating the construction,
maintenance and use of buildings, structures or land.

The Code Enforcement Officer approves this use or development proposal
submitted by **Stacey Shaw** as described in the application dated **6/6/00**, including all
depictions on the accompanying plan or other attachments. This permit is approved on the
basis of information provided by the applicant regarding ownership of this property,
boundary location and the legal right to use the property for the proposed project.

Any changes to this project, including but not limited to changes in the proposed
location, dimensions, **use of structures** or property, signs, wells, waste disposal systems,
excavation or surface drainage, or the location of property boundaries must receive prior
approval of the Code Enforcement Officer. *Work to be performed by a contractor
pursuant to this permit shall not begin before the contractor has been provided by the
permittee with a copy of this permit.*

Adequate and timely temporary and permanent **soil erosion control measures** must
be taken and be in place *before* any activity begins which involves filling, grading,
excavating or other similar activities which result in unstabilized soil conditions. These
measures must remain in place and functional until the site is permanently stabilized.

In addition, the following is required:

All setbacks must be met.

6/8/00

Approved on this date



Code Enforcement Officer

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK

Article 7 Land Use Districts & Regulations

TABLE 1/TABLE OF USES

	LAND USE DISTRICTS								Overlay District
	V	VR	R	RR	SR	RP	SP	CID	MH
RESIDENTIAL									
Accessory Structure	C	C	C	C	C	P	C	N	C
Multi-Family Dwelling	P	P	N	P	P	N	N	N	P
Single-Family Dwelling	C	C	C	C	C	P	C	N	C
Two-Family Dwelling	C	C	C	C	C	N	N	N	C
Mobile Homes	N	N	C	N	C	P	C	N	C
Mobile Home Park	N	N	N	N	N	N	N	N	P
Subdivisions	P	P	P	P	P	N	P	N	P
Conversion of Seasonal Homes	C	C	C	C	C	P	C	N	C
³COMMERCIAL									
Principal and Accessory Structures	P	N	P	N	N	N	N	P	U
Restaurants/Bars	P	N	P	N	N	N	N	P	U
Adult Entertainment	N	N	N	N	N	N	N	P	N
Recreation	P	N	P	N	P	N	N	P	U
Auto Sales/Repair Body Shop	P	N	P	N	N	N	N	P	U
Bed and Breakfast	P	P	P	P	P	N	N	N	U
Car Wash	P	N	N	N	N	N	N	P	U
Commercial Communications Tower	P	N	P	N	N	N	N	P	U
Gasoline Service Station	P	N	N	N	N	N	N	P	U
Home Occupations									
-Low Impact	C	C	C	C	C	C	N	N	Y
-High Impact	P	N	P	P	P	N	N	N	P

Legend

<u>Land Use Districts</u>		<u>Overlay District</u>
V = Village District	SR = Shoreland Residential	MH = Mobile Home
VR = Village Residential	SP = Stream Protection	
R = Rural District	RP = Resource Protection	
RR = Rural Residential	CID = Commercial Industrial	

Key to Table of Uses

Y =	Allowed Use (no permit required, but the use must comply with all applicable federal, state and local standards and regulations, including but not limited to this Ordinance.
C =	Use requires review and permit from Code Enforcement Officer (CEO) and/or Local Plumbing Inspector (LPI).
P =	Use requires site review from Planning Board, and requires a permit from the CEO and LPI upon Planning Board approval.
N =	Prohibited Use
U =	Use shall comply with underlying District requirements.
N/A =	Not applicable to the district.

Day Care Facility: A building or use of property operated for the care or instruction of three or more persons who are not children of the principal child care provider or blood relatives of the principal adult caregiver.

Dead-end: A road which connects with a Town way at only one intersection.

Demolition: To tear down or raze a structure or portion of any structure, and the appropriate removal and disposal of all the debris resulting from the demolition according to local, state and federal laws and regulations.

Density: The number of dwelling units per lot of land or unit.

Development: Any man-made changes to improved or unimproved real estate including, but not limited to: the construction of, additions or improvements to buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations, sewage disposal systems or water supply facilities.

Developed Area: Any area on which a site improvement or change is made, including buildings, landscaping, parking areas and streets.

Dimensional Requirements: Numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

Disability: Any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.

District: A specified portion of the Town, delineated on the Official Land Use Map, within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.

Driveway: a private way providing vehicular access to no more than two lots or to one two-family dwelling and less than 500 feet in length. Any private way providing vehicular access that is 500 feet or more in length shall be built at least to private road specifications (see Appendix A).

Dwelling Unit: Any building or structure or portion thereof designed or used for residential purposes, permanent or temporary in nature, used or proposed to be used as a residence seasonally or throughout the year. A building or structure providing temporary accommodations as a bunkhouse, as defined, shall not constitute a dwelling. The term shall include mobile homes but shall not include travel trailers or other recreational vehicles.

1. Single-Family Dwelling: Any structure containing one (1) dwelling unit for occupation by not more than one (1) family. Units may be attached.

2. Two-Family Dwellings: A building containing only two (2) dwelling units for occupation by not more than two (2) families.

3. Multi-Family Dwellings: A building containing three (3) or more dwelling units, such buildings being designed exclusively for residential use and occupancy by three (3) or more families living independently of one another with the number of families not exceeding the number of dwelling units.

Essential Services: The construction, alteration, and maintenance of gas, electricity, communication facilities, steam, fuel, or water transmission, distribution, collection supply or disposal systems. Such systems may include towers, poles, wires, mains, call boxes, traffic signals, hydrants, and similar accessories, but shall not include buildings which are necessary for the furnishing of such services.

Excavation: Any removal of earth material from its original position.

032589

WARRANTY DEED

032589

Lawrence C. Cushing, II., of Readfield, County of Kennebec and State of Florida, for consideration paid, grants to Stacey Lynn Shaw, of Readfield, County of Kennebec and State of Maine, with Warranty Covenants, the land in Readfield, County of Kennebec and State of Maine.

SEE EXHIBIT "A" ATTACHED

Witness my hand and seal this 17th day of September, 2002.

Tricia A. Ramirez
Witness

Lawrence C. Cushing, II.
Lawrence C. Cushing, II.

STATE OF MAINE
COUNTY OF KENNEBEC, SS.

09-17, 2002

Then personally appeared the above named Lawrence C Cushing, II., and acknowledged the foregoing instrument to be his free act and deed

Before me,



Tricia A. Ramirez
Notary Public/Attorney at Law

NOTARY PUBLIC
STATE OF MAINE
4600 ...

PK 7095PG326

INTEREST

A certain lot or parcel of land, situated in the Town of Readfield, County of Kennebec and State of Maine, bounded and described as follows:

Beginning at an iron pin on the line of land of Stan Becker as described in Book 3216, Page 275 at the Kennebec County Registry of Deeds, said pin located North 29 degrees 54 minutes East a distance of 329.9 feet from an iron pin at the southwesterly corner of the land parcel of land of Stan Booker.

Thence North 56 degrees 55 minutes West (partially along a stone wall) a distance of 239.5 feet to an iron pin; thence North 30 degrees 28 minutes East along a stone wall a distance of 236.2 feet to an iron pin; thence South 62 degrees 01 minutes East a distance of 31.1 feet to an iron pin; thence North 30 degrees 28 minutes East a distance of 150.0 feet to an iron pin; thence South 62 degrees 01 minutes East a distance of 154.4 feet to an iron pin; thence South 29 degrees, 54 minutes West a distance of 31.5 feet to an iron pin; thence South 62 degrees 01 minutes East a distance of 50.0 feet to an iron pin; thence South 29 degrees 54 minutes West a distance of 375.8 feet to the point of beginning.

Containing 87,901 square feet or 2.0179 acres

Subject to and with the use of the following described right-of-way to be used for all customary purposes, including the installation and maintenance of utilities:

Beginning at a point on the northerly limit of the Lewis Road, said point as located 316.5 feet from an iron pin at the southeasterly corner of a parcel of land of Devin R. Anderson and Holly Anderson (Book 4933, Page 271).

Thence North 53 degrees 15 minutes East a distance of 60.6 feet to a point; thence North 25 degrees 20 minutes East a distance of 163.4 feet to a point; thence North 39 degrees 15 minutes East a distance of 307.2 feet to a point; thence North 29 degrees 54 minutes East a distance of 219.8 feet to a point; thence North 62 degrees 01 minutes West a distance of 374.4 feet to a point; thence North 29 degrees 59 minutes East a distance of 50.0 feet to a point; thence South 62 degrees 01 minutes East a distance of 424.6 feet to a point; thence South 29 degrees 54 minutes West a distance of 275.8 feet to a point; thence South 39 degrees 15 minutes West a distance of 304.9 feet to a point; thence South 25 degrees 20 minutes West a distance of 169.7 feet to a point; thence South 53 degrees 15 minutes West a distance of 43.4 feet to a point; thence North 67 degrees 25 minutes West a distance of 58.1 feet to the point of beginning.

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Maine Department of Human Services
Division of Health Engineering, Station 10
(207)287-5672 FAX (207)287-4172

PROPERTY LOCATION		>> Caution: Permit Required -- Attach in Space Below <<	
City, Town, or Plantation	READFIELD	<p style="font-size: 2em; opacity: 0.5;">1100 REC # 2341</p>	
Street or Road	RODDY LANE		
Subdivision, Lot #			
OWNER/APPLICANT INFORMATION		Date Permit Issued: <u>9/17/01</u>	\$ <u>1100</u> <input type="checkbox"/> Double Fee FEE Charged
Name (last, first, MI)	SHAW, CHRISTOPHER	<p style="font-size: 1.5em; opacity: 0.5;">C. Brown</p> <p style="font-size: 0.8em;">Local Plumbing Inspector Signature</p>	
Mailing Address of	RODDY LANE	L.P.I. # <u>02211</u>	
<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Applicant	READFIELD, ME 04355		
Daytime Tel. #	685-7327	Municipal Tax Map # <u>10</u>	Lot # <u>206</u>
Owner or Applicant Statement		Caution: Inspection Required	
I state that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Department and/or Local Plumbing Inspector to deny a Permit.		I have inspected the installation authorized above and found it to be in compliance with the Subsurface Wastewater Disposal Rules Application	
<p style="font-size: 1.5em; opacity: 0.5;">C. Brown</p> <p style="font-size: 0.8em;">Signature of Owner/Applicant</p>		<p style="font-size: 1.5em; opacity: 0.5;">C. Brown</p> <p style="font-size: 0.8em;">Local Plumbing Inspector Signature</p>	
		(1st) Date Approved <u>10/2/01</u> (2nd) Date Approved <u>10/18/01</u>	

PERMIT INFORMATION		
TYPE OF APPLICATION: 1. <input type="checkbox"/> First Time System 2. <input checked="" type="checkbox"/> Replacement System Type Replaced <u>BED</u> Year Installed <u>80'S</u> 3. <input checked="" type="checkbox"/> Expanded System a. <input checked="" type="checkbox"/> Minor Expansion b. <input type="checkbox"/> Major Expansion 4. <input type="checkbox"/> Experimental System 5. <input type="checkbox"/> Seasonal Conversion	THIS APPLICATION REQUIRES 1. <input checked="" type="checkbox"/> No Rule Variance 2. <input type="checkbox"/> First Time System Variance a. <input type="checkbox"/> Local Plumbing Inspector approval b. <input type="checkbox"/> State & Local Plumbing Inspector approval 3. <input type="checkbox"/> Replacement System Variance a. <input type="checkbox"/> Local Plumbing Inspector approval b. <input type="checkbox"/> State & Local Plumbing Inspector approval 4. <input type="checkbox"/> Minimum Lot Size Variance 5. <input type="checkbox"/> Seasonal Conversion Variance	DISPOSAL SYSTEM COMPONENT(S) 1. <input checked="" type="checkbox"/> Complete Non-engineered System 2. <input type="checkbox"/> Primitive System (graywater & alt. toilet) 3. <input type="checkbox"/> Alternative Toilet, specify _____ 4. <input type="checkbox"/> Non-Engineered Treatment Tank (only) 5. <input type="checkbox"/> Holding Tank _____ gallons 6. <input type="checkbox"/> Non-engineered Disposal Field (only) 7. <input type="checkbox"/> Separated Laundry System 8. <input type="checkbox"/> Complete Engineered System (2000 gpd or more) 9. <input type="checkbox"/> Engineered Treatment Tank (only) 10. <input type="checkbox"/> Engineered Disposal Field (only) 11. <input type="checkbox"/> Pretreatment, specify: 12. <input type="checkbox"/> Miscellaneous components
SIZE OF PROPERTY 2 <input type="checkbox"/> sq. ft. <input checked="" type="checkbox"/> acres	DISPOSAL SYSTEM TO SERVE: 1. <input checked="" type="checkbox"/> Single Family Dwelling Unit, No. of Bedrooms: <u>4</u> 2. <input type="checkbox"/> Multiple Family Dwelling Unit, No. of Units: _____ 3. <input type="checkbox"/> Other _____ SPECIFY _____	TYPE OF WATER SUPPLY 1. <input checked="" type="checkbox"/> Drilled Well 2. <input type="checkbox"/> Dug Well 3. <input type="checkbox"/> Private 4. <input type="checkbox"/> Public 5. <input type="checkbox"/> Other
SHORELAND ZONING <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

DESIGN DETAILS (SYSTEM LAYOUT SHOWN ON PAGE 3)			
TREATMENT TANK 1. <input checked="" type="checkbox"/> Concrete a. <input checked="" type="checkbox"/> Regular b. <input type="checkbox"/> Low Profile 2. <input type="checkbox"/> Plastic ONE-PIECE 3. <input type="checkbox"/> Other _____ CAPACITY <u>1000</u> gallons	DISPOSAL FIELD TYPE & SIZE 1. <input checked="" type="checkbox"/> Stone Bed 2. <input type="checkbox"/> Stone Trench 3. <input type="checkbox"/> Proprietary Device a. <input type="checkbox"/> Cluster Array c. <input type="checkbox"/> Linear b. <input type="checkbox"/> Regular load d. <input type="checkbox"/> H-20 load 4. <input type="checkbox"/> Other _____ SIZE <u>1200</u> <input checked="" type="checkbox"/> sq. ft. <input type="checkbox"/> lin. ft.	GARBAGE DISPOSAL UNIT 1. <input checked="" type="checkbox"/> No 3. <input type="checkbox"/> Maybe 2. <input type="checkbox"/> Yes >> Specify one below: a. <input type="checkbox"/> Multi-compartment Tank b. <input type="checkbox"/> Tanks in Series c. <input type="checkbox"/> Increase in Tank Capacity d. <input type="checkbox"/> Filter on Tank Outlet	DESIGN FLOW <u>380</u> gallons per day BASED ON: 1. <input checked="" type="checkbox"/> Table 501.1 (dwelling unit(s)) 2. <input type="checkbox"/> Table 501.2 (other facilities) SHOW CALCULATIONS -for other facilities- 3. <input type="checkbox"/> Section 503.0 (meter readings) ATTACH WATER-METER DATA
SOIL DATA & DESIGN CLASS PROFILE <u>3</u> / CONDITION <u>C</u> / DESIGN <u>1</u> at Observation Hole # <u>TP-1</u> Depth <u>17</u> " Elevation _____ " OF MOST LIMITING SOIL FACTOR	DISPOSAL FIELD SIZING 1. <input type="checkbox"/> Small - 2.0 sq. ft./gpd 2. <input type="checkbox"/> Medium - 2.6 sq. ft./gpd 3. <input checked="" type="checkbox"/> Medium-Large - 3.3 sq. ft./gpd 4. <input type="checkbox"/> Large - 4.1 sq. ft./gpd 5. <input type="checkbox"/> Extra-Large - 5.0 sq. ft./gpd	PUMPING 1. <input type="checkbox"/> Not Required 2. <input type="checkbox"/> May Be Required 3. <input checked="" type="checkbox"/> Required >> Specify only for engineered or experimental systems DOSE _____ gallons	

SITE EVALUATOR'S STATEMENT		
I certify that on <u>9/7/2001</u> (date) I completed a site evaluation on this property and state that the data reported are accurate and that the proposed system is in compliance with the State of Maine Subsurface Wastewater Disposal Rules (10-144A CMR 241).		
<p style="font-size: 1.5em; opacity: 0.5;">William P. Brown</p> <p style="font-size: 0.8em;">Site Evaluator Signature</p>	188 SE#	<u>9/7/2001</u> Date
WILLIAM P BROWN Site Evaluator Name Printed	293-2110 Telephone #	

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Human Services
Division of Health Engineering
(207) 287-5872 FAX 207 287-4172

Town, City, Plantation

Street, Road, Subdivision

Owners Name

READFIELD

RODDY LANE

CHRISTOPHER SHAW

SITE PLAN

Scale 1" = 100 Ft.

NORTH

SITE LOCATION PLAN

(Map from Maine Atlas recommended)



ERP TO TP-1 = 40'

THE PROPOSED SYSTEM IS 117 FT FROM THE WELL

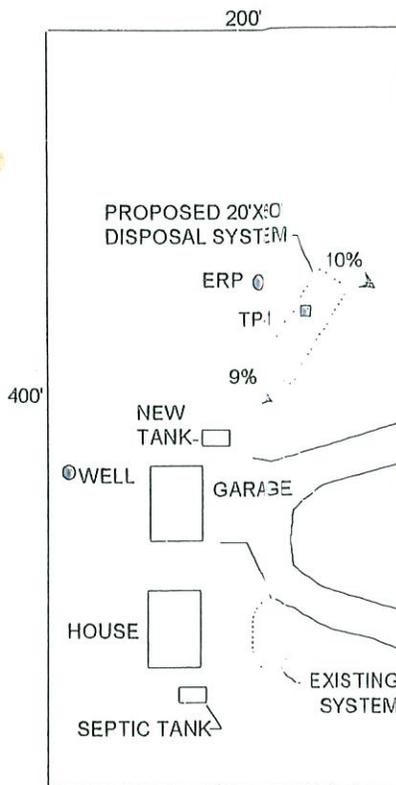
THE EXISTING 3 BEDROOM HOUSE IS TO BE EXPANDED TO A FOUR BEDROOM HOUSE. A GARAGE WITH A TOILET FOR THE OWNER IS TO BE CONSTRUCTED NEAR THE HOUSE.

AS PART OF THE UPGRADE, THE HOUSE WILL BE EXPANDED INTO THE AREA OF SEPTIC SYSTEM. THE SYSTEM WILL BE ABANDONED AND A NEW 4 BDRM SYSTEM INSTALLED AS SHOWN ON THIS PLAN.

THE EXISTING SEPTIC TANK WILL REMAIN FUNCTIONAL FOR THE EXPANSION. A NEW 3 FOOT DIAMETER PUMP STATION WILL BE INSTALLED NEAR THE SEPTIC TANK TO PUMP TO THE NEW SYSTEM.

A NEW ONE-PIECE SEPTIC TANK WILL BE USED TO COLLECT WASTEWATER FROM THE GARAGE AND PUMP TO THE DISPOSAL SYSTEM.

EACH PUMP MUST BE CAPABLE OF DELIVERING A 50 GALLON DOSE IN LESS THAN 5 MINUTES



RODDY LANE

SOIL DESCRIPTION AND CLASSIFICATION

(Location of Observation Holes Shown Above)

Observation Hole TP-1 Test Pit Boring
0" Depth of Organic Horizon Above Mineral Soil

Observation Hole Test Pit Boring
" Depth of Organic Horizon Above Mineral Soil

DEPTH BELOW MINERAL SOIL SURFACE (inches)	Texture	Consistency	Color	Mottling
0	SANDY LOAM	FRIABLE	MEDIUM BROWN	NONE COMMON
10			YELLOW BROWN	
20		FIRM	OLIVE BRN	
30				
40				
50				

DEPTH BELOW MINERAL SOIL SURFACE (inches)	Texture	Consistency	Color	Mottling
0				
10				
20				
30				
40				
50				

Soil Classification	Slope	Limiting Factor	<input type="checkbox"/> Ground Water
<u>3</u> Profile	<u>9-10 %</u>	<u>17 "</u>	<input type="checkbox"/> Restrictive Layer
<u>C</u> Condition			<input type="checkbox"/> Bedrock
			<input type="checkbox"/> Pit Depth

Soil Classification	Slope	Limiting Factor	<input type="checkbox"/> Ground Water
Profile	%	"	<input type="checkbox"/> Restrictive Layer
Condition			<input type="checkbox"/> Bedrock
			<input type="checkbox"/> Pit Depth

WILLIAM P BROWN

Site Evaluator Signature

William P Brown
293-2110

188

SE #

9/7/2001

Date

Page 2 of 3

HHE-200 Rev. 7/97

CERTIFICATION OF COMPLIANCE
WITH SUBDIVISION AND SHORELAND ZONING REQUIREMENTS

Christopher Show, with a mailing address of
(insert name of applicant)
16 Roddy Lane Readfield, Maine, a telephone number
of 685-7327, and account number of _____, have (has) requested utility services at
16 Roddy Lane Readfield Map 10 Lot 206 ("Location").
(insert street and town, map and lot, or other identification of the location of installation)

Maine statutes, Title 30-A M.R.S.A. §4406(3) and Title 38 M.R.S.A. §444, require utilities to obtain the following certification from municipalities prior to installing service. Therefore, I (we) request that an appropriate municipal official (usually the Planning Board or Code Enforcement Officer) provide the following certification so that the applicant can get utility service.

CERTIFICATION

I certify that:

all local permits and/or approvals, if any, required under Title 30-A M.R.S.A. Chapter 187 (the subdivision and land use statute), have been issued by the appropriate municipal official(s) or officer(s) and are current: and

all local permits, if any, required under Title 38 M.R.S.A. Chapter 3 (the shoreland zoning and water protection statute) have been issued by the appropriate municipal official(s) or officer(s) and are current.

11/27/01

Date

Signature: Daniel R. Grew

Title: ALT CEC/LPI

Central Maine Power Company appreciates your cooperation in providing this certification so applicant can be served.

PLEASE RETURN THIS CERTIFICATION TO
CENTRAL MAINE POWER COMPANY

ARTICLE 4 PERMIT REQUIREMENTS

SECTION 1. PERMIT REQUIREMENTS

Permits shall be required for the following:

- The construction, erection, demolition, or movement of any building or structure. The improvement, addition, enlargement, or alteration of a structure, and temporary structures, also require a permit when the fair market value of labor and materials used therein exceeds \$2,000.00 cumulatively within a 12 month period.
- Installation or construction of a dwelling unit, mobile home, or modular home.
- Expansion of a non-conforming use or structure.
- Subdivision
- Cluster Development
- Mobile Home Park
- For a new or expanded residential, commercial, industrial, institutional, or outdoor resource land use activity as listed in the Land Use Table in Article 7.
- A change or expansion of a land use activity.
- Installation of internal plumbing or subsurface wastewater disposal systems.
- The installation, alteration or illumination of any sign as required in Article 8, Section 14.
- Any land use for which a permit by other authorities, including but not limited to state or federal, is required.

SECTION 2. PERMITS NOT REQUIRED

Permits are not required for the following:

- For an allowed land use activity as indicated in the Land Use Table in Article 7.
- For the normal repair and maintenance of any structure.
- Whenever any construction, erection, improvement, addition, enlargement, alteration, demolition, or movement of any building or structure, including temporary structures, when the fair market value of such labor and materials used is less than \$2,000.00 cumulatively within a 12 month period. However, all work shall conform to the applicable standards of this Ordinance.

SECTION 3. PERMITS REQUIRED AND AVAILABLE

- A. A permit shall be obtained for all those activities listed in Section 1 prior to the start of any construction, site work, or commencement of a land use activity.
- B. A certificate of occupancy may be issued by the Code Enforcement Officer upon completion of activities for which a permit is issued, provided that: 1) said certificate is requested at the time of application for a permit, and 2) a separate fee is paid to cover the costs of appropriate inspections, and 3) ample opportunity and notice to conduct such inspections are provided.

SECTION 4. PERMITS ISSUED AFTER APPROPRIATE REVIEW

All permits shall be obtained from the Code Enforcement Officer after meeting the appropriate review requirements established in Article 5 this Ordinance.

SECTION 6. SPACE STANDARDS AND DIMENSIONAL REQUIREMENTS

Unless otherwise permitted by this Ordinance, all lots, structures and uses must meet the minimum standards and requirements as set forth in Table 2. Any lots created that are of less compliance with the following table shall not be eligible for building or use permits as they are required by this Ordinance.

TABLE 2 Dimensional Requirements

Dimensions	LAND USE DISTRICTS								Overlay District*
	V	VR	R	RR	SR	RP	SP	CID	MH
Minimum land area (sq. ft. in thousands)	40'	40'	80'	80'	80'	80'	80'	80'	80' ²
Minimum Road Frontage (public or private)	100'	100'	200'	200'	200'	200'	200'	200'	200'
Front setback ^{1,6}	25/50'	25/50'	50/75'	50/75'	50/75'	50/75'	50/75'	50/75'	50/75'
Side setback ⁶	20'	20'	20'	20'	20'	20'	20'	20'	20'
Rear setback ⁶	20'	20'	20'	20'	20'	20'	20'	20'	20'
Water Body setback ³	100'	100'	100'	100'	100'	100'	75'	100'	NA
Wetland setback- greater than 2 acres, less than 10 acres ⁶	25'	25'	25'	25'	25'	25'	25'	25'	25'
Wetland setback- 10 acres or more, or 2 or more acres adjacent to surface water body ⁶	75'	75'	75'	75'	75'	75'	75'	75'	75'
Minimum lot depth	200'	200'	200'	200'	200'	200'	200'	200'	200'
Maximum lot coverage	NA	NA	NA	NA	20%	20%	20%	NA	NA
Minimum shore ³ frontage	NA	NA	NA	NA	200'	200'	200'	200'	NA
Maximum height of structure ⁴	35' ⁵	35' ⁵	35' ⁵	35' ⁵	35'	35'	35'	35' ⁵	35' ⁵

- In the Village and Village Residential Districts, front setback shall be 25 feet from right-of-way or 50 feet from centerline, whichever is less. For all other Districts front setback shall be 50 feet from right-of-way or 75 feet from the centerline, whichever is greater.
- Minimum land area for mobile home park.
* Must conform to requirements of underlying district.
- Land uses classified as commercial, industrial or institutional shall have a minimum of 300 feet of shore frontage.
- Structures in compliance with the Telecommunication Towers Ordinance and agricultural structures not within a Shoreland District and not used as dwellings are exempt provided height shall not at any time place structures or potential structures on adjacent lots in jeopardy should exempt or extended structures collapse for any reason or cause. Height is measured from the ground at a point always accessible to the Readfield Fire Department rescue apparatus to a point of a means of escape, with doors providing a clear opening of at least 28" x 6'6", or windows at least 20" x 24" and 5.7 sq. ft. in area. Doors and windows shall be operable from the inside without the use of tools with the bottom of such opening not more than 44 inches above the floor.
- The Planning Board, with the recommendation of the Fire Chief of the Town of Readfield and based upon an adequate sprinkler system and source of pressurized water, may extend the height of structures, provided height shall not at any time place structures or potential structures on adjacent lots in jeopardy should exempt or extended structures collapse for any reason or cause.
- Steps, stairways or similar structures may be allowed within the required setback area with a permit from the Code Enforcement Officer insofar as may be necessary for access to a permitted structure, provided: the structure is limited to a maximum of four (4) feet in width, and that the applicant demonstrates that no reasonable access alternative exists on the property.

Legend

Land Use Districts		Overlay District
V = Village District	SR = Shoreland Residential	MH = Mobile Home
VR = Village Residential	SP = Stream Protection	
R = Rural District	RP = Resource Protection	
RR = Rural Residential	CID = Commercial Industrial	

SECTION 2. ENFORCEMENT

A. Nuisances

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

B. Code Enforcement Officer Actions

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

C. Legal Actions

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

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

D. Civil Penalties

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

[§4452 PDF](#)
[§4452 MS-WORD](#)

[STATUTE SEARCH](#)

[CH. 187 CONTENTS](#)
[TITLE 30-A](#)
[CONTENTS](#)
[LIST OF TITLES](#)
[DISCLAIMER](#)
[MAINE LAW](#)
[REVISOR'S OFFICE](#)
[MAINE LEGISLATURE](#)

3. Civil penalties. The following provisions apply to violations of the laws and ordinances set forth in subsection 5. Except for paragraph H, monetary penalties may be assessed on a per-day basis and are civil penalties.

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

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

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

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

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

C-1. [2007, c. 92, §1 (RP).]

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

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

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

§4452 PDF
§4452 MS-WORD

STATUTE SEARCH

CH. 187 CONTENTS

TITLE 30-A
CONTENTS
LIST OF TITLES
DISCLAIMER
MAINE LAW
REVISOR'S OFFICE
MAINE LEGISLATURE

~~(3) For violations requiring correction or mitigation pursuant to subparagraph (1) or (2), the violator shall submit to the municipality a reforestation plan and 5-year management plan developed with and signed by a forester licensed pursuant to Title 32, chapter 76 or other qualified professional. The reforestation plan must include consideration of specified site conditions and address habitat and other riparian restoration, visual screening, understory vegetation and erosion and sedimentation control. The management plan must address how the replacement trees must be maintained to enable the trees to grow to a healthy, mature height.~~

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

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

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

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

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

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

G. The penalties for violations of a septage land disposal or storage site permit issued by the Department of Environmental Protection under Title 38, chapter 13, subchapter 1, are as

#9

**Budget Process
Update**

Custom Budget Report

Expense

	2011 Actual	2012 Actual	2013 Actual	2014 Budget	2014 YTD	2015 Manager	Man Req vs" Curr Bud Change \$	Man Req vs Curr Bud Change %
Dept/Div: 15-30 BOARDS & COMMISSIONS / Conservation Committee								
CONT'D								
COMMUNITY SERVICES								
55-60 TOWN FARM/FOREST	0.00	0.00	0.00	0.00	0.00	95.00	95.00	100.00%
COMMUNITY SERVICES	0.00	0.00	0.00	0.00	0.00	95.00	95.00	100.00%
EQUIP OPERATION, REPAIR, MAINT								
EQUIP OPERATION, REPAIR, MAINT	0.00	0.00	0.00	0.00	0.00	0.00	0.00	.00%
EQUIPMENT REPLACEMENT								
65-30 CAPITAL EQUIPMENT	0.00	0.00	0.00	378.00	0.00	0.00	-378.00	-100.00%
EQUIPMENT REPLACEMENT	0.00	0.00	0.00	378.00	0.00	0.00	-378.00	-100.00%
BUILDING O&M								
70-40 GROUNDS plantings	0.00	0.00	166.87	2,500.00	0.00	1,000.00	-1,500.00	-60.00%
BUILDING O&M								
PUBLIC WAYS OPERATION & MAINT	0.00	0.00	166.87	2,500.00	0.00	1,000.00	-1,500.00	-60.00%
80-10 CONTRACT SERVICES	0.00	0.00	0.00	300.00	0.00	0.00	-300.00	-100.00%
80-40 MATERIALS	881.00	517.41	188.45	100.00	228.50	2,400.00	2,300.00	2300.00%
600 trailwork, 300 routine Maint, 1000 Herbicide, 500 bleacher removal								
80-80 SIGNS/SUPPLIES	0.00	0.00	52.43	0.00	0.00	1,200.00	1,200.00	100.00%
PUBLIC WAYS OPERATION & MAINT	881.00	517.41	240.88	400.00	228.50	3,600.00	3,200.00	800.00%
Conservation Committee	1,502.10	682.41	758.89	4,093.00	394.42	5,760.00	1,667.00	40.73%

Dept/Div: 15-40 BOARDS & COMMISSIONS / Planning Board
ADMINISTRATION

Custom Budget Report

Expense

	2011 Actual	2012 Actual	2013 Actual	2014 Budget	2014 YTD	2015 Manager	Man Req vs" Curr Bud Change \$	Man Req vs Curr Bud Change %
Dept/Div: 20-20 TOWN BUILDINGS O&M / Gile Hall CONT'D								
BUILDING O&M								
70-10 ALARM	591.60	303.60	303.60	600.00	303.60	600.00	0.00	.00%
70-15 Generator	0.00	0.00	0.00	0.00	289.32	600.00	600.00	100.00%
70-20 ELEVATOR	1,500.00	1,460.00	1,874.72	1,500.00	1,085.93	1,500.00	0.00	.00%
70-30 FURNACE MAINTENANCE	376.26	614.33	332.00	400.00	130.00	400.00	0.00	.00%
70-40 GROUNDS	679.28	44.49	222.57	3,000.00	40.97	3,000.00	0.00	.00%
300 mulch,200 paint, 500 Crack seal, 2000 curb repair								
70-60 MAINTENANCE	1,089.52	1,068.11	9,293.07	5,000.00	683.96	2,000.00	-3,000.00	-60.00%
500 Wax & Equipment for Floors, 500 Shutters, roof repairs								
70-70 SUPPLIES	525.99	288.48	375.68	400.00	211.65	400.00	0.00	.00%
BUILDING O&M	4,762.65	3,779.01	12,401.64	10,900.00	2,745.43	8,500.00	-2,400.00	-22.02%
Gile Hall	15,772.37	14,563.79	23,470.82	22,228.00	9,938.03	20,318.00	-1,910.00	-8.59%
Dept/Div: 20-30 TOWN BUILDINGS O&M / Library								
ADMINISTRATION								
10-10 ADVERTISING	88.45	0.00	0.00	50.00	0.00	50.00	0.00	.00%
ADMINISTRATION	88.45	0.00	0.00	50.00	0.00	50.00	0.00	.00%
INSURANCE								
15-60 UNEMPLOYMENT	0.00	7.56	7.31	21.00	0.00	15.00	-6.00	-28.57%
15-80 WORKERS COMP	0.00	8.79	6.74	15.00	0.00	17.00	2.00	13.33%
INSURANCE	0.00	16.35	14.05	36.00	0.00	32.00	-4.00	-11.11%
PERSONNEL								
20-20 FICA	18.61	16.24	10.67	27.00	9.68	27.00	0.00	.00%
20-30 MILEAGE	0.00	14.34	0.00	0.00	0.00	0.00	0.00	.00%
20-60 WAGES	243.14	197.70	140.28	350.00	126.09	350.00	0.00	.00%
PERSONNEL	261.75	228.28	150.95	377.00	135.77	377.00	0.00	.00%

Custom Budget Report

Expense

	2011 Actual	2012 Actual	2013 Actual	2014 Budget	2014 YTD	2015 Manager	Man Req vs"		Man Req vs Curr Bud Change %
							Curr Bud	Change \$	
Dept/Div: 25-10 COMMUNITY SERVICES / Animal Control									
ADMINISTRATION									
10-10 ADVERTISING	0.00	0.00	0.00	100.00	0.00	0.00	-100.00		-100.00%
10-40 Publications	0.00	0.00	29.08	0.00	0.00	0.00	0.00		.00%
10-50 MISC.	0.00	200.00	0.00	0.00	502.51	25.00	25.00		100.00%
10-55 OFFICE SUPPLIES	62.80	3.40	0.00	75.00	11.42	75.00	0.00		.00%
10-60 POSTAGE	164.74	222.33	178.26	175.00	69.12	250.00	75.00		42.86%
10-80 TRAINING & CONFERENCES	70.00	50.00	25.00	100.00	0.00	50.00	-50.00		-50.00%
ADMINISTRATION	297.54	475.73	232.34	450.00	583.05	400.00	-50.00		-11.11%
INSURANCE									
15-20 HEALTH INSURANCE	0.00	1,953.22	2,848.17	2,050.00	0.00	2,071.00	21.00		1.02%
15-60 UNEMPLOYMENT	0.00	268.54	188.64	434.00	0.00	311.00	-123.00		-28.34%
15-80 WORKERS COMP	0.00	100.70	152.37	116.00	0.00	136.00	20.00		17.24%
INSURANCE	0.00	2,322.46	3,189.18	2,600.00	0.00	2,518.00	-82.00		-3.15%
PERSONNEL									
20-20 FICA	468.45	567.20	697.51	600.00	339.40	595.00	-5.00		-83%
20-30 MILEAGE	502.89	786.82	751.78	800.00	240.06	500.00	-300.00		-37.50%
20-40 RETIREMENT	0.00	329.10	230.97	578.00	0.00	577.00	-1.00		-.17%
20-60 WAGES	3,923.52	5,164.01	6,737.49	5,025.00	3,196.46	5,005.00	-20.00		-.40%
20-90 CLOTHING ALLOWANCE	0.00	50.00	134.95	100.00	0.00	150.00	50.00		50.00%
PERSONNEL	4,894.86	6,897.13	8,552.70	7,103.00	3,775.92	6,827.00	-276.00		-3.89%
STIPEND									
25-10 ANIMAL CONTROL OFFICER	2,200.00	2,200.00	2,200.00	2,200.00	1,100.00	2,200.00	0.00		.00%
STIPEND	2,200.00	2,200.00	2,200.00	2,200.00	1,100.00	2,200.00	0.00		.00%
UTILITIES									
40-10 CELL PHONE	0.00	91.76	180.00	180.00	140.00	240.00	60.00		33.33%
40-30 ELECTRIC	0.00	55.61	0.00	0.00	0.00	0.00	0.00		.00%
UTILITIES	0.00	147.37	180.00	180.00	140.00	240.00	60.00		33.33%
CONTRACT SERVICES									

Custom Budget Report

Expense

	2011 Actual	2012 Actual	2013 Actual	2014 Budget	2014 YTD	2015 Manager	Man Req vs" Curr Bud Change \$	Man Req vs Curr Bud Change %
Dept/Div: 25-10 COMMUNITY SERVICES / Animal Control								
50-60 KENNEBEC VALLEY HUMANE SOCIETY	3,752.40	4,036.23	3,098.13	4,135.00	3,098.13	4,135.00	0.00	.00%
CONTRACT SERVICES	3,752.40	4,036.23	3,098.13	4,135.00	3,098.13	4,135.00	0.00	.00%
EQUIPMENT REPLACEMENT								
65-50 TOOLS	0.00	0.00	64.99	250.00	0.00	100.00	-150.00	-60.00%
EQUIPMENT REPLACEMENT	0.00	0.00	64.99	250.00	0.00	100.00	-150.00	-60.00%
BUILDING O&M								
70-70 SUPPLIES	207.85	0.00	0.00	0.00	0.00	0.00	0.00	.00%
BUILDING O&M	207.85	0.00	0.00	0.00	0.00	0.00	0.00	.00%
PUBLIC WAYS OPERATION & MAINT								
80-80 SIGNS/SUPPLIES	0.00	0.00	398.62	0.00	0.00	0.00	0.00	.00%
PUBLIC WAYS OPERATION & MAINT	0.00	0.00	398.62	0.00	0.00	0.00	0.00	.00%
Animal Control	11,352.65	16,078.92	17,915.96	16,918.00	8,697.10	16,420.00	-498.00	-2.94%
Dept/Div: 25-20 COMMUNITY SERVICES / Kennebec Land Trust								
COMMUNITY SERVICES								
55-20 KENNEBEC LAND TRUST	0.00	250.00	0.00	250.00	0.00	250.00	0.00	.00%
COMMUNITY SERVICES	0.00	250.00	0.00	250.00	0.00	250.00	0.00	.00%
Kennebec Land Trust	0.00	250.00	0.00	250.00	0.00	250.00	0.00	.00%
Dept/Div: 25-40 COMMUNITY SERVICES / Library ADMINISTRATION								
10-10 ADVERTISING	520.32	0.00	0.00	0.00	0.00	0.00	0.00	.00%
10-40 Publications	0.00	0.00	4.27	0.00	0.00	0.00	0.00	.00%

Custom Budget Report

Expense

	2011	2012	2013	2014	2014	2014	2015	Man Req vs"		Man Req vs
	Actual	Actual	Actual	Budget	YTD	Manager	Change \$	Change %		
Dept/Div: 25-50 COMMUNITY SERVICES / Readfield Public Access TV										
CONTD										
EQUIPMENT REPLACEMENT										
65-30 CAPITAL EQUIPMENT	0.00	0.00	1,687.90	1,500.00	0.00	1,500.00	0.00	0.00		.00%
EQUIPMENT REPLACEMENT	0.00	0.00	1,687.90	1,500.00	0.00	1,500.00	0.00	0.00		.00%
PUBLIC WAYS OPERATION & MAINT										
80-10 CONTRACT SERVICES	0.00	0.00	95.00	0.00	0.00	0.00	0.00	0.00		.00%
PUBLIC WAYS OPERATION & MAINT	0.00	0.00	95.00	0.00	0.00	0.00	0.00	0.00		.00%
Readfield Public Access TV	3,058.11	5,334.29	5,836.87	6,275.00	2,140.42	6,215.00	-60.00			-96%
Dept/Div: 25-60 COMMUNITY SERVICES / Street Lights										
COMMUNITY SERVICES										
55-50 STREET LIGHTS	4,930.53	4,400.72	4,855.90	5,500.00	2,969.07	6,000.00	500.00			9.09%
COMMUNITY SERVICES	4,930.53	4,400.72	4,855.90	5,500.00	2,969.07	6,000.00	500.00			9.09%
Street Lights	4,930.53	4,400.72	4,855.90	5,500.00	2,969.07	6,000.00	500.00			9.09%
Dept/Div: 25-70 COMMUNITY SERVICES / Town Farm										
COMMUNITY SERVICES										
55-60 TOWN FARM/FOREST	175.63	175.63	91.33	95.00	93.72	0.00	-95.00			-100.00%
COMMUNITY SERVICES	175.63	175.63	91.33	95.00	93.72	0.00	-95.00			-100.00%
Town Farm	175.63	175.63	91.33	95.00	93.72	0.00	-95.00			-100.00%
Dept/Div: 25-90 COMMUNITY SERVICES / Maranacook Lake Dam										
ADMINISTRATION										
10-50 MISC.	0.00	0.00	0.00	250.00	0.00	250.00	0.00			.00%

Custom Budget Report

Expense

	2011 Actual	2012 Actual	2013 Actual	2014 Budget	2014 YTD	2015 Manager	Man Req vs" Curr Bud Change \$	Man Req vs Curr Bud Change %
Dept/Div: 30-10 RECREATION, PARKS,& ACTIVITIES / BEACH CONT'D								
EQUIP OPERATION, REPAIR, MAINT								
60-30 FUEL/OIL	107.89	161.43	170.69	150.00	85.60	150.00	0.00	.00%
60-35 EQUIPMENT MAINTENANCE	141.95	174.97	316.04	200.00	181.84	200.00	0.00	.00%
EQUIP OPERATION, REPAIR, MAINT	249.84	336.40	486.73	350.00	267.44	350.00	0.00	.00%
EQUIPMENT REPLACEMENT								
65-30 CAPITAL EQUIPMENT	3,750.00	220.38	0.00	2,500.00	914.30	0.00	-2,500.00	-100.00%
EQUIPMENT REPLACEMENT	3,750.00	220.38	0.00	2,500.00	914.30	0.00	-2,500.00	-100.00%
BUILDING O&M								
70-40 GROUNDS	0.00	7.98	0.00	0.00	99.20	0.00	0.00	.00%
70-60 MAINTENANCE	10.00	0.00	786.51	210.00	234.83	300.00	90.00	42.86%
70-70 SUPPLIES	138.29	0.00	143.38	0.00	4.09	0.00	0.00	.00%
BUILDING O&M	148.29	7.98	929.89	210.00	338.12	300.00	90.00	42.86%
PUBLIC WAYS OPERATION & MAINT								
80-10 CONTRACT SERVICES	0.00	0.00	4,485.00	0.00	0.00	0.00	0.00	.00%
80-30 Gravel/ Sand	0.00	0.00	0.00	0.00	17.45	0.00	0.00	.00%
80-80 SIGNS/SUPPLIES	0.00	0.00	47.84	0.00	200.72	0.00	0.00	.00%
PUBLIC WAYS OPERATION & MAINT	0.00	0.00	4,532.84	0.00	218.17	0.00	0.00	.00%
BEACH	11,007.28	6,549.29	13,800.15	11,138.00	6,681.81	9,099.00	-2,039.00	-18.31%
Dept/Div: 30-20 RECREATION, PARKS,& ACTIVITIES / RECREATION BOARD								
ADMINISTRATION								
10-40 Publications	0.00	0.00	1.98	0.00	0.00	0.00	0.00	.00%
10-45 MEMBERSHIPS	35.00	0.00	0.00	0.00	0.00	0.00	0.00	.00%
10-50 MISC.	0.00	17.07	10.50	0.00	0.00	0.00	0.00	.00%

Custom Budget Report

Expense

	2011	2012	2013	2014	2014	2014	2015	Man Req vs"	Man Req vs
	Actual	Actual	Actual	Budget	YTD	Manager	Change \$	Change %	Change %
Dept/Div: 30-20 RECREATION, PARKS,& ACTIVITIES / RECREATION									
BOARD CONT'D									
10-55 OFFICE SUPPLIES	2.16	0.00	0.00	0.00	0.00	0.00	0.00	0.00	.00%
10-60 POSTAGE	0.00	0.00	10.45	0.00	4.14	0.00	0.00	0.00	.00%
ADMINISTRATION	37.16	17.07	22.93	0.00	4.14	0.00	0.00	0.00	.00%
INSURANCE									
15-60 UNEMPLOYMENT	0.00	0.00	15.02	0.00	0.00	0.00	0.00	0.00	.00%
15-80 WORKERS COMP	0.00	0.00	11.71	0.00	0.00	0.00	0.00	0.00	.00%
INSURANCE	0.00	0.00	26.73	0.00	0.00	0.00	0.00	0.00	.00%
PERSONNEL									
20-20 FICA	0.00	44.05	24.42	0.00	16.06	0.00	0.00	0.00	.00%
20-60 WAGES	0.00	0.00	-10.63	0.00	0.00	0.00	0.00	0.00	.00%
PERSONNEL	0.00	44.05	13.79	0.00	16.06	0.00	0.00	0.00	.00%
RECREATION									
30-10 BASEBALL	2,493.04	2,156.55	2,345.56	3,352.00	386.00	2,432.00	-920.00	-27.45%	
30-12 SOFTBALL	1,092.98	766.00	851.72	1,140.00	0.00	1,140.00	0.00	.00%	
30-20 BASKETBALL	314.92	255.00	170.30	1,750.00	1,593.86	1,750.00	0.00	.00%	
30-30 HALLOWEEN	57.14	243.62	194.43	200.00	174.97	200.00	0.00	.00%	
30-35 Easter Egg Hunt	96.24	162.16	149.93	200.00	0.00	200.00	0.00	.00%	
30-40 SOCCER	352.50	0.00	164.87	1,850.00	896.77	1,850.00	0.00	.00%	
30-50 SWIM EQUIP	0.00	31.10	0.00	0.00	0.00	0.00	0.00	.00%	
30-55 SWIM INSTRUCTION	0.00	2,750.00	2,750.00	2,850.00	2,800.00	1,650.00	-1,200.00	-42.11%	
30-60 Other Events	585.00	432.93	100.10	700.00	0.00	700.00	0.00	.00%	
RECREATION	4,991.82	6,797.36	6,726.91	12,042.00	5,851.60	9,922.00	-2,120.00	-17.61%	
PUBLIC WAYS OPERATION & MAINT									
80-80 SIGNS/SUPPLIES	30.00	30.00	30.00	0.00	30.00	0.00	0.00	0.00	.00%
PUBLIC WAYS OPERATION & MAINT	30.00	30.00	30.00	0.00	30.00	0.00	0.00	0.00	.00%

Custom Budget Report

Revenue

	2011 Actual	2012 Actual	2013 Actual	2014 Budget	2014 YTD	2015 Manager	Man Req vs" Curr Bud Change \$	Man Req vs Curr Bud Change %
Dept: 15 BOARDS & COMMISSIONS								
3015 Conservation Donations	74.50	0.00	3.00	0.00	9,191.03	0.00	0.00	.00%
3020 STATE PARK FEES	514.27	378.05	377.21	0.00	0.00	0.00	0.00	.00%
3050 Trails Donations	0.00	11,150.00	0.00	0.00	0.00	0.00	0.00	.00%
BOARDS & COMMISSIONS	588.77	11,528.05	380.21	0.00	9,191.03	0.00	0.00	.00%
Dept: 20 TOWN BUILDINGS O&M								
2010 GILE HALL DONATIONS	50.00	925.00	1,937.50	0.00	12,507.50	0.00	0.00	.00%
TOWN BUILDINGS O&M	50.00	925.00	1,937.50	0.00	12,507.50	0.00	0.00	.00%
Dept: 25 COMMUNITY SERVICES								
1010 ANIMAL CONTROL DOG LICENSE FEE	4,113.00	3,728.00	9,585.27	3,000.00	3,809.00	0.00	-3,000.00	-100.00%
4001 LIBRARY STATE AID	800.00	0.00	0.00	0.00	0.00	0.00	0.00	.00%
4005 LIBRARY DONATIONS	1,151.97	1,505.00	2,661.72	550.00	2,190.07	0.00	-550.00	-100.00%
4010 LIBRARY SALE PROCEEDS	1,492.70	1,257.15	501.50	1,000.00	1,307.90	0.00	-1,000.00	-100.00%
4015 LIBRARY FINES	573.01	627.14	542.70	500.00	187.65	0.00	-500.00	-100.00%
4020 Library Non Res Patrons	0.00	102.00	25.00	25.00	25.00	0.00	-25.00	-100.00%
5010 CABLE TV FRANCHISE FEES	24,838.98	25,495.73	25,395.50	24,000.00	24,915.10	0.00	-24,000.00	-100.00%
COMMUNITY SERVICES	32,969.66	32,715.02	38,711.69	29,075.00	32,434.72	0.00	-29,075.00	-100.00%
Dept: 30 RECREATION, PARKS,& ACTIVITIES								
1010 BEACH INCOME	8,137.50	8,177.33	7,408.06	8,638.00	2,606.00	9,099.00	461.00	5.34%
1020 Beach Playground	0.00	0.00	450.80	0.00	80.00	0.00	0.00	.00%
2021 REC BOARD - BASEBALL	2,825.00	2,510.50	2,329.00	3,352.00	0.00	2,432.00	-920.00	-27.45%
2022 REC BOARD - SOCCER	1,825.00	2,495.00	1,790.00	1,850.00	1,506.67	1,850.00	0.00	.00%
2023 REC BOARD - SWIMMING	1,655.00	1,375.00	1,062.32	1,650.00	90.00	1,650.00	0.00	.00%

Custom Budget Report

Revenue

	2011 Actual	2012 Actual	2013 Actual	2014 Budget	2014 YTD	2015 Manager	Man Req vs" Curr Bud Change \$	Man Req vs Curr Bud Change %
Dept: 30 RECREATION, PARKS,& ACTIVITIES CONT'D								
2024 REC BOARD - Basketball	1,670.00	1,579.50	1,395.00	1,750.00	2,002.00	1,750.00	0.00	.00%
2025 REC BOARD - OTHER RECREATION	150.00	78.50	82.00	0.00	91.67	1,100.00	1,100.00	100.00%
2026 Rec Board - Softball	1,562.00	745.00	945.00	1,140.00	0.00	1,140.00	0.00	.00%
2072 HERITAGE DAYS - ADULT ENTER	0.00	25.00	0.00	0.00	0.00	0.00	0.00	.00%
2073 HD - MERCHANDISE SALES	2,645.08	473.00	336.00	0.00	1,796.10	0.00	0.00	.00%
2077 HD OTHER FEES	1,414.25	3,931.51	4,279.05	4,600.00	300.00	0.00	-4,600.00	-100.00%
5010 BALLFIELDS	50.00	3,755.00	0.00	0.00	25,000.00	0.00	0.00	.00%
RECREATION, PARKS,& ACTIVITIES	21,933.83	25,145.34	20,077.23	22,980.00	33,472.44	19,021.00	-3,959.00	-17.23%
Revenue Totals:	55,542.26	70,313.41	61,106.63	52,055.00	87,605.69	19,021.00	-33,034.00	-63.46%

#10

**Road Commissioner
Duties**

10. Road Commissioner duties

The Select Board has chosen to review the duties of the Road Commissioner. Readfield has appointed the Town Manager to serve this role for decades, according to state statutes, as part of the adoption of the Town Manager form of government. At the request of Chair Sue Reay, please see sections of state statutes below that refer to the Road Commissioner duties, functions and authority; an example of an ordinance for an elected Road Commissioner in Limington, ME; Road Commissioner guidelines from the Maine Municipal Association's Roads Manual; plus another article from the Roads Manual on the relationship between Select Boards and Road Commissioners:

Title 23: TRANSPORTATION

11.Part 3: LOCAL HIGHWAY LAW

12.Chapter 301: GENERAL PROVISIONS

13.Subchapter 1: ROAD COMMISSIONER

14. §2701. Powers and duties

15. The road commissioner, under the direction of a majority of the selectmen, shall have charge of the repairs of all highways and bridges within the towns and shall have authority to employ the necessary personnel and equipment and purchase material for the repair of highways and bridges. The road commissioner shall give bond to the satisfaction of the selectmen and be responsible to them for the expenditure of money and discharge of his duties generally. In the absence of a statute, charter provision or ordinance to the contrary, any decision involving the duties and responsibilities of the road commissioner shall be made by a majority of the selectmen whose decision shall be final. The road commissioner's compensation shall be such sum as the legislative body votes annually. The road commissioner shall render to the selectmen monthly statements of his expenditures and receive no money from the treasury, except on the order of the selectmen. [1985, c. 80, (AMD).]
16. If a majority of the selectmen determine that a condition exists in any town way which creates a hazard and renders the way unsafe for travelers with motor vehicles, the selectmen shall give written notice to the road commissioner of this condition and order him to eliminate it or take interim measures to protect the public within 24 hours. If the road commissioner fails to act as directed by the selectmen, a majority of the selectmen may enter contracts or take any other steps necessary to eliminate the safety hazard. [1985, c. 80, (NEW).]
17. SECTION HISTORY
18. 1985, c. 80, (AMD).

§2702. Regular inspections

Road commissioners shall go over the roads in their towns, or cause it to be done, in April, May, June, August, September, October and November in each year, remove the loose obstructions to the public travel and, whenever so directed by the selectmen, remove all shrubbery and bushes growing within the limits of highways, not planted or cultivated therein for the purpose of profit

or ornamentation, having care for the proper preservation of shade trees, and repair such defects as may occur from time to time, rendering travel dangerous, or they shall give notice of such defects to the municipal officers under a penalty of \$5 for neglect of such duty.

§2703. Account of expenditures

The road commissioner shall keep accurate accounts, showing in detail all moneys paid out by him, to whom and for what purpose. He shall settle his accounts on or before the 20th day of February, annually, and the same shall be reported in the annual town report in detail.

§2704. Contracts for opening or repairing ways

Towns may authorize their road commissioners or other persons to make contracts for opening or repairing their ways

§2705. Appropriation insufficient

When the amount appropriated is not sufficient to repair or maintain the ways, a road commissioner may, with the written consent of the municipal officers, pay an amount not exceeding 15% of the amount so appropriated in addition to the amount appropriated. [2009, c. 7, Pt. D, §1 (AMD).]

SECTION HISTORY

1991, c. 272, (AMD). 2009, c. 7, Pt. D, §1 (AMD)

§2751. Division by municipal officers

When a way is established on a line between towns, their municipal officers shall divide it crosswise and assign to each town its portion thereof by metes and bounds, which, within one year thereafter, being accepted by each town at a legal meeting, shall render each town liable in the same manner as if the way were wholly within the town. When a division of it is not so made, the selectmen of either town may petition the county commissioners, who shall give notice by causing a copy of such application with their order thereon appointing a time and place of hearing to be served upon the clerk of each town 30 days, or by causing it to be published in some newspaper printed in the county for 3 weeks, previous to the time appointed, and after hearing the parties, they may make such division.

Guidelines for Road Commissioners

This document outlines the duties of the Road Commissioner and the Selectmen's responsibilities and authority for maintaining the public ways.

1. The Road Commissioner will be in charge of the repair of all highways and bridges within the Town under the direction of a majority of the Selectmen (23 MRSA §2701).
2. The Road Commissioner will give bond to the satisfaction of the Selectmen and be responsible to them for the expenditure of money and discharge of his duties generally.
3. The Road Commissioner has the authority to employ the necessary personnel and equipment and purchase material for the repair of highways and bridges.
4. The Road Commissioner must plan ahead and discuss all repair, maintenance and other projects with the Selectmen. This includes developing a work schedule detailing the work to be done, a cost estimate for the work, and the location of the work projects. This schedule will be adhered to except in emergency situations such as snow storms or other unpredictable occurrences.
5. In case of sudden injury to ways or bridges the Road Commissioner must, without delay, repair them. In these emergency cases prior approval from the Selectmen is not required. However, the Road Commissioner must file a detailed report the next business day after the emergency repair is completed. For this purpose, an emergency is defined as any incident which could immediately endanger life and/or property (23 MRSA §3201).
6. The Road Commissioner will inspect town ways in _____ each year and report to the Selectmen the status of the town ways and needed repairs.
7. All projects, including but not limited to winter sand, tarring, road repairs and construction will be done only after the Road Commissioner submits a detailed budget of the project to the Selectmen. The Selectmen will approve or disapprove all projects.
8. When any ways are blocked or encumbered with snow the Road Commissioner will remove the snow in a manner directed by the Selectmen (23 MRSA §3201). The Road Commissioner will also direct removal of brush and loose obstructions from town ways that impede travel.
9. All equipment will be purchased by open bids. The Road Commissioner will draft complete specifications for any equipment and submit them to the Selectmen for review and to be sent out for bids.
10. The Road Commissioner will be responsible to the Selectmen for the expenditure of money, and shall keep accurate accounts, showing in detail all monies paid out, to whom, and for what purpose (23 MRSA §2703). All purchases, except routine maintenance supplies under the amount of \$ _____ are to be done with the Town's purchase orders. The Road Commissioner will

submit monthly statements for any purchase orders to the Selectmen for approval. A majority of the Selectmen will sign each purchase order.

11. The Road Commissioner will settle all highway accounts in detail annually on or before the 20th day of February. This will be contained in the annual report (23 MRSA §2703). The Road Commissioner will participate in the budget process for determining appropriations for the coming year.

12. The Road Commissioner will maintain a complete and detailed maintenance log on all Town vehicles and equipment, and will submit these to the Selectmen for monthly review.

13. The Road Commissioner will document and approve all bills and specify to what project or equipment accounts these bills are charged.

14. The Road Commissioner and all employees of his department, both full and part time, will maintain and sign weekly time cards for all hours worked for the town. The Road Commissioner and employees shall work only those hours necessary to maintain town ways and equipment as required by these guidelines.

15. When the amount appropriated for road repairs is not sufficient the Road Commissioner may, with the written consent of the Selectmen, employ townspeople to perform the necessary work to an amount not exceeding 15% of the amount so appropriated (23 MRSA §2705).

16. Only town owned vehicles and equipment will be stored or serviced in the Town garage unless otherwise approved by the Selectmen.

17. The use of Town vehicles or equipment on statutory private ways (public easements) is prohibited. The use of Town equipment for private purposes is prohibited.

18. If a majority of the Selectmen determine that a condition exists which creates a hazard and renders a way unsafe for motor vehicle traffic, they will give the Road Commissioner written notice of the condition and order the Road Commissioner to remedy the situation within 24 hours. If the Road Commissioner fails to act as directed, a majority of the Selectmen may take steps necessary to eliminate the safety hazard.

*/S A M P L E/

Guidelines for Road Commissioners

*(from */Municipal Roads Manual/*, Maine Municipal Association, 1992)

This document outlines the duties of the Road Commissioner and the selectmen's responsibilities and authority for maintaining the public ways.

1. The Road Commissioner will be in charge of the repair of all highways and bridges within the Town under the direction of a majority of the Selectmen (23 MMA § 2701).
2. The Road Commissioner will give bond to the satisfaction of the Selectmen and be responsible to them for the expenditure of money and discharge of his duties generally.
3. The Road Commissioner has the authority to employ the necessary personnel and equipment and purchase material for the repair of highways and bridges.
4. The Road Commissioner must plan ahead and discuss all repair, maintenance and other projects with the Selectmen. He must develop a work schedule detailing the work to be done, a cost estimate for the work., and the location of the work projects. This schedule will be adhered to except in emergency situations such as snow storms or other unpredictable occurrences.
5. In case of sudden injury to ways or bridges the Road Commissioner must without delay, repair them. In these emergency cases prior approval from the Selectmen is not required. However, the Road Commissioner must file a detailed report the next business day after the emergency repair is completed. For this purpose, an emergency is defined as any incident which could immediately endanger life and/or property (23 M.R.S.A. § 3201).
6. The Road Commissioner will inspect town ways in _____ each year and report to the Selectmen the status of the town ways and needed repairs.
7. All projects, including but not limited to winter sand, tarring, road repairs and construction will be done only after the Road Commissioner submits a detailed budget of the project to the Selectmen. The Selectmen will approve or disapprove all projects.
8. When any ways are blocked or encumbered with snow the Road Commissioner will remove the snow in a manner directed by the Selectmen (23 M.R.S.A. § 3201 The Road Commissioner will also direct removal of brush and loose obstructions from town ways that impede travel.
9. All equipment will be purchased by open bids. The Road Commissioner will draft complete specifications for any equipment and submit them to the Selectmen for review and to be sent out for bids.
10. The Road Commissioner will be responsible to the Selectmen for the expenditure of money. He shall keep accurate accounts, showing in detail all monies paid out by him, to whom, and for what purpose (23 M.R.S.A. § 2703).

All purchases, except routine maintenance supplies under the amount of \$ _____, are to be done with the Town's purchase orders. The Road Commissioner will submit monthly statements for any purchase orders to the Selectmen for approval. A majority of the Selectmen will sign each purchase order.

11. The Road Commissioner will settle his accounts in detail annually on or before the 20th day of February. This will be contained in the annual report (23 M.R.S.A. § 2703). The Road Commissioner will participate in the budget process for determining appropriations for the coming year.

12. The Road Commissioner will maintain a complete and detailed maintenance log on all Town vehicles and equipment. These logs will be submitted to the Selectmen for monthly review.

13. The Road Commissioner will document and approve all bills and specify to what project or equipment accounts these bills are charged.

14. The Road Commissioner and all employees of his department, both full and part time, will maintain and sign weekly time cards for all hours worked for the Town. The Road Commissioner and employees shall work only those hours necessary to maintain town ways and equipment as required by these guidelines.

15. When the amount appropriated for road repairs is not sufficient, the Road Commissioner may, with the written consent of the Selectmen, employ town's people to perform the necessary work to an amount not exceeding 15% of the amount so appropriated (23 M.R.S.A. § 2705).

16. Only town owned vehicles and equipment will be stored or serviced in the town garage unless otherwise approved by the Selectmen.

17. The use of town vehicles or equipment on statutory private ways (public easements) is prohibited. The use of town equipment for private purposes is prohibited.

18. If a majority of the Selectmen determine that a condition exists which creates a hazard and renders a way unsafe for motor vehicle traffic, they will give the Road Commissioner written notice of the condition and order him to remedy the situation within 24 hours. If the Road Commissioner fails to act as directed, a majority of the Selectmen may take any steps necessary to eliminate the safety hazard.



THE TOWN OF LIMINGTON

— P.O. BOX 613 W. LIMINGTON, MAINE —



Ordinance: Road Commissioner Ordinance

ARTICLE I INTRODUCTION

Section 1 Authority

This ordinance is adopted pursuant to the authority granted in 30A M.R.S.A. §3001 and §3002 and that granted in 23 M.R.S.A. §2701 thru §2705.

Section 2 Purpose

The purpose of this ordinance is to provide clarity about the position of Road Commissioner for the Town of Limington, Maine. It shall define the election, term, responsibilities and compensation for that position.

Section 3 Definitions

- 1) **Emergency** -an emergency is defined as any incident which could immediately endanger life and/or property (23 MRSA §3201).

ARTICLE II GENERAL PROVISIONS

Section 1 Election and Term of Office

The position of Road Commissioner shall be filled by public election at the annual Municipal Election. The term of office shall be for a period of three (3) years.

Section 2 Job Responsibilities

- 1) The Road Commissioner will be in charge of the repair of all highways and bridges within the Town under the direction of a majority of the Selectmen (23 MRSA §2701).
- 2) The Road Commissioner shall be bonded to the satisfaction of the Selectmen.
- 3) The Road Commissioner shall be responsible to the Selectmen for the expenditure of money and the discharge of their duties generally.
- 4) The Road Commissioner, under the direction of a majority of the Selectmen, has the authority to employ the necessary personnel and equipment and purchase material for the repair of highways and bridges.

- 5) The Road Commissioner must plan ahead and discuss all repairs, maintenance and other projects with the Selectmen. This includes developing a work schedule detailing the work to be done, a cost estimate for the work, and the location of the work projects. This schedule will be adhered to except in emergency situations such as snow storms or other unpredictable occurrences.
- 6) In case of sudden injury to ways or bridges the Road Commissioner must, without delay, repair them. In these emergency cases prior approval from the Selectmen is not required. However, the Road Commissioner must file a detailed report the next business day after the emergency repair is completed.
- 7) The Road Commissioner shall inspect all town ways each year and report to the Selectmen the status of the town ways and needed repairs as of November 1st.
- 8) All projects, including but not limited to winter sand, tarring, road repairs and construction will be done only after the Road Commissioner submits a detailed budget of the project to the Selectmen. The Selectmen will approve or disapprove all projects. All project material shall be purchased in accordance with the Limington Purchasing Ordinance.
- 9) When any ways are blocked or encumbered with snow or ice, the Road Commissioner or a Director appointed by the Selectmen, will remove the snow (or ice) in a manner directed by the Selectmen (23 MRSA §3201). The Road Commissioner will also direct removal of brush and loose obstructions from town ways that impede travel.
- 10) The Road Commissioner shall draft complete specifications for any equipment that may be required and submit them to the Selectmen for review and approval. All equipment shall be purchased in accordance with the Limington Purchasing Ordinance.
- 11) The Road Commissioner will be responsible to the Selectmen for the expenditure of monies spent on roads bridges, culverts, sand, salt, and snow and ice removal, showing in detail all monies paid out, to whom, and for what purpose (23 MRSA §2703). All purchases are to be done with the Town's purchase orders in accordance with the Limington Purchasing Policy.
- 12) The Road Commissioner shall participate in the budget process for determining appropriations for the coming year. The Road Commissioner shall also submit an Annual Report to be included in the annual report
- 13) The Road Commissioner shall maintain a complete and detailed maintenance log on all Town vehicles and equipment used for road maintenance, and will submit these to the Selectmen for monthly review.
- 14) The Road Commissioner shall document and approve all bills and specify to what project or equipment accounts these bills are charged.
- 15) The Road Commissioner and all employees of their department, both full and part time, shall maintain and sign weekly time cards for all hours worked for the town. The Road Commissioner and employees shall work only those hours necessary to maintain town ways and equipment as required by these guidelines.
- 16) When the amount appropriated is not sufficient to repair or maintain the roads, the Road Commissioner, with the written consent of the Selectmen, may perform the necessary work to an amount not exceeding 15% of the amount so appropriated in addition to the amount appropriated. (23 MRSA §2705).

- 17) The use of Town vehicles or equipment on statutory private ways (public easements) is prohibited, except with approval of a majority of the Selectmen. The use of Town equipment for private purposes is prohibited.
- 18) If a majority of the Selectmen determine that a condition exists which creates a hazard and renders a way unsafe for motor vehicle traffic, they will give the Road Commissioner written notice of the condition and order the Road Commissioner to remedy the situation within 24 hours. If the Road Commissioner fails to act as directed, a majority of the Selectmen may take steps necessary to eliminate the safety hazard.
- 19) The Road Commissioner and all employees of their department, both full and part time, shall comply with all provisions of the Limington Personnel Policy and the Limington Personnel Files Policy.

Section 3 Compensation

- 1) The Road Commissioner does not receive a salary or stipend as compensation for the position.
- 2) A fixed portion of the annual Snow & Ice budget shall be designated by the Selectmen to compensate the Road Commissioner for time spent on administrative paperwork such as purchase orders, timesheets, vehicle maintenance records and bid specifications. Such time shall be documented on time sheets and approved by the Selectmen.
- 3) The Road Commissioner will be compensated with an hourly wage of \$20 for all labor performed in the repair and maintenance of roads, only when done in compliance with Article II, Section 2, Paragraph 5 above.
- 4) All hourly wages and equipment rental costs shall not exceed the rates published by Maine DOT as the "*Labor Reimbursement and Private Equipment Rates*" schedule, except with the approval of a majority of the Selectmen or for those identified in a project awarded by public bid.

ARTICLE III LEGAL STATUS

Section 1 Effective Date

This ordinance and amendments thereto shall take effect immediately upon enactment at the time a majority of those present and voting cast an affirmative vote at an annual or special town meeting.

Section 2 Severability

In the event any portion of this ordinance is declared invalid by a court of competent jurisdiction, the remaining portions shall continue in full force and effect.

Section 3 Interpretation

Interpretations of words, phrases, or specific provisions of this ordinance shall be the responsibility of the Selectmen.

Relationship Between Selectmen and Road Commissioner

An elected road commissioner cannot be disciplined or removed from office by the selectmen, but the selectmen control the purse strings in relation to roadwork and therefore have the final say on most road matters.

The relationship between the selectmen and an elected road commissioner is sometimes stormy. An elected road commissioner cannot be disciplined or removed from office by the selectmen, but the selectmen control the purse strings for roadwork and therefore have the final say on most road matters. In addition, the rights and powers of an elected road commissioner are not fully defined in the law, so the job may vary according to local ordinance, charter, or

long-standing custom. For example, in some towns the road commissioner oversees road maintenance and repair, but does not personally perform the work, while in other towns the road commissioner actually does the roadwork and is paid on an hourly or per mile basis. These topics are discussed in detail below.

How the Road Commissioner is Chosen; Term of Office; Discipline; Termination

A town has three basic options for selecting a road commissioner: (1) It can have one or more elected road commissioners; (2) It can authorize the selectmen to appoint a road commissioner; or (3) It can allow the board of selectmen to serve as a board of road commissioners.^{1 2} The town makes the initial decision to follow one of these methods at a meeting held at least 90 days before the annual town meeting, and once made, this determination stands until revoked at a meeting held at least 90 days before the annual town meeting. No special training or education is legally required for this job by State law.

Unless otherwise provided by article, ordinance, charter, or contract, the road commissioner serves a term of one year, and in any event, the road commissioner's term shall not exceed three years.

A road commissioner appointed by the selectmen may be disciplined and terminated (for cause, after notice, and hearing) by the selectmen. In a town manager form of government, the manager typically either serves as or oversees the road commissioner. (See the *MMA Handbook for Municipal Officers* for further discussion of the discipline and termination of appointed officials.) An elected road commissioner cannot be disciplined or removed from office by the selectmen. The voters may "recall" (remove from office) an elected road commissioner only if the town has a charter or ordinance provision allowing it.

Selectman as Road Commissioner or Road Crew Employee

Selectman Serving as Road Commissioner. A common question is whether a single selectman can serve as the road commissioner. It is the opinion of MMA Legal Services staff that a single selectman cannot serve as the road commissioner (either appointed or elected) as these are incompatible offices. This is because the selectmen have the authority to make final decisions on road matters under the local highway law,³ so a person who serves both as a selectman and as road commissioner cannot be expected to perform the duties of both offices faithfully.⁴ However, State law expressly allows that a board of selectmen can serve as a *board* of road commissioners.⁵

Selectman Serving as Road Crew Employee. A related question is whether a selectman can serve as a member of the road crew (municipal employee) where the board of selectmen has the authority to hire, discipline, fire or fix the compensation of the road crew employees. Technically, an employment position is not an “office,” so a selectman could serve as a member of the crew if no other law barred this dual role as selectman and road worker.⁶ However, if the road crew position was created or its pay was increased by action of the selectmen, then the selectman could not serve in that road crew position for the remainder of that selectman’s term and for one year thereafter.⁷ If, on the other hand, this is not a prohibited appointment, then he or she must abstain from participating or voting as a selectman on road-related matters. As a practical matter, we recommend against this arrangement since it tends to cause political troubles.

This question is further complicated when there is a town manager plan in effect. In other words, can a selectman be employed on the road crew if the town manager has complete administrative control over town employees, and there is no contact between the selectmen and the road crew? While there is technically no connection between the selectmen and road employees in this situation, we recommend against it for two reasons. First, in the public eye it often appears to be a conflict of interest and can cause problems in public perceptions. Second, it often causes internal problems. That is, a town manager may find it difficult to discipline or fire a road crew employee who also happens to be a selectman.

Compensation

The voters determine the compensation of an elected road commissioner, unless a charter or ordinance provides otherwise. Under State law, that office is supervisory in nature, and being in office does not guarantee that the road commissioner will get all or most of the road contracts. This issue does not usually arise in municipalities that have their own equipment and sand supply, but it can be a problem in towns that must hire out all road-related work. In those municipalities, the tradition may be that the road commissioner (who is usually a private contractor as well) automatically does the roadwork. This

tradition comes under fire, however, when the quality or cost of the work is questioned. Moreover, there is a question as to whether a road commissioner can fairly satisfy his or her supervisory obligations to the public while also performing the actual work.

In some communities the road commissioner is paid a yearly stipend to act as supervisor of the roads and to oversee the roadwork done by contractors. In other municipalities, the road commissioner receives an hourly wage for certain work (filling potholes, brush cutting, etc.) while major projects (paving, reconstruction, etc.) are bid out. In still other municipalities, the road commissioner also is paid as an “independent contractor” by the municipality for performing all roadwork. However, to the extent that the road commissioner receives pay from the municipality for work as a road commissioner or for actual road work, the municipality must withhold social security and State and local taxes, and the road commissioner should be included in the municipality’s workers’ compensation coverage. Further, while the road commissioner may claim to be an independent contractor for road plowing and maintenance work, the road commissioner (and any of the commissioner’s employees) could be considered a municipal employee by the federal and State departments of labor (with all of the associated withholding, insurance and personnel concerns), since it is difficult to tell where the road commissioner’s role ends and the road contractor’s duties begin when the same person serves in both capacities. This is another reason why the road contractor and the road commissioner should not be the same person.

Bidding Out Roadwork; Contract Authority

There is no State law generally requiring that contracts for municipal road repair, maintenance or plowing be put out to bid. A bid process may be required if State or federal money is involved, so be certain to review the language of any such grants. Also, a municipality’s charter or ordinance may require bidding. Even if no legal bidding requirement exists, a bid process may save the municipality money since there will be competition for the work, but bidding out has drawbacks as well. For example, the bid process may be time-consuming, and may not be feasible for minor day-to-day roadwork. Also, unless the bid process is done fairly, the municipality may be sued by disappointed bidders. If the municipality now has a satisfactory arrangement for roadwork with a particular person or outfit, it is not necessary to change it. The bid process should be used when it will benefit the municipality in terms of cost, quality or even political tranquility. (See Chapter 5, “Road Maintenance and Repair,” Contracting out for Road Maintenance.)

The decision whether to go out to bid can be made by the municipal officers, unless the voters have stated otherwise in an article, ordinance or charter. The municipal officers may delegate control of the bid process to the road commissioner (such as developing specifications, reviewing bids, choosing the successful bidder), but this should not be done where the road commissioner is or will be a bidder. An elected or appointed road commissioner may legally bid on road contracts, but only if he has no involvement in

developing the specs, reviewing bids, or awarding the bid.⁸ (In light of the concerns raised previously, a municipality may preclude an appointed road commissioner from bidding by a statement to that effect in the contract or appointment papers.) If the road commissioner is chosen as the successful bidder, the selectmen must oversee the work, since the road commissioner cannot do the work and also supervise its performance and rule on its quality. Appendix I contains more detailed information on bidding and sample bidding documents.

The selectmen have the implied authority to enter contracts on the municipality's behalf if the term of the contract is one year or less. For example, if the voters raise an appropriate \$50,000 for winter and summer road maintenance, the selectmen can enter contracts to accomplish this purpose within the fiscal year. It is the opinion of MMA Legal Services staff, however, that the selectmen should not enter multi-year contracts without voter approval. For example, if the selectmen find that the best deal for road maintenance is through a three-year contract, the article should ask the voters to authorize the selectmen to sign a three-year contract, within the price range set by the voters. A recent case (see discussion in Chapter 5, "Road Maintenance and Repair") upheld a multi-year contract without specific voter authority, but the safe and prudent course is to obtain such authority before entering multi-year contracts.

Under Maine law, the legislative body of the municipality can authorize the road commissioner "or other persons" to make contracts for opening or repairing ways.⁹ This law conflicts to some extent with the road commissioner's lawful authority to hire personnel or purchase materials under the direction of the selectmen.¹⁰ This conflict was overlooked by the Legislature when it amended the law allowing road commissioners to hire and purchase. We recommend that municipalities which authorize their road commissioner to enter into contracts take care to clearly specify the respective duties of the selectmen, road commissioner, and contractor involved.

Control of the Road Budget

Control of money is at the center of many disputes among local officials. The treasurer can disburse money only on the authority of a warrant signed by the municipal officers; the road commissioner has no power to order the treasurer to write a check from the town account.¹¹ The municipal officers' authority in this regard may be limited by the budget format. In a line item budget (where the voters approve each separate item) the municipal officers generally cannot vary from the lines without voter approval. In a "lump sum" budget (where the voters raise a lump sum of money for road purposes generally), however, the municipal officers have broad discretion to spend money as they see fit.

One issue that the municipal officers and road commissioner should resolve at the beginning of the fiscal year is the commissioner's authority to hire outside help. For example, if the road commissioner is expressly or by implication (that is, with the

knowledge and unwritten consent of the municipal officers) authorized to hire private contractors for road repairs, this arrangement will bind the town. If the commissioner has no such authority, the commissioner may be personally liable for any sums due the contractor for work performed. This issue often goes to court (the contractor wants its money, regardless of who pays) so it is best resolved upfront.

There often is confusion regarding the road commissioner's authority to expend funds directly. As discussed in these sections of this Manual, State statute authorizes the road commissioner to hire road workers, rent equipment and purchase materials.¹² He may also, with the written consent of the municipal officers, overdraft the road account by an amount not to exceed 15% when the amount appropriated is insufficient.¹³ State statute also directs the road commissioner to provide the selectmen with monthly statements of expenditures¹⁴ and to settle all accounts before February 20 of each year.¹⁵ MMA Legal Services advises that these statutory provisions should not be interpreted to allow the road commissioner to directly spend funds for these purposes. This would be inconsistent with the municipal finance statutory provision, which requires a majority of the board of selectmen to approve a disbursement warrant before the municipal treasurer may issue a check for payment.

Budget Overdrafts

Where an appropriated amount of money is not sufficient to repair or maintain town roads, Maine law permits the road commissioner, *with the written consent of the municipal officers*, to spend money in excess of the appropriated amount for either or both road repair or maintenance, but not beyond fifteen percent of the amount appropriated.¹⁶ This overdraft authority recognizes that road budgeting is not a science, and that road conditions are often subject to forces beyond human control. If the overdraft authority is used, the voters still must approve it after the fact, so an article must be prepared for this purpose.

Disputes Between Selectmen and Road Commissioner

Maine law¹⁷ makes it clear that the selectmen have the final say in questions about the road commissioner's duties:

“In the absence of a statute, charter provision or ordinance to the contrary, any decision involving the duties and responsibilities of the road commissioner shall be made by a majority of the board of selectmen whose decision shall be final.”

The same law also makes it clear that the selectmen can take all steps necessary to repair hazardous road conditions if the road commissioner fails to remedy the situation within

twenty-four hours after receiving written notice to do so from the selectmen. This provision is designed to ensure that public safety is the top priority, and will not be subject to disputes between local officials.

Defining the Road Commissioner's Role

As discussed above, the State law does not describe in detail the road commissioner's rights and duties. The local highway law¹⁸ pertains to inspecting roads and keeping accounts, but those provisions are limited in scope. A municipality can by ordinance or charter clearly define an elected road commissioner's role. The duties of appointed road commissioner can be determined by the selectmen (or town manager), and should be put in writing to minimize disputes. Appendix Q contains a set of guidelines.

One way to reduce conflicts between the selectmen and an elected road commissioner is for them to meet soon after the town meeting to discuss what work needs to be done and the best way to accomplish it. If the selectmen and road commissioner agree on a schedule, it provides both of them some assurance of the order and manner in which work will be completed. This is also helpful when members of the public raise questions or complaints about the roads.

¹ 30-A M.R.S.A. § 5603.

² 30-A M.R.S.A. § 2526(7) governs the selection of a road commissioner.

³ 23 M.R.S.A. § 2701.

⁴ See, for example, *Lesieur v. Lausier*, 148 Me. 500 (1953); *Howard v. Harrington*, 114 Me. 443 (1916).

⁵ 30-A M.R.S.A. § 2526 (7)(C).

⁶ See *Inhabitants of Town of Harpswell v. Wallace*, CV-08-184 (Me. Super. Ct., Cum. Cty., May 16, 2008) (Cole, J.).

⁷ 30-A M.R.S.A. § 2606, the "prohibited appointment" statute.

⁸ 30-A M.R.S.A. § 2605.

⁹ 23 M.R.S.A. § 2704.

¹⁰ 23 M.R.S.A. § 2701.

¹¹ 30-A M.R.S.A. § 5603.

¹² 23 M.R.S.A. § 2701.

¹³ 23 M.R.S.A. § 2705.

¹⁴ 23 M.R.S.A. § 2703.

¹⁵ 23 M.R.S.A. § 2703.

¹⁶ 23 M.R.S.A. § 2705.

¹⁷ 23 M.R.S.A. § 2701.

¹⁸ 23 M.R.S.A. § § 2702 and 2703.

#11

Spirit of America

Nominations

11. Spirit of America nominations

Chair, Sue Reay has asked for this item to encourage nominations for Spirit of America and Unsung Hero awards this year.

A message for this purpose could be placed on the PEG station message board, in the Messenger, and on the Town's and website.

#12

Other

(If needed)

#13

Members of the Public

address the Board