

**Readfield Select Board
Regular Meeting
Agenda**

March 10, 2014

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

Pledge of Allegiance

1. **Minutes:** Select Board meeting minutes of February 19 and 24, 2014 – 5 minutes;
2. **Warrant: 20** – 5 minutes

Communications – 30 minutes

3. Select Board communications
4. Town Manager
5. Boards, Committees, Commissions & Departments
 - CEO: consent agreement
 - Library Building Committee

Appointments/Reappointments – none pending

Unfinished Business:

6. Ad Hoc Public Works Committee – 10 minutes
7. Spirit of America awards: nominations – 5 minutes

New Business:

8. Budget process update – 10 minutes
9. Road Commissioner duties review – 15 minutes
10. Legal Services RFP responses review – 20 minutes
11. Municipal order for application of payments for unpaid taxes – 10 minutes
12. Pending foreclosures – 5 minutes
13. Other (if needed)

Public Communications – 15 minutes

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

Executive Sessions

15. Poverty abatement application
16. Labor negotiations

Adjournment

#1

Minutes

Readfield Select Board
Special Meeting Minutes February 19, 2014 - *Unapproved*

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

Others attending: Stefan Pakulski, Town Manager, Stacey Shaw, Sandra Rourke, Marion Dunham, and Lloyd Hallett.

The meeting was called to order at 4:37 pm by Sue Reay, Chair.

Motion by Mrs. Reay, **second** by Mr. Durgin, to enter executive session pursuant to MRSA Title 1, section 405 6 D for labor negotiations, with the Town Manager invited to attend. **Vote:** 5-0.

The Board entered executive session at 4:39 PM

The Board left executive session and reconvened in open session at 4:55 PM.

Motion by Mrs. Reay, **second** by Mrs. Pomerleau, to enter executive session pursuant to MRSA Title 1, section 405 6 A for a personnel issue, with Stacey Shaw and the Town Manager invited to attend. **Vote:** 5-0.

The Board entered executive session at 4:58 PM.

The Board left executive session and reconvened in open session at 5:22 PM. Mr. Durgin left the meeting.

Motion by Mrs. Reay, **second** by Mr. Curtis, to enter executive session pursuant to MRSA Title 1, section 405 6 A for a personnel issue, with Sandra Rourke and the Town Manager invited to attend. **Vote:** 4-0.

The Board entered executive session at 5:25 PM.

The Board left executive session and reconvened in open session at 5:53 PM.

Motion by Mrs. Reay, **second** by Mr. Curtis, to enter executive session pursuant to MRSA Title 1, section 405 6 A for a personnel issue, with Marion Dunham and the Town Manager invited to attend. **Vote:** 4-0.

The Board entered executive session at 5:55 PM.

The Board left executive session and reconvened in open session at 6:08 PM.

Motion by Mrs. Reay, **second** by Mr. Curtis, to enter executive session pursuant to MRSA Title 1, section 405 6 A for a personnel issue, with Lloyd Hallett and the Town Manager invited to attend. **Vote:** 4-0.

The Board entered executive session at 6:09 PM.

The Board left executive session and reconvened in open session at 6:23 PM.

Motion by Mrs. Reay, **second** by Mr. Curtis, to enter executive session pursuant to MRSA Title 1, section 405 6 A for a personnel issue, with the Town Manager invited to attend. **Vote:** 4-0.

The Board entered executive session at 6:25 PM

The Board left executive session and reconvened in open session at 7:20 PM.

Motion by Mrs. Reay, **second** by Mr. Curtis, to enter executive session pursuant to MRSA Title 1, section 405 6 D for labor negotiations, with the Town Manager invited to attend. **Vote:** 4-0.

The Board entered executive session at 7:21 PM.

The Board left executive session and reconvened in open session at 7:53 PM.

As the Select Board had no further actions following the above executive sessions, Chair Reay adjourned the meeting at 7:55 pm.

Respectfully submitted by Stefan Pakulski

Readfield Select Board
Special Meeting Minutes February 21, 2014 - DRAFT

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

The meeting was called to order at 4:08 pm by Sue Reay, Chair.

Motion by Mrs. Reay, **second** by Mr. Durgin, to enter executive session pursuant to Title 1 MRSA, section 405 6 D concerning labor negotiations. **Vote:** 5 – 0.

The Board entered executive session at 4:09 pm.

The Board left executive session at 4:58 pm and reconvened in open session.

Mrs. Reay adjourned the meeting without further action at 5:00 pm.

Recorded by Sue Reay, Chair

Readfield Select Board
Regular Meeting Minutes February 24, 2014 - Unapproved

Select Board members present: Valarie Pomerleau, Sue Reay, Greg Durgin, Allen Curtis and Larry Dunn.
Others attending: Shannon Gould (PEG TV), Teresa Shaw (Acting Town Manager), Pete Davis, Travis Frautten, Tom Dunham, Clifford Buuck, Stacey Shaw, Christopher Shaw, Lorraine Wagner and Sharon Dunn.

The meeting was called to order at 6:37 pm by Sue Reay, Chair. The Pledge of Allegiance was made.

(1) Minutes: Motion by Ms. Pomerleau, **second** by Mr. Durgin, to approve the minutes of 02/10/2014 as amended; **vote** 5-0-0.

Motion by Mr. Durgin to reopen the minutes of 02/03/2014 for the purpose of entering two names, **second** by Ms. Pomerleau; **vote** 4-0-1 (Mrs. Reay abstained due to absence).

Mr. Durgin requested adding 'Mr. Mark Birtwell and Mr. Seth McGee joined the board for a portion of the executive session' after the board entered executive session at 6:32 pm.

Motion by Mr. Curtis to approve the minutes of 02/03/2014 as amended, **second** by Mr. Durgin; **vote** 4-0-1 (Mrs. Reay abstained).

(2) Warrant: The warrant was reviewed by Ms. Pomerleau. **Motion** by Mr. Durgin to approve warrant #19 in the amount of \$41,713.77, **second** Mr. Curtis; **vote** 5-0-0.

(6) (Out of order) Readfield Enterprise Fund (REF) Committee – Travis Frautten: There was a question and answer period.

Motion by Mr. Durgin to appoint Travis Frautten to the REF Committee starting 02/24/2014, **second** Mr. Curtis; **vote** 5-0-0.

(3) Select Board communications:

- Peter Davis volunteered to serve on the non-disaster policy committee.
- Mrs. Reay gave a reminder of upcoming meetings.
- Mr. Curtis would like to attend the MMA technology conference on 05/01/2014. The board gave unanimous consent.
- Mr. Curtis met with Peter Davis, Road Committee Chair. They will meet together some time after 03/14/2014 to review the road reconstruction project.
- Ms. Pomerleau suggested moving the staff table during board meetings in order for it to be seen on TV. The board was in agreement.

(8) (Out of order) Land Use Violation/Proposed Consent Agreement – Clif Buuck: CEO Clif Buuck referenced the draft consent agreement and supporting documents included in the packet. He explained the violation, which was the construction of an apartment over a garage without the appropriate permits. The size of the lot was discussed. Three different options were discussed. Stacey Shaw said she believed all the necessary permits were in place. Chris Shaw said an apartment has been in existence over the garage for ten years. Mr. Shaw said they own the abutting back lot and are willing to combine both lots to make the entire lot four acres. This will bring the lot into compliance. There was a question and answer period.

Motion by Mrs. Reay to accept the land use consent agreement with Stacey Shaw, removing items #7 and #11 and inserting a paragraph that addresses adding on the two-acre abutting lot to combine it into a four-acre lot and to authorize the town manager to sign it, **second** Mr. Curtis; **vote** 5-0-0.

(4) Town Manager:

- Mr. Curtis submitted two draft job descriptions for volunteer website and *Messenger* help to serve as clarity for the town manager. Mrs. Reay requested feedback from employees as referenced in the town manager tasks no later than 03/10/2014.
- **Motion** by Mrs. Reay to close the town office for the employees to attend a verbal judo training session, **second** Mr. Durgin; **vote** 2-3-0; motion failed. **Motion** by Mrs. Reay to have the town office open from 5-6 pm on 04/02/2014 so that all employees can attend a verbal judo training session during the day,

second Mr. Durgin; **vote** 5-0-0. Ms. Pomerleau commented it is important to sign up soon as the class fills fast. She will attend, as well.

- Mrs. Shaw made note of the REF article that will need to be included on the town meeting warrant.
- Mr. Curtis will attend the legal services RFP bid opening.
- The bidder for the cemetery mowing RFP has withdrawn his bid. Lorraine Wagner said the bidder told her it was because he was moving out of state.
- A written legal log is due to be completed by the town manager no later than 02/28/2014.

(5) Boards, Committees, Commissions & Departments: No discussion.

(7) Public Works data & analysis – Val Pomerleau: Ms. Pomerleau said people have been requesting information since 2011. She also said Mr. Birtwell and Mr. Moultrie were paid with grant money to create an inventory when public works was closed so it should be easy to pull this information up. Mrs. Reay said once and for all this needs to be closed out and the only way to do this is with a committee. Mr. Durgin said that horse is dead and he is not sure a committee is the wisest way to go, and the town would be doing this for a vocal minority only. Mr. Dunn strongly opposed creating any type of committee as it will cost employee time and will only further divide the town. Ms. Pomerleau said there should not be a cost because it should already have been done. Mr. Curtis said he was originally against a committee but now believes in the need to eliminate this situation but with a caveat that once a document is created, it is done. Mr. Dunn said that is not possible. Tom Dunham commented people are entitled to organized information and he volunteered to help. Mrs. Reay said she represents 2,600 residents and she works for each and every one of them. Lorraine Wagner said she wants to see what the actual costs were. Sharon Dunn said it is time to bury this topic.

Motion by Mr. Curtis for the board to create an ad hoc committee to review all appropriate information in regard to the town public works department creation, operation and dissolution, and report this information to the select board, **second** Ms. Pomerleau; there was a discussion. Lorraine Wagner suggested using Larry Perkin's FOAA request as a basis for building the necessary information. Sharon Dunn said she wants a dollar-for-dollar account of what is going to be spent to do this because all taxpayers have a right to know. Pete Davis agreed with Sharon Dunn. He would like a dollar amount, employee amount and also the contractor cost versus what the public works department cost. Mr. Durgin called for a vote.

Vote 3-2-0 (Mr. Durgin, Mr. Dunn opposed). Mr. Durgin suggested the board members that voted in favor create a directive for the committee.

(9) Budget process update: Mr. Dunn attended the recent meeting and will provide a report at a later date. Mrs. Shaw gave a rundown of what will be discussed at the upcoming meeting.

(10) Road Commissioner duties: Discussion **tabled** until 03/10/2014.

(11) Spirit of America nominations: Mr. Durgin said one resident has suggested a nomination but has asked about confidentiality. There was a discussion. It was noted 04/15/2014 is the deadline for nominations.

(12) Other: Mrs. Reay gave a reminder about openings on boards, committees and commissions.

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

- Sharon Dunn thanked the town employees. Mr. Durgin thanked Shannon Dunn and Kristie Hutchinson as well.

The meeting was adjourned at 8:30 pm.

#2

**Warrant
Presented
at Meeting**

#3

Select Board

#4

Town Manager

4. Town Manager updates and tasks

In addition to regular management duties with staff members, finance, operations, road commissioner duties, Transfer Station duties, and on-going progress on quarterly objectives the Town Manager also worked on the following items:

Legal Log – Completed an update of the Town’s Legal Counsel Contact Log on Feb. 8th as a quarterly objective. This log records phone calls and emails to and from the Town’s legal counsel, with names of those involved in the contact, and a brief purpose for the contact (without divulging confidential legal information). All Town employees have been instructed to enter any legal counsel contacts into this log that they are authorized by the Town Manager to make (i.e. Town Clerk, Code Enforcement Officer, and Animal Control Officer). The Select Board Chair and Vice Chair inform the Town Manager about any legal contacts they make (as authorized by the Select Board) and the Town Manager records these in the log. The log is available at the Town Office for the public to review upon request, and to receive copies upon request according to the FOAA procedures.

Legal Services RFP responses – Received, opened publicly and reviewed three responses to the Legal Services RFP on Mar. 3rd.

Budget process – Prepared for and participated in Budget Committee meetings on Feb. 27th and Mar. 6th. See materials in packet.

REF-CDBG – Met with CDBG program manager for monitoring/evaluation of grants and loans made so far through the Readfield Enterprise Fund (REF). All was in order except that recipient businesses need DUNS numbers. They have been contacted to get these numbers. The CDBG funds will only be available until June 30, 2014. Thereafter, the REF could continue to run on any carried forward reserve and from additional loan repayments. The program guidelines could be adjusted as well, as the federal restrictions wouldn’t apply once the CDBG funding ceases. The CDBG program manager advised trying to develop as many REF applications as possible in the next few months.

MMA training– Staff members did not sign up in time for the Verbal Judo workshop. This is a very popular workshop and filled to capacity quickly. The Town Office will remain open as usual on April 2, 2014. The Town Manager is on the waiting list for this workshop. Whenever another workshop is offered, other staff members may be able to sign up.

Audit review – Will meet with auditor and Finance Officer on Mar. 11th to review draft audit of June 30, 2013. A final draft will be presented to the Select Board as soon thereafter as possible.

New base station – Received as granted equipment a new 100-watt Motorola base station radio from KCEMA Director Beausoleil on Mar. 5th. Fire Chief Mank will assist with configuring this radio especially for use in conjunction with the Town’s Emergency Operations Plan (EOP). Additional mobile radio units may be available from the Fire Dept. to use in the EOP kits.

SWRC meeting – The Solid Waste and Recycling Committee is planning another meeting, possibly for Mar. 12th, 19th, or 26th depending on availability of all members.

Resident responses – Received calls from different residents on a range of issues, from requesting more information on Town topics to investigating reports of suspicious activities.

#5

**Boards,
Committees,
Commissions
& Departments**

5. **Boards, Committees, Commissions & Departments**

- CEO: Please see the attached consent agreement with a slight change from what the Select Board approved at the previous meeting. When reviewing options related to a septic system design, the property owner remembered there was an existing system already permitted and installed on the adjoining lot, so the agreement was amended for the property to connect directly to this existing system: a simpler, better and cheaper solution.

- Library Building Committee: Select Board members Greg Durgin and Larry Dunn will provide an update of the recent meeting of the Library Building Committee.

TO: Readfield Select Board
FROM: Clif Buuck, CEO
DATE: 03/06/14
RE: Consent Agreement—Shaw

At the latest Select Board meeting you approved a draft consent agreement between the Town and Chris & Stacey Shaw which (among other provisions) required them to combine their lot with an abutting lot they recently purchased (both conforming lots), and to obtain and record with the Registry a design for a replacement disposal system.

Following that meeting it was discovered that the abutting lot already had a disposal field constructed on it in 2006 with a capacity for a 3-bedroom dwelling, had never been put into service, and that it was feasible to simply connect the garage disposal tank to that field. As a result of this discovery and agreement with the Shaws, I revised the Consent Agreement to require them to simply make this connection by July 1, 2014 in lieu of obtaining and recording a replacement system design to be installed at a later date in the event of a failure of the existing system. This is a better resolution for the Town.

I also did a minor revision to the requirement for the internal plumbing inspection because the existing plumbing inspection revealed a number of deficiencies which will have to be corrected.

Attached is the revised Consent Agreement showing the changes to the language, and a copy of the installed system to which they will connect. The Board need not take any action on this—this is just for your information.

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Maine Dept. Health & Human Services
 Division of Health Engineering, 10 SHS
 (207) 287-5672 Fax: (207) 287-3165

PROPERTY LOCATION		>> CAUTION: PERMIT REQUIRED - ATTACH IN SPACE BELOW <<	
City, Town, or Plantation	READFIELD	READFIELD	PERMIT # 1936 TOWN COPY
Street or Road	RODDY LANE	Date Permit Issued: 8/24/06	\$1100.00 FEE <input type="checkbox"/> Double Fee Charged
Subdivision, Lot #		L.P.I. # 02211	

OWNER/APPLICANT INFORMATION		Municipal Tax Map # 10 Lot # 20F-1 108-004	
Name (last, first, MI)	CUSHING, LAWRENCE	Local Plumbing Inspector Signature	
Mailing Address of Owner/Applicant	P.O. BOX 633 READFIELD, ME 04355		
Daytime Tel. #	(207) 446-9929		

OWNER OR APPLICANT STATEMENT	CAUTION: INSPECTION REQUIRED
I state and acknowledge 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.
Signature of Owner or Applicant: <i>[Signature]</i> Date: _____	Local Plumbing Inspector Signature: <i>[Signature]</i> (and) date approved: 9/1/06 CB

PERMIT INFORMATION		
TYPE OF APPLICATION	THIS APPLICATION REQUIRES	DISPOSAL SYSTEM COMPONENTS
<input checked="" type="checkbox"/> 1. First Time System <input type="checkbox"/> 2. Replacement System Type replaced: _____ Year installed: _____ <input type="checkbox"/> 3. Expanded System a. Minor Expansion b. Major Expansion <input type="checkbox"/> 4. Experimental System <input type="checkbox"/> 5. Seasonal Conversion	<input checked="" type="checkbox"/> 1. No Rule Variance <input type="checkbox"/> 2. First Time System Variance a. Local Plumbing Inspector Approval b. State & Local Plumbing Inspector Approval <input type="checkbox"/> 3. Replacement System Variance a. Local Plumbing Inspector Approval b. State & Local Plumbing Inspector Approval <input type="checkbox"/> 4. Minimum Lot Size Variance <input type="checkbox"/> 5. Seasonal Conversion Permit	<input checked="" type="checkbox"/> 1. Complete Non-engineered System <input type="checkbox"/> 2. Primitive System (graywater & alt. toilet) <input type="checkbox"/> 3. Alternative Toilet, specify: _____ <input type="checkbox"/> 4. Non-engineered Treatment Tank (only) <input type="checkbox"/> 5. Holding Tank, _____ gallons <input type="checkbox"/> 6. Non-engineered Disposal Field (only) <input type="checkbox"/> 7. Separated Laundry System <input type="checkbox"/> 8. Complete Engineered System (2000 gpd or more) <input type="checkbox"/> 9. Engineered Treatment Tank (only) <input type="checkbox"/> 10. Engineered Disposal Field (only) <input type="checkbox"/> 11. Pre-treatment, specify: _____ <input type="checkbox"/> 12. Miscellaneous Components
SIZE OF PROPERTY	DISPOSAL SYSTEM TO SERVE	TYPE OF WATER SUPPLY
2 ± <input type="checkbox"/> SQ. FT. <input checked="" type="checkbox"/> ACRES	<input checked="" type="checkbox"/> 1. Single Family Dwelling Unit, No. of Bedrooms: 3 <input type="checkbox"/> 2. Multiple Family Dwelling, No. of Units: _____ <input type="checkbox"/> 3. Other: _____ (specify)	<input checked="" type="checkbox"/> 1. Drilled Well <input type="checkbox"/> 2. Dug Well <input type="checkbox"/> 3. Private <input type="checkbox"/> 4. Public <input type="checkbox"/> 5. Other
SHORELAND ZONING	Current Use <input type="checkbox"/> Seasonal <input type="checkbox"/> Year Round <input checked="" type="checkbox"/> Undeveloped	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

DESIGN DETAILS (SYSTEM LAYOUT SHOWN ON PAGE 3)			
TREATMENT TANK	DISPOSAL FIELD TYPE & SIZE	GARBAGE DISPOSAL UNIT	DESIGN FLOW
<input checked="" type="checkbox"/> 1. Concrete a. Regular b. Low Profile <input type="checkbox"/> 2. Plastic <input type="checkbox"/> 3. Other: CAPACITY: 4000 GAL.	<input checked="" type="checkbox"/> 1. Stone Bed <input type="checkbox"/> 2. Stone Trench <input type="checkbox"/> 3. Proprietary Device a. cluster array <input type="checkbox"/> c. Linear b. regular load <input type="checkbox"/> d. H-20 load <input type="checkbox"/> 4. Other: SIZE: 900 sq. ft. <input type="checkbox"/> lin. ft.	<input checked="" type="checkbox"/> 1. No <input type="checkbox"/> 2. Yes <input type="checkbox"/> 3. Maybe If Yes or Maybe, specify one below: <input type="checkbox"/> a. multi-compartment tank <input type="checkbox"/> b. _____ tanks in series <input type="checkbox"/> c. increase in tank capacity <input type="checkbox"/> d. Filter on Tank Outlet	270 gallons per day BASED ON: <input checked="" type="checkbox"/> 1. Table 501.1 (dwelling unit(s)) <input type="checkbox"/> 2. Table 501.2 (other facilities) SHOW CALCULATIONS for other facilities
SOIL DATA & DESIGN CLASS	DISPOSAL FIELD SIZING	EFFLUENT/EJECTOR PUMP	LATITUDE AND LONGITUDE
PROFILE CONDITION DESIGN 3 1 C 1 1 at Observation Hole # TP-1 Depth 17"	<input type="checkbox"/> 1. Small—2.0 sq. ft. / gpd <input type="checkbox"/> 2. Medium—2.6 sq. ft. / gpd <input checked="" type="checkbox"/> 3. Medium—Large 3.3 sq. ft. / gpd <input type="checkbox"/> 4. Large—4.1 sq. ft. / gpd <input type="checkbox"/> 5. Extra Large—5.0 sq. ft. / gpd	<input checked="" type="checkbox"/> 1. Not Required <input type="checkbox"/> 2. May Be Required <input type="checkbox"/> 3. Required Specify only for engineered systems: DOSE: _____ gallons	ATTACH WATER METER DATA at center of disposal area Lat. 44° d 24 m 44.9 s Lon. 69° d 57 m 01.9 s if g.p.s, state margin of error: 24' ±

SITE EVALUATOR STATEMENT			
I certify that on 6-29-06 (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).			
Site Evaluator Signature	SE #	Date	
STEPHEN A. DOWN	257	8-2-06	* REPLACES 7-15-02 HHE-200, 4-15-05 REVISION,
Site Evaluator Name Printed	Telephone Number	E-mail Address	
	685-3637	sa.down@prox-ar.com	

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 Landowner owns an abutting parcel of land identified on the Assessor's map 108 as lot 004, and further described in a deed recorded in the Kennebec County Registry of Deeds in Book 11089, Page 191; and,

WHEREAS, on the abutting parcel of land is a 20-ft.x 45-ft. subsurface wastewater disposal field constructed and inspected in 2006, said disposal field having never been put into service.

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 wastewater (as determined by a licensed Site Evaluator) for use by the principal dwelling and the additional dwelling unit; and,~~
4. The Landowner agrees to connect the existing wastewater disposal tank and pump currently receiving wastewater from the building drain of the garage dwelling, to the vacant wastewater disposal field on the abutting lot 004, by July 1, 2014; 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 combine the two above-referenced lots into one parcel for as long as the dimensional requirements of the Ordinance are applicable to this violation; and,
7. The Landowner agrees to record this Consent Agreement by March 15, 2014 with the Registry of Deeds; 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 to correct any deficiencies that are not comply with the State Internal Plumbing Code; 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 MRSA 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 Occupancy permit for this additional dwelling unit 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,
12. This Agreement 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 25th day of February, 2014.

LANDOWNER

Clifford Bunch
Witness

Stacy Lynn Shaw
Stacy Lynn Shaw

TOWN OF READFIELD

Clifford Bunch
Witness

By: Stefan Pakyski
Stefan Pakyski, Town Manager
For the Readfield Select Board as authorized
by them on February 24, 2014

STATE OF MAINE
COUNTY OF KENNEBEC, ss.

February 25, 2014

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

SEAL

Before me, [Signature]
Name: ROBIN L. LINT
NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRES 5-22-2017
Notary Public/Attorney-at-Law
Commission expires: 5-22-2017

State of Maine
Kennebec County 3/5/14 Augusta, Maine
I Hereby Certify that the foregoing is a true copy of
the record as found in Book 11639 Page 0274
Kennebec County Registry of Deeds

SEAL

Attest Beverly Ruston-Hatheway Register

Readfield Library Board Minutes

January 8, 2014

Those Present: Brenda Lake, Nancy O'Toole, Deb Peale, Jess Cust, Pam Mitchell, Betty Peterson, Sue Westlake, Lori Clark, Cricket Blouin

Secretary's Minutes: November Minutes approved.

Treasurer's Report approved.

Librarian's Report:

Tree Lighting: Attendance down because of the rainy weather.

We discussed changing the event from the first Monday of December to the first Friday in December. Maybe try to get the Kents Hill Choir or the Maranacook Show Chorus to come. Let's all keep thinking of new ideas.

Kents Hill Programs: 5 people attended the last program, which had students from Mexico and Germany. The next program will be on Monday, February 10th at 6:30.

Book Club: Nancy would like to do a book club. She has an application with general information to see where people's interests lie. She will begin to advertise online and her goal is to try to have a meeting in February and start in March.

Van Service: We've had the van service for about a month. A little over ½ of the inter-library loan books come from the van service. The service usually comes on Wednesdays.

Future Events:

Winter Book Sale: We have enough books. The book sale will be on Saturday, March 1, 2014 in the library.

Summer Reading Program: It is time to start thinking about this program. **Nancy will order the manual and prizes.**

Annual Report: Nancy is writing the annual report. She is doing lots of weeding of the audio and video collection.

The librarian's report was accepted.

UMA Architecture: Renovations and additions. Deb, Nancy, Betty, Bruce, Brenda and Cricket were able to see the projects. The professor, Eric, will send a digital file to Brenda, who will share it with the board.

Refrigerator: Deb emailed Mark Burtwell. As of now, she has not received a reply.

Friends of the Library: It is inactive, but still in existence. They are going to try to gather the group together soon.

Winter Game Nights: Nancy is trying the Book Club instead this year.

Budget Considerations: There is carry forward for the FY2014 available for the purchase of additional library materials.

Motion: We will use up to \$1,000.00 of the carry forward for the FY 2014 budget to purchase additional audio-visual materials and books. Motion approved.

2015 Budget: A proposal was made for the FY2015 budget to reflect \$1,500.00 increase from the FY2014 budget due to the increase in AV cost, an increase in the purchase of juvenile books and the librarian's salary.

Meeting adjourned at 7:54.

These minutes are respectfully submitted by Pam Mitchell.

#6

Ad Hoc

Public Works Committee

6. Ad Hoc Public Works Committee

The Select Board approved establishing this ad hoc committee at the previous meeting. Mr. Durgin suggested that the Board members who voted in favor of the committee should develop charges or directives for the committee. Mrs. Reay subsequently asked the Town Manager to request Board members to submit any charges or directives in advance or bring them to the meeting on Monday evening. Mrs. Reay submitted the attachment as an example of what the committee might produce from the available public works information.

No other Board members submitted in advance any charges or directives for the committee.

READFIELD PUBLIC WORKS TRUCKS

DATE PURCHASED	TRUCK	SELLER	COST	SOLD DATE	BUYER	PRICE	DATE PAID	NOTES
6-16-2008	1990 L7000	O'Connors	\$17,222.00	10-26-2011	Home	\$3,000.00		
4-6-2009	2002 3/4 Sierra	State Surplus	\$5,500.00	10-26-2011	Home	\$4,000.00		
5-28-2009	2002 F 550	S.C. Mclean	\$28,000.00	10-26-2011	Home	\$3,000.00		
5-28-2009	1994 L9000	S.C. Mclean	\$21,200.00	10/26-2011	Home	\$7,000.00		
5-28-2009	1993 VOLVO	S.C. Mclean	\$24,000.00	10-26-2011	Home	\$12,000.00		
7-2-2009	2010 7400 INT	Daigle & Hough	\$126,000.00	10-26-2011	Hagar Ent	\$90,000.00		
7-2-2009	2010 7400 INT	Daigle & Hough	\$126,000.00	10-26-2011	Hagar Ent	\$90,000.00		
8-6-2008	1990 C70 Chevy	Reay Exc.	\$5,000.00	10-26-2011	Home	\$2,000.00		
	1997 Sierra	Donated Manchester	\$0.00	03-26-2012	Mark Birtwell	\$1,000.00		Breakout-date cut edges and truck
	1995 Topkick	State Surplus	\$5,800.00	10-26-2011	Home	\$6,000.00		Need date

TRAILERS

8-20-2009	1996 Custom				Jim Simmons	\$500.00		Need date
	1989 Homemade		\$275.00	3-20-2012	Steve Wight	\$240.00	03-20-2012	Bought where

KEPT FOR TOWN MAINTENANCE AND CEMETERIES

10-3-2006	2007 F 550	Quirk	\$37,599.00					
10-3-2006	Plow for truck	Quirk	\$16,801.00					
8-10-2009	2005 Dump trailer							Date & bought where
	2010 Suretrac	Michaids Tr.	\$1,449.00					

#7

**Spirit of America
Award Nominations**

7. Spirit of America: nominations

Please see the e-mail below from Bruce Flaherty of the Spirit of America Foundation. Previously the Select Board planned to have nominations for the Spirit of America awards by April 15th. The submission deadline according to this message is March 31st.

The budget line for making plaques is \$250 and each plaque costs about \$50 depending on how much writing is on it. For ordering purposes, it will be important to know if these will be presented at Town Meeting.

From: Bruce Flaherty [bwflah@207me.com] Sent: Monday, March 03, 2014 7:57 AM
Subject: 2014 Readfield Spirit of America Tribute

Hope you're enjoying a great 2014 & thank you for your town choosing such outstanding recipients of the 2013 Readfield Spirit of America Foundation award - Readfield is listed with pride on the Foundation's website!

Your Board of Selectmen is asked to pick the local person, project or group to receive the 2014 Readfield Spirit of America Foundation Tribute for outstanding community service using your own criteria and to honor the recipient (presumably with a resolution or proclamation) at your annual town meeting or at a Selectmen's meeting in April (National Volunteer Month). We'll need to know about the recipient to facilitate the 'October' event honoring all 2014 Spirit of America award winners throughout Kennebec County.

Spirit of America Foundation is a 501(c)(3) public charity established in Augusta, ME to encourage volunteerism & it allows the Spirit of America Foundation Tribute to be presented in the name of any Maine municipality. There is no fee involved, and local officials chose their community's 2013 Spirit of America winner in 80+ towns!

The first Spirit of America Foundation award was presented to Alma Jones by Augusta Mayor William Burney on Nov. 26, 1991. Maine Governors John Baldacci and Angus King, Maine Municipal Association President Mark Green, MMA Executive Director Chris Lockwood, and WABK radio personalities Don Brown and Ryan Cote are among many who have played key roles at one of the 350+ Spirit of America ceremonies over the years. You can find more info about the Foundation on its website at <http://spiroaf.com> <<http://spiroaf.com/>> (where the 'Municipal Resolution' page has sample resolutions, and the 'Honored Ever' page lists Readfield's previous winners).

Over 80 towns earned Maine Spirit of America's 2013 Gold or Silver Distinction for conscientious efforts helping volunteerism & having their own local award ceremony before the county-wide event. Last year county officials prepared attractive Gold/Silver Distinction certificates and presented these at their county's annual Spirit of America ceremony to qualifying towns.

2013 Gold Distinction towns included Albion, Bath, Belgrade, Belmont, Benton, Burnham, Canaan, Chelsea, Chesterville, China, Dresden, Durham, Fayette, Freedom, Gardiner, Georgetown, Greene, Harmony, Hartland, Leeds, Lewiston, Lisbon, Litchfield, Livermore, Livermore Falls, Manchester, Mercer, Monmouth, Montville, Mount Vernon, Oakland, Palermo, Palmyra, Pittsfield, Pittston, Randolph, Readfield, Richmond, Sidney, Skowhegan, Solon, St. Albans, Starks, Thorndike, Vassalboro, Wales, Washington, Waterville, Wayne, West Bath, Whitefield, Wilton, Winterport, Winthrop, Windsor, Winslow.

Hoping to learn by March 31 the name, mailing address and an accomplishment of Readfield's 2014 Spirit of America recipient and also the date of your local award ceremony - thank you for everything!

Bruce Flaherty, President

#8

Budget Process

Update

8. Budget process update

Please see the attached summary by Sue Reay of the Budget Committee meeting on February 27, 2014.

Val Pomerleau will provide a summary of the RSU Budget Meeting that was held with Select Boards on March 5, 2014.

Also please see the attached Budget Report sheets that the Budget Committee reviewed on March 6, 2014.

#8

Budget Committee update from Feb. 27, 2014 by Sue Reay

READFIELD HERITAGE DAYS-CEMETERIES-FIR DEPARTMENT BUDGETS

The meeting opened with discussion on the Heritage Days proposed budget with Karen Dube. The past two years revenues have not been good, due in part to much rain during the dates of the events. Due to the Bank of Maine branch closing, we lost the funding through them for the Rick Charette concert which cost of \$ 1650.00. Karen does not have the time t. do the fund raising needed. Karen proposes that we have Heritage Days every two years. Would like to see us raise tax dollars of \$ 5000.00 every year so that it would cover the costs. The concern was if we didn't put an article on the warrant to raise these funds that it might be hard to get it back in the future.

Next was the cemetery committee that informed us that the only bidder to mow cemeteries had pulled his bid the day before the committee budget meeting. Cemeteries proposed budget came in at \$ 31,003.00. Last years budget was \$ \$ 33,083.00. The biggest difference in the two year budget is that last year there was a line to make sure all veterans received flag holders which was a cost of \$ \$2,220.00.

The plan is to concentrate on the Readfield Corner Cemetery this coming year. Dudley Plains has been updated with only the back of the fence to be painted, which will be done by volunteers. Kent's Hill Cemetery is in good shape but could use some work. East Readfield Cemetery has received a lot of work done to date , but still needs more cleanings of the gravestones. Hope is to get the Memorial Garden started this year. So the funds for the blue stone are being asked to carry forward.

A separate line item will be an article for acceptance of funds for the Audrey Luce Memorial fund. This fund will start the creation of a natural hedge line along the front of the East Readfield cemetery instead of fencing.

The committee also is asking to take \$ 4,000.00 out of the perpetual care trust fund interest in case of unknown emergency needs. This fund currently has \$ 34,000.00 and they would recommend keeping a \$ 30,000.00 cushion in the account.

The committee stated that the comparison for outside mowing verses keeping the mowing in town was minimal. The subject of two line items, one for mowing and one for maintenance was discussed. The budget committee will make their recommendation to the Select Board. The budget comes in at a reduction of 6.29% from last year.

Last on the budget for the night was the Fire Department with Lee Mank. The proposed budget but forth is down .58% from last year. Gap insurance actually cost them less than originally thought so there was an \$ 800.00 deduction from that account line. He brought to our attention that by registering our fire trucks, when we respond to other towns our insurance will cover any issues that could arise.

They did some intense training using the jaws of life with the use of eggs. This was so amazing to learn about the the skill level our fire fighters get to so when they need to use this to save a life. We now have 34 senior firefighters and 5 juniors in our department.

Radios and pagers are essential to the department and some have already been updated and others are to be updated with the current proposed budget. Lee said that our tower coverage is excellent. Dispatching figures won't be available until the end of March, so an accurate number can't be placed in that line at this time, although Lee said we might be looking at 6% increase. Ambulance increase is estimated at 3%, but a solid number will not be available until the end of March.

Lee would like to continue to carry forward the money in the Capital Equipment account of \$ 5000.00. In another carry forward account for future building needs, Lee would like to carry this forward and add some to it each year to be able to start a plan for a cold storage bay to be added onto the building. If I understood correctly, they have around \$ 37,500.00 in this account currently and would like to add the savings from the pavement of \$ 12,000.00 which would make this account \$ 49,500.00 and ask the taxpayers for \$ 20,000.00 per year. Upon reaching \$ 100,000.00 in the account would be when they would look to install this bay.

Custom Budget Report

Expense

Dept/Div:	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: 60-30 Roads & Drainage / Bridge Replacement CONT'D								
PUBLIC WAYS	0.00	0.00	0.00	0.00	0.00	0.00	0.00	.00%
OPERATION & MAINT								
Bridge Replacement	0.00	0.00	0.00	0.00	0.00	0.00	0.00	.00%
Dept/Div: 60-40 Roads & Drainage / Winter Maintenance								
ADMINISTRATION								
10-10 ADVERTISING	0.00	365.96	102.68	0.00	0.00	0.00	0.00	.00%
10-50 MISC.	94.80	0.00	0.00	0.00	0.00	0.00	0.00	.00%
10-55 OFFICE SUPPLIES	63.45	0.00	0.00	0.00	0.00	0.00	0.00	.00%
ADMINISTRATION	158.25	365.96	102.68	0.00	0.00	0.00	0.00	.00%
INSURANCE								
15-20 HEALTH INSURANCE	11,724.45	0.00	0.00	0.00	0.00	0.00	0.00	.00%
15-60 UNEMPLOYMENT	1,150.98	0.00	0.00	0.00	0.00	0.00	0.00	.00%
15-80 WORKERS COMP	5,924.15	0.00	0.00	0.00	0.00	0.00	0.00	.00%
INSURANCE	18,799.58	0.00	0.00	0.00	0.00	0.00	0.00	.00%
PERSONNEL								
20-20 FICA	6,322.41	0.00	88.25	0.00	0.00	0.00	0.00	.00%
20-40 RETIREMENT	2,259.09	0.00	0.00	0.00	0.00	0.00	0.00	.00%
20-60 WAGES	82,605.17	0.00	0.00	0.00	0.00	0.00	0.00	.00%
20-65 INCOME PROTECTION PLAN	378.15	0.00	0.00	0.00	0.00	0.00	0.00	.00%
20-90 CLOTHING ALLOWANCE	292.44	0.00	0.00	0.00	0.00	0.00	0.00	.00%
PERSONNEL	91,857.26	0.00	88.25	0.00	0.00	0.00	0.00	.00%
UTILITIES								
40-10 CELL PHONE	240.11	0.00	0.00	0.00	0.00	0.00	0.00	.00%
40-30 ELECTRIC	1,195.48	649.16	253.57	600.00	279.67	500.00	-100.00	-16.67%
40-80 TELEPHONE	123.89	0.00	0.00	0.00	0.00	0.00	0.00	.00%
UTILITIES	1,559.48	649.16	253.57	600.00	279.67	500.00	-100.00	-16.67%

Custom Budget Report

Expense

Dept/Div:	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: 60-40 Roads & Drainage / Winter Maintenance CONT'D								
CONTRACT SERVICES								
50-40 DISPATCH	708.00	0.00	0.00	0.00	0.00	0.00	0.00	.00%
CONTRACT SERVICES	708.00	0.00	0.00	0.00	0.00	0.00	0.00	.00%
EQUIP OPERATION, REPAIR, MAINT								
60-30 FUEL/OIL	19,310.20	0.00	0.00	0.00	0.00	0.00	0.00	.00%
60-51 TOWN TRUCK	79.74	0.00	0.00	0.00	0.00	0.00	0.00	.00%
60-53 TOWN SANDER	2,511.41	0.00	0.00	0.00	0.00	0.00	0.00	.00%
60-60 Equipment Lease/Rent	1,350.00	0.00	0.00	0.00	0.00	0.00	0.00	.00%
EQUIP OPERATION, REPAIR, MAINT	23,251.35	0.00	0.00	0.00	0.00	0.00	0.00	.00%
EQUIPMENT REPLACEMENT								
65-30 CAPITAL EQUIPMENT	0.00	170,766.43	0.00	0.00	0.00	0.00	0.00	.00%
EQUIPMENT REPLACEMENT	0.00	170,766.43	0.00	0.00	0.00	0.00	0.00	.00%
BUILDING O&M								
70-60 MAINTENANCE	0.00	10.33	0.00	0.00	0.00	0.00	0.00	.00%
BUILDING O&M	0.00	10.33	0.00	0.00	0.00	0.00	0.00	.00%
PUBLIC WAYS OPERATION & MAINT								
80-10 CONTRACT SERVICES	0.00	244,425.00	240,799.98	248,000.00	165,333.32	255,440.00	7,440.00	3.00%
80-30 Gravel/ Sand	20,862.19	0.00	0.00	2,000.00	0.00	0.00	-2,000.00	-100.00%
80-35 De-Icing	26,841.04	0.00	0.00	1,000.00	0.00	0.00	-1,000.00	-100.00%
80-80 SIGNS/SUPPLIES	0.00	0.00	0.00	0.00	3.98	0.00	0.00	.00%
PUBLIC WAYS OPERATION & MAINT	47,703.23	244,425.00	240,799.98	251,000.00	165,337.30	255,440.00	4,440.00	1.77%
Winter Maintenance	184,037.15	416,216.88	241,244.48	251,600.00	165,616.97	255,940.00	4,340.00	1.72%

Dept/Div: 60-50 Roads & Drainage / Equipment

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: 65-30 CAPITAL IMPROVEMENTS / Library Building CONT'D								
80-10 CONTRACT SERVICES	375.00	23,198.60	0.00	0.00	809.15	0.00	0.00	.00%
PUBLIC WAYS OPERATION & MAINT	375.00	23,198.60	0.00	0.00	809.15	0.00	0.00	.00%
Library Building	375.00	23,262.02	0.00	0.00	809.15	0.00	0.00	.00%
Dept/Div: 65-35 CAPITAL IMPROVEMENTS / Community Park								
BUILDING O&M	0.00	0.00	0.00	0.00	0.00	0.00	0.00	.00%
PUBLIC WAYS OPERATION & MAINT	0.00	0.00	0.00	0.00	0.00	0.00	0.00	.00%
PUBLIC WAYS OPERATION & MAINT	0.00	0.00	0.00	0.00	0.00	0.00	0.00	.00%
Community Park	0.00	0.00	0.00	0.00	0.00	0.00	0.00	.00%
Dept/Div: 65-40 CAPITAL IMPROVEMENTS / Cemetery								
PERSONNEL	0.00	25.16	0.00	0.00	0.00	0.00	0.00	.00%
20-20 FICA	0.00	328.87	0.00	0.00	0.00	0.00	0.00	.00%
20-60 WAGES	0.00	354.03	0.00	0.00	0.00	0.00	0.00	.00%
PERSONNEL	0.00	4,728.00	0.00	0.00	0.00	17,500.00	17,500.00	100.00%
PUBLIC WAYS OPERATION & MAINT	0.00	238.16	0.00	0.00	0.00	0.00	0.00	.00%
80-10 CONTRACT SERVICES	0.00	4,966.16	0.00	0.00	0.00	17,500.00	17,500.00	100.00%
E Readfield Roadway 7,500, Case & Corner Walls 10,000								
80-40 MATERIALS	0.00	5,320.19	0.00	0.00	0.00	17,500.00	17,500.00	100.00%
PUBLIC WAYS OPERATION & MAINT	0.00	5,320.19	0.00	0.00	0.00	17,500.00	17,500.00	100.00%
Cemetery	0.00	5,320.19	0.00	0.00	0.00	17,500.00	17,500.00	100.00%

Custom Budget Report

Expense

	2011	2012	2013	2014	2014	2014	2015	Man Req vs
	Actual	Actual	Actual	Budget	YTD	Manager	Change \$	Change %
Dept/Div: 65-55 CAPITAL IMPROVEMENTS / Traffic Calming								
PUBLIC WAYS OPERATION & MAINT	0.00	0.00	19,994.00	0.00	0.00	0.00	0.00	.00%
Traffic Calming	0.00	0.00	19,994.00	0.00	0.00	0.00	0.00	.00%
Dept/Div: 65-60 CAPITAL IMPROVEMENTS / Maintenance Building								
ADMINISTRATION	0.00	0.00	0.00	0.00	0.00	0.00	0.00	.00%
EQUIPMENT REPLACEMENT	6,089.59	0.00	0.00	0.00	0.00	0.00	0.00	.00%
65-30 CAPITAL EQUIPMENT REPLACEMENT	6,089.59	0.00	0.00	0.00	0.00	0.00	0.00	.00%
BUILDING O&M	0.00	0.00	0.00	0.00	0.00	0.00	0.00	.00%
PUBLIC WAYS OPERATION & MAINT	0.00	0.00	0.00	0.00	0.00	0.00	0.00	.00%
PUBLIC WAYS OPERATION & MAINT	6,089.59	0.00	0.00	0.00	0.00	0.00	0.00	.00%
Maintenance Building	6,089.59	0.00	0.00	0.00	0.00	0.00	0.00	.00%
Dept/Div: 65-65 CAPITAL IMPROVEMENTS / Equipment								
EQUIPMENT REPLACEMENT	0.00	0.00	8,299.00	0.00	0.00	10,000.00	10,000.00	100.00%
65-30 CAPITAL EQUIPMENT	0.00	0.00	8,299.00	0.00	0.00	10,000.00	10,000.00	100.00%
Walker Mower	0.00	0.00	649.00	0.00	0.00	0.00	0.00	.00%
65-50 TOOLS	0.00	0.00	8,948.00	0.00	0.00	10,000.00	10,000.00	100.00%
EQUIPMENT REPLACEMENT	0.00	0.00	8,948.00	0.00	0.00	10,000.00	10,000.00	100.00%
Equipment	0.00	0.00	8,948.00	0.00	0.00	10,000.00	10,000.00	100.00%

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: 65-70 CAPITAL IMPROVEMENTS / Transfer Station									
ADMINISTRATION	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	.00%
PERSONNEL	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	.00%
CONTRACT SERVICES	0.00	0.00	574.06	0.00	0.00	0.00	0.00	0.00	.00%
50-50 ENGINEERING	0.00	0.00	574.06	0.00	0.00	0.00	0.00	0.00	.00%
CONTRACT SERVICES	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	.00%
EQUIP OPERATION, REPAIR, MAINT	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	.00%
EQUIP OPERATION, REPAIR, MAINT	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	.00%
EQUIPMENT REPLACEMENT	0.00	0.00	0.00	0.00	0.00	11,500.00	11,500.00	11,500.00	100.00%
65-30 CAPITAL EQUIPMENT	0.00	0.00	0.00	0.00	0.00	11,500.00	11,500.00	11,500.00	100.00%
7000 msw can, 2000 Heater, 2500 Security Camera & Internet	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	.00%
EQUIPMENT REPLACEMENT	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	.00%
BUILDING O&M	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	.00%
BUILDING O&M	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	.00%
PUBLIC WAYS OPERATION & MAINT	0.00	0.00	18,125.00	8,500.00	0.00	0.00	-8,500.00	-8,500.00	-100.00%
80-10 CONTRACT SERVICES	0.00	0.00	89.95	0.00	0.00	0.00	0.00	0.00	.00%
80-20 EROSION CONTROL	568.35	0.00	0.00	0.00	0.00	0.00	0.00	0.00	.00%
80-40 MATERIALS	568.35	0.00	18,214.95	8,500.00	0.00	0.00	-8,500.00	-8,500.00	-100.00%
PUBLIC WAYS OPERATION & MAINT	568.35	0.00	18,214.95	8,500.00	0.00	0.00	-8,500.00	-8,500.00	-100.00%
Transfer Station	568.35	0.00	18,789.01	8,500.00	0.00	11,500.00	3,000.00	3,000.00	35.29%

Custom Budget Report

Expense

	2011	2012	2013	2014	2014	2014	2015	Man Req vs
	Actual	Actual	Actual	Budget	YTD	Manager	Change \$	Change %
Dept/Div: 65-80 CAPITAL IMPROVEMENTS / Mill Stream Footbridge								
CONT'D								
10-50 MISC.	0.00	65.00	0.00	0.00	0.00	0.00	0.00	.00%
ADMINISTRATION	0.00	65.00	0.00	0.00	0.00	0.00	0.00	.00%
PUBLIC WAYS OPERATION & MAINT								
80-40 MATERIALS	0.00	2,065.90	0.00	0.00	0.00	0.00	0.00	.00%
PUBLIC WAYS OPERATION & MAINT	0.00	2,065.90	0.00	0.00	0.00	0.00	0.00	.00%
Mill Stream Footbridge	0.00	2,130.90	0.00	0.00	0.00	0.00	0.00	.00%
Dept/Div: 65-90 CAPITAL IMPROVEMENTS / Maranacook Lake Dam								
BUILDING O&M								
70-60 MAINTENANCE hydrologic/flow study	0.00	0.00	0.00	2,400.00	0.00	13,500.00	11,100.00	462.50%
BUILDING O&M Maranacook Lake Dam	0.00	0.00	0.00	2,400.00	0.00	13,500.00	11,100.00	462.50%
	0.00	0.00	0.00	2,400.00	0.00	13,500.00	11,100.00	462.50%
Dept/Div: 65-95 CAPITAL IMPROVEMENTS / Lovejoy Pond Dam								
BUILDING O&M								
70-60 MAINTENANCE	0.00	0.00	15,000.00	0.00	0.00	0.00	0.00	.00%
BUILDING O&M	0.00	0.00	15,000.00	0.00	0.00	0.00	0.00	.00%
Lovejoy Pond Dam	0.00	0.00	15,000.00	0.00	0.00	0.00	0.00	.00%
CAPITAL IMPROVEMENTS	73,609.07	204,489.08	502,684.26	120,900.00	38,567.24	110,160.00	-10,740.00	-8.88%
Expense Totals:	858,892.46	957,155.48	1,237,390.73	1,176,150.00	993,668.74	677,454.00	-498,696.00	-42.40%

Custom Budget Report

Revenue

	2011	2012	2013	2014	2014	2014	2015	Man Req vs"	Man Req vs
	Actual	Actual	Actual	Budget	YTD	Manager	Change \$	Curr Bud	Change %
Dept: 60 Roads & Drainage									
2010 LOCAL ROAD ASSISTANCE	36,936.00	37,844.00	36,936.00	36,000.00	0.00	0.00	-36,000.00	-100.00%	
2020 HIGHWAY INCOME	4,530.18	12,038.44	13.05	700,000.00	738,340.00	0.00	-700,000.00	-100.00%	
2030 STREET SIGNS	50.00	0.00	0.00	0.00	100.00	0.00	0.00	.00%	
6040 Sale of Equipment	0.00	313,535.00	3,700.00	0.00	0.00	0.00	0.00	.00%	
7010 Interlocal	55,628.39	8,092.14	7,906.99	2,200.00	4,867.11	0.00	-2,200.00	-100.00%	
Roads & Drainage	97,144.57	371,509.58	48,556.04	738,200.00	743,307.11	0.00	-738,200.00	-100.00%	
Dept: 65 CAPITAL IMPROVEMENTS									
6525 Ballfields	0.00	15.00	0.00	38,279.00	0.00	0.00	-38,279.00	-100.00%	
6550 Sidewalks	7,115.00	0.00	486,080.91	0.00	2,600.00	0.00	0.00	.00%	
CAPITAL IMPROVEMENTS	7,115.00	15.00	486,080.91	38,279.00	2,600.00	0.00	-38,279.00	-100.00%	
Revenue Totals:	104,259.57	371,524.58	534,636.95	776,479.00	745,907.11	0.00	-776,479.00	-100.00%	

#9

**Road Commissioner
Duties**

9. Road Commissioner duties review

This item was tabled from the previous meeting. The following information was provided:

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

10.Part 3: LOCAL HIGHWAY LAW

11.Chapter 301: GENERAL PROVISIONS

12.Subchapter 1: ROAD COMMISSIONER

13. §2701. Powers and duties

14. 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).]

15. 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).]

16. SECTION HISTORY

17. 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

— 425 Sokokis Ave. 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).

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.

#10

Legal Services RFP

Responses

10. Legal Services RFP responses review

The Town received three proposals in response to the Legal Services RFP. These were opened in public at 3:00 PM on March 3, 2014. Copies of the financial sections were sent electronically to all Select Board members along with a copy of the brief minutes of the opening.

The Select Board should now consider how to review these proposals. They all appear to be responsive to the RFP and mostly comparable in presented costs or fees, with some variation. All three are notable, well-referenced firms with extensive municipal law experience.

One proposer is the Town's current legal counsel, Bernstein Shur, serving in this capacity for twenty-five years. The firm offers to discuss how best to serve the Town's needs and would consider alternative billing practices that the Town might prefer. No current Town employee or Select Board member has had direct experience with any other firm as the Town's legal counsel, so it might be difficult to compare the proposals in this regard. However, it might be worthwhile to consider the experience of Town employees and Select Board members with Bernstein Shur's services over many years.

Jensen-Baird and PretiFlaherty also are both experienced and respected municipal law firms, and their proposals merit due consideration.

The proposed primary attorneys for PretiFlaherty and Bernstein Shur are both very experienced, senior-level lawyers. Jensen Baird's proposed primary attorney appears to have less experience but the firm has a solid reputation and lists many municipal clients and references.

The Select Board could consider awarding a contract to any of the three firms, based on their proposals. The Board could choose to interview any or all of the proposing firms, and base a decision on the interviews. The Board also could reject all of the proposals.

#10

Bid Opening

RFP FOR LEGAL SERVICES

March 3, 2014 @ 3:04 pm

Attendance: Town Manager, Stefan Pakulski; Select Board Member, Allen Curtis and Town Clerk, Robin Lint.

Three proposals were received in response to the RFP for legal services for the Town of Readfield.

- 1) Jensen-Baird-Gardner-Henry of Portland and Kennebunk Maine.
- 2) Bernstein Shur of Augusta and Portland Maine as well as Manchester NH.
- 3) Preti Flaherty of Augusta Maine

See attached the Financial Consideration Pages for each.

A copy of each proposal was given to or put in the boxes of all Select Board members.

Bid opening meeting closed at 3:28 pm

Recorded by: Robin Lint, Town Clerk

Jensen-Baird

Financial Consideration

Attorney cost/hour (indicate discount from regular rates if applicable): \$175

Associate attorney cost/hour (indicate discount from regular rates if applicable): \$175

Paralegal cost/hour (indicate discount from regular rates if applicable): \$85

Clerical cost/hour (indicate discount from regular rates if applicable): N/A

Other staff cost/hour (indicate discount from regular rates if applicable): N/A

Will billable rates for travel include both ways, one way or no charge?: One way, plus mileage.

Will billable rates vary depending on time of day or day of the week?: No.

Mileage expense rate: IRS business standard mileage rate (currently \$0.56 per mile)

Research services cost/hour (e.g. West Law): \$0.84 per minute

Other costs (photocopying, fax, telephone expense, other) Copies: 17¢ ea; fax: \$2/page for first page; phone: incoming – free to our toll-free number, outgoing – 20¢/min for long-distance

(Please note: No costs or rates may change during the contract without prior approval by the Readfield Select Board.)

Attachments: Please attach the following:

- Outline of the size and experience of the law firm. *See RFP Response Section I-II.*
- Resumes of legal staff with whom the Town would be working. *See RFP Response Appendix C.*
- An explanation of how your firm envisions the legal transfer of authority and responsibility in the absence or inability to act as the Town Attorney. *See RFP Response Section II(A).*
- An explanation of how the Town will be billed for consultations between two attorneys who are both members of your legal firm. *See RFP Response Section III.*
- Explanation of how the firm will be able to respond to requests for services (“turn around time”). *See RFP Response Section IV.*
- Listing of municipal clients and other references (with addresses and phone numbers). *See RFP Response Section II(D) and (E).*

Financial Consideration

Attorney cost/hour (indicate discount from regular rates if applicable):

- Lee Bragg standard hourly rate of \$305/hr discounted to \$175/hr
- Mike Hodgins standard hourly rate of \$270
- Rob Crawford standard hourly rate of \$280
- Phil Saucier standard hourly rate of \$210
- Kate Knox standard hourly rate of \$250
- Les Wilkinson standard hourly rate of \$275
- Mary Costigan standard hourly rate of \$235
- Matt Tarasevich standard hourly rate of \$275

Associate attorney cost/hour (indicate discount from regular rates if applicable):

- N. Joel Moser standard hourly rate of \$190/hr

Paralegal cost/hour (indicate discount from regular rates if applicable): \$127/hr

Clerical cost/hour (indicate discount from regular rates if applicable): \$0

Other staff cost/hour (indicate discount from regular rates if applicable): \$0

Will billable rates for travel include both ways, one way or no charge? We bill one way from the Augusta office.

Will billable rates vary depending on time of day or day of week? No.

Mileage expense rate: \$0.55 per mile

Research services cost/hour (e.g. West Law): \$0

Other costs (photocopying, fax, telephone expense, other): \$0

Attachments: Please attach the following:

- Outline of the size and experience of the law firm. *Page 4 of Response to RFP.*
- Resumes of the legal staff with whom the Town would be working with. *Page 17 of Response to RFP.*
- An explanation of how your firm envisions the legal transfer authority and responsibility

Preti Flaherty

Financial Consideration

Having worked with many municipalities over the years, we understand municipal budgets and are especially sensitive to controlling municipal legal fees. For this reason, we are proposing a significantly discounted hourly fee schedule:

Discounted Hourly Fee

Preti Flaherty proposes to charge by the hour for legal services to the Town of Readfield. The discounted rates of those principally involved in this matter are set forth below:

Stephen E. F. Langsdorf	\$200.00/hour
Other Partners	\$195.00/hour
Associate Attorneys	\$175.00/hour
Paralegals	\$100.00/hour

These rates are consistent with the rates that we charge other municipalities and are significantly discounted from our full rates.

Below, please find our responses to the specific questions raised in your Request:

Attorney cost/hour (indicate discount from regular rates if applicable):

Discounted Rate \$200.00/hour. (Discounted from \$325.00/hour)

Associate attorney cost/hour (indicate discount from regular rates if applicable):

Discounted Rate \$175.00/hour. (Discounted from \$250.00/hour depending on attorney)

Paralegal cost/hour (indicate discount from regular rates if applicable):

Discounted Rate \$100.00/hour. (Discounted from \$125.00/hour)

Clerical cost/hour (indicate discount from regular rates if applicable): No charge

Other staff costs/hour (indicate discount from regular rates if applicable): No charge

Will billable rates for travel include both ways, one way or no charge?: Both ways

Will billable rates vary depending on time of day or day of the week?: No

Mileage expense rate: \$0.565 per mile (updated annually per IRS guidelines)

Research services cost/hour (e.g. West Law): Certain employment or litigation matters may require electronic research for which we will bill the Town separately. Before incurring such charges, we will discuss the amount and need for this additional amount.

Other costs (photocopying, fax, telephone expense, other): Preti Flaherty will not bill the Town for secretarial services, telephone, stationery, postage, supplies, library and equipment requested to provide these general services.

#11

**Municipal order for
applicatio of
payments for
unpaid taxes**

11. Municipal order for application of payments for unpaid taxes

Please see the attached state statute regarding application of payments to unpaid taxes, a discussion about this from MMA, and a draft Select Board order based on the law.

The general tax collection practice in the Town Office has been to apply all tax payments to the oldest outstanding unpaid taxes. However, in the absence of an order by the municipal officers (Select Board) to do this, any taxpayer could specify the year to which a payment would apply, and not necessarily to the oldest. The Select Board order would make it possible to apply all tax payments to the oldest outstanding unpaid taxes. The Town Manager, serving as Treasurer and Tax Collector, requests the Select Board to consider approving the attached order for this purpose.

This type of order should be renewed annually by the Select Board, along with other annual policies at the beginning of each fiscal year.

11

Maine Revised Statutes

- [§906 PDF](#)
- [§906 MS-WORD](#)
- [STATUTE SEARCH](#)
- [CH. 105 CONTENTS](#)
- [TITLE 36 CONTENTS](#)
- [LIST OF TITLES](#)
- [DISCLAIMER](#)
- [MAINE LAW](#)
- [REVISOR'S OFFICE](#)
- [MAINE LEGISLATURE](#)

§905

Title 36:

§941**TAXATION****Part 2: PROPERTY TAXES****Chapter 105: CITIES AND TOWNS****Subchapter 9: DELINQUENT TAXES****Article 1: GENERAL PROVISIONS****§906. Application of payments to unpaid taxes**

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

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

Data for this page extracted on 12/03/2013 12:03:39.

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

Office of the Revisor of Statutes
7 State House Station
State House Room 108
Augusta, Maine 04333-0007

Application of Payments; Unpaid Taxes Over Multiple Years

In the case of a taxpayer who has several years worth of outstanding taxes, the taxpayer who wishes to make a payment generally has the right to specify the year to which the collector must apply the payment. If the taxpayer does not make his or her intention clear, either expressly or through his or her actions (e.g., the amount of the check given to the collector is the exact amount due for a particular year), then the collector may apply the payment as he or she deems appropriate. In the absence of any direction from the taxpayer, ordinarily, the collector would apply the payment to the oldest outstanding taxes in order to avoid foreclosure.

Where a collector feels strongly that the taxpayer should pay off the oldest taxes first, but the taxpayer for some reason refuses, the collector's recourse is to seek an order of the municipal officers under 36 M.R.S.A. § 906. The Law Court has upheld the validity of a Section 906 order, even where compliance resulted in tax lien foreclosure (*see McNaughton v. Kelsey, supra*). Ideally, the collector should request such an order before the issue arises so that a policy will already be in place before such a payment is offered. Section 906 states that:

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

MMA's attorneys do not interpret this section as requiring specific orders for specific taxpayers. A general order by the municipal officers applicable to all affected taxpayers should be sufficient. A sample order is found in Appendix 1d. It is advisable to obtain a new authorization from the municipal officers each year after newly-elected members take office to be sure that the current officers still endorse the policy. If that has been accomplished, and an active order from the municipal officers is in place, the collector is required to apply any payment received from an individual for payment of property taxes against outstanding or delinquent taxes due on that property in chronological order, beginning with the oldest unpaid tax bill.

Note that the statute and the sample order form at Appendix 1d apply to treasurers as well as collectors. Therefore, the municipal officers also should prepare a new order whenever there is a change in either office.

From MMA's Tax Collectors & Treasurers Manual

TOWN OF READFIELD
ORDER OF MUNICIPAL OFFICERS
PURSUANT TO 36 M.R.S.A. §906

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

Municipal Officers

Dated: _____

ACKNOWLEDGEMENT

I, the Tax Collector and/or Treasurer of said Town of Readfield, hereby acknowledge making the aforesaid request and receipt of a copy of the above Order.

Tax Collector/Treasurer

Dated: _____

#12

Pending Foreclosurers

2011 Tax Foreclosurer List

Readfield
09:24 AM

Lien Process Edit List

03/06/2014

Page 1

Year : 2011 Interest as of 03/06/2014

Acct Name	Principal	Lien Int	Costs	irrent Int	Total
11 *Alleborn Douglas A NO MORTGAGE HOLDER- Made a big payment and didn't include extra charges (re-notified)	24.67	0.00	0.00	0.01	24.68
1559 *Barton Richard S & Barton Karen M KENNEBEC SVGS BANK Talked to the Bank and they said they will pay if customer does not-other lien holders	1,188.16	37.24	72.48	66.54	1,364.42
14 *Blake Michael J MAINE STATE EMPLOYEES CREDIT UNION Mortgaged and they usually will pay if customer does not	2,221.48	69.63	72.48	124.40	2,487.99
1445 *Bourque Megan S Savings Bank of Maine Mortgaged and they usually will pay if customer does not	2,741.66	0.00	21.98	153.23	2,916.87
1327 *Choate Richard W Instamortgage.com Mortgaged and they usually will pay if customer does not	759.98	23.82	72.48	42.56	898.84
2017 *Colpitt Isreal T Savings Bank of Maine Mortgaged and they usually will pay if customer does not	638.32	0.87	72.48	26.51	738.18
260 *Cushing John P ANDROSCOGGIN SAVINGS BANK Bank will come forward and pay if customer does not	3,414.38	0.00	24.94	147.80	3,587.12
989 *Dubois Duane H WINTHROP FEDERAL CREDIT UNION Mortgaged and they usually will pay if customer does not	736.28	0.00	33.92	30.10	800.30
1870 *Dyer Karl & Dyer Angela D. WINTHROP FEDERAL CREDIT UNION Mortgaged and they usually will pay if customer does not	1,867.43	58.46	72.48	104.57	2,104.94

1037	*Evans Tina Z & Evans Ronald C. WINTHROP FEDERAL CREDIT UNION-Foreclosurer Talked to bank and will pay if they don't Bank is working out with resident in mediation	723.59	0.00	21.98	29.50	775.07
379	*Fogg Timothy NO MORTGAGE HOLDER	1,567.14	0.00	15.49	65.09	1,647.72
403	*French Lloyd A & French Lori A PEOPLES HERITAGE BANK Mortaged and they usually will pay if customer does not	829.50	9.00	72.48	32.64	943.62
710	*Lucas Philip L III/Lisa Billington Cushnoc Bank and Trust Was over \$1400 and customer said she would be back to pay off	54.29	0.00	0.00	0.04	54.33
152	*Maranacook Motors Savings Bank of Maine-Foreclosurer Mortaged and they usually will pay if customer does not	3,600.82	112.85	72.48	201.64	3,987.79
633	*Oakes Robert D & Oakes Laurie A WINTHROP FEDERAL CREDIT UNION-Foreclosurer Talked with Mortaged and they will pay if customer does not Bank is in mediation with residents	347.45	8.57	72.48	19.45	447.95
2026	*Poulin Francis A. NO MORTGAGE HOLDER Mr. Poulin called me & he knows he has to pay before April 9th	1,745.13	54.69	65.99	97.73	1,963.54
991	*Readfield Family Market *P/P58 Savings Bank of Maine-Foreclosurer Mortaged and they usually will pay if customer does not	3,893.12	122.02	72.48	218.01	4,305.63
834	*Sullivan William WINTHROP FEDERAL CREDIT UNION- Mortaged and they usually will pay if customer does not	163.22	0.00	15.98	2.49	181.69
155	*Violette Ronald P/P#113 Savings Bank of Maine-Foreclosurer Mortaged and they usually will pay if customer does not	3,964.22	124.24	72.48	222.00	4,382.94
Count: 21 Totals:		30,480.84	621.39	925.08	1,584.31	33,611.62

#13

Other (if Needed)

#14

**Members of the public
may address the Board**

#15

**Poverty abatement
application**

Executive Sessions

15. Poverty abatement application

Please see attached guidance for reviewing a poverty abatement application. The Select Board will meet with the applicant to review a specific application.

The Select Board could consider a motion to enter into executive session to deliberate over an abatement pursuant to Title 36 M.R.S.A. § 841 (2), and invite the Town Manager and applicant to attend.

16. Labor negotiations

The Select Board could consider a motion to enter into executive session pursuant to Title 1 M.R.S.A. § 405 6 D for labor negotiations, and invite the Town Manager to attend.

Review of a Poverty Abatement application must be done in Executive Session. The following information from MMA should guide the Select Board in this process:

I. Generally

Under 36 M.R.S.A. § 841, municipalities may abate (forgive) a property tax for "error or mistake," including illegality or irregularity (§ 841(1)), or for reason of "infirmity or poverty" (§ 841 (2)). This latter section authorizes the municipal officers, "on their own knowledge or on written application," to "make such abatements as they believe reasonable in the real and personal taxes on all persons who, by reason of infirmity or poverty, are in their judgment unable to contribute to the public charges." See 36 M.R.S.A. § 841(2).

Although at first glance § 841 (2) appears succinct and straightforward, it provides very little in the way of guidance on the question of when to grant a poverty abatement. As a result, a review of relevant case law and an understanding of General Assistance (GA) financial analysis are essential for a thorough understanding of poverty abatements (see Sections III and IV below).

II. Statutorily Required Procedures

While the statute does little to explain the operation of the eligibility standard that governs a poverty abatement application, it does provide procedures to guide the review of applications for poverty abatements. In summary, § 841 (2) provides that:

- An applicant (anyone) may apply for an abatement within 3 years from the date the taxes are committed (although municipal officers may extend the 3-year period);
- The municipal officers must provide that any person who indicates an inability to pay all or part of assessed taxes will be informed regarding their right to apply for an abatement;
- Individuals making applications for abatement must receive assistance in filing an application (this assistance however, does not reduce the applicant's burden of proof);
- Application forms for requesting an abatement based on poverty or infirmity must be made available to applicants and must contain notice that a written decision shall be made within 30 days of the date of application;
- Municipal officers must provide persons the opportunity to apply for an abatement during normal business hours;
- Municipal officers must maintain the confidentiality of "all applications, information submitted in support of the application, files and communications relating to an application for abatement and the determination on the application for abatement";
- Poverty abatement hearings and proceedings must be held in executive session;
- Municipal officers must provide persons applying for abatement written notice of their decision within 30 days of application; and

- Any decision on an application for poverty abatement must provide the applicant with the specific reason or reasons for the decision and must inform the applicant of the right to appeal and the procedure for requesting an appeal.

III. Case Law

As previously mentioned, the statute (§ 841 (2)) does not set forth an explicit eligibility standard for poverty abatement determinations. Therefore, it is necessary to rely on existing case law for guidance. The following selected principles derived from Maine Supreme Court cases may lead to a clearer understanding of poverty abatements:

- Although the law says municipal officers "may" grant abatements as they think reasonable, "may" will mean "shall" in cases where the word "may" is used for the purpose of imposing a public duty upon public officials for the sake of the public good (such as where an applicant's poverty is indisputable). *Schwanda v. Bonney*, 418 A.2d 163 (Me. 1980).

- Applicants seeking a poverty abatement have the burden of proving that they are eligible for the abatement. It is not the municipal officers' responsibility to prove that applicants are not entitled to an abatement. *Joyce v. Town of Lyman*, 565 A.2d 90 (Me. 1989).

- To obtain a poverty abatement, an applicant has the burden of proving that by reason of poverty or infirmity, the applicant is unable to contribute to the public charges. 36 M.R.S.A. § 841 (2); *Macaro v. Town of Windham*, 468 A.2d 604 (Me. 1983); *Joyce v. Town of Lyman*, 565 A.2d 90 (Me. 1989); and *Gilmore v. City of Belfast*, 580 A.2d 698 (Me. 1990).

- The purpose of 36 M.R.S.A. §841 (2) (which is not clearly stated in the statute) is "to prevent towns from forcing the sale of property in order to collect taxes from those otherwise unable to pay." Therefore, while an applicant may possess a valuable asset such as a house, that applicant still may have no ability to pay property taxes, so that a municipality may not rely on the mere existence of the asset to deny a poverty abatement. The municipality instead must look to an applicant's realistic financial capacity to pay his or her taxes *Macaro v. Town of Windham*, 468 A.2d 604 (Me. 1983).

- An applicant is only eligible for a poverty tax abatement for the tax year(s) in question and for the period subsequent to the application if the applicant shows no capacity to pay the taxes during that time. Thus, if an applicant was indigent at the time of application but not so during the tax year in question, the applicant would not be eligible. Further, if an applicant was indigent during the tax year in question but then at time of the poverty abatement application became able to pay the taxes due, that applicant also would be ineligible. *Gilmore v. City of Belfast*, 580 A.2d 698 (Me. 1990).

- A purchaser under a "land installment agreement" lacks standing to seek a poverty abatement of taxes on this property, even though the agreement may make the purchaser responsible for the payment of taxes, since the legal ownership of the property at issue remains with the seller. *Mason vs. Town of Readfield*, 1998 ME 201, 715 A.2d 179.

- The amount of a Circuit Breaker Program rebate received by the taxpayer should be applied to the amount of tax due before determining the amount of the poverty abatement. The Superior Court stated that "the Legislature left such determinations to the commissioners' independent judgment" and that there was support in the statutes for such a determination. 36 M.R.S.A. § 844, § 6216; *Sager v. Town of Bowdoinham*, 2004 ME 40, 845 A.2d 567.

- The Legislature in 2005 amended 36 M.R.S.A. §841(2) to provide that the municipal officers may only grant abatements of taxes "on the primary residence of" infirm or impoverished applicants. That amendment was a legislative reversal of the Law Court's holding in the 2004 case of *Hustus v. Town of Medway*, 2004 ME 41, 845 A.2d 563. Hustus had provided that a poverty abatement could be granted for an entire property even though a portion of it was dedicated to commercial use.

IV. Determining Eligibility

Poverty: Despite the fact that the statute includes both "infirmity" and "poverty" as eligibility criteria, the real issue is "poverty." That having been said, it is important to recognize that Maine's poverty abatement scheme contains no specific formula for determining poverty, or the inability to contribute to the public charges. Municipal officers have some latitude regarding such determinations, but the test most generally used and accepted by municipal counsel is whether a person's reasonable expenses outweigh that person's income (as determined on the basis of a General Assistance-like financial assessment).

Property: As discussed above, 36 M.R.S.A. §841(2) now provides that poverty abatements are only available on an applicant's primary residence. However, the statute does not clarify whether the property must be used exclusively as a residence. The statute therefore gives municipal officers little guidance in a situation where an applicant maintains a home occupation out of his or her primary residence. The municipal officers might take the position that any poverty abatement granted be proportional to the percentage of property that is used for residential purposes, or they might take the position that dual-use property is simply not eligible for a poverty abatement. Either position is potentially open to challenge since the courts have not yet considered the amended Section 841(2).

In such instances a municipality may reduce the risk of having a reviewing body or court overturn a denial that results from the nonresidential nature of the property by also determining the merits of the application. There are two principal reasons for doing so. First, after performing the analysis the municipality may establish that the applicant does not qualify for the abatement on financial grounds, and not just because of the nature of the property. Second, there also is an argument that the non-residential property in question might be viewed as an available "resource." Available resources are generally viewed, as items/property, which could be utilized by the applicant to generate funds needed to meet basic necessities (e.g., by selling or mortgaging).

Financial Analysis: A useful starting point is the U.S. DHHS (Department of Health and Human Services) Poverty Guidelines in order to determine whether the applicant meets the federal definition of poverty. However, denying an applicant simply because he or she exceeds these poverty guidelines probably would not be adequate, since this would not establish whether the applicant could in fact "contribute to the public charges" as required by the statute.

Perhaps a more helpful evaluative tool is a modified General Assistance (GA) financial analysis. Such an analysis assists in determining whether the applicant has (or had) sufficient income to meet basic necessities. A GA analysis compares an applicant's income against the applicant's (or household's) actual need and as such may provide a more accurate reading of the applicant's economic situation. By way of example, a family receiving TANF (Temporary Assistance for Needy Families) benefits may be considered over the federal poverty guidelines by virtue of their benefit amount. However, if that family had unforeseen emergency expenses (i.e., a portion of their home burned, a car needed replacement or major medical bills had to be paid), the family might qualify economically under this modified GA financial analysis. A GA-type analysis also will assist in determining whether the applicant failed to make use of available resources, and so may establish that the applicant had been otherwise able to contribute to the public charges. But remember, poverty abatements are not GA and a strict application of the GA rules or GA maximums is therefore not appropriate.

Please refer to the MMA's General Assistance Manual for in-depth guidance on conducting a GA financial analysis. Municipalities may also wish to contact MMA Legal Services 1(800) 452-8762 or DHHS 1(800) 442-6003 with specific questions.

The Application: In addition to the above two program guidelines which assist in the analysis, applicants should be required to complete a poverty abatement application form. A good form will elicit all the basic information about the property in question and the applicant's financial situation for the year(s) in question. All such application forms must include a statement regarding the municipality's obligation to render a written decision within 30 days of receipt of the application.

Period of Inquiry: It is important to keep in mind that when performing a poverty abatement analysis for past taxes, the applicant's current financial situation is only partially at issue—the applicant's economic situation at all times since the taxes were due is central to the analysis. Also, an applicant's current GA eligibility does not automatically render him or her eligible for a poverty tax abatement for a prior tax year.

V. The Decision-Making Process

Section 841 (2) requires that "[h]earings and proceedings held pursuant to [§841 (2)] shall be in executive session." Therefore, a board or council should **make a motion at a public meeting "to enter into executive session to deliberate over an abatement pursuant to 36 M.R.S.A. § 841 (2)."** The motion must be approved by a 3/5 vote and must be recorded. Any deliberation regarding the application should occur in executive

session. The municipal officers may invite other municipal officers to attend provided their attendance is necessary, i.e., they are involved in the case and will provide information. In addition, if the applicant requests to be present during the executive session, he or she may be allowed to attend. A notice (see sample linked above) informing of the fair hearing should be sent to the applicant/appellant. If the applicant is present, he or she should not interfere with the deliberations but may be asked to respond to questions. The board or council cannot make a decision in executive session; the purpose of the executive session is for deliberation only.

After coming out of executive session, the board or council should make a motion such as “I move to grant an abatement of the amount of \$ _____ pursuant to Title 36 M.R.S.A. § 841(2).” The municipal officers’ ultimate decision is a matter of public record, but since poverty abatements are confidential, **the recipient’s name is not included in the public record** (as opposed to a record of abatement of an over-assessment, which is a public record).

Regardless of the outcome, the board must issue a written decision to grant the abatement, deny the abatement or partially grant the abatement within 30 days of the date of application. The written decision must include the specific reasons for the decision and must inform the applicant of his or her appeal rights and of the procedure for requesting an appeal (see sample notice of decision linked above).

#16

Labor Negotiations

FYI

RECEIVED

FYI

MAR 03 2014



TO: Municipal Clerks of the Member Communities of the Kennebec Regional Development Authority (KRDA)

FROM: Brad Jackson, Executive Director

DATE: March 3, 2014

SUBJECT: KRDA Annual Budget Meeting Notice

Enclosed are an original and a copy of the 2014-2015 KRDA budget meeting notice. This meeting will be held in the Board Room of the T-Mobile facility located at 133 First Park Drive in FirstPark, Oakland, Maine on Thursday, March 27th 2014 at 5:00PM. Also enclosed is the proposed budget for the fiscal year 2014-2015, our annual report for the period ending June 30, 2013. We would also ask that when you send your return for this budget meeting notice, you please notify KRDA with respect to the identity of the current representative(s) of your community on the KRDA General Assembly, as well as any alternatives that your community has appointed, together with their contact information, so that we may update our records. Please return both the signed copy of the posting notice and the listing with any updates or changes in the enclosed, stamped, self-addressed envelope.

The charter of the KRDA requires an appropriate person from your town/city to post the meeting notice in a conspicuous place at least seven (7) days before the March 27, 2014 budget meeting date. **In view of this requirement, we ask that you please have the person who normally posts notices of town meetings and school budget meetings post the enclosed original budget meeting notice and transmit his or her return of the enclosed copy by March 15, 2014.** As noted above, a self-addressed stamped envelope is provided for the return service.

Any person who is currently a registered voter within your town/city is authorized and encouraged to attend the KRDA budget meeting and vote on the operations portion of the budget. ***We would ask that you provide us with an up-to-date copy of your registered voters list so that we may verify that any person from your town/city who appears at the annual budget meeting is currently a registered voter.*** That list may be copied to a CD, e-mailed, sent in hard copy format, or, if your General Assembly representative or alternate plans to attend, he/she may hand deliver it on the 27th.

Please also note that, assuming the budget for the next fiscal year starting July 1, 2014 is adopted at the upcoming meeting, your town/city's estimated share of that budget is stated in the attached budget meeting notice.

In the event you have questions concerning the procedure for posting the budget meeting notice or if your town officials or budget committee chair have questions concerning the budget attached, we encourage you to contact either your town/city's General Assembly representative or any one of the following persons: Brad Jackson, Executive Director (207-859-9716); Craig Nelson, President (207-622-6124); or James Jurdak, Treasurer (941-227-8327).

Thank you for your assistance in this matter and your continued support.

KENNEBEC REGIONAL DEVELOPMENT AUTHORITY WARRANT

2014-2015 BUDGET MEETING NOTICE

To: Stefan Pakulski, who is a municipal official or resident of the Town of Readfield.

You are hereby directed to notify the voters residing within the Town of Readfield to assemble for the annual budget meeting of the Kennebec Regional Development Authority to be held at 5:00 p.m. on March 27th 2014 in the Board Room of the T-Mobile Facility, 133 FirstPark Drive in FirstPark, Oakland, Maine for the sole purpose of acting on the budget of said Authority for the 2014-2015 fiscal year attached hereto and made a part hereof.

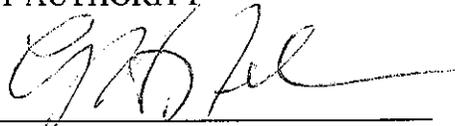
The estimated municipal assessment for the Town of Readfield of the attached budget for the 2014-2015 Kennebec Regional Development Authority year of operation is \$25,843.50. Actual assessments will be determined following the availability of municipal valuations in the spring of 2014.

This warrant must be posted by you in some conspicuous public place in the Town of Readfield at least seven days before the above-stated date of said budget meeting.

You are further directed and requested to make your return on time and manner in which you have posted this Warrant and Notice of Meeting within the Town of Readfield and to transmit that return to S. Peter Mills, Secretary, Kennebec Regional Development Authority, P.O. Box 246, Oakland, ME 04963-0246 no later than March 15, 2014.

KENNEBEC REGIONAL
DEVELOPMENT AUTHORITY

By:

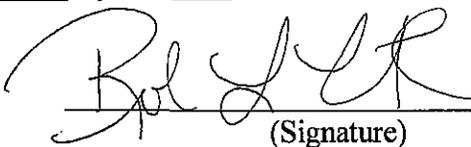


Craig H. Nelson
Its President, duly authorized

RETURN

I, Robin L. Lint, being a municipal official or a resident of the Town of Readfield, do hereby certify that I have notified the voters of said town of the time and place of the Kennebec Regional Development Authority annual budget meeting by posting an attested copy of the within Warrant at the following described location: Town office at
8 Old Lents Hill Rd, Readfield, ME, which is a conspicuous public place in said town, on March 6, 2014, which is at least seven days prior to said budget meeting.

Dated at Readfield, Maine this 6th day of March 2014.



(Signature)

Robin L. Lint

(Print or Type Name)



KENNEBEC COUNTY BUDGET COMMITTEE DISTRICT TWO CAUCUS

PUBLIC NOTICE PLEASE POST

Attention: Municipal Officials:

The Town of Winthrop has offered to host the District Two caucus for the FY 2015 Kennebec County Budget Committee.

Farmingdale, Fayette, Gardiner, Hallowell, Litchfield, Monmouth,
Mount Vernon, Pittston, Randolph, Readfield, Vienna, Wayne, West
Gardiner, Winthrop.

District Two Caucus

Kennebec County Budget Committee

March 11th @ 5:00 p.m.

Winthrop Town Office

17 Highland Ave.

Each year one seat becomes open in each district with the start of the annual budget process. The caucus will select an elected or appointed municipal official to serve a three year term on the county budget committee. The committee members are not limited by term limits and many serve multiple terms. Kevin Cookson of Winthrop term is up. He has indicated he would like to continue to serve.

Any questions? Please call County Administrator Bob Devlin at 622-0971

**BUDGET COMMITTEE
KENNEBEC COUNTY
FY 2014 BUDGET**

MEMBERS:

DISTRICT 1:

Michael Byron
53 Smith Street
Augusta, ME 04330
622- 9934
Email: ironmike928@aol.com
Municipal office: Councilor, Augusta
(3 year term; serve until start of 2016 budget)

Paul MacDonald
P.O Box 64
China, ME 04358
445-3887(H)
Email: pdmac731@fairpoint.net
Municipal office: Selectman, China
(3 year- term; serve until start of 2015 budget)

Theresa Haskell
523 Ridge Rd
Windsor, ME 04363
(w) 445-2998 (c) 458-2756
Email: thaskell@windsor.maine.gov
Municipal office: Windsor Town Manager
(Serve until start of 2017 budget)
Fill Remainder of Term

DISTRICT 2:

Phil Hart
PO Box 142
South Gardiner, ME 04359
582-1401 (H)
Email: buckshotph@roadrunner.com
Municipal office: Councilor, Gardiner
(3 year- term; serve until start of 2016 budget)

Kevin Cookson
P.O. Box 26
Winthrop, ME 04364
620-6784 (C)
Email: kcook435@gmail.com
Municipal office: Councilor, Winthrop
(3 year- term; serve until start of 2015 budget)

Clyde Dyar
P.O. Box 59
Mount Vernon, ME
592-3700 (c)
Email: clyde_dyar@meadowbrookconsulting.org
Municipal office: Selectman, Mount Vernon
(3 year- term; serve until start of 2017 budget)

March 26, 2013

DISTRICT 3:

Dan Chamberlain
1279 Clinton Ave.
Benton, Maine
Town Office 453:7191
Email danchamberlain@roadrunner.com
Municipal office: Selectman, Benton
(3 year- term; serve until start of 2016 budget)
Fill Remainder of Term

Peter Nielson
6 Cascade Road
P.O. Box 187
Oakland, ME 04963
465-7357(w)
Email: pnielson@oaklandmaine.com
Municipal office: Town Manager, Oakland
(3 year- term; serve until start of 2015 budget)

Jeff Towne
P.O Box 672
Clinton, ME 04927
872-6204(w) 426-8809 (H)
Email: jptowne@ne.twcabc.com
Municipal office: Selectman, Clinton
(3 year- term; serve until start of 2017 budget)

County Commissioners

Kennebec County
Courthouse



125 State Street
Augusta, Maine 04330

Tel: 207-622-0971
Fax: 207-623-4083

FY1

February 20, 2014

RECEIVED
FEB 25 2014

Dear Municipal Clerk:

Enclosed is the public notice announcing the District 2 caucus for filling an opening on the Kennebec County Budget Committee. Each of the county's three districts has three seats on the budget committee. Each year one seat comes open as members three year term expires. Members are not under any term limits and many members serve consecutive terms.

Member's terms are linked to the start of the budget hearings for a particular budget year.

Every year before the start of budget hearings, a caucus of municipal officials is held in each district to elect a municipal official for the open term. The seats are open to both municipal officials and municipal officers. However, each district may only have one municipal official serve at a time. A town may only have one member and open seats are open to all towns in the district. Each town has one vote at the caucus.

Please post the enclosed notice and forward the notice to your Council or Board of Selectmen prior to the announced date of the caucus.

If you have any questions please do not hesitate to call me at 622-0971 Thank you for your help.

Respectfully,

Robert Devlin, County Administrator

District 1

Beverly C. Daggett
16 Pine Street, Augusta, Maine 04330
Res.: 207-622-9053

District 2

Nancy G. Rines
P.O. Box 68, South Gardiner, Maine 04359
Res.: 207-582-1844

District 3

George M. Jabar II
1 Center Street, Waterville, Maine 04901
Res.: 207-873-0781



STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0001

FY1

Paul R. LePage
GOVERNOR

February 24, 2014

Town of Readfield
8 Old Kents Hill Rd
Readfield, ME 04355

Dear citizens of Readfield:

As a state, we have taken great strides over the course of the past years.

Growing our economy, decreasing our energy costs, and improving our educational system are the priorities of my administration. Maine needs to create a pro-growth environment that encourages our businesses to create jobs. It is critical that we focus on promoting policies which support and attract new investment. To achieve this, we need to keep taxes low on our families and businesses, and find ways to increase efficiency in government while protecting our most vulnerable citizens.

We have made great progress toward these endeavors. We passed **the largest tax cut in Maine's history**. Two-thirds of Maine taxpayers will get income tax relief, and 70,000 low-income Mainers will no longer pay income tax. My goal is to continue to drive down Maine's income tax.

We are striving to also cut the cost of electricity through our spearheading of a regional effort with Massachusetts, Connecticut and Rhode Island to expand the use of hydropower in Maine. Additionally, Maine is currently one of the fastest states in natural gas expansion.

We have passed legislation that will decrease the cost of health insurance for school districts, allowing more money to be spent in the classroom. Putting students first is important to me. Education is what saved my life, and I want every child in Maine to have the same opportunity I had. With the passage of charter school legislation, hundreds of families now have options for their children.

There's still a lot to do. The recent decision by the legislature to take money from our state's rainy day fund in order to pay revenue sharing in 2015 is fiscally irresponsible. We need government decision makers to act responsibly.

Maine has a great tradition of civic involvement and citizen participation in the decision making process. Thank you for taking the time to become informed and for working with your neighbors to hold government accountable.

It is a pleasure serving as your Governor. If ever I can be of assistance to you or you have any questions or suggestions, I encourage you to contact my office by calling 287-3531 or by visiting our website at www.maine.gov/governor.

Sincerely,

Paul R. LePage
Governor



PRINTED ON RECYCLED PAPER

TTY USERS CALL 711
www.maine.gov