



Town of Raymond
Select Board ePacket
June 20, 2024
Table of Contents

(Click on item to go to that page)

Agenda 2

Public Hearing Notice 5

Special Town Meeting Warrant 6

Previous Meeting Minutes 9

Citizens Petition - Commercial Solar Energy Systems 17

MMA Town Meeting & Elections Manual - Voter Petitions 19

Proposed Tax Abatements 47

Contract for Assessing Services 66

CIP History 75

Annual Staff Appointments 77

Annual Board & Committee Appointments 78

Proposed FY2024-2025 Fee Schedule 79

Agenda



SELECT BOARD Agenda

June 20, 2024

5:30pm – Public Hearing &
Special Town Meeting

At Broadcast Studio & on YouTube

& then Regular Meeting
At Broadcast Studio & Via Zoom & on
YouTube

Resolution: We, the Raymond Select Board, recognize our individual and collective responsibilities as leaders and representatives of our community. To this end, we pledge to conduct ourselves in a manner befitting these roles and duties. We pledge and encourage others to "Be the Influence" and to recognize that decisions matter.

Public Hearing

1) Open Public Hearing

- a) Update to Tax Increment Financing District to Include Broadband

Special Town Meeting

- 2) **Special Town Meeting Warrant** – to add Broadband as an allowable expense to the TIF District Agreement (broadband was added as an allowable expense by the State after our TIF District Agreement was enacted, also the ad was not printed in the newspaper in error for the previous Special Town Meeting held on May 7, 2024, so it had to be done again).

Select Board Meeting

3) Call regular meeting to order

4) Election of Officers

- a) Chair
- b) Vice Chair
- c) Parliamentarian

5) Minutes of previous meetings

- a) May 7, 2024

6) New Business

- a) Consideration of Citizen Petition re: Change Land Use Ordinance Sections Pertaining to Solar Panels – Bob and Laurie Wallace

b) Discussion of How to Proceed with the RWPA Boat Inspectors' Liability Insurance Ending

Raymond Waterways Protection Association (RWPA) found that their liability insurance is being cancelled as of the end of July and cannot find another carrier. We have found that the only way the inspectors could be covered by the Town of Raymond's insurance would be to have the inspectors be employees.

c) Consideration of Tax Abatement(s) – Curt Lebel, Contract Assessor

d) Consideration of Issuing Supplement Tax Bill(s) – Curt Lebel, Contract Assessor

e) Consideration of Renewing the Contract Assessor's Contract – Curt Lebel, Contract Assessor

f) Discussion of Direction for Public Works Garage with the Failure of the Warrant Article – Nathan White, Public Works Director

g) Consideration of Re-allocation of CIP Funds from Prior Projects – Sue Look, Town Manager

In researching the Capital Improvement Funds I found that there is a total of \$52,208 allocated to projects that are either complete or abandoned. 30-A MRSA §5802 (3) says in part:

The municipal officers are trustees of the municipal reserve fund.

3. Transfer of balance. The balance of any account of a reserve fund may be transferred to another reserve account or to surplus when the purpose for which it was established has been accomplished or abandoned.

h) Consideration of Staff Annual Appointments – Melanie Fernald, Town Clerk

i) Consideration of Boards/Committees Annual Appointments – Melanie Fernald, Town Clerk

j) Consideration of Select Board Representation on Boards/Committees – Select Board

k) Consideration of Annual Fee Schedule – Melanie Fernald, Town Clerk

7) Public Comment

8) Selectman Comment

9) Town Manager's Report and Communications

a) Confirm Dates for Upcoming Regular Meetings

- July 9, 2024
- August 13, 2024

b) Upcoming Holiday Closings

- Thursday, July 4 – Town Office closed – Independence Day

10) Executive Session(s)

- a) Consideration of Appointing an Interim Treasurer (Pursuant to MRSA 1 §405 (6)(A))

11) Adjournment

Public Hearing Notice

TOWN OF RAYMOND NOTICE OF PUBLIC HEARING

Regarding

An amendment to the Municipal Development and Tax Increment Financing (“TIF”) District Development Program known as:

**“Portland Natural Gas Transmission System Municipal Development And Tax Increment Financing District ”
(First Amendment)**

Notice is hereby given that the Town of Raymond will hold a public hearing on

**June 20, 2024
at the
Broadcast Studio
423 Webbs Mills Road
Raymond, ME 04071
the Public Hearing will be at 5:30PM**

The purpose of the public hearing is to receive public comment on the proposed amendment to the TIF District, pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.

The proposed Amendment seeks to add an additional authorized project cost to the Development Program to allow the Town to use TIF funds for costs associated with broadband and fiber optics expansion projects.

All interested persons are invited to attend the public hearing and will be given an opportunity to be heard at that time. A copy of the materials relating to the Amendment will be on file at the Town Clerk’s office prior to the public hearing and can also be obtained by calling the Town Clerk at 207-655-4742 ext. 121, during normal business hours and requesting that a copy be mailed to you.

The ZOOM link for the meeting is posted on calendar event at www.raymondmaine.org. Click on the meeting to find the ZOOM link and all available documents.

Public comments will be taken at the meeting and written comments should be submitted to Sue Look at sue.look@raymondmaine.org, no later than 4:00 p.m. June 19, 2024.

Special Town Meeting Warrant

WARRANT FOR SPECIAL TOWN MEETING

on

June 20, 2024

To Don McClellan, a resident in the Town of Raymond in the County of Cumberland, State of Maine.

Greetings:

In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of Raymond, in said county and in said state, qualified to vote in Town affairs, to meet at the Broadcast Studio located at 423 Webbs Mills Road, in said Town, on June 20, 2024, at 5:30pm to act on articles 1 and 2, such article pursuant to the Order attached to this warrant and consistent with such Development Program document on file at the Town Office during business hours:

ARTICLE 1

To choose by written ballot a moderator to preside at said meeting.

ARTICLE 2

Shall the voters of the Town of Raymond, Maine adopt the First Amendment to the Portland Natural Gas Transition System Municipal Development and Tax Increment Financing District, such adoption to be pursuant to the following findings, terms and provisions?

WHEREAS, the Town of Raymond (the "Town") is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to amend previously established tax increment financing ("TIF") districts and development programs within the Town; and

WHEREAS, the Town designated the Portland Natural Gas Transmission System Municipal Development and Tax Increment Financing District (the "District") and adopted a Development Program for the District on September 15, 1998 and March 20, 1999 in order to capture the value of real and personal property improvements made within the District and to enable the use of TIF revenues for various municipal and other economic development projects, which received approval from the Maine Department of Economic and Community Development ("DECD") on March 31, 1999; and

WHEREAS, amending the Development Program for the District will help to continue to promote economic development within the Town and the surrounding region; improve and broaden the tax base of the Town; and improve the economy of the Town and the State of Maine; and, specifically,

will allow the Town the ability to use TIF funds for costs associated with broadband and fiber optics expansion projects.; and

WHEREAS, the Select Board will hold a Public Hearing on June 20, 2024, upon at least ten (10) days prior notice published in a newspaper of general circulation within the Town, on the question of adopting the First Amendment to the Development Program for the District in accordance with the requirements of 30-A M.R.S. § 5226; and

WHEREAS, the Town has considered the comments provided at the public hearing, both for and against the adoption of the First Amendment to the Development Program, if any; and

WHEREAS, it is expected that approval will be sought and obtained from DECD approving the First Amendment to the Portland Natural Gas Transmission System Municipal Development and Tax Increment Financing District and Development Program (the “First Amendment”).

NOW, THEREFORE:

Section 1. The Town hereby adopts the First Amendment to the Portland Natural Gas Transmission System Municipal Development and Tax Increment Financing District and Development Program, pursuant to the following findings, terms, and provisions:

a. Pursuant to Title 30-A M.R.S. Section 5226(5) pertaining to TIF district and development program amendments, this First Amendment to the Development Program does not result in the District being out of compliance with any of the conditions of 30-A M.R.S. Section 5223(3) which pertain to the percentage of area within the District that is suitable for commercial use, the TIF acreage caps for single TIF districts and for all TIF districts in the Town, and the total TIF district valuation cap.

b. The First Amendment to the Development Program will make a contribution to the economic growth and well-being of the Town and the surrounding region, and will contribute to the betterment of the health, welfare and safety of the inhabitants of the Town, including a broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose. The Town has considered all evidence, if any, presented to it at the required public hearing with regard to any adverse economic effect on or detriment to any existing business and has found and determined that such adverse economic effect on or detriment to any existing business, if any, is outweighed by the contribution expected to be made through the District and the Development Program.

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the Town hereby amends the District designated and described more particularly set forth in the “First Amendment to the Portland Natural Gas Transmission System Development and Tax Increment Financing District Development Program” presented to the Town Meeting in the form attached hereto and such Development Program is hereby incorporated by reference into this vote as the First Amendment to the Development Program for the District.

Section 3. The Town Manager, or duly appointed representative, is hereby authorized, empowered, and directed to submit the First Amendment to the Development Program to DECD for review and approval pursuant to the requirements of 30-A M.R.S. § 5226.

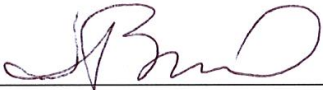
Section 4. The foregoing adoption of the First Amendment shall automatically become final and shall take full force and effect upon receipt by the Town of approval of the First Amendment by DECD, without requirement of any further action by the Town, the Select Board, or any other party.

Section 5. The Town Manager, or duly appointed representative, is hereby authorized and empowered, at their discretion, from time to time, to make such revisions to the documents related to the First Amendment they may deem reasonably necessary or convenient in order to facilitate the process for review and approval of the First Amendment by DECD, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the Select Board in adopting the First Amendment.

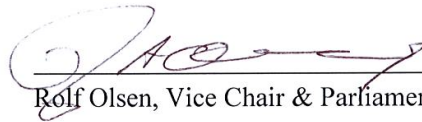
Section 6. This Order shall take effect immediately upon adoption.

Given this 16th day of June 2024,

RAYMOND SELECT BOARD



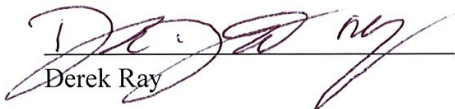
Joseph Bruno, Chair



Rolf Olsen, Vice Chair & Parliamentarian

Teresa Sadak

Samuel Gifford



Derek Ray

A TRUE COPY OF WARRANT:

ATTEST:


Melanie Fernald, Town Clerk

Previous Meeting Minutes



PUBLIC HEARING & SPECIAL TOWN MEETING & SELECT BOARD Minutes

May 7, 2024

5:30pm – Public Hearing &
Special Town Meeting &
Regular Meeting

At Broadcast Studio &
Via Zoom & on YouTube

Resolution: We, the Raymond Select Board, recognize our individual and collective responsibilities as leaders and representatives of our community. To this end, we pledge to conduct ourselves in a manner befitting these roles and duties. We pledge and encourage others to "Be the Influence" and to recognize that decisions matter.

Select Board members in attendance: Joe Bruno – Chair, Rolf Olsen – Vice Chair, Samuel Gifford, Teresa Sadak, Derek Ray
Absent: none

Town Staff in attendance:

Sue Look – Town Manager
Melanie Fernald – Town Clerk
Nathan White – Public Works Director
Charisse Keach – Finance Director
Bruce Tupper – Fire Chief
Wayne Jones - Fire Inspector
Chris Hanson – Interim Code Enforcement Officer
Cathy Gosselin – HR Director
Curt Lebel – Contract Assessor
John Facella – Public Safety Educator

1) Public Hearing

a) Update to Tax Increment Financing District to Include Broadband

Chair Bruno opened the Public Hearing. The following people spoke:

Peter Leavitt, 2 Leavitt Road asked for clarification that this amendment of the TIF is to allow the use of money from this specific TIF to be spent on Broadband expansion outside of this TIF District. Asked if this money could also be used for other things like sidewalks. Asked what other things TIF money has been used on and how much money is currently in the TIF.

Chair Bruno asked for a rundown of the selection process for the Broadband project. David Good of Mission Broadband shared a presentation of the RFP Overview for the COLAB (Cumberland Oxford Lakes Area Broadband) group in partnership with GPCOG. GPCOG hired Mission Broadband to facilitate the RFP process. Kevin Woodbrey clarified that Mission Broadband compiled the suggestions and specifications and played a neutral role in the process.

**Taken out of order*

Select Board Meeting Minutes

(Page 1 of 8)

May 7, 2024

Sarah Davis, Raymond resident and Vice President of Market Development with Consolidated Communications. She feels that the RPF details and requests are different from what this project is today.

Curt Lebel, Assessor, clarified that the Warrant item is only about expanding the ability to use TIF monies to pay for broadband upgrades.

Grace Leavitt and Peter Leavitt, 2 Leavitt Road asked for clarification on the bond question that's on the Annual Town Meeting warrant on this topic vs the use of TIF money.

Chair Bruno closed the Public Meeting.

2) Special Town Meeting

Town of Raymond May 7, 2024 **SPECIAL TOWN MEETING WARRANT**

TO: Don McClellan, a resident of the Town of Raymond, in the County of Cumberland and State of Maine.

GREETINGS:

In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of Raymond, qualified by law to vote in Town affairs, to meet at the Broadcast Studio at 423 Webbs Mills Road in said town on Tuesday, May 7, 2024, at 5:30 P.M., then and there to act on Articles 1 through 2 as set out below.

ARTICLE 1: To elect a moderator to preside at said meeting.

Nomination made and seconded for Joe Bruno. Call for nominations to cease.
Voted 3-0

Mr. Bruno was sworn in by Town Clerk Fernald

ARTICLE 2: Shall the voters of the Town of Raymond, Maine adopt the First Amendment to the Portland Natural Gas Transition System Municipal Development and Tax Increment Financing District, such adoption to be pursuant to the following findings, terms and provisions?

WHEREAS, the Town of Raymond (the "Town") is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to amend previously established tax increment financing ("TIF") districts and development programs within the Town; and

WHEREAS, the Town designated the Portland Natural Gas Transmission System Municipal Development and Tax Increment Financing District (the "District") and adopted a Development Program for the District on September 15, 1998 and March 20, 1999 in order to capture the value of real and personal property improvements made within the District and to enable the use of TIF

**Taken out of order*

Select Board Meeting Minutes

(Page 2 of 8)

May 7, 2024

revenues for various municipal and other economic development projects, which received approval from the Maine Department of Economic and Community Development (“DECD”) on March 31, 1999; and

WHEREAS, amending the Development Program for the District will help to continue to promote economic development within the Town and the surrounding region; improve and broaden the tax base of the Town; and improve the economy of the Town and the State of Maine; and, specifically, will allow the Town the ability to use TIF funds for costs associated with broadband and fiber optics expansion projects.; and

WHEREAS, the Select Board has held a public hearing on May 7, 2024, upon at least ten (10) days prior notice published in a newspaper of general circulation within the Town, on the question of adopting the First Amendment to the Development Program for the District in accordance with the requirements of 30-A M.R.S. § 5226; and

WHEREAS, the Town has considered the comments provided at the public hearing, both for and against the adoption of the First Amendment to the Development Program, if any; and

WHEREAS, it is expected that approval will be sought and obtained from DECD approving the First Amendment to the Portland Natural Gas Transmission System Municipal Development and Tax Increment Financing District and Development Program (the “First Amendment”).

NOW, THEREFORE:

Section 1. The Town hereby adopts the First Amendment to the Portland Natural Gas Transmission System Municipal Development and Tax Increment Financing District and Development Program, pursuant to the following findings, terms, and provisions:

a. Pursuant to Title 30-A M.R.S. Section 5226(5) pertaining to TIF district and development program amendments, this First Amendment to the Development Program does not result in the District being out of compliance with any of the conditions of 30-A M.R.S. Section 5223(3) which pertain to the percentage of area within the District that is suitable for commercial use, the TIF acreage caps for single TIF districts and for all TIF districts in the Town, and the total TIF district valuation cap.

b. The First Amendment to the Development Program will make a contribution to the economic growth and well-being of the Town and the surrounding region, and will contribute to the betterment of the health, welfare and safety of the inhabitants of the Town, including a broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose. The Town has considered all evidence, if any, presented to it at the required public hearing with regard to any adverse economic effect on or detriment to any existing business and has found and determined that such adverse economic effect on or detriment to any existing business, if any, is outweighed by the contribution expected to be made through the District and the Development Program.

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the Town hereby amends the District designated and described more particularly set forth in the “First Amendment to the Portland Natural Gas Transmission System Development and Tax Increment Financing District Development Program” presented to the Town Meeting in the form attached hereto

**Taken out of order*

Select Board Meeting Minutes

(Page 3 of 8)

May 7, 2024

and such Development Program is hereby incorporated by reference into this vote as the First Amendment to the Development Program for the District.

Section 3. The Town Manager, or duly appointed representative, is hereby authorized, empowered and directed to submit the First Amendment to the Development Program to DECD for review and approval pursuant to the requirements of 30-A M.R.S. § 5226.

Section 4. The foregoing adoption of the First Amendment shall automatically become final and shall take full force and effect upon receipt by the Town of approval of the First Amendment by DECD, without requirement of any further action by the Town, the Select Board, or any other party.

Section 5. The Town Manager, or duly appointed representative, is hereby authorized and empowered, at their discretion, from time to time, to make such revisions to the documents related to the First Amendment they may deem reasonably necessary or convenient in order to facilitate the process for review and approval of the First Amendment by DECD, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the Select Board in adopting the First Amendment.

Section 6. This Order shall take effect immediately upon adoption.

Motion to approve as presented by Mr Olsen. Seconded by Mr Sadak.

Vote 18-0

3) Adjourn Special Town Meeting

Chair Bruno adjourned the Special Town Meeting

Select Board Meeting

4) Call regular meeting to order at 6:10pm by Chair Bruno

5) Minutes of previous meetings

a) April 8, 2024 – Regular Meeting

Motion to approve as presented by Ms Sadak. Seconded by Mr Ray.

Unanimously approved

b) April 26, 2024 – Emergency Meeting

Motion to approve as presented by Mr Olsen. Seconded by Mr Ray.

Motion passes (4-0-1, Sadak abstained)

6) Public Hearings

a) Annual Town Meeting Warrant Articles Including Ordinance Change Articles

Chair Bruno requested that representatives from Sebago Technics and Grant Hayes give their presentation of the Public Works Garage project.

The following individuals spoke:

Owens McCullough - Sebago Technics; Mike Hays - Grant Hays; Nathan White -

**Taken out of order*

Select Board Meeting Minutes

(Page 4 of 8)

May 7, 2024

Public Works Director; Denis Morse - Cape Road; David Brown - Tenney Hill Road; Bruce Tupper – Fire Chief; Peter Leavitt - Leavitt Road; John Facella – Fire Department

7) New Business

- a) *Discussion of Choice of Fiber Network Vendor – Sarah Davis questioned why her company was not chosen, COLAB committee wants to present their process for choosing Sebago Fiber (discussion on this item took place during the Public Hearing at the start of the meeting.

- b) Consideration of Awarding the Personal Property Revaluation to KRT

FRP was resubmitted for Personal Property Revaluation; KRT was the sole bidder.

Motion to award bid as presented by Ms Sadak. Seconded by Mr Olsen.

Unanimously approved

- c) Consideration of Authorizing Corporate Resolution for Access to Accounts at Portland Trust Co

The Town has several Trust accounts for cemetery funds, scholarships, and more, and the Finance Director's name is the only name authorized on the accounts. This is a request to add a second name to the accounts. The question was raised as to whether a specific name is needed, or if a position/job title is sufficient. Select Board members suggested that a specific name is noted, with their job title and "or any successor"

Motion to approve by Ms Sadak. Seconded by Olsen.

Unanimously approved

- d) Consideration of Adding a Supplemental Warrant to the Annual Town Meeting Warrant for Changes to the Fire Protection Ordinance – Sprinkler Articles

Public Safety crafted an update to the sprinkler ordinance for the March 12, 2024, Select Board meeting which included allowing 2-hour fire rated separation walls to delineate compartments to include in calculations for whether or not a building requires sprinklers and adding an appeal process. However the meeting was cut short due to a storm, the item was not taken up, and therefore could not be sent to the Planning Board for consideration in time for the Annual Town Meeting Warrant.

Chief Tupper spoke about the Town's sprinkler ordinance and how it compares to the State's ordinance. The Town's current ordinance takes into consideration our Fire Department's capability to respond to a fire.

John Facella spoke about costs of sprinkler systems and those at-risk segments of the population (young children and elderly) who are further protected by sprinkler systems.

Motion to add the supplemental warrant item as presented by Mr Olsen. Seconded by Mr Gifford.

Unanimously approved

**Taken out of order*

Select Board Meeting Minutes

(Page 5 of 8)

May 7, 2024

e) Consideration of Using Select Board Contingency for Public Safety Unforeseen Expenses

Chief Tupper presented a list of unplanned expenses. Several of the costs are repairs to equipment, trucks and towing wrecker bills for pulling trucks out of ditches. Turnout gear and ladders were damaged during the fire on Crescent Lake and will need to be replaced. The availability/applicability of FEMA funds was discussed.

Item not acted upon, to allow for more investigation into FEMA funds and the ending of fiscal year.

f) *Consideration of Appointing Interim CEO

The board inadvertently did not complete the motion to appoint Chris Hanson as the Interim CEO at the April 8, 2024, meeting.

Motion to appoint Chris Hanson as Interim Code Enforcement Officer by Mr Olsen. Seconded by Ms Sadak.

Unanimously approved

g) Consideration of Proclamation for Veteran's Ceremony

The ceremony will be held at Veterans Park on May 17, 2024 at 11:30AM.

Motion to approve as presented by Mr Olsen, seconded by Ms Sadak

Unanimously approved

h) Consideration of Approving Warrant Calling the RSU #14 Election on June 11, 2024

This is the Annual Warrant that allows us to call the Election to vote on the RSU #14 budget. The budget will be voted on at the Board of Director's meeting to be held at Windham High School on Wednesday, May 15th at 6:30PM

Motion to approve as presented by Ms Sadak, seconded by Mr Gifford

Unanimously approved

i) Consideration of Changing the Open Hours of the Town Office

Suggesting changing the opening time from 8:30am to 8:00am and changing closing on Tuesday from 7:00pm to 6:00pm. This is a net increase for citizens of 1 hour. Hours would be Tuesdays 8am – 6pm; Wednesdays through Fridays 8am – 4pm.

Grace Leavitt, Leavitt Road is concerned that residents who work in Portland will not be able to make it to the Town Office by 6pm.

Select Board requested that the change starts as of July 1st, 2024 to allow the advertisement of the new hours.

Motion to approve the change of hours of the Town Office by Ms Sadak. Seconded by Mr Ray.

Unanimously approved

**Taken out of order*

8) Public Comment

none

9) Selectman Comment

none

10) Town Manager's Report and Communications

a) Confirm Dates for Upcoming Regular Meetings

- ~~June 25, 2024~~ June 20, 2024 (Thursday)
- July 9, 2024

b) Upcoming Election Schedule

- May 15, 2024 – Budget Vote at Windham High School Auditorium – 6:30pm
- May 24, 2024 – Deadline to change parties to vote in the Primary on June 11th
- June 6, 2024 – Deadline to request absentee ballots
- June 11, 2024 – State Primary, Municipal Officers, Annual Town Meeting Warrant & RSU #14 Budget Elections at Jordan Small Middle School Gym – 7:00am to 8:00pm

c) Reminder of Upcoming Holiday Schedule

- Monday, May 27th – Memorial Day

11) Executive Session(s)

a) Consideration and Award of Scholarship Applications and Student Recognition - Pursuant to MRSA 1 §405 (6)(F)

Motion to enter Executive Session at 8:32pm by Ms Sadak, seconded by Mr Olsen.
Unanimously approved

Motion to exit Executive Session at 8:40pm by Mr Olsen, seconded by Mr Ray.
Unanimously approved

Motion to grant \$500 in scholarships to each of the 9 eligible applicants by Mr Olsen, seconded by Mr Ray
Unanimously approved

12) Adjournment

Motion to adjourn at 8:40pm by Mr Olsen. Seconded by Mr Gifford.
Unanimously approved

**Taken out of order*

Select Board Meeting Minutes

(Page 7 of 8)

May 7, 2024

Respectfully submitted,

Melanie Fernald, Town Clerk

DRAFT

**Taken out of order*

Select Board Meeting Minutes

(Page 8 of 8)

May 7, 2024

Citizens Petition - Commercial Solar Energy Systems

On May 21, 2024, Laurie Wallace and Jennifer Danzig delivered 37 petition pages to Town Clerk Melanie Fernald with the following question and summary:

Shall an ordinance dated July 1, 2023, and entitled “An amendment to the Town of Raymond’s Land Use Ordinance Regulating Commercial Solar Energy Systems,” be enacted?

Summary: This amendment, with a retroactive date of July 1, 2023, will prohibit the installation of commercial solar energy systems in the Rural Residential District and all of the Shoreland Districts.

Town Clerk Fernald has certified the signatures and found 464 valid signatures, well over the required 269 signatures (10% of the votes cast in the last gubernatorial election which was in November of 2022 - 2,692 votes) to put this issue before the Select Board for consideration.

MRS Title 30-A, §2522. PETITION FOR ARTICLE IN WARRANT

§2522. Petition for article in warrant

On the written petition of a number of voters equal to at least 10% of the number of votes cast in the town at the last gubernatorial election, but in no case less than 10, the municipal officers shall either insert a particular article in the next warrant issued or shall within 60 days call a special town meeting for its consideration.

Following is the memo submitted by the petitioners and then an excerpt of the MMA Town Meeting & Election Manual, the chapter pertaining to Voter Petitions.

To the Municipal Officers of the Town of Raymond

We, the undersigned, being registered voters of the Town of Raymond, request the municipal officers to place the following article before the voters for their consideration:

Article 1 – CITIZEN PETITION FOR LAND USE ORDINANCE AMENDMENT

Shall an ordinance dated July 1, 2023 and entitled “An amendment to the Town of Raymond’s Land Use Ordinance Regulating Commercial Solar Energy Systems,” be enacted?

Summary: This amendment, with a retroactive date of July 1, 2023, will prohibit the installation of commercial solar energy systems in the Rural Residential District and all of the Shoreland Districts.

**An Amendment to the Town of Raymond’s Land Use Ordinance
Regulating Commercial Solar Energy Systems**

The Town of Raymond hereby ordains that Chapter 300, Article 4 of the Land Use Ordinance and Chapter 350, Article 5 of the Shoreland Zoning Ordinance are amended as follows:

[Please Note: Old language is ~~stricken~~. New language is underlined.]

§ 300-4.4. Rural Residential District (RR).

- A. Intent. The Town of Raymond recognizes that certain areas of Town will experience residential growth due to rapid population growth in the region. It is the intent of this section to allow these uses while maintaining the basic rural orientation of the community.
- B. Permitted uses.
- (12) ~~Solar energy systems.~~ This provision has retroactive application to July 1, 2023.

§ 350-5.4. Table of Land Uses.

Table 1 Land Uses in the Shoreland Zone				
Land Uses		RP	SP	LRR1 LRR2
35.	Solar energy systems	no	no	PB *no <i>* this provision has retroactive application to July 1, 2023.</i>

Maine
Municipal
Association

Town Meeting and Elections Manual

January 2020 revised edition | MMA Legal Department

© 2020, Maine Municipal Association. All rights reserved.

Preface

The Maine Municipal Association (MMA) published its first Elections Manual in 1942. Thanks to the work of the late Senior Staff Attorney Ellerbe Cole in 1991, that venerable Manual was revised in 1991. Since then, others have continued the effort in keeping the Manual current so that it may fully serve the needs of municipal officials.

This Manual supplies basic information and discusses the procedures that every municipal clerk should know in order to prepare for town meetings and secret ballot elections, and to be a well-informed and helpful advisor to the municipal officers (selectmen) and moderators with respect to their own preparation for and the conduct of meetings and elections. This Manual should also prove helpful to town managers, town meeting moderators, registrars and others interested in learning about local elections law.

The scope of this Manual is substantially restricted to municipal town meetings and elections. It does *not* include coverage of federal, state, or county elections (although some of the Manual's discussion does apply to those elections), nor is it exhaustive on subjects like registration of voters. Also, it does *not* include coverage of the following issues: adoption, amendment, or revision of municipal charters (30-A M.R.S. §§ 2101-2109); consolidation, secession, and annexation (30-A M.R.S. §§ 2151 through 2172); and municipal de-organization (30-A M.R.S. §§ 7201 through 7211). In addition, there is little mention of elections by non-municipal school units. Counsel should be consulted as questions arise.

This Manual does discuss most of the election laws from Title 30-A of Maine Revised Statutes. However, the statutes themselves are always subject to amendment or repeal, so it is always best to double-check the current language of the statute before relying upon the text of this Manual. The Maine Secretary of State publishes and provides to each municipal clerk a compilation of Maine laws relating to *statewide* elections, which includes not only Title 21-A, but also excerpts from Title 30-A. In addition, all of the public laws of the State of Maine are accessible on the Internet at <http://www.mainelegislature.org/legis/statutes/>. Keep in mind that even the online version of the statutes may not reflect the most recent legislative actions. It will be helpful when reviewing this Manual to have a basic understanding of the sources of law in this area. Title 30-A M.R.S. § 2501 provides that “[e]xcept as otherwise provided by this Title or by charter, the method of voting and the conduct of a municipal election are governed by Title 21-A.” This means that to the extent that any aspect of municipal elections law is covered by both Title 21-A and by Title 30-A, Title 30-A will control. If Title 30-A does not address the subject matter, Title 21-A will usually control. It also means that unless prohibited by Title 30-A, towns and cities can, by charter, vary or depart from the provisions

of Titles 30-A or 21-A concerning the method of voting and the conduct of a municipal election.

Charter towns and cities should look first to their charters for coverage of any aspect of local election law or procedure, then to Title 30-A, and then to Title 21-A. Charter cities should also review Title 30-A M.R.S. §§ 2551-2556, which pertain only to cities. Although this Manual does not review city election laws, it may nonetheless assist city elections officials because some of the statutes direct that aspects of city elections be accomplished in accordance with the statutes governing town elections.

This Manual is principally intended for municipalities. Users of this Manual should bear in mind that it makes no further reference to any town or city charter, but deals only with the general laws of Maine. Whenever in doubt about the meaning of any part of this Manual or the statutes, or about any elections matter not discussed herein, MMA's member municipalities should not hesitate to contact MMA's Legal Services Department staff. A wealth of additional information may be found through MMA's website, www.memun.org. If you have suggestions for improving the utility of this Manual, or if you discover any faults, please bring them to the attention of the Legal Services staff.

Legal Services Department
Maine Municipal Association
January 2020

CHAPTER 5 – Voters’ Petitions

Introduction

State law makes important provisions for voters’ right of petition. That right includes the right to petition for town meetings for the voters to consider specifically requested articles. Municipal officers need to know Maine law and procedure, and their own duties and powers, relating to petitions.

In Chapter 2 we reviewed generally the nature of the business (ordinances, resolutions, budget proposals, etc.) that can be scheduled on a warrant for transaction at a town meeting, and we have stated that any of those matters can be the subject of a petition for an article on a warrant. Such a petition can arise in a town that does all of its business in an open town meeting forum, or in a secret ballot town, where referenda are allowed.

This chapter concerns only petitions relating to issues, not petitions to nominate candidates for town offices (those are discussed in Chapter 8). We try here to lay out the A to Z of petitions, including such issues as who may circulate them, who may sign them, how many people must sign them, the circumstances under which they can be denied, and how soon after filing of a petition a town meeting or election may or must be scheduled.

This chapter is intended primarily for the municipal officers’ attention, but clerks and registrars will want to read at least the discussion of validation of petitions.

Effect of Charter

This chapter does not address specifically the availability of a right of petition under town or city charters, the kinds of petitions that various town or city charters may allow or the limitations such charters may place on the kinds of issues that can be the subject of petitions, or any local requirements for petition processes. This chapter instead discusses only those petitions which arise under the general law of Title 30-A applicable to towns and plantations.

Officials in municipalities with comprehensive charters that include provisions regarding the petition process should remember that those provisions (for the most part) take precedence to the state laws discussed here. The local charter should always be consulted first when presented with a petition. If there is any question about whether the charter or state law controls, officials should seek legal counsel.

Free Circulation of Petitions

Overview

In 1989, it came to the attention of the Legislature that one or more municipalities had charters or ordinances requiring voters to come in to a town or city office in order to sign petitions, rather than allowing petitions to circulate freely among the general municipal population. The Legislature responded to this by enacting 30-A M.R.S. § 2504, which bars municipalities from enacting any charter provision or ordinance “prohibiting the circulation of petitions for any local initiative.” Accordingly, towns must allow petitions for local initiatives to be freely circulated.

Note that a petition for inclusion of an article in a warrant under 30-A M.R.S. § 2522 or to place an article on the ballot in a secret ballot referendum under 30-A M.R.S. § 2528(5), may be circulated but only as provided under the provisions of State election law (21-A M.R.S. § 903-A). This requires the circulator to fulfill certain responsibilities, which we will discuss in more detail later in this chapter.

Examples

Section 2504 lists, by statutory reference, four specific kinds of local petitions that can be circulated by any registered voter, but these are set forth in the statute as examples only of local “initiatives”:

1. Petition for an article on the warrant for an open town meeting (30-A M.R.S. § 2522);
2. Petition for a local referendum election in a secret ballot jurisdiction (30-A M.R.S. § 2528(5));
3. Petition for an ordinance in a city to establish a local right of initiative and referendum in municipal affairs, and a petition arising under such an ordinance (Constitution of Maine, Art. IV, Pt. Third, Sec. 21); and
4. Petition pursuant to a municipal charter provision authorizing local initiatives.

Understand that this statute *does not create any new right* of petition: it merely requires that petitions subject to it be allowed to circulate freely within a municipality. For example, voters cannot be required to come in and sign them at city or town hall.

Who May Circulate Petition

Any registered voter of the state may circulate a petition for a local initiative. Title 30-A M.R.S. § 2504 provides that “A petition related to *any* local initiative...may be circulated as provided in Title 21-A, Section 903-A” (emphasis added). Section 903-A states that any registered voter may circulate a petition. Therefore, it appears that, although a petition circulator must be a registered voter, the voter need not be registered to vote in the particular municipality in which the petition is circulated.

Note that other statutes may clearly impose a more specific requirement in specific contexts. For example, the statutory procedures for adoption and revision of charters can be initiated either on order of the municipal officers or by local petition, but the petition must have a committee of locally registered voters. See 30-A M.R.S. § 2102(3). Accordingly, statutes specific to the subject matter of a petition should always be consulted.

Who May Sign Petition

Under all statutes concerning municipal petitions, only the signatures of voters registered to vote in the municipality in which the petition arises will count towards any applicable statutory requirement that a certain number or percent of signatures be obtained.

Governing Statutes (Overview of 30-A M.R.S. §§ 2522 and 2528)

The remainder of this chapter is addressed principally to the general power of petition for a town meeting or election warrant article. The statute governing open town meeting warrant article petitions is Section 2522, while Section 2528 governs secret ballot referendum petitions. The third pertinent statute, Section 2521(4), is discussed further below.

Let’s compare the two principal petition statutes:

Section 2522 (open town meeting): “On the written petition of a number of voters equal to at least 10% of the number of votes cast in the town at the last gubernatorial election, but in no case less than 10, the municipal officers shall either insert a particular article in the next warrant issued or shall within 60 days call a special town meeting for its consideration.”

Section 2528(5) (secret ballot referendum): “By order of the municipal officers or on the written petition of a number of voters equal to at least 10% of the number of votes cast in the town at the last gubernatorial election, but in no case less than 10, the municipal officers shall

have a **particular** article placed on the next ballot printed or shall call a special town meeting for its consideration. A petition or order under this subsection is subject to the filing provisions governing nomination papers under subsection 4.” (Subsection 4 requires filing by the 60th day before the day of voting).

As can be seen from the above, the two statutes contain the same basic requirements. Both call for a written petition to the municipal officers and both require the same threshold number of signatures. The only clear principal differences between these two statutes are the mention of 60 days in the open town meeting petition statute (Section 2522) and the requirement in the secret ballot referendum statute (Section 2528) to file by the 60th day before election day. We discuss these timing requirements below in this chapter.

Circulators of Petitions; Their Obligations

As noted above, there is no requirement that the circulators of a Section 2522 or 2528 petition be voters or even residents of the town, but they must be registered to vote somewhere in Maine.

Legislation enacted in 2015, 2017, and 2019 revised the duties of persons circulating petitions for a statewide ballot initiative. See 21-A M.R.S. §§ 902 and 903-A. In general, these sections provide that a petition may be circulated by any Maine resident who is a registered voter, and that a circulator of a petition may solicit signatures for the petition by presenting the petition to the voter for signature and by personally witnessing the voter signing the voter’s signature to the petition. The circulator must verify by oath or by affirmation that to the best of his or her knowledge and belief, each signature is the signature of the person whose name it purports to be, or it was made by the authorized signer (under 21-A M.R.S. § 153-A) in the presence and at the direction of the voter.

The recent legislation also requires that a petition circulator for a statewide ballot initiative must execute an affidavit that includes: (1) the circulator’s printed name, the physical address at which the circulator resides, and the date the circulator signed the affidavit; (2) acknowledgement that the circulator read the information provided by the Secretary of State and understands the laws governing the circulation of petitions; (3) acknowledgement that the circulator was a resident and registered voter in the State of Maine at the time of circulation of the petition; and (4) acknowledgement that the circulator understands they can be prosecuted for violating the laws governing circulation of petitions. This affidavit for a state-wide ballot initiative petition is to be filed with the Secretary of State at the time the petition is filed.

What is unclear about these various changes in 21-A is whether or not the Legislature intended to alter the requirements for local petitions, or if they did, to what extent. The reason for the uncertainty is because 21-A, Chapter 11, which includes 21-A M.R.S. §§ 902 and 903-A, sets forth the requirements for a statewide ballot initiative. However, the law governing circulation of municipal petitions (30-A M.R.S. § 2504) expressly references 21-A M.R.S. § 903-A. This link between 30-A and 21-A cannot be ignored though it may have unintended consequences for circulation of local petitions. Until the law is clarified, it is arguably the case that these state circulator duties may be applicable, at least in part, to petitions circulated under 30-A M.R.S. §§ 2522 and 2528. In part because a plain reading of the applicable 21-A provisions shows that some of the circulator's duties relate specifically to the rules published by the Office of the Secretary of State regarding statewide ballot initiative. What is also uncertain is whether the changes to 21-A apply to municipalities governed by a charter. Again, the answer is that they may apply, at least in part.

In view of the confusion created by these changes to Title 21-A, a generally conservative approach is recommended. Knowing that 30-A incorporates 21-A, but that parts of 21-A M.R.S. § 902 and 903-A appear to apply only to statewide ballot initiatives, we suggest the following foundational guidance concerning what to require of circulators of a local petition under 30-A, including those circulated in charter communities.

As a baseline, it is probably best to require that circulators be required: (1) to personally witness the signatures of voters signing the petition; petitions may not simply be left unattended on the counter of a store, at the municipal office, or at other locations to be collected later; (2) to verify by oath or affirmation before a notary public or other person authorized by law to administer oaths or affirmations that the circulator personally witnessed all of the signatures to the petition and that to the best of the circulator's knowledge and belief each signature is the signature of the person whose name it purports to be; and (3) to include the printed name, street address and municipality of residence of each registered voter on the petition.

Beyond the recommended requirements, the municipal officers must determine how strictly they want to apply the provisions of 21-A M.R.S. §§ 902 and 903-A. It bears reminding that if a petition for a local vote fails to comply fully with the technical requirements of 21-A M.R.S. §§ 902 and 903-A, municipal officers may exercise discretion to accept the petition for placement on a town meeting warrant anyway. The circulator's obligation is not one imposed on municipalities. So, if the municipal officers wish to extend leniency by overlooking a circulator's failure to comply with all the technical requirements of 21-A M.R.S. §§ 902 and 903-A, they have the prerogative. By contrast, they may prefer circulators

meet all the detailed criteria established in 21-A M.R.S. §§ 902 and 903-A, and refuse a petition for technical deficiencies in failing to fully satisfy those requirements. However, any rejection of a local petition, particularly for technical deficiencies, should be made only after consultation with legal counsel.

A sample petition form containing a circulator's oath is included in Appendix 4 for municipalities to make available, if they choose.

Nothing in the law appears to require the clerk to prepare or hand out petition blanks for circulators of petitions under 30-A M.R.S. §§ 2522 or 2528. Note that petitions to form a charter commission to initiate or revise a municipal charter are prepared by the municipal clerk pursuant to criteria in 30-A M.R.S. § 2102. In addition, state law requires the clerk to issue petition forms for citizens pursuing the recall process outlined in 30-A M.R.S. § 2505 (elected official convicted of a crime committed during the official's term of office whose victim is the municipality). Finally, a municipal charter may also require the clerk to issue petition forms for local citizen initiatives.

After administering the oath or affirmation to the circulator, the notary public or other authorized person must sign the notarial certificate on the petition while in the presence of the circulator. The petition must then be submitted to the registrar for certification in accordance with Maine law. See 21-A M.R.S. § 902.

In addition, the circulator of a petition for a charter commission must execute an affidavit on the back of each petition form attesting to six elements (see 30-A M.R.S. § 2102(B)(3)), and local charters often require such a statement or attestation.

Form of Petition

The law prescribes no particular form for petitions arising under Sections 2522 and 2528. However, the text of the law itself implies what some of the content of the petition should be:

1. A petition should be addressed to the municipal officers. Section 2522 petitions typically are addressed "To the Municipal Officers of the Town of _____" and begin with the phrase "We, the undersigned, being registered voters of the Town of _____, request the municipal officers to place the following article before the voters for their consideration" and follow that introduction with the text of the article itself.
2. A petition requesting a referendum vote under Section 2528 should indicate that request (the petitioners may reference Section 2528 specifically or may request a "secret ballot,"

“Australian ballot” or “referendum”). If the petition fails to expressly request a secret ballot vote or to reference Section 2528, the selectmen have the choice on whether to bring the matter to an open town meeting or to call for a secret ballot referendum vote.

3. A petition must state the article upon which a town meeting vote is requested. The article preferably will be included at the top of each signature page, as a failure to do so may lead to doubt about whether each of the signers had before him or her the full text of the petition when signing.
4. A petition must include a circulator’s affidavit in the form required for state petitions pursuant to 21-A M.R.S. § 903-A.
5. Along with each registered voter signature, the petition must include the printed name of the voter and the voter’s street address and municipality of residence.

With two exceptions, there is no express Title 30-A requirement that a clerk or other municipal official prepare a form and make it available to anyone who wishes to circulate a petition. The first exception requires the clerk to prepare forms for the recall of municipal officials under 30-A M.R.S. § 2505 (recall of elected official convicted of a crime committed during the official’s term of office whose victim is the municipality. The requirements for these forms are set forth in § 2505, but there are three basic requirements for the form, namely, it must contain: (1) the name and position of the official subject to recall along with the name and contact information of the initiator of the petition; (2) spaces for each voter’s signature; and (3) space for the contact information of the person circulating the petition form. The other exception requires the municipal clerk to prepare petition forms for use by citizens seeking to form a charter commission to establish, revise, or amend a municipal charter. The forms must be prepared according to criteria listed in 30-A M.R.S. § 2102. See Chapter 5 of MMA’s *Clerks Manual* for additional information and for sample forms.

For statewide referenda, Maine election law (21-A M.R.S. § 901) requires the clerk to make petition forms available, but MMA Legal Services believes that provision is inapplicable to municipal petitions. Nevertheless, it may be a good idea to make petition blanks available upon request. This helps lessen the occurrence of poorly formatted petitions, which can often be confusing to the municipal officers. Note that unless a local charter requires it, a municipality cannot compel petitioners to use its form.

We caution officials to avoid helping petitioners draft articles except where the official actually wants to be involved in the petition in his or her personal capacity. Doing so may set a precedent and lead to being perceived as taking a political side, even if the official was just trying to be helpful.

As a result of legislation revising the procedures for circulation of state initiative petitions, the law now appears to require that in addition to the signature of a registered voter, the petition also contain the printed name, street address and municipality of residence of each voter signing the petition. Ditto marks are permitted for residence address and municipality of registration only. See 21-A M.R.S. § 354(3) and (4), § 902, § 903-A, and 30-A M.R.S. § 2504. For ease of validating petitions (discussed below in this chapter), if sample petition forms are provided by the clerk, the forms should have a column each for signatures, printed names, and voters' street addresses, as well as a column for the name of the municipality of the voter's residence. Note that the municipality may choose not to provide sample petition blanks.

A sample petition form appears in the Forms Appendix.

No Specific Filing Requirement

Neither Section 2522 nor Section 2528 expressly says that a petition must be submitted directly to the municipal officers, although it should be addressed to them (as in the example above). A petition may come to any of them, or be filed with the clerk across the counter in the municipal office. Whichever municipal official first receives a petition should note the date of receipt upon it. It should be forwarded to the municipal officers promptly upon receipt.

Verification and Certification of Signatures

Overview

Verification and certification is the process of determining whether a petition was signed by registered voters in the community and that the signatures were personally witnessed by the circulator. Any petition that is circulated seeking to place an article on a town meeting warrant or seeking to place a question on a ballot for a secret ballot referendum vote must be signed, verified, and certified in the same manner required for non-party nomination petitions under State election law, 21-A M.R.S. § 354(3), (4) and (7)(A) and (C). See 30-A M.R.S. § 2504 and 21-A M.R.S. § 903-A. The verification and certification process would include verifying the requisite number of signatures required to sustain a petition were gathered.

If a petition *does not* have the requisite number of signatures, or if it fails to meet all the verification and certification requirements, the municipal officers may dismiss it without further consideration. If it does meet all these minimum requirements, then it must be considered on its merits.

Verification

The first step in determining whether a petition for any local initiative will be forwarded to the legislative body for consideration is to verify the signatures. The circulator must sign the petition and verify by oath or affirmation before a notary public or other person authorized by law to administer oaths or affirmations that the circulator personally witnessed all of the signatures to the petition and that each signature is that of the person whose name it purports to be, or it is the signature of someone authorized to sign on behalf of the voter with disabilities (21-A M.R.S. § 153-A). The signatures must be from residents of the municipality registered to vote in the municipality. Verification may be accomplished either before the petition is submitted to the municipality for certification or at the time of submission.

Certification

Once the verification process is completed and the verifying official—a notary or person administering the circulator’s oath—has administered the oath to the circulator, the signatures must be certified. Certification is the second step in determining whether a petition for a local initiative will be forwarded to the legislative body for consideration.

Certification means that the signatures of each signer of the petition will be confirmed as a registered voter in the municipality. The obvious way to accomplish certification is to compare the names of petition signers with information in the Secretary of State’s central voter registration system. Even with a circulator’s affidavit, the clerk or registrar should confirm that the names on the petition are names on the voting list. As part of the certification process, the minimum number of signatures required to support a petition will be calculated.

There is no requirement that certification occur prior to evaluating the merits of a petition, or vice versa. Typically, towns choose to perform the certification first so that the municipal officers do not spend time considering the merits of a petition that is not binding. However, some boards of municipal officers choose to immediately consider the substance of a petition so that the sometimes lengthy step of verifying and certifying the petition can be avoided if the petition is without legal merit (see discussion below) or if the municipal officers choose to place the article on their own initiative.

If it cannot be ascertained that a petition signature is indeed the signature of a registered voter of the municipality, or if there are duplicate signatures, the certifying official (registrar or clerk) should indicate as much by a checkmark and initials in the margin next to the entry, not by striking out or otherwise obscuring the signature.

For the purposes of Section 2522 and 2528 petitions, the base for calculating the number of signatures required is the number of votes cast in the municipality in the last gubernatorial election. That base number can be determined from the return of the most recent gubernatorial election filed with the Secretary of State. The total number should include any write-in votes cast for the office of Governor, as well as the votes cast for the candidates whose names were printed on the ballot, but should not include the number of ballots that were cast without any choice marked or written-in for the office of Governor.

If the number of valid signatures does not equal or exceed 10 percent of the base number of gubernatorial votes, and in any event if there are fewer than ten valid signatures, then the petition is insufficient.

If a petition contains a sufficient number of valid signatures, then the certifying official should certify that determination to the municipal officers and forward the petition or an attested copy to them for their consideration. If the number of valid signatures is insufficient, then the certifying official should certify that finding, and forward a certificate and the petition or an attested copy to the municipal officers, who should thereupon vote to dismiss it as insufficient. If they wish to further insulate their action from attack and can agree on another reasonable basis for refusing to act favorably on the petition or there are obvious problems with the petition request (see discussion below), then they can (but are not required to) go on record with a vote stating the reasons that even if there were sufficient signatures, they would not act favorably on it.

Responsibility for Certification

Title 30-A does not specify who is responsible for certification of a petition, but provisions of Title 21-A referenced through 30-A M.R.S. § 2504 indicate that the registrar (or clerk, if the registrar is not available), would certify the petition signatures. See 21-A M.R.S. §§ 903-A and 902. In some municipalities, one person holds both of these offices, but in others not. Assignment of certification responsibility may be a matter of custom, job description or ordinance.

Additional Procedure Where Signatures Insufficient

Though not required by law, the municipal officers may determine, instead of dismissing a petition bearing an insufficient number of valid signatures, to specify an additional period of time in which circulators will be allowed to gather and submit a sufficient number of additional signatures to meet the minimum necessary. But never return the original petition as it is now a public record under Maine's Freedom of Access Act and must be retained.

The municipal officers should preferably create a written statement of policy concerning petitions before doing this. Such a policy could provide that: the original petition will remain on file and cannot be returned to the circulators; any additional signatures submitted will be subject to validation and certification; a new and final certificate of sufficiency (or insufficiency, as the case may be) will be prepared by the validator and submitted to the municipal officers, who will thereafter address the merits of the petition; and upon certification the supplemental petition may be associated with, and if the entirety is now sufficient, incorporated with the originally filed petition.

In adopting such a policy, municipal officers may wish also to review and borrow from 30-A M.R.S. § 2102(4), which, for charter commission petitions, expressly authorizes and provides procedures for a single supplemental petition filing where an initial filing is insufficient.

Staleness of Signatures

Section 2522 does not specify how recently before a filing the signatures on a petition must have been collected. This is the concept of staleness. It is not ordinarily a concern in petitions for business articles, as opposed to petitions for nomination of candidates (for which Section 2528 makes specific provisions, to guard against stale petitions).

However, controversies on issues come and go. Voters may not feel the same way about the subject matter of a petition six months or a year after they sign it, particularly if the municipal officers or town meeting have already taken action on the issue by the time the petition is submitted. Accordingly, if it is clear from the face of a petition that the signatures on it were collected a year or more, say, before the filing date, the municipal officers may wish to suggest to any known circulators that the petition may be stale, and that the circulators should gather additional, fresh signatures, or circulate another petition. The municipal officers should always *consider* a petition even if they believe it to be stale. Staleness may be a ground for dismissing a petition upon review, but legal counsel should be consulted before doing so. Also, because charters sometimes impose time limits regarding petition submissions, a charter's provisions should always be consulted. State law also sometimes imposes time limits on petition submissions. For example, the local liquor option requires that all signatures on a petition for a local option election must have signed since the last general election, and the petition must be submitted to the municipal officers at least 60 days before holding any municipal election or town meeting vote.

Withdrawal of Signature from Petition

When, if ever, may one who has signed a petition withdraw his or her name from it?

Withdrawal Before Filing of Petition

A voter who has signed a petition may inquire of a clerk or other municipal official whether the voter's name can be withdrawn before filing. The clerk should refer the inquirer to any known circulator of the petition, as that is a matter between the circulators and the signer. No law known to MMA Legal Services staff requires a circulator to permit a signer to withdraw, but a circulator may be willing to accommodate the signer.

Withdrawal After Filing Not Permitted

No statute expressly authorizes or forbids the withdrawal of a signature from a petition after filing. The recommended rule is simple: if you signed it, you cannot withdraw your name after filing. The petition, as filed, is a public record.

After filing of a petition, a signer's signature should not be erased, deleted, stricken out, or otherwise obscured or altered, and no entry should be made indicating that the signature is withdrawn. The signature, if it is that of a registered voter, will count in determining whether the required number of voters have signed, despite any expressed wish by a signer that the signature be discounted or disregarded.

A clerk, when confronted with a request for withdrawal, may (although not under any legal obligation to do so) advise the signer that: (1) signing a petition does not commit or bind a person to vote at all, much less to vote in favor of the issue presented; (2) if the issue is going to an open town meeting, the signer can appear and seek to speak in opposition to the issue despite having signed the petition; and (3) if it sufficiently concerns the signer, he or she can seek in other ways (e.g., letter to the editor) to disclaim support for the measure.

It may be important for clerks and other municipal officials to be aware of the human dimension of the matter of withdrawal of a signature. Sometimes a voter will realize only after a petition has been filed that it is open to inspection as a public record, and some may fear employment or business recrimination or other adverse consequences for having signed. A voter may even have been threatened for having signed. Regrettable and understandable as such fears may be, however, there is no discretion or power to strike or obscure or otherwise delete the signature, and only sympathy can be extended.

Withdrawal of Petition

As with withdrawal of a signature after filing, there can be no withdrawal of a petition or any portion thereof after filing. Neither the petition nor any part of it should be returned to

a circulator. The underlying theory here is that once individual voters have signed a petition and it has been filed, they have acquired some right to consideration (if the petition is otherwise valid), which cannot be withdrawn or canceled by the circulators. *LaFleur, Atty. Gen., ex rel. Anderson v. Frost*, 146 Me. 270 (Me. 1951).

A deeper question is whether any action at all can be taken that will destroy the legal vitality of a petition once filed, such that its merits cannot be considered by the municipal officers. The answer to this is also in the negative, with one exception, suggested by *LaFleur*: if *all* of the voters who signed a petition filed affidavits (sworn statements) requesting withdrawal or inaction on the petition, then perhaps the municipal officers could choose to honor the affidavits and not consider the merits of the petition.

Consideration of Merits of Petition by the Municipal Officers

Introduction

The municipal officers can refuse to put a petitioned article on a warrant if it would be reasonable for them to do so. This is the concept known as “reasonable refusal.”

No definition of a “reasonable refusal” appears in the statutes. Our knowledge of this concept comes from case law. Before reviewing in detail what the decided cases teach us, it is very important to understand that the municipal officers may not refuse a petition merely because, from their political or personal perspective on what is appropriate for the municipality, they believe the petition is unreasonable. Their denial must be *objectively* reasonable as a matter of law, not merely subjectively reasonable in the view of the municipal officers.

Necessity for Petition to be Presented

In order for anyone to claim that the municipal officers have refused to act on a petition, it must first be presented to the municipal officers. Without a request, there can be no refusal, reasonable or unreasonable. *Allen v. Hackett*, 123 Me. 106 (1923).

Ultra Vires Request

The municipal officers can reasonably refuse to place a petitioned article on a warrant where it would be beyond the power of the voters of a town to act upon a particular article (such an action is said to be *ultra vires*, which in Latin means “beyond the powers”). Examples follow:

EXAMPLE 1—Vacancy in elective office that municipal officers may fill by appointment. With the exception of the positions of municipal officer and municipal school

committee, a vacancy in office may be filled by the municipal officers by appointment of a successor, per 30-A M.R.S. § 2602, to serve out the remaining term. When the municipal officers, following a resignation of an elected official, appoint a successor who duly qualifies and is sworn, and are then presented with a petition for a special town meeting to elect a successor, it is reasonable for the municipal officers to refuse to honor the petition, because there then remains no vacancy to be filled. *Googins v. Gilpatric*, 131 Me. 23, 27 (Me. 1932) (treasurer). To the same effect is an *Opinion of the Attorney General*, May 13, 1980 (road commissioner). For more on vacancies, see Chapter 3.

EXAMPLE 2—Cable television ordinance enactment is exclusive authority of municipal officers. If petitioners sought enactment by the town meeting of a cable television enabling ordinance, the article would run afoul of 30-A M.R.S. § 3008(2), which gives the municipal officers the exclusive authority to enact such an ordinance. Adoption of such an ordinance by the voters would be beyond their powers, and the act would be void. Accordingly, a court would probably not require the municipal officers to hold a town meeting to vote on such an ordinance, and would quash any warrant issued by a notary public for the call of such a meeting.

EXAMPLE 3—ATV-access route designation. Whether or not the municipal officers (selectmen or councilors) designate a particular road as an ATV-access route is entirely within their discretion—the decision rests exclusively with them. The public of course may attempt to influence their decision, but the municipal officers’ choice is not delegable to or subject to override by the voters. When it comes to regulating the use of local roads, the municipal officers are in the driver’s seat regardless of the municipality’s form of government.

NOTE: See Chapter 4 for discussion of the various types of ordinances which the municipal officers have sole authority to enact. A petition seeking town meeting enactment of any of these types of petitions can likely be reasonably refused.

EXAMPLE 4—Article for vote to establish or change speed limit. Municipalities may not establish, increase, or lower speed limits on any public road, including municipal roads. (There is an exception for qualifying municipalities. “Qualifying municipalities” are those with populations of 2,500 or more or any municipality employing a registered professional engineer. “Qualifying roads” are town ways that are federally classified as local). 29-A M.R.S. § 2075. Therefore, it would be entirely reasonable, as a matter of law, to refuse to call a meeting to vote on an article to establish, or to raise or lower, a speed limit. As a political matter, however, the municipal officers might wish to communicate with the Commissioner

of Transportation in response to a petition to change or set a speed limit. See the discussion of this subject in MMA's *Municipal Roads Manual*.

Request for Illegal Action

Another situation in which courts have upheld the refusal of a petition as reasonable is where the petition requested an action that would be illegal if passed. Examples follow:

EXAMPLE 1—Even if enacted, petitioned ordinance would be invalid. In a case decided by the Maine Supreme Judicial Court, it was held that the municipal officers of Portland could not be compelled by the court to submit to the voters an ordinance that, if ratified, would be invalid. It would be a useless act on the part of the municipal officers, declared the Court, which then said that a court will not compel the performance of a useless act. *LaFleur, Atty. Gen. v. Frost*, 146 Me. 270, 290 (1951). The case involved a proposed ordinance submitted to the City by petition, but the Law Court determined that the proposed ordinance amounted to an impermissible amendment to the City's charter.

EXAMPLE 2—Article granting a tax exemption not authorized by state law.

See Legal Note entitled "Voting a Tax Exemption" in the Appendix.

EXAMPLE 3—Article for plowing private driveways at public expense. A petition to use public funds to pay the winter maintenance crew or a private contractor to keep everyone's driveway clear of snow would run afoul of the constitutional law doctrine that public funds cannot be devoted to essentially private purposes. See, *Opinion of the Justices*, 560 A.2d 552 (Me. 1989). Such a petition could be dismissed as asking for something not within the power of the voters to direct, or of the municipal officers of the town to accomplish.

Vested Rights; Intervening Rights of Third Parties

Once a contract has been signed, or bonds have been sold, pursuant to an authorizing town meeting vote, it is too late for that vote to be reconsidered or rescinded. Our courts have repeatedly so held, as long ago as 1889 in *Parker v. Titcomb*, 82 Me. 180 (1889), and more recently in the 1991 case of *Dunston v. Town of York*, 590 A.2d 526 (Me. 1991), which involved an action to compel the selectmen to call a town meeting.

Petition to Reconsider Action After Formal Adjournment

Sometimes, voters will seek to reverse the outcome of an open town meeting vote or secret ballot referendum by petitioning for a new meeting or election to consider the same question

previously acted on (whether passed or defeated). A 1990 Maine Superior Court case on this point is worth discussing at some length.

The case dealt with a secret ballot referendum on a school construction issue, and held that it was not unreasonable for the municipal officers to refuse to put an issue to a second referendum vote, at least upon the petition of a minority of voters, where no irregularity appeared in the conduct of the first vote.

The town concerned had voted by secret ballot referendum, 399 to 390, to approve a school construction bond issue. A ballot inspection was requested and held, and apparently turned up nothing warranting a recount. Nine days after the election, however, the municipal officers were presented with a petition bearing a sufficient number of signatures to entitle it to their consideration. The petition asked for another election to revote the same issue. The municipal officers voted unanimously to reject the petition. Thereafter, a second petition was submitted, which sought an article to rescind the approval which had previously been given (the effect of the second petition was presumably much the same as the first, but the petitioners apparently tried to word the request differently in the hopes of receiving a more favorable response).

The municipal officers postponed a decision on the second petition and filed suit in Superior Court to determine their responsibilities to act on the new petition. While the suit was pending, a third petition was in circulation. It was addressed to a notary public, and alleged that the municipal officers had unreasonably refused to issue a warrant, and called upon the notary to do so. (See below for further discussion regarding petitions to a notary public.)

The Superior Court declared that the municipal officers' obligation to place petitioned articles before the voters for their consideration, under both 30-A M.R.S. §§ 2522 and 2528(5) "should be interpreted to apply to petitions proposing *new* articles for voter consideration or concerning municipal officers' failure to act and should *not* apply to situations, such as the one presented here, in which minority voters seek a revote on a recently approved referendum." *Inhabitants of the Town of Vassalboro v. Frederick & Camille Denico, et al.*, Sup. Ct. Kenn. Cty., Docket No. 89-517 (Feb. 23, 1990), at p. 3 (emphasis added).

The Superior Court went on to say that even if, contrary to its considered judgment, Sections 2522 and 2528(5) *do* permit reconsideration elections (and not just petitions for new business articles) on the petition of a minority of voters, the denial in the case before it was not unreasonable as an abuse of discretion, because of factors the court reviewed. The court noted that although the voter turnout was low (it was a special election) and the margin of victory small, there were no allegations that voters were unable to get to the polls because of a natural

disaster or other adverse circumstances. Moreover, the court found that the ballot inspection had revealed no evidence of fraud or impropriety and that the municipal officers had reasonably concluded that the voters were not misled prior to the election. Accordingly, the court upheld the municipal officers' refusal of the first two petitions, and quashed any filing of the third. No appeal was taken in the case.

The significance of the decision is that it gives credence to the idea that municipal officers need not permit the "ping-ponging" of warrant issues back and forth by a minority faction of dissatisfied voters. The municipal officers, it appears, can reasonably conclude that the first valid vote on an issue will be the only vote on the issue.

Thus municipal officers confronted with a "ping-pong" situation, where they conclude that it would be reasonable to refuse to call for another vote, can assert both prongs of the *Vassalboro* case and argue (1) that the law bars the petition and (2) (where appropriate) that if it does not, it is nevertheless reasonable for them to refuse to honor it in the particular circumstances. Certainly, if the municipal officers refuse a petition, their decision will be much more defensible if they have considered any applicable factors such as those covered in the *Vassalboro* case and determined that a revote is not warranted in order to receive a fair and valid outcome. It is always best to review the situation with legal counsel before refusing any petition. Of course if the municipal officers are inclined to grant a petition for a revote, they can do so and leave it to others to argue that they should have refused it.

Another more recent case in which the Superior Court upheld the decision of the board of selectmen to refuse to call a town meeting in response to a petition submitted to them is *Friends of Mitchell Field v. Town of Harpswell*, No. PORSCCV180334 (Me. Super. Ct., Cum. Cty., September 5, 2018).

In the *Harpswell* case, the town meeting voted to authorize the demolition of a water tower. Within two months, a petition was submitted to the board of selectmen requesting a secret ballot vote that would have reversed this decision by authorizing the board of selectmen to enter into an agreement with a company for the repair and maintenance of the water tower. After considerable discussion and consultation with the town attorney, the selectmen refused to proceed with the requested secret ballot vote. The petitioners then requested the board to reconsider its decision. The board declined to reconsider its decision.

Following the board's refusal to reconsider its decision, the petitioners presented a copy of the petition to a notary public. The notary signed a warrant calling for a special town meeting. The board of selectmen at an open session declared that the notary's warrant was deemed to

be invalid and directed the town clerk not to expend any funds in support of the notary-called special town meeting. The petitioners ultimately cancelled the special town meeting and instead, held a public informational meeting.

The Superior Court determined that although the wording of the petition was somewhat different than the wording of a similar but rejected article presented at the town meeting, the petition was asking for a revote on essentially the same question that had been decided at the town meeting—should the water tower be demolished or not? In answering that question, the Court observed that Maine law does not compel a municipal board to schedule a revote when presented with a petition by voters on an issue already acted upon by the town meeting (the legislative body). The Court also observed that even if the refusal by the board was unreasonable, the petitioner's petition to the notary was defective because it was the same petition addressed to the board, and not a separate petition addressed to the notary.

Unintelligible Petition

It may be reasonable (although no decided case is known) to refuse to honor a petition where the petitioned article is hopelessly unintelligible to a reasonable and fair-minded reader—that is, where it is simply impossible, because of ambiguity, incompleteness, or other defect to discern what question the petition proposes to put before the voters. However, counsel should be consulted before any determination is made that a petition is so vague or incomplete or ambiguous that even if it were adopted no one would know what it meant.

Technical Deficiencies and Objections

If a petition has been signed by the required minimum number of voters, a court will likely be impatient if the municipal officers have tried to turn every conceivable deficiency in the form of the petition into an argument for legal insufficiency. Here are five quick examples of deficiencies or irregularities that may appear in a petition. All of the petitions in these examples should probably be allowed.

- A petition is not addressed to the municipal officers (as in the form, “We, the undersigned voters of the Town of _____, hereby petition the municipal officers of the said Town to place the following article before the voters for their consideration”) but merely says, “Please call a town meeting to consider the following article,” or something similar. The municipal officers should treat this as sufficient, if properly verified and certified and is otherwise legal.
- A petition is clearly addressed to the municipal officers but is delivered to the town clerk. This should not be a problem.

- A petition includes more than one article. This should not matter, even if they concern unrelated subjects. A court would likely not be receptive to a technical argument that a separate petition is required for each article, or for each subject matter.
- A petition circulator forgets to provide a space for petitioners to write in the name of the town.
- A petition includes some articles that appear proper and some that are clearly illegal or otherwise beyond the powers of the voters. This is not a basis for rejecting the entire petition. The articles that it would be objectively unreasonable to refuse should go forward to the voters.

The municipal officers should bear in mind, too, that although they cannot change the wording of a petition, they can, for an *open* town meeting warrant, include both the petitioned article and any alternative version they prefer. In their alternative version, they can correct any technical deficiency in the petitioned article. This is discussed further below.

Summary Advice

Experience teaches that a court will listen carefully to arguments that a petition seeks an unauthorized act or thing, or that it seeks a revote on an issue that has recently been fairly and properly decided by a validly called and held town meeting. But it will probably not suffice if the basis for the refusal is merely the municipal officers' subjective views—i.e., if they refuse a petition merely because it is inconsistent with their view of what is in the best interests of the municipality. And it will also probably not suffice if the objection is merely a technical one.

The best advice is to apply common sense and to be objectively reasonable along the lines discussed in this Manual, and to consult with counsel whenever refusal is contemplated.

Putting Issue to Vote

Introduction

Once a petition containing a sufficient number of valid signatures has been accepted, the obvious next question is when and how the municipal officers should put the question to a vote.

Request for Specific Meeting Date

What if a petition specifies a date or a deadline for action on the petitioned article? We have stated in Chapter 2 that it is the municipal officers who set the date and time of annual and special meetings. There is nothing in the petition statutes that takes away this authority. Therefore, while municipal officers might try to comply with a request for political reasons, or because the petitioners have a good reason for demanding action on or by a certain date, there is no legal obligation to do so. Similarly, if a petition requests that a special meeting be called or that the issue goes to the annual town meeting, the municipal officers can decide to do the opposite of what is requested, as long as their decision is reasonable.

Timeline for Action on Open Town Meeting Petitions

As we discussed briefly above, Section 2522 says that “the municipal officers shall either insert a particular article in the next warrant issued or shall within 60 days call a special town meeting for its consideration.”

The statute is somewhat confusingly worded and should not be read too technically. What it means is that the municipal officers can either act within 60 days to call a special town meeting to address the petitioned article (the meeting itself may be held more than 60 days away), or they can simply wait until the next town meeting arises and add the petitioned article to that warrant. The statute should not be taken to prevent the municipal officers from adding the article to a scheduled meeting for which a warrant has already been posted (provided at least seven days remain before the meeting) and/or which will be held in less than 60 days.

Timeline for Action on Secret Ballot Referendum Petitions

Section 2528 provides that upon receipt of a valid petition requesting a secret ballot vote, “the municipal officers shall have a particular article placed on the next ballot printed or shall call a special town meeting for its consideration.” By comparison, Section 2522 requires that a petitioned article be placed on the next warrant or that a town meeting be called within 60 days. Because Section 2528 simply requires an article be placed on the next ballot or the callings of a special town meeting, the municipal officers need not act as quickly as they would be required to under a Section 2522 petition. Section 2528 allows the municipal officers to either call a special town meeting to address the issue or wait until a ballot is called for some other purpose in order to include the petitioned article.

As with referenda called by order of the municipal officers, a petition for a secret ballot referendum must be submitted at least 60 days prior to the election at which the vote will occur. 30-A M.R.S. § 2528(5). This deadline allows sufficient time for the clerk to finalize

the ballots so that they may be available to absentee voters. If a petition asks for placement on a certain ballot, but is submitted fewer than 60 days prior, the municipal officers cannot add the petitioned article to the ballot. While the petition cannot be refused, a later special town meeting will need to be called or the municipal officers will need to place the article on the next ballot printed. Alternatively, if the warrant has not already been posted for seven days and if no absentee ballots have been mailed out, the municipal officers can vote to take down the posted warrant and postpone the planned meeting far enough into the future to meet the 60-day requirement.

Municipal officers should remember that as with articles they order placed on the ballot, petitioned referendum articles must also go before a public hearing prior to the election. The public hearing must be held at least 10 days prior to the election, and public notice must be given at least seven days prior to the hearing. A sample hearing notice is included in the Forms Appendix and further discussion of the hearing appears in Chapter 4.

Concept of Reasonable Delay in Presenting Article to Voters

At heart, both Sections 2522 and 2528, when considered in the context of reasonable refusal as discussed above, mean that the municipal officers can delay taking the issue to the voters if the issue is not pressing or the petitioners will not otherwise be prejudiced, or their interests completely destroyed, by delay. Reasonable considerations for delay include that voter turnout will be higher if the issue is presented at a later meeting (perhaps the annual meeting), or that the expense of a special meeting for this one issue is disproportionate or excessive and no other matters are pending or planned for a special town meeting.

Wherever time is of the essence, however, the municipal officers should not set the date for a vote so far into the future that the vote would be of no assistance to the petitioners. For instance, if the petition is to approve a grant application, it would not be reasonable for the municipal officers to delay the vote beyond the application deadline. Similarly, if voters were to submit a petition in May to enact a moratorium to prevent certain land use activity, it would likely be considered unreasonable for the municipal officers to wait until the next March's annual town meeting to consider the moratorium, because the activity the article sought to prevent may have already occurred by that time.

A Penobscot County Superior Court decision illustrates a situation where it was deemed unnecessary for municipal officers to act quickly on a petition. Petitioners sought acceptance of a privately owned road as a public way. The municipal officers decided to put the article to a vote at the annual meeting six months away, which was the next warrant issued after the filing of the petition. The court found that there was no evidence showing an emergency, that

the annual meeting was scheduled for “only” six months away, and that there was evidence that more town residents attended annual meetings than special meetings. *Goodwin.v. Leeman*, Sup. Ct. Pen. Cty., Docket No. CV-8126 (May 28, 1988). The court appeared to accord little weight to the fact that the petitioners had to continue to endure expense to maintain the road until the annual meeting. Some frustration or inconvenience on the part of the petitioners is acceptable, but it would be wrong if their rights or opportunity to obtain the action they sought would be *completely* destroyed by delay.

Manner of Vote Requested

As noted in the introduction to this chapter, a petition for an article could arise in a “pure” open town meeting town as well as in a secret ballot town. When a petition is submitted in a secret ballot town, some confusion can arise because a petition may not clearly request a particular type of vote. However, the circulators’ intent may perhaps be inferred from the fact that such a petition is filed at least 60 days before a known or regularly held election (such as a November general election). Confusion can also arise in both secret ballot and open town meeting towns because voters often refer to a “secret ballot” when they mean a written ballot at an open town meeting. Generally speaking, if the desired manner of voting can be determined, the municipal officers should comply with that request. Here are some guidelines to follow:

- If a petition in a secret ballot town expressly or by fair implication asks for a secret ballot referendum vote, then it should be treated that way.
- If a petition in a secret ballot town asks for a “written” ballot and does not cite Section 2528 (or cites only Section 2522), then it can be treated as a petition for an open town meeting vote. The voters at the meeting can choose whether to vote by written ballot. They are not bound by the petition’s request that a written ballot be used.
- If a petition in a secret ballot town is silent on the point, and if there is no basis for inferring a request for a secret ballot vote, then the municipal officers can order it to a vote either at open town meeting or by secret ballot referendum, as they prefer.
- If a petition in a town that has never accepted the secret ballot method of voting requests a “secret ballot vote,” and it is not submitted pursuant to any of the statutes that require secret ballot voting, then the municipal officers can only call an open town meeting at which the voters themselves can choose whether to vote by *written* ballot.

As mentioned above, it is believed that a request for a written ballot vote can be ignored, because the voters of an open meeting have authority over the procedure for the conduct of

the meeting. For that reason, it would probably be inappropriate for the municipal officers in the warrant to “order” such an election to be by written ballot. The meeting moderator can be asked to mention the petitioners’ request and invite a motion to proceed by written ballot when presenting the article to the voters.

A petition arising under other statutes that require the use of Section 2528 secret ballot procedures, even in towns that are not secret ballot towns, should be treated as a petition for a secret ballot vote, and this is so even if such a petition does not expressly ask for a vote by secret ballot. Several such statutes are identified in Chapter 4. They relate to charters, local liquor option referenda, SAD and RSU referenda, school budget referenda, revenue bonds, school construction bonds, municipal electric districts, and municipal de-organization. Upon receipt of a petition that is clearly concerned with one of these subjects, the discussion in Chapter 4 and the pertinent statute cited therein should be reviewed carefully. Whenever a petition cites a statute, review it, as it may call for a secret ballot referendum vote even in non-secret ballot towns, or it may impose other special requirements.

Incorrectly Worded Petitioned Article—Use of Alternative Article

Overview

Sometimes a petitioned article will have typographical errors or apparently inadvertent gaps or omissions, will seem otherwise unclear, will mis-cite an ordinance which the article proposes to amend, or will have some other defect. Sometimes, too, a petitioned article will appear complete but have some other, clearly substantive defect. Also, the municipal officers may believe that there is a more direct or more efficient way to accomplish what they perceive is the petitioners’ objective. What are the limits of the municipal officers’ authority in such circumstances?

Typographical Errors and Other Defects

The municipal officers should consider in all such cases that they have virtually no latitude to change the language of the petitioned article, *even with* the consent of the circulator(s) of the petition. This is because to alter the petitioned article would be to change what all of the signers—the petitioning voters—put their names to.

While it may seem entirely unobjectionable for municipal officers, in preparing the warrant, to correct what seems to be obviously faulty grammar or misspellings in a petitioned article, they have no obligation and no power to do so, and should print the article exactly as it was written when filed with the clerk. If voting is to be by open town meeting, the meeting could

be asked to amend the article as necessary to correct the error, although town meeting could not legally amend a petitioned ordinance.

Use of Alternative Articles

If the petitioned article will be voted upon *by open town meeting*, the municipal officers can always place a second, corrected article that they prepare for the town meeting warrant. Town meeting could then vote to take no action on the problematic article and vote on the municipal officers' corrected version instead. However, alternative articles are not advisable where voting is by secret ballot referendum because of the chance that both will be approved, and because ballots must offer only a "yes" or "no" choice, there is no opportunity to directly ask for a choice among two alternatives.

The alternative article can appear on the warrant immediately before the petitioned article, and information notes after each can explain the origin of each, and the recommendation of the municipal officers.

There will be times when municipal officers will prefer not to submit *any* alternative, and to hope that the petitioned article will die of its own internal infirmities, omissions, or ambiguities. Results cannot be guaranteed, however.

Unreasonable Refusal to Honor Petition (Section 2521(4) Procedure)

It was said above that petitioners can seek relief from a notary public if the municipal officers unreasonably refuse to honor a petition. This is pursuant to 30-A M.R.S. § 2521(4). The validity of a meeting called by notary depends entirely on whether the municipal officer's refusal was reasonable. Any attempt to call a town meeting in the wake of a refusal by the board of selectmen must be a petition directed to a notary for the purpose of calling a town meeting. (See the earlier discussion on the *Friends of Mitchell Field v. Town of Harpswell* court case.)

The Maine Supreme Judicial Court has said that the whole theory of the New England town meeting has been that the inhabitants of a town could on short notice come together upon all necessary occasions. It is on that basis that 30-A M.R.S. § 2521(4) authorizes a notary to issue a warrant if the municipal officers unreasonably refuse to do so. *Jones v. Sanford*, 66 Me. 585, 590 (1877).

In fact, if application is made to a notary, the notary has no discretion not to issue a warrant calling the requested meeting and including the requested article or articles. In this respect the

notary's duty is ministerial, discretionary. The notary is not to hold a hearing nor otherwise decide on evidence concerning the reasonableness or unreasonableness of the municipal officers' refusal. *Southard v. Bradford*, 53 Me. 389 (1866).

Municipal officers who believe they have reasonably refused to honor a petition may apply to a court for a declaratory judgment (one declaring the relative rights of the parties) and an injunction barring the meeting and quashing the notary's warrant, or they may wait to do so only if necessary, depending on the meeting's result.

A meeting called by warrant of a notary public is procedurally the same as a meeting called by the municipal officers. The warrant must be posted in accordance with Section 2521. A moderator must be elected at the beginning of the meeting. A clerk arguably has a statutory duty to attend, and so should be there; if a clerk is nonetheless absent, a moderator should appoint a clerk to serve during the meeting. The municipal officers can choose to attend the meeting and attack the proposal, or they can simply boycott the meeting. There is a chance, after all, that the requested article will not pass, and that would probably end the controversy. If the article does carry, the municipal officers can either go to court or refuse to implement whatever action the article directs or contemplates, thereby forcing others to take the judicial initiative. It can be argued that the better choice is to proceed to court, on the theory that the municipal officers, as a town's chief executive officers, are obliged either to faithfully execute the law or to seek an order overturning the law.

The law is clear that a town meeting called by a notary public is illegal where the municipal officers' refusal of a petition was reasonable. *Allen v. Hackett*, 123 Me. 106, 114 (Me. 1923). Once a court declares a meeting to have been illegal, it follows that any action taken at it is void and a legal nullity.

When Town or Plantation is Without Municipal Officers

Title 30-A M.R.S. § 2521(3) provides that when a town, once organized, is without selectmen, a notary public may call a meeting on the written petition of any three voters. The Forms Appendix contains two form petitions addressed to a notary public. One of these is for use in plantations and towns that elect their municipal officers by open town meeting, and the other is for use in towns that elect their municipal officers by secret ballot.

Proposed Tax Abatements

TOWN OF RAYMOND Assessing Office

401 Webbs Mills Road Raymond, Maine 04071
Phone 207.655.4742 x51 Fax 207.655.3024
assessor@raymondmaine.org

INTEROFFICE MEMORANDUM

TO: RAYMOND BOARD OF ASSESSORS
FROM: CURT LEBEL, ASSESSORS AGENT
SUBJECT: TAX ABATEMENT/SUPPLEMENTAL ASSESSMENT
DATE: 5/28/2024
CC: TOWN MANAGER

Dear Board Members,

Good afternoon,

I have 1 abatement and 1 supplemental tax for the board to consider at its upcoming meeting.

Bettney Abatement:

Harold and Amanda Bettney for some years owned a park model trailer located at Kokatosi Campground. Unregistered camper trailers and park models are assessed as personal property under Maine law.

Annually, Kokatosi campground graciously assists the town in the valuation of the seasonal campers at the campground by providing a list of owners and the make, model and MSRP of the unregistered campers sited at the campground. Our office then applies a uniform depreciation schedule along with a certified ratio adjustment to the valuations provided to arrive at the assessed value.

Mr. Bettney removed his camper trailer from Kokatosi at the end of the 2022 season. The camper was reported to us for the 2023 assessment in error and a tax bill was issued to Mr. & Mrs. Bettney. The site has now been occupied by an individual who excises their camper, thus exempting it from personal property tax.

The property was assessed for \$9,900.

This abatement in the amount of \$157.41 plus any interest accrued to remove the erroneous assessment made to Bettney.

Whitney Tree Growth Withdrawal (Supplemental Tax)

Ralf and Harriette Whitney have requested to remove 1.18 acres of classified land, which abuts 2 other acres of unclassified land around their home site from tree growth. A penalty has been calculated in the amount of \$464.40 for the removal of the acreage from tree growth. The parcel continues to contain 32.82 acres of mixed wood tree

growth land southerly of the home site and the area around the homesite will now include 3.18 acres of unenrolled land.

I recommend the Board issue a supplemental tax in the amount of \$464.40 for the removal of 1.18 acres from tree growth classification.

Sincerely,

Curt Lebel, Assessors Agent, Town of Raymond

Tax Abatement

Certificate of Abatement

36 M.R.S.A. § 841

We, the Board of Assessors of the municipality of Raymond, hereby certify to Suzanne Carr, tax collector, that the accounts herein, contain a list of valuations of the estates, real and personal, that have been granted an abatement of property taxes by us for the April 1, 2023 assessment on June 20, 2024. You are hereby discharged from any further obligation to collect the amount abated.

Voted by the Raymond Board of Assessors on: June 20, 2024

Attest: _____ Susan Look, Town Manager

Tax Year	#	M/L	ACCT#	OWNER OF RECORD	OLD ASSESSMENT	NEW ASSESSMENT	VALUATION ABATED	TAX AMOUNT	TAX RATE	MISCELLANEOUS INFORMATION
2023- 2		PP	13PP	Harold Bettney Amanda Bettney 23 Arlington Av Westbrook, ME 04092	\$ 9,900.00	\$ -	\$ 9,900.00	\$ 157.41	0.0159	Camper Trailer located at Kokatosi Campground was removed prior to April 1 assessment date. Assessed in Error.
					TOTALS		\$9,900.00	\$157.41		

From: "Sue Carr" <sue.carr@raymondmaine.org>
To: "Melissa McConkey" <melissa.mcconkey@raymondmaine.org>
Date: 09/26/2023 10:40 AM
Subject: Fwd: Bettney

From: Kokatosi Campground <kokatosi@fairpoint.net>
To: Sue Carr <sue.carr@raymondmaine.org>
Date: Tue, 26 Sep 2023 10:06:13 -0400
Subject: Bettney

Good Morning,

Apparently, I forgot to take Bettney off the list for 2023. His unit moved out and a registered unit moved in. Sorry for the confusion on that one. I try to keep my list updated as things change.

Lynn

Kokatosi Campground

635 Webbs Mills Road

Raymond, ME 04071

207-627-4642

Kokatasicampground.com

Raymond
11:05 AM

Personal Property Tax Commitment Book - 2024 15.900
APRIL 1, 2023 TAX COMMITMENT

9/13/2023
Page 2

Account Name & Address	Category	Assessment	Exempt	Total	Tax
14 AUTOMOTIVE EVERYTHING		6,900	0	6,900	109.71
PO BOX 1269	FURNITURE & FIXTURES	6,900			54.86 (1)
RAYMOND ME 04071					54.85 (2)
1255 ROOSEVELT TRAIL					
11 BARTLETT NANCY		18,800	0	18,800	298.92
40 MINOT AVE	FURNITURE & FIXTURES	18,800			149.46 (1)
AUBURN ME 04210					149.46 (2)
KOKATOSI					
90 BEAR PROPERTIES		7,000	0	7,000	111.30
4 KIMBERLY LN	FURNITURE & FIXTURES	7,000			55.65 (1)
FALMOUTH ME 04105					55.65 (2)
34 INDIAN POINT RD					
279 BEA'S BLOOMS		5,900	0	5,900	93.81
14 ABBY RD	FURNITURE & FIXTURES	5,900			46.91 (1)
RAYMOND ME 04071					46.90 (2)
1261 ROOSEVELT TRAIL					
12 BERNARD DANIEL & PAULINE		6,800	0	6,800	108.12
31 JOSEPH DR	FURNITURE & FIXTURES	6,800			54.06 (1)
GORHAM ME 04038					54.06 (2)
71 INDIAN POINT					
98 BERNIER RICHARD & SONJA		19,400	0	19,400	308.46
PO BOX 576	FURNITURE & FIXTURES	19,400			154.23 (1)
RAYMOND ME 04071					154.23 (2)
29 ALLENS WAY					
13 BETTNEY HAROLD & AMANADA		9,900	0	9,900	157.41
23 ARLINGTON AVE	FURNITURE & FIXTURES	9,900			78.71 (1)
WESTBROOK ME 04092					78.70 (2)
KOKATOSI					

Page Totals:	Assessment	Exempt	Total	Tax
	74,700	0	74,700	1,187.73
Subtotals:	174,800	0	174,800	2,779.32

Active Status Active

Owned Items												
Line#	Type		Description	Qty	Replace Cost	Value New	Year	% Cond	Appraised	Assessed	Lessee	Line Notes
1	05		38' CANTERBURY/DNA M-123	1	53,633	53,633	2012	0.25	13,408	9,922		

[illegible]

Supplemental Assessment

Tree Growth

Withdrawal



TOWN OF RAYMOND

SUPPLEMENTAL TAX CERTIFICATE

State of Maine 36 M.R.S.A. § 713

We, the undersigned, Assessors of the Municipality of Raymond, Maine, hereby certify that the foregoing list of estates and assessments thereon, recorded in page 753 of this book, were either invalid, void or omitted by mistake from our original invoice and valuation and list of assessments dated the 13th day of September 2023, or are a withdrawal penalty under Title 36 Section 581 or 1112, that these lists are supplemental to the aforesaid original invoice, valuation and list of assessments, dated the 13th day of September, 2023, and are made by virtue of Title 36, Section 713, as amended.

Given by our hand this 20th day of June, 2024.

Rolf Olsen

Teresa Sadak

Samuel Gifford

Derek Ray

Denis Morse

Assessors, Town of Raymond



TOWN OF RAYMOND

SUPPLEMENTAL TAX WARRANT

State of Maine 36 M.R.S.A. § 713

County of CUMBERLAND, ss.

To: SUZANNE CARR, Tax Collector

of the Municipality of RAYMOND, within said County of
CUMBERLAND.

GREETINGS:

Hereby are committed to you a true list of the assessments of the estates of the person(s) hereinafter named. You are hereby directed to levy and collect each of the person(s) named in said list his respective proportion, therein set down, of the sum of \$ 464 dollars and 40/100 cents, it being the amount of said list; and all powers of the previous warrant for the collection of taxes issued by us to you and dated September 13, 2023 are extended thereto; and we do hereby certify that the list of
(here insert date of original warrant)

assessments of the estates of the persons named in said list is a supplemental assessment laid by virtue of Title 36, Section 713, as amended and the assessments and estates thereon as set forth in said list were either invalid, void, or omitted by mistake from the original list, or penalty under Title 36 section 581 or 1112, committed unto you under our warrant dated September 13, 2023.
original date of warrant

Given by our hands this 20th day of June, 2024.

Rolf Olsen

Teresa Sadak

Samuel Gifford

Derek Ray

Denis Morse

Assessors, Town of Raymond

TOWN OF RAYMOND - SUPPLEMENTAL TAX WARRANT LIST

We, the undersigned, Assessors of the Municipality of Raymond, hereby certify, that the foregoing list of estates and assessments, contain a list of valuations of the estates, real and personal, that were omitted from our original invoice and valuation and list of assessments dated September 13, 2023, or are a withdrawal penalty under Title 36 Section 581 or 1112 and to be supplemented for the 2023 assessment as of June 20, 2024.

Signed _____, Assessor

Signed _____, Assessor

Signed _____, Assessor

Signed _____, Assessor

Signed _____, Assessor

M/L	OWNER OF RECORD	ADDRESS	SUPPLEMENTAL VALUATION	ACCT #	TAX DOLLARS	MISCELLANEOUS INFORMATION
011-065	Whitney Ralph L Whitney Harriette L	75 Haskell Av Raymond, ME 04371	N/A	948	\$464.40	Tree Growth penalty for voluntary withdrawal of 1.18 acres mixed wood.
					\$464.40	

Town of Raymond

Board of Assessors

401 Webbs Mills Road, Raymond, ME 04071

ESTIMATED TREE GROWTH PENALTY

May 14, 2024

Ralph Whitney

Map – Lot 011-065

To Whom it may concern,

I have calculated a Tree Growth withdrawal penalty for the voluntary withdrawal of 1.18 acres classified land from Map 011, Lot 065. The acreage is classified as mixed wood and is adjacent to the owners 2-acre house site, which is unenrolled. Our records indicate that the parcel was enrolled in the program in 1982.

A calculation of the penalty for the removal is below.

	TG Assessment		Assessed Just Value	
	Acres	Value	Acres	Value
Base				
Addt	1.18	\$1,800		
SI				
Other				
Soft				
Mixed			1.18	\$337
Hard				
Total	1.18	\$1,800	1.18	\$337

Just Value*	TG Assessment*	Difference	Penalty Rate	Penalty
\$2,857	\$535	2,322	0.20	\$464.40

* TG/Just Value Assessment is adjusted by the certified ratio per state statute (63% FOR 2024).

**Tree Growth rates change on a year to year basis. The above penalty calculation will change after next commitment.

Calculation of Penalty. The penalty will be an amount equal to 30% of the difference between the 100% valuation (of the classified forest land on the assessment date immediately preceding withdrawal) and the just value of the property on the date of withdrawal. If the land has been classified for more than 10 years, the following percentages shall apply:

11 Years	29%	12 years	28%
13 Years	27%	14 years	26%
15 Years	25%	16 years	24%
17 Years	23%	18 years	22%
19 Years	21%	20 years +	20%

For purposes of this subsection, just value at the time of withdrawal is the assessed just value of comparable property in the municipality adjusted by the municipality's certified assessment ratio.

If you wish to proceed with this voluntary withdrawal from tree growth classification, please provide, in writing, a written statement of your intent to withdraw the acreage from classification. Please provide the amount of acreage to be withdrawn and a map showing the areas of withdrawal. If the withdrawal is a portion of the classified lands, a map identifying the area and type of woodlands must be provided as area removed shall be treated as separate parcels for future assessments. The penalty will be issued as a supplemental assessment to your parcel at a regularly scheduled meeting of the Board of Assessors. The amount of tax issued shall be due within 60 days of issuance.

Sincerely,

Curt E Lebel
Assessors Agent, Town of Raymond

5/23/24

To Curt Lebel

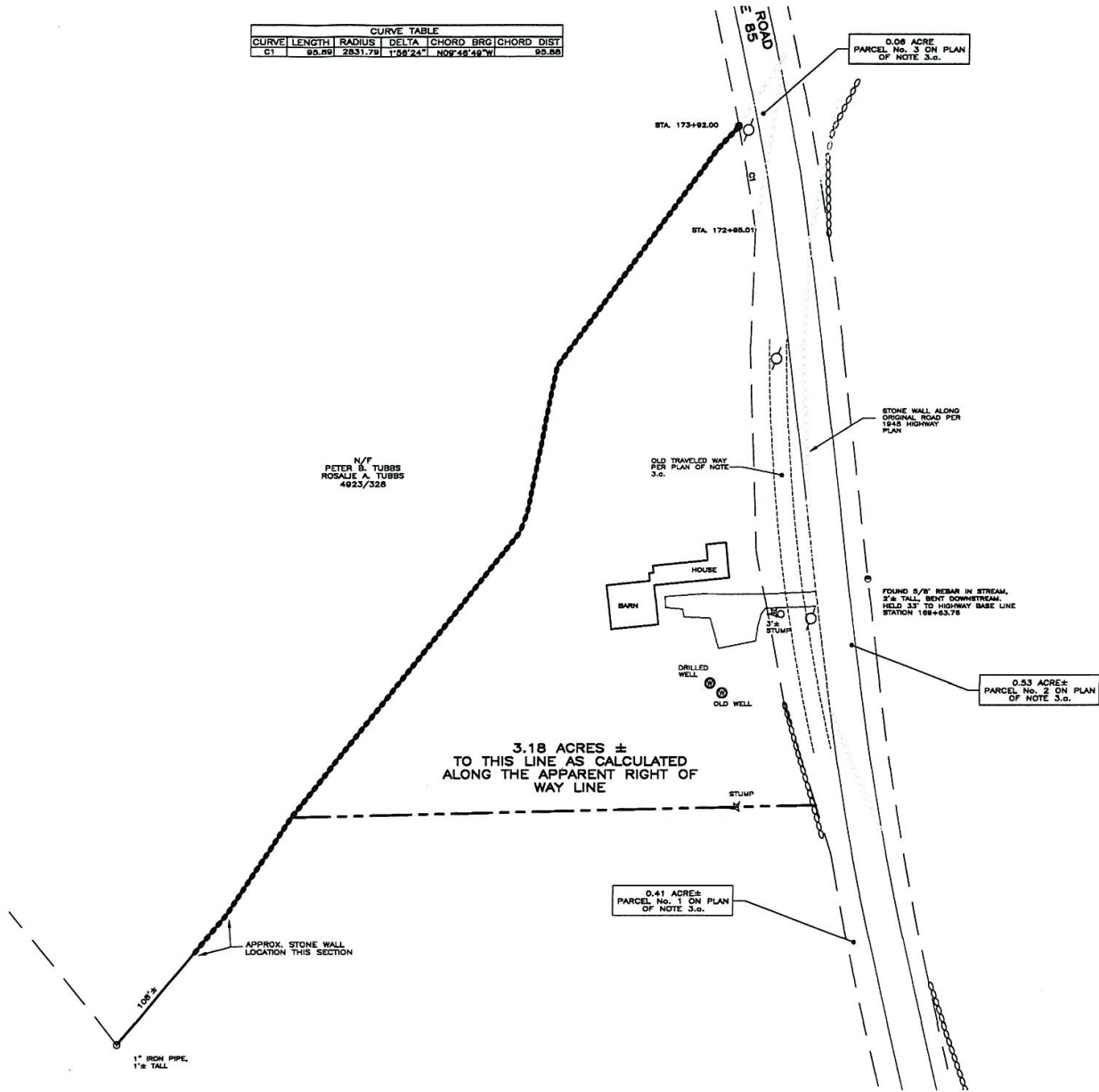
Tree Growth Removal

This letter is to request 1.18 acres to be taken out of tree growth, and added to the existing 2 acres surrounding the farm house @ 336 Wells Mills Rd., Raymond, for a total of 3.18 acres not in tree growth.

Please call me at 3294834 if there are any questions. Thank you for your help.

Ralph Watrous

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BRG	CHORD DIST.
C1	85.89	2831.79	1°58'24"	N09°48'48"W	95.88





**APPLICATION FOR
MAINE TREE GROWTH TAX LAW PROGRAM**

36 M.R.S. §§ 571-584-A

See Property Tax Bulletin No. 19 for more information

ASSESSOR'S USE ONLY
Recertification Date:

1. Name of owner(s): WHITNEY RALPH L
2. Mailing address: 75 HASKELL AVE, RAYMOND, ME 04071

Phone: _____

3. Location of parcel (municipality and county): Raymond Cumberland

4. Identification of parcel: 011/ 065/ 000/ 000/

Tax Map

Plan

Lot

5. Forest land used for commercial forest production

Type	Number of Acres
a. Softwood.....	_____
b. Mixed wood.....	<u>34</u>
c. Hardwood.....	_____
d. TOTAL ACRES (add lines 5a through 5c).....	5d. <u>34</u>

6. Land unsuitable for commercial forest production

Type	Number of Acres
a. Natural water and man-made water areas.....	_____
b. Wetlands (swamp, marsh)	_____
c. Ledges and barrens	_____
d. TOTAL ACRES (add lines 6a through 6c).....	6d. <u>0</u>

7. Land not used primarily for commercial forest production

Type	Number of Acres
a. Building area	<u>2</u>
b. Fields	_____
c. Gravel pits	_____
d. Transmission line or pipeline right-of-way area	_____
e. Class I roads (includes culverts, ditching, gravel).....	_____
f. Class II roads (unimproved haul road)	_____
g. Agricultural area (list _____)	_____
h. Other areas (list _____)	_____
i. TOTAL ACRES (add lines 7a through 7h).....	7i. <u>2</u>

8. **TOTAL AREA OF PARCEL** (Add 5d, 6d and 7i) 8. 36

9. Check one. A licensed forester must complete the Forester Section below.

- ☐ Initial request for classification of this parcel in the Tree Growth Tax Law program. **You must file this application on or before April 1.**
- ☒ Application for an existing classified parcel with a new forest management and harvest plan.
- ☐ Application for a new owner of an existing classified parcel adopting the previous owner's forest management and harvest plan. Date of the plan prepared for the parcel: _____.
- ☐ Recertification of the forest management and harvest plan for an existing classified parcel.
- ☐ Application submitted at the request of the assessor.

10. Are there any structures or improvements on the property? ☒ Yes ☐ No

11. Under penalties of perjury, I declare that I have examined this application and to the best of my knowledge and belief it is true, correct, and complete. I swear that, as owner of the property classified under the Tree Growth Tax Law, my primary use for the forest land is to grow trees to be harvested for commercial use or that the forest land is land described in 36 M.R.S. § 573(3) and that I will follow the provisions of the applicable forest management and harvest plan. I declare that all owners of the parcel agree to classification of the parcel under the Tree Growth Tax Law.

Ralph Whitman 12/19/19
Signature of Owner/Authorized Agent* Date

*Multiple owners: If all owners agree to classification of the property under Tree Growth Tax Law, the owner's authorized agent may sign this form.

FORESTER SECTION: This section is to be completed by the forester

Name of licensed forester who approved/prepared the plan: Karl Buckley

Forester license number: 4023 Forester telephone number: 207-625-2468

Date plan prepared: 12-12-2019 Date plan expires: 12-12-2029 Date parcel inspected: 12-10-2019

The forester's signature is required if plan is adopted from prior owner or for recertification of the forest management and harvest plan. Check the appropriate box.

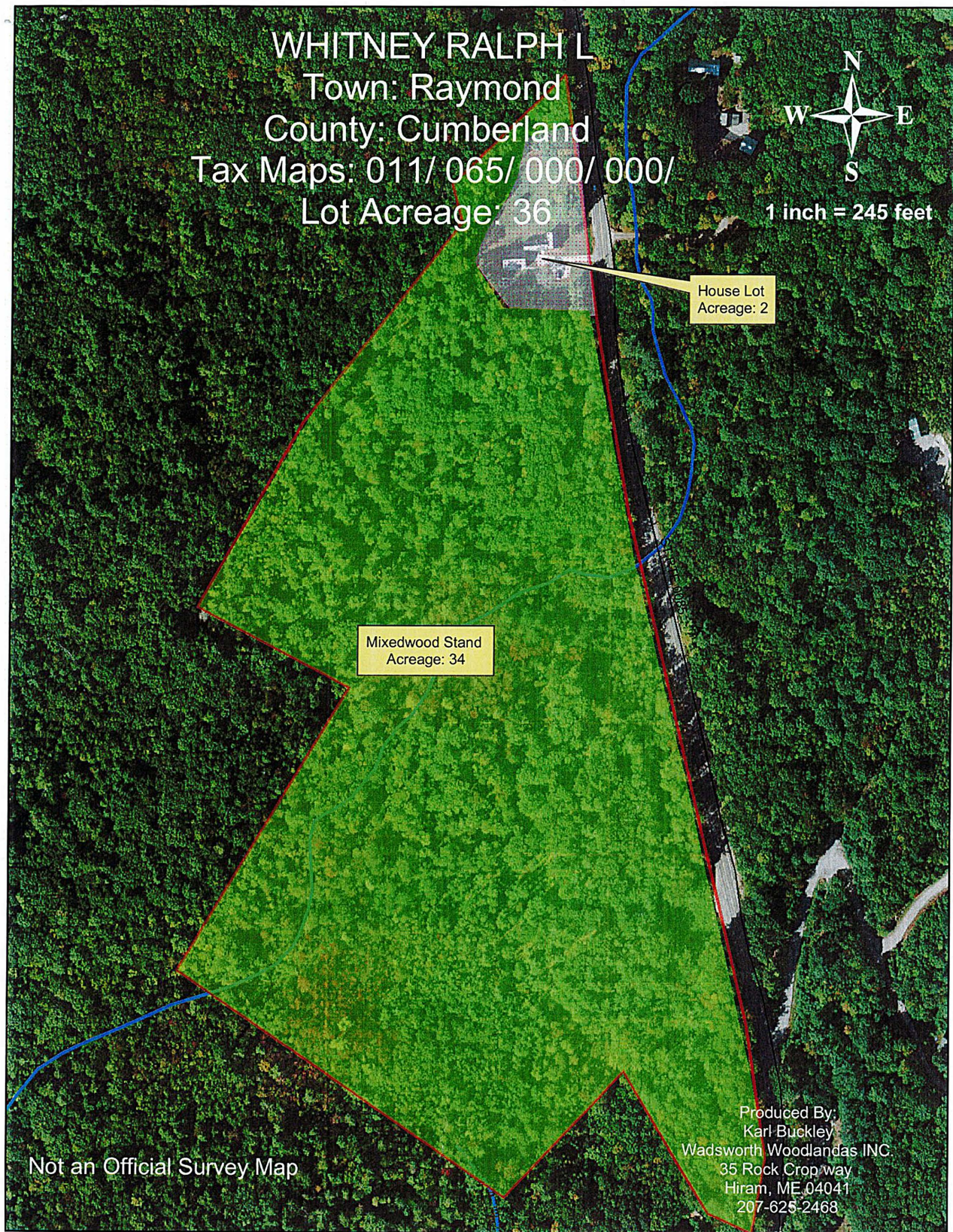
- ☐ For a plan adopted by a new owner following a land transfer, I hereby swear that the new owner is managing the forest land in accordance with the plan prepared for the previous landowner.
- ☒ For a plan being recertified, I hereby swear that I have inspected the parcel and that the owner is managing the parcel according to the forest management and harvest plan.

Karl Buckley 12-12-19
Signature of Licensed Forester Date

ASSESSOR SECTION: This section is to be completed by the assessor ☒ Approved ☐ Denied

Chris Lebel 1/2/2020
Assessor's Signature Date

Rev. 3/16



Contract for Assessing Services

GENERAL AGREEMENT FOR SERVICES

This Independent Contractor Agreement (the "Agreement") is made and entered on June 20, 2024, by and between the Town of Raymond, Maine (the "Company/and or Town") and Curt E. Lebel ("Contractor") (collectively referred to as the "Parties" or individually as a "Party").

The Parties agree as follows:

I. SERVICES: The Contractor agrees to provide services consisting of:

Consulting Assessing Services to the satisfaction of the Selectmen/Assessors. Specific services to include the following:

1. Provide the Selectmen/Assessors with consulting services to assist them and the Assessing staff in complying with Maine Law regarding property tax assessment.
 2. A. Maintain regular work hours for the Town of Raymond under this Agreement in accordance with Attachment A. Contractor agrees to provide services as indicated below through the term of the agreement:
 - July 1, 2024, through June 30, 2025 – 60 Days
 - July 1, 2025, through June 30, 2026 – 60 Days
 - July 1, 2026, through June 30, 2027 – 60 Days
 - B. In addition to regular work hours in support of daily assessing activities, the Contractor agrees to provide additional services over the term of the agreement in support of and implementation and defense of the scheduled 2026 property revaluation. Contractor agrees to provide services as indicated below through the term of the agreement:
 - July 1, 2024, through June 30, 2027 – 50 Days
3. The Contractor agrees to perform the following services:
 - Perform field inspections on properties that have been either (A) issued a building permit prior to April 1st of each year; (B) considered unfinished construction as of the previous April 1st; or (C) identified by the Assessors, Assessors Agent, or Town Manager as needing a field inspection. The field inspections are intended to verify and/or correct the physical descriptions on the existing property record cards.
 - Analyze results of State sales ratio studies to measure the equity of

- current assessments.
 - Make recommendations to Assessors on ways to improve equity of assessments.
 - Review and make recommendations to the Assessors on abatement requests.
 - Provide support and defense of assessments of behalf of the Board of Assessors before the local Board of Assessment Review, if necessary.
 - Work in cooperation and advise the Board of Assessors, Town Manager, Assessing Office Administrative Assistance, and Code Enforcement Officer to maintain standard operating procedures for the Assessing Office
 - Work toward instilling public confidence in the operation of the Assessing Office through courteous treatment of the public and cooperation with Town employees.
 - Develop and maintain the annual Assessing Department budget in cooperation with the Town Manager or Designee.
 - Prepare the Towns annual tax commitment warrant and certificates of assessment for authorization by the Board of Assessors.
 - Meet with Assessors and Town Manager in regard to annual appropriations, tax commitment and tax rate and overlay.
 - Provide oversight of the conduct and implementation of the 2026 revaluation as agent and representative of the Board of Assessors, to included cooperating with revaluation company staff regarding valuation models, inspections, hearings and defense of values, etc.
 - Attend public meetings as necessary to provide updates to the Board of Assessors and the public on the progress of the revaluation project.
4. Direct and assist Town Staff with the following tasks, when necessary:
- Maintenance of computerized and manual records of the Town's Assessing Office.
 - Completion of the Municipal Valuation Return to Maine Revenue Services by November 1st annually.
 - Completion of the Turnaround Document to Maine Revenue Services.
 - Completion of the Tree Growth Survey for Department of Conservation.
 - Calculation and assessment of tree growth, open space, farmland and working waterfront withdrawal penalties.
 - Review taxpayer lists (if the Town utilizes them) for changes in addresses or construction.
 - Produce new property cards for new properties.
 - Establishment of land valuations for new lots and reprice existing lots that have changed on the maps.
 - Organize and record all pertinent ownership, address and/or valuation changes.

- Assistance with all reimbursement and exemption applications (i.e. BETR 801, Homestead, Veterans) and all other forms required by the State (i.e. growth rate calculations).
- Processing of annual personal property declarations.
- Contractor may conduct up to 10% of services defined in section 1 on a remote basis during the term of this agreement, as is deemed necessary by the Contractor. In the event of a major unforeseen disruption, this may be altered by mutual agreement of both parties.

2. TERM: Contractor shall provide services to the Company pursuant to this Agreement for a term beginning on July 1, 2024, and ending on June 30, 2027 (the “Agreement Term”).

If the Parties wish to amend specific terms of the agreement, they may do so upon written agreement agreed to and approved by both Parties.

3. COMPENSATION: For services provided, the Company will pay Contractor at the rate described below per day of service. (Day of Service is defined as normal business hours of the Company, 8:30 a.m. to 4:00 p.m.) The Town’s fiscal year is defined as July 1 through June 30, annually.

July 1, 2024, Through June 30, 2027 (regular annual services):

<u>Services Rate</u>	<u>Service Days per Year</u>	<u>Total per Fiscal Year</u>
\$600.00/Day	60 days/Fiscal Year	\$36,000/Fiscal Year

July 1, 2024, Through June 30, 2027 (Additional Services):

<u>Services Rate</u>	<u>Total Additional Days</u>	<u>Total per Agreement Term</u>
\$600.00/Day	50 days/Term	\$30,000/per Agreement Term

- Additional Services will be utilized in support of the revaluation project as necessary during the project duration, tracked separately by the Contractor and sourced from the revaluation reserve fund over the term of the agreement.

If the Company is not open for business on a scheduled Contractor work day or portion thereof due to any reason other than posted Holiday, the Company will pay for that period at the rate set forth above. The Parties agree this provision is intended, but not limited, to Company closures or early releases due to inclement weather or other unforeseen events beyond its control. Remote days will be utilized on these days as a priority.

Services provided outside of normal business hours, including but not limited to, appeals relating to previous contractors, and requests from the Company for services other than other described herein, shall be billable to the Company at the rate of \$100.00 per hour of service or set aside as compensated time off. Contractor shall not perform services outside of normal business hours unless mutually agreed upon by both Parties.

Services may be billed monthly with payment due within 14 days of receipt of invoice from Contractor.

4. INSURANCE: The Contractor shall carry and maintain in force public liability and Worker's Compensation insurance (if applicable), and shall save the Town of Raymond and its officers harmless from all claims, demands, payments, suits, actions, recoveries and judgements of every kind and description brought or recovered against it by reason of an act or omission of said contractor, his agents or employees, in the execution of the work, including claims relating to labor and materials, patent rights and copyrights used in performing the work. The Contractor's public liability insurance policy shall provide comprehensive coverage against claims for personal injury, death, property damage, including the negligent loss, damage and/or destruction of valuable papers and Town records and documents. Liability limits shall not be less than \$1,000,000 for any and all claims arising out of a single occurrence. To the extent permitted by law, as such insurance provided by the Contractor shall be carried in favor of the municipality and its officers, employees and agents as well as in favor of the Contractor. The Contractor shall not deny liability because of any legal defense or statutory immunity to which the municipality is entitled by reason of being a municipality. All certificates of insurance showing policies covering insurance described herein shall be filed with the municipal officers.

5. EXPENSES: Expenses to be borne by Contractor are as follows:

- (1) Contractor shall furnish a vehicle for use in performance of services during normal business hours. Contractor shall maintain comprehensive automobile insurance coverage, ensure that all drivers in its employ are properly licensed and insured, and ensure that all such vehicles are properly inspected and registered. Alternatively, Contractor shall have use of Town vehicle for property inspections, if available and with the consent of the Town.
- (2) Contractor shall bear expenses incurred in maintaining all certifications and Licenses necessary for the Contractor to provide services as stated in Section 1 of this Agreement; however, the Company shall bear expenses and dues for seminars, trade conferences and professional organizations in which the Contractor's attendance or membership is requested or required by the Company.

- (3) Upon receipt of proper invoices and proof, the Company shall reimburse Contractor, at the Company's current approved rate, for mileage incurred in the performance of services outside normal business hours described in Section III, or for attendance of seminars, trade conferences and professional organizations in which the Contractor's attendance or membership is requested or required by the Company.
- (4) Contractor shall furnish materials, tools, and equipment, except as otherwise specified by both Parties to satisfactorily perform the services required by this Agreement.
- (5) Company shall furnish adequate administrative assistance and cooperation to assist Contractor in performing the services required under this Agreement. Contractor shall maintain a separate place of business but shall be provided space at the Company as may be necessary to perform the services described in this Agreement.
- (6) Contractor shall bear all other expenses incurred in the performance of this Agreement.

6. INDEPENDENT CONTRACTOR: Contractor is an independent contractor and **not** an employee of the Company. Contractor is not entitled to any of the benefits provided to the employees of the Company. Contractor is not subject to, nor shall it derive any benefit from, Company personnel policies regarding employees. The Contractor shall directly pay, from Contractor's own funds, all state and federal income taxes, social security and Medicaid taxes, unemployment insurance, and all other amounts due to any state or federal authorities on account of the work to be performed by Contractor under this Agreement. In the event any state or federal agency shall determine that the Contractor is not an independent contractor for payroll withholding purposes, the Company shall be entitled to deduct from amounts otherwise due to the Contractor all state and federal withholding amounts and taxes which may be required by law.

7. WARRANTY: The Contractor warrants:

- (1) That it is familiar with all State Statutes, rules, regulations and orders which may in any way affect the services.
- (2) That it will maintain all certifications required through the "Term of Agreement".
- (3) That in the performance of its services, it will perform in accordance with applicable standards of conduct for professionals in the field.
- (4) That it is financially solvent, is experienced in and competent to perform the services and is able to furnish the materials, tools and

equipment required by Section I, Section IV and Section V of this Agreement.

8. TERMINATION:

In addition to any and all other rights "Parties" may have available according to law, if the Company or Contractor defaults by failing to substantially perform any provision, term or condition of this Agreement (including without limitation the failure to make monetary payment when due), the other party may terminate the Agreement by providing written notice to the defaulting party. This notice shall describe with sufficient detail the nature of the default. The party receiving such notice shall have 30 days from the effective date of such notice to cure the default(s). Unless waived by the party providing notice, the failure to cure the default(s) within such time period shall result in the automatic termination of this Agreement. The Company reserves the right to terminate this Agreement at any time, upon thirty days prior written notice to the Contractor, whenever the Company, in its sole discretion, determines it to be in the Company's best interests to do so. In the event of a termination under this Section VII.2, the Contractor shall be entitled to receive all compensation earned through the effective date of the termination, as well as an additional payment equal to one-sixth (1/6) of the contract amount, as full and final compensation for all services performed or to have been performed under this Agreement. The Contractor reserves the right to terminate this Agreement at any time, upon thirty days prior written notice to the Company, whenever the Contractor, in its sole discretion, determines it to be in the Contractors best interests to do so. In the event of a termination under this provision, the Contractor shall be available to provide services through the effective date of termination and shall be entitled to receive all compensation earned through the effective date of termination as full and final compensation for all services performed or to have been performed under this Agreement.

9. FORCE MAJEURE: Provided such Party gives written notice to the other of such event, a Party shall not be liable for its failure to perform its respective obligations under this Agreement, if prevented from doing so doing by any cause beyond the reasonable control of said Party.

10. RETURN OF PROPERTY: All drawings, notes, documents, plans and specifications or other material to be developed under this Agreement shall become the property of the Company and be promptly delivered to the Company upon the completion of services under this Agreement or sooner upon the Company's written request, or the termination of the Agreement.

11. INDEMNIFICATION: The Contractor agrees to defend, indemnify and hold the Company, including its officials, representatives and employees, harmless against any and all liabilities, causes of action, judgments, claims or demands, including attorney's fees and costs, for personal injury (including death), damages, malfeasance or malpractice, or property damage arising out of or caused by the performance of

services under this Agreement by the Contractor. Contractor further agrees to indemnify and hold the Company harmless from and against any additional cost or expense, including back-up withholding, penalties, interest and insurance premiums, incurred by the Company on account of any invalidation of the Contractor's "independent contractor" status by any state or federal office or agency.

12. CUMULATIVE RIGHTS: The Parties' rights under this Agreement are cumulative and shall not be construed as exclusive of each other unless otherwise required by law.

13. WAIVER: The failure of either party to enforce any provisions of this agreement shall not be deemed a waiver or limitation of that party's right to subsequently enforce and compel strict compliance with every provision of this Agreement.

14. SEVERABILITY: If any part or parts of this Agreement shall be held unenforceable for any reason, the remainder of this Agreement shall continue in full force and effect. If any provision of this Agreement is deemed invalid or unenforceable by any court of competent jurisdiction, and if limiting such provision would make the provision valid, then such provision shall be deemed to be construed as so limited.

15. ENTIRE AGREEMENT: This Agreement constitutes the entire agreement between the Parties and supersedes any prior understanding or representation of any kind preceding the date of this Agreement. There are no other promises, conditions, understandings or other agreements, whether oral or written, relating to the subject matter of this Agreement. This Agreement may be modified in writing and must be signed by both the Company and Contractor.

16. NOTICE: Any notice required or otherwise given pursuant to this Agreement shall be in writing and mailed certified return receipt requested, postage prepaid, or delivered by overnight delivery service, addressed as follows:

The Company:

Town of Raymond
401 Webbs Mills Rd
Raymond, Maine 04071

Contractor:

Curt E. Lebel
20 Popple Lane
Richmond, Maine 04357

Either Party may change such addresses from time to time by providing notice as set forth above.

17. GOVERNING LAW: This Agreement shall be governed by and construed in accordance with the laws of the State of Maine.

[The remainder of this page intentionally left blank]

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed the day and year first written above.

THE COMPANY:

Susan L Look, Town Manager

CONTRACTOR:

Curt Lebel

CIP History

Town of Raymond
Capital Improvement Reserve Funds

Description	FY 2018-19	FY 2019-20			FY 2020-21			FY 2021-22			FY 2022-23			FY 2023-24			FY 2024-25		
	Audit June 30th	Budget	Expenses	Audit June 30th	Budget	Expenses	Audit June 30th	Budget	Expenses	Audit June 30th	Budget	Expenses	Audit June 30th	Budget	Expenses (as of 5/28/2024)	Balance as of 5/28/2024	Budget	Expenses	Audit June 30th
Fire Dept - Reserve	\$370,934	\$75,000	\$282,662	\$163,272	\$75,000	\$95,620	\$142,652	\$75,000	-\$7,634	\$225,286	\$75,000	\$262,336	\$37,950	\$75,000	-\$100	\$113,050	\$115,000		
Land Improvements- Cemeteries					\$10,000		\$10,000			\$10,000			\$10,000			\$10,000			
Open Space Reserve	\$7		-\$28,700	\$28,707			\$28,707			\$28,707			\$28,707			\$28,707			
Playground		\$35,000	\$9,621	\$25,379	\$35,000	\$18,559	\$41,820	\$35,000	\$4,868	\$71,952		\$9,352	\$62,600	\$35,000	\$62,220	\$35,380	\$35,000		
Public Works - Equipment	\$3,507	\$215,000	\$210,207	\$8,300	\$215,000	\$112,751	\$110,549	\$215,000	\$325,549	\$0	\$225,000	\$144,139	\$80,861	\$225,000	\$142,754	\$163,107	\$225,000		
Public Works - Municipal Facilities	\$111,489	\$35,000	\$123,246	\$23,243	\$35,000	\$51,697	\$6,546	\$35,000	\$21,714	\$19,832	\$50,000	\$36,341	\$33,491	\$85,000	\$93,375	\$25,116	\$85,000		
Public Works - Paving	\$70,290	\$320,000	\$290,366	\$99,924	\$310,000	\$399,454	\$10,470	\$310,000	\$144,910	\$175,560	\$410,000	\$425,977	\$159,583	\$410,000	\$249,431	\$320,152	\$410,000		
Public Works - Snow Equipment	\$270,275			\$9,067		\$7,095	\$1,972			\$1,972			\$1,972			\$1,972			
Revaluation Reserve											\$100,000	\$100,000		\$80,000	\$100	\$79,900	\$45,000		
Sidewalk Match	\$65,227		\$6,968	\$58,259		\$792	\$57,467		\$8,551	\$48,916		\$7,182	\$41,734			\$41,734			
Signs	\$8,793		\$8,793	\$0												\$0			
Technology		\$105,000	\$0	\$105,000	\$110,000	\$60,000	\$155,000	\$110,000	\$70,334	\$194,666	\$30,000	\$59,865	\$164,801	\$100,000	\$2,100	\$262,701	\$100,000		
Assessing - Software Reserve	\$5,000			\$5,000			\$5,000			\$5,000			\$5,000			\$5,000			
Fire Dept - IRT Projects	\$6,456			\$6,456			\$6,456			\$6,456			\$6,456			\$6,456			
Fire Dept - Review Fees	\$12,253		-\$742	\$12,995		-\$260	\$13,255			\$13,255			\$13,255			\$13,255			
Hazardous Waste Reserve	\$2,971			\$2,971			\$2,971			\$2,971			\$2,971			\$2,971			
Patricia Ave Recreational Facilities	\$21,138			\$21,138			\$21,138			\$21,138			\$21,138			\$21,138			
Sheri Gagnon Park	\$16			\$16			\$16			\$16			\$16			\$16			
Town Hall Feasibility Study	\$213			\$213			\$213			\$213			\$213			\$213			
Water Watch Account	\$4,161			\$4,161			\$4,161			\$4,161			\$4,161			\$4,161			
																\$0			
Total	\$952,730	\$785,000	\$902,421	\$574,101	\$790,000	\$745,708	\$618,393	\$780,000	\$568,292	\$830,101	\$890,000	\$1,045,192	\$674,909	\$1,010,000	\$549,880	\$1,135,029	\$1,015,000	\$0	\$0
No longer active project total	\$52,208			\$52,950			\$53,210			\$53,210			\$53,210			\$53,210			

To: Select Board

From: Susan Look, Town Manager

Re: Re-allocation of Funds from Complete or Abandoned CIP Projects

Date: June 15, 2024

In reviewing the latest audit document from June 30, 2023, I found that there were several CIP projects listed that were no longer active. I looked back in each preceding audit to FY2018-2019 (as is provided in your epacket) and found that these balances have simply been carried forward in the audit. The Finance Director and I discussed this, and our research took us to the State statutes where we found that 30-A MRSA §5802 says in part:

The municipal officers are trustees of the municipal reserve fund.

3. Transfer of balance. The balance of any account of a reserve fund may be transferred to another reserve account or to surplus when the purpose for which it was established has been accomplished or abandoned.

I have conferred with each Department Head involved, and they agree that reallocating the funds to their current CIP lines would be most helpful. I would like to propose the following to begin the conversation:

Description	FY 2022-23 Audit June 30th	Reallocate to
Assessing - Software Reserve	\$5,000	Assessing - Revaluation Reserve
Fire Dept - IRT Projects	\$6,456	Fire Dept - Reserve
Fire Dept - Review Fees	\$13,255	Fire Dept - Reserve
	\$19,711	Total
Patricia Ave Recreational Facilities	\$21,138	Parks & Rec - Playground
Sheri Gagnon Park	\$16	Parks & Rec - Playground
	\$21,154	Total
Hazardous Waste Reserve	\$2,971	Public Works - Municipal Facilities
Town Hall Feasibility Study	\$213	Public Works - Municipal Facilities
	\$3,184	Total
Water Watch Account	\$4,161	Public Works - New account to save for dock repair
Total	\$53,210	

Thank you for your consideration.

Sue

Annual Staff Appointments



Board of Selectmen

401 Webbs Mills Road
Raymond, Maine 04071

Appointment by Municipal Officers

Pursuant to M.R.S.A. 30-A §2601, the undersigned municipal officers of the Town of Raymond do hereby vote to appoint and confirm the following for the below noted terms:

Position	Expiration	First Name	Last Name
Animal Control Officer	6/30/2025	Jessica	Jackson
Code Enforcement Officer	6/30/2025	Christopher	Hanson
Constable	6/30/2025	Nathan	White
Contract Assessor	6/30/2025	Curt	Lebel
Emergency Management Director	6/30/2025	Bruce	Tupper
Fire Chief	6/30/2025	Bruce	Tupper
Forest Warden	6/30/2025	Bruce	Tupper
Freedom of Information Officer	6/30/2025	Sue	Look
General Assistance Administrator	6/30/2025	Jennie	Silverblade
Harbor Master	6/30/2025	Nathan	White
Health Officer	6/30/2025	Cathy	Gosselin
Road Commissioner	6/30/2025	Nathan	White
Tax Collector	6/30/2025	Suzanne	Carr
Town Clerk	6/30/2025	Melanie	Fernald

Given under our hands on the 20th day of June 2024.

Rolf Olsen

Derek Ray

Teresa Sadak

Denis Morse

Samuel Gifford

Annual Board & Committee Appointments



Board of Selectmen

401 Webbs Mills Road
Raymond, Maine 04071

Appointment by Municipal Officers

Pursuant to M.R.S.A. 30-A §2601, the undersigned municipal officers of the Town of Raymond do hereby vote to appoint and confirm the following committee members for the below noted terms:

Committee	Term (yrs)	Expiration	Name	Address
Board of Assessment Review	3	06/30/2027	Robert Harmon	PO Box 490
Conservation Commission	1	06/30/2025	Bill Fraser	1 Justin Lynn Drive
Conservation Commission	1	06/30/2025	Russ Hutchinson	363 North Raymond Road
Conservation Commission	1	06/30/2025	Kimberly Post	112 Mountain Road
Conservation Commission	1	06/30/2025	John Rand	20 Dryad Woods Road
Planning Board	3	06/30/2027	Steve Clark	76 Painted Turtle Road
Planning Board	3	06/30/2027	Michael Richman	15 Cedar Lane
Recycling Committee	3	06/30/2027	Susan Accardi	PO Box 928
Recycling Committee	3	06/30/2027	Cathy Gosselin	PO Box 318
Recycling Committee	3	06/30/2027	Grace Leavitt	2 Leavitt Road
Veterans Memorial Park Committee	1	06/30/2025	David McIntire	31 Egypt Road
Zoning Board of Appeals	3	06/30/2027	Thomas Hennessey	25 Haskell Ave
Zoning Board of Appeals	3	06/30/2027	David Murch	2 Canal Road

Given under our hands on the 20th day of June 2024.

Rolf Olsen

Derek Ray

Teresa Sadak

Denis Morse

Samuel Gifford

Proposed FY2024-2025 Fee Schedule

TOWN OF RAYMOND 2024-2025 FEE SCHEDULE Effective July 1, 2024

Animal Control Fees:

Description		Fee
Dogs at Large	1 st violation	\$50 plus all associated court fees
	2 nd violation	Not less than \$100 plus all associated court fees
	3 rd violation	Not less than \$100 plus all associated court fees
Canine Waste Infraction	1 st violation	\$50
	2 nd violation	\$75
	3 rd violation	Not less than \$100, but not more than \$500
Animal at Large		\$50
Animal on Beach, Park or Cemetery		\$50
Animal Left in Car Unattended		\$50
Barking Dog Violation	1 st violation	\$50
	2 nd violation	\$100
	3 rd violation	\$200 plus all associated court fees
Unlicensed Dog Violation		\$30 plus licensing fee
Board for Animals Picked up by ACO		\$25 per day
Impound fees	1 st impoundment	\$50
	2 nd impoundment	\$75
	3 rd and subsequent	\$100
Transportation Fee Outside of Town Limits		\$25 per trip

Zoning Board of Appeals Fees:

Description		Fee
ZBA Application	Residential	\$100
	Commercial	\$235
ZBA Escrow Fees		\$500 plus additional fees for completion of professional reviews, if necessary, based on consultant hourly rate. Additional billing may be required if an escrow account has a negative balance. A 1.5% finance charge will be included each month if payment is not received thirty (30) days after invoicing.
ZBA Newspaper Legal Notices		\$200 per ad (two minimum)
ZBA Abutters Notices		\$8 per notice

Code Enforcement:

Description		Fee
Building Permits	Finished Area	\$0.40 per square foot
	Unfinished Area	\$0.30 per square foot
	Commercial/Industrial	\$0.50 per square foot
	Minimum Permit Fee	\$50

Description			Fee
	Residential and Commercial Alterations or Renovations	Up to to \$1,000	\$50
		\$1,001 to \$5,000	\$75
		\$5,001 to \$10,000	\$100
		\$10,001 and up	\$100 plus \$10 per thousand or fraction thereof
Separate Permit Fees	Chimneys/Antennas		\$50
	Demolitions		\$50
	Signs – Business or Commercial	Up to 6 square feet	\$50
		Over 6 square feet	\$50 plus \$0.15 per square foot over 6 square feet
	Swimming Pools	In-Ground	\$100
		Above Ground	\$50
	Docks – Permanent or Seasonal		\$0.10 per square foot or \$50 whichever is greater.
Plumbing Fees	Pre-inspection Fee		Included with the State Fee
	Re-inspection Fee		\$100 per visit
	Subsurface Complete Systems – Non-engineered	Initial Fee	\$250
		- Plus Town Fee	\$25
		- Plus State Water Quality Surcharge	\$15
		- Plus State Variance	\$20
	Primitive Disposal System (includes alternative toilet)		\$100
	Engineered Systems		\$200 plus \$25 Town Fee
	System Components (installed separately)	Treatment Tank	\$150 plus \$25 Town Fee
		Alternative Toilet	\$50 plus \$25 Town Fee
		Disposal Area	\$150 plus \$25 Town Fee plus \$15 State Water Quality Surcharge
		Engineered Disposal Area	\$150 plus \$25 Town Fee
		Separated Laundry Disposal System	\$35 plus \$25 Town Fee
		Seasonal Conversion	\$50 plus \$25 Town Fee
Internal Plumbing Fees	Per State schedule	Plumbing fixtures include back-flow devices	\$10 per fixture (\$40 minimum) plus \$25 Town Fee
Penalties	Failure to obtain permit prior to starting work on any construction/after-the-fact-permit		Double the Standard Fee
	Re-inspections		\$100 per visit
Electrical Permits	Fee	Residential	\$50
	Permanent Overhead Service	Residential	\$30

Description			Fee
	Permanent Underground Service	Residential	\$40
	New Construction, Renovations, Additions (cost per square foot)	Residential	\$0.05
HVAC Permit	Based on Construction & Equipment Costs		\$20 for 1 st \$1,000 of cost, plus \$5 for each additional \$1,000 of cost

Miscellaneous Code Enforcement Fees:

Description			Fee
Home Occupation			\$100
Campsite (personal)			\$50 annually
Campgrounds			\$75 annually
Change of Use	Without Renovations		\$50
	With Renovations		\$0.50 per square foot or \$50 minimum
Driveway/Entrance/Address Permit			\$25
Shoreland Project Permit (trees, docks, soil disturbance within the Shoreland Zone)			\$50
Road Opening			\$75 plus \$1.50 per square foot
Road Name Change			\$75
Recording, Indexing, and Preserving Plans			\$15
Re-inspection Fee			\$100 each visit
Additional Inspections per MUBEC			\$100 per visit

Waste Fees:

Description	Fee
Tag for extra curbside household trash	\$1 each

Planning Board Fees:

Description			Fees
Planning Board Pre-application Conference			\$75
Site Plan Review Application	Staff	Projects up to 10,000 square feet	\$75
	Minor	Projects less than 10,000 square feet	\$100
	Major	Projects 10,000 square feet or greater	\$250
Site Plan Review Escrow *	Staff	Projects up to 10,000 square feet	\$1,000
	Minor	Projects less than 20,000 square feet	\$1,500
	Major	Projects 20,000 square feet or greater	\$2,000

Preliminary Subdivision Review	\$625 plus \$200 per lot/unit greater than 4
Final Subdivision Review	\$475 plus \$100 per lot/unit greater than 4
Minor Subdivision Review	\$475
Planning Board Escrow Fees for Subdivision Review *	\$2,000, plus additional fees for completion of professional reviews, if necessary, based on consultant hourly rate
Planning Board Abutters Notices	\$8 per notice
Planning Board Newspaper Legal Notices	\$200 per Ad (two minimum)

** Finance Charge for Site Plan Review Escrow & Planning Board Escrow Accounts: Additional billing may be required if an escrow account has a negative balance. A 1.5% finance charge will be included each month if payment is not received thirty (30) days after invoicing.*

Fire Department:

Description		Fee
Fire Report Request		\$25
Patient's Treatment Record		\$5 for 1 st page & \$.45 for each additional, not to exceed \$250
Wood Stove Permit & Chimney Inspection		\$25
Fire Permit		Free at Fire Department
Inspection of New Construction	Less than 10,000 square feet or 100,000 cubic feet	\$70
	More than 10,000 square feet or 100,000 cubic feet	\$90
Inspection of Existing Construction	Less than 10,000 square feet or 100,000 cubic feet	\$40
	More than 10,000 square feet or 100,000 cubic feet	\$60
Inspection of Additions/Alterations	Less than 10,000 square feet (regardless of existing size)	\$20
	More than 10,000 square feet or 100,000 cubic feet	Required to use the fee schedule for new construction more than 10,000 square feet
Review of Subdivisions		\$60
Review of Each House in Subdivision after Completion		\$15
Inspection of Public Shows/Events		\$10
Annual/bi-annual Inspections of Campgrounds, Schools, Summer Camps, Liquor Licenses		Free
Bi-annual Inspection of Businesses, Churches, Town Buildings		Free
Re-inspection for Violations		\$10 per inspection
Motor Vehicle Accident Billing (FEMA rates per hour)	Engine	\$350
	Ariel Truck	\$500
	Ambulance	\$200
	Squad (Rescue)	\$400
	Tanker	\$200

Description		Fee
	Service Truck / Command Vehicle	\$100

Cemetery Prices:

Description		Fee
Resident – 1 plot (includes perpetual care)		\$400
Non-Resident – 1 plot (includes perpetual care)		\$1,000
Violating any provisions of the Cemetery Ordinance. Each day a violation occurs shall be deemed a separate offense.		Not less than \$100 and not more than \$2,500, plus attorney fees & costs

Office Charges:

Description		Fee
Credit Card Charge Fee	Up to \$40	\$1.00
	Over \$40	2.5%
DVD Copy		\$5.00
Photo Copies of Property Cards		\$.50 per side
Photo Copy of Reduced Town Map		\$1.50
Photo Copy of Deed	1 st Page	\$1.50
	Subsequent Pages	\$.50 each
Photo Copies – General		\$.50 per side
Photo Copies – Plans copied on Plotter – 36" X 24"	Colored	\$2.00
	Black & White	\$2.00
Fax	Per Page Sent	\$2.50
	Per Page Received	\$1.00
Labels	Research	\$10.00 per hour
	Preparation	\$.10 per label
	8.5" X 11"	\$1.00
Map – Colored	11" X 17"	\$1.50
	24" X 36" Full Set of Town Maps	\$150.00
	Per Notary Signature – Non-resident	\$2.50
Notary Public	Per Notary Signature - Resident	Free
	Per Notary Signature – Petition Efforts	\$1.00
	For Complex Court Documents or Real Estate Closing Documents	\$25.00
Tax Lien/Discharge Research		\$20.00/hour after the 1 st hour

Printed List Fees:

Description		Fee
Dog Licensing List	Paper	\$30
	Electronic	\$20
Taxpayer List	Paper	\$500
	Electronic	\$65

Description		Fee
	On Website	Free

Liquor Licenses:

Description		Fee
	Application	\$10
	Advertising with Public Hearing Application	\$100
	Temporary Liquor License Application (catering)	\$10

Town Clerk's Office Fees:

Description		Fee
Vital Records	Non-Certified Copy of Birth, Death or Marriage	\$5
	Research	\$10 per hour after 1 st hour
	Copying – 8.5" X 11" (prior to 1892)	\$5.00
	Copying – 11" X 17" (prior to 1892)	\$1
Returned Checks/Items		\$35
Permits/Businesses	Billiard, Pool, Bowling Alleys	\$50
	Cable TV Franchise	2.5% through Time Warner
	Business Listing	\$10
	Explosives – keeping/transporting	\$50
	Public Exhibitions	\$50 plus \$1 per person plus legal advertisement
	Special Amusement Permit	\$50 plus legal advertisement
Peddler's Permit – Lunch Wagon	Non-Resident Annually	\$500
	Resident Annually	\$250

Rolf Olsen

Derek Ray

Teresa Sadak

Denis Morse

Samuel Gifford