



**Veazie Town Council**

**Regular Meeting**

**January 27, 2014**

**AGENDA**

- ITEM 1:** Call to Order
- ITEM 2:** Secretary to do the Roll Call
- ITEM 3:** Pledge of Allegiance
- ITEM 4:** Consideration of the Agenda
- ITEM 5:** Approval of the January 13<sup>th</sup>, 2014 Council Meeting Minutes.
- ITEM 6:** Comments from the Public

**New Business:**

- ITEM 7:** Execution of ground rules for Fire Department contract negotiations
- ITEM 8:** FY 14/15 budget guidance for Municipal Departments
- ITEM 9:** Fire Department surplus equipment

**Old Business:**

- ITEM 10:** Review Recreation Dept. Revenue and Expense reports
- ITEM 11:** Water Testing Update
- ITEM 12:** Mutton Lane follow up
- ITEM 13:** Code Enforcement follow up
- ITEM 14:** Manager's Report
- ITEM 15:** Comments from the Public
- ITEM 16:** Requests for information and Town Council Comments
- ITEM 17:** Review & Sign of AP Town Warrant #14, and # Town Payroll #15. Veazie School Payroll Warrant #15 and Veazie School Warrant #15.
- ITEM 18:** Adjournment

**Joseph Friedman**  
1 Veazie Villas  
852-0933

**Karen Walker**  
1002 Mutton Ln  
947-0458

**Robert Rice**  
1116 Buck Hill Dr  
942 -3064

**Tammy J. Perry**  
5 Prouty Drive  
947-9624

**Chris Bagley**  
16 Silver Ridge  
907-4820

# Agenda Items

## For January 27, 2014

### Council Meeting

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**Item 7:** On 01-23-2014 Attorney Russell and I met with the Fire Department to begin contract negotiations. As part of the process we were provided with the ground rules for negotiations which is unchanged from last year. I am requesting authorization to execute the agreement so the process can move forward. I have included a copy of the agreement in your packet for review.

**Item 8:** Now that the presentations have been completed and at the Council's request we will be discussing FY 14/15 budget guidance for the municipal departments. At the February 10, 2014 Council meeting we will be discussing FY 14/15 budget guidance for the School Department

**Item 9:** The Fire Department has (8) SCBA wire frames with PASS alarms system and (1) 2002 Interstate enclosed trailer 8'x14' in size that have been determined to be surplus and are requesting authorization to sell these items. I have enclosed pictures of the items in question for review.

**Item 10:** As requested from a previous Council meeting tonight we will be discussing the revenue and expense report for the Recreation Department. The numbers have been updated to reflect year to date. A copy of the previous memo along with the updated memo and documentation supporting the numbers were included for review.

**Item 11:** This will be a follow up discussion that occurred at the January 13, 2014 Council meeting. Request for participants were sent out and all interested were requested to respond prior to 4PM on January 27, 2014. I will have the names available at the meeting for review.

**Item 12:** As a follow up from the last meeting I have researched what information the Town had involving Mutton Lane. I have included what I have been able to locate along with an email that was sent to Attorney Russell and an additional letter that was sent to previous Legal Counsel requested documentation that he may be able to provide. What I have been able to gather has been added to your packet for review.

**Item 13:** Code Enforcement Officer Larson will be with us to discuss building codes for the Town of Veazie. This is in response to a citizen's question during the public comment section at previous Council Meetings.

Veazie Town Council Meeting  
January 13th, 2014

**Members Present:** Chairman Tammy Perry, Councilor Chris Bagley, Councilor Karen Walker, Councilor Joseph Friedman and Councilor Robert Rice, Manager Mark Leonard, Secretary Julie Strout, Capt. Pete Metcalf, Supt. Rick Lyons, Mike Lagasse from Lagasse Lawn Care, Jonathan Parker from Black Bear Lawn Care and various members of the public.

**Members Absent:** None

**ITEM 1: Call to order**

Chairman Tammy Perry called the meeting to order at 6:30pm.

**ITEM 2: Secretary to do the roll call:**

All present.

**ITEM 3: Pledge of the allegiance:**

**ITEM 4: Consideration of the Agenda**

Chairman Tammy Perry wanted to add Item #9a to discuss an Email regarding PVRDD funds, add Item #7a as an Executive Session MRSA 405 (6)A - Personnel Matter and under Old Business add Item #11a discussion of meeting or not meeting with the sewer district.

**ITEM 5: Approval of the December 9th 2013 Council Meeting Minutes.**

Councilor Joseph Friedman made a motion, seconded by Councilor Karen Walker to accept the December 9<sup>th</sup>, 2013 Meeting Minutes as written. Voted 4-0-1. Councilor Robert Rice abstained. Motion carried.

**ITEM 6: Comments from the Public.**

Citizen Suzanne Malis-Andersen brought up the water concerns and asked the Town Council to approve the home water tests and to see if they could vote on it tonight. Chairman Tammy Perry added water testing as ITEM #10a in the meetings agenda.

Citizen Joan Perkins handed out proposed THM testing site maps to the Council.

Citizen Mark Janicki discussed his concerns about the care and maintenance on Mutton Lane. The Councilor's would like Manager Leonard to call Attorney Tom Russell for guidance to find out what it takes to adopt a road and what is the town's liability if there should be any issues as well as look up past meeting minutes discussing Mutton Lane. Chairman Perry suggested to the citizens that live on Mutton Lane to provide Manager Leonard with any paperwork they might have to help this issue. Mr. Janicki had to have some limbs removed from the road during the last ice storm, it cost him \$150.00. Chairman Perry stated that if he could bring the bill in so Manager Leonard could discuss it with Attorney Russell. She felt it wasn't a decision the Council should make.

## **New Business:**

### **ITEM 7a: Executive Session – MRSA 406(A) – Personnel Matter**

Councilor Chris Bagley made a motion, seconded by Councilor Robert Rice to enter into Executive Session – MRSA 406(A) Personnel Matter at 6:48pm. Voted 5-0-0. Motion carried. Councilor Chris Bagley made a motion, seconded by Councilor Karen Walker to exit Executive Session – MRSA 406(A) Personnel Matter at 7:04pm. Voted 5-0-0. Motion carried.

### **ITEM 7: Fire Dept. Presentation**

Capt. Pete Metcalf reviewed his presentation with the Councilor's and Town citizens.

### **ITEM 8: Veazie Community School Presentation**

Supt. Rick Lyons reviewed his presentation with the Councilor's and Town citizens.

### **ITEM 9: Waste Disposal Agreement Resolution**

Councilor Karen Walker made a motion, seconded by Councilor Joseph Friedman to adopt the Resolution to continue the advancement of post 2018 planning process with Penobscot Energy Recovery Company. Voted 5-0-0. Motion carried.

### **ITEM 9b: PVRDD Funds**

The Councilors agreed that there was no action needed and they would wait to see if the Town will receive a check from MRC.

### **ITEM 10: Regional ACO Contract**

Councilor Karen Walker made a motion, seconded by Councilor Robert Rice to sign the Regional Animal Control Officer Agreement for 2014 for a total of \$314.32 annually. Voted 5-0-0. Motion carried.

### **ITEM 10a: Water Testing Issues**

Citizen Joan Perkins has contacted a certified lab to get pricing and proper sampling protocol. Mrs. Perkins had mentioned testing peoples homes only for THM's. She got in contact with Nelson Analytical from Kennebunk. They were willing to test 10 water samples for \$900.00 which would be a \$100.00 savings. She stated that the water district's testing schedule is quarterly so February would be a good time to send the samples in.

Councilor Robert Rice made a motion to authorize the water tests to be done with an amount of \$1500.00 maximum to be spent and the samples will be taken by a certified tech. from this area and tested by a state certified lab. The gathering of information will be coordinated by the Town Manager and office staff and will provide all information by the next council meeting in order for the Council to make a final decision. We will move ahead in a measured way until we see what's going on. After discussion, Councilor Robert Rice withdrew his motion.

The Council agreed that this information will be put in the Town Newsletter and Email to let the citizens know the Council will be looking for households who would be interested in having their water tested for THM's. It would be a limited number of participants and in homes all throughout the community. The citizens will need to respond by 4:30pm on January 27<sup>th</sup> 2014.

### **Old Business:**

#### **ITEM 11: Ground Maintenance Bid Award**

Councilor Chris Bagley made a motion, seconded by Councilor Karen Walker to accept Black Bear Lawn Care's bid for a total of \$29,500 for 2014/2015. Voted 2-3-0.

Councilor Friedman, Councilor Rice and Chairman Perry opposed. Motion denied.

Councilor Robert Rice made a motion, seconded by Councilor Joseph Friedman to accept Lagasse Lawn Care's bid for a total of \$29,400 for 2014/2015. Voted 3-2-0. Councilor Chris Bagley and Councilor Karen Walker opposed. Motion carried.

#### **ITEM 11a: Sewer District Meeting Discussion**

The Council agreed to have Manager Leonard contact all of the state representatives and invite them the next Council meeting or a meeting when they are available. Manager Leonard will also try to obtain the Sewer Districts Audit and 14/15 Budget going forward by the next Council meeting.

#### **ITEM 12: Manager's Report**

Manager Mark Leonard reviewed his report with the Councilors.

The Council would like Manager Leonard to get in contact with Orono Housing Foundation and see if they would be willing to have a representative come to a Council meeting to answer some questions the Council has as well as Town citizens regarding the Community Room at 1 Flagg St.

#### **ITEM 13: Comments from the Public**

Citizen Kathy Brooks had asked about the Code Enforcement question again. Manager Leonard said he would check with John Larson and would have an answer for her by the next meeting.

Citizen Donna Gagne was inquiring on how to get the speed limit sign on Thompson Rd. changed from 30 to 25. Manager Leonard stated that there would have to be a road study done by the DOT and it would be approved by them. She also commented on the good job that Silver's has been doing on snow removal.

#### **ITEM 14: Requests for information and Town Council Comments**

Councilor Robert Rice made a comment on how good Veazie's roads were during the ice storm Saturday.

Chairman Tammy Perry mentioned that the next Charter Review meeting was going to be on February 5<sup>th</sup> at 6:30pm. The Council agreed to have Manager Leonard call Attorney Tom Russell to see if he would be willing to come to this meeting for legal council.

The Council will bring suggestions for the Budget committee starting next Council meeting.

**ITEM 15: Review & Sign of AP Town Warrant #12& #13 Town Payroll #12, #13. #13a & #14 and Veazie School Payroll Warrant #13, #13a & #14 and Veazie School Warrant #13 & #14.**

The warrants were circulated and signed.

**ITEM 16: Adjournment**

Councilor Joseph Friedman motioned to adjourn

Councilor Karen Walker seconded. No discussion. Voted 5-0-0

Motion carried.

Adjourned at 9:28 pm

A True Copy Attest:



Julie L Strout

Deputy Town Clerk

**GROUND RULES FOR NEGOTIATIONS**

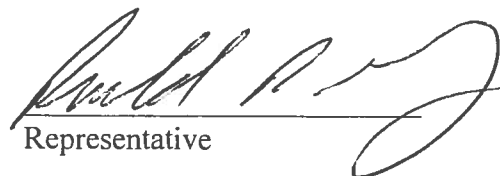
1. Negotiations will be conducted in executive session. There shall be no unilateral press releases concerning the subject matter of negotiations without forty-eight hours prior written notice to the other party except as provided in 26 MRSA, Chapter 9-A, § 965(3) (C).
2. The signing of these rules attests that: The negotiators have the guidelines and authority to reach a final tentative agreement and that the principal parties reserve the right to ratify the total package reached at the bargaining table.
3. Negotiating sessions will be scheduled at mutually convenient times and locations with each of the parties reserving the right to request meetings pursuant to §965 (1) (B).
4. All proposals will be on the table by the conclusion of the 3rd meeting. Proposals shall be in both hard copy and electronic format.
5. Tentative agreements will be contingent upon agreement on the total package. Items tentatively agreed upon will be reduced to writing, initialed and dated by the chief negotiator for each party.
6. If a total package is agreed to at the table, the negotiating teams agree to recommend and advocate ratification of the total package to their respective principals.
7. If either party's principals reject a total package, each party retains the right to open previous tentative agreements in order to reestablish a balance of interests, subject to the obligation to bargain in good faith.
8. In the event that collective bargaining shall not have been successfully completed prior to the expiration of the current agreement the parties hereto agree that said agreement will remain in full force and effect until a successor agreement has been negotiated.

**DATED** at Veazie, Maine this 23<sup>rd</sup> day of January, 2014.

TOWN OF VEAZIE, MAINE

IAFF LOCAL 3106

\_\_\_\_\_  
Representative

  
\_\_\_\_\_  
Representative

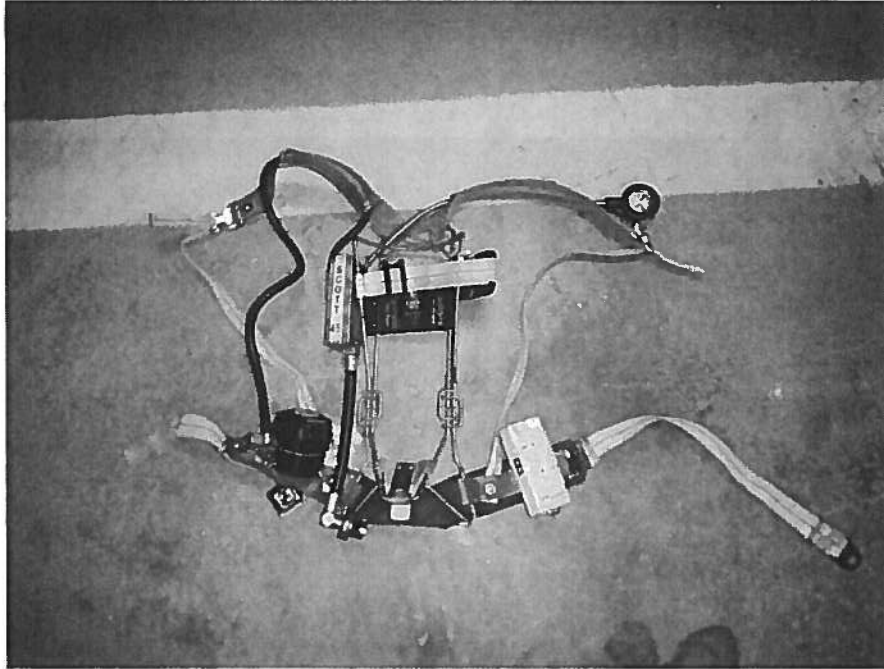




## Selling a Lot of Eight Scott Model 4.5 Air Packs

ITEM # 9

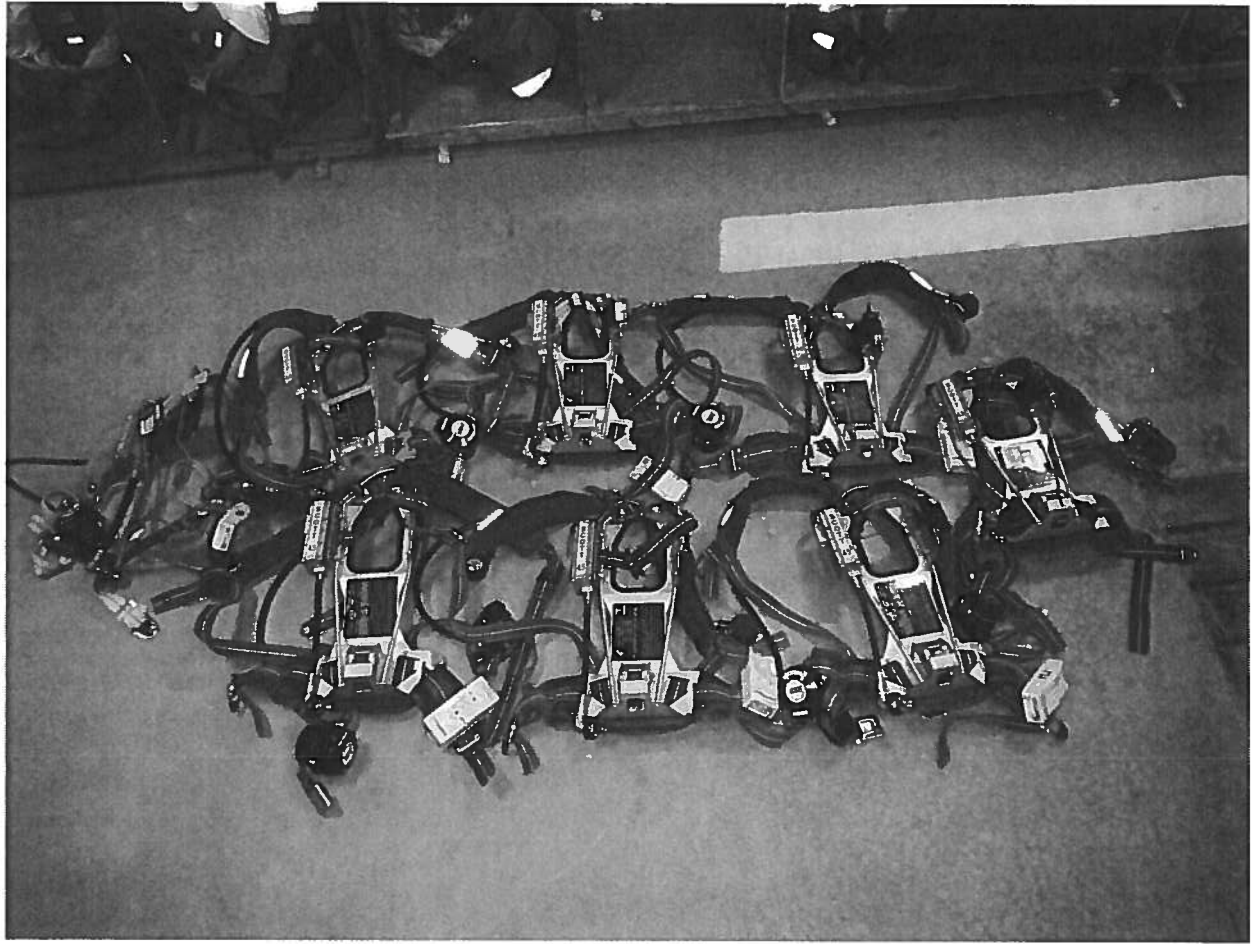
**1 – Scott 4.5 Air Pack. Wire Frame, Includes a PASS alarm**



**7 – Scott Air Pack 50, Aluminum frame. Includes a PASS alarm for each pack.**



## Selling a Lot of Eight Scott Model 4.5 Air Packs



Bottles and Masks are **not included** in the purchase.



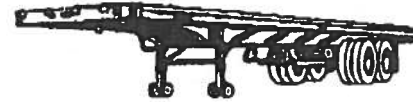
S-2-02  
This is to  
come out of  
existing space  
in pack find.



MAIL: P.O. BOX 1424, BANGOR, ME 04402-1424  
SHIP: 1701 HAMMOND ST., HERMON, ME 04401  
E-MAIL: metrlr@midmaine.com

**SOLD TO:** TOWN OF VEAZIE  
1084 MAIN ST  
VEAZIE, ME 04401

TEL: (207) 848-5718  
MAINE ONLY: (800) 244-5718  
FAX: (207) 848-2287



DATE: 7/11/2002

TELEPHONE: 947-2781

BILL REED

RAH

### INVOICE

TYPE:	ENCLOSED
CONDITION:	NEW
MAKE:	INTERSTATE
YEAR:	2002
MODEL NO:	I-814 TA2
SERIAL NO:	1UK500F2X21040643
SIZE:	8'X14'
COLOR:	RED

PRICE:	\$ 4,295.00
DOCUMENT FEE:	\$ 50.00

SELLING PRICE:	\$ 4,345.00
SALES TAX:	N/A Municipality

TOTAL AMOUNT DUE:	\$ 4,345.00
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Becky  
HERE THE INVOICE THAT  
I TALKED ABOUT

**FOB:** BANGOR, ME  
**TERMS:** DUE UPON RECEIPT  
**METHOD OF PAYMENT:**

CASH/CHECK/CREDIT CARD/FINANCED

THANK YOU FOR THE OPPORTUNITY TO DO BUSINESS WITH YOU!

*Scott C. Deland* 7-12-02

ACCEPTED BY

DATE

SALES • LEASING • SERVICE • PARTS

# Memo

ITEM # 10

**To:** Veazie Town Council**From:** Mark Leonard; Town Manager **CC:** Robert Young; Recreation Director**Date:** 1/24/2014**Re:** Recreation Revenue and Expenditures

As requested, below you will find the revenue and expenditures for the Veazie recreation program for the previous (4) fiscal years and the current fiscal years. In the first row I have included what the approved budgeted amount was for the fiscal year.

<u>FY</u>	<u>Budgeted</u>	<u>Expenditures</u>	<u>Revenue</u>	<u>% Funded by Program</u>
2009-2010	\$89,670.00	\$89,577.38	\$41,588.00	46%
2010-2011	\$89,670.00	\$90,212.70	\$40,196.00	45%
2011-2012	\$89,670.00	\$88,465.79	\$32,903.00	37%
2012-2013	\$90,918.00	\$90,159.94	\$28,761.00	32%
2013-to current	\$67,897.00	\$31,348.04	\$9,254.00*	30% to date
				• This does not include the revenue Collected for the community center rental (\$3,395.00)

I have attached the documentation supporting these findings and can provide further details if needed.

# Expense Detail Report

ALL Accounts  
ALL Months

Account----- Date	Jrnl	Desc---	Current Budget	Debits	Credits	Unexpended Balance
500 - RECREATION CONT'D						
500 - RECREATION			67,897.00	0.00	0.00	67,897.00
10 - PAYROLL			35,500.00	0.00	0.00	35,500.00
500 - REC DIRECTOR			33,000.00	17,214.40	0.00	15,785.60
510 - PART TM WKRS			2,500.00	2,172.00	0.00	328.00
Expense.....			35,500.00	19,386.40	0.00	16,113.60
20 - BENEFITS			5,125.00	0.00	0.00	5,125.00
010 - FICA/MED EXP			2,525.00	1,573.37	0.00	951.63
020 - MEDICARE			0.00	49.05	49.05	0.00
030 - WORKERS COMP			2,600.00	1,400.87	0.00	1,199.13
Expense.....			5,125.00	3,023.29	49.05	2,150.76
30 - RETIRE/INS			12,522.00	0.00	0.00	12,522.00
010 - HEALTH INSUR			9,964.00	5,015.13	0.00	4,948.87
020 - RETIREMENT			2,558.00	1,278.81	0.00	1,279.19
Expense.....			12,522.00	6,293.94	0.00	6,228.06
40 - OTHER COSTS			12,775.00	0.00	0.00	12,775.00
023 - FAMILY DANCE			500.00	0.00	0.00	500.00
041 - COMMUNICATNS			1,400.00	542.28	0.00	857.72
042 - SUMMER TRANS			3,000.00	65.00	0.00	2,935.00
052 - INSTRC COSTS			500.00	0.00	0.00	500.00
062 - YOUTH LEAGUE			2,800.00	597.50	0.00	2,202.50
072 - HALLOWEEN			600.00	221.32	0.00	378.68
082 - SPRNG EGG HN			600.00	0.00	0.00	600.00
093 - REC COMM PGM			2,000.00	281.08	0.00	1,718.92
102 - AFT SCH PROG			1,375.00	664.38	0.00	710.62
Expense.....			12,775.00	2,371.56	0.00	10,403.44
50 - PROF FEES			0.00	0.00	0.00	0.00
040 - PROCESS FEES			0.00	98.37	0.00	-98.37
Expense.....			0.00	98.37	0.00	-98.37
95 - MISC			1,975.00	0.00	0.00	1,975.00
011 - MILEAG/TRAVL			500.00	0.00	0.00	500.00
030 - SUPPLIES			1,375.00	223.53	0.00	1,151.47
080 - ADVERTISING			100.00	0.00	0.00	100.00
Expense.....			1,975.00	223.53	0.00	1,751.47
Department..			67,897.00	31,397.09	49.05	36,548.96

**Revenue Detail Report**  
Department(s): R 500-1000 - R 500-9000  
July to January

Account-----			Current			Uncollected
Date	Jrnl	Desc---	Budget	Debits	Credits	Balance
500 - RECREATION			44,640.00	0.00	0.00	44,640.00
1000 - AFTER SCHOOL PROGRAM			27,000.00	0.00	6,333.00	20,667.00
2000 - ADULT PROGRAMS			500.00	0.00	0.00	500.00
3000 - SUMMER PROGRAMS			10,000.00	1,336.00	2,716.00	8,620.00
5000 - YOUTH LEAGUE			900.00	0.00	205.00	695.00
6000 - COMMUNITY CENTER RENTAL			6,240.00	0.00	3,395.00	2,845.00
Department..			44,640.00	1,336.00	12,649.00	33,327.00
<b>Final Totals</b>			<b>44,640.00</b>	<b>1,336.00</b>	<b>12,649.00</b>	<b>33,327.00</b>

# Memo

**To:** Veazie Town Council  
**From:** Mark Leonard; Town Manager  
**CC:** Robert Young; Recreation Director  
**Date:** 12-02-2013  
**Re:** Recreation Revenue and Expenditures

As requested, below you will find the revenue and expenditures for the Veazie recreation program for the previous (4) fiscal years and the current fiscal years. In the first row I have included what the approved budgeted amount was for the fiscal year.

<u>FY</u>	<u>Budgeted</u>	<u>Expenditures</u>	<u>Revenue</u>	<u>% Funded by Program</u>
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2012-2013	\$90,918.00	\$90,159.94	\$28,761.00	32%
2013-to current	\$67,897.00	\$22,463.00	\$7,120.00 *	32% to date
				*This does not include \$1,565.00 of uncollected revenue

I have attached the documentation supporting these findings and can provide further details if needed.



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## MEMORANDUM

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DATE: September 10 , 1997

TO: Richard Violette, Attorney

FROM: William Reed, Manager *WR*

RE: Freeland Jones Tax Acquired Property Title Research

Rick this is a follow up to the telephone discussion that we had last week pertaining to conducting a title search of the following parcel of land Map 9 Lot 15. We do not have a book and page in our records. It is approximately 63 acres and may have consisting of 3 parcels originally. His father which we believe was Austin Jones owned a lot of land in Veazie at one time. As I outlined we will be property tax foreclosing on the parcel and we would look to utilize the parcel as open space. It was our understanding that there was court action on this parcel but Allan did not see anything at the registry.

Thank you

Bill rv091097.doc

June 23, 2003

Mark Janicki  
6 Mutton Road  
Veazie, Maine 04401

Dear Mark:

This letter is meant to serve as a written follow up to the letter that you sent to me dated 6.12.2003 pertaining to the status of Mutton Lane.

At the present time, Mutton Lane is considered a non-accepted right of way. The roadway was never constructed to Town standards nor accepted and it seems to be a part of a possible illegal subdivision. I should note that the Town has never taken action against the development to this point in time. From past reviews of the situation of Mutton Lane it has been deemed very unlikely that the Town could take over maintainance on the roadway without significant levels of investment being made by the residents to bring the roadway up to Town "acceptance standards". Please find enclosed a copy of the acceptance standards as outlined in the Town's land use ordinance. The second major problem that would also have to be addressed is that the Town has no formal manner legally to access Mutton lane. The Town does not have an easement or property rights through the Grey Stone Trailer Park at this point in time. For a roadway to be accepted, the roadway must be contiguous to the Town's existing roadway system.

The Town Council will be taking this matter up at their next Town Council meeting on June 30<sup>th</sup> at 7 PM. They expressed a need to review the situation with the Code Enforcement officer in greater detail. I would encourage you and the other residents of Mutton Lane to attend this meeting to express your concerns.

If you have any additional question or concerns please feel free to contact me at the Town office at your earliest convenience.

Sincerely

William Reed  
Manager

Cc: Margaret Sudborough  
Mr. and Mrs. Walker

**PRESENT:** Chairman Friedman, Councilor Cheney, Councilor Kelly and Councilor Hogan; Manager Reed, Assistant Clerk K. Gifford, Police Chief Mark Leonard, CEO Allan Thomas, Members of the Public Joan Perkins, Mark Janicki, Lisa Janicki, Harold Walker, Karen Walker, Freeland Jones and Margaret Sudborough.

**ITEM 1.** The June 30, 2003 Veazie Town Council was called to order at 7:00 PM.

**ITEM 2.** **Consideration of minutes:** Motion By: Councilor Kelly—to accept June 16, 2003 minutes as written. Seconded: Councilor Hogan, Voted 4-0 in favor.

**ITEM 3.** **Consideration of the Agenda:** There were no additions made to the agenda.

**ITEM 4a. Mutton Lane Discussion**

Manager Reed outlined that he had received a letter from Mark Janicki regarding the maintenance of Mutton Lane. Manager Reed stated he replied to Mark Janicki and invited him as well as the other residents on Mutton Lane to attend the Council meeting.

Manager Reed outlined that under the land use ordinance Mutton Lane is a non-accepted right of way, it was never constructed to Town standards. Currently there are two problems that exist with Mutton Lane. First the roadway is not built to Town standards and second it does not adjoin to an existing Town maintained roadway. Manager Reed outlined that the Town does not have a fee simple easement through the Greystone Trailer Park and the Town doesn't have the right or ability to maintain the private park.

Councilor Cheney asked if Greystone Trailer Park would be coming under new ownership. CEO Thomas stated that most likely the park would be changing owners. Councilor Cheney recommended working with the new owner for a right of way.

Member of the public Freeland Jones stated that he didn't understand why the Town was getting involved. He outlined that in the deed it stated the road was on private land and that it is up to the property owners to maintain the road.

Member of the public Mark Janicki inquired on who actually owned the road. CEO Thomas stated that the Town owns the property which the non-accepted road lies on. Manager Reed outlined that the road was

acquired through a tax interest, however, the Town does not hold a maintenance agreement on it due to the fact that the roadway is non-accepted. The owners of the property are allowed to use the road and can maintain it. The roadway would have to be brought up to Town standards and would have to be connected to the Town roadway system. In general, the Mutton Lane residents' ownership interest, property deeds, outlined that there is a right to travel the way.

Member of the public Mark Janicki stated that if it is the responsibility of the property owners to maintain the road then they would like to post it as private to stop kids and ATVs from coming up and destroying the road. Manager Reed outlined that in order to make it a private way all abutters would have to agree, however, the Town cannot deny access to open space so the road would not be posted as private.

Member of the public Mark Janicki stated that his motivation was very positive when writing the letter. He wants to do whatever he can to maintain and improve the Town. He stated that if the property owners spend their money to maintain repairs who is liable if someone gets hurt on the road. Manager Reed outlined that the Town has coverage for all Town owned property.

Councilor Hogan stated that the Town will take it under consideration and look into it further. The Town will look at where it stands legally and get input from the new owners of the trailer park if everything goes through, which should be at the end of July.

Member of the public Karen Walker asked why the Town couldn't acquire land from the Davis' and Mutton Lane could be connected to Silvers Park or the new subdivision going in on Chase Road.

Member of the public Karen Walker outlined that it was mentioned in the letter Manager Reed sent out that Mutton Lane was an illegal subdivision. She outlined that at the time everything was legal and the Town also issued building permits to the property owners. CEO Thomas stated that he has left the matter as "it's legal" until proven otherwise.

Manager Reed stated he will send the residents a letter to notify them when the Council will meet again to discuss the issue. Member of the public Mark Janicki asked who was liable and if he and the other residents have the right to deny access. Manager Reed stated that if it is Town owned property it is insured. He added that he would speak with the Town attorney to see if the road can be posted to not allow vehicles like ATVs and motorcycles.

Councilor Hogan asked if there was a possibility that the Town's rebate from PERC could change. Manager Reed outlined that the Town's rebate depends on the profitability of PERC and tipping fees.

Councilor Cheney stated that she would like to see some figures on tonnage and costs.

Motion By: Councilor Cheney—to allow Town staff to negotiate a new multi-year consolidated service contract with Waste Management which will include the new guidelines of transfer station usage and other matters associated with bulk wastes, brown goods and universal waste. Seconded: Councilor Champaco, Voted 4-0 in favor.

**ITEM 5a. Water Project Update**

Jim Parker was present to give an update on the water project. The new water line is installed and will need to be flushed and disinfected which will be done this week. Tomorrow the rest of the pavement will be finished weather permitted. Jim Parker noted that the water line that runs beyond the Stonehouse Cafe is only two inches wide and would not be able to service a hydrant in the park.

Manager Reed stated that he spoke with the park's owner and the correct size line will be installed so that a hydrant will be able to be placed in the park. The owner, Mark Mullins, committed that he would work with the Town to create an escrow to put a hydrant in the park.

Manager Reed stated that he would like to work out an escrow agreement to get this project finished in the spring as well as get the roads paved after all construction is completed. He would also like to work something out so that the Town would have a public right-of-way through the park back to Mutton Lane.

Councilor Hogan asked if Manager Reed had a dollar amount for the escrow. Manager Reed stated that he is looking at an amount of \$25,000.

Councilor Hogan stated that he would like the Town to have the escrow by the end of the year, December 31st. Chairman Friedman agreed.

Jim Parker also had an update on the issue of encroachment on Hobson Avenue. The survey done shows the same thing the Town's tax maps do. There is no physical encroachment of structure and no right-of-way encroachment by the Town unto the property of Roderick Hathaway. The road is not straight in the right-of-way but it will stay within the right-of-way. Jim Parker outlined that the Code Enforcement Officer might review if the park's structures are within proper setbacks.

**ITEM 6. Public Comments:** There were no comments from the public.

**ITEM 7. Manager's Report:**

- a. The Council reviewed a copy of a proposal that the Town submitted to the Veazie Sewer District pertaining to the Town's former standby power

- The final paving will be delayed for another year.
  - The Planning Board continues to work with consultants on the long-term strategies on improvements that will enhance the village area. The Town's staff has work with a developer to address historical housing over commercial spaces in the past month.
  - The Town's staff continues to work with the current tenants of the former Community Center in addressing the capital improvements of the facility. The tenants have painting the interior and replacing the exit doors with limited Town assistance. The current tenant has also assisted in regular maintenance of the building and has continued to be quite helpful with the protection of the facility.
- **Land Conservation Strategic Plan** – At the present time, the Town's Conservation Commission and Planning Board are working on numerous projects which entail:
- The Conservation Committee has begun its invasive species removal program with the Town's forester at the Buck Hill Lot.
  - The Town finished with its State Forestry Grant.
  - The Town's staff and planning board continues to working with PDI (Planning Decisions Inc.) on creating solutions regarding TDR's (Transfer Development Rights) or other instruments of conservation such as conservation easements, etc.
  - The Conservation Commission with the Town Forester has had Mutton Lane trimmed back. The prison crew from Charleston performed the work.
  - The Town's public works department placed new recycled asphalt product (RAP) on Mutton Lane in order to control erosion concerns. They also installed new manhole covers as a safety matter.
  - The Committee is also proposing expanding the access of lands by acquiring the concurrent areas via the open space requirement in the Town's land use ordinance.
  - The Town forest has been certified as a green woodlot.
- **Strategic Economic Development** - At the present time the Town has addressed its strategy in the following manner:
- We will be working with any viable business that presents a development plan that matches the Town's long-term development plans and Veazie's new Comprehensive Plan.
  - We believe that the Town's past success should foster a positive feeling with national site selectors pertaining to the Town's special niche in the power production industry. This niche should provide the Town with options far into the future - power production will always be needed.

2004-2005 Goals & Objectives

development of a community master plan. As you may recall the conversion and renovation of the former J.R. Graham School into affordable senior housing, earned us an award of the Governors Affordable Housing Conference in 2002. The project set us on the right path of addressing the visual blight of the Village area.

➤ **Land Conservation Strategic Plan** – At the present time, the Town's Conservation Commission and Planning Board are working on numerous projects which entail:

- The Conservation Committee has begun its invasive species removal program with the Town's forester at the Buck Hill Lot.
- The Town finished with its State Forestry Grant.
- The Town's staff and planning board continues to working with PDI (Planning Decisions Inc.) on creating solutions regarding TDR's (Transfer Development Rights) or other instruments of conservation such as conservation easements, etc.
- The Conservation Commission with the Town Forester has had Mutton Lane trimmed back. The prison crew from Charleston performed the work.
- The Town's public works department placed new recycled asphalt product (RAP) on Mutton Lane in order to control erosion concerns. They also installed new manhole covers as a safety matter.
- The Committee is also proposing expanding the access of lands by acquiring the concurrent areas via the open space requirement in the Town's land use ordinance.
- The Town forest has been certified as a green woodlot.

➤ **Strategic Economic Development** - At the present time the Town has addressed its strategy in the following manner:

- We will be working with any viable business that presents a development plan that matches the Town's long-term development plans and Veazie's new Comprehensive Plan.
- We believe that the Town's past success should foster a positive feeling with national site selectors pertaining to the Town's special niche in the power production industry. This niche should provide the Town with options far into the future - power production will always be needed.
- We know that the major key to Veazie maintaining this economic development advantage is that we must protect and be aware of State and Federal laws that would affect air emission licensing and other environmental laws, which would directly affect the power production industry.

2005 - 2004 Goals & Objectives



- The Conservation Commission with the Town Forester has had Mutton Lane trimmed back once again. The prison crew from Charleston performed the work.
  - The Town's public works department placed rebuilt a section of Mutton Land in order to address a NEPDES complaint. Additional erosion controls were installed with new ditches.
  - The Town forest's Chestnut Tree farm has received national recognition in several newsletters and magazines..
- **Strategic Economic Development** - At the present time the Town has addressed its strategy in the following manner:
- We will be working with any viable business that presents a development plan that matches the Town's long-term development plans and Veazie's Comprehensive Plan.
  - We believe that the Town's past success should foster a positive feeling with national site selectors pertaining to the Town's special niche in the power production industry. This niche should provide the Town with options far into the future - power production will always be needed.
  - We know that the major key to Veazie maintaining this economic development advantage is that we must protect and be aware of State and Federal laws that would affect air emission licensing and other environmental laws, which would directly affect the power production industry.
  - Veazie must ensure that long-term "redevelopment" or "retooling" options exist for the power production/ industrial zone. Town staff and advisors will continue to work with all boards to ensure that options are not impeded.

➤ **Code Enforcement Review/Standards**

- Code Enforcement has reviewed business compliance, residential compliance, and other immediate violations of the Town's ordinances.
- We have acknowledged that at times the department continues to be over tasked. The department has done very well with prioritizing items and utilization the part time individual.
- The part-time individual who serves as backup to the primary individual is working on average 10 to no more than 20 hours per week. The part-time position is address NPDES and drainage study issues and is performing CEO inspection function while the Assessor is dealing with Abatement requests and property reviews.
- The department continues to work with all boards and committees to refine ordinances.

2006-2007 Goals & Objectives

by the Public Works Department. He outlined that the Town could purchase a good system for around \$10,000. Crack sealing frequently would add life to the road.

There was discussion on using the \$120,000 the Town currently has to smooth out bond payments.

It was the consensus to come back to the next meeting with some projections on total savings should the Town go the bonding route.

**ITEM 5b. Stormwater Update**

CEO Allan Thomas outlined that Manager Reed had appointed him to head up this issue. It is a five year plan and it has various stages that the Town has to complete. These included public awareness, public participation, illicit discharge detection and elimination, construction site management, post construction and lastly good housekeeping. He outlined that various municipality and other institutes have joined together to make the Bangor Area Stormwater Group to tackle this issue together. The group must submit their next five year plan to DEP by October 27<sup>th</sup>.

**ITEM 5c. RSU Update**

There was discussion on changing the Town's charter regarding the School Committee. Manager Reed outlined that State law supersedes the charter and that it can just be left in the charter in the case that down the road the Town ends up having a school committee again.

**ITEM 6. Comments From The Public**

Jim Parker outlined that he had been appointed by the Governor to the Kindergarten through Adult Education Committee.

He also outlined that the Water District is doing studies on a \$1 million to \$1.5 million upgrade water plan. It shouldn't directly affect rates.

**ITEM 7. Manager's Report**

- a. The Town Council reviewed a copy of Bangor Hydro's pole permit application that the Town is applying for to locate flags on.
- b. The Town Council reviewed a copy of the request that Dynegy has made on behalf of Casco Bay Energy, Inc. This follows the TIF agreement guidelines and the reimbursement request form has been officially filed.

**ITEM 8. Requests for Information and Town Council Comments**

Manager Reed outlined that the next meeting fell on a holiday. It was the consensus of the Council to cancel the October 13<sup>th</sup> meeting.

Councilor Perkins inquired on how much of Mutton Lane does the Town own or is responsible for. Manager Reed stated that the Town is not responsible for its maintenance because it is not a Town approved road. The Town does own a portion of the roadway. He outlined that the Town has a right of way and can improve it for our own use such as emergency vehicle passage. He added that it is still considered an illegal subdivision.

## **AGENDA NOTES and MANAGER'S REPORT**

For Monday April 27th @ 7 PM the Veazie Town Council Chambers

### **ITEM 4A: Fire Truck Submittal Review:**

Please find enclosed a ranking sheet. We would request that you place your ranking of the fire departments that you found in need. The ranking will be from one through five. One being a community of great need, five being the community with the least need in the final group. Staff then will tally the rankings at the meeting. It would then be recommended that discussion be opened up on the scores and any possible award.

It is also staff's recommendation that any community chosen be made to sign off on the agreement of "use form" that is being developed by staff. We are copying a form from the documents that we sign off on for federal government surplus equipment.

### **ITEM 4B: Meeting Schedule Discussion:**

Please find enclosed a memo for clarification purposes pertaining to public notice requirements for Town Council meetings. At the last meeting some incorrect information was stated pertaining to notice requirements for Town Council meetings. In general, a "Public Hearing" requires seven days notice and requires a publication in a newspaper. The memo enclosed details the requirements for a Town Council meeting notification. Typically we post notices on Friday for a Monday meeting.

### **ITEM 4C: Managers Review and Discussion:**

Please find enclosed a copy of my self-evaluation form with comments filled out.

### **ITEM 6.**

Please find enclosed:

- a) A copy of an invitation to a presentation of a senior capstone group on the Mutton Lane drainage issue. The group will be submitting a report to the Town in the coming month. The project was their senior year planning project.
- b) FYI- the Budget Committee and department heads met Tuesday night to go over the budget. All looks to be going very smoothly for the Town's budget. The only concern is with the new RSU and how everything will be transferred over and the new budget implementation.

2009

Chairman Perkins stated that he had a big problem with part D of the policy. He wants the Council to be involved in choosing contracted services. He'd hate for the Town to adopt a document that has loop holes it.

Councilor Hathaway stated that he didn't have a problem with the policy in general but he does have a problem with the values and not involving the Council. A purchase of \$25,000 or over should be initiated with the Council and the Council should be able to say whether it's a good time for the purchase. He would like the Council to be involved in all capital expenditures.

Chairman Perkins stated they would table the issue and give any suggestions to Manager Reed for a revised policy.

**ITEM 4c. Mutton Lane Discussion**

Chairman Perkins asked who was responsible for plowing Mutton Lane. Superintendent of Public Works Butch Free outlined that he has never been responsible for plowing it, however he has done it on a few occasions due to public safety. CEO/Assessor Allan Thomas outlined that the Town owns the road. Manager Reed explained that the road is not an town accepted road. Chairman Perkins outlined that since the residents on the road are taxpayers shouldn't the Town plow it. Manager Reed outlined that the road doesn't come close to town specifications and he's not sure if it even meets dirt road standards. Councilor Parker outlined that the residents bought the land knowing it was a right of way.

Chairman Perkins inquired whether the Town was opening itself up to liability by fixing it. There were questions on entering a private property to access the road, and public safety vehicles being able to get up there and liabilities. Manager Reed will consult the Town attorney on all issues and report back to the Council.

**ITEM 4d. Budget Discussion**

Chairman Perkins outlined that it is always discussed about starting the budget process earlier but it never quite happens. Would like to see it happen this year. He also outlined that some of the members of the Budget Committee feel like a "rubberstamp" committee.

It was discussed that the Budget Committee and the Town Council would like to see a line item budget for expenditures.

Manager Reed stated there was a budget meeting schedule in their packet. The next scheduled meeting is January 25<sup>th</sup> and he will talk with the committee and see what they would like to do. He also outlined that he could understand how it might seem like "rubberstamping" when over the past three years the work projects and work programs have remained the same due to the LD1 cap. The budgets have not really changed.

Chairman Perkins noted that there were no meetings in February or March and that's time they could be meeting. He would like to see the department heads put something together and come present it to the committee. Manager Reed outlined that the department heads develop their budgets during February/March.

Donald MacKay outlined that the Community Center Redevelopment Advisory Committee has submitted for a grant and should hear back on that in April. Currently they are trying to figure out what kind of different uses should be there.

Parks & Recreation Director Rob Young stated that he has classes and activities that could utilize that space. CEO Allan Thomas pointed out that it is not accessible and the current business there is grandfathered.

Councilor Hathaway outlined that there needs to be a firm commitment on Mr. Kennedy's part. There needs to be a signed lease in writing and he has to pay the Town monthly. Councilor Hathaway suggested finding out what the going rental rate is for similar places and the monthly cost to keep the building going and come back to the next meeting to discuss this more.

Chairman Perkins outlined that the example lease agreement provided was a bit too much and perhaps have it month to month as to not tie the community center up.

**ITEM 5c. Mutton Lane**

Councilor Perkins outlined that the Town owns Mutton Lane, it owns the right of way, it has to use Mutton Lane to access the city forest and it has paid for improvements on it, so why not plow it.

Manager Reed outlined that the Town Attorney has advised staff not to plow Mutton Lane anymore due to the fact that the Town does not have a use that occurs up there in the winter time. The only time the Town should plow it is if there is an active fire and the Fire Chief says he cannot get the fire truck up there. Since it is a non-accepted way he also advised that the only time the Town should maintain it is when the Town is actively doing work up there. Manager Reed reiterated that the road is a non-accepted roadway, it does not meet Town guidelines.

**ITEM 6. Comments from the Public**

There were no comments from the public.

**ITEM 7. Manager's Report**

Manager Reed outlined that enclosed in the packet was a copy of the final resolution to the Department of Labor's review. Staff worked to reduce the original fines of around \$6,000 down to a \$700 penalty.

A copy of the Budget Committee's meeting schedule was included.

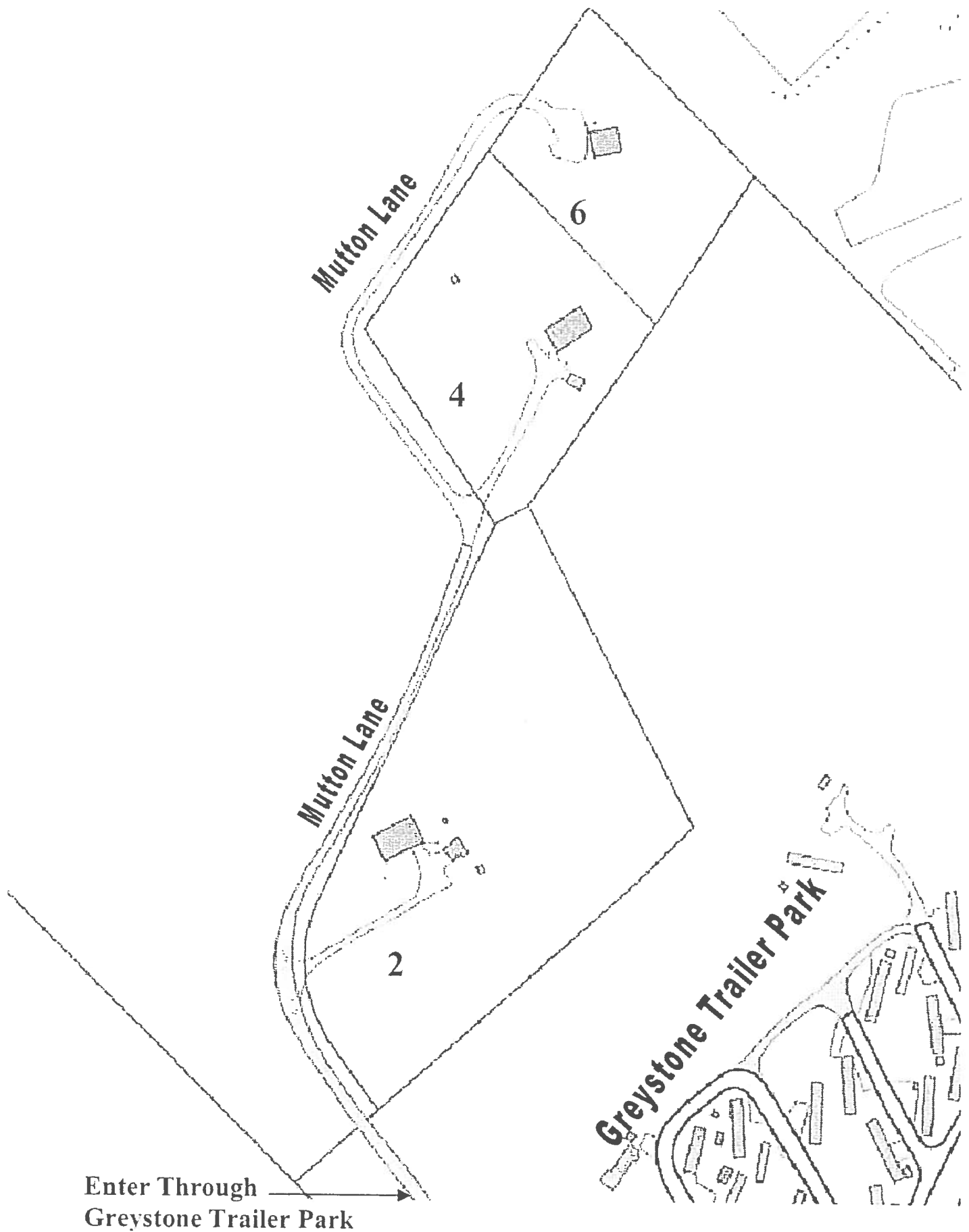
A copy of the Penobscot River Loop Trail Conceptual Plan was included. It was developed by BACTS and EMDC.

A municipal calendar was provided to each Councilor.

**ITEM 8. Requests for Information and Town Council Comments**

There was discussion on Bangor Hydro fixing street lights. It seemed that the light would be repaired faster if a resident called or emailed rather than the Town contacting them.

# Mutton Lane



## Town of Veazie

January 23, 2014

Richard Violette  
99 Broadway  
Bangor, Maine 04401

Ref: Records involving Mutton Lane

Dear Mr. Violette,

I am writing this following a recent Council meeting and then from subsequent research involving Mutton Lane located here in Veazie. The question has once again been brought before the Council on what the Town may or may not have for responsibilities involving Mutton Lane. From research I find that this has been a topic of discussion for many years. In many of the records it indicates opinions were provided to Staff by Legal Counsel, but I'm unable to find this documentation, which is my reason for writing to you. Please let this serve as my request for any and all records pertaining to Mutton Lane that you may have generated while you were Legal Counsel for the Town of Veazie.

If you need additional information from me or you are unable to locate any documentation on this please don't hesitate to contact me via phone at 207-947-2781 or via email at [mleonard@veazie.net](mailto:mleonard@veazie.net). I look forward to hearing from you, so that we may be able to move forward on this issue.

Sincerely,



Mark Leonard  
Town Manager

CC: Veazie Town Council





## WARRANTY DEED

FREELAND JONES, of Veazie, Penobscot County, Maine, for consideration paid, grants to W. RUSSELL EDWARDS, JR., of Peaks Island, Cumberland County, Maine, with WARRANTY COVENANTS, the land, together with all buildings and improvements thereon in Veazie, Penobscot County, Maine described on Exhibit A attached hereto.

Being a portion of the premises devised to Freeland Jones under the Will of Marjorie B. Jones, an abstract of which is recorded in Book 1650, Page 206 of the Penobscot County Registry of Deeds. The life estate vested in Austin W. Jones under said Will, terminated on his death on August 31, 1972.

Also being a portion of the premises conveyed to Freeland Jones by deed of Ula A. Spencer dated May 20, 1954 and recorded in Penobscot County Registry of Deeds Book 1432, Page 371, and a portion of the premises conveyed to Freeland Jones by deed of Austin W. Jones dated August 1, 1950 and recorded in the Penobscot County Registry of Deeds Book 1329, Page 390.

Any and all rights, easements, privileges and appurtenances belonging to the within-granted estate are hereby conveyed.

The Grantee's mailing address is: P.O. Box 55, Peaks Island, Maine 04108.

IN WITNESS WHEREOF, Freeland Jones has hereunto set his hand and seal this 1st day of June, 1988.

WITNESS:

Willard H. Linscott

Freeland Jones  
FREELAND JONES

STATE OF MAINE  
PENOBSCOT, ss.

June 1, 1988

Personally appeared the above-named Freeland Jones and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Willard H. Linscott

Name:

~~Notary Public~~

Attorney-at-Law

WILLARD H. LINSOTT

"Maine Real Estate Transfer Tax Paid"

SCHEDULE A

DEED OF FREELAND JONES  
TO W. RUSSELL EDWARDS, JR.  
June 1, 1988

A certain lot or parcel of land with the improvements thereon situate in the Town of Veazie, County of Penobscot, State of Maine more particularly described as follows:

Beginning at an iron rod set on the northerly line of State Street in said Veazie, which iron rod marks the southeasterly corner of the premises described as the second parcel in a deed to Marjorie B. Jones recorded in Penobscot Registry of Deeds, Book 1353, Page 275;

thence North twenty-four degrees, three minutes, zero seconds West (N 24° 03' 00" W) by and along the easterly line described as the second parcel in the aforementioned deed to Jones, a distance of eighty-one and two tenths feet (81.2') to an iron rod set;

thence South forty-eight degrees, forty-eight minutes, forty-five seconds West (S 48° 48' 45" W) a distance of one hundred eighty-seven and eight tenths feet (187.8') to an iron rod set;

thence North fifty degrees, twenty-three minutes, fifteen seconds West (N 50° 23' 15" W) a distance of one hundred seventy and zero tenths feet (170.0') to an iron set;

thence North fifty-nine degrees, forty-five minutes, forty-five seconds East (N 59° 45' 45" E) a distance of two hundred fifty-five and two tenths feet (255.2') to an iron rod found;

thence continuing on the same course, North fifty-nine degrees, forty-five minutes, forty-five seconds East (N 59° 45' 45" E) a distance of one and two tenths feet (1.2') to the easterly line of the premises described as the second parcel in a deed to Marjorie B. Jones recorded in Penobscot Registry of Deeds, Book 1353, Page 275;

thence North twenty-four degrees, three minutes, zero seconds West (N 24° 03' 00" W) by and along the easterly line described as the second parcel in the aforementioned deed to Jones, a distance of nine hundred-forty and three tenths feet (940.3') to point;

thence South fifty-six degrees, thirty-two minutes, zero seconds West (S 56° 32' 00" W) a distance of twelve and nine tenths feet (12.9') to an iron rod found marking the southeasterly corner of land described in a deed from Freeland Jones to Timothy T. Jones dated December 19, 1980 and recorded in said Registry, Book 3152, Page 37;

thence continuing on the same course, South fifty-six degrees, thirty-two minutes, zero seconds West ( $S 56^{\circ} 32' 00'' W$ ), by and along the southerly line described in the deed to Timothy T. Jones, a distance of two hundred thirteen and six tenths feet (213.6') to an iron rod found marking the southeasterly corner of land described in a deed to Richard B. Jones, recorded in said Registry, Book 2701, Page 157;

thence South fifty-six degrees, fifteen minutes, zero seconds West ( $S 56^{\circ} 15' 00'' W$ ), by and along the southerly line described in the deed to Richard B. Jones, a distance of two hundred sixty-three and four tenths feet (263.4') to an iron rod found marking the southwesterly corner of land described in the deed from Freeland Jones to Richard B. Jones et ux, recorded November 1, 1976 and recorded in said Registry, Book 2701, Page 158;

thence South eight degrees, seven minutes, zero seconds East ( $S 08^{\circ} 07' 00'' E$ ) a distance of four hundred twenty-eight zero tenths feet (428.0') to an iron rod set;

thence South seventy degrees, forty-two minutes, thirty seconds West ( $S 70^{\circ} 42' 30'' W$ ) a distance of six hundred thirty-nine and one tenths feet (639.1') to an iron rod set on the westerly line of the premises described as the first parcel in the aforementioned deed to Marjorie B. Jones;

thence South twenty-four degrees, three minutes, zero seconds East ( $S 24^{\circ} 03' 00'' E$ ) by and along the westerly line of said first parcel, a distance of nine hundred fifty-nine and six tenths feet (959.6') to an iron rod set on the northerly line of land described in a deed from Freeland Jones to Janet Tarbox dated April 2, 1979 and recorded in said Registry, Book 2963, Page 276;

thence North seventy degrees, twenty-nine minutes, forty-five seconds East ( $N 70^{\circ} 29' 45'' E$ ) by and along the northerly line described in the deed to Tarbox, a distance of one hundred thirty-four and one tenths feet (134.1') to an iron rod set;

thence North sixty-seven degrees, eleven minutes, forty-five seconds East ( $N 67^{\circ} 11' 45'' E$ ) a distance of two hundred ninety-seven and five tenths feet (297.5') to an iron rod set;

thence South twenty-five degrees, twenty-seven minutes, zero seconds East ( $S 25^{\circ} 27' 00'' E$ ) a distance of one hundred thirty-three and zero tenths feet (133.0') to a point on the northerly line of State Street, which point is North twenty-five degrees, twenty-seven minutes, zero seconds West ( $N 25^{\circ} 27' 00'' W$ ) a distance of eight and five tenths feet (8.5') from and iron rod found;

thence northeasterly by and along the northerly line of said State Street which is a curve to the left with a sideline radius of two thousand eight hundred fourteen and ninety-three hundredths feet (2,814.93'), an arc distance of three hundred thirteen and forty-five hundredths feet (313.45') to a point of tangency;

thence North thirty-eight degrees, nine minutes, forty-five seconds East (N 38° 09' 45" E) by and along the northwesterly line of State Street, a distance of five hundred eighty-five and nine tenths feet (585.9') to the point of beginning, enclosing 30.294 acres.

EXCEPTING from the above described lot, the premises described in a deed from Henry Lord to Maine Central Railroad Company, dated July 22, 1896, recorded in said Registry, Book 664, Page 479, which premises are now reputedly owned by Perkins Construction Co., Inc.

Bearings referenced herein are oriented to Magnetic north, 1988, as determined by a survey of the within described lot by Plisga & Day dated May 2, 1988 (Proj. No. 88119) entitled "Survey Plan of a Portion of the Freeland Jones Property" (hereinafter referred to as "the Survey").

The premises hereby conveyed are subject to the following:

(a) an easement to Bangor Hydro-Electric Company dated March 18, 1953, recorded in Penobscot Registry of Deeds, Book 1395, Page 321;

(b) a pole line easement to New England Telephone and Telegraph Company recorded in Penobscot Registry of Deeds, Book 1610, Page 173;

(c) the easements for right of way, sewer, and water, as described in a deed from Freeland Jones to Richard B. Jones and Sharon G. Jones recorded in Penobscot Registry of Deeds, Book 2701, Page 157;

(d) the easements for right of way, sewer, and water, as described in a deed from Freeland Jones to Timothy T. Jones recorded in Penobscot Registry of Deeds, Book 3152, Page 37;

(e) an easement to New England Telephone and Telegraph Company recorded in said Registry, Book 2720, Page 225;

(f) an easement to Bangor Hydro-Electric Company recorded in Penobscot Registry of Deeds, Book 2878, Page 340;

(g) an easement to Bangor Hydro-Electric Company recorded in Penobscot Registry of Deeds, Book 2823, Page 48;

(h) an easement to Bangor Hydro-Electric Company by instrument dated October 21, 1968 and recorded in Book 2146, Page 9.

Reserving unto Freeland Jones, his heirs and assigns, for the benefit of (1) land retained by Freeland Jones lying northerly of the premises hereby conveyed, and (2) for the benefit of the 0.727 acre parcel also reserved by Freeland Jones, which parcel lies northerly of the Office located near U.S. Route 2, depicted on the Survey, a right-of-way in common with the within Grantee, his heirs and assigns, for all residential purposes of a way over and upon the paved access road depicted on the Survey, a copy of which is to be recorded in the Penobscot County Registry of Deeds. The Access Road leading to retained premises of Grantor lying northerly of the premises hereby conveyed, is the same referred to in the deed of Freeland Jones to Richard B. Jones et ux dated November 1, 1976 and recorded in Book 2701, Page 158.

Also reserving a right-of-way, for all residential purposes of a way, in common with the within Grantee, his heirs and assigns, for the benefit of the aforesaid 0.727 acre parcel, over the driveway depicted on the survey running northeasterly from the Paved Access Road.

It is expressly understood that Grantor's reservations of rights-of-way shall not extend to other roads and ways located on the premises hereby conveyed, nor does the within-grantor reserve any rights in the driveway lying easterly of the Office depicted on the Survey running from Route 2 to the 0.727 acre house lot reserved by Freeland Jones.

Also reserving unto Freeland Jones, his heirs or assigns, the rights in common with the within Grantee, his heirs or assigns to connect with, utilize and maintain existing sewer, electrical and telephone lines crossing the premises hereby conveyed for residential purposes for the benefit of (1) the house lot retained by Freeland Jones (0.727 acres) and (2) for the benefit of the premises retained by Freeland Jones, lying northerly of the land hereby conveyed. Subject, however to the following terms and conditions, which shall be binding on Freeland Jones, his heirs and assigns:

(1) Such rights to connect with such utility lines shall be limited to residential uses of the real estate reserved by Freeland Jones, unless written consent to such connection for another permitted use is first obtained from W. Russell Edwards, Jr., his heirs or assigns, owning all or any portion of the premises burdened by the easements hereby reserved.

(2) Any easements reserved hereby shall also terminate in the event of non-use of any such easements, and in such events, Freeland Jones, his heirs or assigns, shall deliver to W. Russell Edwards, Jr., his heirs or assigns an

instrument or instruments, in reasonable form, reasonably satisfactory to W. Russell Edwards, Jr., his heirs and assigns, evidencing such termination.

(3) All construction, maintenance, repairs, replacements and any other work undertaken by or through Freeland Jones, his heirs or assigns, shall be at Freeland Jones' sole cost and expense, and be performed on not less than ten (10) days written notice (together with delivery of insurance certificates naming W. Russell Edwards, Jr., his heirs or assigns, as additional insured) to W. Russell Edwards, Jr., or the successors or assigns of his interest in the portion or portions of the premises affected by such work (except that in the event of an emergency, only such notice as is reasonably practical under the circumstances shall be given).

(4) Freeland Jones specifically acknowledges that W. Russell Edwards, Jr. may continue operating the mobile home park now on the premises conveyed, and agrees that W. Russell Edwards, Jr., his successors or assigns, shall have the right to consent when work which affects the rights of the mobile home park residents shall be performed, it being understood that the parties shall cooperate so that such work shall be performed at reasonable time, to reasonably limit disturbances to mobile home park residents.

(5) All work done to maintain the roadway and easement lines shall be promptly performed until fully completed, and Freeland Jones, his successors or assigns, shall complete his or their work to replace the premises in the condition they were in prior to any such work on the easement lines.

In addition to the foregoing conditions and obligations, Grantor hereby agrees, for himself, his heirs and assigns, that he shall pay a portion of any repair or maintenance expenses incurred by the owner of the premises hereby conveyed relating to the roadway and shared sewer lines located on the premises hereby conveyed. Grantor agrees, for himself, his heirs and assigns to promptly reimburse W. Russell Edwards, Jr., his heirs or assigns, 1.6% of the total cost for such repairs and maintenance, as long as Freeland Jones, his heirs or assigns, reserve rights to use the roadway and sewer lines serving the land retained by Freeland Jones.

ALSO RESERVING, for the benefit of the house located on the 0.727 acre parcel and for the benefit of the house located northwesterly of the Pond as depicted on the Survey, the rights and easements to maintain any existing water lines from said houses to a well located on the premises hereby conveyed, and to obtain and use water from the well for residential purposes only. Freeland Jones shall have the right of ingress and egress to and from the well, and the joint use with the within Grantee, his heirs and assigns, of

the well. Freeland Jones, his heirs or assigns, shall bear the costs of all repairs, maintenance and replacement of the water lines serving the aforesaid houses. The Grantor's rights to exercise the well easements hereby reserved are expressly conditioned on the Grantor's obligation to pay W. Russell Edwards, Jr., or the succeeding owner of the well, for water to the respective houses served by this easement, at rates commensurate with those then charged periodically by the Orono/Veazie Water Company, or its successor for houses of similar bedroom capacity.

ALSO GRANTING the rights to utilize, repair and maintain all utility lines, including water, sewer, electrical and telephone presently serving the within-conveyed premises which on the date of this deed lie over, under or upon the premises retained by the Grantor. Provided, however, that all construction, maintenance, repairs, replacements and any other work on the premises of Grantor shall be completed promptly, after reasonable notice to Grantor, his successors or assigns. After completion of all such work, the premises shall be returned to the condition they were in prior to any such work on the easement lines.

ALSO GRANTING the right and easement, at any and all times, to take sufficient water from the Pond depicted on the Survey, located on land retained by Freeland Jones, for fire-fighting purposes by the Grantee, his heirs or assigns, for the mobile home court on the premises hereby conveyed, as such facility may be expanded, including the rights to enter upon the premises and to lay and maintain a water pipeline from the premises hereby conveyed to the Pond. Installation of a pipeline and its appurtenances on the Grantor's premises shall be made at locations and in a manner approved by Grantor, his heirs or assigns, such approval not to be unreasonably withheld. After completion of all construction and maintenance of the pipeline, the premises of Grantor shall be returned to the condition they were in prior to any such work on the water line.





August 29, 1990

*Paid  
\$150.00  
ck # 205  
Oct. 6, 1990*

Dear Tim & Karen

Enclosed is a copy of the legal opinion provide by Pamela Chute concerning our rights to maintain a road accross Mr. Pontbriant's property. I am providing the information for your records. I am also asking that you help defray the cost of obtaining the legal opinion. The total cost was \$180.00. I am proposing that we split the cost three ways. Any financial assistance you can provide would be most appreciated.

Call me if you have any questions.



# MITCHELL & STEARNS

ATTORNEYS AT LAW

99 Franklin Street

P. O. Box 702

Bangor, Maine 04401-0702

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Stephen J. Burlock  
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Pamela D. Chute  
Nathaniel M. Rosenblatt  
Thomas A. Russell  
Timothy C. Woodcock  
Sarah J. McPartland-Good  
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Martaine J. L. Lapin

James E. Mitchell  
(1900-1980)  
Louis C. Stearns 3d  
(1913-1989)

Telecopier (207) 941-0239

August 7, 1990

Richard B. Jones  
48 Garfield Street-Unit #9  
Saco, Maine 04072

Re: Right-of-way over the former Freeland Jones property in  
Veazie, Maine.

Dear Richard:

In response to your recent inquiry, I have reviewed your father's deed dated June 1, 1988 to W. Russell Edwards, Jr., which deed merely states that the premises are conveyed subject to "the easements for right of way, sewer, and water, as described in a deed from Freeland Jones to Richard B. Jones and Sharon G. Jones recorded in Penobscot Registry of Deeds, Book 2701, Page 157" and further subject to "the easements for right of way, sewer, and water, as described in a deed from Freeland Jones to Timothy T. Jones recorded in Penobscot Registry of Deeds, Book 3152, Page 37." I have further reviewed the deed from Freeland Jones to you and Sharon dated November 1, 1976 and recorded in Volume 2701, Page 157, which conveys "the right, privilege and easement over and across the roadway across the Grantor's premises to lands conveyed to the Grantees herein by deed of even date; the location of said right of way being the location of the existing roadway as of October 29, 1976." The deed from Freeland Jones to Timothy T. Jones dated December 19, 1980 and recorded in Volume 3152, Page 37 conveys "the right, privilege and easement over, upon and across a certain roadway located on Grantor's premises described in said Volume 1353, Page 275 to be used in common with the Grantor, his heirs and assigns, for purposes of ingress and egress to and from U.S. Route No. 2

Richard B. Jones  
August 7, 1990  
Page 2

to the above-described parcel of land, the location of said right of way over said roadway being the location of the existing roadway as of June 20, 1980."

It is my understanding from my conversation with you that you and/or your family wish to maintain the roadway to your respective properties at your sole cost and expense. As you can see from the above quoted language in the deed to you and Sharon as well as in the deed to Tim, there is no specific grant of a right to maintain the right of way.

Section 485(c) of the Restatement of the Law states as follows:

"In the absence of provisions to the contrary in a conveyance creating an easement, it will be assumed that the conveyee (Jones) is given, as incidental to it, the privilege of so maintaining and repairing the premises subject to it as to enable him (Jones) effectively to make the uses authorized by it. This privilege to maintain and repair is subject in turn to the limitation that the privilege must be exercised in a reasonable manner. To maintain and repair in a reasonable manner means that due account must be taken of the needs of the possessor of the servient tenement (Pontbriant). In the absence of detailed arrangement, it is assumed that the owner of an easement (Jones) and the possessor of the servient tenement (Pontbriant) are to exercise their respective rights and privileges in a spirit of mutual accommodation. The owner of the easement (Jones) may maintain and repair in a reasonable manner. What is a reasonable manner is to be determined neither solely from the point of view of the owner of the easement (Jones) nor solely from that of the possessor of the servient tenement, (Pontbriant), but from the point of view of a disinterested interpreter taking account of the respective needs of both. As their respective needs may vary from time to time, the extent of the implied privilege of maintenance and repair must likewise vary. Thus, it may be proper for the owner of an easement of way to maintain fences alongside the way at one time, while it may not be proper for him to do so at another. Conditions may change to such an extent that what was once reasonable may cease to be so." (Parenthesis added.)

Accordingly, it would appear that you may maintain and repair the easement, as long as it is done in a reasonable

Richard B. Jones  
August 7, 1990  
Page 3

manner. By reasonable manner, I would construe this to mean that you would not be able to block the use of the right of way by others legally entitled to use it and further that you would be able to maintain and repair the right of way within its original location, but not outside the bounds of the original roadway.

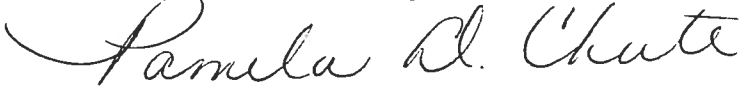
In addition to the Restatement of the Law cited above, the Maine case of Dana v. Smith, 114 Me. 262, 95A.1034 (1915) holds that the burden of keeping a right of way in repair rests upon the owner of the dominant estate (Jones) and not upon the owner of the servient estate (Pontbriant), unless the latter has undertaken to repair it. I do not find any evidence that the case law in Dana v. Smith has been overturned.

Accordingly, based upon the above cited law, it would appear that you have the privilege to maintain and repair the roadway leading from Route 2 to your respective properties, so long as the maintenance and repair is done in a reasonable manner. I would, however, be sure to keep a copy of this letter available when any maintenance is done in the event that Mr. Pontbriant wishes to challenge your rights.

Should you need further information, please feel free to give me a call.

Very truly yours,

MITCHELL & STEARNS

  
Pamela D. Chute, Esq.

PDC:reg

TOWN OF VEAZIE  
1084 Main Street, Veazie, ME 04401  
Phone: (207) 947-2781 Fax: (207) 942-1654



June 23, 2003

Mark Janicki  
6 Mutton Lane  
Veazie, Maine 04401

Dear Mark:

This letter is meant to serve as a written follow-up to the letter that you sent to me dated June 12, 2003 pertaining to the status of Mutton Lane.

At the present time, Mutton Lane is considered a non-accepted right of way. The roadway was never constructed to Town standards nor accepted and it seems to be part of a possible illegal subdivision. I should note that the Town has never taken action against the development to this point in time. From past reviews of the situation of Mutton Lane it has been deemed very unlikely that the Town could take over maintainance of the roadway without significant levels of investment being made by the residents to bring the roadway up to Town "acceptance standards". Please find enclosed a copy of the acceptance standards as outlined in the Town's land use ordinance. The second major problem that would also have to be addressed is that the Town has no formal manner legally to access Mutton lane. The Town does not have an easement or property rights through the Graystone Trailer Park at this point in time. For a roadway to be accepted, the roadway must be contiguous to the Town's existing roadway system.

The Town Council will be taking this matter up at their next Town Council meeting on June 30<sup>th</sup> at 7:00 PM. They expressed a need to review the situation with the Code Enforcement Officer in greater detail. I would encourage you and the other residents of Mutton Lane to attend this meeting to express your concerns.

If you have any additional questions or concerns please feel free to contact me at the Town Office at your earliest convenience.

Sincerely,

William Reed  
Manager

Cc: Margaret Sudborough  
Mr. and Mrs. Harold Walker

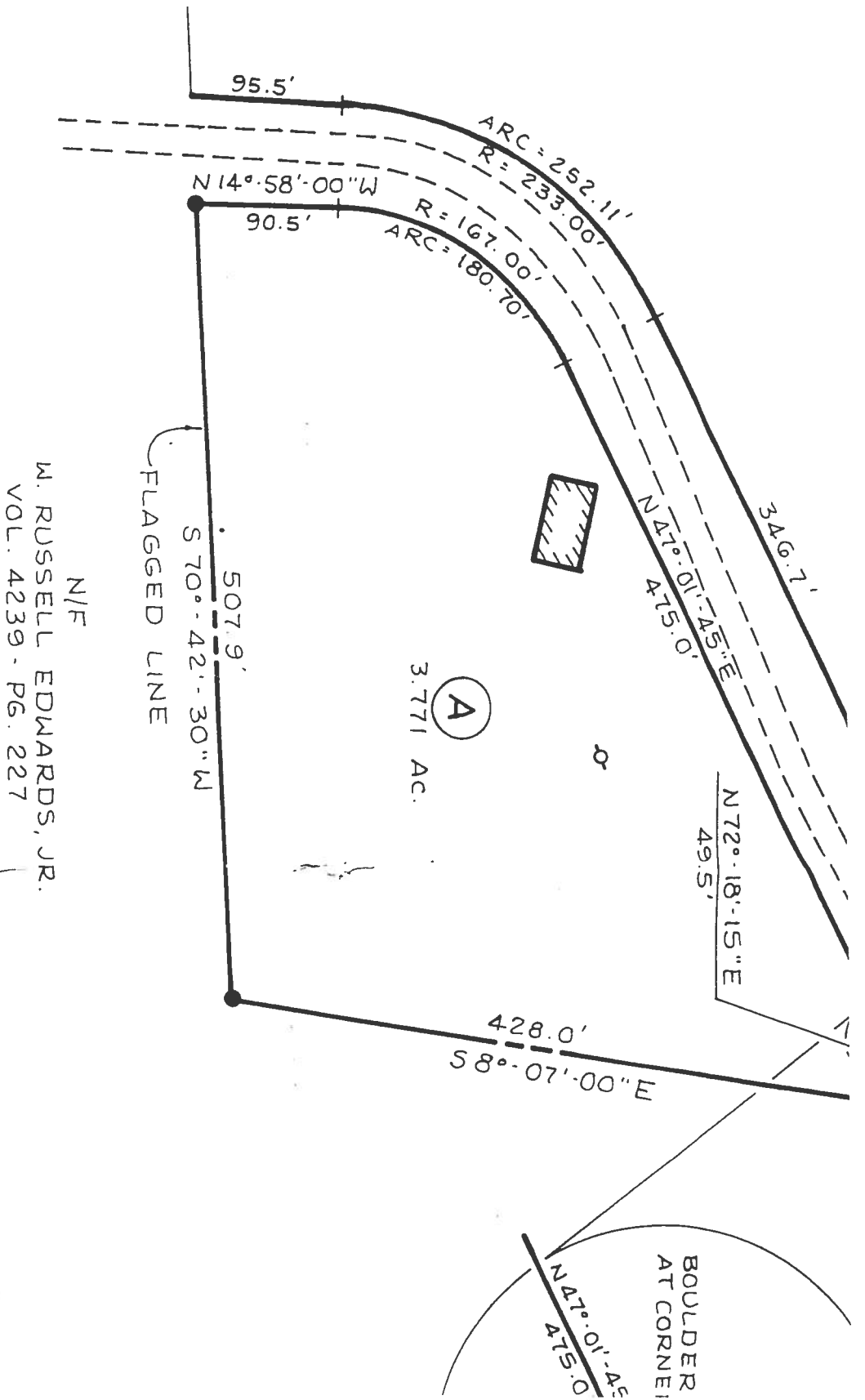


### Schedule A

Lot A, as shown on Survey Plan showing proposed partition of the Freeland Jones Property, Veazie, Maine, dated August 25, 1989, to be recorded herewith.

There is also hereby conveyed to the Grantee, the right to use, for all purposes, including ingress and egress, and including the right to place and maintain all utility apparatus for electricity, telephone, sewer, water, and any other utility, the right of way shown on the above described plan.

Any and all other rights, easements, privileges and appurtenances belonging to the granted estate are hereby conveyed.



N/F  
 W. RUSSELL EDWARDS, JR.  
 VOL. 4239 - PG. 227



QUITCLAIM DEED WITH COVENANT

634100

I, FREELAND JONES, of Veazie, County of Penobscot, State of Maine, for consideration paid, grant to KAREN WALKER, of Veazie, County of Penobscot, State of Maine, with QUITCLAIM COVENANT, premises situated in Veazie, Penobscot County, Maine, described as follows:

Lot A, as shown on Survey Plan showing proposed partition of the Freeland Jones Property, Veazie, Maine, dated August 25, 1989, to be recorded herewith.

There is also hereby conveyed to the Grantee, the right to use, for all purposes, including ingress and egress, and including the right to place and maintain all utility apparatus for electricity, telephone, sewer, water, and any other utility, the right of way shown on the above described plan.

Any and all other rights, easements, privileges and appurtenances belonging to the granted estate are hereby conveyed.

Being a portion of the premises conveyed to Marjorie Jones by deed of Austin W. Jones dated February 14, 1952, and recorded in the Penobscot County Registry of Deeds in Volume 1353, Page 275. Title to the subject premises is vested in the within Grantor by virtue of a will, an abstract of which is recorded in Volume 1650, Page 206 of the aforesaid registry.

This instrument constitutes an intra-family conveyance and is not subject to subdivision approval under the laws of the State of Maine.

WITNESS my hand and seal this 6<sup>th</sup> day of November, 1989.

WITNESS:

Michael L. Rair

Freeland Jones  
Freeland Jones

STATE OF MAINE  
PENOBSCOT, SS.

November 6, 1989

Personally appeared the above named Freeland Jones and acknowledged the foregoing instrument to be his free act and deed.

Before me, PENOBSCOT, ss REC'D

89 NOV 20 AM 10:53

ATTEST:

Cynthia Gallant Grouse  
DECEASED

Michael L. Rair  
Notary Public/Attorney at Law  
MICHAEL L. RAIR  
Printed Name  
Commission Expires: \_\_\_\_\_

No Transfer Tax Necessary



Message

Thu, Jan 16, 2014 11:28 AM

From: "Thomas A. Russell" &lt;tar@frrlegal.com&gt;

To: Mark Leonard

Subject: RE: Mutton Lane / Invitation

Attachments: Attach0.html / Uploaded File

9K

Mark: I have not had any involvement with Mutton Lane, and do not have any information or knowledge about it. As to the meeting, I have a prior commitment to attend a meeting in Hampden on the evening of February 5<sup>th</sup>. At this point, I am open any evening except 2/3, 2/5, 2/18, and I need to keep 2/19 open. Tom

**From:** Mark Leonard [<mailto:mleonard@veazie.net>]**Sent:** Wednesday, January 15, 2014 10:39 AM**To:** [tar@frrlegal.com](mailto:tar@frrlegal.com)**Cc:** Mark Leonard**Subject:** Mutton Lane / Invitation

Good Morning Tom! I am writing this to see if you can provide any and all information you may have provided to the Town reference Mutton Lane that is located here in Veazie. At the most recent Council meeting the question was raised again what responsibility the town has involving the road. In research that I can find it appears this has been a topic of conversation since at least 2003. As I review some of my findings it refers to staff receiving information from legal counsel, but I'm unable to locate any documentation other than Council meeting minutes. I am aware that some of the references were prior to your law firm contracting with the town, but I am looking for anything you may have, if anything.

Secondly, Council Chairperson Perry has asked that I invite you to the Feb 5th Charter Review Committee meeting. They have had several meetings and have come to the point where they now are looking for advice from you on some of the findings. The meeting is at 630 PM here at the Council Chambers. She advised me that a list of question they have will be provided to you prior to the meeting in hopes to shorten the time you will be needed here. If you can let me know if you are available for this meeting I will forward the information to Chairperson Perry. I will also forward the questions when I received them.

---

Thank you in advance for your time. I look forward to hearing from you.

Mark

Mark Leonard Town Manager  
Town of Veazie  
1084 Main Street  
Veazie, Maine 04401  
207-947-2781  
[mleonard@veazie.net](mailto:mleonard@veazie.net)

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# **Manager's Report For January 27, 2014 Council Meeting**

As we begin starting the budget process for FY 14-15 that only adds to the already busy schedule but we continue to get the necessary items taken care of. Please find an outline of what has occurred since the last Council Meeting:

I did a walkthrough of the Community Center with Code Enforcement Officer Larson. From the visit he has reached out to the Fire Marshall's Office and will work with the local Fire Department Staff to develop a document on any deficiencies that may exist. On the 28<sup>th</sup> I also will be doing a walk thru with the group that has been hired by EMDC to perform the phase 1 evaluation. Upon completion of this the report will be sent to you for review

I met with folks from Habitat for Humanity and discussed their interest in having a project here in Veazie. I directed them to a few properties that I was familiar with and relayed that if future properties become available I will notify them.

I attended a BACTS meeting after seeing the Director at another meeting. The meeting was very well attended as it was the first of a series of meetings to discuss future projects. After the meeting I reviewed several websites and located the proposed MDOT projects that will be occurring in the Town of Veazie during 2014. I have attached this list for your review. I am also trying to get some clarification on the projects as I begin the process of looking at road projects for FY 14-15. I have also had a follow up meeting with the Executive Director so I could get a better understanding of the function of BACTS. The meeting went well and I will be attempting to attend more of their meetings going forward.

The 2<sup>nd</sup> Quarter Budget review meeting was held with the budget committee, municipal staff and school staff. Staff and I had worked on a new spreadsheet to present municipal year to date spending in comparison with last year. I have attached an updated spread sheet as some errors were located and further request were made during the meeting. I have also attached the draft minutes from the meeting along with a letter from the Budget Committee Chair. Overall the municipal budget appears to be in line with what was budgeted. I have also attached the report from the School's Business Office and they too appear to be in line with what had been budgeted

Town Legal Staff and I met with the Fire Department's Union to begin negotiations. As a Council item I'm requesting authorization to execute the ground rules for negotiations. Although the Union has made their initial request we all agreed until budget guidance was received by the Council it was pointless to begin negotiations. A future meeting will be scheduled once this has occurred

I held a meeting with the Fire Department's Officers. The meeting was very productive as we continue to look for ways to recruit and move the fire department forward. Also discussed at the meeting was surplus equipment and the desire to sell these items so that necessary items can be purchased with the money from the sale of the equipment. I have included these items as an Agenda item for the Council to decide.

# **Manager's Report For January 27, 2014 Council Meeting**

I have done continue to do extensive research on the Mutton Lane issue. I've learned that it has been a topic of discussion for numerous years and record keeping on it has not been the best. I have included most of what I have found but have not had response to the letter that was sent to the Towns former Legal Counsel requesting any information that they may have provided to prior staff.

A sendoff breakfast was held for Sgt. Keith Emery who has resigned from the Police Department after approximately 9.5 years of service. Sgt. Emery has accepted a position with the Old Town Police Department. His last day with the Police Department was Tuesday January 21. I wish Sgt. Emery well with his new career path.

With the departure of Sgt. Emery a promotion process was started to replace him. Officer Nichols was chosen to replace him and will take over these duties Feb 1. Officer Nichols has been with us part time since August 2013 and currently works full time for the Communication Division of the Maine State Police. He is a Military Veteran and has several years of experience with the Bangor Police Department to include time at the Maine Criminal Justice Academy where he served on the Cadre Staff. Please help me in welcoming Sgt. Nichols to his new position.

I had requested Barney Silver check the roads for pot holes as his crew had previously done a day of repairing potholes. During his inspection he located a catch basin on Rock Street that was nearing complete failure. He immediately brought this to my attention and he and I reviewed the problem. To prevent the failure it was determined that it needed to be repaired. The repair has been completed as of this writing. While in the area we inspected another catch basin and learned this one as well will need repair but it was not needed immediately. Further discussions will be had and review of documents to make certain we have no others that need immediate attention.

Lien Maturity notices have been sent. I have attached a list of the recipients for your review.

I believe I have found a solution for the large amount of leaves that have been collecting at the cemetery. I'm in the beginning stages of the solution but feel by the next council meeting I will have a more solidified plan. By removing these leaves it will be the beginning of a resolve for a long standing problem the town has been facing with the amount of leaves we are storing and the lack of proper permitting. More information to follow.

I continue to follow the talks on municipal revenue sharing as we enter into the budget season. I have attached some documentation for review.

We have received notice that we were successful in the project canopy grant. Notification has been attached for your review.

I have received the Veazie Sewer District Financial Statements May 31, 2012 and 2011 with independent Auditors' report and management's discussion and analysis. This is at my Office and available for review.

# **Manager's Report For January 27, 2014 Council Meeting**

## **Attachments:**

1. 2<sup>nd</sup> quarter budget review including letter from Committee Chair
2. Lien Maturity Notice Summary
3. MDOT Work Plan for Calendar Years 2014-2016
4. Letter sent to Lagasse Lawn Care
5. Letter Received from Black Bear Lawn Care
6. Emailed received from James Parker
7. Email on Project Canopy grant
8. MMA Year in Review mailing
9. Draft Planning Board Meeting Minutes





## Revenue Sharing in Focus of 2014 Legislative Session

### The Hearing on Jan. 22 is Where to Take a Stand

Municipal revenue sharing is on the chopping block, and town and city leaders concerned about the elimination of this important piece of state tax policy need to loudly voice those concerns to their lawmakers. Revenue sharing has been the state's premiere property tax relief program for over 40 years. For the sake of those Mainers struggling to pay the real estate taxes on their homes, the Legislature should not be allowed to kill off this program without a fight.

The 2014 legislative session officially began on Jan. 8 but there is little evidence to suggest that last year's attack on the revenue sharing program has abated. A year ago almost to the day, Governor LePage proposed the elimination of the municipal revenue sharing program. At the end of the six-month debate that followed, the municipal governments were led to believe that the heavily shortchanged revenue sharing distributions for each year of the biennium were finally established in the state budget – \$65 million for the current fiscal year and \$60 million for FY 2015.

As it turns out, the municipal officials who believed the revenue sharing allocations in the state budget were reliable, true and dependable were guilty of failing to read the fine print. An ugly little provision buried in "Part S" of the budget document has kept the elimination of municipal revenue sharing in play. The mechanics of how it is being accomplished are not that important. In this case, Part S of the budget created a special Task Force and charged it with cleaning out the Aegean Stables in a single day. Should the Task Force fail (which was inevitable, as with any good Greek myth) Part S required the revenue sharing account to be drained by \$40 million to its dregs. Accomplished this

way, it isn't even the Legislature that finally eliminates revenue sharing. Revenue sharing is killed off by an administrative act accomplished by the State Controller as the result of the failure of some unelected Task Force that no longer exists. Its demise could hardly be accomplished more antiseptically.

Against this backdrop, there appears to be one single ray of hope. The Appropriations Committee was authorized by the budget to report out a bill advancing the Task Force's recommendations. Without skipping a beat, the chairs of the Appropriations Committee, Sen. Dawn Hill of York County and Rep. Peggy Rotundo of

Lewiston, have decided to exercise that authority, although they are advancing a crisply edited version of the Task Force's more rambling report.

The bill is LR 2721, *An Act Related to the Report of the Tax Expenditure Review Task Force Pursuant to PL 2013, c. 368, Part S*. A better title of the bill would be *An Act to Protect the Budgeted FY 2015 Revenue Sharing Distribution from Additional Legislative Raids*. An impact analysis of LR 2721's enactment or non-enactment for Maine's 16 shire towns is provided in a sidebar to this article.

A full description of the bill follows.  
(continued on page 2)

### Shire Town Revenue Sharing Distribution Actual, Projected, and Projected Unless LR 2721 is Enacted

		FY 2009	FY 2013	FY 2014	FY 2015	FY 2015
		Actual	Actual	Projection	Projection	Projection
		\$121 Million	\$96 Million	\$65 Million	If LR 2721	If LR 2721
					Is Enacted	Is Not Enacted
					\$60 Million	\$20 Million
AUBURN	ANDR	3,360,317	2,519,701	1,646,561	1,519,902	506,634
BIOULTON	AROO	889,449	572,807	383,420	353,926	117,975
PORTLAND	CUMB	6,984,489	6,276,939	4,236,475	3,910,592	1,303,531
FARMINGTON	FRAN	687,219	551,163	376,095	347,165	115,722
ELLSWORTH	HANC	578,348	512,600	364,689	336,636	112,212
AUGUSTA	KENN	2,297,698	1,718,085	1,157,269	1,068,248	356,083
ROCKLAND	KNOX	998,524	726,634	503,272	464,558	154,853
WISCASSET	LINC	402,783	289,990	199,594	184,240	61,413
PARIS	OXFO	433,435	312,932	211,370	195,111	65,037
BANGOR	PENO	4,411,277	3,513,711	2,250,789	2,077,651	692,550
DOVER-FOXCROFT	PISC	474,865	331,427	232,379	214,503	71,501
BATH	SAGA	994,376	814,894	554,101	511,477	170,492
SKOWHEGAN	SOME	977,641	659,291	406,172	374,928	124,976
BELFAST	WALD	791,984	496,203	330,194	304,794	101,598
MACHIAS	WASH	355,810	276,747	182,452	168,417	56,139
ALFRED	YORK	197,919	162,361	119,351	110,170	36,723
<b>Total</b>		<b>24,836,134</b>	<b>19,735,485</b>	<b>13,154,180</b>	<b>12,142,320</b>	<b>4,047,440</b>

Sources:

FY 2009, FY 2013 & FY 2014 Data - Office of the State Treasurer

FY 2015 - Calculated by the Maine Municipal Association using FY 2014 % of total statewide distribution

## Revenue Sharing (cont'd)

but all municipal officials should be aware that the public hearing on this last-stand opportunity is scheduled for:

**Wednesday, January 22, 2014**

**9:00 a.m. (Sign-up sheet becomes available)**

**10:00 a.m. (Hearing begins)**

**Room 228 (Appropriations Committee Room)  
State House**

It is hard to stress the importance of a robust municipal turn-out at this public hearing strongly enough. We know that it is very difficult for many elected officials to attend a public hearing in Augusta during the work week and we know the public hearing process has become very frustrating with the waiting room confusion, "three-minute rules" and all the other pomp and circumstance. We also know that there is a tremendous amount of frustration among municipal officials with respect to the way the Legislature has been treating the revenue sharing program in recent years, and municipal government, generally.

With all of that said, this is the public hearing to attend in 2014 for the purposes of protecting the citizens and small businesses in your community from the property tax increases that will inevitably occur if the Legislature follows through with the scheduled massive reduction in the revenue sharing distribution for next year.

**What LR 2721 does.** A clean bill is legislation that does what it says it does without any gimmicks, smoke and mirrors, or wild assumptions. LR 2721 is a

### Legislative Bulletin

A weekly publication of the Maine Municipal Association throughout sessions of the Maine State Legislature.

Subscriptions to the *Bulletin* are available at a rate of \$20 per calendar year. Inquiries regarding subscriptions or opinions expressed in this publication should be addressed to: *Legislative Bulletin*, Maine Municipal Association, 60 Community Drive, Augusta, ME 04330. Tel: 623-8428. Website: [www.memun.org](http://www.memun.org)

**Editorial Staff:** Geoffrey Herman, Kate Dufour, Garrett Corbin and Laura Ellis of the State & Federal Relations staff.

clean bill. First, it repeals the poison-pill provision in the state budget bill enacted last June that calls for the additional \$40 million to be automatically "transferred" out of the revenue sharing distribution account and diverted to the State's General Fund. Beyond that, the bill advances several of the recommendations advanced by the Tax Expenditure Review Task Force that appeared to have the broadest support. Specifically, LR 2721 generates or appropriates state revenue to replace the \$40 million restored to revenue sharing by:

- **"LIFO expensing".** Amending the state income tax code to effectively remove an inventory expensing option used by some businesses, referred to as the "Last In First Out" option. This proposal was one of the recommendations of the Tax Expenditure Review Task Force. In summary, the expensing option allows businesses to assume for tax purposes that the most recently purchased inventory, as opposed to the oldest inventory in stock, is the first inventory to be sold at retail, thus maximizing the tax deduction for businesses moving products with ever-increasing wholesale values (like petroleum). It was represented to the Task Force that this expensing option is being seriously reconsidered at the federal level for a variety of reasons, and although it would put Maine into "nonconformity" with the IRS code, it is entirely possible the federal government will eliminate this option as well in the near future. It was roughly estimated that this proposal would generate \$10 million of savings to the state budget.

- **BETR and BETE proposals.** The following three elements of the bill make changes to the Business Equipment Tax Reimbursement program (BETR) and the Business Equipment Tax Exemption program (BETE). At the Tax Expenditure Review Task Force level, it was estimated that these proposals would generate approximately \$3 million in state savings. The BETR-BETE proposals would:

- **BETR - Restoration of 12-year reimbursement limit.** Amend the law governing the BETR program to provide that the tax payment reimbursements made to businesses under that program are provided for the first 12 years of the property's enrollment. The BETR program was enacted in 1996 as a 12-year reimbursement program. When the BETE

program was enacted and implemented in 2008, the business reimbursements provided under the BETR program were extended for the lifetime of the enrolled property rather than the 12-year limit. This bill would restore the 12-year standard.

- **BETR - Elimination of Retail Property.** Amend the BETR statute to eliminate eligibility for all personal property that is located at a retail sales facility and used primarily in retail sales. Under current law, that type of property is eligible for BETR reimbursement except for the personal property located in the "big box" retail stores that are over 100,000 square feet in size. Since 2008, the only type of newly installed personal property that can be enrolled in the BETR program is retail personal property. Other types of business property have to enroll in the BETE program.

- **BETE - Elimination of the Special Big Box Mail Order Exception.** Under current law, retail personal property used in a retail sales facility is generally ineligible for tax exempt status under the Business Equipment Tax Exemption (BETE) program. A special exception is provided in law for retail facilities over 100,000 square feet in size that derive less than 30% of their total annual revenue from sales that are made at the brick-and-mortar facility. This bill eliminates that special exception for retail facilities that generate high levels of mail order and on-line transactions.

- **"Tax Relief Fund for Maine Residents."** The bill also appropriates the money that has been allotted to the "Tax Relief Fund for Maine Residents." The Tax Relief Fund, created by the Legislature in 2011, is annually capitalized with a certain amount of undesignated and unappropriated surplus General Fund revenue that comes into the state treasury and is identified at the close of each fiscal year. The Fund was established to trap that revenue and use it to incrementally reduce the state's income tax rate from 7.95% (which is the highest marginal rate currently) to just 4%. Approximately \$4 million has accrued to the Fund thus far. Municipal officials fairly argue that one of the reasons the state enjoys some surplus General Fund revenue each year is because the Legislature seriously raids the municipal revenue sharing account each year. The raids help generate the

*(continued on page 4)*

# Restoring Local Option Property Tax Relief Authority

On Wednesday this week the Taxation Committee hosted public hearings on four bills dealing one way or another with property taxation. This article covers two of those bills that were advanced to fix certain problems created when the Legislature “terminated” the Circuitbreaker property tax relief program as part of the state budget enacted last June, replacing it with the substantially less generous “property tax fairness credit” within the state income tax code.

**Correcting a mistake.** The first bill on the docket was LD 1607, *An Act to Reinstate Statutory Authority for Local Property Tax Assistance Programs*, sponsored by Rep. Mike Carey from Lewiston. LD 1607 is a simple bill that un-terminates a piece of property tax relief law that was never meant to be terminated.

What happened is that the budget language that “terminated” the Circuitbreaker program reached into unintended areas of statute and “terminated” all locally-funded and locally-administered property tax relief programs, two of which were expressly allowed by law: (1) a local tax relief program that could either operate independently or “piggyback” on the state program; and (2) programs that provide elderly volunteers with a property tax rebate up to \$750 in value in recognition of their volunteer contributions. According to information collected by Maine Revenue Services, 13 municipalities have implemented local versions of a circuitbreaker program and five municipalities, with some overlap, are operating the elderly volunteer rebate programs. For all of those towns and cities, the abrupt, unexpected and unannounced termination of their programs must have descended like a cold shot from Augusta.

As recounted by Rep. Carey, who serves on the Appropriations Committee, not a single legislator intended to terminate the local programs. Apparently, the budget bill was structured on the assumption that if the state-level Circuitbreaker program was being terminated, any program in statute that refers to the Circuitbreaker for its operation should be terminated as well. Since all these Circuitbreaker decisions were made during the last hours of budget

negotiations, late in the night after many late nights, there was no time available to carefully review the budget’s “Part L” language before it was printed. That part of the budget document was clearly not read very carefully between printing and enactment either by legislators or others. With the benefit of hindsight it is clear that the termination of the municipal authority to implement and operate local property tax relief programs was both unintended and careless.

Rep. Steve Moriarty of Cumberland also testified in support of LD 1607, along with Bill Stiles, the Chair of the Cumberland Town Council. Rep. Moriarty carefully explained the history of the local authority to implement local property tax relief programs and how the budget bill mistakenly clipped that authority. Councilor Stiles explained how nearly 90 senior citizens in Cumberland could lose the important benefits of the locally funded program if LD 1607 is not enacted. MMA also testified in support of the bill. No testimony was offered from any source in opposition.

Assuming LD 1607 is headed for enactment, it should be noted that the ordinances in those communities administering “piggyback-on-Circuitbreaker” local option property tax relief programs will very likely need to be amended now that the state-level Circuitbreaker program has been terminated. When the state program was in operation, the determination of eligibility for the local benefits was typically contingent on qualifying for the state benefit. Now, the municipalities will need to develop their own qualifying standards.

**Reconnecting a Disconnect.** If LD 1607 corrects a legislative error, another bill on Wednesday’s docket repairs a disconnect. Sponsored by Sen. Tom Saviello of Franklin County, the bill is LD 1654, *An Act To Amend the Municipal Hardship or Poverty Tax Abatement Law To Reflect the Replacement of the Circuitbreaker Program*.

As Sen. Saviello explained to the Committee when presenting LD 1654, before the state budget was enacted last June, the law allowed the municipal

officers to consider an applicant’s receipt of the Circuitbreaker property tax relief benefits when determining his or her eligibility for a poverty abatement. Because the Circuitbreaker program has now been terminated and replaced with the “property tax fairness credit”, the poverty abatement law deserves to be amended to reflect the replacement. Tying up that type of loose end was accomplished within the budget bill with respect to a municipal General Assistance administrator’s authority to recognize the property tax fairness credit for General Assistance eligibility purposes in the same way as Circuitbreaker benefits could be recognized. LD 1654 ties up the last of the loose ends that the termination of the state-level Circuitbreaker program created, restoring a level of accountability in the poverty abatement program that was repealed by legislative accident.

MMA testified in support of LD 1654 and no testimony was offered in opposition.

## Revenue Sharing (cont’d)

“surplus.”

• **Remainder from Budget Stabilization Fund.** Finally, the bill calls for the difference between the \$40 million goal and the revenue generated by the five revenue-generating proposals identified in the bill to be covered by an appropriation from the state’s Budget Stabilization Fund, otherwise known as the Rainy Day Fund. Similar to the “Tax Relief Fund for Maine Residents” discussed above, the Budget Stabilization Fund is capitalized in large part with unappropriated state revenues that are identified at the close-out of each fiscal year. It could be fairly argued that a sizeable chunk of that unexpected revenue is available to the state because of the raid during the same fiscal year on the municipal revenue sharing program. For example, at the close-out of FY 2013, \$46 million of unanticipated and unappropriated state revenue was identified. During the same fiscal year, the Legislature took \$44 million out of the revenue sharing account and used it for other state financial priorities. Using some resources in the budget stabilization fund to avoid the elimination of municipal revenue sharing is a way of restoring the revenue sharing funds to where they belong.

		A FY 2009 Actual \$121 Million	B FY 2013 Actual \$96 Million	C FY 2014 Projection \$65 Million	D FY 2015 Projection \$60 Million	E FY 2015 Projection \$20 Million
LEVANT	PENO	138,429	126,989	92,794	85,656	28,552
LINCOLN	PENO	713,864	533,114	320,667	296,000	98,667
LOWELL	PENO	24,650	18,328	17,036	15,726	5,242
MATTAWAMKEAG	PENO	95,241	67,996	43,252	39,925	13,308
MAXFIELD	PENO	11,080	7,942	5,718	5,278	1,759
MEDWAY	PENO	251,427	177,943	116,135	107,202	35,734
MILFORD	PENO	285,462	262,858	184,180	170,012	56,671
MILLINOCKET	PENO	724,537	892,581	424,672	392,005	130,668
MOUNT CHASE	PENO	17,412	12,248	8,984	8,293	2,764
NEWBURGH	PENO	120,238	107,919	62,877	58,041	19,347
NEWPORT	PENO	239,981	238,110	155,766	143,784	47,928
OLD TOWN	PENO	1,010,745	775,907	509,701	470,493	156,831
ORONO	PENO	1,422,577	1,221,972	866,015	799,398	266,466
ORRINGTON	PENO	260,757	236,748	162,959	150,424	50,141
PASSADUMKEAG	PENO	40,232	27,541	17,661	16,302	5,434
PATTEN	PENO	114,058	103,130	69,644	64,287	21,429
PENOBSCOT NATION	PENO	43,997	38,882	25,278	23,333	7,778
PLYMOUTH	PENO	94,253	53,198	45,419	41,925	13,975
SEBOEIS PLT	PENO	2,909	1,123	665	614	205
SPRINGFIELD	PENO	44,626	38,472	29,167	26,924	8,975
STACYVILLE	PENO	63,827	56,710	27,060	24,979	8,326
STETSON	PENO	78,419	64,793	52,883	48,815	16,272
VEAZIE	PENO	263,802	194,149	129,068	119,139	39,713
WEBSTER PLT	PENO	9,819	6,660	4,486	4,141	1,380
WINN	PENO	42,352	35,493	22,907	21,145	7,048
WOODVILLE	PENO	24,397	17,973	11,107	10,253	3,418
ABBOT	PISC	42,213	27,569	22,814	21,059	7,020
ATKINSON	PISC	32,966	21,600	18,128	16,733	5,578
BEAVER COVE	PISC	2,886	3,184	2,252	2,079	693
BOWERBANK	PISC	2,417	1,919	1,119	1,033	344
BROWNVILLE	PISC	171,555	111,664	79,562	73,442	24,481
DOVER-FOXCROFT	PISC	474,865	331,427	232,379	214,503	71,501
GREENVILLE	PISC	128,983	88,750	67,093	61,932	20,644
GUILFORD	PISC	150,723	98,225	63,830	58,920	19,640
KINGSBURY PLT	PISC	233	449	440	406	135
LAKE VIEW PLT	PISC	470	319	520	480	160
MEDFORD	PISC	31,663	23,567	16,919	15,618	5,206
MILO	PISC	365,681	293,292	197,928	182,703	60,901
MONSON	PISC	61,989	37,042	24,440	22,560	7,520
PARKMAN	PISC	64,912	43,479	29,504	27,234	9,078
SANGERVILLE	PISC	109,239	101,412	67,731	62,521	20,840
SEBEC	PISC	36,942	28,935	21,716	20,046	6,682
SHIRLEY	PISC	15,934	10,803	6,997	6,459	2,153
WELLINGTON	PISC	17,174	15,206	9,442	8,716	2,905
WILLIMANTIC	PISC	5,637	3,853	2,468	2,278	759
ARROWSIC	SAGA	25,507	15,008	10,434	9,632	3,211

# Mayors Coalition

## Revenue Sharing Talking Points

January 2014

### Fund Revenue Sharing

#### Grow Maine's Economy and Avoid Property Tax Increases

Revenue sharing is a partnership between the state and municipalities. The partnership recognizes that Maine towns and cities provide the basic services that support Maine's economy: roads, water, sewer, police and fire protection. The state collects over \$2 billion a year in sales and income taxes from that economic activity. Revenue sharing allows communities to receive a small percentage of the revenue.

Revenue sharing, by law, is supposed to be 5% of sales and income tax revenues, \$140 million a year. The Governor and Legislature have reduced it to only \$65 million this year! The state is not living up to its obligations and that is forcing higher property taxes.

Revenue sharing is at risk of being further reduced if the Legislature doesn't act this year.

Revenue sharing keeps property taxes down. As the state has reduced revenue sharing over the past few years, property taxes have risen faster than income and sales taxes. In 2006, property taxes were just under 42% of the total of all 3 taxes. By 2012, that had risen to 45% and it will continue to climb without major changes in state policy.

Revenue sharing this year dropped from \$98 million to \$65 million. Because the cut came after most town and city budgets were adopted, they have been forced to respond with a series of short term fixes. Towns will have great difficulty if revenue sharing is flat funded, next year. A further reduction would force major property tax increases.

#### *When talking to Legislators -*

Revenue sharing has been decreasing for several years. That is unacceptable. We expect the Legislature to make the hard choices necessary to fund revenue sharing. If that doesn't happen, we will be certain to explain to our residents, your constituents, exactly why their property taxes are going up, and will be encouraging them to reach out to you, their legislators, to express their displeasure.

Revenue sharing was higher in 1994 than 2014!

## **Summary**

Part A restores the original 12-year limit on eligibility for reimbursement under the Business Equipment Tax Reimbursement program.

Part B eliminates eligibility under the Business Equipment Tax Reimbursement program for property located at a retail sales facility and used primarily in a retail sales activity.

Part C requires taxpayers who take advantage of the federal option to use the last-in, first-out method of inventorying goods allowed under the United States Internal Revenue Code, Section 472 to adjust federal adjusted gross income or taxable income claimed under the state income tax by the amount of income that would be required if the federal option was not available.

Part D repeals the provision in Part S of the Biennial Budget Bill, Public Law 2013, chapter 368, that reduced the transfers to municipal revenue sharing by \$40,000,000 in fiscal year 2014-15, if legislation is not enacted by July 1, 2014 pursuant to Part S that generates an increase of \$40,000,000 in budgeted General Fund revenue.

Part D also transfers \$4,000,000 from the Tax Relief Fund for Maine Resident to the General Fund unappropriated surplus in fiscal year 2014-15.

Part D also transfers (an amount to be determined) from the Maine Budget Stabilization Fund to the General Fund unappropriated surplus in fiscal year 2014-15. (Amount will be the amount necessary after calculating the available

**LR 2721 An Act Related to the Report of the Tax Expenditure Review Task Force  
Pursuant to PL 2013, c. 368, Part S**

**LIMIT BETR TO 12 YEARS:**

**Part A**

**Sec. A-1. 36 MRSA §699, sub-§2** is amended to read:

**2. Intent.** It is the intent of the Legislature to fund fully transfers to the Disproportionate Tax Burden Fund under section 700-A, subsection 1 ~~and reimbursements under the business equipment tax reimbursement program under section 6652, subsection 4, paragraph B.~~

**Sec. A-2. 36 MRSA §6652, sub-§1** is amended to read:

**1. Generally.** A person against whom taxes have been assessed pursuant to Part 2, except for chapters 111 and 112, with respect to eligible property and who has paid those taxes is entitled to reimbursement of a portion of those taxes from the State as provided in this chapter. The reimbursement under this chapter is the percentage of the taxes assessed and paid with respect to eligible property specified in subsection 4. For purposes of this chapter, a tax applied as a credit against a tax assessed pursuant to chapter 111 or 112 is a tax assessed pursuant to chapter 111 or 112. Reimbursement under this chapter is limited to 12 property tax years. A taxpayer that included eligible property in its investment credit base under section 5219-M and claimed the credit provided in section 5219-M on its income tax return may not be reimbursed under this chapter for taxes assessed on that same eligible property in a year in which that credit is taken. A successor in interest of a person against whom taxes have been assessed with respect to eligible property is entitled to reimbursement pursuant to this section, whether the tax was paid by the person assessed or by the successor, as long as a transfer of the property in question to the successor has occurred and the successor is the owner of the property as of August 1st of the year in which a claim for reimbursement may be filed pursuant to section 6654. For purposes of this subsection, "successor in interest" includes the initial successor and any subsequent successor. When an eligible successor in interest exists, the successor is the only person to whom reimbursement under this chapter may be made with respect to the transferred property. For an item of eligible property that is first subject to assessment under Part 2 on or after April 1, 2008, and for any item of eligible property for which reimbursement is paid under subsection 4, paragraph B, the reimbursement otherwise payable under this section may not exceed the actual property taxes paid less any tax increment financing refund received with respect to that property.

**Sec. A-3. 36 NRSA §6652, sub-§4, ¶B is repealed.**

**Sec. A.4. Application.** The section of this Act that amends Title 36, section 699, subsection 2 and section 6652, subsection 1 and that repeals Title 36, section 6652, subsection 4, paragraph B apply to claims for reimbursement for property taxes filed for application periods beginning on or after August 1, 2014.

## **EXCLUDING RETAIL FACILITIES:**

### **PART B**

**Sec. B-2. 36 MRSA §691, sub-§1, ¶A is amended to read:**

A. "Eligible business equipment" means qualified property that, in the absence of this subchapter, would first be subject to assessment under this Part on or after April 1, 2008. "Eligible business equipment" includes, without limitation, repair parts, replacement parts, replacement equipment, additions, accessions and accessories to other qualified business property that first became subject to assessment under this Part before April 1, 2008 if the part, addition, equipment, accession or accessory would, in the absence of this subchapter, first be subject to assessment under this Part on or after April 1, 2008. "Eligible business equipment" also includes inventory parts.

"Eligible business equipment" does not include:

- (1) Office furniture, including, without limitation, tables, chairs, desks, bookcases, filing cabinets and modular office partitions;
- (2) Lamps and lighting fixtures used primarily for the purpose of providing general purpose office or worker lighting;
- (3) Property owned or used by an excluded person;
- (4) Telecommunications personal property subject to the tax imposed by section 457;
- (5) Gambling machines or devices, including any device, machine, paraphernalia or equipment that is used or usable in the playing phases of any gambling activity as that term is defined in Title 8, section 1001, subsection 15, whether that activity consists of gambling between persons or gambling by a person involving the playing of a machine. "Gambling machines or devices" includes, without limitation:
  - (a) Associated equipment as defined in Title 8, section 1001, subsection 2;



- (b) Computer equipment used directly and primarily in the operation of a slot machine as defined in Title 8, section 1001, subsection 39;
  - (c) An electronic video machine as defined in Title 17, section 1831, subsection 4;
  - (d) Equipment used in the playing phases of lottery schemes; and
  - (e) Repair and replacement parts of a gambling machine or device;
- (6) Property located at a retail sales facility and used primarily in a retail sales activity ~~unless the property is owned by a business that operates a retail sales facility in the State exceeding 100,000 square feet of interior customer selling space that is used primarily for retail sales and whose Maine-based operations derive less than 30% of their total annual revenue on a calendar year basis from sales that are made at a retail sales facility located in the State.~~ For purposes of this subparagraph, the following terms have the following meanings:
- (a) "Primarily" means more than 50% of the time;
  - (b) "Retail sales activity" means an activity associated with the selection and purchase of goods or services or the rental of tangible personal property. "Retail sales activity" does not include production as defined in section 1752, subsection 9-B; and
  - (c) "Retail sales facility" means a structure used to serve customers who are physically present at the facility for the purpose of selecting and purchasing goods or services at retail or for renting tangible personal property. "Retail sales facility" does not include a separate structure that is used as a warehouse or call center facility;

**Sec. B-2. 36 MRSA §6652, sub-§1-D is amended to read:**

**1-D. Retail sales facilities.** Reimbursement pursuant to this chapter may not be made with respect to property that is located in a retail sales facility ~~exceeding 100,000 square feet of interior customer selling space and used primarily in a retail sales activity, unless the facility is owned by a business whose Maine-based operation derives less than 50% of its total annual revenue on a calendar year basis from sales that are subject to Maine sales tax. This subsection applies to property tax years beginning after April 1, 2006. Property affected by this subsection that was eligible for reimbursement pursuant to this chapter for property taxes paid for the 2006 property tax year is grandfathered into the program and continues to be eligible for reimbursement to the extent permitted by this chapter as it existed on April 1, 2006, unless that property subsequently becomes ineligible.~~

**Sec. B-3. Application.** The section of this Part that amends Title 36, section 691, subsection 1, paragraph A applies to property taxes based on the status of property on or

after April 1, 2014. The section of this Part that amends Title 36, section 6652, subsection 1-D applies to claims for reimbursement for property taxes filed for application periods beginning on or after August 1, 2014.

**LIFO election disallowance:**

**PART C**

**Sec. C-1. 36 MRSA §5122, sub-§1, ¶II** is enacted to read:

II. For tax years beginning on or after January 1, 2014, the amount by which federal adjusted gross income would be increased if the taxpayer was not permitted to use the last-in, first-out method of inventorying goods allowed under the Code, Section 472.

**Sec. C-2. 36 MRSA §5200-A, sub-§1, ¶BB** is enacted to read:

BB. For tax years beginning on or after January 1, 2014, the amount by which taxable income would be increased if the taxpayer was not permitted to use the last-in, first-out method of inventorying goods allowed under the Code, Section 472.

**PART D**

**Sec. D-1. PL 2013, chapter 368, §S-8** is repealed.

**Sec. D-2. Transfer from tax relief fund.** The State Controller shall transfer \$4,000,000 from the Tax Relief Fund for Maine Residents established in the Maine Revised Statutes, Title 5, section 1518-A to the unappropriated surplus of the General Fund no later than June 30, 2015.

**Sec. D-3. Transfer from budget stabilization fund.** The State Controller shall transfer (\$\_\_\_\_\_ amount to be determined) from the Maine Budget Stabilization Fund established in the Maine Revised Statutes, Title 5, section 1532 to the unappropriated surplus of the General Fund no later than June 30, 2015.

**Summary**

## Notes from the Chair of the Budget Committee to Town Council –Town Manager

I have attached the “unapproved minutes” from the Budget meeting on Tuesday January, 21<sup>st</sup> for your review.

Previously, the budget committee had asked the Town Manager to present the current budget in a more readable and comparable Excel type format which he and his staff have done.

I would suggest along the same lines that town budgets from the municipal and school budgets provide some graphic representation of the numbers so that relationships between budget lines and trends are easily understood. This will help the council, the budget committee and the public as discussions of budgets ensue.

### Proposed Graphs:

#### Municipal Budget

1. Line graph showing 5 year trend of overall municipal budget
2. Line graph showing 5 year trend of taxes on residents
3. Pie chart of current department budgets
4. Pie chart of proposed department budgets (final form)
5. Pie chart of Municipal + School Department

#### School Department

1. Line graph showing 5 year trend of overall total spending on education including state & town
2. Pie chart of Veazie Community School showing major cost areas
3. Pie chart of secondary education cost areas
4. Pie chart of combined budget

Lastly, at our budget the chairperson of the school committee asked direction from us but we deferred to your committee to give this direction. At this time, the school committee has already entered into a one year custodial contract which limits their flexibility in this budget cycle. The school committee is ready to start negotiations on a 3 year teacher contract, so they will need your direction as soon as possible on how to proceed.

  
Patricia Rice

Budget Committee chair

## BUDGET COMMITTEE MINUTES- VEAZIE

Date: January 21, 2014

Attendance: Pat Rice, Chuck Osgood, Jeff Wheelden, Mark Leonard, Sharon Soucy (school business manager), and Gavin Batchelder (chariman of the school board).

Absent: Pat Joyce,

Meeting called to order at 6:30 pm by Pat Rice.

The minutes from the October 21, 2013 were approved.

### Veazie School update:

Sharon Soucy gave an update on the budget and indicated that overall she was pleased with actual expenses vs. budget, especially since this was a challenging year for budgeting given the withdrawal from the RSU. The Secondary Tuition will be over budget by approximately \$11,000 since they budgeted for a 1% increase and actual increases have averaged closer to 2.25%. However, she felt that there were other line items that will be under budget, such as the diesel fuel budget, that will offset the over budget secondary tuition expense. She indicated that the food service budget should end the year in the black at \$17,000 and that they are looking at a \$58,000 carry over in total, which combined with contingencies and previous carry over total well in excess of \$400,000.

Pat Rice asked about the custodial budget and whether the contract was put out to bid. Mr. Batchelder responded that they renewed the contract with the existing contractor for 1 more year at the same price as last year rather than go out to bid. Ms. Rice expressed her concern that the custodial line item appears very high and this has been an area that the budget committee has suggested be put out to bid on several occasions.

Mr. Batchelder indicated that the teachers are operating under a 1 year contract, and in January discussions will be underway to negotiate a new 3 year contract. He asked if the budget committee had any guidance for budgeting purposes, and other than concentrating of those items that could be reviewed, Ms. Rice indicated that we were awaiting guidance from the Town Council- Mark Leonard thought that such guidance would be forthcoming within a month.

There was detailed discussion on how the financial statement for the school did not reflect the Town's fiscal year, i.e. 7/1 to 6/30, although the format indicated that it did. The confusion is in the salaries and benefits categories which are based on the teacher's contract terms which start Sept 1- thus expenditures for YTD are adjusted by "encumbrances" for tracking purposes. It was suggested that for financial reporting purposes we receive actual expenses for the fiscal year- Ms. Soucy indicated that she would look into it.

### Town Budget:

Mr. Leonard distributed a Legislative Bulletin from the Maine Municipal Association concerning revenue sharing. The revenue sharing that the Town of Veazie receives has steadily declined from \$194,149 in

2009, to \$129,068 this year, to \$119,139 proposed for next year. However, if the current bill, LR 2721 is not enacted, that amount could be reduced to \$39,713.

The committee expressed its appreciation to Mr. Leonard for changing the financial reporting format to more easily review changes from the previous year as well as year to date expenditures as they relate to the current budget. Mr. Leonard indicated that he plans to include revenue as well. Additional line item detail for the Fire Department and Capital Projects will be broken out to allow a year to year comparison. A general review of the budget indicated that there have been substantial cost reductions across the board in many categories.

Mr. Leonard expressed his concern that the Recreation revenue budget will not be met given the personnel cutbacks.

The Public Works department in the current budget may be eliminated next fiscal year since for all practical purposes the Town no longer has a Public Works Department. Categories such as road salt, street sweeping and highway maintenance will either have to be absorbed in General Government or another category to be formed.

Comments from the Public:

Tony Cappuccio expressed his concern that there was not a sufficient training budget for the Fire Department, and that the 11 volunteers we currently have is not enough. He wanted to make sure the Budget Committee took that into consideration when reviewing the Fire Dept budget. Mr. Osgood stated that the budget approved by the Budget Committee for this year was substantially reduced by the Town Council, and that his concerns might be more appropriately addressed there.

Mr. Osgood stated for the record that he was concerned about the relevance of the Budget Committee, given the substantial changes to its recommended budget made either by the Council (Fire Department, Public Works, and Recreation Dept), without previous guidance to the Budget Committee, or at the Town Meetings.

There being no further business, the meeting was adjourned at 8pm.

Respectfully submitted by:

C. Osgood, Secretary



# Lien Maturity Notice Summary

Account	Name	Principal	Interest	Costs	Current Int	Total
150	Cronkite, Ronald 1490 State St. trlr 20 Veazie, ME 04401	\$243.20	\$39.18	\$74.72	\$1.63	\$358.73
7	Doughty, Richard Doughty, Lillian 1490 State St trlr 34 Veazie, ME 04401 8503	\$188.56	\$18.88	\$59.86	\$1.27	\$268.57
650	Dye, Jeanine 1059 Main St Veazie, ME 04401 7012	\$186.20	\$29.99	\$68.61	\$1.25	\$286.05
265	Guerin, Maureen 1320 State St Veazie, ME 04401 6906	\$1,306.20	\$169.34	\$80.11	\$8.77	\$1,564.42
309	Knowlton, Percival Knowlton, Linda 1490 State St trlr 37 Veazie ME 04401-8503	\$448.40	\$72.23	\$80.11	\$3.01	\$603.75
399	Lewey, Patricia 1009 MAPLE STREET Veazie, ME 04401	\$19.00	\$3.06	\$68.61	\$0.13	\$90.80
1029	Shepherd, Merry 1185 Chase Rd Lot 1 Veazie, ME 04401	\$327.73	\$39.60	\$86.22	\$2.20	\$455.75
598	Shorey, Roger & Neal, Debra 1030 Maple St Veazie, ME 04401 7047	\$942.40	\$151.82	\$86.22	\$6.33	\$1,186.77
<b>Total:</b>		\$3,661.69	\$524.10	\$604.46	\$24.59	\$4,814.84

**Veazie**

This report shows the 2014-2016 Work Plan entries for Veazie. The costs listed are the total cost of these projects – some of which may extend into neighboring towns. It also shows a listing of maintenance work specifically recorded to Veazie in 2013, as well as any 2013 Local Road Assistance payments. Activities that are managed on a larger scale, such as snow & ice control, and maintenance work done by contract are not listed. The maintenance accomplishments may also extend into neighboring towns, but are listed in the first town where the work was reported. Finally, any capital projects that were completed in 2013 are also listed.

**Planned Capital and Maintenance Work 2014-2016****Work Plan Year:** 2014**Municipalities(s):** Charleston, Atkinson, Sebec, Dover-Foxcroft, Orono, Bradford, Orneville Twp, Lagrange, Burlington, Lincoln, Sangerville, Glenburn, Veazie, Bangor, Hudson, Parkman**Asset(s):** Pushaw Road**Description:** Charleston Area Light Capital Paving. Calendar Year 2014.

ID	Scope of Work	Highway Corridor Priority	Estimated Funding
020960.00	Highway Light Capital Paving	Varies	\$3,570,900

**Work Plan Year:** 2014**Municipalities(s):** Veazie**Asset(s):** County Road Xing Bridge**Description:** Replace gabion baskets with a rock retaining wall on County Road Crossing Bridge (No. 3684) which carries Main Street over Maine Central Railroad. Located 0.04 of a mile east of Route 2 (State Street).

ID	Scope of Work	Highway Corridor Priority	Estimated Funding
021060.00	Maintenance - Bridge/Structures	3	\$80,000

**Work Plan Year:** 2015-16**Municipalities(s):** Bangor, Veazie, Orono**Asset(s):** Route 2**Description:** Beginning at Front Street and extending easterly 4.77 miles to 0.07 of a mile north of Oak Street in Orono.

ID	Scope of Work	Highway Corridor Priority	Estimated Funding
020374.00	Highway Preservation Paving	3	\$1,252,000

**Local Road Assistance – Fiscal Year 2013**

\$15,442

**Maintenance Accomplishments – 2013**

11.70 Miles of Striping Applied

3.74 Shoulder Miles of Sweeping

260.00 Sq Feet of Pavement Legend Applied

1,800.00 Linear Feet of Shoulder Rebuilt

14.95 Ton(s) of Cold Patch Applied

4.00 Minor Sign(s) Installed or Maintained

528.00 Linear Feet of Grader Ditching

745.00 Linear Feet of Brush Removed



# Town of Veazie

January 14, 2014

Lagasse Lawn Care and Seasonal Service  
52 Warwick Street  
Bangor, Maine 04401  
Attn: Michael Lagasse

Ref: Ground Maintenance Contract 2014 to 2016

Dear Mr. Lagasse,

I am writing to advise you that on January 13, 2014 the Veazie Town Council awarded Lagasse Lawn Care the contract for Ground Maintenance for the period starting April 15, 2014 until April 14, 2016. Your company was chosen from (4) other companies that submitted bids. Your bid was \$14,400.00 for the 2014 season and \$15,000.00 for the 2015 mowing season. I have signed and completed a contract for this service which is attached. I would ask that you sign the original copy and return that to me at 1084 Main Street Veazie Maine 04401 and keep the copy for your records.

I want to congratulate you on your successful bid submission and I look forward to working with you and Lagasse Lawn Care. If you have any questions, concerns or comments please don't hesitate to contact me.

Sincerely,



Mark Leonard

CC: Veazie Town Council



**1320 Stillwater Ave.  
Bangor, ME 04401  
207-945-3414**

January 14, 2014

Veazie Community School  
c/o Scott Nichols  
1040 School Street  
Veazie, Me 04401

Dear Scott

It is with great sadness that I write this letter to you this morning, after last night's council meeting it has become very obvious that the elected officials do not appreciate the services Black Bear Lawn Care has been providing to the town free of charge for the past several years. As a result I will no longer be able to provide the aeration to the school at no charge or loan the town the equipment to prep the infield of the baseball and softball fields.

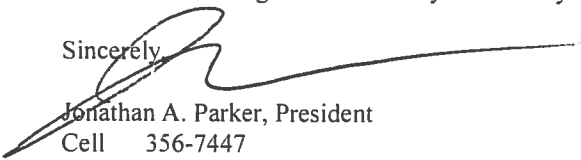
Over the past five years I believe the fields have come a long way and become much safer through an aggressive aeration as well as proper fertilization. I would hate to see this stop and regress to the way they were so I would strongly recommend the school try to put some money back into the field maintenance budget, as I believe that has been reduced of the last few budget cycles. If memory serves me correctly you had Green Thumb Lawn Service do aeration in the past for around \$1100 for one time, I have done them spring late summer and fall except for the one time Green thumb did the aeration. It would be imperative that aeration continue to be done at a minimum spring and fall as they are multi purpose fields and get extensive use all year long.

I would be more than willing to continue to aerate them at a reduced cost of \$500 per application for a core aeration which is 50% reduction of what we would normally charge.

Black Bear Lawn Care has truly enjoyed the opportunity to volunteer its service through labor, equipment, and materials in the past including the tree planting project. I hope at some point we can once again be able to provide the service at no charge as one of my greatest measures of success is to give back to the community in which we live in a positive way.

Please feel free to give me a call if you have any questions.

Sincerely,



Jonathan A. Parker, President  
Cell 356-7447  
Office 945-3414  
CC: Mark Leonard



Message

Fri, Jan 17, 2014 4:37 PM

From: James Parker <jparker339@roadrunner.com>

To: **Mark Leonard**

Subject: Water testing

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Mark

For the council to direct water testing and then politically select test locations is a real disservice to the community. I question under what expertise the council members can justify selecting test locations. The protocol for such testing requires far more than just picking a spot if the testing is to mean anything. DHS establishes these and has far more qualifications and experience than Council Members driven by an agenda.

I bet I can test your water and get many different results , which if not done under a protocol, would be misleading and useless except for political reasons.

Jim

Sent from my iPad



Message

Wed, Jan 22, 2014 6:23 PM

From: David Wardrop &lt;wardrop@roadrunner.com&gt;

To: **Mark Leonard** Don MacKay <don@forestresearchllc.com>

Subject: Fwd: Project Canopy Grant Status

Attachments: Attach0.html / Uploaded File

5K

Hi Mark. Good news...We have been approved for our project canopy grant...full amount. We just need you to visit the link below and fill it out for the town. Any questions please let me know. Thank you.

Sent from David's iPhone

Begin forwarded message:

**From:** "Santerre, Jan" <[Jan.Santerre@maine.gov](mailto:Jan.Santerre@maine.gov)>

**Date:** January 16, 2014 at 11:38:01 AM EST

**To:** "Santerre, Jan" <[Jan.Santerre@maine.gov](mailto:Jan.Santerre@maine.gov)>

**Subject:** Project Canopy Grant Status

Congratulations! Your 2013 Project Canopy grant has been selected for funding this round. In order to move forward with executing contracts, I must have your organizations DUNS number. Please contact your financial administrator to obtain this number, or set one up at: <http://fedgov.dnb.com/webform>

Once I have all these in place, the state forester can sign duplicate contracts, which will be forwarded for countersignature. Once complete, you will be able to move forward with charging expenses to this project.

Best regards,

Jan Santerre  
Project Canopy Coordinator  
Maine Forest Service  
Desk: 207-287-4987  
Mobile: 207-557-2305  
22 State House Station  
Augusta, ME 04330-0022

[www.projectcanopy.me](http://www.projectcanopy.me)

# MMA YEAR IN REVIEW 2013

## Looking at 2013

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This is the fourth year the Maine Municipal Association (MMA) has compiled the *"MMA Year in Review"* report. We have outlined key activities and services provided to members during 2013.

The 12-member Executive Committee, made up of your peers who are elected by MMA's municipal members, serves as the governing body of the Association and its 112 employees. Three officers serve one year terms while nine board members are elected to serve three-year, staggered terms. The primary role of the Executive Committee is to oversee organizational programmatic, financial and policy issues.

Together, board members and staff recognize that these are exceedingly challenging times and we are committed to providing our members with high quality and valued services to assist you in doing your jobs as municipal officials.

We hope you find this report helpful and encourage you to be in contact with us if you have any questions or if you would like additional information. Please visit the MMA website ([www.memun.org](http://www.memun.org)) to view our publication, *"Getting To Know Your Association"* for a more detailed description of MMA's services and programs.

We value your membership and consider it our privilege to serve you.

Respectfully,  
Christopher G. Lockwood, Executive Director

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## Advocacy Services



MMA's advocacy services are provided through its State & Federal Relations Department (SFR), consisting of four employees. Their primary focus is on decisions that are made by Maine lawmakers at the State House and regulations promulgated by various state agencies. On all these matters, MMA's advocates are guided by the Association's 70-member Legislative Policy Committee (LPC). Municipal leaders throughout Maine are elected to the LPC for two-year terms by the selectmen and town and city councilors in their region. The LPC is designed to ensure that a clear municipal perspective is advanced in the legislative decision-making process.

**MMA's Legislative Agenda.** For the 2013-2014 legislative biennium, the LPC developed a "protect the core" legislative agenda to fight against legislative raids on municipal revenue sharing and other forms of state aid (e.g., K-12 education, road maintenance, public assistance reimbursements, etc.) and oppose efforts to shift additional mandates onto municipalities. In conjunction with its "protect the core" mission, the LPC advanced six specific pieces of legislation focusing on improving the working relationship between municipalities and the state, making better use of limited state and municipal resources, and ensuring proper investments in Maine's public works infrastructure (e.g. roads, water/wastewater facilities, etc.).

Examples of MMA's legislation included a \$100 million transportation bond proposal, a legislative initiative designed to drill down into and correct an unrecognized state mandate imposed on Maine's Public Safety Answering Points (PSAP), and a bill that positively connected the Circuitbreaker property tax relief benefits provided to low income homeowners with the actual payment of the property taxes. The Circuitbreaker bill was poised for enactment but then the Legislature terminated the Circuitbreaker program. The PSAP bill is still on the table for further consideration in 2014. The Legislature ultimately endorsed a \$100 million transportation bond proposal which the voters approved in November.

Unfortunately, however, the Legislature also enacted a two-year state budget bill in 2013 attacking the core rather than protecting it. The state budget included an unprecedented \$159 million "transfer" of municipal revenue sharing dollars to state coffers, the termination of the Circuitbreaker property tax relief program, the shifting of the \$30 million teachers' retirement premium from a state responsibility to a local government responsibility, and an unprecedented reduction in financial support to the towns and cities through the Local Road Assistance Program. It should go without saying that in 2014 MMA's advocacy staff will redouble its "protect the municipal core" efforts.

## Advocacy Services (cont'd)



In addition to opposing initiatives proposing further cuts to state aid programs or increasing the cost of providing local government services, MMA staff will closely monitor the Legislature's response to the reports and recommendations being advanced by four separate task forces established by the Legislature in the state budget. These Task Force recommendations will likely be the focal point of municipal advocacy during the 2014 legislative session.

- **Tax Expenditure Review Task Force.** This Task Force was charged with identifying \$40 million worth of sales and income-tax exemptions for elimination. Failure to identify the exemptions to be eliminated, or legislative failure to implement the recommended eliminations, is supposed to result in further deep cuts to municipal revenue sharing. That can't happen.
- **Nonprofit Tax Review Task Force.** In response to its charge, this Task Force is developing a proposal to provide municipalities with greater authority to assess service charge fees against tax exempt nonprofit organizations with gross annual revenues of \$500,000 or more.
- **BETR-to-BETE Conversion Task Force.** This Task Force is recommending that approximately \$3 billion worth of taxable property enrolled in the Business Equipment Tax Reimbursement program (BETR) be made exempt from taxation in 25% increments over a four year period, further diminishing the municipal tax base.
- **Mandate Working Group.** The Mandate Working Group has packaged over 25 separate recommendations to repeal or redesign existing mandates on the books. Another Working Group recommendation is to establish a formal system to engage with policy-level state agency personnel to explain the problems with dozens of other applications of mandatory requirements as they are implemented on the ground.

## Communication & Educational Services



The Communication & Educational Services staff of nine has an array of responsibilities critical to MMA's mission of member service. The Department is responsible for developing and maintaining effective communication vehicles for MMA's members, promoting MMA policy priorities and helping the public better understand the importance and value of municipal government. The Department oversees MMA training and professional development efforts, including the annual convention. It works closely with 14 affiliate professional organizations comprised of municipal officials and employees from around the state.

**Training and Professional Development.** MMA continued to add training and convention workshops developed from current trends and challenges facing members. New sessions were held on Verbal Judo (Dealing with Difficult Customers) and Managing

## Communication & Educational Services (cont'd)



Private Sector Projects. Both workshops were member suggestions and both had excellent attendance. These "off the news" programs will continue in 2014 with at least one new offering: Social Media Dos and Don'ts. Attendance at MMA training events has risen for three consecutive years.

In 2012, MMA began using video-conference equipment to train attendees at both the MMA Conference Center in Augusta and other locations in 2013. This expanded to Calais and Machias in Washington County. The Municipal Technology Conference – MMA's second-largest event each year – set records for attendance and exhibitor participation in 2013. The 2014 Conference will be held May 1 at the DoubleTree by Hilton in South Portland.

**Citizen Education.** This program expanded in 2013 in several key areas:

- Working closely with State & Federal Relations staff, the department created a website examining the negative effects of a proposal to eliminate state Revenue Sharing to municipalities. The site also showed the widespread nature of municipal collaboration in Maine. It was a valuable tool, informing and updating members, the public and media during budget-deliberation time at the Statehouse. More than 2,000 visitors went to the site over a six-month period. Many media reports cited the website as a resource and directed citizens to it.
- We know that municipal recruiting and succession planning are ongoing concerns for members. MMA formalized a training relationship with Thomas College in Waterville regarding its Public Administration offerings, among others. MMA continues to work closely with the University of Maine and Community College systems regarding all types of municipal training and education.
- MMA named four winners in our second annual middle-school essay contest, which carried the theme: "If I Led My Community..." Social studies teachers in all Maine middle schools were encouraged to submit their students' work. 2013 winners were from: Greenbush, Hartland, Brooklin and Bangor.

**MMA Annual Convention.** Attendance held steady and sponsorship revenue rose again at the 2013 MMA Convention. The two-day event drew over 1,070 people each day. Featured speakers addressed topics such as: Civility in City Hall; Moral Leadership; Dynamic Downtowns; and, Municipal Recalls. The Exhibit Area sold out, with 114 businesses and organizations promoting products and services. Five Maine media outlets were on hand to report on various municipal issues.

**Affiliate Group Services.** MMA members also benefited from Affiliate Group input on succession planning and our outreach to Maine colleges. Two groups – the Maine Town & City Clerks' Association and Maine Fire Chiefs' Association – held annual awards events and business meetings at MMA's 2013 Convention. Department staff provides high-quality administrative services and logistical support for Affiliate Group events across the state.

## Communication & Educational Services (cont'd)



**Communication, Publications & Resource Center.** The MMA website ([www.memun.org](http://www.memun.org)) was converted to a more modern platform, both in outward appearance and the ease with which it can be updated and edited. This massive project involved the transfer of thousands of files, articles, reports and forms and re-registration for members. Planning for the web conversion started in 2012. The new website debuted on Oct. 21.

## LOCAL GOVERNMENT *begins with YOU.*

## Legal Services



MMA's Legal Services program responds to legal inquiries, produces manuals and other publications, participates in the development and delivery of training programs, and advocates for municipal interests by filing "friend of the court" briefs. The Legal Services Department consists of six attorneys and a secretary.

**Inquiries.** During the first 11 months of 2013, 94% of our members used the Legal Services Program, and we logged nearly 6,000 inquiries, over 40% of which were received by email. Although we are starting to see an increase in subdivision and other land development issues, perhaps indicating an improving economy, we still receive many inquiries pertaining to delinquent taxes, tax liens, poverty abatements, foreclosures and bankruptcy, as well as personnel and staffing issues. Citizen petitions, RSU withdrawals, "rights based" ordinances and "Right to Know" records requests accounted for numerous inquiries, along with the perennial questions about roads, land use, town meetings and elections.

**Publications.** In 2013, the Department published new editions of our Municipal Clerks and Licensing and Permitting Manuals. A new edition of our General Assistance Manual was delayed due to legislative amendments, but is being prepared for release in early 2014. A new General Assistance Ordinance is presently available. We also created an "Aircraft Excise Tax" information packet and updated numerous others. These and all of our publications are available to members free of charge on the MMA website. Also, "Legal Notes" on current issues facing municipalities appear monthly in MMA's magazine, the Maine Townsman.

**Training.** The Legal Services staff participated in many MMA and Affiliate Group training programs throughout the year, including Town Meetings and Elections, Municipal Law for Clerks, Municipal Law for Tax Collectors and Treasurers, New Manager's Workshop, Managing Freedom of Access Requests, as well as numerous

## Legal Services (cont'd)



Planning Board / Board of Appeals Workshops and Elected Officials Workshops. Special training programs were delivered to harbor masters and personnel directors from larger communities. Several "Pains, Claims and Automobiles" workshops focusing on road related liability issues were conducted around the State in conjunction with the Maine Department of Transportation (MDOT). The Legal Services staff also administered and provided programming for the meetings of the Portland-based "ROMA" group of municipal attorneys.

**Advocacy.** At the end of 2012, we represented the interests of all Maine cities and towns by filing a "friend of the court" brief in *Stoops v. Nelson*, an important tax lien case. We received a very favorable decision from the Maine Supreme Judicial Court this spring, confirming the validity of Maine's tax lien pre-process and the content of tax lien notices – issues that our Court had not addressed in several years and since a significant U.S. Supreme Court Decision (*Jones v. Flowers*) requiring that additional steps be taken when lien notices are returned unclaimed. Consistent with MMA's brief, the Court found that Jones did not overrule previous Maine court decisions on the subject.

In March, Legal Services filed another brief in an appeal by the City of Augusta of a Maine Labor Relations Board ruling regarding the City's responsibility to maintain certain benefits after the expiration of a collective bargaining agreement. Unfortunately, the Law Court did not accept our arguments that the MLRB did not have jurisdiction over this issue, and that the Board interpreted the "static status quo" doctrine too broadly in favor of the union. (*City of Augusta v. Maine Labor Relations Board, et al.*)

Legal Services staff continues to serve on the Legislature's Right to Know Advisory Committee, reviewing and commenting on all legislation having Freedom of Access Act implications.

## Municipal Employees Health Trust



The Maine Municipal Employees Health Trust (MMEHT or the Trust) provides cost-effective, quality employee benefit plans at competitive rates on a self-insured basis to local government employees, retirees and their dependents. The MMEHT, administered by MMA, allows participating employers to aggregate their purchasing power and take advantage of self-insurance, an efficient financial tool. The Trust is proud to have celebrated its 30th anniversary in 2013.

An 11-member Board of Trustees governs the Trust. The Board is comprised of municipal officials and retirees committed to high value support services for member employers and their participating employees. In 2013, the MMEHT provided health insurance benefits to over 20,000 participants in its medical plans, offered by more than 450 municipalities, counties and special districts. The Trust also offers dental, life, vision, short term and long term disability plans.

# MMA 2013: By The Numbers Numbers reflected are based on 11 months (Jan. – Nov. 2013)

## Membership

• Municipal Members.....	486
• Associate Members ( <i>special districts, quasi-municipal, municipal non-profits</i> ) .....	272

## Affiliate & Patron Status

• Individual Patrons .....	8
• Business Patrons.....	8
• Professional Patrons.....	17
• Affiliated Municipal Professional Organizations & Cty Municipal Associations.....	34
• Affiliated Municipal Professional Organizations ( <i>under contract for administrative services</i> ) .....	14

## Member Services & Programs

Legal Inquiries .....	5,906
Number of bills introduced by Legislature (biennial).....	1,597
Number of bills tracked by MMA staff (biennial).....	520
Workshops, programs, training attendees ( <i>includes MMA &amp; Affiliate Group training</i> ) .....	6,566
MMA Annual Convention attendees ( <i>daily average; the Convention is a two-day event</i> ).....	1,071

MMA Technology Conference attendees .....	243
Sponsors, exhibitors and advertisers ( <i>conferences, publications and website</i> ).....	237

## Group Self-Funded Insurance Programs

Maine Municipal Employees Health Trust municipal members .....	305
Maine Municipal Employees Health Trust associate members .....	232
MMA Property & Casualty program municipal members .....	351
MMA Property & Casualty associate members.....	93
MMA Workers Compensation Fund municipal members .....	426
MMA Workers Compensation associate members.....	161
MMA Unemployment Compensation Fund municipal members.....	188
MMA Unemployment Compensation associate members.....	46

## Our Mission

The mission of the Maine Municipal Association is to provide professional services to local governments throughout Maine and to advocate their common interests at the state and national levels.

## Our Vision

We believe in:

- Local government as the keystone of democracy.
- Representative and participatory local government.
- The accessibility and accountability of municipal government officials.
- A commitment to honesty, integrity and the highest ethical standards among public officials.
- The vital intergovernmental role of municipal governments in providing basic services essential to public safety and the functioning of our economy.
- The individuality of each local government.
- The value of collaboration as a means of strengthening cities and towns and providing needed services.

## 2014 EXECUTIVE COMMITTEE

OFFICERS		MEMBERS	
<b>PRESIDENT</b> Peter Nielsen, Town Manager Town of Oakland Tel: 465-7357 (town office) Email: <a href="mailto:pnielsen@oaklandmaine.com">pnielsen@oaklandmaine.com</a>		<b>Terms End December 31, 2015:</b> Michael Crooker, Town Manager Town of Glenburn Tel: 942-2905 (town office) Email: <a href="mailto:crooker.michael@yahoo.com">crooker.michael@yahoo.com</a>	
<b>VICE PRESIDENT</b> Michelle Beal, City Manager City of Ellsworth Tel: 669-6616 (city office) Email: <a href="mailto:mbeal@ellsworthmaine.gov">mbeal@ellsworthmaine.gov</a>		<b>Terms End December 31, 2015:</b> Marianne Moore, Mayor City of Calais Tel: 454-2521 (city office) Email: <a href="mailto:mamooreme@roadrunner.com">mamooreme@roadrunner.com</a>	
<b>PAST PRESIDENT</b> Nicholas Mavodones, Jr., Councilor City of Portland Tel: 874-8689 (city office) Email: <a href="mailto:nickm@cascobaylines.com">nickm@cascobaylines.com</a>		<b>VACANT</b>	
<b>Terms End December 31, 2014:</b> Errol "Abe" Additon, Selectman Town of Leeds Tel: 524-5171 (town office) Email: <a href="mailto:townofleeds@fairpoint.net">townofleeds@fairpoint.net</a>		<b>Terms End December 31, 2016:</b> Linda Cohen, Councilor City of South Portland Tel: 767-3201 (city office) Email: <a href="mailto:lcohen@southportland.org">lcohen@southportland.org</a>	
<b>Beurmond Banville, Selectman Town of St. Agatha Tel: 543-7305 (town office) Email: <a href="mailto:hermberm@roadrunner.com">hermberm@roadrunner.com</a></b>		<b>James Chaousis, Town Manager Town of Boothbay Tel: 633-2051 (town office) Email: <a href="mailto:townmanager@townofboothbay.org">townmanager@townofboothbay.org</a></b>	
<b>Laurie Smith, Town Manager Town of Wiscasset Tel: 882-8200 (town office) Email: <a href="mailto:townmanager@wiscasset.org">townmanager@wiscasset.org</a></b>		<b>Mary Sabins, Town Manager Town of Vassalboro Tel: 872-2826 (town office) Email: <a href="mailto:msabins@vassalboro.net">msabins@vassalboro.net</a></b>	



## Municipal Employees Health Trust (cont'd)



**Continued Plan Choice and Flexibility.** The Trust plans include value-based purchasing incentives such as a lower cost share for MMEHT Providers of Distinction including preferred hospitals and physicians. In 2013, the Trust expanded its Providers of Distinction incentive program to more of its medical plans. The Providers of Distinction program encourages Trust participants to seek care from preferred hospitals and physicians, by reducing office visit co-pays and reducing or waiving deductibles and out-of-pocket costs. The Trust offered seven medical plans in 2013, and will continue to offer all seven plans in 2014. Employers participating in the Trust may choose to offer up to three different health insurance plans to eligible employees.

**Dental Plan.** To ensure that Trust participants are receiving the best possible benefits and service, the Trust issued a Request for Proposals (RFP) for its Dental plan administrator in 2013. Following a thorough review process, a new Dental plan administrator was chosen. Effective January 1, 2014, the Trust's Dental plan will be administered by Northeast Delta Dental.

**Commitment to Improving Health.** In 2013, the MMEHT Wellness Works staff conducted more than 300 health education classes throughout the state – reaching over 3,200 municipal employees and family members – on a wide variety of health promotion topics such as health management, diabetes, heart health, fitness and stress management. The Trust disbursed nearly \$120,000 in wellness incentive grants in 2013 to more than 80 employers to help underwrite local, on-site wellness programs. Trust staff continued to promote the value of the Trust's new Employee Assistance Program (EAP), which was introduced in 2012. Several Critical Incident Stress Debriefings were provided to Trust participating employers upon request. The Trust also increased enrollment in its Telephonic Diabetes Education and Support program in 2013 – providing incentives to participants to better manage their condition.

**Value Added Services.** In 2013, the Trust continued to assist a number of its participating employer groups in meeting their GASB 45 reporting requirements for retiree health insurance liabilities by providing a template they could use to update their disclosures. The Trust also continued to provide employer groups with GASB 45 assistance upon request. In addition, Trust staff presented several workshops on Health Care Reform under the federal Affordable Care Act, as well as providing a number of e-mail updates on various provisions of the law. All health care reform updates and materials were also made available on the Trust's website, at [www.mmeht.org](http://www.mmeht.org).

**Commitment to Lowering Costs and Improving Quality.** In 2013, the MMEHT continued its strong support of the Maine Health Management Coalition (MHMC), a purchaser-led partnership among multiple stakeholders. These partners work collaboratively to improve the value of health care services delivered to employers, employees and dependents. What gets measured gets improved and the MHMC publicly reports on quality of care provided by doctors and hospitals across the state through its website –

## Municipal Employees Health Trust (cont'd)



[www.getbettermaine.org](http://www.getbettermaine.org). The Trust is committed to helping our participants get the highest quality and value out of their health care dollars. In 2013, the MHMC led several initiatives to educate health care consumers, to reform the way we pay for health care services, to enhance the delivery of primary care and to make health care more accountable. The Trust's overall cost for administering its benefit plans is well below the industry average.

## Personnel Services & Labor Relations



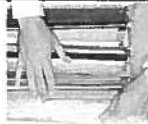
The Personnel Services & Labor Relations department staff of three has two distinct functional areas: providing human resource management for the MMA organization and providing personnel management and labor relations advice, training and consulting services to MMA's municipal members. The internal human resource functions include assisting with all departmental recruitment and hiring, maintaining MMA's performance evaluation and merit-based compensation systems, administering the employee benefit programs, production of payroll, providing in-house training, and providing advice and counsel to MMA management and staff on personnel policy matters and any employee performance issues.

**Labor Relations.** In 2013, staff assisted and represented seven municipalities as they negotiated with 17 different collective bargaining units. A number of the collective bargaining efforts included representation in mediation after the parties reached an impasse. The national economic climate and continuing uncertainty about where the state economy and municipal revenues were headed made for another unique and challenging year at the bargaining table. These challenges manifested themselves in two trends in bargaining. Bargaining in some cases was relatively quick, with both parties recognizing the difficulties and signing a short extension of the existing agreement without negotiating the normal wide array of issues. These extensions may or may not have had a salary increase as part of the deal. Other cases presented more challenges, with full-blown negotiations covering a spectrum of issues. These were generally long and protracted processes as the parties struggled to find common ground.

**Executive Search.** During 2013, staff assisted seven municipalities in searches for new town or city managers. This service provides beginning-to-end assistance to the selectmen or council as they seek a new or replacement municipal manager.

**General Personnel Management Assistance.** Staff provided on-site entry level testing for a number of police and fire departments as they recruited new police officers or firefighters. Staff also responded to several hundred general personnel inquiries from our members on issues as diverse as FMLA to the new national Health Care Reform law. Staff has met and has more meetings scheduled with Municipal Managers and HR staff to discuss the implications of the Affordable Care Act.

## Personnel Services & Labor Relations *(cont'd)*



**Maine Public Employee Retirement System (MePERS).** MMA has been actively involved as a member of the PLD (Participating Local Districts) Advisory Committee as that committee looked at changes to the PLD retirement plans in light of the gap in funding created by the very large hit the retirement system assets took in the 2008-2009 stock market collapse. While the system is in very good financial shape by national public pension fund standards, changes are necessary to ensure long-term continued health and sustainability of the PLD plan. Those changes were recommended to the MePERS Board of Directors and the Maine Legislature adopted in 2013.

## Risk Management Services



MMA Risk Management Services administers three self-insurance programs for our members:

- The MMA Workers Compensation Fund, established in 1978
- The MMA Unemployment Fund, established in 1978
- The MMA Property & Casualty Pool, established in 1987

MMA's staff of Risk Management professionals provides underwriting, member services, claims and loss prevention services to program participants. The financial condition of the programs is excellent and includes sound financial management and the purchase of high quality reinsurance. Each program is managed individually and overseen by its own board of elected and appointed municipal officials. All of the programs continue to grow.

**The Workers Compensation Fund.** We celebrated the 35<sup>th</sup> Anniversary of the Workers Compensation Fund in 2013. The Fund is proud to support its 587 members. It continues to be an excellent example of Maine local governmental cooperation and effectiveness in achieving a common goal. Our goal is to add 13 more members in 2014, for a total of 600 members by 2015.

**The Property & Casualty Pool.** The Pool has grown from 14 original members to a current membership of 444 municipalities and special districts. We continue to improve the Property & Casualty Pool program to provide the broadest and most comprehensive coverage possible. Here are the highlights of the July 1, 2013/2014 coverage updates:

- Automobile deductible reimbursement was added for all Pool members.
- Limited Abuse & Molestation coverage was added for all members with a sublimit of \$1,000,000 per offense and a \$2,000,000 aggregate.
- Equipment Breakdown coverage was updated.

**Unemployment Compensation Fund.** In 2013 we also celebrated 35 years of success for the Unemployment Compensation Fund. The Fund includes 188 Municipal members and 46 Associate

## Risk Management Services *(cont'd)*



members totaling over 7,000 employees. Claims are stabilizing for employers in this program after several years of higher than average payouts.

**Dividends.** The Workers Compensation Fund disbursed \$649,349 in dividends in 2013. The Property & Casualty Pool disbursed \$549,365 in dividends. This is a total of \$1,198,714 disbursed by the programs in 2013, a \$50,000 increase over 2012. Over 80 percent of the members received a dividend which is based on a member's loss experience and length of participation in the applicable program.

**Grants and Scholarships.** There were 249 Safety Grants and Safety Scholarships awarded in 2013 for a total of \$318,914 expended. This is a slight increase from \$308,372 awarded in 2012. To see if you qualify, please see our website [www.memun.org](http://www.memun.org) for details, click on "Risk Management Services" under Quick Links then on "Grants and Scholarships."

**Online Training.** FirstNet is an online safety training tool that is available at no cost to member employers of the Workers Compensation Fund. This program enables employees to take safety-related training at their work sites or at home rather than traveling. Please see the website: [www.memun.org](http://www.memun.org) for details; click on the "Risk Management Services" under Quick Links then on "Online Safety Training." In the last year nearly 10,000 courses have been completed.

**Staff Visits.** Risk Management Services staff made 978 visits to members to date in 2013. This reinforces our commitment to stay in touch with the needs of our member communities.

**Volunteer Firefighter Blanket Accident Program.** The program is now in its eighth year of providing benefits to our Volunteer Firefighters. Current enrollment covers 159 members and 3,807 volunteer firefighters. The Hartford Life and Accident Insurance Company underwrites this coverage and is pleased to help protect Maine firefighters. The rates were recently reduced to make this program more affordable for volunteer firefighters.

**Volunteer Accident Insurance Program.** The program began in 2000 with six members protecting 182 volunteers and has matured to a current enrollment of 94 members and 5,922 volunteers. The rate is \$2.25 per volunteer and is also underwritten by The Hartford.

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**DRAFT**

**Town of Veazie Planning Board  
Meeting Minutes  
6 January 2014**

**Time:** 7:04 PM in Council Chambers @ 1084 Main St., Veazie, Maine.  
**Present:** Tony Cappuccio, C. Cronan (Chairman), S. Malis-Andersen, and J. Manter (recorder of the minutes).

**Minutes:** 4 November 2013 - Moved: C. Cronan; Seconded: S. Malis-Andersen;  
Voted: 4 – 0 to accept as presented.  
2 December 2013 – Moved: C. Cronan; Seconded: J. Manter;  
Voted: 3 – 0 (S. Malis-Andersen not present at this meeting) to accept .

**1) Comprehensive Plan Revisions and Selection of Planning Consultant**

- Requests for Proposals have been sent to 2 prospective consultants
- Noel Musson – Southwest Harbor
- Dean Bennett - Bradley
- No replies - yet
- Chm. Cronan will contact these prospective consultants directly.

**2) Update on Shore Land Zoning Development with CEO**

- CEO Larson absent
- Penobscot River shoreline – all Resource Protection Zone
- Need for updated map with hydric soils indicator darkened.

Discussion – these points to be discussed w/ CEO:

- Shoreland Zoning land use Table - #4 Timber Harvesting
- Motorized uses on trails in RP zone
- Clearing & Removal vs. Timber Harvesting
- Structures – disincentive to build if require Planning Board approval
- Add boat launch use – w/ Planning Board approval
- Earth moving
- Uses similar to allowed uses.

**3) Multi-Family Use in Commercial Zone**

- customize solution – Multi-family in Commercial Zone?
- Commercial vs. Multi-Family combination?
- Town Council discussions
- Need for more information.

**4) Land Use Ordinance**

- Chm. Cronan distributed drafts of re-formatted Land Use Ordinance
- Noted: revised Section numbering system and colored titles.

**Next Meeting:** Review Shoreland Zoning and Land Use Ordinance Drafts  
**Adjourned:** 8:29 PM.

**Motion:**

**Second:**

**Voted:**

**Respectfully submitted:**

**J. Manter, Recorder of the Minutes**

