

**TOWN OF GRAY
GRAY TOWN COUNCIL
AGENDA • MARCH 1, 2022**

**Gray Town
Council Regular
Meeting**

**Online via Zoom
<https://us06web.zoom.us/j/85405796538>**

7:00 PM

I. OPENING STATEMENT

Due to the ongoing COVID-19 emergency, the Town Council meeting will NOT take place in person. The meeting will be held online with the link provided in the agenda header. For the Public Hearing, residents can click in to participate or call in using the number provided during the Public Hearing as detailed in the agenda.

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE TO THE FLAG

IV. PUBLIC COMMENTS OF NON-AGENDA ITEMS (LIMIT 3 MINS PER PERSON) 10 MINS

Comments are intended for information sharing, not discussion. Comments in excess of three minutes are welcome at the end of the agenda prior to adjournment. Call 646-558-8656 / Meeting ID: 854 0579 6538

V. ADJUSTMENTS TO THE AGENDA 5 MINS

VI. CONSENT AGENDA 5 MINS

1. Approval of Open Space Plan
2. Approval of Gray Historical Society antique fire truck expansion permit

VII. PRESENTATION 7:20PM

1. Hancock Street Deed transfer - Doug/Kristen 10 MINS

VIII. PUBLIC HEARINGS 7:30PM

1. Second Reading & Public Hearing - To Review and Act Upon Adopting an Emergency Management Ordinance for the Town of Gray pursuant to the Town's home rule authority, as provided in 30-A M.R.S. § 3001 and the Constitution of Maine, Article VIII, Part Second. It is the purpose of this Ordinance to establish an emergency management team to ensure the complete and efficient utilization of the Town's facilities and resources to combat disaster. 5

MINS

Proposed motion:

Be it Ordained, the Gray Town Council adopts an Emergency Management Ordinance for the Town of Gray pursuant to the Town's home rule authority, as provided in 30-A M.R.S. § 3001 and the Constitution of Maine, Article VIII, Part Second.

2. First Reading - To Review and Act Upon Setting a Second Reading and Public Hearing on March 15, 2022 to Consider Amendments to the Building Code Ordinance (Chapter 201). Proposed changes to Chapter 201 include clarifying the Town's responsibility for residential electrical inspections; amending the applicable building code from Building Officials and Code Administrators International (BOCA) to the State-required Maine Uniform Building and Energy Code (MUBEC); eliminating specific Town standards for foundations and other elements with applicable State requirements; and amending that appeals of the Code Enforcement Officer's decision are filed with the Gray Zoning Board of Appeals as established in 402.9.2 of the Zoning Ordinance. 5 MINS

Proposed motion:

Ordered, the Gray Town Council Sets a Second Reading and Public Hearing on March 15, 2022 to consider adopting the proposed amendments to the Building Code Ordinance (Chapter 201).

3. First Reading - To Review and Act Upon Setting a Second Reading and Public Hearing on March 15, 2022 to Consider Amendments to the Senior Property Tax Assistance Ordinance (Chapter 305). Proposed changes to Chapter 305 include reducing the minimum eligibility age from 70 to 65; amending other criteria for participation; clarifying the benefit base; amending application and payment procedures; and amending the timing and method of payments. 10 MINS

Proposed motion:

Ordered, the Gray Town Council Sets a Second Reading and Public Hearing on March 15, 2022 to consider adopting the proposed amendments to the Senior Tax Assistance Ordinance (Chapter 305).

4. First Reading - To Review and Act Upon Setting a Second Reading and Public Hearing on March 15, 2022 to Consider Amendments to the Cable TV Ordinance (Chapter 221). Proposed changes to Chapter 221 include adding a declaration of findings; adding a statement of intent and purpose; clarifying definitions; adding provisions to strengthen enforceability and ensure compliance with applicable communications law such as the Open Records Law and the Cable Act; setting system performance standards; amending insurance and indemnification; clarifying and amending the Town's cable franchise administration; adding consumer protection requirements; and amending the ordinance name to Cable Ordinance. 10 MINS

Proposed motion:

Ordered, the Gray Town Council Sets a Second Reading and Public Hearing on March 15, 2022

to consider adopting the proposed amendments to the Cable TV Ordinance (Chapter 221).

5. First Reading - To Review and Act Upon Setting a Second Reading and Public Hearing on March 15, 2022 to Consider Amendments to the Subdivision Ordinance (Chapter 401). The proposed changes to section 401.13.18 include specifically exempting Multi-Family Developments in the Village Center (VC) and Village Center Proper (VCP) Zoning Districts from being required to meet Net Residential Area/Density standards. **10 MINS**

Proposed motion:

Ordered, the Gray Town Council Sets a Second Reading and Public Hearing on March 15, 2022 to consider adopting the proposed amendments to the Subdivision Ordinance (Chapter 401).

6. First Reading - To Review and Act Upon Setting a Second Reading and Public Hearing on March 15, 2022 to Consider Amendments to the Zoning Ordinance (Chapter 402). Proposed changes to section 402.10.14.E include increasing the maximum number of attached dwelling units per Multi-Family structure from 6 to 30 in VC/VCP Zoning Districts. **10 MINS**

Proposed motion:

Ordered, the Gray Town Council Sets a Second Reading and Public Hearing on March 15, 2022 to consider adopting the proposed amendments to the Zoning Ordinance (Chapter 402).

IX. ACTION ITEMS 8:20PM

1. To Review and Approve an Extension of the Temporary Emergency Ordinance Regarding Face Coverings on Town Property. **10 MINS**

Proposed motion:

Ordered, the Gray Town Council extends the Ordinance Regarding Face Coverings on Town Property to _____, consistent with Article II Section 14.D. of the Gray Town Charter, and with the Maine CDC and US CDC guidance for indoor public spaces, that requires all visitors to Town properties to wear a protective mask to reduce the public health risk from COVID and its variants.

2. To Review and Approve the Interlocal Agreement as Presented by the Town Manager for Providing Emergency Support to the Clerk's Office and the Code Enforcement Office. **5 MINS**

Proposed motion:

Ordered, the Gray Town Council approves the Interlocal Agreement with the Town of Cumberland as presented by the Town Manager.

X. REPORT FROM THE COUNCIL CHAIR 5 MINS - 8:35PM

XI. REPORT FROM THE TOWN MANAGER 5 MINS

XII. COMMITTEE REPORTS 10 MINS

XIII. COUNCIL CORRESPONDENCE/ACTIVITIES 5 MINS

XIV. ADJOURNMENT 9:00PM

** The Town of Gray is an equal opportunity employer and complies with all applicable equal access to public accommodations law. If you are planning to attend a Town Council or Town committee or board meeting and need assistance with a physical disability, please contact the Town Manager's office at least 48 hours in advance of the meeting to have the Town assist you. 657-3339. TTY 657-3931.*



Town of Gray Open Space Plan

Prepared by the Gray Open Space Committee

1/24/22

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Acknowledgements

The Town of Gray is grateful to the following staff and volunteers for their work in producing this plan:

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Gray Open Space Plan Introduction

We, the members of the Open Space Committee, love Gray. We love its people, its community, and most importantly, the rural character of our neighborhoods.

Like all communities, Gray will continue to grow. Houses will be built, new businesses will come and expand, and our population will increase. By careful planning and cooperation with landowners, developers, and our Town government, we can manage that growth to preserve the character we love. We want to ensure our children's children can enjoy the outdoors the way we do, and that our natural resources flourish as we grow. We hope all interested stakeholders join us to design this future for Gray.

Executive Summary

On November 3rd, 2020, the Town of Gray formally adopted its 2020 Comprehensive Plan. The Comprehensive Plan Steering Committee was created in 2019 to update the Town's Comprehensive Plan from 2003. This major effort involved a sustained focus on reaching out to the public to update the Town's vision for what Gray could be in the future, to identify the priorities, challenges and opportunities Gray could be facing over the next 10-15 years, and to articulate the closely held values of the people who live and work in Gray.

In November 2020, almost 80 percent of Gray voters approved our new Comprehensive Plan, which lists three priorities that have guided the development of this Open Space Plan. The concerns the citizens communicated to the 2020 Comprehensive Plan Committee were clear. Preservation of open space is identified among the top three priorities of the comprehensive Plan:

- Focus on moving people safely through Gray and getting around town via walking, biking, car, or public transportation;
- Protect Gray's rural character and natural resources;
- Invest in the Village and community program.

Even prior to the formal adoption of the Comprehensive Plan, residents and Town staff had been planning and building bike-pedestrian trails and improvements, keeping and maintaining ATV and snowmobile trails, and strengthening and expanding the Libby Hill trails. These people began to see a need for a plan for doing this more systematically, while respecting landowners' needs and wishes. This led the Gray Town Council to establish the Open Space Committee in 2019 to develop Gray's first-ever Open Space Plan, and (once adopted) to help implement it going forward.



Our Vision

The Open Space Committee formalized a vision statement to capture the sentiment identified in the Comprehensive Plan:

The Town of Gray will develop a system of parks, trails, and open space that contribute to Gray retaining its rural and natural resources by protecting natural habitats, outdoor recreational areas and trails, scenic landscapes, historic places, agricultural land, and clean air and water. Our slogan is “Protect and Connect!”

At the heart of this vision is the preservation of open space to protect habitat for animals, particularly endangered species, as well as for the ongoing enjoyment of current and future residents. Without a conscious effort to preserve access, the open space many of us enjoy today will surely disappear. Gray’s land area is about 46 square miles, about the same size as the Town of Windham. However, our population per square mile (~191 people per square mile) is significantly below Windham’s (~337 pp/sq mile), highlighting the rural character of Gray.

Since the 2010 census, according to the U.S. Census Bureau, Gray has grown about 6.5 percent and there has been significant new housing construction, leading to the loss of open space and trails. With careful planning, and by working cooperatively with landowners, we can slow the ongoing erosion of open space and protect some to be available for generations to come. We do not seek to stop the development of new housing and infrastructure, but to ensure our growth is managed in a way that is consistent with the stated goals of our Comprehensive Plan – to protect Gray’s rural character and our natural resources.

Purpose of the Open Space Plan

The purpose of this Open Space Plan (OSP) is to focus and align the work of the Gray Town Council, boards, committees, staff, clubs, and residents in the areas of land access and preservation for all kinds of recreation. It supports implementation of Gray’s 2020 Comprehensive Plan, particularly regarding preserving the town’s rural character and residents’ quality of life. It outlines specific actions that can be taken by the Town to manage, protect and improve Gray’s natural resources and open space, and provides a framework for decision-making by Gray’s residents, Town officials, and Town staff.



The plan also includes a realistic look at the town’s assets, and strategies for obtaining resources needed to help implement this plan. These strategies include partnering with local landowners, regional land trusts, funding sources, and other stakeholders. The OSP will be a tool that can be used during permit reviews, long-term land use planning, grant writing, and open space project planning. Finally, it includes practical proposals for maintaining existing and future recreational open space.

Open Space, Defined

The term “open space” can mean different things to different people. We have chosen to simply define open space as:

“Public and private lands that provide recreational, environmental, and social value to Gray.”

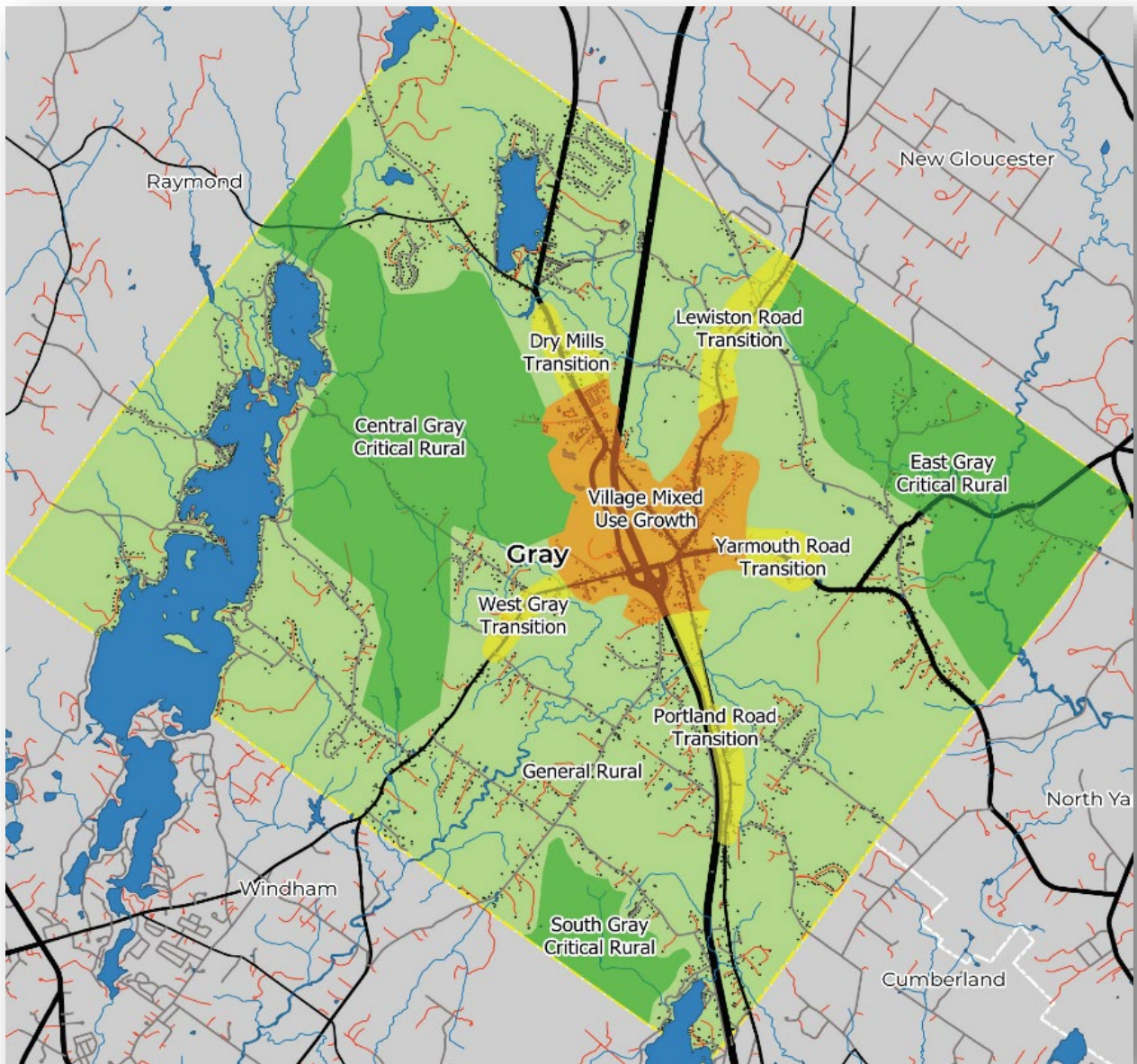
Open space would, for example, include the following types of areas:

- Publicly owned parks, playgrounds, and ballfields
- Land or water set aside for habitat protection
- Rivers, lakes and ponds, and the related public access thereto
- Agricultural land, working farmland, orchards and timberland
- Land not developed for residential, commercial, industrial, or institutional use
- Trails that connect areas of the town
- Land preserved for cultural and/or historic purposes

The Future Land Use map below, taken from the 2020 Comprehensive Plan, provides an overview of where growth should be directed - or limited - in various parts of the town. This map will serve to guide future decisions with respect to the preservation of open space. Definitions from the Comprehensive Plan for the terms on the map are as follows:

Growth Areas: Places that are “suitable for orderly residential, commercial or industrial development” and where “most development projected over ten years is directed.”





Rural Areas (light green): Places “deserving of some level of regulatory protection from unrestricted development” and are the places “away from which most development projects over ten years are diverted.”

Critical Rural Areas (dark green): Places that deserve “the maximum protection from development to preserve natural resources and related economic activities.”



Transition Areas (yellow): Places that are “suitable for a share of projected residential, commercial, or industrial development but that is neither intended to accept the amount or density of development appropriate for a growth area nor intended to provide the level of protection for rural resources afforded in a rural area or critical rural area.”

Village Mixed Use Growth Area (orange): The Village Core Growth Area encompasses the Village and the surrounding area. The Village Core is centered on the intersection of Route 26/Shaker Road, Route 202/Lewiston Road, Route 115/Yarmouth Road, and Route 100/Portland Road. This area is envisioned as easily walkable, and home to a diversity of small, local businesses, services, and restaurants, accompanied by higher density residential development.

While using the 2020 Comprehensive Plan as its foundation, the Open Space Plan will align with, and complements the implementation of, several other existing and future plans, such as the Bike-Ped plan and the Gray Village Master Plan. The existing plans are listed in Appendix A.

Existing Open Space Inventory

Gray is relatively open compared to many communities, especially those to our south in Cumberland County. However, while Gray has preserved *some* open space, we have far less Town-owned open space than many communities (for example, the Town of Cumberland-owned Rines Forest is nearly twice the size of all the land owned by the Town of Gray). The most accessible and most preserved open space is land that is owned by the Town and made available for public use. In total, the Town owns approximately 174 acres of land, though only some of that is accessible for public recreation. In addition, the State of Maine owns over 400 acres of primarily open space land in Gray. Below is a list of land owned by Gray and land owned by the State of Maine, some of which is accessible for public use:

Town of Gray Owned Properties

Name	Location	Map/Lot	Acreege
Dry Mills Fire Barn	249 Shaker Rd	013-015-018-000	0.50
Wilkie's Beach	Mayberry Rd	013-107-013-000	0.89
Wilkie's Beach Parking Lot	Mayberry Rd	013-107-014-000	2.76
Libby Hill Land	Libby Hill Rd	026-015-003-000	73.00
Recycling Ctr / Garage / Fire	125 Shaker Rd	027-020-010-000	26.51
Little League Field	1 Main St	035-402-047-001	1.50
Village Gateway	33 Main St	035-403-027-000	4.70



Name	Location	Map/Lot	Acreage
Village Gateway	Lewiston Rd	035-403-028-000	0.68
Village Gateway	5 Lewiston Rd	035-403-029-000	1.70
Town Hall	24 Main St	035-405-001-000	0.95
Lab Building	20 Main St	035-405-002-000	6.50
Ridgeview Land	Tamarack Ln	042-013-191-000	15.00
Cemetery Association	1 Main St	043-402-001-001	27.69
Veterans Memorial Park	9 Main St	043-402-051-000	0.12
Fire Station	2 Turnpike Acres	043-404-001-004	0.90
Newbegin Center	22 Main St	043-405-002-001	0.33
Parking Lot	5 Yarmouth Rd	043-405-023-000	0.51
Library	5 Hancock St	043-405-046-000	1.60
Manahan Wildlife Refuge	96 Portland Rd	051-031-002-000	8.00
Retained For Public Use	90 Whitney Rd	069-041-038-000	0.43
Central Fire Barn	1 Main St	700-402-000-000	0.10
		Total:	174.37

State of Maine Owned Properties

Name	Location	Map/Lot	Acreage
Maine Wildlife Park	160 Weymouth Road	009-016-002-000	148.00
Fish Hatchery	155 Weymouth Road	014-016-003-000	52.00
Pineland Public Reserve	193 Depot Road	038-044-008-000	86.60
Pineland Public Reserve	Depot Road	038-044-009-000	153.56
		Total:	440.16

In addition to land owned by the Town and the state, per the Gray Town Assessor's office, there are several parcels of land in Gray totaling nearly 215 acres that have been explicitly set aside as Open Space. While not necessarily *permanently* protected as open space, and while not necessarily *permanently* publicly accessible, these parcels nonetheless contribute a significant amount of open space to our community. Though we may not be able to hike across a large wetland, or ride our ATV across a remote woodlot, that open space land does still offer a benefit to our community. There is an environmental and aesthetic value to all open space, regardless of our direct use of it. Landowners who choose to protect open space should be applauded,



especially in the face of increasing economic pressure to develop their land and diminish our community’s open space. The parcels of land categorized in Gray as open space include the following:

Town of Gray Open Space Properties

Location	Map/Lot	Acreage	Public Access
Campbell Shore Rd	048-012-092-000	7	Yes
Campbell Shore Rd	056-017-051-000	34	Yes
Depot Rd	037-039-203-000	21.8	No
Lewiston Road	021-026-042-000	78	Yes
Libby Hill Rd	026-015-002-000	29	Yes
Ramsdell Rd	034-014-009-000	19	Yes
Ramsdell Rd	026-014-010-000	26	Yes
Total		214.8	

Finally, for many years the Town of Gray has encouraged or required new subdivisions to set aside open space consistent with our subdivision ordinances. Below is a list of open space set aside during the evolution of our subdivisions:

Town of Gray Subdivision Open Space Properties

Owner Name	Location	Map/Lot	Acreage
Long Hill Estates Inc	Arlington Court	065-042-006-000	22.71
Forest Ridge Homeowners Assoc.	Cottage Rd	072-040-018-000	7
Cumberland-York	Depot Rd	037-039-014-000	23
Wedgewood Development Corp.	Doughty Farm Rd	059-037-052-000	15.54
Eagles Ridge Homeowners Assoc	Eagles Nest Rd	063-035-027-000	49.72
Eastfield Estates	Eastfield Dr	053-043-001-026	25.23
Ledgewood Farms	Fox Run Rd	062-027-001-002	19.52
Graystone Settlements	Graystone Rd	068-029-002-000	25.93
May Meadow Inc	May Meadow Drive	012-010-010-000	3.2
May Meadow Inc	May Meadow Drive	007-010-010-000	5.58
May Meadow Inc	May Meadow Rd	012-010-010-082	87.4
May Meadow Builders, Inc	Mayall Rd	036-025-421-000	10.7



Owner Name	Location	Map/Lot	Acreage
Long Hill Acres	Milliken Rd	064-036-032-000	2.64
Wayfarer Village, Inc	Mountain View Rd	041-303-284-000	36.07
Northbrook Association	Northbrook Dr	043-019-002-000	11
M-36 Associates	Northbrook Dr	035-019-002-000	7.2
Gorham Acres, Inc	Partridge Ln	044-032-074-000	7.01
Stave Mill Development	Stave Mill Rd	009-016-004-000	39.5
Lavoie Building & Remodeling	Straightline Road	063-030-008-200	15.87
Sunset View Condominiums	Sunset View	035-402-024-000	0.62
Chase Custom Homes, Inc	Taylor Lane	070-041-040-000	24.75
Chase Custom Homes, Inc	Taylor Lane	069-041-040-000	5.56
<Private>	West Gray Rd	067-022-017-000	15.98
Tz Properties, LLC	Whitney Rd	069-041-044-000	7.05
Birchpoint Properties LLC	Woodcock Drive	044-032-112-014	6.45
<Private>	Whitney Road	064-041-044-003	7.59
		Total:	482.82

Currently, open space set aside during the creation or expansion of a subdivision is generally privately held by the homeowners’ association managing that subdivision. While this open space may benefit the residents of that subdivision, it is typically not publicly accessible. In addition, too often the space set aside to satisfy the requirements of our subdivision ordinances is not the most desirable from the perspective of its recreational value. While it may provide excellent wildlife habitat, a significant value, it may not offer any outdoor recreational value for even the residents of that subdivision.

To these points, this Open Space Plan recommends that going forward, when open space is set aside during the creation or expansion of a subdivision, the following guidelines be considered:

- Require that the open space be available for public use, not only for the residents of that subdivision;
- Encourage the open space be designed and built to support outdoor recreational activities, such as the creation of a trail for hiking, biking, snowmobiling, etc.; and
- Locate and define the open space to facilitate the connectivity to existing trails, or perhaps even trails that might be created in the future.



In addition, we should review any open space previously set aside when subdivisions were created in the past. Where there are opportunities to connect privately held open space to other trail networks or destinations, we should invite the homeowner’s associations to grant access to the public.

The goal here is to multiply the value of our open space without significantly increasing the costs to landowners and developers. If we can connect *even some* of our existing publicly accessible open spaces into larger trail networks, we would add significant recreational opportunities to our community. It has been a longstanding goal to protect open space, as reflected in our subdivision ordinances. We hope to now add the goal of *connecting* those open spaces. *Protect and Connect!*

Trail Networks

The Village Area Loop Trail:



One segment of the VALT. The “Hancock Link” connects Hancock Street with the Gray Plaza. The trail was reconstructed with funding from Maine’s Recreational Trail Program with assistance from the Town of Gray and volunteers.

The Village Area Loop Trail (VALT) was envisioned in the original Bike-Ped Plan (2014), and was designed to move people around Gray Village off-road as much as possible. Parts of this plan have already been implemented; other parts have had to wait for landowner approval. The VALT has been popular with residents and business owners alike. Real estate professionals routinely include statements such as “near the VALT” on houses they are listing for sale in the village, indicative that such trail networks are seen as desirable to buyers and improve property values. Trails run over private land (with property owner written permission) as well as Town-owned property.





The Gray Trail Network



The 2018 Bike-Ped Plan approved by the Gray Town Council envisioned creating the Gray Trail Network, a multi-use, town-wide network of trails that would allow residents to move around off-road and enjoy outdoor recreation. This concept was also endorsed by the 2020 Comprehensive Plan. The Town Council created the Open Space Committee in 2019, partly out of recognition that more tools, resources, and expertise were needed for the Gray Trail Network. The OSP helps create the foundation on which the Gray Trail Network can be built and maintained. The image at left, developed by the Bike-Ped Committee, could be used in directional signage throughout the trail system.



Summary of Recommendations

The Open Space Committee has identified four priority areas as the pillars of our Open Space Plan. Those include:

1. Develop new trails and facilities;
2. Preserve critical open space;
3. Develop and nurture relationships with private landowners;
4. Fund and support (through volunteer recruitment, coordination, and oversight) ongoing trail and open space maintenance.

For each of these priority areas, we developed goals the Town of Gray should pursue. Some are longer-term goals which could take many years, while others are more easily accomplished.

Priority 1 – Develop New Trails & Facilities

Gray is committed to strengthening residents' ability to move around the town safely. As described above, the VALT and the Gray Trail Network are two examples of this. While off-road trails are important and valuable, improving the safety of our streets and sidewalks is also vital. Our goals include:

Goal 1.1: Implement a three-way management agreement for the Libby Hill Forest with the Town of Gray, MSAD 15, and Gray Community Endowment.

Goal 1.2: Expand the Libby Hill Forest and trail network.

Goal 1.3: Work with public and private partners to extend and maintain a network of trails for motorized and non-motorized uses.

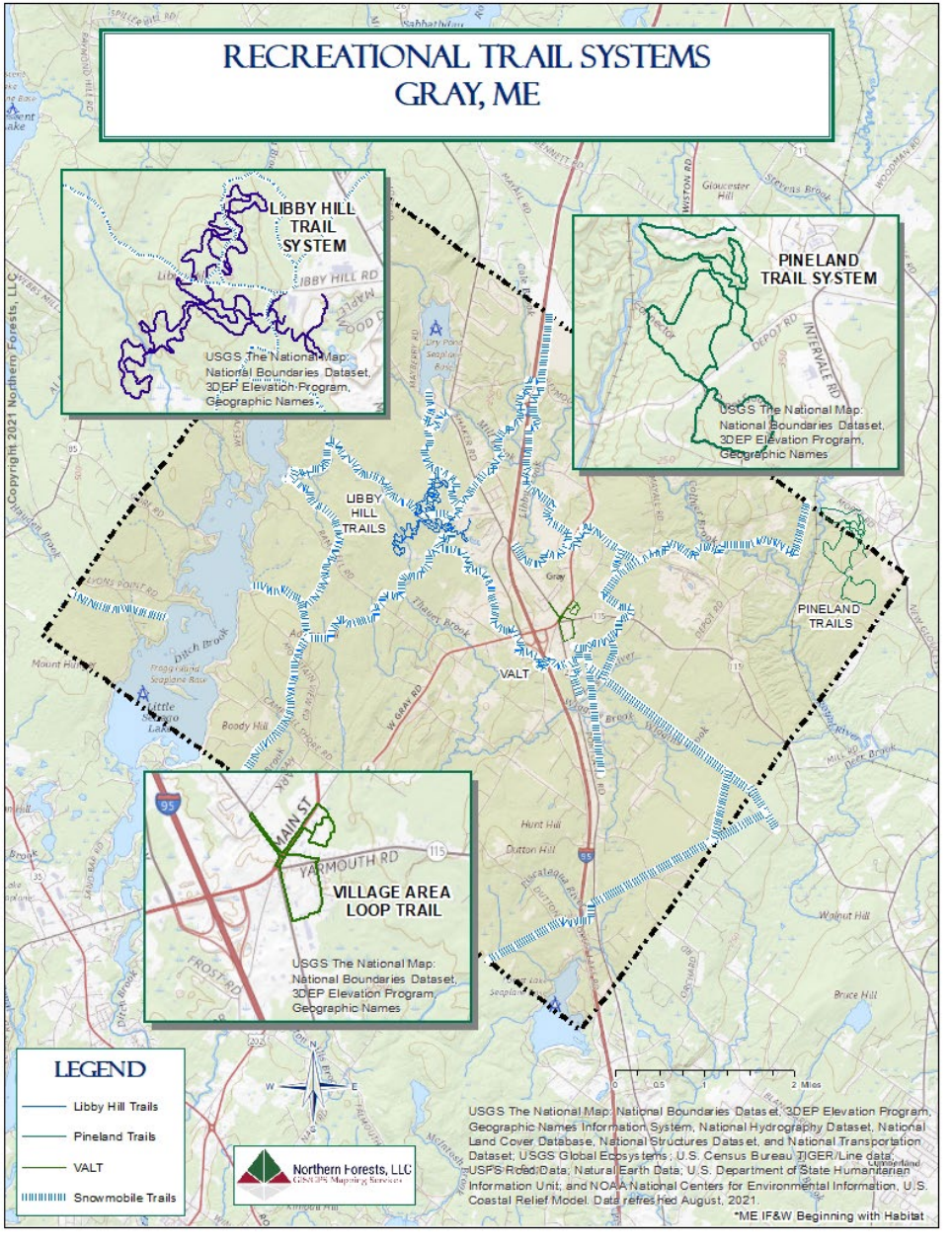
Goal 1.4: Create, expand, and maintain walking and bicycle connections from the Village to other destinations in Gray, like the schools, local trails, and the library.

Goal 1.5: Strengthen and expand regional trail connections.

Goal 1.6: Identify and pursue funding for new sidewalk construction where appropriate, such as in the Village, on Libby Hill Rd., on North Raymond Rd., and in other high use, high traffic areas to protect pedestrian safety.

Goal 1.7: Implement the Gray Trail Network as envisioned by the 2018 Gray Bike-Ped Plan to support the ongoing development and maintenance of public-use trails in Gray.





Priority 2 - Protect Critical Open Space

The Comprehensive Plan directs us to protect Gray’s rural character and natural resources, including critical rural and waterfront areas, agricultural and forestry lands, wellheads, and aquifers. Open space can be preserved using a variety of strategies, including agreements with private landowners (especially those willing to allow public access to their property), easements, and land acquisition (see Strategies and Resources for Land Preservation, below.) The Comprehensive Plan identified sections of Gray as Critical Rural, Mixed-Use Growth and General Rural and Transition Areas (see pages 22-26 of the Comprehensive Plan Summary for a discussion of this). The Mixed-Use area has our greatest population density. Density is an opportunity to build wealth, stability, and lower tax burdens in the town, while sprawl has the opposite effect. Simply put, it is more expensive for taxpayers to provide infrastructure and services to sparsely developed areas. Through zoning and other measures, Town policy should direct development to growth areas and protect land in rural areas. Recommended goals related to protecting critical open space include:

Goal 2.1: Update Town ordinances that encourage or even require:

- Concentration of development in growth areas;
- Denser development near the center of town and other areas where infrastructure exists, and away from aquifers;
- Preservation of open space in subdivisions, and ensure it is available for use by the public, not only subdivision residents;
- Allocation of open space in subdivisions that maximizes outdoor recreational activities, and that supports connectivity to other publicly accessible open space.

Goal 2.2: Protect critical natural resources through acquisition, easements, and other strategies.

Goal 2.3: Work with existing land trusts or other conservation organizations to pursue opportunities to protect important open space or recreational land, particularly ‘Undeveloped Blocks’ of natural habitat as shown on the map below.

Goal 2.4: Initiate and/or participate in interlocal and/or regional planning, management, and/or regulatory efforts around shared critical and important natural resources.



Priority 3 – Landowner Partnerships for a Better Gray

We recognize that the cooperation of private landowners is critical to realizing the vision outlined in this Open Space Plan. They help provide access to parks, trails, outdoor recreational spaces, scenic landscapes, and historical places. Landowners help Gray retain its rural character and protect its natural resources and habitats. The land they own is contributing to clean water and clean air. We must acknowledge and support our landowners, as is expressed in Principles of Cooperation with Private Landowners, approved by the Town Council on December 15, 2020 (see Appendix B).

The Town of Gray is committed to working cooperatively and respectfully with private landowners to preserve open space, whether for recreation, habitat preservation, farmland protection, or related purposes. Strategies for open space preservation are described in more detail in the Strategies and Resources for Land Preservation section below, and include such methods as donated easements, the purchase of development rights, buying land outright, and trail use agreements.

The one goal in this area, capturing many others, is as follows:

Goal 3.1: Incorporate the Landowner Principles of Cooperation approved by the Town Council on December 15, 2020, into Town practice and culture by:

- Cooperating with other outdoor-related organizations, such as the ATV club, Snowmobile Club, and Bike-Ped Committee, and regularly acknowledge and honor landowners who are making a significant contribution to the mission and vision described in our Open Space Plan.
- Regularly engaging with landowners to learn about their questions, issues, and concerns about how their land can support implementation of the Open Space Plan.
- Create a Landowner Recognition Award to be given each year in conjunction with Gray’s annual volunteer recognition awards, to a landowner who has made a significant contribution to the goals stated in this Open Space Plan.

Priority 4 – Open Space Maintenance / Stewardship

Trails need maintenance, such as tree and branch removal or erosion control and repair. Open spaces such as parks and ballfields need occasional work to keep them serviceable, such as grass mowing, reseeding, trash removal, and so on. Sidewalks need plowing in the winter, and



occasional repairing. Volunteers already contribute substantial labor, materials, and funding to maintain and improve Gray’s open space resources, but this work often falls on a handful of people. The more groups able to use conserved open space, the more public support there will be for acquiring and maintaining it. Allies in open space maintenance include organizations that have goals consistent with Gray’s OSP, such as the Gray Community Endowment, Gray Snowolves, G-NG ATV Club, and local sports leagues. Statewide groups, such as the Maine Mountain Bike Association, can also be involved.

The Town has recently finalized an agreement with MSAD 15 and the Gray Community Endowment to manage the Libby Hill Trails. The Town of Gray’s Building and Grounds director will oversee trail maintenance, MSAD 15 will contribute annual funding and help recruit volunteers, and the Gray Community Endowment will coordinate ski trail grooming. Volunteers will be asked to help with four workdays annually on Libby Hill to cut brush, pick up branches, and do other maintenance. This is an excellent example of a public-private partnership.

We will need to continue to cultivate a culture and practice of hands-on volunteer involvement in open space maintenance. However, there may be instances in which the involvement of the Town is needed to handle discrete tasks, such as applying for and disbursing grants, or providing staff expertise or heavy equipment. Over time, the Town may need to consider adding funding to the Buildings and Grounds budget to accommodate this additional workload.

There is one goal for open space maintenance and stewardship:

Goal 4.1: Form a committee to encourage broader participation from all open space users and to coordinate and oversee their work. Members should include Town staff, representatives from local clubs and organizations, and individuals. This work could be assigned to the Open Space Committee.

Prioritization of Open Space Projects

There is a cost to acquiring, developing, and maintaining Open Space. While Gray residents clearly value open space, as demonstrated by the sentiment captured in the 2020 Comprehensive Plan, we must balance the costs of that preservation with our fiscal reality. There will always be a greater demand to acquire and/or enhance open space than the Town budget can support. Open space-related projects require an investment of both funding and human resource to accomplish them. When considering projects, especially those requiring significant funding, we recommend the Town consider both the direct and indirect benefits of any endeavor, as described below:



Direct Benefits:

- Provides publicly accessible open space that all can actively enjoy
- Has significant scenic, historical, or natural beauty
- Encourages outdoor activities, especially for families and youth
- Provides, enhances, or protects access to other open space
- Provides economic value by drawing people to the Town of Gray

Indirect Benefits:

- Protects, enhances, or restores significant or endangered plants, wildlife, and aquatic life
- Protects natural resources important to the Town (e.g., groundwater)
- Protects or expands large tracts of unfragmented land
- Protects or expands agrarian activities in Gray such as farming, timber production, etc.

The feasibility of a project is another important factor that should be considered when determining how a project should be prioritized against other open space projects. The following things should be considered to help assess feasibility:

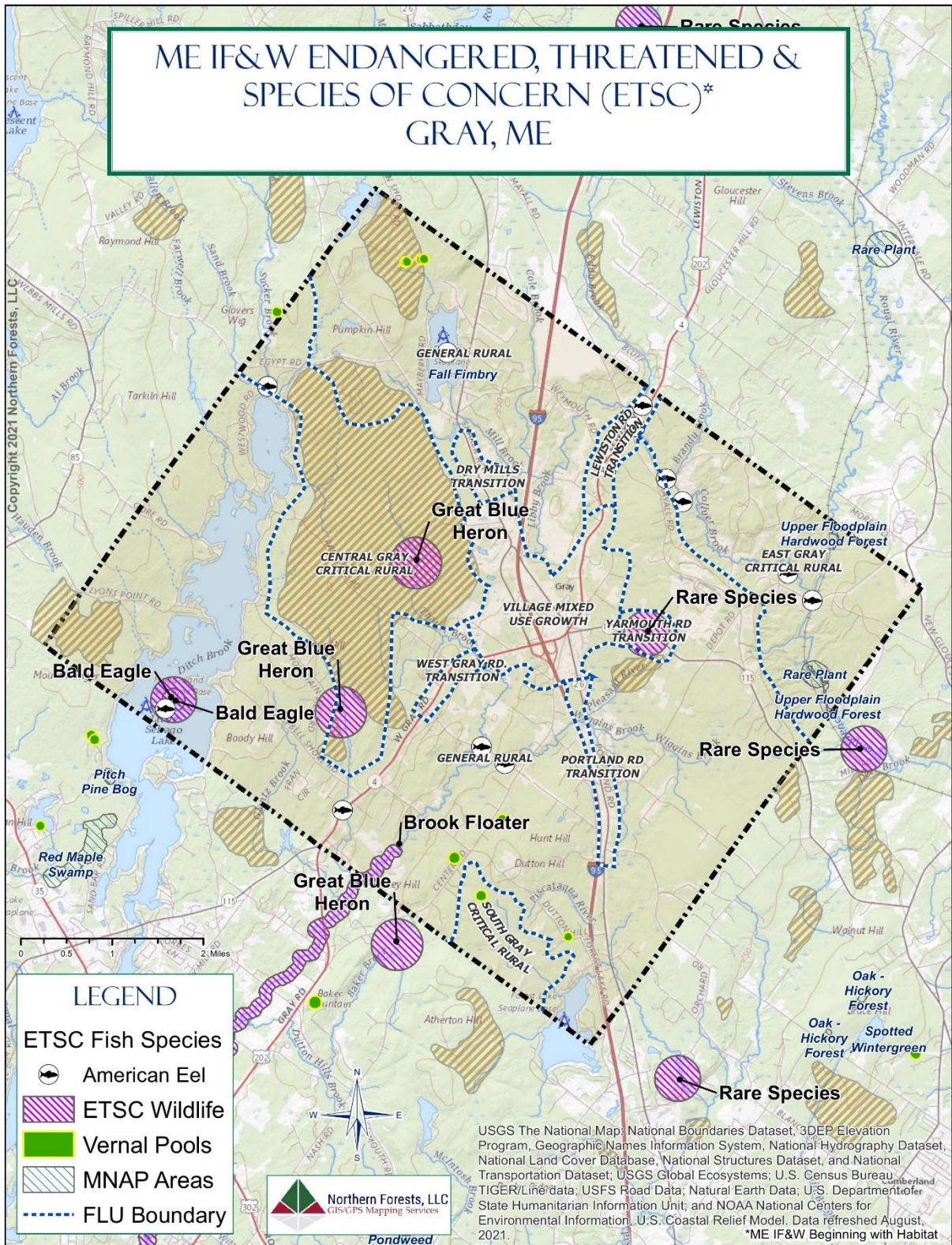
- The short- and long-term costs, including considerations such as the acquisition expense for the Town of Gray, long-term maintenance costs, and potential loss of property tax revenue, are consistent with the project's benefits
- There is significant public support for the project(s)
- The benefits of the associated project(s) are sustainable and will benefit Gray's citizens for future generations

See Appendix D for other ways of numerically scoring potential open space acquisitions or projects that require an investment of financial and/or in-kind resources from the Town of Gray. This form was adapted from one in use by the *Royal River Conservation Trust*. The Town may choose to edit this form as we gain more experience with its use. It is meant to serve as a template for analyzing the relative benefits of open space projects.

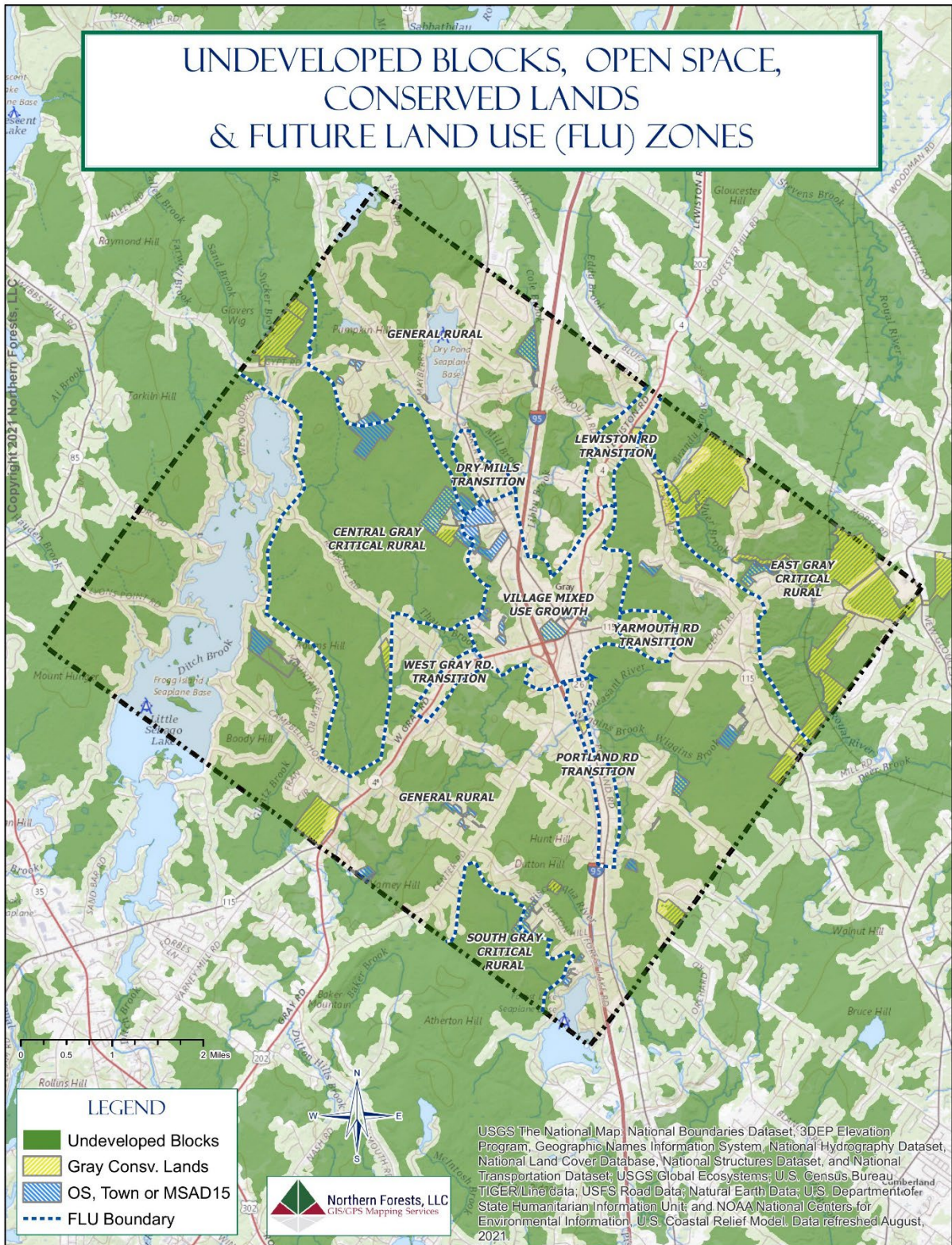
The three maps shown below help delineate the important environmental considerations when selecting open space projects to pursue.



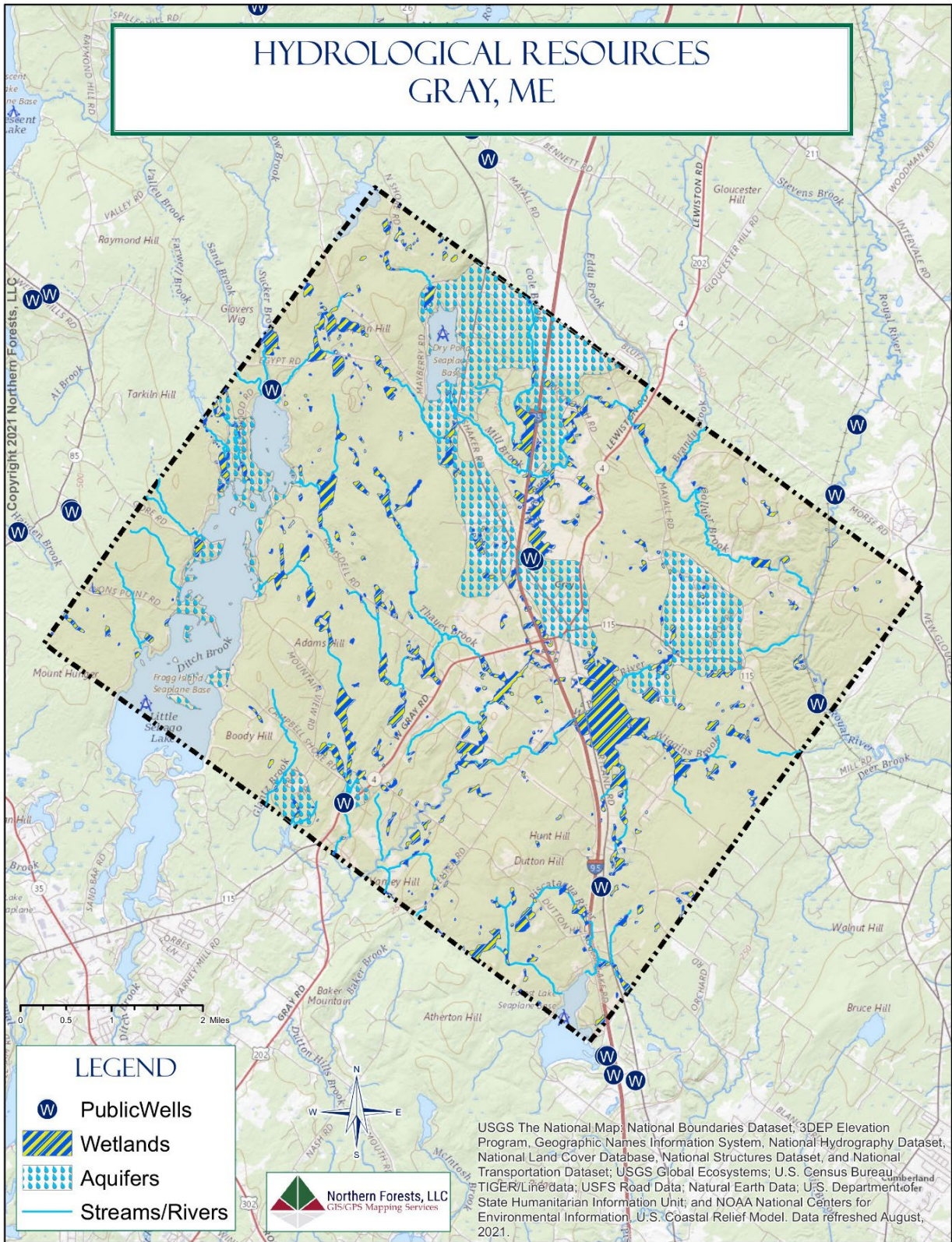
ME IF&W ENDANGERED, THREATENED & SPECIES OF CONCERN (ETSC)* GRAY, ME



UNDEVELOPED BLOCKS, OPEN SPACE, CONSERVED LANDS & FUTURE LAND USE (FLU) ZONES



HYDROLOGICAL RESOURCES GRAY, ME



Open Space Focus Areas

The Open Space Committee is committed to working in partnership with landowners on open space access and conservation. Listed below are areas of interest to the Town. In identifying these, we are simply aligning the OSP and the Comprehensive Plan, with slightly more focus. This doesn't preclude pursuing open space opportunities in other areas of town should they arise, and should they meet the benefit criteria listed above. Any further exploration of conservation work in the focus areas would take place in consultation with property owners and the land trusts.

South Gray - Preservation of open space and viewsheds; creation of public open space in an underserved area of town. Establish off-road trail corridors to other parts of town.

Libby Hill - Sections of the existing Libby Hill Forest are owned by the Town of Gray, MSAD 15, and Gray Community Endowment (a 501c3 nonprofit). We recommend seeking additional land conservation to expand recreational opportunities and to protect wildlife habitats, as well as to preserve existing and establish new multi-use trail corridors that connect Libby Hill to other areas of town.

East Gray - We recommend seeking additional land conservation to expand recreational opportunities and to protect environmental and wildlife habitat, and to establish public access to existing trails along the Royal River corridor in Gray. This area was identified in the Comprehensive Plan as a Critical Rural Area, and we agree it should be protected and enjoyed.

Wilkie's Beach - As Gray continues to grow, the Town beach and associated infrastructure (parking, sanitation) will need to expand, as well. Crystal Lake sees heavy use in the summer. This, along with the residential housing lining the lake shores, boat traffic from residents and visitors via the public boat launch, and a growing Canada Goose population, threatens the water quality and health of the lake. Ultimately, the Town should consider establishing a public swimming beach at one of Gray's other lakes to expand capacity and to improve access for residents in other areas of town. In the meantime, the Town should pursue strategies to improve public safety in the Wilkie's Beach parking area.

Village Gateway Property – In June 2021, Gray voters approved the purchase of an eight-acre parcel across Main Street from the Town Hall. The ultimate disposition of this land will be determined with the input of Gray residents. In addition to other business or residential development, it presents an opportunity to add needed ballfields, as well as an extension of the Village Area Loop Trail. Adding walking paths to higher density areas allows people to move around town off-road, reducing vehicle traffic, and improving opportunities for outdoor recreation.



Strategies and Resources for Land Preservation

Land trusts will be important partners as Gray seeks to implement this Open Space Plan. Land trusts are 501c3 nonprofit conservation organizations that achieve their missions by working with willing property owners. Land trusts steward the properties in their care according to the highest standards, and in furtherance of public values such as water quality, sustainable forests, healthy ecosystems, productive farmlands, and welcoming nature trails. Gray is fortunate to have two land trusts available to partner with: the Yarmouth-based Royal River Conservation Trust, responsible for the eastern half of Gray; and the Presumpscot Regional Land Trust, which handles the western half of Gray (with Libby Hill as the rough dividing line). Both land trusts have indicated strong interest in working in Gray.

Some of the strategies described below will be best pursued with the help of the land trusts because of their extensive experience working with landowners.

Strategies¹

Land Use Agreements (see Appendix C). Where possible, the Town should seek to create permanent solutions to open space preservation; however, in some cases an interim measure such as a land use agreement may be the right solution. Such agreements can provide an opportunity to test public use of private land for a defined period, until a landowner is comfortable with a more permanent agreement, or can buy time while necessary fundraising for land purchase or an easement can be assembled. Land use agreements can be defined for a period of months or years, are renewable, and can be terminated by either party for cause with a 30-day notice. Such agreements may be signed with the Town, another local organization such as the Gray-New Gloucester ATV Club or the Snowolves (snowmobile club), or even a land trust.

Conservation Easement. Land ownership can be thought of as a bundle of rights. Easements are typically a permanent agreement whereby property owners grant right of access to their land for defined purposes, such as recreational use, while retaining ownership. Easements typically “run with the land,” meaning they are recorded in the Registry of Deeds and can be continued even if the property is sold to a new owner. In developing the easement, landowners are in the driver's seat; they can define what uses of their property they will allow, and what rights they wish to retain. A land trust would work with the landowners to develop the language of the agreement, a process that can take several months. This process includes helping landowners identify their land conservation goals, the family's needs and wishes, their properties' special features, and

¹ We are indebted for help in this section to Maine Coast Heritage Trust's guidebook “Conservation Options: A Guide for Maine Landowners,” (2021). The guidebook goes into greater detail and can be found on their website, www.mcht.org.



their financial needs. One benefit to granting an easement may be a reduction of property taxes, as a permanent easement can reduce the value of the property. The easement holder (the land trust) assumes responsibility for managing the easement over time.

Land Donation. Landowners may also choose to donate their land outright to a land trust or to the Town of Gray. Landowners may be moved to do this because they want to make a gift of land they love to the community, to see that it is properly managed over time, and either do not require compensation, or would realize tax benefits from the donation. Again, the land trust staff have the capacity to work with the property owner to explore their unique financial circumstances. There are a variety of ways this can work, such as donations that allow landowners to continue living on their property through the end of their lives.

Land Sale. When a property is desirable enough to purchase, and the property owner desires to sell it, a sale price can be negotiated. This can be a “bargain sale” at below market rate (perhaps providing a tax advantage to the landowner), or a sale at full market value. Payments can be structured in one lump sum or installments over time. The sale price is established by an appraisal of fair market value, and is highly unlikely to be exceeded (often, if public funds are involved in a land conservation purchase, the appraisal cannot be exceeded). Again, a land trust would work with landowners to understand their unique financial situation and how best to proceed.

Right of First Refusal/Option. When property owners are not ready to commit to a sale, but are inclined toward conservation, the Town and/or land trusts may negotiate a right of first refusal, or an option to purchase within a specified amount of time. The latter provides time for supporters of the purchase to find the funding. If they are unable to, they are under no obligation to proceed with the purchase and the owner is free to sell the property to another buyer.



Funding Resources

Any large land conservation project is unlikely to be funded by a single source. Instead, supporters create a “layer cake” of many sources, which together add up to the purchase price. For example, in 2010, when the Gray Community Endowment purchased land on Libby Hill from Hancock Lumber for \$160,000, funding sources included private donations, a grant from the state’s Land for Maine’s Future, a contribution from the Town of Gray, and several smaller foundation grants.



Listed below are sources of funding for land conservation, as well as trail building and maintenance.

Private Donations: These can come from individuals, local groups, or businesses. Local support is key to any large fundraising effort; larger donors will expect to see financial support from the people who live in or near the land to be conserved.

Town of Gray Open Space Fund: In 2019, Gray voters approved the creation of an Open Space Fund with an initial contribution of \$50,000 and have approved annual allocations since. These are critical funds for matching grants from other funding sources. Voters must approve distributions of funds from this account.

Town of Gray “Sub-D” Recreation Account: Funded by a fee charged to new housing development, the Sub-D account can be used for a variety of purposes, from ballfield improvements to trail maintenance and land conservation. The Council has the authority to approve distribution of funds from this account.

Land for Maine’s Future (LMF)²: The Land for Maine’s Future Program is the State of Maine’s primary funding vehicle for conserving land for its natural and recreational value. It is funded by bonds that are authorized periodically by Maine voters. LMF funding comes with an obligation to preserve the land as open space in perpetuity, and requires recipients to file an annual report. Projects submitted to LMF must have a “high degree of readiness.” This could

² Administered by the Maine Department of Agriculture, Conservation, and Forestry, <https://www.maine.gov/dacf/lmf/>



mean, for example, that they have a signed purchase and sale agreement, and that other fundraising has been completed. Application deadlines are typically once or twice a year.

Land and Water Conservation Fund (LWCF).³ The Land and Water Conservation Fund was established to assist federal, state, and local governments in the acquisition and/or development of public outdoor recreation facilities. Administered at the federal level by the National Park Service and at the state level by the Bureau of Parks and Lands in the Maine Department of Agriculture, Conservation, and Forestry, LWCF grants can provide up to 50 percent of the allowable costs for approved acquisition or development projects for public outdoor recreation. These grants put the land into public recreational use in perpetuity, regardless of future land use in the area or deterioration of any built facilities.

Recreational Trails Program (RTP)⁴: The RTP program has an annual application cycle. It is an assistance program of the U.S. Department of Transportation's Federal Highway Administration (FHWA). The RTP provides funds to the States to develop and maintain recreational trails and trail-related facilities for motorized and non-motorized recreational trail uses. (The Town of Gray received an RTP grant in 2015 to help build sections of the Village Area Loop Trail). The funds can be used to maintain/improve existing trails, build new ones, create trailhead facilities such as parking, or to acquire easements or fee simple title. The federal share can be no more than 80 percent of the total project cost, but the local share can be cash or in-kind (donated) labor/materials.

Municipal ATV Grant: This is a grant available to municipalities for sharing the cost of ATV trail development and maintenance. It differs from a club grant in that a town, city or county must submit the request; a local cash or in-kind match is also required. Funds can be used to build new trails or to maintain existing ones. In 2021, the Town of Gray was awarded \$64,350 from this fund to rehabilitate a trail along Long Hill Road which is used by both ATV riders and others. The state funding paid for 90 percent of the project cost. This is an annual grant round, typically in the spring.

Foundations: Foundations can be from Maine or other states; some give nationally. Maine examples include the Davis Conservation Foundation and the Margaret Burnham Charitable Trust. Out-of-state examples include the Fields Pond Foundation and the American Hiking Society: National Trails Fund. Depending on the size and importance of the project, foundation grants tend to be smaller (less than \$10,000) but they can be an important source nonetheless. As

³ Administered by the National Park Service and Maine Bureau of Parks & Lands
https://www.maine.gov/dacf/parks/grants/land_water_conservation_fund.html

⁴ Administered by the Maine Bureau of Parks and Land
https://www.maine.gov/dacf/parks/grants/recreational_trails_program.shtml



with any grant, the project must meet their guidelines. Their deadlines vary, and can be anywhere from rolling (apply anytime) to only once a year.

Corporations: Businesses can also be a source of cash or in-kind donations. The benefits of the project must tie to whatever initiatives they are currently supporting, or to their customer base. Application deadlines vary.

State of Maine Tax Incentive Programs: Maine offers property owners a reduction in assessed value for Farmland, Open Space, Tree Growth, and Working Waterfront. The programs establish valuation of property at its current use, rather than at fair market value. Property must meet certain criteria to qualify for each program and any future change in the use of the land will cause disqualification resulting in a penalty. The three categories relevant to Gray are described below:⁵

Farmland: Requires at least five contiguous acres in their parcel of land. The land must be used for farming, agriculture or horticulture and can include woodland and wasteland. Additionally, the parcel must contribute at least \$2,000 gross income from farming activities each year.

Open Space: There is no minimum acreage requirement with this program. However, minimum areas and setbacks must be excluded from classification. The parcel must be preserved or restricted in use to provide a public benefit. Benefits recognized include public recreation, scenic resources, game management, and wildlife habitat.

Tree Growth: This program provides a benefit for owners of at least ten acres of forested land used for commercial harvesting. A forest management and harvest plan must be prepared and a sworn statement to that effect submitted with the application. Applications must include a map of the parcel indicating the forest type breakdown, as well as all other areas to be excluded from the tree growth program.

Conclusion

Open space is important to our community. This Open Space Plan intends to help our town preserve and expand open space, a goal that will take many years to realize. The town may not immediately taste the fruits of the recommendations described herein, but many years from now, the evidence of our work to preserve open space will be obvious. If we want our children and grandchildren to benefit from these changes, implementation of this plan should start today.

“The present time has one advantage over every other – it is our own.”

- Charles Caleb Colton (1777-1832), English writer

⁵ This is excerpted from the Maine Revenue Services/Property Tax Relief Programs/Current Land Use Programs, at <https://www.maine.gov/revenue/taxes/tax-relief-credits-programs/property-tax-relief-programs/land-use-programs>



Appendix A

Other Related Town of Gray Plans

The following plans and policies also support the use and preservation of Open Space:

2006 Gray Village Master Plan (GPCOG)⁶

In 2006, the Town of Gray conducted a master planning process for its Village that included a detailed set of challenges, goals, and objectives. The plan focused on pedestrian improvements in five focus areas in the Village, including Route 100 (north and south), Gray Plaza, Route 115 east, and Route 202/4 west. Specific locations cited for sidewalk upgrades were:

- Route 100 through Gray Plaza
- Both sides of Route 100 to the Pennell Institute
- Both sides of Route 26 to Gray Park, and
- Both sides of Route 115 East from the Village to Brown Street.

The plan also noted the need for an inventory of all the trails throughout town and the need to establish connections from existing trails to the Village. Finally, it cited the need for striped bike lanes on both sides of all roads in the Village.

2010 HUD Regional Sustain Southern Maine Pilot Project- (GPCOG, USM, SMRPC)

A Department of Housing and Urban Development Sustainable Communities Grant was awarded to the Greater Portland Council of Governments (GPCOG) and its partners in 2010. This initiative, called Sustain Southern Maine, selected nine towns in York and Cumberland Counties to serve as pilot planning projects. Gray is one of the communities that volunteered to participate in the process. The Town focused the planning on the Village area; recommendations included increasing residential development in the Village, adding or upgrading sidewalks, and reducing tractor-trailer traffic to create a more bike-ped friendly environment.

2018 Gray Bike-Ped Plan⁷

This plan was developed and written by the Bike-Ped Committee, a private citizen's committee, but adopted by the Town Council in 2019. Among other things, the Bike-Ped Plan envisioned the creation of the Village Area Loop Trail to strengthen and expand off-road trail connectivity within Gray Village, and the town-wide, multi-use Gray Trail Network. The Bike-Ped Plan also

⁶ <http://www.pactsplan.org/documents/GrayVillageReport.Nov06.pdf>

⁷ Gray Bike-Ped Plan - <https://www.graymaine.org/bike-ped-plan>



encourages improvement of deteriorated sidewalks to enhance pedestrian safety, and the construction of new sidewalks in higher density, high traffic areas of Gray.

*2019 Complete Streets Policy*⁸

The Gray Complete Streets Policy was also developed by the Bike-Ped Committee, and adopted by the Gray Town Council in 2019. The Complete Streets Policy advocates for the fundamental concept that all streets and roadways should be designed and operated to be safe and accessible for current and future users. This includes pedestrians, bicyclists, motorists, or transit riders, regardless of age or ability.

Complete Streets principles contribute to the safety, health, economic vitality, and quality of life in a community by providing accessible and efficient connections between home, school, work, recreation, and commercial centers. Ultimately, our vision for Gray is to have a well-connected network of streets, bike-pedestrian trails, and other transportation facilities that balance the needs of all users and appropriately relate to the existing built environment in capacity and scale.

⁸ Town of Gray Complete Streets Policy can be found at <https://www.graymaine.org/documents/pages/policiesguidelines>



Appendix B

Principles of Cooperation with Private Landowners

1. **We Thank You** - We acknowledge and appreciate the contributions of private landowners to the public's stated goal of maintaining and even increasing the amount of open space available to the public. Landowners have made an investment in land ownership; they pay taxes; and contribute to the community through providing open space often enjoyed by many. We will take every opportunity to publicly acknowledge these contributions to the community.
2. **We Respect Your Wishes** - We recognize that what is important to landowners can vary greatly. Some value privacy, some value recreational activities, some value capital appreciation through timber values or land valuations. We respect these values. We vow to not treat all landowners the same, but to work with each individually to ensure proposed public uses are consistent with their wishes.
3. **We Will Support You** - We recognize the rights of private landowners to determine what, if any, public access to allow on their land, and we will endeavor to never advertise or encourage the public's entrance to or use of land where the landowner has not expressly given permission for such use. Where necessary or prudent – and if in accordance with the landowner's wishes – we will endeavor to document and publicize all such granted permissions. Likewise, where significant or repeated public intrusion onto private property is incongruent with the landowner's wishes, we will encourage the public to comply with the landowner's requests. We will appoint and support a Town official to act as a liaison to landowners, and to help landowners who have provided public access to their land.
4. **We Make No Assumptions** - We acknowledge that many private landowners may not wish to grant permanent easements to allow public access to their property. In such instances, we will endeavor to work with landowners to create arrangements that respect their wishes. We will not assume a grant of public use is perpetual, unless and until an easement has been granted. We will endeavor to communicate annually with landowners to ensure their wishes are being met with respect to the public's use of their private land.
5. **We Change With You** - We understand that the wishes of a landowner may change over time. Moreover, we recognize and accept the reality that when land ownership changes, the preferences of the new landowner may not be consistent with those of the previous owner. We will work with new landowners to ensure any previously agreed-to public uses of private land are consistent with the wishes of the new owner. When necessary, we will publicize any changes to ensure the public is always aware of the landowner's wishes.



6. **We Endeavor to Compensate** - Where significant, ongoing access to private property is desired (for example, for a permanent public hiking trail), we will attempt to obtain an easement to document the landowner's provision of access to the public. While we readily acknowledge that funding is extremely limited, we will nonetheless endeavor to compensate landowners for the significant contributions they make to the community when they allow public access to their private land.

7. **We Inform The Public** - We will endeavor to work with landowners to ensure the public is fully aware of the allowed uses on their land. We recognize that situations may arise (perhaps, a timber harvest operation) whereby previously granted access may need to be temporarily or permanently suspended. We respect those situations. For parcels where significant public access has been granted, we will work to maintain a Town-sponsored website which will clearly identify what access is allowed and what activities are prohibited. In addition, we will endeavor to work with landowners to further inform the public of changes in access, or convey other landowner issues via public announcements in local media, significant signage at all access points, etc.

8. **We Will Support You** - We will work cooperatively with landowners to help reinforce their rights, thereby encouraging other and future landowners to allow public access on their private property knowing they have the full support of the community helping to protect their rights.



Appendix C

Land Use Agreement Template

TRAIL USE AND MAINTENANCE AGREEMENT

Permission is hereby granted to [identify entity- Town of Gray or other organization]
_____ to create and maintain a public recreational trail across my property at
_____ for the purposes of:

Choose 1: 3 Season (Warm Weather) Use Winter Use Year-round Use

Check all that apply:

walking & hiking, on foot bicycling horseback riding snowmobiling

cross-country skiing and snowshoeing motorbiking Off-Highway Recreational Vehicle
(OHRV) use other _____

I understand that the use of this right of way for said purpose in no way holds me liable or responsible for accidents that may occur as a result of others using my property as provided in Maine Law §159-A. There shall be no fee paid for this Trail, and the above-named organization will charge no fee for use of the Trail on my property. The above-named organization further agrees to mark and maintain this right of way in a proper and safe manner, post the allowed uses at the beginning and end of the Trail on my property, and notify me of any known unusual circumstances or conditions. The [insert entity name] may produce an official map of the Trail and post and publicize this Trail map. An approximate location of the Trail is provided on the attached Exhibit for reference purposes.

This right of way trails use and maintenance agreement shall have a term of:

Choose 1: Indefinite 1 year from date of signing 5 years from date of signing

This agreement may be terminated for any cause by either party upon 30-day written notification.

Dated this _____ day of _____, 20_____.

[Landowner Signature]

[Entity Signature]



Appendix D

Draft Property Evaluation Form

This evaluation form is a tool to help guide decision making about the value of land proposed for conservation. The Town Council and the voters retain discretion over land acquisition or preservation using Town funds.

Categories		Score	Comments
Large Undeveloped Area (select one)			
10-19 acres	3		
20-39 acres	5		
40-99 acres	8		
100+ acres	10		
Connectivity to Existing Protected Lands (select one)			
Within ¼ mile of currently conserved land	2		
Abutting existing conserved land	5		
Connecting parcel between 2 conserved properties	8		
Identified within Gray Open Space Plan (OSP) (select one)			
The property is within the focus areas as identified in the OSP	6		



The property is similar in character to OSP focus areas but is not in a focus area.	4		
Natural Resource Values (select all that apply):			
Protection of freshwater resource (pond, lake, stream)	4		
Protection of groundwater resource/aquifer	3		
Prime agricultural soils	3		
Inland wading bird and/or waterfowl habitat	3		
Protection of significant forests	1		
Working farmland	5		
Protection of wetlands and vernal pools	3		
Edge habitat (fields/forest or upland/shoreline)	3		
Public Access values (select all that apply)			
Continue/restore multi-purpose recreational uses	5		
Add new multi-purpose recreational uses	4		
Scenic values (select all that apply)			
Open fields	5		

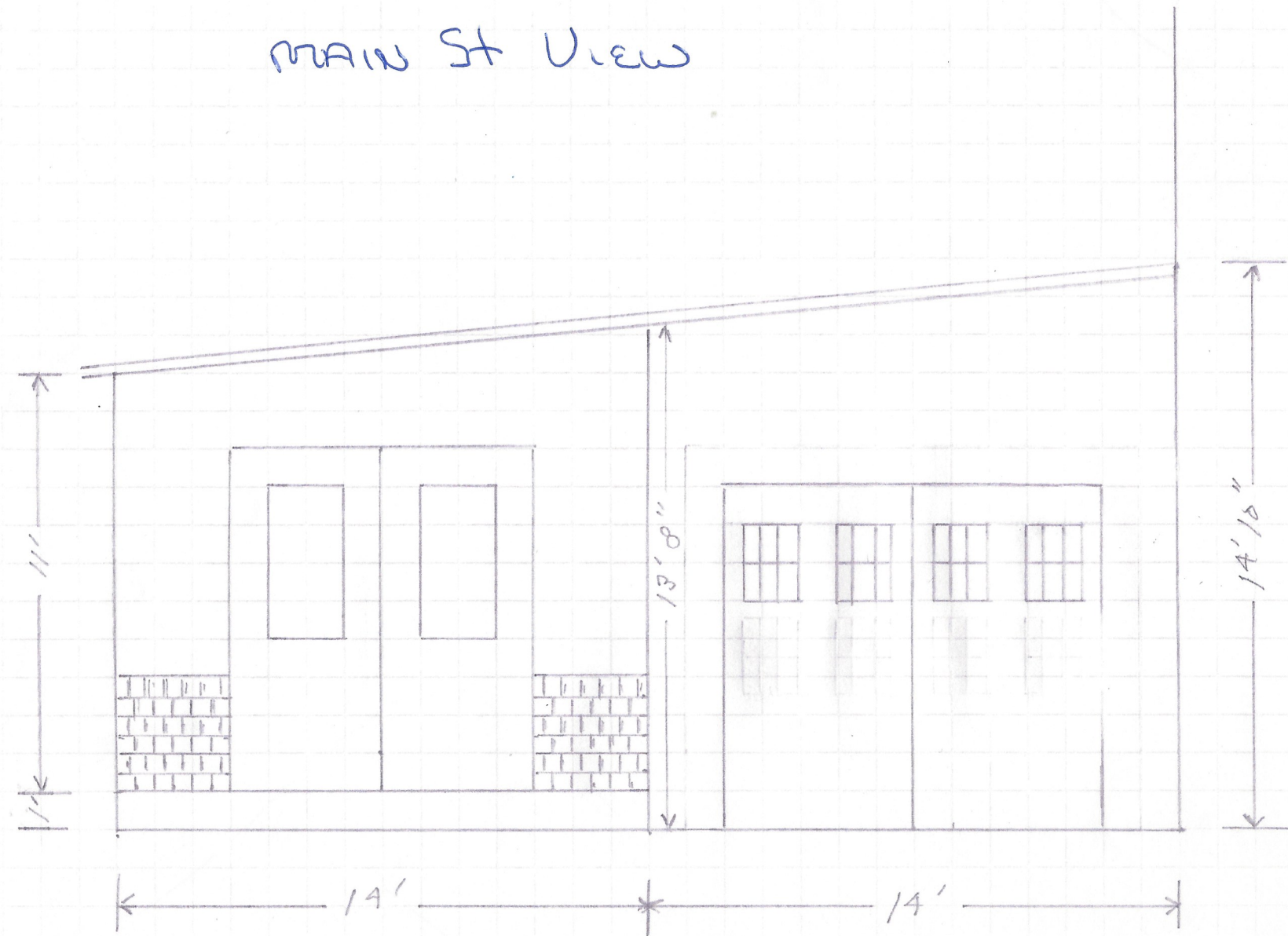


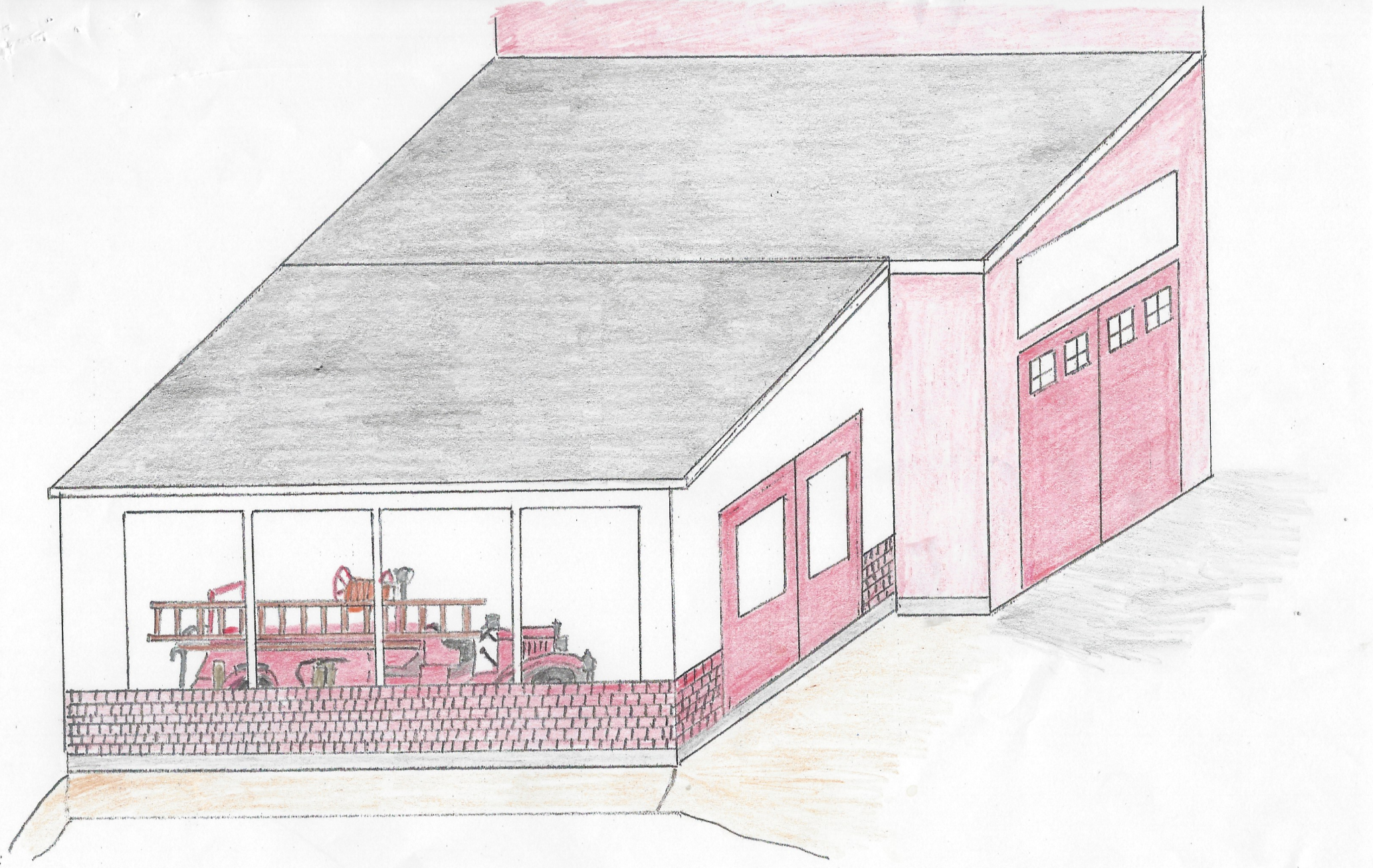
High elevation vista	3		
Scenic views	3		
Historic view	3		
Visible from public road or water	3		
Historic/Cultural values (select all that apply)			
Protection within Gray Village	1		
Archaeological feature	2		
Historic building/place	2		
Total Score:			



1 sq = 1'

MAIN ST VIEW

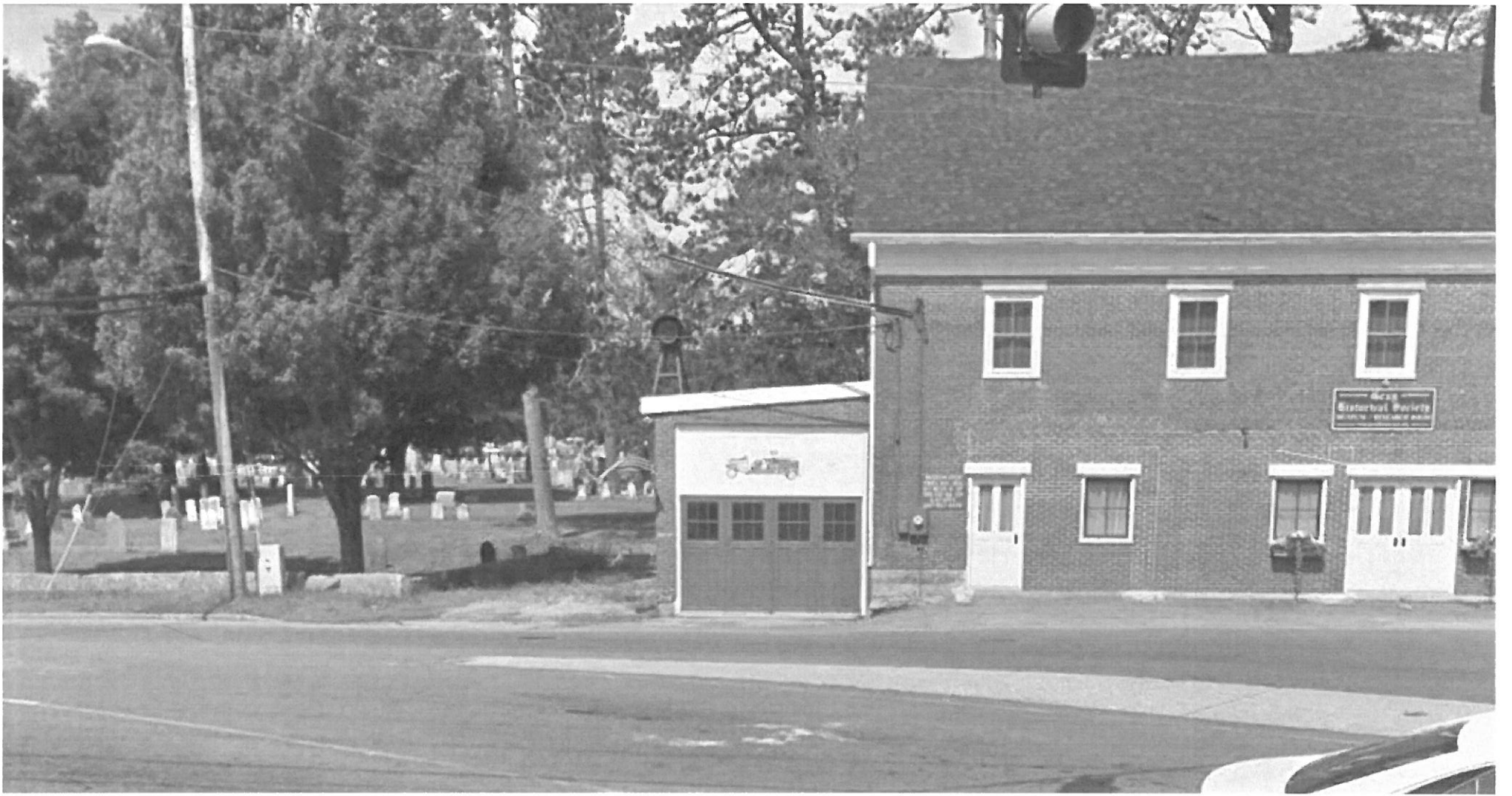




WEST GRAY RD
VIEW



FDNY
343
09-11-01



§1371-A. Limitations on construction and excavation near burial sites

1. **Known burial sites.** Construction or excavation near a known burial site or within the boundaries of an established cemetery must comply with any applicable land use ordinance concerning burial sites or established cemeteries, whether or not the burial site or established cemetery is properly recorded in the deed to the property. In the absence of local ordinances, construction or excavation may not be conducted within 25 feet of a known burial site or within 25 feet of the boundaries of an established cemetery, whichever is the greater, whether or not the burial site or established cemetery is properly recorded in the deed to the property, except:

A. When the construction or excavation is performed pursuant to a lawful order or permit allowing the relocation of bodies; or [RR 2009, c. 2, §27 (COR).]

~~B.~~ When necessary for the construction of a public improvement, as approved by the governing body of a municipality or, in the case of a state highway, by the Commissioner of Transportation. [RR 2009, c. 2, §28 (COR).]

C. [PL 2009, c. 310, §1 (NEW); MRSA T. 13 §1371-A, sub-§1, ¶C (RP).]

A municipality may enforce this subsection or any local ordinance concerning burial sites or established cemeteries pursuant to Title 30-A, section 4452, including the assessment of civil penalties.

In the event of any violation of this subsection, the Attorney General may seek to enjoin a further violation, in addition to any other remedy.

MEMO

February 16, 2022

FROM: Community Development Staff

TO: Town Council,
Town Manager Nate Rudy

RE: Transfer of roadway property on Hancock Street

ENC: Site plan maps showing road parcel and infrastructure

In reviewing the pending application for additional senior housing units on the Avesta/Gray Senior Housing site, the Community Development Department staff and Public Works staff are proposing that the Town transfer ownership of the associated roadway to the developer.

This section of road extends straight from the point where Hancock Street curves, and continues downhill to the parking lot access of the Meadowview development. It is a separate parcel of land, containing only this section of roadway, and is located within the boundaries of the Meadowview lot. (See highlighted area of attached PDF, page 2. The roadway parcel is in yellow; the Gray Senior Housing property line around the roadway is in blue.)

In 1976, when Gray Senior Housing constructed the Meadowview senior apartments at the end of Hancock Street, the property owners sold the ownership of the access roadway to the Town of Gray. The deed shows the parcel was transferred to the town and accepted as a town road, at the cost of “one dollar and other valuable considerations.”

Staff have determined that this roadway practically functions as a driveway, per the subdivision ordinance, as it serves only one lot: A driveway, per the ordinance, is “a vehicular accessway serving two lots or less.”

Prior to the new development proposal, Town and Public Works staff were not aware of the Town’s ownership of this section of road and had been considering it a private road with a winter maintenance easement.

Public Works Director Alec Dodd has advised that PW would be amenable to continuing winter maintenance on this section of road, with a winter maintenance easement, as well as snow blowing the associated sidewalk if the developer improves it to the standard width. The sidewalk improvement is intended to be part of the Planning Board’s review/approval of the project.

The town would also need an easement to retain access to the section of the Village Area Loop Trail that connects the roadway parcel with the plaza shopping center. This easement would need to run from the remaining town-owned portion of Hancock Street to the trail entrance.

The developer has expressed a willingness to take fee ownership of the roadway. They have also indicated that they are willing to grant the pedestrian easement (in perpetuity) from the end of the remaining town-owned portion of Hancock Street to the entrance of the Village Area Loop Trail segment that connects to the plaza (see attached PDF, page 2, pink highlighted area). The plans

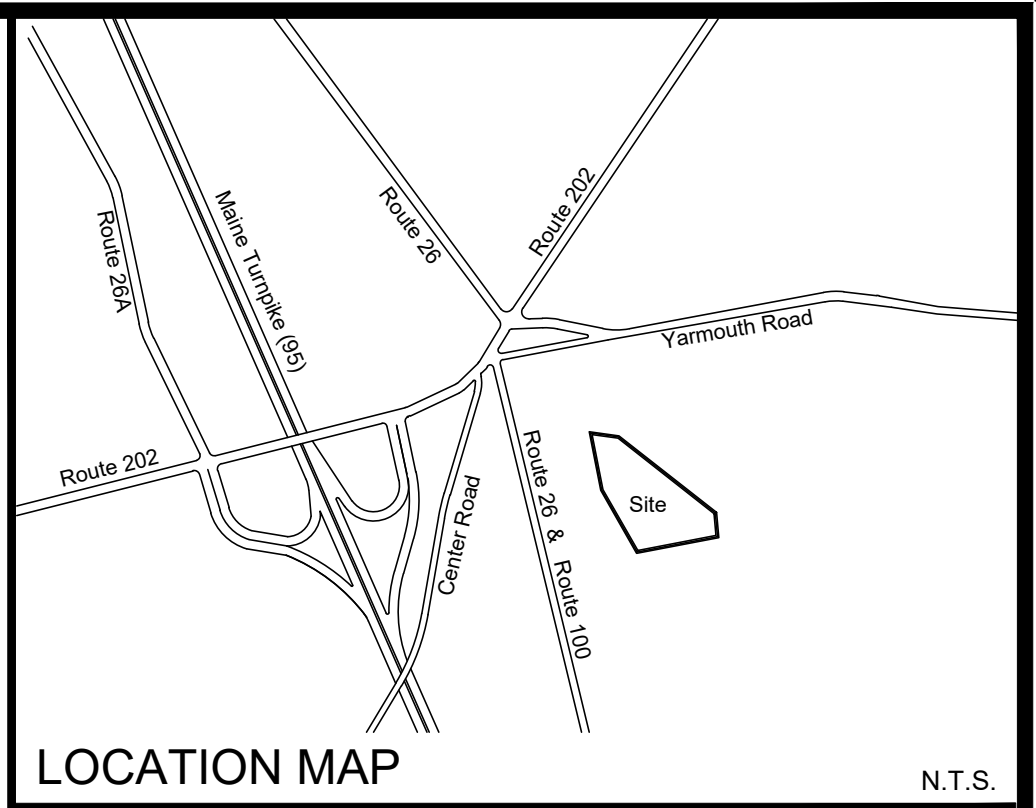
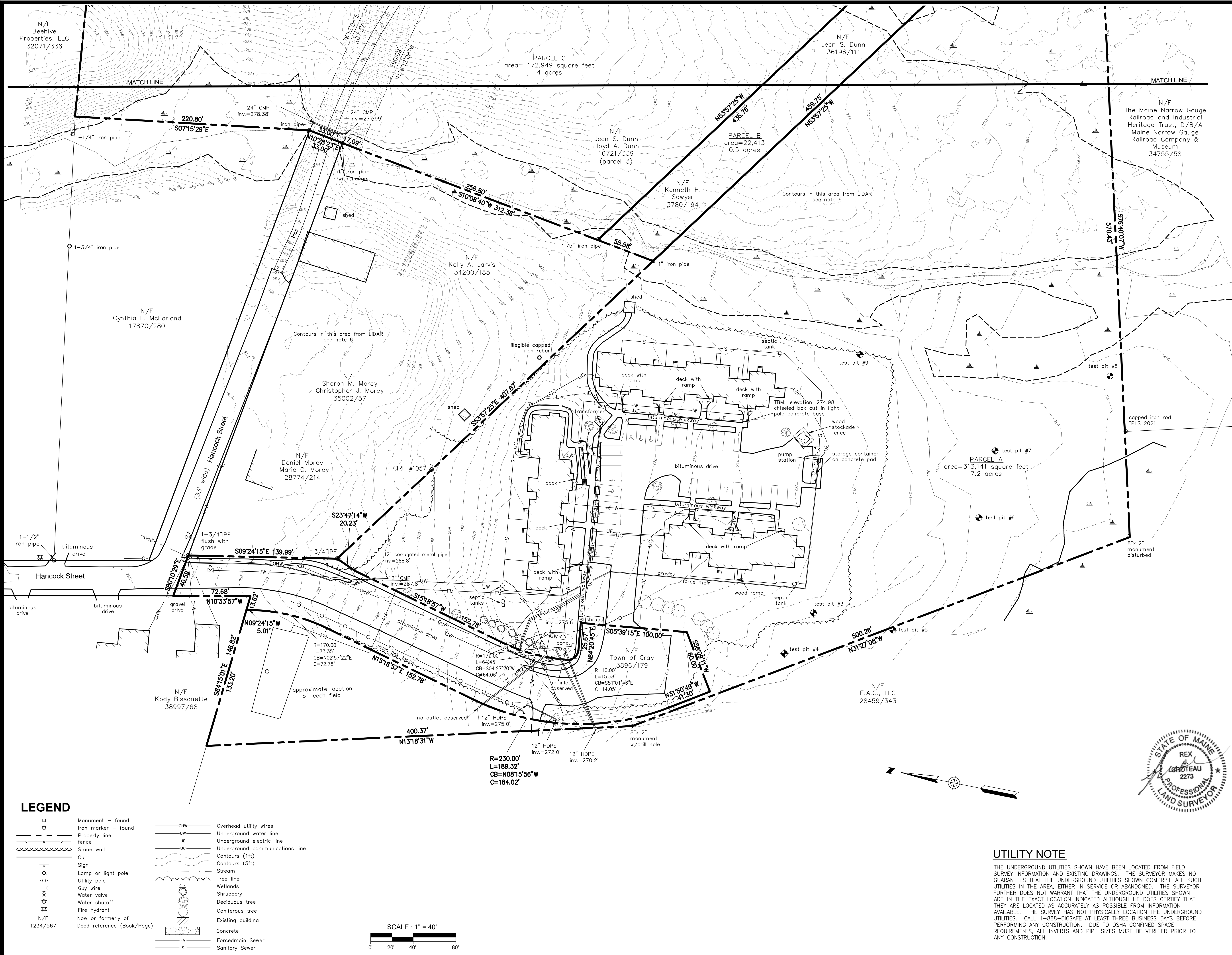
also indicate that the developers intend to grant an easement on the former narrow gauge railroad portion that has historically been utilized for recreational purposes.

There are several elements of the roadway parcel that make it most appropriate for ownership by Gray Senior Housing. Transferring ownership of the roadway will eliminate these concerns:

- The force main for the septic system that serves the existing 20 Meadowview units is located underneath this roadway, connecting to the existing leach field on the other side of the road. (See green highlighted area of attached PDF, page 2.) Note: Both sides of the road are owned by GSH. If repairs become necessary to the force main, the Town will be in the position of bearing responsibility for the road opening and repaving related to accessing privately owned septic system infrastructure.
- The culvert area near the crosswalk at the bottom of the roadway is a complex area for drainage, as it is also the location of water meter pits and water line connections to the existing buildings and proposed new building. (See attached PDF, page 3 for detail inset of this area.) Determining maintenance responsibilities between the property owner, Gray Water District, possibly the owner of the Plaza and Town Public Works for this area will be challenging and maintenance will likely involve ongoing significant staff time. PW staff would need to maintain and clear not only this culvert area, but also the drainage outlets further up on the roadway and on the opposite side of the street. With the additional development of the site and transferring the road ownership, however, maintenance of the roadway can become part of the overall site maintenance plan for the existing parking lot and drainage associated with the new building.
- With continued town plowing of the road via winter maintenance easement, Meadowview residents will not see a reduction in service/safety.
- With an easement to access and maintain the VALT, users of the trail will not see a reduction in service/safety.
- The ownership transfer and filing with CCRD will not incur significant costs for the Town and will ultimately save the town money on future maintenance.

Following this discussion at the March 1 council meeting, **we are asking the council to consider the following action items at your next meeting on March 15**, in advance of the Planning Board's continued review of the Avesta/Gray Senior Housing application on April 14:

- Transfer fee ownership of this section of Hancock Street, used as the driveway for the Gray Senior Housing Meadowview development and defined in Plan Book 110, Page 9 in the Cumberland County Registry of Deeds, to Gray Senior Housing for the price of \$1, with an easement to the Town of Gray for access to the Village Area Loop Trail and associated sidewalk connection to said trail.
- Accept this section of Hancock Street and associated sidewalks (upon improvement to standard sidewalk width) for winter maintenance via a winter maintenance easement.



- PLAN REFERENCES**
- BOUNDARY RETRACEMENT SURVEY OF THE GRAY MARKETPLACE OF THE PROPERTY LOCATED ALONG STATE ROUTES 26 & 100 GRAY, MAINE FOR DANIEL P. CRAWFEY BY PIONEER SURVEYING & MAPPING SERVICES, DATED FEBRUARY 2009 AND REVISED 11/23/09 & 02/02/2010 AS RECORDED IN PLAN BOOK 211, PAGE 34.
 - STANDARD BOUNDARY SURVEY PROPERTY PLAN OF LOT CONFIGURATION 20-24 SKILLINGS STREET-GRAY, MAINE MADE FOR RICHARD & PATRICIA BARTER 22 HANCOCK STREET-GRAY, MAINE 04039 BY JOHN D. PALMITER, PLS 1057 DATED NOVEMBER 12, 2008 AS RECORDED IN PLAN BOOK 209, PAGE 167.
 - PLAN OF PROPERTY FOR GRAY HOUSING INC. IN GRAY, MAINE BY JOHN D. PALMITER DATED JULY 1974 AS RECORDED IN PLAN BOOK 110, PAGE 9.
 - PLAN OF PROPERTY FOR GRAY PLAZA INC. DATED APRIL, 1974 AND REVISED THROUGH SEPTEMBER 27, 1995 AS RECORDED IN PLAN BOOK 197, PAGE 16.
 - SURVEY OF LEROY VERRILL PROPERTY IN GRAY, MAINE BY JOHN D. PALMITER R.L.S. #1057 DATED MARCH 1981 AS RECORDED IN PLAN BOOK 135, PAGE 21.
 - BOUNDARY AND TOPOGRAPHIC SURVEY OF MEADOWVIEW, 16 HANCOCK STREET, GRAY, MAINE MADE FOR RANSOM CONSULTING, INC. JULY 19, 2019 BY TITCOMB ASSOCIATES.

- GENERAL NOTES**
- OWNERS OF RECORD:
 PARCEL A - GRAY SENIOR HOUSING, INC. C.C.R.D. BOOK 3676, PAGE 265 AND BOOK 3605, PAGE 257
 PARCEL B & B1 - JEAN S. DUNN C.C.R.D. BOOK 36196, PAGE 111
 PARCEL C AND C1 - JEAN S. DUNN AND LLOYD A. DUNN C.C.R.D. BOOK 16721, PAGE 339
 - BEARINGS ARE REFERENCED TO GRID NORTH, MAINE STATE PLANE COORDINATE SYSTEM, WEST ZONE, NAD83.
 - ELEVATIONS ARE BASED ON GPS OBSERVATIONS, NAVD88 DATUM. BENCHMARK IS A CHISELED BOX CUT IN SOUTHEASTERN MOST LIGHT POLE CONCRETE BASE, AS DEPICTED ON THIS PLAN. ELEVATION: 274.98'
 - UTILITY INFORMATION ON THIS PLAN IS APPROXIMATE, BASED ON LOCATION OF VISIBLE FEATURES. DIGSAFE AND/OR THE APPROPRIATE UTILITIES SHOULD BE CONTACTED PRIOR TO ANY CONSTRUCTION.
 - WETLAND DELINEATION BY C.C. DORIAN GEOLOGICAL SERVICES, LLC OF 200 HIGH STREET, SUITE #20 PORTLAND, MAINE 04101.
 - CONTOURS IN THIS AREA HAVE BEEN GENERATED WITH MAINE OFFICE OF GIS LIDAR DATA AND HAVE NOT BEEN FIELD VERIFIED.
 - SANITARY SEWER LINE LOCATIONS ARE APPROXIMATE BASED ON DESIGN PLANS AND HAVE NOT BEEN FIELD VERIFIED.

- EASEMENTS / ENCUMBRANCES**
- PROPERTY IS SUBJECT TO A UTILITY EASEMENT CONVEYED TO THE PINE TREE TELEPHONE AND TELEGRAPH CO. BY GRAY PLAZA, INC. RECORDED IN BOOK 3798, PAGE 166.
 - PROPERTY IS SUBJECT TO A UTILITY EASEMENT CONVEYED TO CENTRAL MAINE POWER COMPANY, INC. BY GRAY SENIOR HOUSING, INC. RECORDED IN BOOK 3723, PAGE 1.

CERTIFICATE
 OWEN HASKELL, INC. HEREBY CERTIFIES THAT THIS PLAN IS BASED ON, AND THE RESULT OF, AN ON THE GROUND FIELD SURVEY AND THAT TO THE BEST OF OUR KNOWLEDGE, INFORMATION AND BELIEF, IT CONFORMS TO THE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS CURRENT STANDARDS OF PRACTICE.

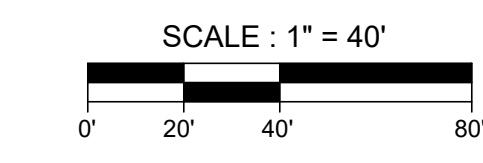
REX J. CROTEAU, PLS #2273
 DATE _____

Boundary & Topographic Survey
 Of
Meadowview
 16 Hancock Street, Gray, Maine
 Made for
Ransom Consulting, LLC
 400 Commercial St., Ste 404, Portland, Maine

OWEN HASKELL, INC.
 PROFESSIONAL LAND SURVEYORS
 390 US ROUTE 1, UNIT 10, FALMOUTH, ME 04105 TEL. 207-774-0424
 DRAWN BY: RJC/JLW DATE: JAN. 12, 2022 JOB NO. 2022-006 GR
 CHECKED BY: RJC SCALE: 1" = 40' DRWG. NO. 1

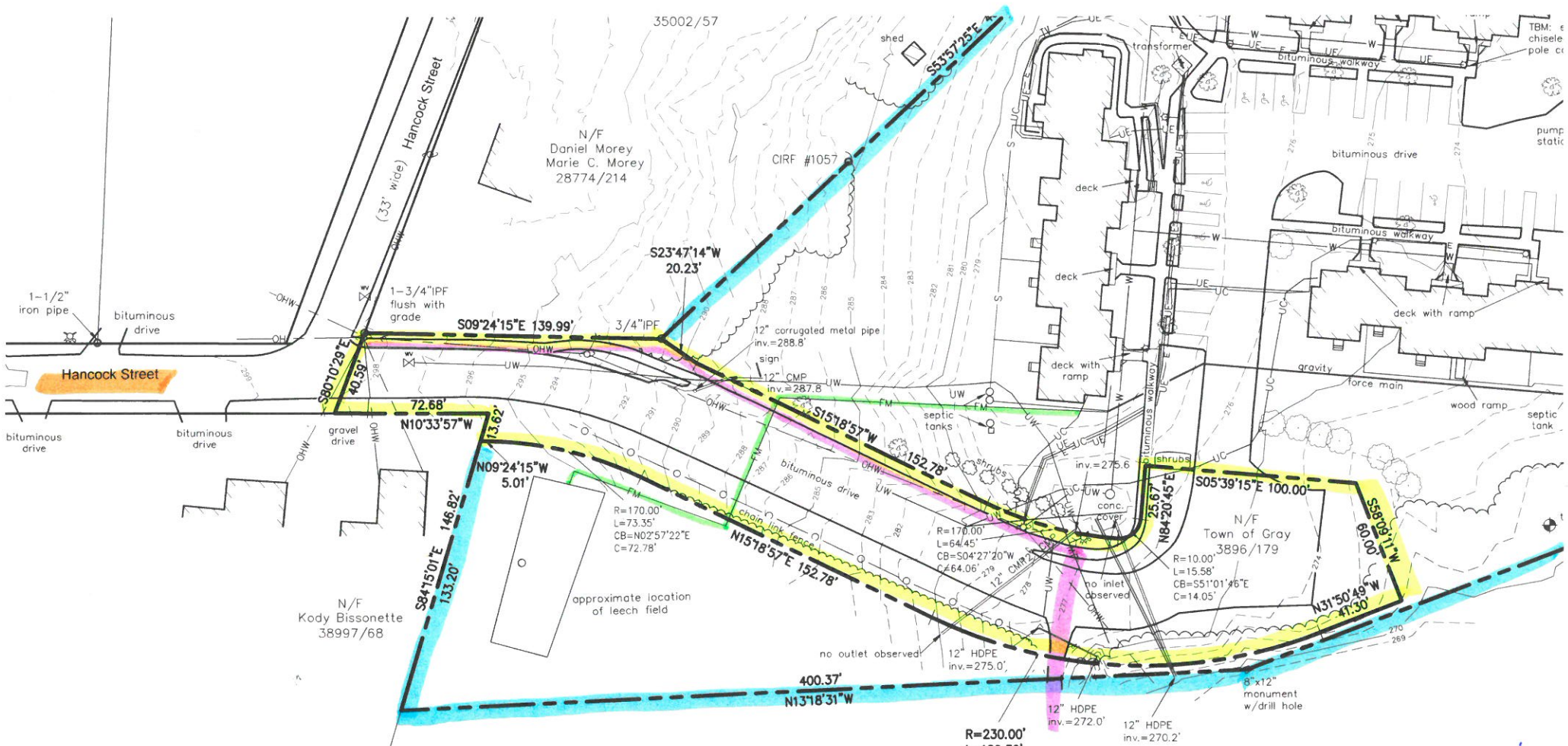
LEGEND

	Monument - found		Overhead utility wires
	Iron marker - found		Underground water line
	Property line		Underground electric line
	fence		Underground communications line
	Stone wall		Contours (1ft)
	Curb		Contours (5ft)
	Sign		Stream
	Lamp or light pole		Tree line
	Utility pole		Wetlands
	Guy wire		Shrubbery
	Water valve		Deciduous tree
	Water shutoff		Coniferous tree
	Fire hydrant		Existing building
	Now or formerly of		Concrete
	Deed reference (Book/Page)		Forcedmain Sewer
			Sanitary Sewer

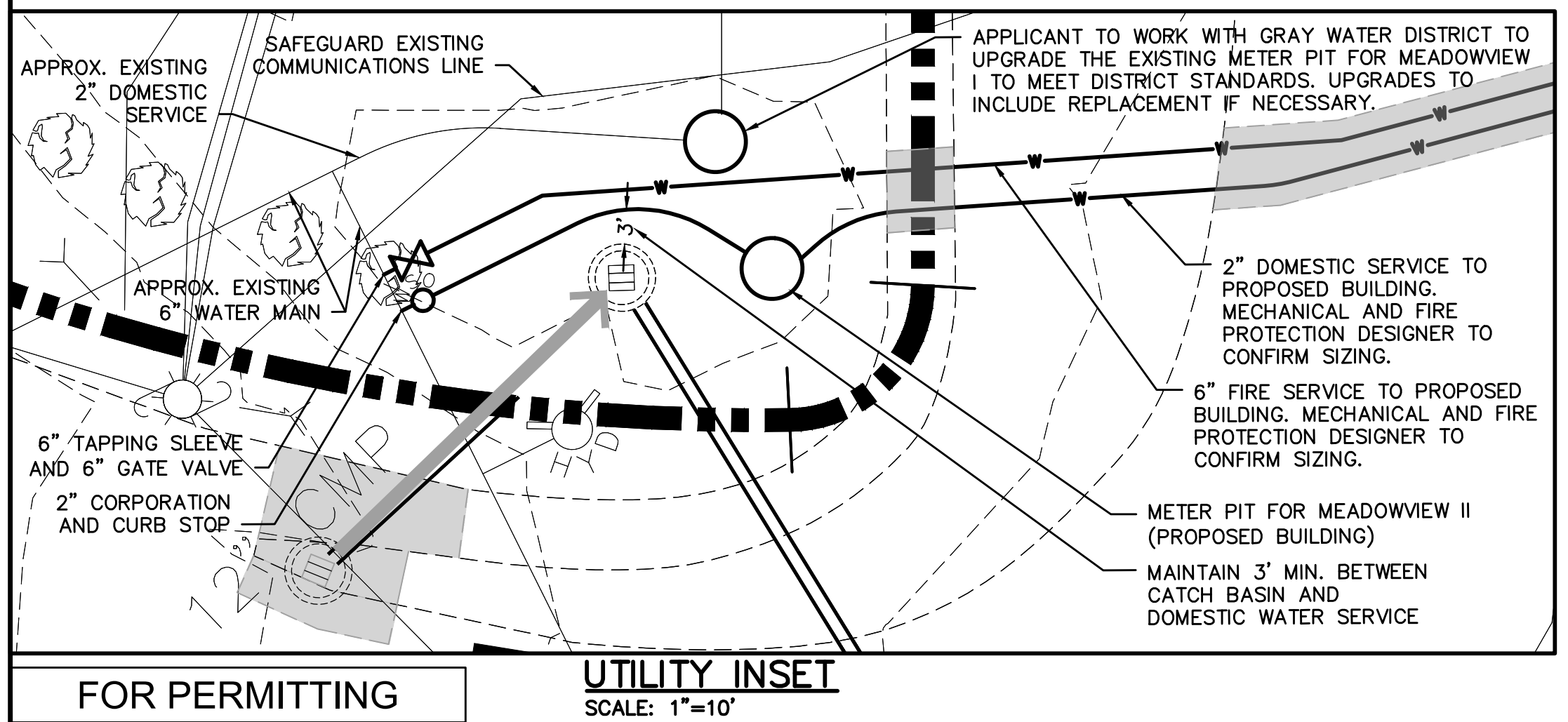
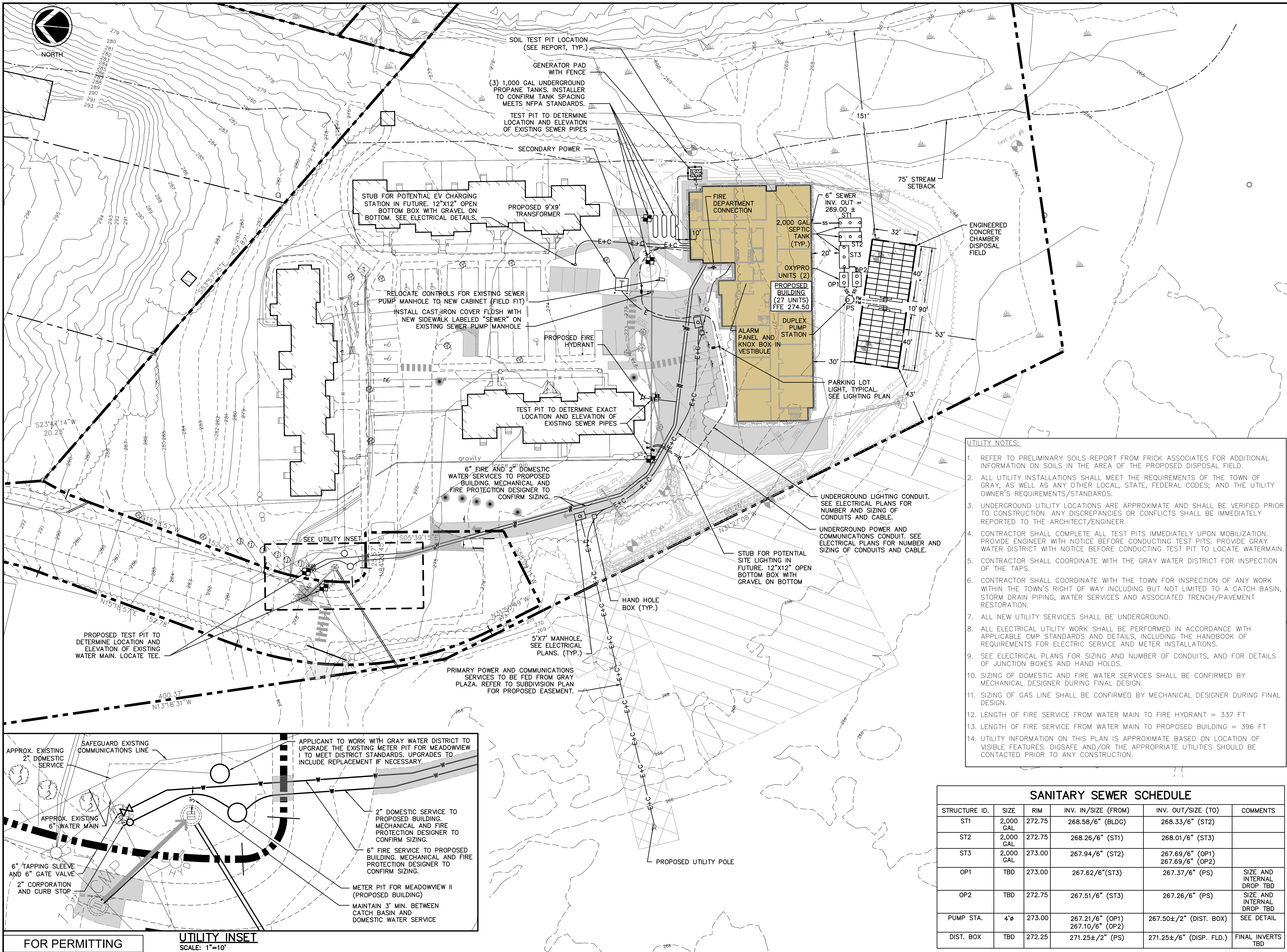


UTILITY NOTE
 THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. CALL 1-888-DIGSAFE AT LEAST THREE BUSINESS DAYS BEFORE PERFORMING ANY CONSTRUCTION. DUE TO OSHA CONFINED SPACE REQUIREMENTS, ALL INVERTS AND PIPE SIZES MUST BE VERIFIED PRIOR TO ANY CONSTRUCTION.





- VALT easement
- Force main
- GSH parcel
- Roadway parcel



- UTILITY NOTES:**
- REFER TO PRELIMINARY SOILS REPORT FROM FRICK ASSOCIATES FOR ADDITIONAL INFORMATION ON SOILS IN THE AREA OF THE PROPOSED DISPOSAL FIELD.
 - ALL UTILITY INSTALLATIONS SHALL MEET THE REQUIREMENTS OF THE TOWN OF GRAY, AS WELL AS ANY OTHER LOCAL, STATE, FEDERAL CODES; AND THE UTILITY OWNER'S REQUIREMENTS/STANDARDS.
 - UNDERGROUND UTILITY LOCATIONS ARE APPROXIMATE AND SHALL BE VERIFIED PRIOR TO CONSTRUCTION. ANY DISCREPANCIES OR CONFLICTS SHALL BE IMMEDIATELY REPORTED TO THE ARCHITECT/ENGINEER.
 - CONTRACTOR SHALL COMPLETE ALL TEST PITS IMMEDIATELY UPON MOBILIZATION. PROVIDE ENGINEER WITH NOTICE BEFORE CONDUCTING TEST PITS. PROVIDE GRAY WATER DISTRICT WITH NOTICE BEFORE CONDUCTING TEST PIT TO LOCATE WATERMAIN.
 - CONTRACTOR SHALL COORDINATE WITH THE GRAY WATER DISTRICT FOR INSPECTION OF THE TAPS.
 - CONTRACTOR SHALL COORDINATE WITH THE TOWN FOR INSPECTION OF ANY WORK WITHIN THE TOWN'S RIGHT OF WAY INCLUDING BUT NOT LIMITED TO A CATCH BASIN, STORM DRAIN PIPING, WATER SERVICES AND ASSOCIATED TRENCH/PAVEMENT RESTORATION.
 - ALL NEW UTILITY SERVICES SHALL BE UNDERGROUND.
 - ALL ELECTRICAL UTILITY WORK SHALL BE PERFORMED IN ACCORDANCE WITH APPLICABLE CMP STANDARDS AND DETAILS, INCLUDING THE HANDBOOK OF REQUIREMENTS FOR ELECTRIC SERVICE AND METER INSTALLATIONS.
 - SEE ELECTRICAL PLANS FOR SIZING AND NUMBER OF CONDUITS, AND FOR DETAILS OF JUNCTION BOXES AND HAND HOLDS.
 - SIZING OF DOMESTIC AND FIRE WATER SERVICES SHALL BE CONFIRMED BY MECHANICAL DESIGNER DURING FINAL DESIGN.
 - SIZING OF GAS LINE SHALL BE CONFIRMED BY MECHANICAL DESIGNER DURING FINAL DESIGN.
 - LENGTH OF FIRE SERVICE FROM WATER MAIN TO FIRE HYDRANT = 337 FT
 - LENGTH OF FIRE SERVICE FROM WATER MAIN TO PROPOSED BUILDING = 396 FT
 - UTILITY INFORMATION ON THIS PLAN IS APPROXIMATE BASED ON LOCATION OF VISIBLE FEATURES, DIGSAFE AND/OR THE APPROPRIATE UTILITIES SHOULD BE CONTACTED PRIOR TO ANY CONSTRUCTION.

SANITARY SEWER SCHEDULE					
STRUCTURE ID.	SIZE	RIM	INV. IN/SIZE (FROM)	INV. OUT/SIZE (TO)	COMMENTS
ST1	2,000 GAL	272.75	268.58/6" (BLDG)	268.33/6" (ST2)	
ST2	2,000 GAL	272.75	268.26/6" (ST1)	268.01/6" (ST3)	
ST3	2,000 GAL	273.00	267.94/6" (ST2)	267.69/6" (OP1) 267.69/6" (OP2)	
OP1	TBD	273.00	267.62/6"(ST3)	267.37/6" (PS)	SIZE AND INTERNAL DROP TBD
OP2	TBD	272.75	267.51/6" (ST3)	267.26/6" (PS)	SIZE AND INTERNAL DROP TBD
PUMP STA.	4"ø	273.00	267.21/6" (OP1) 267.10/6" (OP2)	267.50±/2" (DIST. BOX)	SEE DETAIL
DIST. BOX	TBD	272.25	271.25±/2" (PS)	271.25±/6" (DISP. FLD.)	FINAL INVERTS TBD

AVESTA GRAY MEADOWVIEW II
16 HANCOCK STREET
GRAY, MAINE

Prepared for:
AVESTA HOUSING
307 CUMBERLAND AVENUE
PORTLAND, MAINE, 04101

Civil Engineer:

JOHN I. MAHONEY, PE #12340
RANSOM CONSULTING, LLC
400 COMMERCIAL STREET, SUITE 404
PORTLAND, ME 04101
207-772-2891

Architect:
JSA DESIGN
273 CORPORATE DRIVE, SUITE 100
PORTSMOUTH, NH, 03801

Structural/Mechanical:
ALLIED ENGINEERING, INC.
160 VERANDA STREET
PORTLAND, MAINE, 04103

Soil Scientist/Site Evaluator:
ALBERT FRICK ASSOCIATES, INC.
380B MAIN STREET
GORHAM, MAINE, 04038

Landscape Architect:
RASOR LANDSCAPE ARCHITECTURE
87 MAIN STREET
YARMOUTH, MAINE, 04096

Surveyor:
OWEN HASKELL, INC.
390 US ROUTE 1, UNIT 10
FALMOUTH, MAINE, 04105

SCALE
0 15 30 60
SCALE in FEET
1"=30'

RANSOM Consulting, LLC.
400 Commercial Street, Suite 404
Portland, ME 04101
Tel. (207) 772-2891
Fax (207) 772-3248
www.ransomenv.com

UTILITY PLAN

Design by:	DJV	Checked by:	MPM
Drawn by:	DJV	Approved by:	JIM
Project:	191.06051	Date:	DECEMBER 2019

Sheet No: **C1.4**

CHAPTER 210
EMERGENCY MANAGEMENT ORDINANCE
TOWN OF GRAY, MAINE
Adopted _____, 2021, Effective _____, 2021

SECTION 210.1 – TITLE AND AUTHORITY

This Ordinance shall be known as, and may be cited and referred to as, the Town of Gray Emergency Management Ordinance, and is adopted pursuant to the Town’s home rule authority, as provided in 30-A M.R.S. § 3001 and the Constitution of Maine, Article VIII, Part Second, all as may be amended from time to time.

SECTION 210.2 – PURPOSE

It is the intent and purpose of this Ordinance to establish an emergency management team in compliance and in conformity with the provisions of 37-B M.R.S. §§ 781 *et seq.* to ensure the complete and efficient utilization of the Town’s facilities and resources to respond to disasters as defined herein.

This ordinance will not relieve any Town department of its normal legal responsibilities or authority, nor will it adversely affect the work of any voluntary agency organized for relief in disaster emergencies.

This ordinance shall be administered in conjunction with the appropriate elements of the Town’s Emergency Operations Plan.

SECTION 210.3 – DEFINITIONS

The following definitions shall apply in the interpretation of this Ordinance:

- A. The term “Emergency Management” shall mean the managerial function charged with creating the framework within which communities reduce vulnerability to hazards and cope with disasters.
- B. The term “emergency” shall mean any event which threatens to inflict or inflicts injury or damage to people or property and which requires immediate action to mitigate, prevent, control, contain or from which normal recovery is beyond the scope of the normal resources of the town.
- C. The term “disaster” shall mean the occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from any natural or man- made cause, including but not limited to fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination requiring emergency action to avert danger or damage, disease, epidemic, pandemic, air contamination, critical material shortage, infestation, explosion, or riot.
- D. The term “Emergency Response Team” shall mean the employees, equipment and facilities

of all Town departments, boards, institutions, and commissions, and in addition, it shall include all volunteer persons, equipment and facilities contributed by or obtained from volunteer persons or agencies. These functions include, without limitation, firefighting, policinge, emergency medical services, emergency welfare, rescue, engineering, public warning and communications services, evacuation of persons from stricken areas, allocation of critical materials in short supply, emergency transportation, other activities necessary to the preparation for the carrying out of these functions

E. The term “Emergency Management Director” shall mean the director of the Town’s emergency response team, appointed as prescribed in this Ordinance.

F. The term “Emergency Plan” shall refer to the ~~town~~Town’s Emergency Operations Plan.

SECTION 210.4 – ORGANIZATION AND OPERATION

A. Town Manager.

1. The Town Manager shall be responsible for ensuring the availability of personnel to be assigned to the municipal Emergency Response Team (ERT).
2. The Town Manager may employ such permanent or temporary employees as he or she deems necessary and prescribe their duties during the emergency response.
 - a. If an acting Town Manager has been appointed under Article III, Section 4 of the Gray Town Charter, they will fulfill the role of the Town Manager as defined in this ordinance.
 - b. If the Town Manager is absent, or unable to perform their duties for any reason, their role shall follow the Order of Succession below. All duties, authorities, and responsibilities of the position, without restriction, are encumbered by the person filling the role.
 1. Emergency Town Manager (if the Town Manager appointed one during a planned absence)
 2. Emergency Management Director
 3. Director of Public Safety
 4. Director of Public Works
 5. Chairperson of Town Council

B. Emergency Management Director.

1. Appointment
 - a. There shall be an Emergency Management Director (hereby known as Director) nominated for appointment by the Town Manager to the Town Council, to organize and manage the Emergency Response Team (ERT).
 - b. The Director shall serve a term no less than one (1) year, upon which the position can be reassigned, unless the person serving that position leaves their primary position during their term (retirement, job change, incapacitated).

- c. The Director will complete the following tasks within the initial six (6) months of their appointment:
 1. Completion of training in accordance with National Incident Management System (NIMS) NIMS and other appropriate regulations
 2. Complete review of municipal Emergency Operations Plan
 3. Completion of NIMS training G-402 “Overview for Senior Officials”
 2. Responsibilities
 - a. The Director shall be the executive head of the Emergency Response Team.
 - b. The Director shall work under the general supervision of the Town Manager, with coordination occurring with the Town Council.
 - c. The Director shall be responsible for the development, maintenance, and promulgation of the Town’s Emergency Operations Plan.
 - d. In preparation for and during declared emergencies, the Director may (upon consultation with Town Manager) utilize all Town facilities, personnel and resources to best protect public health, safety and welfare.
 - e. Prepare and update the hazard risk and vulnerability assessment.
 - f. Coordinate and maintain written mutual aid agreements with neighboring towns.
 - g. Provide emergency management training to Town officials, planners, and responders.
 - h. Attend County emergency managers’ meetings.
 - i. Complete and report damage assessments to the Cumberland County Emergency Management Agency.
 - j. Complete and submit application for emergency management/disaster funds and grants, as appropriate.
- C. Emergency Response Team.
1. The Director is hereby authorized to organize the ERT fully utilizing the existing departments and agencies of the Town as much as possible.
 2. The ERT shall be comprised of, at a minimum:
 - a. Emergency Management Director (Leader)
 - b. Town Manager
 - c. Town Clerk and Treasurer
 - d. Code Enforcement Officer
 - e. Cumberland County Sheriff’s Office Representative
 - f. Fire Chief or Deputy Fire Chief
 - g. Fire Warden
 - h. Road Commissioner
 - i. Public Health Officer / Local Health Officer
 - j. Animal Control Officer.
- D. Town Council.
1. The Town Council shall review and approve the nomination of personnel to fill the role of the ~~town~~Town’s Emergency Management Director.
 2. The Town Council shall review the Emergency Operations Plan and provide approval through the signature of the Council Chairperson on the plan.

SECTION 210.5 – EMERGENCY MANAGEMENT DIRECTOR

The Director shall be responsible to the Town Manager in regard to all phases of Emergency Management activity. The Director shall be responsible for planning, coordinating, and operating the Emergency Management activity within the Town. The Director shall maintain liaison with county, state and federal authorities and the authorities of nearby municipalities to insure the most effective response to an emergency. The duties of the Director shall include but not be limited to the following:

- A. Coordinating the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the Town for response in an emergency.
- B. Development of plans for the immediate use of all the facilities, equipment, workforce, and other resources of the Town for the purpose of minimizing or preventing damage to persons and property; and protecting and restoring to usefulness government services and public utilities necessary for the public health, safety, and welfare.
- C. Negotiating and concluding voluntary agreements with owners or persons in control of buildings or other property for Emergency Management purposes and identifying suitable buildings for use as public shelters.
- D. Through use of educational programs, informing the Town's population about Emergency Management matters and advising as to what actions should be taken during an emergency to protect life and property.
- E. From time to time, conducting public practice alerts and drills to familiarize the Town's population with emergency response procedures.
- F. Assuming such authority and conducting such activity as the Town Manager or the Town Council may direct to promote and better execute Emergency Preparedness activities.
- G. In the event the Town seeks external financial assistance, the Director shall be responsible for coordinating the actions of all Town officials in the application process, subsequently for monitoring and ensuring compliance with all requirements of the funding entity and providing monthly updates to the Town Council.

SECTION 210.6 – LOCALLY DECLARED EMERGENCY

- A. Declaration.
 - 1. The Town Manager shall have the power and authority, upon consultation with the Emergency Management Director, to issue a proclamation that an emergency exists whenever a disaster or civil emergency exists or appears imminent. The proclamation may declare that an emergency exists in any or all sections of the Town. In the Town Manager's absence or inability to issue the proclamation, the person designated in Section 210.4.A may issue the proclamation that an emergency exists. A copy of such proclamation shall be filed within twenty-four (24) hours in the office of the Town Clerk.
 - 2. Notwithstanding the above, when consultation with the Town Council would result in a substantial delay in an effective response in alleviating or preventing a civil emergency or disaster, the Town Manager, or their successor as outlined above, may take whatever actions are necessary to prevent the loss of life and property in the Town.
 - 3. The Town Manager and/or the Emergency Management Director shall be

responsible for submitting a full report to the Town Council of all actions taken because of the declared emergency as soon as the Town Council can be convened.

3.4. A proclamation of emergency not declared by the Town Council must be continued within five (5) days by a majority vote of the Town Council.

B. Termination.

1. Whenever the Town Manager, ~~or in the event of their absence, the Chair of the Town Council,~~ is satisfied that conditions of a local emergency or disaster no longer exists (and will not recur), they shall terminate the emergency proclamation by posting another proclamation so stating.

1.2. The Town Council may terminate the emergency proclamation by a majority vote.

2.3. The proclamation shall be posted in the same manner as the original one with a copy to the Town Clerk.

3.4. Local representatives of the news media shall be advised of the termination of the emergency as soon as is practical.

SECTION 210.7 – POWER AND DUTIES DURING A DECLARED EMERGENCY.

During any period of declared emergency, the Town Manager shall have the following authorities:

- A. **Regulations.** During any period when an emergency declaration is in effect, the Town Manager may promulgate or suspend such regulations as he or she deems necessary to protect life and property and to preserve critical resources within the purposes of this ordinance. Such regulations may include, but are not limited to, the following:
 - 1. Regulations prohibiting or restricting the movement of vehicles in areas within or without the town;
 - 2. Regulations facilitating or restricting the movement of persons within the town;
 - 3. Regulations pertaining to the movement of persons from hazardous areas within the town;
 - 4. Such other regulations necessary to preserve public peace, health and safety.
- B. **Statutory and Other Authority.** Nothing in this section shall be construed to limit the authority or responsibility of any department to proceed under powers and authority granted to them by state statute, ~~town~~ Town ordinance or the charter of the Town of Gray.
- C. **Evacuations.** The Town Manager or their designee may order the evacuation of persons from hazardous areas within the town.
- D. **Requests for Aid or Assistance.** The Town Manager or their designee shall be authorized to request aid or assistance from the state or any political subdivision of the state and may render assistance to other political subdivision under the provisions of 37-B M.R.S §781 et seq.
- E. **Emergency Purchasing.** The Town Manager may obtain vital supplies, equipment and other items found lacking and needed for the protection of health, life and property during an emergency without following normal purchasing or formal bid procedures.
- F. **Termination of Emergency Powers.** The provisions of this section will terminate at the end of the declared emergency.

SECTION 210.8 – FINANCIAL AUTHORITY.

During the period of a Declared Emergency, the Director may spend or commit to spend Town funds as needed to respond to the emergency and minimize impacts or potential impacts, as provided in Section 6 above, subject to the following conditions:

- A. Emergency Expenditure of Funds.** During the period of a Declared Emergency, the Director may spend or commit to spend, Town funds as needed to respond to the emergency and minimize impacts or potential impacts, as provided in Section 6 above, subject to the following conditions:
 - 1. Only emergency work such as stabilization, creation of immediate protective measures, debris clean-up and other such matters shall be authorized pursuant to this authority. Permanent repairs and improvements to mitigate future impacts are not authorized by this spending authority.
 - 2. Emergency spending by any Department relating to the Emergency shall be considered to have been authorized by the Director. It shall be the responsibility of the Department Head to report all such spending to the Director as quickly as possible.
 - 3. In no case shall the total amount spent by the Director pursuant to Section 6 exceed the balance of the voter-approved supplementary contingency budget.
 - 4. Emergency spending authority of the Director ends when the period of a Declared Emergency ends.
- B. Record-Keeping.** During and after a Declared Emergency, all Department Heads which participate in the emergency response shall keep records of the amount and value of staff time, vehicle use, expenses, and other such matters. The format and content of record-keeping shall be dictated by the Director. The purpose of this action is to facilitate possible applications for external financial assistance.
- C. Post-Emergency.** When a Declared Emergency ends, or 30 days after the date of disaster declaration, whichever occurs earlier, all decisions about spending related to the emergency which are not funded through approved operating budgets shall be brought to the ~~Board of Selectmen~~ Town Council for action.
- D. External Financial Assistance.** All decisions about external financial assistance, including the initial decision whether to seek such assistance, shall be the responsibility of the Town Council. External financial assistance shall include, but not be limited to, Federal Emergency Management Agency (FEMA) assistance. Any request to the ~~Board-Council~~ shall include a description of the process and identify risks involved.
- E. Local Spending Authority.**
 - 1. Operating Budgets. To the extent expenses during and after an emergency can be charged to approved operating budgets, they shall be. Typically, this will include costs of fuel, labor, and other costs which occur regardless of the emergency.
 - 2. Supplementary Contingency. The Town Council may vote to utilize funds available in Supplementary Contingency. The authorizing warrant article sets the amount and means of utilization.
 - 3. Restricted Fund Balance. A designated portion of the Town’s fund balance could be set aside to pay for storm- or emergency-related expenses. In the event this has been authorized by voters, this funding shall be available for the Town’s emergency response, subject to prior approval of the Town Council.

4. Special Budget Referendum. In the event the ~~Board of Selectmen~~ Town Council believes there is a need for more funding to properly respond to an emergency, it may call for a Special Budget Referendum in accordance with the Town of Gray Home Rule Charter. This would be likely if costs are likely to exceed the amount of Supplementary Contingency and external financial assistance.

SECTION 210.9 – EMERGENCY PLAN

The Emergency Management Director shall prepare, under the direction of the Town Manager, an Emergency Operations Plan (hereafter referred to as the Emergency Plan) that meets the following requirements:

- A. The Emergency Plan shall be reviewed and/or updated annually. This review should be accomplished by the following entities, with documentation of completion provided to the Director:
 1. Director
 2. Town Manager
 3. Department Heads
 4. Town Council
 5. Cumberland County EMA
- B. The Emergency Plan shall contain, at a minimum:
 1. Have an all-hazards approach taken to plan development.
 2. Documentation of NIMS and ICS compliance.
 3. Procedures for responding to any emergency incident that could occur within the municipal boundaries. Specific response actions such as Shelter-in-Place, Evacuation, Relocation (COOP), and Devolution shall be detailed.
 4. Emergency Response Team activation, deactivation, and operation procedures.
 5. Emergency incident notification procedures for the following entities: Municipal leadership, municipal staff, external authorities, partners, suppliers, and general public.
 6. Mass Care Considerations – mass feeding, sheltering, warming/cooling centers.
 7. Risk Management activities – assessment process, hazard identification, hazard considerations (cyber, infectious disease, etc.)

SECTION 210.10 – IMMUNITY FROM LIABILITY

All emergency management team forces, while engaged in emergency management activities, shall be immune from liability, as set forth in 37-B M.R.S. § 822.

SECTION 210.11 – COMPENSATION FOR INJURIES

All emergency management team forces appointed to specific functions, whether paid or volunteer, shall be deemed to be employees of the Town when engaged in training or on duty and shall have all the rights of Town employees and will be covered by the Town's workers' compensation insurance for the duration of the training or incident. All persons responding to assist the Town as part of existing mutual aid agreements will be covered by their employer or by the State of Maine under the Workers' Compensation Act as set forth in 37-B M.R.S. § 823.

SECTION ~~___~~210.12 – ADOPTION

The Town of Gray hereby establishes the National Incident Management System (NIMS) as the municipal standard for all incident management. This system provides a consistent approach for Federal, State, and municipal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity. NIMS utilizes standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during civil emergencies or disasters. All Town emergency management personnel will utilize the NIMS Incident Command System (ICS).

SECTION ~~___~~210.13 – VIOLATIONS OF REGULATIONS

It shall be unlawful for any person to violate any provision of this Ordinance or of the regulations or plans issued pursuant to the authority contained herein or to obstruct, hinder or delay any emergency management team forces as herein defined in the enforcement of the provisions of this Ordinance or any regulation or plan issued hereunder.

Any person, firm or corporation violating any provision of this Ordinance, or any rule or regulation promulgated hereunder, upon conviction thereof, shall be punished by a fine of not less than \$100 and not more than \$500 per incident, plus the costs of prosecution, including attorney's fees.

SECTION ~~___~~210.14 – WAIVER/PAYMENT OF PENALTIES

Any person charged with a violation of this Ordinance, shall be allowed to waive such violation and tender to the Town of Gray the fine amount if paid within 20 days of issuance of the summons. If the waiver fine is paid, no appearance before a District Court Judge or other judicial officer shall be required. If the offender pays the waiver fine, the matter will be closed in the Gray Police Records system and listed as a prior offense for future violations.

If the offender chooses not to pay the waiver fine, he/she shall appear in court on the specified date to answer for the ordinance violation. If the offender is found to have committed the offense in court, fines, applicable court fees, attorney's fees, and prosecution costs may apply.

SECTION ~~___~~210.15 – SEVERABILITY

Should any provision of this ordinance be declared invalid for any reason by a court with jurisdiction to do so, such a declaration shall not affect the validity of other provisions of this ordinance or the ordinance in total, it being the legislative intent that the provisions of this ordinance shall be severable and shall remain valid notwithstanding such a judicial declaration against one provision.

SECTION ~~___~~210.16 – CONFLICTING ORDINANCES AND REGULATIONS SUPERSEDED DURING EMERGENCY

At all times when an emergency proclamation is in effect, the orders, rules and regulations made pursuant to this Ordinance shall supersede all existing ordinances, orders, rules and regulations, insofar as the latter may be inconsistent herewith.

| **SECTION 210.17 – EFFECTIVE DATE; EXPIRATION**

Pursuant to Section 14(C) of the Gray Town Charter, this Ordinance shall become effective on _____, 2021.

To view the Emergency Operations Plan
please see today's Council Workshop Packet

CHAPTER 201
BUILDING CODE
TOWN OF GRAY MAINE

Adopted March, 1963
Amended December 6, 1968
Amended August 14, 1984
Amended January 20, 1989
Amended March 5, 1996
Amended January 1, 2001
Amended February 1, 2022

EMERGENCY PREAMBLE

~~WHEREAS, this Chapter was most recently amended in 2001 and the state of Maine has since required that municipalities with more than 4,000 residents adopt and enforce the provisions of the Maine Uniform Building and Energy Code;~~

~~WHEREAS, in light of this change in state law, certain provisions of this Code are no longer applicable or current, which may create a conflict with applicable state law and the Maine Uniform Building and Energy Code;~~

~~WHEREAS, this Chapter governs the construction, alteration, repair, demolition, removal and use of buildings and structures in the Town for the purpose of protecting the health, safety and general welfare of the occupants and users of such buildings and structures, and of the public generally to prevent fires and other accidents;~~

~~WHEREAS, it is in the judgment of the Gray Town Council that the provisions of this Chapter must be amended to ensure consistency with the provisions of the Maine Uniform Building and Energy Code and the continued protection of the health, safety and general welfare of the public as it relates to the construction, alteration, repair, demolition, removal and use of buildings and structures in the Town;~~

~~WHEREAS, in the judgment of the Gray Town Council, the foregoing facts create a public emergency within the meaning of Section 14(D) of the Town of Gray Charter, thereby making the amendments to this Code immediately necessary for the preservation of life, health, property and public safety;~~

~~NOW THEREFORE, pursuant to Section 14(D) of the Town of Gray Charter, the Gray Town Council hereby ordains that the Chapter 201, Building Code, of the Town of Gray shall be amended as follows:~~

SECTION 201.0 – TITLE AND SCOPE

This ordinance shall be known and may be cited as the Building Code of the Town of Gray, Maine (hereinafter the “Code”).

~~This~~ **Building** Code relates to the design, materials of construction, alteration, repair, and use of buildings and structures or parts thereof, all to promote the health, safety, and general welfare of the occupants and users of such buildings and structures and of the public, and for the protection against ignition and spreading of fires and prevention of accidents.

Buildings and structures, parts thereof and equipment in or on or in connection with buildings or structures, shall not be constructed, altered, installed, repaired, moved, demolished, removed, used, or changed as to use contrary to the provisions of this Ceode; but the provisions of this Ceode shall not apply to buildings or structures constructed or maintained within the limits of a public highway by

public authority; to railway bridges or trestles, to buildings or structures owned or to be owned by the United States, to the State of Maine, or county of Cumberland; and shall not apply to an existing building or structure, its existing equipment or appurtenances unless and until such building or structure, its existing equipment or appurtenances are to be enlarged, altered, moved, converted to other uses or demolished, or unless otherwise provided in this Ceode.

In the event that any provision of this Code shall conflict or otherwise be inconsistent with the provisions of any other ordinance or code promulgated or enforced by the Town of Gray, including but not limited to Section 402.9.1 of the Town of Gray Zoning Ordinance, the more restrictive provision shall apply and control.

SECTION 201.2 – ADMINISTRATION

- A. The Office of Code Enforcement is hereby created. The office will be headed by a Code Enforcement Officer who acts as Building Inspector, Plumbing Inspector, and Residential Electrical Inspector and who ~~is~~ may be assisted by a designated member of the Fire Department and such other personnel as is deemed necessary by the Code Enforcement Officer or by the Town Council and then only after authorization and appointment by the Town Manager pursuant to the applicable provisions of the Town Charter. The Code Enforcement Officer ~~shall be appointed~~ will be named to the three offices, namely Residential Electrical Inspector, Plumbing Inspector, and Building Inspector, by the Town Manager for a fixed term of one-year or more period beginning April first as established by the Town Manager upon appointment and shall serve under the direction of the Town Manager as set forth in the Town Charter. (Refer to Personal Policy for more specific information).
- B. The Code Enforcement Officer, serving as Building Inspector, shall inspect all buildings or structures during ~~construction activities permitted under this Code,~~ to see ensure that the provisions of applicable law, code, ordinance, and this Code are complied with and that ~~construction~~ issuch activities are performed safely.

Whenever, by reason of defective or illegal work in violation of a provision of this Ceode, the continuation of a building is contrary to public welfare, the Ceode Enforcement Officer may order all further work to be stopped and may require suspension of work until the condition in violation has been remedied.

SECTION 201.3 – CONSTRUCTION PERMITS

- A. No building or structure, or part thereof, shall be built, enlarged, demolished, removed, altered, or moved without a permit from the Bbuilding Inspector. In connection with the issuance of any permit under this section, the Building Inspector who may require an application, a plan of the proposed work, ~~together with~~ a statement of the materials to be used, a description of the intended use of the land and building, confirmation of utility service connections or disconnections, evidence of right, title and interest in and to the land and/or building; and any other forms or information as the Building Inspector deems necessary to issue a permit. Prior to the issuing of ~~the~~ a permit by the Building Inspector, the applicant must satisfy the Building Inspector that soil conditions are or will be suitable for a sanitary absorption of waste materials from proposed septic tanks if the same are to be used in conjunction with the construction work. The expense of soil surveys that may be required will be borne by the applicant. No building permit shall be issued where the proposed work would

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violate any provision of the Zoning Ordinance or any other ordinance, code or statute. No building permit or renewal thereof granted hereunder shall be valid unless the work for which it is issued is commenced within six (6) months from the date of issue or renewal, and the work so commenced is completed within one (1) year. ; ~~If requested and, subject to applicable if renewal fees paid, an automatic renewal will may~~ be issued for (one) 1 year. If any permit is not issued within six months of being submitted, including receiving payment, the application and/or permit shall be considered null and void.

B. Fee Collections

~~Building~~ Permit Fees, as established in the most current Town of Gray Fee Schedule, will be collected and will be accounted for by the Building Inspector and submitted to the Ttown as they are collected.

SECTION 201.4 – UNSAFE AND ABANDONED BUILDINGS AND STRUCTURES

A. In addition to applicable standards in the Maine Uniform Building and Energy Code (MUBEC), the Town may require corrective action to be taken regarding “dangerous buildings,” as defined in Title 17, Section 2851 of the Maine Revised States and “abandoned buildings,” as defined in Title 30-A, Section 3106-B of the Maine Revised Statutes. Maine Revised Statutes, including but not limited to Title 17, Section 2851 (Dangerous Buildings) and Title 30-A, Section 3106-B (Abandoned Buildings), all buildings and structures that are dangerous, unsafe, or abandoned within the Town of Gray shall be subject to the standards established in this Section 201.4.

B. When, in the opinion of the Building Inspector, a building or structure or portion thereof is in an unsafe condition so that life is endangered thereby by further habitation of the same, the Building Inspector shall order and require the owners or occupants thereof to vacate the same forthwith and to not reoccupy the same building or structure until the Building Inspector has later certified that the same has been repaired consistent with a permit issued under this Code, in a manner that is consistent with MUBEC, and is therefore safe and secure for further human habitation. When necessary for the protection of public safety, the Building Inspector may temporarily close sidewalks, streets, buildings, structures and places adjacent to such buildings or structures, and prohibit the same from being used.

~~A. Removal or made safe~~

~~When a building or structure or any portion thereof is found unsafe upon inspection by the Building Inspector, he/she shall order such building or structure or any portion thereof to be made safe or to be taken down and removed. The term unsafe building or structure or portion thereof shall include any building or structure or portions thereof structurally unsafe; unstable; unsanitary; inadequately provided with exit facilities; constituting a fire hazard; unsuitable or improper for the use of occupancy to which they are put; constituting a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; or otherwise dangerous to life or property.~~

~~B. Restoration of unsafe building or structure~~

~~A building or structure or part thereof declared unsafe by the Building Inspector may be restored to safe condition; provided that if the damage or cost of reconstruction or restoration is in excess of 50 percent of the value of the building or structure, exclusive of foundations, such building or structure, if reconstructed or restored shall be made to conform, with respect to materials and type of~~

construction, to the requirements of this code; but no change or use of occupancy shall be compelled by reason of such reconstruction or restoration.

~~C. Notice of unsafe building or structures~~

~~Upon determining that a building or structure or portion thereof is unsafe, the Building Inspector shall serve or cause to be served on the owner, or someone of the owners, his agents, lessees, or other persons who may have interest in the same, a written notice containing a description of the building or structure or portion thereof deemed unsafe, a statement of the particulars in which the building or structure or portion thereof is unsafe, and an order requiring the same to be made safe and secure or removed, as may be deemed necessary by the Building Inspector. If the person to whom such notice and order is addressed cannot be found after diligent search, or if the owner of such property is unknown, then such notice and order shall be sent by registered mail to the last known address of such person or of the last known owner, and a copy of such notice shall be posted in a conspicuous place on the premises to which it relates. Such mailing and posting shall be deemed adequate service.~~

~~D. Disregard of unsafe notice~~

~~If a person or owner served with a notice or order to remove or repair an unsafe building or structure or portion thereof should fail, within a reasonable time, to comply with the requirements thereof, the Building Inspector shall advise the Town Council of all the facts in the case, and the Town Council shall thereupon cause an appropriate legal action to be instituted to compel a compliance.~~

~~E. Emergency work~~

~~In case there shall be, in the opinion of the Building Inspector, actual and immediate danger of failure or collapse of a building or structure or portion thereof so as to endanger life or property, the Building Inspector shall obtain the necessary funds from the Town Treasury, to purchase such material and employ such labor and cause the necessary work to be done to render said building or structure or portion thereof, temporarily safe, whether the procedure prescribed in this section has been instituted or not.~~

~~F. Vacating unsafe buildings or structures and closing streets~~

~~When a building or structure or portion thereof is in an unsafe condition so that life is endangered thereby, the Building Inspector shall order and require the owners or occupants thereof to vacate the same forthwith. He/She shall when necessary for the public safety, temporarily close sidewalks, streets, buildings, structures and places adjacent to such building or structure, and prohibit the same from being used.~~

~~G. Recovery of costs~~

~~The Town Council shall cause to be instituted proper actions against the owner of the premises for the recovery of all costs incurred by the Building Inspector in the performance of emergency work.~~

SECTION 201.5 – ADOPTION OF BUILDING CODE

~~A certain document, three (3) copies of which are on file in the office of the Town Clerk of the Town of Gray being marked and designated as the “The BOCA National Building Code, “Fourteenth Edition, 1999” as published by the Building Officials and Code Administrators International, Inc. be and hereby adopted as the Building Code of the Town of Gray in the State of Maine; for the control of buildings and structures as herein provided; and each and all of the regulations. Provisions, penalties, conditions and terms of said BOCA National Building Code, are hereby referred to, adopted and made part here of as if~~

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fully set out in this ordinance, with the additions, deletions and changes, if any, as prescribed in the following sections. In accordance with Maine Revised Statutes Title 30-A, Section 3003 of the Maine Revised Statutes, the Town of Gray hereby adopts the Maine Uniform Building and Energy Code (MUBEC) as defined in Title 10, Part 14, Chapter 1103 Section 9724 of the Maine Revised Statutes, as the applicable building code for the control of all buildings and structures in the Town of Gray, Maine. The Code Enforcement Officer/Town Clerk shall keep one (1) copy of the MUBEC code available for public use and inspection.

SECTION 201.6 – FOUNDATIONS RESERVED

- A. ~~Detached non-residential buildings (1000) one thousand square feet or less are exempted from the current BOCA code section 1806.~~
- B. ~~Any non-dwelling detached public structure over (1000) one thousand square feet shall require a design professionals stamp and may be constructed on posts or piers carried (4) four feet below the finished grade or on a reinforced concrete slab.~~
- C. ~~Any non-dwelling, detached private structure over 1000 square feet, may be constructed on posts or piers, 8 inches in diameter, spaced at a maximum of 8 feet on center, carried 4 feet below the finished grade or otherwise designed by a professional engineer. Agricultural structures are exempt from this provision.~~

SECTION 201.7 – SPAN TABLES-RESIDENTIAL CONSTRUCTION RESERVED

~~The standards and specifications in the 1998 edition of the International One and Two Family Dwelling Code referencing floor joists, ceiling joists and roof rafters shall be adhered to. The town clerk shall keep on file three copies of the International One and Two Family Dwelling Code, for public use and examination.~~

SECTION 201.8 – ELECTRICAL INSTALLATIONS

The following standards and specifications for electrical installation and all work in connection with the installation, alteration, repair, maintenance of, or additions to electrical equipment of any nature whatsoever in the town shall comply with the most recent eEdition of the National Electrical Code, that is duly adopted by the State of Maine, pursuant to Title 32, Section 1153-A of the Maine Revised Statutes and all administrative regulations promulgated thereunder, as published by the National Fire Protection Association may be amended from time to time. ~~The town clerk~~ Code Enforcement Officer/Building Inspector/Town Clerk shall keep on file three-one (13) copies of the most recent edition of the National Electrical Code, available for public use and examination.

SECTION 201.9 – ELEVATORS AND CONVEYING SYSTEMS RESERVED

~~Adopt State statues regarding elevators and tramways, installers and operators, Maine state elevator law, title 32 chapter 133 of the Maine state elevator code and all applicable amendments.~~

SECTION 201.10- PLUMBING INSTALLATIONS

The standards and specifications for plumbing installation and all work in connection with the installation, repair or maintenance of plumbing and equipment to be used in connection therewith in the town shall comply with the most current version of codes duly adopted by the State of Maine pursuant to Title 32, Section 3403-B of the Maine Revised Statutes, as may be amended from time to time,

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specifically including the ~~2015~~21 edition of the ~~Uniform Internal~~ Plumbing ~~Code~~ and ~~Maine~~ Subsurface Wastewater Disposal Rules from the Maine Department of Health and Human Services, 10-144 C.M.R. ch. 241, as both may be amended from time to time. ~~(5-83), revised (7-2-94) and the State of Maine External Plumbing code (6-1-00).~~

The ~~town clerk~~Code Enforcement Officer-Town Clerk shall keep on file one (1) three copies of the ~~State Internal~~Uniform Plumbing Code and the ~~Maine~~ Subsurface Wastewater Disposal Rules, available for public use, inspection and examination.

SECTION 20110.11 – ACCESSIBILITY RESERVED

~~Adopt following State regulations, title 25 chapter 331; ADA; MHRA, subchapter 5; MHRA subchapter 4 Fair Housing AA; section 504, BOCA 1996 NFPA 101; ME. State plumbing; ABA; IRS Tax code(s).~~

SECTION 20110.12 – SOLID FUELS RESERVED

~~Adopt the standards of specifications for the use of oil and solid fuels adopted by the State of Maine. Reference Maine state oil and solid fuel laws and rules 1998 edition and amendments.~~

SECTION 20110.13 – GRADING LUMBER RESERVED

~~The use of non-graded or rough sawn lumber in residential and commercial construction shall be allowed in the Town of Gray.~~

SECTION 20110.14 – ENERGY CODE RESERVED

~~Adopt the State of Maine energy efficiency building standards adopted 2/92 revised 11/95.~~

SECTION 20110.15 – APPEAL

- A. ~~Appeals from any decision of the Code Enforcement Officer made under this Code shall be to the Board of Appeals, in a manner consistent with Section 402.9.2 of the Town of Gray Zoning Ordinance. In case of refusal to issue a permit or amendment thereof, appeal shall lie from the decision of the Building Inspector to the Municipal Officers Town of Gray Board of Zoning Appeals. In accordance with administrative provisions established in the Town's Zoning Ordinance, Chapter 402, section 402.9.2, appeals from decision(s) of the Code Enforcement Officer/Building Inspector, including the administration and enforcement of this Chapter 201 Building Code Ordinance, shall be filed and heard by the Town of Gray Board of Zoning Appeals. Appeals to the Gray Board of Zoning Appeals shall be administered as established in Section 402.9.2 and appeals from the Gray Board of Zoning Appeals shall be to Superior Court per 402.9.2. The Municipal Officers may affirm or reverse the decision of the Inspector as to the interpretation of the provision of this code. In specific cases wherein the enforcement of this code would involve practical difficulty or unnecessary hardship and wherein desirable relief may be granted without substantially departing from the intent and purposes of this code, but not otherwise, the Municipal Officers may, by three consenting votes of their membership, permit exceptions to and variations from the provisions of this Code.~~
- B. The Town Council with the advice of Code Enforcement, the Fire Department, and the Planning ~~Board~~Staff shall have authority to regulate the cost of inspections and permits under this code as established in the most current Town of Gray Fee Schedule; ~~to regulate standards of design and construction materials so that the requirements of the code will conform to the statutes of the State of~~

Maine, and may conform to the State Building Code and to the several codes relating hereto as approved and published by the National Fire Protection Association.

SECTION 201.16 – PENALTIES AND LEGAL PROCEEDINGS

Failure to comply with any of the terms of this Code, or with the terms and conditions of any permit issued under this Code, shall be considered to be a violation of this Code, which may subject the property owner and/or other violator to enforcement action consistent with 30-A M.R.S. § 4452.

~~A. — Any person or persons, firm or corporation being the owner, or having control of any building or structure or part thereof, who violates any of the provisions of this Ordinance, or fails to conform to any of the provisions thereof, or fails to obey any order of any officer charged with the enforcement of the provisions of this Ordinance in relation to the matters and things herein contained; or any architect, engineer, contractor, builder, subcontractor, foreman, plumber, carpenter, electrician, employee, or other person who shall violate or assist in the violation of this Ordinance, or of any certificate, order or permit issued there under, shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a penalty of not less than five (5) dollars nor more than one hundred (100) dollars. Each and every day on which the person or persons, firm or corporation continues to violate the provisions of this Ordinance, after having been notified of such violation, shall constitute a separate offense. Such penalty or fines to be recovered by complaint to the use of the Inhabitants of the Town of Gray.~~

~~B. — Whenever the Inspector or other employee of the Town charged with the enforcement of any part of this Code is satisfied that any provision thereof, or any law enforced by the Town applicable to the same subject matter, has been violated in any respect, or that any order or direction made pursuant of this Code has not been complied with, he/she may apply to the Town Council for the purpose of instituting civil proceedings, provided that nothing in this section and no action taken hereunder shall be held to exclude such criminal proceedings, provided that nothing in this section and no action taken hereunder shall be held to exclude such criminal proceedings as may be authorized by this Code or by any laws or ordinances in force in the Town of Gray or to exempt anyone violating this Code or any of the said laws from any penalty which may be incurred.~~

SECTION 201.17 – VALIDITY AND APPLICATION

Should any section, or part thereof, of this Code be declared by ~~the courts~~a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Code as a whole or any part thereof, other than the part so declared to be invalid. All laws or parts of laws of this Town in conflict with this Code are hereby repealed but only to the extent of such conflict.

CHAPTER 201
BUILDING CODE
TOWN OF GRAY MAINE

Adopted March, 1963
Amended December 6, 1968
Amended August 14, 1984
Amended January 20, 1989
Amended March 5, 1996
Amended January 1, 2001
Amended February 1, 2022

EMERGENCY PREAMBLE

SECTION 201.0 – TITLE AND SCOPE

This ordinance shall be known and may be cited as the Building Code of the Town of Gray, Maine (hereinafter the “Code”).

This Code relates to the design, materials of construction, alteration, repair, and use of buildings and structures or parts thereof, all to promote the health, safety, and general welfare of the occupants and users of such buildings and structures and of the public, and for the protection against ignition and spreading of fires and prevention of accidents.

Buildings and structures, parts thereof and equipment in or on or in connection with buildings or structures, shall not be constructed, altered, installed, repaired, moved, demolished, removed, used, or changed as to use contrary to the provisions of this Code; but the provisions of this Code shall not apply to buildings or structures constructed or maintained within the limits of a public highway by public authority; to railway bridges or trestles, to buildings or structures owned or to be owned by the United States, to the State of Maine, or county of Cumberland; and shall not apply to an existing building or structure, its existing equipment or appurtenances unless and until such building or structure, its existing equipment or appurtenances are to be enlarged, altered, moved, converted to other uses or demolished, or unless otherwise provided in this Code.

In the event that any provision of this Code shall conflict or otherwise be inconsistent with the provisions of any other ordinance or code promulgated or enforced by the Town of Gray, including but not limited to Section 402.9.1 of the Town of Gray Zoning Ordinance, the more restrictive provision shall apply and control.

SECTION 201.2 – ADMINISTRATION

- A. The Office of Code Enforcement is hereby created. The office will be headed by a Code Enforcement Officer who acts as Building Inspector, Plumbing Inspector, and Residential Electrical Inspector and who may be assisted by a designated member of the Fire Department and such other personnel as is deemed necessary by the Code Enforcement Officer or by the Town Council and then only after authorization and appointment by the Town Manager pursuant to the applicable provisions of the Town Charter. The Code Enforcement Officer shall be appointed, by the Town Manager for a fixed term of one-year or more period as established by the Town Manager upon appointment and shall serve under the direction of the Town Manager as set forth in the Town Charter.
- B. The Code Enforcement Officer, serving as Building Inspector, shall inspect all buildings or structures during activities permitted under this Code, to ensure that the provisions of applicable law,

code, ordinance, and this Code are complied with and that such activities are performed safely.

Whenever, by reason of defective or illegal work in violation of a provision of this Code, the continuation of a building is contrary to public welfare, the Code Enforcement Officer may order all further work to be stopped and may require suspension of work until the condition in violation has been remedied.

SECTION 201.3 – CONSTRUCTION PERMITS

- A. No building or structure, or part thereof, shall be built, enlarged, demolished, removed, altered, or moved without a permit from the Building Inspector. In connection with the issuance of any permit under this section, the Building Inspector may require an application, a plan of the proposed work, a statement of the materials to be used, a description of the intended use of the land and building, confirmation of utility service connections or disconnections, evidence of right, title and interest in and to the land and/or building; and any other forms or information as the Building Inspector deems necessary to issue a permit. Prior to the issuing of a permit by the Building Inspector, the applicant must satisfy the Building Inspector that soil conditions are or will be suitable for a sanitary absorption of waste materials from proposed septic tanks if the same are to be used in conjunction with the construction work. The expense of soil surveys that may be required will be borne by the applicant. No permit shall be issued where the proposed work would violate any provision of the Zoning Ordinance or any other ordinance, code or statute. No permit or renewal thereof granted hereunder shall be valid unless the work for which it is issued is commenced within six (6) months from the date of issue or renewal, and the work so commenced is completed within one (1) year. If requested and, subject to applicable fees, a renewal may be issued for (one) 1 year. If any permit is not issued within six months of being submitted, including receiving payment, the application and/or permit shall be considered null and void.
- B. Fee Collections
Permit Fees, as established in the most current Town of Gray Fee Schedule, will be collected and accounted for by the Building Inspector and submitted to the Town as they are collected.

SECTION 201.4 – UNSAFE AND ABANDONED BUILDINGS AND STRUCTURES

- A. In addition to applicable standards in the Maine Uniform Building and Energy Code (MUBEC), the Town may require corrective action to be taken regarding “dangerous buildings,” as defined in Title 17, Section 2851 of the Maine Revised States and “abandoned buildings,” as defined in Title 30-A, Section 3106-B of the Maine Revised Statutes.
- B. When, in the opinion of the Building Inspector, a building or structure or portion thereof is in an unsafe condition so that life is endangered thereby by further habitation of the same, the Building Inspector shall order and require the owners or occupants thereof to vacate the same forthwith and to not reoccupy the same building or structure until the Building Inspector has later certified that the same has been repaired consistent with a permit issued under this Code, in a manner that is consistent with MUBEC, and is therefore safe and secure for further human habitation. When necessary for the protection of public safety, the Building Inspector may temporarily close sidewalks, streets, buildings, structures and places adjacent to such buildings or structures, and prohibit the same from being used.

SECTION 201.5 – ADOPTION OF BUILDING CODE

In accordance with Title 30-A, Section 3003 of the Maine Revised Statutes, the Town of Gray hereby adopts the Maine Uniform Building and Energy Code (MUBEC) as defined in Title 10, Section 9724 of

the Maine Revised Statutes, as the applicable building code for the control of all buildings and structures in the Town of Gray, Maine. The Town Clerk shall keep one (1) copy of the MUBEC available for public use and inspection.

SECTION 201.6 – RESERVED
SECTION 201.7 – RESERVED
SECTION 201.8 – ELECTRICAL INSTALLATIONS

The following standards and specifications for electrical installation and all work in connection with the installation, alteration, repair, maintenance of, or additions to electrical equipment of any nature whatsoever in the town shall comply with the most recent edition of the National Electrical Code, that is duly adopted by the State of Maine, pursuant to Title 32, Section 1153-A of the Maine Revised Statutes and all administrative regulations promulgated thereunder, as may be amended from time to time. The Town Clerk shall keep on file one (1) copy of the most recent edition of the National Electrical Code, available for public use and examination.

SECTION 201.9 – RESERVED
SECTION 201.10- PLUMBING INSTALLATIONS

The standards and specifications for plumbing installation and all work in connection with the installation, repair or maintenance of plumbing and equipment to be used in connection therewith in the town shall comply with the most current version of codes duly adopted by the State of Maine pursuant to Title 32, Section 3403-B of the Maine Revised Statutes, as may be amended from time to time, specifically including the 2021 edition of the Uniform Plumbing Code and Maine Subsurface Wastewater Disposal Rules from the Maine Department of Health and Human Services, 10-144 C.M.R. ch. 241, as both may be amended from time to time.

The Town Clerk shall keep on file one (1) copy of the Uniform Plumbing Code and the Maine Subsurface Wastewater Disposal Rules, available for public use, inspection and examination.

SECTION 201.11 – RESERVED
SECTION 201.12 – RESERVED
SECTION 201.13 – RESERVED
SECTION 201.14 – RESERVED
SECTION 201.15 – APPEAL

- A. Appeals from any decision of the Code Enforcement Officer made under this Code shall be to the Board of Appeals, in a manner consistent with Section 402.9.2 of the Town of Gray Zoning Ordinance.
- B. The Town Council with the advice of Code Enforcement, the Fire Department, and the Planning Staff shall have authority to regulate the cost of inspections and permits under this code as established in the most current Town of Gray Fee Schedule.

SECTION 201.16 – PENALTIES AND LEGAL PROCEEDINGS

Failure to comply with any of the terms of this Code, or with the terms and conditions of any permit issued under this Code, shall be considered to be a violation of this Code, which may subject the property owner and/or other violator to enforcement action consistent with 30-A M.R.S. § 4452.

SECTION 201.17 – VALIDITY AND APPLICATION

Should any section, or part thereof, of this Code be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Code as a whole or any part thereof, other than the

part so declared to be invalid. All laws or parts of laws of this Town in conflict with this Code are hereby repealed but only to the extent of such conflict.

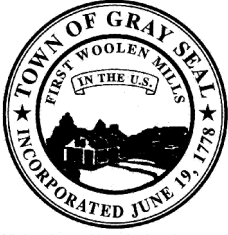
Public Notice

Town of Gray

Notice is hereby given that the Gray Town Council will hold a First Reading on March 1, 2022 at 7:00 PM to consider amendments to the Building Code Ordinance (Chapter 201). The meeting will be conducted virtually via Zoom video conferencing, and the meeting link and agenda will be posted to www.graymaine.org.

Proposed changes to Chapter 201 include: Clarifying the Town's responsibility for residential electrical inspections; amending the applicable building code from Building Officials and Code Administrators International (BOCA) to the State-required Maine Uniform Building and Energy Code (MUBEC); eliminating specific Town standards for foundations and other elements with applicable State requirements; and amending that appeals of the Code Enforcement Officer's decision are filed with the Gray Zoning Board of Appeals as established in 402.9.2 of the Zoning Ordinance.

For more information, please contact the Community Development Department at 207-657-3112.



TOWN OF GRAY

Henry Pennell Municipal Complex
24 Main St, Gray Maine 04039
www.graymaine.org

OFFICE OF THE TOWN MANAGER

Nate Rudy, Town Manager
nrudy@graymaine.org
(207) 657-3339

February 24, 2022

TO: Gray Town Council

RE: Recommendations on the Senior Property Tax Assistance program ordinance

Town Council directed staff to present recommendations for updating the Senior Property Tax Assistance program with insights from its implementation in 2021. This memo accompanies a revised Senior Property Tax Assistance program ordinance revision drafted with input from the Town Assessor and Finance Director. Key points include staff's recommendations for the following adjustments:

- The eligibility age of the program as presented be reduced from 70 to 65.
- The benefit base be limited to properties of value less than or equal to the median home valuation set by Maine Housing for the Town of Gray multiplied by the relevant mil rate.
- Property tax credit will be applied to the tax bill for qualifying homeowners.
- Qualified rental applicants will receive a check written to the order of the renters identified in a rental agreement that will be supplied to the Assessor as part of the application.
- The application period was moved to Jan 1- Feb 15, to better align with staff availability in the fiscal year.

Along with the revision provided at the direction of Town Council, we recommend that Council consider eliminating this program, as it may be redundant to the newly announced State of Maine State Property Tax Deferral Program, which is administered by the Maine Revenue Service which pays property tax bills to Maine municipalities for any owner-occupied, primary residence so long as the owner is aged 65 or older and/or permanently disabled, earns less than \$40,000 per year, and has liquid assets below \$50,000 (or below \$75,000 if applying jointly).

We also do not recommend that Council eliminate the age limit on eligibility, due to the potential uncertainty it may create in the municipal revenue budget.

CHAPTER 305
SENIOR PROPERTY TAX ASSISTANCE
TOWN OF GRAY MAINE

Proposed: Adopted March 15, 2022; Effective April 15, 2022

Adopted January 21, 2020, Effective February 20, 2020

SECTION 305.1 —PURPOSE

The purpose of this article is to establish a program to provide property tax assistance to persons sixty-five (65) years of age and over who reside in the Town of Gray. Under this program, the Town of Gray will provide assistance payments to those individuals who maintain a homestead in the Town of Gray and meet the criteria established by this article.

SECTION 305.2 —DEFINITIONS

As used in this article, the following terms shall have the meanings indicated:

BENEFIT BASE: The Town Assessor will establish a benefit base for the program year equal to 1) property taxes paid by a qualifying applicant during the tax year on the qualifying applicants homestead, or 2) rent constituting property taxes paid by the resident individual during the tax year on a homestead. If the benefit base exceeds the median home valuation set by Maine Housing for the Town of Gray multiplied by the relevant mil rate, the applicant is not eligible for this program.

HOMESTEAD: For purposes of this article, "homestead" shall have the same meaning as defined in 36 M.R.S.A. § 5219-KK(1)(C). Generally, a homestead is a dwelling owned or rented by the person seeking tax assistance under this article or held in a revocable living trust for the benefit of that person. The dwelling must be occupied by that person and that person's dependents as a home.

QUALIFYING APPLICANT: A person who is determined by the Town Manager or his designee, after review of a complete application under § 4 of this chapter, to be eligible for an assistance payment under the terms of this article.

HOUSEHOLD INCOME: Total household income as determined by the total adjusted gross income reported on the applicant's most recent income tax return, plus the total adjusted gross income of each additional adult member of the household if filing separately.

RENT CONSTITUTING PROPERTY TAX: Fifteen percent (15%) of the gross rent actually paid in cash or its equivalent during the tax year solely for the right of occupancy of a homestead. For the purposes of this article, "gross rent" means rent paid at arm's length solely for the right of occupancy of a homestead, exclusive of charges for any utilities, services, furniture, furnishings, or personal property appliances furnished by the landlord as part of the rental agreement, whether or not expressly set out in the rental agreement.

SECTION 305.3 — CRITERIA FOR PARTICIPATION

In order to participate in the property tax assistance program, an applicant shall demonstrate all of the following:

- A. The applicant shall be 65 years of age or older at the time of application.
- B. If the applicant is the property owner, they shall have a homestead in the Town of Gray at the time of the application and for the entire year prior to the date of application.
- C. Rental applicants shall provide a copy of their lease or rental agreement.
- D. The applicant has been a resident of the Town of Gray for at least 10 years immediately preceding the date of application for participation in the Program.
- E. A property owner applicant shall own no more than one property at the time of application. A rental applicant shall own no property at the time of application.
- F. The applicant shall meet the application and eligibility criteria set forth in §§ 4 and 5 of this chapter.

SECTION 305.4 — APPLICATION AND PAYMENT PROCEDURES

- A. The Town will accept applications to the program from January 1 to February 15.
- B. Persons seeking to participate in the property tax assistance program shall submit an application to the Town Manager no later than February 15 of the year for which the assistance payment is requested. Applications are required for every year the applicant seeks to participate in this program. The application form for the program shall be made available upon request in the Town Manager's office and shall include, at a minimum, the applicant's name, homestead address and contact information. Attached to all applications shall be proof of household income.
- C. Applicants shall also submit proof of property taxes paid or rent constituting property taxes paid during the tax year on the individual's homestead in the Town of Gray.
- D. The Town Manager or his/her designee shall review and determine if the application is complete and accurate and if the applicant is otherwise eligible to participate in the program. The Town Manager or designee shall notify an applicant if an application is determined to be incomplete. The Town Manager's decision on eligibility to participate in the program shall be final.

SECTION 305.5 — DETERMINATION OF ELIGIBILITY AND AMOUNT

- A. If the Town Manager or designee determines that the applicant is eligible to participate in the program, he/she shall determine the total amount of such eligibility in accordance with the following formula. Eligibility under this article shall be proportional to the applicant's income in relation to the applicant's benefit base.
- B. For purposes of calculating eligibility under this article, the applicant's income shall include total household income, and the benefit base shall not be exceeded, regardless of actual property taxes accrued or rent constituting property taxes accrued. Applicants with household income greater than an amount equal to 50% of the current U.S. Department of Housing and Urban Development metropolitan area median family income shall not be eligible for benefits under this article.

- C. Notwithstanding the following formulas, the maximum benefit allowed under this article shall be \$500. Eligibility shall be the lesser of the following amounts:
1. Fifty percent of the amount by which the benefit base exceeds 5% of the applicant's household income (not to exceed 50% of the current HUD MFI for the Portland metropolitan area). (Note: 2019 HUD median family income (MFI) for the Portland is \$93,000 which would make the maximum income limit for eligibility \$46,500.)
 2. (Benefit Base - 5% of Income) / 2 = Benefit Amount
 3. An amount proportional to the available monies as approved by the Town Council in the Town's annual budget and the applications received for that application year, calculated as a percentage of the benefit amount for which the applicant is eligible in § 5(C)(2).

SECTION 305.6 — LIMITATIONS ON PAYMENTS

- A. The Town Manager shall report to the Town Council for its approval each year the projected payments and number of eligible applicants requesting assistance from the program fund. This report shall be no later than at its second meeting following the February 15 application deadline.
- B. Payments under this article shall be conditioned upon the existence of sufficient monies in the program fund the year in which participation is sought. If there are not sufficient monies in the program fund to pay all qualifying applicants under this article, payments shall be limited to the amounts available in the fund and may be prorated accordingly. If a lack of funding results in no payment or less than the full payment to a qualifying applicant, the request will not carry over to the next year.

SECTION 305.7 — CREATION OF PROGRAM FUND

The program fund from which payments shall be made under the terms of this article shall be created as follows:

- A. As funds are available, the Town Council shall annually appropriate monies from the general fund or other sources to support this program.
- B. Any surplus monies available after all payments have been made shall be carried forward within the fund to the next fiscal year.
- C. Any additional funds that may be received by dedication, gift, donation, or by supplemental appropriation as may be approved.

SECTION 305.8 — TIMING OF PAYMENTS

Property owners who qualify for payment under this program shall receive a credit on their real estate taxes. Renters shall be mailed a check for the benefit amount for which they are eligible under § 5 no later than fourteen (14) days from the date of Council approval of the applications for the year in which participation is sought.

SECTION 305.9 — ONE APPLICANT PER HOUSEHOLD

Only one application per household shall be entitled to payment under this program each year. Credits will be given to the property owners on record, or checks will be drafted to the order of the tenants on the lease. Eligibility shall be determined based on total household income. The right to file an application under this article is personal to the applicant and does not survive the applicant's death, but

the right may be exercised on behalf of an applicant by the applicant's legal guardian or attorney in fact. If an applicant dies after having filed a timely complete application that results in a determination of qualification, the amount determined by the Town Manager shall be disbursed to another member of the household as determined by the Town Manager. If the applicant was the only member of a household, then no payment shall be made under this article.

Notice

Town of Gray

Notice is hereby given that the Gray Town Council will hold a First Reading Hearing on March 1, 2022 at 7:00 PM to consider amendments to the Senior Property Tax Assistance Ordinance (Chapter 305).

The meeting will be conducted virtually via Zoom video conferencing, and the meeting link and agenda will be posted to the Town website. Proposed changes to Chapter 305 include reducing the minimum eligibility age from 70 to 65; amending other criteria for participation; clarifying the benefit base; amending application and payment procedures; and amending the timing and method of payments.

For more information, please visit www.graymaine.org or contact the Town Manager at 657-3339 for more information.

**CHAPTER 221
CABLE ORDINANCE
TOWN OF GRAY, MAINE**

Cable Ordinance Approved March 15, 2022, Effective April 15, 2022

Cable TV Ordinance Adopted January 22, 2019, Effective March 1, 2019

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**CABLE ORDINANCE
TOWN OF GRAY, MAINE**

Section 1. Declaration of Findings

The Town Council for the Town of Gray, Maine, finds and declares that:

- (a) The Town encourages competition in the provision of Cable Services to the Town's residents and businesses and all cable franchise agreements entered into by the Town shall be non-exclusive;
- (b) It is in the public interest to permit the use of rights-of-way and easements for the construction, maintenance, and operation of Cable Systems under the terms of this chapter and a Franchise adopted by the Town;
- (c) It is in the public interest to ensure that providers of Cable Service do not discriminate as to the persons who have access to their service because of race, color, sex, sexual orientation, religion, national origin, age, handicap, income or the geographical area of the Town in which they live, ;
- (d) In order to meet community needs, Cable Service must be available throughout the Town, including extension of existing Cable Systems to underserved and unserved areas of the Town, , providing access to public, educational, and governmental access channels throughout the Town, and providing Cable Service to schools and government buildings;
- (e) Requiring providers to obtain a Franchise prior to constructing a Cable System and/or providing Cable Service, while requiring the Town to act expeditiously on any franchise request, allows the Town to ensure that it can properly manage and control use of the Public Ways and ensure that the public interest is served while also ensuring the prompt provision of Cable Service; and
- (f) It is the Town's intent to apply the ordinances of the Town, including this chapter, to all Persons seeking to offer Cable Service in the Town and to use the Public Ways to construct, maintain, and operate a Cable System or an Open Video System within the boundaries of the Town. All Persons shall be required to apply for and receive a Franchise from, or Open Video System agreement with, the Town before offering Cable Service in the Town.

Section 2. Statement of Intent and Purpose

The Town intends, by the adoption of this chapter, to facilitate the development and operation of Cable Systems and Open Video Systems in the Town. This type of development can contribute significantly to meeting the needs and desires of many individuals, associations and institutions. The following are statements of the Town's intent when granting or renewing a cable Franchise or entering into an Open Video System agreement:

- a) To provide for the installation and operation of Cable Systems offering Cable Services with features meeting the current and future cable-related needs and interests of the community considering the costs to subscribers and to any Cable Operator;
- b) To act expeditiously on any requests for a Franchise or Open Video System agreement so as to allow the prompt provision of Cable Services while ensuring that the public interest is met and that residents are not discriminated against based on race, color, sex, sexual orientation, religion, national origin, age, handicap, income or the geographical area of the Town in which they live;
- c) Encourage the widest feasible scope and diversity of programming and other Cable Services to all Town residents that are consistent with community needs and interests, taking into account the cost of providing the programming and Cable Services;
- d) Provide for universally accessible Cable Services that are available to all Town residents, taking into consideration a Cable Operator's costs;
- e) Encourage prompt implementation of technical advances in communications technology;
- f) Provide for ample and fairly allocated access to cable and video systems for producers of public, educational and governmental public service programming to meet the needs and interests of the community, taking into account the cost of providing such access; and
- g) Ensure that rates and charges for basic cable programming and equipment are fair, reasonable, and consistent with federal standards.

Section 3. Definitions

For purposes of this Cable Ordinance, the following terms, phrases, words, abbreviations, and their derivations shall have the meanings provided herein. When not inconsistent with context, words used in the present tense include the future tense; words in the plural number include the singular number; words in the singular number include the plural; and the masculine gender includes the feminine gender. Unless otherwise expressly stated, words not defined herein or in other local law shall be given the meaning set forth in Applicable Law and, if not defined therein, the words shall be given their common and ordinary meaning. The word "shall" is always mandatory and not merely directory. The word "may" is directory and discretionary and not mandatory.

- a) "Access Channel(s)" shall mean public, educational and/or governmental access channel(s).
- b) "Affiliate" shall have the meaning ascribed in the Cable Act.

- c) “Applicable Law” shall mean any law, statute, charter, ordinance, rule, regulation, code, license, certificate, franchise, permit, writ, ruling, award, executive order, directive, requirement, injunction (whether temporary, preliminary, or permanent), judgment, decree, or other order issued, executed, entered, or deemed applicable by a governmental authority of competent jurisdiction.
- d) “Cable Act” shall mean the Cable Communications Policy Act of 1984, as it may be amended.
- e) “Cable Operator” shall have the meaning ascribed in the Cable Act.
- f) “Cable Service” shall have the meaning ascribed in the Cable Act.
- g) “Cable Ordinance” shall mean this ordinance, as it may be amended.
- h) “Cable System” and “System” shall have the meanings ascribed in the Cable Act.
- i) “FCC” shall mean the Federal Communications Commission.
- j) “Franchise” shall have the meaning ascribed in the Cable Act and may from time to time refer collectively to a Franchise and a Franchise Agreement.
- k) “Franchise Agreement” shall mean any written contract entered into between a Cable Operator and the Town that sets forth the terms and conditions of the authorization provided by a Franchise for the construction and/or operation of a Cable System.
- l) “Franchise Area” shall mean the area of the Town identified in a Franchise in which a Cable Operator is authorized to construct, maintain and operate a Cable System or Open Video System.
- m) “Franchise Fees” shall have the meaning ascribed in the Cable Act.
- n) “Gross Revenue” shall mean and shall be broadly construed to include any and all revenue derived by a Cable Operator and its Affiliates from the provision of Cable Service within the Town, including, without limitation:
 - (1) Monthly fees for Cable Services, regardless of whether such Cable Services are provided to residential or commercial customers;
 - (2) Installation, reconnection, downgrade, upgrade, or similar charges or fees associated with changes in a Subscriber’s Cable Service levels;
 - (3) Fees paid to the Town for channels designated for commercial or leased access use;
 - (4) Fees or charges associated with a Subscriber’s use, rental, lease, or purchase of a converter, remote control, lockout device, or any other Cable Service equipment;

- (5) Advertising fees, rebates, and commissions, but excluding unaffiliated agency fees;
- (6) Late fees, convenience fees, and administrative fees;
- (7) Revenues from program guides;
- (8) Franchise Fees; and
- (9) Commissions from home shopping channels and other revenue sharing arrangements.

Revenues derived from sales of advertising that run on the Cable System shall be allocated on a *pro rata* basis using total Cable Service subscribers reached by the advertising. Gross revenues shall not include:

- (10) Actual bad debt write-offs, provided, however, that all or part of any such actual bad debt that is written off but subsequently collected shall be included in Gross Revenues in the period collected; and
- (11) Consistent with Applicable Law, any taxes on services furnished by A Cable Operator imposed by any municipality, state or other governmental unit, provided that franchise fees shall not be regarded as such a tax.

Bundled Services Revenue. To the extent revenues are received by a Cable Operator for the provision of a bundle of services that includes Cable Services and non-Cable Services, the Cable Operator shall calculate revenues to be included in Gross Revenues, including late fee revenue, using a methodology that allocates revenue on a *pro rata* basis when comparing the bundled service price and its components to the sum of the most recent published rate card rate for the components, except it is expressly understood that equipment may be subject to inclusion in the bundled price at full rate card value. This calculation shall be applied to every bundled service package containing Cable Service from which a Cable Operator receives or derives revenues from the Town’s residents and must be updated within sixty (60) days of the date any rate change for cable and/or non-cable services is implemented for a service package containing Cable Service or the date any rate change is implemented for any service included in a service package that contains Cable Service. The Town reserves its right to review and to challenge a Cable Operator’s calculations.

- o) “Person” shall have the meaning ascribed in the Cable Act.
- p) “Public Way” or “Street” shall mean the surface of, and the space above and below, any public street, highway, bridge, land path, alley, court, boulevard, sidewalk, parkway, way, lane, public way, drive, circle, or other public right-of-way, including, but not limited to, public utility easements, dedicated utility strips, or rights-of-way dedicated for compatible uses and any temporary or permanent fixtures or improvements located thereon now or hereafter held by the Town in the Town which shall entitle the Company to the use thereof for the purpose of installing, operating, repairing, and maintaining the Cable System. “Public Way”

or “Street” shall also mean any easement now or hereafter held by the Town within the Town for the purpose of public travel, or for utility or public service use dedicated for public travel, or for utility or public service use dedicated for compatible uses, and shall include other easements or rights-of-way as shall within their proper use and meaning entitle the Company to the use thereof for the purposes of installing or transmitting the Company’s Cable Service or other service over poles, wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, attachments, and other property as may be ordinarily necessary and pertinent to the Cable System. Reference herein to “Public Way” or “Street” shall not be construed to be a representation or guarantee by the Town that its property rights are sufficient to permit its use for any purpose, or that the Town shall gain or be permitted to exercise any rights to use property in the Town greater than those already possessed by the Town.

- q) “Public Ways Ordinance” shall mean any and all Applicable Laws promulgated by the Town addressing the use of its Public Ways, including, without limitation, the construction, maintenance, operation, restoration, and/or relocation of facilities in the Public Ways and, including, without limitation, **Vehicular Use (Chapter 501), Parking (Chapter 502), Public Safety (Chapter 203), Street (Chapter 400), Subdivision (Chapter 401), Zoning (Chapter 402), and Shoreland Zoning (Chapter 403).**
- r) “Subscriber” shall mean any Person that lawfully receives Cable Service via a Cable System with a Cable Operator’s express permission. In the case of multiple office buildings or multiple dwelling units, the term “Subscriber” shall mean the lessee, tenant, or occupant.
- s) “Town” shall mean the Town of Gray.
- t) “Video Programming” shall have the meaning ascribed in the Cable Act.

Section 4. General

4.1. Title

This chapter shall be known and cited as the "Cable Ordinance" or herein "this chapter."

4.2. Incorporation of Ordinance Into Any Franchise

The requirements of this chapter shall apply to the full extent of the terms herein and shall be limited in scope or application only to the extent as may be required by Applicable Law, including those changes in Applicable Law as may be hereinafter enacted. The provisions of this chapter shall be deemed incorporated in each Franchise granted and Franchise Agreement entered into. The failure of the Town to enforce any provision of this Cable Ordinance or of any Franchise or Franchise Agreement, or the failure of any Person to comply with any such provision, term or condition, shall not be a waiver of the Town's right to enforce the provision, term or condition.

4.3. Rights and Duties

Any rights granted pursuant to this chapter and pursuant to any Franchise authorized hereunder are subject to the authority of the Town to adopt and enforce ordinances necessary for the health, safety and welfare of the public. Cable Operators shall be subject to and comply with all valid generally applicable ordinances enacted by the Town..

4.4. Open Records Law

Information required to be filed with the Town pursuant to this chapter that is subject to inspection and copying by the public pursuant to the Freedom of Access Act, 1 M.R.S. §§ 400 *et seq.*, shall be made available to the public in accordance with the Act.

4.5. Enforcement Rights of the Town

The Town shall be entitled to enforce the provisions of this chapter and any Franchise through all remedies lawfully available.

4.6. Franchise Required

No Person may construct, operate, or maintain a Cable System using the Town's Public Ways, or provide Cable Service within the Town's municipal boundaries, without first receiving a Franchise therefor in accordance with this Cable Ordinance. Such Franchise shall authorize only a Cable Operator's construction, operation, and maintenance of a Cable System to provide Cable Service and shall not authorize the construction, operation, or maintenance of any communications facilities other than a Cable System or the provision of any communications service other than Cable Service. The Franchise shall be nonexclusive.

The obligations of a Franchise shall apply to any and all successors and assigns of the Cable Operator, unless the Town expressly and in writing agrees to release the successors and assigns from the Franchise or any portion thereof.

4.7. Franchise Agreement

The Town may contract on such terms, conditions, and fees as are in the best interest of the Town and its residents with one or more Cable Operators for the construction, operation, and maintenance of a Cable System within the Town's municipal boundaries, including, without limitation, the granting of a nonexclusive Franchise Agreement. The term of any Franchise Agreement shall not exceed 15 years. Every Franchise Agreement shall be nonexclusive. Any provision granting an automatic renewal or other provision for extending a Franchise Agreement is prohibited and such a provision shall be deemed null and void.

All Franchises granted by the Town shall comply with the requirements of the Cable Ordinance. A Franchise may contain additional terms and conditions as the Town and a Cable Operator deem appropriate, provided the additional terms and conditions are consistent with Applicable Law.

4.8. Reservation of Authority

All rights and privileges granted by a Franchise shall be subject to the Town's police power to adopt and enforce local laws, ordinances, rules, and regulations necessary to protect the public's health, safety, and general welfare. Any conflict between the terms of a Franchise and

any present or future lawful exercise of the Town’s police powers, including, without limitation, any conflict between a Franchise Agreement and this Cable Ordinance, shall be resolved in favor of the Town’s lawful exercise of its police powers.

4.9. Compliance with Applicable Law

Cable Operators shall at all times comply with Applicable Law. In the event a federal or state law, regulation, or decision by a court of competent jurisdiction renders a provision of a Franchise void or otherwise unenforceable, the provision shall be considered preempted. This preemption will last for as long as the law, regulation, or decision is effective. If the law, regulation, or decision is subsequently repealed, rescinded, amended, voided, overturned or otherwise changed so that the preemption is nullified, the provision shall thereupon return to full force and effect as provided by such proceeding and shall be binding and enforceable in accordance with the terms thereof.

4.10. Construction Standards

Every Cable Operator shall obtain all permits and licenses required by the Town to construct a Cable System in the Public Ways. A Franchise or Franchise Agreement does not relieve a Cable Operator from obtaining all such necessary permits and paying all necessary permit and license fees. A Cable Operator shall comply with all Applicable Law in constructing its Cable System.

4.11. Franchise Application Process

4.11.1. Initial Franchise Application

An application for an initial Franchise may, consistent with Applicable Law, be submitted to the Town at any time and shall contain the following information:

- a) The applicant’s name;
- b) The names of the applicant’s officers and directors;
- c) The business address of the applicant;
- d) The name and contact information of a designated contact for the applicant;
- e) A description of the geographic area that the applicant proposes to serve;
- f) The PEG channel capacity and capital support proposed by the applicant;
- g) Whether the applicant holds any existing authorization to access the Town’s Public Ways in the subject franchise service area;
- h) The amount of the franchise fee the applicant offers to pay;
- i) The names and business addresses of any Person having, controlling, or being entitled to have or control at least 15.00% of the ownership of the applicant;

- j) The names and business addresses of any Affiliate of the applicant;
- k) A detailed description of all previous experience of the applicant in constructing, operating, and maintaining a Cable System and providing Cable Service;
- l) A statement identifying any other Franchises awarded to the applicant or its parent, Affiliates, or subsidiaries in the State of Maine and the status of such Franchises;
- m) A detailed description of the design of the proposed Cable System, including, without limitation, a detailed description of proposed equipment and technologies to be used in constructing and operating the Cable System, channel capacity, channel uses, access programming facilities, subscriber privacy, and interconnection;
- n) A statement or schedule of the applicant's rates and charges it proposes to be made available to potential Subscribers; and
- o) Any additional information required by applicable State or local laws; and
- p) Such other information as is required by the Town and is related to the Town's evaluation of the application.

An application submitted to the Town but deficient with respect to any of the above requirements shall be deemed incomplete and shall not be deemed to have been received by the Town until such time as the information identified above in Section 2.6.1(a) through Section 2.6.1(p) has been received by the Town and deemed to comply with this Section 2.6.1.

All applications and related documents submitted to the Town shall be public records open to inspection by the public during reasonable hours.

4.11.2. Renewal of Cable Franchise

Renewal of any existing Cable Franchise shall be conducted in accordance with 47 United States Code, Section 546, 30-A M.S.R. § 3010, and this subsection.

- a) A Cable Operator shall maintain adequate personnel and resources to respond to the Town's requests for information related to renewal in a timely manner. Failure to respond in a timely manner is a violation of the Maine Unfair Trade Practices Act.
- b) If an automatic renewal provision exists in a Franchise having an effective date on or before June 15, 2020, the automatic renewal provision remains in effect until that Franchise expires. The Cable Operator shall notify the franchising authority of the automatic renewal no later than 36 months in advance of the expiration of the Franchise.

- c) The Town may require maps, diagrams, annual reports and Franchise Fee statements together with such other information as the Town deems necessary at renewal, which the Cable Operator shall make available upon reasonable notice. If information is proprietary, the Town may execute a nondisclosure agreement with the cable system operator.

4.11.3. Public Hearing

No Franchise, whether initial or renewal, may be granted without notice to the public and approval of the Franchise at a public hearing conducted by the Town Council. Such a public hearing may be conducted on at least seven (7) days' advertised notice and shall provide a reasonable opportunity for public input on a proposed Franchise.

At any public hearing conducted under this Section 4.11.3, the Town shall, in accordance with Applicable Law, review the applicant's legal, financial, and technical qualifications, the proposed Franchise's ability to meet the Town's current and future cable-related needs and interests, and the adequacy of the applicant's qualifications to construct and/or operate a Cable System.

4.11.4. Application Fee

The Town shall assess an applicant reasonable fees to defray the costs incurred by the Town in acting upon the applicant's application.

4.12. Additional Franchises

The Town may not grant a Franchise that is materially more favorable or less burdensome than an existing Franchise granted pursuant to this Cable Ordinance, applicable state law, and the Cable Act. This Section shall apply only where the new Franchise provides authority to construct, operate and maintain a Cable System as well as authority to provide Cable Service.

4.13. Non-Cable Services

To the extent permitted by law, the Town shall retain the authority to regulate and receive compensation for the provision of non-cable services over any part of the Cable System. If a Cable Operator is permitted by law and chooses to provide non-Cable Services over any part of the Cable System, the Cable Operator and the Town shall negotiate the terms and fees therefor in accordance with Applicable Law.

Section 5. Cable System Performance Standards

5.1. Technical Standards

All Cable Systems shall be constructed and maintained in accordance with operating and technical standards established by the FCC.

5.2. Performance Testing

Cable Operators shall perform all tests necessary to demonstrate compliance with the requirements of their Franchise Agreement and other performance standards established by Applicable Law.

5.3. Inspection; Special Testing

The Town shall have the right to inspect all construction and installation work performed by a Cable Operator. In addition, the Town may require special testing of a location or locations within a Cable System if there is a particular matter of controversy or unresolved complaints regarding the Cable System's construction, operations, or installation work pertaining to such location or locations, and the Cable Operator has not corrected such issues within thirty (30) days of written notice from the Town of the issues and applicable location or locations. Such tests shall be limited to the location or locations in question.

A Cable Operator shall provide the Town with at least two (2) business days' prior written notice of any special tests being conducted pursuant to this Section 5.3 and provide the Town an opportunity to observe such tests. All special testing results shall be submitted to the Town within fourteen (14) days of a special test's completion. If any test indicates that any part of component of a Cable System fails to meet applicable requirements, the Cable Operator shall take corrective action, retest the location or locations, and advise the Town of the action taken and the subsequent results achieved.

5.4. Emergency Alert System

All Cable Systems shall incorporate emergency audio override capabilities in accordance with the FCC's Emergency Alert System (EAS) standards.

Section 6. Insurance and Indemnification

6.1. Insurance

All Cable Operators shall maintain during the full term of a Franchise such insurance as will protect it and the Town from any claims that may arise directly or indirectly or result from a Cable Operator's ownership, construction, repair, operation, or maintenance of the Cable Operator's Cable System serving the Town, whether such activities are performed by the Cable Operator or any of its Affiliates, agents, subcontractors, or other associated Persons. The insurance policies required under this Section shall not be in an amount less than:

- a) \$3,000,000 for personal injury, death, or property damage of any one Person per occurrence;
- b) \$5,000,000 for excess liability (in umbrella form); and
- c) \$1,000,000 for automobile liability per occurrence.

Insurance policies required under this Section shall name the Town as an additional insured and shall contain a statement on a policy's face that the insurer will not cancel the policy or fail to renew the policy, whether at the Cable Operator's request, for nonpayment of premium, or otherwise, except after sixty (60) days' advance written notice has been provided to the Town. During the term of a Franchise, the Cable Operator shall not cancel any insurance policy required

under this Section without prior submission of proof that the Cable Operator has obtained alternative insurance that complies with this Cable Ordinance and is satisfactory to the Town.

Upon the granting of any Franchise and as a condition of a Franchise becoming effective, the Cable Operator shall deliver to the Town certificates of insurance for those policies obtained or maintained pursuant to this Section 6.1.

6.2. Indemnification

A Cable Operator shall indemnify and hold harmless the Town and its officers, boards, committees, commissions, elected and appointed officials, employees, volunteers, and agents (collectively the “Town’s Personnel”) from and against any and all liability, damages, and penalties which they may be legally required to pay as a result of the Town’s enforcement of the Cable Operator’s Franchise except that a Cable Operator shall not be required to indemnify the Town or the Town’s Personnel for negligence or misconduct committed by the Town or the Town’s Personnel, respectively.

Section 7. Franchise Administration and Enforcement

7.1. Records and Reports

Upon reasonable written notice to a Cable Operator, the Town shall have the right to inspect a Cable Operator’s books and records during normal business hours and on a nondisruptive basis, as are reasonably necessary to ensure compliance with the material terms of a Franchise, including any federal, state, laws or regulations, or generally applicable ordinances referenced herein. Records should be produced within five (5) business days of receipt of written request, unless the Cable Operator responds that a longer amount of time will be needed for good cause. Such written notice from the Town shall specifically reference the section or subsection of the Franchise or Cable Ordinance which is under review, so that the Cable Operator may organize the necessary books and records for appropriate access by the Town.

A Cable Operator shall not be required to maintain any books and records for Franchise or Cable Ordinance compliance purposes longer than the applicable statute of limitations. Notwithstanding anything to the contrary set forth herein, but subject to Applicable Law, a Cable Operator shall not be required to disclose information that it reasonably deems to be proprietary or confidential in nature, nor disclose any of its books and records not relating to the provision of Cable Service in the Town. Subject to section 4.4 (Open Records Law) and Applicable Law, the Town shall treat any information disclosed by a Cable Operator as confidential and shall only disclose it to employees or agents bound by a confidentiality and non-disclosure agreement reasonably acceptable to the Cable Operator, or as may be necessary to enforce the provisions hereof.

A Cable Operator shall not be required to provide Subscriber information in violation of 47 U.S.C. § 551.

A Cable Operator shall at all times after the effective date maintain and provide to the Town upon written request:

- a) Records of all written complaints for a period of two (2) years after receipt by the Cable Operator. The term “complaint” as used in this Section 7.1 refers to complaints about any aspect of the Cable Operator’s service operations. Complaints recorded will not be limited to complaints requiring an employee service call.;
- b) Records of area outages for a period of two (2) years after occurrence, indicating date, duration, and the number of Subscribers affected, type of area outage, and cause;
- c) Records of service calls for repair and maintenance for a period of two (2) years after resolution by the Cable Operator, indicating the date and time service was required, the date of acknowledgment and date and time service was scheduled (if it was scheduled), and the date and time service was provided, and (if different) the date and time the problem was resolved;
- d) Records of installation and reconnection requests, and requests for service extension for a period of two (2) years after the request was received by the Cable Operator, indicating the date of request, date of acknowledgment, and the date and time service was extended; and a map showing the area of coverage for the provisioning of Cable Services.

The Town reserves its right to copy books and records as allowed under FCC regulation.

7.2. Annual Report

No later than April 1 of each year during the term of a Franchise, the Cable Operator shall submit an annual report to the Town for the prior calendar year, which report shall include at a minimum:

- a) Total number of Subscribers;
- b) The increase or decrease in the number of Subscribers over the prior calendar year for the Town
- c) Total miles of new cable plant installed, including, without limitation, a specific description of any line extensions in in the Town in the prior calendar year;
- d) Total number of service calls indicating number of dispatches and number repaired;
- e) Listing of all charges and fees for cable or cable-related services and any price or programming changes in the prior year;
- f) A description of any technological upgrades or enhancements in Cable Service over the past year
- g) All area outages, including date and duration;
- h) The total revenues upon which a Franchise Fee is paid (broken down by major category);
- i) The total Franchise Fee for the year;
- j) Equipment or equivalent funding provided to the PEG Access Channels (if any);
- k) Other information the Cable Operator chooses to include.

After delivery of the Annual Report, the Cable Operator shall, at the request of the Town, attend a meeting with the Town to review and discuss any issues or questions raised in the Town's review of the annual report.

7.3. Supplemental Reporting

Upon written request of the Town, a Cable Operator shall provide not more than annually, a report listing the following:

- a) A summary of the Cable Operator's most recent FCC proof of performance tests and measurement records interpreted in laymen's language describing the Cable System's compliance or lack of compliance with the FCC Technical Standards set forth in 76 C.F.R. § 76.601 *et seq.* as the same may be modified in the future, identifying any instances of non-compliance and describing all measures taken or under way to achieve compliance;
- b) A list of any material violations by the Cable Operator of the technical rules of the FCC, including but not limited to violations of rules and regulations regarding signal quality and safety during the past 12 months, and describing all measures taken or underway to achieve compliance; and
- c) A copy of the Cable Operator's most recent Securities and Exchange Commission Forms 10-K and 10-Q.

7.4. Franchise Fees

Franchise fee payments to the Town shall be made in accordance with the following requirements:

- a) Every Cable Operator shall pay to the Town the same franchise fee, which shall be established by the Town by resolution or regulation, in an amount of up to **3 percent (3%) [Note: 5% is the current franchise fee]** of its annual Gross Revenue, or such other amount as may be allowed by applicable law;
- b) This franchise fee may be reviewed every two years by the Town. In the event the franchise fee is increased or decreased, the Town shall give the Cable Operator a 90-day notice to implement the new fee. In accordance with the Cable Act, the 12-month period applicable under the franchise for the computation of the franchise fee shall be a calendar year;
- c) The franchise fee and any payments in support of the Town's Access Channels shall be due monthly and payable within 30 days after the close of the preceding month. Each payment shall be accompanied by a brief report prepared by a representative of a Cable Operator showing the basis for the computation, in a form required by the Town, and which may be modified upon mutual consent by a Cable Operator and the Town, provided, however, each Cable Operator shall be required to provide the same information regardless of the form required by the Town. Payments shall be deposited to a Town account electronically;

- d) The period of limitation for recovery of any franchise fee payable hereunder shall be the applicable statute of limitations from the date on which payment by a Cable Operator is due;
- e) All amounts due and owing under this chapter and a franchise and not paid by the dates specified herein shall bear interest at the prime rate listed in the Wall Street Journal on the date payment was due and compounded daily and calculated daily from the date due until the date of actual payment; and
- f) The franchise fee obligation herein is a material requirement of a franchise and is considered payment by a Cable Operator for use of rights-of-way.

7.4.1. Late Payments

In the event a Cable Operator fails to remit any payment due to the Town on or before a date fixed in the Cable Operator's Franchise, interest due on such payment shall accrue from the date due at one and one-half percent (1.50%) per month.

7.4.2. Acceptance of Payment

Acceptance of payments by the Town shall not be construed as accord that an amount paid is the correct amount. The Town reserves its rights to inspect relevant books and records and seek any underpayments due.

7.5. Fee Auditing

7.5.1. Charges for Audits or Tests

If an inspection or audit of a Cable Operator's books and records shows that the Cable Operator underpaid by four percent (2.00%) or more for any payment period, the Cable Operator shall reimburse the Town for all reasonable costs, including, without limitation, expert fees arising from the inspection or audit, and any additional inspection or audit until it is determined that the Cable Operator is in full compliance.

If it is determined that a Cable Operator has not materially complied with FCC standards, the Town shall, to the extent permitted by federal law, have the right to charge all costs arising from these tests, including, without limitation, expert fees, to the Cable Operator until it is determined that the Cable Operator is in full compliance. Notwithstanding the foregoing, the obligation to pay the Town's costs for tests of the performance of a Cable System shall only arise if the Town's test is (1) a test of an area where the Cable Operator has represented that it has corrected a problem, and the problem was not in fact corrected; (2) a second test of an area by the Town, where the Cable Operator had been notified of the problem and been given an opportunity to cure it; or (3) where the Cable Operator challenged the validity of a Town test, and the Town agrees to retest, and the re-test confirms the validity of the initial Town test. These charges are incidental to the enforcement of the Franchise, and they do not limit any right the Town may have to exercise any other remedy.

7.6. Rate Regulation

The Town reserves the right to regulate the rates of every Cable Operator to the extent permitted by applicable law.

7.7. Performance Bond

Concurrent with the award of any Franchise, the Cable Operator shall file with the Town Clerk and shall thereafter annually during the entire term of such Franchise maintain in full force and effect at its own cost and expense a performance bond in the amount of at least **\$100,000** to guarantee the faithful performance by the Cable Operator of all of its obligations under its Franchise. The performance bond shall be so conditioned that in the event that the Cable Operator shall breach any one or more material provisions of the Franchise or this Cable Ordinance and subsequent to any notice and opportunity to cure provision of the Franchise or this Cable Ordinance, the Town may recover from the surety any penalties assessed in accordance with Section 5.6 below and any damages or costs suffered or incurred by the Town as a consequence of such breach. Said conditions shall be a continuing obligation during the entire term of the Franchise.

A Cable Operator shall provide at least thirty (30) days' prior written notice of the Cable Operator's or the surety's intent to cancel, materially change, or not to renew the performance bond or security fund.

In the event that the Town recovers against any portion of the performance bond, the Cable Operator shall be required to replenish the original bond in an amount equal to the amount recovered by the Town within thirty (30) days. Failure to post an additional bond on a timely basis shall constitute a violation of a material provision of this Cable Ordinance.

7.8. Franchise Compliance

7.8.1. Amount

For failure to comply with a Franchise or this Cable Ordinance, a Cable Operator shall be subject to a penalty of **\$50 (minimum) to \$500 (maximum)** per day per violation.

7.8.2. Date of Violation, Notice

The initial date of a Cable Operator's violation shall be the date the Cable Operator receives written notice of the violation.

7.8.3. Procedure for Penalties

Before the Town may assess any penalties under this Section:

- a) The Town shall notify a Cable Operator in writing of the Cable Operator's alleged failure or Violation, which notice shall specify the alleged failure or violation with reasonable particularity;
- b) The Cable Operator shall, within thirty (30) days after receipt of the notice or such longer period as the Town may specify in such notice, either cure the alleged failure or violation or, in a written response to the Town Manager, either present facts and arguments in refutation or excuse of such alleged failure or violation or

state that the alleged failure or violation will be cured and set forth the method and time schedule for accomplishing such cure.

- c) Unless the Town Manager determines that the matter has been resolved, the Cable Operator's response shall be submitted to the Town Council to schedule a public hearing at which the Council shall determine: (i) whether a failure or violation has occurred; (ii) whether such failure or violation is excusable; (iii) whether such failure or violation has been or will be cured by the Town; and (iv) the appropriate remedy for the failure or violation.
- d) The Town shall provide thirty (30) days' written notice of the public hearing to the Cable Operator. During the public hearing, the Cable Operator shall have the right to appear and be heard, including the opportunity to present evidence, question witnesses, if any, and the hearing shall follow the procedures set forth for public hearings. If the Town Council determine that such failure has not occurred or that such failure either has been or will be cured in a manner and in accordance with a reasonable schedule satisfactory to the Council, or that the failure is excusable, such determination shall conclude the matter unless the Cable Operator fails to comply with the schedule for cure.

7.8.4. Non-Enforcement Not Waiver

Neither the Town nor any Cable Operator shall be excused from complying with any of the terms and conditions thereof by any failure of either party upon one or more occasions to insist upon or to seek compliance with any such terms or conditions. No course of dealing between a Cable Operator and the Town, nor any delay on the part of the Town or Cable Operator in exercising any rights granted by a Franchise or this Cable Ordinance, shall operate as a waiver of any such rights thereof or acquiescence in the actions of the Company or Municipality in contravention of such right, except to the extent expressly waived by either party or expressly provided for in a Franchise or this Cable Ordinance. No decision by the Town or Cable Operator to invoke any remedy under a Franchise or this Cable Ordinance or under any statute, law or ordinance shall preclude the availability of any other such remedy. This Section 5.7.4 does not extend any applicable statute of limitations.

7.9. Franchise Termination or Revocation

7.9.1. Right to Revoke or Terminate

In addition to all other rights and powers of the Town, the Town may revoke a Franchise and all rights and privileges of the Cable Operator in the event the Cable Operator:

- a) Violates any material provision of the Franchise or any rule, order, or determination of the Town made pursuant thereto, where such violation remains uncured for a period of at least thirty (30) days following written notice to the Cable Operator by the Town that such violation is deemed to exist unless cure is not feasible in such time period in which event the parties shall meet and agree to a cure schedule;

- b) Attempts to evade any material provision of the Franchise or practices any fraud or deceit upon the Town; or
- c) Arbitrarily ceases to provide Cable Service over the Cable System or fails to restore Cable Service after ninety-six (96) consecutive hours of interrupted service except in cases of *force majeure* or when approval of such interruption is obtained from the Town.

7.9.2. Procedures to Revoke or Terminate

The Town shall follow the following procedures in revoking a Franchise:

- a) The Town shall provide to the Cable Operator the Town’s notice of intent to revoke the Franchise. The written notice shall be sent by certified or overnight mail and shall describe in reasonable detail the specific violations of the Franchise alleged to have occurred.
- b) The Cable Operator shall have ninety (90) days from receipt of the Town’s notice to either correct the alleged violation or dispute the Town’s allegations. In the event that by nature of the alleged violations such violation cannot be cured within such ninety (90) day period, the parties shall meet and agree to a cure schedule.
- c) If the Cable Operator disputes the Town’s allegations, the Town shall review the dispute and make its determination as to whether a violation has occurred.
- d) If the Town continues to maintain that a violation did occur, the Town shall notify the Cable Operator in writing. The Cable Operator shall then either remedy the violation within ninety (90) days or notify the Town in writing that the Cable Operator continues to dispute the allegations.
- e) Upon the Cable Operator’s failure to remedy the violation within the time period prescribed or upon receipt of the Cable Operator’s written position pursuant to Section 5.8.2(d) above, the Town may revoke the Franchise by providing the Cable Operator written notice of revocation.

7.9.3. Public Hearing

The Town may conduct a public hearing on the revocation. The Cable Operator shall have the right to participate in such hearing, present witnesses, and the Town shall issue a written determination of its findings. Such public hearing must take place no less than thirty (30) days prior to the decision to revoke.

7.9.4. Judicial Review

A Cable Operator shall have the right to seek judicial review of the Town’s determination to revoke.

7.10. Abandonment

If a Cable Operator ceases providing Cable Service in the Town pursuant to 30-A M.R.S. § 3008(3)(B), the Cable Operator shall remove all of its supporting structures, poles, transmission, and distribution systems, and other appurtenances from the Public Ways and shall restore the areas consistent with the Public Ways Ordinance. If such removal is not completed within six (6) months of such end of service, the Town may deem any property not removed as

having been abandoned. Upon written request of the Cable Operator, the Town may waive this requirement for good cause shown.

7.11. Franchise Expiration

Upon expiration and non-renewal or revocation of a Franchise, and exhaustion of all judicial appeals thereof, the Franchise's corresponding Cable System shall be disposed of according to 47 U.S.C. § 546 and the Franchise.

7.12. Franchise Amendment

A Franchise shall not be amended or modified except by written agreement executed in the same manner as the Franchise. Where applicable, the amendment shall be consistent with the provisions of 47 U.S.C. § 545.

7.13. Franchise Transfers

7.13.1. Cable Operator's Right to Transfer

A Franchise and corresponding Cable System may, collectively or concurrently, be sold, assigned or otherwise transferred (a "Franchise Transfer") in accordance with the procedure set forth in federal law and this Cable Ordinance.

7.13.2. Municipality's Right to Approve

Pursuant to 47 U.S.C. § 537, the Town reserves its right to approve or disapprove any Franchise Transfer. The Town's approval shall not be unreasonably withheld.

A transfer or assignment of a Franchise or control thereof between commonly controlled entities, between affiliated companies, or between parent and subsidiary corporation, shall not constitute a transfer or assignment of a Franchise or control thereof. An "affiliated company" is any Person that directly or indirectly or through one or more intermediaries controls, is controlled by, or is under common control with another Person.

7.13.3. Notice to Municipality

A Cable Operator shall provide to written notice to the Town of a proposed Franchise Transfer ("Franchise Transfer Notice"). The contents of a Franchise Transfer Notice shall include:

- a) FCC Form 394, or successor form, and all identified attachments; and
- b) Certification by the transferee that it will accept the provisions of the Cable Operator's Franchise for the remainder of the Franchise's term.

7.13.4. Time to Review

The Town shall have 120 days from receipt of a Franchise Transfer Notice to take action on the proposed Franchise Transfer. If the Town fails to act upon a Franchise Transfer Notice within 120 days, the Franchise Transfer Notice shall be deemed granted unless the Town and requesting Cable Operator otherwise agree to an extension of time.

7.13.5. Public Hearing

The Town may conduct a public hearing on a proposed Franchise Transfer no later than 90 days after receipt of a Franchise Transfer Notice.

7.13.6. No Waiver or Release

The consent or approval of the Town to any Franchise Transfer shall not constitute a waiver or release of the rights of the Town in and shall, but its terms, be expressly subordinate to the terms and conditions of a transferred Franchise.

Section 8. Consumer Protection Requirements

8.1. Line Extension

Every cable franchise renewed and/or granted after the effective date of this Cable Ordinance shall require every franchised Cable Operator, subject to Section 8.4 (Universal Buildout) below, to extend its Cable System to areas of the Franchise Area that have a population density of at least **15** households per linear strand mile of aerial cable, which the Town deems reasonable to meet the Town's needs in light of the costs to the franchised Cable Operator, and in the Town's best interests.

8.2. Standard Installations

Standard installations will be performed within seven (7) business days after an order has been placed. "Standard" installations are those that are located up to **150 feet** from a Cable Operator's existing Cable System.

8.3. Annexation

Areas subsequently annexed shall be provided with cable availability and the Town's PEG Channels, if applicable, within twelve (12) months of the annexation election certification or within six (6) months of the effective date of the annexation, whichever occurs first. Franchise Fees and PEG Support, if any, derived from the annexed area commencing on the effective date of the annexation shall be paid to the Town within ninety (90) days of the effective date of the annexation.

8.4. Universal Buildout

Every franchised Cable Operator, including its predecessor's in interest, shall be allowed a period of **fifteen (15)** years from its initial grant of a cable franchise by the Town to construct its Cable System to become capable of providing Cable Service to all households in the Franchise Area, which the Town deems a reasonable period of time.

8.5. Public, Educational, and Governmental Access Channels

A Cable Operator shall carry Access Channels on the Cable Operator's basic cable or video service offerings or tiers. A Cable Operator may not separate Access Channels numerically from other local broadcast channels carried on the Cable Operator's basic cable or video service offerings or tiers and, in the event of a Franchise transfer, shall use the same channel numbers for the Access Channels as used for those channels by the incumbent cable system operator, unless prohibited by federal law. After the initial designation of Access Channel numbers, a Cable Operator may not change the channel numbers without the agreement of the originator, unless the change is required by federal law.

8.5.1. Channel Restoration

Consistent with 30-A M.R.S. § 3010(5-A), a Cable Operator shall restore a public, educational or governmental Access Channel that was moved without the consent of the Town or its Access Channel designee.

An Access Channel may not be relocated without the Town's prior written consent, which may not be unreasonably withheld. If an Access Channel is relocated, the Cable Operator shall reimburse the Town or its Access Channel designee for costs associated with changing logos, letterhead, business card, etc. to reflect a new channel number.

8.5.2. Access Channel Transmission

A Cable Operator shall retransmit public, educational and governmental Access Channel signals in the format in which they are received from the Town or its Access Channel designee and at the same signal quality as that provided to all Subscribers of the Cable Service for local broadcast channels. A Cable Operator may not diminish, down convert or otherwise tamper with the signal quality or format provided by the Town or its Access Channel designee. A Cable Operator shall deliver a public, educational or governmental Access Channel signal to the Subscriber in a quality and format equivalent to the quality and format of local broadcast channel signals carried on the Cable Service if provided as such by the Town or its Access Channel designee. A Cable Operator shall carry each public, educational or governmental Access Channel in both a high definition format and a standard digital format in the same manner as that in which local broadcast channels are provided, unless prohibited by federal law.

8.5.3. Electronic Programming Guide Integration

A Cable Operator, when requested, shall assist in providing the Town or its Access Channel designee with access to the entity that controls the Cable Service's electronic program guide so that subscribers may view, select and record public, educational and governmental Access Channels in the same manner as that in which they view, select and record local broadcast channels. In addition, a Cable Operator shall identify public, educational and governmental Access Channels on the electronic program guide in the same manner as that in which local broadcast channels are identified. This subsection does not obligate a Cable Operator to list public, educational and governmental Access Channel content on channel cards and channel listings. If channels are selected by a viewer through a menu system, the Cable Operator shall display the Access Channel designations in a similar manner to that in which local broadcast channel designations are displayed.

8.5.4. Access Channel Phone Support

A Cable Operator shall make available to the Town or its Access Channel designee a toll-free telephone number with a direct line to a service technician who is familiar with the signal path and equipment associated with public, educational and governmental Access Channels on the Cable System for resolution of a signal quality problem.

8.5.5. PEG Facilities and Equipment Support

Pursuant to Applicable Law, a Cable Operator shall provide to the Town or its access channel designee adequate Access Channel facilities and equipment and equivalent financial

support to meet the cable-related needs and interests of the Town and its communities (the “PEG Support”).

To meet the cable-related needs and interests of the Town, the Town may require all Cable Operators to provide financial support as permitted by the Cable Act, as a capital grant payable by each Cable Operator to the Town for PEG capital requirements in the amount up to **2% [NOTE: INSERT 0-3%]** of a Cable Operator’s Gross Revenue, as determined by the Town no more frequently than once every two years. The capital grant shall be payable by each Cable Operator with the Franchise Fee payment as required by this chapter and may be itemized and passed through to subscribers in the same manner. The Town shall require the same percentage fee of all Cable Operators or shall not impose the fee on any Cable Operator. The Town shall provide all Cable Operators with 90 days’ prior written notice for the implementation or modification of the capital grant.

8.5.6. Access Channel Signal Transport

With respect to any Access Channel subject to 30-A MRSA §3010(5), any and all equipment associated with the interconnection of Access Channel transmission facilities between a Town Hall or other designated location and a Cable Operator’s head end within the Cable Operator’s Cable System as well as the formatting of PEG programming for transmission to a Subscriber are considered capital costs, and the costs and maintenance thereof shall be borne by the Cable Operator.

- a) *Access Channel Return Feeds.* Each Cable Operator shall install, maintain, and, as necessary to comply with Section 8.5.2 above, upgrade an activated direct fiber optic return feed, and supply and maintain all necessary transmission equipment, from Town Hall (located at 24 Main Street, Gray, ME 04039) and any other locations designated by the Town, **such as the Middle School, High School, and the Library**, to the Cable Operator’s head end. This fiber optic feed shall be adequate to permit the simultaneous transport of all Access Channels provided by the Cable Operator to the Town at least at a broadcast quality standard. The Town may not designate a different location for a fiber optic return feed more than once every three years.

To the extent necessary to make Access Channel programming available to all Subscribers, all Cable Operators shall cooperate with one another, including, without limitation, making available a Cable Operator’s fiber optic return feed for interconnection with another Cable Operator’s Cable System.

Upgrades to or the initial installation of a fiber optic return feed shall be completed within 60 days of commencement. In the event of a Cable System rebuild, upgrade, or installation, such fiber optic return feeds shall be completed at the same time as the system rebuild.

- b) *Access Channel Live Remote Return Feeds.* A Cable Operator shall also provide and maintain equipment and facilities, including, without limitation, DOCSIS modems and cable drops, to permit live programming from remote sites, through

an MPEG2 or MPEG4 transport system, or in some other manner that provides broadcast quality carriage of an Access Channel's signal from a remote site to the location designated under Section 8.5.6(a) above. New equipment and facilities will be made available within an agreed upon time frame.

8.6. Broad Categories of Programs and Services

Consistent with federal law, a Cable Operator shall provide or enable the provision of at least the following broad categories of programming to the extent the categories are reasonably available on commercially reasonable terms:

- a) Local news, weather and information;
- b) Educational programming;
- c) Sports;
- d) General entertainment (including movies);
- e) Children/family-oriented;
- f) Arts, culture and performing arts;
- g) Food;
- h) Foreign language based on population;
- i) Science/documentary;
- j) National, state and local government affairs;
- k) Access programming, as provided by a franchise;
- l) Program channel guide; and
- m) National news, weather and information

8.7. Compliance with Applicable Customer Service Standards

Cable Operators shall at all times comply with all applicable customer service standards, including, without limitation, 47 C.F.R. §§ 76.309 (Customer Service Obligations), 76.1602 (Customer Service – General Information), 76.1603 (Customer Service – Rate and Service Changes) and 76.1619 (Information on Subscriber Bills); 30-A M.R.S. §§ 3008 (Ordinances Relating to Cable Television Systems) and 3010 (Consumer Rights and Protection Relating to Cable Television Service); and those customer service standards identified in this Cable Ordinance.

8.8. Rights of Users

A Cable Operator may not deny Cable Service, deny access or otherwise discriminate against Subscribers, channel users or general citizens on the basis of age, race, religion, sex, physical handicap or country of natural origin.

8.9. Late Fees

A Cable Operator may not charge a late fee or other penalty or charge for late payment of any bill that exceeds one and one-half percent (1.50%) per month of the amount due in the bill. If the bill includes separate charges for different levels of service, a late fee or other penalty or charge must be calculated on the total amount overdue for all levels of service and may not be calculated separately for each level of service. A payment is not late under this subsection until at least thirty (30) days after those services to which the late fee applies have been received by a Subscriber.

8.10. Subscriber Complaints

Recording Subscriber complaints must be as follows:

- a) Every Cable Operator shall keep a record or log of all written complaints received regarding quality of service, equipment malfunctions, billing procedure, employee attitude, and similar matters. These records must be maintained for a period of 2 years.
- b) The record must contain the following information for each complaint received:
 - (1) Date, time, and nature of the complaint;
 - (2) Name, address, and telephone number of the Person complaining;
 - (3) Investigation of the complaint;
 - (4) Manner and time of resolution of the complaint;
 - (5) If the complaint regards equipment malfunction or the quality of reception, a report indicating corrective steps taken, with the nature of the problem stated; and
 - (6) Consistent with Subscriber privacy provision in the Cable Act, every Cable Operator shall make the logs or records of complaints available to any authorized agent of the Town upon request during normal business hours for on-site review.

8.11. Credits and Refunds for Interruption of Service

Credits and refunds for interruption of Cable Service shall be as follows:

- a) In the event Cable Service to any Subscriber is interrupted for 6 or more consecutive hours in a 30-day period, the Cable Operator will, upon request, grant that Subscriber a *pro rata* credit or rebate;
- b) An office of a Cable Operator must be open during usual business hours, have a listed toll-free telephone, and be capable of receiving complaints, requests for adjustments, and service calls; and
- c) Cable Operators shall provide Subscribers with thirty (30) days' advance written notice of any increase in rates, changes in billing practices, or the deletion of a channel.

8.12. Service Disconnection

Cable Operators must discontinue billing a Subscriber for a service within ten (10) working days after the Subscriber requests that service disconnection unless the Subscriber unreasonably hinders access by a Cable Operator to equipment of the Cable Operator on the premises of the Subscriber to which the Cable Operator must have access to complete the requested disconnection.

8.13. Subscriber Communications

8.13.1. Notices to Subscribers Regarding Quality of Service

Notice to Subscribers regarding quality of service must be as follows:

- a) For each new Subscriber, and annually thereafter, every Cable Operator shall cause to be mailed to each of its Subscribers a notice that:
 - (1) Informs Subscribers of how to communicate their views and complaints to the Cable Operator, the proper municipal official, and the Attorney General;
 - (2) States the responsibility of the Department of the Attorney General to receive consumer complaints concerning matters other than channel selection and rates;
 - (3) States the policy regarding and method by which Subscribers may request rebates or *pro rata* credits as described above in Section 8.11; and
 - (4) Informs Subscribers of their right to request basic-tier, nonpremium programming service and the cost of that service.
- b) The notice must be in nontechnical language, understandable by the general public, and in a convenient format. On or before January 30th of each year, each Cable Operator shall certify to the Town and to the Department of the Attorney General that the Cable Operator has distributed the notice during the previous calendar year as required by this Section.

8.13.2. Notice on Subscriber Bills; Credits and Refunds

All Cable Operators shall include on each Subscriber bill for service a notice regarding the Subscriber's right to a *pro rata* credit or rebate for interruption of service upon request in accordance with Section 6.6 above. The notice must include a toll-free telephone number and a telephone number accessible by a teletypewriter device or TTY for contacting the Cable Operator to request the *pro rata* credit or rebate for service interruption. The notice must be in nontechnical language, understandable by the general public and printed in a prominent location on the bill in boldface type.

8.14. Privacy

A Cable Operator may not intrude upon the privacy of a Subscriber by installing or using any equipment that allows the Cable Operator to observe or to listen to what is occurring in an individual Subscriber's household or to monitor the viewing habits of the Subscriber without express, prior written consent of the subscriber.

A Cable Operator may not sell, disclose or otherwise make available, or permit the use of, lists of the names or addresses of its Subscribers, or any list or other information that identifies by name or address Subscribers or Subscriber viewing habits, to any person or agency for any purpose whatsoever without the prior written consent of the Subscriber except that the Cable Operator may make such lists available to Persons performing services for the Cable Operator in connection with its business or operations, such as a billing service, when the availability of such lists is necessary to the performance of such services if, in either case, the Persons or entity receiving such lists agree in writing that they will not permit them to be made available to any other party.

8.15. Employee Identification Cards

All of a Cable Operator's employees and subcontractors, including, without limitation, repair and sales personnel, entering private property shall be required to display an identification card issue or approved by the Cable Operator indicating that the employee or subcontractor is working on behalf of the Cable Operator.

8.16. Local Office

~~[OPTIONAL] A Cable Operator shall maintain a conveniently located local office within the Town which shall be open during normal business hours. This office shall accept payments, handle adjustments to subscriber bills, respond to installation, repair, and/or maintenance requests and other service calls.~~

Section 9. Open Video Systems

9.1. Purpose

The purpose of this Section is to establish regulations for local exchange carriers providing Cable Service to subscribers in their telephone service area through an Open Video System.

9.2. Applicability

The provisions of this Section shall apply to an Open Video System Operator certified by the Federal Communications Commission that intends to deliver Cable Service to consumers in the Town over an Open Video System as defined by 47 C.F.R. § 1500(a).

9.3. OVS Application Required

- a) Before commencing the delivery of Cable Services to consumers in the Town over an Open Video System, the Open Video System Operator shall file an application with the Town.
- b) That application shall include or be accompanied by the following, as applicable:
 - (1) The identity of the applicant, including all Affiliates;
 - (2) Copies of FCC Form 1275, all notices of intent filed under 47 C.F.R. § 76.1503(b)(1), and the order of the FCC, all of which relate to certification of the applicant to operate an Open Video System in the Town in accordance with § 653(a)(1) of the Communications Act and the FCC's rules;
 - (3) A description of the Cable Services that will be offered over existing or proposed facilities;
 - (4) A description of the transmission medium that will be used to deliver the Cable Services;

- (5) Information in sufficient detail to establish the applicant's technical qualifications, experience and expertise regarding the ownership and operation of the open video system described in the application;
- (6) Financial statements, which shall not be considered public records pursuant to the Freedom of Access Act prepared in accordance with generally accepted accounting principles that demonstrate the applicant's financial ability to:
 - A. Construct, operate, maintain, and remove any new physical plant that is proposed to be constructed in the Town;
 - B. Comply with the Town's public, educational, and governmental access requirements as specified in this Section; and
 - C. Comply with the Town's requirement that gross revenue fees be paid as specified in this subchapter;
- 7) An accurate map showing the location of any of the applicant's existing telecommunications facilities in the Town that the applicant intends to use;
- 8) If the applicant's operation of the Open Video System will require the construction of new physical plant and facilities in the Town, the following additional information be provided:
 - A. A preliminary construction schedule and completion dates; and
 - B. Preliminary engineering plans, specifications and a network map of any new facilities to be constructed in the Town; and
- 9) Additional information as may be requested by the Town.

9.4. Review of the Application

Upon receipt of an application filed under this subchapter, the Town shall give written notice to the applicant of the Town's intent to negotiate an agreement setting forth the terms and conditions under which the operation of the proposed Open Video System will be authorized by the Town.

9.5. Agreement Required

- a) No Cable Service may be provided in the Town by an Open Video System Operator unless the operator and the Town have executed a written agreement setting forth the terms and conditions under which the operation of the proposed Open Video System will be authorized by the Town.
- b) The agreement between the Town and the Open Video System Operator may contain terms and conditions that relate to the following subject matters, to the

extent that these terms, conditions and subject matters are not preempted by federal law or regulations:

- (1) The nature, scope and duration of the agreement, including provisions for its renewal or extension;
- (2) The obligation of the Open Video System Operator to pay to the Town, at specified times and in lieu of the Franchise Fees permitted under § 622 of the Communications Act, fees on the gross revenue received by the operator, as authorized by 47 C.F.R. § 76.1511, in accordance with the following standards and procedures:
 - A. The amount of the fees on the gross revenue will be the rate imposed by the Town on incumbent franchised cable operators;
 - B. Solely for purposes of this Section, the term “gross revenue” has the meaning set forth in 47 C.F.R. § 76.1511, and includes:
 - i. All gross revenue received by an Open Video System Operator or its Affiliates, including all revenue received from subscribers and all carriage revenue received from unaffiliated video programming providers; and
 - ii. All advertising revenue received by the operator or its Affiliates in connection with the provision of Video Programming, where the revenue is included in the calculation of the Franchise Fee paid to the Town by a Cable Operator.
- (3) The term gross revenue does not include revenue, such as subscriber or advertising revenue, collected by unaffiliated video programming providers.
- (4) The obligation of the Open Video System Operator to comply with requirements relating to information collection and recordkeeping, accounting procedures, reporting, periodic audits and inspection of records in order to ensure the accuracy of the fees on the gross revenue;
- (5) The obligation of the Open Video System Operator to meet the Town's requirements with respect to public, educational, and governmental access channel capacity, services, facilities and equipment, as provided for in 47 C.F.R. § 76.1505. In this regard, the following standards and procedures shall apply:

- A. The Open Video System Operator is subject to the same public, educational, and governmental access requirements that apply to incumbent franchised Cable Operators;
- B. The Open Video System Operator must ensure that all subscribers receive all public, educational, and governmental access channels within the Franchise Area in which the Town's subscribers are located;
- C. The Open Video System Operator may negotiate with the Town to establish the operator's obligations with respect to public, educational, and governmental access channel capacity, services, facilities, and equipment. These negotiations may include the Town's any franchise Cable Operator if the Town, the Open Video System Operator, and the franchised Cable Operator so desire; and
- D. If the Open Video System Operator and the Town are unable to reach an agreement regarding the operator's obligations with respect to public, educational, and governmental access channel capacity, services, facilities, and equipment within the Town's jurisdiction, then the following obligations will be imposed:
 - i. The Open Video System Operator must satisfy the same public, educational, and governmental access obligations as a franchised Cable Operator by providing the same amount of channel capacity for public, educational, and governmental access and by matching the franchised Cable Operator's annual financial contributions in support of public, educational, and governmental access services, facilities and equipment that are actually used by the Town. For in-kind contributions, such as cameras or production studios, the Open Video System Operator may satisfy its statutory obligation by negotiating mutually agreeable terms with the franchised Cable Operator, so that public, educational, and governmental access services to the Town are improved or increased. If these terms cannot be agreed upon, the Open Video System Operator must pay to the Town the monetary equivalent of the franchised Cable Operator's depreciated in-kind contribution, or, in the case of facilities, the annual amortization value. Any matching contributions provided by the Open Video System Operator must be used to fund activities arising under § 611 of the Communications Act; and

- ii. The Town will impose upon the Open Video System Operator the same rules and procedures that it imposes upon a franchised Cable Operator with regard to the Open Video System Operator's use of channel capacity designated for public, educational, and governmental access use when that capacity is not being used for these purposes.
- iii. A franchised Cable Operator is required under federal law to permit the Open Video System Operator to connect with its public, educational, and governmental access channel feeds. The Open Video System Operator and the franchised Cable Operator may decide how to accomplish this connection, taking into consideration the physical and technical characteristics of the cable and the Open Video Systems involved. If the franchised Cable Operator and the Open Video System Operator cannot agree on how to accomplish the connection, the Town has the right to decide. The Town may require that the connection occur on Town-owned property or on Public Ways;
- iv. All costs of connection to the franchised Cable Operator's public, educational, and governmental access channel feed must be borne by the Open Video System Operator. These costs will be counted towards the Open Video System Operator's matching financial contributions set forth above in Section 9.5(b)(5)(D)(i) above;
- v. The Town will not impose upon the Open Video System Operator any public, educational, or governmental access obligations that are greater than those imposed upon a franchised Cable Operator; and
- vi. The Open Video System Operator must adjust its Open Video System to comply with new public, educational, and governmental access obligations imposed on a franchised Cable Operator following renewal of the Cable Operator's Franchise, provided, however, that the Open Video System Operator will not be required to displace other programmers using its Open Video System to accommodate public, educational, and governmental access channels. The Open Video System Operator must comply with the new public, educational, and governmental access obligations whenever additional capacity is or becomes available, whether it is due to

increased channel capacity or to decreased demand for channel capacity.

- (6) If the Town and the Open Video System Operator cannot agree on the application of the FCC's rules regarding the Open Video System Operator's obligations to provide public, educational, and governmental access under the provisions of this section, then either party may file a complaint with the FCC in accordance with the dispute resolution procedures set forth in 47 C.F.R. § 76.1514. No agreement will be executed by the Town until the dispute has been finally resolved;
- (7) If the Open Video System Operator intends to maintain an institutional network, as defined in § 611(f) of the Communications Act, the Town shall require that educational and governmental Access Channels be designated on that institutional network to the same extent that those channels are designated on the institutional network of a franchised Cable Operator;
- (8) The authority of an Open Video System Operator to exercise editorial control over any public, educational, or governmental use of channel capacity will be restricted in accordance with the provisions of 47 C.F.R. § 76.1505(f).
- (9) The Open Video System Operator shall comply with all applicable federal, state, and local statutes, ordinances and regulations relating to customer service standards;
- (10) If a new physical plant is proposed to be constructed within the Town, the obligation of the Open Video System Operator to comply with the following Public Ways use and management responsibilities that are also imposed by the Town upon other cable television and telecommunications service providers in a nondiscriminatory and competitively neutral manner:
 - A. Compliance with all applicable Town codes, including those applicable to excavation, encroachment, and construction in the Public Ways, including permits and inspection, and the payment of permit and inspection fees;
 - B. The coordination of construction activities with the Town and with other users of the Public Ways;
 - C. Compliance with established standards and procedures for constructing facilities across private property;

- D. Compliance with all applicable insurance and indemnification and performance bond requirements imposed on franchised cable operators and other users of the Public Ways;
 - E. The repair and resurfacing of construction-damaged streets; and
 - F. Compliance with all public safety requirements that are applicable to cable television and telecommunications service providers using public property or Public Ways.
- (11) Acts or omissions constituting breaches or defaults of the agreement, and the applicable penalties, liquidated damages and other remedies, including fines or the suspension, revocation or termination of the agreement;
 - (11) Requirements relating to the sale, assignment or transfer of the Open Video System;
 - (12) Requirements relating to the Open Video System Operator's compliance with and implementation of state and federal laws, rules, and regulations pertaining to the operation of the Open Video System; and
 - (13) Additional requirements, conditions, terms policies and procedures as may be mutually agreed upon by the Town and the Open Video System Operator and that will, in the judgment of the Town, best serve the public interest and protect the public health, welfare and safety.

9.6. Extension of Facilities

Any open video system agreement approved by the Town shall contain a provision whereby the Open Video System Operator agrees upon request to extend Cable Service to all areas of the Town. If the Open Video System Operator determines that provision of Cable Service is not economically feasible, any person requesting service may appeal the decision to the governing body of the Town.

Public Notice

Town of Gray

Notice is hereby given that the Gray Town Council will hold a First Reading on March 1, 2022 at 7:00 PM to consider amendments to the Cable TV Ordinance (Chapter 221).

The meeting will be conducted virtually via Zoom video conferencing, and the meeting link and agenda will be posted to www.graymaine.org. Proposed changes to Chapter 221 include: adding a declaration of findings; adding a statement of intent and purpose; clarifying definitions; adding provisions to strengthen enforceability and ensure compliance with applicable communications law such as the Open Records Law and the Cable Act; setting system performance standards; amending insurance and indemnification; clarifying and amending the Town's cable franchise administration; adding consumer protection requirements; and amending the ordinance name to Cable Ordinance.

For more information, please contact the Town Manager at 207-657-3339.

MEMO

February 16, 2022

FROM: Community Development Staff

TO: Town Council,
Town Manager Nate Rudy

RE: First Reading of proposed ordinance changes affecting multifamily development

In this first reading, we are asking the council to consider two changes to the zoning and subdivision ordinances that will align the requirements more closely with the vision of the 2020 Comprehensive Plan.

While wholesale revision to these ordinances is underway towards this goal, making these changes at this time will assist the Planning Board with a pending application for an affordable senior housing development, providing the board with clarity on their ability to proceed with approvals.

- The first amendment is to the Zoning Ordinance, 402.10.14, to increase the maximum number of attached dwelling units per structure from 6 to 30 for multi-family developments in the Village Center and Village Center Proper zoning districts.
- The second proposed amendment is to the Subdivision Ordinance, 401.13.18, to exempt multi-family developments located in the Village Center and Village Center Proper zoning districts from the Net Residential Area (NRA) and Net Residential Density (NRD) standards.

The council is asked to consider scheduling a second reading on March 15, 2022 and to send the amendments to the Planning Board at its meeting of March 10, 2022 for a public hearing on these proposed changes. If approved, the ordinance changes would be in effect for the April 14, 2022 Planning Board meeting.

The text of both proposed amendments is below, in strike-through/underline format:

Proposed Zoning Ordinance Changes to 402.10.14: Standards for Multi-Family Housing

E. Number of Units per Building and Minimum Separation

1. In the Village Center and Village Center Proper zoning districts, the maximum number of attached dwelling units per structure shall be thirty (30) for multi-family developments.

2. In all other zoning districts, the maximum number of attached dwelling units per structure shall be six (6) and the average number of attached dwelling units shall be four (4) for multi-family developments.

3. For all multi-family developments, the distance between the foundations of any two principal structures shall be no less than the height of the taller of the two buildings, but in no event shall a building separation of less than thirty (30) feet be permitted.

Proposed Subdivision Ordinance Changes to 401.13.18: Net Residential Area and Density

A. Applicability:

1. All Subdivisions shall be required to conform to the Net Residential Area (NRA) and Net Residential Density (NRD) standards listed in this section 401.13.18 of the Subdivision Ordinance, except as exempted below in this section 401.13.18.A.2.

2. Multi-family developments located in the Village Center and Village Center Proper zoning districts are not subject to the Net Residential Area (NRA) and Net Residential Density (NRD) standards listed in this section 401.13.18 of the Subdivision Ordinance.

3. The NRA and NRD standards utilize the drainage classification of the soils and other NRD standards to calculate the maximum density. In order to accurately apply the soil drainage classification standards to calculate the NRA/NRD, applicants for a subdivision shall complete and submit the Soil Survey Requirements in 401.13.18.C in this section as part of the formal submittal.

within the entry from the street, or within designated parking areas. The drive-through must not interfere with any sidewalk or bicycle path. Only one drive-through is permitted per building, although banks can have multiple lanes.

402.10.14 Standards for Multi-Family Housing

In addition to the prior provisions of Section 10 for Site Plan Review, multi-family housing in all Districts shall meet the following standards:

A. Perimeter Buffer Strip

A buffer strip of at least fifty (50) feet in width shall be required around the perimeter of the land area for which the multi-family project is proposed. The required buffer strip shall consist of undisturbed vegetation provided that the existing vegetation consists of mature trees and acts as an effective screen. If existing vegetation provides a poor visual screen, a mix of new landscaping including trees, shrubs and grasses shall be planted.

B. Driveways and Parking

The scale and surface area of parking areas, driveways and paved areas shall be compatible with adjacent structures, must be properly screened and must provide for parking in accordance with the requirements of Section 402.10.11. B.

C. Internal Road Access to all Units

Access to all housing units within the multi-family development shall be located on the new interior road system constructed as part of the development.

D. Orientation and Scale of Buildings

Buildings shall be oriented with respect to scenic vistas, natural landscape features, topography and natural drainage areas, in accordance with an overall plan for site development. Buildings shall be compatible in terms of physical size, visual impact, intensity of use, proximity to other structures and density of development with other permitted uses within the District. In addition:

1. Individual lots, buildings, streets and parking areas shall be designed and situated:
 - a. To minimize alterations of the natural site;
 - b. To avoid the adverse effects of shadows, noise and traffic on the residents of the site;
 - c. To relate to surrounding properties, to improve the view from and of a building;
 - d. So that all dwelling units may take advantage of points of solar access.
2. Diversity and originality in lot layout and individual building, street, parking and lot layout shall be encouraged.

E. Number of Units per Building

The maximum number of attached dwelling units per structure shall be six (6) and the average number of attached dwelling units per structure shall be four (4). The distance between the foundations of any two principal structures shall be no less than the height of the taller of the two buildings, but in no event shall a building separation of less than thirty (30) feet be permitted.

F. Utilities

All dwelling units in the development shall be connected to a common water supply and distribution system (either public or private) in accordance with any policies of the Gray Water District, unless the developer shall clearly demonstrate to the Planning Board that such a system is not feasible and, in addition:

1. That the costs of providing a common water supply and distribution system are prohibitive;
2. That adequate ground water is available at all locations proposed for individual water systems;
3. That the ground water source(s) proposed for individual water systems is safe from both on-site contamination; and
4. That the source proposed is adequate for installation of life-safety sprinkler systems for the entire development.

402.10.15 Planning Board Waivers of Site Plan Review Performance Standards

- A. Unless otherwise specifically indicated, the Planning Board may grant waivers from the performance standards contained in this Article 10, Sections 402.10.11 through 402.10.14. In granting any waivers, the Planning Board shall make findings that:
1. The need for a waiver is based on unique circumstances relating to the specific site and development application and that these conditions would not be expected to be encountered elsewhere;
 2. The application of the standards is not requisite to public health, safety, and general welfare;
 3. The waiver would not qualify for relief granted by the Board of Appeals under Article 9.
 4. The granting of the waiver in other situations would not have the effect of amending the ordinance requirements; and,
 5. Appropriate conditions are applied.

402.10.16 Negotiated Exactions

- A. Purpose: Negotiated Exactions are intended to serve the following purposes:
1. Ensure that publicly owned facilities and infrastructure are not adversely affected by new residential and/or commercial development
 2. Provide the administrative steps to establish a process to quantify the cumulative effects of a development proposal
 3. Establish mechanisms to minimize and ideally eliminate the necessity to expend public funds to address implications of private development on public infrastructure
 4. Ensure that new private development provided the same level of service available to existing development
 5. Establish a fair process to ensure that adequate public facilities are available to serve new growth and development
 6. Provide new growth and development that bears a proportional share of the cost new public facilities needed to serve them
 7. Accommodate orderly growth and development in a safe and fair manner

401.13.18 – NET RESIDENTIAL AREA AND DENSITY

A. Applicability:

1. All Subdivisions shall be required to conform to the Net Residential Area (NRA) and Net Residential Density (NRD) standards listed in this section 401.13.18 of the Subdivision Ordinance.
2. The NRA and NRD standards utilize the drainage classification of the soils and other NRD standards to calculate the maximum density. In order to accurately apply the soil drainage classification standards to calculate the NRA/NRD, applicants for a subdivision shall complete and submit the Soil Survey Requirements in 401.13.18.C in this section as part of the formal submittal.

B. Definitions: For the purposes of calculating NRA/NRD for subdivisions, the following definitions shall be applicable:

1. Developed Areas shall consist of one or more of the following:
 - a. Areas within right-of-ways where road(s) are intended to be constructed or may be constructed in a future phase(s) of the development.
 - b. Areas utilized for the construction of stormwater control and treatment measures including level lip spreaders, detention ponds, and areas adjacent to stormwater measures designed to receive stormwater in sheetflow.
 - c. All portions of lots intended to be individually owned in a Residential Open Space subdivision.
 - d. Portions of building envelopes for lots in a traditional subdivision as established on the face of final signed recorded plan and supporting documentation.
 - e. Portions of a subdivision, including a Residential Open Space Subdivision, that are intended to be utilized for the construction of recreational facilities involving drainage improvements, leveling, filling, etc. such as for creating ballfields.
 - f. Portions of a Residential Open Space Subdivision intended to be utilized for the minimum contiguous usable open space with immediate access to the roadway as required in Table 401.13.13.B.1 of this Subdivision Ordinance.
 - g. Portions of a Subdivision intended to be utilized for a common or shared subsurface wastewater disposal field.
2. Forested Wetland: Land areas that are freshwater wetlands dominated by woody vegetation that is six (6) meters or more or taller
3. Freshwater Wetland: Land below the upland edge of freshwater wetlands consisting of swamps, marshes, bogs, and similar areas, other than forested wetlands, which are inundated or saturated by surface ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils
4. Less Developed Areas shall consist of one or more of the following:
 - a. Areas within Residential Open Space Subdivisions intended to remain undeveloped.

- b. Commonly owned land utilized for non-intensive recreational purposes such as developing trails, etc. as memorialized on the face of the final signed recorded plan.
 - c. Areas of a traditional subdivision to remain undeveloped and memorialized as such by one or more of the following means as determined by the Planning Board based on recommendations by Town Staff:
 - (i) on the face of the final signed recorded subdivision plan.
 - (ii) within the Homeowners/Lot owners association.
 - (iii) in the deeds for the appropriate lot(s).
 - (iv) demarcated on the land on the appropriate lot(s) with permanent markers and/or pins.
 - d. Portions of lots in a traditional subdivision that are part of an individually owned lot that are not part of the established building envelope as shown on the face of final signed recorded subdivision plan and clearly referenced within the respective deed(s).
5. Net Residential Area (NRA): The net area of a parcel or site that is generally suitable for development in its natural state. The residential area shall be determined by subtracting unsuitable and marginal areas from the gross land area as calculated in this Section 401.13.18 of the Subdivision Ordinance.
 6. Net Residential Density (NRD): Net residential density shall mean the number of dwelling units allowed on a parcel or site after the unsuitable land is deducted and the minimum area per lot (or dwelling unit in the case of multi-family) for the District is applied to the remaining land area.

C. Soil Survey Requirements:

1. The use of soil terms, drainage classification, terminology, and soil survey classification shall be consistent with those accepted by the Maine Association of Professional Soil Scientists.
2. Applicants for any subdivision are required to provide information regarding on-site soils from a Certified Soil Scientist (CSS) that document the on-site findings for the criteria established in this Section 401.13.18.C. Soils information for the purposes of determining Net Residential Density shall not be deemed acceptable if submitted by a Licensed Site Evaluator (LSE).
3. Soils information for the subdivision must be determined by one of the following methods:
 - a. High-intensity (Class A) soil survey delineating soil types with a minimum map unit size of one-eighth (1/8th) of an acre may be required by the Planning Board as established in Section 401.7.4.A of this Subdivision Ordinance.
 - b. When a high-intensity soil survey is not required, Developed Areas of a Subdivision shall be required to submit a field verified soil survey that maps the following information at the respective inclusion size:
 - (i) Three (3) acre maximum inclusion size for soils of the following drainage classifications: Excessively Drained, Somewhat Excessively Drained, Well Drained and Moderately Well Drained.
 - (ii) One-half (1/2) acre maximum inclusion size for soils of the following drainage classifications: Somewhat Poorly Drained, Poorly Drained, and Very Poorly Drained.

- c. When a high-intensity soil survey is not required, Less Developed Areas of a Subdivision shall be required to submit a field verified soil survey illustrating the following:
 - (i) Requisite portions of the Natural Resources Conservation Service (NRCS) published soil survey with field verification of soil type boundaries for the following drainage classifications: Excessively Drained, Somewhat Excessively Drained, Well Drained, and Moderately Well Drained. The submitted soils documentation from the CSS must be adjusted to reflect the information obtained from field verification.
 - (ii) Two (2) acre maximum inclusion size for Poorly Drained and Very Poorly Drained soils which may be combined.
 - (iii) Two (2) acre maximum inclusion size for Somewhat Poorly Drained soils.

D. Calculation of Net Residential Area and Density:

1. For land areas that are in more than one category, the more restrictive deduction shall be applicable unless specifically established in this section 401.13.18.
2. 100% of the following land areas within the subdivision shall be deducted for the purposes of calculating Net Residential Area:
 - a. Slopes 25% or steeper;
 - b. Land which is not able to be practically accessible, usable, or unavailable due to its location and/or existing site condition(s) such as being cut off from the main parcel;
 - c. All land areas within the 100-year floodplain FEMA FIRM Maps regardless of any other classification;
 - d. Land below the normal high water mark of any waterbody;
 - e. Land below the upland edge of freshwater wetlands except Forested Wetlands that are to remain undeveloped and not located in a 100-year floodplain (see 401.13.18.D.3.c);
 - f. All lands that have been determined to be a liquidation harvesting per standards established in Title 30-A, M.R.S., Section 4404, subsection 20;
 - g. Unusable areas larger than 1,500 sq. ft. such as significant rock outcroppings, etc.;
 - h. Portions of gravel pit(s) that will not be reclaimed when the project is complete; additional sureties may be required in such instances;
 - i. Poorly drained soils unless located in a Forested Wetland that are to remain undeveloped and not located in a 100-year floodplain (see 401.13.18.D.3.c);
 - j. Very poorly drained soils.
3. 50% of the following land areas within the subdivision shall be deducted for the purposes of calculating Net Residential Area:
 - a. Somewhat poorly drained soils;
 - b. Land designated as Resource Protection that remain undeveloped;
 - c. Forested Wetlands that remain undeveloped not located in a 100-year floodplain;

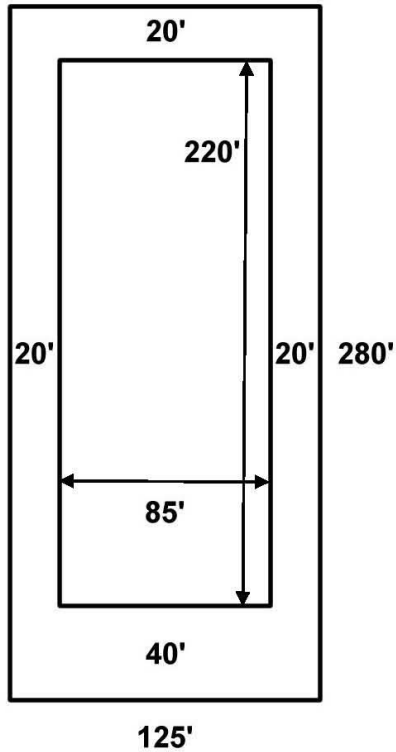
- d. Boundaries of the areas on the parcel, to remain undeveloped, containing the following with field verification as necessary:
 - (i) significant wildlife habitat as mapped by the Maine Department of Inland Fisheries and Wildlife (IF&W);
 - (ii) significant wildlife habitat as determined by the applicant in consultation with the Maine IF&W;
 - (iii) endangered botanical resources as mapped by the Maine Natural Areas Program;
 - (iv) endangered botanical resources as determined by the applicant consultation with the Maine Department of Conservation.
4. For land areas listed in Section 401.13.18.D.3 to remain undeveloped, the Planning Board shall determine the method(s) utilized to memorialize such areas including but not limited to one or more of the following:
 - a. on the face of the final signed recorded subdivision plan;
 - b. within the Homeowners/Lot owners association;
 - c. in the deeds for the appropriate lot(s);
 - d. demarcated on the land on the appropriate lot(s) with permanent markers and/or pins.
5. Roads & ROW's deduction: After the total of both 401.13.18.D.2 and 3 are deducted from the total parcel, the remaining area shall be deducted by ten (10) percent or the actual area of the parcel utilized for roads, parking, and proposed or future vehicular rights-of-way, whichever is greater.
6. Net Residential Density: The net residential density shall be calculated by dividing the land area determined as the net residential area in this section 401.13.18 by the minimum lot area (or dwelling unit for multi-family) for respective Zoning District as established in Table 402.5.4A of the Town of Gray Zoning Ordinance to determine the maximum number of lots or dwelling units permitted.

**Table 401.13.13.B.1
Residential Open Space Subdivision Dimensional Standards Table**

Line #		RRA	LD	MD	WH-2
1	Zoning District Standard: frontage/Min. lot size/min.area per DU	200' front 80K/40K	200' front 80K/80K	150' front 40K/40K- 20K	200' front 175K/175K
2	Min. Orig. parcel size eligible for ROS SD	10 acre	10 acre	10 acre	20 acre
3	Max. density: # indiv. Lots/Orig. parcel size (SF)	1/80K	1/80K	1/40K	1/175K
4	Minimum total OS to Orig. parcel (percentage)	35	40	30	40
5	Minimum useable OS to Orig. parcel (percentage)	20	25	15	25
6	Minimum contiguous usable OS area (SF)-ready access, adj. to road	60K	80K	50K	80K
7	Minimum Individually Owned lot size (SF)	35K	40K	30K	50K
8	Min. buildable land area each Individually Owned lot (SF)	30K	35K	25K	40K
9	Max. Impervious cover/lot coverage (buildings) for indiv. lot	25%/15%	20%/15%	25%/15%	20%/15%
10	Min. Indiv. Owned street frontage/width (feet)	125	125	100	150
11	Min. Indiv. Owned lot front setback (feet)	40	50	35	50
12	Min. Indiv. Owned lot rear setback (feet)	20	20	15	20
13	Min. Indiv. Owned lot side setback (feet)	20	20	15	20
14	Building envelope @ min. frontage/setbacks (feet); width x depth	85 x 220	85 x 250	70 x 250	110 x 260
<u>Min. setback buffers to perimeter of SD Standards:</u>					
15	To Town or State Road (feet)	75	100	75	100
16	To all other roads (feet)	60	75	60	75
17	Abutting Side property line (feet)	30	40	30	40
18	Abutting Rear property line (feet)	30	40	30	40

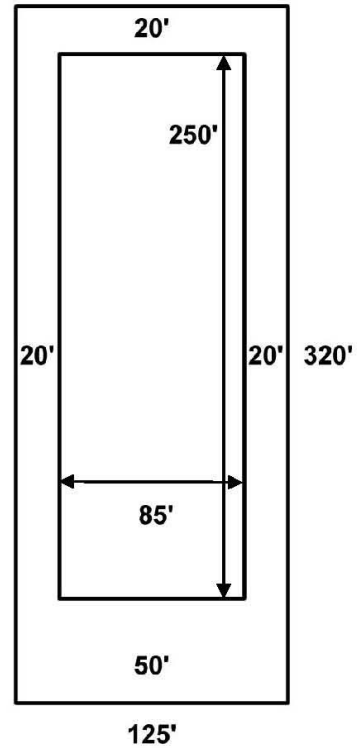
Rural Residential & Agriculture (RRA)

125' x 180'
85' x 220'



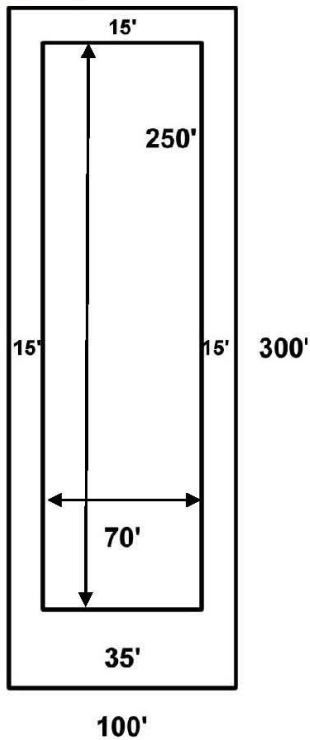
Lake District (LD)

125' x 320'
85' x 250'



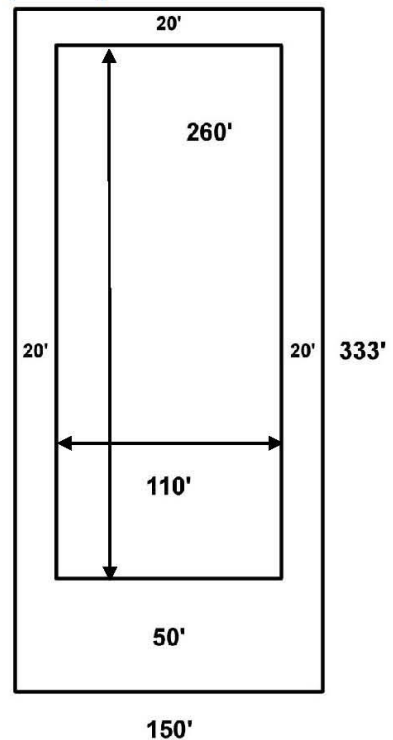
Medium Density (MD)

100' x 300'
70' x 250'



Well Head 2 (WH-2)

150' x 333'
110' x 260'





TOWN OF GRAY

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www.graymaine.org

OFFICE OF THE TOWN MANAGER

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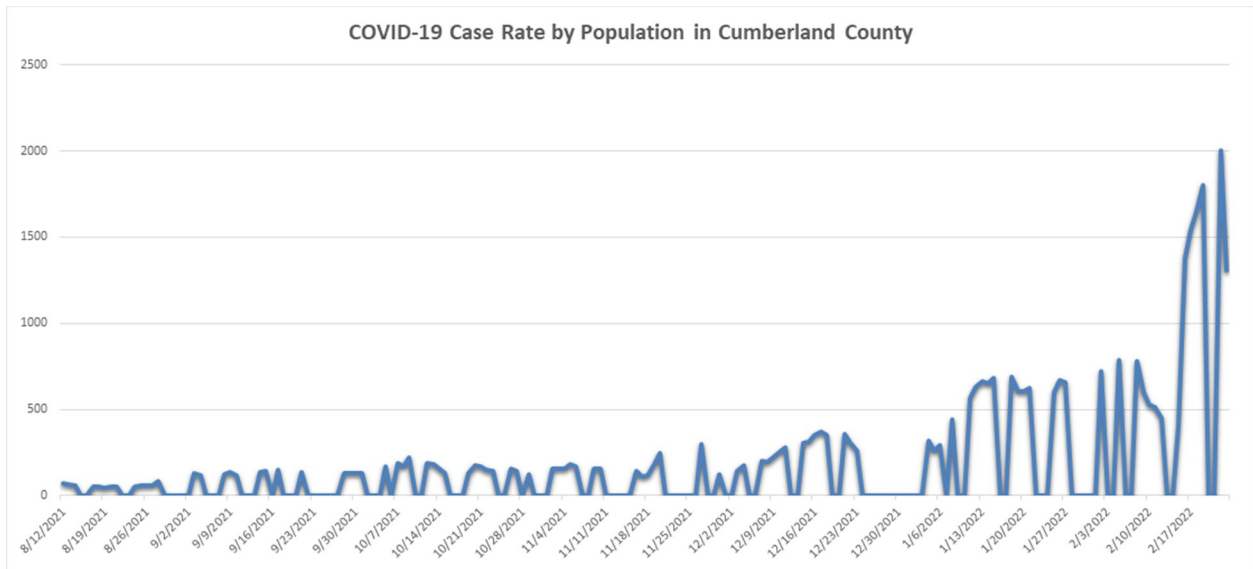
February 24, 2022

TO: Gray Town Council
FROM: Nate Rudy, Town Manager and Jon Hartt, Human Resources Administrator
RE: COVID best practices

At a webinar on January 26, 2022, the municipal law attorneys from Bernstein Shur advised that COVID best practices during the Omicron variant response may prevent sources of potential liability to the Town including those pertaining to the OSHA general duty clause, workers' compensation claims from employees, and / or personal injury claims from visitors to Town properties. These best practices included:

- Develop and regularly review policies consistent with CDC guidance;
 - Making in indoor areas where close contact can occur;
 - Regular sanitation protocols, and consider ventilation;
- If in-person, conduct some form of entry screening;
- Consider some form of paid leave for COVID-19 positive employees;
- Know / document which employees are vaccinated; consider requiring or encouraging boosters; and
- Continue contact tracing.

Although there is a general perception that the acute risk from Omicron is subsiding and it is safe to return to an in-person, mask-free work environment, Maine CDC reports continued high case numbers. On February 15, 2022, the case rate was down to 405.71 for Cumberland County (down from a peak of 778 case rate as of February 8, 2022).



On February 16, the case rate was reported to be 1,376.54. To quote the Portland Press Herald that day:

NOTE: The reason the CDC is reporting large batches of cases this week is because it recently switched to a partly automated system of case investigation. Previously, CDC staff were unable to keep up with the massive swell of new tests during the omicron wave, which led to a backlog that reached more than 55,000. Shah said the backlog has been reduced to about 30,000, but he added that even when it's cleared, he doesn't see daily case counts as a reliable metric, simply because of the increased number of home tests being used. - [Portland Press Herald, Feb 17, 2022](#)

I recommend that Council consider a continued abundance of caution to reduce liability risk and threats to business continuity. If a return to in-person meetings and an easing of the mask requirement is under consideration, I recommend that Council consider a measured and step-wise approach.

CHAPTER 225
ORDINANCE REGARDING FACE COVERINGS ON TOWN PROPERTY

Adopted October 5, 2021
Reenacted November 26, 2021 (extended to December 22, 2021)
Reenacted December 21, 2021 (extended to February 2, 2022)
Reenacted February 1, 2022 (extended to March 5, 2022)

SECTION 225.1 – EMERGENCY PREAMBLE

WHEREAS, there is currently an outbreak of novel coronavirus disease 2019 (“COVID-19”), a respiratory illness, which continues to proliferate throughout the United States and the State of Maine; and

WHEREAS, on March 15, 2020, Governor Janet Mills declared a state of civil emergency, due to the effect of the COVID-19 pandemic on the State of Maine, its people, and its economy, which remained in effect through June 30, 2021; and

WHEREAS, although the state of civil emergency is not currently in effect, the United States Centers for Disease Control (“CDC”) recommends that all individuals wear face coverings in indoor public settings in areas where there is “high” or “substantial” transmission of the COVID-19 virus, regardless of vaccination status; and

WHEREAS, as of the date of adoption of this Emergency Ordinance, the entire state of Maine is considered an area of “high” transmission of the COVID-19 virus; and

WHEREAS, in the judgment of the Gray Town Council, the foregoing facts create a public emergency within the meaning of Section 14(D) of the Town of Gray Charter, thereby making this Ordinance immediately necessary for the preservation of life, health, property and public safety;

NOW THEREFORE, pursuant to Section 14(D) of the Town of Gray Charter, the Gray Town Council hereby ordains that the Town of Gray Ordinance Regarding Face Coverings In Public Facilities be adopted to read as follows:

SECTION 225.2 – TITLE AND AUTHORITY

This Ordinance shall be known and be cited as the “Town of Gray Ordinance Regarding Face Coverings On Town Property” and is adopted pursuant to the Town’s home rule authority, as provided in 30-A M.R.S. § 3001; the Constitution of Maine, Article VIII, Part Second; and 7 M.R.S. § 284, all as may be amended from time to time.

SECTION 225.3 – PURPOSE

The purpose of this Ordinance is to protect the health and well-being of all persons who visit properties owned and operated by the Town of Gray for the conduct of Town government or for any other public events, programs or activities held on Town property.

SECTION 225.4 – FACE COVERINGS REQUIRED

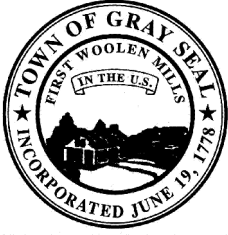
- A. All persons, regardless of vaccination status, shall be required to wear a face covering designed to protect against the spread of the COVID-19 virus as approved by the United States CDC when visiting any Town property.
- B. For purposes of this Ordinance, Town property shall include all buildings and/or properties owned by the Town of Gray.
- C. Face coverings must be properly worn at all times, covering the nose and mouth, whenever a person is indoors of a Town building and / or in locations where safe distancing of at least six feet from other people is not possible.

SECTION 225.5 – SEVERABILITY CLAUSE

Should any provision of this ordinance be declared invalid for any reason, such declaration shall not affect the validity of other provisions or of this Ordinance as a whole, it being the legislative intent that the provisions of this Ordinance shall be severable and remain valid notwithstanding such declaration.

SECTION 225.6 – EFFECTIVE DATE; EXPIRATION

- A. In view of the emergency cited in the Emergency Preamble, this Ordinance shall be effective immediately upon adoption by the Gray Town Council on October 5, 2021.
- B. Pursuant to Section 14(D) of the Gray Town Charter, this Ordinance shall expire on December 4, 2021, unless otherwise reenacted prior to that date.



TOWN OF GRAY

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OFFICE OF THE TOWN MANAGER

Nate Rudy, Town Manager
nrudy@graymaine.org
(207) 657-3339

February 24, 2022

TO: Gray Town Council

RE: Proposed Interlocal Agreement with Cumberland to provide emergency Clerk and Code Enforcement Office services

The proposed Interlocal Agreement with Cumberland to provide emergency Clerk and Code Enforcement Office (CEO) services is precipitated by substantial interruptions to municipal services caused by COVID and anticipates the possibility that an entire Clerk's office or CEO office could close. The agreement would allow Gray citizens to access essential functions of the Clerk's office and CEO office in a timely manner, and pursuant to state statutory requirements, until normal services can be restored.

Although this is an employment policy / service delivery matter that generally falls under the purview of the manager, I am asking for Council's assent to the policy as it may allocate Town resources and staff time.

I recommend that Council approve the agreement.

AGREEMENT FOR SERVICES

This Agreement, effective this ____ day of _____, 2022, is made by and between the Town of Cumberland, a municipality of the State of Maine wholly located within the boundaries of Cumberland County, Maine (hereinafter referred to as “CUMBERLAND”), and the Town of Gray, a municipality of the State of Maine wholly located within the boundaries of Cumberland County, Maine (hereinafter referred to as “GRAY”), to provide services customarily related to the responsibilities of the Town Clerk and Code Enforcement offices within the town limits of CUMBERLAND and GRAY, Cumberland County, Maine, respectively.

W I T N E S S E T H

WHEREAS, the municipal officers (i.e., the Town Councils) of CUMBERLAND and GRAY are permitted by 30-A M.R.S. § 2601-A to appoint a code enforcement officer trained and certified in accordance with Maine law to enforce state laws and local ordinances related to zoning, shoreland zoning, comprehensive planning, internal plumbing, subsurface wastewater disposal, building standards, electrical standards, and other duties as the municipalities may require, respectively; and

WHEREAS, the authority to appoint a code enforcement officer has been delegated to the Town Managers of CUMBERLAND and GRAY pursuant to Article III, Section 2(C) of the Gray Town Charter and Article III, Section 3(b) of the Cumberland Town Charter; and

WHEREAS, the municipal officers of CUMBERLAND and GRAY are permitted by 30-A M.R.S. § 2601 to appoint a town clerk to carry out the duties related to voter registration and the conduct of elections pursuant to Title 21 of the Maine Revised Statutes, and to carry out the duties related to motor vehicle registration pursuant to Title 29-A, Chapter 5 of the Maine Revised Statutes, including passenger vehicles, motorcycles, motor homes, trailers, boats, snowmobiles and all-terrain vehicles, and the collection of excise taxes pursuant to Title 36, Chapter 111 of the Maine Revised Statutes; and

WHEREAS, the authority to appoint a town clerk has been delegated to the Town Managers of CUMBERLAND and GRAY pursuant to Article III, Section 2(K) of the Gray Town Charter and Article III, Section 3(b) of the Cumberland Town Charter; and

WHEREAS, due to the ongoing COVID-19 pandemic, the effects of said pandemic on staffing, and the need for services of the code enforcement and town clerk offices to be conducted in person, CUMBERLAND and GRAY desire to share the services of their current personnel in the code enforcement and town clerk offices respectively; and

NOW, THEREFORE, in consideration of the sums hereinafter set forth and for other good and valuable considerations, the receipt and legal sufficiency of which are hereby acknowledged, **IT IS HEREBY AGREED AS FOLLOWS:**

ARTICLE 1 – TERM

1. This Agreement shall commence upon execution by both the Town Manager of Gray and the Town Manager of Cumberland following approval of the Cumberland Town Council and the Gray Town Council, respectively, and shall remain in full force and effect until December 31, 2022, unless sooner terminated by either party pursuant to Article 5 of this Agreement.
2. In the absence of a notice of termination in accordance with Article 5, this Agreement shall automatically renew annually subject to the annual appropriation of the funds required to fulfill the obligations hereunder and the authorization of the respective Town Councils.

ARTICLE 2 – EMPLOYMENT & SERVICES

1. Cumberland as Employer. CUMBERLAND currently employs a fulltime certified Town Clerk (the “Cumberland Clerk”) and a fulltime certified Code Enforcement Officer (the “Cumberland CEO”). The Cumberland Clerk and the Cumberland CEO shall remain exclusively employed by CUMBERLAND during the term of this Agreement for all purposes including, without limitation, pay, benefits, workers’ compensation and liability coverage. CUMBERLAND shall be solely responsible to determine the wages and benefits provided to the Cumberland Clerk and the Cumberland CEO and shall have the sole authority to adopt and enforce personnel regulations and policies. CUMBERLAND shall have and maintain the responsibility for and control of the delivery of services, the standards of performance, the discipline of personnel, and other matters incident to the performance of services, duties, and responsibilities as described and contemplated herein with respect to the Cumberland Clerk and Cumberland CEO.
2. Gray as Employer. GRAY currently employs a fulltime employee serving in the capacity of Acting Town Clerk (the “Gray Clerk”) and a fulltime certified Code Enforcement Officer (the “Gray CEO”). The Gray Clerk and the Gray CEO shall remain exclusively employed by GRAY during the term of this Agreement for all purposes including, without limitation, pay, benefits, workers’ compensation and liability coverage. GRAY shall be solely responsible to determine the wages and benefits provided to the Gray Clerk and the Gray CEO and shall have the sole authority to adopt and enforce personnel regulations and policies. GRYA shall have and maintain the responsibility for and control of the delivery of services, the standards of performance, the discipline of personnel, and other matters incident to the performance of services, duties, and responsibilities as described and contemplated herein with respect to the Gray Clerk and Gray CEO.
3. Joint Employment. CUMBERLAND and GRAY are separate municipal corporations existing under Maine law and have no relationship with or responsibilities to one another outside of the terms of this Agreement. CUMBERLAND shall serve independently as the sole employer of the Cumberland CEO and Cumberland Clerk and GRAY shall have no

authority to directly or indirectly hire, fire, supervise, control the work schedule or conditions of employment, determine the rate or method of payment, or maintain employment records of the Cumberland CEO or Cumberland Clerk. GRAY shall serve independently as the sole employer of the Gray CEO and Gray Clerk and CUMBERLAND shall have no authority to directly or indirectly hire, fire, supervise, control the work schedule or conditions of employment, determine the rate or method of payment, or maintain the employment records of the Gray CEO or Gray Clerk. Neither GRAY nor CUMBERLAND shall be considered joint employers under any state or federal law, including, but not limited to, the federal Fair Labor Standards Act or the Maine Human Rights Act, as it relates to the services provided under this Agreement.

4. Appointment. Each municipality, through its Town Council, shall independently appoint the Town Clerk and CEO of the other municipality, as may be required by applicable provisions of municipal charter and Maine law, to serve as a deputy in their respective town, which appointment shall be made subject to the terms of this Agreement.
5. Representation. The parties hereto agree that the Cumberland Clerk and the Cumberland CEO shall be employees of CUMBERLAND for all payroll purposes, but may separately act as agents of each town in the discharge of his/her services, duties, and responsibilities as Town Clerk or Code Enforcement Officer within the scope of this Agreement. The parties hereto agree that the Gray Clerk and the Gray CEO shall be employees of GRAY for all payroll purposes, but may separately act as a sworn officer and agent of each town in the discharge of his/her services, duties, and responsibilities as Town Clerk or Code Enforcement Officer within the scope of this Agreement. An appeal taken under the ordinance of any town on an action or decision of the CEO acting as CEO in that town shall not be a cause of action or basis of appeal in the other town.
6. Scope of Services. CUMBERLAND and GRAY agree that the Cumberland Clerk, Cumberland CEO, Gray Clerk and Gray CEO shall devote their work time, efforts, and attentions to the customary duties and responsibilities of their respective positions and the administration-related functions of such positions to both towns identified in this contract fairly, but it is recognized that the employees of CUMBERLAND may give priority to matters affecting CUMBERLAND and employees of GRAY may give priority to matters affecting GRAY.
 - a. CEO Services. The Cumberland CEO, together with his staff as may be necessary and appropriate, shall perform certain duties and responsibilities imposed by law on the Gray CEO during such times when the Gray CEO shall be unable to perform said duties and responsibilities on a temporary basis. The Gray CEO, together with his staff as may be necessary and appropriate, shall perform certain duties and responsibilities imposed by law on the Cumberland CEO during such times when the Cumberland CEO shall be unable to perform said duties and responsibilities on a temporary basis. The duties of each CEO acting under this Agreement may include, but shall not be limited to, the enforcement of state laws and local ordinances related to zoning, shoreland zoning, comprehensive planning, internal plumbing, subsurface wastewater disposal, building standards,

electrical standards, and inspections of plumbing, electrical or buildings in connection with the enforcement of such laws, ordinances and regulations.

- b. Clerk Services. The Cumberland Clerk, together with her staff as may be necessary and appropriate, shall perform certain duties and responsibilities imposed by law on the Gray Clerk during such times when the Gray Clerk shall be unable to perform said duties and responsibilities on a temporary basis. The Gray Clerk, together with her staff as may be necessary and appropriate, shall perform certain duties and responsibilities imposed by law on the Cumberland Clerk during such times when the Cumberland Clerk shall be unable to perform said duties and responsibilities on a temporary basis. The duties of each Clerk acting under this Agreement may include, but shall not be limited to, voter registration, motor vehicle registration and the collection of excise taxes pursuant to applicable Maine law.
7. Schedule. The services set forth in this Agreement shall generally be performed on an as-needed basis subject to the limitations set forth in Section 6 of this Article and the availability of the personnel providing such services. The parties may agree upon a mutually acceptable schedule for some or all of the services under this Agreement to be performed, but no such schedule is required for the performance of services hereunder.

ARTICLE 3 – COSTS

1. Reimbursement. GRAY and CUMBERLAND agree to reimburse one another a rate of \$50 per hour for each hour of service provided by the Cumberland CEO to GRAY and provided by the Gray CEO to CUMBERLAND under this Agreement, plus any applicable mileage incurred by the respective CEO in connection with performing services under this Agreement. The parties hereby agree that this rate of reimbursement is intended to be inclusive of employee wages, benefits, taxes and other direct or indirect costs paid by each town in employing its CEO. The reimbursement rate established under this section may be renegotiated by the parties upon seven (7) days written notice from one party to the other. The parties further agree that there shall be no charge for services provided by the Cumberland Clerk to GRAY or the Gray Clerk to CUMBERLAND under this Agreement.
2. Overtime. The Gray CEO and Cumberland CEO are currently salaried exempt employees of each Town and are not subject to overtime compensation as a result. To the extent any non-exempt staff of the respective CEO provide services under this Agreement which constitute overtime hours, the parties agree to track such hours separately and reimburse one another on a quarterly basis the actual cost of overtime wages in connection with services provided under this Agreement.
3. Other Obligations. Each town shall be individually responsible for providing office space, office supplies, furniture, computer equipment, software, other equipment, support staff, and legal counsel and defense costs related to appeals processes, as needed for the services performed under this Agreement. Each town shall individually provide such additional support and other necessary resources and functions as the town shall deem necessary and

prudent for the proper administration of the services provided under this Agreement in each town.

ARTICLE 4 – TERMINATION OF AGREEMENT

1. This Agreement may be terminated under the following conditions:
 - a. Either town may terminate this Agreement upon failure of the other to pay its portion of reimbursement costs within forty-five (45) days of an invoice for the same.
 - b. In the event that one of the towns provides written notice of a change to the reimbursement rate pursuant to Article 3 and the parties fail to reach agreement on a new rate, either party may terminate this Agreement by providing written notification to the other at least seven (7) days' in advance of the terminations.
 - c. If any position identified in this Agreement (i.e., Cumberland Clerk, Cumberland CEO, Gray Clerk or Gray CEO) becomes vacant for any reason during the term of this Agreement, the employing town may terminate this Agreement upon two (2) weeks' written notice of termination to the other town.
 - d. If any individual holding a position identified in this Agreement fails to perform the services required hereunder, either town may terminate this Agreement for cause upon two (2) week's written notice of termination to the other town.
 - e. If either town desires to terminate this Agreement for convenience, they must provide written notice of termination to the other town at least thirty (30) days in advance of termination.

In the event of a termination under this section, no town shall have any ongoing obligation to the other after the effective date of the termination. Each town shall remain responsible for its share of costs accrued prior to the effective date of termination.

ARTICLE 5 – INDEMNIFICATION

1. If a claim is brought against CUMBERLAND arising out of, or within the scope of, the services performed by the Gray CEO, the Gray Clerk, and/or their staff, or any other agents they lawfully engage on their behalf for CUMBERLAND, then CUMBERLAND shall defend, indemnify and hold harmless GRAY, its officials, agents and employees, including without limitation, the Gray CEO, the Gray Clerk and their staff in their public and individual capacities from and against any all such claims, damages, losses and expenses, including reasonable attorney's fees. This section shall not be interpreted to waive the monetary limits or substantive areas of immunity under the Maine Tort Claims Act.
2. If a claim is brought against GRAY arising out of, or within the scope of, the services performed by the Cumberland CEO, the Cumberland Clerk, and/or their staff, or any

other agents they lawfully engage on their behalf for GRAY, then GRAY shall defend, indemnify and hold harmless CUMBERLAND, its officials, agents and employees, including without limitation, the Cumberland CEO, the Cumberland Clerk and their staff in their public and individual capacities from and against any all such claims, damages, losses and expenses, including reasonable attorney's fees. This section shall not be interpreted to waive the monetary limits or substantive areas of immunity under the Maine Tort Claims Act.

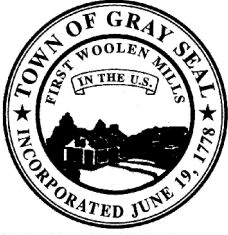
ARTICLE 6 – ENTIRE AGREEMENT

This Agreement constitutes the entire agreement between the towns. If any clause, section, or provision is held to be invalid or unenforceable, that shall not affect the entire agreement and the towns agree to meet and negotiate a new clause, section, provision or agreement.

IN WITNESS WHEREOF, the Towns of CUMBERLAND and GRAY, by orders duly adopted by their respective Town Councils have caused this Agreement to be signed by the Town Managers, all on the day and year first above written.

By _____
William R. Shane, Town Manager
Town of Cumberland

By _____
Nathaniel Rudy, Town Manager
Town of Gray



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OFFICE OF THE TOWN MANAGER

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February 24, 2022

Town Manager Report to Town Council (2/10/2022 – 2/23/2022):

- 2/10: TM met with Council Chair and Planning Director to review planning priorities
- 2/11: TM attended Volunteer Maine committee meeting via Zoom
- 2/14: TM participated as an advisor for the Cumberland County EMA HSGP FY22 Grant Advisory Council Meeting via Zoom
- 2/14: TM participated in the Maine Council on Aging Board of Directors meeting via Zoom
- 2:16-17: TM participated in the FEMA Continuity Planning class offered by CCEMA
- 2/18: TM attended Volunteer Maine board meeting via Zoom
- 2/21: Town Staff observed the Presidents' Day holiday

Other activities:

- Town Manager performing outreach to service providers related to Village planning
- Town Manager drafted and submitted a letter to legislative representatives regarding the commercial solar tax exemption
- Town Manager worked with the Town attorney and Cumberland County TM on proposed interlocal agreement to provide emergency Clerk and CEO services
- Town Manager and HR Administrator created / updated job descriptions and clarified the reporting structure for several positions in the Development Office. These are included as attachments to this report.

**TOWN OF GRAY
POSITION DESCRIPTION**

DRAFT

**POSITION TITLE: DIRECTOR OF PLANNING
DATE CREATED: 02/2022**

Classification: Regular Full-Time, Hourly

Narrative: Operating under broad guidelines from the Town Manager and working closely with all departments of municipal government in accordance with applicable policies and procedures, the incumbent is responsible for the development and implementation of an economic development strategy for the Town, with the goals of generating new job opportunities, increasing business activity to create, and expand the property tax base.

The Director of Planning will provide strategic leadership to plan and promote Gray's unique strengths and expanding investment in the Municipality as it transitions from a rural to a suburban business climate. Business attraction/retention/expansion, tourism, community engagement, strategy, and development facilitation are all facets of this position. As a key advisor to the Town Council and working closely with all departments, the advice given and the policies, plans and programs recommended will benefit Gray by being strategic, innovative, rejuvenating and fiscally sound. Supported by a variety of stakeholders, this position will guide new opportunities that benefit Gray, fostering a culture of trust, collaboration, and transparency.

Supervision: Supervision is provided to this position by the Town Manager. This position provides supervision to the Community Planner and the Administrative Assistant to Planning.

POSITION RESPONSIBILITIES/TASKS

Illustrative Only, not all-inclusive:

- Plans, drafts, and implements development strategies approved by the Town Manager and the Town Council
- Provides professional economic development advice
- Assists in the application and permitting process and serves as an advocate for economic development with consideration to the Gray Comprehensive Plan, Municipal ordinances and goals established by the Town
- Cultivates and maintains relationships with key public and private partners, government officials and state agencies that may provide economic development assistance
- Identifies financing resources from both the public and private sectors--funding that is critical to help communities attract new businesses, facilitate enterprise development, and assist existing business with expansion and troubleshooting
- Offers accurate, up-to-date, and detailed information to prospects interested in investing, locating, or expanding within Gray
- Provides technical or trade assistance
- Analyzes and understands the strengths and weaknesses of the local economy in order to be proactive and perform effectively
- Responsible for the preparation and maintenance of current technical and administrative reports, correspondence, and documents related to economic development operations
- Plans, drafts, and directs advertising strategies for the purpose of attracting business/industry to Gray
- Represents Gray at appropriate town, state, regional, or federal meetings dealing with economic development issues

- Attends training and industry seminars to maintain education and understanding of trends in economic development
- Performs general office, administrative, word processing and demographic research in absence of or in support of administrative support to meet critical deadlines
- All other tasks as assigned by the Town Manager

POSITION REQUIREMENTS/QUALIFICATIONS

Education & Experience

Minimum Education Required:

High School Diploma G.E.D/High School Equivalent

- Minimum four-year degree in a related program, preferably business, community development, economics, marketing, or planning with related experience.

Minimum Education Preferred:

Associate Degree Bachelor's Degree Advanced Degree

Prior Experience Required:

3-5 years of direct experience in this position or directly related to the field. Must have experience in supervisory role.

Prior Experience Preferred:

5 years of direct experience in this position, or a satisfactory equivalent in the estimation of the Town.

Knowledge, Ability, Skills

- Comprehensive knowledge of business development, factors affecting business and community vitality and community and economic development.
- Comprehensive knowledge of all aspects of Tax Increment Financing and other business incentive programs.
- Ability to write and manage grants including Community Development Block Grants.
- Excellent customer service skills with the ability to proactively establish and maintain effective working relationships.
- Ability to deal courteously with business executives, vendors, associates, employees, internal departments, federal, state, regional and local agencies community organization and the general public.
- Considerable knowledge of various ordinances, codes, processes and regulations pertaining to planning, zoning and infrastructure.
- Ability to analyze and compile data, and successfully implement and manage public financial, business development, workforce training programs and economic development projects.
- Excellent presentation and public speaking skills
- Must have a valid driver's license and have the physical ability to travel routinely and to make site visits that requires walking through undeveloped areas. This position may be exposed to construction activities which will include loud noises, dust and dirt, as well as all hazards associated with construction activities.

Physical Requirements/Other:

Shift Length	<input checked="" type="checkbox"/> <8 hrs	<input checked="" type="checkbox"/> 8-12 hrs	<input type="checkbox"/> >12 hrs	<input type="checkbox"/> 24/7 operation	<input type="checkbox"/> On call
<input checked="" type="checkbox"/> Days:	<input type="checkbox"/> Nights	<input checked="" type="checkbox"/> Evening	<input type="checkbox"/> Rotating		
DEFINITION KEY	Never: 0 hours	Rarely: <10 minutes/shift or up to 1 hour per week	Occasionally: up to 1/3 shift	Frequently: 1/3-2/3 shift	Constantly: >2/3 of shift
Lifting/Carrying (pounds)	Never	Rarely	Occasionally	Frequently	Constantly
0-10	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10-25	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25-50	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
50-100	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
>100	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Typical distance carried: <input checked="" type="checkbox"/> within area <input type="checkbox"/> <input type="checkbox"/> between areas <input type="checkbox"/> <input type="checkbox"/> throughout facility					
Postures/Tasks	Never	Rarely	Occasionally	Frequently	Constantly
Sitting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Walking	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stairs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ladders	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reach/lift above shoulders	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DEFINITION KEY	Never: 0 hours	Rarely: <10 minutes/shift or up to 1 hour per week	Occasionally: up to 1/3 shift	Frequently: 1/3-2/3 shift	Constantly: >2/3 of shift
Postures/Tasks	Never	Rarely	Occasionally	Frequently	Constantly
Reach/lift below knees	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kneel/Crawl	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Work overhead	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Grasp with hands	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Keying	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mousing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Writing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cognitive Demands/Sensory Requirements – For specific job demands, employee must be able to:					

<input checked="" type="checkbox"/> see	<input checked="" type="checkbox"/> hear	<input type="checkbox"/> distinguish color
<input type="checkbox"/> work in diminished lighting	<input checked="" type="checkbox"/> make critical decisions	<input checked="" type="checkbox"/> perform in fast-paced environment
<input checked="" type="checkbox"/> speak	<input type="checkbox"/> work at a set pace/rate	<input checked="" type="checkbox"/> remember accurately
<input checked="" type="checkbox"/> work under deadlines	<input checked="" type="checkbox"/> perform multiple tasks	<input checked="" type="checkbox"/> work independently
<input checked="" type="checkbox"/> understand verbal instructions	<input checked="" type="checkbox"/> understand written instructions	
<input type="checkbox"/> other:		

Acknowledgement

I have received a copy of this position description and having reviewed it, agree with its description and requirements and understand that it is the basis for my performance and evaluations.

Name of Employee: _____ Date: _____

Name of Supervisor: _____ Date: _____

**TOWN OF GRAY
POSITION DESCRIPTION**

DRAFT

POSITION TITLE: COMMUNITY PLANNER – COMMUNITY & ECONOMIC DEVELOPMENT
DATE CREATED/ REVISED: ~~05/06/2021~~ 02/24/2022

Classification: Full-Time, Salary Exempt

Narrative: This position performs professional, administrative, and technical work related to municipal planning and community economic development for the Town of Gray. An employee in this position addresses planning and zoning questions, drafts ordinance language and revisions, assists with municipal planning functions, provides grant stewardship, and serves as the primary Town staff liaison for the Community Economic Development Committee, Blueberry Festival Committee, Staff Review Committee, and the Planning Board. In addition to AICP/APA certification and municipal land use experience, the ideal candidate will have practical working experience with fostering community economic development opportunities as identified and prioritized by the Town Council and Town Manager. This position works closely and collaboratively with other Community Development Department staff including the Department Director, Code Enforcement Officers, and the Assessor.

Supervision: Supervision is provided to this position by the ~~Director of Community and Economic Development~~. Planning Director. This position provides direction as needed to the Planning Department administrative assistant.

This position manages and supervises a summer intern when funded by the Town.

POSITION RESPONSIBILITIES/TASKS

Illustrative Only, not all-inclusive:

- Interact with residents, businesses, and developers throughout their permit application process, offering accurate, timely, and detailed information as needed and requested.
- Collaborate with the Director of Community and Economic Development and other Town staff on planning and development projects.
- Research, draft, revise, and interpret zoning and land use ordinances.
- Primary staff support for the Planning Board including preparing applicants, agendas, background memos, draft motions, notice of decisions, etc.
- Maintain organized documentation related to permit and license applications, approvals, modifications, and renewals, as needed.
- Maintain complete Planning Board archives including electronic files and Planning folders for all Planning Board applications.
- Primary staff support for the Community Economic Development Committee.
- Primary staff support for the Blueberry Festival Committee.
- Collaborate with the Director of Community and Economic Development to review community economic development project proposals.
- Make recommendations for Town-driven project proposals that advance goals set by the Comprehensive Plan, Town Council, and the Town Manager.
- Manage grant-funded community economic development programs that advance goals set by the Comprehensive Plan, Town Council, and the Town Manager.
- Represent the Town of Gray on key regional committees, like the Cumberland County Municipal Oversight Committee, that align with the goals set by the Comprehensive Plan, Town Council, and the Town Manager.
- Develop effective and data-driven reports that convey pertinent information about land use and planning, community trends, and other projects.

- Attend professional development workshops and conferences to remain aware of and proficient with best practices in the fields of planning and economic development.
- Cultivate and maintain proactive and effective relationships with key public and private partners, Town staff, government officials and agencies, and other resources that may provide community planning and economic development assistance.
- Perform general office, administrative, word processing and demographic research in absence of or in support of administrative support to meet critical deadlines.
- Manage and supervise a summer planning intern when funded by the Town.
- Additional duties as assigned by the Town Manager or Planning Director.
- Establish and maintain escrows and performance bonds for development projects.

POSITION REQUIREMENTS/QUALIFICATIONS

Education & Experience

Minimum Education Required:

- High School Diploma G.E.D/High School Equivalent Associate Degree
 Bachelor's Degree Advanced Degree

Prior Experience Required:

3-5 years of direct experience in this position or directly related to the field. Minimum four-year degree in community planning, business administration, architecture, economics, or a comparable educational program and planning-related work experience.

Prior Experience Preferred:

5 years of direct experience in this position, including supervisory experience, and/or a satisfactory equivalent in the estimation of the Town.

Knowledge, Ability, Skills

- AICP, APA, or comparable professional certification and membership is desired for candidates and will be expected as part of the job requirements and performance goals.
- Thorough knowledge of the principles and practices of municipal land use planning and zoning including ordinances, codes, processes, and regulations.
- Must have knowledge of State subdivision and shoreland statutes and other pertinent Federal and state laws.
- Ability to assist in the permit application process and to serve as an effective advocate for the Town and the community on economic development proposals, with consideration to the Gray Comprehensive Plan, Municipal ordinances, and goals established by the Town Council and Town Manager.
- Ability to implement and manage public financial, business development, and workforce training programs, and economic development projects.
- Demonstrated capacity to research grant funding sources and provide recommendations to the Town Manager; prepare proposals, applications, contracts, and necessary documents for grant funded community services; and administer grants including financial oversight, stewardship, and required reports.
- Comprehensive knowledge of business development, factors affecting business and community vitality, and community economic development.
- Practical working knowledge of real estate transactions including purchase and sales agreements, contingencies, etc.
- Ability to analyze and compile data and synthesize effective reports.
- Must be motivated, organized, and demonstrate effective written and verbal communication.

- Familiarity with municipal software or the willingness to learn new software required for agenda preparation and public notification.
- Ability to deal courteously with staff, committee members, federal, state, regional, and local agencies, community organizations, and other collaborators and members of the public.
- Must have a valid driver's license and have the physical ability to travel routinely and to make site visits that requires walking through undeveloped areas.
- Regular night meetings are a necessary and required expectation of this position.
- Infrequent weekend meetings are a necessary and required expectation of this position.

Physical Requirements/Other:

Shift Length	<input type="checkbox"/> <8 hrs	<input checked="" type="checkbox"/> 8-12 hrs	<input type="checkbox"/> >12 hrs	<input type="checkbox"/> 24/7 operation	<input type="checkbox"/> On call
<input checked="" type="checkbox"/> Days:	<input checked="" type="checkbox"/> Nights		<input type="checkbox"/> Evening (Occasional/Rare)		<input type="checkbox"/> Rotating
DEFINITION KEY	Never: 0 hours	Rarely: <10 minutes/shift or up to 1 hour per week	Occasionally: up to 1/3 shift	Frequently: 1/3-2/3 shift	Constantly: >2/3 of shift
Lifting/Carrying (pounds)	Never	Rarely	Occasionally	Frequently	Constantly
0-10	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10-25	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25-50	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
50-100	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
>100	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Typical distance carried: within area <input checked="" type="checkbox"/> between areas <input type="checkbox"/> throughout facility					
DEFINITION KEY	Never: 0 hours	Rarely: <10 min/shift or up to 1 hr/wk	Occasionally: up to 1/3 shift	Frequently: 1/3-2/3 shift	Constantly: >2/3 of shift
Postures/Tasks	Never	Rarely	Occasionally	Frequently	Constantly
Sitting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Walking	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stairs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ladders	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reach/lift above shoulders	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reach/lift below knees	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kneel/Crawl	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Postures/Tasks	Never	Rarely	Occasionally	Frequently	Constantly
Work overhead	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Grasp with hands	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Keying	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mousing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Writing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cognitive Demands/Sensory Requirements – For specific job demands, employee must be able to:					
<input checked="" type="checkbox"/> see	<input checked="" type="checkbox"/> hear	<input checked="" type="checkbox"/> distinguish color			
<input type="checkbox"/> work in diminished lighting	<input checked="" type="checkbox"/> make critical decisions	<input checked="" type="checkbox"/> perform in fast-paced environment			
<input checked="" type="checkbox"/> speak	<input type="checkbox"/> work at a set pace/rate	<input checked="" type="checkbox"/> remember accurately			
<input checked="" type="checkbox"/> work under deadlines	<input checked="" type="checkbox"/> perform multiple tasks	<input checked="" type="checkbox"/> work independently			
<input checked="" type="checkbox"/> understand verbal instructions	<input checked="" type="checkbox"/> understand written instructions				
<input type="checkbox"/> other:					

Acknowledgement

I have received a copy of this position description and having reviewed it, agree with its description and requirements and understand that it is the basis for my performance and evaluations.

Name of Employee: _____ Date: _____

Name of Supervisor: _____ Date: _____

POSITION TITLE: ADMINISTRATIVE ASSISTANT-PLANNING**DATE CREATED/ REVISED: 02/2022****Classification:** Full-Time, Hourly

Narrative: This is a position of responsibility and integrity in the Planning Department requiring the individual to provide the full array of clerical and administrative support. Work includes responding to inquiries, requests, and complaints; preparing reports and correspondence; and maintaining and updating filing systems and records. Individuals in this position will have frequent contact with the public as well as with other employees and Town Officials (as applicable). Individuals will provide general office support to the Community Development Office area, the Clerks area as an official backup to the Deputy Clerks, and the Town Office in general. All work must be performed in accordance with State law, Town of Gray policies/ordinances/previously established procedures and requires attention to detail, sound judgement and the ability to work effectively with others as well as independently.

Supervision: Supervision is provided to this position by the Planning Director.

POSITION RESPONSIBILITIES/TASKS

Illustrative only and not all inclusive:

- Maintain daily operations of the Planning area and acts as administrative support for the Planner, including keeping Planning Board members apprised of all critical information and incoming projects
- Effectively communicate with all individuals as well as provide the public with an understanding of municipal and state rules, regulations, ordinances, laws and policies within the Planning Department
- Provide a high level of customer service while performing customer transactions (including fee processing as necessary)
- Provide preliminary assessment of information submitted by applicants for compliance with applicable standards; for example, building permits and planning board applications.
- Answer basic informational building and land use questions and determine the most appropriate path to address any follow-up
- Sort, process, distribute, and file correspondence and other materials, determining proper file designations; reorganize and revise the file data base as needed
- Maintain office records and reports; place legal advertisements in newspaper; schedule meetings and appointments; create or retrieve documents and information needed to prepare for meetings; ensure that newly adopted regulations are published and submitted to appropriate authorities to ensure legal validity
- Work closely with the various department heads to assure the continuity of actionable items between meetings and workshops
- Provide administrative support and assistance to Planning Board in preparation of zoning articles sponsored by Board at Annual Town Meeting
- Provide full support for the development of meeting minutes, agenda packages, correspondence, public notices, publication of notices to meet state law, and may act as back up for taking minutes at various meetings when needed for any of the boards involved

- Prepare for and schedules public hearings for applicants; post legal advertisements in local newspaper, notify abutters of hearing, display plan for public review; provide follow up support and assistance as needed
- Receive messages and routes them to the proper party for response
- Research various topics as needed or as assigned
- Perform all other duties as requested and required

POSITION REQUIREMENTS/QUALIFICATIONS

Education & Experience

Minimum Education Required:

- High School Diploma
 G.E.D/High School Equivalent
 Associate Degree
 Bachelor’s Degree
 Advanced Degree

Prior Experience Required:

Three to five years of direct experience in this position or directly related to the field, or a satisfactory equivalent in the estimation of the Town.

Prior Experience Preferred:

Four years of direct experience in this position

Certifications & Licenses

- Must obtain and maintain appropriate Planning Department training
- Must obtain and maintain Deputy Town Clerk status
- Must hold and maintain a valid State of Maine Driver’s License
- Notary public commission from the State of Maine (preferred)

Knowledge, Ability, Skills

- Must possess basic arithmetic/computation skills
- Ability to provide a high level of customer service skills at all times and maintain effective working relationships with Town staff and the public
- Maintain a thorough knowledge/understanding of State regulations and Town ordinances/previously established procedures as they relate to operations in the Planning Department and Town government
- Maintain a thorough knowledge/understanding of State statutes relating to the duties and responsibilities of Town Clerk and Tax Collectors
- Ability to establish and maintain effective working relationships with co-workers, supervisors, Town Officials (as applicable) and the public
- Ability to express thoughts, procedures and instructions clearly and precisely, both orally and in writing
- Working knowledge of Microsoft Office Suite, MyGov, and TRIO and the ability to learn new software

- Working knowledge of Trio software as it pertains to Real Estate and/or the willingness to be trained
- Working knowledge of GIS Systems and/or the willingness to be trained
- Working knowledge of Peak Agenda meeting management software and/or then willingness to be trained
- Must have the highest degree of judgment and discretion as employee has access to confidential information in the performance of their duties
- Ability to prioritize tasks in order of importance
- Ability to maintain records, assemble and organize data and prepare reports
- Ability to manage time and responsibilities effectively to perform all duties as required/requested

Physical Requirements/Other:

Shift Length	<input checked="" type="checkbox"/> <8 hrs	<input checked="" type="checkbox"/> 8-12 hrs	<input type="checkbox"/> >12 hrs	<input type="checkbox"/> 24/7 operation	<input type="checkbox"/> On call
<input checked="" type="checkbox"/> Days:	<input type="checkbox"/> Nights		<input checked="" type="checkbox"/> Evening (Occasional/Rare)		<input type="checkbox"/> Rotating
DEFINITION KEY	Never: 0 hours	Rarely: <10 minutes/shift or up to 1 hour per week	Occasionally: up to 1/3 shift	Frequently: 1/3-2/3 shift	Constantly: >2/3 of shift
Lifting/Carrying (pounds)	Never	Rarely	Occasionally	Frequently	Constantly
0-10	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10-25	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
25-50	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
50-100	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
>100	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Typical distance carried: <input checked="" type="checkbox"/> within area <input type="checkbox"/> between areas <input type="checkbox"/> throughout facility					

Postures/Tasks	Never	Rarely	Occasionally	Frequently	Constantly
Sitting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Walking	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stairs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ladders	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reach/lift above shoulders	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reach/lift below knees	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kneel/Crawl	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DEFINITION KEY	Never: 0 hours	Rarely: <10 min/shift or up to 1 hr/wk	Occasionally: up to 1/3 shift	Frequently: 1/3-2/3 shift	Constantly: >2/3 of shift
Postures/Tasks	Never	Rarely	Occasionally	Frequently	Constantly
Work overhead	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Grasp with hands	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Keying	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mousing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Writing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Cognitive Demands/Sensory Requirements – For specific job demands, employee must be able to:		
<input checked="" type="checkbox"/> see	<input checked="" type="checkbox"/> hear	<input checked="" type="checkbox"/> distinguish color
<input type="checkbox"/> work in diminished lighting	<input type="checkbox"/> make critical decisions	<input checked="" type="checkbox"/> perform in fast-paced environment
<input checked="" type="checkbox"/> speak	<input type="checkbox"/> work at a set pace/rate	<input checked="" type="checkbox"/> remember accurately
<input checked="" type="checkbox"/> work under deadlines	<input checked="" type="checkbox"/> perform multiple tasks	<input checked="" type="checkbox"/> work independently
<input checked="" type="checkbox"/> understand verbal instructions	<input checked="" type="checkbox"/> understand written instructions	
<input type="checkbox"/> other:		

Acknowledgement

I have received a copy of this position description and having reviewed it, agree with its description and requirements and understand that it is the basis for my performance and evaluations.

Name of Employee: _____ Date: _____

Name of Supervisor: _____ Date: _____

POSITION TITLE: ADMINISTRATIVE ASSISTANT - CODE ENFORCEMENT OFFICE**DATE CREATED/REVISED: 2/2022****Classification:** Full-Time, Hourly

Narrative: This is a position of responsibility and integrity involving complex clerical and administrative work necessary in administering the Code Enforcement function. Tasks may include responding to inquiries, requests, and complaints; preparing reports and correspondence; and maintaining and updating filing systems and records. This individual must be experienced, highly self-motivated, and able to interact effectively with the public, providing assistance and information that is relevant to the various municipal and state rules, regulations, ordinances, laws, and policies. The position requires attention to detail, sound judgment, and the ability to manage various tasks and assignments simultaneously, ensuring all deadlines are met.

Supervision: Supervision is provided to this position by the Code Enforcement Officer and Assistant Code Enforcement Officer.

POSITION RESPONSIBILITIES/TASKS

Illustrative only and not all inclusive:

- Maintain daily operations of the Code Enforcement Department Coordinate and schedule routine inspections by code enforcement officers
- Participate in community outreach programs and projects
- Maintain working knowledge of Municipal Regulatory Ordinances.
- Research, maintain, and process cases (i.e., ownership, violations notices, inspections, scheduling, permits)
- Prepare and send all necessary documents and notices
- Respond to the public requests for information via telephone, email, walk-in, etc.
- Provide a high level of customer service while performing customer transactions
- Effectively communicate with all individuals as well as provides the public with an understanding of many of the various municipal and state rules, regulations, ordinances, laws and policies within each of the four offices involved
- Provide information to the public as requested
- Provide routine administrative support, including, but not limited to: answering telephones, opening and distributing incoming and outgoing mail, scheduling appointments, meetings and meeting space, typing, photocopying, data entry, filing, and ordering office supplies
- Sort, process, distribute, and file correspondence and other materials, determining proper file designations; reorganize and revise the file data base as needed
- Receive messages and route them to the proper party for response
- Perform other work as requested and required

POSITION REQUIREMENTS/QUALIFICATIONS**Education & Experience****Minimum Education Required:**

- High School Diploma G.E.D/High School Equivalent Associate Degree
 Bachelor's Degree Advanced Degree

Prior Experience Required:

3-5 years of direct experience in this position or directly related to the field, or a satisfactory equivalent in the estimation of the Town.

Prior Experience Preferred:

5 years of direct experience in this position

Knowledge, Ability, Skills

- Knowledge of Municipal Regulatory Ordinances
- Knowledge of modern office tasks/procedures (filing, telephone etiquette, typing, etc), equipment (computers, copiers, etc)
- Working knowledge of Microsoft Office Suite, MyGov, and TRIO and the ability to learn new software
- Ability to work independently and as part of the customer service team in a fast paced, complex, detail-oriented office environment that features many repetitive tasks and deadlines
- Ability to establish and maintain effective working relationships with co-workers, supervisors, Town Officials (as applicable) and the public
- Ability to handle public complaints with tact and provide excellent customer service
- Ability to express thoughts, procedures and instructions clearly and precisely, both orally and in writing
- Ability to maintain records, assemble and organize data and prepare reports
- Ability to manage time and responsibilities effectively to perform all duties as required/requested
- Must possess basic arithmetic/computation skills

Physical Requirements/Other:

Shift Length	<input checked="" type="checkbox"/> <8 hrs	<input checked="" type="checkbox"/> 8-12 hrs	<input type="checkbox"/> >12 hrs	<input type="checkbox"/> 24/7 operation	<input type="checkbox"/> On call
<input checked="" type="checkbox"/> Days:	<input type="checkbox"/> Nights		<input checked="" type="checkbox"/> Evening (Occasional/Rare)		<input type="checkbox"/> Rotating
DEFINITION KEY	Never: 0 hours	Rarely: <10 minutes/shift or up to 1 hour per week	Occasionally: up to 1/3 shift	Frequently: 1/3-2/3 shift	Constantly: >2/3 of shift
Lifting/Carrying (pounds)	Never	Rarely	Occasionally	Frequently	Constantly
0-10	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10-25	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
25-50	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
50-100	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
>100	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Typical distance carried: <input checked="" type="checkbox"/> within area <input type="checkbox"/> between areas <input type="checkbox"/> throughout facility					
Postures/Tasks	Never	Rarely	Occasionally	Frequently	Constantly
Sitting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Walking	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stairs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ladders	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reach/lift above shoulders	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reach/lift below knees	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kneel/Crawl	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DEFINITION KEY	Never: 0 hours	Rarely: <10 min/shift or up to 1 hr/wk	Occasionally: up to 1/3 shift	Frequently: 1/3-2/3 shift	Constantly: >2/3 of shift
Postures/Tasks	Never	Rarely	Occasionally	Frequently	Constantly
Work overhead	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Grasp with hands	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Keying	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mousing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Writing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Cognitive Demands/Sensory Requirements – For specific job demands, employee must be able to:

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> see | <input checked="" type="checkbox"/> hear | <input type="checkbox"/> distinguish color |
| <input type="checkbox"/> work in diminished lighting | <input type="checkbox"/> make critical decisions | <input checked="" type="checkbox"/> perform in fast-paced environment |
| <input checked="" type="checkbox"/> speak | <input type="checkbox"/> work at a set pace/rate | <input checked="" type="checkbox"/> remember accurately |
| <input checked="" type="checkbox"/> work under deadlines | <input checked="" type="checkbox"/> perform multiple tasks | <input checked="" type="checkbox"/> work independently |
| <input checked="" type="checkbox"/> understand verbal instructions | <input checked="" type="checkbox"/> understand written instructions | |
| <input type="checkbox"/> other: | | |

Acknowledgement

I have received a copy of this position description and having reviewed it, agree with its description and requirements and understand that it is the basis for my performance and evaluations.

Name of Employee: _____ Date: _____

Name of Supervisor: _____ Date: _____

**POSITION DESCRIPTION
TOWN OF GRAY MAINE**

DRAFT

**POSITION TITLE: OFFICE MANAGER – DEVELOPMENT OFFICE
DATE CREATED/REVISED: 2/2022**

Classification: Full-Time, Hourly

Narrative: This is a position of responsibility and integrity involving complex clerical and administrative work necessary for the smooth operation of the Development Office. This position description is supplemental to the core duties assigned to an Administrative Assistant to either the Code Enforcement, Planning, or Assessing Department.

Supervision: Supervision is provided to this position as described under the employee’s core Administrative Assistant job description. This position oversees general office support and coordinates with other administrative assistants to ensure smooth day-to-day operation of the Development Office.

POSITION RESPONSIBILITIES/TASKS

Illustrative only and not all inclusive:

- Maintain support services for the general needs of the Development Office
- Participate in needs assessment and budget requests to meet the needs of the departments that reside in the Development Office
- Recommend workflows and resource allocation for the departments that reside in the Development Office

POSITION REQUIREMENTS/QUALIFICATIONS

- **As identified in the core job description for an Administrative Assistant.**

PHYSICAL REQUIREMENTS/OTHER:

- **As identified in the core job description for an Administrative Assistant.**

POSITION TITLE: ASSISTANT CODE ENFORCEMENT OFFICER
2/24/2022

DATE CREATED/ REVISED: 7/3/2017

Classification: ~~Full-Time, Exempt~~Part Time/Regular

Narrative: This position requires a highly motivated, articulate individual with a strong sense of ethics to exercise a progressive amount of authority and responsibility as they enforce the various codes as authorized by the Town of Gray and complete the duties of a health officer as prescribed by the State Statutes. This position is responsible for issuing and inspecting various permits including building, plumbing, electrical, and demolition; enforcing certain state and municipal zoning ordinances; inspects health and sanitation related issues such as septic systems and maintains liaison with appropriate state and local agencies and maintains the necessary records system for public access.

Supervision: Supervision is provided to this position by ~~the Town Manager and the Community Development Department Head, as needed~~the Code Enforcement Officer. -This position provides ~~direction as needed to the CEO Department~~ administrative assistant.

POSITION RESPONSIBILITIES/TASKS

Essential Tasks, Skills, and Requirements:

- Must be able to work in an ever changing physical environment as various inspections are conducted.
- Must possess and maintain a valid vehicle operator's license at all times.
- Must possess and maintain the necessary certifications as required under 30-A, M.R.S.A., Sections 4201-4204, and 30-A, M.R.S.A., Section 4451 including but not limited to LPI and Code Enforcement Officer in the State of Maine.

Examples of Position Tasks (Illustrative only and not all inclusive)

- Must demonstrate ability to work with a variety of individuals and contractors while administering the inspection and enforcement services of this department-
- Inspect buildings at various stages of construction, alteration or repair for compliance with the various codes as prescribed by municipal ordinances, State and federal codes, rules and regulations. Demonstrates considerable knowledge of approved methods and materials used in building construction, plumbing repair and installations and electrical repair and installations
- Provide code information as requested-
- Working with other Departments, review various plans that may require permits and may be subject to planning board or zoning board jurisdictional issues. This includes the capability of analyzing and interpreting complex construction plans and specifications-
- Issuing the appropriate permits after a review of applications-
- Investigate complaints of possible code violations including health and sanitation-
- Will issue the appropriate notices of violations and take further enforcement actions as is warranted-
- Upon final and satisfactory inspection of a new structure and/or change of use, will issue a Certificate of Occupancy when appropriate-
- Must be able to communicate effectively both in writing and verbally as required-
- Will be administrative staff to the Zoning Board of Appeals-

**POSITION DESCRIPTION
TOWN OF GRAY MAINE**

- Is assigned the duties of the position of town Health Officer.
- Will be responsible to plan, prepare and submit an annual budget to the Manager reflecting the needs of both Code Enforcement and Health regulatory requirements as needed.
- Perform all other tasks as assigned by the Code Enforcement Officer and the Town Manager

**WILL TAKE ON ADDITIONAL ASSIGNMENTS AS NEEDED OR REQUIRED.
POSITION REQUIREMENTS/QUALIFICATIONS**

Education & Experience

- High School Diploma or GED required
- 4-6 years of direct experience in this position or field.*

Certifications & Licenses

- Must be ~~code officer~~ state certified as a code officer by ~~from~~ the State of Maine State Planning Office.

Specialized Training

Experience in the construction field, electrical or plumbing fields or related vocational training in the building trades or further college curriculum in a related field, demonstrated knowledge of National and International building and life safety codes is desirable.

Physical Requirements/Other

* Additional curriculum and degree work may be substituted for up to two years of experience but there must be at least 4 years of field experience.

Physical Requirements/Other:

<u>Title/Department:</u>		<u>Fire Fighter/EMT-A</u>			
<u>Shift Length</u>	<input checked="" type="checkbox"/> <u><8 hrs</u>	<input checked="" type="checkbox"/> <u>8-12 hrs</u>	<input type="checkbox"/> <u>>12 hrs</u>	<input type="checkbox"/> <u>24/7 operation</u>	<input type="checkbox"/> <u>On call</u>
<input checked="" type="checkbox"/> <u>Days:</u>	<input type="checkbox"/> <u>Nights</u>		<input checked="" type="checkbox"/> <u>Evening</u>		<input type="checkbox"/> <u>Rotating</u>
<u>DEFINITION KEY</u>	<u>Never: 0 hours</u>	<u>Rarely: <10 minutes/shift or up to 1 hour per week</u>	<u>Occasionally: up to 1/3 shift</u>	<u>Frequently: 1/3-2/3 shift</u>	<u>Constantly: >2/3 of shift</u>
<u>Lifting/Carrying (pounds)</u>	<u>Never</u>	<u>Rarely</u>	<u>Occasionally</u>	<u>Frequently</u>	<u>Constantly</u>
<u>0-10</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>10-25</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>25-50</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>50-100</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>>100</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Typical distance carried:</u>	<input checked="" type="checkbox"/>				

**POSITION DESCRIPTION
TOWN OF GRAY MAINE**

<u>within area</u> <input type="checkbox"/> <u>between areas</u> <input type="checkbox"/> <u>throughout facility</u>					
<u>Postures/Tasks</u>	<u>Never</u>	<u>Rarely</u>	<u>Occasionally</u>	<u>Frequently</u>	<u>Constantly</u>
<u>Sitting</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Walking</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Stairs</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Ladders</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Reach/lift above shoulders</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Reach/lift below knees</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Kneel/Crawl</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>DEFINITION KEY</u>	<u>Never:</u> <u>0 hours</u>	<u>Rarely: <10</u> <u>minutes/shift or</u> <u>up to 1 hour per</u> <u>week</u>	<u>Occasionally:</u> <u>up to 1/3 shift</u>	<u>Frequently:</u> <u>1/3-2/3 shift</u>	<u>Constantly:</u> <u>>2/3 of shift</u>
<u>Postures/Tasks</u>	<u>Never</u>	<u>Rarely</u>	<u>Occasionally</u>	<u>Frequently</u>	<u>Constantly</u>
<u>Work overhead</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Grasp with hands</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Keying</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Mousing</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Writing</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Other:</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Other:</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Cognitive Demands/Sensory Requirements – For specific job demands, employee must be able to:</u>					
<input checked="" type="checkbox"/> <u>see</u>		<input checked="" type="checkbox"/> <u>hear</u>		<input checked="" type="checkbox"/> <u>distinguish color</u>	
<input type="checkbox"/> <u>work in diminished lighting</u>		<input checked="" type="checkbox"/> <u>make critical decisions</u>		<input checked="" type="checkbox"/> <u>perform in fast-paced environment</u>	
<input checked="" type="checkbox"/> <u>speak</u>		<input type="checkbox"/> <u>work at a set pace/rate</u>		<input checked="" type="checkbox"/> <u>remember accurately</u>	
<input checked="" type="checkbox"/> <u>work under deadlines</u>		<input checked="" type="checkbox"/> <u>perform multiple tasks</u>		<input checked="" type="checkbox"/> <u>work independently</u>	
<input checked="" type="checkbox"/> <u>understand verbal instructions</u>		<input checked="" type="checkbox"/> <u>understand written instructions</u>			
<input checked="" type="checkbox"/> <u>other: Ability to prioritize as necessary</u>					

Acknowledgement

I have received a copy of this position description and having reviewed it, agree with its description and requirements and understand that it is the basis for my performance and evaluations.

Name of Employee: _____ Date: _____

**POSITION DESCRIPTION
TOWN OF GRAY MAINE**

|

LEAD CODE ENFORCEMENT OFFICER/TOWN HEALTH OFFICER
DATE CREATED/REVISED: 10/18/01, 3/23/05, 06/17/2014, 4/16/2020, 2/10/22
GRADE: A

Classification: Full-Time/Regular/Salary, Exempt

Narrative: This position requires a highly motivated, articulate individual with a strong sense of ethics to exercise a progressive amount of authority and responsibility while enforcing the various codes as authorized by the Town of Gray and complete the duties of a health officer as prescribed by the State Statutes. -This position is responsible for issuing and inspecting various permits including building, plumbing, electrical, and demolition; enforcing certain state and municipal zoning ordinances; inspects health and sanitation related issues such as septic systems and maintains liaison with appropriate state and local agencies and maintains the necessary records system for public access.

Supervision: Supervision is provided to this position by the Town Manager. This position provides supervision to ~~other personnel such as the Assistant Code Enforcement Officer and the the Community Development CEO~~ Department administrative assistant. ~~Will work collaboratively with Community Development Director, Town Planner, Assessor, Public Safety and Public Works Departments.~~

~~ESSENTIAL TASKS, SKILLS AND REQUIREMENTS~~
~~MUST BE ABLE TO WORK IN AN EVER-CHANGING PHYSICAL ENVIRONMENT AS VARIOUS INSPECTIONS ARE CONDUCTED.~~
~~MUST BE ABLE TO WORK IN AN EVER-CHANGING PHYSICAL ENVIRONMENT AS VARIOUS INSPECTIONS ARE CONDUCTED.~~
~~MUST POSSESS AND MAINTAIN A VALID VEHICLE OPERATOR'S LICENSE AT ALL TIMES.~~
~~MUST POSSESS AND MAINTAIN ALL RESIDENTIAL CATEGORY CERTIFICATIONS AND THE ADDITIONALLY REQUIRED CERTIFICATIONS UNDER 30-A, M.R.S.A., SECTIONS 4201-4204, AND 30-A, M.R.S.A., SECTION 4451 INCLUDING BUT NOT LIMITED TO LPI AND CODE ENFORCEMENT OFFICER IN THE STATE OF MAINE.~~
~~MUST POSSESS KNOWLEDGE AND EXPERIENCE WITH SHORELAND ZONING REQUIREMENTS.~~
~~Examples of POSITION RESPONSIBILITIES/TASKS~~ Positon Tasks (Illustrative only and not all inclusive)

Illustrative Only, not all-inclusive:

- ~~Must demonstrate ability to work~~ Work with a variety of individuals and contractors while administering the inspection and enforcement services of this department-
- Inspect buildings at various stages of construction, alteration or repair for compliance with the various codes as prescribed by municipal ordinances, State and federal codes, rules and regulations-
- ~~Demonstrates considerable knowledge of approved methods and materials used in building construction, plumbing repair and installations and electrical repair and installations provide code information as requested~~
- Review various plans that may require permits and may be subject to planning board or zoning board jurisdictional issues

- Analyze and interpret complex construction plans and specifications, utilizing considerable knowledge of approved methods and materials used in building construction, plumbing repair and installations, and electrical repair and installations
- Collaborate frequently with other Town departments (such as Planning, Assessing, Public Safety and Public Works) to ensure excellent customer service and to help people solve problems
- ~~Will contact~~Contact appropriate State representatives to obtain necessary permits and/or inspections for more complex and/or commercial projects:
- ~~Working with other Departments, review various plans that may require permits and may be subject to planning board or zoning board jurisdictional issues. This includes the capability of analyzing and interpreting complex construction plans and specifications.~~
- Issuing the appropriate permits after a timely review of applications:
- Suggest updates or additions to current Town codes/ordinances as appropriate:
- Investigate complaints of possible code violations including health and sanitation:
- Provide code information as requested by members of the community
- ~~Will i~~ssue the appropriate notices of violations and take further enforcement actions as is warranted
- Upon final and satisfactory inspection of a new structure and/or change of use, ~~will~~ issue a Certificate of Occupancy when appropriate:
- ~~Must be able to communicate effectively both in writing and verbally as required.~~
- Will be administrative staff to the Zoning Board of Appeals:
- ~~Is assigned~~Fulfill the duties of the position of ~~Town~~Local Health Officer:
- ~~Will be responsible to p~~Plan, prepare, and submit an annual budget to the Town Manager reflecting the needs of both Code Enforcement and Health regulatory requirements ~~as needed.~~
- Support, supervise, and coach the Assistant Code Enforcement Officer and the Office Manager
- Attend meetings as requested and authorized by the Town Manager and the Town Council
- Perform all other tasks as assigned by the Town Manager
- ~~Will take on additional assignments as needed or required.~~

POSITION REQUIREMENTS/QUALIFICATIONS

Education & Experience

Minimum Education Required:

- High School Diploma G.E.D/High School Equivalent

Minimum Education Preferred:

- Associate Degree Bachelor’s Degree Advanced Degree

Prior Experience Required:

4-6 years of direct experience in this position or directly related to the field. Additional curriculum and degree work may be substituted for up to two years of experience, but there must be at least three years of field experience.

Prior Experience Preferred:

5 years of direct experience in this position or a satisfactory equivalent in the estimation of the Town. A construction and plumbing background are strongly recommended but not required. Supervisory experience is a plus.

Certifications & Licenses

- Must be code officer state certified from the Maine State Planning Office
- Possess and maintain all Residential category certifications and the additionally required certifications under 30-A, M.R.S.A., Sections 4201-4204, and 30-A, M.R.S.A., Section 4451 including but not limited to LPI and Code Enforcement Officer in the State of Maine
- Possess and maintain a valid Maine driver's license

Specialized Training

Experience in the construction field, electrical or plumbing fields or related vocational training in the building trades or further college curriculum in a related field, demonstrated knowledge of National and International building and life safety codes is desirable.

Minimum education: High School Diploma G.E.D Associates Degree
 Bachelor's Degree Advanced Degree

~~*Must be code officer state certified from the Maine State Planning Office.~~

~~Prior Experience: 4-6 Years of direct experience in this position or field.~~

~~Specialized Training:~~

~~Experience in the construction field, electrical or plumbing fields or related vocational training in the building trades or further college curriculum in a related field, demonstrated knowledge of National and International building and life safety codes is desirable.~~

~~Combination of the above: Additional curriculum and degree work may be substituted for up to two years of experience but there must be at least 4 years of field experience.~~

Knowledge, Ability, Skills

- Knowledge and experience with Shoreland Zoning requirements
- Knowledge of or the ability to learn and utilize MyGov software
- Ability to work in an ever-changing physical environment as various inspections are conducted
- Ability to work within a team environment as well as individually
- Ability to communicate effectively both in writing and verbally as required.

•

Knowledge of or ability to learn and utilize MyGov software is required.

Physical Requirements/Other:

Title/Department:					
Shift Length	<input checked="" type="checkbox"/> <8 hrs	<input checked="" type="checkbox"/> 8-12 hrs	<input type="checkbox"/> >12 hrs	<input type="checkbox"/> 24/7 operation	<input type="checkbox"/> On call
<input checked="" type="checkbox"/> Days:	<input type="checkbox"/> Nights		<input checked="" type="checkbox"/> Evening		<input type="checkbox"/> Rotating
DEFINITION KEY	Never: 0 hours	Rarely: <10 minutes/shift or up to 1 hour per week	Occasionally: up to 1/3 shift	Frequently: 1/3-2/3 shift	Constantly: >2/3 of shift
Lifting/Carrying (pounds)	Never	Rarely	Occasionally	Frequently	Constantly
0-10	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10-25	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
25-50	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
50-100	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
>100	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Typical distance carried: within area <input checked="" type="checkbox"/> between areas <input type="checkbox"/> throughout facility <input type="checkbox"/>					
Postures/Tasks	Never	Rarely	Occasionally	Frequently	Constantly
Sitting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Walking	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stairs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ladders	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reach/lift above shoulders	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reach/lift below knees	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kneel/Crawl	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DEFINITION KEY	Never: 0 hours	Rarely: <10 minutes/shift or up to 1 hour per week	Occasionally: up to 1/3 shift	Frequently: 1/3-2/3 shift	Constantly: >2/3 of shift
Postures/Tasks	Never	Rarely	Occasionally	Frequently	Constantly
Work overhead	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Grasp with hands	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Keying	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mousing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Writing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cognitive Demands/Sensory Requirements – For specific job demands, employee must be able to:					
<input checked="" type="checkbox"/> see		<input checked="" type="checkbox"/> hear		<input checked="" type="checkbox"/> distinguish color	
<input type="checkbox"/> work in diminished lighting		<input checked="" type="checkbox"/> make critical decisions		<input checked="" type="checkbox"/> perform in fast-paced environment	
<input checked="" type="checkbox"/> speak		<input type="checkbox"/> work at a set pace/rate		<input checked="" type="checkbox"/> remember accurately	
<input checked="" type="checkbox"/> work under deadlines		<input checked="" type="checkbox"/> perform multiple tasks		<input checked="" type="checkbox"/> work independently	
<input checked="" type="checkbox"/> understand verbal instructions		<input checked="" type="checkbox"/> understand written instructions			
<input checked="" type="checkbox"/> other: Ability to prioritize as necessary					

Acknowledgement

I have received a copy of this position description and having reviewed it, agree with its description and requirements and understand that it is the basis for my performance and evaluations.

Name of Employee: _____ Date: _____

Name of Supervisor: _____ Date: _____

*O/F/C (All)

OPEN

Count of Description	Column Labels			
Row Labels	H	L	M	Grand Total
Administrative	1	2	2	5
Budget		1		1
Budget / Audit		1		1
Committee			1	1
Comp. Plan Implementation	1			1
Infrastructure	1			1
Infrastructure / Village TIF Goals	1		1	2
Open Space / Conservation Plan	2			2
Ordinance	1	1	16	18
Ordinance /Standards			1	1
Policy			1	1
Public Safety			1	1
Recreation			1	1
Residential			1	1
TIF Goal / Budget	1			1
Traffic	1		2	3
Training		1		1
Grand Total	9	6	27	42

*O/F/C (All)

CLOSED

Count of Description	Column Labels				
Row Labels	-	H	L	M	Grand Total
Administrative		5	4	6	15
Budget		1		2	3
Comp Plan Imp - break out item 84		3			3
Comp. Plan Update		1			1
Comp. Plan Update - breakout of tasks for Item 11		3			3
Comp. Plan Update/ Conservation Plan		1			1
Joint Leaders		1		2	3
Ordinance	1	7	1	16	25
Policy				4	4
TIF Goal / Budget		2			2
TIF Goal / Budget - break out tasks from Item 34		1			1
Traffic		1			1
Traffic - MDOT - break out tasks from item 24A				1	1
Traffic - MTA				1	1
Traffic - MTA - break out tasks for Item 24B				1	1
Grand Total	1	26	5	33	65

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No	Goal/Category	*O/ F/C	** Prty	P No.	Target Date	Description	Sub by:	Owner:	Assigned to:	Dated Logged	Last Update	Comments
27	Open Space / Conservation Plan	O	H	1	11/01/22	During the Libby Hill Trails clean-up after the October storm, the Community Endowment communicated concerns regarding the longevity of the current ad hoc agreements used to create Libby Hill Trails . Council agreed a full review and updates are needed to protect this asset as part of Open Space Plan .	Sandy Carder	Nate Rudy	Sandy Carder	03/20/18	01/18/22	TC discussed at 3/20 meeting based on feedback received from Community Endowment. Deb advised the agreements just 'came together' and are in need of review/update. Deed research - who has access to which pieces of land, how large of an geographic area is involved, how deep does the research need to go, consultation from a conservation expert - will all be needed and cost money. Council agreed to log with a target of year end, for Staff to review & determine what is needed with an estimated cost, for consideration in next year's budget. Carl Holmquist is willing to provide some names of conservation experts who can assist the Town. (12/20) Issue came up in Open Space Staff meeting - Deb working on pulling together cost estimate for budget meetings. (2/5) TC agreed to move up & tie to H2.1 Open Space. (3/21) est provided at budget meeting. Council agreed to add to budget. (6/11) Residents approved budget. (10/15) Community Endowment has requested an info sharing meeting with Town Staff, 1 Councilor and an MSAD representative to start process of long term maintenance agreement. Council appointed Dan to attend. (11/12) 1st meeting went very well - 3 parties agreed preserving is paramount. (12/3) Council agreed to add annual maintenance to budget spreadsheet. (12/17) 2nd meet focused on budget - MSAD 15 conducting full audit of usage to determine impact - some easement discussion. (1/21) Deb followed up with MSAD15. No update. (2/4) Carl present to School board this week, Craig has some initial data on usage (3/10) Meet held to continue discussion - working through maintenance/budget needs. Council agreed to add the Homestead Acres issues submitted by residents on this private road - to ensure we keep them in the loop as the agreement moves forward. (6/16) Deb will check with Dr. King on next meeting after the election.(8/4) Dan adv MSAD15 lawyer provided framework agreement for review. (10/6) Dan shared a worksheet created to gather input from stakeholders. Council provided gen feedback on form. (10/20) Council prov feedback on worksheet (10/22) Meeting held to compile worksheet info. (1/19) Dan provided summary of MSAD analysis of agreement & advised Attorney is working on drafting an agreement. (2/16) Dan prov an update. Deb adv sub group has met to discuss maint/budg agree (7/6) Draft agree done - Sandy work with entities to finalize outstanding items (9/21) Sandy prov up from meet (10/5) MSAD has prov initial feedback (11/16) Sandy met with MSAD/GCE (12/7) Council signed off on MOU. (12/21) Council appr MOU (1/18) Sandy adv school board has approved Next Step: Nate to obtain sign, Nate/Sandy will work with lawyer to update formal agreement, Mo to shadow & collect info, Nate/Sandy will work with Alyssa on conservation review.
84	Comp. Plan Implementation	O	H	2	Detail Tab	Identify steps/ create plan to implement newly approved Comprehensive plan . SEE SEPARATE TAB - FOR DETAILS	Council	Council	Council	12/01/20	01/18/22	(12/1) Council agreed to close old item and create new implementation plan. Detailed tasks will be logged on detail tab pending schedule workshop to review them and come up with timeline/prioritization. Council agreed with Dan's suggestion to ask each Committee to review CP to ID what would inform their work, how they can support implem, what roadblocks exist, what resources will be needed, etc. with a one page summary due by 2/8 for Council reviewed at 2/16 meeting. Dept heads have reviewed the plan. (12/9) Council discussed further at workshop. See Detail tab for updates. Next Steps: Krista/Dan create detailed proposal.
34	TIF Goal / Budget	O	H	3	Detail Tab	Work on planning associated with new Village TIF . SEE SEPARATE TAB FOR DETAILS	Council	Nate Rudy	Doug Webster	08/07/18	12/09/21	Councilors agreed to close 'TIF creation' task as it is now in approved. This new item will capture the planning and additional work associated with administrating the new TIF. Project was discussed during 9/10 workshop & Mr. Lavallee advised video work was still outstanding, but felt he would be able to present at 2nd Oct meeting. 9/18 Deb advised that there was still one piece left to complete. Review of MDOT/Town video work & analysis to be presented at Dec 4th meeting (as presentation was delayed from 11/13 meeting). (11/28) Council reviewed updated info on projects with Steve, as well as his priorities. Mixed Use options were discussed at length. (12/4) Will Haskell & MDOT provided updated info on Main Str Project. (2/5) & (2/19) See new detail tab H3. MDOT has advised change in Main Str project timeline. (7/2) Workshop held (8/6) 7/1 Workshop minutes approved. (10/15) Council agreed time to set up another brainstorming session - likely on Route 115 road - agreed to wait until 10/28 workshop to schedule so Bruce would be included. (10/28) Public forum set 12/5. (11/12) Dan will facilitate - Council agreed to set up/format. See detail tab for updates. Next Step: Doug to work up proposal on Zoning once time allows. Council discussion funding options.

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103	Infrastructure	O	H	4	TBD	Create Libby Hill Road upgrade Plan including 2nd emergency school exit and sidewalk	Sandy Carder	Nate Rudy	Sandy Carder	12/09/21	02/01/22	(12/9/21) Council has discussed at various times as LH Road is set for repaving, but prefer to upgrade road to address long term needs. Covid issues have worsened student safety issues on this road. MSAD15 has expressed an interest in researching the possibility of utilizing their ROW to Shaker RD via the HS parking lot as an emergency exit to comply with safety plans which require 1 entrance for rescue personnel and another for exit. Extension/upgrade (ADA) of the sidewalk the full length of the road is identified as a critical need. Extension of the Hannaford sidwal to Spruce Street with a lighted crosswalk from Spruce to the ROW is also on the list. MSAD15 has req a formal workshop to begin researching options. (1/18) Sandy adv MSAD15 agreed to workshop to brainstorm project scope Next Step: Workshop set for 3/28.
66	Administrative	O	H	5	01/31/22	Determine if "No Thru Trucks" restriction should be placed on a section of Mayall Rd	Dan Maguire	Council	Sandy Carder	11/12/19	01/18/22	Back in June, Kathy Taylor (Mayall Rd resident) had reached out to all Councilors regarding the state of her road and the heavy truck traffic. Dan spoke to her directly and agreed to manage the request. This road was set to be paved, but dropped from PW sched due to paving costs being substantially higher than anticipated. It will be at top of the list next cycle. Deb did some initial feedback - as this section of road is being considered for "state aid" designation (Depot Rd is a state aid road). This impacts cost sharing/responsibility with MDOT vs. Local. MDOT was conducting vehicle counts for the road (or Deb/Steve had req). Dan also advised Ms. Taylor that talking to her neighbors on the road to determine the level of support for posting "no thru trucks" would be helpful. (11/7) Dan rec'd an official petition signed by 24 Mayall Rd residents. (11/12) Council agreed to add to tracking spreadsheet - it was set to be discussed at 12/3 Council meeting already. (12/3) Sandy provided more info on options incl. weight limits. Deb advised of possible "State Aid" classification. (12/17) Deb provided proposal from G&P - \$1,000 to determine if Mayall/Weymouth would even qualify - Council expressed concerns on impacts to road maintenance and residents. (1/21) After rev expenses & discuss control concerns, Council agreed NOT to pursue state aid status on either road. Can revisit at later date. Discussed possibly just putting up signs, but felt more info was needed & did not want to set up false sense of enforcement. (2/4) Dan notified resident & adv it would take time before a workshop could be sched. Council agreed to send feedback on LD1498 in support of MMA testimony against bill to eliminate weight limits on rural roads. (2/18) Council app letter (4/28) Dan adv Resident checked in again, but understood delay. (6/16) Dan req Council consider posting signs again (7/21) Council discussed & agreed need to pull in Depot Rd residents. (9/1) Council set 10/6 for workshop prior to TC meeting. (10/6) Public forum held with info sharing (10/20) Council disc options (12/1) Dan has done some research to share with Sandy. MDOT has approved the 4 way stop. (12/15) Dan & Sandy held discussion. Dan updated Council. (1/5) Dan adv MDOT has sample ord see #77. (2/2) Dan has draft ord/letter. (3/16) Council prov feedback to Dan to update Ord. He will coordinate with Nate to submit to legal. (5/4) Dan req an update on status. (5/18) Legal has rev with feedback. (6/2) Council provided feedback (7/6) Nate adv only 1 call rec'd from letter (9/7) 1st read will be 9/21 with 2nd read 10/5. (9/21) 1st read/public hear held (10/5) 2nd read/hear held - approved (11/16) Dan req update on sign installation (12/9) sign lang identified & Council voted to install. (12/21) Council dis next step for short shaker (2/1) Letter sent Next Step: Sandy to work with Nate to contact remaining businesses and follow up on the detail for route # costs.

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4	Traffic	O	H	6	Detail Tab	Work to develop long term changes needed to address traffic, drainage, road conditions, pedestrian & cyclist safety and speed along Route 115 entering Gray from the hill thru connection to Brown Street.	Nate Rudy	Council	Nate Rudy	01/02/18	10/05/21	During the June Council meeting, Town Staff advised they would be pursuing a MPI grant for reconstruction of this stretch of road in collaboration with the MDOT. It was advised it would likely be a 2 year process with updates provided to the Council. Deb Cabana noted that this would be a 50/50 split for costs (not 25/75 Town/MDOT as previously stated) and includes replacement of the water main. Therefore, it may be included in the upcoming TIF creation, thus it should remain active (rather than 2 year target). Reference material: Pavement Conditions Study - Dec 2017. Project discussed in 9/10 & 11/28 TIF workshops, as well as in TC meetings. (12/4) TC would like to see a review of intersections done prior to committing to a 115 solution or as part of the engineering of that project - to ensure project does not hamstring options. (5/7) Deb advised several communications received regarding pedestrian fatality on Rt 115 requesting sidewalks. (9/3) Sandy adv of outstanding question - need for possible budget consideration (9/17) Deb verified with Will that MPI does not require engineering completion - however - Ann verified the Town's piece of the budget must be approved & set aside to apply. Dan also advised a 50+ sub division (apartment buildings) is before the PB for this road & stormwater/sidewalks are being discussed. (10/15) Deb adv Stevie/Will met with DOT & have more info. (10/28) Council set up public forum 12/5. (11/12) Dan will facilitate & council discussed format. (12/5) Public Forum held. (12/17) Council agreed 1st forum very successful, data compiled, next step is to work out starting point on proj. (1/21) Council held workshp with Water Distr about Route 100 TIF and this proj was select by both grps as the best proj. (2/4) Deb adv Alyssa said it is possible to amend rt 100 TIF for this proj but needs to talk details with us. (3/10) Council & WD agreed to amend TIF to incl this proj (4/28) Council rev warrant art (6/2) Council held public hearing & voted to approval TIF amend (7/21) Voters approved revision. (10/6) State submission done. (12/1) TIF amend appr. (1/19) Council agreed with Water Dist/Will on first tasks to start process. (3/2) Will prov est. (9/7) Council set up 'kick off' meet date with prime parties. See Detail Tab for updates (9/27) Kick off meet held - next steps set Next Step: New tasks logged on detail sheet.
89	Infrastructure / Village TIF Goals	O	H	7	Detail Tab	Create Engineering Plans for Main Street and Coordinate with MDOT for construction	Council	Council	Nate Rudy	02/19/19	02/01/22	MDOT has agree to cov the upgrade of stormwater & catch basins Main Street & down 202 towards the Cemetery. They adv the plan will likely come up in the next 5-7 years. Town needs to id any other chges- increas water line size, increas stormwater line size, add conduit for underground utilities, add piping for natural gas so funding can be budg & all items add at the same time (rip the road up once). (4/2) Doug prov 8-12 year window for work on Main as guide for Council meaning analysis & plan should be done well beforehand. (4/16) MDOT adv the timeline for this proj is being moved up. Council agr to move up in priority at 5/7 meet & set a stand alone TIF workshop. Workshop held 7/2. (8/6) Min from 7/2 workshop appr. Council to set up another TIF workshop. (7/21) Council had workshop with MDOT & learned portion of road may be worked on in separate project for which engineering is underway. Await more info from MDOT. (9/1) Village walkabout was done with Patrick Adams MDOT, Water District, and others to identify issues/solutions. Rob Betz is coordinating with Ernie Harris on current project from Town line to Cumby's. Council followed up to determine scope of 2nd project from MTA interchange to Brown Street? Can orphan piece be added to that project? (2/16) Council agr to move to open list. (4/6) Nate & Alec had a walk thru with Rob where he adv phase 1 is moving forward, but phase 2 will now only include stormwater NOT a reconstruction of the road. Alec adv that the road is in terrible condition which cannot be adressed with an overlay. Council met with Water District and agreed Village TIF fund needs to be avail in coming year for planning. (5/4) Council incl \$75k TIF funds in budget (6/15) MDOT Rob Betz attend workshop and advised both projects are fund with 2023 construct projection. (9/7) Council will hold WS on 9/15 to complete their prep for MDOT meet (9/21) MDOT WS held - timelines work discussed. Next Steps: New tasks logged on detail tab.

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92	Open Space / Conservation Plan	O	H	8	12/01/22	Resolve State Land for Maine's Future Grant Conversion issue created by the Tennis Courts	Council	Nate Rudy	Kristen Muszynski	04/06/21	12/07/21	(4/6/21) Tennis Courts were built at the GNG HS back using a Land for Maine's Future Grant. Back in 2006, MSAD15 removed the tennis courts (after notifying the Town) to expand their parking lot. This was a violation of the grant program which requires the recreational space created remain conserved forever. Until the space is 'converted' into another space, the Town cannot accept or apply for additional grant funding. This grant program is the primary program in the State for purchasing and conserving open space. The Council has approved a Contract Zone Agreement for Stillwater Subdivision located on Woodcock which includes the donation of 12.9 acres of land to be used as recreational space. Doug Beck, who is handling the conversion issue, advised this would be a qualifying property. The process to approve the conversion requires the Federal Gov and can take up to 3 years. Doug B adv once the Town demonstrates a real effort towards the conversion, he can release the hold on the grant program. (7/6) Nate discussed with Doug Beck & had information on next steps. (9/21) Sandy adv checklist rec'd and Town must submit documentation to get ball rolling (10/5) Anne completed draft of paperwok. Doug advise it was sent today. (12/7) Kristin prov update from site walk with Doug Beck who identified a possible issue with the road ownership. She confirmed items 1-5 on the check list are complete. Council also agreed to approach MSAD15 to share costs of appraisals. Next Step: Kristen & Doug to provide more info on the road to Doug B so he may submit to Feds (item 6), Council to budget for yellow book/envir study(item 7).
104	Ordinance	O	H	9	04/01/22	Correct Self Storage Ordinance and create restrictions on new facilities	Doug Webster	Nate Rudy	Doug Webster	01/05/22	02/14/22	(12/21/21) Doug brought 2 issues to the Council which came up via a Planning Board review of 2 pending applications. (1) limit to 1 building and (2) should outdoor storage be allowed? Both were inadvertently overlooked when the ordinance was worked on last. The first one is impacting the active applications. Councilors raised issues with the number of self storage facilities being built in Gray. (1/5) Council reviewed in more detail and agreed to (1) update to existing ordinance to address 2 points raised (2) moratorium on self storage units which does not impact the 2 active applications and (3) proposals from PD on options to limit additional self storage facilities.(2/1) 1st read/public hearing held on both ordinance change & moratorium. (2/14) 2nd read & public hear held - Council appr Next Step: Doug/Kristen to work up options on long term changes.
24A	Traffic	O	M	1.1	Detail Tab	Based on TC meeting with State Representatives and Senator, identify action items to pursue both short term & long term. We will keep NG informed of our meetings/progress so they may attend, if they chose. MDOT Portion. SEE SEPARATE TAB - FOR DETAILS	Council	Council	Sandy Carder	02/22/18	02/01/22	Councilor Carder created meeting notes from Workshop (1/29), Councilor Foshay pulled action items to create list. Logging working list item to capture review/prioritization effort by Council. New individual items will be logged as needed. Council discussed at 3/6 meeting & agreed to set up separate meetings with MTA/MDOT - with a target date of end of April/beginning of May - MDOT - prior to a TC meeting 5:30pm start time. That will allow 90 minutes to discuss. TC agreed signage - (1) old Rt26 vs by-pass (2) in Village around island (no sign again) (3) Depot Rd RR Xing would be priority 1. Kyle also advised he will look into signage (1) & (2). Deb requested target date & CC State Reps/Senator. Deb spoke to MDOT advising of RT 26 bridge closure - suggesting it may be a good time to consider renaming Route 26. Deb advised a MDOT/Staff meeting was held (1) traffic movement permit at 97 shaker (2) closing shaker rd bridge MTA work (3) village island (4) rt 26 routing were discussed. (12/4) MDOT provided some info at Council meeting. (3/5) Sandy pulled down new workplan & sent to Councilors. (6/16) Rob Betz, Patrick Adams & Steve Cole from the MDOT attended a workshop with the Council to review various projects in process, in planning & on the future list. Patrick offered to come to Gray to do a walkthrough of all the various streets to obtain more information on the issues. (7/21) Walkthru set up 8/5. (12/7) Island item moved to Main Street detail tab. Next Step: See Detail tab for more info.

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24B	Traffic	O	M	1.2	Detail Tab	Based on TC meeting with State Representatives and Senator, identify action items to pursue both short term & long term. We will keep NG informed of our meetings/progress so they may attend, if they chose. MTA Portion. SEE SEPARATE TAB - FOR DETAILS	Council	Council	Sandy Carder	02/22/18	05/18/21	Councilor Carder created meeting notes from Workshop (1/29), Councilor Foshay pulled action items to create list. Logging working list item to capture review/prioritization effort by Council. New individual items will be logged as needed. Council discussed at 3/6 meeting & agreed to set up separate meetings with MTA/MDOT - with a target date of end of April/beginning of May - MTA - set up workshop in May - Peter Mills, Bruce Van Note - to open discussions based on Bruce's list. Added Dan's items - revenue sharing, gifting property & dual access curb cuts. Meeting held Mary 24th. See separate tab for details. Deb requested update and MTA has sent back initial feedback. Council discussed feedback & addt'l info from Deb. Discussed possibly sending official letters to individual trucking companies regarding avoiding Village rt26, concerns from MTA about trucks not seeing 'closure' signs and diversion study next steps. Councilor Maguire suggested inviting a MTA planner to future meetings. (12/4) MTA provided info on diversion study (5/4) Nate spoke to Mr. Mills & Erin at MTA Next Step: Awaiting guidance from Legislative team. See detail tab for more info.
46	Ordinance	O	M	2	03/01/22	Develop Growth Management strategy - as part of Comprehensive Planning & to allow needed time for Open Space Planning	Sandy Carder	Nate Rudy	Nate Rudy	02/05/19	12/09/21	(1/22) Dan adv PD does not feel any addl action is need at this time. Growth Cap was disc & Staff will look into with OAC and bring forw when ready. A growth cap has been disc in var meet for the last yr. Not hav a robust growth plan and/or cap was 1 primary reason the original Comp Plan was not appr. (1/30) During the Open Space forum, Alan & Lucky both strongly encour a growth cap be disc/imple as soon as possible to provide Gray with more time to dev an Open Space plan. In add, issues with current residential Sub-division ord, duplex allow, and limited safeguards against a large scale dev need to be addr. Kathy adv Staff have crunch annual data & Doug adv dev one would be rather straightforward & would be padded to avoid impact wanted eco & residl dev. (2/19) Council agreed this is a top priority now. (3/5) Doug rev steps (1) Verify current comp plan (2) check with legal ord (3) imple verifying data supports number selected & Council prov direction. (6/4) Doug prov some data and Arundul ord (eff in 1977). Council agreed to proceed cautiously. (9/3) Doug adv best 1st step would to discuss possible 'cap' number and process to apply caps. (10/1) Council WS held - guidance prov to Doug. (1/21) Council would like to have some info to discuss by the 2/18 meet given the push on larger devel & Comp Plan process. (2/4) OAC looked at & were not in support - worried about admin of the process impact staff (2/18) Council disc changing approach to be more comp to focus on Growth MANAGEMENT vs just a cap. Need to coordinate with the comp plan timeline as an appr plan is required to enforce growth permit systems. (3/10) OAC began work on this item.(5/5) OAC wants to coord with Comp Plan so work will not start now, however, due to the need for Council work as well, draft options still to be deliv by end of summer to stay in line with CP. (8/4) Council disc at 8/4 WS to confirm a full WS for this along with the duplex/OAC ord list can be disc (9/1) Council disc OAC doc cover duplexes, multi unit housing, growth & comp plan info - agreed addt'l WS to create workplan to complete all the work needed. (2/16) Sandy adv Windham has robust grw permit prog that was 1st step after their comp plan.(4/6) Council dis as part of TM goals (5/18) Council/Staff dis in WS - Staff sug step approach to create (12/9) Council disc and develop plan Next Step: Nate/Doug/Dan to work up plan for OAC to look at zoning, growth plan, options to protect critical rural and encourage growth in Village.
97	Policy	O	M	3	12/31/21	Update Council Rules (1) charter language (2) grammatical (3) online meetings policy	Dan Maguire	Council	Sandy Carder	06/15/21	10/05/21	(6/15/21) Dan advised of two small changes needed in the Council Rules (1) 602.02 B2 add the words "a meeting" (2) 602.06 Ordinance - language does not match the Charter although meaning is the same - should match. Sandy adv any changes must be advertised and given we will likely need to update the rules to incorporate the new policy needed for online meetings (pending final language of legislation being considered now), she will hold changes until then to handle together. (7/6) Rep Moriarty presented Legislative update & bill text for online meetings. Needs to check regarding definition of "public body". (8/3) Council disc remote/hybrid meeting policy (9/7) Council approved policy. (10/5) Charter amendments approved & will be voted on at Nov election. New hybrid policy adopted but may change pending Legislative action in 2nd session Next Step: Changes need to be drafted.

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88	Infrastructure / Village TIF Goals	O	M	4	05/01/22	Infrastructure - Shaker Rd Stormwater/Sidewalk - Project	Town Council	Nate Rudy	Nate Rudy	02/22/18	01/04/22	<p>Steve/Will pres results of video work. Report was rev with MDOT Dale Doughy, Kyle Hall, Deb & the Council (5/15) Steve adv full width paving was plan for some of RT 26. Dale confirm catch basin upg will be done for some. Sched a walkthr/meet w MDOT/Staff to rev of Rt 26 Vill to (1) id what is incl in the upcom overlay (2) dev a plan for the rest of the proj. Sub Items: (a) G-P to prov key to their-fair, poor, good categ (b) Town to prov plans for swalks/sign. Based on MTA fdack reg bridge swalk/bike lane fdack-look at mak sure plans (if not fund/prior immed) at least incl an ext of ped/bike lane down Skr to Skr Bridge. It is the route to the MS/HS from the Village. Results to be rev for budg imp by Council/Staff to create agree plan. Steve pres PW prior at 9/10 TIF Wkp incl this item. Council await more infor on Main St proj for next steps. (11/28) Council disc possibly add sidewalk from Russell to Shaker Rd into eng of this proj and/or work with MSAD15 for poss trail thru their prop to sidewalk. May qualfor MDOT sidewalk fund. Eng for proj in budget CIP-Council to disc 2/11. (2/19) Council agreed this is the top pri for fund. (6/11) Residents app budget-engin underway. (9/17) Will prov an update on engin, issues & Council prov feedback. (10/15) Will/Steve met with DOT will update council at 10/28 workshop. (10/28) Upd prov-Council agreed to submit MPI appl. (11/12) Council disc Gray Park sidewalk alt & agreed due to cost, it is not feasible. MPI should incl sidewalk on Gray Park Enercon side. Resol for park spaces imper. (2/4) Council held exe session-no act taken. (3/10) MPI appr by MDOT. (4/21) Council has agreed to use \$100k from TIF + \$652K from Bond - ques to be put to residents. Public forum to be held on actual project once feasible (covid-19). (4/28) rev warrant art (6/2) Council appr warrant art - go before voters 7/14/20. (7/21) Voters approved fund, Council to set up public forums. (9/1) Council set 9/29 for Public Forum - virtual meeting. Pre-planning meeting will need to be set up. (10/6) Sandy prov update from Public Forum. Alec/Will working on next steps. (11/17) Alec/Will will provide update 12/1 (12/1) Update prov - timeline appr - outstanding items ident - advertise by 12/11. (1/5) Out to bid. (2/16) Bid app (3/16) Council dis stripping - Alec to prov costs. Trees will be replaced via a change order once construction is underway. (4/20) Council app easements for project. (12/21) Nate shared a memo from Alec detail remain items (1/4) Alec prov outstanding list</p> <p>Next Steps: Remaining items to be add in Spring.</p>
83	Committee	O	M	5	TBD	Discuss additional requirements for quasi-judicial Boards - Planning and ZBA	Council	Council	Nate Rudy	09/15/20	12/07/21	<p>(9/15) Council discussed the need to ensure long term viability of quasi-judicial boards and ensure opportunities for new applicants - via new requirements which may or may not include term limits, application wait periods, chair rotation, mandatory MMA training, pre-training options for those thinking about joining, mentoring, rotation of alternates etc. There was also discussion related to possible changes in Council Rules once quasi-judicial rules are set. (1/19) Sandy advised that she has been talking to GPCOG about a facilitated traning session to address the issues and update the expectations/roles. She has discussed with Kathy/Dan who agreed it was a good approach. Council also agreed. Kathy advised that there is money avail for PB training. (3/2/21) Sandy adv results of her meeting - workshop will be set for 1st week in May. (3/16) Sandy adv draft framework rec'd - meeting with Kathy/Nate/Sandy set up before respond to GPCOG. (4/6)With the goal of attend the BUILD ME seminars, Sandy has ask Tony to coordinate with the topics being offered to ensure best results from both efforts. (5/18) Given the resignation of Kathy, Nate is proposing the hire of a new Planner before proceeding. This will mean the Build ME seminars will happen first. Then, the new training session, then the in person meeting between the entities. (6/1) Nate provided new proposal from GPCOG which includes assistance with ordinance/zoning review to help create outline of change from Comp plan & it includes this training. Funds from State agency will cover the costs. (7/6) Nate needs to hire new Planner before we proceed & existing terms exp 8/31 for Committee members. (10/5) New members appt & new Planner hired</p> <p>Next Step: Pushed off until January until vacancies can be filled.</p>

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49	Ordinance	O	M	6	TBD	Review current ordinances and zoning to determine if changes are needed for Duplexes	Dan Maguire	Dan Maguire	Doug Webster	02/19/19	10/05/21	Dan asked the Council to consider making changes to Duplexes to address sprawl growth and other unintended impacts to density bonus of allowing a duplex in lieu of a single unit of housing. Doug advised this issue has been researched in the past. Dan needs to talk to Kathy and then work through reviewing current ordinances. Then, bring to the OAC for possible proposal to the Council. (12/17) Deb advised of resident e-mail regarding the number of duplexes being built in Gray - Planning Board has also recently discussed. Council agreed this issue needs to be moved up in the priority list. (6/2) Council reviewed questions from OAC & provided direction. Generally speaking, there was support to make it more restrictive in certain zones and encourage them in others by making it less restrictive. It was agreed this is one tool in the growth mgmt plan. (8/4) Doug provided memo detailing OAC ques/disc points along with the growth plan disc and Comp Plan review. Council agreed a full workshop is needed to review. (9/1) Council disc OAC document cover duplexes, multi unit housing, growth & comp plan info - agreed add'l workshop to create workplan to complete all the work needed. (5/18) Council approved a moratorium in the Village on single family and dual family housing to allow for the creation of new standards and requirements in those zones (see item #94) (9/7) 1st read of design stand in Village (9/21) 2nd read/hear held by Council (PB held hear 9/20) changes go into effect in 30 days. (10/5) Council/Doug discussed whether this should stay standalone item - likely be swept into changes are they are made - but do not want to lose sight of this critical issue. Next Step: New changes will be used as base for updating standards in all zones. Council will discuss further at retreat.
69	Recreation	O	M	7	04/01/22	Create a Pocket Park including Historical Marker at 5 Yarmouth Rd property	CEDC	Nate Rudy	Nate Rudy	12/17/19	02/14/22	(12/17) CEDC representative Rachel Rumson presented plans for a new Pocket Park on the 5 Yarmouth Rd municipal property which would include a Historic Marker as part of a Historical Trail - which was presented by Galen Morrison. Council provided some initial feedback. Kathy Tombarelli advised there was a possible grant that may assist with phase 1 of the project - earthwork. (1/7) Kathy provided a draft grant application at meeting and Council provided feedback. Council agreed to add to tracking list as project is ongoing and will involve Town Staff and funding. (1/21) Council approved CDGB application. (3/10) Kathy advised the grant was recommended for funding & is moving onto the next phase. (4/21) Kathy will follow up on status of process. (7/21) Planning board reviewed & were very supportive. Abutter meeting held with great feedback. Council approved Rachel Rumson as agent for Planning board work. Due to LD1 failure, grant funding now on hold. (9/1) Council discussed changes to Committee policy to address consultant work. (9/15) Council approved consultant changes to Committee rules (11/17) Council appr land exchange on site to clarify property line. (1/5) RFP has been posted. (1/19) Council approved 1 proposal rec'd. (2/2) Bruce adv a public forum was held to obtain Community input.(3/2/21) Bruce adv CEDC is working on name and bird house project and planning for Spring work. Alec adv he did some earth work in the Fall and is set to do add'l work in the Spring. The project did receive preliminary approval contingent on one sign off. (4/6) Council approv wood donation from Maschino's Lumber. (4/20) Council app picnic table donations from Aroma Joe's. Kathy adv park has PB appr (5/18) PermaBlitz was held & work session to lay brick. (6/1) CEDC prov update presentation and recommended name which Council approved. (9/7) 2nd PermaBlitz set for 9/11 (9/21) Council appr addt'l exp for admin of the grant (in Kathy's absence)(2/14) CEDC adv most of grant fund spent Next Step: Park set to be discussed at 3/3 budget workshop.

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100	Ordinance	O	M	8	03/15/22	Create Emergency Management Ordinance	Nate Rudy	Nate Rudy	Nate Rudy	10/19/21	02/14/22	(10/19/2021) Nate presented a proposed Emergency Management Ordinance to the Council as recommended by the National Incident Management Services as it is required to have access to some Homeland Security and FEMA services and grants. Council provided feedback. (11/16) Nate set up a 1st reading & public hearing for the revised ordinance. Council provided additional feedback and also reviewed feedback from resident Mark Grover (who has extensive experience in this area). The status of an Emergency Operations Plan was also reviewed. (12/7) Nate adv he is working with County along with the Chief - they prov substantial feedback. Council tabled 2nd read to allow for update & further discussion. (1/5) Nate rev addt'l communication with County & Council discussed alternative County EM version & provided feedback. EOP framework was presented, but not discussed as Chief is adding Gray specific information. (2/14) Council held 1st read & public hearing . Next Steps: 2nd read & hearing set for 3/1. Nate will present EOP at 3/1 workshop
105	Ordinance	O	M	9	07/01/22	Update Agritourism Ordinance to address changes in industry & markets	Krista Chappell	Krista Chappell	Krista Chappell	01/04/22	01/04/22	(1/4/2022) Krista reviewed a proposal from the CEDC to update the Agritourism ordinance with several letters from Gray small agri-businesses in Gray. The ordinance was originally drafted for a specific location and requires a great deal of land 50 acres. That business was never built and since that time homestead farms, argribusiness farms, etc. have been growing in Maine & Gray. CEDC/residents feel changes are needed to help encourage continued growth in this economic driver and to be more flexible with new approaches - like permaculture which takes far less space. Next Step: Krista to bring back to the CEDC to see if they would form a working group with residents (who volunteered in meeting) to develop the proposed changes.
55	Administrative	O	M	10	Ongoing	Review current legal agreement between MDOT, Water District and Town regarding the Route 26A winter maintenance and wellhead monitoring	Deb Cabana	Nate Rudy	Nate Rudy	04/16/19	02/14/22	The MDOT has advised they intent to "NOT" renew the legal contract binding them to provide winter maintenance and wellhead monitoring on the Route 26A and wish to turn those responsibilities to the Town. Deb also advised that the last round of MDOT testing found elevated salt level in the testing wells. The current agreement clearly states the MDOT is responsible for addressing those elevated levels; however, they are disputing the cause. (9/3) Executive session held (12/17) addt'l Executive session held - Council took no action. (2/17) Council discussed in Ex. Session (3/9) Water Conditions study request submitted via budget process. (7/6) Voters approved budget (11/16) Doug prov update - delay is due to identifying the best party to conduct study. WD has been consulted. Council voted to carryover funds. (2/14) Nate adv receipt of WD letter & that a plan of action has been worked up. Next Steps: Nate will update Council at later meeting.
70	Ordinance	O	M	11	Doug	Review current residential Subdivision Ordinance for necessary changes in Open Space	Doug Webster	Nate Rudy	Doug Webster	02/04/20	02/04/20	(2/5) Doug advised there were some critical issues that needed review within the current residential Subdivision ordinance.(3/5) OAC provided priority order of outstanding items & this was included. Also, identified "Fire Protection" adjustments and Open Space standards as items to be worked on. (7/2) OAC set for 7/10 & this is on agenda. (2/4) Originally logged as Item 40 - Council agreed to split out the OPEN SPACE portion fo the subdivision ordinance as a higher priority. Currently, developers are able to ID & use 'unusable' property as open space to meet the standard to obtain the density bonuses. Ordinance needs to be updated to require the space meet OS standards to count towards density. Next Step: OAC/Staff will provide suggested changes to Council.

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93	Public Safety	O	M	12	TBD	Address dilapidated Vacant Buildings around Shaker Rd/No. Raymond Rd intersection	Council	Nate Rudy	Nate Rudy	09/01/20	05/18/21	(9/1/20) Council identified dilapidated vacant buildings around Shaker Rd/No. Raymond Rd need to be addressed as the MDOT will not be taking the structures done. (1/5/21) Deb/PD Staff reached out to the property owners. They recognized something needs to be done with the structures and property. They are wondering if zoning changes may be allowed to assist them with redeveloping the properties. PD Staff strongly encouraged new surveys be done first. (5/18) Sandy rec'd complaint from resident on status. Next Step: Awaiting survey information from property owners.
52	Ordinance	O	M	13	Contract	Develop local level Sidewalk Construction standards	Dan Maguire	Dan Maguire	Doug Webster	03/05/19	09/01/20	Dan brought up the possible need for local level construction standards for sidewalks after various discussions about status of existing or proposed sidewalks in budget & council meetings. (9/1) Anne provided Council with a "Green Streets Guide" shared by Lauren Meeks (Resident - MDOT engineer) who suggested it be considered when creating our sidewalk standards and during our infrastructure project planning. Dan suggested Lauren attend an OAC meeting in the future. Next Step: Dan to bring to OAC for discussion - once OAC resources become available.
76	Ordinance	O	M	14	Doug	Amend Subdivision Ordinance to strengthen Buffer Zone requirements & provide more autonomy to PB relating to internal roads	Dan Maguire	Nate Rudy	Dan Maguire	05/05/20	05/05/20	(5/5) Based on feedback from the Planning Board regarding the current Buffer Zone requirement being reduced from the 50 foot mandate due to the location of houses and other issues, they are asking the Council to strengthen the language in the ordinance. In addition, they would like more autonomy related to mandating internal roads vs shared driveways to reduce curbcuts and assist with the buffer zone issue. Council agreed to log. Next Step: Dan to bring to the OAC for discussion.
99	Ordinance	O	M	15	TBD	Create Water Quality (Shoreland) Ordinance	Pam Wilkinson	Nate Rudy	Sandy Carder	11/16/21	11/16/21	(10/19/2021) Pam Wilkerson, President of Little Sebago Lakes Association made a presentation to the Council on behalf of the Lake Coalition which includes LSL, Crystal Lake and Forest Lake. They are requesting that the Town create a new ordinance to match the one passed in Windham to protect the water quality of the Town's Lakes. All three lakes are on the 'imperiled' State list. (11/16) Council agreed to proceed and log on our workplan. Sandy also advised that Pam was willing to create a draft to get the ball rolling - she will follow up. Next Step: Council to discuss priorities for coming year at the 11/20 Council/Manager Retreat.
78	Ordinance	O	M	16	Contract	Create Stormwater Standards for Watersheds	Doug Webster	Nate Rudy	Doug Webster	06/02/20	06/02/20	(6/2) Council agreed to log new item to create Stormwater standards for watersheds which will consist of (1) obtaining assistance from Cumberland County Soil & Water Conservation District (2) consideration of watershed overlay to zoning map (3) setting up addtl peer reviews for PB applications (4) creating ongoing stormwater maintenance inspections/verifications (5) creating procedure to document agreements to bind future owners to maintaining stormwater plans. Next Step: OAC to provide target date and work on as resources become available.

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22	Ordinance	O	M	17	Contract	Review current ordinance governing stormwater drainage measurements to determine if updates are needed. Update ordinance to include licensing fee or other fee structure IF business wants access to stormwater system .	Council	Nate Rudy	Doug Webster	02/09/18	03/12/20	During the CZA process with Cumberland Farms, much discussion was centered around "peak flow" vs. "volume" of stormwater drainage & about possibly updating the existing ordinance to cover both measurements. TC discussed and need Staff direction on item, as well as priority/timeline. Doug Webster made presentation (3/6) of feedback from Town Engineer. Recommendation is update ordinance to specify licensing or fee structure to account for any future requests to hook up to Town's stormwater system. (2/5) Council discussed need to move this up to ensure work is done before MDOT comes to redo Main Str and to ensure used in future development proposals. Doug also pointed out that results of Watershed study may impact regulations as stricter state statutes come into play. Study is awaiting Spring field work & will include detail to help. (3/5) OAC provided priority order of outstanding items & this was included. (5/21) OAC had prelim disussion at May meeting. (7/2) OAC started review - will continue at 7/10 meeting. (3/12) Staff recommend stormwater modeling be done to understand current infrastructure and recommendation for future - to anticipate addtl devel. That would inform the ordinance/fee work. Next Step: OAC/Town Staff will provide suggested changes to Council.
60	Ordinance	O	M	18	Contract	Review current Kennel related ordinances , identify needed changes & update accordingly.	Deb Cabana	Nate Rudy	Doug Webster	06/04/19	12/03/19	(5/21) Council was made aware of issue via OAC meeting update. New Dog Officer has advised of conflicts between current ordinances and general residential practices. Gray also has existing Kennel businesses. There is also a State Statute involved. Everyone agreed identifying fixes to coincide with new licenses would be best way to communicate any changes. (6/4) Council agreed to move down the priority list - using license timeline as guide. (9/3) Dan advised being moved up due to timing for Dog Officer and Dog licenses. (10/1) Dan advised this one is almost complete. (12/3) Sandy suggested the OAC meet without Doug and work on what they can. Council & Deb discussed and agreed to give this approach a try with Doug reviewing work as needed. Next Step: This one may be a good item for the OAC to test out new approach.
94	Ordinance	O	M	19	Doug	Update Town's Ordinance to reflect long term Solar Array policies for residential , all sizes.	Deb Cabana	Nate Rudy	TBD	04/20/21	04/20/21	(4/20/2021) Council finalized latest update to the Commercial Solar Overlay District Ordinance. This items is being logged to track the work needed on Residential Solar Array. Next Step: Awaiting resources.
25	Ordinance	O	M	20	Contract	Review current ordinance governing stormwater drainage measurements to determine if updates are needed. Create stormwater performance standards for future development in Village and/or for businesses wishing to access Town's stormwater system.	Doug Webster	Nate Rudy	Doug Webster	03/06/18	02/04/20	During the CZA process with Cumberland Farms, much discussion was centered around "peak flow" vs. "volume" of stormwater drainage & about possibly updating the existing ordinance to cover both measurements. TC discussed and need Staff direction on item, as well as priority/timeline. Doug Webster made presentation (3/6) of feedback from Town Engineer. Recommendation is to memorialize Cumberland Farms discussions/approach to be used as a 'performance standard' in conjunction with ordinance for future development. (2/5) Council discussed need to mvove this up to ensure work is done before MDOT comes to redo Main Str and to ensure used in future development proposals. (10/1) Dan advised OAC felt this one was easy to complete - moved up in priority. (2/4) Dan confirmed the OAC is back to meeting & has agreed to meet every other week to try to catch up. He advised they looked at Solar Overlay & Growth Cap and Duplex but need more guidance on the last. Priorities except for open space were unchanged. Next Step: OAC to work on next.
44	Ordinance	O	M	21	Doug	Review current residential Subdivision Ordinance for necessary changes all other areas (besides Open Space - see item 70)	Doug Webster	Nate Rudy	Doug Webster	02/05/19	02/04/20	(2/5) Doug advised there were some critical issues that needed review within the current residential Subdivision ordinance.(3/5) OAC provided priority order of outstanding items & this was included. Also, identified "Fire Protection" adjustments and Open Space standards as items to be worked on. (7/2) OAC set for 7/10 & this is on agenda. (2/4) Council agreed to split out Open Space (see Item 70) to make a higher priority from other changes needed in ordinance. Next Step: OAC/Staff will provide suggested changes to Council.

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36	Administrative	O	M	22	??	Review the current process for "Planned Unit Development" commercial subdivision to determine if routing the review & approval of commercial uses on lots in a PUD subdivision to the Staff Review Committee in lieu of the Planning Board.	Kathy Tombarelli	Nate Rudy	Nate Rudy	09/04/18	07/06/21	This item was brought up & discussed in the TC 8/7/18 meeting. Town Councilors agreed to consider the proposal, but could not determine whether support would be granted until some draft language was provided. Councilors expressed various concerns about the process which they would like addressed in that language. The Planning Board has also expressed some concerns with the change given PUDs are relatively new. (1/22) Dan advised Planning Bd is okay with change as Planning Bd Chair sits on Staff Review Committee. (7/6) Nate needs to check the status of this one. Next Step: Possibly move this one to future.
67	Residential	O	M	23	02/28/22	To review the status Deer Acres property (private road)	Residents	Council	il expressed seri	12/03/19	12/07/21	(11/12/19) A group of residents gave a presentation to the Council regarding the current state of their private road - Deer Acres. The road is not actually a deeded private road, but private property with easements. The residents feel the road has been severely impacted by the status of Gore Rd, and the fact that it is used as a connector between Gore Rd and Lyons Point Rd. They are seeking a workshop with the Council to discuss further and develop possible options for solutions. (12/3) The Council expressed serious concerns with taking over a private road, but felt there could be other solutions and they needed more information. They agree to a workshop. (12/17) Bruce advised residents will not be ready to talk until at least April when seasonal residents arrive back in State. (10/6) Council recognized that the residents may be leaving for their winter homes and will push this forward until next spring. (7/6) The window to discuss this has passed again this calendar year. (10/5) Sandy adv group will do presentation at 11/16 Council meeting after Council agreed to presentation in the 9/21 meeting (11/16) Group presented info to Council and answered questions. Nate later advised Staff would like to talk about road ordinance in general with recommended changes to reduce or eliminate add'l winter maintenance additions either temporarily or permanently. Sandy adv another road (Ramsdell) is now seeking a change so Town can do winter maintenance on addtl road being built. (12/7) Nate has req a larger conversation regarding road acceptance & winter maintenance. Next Step: Council to discuss larger issues and Deer Acres & Ramsdall Rd requests at upcoming workshop.
98	Ordinance	O	M	24	TBD	Review and update Land Bank Commission Ordinance	Sandy Carder	Open Space Committee	Anne Gass	10/19/21	10/19/21	(10/19/2021) While reviewing the Recreation Committee charge, Sandy pointed out the creation of the Committee stemmed from this now outdated Ordinance. In reading the ordinance, much of the roles and responsibilities have been changed, rest with the Open Space Committee or are not relevant anymore. Anne has agreed to bring to the OSC once their work on their Open Space Plan is complete and report back to the Council on recommendations. Next Step: Open Space Committee to review.
106	Ordinance /Standards	O	M	25	TBD	Create a Dark Skies Ordinance or imbed Dark Skies standards in other ordinances	Dan Maguire	TBD	TBD	01/04/22	01/04/22	(1/4/2022) Dan provided information related to the Dark Skies initiative to Council. Council agreed this has validity and is important given the level of infrastructure planning planned in the coming year as well as the work implementing the Comp Plan. No clear approach was defined, but Council agreed this topic needs to be raised as the above work moves forward. Next Step: Define path forward as more discussions are held.

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107	Ordinance	O	M	26	TBD	Create a Fire Safety Impact Fee to fund public fire cisterns	Dan Maguire	TBD	TBD	01/21/22	01/21/22	(1/21/2022) Dan suggested that long term, Gray should consider taking a different approach with fire cisterns which are currently handled within the sub division process. Developers are required to install cisterns under certain circumstances with Public Safety Director review. The quality, consistency and long term maintenance all vary with the Home Association taking over once Developer is done. The concept is to charge an impact fee, create a fire cistern fund and take over the installation and maintenance under Public Safety/Public Works. Council/Fire Chief agreed this approach may be better long term - pending details. Next Step: Work on when time permits.
90	Budget / Audit	O	L	1	06/01/22	Review and update Sick Time carryover and/or payout provision	Dan Maguire	Council	Nate Rudy	02/16/21	01/31/22	(2/16/21) This item has been discussed under the Budget tab startin in last year's cycle. Auditors have identified unfunded liability of close to \$400,000 for accumulated vacation, personal and sick time. Council requested add'l info on benefits in other Town's. Right now, there is no cap to sick time carryover and up to 50% of 90 days of time is paid out to employees when they separate from the Town. This seems out of line with other Towns. Council to consider a carryover cap and/or possible change in pay out provision.(7/6) Council discussed at workshop (1/13/22) Nate compiled data from other Towns & drafted an updated policy. Council rev and requested more info. Nate relayed feedback from Staff.(1/31) Nate prov add'l info, Council had brief conervation. Next Step: To be discussed further in subsequent budget workshops.
96	Budget	O	L	2	06/01/22	Analyze Resources & Responsibilities within Planning Department	Dan Maguire	Council	Nate Rudy	06/01/21	01/31/22	(6/1/21) Dan asked to log this on the workplan. It is something the Council has discussed the last 2 budget cycles, but have not changed anything - mostly due to new code software being implemented, staff turnover, etc. Before next cycle, a full review of the department should be done to identify improvements to assist with economic development, and staff efficiency. (12/7) Nate adv he will have a proposal for budget season. (1/31) Nate prov proposal - Council rev & discussed. Agreed to add to Budget as starting point. Next Step: Final decision to be made at end of budget cycle.
102	Training	O	L	3	07/01/22	Develop Committee Volunteers training Webinar	Council	Nate Rudy	Nate Rudy	11/20/21	11/20/21	(11/20/2021) Council discussed needed training for new Committee Volunteers and laid out timeline for annual goal/assignment setting meeting for all Committees. Everyone agreed some type of webinar could be created to allow new volunteers to review at their leisure with a review at the annual meeting. Next Step: Nate will work with Staff to create a training webinar.
87	Administrative	O	L	4	12/01/21	Review current Fee policy for MSAD15, Gray and NG to determine if there is a better reciprocal approach	Sandy Carder	Sandy Carder	Sandy Carder	02/02/21	06/15/21	(2/2) Sandy advised that this issue had been brought up at the last Joint Leaders meeting. A follow up meeting was held on 1/25 with Craig/Diane/Sam of MSAD15. There is a need to track costs and fees by all three entities. MSAD15 also has financial responsibilities that impact both Gray & NG. The issue is front line workers are left dealing with trying to apply fees when working with coaches, residents, staff, etc. which creates conflict as the taxpayers pay all three budgets. There was agreement there may be a better way to deal with fees. (5/4) Sandy adv next joint leaders meeting set for 6/17 & will follow up on status then. Next Step: Diane will set up a meeting with Katy and NG representative to start by reviewing current processes - it was noted due to budget season, this would likely not take place until April.

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81	Ordinance	O	L	5	Contract	Need to create a Water Extraction Ordinance	Sandy Carder	Nate Rudy	TBD	07/21/20	04/20/21	(7/21) Council was approached by Crystal Lake residents regarding many commercial vehicles from out of Town companies parking vehicles on the public boat ramp for long periods of time to extract water (pool, landscaping companies). Council discussed safety, access and water quality issues and agreed the activity should be prohibited. Deb spoke to the State and they advised we can put up signs right away - ordered. An ordinance should be created to ensure enforcement can be done properly. (4/20) Sandy adv a resident follow up on the signs which do not appear to have been installed at Wilkies beach. Nate will check into - Sandy let them know the ordinance change is still on our list. Next Step: OAC to work time permitting.
39a	Administrative	O	L	6	06/01/22	Need to review/renegotiate Cable TV Contract sometime in 2019-2021.	Deb Cabana	Nate Rudy	Jon Hartt	09/18/18	01/18/22	Deb advised she has asked Alissa Tibbetts, Town Attorney, to begin some research & that process can take up to 1 year. She also advised there is at least one resident willing to serve on a Cable TV Committee, if the Council choses to go that route. Council discussed briefly and confirmed either route will require legal review. Dan asked if there was a way for Alissa to provide a snopsis of the process/issues for council to better understand task. Deb advised significant changes have been made at the Federal level which will require more analysis before approach can be determined. (1/8 & 1/22) Feedback presented on item 42 Cable TV ordinance actually fit into the "contract" between parties. Will keep in mind for this item. (6/4) Legislature passed bill to roll back some of the changes (such as channel location, HD broadcast requirement, etc.) Deb advised GPCOG has sent out an RFP for the negotiator for the Towns invovled. There was no interest in a pre-contract meeting. (8/6) Deb advised GPCOG is preparing contract with law firm (only one rec'd but highly qualified). (10/15) Deb/Brad provided updates from the negotiation meeting with GPCOG attorney. (1/7) Council agreed to separate contract and committee into two action items. (9/15) Audit by consultant resulted in identifying monies owed (\$18K+) to Gray. GPCOG est negotiations will begin in the fall. (2/16) Deb adv target for contract is June. Spectrum disputing owed fees. (7/6) Anne adv this is at a standstill (12/7) Anne attended consortium meeting & provide substantial update. (1/4) Anne & Jon prov update on activities. Jon provided comparison between recommended consortium ordinance vs. Gray - Council agreed to move to consortium & provided some feedback. (1/18) Anne adv Bradley Law has meeting with Spectrum to start negotiations Next Step: Jon to discuss approach (repeal/replace vs. update) with Nate and submit when ready.

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B	Comp Plan Imp - break out item 84	O	H	4	01/15/22	Consider New Committee to monitor, supervise, ensure Comp Plan implementation proceeds	Council	Council	Nate Rudy/ Krista Chappell /Dan Maguire	12/01/20	02/14/22	(12/1) Council agreed current Committee should be retired as their charge is complete. Will send Thank You letters to Members and advise Council is considering a new Committee to assist with Implementation - asking them to advise if they are interested in continuing on. New Committee needs further discussion. (2/16) Sandy provided info from Windham Committee - hybrid structure. Generally, there was agreement that is the better model than all volunteer. It will be important to have people with know/exper on the committee. Should not set up until Council can give clear charge and goals to committee. Nate wants a chance to talk through options with Planning Dept as they will take leading role. Sandy also adv Windham hired a consultant to assist them. (10/5) Council agreed this needs to be a top priority in coming year (11/20) Council discussed options at retreat which included utilizing new annual meetings for goal setting/Committee assignments and developing a workgroup responsible for accountability to ensure assignments are being worked on. There was no resolution on the size & representation on that workgroup. (1/4) meeting held - Nate/Krista/Dan (1/18) Council rev framework for Committee & provided feedback(2/14). Krista/Dan shared their proposal Next Steps: Dan to draft outreach memo & share by 21st. Goal to have posted by end of Feb & included in March newsletter. Application deadline will be end of March to coincide with first April meeting packet.
E	Comp Plan Imp - break out item 84	O	H	4	01/31/22	Create plan/timeline for Zoning changes & ordinance changes	Council	Council	Nate Rudy/Doug Webster/Dan Maguire	12/01/20	12/09/21	(12/1) Council needs to discuss/create a plan/timeline to update Zoning to reflect zones in new plan and determine prioritization to ensure development adheres to new plan. Will be related to Item 46 (Growth Plan) and Item 49 (Duplex changes) for which initial discussions were held, but placed on hold pending Comp Plan approval. (5/18) Council approved moratorium (4/6 eff - 180 days) to allow time for Staff to update standards/ordinances within the Village and Village Center zones. (7/6) Dan adv OAC is working on reviewing the current zoning against the new Com Plan zones with Town Staff and interns. (12/9) Council agreed to have Doug, Nate and Dan met to discuss the timeline/resources needed for the OAC to take a look at the Critical Rural zone and Village zones to determine options for updates as priorities to ensure protection of CR and no more loss of opportunities for appropriate growth in the Village. (2/14) Nate adv Doug has some initial changes related to density for the Village/VC areas ready to go. Next Steps: 1st reading & public hearing set for 3/1.

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A	TIF Goal / Budget - break out tasks from Item 34	O	H	5	02/28/22	TIF - Mixed Use Zoning Discussion for Property next to Northbrook	Town Council	Town Council	Doug Webster	01/22/18	12/09/21	(11/28/18) Mixed Use options were discussed at length. Next workshop set for 2/19 6-7pm prior to scheduled TC Meeting. (2/19) Council discussed options and agreed having some type of proposed changes to consider would be helpful. Should focus on Village, but also on large undeveloped piece abutting Northbrook as owners req. inclusion to help develop. Doug will work on. (12/09) Council identified the need to find a parcel that could be set up with mixed used development - such as the parcel included in the Village TIF which may attract a medical facility and/or larger store like Paris Farmers which expressed an interest in having a location in Gray, but could not find a suitable parcel/building.
B	TIF Goal / Budget - break out tasks from Item 34	O	H	5	TBD	TIF - Center Rd / Bridge Redesign	Town Council	Town Council	Town Council	02/18/18	02/19/19	Town to evaluate possible changes to bridge and/or reconfiguration and/or completion of Turnpike Acres - to address Center Rd outlet just below 5 Rd intersection/left turn issues for tractor trailers in Village (possibly part of TIF workshop to determine plans/priorities for Village infrastructure upgrades). MTA advised that Bridge was recently refurbished & widened so there are no immediate plans for more work; however, they remain open to discussion a realignment. (12/4) Part of solution to address tractor trailers in the Village is to address inability to make right hand turn from 202 onto route 100 - which includes alternate route - maybe via turnpike acres/center rd bridge. (2/5) TC moving to TIF Planning umbrella (2/19) Deb to find out replacement year from MTA.
D	TIF Goal / Budget - break out tasks from Item 34	O	H	5	05/01/22	TIF - Evaluation of possible Sewer/Water treatment option for Village	Town Council	Town Council	Nate Rudy	02/05/19	12/09/21	During TIF public forums, a specific piece of property (22 acres) was added to the map as it was considered a good candidate for a future water treatment / sewer facility - due to the soils and location (gravity may eliminate need for pumps). (2/19/19) Deb confirmed TIF funding can be used to purchase property; however, it can only done once a full blown plan is created for usage. TIF funds cannot be used to buy property for recreation purposes. Council to discuss land acquisition CIP at 2/21 budget meeting. Council has agreed to set up a separate question on the warrant articles & will approve those articles at 5/7 meeting. (12/9) Council agreed Staff needs to provide some options for long term solutions - in the short term.
7	TIF Goal / Budget - break out tasks from Item 34	O	H	5	TBD	Develop possible Special Assessment Fees - handling as part of TIF discussions	Town Council	Deb Cabana	Town Council	01/22/18	02/05/19	The Planning staff provided high level information regarding possible use of a developed Special Assesment Fees which would be collected as part of new development to offset various costs. Council agreed they should be added to the tool box and requested more detailed information be pulled together for consideration. May be handled in conjunction with In Lieu Fees. 9/18 Council discussed reprioritizing, but decided to leave as is. Dan suggested that we identify other Towns using these fees and use their language as a base. (2/5) Council agreed to handle as part of TIF planning. Next Step: Determine when Staff has capacity to work on.
8	TIF Goal / Budget - break out tasks from Item 34	O	H	5	TBD	Develop possible In Lieu Fees - handling as part of TIF discussions	Town Council	Deb Cabana	Town Council	01/22/18	02/05/19	The Planning staff provided high level information regarding possible use of a developed In Lieu Fees which would be collected as part of new development to offset various costs. Council agreed they should be added to the tool box and requested more detailed information be pulled together for consideration. May be handled in conjunction with Special Assessment Fees. (2/5) Council agreed to handle as part of TIF planning. Next Step: Determine when Staff has capacity to work on.

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A	Route 115 - break out tasks from Item 4	O	H	Z	TBD	Obtain Ledge Map for scope of project	Council	Nate Rudy	Will Haskell	02/16/21	09/27/21	(2/16) Council agreed to split out tab & tasks from 1/19 workshop. Due to the ledge present on the hill, it was agreed a ledge map using radar was needed. (3/2/21) Will has provided est to Nate. (3/9) Council rev with Will. Doug ask that add'l boring on the slope of the road to ensure the ledge is fully identified. Will will update the proposal. (4/6) Will provided update & Council agreed (6/15) Voters appr budget, Council appr contract. (9/27) Will adv testing is underway. If tests results in identification of ledge, than radar mapping will be done. Next Steps: Mapping should be done within a couple weeks.
B	Route 115 - break out tasks from Item 4	O	H	Z	TBD	Obtain updated full Survey for scope of project	Council	Nate Rudy	Will Haskell	02/16/21	09/27/21	(2/16) Council agreed to split out tab & tasks from 1/19 workshop. Given there are no easements on this road, it was agreed an updated survey is needed from Main Street to 59 Yarmouth Road. (3/9/21) Will has provided est to Nate & Council reviewed. There were questions about who would conduct the ROW work - see new item MDOT meeting. (4/6) Will provided update & Council agreed (6/15) Voters appr budget, Council appr contract. (9/27) Survey is underway which will include identification of existing wrought & most impacted parcels. Next Steps: Survey should be done within a couple weeks.
C	Route 115 - break out tasks from Item 4	O	H	Z	TBD	Draft a High Level Engineering Plan for scope of project	Council	Nate Rudy	Will Haskell	02/16/21	09/27/21	(2/16) Council agreed to split out tab & tasks from 1/19 workshop. Council has asked Will to create a high level 'starting' engineered plan to help facilitate next set of workshops. This plan should include ALL possible options - which can later be dropped depending on scope/costs - such as adding underground stormwater, sidewalks on both sides, Brown street intersection reconfiguration, traffic calming measures, parking on either Yarmouth or Brown (depending on if Brown is made one way or not), Bike lanes, etc. (3/9/21) Will has provided est to Nate and Council discussed. Council agreed to include 2nd sidewalk in plan, but decision on whether to build will be determined on feasibility and costs. Also agreed to remove "full time inspection" costs until later in the project. The decision on part time vs full time will be easier to make once the project scope/complexity is identified. (4/6) Will provided update & Council agreed (6/15) Voters appr budget, Council appr contract. Council recommended WD reach out to Will asap to ensure their inclusion in same engineering effort. Money was allocated for their piece out the \$495k (9/27) Will prov some high level plans req guidance on several items. WD work being done by another engineer at firm. Next Steps: Add'l guidance provided - Will to update plans & provide estimates on costs to determine what may need to be cut before going to the residents.
D	Route 115 - break out tasks from Item 4	O	H	Z	TBD	Provide past Traffic Study for Brown Street	Council	Nate Rudy	Will Haskell	02/16/21	09/27/21	(2/16) Council discussed past reviews of making Brown St one way. Will/Kathy/Doug indicated this issue has been looked at a couple times in the past. Will thinks he can dig up the past reports. Consideration is traffic pooling on Route 115, but also ability to prevent large commercial vehicles from using Brown to get to short Shaker (weight limit being pursued). (9/27) Council expressed strong support to making Brown street one way from Main to Yarmouth - to help solve safety issues, speed, heavy truck traffic on Shaker Rd, and parking issues. MDOT has not approved in the past. Next Steps: Will to research further.

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E	Route 115 - break out tasks from Item 4	O	H	Z	TBD	Set up Joint Meeting with MDOT	Council	Nate Rudy	Nate Rudy	03/09/21	06/15/21	(3/9/21) Will recommended we hold a meeting with MDOT as soon as possible in the process. Several items were identified for discussion (1) possible use of Federal funding (2) MPI/funding formula for project (3) ROW work responsibilities - if DOT does or Town (would have to hire specialist to handle). Meeting will include Will so proposal needs to be updated. (5/4) Nate has req a meeting & follow-up - looking for 5/18 workshop but no response to date. (6/15) MDOT Rob Betz atten workshop & adv Town needs to do easement work and then would hand over to MDOT. Doug asked about which method is preferred, Rob adv there is a manual to follow and that the question should be referred to Cathy Rawlings in Property Division. He will obtain more info for us. He also advised that 2022 MPI funding is all allocated. 2023 is next cycle - await engineering plan is a good idea to ensure we have the best figure - once it is set - we are locked in and we can only obtain \$625k from MDOT. He did adv having a "contingency" figure would be good for a project of this size. MPI contracts are usually signed the year before the funding and once signed Town has 36 months to complete project. Next Steps: Town needs to complete more work to prepare for the MPI application.
F	Route 115 - break out tasks from Item 4	O	H	Z	TBD	Set up Meeting with Water Department	Council	Nate Rudy	Will Haskell	03/09/21	09/27/21	(3/9/21) Sandy requested that a meeting with the Water District be added to proposal and done early in the process to identify their scope/timeline to allow for coordination. The TIF defines \$495,000 for their water line work in the project. (4/6) Council met with WD to discuss timeline. WD will provide an estimate of the money they will need in the coming 12 months to begin their engineering/planning. Sandy did adv the information is needed in time for the 4/20 warrant article vote. (4/20) Nate prov updated info from WD - Council agreed the WD req for Route 100 TIF funds was fine (under the \$495K) - subsequent discussions will be needed for overage and for the other TIF fund projects. (6/15) WD attend workshop (9/7) Council set WS 9/27 with primaries incl WD Next Steps: Continue to include WD in meetings.
G	Route 115 - break out tasks from Item 4	O	H	Z	TBD	Set up Discussion with First Congregational Church	Council	Nate Rudy	Will Haskell	03/09/21	09/27/21	(3/9/21) Anne pointed out there needs to be open discussion with the First Congregational Church on the reconfiguration of Brown Street intersection. We need to ensure they are aware of the proposals and are invited to the meetings (9/27) Council agreed that starting conversation with Church asap was critical to creating plans for public forum. Next Steps: Will will work with Staff to engage the Church to review options for squaring Brown and dealing with their septic system.
H	Route 115 - break out tasks from Item 4	O	H	Z	TBD	Identify Blasting impacts from project	Council	Nate Rudy	Will Haskell	03/09/21	03/09/21	(3/9/21) Anne pointed out if there is any blasting involved in this project, the Town will need to work with residents to minimize impacts and ensure damage is not done to their foundations. Will adv whether blasting will be needed is unknown at this point. Next Steps: Blasting will be identified, if applicable, once more work is done on the planning.
I	Route 115 - break out tasks from Item 4	O	H	Z	TBD	Schedule Public Forums for property owners and residents	Council	Nate Rudy	Council	09/27/21	09/27/21	(9/27) Council agreed that identifying the most impacted parcels first and holding on site individual meetings was paramount to identifying options for the road. Once that step is done, then holding a larger public forum for all Yarmouth/Brown road residents would be set to review draft plans and obtain feedback. All residents are welcome, but letters will be sent to Yarmouth/Brown residents. Next Steps: Will to identify most impacted parcels.
J	Route 115 - break out tasks from Item 4	O	H	Z	TBD	Obtain info on Budget and MDOT MPI fund disbursement rules	Council	Nate Rudy	Nate Rudy Will Haskell	09/27/21	09/27/21	(9/27) Council asked Nate to obtain new projections on how much money will be available in the Route 100 South TIF for this project. Council asked Will to talk to MDOT about how upcoming MPI schedule for the \$625k contribution and when the money would have to be spent if MPI was approved. There was concern that we could miss out on obtaining the funding, but on the flip side, not be ready to spend it given we will need at least a year to obtain easements. MPI funding cannot be used for easements. Next Steps: Will to identify most impacted parcels.
K	Route 115 - break out tasks from Item 4	O	H	Z	TBD	Identify Firm to complete Easement Work	Will Haskell	Nate Rudy	Nate Rudy Will Haskell	09/27/21	09/27/21	(9/27) With MDOT advising they will not work on easement issues, Will adv his firm does not do that type of work. He has some names he can provide. We will need to obtain estimates so TIF money can be set aside and an RPF can be done. Next Steps: Will to provide info to Nate.

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A	Main Str - break out tasks from Item 89	O	H	8	12/31/21	Obtain Stormwater Capacity Analysis from MDOT	Will Haskell	Nate Rudy	Will Haskell	12/07/21	12/07/21	(12/07/21) Will advised that the MDOT is completing an analysis of the stormwater capacity of the current system which directs flow to the MTA interchange and Cemetery area. Whether the current system can handle existing stormwater and/or has additional capacity is unknown and likely not well documented in regards to options. This information is critical to the plan for upgrades to Main Street and must be obtained before stormwater modeling can be completed. Next Step: Will/Alec and Nate to work with MDOT to obtain asap.
B	Main Str - break out tasks from Item 89	O	H	8	12/31/21	Identify what level of Survey information will be available from MDOT	Will Haskell	Nate Rudy	Will Haskell	12/07/21	02/01/22	(12/07/21) Will advised it is likely the MDOT did not do a detailed survey for their upcoming projects. This detail is needed to do the level of planning the Council is asking for and will need to be done first. It is possible to leverage off what was done for survey work. (2/1) MDOT information is not sufficient for Will to proceed. Nate rec'ing no response for meeting request Next Step: Letter sent to MDOT (along with weight limit/route numbering) with CC to Legislative team.
C	Main Str - break out tasks from Item 89	O	H	8	04/01/21	Signage/Bollard Posts - Village Island	Sandy Carder	Nate Rudy	Nate Rudy	02/22/18	12/07/21	MDOT will look at what they can do to make the island at the 5 lane intersection stand out so vehicles do not go the wrong way into head on traffic. Only current sign is "ENTER" provided by MTA. New striping is planned, but no response otherwise (9/4). 9/18 Council asked Deb to follow up with MDOT on their review - she advised she has meeting with MDOT on Wed 10/10. (12/4) Sandy asked MDOT at meeting about options. MDOT said they may have some flexible boillard type posts to try - will check their inventory. Steve noted it does make plowing more difficult. MDOT also may look at new signage - but that will require a full re-engineering of electric/posts at the intersection - see rt 115 listing on task list.(4/2) Dan advised at seeing another person drive into head on traffic in the wrong lane around the village island. (4/16) Deb advised MDOT is not willing to spend on permanent bollard due to history of destruction & costs. (6/4) Deb confirmed striping cannot be done before 7/1 (budget). Sandy asked if "ENTER" could be added to striping - may not be visible. Awaiting alternatives from MDOT. (12/7) This was originally logged under the MDOT detail tab - moving to Main Street as it will be incorporated in the plans.

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A	Traffic - MDOT - break out tasks from item 24A	O	M	1.1	06/01/22	Signage - Route 26 vs. Route 26A	Council	Nate Rudy	Nate Rudy	02/22/18	02/01/22	Village diversion/misdirection. Looking into eliminating/renaming route 26/26A to prevent Truckers from going the wrong way through the village. MTA committed to helping push for changes with MDOT at last night's meeting & advised a suggestion to remove Route 26 starting at Washington Ave (Portland) through to merge with 26A has been suggested in the past. Route 26A would just become Route 26. Also, Jason suggested using the Town sign by the Transfer station or other electronic signs. Note: Cathy Breen had offered to check in with Garmin to obtain more information on GPS algorithms/process - follow-up? MTA will be closing bridge in summer 2019 - good time to coordinate removing "route 26" designation from Washington Ave to bridge. Keeping it from interchange - by-pass - north only. Deb is sending note 9/4. (12/4) MTA pointed out MDOT is not in agreement with full closure of the bridge due to lack of ability for rigs to turnaround if they miss detour signs. Also, not committed to changing route signs at this time - more discussion to follow. (9/17) Sandy advised she mentioned this issue to Rep Moriarty and he advised he would be willing to look into it to determine next steps on a formal request. (10/15) Rep Moriarty has established communication with DOT legislative liaison and they are willing to set up a meeting with DOT Staff that handle routes. Council discussed having pre-meeting but feel Rep Austin & Sen Breen are up to speed - Sandy will advise Rep Moriarty. (11/12) Sandy advised a meeting is set. (12/3) Sandy reviewed results of meeting & weight limit options. MDOT to provide info on costs for signs to change designation for just in Gray. Council agreed to coordinate weight limit with sidewalk project meeting & attempt to obtain approval. (1/21) Sandy sent follow-up on sign count/costs and asked for more info on weight limit process. (2/4) Sandy adv MDOT adv they were looking into (3/10) Sandy will follow up (8/4) Follow up done MDOT still needs to discuss before getting back to us. Council to set up public forums in Sept. (9/1) Public Forum set 9/29 - Sandy to follow up again. (9/29) MDOT sent resp hours before public forum. (11/17) Sandy will draft resp to MDOT letter. (12/15) Council approved response letter to be sent with alternate proposal to remove 26 & add to 26a while 26a remains. Weight limit work will continue via communication with residents/businesses. (1/5) Letter sent. (4/6) MDOT resp - sugg 'truck route' signs, not budging on sign replacement. (5/4) Nate & Sandy meet with Sen Breen staff 5/5 & submitted historical info on issues. (12/21) Council dis at meet & Nate will follow up on details for "cost" of signs (2/1) Letter sent to MDOT req detailed invoice for costs and MTA info Town to define goals-study/parmts/data set to cap as much data/results as poss rel to exist prior traffic issues. need to deter int partners-NG,Poland,Cumber,Auburn,Windham? MTA ind poss prov 80+% of fund, but sugg Muni commit would prov more control over study/ensure buy-in. Partners could share the costs of the 15+%. 6 fig likely need, more data added to study = high costs. Deb adv MTA is work on poss opts, costs and part comm & hopes to pres at Oct TC meet. (12/4) MTA pres new data capture/purchopt that will incr data while drop costs. Scope disc ensued w Council need to send addtl feedback to Deb-chgs may incr costs-but MTA comm to a good study rather than just a 'cheap' one. MTA will reach out to NG next to deter if they will parti. (1/8) Deb will reach out to MTA to obtain new cont (Bruce Van Note has been appt to head the MDOT). (2/5) Mr. Mills resp, but prov no name. (2/19) Mr Mills is taking a diff appro than Mr. Van Note-he is propo MTA buy subscr at March meet. (3/5) NG is not inter in parti.(4/2) Sandy prov PPH article ind MTA, MDOT, PACTS and Port Transp grp have agrd to grp subscr to software. Await addtl feedfrm Mr. Mills. Ress appr budget. Deb sent e-mail to Mr. Mills. (9/3) Mr. Mills adv they are still work on it. (9/17) Sandy adv COG has access to data & sent mat to S Carver as they were inter to see if there was a role for COG to play. (11/12) Steph adv COG can prov info-Sandy to ob more info. (12/3) Sandy prov up - GPCOG to take leave & prov prop for full coun to cons. (1/7) Sandy pres propos scope from COG-Counc req opts for MTA buy-in, but maj agreed to mov forw. Sandy will fol-up with Steph. Coun will vote on engage letter at 1/21 meet. (1/21) Coun voted to approve engag letter. (2/4) Sandy recap conf call with COG-ok with chgs-will look into poss ph 2 study to capture 'avoid' vs. 'divers' traffic with MDOT fund? (3/10) Sandy will follow up - Steph Carver is leaving GPCOG. Sen. Ned Claxton ask for info as his constituents in NG view this as a top issue. Sandy shared. (5/19) Study due end of June. (7/21) Delay but COG will add 'avoidance' analysis at no charge - target is Sept (9/1) Sandy adv draft report is done - final repot should be rec'd in a couple weeks. (9/15) Sandy adv final report has been rec'd - will send to Council & set up discussion when time allows. (10/6) MTA/MDOT have prov feedback to GPCOG. They resp to MTA, incorporating changes for MDOT. NG has ask for copy. Deb to talk to NG Mgr. (11/17) GPCOG resp to MDOT & are work on updating. (12/15) Sandy has rec'd updated study - will pull together all the material & send to Council. Will be placed on a future workshop agenda. (1/5) Diversion info shared (3/16) Council disc resp (1) to MTA (2) meet with Leg team + transp committee members (3) integrate in convo with MDOT on Route 100 projects (4) req mor info on LOS study costs/timeframes. (5/4) Nate & Sandy meet with Sen Breen staff 5/5 & submitted historical info on issues.
A	Traffic - MTA - break out tasks for item 24B	O	M	1.2	12/31/20	Diversion Study	Town Council	Nate Rudy	Nate Rudy	02/22/18	05/18/21	

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B	Traffic - MTA - break out tasks for Item 24B	O	M	1.2	06/01/21	MTA Data - cash collection (vs EZPASS)	Town Council	Sandy Carder	Sandy Carder	02/22/18	05/04/21	<p>MTA will prov data for cash (vs EZPASS) from the regl booths-Gray,NG,Falm - to better deter funds being collect by high tolls. Ident collect funds will prov base to deter alter in toll location prices. Toll Data was prov, but Sandy asked if classes could be split out (12/4) Some minor toll disc occured at meet with MTA confir they can prov addt'l info. (2/19) Council disc opts for toll chgs and agreed to send letter to MTA with recomb/feedback. (4/16) Sandy prov draft to Council. Dan prov feed to Sandy. Council prov feed to finalize letter in 5/7 meet & appr letter at 5/21 meet. Deb has sent. (8/6) Deb to follow up. Council agreed needed to follow-up before pull in Repres and/or Governor's office. (9/3) Mr. Mills resp as he has in the past. (9/17) Sandy met with Rep Moriarity & he agreed next step is a letter to Rep/Breen and Governor and perhaps they can meet to see what add pressue they can apply-incl the issue of Complete street policy. (10/15) Sandy proposed alter approach of asking Leg. Reps to submit the issue to the Governor's Blue Ribbon Commis for consid as several fund pieces related to both toll inequity and diversion. Dan pointed out use of 295 (or 95 north of Augusta) by commut vs those forced to use 95 (south) is an issue as well. Council agreed and also want to focus on ask Leg. Reps to consider a bill that would put more teeth in the MTA complete street policy and give muni more say. Sandy will draft for Council rev at 11/12 meet. (11/12)Letter rev with feed prov. Sharon expressed concerns with tone of letter. Maj of Council felt it needed to be strongly worded esp given news story where Mr. Mills was dismissive of issues. Sandy remind that it is to the legis team, not the MTA directly. Sandy to update and send. (12/3) Council approved letter. (2/4) Sandy adv committee contin work - follow up after session (2/18) Sandy prov update on status of comm and council agreed we should follow up now. (3/10) Sandy shared with Sen. Ned Claxton upon request (3/16/21) See above Diversion (5/4) Nate & Sandy meet with Sen Breen 5/5</p>

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10	Administrative	F				Develop process to review status of Paper Streets	Town Council	N/A	N/A	01/22/18	01/16/18	During the Council discussion related to approving an extension to ROW access to 'paper streets', the Council inquired if there was a long term goal to create a process to review/identify streets which should be removed from the list. Resources/timing were discussed as hinderances. Council set this activity to "Future" given the renewal timeframe of 20 years has been reset. Future items will be reviewed annually, at a minimum.
21	Administrative	F				Develop a method to analyze & potentially rank Committee Volunteer applications when more than one received for one spot.	Dan Maguire	N/A	N/A	02/09/18		During a workshop discussion on Jan. 8th, the Council agreed there could be situations where a formal review/ranking system may be appropriate, but it is unlikely one needs to be used in most situations. The Council reviewed a variety of options, ideas, etc., but decided to table this issue for a later date. Will be considered a 'future' item.
31	Ordinance	F				Review the issues and options surrounding Dock Lighting / Light pollution.	Deb Cabana	N/A	N/A	04/17/18	06/05/18	Town Staff has received a complaint/inquiry surrounding light pollution issues related to new LED dock lighting equipment. Given Councilor Foshay was absent at the Apr. 17th meeting, Council agreed to log (as it will be covered regardless - in closed, future or open), but to hold off discussion & prioritization until May 1st meeting review. Council discussed at June 5th meeting agreeing this would be considered a future item based on lack of available information. Possible OAC research item.
17	Economic Development / Budget	F				Research and compile data and options for a possible Community Center in Gray.	Town Council	N/A	N/A	01/22/18	05/07/19	During a Sept. TC Workshop discussing goals, the Recreation Dept. provided a proposal to realign funds collected by the Rec. programs under the Rec. Dept for use in maintaining/expanding programs. One major challenge identified was the lack of space to expand programs which create revenue streams for the Town. A new space (Community Center) was identified as a possible solution which could be paid for with current revenue streams. TC expressed support to obtain more information. Next Step: Rec. Dept. Staff will begin work to outline plan to obtain additional information. Council agreed this will be considered a "closed" Council item until the Rec. Dept. brings forth additional information. With availability of some land around the by-pass, this was discussed in 9/4 TC meeting. Deb stated \$62,000 is in the current fund. (11/13) Council agreed to move to Future list as the item continues to come up in discussions. (5/7) Concerns regarding current status vs. best practices were discussed during the 4/16 meeting - confirming programs exceed capacity at the Town facilities. See Closed item #57. Manager advised it was Administrative and under her purview, council agreed to add to this item & close #57 with Manager bringing forward any necessary policy issues.
23	Ordinance	F			TBD	Review current ordinance governing noise for updates and research possible odor ordinance .	Town Council	Deb Cabana	Doug Webster	02/09/18	10/01/19	During the special amusement license renewal of the American Legion Hall, much discussion was centered around the current decibel restrictions for noise in the existing ordinance was set at a reasonable level, existing activities that may be above that level, how the level would measured (by whom), and how complaints/enforcement would be handled. Doug Webster made presentation (3/6) of review/recommendations from Town Staff - raise limit to 60. TC discussed pros & cons of setting an actual decibel limit & enforcement. TC agreed to raise to 60, but also to add specific types of businesses/activities that would trigger limit. The Mfg Overlay/BD1/BD2 already have some type of noise restriction. Need to determine how complaints would be handled. (2/19) Council agreed to add "odor" to this item. (10/1) OAC feels due to lack of technology, other priorities and inability to enforce, this items should be moved to the future list. Council agreed.

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80	Ordinance	F			TBD	To create rules for Chickens in the various zones in Gray	Anne Gass	TBD		07/21/20		(7/21) A couple issues have arisen regarding Chickens and understanding what is and is not allowed. No real defined information in Town ordinances. Should be addressed at some point.
83	Infrastructure	F			TBD	Identify Otelco Poles to be removed on short Shaker Road	Alec Dodd	TBD		12/01/20		(12/1) As part of the pole analysis done for the short Shaker Rd 2021 Spring stormwater/sidewalk project, Alec talked to Otelco. Several poles only support old copper wire services. Once all users are transitioned to Fiber services, those poles can be removed altogether.
50	Economic Development	F	L	6	11/01/21	Work with the Narrow Gauge Railroad to review current situation and develop new plan.	Council	Nate Rudy	Nate Rudy	03/05/19	09/21/21	NGRR Board members made a presentation at the 3/5 TC meeting to update Council on recent events (loss of lease - deadline end of Oct and relocation of museum pieces on temporary basis to another location). Council/NGRR agreed a more detailed meeting was in order to determine what options remain for relocation to Gray, what resources would be needed - monetary/human, and the associated timelines. (4/16) Deb advised Doug had a meeting with NGRR Board and they are open to discussion, but cannot do at this time due to pending move. (8/6) Portland Press Herald reported the NGRR has withdrawn their plans to move to Gray and NGRR has removed trains & sign from Plaza. Council discussed how frustrating it is to find out via paper especially given this is the 2nd time and during the last visit by NGRR, the organization insisted they were still partnering with Gray. (9/3) Deb adv no response from e-mails - phone tag with Mr. Heinz - NGRR has engaged a broker to sell property. (9/17) Council discussed approaching NGRR to open discussion about donating the easement rights to the tracks to Gray - as a way to address those who contributed to NGRR relocation - both with time & money. (10/15) NGRR has responded. (12/3) Sharon wished to send an editorial letter to the paper regarding this item, but was willing to wait to see if the meeting is set after the Polar Express is done. Council felt current course was correct one. (1/7) Now that the Polar Express season has ended, Deb will follow up on meeting. (1/21) NGRR said they would get back to her (2/18) NGRR advised they are seeking professional assistance to deal with unraveling Gray issues. (9/15) NGRR sold a portion of the ROW to a private developer without notifying the Town or updating Deb as they said they would. Anne also adv NGRR will be just sitting on their property until values increase to allow them to break even with mortgage. Council is frustrated but since it is a private deal & does not involve Town, there is no legal leverage. (10/6) Council rev & app letter to be sent to NGRR. (9/21) Council sees no action happening on this so moving to future. NGRR has sold off pieces of their property without any contact with the Town as far as donating easements on the rail line.
98	Ordinance	F			TBD	Create a Mooring Ordinance for all Gray Lakes	Sharon Young			10/05/21	10/05/21	(10/05/21) Sharon Young submitted this request prior to her Council term expiration. The Council reviewed at the 10/5 meeting and agreed it was an issue that needed to be looked into; however, given there is a bill before the State Legislature (2nd session set to begin in 01/2022), Council wants to wait to see what the State decides to do or not do. In addition, more information is needed. The Lake Coalition presented information on a Shoreland Protection Ordinance they requested the Town create and there is likely going to be more discussion on that item. Mooring information could be collected at the same time.

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1	Pocket Park	(2020) Grant + \$2,175 + \$3,300 in Public Works Dept	#69 M10	Gray Historical Society has a long term vision of creating a Historic Walk with the Pennell House Memorial (re: Cumberland Farms donation/easement) kicking off the effort. GHS would like to discuss the Town Owned Property at 5 Yarmouth Rd as a possible mini-park	GHS in planning stages with more information will likely be available in January. Goal is to have full trail mapped out to identify specific locations as historically important for consideration when future development is planned. (10/28) Council needs more info, GHS/CEDC both have some ideas for the space, Council has RT115 project review starting, there is some thought to put up guardrails to prevent in appropriate vehicular traffic, Anne mentioned there could be grant money avail to help with developing a plan. Council agreed to keep on list pending presentation from GHS/CEDC in near future. (12/17) GHS/CEDC presented to Council & advised of possible Grant applications for funding which will be presented at the 1/7 meeting. (1/21) Council voted to approve grant application with direct \$2,175 match & \$3,300 of public works time/costs (3/2) Alec adv they have expanded about 1/2 of the grant 'in kind' total & will complete add'l work in the spring.
2	Education Funds	\$5,250 per semester - \$0 in 2020	N/A	New continuing education fund policy was approved allowing for up to \$5,250 per semester in reimbursements per qualified employee studies. Benefit is dependent on available funds.	Policy includes request for submissions to allow for proper budgeting. Deb advised deadline for submissions is January. She will provide info on any budget requirements. Employees had until Jan 19th - request included in individual budgets. (10/28) Deb advised no employees have submitted request - thus no funds needed this year. (1/19) Deb verified there are no requests for this cycle. (1/13/22) Nate adv he has no requests for teh 22-23 budget.
3	Employee Vacation/ Sick Fund	(2020) \$35,000 (2021) \$25,000 (2022) \$25,000 place holder	N/A	As of June 30, 2017 the Town's Liability for compensated absences - this is an unfunded liability and comes into play when an employee retires or leaves and requires a payout of accumulated vacation/sick time.	There is no designated fund for total \$245,419. Deb advised Town spent \$18,000 on retirements last year (unfunded). Council discussed setting aside 10% (\$25k) or 15% (\$37k) annually to start. Council is looking at \$25,000 Manager Contingency fund as first step in this funding. (10/28/19) Council agreed further payments to close gap should be considered. (2/18) Deb advised she is seeking \$25,000 for this fund - separately from the Contingency fund as with pending retirements, it is likely the \$25,000 will be exceeded. (2/28) Katy advised she added another \$10,000 and stated we cannot reduce as it will all be spent next year plus likely the contingency fund. (12/15) Council wants to review & possibly update sick time accumulation policy - currently unlimited. (1/19) Katy confirmed there are anticipated retirements & Council agreed for this cycle, the focus will be funding to cover. The goal long term is to build up the fund. Deb will provide summary of benefit packages in other Towns - Council will review a possible change in 'pay out' cap which may include a change in carry forward policy. (2/11) Katy adv there are no known planned retirements this year, thus the reduction in amount to \$25K. If that holds, we will be able to establish a separate account to offset the liability. Sandy also adv she will be recommending that the Council log the policy discussion on the master list at the next TC meeting. (3/22) Katy has asked Alyssa if we need to have a separate warrant article to establish this fund. (3/24) Katy has verified this will need a separate question but is below the LD1 limit. (1/13/22) Nate compiled data from other towns & drafted a starting point change to the policy. Council made add'l info requests. (1/31) Nate prov more info/Council discussed again, but briefly. Nate conf \$25k in budget as placeholder. Council req Nate/Katy to adv on any known upcoming retirements.

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4	CIP Payment	\$1,750,000	N/A	2018 CIP Bond package was put together to allow Town to make payments to the CIP fund over a 5 year period. The \$100,000 remainga outstanding from the 3/12ths rainy day fund is being logged separately - see below.	<p>Need to determine the status of the \$500,000 repayment to rainy day fund. Need to determine what the annual payment is based on CIP 15 year projections over the 5 year period. Deb will have more info on repayment after new year. Council identified as top priority & Sandy expressed desire to ensure CIP has everything included before the calculated payment is worked on. Mo advised there was some equipment missing which has now been added. Discussed approaches to payment calculation including using an inflation rate of 4%. Council identified the possible \$100K gained from resale of old ladder truck as CIP payment - as voted on by residents. In addition, Council agreed to move \$100k into CIP from the \$500k payment into the 3/12ths - to use projected overage next year to finalize the \$500K re-payment. (10/28) Old ladder truck is now for sale. Council agreed to ask Finance Committee to come up with "fully funded" number to better understand the gap between current \$100K - for discussion purposes. (12/17) Deb adv \$85,000 rec'd from sale of old ladder truck and \$10,000 rec'd for sale of retired equip for total of \$95,000 for CIP fund. (2/13) Deb & Katy provided updated CIP information to Council. (4/2) Council agreed need to review/update fiscal policy after budget season to look at bonding larger, long term equipment items - will change CIP funding. \$42,570 interest going into CIP from bond, but will be used for paving. Agreed to keep funding at 1,850,000 with final review after final numbers provided. (4/28) Sandy re-raised the option presented by Deb/Katy to reduce the CIP payment by the \$42k interest payment as a way to reduce the overall increase on the operations side. The addt'l paving could be pushed off or could be done with the result being the CIP end balance would be reduced by \$42k. Majority of Council wanted to stay the course & not pursue this option. (3/24) Katy prov 3 scenarios with payments - Council agreed to lower payment based on target to stay "neutral" with starting balance. Katy adv approx \$250K will flow into the debt serv payment from bond savings even after appr proposed usage. This will bring us up over 'neutral'. Council to make final adjs at 4/12 meeting.</p>

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5	Watershed Plans	\$18,000 (2018) \$5,000 (2019) \$7,000 (2020)	N/A	\$12k for Thayer Brook & \$6k for Cole Brook were approved in last year's budget. Cumberland County Soil & Water Conservation District has identified other watersheds that need surveys and/or protection plans.	Doug advised contracts have been signed & surveys will be underway shortly. Some discussion was made about what other watersheds need attention. Doug will reach out to CCS&WC to ask for input and estimated costs for next steps. Awaiting report back from initial watershed study for next steps and costs. (8/6/19) CCS&W will be doing a presentation in Sept to provide an update & next steps. (10/28) Presentation has been pushed to December. Council asked if CCS&W would provide feedback on other necessary watershed studies and estimates - in addition to any monetary impacts from completed studies. (12/17) CCSWD presented results of study to Council along with recommendations. Council asked for est. for each task (ballpark), as well as, ISWG fees. (12/18) Katy provided the Watershed estimate document to the Council which is set to discuss it at the 3/26 workshop. (3/26/20) Council reviewed and would like Doug & CCS&WC to prioritize top tasks & resubmit lower budget. (4/2) Doug provided update - split in two piece with each about \$13k. Council would like tasks (1) from each proposal for this year & then the rest for next year to balance addressing current water quality issues and preparing for future impacts - revised cost \$7,200. (4/9) Kathy advised after re-reading proposals she better understands why Heather is recommending items 1-3 first before doing ordinance work. Will get clarification & bring to 4/16 meeting. No impact to bottom line as part of CIP. (4/21) Kathy rev with Council, and Council agreed to go back to the original 2 tasks - but only do task #1. With the grant funding the remaining tasks would be done the following year & after Task #1 is complete, the Council will have a better handle on when task #2 should be done. (3/9/21) Doug adv that the reg grant requires \$10k commitment, but will be split over 2 years (\$5k each). There is also another request for 2 monitoring stations for \$2k this year & \$1k annually.
6	Sidewalks - Libby Hill	\$115,000 plus - 20% of total? GPCOG Grant?	#103 H5	MSAD15 has expressed interest in a joint effort in developing project plans for new sidewalks between Middle & High Schools on Libby Hill Road for possible grant application/approval for outside funding.	Council discussing top priorities from Public Works, included in Bike/Ped Plan and from MSAD15 standpoint. State grant programs require an approved project plan and as specific % of the funding approved & set aside before applying for remainder of funding. Joint leaders meeting with MSAD15 being worked on again. Steve included the Russell School piece in his engineering request for Shaker RD (see item 25B). Dan also recommended a 'standard' be derived for all future sidewalks - covering things like width, grade, ADA requirements, etc. Steve advised he could work with Will to create a standard. Council will budget for engineering & roll this into the Shaker Rd project - see 25B below. 20% of funding would be considered in future budget once total cost is known. (10/28/19) Council asked to have Will provide estimate for engineering costs. (03/12/20) Council agreed because we are expending substantial funds for the Shaker Rd sidewalk project, this one will need to be deferred. Alec also advised the existing sidewalk would need to be redone as it is not ADA compliant. (3/2/21) Council combined this item with the sidewalk ext from Hannaford to Spruce, paving LH road, add a crosswalk to the new possible emergency exit from school - into one project and submit to GPCOG as a shovel ready project for possible state/fed funding. Will not know if there is funding until likely April/May. (12/9) Council to set up WS with MSAD15. (1/31) WS set for 3/28

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7	Broadband Partnership		N/A	Lakes Region Broadband Partnership along with Cumberland County are working on the Connect Cumberland project to extend broadband through major corridors. Updating this to possible funding needed related to Grant being pursued with Windham.	A presentation was made to the Council during the July 3rd, 2018 meeting. Costs are unknown at this time, but goal was to have more information by year end for budget planning. No update on costs at this time. (10/28) Deb advised the group was having difficulty finding a contractor to do the work and thus will not be included this year. (1/19) Deb adv she does anticipate a request for some funding - matches for grants and/or other funding avenues. (3/22) Nate has some inquiries out and Anne adv that Otelco is nearing completion on a plan to build out Gray. There is also going to be federal money available for this work in the coming 2 years. (3/24) Nate has no further information - Council agreed to not put money in the budget. It is possible the federal money avail in the coming year will allow for grant applications for broadband work.
8	Skateboard Park	(2020) \$15,000 (2021) \$10,000	N/A	A GNG Student reached out to the Town asking for consideration of a Community Skateboard Park . Partner with school?	Dean was working on pulling together information from other Towns with skateboard parks to provide cost estimates. May be funded by the recreational enterprise fund. Dan advised Mike L. at HS has a group of students working on this and he has given them the timeline for budget season. He expects they will reach out after the new year to come in for a presentation. \$25,000 estimate provided - but could be more - Council agreed need more advance work, possible Community group & fundraising before included in Town's budget. (10/28/19) Dan advised this is still be worked on. Council agreed until they are ready to present a plan both for the park and the fundraising piece, this will not be considered. (1/21) Officer Chadler will present at the 2/4 Council meeting. (2/4) Presentation made to Council, majority supports project, requested a full blown proposal with estimated budget before next steps could be determine. The funding will need to be grants, fundraising & the Town. Location will be critical. (2/27) Rec dept is requesting \$15,000 (out of estimated \$125,000-130,000) to start the ball rolling on planning & fundraising. (2/18) Brought Nate up to speed, Dean was unsure if there was any recent activity on community side. (3/22) Sandy suggested we maintain the \$15k fund established last year, but forgo adding an addt'l \$15k this year - due to lack of activity on the project. This will give Community effort time to regroup after covid and we can consider next year. Council agreed. (2/14/22) Dan & Nate advised there is renewed interest in this effort from the School and some residents. Will likely be rolled into the discussion about Village Gateway/Pennell Recreational footprint. Staff recommending another payment into 'seed' money as total costs is likely well over \$100,000. Grants/fundraising will need to be done.

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9	Land Acquisition Fund	(2019) \$50,000 (2020) \$50,000	N/A	A Community Center has been discussed in various meetings and may be related to the above (13) Public Facilities Study - as far as next step planning.	<p>May be funded by the recreational enterprise fund. Recently notified of 2 residents (Carrie Carter & Steve Morse) who have obtained a license from the state and are looking at setting up a Committee. This is tied to both the Comprehensive Plan and item 13B as a review & input from residents in needed to determine need, size, location, priority, etc. Deb did advise that Newbegin is in need of substantial upgrades to make it more efficient and capacity has been breached. See 32 below - would roll into Land Acquisition fund. (8/6/18) The Council asked Deb to reach out to the owner of the Hamilton property to inquire about options for the Town - whether that is a community center with municipal parking, fields, or housing - or a combination of them - is unknown at this point & will require further discussion. (10/28) Council has this on their workshop list. (3/12/19) Council has set a workshop on 3/31 to discuss the status of the Hamilton Property and Land Acquisition funding. (3/31) Council discussed and agreed it is a great opportunity and Town should move to engage owners in an option contract to give us time to collaborate with GNGLL, Royal River, etc. to develop plan, seek resident input & approval and create a funding plan. (4/2) Council was provided with valuation info & will discuss land acquisition fund at 4/9 meeting. (4/9) Council discussed tentative steps for Hamilton property is to identify funding in this year's budget, then between now & possibly Nov election, working on more details for concept plans and identify funding options which could be used to seek residents feed and a vote with Nov election. Council agreed to set \$50,000 again as separate question. (4/28/20) Council agreed to reduce to \$25k and to list as part of the CIP warrant article. (3/9/21) Council will start with \$50k to see impact before making full decision.</p>

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10	Planning /Engineering	Route 100 South TIF Funds - \$176K appx + \$240K for Water District	#4 M3	TIF Projects (Main Street, Village Shaker Rd, Route 115), Sidewalk projects, and other projects (Wilkie's Beach) require engineering work to develop plans before funding can be sought (or to have more pull with MDOT/MTA).	Steve projected \$75K for engineering work for the Route 115 project, but Will advised that the engineering costs need to be included into the project request - if we go with MPI program - where MDOT would pick up 50% of costs - up to \$500k. Project is estimated at 1 million. Therefore, no budget impact for this fiscal year. Gorrill Palmer provided \$91,000 design fee & \$62,000 full time construction inspection fee as estimates - but would provide a new proposal when the Town decides to proceed. Given item 25B will likely use up TIF funds for this year, this will be considered in a future budget (with evaluating the intersection at the same time). (12/17/19) Public forum held on 12/5 - Council to set workshop. (3/26/20) Council is working to amend Route 100 South TIF to allow for funds to be used on this project. (4/21) Council set public hearing for 6/2 to put out to voters at 7/14 election. (1/19/21) Workshop held with Staff/Water District/Engineer to create general plan for starting this project. Route 100 South TIF funds are available - with expiration of 2028. Will will work on providing estimates for (1) complete 'ledge' profile of road using ground penetrating radar (2) updating and completing full survey of area - Main street to 59 Yarmouth Rd (3) create a high level plan to include parameters agreed to in workshop - working with the Water District to include their piece and including Brown Street reconfiguration/parking analysis. The goal will be to use the starting plan to schedule more public forums and have some idea of overall costs as we progress. (3/9/21) Will rev proposal for services. Council asked that (1) meet with Water District (1) meet with MDOT be added, Doug asked that add'l boaring be added to ensure ledge identified properly on slope, Council adv Church needs to be pulled into discussion on Brown Street intersection, and agreed to remove "inspection/post project" services be removed for now as those decisions will be made at a later date, but we have an estimate of \$101,590 for full time inspection services. (4/12) WD submitted est for rt 115 which is over the \$495,000 total. \$40k is needed in coming year for engineering/legal. Further disc is needed on total cost. Nate will verify number. (5/4) WD req more funds for materials.
11	Construction Costs	\$88,400 / GPCOG grant?	#103 H5	Extending sidewalk from Hannaford - Spruce Street - Sidewalk projects , and other projects (Wilkie's Beach) require engineering work to develop plans before funding can be sought (or to have more pull with MDOT/MTA).	Steve is requesting \$13,770 for construction costs to extend the sidewalk from Hannaford to Spruce street (engineering has already been done). (2/13) Alec provided estimate which includes engineering, construction, crosswalk from Spruce to School walking path, tree removal/stonewall relocation & possibly drywell = \$88,400. Council set to discuss at 3/12 workshop. (03/12) Council agreed because we are expending substantial funds for the Shaker Rd sidewalk project, this one will need to be deferred. Alec also advised the existing sidewalk would need to be redone as it is not ADA compliant. Alec also advised work new the pathway would like need to be added to this project due to stormwater issues. (3/2) Council discussed this in Council meetings as GPCOG was seeking shovel ready/worthy project to use to obtain grant funding from State/Federal programs. Council agreed to roll this into Libby Hill paving, LH sidewalks reconstruction & extension and a crosswalk to the MSAD15 ROW path which may become an emergency 2nd exit for the schools. Alec/Deb submitted to GPCOG. (12/9) Council to set up workshop with MSAD15. (1/31) WS set for 3/28

No	Items Label	Cost Est.	Task No.	Description	Comments
12	Contingency Fund	Manager \$25,000 Build/Grds \$15,000	N/A	Many Towns (and most companies) incorporate a Contingency Fund into their budget planning to cover unforeseen expenses.	<p>Deb provided (2) examples - \$18K for unfunded vacation/sick time for retirees and \$10K for the stormwater video work on Main Street. She has to cut from other parts of the budget which means other tasks go undone & must be refunded in subsequent budgets. Many municipalities have these funds to address unexpected or emergency situation. Another one is storm clean up for Public Works. Council discussed between \$20-30K. Council agreed to tentative \$25,000 amount to cover projected retirement and have some left over. (10/28/19) Council funded this as a combination of employee time & contingency - agreed we need to continue working on this fund. (2/18/20) Deb advised she is requested \$25,000 for this fund separate from vacation/sick time outstanding liability. (2/27) Katy advised we will likely spend this to supplement the vaca/sick time fund. (4/2) Deb advised it could cost up to \$10k for an addtl election if we miss the 6/9 election. Katy advised the money in this year's budget for that election would flow into the unassigned but would not be accessible until the following year's budget cycle after the audit was completed. Council needs to consider adding \$10K to contingency. Katy advised that contingency is set aside to help with transition to new Manager. (4/9) Governor will be moving election to July 14th - we will move local to coincide. Ballot printing, machine programming will be in current buget, there may be some money needed for staff time. Council agreed to keep contingency fund at \$25,000. Election change is another example of why a contingnecy fund is needed. (2/11) Deb adv that this was sufficient. (2/18) Council discussed need for fund for buildings & grounds. Will have follow-up discussion on amount & how to set up. (3/22) Council disc separate funds vs. one fund & opted for one fund; however, Katy pointed out moving it out from B&G will impact the total amount towards LD1 - Council may reconsider. (4/12) Council discussed again & agreed to move to CIP & increase CIP payment by equal \$15k to keep neutral on LD1/CIP reserve. This will make the use clearly & will allow it to roll over. (2/14/22) Recommendation is same payments as last year.</p>
13	Paving	(2020) \$469,250 (2021) \$449,225	N/A	Need to review Paving budget process to ensure projected & actual are closer	<p>Paving has been increasing in costs the last several years with 'asphalt escalation fees' built into the contracts. This means projected jobs (4 roads) may not match what actually is paved (3 roads) as money runs out during the season. Either need to increase paving budget or need to identify 'definite' vs. 'maybe' roads in the process or select fewer roads. Need to keep engineering report in mind to ensure Town stays ahead of failing road projections. (10/28/19) Steve will adjust request - to ensure we get 'caught up' on our paving - as a starting point. (2/27/20) Figure excludes \$13,500 being requested for pavement condition study. (3/12) Council discussed request for study. There is no industry standard - and last study was done 2017. Alec said roads that have been paved in last 3 years would need a study to determine their updated status. Council asked for est to do just those roads vs. a full study. (3/26) Alec checked into reducing study & only option is to break down into districts to do one each year - but that will likely cost more overall. Council agreed it needs to be done by next year at latest, but need to push this year. (3/2/2021) Alec adv only one overlay was done last fall after the budget vote, but he felt the 2020 paving would be done before June. Confirmed that at \$500k a year could clear the backlog in 8 years. This does include parking lots, but not sidewalks.</p>

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14	Libby Hill	(2020) \$13,579	#27 H1	Need to determine long term obligation and budget funding for Libby Hill maintenance for Town's portion of acreage	Work has begun on the Libby Hill deed review. That will include work on a maintenance agreement between the Town, MSAD15 and the Community Endowment. An informational meeting between the 3 parties is being scheduled. Need to determine how much annual funding will be needed for Town piece and what changes need to be made to CIP schedule. (10/28) Dan was assigned as liaison and the first meeting is set to work on identifying the costs. (12/3) Council discussed again & agreed should be on list. (2/27) Increased by \$2,527 for total of \$4,027 plus tractor in Mo's budget to assist. (3/12) \$4752 winter operations plus \$4800 spring operations = \$9,552. Requested Pavillion budgetting will likely be deferred until MSAD15 identifies their funding. (2/18/21) With reorganization of Rec Build/Grounds under Maintenance - per diem for LH was moved as well. Amount based on projected figures available. (12/7) Council supported MOU. Mo to work up figures for this year's budget with GCE assistance. MSAD15 reviewing with proposal to contribute \$5,000. (2/14/22) Mo has rolled budgetting for LH into his regular process/accounts & identified CIP needs. This includes \$7k for legal work on conservation documents. MSAD will contribute \$5k to operations budget & will handle legal fees for maintenance agreement.
15	Traffic Calming Measures	??	N/A	Add traffic calming measures as part of the project planning & designs	(10/28/19) Bicycle Coalition of Maine provides these items free of charge for testing; however, if Gray does decide to proceed with formal measures, equipment and/or construction costs may be incurred. (3/12/20) Anne advised it will take through the summer to set up tests and to identify what, if any, traffic calming measures will be recommended and then to determine costs. Will be considered in next year's budget. (3/2/21) Council agrees there are many options and there are many areas that could use them. Would like to engage organizations that can help us test lost cost or no cost options. Need to engage residents and MDOT as we move forward. (3/16) Council agreed to add addt'l striping to Village Shaker Rd - sharrows and more narrow lanes to test out the results. Alec to provide addt'l costs. (3/23) Nate spoke with Patrick Adam (MDOT) and they will donate the signs. He provided requirements for sharrows and he will make sure Alec provides increased striping line to Katy. (3/24) Alec adv sharrows will not work on Shaker due to MDOT stand. Council agreed to hold off on add funds and will pull this into the Route 100 discussion.
16	Fencing	?	N/A	Need to add Fencing to CIP schedule - applicable departments	(4/9) Dan pointed out that existing Town owned fencing does not appear to be included in any of the CIP department schedules. Council agreed it should be added before next budget cycle. (1/19) Katy advised this may be split between budgets (Build/grounds & Rec), but they will work to pick up the fencing for future planning. (2/18) Mo adv he is in the process of collecting data - Pennel & Library fencing has been measured. They will be measure Transfer Station fencing (which is substantial around the landfill) next. Once the dimensions are cataloged, the next step will be to grade the condition of the fencing & set up replacement schedule in CIP. Target to complete for next budget cycle. (2/14/22) Mo has begun work on this effort by catelogy current fencing. Goal is to come up with a per foot cost for budgetting purposes, but this is complicated by the height and type of various fencing. Long term, trying to streamline those options may be useful. Fencing around solar array is under owners responsibilities, but would transfer if Town purchases array in year 6. Mo will continue the effort for next budget cycle.

No	Items Label	Cost Est.	Task No.	Description	Comments
17	Existing Sidewalks	\$4,400 (condition study)	N/A	Need to add all Existing Sidewalks to CIP schedules	(4/9/20) Sandy pointed out that existing sidewalks are also not listed in the CIP schedule for maintenance/reconstruction work. Town has been only addressing when applicable roads come up for paving - usually nothing is done when overlay paving is done - creating a situation where they are only being addressed when a road is reconstructed. By that time, sidewalks are in bad shape and add considerable costs to the road budget. Need to put money aside to ensure existing sidewalks are maintained and funded when reconstruction is needed. (1/19/21) Alec updated the council on this as part of the paving catch up plan. He will be asking for the road study again this year. He is working to pick up the existing sidewalks and parking lots. Pending the study and updated information, he feels if we maintain our current \$450k annual paving budget, we could be caught up in about 7 years without accounting for sidewalks/parking lots which may then need attention. He is working with data from Stevie & his own to compile a list/conditions. We also need to make sure we understand any 'new' sidewalks being built need to be added (extension on Shaker Rd - planned Rt 115 sidewalks). (3/2) Council has asked Alec to obtain cost est to add sidewalks to paving condition study (3/15) Alec adv addt'l \$4,400 is needed to add sidewalks to condition study. He also clarified that "maintenance" is not the same for sidewalks - there is limited options because of curbing, ramps, landings, etc. It is more about tracking for full replacement.
18	Livelong Living	?	N/A	Placeholder for 21-22 FY Budget - Senior Programs	(8/4) Logging as a placeholder pending presentation from Lifelong Living Committee in Fall/Winter (1/19) Sharon advised there will not be any request in the upcoming cycle as they are still collecting data and planning. Some items may be addressed through donations or non-profits as well.
19	LD1	N/A	N/A	Discuss impacts of LD1	(9/15/20) Council agreed to log to ensure discussion on how to mitigate issues with LD1. (3/23/21) Katy advised that we are currently \$4,500 over LD1, but with some of the changes requested that number will go up. Council agreed we MUST come in below LD1 this year. Discussions on how to accomplish that will be held at 3/24 WS. Katy pointed out that separate questions would be outside the LD1 for operations/CIP. But then would require individual LD1 questions to go with them (ie Senior Tax Rebate - IF Council proceeds or accrued time off fund). (3/24) After the changes made - the budget is \$1,502 under LD1 incl employee accrued time fund. The Senior Tax rebate will be over the limit & set up as a separate question.

No	Items Label	Cost Est.	Task No.	Description	Comments
20	Enterprise Fund/ Sub D	EF \$157,000 SD \$95,000 - lost revenue est = \$207,232	N/A	Need to evaluate impact of Covid on Enterprise Fund & Sub D Fund	<p>(9/15/20) Deb has advised current projections have fund just breaking even or with a small revenue amount. (3/1/21) Katy clarified that Enterprise Fund is revenue from Rec Dept programs & Sub D is revenue from Development Fees. Sub D is generally used to expand or upgrade Recreational activities where Enterprise Fund is used to fund the Recreation Staff and operations. There is \$107k in EF with a projection of \$50K this year total of \$157k. Sub D is at \$95k now. But if the Rec Director position is filled, that may impact the EF total. Nat to talk to staff and determine timeline on new hire. (3/9) Katy adv that Nellie & her are working on identifying what in Rec budget can come out of Sub D. Extension of path from Cumberland Farms to Brown Street - through 1st Congregational Church property could be funded by Sub D - if grant & in kind is not enough. (3/23) Katy checking to see if removal of NewBegin stage can come out of Sub D fund in lieu of bond savings. She will also move the \$6k for concrete play area to Sub D. (3/24) Katy adv Sub D can be used, majority of Council agreed to keep in CIP bond savings as it involves multiple depts - maintenance, elections & recreation. (4/12) Council moved CL ramp match & concrete game area to Sub D - also suggested a list of "agreed upon projects" be maintained to ensure they are moved forward. Katy adv in the past many times the project will not move forward as there is no 'setting aside' money within Sub D. The CL ramp grant is being applied for so that will move forward. The Concrete game area needs more discussion in context of the Village master plan - Pennell footprint planning. Struck the ice skating line as \$ not needed if we try again at Pennell one more year. Agreed to leave the basketball lights in CIP to ensure money is set aside & lights are installed once funding goal reached. 2/10/22 Katy est lost revenue from covid at \$207,232 - qualifies for ARPA funds - added to spreadsheet.</p>
21	Communications	\$18,910 in owed fees / \$102,000 in annual fees	N/A	Consider proposal from Community Communications Committee to use Franchise Fees for Equipment	<p>(10/6) Anne advised the new Committee would like to see the newly discovered underpayment of franchise fees (\$18,910 for 2 years - more to follow?) put towards purchasing new/more equipment to improve the use of the Community Television Station and other platforms. (2/11) Council agreed until this money is rec'd, it will not be considered. There was a good conversation about how best to utilize the funding with everyone agreeing increasing communication was a high priority & it would be helpful for the Committee to make a proposal for specific needs/equipment/plans which require funding. Council could then consider best approach. Deb adv current revenue is estimated at \$102,000 and that the new contract will not be done until at least June. Spectrum is currently disputing the 'unpaid' past fees. No timeline on when that issue will be resolved.</p>

No	Items Label	Cost Est.	Task No.	Description	Comments
22	Electric Vehicle Transition	?	N/A	Transition Municipal vehicles to electric versions	<p>(12/1) Sandy advised she would be bringing this forward given the new solar array will be going online. Long term, if Town buys the array, converting as many vehicles as possible to electric will save more costs. (3/23) Council discussed plan for this - GPCOG has a loaner available for Towns to try out - Kathy adv they have used it before. Staff feels that having one 'shared' EV car would be beneficial - could be used by Code, Assessor, Admin, Planning, etc. and would charge overnight so the level 2 would work. Nate pointed out the question is which vehicle would it replace? Trucks make up more of our fleet and availability is an issue right now. Council asked if we could use the add'l bond savings to transition to one EV vehicle in the coming year. Of course, the EV charging station would be installed & wonder if we can use bond savings for that work? All would need to be done by Aug 31st. (3/24) Katy verified bond savings can be used. (4/12) Council agreed we need to more analysis on which vehicle makes sense to convert and options (lease, rebates, group purchases, grants, etc.). Highly unlikely this could be pulled together in time for the bond savings deadline, but Nate has the option to bring this before the Council, if it does work out. Otherwise, it will flow into next year's budget discussion. (2/14/22) Issues with stock availability & the fact that the charging station is not available yet has delayed this review. The hope is to be able to do the review and make proposals in next year's budget. Leasing options may be a good way to go as well. Mo provided an update on the EV Charging station - awaiting estimate on station model - rebates changing weekly.</p>
23	TIF Funds	\$365,147 / \$75,000 (2021)	N/A	Determine available funds from Village TIF	<p>(3/9/21) Katy advised \$365,147 is currently in the Village TIF fund. (4/12) Council agreed to pull \$75,000 forward to have available in next year for planning work on Main St / Route 100 MDOT project and Village master plan planning. Verified that Nate will bring forward any spending to the Council before money is actually expended. If no money is pulled forward, if there is a need, then a special Town meeting would need to be set up. The voters have already approved the use of this TIF funding for this type of work. (2/10/22) Katy prov spreadsheet - total South 100 TIF = 1,362,995 includes \$495,000 for WD (minus anything that has been distributed to them). Village = \$476,428.</p>
24	Septic System	\$5,000 (2020) plus \$5,000 (2021) \$160,000 (2022)	N/A	Create replacement plan for Pennell septic system	<p>(2/18/21) Mo identified the Pennell Septic system as an example of a pending critical issue that is not included in any planning/budgeting for the proposed Buildings Condition Assessment. There are currently 4 systems - Pennell ('58), Gym ('32), Maintenance ('52) and Science (??) which are extremely old. Combining and replacing the systems, as well as, addressing the status of the fields (reclaiming/reconstructing) should be done - sooner rather than later as there is no way to know if/when one or more would fail. Council agreed we need to log and add to CIP planning. (3/22) Sandy brought up this issue to ask Council if we want to start putting some money away. Anne suggested at least money to do some testing/engineering on a replacement system so we have a figure we can budget towards. More to be discussed at 3/24 WS. (4/12) Council rec'd feedback from Dean/Mo related to the "reclaim fields" CIP item - which was originally set to redo the fields at Pennell - may no longer be as critical because the soccer organization is no longer using the field and the field will need to be ripped up to deal with the septic so any redoing of the field will be tied to that project. Based on that, Council will rename this fund to the "Pennell Septic Fund" to allow Mo access to \$10k in funds to hire someone to analyze and come up with costs to address replacement. This will allow the Council to add the project to the CIP. (4/14/22) Mo reviewed recommendations from facilities study and estimated costs. GP is working on an engineered design - using the \$10k budgeted.</p>

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25	Telephone	\$6,000+ increase	N/A	Review current Telephone set up VOI vs. hard lines	(3/2) Dan noted that there was a substantial increase in the telephone charges across departments. Katy explained that the transition to voice over internet did not include fax or security lines which Otelco was not willing to budge on. Nate pointed out that having hard lines with plug in phones for each building is critical in emergency response planning. Nate will review in more detail with Katy/Mo and Staff to determine if changes are warranted. (2/10/22) Nate advised resetting up copper phones in every location would be expensive. Instead he is working out plan to have at least 1 landline copper line at critical locations for emergency use. No add'l costs this year. Dan suggested use of DSL may be an option as well. Nate will check into that as well.
26	Boat Ramp	\$62,000 total @ 25% = \$15,500 - \$2,000 leftover = \$13,500 for this year	N/A	Determine if Grant funding is available for Boat Ramp replacement	(2/18/21) Last year's grant fund was frozen due to COVID. Sandy to reach out to State to find out if there will be funding this year. Last year, State provided some concrete planks to assist with repairs in lieu of grant funding. (3/2) Tom Linscott (Director of Boat Ramp Facilities) advised they do not have funding as of right now, but are hopeful that will change shortly. Forwarded note to Heather Seiders who manages the grant fund. Sandy will tag for follow-up. (3/9) Mo adv that further repairs will require professional services and a DEP permit. Nate to work with Staff to determine if ramp can go another year or not. Town would prefer to apply for grant but may not be able to wait if grant funding is not available in the coming year. Sandy to follow up with Heather on grant status. (3/22) Mo adv the ramp should last 1 more season - because it has to - there is no way to do add'l repairs. Dean has sub pre-application for the grant money which is available this year. A site walk is planned in April and the hope is the water line is low enough to see full condition. Mo adv that standards are 12 feet - the ramp is 10 feet - Dan pointed out we may not want to increase width given CL is very small - it would allow for larger boats which could be a problem. Doug asked if add'l riprap could be provided to prevent boats from damaging area at end of ramp. Planks are around \$205 each and at least 20-25 will be needed - so that alone is \$5,100. Town must budget for 25% - State pays for 75% up to \$15,000. If the total cost of the replacement is higher - then the Town needs to budget more. Nate/Mo/Dean will work to obtain a better estimate for a total replacement. This will also need to go into the CIP for future maintenance and replacement. It is unlikely we can use bond savings as the work will need to be done by end of Aug - and Mo is advising we put 'cash' in for the 25% match not 'in kind' as the work is specialized. (3/24) Mo verified it is up to a \$150K match & est is \$62,000 for a 10 ft ramp - 25% would be \$15,500 - Katy adv \$2,000 is leftover from last year for repairs & will add \$13,500 to budget. (4/12) Council agreed to move match to Sub D.
27	Stripping Bid	N/A	N/A	Determine if it is possible to allow HOA to participate in Town Stripping Bid	(3/2/21) Dan asked if it would be possible to allow HOA to jump on the Town's stripping bid to reduce overall costs and ensure regular stripping. Katy pointed out there may be an issue because the Town is tax exempt and HOA are not. Further research is needed.

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28	Trail Extension	?	N/A	Create a trail extension from Cumberland Farms to Brown Street	(3/2/21) The First Congregational Church is now willing to allow the Town public easement over their property to complete the trail that ends behind Cumberland Farms. This trail is part of the VALT plan and would connect to Brown Street sidewalk system allowing people to get to the Library and Plaza safely. The Rec Dept would use it regularly for summer camp activities and childcare activities. Church has no money. Alec has advised public works could remove the jersey barriers and repurpose them, if allowed. Kathy is working the project and there needs to be conversation with abutters. The current path is gravel and would need to be upgraded to allow for winter snow clearing. An Eagle Scout is willing to make L shaped planters for the project to help slow cyclists. (3/9) Kathy provide more info on status. Anne adv if we can lift conversion issue we could apply for grant money (possibly). Katy believes we could use Sub D funds as well.
29	Planning Dept Staff	?	N/A	Add Staff Position to Planning Department	(3/9/21) Council received suggestion from resident who is also a member of the PB to consider adding an "economic development director" to the Planning Department. Council/Staff had robust conversation with many options (1) contract services via GPCOG rather than hiring part time person (2) creating 'matchmaker' position to help match available property to 'specific' businesses needed in the Town (3) make add'l zoning changes to help create more options for commercial businesses (4) create "helper" position to assist developers navigate the Town's process/forms, requirements, etc. (5) hire a Planner Assistant to handle administrative tasks for Kathy like application/packets/PB agendas, etc. to free up her time (6) grant writer to assist with finding more opportunities for funding to accomplish larger 'planning' goals. Council agreed more work is needed to determine what really is needed, what makes the most sense & adds the most value. Nate will work with Staff in the coming year to do a more robust analysis in order to bring forward a proposal for next year's budget. Sandy will respond to Dan Cobb. (1/31) Nate is proposing to move 1 clerk position to Planning as an Admin Asst.
30	Committee Budgets	\$1,000 + \$500	N/A	Move Committee budgets to separate tab	(3/15/2021) Dan suggested Committee budgets be shown as a separate tab - some are included in Council/Committees, others have their own tabs (PB/ZBA) and some are incorporated in dept budgets. Katy agreed and said she could move things over. Council requested the CEDC's request for Slido software (\$150) be reviewed by I/T and potentially placed in that budget to allow access for more users and to ensure compliance with security protocols (on software). Dan would also like to know if the ROI is on the CEDC request for the cable show and MaineBiz Ad. Katy to add \$1,000 marketing for open space committee (4/12) Nate added \$500 for BUILD Maine next year (this year - coming out of PB training budget). Council agreed rather than house this under "community" it should be moved to "councils/committees". (2/10/22) CEDC to present budget proposal at 3/1 Council meeting.
31	Town Brand	?	N/A	Create a Town Brand for Communications	(3/15/2021) Council has made a substantial effort to increase communications with residents, we have a new Communications Committee and various Committees are communicating directly to residents. It was agreed the Town should create a "town brand" to be used in all communications, along with a protocol and maybe a checklist to ensure consistency of messaging. (12/9) Council agreed this is a priority but we cannot create a campaign until we are ready to deliver on that campaign.

No	Items Label	Cost Est.	Task No.	Description	Comments
32	MyRec Software	?	N/A	Explore possible Collaborative Use of MyRec Software with NG	(3/15/2021) Nate advise in discussions with NG, a request was made for Gray to consider sharing the MyRec Software to help increase efficiency and save both Town's money. There are some issues with separating payments in the background, but many programs are shared by the two Towns. Nate will work with Staff to evaluate to determine the cost/benefit to making a change.
33	Contingency Fund	N/A	N/A	Create Parameters/Policy for Contingency Fund usage	(3/16/21) During the TC meeting, the use of the contingency fund was brought up specific to an agenda item. Council agreed a new policy should be created to provide guidance on when/how that fund should be used as the definition of 'unplanned' expense can be broad and/or different people can have different definitions. Will work on in the coming year prior to next year's budget cycle. (1/13/22) Nate presented draft language. Council agreed they would like Finance Committee to weigh in. There was some discussion about whether it needs to be more specific as far as when it can be used. (2/10) Nate adv Finance Committee provides some addtl feedback & Council will see for approval at 2/15 meeting. Council approved at 2/15 meeting.
34	State Revenue Sharing	N/A	N/A	Move State Revenue Sharing figures outside of Budget for voters	(3/24) Dan proposed we move State Revenue Sharing out of the budget we present to Residents. This year, it would look like an 'increase' but going forward, it could make it easier for them to see year over year totals without the volatility of Revenue Sharing changes at the State level. Concerns with the LD1 question situation last year, and misunderstanding that taxes make up just a portion of revenues to cover expenses were discussed as well as not having enough time to explain the change to residents. The Council agreed it may be valuable to do, but need more time to discuss and figure out communication strategy to Residents.
35	Library Fees	\$0	N/A	Eliminate Late Book Fees for Library	(4/12/20) Library Trustees have discussed & voted to propose the elimination of the late book fees from the Library as other communities are doing this. The costs of tracking & collecting do not seem to warrant the revenue. Josh has \$3,000 in revenue in his budget for these fees. Council did not want to remove revenue without corresponding cuts in expenses. Josh felt he could absorb, but was okay with pushing for a year to collect more data on impact and costs for administering. IF they do want to pursue this year, they could do a pilot, track changes & find other revenue offsets. (12/21) Josh Tiffany presented proposal to eliminate late fees, but tighten up no return fees. With increase revenue in copy fees, meeting room fees, and other services, the reduction in revenue from late fees will be offset. Majority of Council agreed to proposal. Council would like to implement with new fiscal year. Will need to vote to change policy in June and Josh will adj his budget accordingly.

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36	School Timeline	N/A	N/A	Work with School to account for absentee ballots timeline	(4/12) Each year the Council needs approve the School Warrant. In the past, there has been no dollar amount so they have been able to submit for consideration prior to their final budget vote. However, due to CARES act funding, they have been required to include a figure last year AND this year. Their budget vote is not set until 4/28 with their warrant article vote not set until 5/3 so the earliest agenda Council can take up action is 5/18. Absentee ballots can be requested starting at the beginning of May - thus Town needs to mail out municipal with note saying school will be available later and then track as a separate election. This increases costs for the Town and is inefficient for voters. There appears to be no statute requiring the School meet the absentee ballot schedule (as there is for Towns with referendum votes). Need to add this as a topic for the Joint Leaders meeting to resolve next year. (9/9) Sandy & Nate reviewed with Craig/Sam at Joint Leaders meeting - they will work to adjust timeline. Will follow up after first of year. (1/18) Sandy adv this will not be an issue as MSAD15 will use a yes/no only question - no figures.
37	Public Safety Strategic Plan	\$225K (radio hardware) + ???	N/A	Identify and Plan for budgetary items from Public Safety Strategic Plan	(6/15/21) Chief/Nate presented Public Safety Strategic Plan at TC meeting. Plan identifies needs in several areas (1) increase in full time EMT personnel (2) change in per diem schedule to 12 hour shifts (3) upgrade radio hardware which will be obsolete within 3 years - \$100k plus \$30 per radio for digital chip (4) review of building conditions (Port City will complete this year). Anne pointed out that perhaps some stimulus money could be used (grants) for the radio upgrades. There was also discussion about training needs and facilities - Association has raised money to help build new training apparatus but does not cover "fire" training. Regionalization was also discussed - possibly in the area of training/communication - recognizing that shared equipment is a big opportunity but also a political issue. (10/19) Chief presented updated proposal for radio work as it qualifies for ARPA funding and a possible Cumberland County Grant. Vendor will come before the Council to provide more detail on solutions. (12/7) Vendor provided detailed presentation to Council. Chief adv County is not focused on this type of application - but it was submitted on time.
38	MPL Conversion	\$40-80	H8	Budget for Yellow Book Appraisal and Environmental Study	(10/19/2021) Town has submitted paperwork to start the conversion process on the tennis courts removed at the HS. Next step for the Town is to obtain a yellow book appraisal of the old site, proposed replacement site and complete any necessary environmental studies. It will be very costly, but needs to be done before the next steps can be taken and to determine if the replacement site will be enough to satisfy the conversion. (12/7) Council agreed to seek contribution from MSAD for at least the appraisal of the tennis court parcel. (1/18) Sandy adv Sam will bring the cost of 1 yellow book appraisal to the School Board as part of their budget process.
39	Main St Stormwater	\$130,000	N/A	Identify funding for possible emergency fix for Main Str Stormwater	(10/19/2021) MDOT is planning construction in 2023 to replace crumbling stormwater system from MTA interchange through to Cumberland Farms. They will not provide any funding for emergency work needed between now and then. One collapse has already occurred and Alec is very concerned another will happen. Will provided estimate & Council needs to determine where funding will come from IF/when the emergency occurs.

No	Items Label	Cost Est.	Task No.	Description	Comments
40	Facilities Study	Maint move \$64,400 + other safety items	N/A	Review Facilities Study Report to Identify items for this cycle	(11/16/2021) Nate has provided the summary of the Facilities Study done by Port City to Councilors. There are quite a few recommendations and all carry budget lines. Council will review full report once available and determine priorities and which items to include in this year's budget based on Nate/Staff recommendations. (4/14/22) Mo reviewed proposed items from study for this year's budget. Big decision is whether or not Maintenance will be relocated to Village Station. Est is \$100k - \$35,600 in Maint building costs = \$64,400 with the possible fencing \$13,565 as an item that could be reduced or put off.
41	Grant	TBD	N/A	Review and apply for Project Canopy Grant	(11/16/2021) Anne attended a Webinar in Oct and believes the Town may qualify for a grant. The short Shaker rd project is awaiting replanting of trees which are in our Canopy Map. We will also be doing street scaping on Main Street.
42	Grant	TBD	N/A	Review and apply for Recreation Economy for Rural Communities Planning Assistance Grant	(11/16/2021) Anne shared an e-mail related to this grant program with the Council. We may have missed this year's deadline, but given the level of planning going on in Village which has a strong connection to Recreational activity in Town as well as the Libby Hill Trail System agreement, it is possible we qualify.
43	Policy	TBD	N/A	Identify any/all costs associated with the new Emergency Management Ordinance and/or Emergency Operations Plan	(10/19/2021) Nate presented a new Emergency Management Ordinance which is recommended by National Incident Management Services (NIMS) as it is required to have access to some Homeland Security and FEMA services/grants. (11/16/21) Council reviewed updated version and provided feedback as well as reviewed feedback provided by resident Mark Grover. Questions related to the status of an official Emergency Operations Plan also came up. Dan pointed out there are likely costs associated with this work. (2/10/22) Nate adv 1st read of Emer Mgmt Ord will be at the 3/1 meeting & EOP will be part of the workshop prior.
44	Staffing	\$70,000	N/A	Review proposal to reorganize Clerks Dept and post Town Clerk position & possible Data Analyst position	(11/20/2021) Nate advised he will be proposing a reorganization of the Clerks Dept which includes posting for a Town Clerk position which brings more responsibility and capacity while shifting existing staffs responsibilities to make the dept more efficient. This will be done in conjunction with a possible Data Analyst position. Discussion was held at Council Retreat related to long term approach for tracking spreadsheet which will likely involve migration to a database platform. (1/31) Town will post new Town Clerk position - move 1 clerk over to planning dept - reorganize responsibilities from Finance Director & Asst to Town Manager to streamline work & reset reporting.
45	Speed Signs	TBD	N/A	Consider the purchase of fixed Speed Signs to be placed in strategic locations	(12/07/21) Alec advised the best results come from a mobile sign left for about 2 weeks. Addt'l signs could assist by flashing "slow down" or the vehicles speed - being used in other towns.
46	Emergency Operations Plan	\$20,000	#100 M10	Set up Emergency Contingency Fund in compliance with NIMS training recommendations	(1/13/2022) Krista pointed out that during NIMS training, it was recommended that a contingency fund be set up for Emergency Operations Plans to ensure immediate access to funds when (and only when) an emergency is declared. (2/10/22) Nate has included a \$20,000 fund in Admin budget. Council agreed it should be set up as a designated fund to carryforward unused funds each year. That will need to take place at the end of the fiscal year (in operations until then). Council will need to vote to set up designated fund.

No	Items Label	Cost Est.	Task No.	Description	Comments
47	Data Set	TBD	N/A	Identify set of Towns to be used going forward for data sets	(1/13/2022) Nate provided extensive data information for several budget discussion. Council has long struggled with finding similar Towns to use as a data set to do comparisons for various discussions/proposals. Council would like to evaluate data presented and come to agreement on which Towns will be in the data set moving forward to bring consistency to discussions.
48	Flyer in Tax Bill	TBD	N/A	Create a Flyer to go in Tax Bill in Fall	(1/31) Katy suggested one way to communicate change in Senior Property Tax Assistance program timing would be to send a flyer in the tax bills. Sandy suggested the Council work between now and the cut off 8/15 to identify other items and make sure the postage to add a page is full used (fill both sides of the flyer). An example, the Village Gateway planning, Volunteer openings, etc.
49	HR Policy updates	TBD	N/A	If HR Director is created as proposed, update employee policies to address possible conflict of interest with Manager	(1/31) Nate is proposing to transition the Asst to the Manager position into an HR Director with a possible Asst Manager succession plan. Sandy pointed out with the HR Director reporting directly to the Manager, the policies will need to be reviewed/updated to provide for a process for conflict of interest decisions - HR decisions related to the Manager.
50	Legal Services / Engineering Services	\$4,525 increase (legal)	N/A	Prepare Request for Proposals for (1) Legal Services (2) Engineering Services	(2/10/22) Nate advise Jensen & Baird is increasing their hourly rate. Council had discussion on when the last time an RFP (request for proposals) was posted for Legal Services. It has been well over a decade - same goes for Engineering Services. Nate advised that standard practice is to put out an RFP every 3-5 years to ensure best options for Town. It is no reflection on services, but due diligence from a financial standpoint. The issue of our Auditing Services also came up - but Katy advised we have a 9 year contract with them. Nate will work up an RFP for the legal services as soon as feasible.
51	Science Building	\$375,000	N/A	Determine Needs & Uses for Science Building	(2/14/22) Mo presented the results of the feasibility study for the Science Building. The recommendations is best use if for open space (2nd floor) and then conference room, kitchenette, ADA bathroom (1st floor). ADA accessibility must be addressed by either (1) ramp - not approved by State Historical Agency (2) lift - most economical and user friendly to historical building (3) elevator. Costs to convert building to usable = \$375k. Mo advised asbestos and lead paint have been addressed both inside & outside building. Council agreed we need to have conversations with residents, recreation department, and others (library, local organizations, etc.) before deciding on best use. Should roll this into the Village Gateway/Village master plan outreach efforts. It is likely a bond package will be the best option to move forward - possibly rolling it into Village Gateway work/infrastructure project - funding.