



TOWN OF GRAY
GRAY TOWN COUNCIL
AGENDA • MARCH 15, 2022

**Gray Town
Council Regular
Meeting**

Online via Zoom
<https://us06web.zoom.us/j/85811341960>

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 meeting 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. MINUTES FROM PREVIOUS MEETINGS 5 MINS

1. To Review and Approve the Minutes of the Town Council Meeting on January 18, 2022.
2. To Review and Approve the Minutes of the Town Council Meeting on February 1, 2022.
3. To Review and Approve the Minutes of the Town Council Meeting on February 15, 2022.
4. To Review and Approve the Minutes of the Town Council Meeting on March 1, 2022.

V. 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: 858 1134 1960

VI. ADJUSTMENTS TO THE AGENDA 5 MINS

VII. CONSENT AGENDA 5 MINS

1. Emergency Operations Plan
2. Appointment of Chief Kurt Elkanich as Emergency Management Director
3. Appointment of Town Manager Nate Rudy as Health Officer

VIII. PRESENTATION 7:25PM

1. Water Extract Ordinance - Nate 15 MINS w/Q&A

IX. PUBLIC HEARINGS 7:40PM

1. Second Reading & Public Hearing - To Review and Act Upon Adopting 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:

Be it Ordained, the Gray Town Council adopts the proposed amendments to the Building Code Ordinance (Chapter 201).

2. Second Reading & Public Hearing - To Review and Act Upon Adopting 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. 5 MINS

Proposed motion:

Be it Ordained, the Gray Town Council adopts the proposed amendments to the Senior Tax Assistance Ordinance (Chapter 305).

3. Second Reading & Public Hearing - To Review and Act Upon Adopting 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. 5 MINS

Proposed motion:

Be it Ordained, the Gray Town Council adopts the proposed amendments to the Cable TV Ordinance (Chapter 221).

4. Second Reading & Public Hearing - To Review and Act Upon Adopting 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. **15 MINS**

Proposed motion:

Be it Ordained, the Gray Town Council adopts the proposed amendments to the Subdivision Ordinance (Chapter 401).

5. Second Reading & Public Hearing - To Review and Act Upon Adopting 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. **15 MINS**

Proposed motion:

Be it Ordained, the Gray Town Council adopts the proposed amendments to the Zoning Ordinance (Chapter 402).

X. ACTION ITEMS 8:25PM

1. To Review and Approve an Extension of the Temporary Emergency Ordinance Regarding Face Coverings on Town Property. **5 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 an Extension of the Emergency Amendment to the Building Code Ordinance (Chapter 201). **5 MINS**

Proposed motion:

Ordered, the Gray Town Council approves an extension of the emergency amendment to the Building Code Ordinance (Chapter 201) to _____.

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

XII. REPORT FROM THE TOWN MANAGER 5 MINS

XIII. COMMITTEE REPORTS 5 MINS

XIV. COUNCIL CORRESPONDENCE/ACTIVITIES 10 MINS

XV. 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
GRAY TOWN COUNCIL
DRAFT MINUTES – JANUARY 18, 2022**

Gray Town Council	Henry Pennell Municipal Complex	7:00 PM
Regular Meeting	24 Main Street, Gray, ME 04039	

I. OPENING STATEMENT

Due to the ongoing COVID-19, this meeting was held on-line via “Zoom”

II. ROLL CALL

Attendee Name	Title	Status
Sandra Carder	Chair	Present
Anne Gass	Vice Chair	Present
Dan Maguire	Councilor	Present
Krista Chappell	Councilor	Present
Martin Meaney	Councilor	Present
Nate Rudy	Town Manager	Present

III. PLEDGE OF ALLEGIANCE TO THE FLAG

IV. MINUTES FROM PREVIOUS MEETINGS:

1. To Review and Approve the Minutes of the Town Council Meeting on January 4, 2021.

MOTION: Ordered, the Gray Town Council Approves the Minutes of the Town Council Meeting on January 4, 2022.

RESULT:	APPROVED, AS AMENDED (UNANIMOUS 5-0)
MOVER:	Martin Meaney, Councilor
SECONDER:	Dan Maguire, Councilor
AYES:	Carder, Gass, Maguire, Chappell & Meaney

Councilors will send their edits to Cynthia Schaeffer.

V. PUBLIC COMMENTS OF NON-AGENDA ITEMS (LIMIT 3 MINS PER PERSON). There were no public comments. This portion of the meeting was closed.

VI. ADJUSTMENTS TO THE AGENDA. There were no adjustments to the Agenda.

VII. PRESENTATION(S):

1. Maine Climate Action Partnership – Service Provider Grant – Rachel Rumson. Rachel Rumson presented. This is to consider her as a Service Provider. Rachel did screen sharing and presented “*Designing for Climate Action.*” She shared information. This is based on process consulting that she does for resilience teams and leaders. She is asking for a letter of support from the Town of Gray this evening. She has spoken to both New Gloucester and Durham as well. She is hoping for a 2-5 letter of support from Towns to apply by February 14, 2022 to be a Technical Service Provider.

At the February 1, 2022 meeting there will be a discussion whether to engage this process now to get qualified

for the program and whether to go with Rachel Rumson or the GPCOG. The Town can work with multiple organizations for each individual projects.

Dan Maguire said he wants to be respectful of the committee. He said to look for a recommendation from the Resiliency Committee on how to proceed. The Town Council would then miss the deadline. Krista Chappell said there are other deadlines coming up. Sandra Carder said we need more volunteers for the Resiliency Committee to keep going. Krista Chappell said the criteria to quality for the partnership, is as follows: a. the Town needs to pass a resolution. b. a community-resilience self-evaluation, which is the major work the Service Provider would help with. c. create a list of community actions and by engaging in workshops – prioritizing projects. Once you apply with the Service Providers help and, if accepted, the Town can apply for community action grants for specific projects. Sandra Carder thanked Rachel Rumson on her initiative.

2. CBDG – Valt Trail Extension – Rachel Rumson. Rachel Rumson presented. This is a grant application. This is for a Valt Trail Extension Grant at the Village Gateway parcel to do the same kind of community outreach. This envisions what the trail would look like. Nate Rudy supports the idea of the Town submitting this grant proposal. Nate Rudy recommends the Town give this consideration.

Councilors discussed the proposal. Anne Gass said the CDBG is the right tool for the job. There is some minimal Town match (in-kind), as well as cash for matching the grant.

Rachel Carder said the deadline is in two (2) days. Nate Rudy said the pre-application was submitted in December 2021. This is now the application. Sandra Carder said that this is an action item and needs to be voted on today. The following motion was made.

MOTION: Ordered, the Gray Town Council to Suspend Council Rules to Add an Action Item to the Agenda.

RESULT:	FAILED (2-3)
MOVER:	Dan Maguire - Councilor
SECONDER:	Martin Meaney - Councilor
NAYS:	Maguire & Meaney
AYES:	Carder, Gass & Chappell

Nate Rudy said he was not aware that you needed to vote on whether to apply for a Grant or whether to accept the grant. Dan Maguire changed his vote and was willing to add as an Agenda item for further discussion.

VIII. ACTION ITEMS:

1. To Add the Above as Agenda Item No. 1.

MOTION: Ordered, the Gray Town Council to Add the CDBG Grant Application for Further Discussion.

RESULT:	APPROVED (UNANIMOUS 5-0)
MOVER:	Anne Gass – Vice Chair
SECONDER:	Krista Chappell - Councilor
AYES	Carder, Gass, Maguire, Chappell & Meaney

This was then opened for further discussion. Dan Maguire said that this happens more and more with the finding out the last minute. He said it feels the Councilors are less and less consulted and things are done less and less up front. He does not support this as their way of operating. The goal is to have discussion up front and not just for the Town Council, but to give the community an idea of what is going on. He said this is increasingly frustrating. There needs to be some give and take.

Sandra Carder said that this was discussed on the November 2021 retreat and that there is a lot going on. She does not know how to fix it all. Anne Gass said it is the Town Council purview to vote on whether or not to accept a grant, should it be awarded. Sandra Carder suggested to Nate Rudy that the policy needs to be defined. Dan Maguire said that this is the first time this has come before the Town Council. Anne Gass said that this is keeping with the Bike Plan and Comp Plan, which are both approved plans. Sandra Carder said the policy of this is not detailed and some

things are driven by timelines, which is outside the Town Council priority control. She said the Town wants to take advantage of grant funding. How they come before the Town Council needs to be worked on. There were no further questions or comments from the Councilors. The following motion was made.

MOTION: Ordered, the Gray Town Council to Approve the CDBG – Valt Trail Extension Grant Application.

RESULT:	FAILED (2-3)
MOVER:	Dan Maguire - Councilor
SECONDER:	Martin Meaney - Councilor
NAYS:	Maguire & Meaney
AYES	Carder, Gass & Chappell

Sandra Carder said the Grant Policy will be tightened up.

Item No. 1 was renumbered to Item No. 2, along with Item No. 2 being renumbered to Item No. 3.

2. To Remove from the Table the Gray-New Gloucester COVID-19 Response Interlocal Agreement.
This item was Tabled.

3. To Review and Act Upon Approving the Appointment of Keary Sibole as a Regular Member of the Planning Board with a Term Expiring on August 31, 2024. Keary Sibole’s application was included in the packets on Page 30.

MOTION: Ordered, the Gray Town Council Appoints Keary Sibole as a Regular Member of the Planning Board with a Term Expiring on August 31, 2024.

RESULT:	APPROVED (UNANIMOUS 5-0)
MOVER:	Martin Meaney - Councilor
SECONDER:	Anne Gass – Vice Chair
AYES	Carder, Gass, Meaney, Maguire & Chappell

Sandra Carder stated that there are plenty of openings on various committees.

IX. REPORT FROM THE COUNCIL CHAIR – Sandra Carder.

Sandra Carder said in regards to COVID-19, the Supreme Court has struck the federal vaccine mandate for employers with 100 or more employees, while keeping the mandate for healthcare workers in place. The Legislature is taking up changes to the current remote meeting statute under LD1772, which would allow for the use of fully remote meetings for all committees after one vote by the local municipalities governing body, based on emergency situations.

Both Nate Rudy and Sandra Carder did attend a Joint Leaders Meeting held on January 10, 2022.

The Libby Hill MOU has officially been approved by School Board and have agreed to participate in the Forestry Plan. Nate Rudy is looking on obtaining the official necessary signatures. They will begin the process of working with the attorney to update the formal agreement and begin the review of the conservation document.

They are moving back to a yes- or no-only question without figures for the school ballot this year.

The school has agreed to a Joint Workshop to brainstorm the updates to the Libby Hill Road, the intersection, and the ROW across Spruce Street to allow the Town to obtain better cost estimates and identify issues. A date will be identified for this Joint Workshop.

Sandra Carder said she has requested that the school consider budgeting for one of the two yellow book appraisals needed for the tennis court conversion process – providing an update to them at the same time. This will be brought to the Councilors as part of their budget process.

She shared a recent discussion about dark-sky lighting and pointed out that the Middle School lighting is an example of compliant dark-sky lighting.

She said Nate Rudy asked New Gloucester to check into their library usage. New Gloucester now makes up 20% of Gray's library usage. The next meeting is March 10, 2022 in New Gloucester.

Sandra Carder has drafted a letter to the MDOT related to Short Shaker in regards to the weight limit. This letter has been forwarded to Nate Rudy.

She said Nate Rudy is still working on the solar array assessment letter, which will go to the Legislature and the Governor.

She has sent requests to fill out evaluation forms to the Town Council, Dept. Heads, and Nate Rudy. The deadline is January 31, 2022. An Executive Session Survey will be held in February 2022. She sent a note out for everybody to take part in her poll. This process will be completed by March 1, 2022.

There is a Joint Workshop with the Water District this coming Friday at 3:30 pm via "Zoom." This will start with an Executive Session to discuss two (2) topics. The goal of the Joint Workshop is to give the Water District an opportunity to review their system as a whole and the status of that system with the Council and discuss some areas where the Council can impact the size and requirements of that system.

The next meeting is a Budget Workshop on January 31, 2022 at 4:00 pm. She said she is not sure if they can retest the hybrid system at that time. A decision will be made at the February 1, 2022 meeting.

X. REPORT FROM THE TOWN MANAGER – Nate Rudy: In regards to correspondence from Will Boyle on the Douglas Field Civil War Monument and Stimson Hall, he has received requests for removing landscaping and overturns for charging leases for the use of his property. Nate Rudy said he is in consultation about his response. He only has a detailed e-mail about the property lease arrangement. He will be following up with him and keep the Council apprised.

Sandra Carder said relating to the Cumberland County Report that was attached, she has noticed a significant drop in traffic citations/traffic stops from last year. She suggested this may be an area to talk to the Deputies or Sheriff to ensure that they are doing that. Dan Maguire said he was also concerned and would like something provided for the budget. Nate Rudy asked if the Council would like a presentation from the Sheriff's Office or just a written summary. The Council would like a written summary of what's driving their time. There were other concerns mentioned, as follows. Krista Chappell said she has noticed a huge spike in mental health and welfare calls this year. Anne Gass said, in keeping with trends state-wide, there are still quite a number of domestic violence calls.

In the packet on Page 42, there was a memo sent from Josh Tiffany, the Library Director, regarding his rationale for going back to curbside service at the Library for at least a couple of weeks, due to COVID-19 numbers spiking. Under the circumstances, Nate Rudy said he supports Josh's approach for now and he also asked that Dept. Heads go with their first level of safety measures, such as staggering shifts, etc., until further notice.

XI. COMMITTEE REPORTS:

Dan Maguire reported that the Planning Board did meet.

Martin Meaney said he communicated with Lacy Antonson about the Blueberry Festival. There are two volunteers willing to step up and work on the committee – Bernice Corcoran and Karl Schatz. This will be placed on the next Agenda to vote them in. Sandra Carder commented that the two new festival members can still attend the meeting, they just cannot vote until they are appointed.

The Finance Committee meets on March 17, 2022.

The ZBA has a meeting scheduled for January 26, 2022 at 7:00 pm.

Anne Gass said the CTEC plans to meet next Wednesday.

The Open Space Committee continues to work on the Open Space Plan. Nate Rudy is reviewing it now. They are hoping to bring this to the February 1, 2022 meeting.

Krista Chappell said the CEDC is meeting tomorrow, January 19, 2022.

The Library Trustees will be meeting January 25, 2022.

The GPCOG Sustainability Roundtable Meeting is scheduled to meet monthly. The next meeting is Feb. 8, 2022. She has a conflict; however, the GPCOG will be recording those meetings and she plans to watch after-the-fact.

On January 10, 2022, the Resiliency Committee met. They have voted to move their meetings to 3:00 pm. They are still on the second Monday of each month. A recruitment strategy was discussed at their last meeting. The committee also worked on refining and prioritizing goals for the coming year. More specific objections will be added under each goal.

Sandra Carder said the Dry Mill School House decided to do another, at home, work session. They are working diligently to go through all the boxes that were packed up when the repairs took place. They want to get through all the boxes and have things organized before Spring when they hope the repairs will be finalized and done and get in to re-set up the Dry Mill School House itself, which was closed down in 2015.

The GPCOG held their monthly meeting today and covered a very robust meeting. They reviewed the results from the annual audit. They do both financial systems and other types of audits.

GPCOG membership dues would be \$16,538 for Gray. They agreed to apply a 5% discount to those dues. This figure will be reduced to \$15,711 for the coming year.

She said that they had a robust discussion about the advocacy role of the GPCOG and the new Housing Committee recommendations and came to an agreement that the GPCOG should focus their advocacy on state funding for technical assistance. They also spoke about providing incentives to expand housing choices. The biggest concern from this discussion was the ADU's without addressing short-term rentals. She said they were just given guidance on their advocacy today – not a formal adoption of anything. The two (2) bills being worked on to consider these recommendations will go to the Housing Committee and then they have to get out of that committee before going to the Legislature.

The shovel-ready worthy list has been updated and segregated into categories. A link was sent to the list to her today and she will forward to the Councilors.

The Community Resiliency Partnership was discussed. This year's "*Chairs-In-The-Circle*" is set for February 24, 2022 at 6:00 pm (for chairs and vice chairs).

GPCOG is also looking for anyone interested in participating in their "*Ride-With-ME Event*," which will pair up decision-makers with regular users of public transit to shadow their usage and talk about pros and cons of public transit. This event occurs in the Spring. If anyone is interested in participating in this event, she said to let her know and she will hook them up with the person coordinating this event.

The next meeting is February 1, 2022.

The Recreation Committee did not meet. Their next meeting is Feb. 7, 2022 at 6:00 pm.

XII. COUNCIL CORRESPONDENCE/ACTIVITIES:

Dan Maguire said the Councilors all received e-mails regarding Crystal Lakes Estates. Sandra Carder responded to each of those.

Martin Meaney said he had a brief communication with his neighbors across the road at 290 Yarmouth (the Shuman's) and they are curious to know when OTELCO (the cable company) will be in operation. Sandra Carder said if they are looking to see if they qualify for the upgrade, they can just call them and they plug in their address and they will be able to give them specific information to their address.

Anne Gass said she had a couple of conversations with one (1) resident about a planned expansion of Meadowview and the plans for that.

She said Nate Rudy had shared with the Councilors, by e-mail information, about the State Property Tax Deferral Program, which is a life-line loan program through the Governor's Maine Jobs & Recovery Plan. She said she wanted to make sure people know about it. It can cover the annual tax bills of eligible Maine people who are aged 65 and older or are permanently disabled who cannot afford to pay them on their own. It is a loan program and it ensures that property taxes are still delivered to municipalities, but the program requires repayment of the loan once the property is sold or becomes part of an estate.

She said she received communication from Bradley Law that they will be meeting with Charter Communications at the end of this month to discuss a franchise agreement on behalf of the 13 towns and the consortium. She said we need to continue to move ahead.

A resident reached out to her about offering an alternative to the salted sand. He prefers unsalted sand. The sand is bad for his dog's feet. This technically would be hard to do since unsalted sand needs to be kept under cover and warm enough to keep from freezing.

Krista Chappell said she had a call from Sarah Mills Knapp of the GPCOG to discuss GPCOG's plans to become a Service Provider for the Community Resiliency Partnership and also discussed with her availability for the Sustainability Roundtable.

She received an e-mail from Ann Bagala, who is the current chair of the Resiliency Committee, mentioning that she needs to resign as the chair, due to health and work-related reasons. She intends to maintain her membership on the committee.

Krista said she plans to attend the GPCOG Webinar on January 25, 2022 at 2:00 pm.

Sandra Carder said she had a conversation with Cheryl Welch, the president of the Crystal Lake Association to discuss/share an update.

She also received an e-mail from a person relocating from Portland, Oregon to Gray, Maine looking for information.

She will also be attending the Webinar on January 25, 2022. She said she thinks these are recorded, but informed Dan Maguire that he may need to register to get on that distribution for the recording. She suggested he send an e-mail to Chris Hall or whoever is listed and asked to be put on that list of the distribution for the recording.

XIII. ADJOURNMENT at 8:49 p.m.

MOTION: To Adjourn at 8:49 PM.

RESULT:	APPROVED (UNANIMOUS 5-0)
MOVER:	Dan Maguire - Councilor
SECONDER:	Martin Meaney - Councilor
AYES	Carder, Gass, Maguire, Chappell & Meaney

Respectfully submitted,

Doreen M. Christ, Transcriptionist/Minute Taker - Town of Gray

**TOWN OF GRAY
GRAY TOWN COUNCIL
DRAFT MINUTES – FEBRUARY 1, 2022**

Gray Town Council	Henry Pennell Municipal Complex	7:00 PM
Regular Meeting	24 Main Street, Gray, ME 04039	

I. OPENING STATEMENT

Due to the ongoing COVID-19, this meeting was held on-line via “Zoom”

II. ROLL CALL

Attendee Name	Title	Status
Sandra Carder	Chair	Present
Anne Gass	Vice Chair	Present
Dan Maguire	Councilor	Present
Krista Chappell	Councilor	Present
Martin Meaney	Councilor	Present
Nate Rudy	Town Manager	Present

III. PLEDGE OF ALLEGIANCE TO THE FLAG

IV. CONSENT AGENDA

1. Committee Policy Update

Sandra Carder described the Consent Agenda idea. She said that this is for items already previously discussed and come to an agreement on. There should be no additional changes or discussions needed. Items, however, can be pulled off. This was reviewed at the last meeting and workshop. The content was changed, due to formatting and clarified.

MOTION: Ordered, the Gray Town Council Approves the Consent Agenda.

RESULT:	APPROVED (Unanimous 5-0)
MOVER:	Dan Maguire - Councilor
SECONDER:	Anne Gass – Vice Chair
AYES:	Carder, Gass, Maguire, Meaney & Maguire

V. MINUTES FROM PREVIOUS MEETING(S): This set was not available.

1. To Table the Approval of the Minutes of the Town Council Meeting on January 18, 2022.

RESULT:	TABLED (Unanimous 5-0)
MOVER:	Martin Meaney - Councilor
SECONDER:	Krista Chappell - Councilor
AYES:	Carder, Gass, Maguire, Meaney & Chappell

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

Anne Gass stated that she has launched her campaign for the new House District 104, which includes all of New Gloucester and West Gray. She is running as an unenrolled candidate, meaning an “Independent.” She wants to

work on issues concerning Gray and New Gloucester. She provided her contact information. Sandra Carder said that this means there will be an open seat on the Town Council. There were no other public comments. This public portion of the meeting was closed.

VII. ADJUSTMENTS TO THE AGENDA. There were no adjustments to the Agenda.

VIII. PRESENTATION(S):

1. Open Space Plan – Open Space Committee.

Anne Gass – Open Space Committee Council Liaison presented. Also present was Bob Coleman – Chair, who provided a short presentation via screen-sharing. He said that this has been a 25-year process. He provided the charge of the Open Space Committee, the Vision Statement, Open Space Defined, Open Space Recommendations, and the Next Steps. The Vision Statement (“Protect & Connect”) is that, “*The Town of Gray will develop a system of parks, trails, and open spaces that contribute to Gray retaining it’s rural character and natural resources by protecting natural habitats, outdoor recreational spaces and trails, scenic landscapes, historic places, clean air and clean water.*” Open space is, “*public and private lands that provide recreational, environmental, and social value to Gray.*” He provided a summary of their recommendations.

The next steps include the future adoption of the Open Space Plan and to begin planning, acquisition, and development of open spaces. This plan will be posted on the Town’s Website.

Questions and comments from the Town Council included the following. Krista Chappell said that this was an excellent job done. She is concerned that goals were mostly about trail systems. Bob Coleman focused on open space in general. Anne Gass said they made a point that specific parcels of land were not identified. Krista Chappell mentioned maintenance and forming a committee to oversee. Dan Maguire said the networking piece is the key to being successful and was in agreement that this should be placed on the Website. He also said an accurate inventory is important and that the maps are very helpful. Sandra Carder also said this is an exceptional plan and she appreciates all the input and engaging of all the groups in the Town.

In closing this presentation, Sandra Carder stated that the next steps are that this will go under the Town Council discussion for more time to digest and discuss and then it will be placed on the Agenda for review and formal approval.

IX. PUBLIC HEARINGS:

1. First Reading – To Review and Act Upon Setting a Public Hearing and Second Reading to Consider Zoning Ordinance Amendments Regarding Self-Storage Facilities (Chapter 402) for the Town of Gray. There was no public comment. The Public Hearing was then closed.

MOTION: Ordered, the Gray Town Council Sets a Public Hearing by the Planning Board on February 10, 2022 and a Second Reading on February 15, 2022 to Consider Zoning Ordinance Amendments Regarding Self-Storage Facilities (Chapter 402) for the Town of Gray.

RESULT:	APPROVED (Unanimous 5-0)
MOVER:	Dan Maguire - Councilor
SECONDER:	Krista Chappell - Councilor
AYES:	Carder, Gass, Maguire, Meaney & Chappell

Dan Maguire referenced, in the packet on Page 22, that there is a Draft Motion. He said that there is information in the Draft Motion that is not common knowledge. There is a memorandum from Community Development Staff. Sandra Carder read the Draft Motion into the record. The “*cluster*” word was changed to “*multi-family*.”

2. First Reading – To Review and Act Upon Setting a Public Hearing and Second Reading to Consider a Moratorium on Self-Storage Facilities (Chapter 402) for the Town of Gray. There was no public comment. The Public Hearing was then closed.

MOTION: Order, the Gray Town Council Sets a Public Hearing by the Planning Board on February 10, 2022 and a Second Reading on February 15, 2022 to Consider Adopting a Moratorium on Self-Storage Facilities (Chapter 402) for the Town of Gray.

RESULT:	APPROVED (Unanimous 5-0)
MOVER:	Anne Gass – Vice Chair
SECONDER:	Martin Meaney - Councilor
AYES:	Carder, Gass, Maguire, Meaney & Chappell

Sandra Carder noted that the moratorium does not impact the two applications that are currently being worked on by the Planning Department. The moratorium would go into affect on January 5, 2022 and will last until it is either revoked or expires. Dan Maguire stated that the moratorium is for 180 days.

X. ACTION ITEMS:

1. To Review and Approve a Climate Action Partnership Service Provider Application.

Sandra Carder said that there are two (2) questions to answer: The partnership in the first round for February 15, 2022 or the second round in August 2022. This is a process to meet the requirements of the state. Krista Chappell said that the correct title is, “Community Resilience Partnership.” She asked, “Do we want to pursue the Community Resiliency Partnership, since there is no quorum?” And, if we do, we would engage in a service provider to complete the work. There is room for one (1) more municipality to join with GPCOG for the February 15, 2022 deadline. Rachel Rumson would cohort and work with New Gloucester. Krista Chappell said she feels that this would be a better fit. The other question is, capacity to do work? She said the Town would need a dedicated staff member. Sandra Carder does not feel they fit with GPCOG. She said she likes the idea of working with New Gloucester. Nate Rudy said it would be very difficult to add this responsibility to the Planning Staff’s list of things to do.

Anne Gass said she is leaning towards waiting for the August 2022 deadline.

Dan Maguire asked Krista Chappell if the two (2) current members of the Resiliency Committee are on board for this partnership. He also thinks the Town should wait and reach out to other communities. He suggested reaching out to high school students. Martin Meaney also agreed to waiting. The majority of the Town Council wanted to wait for the next cycle.

MOTION: Ordered, the Gray Town Council Approves submitting a Letter of Support for Service Provider Application.

RESULT:	DENIED (4-1)
MOVER:	Krista Chappell - Councilor
SECONDER:	Anne Gass – Vice Chair
NAYS:	Chappell, Gass, Maguire & Meaney
AYES:	Carder

2. To Review and Approve an Emergency Amendment to the Building Code Ordinance (Chapter 201).

Doug Webster, of Community Development, explained. He referred to the packets on Page 51. He also referred to Page 62, Copy of Charter. He said Appeals of the Zoning Board goes to the ZBA. This reference is the BOCA Code, as well as several other codes. This is an emergency ordinance so it can be effective immediately to keep the requisite permits moving forward, as needed. An emergency ordinance is effective for only 60 days.

Sandra Carder said that this is predicated on the state passing the new bill that requires Town’s to adopt MUBEC. Doug Webster said that there are some pending permits. He said in the packets, on Page 56 under Appeals, it specifically says an Appeal needs to go from the Code Officer to the Municipal Officers - meaning the Town Council. They are trying to keep Chapter 201 in line with the standards in the Zoning Ordinance and dated code reference. Doug Webster said that this needs to be acted on in order to process permits. He then referred to (in the packet) on Page 53 under “Buildings & Structures”, as well as in the packet on Page 54, Section 201.5, Adoption of the Building Code.

Dan Maguire said he has concerns with accessibility to IBC and energy codes. MUBEC is just energy and building codes that are predicated on the ICC model and modified by the State of Maine. He suggested placing a copy of the codes at the Library. Nate Rudy said that this can be budgeted for to have the extra copies made and available at the Library.

MOTION: Be It Ordained, the Gray Town Council Approves an Emergency Amendment to the Building Code Ordinance (Chapter 201).

RESULT:	APPROVED (4-1)
MOVER:	Krista Chappell - Councilor
SECONDER:	Anne Gass – Vice Chair
AYES:	Carder, Gass, Chappell & Meaney
NAYS:	Maguire (Opposed)

3. *To Review and Approve an Extension of the Temporary Emergency Ordinance Regarding Face Coverings on Town Property.* Sandra Carder asked the Town Councilors for thoughts on extending this. Krista Chappell said that this is a small ask for a community. Anne Gass would like this continued for another month.

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 it's Variants.

RESULT:	NO ACTION
MOVER:	Krista Chappell - Councilor
SECONDER:	Martin Meaney - Councilor
AYES:	None
NAYS:	None

The above motion was amended, as follows:

MOTION: To Amend the above motion to include a date of March 2, 2022.

RESULT:	APPROVED (3-2)
MOVER:	Krista Chappell - Councilor
SECONDER:	Anne Gass – Vice Chair
AYES:	Carder, Chappell & Gass
NAYS:	Meaney & Maguire

4. *To Review and Approve a New Gray Historical Lease Effective July 1, 2022.* In the packet on Page 71, there was one issue – that being that the Pocket Park Committee be struck. In the packet on Page 67, Item 10 – Grant Funds up to \$6,000 per year. The Town Council was okay with leaving this in.

MOTION: Ordered, the Gray Town Council Approves a New Gray Historical Lease Effective July 1, 2022.

RESULT:	APPROVED (Unanimous 5-0)
MOVER:	Anne Gass – Vice Chair
SECONDER:	Krista Chappell - Councilor
AYES:	Carder, Gass, Chappell, Meaney & Maguire

5. To Review and Approve the Appointment of Bernice Corcoran to the Blueberry Festival Committee. Another application has been received; however, it came in after the deadline. This will be placed on the next Agenda.

MOTION: Ordered, the Gray Town Council Approves the Appointment of Bernice Corcoran to the Blueberry Festival Committee.

RESULT:	APPROVED (Unanimous 5-0)
MOVER:	Martin Meaney – Councilor
SECONDER:	Anne Gass – Vice Chair
AYES:	Carder, Gass, Chappell, Meaney & Maguire

XI. REPORT FROM THE COUNCIL CHAIR – Sandra Carder:

The face covering ordinance was extended this evening.

The hybrid meeting system is not ready. The echo issue has been referred to technical experts. Staff is waiting to hear back to try to resolve that issue. They will try to retest for the February 24, 2022 Budget Meeting.

Meetings will remain remote for the month of February 2022.

Short Shaker Road – The letter to the MDOT was finalized and distributed with a copy to the Legislative Team. She will be working with Nate Rudy, in the coming week, on the notification letter to the six (6) remaining businesses. The letter will clearly identify the alternative route and show that there is no real impact.

The Libby Hill Road Workshop is scheduled for Monday, March 28, 2022 at 4:30 pm. It is a Joint Workshop between the Town Council and MSAD #15, along with Public Works, Planning, and the Water District Staff.

She is looking for input on the second no-budget workshop. She suggested either February 22, 2022 or February 23, 2022. These are the only dates available. It will be regarding road standards, winter maintenance, etc. She will get back to them in the next week. There are no plans for now.

XII. REPORT FROM THE TOWN MANAGER – Nate Rudy:

Nate Rudy referenced his regular monthly report. Anne Gass said that this was not updated since the January 18, 2022 Council Meeting.

As a follow-up on other conversations. He is doing goal reviews with the Department Heads. The Dept. Reports will be in the packets for the next meeting.

He reported being on vacation last week, but will get the minutes for the last meeting in the next meeting packet.

XIII. COMMITTEE REPORTS:

Krista Chappell reported that Rachel Rumson formally resigned from the Resiliency Committee to pursue the service provider relationship for her business.

Krista has proposed that the regular meeting date for the Resiliency Committee be changed to the fourth Friday. She will confirm with committee members.

The CEDC will meet on January 19, 2022. They have worked on preparing a budget presentation to the Town Council for the February 15, 2022 Council Meeting. The CEDC has finalized language in the MOU and will be submitting to Nate Rudy for a final review. Also, discussed, was another MOU with Aroma Joe’s to install a mural on the fence that abuts the Village Green property.

The committee wanted to know if there was Town Council interest for advertisements in “MaineBiz.” Nate Rudy said he was concerned that this may frustrate businesses coming to Town. He said to wait on doing any media outreach

campaign purchases until the work is done that needs to be done with the Planning Office. Sandra Carder mentioned that the Town needs to finalize what is being done with the MDOT. She suggested to maybe skip a year. Other Councilors were in agreement. Nate Rudy suggested outreach to other local business groups. He mentioned to promote Gray. Dan Maguire mentioned a video and to make it more prominent on the Website.

CEDC Work – Agri-Tourism Ordinance. They will begin discussion on their March 16, 2022 meeting regarding changes proposed.

Krista reported that there was a Library meeting on January 25, 2022; however, there was no quorum. Members reviewed the Library Director’s Report for December/January. The Fine-Free Policy for Fiscal Year 2023 was noted. Their next meeting is March 27, 2022.

Anne Gass reported that the Community Television Advisory Committee (CTAC) meet late last month without a quorum. The group discussed Ordinance revisions and programming. They meet next on February 23, 2022.

Martin Meaney reported that the Blueberry Festival just voted in a new member for their next meeting and will probably be voting in a second member. The Blueberry Festival has a “Zoom” meeting tomorrow evening at 6:30 pm.

The Finance Committee has a meeting at 3:30 on Thursday afternoon. He is expecting the topic to be on payout for sick time. Their regular meeting is March 17, 2022 at 4:00 pm.

The Zoning Board met on January 26, 2022 and granted a variance to the property at 104 Dutton Hill Road. The excavator dug the hole to close to the road. He noted that this is a one-time thing. A second time, they will not get a variance. He reported that all the ZBA members were in attendance. No date has been set for the next meeting

Dan Maguire said that the OAC meeting met on the 17th. They discussed changes to the self-storage Ordinance and construction services.

The Planning Board will meet on February 10, 2022 at 7:00 pm.

Sandra Carder reported that the Rec. Committee meets next Monday, February 7, 2022 at 6:00 pm.

DMS were waiting for access to boxes. The boxes have since been moved out of storage. They will be meeting next on February 21, 2022 at 4:00 pm. The goal is to create an outline and calendar of path and projects needed. She is excited for access to the School House.

The GPCOG meets on February 15, 2022 at 12:00 pm.

XIV. COUNCIL CORRESPONDENCE/ACTIVITIES: All Councilors reported receiving several e-mails regarding the Crystal Lake Estates development. Krista Chappell and Anne Gass attended the GPCOG Development Webinar on January 25, 2022 via “Zoom.”

Krista Chapell said she had a nice call today with Rachel Rumson on her service provider application for the Town.

She received an e-mail from Sarah Mills Knapp regarding their service provider content.

She will be meeting to discuss with Nate Rudy the Comp Plan Implementation Committee with a draft on perimeters on Friday afternoon.

Anne Gass reported that she had an e-mail conversation with Allen Sterns regarding the Open Space Plan. She also had a conversation with a Gray resident about the Open Space Plan.

A resident reached out to her following the January 18, 2022 meeting regarding Will Boyle’s plans. She referred them to Nate Rudy who, in turn, referred them to Jonathan Hartt. Jonathan Hartt reached out today.

Martin Meaney had a conversation with a neighbor of his at 290 Yarmouth. They were curious about the solar arrays in Town and asked if the solar arrays provide any funding to reduce the Town's budget. Sandra Carder responded that the municipal array on the landfill does reduce the electricity. There is a 20-year contract with the provider. Nate Rudy also said that the Town does receive a benefit from this.

Sandra Carder stated that she had an inquiry from Peter Bragdon on call-in options for remote meetings. This was referred to Kyle in IT.

She attended "*Coffee with COG*" with other members.

She reported speaking to Steve McPike regarding the Libby Hill MOU.

She received a follow-up from Pam Wilkinson regarding the status of the Shoreline Protection Water Quality Ordinance.

XV. ADJOURNMENT at 9:10 p.m.

MOTION: To Adjourn at 9:10 PM.

RESULT:	APPROVED (UNANIMOUS 5-0)
MOVER:	Martin Meaney - Councilor
SECONDER:	Anne Gass – Vice Chair
AYES:	Carder, Gass, Chappell, Meaney & Maguire

Respectfully submitted,

Doreen M. Christ, Transcriptionist/Minute Taker - Town of Gray

**TOWN OF GRAY
GRAY TOWN COUNCIL
DRAFT MINUTES – FEBRUARY 15, 2022**

Gray Town Council	Henry Pennell Municipal Complex	7:00 PM
Regular Meeting	24 Main Street, Gray, ME 04039	

I. OPENING STATEMENT

Due to the ongoing COVID-19, this meeting was held on-line via “Zoom”

II. ROLL CALL

Attendee Name	Title	Status
Sandra Carder	Chair	Present
Anne Gass	Vice Chair	Present
Dan Maguire	Councilor	Present
Krista Chappell	Councilor	Present
Martin Meaney	Councilor	Present
Nate Rudy	Town Manager	Present

III. PLEDGE OF ALLEGIANCE TO THE FLAG

IV. PUBLIC COMMENTS OF NON-AGENDA ITEMS (LIMIT 3 MINS PER PERSON). There were no public comments. This portion of the meeting was closed.

V. ADJUSTMENTS TO THE AGENDA. There were no adjustments to the Agenda.

VI. PRESENTATION(S):

1. Gray Historical Society – Antique Fire Truck Display – Galen Morrison. Galen Morrison presented. He said the Gray Historical Society is proposing a 14’ x 18’ addition to the existing building to house and showcase the 1933 antique fire truck. He showed the Main Street view and the proposed addition. The first photo shows what was constructed in 1980 to the 1837 building that was the original building. The truck is presently stored in the Village Station at the Post Office Road. The addition would be accessible from the inside of the existing fire house museum. The feature of this building is the glass front. From the West Gray Road side, you would see the full truck behind glass.

He showed the vacant lot to the left of the current building. This vacant lot was created when the addition was constructed in 1980. The back of the building addition would be flush with the current building and would be all brick. The doors on the front were designed to look like the early 1800’s. This would be continued so all the doors match. Also, the roofing will match the existing. The inside would be accessible from the existing museum and contain a handicap ramp so everyone can access the fire truck.

They have written approval from the Cemetery Committee to work in that small area.

A maple tree, in that area, will either need to be pruned or removed for full visibility from the West Gray Road.

The existing heat system will be circulated into that room. The slab or floor, in this addition, will be elevated for maximum view of the truck. The truck would be fully accessible for the Fire Dept. to move it in or out, work on it, or to display it. There could either be a ramp or concrete slab extension from the floor of the addition to move it in or out.

Sandra Carder said the reason this is before the Councilors is due to this type of excavation being that close to a cemetery. This will need to be voted on by the Councilors at their next council meeting.

The following discussion ensued by Councilors. Anne Gass said that this looks great and will add some visual interest to the village. She questioned where the funding will come from. Galen Morrison said they are looking for a couple of great possibilities, one being a major fundraiser. They will be reaching out to the public and local contractors to see about assistance. The preliminary price is \$80,000. They are trying to reduce this down to about \$40,000 to raise with funds. Once they receive approval, they will reach out through a mailing to get contractors in town or retired residents to help. In-kind labor is the key for them.

Dan Maguire thinks it is a wonderful idea. He asked and Nate Rudy clarified that this needs to go through Planning. They are hoping for a volunteer architect/engineer.

Krista Chappell likes the design. She said it is an important part of history. She said traffic flows need to be addressed. Galen Morrison said this building will be set back 10 feet from the original building.

Martin Meaney feels this should be a tourist attraction.

Sandra Carder loves this idea. She said this is the type of work that has intangible effects on the Town. Dan Maguire asked if the property is part of the Gray Cemetery or is it on its own piece of property. Doug Webster, from Community Development, said it is all one piece of property. Dan Maguire asked if there is any access from behind that? Galen Morrison said the access is only from the right-hand side and the south entrance from the turnpike.

The Councilors were in agreement with this project. This will be placed on the March 1, 2022 agenda as a Consent Item.

2. *Community Economic Development Committee – Annual Plan and Budget.* This is an annual update on their activities and the budget from the previous year, the existing fiscal year, and a proposal for the upcoming budget. It shall be noted that Krista Chappell is the Council Liaison. Both Lacy Antonson and Schelene Shevchenko were remotely present. Schelene Shevchenko took the lead on this, who did screen sharing. Lacy Antonson was on for this presentation, as well.

First, was the CEDC 2022-2023 Proposed Budget. She provided a summary of this year as to where they are at. They lost two (2) members out of their five (5) and have not been able to accomplish everything. In the Beautification Category, most of this will be spent this Spring. \$1,000 was moved to Banners. \$2,250 was the budgeted amount for “*MaineBiz*.” This will not be spent this year. Spent Funds – Work Completed were micropark and printing funds. Funds to be Spent – Ongoing/Planned Work includes welcome sign, murals, banners, and marketing. Funds that will Not Be Spent – Work that will not be Completed includes the “*MaineBiz*” article, public workshops, and the CEDC table at the Farmer’s Market.

Anne Gass thanked them for all the work they do. She questioned the banners. She commented they are small and hard to read. She said she would like them sized up.

Anne Gass mentioned the Maine Build Conference. She would like members to attend. She loves the idea of using public access channels. Nate Rudy agrees it is a great idea for members to attend this conference. This conference is the first Monday and Thursday in June 2022 and is in Skowhegan, Maine. It was confirmed that some members have attended this conference.

Lacy Antonson spoke of the banners. She said the original banners were 18” wide and 3’ tall. The fall banner is the best one. She said it is bold. The ice fishing one is clever, but it doesn’t pop. There are three (3) designs – the Fall, Winter, and Spring. The Spring will be 4’ tall. The height of the brackets are the lowest they can be. Dan Maguire said fewer and larger might be better. They are trying to be unique for Gray. These banners will last 3-5 years.

Next, was the CEDC 2022-2023 Proposed Budget by Schelene Shevchenko. She referenced their note section, the spearheading member, and timing. She went through the Beautification – CEDC Budget of \$4,000 (line-by-line). Lacy Antonson suggested a welcome message for the banners. Sandra Carder really likes the idea of potential improvement to the Swapshop. Dan Maguire agreed. Next, was Workshops-Community Building at \$600. Anne Gass likes the idea of using the Village Green, it is a lovely space. Advertising/Marketing was budgeted for \$500. The total proposed budget is \$5,100.

Lacy Antonson said the charge is not to just make the Town pretty and gather people, it is to promote businesses and respect the businesses already in Gray, to acknowledge and help them. Krista Chappell commented and questioned printing costs. She suggested doubling this amount. Sandra Carder said the committee budgets will be brought up in a March 2022 Workshop.

VII. PUBLIC HEARINGS:

1. *Second Reading – To Review and Act Upon Adopting the Proposed Zoning Ordinance Amendments Regarding Self-Storage Facilities (Chapter 402) for the Town of Gray.* Public comment was opened. There was none to this Ordinance change. The Public Hearing was closed. Sandra Carder read the full motion from the

Draft Memo in the packet.

MOTION: Be it Ordained, the Gray Town Council Adopts the Proposed Zoning Ordinance Amendments Regarding Self-Storage Facilities (Chapter 402) for the Town of Gray.

RESULT:	APPROVED (Unanimous 5-0)
MOVER:	Dan Maguire - Councilor
SECONDER:	Martin Meaney - Councilor
AYES:	Carder, Gass, Maguire, Meaney & Chappell

2. *Second Reading – To Review and Act Upon Adopting a Moratorium on Self-Storage Facilities (Chapter 402) for the Town of Gray.* Public comment was opened. There was none. The Public Hearing was closed.

MOTION: Be it Ordained, the Gray Town Council Adopts a Moratorium on Self-Storage Facilities (Chapter 402) for the Town of Gray, with Application to any New Proposals Involving Self-Storage Use after January 5, 2022.

RESULT:	APPROVED (Unanimous 5-0)
MOVER:	Anne Gass – Vice Chair
SECONDER:	Martin Meaney - Councilor
AYES:	Carder, Gass, Maguire, Meaney & Chappell

3. *First Reading – To Review and Act Upon Setting a Second Reading and Public Hearing on March 1, 2022 to Consider 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.* Public comment was opened. There was none. The Public Hearing was closed.

There have been a couple of Workshops. Nate Rudy said this version will be at the Second Reading on March 1, 2022. This will be accompanied by a full draft of the Emergency Management Plan, which is a policy – a level document that only needs one reading for approval. This is an Ordinance, so it will need a Public Hearing and a Second Reading.

Matthew Maher – the Director of the Cumberland County Emergency Management Agency was remotely present. The Town has coordinated with them to draft language to try to adopt a model that is scalable to the County’s EMA Response in the event of a regional emergency operation plan. The emergency operation plan is heavily influenced by the version that Matthew Maher has provided for the Town. The goal for that would be to have a common EOP framework for all the municipal partners so that if the Town needed to act, everyone would essentially be working from the same playbook. Once the Town adopts an Ordinance, the EMA will also have to approve it.

Sandra Carder said that this is a non-land use Ordinance; therefore, it will not be going to the Planning Board. This stays with the Council.

The following discussion ensued by Councilors. Anne Gass made reference to the packet on Page 18, Section B.1.B. and asked when it comes to the appointment of the Emergency Management Director, is it necessary to limit that appointment to one year at a time. She said, whether or not, if the Council decides to change that annual appointment, the condition should be stipulated as to why they are not being renewed at the end of the one-year term. She then asked what if someone else is needed? Matthew Maher responded the reason for the, at the one-year level, is to help them at the county level even more so than the municipal level. This provides, at the county level, the assurance that, that person will serve as the dedicated point of contact for the EMA within the community for EM purposes. This helps ensure the most current contact information and gives the EMA leverage on making sure this one person is on the lists, instead of having several contacts.

Anne Gass said she feels something should be added in the Personnel Policy. She would like language in the event that the person is not re-appointed.

Dan Maguire referenced the packet on Page 17, Section 2.10.2., the Towns Emergency Operations Plan. He asked Nate Rudy if this is the policy he referenced, of which it was. It is called the Town’s Emergency Operations Plan.

Sandra Carder likes the idea that it comes up so Councilors are aware.

Krista Chappell said that this aligns well with both the National Incident Management System (NIMS) Training, Council discussion, and comments received from residents with expertise in these matters. There is a clear chain of command. It is clear who can claim an emergency and when it can end. She is okay with the one-year appointment. Once this Ordinance is approved, she asked what is the timeline for appointing an EM Director. Nate Rudy said generally there is 14 days from the time the Ordinance is approved until it is enforced. At that time, he would make a formalized recommendation for the Public Safety Director. Under the current Ordinance, he is already serving in that role. Dan Maguire commented that he always assumed that this would be a Town employee. Nate Rudy responded not necessarily. Martin Meaney was in agreement that this be an annual appointment.

MOTION: Ordered, the Gray Town Council Sets a Second Reading and Public Hearing on March 1, 2022 to consider adopting an Emergency Management Ordinance, 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.

RESULT:	APPROVED (Unanimous 5-0)
MOVER:	Martin Meaney - Councilor
SECONDER:	Anne Gass – Vice Chair
AYES:	Carder, Gass, Meaney, Maguire & Chappell

VIII. ACTION ITEMS: Sandra Carder said that there are two (2) applications in the packets, as follows: Karl Schatz and Lisa Lehne-Gilmore. She explained that on this committee, the six member (an alternate) is not a voting member, unless a regular member is absent. Lacy Antonson was present and said that there are six (6) members, one was appointed at the last meeting. The committee currently has Lucy Antonson, as a voting member until 2023 and Bernice Corcoran as a regular member until 2023. Both Gail Cote and Victoria Lee are no longer on this committee and need to be removed from the Website.

1. *To Review and Act Upon Approving the Appointment of _____ as a regular member of the Blueberry Festival Committee with a term expiring on August 31, 2023.*

MOTION: Ordered, the Gray Town Council appoints Karl Schatz as a regular member of the Blueberry Festival Committee with a term expiring on August 31, 2023.

RESULT:	APPROVED (Unanimous 5-0)
MOVER:	Martin Meaney - Councilor
SECONDER:	Anne Gass – Vice Chair
AYES:	Carder, Gass, Maguire, Meaney & Chappell

2. *To Review and Act Upon Approving the Appointment of _____ as an alternate member of the Blueberry Festival Committee with a term expiring on August 31, 2024.*

MOTION: Ordered, the Gray Town Council appoints Lisa Lehne-Gilmore as a regular member of the Blueberry Festival Committee with a term expiring on August 31, 2022.

RESULT:	APPROVED (Unanimous 5-0)
MOVER:	Dan Maguire - Councilor
SECONDER:	Anne Gass – Vice Chair
AYES:	Carder, Gass, Maguire, Meaney & Chappell

There are still openings.

3. To Review and Approve the Addition of Contingency Fund Language to the Town of Gray Fiscal Policy. Nate Rudy screen-shared the document. He said this was recently discussed in a Workshop. These changes were compiled from Councilor Dan Maguire. Language was clarified in the first paragraph and then identified that this is a community-need, not limited to the business continuity needs of the Town Government. Spending thresholds and other limits are on the Town Manager, who has the authority to administer the contingency funds. This was discussed at the Finance Committee meetings and the amount of money of the contingency was rather small. No additional layer of oversight was recommended. This is only under the purview of the Town Manager.

Krista Chappell asked can departments spend from their contingency funds without getting written approval? Nate Rudy said he would require a pro-active request from the Dept. Head, when possible, for non-emergency expenses. Krista Chappell said in the second paragraph, there was one (1) proofreading comment, under “use of, she said “*the contingency fund*” to change to “*a contingency fund*,” since there is more than one contingency fund. Dan Maguire asked, “Should contingency funds be named? Nate Rudy responded that he does not feel they be named. Other Councilors agreed.

MOTION: Ordered, the Gray Town Council approves the proposed addition of Contingency Fund Language to the Town of Gray Fiscal Policy.

RESULT:	APPROVED (Unanimous 5-0)
MOVER:	Anne Gass – Vice Chair
SECONDER:	Krista Chappell - Councilor
AYES:	Carder, Gass, Maguire, Meaney & Chappell

IX. REPORT FROM THE COUNCIL CHAIR – Sandra Carder: She reported that a new Planning Board Member was appointed. There remains one open regular spot. There are two (2) alternates. She mentioned Andrew Watson, who’s term expires on August 31, 2022. He has missed three (3) meetings in a row and has not responded to Staff. Dan Maguire suggested going to the Planning Board Chair for insight. He said there is value in having both alternates, in turn, be part of the process. It was asked if this could be written into the Planning Board. The Planning Board operates with two (2) alternates and both gain experience over time. Sandra Carder said the whole Planning Board process needs to be discussed and maybe this could be an Agenda item at the Planning Board/Town Council Training Forum. Anne Gass felt it would be good to involve the Planning Board Chair in that discussion. She said the Town really needs people to be there on this Board. She suggested looking for a replacement. Councilors agreed with going to the Planning Board Chair. Krista Chappell suggested reaching out to revisit others who had been interested before. Sandra Carder said that vacancies need to be filled.

Tracking Spreadsheet and Ordinances. She met with both Nate Rudy and Doug Webster to review the outstanding list of Ordinance items to identify when and how each item will move forward, as part of prep for scheduling the Workshops and Agendas. Nate Rudy shared a general overview of a plan he has for re-organizing responsibilities, utilizing consulting budget, and identifying which items are tied to the Comp Plan. The plan is solid. There could be a discussion on tracking and how to organize it better and prioritize it to make sure everyone is on the same page on what the priorities are. Nate Rudy will draft a memo to outline his plan. This will be brought to the Council to have a discussion around that tracking spreadsheet and what is on that list to make sure everyone is all in line.

There are eight (8) meetings on the book for the month of March. She is looking at April for the Planning Board/Town Council Training Forum. She is trying to schedule two (2) regular workshops in April.

There is a scheduled Executive Session for Friday, February 18, 2022, at 3:30 pm.

There is a Budget Workshop on Thursday, February 24, 2022 at 3:30 pm.

The next Town Council Meeting is Tuesday, March 1, 2022 beginning at 5:30 pm.

X. REPORT FROM THE TOWN MANAGER – *Nate Rudy*:

Nate Rudy reported that he has supplemental items to his written report. There were no questions on his written report.

He will be attending a FEMA/Continuity Planning Training tomorrow and Thursday (Feb. 16-17, 2022) in Scarborough, Maine.

He said the reports from Dept. Heads on their activity, sort of mimics his report. He has asked them to add any items that are on the Tracking Spreadsheet that they have advanced and areas that they may need some Legislative work or resources from Councilors or himself. He hopes Councilors will find this tool useful in the committee work. He hopes this will help clarify the work that they are doing in the departments and what the department heads are accomplishing.

He is working on an interlocal agreement with Cumberland for COVID-19-related backup in both the Code and Clerk's Offices. He is hoping to have something to present at the March 1, 2022 meeting. New Gloucester is also interested in an interlocal agreement, as well.

Doug Webster, of Community Development, is working on a proposal to modify the Village Zoning Ordinance to allow for a higher density of housing units and to eliminate or relax the application of net density calculations. There will be an announcement for a Public Hearing in the 3/1/2022 packet. Doug Webster went on to explain the net density calcs. He said there are two (2) changes – one to Zoning and one to Subdivisions.

Nate Rudy reported being contacted by the Gray Water District with a request that the Town revisits the concerns expressed by groundwater infiltration of potential contaminants to the well heads.

XI. COMMITTEE REPORTS:

Martin Meaney:

The Blueberry Festival had a meeting, via "Zoom" on February 2, 2022. The festival will be held this year on August 13, 2022. They will be meeting once a month up until June, twice during July, and then back to once a month in August. He reported the attendance is going up with about 2,300 people. He stated that they can use more committee members.

Lacy Antonson is talking about a new Website. Their next meeting is February 23, 2022.

There is a Zoning Board of Appeals meeting also on February 23, 2022.

The Finance Committee met on February 3, 2022. One of the big functions is stabilizing the MIL rate. Their next meeting is March 17, 2022.

Anne Gass:

She reported that the Open Space Committee met briefly. Their next meeting is March 2, 2022. Allen Sterns from the Royal River Conservation Trust will be there to speak about what they are up to and how they can work with the committee.

CTAC meets next Wednesday, February 23, 2022.

Krista Chappell:

The Resiliency Committee Meetings are rescheduled and will now be on the fourth Friday at 3:00 pm. Their next meeting is February 25, 2022.

CEDC is meeting tomorrow, February 16, 2022, at 7:00 pm.

Both of these committees need more members.

The Library Trustees meet next on March 22, 2022.

Dan Maguire:

OAC has not met since their last meeting. There is a meeting this Thursday, February 17, 2022, at 4:30 pm.

The Planning Board topic was the Avesta Property for Hancock Street. One of the issues was density in the Village. He commented that the Planning Board's Zoning change will solve that problem.

Sandra Carder:

The Rec Committee met on February 7, 2022 and reviewed many of the programs that are running now and ending. They are planning a "Family Skate Day" on February 26, 2022 at the Pennell Ice Rink. This committee will be looking for more funding for special events. The committee is looking for starting a "Girls-On-The-Run Chapter" this Spring and are looking for sponsorships.

The Rec Committee will start helping at Libby Hill trails in coordinating the clean-up days. They will be meeting on March 7, 2022 at 6:00 pm.

GPCOG met today. Speaker Ryan Fecteau discussed Legislation being proposed to implement some or all of the housing recommendations created by the Governor's commission. There were nine (9) recommendations made and these will be forwarded. They are in the process of what the bill language will look like. There was a lot of feedback given to Ryan Fecteau. Their next meeting is March 15, 2022 at noon.

The Dry Mill House meeting is Monday, February 21, 2022, at 4:00 pm.

XII. COUNCIL CORRESPONDENCE/ACTIVITIES:

Martin Meaney:

He reported that he had two (2) neighbors (the Shuman's & Googin's), who expressed concerns on how the Town will deal with the brown tail moths. They understand there is a Grant available for \$150,000 to deal with that.

Another issue was solar arrays. He asked if any of the solar arrays are on conservation land. Sandra Carder responded that it is privately-owned property.

The Honorable Cliff Foster, formerly of the Maine Legislature, is curious as to why the Code Enforcement Officer was suspended for two (2) weeks.

Anne Gass:

Reported that she received a number of e-mails (back and forth with Royal River Conservation Trust/Presumpscot Regional Land Trust in regards to the Draft Open Space Plan with the view of them helping the Town implement it.

She provided a history of the Village Area Loop Trail and this was presented to the GPCOG Reviewing Committee.

A resident off of Weymouth Road asked about when this road will be repaved. She responded that it was on the schedule to be repaved in 2023.

Krista Chappell:

She reported receiving an e-mail from Ted McDonald. He was inquiring about language in the Comp Plan that notes an increase in the need for building density in the Village area. This relates to the proposed expansion to Meadowview. She said she directed him to the online Comp Plan.

She spoke to Rachel Rumson on her service provider application, to stay connected as the August deadline approaches.

She met with Dan Maguire at the beginning of the month to coordinate their work with the Comp Plan Implementation Recommendations.

She met with both Nate Rudy and Kristen Muszynski (Community Planner) to discuss committee processes and policies and Agri-Tourism work with the CEDC.

Dan Maguire: Both he and Kristen Muszynski got together to work on the next steps for the Comp Plan.

Sandra Carder:

Reported speaking with Kelly Bouchard at the Press Herald,

She received a call from Mr. Hutchings, who was inquiring why the Council did not approve his Planning Board application back in the Fall.

She spoke with Rebecca Hatfield from Avesta Housing about the pending Planning Board application and new Comp

Plan, which calls for more density in the village.

She said she received an e-mail from a resident inquiring about the State Grant Program available to combat the brown tail moth infestation. She referred the inquiry to Nate Rudy.

XIII. ADJOURNMENT at 9:02 p.m.

MOTION: To Adjourn at 9:02 PM.

RESULT:	APPROVED (UNANIMOUS 5-0)
MOVER:	Martin Meaney - Councilor
SECONDER:	Anne Gass – Vice Chair
AYES:	Carder, Gass, Maguire, Meaney & Chappell

Respectfully submitted,

Doreen M. Christ
Transcriptionist/Minute Taker - Town of Gray

DRAFT

**TOWN OF GRAY
GRAY TOWN COUNCIL
DRAFT MINUTES – MARCH 1, 2022**

Gray Town Council	Henry Pennell Municipal Complex	7:00 PM
Regular Meeting	24 Main Street, Gray, ME 04039	

I. OPENING STATEMENT

Due to the ongoing COVID-19, this meeting was held on-line via “Zoom”

II. ROLL CALL

Attendee Name	Title	Status
Sandra Carder	Chair	Present
Anne Gass	Vice Chair	Present
Dan Maguire	Councilor	Present
Krista Chappell	Councilor	Present
Martin Meaney	Councilor	Present
Nate Rudy	Town Manager	Present

III. PLEDGE OF ALLEGIANCE TO THE FLAG

IV. PUBLIC COMMENTS OF NON-AGENDA ITEMS (LIMIT 3 MINS PER PERSON). There were no public comments. This portion of the meeting was closed.

V. ADJUSTMENTS TO THE AGENDA. Martin Meaney referred to the packet on Page 3, Item IX. 1. He suggested wearing a mask voluntarily. He said if you wish to wear it - wear it. If you don't - don't. He said the Town of Falmouth voted against the mask mandate in their Town Hall and something similar in the City of Portland. Sandra Carder responded that this will be brought discussed later in this meeting.

VI. CONSENT AGENDA:

1. *Approval of Open Space Plan.*
2. *Approval of Gray Historical Society Antique Fire Truck Expansion Permit.*

Sandra Carder said approval is needed to get a permit. Doug Webster, of Community Development, said it was the intention of bringing it to the Council, because it is a Town-owned property and the Code Officer felt uncomfortable pursuing the permit without the Council's consent. Dan Maguire stated that the Council had approved the concept. Doug Webster stated the Council endorses the Code Officer issuing the building permit, subject to applicable standards. Dan Maguire suggested changing the wording of Item No. 2 above from an “*Expansion Permit,*” to read, “*Display.*” Sandra Carder asked if this is enough to meet the statute? Item No. 2 was then changed to read, “*Approval of Gray Historical Society Antique Truck Display.*” The following motion was made:

MOTION: To Approve the Consent Agenda.

RESULT:	APPROVED (UNANIMOUS 5-0)
MOVER:	Dan Maguire - Councilor
SECONDER:	Martin Meaney - Councilor
AYES:	Carder, Gass, Maguire, Meaney & Chappell

VII. PRESENTATION:

1. **Hancock Street Deed Transfer – Doug/Kristen.** Doug Webster said this item was in the packets on Page 46. As an update, he has been talking with both Public Works and the Town's Attorney, as well as the applicant, Avesta. He screen-shared the memorandum prepared by both himself and Kristen that was included in the packet.

The goal is to solicit input from the Council, as to the Council's willingness to give up some rights to a portion of the road. He said, what happened was, on or about 1976, whenever a subdivision was approved, the Deed and fee ownership, was transferred to the Town. As part of the Planning Board approval, it was transferred from Avesta to the Town.

Next, Doug Webster screen-shared plans and showed the current tax map. He showed the area owned by Avesta and three (3) privately-owned parcels. As a result of the submitted application to the Planning Board, that portion is actually owned by the Town. There are two (2) major concerns that the Town has. He showed the force main for a septic system that serves the three (3) existing buildings comprised of 20 units. The second concern is that the relatively complex area right before Hancock Street takes a turn. There is stormwater on the Town way, off the Town way, and then back over. Two (2) concerns are the force main going under the public road, as well as the relatively complex stormwater area. The objective is to try to get that off of the Town's responsibility. The force main is shown in red color. The proposal is to discontinue the green-colored portion and retain the yellow-colored portion. The reasons for that are because it is privately-owned, as well as the portion on the West side. He continued by saying that when you discontinue a road, the ownership of the road goes back to the middle of the road. The concern is to not adversely affect the privately-owned property, nor another privately-owned property. This is where they set their frontage. The proposal is the thin red line to transfer, to retain the yellow portion, and to pursue the road discontinuance process for the green portion to eliminate the problem with the force main, as well as the stormwater down there. There are multiple benefits to that.

There is a state statute on discontinuance – Title 23, Section 30 – 26A – A public easement is retained in perpetuity for roads that are discontinued. The Town can spell out the parameters of the public easement, such as continuing winter maintenance. A utility easement is also retained. The objective is to discontinue the green portion and have that owned in the fee by Avesta for the purposes of their development and eliminating the long-term problems of a force main. Associated with this, Avesta has agreed to build a minimum of four feet or possibly a five-foot-wide sidewalk from their development to the Town-owned portion. The Public Works Director has agreed to continue the winter maintenance for both the road and associated snow storage area that is already there, as well as the sidewalks winter maintenance. Avesta has also agreed to grant whatever pedestrian easements are necessary for the purposes of the continued loop of the Valt Trail.

The next steps would be to pursue a discontinuance order, a Public Hearing, a vote at a subsequent meeting, the property owners being notified, postings, and a recording at the Cumberland County Registry of Deeds announcing that the section has been discontinued.

Sandra Carder questioned the Valt Trail extension from Hancock Street to the plaza. She asked would that be on their side of the road after the last house? Doug Webster's response was that it goes from a portion of the road proposed to be discontinued and then crosses a very narrow strip of their property, and then on to the plaza.

Dan Maguire asked if the address for the development is Hancock Street? Doug Webster said it would be a driveway. The pink line that shows the Valt Trail easement continues past Avesta's property line and all the way to the "T" on Hancock Street. It was then asked if the sidewalk would go all the way to the "T"? Doug Webster said a sidewalk would be built from the Avesta property all the way to the portion of Hancock Street where the special striping is for the shared road usage.

Anne Gass was concerned as to why the Town would want to even bother with a sidewalk. Dan Maguire said that this is an opportunity to have this built for the Town now. Anne Gass then said that this is a good call.

Krista Chappell referred to the packet on Page 47. She referenced the complex infrastructure. She said it is important to maintain this area. She is concerned with Staff time to continue the maintenance. She said do we have assurances that they will be maintain that property, particularly the drainage. Doug Webster said that there is an ongoing

responsibility. It is the Town’s responsibility to take care of the Water District lines that are currently on the Town-owned portion, including utilities. The Water District would be notified so they are aware.

In closing this presentation, the Council is supportive of this. Sandra Carder said Doug Webster can start the process and that the Council will see this again at a future meeting.

VIII. PUBLIC HEARINGS:

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. Public comment was opened. There was none. The Public Hearing was closed.

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.

RESULT:	APPROVED (Unanimous 5-0)
MOVER:	Martin Meaney - Councilor
SECONDER:	Anne Gass – Vice Chair
AYES:	Carder, Gass, Maguire, Meaney & Chappell

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. Public comment was opened. There was none. The Public Hearing was closed.

Krista Chappell asked a clarifying question. She asked, “Are we removing any changes the Council made during the Emergency Ordinance approved on February 1, 2022? Doug Webster responded that there were three (3) changes, as follows: a. In the packet on Page 61, they struck all the “WHEREAS.” b. In the packet on Page 63 in the first paragraph, there is an added sentence because once a permit is issued, it never gets picked up or paid. They are trying to memorialize it. c. The last change was in the packet on Page 66. The State of Maine updated their condition of the Plumbing Code. Instead of 2015, it is 2021. Those are the only changes. Anne Gass asked, “Should be just reference the State of Maine Code with the year. Doug Webster responded that this is included and covered in the language.

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).

RESULT:	APPROVED (Unanimous 5-0)
MOVER:	Anne Gass – Vice Chair
SECONDER:	Martin Meaney - Councilor
AYES:	Carder, Gass, Maguire, Meaney & Chappell

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. Public comment was opened. There was none. The Public Hearing was closed.

Sandra Carder asked, “Will the changes we made cover us?” Nate Rudy will have this looked at between now and the second reading.

Krista Chappell said should we expand on this for a wider distribution – perhaps in the Library or on the Website. She then mentioned in the packet on Page 75 under Section 305.5, can we have this available for individuals as they apply. The income eligibility is on 50% of the HUD median family income. She would like a characterization for individuals applying.

Lauren Asselin, from the Town’s Assessor’s office said HUD does not have a single-family number. Nate Rudy said the intent is to say we will give you one. Copies can be at the Town Clerk’s counter or in the Library. This could be placed on the Assessor’s Webpage also.

Anne Gass referred to in the packets on Page 73, the second bullet. Nate Rudy said they do not set median home valuations. This is set by Maine Housing. Dan Maguire referred to the applications. Sandra Carder responded that it can be added to state “*at other appropriate locations.*” Dan Maguire said this is a bad policy and a bad Ordinance.

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).

RESULT:	APPROVED (4-1)
MOVER:	Anne Gass – Vice Chair
SECONDER:	Martin Meaney - Councilor
AYES:	Carder, Gass, Meaney & Chappell
NAYS:	Maguire (Opposed)

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. Public comment was opened. There was none. The Public Hearing was closed.

This was included in the packet on Page 79. Sandra Carder said that this is a complete rewrite.

Anne Gass referred to in the packet on Page 87, Item q. with the highlights. Also, on Page 95, Section 7.4.a) the highlight states, “ 5% is the current franchise fee.” Setting at 5% as the maximum. The recommendation was at 5%.

Dan Maguire referred to Page 87 and asked if there are any areas that might be excluded by the language, if not a public way. He said it does make sense to make the change.

Krista Chappell said she had essentially the same concerns as Dan Maguire in regard to the tax on a subscriber. It is the one (1) that exists already.

Anne Gass referred to Page 97 in Section 7.7 Performance Bond and asked about the \$100,000 amount. She asked do we know what those injuries can be compensated for by the bond? Nate Rudy said that amount of money is not a liability bond in any way. This is essentially a fine. Sandra Carder said this may be part of the franchise contract agreement. Nate Rudy will follow up with Jonathan Hartt and will provide the document to the Councilors, prior to the next meeting or in their packets.

Anne Gass referred to Page 103, first full paragraph, line 4 that the Town can change up to 3% right now. She also referred to Section 8.5.6 also on Page 103, Access Channel Signal Transport. Are any other locations designated by the Town such as the Middle School, High School, Library. She suggested to add both Fiddlehead and Russell School to that list?

Krista Chappell said she feels there are a lot of unanswered questions on this. Doug Webster suggested that the Ordinance should read all of the MSAD or municipally-owned buildings in Gray,” instead of listing everyone.

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).

RESULT:	APPROVED (Unanimous 5-0)
MOVER:	Anne Gass – Vice Chair
SECONDER:	Krista Chappell
AYES:	Carder, Gass, Maguire, Meaney & Chappell

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. Public comment was opened. There was none. It shall be noted that there was an e-mail from resident Dan Cobb, who did have a few points of feedback on this item and the next item. Sandra Carder read the e-mail into the record. The Public Hearing was closed.

This item was opened up to Doug Webster to bring Councilors up to speed on the proposed changes. It was asked if the motion should include forwarding this to the Planning Board for a Public Hearing on March 10, 2022. Doug Webster said this is the Subdivision portion. There is a requirement included in the packet on Pages 119-122. He said there is currently a requirement to the Subdivision Ordinance that whenever a parcel triggers Subdivision review, that you need to review the project against net residential area/net residential density. The predominate nature of the soils in the village area is that they are well- drained and very few parcels that have large areas of wetlands. Both Chapters 401 and 402 are inline with the Comp Plan.

Krista Chappell referenced a soil drainage survey to be done. She asked is this true for every property in the village. She also asked if these developments can be supported without that survey? Multi-Family developments everywhere require Conditional Use Criteria (Site & Subdivision review). The soil mapping would still need to be done.

Anne Gass questioned on Page 115, Item E. Number of Units per Building, the minimum separation per structure. Doug Webster explained that the minimum separation has been on the books for some time. This is to ensure that there is sufficient access for public safety personnel. She then referred to Page 116, Item 2 – the maximum number of attached dwelling units per structure shall be six (6) and the average number or attached dwelling units shall be four (4) on a single parcel. Doug Webster said the scale of a multi-family structure appropriate for the Town of Gray. Multi-families are three (3) or more dwelling units.

Dan Maguire’s biggest issue is around the fact that it is a blanket that covers the entire area. The Town of Gray needs commercial development. He feels this is not the way to go. It is a blanket that covers the entire zone. He said we are moving too quick on this. This is not the way to do it. A model is needed for future changes. This is a step too far all at once. Sandra Carder feels the Avesta project is a good project. She asked for thought given to the overall picture? This was an attempt to try to forward the Comp Plan objectives with the anticipation, at some future date, that there would be more detailed analysis and standards as the Town develops the new standards for the village.

Martin Meaney asked if they are taking into consideration the impact on schools, etc.

Krista Chappell is for the Avesta project and agrees these changes make sense, but she has the same concerns as Dan

Maguire. She said we really have not had a through process for review doing these Ordinances yet. We have not had enough conversation, particularly on the Village Center Ordinance. Nate Rudy said a town-wide update will be provided on all the zones where housing is allowed.

Sandra Carder said if the Council does not move forward, are we not moving forward again for three (3) months or so. Additional information needs to be pulled together and she really would like to hear from the Planning Board.

Dan Maguire said Avesta asked for several waivers. Doug Webster said the only substantive waiver is the number of units for the zoning change from six (6) to 30 and the granting of a Conditional Use. He asked would the Councilors be willing to consider a Contract Zone? Anne Gass said why create more work. Sandra Carder said she relies on Staff for the best approach. Krista Chappell wants this project to move project and agrees with Anne Gass to not create unnecessary work. She would like more information from Staff and feedback from the Planning Board. Sandra Carder would like to also forward to the Planning Board.

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). The above motion was amended, as follows:

MOTION: To Amend the Motion to Forward to the Planning Board for a Public Hearing on March 10, 2022.

RESULT:	APPROVED, AS AMENDED (Unanimous 5-0)
MOVER:	Anne Gass – Vice Chair
SECONDER:	Martin Meaney - Councilor
AYES:	Carder, Gass, Maguire, Meaney & Chappell

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. Public comment was opened. There was none. The Public Hearing was closed.

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). The above motion was amended, as follows:

MOTION: To Amend the Motion to Forward to the Planning Board for a Public Hearing on March 10, 2022.

RESULT:	APPROVED, AS AMENDED (4-1)
MOVER:	Krista Chappell - Councilor
SECONDER:	Anne Gass – Vice Chair
AYES:	Carder, Gass, Meaney & Chappell
NAYS:	Maguire (Opposed)

IX. ACTION ITEMS:

1. To Review and Approve an Extension of the Temporary Emergency Ordinance Regarding Face Coverings on Town Property. Nate Rudy referenced his memo in the packets on Page 125. He said recommendations were shared from an attorney at Bernstein Shur. He said the Town has not received a state level interpretation. The CDC said Cumberland County remains a high transmission area for people to remain masked indoors. Anne Gass said she was willing to extend the mask mandate for the Town properties only for at least another couple of weeks. Krista Chappell would like to hear from Nate Rudy on how the Town Staff feels. She feels to keep this going a little longer. Nate Rudy listed each dept. He said in Town Hall, it is still a problem. The hybrid test was done today with no echo. Sandra Carder said she was willing to extend for two (2) more weeks. She suggested extending to March 16, 2022 with a discussion on March 15, 2022. Dan Maguire said everyone perceives risk a little differently.

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 enforce the public health risk from COVID and its variants. The above motion was amended, as follows:

MOTION: To Amend the Motion to Extend the Ordinance Regarding Face Coverings on Town Property to March 16, 2022 with the Expectation that this will be Brought Up at the Next Regularly Scheduled Town Council Meeting on March 15, 2022.

RESULT:	APPROVED (3-2)
MOVER:	Krista Chappell - Councilor
SECONDER:	Anne Gass – Vice Chair
AYES:	Carder, Chappell, & Gass
NAYS:	Maguire & Meaney

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. Anne Gass asked Nate Rudy how long for these services? Nate Rudy said the intention was for COVID-19 coverage. This is an issue of preparedness. He said the Town can exit at any time. Dan Maguire said that this makes perfect sense.

Nate Rudy said in the packet on Page 129 is the memorandum that he provided on the rationale and the document preceding his memo is the actual agreement for the Town of Cumberland to provide both the Clerk’s Office and the Code Enforcement Office.

At this point in the meeting, Nate Rudy announced that Code Enforcement Officer Scott Dvorak has submitted his resignation and has accepted another position elsewhere.

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

RESULT:	APPROVED (Unanimous 5-0)
MOVER:	Anne Gass – Vice Chair
SECONDER:	Krista Chappell - Councilor
AYES:	Carder, Chappell, Gass, Maguire & Meaney

X. REPORT FROM THE COUNCIL CHAIR – Sandra Carder:

Both Sandra Carder and Anne Gass attended the “Chair In The Circle” event and brought up the hybrid meeting to find out what everyone is doing. The Town of Scarborough has corrected their echo problem. The last test done was successful.

There is a Budget Meeting on Thursday, March 3, 2022 (hybrid).

Next Tuesday is another Budget Meeting and this will be hybrid.

She wanted thoughts on testing the hybrid system for the Town Council Meeting on March 15, 2022. Krista Chappell would like a test sooner than later. She suggested this Thursday for the hybrid. A successful full-blown test needs to be done before any committee meeting. Sandra Carder said a laptop is needed in front of her and she needs to mute and unmute the TV. Nate Rudy announced that a Transcriptionist has been hired and is working backwards to get caught up. She can still go be the recording and not be in attendance. Nate Rudy suggested having the hybrid meetings recorded so they can go on GCTV. Minutes need to be produced for the Town Council, Planning Board, and Zoning Board of Appeals. Anne Gass said both visual and audio are problematic. The committees should decide for themselves. Dan Maguire is good on letting the committees decide. Martin Meaney commented that since we are

wearing masks, we should be able to meet in-person. Sandra Carder stated that the Budget Meeting scheduled for Thursday, March 3, 2022, will be a hybrid meeting. Krista Chappell asked who should “Zoom” in. The response was that Staff should “Zoom” in. Sandra Carder said, based on the two (2) tests, Councilors will decide how to proceed with the March 15, 2022 meeting.

Sandra Carder mentioned nomination papers are available. Councilor Anne Gass is running for House District 104. She will be representing Gray and New Gloucester. Her Councilor seat will be open in June 2022. Papers for this seat are available now and must be returned by Monday, April 18, 2022. There are three (3) open School Board seats and one (1) open Water Trustee spot.

Commercial Solar Array Tax Exemption – Nate Rudy has shared a response from a representative indicating they will be unable to address this in the current Legislative session. Contact information has been provided in the Maine Revenue Services to start a discussion on a possible bill for the next session, but not until January 2023. Sandra Carder would like to direct Nate Rudy to start that process to gather information and create a proposal.

Sandra Carder said she did receive a response from the MDOT from the Short Shaker letter. They requested a meeting with both Sandra Carder and Nate Rudy. She has requested that Anne Gass also join as Vice Chair.

“Chairs In The Circle” was held on February 24, 2022 online. This was well attended. As mentioned earlier, both Anne Gass and Sandra Carder attended. The overall topic was, “How the pandemic will change how municipal leaders operate in times going forward.” Another discussion was hybrid meetings.

Communications was mentioned. A Communication Director is useful for taking care of Municipal Websites.

There was a discussion on Committee Selections and what the process was as far as Sub-Committees, etc.

Winners of the Poll were April 11, 21, and 25. She is hoping April 11, 2022 will be the Town Council/Planning Board Workshop for Training and Conversation. She sent an e-mail to the Planning Board Members and has heard back from only one (1) so far. April 21, 2022 and April 25, 2022 are likely going to be Council Workshop dates.

XI. REPORT FROM THE TOWN MANAGER – Nate Rudy:

There were no questions on his written report.

He supplemented his report by stating that Scott Dvorak has given his resignation as a Code Officer, effective March 11, 2022. The position will be posted tomorrow.

Included in board packets were several job description revisions, both he and Jonathan Hartt have prepared in the restructuring of the Development Office and the three (3) departments that reside in that office, which includes the Code Officer position. With Scott Dvorak leaving, a local Health Officer will need to be appointed. Nate Rudy commented that he has served a role as a Health Officer in the past. It is an online training test that needs to be taken and is run by the State. This will be placed on the next meeting agenda.

Anne Gass asked regarding Page 153 of the packet, if the Office Manager position is a change in title? Nate Rudy said that there will be three (3) administrative assistant positions in that area. One of these administrative assistants will have additional duties.

XII. COMMITTEE REPORTS:

Anne Gass: CATC met last week. They reviewed the Cable TV Ordinance. Brad is doing this. Outreach is being done in the Library to encourage programming. Story hours have been set up on Mondays. COVID-19 has messed them up. The Library has been closed to patrons. They wanted to teach how to put together ideas.

Martin Meaney: The Wild Blueberry Festival met on February 23, 2022 at 6:00 pm. They discussed modifying the changes for food trucks and issues like that and set a date of August 13, 2022.

On February 23, 2022 there was a Zoning Board of Appeals Meeting at 7:00 pm. The applicant was not happy with the results, since his Variance was not granted.

On March 23, 2022 there will be a Zoning Board of Appeals Workshop at 7:00 pm to iron out the wording they want to change in zoning, because it is subject to interpretation.

The Finance Committee meets on March 17, 2022. This coincides with a Budget Meeting. Martin Meaney said he will get the notes from that meeting.

Krista Chappell: The CEDC met on February 16, 2022. They agreed to have a Public Notice posted for their meeting on March 16, 2022 to discuss Agri-Tourism changes that both businesses and residents might like to see in Town. That will be posted on March 4, 2022. The MOU has been finalized with Local Centric and Mary Underwood for the birdhouses that will be sold. Nate Rudy will be signing those. They are working on the new banner design for Spring/Summer. They decided on a deadline of May 15, 2022 for a new mural project. The location is being worked out.

The Resiliency Committee had to reschedule their February 25, 2022 meeting. There was only one (1) of the two (2) members available. They are working on rescheduling a February/March meeting.

The Library is scheduled to meet on March 22, 2022.

Dan Maguire: He spoke in regards to the Job Descriptions. He asked if this is just an FYI? Sandra Carder responded that it is. Dan Maguire had a question for the Director of Planning position. He said he was surprised that this is an hourly position. Nate Rudy commented that this is an error. It is a salary position. He will amend that. He asked if there were any salary changes as a result of these positions?

Sandra Carder: The Dry Mill School House met on February 21, 2022 and reviewed the status of at-home work sessions to go through the materials for the schoolhouse. Discussed was the recent field trip to the Windham Historical Society. The WHS is very excited to collaborate with them. They have a replica of a one- (1-) room schoolhouse. An on-site walk-thru will be done to review the remaining repairs and new proposed layout for the inside of the schoolhouse. The next meeting is March 2, 2022 at 4:00 pm.

GPCOG does not meet until March 15, 2022 at noon.

XIII. COUNCIL CORRESPONDENCE/ACTIVITIES:

Anne Gass: She is working with Nate Rudy and Larry Clifford of the Maine Council on Aging for a Village Planning Event to be scheduled later this Spring.

Nate Rudy: Information on brown tail moths will be in the April 2022 newsletter. A message will be sent out on "Facebook".

He attended a MMA-hosted Environmental Webinar last week. He distributed information to Kyle to work on sending messages out.

Martin Meaney: Received a phone call from Fran Monroe, who lives around the corner from Town Hall with a question about the tax rebate for the over 65 and wanted to know if it was property owners only or were they including renters. Sandra Carder responded that it does include renters.

Krista Chappell: She e-mailed Josh Tiffany, the Library Director, about computer usage at public computer stations. He got back to her with information for review at Thursdays Budget Meeting.

She got in touch, by phone with Donna Rand, of the Food Pantry, to gather information on food trends there since COVID-19. Donna Rand directed her to Jan Lowinsky, who keeps track of all their numbers. Krista Chappell will be compiling information that she has provided.

Dan Maguire: The only correspondence he had was from Dan Cobb regarding the Avesta project.

Sandra Carder: She received a call from a Gray property owner to thank the Council and Town Staff for thoughtful and deliberate consideration on the Crystal Lake Estates CZA and subsequent review of the CZA Policy.

She sent an e-mail to Crystal Welch on the Assoc. President to provide an update on the boat ramp replacement. She responded back with detailed information on the current status of the area and some erosion drainage. This will be shared with Staff.

She received an inquiry from Rachel Rumson regarding budgeted funds for water quality testing. She is working on a possible student-centered project with the Cumberland County Soil & Water to create a similar testing project recently completed by St. Joseph's College. She provided information from the current project and advised discussion on any additional funding requests that would be part of the Planning Department budget workshop.

She said she had several conversations with Staff and residents related with the 5K Race, which is set to resume June 21, 2022 at 6:30 pm. She will formalize the process around that race.

She received an e-mail from a resident inquiring on how to sign up for a solar array on the bypass.

She said she shared an article with the Council related to eliminating parking requirements, which was shared by GPCOG.

XIV. ADJOURNMENT at 9:48 p.m.

MOTION: To Adjourn at 9:48 PM.

RESULT:	APPROVED (UNANIMOUS 5-0)
MOVER:	Anne Gass – Vice Chair
SECONDER:	Martin Meaney - Councilor
AYES:	Carder, Gass, Maguire, Meaney & Chappell

Respectfully submitted,

Doreen M. Christ
Transcriptionist/Minute Taker - Town of Gray

Town of Gray



Comprehensive Emergency Operations Plan

Version 1.0

20220310

DRAFT

January-March 2022

Approvals

This Town of Gray Emergency Operations Plan was prepared to ensure that the organization has deliberately considered how it would respond to an emergency incident. This plan provides guidance for all phases of emergencies that could occur in or near Town of Gray and is supportive of the Cumberland County Resilience Plan. This plan supersedes all previous emergency operations plans. The Emergency Management Director is responsible for the development, maintenance, and implementation of this plan.

By signing this document, the below individuals have acknowledged that they have reviewed and approve the procedures detailed within this plan as being current and actionable.

Approved: _____ Date: _____
Nathaniel Rudy
Municipality Manager, Town of Gray, Maine

Reviewed: _____ Date: _____
Sandra Carder
Chairperson, Town Council, Town of Gray

Reviewed: _____ Date: _____
Matthew M. Mahar MBCI, CBCP, MEP
Director, Cumberland County Emergency Management Agency

Submitted: _____ Date: _____
Kurt Elkanich
Director of Public Safety
Local EMA Director, Town of Gray

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Town of Gray Emergency Operations Plan Change Log

Revision No.	Date	Change Description	Pages Modified
1.0	{To Be Determined on Council Approval}	Initial EOP Develop and submitted to town council for approval	ALL

Record of Distribution

Distribution will be accomplished electronically to all stakeholders, and a record will be kept of who it was distributed to below.

Organization	Date Delivered	Medium	Verified Receipt

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TOWN OF GRAY

COMPREHENSIVE EMERGENCY OPERATIONS PLAN

I. Purpose

Municipalities within the State of Maine are required to establish and ensure the capability to respond to a wide range of emergencies (Maine 37-B §781.1). The Town of Gray Comprehensive Emergency Operations Plan (EOP) provides the operational framework to implement the policies, requirements, and responsibilities of Town of Gray.

This plan provides a flexible and scalable response to the full spectrum of potential incidents and ensures that the Town of Gray maintains the ability to perform its critical services in a safe environment, protecting staff members, community members, and visitors.

To accomplish its mission, the Town of Gray must ensure its critical functions and services continue to be performed during an emergency incident, including localized acts of nature, accidents, technological or attack-related emergencies, as well as infectious disease and cyber events.

This plan provides directions for the orderly response of the Town of Gray to an emergency incident. This plan shows the coordination necessary between entities within the Town of Gray, and with the County, and how they would support one another pre-, trans-, and post-incident. It is also intended to provide greater detail to support the checklists that have been developed by their departments in response to emergency incidents.

II. Municipality Profile

Gray's population of approximately 8,300 people inhabit 46 square miles, with 57% agricultural, 5% commercial and 38% residential. Gray waterfront properties are found on Little Sebago, Crystal, and Forest Lakes. Gray is home to regional headquarters for the Maine Department of Inland Fisheries and Wildlife, which maintains a fish hatchery and wildlife park. ~~It is also home to;~~ a NOAA National Weather Service Forecast Office, which issues forecasts and severe weather warnings for New Hampshire and Maine; [a Maine Forest Service office](#); and, [Maine State Police Troop B](#).

III. Applicability

This Plan is applicable to all personnel associated with the Town of Gray. The provisions of this Plan apply to the full spectrum of situations and/or incidents that could affect the ability of the Town of Gray officials, support staff, and other personnel to perform the municipality's critical functions from their normal work locations. These situations include incidents resulting from natural disasters, cyber threats, terrorist activities, infectious disease outbreaks, and cyber intrusions.

IV. Security

Some of the information in this Plan, if made public, could compromise the municipality's ability to carry out its critical services. This includes the security of essential equipment, services, and systems. Portions of this Plan contain information that raises personal privacy or other concerns, and those portions may be exempt from mandatory disclosure under the Freedom of Information Act. See 5 U.S.C. §552, 41 CFR Part 105-60.

V. Plan Maintenance and Distribution

As part of the annual plans and procedures maintenance, the Gray Emergency Response Team will review and update the Town of Gray Emergency Operations Plan. All reviews will be submitted to the municipality's leadership for review and approval. Interim administrative updates and revisions to this Plan are authorized and will be reissued as *Version X.X* to the signed Plan.

Any request to disclose information in this Plan outside the municipality and/or the county, or to withhold information in this Plan from a non-municipal requestor, must be coordinated with the Gray Town Manager.

VI. Policy and Background

The ability to respond quickly and efficiently to an emergency incident saves lives. The Town of Gray is committed to ensuring that its critical services are available to the community regardless of the emergency incident that is occurring, assuming that it is safe to conduct such activities.

This plan is one means through which the Town of Gray is committed to ensuring the safety of its staff, community members, and visitors. This plan also serves to provide a coherent plan of action to be followed when an emergency incident occurs within the municipality.

The scope and magnitude of a catastrophic incident may result in a resource-scarce environment, as such incidents may affect a municipality's ability to provide assets, assistance, and services.

VII. Planning Objectives and Assumptions

The overall objective of this EOP is to provide for the safety and support of the Town of Gray, its staff, community members, and visitors. This plan provides concepts of operations, guidance, and procedures to ensure that the Town of Gray can transition quickly and effectively from normal operations to a crisis management posture and continue to deliver critical services under all circumstances, and if necessary, from alternate locations.

This plan must be executable with or without warning, during duty and non-duty hours. Processes need to be in place to make appropriate notifications, and perform appropriate actions, even during non-standard business hours.

This document provides a management framework, forums, and process to ensure the continued deliberate, proactive, and ongoing planning, update, and maturation of emergency planning.

The Town of Gray Planning Objectives are as follows:

- Ensure that the Town of Gray can perform its critical functions under all conditions.
- Execute a successful order of succession, accompanied by the appropriate position-related authorities, when a disruption renders the Town of Gray leadership unable to assume and perform their authorities and responsibilities.
- Ensure that the Town of Gray has considered backup facilities where it can continue to perform its critical functions, as appropriate, during an emergency incident.
- Protect essential facilities, equipment, records, and other assets, in the event of a disruption.
- Achieve timely and orderly recovery of the Town of Gray from an emergency.
- Validate readiness and ensure operational capability through a dynamic and integrated test, training, and exercise program.

Planning Assumptions: This plan is based on the following assumptions:

- An emergency incident may require one or more response options covered within this plan to be activated either with or without warning.
- The emergency will not affect other municipalities and they will remain available to support the municipality-directed actions.
- During an infectious disease pandemic, susceptibility to the virus will be universal.

VIII. Resilience Capability Elements

There are specific planning elements that need to be considered to ensure the comprehensiveness of planning. The consideration, preparation, and execution of the elements listed in this section are fundamental for a successful resilience capability.

- A. Risk Management:** The application of risk management principles can preserve resources by assessing the probability of occurrence for catastrophic emergencies and related consequences. Vulnerability, probability, and impact are all considered when determining the level of risk.
- B. Response Options:** The Town of Gray will respond to all reported emergencies. The responding department will evaluate the situation and determine what if any additional resources will be needed to mitigate the emergency and the urgency of

the required mitigation. Every attempt will be made to mitigate the incident using Town resources as long as the efforts are within the scope and training level of the responders. When necessary, subject matter experts will be consulted and possibly requested to respond. Such subject matter experts would include but not be limited to: Department of Environmental Protection, local or area Hazmat Teams, State Fire Marshall's Office, and Law Enforcement.

- C. **Hazard Mitigation**: Any sustained action taken to reduce or eliminate the long-term risk to life and property from hazard events. It is an on-going process that occurs before, during, and after disasters and serves to break the cycle of damage and repair in hazardous areas.
- D. **Continuity of Operations Planning Elements**:
- a. **ESSENTIAL FUNCTIONS**: A service or a collection of services normally performed by a unit that must continue at a sufficient level without interruption or restart within given timeframes (within the first 30 days) after a disruption to the service.
 - b. **ORDERS OF SUCCESSION & DELEGATIONS OF AUTHORITY**: Effective leadership is essential during an emergency. It is equally important that those serving in leadership positions have the authority, in writing, to perform the duties necessary to respond to the emergency. Orders of succession ensure that an organization has identified key personnel to assume leadership positions in the event that regularly appointed personnel are unavailable, and that they have the appropriate authority to perform the functions. Those identified in the orders of succession must be trained annually on responsibilities and shall participate in Training & Exercise (T&E) events.
 - c. **COMMUNICATIONS AND INFORMATION SYSTEMS**: Availability, diversity, and redundancy of critical communications and information systems are critical to sustain critical functions regardless of where they are performed. Communications and information systems provide the connectivity among key government leadership, internal elements, other organizations, and the public to perform critical functions.
 - d. **ESSENTIAL RECORDS MANAGEMENT**: Viable continuity programs include comprehensive processes for identification, protection, and accessibility of electronic and hardcopy essential records at primary, alternate, and devolution locations. Essential records may include documents, references, personnel records, and information systems.
 - e. **ALTERNATE LOCATIONS**: Alternate locations are where critical functions are continued or resumed, or where organizational command and control may occur during an emergency incident. Telework is a program that can provide critical support to the sustainment of critical functions.
 - f. **HUMAN RESOURCES**: Organizations must identify leadership, staff, and functional support elements capable of relocating to alternate locations,

remote operations, or devolving to sustain critical functions. During emergency activations, organizations will mobilize designated personnel as needed to sustain critical functions in accordance with their emergency plans and procedures.

- g. **DEVOLUTION**: A planning concept that establishes procedures to transfer statutory authority and responsibilities from an organization's primary operating staff and facilities to other designated staff and facilities for the purpose of sustaining essential functions. Devolution may be temporary or may endure for an extended period of time.
- E. **Hazardous Materials (HAZMAT) Response**: Plan that reflects how the organization will respond to incidents involving hazardous materials, which are defined as substances that have the potential to harm a person or the environment upon contact. A Hazardous Materials (HAZMAT) Response team is comprised of hazardous material experts who specialize in detecting, containing, and removing any release or potential release of hazardous substances in order to control or stabilize an incident.
- F. **Emerging Infectious Diseases (EID) Considerations**: Emerging infectious disease can be defined as infectious disease that have newly appeared in a population or have existed [but](#) are rapidly increasing in incidence or geographic range. This planning includes considerations related to changes in operations necessary because of the contagious nature of the infectious disease outbreak.
- G. **Point of Distribution (POD) Planning**: A Point of Distribution (POD) is for establishing initial points where the general public will obtain life sustaining emergency relief supplies until such time as power is restored, retail establishments reopened, or fixed and mobile feeding sites (if any) and relief social service programs (if any) are in place.
- H. **Reconstitution/Recovery**: Reconstitution embodies the ability of an organization to recover from a emergency activation, one that disrupts normal operations, so that the organization can return to its normal level of operations. Reconstitution is critical in that its focus is on ensuring the continued support of other organizational functions and the restoration of full normal operations. Since reconstitution begins at the start of an incident, organizations should identify a reconstitution team with leadership, staff, and resources dedicated and separate from existing emergency response team.
- I. **Training, & Exercise (T&E) Program**: T&E events assess and validate emergency plans, policies, procedures, systems, and facilities. Initial and reoccurring training programs inform and familiarize leaders and staff with continuity plans and procedures. Exercise programs consisting of both planned and short/no-notice events improve an organization's preparedness posture and emphasize the value of integrating continuity functions into daily operations. The After Action Review process is an essential component of any exercise program and helps to identify capability gaps and other challenges experienced during the event. Items identified during the review should be captured in the After Action

Report and Improvement Plan, which lists planned remedies to correct the deficiencies, and assigns a timeline for re-evaluation.

IX. Operational Phases and Implementation

There are five phases of emergency management: Preparedness, Prevention, Response, Recovery, and Mitigation. These five phases should be used to build resilience strategies, processes, and procedures to ensure that goals and objectives are met, and to support the performance of organizational critical functions during an emergency incident. The five phases of emergency management are defined as:

- a. **Preparedness** - focuses on creating concrete plans, training and exercises well ahead of a disaster. Emergency planning activities will allow organizations to reduce loss of life and sustain environmental challenges by developing organizational specific plans, standardized planning tools and emergency management protocols.
- b. **Prevention** - a continuous cycle of activities such as emergency planning, staff training, exercising, assessment and remedial actions. Preparedness and readiness go hand in hand as organizations and communities prepare for disaster.
- c. **Response** - how organizations respond to the challenges disasters bring such as supply chain interruptions, changes in service delivery or day to day staffing. As organizations respond to disaster, they must use all their emergency preparedness tools such as emergency plans, policies and procedures and staff training to respond.
- d. **Recovery** - focuses on restoring critical business functions to stabilize day to day services and increase capacity to continue to serve their community after a disaster. The recovery phase allows organizations to return normal service levels as soon as possible.
- e. **Mitigation** - activities allow organizations to reduce loss of life and physical assets such as buildings and supplies that will lessen the overall effect of disaster on organizations and the community as a whole.

X. Roles and Responsibilities

All levels of organizations are responsible for establishing and following procedures for responding to an emergency incident. The senior official of each organization is ultimately responsible for the development and implementation of those plans and/or procedures. The staff members of the organization must be properly trained and equipped to perform their emergency responsibilities with little or no notice. The following leadership positions have specific responsibilities related to emergency preparedness and response:

- a. **Elected Officials (Municipality Manager and Board of Selectmen):** serve the municipality by completing a variety of duties: preparing materials for council meetings, developing the annual budget, implementing financial reporting procedures, administering funds, liaising with the government and local entities, managing municipality assets, and hiring staff.
- b. **Department Heads:** Department managers are responsible for reviewing and approving their respective plans and ensuring that their organization's plan adequately reflects its current operational state. They are also responsible for promulgating this plan, and its guidance, to their personnel. Department managers are responsible for ensuring that their organization has developed, approved, and maintained their organization's plan and ensuring it is supportive to its parent organization's plan.
- c. **Local Emergency Management MA-Director:**
- ~~a. Develop, revise/update, and promulgate municipality's emergency operations planning documents, to include participation in the county hazard mitigation plan.~~
 - ~~b. Coordinate communication between local and county government organizations.~~
 - ~~c. Identify/locate local resources to help with response and recovery efforts.~~
 - ~~d. Coordinate with damage assessment teams~~
 - a. Coordinate municipal T&E activities with County EMA. 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.
 - e.j. Complete and submit application for emergency management/disaster funds and grants, as appropriate.
- d. **County EMA:** The county organization responsible for ensuring county compliance with resilience and emergency policies and guidance. They are

responsible for providing tools, templates, and T&E activities to support the municipality's emergency management program.

XI. Coordination Meetings (Internal & External)

The emergency planning and coordination meetings are attended to ensure situational awareness and resilience efforts are coordinated properly.

a. Municipal Meetings

a. Council Meetings

- Councilors will be kept informed and kept up to date regarding ongoing emergencies or threats to the safety of the citizens, property, and environment of the Town of Gray as well as adjoining Towns.

b. Budget Meetings

- During normal operations budget requests will be in line with ongoing hazard and risk assessments and gap analysis. This analysis will be the major impetus when requesting additional funds or equipment.
- During emergency operations requests will be solely made for the purpose of mitigating the emergency. Every effort will be made to reimburse the Town of Gray through insurance claims or through federal emergency declaration funding.

b. County Meetings

a. Bi-monthly Emergency Management Meetings

- Situational awareness and updates.
- Latest grant program developments
- Updates to planning models and templates

b. Incident Management Assistance Team (IMAT) Team Meetings

- The local EMA director will maintain a working relationship with the County IMAT team in the event the Town of Gray needs assistance managing a multi-operational period incident.

XII. Outreach Program Participation

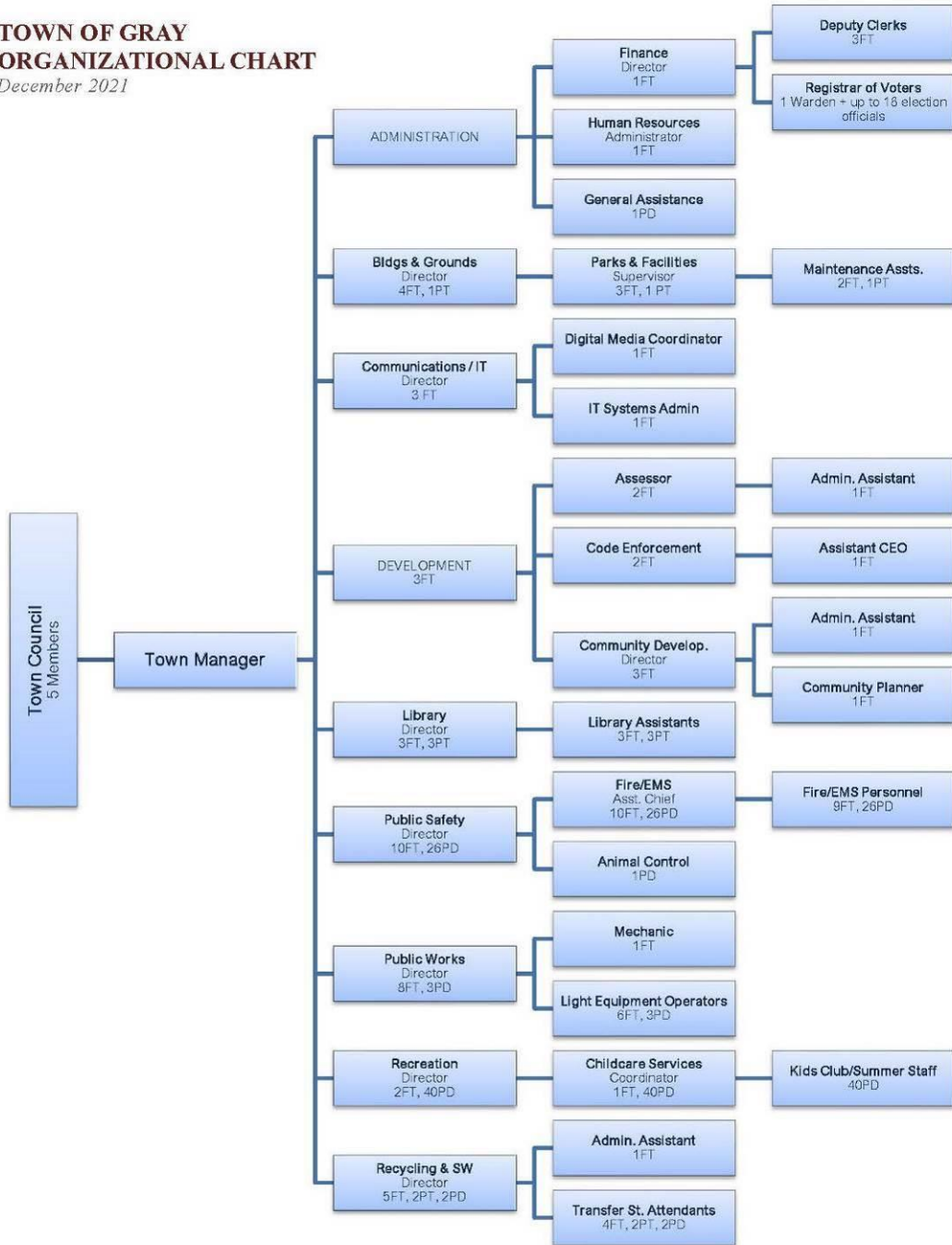
The Town of Gray puts out a monthly newsletter that includes hazard awareness articles. Gray Fire Rescue manages a Facebook page as well as a Twitter feed to make residents aware of ongoing incidents that can create traffic issues as well as seasonal challenges. Gray also hosts an annual Blueberry Festival that is attended by Fire Department employees as well as members from the Cumberland County EMA to distribute safety materials and answer questions.

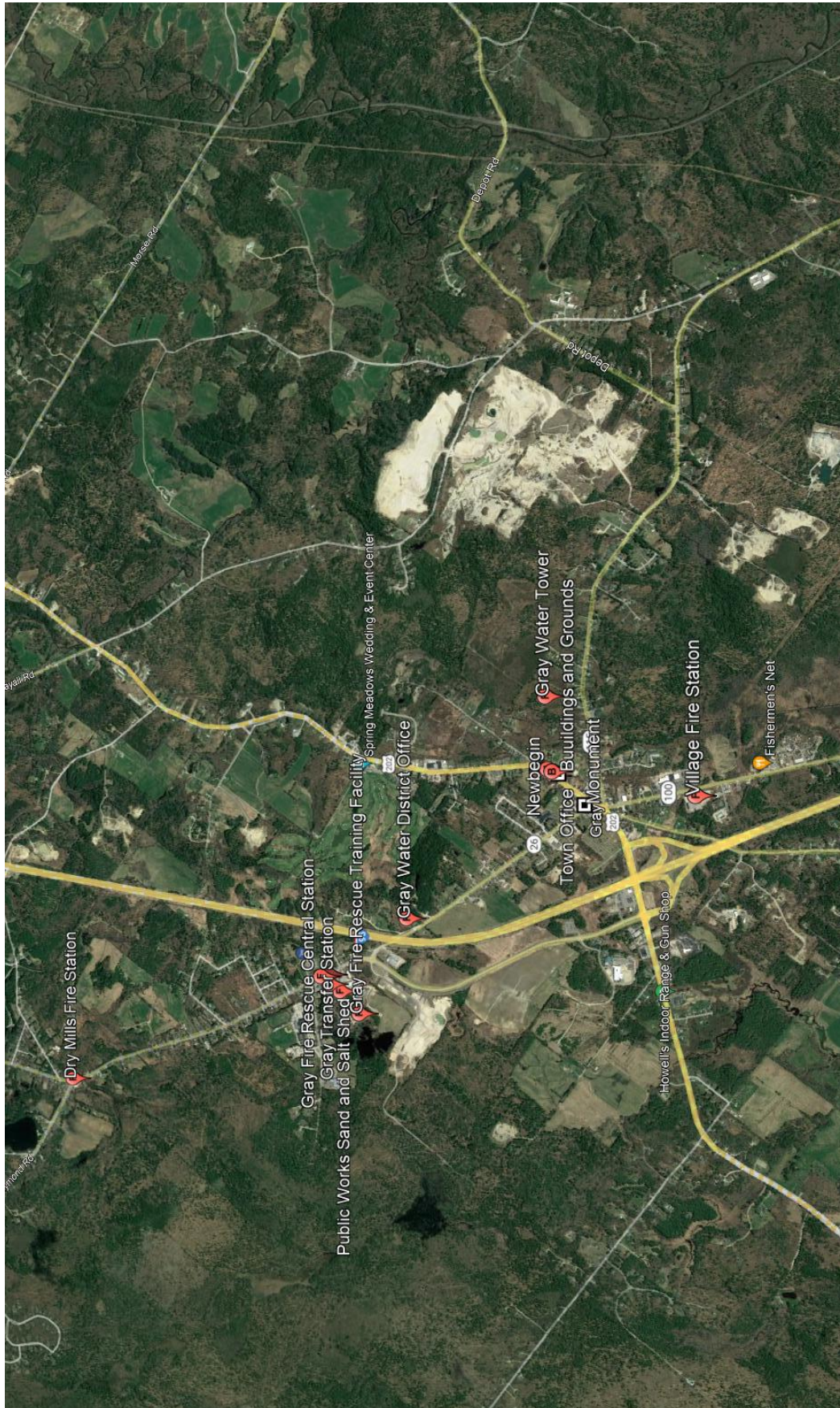
XIII. Points of Contact

If there are any questions or requests regarding information contained within this Plan, please contact the local EMS Director (Fire Chief).

Annex A: Municipality Organization

**TOWN OF GRAY
ORGANIZATIONAL CHART**
December 2021





Roles and Responsibilities:

1. Elected Officials
 - a. Implement direction, coordination, and policy-making functions, as necessary, to provide for optimum protection of public health and safety before, during, and after a declared state of emergency.
 - b. Approve pre-planning, response goals, plans, and emergency accounting procedures.
 - c. Provider representatives to the Emergency Operations Center, as requested.
2. Town Manager
 - a. Direct and coordinate response that overlaps departmental lines or requires decisions as to which department(s) will perform various functions.
 - b. Commit staff and resources of departments, in the absence of the department head, or if it is beyond the scope of the authority of the department head.
 - c. Oversee public information regarding the disaster/emergency event and recovery operations.
 - d. Authorize special purchasing due to emergency conditions.
 - e. Authorize the release of emergency public information statements.
3. Emergency Management Director
 - 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.

3.4. Fire Services

- a. Responsible for responding to incidents within the municipality, and to those locations that have established Mutual Aid Agreement (MAA), with the following types of services:
 - i. Fire suppression
 - ii. Heavy rescue operations
 - iii. Hazardous material incident response
 - iv. Emergency medical services
 - v. Search and rescue operations
 - vi. Chemical, Biological, Radiological, Nuclear, and high yield Explosives (CBRNE) monitoring.
 - vii. Evacuation recommendations, notifying evacuation authorities, and assisting in the dissemination of evacuation notification.
 - viii. Fire code enforcement
 - ix. Explosive device mitigation and response
 - This function will be referred to law enforcement with experience in the handling of explosives. Unified command will be set up and will consist of a minimum of Gray Fire Rescue, the bomb team leader and Cumberland County EMA.

4. Law Enforcement

- a. Responsible for responding to incidents within the municipality, and to those locations that have established MAA, with the following types of services:
 - i. Maintenance of law and order
 - ii. Crowd, traffic, and restricted area control
 - iii. Coordinate evacuations
 - iv. Identify local emergency evacuation routes from high hazard areas.
 - v. Security measures, including protection of vital facilities
 - vi. Provide security for the Emergency Operations Center, as needed
 - vii. Assist in notification and warning to the general public
 - viii. Assist with initial impact assessment
 - ix. Coordinate security for the damaged areas, vital facilities, equipment, staging areas, and shelter operations
 - x. Explosive device identification, mitigation, and response.

~~*~~ [Gray has no municipal police force and relies on contracted services from the Cumberland County Sherriff's Office for local law enforcement and policing.](#)

5. Public Works

- a. Responsible for responding to incidents within the municipality, and to those locations that have established MAA, with the following types of services:
 - i. Coordination of restoring public facilities, roads, and bridges
 - ii. Debris and snow clearance on roads and streets
 - iii. Providing equipment, supplies, and personnel as needed
 - iv. Supporting traffic control measures – providing signage, detours and barricades
 - v. Safety inspections – roads and bridges
6. Buildings and Grounds, Code Enforcement
- a. Responsible for responding to incidents within the municipality, and to those locations that have established MAA, with the following types of services:
 - i. Damage assessment for infrastructure and public facilities
 - ii. Providing equipment, supplies, and personnel as needed
7. The Gray Water District
- a. Responsible for responding to incidents within the community if necessary
 - b. Maintain communication with unified command regarding water supply and water quality.

Annex B: Operational Phases and Implementation

Five Phases of Emergency Management

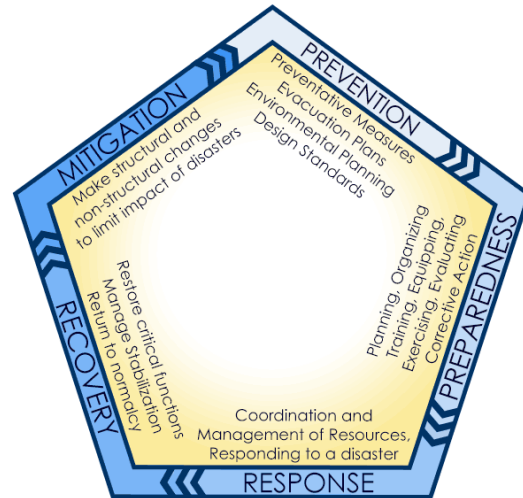
Prevention, mitigation, preparedness, response and recovery are the five steps of Emergency Management.

A. Prevention

Actions taken to avoid an incident.
Stopping an incident from occurring.
Deterrence operations and surveillance.

B. Mitigation

Refers to measures that prevent an emergency, reduce the chance of an emergency happening, or reduce the damaging effects of unavoidable emergencies. Typical mitigation measures include establishing building codes and zoning requirements, installing shutters, and constructing barriers such as levees.



C. Preparedness

Activities increase a community's ability to respond when a disaster occurs. Typical preparedness measures include developing mutual aid agreements and memorandums of understanding, training for both response personnel and concerned citizens, conducting disaster exercises to reinforce training and test capabilities, and presenting all-hazards education campaigns.

D. Response

Actions carried out immediately before, during, and immediately after a hazard impact, which are aimed at saving lives, reducing economic losses, and alleviating suffering.

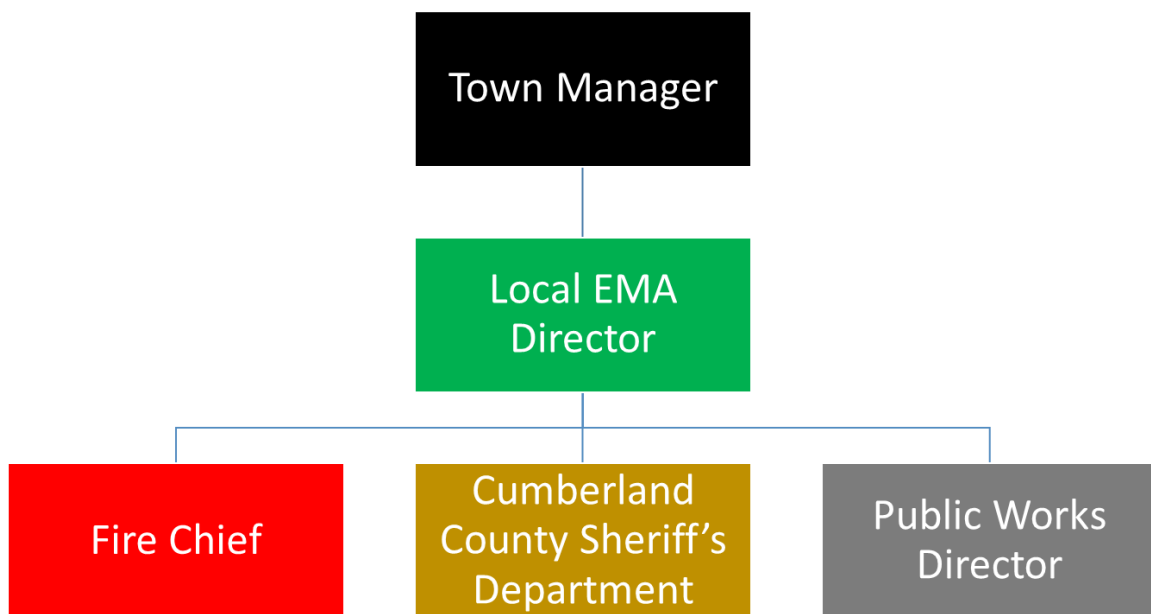
Response actions may include activating the emergency operations center, evacuating threatened populations, opening shelters and providing mass care, emergency rescue and medical care, firefighting, and urban search and rescue.

E. Recovery

Actions taken to return a community to normal or near-normal conditions, including the restoration of basic services and the repair of physical, social and economic damages. Typical recovery actions include debris cleanup, financial assistance to individuals and governments, rebuilding of roads and bridges and key facilities, and sustained mass care for displaced human and animal populations.

Municipality Response Structure (to include Roles & Responsibilities)

Command and control of an all-hazard event is a critical function that demands a codified framework for the preparation and execution of plans and orders. Emergency response organizations at all levels of government manage command and control activities somewhat differently depending on the organization's history, the complexity of the crisis, and their capabilities and resources. Management of response actions must therefore reflect an inherent flexibility in order to effectively address the entire spectrum of capabilities and resources. The structure can be seen in the figure below.



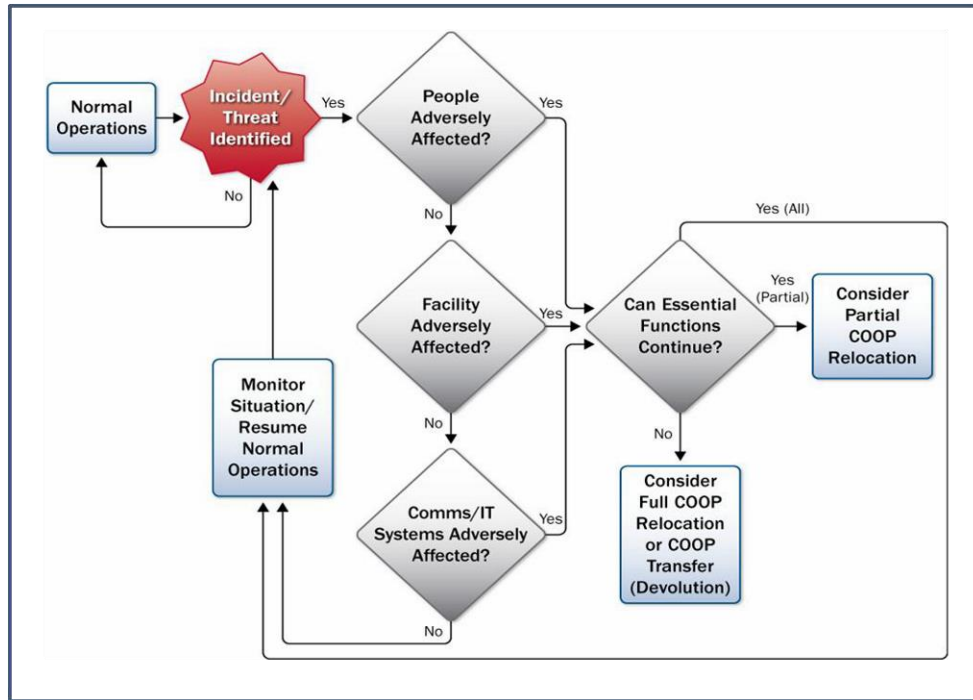
Activation Decision Process

Activation of any emergency process requires a detailed decision process, one that is flexible and scalable to meet the needs of the entire spectrum of potential events that could disrupt operations up to and including relocation of operations.

It may not be necessary to activate every aspect of the emergency plan for all emergency situations. A partial activation may be more appropriate. But that is something that should be considered, planned for, and implemented at appropriate times.

Under the Town's current Emergency Management Ordinance, the Town Manager and/or EMA Director can activate the plan initially, but continuation of the activated state must

be approved by the Council within five (5) days, or as soon as time permits to conduct the discussion safely.



Activation Levels and Triggers

For any emergency, numerous factors determine the level of response that is required to manage the incident. Each of those levels requires activation and deactivation triggers. The table below details the municipality’s anticipated activation levels and triggers.

Level	Trigger	Response
1	Known upcoming significant event.	Add additional staffing, partially staff the EOC.
2	Event that overwhelms the Town’s resources as well as mutual aid resources.	Full EOC activation. Notify CCEMA of the event. Set up unified command with all responding disciplines.
3	Multi-operational period event.	All the above. Request an IMAT team for assistance. Request the command van and a tactical dispatcher(s) from CCRCC.

The following scenarios illustrate situations that could mandate activating this plan:

- The municipality facility, or a portion of it, cannot accommodate normal business activities because of an unfavorable event such as structural or mechanical failure, fire, or minor explosion. In this case, partial relocation will be considered based on the situation.
- The municipality facility and surrounding areas temporarily cannot accommodate normal business activities due to an unfavorable event not originating there such as a nearby building collapse, air or water contamination, or loss of electrical power. In this scenario, partial continuity of operations relocation may occur.
- The region is closed to normal business activities due to a widespread utility failure, terrorism, natural disaster, significant hazardous material incident, or civil disturbance. Under this scenario, there may be uncertainty of additional events such as secondary explosions, aftershocks, or cascading utility failures. In this scenario, full relocation may occur.
- The municipality facility and personnel are unavailable to perform critical functions because of an extreme natural disaster, weapons of mass destruction crisis, or other similar catastrophic event. Under this scenario, relocation or devolution of functions may occur.

The activation process includes the following activities:

1. Occurrence of an event or the threat of an event
2. Reviewing, analyzing, and deciding to activate emergency plans and procedures
3. Alerting and notifying the emergency personnel of the need to activate
4. Relocating, if necessary, to alternate sites
5. Accounting for staff members
6. Identifying available organizational leadership
7. Making appropriate notifications to ensure all are aware of the plan activation and/or relocation

Implementation Options

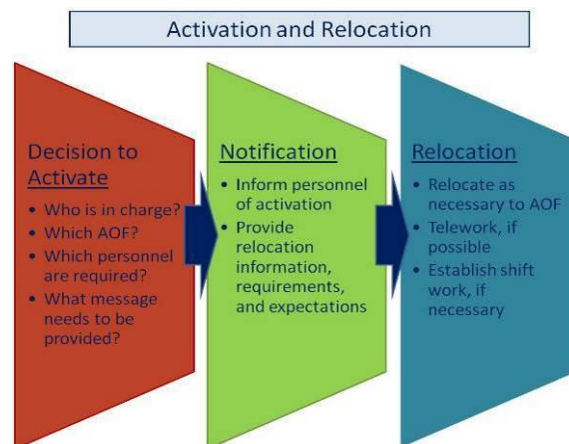
The expected response to any event that disrupts operations can be divided into the three basic categories described below. It should be noted that in some situations, the best response may involve a combination of these options and, as always, extensive use of the telework option will provide additional flexibility and capability and will be strongly encouraged as much as practicable.

- **Continuity Relocation:** When a primary operating facility becomes unavailable to support operations, municipality office personnel will relocate to a

predetermined alternate work location. Examples of relocation scenarios would be significant flooding, power disruption, contamination events at a facility, or a threat or attack that renders the primary operating facility unsafe for occupancy.

- **Devolution.** Devolution is the capability to transfer statutory authority and responsibility for critical functions from the primary staff and facilities to predetermined staff and facilities that are capable of sustaining the operational capability for an extended period.
- **Social Distancing:** Infrastructure and facilities are generally viable and can support operations, however, in some scenarios, social distancing may be required. In order to minimize contact, only very limited numbers of personnel are required to report to work (generally by splitting staff between in-person and remote work). Protective measures and limited contact (social distancing) are imposed on the workforce. Personnel are encouraged to use telework as much as possible to perform their functions.

Activation and Relocation



Notification Process

Communicating with the staff, community members, and visitors we serve, all at the same time, is extremely challenging, especially during situations that can cause anxiety and panic. When fires break out, when extreme weather occurs, when earthquakes happen, and even when terrorism or active assailant incidents transpire, managers and leaders have to have the ability and facility to reach their employees quickly and efficiently. These are the occasions wherein communication should actually be flawless and efficient. These systems enable managers and leaders to reach their employees in a reliable and efficient way, especially when the situation is a matter of life and death.

Notification of Municipal Leadership:

- The Town of Gray maintains a Phone Tree that can be initiated by whomever is in charge.
- The Town of Gray also uses a software program called Vigilance to maintain contact with all employees logged into their computers. Alerts can be initiated immediately, 911 notified, and a lock-down initiated if necessary.

Notification of Staff:

- On Duty Staff: On-duty staff will be notified utilizing the following means:
 - Vigilance
 - Word of mouth
 - Phone Tree
 - Email
 - Radio
- Off-Duty Staff: Off-duty staff will be notified utilizing the following means:
 - Phone Tree
 - Email

Notification of External Authorities:

- External authorities will be notified utilizing the following means:
 - Vigilance
 - Phone
 - Radio

Notification of Partners:

- Partners will be notified utilizing the following means:
 - Phone
 - Radio through Cumberland County Regional Communications Center (CCRCC)

Notification of Suppliers:

- Suppliers will be notified utilizing the following means:
 - Phone
 - Email
- If supplies cannot be ordered through normal means, then we would notify CCEMA of the need for resources or supplies.

Notification of Community:

- The community would be notified utilizing the following means:
 - Social Media
 - Reverse 911
 - Code Red
 - Door to door if necessary

Relocation Process

If the decision to relocate is made, pre-identified personnel will immediately deploy to the alternate location to assume the performance of critical functions. Personnel who aren't part of that roster will be directed to return to their homes, or other safe locations, until further instructions are given.

Departure of Relocation Personnel

During duty hours with or without warning:

1. Pre-identified personnel will depart for the alternate facility, which is located in The Gray Public Library.
2. Notification will be made to the following parties:
 - CCEMA
 - Municipal officials
3. Personnel not deploying will receive instructions to proceed to their homes, or other safe locations, and await further instructions.

During Non-Duty Hours With or Without Warning

1. Deployable personnel will depart for their alternate work location utilizing their Personally Owned Vehicle (POV); and
2. Non-deployed staff will remain at their residence or current location to wait for further instructions.

Situation Reports

Situation reports provide information regarding the emergency event and response. Situation reports help municipal leaders make informed decisions about how critical functions will be performed. The reports are also distributed to outside organizations, with appropriate need-to-know, to inform them of the municipality's response status.

These reports should be distributed using a pre-determined schedule until the event is over.

Annex C: Risk Management

Risk Management is a comprehensive process that requires organizations to identify, assess, and prioritize risk. Organizations accept the risk or apply resources to mitigate or control the impact of the risk. The key to having an effective risk management program is understanding potential risks and the organization's relation to the risks. Organizations should conduct and document a risk assessment of all critical functions and services by completing a Business Impact Analysis (BIA) against all hazards at least every five years.

Types of Risk *(not all inclusive)*

- **Natural Hazards**
 - Meteorological – Temperature Extremes, Flooding, Dam/Lee Failure, Severe Thunderstorms (Wind, Rain, Lightning, Hail), Tornadoes, Windstorms, Hurricanes and Tropical Storms, and Winter Storms (Snow/Ice)
 - Geological – Earthquakes, Landslides, and Subsidence/Sinkholes
 - Biological – Infectious Diseases and Food-borne Illnesses
- **Human-Caused Hazards**
 - Accidents – Workplace Accidents, Entrapment/Rescue (Machinery, Water, Confined Space, and High Angle), Transportation Accidents (Motor Vehicle, Rail, Water, Air, Pipeline), Structural Failure/Collapse, and Mechanical Breakdowns
 - Intentional Acts – Labor Strikes, Demonstrations, Civil Disturbances (Riot), Bomb Threats, Lost/Separated Person, Kidnapping/Extortion, Hostage Incidents, Workplace Violence, Robberies, Sniper Incidents, Terrorism (Chemical, Biological, Radiological, Nuclear, and Explosives), Arson, and Cyber/Information Technology (IT) (Malware Attack, Hacking, Fraud, Denial of Service, etc.)
- **Technological Hazards**
 - IT – Communications Degradation/Outage, Loss of Connectivity, Hardware Failure, Lost/Corrupted Data, and Application Failure
 - Facility – Structural Damage, Fire Alarm Failure
 - Utility Outage – Communications, Electrical Power, Water, Gas, Steam, Heating/Ventilation/Air Conditioning, Pollution Control Systems, and Sewage Systems
 - Fire/Explosion – Fire (Internal) and Explosion (Chemical, Gas, or Process Failure)

- Supply Chain Interruption – Supplier Failure and Transportation Interruption
- Hazardous Materials – Hazardous Material Spill/Release, Radiological Accidents, HAZMAT Incident Off-Site, Transportation Accidents, and Natural Gas Leak Supplies

Risk Assessment Approach

In order to help determine what the greatest probable risks and threats are, the following categories were considered in the performance of the assessment:

- Probability – Likelihood of this incident occurring
- Human Impact – Possibility of death or injury
- Property Impact – Physical losses and damage
- Business Impact – Potential Disruption of Services
- Preparedness – What planning, training, and preparedness activities have been done
- Internal Response – Timeliness, Effectiveness, and Resource Allocation
- External Response – Community/Mutual Aid staff and supplies

The Town of Gray participated in the development of the Cumberland County THIRA and uses that risk assessment as a basis for preparing for emergencies in the Town of Gray.

Results of the assessment are used to correct deficiencies and reduce risks. Results also assist in operational and resilience planning, training, and exercising.

The Hazard Vulnerability Assessment for Town of Gray is maintained by the Municipality Manager, local EMA Director, and CCEMA, both in hardcopy and electronically, and are ~~review~~-reviewed and/or updated annually.

The chart below lists the threats and hazards that are most likely to affect the Town of Gray based on future likelihood as well as historical information. This chart is not all inclusive.

Threats and Hazards - Natural	Likelihood 1=Low 2=Medium 3=High	Significance 1=Low 2=Medium 3=High	Visibility Local Regional National	Vulnerability Percentage of population likely to be affected 1=<1% affected 3=1-10% affected 5=>10% affected	Critical infrastructure or key resources that may be affected.
Severe Summer Storms	2	3	Local & Regional	5	Road access, power supply, fuel supply.
Severe Winter Storms	2	3	Local & Regional	3	Road access, power supply, fuel supply.
Temperature Extremes	3	3	Local, Regional & National	3	Road access, power supply, fuel supply.
Hazardous Material Release	1	3	Local & Regional	3	Road access, water supply, power supply
Power Failure	2	3	Local & Regional	3	Heating and cooling. Food preservation.
Cyber Incident	3	3	Local & Regional	1	Water supply

Annex D: Response Options

Organizational Response Options

There are only four potential response options to any emergency incident. They are:

- a. **Shelter-in-Place.** Sheltering-in-place means staying inside whatever building you happen to be in at the time of an emergency or, if you are outside, going into an undamaged building nearby and staying there for a period that may last hours to several days.
- b. **Evacuation.** Evacuation is the urgent immediate egress or escape of people away from an area that contains an imminent threat, an ongoing threat to lives or property.
- c. **Relocation (Continuity of Operations).** The transfer of operations from its primary location to another pre-determined location. Relocation utilizes the day-to-day staff, just working from a different location.
- d. **Devolution.** The transfer of operations from a primary location to another pre-determined location. Devolution utilizes the completely separate staff from day-to-day personnel, which often means there is a degradation in performance.

For more information regarding how these options would be implemented, please refer to the organization-specific plans.

Annex E: Hazard Mitigation Plan

The Town of Gray has adopted the County Hazard Mitigation Plan, which can be found [HERE](#).

Of particular concern for the Town of Gray is the water supply system. We currently draw the majority of our water from the area designated as Wellhead 1, approximately along Shaker Road from Main Street to the I-95 bridge. The concern we face is that the Maine State Turnpike runs directly through this zone. If we were to have a hazardous material spill on the turnpike, everyone that subscribes to the Gray Water District could potentially be affected.

Annex F: Continuity of Operations Plan

During an emergency incident, the organization's functions could be hampered or completely prevented from being performed. Any time that a function is prevented, or seriously hindered, from being performed, considerations need to be made to move those functions to a safer environment, where they can be performed more easily until they can Return to Operations (RTO).

Function	RTO	Organizations/Partners Involved
Town Clerks	2 days	Town of New Gloucester; Town of Cumberland
Public Works	2 hours	Gray DOT Camp
Fire Department	1 hour	Public Works, DOT Camp, Town of New Gloucester
All town office services	2 days	Town of New Gloucester
Transfer Station	Unk.	Private waste haulers
Child Care	2 days	Town of New Gloucester, MSAD-15

Continuity of Operations is where those functions are moved to a pre-determined location, with day-to-day personnel relocating to another facility to perform the functions. Pre-incident planning needs to be done to ensure the proper resources are available at the alternate operating location, to make the transition as seamless as possible.

Here are the Town of Gray's continuity implementation procedures:

- Determine how long building will be untenable. This will be determined by the Buildings and Grounds Director who may call in structural engineers as needed.
- Determine whether functions of organization should be delayed until reoccupation is permitted, or if services should be provided from another location.
- If services are to be provided from another location, determination must be made on where that location will be, and what resources are needed to become operational.
 - Known items needed other than basic necessities.
 - Office or desk space for those required to work.
 - Phone service for each.
 - Computer with internet access for each.

- Transfer Station operations could be provided by contracting with waste haulers setting up a series of dumpsters that people could use. Waste streams would be limited to household trash only, and bulky waste and recycling would not be accepted. Possible locations to set up temporary waste collection may include:
 - MSAD-15+ school parking lots on Libby Hill Road
- Once operational, notifications must be made to municipal leadership, staff, partners, and general populace about new operating location.
- Some relocation options available to the Town of Gray:
 - Municipal services can move to the Gray Public Library
 - Appropriate departments might move equipment and / or operations to facilities of neighboring municipalities (ex. New Gloucester Fire Station)

Interlocal agreements with neighboring municipalities to provide municipal services from their offices (ex. Clerk’s functions, Code Enforcement – Local Plumbing Officer Inspections)

Orders of Succession and Delegations of Authority

It is critical to establish a clear line of succession should an organization’s leadership becomes incapable of performing its legal and authorized duties, roles, and responsibilities. The designation of a successor enables an alternate individual to serve in the same position as a principal in the event of that principal’s death, incapacity, or resignation. Orders of succession provide clarity of leadership to personnel when individuals serving in senior leadership, key decision-making, or management roles are unavailable.

Orders of succession are a formal and sequential listing of positions (rather than specific names of individuals) that identify who is authorized to assume a particular leadership or management role under specific circumstances. The Town Council Chairperson will be notified as soon as possible if this process needs to be implemented.

Order of Succession for Manager
Emergency Town Manager
Emergency Management Director
Public Safety Director
Public Works Director

Town Council Chair

Essential Records Management

Essential records are information systems, technology, applications and infrastructure, electronic and hardcopy documents, references, and originals and/or copies of records needed to support the continued performance of continuity operations during a continuity activation. The identification, protection, and availability of electronic and hardcopy essential records and electronic information systems needed to support essential functions during all-hazards emergencies are critical elements of a successful continuity plan and program.

Organizations must also protect information that is needed to resume normal operations for reconstitution. Each organization has different functional responsibilities and business needs. An organization decides which records are essential to its operations and then assigns responsibility for maintaining current copies of those records to the appropriate personnel. Organizations should have multiple copies of their essential records in several locations stored on redundant media and in virtual storage environments.

Essential Records Categories include the following:

1. **Emergency Operating Records:** Records and electronic information systems essential to the continued functioning or the reconstitution of an organization during and after a continuity activation. Examples of these types of records are emergency plans and directives, orders of succession, delegations of authority, staffing assignments, and related policy or procedural records. These records provide an organization's personnel with the guidance they need to continue and resume normal operations.
2. **Legal and Financial Rights Records:** Records that are critical to carrying out an organization's essential legal and financial functions. These records are vital to the protection of the legal and financial rights of individuals who are directly affected by that organization's activities. These records include those with such value that their loss would significantly impair the execution of essential organization functions to the detriment of the legal or financial rights and entitlements of the organization and the affected individual(s). Examples of these records are accounts receivable files, contracting and acquisition files, official personnel records, Social Security, payroll, retirement, insurance records, and property management and inventory records. Legal and financial rights records considered critical for continued performance of essential functions should be included in the Emergency Operating Records and accessible at all potential operating locations.

Electronic records could be processed with minimal set up or disruption by using the network currently in place. Hard copy records could be made available within a week provided none were destroyed.

Communications and Information Management

The success of any emergency response depends on the availability of robust and effective communications systems. An organization’s ability to execute essential functions depends on the availability of an effective communications system. Communications systems must support connectivity among key leadership, internal elements, other organizations, and the public under all conditions. Communications capabilities must also be interoperable and reliable to enable communications involving multiple organizations.

Department	Basic Connectivity						Mobile/In-Transit	Additional Capabilities						
	Phone/Fax		Data Network, Email, and Scanning		Conference			Alt	Government Emergency Telecommunications Service	Wireless Priority Service	Telecommunications Service Priority	Physically Diverse Data Networks	Emergency Power	
	Telephone	Facsimile	Wired Internet Access	Wireless Network Access	Telephone Conferencing	Video Conferencing								
Town Office	X	X	X	X	X	X		X		X	X	X	X	X
FD/EMS	X	X	X	X	X	X		X		X	X	X	X	X
CCSO	X	X	X	X	X	X		X		X	X	X	X	X
PW	X	X	X	X	X	X		X		X	X	X	X	X
B&G	X		X	X				X						X

Communications Capabilities:

- Telephone and Facsimile
 - Telephone (Voice over Internet Protocol or VOIP)
 - Facsimile
 - Backup telephone handsets for use on existing Facsimile lines in the event of an Internet failure effecting VOIP
- Data Networks, Email, and Scanning
 - Wired Internet Access – Otelco, Spectrum(?)
 - Wireless Internet Access – Otelco service, Linksys routers
- Conferencing
 - Telephone conferencing (VOIP)
 - Video Conferencing
- In-Transit Communications
 - Mobile Telephone
 - Emergency radio communications linked to CCRCC (Cumberland County Regional Communications Center)
- Additional Capabilities
 - Physically Diverse Data Networks
 - Emergency Power

Annex G: Hazardous Materials (HAZMAT) Response Plan

The Gray Fire Rescue Department is trained to the Operations Level and also employs a number of HAZMAT Technicians capable of evaluating a situation to determine what additional resources will be needed to mitigate the situation.

1. Resources available:
 - a. Portland Fire Department HAZMAT Team
 - b. South Portland HAZMAT Team
 - c. ChemTrec (*see glossary*)
 - d. Local experts

Annex H: Mass Care Considerations

Gray New Gloucester High School

The Gray New Gloucester High School is located on Libby Hill Road, adjacent to the Gray Central Station located on Shaker Road north of the I-95 bridge. This location has been designated as possible site for Mass Sheltering and Mass Care & Feeding. An excerpt from the “Gray New Gloucester High School Regional Shelter Survey” is included later in this Annex.

The Gray Public Library is located on Hancock Road in the Gray Village, and is routinely used as a cooling and warming center.

Hours of operation:

Sun: CLOSED

Mon: CLOSED

Tue: 9:30AM -7PM

Wed: 9:30AM -7PM

Thur: 9:30AM – 6PM

Fri: 9:30AM – 5PM

Sat: 9:30AM – 3PM

In times of an emergency, the Town can make arrangements to extend the hours and add weekends.

The Newbegin Gym is located on the Pennell Campus on Main Street in the Gray Village, and unless being used by the Recreation Department / KidsClub could provide an alternative location for these activities.

Gray/New Gloucester High School

Regional Shelter Survey

July 20, 2021

F. Overview

On July 20, 2021, the following partners conducted a walk-through of the Gray/New Gloucester High School to pre-plan its use as a Regional Shelter:

- Ron Jones, CCEMA
- Margaret Cushing, CCEMA
- Paul Duclos, ARC
- Kurt Elkanich, Gray EMA
- Kerri Foley, ARC
- Jason Martel

As a result of this walk-through and subsequent meetings and communications, the Gray/New Gloucester High School Regional Shelter has been developed. This document has been distributed to the following key partners:

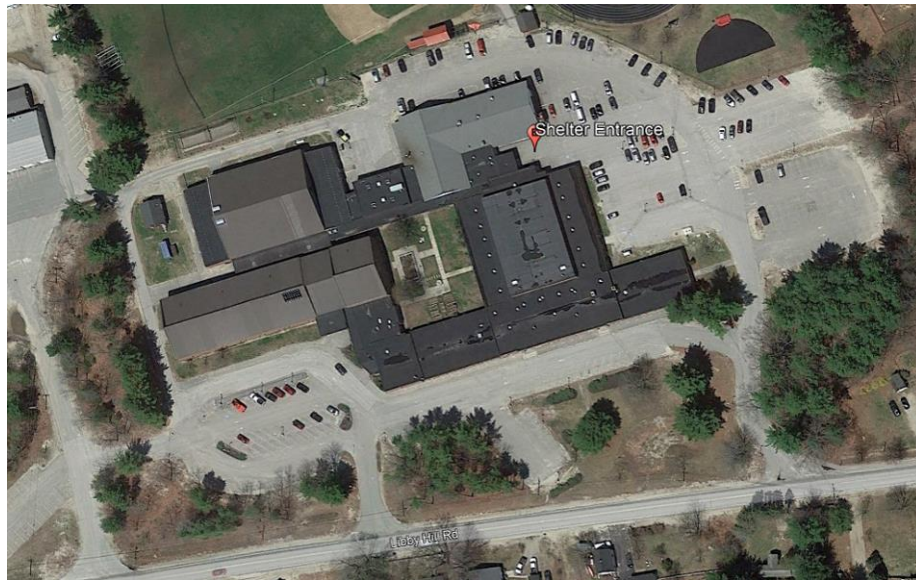
Name	Agency	Title
Margaret Cushing	Cumberland County EMA	EM Coordinator
Kurt Elkanich	Gray Fire Dept.	Fire Chief/EMA Director
Paul Duclos	Red Cross	Survey Volunteer
Diane Boucher	MSAD 15	Dir. Finance/Operations
Jason Martel	MSAD 15	Facilities Manager

Contact Information

Diane Boucher dboucher@sad15.org 657-9202
 Jason Martel jmartel@sad15.org 207-657-9485 207-320-0469

G. Overview

- Gray New Gloucester High School is located at 10 Libby Hill Road in Gray.
- (43°54'10.40"N/70°20'59.68"W), Cross street: Shaker Road.
- The building was constructed around 1960, with additions in 1972, 1976, 1987 and 2008. It was renovated in 2017.
- The north section of the building will be used to house clients. Every effort will be made to limit contact between students and clients.
- According to ARC shelter recommendations, the school can accommodate 500 for evacuation (24-48 hours) and 250 for a post disaster shelter (3-5 days).



H. Emergency Power

- The generator has limited capacity to heat and power the facility. It partially serves the kitchen. It may be necessary to provide an auxiliary generator if there are clients with electricity dependent medical equipment.



I. Shelter Parking

- There are multiple parking lots around the building. There is one accessible parking space near the entrance. Others can be designated through cones or signage.

**J. Entrance**

The shelter entrance is on the east side of the building. It is in the glass lobby. Doors are not marked. Signage will be needed to direct shelter residents to the appropriate location.



K. Registration

Registration will take place in Room 165, directly off from the lobby.

**L. Functional Assessment Service Team**

The FAST team will be set up in Room 165, across the corridor from the gymnasium.

**M. First Aid/Health Services**

- Health Services will be close to the FAST room, in 164.



N. Dormitory Area

- The gymnasium will serve as the dormitory area. Floor covering may be available.



Gymnasium



Floor Coverings

The Locker Rooms are behind the gym and have accessible accommodations.



There is a concession stand directly in front of the gym where snacks will be served. No food or drinks are allowed in the gymnasium.



O. Kitchen and Eating Areas

- The kitchen is equipped with a gas stove top, steam tables, and refrigerator/freezers.



The Dining Area, Room 115, is beside the kitchen, and encompasses both the kitchen level and the area in front of the stage. This area also doubles as the auditorium for large gatherings.



Shelter Staff Areas

The Staff area is in Room 145, in the same corridor as the Quiet and Spiritual Care Rooms.



A. Quiet Room

Room 149 is designated as a Quiet Room for those needing respite from the noise of the dormitory.



B. Spiritual Care

Room 147 is designated as the Spiritual Care area. The restrooms are located across the corridor from this room, allowing access to water.



C. Children’s Play Area

- The Auxiliary gym will be used as the Children’s Play area. This room has access to the Courtyard, which will be utilized as an outdoor area for the children.

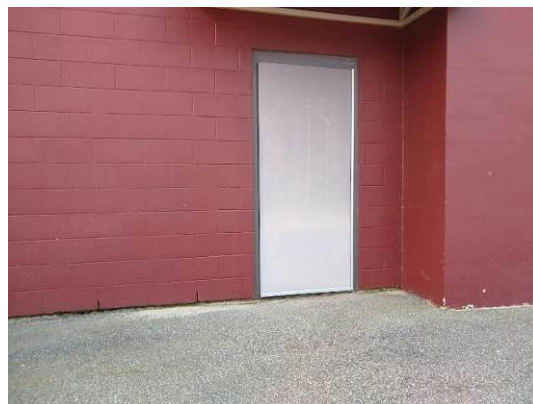


A. CCART (Cumberland County Animal Response Team)

The Animal Response Team will use rooms 132 and 133. The Registration area will be the corridor between the two rooms.

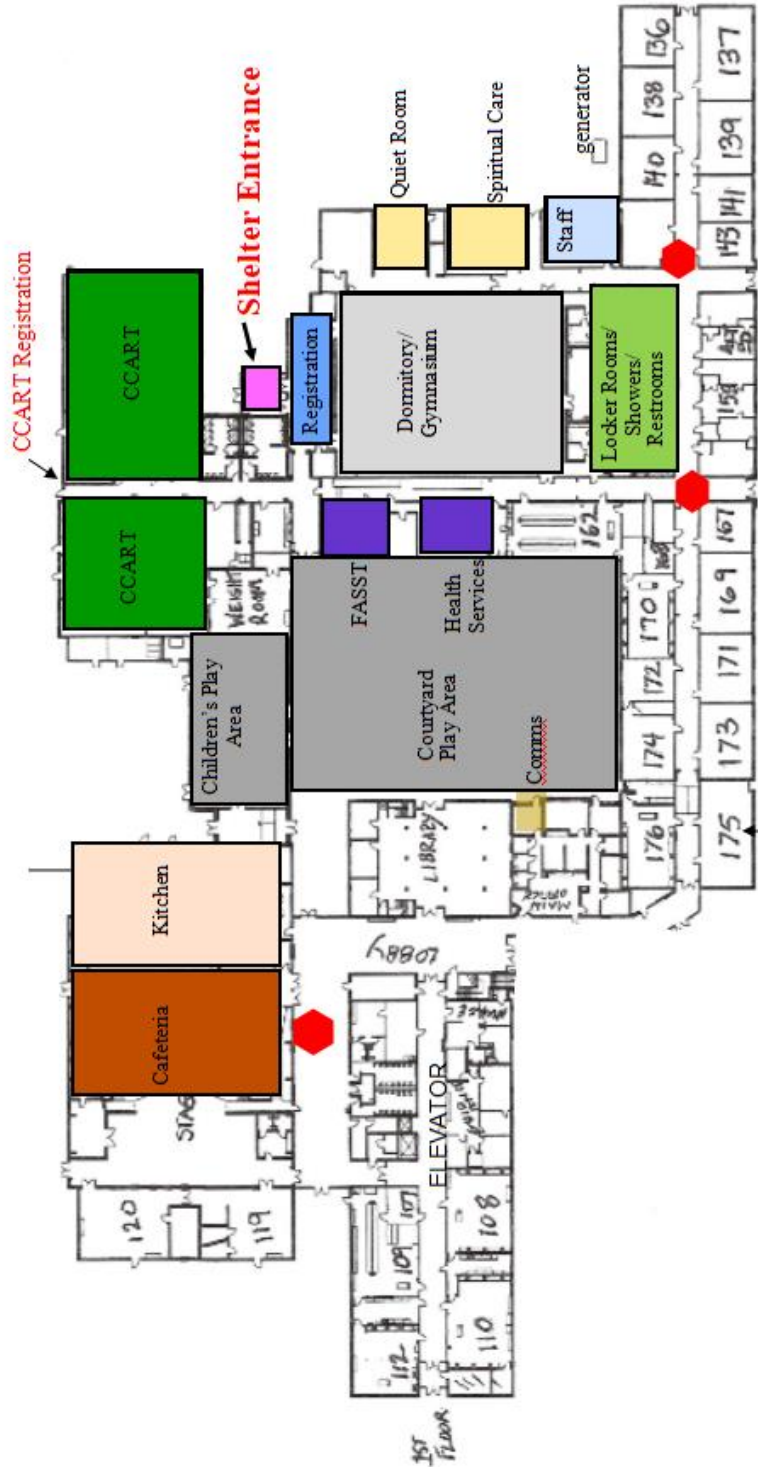


The CCART entrance will be on the north side of the building. Signage will be necessary to guide shelter clients to the appropriate places.



A. WSSM

The Communications room is on the west side of the Courtyard behind the library.



The actual plan of operations is still being developed by CCEMA.

Annex I: Emerging Infectious Disease Considerations

1. Generally speaking, the Town of Gray will follow CDC recommendations.
2. Engineering already in place.
 - a. Plexiglass barriers have been installed at all locations where Town Staff will be interacting with the public on a regular basis.
 - b. Buildings and Grounds crews are well trained in the proper use of disinfectants and the steps needed to be taken in the event of an exposure.
 - c. The infection control officer in conjunction with HR and the Town manager is in charge of disseminating the information provided by the CDC.
 - d. The Town manager will make the final call on what the Town will require for personal protective measure in all town buildings.
 - e. In any case where Maine EMS requires procedures stricter than what the Town is requiring, the fire department will follow Maine EMS requirements.
 - f. The Town has made provisions and has a policy in place for remote work that will be followed in the event of the need to limit the workforce on site.

Annex J: Point of Distribution (PoD) Structure

Under Development

County Map of Locations (Primary and Alternate)

Activation Triggers

Community Assignments

PoD Site Schematics and Procedures

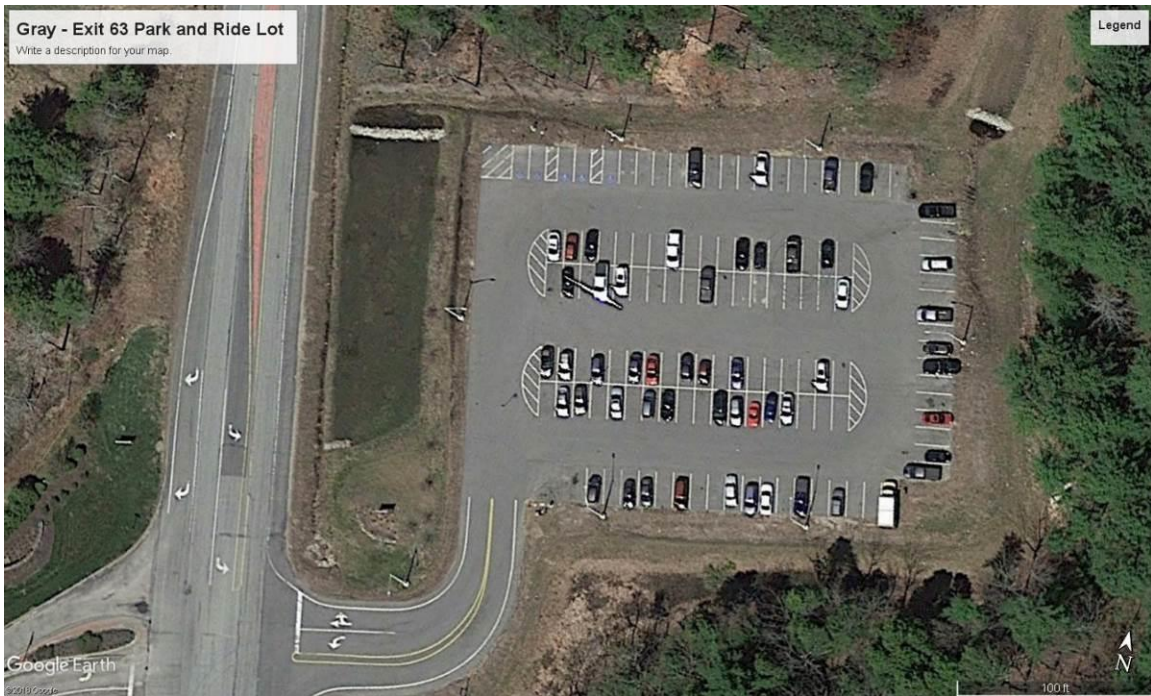
Commodity Distribution

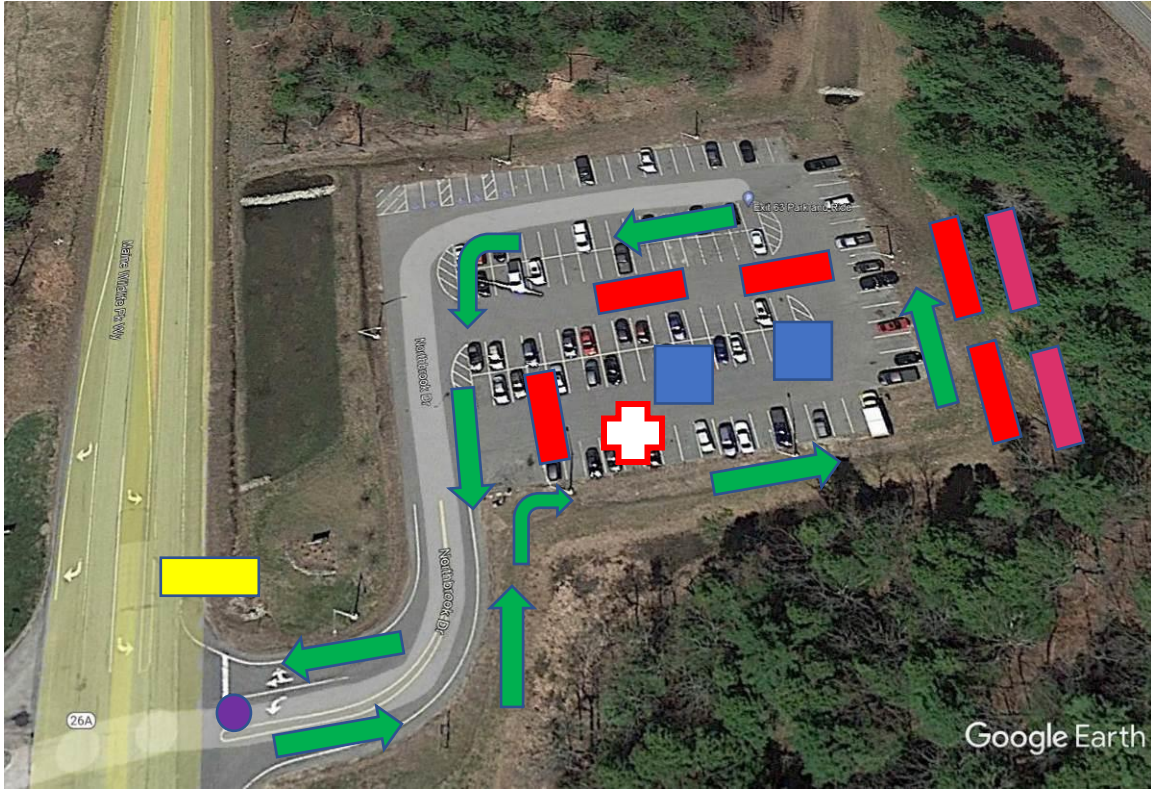
Commodity Distribution

Site-Specific Plan


Gray - Exit 63 Park and Ride Lot

Final Version: 08/15/2019





C-POD Layout Key

-  • Yellow Arrow – Alternate Entrance
-  • Green Arrow – Flow of Traffic
-  • Blue Squares – Pallets of Commodities
-  • Pink Rectangle – Supply Truck
-  • Purple Circles – Traffic Control
-  • Red Circles – Security
-  • Blue Triangle – Rest Area for staff
-  • Yellow Square – Signs
-  • Red Rectangle – Cones/Barricade
-  • Yellow Circle with Black with white outline Arrow and Thick Border – Picture Locations

Annex K: Reconstitution/Recovery

Damage Assessment

Damage assessment and safety inspections will take place concurrently with, and in support of, other response and recovery activities. These activities will prioritize critical infrastructure and whenever possible, work with sectors/geographic areas utilized for debris management activities.

The municipality will need to carry out an initial damage assessment for resources within the municipality, and detailed safety inspections of municipality resources and other critical resources. The municipality's primary responsibilities will be to:

- Maintain and share situational awareness of damage and repair efforts.
- Document damage claims for FEMA and municipality insurance carriers.

Damage assessment information is required as part of the disaster declaration process. That process includes the following steps:

- Municipality provides an initial damage assessment (IDA) to the county, estimating monetary damages.
 - If Public Assistance is sought, the assessment includes information on damages to infrastructure, public facilities, and essential facilities (such as school). It will also include estimated costs for debris removal, emergency work and emergency protective actions.
 - If Individual Assistance is sought, the IDA also includes information regarding damages to private residences and businesses.
- Cumberland County submits the IDA to the Maine Emergency Management Agency (MEMA), including information about all damages within the county.
- If thresholds are met, the state and/or FEMA initiate a joint Preliminary Damage Assessment (PDA). In which state and federal staff visit damaged areas and independently assess damages.

Debris Management

Debris removal operations are defined as the "cradle to grave" activities to collect eligible disaster-related debris from the public Right of Way (ROW) and facilities and transport the debris to a temporary or permanent disposal site.

Debris removal operations typically begin within 2-5 days following a major debris generating event. This allows time for affected citizens to return to their homes and

begin the clean-up process. Residents then place the debris on the public rights-of-way for collection.

The process of Debris Management is critical to recovery efforts. Proper documentation must be done to submit for federal assistance in the event a disaster is declared.

1. Pictures with addresses or latitude and longitudes where the debris was picked up from are critical when filing for compensation.
2. If debris is hauled by independent contractors for recycling or disposal shipping information logs must be maintained to include the trucking outfits name, contact information, type of debris hauled, amount hauled and the final destination. Cradle to grave records must be kept for all debris disposed of.

Annex L: Training, and Exercise (T&E) Program

An effective T&E program is necessary for organizations to prepare and validate emergency management plans and programs, to verify the organization's ability to perform its critical functions during a change in normal operating conditions. The T&E of capabilities is essential to demonstrating, assessing, and improving an organization's ability to execute its mission, and the plans and procedures designed to continue it.

Lessons learned from T&E activities will be used to modify/update plans and procedures, to ensure the safety of patients and personnel, and then retested during subsequent T&E activities.

Elements of the T&E Program

- Tests:** Demonstrates the correct operation of all equipment, procedures, processes, and systems that support an organization's infrastructure. This ensures that resources and procedures are kept in a constant state of readiness. Testing an organization's policies, plans, and procedures cultivates better organizational knowledge, identifies gaps in coverage, and validates existing plans and programs.

Testing			
Frequency	Type of Test (Notification, Comms Equipment, Personnel Accountability)	Location of Testing Records	Point of Contact for Test
Annual	Fire Alarm	Buildings and Grounds Department	Buildings and Grounds Director
Annual	Security System	Buildings and Grounds Department	Buildings and Grounds Director
Annual	Fire Sprinkler Systems	Buildings and Grounds Department	Buildings and Grounds Director
TBD	IT Testing	IT Department	IT Director
Annual	Hard Wired Telephone Testing	Public Safety Department	Public Safety Director, IT Director

- Training:** Familiarizes personnel with their roles and responsibilities to support the performance of an organization's emergency operations. Training results in a better understanding of an organization's resilience program, processes, and procedures.

Training			
Frequency	Type of Training (General, Leadership, IMT)	Scenario/Scope	Intended/Actual Participants
Annual	Fire extinguisher training	Proper use of a fire extinguisher. Proper monthly inspection. Record keeping.	All Staff
In the works	Active threat training	How to respond to an active threat.	All Staff
Annual	BOLS mandatory trainings	All BOLS mandatory trainings for new hires and annually for all staff.	All new hires and all staff.
In the works	Biannual EOP training tabletop. Biannual full-scale training.	Talk through the steps of activating the EOP. Make sure all the contact information is correct.	Tabletop – department heads. Full-scale all staff.
Annual	EOC Operations	Stand up the EOC. Conduct radio tests. Conduct modeling software tests and updates. Verify contact information for all partners	Local EMA Director and EOC staff.

- Exercises:** An exercise is an instrument to train for, assess, practice, and improve capabilities in a risk-free environment. Exercises can be used for testing and validating policies, plans, procedures, training, equipment, and interagency agreements; clarifying and training personnel in roles and responsibilities; improving coordination and communications; improving individual performance; identifying gaps in resources; and identifying opportunities for improvement.

Exercises			
Frequency	Type of Exercise (Drill/Tabletop/Functional Exercise)	Scenario/Objectives	Intended/Actual Participants
Bi-annually	Fire Drill	Evacuate the building(s) to specified rally points, maintain accountability and report to first responders.	All staff and citizens.

Lessons Learned and Corrective Actions

All TT&E activities will be documented, to include the type of training conducted, the date of each training session, those completing the training, and by whom the training was given.

After Action Report (AAR)

The purpose of an AAR is to document the significant outcomes, strengths, and areas of improvement identified through the conduct of real-world or exercise scenarios. This analysis also helps to identify gaps in current policies, plans, and procedures so that targeted corrective actions can be developed to build on strengths and to address areas for improvement.

Lessons Learned Program

The lessons learned programs is used to incorporate and track lessons learned from training, drills, and actual incidents. The goal is to ensure that updates are made to plans and procedures based upon things observed and/or encountered in real-world or training venues.

Corrective Action Program

The Corrective Action Program (CAP) assists in the documenting, prioritizing, and resourcing of programmatic and procedural issues that are identified throughout the assessment process. After an assessment of an exercise or actual incident, a corrective action plan addressing the issue is developed within 30 working days upon receipt of the final report. A timeline is developed to complete the corrective action. Corrective actions addressing procedure revisions or training of personnel should be completed before the next self-assessment of the program.

Documentation

All real-world incidents and TT&E events will be documented using the Quick Look Report (QLR) template developed and distributed by Cumberland County Emergency Management Agency. This QLR will include:

- Date/time and details of the incident
- Organizations/personnel who participated/responded
- Strengths or positive aspects of response
- Identification of deficiencies and opportunities for improvement
- Estimated time for remediation

Annex M: Glossary & Acronyms

Acronyms

AAR	After Action Report
AOF	Alternate Operating Facility
ARC	American Red Cross
BIA	Business Impact Analysis
CAP	Corrective Action Program
CBRNE	Chemical, Biological, Radiological, Nuclear, and Explosives
CCART	Cumberland County Animal Rescue Team
CCEMA	Cumberland County Emergency Management Agency
CCRCC	Cumberland County Regional Communications Center
CDC	Centers for Disease Control and Prevention
CFR	Code of Federal Regulations
CHEMTREC	HazMat questions – 1-800-424-9300
CODE RED	Similar to reverse 911 only for Cell Phones using geo-base
C-POD	Commodity Point of Distribution
EID	Emerging Infectious Diseases
EMA	Emergency Management Agency
EMS	Emergency Medical Services
EOC	Emergency Operations Center
EOP	Emergency Operations Plan
FEMA	Federal Emergency Management Agency
FAST	Functional Assessment Service Team
HAZMAT	Hazardous Materials
IDA	Initial Damage Assessment
IMAT	Incident Management Assistance Team
IT	Information Technology
MAA	Mutual Aid Agreement
PDA	Preliminary Damage Assessment
POD	Point of Distribution
POV	Personally Owned Vehicle
ROW	Right of Way
RTO	Recovery Time Objective
T&E	Training & Exercise
U.S.C.	United States Code
WSSM	Wireless Society of Southern Maine

Glossary

Activation – The implementation of an emergency plan or procedure, whether in whole or in part.

Alternate Sites – Locations other than the primary facility, used to carry out critical functions or services following activation of the organization’s resilience plan, either in part or whole. These sites refer to not only other facilities and locations but also work arrangements such as telework and mobile work.

Catastrophic Emergency – Any incident, regardless of location, that results in extraordinary levels of casualties mass casualties, damage, or disruption severely affecting the U.S. population, infrastructure, environment, economy, or government functions.

Communications – Voice, video, and data capabilities that enable organizational leadership and staff to conduct the functions and services of the organization. Robust communications enable leadership to receive coordinated and integrated policy and operational advice and recommendations.

Corrective Action Program (CAP) – An organized method documenting and tracking improvement actions for an organization’s resilience program.

Critical Functions/Services – A subset of organizational functions that are determined to be critical activities. These critical functions are then used to identify supporting tasks and resources that must be included in the organization’s resilience planning process.

Essential Records – Information systems and applications, electronic and hardcopy documents, references, and records needed to support essential functions during an emergency. The two basic categories of essential records are emergency operating records and rights and interest records. Emergency operating records are essential to the continued functioning or reconstitution of an organization. Rights and interest records are critical to carrying out an organization’s essential legal and financial functions and vital to the protection of the legal and financial rights of individuals who are directly affected by that organization’s activities. The term “vital records” refers to a specific sub-set of essential records relating to birth, death, and marriage documents.

Event – a scheduled nonemergency activity (e.g., sporting event, concert, parade, training exercise, large convention, fair, large gathering, etc.).

Incident – An occurrence or event, natural or manmade that requires a response to protect life or property, with little or no warning. Incidents can include major disasters, emergencies, terrorist attacks, terrorist threats, civil unrest, wild land and urban fires, floods, hazardous materials spills, nuclear accidents, aircraft accidents, earthquakes, hurricanes, tornadoes, tropical storms, tsunamis, war-related disasters, public health and medical emergencies, and other occurrences requiring an emergency response.

Leadership – The senior decision makers within an organization who have the responsibility for the planning, implementation, and execution of the organization’s emergency planning and programming. Depending on the organization, directors and managers may also serve in guiding the organization and making decisions.

Normal Operations – Refers to the broad functions undertaken by an organization when it is assigned responsibility for a given functional area; these functions include day to day tasks, planning, and execution of tasks.

Plan – A proposed or intended method of getting from one set of circumstances to another. A plan is often used to move from the present situation towards accomplishing one or more objectives or goals.

Primary Operating Facility – The facility where an organization’s leadership and staff operate on a day-to-day basis.

Recovery – The implementation of prioritized actions required to return an organization’s processes and support functions to operational stability following a change in normal operations.

Resilience – The ability to prepare for and adapt to changing conditions and recover rapidly from operational disruptions. Resilience includes the ability to withstand and recover from deliberate attacks, accidents, or naturally occurring threats or incidents.

Risk - The potential for an unwanted outcome resulting from an incident, event, or occurrence, as determined by its likelihood and the associated consequences. A given risk may degrade or hinder the performance of an organization’s critical functions and affect critical assets associated with continuing operations.

Training, and Exercises (T&E) – Activities designed to familiarize, impart skills and ensure viability of emergency response plans. T&E measures an organization’s planning to verify that it is capable of supporting the continued execution of the organization’s critical functions throughout the duration of an emergency incident or event.

Annex N: Authorities and Resources

AUTHORITIES:

- 1) Presidential Policy Directive (PPD) 8, *National Preparedness*
- 2) PPD 40, *National Continuity Policy*, July 15, 2016.

REGULATORY STANDARDS:

- 1) Maine PL 1983, C. 146, § 783. Disaster emergency plan

RESOURCES:

- 1) National Prevention Framework, Second Edition, June 2016
- 2) National Protection Framework, Second Edition, June 2016
- 3) National Mitigation Framework, Second Edition, June 2016
- 4) National Response Framework, Third Edition, June 2016
- 5) National Disaster Recovery Framework, Second Edition, June 2016
- 6) National Incident Management System, October 2017
- 7) Incident Command System
- 8) Comprehensive Preparedness Guide (CPG) 101: Developing and Maintaining Emergency Operations Plans, Second Edition, November 2010



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

March 15, 2022

Kristine Jenkins, Cumberland District Public Health Liaison
Maine CDC, District 2
Mobile: (207) 485-0541

Via e-mail to Kristine.L.Jenkins@maine.gov

Dear Ms. Jenkins:

On authority by the Gray Town Council by vote at our March 15, 2022 regular meeting, I certify that we appoint Town Manager Nathaniel Rudy to serve as Local Health Officer (LHO) for the Town of Gray. Mr. Rudy was certified as a LHO in April, 2020 and Maine CDC has his certification records on file.

Sincerely,

Sandra Carder, Chair
Gray Town Council

CC: Gray Code Enforcement Office
Jon Hartt, Human Resources Administrator, Town of Gray

Chapter 397-Surface Water Protection Ordinance

Section 1 – Purpose

The purpose of this Ordinance is to protect the health, safety, and general welfare of the residents of the Town of Gray by prohibiting the use of commercial water extraction at the following site(s): (1) the public boat launch at Crystal Lake on Mayberry Road for the removal of Crystal Lake's surface water by commercial water hauling businesses.

Use of the boat launch at Crystal Lake on Mayberry Road for commercial water hauling purposes creates conditions of public nuisance: the vehicles jeopardize use of the boat launch and block access to the boat launch ramp at Crystal Lake by parking on or near the ramp for the lengthy amount of time required to fill their vehicles, and the process of doing so creates disruptive amounts of noise that impair the ability of adjacent property owners and patrons of Wilkies Beach to effectively enjoy use of their properties and/or the public recreational area provided to them.

Section 2 – Use Regulations

The removal of surface water for commercial water hauling purposes is a prohibited use of the boat launch at Crystal Lake on Mayberry Road.

Section 3 – Violations

- I. Either the Code Enforcement Officer or the Municipal Officers shall institute or cause to be instituted, in the name of the Town, any and all actions, legal and equitable, that shall be appropriate or necessary for the enforcement of the provisions of this ordinance. A photograph or video of the removal and/or use of surface water for commercial water hauling purposes from the boat launch on Mayberry Road at

Crystal Lake, properly authenticated, shall constitute prima facie evidence of a violation.

- II. Any person, firm, or corporation, being the owner or occupant of, or having control or the use of land or equipment found to violate any provision of this ordinance, shall be guilty of a civil violation and upon conviction thereof, shall be punished by a fine of not less than \$100.00, but no more than \$250.00. Each day such violation is permitted to exist after notification thereof by the Code Enforcement Officer shall constitute a separate offense. Such persons shall also be liable for any court costs and reasonable attorney fees. The fine for any person, firm, or corporation found to violate this Ordinance a second time or more shall be punished by a fine of not less than \$250.00, but no more than \$500.00, for each day such violation is permitted to exist after notification thereof from the Code Enforcement Officer.

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~~ such 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 REPEALED

- 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 professional's 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 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 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 statutes 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 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.

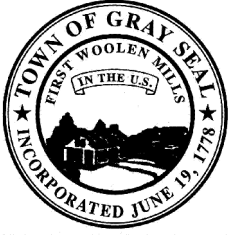
Public Notice

Town of Gray

Notice is hereby given that the Gray Town Council will hold a Second Reading and Public Hearing on March 15, 2022 at 7:00 PM to consider amendments to the Building Code Ordinance (Chapter 201).

The meeting will be conducted virtually via Zoom videoconferencing, 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

March 10, 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

Adopted January 21, 2020, Effective February 20, 2020

Adopted March 15, 2022, Effective April 15, 2022

SECTION 305.1 —PURPOSE

This chapter is adopted pursuant to the authority vested in the legislative body of a municipality by 36 M.R.S. § 6232. The purpose of this ~~article~~chapter 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~~chapter.

SECTION 305.2 —DEFINITIONS

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

ASSISTANCE PAYMENT: The benefit amount to which a program participant is entitled, as determined pursuant to Section 5 of this chapter.

~~BENEFIT BASE: The Town Assessor will establish each applicant's benefit base for the program year, which shall be equal to either the, 1) property taxes paid by ~~a qualifying the~~ applicant during the tax year on the ~~qualifying~~ applicant's homestead, or 2) rent constituting property taxes paid by the ~~resident applicant individual~~ during the tax year on his/hers 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~~chapter, "homestead" shall have the same meaning as defined in 36 M.R.S.A. § 5219-KK(1)(C), as amended. Generally, and without limiting the foregoing, a homestead is a dwelling owned or rented by the person seeking tax assistance under this ~~article~~chapter 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 shall have the same meaning as defined in 26 M.R.S. § 5219-KK(1)(D), as amended. Generally, and without limiting the foregoing, total household income ~~is~~ as determined by the total adjusted gross income reported on the applicant's most recent federal income tax return, plus the total adjusted gross income of each additional adult member of the household if~~

filing separately. If the applicant and/or any family member of the household does not file a federal income tax return, household income shall be the cumulative amount of income received by the applicant and each additional family member of the household from whatever source derived, including but not limited to those sources of income listed in 26 U.S.C. § 61, as amended, and as adjusted by 26 M.R.S. § 5219-KK(1)(D).

QUALIFYING APPLICANT: A person who is determined by the Town Manager or his designee, after review of ~~a~~the criteria for participation under § 3 and a complete application under § 4 of this chapter, to be eligible for an assistance payment under the terms of this ~~article~~chapter.

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~~chapter, "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 residential property at the time of application. A rental applicant shall own no real residential 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 each year for participation in the program for the upcoming tax year.
- 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, has met all of the criteria for participation set forth in Section 3 and the application procedures set forth in Section 4,~~ he/she shall determine the total amount of ~~such eligibility the assistance payment to be awarded to the applicant~~ in accordance with the ~~following~~ formula ~~set forth in subsection E of this Section 5 and subject to the limitations of subsections B, C and D of this Section 5.~~
- A.B. ~~Eligibility~~ An assistance payment under this ~~article~~ chapter shall be proportional to the applicant's income in relation to the applicant's benefit base ~~according to the formula set forth in subsection E of this Section 5.~~
- C. For purposes of calculating ~~eligibility an assistance payment~~ under this ~~article~~ chapter, 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 Portland, Maine Metropolitan Area median family income shall not be eligible for ~~benefits an assistance payment~~ under this ~~article~~ chapter. ~~(Note: For example, the 2020 HUD median family income (MFI) for the Portland Metropolitan Area for a household with two residents is \$93,000, which would make the maximum income limit for eligibility \$46,500.)~~
- D. ~~If the applicant's benefit base exceeds the amount of property taxes that would be assessed against a home in the Town of Gray at the median home price reported by the Maine State Housing Authority for the prior calendar year, based on the current mil rate of the Town of Gray, the applicant is not eligible for an assistance payment under this article chapter.~~
- B. —
- E. ~~C.~~ Notwithstanding the following formulas, the maximum ~~benefit assistance payment~~ allowed under this ~~article~~ chapter shall be \$500. ~~Eligibility~~ The assistance payment shall be the lesser of the following amounts:
 1. Fifty percent (50%) of the amount by which the applicant's 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 Household Income) / 2 = Benefit Amount~~ assistance payment
 3. An amount proportional to the available monies as approved by the Town Council in the Town's annual budget and the assistance payments calculated for each applications received for that ~~application tax~~ year, calculated as a percentage of the ~~benefit amount~~ assistance payment for which the applicant is eligible in § 5(~~EC~~)(12).

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 [articlechapter](#) 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 [articlechapter](#), 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 [articlechapter](#) 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 [articlechapter](#) 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 [articlechapter](#).

Notice

Town of Gray

Notice is hereby given that the Gray Town Council will hold a Second Reading Hearing on March 15, 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 videoconferencing, 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.

Revised Cable Ordinance

Jonathan Hartt <jhartt@graymaine.org>

Wed 3/9/2022 3:03 PM

To: Sandy Carder <scarder@graymaine.org>; Anne Gass <Agass@graymaine.org>

Cc: Nathaniel Rudy <nrudy@graymaine.org>

 2 attachments (177 KB)

Cable Ordinance Draft 030922.docx; Cable Ordinance Draft 022322.docx;

Councilors,

Attached please find a clean, updated draft of the Cable Ordinance. The highlighting included in the previous draft (also attached) indicated customized portions of the GPCOG Model Ordinance. You'll note the following items in the new draft:

- p. 5 - The definition of Public Ways Ordinance includes mention of all related Town ordinances. Doug Webster and I created this list after reviewing these ordinances.
- p. 13 - Per Council request, the franchise fee now reads 5%.
- p. 15 - The performance bond amount (\$100,000) is an amount recommended by Tony Plante, and an amount approximately equal to the current franchise fee. Here is what Mr. Plante had to say: "With regard to the performance bond, \$100,000 was established as a floor in the 1995 transfer of franchise assets from Frontier to Adelphia, "or such higher amount as may be required under the terms of any individual Franchise Agreement." However, Gray's subsequent 2010 franchise agreement with Time Warner doesn't seem to have required a performance bond. Including a \$100,000 performance bond requirement in the ordinance seems reasonable since there's precedence for it."
- p. 15 - The franchise compliance fee amount should reflect what the Council believes is a reasonable amount per day per violation. A fee range of \$50-500/day seems proportionate to the annual fee and allows the Council to determine penalties appropriate to violations.
- p. 19 - Per Council request, the number fifteen is spelled out to match the numbers format used elsewhere--e.g., "fifteen (15)".
- p. 21 - Per Council request, addresses have been added to Access Channel Return Feeds locations.
- p. 25 - As suggested in the previous draft, Section 8.16 Requirement for Local Office has been removed.

If you have any questions or suggestions, please let me know.

Thanks,
Jon

Jonathan Hartt, SHRM-CP

Assistant to the Manager | HR Administrator

Director of Communications & Information

Town of Gray

24 Main Street, Gray, ME 04039

(207) 657-3339 x102



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

*Cable TV Ordinance Adopted January 22, 2019, Effective March 1, 2019
Cable Ordinance Approved March 15, 2022, Effective April 15, 2022*

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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 5 percent (5%) 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 (4.00%) 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 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 of 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 fifteen (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 two percent (2%) of 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 Gray-New Gloucester Middle School (located at 31 Libby Hill Road), Gray-New Gloucester High School (located at 10 Libby Hill Road), and the Gray Public Library (located at 5 Hancock Street), 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.

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.

**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 Second Reading and Public Hearing on March 15, 2022 at 7:00 PM to consider amendments to the Cable TV Ordinance (Chapter 221). The meeting will be conducted virtually via Zoom videoconferencing, 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.

March 9, 2022

TO: Gray Town Council (TC)
Gray Planning Board (PB)
Nate Rudy, Gray Town Manager
Nate Howes, Avesta/Gray Senior Housing

FROM: Doug Webster

RE: Pending Zoning/SD ordinance changes re Multi-family development
Status Update & Possible Paths

Introduction

As recipients of this memo are already aware, there are two currently proposed ordinance amendments on the table with regards to multi-family developments. One is a proposed change to not have net residential area/density (NRA/NRD) applicable in VC/VCP districts, and the second is to increase the maximum number of dwelling units per structure from 6 to 30.

Based on input from residents, members of various boards/committees, and the Council at their meeting last Tuesday 3-1-22, there are questions being posed regarding the currently anticipated timeline for the amendments. There are also questions/concerns that the proposed amendments may allow multi-family developments that may not be in the best long-term interests of the town. It is noteworthy that members of the Council asked for PB input regarding the presently proposed ordinance amendments at their recent 3-1-22 meeting.

I write to provide five different options for those involved to consider. The intention is to distribute this memo to the respective parties and to solicit input regarding the options from the Planning Board (PB) at their meeting this coming Thursday and also from the applicant. Given that the second reading for the currently proposed ordinance amendments is slated to occur at the TC's upcoming 3-15-22 meeting next Tuesday, *the objective is to have the necessary information to enable the Council to have an informed discussion* regarding if and/or how they would like to proceed.

Option #1: Retain existing ordinance standards/not adopt new standards

If the Council chooses to not adopt ordinance amendments, this has the effect of placing the PB in the decision-making seat for the currently proposed Avesta project due to the maximum number of dwellings (units) per structure (see 402.10.14.E). With the current cap at 6, the PB would need to formally waive this requirement to allow the 27 as proposed. While this waiver has been granted for other projects, such actions are on a case-by-case basis as determined by the then-standing board.

Option #2: Continue to pursue/adopt presently proposed amendments

The ordinance amendments currently on the table, for multi-family developments in VC/VCP districts, are to eliminate the applicability of net residential area/density (NRA/NRD) and also to increase the maximum number of dwelling units per structure from 6 to 30. As discussed at the 3-1-22 TC meeting, there are some inherent zoning standards that would limit the number of units such as minimum lot area per dwelling. A 20-unit building would need a 4.6 acre parcel. There are a total of 14 parcels in the VC/VCP districts (3 in VCP & 11 in VC) that are 4 acres or larger of which 5 are publicly owned (MSAD/town/State/USPS).

While these proposed amendments would eliminate the necessity for waivers for the currently proposed Avesta project, concerns have been expressed regarding the possible implications of these changes. Despite the applicability of VC/VCP design standards and zoning provisions, questions have been posed regarding the possible long-term implications of these changes implying that, for example, perhaps there should be accompanying standards for multi-family development projects involving "larger" structures containing > X units.

Option #3: Consider more fine-tuned/less sweeping ordinance amendments

One path that warrants consideration is a more refined approach to ordinance amendments. The currently proposed changes apply to all parcels in both VC and VCP districts irrespective of lot size. Although there are the zoning and design standards mentioned above, there may still be questions/concerns with the more widespread applicability of the current proposed amendments.

For example, ordinance amendments for multi-family developments could conceptually only be applicable for parcels in the VC district, *not* include the VCP district, and could also require a minimum lot size to be eligible for larger multi-family structures. In this scenario, another round of ordinance amendments would be proposed that narrowed the scope of applicability of larger multi-family structures to VC district (only) and only if the parcel was larger than 14 acres. Other than the Avesta property, the only parcel in the VC district that is larger than 14 acres is the Maine Narrow Gauge Railroad parcel that was divided from the Gray Plaza property a few years ago.

Option #4: Consider a Contract Zoning Agreement for the Avesta project

Based on Council input at the recent 3-1-22 meeting, the consensus appeared to be generally supportive of the Avesta property. There also seemed to be a reluctance to consider a contract zoning agreement (CZA) given that the town's review of the project has been underway for quite some time now.

I conceptually agree that considering a CZA that appears necessary to address a few key ordinance provisions is an administratively heavy lift. In general, CZAs are most

appropriately utilized for projects that are unique in nature, viably solid, have a town benefit, and need to deviate from several zoning provisions to come to fruition. A CZA does appear to be a viable path in the event that the consensus of the Council is supportive of the Avesta project, but; (a) is not comfortable with ordinance amendments, and, (b) does not wish to re-prioritize undertaking a review of multi-family development at this time, per option #5 below.

Option #5: Undertake more comprehensive review of Multi-family in VC/VCP

The consensus appears to be that a comprehensive review of residential uses and standards, including multi-family developments, should be undertaken as an integral part of implementing the Comp Plan and new zoning. This review should presumably begin with viewing the overall objective(s) from a "higher level" and then work towards discussing the associated specifics for the respective district.

While it is feasible to address multi-family developments in the village area and then "import" the new standards to the anticipated new zoning, it is arguably not efficient and may also result in oversights of necessary standards that are integral to the new zoning. It is also noteworthy that such an undertaking would likely require additional time to draft such standards which, presumably, would delay approving currently proposed multi-family developments.

In Closing

The five options outlined above are intended to provide a template for the Council, Planning Board, and Avesta to consider. As indicated in the introduction of this memo, town planning staff intends to solicit input from the Planning Board at the meeting this coming Thursday 3-10-22 as well as from Avesta. We will bring this input to the Council at their 3-15-22 meeting so there can be an informed discussion about what the next appropriate steps may/may not be.

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

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.

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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.

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- 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.

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 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

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~~ such 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 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

R:\MANAGER\COUNCIL MINUTES AGENDAS ORDERS\AGENDAS FY22\TOWN COUNCIL MEETINGS 01-02\02-01\10 - 2 - CHAPTER 201 - BUILDING CODE TO TC 2-1-22 (JB REV. 01-27-22).DOCX\ORDINANCE & POLICY\CHAPTER 201 BUILDING CODE\CHAPTER 201 - BUILDING CODE.DOC 2

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 1 year.

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 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 RESEARVED

- 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 (1) 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, specifically including the 2015 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 201.11 – ACCESSIBILITY RESERVED

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

SECTION 20140.12 – 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 20140.13 – 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 20140.14 – ENERGY CODE RESERVED

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

SECTION 20140.15 – 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.

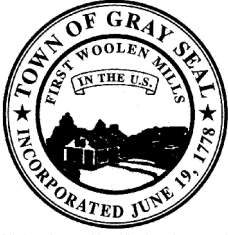
A. Any person or persons, firm or corporation being the owner, or having control of any building or structure or part thereof, who violates any of the provisions of this Ordinance, or fails to conform to any of the provisions thereof, or fails to obey any order of any officer charged with the enforcement 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 to 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.



TOWN OF GRAY

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

OFFICE OF THE ASSESSOR

Lauren Asselin, Assessor
lasselin@graymaine.org
(207) 657-3339 ex. 112

March 10, 2022

Assessing Department Report to Town Manager (1/25/2022 – 2/28/2022):

- 1/27, 2/3, 2/10 and 2/24 Attended the Sebago Lakes Region Rotary Club meeting
- 1/31 – Attended Town Council budget workshop – Senior Property Tax Assistance Ordinance
- 2/10 – Attended Town Council budget workshop – Assessing budget/commercial solar arrays

Other Activities/Accomplishments:

- 2/14 – 2/17 Attended IAAO class 402 - Tax Policy
- 2/19 – 2/20 Volunteered at the Sebago Lakes Ice Fishing Derby with Rotary
- Completed 17 final inspections and subsequent data input
- Processed January real estate transfers
- Continued work on market adjustments for next tax commitment

Challenges / Obstacles:

- Brenda has been on leave since 12/13/2021, so I have been processing her work in addition to mine (with Pam's assistance).



TOWN OF GRAY

Henry Pennell Municipal Complex
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www.graymaine.org

CODE ENFORCEMENT OFFICE
Scott Dvorak, Lead Code Enforcement Officer
sdvorak@graymaine.org

March 10, 2022

Code Office Monthly Report to Town Manager (February 1 – February 28, 2022)

Inspections:

Building Foundations-7

Building Rough-in*- 11

Building insulation- 3

Building Final**- 9

Electrical- 10

Septic-5

In Office and Site meetings***17

Permits:

Building- 6

Plumbing- 14

Electric-23

*Rough-In Inspection may consist of framing, electrical, and plumbing inspections all done at the same time and location for new SFD dwellings or may consist of one inspection (e.g., would be plumbing rough in for a new sink in a barbershop, framing for a garage, residential solar, or upgrading electrical service or panel).

**Building Final may consist of framing, electrical, and plumbing inspections at the same time and location, or be one or two inspections (e.g., a final on a deck, porch, shed, generator install, garage or minor renovation).

***This would include Town Manager meetings, licensing inspections, potential violations, land use, assisting in office with SZ permits.

Challenges / Obstacles Requiring Assistance Outside of the Department:

- George was on Jury duty
-

Town Council Tracking Worksheet Items:

- None



TOWN OF GRAY

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COMMUNICATIONS & INFORMATION

Jonathan Hartt, Department Director
jhartt@graymaine.org
(207) 657-3339 x102

February 28, 2022

Communications and Information Department Report to Town Manager (1/24/2022-present):

- 1/20: Attended SMMUG webinar on PowerShell: Using Powerful Scripts to Automate Repetitive Tasks
- 1/27: Activated and deployed new FirstNet iPad devices in Public Safety vehicles
- 1/29: Activated Emergency Phone Tree at Town Manager's direction, posted public notices that Town's nonessential facilities/services were closed due to inclement weather
- 2/1: Deployed new FirstNet cellphones and hotspots for Public Safety department
- 2/2: Published *News About Town* newsletter ([February](#)) to the website and Facebook regarding recent infrastructure developments, such as Shaker Road improvements and good news for the Libby Hills Trails system
- 2/2: Created Meeting Room Calendar in MS Outlook enabling staff to automatically book rooms as part of meeting invitations, thus reducing communication and scheduling delays
- 2/9: Completed server update in Town Hall and Public Safety buildings and domain control backup troubleshooting
- 2/10: Presented 2022 Branding Initiative at department head meeting, focusing on correspondence and official documents and the Digital Media Coordinator's role as staff resource
- 2/15: Provided Town Council with a searchable copy of the FY23 budget binder
- 2/15: Held department transition planning meeting with the Town Manager
- 2/16: Provided Town Manager with call forwarding instructions to ensure continuity of business in emergencies
- 2/17: Worked with Clerk's office to draft notice regarding upcoming election scheduled to be published 2/28, with nomination papers available 3/1
- 2/22: Provided IT support for new software acquired by the Public Safety department
- 2/23: Hosted Community Television and Communications Advisory Committee meeting, where GCTV items such as the Cable TV Ordinance draft were discussed
- 2/23: Collaborated with Clerk's office to complete testing and migration of TRIO Web (cloud-based financial management software); resolved miscellaneous software issues with TRIO support through 2/28
- 2/24: Presented updated FY23 Communications and Information Department Budget at Town Council Budget Workshop
- 2/25: Activated Emergency Phone Tree at Town Manager's direction on 2/24, posted public notices that Town's nonessential facilities/services would be closed 2/25 due to inclement weather
 - Note: 1,100+ people viewed the 2/25 closure post on Facebook, which may evidence the social media platform's value in communicating to the public

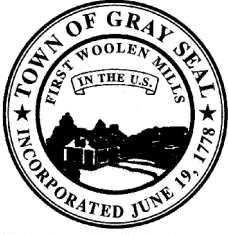
- 2/28: Worked with Gerard (Tom Pierce's engineering assistant) to create and test GCTV's hybrid meeting system in Council chambers

Town Council Tracking Spreadsheet Items:

- 2/23: Drafted amended Cable TV Ordinance for Council consideration at First Reading on 3/1

Other Activities / Accomplishments:

- Recent post about GCTV generated more interest (700+ views) than average (432 views)
- This month, the Town's homepage was the most visited page (4,568 views), followed by Assessor (1,937 views), Property Tax Bills (1,656 views), Departments (691 views), and the [Meeting Portal](#) (516 views)



TOWN OF GRAY

Henry Pennell Municipal Complex
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www.graymaine.org

DEPARTMENT OF BUILDING AND
GROUNDS

Mo Russo III, Director
mrusso@graymaine.org
207-657-3339 ext.131

March 10, 2022

Department of Buildings and Grounds Report to Town Manager 1/26/2022-2/28/2022:

- 1/25: Department performed storm cleanup
 - 1/25: Hosted meeting for review of equipment from January 2021 sprinkler incidents with appropriate parties
 - 1/30: Director and staff in for storm cleanup
 - 2/01: Attended one on one monthly meeting with Town Manager, resulted with inclusion of Finance Director, Public Safety Chief and Assistant Public Safety Chief to discuss budget impacts of Port City recommendations.
 - 2/01: Meeting with Recreation Director to discuss and begin planning of best space use of Pennell Complex and possibility of uses at Village Gateway
 - 2/03: Quarterly Sprinkler Inspections performed by Freedom Fire Protection of Newbegin, Pennell, Library, Public Safety, and Public Works.
 - 2/04: Town Buildings Closed for Weather
 - 2/05: Director and staff in for storm cleanup
 - 2/06: Notified by Public Safety Chief that Central Station had run out of propane, immediately called and arranged for fill and technician to come and relight all equipment.
 - 2/08: Department performed storm cleanup
 - 2/10: Attended Department Head Meeting via Zoom
 - 2/14: Attended Budget Workshop for Department
 - 2/16: Toured MMA's Senior Loss Control Consultant through Newbegin, 1 Main Street, Library, and Public Works Garage. Consultant commented that Newbegin is in much better shape than he remembered and was impressed with the work that had gone into the building.
 - 2/17: Notified of boiler failure by Doug Webster, while off for the day. Made arrangements for Thayer to come and service.
 - 2/18: Thayer into service boiler, cleaned burn chamber.
 - 2/21: Called in for security alarm of Pennell, discovered boiler had locked out Friday afternoon. Restarted boiler. Notified by alarm company of boiler failure again. Returned in the evening to restart boiler and heat building. Notified at 11:37PM by alarm company of boiler failure.
 - 2/21: Department Staff observed Presidents Day Holiday
 - 2/22: Arrived early to restart boiler, preventing delayed opening. Placed early call to Thayer, extensive diagnostics of all parts determined failing regulator as culprit. Parts ordered.
-

- 2/24: Met with electrical contractor regarding EV Charging Station
- 2/24: Attended Budget Workshop
- 2/25: Town Buildings Closed for Weather
- 2/25: Thayer on site to replace regulator and test boiler
- 2/26: Director and staff in for storm cleanup of buildings. Snow-blow ice rink

Town Council Tracking Worksheet Items:

- Worked with Recreation Director on best uses of space at Pennell Complex and Village Gateway.

Other Activities / Accomplishments:

- Pennell Ice Rink receiving regular maintenance and seeing quite a bit of use.
- Staff worked on removing items from storage areas in various buildings that are beyond use.
- Work performed on multiple open projects, list of projects below.

Challenges / Obstacles Requiring Assistance Outside of the Department:

- Public Safety and Public Works Staff assisted with accessing the roof of Central Station via Ladder Truck to troubleshoot kitchen exhaust fan.

Projects: This is not a complete list. (Percentage relates to completion and items left to be done)

Public Safety Generator- 65%-tank set, finish site cleanup, startup

Pennell Standby Generator-75%- tank set and startup

Newbegin Handicap Ramp-90% Material on hand to finish-lattice and trim

Newbegin Stage-60%- Equipment room, gym level flooring, finish carpentry,

Public Safety Kitchen-90%-Punch List

Pennell Kitchen Range-50%-Materials/Equipment on hand

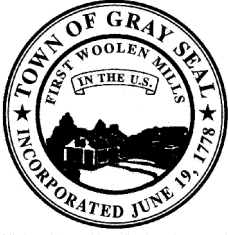
Village Station Kitchenette-10%-Materials on hand

Dry Mills Schoolhouse-75%-sand and stain floor, paint, trim, exterior railing, re-assemble

Playground-60% wood chips, perimeter, landscape, path, water fountain

Pennell Clock Camera- 90% Material on hand, need to build shelf and install firestop tube

Pennell Flood Damage Finish-punch list



TOWN OF GRAY

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

FINANCE DEPARTMENT

Katy Jewell, Finance Director
kjewell@graymaine.org
(207) 657-3339

March 10, 2022

Finance Department Report to Town Manager (2/1–2/28/2022):

- Town Manager's proposed budget was finalized and presented to council
- Received the draft of the FY 2021 audited financial statements
- Filed W-2's, 1099's and 941's with the IRS and State
- Continued work on collecting data and information for the budget

Town Council Tracking Worksheet Items:

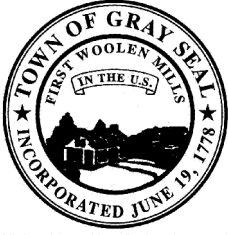
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Other Activities / Accomplishments:

- Weekly Admin meetings with Jon and Nate
- Finance Committee meeting to work on contingency fund policy verbiage
- Budget workshop meetings
- Vacation

Challenges / Obstacles Requiring Assistance Outside of the Department:

- The only real obstacle the Finance Department faced in February was again COVID. The department was not fully staffed a single business day in February due to COVID and vacations.



TOWN OF GRAY

Henry Pennell Municipal Complex
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www.graymaine.org

RECREATION DEPARTMENT

Anthony Dahms, Director of Recreation
adahms@graymaine.org
(207) 657-2323

February 28, 2022

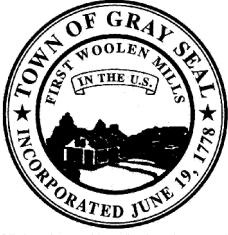
Recreation Department Report to Town Manager February 2022:

- Recreation Director attended SMART meeting 02/01
- Newbegin facility tours on 02/02 and 02/03
- Girls on the Run Coach meeting 02/03
- Youth Lacrosse planning meetings on 02/03 and 02/23
- Recreation Committee met 02/07
- Summer program planning meetings on 02/09 and 02/23
- Recreation Director gave presentation on Winter Wellness to Town Employees 02/10
- Recreation Director was out week of 02/14
- National Fitness Campaign Meeting re: Outdoor Fitness Park Grant 02/22
- Spring program planning meeting on 02/24
- Recreation Director gave budget presentation to Town Council on 02/24

Other Activities / Accomplishments:

- Family Ice Skating Party event was a success with around 40 attendees, there was music, fire, hot cocoa (provided by Aroma Joes), ice skating rentals (provided by school), snowshoes, and some snow toys all available for free. The event took place on Saturday February 26, from 1:00-4:00. Thank you to Buildings and Grounds for clearing the rink after the storm.
- There were 23 gym rentals in the month of February.
- Pickleball and Family Open Gym attendance are both up this month.
- February Vacation Camp was opened to families outside of the afterschool program for the first time since February 2020. The camp registration filled to 100% capacity.

Challenges / Obstacles Requiring Assistance Outside of the Department:



TOWN OF GRAY

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www.graymaine.org

{PLANNING DEPARTMENT}
{Doug Webster, Director of Planning}
{dwebster@graymaine.org}
{(207) 657-3339}

March 10, 2022

Planning Department Report to Town Manager (1/26 – 2/28, 2022):

- 1-26-22: Yarmouth Road existing conditions inspection re road widths
- 1-26-22: Meeting with Alec re Yarmouth Rd. input for MPI
- Coordinate MeDOT letter with Kristen re MPI
- Attended & scribe for 2x ZBA meetings; 1-26-22 & 2-23-22
- 1-31-22: 2x meetings with conceptual applicants for village area properties
- 2-9-22: Meeting with several parties representing ISM project by by-pass
- 2-9-22: Meeting with various parties regarding road/Street Ord concerns
- 2-10-22: Enforcement Site visit with CEO to verify reported conditions
- 2-14-22: Met with PB applicant re forthcoming PB application
- 2-15-22: Drafted detailed memo for Kristen/Natalie re ISM status & next steps
- Kristen: Spearheaded MPI application & CDBG work; interface with Rachael

Town Council Tracking Worksheet Items:

- Solicited OAC input re future zoning & residential uses at 2-17-22 meeting
- Self-storage adjustments to zoning ordinance & OAC input at 2-17-22 meeting
- 1-26-22: Meeting with Will H. re village infrastructure
- Coordinate w/CEO's & draft changes to Chapter 201 (Building Code Ord)
- Working on draft of forthcoming Street Ord memo to TC/TM
- 2-10-22: Meet with TM & Councilor Carder re Planning priorities

Other Activities / Accomplishments:

- Coordination/facilitation of remaining issued for Blackthorne; long-standing enforcement
- Extensive coordination & logistics of pending PB multi-family application

Challenges / Obstacles Requiring Assistance Outside of the Department:

- Anticipated need for TC workshop to discuss scope of village improvements
- Working on clarifying anticipated responsibilities for CEO resignation

Monthly Summary for February 2022

3/1/2022

Public Safety Department Report to the Town Manager 2/1 – 2/28 /2022

- 2/1 Contacted two Emergency Vehicle vendors and requested good budget numbers for a Pumper/Tanker. Also asked for an estimate of the current value of our Engine 43 and Tank 43.
 - Both estimated between \$600,000.00 and \$700,000.00 based on recent sales. Costs are increasing at 10% per year, and the lead time is at least 360 days.
 - The increasing prices and build times also result in increasing values of used vehicles. For the two we will be selling, the estimated value for both together is about \$210,000.00.
- 2/1 Attended a Fire Prevention and Safety Grant webinar.
- 2/1 Interviewed a paramedic for one of our open positions.
 - He did not accept the Towns offer.
- Spoke with Deputy Sherriff Joyce about the possibility of repurposing Village Fire Station.
- We researched the cost to upfit the SRO's vehicle and estimated the price to be approximately \$3,500.00.
 - We prefer to get the four-wheel-drive vehicle instead of the SRO's vehicle if that is possible.
- I've been asked to help with interviews for the new Assistant Director for Cumberland County EMA.
- The Town Manager and I attended a Continuity of Operations class hosted by the Scarborough Fire Department and taught by Cumberland County EMA Director Matt Mahar.
- We ended February with the second-highest calls for service since I've been keeping records. I can only think of one storm-related call. Kudos to Public Works!
- See attached reports regarding calls for service.

Town Council Tracking Worksheet Items:

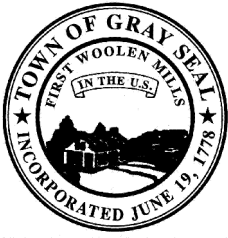
- 37 - Public Safety Strategic Plan. I was very encouraged by the discussion with the Town Council regarding planned staffing increases incrementally.
- 40 - We have a plan to vacate Village Station to let Buildings and Grounds move in. We will need to move Engine 42 out of that station to make this happen. The acting Chief in New Gloucester has agreed to let us store it in their station while we decide on a course of action. My recommendation would be to sell that truck along with Tank 45. We should then replace those two trucks with a tanker/pumper that can carry 2000 gallons of water and house it at Central. This will make any potential expansion of Central Station more effective. By reducing the size of our fleet by one truck, we will also be getting a more significant percentage of our trucks on the road for fire calls. The bottom line is that the fire station is vastly underused and would be better suited for Buildings and Grounds.
- 43 – Assisted Nate with the Emergency Management Ordinance and completed the Emergency Operations Plan (EOP). The EOP will be a living document that will need to be evaluated each year and after any significant event. We also need to complete the Continuity of Operations Plan (COOP) portion. Likely costs associated with this plan will mainly be related to staff training. I recommend a biannual schedule where we do a tabletop on year one and a full-scale exercise on year two and keep rotating. We should also purchase radios for Department Heads for use during an emergency. We recommend the purchase of 15 radios that are digitally capable and have 16 channels. We have a quote from RCM for just under \$5,000.00 for these radios.

Other Activities:

- I conducted a scene size-up training yesterday evening for the department membership that was well attended.
- This Wednesday evening, I will be updating the officers on the proposed plans for Village Fire Station and the proposed changes with apparatus.

Challenges / Obstacles

- I need help and support from the appropriate Town Staff regarding the Fire Ordinance and proposed changes. I understand that this will be a challenge because of a cascading effect on other ordinances. I'm not sure how to move this forward.



TOWN OF GRAY

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

PUBLIC WORKS

Alec Dodd, Public Works Director
adodd@graymaine.org
(207) 657-3381

March 10, 2022

Public Works Monthly Report to Town Manager (1/24/2022-2/28/2022)

Activities:

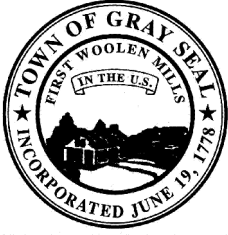
- Response to winter weather events:
 - 8 events and 11 outings, including several heavy snowstorms and more occurrences of freezing rain.
 - Increasingly frequent freeze/thaw cycles later in the month have produced many localized ice areas, potholes, frost heaves.
 - Approximately 1,100 crew/equipment hours.
- Winter weather events have consumed more than the budgeted amount of winter overtime. Other categories (sand, salt, maintenance, etc.) still within budget.
- Extensive amount of ice events has resulted in continued above average sand consumption of public pile.
- Attended Southern Maine Public Works Directors Group meeting 2/16.
- Attended APWA 'Using Technology and Data to Manage Storm Events' 2/24.
- Roads consuming the most resources for maintenance this month (primarily potholes/drainage issues) continue to be state or state-aid roads within the compact.
- FY23 budget preparation.
- Roads posted for weight restriction to protect roads during spring thaw, effective 2/25/2022.

Challenges / Obstacles Requiring Assistance Outside of the Department:

- Review/reform ordinance language and practical application for driveway/private road permitting with Planning, Code, engineering.
- Review challenges/options for end of Hancock St and Avesta project with Planning Dept.

Town Council Tracking Worksheet Items:

- Updating short and long term paving plan with information from draft of new pavement condition study.
- Assist/review MPI application for Yarmouth Rd project.



TOWN OF GRAY

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

SOLID WASTE AND RECYCLING
RANDY COOKSON, DIRECTOR
RCOOKSON@GRAYMAINE.ORG
657.2343

February 27, 2022

Solid Waste Department Report to Town Manager (1/25 – 2/28/2022):

1/26 shipped 15 tons plastic
1/27 shipped 22 tons plastic
1/28 met with representative from Casella Waste to discuss hauling and disposal pricing for FY 2023 and 2024
1/31 telephone meeting with Casella Waste regarding updated hauling and disposal pricing for FY 2023 and 2024
2/10 Department head meeting
2/17 began “Harassment Training for Supervisors”
2/24 through 2/26 off for vacation
2/24 shipped 21 tons of tin cans, handled loading issues enroute to Mass. General
2/25 closed due to storm, handled rescheduling of cardboard shipment scheduled for that day

Town Council Tracking Worksheet Items:

Other Activities / Accomplishments:

- 1/26 in early for storm clean up
- 1/29 closed due to storm
- 1/30 in early for storm clean up
- 2/4 closed due to storm
- 2/5 in early for storm clean up
- Tuesday, 2/8 in for storm clean up

Challenges / Obstacles Requiring Assistance Outside of the Department:



TOWN OF GRAY

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

OFFICE OF THE LIBRARY DIRECTOR

Josh Tiffany, Library Director
jtiffany@graymaine.org
(207) 657-4110

March 10, 2022

Library Report to Town Manager 2/1/22 to 2/28/22

Town Council Tracking Worksheet Items:

- In the planning stages on the implementation / messaging for the move to a “fine free” model of service beginning in July of 2022.

Other Activities / Accomplishments

- Created list of low circulating / older items in the fiction collection for weeding due to overcrowded shelves in the adult book area
- On February 2nd, based on continued rise in COVID-19 cases, requested permission from TM to maintain curbside service only. Permission was granted. Resumed in-person browsing on February 12 due to swiftly declining COVID-19 case rate in Cumberland County. Overall, the public was very understanding and patient with our move to curbside service only – and were thrilled to be able to browse the stacks once again.
- Assisted afternoon and evening book groups in moving their meetings from in-person to virtual using Zoom. Since many of the book group attendees are seniors with limited computing experience, our assistance ensued a successful meeting for both groups.
- Began working with Children’s Librarian on review and assessment of Summer Reading programming opportunities.
- As Minerva cataloging chair, recorded January meeting, converted it to YouTube file, created Google document gateway, and distributed information to catalogers so those who did not attend the meeting could view it remotely and have their virtual attendance recorded.
- Updated Minerva Cataloging attendance sheet and began communications with members who were not in compliance of Minerva rules.
- Began communicating with Parks and Rec staff regarding use of the library by P&R summer programming. In prior years, the LIT program used the library as a home base, which we expect to happen again this year.
- In coordination with Communications Department, began broadcasting recordings of our virtual story-times on GCTV on Monday afternoons.
- Spoke with the Chair of the Minerva Executive Committee regarding changes in the Memorandum of Understanding for the Minerva consortium. Discussions are occurring regarding making lending to INN-Reach libraires (libraries that belong to the Maine InfoNet consortium yet are not a part of Minerva) mandatory for Minerva libraries. I expressed my concern over the mandatory loan requirements due to lack
-

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- of loan rules, lack of oversight, and existing issues related to due date extensions and billing practices. The conversation continues.
- Provided the Town Manager with updated COVID-19 data regarding case rates for February 2022. Also presented Portland Press Herald article that explained how, during a time when the metric of wastewater contamination, hospitalizations, and percentage of positive tests were declining, the case rate was skyrocketing. The rise in the case rate when all other metrics were down was due to the processing of an enormous backlog of positive tests, meaning the daily numbers were capturing cases that may have been weeks if not months old.
 - As Treasurer for the Minerva Executive Board, prepared draft of the FY23 budget for review and input of other Board members.
 - Through the Gray Public Library Association, purchased annual discount pass to the Maine Children's Museum.
 - Added 238 items to the collection, including 76 books for kids and young adult, 45 magazines, 51 movies / TV series, 8 graphic novels, and 53 books for adults.
 - Gray patrons checked out and renewed items a total of 2,591 times.

Challenges / Obstacles Requiring Assistance Outside of the Department

- We are beginning to field numerous requests about use of our meeting rooms by outside organizations. We are awaiting final guidance on when we will allow the rooms to be used again by the public.



COMSTAR



(Computer Oriented Mapping, Utilizing Statistical Tracking, Accountability and Response)

Cumberland County Sheriff's Office

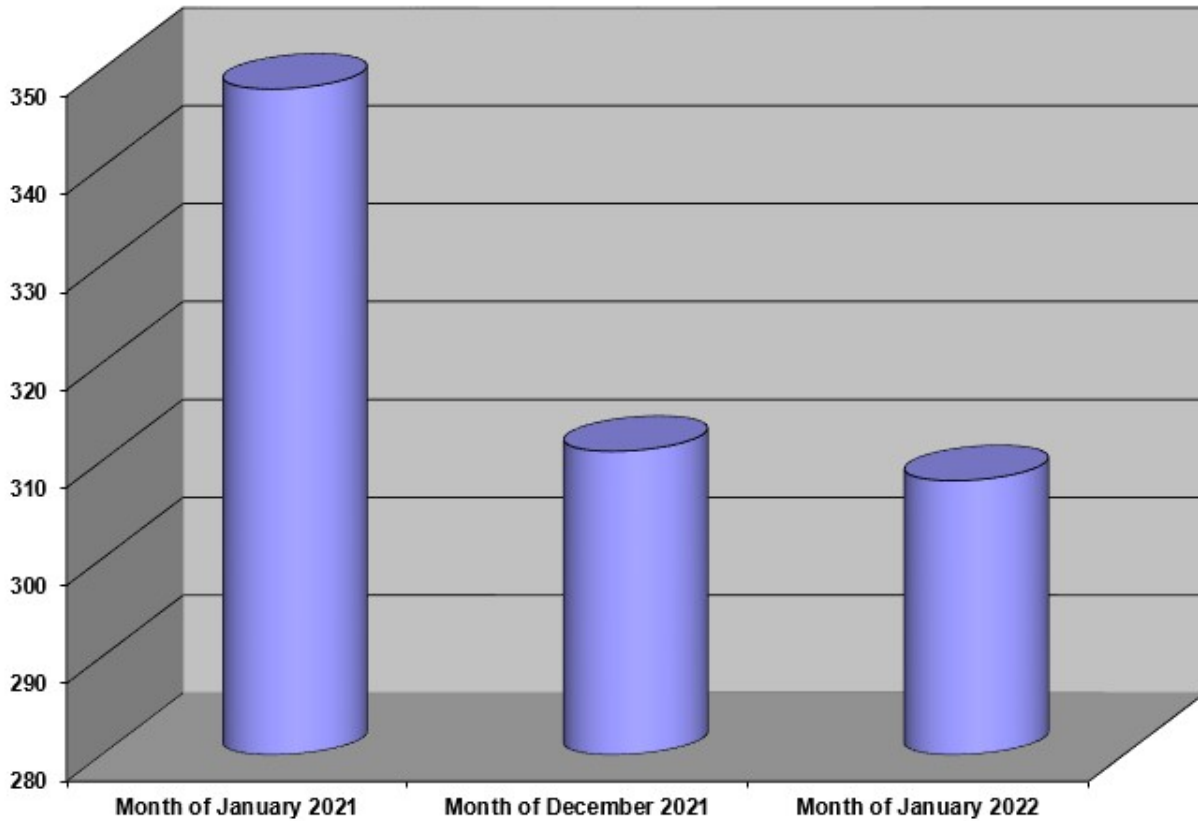
Town of Gray

Month of January 2022

Prepared by Crime Analyst Wendy Clark-Tarbox

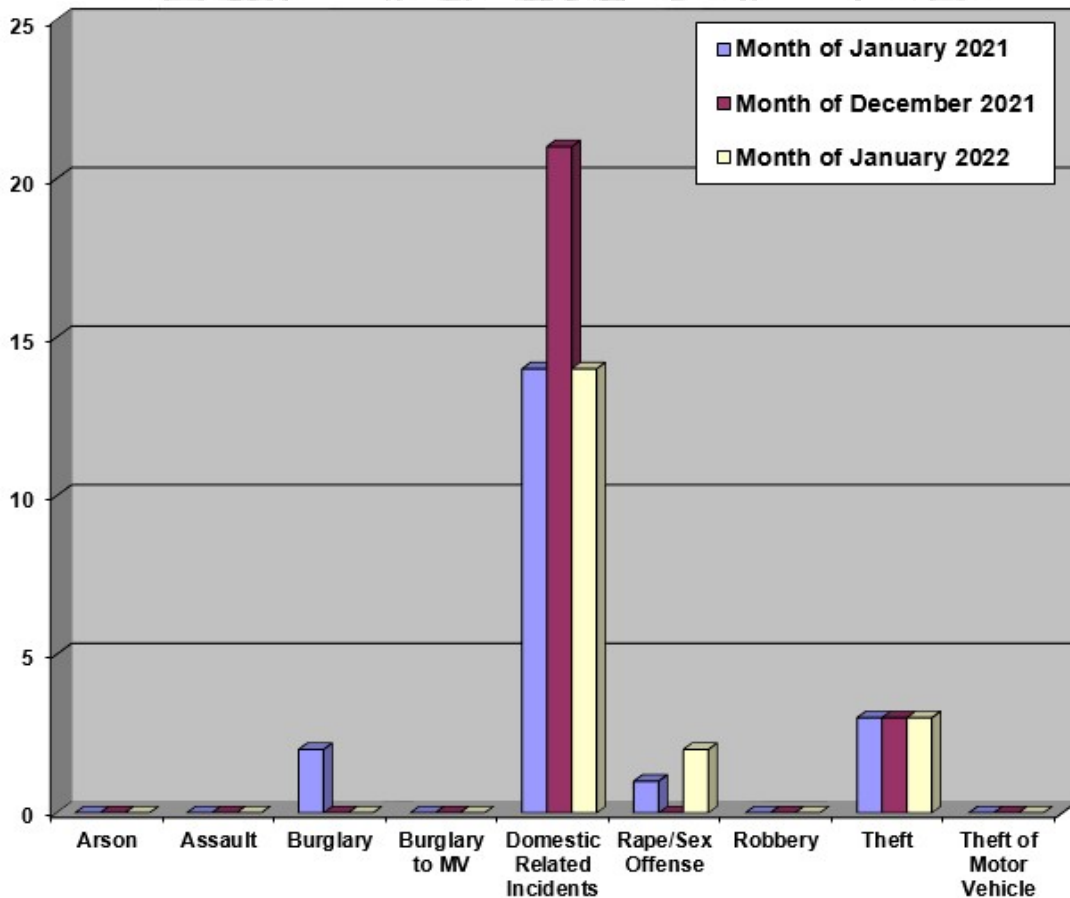
Calls for Service

<u>January 2021</u>	<u>December 2021</u>	<u>January 2022</u>	<u>2022 Difference</u>	<u>2022 % Change</u>
348	311	308	-3	-0.9%



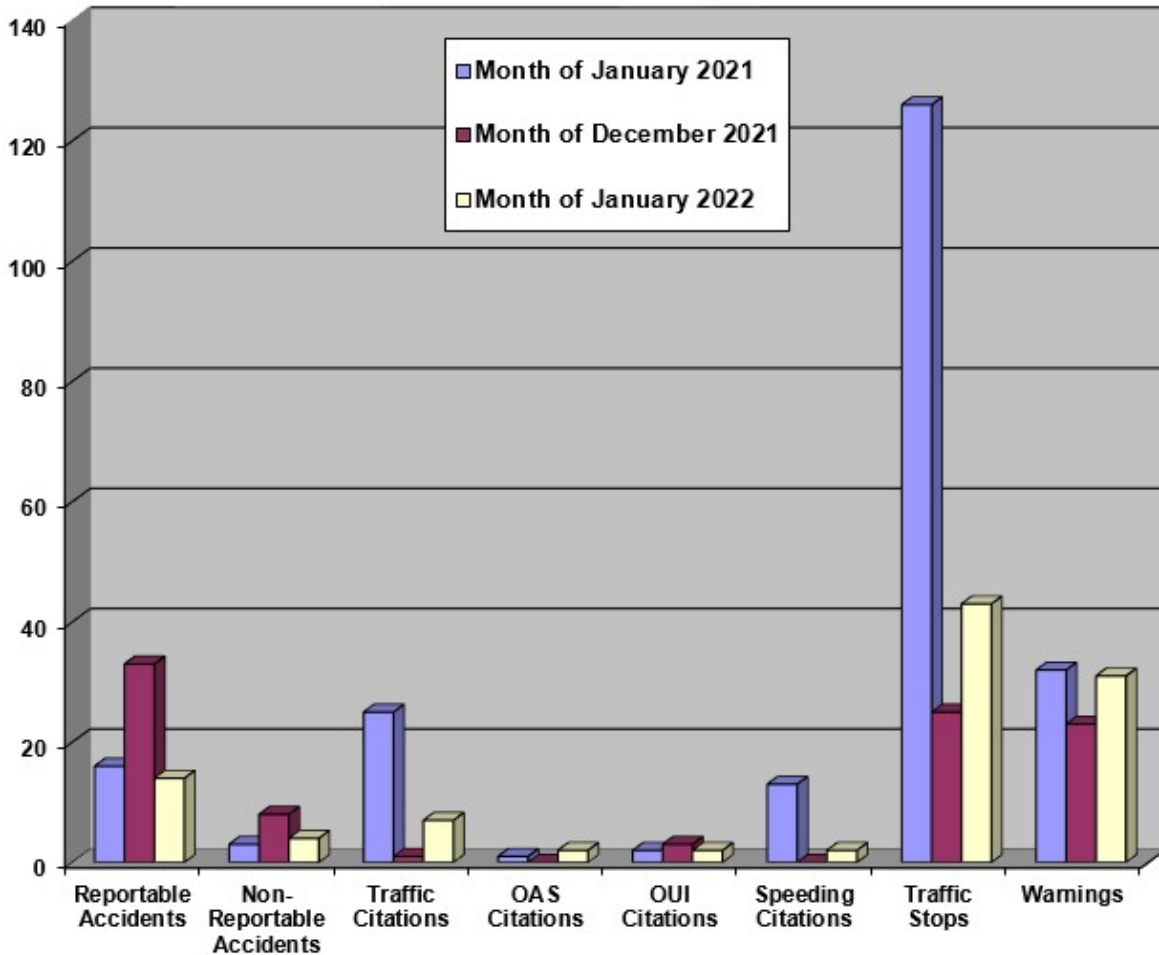
Crime Totals -

	<u>January 2021</u>	<u>December 2021</u>	<u>January 2022</u>	<u>2022 Difference</u>	<u>2022 % Change</u>
Arson	0	0	0	n/c	n/c
Assault	0	0	0	n/c	n/c
Burglary	2	0	0	n/c	n/c
Burglary to MV	0	0	0	n/c	n/c
Domestic Related Incidents (from Calls for Service)	14	21	14	-7	-33.3%
Rape/Sex Offense	1	0	2	+2	undefined
Robbery	0	0	0	n/c	n/c
Theft	3	3	3	n/c	n/c
Theft of Motor Vehicle	0	0	0	n/c	n/c



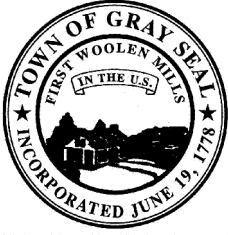
Traffic Totals -

	<u>January 2021</u>	<u>December 2021</u>	<u>January 2022</u>	<u>2022 Difference</u>	<u>2022 % Change</u>
Reportable Accidents	16	33	14	-19	-57.6%
Non-Reportable Accidents	3	8	4	-4	-50%
Traffic Related Citations	25	1	7	+6	+600%
OAS Citations	1	0	2	+2	undefined
OUI	2	3	2	-1	-33.3%
Speeding Citations	13	0	2	+2	undefined
Traffic Stops	126	25	43	+18	+72%
Written Warnings	32	23	31	+8	+34.8%



Quality of Life Incidents -

	<u>January 2021</u>	<u>December 2021</u>	<u>January 2022</u>	<u>2022 Difference</u>	<u>2022 % Change</u>
Agency Assists	16	11	15	+4	+36.4%
Alarms	6	7	16	+9	+128.6%
Animal Problem	1	2	5	+3	+150%
Attempt to Locate (i.e. vehicles operating erratically)	8	21	10	-11	-52.4%
Citizen Assists/ Disputes	24	25	24	-1	-4%
Concealed Firearms Investigations	5	5	2	-3	-60%
Court Services (Protection Orders and Summonses)	0	3	2	-1	-33.3%
Criminal Mischief	3	4	1	-3	-75%
Criminal Trespass	2	3	5	+2	+66.7%
Disabled Vehicles/ Assist Motorist	8	17	5	-12	-70.6%
Disturbances/Fights/ Loud Party	1	4	9	+5	+125%
Fraud	4	5	3	-2	-40%
Missing Persons	1	1	0	-1	-100%
Pedestrian Checks	0	1	2	+1	+100%
Property Checks	6	20	11	-9	-45%
Sex Offender Registry Investigations	2	0	2	+2	undefined
Suspicious Persons/ Circumstances	8	14	8	-6	-42.9%
Welfare Checks/ Suicide-Attempted Suicide/ Mental Health Event	18	17	24	+7	+41.2%



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

March 10, 2022

Town Manager Report to Town Council (2/24/2022 – 3/10/2022):

- 2/24: TM attended MMA webinar on environmental issues including browntail moth, emerald ash borer, and vernal pools
- 3/2: TM hosted a discussion with staff and interested parties regarding the proposed skatepark project
- 3/7: TM gave testimony to the Maine Legislature Joint Committee on Labor and Housing regarding LD2003, **An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions.**

Other activities:

- Town Manager received letter of resignation from Finance Director on 3/10, effective 6/30.
- Town Manager has hired Richard Dolby to act as Interim Code Enforcement Officer until a permanent successor CEO can be hired. Mr. Dolby has worked for Gray in a similar capacity in the past.
- Town Manager drafted and submitted a letter to the Maine Legislature Joint Committee on Labor and Housing regarding LD2003, **An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions.**
- Town Manager and staff mailed letters to businesses as requested by MDOT as part of the Shaker Road / Route 26A bypass discussion.
- Town Manager working with regional and state planning experts on materials for Maine Legislature Joint Committee on Labor and Housing work session regarding LD2003, on request from Senator Hickman, one of the bill's sponsors.
- Town Manager and staff continuing discussions with MeDOT staff regarding road construction projects in the Gray Village.

*O/F/C (All)

OPEN

Count of Description	Column Labels			
	H	L	M	Grand Total
Row Labels				
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	18	20
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
Revenue		1		1
Grand Total	9	7	29	45

*O/F/C (All)

CLOSED

Count of Description	Column Labels				
	-	H	L	M	Grand Total
Row Labels					
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

*Status: O = Open C = Closed F= Future Priority: **H = 1-3 months M = 4-9 months L = 10+ months - Guideline											Last Update: 03/01/2022	
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 a 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 upd 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.

*Status: O = Open C = Closed F= Future Priority: **H = 1-3 months M = 4-9 months L = 10+ months - Guideline											Last Update: 03/01/2022	
No	Goal/Category	*O/ F/C	** Prty	P No.	Target Date	Description	Sub by:	Owner:	Assigned to:	Dated Logged	Last Update	Comments
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 sidewalk 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	03/01/22	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 (3/1) Sandy adv Bruce Van Note req a meet in Gray for 1 hour later this month with Nate/Sandy - Anne will also attend. 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	<p>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 workshop 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</p> <p>Next Step: New tasks logged on detail sheet.</p>
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	<p>MDOT has agre 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 addressed 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.</p>

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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 paperwork. 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 apprvr 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 & resid 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	Steve/Will pres results of video work. Report was rev with MDOT Dale Doughty, 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 fdbck-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 includ 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/Stevie 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 Next Steps: Remaining items to be add in Spring.
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	(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 changse 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 Next Step: Pushed off until January until vacancies can be filled.

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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 add'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	03/01/22	(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 (3/1) Council held 2nd read & approved ordinance. Council prov feedback on EOP at 3/1 workshop. Next Steps: Council to consider EOP under 3/15 consent agenda.	
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	03/01/22	(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. (3/1) Krista adv CEDC is setting up public forum to review changes residents may want to see. Next Step: CEDC to make proposal to Council.	
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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No	Goal/Category	*O/ F/C	** Prty	P No.	Target Date	Description	Sub by:	Owner:	Assigned to:	Dated Logged	Last Update	Comments	
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 Subdivison 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 add'l 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 addt'l 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 mvoe 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 serio	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 addtl 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.
108	Ordinance	O	M	27	04/30/22	Review & Update Senior Tax Assistance Ordinance	Council	Nate Rudy	Lauren Asselin	03/01/22	03/01/22	(03/01/22) After receiving feedback from residents on the Senior Tax Assistance and identifying processing issues with Staff, Council agreed to update the Ordinance to clarify eligibility requirements, change timing of program and change to applying credits to tax bills rather than issuing checks (renters will still receive checks). Council discussed Staff recommendations at Jan Budget workshop and agreed to keep funding at \$25k (there is approximately \$12,500 left from last year). First reading & public hearing held on 3/1. Next Step: 2nd read & vote to be held 3/15.
109	Ordinance	O	M	28	04/30/22	Update Building Code to match updated State Statute requirements	Doug Webster	Nate Rudy	Doug Webster	03/01/22	03/01/22	(03/01/22) Town Staff identified an urgent need to comply with updated State Statute. Proposed emergency ordinance update to Council at 2/14 meeting which was approved. Updated regular building code ordinance & held 1st read & public hearing on 3/1/22: Next Step: PB to hold public hearing 3/10, 2nd read & vote to be held 3/15 along with vote to extend emergency ordinance so it does not expire before new ordinance takes effect.
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.

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110	Revenue	O	L	3	08/01/22	Create Legislative Bill to reimburse Commercial Solar Array Property Tax exemption	Council	Nate Rudy	Nate Rudy	03/01/22	03/01/22	(03/01/22): Nate advised that Commercial Solar Arrays were exempted from local property taxes by the Legislature. After additional research, Lauren Asselin (Assessor) and Nate identified program which will allow for 50% reimbursement. Council directed Nate to send letter to Legislative Team urging them to provide the addtl 50% reimbursement knowing the session was already set. Rep. Moriarty advised there was nothing they could do, but provided contact in Maine Revenue Services to start discussion on proposed bill for next session which does not start until Jan 2023. The deadline for bills is late summer/early fall. Next Step: Nate will reach out to contact at MRS.	
102	Training	O	L	4	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	5	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.	
81	Ordinance	O	L	6	06/01/22	Need to create a Water Extraction Ordinance	Sandy Carder	Nate Rudy	Doug Webster	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. (2/14) Nate adv ordinance is ready for Council. Next Step: Will be added to agenda once proper 1st reading notification is done.	

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39a	Administrative	O	L	Z	06/01/22	Need to review/renegotiate Cable TV Contract sometime in 2019-2021.	Deb Cabana	Nate Rudy	Jon Hartt	09/18/18	03/01/22	<p>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 (3/1) Council held 1st read & hearing. Next Step: Nate to work with Jon to obtain addt'l info on some questions raised. 2nd read & hearing set for 3/15.</p>

H4 - Comp Plan

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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
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	03/01/22	(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. (3/1) 1st read & public hearing held. Council requested more information be pulled together & was willing to send to PB to obtain their feedback. Next Steps: Planing Board public hearing 3/10 & 2nd read/vote 3/15.

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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
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 addt'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: Addt'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 "contigency" 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 sytem.
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 budgeting 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. (3/1) Sandy adv Bruce Van Note meeting to be held at end of March
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	Town to define goals-study/parts/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 optns, 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 Counc need to send addt'l 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 addt'l feedfrom 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 upd - GPCOG to take leave & prov prop for full counc 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 &

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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	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 recomm/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

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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 decible 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.