

TOWN OF GRAY
GRAY TOWN COUNCIL
AGENDA • DECEMBER 6, 2022

**Gray Town
Council Regular
Meeting**

Town Council Chambers
24 Main Street, Gray, ME 04039
<https://us06web.zoom.us/j/88906923894>
Phone 646-558-8656 / Meeting ID: 88906923894

7:00 PM

I. OPENING STATEMENT

This meeting will be held in person and online with the link provided in the agenda header. For the Public Hearings, residents can click in to participate or call in using the number provided during the Public Hearings as detailed in the agenda.

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE TO THE FLAG

IV. MINUTES FROM PREVIOUS MEETINGS 10 MINS

1. To remove from the table the minutes from the Town Council Meeting and Executive Session on October 18, 2022.
2. To review and approve the minutes from the Town Council Meeting and Executive Session on October 18, 2022.
3. To review and approve the minutes from the Town Council Meeting on November 15, 2022.
4. To review and approve the minutes from the Executive Session on November 16, 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: 889 0692 3894

VI. ADJUSTMENTS TO THE AGENDA 5 MINS

VII. PUBLIC HEARING 7:25PM

1. First Reading and Public Hearing - To Review and Approve a revised General Assistance Ordinance for 2022 as prepared by Maine Municipal Association. Proposed changes include: changes to the Section 2.2 Special Definitions. **5 MINS**

Proposed motion:

Be it Ordained, the Gray Town Council approves a second reading and public hearing on December 20, 2022 to consider a revised General Assistance Ordinance.

VIII. ACTION ITEMS 7:30PM

1. To Review and Approve proposed changes to the Committees & Affiliations Policy. Proposed changes include: reordering of the committee list; adding the Brownfields Advisory Committee and the local Board of Health; adding instructions for board appointment procedures; and revisions to the membership and duties of the Ordinance Advisory Committee. **5 MINS**

Proposed motion:

Ordered, the Gray Town Council approves the proposed changes to the Committees & Affiliations Policy.

2. To Review and Approve proposed changes to the Town Council Rules. Proposed changes include clarifications and corrections to match current and/or preferred practices. **10 MINS**

Proposed motion:

Ordered, the Gray Town Council approves the proposed changes to the Town Council Rules.

3. To Review and Approve a Resolution Honoring Gray Citizen Miriam Brisbee. **10 MINS**

Proposed motion:

Ordered, the Gray Town Council approves the resolution honoring Gray citizen Miriam Brisbee on the occasion of her 100th birthday.

IX. REPORT FROM THE COUNCIL CHAIR 5 MINS - 7:55PM

X. REPORT FROM THE TOWN MANAGER 5 MINS

XI. COMMITTEE REPORTS 5 MINS

XII. COUNCIL CORRESPONDENCE/ACTIVITIES 10 MINS

XIII. ADJOURNMENT 8:20PM

** 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 GRAY
GRAY TOWN COUNCIL EXECUTIVE SESSION
MINUTES • OCTOBER 18, 2022

**Town Council
Executive Session**

Town Council Chambers
24 Main Street, Gray, ME 04039
<https://us06web.zoom.us/j/83796713148>
Phone 646-558-8656 / Meeting ID:837 9671 3148

6:00 PM

II. ROLL CALL

Attendee Name	Title	Status
Sandra Carder	Chair	Present
Krista Chappell	Vice Chair	Present
Dan Maguire	Member	Present
Michael Curtis	Member	Present in Executive Session
Martin Meaney	Member	Present

EXECUTIVE SESSION

The Town Council will consider entering Executive Session per MRS Title 1 Section 405 (6) A personnel, 405 (6) C acquisition of property, and 405 (6) E consultation with the Town Attorney.

Motion to enter Executive Session under MRS Title 1 Chapter 13 Section 405 (6) A personnel, 405 (6) C acquisition of property, and 405 (6) E consultation with Town Attorney.

RESULT:	PASSED [UNANIMOUS 4-0]
MOVER:	Dan Maguire
SECONDER:	Martin Meaney
AYES:	Sandra Carder, Krista Chappell, Dan Maguire, Martin Meaney

Council entered Executive Session at 6:00 PM

Council exited Executive Session at 6:58 PM having provided instructions to staff.

Meeting adjourned without motion at 6:59 PM.

ADJOURNMENT at 6:59 PM

TOWN GRAY
GRAY TOWN COUNCIL
MINUTES • OCTOBER 18, 2022



7:00 PM

Council Regular Meeting

Town Council Chambers
24 Main Street, Gray, ME 04039
<https://us06web.zoom.us/j/87540764216>

I. OPENING STATEMENT

This meeting will be held in person and online with the link provided in the agenda header. For the Public Hearings, residents can click in to participate or call in using the number provided during the Public Hearings as detailed in the agenda.

II. ROLL CALL

Attendee Name	Title	Status
Martin Meaney	Council Member	Present
Michael Curtis	Council Member	Present - online
Krista Chappell	Vice Chair	Present
Dan Maguire	Council Member	Present
Sandra Carder	Chair	Present

III. PLEDGE OF ALLEGIANCE TO THE FLAG

IV. MINUTES FROM PREVIOUS MEETINGS

IV.1 To review and approve the minutes from Town Council meetings of September 20, 2022.

Ordered, Gray Town Council approves the Town Council meeting minutes from September 20, 2022, as amended with the following changes: Chair Carder: Packet page 6 under schedule – November workshop indicated 5PM should be 5:30PM.

[09.20.22 TC Minutes.pdf](#)

[09.20.22 TC Executive Session Minutes.pdf](#)

RESULT:	PASSED [UNANIMOUS]
MOVER:	Dan Maguire
SECONDER:	Martin Meaney
AYES:	Sandra Carder, Krista Chappell, Michael Curtis, Dan Maguire, Martin Meaney

IV.2 To review and approve the minutes from Town Council meeting October 4, 2022.

Ordered, Gray Town Council approves the Town Council meeting minutes from October 4, 2022, as amended with the following changes:

Councilor Chappell: Packet page 10, section 8.2 & 8.3 – correct to tabled and packet page 13 Item XII typo on last name - Chappell.

Chair Carder: Packet page 9 missing Derek Shirley public comments & attach the log, page 13 typo on last name – Carder

[10.04.22 TC Minutes.pdf](#)

RESULT:	PASSED [UNANIMOUS]
MOVER:	Michael Curtis
SECONDER:	Krista Chappell
AYES:	Sandra Carder, Krista Chappell, Michael Curtis, Dan Maguire, Martin Meaney

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

Julie Stevens, 2 Homestead Acres, Gray: handouts, represents 5 homeowners along the Libby Hill Trail system. Concerned about winter maintenance and want to reach an agreement with the town. Libby Hill road is maintained solely by the 5 homeowners. The use is far from private and used by many. Respectfully ask for assistance with winter maintenance with the 1100’ portion of the road. This stretch of Libby Hill Road is maintained solely by the 5 homeowners. The use is far from private and used by many. They are respectfully asking for assistance with winter maintenance with the 1100’ portion of the road.

VI. ADJUSTMENTS TO THE AGENDA

Chair Carder asked to suspend Council Rules to add Action Item I to review and approve the Brownfields contract.

RESULT:	PASSED
MOVER:	Martin Meaney
SECONDER:	Krista Chappell
AYES:	Sandra Carder, Krista Chappell, Michael Curtis, Martin Meaney
NAYS:	Dan Maguire

VII. PRESENTATION(S)

VII.1 Senator Cathy Breen - Legislative Review

Senator Breen reviewed the following items: economic relief, property tax stabilization, PFAS & environmental protection, Social Services & healthcare, prescription drug reform, salary subsidy, childcare & working families, affordable housing, rainy day fund, new election laws and energy relief.

[Senator Breen Presentation 10.18.22.pdf](#)

VIII.PUBLIC HEARING(S)

VIII.1 To hold a Public Hearing to consider and act upon amendments to the Mobile Home Park Ordinance (Chapter 402A) regarding Mobile Home Park Registration

Be it Ordained, the Gray Town Council approves the amendments to the Mobile Home Park Ordinance Ch. 402 A

[8 - 1- Memo to TC re trailer park licensing.pdf - 8- 1- CHAPTER 402A Mobile Home Parks Ordinance \(002\).pdf](#)

RESULT:	PASSED [UNANIMOUS]
MOVER:	Martin Meaney
SECONDER:	Krista Chappell
AYES:	Sandra Carder, Krista Chappell, Michael Curtis, Dan Maguire, Martin Meaney

VIII.2 To hold a Public Hearing to consider incorporating Ch 501 Vehicular Use Ordinance into Ch 298 Vehicle Weight Restrictions on Posted Town Ways and to schedule a second Reading and Public Hearing for November 15, 2022.

Ordered, the Gray Town Council approves a Second Reading/Public Hearing on November 15, 2022 to consider incorporating Ch 501 Vehicular Use Ordinance into Ch 298 Vehicle Weight Restrictions on Posted Town Ways.

[Memo.Chap501VehicleUse.100522.pdf](#) , [ch501-vehicular-use-ordinance.pdf](#), [Chapter 501 and 298 Combined \(JB Redline 10-04-22\).pdf](#), [CHAPTER 501 and 298 Combined Vehicular, Use.LegalEdit.100522.pdf](#), [ch_298_vehicle_weight_restrictions_1.pdf](#)

RESULT:	PASSED [UNANIMOUS]
MOVER:	Michael Curtis
SECONDER:	Dan Maguire
AYES:	Sandra Carder, Krista Chappell, Michael Curtis, Dan Maguire, Martin Meaney

VIII.3 To hold a Public Hearing to consider proposed Zoning Ordinance (Chapter 402) amendments with regards to Self-Storage Facilities and the schedule a second Public Hearing for November 15, 2022.

Public comments: Scott Liberty, New Gloucester, expressed concerns about setbacks and rebuilding and how many lots are included in this. Brad Pollard, 33 Grape Island, business and property owner would like to see improvements in the notification system where people with commercial property are included. Lonnie Humphrey, New Gloucester, property owner, concerned the limitation on what he can do with his property. JP Conley, Engineer from Falmouth, did work on self-storage facilities and is concerned, wants to better understand the rules to help client, including future development design standards. Scott Young agreed the notification letter would be beneficial to businesses and property owners. Jonathan Davis, Atty with Landry & French, 2 clients, explains why not for the changes and gave a handout to council.

Ordered, the Gray Town Council approves a Second Reading/Public Hearing on November 15, 2022, to consider proposed Zoning Ordinance (Chapter 402) amendments with regards to Self-Storage Facilities.

[Memo.Ch 402 Zoning.Self Storage.pdf](#)

RESULT:	PASSED [UNANIMOUS]
MOVER:	Michael Curtis
SECONDER:	Dan Maguire
AYES:	Sandra Carder, Krista Chappell, Michael Curtis, Dan Maguire, Martin Meaney

IX. ACTION ITEMS

IX.1 To direct the Town Manager to negotiate a contract with for Credere Associates, LLC, qualified environmental professional services pursuant to the Brownfields Assessment Grant award in 2022 by the US Environmental Protection Agency.

Ordered, the Gray Town Council directs the Town Manager to negotiate a contract with Credere Associates, LLC, qualified environmental professional services pursuant to the Brownfields Assessment Grant award in 2022 by the US Environmental Protection Agency.

RESULT:	PASSED
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MOVER:	Krista Chappell
SECONDER:	Martin Meaney
AYES:	Sandra Carder, Krista Chappell, Michael Curtis, Martin Meaney
NAYES:	Dan Maguire

X. REPORT FROM THE COUNCIL CHAIR

- Councilor/Manager Goals included in packet, pg. 80.
- Tracking Spreadsheet included in packet, pg. 81, Councilor Maguire suggests changing the name to Tracking Workbook. Met with Kyle to discuss access and will transition the document to the cloud and sharing a link with everyone. Access will be restricted to read only for now. Processes to share on how to update will follow.
- Volunteer Leadership Training was held 10/20/22 in the Council Chambers, and the packet is available on the website.
- Scheduling – A reminder there is only 1 Council meeting in November on the 15th. Regular workshop at 6PM prior and have scheduled a stand-alone workshop 11/1 @ 5:30PM, a portion of which may be an Executive Session. Monday 11/14 @ 6:30 PM

XI. REPORT FROM THE TOWN MANAGER

- Included in the packet on pg. 99
- Thank you to Misty Coolidge for allowing the Council Retreat at Coolidge Chapel
- Thank you to Kyle for production of the Annual Report with the updates I suggested including dates and staff photo's
- Holiday Closing – Christmas eve the town hall will be closing Friday

XII. COMMITTEE REPORTS

Councilor Meaney

- Blueberry Festival committee will not meet again until after the beginning of the year. Planning Board will do a walk about on the 7th of November 158 Shaker Road @ 3:30PM. Zoning Board meets 10/26. Finance Committee will be wrapping up the audit by November 7, the committee meets Nov. 3 @ 4PM.

Councilor Maguire

- Planning Board next meeting November 10. Talked about stipends for the Planning Board, their preference was the same, universal, keeping it consistent. The hybrid policy was discussed, they have a few small changes specific to the Planning Board.

Councilor Chappell:

- GPCOG retreat at Merrill Memorial Library in Yarmouth. Discussed 3 FY 23/24 priorities they have outlined and wanted feedback how to do outreach to communities. (1) Housing (2) How they can support municipalities in obtaining funding resources (3) How to better support municipalities with contacts at the State and Federal levels. Main takeaway, GPCOG needs to do a better job with the convening with the rural areas and metro areas.
- OAC – meeting 10/27, resiliency meeting 10/28. 207permaculture – approved as a service provider for the community resiliency partnership. Also engaged with the school to start a student leadership internship.

Councilor Curtis:

- CDBC – meeting tomorrow at 7PM. Discussing 2021 Comp Plan goals.
- Library Trustee meeting on the 10/25. Annual Elections for the board.

Chair Carder:

- Dry Mills School met; their focus is on tasks needing to be completed before the building is closed for the winter. Planned work session last week was cancelled, scheduled another session for 10/26. Next regular meeting is 11/21 @ 4PM
- Open Space met 10/5, welcomed new member to the team. Discussions included upcoming infrastructure projects and results of the Village Visioning session. Reviewed the status of the Libby Hill Trail agreement which led to planning discussion for an upcoming Landowners event which most likely will happen in January. Follow-up to the joint meeting with the Planning Board team discussed next steps in the areas of reviewing the Open Space Subdivision Ordinance and completing an analysis of the Town’s impact fees compared to surrounding communities. Next meeting 11/2 @ 4PM.
- Recreation meets 11/7 @ 6PM. Still looking for volunteers!

XIII.COUNCIL CORRESPONDENCE/ACTIVITIES

Councilor Meaney: Attended Alec Dodd reception 10/6, Candidates night on 10/11, do we have a warming center in town? The Public Library. At night? Extended weather events worked out for extended hours. There are programs available and people in need should reach out to local government and General Assistance in town.

Councilor Maguire: Doug Ritten, emailed regarding the Cannabis Policy review. Spoke with Julie Stevens on how to approach the council about Homestead Acres.

Councilor Chappell: no report

Councilor Curtis: no report

Chair Carder: Met with the outdoor coordinator from Fiddleheads to discuss Libby Hill Trails in reference to the agreement work underway. Received emails in support of a review/update to the Town’s Cannabis Ordinance from several residents, as mentioned by others. Received an inquiry from a property owner regarding discrepancies in their property file with the Town. I am working through Nate with staff to resolve the issue.

XIV.ADJOURNMENT

Motion to Adjourn at 9:47PM

RESULT:	PASSED [UNANIMOUS]
MOVER:	Martin Meaney
SECONDER:	Michael Curtis
AYES:	Sandra Carder, Krista Chappell, Michael Curtis, Dan Maguire, Martin Meaney

Respectfully Submitted,

Jennifer S. Doten, CCM, Town Clerk

TOWN GRAY
GRAY TOWN COUNCIL EXECUTIVE SESSION
MINUTES • NOVEMBER 1, 2022

**Gray Town
Council Executive
Session**

Town Council Chambers
24 Main Street, Gray, ME 04039
<https://us06web.zoom.us/j/89362393076>

5:30 PM

I. OPENING STATEMENT: This was conducted as a hybrid meeting - via *Zoom* and in-person.

II. ROLL CALL:

Attendee Name	Title	Status
Sandra Carder	Councilor - Chair	Present - Online
Michael Curtis	Councilor	Present In Person
Dan Maguire	Councilor	Present Online
Krista Chappell	Councilor Vice Chair	Present In Person
Martin Meaney	Councilor	Present In Person
Nate Rudy	Town Manager	Present In Person

EXECUTIVE SESSION

The Council will enter into Executive Session under MRS Title 1 Chapter 13 Section 405(6)(c) for use of property and acquisition of property and 405(6)(a) for personnel.

MOTION: *by Vice Chair Chappell, first by Councilor Meaney, seconded by Councilor Curtis, to Enter into Executive Session under MRS Title 1 Chapter 13 Section 405.6.(c) use of property and acquisition of property and 405.6.(a) for personnel.*

VOTED: *5-0 (Passed).*

Exited Executive Session at 06:32 PM - no action taken, direction given to staff.

Meeting continued as a Workshop and Adjourned at 7:16

Respectfully submitted,

Jennifer S. Doten, CCM, Town Clerk

TOWN GRAY
GRAY TOWN COUNCIL EXECUTIVE SESSION
MINUTES • NOVEMBER 16, 2022

**Gray Town
Council Executive
Session**

Town Council Chambers
24 Main Street, Gray, ME 04039
<https://us06web.zoom.us/j/87531214125>

5:50 PM

CALL TO ORDER

Roll Call

Attendee Name	Title	Status
Sandra Carder	Councilor - Chair	Present - Online
Michael Curtis	Councilor	Excused
Dan Maguire	Councilor	Present <input type="checkbox"/> Online
Krista Chappell	Councilor <input type="checkbox"/> Vice Chair	Present <input type="checkbox"/> In Person
Martin Meaney	Councilor	Present <input type="checkbox"/> In Person

EXECUTIVE SESSION

The Gray Town Council will enter Executive Session under MRS Title 1 Chapter 13 Section 405 (6)(a) for personnel matters.

RESULT:	PASSED [UNANIMOUS]
MOVER:	Martin Meaney
SECONDER:	Krista Chappell
AYES:	Sandra Carder, Krista Chappell, Dan Maguire, Martin Meaney

Council exited Executive Session at 8:35PM having provided instructions to staff.

Motion to adjourn by Councilor Meaney, seconded by Councilor Maguire, voted 4-0 affirmatively

Respectfully submitted,

Jennifer S. Doten, CCM, Town Clerk

TOWN GRAY
GRAY TOWN COUNCIL
MINUTES • NOVEMBER 15, 2022

Council Regular
Meeting



7:00 PM

I. OPENING STATEMENT

This meeting will be held in person and online with the link provided in the agenda header. For the Public Hearings, residents can click in to participate or call in using the number provided during the Public Hearings as detailed in the agenda.

II. ROLL CALL

Attendee Name	Title	Status
Martin Meaney	Council Member	Present
Michael Curtis	Council Member	Excused
Krista Chappell	Vice Chair	Present
Dan Maguire	Council Member	Present
Sandra Carder	Chair	Present

III. PLEDGE OF ALLEGIANCE TO THE FLAG

IV. MINUTES FROM PREVIOUS MEETINGS

IV.1 and 2 To table review of both Executive Session and Town Council Meeting minutes of October 18, 2022.

Council meeting minutes were not available due to time constraints with the Clerk's administration of the Town election on November 8.

RESULT:	PASSED [UNANIMOUS]
MOVER:	Martin Meaney
SECONDER:	Krista Chappell
AYES:	Sandra Carder, Krista Chappell, Dan Maguire, Martin Meaney

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

There were no public comments.

VI. ADJUSTMENTS TO THE AGENDA

There were no adjustments to the agenda requested.

VII. PRESENTATION(S)

VII.1 Town Valuation Update - Lauren Asselin

Town Assessor Lauren Asselin discussed how increases in real estate values over the past two years have affected municipal valuations in Gray. She referenced a memo previously provided to the Town Council that requested the Town issue a request for proposals for a revaluation to address these unprecedented increases. Since that original memo was sent, she met with the Town Planning staff who have proposed town-wide rezoning as part of implementing the 2020 Comprehensive Plan. Due to the affect that this rezoning will have on assessed values, the Assessor now suggests that the revaluation be coordinated with the rezoning project. She also recommends that the Town Council plan a future workshop to review the effect that this project will have on assessed values and discuss what the rezoning process entails. The Town Assessor and Town Planning Department will provide the Town Council with details on the value adjustment and rezoning processes as they unfold.

The Town Council gave guidance that the Town Assessor should work on a FY24 tax commitment using a certified ratio of 95% (a comparison of sales prices to assessed values). The Assessor stated that this is reasonable considering the real estate market and will give the market time to stabilize. She stated that by itself, a decrease in the certified ratio will not cause an increase in taxes. The Town Assessor informed the Town Council that although the number of sales has seen a decline, at this time market prices are still holding. The Town Council will review this again in January and requests that adjustment information be provided no later than May of 2023 to help with FY24 budgeting.

Council noted that revaluations tend to change the mil rate and on average do not result in major changes to assessed taxes.

VIII. PUBLIC HEARING(S)

VIII.1 To hold a Public Hearing to consider and act upon a Second Reading - To Review and Approve the Combination of Town Ordinance Chapter 298 "Vehicle Weight Restrictions on Posted Town Ways" with Town Ordinance Chapter 501 "Vehicular Use Ordinance," with proposed changes to the weight restrictions and the addition of restrictions for Shaker Road, between Main Street and the north end of Maine Wildlife Parkway.

Be it Ordained, the Gray Town Council approves the combination of two ordinances (Chapters 501 and 298) into a single ordinance Chapter 501, "Vehicular Use and Weight Restriction Ordinance," with proposed changes to the weight restrictions and the addition of restrictions for Shaker Road, between Main Street and the north end of Maine Wildlife Parkway.

A public hearing was opened at 7:29 PM. There was no public comment. The public hearing was closed at 7:29 PM.

Council discussed the proposed ordinance revision and amended language to move Marie Street restrictions to Section 501.11, for clarity.

RESULT:	PASSED, AS AMENDED [UNANIMOUS]
MOVER:	Krista Chappell
SECONDER:	Martin Meaney
AYES:	Sandra Carder, Krista Chappell, Dan Maguire, Martin Meaney

VIII.2 To hold a Public Hearing to consider proposed Zoning Ordinance (Chapter 402) amendments with regards to Self-Storage Facilities and schedule a second Public Hearing.

Ordered, the Gray Town Council tables the Public Hearing to consider proposed Zoning Ordinance (Chapter 402) amendments with regards to Self-Storage Facilities.

RESULT:	PASSED [UNANIMOUS]
MOVER:	Martin Meaney
SECONDER:	Dan Maguire
AYES:	Sandra Carder, Krista Chappell, Dan Maguire, Martin Meaney

IX. ACTION ITEMS

IX.1 To Review and Approve an Extension of the Moratorium on Self-Storage Facilities originally enacted on February 15, 2022, with a retroactive effective date of January 5, 2022 and an expiration date of July 4, 2022, and extended on May 17, 2022 with an expiration date of December 31, 2022.

Ordered, the Gray Town Council approves a 180-day extension of the moratorium on self-storage developments to June 30, 2023, with the acknowledgement that reasonable progress is being made toward addressing ordinance updates.

RESULT:	PASSED
MOVER:	Martin Meaney
SECONDER:	Dan Maguire
AYES:	Sandra Carder, Krista Chappell, Dan Maguire, Martin Meaney

IX.1 To Review and Approve a Request for Winter Maintenance for Boulder Drive in the Gemstone Estates Subdivision.

Ordered, the Gray Town Council accepts the easement for winter maintenance on Boulder Drive in the Gemstone Estates subdivision as submitted by Mr. Neil Maietta, and approves addition of the road to the winter maintenance contract of MB Contracting at a rate of \$4,881 per centerline mile for the winter of FY23.

Council reviewed whether the ordinance requirements for accepting the easement are met, and after discussion determined that they are. Planning Director Doug Webster noted that this is the last subdivision in Gray to be reviewed under the older ordinance standards, and the new standards anticipated some of the questions raised during Council deliberation about the proposed winter maintenance addition. The cost of the proposed additional winter maintenance contract was included in the FY23 budget.

RESULT:	PASSED
MOVER:	Dan Maguire
SECONDER:	Martin Meaney
AYES:	Sandra Carder, Krista Chappell, Dan Maguire, Martin Meaney

X. REPORT FROM THE COUNCIL CHAIR

- Volunteer Leadership Training was held on October 20, with good attendance and positive feedback. Suggestions include moving it to Saturday and leaving more time for networking as part of the program. Anthony Dahms led an appreciated exercise on communications.
- Attended Coffee with COG (GPCOG) meeting on October 25 via Zoom, as part of the GPCOG PACTS forum on revitalizing commercial zones by adding housing, held in Freeport, featuring the Principle Group.
- Town Staff held a well-attended forum on Yarmouth Road construction on November 14. Council Chair addended Oct 27 forum planning meeting with Town Manager and Planning Director. Forum was recorded, Zoom access was curtailed by a town-wide Internet outage. Materials are available at Town Hall for anyone interested. Residents are invited to meet 1:1 with Town staff, and the Town has distributed a survey to residents about their awareness of the road construction project goals and timeline.
- Libby Hill maintenance agreement planning budget meeting held Nov 10. B&G Director Mo Russo will prepare necessary documents for the FY24 budget proceedings. Gray Community Endowment feedback has been incorporated, and this will go to a MSAD-15 meeting in January, with review from the school district attorney. The agreement will come back to Council in 2023.
- Joint Leaders Meeting December 15, the new legislative team will be invited to discuss the Joint Leaders’ legislative priorities.
- Council Chair would like Council to schedule a stand-alone workshop meeting the week of December 12. Council agreed to Wednesday December 14 at 5:30 PM. Council Chair will also want to schedule two workshops in January 2023.

XI. REPORT FROM THE TOWN MANAGER

- Questions about written report from Council:

SC: Can PW give an update on paving? NR: there will be no more road paving until the spring.

- KC: proposal for new hours on Thursday mornings, what is foot traffic / resident inquiry that time of day? NR: the issue is that traffic is non-stop and staff needs time to work on projects. This is consistent with what other Towns do and this will help us do a better job with customer service when we are open, and also complete projects and administrative work, and provide an opportunity for staff skills, communication, and project management training. Thursday hours go late until 6:30 PM.
- TM thanks Lauren Asselin for running another successful Election Day food drive.
- Gray Annual Report is ready, with thanks to Kyle Hadyniak for reformatting.
- Thank you to the Town Clerk's office for a well run election.
- Thursday Town Hall public hours will start at 11 AM, as part of a larger initiative to improve customer service and provide staff time for projects and reporting.
- Thank you to Mo Russo and B&G staff for redesigning the Development Office to improve workflow and help customers find their way to the correct administrative assistant for Assessing, Code Enforcement, and Planning business.
- Development Office will be offering pre-construction and pre-development appointments to developers who want to get their code, license, and permit questions answered in one visit.

XII. COMMITTEE REPORTS

Councilor Meaney

- Wild Blueberry Festival committee will not meet again until after the beginning of the year.
- Zoning Board did not meet in November.
- Finance Committee meeting is postponed until further notice.
- Planning Board met on November 10 to discuss Gracewood development, self-storage. Caswell application has been tabled and Planning Board will have an emergency meeting in December.

Councilor Maguire

- Caswell application has been tabled and Planning Board will have an emergency meeting in December.
- Gracewood turned into a subdivision of duplexes. Planning Board chair encouraged abutters to meet and work out differences with developer.
- Fox property on Rt. 26 is an example of Town ordinances not taking all variables into account. Was pitched as major subdivision because a road was involved, but is currently only two houses, so the impact on the land is different than expected. Some issues around differences between Town ordinances and national standards for fire safety.

- Conversation about self-storage, more energy and ideas from members of the public in the room. Discussed the comprehensive plan and zoning to produce a variety of land uses.
- Town Council and Planning Board readings and public hearings schedule does not flow well. Council gets feedback from different audience half-way through the process that often forces Council to revise and restart from first reading. Planning Board is resistant to the suggestion from Council that they have a workshop in December since they have no business.

Councilor Chappell:

- OAC – has not met as Planning Director was focused on Yarmouth Road meeting.
- Resiliency Committee met October 28, discussed the Volunteer Leadership Academy and opportunities and content to collaborate on with the Gray Public Library. Also discussed next steps and timeline for resiliency partnership with 207Permaculture. Kickoff meeting expected in January. Comprehensive Plan Coordinators attended, discussed Comp Plan goals, committee will discuss where their goals align.
- GPCOG Executive Committee met Nov 15, presentation on member services included expanded planning services and staff, including data analysts. One example was that they can provide ordinance updates for specific sections. Currently pursuing more permanent transitional housing facility partnerships with established community support organizations in the metro region. Will probably ask member communities to support this financially. Voted on advocacy priorities for the next fiscal year: regional implementation partnership (like Gray Village planning), fair share of state and federal resources for all member municipalities, advocacy for new housing initiatives, advocacy for a state resettlement agency and general assistance reform. Burden is currently falling on municipalities, especially South Portland.

Councilor Curtis:

- Excused.

Chair Carder:

- Open Space met 11/2, planning for January landowner meeting. Discussed new items to review, including open space subdivision review, and impact fees compared to other communities. Will meet with Comprehensive Plan Coordinators at next meeting on 12/7.
- Recreation met 11/7, with Comprehensive Plan Coordinators present, discussed Comp Plan goals and will review goals at 12/5 meeting. Tree lighting set for 11/27, will include a visit from Santa. Reviewed Council goal tracking workbook and committee identified items on budget and future tabs where the committee may have input.
- Dry Mills School meets 11/21; Councilor Carder and Committee Chair met at building on 11/10 to work on tasks needing to be completed before the building is closed for the winter. Working with B&G to make sure building is ready to open in May.

XIII.COUNCIL CORRESPONDENCE/ACTIVITIES

Councilor Meaney: Witnessed two close calls at Gray Village intersections this month.

Councilor Maguire: Heard from more people than usual. Jason Birmingham interested in marijuana ordinances, had planned to expand business in Gray, but changed his mind due to state rule changes that are unfavorable to his proposed business model. Attended MMA webinar on ABCs of Assessing, helped him understand the mechanics and that the state writes the rules, no home rule authority on assessing. Heard from Scott Liberty about the self-storage ordinance. Heard from Tom Skrivan regarding future plans for Center Road and possible connection to Turnpike Acres. Heard from Cathy Taylor who feels there is a lot of heavy truck traffic on short Mayall. Suggested that residents call the County Sheriff, help if they can identify name of trucking firm and times of day when it occurs. Conversations with Comp Plan Coordinators and Councilor Chappell.

Councilor Chappell: Attended Volunteer Leadership Academy on 10/20 and Yarmouth Road forum on 11/14. Email from news reporter. Email from Civic Pulse inquiring about her completing a survey for municipal leaders. She looked into it, plans to take survey, interesting organization she did not know about before this contact.

Councilor Curtis: Excused.

Chair Carder: Received email from a resident asking that Council speak louder into microphones in broadcast meetings. Received letter from Maine Town City County Managers' Association noting that Town Manager Nate Rudy is one of select few recertified municipal managers in Maine, kudos for his work. Received email from resident concerned about bittersweet growing on VALT / Pennell walking trail. Also knotweed invasive species at Libby Hill trail parking lot. Also came up at Yarmouth Road forum. B&G will review Pennell and Libby Hill invasive species. Council and Town will need to form a plan for responding to invasive species. Homestead Acres residents are reportedly accosting Town staff and volunteers on the Libby Hill trail, regarding their request for the Town to provide winter maintenance for the road. This is not appropriate behavior, individuals being approached are not involved in the winter maintenance conversation, the Town and Gray Community Endowment have rights to access the property over this road. Council Chair or Town Manager will contact resident who submitted letter for recent Council public comment period. Participated in Zoom call with staff regarding an issue involving Code Enforcement. Was interviewed by a reporter from Portland Press Herald on a story about Gray.

XIV.ADJOURNMENT

Motion to Adjourn at 9:03 PM

RESULT:

PASSED [UNANIMOUS]

MOVER:

Krista Chappell

SECONDER:

Martin Meaney

AYES:

Sandra Carder, Krista Chappell, Dan Maguire, Martin Meaney

nrr

Janet T. Mills
Governor



Maine Department of Health and Human Services
Office for Family Independence
109 Capitol St.
11 State House Station
Augusta, Maine 04333-0011
Tel.: (207) 624-4168; Toll-Free: (800) 442-6003
TTY: Dial 711 (Maine Relay); Fax: (207) 287-3455

Jeanne M. Lambrew, Ph.D.
Commissioner

To: Welfare Officials and Contracted Agents
From: Sara Denson, Program Manager, General Assistance
Date: September 7, 2022
Subject: New GA Maximums for October 1, 2022

Enclosed please find the following items:

- MMA's new (October 1, 2022–September 30, 2023) “**General Assistance Ordinance Appendices**” (A – G).
- Recovery Residence Housing Maximums (October 1, 2022-September 30, 2023)
- “**GA Ordinance Adoption Form**” which was developed so that municipalities may easily send DHHS proof of the adoption of any updated or changed GA Ordinance. Once the selectpersons or council adopts the new ordinance, the enclosed form should be signed and submitted to DHHS. (*see “Filing of GA Ordinance and/or Appendices” below for further information*).
- “**GA Maximums Adoption Form**” which was developed so that municipalities may easily send DHHS proof of GA maximums adoption. Once the selectpersons or council adopts the new maximums, the enclosed form should be signed and submitted to DHHS. (*see “Filing of GA Ordinance and/or Appendices” below for further information*).

Updates

Please note that updates have been made to the General Assistance Ordinance, Appendix A (overall maximums), Appendix B (food maximums), Appendix C (housing maximums), Appendix D (electricity maximums) and Appendix G (mileage rate). There is also a new Recovery Residence Housing Maximums guide. We anticipate an updated the Maine Municipal Association (MMA) GA Ordinance will be released soon. You can find information about the MMA Model Ordinance on the Maine Welfare Director’s Association (MWDA) website at www.mainewelfaredirectors.org.

Appendix A – G

The enclosed Appendices A – G have been revised for your municipality’s General Assistance Ordinance. These new Appendices, **once adopted**, should replace the existing Appendices A – G. Even if you are not updating your GA Ordinance, **the municipal officers must approve/adopt the new Appendices yearly.**

The Adoption Process

The **municipal officers (i.e., selectpersons/council)** adopt the local **General Assistance Ordinance and yearly Appendices**, even in town meeting communities. The law requires that the municipal officers conduct a **notice and hearing** prior to the adoption of the Ordinance and/or Appendices. Seven days posted notice is recommended, unless local law (or practice) provides otherwise.

At the hearing, the municipal officers should:

- 1) Allow all interested members of the public an opportunity to comment on the proposed ordinance;
- 2) End public discussion, close the hearing; and
- 3) Move and vote to adopt the ordinance and/or appendices either in its posted form or as amended in light of public discussion.

Municipalities May Establish Their Own Maximums

Municipalities may establish their own maximum levels of assistance provided that the proposed levels of assistance are reasonable and meet adequate standards sufficient to maintain the health and safety of applicants in the municipality. The municipality must submit to the Department documentation to justify these levels of assistance and verify that the figures developed are appropriate to maintain health and decency.

A municipality's maximum assistance level for Food may not be below the Department provided figures which are issued by the USDA and published annually following a study of cost of food for various family sizes. A market basket survey may be used to establish food maximums if the maximums provided by the USDA are insufficient to maintain health in the municipality. (C.M.R. 10-144, Chapter 323, Section V).

Filing of GA Ordinance and/or Appendices

Please remember that General Assistance law requires each municipality to send DHHS a copy of its ordinance once adopted, should that ordinance differ from the MMA Model. Any changes or amendments, such as new Appendices, must also be submitted to DHHS. DHHS will accept the enclosed "adoption sheet" as proof that your Municipal Officers have adopted the current MMA Model GA maximums and/or ordinance.

[For use when adopting a **new version of the GA ordinance or amending the body of the ordinance** – not solely adoption of updated appendices]

MUNICIPALITY OF _____
GENERAL ASSISTANCE ORDINANCE

Pursuant to 22 M.R.S. § 4305(1), the municipal officers of the Municipality of _____, after notice and hearing, hereby enact the attached General Assistance Ordinance with appendices in its entirety. This Ordinance shall supercede and replace all previous Ordinance versions. A copy of this Ordinance will be filed with the Maine Department of Health & Human Services (DHHS) pursuant to 22 M.R.S. § 4305(4), and shall be available for public inspection at the municipal office along with a copy of 22 M.R.S. chapter 1161.

Signed this _____ day of _____, 20____, by the municipal officers:

_____	_____
(Print Name)	(Signature)
_____	_____
(Print Name)	(Signature)
_____	_____
(Print Name)	(Signature)
_____	_____
(Print Name)	(Signature)
_____	_____
(Print Name)	(Signature)

[Send a copy of the enactment page and ordinance to DHHS, 109 Capitol Street, SHS 11, Augusta, ME 04330-0011]

GENERAL ASSISTANCE ORDINANCE



Prepared by Maine Municipal Association
September 2022

Table of Contents

ARTICLE I – Statement of Policy.....	1
ARTICLE II – Definitions	3
Section 2.1—Common Meaning of Words.....	3
Section 2.2—Special Definitions.....	3
Administrator.....	3
Applicant.....	3
Application Form.....	3
Basic Necessities.....	3
Case Record.....	4
Categorical Assistance.....	4
Claimant.....	4
Deficit.....	4
Disabled Person.....	4
Dwelling Unit.....	4
Earned Income.....	5
Eligible Person.....	5
Emergency.....	5
General Assistance (“GA”) Program.....	5
General Assistance (“GA”) Benefits.....	5
General Assistance (“GA”) Administrator.....	5
Homelessness.....	6
Household.....	6
Income.....	6
Initial Applicant.....	8
Just Cause.....	8
Lump Sum Payment.....	8
Material Fact.....	8
Maximum Levels of Assistance.....	9
Misconduct.....	9
Misspent Income.....	9
Municipality.....	9

Municipality of Responsibility.....	9
Need.....	9
Net General Assistance Costs.....	9
Period of Eligibility.....	9
Pooling of Income.....	10
Potential Resources.....	10
Pursuing a Lawful Process to Apply for Immigration Relief.....	10
Real Estate.....	10
Recipient.....	10
Recovery Residence.....	10
Registered Domestic Partner.....	10
Rehabilitation Facility.....	11
Repeat Applicants.....	11
Resident.....	11
Resources.....	11
30-Day Need.....	12
Unearned Income.....	12
Unforeseen Repeat Applicants.....	12
Unmet Need.....	12
Work Requirements.....	13
ARTICLE III – Administrative Rules and Regulations	15
Section 3.1—Confidentiality of Information	15
Release of Information.....	15
Information from Other Sources; Penalty.....	15
Misuse of Information.....	16
Section 3.2—Maintenance of Records.....	16
Case Records.....	16
Retention of Records.....	17
ARTICLE IV – Application Procedure	19
Section 4.1—Right to Apply.....	19
Who May Apply.....	19
Telephone Applications.....	19

Written Application Upon Each Request.	19
Applications Accepted; Posted Notice.	19
Section 4.2—Application Interview.....	20
Section 4.3—Contents of the Application	20
Section 4.4— GA Administrator’s Responsibilities at the Time of Application.....	21
Application Requirements.....	21
Eligibility Requirements.	21
Applicant Rights.	21
Reimbursement/Recovery.	22
Section 4.5—Responsibilities of the Applicant at Time of Application	22
Section 4.6—Action on Applications	23
Written Decision.	23
Content of Decision.....	23
Section 4.7—Withdrawal of an Application	24
Section 4.8—Temporary Refusal to Accept Application	24
Section 4.9—Emergencies.....	24
Disqualification for Emergency Assistance.	25
Assistance Prior to Verification.....	25
Telephone Applications.....	25
Limitation on Emergency Assistance.	26
Section 4.10—Residence	27
Moving/Relocating.....	27
Institutions.	28
Temporary Housing.....	28
Disputes.	28
ARTICLE V – Eligibility Factors.....	29
Section 5.1—Initial Application	29
Initial Application.	29
Repeat Applicants.	29
Section 5.1A – Presumptive Eligibility	29

Section 5.1B – Recovery Residences	30
Section 5.2—Eligibility for Categorical Assistance	30
Section 5.3—Personal Property	31
a) Liquid Assets.....	31
b) Tangible Assets.....	31
c) Automobile Ownership.....	31
d) Insurance.....	32
e) Transfer of Property.....	32
Section 5.4—Ownership of Real Estate.....	33
a) Principal Residence.....	33
b) Other Property.....	34
Section 5.5—Work Requirement	34
Employment; Rehabilitation.....	34
Verification.....	34
Ineligibility.....	35
Ineligibility Due to Job Quit or Discharge for Misconduct.....	36
Just Cause.....	36
Applicant’s Burden of Establishing Just Cause.....	36
Eligibility Regained.....	36
Dependents.....	37
Exemptions.....	37
Section 5.6—Municipal Work Program.....	38
Consent.....	38
Subtracting Value of Workfare Performed from Client’s GA Debt.....	38
Limitations.....	38
“Workfare First” Policy.....	40
Work-Related Expenses.....	42
Disqualification.....	42
Eligibility Regained.....	42
Reports.....	43
Section 5.7—Use of Resources.....	43

Minors.....	43
Mental or Physical Disability.....	44
Written Notice; Disqualification.....	45
Forfeiture of Benefits.....	45
Section 5.8—Period of Ineligibility	45
Work Requirement.....	45
Fraud.....	46
Section 5.9 – Unemployment Fraud.....	46
ARTICLE VI – Determination of Eligibility	47
Section 6.1—Recognition of Dignity and Rights.....	47
Section 6.2—Determination; Redetermination	47
Section 6.3—Verification.....	47
Eligibility of Applicant; Duration of Eligibility.....	47
Applicant's Responsibilities.....	47
Initial Applicants.....	48
Repeat Applicants.....	48
Unforeseen Repeat Applicants.....	49
Administrator's Responsibilities.....	49
Redetermination of Eligibility.....	50
Penalty for Refusing to Release Information.....	50
Section 6.4—Fraud	50
Period of Ineligibility.....	51
Right to a Fair Hearing.....	51
Reimbursement.....	51
Dependents.....	52
Section 6.5—Period of Eligibility	52
Section 6.6—Determination of Need	52
Income for Basic Necessities.....	53
Use-of-Income Requirements.....	53
Calculation of Income and Expenses.....	55
Consolidation of Deficit.....	55

Section 6.7—Income	56
Income Standards.	56
Calculation of Income.	56
Types of Income.	57
a) Earned Income.....	57
b) Income from Other Assistance or Social Services Programs.	57
c) Court-Ordered Support Payments.....	58
d) Income from Other Sources.	58
e) Earnings of a Son or Daughter.....	58
f) Income from Household Members.	59
g) The Pooling or Non-Pooling of Income.....	59
h) Lump Sum Income.	59
Section 6.8—Basic Necessities; Maximum Levels of Assistance	61
Overall Maximum Levels of Assistance.	61
Maximum Levels of Assistance for Specific Basic Necessities.....	61
(A) Food.....	62
(B) Housing.....	62
Rental Payments to Relatives.	63
Rental Payments to Non-Relatives.	63
Mortgage Payments.	64
Liens.....	65
Property Taxes.....	66
Housing Maximums.	66
(C) Utilities.....	67
Electricity Maximums for Households Without Electric Hot Water.	68
Electricity Maximums for Households that Use Electrically Heated Hot Water.....	68
Non-Electric Utilities.....	68
(D) Fuel.	68
(E) Personal Care and Household Supplies.	68
(F) Other Basic Necessities.....	68
1) Clothing.....	69
2) Medical.	69
3) Hospital Bills.	70
4) Dental.	71

5) Eye Care	71
6) Telephone Charge.....	71
7) Work-Related Expenses.....	71
8) Travel Expenses.....	71
9) Burials, Cremations.....	72
10) Capital Improvements.....	72
Section 6.9—Burials; Cremations.....	72
Funeral Director Must Give Timely Notice.....	72
Application for Assistance Shall be Calculated on Behalf of the Deceased.....	73
The Financial Responsibility of Certain Family Members.....	73
Consideration of the Financial Responsibility of Family Members.....	74
Proration of Familial Responsibility.....	74
Eight Days to Determine Eligibility.....	75
The Municipal Obligation to Pay When Legally Liable Relatives or Others Can Contribute.....	75
Burial Expenses.....	75
Cremation Expenses.....	75
Section 6.10—Notice of Decision.....	76
Written Decision.....	76
Contents of Decision.....	76
Disbursement of General Assistance.....	76
ARTICLE VII – The Fair Hearing.....	77
Section 7.1—Right to a Fair Hearing.....	77
Section 7.2—Method of Obtaining a Fair Hearing.....	77
Written Request.....	77
Scheduling the Fair Hearing.....	77
Section 7.3—The Fair Hearing Authority.....	78
Section 7.4—Fair Hearing Procedure.....	79
Claimant’s Failure to Appear.....	80
Section 7.5—The Fair Hearing Decision.....	80
ARTICLE VIII – Recovery of Expenses.....	83
Recipients.....	83
Recipients Anticipating Workers’ Compensation Benefits.....	83

Recipients of SSI.....	83
Relatives.....	84
ARTICLE IX – Severability.....	84
APPENDICES	85
APPENDIX A – 2022-2023 GA Overall Maximums.....	87
APPENDIX B – 2022-2023 Food Maximums	90
APPENDIX C – 2022-2023 GA Housing Maximums.....	91
APPENDIX D – 2022-2023 Electric Utility Maximums.....	97
APPENDIX E – 2022-2023 Heating Fuel Maximums	98
APPENDIX F – 2022-2023 Personal Care & Household Supplies Maximums	99
APPENDIX G – Mileage Rate	100
APPENDIX H – Funeral Maximums / Burial Maximums and Cremation Maximums.....	101
APPENDIX I – Definition of Misconduct (26 M.R.S. § 1043 (23)).....	103

ARTICLE I – Statement of Policy

The Municipality of _____ administers a general assistance (“GA”) program available to all persons who are eligible pursuant to the standards provided in this ordinance, state law (22 M.R.S. §§ 4301-4326), and Department of Health and Human Services (DHHS) regulations.

The program will make every effort to recognize the dignity of applicants while helping eligible persons achieve self-maintenance by promoting the work incentive. When possible, the program will connect recipients with rehabilitative, preventive, and protective services to alleviate non-financial needs. The GA program will not place unreasonable restrictions on the personal rights of applicants or recipients, nor will it discriminate based on sex, age, race, nationality, religion, sexual orientation, or disability. The municipality is committed to including qualified individuals with disabilities in municipal services, programs, and activities. As a result, the municipality will promote a GA program that when viewed in its entirety is readily accessible to and usable by individuals with disabilities. GA applicants with physical or mental disabilities that require a reasonable accommodation in order to access and/or utilize the GA program are encouraged to contact the municipality to make an accommodation request.

The Administrator will act promptly on all applications for assistance and requests for fair hearings and will provide GA applicants with information regarding their rights and responsibilities under the program. Within 24 hours after receipt of an application, the Administrator will provide the applicant a written decision, whether or not assistance is granted, that will state the specific reasons for the decision. The Administrator will also provide the applicant written notice that the applicant may appeal to the municipal fair hearing authority if dissatisfied with the decision. When an applicant is determined to be eligible, assistance appropriate to the need will be furnished within 24 hours after the completed application is submitted except when the Administrator issues non-emergency assistance conditionally on the successful completion of a workfare assignment (*see Ordinance § 5.6*).

The Administrator will maintain complete and accurate records pertaining to each applicant and recipient. These records are confidential as a matter of law. 22 M.R.S. § 4306.

The Administrator will post notice stating the day(s) and hours the Administrator will be available. The Administrator, or other designated person/entity, will be available to take applications in the event of an emergency at all other times. A copy of this ordinance and Maine General Assistance law will be available to any member of the public upon request. Notice to this effect will be posted.

ARTICLE II – Definitions

Section 2.1—Common Meaning of Words

Unless otherwise apparent or defined, all words in this ordinance will have their common meaning.

Section 2.2—Special Definitions

Administrator. See “General Assistance Administrator,” below.

Applicant. A person who has submitted an application for GA directly or through an authorized representative, or who has, in an emergency, requested assistance without first completing an application. All persons on whose behalf an authorized application has been submitted or on whose behalf benefits have been granted shall be considered applicants.

Application Form. A standardized form used by the Administrator to allow a person to apply for GA benefits. The application form also confirms that a person has made an application. The application form is not complete unless signed by the applicant.

Basic Necessities. Food, clothing, shelter, fuel, electricity, potable water, non-elective essential medical services as prescribed by a physician, nonprescription drugs, basic telephone service where it is necessary for medical or work-related reasons, property taxes when a tax lien placed on the property threatens the loss of the applicant’s place of residence, and any other commodity or service determined essential by the municipality.

“Basic necessities” do not include:

- Phone bills
- Cable or satellite dish television
- Mail orders
- Vehicle payments
- Credit card debt**
- Furniture
- Loan re-payments**
- Cigarettes
- Alcohol
- Pet care costs

- Vacation costs
- Legal fees
- Late fees
- Key deposits
- Security deposits for rental property (except when no other permanent lodging is available unless a security deposit is paid, and a waiver, deferral or installment arrangement cannot be made between landlord and tenant to avoid need for immediate payment of the security deposit in full). (22 M.R.S. § 4301(1)).

** Repayments of loans or credit will be treated as having been spent on basic necessities when the applicant can provide verification of this fact.

Case Record. An official file containing application forms; correspondence; narrative records and all other communications pertaining to an applicant or recipient; written decisions regarding eligibility including reasons for those decisions and types and amounts of assistance provided; records concerning an applicant’s request for fair hearing; and fair hearing decisions.

Categorical Assistance. All state and federal income maintenance programs.

Claimant. A person who has requested a fair hearing.

Deficit. An applicant’s deficit is the appropriate overall maximum level of assistance for the household (see Ordinance § 6.8) less the household income (calculated pursuant to Ordinance § 6.7), provided that this calculation yields a positive number. If the household income is greater than the appropriate overall maximum level of assistance, the household has no deficit.

Disabled Person. A person who is presently unable to work or maintain a home due to a physical or mental disability that is verified by a physician or qualified mental health provider.

Dwelling Unit. A building or part thereof used for separate living quarters for one or more persons living as a single housekeeping unit. (22 M.R.S. § 4301(2)).

Earned Income. Wages or Income-in-kind derived by providing goods or services to an individual, company, organization, or other entity.

Eligible Person. A person who is qualified to receive GA benefits from the municipality according to the eligibility standards in this Ordinance, Maine law (22 M.R.S. ch. 1161), and DHHS regulations (10-144 C.M.R. ch. 323). If otherwise qualified, “Eligible Person” includes U.S. citizens; non-U.S. citizens who are lawfully present in the United States as described in 8 U.S.C. § 1621(a)(1)-(3); and non-U.S. citizens who are pursuing a lawful process to apply for immigration relief. Assistance for non-citizens pursuing a lawful process for immigration relief shall not exceed 24 months beginning with assistance provided after July 1, 2015. “Eligible Person” does not include a fugitive from justice as defined in 15 M.R.S. § 201(4). (See “Pursuing a Lawful Process,” below)

Emergency. Any life-threatening situation, or a situation beyond the control of the individual which, if not alleviated immediately, could reasonably be expected to pose a threat to the health or safety of a person. At the municipality’s option, it includes a situation which is imminent and which may result in undue hardship or unnecessary cost to the individual or municipality if not resolved immediately. (22 M.R.S. §§ 4301(4), 4308(2), 4310).

General Assistance (“GA”) Program. A service administered by a municipality for the immediate aid of persons who are unable to provide the basic necessities essential to maintain themselves or their families. A GA program provides a specific amount and type of aid for defined needs during a limited period of time and is not intended to be a continuing “grant-in-aid” or “categorical” welfare program. This definition shall not lessen the municipality’s responsibility to provide GA benefits to a person each time that the person is in need and is found to be eligible to receive GA. (22 M.R.S. § 4301(5)).

General Assistance (“GA”) Benefits. Benefits provided to a person through the GA program.

General Assistance (“GA”) Administrator. A municipal official designated to receive applications, make decisions concerning an applicant’s right to receive assistance, and

prepare records and communications concerning assistance. He or she may be an elected overseer or an authorized agent such as a town manager, welfare director, or caseworker. (22 M.R.S. § 4301(12)).

Homelessness. “Homelessness” means a situation in which a person or household is: (a) living in a place that is not fit for human habitation; (b) living in an emergency shelter; (c) living in temporary housing, including but not limited to a hotel, motel, campground, unlicensed campsite or rehabilitation facility; (d) exiting a hospital or institution licensed under 22 M.R.S. ch. 405 or a correctional facility where the person or household resided for up to 90 days if the person or household was in an emergency shelter or a place not fit for human habitation before entering the hospital, institution or correctional facility; (e) losing the person’s or household’s primary nighttime residence and lacking the resources or support networks to remain in that residence; or (f) fleeing or attempting to flee violence and has no other residence.

Household. “Household” means an individual or a group of individuals who share a dwelling unit. When an applicant shares a dwelling unit with one or more individuals, even when a landlord-tenant relationship may exist between individuals residing in the dwelling unit, eligible applicants may receive assistance for no more than their pro rata share of the actual costs of the shared basic needs of that household according to the maximum levels of assistance established in the municipal ordinance. The pro rata share is calculated by dividing the maximum level of assistance available to the entire household by the total number of household members. The income of household members not legally liable shall be considered as available to the applicant only when there is a pooling of income. (22 M.R.S. § 4301(6)). Residents of a Recovery Residence are not considered a shared household.

Income. “Income” means any form of earned or unearned income in cash or in kind received by the household including:

- Net remuneration for services performed;
- Cash received on either secured or unsecured credit;

- Payments received as an annuity, retirement or disability benefits;
 - Veterans' pensions and/or benefits;
 - Retirement accounts or benefits;
 - Workers' compensation payments;
 - Unemployment benefits;
 - Federal and/or state tax returns;
 - Income from pension or trust funds;
 - Student loans;
 - Benefits under any state or federal categorical assistance program such
- as TANF, Supplemental Security Income, Social Security and any other payments from governmental sources (unless specifically prohibited by any law or regulation);
 - Court ordered support payments (e.g., child support);
 - Household income from any other source, including relatives or unrelated household members; and
 - Rental income.

The following items will not be considered as income or assets that must be liquidated for the purposes of deriving income:

- Real or personal income-producing property, tools of trade, governmental entitlement specifically treated as exempt assets by state or federal law;
- Actual work-related expenses, whether itemized or by standard deduction, such as taxes, retirement fund contributions, union dues, transportation costs to and from work, special equipment costs and childcare expenses; or
- Earned income of children below the age of 18 years who are full-time students and who are not working full-time.

In determining need, the period of time used as a basis for the calculation shall be a 30-day period commencing on the date of the application. This prospective calculation shall not disqualify an applicant who has exhausted income to purchase basic necessities, provided that the income does not exceed the income standards established by the municipality. (22 M.R.S. § 4301(7)).

- Benefits received pursuant to public benefit programs that are specifically exempt from being counted as income for purposes of GA. These programs include:

- Supplemental Nutrition Assistance Program (SNAP) (7 U.S.C. § 2017(b))
- Li-Heap (42 U.S.C. § 8624)
- Family Development Accounts (22 M.R.S. § 3762)
- AmeriCorp VISTA program benefits (42 U.S.C. § 5044 (f))
- Property tax rebates issued under the Maine Property Tax Fairness Credit program, but only if the money is spent on basic necessities (22 M.R.S. § 4301(7))
- ASPIRE Support Service Payments (10-144 CMR Chapter 323)

Initial Applicant. A person who has not previously applied for GA assistance in this or any other municipality.

Just Cause. A valid, verifiable reason that hinders an individual from complying with one or more conditions of eligibility or from attending a scheduled fair hearing. (22 M.R.S. §§ 4301(8), 4316-A(5)).

Lump Sum Payment. A one-time or typically nonrecurring sum of money issued to an applicant or recipient. Lump sum payment includes, but is not limited to, retroactive or settlement portions of social security benefits, workers' compensation payments, unemployment benefits, disability income, veterans' benefits, severance pay benefits, or money received from inheritances, lottery winnings, personal injury awards, property damage claims or divorce settlements. A lump sum payment includes only the amount of money available to the applicant after required deductions have been taken from the gross lump sum payment. A lump sum payment does not include conversion of a non-liquid resource to a liquid resource if the liquid resource has been used or is intended to be used to replace the converted resource or for other necessary expenses. (22 M.R.S. § 4301 (8-A)).

Material Fact. A material fact is a fact that necessarily has some bearing on the determination of an applicant's GA eligibility, and which would, if disclosed to the Administrator, have some determinable effect on the calculation of eligibility or the issuance of a grant of assistance.

Maximum Levels of Assistance. The amount of financial assistance for a commodity or service as established in Ordinance § 6.8 or the actual cost of any such basic necessity, whichever is less.

Misconduct. For purposes of the GA work requirement (22 M.R.S. § 4316-A), misconduct shall have the same meaning as “misconduct” in 26 M.R.S. § 1043(23). (*See Ordinance Appendix I*). Generally, misconduct occurs when an employee violates his or her obligations to the employer. Employees who engage in a pattern of irresponsible behavior to the detriment of the employer’s interest may also be found guilty of misconduct.

Misspent Income. Misspent income includes income-in-kind received, or paid for, by a GA repeat applicant from sources, including friends or relatives, for the payment of bills that are considered unnecessary costs, such as cable bills, credit card debt, court fines and related court costs, payments to reimburse a municipality for false representation, tobacco and alcohol products, and similar items. Misspent income will be considered as available to the applicant when determining use of income for the previous 30-day period.

Municipality. Any city, town or plantation administering a GA program.

Municipality of Responsibility. The municipality which is financially liable for the support of an eligible person at the time of application. (22 M.R.S. §§ 4301(9), 4307).

Need. The condition whereby a person’s income, money, property, credit, assets, or other resources available to provide basic necessities for the individual and the individual’s family are less than the maximum levels of assistance. (22 M.R.S. §§ 4301(10), 4308).

Net General Assistance Costs. Those direct costs incurred by a municipality in providing assistance to eligible persons according to standards established by the municipal officers. These do not include the administrative expenses of the GA program. (22 M.R.S. §§ 4301(11), 4311).

Period of Eligibility. The time for which a person has been granted assistance. The period of eligibility may vary depending on the type of assistance provided; however, in no event shall this period extend beyond one month. (22 M.R.S. § 4309(1)).

Pooling of Income. “Pooling of income” means the financial relationship among household members who are not legally liable for mutual support in which there occurs any commingling of funds or sharing of income or expenses. This ordinance establishes a rebuttable presumption that persons sharing the same dwelling unit are pooling their income, except that applicants that who request assistance while residing in a Recovery Residence are not considered to be commingling funds. Applicants who request that the determination of eligibility be calculated as though one or more household members are not pooling their income have the burden of rebutting the presumed pooling of income.

Potential Resources. Sources of financial assistance, including programs, services, non-liquid assets or trusts which typically require people to apply in writing and/or wait a period of time before eligibility is determined or the potential income is released.

Pursuing a Lawful Process to Apply for Immigration Relief. Taking reasonable, good faith steps to apply for immigration relief within twelve months of arrival to the United States, with U.S. Citizenship and Immigration Services or before an immigration judge or federal court. (See DHHS regulation, 10-144 C.M.R. ch. 323, for additional guidance).

Real Estate. Any land, buildings, homes, mobile homes, and any other things affixed to the land. (22 M.R.S. § 4301(13)).

Recipient. A person who has applied for and is currently receiving GA.

Recovery Residence. “Recovery residence” means a shared living residence for persons recovering from substance use disorder that is focused on peer support, provides to its residents an environment free of alcohol and illegal drugs and assists its residents by connecting the residents to support services or resources in the community that are available to persons recovering from substance use disorder. 5 M.R.S. § 20003(19-D).

Registered Domestic Partner. An individual registered as the domestic partner of the applicant pursuant to 22 M.R.S. § 2710.

Rehabilitation Facility. An inpatient facility that is operated for the primary purpose of assisting in the rehabilitation of disabled persons through an integrated program of medical services and other services that are provided under competent professional supervision.

Repeat Applicants. All applicants for GA benefits that are not initial applicants are repeat applicants. For purposes of this ordinance “repeat” and “subsequent” shall have the same meaning.

Resident. A person who is physically present in a municipality with the intention of remaining in that municipality in order to maintain or establish a home, and who has no other residence. A person who applies for assistance in a municipality who is not a resident of that municipality, or any other municipality is the responsibility of the municipality where the person first applies. That municipality must take an application and grant assistance to the applicant if he/she is eligible, until he/she establishes a new residence in another municipality. (22 M.R.S. § 4307).

Resources. Resources include any program, service, or other sources of support which are an alternative to or supplement for GA. There are two kinds of resources: “available” and “potential”. Potential resources are programs, services, non-liquid assets, or trusts that typically require people to apply in writing and/or wait a period of time before eligibility is determined or the potential income is released.

Potential resources include, but are not limited to, state or federal assistance programs, employment benefits, governmental or private pension programs, available trust funds, support from legally liable relatives, child support payments, and jointly held resources where the applicant or recipient share may be available to the individual. (22 M.R.S. § 4317). Potential resources include the TANF (previously known as AFDC) program, Food Stamps, fuel assistance (HEAP), subsidized housing, and similar programs.

Available resources include resources which are immediately available to the applicant or which can be conveniently secured by the applicant without delay, such as cash on hand or in bank accounts, assets for which there is an immediate and available market,

or support from relatives which is being made available at the time of application and for which the applicant does not have to take any unreasonable steps to secure (e.g., relocation beyond the immediate region). At the discretion of the Administrator, a minimum balance required by a financial institution in order to obtain free checking or in order to maintain the account shall not be considered an available resource.

The Administrator reserves the right to inform GA clients of services, commodities or facilities made available by private organizations or charities; however, eligibility for GA benefits shall not be based or conditioned on the use of a private charitable resource(s).

30-Day Need. An applicant's 30-day need is the sum of the household's prospective 30-day costs, from the date of application, for the various basic necessities. For the purpose of this calculation, the 30-day cost for any basic need shall be the household's actual 30-day cost for the basic necessity or the maximum 30-day cost for the basic necessity as established by this ordinance, whichever is less.

Unearned Income. Unearned income is income acquired from investments and other sources unrelated to employment. Unearned income also includes unemployment compensation, taxable social security benefits, pensions, annuities, and distributions of unearned income from a trust or any other income not meeting the definition of earned income.

Unforeseen Repeat Applicants. A repeat applicant who has not applied for assistance within the last twelve months and who has been regularly employed or receiving support from a public benefit program or private source and who has unexpectedly become unemployed through no fault of their own or whose benefits (e.g., through an available resource) have ceased through no fault of their own.

Unmet Need. An applicant's unmet need is the household's 30-day need (established by Ordinance § 6.6) less the household income (calculated pursuant to Ordinance § 6.7), provided such a calculation yields a positive number. If the household income is greater than the household's 30-day need, the household does not have an unmet need.

Work Requirements. Work requirements are obligations the Administrator places on applicants as directed and/or authorized by 22 M.R.S. § 4316-A to the extent such obligations (1) ensure a continuing potential eligibility for GA when complied with, (2) result in ineligibility when violated, and (3) are not merely optional, discretionary, or advisory. Work requirements include registering for work, looking for work in good faith, accepting all suitable job offers, maintaining employment, performing workfare, and participating in training, educational, or rehabilitation programs that will assist the participant in securing employment.

ARTICLE III – Administrative Rules and Regulations

Section 3.1—Confidentiality of Information

Case records and all other information relating to a GA applicant or recipient are confidential and will not be disclosed to the general public. (22 M.R.S. § 4306).

Release of Information. Applicants, recipients, and their legal representatives have the right to review their case records. No record will be released to a third party unless the Administrator receives a signed consent form in which the applicant expressly authorizes the release of his or her records to the specified parties. Whenever the Administrator releases any information, he/she will make a notation in the applicant's file stating to whom the record was released and the date. The Administrator may charge a reasonable fee for reproduction of records.

Information from Other Sources; Penalty. Information concerning an applicant or recipient furnished to the municipality by DHHS or any other agency or institution pursuant to 22 M.R.S. § 4314, is confidential. The Administrator will also comply with laws requiring confidentiality of vital statistic records such as birth, marriage, and death records. (22 M.R.S. § 2706).

Any representative of a financial institution or any employer of a GA applicant who, upon receipt of a written release signed by the depositor/employee and a written request from the Administrator, refuses to provide necessary information to the Administrator in order to verify an applicant's eligibility must state in writing the reason for the refusal. National banks are also obligated to disclose deposit information to the Administrator upon receipt of a written request and release signed by the depositor. Additionally, when a municipality or its agents are acting in accordance with section 4313(2) to verify eligibility for funeral or cremation benefits, an officer of a financial institution must disclose the amount deposited upon receipt of a written request from the municipality or its agents and a notarized affidavit signed by the overseer of the municipality or its agents stating that the named depositor is deceased. Any such person who refuses to provide information, without just cause, may be subject to a civil penalty of not less than \$25 nor more than \$100. Any person, including the applicant, who knowingly and willfully makes a false

representation of a material fact to the Administrator commits a Class E crime. (22 M.R.S. §§ 4314, 4315).

Misuse of Information. Misuse of any information relating to an applicant or recipient is a punishable offense. (22 M.R.S. § 42(2)).

Section 3.2—Maintenance of Records

The Administrator will maintain complete and accurate program records. (22 M.R.S. § 4306). These records are necessary to: (a) document and account for municipal program expenditures; (b) document and support decisions concerning applicants and recipients; and (c) ensure relevant information is available for any fair hearing or judicial review of the Administrator's decisions.

Case Records. The Administrator will maintain a separate case record, in paper or digital format, for each applicant or recipient. Each case record will include at least:

- household applications;
- household budget sheets;
- the types and amounts of assistance provided;
- narrative statements describing the nature of the emergency situation whenever GA is granted in amounts greater than the applicant's mathematical eligibility (i.e., deficit or unmet need, whichever is less);
- written decisions;
- requests for fair hearings and the fair hearing authority decisions;
- workfare participation records;
- repayments to the municipality;
- narrative writings documenting the need for general assistance, the results of home visits, collateral information, referrals, changes in status;
- client authorization(s) for the release of GA information and/or reason(s) for the release of confidential information;
- adjustments in aid, and suspension or termination of eligibility;
- physician's documentation;

- Supplemental Security Income (SSI) interim assistance reimbursement authorization forms; and
- vendor forms

Case records will not include information that is irrelevant to the applicant's or recipient's application or the Administrator's decisions.

Retention of Records. GA records shall be retained for at least three full years. The three-year period shall coincide with the state government's fiscal year which begins July 1 and ends on the following June 30. Records may be destroyed after three years by supervised shredding, burning or an appropriate digital deletion/destruction process. If a recipient's records contain SSI reimbursement forms, the recipient's records should be retained so that the municipality may seek reimbursement.

ARTICLE IV – Application Procedure

Section 4.1—Right to Apply

Who May Apply. Any person may apply for GA. The head of the family, any other responsible household member, or an authorized representative must apply in person, except in special emergency situations (see Ordinance § 4.9) or when the applicant resides at an emergency shelter and the municipality has made an agreement with that emergency shelter to presume shelter residents eligible for GA benefits. (22 M.R.S. § 4304(3)). In such cases, the Administrator may require a representative to present a signed statement documenting that he/she is authorized to apply on behalf of the named applicant. The applicant or representative must complete a written application and any other forms necessary for the Administrator to determine eligibility. (22 M.R.S. §§ 4305, 4308). With notice, all members of the household receiving GA may be required to physically present themselves to the Administrator. Note that fugitives from justice are ineligible for GA benefits.

Telephone Applications. When a person has an emergency but is unable to apply in person due to illness, disability, lack of childcare, lack of transportation or other good cause, and he/she cannot send an authorized representative, the Administrator will accept an application by telephone. The telephone application is subject to written verification by mail and a visit to the applicant's home with his or her permission. (22 M.R.S. § 4304).

Written Application Upon Each Request. Each request for assistance will be administered in accordance with these guidelines, and the Administrator will make an independent determination of eligibility for GA each time a person applies. (22 M.R.S. §§ 4308, 4309).

Applications Accepted; Posted Notice. Application forms will be available during regular business hours at the municipal office and when the Administrator is conducting interviews with applicants. Completed applications will be accepted and interviews given only during the regular hours established and posted by the Administrator. In an emergency, however, the Administrator or his or her designee will be available to accept applications for assistance whenever necessary.

The municipality will post notice stating the times and location where people may apply for assistance and contact information for the Administrator available to take emergency applications at all other times. In addition, the posted notice shall state that the municipality must issue a written decision on all applications within 24-hours and will include the DHHS toll-free telephone number for reporting alleged violations or complaints. (22 M.R.S. § 4304).

Section 4.2—Application Interview

Except when it is impractical, the Administrator will interview each applicant in person before making a decision. Interviews will be conducted in private, although the applicant may be accompanied by a legal representative, friend, or family member.

Section 4.3—Contents of the Application

An application must contain the following information:

- a) the applicant's name, address, date of birth, SSN or appropriate United States Customs and Immigration Services (USCIS) documentation, and phone number;
- b) the names, date(s) of birth, and SSN(s) or appropriate USCIS documentation of other household members for whom the applicant seeks assistance;
- c) the total number of individuals living with the applicant;
- d) employment and employability information;
- e) a listing of all household income, resources, assets, and property;
- f) the applicant's household expenses;
- g) the types of assistance requested;
- h) a statement of the penalty for false representation;
- i) the applicant's permission for the Administrator to verify information;
- j) the signature of applicant and date.

If an initial applicant is unable to provide identification records (e.g., SSN card/number) because the record may have been lost, stolen or misplaced, the Administrator may allow the initial applicant a reasonable amount of time (e.g., five working days), to obtain copies of identification records. Provided the initial applicant makes a good faith effort to obtain the item/record sought, GA benefits necessary to cure an immediate and/or emergency need shall not be withheld. In such cases the Administrator may elect to provide

a prorated amount of GA (e.g., five days' worth), while the applicant attempts to obtain the required information.

Section 4.4— GA Administrator's Responsibilities at the Time of Application

The Administrator will inform all applicants of: (1) their rights and responsibilities; (2) general program requirements for applying for and receiving GA, and (3) application requirements, eligibility guidelines, applicant rights, and applicant reimbursement obligations.

Application Requirements. The Administrator will help applicants complete application forms and inform applicants of any other information or documents necessary to evaluate the applicant's eligibility. The Administrator will fully explain the purpose of any forms consenting to release of the applicant's information and any benefit reimbursement agreements before the Administrator requests the applicant's signature or written authorization.

Eligibility Requirements. The Administrator will inform the applicant, either orally or in writing, of the eligibility requirements of the program, including:

- the income standard of need;
- the applicant's ongoing use-of-income, work-related, and resource-related responsibilities, as described in the section immediately below;
- the reduction in assistance that results from spending household income on non-basic necessities;
- immigration status (see definition of "Eligible Person"); and
- the disqualification penalties associated with committing fraud, failing to perform work-related assignments without just cause, or failing to make a good faith effort to secure potential resources when the requirement to attempt to obtain those resources has been explained to the applicant in writing.

Applicant Rights. The Administrator will inform all applicants of their right to:

- review the municipal GA ordinance and Maine GA statute and regulations;
- apply for assistance;
- receive a written decision concerning eligibility within 24-hours after application;

- confidentiality of the application and other records;
- contact the DHHS with complaints;
- challenge the Administrator’s decision by requesting a fair hearing.

Reimbursement/Recovery. The Administrator will inform the applicant/recipient that he/she must reimburse the municipality the amount of GA benefits he/she has been granted if he/she subsequently has the ability to pay. The municipality may also, as appropriate, contact and inform the applicant/recipient’s legal representative of the recipient’s obligation to repay the municipality.

The municipality may also recover the amount of assistance granted to a recipient during the previous 12 months from any relative legally liable for the applicant’s support, such as a spouse, or the parents of persons under the age of 25. (*See Article VIII, “Recovery of Expenses”*). (22 M.R.S. §§ 4318, 4319). Whenever applicable, the Administrator will explain the liens a municipality may place against a recipient’s real or personal property, such as the mortgage or capital improvement lien, the Workers’ Compensation lump sum payment lien, or the SSI “Interim Assistance Agreement” lien, described in Article VIII, “Recovery of Expenses.”

Section 4.5—Responsibilities of the Applicant at Time of Application

The applicant is responsible to provide accurate, complete, and current household information and verifiable documentation at the time of each application concerning:

- Income
- Resources
- Assets
- Employment
- Use of income
- Names and addresses of any relatives legally liable for the applicant’s support
- Any change in this information from a previous application that would affect household eligibility. (22 M.R.S. § 4309).

In addition, the applicant must accurately report and provide verifiable documentation that shows the applicant:

- a) has remained employed, if previously employed, and has not quit work without just cause or been discharged from employment for misconduct;
- b) has been seeking employment, if previously unemployed or employed on a part-time basis, has accepted any suitable offer of employment, and has satisfactorily performed all workfare assignments or had just cause not to perform those assignments;
- c) has made use of all available and potential resources when directed in writing to such a program by the Administrator, including, but not limited to, other government benefit programs or the assistance of liable relatives of sufficient means; and
- d) has participated in any training, retraining, educational or rehabilitative program when appropriate and when directed in writing to such a program by the Administrator, in order to diminish the applicant's need for general assistance. (22 M.R.S. §§ 4316-A, 4317).

Section 4.6—Action on Applications

Written Decision. The Administrator will issue a written decision concerning the applicant's eligibility within 24 hours after the applicant submits a written application. Assistance will be furnished to eligible applicants within that period except when the municipality is permitted by law (and pursuant to Ordinance § 5.6) to issue assistance conditionally on the successful completion of a workfare assignment. (22 M.R.S. §§ 4305, 4316-A, 4321). A written decision will be given each time a person applies, whether assistance is granted, denied, reduced, or terminated.

Content of Decision. The Administrator's written decision will contain:

- a) the type and amount of benefits granted, or the applicant's ineligibility for benefits;
- b) the period of eligibility if the applicant is eligible for assistance;
- c) the specific reasons for the Administrator's decision;
- d) the applicant's right to a fair hearing; and
- e) the applicant's right to notify the DHHS if he/she believes the municipality has acted illegally. (22 M.R.S. § 4321).

Section 4.7—Withdrawal of an Application

An application will be considered withdrawn if the applicant requests in writing that the application be withdrawn; or if the applicant refuses to complete or sign the application or any other document needed by the Administrator.

Section 4.8—Temporary Refusal to Accept Application

Under special circumstances, the Administrator may temporarily refuse to accept applications. Such circumstances include, but are not limited to, the following:

- a) When the applicant's conduct is abusive, disruptive, or harassing, or when the applicant is under the influence of drugs or alcohol. In these situations, the applicant will be asked to leave; if the applicant refuses to leave, the police may be summoned. The applicant will be informed that an application will only be accepted when his or her conduct is under control.
- b) If the Administrator believes that an applicant's behavior presents a threat to the health or safety of the public or to a municipal employee, if the applicant's behavior is violent, or if an applicant has engaged in abusive, disruptive or harassing behavior and has been required to leave on more than one occasion, the applicant may be required to designate a third party to apply for assistance on his or her behalf and the applicant may be prohibited from entering the municipal building;
- c) When a third person applies for assistance on behalf of the applicant that person may be required to provide written verification that he/she has been duly authorized to act as a representative for the applicant. (22 M.R.S. § 4308).

Section 4.9—Emergencies

An "emergency" means any life-threatening situation, or a situation beyond the control of the applicant which if not alleviated immediately could reasonably be expected to pose a threat to the health or safety of the applicant or a member of the household. (22 M.R.S. § 4301(4)). An emergency includes homelessness or imminent homelessness. Even if an applicant is otherwise ineligible to receive GA benefits, unless he/she is disqualified as provided below, emergency assistance may be granted to applicants who lack sufficient

income and resources to meet the emergency need and also have not had sufficient income and resources to avert the emergency. (22 M.R.S. § 4308).

A municipality may provide emergency assistance when the municipality determines that an emergency is imminent and that failure to provide assistance may result in undue hardship and unnecessary costs to either the applicant or the municipality.

Disqualification for Emergency Assistance. A person who is currently disqualified from receiving GA due to a violation of Ordinance §§ 5.5, 5.6, 5.7, 5.8, 5.9 or 6.4 is ineligible to receive emergency assistance. (22 M.R.S. § 4308(2)(A)). However, dependents of a disqualified person may be eligible for assistance. For the purposes of this section, “dependents” are defined as: (1) a dependent minor child; (2) an elderly, ill or disabled person; or (3) a person whose presence is required to provide care for any child under the age of 6 years or any ill or disabled member of the household. (22 M.R.S. § 4309(3)).

If one or more members of a household are disqualified and assistance is requested for the remaining dependents, the eligibility of those dependents will be calculated by dividing the maximum level of assistance available to the entire household by the total number of household members.

Assistance Prior to Verification. Whenever an applicant informs the Administrator that he/she needs assistance immediately, the Administrator will grant, pending verification, the assistance within 24 hours, provided that:

- a) after interviewing the applicant the Administrator has determined that the applicant will probably be eligible for assistance after a verification of information is completed; and
- b) the applicant submits documentation when possible, to verify his or her need. The Administrator may contact at least one other person to confirm the applicant’s statements about his/her need for emergency assistance. No further assistance will be authorized until the applicant’s eligibility is confirmed. (22 M.R.S. § 4310).

Telephone Applications. If a person has an emergency need and cannot apply in person due to illness, disability, lack of transportation, or other good cause, and if there is no

authorized representative who can apply on behalf of the applicant, the Administrator shall accept an application over the telephone. (22 M.R.S. § 4304).

Assistance will not be granted after a telephone application if the applicant refuses to allow the Administrator to verify information provided by the applicant either by visiting his or her home or by mail, and the Administrator cannot determine eligibility through any other means.

Limitation on Emergency Assistance. Applicants are not automatically eligible for emergency assistance. If an applicant had income which could have been used to prevent all or part of an emergency, but he or she spent that income on items which are not basic necessities, the applicant will not be eligible to receive GA to replace the misspent money. (22 M.R.S. §§ 4308(2) & 4315-A).

All applicants must provide the Administrator with verifiable documentation demonstrating that the applicant lacked sufficient income to avert the emergency situation. According to the following criteria, the Administrator may limit emergency assistance to cover only the difference between the amount of money necessary for the household to avoid the emergency and the amount of income available to the household during the applicable time period.

- a) The applicable time period shall be the 30 days preceding the application for emergency assistance, except in those cases where the emergency was created by a negative account balance for a commodity or service (such as rent, mortgage, or utility payments), and the negative account balance was created over a longer period of time. In such cases, the applicable time period shall be the consecutive length of time the account balance has been in the negative.
- b) The Administrator shall seek from the applicant all information pertinent to the applicant's ability to provide for his or her basic necessities for the applicable time period, including evidence of all income and resources received over that period of time.
- c) The Administrator shall calculate all costs per month for the household's basic necessities during the applicable time period, consistent with the maximum levels

established by this ordinance for the specific basic necessity or the actual monthly cost, whichever is less, including all costs associated with averting the particular emergency situation for which the applicant is seeking assistance.

- d) From the total household costs for basic necessities during the applicable time period, the Administrator shall subtract the total income and lump sum payments available to the household for the applicable time period, as well as the total general assistance actually received during the applicable time period.
- e) The Administrator may restrict the issuance of emergency assistance to the difference yielded by the computation in subsection (d), even when such a grant will not totally alleviate the emergency situation.
- f) The Administrator may waive this limitation on emergency assistance in life threatening situations or for initial applicants; that is, persons who have never before applied for general assistance.
- g) Nothing in these criteria may be construed as prohibiting a municipality from electing to alleviate an emergency situation in the most cost-effective manner available, provided such a determination of eligibility for emergency assistance is in conformance with general assistance law.

Section 4.10—Residence

The Administrator shall provide GA to all eligible applicants who are residents of this municipality. A resident is a person who has no other residence, is physically present in this municipality and who intends to remain here and establish a household.

The municipality also recognizes its responsibility to provide assistance to eligible persons who apply here and who are not residents of this municipality or any other municipality. If a person who is not a resident of any municipality applies in this municipality first, the Administrator will determine his or her eligibility and, if eligible, will grant assistance until he/she establishes a residence in another municipality. (22 M.R.S. § 4307).

Moving/Relocating. The municipality will not consider moving or transporting an applicant or recipient into another municipality unless the person requests assistance to relocate to another municipality. If the Administrator determines the applicant is eligible and grants

financial assistance to help with the requested relocation, this municipality will be responsible for providing assistance to the applicant for 30 days after he/she moves provided the recipient remains eligible.

Institutions. If a resident of this municipality enters an institution located in another municipality (such as a group home, shelter, rehabilitation center, nursing home, or hospital) and requests assistance while at the institution, he/she will be the responsibility of this municipality for up to 6 months after he/she enters the institution if the conditions of 22 M.R.S. § 4307 and § 4313 are met. The municipality thereafter retains responsibility for an applicant in an institution only if the applicant has maintained a home in this municipality to which he/she intends to return. The municipality also recognizes its responsibility for applicants residing in an institution in this municipality if such an applicant had no residence prior to entering the institution. (22 M.R.S. § 4307(4)).

Temporary Housing. Hotels/motels and similar places of temporary lodging are considered institutions if the municipality grants financial assistance for, makes arrangements for, or advises or encourages an applicant to stay in temporary lodging.

Note: A municipality which illegally denies housing assistance will be responsible for the applicant for up to 6 months if, as a result of the denial, the applicant stays in temporary lodging. The municipality may also be subject to other penalties. (22 M.R.S. § 4307(4)).

Disputes. When the Administrator believes that an applicant is a resident of another municipality, but that municipality disputes its responsibility, the Administrator will notify DHHS' Augusta office (287-3654 or 1-800-442-6003). If the applicant applies in this municipality first, the Administrator will determine his or her eligibility and, if eligible, will grant assistance until the DHHS has concluded which municipality is responsible for providing assistance. If another municipality was responsible, the DHHS will recover the amount due from the other municipality. (22 M.R.S. §§ 4307(5), 4307(6)).

ARTICLE V – Eligibility Factors

A person will be eligible for GA if he/she is an “Eligible Person” as defined in section 2.2, is in need, and has complied with the eligibility requirements set forth below. (*For guidance in determining whether an applicant is an Eligible Person, contact DHHS at (800) 442-6003 (TTY: 287-6948)*).

Section 5.1—Initial Application

Initial Application. For initial applicants, need will be the sole condition of eligibility, except that all applicants, including initial applicants, are disqualified for a defined period (1) for quitting employment without just cause or for being discharged from employment for misconduct (*see Ordinance § 5.5*) or (2) who are fugitives from justice as defined in 15 M.R.S. § 201(4), (22 M.R.S. § 4301(3)). An initial applicant is a person who has never before applied for GA in any municipality in Maine. (22 M.R.S. § 4308(1)).

“Need” means that the applicant’s income (including prorated income, where applicable), property, credit, assets or other resources are less than the overall maximum level of assistance contained in Ordinance § 6.8 or the applicant’s 30-day need, whichever is less, and he/she does not have adequate income or other resources available to provide basic necessities.

Repeat Applicants. Persons who are not initial applicants are repeat applicants; these are persons who have previously applied for GA at some time, including persons on whose behalf a GA application was previously made at any time, provided that the applicant was not a dependent minor in the household at the time of the previous application. To be eligible for GA, repeat applicants must be in need and meet all other eligibility requirements. The eligibility of repeat applicants may also be adversely affected to the extent they have not used their income and resources to secure basic necessities.

Section 5.1A – Presumptive Eligibility

A person who is provided shelter in an emergency shelter for the homeless located in the municipality shall be presumed to be an eligible person. Presumed eligibility may not exceed 30 days within a 12-month period. After the period of presumed eligibility, full eligibility must be verified before assistance will be issued. When presumptive eligibility

is determined under this section, no other municipality may be determined to be the municipality of responsibility during that 30-day period.

Section 5.1B – Recovery Residences

The Administrator will not deny GA benefits to a person for the sole reason that the person is residing in a recovery residence. Beginning July 1, 2022, housing assistance will not be provided to a person residing in a recovery residence that has not been certified in accordance with 5 M.R.S. § 20005(22), except that the person may receive housing assistance while residing in an uncertified recovery residence for one 30-day period only. The Administrator will inform the person of the requirements and time limits regarding recovery residences. A person who is ineligible for housing assistance under this subsection may remain eligible to receive GA for other basic necessities.

Section 5.2—Eligibility for Categorical Assistance

Receipt of categorical assistance will not disqualify an otherwise eligible person. Benefits received from other assistance programs will be considered as income when determining need, with the exception of Food Stamps, which will not be counted as income or resources or otherwise taken into consideration when determining need. (7 U.S.C. § 2017 (b)).

In addition, fuel assistance (HEAP/ECIP) received by an applicant will not be considered as income; that is, the Administrator will always compute the heating needs of an applicant who has received HEAP or ECIP as if that applicant paid all costs associated with his or her fuel needs. (42 U.S.C. § 8624(f)). When an applicant has received HEAP or ECIP, GA heating energy needs will be calculated pursuant to Ordinance § 6.7, subsection (c) under “Types of Income”. For several additional exceptions please refer to the definition of “Income” in this Ordinance (see Ordinance § 2.2, page 7, subsection 4).

Applicants or recipients must apply for other program benefits within 7 days after being advised in writing to do so by the Administrator. Persons who, without just cause, make no good faith effort to obtain a potential resource will be disqualified from receiving assistance until they make a good faith effort to obtain the benefit. (22 M.R.S. § 4317).

Section 5.3—Personal Property

a) Liquid Assets.

No person owning assets easily convertible into cash, including but not limited to, bank deposits, stocks, bonds, certificates of deposit, retirement accounts, life insurance policies and other marketable security will be eligible for GA unless and until he or she uses these assets to meet his or her basic needs, and thereby exhausts them. At the discretion of the Administrator, liquid assets need not include a reasonable minimum balance necessary to obtain free checking. Although one checking account per household may be allowed, any monies over the minimum required to obtain free checking are to be considered available liquid assets.

b) Tangible Assets.

No person owning or possessing personal property, including but not limited to: a motor vehicle (except as provided immediately below in subsection c), or a boat, trailer, recreation vehicle or other assets that are convertible into cash and are non-essential to the maintenance of the applicant's household will be eligible for GA. Exceptions may be made when a person is making an initial application or is an unforeseeable repeat applicant as defined in Ordinance § 2.2 or when reasonable efforts to convert assets to cash at fair market value are unsuccessful. Tools of a trade, livestock, farm equipment and other equipment used for the production of income are exempt from the above category and are not considered available assets.

c) Automobile Ownership.

Ownership of one automobile per household will not make a person ineligible for assistance if such vehicle is essential for transportation to employment or for seeking employment, obtaining medical care, rehabilitation, or training facilities, or for any other reason the GA Administrator determines reasonable for the maintenance of the applicant's household. GA recipients who own an automobile with a market value greater than \$8,000 may be required, with 7-day's written notice, to make a good faith effort to trade that automobile for an automobile with a market value of less than \$8,000. Any income received by the applicant by

virtue of such a trade down must be used for his or her basic necessities. Failure to liquidate or trade down the excess value of any automobile asset can result in disqualification. (22 M.R.S. § 4317).

The Administrator will neither pay nor consider as necessary any car payment or vehicle maintenance cost, including insurance, for which the applicant is responsible. However, if the vehicle's value is \$8,000 or less and the applicant is utilizing the vehicle for an "essential" reason (see above), the Administrator may choose to not consider reasonable car payments, reasonable car insurance or reasonable associated costs of maintenance as "misspent" income. GA for travel-related needs shall be computed in accordance with Ordinance § 6.8(F)(7), (8) "Work Related/Travel Expenses."

d) Insurance.

Insurance available to an applicant on a non-contributory basis or required as a condition of employment will not be a factor in determining eligibility for GA. Life insurance with a cash surrender value may, at the discretion of the Administrator, be considered as a tangible asset.

e) Transfer of Property.

Applicants who transfer assets for less than fair market value to someone else solely for the purpose of establishing eligibility for GA will not be granted GA benefits to replace the uncompensated value of the transferred asset. Assistance will be denied within a 120-day limit up to the uncompensated value of the asset which was transferred unless the transfer of asset is fraudulently misrepresented, in which case a 120-day disqualification will be issued. There will be a presumption that the applicant transferred his or her assets in order to be eligible for GA whenever property is sold for less than the fair market value or when the transfer occurred within 30 days prior to applying for GA unless the applicant can demonstrate the existence of a good faith transaction.

Section 5.4—Ownership of Real Estate

a) Principal Residence.

Solely for purposes of GA, the applicant's principal residence, including any adjoining land, is considered an exempt resource, even if temporarily unoccupied because of employment, job training, education, illness, or disaster, provided the applicant demonstrates an intent to return. If the applicant owns land in excess of the minimum lot size for the zone or district in which the home is located, that land may be considered a potential resource if:

1. The applicant has received GA for the last 120 consecutive days; and
2. The applicant has the legal right to sell the land (e.g., any mortgagee will release any mortgage, any co-owners agree to the sale, zoning or other land use laws do not render the sale illegal or impracticable); and
3. The applicant has the financial capability to put the land into a marketable condition (e.g., the applicant can pay for any necessary surveys); and
4. The land is not utilized for the maintenance and/or support of the household; and
5. A knowledgeable source (e.g., a realtor) indicates that the land in question can be sold at fair market value, for an amount which will aid the applicant's financial rehabilitation; and
6. No other circumstances exist which cause any sale to be unduly burdensome or inequitable.

If conditions above are met, the Administrator may condition the receipt of future assistance on the applicant's good faith efforts to sell, or render saleable, land which could be used to provide necessary support for the applicant (e.g., the applicant owns 100 "excess" acres. Sale of 10 of the acres would provide for the necessary support; therefore, the entire 100 acres need not be sold at the present time.) Assistance shall not be denied during the time that the applicant is making a good faith effort to sell or render saleable the land in question.

Once the applicant ceases to receive assistance the obligations under this section shall also cease.

b) Other Property.

If the applicant or dependents own real property other than that occupied as the principal residence, continued GA eligibility will depend on the applicant making a reasonable effort to:

1. Dispose of the property at fair market value in order to convert the property into cash which can be applied toward meeting present need; or
2. Obtain a loan against such property which may be used to meet present need. Applicants who transfer their excess property to a third party in order to become eligible for GA will be ineligible.

If an applicant is granted assistance in the form of a mortgage payment or capital improvement payment, the municipality may claim a lien against the property. The lien shall not be enforceable until the sale of the property or upon the death of the recipient (*see also Ordinance § 6.8*). 22 M.R.S. § 4320.

Section 5.5—Work Requirement

All GA recipients are required to register for work, look for work, work to the extent of available employment, and otherwise fulfill the work requirements, unless the applicant is exempt from such requirements as provided below.

Employment; Rehabilitation. All unemployed applicants and household members who are 16 years of age or older and who are not attending a full-time primary or secondary school intended to lead to a high school diploma will be required to accept any suitable job offer and/or meet with job counselors, attend employment workshops and rehabilitative services, except as provided below (*see “Exemptions”*). Applicants must demonstrate to the Administrator that they are available for work and are actively seeking employment.

A “suitable job” means any job, which the applicant is mentally and physically able to perform. “Available for work” means that applicants must make themselves available for work during normal business hours prevailing in the area and show that no circumstance exists which would prevent them from complying with the work requirement.

Verification. Unemployed applicants or applicants employed on a part-time basis must provide verifiable documentation of their pursuit of employment at the time of each

application. At a minimum, such documentation will consist of a list of the employers contacted, the date and time of the application contact, and the name of the employer representative contacted. "Pursuit of Employment" means actually submitting a written application or applying for a job in person when reasonable or submitting a written application or letter of inquiry to employers.

For the duration of any repeat applicant's period of unemployment or partial employment, the Administrator will establish the number of employers per week to whom each non-exempt applicant shall be required to apply in order to fulfill his or her work search requirements. The number of weekly employer contacts required by the Administrator shall be reasonably related to the number of potential employers in the region and the number of hours per week the applicant has available for work search activities after considering all time the applicant must devote to existing employment obligations, workfare obligations, and required classroom or on-site participation in job training, educational, or rehabilitation programs. Fulfillment of these requirements will not be expected at the time of the initial application but will be a condition of eligibility for subsequent assistance.

Ineligibility. After being granted assistance at the time of initial application, applicants will be considered ineligible for further assistance for 120 days if they, without just cause:

- a) refuse to register for employment with the Maine Job Service;
- b) refuse to search diligently for employment when the search is reasonable and appropriate; recipients who unreasonably seek work at the same places repeatedly will not be considered to be performing a diligent work search and will be disqualified;
- c) refuse to accept a suitable job offer;
- d) refuse to participate in an assigned training, education or rehabilitation program that would assist the applicant in securing employment;
- e) fail to be available for work; or
- f) refuse to participate or participate in a substandard manner in the municipal work program (*see Ordinance § 5.6*).

Ineligibility Due to Job Quit or Discharge for Misconduct. No initial or repeat applicant who has quit his or her full-time or part-time job without just cause or who has been discharged from employment for misconduct (*see definition in Appendix I*) will be eligible to receive GA of any kind for 120-days from the date the applicant is separated from employment. (22 M.R.S. §§ 4301(8), 4316-A (1-A)).

Just Cause. Applicants will be ineligible for assistance for 120 days if they refuse to comply with the work requirements of this section without just cause. With respect to any work requirement, just cause will be considered to exist when there is reasonable and verifiable evidence that:

- a) the applicant has a physical or mental illness or disability which prevents him/her from working;
- b) the work assignment pays below minimum wages;
- c) the applicant was subject to sexual harassment;
- d) the applicant is physically or mentally unable to perform required job tasks, or to meet piece work standards;
- e) the applicant has no means of transportation to or from work or a training or rehabilitation program;
- f) the applicant is unable to arrange for necessary childcare or care of ill or disabled family members; or
- g) any reason found to be good cause by the Maine Department of Labor, or any other verifiable reason the Administrator considers reasonable and appropriate will be accepted as just cause. (22 M.R.S. § 4316-A(5)).

Applicant's Burden of Establishing Just Cause. If the Administrator finds that the applicant has violated a work-related rule without just cause, it shall be the responsibility of the applicant to establish the presence of just cause. (22 M.R.S. § 4316-A).

Eligibility Regained. Persons who are disqualified for 120 days because they violated a work requirement may regain their eligibility if and only when they become employed or otherwise satisfy the Administrator that they are complying with the work requirement by fulfilling the work requirement(s) the person violated.

For the purpose of regaining eligibility by becoming employed, “employment” shall mean employment by an employer as defined in 26 M.R.S. § 1043 or the performance of a service for an employer who withholds from the employee a social security tax pursuant to federal law.

The special provisions regarding the opportunity to regain eligibility after a disqualification for workfare violations are detailed in Ordinance § 5.6, under “Eligibility Regained.”

Dependents. Failure of an otherwise eligible person to comply with the work requirements shall not affect the eligibility of any member of the person’s household who is not capable of working, including:

- a) a dependent minor child;
- b) an elderly, ill, or disabled person; and
- c) a person whose presence is required in order to provide care for any child under 6 years of age or for any ill or disabled member of the household. (22 M.R.S. § 4309(3)).

If one or more member(s) of a household is disqualified and assistance is requested for those remaining members of the household who are dependents, the eligibility of those dependents will be calculated by dividing the maximum level of assistance available to the entire household by the total number of household members.

Exemptions. The above work requirements do not apply to any person who is elderly, physically or mentally ill or disabled. Any person whose presence is required to care for any pre-school age child or for any ill or disabled member of the household is also exempt from these requirements.

The requirements of this section will not be imposed so as to interfere with an applicant’s existing employment, ability to pursue a bona fide job offer, ability to attend an interview for possible employment, classroom participation in a primary or secondary educational program intended to lead to a high school diploma, classroom or on site participation in a training program which is either approved by the Department of Labor (DOL) or determined by the DOL to be expected to assist the applicant in securing employment, or

classroom participation in a degree-granting program operated under the control of the DOL.

Section 5.6—Municipal Work Program

Each applicant and any member of the household who is capable of working may be required to perform work for the municipality, including work for a non-profit organization, as a condition of receiving assistance. (22 M.R.S. § 4316-A(2)).

As part of the municipal work program, the municipality can require recipients to participate in training, education, or rehabilitative programs that will assist the recipient in securing employment. The work requirement provisions found in Ordinance § 5.5 regarding just cause, dependents, and exemptions also apply to the municipal workfare program.

Consent. Persons assigned to the work program are required to sign a form stating that they understand the requirements of GA and the work program. Before signing the form, the Administrator will read it to the applicants or allow the applicants to read it themselves. The form will also state the number of hours the applicants must work and the hourly rate by means of which the duration of the work assignment is calculated. In addition, the consent form shall describe the consequences of failing to adequately perform part or all of the workfare or workfare-first assignment.

Subtracting Value of Workfare Performed from Client's GA Debt. Pursuant to 22 M.R.S. § 4318, individuals who received GA benefits are obligated to repay the municipality when and if they become able (see Ordinance Article VIII). However, persons performing workfare shall have the value of the workfare performed deducted from any and all GA debt including GA liens (e.g., Workers' Compensation Settlement, SSI Retroactive Payment, Capital Improvement, Home Mortgage) that might exist against their settlements, payments or other such property.

Limitations. The work requirement is subject to the following limitations. (22 M.R.S. § 4316-A(3)).

- 1) No person shall, as a condition of eligibility, be required to perform any amount of work that exceeds the value of the net GA that the person receives under municipal GA standards. Any person performing work under this subsection shall be provided with net GA, the value of which is calculated at a rate of at least the prevailing minimum wage under state or federal law at the time the workfare was performed.
- 2) No workfare participant shall be required to work for a nonprofit organization if that work would violate the participant's basic religious beliefs.
- 3) In no case shall eligible persons performing work under this subsection replace regular municipal employees.
- 4) In no case will work performed under this subsection interfere with an eligible person's:
 - a) existing employment;
 - b) ability to follow up on a bona fide job offer;
 - c) attendance at an interview for possible employment;
 - d) classroom participation in a primary or secondary educational program intended to lead to a high school diploma; or
 - e) classroom or on-site participation in a training program which is approved by the Department of Labor (DOL) or determined by the DOL to be reasonably expected to assist the person in securing employment, or classroom participation in a degree-granting program administered by the DHHS or the DOL.
- 5) In no case may an eligible person be required to work more than 40 hours per week. An eligible person who has full or part-time employment shall be exempt from the work requirement to the extent that the work requirement in combination with his or her regular employment would result in the person working more than 40 hours per week.
- 6) In no case will an eligible person be required to perform work beyond his or her capabilities. However, when an illness or disability is claimed, an eligible

person may be required as a condition of receiving assistance to present a doctor's statement detailing the extent of the disability or illness. (22 M.R.S. § 4309).

If the Administrator requires a doctor's statement to verify an applicant's illness or disability and the applicant is not currently under the care of a provider, the municipality may pay for the doctor's evaluation if the applicant has no means to pay for the exam. However, in such a case the Administrator will choose the doctor. If there is a no-cost or low-cost health care option, the municipality may elect to refer the client to such a resource. The Administrator will not require verification of medical conditions which are apparent, or which are of such short duration that a reasonable person would not ordinarily seek medical attention. (22 M.R.S. § 4316(5)).

- 7) In no case may an eligible person with an immediate need (i.e., a person in an emergency situation who has not been disqualified from receiving assistance for committing a program violation) be required to perform work under this subsection prior to receiving GA. The Administrator shall meet immediate needs upon receiving written assurance from the eligible person that he/she is willing to work to maintain eligibility for GA. When the recipient has no immediate need, workfare participation may be required prior to receiving GA in accordance with the "workfare first" policy below.

"Workfare First" Policy. Pursuant to 22 M.R.S. § 4316-A(2)(D), the Administrator may, in accordance with the following guidelines, require a GA recipient to perform a workfare assignment prior to the actual issuance of the GA benefit conditionally granted.

- 1) In no circumstance will emergency GA for which an applicant is eligible be withheld pending the satisfactory performance of workfare.
- 2) All workfare participants under this policy will be provided a written decision within 24 hours after submitting an application for GA and prior to performing any workfare for the municipality associated with that request for assistance.

That written decision must include:

- a) a specific description of the amount of GA being conditionally granted to the household, and for which basic needs;
 - b) the period of eligibility for which the GA grant is being issued (in days or weeks, but not to exceed 30 days);
 - c) the rate, at a dollar-per-hour basis (but not less than the prevailing minimum wage), upon which the duration of the workfare assignment is calculated;
 - d) the actual duration of the workfare assignment that must be performed, in hours, before the GA grant will be actually issued;
 - e) the specifics of the workfare assignment(s), including the general nature of the type of work being assigned, location(s) of worksite, date(s) and time(s) of assigned workfare, workfare supervisors' names and contact telephone numbers; and
 - f) any other pertinent information related to the workfare assignment(s) the recipient will be expected to perform.
- 3) As previously provided in this section, all workfare participants must sign a consent form that informs the participant of his or her workfare-related rights and responsibilities, including the consequences of failing to perform all or part of the workfare assigned without just cause.
- 4) If a portion of the workfare-first assignment is satisfactorily performed but there has been a failure to perform the remainder of the assignment, without just cause, the Administrator shall issue a grant of GA benefits corresponding to the number of workfare hours satisfactorily performed multiplied by the hourly rate used to calculate the workfare assignment. In addition to any disqualification penalty that may apply, the remaining value of the conditionally issued GA grant shall be terminated, and notice of the partial termination, together with the reasons; therefore, will be issued to the workfare participant in accordance with Ordinance § 6.10.
- 5) If any part of the workfare assignment is not performed because the workfare participant was temporarily unable to perform the assignment for just cause reasons, it shall be reassigned or excused at the discretion of the Administrator.

Work-Related Expenses. A participant's expenses related to work performed under this section will be added to the amount of net GA to be provided to the person (22 M.R.S. § 4316-A(2)(E)). The municipality will provide any special clothes or equipment the recipient needs to perform his or her work assignment.

Disqualification. Any person who either willfully fails to perform or willfully performs below average standards the work assigned by the municipality, will be ineligible for assistance for 120 days (22 M.R.S. § 4316-A(1)). As soon as the Administrator knows that a recipient failed to fulfill the work assignment, the Administrator will notify the recipient in writing that he/she is disqualified for 120 days starting from the last date of authorized assistance unless the recipient can show just cause. The workfare participant has the burden of demonstrating there was just cause for any failure to perform a workfare assignment.

Eligibility Regained. Recipients who are disqualified from receiving assistance because they have violated the requirements of the municipal work program may regain their eligibility under the following conditions:

- Recipients who fail to complete the first municipal work assignment they have been given will be disqualified from receiving assistance during the next 120 days, although dependents in the household may be eligible (*see Ordinance § 5.5, "Dependents"*).
- If during the 120-day disqualification period the recipient requests an opportunity to perform the work assignment which he or she, without just cause failed to perform, the disqualified recipient will be given one opportunity to regain eligibility. The Administrator will give the recipient a work assignment as soon as possible.
- If a recipient under a 120-day disqualification has an emergency need and the Administrator is unable to schedule a work assignment in time to alleviate the emergency, the Administrator will provide sufficient assistance to the recipient to avert the emergency. However, the provision of emergency assistance will not bar the Administrator from subsequently enforcing the previously issued 120-day disqualification if the recipient fails to regain eligibility by satisfactorily performing the work assignment. The amount of emergency assistance granted will be

considered in the computation of the total number of hours the recipient must work.

- Recipients who have asked for the opportunity to regain their eligibility during a 120-day disqualification period and who agreed to fulfill the assignment which they previously failed to perform but who, without just cause, fail to fulfill their municipal work assignment will be considered to have acted in bad faith. In such a circumstance, the Administrator will enforce the 120-day disqualification for the term of its initial duration.
- If a workfare participant regains eligibility under this section but is subsequently disqualified within the initial 120-day period of ineligibility for failing to comply with the municipal work program, that participant will be ineligible for a new 120-day period beginning with the new disqualification date but will be provided no opportunity to requalify.
- Any recipient who intentionally causes damage to property, harasses or harms other employees or who otherwise conducts themselves in a disruptive manner and is discharged by the work supervisor will not be entitled to regain eligibility by returning to the work program. Eligibility may be regained by otherwise becoming employed and meeting the definition of need.

Reports. The Administrator will itemize the assistance that has been provided to persons who work for the municipality in reports to the DHHS. (22 M.R.S. § 4316-A(2)).

Section 5.7—Use of Resources

Each applicant is responsible to make a good faith effort to utilize every available or potential resource that may reduce his or her need for GA (*see Ordinance § 2.2, definition of "Resources"*). Persons who refuse or fail to make a good faith effort to secure a potential resource after receiving written notice to do so are disqualified from receiving assistance until they make an effort to secure the resource. Applicants are required to prove that they have made a good faith effort to secure the resource. (22 M.R.S. § 4317).

Minors. A minor under the age of 18 who has never married and is applying independently for GA and who is pregnant or has a dependent child or children will be eligible to receive GA only if the minor is residing in the home of his or her parent, legal guardian or other

adult relative, in which case the entire household will be evaluated for eligibility. Exceptions to this limitation on eligibility will be made when:

- 1) the minor is residing in a foster home, maternity home, or other adult-supervised supportive living arrangement; or
- 2) the minor has no living parent or the whereabouts of both parents are unknown; or
- 3) no parent will permit the minor to live in the parent's home; or
- 4) the minor has lived apart from both parents for at least one year before the birth of any dependent child; or
- 5) the DHHS determines that the physical or emotional health or safety of the minor or the minor's dependent child or children would be jeopardized if the minor and his or her child or children lived with a parent; or
- 6) the DHHS determines, in accordance with its regulation, that there is good cause to waive this limitation on eligibility. (22 M.R.S. § 4309(4)).

Any person under the age of 25 who is applying independently from his or her parents for GA will be informed that until he or she reaches the age of 25, the applicant's parents are still legally liable for his or her support and the municipality has the right to seek recovery from the parents of the cost of all assistance granted to such a recipient to the extent his or her parents are financially capable of repaying the municipality. (22 M.R.S. § 4319).

With regard to such application, the municipality may seek verification of the applicant's need for GA by contacting his or her parents. If the applicant's parents declare a willingness to provide the applicant with his or her basic needs directly, and there is no convincing evidence that the applicant would be jeopardized by relying on his or her parents for basic needs, the Administrator may find the applicant not to be in need of GA for the reason that his or her needs can be provided by a legally liable relative.

Mental or Physical Disability. Any applicant who has a mental or physical disability must make a good faith effort to utilize any medical or rehabilitative services which have been recommended by a physician, psychologist or other professional retraining or rehabilitation specialist when the services are available to the applicant and would not constitute a financial burden or create a physical risk to the individual.

Written Notice; Disqualification. The Administrator will give each applicant written notice whenever the applicant is required to utilize any specific potential resource(s). Any applicant who refuses to utilize potential resources, without just cause, after receiving written 7-day notice will be ineligible for further assistance until he/she has made a good faith effort to utilize or obtain the resources. GA will not be withheld from the applicant pending receipt of a resource if the applicant has made, or is in the process of making, a good faith effort to obtain the resource.

Forfeiture of Benefits. Any applicant who forfeits receipt of, or causes a reduction in, benefits from another public assistance program due to fraud, misrepresentation, a knowing or intentional violation of program rules or a refusal to comply with that program's rules without just cause will be ineligible to receive GA to replace the forfeited benefits. To the extent the forfeited benefits can be considered income under GA law, the value of the forfeited benefits will be considered income that is available to the applicant for the duration of the forfeiture.

To the extent the forfeited benefits were provided in the form of a specific, regularly issued resource of a calculable value rather than in the form of income, that resource, up to its forfeited value, need not be replaced with GA for a period of 120 days from the date of the forfeiture—unless the municipality is prohibited by federal or state law from considering the forfeited resource as available with respect to local public assistance programs. (22 M.R.S. § 4317).

Section 5.8—Period of Ineligibility

No one will have his or her GA terminated, reduced, or suspended prior to being given written notice and an opportunity for a fair hearing. (22 M.R.S. §§ 4321-4322). Each person will be notified in writing of the reasons for his or her ineligibility, and any person disqualified for not complying with the ordinance will be informed in writing of the period of ineligibility.

Work Requirement. Applicants/recipients who do not comply with a work requirement are disqualified from receiving assistance for a period of 120 days (unless they regain their eligibility) (*see Ordinance §§ 5.5, 5.6*). If an applicant/recipient is provided assistance and

does not comply with the work requirement, the applicant/recipient shall be disqualified for 120 days following the end of the period covered by the grant of assistance. The Administrator shall give recipients written notice that they are disqualified as soon as the Administrator has sufficient knowledge and information to render a decision of ineligibility.

Fraud. Persons who commit fraud are disqualified from receiving GA for a period of 120 days (*see Ordinance § 6.4, "Fraud"*). The Administrator shall give recipients written notice that they are ineligible as soon as the Administrator has sufficient knowledge and information to render a decision. If the disqualification for fraud is issued before the expiration of a grant of assistance, the period of ineligibility shall commence on the day following the end of the period covered by the grant of assistance. If fraud is discovered after the period covered by the grant of assistance has expired, the period of ineligibility will commence on the day of the written notice of ineligibility.

Section 5.9 – Unemployment Fraud

An applicant who is found ineligible for unemployment compensation benefits because of a finding of fraud by the Department of Labor pursuant to 26 M.R.S. § 1051(1) is ineligible to receive general assistance to replace the forfeited unemployment compensation benefits for the duration of the forfeiture established by the Department of Labor. 22 M.R.S. § 4317.

ARTICLE VI – Determination of Eligibility

Section 6.1—Recognition of Dignity and Rights

Any determination or investigation into an applicant's eligibility will be conducted in a manner that will not violate the applicant's privacy or personal dignity or violate his or her individual rights.

Section 6.2—Determination; Redetermination

The Administrator will make an individual, factual determination of eligibility each time a person applies or reapplies for GA. The Administrator will make a redetermination of eligibility at least monthly but may do so as often as necessary to administer the program efficiently and meet the needs of the applicants. Upon any application, the Administrator will determine the applicant's eligibility on the basis of a 30-day prospective analysis, but may elect to disburse that applicant's assistance periodically, e.g., weekly, throughout a 30-day period of eligibility pursuant to that initial eligibility determination.

The Administrator may redetermine a person's eligibility at any time during the period he or she is receiving assistance if the Administrator is notified of any change in the recipient's circumstances that may alter the amount of assistance the recipient may receive. Once a recipient has been granted assistance, the Administrator may not reduce or rescind the grant without giving prior written notice to the recipient explaining the reasons for the decision and offering the recipient an opportunity to appeal the decision to the fair hearing authority. (22 M.R.S. § 4309).

Section 6.3—Verification

Eligibility of Applicant; Duration of Eligibility. The overseer shall determine eligibility each time a person applies or reapplies for GA. The period of eligibility will not exceed one month. At the expiration of this period applicants/recipients may reapply for assistance and the person's eligibility will be redetermined.

Applicant's Responsibilities. Applicants and recipients for GA are responsible for providing to the Administrator all information necessary to determine eligibility. If further information or documentation is necessary to demonstrate eligibility, the applicant must have the first opportunity to provide the specific information or documentation required by

the Administrator. When such information is unavailable, the Administrator must accept alternative available information, which is subject to verification.

Each applicant and recipient has the responsibility at the time of application and continuing thereafter, to provide complete, accurate, current information and documentation concerning his/her:

- Need
- Income
- Employment
- Use of income
- Expenses
- Assets & liabilities
- Use of available resources
- Household composition

Initial Applicants. Persons who have not applied for assistance in this or any other municipality are considered initial applicants and must have their eligibility determined solely on the basis of need. Initial applicants are not subject to eligibility conditions placed on repeat applicants (*see below*). However, such applicants must still provide the GA Administrator with reasonably obtainable documentation adequate to verify that there is a need for assistance. In addition, initial applicants must also comply with both lump sum and relevant work rules (i.e., quit job).

Repeat Applicants. All applicants for GA who are not initial applicants are repeat applicants. The eligibility of repeat applicants must be determined on the basis of need and all other conditions of eligibility established by law and this municipal ordinance.

The Administrator will require documentation of a repeat applicant's income, use of income, assets and resources plus actual bills and receipts for rent, utilities, fuel, telephone, medical services, and other basic necessities. In addition, repeat applicants instructed to seek employment shall verify their work search results, (e.g., provide a list of the employers contacted, the date and time of the application contact, and the name of the employer representative contacted) as required by the Administrator.

Repeat applicants must provide updates to information reported on previous applications, including changes in his/her household or income that may affect his/her eligibility.

Unforeseen Repeat Applicants. Unforeseen repeat applicants are applicants who have not applied for assistance within the last twelve months and who have been regularly employed or receiving support from a public benefit or private source but who have unexpectedly become unemployed through no fault of their own or whose income and/or benefits (e.g., through an available resource) have ceased through no fault of their own. Such unforeseen repeat applicants may be considered initial applicants for purposes of verification requirements and misspent income if the Administrator finds that imposing the general verification requirements and misspent income rules imposed on repeat applicants would be unreasonable or inappropriate.

Administrator's Responsibilities. In order to determine an applicant's eligibility for GA, the Administrator first must seek information and documentation from the applicant. Once the applicant has presented the necessary information, the Administrator must determine eligibility. The Administrator will seek verification necessary to determine eligibility and may contact sources other than the applicant for verification only with the specific knowledge and consent of the applicant – except that the Administrator may examine public records without the applicant's knowledge and consent.

Appropriate sources, which an Administrator may contact, include, but are not limited to:

- DHHS, any other department or agency of the state, or non-profit organizations
- financial institutions
- creditors
- utility companies
- employers
- landlords
- physicians
- persons with whom the applicant/recipient is a cohabitant
- legally and non-legally liable relatives

Assistance will be denied or terminated if the applicant is unwilling to supply necessary information, documentation, or permission to make collateral contacts, or if the Administrator cannot determine that eligibility exists based on information supplied by the applicant or others.

Redetermination of Eligibility. The Administrator may redetermine a person's eligibility at any time during the period that person is receiving assistance if the Administrator is informed of any change in the recipient's circumstances that may affect the amount of assistance to which the recipient is entitled, or that may make the recipient ineligible, provided that once a determination of eligibility has been made for a specific time period, a reduction in assistance for that time period may not be made without prior written notice to the recipient stating the reasons for the action and an opportunity for the recipient to receive a fair hearing upon the proposed change.

Penalty for Refusing to Release Information. Any person governed by 22 M.R.S. § 4314 who refuses to provide necessary information to the Administrator after it has been requested must state in writing the reasons for the refusal within 3 days of receiving the request. Any such person who refuses to provide the information, without just cause, commits a civil violation and may be subject to a fine of not less than \$25 nor more than \$100 which may be adjudged in any court of competent jurisdiction. Any person who willfully renders false information to the Administrator is guilty of a Class E crime. (22 M.R.S. §§ 4314(5), 4314(6), 4315).

Section 6.4—Fraud

It is unlawful for a person to knowingly and willfully make a false representation of a material fact to the Administrator in order to receive GA or cause someone else to receive GA. (22 M.R.S. § 4315). A person who commits fraud in an effort to receive GA benefits may be prosecuted for this offense.

False representation means any individual who knowingly and willfully:

- a) makes a false statement to the Administrator, either orally or in writing, in order to obtain assistance to which the applicant or the applicant's household is not entitled;
- b) conceals information from the Administrator in order to obtain assistance to which the applicant or applicant's household is not entitled; or
- c) uses GA benefits for a purpose other than the purpose for which they were intended.

No person may be denied assistance solely for making a false representation prior to being given an opportunity for a fair hearing.

Period of Ineligibility. When the Administrator finds that a person has knowingly and willfully misrepresented material facts for the purpose of making himself or herself eligible for GA, the Administrator shall notify that applicant in writing that he or she must reimburse the municipality for the assistance he or she was not entitled to receive and that he/she is ineligible for assistance for the longer of: (a) a period of 120 days; (b) until he or she reimburses the municipality for the assistance; or (c) until he or she enters a reasonable written agreement to reimburse the municipality. (22 M.R.S. § 4315).

For the purpose of this section, a material misrepresentation is a false statement about eligibility factors in the absence of which some or all of the assistance would not be or would not have been granted.

The notification of ineligibility issued by the Administrator shall inform the applicant of his or her right to appeal the Administrator's decision to the fair hearing authority (FHA) within 5 working days of receipt. The period of ineligibility shall commence on the day following the end of the period covered by the grant of assistance fraudulently received or upon the date of notification of ineligibility, whichever is later.

Right to a Fair Hearing. Any applicant who is denied assistance for making a false representation will be afforded the opportunity to appeal the decision to the fair hearing authority (FHA) in accordance with Article VII of this Ordinance. No recipient shall have his or her assistance reduced or revoked during the period of eligibility before being notified and given the opportunity to appeal the decision. Any person who is dissatisfied with the decision of the FHA may appeal that decision to the Superior Court pursuant to Rule 80-B of the Maine Rules of Civil Procedure. (22 M.R.S. § 4309(3)).

Reimbursement. If a recipient does not appeal the decision or if the FHA determines that a recipient made a false representation, the recipient will be required to reimburse the municipality for any assistance received to which he/she was not entitled. The recipient may enter a reasonable written agreement to reimburse the municipality over a period of time.

Dependents. In no event will the ineligibility of a person under this section serve to disqualify any eligible dependent in that household. (22 M.R.S. § 4309(3)). In the event one or more members of a household are disqualified and assistance is requested for the remaining dependents, the eligibility of those dependents will be calculated by dividing the maximum level of assistance available to the entire household by the total number of household members.

Section 6.5—Period of Eligibility

The Administrator will grant assistance to all eligible persons for a period that is sufficient to meet their need but in no event may a grant of assistance cover a period in excess of one month. (22 M.R.S. § 4309). Upon receiving a completed and signed application the Administrator will determine the applicant's eligibility on the basis of a 30-day prospective analysis.

When an applicant submits an incomplete or unsigned application, due to the 24-hour decision requirement placed on the GA Administrator, the GA Administrator shall render a notice of "ineligibility" and advise the applicant that he or she has a right to reapply as soon as he or she has the necessary information and/or as soon as is practicable for the applicant.

Although eligibility is determined on a 30-day basis, for reasons of administrative efficiency, the Administrator may elect to disburse an applicant's assistance for shorter periods of time, such as weekly, throughout the 30-day period of eligibility. When the Administrator elects to disburse GA for a period of time less than 30 days, subsequent grants of assistance during that 30-day period may be issued pursuant to the initial determination of need unless the applicant's financial situation changes substantially enough to warrant a redetermination of eligibility.

Section 6.6—Determination of Need

The period of time used to calculate need will be the next 30-day period from the date of application. (22 M.R.S. § 4301(7)). The Administrator will calculate applicants' expenses according to the actual expense of the basic necessity or the maximum levels for the specific necessities allowed in Ordinance § 6.8, whichever is less. The sum of these

expenses, as calculated for a prospective 30-day period, is the applicant's 30-day need. Applicants will not be considered eligible if their income and other resources exceed this calculation except in an emergency. (22 M.R.S. § 4308(2)) (*see Ordinance § 4.9*).

Applicants will also not be considered in need of GA if their income, property, credit, assets or other resources available to provide basic necessities for their household are greater than the applicable overall maximum level of assistance set forth in the beginning of Ordinance § 6.8. (22 M.R.S. §§ 4301(10), 4305(3-B)). The difference between the applicant's income and the overall maximum levels of assistance established by this Ordinance is the applicant's deficit.

Once an applicant's deficit has been determined, the specific maximum levels of assistance for each basic necessity shall guide Administrator's distribution of assistance for which the applicant is eligible. (*See Ordinance Appendices A-H*). The specific maximum levels of assistance for each basic necessity are intended to be reasonable and sufficient to help recipients maintain a standard of health and decency. (22 M.R.S. § 4305(3-A)).

Income for Basic Necessities. Applicants are required to use their income for basic necessities. Except for initial applicants, no *applicant* is eligible to receive assistance to replace income that was spent within the 30-day period prior to an application for assistance on goods and services that are not basic necessities. All income spent on goods and services that are not basic necessities will be considered available to the applicant and combined with the applicant's prospective 30-day income for the purposes of computing eligibility. (22 M.R.S. § 4315-A). Applicants who have sufficient income to provide their basic necessities but who use that income to purchase goods or services which are not basic necessities will not be considered eligible for assistance. Persons who exhaust their income on basic necessities and who still need assistance with other basic necessities will be eligible, provided that their income does not exceed the overall maximum level of assistance.

Use-of-Income Requirements. The Administrator may require that anyone applying for GA provide documentation of his or her use of income. This documentation can take the

form of cancelled checks and/or receipts which demonstrate that the applicant has exhausted all household income received over the last 30-day period. Except as is deemed appropriate by the Administrator for “unforeseen” repeat applicants (*See Ordinance § 6.3*); repeat applicants may be required to verify that expenditure of income was for basic necessities. Income expended that cannot be verified will generally be considered available and in such case will be added to the 30-day prospective income.

Allowable expenditures include reasonable shelter costs (rent/mortgage); the cost of heating fuel, electricity, and food up to the ordinance maximums; telephone costs at the base rate if the household needs a telephone for medical reasons, the cost of non-elective medical services as recommended by a physician which are not otherwise covered by medical entitlement, Hospital Free Care or insurance; the reasonable cost of essential clothing and non-prescription drugs, and the costs of any other commodity or service determined essential by the Administrator.

Items not considered to be basic necessities and thus will not be allowed in the budget computation include:

- Internet services
- Cable or satellite television
- Cellular phones, except when deemed essential by the overseer for medical or work related purposes
- Cigarettes/alcohol
- Gifts purchased
- Pet care costs
- Costs of trips or vacations
- Paid court fines
- Repayments of unsecured loans
- Legal fees
- Late fees
- Credit card debt

The municipality reserves the right to apply specific use-of-income requirements to any applicant, other than an initial applicant, who fails to use his or her income for basic necessities or fails to reasonably document his or her use of income. (22 M.R.S. § 4315-A). Those additional requirements will be applied in the following manner:

- 1) The Administrator may require the applicant to use some or all of his or her income, at the time it becomes available, toward specific basic necessities. The

Administrator may prioritize such required expenditures so that most or all of the applicant's income is applied to housing (i.e., rent/mortgage), energy (i.e., heating fuel, electricity), or other specified basic necessities;

- 2) The Administrator will notify applicants in writing of the specific use-of-income requirements placed on them;
- 3) If upon subsequent application it cannot be determined how the applicant's income was spent, or it is determined that some or all of the applicant's income was not spent as directed and was also not spent on basic necessities, the applicant will not be eligible to receive either regular or emergency general assistance to replace that income; and
- 4) If the applicant does not spend his or her income as directed but can show with verifiable documentation that all income was spent on basic necessities up to allowed amounts, the applicant will remain eligible to the extent of the applicant's eligibility and need.

Calculation of Income and Expenses. When determining eligibility, the Administrator will subtract the applicant's net income from the overall maximum level of assistance found at the beginning of Ordinance § 6.8. If income is greater than the overall maximum level of assistance, the applicant will not be eligible except in an emergency (*see Ordinance § 4.9*). If income is less than the overall maximum level of assistance, the applicant has a deficit.

The municipality will provide assistance in an amount up to the deficit to the extent the applicant also has an unmet need and is in need of basic necessities. The municipality will not grant assistance in excess of the maximum amounts allowed in Ordinance § 6.8 for specific basic necessities except in an emergency or when the Administrator elects to consolidate the applicant's deficit, as provided immediately below.

Consolidation of Deficit. As a general rule, and to the extent of their deficit, applicants will be eligible for assistance for any basic necessity up to, but not exceeding, the maximum amount allowed for that necessity in this ordinance or the actual 30-day cost of the necessity, whichever is less. Under certain circumstances, however, and in accordance with the following conditions, the Administrator may consolidate the applicant's deficit and

apply it toward a basic necessity in an amount greater than the ordinance maximum for that necessity.

- 1) The practice of consolidating the deficit and applying it toward a basic necessity in amounts greater than the ordinance maximum shall be the exception rather than the rule;
- 2) The total GA grant cannot exceed the total deficit unless the applicant is in an emergency situation; and
- 3) The need for the application of the recipient's consolidated deficit toward a basic necessity was not created by the recipient mispending his or her income or resources in violation of the use-of-income requirements of this ordinance.

Section 6.7—Income

Income Standards. Applicants whose income exceeds the overall maximum level of assistance provided in Ordinance § 6.8 shall not be eligible for GA except in an emergency. Each time an applicant applies, the Administrator will conduct an individual factual inquiry into the applicant's income and expenses.

Calculation of Income. To determine whether applicants are in need, the Administrator will calculate the income they will receive during the next 30-day period commencing on the date of application and identify any assets or resources that would alleviate their need. For all applicants other than initial applicants, the Administrator will also consider as available income any income that was not spent during the previous 30-day period on basic necessities as well as any income that was spent on basic necessities in unreasonable excess of the ordinance maximums for specific basic necessities. If a household's income exceeds the amount of the household's need for basic necessities, up to the maximum levels contained in Ordinance § 6.8, applicants will not be considered in need.

Exceptions will be made in emergency situations, which may necessitate that the maximum levels be exceeded. (22 M.R.S. § 4308) (*see Ordinance § 4.9*). To calculate weekly income and expenses, the Administrator will use actual income received or actual anticipated income.

Types of Income. Income that will be considered in determining an applicant's need includes:

- a) **Earned Income.** Income in cash or in kind earned by the applicant through wages, salary, commissions, or profit, whether self-employed or as an employee, is considered earned income. If a person is self-employed, total income will be computed by subtracting reasonable and actual business expenses from gross income. When income consists of wages, the amount computed will be the income available after taxes, social security and other payroll deductions required by state, federal, and local law. Rental income and profit from produce that is sold is considered earned income. Income that is held in trust and unavailable to the applicant or the applicant's dependents will not be considered as earned income.

Note: Actual work-related expenses such as union dues, transportation to and from work, special equipment or work clothes, and childcare costs will be deducted from an applicant's income. (22 M.R.S. § 4301(7)).

- b) **Income from Other Assistance or Social Services Programs.** State/federal categorical assistance benefits, SSI payments, Social Security payments, VA benefits, unemployment insurance benefits, and payments from other government sources will be considered as income, unless expressly prohibited by federal law or regulation. Federal law prohibits Food Stamps and Fuel Assistance payments made by the Home Energy Assistance Program (HEAP and EPIC) from being considered income. The value of the food stamps or fuel assistance will not be used to reduce the amount of GA the applicant is eligible to receive. Although applicants may have only a limited or reduced need for GA for heating fuel or electricity if a recently received HEAP/ECIP benefit has sufficiently credited their account or otherwise prevented the fuel-related costs for the prospective 30-day period.

The Administrator's obligation is to always compute the heating needs of an applicant who has received HEAP or ECIP as if that applicant paid for his or her total fuel costs. Accordingly, in such cases, the Administrator will budget for the

household's heating energy needs according to actual usage, up to the ordinance maximums, but the Administrator may, with written notice to the applicant, hold in reserve the heating energy portion of the applicant's deficit until such a time during the period of eligibility that the applicant has a demonstrable need for the disbursement of heating energy assistance; that is, the applicant's fuel tank can accept a minimum fuel delivery or the applicant no longer has a positive credit balance with his or her utility company. The municipality is not obligated to divert any recipient's heating energy allowance toward non-heating purposes solely on the basis of the recipient's receipt of HEAP/ECIP.

Other programs whose income cannot be counted for purposes of GA eligibility include:

- Family Development Accounts (22 M.R.S. § 3762)
- Americorp VISTA program benefits (42 U.S.C. § 5044(f))
- Property tax rebates issued under the Maine Property Tax Fairness Credit program, only so long as the money is spent on basic necessities. (22 M.R.S. § 4301(7))

c) Court-Ordered Support Payments. Alimony and child support payments will be considered income only if actually received by the applicant. The Administrator will refer cases in which support payments were not actually received to the Maine DHHS Child Support Enforcement Unit. In order to be eligible for future GA benefits, applicants referred to DHHS for support enforcement assistance shall be required to follow-through with such services. Because child support payments are considered a resource, applicants must make a good faith effort to secure such payments.

d) Income from Other Sources. Payments from pensions and trust funds will be considered income. Payments from boarders or lodgers will be considered income as will cash or in-kind contributions provided to the household from any other source, including relatives. (22 M.R.S. § 4301(7)).

e) Earnings of a Son or Daughter. Earned income received by sons and daughters below the age of 18 who are full-time students and who are not working full-time

will not be considered income. The unearned income of a minor in the household will be considered available to the household.

- f) **Income from Household Members.** Income from household members will be considered available to the applicant, whether or not the household member is legally obligated for the support of the applicant, if the household members pool or share their income and expenses as a family or intermingle their funds so as to provide support to one another.
- g) **The Pooling or Non-Pooling of Income.** When two or more individuals share the same dwelling unit but not all members of the household are applying for GA, the Administrator shall make a finding under a rebuttable presumption that the entire household is pooling income. (22 M.R.S. § 4301(12-A)).

One or more applicants for assistance can successfully rebut the presumption that all household income is being pooled by providing the Administrator with verifiable documentation affirmatively demonstrating a pattern of non-pooling during the duration of the shared living arrangement. Such documentation would include evidence of the entire household's expenses, bank statements, cancelled checks, receipts, landlord statements or other vendor accounts clearly supporting a claim that the applicant has been and is presently solely and entirely responsible for his or her pro-rata share of household costs.

If the applicant is unable to successfully rebut the municipality's presumption that all household income is being pooled, eligibility of the entire household will be determined based on total household income. If the applicant successfully rebuts the municipality's presumption that all household income is being pooled, the applicant's eligibility will be determined on the basis of his or her income and his or her pro-rata share of actual household expenses.

- h) **Lump Sum Income.** A lump sum payment received by any GA applicant or recipient prior or subsequent to the date of application for GA will be considered as income available to the household. However, verified required payments (i.e., any third-party payment which is required as a condition of receiving the lump sum payment, or any payments of bills earmarked for the purpose for which the lump sum payment was made) and any amount of the lump sum payment which the applicant

can document was spent on basic necessities, as described below, will not be considered available income.

Where a household receives a lump sum payment at any time prior or subsequent to the date of application for GA, the Administrator will assess the need for prorating an applicant's eligibility for GA according to the following criteria. (22 M.R.S. § 4301(7), (8-A)):

- 1) identify the date the lump sum payment was received;
- 2) subtract from the lump sum payment all required payments;
- 3) subtract from the lump sum any amount the applicant can demonstrate was spent on basic necessities, including all basic necessities as defined by the GA program such as: reasonable payment of funeral or burial expenses for a family member; any reasonable travel costs related to the illness or death of a family member; repair or replacement of essentials lost due to fire, flood or other natural disaster; repair or purchase of a motor vehicle essential for employment, education, training or other day-to-day living necessities. Repayments of loans or credit, the proceeds of which can be verified as having been spent on basic necessities; and payment of bills earmarked for the purpose for which the lump sum is paid must also be subtracted. (22 M.R.S. § 4301(7), (8-A));
- 4) add to the remainder all income received by the household between the date of receipt of the lump sum payment and the date of application for GA; and
- 5) divide the sum created in subsection (4) by the verified actual monthly amounts for all of the household's basic necessities. 22 M.R.S. § 4305(3-B).

This dividend represents the period of proration determined by the Administrator to commence on the date of receipt of the lump sum payment. The prorated sum for each month must be considered available to the household for 12 months from the date of application or during the period of proration, whichever is less.

The household of an initial applicant that is otherwise eligible for emergency assistance may not be denied emergency assistance to meet an immediate need solely on the basis of the proration of a lump sum payment. (22 M.R.S. § 4308).

Section 6.8—Basic Necessities; Maximum Levels of Assistance

Overall Maximum Levels of Assistance. Notwithstanding any of the maximum levels of assistance for specific basic necessities listed in Ordinance Appendices B-H, an applicant's eligibility for GA will be first determined by subtracting his or her income from the overall maximum level of assistance designated in Appendix A for the applicable household size. (22 M.R.S. § 4305 (3-B)). The difference yielded by this calculation shall be the applicant's deficit.

Applicants will be eligible for GA up to the calculated deficit to the extent the applicant is unable to otherwise provide the basic necessities essential to maintain themselves or their families. Applicants with no deficit shall be found ineligible for GA unless they are in an emergency, in which case eligibility for emergency GA will be determined according to Ordinance § 4.9.

Maximum Levels of Assistance for Specific Basic Necessities. The municipality will grant assistance to eligible applicants for basic necessities according to the maximum levels for specific types of assistance set forth below. The Administrator, in consultation with the applicant, may apply the amount of the applicant's deficit toward assistance with any one or combination of necessities not to exceed the total deficit. These maximum levels will be strictly adhered to unless the Administrator determines that there are exceptional circumstances and an emergency is shown to exist, in which case these absolute levels will be waived in order to meet immediate needs. In all cases either the actual expenses the applicant incurs for basic necessities or the maximum amount allowed in each category, whichever is less, will be used in determining need.

In roommate situations, the applicant's need for common living expenses for rent, fuel, electricity, etc., will be presumed to be reduced by an amount equal to the other household members' proportionate fair share of the common living expenses. No applicant will be allowed to claim a need for any expense which has been or will be paid by another person. In addition, as a general rule the municipality will not provide a benefit toward a basic need by paying a bill that is issued to a person not living with the applicant's household or that has otherwise been incurred by a person who has not been found eligible to receive assistance.

Temporary exceptions to this general rule may be made by the Administrator in the following circumstances: (1) a recent, unplanned separation has occurred in the household resulting in the sustained or permanent absence of a former household member in whose name the bill was customarily issued; (2) the applicant and members of the applicant's household were or will be the sole recipients of the commodities or services covered by any bill to be paid or partially paid with GA; and (3) the applicant will make a good faith effort to direct the vendor to issue future bills in the name of the applicant or other responsible person residing in the household.

- (A) **Food.** The Administrator will provide food assistance to eligible persons up to the allowed maximum amounts designated by the U.S.D.A. Thrifty Food Plan for the appropriate household size.

For this purpose, the municipality hereby incorporates by reference the U.S.D.A. Thrifty Food Plan, as distributed by the Maine DHHS on or about October of each year. See Ordinance Appendix B for the current year's food maximums.

In determining need for food, the Administrator will not consider the value of the food stamps an applicant receives as income. (22 M.R.S. § 4301.7(A); 7 U.S.C. § 2017(b)). The municipality will authorize vouchers to be used solely for approved food products.

The Administrator will exceed the maximums when necessary for households having members with special dietary needs. The Administrator may require a doctor's statement verifying there is a special dietary need requiring an expenditure for food that is greater than the ordinance maximums.

- (B) **Housing.** The Administrator will provide assistance with rent or mortgage payments that are reasonable and/or within the allowed maximum levels. See Ordinance Appendix C for the current year's housing maximums. It is the applicant's responsibility to find suitable housing, although the Administrator may help the applicant find housing when appropriate. The Administrator will inform the applicant of the allowed housing maximums to assist the applicant in his or her search for housing. The allowed maximum for any applicant will be the categorical housing

maximum representing the minimum dwelling unit space necessary to adequately shelter the applicant household. Applicants requesting assistance for housing that contains more bedrooms than are necessary for the number of household members will be provided assistance according to the maximum level for the number of rooms actually needed.

Rental Payments to Relatives. The municipality may elect to not issue any rental payment to an applicant's relatives unless the rental relationship has existed for at least three months and the applicant's relative(s) rely on the rental payment for their basic needs. For the purpose of this section, a "relative" is defined as the applicant's parents, grandparents, children, grandchildren, siblings, parent's siblings, or any of those relative's children. (22 M.R.S. § 4319(2)).

Rental Payments to Non-Relatives. When applicants are living in private homes with the owner or sharing dwelling units with people who are not pooling income or who are not legally liable relatives, the amount allowed as the applicant's shelter expense will be the applicant's pro rata share of the actual, total shelter cost, up to the ordinance maximum. (22 M.R.S. § 4301(6)).

Any housing assistance issued to a recipient in such a circumstance will be issued, whenever reasonably possible, to the landlord or property owner with the most superior interest in the property; i.e., to a landlord before a tenant, or to a mortgagee before a mortgagor.

When the municipality issues in aggregate more than \$600 in rental payments to any landlord in any calendar year, a 1099 form declaring the total amount of rental payments issued during the calendar year will be forwarded to the Internal Revenue Service (IRS) pursuant to IRS regulation (see § 6041(a) of Internal Revenue Code).

Any landlord wishing to regularly receive rental payments from the municipality on behalf of applicants renting rooms from the landlord's own residence must, at a minimum, make a good faith effort to obtain a lodging license from the DHHS Division of Health Engineering, pursuant to 10-144A CMR, Chapter 201, as a condition of that landlord receiving future GA payments on behalf of his or her tenants.

Mortgage Payments. In the case of a request for assistance with a mortgage payment, the Administrator will make an individual factual determination of whether the applicant has an immediate need for such aid. In making this determination, the Administrator will consider the extent and liquidity of the applicant's proprietary interest in the housing. Factors to consider in making this determination include:

- (1) the marketability of the shelter's equity;
- (2) the amount of equity;
- (3) the availability of the equity interest in the shelter to provide the applicant an opportunity to secure a short-term loan in order to meet immediate needs;
- (4) the extent to which liquidation may aid the applicant's financial rehabilitation;
- (5) a comparison between the amount of mortgage obligations and the anticipated rental charges the applicant would be responsible for if he/she were to be dislocated to rental housing;
- (6) the imminence of the applicant's dislocation from owned housing because of his or her inability to meet the mortgage payments;
- (7) the likelihood that the provision of housing assistance will prevent such dislocation; and
- (8) the applicant's age, health, and social situation.

These factors shall be considered when determining whether the equity in the shelter is an available asset which may be substituted for the assistance the municipality would otherwise be required to provide.

The Administrator shall consider issuing a benefit in response to the applicant's request for mortgage assistance to the extent the applicant is otherwise eligible for GA if after review of the criteria above, the Administrator determines that:

- (1) the monthly mortgage obligation is in accordance with the maximum levels of assistance available for housing appropriate to the applicant's household size;
- (2) there is no capacity in the accumulated equity in the property, when considered in the context of the applicant's borrowing capacity with the mortgagee or the general lending community, to suspend the mortgage obligation temporarily or

re-amortize the mortgage in such a way as to suspend or reduce the mortgage obligation; and

- (3) the failure to provide a mortgage payment in a timely manner could jeopardize the applicant's continued right of possession of the property.

If a mortgage payment is necessary, the Administrator will pay the actual amount due, up to the amount allowed according to the maximum levels listed below. After an initial application, assistance with such payments will be given only after the applicant has made all reasonable efforts to borrow against the equity of his or her home. If there is not sufficient equity in the home with which to secure a loan, and if the monthly mortgage payments are not realistically in line with the rental rates for similar housing in the area that could meet the applicant's needs, the Administrator will inform the applicant that he/she is responsible for finding alternative housing within his or her ability to pay and will be obligated to make all reasonable efforts to secure such housing.

Liens. The municipality may place a lien on the property in order to recover its costs of granting assistance with mortgage payments. In addition, a municipality may claim a lien against the owner of real estate for the amount of money spent by it to make capital improvements to the real estate. (22 M.R.S. § 4320). No lien may be enforced against a recipient except upon his or her death or the transfer of the property. Further, no lien may be enforced against a person who is currently receiving any form of public assistance, or who would again become eligible for GA if the lien were enforced.

If the municipality determines that it is appropriate to place a lien on a person's property to recover its costs of providing GA for a mortgage payment or capital improvement it must file a notice of the lien with the county registry of deeds where the property is located within 30 days of making the mortgage payment. That filing shall secure the municipality's or the state's interest in an amount equal to the sum of that mortgage or capital improvement payment and all subsequent mortgage or capital improvement payments made on behalf of the same eligible person, plus interest and costs.

Not less than 10 days prior to filing the lien in the registry, the municipal officers must send notice to the owner of the real estate, the GA recipient, and any record holder of the mortgage by certified mail, return receipt requested, that a lien on the property is going to

be filed with the registry. This notice must clearly inform the recipient of the limitations upon enforcement plus the name, title, address and telephone number of the person who granted the assistance. The municipal officers must also give written notice to the recipient each time the amount secured by the lien is increased because of an additional mortgage payment. This notice must include the same information that appeared on the original intent-to-file notice sent to the recipient.

The municipality may charge interest on the amount of money secured by the lien. The municipal officers will establish the interest rate not to exceed the maximum rate of interest allowed by the State Treasurer to be charged against delinquent taxes. The interest will accrue from the date the lien is filed.

Property Taxes. In the event an applicant requests assistance with his or her property taxes, the Administrator will inform the applicant that there are two procedures on the local level to request that relief: the poverty abatement process (36 M.R.S. § 841(2)) and GA. If the applicant chooses to seek property tax assistance through GA, or if the applicant is denied a poverty tax abatement, the Administrator may consider using GA to meet this need only if:

- a) the property tax in question is for the applicant's place of residence;
- b) there is a tax lien on the property which is due to mature within 60 days of the date of application;
- c) as a matter of municipal policy or practice, or on the basis of information obtained from the applicant's mortgagee, if any, it is reasonably certain that a tax lien foreclosure will result in subsequent eviction from the residential property; and
- d) the applicant, with sufficient notice, applies for property tax relief through the Maine Property Tax Fairness Credit program, when available.

Housing Maximums. The maximum levels of housing assistance contained in this ordinance have been derived either from a locally accomplished fair market rental survey or the fair market rental values developed by the U.S. Department of Housing and Urban Development (HUD). If the maximum levels of housing are derived from the HUD values made effective as of every October 1, and adjusted to disregard the current and averaged utility allowances as developed by the Maine State Housing Authority, those levels are

hereby incorporated by reference. See Ordinance Appendix C for the current year's housing maximums.

If and when the maximum levels of housing assistance in this Ordinance are derived from a locally developed fair market rental survey, a record of that survey will be submitted to the DHHS, General Assistance Unit, and the maximum levels of housing assistance will be incorporated into this Ordinance pursuant to the ordinance adoption and amendment procedures found at 22 M.R.S. § 4305.

- (C) **Utilities.** Expenses for lights, cooking, and hot water will be budgeted separately if they are not included in the rent. Applicants are responsible for making arrangements with the utility company regarding service, including entering into a special payment arrangement if necessary.

Assistance will be granted to eligible applicants on the basis of their most recent bill. The municipality is not obligated to pay back bills or utility security deposits. Exceptions may be made in emergency situations pursuant to section 4.9.

Disconnection of utility service will not be considered an emergency in all cases. The Administrator will make an individual, factual analysis to determine if the termination of utility service constitutes an emergency. The Administrator will consider the household composition, the time of year, the age and health of the household members, and other appropriate factors in reaching a decision. Applicants who had sufficient income, money, assets or other resources to pay their utility bill when it was received, but who spent all or part of their income on items which were not basic necessities, will not be eligible to receive GA to replace those funds.

Applicants have the burden of providing evidence of their income and use of income for the applicable time period (22 M.R.S. § 4308(2)) (*see Ordinance §§ 4.9; 6.3*). The Administrator will notify applicants in writing that they must give the Administrator prompt notice if their utility service is to be terminated or if their fuel supply is low. It is the applicant's responsibility to attempt to make arrangements with the utility company to maintain their service and to notify the Administrator if assistance is needed with a utility bill prior to service being terminated.

Electricity Maximums for Households Without Electric Hot Water. See Ordinance Appendix D for the current year's electricity maximums.

Electricity Maximums for Households that Use Electrically Heated Hot Water. See Ordinance Appendix D for the current year's electricity maximums.

Non-Electric Utilities. The allowed amount for water and sewer utility service will be budgeted at a 30-day reasonable usage rate.

- (D) **Fuel.** Expenses for home heating will be budgeted according to the actual need for fuel during the heating season (September through May) provided such expenses are reasonable, and at other times during the year when the Administrator determines the request for fuel assistance is reasonable and appropriate.

Assistance will be granted to eligible applicants on the basis of their most recent bill. The municipality is not responsible for back bills except in an emergency as provided in Ordinance § 4.9. Applicants are responsible for monitoring their fuel supply and requesting assistance prior to depleting their fuel supply. When applicants who have been informed of this responsibility run out of fuel nonetheless, and can show no just cause for failing to give the Administrator timely notice of their need for fuel, the Administrator shall find that the emergency was not beyond the applicants' control, and process the emergency request accordingly, pursuant to Ordinance § 4.9. See Ordinance Appendix E for the current year's fuel maximums.

- (E) **Personal Care and Household Supplies.** Expenses for ordinary personal and household supplies will be budgeted and allowed according to the applicant's actual need for these items. Personal and household supplies include: hand soap, toothpaste, shampoo, shaving cream, deodorant, dish detergent, laundry supplies and costs, household cleaning supplies, razors, paper products such as toilet paper, tissues, paper towels, garbage/trash bags light bulbs and supplies for children under 5 years of age. See Ordinance Appendix F for the current year's personal care and household supplies maximums.

- (F) **Other Basic Necessities.** Expenses falling under this section will be granted when they are deemed essential to an applicant's or recipient's health and safety by the

Administrator and, in some cases, upon verification by a physician. Assistance will be granted only when these necessities cannot be obtained through the utilization of available resources.

- 1) **Clothing.** The municipality may assist a household with the purchase of adequate clothing. Before assistance will be granted for clothing, the general assistance Administrator must be satisfied that the applicant has utilized all available resources to secure the necessary clothing. In some circumstances, clothing will be a postponable item. Exceptions to this would be, for example, if fire, flood or unusually cold weather makes extra clothing an immediate necessity, special clothing is necessary for the applicant's employment, or a household member is without adequate clothing.
- 2) **Medical.** The municipality will pay for essential medical expenses, other than hospital bills (*see below*), provided that the municipality is notified and approves the expenses and services prior to their being made or delivered. Medical expenses include prescriptions, devices, treatments, or services that are determined to be 'medically necessary' by a licensed physician. The municipality will grant assistance for medical services only when assistance cannot be obtained from any other source and the applicant would not be able to receive necessary medical care without the municipality's assistance. The applicant is required to utilize any resource, including any federal or state program, that will diminish his or her need to seek general assistance for medical expenses. The municipality will grant assistance for non-emergency medical services only if a physician verifies that the services are essential. Provided there is no cost to the applicant, the Administrator may require a second medical opinion from a physician designated by the municipality to verify the necessity of the services.

Generally, the municipality will issue GA at the established Medicaid rates for all medical services, prescriptions, or other medical commodities. Before authorizing GA for any medical expenses, the Administrator will inform the pharmacy or medical service provider of the municipality's intention to pay for the medical service at the Medicaid rate and ask to be billed accordingly.

Ordinary medical supplies/non-prescription drugs will be budgeted at the actual amount when the applicant can demonstrate a need for such items. Allowable supplies include bandages, aspirin, cough syrup, and other generic brand, non-prescription medicines. In addition, the basic monthly rate for telephone service will be budgeted when a telephone is essential to the health and safety of the household. In order for telephone service to be considered an allowable expense the applicant must provide a written statement from a physician certifying that the telephone is essential.

- 3) **Hospital Bills.** In the event of an emergency admission to the hospital, the hospital must notify the Administrator within 5 business days of the admission. Notification must be by telephone, confirmed by certified mail, or by certified mail only. If a hospital fails to give timely notice to the Administrator, the municipality will have no obligation to pay the bill.

Any person who cannot pay his or her hospital bill must apply to the hospital for consideration under the Hospital's Free Care Program as provided in Title 22 M.R.S. § 1716. Anyone who is not eligible for the hospital's free care program may apply for GA. Applicants must apply for assistance within 30 days of being discharged from the hospital and provide a notice from the hospital certifying that he or she is not eligible for the hospital's free care program.

Before the Administrator will consider whether to allow a hospital bill as a necessary expense, the applicant must enter into a reasonable payment arrangement with the hospital. The payment arrangement will be based upon the Medicaid rate. In determining an applicant's eligibility, the municipality will budget the monthly payment to the hospital the applicant has agreed to pay. The applicant's need for assistance with a hospital bill will be considered each time he/she applies by including the amount of the bill in the applicant's monthly budget, but the recipient will be responsible for making any necessary payments to the hospital pursuant to the use-of-income requirements found at Ordinance § 6.6.

- 4) **Dental.** The municipality will pay for medically necessary dental services only. As is the case with medical services generally, the municipality will issue GA for dental services at the established Medicaid rates for those services, and before authorizing the GA benefit for dental services, the Administrator will inform the dentist or dental surgeon of the municipality's intention to pay at the Medicaid rate. If full mouth extractions are necessary, the municipality will pay for dentures provided the applicant has no other resources to pay for the dentures. The applicant will be referred to a dental clinic in the area whenever possible. The Administrator will expect the applicant to bear a reasonable part of the cost for dental services, including extractions and dentures, taking into account the applicant's ability to pay.
- 5) **Eye Care.** In order to be eligible to receive GA for eyeglasses, an applicant must have his or her medical need certified by a person licensed to practice optometry. The Administrator will provide assistance for eyeglasses to eligible persons only after the applicant has exhausted all other available resources and generally only at the Medicaid rate.
- 6) **Telephone Charge.** A payment for basic telephone will only be allowed if a telephone is necessary for medical reasons as verified by a physician. At the discretion of the GA Administrator, minimum/basic telephone services may be allowed for households with children, for households where job search or work-related reasons exist and/or for any other reasons the Administrator deems necessary.
- 7) **Work-Related Expenses.** In determining need, reasonable and actual work-related expenses will be deducted from earned income. These expenses include childcare costs, work clothes, supplies and transportation at the actual costs not to exceed the ordinance maximum. See Ordinance [Appendix G](#) for the current maximum mileage allotment. The applicant is required to provide documentation substantiating the costs and that the expenses were necessary.
- 8) **Travel Expenses.** In determining need, necessary travel which is not work-related will be budgeted if the applicant can satisfy the Administrator that the prospective need for travel is necessary. For applicants in rural areas, weekly transportation to a supermarket will be considered, as will any medically

necessary travel. See Ordinance Appendix G for the current rate at which such necessary travel will be budgeted. This rate shall be construed to subsidize all costs associated with automobile ownership and operation, including gas/oil, tires, maintenance, insurance, financing, licensing/registration, excise tax, etc.

9) **Burials, Cremations.** Under the circumstances and in accordance with the procedures and limitations described below (*see Ordinance § 6.9*), the municipality recognizes its responsibility to pay for the burial or cremation of eligible persons. See Ordinance Appendix H for the current maximums.

10) **Capital Improvements.** The costs associated with capital improvements/repairs (e.g., heating/water/septic system repair) will generally not be budgeted as a basic necessity. Exceptions can be made only when the capital improvement/repair has been pre-approved by the Administrator as a necessary expense and the monthly cost of the capital improvement/repair has been reduced as far as reasonably possible; for example, by means of the applicant entering into an installment payment arrangement with the contractor. The Administrator may grant GA for capital improvements when:

- 1) the failure to do so would place the applicant(s) in emergency circumstances;
- 2) there are no other resources available to effect the capital repair; and
- 3) there is no more cost-effective alternative available to the applicant or municipality to alleviate an emergency situation.

In some cases, the entire immediate cost of the capital improvement can be mitigated by the applicant entering into an installment payment arrangement with a contractor. The municipality reserves the right to place a lien on any property pursuant to 22 M.R.S. § 4320 when GA has been used to effect a capital improvement. The lien process shall be accomplished in the same manner as for mortgage payments, as described in subsection (B) “Liens”, above.

Section 6.9—Burials; Cremations

Funeral Director Must Give Timely Notice. In order for the municipality to be liable for a burial or cremation expense, the funeral director must notify the Administrator prior to the burial or cremation or by the end of three business days following the funeral director’

receipt of the body, whichever is earlier. (22 M.R.S. § 4313(2)). This contact by the funeral director shall begin the process of developing an application for burial/cremation assistance on behalf of the deceased. It is the funeral director's responsibility to make a good-faith effort to determine if the family or any other persons are going to pay all or part of the burial expenses. If family members or others are unable to pay the expenses, and the funeral director wants the municipality to pay all or part of the expenses, the funeral director must make timely contact to the Administrator. In addition, the funeral director may refer legally liable relatives to the Administrator so that a timely determination of financial capacity may be accomplished.

Application for Assistance Shall be Calculated on Behalf of the Deceased. For the purposes of determining residency, calculating eligibility and issuing GA for burial or cremation purposes, an application for assistance shall be completed by the Administrator on behalf of the deceased.

With regard to residency, the municipality of responsibility for burial expenses shall be the municipality in which the eligible deceased person was a resident at the time of death as residency is determined under Ordinance § 4.10.

Although legally liable relatives may be asked to provide information regarding their income, assets, and basic living expenses, that information will not be construed as an application for GA in as much as living persons are not eligible for burial assistance. To clarify this point of law, although legally liable relatives have a financial responsibility to pay for the burial or cremation of their relatives, that financial responsibility only exists to the extent the legally liable relatives have a financial capacity to do so. Therefore, legally liable relatives who are themselves eligible for GA, have no legal obligation to pay for the burial or cremation of their relatives. For these reasons, all GA issued for burial or cremation purposes shall be issued on behalf of, and in the name of, the deceased.

The Financial Responsibility of Certain Family Members. Grandparents, parents, children and grandchildren of the deceased whether or not living in or owning property in Maine, and the spouse or registered domestic partner of the deceased, are financially responsible for the burial or cremation of the deceased to the extent those relatives,

individually or as a group, have a financial capacity to pay for the burial or cremation either in lump sum or by means of a budgeted payment arrangement with the funeral home. Accordingly, at the request of the Administrator, all legally liable relatives must provide the Administrator with any reasonably requested information regarding their income, assets, and basic living expenses. The Administrator may also seek information from financial institutions holding assets of the deceased. Maine law requires a financial institution to disclose the amount deposited in the corporation or association when the municipality or its agents are acting in accordance with section 4313(2) and provide a written request and a notarized affidavit signed by the Administrator of the municipality or its agents stating that the named depositor is deceased.

Consideration of the Financial Responsibility of Family Members. Generally, when the Administrator can make a finding that one or more of the deceased's legally liable relatives have an obvious and demonstrable financial capacity to pay for the burial or cremation, by lump sum payment or by means of a reasonable payment arrangement, the municipality will not grant the requested burial or cremation assistance. When the Administrator is unable to make such a finding, the following proration of familial responsibility will be implemented.

Proration of Familial Responsibility. A proration of familial financial responsibility will be used when no legally liable relative possesses an obvious and demonstrable capacity to pay for the burial or cremation, but one or more of the financially liable relatives is found to have a financial capacity to make a partial financial contribution, or the Administrator is unable to determine the financial capacity of one or more of said relatives.

Under these circumstances, each legally liable relative is considered to be responsible for his or her pro rata share of the total municipal contribution that would exist if no legally liable relatives had a financial capacity to contribute. Furthermore, and as long as all other eligibility factors have been satisfied, the municipality will provide as a burial or cremation benefit the aggregate of all pro rata shares less the share of any legally liable relative who refuses to cooperate with the Administrator by providing information or documentation reasonably necessary to determine that relative's financial capacity, and less any share

or part of a share attributable to a legally liable relative who can financially contribute or partially contribute toward the burial or cremation to the extent of that relative's share.

Eight Days to Determine Eligibility. The Administrator may take up to 8 days from the date of an application for burial/cremation assistance to issue a written decision regarding the amount of the municipal contribution toward the burial or cremation. The 8-day eligibility determination period from the date of application shall be used as necessary to make third-party collateral contacts, verify the listing of legally liable family members and determine their respective financial capacities to contribute to the burial or cremation, contact the personal representative of the deceased's estate, if any, and other related administrative tasks. The Administrator shall not use this 8-day period allowed by law to unreasonably delay the municipality's decision.

The Municipal Obligation to Pay When Legally Liable Relatives or Others Can Contribute. The figures provided in this section are the maximum benefits provided by the municipality when no contributions toward the burial or cremation are available from any other source. To the extent any legally liable relatives of the deceased have a financial capacity to pay for the burial or cremation, that financial capacity shall be deducted from the maximum burial costs allowed by this section. In addition, any other benefits or resources that are available, such as Social Security burial benefits, veterans' burial benefits, or contributions from other persons, will be deducted from the maximum amount the municipality will pay, except there will be no deduction from the municipal benefit level with respect to any contribution provided for the purpose of publishing an obituary notice up to an aggregate contribution limit for this purpose of \$75 when a paid receipt demonstrating the purchase of an obituary notice is provided to the Administrator.

Burial Expenses. The Administrator will respect the wishes of family members concerning whether the deceased is interred by means of burial or cremated. See Ordinance Appendix H for the maximum levels of burial assistance.

Cremation Expenses. In the absence of any objection by any family members of the deceased, or when neither the Administrator nor the funeral director can locate any family

members, the Administrator may issue GA for cremation services. See Ordinance Appendix H for the maximum assistance levels for cremations.

Section 6.10—Notice of Decision

Written Decision. Each time a person applies, the Administrator will provide a written decision to the applicant after making a determination of eligibility. The decision will be given to the applicant within 24 hours after a completed and signed application is received (22 M.R.S. § 4305(3)) (*see Ordinance § 4.6*).

In order to comply with the statutory requirement to issue a decision within 24 hours, if an applicant submits an incomplete or unsigned application, the Administrator may decide to issue a notice of “ineligibility” and provide the applicant with another application to submit as soon as is practicable for the applicant.

The Administrator must explain the applicant’s right to a fair hearing in the Administrator’s written notice of decision.

Contents of Decision. After an application has been completed, applicants will be given written notice of any decision concerning their eligibility for assistance. In addition to the items listed in Ordinance § 4.6, the notice of decision will include a statement that:

- a) the applicant has the right to a fair hearing and how to request a fair hearing, and;
- b) the applicant has the right to contact the DHHS if he or she believes the municipality has violated the law. The decision will include contact information for the appropriate DHHS office.

Disbursement of General Assistance. Except when the Administrator determines it is impractical, all GA will be provided as a voucher or purchase order payable to a vendor or through direct municipal payment to a provider of goods or services. GA will not be issued in the form of a cash payment to an applicant unless there is no alternative to the cash payment, in which case the Administrator shall document the circumstances requiring GA to be issued in the form of cash. (22 M.R.S. § 4305(6)).

ARTICLE VII – The Fair Hearing

Section 7.1—Right to a Fair Hearing

Within 5 working days of receipt of a written notice of denial, reduction or termination of assistance, or within 10 working days after any other act or failure to act, the applicant or his or her authorized representative has the right to request a fair hearing. (22 M.R.S. § 4322). The right to review a decision of the Administrator is a basic right of the applicant to a full evidentiary hearing and is not limited solely to a review of the decision.

Section 7.2—Method of Obtaining a Fair Hearing

Upon receiving notification of the decision of the Administrator, all claimants will be informed of how to request a fair hearing. All complaints that are not clear requests for a fair hearing will be answered by a personal interview or in writing by the Administrator. If the client is satisfied with the adjustment or explanation, the Administrator will make an entry in the case record and file any correspondence involved.

Written Request. To obtain a fair hearing, the claimant, or his or her authorized representative, must make a written request within 5 working days of receipt of the Administrator’s decision to grant, deny, reduce or terminate assistance, or within 10 working days after any other act or failure to act. The Administrator will make a form available to request a fair hearing and will assist the claimant in completing it if necessary. On the printed form, the claimant will give the following information:

- a) the decision on which review is sought;
- b) the reason(s) the claimant is dissatisfied and why the claimant believes he/she is eligible to receive assistance; and
- c) the relief sought by the claimant.

The Administrator may not deny or dismiss a request for a hearing unless it has been withdrawn (in writing) by the claimant.

Scheduling the Fair Hearing. Upon receipt of the completed written request, the FHA must meet and hold the hearing within 5 working days. The Administrator will notify the claimant in writing when and where the hearing will be held. (22 M.R.S. § 4322). In addition to the

date, time and place of the hearing, the notice of fair hearing shall include, at a minimum, the claimant's rights to:

- a) be his or her own spokesperson at the fair hearing, or at the claimant's own expense be represented by legal counsel or another;
- b) confront and cross-examine any witnesses presented at the hearing; and
- c) present witnesses on his or her own behalf.

Arrangements for the date, time, and place of the hearing will take into consideration the convenience of the claimant and hearing authority. The claimant will be given timely notice to allow for preparation and will also be given adequate preliminary information about the hearing procedure to allow for effective preparation of his or her case.

Section 7.3—The Fair Hearing Authority

The municipal officers will appoint a fair hearing authority (FHA) that will determine, based on all the evidence presented at the fair hearing, whether the claimant(s) were eligible to receive assistance at the time they applied for GA. The FHA is charged with ensuring that GA is administered in accordance with state law and this ordinance.

The FHA may consist of the municipal officers, one or more persons appointed by the municipal officers to act as the FHA, or, if designated by ordinance, a municipal board of appeals created under 30-A M.R.S. § 2691. (22 M.R.S. § 4322). In determining the FHA, the municipal officers will ensure that all person(s) serving as FHA must:

- a) have not participated in the decision which is the subject of the appeal;
- b) be impartial;
- c) be sufficiently skilled in interviewing techniques to be able to obtain evidence and the facts necessary to make a fair determination; and
- d) be capable of evaluating all evidence fairly and realistically, explaining to the claimant the laws and regulations under which the Administrator operated, and conveying to the Administrator any evidence of unsound, unclear, or inadequate policies, practices or actions.

Section 7.4—Fair Hearing Procedure

At the time that written notice of the date, time, and place of the fair hearing is provided to a claimant, he/she will also be given adequate information about the hearing procedure to allow him/her to effectively prepare his or her case. The claimant shall be permitted to review his or her file before the hearing. At a minimum, the claimant will be provided with the following information regarding fair hearing procedures. All fair hearings will:

- a) be conducted in private, with only to the claimant, witnesses, the claimant's legal counsel, others whom the claimant wants present, and Administrator, the Administrator's agents, counsel and witnesses present;
- b) be opened with a presentation of the issue by the FHA;
- c) be conducted informally, without technical rules of evidence, but subject to the requirements of due process;
- d) allow the claimant and the Administrator the option to present their positions for themselves or with the aid of others, including legal counsel;
- e) give all participants an opportunity to present oral or written testimony or documentary evidence, offer rebuttal; question witnesses presented at the hearing; and examine all evidence presented at the hearing;
- f) result in a decision, based exclusively on evidence or testimony presented at the hearing; and
- g) be tape recorded, and result in a written decision that is given to the claimant and filed with evidence introduced at the hearing. The FHA will allow the claimant to establish all pertinent facts and circumstances, and to advance any arguments without undue interference. Information that the claimant does not have an opportunity to hear or see will not be used in the fair hearing decision or made part of the hearing record. Any material reviewed by the FHA must be made available to the claimant or his or her representative. The claimant will be responsible for preparing a written transcript if he/she wishes to pursue court action.

The FHA shall admit all evidence if it is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. (22 M.R.S. § 4322).

Claimant's Failure to Appear. If the claimant fails to appear at the hearing, the FHA will send a written notice to the claimant indicating that the Administrator's decision remains unchanged because of the claimant failure to appear. The notice will state that the claimant has 5 working days from receipt of the notice to provide the Administrator with information demonstrating "just cause," for failure to appear.

"Just cause" for a claimant's failure to appear at a fair hearing, may include:

- a) a death or serious illness in the family;
- b) a personal illness which reasonably prevents the party from attending the hearing;
- c) an emergency or unforeseen event which reasonably prevents the party from attending the hearing;
- d) an obligation or responsibility which a reasonable person in the conduct of his or her affairs could reasonably conclude takes precedence over the attendance at the hearing; or
- e) lack of receipt of adequate or timely notice; excusable neglect, excusable inadvertence, or excusable mistake.

If the claimant (or his/her attorney) establishes that just cause existed, the request for the hearing will be reinstated and a hearing rescheduled.

If a claimant who is represented by legal counsel fails to appear at a fair hearing, legal counsel shall not testify in place of the claimant on matters of 'fact' but may cross examine witnesses and make 'legal' arguments on behalf of the claimant.

Section 7.5—The Fair Hearing Decision

The FHA's decision will be binding on the Administrator, and will be communicated in writing to the claimant within 5 working days after completion of the hearing. Written notice of the decision will contain:

- a) a statement of the issue;
- b) relevant facts brought out at the hearing;
- c) pertinent provisions in the law or GA ordinance related to the decision; and

d) the FHA's decision and the reasons for it.

A copy of the decision will be given to the claimant. The hearing record and the case record will be maintained by the Administrator.

The written decision will state that if the claimant is dissatisfied with the fair hearing decision, he/she may appeal pursuant to Maine Rule of Civil Procedure, Rule 80B. To take advantage of this right, the claimant must file a petition for review with the Superior Court within 30 days of receipt of the fair hearing decision.

When the decision by the FHA or court authorizes assistance to the claimant, the assistance will be provided within 24 hours.

ARTICLE VIII – Recovery of Expenses

Recipients. The municipality may recover the full amount of assistance granted to a person from either the recipient or from any person liable for the recipient, or his or her executors or administrators in a civil action. However, prior to recovering assistance granted, the municipality shall “offset” the value of any workfare performed by a GA recipient against the repayment obligation, at a rate not less than minimum wage.

Before filing a court action to seek repayment of GA benefits previously provided to a recipient, the municipality will seek voluntary repayment after written notice and discussion with the recipient. However, the municipality will not attempt to recover such amounts if, as a result of the repayment, the recipient would again become eligible for GA. (22 M.R.S. § 4318).

Recipients Anticipating Workers’ Compensation Benefits. The municipality shall claim a lien on any lump sum payment under the Workers’ Compensation Act or similar law of any other state, which lien shall equal the value of all GA payments made to a recipient of any such lump sum payment. (22 M.R.S. § 4318, 39-A M.R.S. § 106). After issuing any GA on behalf of a recipient who has applied for or is receiving Workers’ Compensation, the municipality shall file a notice of the municipal lien with the GA recipient and the Maine Office of Secretary of State, Uniform Commercial Code division.

The notice of lien shall be filed on a UCC-1 form which must be signed by the GA recipient who has applied for or is receiving Workers’ Compensation. Any GA applicant who has applied for or who is receiving Workers’ Compensation benefits and who refuses to sign a properly prepared UCC-1 form will be found ineligible to receive GA until he or she provides the required signature. The municipality shall also send a photocopy of that filing to the recipient’s Worker’s Compensation attorney, if known, the applicant’s employer or the employer’s insurance company, and, at the Administrator’s discretion, to the Workers’ Compensation Board. The lien shall be enforced at the time any lump sum Workers’ Compensation benefit is issued.

Recipients of SSI. All applicants who receive GA while receipt of their Supplemental Security Income (SSI) assistance is pending or suspended (and which therefore may be

retroactively issued to the applicant at a later date), will be required to sign a statement on an Interim Assistance Agreement form distributed by the DHHS that authorizes the Social Security Administration to direct a portion of any retroactive SSI payment to the municipality and/or the state in repayment for the GA granted. Any GA applicant who has applied for or who may be applying for SSI, or who may be required to apply for SSI pursuant to 22 M.R.S. § 4317, and who refuses to sign the Interim Agreement SSI authorization form will be found ineligible to receive GA until he or she provides the required signature. (22 M.R.S. § 4318).

Relatives. The spouse of an applicant, and the parents of any applicant under the age of 25, are liable for the support of the applicant (22 M.R.S. § 4319). In addition, the grandchildren, children, parents, grandparents, the spouse and a registered domestic partner, are liable for the burial costs of each other. The municipality considers these relatives to be available resources and liable for the support of their relatives in proportion to their respective ability. The municipality may complain to any court of competent jurisdiction to recover any expenses made on behalf of a recipient if the relatives fail to fulfill their responsibility. (22 M.R.S. § 4319).

ARTICLE IX – Severability

If any provision of this ordinance is declared invalid by a court of competent jurisdiction, such decision shall not invalidate any other provision of the ordinance.

APPENDICES

APPENDIX A – 2022-2023 GA Overall Maximums.....	87
APPENDIX B – 2022-2023 Food Maximums	90
APPENDIX C – 2022-2023 GA Housing Maximums	91
APPENDIX D – 2022-2023 Electric Utility Maximums	97
APPENDIX E – 2022-2023 Heating Fuel Maximums.....	98
APPENDIX F – 2022-2023 Personal Care & Household Supplies Maximums	99
APPENDIX G – Mileage Rate	100
APPENDIX H – Funeral Maximums / Burial Maximums and Cremation Maximums.....	101
APPENDIX I – 26 M.R.S. § 1043 (23).....	103

APPENDIX A – 2022-2023 GA Overall Maximums

Effective: 10/1/22 – 9/30/23

Metropolitan Areas

COUNTY	Persons in Household				
	1	2	3	4	5*
Bangor HMFA: Bangor, Brewer, Eddington, Glenburn, Hampden, Hermon, Holden, Kenduskeag, Milford, Old Town, Orono, Orrington, Penobscot Indian Island Reservation, Veazie	826	955	1,219	1,515	2,071
Cumberland County HMFA: Baldwin, Bridgton, Brunswick, Harpswell, Harrison, Naples, New Gloucester, Pownal, Sebago	1,016	1,075	1,409	1,865	1,991
Lewiston/Auburn MSA: Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	795	859	1,099	1,427	1,728
Penobscot County HMFA: Alton, Argyle UT, Bradford, Bradley, Burlington, Carmel, Carroll plantation, Charleston, Chester, Clifton, Corinna, Corinth, Dexter, Dixmont, Drew plantation, East Central Penobscot UT, East Millinocket, Edinburg, Enfield, Etna, Exeter, Garland, Greenbush, Howland, Hudson, Kingman UT, Lagrange, Lakeville, Lee, Levant, Lincoln, Lowell town, Mattawamkeag, Maxfield, Medway, Millinocket, Mount Chase, Newburgh Newport, North Penobscot UT, Passadumkeag, Patten, Plymouth, Prentiss UT, Seboeis plantation, Springfield, Stacyville, Stetson, Twombly UT, Webster plantation, Whitney UT, Winn, Woodville	789	792	1,043	1,302	1,420
Portland HMFA: Cape Elizabeth, Casco, Chebeague Island, Cumberland, Falmouth, Freeport, Frye Island, Gorham, Gray, Long Island, North Yarmouth, Portland, Raymond, Scarborough, South Portland, Standish,	1,263	1,463	1,893	2,415	2,958

COUNTY	1	2	3	4	5*
Westbrook, Windham, Yarmouth; Buxton, Hollis, Limington, Old Orchard Beach					
Sagadahoc HMFA: Arrowsic, Bath, Bowdoin, Bowdoinham, Georgetown, Perkins UT, Phippsburg, Richmond, Topsham, West Bath, Woolwich	874	1,031	1,253	1,650	1,880
York County HMFA: Acton, Alfred, Arundel, Biddeford, Cornish, Dayton, Kennebunk, Kennebunkport, Lebanon, Limerick, Lyman, Newfield, North Berwick, Ogunquit, Parsonsfield, Saco, Sanford, Shapleigh, Waterboro, Wells	1,072	1,082	1,355	1,717	1,984
York/Kittery/S.Berwick HMFA: Berwick, Eliot, Kittery, South Berwick, York	1,237	1,293	1,699	2,194	2,934

*Note: Add \$75 for each additional person.

Non-Metropolitan Areas

Persons in Household

COUNTY	1	2	3	4	5*
Aroostook County	692	754	881	1,185	1,353
Franklin County	728	774	909	1,229	1,566
Hancock County	890	925	1,110	1,397	1,529
Kennebec County	819	835	1,038	1,360	1,451
Knox County	844	848	1,038	1,378	1,471
Lincoln County	925	941	1,178	1,463	1,912
Oxford County	814	815	993	1,400	1,627
Piscataquis County	701	752	926	1,227	1,477
Somerset County	755	790	1,017	1,323	1,416
Waldo County	970	972	1,155	1,441	1,970

COUNTY	1	2	3	4	5*
Washington County	756	758	982	1,228	1,343

*** Please Note: Add \$75 for each additional person.**

APPENDIX B – 2022-2023 Food Maximums

Effective: 10/01/22 to 09/30/23

Please Note: The maximum amounts allowed for food are established in accordance with the U.S.D.A. Thrifty Food Plan. As of October 1, 2022, those amounts are:

Number in Household	Weekly Maximum	Monthly Maximum
1	\$ 65.35	\$ 281.00
2	120.00	516.00
3	172.09	740.00
4	218.37	939.00
5	259.53	1,116.00
6	311.40	1,339.00
7	344.19	1,480.00
8	393.26	1,691.00

Note: For each additional person add \$211 per month.

APPENDIX C – 2022-2023 GA Housing Maximums

Effective: 10/01/22 to 09/30/23

(Heated & Unheated Rents)

NOTE: NOT ALL MUNICIPALITIES SHOULD ADOPT THESE SUGGESTED HOUSING MAXIMUMS! Municipalities should ONLY **consider** adopting the following numbers, if these figures are consistent with local rent values. If not, a market survey should be conducted and the figures should be altered accordingly. The results of any such survey must be presented to DHHS prior to adoption. **Or, no housing maximums should be adopted and eligibility should be analyzed in terms of the Overall Maximum—Appendix A. (See Instruction Memo for further guidance.)**

Non-Metropolitan FMR Areas

<u>Aroostook County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	123	528	157	676
1	126	541	171	735
2	140	604	200	859
3	197	846	270	1,159
4	218	935	308	1,323

<u>Franklin County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	131	564	165	712
1	131	564	176	755
2	147	632	206	887
3	207	890	280	1,203
4	267	1,148	357	1,536

<u>Hancock County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	176	755	204	875
1	176	755	211	908

<u>Hancock County</u>	<u>Unheated</u>		<u>Heated</u>	
2	205	883	253	1,089
3	260	1,120	319	1,373
4	276	1,187	349	1,500
<u>Kennebec County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	159	684	187	804
1	159	684	190	818
2	189	811	237	1,017
3	252	1,083	311	1,336
4	258	1,109	331	1,422

Non-Metropolitan FMR Areas

<u>Knox County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	157	709	193	831
1	165	673	193	831
2	189	811	237	1,017
3	256	1,101	315	1,354
4	263	1,129	335	1,442
<u>Lincoln County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	184	790	212	910
1	184	790	215	924
2	221	951	269	1,157
3	276	1,186	335	1,439
4	365	1,570	438	1,883

<u>Oxford County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	158	679	186	799
1	158	679	186	799
2	178	766	226	972
3	261	1,123	320	1,376
4	299	1,285	372	1,598
<u>Piscataquis County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	125	537	159	685
1	125	539	171	733
2	151	649	210	904
3	206	888	279	1,201
4	246	1,059	336	1,447
<u>Somerset County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	144	620	172	740
1	144	620	180	773
2	184	790	232	996
3	243	1,046	302	1,299
4	250	1,074	322	1,387

Non-Metropolitan FMR Areas

<u>Waldo County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	194	835	222	955
1	194	835	222	955
2	216	928	264	1,134

<u>Waldo County</u>	<u>Unheated</u>		<u>Heated</u>	
3	271	1,164	329	1,417
4	379	1,628	451	1,941
<u>Washington County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	144	621	172	741
1	144	621	172	741
2	176	755	224	961
3	221	951	280	1,204
4	233	1,001	306	1,314

Metropolitan FMR Areas

<u>Bangor HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	161	691	189	811
1	181	780	218	938
2	231	992	279	1,198
3	288	1,238	347	1,491
4	402	1,729	475	2,042
<u>Cumberland Cty. HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	205	881	233	1,001
1	209	900	246	1,058
2	275	1,182	323	1,388
3	369	1,588	428	1,841
4	383	1,649	456	1,962

<u>Lewiston/Auburn MSA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	153	660	181	780
1	159	684	196	842
2	203	872	251	1,078
3	267	1,150	326	1,403
4	322	1,386	395	1,699
<u>Penobscot Cty. HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	152	654	180	775
1	152	654	180	775
2	190	816	238	1,022
3	238	1,025	297	1,278
4	251	1,078	323	1,391
<u>Portland HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	262	1,128	290	1,248
1	300	1,288	336	1,446
2	387	1,666	435	1,872
3	497	2,138	556	2,391
4	608	2,616	681	2,929
<u>Sagadahoc Cty. HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	172	739	200	859
1	199	856	236	1,014
2	239	1,026	287	1,232
3	319	1,373	378	1,626
4	358	1,538	430	1,851

<u>York Cty. HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	218	937	246	1,057
1	218	937	248	1,065
2	262	1,128	310	1,334
3	335	1,440	394	1,693
4	382	1,642	455	1,955
<u>York/Kittery/S. Berwick HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	256	1,102	284	1,222
1	260	1,118	297	1,276
2	342	1,472	390	1,678
3	446	1,917	505	2,170
4	603	2,592	676	2,905

APPENDIX D – 2022-2023 Electric Utility Maximums

Effective: 10/01/22 to 09/30/23

ELECTRIC

NOTE: For an electrically heated dwelling also see “Heating Fuel” maximums below. But remember, an applicant is *not automatically* entitled to the “maximums” established—applicants must demonstrate need.

1) Electricity Maximums for Households *Without Electric Hot Water*: The maximum amounts allowed for utilities, for lights, cooking and other electric uses *excluding* electric hot water and heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$19.95	\$ 85.50
2	\$22.52	\$ 96.50
3	\$24.97	\$107.00
4	\$27.53	\$118.00
5	\$29.88	\$128.50
6	\$32.55	\$139.50

NOTE: For each additional person add \$10.50 per month.

2) Electricity Maximums for Households *With Electrically Heated Hot Water*: The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses *excluding* heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$29.63	\$127.00
2	\$34.07	\$146.00
3	\$39.67	\$170.00
4	\$46.32	\$198.50
5	\$55.65	\$238.50
6	\$58.68	\$251.50

NOTE: For each additional person add \$14.50 per month.

NOTE: For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum for heating fuel as provided below.

APPENDIX E – 2022-2023 Heating Fuel Maximums

Effective: 10/01/22 to 09/30/23

<u>Month</u>	<u>Gallons</u>	<u>Month</u>	<u>Gallons</u>
September	50	January	225
October	100	February	225
November	200	March	125
December	200	April	125
		May	50

NOTE: When the dwelling unit is heated electrically, the maximum amount allowed for heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon. When fuels such as wood, coal and/or natural gas are used for heating purposes, they will be budgeted at actual rates, if they are reasonable. No eligible applicant shall be considered to need more than 7 tons of coal per year, 8 cords of wood per year, 126,000 cubic feet of natural gas per year, or 1000 gallons of propane.

APPENDIX F – 2022-2023 Personal Care & Household Supplies Maximums

Effective: 10/01/22 to 09/30/23

<u>Number in Household</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1-2	\$10.50	\$45.00
3-4	\$11.60	\$50.00
5-6	\$12.80	\$55.00
7-8	\$14.00	\$60.00

NOTE: For each additional person add \$1.25 per week or \$5.00 per month.

SUPPLEMENT FOR HOUSEHOLDS WITH CHILDREN UNDER 5

When an applicant can verify expenditures for the following items, a special supplement will be budgeted as necessary for households with children under 5 years of age for items such as cloth or disposable diapers, laundry powder, oil, shampoo, and ointment up to the following amounts:

<u>Number of Children</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1	\$12.80	\$55.00
2	\$17.40	\$75.00
3	\$23.30	\$100.00
4	\$27.90	\$120.00

APPENDIX G – Mileage Rate

This municipality adopts the State of Maine travel expense reimbursement rate as set by the Office of the State Controller. The current rate for approved employment and necessary medical travel, etc. is 46 cents (46¢) per mile.

Please refer to the Office of State Controller for changes to this rate: Telephone: 626-8420 or visit: <http://www.state.me.us/osc/>.

APPENDIX H – Funeral Maximums / Burial Maximums and Cremation Maximums

Effective: 10/01/22 to 09/30/23

The maximum amount of general assistance granted for the purpose of burial is **\$1,475**.

The municipality's obligation to provide funds for burial purposes is limited to a reasonable calculation of the funeral director's direct costs, not to exceed the maximum amounts of assistance described in this section. Allowable burial expenses are limited to:

- removal of the body from a local residence or institution
- a secured death certificate or obituary
- embalming
- a minimum casket
- a reasonable cost for necessary transportation
- other reasonable and necessary specified direct costs, as itemized by the funeral director and approved by the municipal Administrator.

Additional costs may be allowed by the GA Administrator, where there is an actual cost, for:

- the wholesale cost of a cement liner if the cemetery by-laws require one;
- the opening and closing of the grave site; and
- a lot in the least expensive section of the cemetery. If the municipality is able to provide a cemetery lot in a municipally owned cemetery or in a cemetery under municipal control, the cost of the cemetery lot in any other cemetery will not be paid by the municipality.

Cremation Maximums

The maximum amount of assistance granted for a cremation shall be \$1,025.

The municipality's obligation to provide funds for cremation purposes is limited to a reasonable calculation of the funeral director's direct costs, not to exceed the maximum amounts of assistance described in this section. Allowable cremation expenses are limited to:

- removal and transportation of the body from a local residence or institution
- professional fees
- crematorium fees
- a secured death certificate or obituary
- other reasonable and necessary specified direct costs, as itemized by the funeral director and approved by the municipal administrator.

Additional costs may be allowed by the GA Administrator where there is an actual cost, for:

- a cremation lot in the least expensive section of the cemetery
- a reasonable cost for a burial urn not to exceed \$55
- transportation costs borne by the funeral director at a reasonable rate per mile for transporting the remains to and from the cremation facility.

APPENDIX I – Definition of Misconduct (26 M.R.S. § 1043 (23))

23. Misconduct. “Misconduct” means a culpable breach of the employee's duties or obligations to the employer or a pattern of irresponsible behavior, which in either case manifests a disregard for a material interest of the employer. This definition relates only to an employee's entitlement to benefits and does not preclude an employer from discharging an employee for actions that are not included in this definition of misconduct. A finding that an employee has not engaged in misconduct for purposes of this chapter may not be used as evidence that the employer lacked justification for discharge.

A. The following acts or omissions are presumed to manifest a disregard for a material interest of the employer. If a culpable breach or a pattern of irresponsible behavior is shown, these actions or omissions constitute "misconduct" as defined in this subsection. This does not preclude other acts or omissions from being considered to manifest a disregard for a material interest of the employer. The acts or omissions included in the presumption are the following:

- (1) Refusal, knowing failure or recurring neglect to perform reasonable and proper duties assigned by the employer;
- (2) Unreasonable violation of rules that are reasonably imposed and communicated and equitably enforced;
- (3) Unreasonable violation of rules that should be inferred to exist from common knowledge or from the nature of the employment;
- (4) Failure to exercise due care for punctuality or attendance after warnings;
- (5) Providing false information on material issues relating to the employee's eligibility to do the work or false information or dishonesty that may substantially jeopardize a material interest of the employer;
- (6) Intoxication while on duty or when reporting to work, or unauthorized use of alcohol or marijuana while on duty except for the use of marijuana permitted under Title 22, chapter 558-C;
- (7) Using illegal drugs or being under the influence of such drugs while on duty or when reporting to work;
- (8) Unauthorized sleeping while on duty;
- (9) Insubordination or refusal without good cause to follow reasonable and proper instructions from the employer;
- (10) Abusive or assaultive behavior while on duty, except as necessary for self-defense;
- (11) Destruction or theft of things valuable to the employer or another employee;

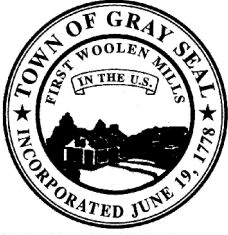
- (12) Substantially endangering the safety of the employee, coworkers, customers or members of the public while on duty;
- (13) Conviction of a crime in connection with the employment or a crime that reflects adversely on the employee's qualifications to perform the work; or
- (14) Absence for more than 2 work days due to incarceration for conviction of a crime.

[PL2019, c. 125, §1 (AMD).]

B. “Misconduct” may not be found solely on:

- (1) An isolated error in judgment or a failure to perform satisfactorily when the employee has made a good faith effort to perform the duties assigned;
- (2) Absenteeism caused by illness of the employee or an immediate family member if the employee made reasonable efforts to give notice of the absence and to comply with the employer's notification rules and policies; or
- (3) Actions taken by the employee that were necessary to protect the employee or an immediate family member from domestic violence if the employee made all reasonable efforts to preserve the employment.

[PL 2019, c. 125, §1 (AMD).]



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

December 1, 2022

TO: Gray Town Council

RE: Revisions to the Committee, Board, and Affiliations Policy

On direction from the Town Council, and with formatting help from the Digital Media Coordinator, I have included markup and clean version revisions of the Town's Committees, Boards & Affiliations Policy. The markup version had formatting issues that remain in the markup version, specifically that the change in the document's title and the nested enumeration of the document could not be edited successfully. The clean version was a complete "rebuild" of the document and is what would be published, subject to any amendments, upon approval by the Town Council.

The substantive changes to the document are clear in the markup version, and include but are not limited to:

- Alphabetical re-ordering of the Committee list
- Addition of the Brownfields Advisory Committee and the local Board of Health
- Instructions about the requirement for board appointees to be sworn in as soon as possible after appointment.
- Revisions to the membership and duties of the Ordinance Advisory Committee

nrr

**TOWN COUNCIL
COMMITTEES, BOARDS & AFFILIATIONS POLICY
TOWN OF GRAY, MAINE**

*Extracted from Town Council Rules, August 1, 2017
Amended November 14, 2017
Amended October 16, 2018
Amended October 1, 2019
Amended November 12, 2019
Amended December 17, 2019
Amended March 10, 2020
Amended March 24, 2020
Amended September 15, 2020
Amended December 15, 2020
Amended July 06, 2021
Amended September 21, 2021
Amended June 7, 2022
Amended **November 15, 2022***

TOWN COUNCIL COMMITTEES

The Town Council has the authority to create standing or special (ad hoc) committees to assist the Council in its work. Some committees; the Board of Assessment Review, the Finance Committee, the Planning Board and the Zoning Board of Appeals are required by State Statute and/or Town Charter. The term “committee” as used in this Policy is intended to also include any boards, commissions or other similar terms for groups established by the Town Charter, state law or the Town Council to assist in the conduct of Town governance and operations. All committees consist of members appointed by the Town Council. The term “board” as used in this Policy is to be used only for “quasi-judicial” entities. At the commencement of the municipal year, or as soon thereafter as possible, there shall be chosen the following Town standing committees and boards:

Committees

- A. Brownfields Advisory Committee
- B. Community Economic Development Committee (CEDC)
- C. Community Television Advisory Committee (CTCAC)
- D. Dry Mills Schoolhouse Museum Committee
- E. Finance Committee
- F. General Assistance Fair Hearing Authority
- G. Library Board of Trustees
- H. Ordinance Advisory Committee (OAC)
- I. Open Space Committee
- J. Recreation Committee
- K. Resiliency Committee
- L. Wild Blueberry Festival Committee

**TOWN COUNCIL
COMMITTEES, BOARDS & AFFILIATIONS POLICY
TOWN OF GRAY, MAINE**

Boards

- M. Board of Assessment Review
- N. Board of Health
- O. Planning Board
- P. Zoning Board of Appeals (ZBA)

Unless dictated by State Statute or the Town's Charter, all Town committees and boards are subject to the rules listed below. Town Council may depart from the rules listed below as appropriate for the mission of any committee. Affiliated organizations are not subject to Town rules.

The Town Council may, whenever it deems necessary, assign additional duties to Town Council committees.

TOWN COUNCIL AFFILIATIONS

The Town Council maintains working relationships with a wide variety of public, private and civic organizations. These organizations are involved in a wide variety of activities. Some develop and maintain cultural and recreational opportunities. Others are interested in protecting the natural habitat of our community or curating its history. There are civic minded organizations looking to help those that are less fortunate than themselves and all of them contribute to our community in positive ways. Some organizations, like the Maine Municipal Association (MMA) or the Greater Portland Council of Governments (GPCOG) are voluntary associations the Town belongs to. Our affiliation with these groups helps the Town Council, Town Manager and Staff further Gray's interests on the regional and state level.

The Council has not created these groups and is not responsible for overseeing their operations, their finances or in most instances selecting their members.

No Town Council Committee or affiliated organization can claim to be working on the Town's behalf without first seeking permission from the Council to do so.

If the Council provides an affiliated group with funding, the group shall issue a report on the status of the group's work at a time determined by the Council.

This policy is not intended to be a complete list of the organizations the Town Council is affiliated with, but to define the Council's relationship with them.

The Council reserves the right to create additional conditions or expectations as needed and end its relationship with any affiliated group at any time.

The Town Clerk shall keep a record of affiliate groups.

COUNCILOR LIAISON APPOINTMENTS

The members of the Town Council shall serve as liaisons on Town Council Committees and may serve on Affiliated organizations. Councilors;

**TOWN COUNCIL
COMMITTEES, BOARDS & AFFILIATIONS POLICY
TOWN OF GRAY, MAINE**

- A. Shall be chosen as Liaisons by a majority vote of the Town Council.
- B. May be the liaison for more than one committee.
- C. Shall serve in a non-voting, ex-officio capacity.
- D. Shall have the right to speak, ask questions and participate in Committee deliberations. A Council Liaison to the Planning Board, Board of Assessment Review or Zoning Board of Appeals shall be permitted to speak in support of or opposition to an application and participate in deliberations only to the extent otherwise permitted for all members of the public and shall do so in the same manner as permitted for members of the public. To the extent a Council Liaison has an actual or perceived conflict of interest with regard to an application before the Board of Assessment Review, Zoning Board of Appeals or Planning Board, he or she must disclose said conflict prior to speaking on or participating in any deliberations of such bodies.
- E. Liaisons are expected to attend their committee meetings.

COMMITTEE MEMBER APPOINTMENTS

At the first Town Council meeting in August, or as soon thereafter as possible, the Town Council shall make appointments to Town Council Committees.

The following rules shall apply to all committee member appointments:

- A. In general, a committee applicant shall be a resident of the Town of Gray throughout their term. When a committee partners with other towns or regional groups to solve problems or provide services the Town Council may choose to appoint non-residents to the committee. For example, the Recreation Committee may also include residents of New Gloucester. The majority of the members on any Town Council committee must be residents of the Town of Gray. Applicants must be eighteen (18) years of age unless exempted by the Town Council.
- B. Citizens applying or reapplying for committee membership must submit an application.
- C. Committee appointments are for three (3) year terms to end on August 31st of the designated year, unless otherwise specified by the Council at the time of initial appointment or reappointment. The Council Member to the Finance Committee's term shall be 1 year and end on Election Day.
- D. The terms of committee members shall be staggered so not more than one third (1/3rd) (approximately) of the committee's appointments end in the same year.
- E. Committee members shall serve without compensation unless otherwise specified by the Council.
- F. Appointees may only serve on one (1) of the following committees at a time; Planning Board, Zoning Board of Appeals, Finance Committee and Board of Assessment Review.
- G. No more than one (1) member of an immediate family shall serve on the same committee at the same time.

**TOWN COUNCIL
COMMITTEES, BOARDS & AFFILIATIONS POLICY
TOWN OF GRAY, MAINE**

- H. A committee position may be considered vacated if the member is unable to attend more than ¼ of regular meetings in a twelve-month period starting at appointment, and annually thereafter until term expiration.
- I. Any committee member can be removed for cause after due notice and hearing by the Town Council.
- J. Committee members may be compensated as a consultant for the Town provided that the Town Council approves the contract for services to be provided and the committee on which the individual is currently serving is not responsible for supervising the services to be provided during the contract term or for 30 days after the individual's service on that committee is terminated.
- K. In the event a committee member has an actual or perceived conflict of interest with regard to a matter before the committee, including, but not limited to the committee member having a contract with the Town to provide services related to the committee's work, must disclose said conflict prior to speaking or participating in any deliberations of the committee related to the matter for which the conflict exists. Following disclosure of the conflict, the remainder of the committee shall vote on whether the disclosing committee member can participate in discussions or decisions in an impartial manner. Refer to the Town of Gray Conflict of Interest Policy for more information. Planning Board, Zoning Board of Appeals, and Assessment Review Board members must be sworn in by the Town Clerk as soon as possible after being appointed by the Town Council.

TOWN COUNCIL COMMITTEES RULES

All committees shall:

- A. Elect a Chairperson who is responsible for implementing this Town Council Committee Policy.
- B. Use the same parliamentary procedures as those adopted by the Town Council.
- C. Committee members will include the Town Council Liaison in all committee correspondence and comply with the State of Maine's Freedom of Access Act (FOAA).
- D. Submit meeting times, dates, locations and agendas two (2) business days in advance to the Town Manager or their designee.
- E. Committees without a quorum (a majority of members present) may continue to plan, meet and discuss their work. Except to schedule future meetings, no decisions or recommendations can be made by a committee without a quorum.
- F. Create meeting minutes which shall include;
 - 1. A list of members in attendance or absent.
 - 2. The date, time and location of the meeting.
 - 3. A summary of the committee's work.
 - 4. A record of any votes taken during the meeting.

**TOWN COUNCIL
COMMITTEES, BOARDS & AFFILIATIONS POLICY
TOWN OF GRAY, MAINE**

5. A list of names/addresses of any member of the Public who attended to speak at the committee meeting and a brief summary of their comments.
- G. Record the meeting minutes. The committee may elect a secretary to record their minutes if the committee wishes to do so.
- H. Send meeting minutes to the Town Manager or their designees within seven (7) days of the minutes approval date.
- I. Submit an Annual Report of the committee's work at the end of each fiscal year. The Annual Report must be completed and sent to the Town Manager by the date requested. The Council may ask the committee to present its report at a Council meeting.
- J. If for any reason, the Chairperson is unable to implement this policy, they are to inform the Town Council Liaison and/or the Town Manager as soon as possible.

The Town Manager, or their designee, shall be responsible for posting committee documents on the Town's website.

The Town of Gray Town Council Remote and Hybrid Meeting Policy applies to all committees unless that committee adopts a separate policy. For the Planning Board and Zoning Board of Appeals, the hybrid model should be used whenever feasible. For all other committees, hybrid, remote or in person meetings can be used based on the majority of committee members wishes. If hybrid or remote meetings are used, the Town Zoom account should be used to ensure recording of the meetings.

TOWN COUNCIL COMMITTEES

BROWNFIELDS ADVISORY COMMITTEE

- A. Established:
 1. The Brownfields Advisory Committee was created September 6, 2022.
- B. Membership:
 1. The Brownfields Advisory Committee is selected by the Town Manager or their designee in the Planning Department and should include at least three (3) voting members who are Gray residents.
 2. Other members to be selected by the Town Manager or their designee would include a representative from the United States Environmental Protection Agency Region 1 assigned as project manager for Gray, or their designee; a representative from the Maine Department of Environmental Protection, or their designee, and other regional health and economic development agencies.
 - C. At such time as the Town's Brownfields program funding expires, the Advisory Committee will be disbanded.
- C. Duties:

The committee shall:

**TOWN COUNCIL
COMMITTEES, BOARDS & AFFILIATIONS POLICY
TOWN OF GRAY, MAINE**

1. Advise Town staff on prospective properties for Brownfields assessment, cleanup, and reuse planning.
2. Assist Town staff with outreach to the Gray community and to property and business owners.
3. Assist Town staff with related tasks to the grant program.

COMMUNITY ECONOMIC DEVELOPMENT COMMITTEE (CEDC)

A. Membership:

1. There shall be a Community Economic Development Committee consisting of five (5) members, and one alternate.
2. In addition, the Town Planner; a designated member of the Planning Board, and a designated member of the Town Council shall be ex-officio members who shall be non-voting members of the Committee.

B. Duties:

1. The CEDC shall promote and/or participate in initiatives that will:
 - a. Cultivate community and cultural connections in Gray.
 - b. Revitalize and preserve the charm of the Village.
 - c. Support improvement, responsible expansion, and retention of established businesses in the Town of Gray.
 - d. Stimulate the establishment of new businesses that will diversify the tax base and align with the goals of the Comprehensive Plan of the Town of Gray.
 - e. Promote opportunities for local citizens who desire to open businesses or cottage industries.
2. The CEDC shall cooperate with other community, region, state organizations and agencies to promote, assist, encourage and develop the community and economic climate of the Town of Gray.

COMMUNITY TELEVISION ADVISORY COMMITTEE (CTAC)

A. Established:

1. The Community Television Advisory Committee was created March 24, 2020.

B. Membership:

1. The Committee shall consist of seven (7) members, four (4) of whom shall be residents of the Town of Gray. Other members may include representatives of MSAD15, a private school from either Gray or New Gloucester, the Gray/New Gloucester Development Corporation or a non-profit organization from Gray.

C. Duties:

1. The Community Television Advisory Committee shall meet no less than once each quarter of the year; and may schedule additional meetings as needed.

**TOWN COUNCIL
COMMITTEES, BOARDS & AFFILIATIONS POLICY
TOWN OF GRAY, MAINE**

2. It shall be responsible for keeping the Gray Town Council informed of Public, Educational and Government related matters as they relate to:
 - a. Recommending improvements in Public, Educations and Government programming to the Town Manager and Station Manager.
 - b. Making recommendations regarding relevant emerging technologies and other broadcast options to the Town Manager and Station Manager.
 - c. Promoting and developing optimal utilization of the PEG system;
 - d. Promoting community outreach and providing a forum for citizen recommendations and concerns regarding the use of equipment, facilities, programming and other related issues.
 - e. Promoting support for quality community television in Gray.
3. Explore and cultivate available programming sources.
4. Examine emerging technologies and other telecast or online streaming options for public, educational, and governmental meetings.

DRY MILLS SCHOOLHOUSE MUSEUM COMMITTEE

A. Membership:

1. The Dry Mills Schoolhouse Museum Committee shall consist of five (5) members, and one (1) alternate.

B. Duties:

1. The mission of the Dry Mills Schoolhouse Museum located adjacent to the Maine Wildlife Park's campus in Gray, Maine, is to offer a venue for locals and visitors to take a step back in history for an experiential visit in a mid-1800's schoolroom.
2. The restored, one-room schoolhouse displays old photographs, hands-on items, and period books, including a copy of one of the century's teacher journals.
3. We strive to fully restore and secure the Dry Mills Schoolhouse for posterity, to preserve its rich history, to open and present it to the public on a regular basis, to allow Gray residents, individual visitors, and student groups direct access to an educational immersion experience, and to provide a preserve for inter-mutual community and celebratory events.
4. The Dry Mills Schoolhouse: Preservation of our Past and Pathway to our Future.

FINANCE COMMITTEE

A. Membership:

1. The membership of the Finance Committee shall consist of three (3) members, at least one (1) member shall be a Town Councilor.
2. All other members shall be chosen from among the citizens duly registered to vote in Gray.
3. The Council member(s) shall be appointed annually following the municipal election.

**TOWN COUNCIL
COMMITTEES, BOARDS & AFFILIATIONS POLICY
TOWN OF GRAY, MAINE**

4. The Finance Committee shall elect a Chairperson from among its members. The Chairperson of the Finance Committee should be a resident, not a Councilor, whenever possible. In the event that the Finance Committee wants to elect the Council representative as Chair, they will submit that recommendation to the Town Council for approval by majority vote.

B. Duties:

1. The Finance Committee's role shall be advisory only, except for those duties and responsibilities specified to them by the Town Charter or by ordinance. Some of the responsibilities include but are not limited to:
2. Any time this committee schedules to meet, it shall properly notice the public in accordance with the Town Charter and State law.
3. All committee votes are advisory and shall be reported to the Council as a whole for final disposition.
4. Review the following:
 - (i) Monthly financial reports
 - (ii) Annually the Town's investments and fiscal policy
 - (iii) Accounts Payable and Payroll warrants on a schedule created with the Finance Director.
 - (iv) The Council's member of the Finance Committee will provide updates at the Council's regularly scheduled meetings.
5. Develop and review biannually, the investment policies of the Town, assuring that all assets of the Town have been properly protected and invested in compliance with State and Federal laws and regulations.
6. Meet with the auditors annually and report their findings to the Council.
7. If so authorized, the Committee may recommend additional procurement policy items in accordance with the Charter that may be recommended to the management of the Town.
8. Make recommendations to the Council.

GENERAL ASSISTANCE FAIR HEARING AUTHORITY

A. Established:

1. The Committee is established and governed by the Chapter 601 General Assistance Ordinance.

B. Membership:

1. The Committee shall consist of three (3) Town Councilors.

C. Duties:

1. The Committee shall be responsible for implementing “Section 7.3 The Hearing Procedure” as well as any other requirements found in the Chapter 601 General Assistance Ordinance.

**TOWN COUNCIL
COMMITTEES, BOARDS & AFFILIATIONS POLICY
TOWN OF GRAY, MAINE**

LIBRARY BOARD OF TRUSTEES

A. Membership:

1. The Library Board of Trustees shall consist of seven (7) members.
2. The Library Director shall be appointed by the Town Manager, upon recommendation of the Library Board of Trustees.

B. Duties:

1. The Library Board of Trustees shall adopt policies relating to the operation and planning of the Library.
2. Board of Trustees shall establish rules and policies to guide the Library Director, subject; however, in both instances to the provisions of the Town Charter, Town Ordinances and Town's Personnel Policy.
3. The Library Director shall be responsible to the Town Manager for following the guidelines set forth by the Board of Trustees.
4. All expenditures of library funds shall be made by the Town Treasurer upon request of the Board, or in cases where the Librarian is authorized by the Board, upon request of the Librarian.
5. The Library Trustees shall have the authority to use the Library Reserve funds for purchases or services pertaining to the Library.
6. Purchases made from the Library Reserve must be maintained only with funds from the Library Reserve Fund.
7. The Library Reserve Fund shall consist of gifts or donations to the Gray Public Library, and any interest generated by these funds.
8. The use of such funds shall be approved by a majority vote of the Library Board of Trustees, and the Library Director.
9. A purchase order signed by the Library Director and the Chair of the Trustees shall be submitted to the Town Treasurer, no further approval shall be required.

OPEN SPACE COMMITTEE

A: Established

1. This committee was created on September 17, 2019

B. Membership:

1. The membership of the Open Space Committee shall consist of at least three (3) members,

C: Duties:

1. To inventory public and conservation lands, habitat protection, recreational areas, and possible greenbelt areas. To coordinate with the Comprehensive Plan Committee and Facilitator to gather data and collect survey information from the community. To identify existing and proposed areas for future Open Space planning. To create a

**TOWN COUNCIL
COMMITTEES, BOARDS & AFFILIATIONS POLICY
TOWN OF GRAY, MAINE**

vision for Open Space in Gray and to form a Statement of Purpose for an Open Space plan coordinating with the Comprehensive Plan Committee.

2. To engage in discussions with landowners and regional land trusts and make recommendations to the Town Council in order to help secure access to land/corridors through acquisitions, easements, land swaps, and other forms of agreements.
3. To assist with fundraising for land/corridor acquisition from private and public sources.

ORDINANCE ADVISORY COMMITTEE (OAC)

A. Established:

1. This committee was created on November 12, 2013.

B. Membership:

1. The membership of the Ordinance Advisory Committee (the Committee) shall consist of at least three (3) and no more than five (5) members, in addition to the Planning Director of their department staff assignee.

C. Duties:

1. The committee shall constitute an advisory body (or, sounding board) to the Planning Director and Development Office staff, including the Planning and Code Enforcement Departments
2. When determined necessary by the Town Council, Town Manager, or the Planning Director, the committee shall review and comment on changes to the Town's existing zoning ordinances with emphasis on land use ordinances including but not limited to Zoning, Subdivision, Shoreland Zoning, and Street Ordinances as well review and comment on as new and revised zoning ordinances, districts, and standards to help the Planning Director address goals set by the Town Council.
3. When first appointed, members of the Committee shall be appointed one for one year, one of two years, and one for three years. Subsequent appointments shall be for three-year terms.

RECREATION COMMITTEE

A. Established:

1. The Committee shall be responsible for performing and carrying out its duties in accordance with the rules, regulations, and guidelines set forth in the Gray Land Bank Ordinance adopted September 6, 1988, as amended.

B. Membership:

1. The Recreation Committee shall consist of five (5) members.
2. In addition, a staff member of the Recreation Department shall be a non-voting ex-officio member of the committee.

C. Duties:

**TOWN COUNCIL
COMMITTEES, BOARDS & AFFILIATIONS POLICY
TOWN OF GRAY, MAINE**

1. The Committee shall advise and recommend to the Town Council on recreational and public parks matters, such as: programs, policies, development, planning, or leisure time activities.
 2. In cooperation with the Town Manager and the Parks and Recreation Director the Committee shall assist in initiating and maintaining progressive programs and activities.
 3. The committee shall engage the community to build a volunteer base and connect them to community events and programs.
 4. The committee will consider community feedback and research and identify opportunities for programs, events, and resources to bring to Gray.
- D. The committee, when appropriate, will collaborate with other local recreation departments including but not limited to New Gloucester Recreation Department. Collaborations with New Gloucester will be branded as GNG Recreation.

RESILIENCY COMMITTEE

A. Membership:

1. The Resiliency Committee shall consist of five (5) regular members and one (1) alternate member.
2. In addition, a staff member of the Recycling and Solid Waste Department shall be a non-voting ex-officio member of the committee.

B. Duties:

The committee shall:

1. Expand education for Residents via GCTV/Website streaming programming in partnership with GNG School system, newsletter, electronic platforms, bulletin boards, Library, flyers and direct mailings on topics related to Resiliency Planning, waste reduction, renewables and/or energy efficiency and Climate action.
 - a. Proper composting to work towards reducing food waste
 - b. Tips/Information on the pillars of waste handling: Avoid/Reduce, Reuse, Recycle, Recover, Dispose
 - c. Classes on relevant topics such as vermiculture and biodigesters
 - d. Native plantings, canopy catalog/planning, fertilizer transition plans for open space/school fields/municipal properties
 - e. Practical zero waste approaches to lifestyle and events
2. Assist with Resiliency and Climate Action Planning, as appropriate, to identify baseline, identify forecasted changes in coming years, identify actionable items in categories (1) municipality (2) neighborhoods (3) residents. Working with the Community organizations that are mission aligned, promote action on items in categories (2) and (3).

**TOWN COUNCIL
COMMITTEES, BOARDS & AFFILIATIONS POLICY
TOWN OF GRAY, MAINE**

3. Work with Organizations, Companies, Non-Profit groups and Residents to conduct readiness assessment for Repair Café, Tool Library, Salvage/Reclaim depot, Upcycling, Greenbuilding, Plant Swap, Seed bank, etc.
4. Make recommendations, as appropriate, to modify Town’s current disposal policies, sticker compliance, fee structure that will enhance and/or reduce cost of the operations.
5. Work with Solid Waste Director to promote/host Hazardous Waste Day to educate Residents on hazards of improper disposal and share policies, options, changes on an annual basis.

For all duties outlined – encourage partnerships and collaboration with other Towns to develop regional approaches wherever possible.

WILD BLUEBERRY FESTIVAL COMMITTEE

A. Established:

1. The End of Summer Fest Committee was created on December 6, 2016. The committee was re-named the Blueberry Festival Committee on May 2, 2017. The committee was re-named the Wild Blueberry Festival Committee in 2022.

B. Membership:

1. The Wild Blueberry Festival Committee shall consist of five (5) members and one alternate.

C. Duties:

1. Celebrate and promote the Town of Gray, including local businesses, community and school organizations, and Pennell Complex;
2. Build on existing, and foster new, collaborative efforts in town;
3. Create ‘new childhood’ memories with this event and revive the ‘old childhood’ memories of Gray’s Old Home Days;
4. Educate attendees by offering interactive booth demonstrations and exhibits.

TOWN BOARDS

BOARD OF ASSESSMENT REVIEW

A. Membership:

1. The Board of Assessment Review shall consist of three (3) members.

B. Duties:

The Board of Assessment Review shall have the power to;

1. Review any tax assessment complaint of property owners, and revise assessments for the purpose of taxation of real and personal property within the Town limits made by the Assessor.
2. Administer oaths.
3. Take testimony.

**TOWN COUNCIL
COMMITTEES, BOARDS & AFFILIATIONS POLICY
TOWN OF GRAY, MAINE**

4. Hold hearings.
5. Adopt regulations regarding the procedure of assessment review not otherwise inconsistent with State or local law.

BOARD OF HEALTH (not yet appointed)

from Maine Revised Statutes Title 22 §453. Local board of health (as of 2022/10/27)

A. Membership

1. Any municipality may appoint, in addition to the local health officer, a board of health consisting of 3 members besides the local health officer, one of whom shall be a physician if available in the community, and one a woman.
2. When first appointed members of the board shall be appointed one for one year, one for 2 years and one for 3 years. Subsequent appointments shall be for 3-year terms.

B. Duties

1. The local health officer shall be secretary ex officio of said board and keep a record of all proceedings.
2. The local board of health shall constitute an advisory body to the local health officer.

PLANNING BOARD

A. Membership:

1. The Planning Board shall consist of five (5) members and two (2) alternates. The two Alternate members will be appointed to the Board by the Town Council in the same manner as full members. All full and alternate member vacancies shall be filled by the Council. The Planning Board shall meet up to twice a month at the discretion of Planning Department Staff.

B. Duties:

The Board shall;

1. Be responsible for reviewing and approving, when in order, subdivision plans, site plans, conditional uses, and Shoreland Zoning applications in accordance with State Statutes and Town Ordinances.
2. Be responsible for the constant supervision of the Zoning and Subdivision of the Zoning and Subdivision Ordinances and for recommendations to the Town Council for changes in each.
3. Perform such duties and exercise such powers as are provided by the Town Ordinances and the laws of the State of Maine.

- C. Offer advice and assistance, and make recommendations to the Town Council, Town Manager and other Town committees and staff as needed or requested.

**TOWN COUNCIL
COMMITTEES, BOARDS & AFFILIATIONS POLICY
TOWN OF GRAY, MAINE**

ZONING BOARD OF APPEALS (ZBA)

A. Membership:

1. The Zoning Board of Appeals shall consist of five (5) members.
2. Prior to their applications being submitted to the Town Council for consideration, Applicants must attend Local Planning Boards and Zoning Board of Appeals training offered by Maine Municipal Association or comparable training identified by or offered by the Town.
3. Please refer to the zoning ordinance for any additional requirements that may apply.

B. Duties:

The Board:

1. Shall hear and decide administrative appeals where it is alleged there is an error in any order, requirement, decision, or determination by the Code Enforcement Officer in the enforcement of the Zoning Ordinance.
2. Shall hear and decide variance appeals in specific cases where a relaxation of the terms of the Zoning Ordinance would not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Zoning Ordinance would result in unnecessary or undue hardship, all as provided by State law and the terms of the Zoning Ordinance.
3. May grant a disability variance to a property owner for the purpose of making that property accessible to a person with a disability who is living on the property, in accordance with State law.
4. Shall perform its duties and be governed by Title 30-A M.R.S.A. Section 2691, as amended, and the Zoning Ordinance, Section 402.32.

RETIRED TOWN COUNCIL COMMITTEES

CHARLES BARKER SCHOLARSHIP COMMITTEE

A. Membership:

1. The Charles Barker Scholarship Committee shall consist of four (4) members, of which no member shall be a member of the School Board.
2. In accordance with the terms and conditions of the Charles Baker Scholarship Fund, “Such committee members shall serve until a similar committee shall have been appointed or reappointed after the next selection of a Board of Selectmen (Town Council) of said Town.”

B. Duties:

**TOWN COUNCIL
COMMITTEES, BOARDS & AFFILIATIONS POLICY
TOWN OF GRAY, MAINE**

1. The Committee shall be responsible for determining the allocation of scholarship funds to worthy students of Gray Schools for the purpose of assisting with expenses for higher education and post-secondary schools.

The Committee's responsibility shall be carried out in accordance with the terms and conditions of the will dated December 17, 1969, set forth by the late Charles W. Barker.

GRANGE NO. 41 SCHOLARSHIP FUND COMMITTEE

A. Established:

1. The Committee's responsibilities shall be carried out in accordance with the terms and conditions of the Gray Grange No. 41 Scholarship Fund formally accepted by the Gray Town Council on May 7, 1991, and signed by Gordon Kimball, Sr. Treasurer of Gray Grange No. 41 on July 25, 1991

B. Membership:

1. Gray Grange No. 41 Scholarship Fund Committee shall consist of three (3) members.
2. The three (3) members shall consist of the Principal of the Gray-New Gloucester High School, one (1) person appointed by the Town Council, and one (1) resident of Gray who initially shall be or was a former member of Gray Grange No. 41.
3. Committee members shall be appointed by the Town Council, in accordance with the terms and conditions of the Gray Grange No. 41 Scholarship Fund.

C. Duties:

1. The Committee shall be responsible for the Gray Grange No. 41 Scholarship Fund for postsecondary education. Selected recipients must be residents of the Town of Gray, pursuing postsecondary education.

LADDER TRUCK COMMITTEE

A. Established:

1. Per June 13, 2017 Town of Gray municipal election results, the Town Council shall appoint a citizens ad hoc committee. The Ladder Truck Committee was created on June 13, 2017.

B. Membership:

1. The Ladder Truck Committee shall consist of seven (7) members.
2. Five (5) shall be citizens of Gray.
3. Two (2) shall be non-voting ex-officio members:
4. One (1) shall be the Director of Public Safety.
5. One (1) shall be a Town Counselor.

C. Duties:

1. The Committee shall hold one or more public hearings in the fall/winter of 2017/2018 to study whether the Public Safety needs of the Town require the replacement of the current ladder truck.

**TOWN COUNCIL
COMMITTEES, BOARDS & AFFILIATIONS POLICY
TOWN OF GRAY, MAINE**

2. If the committee decides to recommend the purchase of a new ladder truck, the committee must make its final recommendation in time for the Council to include the proposal on the 2018 Town meeting warrant.

PUBLIC SAFETY COMMITTEE

A. Membership:

1. The Committee shall consist of nine (9) members.
2. Two (2) members from the Public Safety Department.
3. Three (3) Gray residents who are not employees of the Town or affiliated with any law enforcement agency.
4. Four (4) non-voting ex-officio members of which:
5. One (1) a member of the Maine State Police.
6. One (1) a member of the Cumberland County Sheriff's Department.
7. One (1) the Town of Gray Public Safety Director.
8. One (1) member of the Gray Town Council.

B. Duties:

The committee shall:

1. Be concerned with various matters of community safety as they relate to law enforcement, fire protection, traffic, and the transportation systems that support traffic. Including both vehicle and pedestrian and those issues outside of Gray that have impacts within the community such as regional transportation corridors and projects.
2. Work towards developing the necessary plans and recommendations that shall achieve improved community safety.
3. Advise the Public Safety Director in areas of community and building safety issues, making recommendations where appropriate.
4. Work with the Maine Department of Transportation, Maine Turnpike Authority, the Maine State Police and the Cumberland County Sheriff's Department in matters of traffic and safety issues.

May work with and assist other standing committees and, where appropriate, special committees of the Town.

COMPREHENSIVE PLAN STEERING COMMITTEE

A. Established:

1. The Comprehensive Plan Steering Committee was created on May 7, 2019.

B. Membership:

**TOWN COUNCIL
COMMITTEES, BOARDS & AFFILIATIONS POLICY
TOWN OF GRAY, MAINE**

1. The Comprehensive Plan Steering Committee shall consist of a minimum of nine (9) and a maximum of eleven (11) members and two (2) alternates.

C. Duties are to oversee:

1. The compilation of a Comprehensive Plan to replace the current 15+ year old Plan.
2. That the Plan incorporates input from a cross-section of the Town residents and represents the majority of Gray residents, property owners, and businesses through extensive public outreach.
3. To create a viable and implementable Future Land Use Plan designed to accommodate anticipated residential and commercial growth over the next 10 to 20 years.
4. The final plan should include sufficient measures to be deemed consistent with the Growth Management Act by the State.

**TOWN COUNCIL
COMMITTEES & AFFILIATIONS BOARD POLICY
TOWN OF GRAY, MAINE**

*Extracted from Town Council Rules, August 1, 2017
Amended November 14, 2017
Amended October 16, 2018
Amended October 1, 2019
Amended November 12, 2019
Amended December 17, 2019
Amended March 10, 2020
Amended March 24, 2020
Amended September 15, 2020
Amended December 15, 2020
Amended July 06, 2021
Amended September 21, 2021
Amended June 7, 2022
DRAFT 10.25.22*

TOWN COUNCIL COMMITTEES

The Town Council has the authority to create standing or special (ad hoc) committees to assist the Council in its work. Some committees; the Board of Assessment Review, the Finance Committee, the Planning Board and the Zoning Board of Appeals are required by State Statute and/or Town Charter.

The term “committee” as used in this Policy is intended to also include any boards, commissions or other similar terms for groups established by the Town Charter, state law or the Town Council to assist in the conduct of Town governance and operations. All committees consist of members appointed by the Town Council. The term “board” as used in this Policy is intended to be used only for “quasi-judicial” entities. At the commencement of the municipal year, or as soon thereafter as possible, there shall be chosen the following standing Town committees and boards:

- Wild Blueberry Festival Committee
- ~~Board of Assessment Review~~
- Community Economic Development Committee (CEDC)
- Community Television Advisory Committee (CTCAC)
- Dry Mills Schoolhouse Museum Committee
- Finance Committee
- General Assistance Fair Hearing Authority
- Library Board of Trustees
- Ordinance Advisory Committee (OAC)
- Open Space Committee
- ~~Planning Board~~
- Recreation Committee
- Resiliency Committee

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**TOWN COUNCIL
COMMITTEES & AFFILIATIONS BOARD POLICY
TOWN OF GRAY, MAINE**

[Brownfields Advisory Committee](#)

[Planning Board](#)

Zoning Board of Appeals (ZBA)

[Board of Assessment Review](#)

[Board of Health](#)

Unless dictated by State Statute or the Town's Charter, all Town committees and boards are subject to the rules listed below. Town Council may depart from the rules listed below as appropriate for the mission of any committee. Affiliate Committees are not subject to Town rules.

The Town Council may, whenever it deems necessary, assign additional duties to Town Council committees.

TOWN COUNCIL AFFILIATIONS

The Town Council maintains working relationships with a wide variety of public, private and civic organizations. These organizations are involved in a wide variety of activities. Some develop and maintain cultural and recreational opportunities. Others are interested in protecting the natural habitat of our community or curating its history. There are civic minded organizations looking to help those that are less fortunate than themselves and all of them contribute to our community in positive ways. Some organizations, like the Maine Municipal Association (MMA) or the Greater Portland Council of Governments (GPCOG) are voluntary associations the Town belongs to. Our affiliation with these groups helps the Town Council, Town Manager and Staff further Gray's interests on the regional and state level.

The Council has not created these groups and is not responsible for overseeing their operations, their finances or in most instances selecting their members.

No Town Council Committee or affiliated organization can claim to be working on the Town Council's behalf without first seeking permission from the Council to do so.

If the Council provides an affiliated group with funding, the group shall issue a report on the status of the group's work at a time determined by the Council.

This policy is not intended to be a complete list of the organizations the Town Council is affiliated with, but to define the Council's relationship with them.

The Council reserves the right to create additional conditions or expectations as needed and end its relationship with any affiliated group at any time.

[Gray Affiliate Committees:](#)

[Gray Community Endowment](#)

[Friends of Libby Hill](#)

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COUNCILOR LIAISON APPOINTMENTS

TOWN COUNCIL
COMMITTEES & AFFILIATIONS BOARD POLICY
TOWN OF GRAY, MAINE

The members of the Town Council shall serve as liaisons on Town Council Committees and may serve on Affiliated organizations. Councilors;

Shall be chosen as Liaisons by a majority vote of the Town Council.

May be the liaison for more than one committee.

Shall serve in a non-voting, ex-officio capacity.

Shall have the right to speak, ask questions and participate in Committee deliberations. A Council Liaison to the Planning Board, Board of Assessment Review or Zoning Board of Appeals shall be permitted to speak in support of or opposition to an application and participate in deliberations only to the extent otherwise permitted for all members of the public and shall do so in the same manner as permitted for members of the public. To the extent a Council Liaison has an actual or perceived conflict of interest with regard to an application before the Board of Assessment Review, Zoning Board of Appeals or Planning Board, he or she must disclose said conflict prior to speaking on or participating in any deliberations of such bodies.

Liaisons are expected to attend their committee meetings.

COMMITTEE MEMBER APPOINTMENTS

At the first Town Council meeting in August, or as soon thereafter as possible, the Town Council shall make appointments to Town Council Committees.

The following rules shall apply to all committee member appointments:

In general a committee applicant shall be a resident of the Town of Gray throughout their term. When a committee partners with other towns or regional groups to solve problems or provide services the Town Council may choose to appoint non-residents to the committee. For example, the Recreation Committee may also include residents of New Gloucester. The majority of the members on any Town Council committee must be residents of the Town of Gray. Applicants must be eighteen (18) years of age unless exempted by the Town Council.

Citizens applying or reapplying for committee membership must submit an application.

Committee appointments are for three (3) year terms to end on August 31st of the designated year, unless otherwise specified by the Council at the time of initial appointment or reappointment. The Council Member to the Finance Committee's term shall be 1 year and end on Election Day. The terms of committee members shall be staggered so not more than one third (1/3rd) (approximately) of the committee's appointments end in the same year.

Committee members shall serve without compensation unless otherwise specified by the Council.

Appointees may only serve on one (1) of the following committees at a time; Planning Board, Zoning Board of Appeals, Finance Committee, and Board of Assessment Review.

No more than one (1) member of an immediate family shall serve on the same committee at the same time.

TOWN COUNCIL
COMMITTEES & AFFILIATIONS BOARD POLICY
TOWN OF GRAY, MAINE

A committee position may be considered vacated if the member is unable to attend more than ¼ of regular meetings in a twelve-month period starting at appointment, and annually thereafter until term expiration.

Any committee member can be removed for cause after due notice and hearing by the Town Council.

Committee members may be compensated as a consultant for the Town provided that the Town Council approves the contract for services to be provided and the committee on which the individual is currently serving is not responsible for supervising the services to be provided during the contract term or for 30 days after the individual's service on that committee is terminated.

In the event a committee member has an actual or perceived conflict of interest with regard to a matter before the committee on which he or she serves, including, but not limited to the fact that the committee member has entered into a contract with the Town to provide services related to the committee's work or scope of review, he or she must disclose said conflict prior to speaking on or participating in any deliberations of the committee related to the matter for which the conflict exists. Following disclosure of the conflict, the remainder of the committee shall vote on whether the disclosing committee member can participate in discussions or decisions regarding the matter in an impartial manner. Refer to the Town of Gray Conflict of Interest Policy for more information.

Planning Board, Zoning Board of Appeals, and Assessment Review Board members must be sworn in by the Town Clerk as soon as possible after being appointed by the Town Council.

TOWN COUNCIL COMMITTEES RULES

All committees shall:

- A. Elect a Chairperson who is responsible for implementing this Town Council Committee Policy.
- B. Use the same parliamentary procedures as those adopted by the Town Council.
- C. Committee members will include the Town Council Liaison in all committee correspondence and comply with the State of Maine's Freedom of Access Act (FOAA).
- D. Submit meeting times, dates, locations and agendas two (2) business days in advance to the Town Manager or their designee.
- E. Committees without a quorum (a majority of members present) may continue to plan, meet and discuss their work. Except to schedule future meetings, no decisions or recommendations can be made by a committee without a quorum.
- F. Create meeting minutes which shall include;
 - +G. _____ A list of members in attendance or absent.
 - +H. _____ The date, time and location of the meeting.
 - +I. A summary of the committee's work.
 - +J. A record of any votes taken during the meeting.
 - +K. _____ A list of names/addresses of any member of the Public who attended to speak at the committee meeting and a brief summary of their comments.

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**TOWN COUNCIL
COMMITTEES & AFFILIATIONS BOARD POLICY
TOWN OF GRAY, MAINE**

- L. Record the meeting minutes. The committee may elect a secretary to record their minutes if the committee wishes to do so.
- M. Send meeting minutes to the Town Manager or their designees within seven (7) days of the minutes approval date.
- N. Submit an Annual Report of the committee's work at the end of each fiscal year. The Annual Report must be completed and sent to the Town Manager by the date requested. The Council may ask the committee to present its report at a Council meeting.
- O. If for any reason, the Chairperson is unable to implement this policy, they are to inform the Town Council Liaison and/or the Town Manager as soon as possible.

The Town Manager, or their designee, shall be responsible for posting committee documents on the Town's website and providing Town Councilors with committee agendas, meeting minutes and annual reports.

The Town of Gray Town Council Remote and Hybrid Meeting Policy was amended on June 7, 2022. The policy applies to all committees unless that committee adopts a separate policy. For the Planning Board and Zoning Board of Appeals, the hybrid model should be used whenever feasible. For all other committees, hybrid, remote or in person meetings can be used based on the majority of committee members wishes. If hybrid or remote meetings are used, the Town Zoom account should be used to ensure recording of the meetings.

- + 1. Planning Board
- + 2. Zoning Board of Appeals

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TOWN COUNCIL COMMITTEES

WILD BLUEBERRY FESTIVAL COMMITTEE

- A. Established:
 - +B. The End of Summer Fest Committee was created on December 6, 2016. The committee was re-named the Blueberry Festival Committee on May 2, 2017. The committee was re-named the Wild Blueberry Festival Committee in 2022.
- C. Membership:
 - +D. The Wild Blueberry Festival Committee shall consist of five (5) members and one alternate.
- E. Duties:
 - +F. Celebrate and promote the Town of Gray, including local businesses, community and school organizations, and Pennell Complex;
 - +G. Build on existing, and foster new, collaborative efforts in town;

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TOWN COUNCIL
COMMITTEES & AFFILIATIONS BOARD POLICY
TOWN OF GRAY, MAINE

~~+H.~~ Create ‘new childhood’ memories with this event and revive the ‘old childhood’ memories of Gray’s Old Home Days;

~~+I.~~ Educate attendees by offering interactive booth demonstrations and exhibits.

BOARD OF ASSESSMENT REVIEW

~~A. Membership:~~

~~1.A. The Board of Assessment Review shall consist of three (3) members.~~

~~A. Duties:~~

~~The Board of Assessment Review shall have the power to:~~

~~1.A. Review any tax assessment complaint of property owners, and revise assessments for the purpose of taxation of real and personal property within the Town limits made by the Assessor.~~

~~1.A. Administer oaths.~~

~~1.A. Take testimony.~~

~~1.A. Hold hearings.~~

~~1.A. Adopt regulations regarding the procedure of assessment review not otherwise inconsistent with State or local law.~~

COMMUNITY ECONOMIC DEVELOPMENT COMMITTEE (CEDC)

A. Membership:

1. There shall be a Community Economic Development Committee consisting of five (5) members, and one alternate.
2. In addition, the Town Planner; a designated member of the Planning Board, and a designated member of the Town Council shall be ex-officio members who shall be non-voting members of the Committee.

B. Duties:

1. The CEDC shall promote and/or participate in initiatives that will:
 - a. **Cultivate** community and cultural connections in Gray.
 - b. **Revitalize and preserve** the charm of the Village.
 - c. **Support** improvement, responsible expansion, and retention of established businesses in the Town of Gray.
 - d. **Stimulate** the establishment of new businesses that will diversify the tax base and align with the goals of the Comprehensive Plan of the Town of Gray.

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TOWN COUNCIL
COMMITTEES & AFFILIATIONS BOARD POLICY
TOWN OF GRAY, MAINE

- e. **Promote** opportunities for local citizens who desire to open businesses or cottage industries.
- 2. The CEDC shall cooperate with other community, region, state organizations and agencies to promote, assist, encourage and develop the community and economic climate of the Town of Gray.

COMMUNITY TELEVISION ADVISORY COMMITTEE (CTAC)

A. Established:

- 1. The Community Television Advisory Committee was created March 24, 2020.

B. Membership:

- 1. The Committee shall consist of seven (7) members, four (4) of whom shall be residents of the Town of Gray. Other members may include representatives of MSAD15, a private school from either Gray or New Gloucester, the Gray/New Gloucester Development Corporation or a non-profit organization from Gray.

C. Duties:

- 1. The Community Television Advisory Committee shall meet no less than once each quarter of the year; and may schedule additional meetings as needed.
- 2. It shall be responsible for keeping the Gray Town Council informed of Public, Educational and Government related matters as they relate to:
 - a. Recommending improvements in Public, Educations and Government programming to the Town Manager and Station Manager.
 - b. Making recommendations regarding relevant emerging technologies and other broadcast options to the Town Manager and Station Manager.
 - c. Promoting and developing optimal utilization of the PEG system;
 - d. Promoting community outreach and providing a forum for citizen recommendations and concerns regarding the use of equipment, facilities, programming and other related issues.
 - e. Promoting support for quality community television in Gray.
- 3. Explore and cultivate available programming sources.
- 4. Examine emerging technologies and other telecast or online streaming options for public, educational and governmental meetings.

DRY MILLS SCHOOLHOUSE MUSEUM COMMITTEE

TOWN COUNCIL
COMMITTEES & AFFILIATIONS BOARD POLICY
TOWN OF GRAY, MAINE

A. Membership:

+B. The Dry Mills Schoolhouse Museum Committee shall consist of five (5) members, and one alternate.

C. Duties:

+D. The mission of the Dry Mills Schoolhouse Museum located adjacent to the Maine Wildlife Park's campus in Gray, Maine, is to offer a venue for locals and visitors to take a step back in history for an experiential visit in a mid-1800's schoolroom.

+E. The restored, one-room schoolhouse displays old photographs, hands-on items, and period books, including a copy of one of the century's teacher journals.

+F. We strive to fully restore and secure the Dry Mills Schoolhouse for posterity, to preserve its rich history, to open and present it to the public on a regular basis, to allow Gray residents, individual visitors, and student groups direct access to an educational immersion experience, and to provide a preserve for inter-mutual community and celebratory events.

+G. The Dry Mills Schoolhouse: Preservation of our Past and Pathway to our Future.

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FINANCE COMMITTEE

H. Membership:

+I. The membership of the Finance Committee shall consist of three (3) members, at least one (1) member shall be a Town Councilor.

+J. All other members shall be chosen from among the citizens duly registered to vote in Gray.

+K. The Council member(s) shall be appointed annually following the municipal election.

+L. The Finance Committee shall elect a Chairperson from among its members. The Chairperson of the Finance Committee should be a resident, not a Councilor, whenever possible. In the event that the Finance Committee wants to elect the Council representative as Chair, they will submit that recommendation to the Town Council for approval by majority vote.

M. Duties:

+N. The Finance Committee's role shall be advisory only, except for those duties and responsibilities specified to them by the Town Charter or by ordinance. Some of the responsibilities include but are not limited to:

+O. Any time this committee schedules to meet, it shall properly notice the public in accordance with the Town Charter and State law.

+P. All committee votes are advisory and shall be reported to the Council as a whole for final disposition.

+Q. Review the monthly financial reports of the Town, including the Town's investments and policy and report the results to the Council as a whole.

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TOWN COUNCIL
COMMITTEES & AFFILIATIONS BOARD POLICY
TOWN OF GRAY, MAINE

+R. Develop and review biannually, the investment policies of the Town, assuring that all assets of the Town have been properly protected and invested in compliance with State and Federal laws and regulations.

+S. Meet with the auditors annually and report their findings to the Council.

+T. If so authorized, the Committee may recommend additional procurement policy items in accordance with the Charter that may be recommended to the management of the Town.

+U. Make recommendations to the Council.

GENERAL ASSISTANCE FAIR HEARING AUTHORITY

V. Established:

+W. The Committee is established and governed by the Chapter 601 General Assistance Ordinance.

+X. Membership:

+Y. The Committee shall consist of three (3) Town Councilors.

Z. Duties:

+AA. The Committee shall be responsible for implementing “Section 7.3 The Hearing Procedure” as well as any other requirements found in the Chapter 601 General Assistance Ordinance.

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LIBRARY BOARD OF TRUSTEES

BB. Membership:

+CC. The Library Board of Trustees shall consist of seven (7) members.

+DD. The Library Director shall be appointed by the Town Manager, upon recommendation of the Library Board of Trustees.

EE.Duties:

+FF. The Library Board of Trustees shall adopt policies relating to the operation and planning of the Library.

+GG. Board of Trustees shall establish rules and policies to guide the Library Director, subject; however, in both instances to the provisions of the Town Charter, Town Ordinances and Town’s Personnel Policy.

+HH. The Library Director shall be responsible to the Town Manager for following the guidelines set forth by the Board of Trustees.

+II. All expenditures of library funds shall be made by the Town Treasurer upon request of the Board, or in cases where the Librarian is authorized by the Board, upon request of the Librarian.

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TOWN COUNCIL
COMMITTEES & AFFILIATIONS BOARD POLICY
TOWN OF GRAY, MAINE

- ~~+~~JJ. The Library Trustees shall have the authority to use the Library Reserve funds for purchases or services pertaining to the Library.
- ~~+~~KK. Purchases made from the Library Reserve must be maintained only with funds from the Library Reserve Fund.
- ~~+~~LL. The Library Reserve Fund shall consist of gifts or donations to the Gray Public Library, and any interest generated by these funds.
- ~~+~~MM. The use of such funds shall be approved by a majority vote of the Library Board of Trustees, and the Library Director.
- ~~+~~NN. A purchase order signed by the Library Director and the Chair of the Trustees shall be submitted to the Town Treasurer, no further approval shall be required.

OPEN SPACE COMMITTEE

A: Established: This committee was created on September 17, 2019

B. Membership:

~~+~~OO. The membership of the Open Space Committee shall consist of three (7) members,

C: Duties:

1. To inventory public and conservation lands, habitat protection, recreational areas, and possible greenbelt areas. To coordinate with the Comprehensive Plan Committee and Facilitator to gather data and collect survey information from the community. To identify existing and proposed areas for future Open Space planning. To create a vision for Open Space in Gray and to form a Statement of Purpose for an Open Space plan coordinating with the Comprehensive Plan Committee.
2. To engage in discussions with landowners and regional land trusts and make recommendations to the Town Council in order to help secure access to land/corridors through acquisitions, easements, land swaps, and other forms of agreements.
3. To assist with fundraising for land/corridor acquisition from private and public sources.

ORDINANCE ADVISORY COMMITTEE (OAC)

PP. Established:

~~+~~QQ. This committee was created on November 12, 2013.

RR. Membership:

~~+~~SS. The membership of the Ordinance Advisory Committee (the Committee) shall consist of at least three (3) and no more than five (5) members, in addition to the Planning Director or their department staff assignee.

~~2. In addition, a staff member of the Community Planning Department shall be a non-voting ex-officio member of the committee.~~

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**TOWN COUNCIL
COMMITTEES & AFFILIATIONS BOARD POLICY
TOWN OF GRAY, MAINE**

TT. Duties:

~~1.UU.~~ 1.UU. The ~~e~~Committee shall constitute an advisory body (or, sounding board) to the Planning Director and Development Office staff, including the Planning and Code Enforcement Departments, shall function as a sounding board for the Town Council and Community Development staff.

1.VV. When determined necessary by the Town Council, Town Manager, or the Planning Director, ~~the~~ committee shall review and comment on changes to the Town's existing zoning ordinances with emphasis on land use ordinances including but not limited to -Zoning, Subdivision, Shoreland Zoning, and Street Ordinances as well ~~review and comment on~~ assist in creating new and revised zoning ordinances, districts, and standards to help the Planning Director address goals set by the Town Council.

~~1.WW.~~ 1.WW. When first appointed, members of the Committee shall be appointed one for one year, one for two years, and one for three years. Subsequent appointments shall be for three year terms.

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PLANNING BOARD

~~A. Membership:~~

~~1.A.~~ 1.A. The Planning Board shall consist of five (5) members and two (2) alternates. ~~The two Alternate members will be appointed to the Board by the Town Council in the same manner as full members. All full and alternate member vacancies shall be filled by the Council. The Planning Board shall meet up to twice a month at the discretion of Planning Department Staff.~~

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~~A. Duties:~~

~~The Board shall:~~

~~1.A.~~ 1.A. Be responsible for reviewing and approving, when in order, subdivision plans, site plans, conditional uses, and Shoreland Zoning applications in accordance with State Statutes and Town Ordinances.

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~~1.A.~~ 1.A. Be responsible for the constant supervision of the Zoning and Subdivision of the Zoning and Subdivision Ordinances and for recommendations to the Town Council for changes in each.

~~1.A.~~ 1.A. Perform such duties and exercise such powers as are provided by the Town Ordinances and the laws of the State of Maine.

~~1.A.~~ 1.A. Offer advice and assistance, and make recommendations to the Town Council, Town Manager and other Town committees and staff as needed or requested.

RECREATION COMMITTEE

XX. Established:

~~1.YY.~~ 1.YY. The Committee shall be responsible for performing and carrying out its duties in accordance with the rules, regulations, and guidelines set forth in the Gray Land Bank Ordinance adopted September 6, 1988, as amended.

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TOWN COUNCIL
COMMITTEES & AFFILIATIONS BOARD POLICY
TOWN OF GRAY, MAINE

ZZ. Membership:

~~+~~AAA. The Recreation Committee shall consist of five (5) members.

~~+~~BBB. In addition, a staff member of the Recreation Department shall be a non-voting ex-officio member of the committee.

CCC. Duties:

~~+~~DDD. The Committee shall advise and recommend to the Town Council on recreational and public parks matters, such as: programs, policies, development, planning, or leisure time activities.

~~+~~EEE. In cooperation with the Town Manager and the Parks and Recreation Director the Committee shall assist in initiating and maintaining progressive programs and activities.

~~+~~FFF. The committee shall engage the community to build a volunteer base and connect them to community events and programs.

~~+~~GGG. The committee will consider community feedback and research and identify opportunities for programs, events, and resources to bring to Gray.

~~B.~~HHH. The committee, when appropriate, will collaborate with other local recreation departments including but not limited to New Gloucester Recreation Department. Collaborations with New Gloucester will be branded as GNG Recreation.

RESILIENCY COMMITTEE

A. Membership:

- a. The Resiliency Committee shall consist of five (5) regular members and one (1) alternate member.
- b. In addition, a staff member of the Recycling and Solid Waste Department shall be a non-voting ex-officio member of the committee.

B. Duties:

The committee shall:

1. Expand education for Residents via GCTV/Website streaming programming in partnership with GNG School system, newsletter, electronic platforms, bulletin boards, Library, flyers and direct mailings on topics related to Resiliency Planning, waste reduction, renewables and/or energy efficiency and Climate action.
 - a. Proper composting to work towards reducing food waste
 - b. Tips/Information on the pillars of waste handling: Avoid/Reduce, Reuse, Recycle, Recover, Dispose
 - c. Classes on relevant topics such as vermiculture and biodigesters
 - d. Native plantings, canopy catalog/planning, fertilizer transition plans for open space/school fields/municipal properties

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**TOWN COUNCIL
COMMITTEES & AFFILIATIONS BOARD POLICY
TOWN OF GRAY, MAINE**

- e. Practical zero waste approaches to lifestyle and events
- 2. Assist with Resiliency and Climate Action Planning, as appropriate, to identify baseline, identify forecasted changes in coming years, identify actionable items in categories (1) municipality (2) neighborhoods (3) residents. Working with the Community organizations that are mission aligned, promote action on items in categories (2) and (3).
- 3. Work with Organizations, Companies, Non-Profit groups and Residents to conduct readiness assessment for Repair Café, Tool Library, Salvage/Reclaim depot, Upcycling, Greenbuilding, Plant Swap, Seed bank, etc.
- 4. Make recommendations, as appropriate, to modify Town’s current disposal policies, sticker compliance, fee structure that will enhance and/or reduce cost of the operations.
- 5. Work with Solid Waste Director to promote/host Hazardous Waste Day to educate Residents on hazards of improper disposal and share policies, options, changes on an annual basis.

For all duties outlined – encourage partnerships and collaboration with other Towns to develop regional approaches wherever possible.

BROWNFIELDS ADVISORY COMMITTEE

III. Membership:

JJJ. The Brownfields Advisory Committee is selected by the Town Manager or their designee in the Planning Department, and should include at least three (3) voting members who are Gray residents.

~~KKK.~~ Other members to be selected by the Town Manager or their designee would include a representative from the United States Environmental Protection Agency Region 1 assigned as project manager for Gray, or their designee; a representative from the Maine Department of Environmental Protection, or their designee, and other regional health and economic development agencies.

LLL. At such time as the Town’s Brownfields program funding expires, the Advisory Committee will be disbanded.

MMM. Duties:

The committee shall:

NNN. Advise Town staff on prospective properties for Brownfields assessment, cleanup, and reuse planning.

OOO. Assist Town staff with outreach to the Gray community and to property and business owners.

PPP. Assist Town staff with related tasks to the grant program.

TOWN BOARDS

PLANNING BOARD

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**TOWN COUNCIL
COMMITTEES & AFFILIATIONS BOARD POLICY
TOWN OF GRAY, MAINE**

QQQ. Membership:

RRR. The Planning Board shall consist of five (5) members and two (2) alternates. The two Alternate members will be appointed to the Board by the Town Council in the same manner as full members. All full and alternate member vacancies shall be filled by the Council. The Planning Board shall meet up to twice a month at the discretion of Planning Department Staff.

SSS. Duties:

The Board shall:

TTT. Be responsible for reviewing and approving, when in order, subdivision plans, site plans, conditional uses, and Shoreland Zoning applications in accordance with State Statutes and Town Ordinances.

UUU. Be responsible for the constant supervision of the Zoning and Subdivision of the Zoning and Subdivision Ordinances and for recommendations to the Town Council for changes in each.

VVV. Perform such duties and exercise such powers as are provided by the Town Ordinances and the laws of the State of Maine.

WWW. Offer advice and assistance, and make recommendations to the Town Council, Town Manager and other Town committees and staff as needed or requested.

ZONING BOARD OF APPEALS (ZBA)

XXX. Membership:

+YYY. The Zoning Board of Appeals shall consist of five (5) members.

ZZZ. Duties:

The board:

+AAAA. Shall hear and decide administrative appeals where it is alleged there is an error in any order, requirement, decision, or determination by the Code Enforcement Officer in the enforcement of the Zoning Ordinance.

+BBBB. Shall hear and decide variance appeals in specific cases where a relaxation of the terms of the Zoning Ordinance would not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Zoning Ordinance would result in unnecessary or undue hardship, all as provided by State law and the terms of the Zoning Ordinance.

+CCCC. May grant a disability variance to a property owner for the purpose of making that property accessible to a person with a disability who is living on the property, in accordance with State law.

DDDD. Shall perform its duties and be governed by Title 30-A M.R.S.A. Section 2691, as amended, and the Zoning Ordinance, Section 402.32.

BOARD OF ASSESSMENT REVIEW

EEEE. Membership:

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**TOWN COUNCIL
COMMITTEES & AFFILIATIONS BOARD POLICY
TOWN OF GRAY, MAINE**

FFFF. The Board of Assessment Review shall consist of three (3) members.

GGGG. Prior to their applications being submitted to the Town Council for consideration, Applicants must attend Local Planning Boards and Zoning Board of Appeals training offered by Maine Municipal Association or comparable training identified by or offered by the Town.

HHHH. Duties:

The Board of Assessment Review shall have the power to:

III. Review any tax assessment complaint of property owners, and revise assessments for the purpose of taxation of real and personal property within the Town limits made by the Assessor.

JJJ. Administer oaths.

KKKK. Take testimony.

LLLL. Hold hearings.

MMMM. Adopt regulations regarding the procedure of assessment review not otherwise inconsistent with State or local law.

BOARD OF HEALTH

Maine Revised Statutes Title 22 §453. Local board of health (as of 2022/10/27)

Any municipality may appoint, in addition to the local health officer, a board of health consisting of 3 members besides the local health officer, one of whom shall be a physician if available in the community, and one a woman. When first appointed members of the board shall be appointed one for one year, one for 2 years and one for 3 years. Subsequent appointments shall be for 3-year terms.

The local health officer shall be secretary ex officio of said board and keep a record of all proceedings. The local board of health shall constitute an advisory body to the local health officer.

RETIRED TOWN COUNCIL COMMITTEES

CHARLES BARKER SCHOLARSHIP COMMITTEE

NNNN. Membership:

~~+~~OOOO. The Charles Barker Scholarship Committee shall consist of four (4) members, of which no member shall be a member of the School Board.

~~+~~PPPP. In accordance with the terms and conditions of the Charles Baker Scholarship Fund, “Such committee members shall serve until a similar committee shall have been appointed or reappointed after the next selection of a Board of Selectmen (Town Council) of said Town.”

QQQQ. Duties:

~~+~~RRRR. The Committee shall be responsible for determining the allocation of scholarship funds to worthy students of Gray Schools for the purpose of assisting with expenses for higher education and post-secondary schools.

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TOWN COUNCIL
COMMITTEES & AFFILIATIONS BOARD POLICY
TOWN OF GRAY, MAINE

The Committee's responsibility shall be carried out in accordance with the terms and conditions of the will dated December 17, 1969, set forth by the late Charles W. Barker.

GRANGE NO. 41 SCHOLARSHIP FUND COMMITTEE

SSSS. Established:

~~+TTTT.~~ The Committee's responsibilities shall be carried out in accordance with the terms and conditions of the Gray Grange No. 41 Scholarship Fund formally accepted by the Gray Town Council on May 7, 1991, and signed by Gordon Kimball, Sr. Treasurer of Gray Grange No. 41 on July 25, 1991

UUUU. Membership:

~~+VVVV.~~ Gray Grange No. 41 Scholarship Fund Committee shall consist of three (3) members.

~~+WWW.~~ The three (3) members shall consist of the Principal of the Gray-New Gloucester High School, one (1) person appointed by the Town Council, and one (1) resident of Gray who initially shall be or was a former member of Gray Grange No. 41.

~~+XXXX.~~ Committee members shall be appointed by the Town Council, in accordance with the terms and conditions of the Gray Grange No. 41 Scholarship Fund.

YYYY. Duties:

~~+ZZZZ.~~ The Committee shall be responsible for the Gray Grange No. 41 Scholarship Fund for postsecondary education. Selected recipients must be residents of the Town of Gray, pursuing postsecondary education.

LADDER TRUCK COMMITTEE

AAAAA. Established:

~~+BBBBB.~~ Per June 13, 2017 Town of Gray municipal election results, the Town Council shall appoint a citizens ad hoc committee. The Ladder Truck Committee was created on June 13, 2017.

CCCCC. Membership:

~~+DDDDD.~~ The Ladder Truck Committee shall consist of seven (7) members.

~~+EEEE.~~ Five (5) shall be citizens of Gray.

~~+FFFF.~~ Two (2) shall be non-voting ex-officio members:

~~+GGGG.~~ One (1) shall be the Director of Public Safety.

~~+HHHH.~~ One (1) shall be a Town Counselor.

IIII. Duties:

~~+JJJJ.~~ The Committee shall to hold one or more public hearings in the fall/winter of 2017/2018 to study whether the Public Safety needs of the Town require the replacement of the current ladder truck.

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**TOWN COUNCIL
COMMITTEES & AFFILIATIONS BOARD POLICY
TOWN OF GRAY, MAINE**

~~+K K K K K.~~ If the committee decides to recommend the purchase of a new ladder truck, the committee must make its final recommendation in time for the Council to include the proposal on the 2018 Town meeting warrant.

PUBLIC SAFETY COMMITTEE

LLLLL. Membership:

~~+M M M M M.~~ The Committee shall consist of nine (9) members.

~~+N N N N N.~~ Two (2) members from the Public Safety Department.

~~+O O O O O.~~ Three (3) Gray residents who are not employees of the Town or affiliated with any law enforcement agency.

~~+P P P P P.~~ Four (4) non-voting ex-officio members of which;

~~+Q Q Q Q Q.~~ One (1) a member of the Maine State Police.

~~+R R R R R.~~ One (1) a member of the Cumberland County Sheriff's Department.

~~+S S S S S.~~ One (1) the Town of Gray Public Safety Director.

~~+T T T T T.~~ One (1) member of the Gray Town Council.

UUUUU. Duties:

The committee shall;

~~+V V V V V.~~ Be concerned with various matters of community safety as they relate to law enforcement, fire protection, traffic, and the transportation systems that support traffic. Including both vehicle and pedestrian and those issues outside of Gray that have impacts within the community such as regional transportation corridors and projects.

~~+W W W W W.~~ Work towards developing the necessary plans and recommendations that shall achieve improved community safety.

~~+X X X X X.~~ Advise the Public Safety Director in areas of community and building safety issues, making recommendations where appropriate.

~~+Y Y Y Y Y.~~ Work with the Maine Department of Transportation, Maine Turnpike Authority, the Maine State Police and the Cumberland County Sheriff's Department in matters of traffic and safety issues.

May work with and assist other standing committees and, where appropriate, special committees of the Town.

COMPREHENSIVE PLAN STEERING COMMITTEE

A. Established:

1. The Comprehensive Plan Steering Committee was created on May 7, 2019.

B. Membership:

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TOWN COUNCIL
COMMITTEES & AFFILIATIONS BOARD POLICY
TOWN OF GRAY, MAINE

1. The Comprehensive Plan Steering Committee shall consist of a minimum of nine (9) and a maximum of eleven (11) members and two (2) alternates.

C. Duties are to oversee:

1. The compilation of a Comprehensive Plan to replace the current 15+ year old Plan.
2. That the Plan incorporates input from a cross-section of the Town residents and represents the majority of Gray residents, property owners, and businesses through extensive public outreach.
3. To create a viable and implementable Future Land Use Plan designed to accommodate anticipated residential and commercial growth over the next 10 to 20 years.
4. The final plan should include sufficient measures to be deemed consistent with the Growth Management Act by the State.

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3	<p>11/04/22</p> <p>I offered to reconcile the TC Rules and the TC Decorum Policy. The Decorum Policy was born out of frustration regarding the past performance of previous Councils. Much if not all of it is redundant and was created because most Councilors at the time didn't fully understand the existing TC Rules and Robert's Rules of Order or how to apply them. In addition it only makes sense to have just one document (and place to look) as the source for the TC's rules. Finally I have experimented this format in an attempt to allow for a side by side comparison of the 2 documents. I'm not sure it works, but that's why we experiment :-)</p>			
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Thanks, Dan

TC RULES

SECTION 602.01 - Regular Meeting (Amended August 3, 2010, Amended February 1, 2011, October 3, 2017)

A. The regular meetings of the Town Council:

1. Shall be held at Henry Pennell Municipal Complex at 7:00 p.m., current ~~from~~ the first and third Tuesday of each month, except that in July, August and November, the Town Council shall meet only once during each month on a date of their choosing.
3. When said days falls on a holiday or on an election day, the regular meeting shall be ~~held on the following Tuesday, at the same time and place.~~ **rescheduled.**
4. The date of any regular meeting may be changed by an order or resolve passed with at least four (4) affirmative votes at a previous meeting of the Council provided. ~~however, that said change in date will still provide for two regular meetings in each month provided, there are enough days left in the month to do so.~~
5. In case of inclement weather or other public hazard, the Chair may decide, on the day of any regular Council meeting, to postpone that meeting seven days later at the same time and place and with notification to the public by the most expedient means.

SECTION 602.02 - COUNCIL WORKSHOPS AND SPECIAL MEETINGS

A. Workshops:

Workshop meetings, where Town business is discussed, but not to be voted on, shall be held from time to time as determined necessary by the Town Council.

B. Special meetings:

1. May be called by the Chair.
2. In case of ~~his/her~~ **the Chair's** absence, disability or refusal **a meeting may** be called by three (3) or more members of the Town Council.
3. Notice of ~~such~~ **special meeting** shall be served in person or left at the residence of each member of the Town Council at least twenty-four (24) hours before the time for holding said special meeting, unless all members of the Council sign a waiver of said notice.
4. The ~~call~~ **notice** for ~~said a~~ **special meeting** shall set forth the matter(s) to be acted upon at ~~said the~~ **meeting**, and nothing else shall be considered at ~~such the~~ **special meeting**.

TC DECORUM POLICY starts on row 72.

NOTE: I used different background fill colors below to match up similar wording in each document.

COMMENTS

26	A	C	D
27	5. All special meetings shall be held in compliance with the Maine Freedom of Access law, 1 M.R.S.A. Sec. 406, as amended.		
28	SECTION 602.03 – Council Meetings and Workshop Agendas		
29	A. Regular Meetings Agendas:		
30	1. Requests to add an item to a Council meeting agenda for consideration or action shall be forwarded to the Chair or the Town Manager, at least nine (9) work-days in advance of the meeting, to allow for sufficient time to amend the agenda for public notice. Holidays/Elections may impact the cut off dates.		
31	2. No ordinance, order or resolve, unless of an emergency nature that is expressly identified in the ordinance, order or resolve, shall be in order for action at any regular or special meeting of the Town Council unless such ordinance, order or resolve shall be filed in the office of the Town Clerk at least nine (9) work-days prior to the meeting		
32	3. When it is anticipated there will be an unusually large volume of background materials to be submitted by proponents, or opponents of an issue, the Chairperson may require submissions to be made at least two weeks, or more in advance.		
33	B. Workshop Meeting Agendas:		
34	1. No item shall be put on a workshop agenda unless at least two Councilors request it.		
35	2. Suspending the Rule		
36	I don't know what this means?		
37	SECTION 602.04 – Quorum		
38	A. Quorum:		
39	1. As per Article II, Section 13, of the Town Charter, a majority of the Council shall constitute a quorum for the transaction of business.		
40	2. The quorum and participants consist solely of those members physically present together in the assembly.		
41	3. At least three (3) votes shall be required for passage of any ordinance, order or resolution.		
42	4. A smaller number may adjourn from time to time or may compel attendance of absent members.		
43	5. At least twenty-four (24) hours-notice of the time and place of holding such adjourned meeting shall be given to all members who were not present at the meeting from which adjournment was taken.		
44	SECTION 602.05 – Enactment Form		
45	A. Enactments:		
46	1. The Town Council shall act only by ordinance, order or resolve.		
47	All ordinances, orders and resolves shall be confined to one subject, which shall be clearly expressed in the title and shall be put in writing on forms designed for that purpose in advance of the Council meeting.		
48	2. Ordinances, orders and resolves shall each be separately numbered, consecutively, by date of introduction.		
49	SECTION 602.06 – Ordinance Style		
50	A. The enacting style for an ordinance shall be:		
51	1. "Be it ordained by the Town Council of the Town of Gray, Maine in Town Council assembled," followed by the proposed ordinance.		
52			
53			
54			
55			
56			
57			
58			

	A	B	C	D
59	SECTION 602.07 – Order and Resolve Style			
60	A. In all votes of command:			
61	1. The form of expression shall be "Ordered".			
62	B. All votes regarding opinions, principles, factors or purposes:			
63	1. The form shall be "Resolved".			
64	SECTION 602.08 – Full Reading			
65	A. As per Article II, Section 14.B of the Town Charter:			
66	1. After passage on first reading, every proposed ordinance or a summary thereof shall be posted in the municipal building and on the Town's electronic website for at least seven (7) days prior to the next regular meeting of the Council.			
67	2. At least one public hearing shall be held by the Council before any ordinance shall be passed, but nothing herein shall be deemed to require publication of the ordinance itself.			
68	3. Every ordinance shall be in order for public hearing and the first reading of same but all ordinances may, at the discretion of said Council, be tabled from time to time.			
69	SECTION 602.09 - YEAS AND NAYS TAKEN: WHEN			
70	A. The yeas and nays shall be taken upon the passage of all ordinances and entered upon the record of the proceedings of the Town Council by the Clerk:			
71	1. These yeas and nays shall be taken on the passage of an order or resolve when called for by any member of the Town Council.			
72	2. Every ordinance, order and resolve shall require, on final passage, the affirmative vote of at least three (3) members of the Town Council.			
73	SECTION 602.10 - ORDINANCES EFFECTIVE: WHEN			
74	A. No ordinance shall take effect and be in full force:			
75	1. Until thirty (30) days from and after it shall have been enacted as required by Article II, Section 14.C of the Charter.			
76	SECTION 602.11 - ORDERS & RESOLVES: EFFECTIVE			
77	A. Unless a later date is expressly provided for:			
78	1. All orders and resolves shall take effect immediately, upon passage.			
79	SECTION 602.12 - CHAIR AND VICE-CHAIR DUTIES			
80	A. Beyond those outlined here, the Chair and Vice-Chair have no more authority or responsibility than any other Town Councilor.			
81	B. The Chair and/or Town Manager shall meet with the Vice Chair to review planned meeting agendas, as necessary, to ensure continuity of Town business.			
82	C. The Chair is to be Presiding Officer:			
83	Where and how are the "norms and values of the community" defined? This should be deleted.			
84	Whereas, the conduct of public officials can be perceived as effectively representative of the norms and values of the community, and			
85	Whereas, the Town Council wishes to express and demonstrate its commitment to demonstrating a high standard of Norms and Values, and			
86	Same as above.			
87	Delete			
88	Delete			
89	Delete			
90	Delete			
91	Delete			
92	Delete			
93	Delete			
94	Delete			
95	Delete			

96	A	B	C	D
97	1. The Chair shall take the Chair at the time appointed for the meeting, 2. Call the members to order, 3. Caused the roll to be called and, 4. If a quorum be present, call for the approval of the minutes of the preceding meeting as presented and proceed to business. 5. Shall conduct the meetings in a manner as described below and shall be the arbiter in all matters of meeting protocols, subject to a vote of the full Council.	Therefore, the following "Decorum & Order Policy Addendum, shall be enacted: During the Town Council meetings, Councilors shall preserve Order and decorum and shall neither by conversation or otherwise delay or interrupt the proceedings nor refuse to obey the order of the Chair or the rules of the Town Council.	Robert's Rules takes care of this and it duplicates wording in the TC Rules already.	
98	3. Caused the roll to be called and,		Robert's Rules	
99	4. If a quorum be present, call for the approval of the minutes of the preceding meeting as presented and proceed to business.		Robert's Rules	
100	5. Shall conduct the meetings in a manner as described below and shall be the arbiter in all matters of meeting protocols, subject to a vote of the full Council.		Robert's Rules	
101	D. The Chair shall preserve decorum and order. The Chair may;		Robert's Rules	
102	1. Speak to points of order in performances of other members and shall decide all questions or order subject to appeal of the Council by motion regularly seconded, and no other business shall be in order until the question on appeal is decided.	All Town Councilors shall conduct themselves such as to serve as role models of leadership and civility to the community, as well by acting in such ways as to inspire public confidence in the municipal government they represent.	Robert's Rules	
103	2. Rule any person out of order and require a speaker to take his or her seat	Town Councilors desiring to speak shall address the Chair, and upon recognition by the Chair, shall confine themselves to the question under debate and shall avoid all personalities and indecorous language.	Robert's Rules	
104	3. Eject any person from the meeting place who, after being ruled out of order, remains disorderly.	A Councilor, once recognized, shall not be interrupted while speaking unless called to order by the Chair, unless a point of order is raised by another member or unless the speaker chooses to yield to questions from another member.	Robert's Rules - "Limit Debate"	
105	4. In case of disorder, declare the meeting recessed until order is restored. In the event of serious disorder or emergency, declare the assembly adjourned to some other time (and place if necessary,) if it is impracticable to take a vote, or in his or her opinion, dangerous to delay for a vote.	If a Councilor is called to order while speaking, the Town Councilor shall cease speaking immediately until the question of order is determined.	Robert's Rules	
106	5. A person wishing to address the Council shall raise his or her hand;	If ruled to be in order, the Town Councilor shall be permitted to proceed.	Robert's rules – Any councilor can "Call the Question" or motion to "Limit Debate"	
107	6. Councilors shall be required to preserve access to accounts such that a copy of all content remains available for inspection or copying upon request as required under FOAA and shall comply with any request from the Town's public access officer to provide the same within a timely manner.	If ruled to be not in order, the Town Councilor shall remain silent or shall alter the remarks so as to comply with policy of this Town Council.	Robert's Rules	
108	7. give his or her name and address	Every Councilor shall have the opportunity to speak to an issue once, prior to any one Councilor being allowed to contribute a second time.	Robert's Rules - "Challenge the Chair"	
109	8. sign in on a roster provided for that purpose. **	All members of the Town Council shall accord the utmost courtesy to each other, to Town employees, and to public members appearing before the Town Council and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities.	Robert's Rules - "Move the Question"	
110	9. All comments shall be confined to the question under debate and shall avoid personalities.	Town Councilors shall confine their questions as to the particular matters before the assembly and in debate shall confine their remarks to the issues before the Town Council.	Staff Policy	
111	10. No person speaking may be interrupted, except by the Chair, or to raise a point of order, or to correct an error.	Councilors should refrain from restating already stated positions and strive to discuss rather than debate issues.	Staff Policy	
112	** NOTE: The Council strongly recommends all Town standing or special committees adopt a similar, sign-in rule.	Members shall be asked to leave the meeting for failure to comply with decisions of the Chair or for continued violations of the rules of the Town Council.	Robert's Rules - "Challenge the Chair"	
113	E. Declaration of Votes:	If the Chair fails to act, any member may move to require the Chair to enforce the rules and the affirmative vote of a majority of the Town Council shall require the Chair to act.	You can't prevent someone from addressing an individual	

	A	B	C	D
114	1. The Chairperson shall declare all votes, but if any member questions a vote, the Chairperson shall cause a recount of the members voting in the affirmative and in the negative without debate.		The Town Manager shall take such disciplinary action as may be necessary to insure that such decorum is preserved at all times by Town employees in Town Council meetings.	Robert's Rules
115	F. Vice-Chair Responsibilities:			
116			Staff members or the Town Manager desiring to address the Town Council or members of the public shall be recognized by the Chair, shall state their name for the record, and shall limit their remarks to the matter under discussion. No staff member, other than the staff member having the floor, shall enter into any discussion either directly or indirectly without permission of the Chair.	You can't prevent people from coming to a future meeting in this way.
117	1. The Vice Chair will assume the role and responsibilities of the Chair whenever the Chair is absent or unable to fulfill their role.		All remarks and questions addressed to the Town Council shall be addressed to the Town Council as a whole and not to any individual member thereof.	In TC Rules
118			Public members attending Town Council meetings also shall observe the same rules of propriety, decorum and good conduct applicable to members of the Town Council.	Robert's Rules – and you can't prevent people from attending future meetings in this way.
119	SECTION 602.13 Rules of Debate		Failure to comply with any of the above may result in the violators being asked to leave the Council Chambers, as well as, the loss of the privilege of re-entry until such time as a majority of the Town Council receives and believes reasonable assurances that proper decorum and order will be displayed by the violator.	
120	A. Motions: To make a motion:			
121	1. The Chairperson shall request from Council members a motion to place on the floor for discussion and subsequent action any ordinances, orders, or resolves.			
122	2. Any ordinance, order, or resolve must be moved and seconded to be discussed or acted upon.			
123	3. If the Chairperson receives no motion or second from a member, the Chairperson may make the motion or second the motion, provided that no member of the Council may second his or her own motion.			
124	4. A smaller number may adjourn from time to time or may compel attendance of absent members.			
125	5. A person wishing to address the Council shall raise his or her hand;			
126	6. Councilors shall be required to preserve access to accounts such that a copy of all content remains available for inspection or copying upon request as required under FOAA and shall comply with any request from the Town's public access officer to provide the same within a timely manner.			
127	7. Councilors are responsible to understand what information is considered confidential under the FOAA and shall not post any such confidential information on social media.			
128	8. sign in on a roster provided for that purpose. **			
129	9. All comments shall be confined to the question under debate and shall avoid personalities.			
130				
131	B. When a question is under debate the Chairperson shall receive no motion but:			
132	1. To adjourn.			
133	2. To lay on the table.			
134	3. For the previous question. To Reconsider.			
135	4. To postpone indefinitely or to a date certain.			
136	5. A person wishing to address the Council shall raise his or her hand;			
137	6. To amend			
138	7. To postpone indefinitely, provided that several motions shall have precedence in the order in which they stand arranged			
139	8. To divide the question in wording for separate debate.			
140				
141	C. Priority of Business:			
				I don't know what this means?

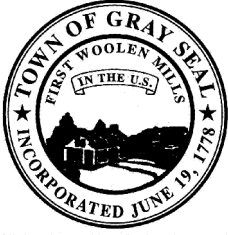
	A	B	C	D
142	All questions relating to priority of business to be acted upon shall be decided without debate, and all subsidiary, incidental, and privileged motions shall be decided before debate and action on the main question may resume.			
143				
144	D. Voting:			
145	1. A simple majority vote shall approve all motions for orders, ordinances, and resolves.			
146	2. All members present shall be required to vote on all questions put forth, except that any member may ask to be excused from voting, for good cause shown, by notifying the Chairperson prior to the vote.			
147	3. No Council Rule may be amended or repealed unless at least seven (7) days prior notice is given, and the proposed changes as they will appear in the amended document shall be made available for public review, and approved by at least four fifths (4/5) of the members voting in the affirmative.			
148	Rules may not be dispensed with or suspended unless at least four fifths (4/5) of the members consent thereto.			
149				
150	E. Parliamentary procedure:			
151	1. if a question or situation arises that is not addressed in the Town Charter or ordinances, or these Rules, the Chairperson shall refer to Robert's Rules of Order, most recent edition, to resolve the matter, subject to a vote of the full Town Council then present and voting.			
152				
153	SECTION 602.14 – BREACH OF COUNCIL RULES OR ORDERS			
154				
155	A. When any member shall be guilty of a breach of any of the rules or orders of the Council:			
156	1. He/she The member may, on motion passed by the rest of the Council, be required to make satisfaction therefor and shall not be allowed to vote, or speak, except by way of excuse, until he/she has done so.			
157				
158	SECTION 602.15 – Standing and special committees-			
159				
160	A. The Town Council shall create such standing committees as are required by law and may create such special committees as it deems necessary.			
161	1. A separate list of both types of committees shall be maintained by the Town Manager, or his/her their designee, separate from the Town Council rules, and kept up to date by him/her.			
162	2. Amendments to such list may be made by the Town Council, from time to time, and any such amendment(s) to the list shall only require a majority vote.			
163				
164	SECTION 602.16 – Social Media Platforms-			
165				
166	A. Recognizing that citizens and the public increasingly gather information through social media sites, Councilors may find it beneficial to use such platforms to enhance their communication with constituents.			
167				
168	B. If Councilors choose to use social media platforms for communication, it should be noted the Maine Freedom of Access Act ("FOAA") requirements would apply to content involving the conduct of government (i.e., Town) business on those platforms.			
169				

I don't know what this means?

< - - - - - Robert's Rules

	A	B	C	D
170	C. To ensure compliance and clarify communications, Councilors agree to the following:			
171	1. Councilors who choose to use social media for the purpose of communicating with constituents as a Councilor will create a Council-specific account to segregate Town Business content from personal communications and will label the account as such.			
172	2. Councilor social media accounts shall be used for purposes of disseminating information and engaging with residents. The content of such accounts and pages shall be limited to general communication regarding Town business and may either report Town Council votes and actions as reflected in the minutes of Town Council meetings or may communicate items that are included on the Town Council agenda. In no event shall social media accounts be utilized for official actions, decisions or meetings, all of which shall occur at Town Council meetings as required by the FOAA.			
173	3. When posting content to Council specific accounts, Councilors should take care to identify when stating a personal opinion versus an opinion that is reflective of the Council as a whole. All content on the Council account should be limited to Council-related duties and activities and Town business and shall not include personal content.			
174	4. The following disclaimer should be posted on the Council specific account: The content on this account including comments and replies to comments, may be considered public records, and may therefore be subject to public record requests for review and copying under Maine's Freedom of Access Act (Title 1, Sections 401-521 of the Maine Revised Statutes).			
175	5. Council accounts shall be limited to posting content on the Councilor's page or responding to content on that page and shall not be used to "like" or comment on other users' posts or comments outside of the Council specific page.			
176	6. Councilors shall be required to preserve access to accounts such that a copy of all content remains available for inspection or copying upon request as required under FOAA and shall comply with any request from the Town's public access officer to provide the same within a timely manner.			
177	7. Councilors are responsible to understand what information is considered confidential under the FOAA and shall not post any such confidential information on social media.			
178	8. Councilors shall not engage with one another on social media in a manner that would be considered a public meeting without notice, i.e., the discussion of Town business by three or more Councilors without advanced notice and opportunity for the public to attend.			
179				
180				
181	SECTION 602.17 – COUNCILOR REQUESTS FOR STAFF TIME AND LEGAL OPINIONS			
182	Councilor requests for information may require significant involvement from staff or the town's legal team in order to be resolved.			
183				
184	A. When it will involve more than one (1) hour, requests will be resolved as follows:			
185	1. The Town Manager will determine if requests for staff or legal team time to research questions, generate reports or gather data will make it difficult or expensive to complete current assignments.			
186	2. If the Manager declines a Councilor's request, the Councilor may ask the Chair to determine if the majority of Councilors support their request.			
187	3. The Chair must allow enough discussion to clarify a request. If there is not enough time in the agenda for a discussion and vote, the Chair will schedule the discussion and vote for the next available meeting.			

	A	B	C	D
188	4. The Chair will conduct a poll to determine the Council's support.			
189	5. If the majority of Councilors do not support the request, the request fails.			
190				
191	B. A request that fails may be brought up at a future meeting and discussed again if the Chair agrees new information has become available making reconsideration appropriate.			
192				
193	Section II. Committees has been removed from the Town of Gray Council Rules.			
194				
195	602.42TO SECTION 602.49 - (Reserved)			
196				
197	SECTION 602.50 - Severance Clause			
198				
199	A. Whenever there is a conflict between the language contained in these Rules and that of the State statutes, the Town Charter or Ordinances, the Town Charter or ordinance shall prevail except where the State statute is intended to control.			



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

RESOLUTION HONORING GRAY CITIZEN MIRIAM BISBEE ON THE OCCASION OF HER 100TH BIRTHDAY

WHEREAS, Miriam Bisbee is a lifelong Gray resident; and

WHEREAS, Ms. Bisbee reached 100 years of age on Oct 15, 2022; and

WHEREAS, Ms. Bisbee attended the one room South Gray school on the corner of Whitney Road and Route 100 (Gray Road), graduated from Pennell Institute, and attended the Castine Normal School; and

WHEREAS, Ms. Bisbee worked at Garsoe's Greenhouses on Blanchard Road in Cumberland Center, the dress factory in Gray, and as a seamstress at what was then the Osteopathic Hospital on Brighton Ave. in Portland; and

WHEREAS, Ms. Bisbee volunteered at the Maine Wildlife Park in Gray for over twenty years; and

WHEREAS, Ms. Bisbee wrote a column for the Gray News regularly for many years, sharing her extensive knowledge of Gray history; and

WHEREAS, Ms. Bisbee is a member of the First Congregational Church of Gray and still sings in the choir;

BE IT RESOLVED: that the Gray Town Council recognizes and celebrates the happy occasion of Miriam Bisbee's 100th birthday, and the rich life she has lived as a contributing member of the Gray community.

Approved by the Gray Town Council on this day, December 6, 2022

Gray Town Councilors:

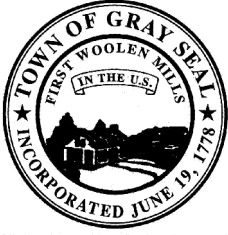
Sandra Carder

Krista Chappell

Michael Curtis

Dan Maguire

Martin Meaney



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

December 1, 2022

Town Manager (TM) Report to Town Council (11/10/2022 – 11/30/2022):

- 11/10: TM attended Maine Municipal Association Legislative Policy Committee (MMA LPC) Meeting via Zoom.
- 11/10 & 16: The Gray Community Economic Development Committee hosted conversations with business and property owners about the 2022 Comprehensive Plan, the Gray Village visioning from this summer, and introducing the Brownfields Assessment program, at the Gray Public Library, on November 10 at 8 AM and November 16 at 7 PM. One member of the business community attended the first meeting, and five attended the second.
- 11/11: Town Staff observed Veterans Day.
- 11/14: TM met with GPCOG staff to discuss regional transportation goals and grant opportunities.
- 11/14: Town Staff hosted a public outreach meeting for residents of Yarmouth Road to discuss the upcoming Maine Dept of Transportation road construction project from Gray Corner / Main Street to approximately 70 Yarmouth Road.
- 11/15: TM hosted a “windshield tour” for the Town’s qualified environmental partner Credere Associates, to see prospective properties for the US Environmental Protection Agency (US EPA) funded Brownfields assessment program.
- 11/16: TM hosted a check in visit with US EPA representatives at Town Hall.
- 11/16: TM spoke with a representative of Novel Solar who is building a solar farm in New Gloucester and is asking for Gray Public Safety to agree to respond to any fire response that may occur at the facility. Gray has offered standard mutual aid response.
- 11/18: The Volunteer Maine Commission meeting in Belfast was cancelled due to lack of quorum.
- 11/24-25: Town Staff observed the Thanksgiving holiday.
- 11/28: TM participated in MMA LPC housing working group via Zoom.

Upcoming:

- Town Council will hold a special workshop meeting on December 14.

Other activities:

- TM and Department Head staff completed goal setting for FY23 (November 1, 2022 – October 31, 2023) using goals set by Council as part of the retreat and goal setting exercise.
- TM submitted an application for GPCOG grant funds to support Gray Village / Main Street project implementation.
- The Town Clerk resigned to pursue other opportunities, effective November 23. At your meeting, **I will ask Town Council to assent to me temporarily appointing the Town Manager to serve as Town Clerk, and Pam Edson to temporarily serve as Registrar of Voters.**
- The Town Clerk's office is temporarily operating on a modified schedule due to staffing limitations. Effective Monday, November 28, 2022, the hours below temporarily replace any other published hours. Temporary Hours:
Monday - Wednesday: 8:30-1:00 / 2:00-4:00
Thursday: 11:00-2:00 / 3:00-6:30
Friday: 8:30-12:00
These temporary hours will provide Clerk's office staff with a lunch break and time to complete administrative tasks including required state reporting. Note that vehicle registration, hunting and fishing license renewals, and tax payments can also be completed online at: www.graymaine.org/services We appreciate everyone's patience during this time as we strive to maintain an excellent level of service for Gray residents. Citizens are welcome to please contact me with any questions or concerns.
- The Town Animal Control Officer (ACO) suggests that Gray consider updating and increasing its impound fee to help cover the cost of ACO time and mileage. I have attached an email with rates from other municipalities that use the same animal shelter as Gray, noting that Gray is in the low to middle tier of the group.

Nathaniel Rudy

From: Animal Control Officer
Sent: Sunday, November 20, 2022 10:20 AM
To: Nathaniel Rudy
Subject: Impound fees ARLGP

Hi Nate,

Below are the impound fees for ARLGP. I think Raymond has the most recent change in impound fees. They are similar in distance from ARL as we are. Perhaps we could mirror what they currently have for fees to cover cost of transport and officer time? An average order at the drive thru cost more than our \$25 fee. When a dog is continuously at large the fee is small and does not make much of an impact to the offender. As always we try to reunite first time and even second time offenders with their dog before transporting to ARLGP. Third time offenders are automatically transported to impound so most often the first time fee from impound is actually the dogs third offense. These fees go directly back to the town and should be deposited into our animal welfare budget for equipment and training. See impound fees from contracted towns. Note Raymond's impound fee.

Town, 1st Offense, 2nd Offense, 3rd Offense

Buxton Dogs \$35 \$50 -

Buxton Cats \$20 \$35 -

Cape Elizabeth Dogs & Cats \$10 \$25 \$50

Casco Dogs & Cats \$50 \$100 \$125

Gorham Dogs & Cats \$30 - -

Gray Dogs & Cats \$25 \$40 \$50

Hollis Dogs & Cats \$90 - -

Portland Dogs & Cats \$20 \$40 \$55

Raymond Dogs & Cats \$50 \$75 \$100

Scarborough Dogs & Cats \$30 - -

South Portland Dogs & Cats \$15 \$30 \$50

Standish Dogs \$50 - -

Westbrook Dogs & Cats \$25 \$50 \$100

Windham Dogs & Cats \$25 \$50 \$100

Jonathan Powers

ACO

Department of Public Safety

Town of Gray, Maine

207-893-2810

This electronic mail message and any attachments hereto, as well as any electronic mail message(s) that may be sent in response to it, may be considered public records, and may therefore be subject to public record requests for review and copying under Maine's Right to Know Law (Title 1, 401-521 of the Maine Revised Statutes).



Town of Gray Fire Rescue Job Classification Description

Fire Police

Supervision

This position works under the guidance of the Department Assistant Chief or the Officer in charge.

General Description of Duties

This call member position performs traffic control and crowd control as needed to support department efforts at emergency scenes (under the direction of the officer in charge).

Specific Duties and Responsibilities

- Utilize and maintain equipment and gear related to the position of Fire Police
- Provide a safe area for emergency crews to operate in using nationally recognized procedures for traffic control
- Provide traffic control at Town events as available

Minimum Training and Experience

- High School graduate or equivalent
- Must be at least 18 years of age
- Annual mandatory training requirements as set forth by GFR
- Attend a TIM's class within 6 months of acceptance as a Fire Police call member
- Attend an in-house BOLS approved Public Safety Traffic Flagger class before responding to calls

Certifications and licenses

- Must hold current and valid Maine State driver's license
- Current CPR Certification
- Must have EVOC Certification or obtain within six months of hire

Required Knowledge, Skills & Abilities

- Has knowledge and experience in traffic control
- Basic knowledge of street layout and addressing system
- Basic knowledge of current procedures and department SOGs
- Must have the ability to deal diplomatically with irate, violent, or frantic individuals
- Must have the ability to react quickly and calmly in emergency situations

- Must have the ability to understand and follow written and oral instructions
- Must have the ability to clearly communicate information both verbally and in writing
- Must have the ability to establish and maintain effective working relationships with departmental staff, supervisors and the public
- Maintain physical readiness required to perform traffic control duties

Physical requirements

- Required to stand/walk for long periods in the field, on streets and roadways; reach with hands and arms
- Exposed to outside weather conditions, road noise, moving traffic, fumes, and particulates
- Must possess color vision to determine correct colors for street and traffic signs, signals, and markings
- Must possess hearing and speech to communicate in person and over the telephone and radio
- Ability to communicate and deal with the public effectively
- Occasionally lift and/or move more than 50 pounds

Probationary Period:

Employees in this position will be required to serve a probationary period of six months, during which time performance will be carefully evaluated. Written evaluations shall be done by the Fire Chief or his designee at a minimum of once every three (3) months during the probationary period. Continuation in this position will be contingent upon successful completion of the probationary period.

Employee: _____

I have received, reviewed, and understand the above position description for Fire Police. I agree with this description in its entirety. I further understand and agree with the specifications of the probationary period.

Signature

Fire Chief

Date

Rev. 11/29/2022
Rev. 3/11/2020 kee
Rev. 8/18/2016 kee

POSITION DESCRIPTION TOWN OF GRAY MAINE

POSITION TITLE: TOWN CLERK - ADMINISTRATION
DATE CREATED/ REVISED: 12/07/2021; 11/16/2022

Style Definition: Heading 1

Classification: Full Time, Exempt

Narrative: This is a position of high responsibility tasked with the execution of the legal responsibilities of the position of Town Clerk. The position involves extensive public interaction and management of the day-to-day operations of the Clerk's Office including, but not limited to, preparation and maintenance of official documents, supervision of elections, issuance of numerous permits and licenses, administrative activities, and preparation of reports to the Town and various state agencies. This position requires considerable discretion, as many areas of the work require confidentiality.

Supervision: Supervision is provided to this position by the Town Manager. This position provides supervision of the Deputy and Assistant Clerks.

POSITION RESPONSIBILITIES/TASKS

Illustrative only and not all inclusive, pursuant to changes in best practices and to State statutes, rules, and policies:

- Manage Town Clerk office organizational functions, policies, and staffing of operations
- Establish and maintain a high standard for customer service for the public by phone, e-mail, on the Town website, and in-person transactions
- Maintain vital records such as births, deaths, marriages, burials, and sends periodic reports to the State of Maine Office of Vital Statistics, and issues certified copies of same
- Issue various licenses and permits, including marriage, dog, hunting, fishing, special amusement permits, liquor licenses, and prepares State required forms and maintain all related records
- Register motor vehicles, boats, all-terrain vehicles, and snowmobiles, including the computation and collection of fees and State sales taxes, and prepare weekly reports to the State for same
- Oversee and provide notary services for the public
- Validate official documents, record papers with State and Federal government, and oversee proper destruction of public documents
- Establish and maintain all Town records and archives, including meeting agendas, minutes, and other documentation related to the Town Council
- Coordinate posting of official notices and advertisements, including the posting of meetings and public hearings, as statutorily required
- Serve as the Registrar of Voters
 - Administer all elections including preparing Town election warrant articles, scheduling, and appointing ballot clerks; orders and prepares ballots; issue absentee ballots; process and record ballots and report election results and accept voter registration
 - Administer voter registration, process changes, and maintain current voter lists
 - Plan and supervise the election process including preparing polls, ballot boxes, voting machine and ballots
 - Process all election ballots and report results
- Perform oaths of office for town officials and appointees; maintain and communicate terms of office for boards/committees

• ~~Serve as FOAA Officer for the Town~~

- Preserve all permanent Town records and prepare the Town Clerk Report
- Serve as Assistant Tax Collector, assisting with duties as prescribed
- Provide supervision and leadership to Deputy/Assistant Clerk(s)
- Coordinate Annual Volunteer Recognition Celebration
- Support the Town Manager and Town Council in researching Maine Statutes and Town ordinance and policies pertaining to questions as they arise
- Maintain regular, predictable, and reliable attendance
- Maintain excellent communication and foster a collaborative working environment with all departments as well as with the public
- Place an emphasis on safety, efficiency, quality, and productivity in the workplace
- Follow all Town and Department policies
- Perform related work as required by the Town Manager

POSITION REQUIREMENTS/QUALIFICATIONS

Education & Experience

Minimum Education Required:

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

Prior Experience Required:

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

Prior Experience Preferred:

5 years of direct experience in this position

Certifications & Licenses

- Maine driver's license
- Notary Public (preferred)
- Dedimus Justice (preferred)
- Maine Certified Clerk (preferred)

Knowledge, Ability, Skills

- Knowledge and understanding of Federal and State laws and statutes relating to duties and responsibilities of a Town Clerk
- Knowledge of Town ordinances and previously established procedures as they relate to operations in the Clerk's Office area and town government
- Understand and follow the laws and regulations governing the activity of a municipal Registrar of Voters
- Understand basic accounting principles, procedures, and the ability to perform a variety of standard mathematical computations
- Knowledge of modern office practices, procedures, and equipment
- Proficiency in department-specific software/applications (~~TRIO~~ proprietary corporate finance software, Microsoft Office Suite, the State of Maine Central Voter Registration database) and/or ability to develop proficiency in new software/applications
- Ability to prioritize, manage time, and work under pressure

- Ability to think critically and make timely and appropriate decisions in the scope of assigned work
- Ability to organize, assign, and review work of deputies and other staff
- Ability to communicate effectively, orally and in writing, and deal courteously with the public and town officials
- Accurately complete customer transactions while educating customers regarding necessary information to complete their transactions
- Distinguish and preserve areas requiring confidentiality
- Acquire basic knowledge of administrative, operational, and procedural regulations, and practices of the various other town departments, and implement new practices
- Use independent judgment, problem solve, take initiative, and collaborate to accomplish tasks

Physical Requirements/Other:

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

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

Postures/Tasks	Never	Rarely	Occasionally	Frequently	Constantly
Work overhead	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Grasp with hands	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Keying	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mousing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Writing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other: Talk on Phone	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

Acknowledgement

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

Name of Employee: _____ Date: _____

Name of Supervisor: _____ Date: _____

POSITION DESCRIPTION

TOWN OF GRAY MAINE

POSITION TITLE: DEPUTY CLERK-ADMINISTRATION
6/2016; 12/2022

DATE CREATED/ REVISED:

Classification: Full Time, Hourly

Narrative: This is a position of high responsibility and integrity involving the day to day activities of the Clerk's Office area, operations including but not limited to cash management, recording of receipts and the processing of various licenses and permits and assuring the ongoing recording and reporting of all activity. Individuals in this position will have frequent contact with the public as well as with other employees and Town Officials (as applicable). Individuals will provide general office support to the Clerk's Office area and the Town Office in general. All work must be performed in accordance with State law, Town of Gray policies/ordinances/previously established procedures and requires attention to detail, sound judgement and the ability to work effectively with others as well as independently.

Supervision: Supervision is provided to this position by the [Finance Director](#) [Town Clerk](#).

POSITION RESPONSIBILITIES/TASKS

Illustrative only and not all inclusive:

- Provide a high level of customer service while performing customer transactions (including fee processing as necessary) including but not limited to:
 - Tax Collection-Real estate and personal property, excise tax, sales tax (as applicable)
 - Motor Vehicle processing-Registrations, titles, etc
 - Notary services
 - Deputy Registrar of Voters duties-including assistance with elections, issuance of absentee ballots, voter registration cards, etc
 - Licenses-Marriage, hunting/fishing, dog
 - Vital records-Birth, death, marriage
- Provide general and specific information to the public
- Maintain records for all licenses, vital records, motor vehicle, IF&W, voter registrations, election functions, tax collection and other documentation as deemed necessary
- Perform all duties and exercise all powers incumbent upon or invested in Town Clerks by state law.
- Perform all other duties as requested and required

POSITION REQUIREMENTS/QUALIFICATIONS

Education & Experience

Minimum Education Required:

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

Prior Experience Required:

3-5 [Three to five](#) years of direct experience in this position or directly related to the field, or a satisfactory equivalent in the estimation of the Town.

Prior Experience Preferred:

~~5~~ Five-Three years of direct experience in this position

Certifications & Licenses

- Must obtain and maintain Deputy Town Clerk status

Knowledge, Ability, Skills

- Maintain a high level of customer service skills at all times
- Must possess basic arithmetic/computation skills
- Knowledge of modern office tasks/procedures (filing, telephone etiquette, typing, etc), equipment (computers, copiers, etc) and computer software (Microsoft Office, municipal software, etc) and/or the competency to learn new things
- Maintain a thorough knowledge/understanding of State statutes relating to the duties and responsibilities of Town Clerk, Tax Collectors and Registrar of Voters
- Maintain a thorough knowledge/understanding of State regulations and Town ordinances/previously established procedures as they relate to operations in the Clerk’s Office area and Town government
- Ability to establish and maintain effective working relationships with co-workers, supervisors, Town Officials (as applicable) and the public
- Ability to express thoughts, procedures and instructions clearly and precisely, both orally and in writing
- Ability to maintain records, assemble and organize data and prepare reports
- Ability to manage time and responsibilities effectively to perform all duties as required/requested

Physical Requirements/Other:

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

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

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

Acknowledgement

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

Name of Employee: _____ Date: _____

Name of Supervisor: _____ Date: _____