

TOWN OF GRAY
GRAY TOWN COUNCIL
AGENDA • DECEMBER 20, 2022

**Gray Town
Council Regular
Meeting**

Town Council Chambers
24 Main Street, Gray, ME 04039
<https://us06web.zoom.us/j/81386071653>
Phone 646-558-8656 / Meeting ID: 81386071653

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 Hearing, residents can click in to participate or call in using the number provided during the Public Hearing as detailed in the agenda.

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE TO THE FLAG

IV. CONSENT AGENDA 5 MINS

1. - Minutes from the Executive Session on November 1, 2022
- Minutes from the Town Council Meeting on December 6, 2022

Proposed motion:

Ordered, the Gray Town Council approves the Consent Agenda.

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: 813 8607 1653

VI. ADJUSTMENTS TO THE AGENDA 5 MINS

VII. PRESENTATIONS 7:20PM

1. Board of Health Ordinance Proposal - Tammy Munson, Code Enforcement Officer 15 MINS
2. Town Valuation Update - Lauren Asselin, Assessor 15 MINS + Q&A 10 MINS
3. Principle Group Final Report - Principle Group 20 MINS

VIII. PUBLIC HEARING 8:20PM

1. Second Reading - 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 revised General Assistance Ordinance.

IX. ACTION ITEMS 8:25PM

1. To Review and Accept Receipt of the Principle Group Final Report on the Gray Village Master Plan. **5 MINS**

Proposed motion:

Ordered, the Gray Town Council accepts receipt of the Principle Group final report on the Gray Village Master Plan.

2. To Remove from the Table the Motion to Review and Approve Proposed Changes to Town Council Rules.

Proposed motion:

Ordered, the Gray Town Council removes from the table the motion to review and approved proposed changes to Town Council Rules.

3. 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.

4. To Review and Approve Proposed Changes to the Personnel Policy. Proposed changes include clarifying elements of travel and reimbursement, the probationary period of employment, and the role of the Human Resources Director in personnel matters. **10 MINS**

Proposed motion:

Ordered, the Gray Town Council approves the proposed changes to the Personnel Policy.

5. To Review and Approve Foreclosure Waiver Recommendations from the Town Assessor. **10 MINS**

Proposed motion:

Ordered, the Gray Town Council approves the Waivers of Foreclosure as recommended by the Town Assessor.

6. To Review and Approve the Updated Fee Schedule to Include Updated Impound Fees for the Animal Control Officer. **5 MINS**

Proposed motion:

Ordered, the Gray Town Council approves the updated Fee Schedule to include impound fees for the Animal Control Officer.

7. To Review and Approve the Updated Fee Schedule to Include Proposed Changes to Medical Billing Rates. **5 MINS**

Proposed motion:

Ordered, the Gray Town Council approves the proposed changes to the Fee Schedule to include medical billing rates.

8. To Review and Approve the Updated Fee Schedule to Include Proposed Changes to Zoning Board of Appeals fees. **5 MINS**

Proposed motion:

Ordered, the Gray Town Council approves the proposed changes to the Fee Schedule to include Zoning Board of Appeals fees.

X. REPORT FROM THE COUNCIL CHAIR 5 MINS - 9:15PM

XI. REPORT FROM THE TOWN MANAGER 5 MINS

XII. COMMITTEE REPORTS 10 MINS

XIII. COUNCIL CORRESPONDENCE/ACTIVITIES 5 MINS

XIV. ADJOURNMENT 9:40PM

** 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 • 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
 MINUTES • DECEMBER 6, 2022

Council Regular Meeting

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

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

III. PLEDGE OF ALLEGIANCE TO THE FLAG

IV. MINUTES FROM PREVIOUS MEETINGS

IV.1 To remove from the table the minutes from the Town Council Meeting and Executive Session on 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:	Dan Maguire
SECONDER:	Michael Curtis
AYES:	Krista Chappell, Michael Curtis, Dan Maguire, Martin Meaney

IV.2 Motion: To review and approve the minutes from the Town Council Meeting and Executive Session on October 18, 2022.

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

IV.3 Motion: To remove from the table the minutes from the Town Council Meeting on November 15, 2022.

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

IV.4 Motion: To remove from the table the minutes from the Town Council Executive Session on November 16, 2022.

RESULT:	PASSED [UNANIMOUS]
MOVER:	Dan Maguire
SECONDER:	Martin Meaney
AYES:	Krista Chappell, Michael Curtis, 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. PUBLIC HEARING

VII.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.

Motion: That Council open the Public Hearing:

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

A public hearing was opened at 7:10 PM. There was no public comment. The public hearing was closed at 7:10 PM.

Council discussed the proposed ordinance revision and amended language provided by the state. Councilor Maguire noted that the lack of discussion only reflects that Town Council is performing an administrative duty.

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.

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

VIII. ACTION ITEMS

VIII.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.

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

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

Council reviewed and offered minor clerical changes and clarifications to the draft document.

IX.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.

Motion: That Town Council tables discussion of the Town Council Rules.

RESULT:	TABLED [UNANIMOUS]
MOVER:	Dan Maguire

SECONDER: Michael Curtis
AYES: Krista Chappell, Michael Curtis, Dan Maguire, Martin Meaney

A clean version of the document with merged changes was not included in the packet, and Council preferred to wait until a future meeting for reviewing revised documents.

VIII.3 To Review and Approve a Resolution Honoring Gray Citizen Miriam Bisbee.

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

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

Councilor Maguire read aloud a resolution honoring Ms. Bisbee for her lifetime of participation in civic life as an active Gray resident. The Town Council wishes Ms. Bisbee a happy belated birthday. The Town Manager will make arrangements to present a copy of the resolution to Ms. Bisbee.

X. REPORT FROM THE COUNCIL CHAIR

Council Chair Carder was excused and absent from the meeting and there is no report.

XI. REPORT FROM THE TOWN MANAGER

- Councilor Chappell asked about the recommendation from the Animal Control Officer, and the Town Manager suggested that Council review the recommendation to change the rates for shelter services as it affects the cost town residents would pay to retrieve animals.
- Fire Police position has been staffed in Public Safety, but there has been no job description. Town staff are working to clarify the role by creating a job description.
- Town Manager will attend a reception for new elected officials hosted by Greater Portland Council of Governments (GPCOG) on December 15.
- Town Manager discussed the use of consent agendas for Council business in future readings, such as to approve a slate of minutes with one vote.
- Due to staffing challenges, the Town Clerk's office is on limited hours. The Town is working to refill vacant positions as expediently as possible, and we appreciate everyone's patience. Many services and fee payment options are available online at the Town website: www.graymaine.org

XII. COMMITTEE REPORTS

Councilor Meaney

- Wild Blueberry Festival committee will meet in January, 2023.
- Finance Committee will meet in January, 2023.
- Planning Board met on November 21 to discuss Caswell Farm application.
- Zoning Board did not meet in November, will not meet in December.

Councilor Curtis

- Library Trustees committee postponed December meeting to later this month.
- Community Economic Development Committee will meet in January, 2023.
- Gray Community Television Committee will meet on December 21.

Councilor Maguire

- Councilor Meaney covered.

Councilor Chappell:

- Resiliency Committee met November 29, discussed resiliency partnership and kickoff meetings in participating communities expected in January. Committees will meet jointly in the future. Doug Smith, New Gloucester Environmental Resources Committee, discussed work he was doing 1:1 with 207Permaculture to keep work moving in between monthly meetings. Councilor Chappell volunteered to help coordinate.
- OAC will meet on December 15.
- GPCOG Executive Committee will meet January 17.

Chair Carder:

Excused.

XIII. COUNCIL CORRESPONDENCE/ACTIVITIES

Councilor Meaney: Received email from Fire Chief regarding training video for fire apparatus maintenance. Engine 41 has been repaired ahead of schedule and is back in service.

Councilor Curtis: None.

Councilor Maguire: Exchanged emails with Councilor Chappell and Town Manager regarding contacts for Maine Alliance of Road Associations (MARA).

Had a phone conversation with Scott Liberty about his proposed self storage facilities.

Councilor Chappell: Exchanged emails with Councilor Maguire and Town Manager regarding contacts for Maine Alliance of Road Associations (MARA).

While voting, heard from residents that some people were upset that the polling places were not open earlier than 8 AM. Polling places used to be open at 6 AM but that changed during the pandemic. Some people prefer to vote earlier before they have to go to work. Town Manager notes that the former Town Clerk advised that we would not have had the staff and volunteers available to open earlier this year.

Chair Carder: Excused.

XIV.ADJOURNMENT

Motion to Adjourn at 7:48 PM

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

nrr



TOWN OF GRAY

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

CODE ENFORCEMENT OFFICE

Tammy Munson, Lead Code Enforcement Officer
ceo@graymaine.org

MEMORANDUM

Date: 12/15/2022

To: Members of the Town Council

From: Tammy Munson, Lead Code Enforcement Officer

Re: Board of Health / Members

As you are aware, the Town of Gray has recently formed a Board of Health. I am in consultation with our Town attorney regarding the necessity of a Local Board of Health Ordinance and the requirements thereof.

I planned on introducing an ordinance for you to review tonight but I have not finalized this with our Attorney. Instead, I would like to introduce two potential members of the Board of Health:

Dr. Jonathan G. Rud, D.O. Ph.D. is an attending Physician Acute Care/Hospital Medicine at Maine General Medical Center, Augusta ME. Dr. Rud has an extensive background in medical research, teaching, grants and fellowships and publications. I have attached his resume for review.

Anna Kittredge has been a physician assistant (PA) for nearly 18 years. She recently left the Army after 12 years of honorable service as both active duty and as a reservist. During her combat tour in Iraq, she was awarded a Bronze star with 2 leaf's for Valor as well as other medals. She is now the co-owner of Gray Urgent Care as well as its Chief of Operations.

I respectfully ask that these two individuals be appointed to (one) a two-year term and (one) a three-year term. I am grateful that Dr. Rud and Ms. Kittredge accepted this opportunity to serve their community.



TOWN OF GRAY

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

OFFICE OF THE ASSESSOR

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

To: Town Council
From: Lauren Asselin
Date: December 15, 2022
Subject: Certified Ratio

I was reviewing the information that I presented to Council on November 15, 2022 and discovered that I provided the incorrect spreadsheet outlining the effects of certifying at a ratio of 95% instead of 100% at tax commitment. I have attached the updated spreadsheet which contains the correct numbers. If we certify at a ratio of 95%, the result is an increase in the total Town assessment which will reduce the mil rate but also cause a tax shift to Homestead eligible properties.

In addition, I would also like to request that Council allow me to post the RFP for the Equalization project to be effective with the 2025 tax commitment. I mentioned this at the Council meeting held on November 15, 2022 to address both the upcoming zoning changes as well as the existing inequities between property types and neighborhoods. Several municipalities have already advertised their RFPs for fiscal year 2025 so it would be prudent to get ours out as well. The money to fund this is available in the CIP.

Certified Ratio Effect

Certified Ratio - 100%

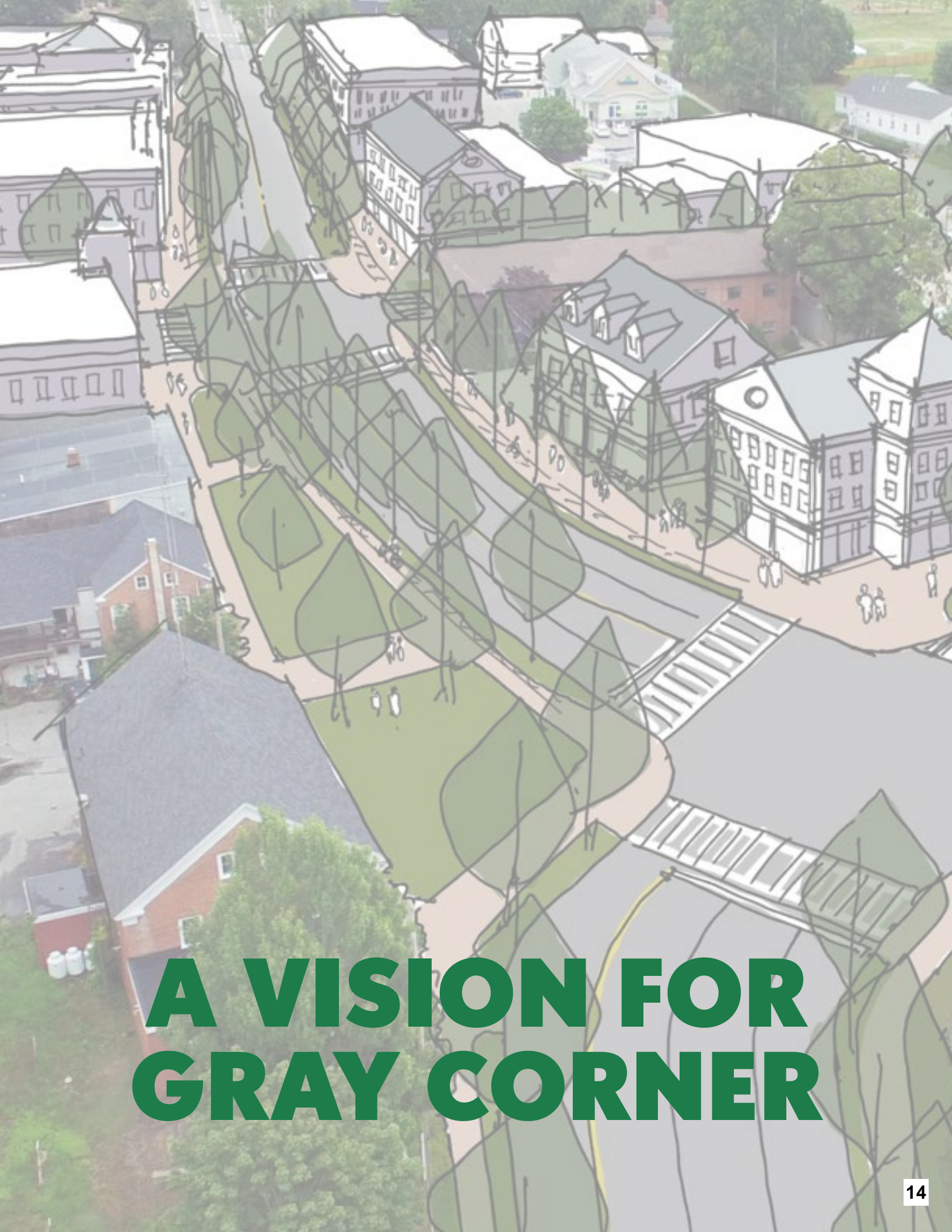
	<u>Assessed Value</u>	<u>Homestead Exemption</u>	<u>Net Assessed Value</u>	<u>Mil Rate</u>	<u>Tax Amount</u>
Account #1	150,000	25,000	125,000	0.01395	1,743.75
Account #2	250,000	25,000	225,000	0.01395	3,138.75
Account #3	375,000	0	375,000	0.01395	5,231.25
Account #4	65,000	0	65,000	0.01395	906.75
Account #5	575,000	0	575,000	0.01395	8,021.25

Total Taxes 19,041.75

Certified Ratio - 95%

	<u>Assessed Value</u>	<u>Homestead Exemption @ 95%</u>	<u>Net Assessed Value</u>	<u>Mil Rate</u>	<u>Tax Amount</u>
Account #1	150,000	23,750	126,250	0.01392	1,757.97
Account #2	250,000	23,750	226,250	0.01392	3,150.42
Account #3	375,000	0	375,000	0.01392	5,221.69
Account #4	65,000	0	65,000	0.01392	905.09
Account #5	575,000	0	575,000	0.01392	8,006.59

Total Taxes 19,041.75



A VISION FOR GRAY CORNER

GRAY, MAINE

A VISION FOR GRAY CORNER

DECEMBER 2022
GRAY, MAINE





*People create great places.
We are grateful to the 200+
residents, business owners,
elected officials, board and
committee members, and staff
for contributing to this effort.*

LETTER

Greetings to Gray Residents,

The Town Council engaged Principle Group to continue a conversation which began with the new Comprehensive Plan. Gray Village will be transformed in the next 3-5 years by two major infrastructure projects: (1) the Maine Department of Transportation led Main Street/Route 100 project which runs from the New Gloucester town line south through the Village and on towards the Maine Turnpike interchange; and, (2) the Town led Yarmouth Rd/Route 115 project which runs from about 62 Yarmouth Rd to Main Street in the Village. In both cases, the Town is partnering with the MDOT to define the scope of the projects and ensure the end results provide the increased safety and enhanced approaches which will facilitate the revitalization of the Village.

The Comprehensive Plan provides a framework identifying the Values and Vision the residents have for Gray. The Village Visioning process completed by Principle provided opportunities for residents to translate those Values and Vision into specific features, design standards, safety approaches and reconfigurations which will convert the Village from an extension of the highway system into the small-town New England Village from our beginnings.

Gray has always been known for the convergence of major roadways. Our location provides an opportunity to invite others here. With your support, we can transition from a place to drive through to a place to stop and enjoy. We can create a Village where residents want to live, where older people can age in place, where businesses have the support to flourish, and recreation and community events are a daily part of life.

This report provides more details about options for reaching these goals. Some may work out, others may not, and it will not happen overnight, but over years. It represents a big step forward in laying out “what Gray wants” and will be used to provide more leverage and concrete requirements to our state level partners giving the residents more control over our Town.

We thank you so much for your participation thus far and ask that you continue to come out to share your thoughts, ideas and to show your support for this important work.

Respectfully,

Sandy Carder,
Town Council Chair

ACKNOWLEDGEMENTS

Town Council

Sandra Carder
Michael Curtis
Krista Chappell
Dan Maguire
Martin Meaney

Town Staff

Anthony Dahms
Alec Dodd
Kyle Hadyniak
Kristen Muszynski
Nate Rudy
Mo Russo
Doug Webster

Principle Group

Russell Preston
Vanessa L. Farr
Carlos Sainz Caccia
Ritika Narang

TND Engineering

Chester Rick Chellman, P.E.

Greater Portland Council of Governments

Sarah Baker
Claire Luning (RC Fellow)
Kelly Rehberg
Lucy Sinclair (RC Fellow)

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INTRODUCTION

A New Framework for Gray Village

Gray wants to reclaim its roads from cars and give them back to the people. This plan lays out a strategy to do just that.

In November of 2020, Gray voted to approve a new Comprehensive Plan. That Plan calls for focused growth and development in Gray Village, with a denser and more walkable pattern focused on human comfort and quality of life. Gray's streets are not and should not continue to be treated like highway on-ramps. Today's cars and trucks move through the Village at speeds often in excess of the posted speed of 30 miles per hour. Gray should become a stopping place rather than a place you drive through - with slow, safe streets that demand civilized behavior from drivers.

There will be a short transitional period - but Gray is fortunate that funding has already been allocated by the Maine Department of Transportation to fix key intersections and streets. And Gray, knowing infrastructure investments are coming, has been actively engaging in capital improvement planning. The Town Council committed to hosting a public engagement effort and hiring Principle Group and its project partners to draw plans and renderings to articulate what Gray's vision is for Gray Corner. This plan is a culmination of years of planning, passion, and dedication on the part of many people.

With infrastructure improvements on the horizon, this is Gray's generational

opportunity to establish a new identity and framework for daily life - one in which walking, bicycling, strolling, supporting and growing businesses, age-unlimited independence and housing choice could be transformed. This will leave behind a different legacy to Gray's children while making an indelible mark on older people who wish to age in place rather than be forced to leave their community for lack of safe streets and available housing in the Village.

For landowners and business owners, this work deeply considers how the project will impact business. Where in the plan you may see existing parking lots replaced by buildings, parking shifts to the street. Street parking is one of Gray's untapped assets. With slower, safer and more inviting streets outside the doors of businesses and residences, more people will want to be in Gray Village. A 30 second delay might force drivers (particularly trucks) to seek alternatives. The tradeoff: the people of Gray get to have beautiful, safe streets, outdoor cafes and restaurants and thriving shop fronts. Gray, in a short few years, could become a destination, a 1 - 2 hour resting stop before continuing to the mountains or lakes, and an even better place to live.

As the Town and MeDOT move through engineering and design, the preferred design scenario selected by the Town Council and the people of Gray should be the basis for all design decision-making.



This is a Conceptual drawing created during the public design week.

All plans and drawings shown in this report are conceptual only, and are subject to change.

This report provides a preferred design scenario as well as alternatives, giving the Town Council, residents, and stakeholders a number of options to consider. The plans have been drawn to scale, using data provided by the Town, MeDOT, and through the state's GIS data portal. Principle recommends that, should there be any notable deviation from the Council's selected design scenario, our design team is called upon to provide assistance. Plan annotations offer critical information to guide engineering decisions and fiscal investments.



MAIN STREET
GRAY CORNER
GRAY, ME.



(Top) This image is of Main Street looking south towards the original location of the monument at the intersection of what are today known as Yarmouth Road (formerly Greenleaf) and Main Street. In the foreground (right), Shaker Road (formerly Church Street) meets Main Street.

(Left) Five roads converge in this historic map of Gray Village.

Photo Credit: Gray Historical Society



*Gray Village Aerial Image,
2018.*

COMMUNITY ENGAGEMENT & PERSPECTIVES



Walking tour with the Gray community during the Design Week.



On June 27th, and from July 27 to July 30th, 2022, residents of Gray and local stakeholders were invited to participate in “Un-pave Paradise,” an intensive, multi-day Village design event to develop a vision for the Gray Village Center. The combination of marketing, events, and personal invitations to social networks successfully brought over 200 people to the table, lending their passion, local knowledge, and keen ideas for how Gray’s village evolves.



Throughout the course of countless conversations with Gray’s residents, stakeholders and leadership, it was universally agreed upon that the primary concern for Gray Village is slowing the vehicles down and reprioritizing who Gray’s streets are for: people, not cars. People expressed a desire to enhance the

already good lifestyles they feel they have in Gray, by making the Village an attractive destination for all, and a welcome place for new business investment, multi-unit housing, connected streets, trails and public spaces to move about the Village.



**Conceptual Drawing, Subject
to Change**







BIG IDEAS

Common Spaces

Benches
on
Sidewalks

Historic
+ Buildings

DO
PAR

BIG IDEAS

for Tray Village

ALL
PEDE
Light
Red
Corner to

NING
OPTIONS

100%
energy
sustainability

Brick
is too
Slippery!

one-

This set of five Big Ideas touches on social, emotional, physical and structural needs and desires sourced from you, the people of Gray - about and for Gray Village.

- Reclaim the Village Center for People
- Foster a Multi-Generational Community
- Strengthen and Connect Neighborhoods
- Build up the Local Economy
- Create an Overlapping Network of paths, streets, and trails

All ideas appear as they were submitted to the Big Ideas Wall during the design week.

Many ideas sourced from the community have been incorporated into the plans and drawings within this report, but not all have been stitched in. As part of annual goal setting, the Town Council, Comprehensive Plan Implementation Committee and other boards and committees should consider how to integrate the big ideas into municipal efforts. Through open and collaborative goal-setting, different boards and committees can work together with staff to advance priorities.

Some big ideas suggest action by/from the private sector - such as attraction of new businesses and investment in comforts and amenities to private property. The big ideas communicate a desire for change, not a mandate. All ideas are just that - ideas - until people take action to implement.

Finally, in the design week studio many precedent photos were displayed to illustrate ideas and concepts both raised by the team and participants. Each big idea has been presented with a handful of precedents, annotated to describe how an idea can be implemented.



1 Reclaim the Village Center for People

Today, Gray's roads are operating as an extension of the highway. During this process, residents have affirmed the vision for the Village Center expressed in the Town's newly adopted Comprehensive Plan - that roads become streets, safe and slow, belonging to the people who live here and own businesses here. And that by prioritizing people, not cars, the Village becomes a place to stop and stay rather than simply a pass through to somewhere else.

- “
- Slow traffic down to make it safer
 - Explore traffic calming measures (i.e. bumpouts, narrow lanes, signs that say “slow down”, safety islands)
 - Make Brown Street one-way
 - Keep Brown Street as a two-way street
 - Close Center at Main Street
 - Widen Route 115 to have two lanes at the light coming from Yarmouth
 - Improve clarity of navigating intersection of Rt 115 and Portland Road
 - Simplify intersections
 - Improve timing of lights
 - Consider a roundabout at Main Street-Route 100-Yarmouth Road
 - Speed monitor on Rt 115 Yarmouth Road to keep people to 30 mph
 - Create safer pedestrian crossings
 - Create all pedestrian lights to allow for corner to corner or diagonal crossing
 - Make crosswalk at Historical Society raised and a brighter color to improve safety
 - Add streetlights
 - Bus stop to Portland
 - Lower turnpike toll to prevent traffic diverting off I-95
 - Don't allow 18-wheelers through town
- ”

2

**Foster a
Multi-Generational
Community**

Residents expressed a strong desire for a greater sense of community. There is broad interest for more gathering places and programming to engage with each other and foster social interactions. Whether they are recreational activities, parks, or community events, both older people and young families want more opportunities to connect with the Village Center.

- “ Build More Community Gathering Places
- Design a multi-generational community center (and pool)
 - Build more recreation facilities such as a basketball court, tennis court(s), pickleball court(s), skate park, small playground (nature playground?), bocce, tetherball, shuffleboard, arcade, trampoline park
 - Build a concrete pump track for skateboard, roller skate, roller blade, bike, and scooter
 - Create public spaces
 - Firepits
 - Pretty ice skating “places”
 - Create a music or performance space
 - Sledding hill
 - Add pocket parks or a gateway park
 - Make a park on some fringe area at the cemetery
 - Create a dog park
 - Place colorful benches in walking/ park areas
- Designate picnic areas
 - Develop space for food trucks
 - Provide more spaces for kids of all ages
 - Establish community garden(s)
 - Install public art
 - Expand Activities for All
 - Expand multi-generational recreational opportunities (softball, cornhole tournament) through coordination with the rec department
 - Organize Creating Community Events
 - Outdoor movie nights
 - Concerts in the park
 - Public holiday events (ex. Christmas parade)
 - Start a seniors and kids walk together program (have seniors volunteer to walk children to after school activities)
 - Formalize and expand the historic walking tour with placards at historic locations
 - Multilingual books in the library ”

3

**Strengthen
and Connect
Neighborhoods**

Residents want to accommodate people at every stage of life. People expressed concern for lack of affordable housing, an inability to age in place or buy homes that are affordable to live near jobs. Residents also identified a need to maintain beautiful neighborhoods through design and aesthetic improvements.

- “ • Affordable senior housing
- Create a 5-Story height ordinance
- Affordable rental units - both business and residential
- Use the former mill housing Farmhouse on Mayall Road as model for future multi-unit housing
- Develop vegetative storm systems (i.e. rain gardens, canopy trees)
- Preserve and showcase historic places and buildings
- Promote neighbors to keep their yard clean. Landlords and business owners do a better job with keeping property neat, clean, and maintained (i.e. repair unsafe and unsightly falling shutters, gutters, parking lot signs, etc.) ”

4

Build up the Local Economy

People love Gray and want to make it a destination, not just an exit or pass-through off the highway. During the Design Week residents said they want to attract local businesses to provide opportunities to increase the tax revenues while reducing property taxes. This means fixing up rehabilitating existing buildings, offering more dining options, and bringing in commercial businesses.

- “
- Attract more small, independent businesses in village
 - Clothing shop
 - Candy store
 - Movie theater
 - Pet store
 - Keep larger businesses and gas stations stay outside of village area
 - Clark’s Block needs to be fixed up
 - Create municipal parking lot with space for food truck court
 - Rehabilitate or remove Manny’s
 - 100% energy sustainability
 - Bring localized medical services (primary care providers or an urgent care) to the plaza
 - More dining options
 - Bakery/cafe/breakfast place
 - More Lunch spots
 - Edible Main Street
- ”

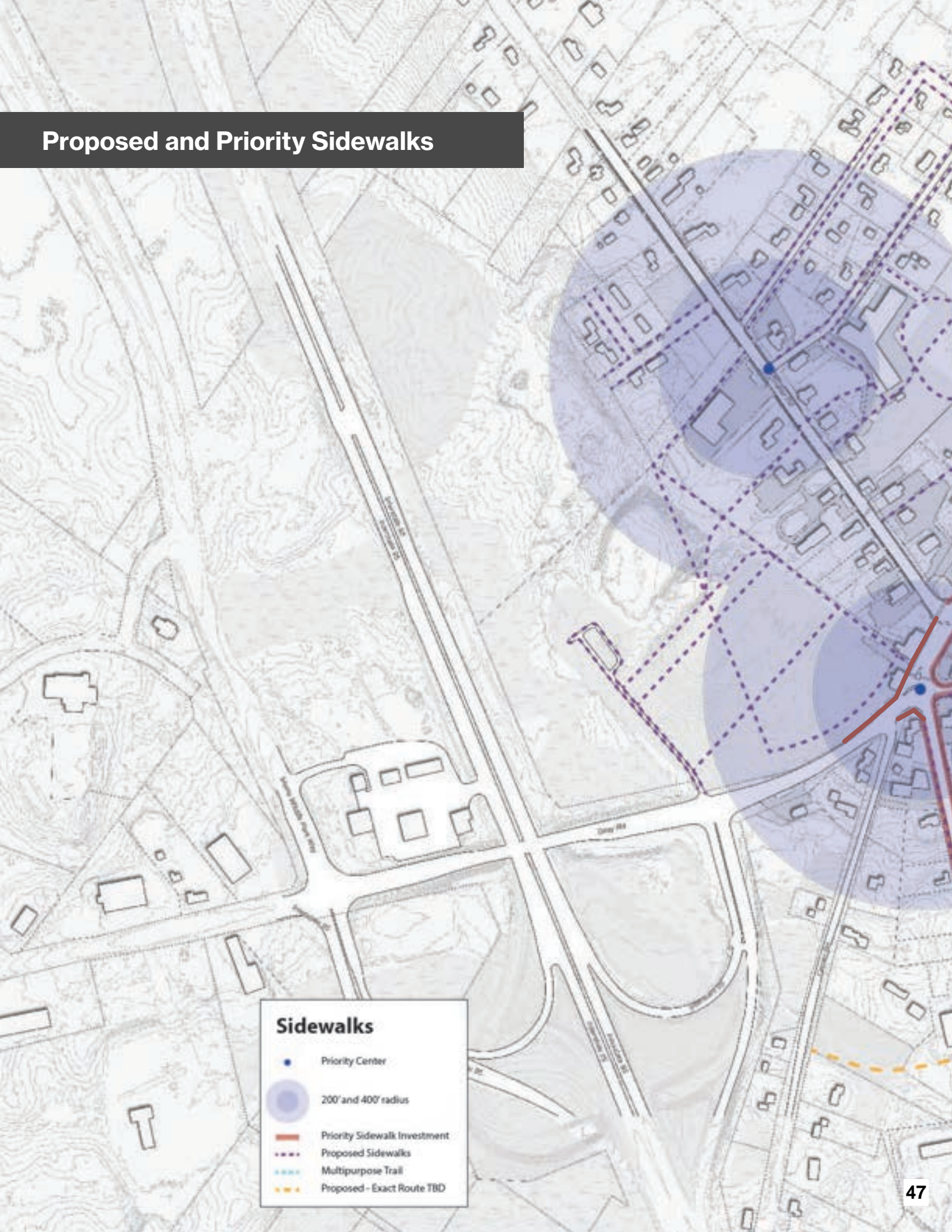
5

**Create an
Overlapping
Network of
Paths, Streets,
and Trails**

Gray residents want more opportunities to walk and bike around town. However, these paths are relatively disconnected. Weaving together thoroughfares within the Village and radiating outward will boost mobility, increase sociability, foster independence (especially amongst young people and elders), create safer vehicle movements, and connect town assets.

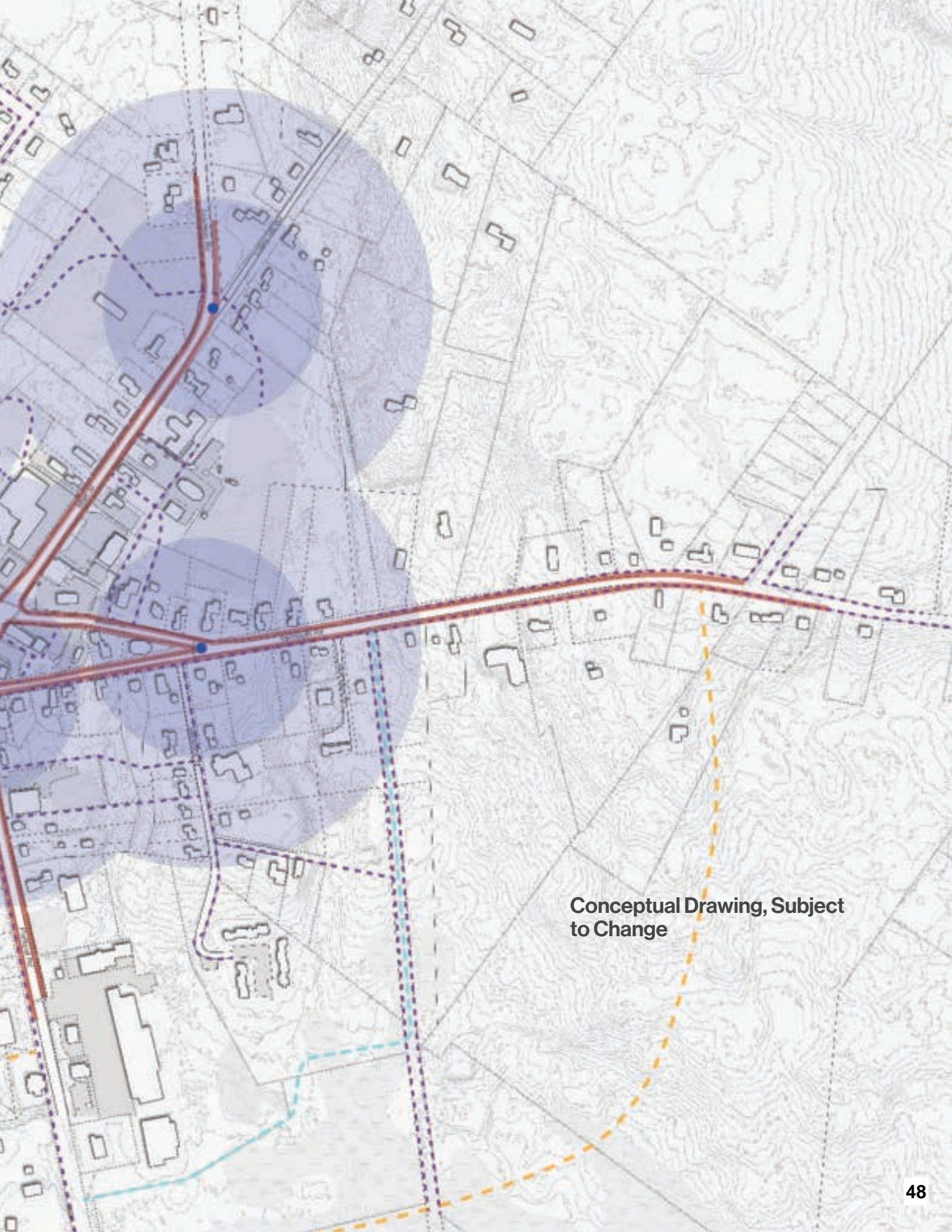
- “ • Extend sidewalks from the Village along Main Street/Lewiston Road and Shaker Road
- Add sidewalks on major streets (Yarmouth and Brown)
- Add bike lanes along major roads within the Village and extended beyond Village on Main Street/ Lewiston Road
- Expand walking and biking trails around village
 - Add trails through the cemetery
 - Turn interurban railroad bed into walking or multi-use path with nature viewing (coordinate with ATV club)
 - Extend path to the back side of Russell School
- Add bike lane in front of and sidewalks all the way to the Middle School
- Create directional signage for pedestrians (i.e. 5 minutes from here to library)
- Put benches on sidewalks
- Improve, and maintain, street landscaping (trees, perennials and annuals, grass, etc.)
 - Spread out bird houses along Village Trail
- Brick on some sidewalks is too slippery
- Connect the village to schools, Libby Hill, and Wilkies Beach at all mobility levels ”

Proposed and Priority Sidewalks



Sidewalks

- Priority Center
- 200' and 400' radius
- Priority Sidewalk Investment
- - - Proposed Sidewalks
- - - Multipurpose Trail
- - - Proposed - Exact Route TBD



**Conceptual Drawing, Subject
to Change**





DESIGN

The site plan is centered around the goal of creating a “Complete Neighborhood” within the village. This design approach explores how to integrate Main Street with the land surrounding it through a network of complete streets that prioritize people first and cars second.

Within all village blocks, a mix of uses, activities and building types are provided, ensuring that the people who live here and come to the village on a daily basis can lead full, independent and dignified lives. In the preferred plan, commercial neighborhood amenities like coffee shops and markets can (and should) sit next to small, multi-family apartments. Blocks of slow neighborhood streets can provide children and older people alike with safe connections between home, school, social and recreational amenities.

KEY DESIGN MOVES:

- Reduce the size of the two major intersections, and prohibit free-flowing right turn movements
- Accommodate multiple uses and activities in every village block located within a 15 minute walk of the center of the village
- Reclaim portions of Main Street to expand sidewalks and designate space for bicycles
- Let buildings, new and existing, be parked on the street, in municipal parking lots, or share parking
- Fill in the gaps between buildings with new housing, businesses, and civic spaces



What is a Complete Neighborhood?

A “Complete Neighborhood” is a neighborhood where people have safe and convenient access to the goods and services needed in daily life. A fundamental design principle of a Complete Neighborhood is scale: human scale is paramount, allowing for easy and convenient walking and biking. Thriving neighborhoods have enough people living and working near local shops and services to create a vibrant local economy that can meet the needs of people of all ages and abilities.

Illustrative Master Plan



Conceptual Drawing, Subject to Change

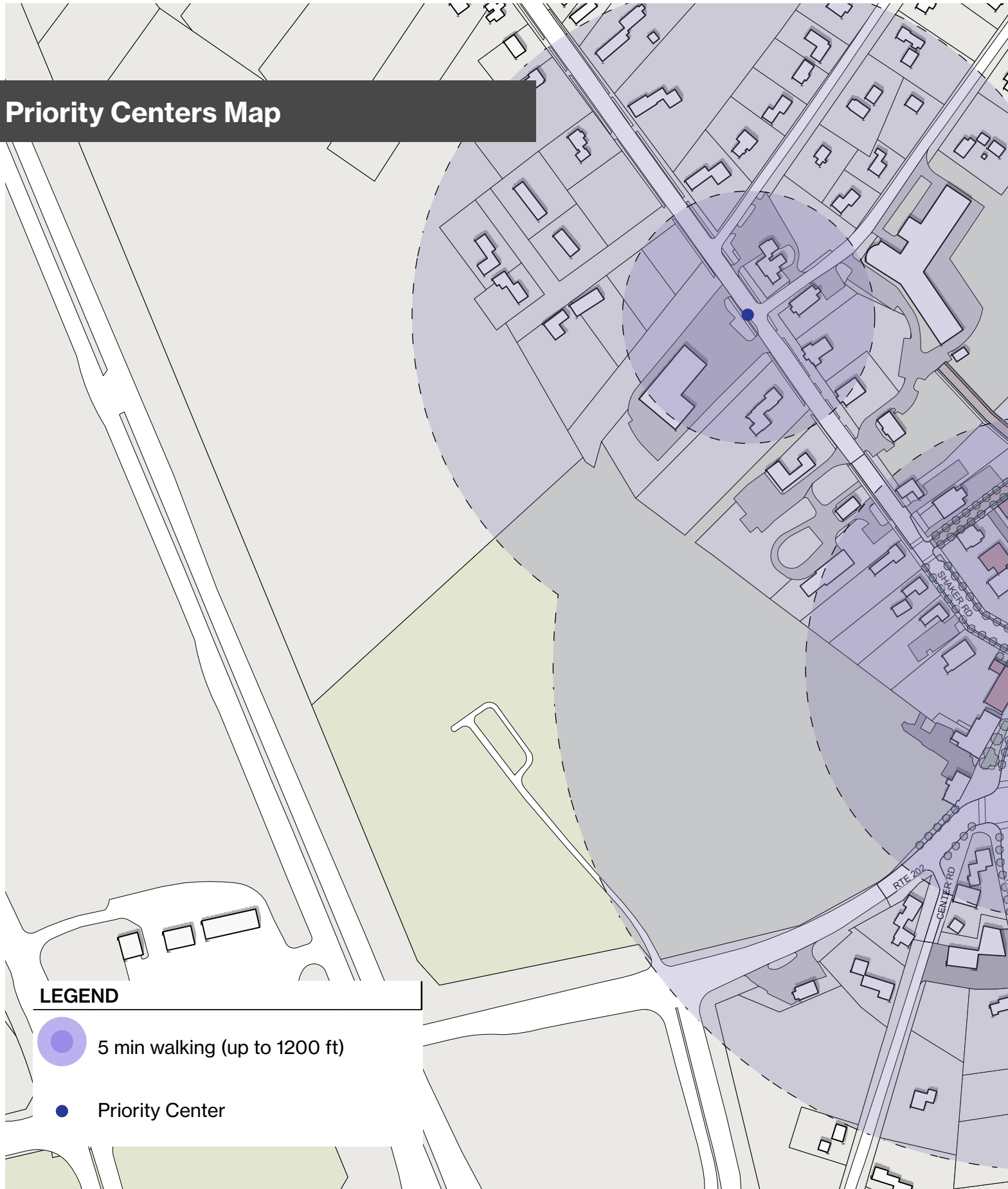


Plan Notes

- A** New Intersection Design prioritizing narrow pedestrian crossings at Main Street/Yarmouth Road & Portland Road
- B** Realignment of Brown Street/Shaker Road at the intersection with Main Street
- C** New Open Space at Brown and Main Street
- D** Service Alley
- E** New neighborhood street
- F** Realignment of the intersection of Brown Street and Yarmouth Road
- G** New neighborhood street along shared with the Pennell Park pathway
- H** New Plaza in front of Gray Historical Society
- I** Relocated Veteran's Monument
- J** Catalyst Site with a new Baseball Field surrounded by new infill development
- K** Realignment of the intersection of Main Street and Colley Hill Road

Potential New Infill Development

Priority Centers Map





The pattern of development in and adjacent to the village is quite spread out. Using the 5-minute pedestrian walk-shed as an analysis tool we can see clear opportunities to develop in a tighter, village-appropriate pattern.

GRAY CORNER



Plan Notes

- A** New Intersection Design prioritizing pedestrian crossings at Main Street/ Yarmouth Road & Portland Road
- B** Public space in front of the Historic Society, designed to allow access to their driveway and the Cemetery
- C** Potential Infill development to contain the corners and create an urban environment
- D** Service Alley
- E** Turning lane to Portland Road

The big design move here returns the civic heart and life to Gray Corner. Wide slip lanes and the paved shoulder is replaced with civic space in front of the Historic Society and old fire station, and generously wide sidewalks on both sides of the street.

The intersection of Yarmouth and Portland Road with Main Street and Route 202 functions as a buffer between the highway road geometry and the Gray Village. With adjustments in intersection alignments, new buildings fill in to create a feeling of intimacy and shelter for people. Crossing distances are shorter, turning movements tighter and slower, and native plantings provide visual interest and shade to the street.



MAIN STREET



Plan Notes

- A** Realigned squared intersection design at Main Street & Shaker Road/Brown Street
- B** Town Square in the southeast corner with active uses
- C** Relocation of the monument into the new Town Square
- D** Stimson Hall with infill development
- E** Potential Infill development key to create a 100% corner, where all corners are built and active
- F** Infill development in surrounding parcels
- G** New Main Street Design with on-street parking

The site plan shows how Main Street could look 10, 20 years from now when the street is repaired and the property values increase to support the redevelopment of what are today auto-oriented commercial uses.

A right-angle corner fronted on all sides by buildings and civic space is created at Shaker and Main Street, creating a true village center with active uses. The intersection with Shaker Road is realigned and the monument moved into a Town Square.

Stimson Hall could accept additional buildings surrounding it, encouraging its historical rehabilitation. Surrounding parcels can be reconfigured with new infill development served by parking and lanes behind buildings.



BROWN STREET



Plan Notes

- A** Squared intersection design at Brown Street & Yarmouth Road
- B** Green space in front of the church
- C** Small new garden space resulting of the new intersection alignment
- D** Brown Street design with on-street parking
- E** New Yarmouth Rd street design with sidewalks and landscaped buffers

This section of the site plan shows the design solution widely supported by the community: realigning the intersection of Brown Street at Yarmouth Road to force drivers heading west on Yarmouth Road to make slow, right hand turns to continue on Brown Street.

The street includes on-street parking amenity for businesses and the church, and a new formal public space is created where currently asphalt exists. Sidewalks wrap from Brown Street onto Yarmouth Road, providing a looping connection back to the heart of the Village.



COLLEY HILL



Plan Notes

- A** Squared intersection design at Main Street & Colley Hill Road
- B** Small new garden space resulting of the new intersection alignment
- C** New Infill buildings fronting Main Street
- D** New Main Street design extending into Lewiston Rd with on-street parking
- E** New Baseball Field included in the proposed design for the Village Gateway Catalyst Site
- F** New Infill buildings flanking the proposed new Baseball Field

In this section of the site plan, alignment adjustments are recommended to remove the sharp angled intersection of Colley Hill entering Main Street. Vehicles will now slow down to make turns, and the road aligns with the new neighborhood streets of the Village Gateway Catalyst Site.

Some width is removed by tightening up the curve in the street. This, combined with a new, larger building fronting Main Street will create the friction and discomfort to force drivers to slow down sooner. On-street parking continues in this section of Main Street, helping to support new neighborhood development.



Growing inside the village is a stated goal of the new Comprehensive Plan, as is the call to amend zoning to accomplish this goal. To be most helpful, the approach this report takes is to match up the vision and plans contained herein with the urban regulations that would be needed to accomplish the kind of build out that Gray wants to see.

Note: this section is technical in nature, as it describes legal language found in zoning and land use law. Efforts to simplify language have been made while retaining its legal nature.

Key Village Urban Regulations:

DISTRICT WIDE

- Eliminate discretionary terms and areas of vagueness from the existing ordinance and permitting process. Discretionary terms describing buildings and architecture such as, “shall be compatible” should be avoided. Discretion should be reserved for explicitly stated reasons. Any place in the ordinance that allows for a waiver should provide corresponding performance standards to review the request and guide decision-making.
- Replace discretionary language with a pattern book that articulates architectural design standards such as: features, massing, materials, window placement, roof pitches and how to treat additions or expansions of existing structures.
- Adopt a definition of “Theoretical Lot Lines” to allow for the placement of multiple buildings on a site without requiring division of land.
- Allow buildings to derive frontage on a thoroughfare, civic space, right-of-way, or easement. Driveways do not count as thoroughfare types.
- Consider eliminating all permitting fees for projects that create multi-unit housing building types (3+ unit to 12 unit buildings) on a single, infill lot.



BUILDINGS

- Adopt a set of approved building types to control the size and scale of buildings. For larger building types, such as large apartments, inns, and mixed use buildings, allow up to 5 stories in height and up to 200' in width to allow buildings to fill out the frontage of a human-scaled, walkable village block.
- Establish a range of ground floor heights keyed to building types to allow for a variation in building heights along the street. Historic places have this pattern of height variation. Modern places controlled by maximum height (as expressed on total feet) read as inauthentic, fake, and sterile.
- Require commercial buildings in the village to create shop fronts, with door entries spaced no further than 25 feet apart.
- Adopt fenestration requirements to ensure that buildings relate to the street by providing a rhythm of door and window openings
- Eliminate the dwelling/lot area requirement to attract multi-family housing building types and encourage infill between existing buildings.
- Require residential buildings fronting on public streets to include stoops or porches to create connection to the street.
- Develop a set of pre-approved missing middle building types. Pre-approved building types that create less than 4 units on a lot could bypass site plan review.

SITES

- Increase the allowed maximum lot coverage (buildings plus all impervious surfaces) to 90%
- Reduce minimum lot widths to 16' to permit fee-simple row houses. For new lots, set a maximum lot width of 200'. This finer grain lot dimension results in a lot and block pattern that is tighter, more urban village and supportive of walking.
- Set a maximum perimeter block length of 1320', again to yield an urban village block pattern. Larger blocks are appropriate in other areas of town where more commercial industrial and warehouse buildings are located.
- Where a larger block exists today and the site is accepting infill development, or its creation cannot be avoided in future, require a mandatory pedestrian passageway every 180' and no narrower than 12' between buildings. (12' will require special fire rating; 40' will not). Both private developments and municipal streets projects should adhere to this standard.
- Blocks should be a minimum width so as to provide two rows of developable lots.
- Eliminate mandatory off-street parking for missing middle housing building types (triplex, and up to 12 unit small apartments or mixed use buildings).

- Expedite site plan review for any application that removes asphalt in exchange for creating sidewalks, shared streets or any hardscaped surfaces for use by pedestrians
- Implement a fast and simple one page permit application for "Site Activation" projects that turn parking or portions of a site into community gathering spaces and amenities, such as pop-up play spaces, cafes, outdoor markets and temporary retail or food and beverage kiosks. Allow permitting of temporary projects (six months or less) to happen at the staff level. Do not treat such temporary changes to sites as a change of use.

SUBDIVISION

- Adopt the subdivision exemption allowing buildings with 4 units or more to be reviewed as a site plan. Decrease the permitting time-frame for smaller scale multi-family housing (12 units or less)) to be less than or equal to the timeframe for site plan review. Any move to reduce permitting times and hurdles creates incentive to the market to deliver missing middle housing.





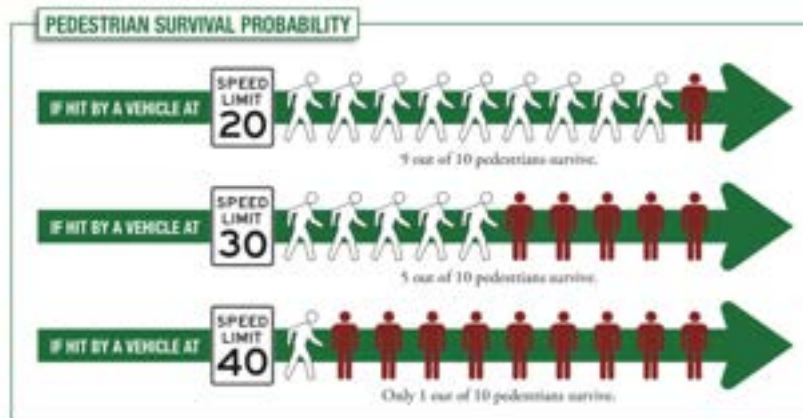
STREETS

Streets are the outdoor living rooms of neighborhoods. The best-designed streets consider the evolving needs of people who need them, supporting personal independence and fostering dignity, particularly for children and older people.

However, hostile streets that operate under the assumption of car-dependence and assume that all people are able-bodied and unburdened by mobility, sight or auditory challenges lead to division, exclusivity, isolation, and limitations on work and social activities. Gray is at a pivotal point to reclaim space from cars and give that space back to people for walking, strolling, gathering, dining, socializing and daily life. Strategic action on the part of the Town is necessary to put in place a connected, safe network of complete streets that sets up the infrastructure framework for coming growth.

KEY DESIGN MOVES:

- Slow the movement of vehicles through the Village by eliminating free-flowing right turn lanes
- Reduce the size of intersections shortening crossing distances for pedestrians
- Narrow the travel lanes to reduce speed
- Add on-street parking to support business while creating further friction to the street and protection of pedestrians from moving vehicles
- Provide dedicated bicycle facilities to separate bicyclists from moving vehicles
- Beautify the street with landscaping and street trees
- Provide convenient and frequent cross walks and resting places for pedestrians to support mobility, particularly for children and older people

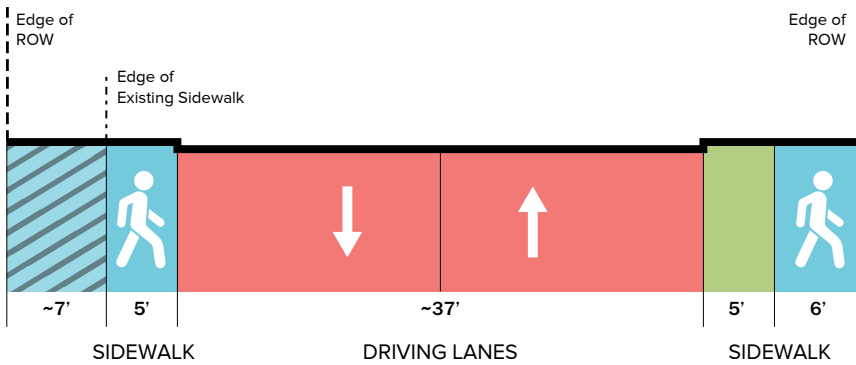


Source: FHWA Pedestrian Safety Strategic Plan: Background Report, 2010



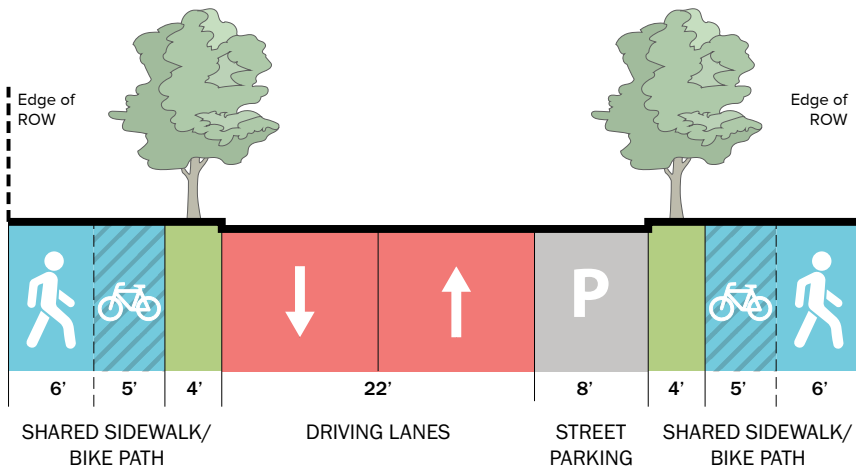
Main Street





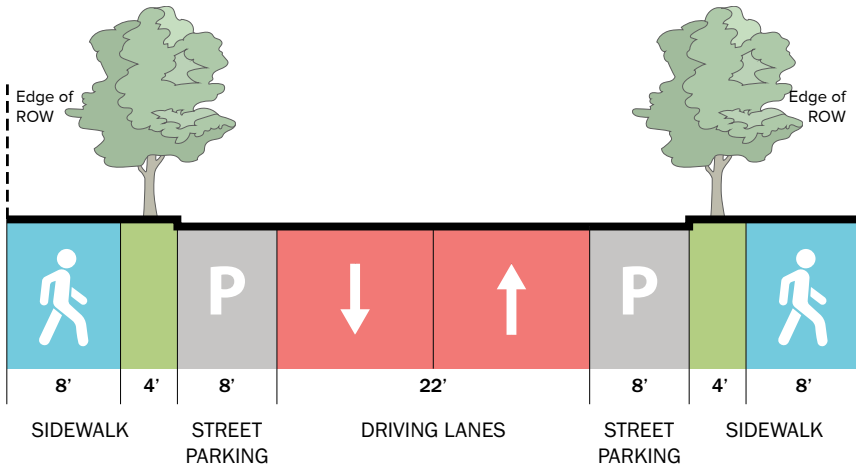
EXISTING CONDITIONS:

- Unnecessarily wide driving lanes and road shoulder
- Narrow sidewalks
- West ROW occupied by abutting parcels
- Lack of shade, furniture, and other pedestrian-oriented amenities
- Constant curbcuts



PREFERRED DESIGN:

- Driving lanes width limited to 11 ft.
- On-street parking on the east side of Main Street
- Wider sidewalk functioning as a shared sidewalk/bike path
- Planting strip on both sides of the street



DESIGN ALTERNATIVE:

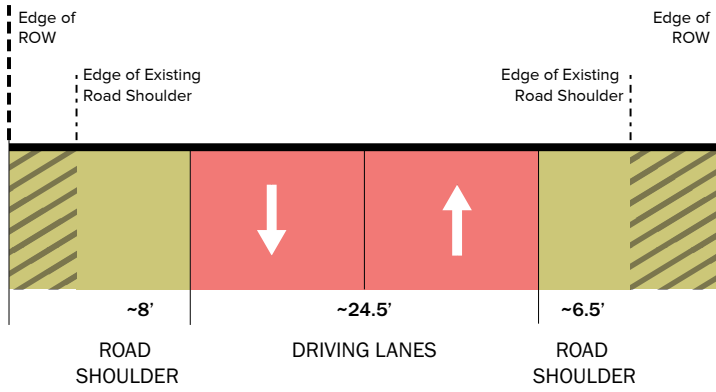
- Driving lanes width limited to 11 ft.
- On-street parking on the both sides of Main Street
- Wider sidewalk
- Planting strip on both sides of the street
- Cyclist share the street with the regular traffic

Yarmouth Road



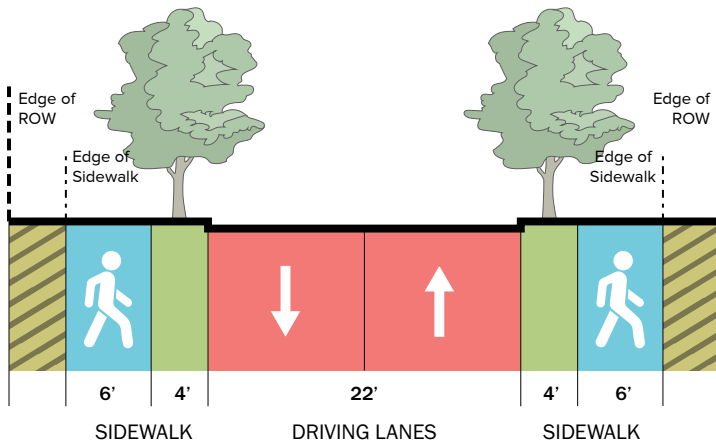
EXISTING CONDITIONS:

- Fast moving traffic and no pedestrian infrastructure
- Wide driving lanes
- Unsafe to walk. No sidewalks, just a dirt path along the road shoulder
- ROW unclear and potentially occupied by abutting properties



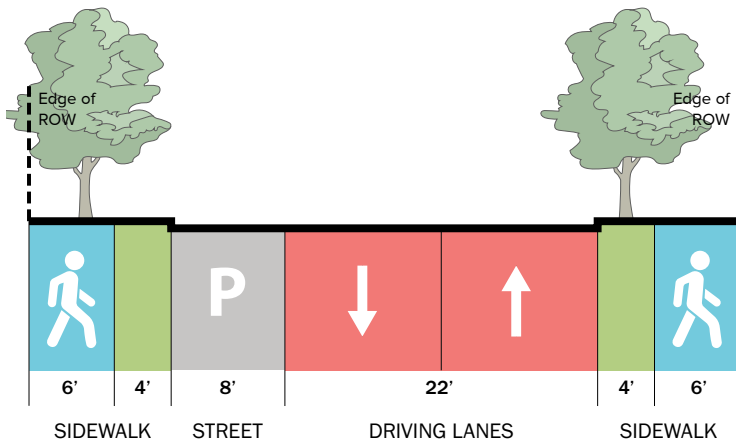
PREFERRED DESIGN:

- Driving lanes width limited to 11 ft.
- New sidewalks with a planting strip on both sides
- Not all the ROW is utilized, allowing to minimize conflict with abutting properties



DESIGN ALTERNATIVE:

- Driving lanes width limited to 11 ft.
- Potential on-street parking on the north side of the street.
- New sidewalks with a planting strip on both sides.
- Utilization of the entire ROW, potentially requiring the relocation of some fences and retaining walls.



VILLAGE GATEWAY CATALYST SITE

In 2021, Gray residents voted to acquire an approximately 6 acre site with the intention of guiding the kind of growth it wants to see in the village center. In recent years, the pressure to build housing has meant the loss of parcels in the village to single family housing. Leadership recognized that land within the village is scarce, and voters supported the idea of a master planned new neighborhood for what is today an open field.

As envisioned, this area will have a number of activities and building types to address what Gray wants to attract and see more of in the village. There will be spaces for active play, social living, and possibly senior and multigenerational housing with apartments. Trail connectivity is also a priority, especially between the schools and Pennell Campus where many programmatic activities happen.

In its current form, Gray village is about one block deep. The spaces behind buildings on Main Street and (Short) Shaker Road - used for parking lots and circulation driveways - provides an opportunity to reorganize and repurpose how this space is used.

SITE BACKGROUND

- Site is a flat field, with frontage on Main Street near the intersection of Colley Hill Road
- Located almost directly across from Pennell Campus with the elementary school along its western boundary
- A trail grant was awarded to extend the VALT trail to connect Pennell Campus to the school; location of route not fixed per the grant award, but intended for location along the southern property line
- Zoning Map designation is “VC” and should be considered for rezoning to “VCP” or the most dense zoning district



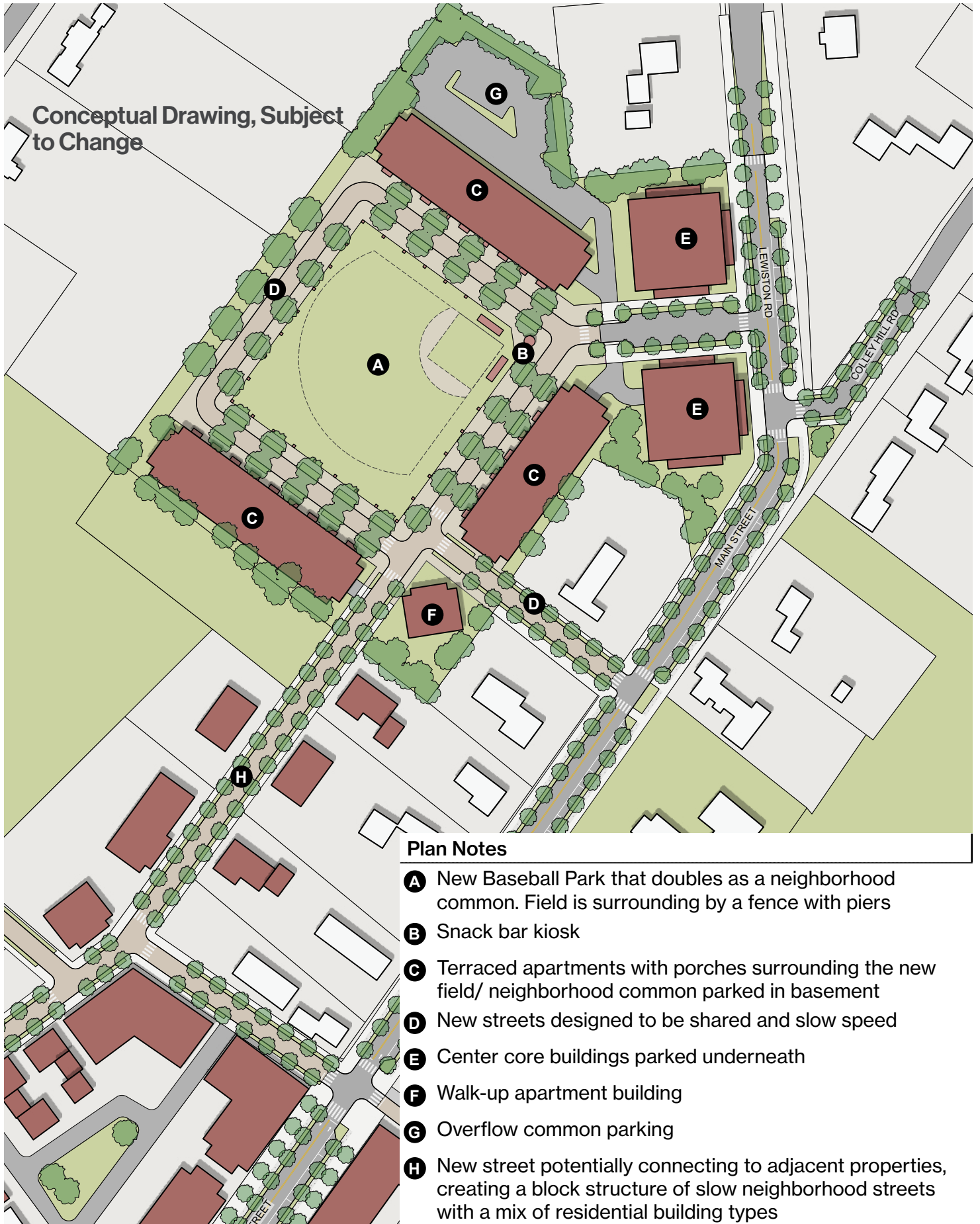


DECEMBER 9, 2022

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76

Conceptual Drawing, Subject to Change



Plan Notes

- A** New Baseball Park that doubles as a neighborhood common. Field is surrounded by a fence with piers
- B** Snack bar kiosk
- C** Terraced apartments with porches surrounding the new field/ neighborhood common parked in basement
- D** New streets designed to be shared and slow speed
- E** Center core buildings parked underneath
- F** Walk-up apartment building
- G** Overflow common parking
- H** New street potentially connecting to adjacent properties, creating a block structure of slow neighborhood streets with a mix of residential building types

The preferred site plan sees the village gateway site integrated with a new block structure of complete streets, providing frontage opportunities for many new buildings. New building sites could accommodate some taller, more dense multi-family buildings to attract the private market to build much desired senior and workforce housing.

New streets may be continued to connect to adjacent properties if/when further development occurs, creating a secondary street network parallel to Main Street. This will provide multiple opportunities for pedestrian connections within the site and to adjacent destinations such as the school and municipal buildings.

The build out of the village gateway site will require partnership with private developers to ensure it happens in alignment with Gray's desired vision for the site. Well-designed private spaces are provided between buildings, using a mix of native plants and trees, hardscaping, and pedestrian comforts (low key lighting, seating).



Examples of Apartment buildings that could surround the new field/neighborhood common.

(Top) Hotchkiss School Residence Halls, RAMSA Architects.

(Left) Capitol Square, Union Studio.





NEXT STEPS

NEXT STEPS

The hard work of the Town Council and community will continue, as many of the ideas described in this report will require further conversation, exploration, and decisions as the plans transition to engineering. The spirit of an “all hands on deck” process, and the invaluable energy built during the design week can continue to be leveraged. What follows is a recommended set of next steps the Council can take, in addition to working collaboratively with the MeDOT to advance engineering and design for the streets.

ENGAGE THE COMMUNITY AT KEY TOUCH POINTS

The making of this plan for Gray Corner benefited immensely from the involvement of community members and board and committee volunteers. Gray residents love their town, and the dedication they feel to show up and be part of decision-making is evident. The community conversations at the workshops and special topic meetings provided essential input to the process. And, residents expressed gratitude for leadership taking on this important work and investing in an engagement platform that allowed easy participation.

Council should continue to invite the public to engage at key touch points, and take moments to celebrate milestones as they are reached. Hosting special plan open houses and events will encourage continued participation.

ADVANCE ZONING DISCUSSIONS

This report also includes a number of zoning recommendations to allow for new development to take a desired

form in Gray. As the streets and infrastructure discussions advance, the Town can also begin to take next steps to create a Pattern Book for Gray Village and made modifications to parts of the zoning ordinance that might be holding back good development from happening - and timely decisions being made.

ADOPT A QUICK-BUILD SPIRIT

Entrepreneurs in Gray could be supported to take on some of the desired changes people would like to see to existing commercial properties if a fast staff review and sign-off process were in place. Ideas such as parking lots to gathering or play space, raised beds for pollinators and food growing, outdoor seating, cafes, and incubator retail market stalls could be tested if a simple one page application process was created. These kinds of quick-build projects invite the business community to easily participate in making Main Street more beautiful and more inviting to be here.

KEEP PARTNERING AND LEVERAGING RELATIONSHIPS

Gray's staff and leadership have done a remarkable job of connecting with supportive networks such as the Bicycle Coalition of Maine, Greater Portland Council of Governments, and Maine Council on Aging to tap resources and talents to move Gray Village forward towards the future it wants. Continue asking for assistance. All three organizations can prove helpful seeking funding and with public education around issues of equity, transportation, housing choice and being the most age-friendly multi-generational community Gray can be.

DISTRICT COMMITTEE

The Town Council may want to consider forming a special Village District Committee tasked with the sole responsibility of planning,

seeking grants, and working with the local business community to lift Gray Village up. This committee should be comprised of people who particularly feel passionate about the ideas expressed in this report, who are entrepreneurial-minded, and who have understanding of the development industry.

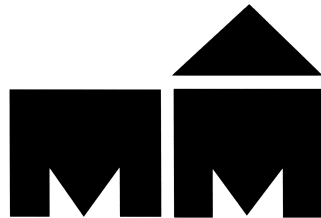
CELEBRATE!

Last, the implementation of plans the scale of this one will take many years to happen. Successes along the way should be celebrated. We recommend Gray considers hosting a celebratory 1 year community check in and family block party on the Pennell Campus in Summer 2023.

Bottom Left: Turn portions of under-used parking spaces into beautiful outdoor places to dine. Bottom Right: test street improvements with temporary materials.



GENERAL ASSISTANCE ORDINANCE



Prepared by Maine Municipal Association
September 2022

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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.

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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).]

[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]

TOWN COUNCIL RULES

TOWN OF GRAY
RULES OF THE GRAY TOWN COUNCIL
CHAPTER 602
ADOPTED ON MARCH 19, 1981

Amendments to the Rules of the Gray Town Council

March 15, 1983	February 19, 2002	November 1, 2011
April 1, 1986	February 18, 2003	July 3, 2012
May 19, 1987	July 1, 2003	October 16, 2012
August 2, 1988	December 20, 2005	November 13, 2012
February 20, 1990	June 05, 2007	December 4, 2012
March 20, 1990	June 17, 2008	September 17, 2013
May 4, 1993	August 19, 2008	January 7, 2014
June 20, 1995	March 17, 2009	September 1, 2015
August 1995	April 7, 2009	December 6, 2016
August 6, 1996	September 1, 2009	August 1, 2017
October 1, 1996	September 15, 2009	October 3, 2017
September 15, 1998	December 1, 2009	October 1, 2019
July 6, 1999	August 3, 2010	November 12, 2019
December 5, 2000	February 1, 2011	December 3, 2019
April 17, 2001	May 17, 2011	August 4, 2020

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- Section 602.04 – Quorum
- Section 602.05 - Enactment Form
- Section 602.06 - Ordinance Style
- Section 602.07 - Order and Resolve Style
- Section 602.08 - Full Reading
- Section 602.09 - Yeas and Nays Taken: When
- Section 602.10 - Ordinance Effective: When
- Section 602.11 - Order and Resolves Effective
- Section 602.12 - Chair and Vice-Chair Duties
- Section 602.13 - Rules of Debate
- Section 602.14 - Breach of Council Rules or Orders
- Section 602.15 - Standing and Special Committees
- Section 602.16 – Social Media Platforms
- Section 602.17 – Councilor Requests for Staff Time & Legal Opinions
- Section 602.18 - to Section 602.19 - **(Reserved)**
- **** ***SEPARATE DOCUMENT - Re-classified as a separate document***
- Section 602.20 – *Town Council, Committees & Affiliations Policy*
- Section 602.42 to Section 602.49 - **(Reserved)**
- Section 602.50 - Severance Clause

OPERATIONAL 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 time,
 2. On 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.
 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:
1. 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~~ their absence, disability or refusal may be called by three (3) or more members of the Town Council.
 3. Notice of such 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 for said special meeting shall set forth the matter(s) to be acted upon at said meeting, and nothing else shall be considered at such special meeting.
 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.

SECTION 602.03 - COUNCIL MEETINGS AND WORKSHOP AGENDAS

- A. Regular Meetings Agendas:
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.
 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
 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.
- B. Workshop Meeting Agendas:
1. No item shall be put on a workshop agenda unless at least two Councilors request it.

~~2. Suspending the Rule~~

SECTION 602.04 - QUORUM

- A. Quorum:

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.
2. The quorum and participants consist solely of those members physically present together in the assembly.
3. At least three (3) votes shall be required for passage of any ordinance, order or resolution.
4. A smaller number may adjourn from time to time or may compel attendance of absent members.
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.

SECTION 602.05 – ENACTMENT FORM

- A. Enactments:
1. The Town Council shall act only by ordinance, order or resolve.
 2. 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.
 3. Ordinances, orders and resolves shall each be separately numbered, consecutively, by date of introduction.

SECTION 602.06 – ORDINANCE STYLE

- A. The enacting style for an ordinance shall be:
1. “Be it ordained by the Town Council of the Town of Gray, Maine in Town Council assembled,” followed by the proposed ordinance.

SECTION 602.07 – ORDER AND RESOLVE STYLE

- A. In all votes of command:
1. The form of expression shall be “Ordered”.
- B. All votes regarding opinions, principles, factors or purposes:
1. The form shall be “Resolved”.

SECTION 602.08 – FULL READING

- A. As per Article II, Section 14.B of the Town Charter:
1. After passage on first reading, every proposed ordinance or a summary there of 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.
 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.
 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.

SECTION 602.09 - YEAS AND NAYS TAKEN: WHEN

- 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:
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.
 2. Every ordinance, order and resolve shall require, on final passage, the affirmative vote of at least three (3) members of the Town Council.

SECTION 602.10 - ORDINANCES EFFECTIVE: WHEN

- A. No ordinance shall take effect and be in full force:

1. Until thirty (30) days from and after it shall have been enacted as required by Article II, Section 14.C of the Charter.

SECTION 602.11 - ORDERS & RESOLVES: EFFECTIVE

A. Unless a later date is expressly provided for:

1. All orders and resolves shall take effect immediately, upon passage.

SECTION 602.12 - CHAIR AND VICE-CHAIR DUTIES

Beyond those outlined here, the Chair and Vice-Chair have no more authority or responsibility than any other Town Councilor.

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.

A. The Chair is to be Presiding Officer:

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.

B. The Chair shall preserve decorum and order. The Chair may;

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.
2. Rule any person out of order and require a speaker to take ~~his or her~~ their seat
3. Eject any person from the meeting place who, after being ruled out of order, remains disorderly.
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.

~~5. A person wishing to address the Council shall raise his or her hand;~~

~~a) be recognized by the Chairperson,~~

~~b) give his or her name and address~~ 

~~c) sign in on a roster provided for that purpose. **~~

~~6. All comments shall be confined to the question under debate and shall avoid involving personalities.~~

~~7. No person speaking may be interrupted, except by the Chair, or to raise a point of order, or to correct an error.~~

~~**The Council strongly recommends that all Town standing or special committees adopt a similar, sign-in rule.~~

C. Declaration of Votes:

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.

D. Vice-Chair Responsibilities:

1. The Vice Chair will assume the role and responsibilities of the Chair whenever the Chair is absent or unable to fulfill their role.

SECTION 602.13 RULES OF DEBATE

All Town Councilors shall conduct themselves such as to serve as role models of leadership and civility to the community, as well as acting in such ways as to inspire public confidence in the municipal government they represent. Councilors shall accord the utmost courtesy to each other, Town employees, and to Public members appearing before the Town Council. Councilors shall refrain at all times from rude and derogatory remarks, reflections as to integrity of others, abusive comments, and statements ~~as to~~ regarding motives and personalities.

Member of the Public and Town Staff attending Town Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the Town Council.

A. Motions:

1. To make a motion:

- (a) The Chairperson shall request from Council members a motion to place on the floor for discussion and subsequent action any ordinances, orders, or resolves.
- (b) Any ordinance, order, or resolve must be moved and seconded to be discussed or acted upon.
- (c) 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~~ their own motion.
- (d) The Chairperson shall consider a motion to adjourn as always in order except on immediate repetition.
- (e) A motion to adjourn, lay on the table, or to take from the table, shall be decided without debate.
- (f) Any member voting in the majority, or in the negative in a tie vote, may make a motion to reconsider, provided that the motion is made at the same, or the next scheduled meeting.
- (g) Motions for the Previous Question (to close debate) shall be handled according to Robert's Rules of Order, most recent edition.
- (h) Any motion shall be reduced to writing if directed by the Chairperson.
- (i) For the purposes of interpreting rules of order, a Council "session" lasts from the first Council meeting after each June election through the last Council meeting before the next June election. The general rule of order against renewal of motion during the same session applies to this period.

B. When a question is under debate:

1. The Chairperson shall receive no motion but:

- (a) To adjourn.
- (b) To lay on the table.
- (c) For the previous question.
- (d) To postpone to a date certain.
- (e) To refer to committee, administrative official, or legal representative.
- (f) To amend
- ~~(g) To postpone indefinitely, provided that several motions shall have precedence in the order in which they stand arranged~~
- (h) To divide the question in wording for separate debate.

2. Public members attending Town Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the Town Council. A person wishing to address the Council shall raise ~~his or her~~ their hand;

- (a) wait to be recognized by the Chairperson,

(b) give ~~his or her~~ their name and address,



(c) sign in on a roster provided for that purpose. **

3. All comments shall be confined to the question under debate and shall avoid involving personalities.

4. No person speaking may be interrupted, except by the Chair, or to raise a point of order, or to correct an error.

**The Council strongly recommends that all Town standing or special committees adopt a similar, sign-in rule.

5. Every Councilor shall have the opportunity to speak to an issue once, prior to any one Councilor being allowed to contribute a second time.

C. — Priority of Business:

~~1. 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.~~

D. Voting:

1. A simple majority vote shall approve all motions for orders, ordinances, and resolves.

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.

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.

4. Council Rules may not be dispensed with or suspended unless at least four fifths (4/5) of the members consent thereto.

E. Parliamentary procedure:

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.

SECTION 602.14 – BREACH OF COUNCIL RULES OR ORDERS

A. When any member shall be guilty of a breach of any of the rules or orders of the Council:

1. He/she 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.

SECTION 602.15 – STANDING AND SPECIAL COMMITTEES-

A. The Town Council shall create such standing committees as are required by law and may create such special committees as it deems necessary.

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.

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.

SECTION 602.16 – SOCIAL MEDIA PLATFORMS-

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. 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. To ensure compliance and clarify communications, Councilors agree to the following:

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.
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.
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.
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).
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.
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.
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.

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.

SECTION 602.17 – COUNCILOR REQUESTS FOR STAFF TIME AND LEGAL OPINIONS

Councilor requests for information may require significant involvement from staff or the town’s legal team in order to be resolved.

- A. When it will involve more than one (1) hour, requests will be resolved as follows:
 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.
 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.
 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.
 4. The Chair will conduct a poll to determine the Council's support.
 5. If the majority of Councilors do not support the request, the request fails.
- 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.

II. COMMITTEES

Section II. Committees has been removed from the Town of Gray Council Rules.

602.42TO SECTION 602.49 - (RESERVED)

SECTION 602.50 - SEVERANCE CLAUSE

- 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

December 1, 2022

TO: Gray Town Council

RE: Proposed clarifications to the Town Travel Policy and the role of the Human Resources department in personnel matters

As the administrator of the Town Personnel Policy, I have attached my recommendation for revisions to the document to clarify the role of the new Human Resources Director position in personnel matters, and to clarify elements of the travel policy.

Gray seeks to attract and retain the best candidates in an increasingly competitive employment environment, in which public service jobs are not as attractive as they once were. Modern families are increasingly blended and/or multi-generational, and Maine, Cumberland County, and Gray are diversifying to include people of different ethnic and belief backgrounds. Maine's new discrimination by association laws require renewed discretion in how Gray requires employees to document their travel expenses, and the travel policy should not be used as an avenue to interpret expenses in a manner that discriminates against a particular employee, their health needs, their manner of lifestyle with respect to eating or lodging needs, or their familial/household associations to people in protected classes.

My policy recommendations clarify policy matters related to employee travel expenses, embody Gray's commitment to diversity and equity, and acknowledge that the cost of employee travel goes beyond just the cost of travel, lodging, and meals. Our travel documentation should not require employees to reveal personal information that could be used to discriminate against them, or could invite such accusations and legal challenges. The policy recommendations follow broadly accepted accounting standards, protect Gray from liabilities, and simplify the travel reporting process for the employee, work managers, and accounting. There will be negligible or no change in the cost to the Town between the per-diem and receipt reimbursement methods. The proposed policy

ties travel reimbursement rates to a broadly used standard that factors in cost differentials for different destinations and is regularly updated by the Federal government. It also explicitly states that Town funds will not be used to purchase alcohol or other intoxicants. It leaves discretion for the Town Manager to approve the purchase of alcoholic beverages related to business development purposes. It protects the Town from the risk of costly discrimination litigation.

The revision includes a provision for Town Department Heads and the Town Manager to communicate known travel dates and expenses as part of the annual budget setting process. It also identifies the Human Resources Director as the primary contact for questions related to the Personnel Policy, and corrects language related to the extension of probationary employment periods beyond the legally permitted duration of six months.

Harassment & Discrimination

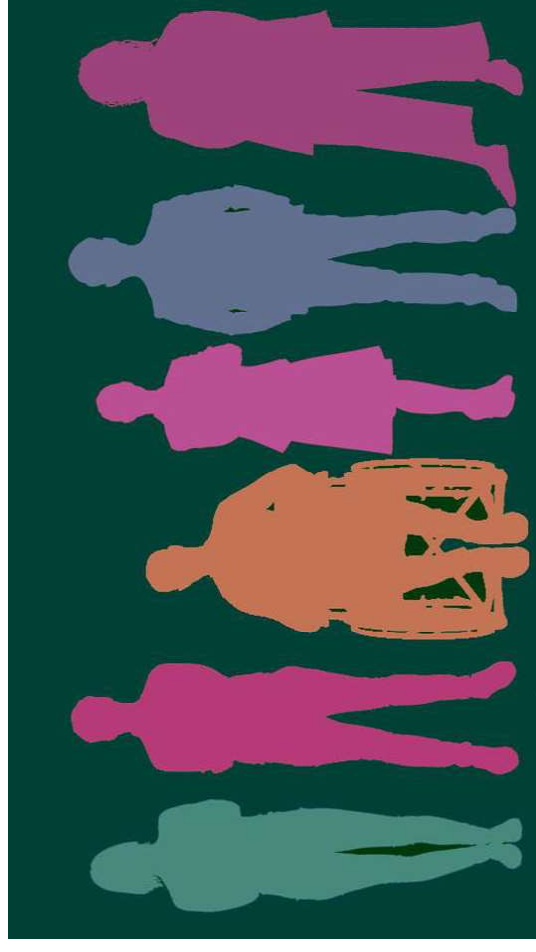
2022 Legal Update

Maine Municipal Association Labor and Employment Law Seminar
October 25, 2022

Tara A. Walker, Esq. (she/her/hers)
Bernstein Shur
Labor & Employment Practice Group

Associational Discrimination

- ADA- May not take certain actions against an individual who has a relationship or association with a disabled person because of that relationship/association.
- Title VII – May not take certain actions because of a relationship to a third party on the basis of a protected characteristic, i.e., one's sex, race, etc.
 - Specific contours are still being developed following Supreme Court's decision in *Bostock*.
- MHRA tracks the ADA and Title VII.



Familial Status

MHRA: Now includes “familial status” defined as:

- One or more individuals who have not attained 18 years of age and are living with a parent or another person having legal custody of the individual or individuals or the designee of the parent or other person having custody with the written permission of the parent or other person; or
- One or more individuals 18 years of age or older who lack the ability to meet essential requirements for physical health, safety or self-care because the individual or individuals are unable to receive and evaluate information or make or communicate decisions.
- The protections afforded against discrimination on the basis of familial status apply to any person who is pregnant or who is in the process of securing legal custody of any individual who has not attained 18 years of age.



Familial Status Discrimination

- Tina, a human resources employee, has agreed to the Town's "remote work" agreement, which (for purposes of this hypothetical) specifies that "remote work is not a substitute for childcare" and that employees are required to obtain adequate childcare for all hours worked remotely.
- Two days in a row, Tina has not logged in during scheduled hours. Rather they have sent you responses to e-mails late into the night, at 9:00p and 10:00p.
 - **Can the Town counsel or discipline her?**
- Same facts, but now the employee is failing to respond in a timely way to e-mails. Last week, you asked Tina to review some documents for a project that is due on Thursday, but she did not respond until late Tuesday night, two days before the project is due. By that time, you had already reassigned the project to Tim, another employee.
 - **Can the Town counsel or discipline her?**

PERSONNEL POLICY

Town of Gray

Adopted: February 2, 2010

Amended: February 21, 2012

Amended: February 18, 2020

Amended: June 7, 2022

[Amended: December 20, 2022](#)

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Be it hereby resolved by the Gray Town Council of the Town, Maine:

Section 1 - Mission Statement

The Town of Gray (hereafter “Town”) recognizes that employment within its government shall be based on merit. As an Equal Opportunity Employer, the Town shall employ and promote employees without discrimination as to race, creed, age, sex, sexual orientation, disability, national origin or political affiliation; the best qualified persons who are available at the salary level established for the position, with first preference being given to citizens of the Town, all other factors being equal.

The Personnel Policy that follows is designed to promote and maintain equal employment conditions for all Town employees. Positions have been classified, where necessary, to clarify policies which apply strictly to employees with similar duties, authority, compensation or responsibilities. This policy is adaptive in nature and may be amended to meet the Town's future needs. This policy shall be applicable to all employees as defined within and is not a contract of employment.

Section 2 - Definitions

- 1) Appointing Authority: The Town Manager or the Town Council.
- 2) Employee: Denotes any person hired to a position by the Town Manager.
- 3) Regular, Full-Time: Employees who are not in a temporary, per-diem or probationary status and who are regularly scheduled to work the Town’s full-time schedule are, generally, eligible for the Town’s benefit package, subject to the terms, conditions and limitations of each benefit program. Reference Appendix for Employer / Employee Contributions.
- 4) Regular, Part-Time: Employees who are not assigned to a temporary, per-diem or probationary status and who are regularly scheduled to work less than a full-time schedule, but no less than 20 hours per week. These employees receive all legally mandated benefits and are eligible for the Town’s benefit package at full cost to the employee subject to the terms, conditions and limitations of each benefit program. Reference Appendix for Employer / Employee Contributions. If hours worked during a pay period drop under 20 hours per week, no vacation or sick time will be accrued for that pay period.
- 5) Probationary: Employees whose performance is being evaluated to determine whether further employment in a specific position or with the Town is appropriate. Employees who satisfactorily complete the probationary period will be notified of their new employment classifications.
- 6) Temporary: Employees who may or may not work a specified number of hours per week but who is employed on a ~~short-short~~ term basis at the discretion of the Town, usually for a specified term or project or are employed as part of seasonal operations, and whose employment will normally end at the conclusion of those seasonal operations during any given year.

Employment beyond any initially stated period does not; in any way imply a change in employment status. Temporary employees retain their status until they are legally notified of a change. A change to or from this category can be accomplished only with the written consent of the Town Manager. Although temporary employees receive legally mandated benefits they are ineligible for the Town's benefit package.

- 7) Per-diem: Employees who routinely work either a full-time or a part-time schedule and who accept additional compensation in lieu of participation in all but legally-mandated benefits. The Town offers this category in limited classifications and to a limited number of employees, such as Rescue EMTs. Service in this category cannot be credited in any way toward any benefit program, even if the employee is later assigned to a benefit-eligible classification. A change to or from this classification can be accomplished only with the written consent of the Town Manager.
- 8) FLSA: Fair Labor Standards Act.
- 9) Legally Mandated Benefits: Social Security and Workers Compensation Insurance.
- 10) Full-Time Schedule: For the purposes of determining benefits eligibility, a full-time schedule means a minimum of thirty-five (35) hours per week, based on a calendar year.
- 11) Good Standing: Employees who are not the subject of disciplinary action by the Town are considered in good standing.
- 12) Immediate Family: Includes parents, spouse/domestic partner, brother, sister, children (including step-children), grandparents, mother-in-law, father-in-law, sister-in-law, brother-in-law.
- 13) Hire Date: The date when an individual is notified of their employment with the Town of Gray. This date is not to be confused or used synonymously with an employee's start date which effects their benefit eligibility date.
- 14) Start Date: The date on which an employee actually commences work for the Town of Gray. This date is used to determine an employee's benefit eligibility date as applicable.

Section 3 - Administration

The Town Manager shall be the Administrator of the Personnel Policy. It shall be their duty to:

- a) Encourage and exercise leadership in the development of sound personnel practices among the departments of the Town;
- b) Advise the Gray Town Council regarding manpower needs and utilization;
- c) Foster and develop programs for the improvement of employee effectiveness including training, safety, health, counseling and courtesy when dealing with the public and respectfulness of municipal property;

- d) Establish and maintain records of all Town employees in the public service, setting forth as to each employee: classification, title, salary or status, sick time, vacation time and any other relevant data;
- e) Ensure that at least one bulletin board shall be set up within easy access to each employee for the purpose of required Department of Labor posters, advertising job position openings, public notices, departmental regulations, etc.;
- f) Apply and perform any act, which may be necessary or desirable to carry out the purposes and provisions of the Personnel Policy.

Section 4 - Employment

A. Applications

- 1) Original hires to positions in Groups I, II, III and IV shall be announced by posting notices in the Town Office, Post Office and such other places within the Town as may be deemed appropriate by the Town Manager, including at least one newspaper of general circulation. The Town Manager shall have final hiring authority on all municipal hires.
- 2) Applications shall be made on forms provided by the Town. Such forms shall require information covering training, experience and other pertinent information. All applicants must sign their application forms. Any misrepresentations, falsifications or material omissions may result in an applicant's exclusion, or, if the person has been hired, termination.
- 3) Preference may be given to qualified applicants who are residents of the Town.
- 4) Vacancies in positions above the entrance level shall be filled by promotion whenever, in the judgment of the Town Manager, it is in the best interests of the Town to do so. In the case of promotion, appropriate consideration shall be given to the applicant's qualifications, record of performance or seniority.
- 5) A person responsible for the hiring of new employees within a department may not hire a relative. A relative is a "person connected with another by blood or affinity".
- 6) The Town is an Equal Opportunity Employer and is committed to complying fully with the Americans with Disabilities Act (ADA).
- 7) The Town complies with the Immigration Reform and Control Act of 1986. Each new employee must complete Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility the original to be kept on file with the ~~Finance~~Human Resources Department.
- 8) The Town will check references and needed licensure of qualified job applicants.

- 9) An offer of employment is conditional on the following where applicable: a medical examination, a psychological evaluation, a criminal background check, a drug and alcohol test and a driving record. It is the practice of the Town of Gray to initiate at least a criminal background check for all prospective employees, as well as necessary independent contractors and volunteers to ensure the welfare and safety of the citizens in the Town of Gray.

B. Classifications

The Town Manager shall develop and recommend a classification plan for all positions in Groups I, II, III and IV. The classification plan shall consist of job descriptions specifying title, typical duties and responsibilities. The Town Manager shall assign the position a salary or wage range in accordance with the adopted pay schedule.

Before the classification plan, or any part thereof, shall become effective, it shall be approved, by order from the Gray Town Council.

The Town has established four (4) employment classifications.

- a) Group I: All full-time, salaried exempt employees.
- b) Group II: All full-time, hourly paid employees
- c) Group III: All regular part time employees.
- d) Group IV: All probationary, temporary, casual and per-diem employees. (This category **does not** include full-time hires in probationary status.)

C. Probation

The probationary period is intended to give a new employee the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The Town uses this period of time to evaluate an employee's capabilities, work habits, and over-all performance. Either the employee or the Town may end the employment relationship at will, during the probationary period, with or without cause or advance notice.

All new or rehired employees shall work on a probationary basis for the first six months from their date of hire or a time as established in writing by the Town Manager. Probationary basis shall be consistent with regulations as established by the FLSA. ~~The Town Manager at their discretion may extend an employee's probationary status, but for no longer than an additional six (6) months.~~

During the initial probationary period, new employees are eligible for legally-mandated benefits. New employees shall not be eligible for health care benefits until the first day of the month following the first thirty (30) days of employment after their start date. New employees shall be eligible for other benefit programs at full cost to the employee. (A list of Town-offered optional benefits is available in Appendix E) Upon satisfactory completion of the initial probationary period, employees enter the established classifications.

An employee who is promoted or transferred within the Town may be required to complete a secondary probationary period with each reassignment to a new position. Any significant absence will automatically extend a probationary period by the length of the absence.

In cases of promotions or transfers within the Town, an employee who, in the sole judgment of management, is not successful in the new position can be removed from that position at any time during the secondary probationary period. If this occurs, the employee may be allowed to return to their former position or to a comparable position for which the employee is qualified, depending on the availability of such positions and the Town's needs.

Employment status is not changed until the end of the secondary probationary period that results from a promotion or transfer within the Town.

D. Conduct

All employees of the Town are expected to follow rules of conduct that will protect the interest and safety of all employees and the Town. Situations or conduct which would reflect negatively or bring discredit upon the Town are also unacceptable. It is not possible to list all forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions that may result in disciplinary action, up to and including termination of employment:

- a) Theft or inappropriate removal or possession of property;
- b) Falsification of time-keeping records;
- c) Working under the influence of alcohol or illegal drugs;
- d) Possession, distribution, sale, transfer or use of alcohol or illegal drugs in the workplace while on duty or while operating employer-owned vehicles and equipment;
- e) Fighting or threatening in the workplace;
- f) Boisterous or disruptive activity in the workplace;
- g) Negligence or improper conduct leading to damage of employer-owned or customer-owned property;
- h) Insubordination or other disrespectful conduct;
- i) Violation of safety or health rules;
- j) Smoking in prohibited areas;
- k) Sexual or other unlawful or unwelcome harassment;
- l) Possession of dangerous or unauthorized materials such as explosives/firearms in the workplace;
- m) Excessive absenteeism or any absence without notice;
- n) Unauthorized absence from the work station during the workday;
- o) Unauthorized use of Town owned equipment;
- p) Illegal or inappropriate activity engaged in while using Town-owned vehicles and equipment, including, but not limited to violation of federal/state law or local ordinance, including those governing cell phone usage and text messaging regulations.
- q) Violation of the Personnel Policy;

- r) Unsatisfactory performance or conduct.

(This list is not intended to be exclusive.)

E. Professional Dress Standards

Appropriate professional attire ensures a safe, distraction-free work environment. Town of Gray employees, including volunteers, interns, and any other individual who would represent the Town, are expected to dress appropriately, and present a professional image while at work.

Professional Attire

Professional attire is expected of all employees consistent with the work location and the nature of work. Employees are asked to use good judgment and present themselves at all times in a manner that best represents the Town. Inappropriate attire includes clothing that is too tight or revealing; clothing with rips, tears, holes, or frays; or any extreme style or fashion in dress, footwear, accessories, fragrances, or hair. Basic elements for appropriate attire include clothing that is in neat and clean condition.

Examples of appropriate Town Hall office and Gray Public Library attire include:

- **Shirts:** Shirts with collars, professional or business casual blouses or tops. Examples of inappropriate shirts include T-shirts, shirts with inappropriate slogans, tank tops, muscle shirts, camouflage, and crop tops.
- **Pants:** Dress slacks, trousers, and denim. Examples of inappropriate pants include shorts, camouflage, and pants worn below the waist or hip line.
- **Shoes:** Dress shoes, loafers, dress sandals. Examples of inappropriate footwear include flip-flops and construction or hunting boots.

Departments may elect to establish different standards based on job roles, safety / OSHA requirements, and level of interaction (or lack thereof) with members of the public. Departments with specific uniform practices in place should refer directly to department guidelines.

ID Badges

Employees visiting or working in Town Hall and the Library must wear their Town-issued ID badge and display the badge where it can be easily read. Picture IDs should be clear and unmarked.

Procedures

Department heads or those with supervising responsibilities are accountable for supporting and enforcing dress and appearance standards in their areas of responsibility. This includes coaching employees whose appearance is inappropriate. Employees who do not meet a professional standard may be sent home to change, and nonexempt employees will not be paid for that time. Repeated violations will lead to

disciplinary action as determined by the Personnel Policy. Questions about procedures should be referred to Human Resources or the Town Manager.

Accommodations

Exceptions and reasonable accommodations will be made as needed. For instance, managers may make appropriate exceptions for special occasions or in the case of inclement weather, at which time employees will be notified in advance. An employee who is unsure of what is appropriate should check with his or her department head.

Additionally, the Town of Gray respects the religious beliefs of its employees and will make, upon request, an accommodation in terms of workplace attire when accommodation is available and does not create an undue hardship or safety issue for the Town. Requests for religious accommodation should be made in writing to the Town Manager.

F. Electronic Communications Policy

See Appendix for current policy.

G. Telephone and Personal Cell Phone Usage

Staff are expected to avoid making or receiving personal calls during work hours. Urgent calls to/from family members can be made/received and should be brief. Employees are expected to exercise the same discretion in using personal cell phones.

Employees contacted by creditors or collection agencies should immediately inform the caller of this policy and end the call. The employee should inform the agency in writing advising them not to contact them at work. Creditors failing to honor such a request can be reported to the Federal Trade Commission at www.ftc.gov.

H. Smoking

Smoking is not allowed in any workplace. It is the policy of the Town to comply with all applicable federal/state laws, and local ordinance regarding no smoking in the workplace and in public places.

Excerpt from the Town of Gray “No Tobacco, Alcohol or Medical Marijuana Use” Ordinance:

“No person(s) shall use or partake of any form of tobacco, alcohol or medical marijuana on/in Town of Gray property, 365 days a year, 24 hours a day. There will be no designated areas to use or partake of any form of the same on/in Town of Gray property. No litter associated with tobacco, alcohol or medical marijuana may be discarded on/in Town of Gray property.”

I. Drug Free Workplace Act

Under the Drug-Free Workplace Act, any employee who performs work for a

government contract or grant must notify the Town of a criminal conviction for drug-related activity occurring in the workplace. Employees concerned with substance dependency and abuse issues are encouraged to discuss these matters with their supervisor or the Town Manager.

J. Drugs

No employee may use, possess, distribute, sell or be under the influence of drugs while on the job or representing the Town. Prescription drugs may be used only if they do not impair the employee's job performance. Violations will result in disciplinary action, which may include termination.

K. Alcohol

No employee may use, possess, distribute, sell or be under the influence of alcohol while on the job and / or representing the Town at official Town proceedings or at Town-hosted events. Violations will result in disciplinary action, which may include termination.

L. Personnel Files

The Town maintains a personnel file on each employee. Personnel files are confidential and are the property of the Town. Personnel files are to be kept locked and secured under the Town Manager's control. Title 26 M.R.S.A § 631 provides employees with access to their personnel records (including former employees and duly authorized representatives). However, a written request for such information must be submitted to the Town. File review and copying must take place at the location where the personnel files are maintained, during normal office hours unless, at the Town Managers discretion, a more convenient time and location for the employee is arranged. Employees are entitled to one free copy of their personnel file per calendar year upon written request.

M. Evaluations/Reviews

Supervisors and employees are strongly encouraged to discuss job performance, goals and professionalism. Formal Written Performance Evaluations are to be completed every twelve months, on or about the anniversary of the date of hire. Employee evaluations shall be signed by the employee, Department Head and Town Manager. An employee may attach a written statement within ten (10) calendar days after any evaluation given to be included in their personnel file.

N. Outside Employment

A Town employee may engage in outside employment. However, no employees may engage in outside employment which in any manner interferes with the proper and effective performance of the duties of their position, results in a conflict of interest, or if it is reasonable to anticipate that such employment may subject the Town to public criticism or embarrassment. Employees must inform their Department Head who shall inform the Town Manager of their outside employment. If the Town Manager determines that such outside employment is disadvantageous to the Town, they shall

notify the employee in writing that the outside employment must be terminated. Any employee who engages in employment outside their regular working hours shall be subject to perform their regular duties first.

O. Vital Information

In order to comply with federal and state regulations as well as for insurance and payroll purposes, employees must notify the [FinanceHuman Resources](#) Director, in writing, of any of the following changes:

- a. Address and/or telephone number
- b. Change in marital status
- c. Change in dependent status
- d. Legal change in name or citizenship status
- e. Additional or relevant education or skills acquired since date of
- f. employment
- g. Person to be notified in case of emergency
- h. Change in military status or reserve requirements

P. Conflict of Interest

No employee of the Town shall have any financial interest in or profit from any contract, purchase, sale or work performed by the Town unless otherwise provided for by the Town Council. An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or immediate family as listed in the definitions portion of this Policy. Actual conflicts of interest, as well as incidents or situations which create the appearance of a conflict, must be avoided.

- 1) Purchasing - No Town employee who is authorized to make purchases shall have any interest, either directly or indirectly in any contract with the Town. No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if employees have any influence or transactions involving purchases, contracts or leases, it is imperative that they disclose this, as soon as possible, to an officer of the Town, the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties.
- 2) Gratuities - Compensation paid to the employee in accordance with the Pay Schedule, and reasonable expenses as approved by the Town Manager, shall constitute the sole remuneration for services rendered by an employee in the discharge of Town duties. No additional reward, gift or other form of remuneration shall be accepted by any employee for the discharge of their Town duties. Acceptance of nominal gifts, such as food and refreshments in the ordinary course of business, or unsolicited advertising or promotional materials such as pens, note pads, calendars, etc., is permitted.

Personal gains may result not only in cases where an employee or relative has a

significant ownership in a firm with which the Town does business, but also when an employee or relative receives any “kickbacks”, bribes, substantial gifts or special consideration, as a result of any transaction or business dealings involving the Town.

Q. Confidentiality

During the course of their duties, employees of the Town are often privy to information about individuals, which is sensitive and should be kept confidential. Examples include, but are not limited to, labor relations, General Assistance and personnel actions. Employees are expected to respect the confidential nature of such information. Violations will result in disciplinary action, which may include termination.

Section 5 – Hours of Work

The hours of work (starting times, quitting times, lunch times and overtime) will be established within each department subject to the Town Manager's approval.

The hours of work may be changed by mutual agreement of the Department Head and the department employees, subject to Town Manager's written approval.

A. Overtime

Any time actually worked in excess of 40 hours in one work week shall be compensated by overtime pay at a rate of time and one-half, with the exception of employees in Group I. For those employees in Group I, it is understood that compensation is based on the job responsibility; and the person filling the position will be expected to accomplish the work assigned to the position regardless of hours required. For the purposes of overtime calculation, holiday and vacation time will be considered time actually worked, with the exception of floating holidays. Public Works and Maintenance employees will be paid overtime for time worked after their normal daily scheduled hours.

In accordance with FLSA, temporary summer Recreation employees are exempt from overtime.

In accordance with FLSA, Law Enforcement and Fire Protection Employees are entitled to overtime if they work in excess of 212 hours in a consecutive twenty-eight (28) day period.

Fire Protection personnel include firefighters, paramedics, emergency medical technicians, rescue workers, ambulance personnel, or hazardous materials workers who:

1. are trained in fire suppression;
2. have the legal authority and responsibility to engage in fire suppression;
3. are employed by a fire department of a municipality, county, fire district, or State; and
4. are engaged in the prevention, control and extinguishment of fires or response

to emergency situations where life, property, or the environment is at risk.

B. Compensatory Time

Compensatory time is paid time that is earned and accrued by an employee in lieu of immediate cash payment for working overtime hours. Accrual of compensatory time in hours will equal 1.5 the overtime hours worked to correctly compensate the employee in regular hours. (see example below)

- a. Overtime hours worked 2.5 hours = 2.5 hours multiplied by 1.5= 3.75 compensatory time hours.

All compensatory time accrued must be used within six months of their accrual date. At such a time, expired compensatory time will be paid out at the current rate of pay for the employee in the regular hours as calculated, as the regular hours have already been calculated at the required 1.5 rate.

Unless otherwise indicated in writing, each employee will be paid for the overtime hours worked during the normal payroll process. Each Department Head may determine whether the needs of their department are better served by allowing compensatory time to accrue for their employees in lieu of immediate cash payment for overtime hours worked. An employee may submit a written request to their Department Head for accrual of compensatory time in lieu of immediate cash payment for working overtime hours in advance of the hours worked, which will be subject to the Department Head's advance approval.

C. Absences

In the event of an absence due to illness or other personal cause, it is the responsibility of employees to notify their Department Head directly of the absence, as early as possible, but no later than fifteen (15) minutes after their scheduled starting time. If the Department Head is unavailable the employee should contact the Town Manager's Office. A signed Absence request form must be submitted to the [FinanceHuman Resources](#) Department within three working days for Payroll purposes if utilizing eligible time. Absenteesim and excessive tardiness may lead to disciplinary action and/or possible termination.

A completed Absence request form must be submitted by the employee to their Department Head to request utilization of eligible time available. Scheduled Absence requests must be submitted with sufficient time in advance of the requested time off. The Department Head will process an Absence request within a reasonable amount of time (not to exceed five business days unless otherwise indicated to the employee in writing within that time frame). Department Head approval of such requests should cause a minimum loss of service to the public and is subject to approval by the Town Manager. Department Head requests shall be submitted to the Town Manager.

D. Call-In

Except as otherwise provided by law, any employee in Group II who is subject to

being called in to work during their normal off-duty hours shall be paid a minimum of three (3) hours pay for each such call-in. Should they be required to work less than two (2) of the three (3) hours, three (3) hours will be the maximum paid in lieu of overtime compensation. Should they be required to work more than two (2) of the three (3) hours, overtime pay will be calculated on actual time worked.

E. Emergencies

Emergencies requiring the closure of any of the Town's facilities will be announced on local radio and television stations. Employees should be notified no later than one hour prior to the normal opening of the Town's affected public facilities. Employees who scheduled to work will be paid their normally-scheduled hours during official closures. Emergency and essential staff may be asked to work during official closures and will receive regular pay.

Section 6 – Compensation

A. Pay Schedule

The Town Manager shall prepare a pay schedule for all of the positions in the Town. The pay schedule shall reflect fairly the difference in duties and responsibilities and shall be related to compensation for comparable positions in other public and private employment.

The Town Manager shall submit the pay schedule to the Gray Town Council in the form of a resolution. The Council may adopt the pay schedule with or without amendment. Thereafter, no position shall be assigned a salary higher than the maximum provided for the position unless the pay schedule is amended in the same manner as herein provided for its adoption.

Any pay schedule amendments of position or re-assignment requests shall be brought to the attention of the Town Manager by the Department Heads. Changes will be made by the Town Manager in writing and will be based on employee merit.

B. Pay Dates

All employees are paid bi-weekly. If payday falls on a regularly scheduled holiday, employees will receive pay on the last day of work before the regularly scheduled payday. To receive pay before a scheduled vacation or to have pay direct-deposited to bank accounts, employees must submit a written request to the Finance Department. Any questions concerning payroll deductions may be addressed to the Finance Department.

C. Positions Changes

When an individual position is changed by reorganization, creation of a new position, or a change in duties and responsibilities, revisions of the pay schedule or possible job classification changes are necessary and the Town Manager shall recommend the necessary revisions to the Town Council for their approval.

When a regular employee is out for an extended period of time due to illness or injury, the Department Head must review the vacancy to determine if the operations can continue without the position being filled temporarily. The written analysis must include the cost benefits of using existing personnel, including any overtime incurred, versus the promotion or hiring to fill the vacancy. If it is determined that the position must be filled during this period the following shall apply:

- 1) Promotions: In those cases where a regular part-time employee is temporarily promoted to fill the full-time vacancy, the person promoted shall be entitled to receive, all benefits provided to that position as indicated in the positions job classification. The time served in the temporary position shall count towards their second probationary period (as referenced under Section 4-C). Should the individual be returned to their regular part-time status, they shall be entitled to receive all benefits provided to that position as indicated in the positions job classification.
- 2) Hire: If a new person is hired temporarily to fill the full-time vacancy they shall only be entitled to the legally mandated benefits and holiday pay. If they are hired to the position as a full-time employee, then the time worked shall count towards their initial probationary period.

D. Cost of Living Adjustment (COLA) / Merit Raises

Any salary or wage adjustment based on COLA will commence on July 1, of each respective year.

Merit raises will be based on an employee's annual performance evaluation. Merit raises will be awarded as determined in writing by the Town Manager.

E. Fire / Rescue Per-Call Stipend

Fire and Rescue per-call "time" is not included in actual time calculations and is not included in overtime calculations.

F. Travel Expenses

1. Local Travel Expenses

Employees required to drive personal vehicles for approved, ~~legitimate~~ municipal purposes shall be reimbursed by the Town at the current federal mileage rate. Other ~~reasonable-approved~~ expenses will also be reimbursed using a prorated Federal per-diem rate.

- a) ~~however, r~~Requests for local travel reimbursement must be approved by the employee's Department Head or the Town Manager, and must be accompanied by itemized receipts or submission of a travel expense form claiming prorated Federal per-diem reimbursement.

- b) Authorization for personal car use by employees for routine Town business will be at the discretion of the Town Manager. All employees must show proof of insurance and a valid driver's license.
- c) Authorization for personal car use by employees for a specific purpose and approved, in writing, in advance by the Town Manager.
- d) ~~All out-of-town travel expenses for employees must be authorized by the Town Manager, in writing, in advance of the use for which reimbursement is sought.~~
- e) Reimbursement for authorized personal car use shall be at a rate as determined by the Town Council, which will be no less than the Federal mileage rate.
- f) All vehicle travel mileage outside of Gray shall be calculated from City Hall, 24 Main Street, Gray, ME, and mileage calculations shall be documented by the employee and submitted along with the reimbursement request, unless otherwise stipulated in advance by the Department Head or Town Manager.
- g) When two or more persons travel together on official authorized trips, costs shall be paid to one employee based on the total mileage involved.
- h) Employees are prohibited from purchasing alcohol or intoxicants using Town funds.
- i) Travel expense reimbursements related to grant funded activities shall comply with the reporting requirements of the funder.

2. —Overnight Travel Expenses

Employees are occasionally required to travel overnight and/or out of town for meetings, events, and professional training and certification purposes.

- a. ~~All out-~~Out-of-town travel expenses for employees must be authorized by the Town Manager or their designee, in writing, in advance of the use for which reimbursement is sought.
- b. Travel expenses will be reimbursed using either a submission of itemized travel expense receipts or an employee may elect to receive the Federal per-diem rate for lodging and meal expenses.
- c. All vehicle travel mileage outside of Gray shall be calculated from City Hall, 24 Main Street, Gray, ME, and mileage calculations shall be documented by the employee and submitted along with the reimbursement request.
- d. It is understood that travel to conferences and training events may require lodging at rates that exceed the Federal per-diem rate. Employees should make the best effort to balance travel goals, personal safety, and the cost of lodging, and submit documentation of the lodging expense and the Federal per-diem rate with their request to the

- Town Manager to deviate from the per-diem rate.
- e. Employees electing to use the Federal per-diem meal expense rate may request an advance on their expense report to help cover travel costs.
 - f. Employees shall pro-rate total daily meal expenses by one third (1/3) for meals that are covered by the registration for an event, and for meals occurring before or after partial travel days, unless they receive written permission to deviate from this policy.
 - g. Employees are prohibited from purchasing alcohol or intoxicants using Town funds.
 - h. Travel expense reimbursements related to grant funded activities shall comply with the reporting requirements of the funder.

3. Managerial Authority

Town Department Heads will include anticipated professional development and training travel expenses for department staff in their annual budget proposal, including the purpose of the travel, a list of those travelling, the duration of travel, the estimated cost, and the source of funding. The Town Manager will review annual budget proposals before submitting them to the Town Council.

The Town Manager will include their own anticipated professional development and training expenses in their annual administrative budget proposal, including the purpose of the travel, the duration of travel, the estimated cost, and the source of funding. The travel schedule will be reviewed by Town Council as part of the Town's annual budget development.

Other training sessions and opportunities to participate in professional conferences may arise during the year. Whenever possible, these costs shall be reviewed and approved in advance by the Town Council. Whenever timing for such travel does not allow for Council review, the Town Manager will notify the Town Council Chair in advance of the proposed travel. The Town Department Heads will submit any unanticipated travel costs and time for review under this process, provided the cost is within their department budget.

The Town Manager will submit their own unanticipated travel costs and time for review under this process, prior to travel.

Town staff may participate in economic development activities that require use of Town funds for outreach events, meetings with prospective developers and business representatives, and campaigns to develop strategic business relationships.

- a. Expenses for economic development campaigns must be authorized by the Town ~~Manager~~Council, in writing, in advance of the use for which reimbursement is sought.
- b. Economic development travel and expenses should follow the Town's local and overnight travel policies.
- b.c. The Town ~~Manager~~Council has discretion in pre-approving use of

Town funds for economic development purposes, including use for travel, lodging, meals, alcohol, and entertainment.

G. Outside Compensation

Any employees receiving payment for services, from non-Town sources, rendered during their normal work day and for which work day Town compensation was given, shall turn the entire amount of that compensation over to the Town Treasurer. This provision does not apply to activities outside the workday or during periods of vacation.

Section 7 - Benefits

A. Social Security

The Town participates, jointly, with employees in Social Security payments. This is a federally mandated benefit and is dependent on current Federal Government standard reimbursements.

B. Health and Major Medical Insurance

Employees in Groups I, II and III are eligible to participate in a Town-sponsored group health insurance plan, which includes hospitalization and Major Medical. The Town will contribute toward coverage for employees in Groups I, II and III as determined annually by the Municipal Budget. When employment ceases, the Town will terminate payment of this benefit and COBRA will be offered as mandated by federal law. COBRA is to be administered by the insurance company if possible. New employees shall not be eligible for health care benefits until the first day of the month following the first thirty (30) of employment after their start date.

C. Life Insurance

Employees in Groups I, II and III may be eligible for Life Insurance at a rate of 1 times their annual salary. The Town will pay toward coverage for employees in Groups I, II and III as determined by the Town Council (according to the most updated Appendix).

D. Town Offered Optional Benefits

Employees in Groups I, II and III may be eligible for other optional benefits at full cost to the employee. A list of Town offered optional benefits is available in the Appendix.

E. Retirement

Employees in Groups I, II, and III are eligible to participate in the Town-established retirement plan. For Groups I and II, the Town will match up to an amount as determined by the Town Council (according to the most updated Appendix), should an employee elect to participate. All new employees shall not be eligible for retirement benefits for the first sixty (60) days of employment.

F. Sick Time

The Town has established a sick time benefit to ensure that employees have a financial resource during periods of illness. The Town does not view sick time as additional vacation or personal time to be utilized at the will of the employee. Sick time shall be used during periods of actual illness or at the written discretion of the Town Manager. Sick time may be utilized to care for an employee's immediate family as listed in the definitions portion of this Policy. The Town also recognizes employees' ability to use time consistent with Maine's Earned Paid Leave Law.

Employees in Groups I & II shall be entitled to one (1) day of sick time for each month while employed by the Town. For accrual purposes, one (1) sick day shall equal eight (8) work hours. They shall accrue 3.692 hours per bi-weekly pay period.

Employees in Group III shall earn sick time at an hourly rate of .04615 hours for every hour worked. This accrual rate is determined as follows:

$$3.692 \text{ hours per bi-weekly pay period} / 80 \text{ hours per pay period} = .04615 \text{ per hour}$$

For example, an employ working 20 hours per week (40 hours bi-weekly) would accrue 1.846 sick hours per pay period ($40 \times .04615 = 1.846$).

For the purposes of sick accrual calculations, holiday and vacation time will be considered time actually worked. Sick time, personal time, discretionary time, FMLA and bereavement time will not be considered time actually worked.

The Town Manager may require a physician's certificate as a condition of an employee's utilization of sick time. Employees, who utilize three or more days of sick time consecutively, may be required to furnish a physician's certificate, explaining the employee's condition in direct relation to their ability to perform their job responsibilities in accordance with their job description. Persons drawing workers' compensation or absent on an FMLA absence will not accrue sick time.

All unauthorized use of sick time shall be considered as an unauthorized absence from work and as unpaid time. Unauthorized use of sick time shall be considered an action subject to discipline.

Accrual Cap

Accrual of sick time will not exceed 960 hours. Employees who have an excess of this cap as of January 1, 2023 will maintain their sick time hours until such time as the accrued hours may fall below 960 hours, at which time the cap will be in force.

Sick Time Donation

Regular full-time employees and regular part-time employees may choose to donate up to twenty-four (24) hours to another full- or part-time employee of the Town of Gray in a fiscal year.

Payout for Accumulated Sick Time

As of October 1, 2022, employees in Groups I & II, having achieved at least ten (10) years of service to the Town of Gray will be entitled upon separation to pay equal to one half of that employee's accumulated sick time, not to exceed three hundred and sixty (360) hours.

As of October 1, 2022, employees in Groups I & II having achieved at least five (5) years of service will be entitled upon separation to pay equal to one half of that employee's accumulated sick time, up to two hundred (200) hours.

As of October 1, 2022, payout is not available to employees in Groups I & II having achieved less than five (5) years of service.

An employee who is not in good standing upon separation from employment for any reason will receive no payout of accumulated sick time.

G. Personal Time

Any employee in Groups I or II will receive an annual personal time allocation of 16 hours. Personal time does not accrue year to year and is not subject to payout upon separation.

Whenever possible, personal time must be requested and approved in advance by the employee's work manager / Department Head. The Town also recognizes employees' ability to use time consistent with Maine's Earned Paid Leave Law.

H. Vacation Time

Employees in Groups I & II shall be entitled to two (2) weeks (80 hours) of vacation time each year. Employees with five years of service shall be entitled to three (3) weeks (120 hours) of vacation time each year. Employees with ten (10) years of service shall be entitled to four (4) weeks (160 hours) of paid vacation time each year. For accrual purposes, one (1) vacation day shall equal eight (8) work hours. Vacation time shall be accrued to each eligible employee during each pay period at the following rates:

- a. Under five years of service-3.08 hours;
- b. Five-ten years of service-4.62 hours;
- c. Ten years of service and after-6.16 hours.

Employees in Group III shall earn vacation time at an hourly rate of .0385 hours for every hour worked. This accrual rate is determined as follows:

$$3.08 \text{ hours per bi-weekly pay period} / 80 \text{ hours per pay period} = .0385 \text{ per hour}$$

For example, an employ working 20 hours per week (40 hours bi-weekly) would accrue 1.54 vacation hours per pay period ($40 \times .0385 = 1.54$).

Whenever possible, vacation time must be requested and approved in advance by the employee's work manager / Department Head. The Town also recognizes employees'

ability to use time consistent with Maine's Earned Paid Leave Law.

Vacation time is not intended to be cumulative. Vacation time will cease accruing at the employee's individual limit as determined by their year's of service and their employment classification. Exceptions may be made at the written discretion of the Town Manager.

Exceptions may be made at the discretion of the Town Manager; provided however, with respect to the Town Manager's own annual time, they must, each year, advise the Town Council of the status of their annual time and, if applicable, request written permission from the Town Council to carry the same forward to the next year. Copies of the Town Manager's status report on their own annual time and the Town Councils written response shall be placed in the Town Manager's personnel file. Town employees and the Town Manager must take extended time within 180 days of the year earned.

I. Discretionary Time

Additional time off with pay may be granted in writing to any employee by the Town Manager at their discretion. Such time must be used within one (1) calendar year and is not payable to the employee upon separation from employment in good standing.

J. Bereavement Time

Special time with pay shall be granted to employees in Groups I, II & III for up to three (3) days for absence caused by the death of a member of the immediate family, as listed in the definitions portion of this Policy.

K. Leave of Absence

Other than FMLA, a leave of absence without compensation shall not exceed a length as determined in writing by the Town Manager and shall be based on the employee's past work performance.

A person on a leave of absence without pay shall not be entitled to holiday, sick or vacation pay. The Town Manager may permit holiday, sick and vacation pay on notice if extenuating circumstances exist and the leave of absence is less than thirty (30) days.

L. Military Service Leave

Employees in Groups I & II who are members of the organized military reserves and who are required to perform field service will be granted Military Service Leave in addition to the vacation leave, but not to exceed two (2) weeks in any calendar year. For any such periods of Military Service Leave, excluding weekend duty, the Town will pay the employee the balance between base pay and the employee's regular daily compensation; the total equaling their regular pay. The employee shall furnish the ~~Finance~~[Human Resources](#) Department with an official statement from military authorities indicating their rank, pay and allowances.

M. Holidays

Paid holidays for employees in Groups I & II and III shall be as follows:

New Year's Day	Labor Day
Martin Luther King Jr. Day	Indigenous Peoples' Day
Presidents' Day	Veterans Day Thanksgiving Day
Patriots' Day Memorial Day	The Day after Thanksgiving
Juneteenth	Half Day before Christmas
Independence Day	Christmas Day
New Year's Day	Labor Day

Employees in Groups I, II shall be compensated for their normal regularly scheduled working hours on the date of the holiday or its observance date (as described below (a)). If a holiday falls on a date that is not a normal regularly scheduled working day for any employee in Groups I & II, the holiday shall be accrued as floating holiday time to be used within 6 months following the date of the accrual. If a holiday falls on a date that is not a normal regularly scheduled working day for any employee in Group III, the holiday shall be accrued as floating holiday time at a rate of one-half the average daily schedule for the employee, as worked for the previous three months, to be used within 6 months following the date of the accrual. Floating holiday time is not intended to be cumulative and is not included in overtime calculations.

The Department Head may request payment through payroll for employees for holiday hours which would normally be accrued as floating holiday(s) if the accrual of such floating holiday(s) will cause a loss of service to the public or potentially interfere with the productivity of a department. All such requests are subject to the written approval of the Town Manager. Floating holiday time paid instead of accrued is not included in overtime calculations.

- a. When a holiday falls on a Sunday, the following Monday shall be observed for all employees who are not regularly scheduled for Sunday. When a holiday falls on a Saturday, the preceding Friday shall be observed for all employees who are not regularly scheduled for Saturday.
- b. Because of the nature of the position, certain employees in Groups II & III may be required to work during a holiday. Should this occur, hourly paid employees will be paid time and a half for the hours worked on the holiday for all holidays except Thanksgiving and Christmas, for which they will be paid holiday pay plus two times their hourly rate for hours worked on the holidays.
- c. There is one standard exception to the holiday schedule. The Transfer Station will be closed on Easter Sunday and open on Patriots' Day without holiday compensation being paid for hours worked on Patriots' Day. Other exceptions to the holiday schedule may be necessary when considering the dates of the holiday (or their observance date) and the needs of the Town, or by a written request of the Department Head to the Town Manager. Any such exception(s) is/are subject to the approval of the Town Manager and must be determined with

sufficient advance time to notify the public.

N. Jury Duty

A Town employee called for jury duty will receive his or her regular pay check. They are required to forward any payments received for their jury duty service to the [Finance](#)[Human Resources](#) Department with the exception of mileage reimbursement. This procedure will compensate employees for any difference in pay. Employees excused from jury duty must report back to work if it is during their normal working hours.

O. Family Medical Leave Act

See Appendix for details.

P. Earned Paid Leave

See Appendix for details.

Q. Remote Work

The purpose of this policy is to define the Town of Gray's rules for remote working or teleworking (i.e., when employees work any hours from a location other than Town facilities). The Town of Gray recognizes that, in some cases, telework arrangements can provide a mutually beneficial option for both the Town and its employees. This policy is intended to set expectations and ensure that work goals can be met, and it may be altered at any time as needed.

Eligibility

The Town Manager will determine which positions are most suitable for remote work, depending on the Town's needs and the position's responsibilities.

Not all jobs can be performed from off-site locations. In general, positions requiring face-to-face interaction with customers and office personnel are not suitable for telecommuting arrangements.

While employees and work managers have the freedom to develop arrangements tailored to employee and departmental needs, the following basic requirements must be met:

- Employees must be able to carry out the same duties, assignments, and other work obligations at their remote workspace (or home office) as they do when working on Town premises. At a minimum, employees should maintain a remote workspace where they can attend remote meetings, participate in phone calls, and conduct their work assignments comfortably and without interruption.
- The IT Systems Administrator must confirm the suitability of workspace equipment, such as hardware, software, anti-virus protection, phone/fax, and Internet/data lines.
- Candidates for temporary telecommuting arrangements must demonstrate good time-management and organizational skills, and be self-motivated, self-reliant,

and disciplined.

To request a remote work arrangement, employees must submit their request in writing to their supervisor. This request must outline a proposed work schedule, specific deliverables, and procedures to ensure continuity of business.

Eligibility determinations will be made thoughtfully and reviewed with the employee for any changes or updates at least annually.

All remote work must receive prior approval, and a Remote Work agreement prepared by Human Resources must be signed by the employee, department head, and Town Manager. Evaluation of remote employees' performance will focus as much on work output and completion of objectives as time-based performance. Employees and department heads should meet frequently to discuss progress and results.

The Town Manager reserves the right to revoke the eligibility of an employee for remote work at his/her discretion. Notice of revocation will be given as far in advance as possible, but shall not be required.

Hours and Availability

Positions working remotely will be provided with the number of hours they are expected to work on site and/or remotely. The workweek should approximately mirror normal business hours on Town premises.

- Employees must be readily available to their work managers and co-workers during core work hours. There are two core periods each day. The first runs from 9:30 a.m. to 11 a.m. and the second from 1:30 p.m. to 3 p.m.
- Employees must be available to attend scheduled meetings and participate in other required office activities at the remote workspace as needed. Except for extraordinary circumstances, the Town normally provides at least 24 hours' notice for such events.
- Employees must arrange for flextime and/or other accommodations for childcare during their work hours as part of maintaining an uninterrupted remote workspace, particularly during core hours.

Employees will report their hours and activities to their supervisor.

- Those who are classified as non-exempt (Groups II-IV) must record all hours worked on a Time Card worksheet and provide this information to their supervisor. Time Card worksheets should be submitted on a weekly basis on Fridays by 12:00 p.m.
- Non-exempt employees who need to work outside of scheduled work hours will seek approval from their supervisor whenever possible, and will report any overtime to their supervisor and the [FinanceHuman Resources](#) Director.

Workspace & Equipment

The employee will establish an appropriate work environment within his or her remote workspace for work purposes.

- Employees should seek a quiet and distraction-free working space, to the extent that such a space is possible.
- Employees are expected to maintain their workspace in a safe manner, free from safety hazards.
- Employees are required to notify the Town of any illness or injury incurred in the course and scope of performing work remotely.

As a general rule, the Town of Gray will not be responsible for costs associated with the setup of the employee's remote workspace, such as remodeling, furniture, or lighting, nor for repairs or modifications to the remote workspace. However, if an employee is in need of a reasonable accommodation in accordance with the Americans with Disabilities Act (ADA), an employee may submit such a request to Human Resources and such requests will be considered to the extent that a reasonable accommodation exists and would not create an undue hardship on the Town of Gray.

The Town of Gray will determine the equipment needs for each employee on a case-by-case basis. If the Town provides equipment used for remote work, is to be used for Town business purposes only. Employees must keep it safe and avoid any misuse.

Consistent with the Town's expectations of information security for employees working at the office, employees working remotely will be expected to ensure the protection of proprietary Town and citizen information accessible from their remote workspace.

Specifically, employees must:

- Keep their equipment password protected.
- Store equipment in a safe and clean space when not in use.
- Follow all data encryption, protection standards, and settings.
- Refrain from downloading suspicious, unauthorized, or illegal software.
- The Town discourages the use of an employee's home workspace for the conduct of in-person meetings or for visitation by coworkers or the public in connection with work being conducted remotely and shall not be liable for any damage or injury sustained by any person other than the employee authorized to work in such remote workspace.

Town Records

During remote work, employees shall be required to maintain all work product and records in a manner consistent with the Town's standard recordkeeping practices and in full compliance with the Maine Freedom of Access Act and Record Retention Rules established by the Maine State Archivist. Employees shall not delete or destroy any records that are otherwise required to be maintained by the Town per these laws and rules. It shall be the responsibility of the employee to ensure that he/she can satisfy these recordkeeping requirements while working remotely.

Meeting Etiquette

While distractions are often unavoidable, employees should strive to keep them to a minimum.

- No music or television in the background is permitted during meetings.
- Employees should remain muted during video or audio conferencing unless the

- employee is speaking.
- Turning on video is encouraged but not required.
- Employees should avoid eating food during a virtual meeting unless invited to do so by the meeting host.
- Smoking or vaping is not permitted during a video conference.
- Casual dress is acceptable; however, use discretion. Loungewear, pajamas, or other apparel considered inappropriate in a professional work setting are not permitted while an employee is working remotely.
- Avoid multi-tasking. Employees are expected to give their full attention to meetings as if the meetings were held in-person.

R. Emergency Telework

In the event of an emergency such as a weather disaster or pandemic, the Town Manager may allow or require certain employees to temporarily work from home to ensure business continuity.

- These employees will be advised of such work requirements by the Town Manager or the employee's department head.
- These employees are required to follow the guidelines provided in the Remote Work Policy.

Preparations should be made by employees and department heads well in advance to allow remote work in emergency circumstances. The Communications & Information Department is available to review equipment needs and to provide support to employees in advance of emergency telework situations

Section 8 – Resignations

An employee may resign from Town employment in good standing. Good standing (as defined in the definitions section of this policy) shall, in this instance, require the submittal of a written notice fourteen (14) working days in advance of the last day of work. Failure to comply with this rule may be cause for denying future employment with the Town and disqualify the employee from any payments that may have been issued to them for a resignation in good standing. The Town Manager may shorten the period of notice for extenuating circumstances.

Section 9- Disciplinary Procedures

A. Just Cause

The Town shall base disciplinary actions or measure on a "just cause" basis.

B. Disciplinary Actions

The appointing authority shall have the right to impose disciplinary action, on any employee whose work performance or conduct, in the judgment of the appointing authority, justifies such action.

The steps of disciplinary action are as follows:

- 1) First written warning
- 2) Second written warning
- 3) Suspension (as defined below in C.)
- 4) Termination

All warnings must clearly identify each issue of discipline, as well as the appropriate corrective measures to be taken by the employee (including their time frame for completion) in order for the appointing authority to consider each issue as resolved.

There are certain types of employee problems that are serious enough to justify immediate suspension or termination. Notice of such action against an employee must be in writing and filed with the employee not later than the effective date of action. Such notice shall specify the penalty and contain a statement of the reason or reasons therefore. The employee shall have the right of appeal, as outlined in the grievance procedure.

C. Suspension

As step 4 (four) in the disciplinary action process, suspension of any employee's employment may be done in writing at the discretion of the appointing authority, with special consideration to the following written conditions:

- 1) Suspension with or without pay;
- 2) Specific time frame;
- 3) Conditions for reinstatement.

D. Discharged Without Just Cause

If it is determined that an employee has been discharged without just cause, he or she shall be reinstated to his or her former position with full pay for all time lost. In the event that a Department Head wants to discharge an employee, the action shall first be approved by the Town Manager.

E. Employee Termination

Employment may be terminated for the following reasons:

- 1) Resignation -voluntary employment termination initiated by an employee;
- 2) Discharge -involuntary employment termination initiated by the Town;
- 3) Layoff -involuntary employment termination initiated by the Town for non-disciplinary reasons or
- 4) Retirement -voluntary employment termination initiated by the employee meeting age, length of service and any other criteria for retirement from the Town.

At the time of termination an exit interview may be scheduled. Employees will receive final pay in accordance with State law at the next regularly scheduled pay date.

Town Property: Employees must return all property belonging to the Town at the time of their termination or upon immediate request.

Section 10 – Grievance Procedure

Grievances are limited to written disputes, claims or complaints of those issues which are related to aspects of the employer-employee relationship between the employee and the Town. The grievance in writing must include the following:

- A clear and concise statement of the facts giving rise to the grievance, including date, time and place of the alleged incident, if any, relating to the grievance, and characterizing each particular act or omission;
- A copy of any documents relating to the grievance (if any); and
- A statement setting forth the remedy sought.

To resolve the grievance the following course of action should be taken consecutively:

- 1) The grievance shall be filed in writing with the Department Head within five (5) working days of the alleged incident, particular act or omission. The Department Head shall issue a written decision within five (5) working days from the date received.
 - a. If the grievance arises from an alleged incident, particular act or omission on the part of the Department Head, the grievance shall be filed with the Town Manager within five (5) working days of the alleged incident, particular act or omission.
- 2) The individual may appeal the decision of the Department Head to the Town Manager within five (5) work days of the date of receipt of the Department Head's decision. The Town Manager shall issue a written decision within five (5) working days from the date the appeal is received. The Town Manager's decision shall be final.
 - b. If the grievance arises from an alleged incident, particular act or omission on the part of the Town Manager, other than a decision of the Town Manager on appeal of a grievance or disciplinary action, the

grievance shall be filed with the Town Council within ten (10) working days of the alleged incident, particular act or omission. The Town Council will hold a hearing, within fifteen (15) working days, in regard to said grievance and issue a decision. The decision of the Town Council shall be final.

Section 11 –Harassment

It is the policy of the Town that all our employees should be able to work in an environment free from all forms of harassment. Harassment, as defined by this policy, is prohibited. All employees must avoid offensive and inappropriate or harassing behavior at work and are responsible for assuring that the workplace is free from hostile behavior at all times.

This policy refers not only to supervisor-subordinate actions but also actions between co-workers. Any complaints of harassment will be investigated promptly. There will be no intimidation, discrimination or retaliation against any employee who makes a report of harassment.

A. Sexual Harassment

Sexual harassment is the attempt to control, influence or affect the career, salary, or job of an individual in exchange for sexual favors. Sexual harassment can also be conducted which creates a hostile or offensive work environment or unreasonably interferes with a person's ability to perform their job. Sexual harassment is an extremely serious matter. It is prohibited in the workplace by a person and in any form.

- 1) Specific conduct which is prohibited includes, but is not limited to:
 - a) Threats or insinuations, implicit, that any employee's refusal to submit to sexual advances will adversely affect the employee's retention, evaluation, wages, promotion, duties or any other condition of employment;
 - b) Unwelcome sexual flirtations, advances, or propositions;
 - c) Verbal or written abuse of a sexual nature;
 - d) Graphic verbal comments about an individual's body;
 - e) Sexually degrading words used to describe an individual, or
 - f) The display in the workplace of sexually suggestive objects, comments or pictures.

Any Department Head or employee who is found after appropriate investigation to have engaged in sexual harassment will be subject to discipline, up to and including discharge.

B. Harassment

Derogatory or vulgar comments or actions regarding a person's sex, sexual orientation, religion, age, ethnic origins, race, physical appearance, or the distribution of written or graphic materials having such an effect, are prohibited. Any employee who believes he/she has been the subject of such harassment should report the alleged conduct to their Department Head or the Town Manager. Any Department Head or employee who is found, after appropriate investigation, to have engaged in any harassment will be subject to discipline, including discharge.

C. Reporting a Complaint

Any employee who believes he/she has been the subject of harassment should report all alleged acts to their Department Head or the Town Manager. If the complaint involves an employee's direct supervisor or if the employee feels uncomfortable with reporting the matter to their direct supervisor, the complaint should be brought to the attention of the Town Manager. If the complaint concerns the town Manager then the employee should bring the matter to the attention of the Town Council Chairperson.

D. State Law

Effective October 19, 1991, the Maine Legislature passed a new law regarding Sexual Harassment in the Workplace. In compliance with this law, the Town is also required to provide annual written notification to all employees regarding sexual harassment. The Town is also required to provide training to all new employees on sexual harassment before their first anniversary of employment. In addition, new supervisors must receive information on their responsibility to take immediate and corrective action in addressing sexual harassment complaints.

Section 12 – Political and Outside Activities

Except as otherwise provided by law, no person who is an employee of the Town shall be eligible to hold any elective office in the Town government. No Town employee shall orally, by letter, or in any other manner, solicit or assist in soliciting any assessment, subscriptions or contributions for candidate for elective office in the Town government. This shall not prevent Town employees from becoming, or continuing to be, members of any political organization, from attending political functions, running for any Town, State or Federal elected position, or from voting with complete freedom in any election. The Town Manager shall endeavor to keep all municipal properties free of political or campaign literature and materials.

Section 13 – Safety

The Town of Gray recognizes that an organized and systematic loss control program is important to our operational and administrative systems. The safety and health of employees and of the public and the protection from loss of the Town's physical facilities is both a moral and legal obligation.

It is intended that the Town of Gray will undertake initiatives to maintain safe and healthful

working conditions and facilities, develop safe operating procedures, and utilize its financial and personnel resources to achieve a loss free environment of our employee for our employees and for the public.

The responsibility for this undertaking is shared by the Manager, Supervisors and employees. Oversight of the loss control/safety program will be done by a Committee of various employees as approved by the Town Manager. However, all employees must work cooperatively to ensure that workplace safety is a matter of continual concern, equal in importance to all other operation considerations.

The Town requires all employees to complete mandatory safety training that complies with Federal (OSHA), State and local requirements. Each Department Head is required to ensure the proper training for each of their employees. Written proof, signed by the employee and Department Head/Certified Training Authority or a valid Certificate of course completion, shall be required for all training, and will be added to each employee's Personnel File. Employees are expected to abide by all safety rules and regulations, which shall be posted on bulletin boards, announced at staff meetings or otherwise communicated by the Town. An employee's failure to comply may result in disciplinary action and/or termination.

A. Workers Compensation

The Town participates in a federally mandated Workers Compensations Program. The following actions are required by all employees:

- 1) All accidents to personnel, no matter how minor, during the work schedule must be reported immediately to the Department Head or the Town Manager. The Town requires the first injury report to be filed with Workers Compensation within three (3) days of incident. A copy of the report will be forwarded to the [Finance/Human Resources](#) Department so it can be added to the employee's confidential personnel file.
- 2) All employees suffering an on-the-job accident will be sent to the Town-specified doctor for examination at the Town's expense.
- 3) The employee, if eligible, will be entitled to utilize sick, vacation or personal time respectively for any regularly-scheduled time missed between the incident and the date that Workers Compensation benefits may begin.

B. Infectious Disease

See Appendix for the Infectious Disease Policy.

Section 14 – Severability

If any provision of this Personnel Policy to any person or a circumstance(s) is held invalid, this invalidity does not affect other provisions or applications of the Personnel Policy which can be given effect without the invalid provision or application. For this purpose, the Personnel Policy is severable.

APPENDIX A - FAMILY MEDICAL LEAVE ACT

The **Family & Medical Leave Act** (29 U.S.C. § 2601 et seq.) is a federal law guaranteeing unpaid time off for employees to deal with family and personal matters. In 2008, the FMLA was amended, through the National Defense Authorization Act of 2008 (PL 110-181), to provide new leave entitlements related to military service. In addition, comprehensive new regulations promulgated by the U.S. Department of Labor (DOL) in November, 2008 have clarified and revised some FMLA requirements, effective January 16, 2009.

“Traditional” Non-Military FMLA Leave. The law requires covered employers to grant up to **12 workweeks** of unpaid leave in a 12-month period to eligible employees for the following reasons:

- 1) the birth and care of the employee’s newborn child;
- 2) placement of a child with the employee for adoption or foster care;
- 3) to care for the employee’s spouse, son, daughter or parent, (but not parent-in-law) with a serious health condition; or
- 4) for the employee’s own serious health condition that makes him/her unable to perform the functions of his/her position.

“*Serious health condition*” is defined in detail in DOL regulations. See 2008 regulations [29 C.F.R. §§ 825.113; 825.115](#). “*Son or daughter*” means a biological, adopted, or foster child, stepchild, legal ward or in a loco parentis relationship who is either under age 18, or over 18 and incapable of self care due to a physical or mental disability. See 2008 regulation [29 C.F.R. § 825.122](#) for more details.

Military FMLA Leave. Two new leave entitlements were provided in 2008 to deal with military family leave issues.

(1) **Military Caregiver Leave.** Eligible employees may take up to **26 workweeks** of unpaid leave within a 12-month period for the purpose of caring for a “covered servicemember.” The employee must meet the basic FMLA eligibility requirements discussed below and must also be the spouse, son, daughter, parent or “next of kin” of a covered servicemember.

- “*Next of kin,*” for the purposes of Military Caregiver leave, is the nearest blood relative of that individual other than the servicemember’s spouse, parent, son or daughter according to list of priorities in the regulations at [29 C.F.R. § 825.127](#).
- “*Covered servicemember*” means a current member of the Armed Forces, including the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. The term “*serious injury or illness*” is defined (**only** for the purpose of deciding who is a “covered servicemember”), as an injury or illness incurred by the member in the line of duty on active duty in the Armed Forces that may render the member medically unfit to perform his/her military duties. See 2008 regulation [29 C.F.R. § 825.127](#).
- Unlike other FMLA leaves, Military Caregiver leave starts on the first day leave is taken and ends 12 calendar months from that date, regardless of the usual method the employer uses to calculate the 12 month period for other FMLA leaves. See discussion below.
- An employee is limited to a combined total of 26 workweeks of FMLA leave in one 12-month period, which includes all FMLA leave taken for any reason.

- An employee may take additional 26-week Military Caregiver leaves for a different service member or to care for the same servicemember with a subsequent injury or illness, provided that no more than 26 weeks of leave may be taken in one 12-month period.
- The Military Caregiver Leave entitlement became effective immediately upon passage on January 28, 2008.

(2) **Qualified Exigency Leave.** Eligible employees may take up to **12 workweeks** of unpaid FMLA leave in a 12-month period because of a “qualifying exigency” arising out of the fact that the employee’s spouse, son, daughter or parent is a “covered military member” who is on active duty, or call to active duty status, in support of a contingency operation.

• A “*qualified exigency*” is defined in the regulations to include a number of broad categories for which leave may be used. These include:

- o Short-notice deployment (used up to 7 days from notification date);
- o Military events and related activities;
- o Childcare and school activities;
- o Financial and legal arrangements;
- o Counseling (other than with a medical provider);
- o Rest and recuperation leave of up to 5 days;
- o Post-deployment activities (may be used up to 90 days from termination of active duty status); and
- o Additional activities not part of the categories listed above, but agreed to by employer and employee.

Additional detail and examples of each of the types of qualifying exigency are provided in the 2008 regulations at [29 C.F.R. § 825.126](#) and in the U.S. DOL [Fact Sheet on Military FMLA Leave](#).

• “*Covered military member*” as used for Exigency Leave is *not* the same as the term “covered servicemember” as used for Military Caregiver Leave. A “covered military member” includes members of the National Guard, the Reserve, or certain retired members of the Regular Armed Forces or retired Reserve. The Exigency Leave entitlement was **not** extended to family members of members of the Regular Armed Forces. In addition, the call to duty must be a federal call to active duty. State calls to active duty are not covered unless under certain orders of the United States President as listed in the regulations. See 2008 regulation [29 C.F.R. § 825.126\(b\)](#) for more detail. 29 C.F.R. § 825.126(b)

• An employer may request copies of the military member’s orders or other documentation from the military, and may request that the employee provide certification of the exigency. The DOL has created a form ([Form WH-384](#)) that employers may use for this purpose. Also see 2008 regulation [29 C.F.R. § 825.309](#) for more information. 29 C.F.R. § 825.309

Employee Eligibility:

In order to be eligible for any type of FMLA leave, an employee must work for a covered employer and meet the following criteria:

- The employee must have worked for the employer for at least 12 months (in total, and not consecutively). According to the 2008 FMLA regulations, employers do not need to count breaks in service of more than 7 years. Several exceptions to the 7 year limit are listed in 2008 regulation [29 C.F.R. § 825.110\(b\)](#);
- The employee must have worked at least 1,250 hours over the 12-month period immediately preceding commencement of the leave;
- The employee must work at a job site at which there are at least 50 employees or at least 50

employees must work within 75 miles of the work site.

All “public agencies” are covered employers under the federal FMLA. 29 C.F.R. § 825.108. This includes federal and state governments, municipalities, or government agencies. *Id.* However, even though a municipality is a “covered employer” under the FMLA, it may not be required to provide FMLA leave to its employees because the municipality may have no “eligible” employees. As noted above, in order to be eligible for FMLA leave, an employee must work at a worksite where there are at least 50 employees, or at least 50 employees must work within 75 miles of the employee’s worksite. Thus, in practice, a municipality must have at least 50 employees (within a 75-mile area) before it will be required to grant leave under the federal FMLA. See 2008 regulation [29 C.F.R. § 825.108\(d\)](#).

Determining number of employees employed: Before deciding if the 50-employee threshold has been met, one must determine which entity is the “public agency” or municipal employer. Generally, a municipality is considered a single employer for purposes of determining employee eligibility. See [29 C.F.R. § 825.108\(c\)](#). Often questions arise as to whether the “municipality” includes school, sewer, water or other municipal functions, or whether these are separate employers for purposes of the FMLA. DOL regulations indicate that this determination should be made on a case by case basis and that the U.S. Bureau of Census, *Census of Governments* may be used as one guiding factor on this issue. See [29 C.F.R. § 825.108\(c\)](#) and www.census.gov/govs. Once the bounds of the municipal employer are determined, one must then determine how many “employees” that employer employs. The FMLA uses the same definition of “employee” used in the Fair Labor Standards Act. ([29 U.S.C. § 203](#)). Because there are numerous exceptions and qualifications applicable to the determination of the municipal employer and number of employees, municipalities are strongly encouraged to seek legal advice in determining if the 50-employee threshold has been met.

Counting the 12-month leave period:

The law requires employers to provide 12 workweeks of leave within a “12-month period” for all types of FMLA leave except Military Caregiver leave. Employers may choose among 4 methods to calculate the 12-month leave period provided the method chosen is applied consistently and uniformly to all employees. See [29 C.F.R. § 825.200](#). These are:

- (1) a calendar year;
- (2) any fixed 12-month year, such as a fiscal year, or a year beginning on the employee’s anniversary date;
- (3) a 12-month period measured forward from the date any employee’s first FMLA leave begins; or
- (4) a rolling 12-month period measured backward from the date an employee uses FMLA leave.

Municipal employers that have eligible employees (i.e., over 50 employees within a 75-mile radius) are encouraged to adopt a policy that notifies employees of the method the employer has chosen to measure the 12-month period. If the employer does not designate a method of calculating the leave year in advance, the employer must allow employees to use whatever counting method that would be most beneficial to the employee. [29 C.F.R. § 825.200](#). When implementing (or changing) a method of calculating the leave year, the employer must give at least 60 days notice to all employees, and the transition must take place in such a way that the employees retain the full benefit of 12 weeks of leave under whichever method affords the greatest benefit to the employee. *Id.*

Certification:

Employers may require that employees provide certification of the need for leave under the Military Exigency leave entitlement. The DOL has issued a form that may be used to certify this exigency. See [Certification of Qualifying Exigency for Military Family Leave \(Form WH-384\)](#).

Employers may require medical certification of the need for leave when leave is requested to care for the employee's family member, a covered servicemember or for the employee's own serious health condition. Generally, the employee must be allowed at least 15 days to obtain the certification. The DOL has published three new forms that may be used to obtain medical certification Individual forms were created to certify:

- (1) the employee's own serious health condition ([Form WH-380-E](#));
- (2) a family member's serious health condition ([Form WH-380-F](#));
- (3) and a covered service member's serious injury or illness ([Form-385](#)).

Second or third medical opinions are potentially available at employer expense. See the DOL's [Compliance Guide](#) for more information concerning medical certification and 2008 regulations at [29 C.F.R. § 825.305 – 825.313](#).

Recertification of the need for leave may be required generally no more often than every 30 days and only in connection with an absence. Additional guidelines and restrictions, including those relating to recertification of intermittent leave, are outlined in the regulations at [29 C.F.R. § 825.308](#) and [825.305](#).

Fitness for Duty. Pursuant to a uniformly applied policy, an employer may ask for medical certification of fitness to return to work upon completion of approved leave for the employee's own serious health condition. Any such inquiries must be consistently applied, and must be sought only in regard to the particular health condition that caused the need for leave. Under the 2008 FMLA regulations, an employer may require that the certification address the employee's ability to perform the essential functions of the job, *if* the employer provided a list of these essential functions no later than the time it provided the [Designation Notice \(Form WH-382\)](#) to the employee. In addition, the Designation Notice must have indicated that the Fitness for Duty Certification would be required to address these functions. No second or third opinions on a Fitness for Duty certification are allowed, although an employer may ask for clarification of the certification within specific limits in the regulations. See 2008 regulation, [29 C.F.R. § 825.312](#). For more information concerning certification requirements, see 2008 regulations at [29 C.F.R. §§ 825.305 – 825.313](#).

Intermittent Leave:

If medically necessary, intermittent leave or a reduced work schedule must be allowed under the federal FMLA to care for a child, parent, or spouse or for the employee's own serious health condition. Intermittent leave may also be used to care for a covered servicemember with a serious injury or illness. In addition, only the amount of leave actually used while on an intermittent/reduced leave schedule may be charged against the employee's leave entitlement. Employers may not require an employee to use more time than necessary and must account for the intermittent leave, using the smallest time segments available in their timekeeping system (which must be an hour or less). Intermittent leave for the birth or placement of a child is only available with consent of the employer. See [29 C.F.R. § 825.202 - 825.205](#).

Employer Notice Requirements:

- o All covered employers must post the DOL's **FMLA Poster/General Notice** ([Form WH-1420](#)) in a conspicuous location even if the employer has no eligible employees. (Note: the DOL has issued a new poster in conjunction with its 2008 regulations).
- o Employers with any eligible employees *must* provide the same information contained in the FMLA Poster/General Notice in any handbooks and/or any written policy materials. If the employer does not maintain policy manuals or written policy materials, the employer must provide general information on FMLA rights to new employees at the time of hire. Electronic distribution of the notice is allowed, if certain conditions are met. See new regulation [29 C.F.R. § 825.300](#).
- o Within five business days after a leave request is received, or the employer has been made aware of the employee's need for leave, the employer must give the employee a notice concerning his/her basic eligibility for leave (e.g. whether the employee has worked for the employer for 12 months, 1,250 hours and/or whether the 50 employee threshold has been met). At the same time, the employer must also furnish a notice outlining the employee's rights and responsibilities relating to FMLA leave. The notice must indicate any requirement to provide certification of the need for leave, whether military or non-military. Specific information which must be included in the notices includes: requirements relating to substitution of paid leave, key employee status, requirements for periodic reports, benefit premium payments, and several other items listed in new regulations at [29 C.F.R. § 825.300\(b\)](#). The notice of eligibility may be verbal or in writing. The DOL has created a sample form entitled,

Notice of Eligibility & Rights and Responsibilities ([Form WH-381](#)) which satisfies this employer obligation.

- Within five business days after the employer gains enough information to make a determination as to whether the requested leave qualifies as FMLA leave (e.g. medical certification has been received), the employer must provide a "**Designation Notice**" to the employee. The Designation Notice notifies the employee whether the leave will be designated as FMLA leave and counted against the employee's leave entitlement. If the employer plans to require a fitness for duty certification upon return to work, and/or if the employer will require that the certification address the essential functions of the employee's job, these requirements must be included in the Designation Notice, along with a list of those essential functions. A sample **Designation Notice** ([Form WH-382](#)) has been prepared by the DOL. See 2008 regulations, [29 C.F.R. § 825.301](#) for more details on Designation Notice requirements.
- The employer must notify the employee of the amount of leave counted against the employee's FMLA leave entitlement. If the amount of leave is known at the time the employer designates the leave as FMLA-qualifying, the employer must notify the employee of the number of hours, days, or weeks that will be counted against the employee's FMLA leave entitlement in the Designation Notice. If it is not possible to provide the information with the Designation Notice, the employer must provide notice of the amount of leave counted against the employee's FMLA leave entitlement upon the request by the employee, but no more often than once in a 30-day period and only if leave was taken in that period. The notice may be oral or in writing, but if oral notice is given, it must be confirmed in writing no later than the following payday. The written notice

may be in any form, including a notation on the employee's pay stub. See 2008 regulation 29 C.F.R. § 825.300(d)(6).

Employee Notice Obligations:

Generally, employees must provide at least 30 days notice of the need for leave that is foreseeable. See [29 C.F.R. § 825.302](#) for more detail. For unforeseeable leave, an employee or his/her spokesperson must provide notice to the employer as soon as practicable under the facts and circumstances of the particular case. The regulations provide that it generally should be practicable for the employee to provide notice of unforeseeable leave within the time prescribed by the employer's usual and customary notice requirements. See [29 C.F.R. § 825.303](#) for more detail.

Preservation of benefits:

During an approved leave, the employer must maintain the employee's group health insurance on the same terms as if the employee continued to work.

The employer is not required to maintain other non-health insurance benefits (such as life insurance) during the leave. However, the FMLA does require employers to restore an employee returning from approved leave to the same benefits he/she had prior to the leave, with no penalty or waiting periods. Thus, if an employee fails to pay his/her benefit premiums during the leave, an employer may decide to continue such benefits at its own expense during the leave or should make sure that applicable benefit plans allow immediate resumption of benefits. See the [DOL Compliance Guide](#) and 2008 regulation [29 C.F.R. §§ 825.209 – 825.215](#) for more information.

Substitution of Paid Leave:

FMLA leave is generally unpaid leave. However, employees may substitute available paid leave for otherwise unpaid FMLA leave. Employers may also require that an employee use available paid leave. Any paid leave time used by the employee does count toward the employee's FMLA leave entitlement. The 2008 regulations clarify that if an employee wants to substitute paid leave, he/she must comply with the employer's paid leave policies and procedures with respect to use of that paid leave. The employer must notify employees of any additional procedural requirements that apply to the use of paid leave in the **Notice of Rights and Responsibilities** (given to employees when leave is requested). See 2008 regulation [29 C.F.R. § 825.207](#) for more information.

Reinstatement:

Upon return from an approved leave, the employee must be reinstated to the same or an equivalent position, with the same pay, benefits, and other terms and conditions. Certain exceptions apply for "key employees." See DOL [Compliance Guide](#) for more information on key employees.

Education employees:

Special rules apply to some employees of local educational agencies, including public elementary and secondary schools. “Instructional employees” are subject to special rules when taking leave (a) more than 5 weeks prior to the end of a term; (b) less than 5 weeks prior to the end of a term; and (c) less than 3 weeks from the end of a term. For more information see: [29 C.F.R. § § 825.600 – 825.604.](#)

Discrimination:

An employer may not interfere with, restrain or deny the exercise of FMLA rights. Employees may not be discharged or discriminated against for taking leave. Nor may the use of FMLA leave be used as a negative factor in a “no fault” attendance policy or in any employment action, including hiring, promotion or disciplinary actions. See 2008 regulation, [29 C.F.R. § 825.220.](#)

Enforcement:

The FMLA is enforced by the U.S. DOL’s Employment Standards Administration, Wage and Hour Division. The agency investigates complaints of violations, and is authorized to bring action in court to compel compliance. In addition, eligible employees may bring a private lawsuit against an employer for violations. An employee is not required to file a complaint with the Wage and Hour Division prior to bringing such action. See 2008 regulations at [29 C.F.R. § 825.400 – 825.404.](#)

APPENDIX B – MAINE FAMILY MEDICAL LEAVE ACT

Maine has enacted its own Family Medical Leave Law (MFMLA) entitling eligible employees of certain employers to 10 workweeks of leave in any two-year period. (26 M.R.S.A. § 843 *et seq.*; PL 2007 c. 233) The MFMLA is modeled after the federal FMLA, but has some important differences. It is very possible that some employees could be covered under either the state or federal FMLA laws, or both. Thus, when presented with a leave request, an employer should analyze the eligibility requirements of each law separately.

Covered Employers:

Maine's FMLA applies to city, town and municipal agency employers with 25 or more employees. *See* 26 M.R.S.A. § 843(3). The law defines "employee" quite broadly, to include any person "permitted, required or directed by an employer in consideration of direct or indirect gain or profit to engage in any employment." Employee does not include an independent contractor. 26 M.R.S.A. § 843(1).

Employee Eligibility:

Employee eligibility under the MFMLA differs from the federal FMLA in three important ways:

- In order to be eligible for MFMLA leave, an employee must have worked for the same employer for at least 12 *consecutive* months (under federal law, the 12 month work requirement need not be consecutive).
- An employee must work at a permanent worksite with at least 15 employees.
- Under the MFMLA there is no 1,250 hour work requirement.

Thus, in some situations, an employee may not qualify for federal FMLA leave because the individual has not worked 1,250 hours in the previous year, but the individual may qualify for Maine FMLA leave because he/she has been employed for 12 consecutive months.

Leave Entitlement:

Under the MFMLA, an eligible employee is entitled to up to 10 workweeks of leave in a two-year period for the following reasons. Effective September 20, 2007, the Legislature added "domestic partners" to the entitlement to leave, and added a new entitlement to leave for military deaths/injuries. Effective July 18, 2008, the MFMLA includes a right to leave for the purpose of caring for a sibling. (PL 2007 c. 519).

- (1) the birth of the employee's child or the employee's domestic partner's child;
- (2) placement of a child 16 years of age or less with the employee or with the employee's domestic partner in connection with the adoption of the child by the employee or the employee's domestic partner;
- (3) A child, a domestic partner's child, parent, domestic partner, sibling or spouse with a serious health condition;
- (4) The employee's own serious health condition;
- (5) The donation of an organ of that employee for a human organ transplant;

(6) The death or serious health condition of the employee's spouse, domestic partner, parent, sibling or child if the spouse, domestic partner, parent, sibling or child as a member of the state military forces, as defined in 37-B M.R.S.A. §102, or the U.S. Armed Forces, including the National Guard and Reserves, dies or incurs a serious health condition while on active duty. PL 2007 c. 388; PL 2007 c. 261.

Serious health condition is defined in the law as an illness, injury, impairment or physical or mental condition that involves: (a) inpatient care in a hospital, hospice or residential medical care facility; or (b) continuing treatment by a health care provider. 26 M.R.S.A. § 843(6).

Domestic partner is defined as: the partner of an employee who:

- Is a mentally competent adult as is the employee;
 - o Has been legally domiciled with the employee for at least 12 months;
 - o Is not legally married to or legally separated from another individual;
 - o Is the sole partner of the employee and expects to remain so;
 - o Is not a sibling of the employee; and
 - o Is jointly responsible with the employee for each other's common welfare as evidenced by joint living arrangements, joint financial arrangements or joint ownership of real or personal property. PL 2007 c. 375.

Sibling is defined as "a sibling of an employee who is jointly responsible with the employee for each other's common welfare as evidenced by joint living arrangements and joint financial arrangements."

Intermittent Leave:

In response to a 2006 court decision that held that the MFMLA contained no requirement for intermittent leave, the Maine Legislature amended the law to allow intermittent leave in circumstances similar to the federal law. See *Brown v. Eastern Maine Medical Center*, 2006 U.S. Dist. LEXIS 50593 (D.Me. 2006); PL 2006 c. 233.

Effective September 20, 2007, the MFMLA requires covered employers to provide intermittent leave or a reduced work schedule, if medically necessary, for the employee's serious health condition, a parent, child, domestic partner or spouse with a serious health condition, or for organ donation. Intermittent leave for the birth, adoption or foster care placement of a child is available only by agreement of the employer and employee. PL 2006 c.233.

If intermittent leave is taken, the employer may temporarily transfer the employee to an available alternative position for which the employee is qualified and (1) which has equivalent pay and benefits and (2) better accommodates the intermittent leave schedule. PL 2006 c. 233.

Employee Notice/Certification:

An employee needing leave is required to give at least 30 days prior notice of the intended start and end of leave, unless prevented from giving notice by a medical emergency.

The employee may be required to provide medical certification from a physician to verify the amount of leave needed. Note that the law allows an employee that has "in good faith" relied on treatment by prayer or spiritual means, pursuant to the tenets of a recognized church or

religious denomination, to submit certification from an accredited practitioner of those healing methods. 26 M.R.S.A. § 844(1)(B).

Employers must post a poster concerning MFMLA, available from the Maine DOL.

Preservation of Benefits:

An employer must allow an employee on leave to maintain employee benefits at his/her expense. The parties may negotiate to maintain benefits at employer expense.

Restoration:

At the conclusion of an approved MFMLA leave, the employer must restore the employee to the same or an equivalent position with same seniority status, benefits, pay and other terms and conditions of employment. There is a limited exception to the employee's right to job restoration, if the employer can prove that the employee was not restored to the same or equivalent position due to conditions unrelated to the employees exercise of leave rights. 26 M.R.S.A. § 845.

Discrimination:

The use of leave may not result in the loss of any employee benefits accrued before the leave was taken. Nor may the leave result in loss of seniority or contract rights. In addition, an employer may not interfere with, restrain or deny the exercise of or the attempt to exercise any right provided under the MFMLA. Nor may an employer discharge, fine, suspend, expel, discipline or in any other manner discriminate against any employee for exercising any right under the Maine FMLA or for opposing any practice made illegal by the MFMLA. 26 M.R.S.A. § 846-7.

APPENDIX C - ELECTRONIC COMMUNICATION POLICY

The Town of Gray (“the Town”), in an age of growing technology and electronic communication, is implementing a policy to clearly define employee expectations and responsibilities.

“**System**” means all telephones, computers, facsimile machines, voicemail, e-mail, and other electronic communication, copying or data storage systems or equipment leased, owned or in the possession of the Town, including, but not limited to, any computer, computer system, or any storage device or medium that the Town provides to an employee or that is physically or electronically connected to any other part of the System. “**Electronic Communication**” means all electronic communications, data, software, files, and other information created, modified, located upon, received or transmitted by, or stored upon, any part of the System, including, but not limited to e-mail, voicemail, and Internet usage.

All parts of the System are owned by the Town and/or are provided solely for use in the Town’s business activities. All Electronic Communications are the Town’s property. The Town has the right and the ability to monitor and review all Electronic Communications at any time without notice to its employees or any other party and for any purpose whatsoever.

Town employees may not use the System, or send, receive, create or store Electronic Communications upon the System, in a manner that is illegal, disruptive to others, or that interferes with the Town’s business activities. All Town employees are prohibited from using any part of the System to harass others, or to download, obtain, display, store, receive or transmit:

- a) Any information that is sexually explicit, obscene, or of a sexual nature, that contain libelous or defamatory material, or that would not be permitted on any bulletin located on Town property;
- b) Any ethnic, racial or religious slurs, or anything that is, or may be construed as, disparagement of others based on race, color, national origin, ancestry, gender, sexual orientation, age, disability, religious or political beliefs, or any other basis prohibited by law; or
- c) Any communications that are derogatory of fellow employees (except as may be required as part of the Town’s business activities). The System may also not be used to solicit anyone for any commercial, religious, charitable, or political causes, or for outside organizations. Except as otherwise provided below, the System may not be used for any purpose that is not related to Town business.

E-mail is used to transmit and receive messages internally and externally on matters of business connected to the Town. The occasional employee use of e-mail with permissible content for personal matters is not prohibited, but is discouraged.

Voicemail is used to leave messages for employees regarding matters of a business nature. Voicemail boxes will occasionally be emptied to free up System space.

Internet Usage is to be limited to matters of business connected to the Town. The occasional use of the Internet for otherwise permissible personal matters is not prohibited, but is discouraged. Any downloading of materials or loading of programs/software onto any part of the System without permission from Town technical staff is prohibited.

The workplace activities of Town employees reflect upon, and may create liability for, the Town. The person signing as an employee below acknowledges receiving a copy of this policy and understands that the Town may take disciplinary action, up to and including termination of employment, against any employee who violates the terms of this policy as those terms may be changed and/or supplemented from time to time by the Town.

APPENDIX D – EMPLOYER / EMPLOYEE CONTRIBUTION

A. Retirement Contribution:

Ordered the Gray Town Council will match the retirement contribution amount for the town employees at 6% and will increase the contribution at 7.5% for 10 years of service, 8% for 15 years of service, 8.5% for 20 years of service and a maximum of 9% for 25 years of service and that the increase to employees retirement plan will not exceed the employee's contribution.

APPENDIX E - OPTIONAL BENEFITS

- A. Vision Plan
- B. Dental
- C. Income Protection
- D. Medical Reimbursement Plan
- E. All other Town Manager approved plans that are 100% Employee funded

APPENDIX F – INFECTIOUS DISEASE POLICY

A. Purpose

This is to establish the policy of the Town for managing infectious disease issues as they relate to employees and/or prospective employees including but not limited to the following diseases: AIDS, Chickenpox, Hepatitis A, Hepatitis B, Impetigo, Measles, Mumps, Pertussis, and Parasitic Infestations. Any employee or volunteer who could or does come into contact with bodily fluids while performing their job as a Town employee or volunteer, should immediately reference the Town Exposure Control Plan. Copies of the Exposure Control Plan are available in the Town Manager's office, as well as in the Police, Fire/Rescue, Public Works and Community Services Departments.

B. Policy

1. It is the policy of the Town to assure to the extent possible a safe and beautiful work environment.
2. It is also the policy of the Town to ensure full compliance with state, federal, and local requirements dealing with infectious diseases.
3. Town procedures shall comply with the Center for Disease Control recommendations for specific infectious diseases. These recommendations will be available through the employee's Department Head.
4. It is the obligation of all Town employees to take all reasonable precautions to protect themselves, co-workers, clients and the public from infectious diseases.
5. The Town shall make available to all employees and volunteers who have occupational exposure the Hepatitis B vaccination series and post exposure evaluation and follow-up. Please reference the Town Exposure Control Plan for detailed information on necessary procedure to follow.

C. Procedures

- 1) The Town will not discriminate against employees and/or prospective employees with infectious diseases who are otherwise qualified to perform their job functions with reasonable accommodation. Employees with infectious diseases will be treated under existing policies, state, federal, and local requirements, and collective bargaining agreements.
- 2) Where allowed by law, the Town retains the right to test employees for infectious diseases.
- 3) The Town must maintain confidentially regarding an employee's health status, and does not have a duty to inform other individual or organizations unless required by law.

- 4) Upon medical confirmation of an infectious disease that may be a threat to the public health, the affected employee has the responsibility to notify the Town's Personnel Administrator, and to carry out his or her assigned duties if reasonable accommodations can be made.
- 5) Upon notification by an employee that an infectious disease has been confirmed and is a threat to the public health, the Personnel Administrator will:
 - a) Secure, if possible, all appropriate releases for information from the employee and notify those individuals for whom those releases have been acquired.
 - b) Assist in the identification of reasonable accommodations to be made, if any.
 - c) Assist individual departments, if necessary, in complying with this policy.
 - d) The Town will treat all occupational infectious disease injuries or illnesses according to state law.
- 6) The Town will provide appropriate educational opportunities and current informational material on infectious disease issues, including prevention, protection, control measures, and treatment practices.
- 7) Individual departments have the right to develop protocols regarding infectious disease control provided that those protocols conform to this policy.
- 8) An employee cannot refuse to carry out his or her assigned duties when dealing with a co-worker or the public with an infectious disease unless that individual makes a threat of harm to the employee. Failure to adhere to this procedure will result in disciplinary action.

D. Accidental Needle Stick Procedure

Police, fire, rescue and solid waste personnel have the highest risk of exposure to needles and syringes. Exposure to a used, contaminated needle places an employee at risk for contracting an infectious disease. In the event of an accidental puncture with a contaminated needle, the procedure is as follows:

- 1) Wash the puncture site thoroughly with soap/disinfectant and water.
- 2) Report the incident to your supervisor.
- 3) Police, fire or rescue personnel must notify the medical facility receiving the patient of the incident.
- 4) Complete Incident and/or Workers Compensation forms.
- 5) Establish your potential exposure risk to infectious diseases.

- 6) Notify your Department Head to establish your:
 - a) Tetanus status,
 - b) Hepatitis B status, and
 - c) HIV exposure.
- 7) Seek further medical attention if necessary.

E. Procedure for Exposure to AIDS infection

If a Town employee is exposed to the blood or body-fluid of a known or highly suspected AIDS infected person:

- 1) Wash the exposed areas thoroughly with soap and water. Clean any spills with one (1) part bleach to ten (10) parts water solution.
- 2) Report the incident to your supervisor.
- 3) Complete the Incident and Workers Compensation forms.
- 4) Notify your Department Head as soon as possible to schedule an appointment for a voluntary blood test.
- 5) The blood test will be drawn within two weeks of the incident, six months later, and nine months later. The blood test is sent to the Maine Public Health Division in Augusta. Results are received approximately one week later. You will be notified of the test results.
- 6) If all three specimens are negative, you are considered not to be infected.
- 7) Counseling occurs with each visit or when requested, and is also available to family members and co-workers.
- 8) Emotional counseling is available through a counselor of the employee's choice and to be provided by the Town.
- 9) Strict confidence will be maintained in all incidences unless appropriate medical and/or information releases have been obtained.

APPENDIX G – EARNED PAID LEAVE (Effective January 1, 2021)

As defined by 26 MRSA Section 1043(11), The State of Maine’s Earned Paid Leave (EPL) Law requires employers with more than 10 employees to provide earned paid leave equal to or in excess of the Earned Paid Leave Law.

Covered Employees: Covered employees under the Earned Paid Leave Law include, but may not be limited to, full-time, part-time, temporary, on-call, call firefighters (under certain work events and unless excluded as outlined below), and per diem employees.

Exclusions: Employees determined to be seasonal employees by the Unemployment Insurance Commission will not accrue Earned Paid Leave during the seasonal period of June 15 – September 15. Employees, such as Election Workers and call firefighters, who are paid less than \$1,000 in a calendar year, are excluded from the Earned Paid Leave Law. Additionally, call firefighters who are only paid when they choose to respond to a fire or other emergency may also be excluded from the Earned Paid Leave Law.

Regular Full-time and Part-time Employees: The Town of Gray currently provides a benefit greater than this EPL law for its regular full-time and part-time employees through its paid vacation, sick, personal, and wellness policies. To comply with Maine’s Earned Paid Leave Law, regular full-time and part-time employees may utilize up to 40 hours of accrued vacation, sick, or personal time during the calendar year for any type of time off as needed. Employees in this classification should refer to the Town’s established paid leave policies and contact their supervisor or Human Resources for clarification.

Accrual of Earned Paid Leave (EPL): All Covered Employees, other than Regular Full-time and Regular Part-time Employees as outlined above, are entitled to earn one hour of paid leave for every 40 hours worked, up to 40 hours in one calendar year of employment. Accrual of this leave begins at the start of employment, but may only be used as set forth below. Unused EPL time will roll over and be available to the covered employee in their next year of employment. However, the maximum amount of EPL available to the covered employee will not exceed 40 hours in one calendar year.

Use of Earned Paid Leave: Once eligible employees, including probationary employees, have been employed for 120 calendar days, they may use earned paid leave in increments of a minimum of ½ hour (30 minutes) for any reason, such as illness, personal and family emergencies, personal time, and vacation. Per diem and on call employees, who sign up, accept shifts when available to work, or are called in to work, may utilize Earned Paid Leave if they need to arrive late or leave early for a shift or have signed up for a shift but are not able to make or work the shift for some unforeseen reason. Per diem and on call employees are not eligible to use EPL for days on which they have not been assigned to a shift.

Notice Requirements: Eligible employees must provide at least four weeks’ prior notice to their supervisor of their intent to use this leave, unless leave is for an emergency, illness, or other sudden necessity where advance notice may not be feasible, and then notice must be given as soon as practicable.

Restrictions of use of Earned Paid Leave: EPL may be denied or canceled by the Department Head during defined peak work periods where approval of such leave would inhibit the ability of the department to safely maintain adequate levels of service to the community.

Leave Accrual upon Separation: (1) Regular full-time and part-time employees: Any unused Earned Paid Leave will be paid to regular full-time and part-time employees at time of separation consistent with existing Town vacation, sick, and personal time policies. (2) Temporary, on-call, and per diem employees: Employees of this classification who are covered employees and not otherwise excluded from eligibility to accrue EPL will not be paid for any unused and accrued Earned Paid Leave upon separation of employment. If a temporary, on-call, or per diem employee returns to work within 365 days of their last date of employment, that employee is entitled to any unused balance of EPL.

**TOWN OF GRAY
EMPLOYEE PAID TIME OFF**

Accrual Rates

Full-Time Employees (Groups I & II)		
Years of Employment	Vacation Time per Pay Period	Sick Leave per Pay Period
Less than 5 years of Service	3.08 hours per pay period	3.692 hours per pay period
5-10 Years of Service	4.62 hours per pay period	<i>See above</i>
10 Years of Service or More	6.16 hours per pay period	<i>See above</i>

Part-Time Employees (Group III)		
Years of Employment	Vacation Time per Pay Period	Sick Leave per Pay Period
Less than 5 years of Service	.0385 hours per hour worked	.04615 hours per hour worked
5-10 Years of Service	<i>See above</i>	<i>See above</i>
10 Years of Service or More	<i>See above</i>	<i>See above</i>

Vacation Time Accrual Cap

Full-Time and Part-Time Employees (Groups I-III)		
Years of Employment	Maximum Vacation Time	Notes
Less than 5 years of Service	Two weeks (80 hours)	Accrual ceases at employee's individual limit at left. Time paid out upon separation.
5-10 Years of Service	Three weeks (120 hours)	Accrual ceases at employee's individual limit at left. Time paid out upon separation.
10 Years of Service or More	Four weeks (160 hours)	Accrual ceases at employee's individual limit at left. Time paid out upon separation.

Sick Time Accrual Cap

Full-Time and Part-Time Employees (Groups I-III)		
Years of Employment	Maximum Sick Time	Notes
Less than 5 years of Service	960 hours	Employees who have an excess of this cap as of October 1, 2022 will maintain their sick time hours until the accrued hours may fall below 960 hours.
5-10 Years of Service	<i>See above</i>	<i>See above</i>
10 Years of Service or More	<i>See above</i>	<i>See above</i>

Payout for Accumulated Sick Time

Full-time Employees Only (Groups I & II)		
Years of Employment	Payout Amount	Notes
Less than 5 years of Service	0	No sick time paid out upon separation of employment.
5-10 Years of Service	50% of accrued sick time amount, 200 hours maximum	Employee must be in good standing with the Town.
10 Years of Service or More	50% of accrued sick time amount, 360 hours maximum	Employee must be in good standing with the Town.

Personal Time

Full-time Employees Only (Groups I & II)		
Years of Employment	Time Received each Year	Notes
Less than 5 years of Service	16 hours	Personal time does not accrue year to year and is not subject to payout upon separation.
5-10 Years of Service	<i>See above</i>	<i>See above</i>
10 Years of Service or More	<i>See above</i>	<i>See above</i>

Bereavement Time

Full-Time and Part-Time Employees (Groups I-III)		
Years of Employment	Bereavement Time	Notes
Less than 5 years of Service	Up to 3 days of absence caused by the death of a member of the immediate family	See definitions portion of the Personnel Policy.
5-10 Years of Service	<i>See above</i>	<i>See above</i>
10 Years of Service or More	<i>See above</i>	<i>See above</i>

Earned Paid Leave

Covered Employees	EPL Accrual and Utilization	Notes
Groups I-III (Full-Time and Part-Time Employees)	Up to 40 hours of accrued vacation, sick, or personal time may be used during the calendar year for any type of time off as needed.	Refer to the Town's established paid leave policies for more information.
Group IV (All temporary, seasonal, and per diem employees)	Entitled to earn one hour of paid leave for every 40 hours worked, up to 40 hours in one year. After 120 days of employment, EPL time may be used in 30-min increments for any reason.	Accrual of this leave begins at the start of employment. Refer to EPL section above for requirements, exclusions, and restrictions.

Digest of Amendments

Originally Adopted March 1, 1979

Amended

December 21, 1999

September 18, 2001

December 4, 2001

April 6, 2004

January 6, 2009

February 17, 2009

July 7, 2009

February 2, 2010

February 21, 2012

February 18, 2020

June 7, 2022

Repealed and Replaced including Appendices

Acknowledgment

I acknowledge that I have received a copy of the Town Personnel Policy, and I do commit to read and follow these policies.

I am aware that if, at any time, I have questions regarding Town policies I should direct them to my Department Head or the FinanceHuman Resources Department.

I know that Town policies and other related documents do not form a contract of employment and are not a guarantee by Town of the conditions and benefits that are described within them. Nevertheless, the provisions of such Town policies are incorporated into the acknowledgment, and I agree that I shall abide by its provisions.

I also am aware that Town of Gray, at any time, may on reasonable notice, change, add to, or delete from the provisions of the Town policies for which I will be notified.

Employee's Printed Name

Position

Employee's Signature

Date



TOWN OF GRAY

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

OFFICE OF THE ASSESSOR

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

To: Town Council
From: Lauren Asselin
Date: December 7, 2022
Subject: Foreclosure Waivers

The Notice of Foreclosure letters are scheduled to be sent out this month. The automatic foreclosure date is January 20, 2023. I am requesting that Council authorize the recording of a Waiver of Foreclosure for the following two properties if the delinquent taxes are not paid in full by January 19, 2023.

1. Liberty Oil Service Inc: described as Tax Map 035, Lot 025-036-000, Account #1410, located at 40 Lewiston Road.

This is a commercial building located on leased land. If the Town were to foreclose, we would have no legal access to this building.

2. Deborah J. White: described as Tax Map 027, Lot 020-011-011, Account #969, located at 11 Maplewood Park.

This is a mobile home located at Maplewood Park. If the Town were to foreclose, not only would it create a liability for the Town, but we would be responsible for lot rent.

Council authorizes the Town Treasurer to prepare and record at the Cumberland County Registry of Deeds a waiver of foreclosure of the 2021 tax lien on property assessed to Liberty Oil Service Inc: described as Tax Map 035, Lot 025-036-000, Account #1410, located at 40 Lewiston Road.

Council authorizes the Town Treasurer to prepare and record at the Cumberland County Registry of Deeds a waiver of foreclosure of the 2021 tax lien on property assessed to Deborah J. White: described as Tax Map 027, Lot 020-011-011, Account #969, located at 11 Maplewood Park.

TOWN OF GRAY
FEE SCHEDULE FY 2023

DRAFT 12/20/2022

	Fees
TOWN OFFICE-CLERK/TREASURE	
Motor Vehicle Registrations	
Excise rates are determined at the State level as well as all other mandated fees.	
Agent fees are traditionally set at the highest rate allowed by the State.	
Vital Records (Birth, Death, Marriage)	
Rates are determined at the State level.	
Dog Licenses	
Rates are determined at the State level (including late fee assessed on February 1st annually).	
Ordinance mandated fee for unregistered dogs (maximum)	\$100.00
Impound fee for at-large dogs	\$90 (previously 25)
Inland Fisheries & Wildlife Licenses (Hunting, Fishing)	
Rates are determined at the State level.	
Recreational Vehicle Registrations (Boat, Airplane, ATVs, Snowmobiles)	
Excise rates are determined at the State level as well as all other mandated fees.	
Agent fees are traditionally set at the highest rate suggested by the State.	
Ordinance-Mandated Licenses/Permits	
Automobile Graveyard and Auto Recycling Permit* ("Junk Yards")	\$50.00
Games of Chance License*-Rates are determined at the State level.	
Liquor License* (Off-premise Caterer)	\$10.00
Special Amusement Permit*	\$250.00
Liquor License*	\$30.00
Mass Gathering Application Fee* (non-refundable)	\$25.00
Mass Gathering Permit Fee*	\$200.00
Massage License (New)-Therapist Or Establishment Or Combination*	\$150.00
Massage License (Renewal)-Therapist Or Establishment Or Combination*	\$50.00
Mobile Vendor License (Resident)*	\$25.00
Mobile Vendor License (Non-Resident)*	\$50.00
Farmer's Market License	
Private Property Annually	\$15.00
Vendor Fee (Per Each)	\$10.00
Public Property Annually	\$35.00
Vendor Fee (Per Each)	\$15.00
Food Truck License	
Resident	\$25.00
Non Resident	\$50.00
Advertising Fee	\$100.00
Farm Stand-Annual License	\$50.00
Home Solicitation License (Resident)*	\$25.00
Home Solicitation License (Non-Resident)*	\$50.00
Professional Fireworks Display	\$400.00
Short Term Rental Registration Fee per STR	\$25.00
Waste Haulers License	\$200.00
Tax Lien Fees (Record, discharge, demand, postage)	
Rates are determined at the State level.	

TOWN OF GRAY
FEE SCHEDULE FY 2023

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Postage and demand fees are traditionally set at the highest rate allowed by the State.	
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TOWN OF GRAY
FEE SCHEDULE FY 2023

DRAFT 12/20/2022

	Fees
TOWN OFFICE-CLERK/TREASURE (continued)	
Miscellaneous Clerk Fees	
Abutter Notifications (per abutter) (required if any Mass Gathering Permit Fee is waived)	Current rate set by USPS for
Advertising (for all applications which require a Public Hearing)(per ad)*	\$100.00
Copies-Black and White (per page)	\$0.50
Copies-Color (per page)	\$1.00
Fax (per page) (including vehicle insurance cards)	\$1.00
Information Requests (FOIA, FOAA, etc)-First hour	\$0.00
Information Requests (FOIA, FOAA, etc)-After the first hour	Highest rate allowed by State
Non-Violation Land Use Consent Agreement (includes all out-of-pocket fees/expenses)	\$500.00
Electronic or Hard Copy (Voter List) (as allowed by law)	Highest rate allowed by State
Electronic Version of Database(s) (Dog Owners, Taxpayers/Property Information, etc)	\$35.00
Mailing Labels (Voter List, Dog Owners, Taxpayers) (initial fee)	\$25.00
Mailing Labels (Voter List, Dog Owners, Taxpayers) (per label)	\$0.05
Notary Public (per signature page)	\$2.00
Pole Permit (as allowed by law)	
Returned Check (per occurrence)	\$25.00
Winter Maintenance Road Application (includes Registry of Deeds filing fee) (may be subject to separate Review escrow)	\$50.00
*Indicates that the additional Advertising fee is required.	
COMMUNICATIONS INFORMATION	
GCTV	
Determined by GCTV Policy.	
Copies of meetings (per disk)	\$10.00
Website (definitions attached)	
Sponsorship Fees-Business (annually)	\$120.00
Sponsorship Fees-Organization/Religious (annually)	\$60.00
RECYCLING & SOLID WASTE	
Asphalt Roofing (per cubic yard)	\$40.00
Brush/Limbs/Tree parts (per cubic yard)	\$5.00
Carpet (per cubic yard)	\$10.00
Demolition Debris (per cubic yard)	\$25.00
Demolition Wood (per cubic yard)	\$10.00
Freon Units	\$14.00
Leaves/Grass (per cubic yard)	\$3.00
Mattresses (per piece)	\$5.00
Recycling Disposal Sticker (Resident)	\$5.00
Chair	\$8.00
Love Seat	\$10.00
Sofa up to 6 feet	\$15.00
Televisions	\$5.00-\$10.00
Tires-Off Rim	\$2.00
Tires-On Rim	\$4.00

TOWN OF GRAY
FEE SCHEDULE FY 2023

DRAFT 12/20/2022

	Fees
PUBLIC WORKS	
Private Road & Sign	
Sign	\$60.00
Post	\$35.00
Bracket/Hardware	\$25.00
Install	\$80.00
GRAY PUBLIC LIBRARY	
Copies-Black and White (per page)	\$0.50
Faxes-outgoing/incoming (per page)	\$1.00
Library Card (Non-Resident)	\$30.00
Library Card (Resident)	
Replacement Card	\$3.00
Lost Items (per incident)	List Price of Item + \$3.00
Billed Items (14-days past due date) per incident	\$3.00
Late Return (Item(s) returned 14 to 45 days past due date) per incident	\$3.00
Lost Items (45-days past due date; item ineligible for return) per incident	\$3.00
Scanning (per job)	\$1.00
RECREATION	
All program fees are determined based on program details and budgets as posted and pre-approved by the Recreation Director and the Town Manager.	

TOWN OF GRAY
FEE SCHEDULE FY 2023

DRAFT 12/20/2022

	Fees
PUBLIC SAFETY	
Rescue Services	
Advanced Life Support(ALS)(Base Rate) (formerly Paramedic, Intermediate Care)	\$1000.00
Basic Life Support(BLS) (Base Rate)	\$700.00
Controlled Burns (Base Rate)	\$500.00
Cardiac Monitoring (Flat Rate)	\$100.00
IV Treatment (Flat Rate)	\$100.00
Oxygen (Flat Rate)	\$50.00
ALS Intercept (providing ALS care to another community)	\$300.00
Advanced Airway Care	\$100.00
ALS #2 (when 3 or more medications are used)	\$1,400.00
ALS Non-Emergency (ALS on board during routine BLS call)	\$625.00
Defibrillation	\$50.00
EMS Transports (per mile)	\$20 (previously 18)
Medical Records (first page)	\$5.00 first page + \$.45 each
On Scene Treatment without transport	\$150.00
Motor Vehicle Crashes	
Level 1 - Fire Department mitigation with clean-up of damage to public way.	\$500.00
Level 2 - Level 1 plus medical assistance using collar, long board, extrication, tools needed for patient care and scene safety.	\$600.00
Level 3 - Level 1 and 2 plus utilization of hydraulic devices, extrication equipment, lifting bags, stabilization and technical rescue tools including heavy rescue apparatus.	\$1,800.00
Level 4 - Any incident requiring the use of Medical helicopter; includes setting up a landing zone and ensuring landing zone safety, including levels 1, 2 or 3.	\$2,100.00
Fire Department	
Aerial/Ladder Truck (per hour)	\$200.00
Chimney Fire (3rd & subsequent times within a 12-month period)	\$100.00
Command Van (per hour)	\$100.00
Hazardous Materials Incident (damaged or non-reusable equipment and supplies)	Individually determined based on
False Fire Alarm (3rd time within a 12-month period)	\$50.00
False Fire Alarm (4th & subsequent times within a 12-month period)	\$100.00
Fire and EMS report (per copy)	\$20.00
Forestry Units (per hour)	\$100.00
Personnel Labor (per hour)	\$45.00
Pumper Truck (per hour)	\$125.00
Ambulance (per hour)	\$100.00
Heavy Rescue (per hour)	\$125.00
Tank Truck (per hour)	\$100.00
Utility Truck (per hour)	\$50.00

TOWN OF GRAY
FEE SCHEDULE FY 2023

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	Fees
PUBLIC FACILITIES RENTAL	
Recreation	
Newbegin Community Gymnasium	
Local For-Profit Organization	\$55/hr or three hours for \$115.00
Local Non-Profit Organization	\$40/hr or three hours for \$85.00
Non-Local For-Profit Organization	\$65/hr or three hours for \$140.00
Non-Local Non-Profit Organization	\$50/hr or three hours for \$105.00
Beach Volleyball Court-1 Court (per hour)	
Local For-Profit Organization	\$15.00
Local Non-Profit Organization	\$10.00
Non-Local For-Profit Organization	\$20.00
Non-Local Non-Profit Organization	\$15.00
Beach Volleyball Court Lights-1 Court (per hour)	
Local For-Profit Organization	\$20.00
Local Non-Profit Organization	\$15.00
Non-Local For-Profit Organization	\$30.00
Non-Local Non-Profit Organization	\$25.00
Beach Volleyball Court-2 Court (per hour)	
Local For-Profit Organization	\$25.00
Local Non-Profit Organization	\$20.00
Non-Local For-Profit Organization	\$35.00
Non-Local Non-Profit Organization	\$30.00
Beach Volleyball Court Lights-2 Court (per hour)	
Local For-Profit Organization	\$30.00
Local Non-Profit Organization	\$25.00
Non-Local For-Profit Organization	\$40.00
Non-Local Non-Profit Organization	\$35.00
Douglas or Pennell Ball Field Rental (per hour)	
Local For-Profit Organization	\$25.00
Local Non-Profit Organization	\$0.00
Non-Local For-Profit Organization	\$35.00
Non-Local Non-Profit Organization	\$0.00

TOWN OF GRAY
FEE SCHEDULE FY 2023

DRAFT 12/20/2022

	Fees
PUBLIC FACILITIES RENTAL (continued)	
Newbegin Rec Room	
Local For-Profit Organization	\$75/hr or three hours for \$158.00
Local Non-Profit Organization	\$60/hr or three hours for \$126.00
Non-Local For-Profit Organization	\$85/hr or three hours for \$179.00
Non-Local Non-Profit Organization	\$70/hr or three hours for \$147.00
Newbegin Softball Field (per hour)	
Outdoor Basketball Courts (per hour)	
Local For-Profit Organization	\$15.00
Local Non-Profit Organization	\$10.00
Non-Local For-Profit Organization	\$20.00
Non-Local Non-Profit Organization	\$15.00
Pennell Snack Shack (per hour)	
Local For-Profit Organization	\$15.00
Local Non-Profit Organization	\$0.00
Non-Local For-Profit Organization	\$30.00
Non-Local Non-Profit Organization	\$0.00
Security Deposit--Newbegin Rec Room rental requires a \$200 security deposit per rental. All other facility rentals require a \$100 security deposit per rental.	
Library	
Small Meeting Room-Non-Profit/Community Organizations (per hour)	\$0.00
Small Meeting Room-For-Profit Organizations (per hour)	\$40.00
Large Meeting Room-Non-Profit/Community Organizations (per hour)	\$0.00
Large Meeting Room-For-Profit Organizations (per hour)	\$40.00

TOWN OF GRAY
FEE SCHEDULE FY 2023

DRAFT 12/20/2022

	Fees
COMMUNITY DEVELOPMENT	
Administrative	
Copies-8.5 x 11 (letter-black) (per page)	\$0.50
Copies-8.5 x 11 (letter-color) (per page)	\$1.00
Copies-11 x 17 (legal/ledger-black) (per page)	\$1.00
Copies-11 x 17 (legal/ledger-color) (per page)	\$1.50
Copies-24 x 36 (Black) (per page) (Town documents ONLY)	\$5.00
Copies-24 x 36 (Color) (per page) (Town documents ONLY)	\$7.00
Copies-36 x 48 (Black) (per page) (Town documents ONLY)	\$10.00
Copies-36 x 48 (Color) (per page) (Town documents ONLY)	\$15.00
Copies-Deeds (per page)	\$1.00
Copies-(Town street maps)	\$3.00
Copies-Ordinance-Subdivision, Zoning & Shoreland Zoning ONLY	\$20.00
Copies-Ordinance-All other Ordinances	\$10.00
Copies-Disk-All Ordinances	\$40.00
E-mail/scan or fax of tax/property information (per page) (prepayment required)	\$1.00
Electronic Version of Database(s) (Taxpayers/Property Information, etc)	\$35.00
Research Requests (mortgage information verification, etc) (first 15 Minutes)	\$35.00
Research Requests (mortgage information verification, etc) (Every 30 minutes after the first 15 Minutes)	\$35.00
PLANNING BOARD (PB)/STAFF REVIEW COMMITTEE (SRC)	
Abutter Notifications (per abutter)	\$8.00
Legal Advertising (per ad)	\$100.00
Planning Review & Escrow Fees	Please see attached
ZONING BOARD OF APPEALS (ZBA)	
Administrative Appeal (includes legal advertising and abutter notifications)	\$500 (previously 300)
Variance Application (includes legal advertising and abutter notifications)	\$500 (previously 300)

TOWN OF GRAY
FEE SCHEDULE FY 2023

DRAFT 12/20/2022

	Fees
CODE ENFORCEMENT	
All Work done without a Permit is subject to double the normal permit fee or \$100.00 (whichever is greater)	Minimum of \$100.00
Building	
Building Permit Admin Fee	\$25.00
Permit Fee (minimum)	\$25.00
Permit (per square feet)	
Foundation/Unfinished/Decks/Sheds etc.	\$0.30
Residential-Other Finished Space	\$0.35
Commercial-Other Finished Space	\$0.45
New Dwelling Unit (Per Each)	\$400.00
Mobile Home Units	\$400.00
Permit Renewal (one-time only)	\$100.00
Certificate of Occupancy-Residential	\$50.00
Certificate of Occupancy-Commercial	\$100.00
Chimney	\$50.00
Commercial Solar Energy Installation Permit (per acre)	\$500.00
Residential Solar Permit	\$150.00
Demolition	\$100.00
Heating System	\$50.00
Re-inspection (2nd & subsequent times)	\$50.00
Electrical	
Additional Meters/Subpanels/Generators	\$50.00
Minimum Wiring Fee	\$50.00
Electrical Service	\$50.00
Sheds 120 sq ft & under	\$25.00
Wiring Permit (per square feet)	\$0.08
Plumbing/Subsurface Wastewater Disposal	
Interior Plumbing Fixture Fee	\$10.00 per fixture (minimum of 4 fixtures) plus \$25.00 admin fee

TOWN OF GRAY
FEE SCHEDULE FY 2023

DRAFT 12/20/2022

	Fees
CODE ENFORCEMENT (continued)	
Sub-surface Wastewater Disposal Permit Fee	
Complete engineered system	\$225.00
Complete non-engineered system	\$275.00
Primitive system	\$125.00
Separate grey waste disposal field	\$60.00
Seasonal conversion permit	\$75.00
First time variance	\$45.00
DEP's complete system surcharge	\$15.00
Separate Parts of Disposal System Permit Fee	
Alternative toilet only	\$75.00
Disposal field only (engineered system)	\$175.00
Disposal field only (non-engineered system)	\$175.00
Treatment tank only (non-engineered system)	\$175.00
Treatment tank only (engineered system)	\$105.00
Holding Tank	\$125.00
Other components (pump station, piping, etc)	\$55.00
Rates are determined at the State level.	
Town fees are traditionally set at the highest rate allowed by the State.	
Gravel Pit	
Permit Application (subject to additional Planning Review Fees)	\$250.00
Annual Permit Renewal	\$100.00
Expansion of Pit	\$300.00
Penalty Fee (failure to submit required paperwork)	\$100.00

TOWN OF GRAY
FEE SCHEDULE FY 2023

DRAFT 12/20/2022

	Fees
CODE ENFORCEMENT (continued)	
Ordinance-Mandated Licenses/Permits	
Flood Hazard Development Permit	\$50.00
Hazardous Material Control-Annual Permit (Class I-Class V)	\$150.00
Hazardous Material Control-Permit (subject to Planning Review Escrow)	\$350.00
Mobile Home Park-Annual License	\$200.00
Mobile Home Park-Permit Application	\$500.00
Mobile Home Park-Revision to plan	\$250.00
Wireless Telecommunications-Application Review	\$500.00
Wireless Telecommunications-Planning Board Application Fees	\$250.00
Wireless Telecommunications-Amendments to plan	\$250.00
Wireless Telecommunications-CEO Application	\$400.00
Violation Land Use Consent Agreement (includes all out of pocket fees/expenses)	Up to the Highest rate allowed per Town Council Order
Miscellaneous Permits	
Dock	\$50.00
Driveway Opening	\$100.00
Home Occupation	\$50.00
Shoreland Zoning Application Minor Unfinished Structure up to 120 sq ft/minor landscape	\$50.00
Shoreland Zoning Application Major	\$150.00
Sign Permits (per sign)	\$50.00
Swimming Pool (Plus Applicable Permit Fees)	\$100.00
Tree Removal (Flat Rate)	\$75.00

Planning Board/Staff Review Committee Fee Schedule FY 2023

APPLICATION	PLANNING REVIEW (Fee)	ENGINEERING or LEGAL REVIEW (Escrow)
SITE PLAN REVIEW		
Site Plan Review-Minor* Site Plan Review-Major*	\$450 \$550	Structures and Associated Site Work 2,000 – 5,000 sf.; \$2,500 5,001 – 15,000 sf.; \$5,000 15,001 – 35,000 sf.; \$4,000 35,000 sf.+; to be determined Multi-Family and Condos Up to 6 units; \$2,000 7 – 15 units; \$3,000 16 – 30 units; \$4,000 30+ units; to be determined
SUBDIVISION		
Sketch Plan	\$250	
Minor Subdivision*	\$200 / Lot	\$500
Preliminary Major Subdivision*	\$125 / Lot or Dwelling unit	5 – 10 lots / DU; \$2,500 11 – 15 lots / DU; \$3,000 16 – 30 lots / DU; \$3,500 30+ lots; to be determined
Final Major Subdivision*	\$550	
CONDITIONAL USE		
Pre-application Conference	\$250	
Conditional Use Only*	\$350	\$150
MULTIPLE REVIEWS		
Sketch Plan Review for Residential Subdivision and Site Plan Review*	\$450	See above fees for Subdivision
Sketch Plan Review for Commercial Subdivision and Site Plan Review*	\$550	See above fees for Subdivision
Conditional Use plus Minor Site Plan Review*	\$550	\$200
Conditional Use plus Major Site Plan Review*	\$750	\$250

TOWN OF GRAY
FEE SCHEDULE FY 2023

DRAFT 12/20/2022

OTHER		
Pre-Project Staff Consultation	No Charge First Hour \$75 / each additional hour	\$150
Pre-Application Conference	\$250	
Planning Board Workshop	\$250	
Development Team Meeting	\$150	
Planning Board Shoreland Zoning Permit Application*	\$250	
Gravel Pit*	\$750	\$1,000
Rezoning Requests*	\$550	
Contract Zone Requests*	\$750	\$1,000
Contract Zone Requests* substantive revised submittal	\$200 each	
Extension (1-year) of Approved Plan with No Amendments*	\$200	
Planning Board Site Plan Review/Subdivision Plan Amendments per item changed*	\$350	
*Notification of Abutters and Legal Advertisement Required	Refer to Fee Schedule for Planning Board	

Nathaniel Rudy

From: Animal Control Officer
Sent: Thursday, December 15, 2022 1:41 PM
To: Nathaniel Rudy
Subject: Animal impound fee ARLGP

Hi Nate,

Below are similar (in distance) municipalities to Animal Refuge League on Stroutwater Street in Westbrook.

I used the town office from each town as a base for starting mileage and listed the impound fee for that town with the mileage for comparison purposes.

Gray 18.6 miles 1st \$25 2nd \$40 3rd \$50

Hollis 15.5 Miles \$90 all offenses

Raymond 25.7 Miles 1st \$50 2nd \$75 3rd \$100

Casco 30.5 miles 1st \$50 2nd \$100 3rd \$125

The average fee for second offenses and Hollis' straight fee of \$90 is \$88.00 I do have the authority to waive the impound fee for a citizen for extenuating circumstances. I make every effort to reunite At-large dogs with their owners and sometimes hold dogs in my custody

for a few hours when I'm available to do so. Most occurrences of a dog being brought to the shelter is for repeat offender cases where the owner has been warned and this is likely their 2nd or 3rd offense of a dog being atlarge. Other reasons may be that the owner has been incarcerated, owner has been detained by CCSO or state police, or the owner has passed away and there is no available next of kin (fee waved). Our current \$25 fee does not cover the towns fuel and labor time to transport the animal to the shelter. I would like to propose we adjust the fee to \$90 per every offense unless otherwise waved for special circumstances. Adjusting this fee will cover our costs and help correct at-large occurrences in the future. I do have the authority to summons an owner to court for an atlarge dog but the cost for an animal control officer to take a day in court often two if the defendant pleads not guilty is higher than the state fine itself. By state law all impound fees are collected at the shelter by the shelter and forwarded to the town of Gray for our animal welfare account.

If you need any further info please let me know.

Regards,

Jon Powers

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

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

PUBLIC SAFETY DEPARTMENT

Kurt Elkanich
Kelkanich@graymaine.org
(207) 657-3931

Medical Billing Rates:

Dear Council members,

Due to an expected rise in the costs for medical supplies, I am requesting the council to consider the recommendation made by our billing company, raising our billing rates as attached. This will help counter the rising prices we expect to see in our purchase of medical supplies, while keeping us in line with our surrounding communities.

It is also important to note that we have not reviewed our billing rates since 2019.

Kurt Elkanich

MEDICAL REIMBURSEMENT SERVICES

PO BOX 1810, WINDHAM, ME 04062

PHONE (800) 734-6677

December 2, 2022

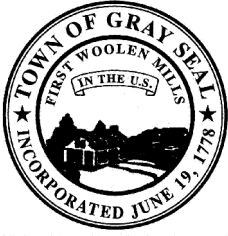
Gray Rescue,

Here are your current rates along with our recommendation for an increase. Please keep in mind about 60% of your transports are with Medicare and MaineCare which you have a participating agreement with. What this means is you will not see any more monies from these insurance companies, but you will see an increase in all other insurance companies. We have not done an increase since before we took over your billing in August of 2019.

<u>Service</u>	<u>Current Rate</u>	<u>Recommended Rate</u>
Miles (A0425)	\$16	\$20
BLS (A0429)	\$600	\$700
ALS (A0427)	\$850	\$1,000
ALS 2 (A0433)	\$1,200	\$1,400

<u>Charge</u>	<u>Naples</u>	<u>Windham</u>	<u>Raymond</u>	<u>Casco</u>	<u>Standish</u>
Miles	\$16	\$18	\$20	\$16	\$16
BLS RATE	\$600	\$700	\$700	\$600	\$700
ALS RATE	\$900	\$1,000	\$1,000	\$900	\$900
ALS2 RATE	\$1,200	\$1,400	\$1,400	\$1,200	\$1,300

Please let me know if you have any questions.
Shawn McPherson



TOWN OF GRAY

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

CODE ENFORCEMENT OFFICE
Tammy Munson, Lead Code Enforcement Officer
ceo@graymaine.org

MEMORANDUM

Date: 12/15/2022

To: Members of the Town Council

From: Tammy Munson, Lead Code Enforcement Officer

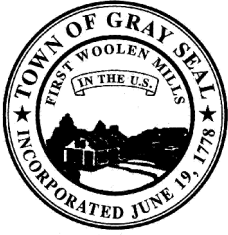
Re: Board of Appeals Fee Adjustment

The Town of Gray has seen a higher demand for variance requests. Based on the staff preparation time, preparing supporting items for packet information/distribution, the increase in advertising fees, and mailings, the Town is not recovering the costs associated with applications. This process has become an expense to the Town.

The current fee is \$300 per ZBA application. We are requesting the Council adjust this fee to \$500 for the Town to recover the expenses associated with processing these applications. The Appeals process offers relief of the requirements of local ordinances, often benefiting the applicant. This relief should not be at the expense of the taxpayers of the Town of Gray.

ZBA FEE CHANGES

COMMUNITY DEVELOPMENT		
Administrative		
Copies-8.5 x 11 (letter-black) (per page)	\$0.50	
Copies-8.5 x 11 (letter-color) (per page)	\$1.00	
Copies-11 x 17 (legal/ledger-black) (per page)	\$1.00	
Copies-11 x 17 (legal/ledger-color) (per page)	\$1.50	
Copies-24 x 36 (Black) (per page) (Town documents ONLY)	\$5.00	
Copies-24 x 36 (Color) (per page) (Town documents ONLY)	\$7.00	
Copies-36 x 48 (Black) (per page) (Town documents ONLY)	\$10.00	
Copies-36 x 48 (Color) (per page) (Town documents ONLY)	\$15.00	
Copies-Deeds (per page)	\$1.00	
Copies-(Town street maps)	\$3.00	
Copies-Ordinance-Subdivision, Zoning & Shoreland Zoning ONLY	\$20.00	
Copies-Ordinance-All other Ordinances	\$10.00	
Copies-Disk-All Ordinances	\$40.00	
E-mail/scan or fax of tax/property information (per page) (prepayment required)	\$1.00	
Electronic Version of Database(s) (Taxpayers/Property Information, etc)	\$35.00	
Research Requests (mortgage information verification, etc) (first 15 Minutes)	\$35.00	
Research Requests (mortgage information verification, etc) (Every 30 minutes after the first 15 Minutes)	\$35.00	
PLANNING BOARD (PB)/STAFF REVIEW COMMITTEE (SRC)		
Abutter Notifications (per abutter)	\$8.00	
Legal Advertising (per ad)	\$100.00	
Planning Review & Escrow Fees	Please see attached	
ZONING BOARD OF APPEALS (ZBA)		
Administrative Appeal (includes legal advertising and abutter notifications)	\$300.00	\$500.00
Variance Application (includes legal advertising and abutter notifications)	\$300.00	\$500.00
	Fees	Proposed Changes



TOWN OF GRAY

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

CODE ENFORCEMENT OFFICE
Tammy Munson, Lead Code Enforcement Officer
ceo@graymaine.org

Increase the ZBA Application Fee:

To Review and approve increasing the ZBA Application fee to \$500, beginning January 1st, 2023.

Proposed motion:

Ordered, the Gray Town Council Approves Increasing the ZBA Application fee to \$500, Beginning January 1st, 2023.



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 14, 2022

Town Manager (TM) Report to Town Council (12/1/2022 – 12/14/2022):

- 12/1: TM attended Maine Municipal Association (MMA) Legislative Policy Committee (LPC) meeting to discuss priorities for state lobbying on behalf of municipal government.
- 12/7: TM attended a Civility training webinar hosted by the National League of Cities.
- 12/8: TM attended a webinar on discrimination issues affecting older people hosted by the Maine Council on Aging (MCOA)
- 12/8: TM participated in a Volunteer Maine Commission Grant Task Force discussion via remote meeting.
- 12/12: TM participated in an MCOA Board Meeting via remote meeting.
- 12/13: TM attended Planning Board and Zoning Board of Appeals training hosted remotely by MMA.

Upcoming:

- I am working with the Finance Director to provide recommendations for Fiscal Policy revisions to Council for your guidance to us and to the Finance Committee.
- Town Department Heads will start their department budget review to prepare FY24 funding requests for Council review.
- Town Council will hold a special workshop meeting on December 14 which will include review of the Principle Group's final version of the Gray Village Master Plan.
- The Brownfields Advisory Committee will meet on Thursday, December 15.
- Town Manager will attend a wreath laying ceremony for veterans at the Gray Cemetery on Saturday, December 17.
- Town staff will observe the Holiday Break on the weekend of Friday, December 23 through Monday, December 26, with holiday schedules varying by department.
- Town staff will observe the New Year's Day holiday, with holiday schedules varying by department.

Other activities:

- TM and Department Heads are finalizing staff goal setting for FY23 (November 1, 2022 – October 31, 2023) using goals set by Council as part of the retreat and goal setting exercise.

- I am coordinating between the Principle Group, Council, and Town staff on matters related to Gray Village planning, Main Street planning, and the Yarmouth Road construction project.
- The Deputy Town Clerk resigned effective December 16, and the Human Resources Director and I are interviewing candidates for this position and the vacant Town Clerk position.
- 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.

Gray, ME - November 2022: Gray CEDC hosted two Community Forums for Businesses

Members of the Community and Economic Development Committee offered a series of forums this month for business in Gray to air ideas about community development happenings in the town and to shape a vision for an ideal business ecosystem for Gray. The CEDC is eager to integrate the community's ideas into their activities for the next three years. The Town Manager, Nate Rudy, and Community Planner, Kristen Muzsynski, initiated the Business Forum idea to gather ideas from the business community. This article is an overview of those meetings and a recap of the ideas.

Those that attended one of the two meetings included: Jenn and Tom Esty (Localcentric and Human Nature), Mary Sweeney-Underwood (Local Artisan), Rod Pooler (True Value), Eliza Watson and Cindy Langley (Two Mums Kitchen), Sam Phifle (West Gray Creative and the School Board), Lisa Lehne-Gilmore, Tricia Kitteridge (Gray Urgent Care), Dennis Steiner (retired and member of the Ordinance Review Committee), Brad Skilling (Skilling Excavation), Mike Sangello (Portland Percussion), Judd Newcome and Rip Patten from Credere, Robin Mullens (Sebago Lakes Region Chamber of Commerce), Schelene Schevchenko (CEDC Chair), Lacy Antonson (CEDC and Wild Blueberry Festival), Rachel Lyn Rumsn (CEDC, Gray Village Farmers Market, 207permaculture), Nate Rudy (Town Manager) and Kristen Muzsynski (Community Planner). The events were hosted at the Gray Public Library and on Zoom. They were facilitated by Rachel Lyn Rumson and the CEDC provided refreshment from Zilli's Small Batch Bakery.

At each meeting the chairs were arranged in a circle with a live zoom projection and an interactive miro board to guide the conversation. (See below for links to the miro boards, where you can add your comments.) The forums opened with a review of the charge of the CEDC and introductions around the circle. Each participant introduced themselves. To kick off the conversation the facilitator asked people if they agreed or disagreed with the statement that "Change is Good for Gray," Nearly all said yes and those that were neutral on it offered up some nuance to the notion. Following this, there was an overview of developments in Town including the Brownfields Assessment Project, DOT Construction on 115/Village ReDesign and the Comprehensive Plan.

Then the committee made this statement: "We want to collaborate in creating a better business ecosystem in Gray. The aim of this forum is to help the town and community create new value for your business through the integration and alignment of vision. We want to learn what we can do for Economic Development activities in the near term to support that ecosystem. Why is that important? We think that CEDC can influence positive change for business in Gray through activities that inform, connect, help us learn and co-create. That is what we are doing here."

After this, the conversation was focused on what the participants preferred for Gray. First they discussed "What is your preferred business ecosystem in Gray?" These are there responces.

Recent - Google Drive x Gray Business Forum x Contact - Sebago Lak x Rod True value gray x creaton engineering x New Tab x

https://miro.com/app/board/uXjVPLf6Blo=/?

WHAT IS YOUR "DREAM" GRAY BUSINESS ECOSYSTEM?

This is the ideal Gray. What are the qualities, conditions and services? What behaviors are you seeing? What are people saying.

CEDC FALL 2022

curbside parking

public transportation

trolley

walkability

bike share

connect hubs of school and village

old time feel of driving up to do business

proximity of services

on street parking

personal drivers

you look good here

town communications

co-creation

Recent - G x Untitled di x 7pm Gray x Contact - x Rod True v x creaton en x New Tab x Facebook x new urgen x

https://miro.com/app/board/uXjVPCq_ays=/?

WHAT IS YOUR "DREAM" GRAY BUSINESS ECOSYSTEM?

It is the year 2030 and you are so happy to be doing business in Gray! Why is that? What happened? 2x2 activity

CEDC FALL 2022

Allowing business to do business

Businesses can afford to be here.

Business Friendly; low taxes

Art Center; theater and music venue

my grandkids stayed

positive vibes a Pennell

parking*

Happy plow trucks

Signage that makes sense

Shuttle*

makers space

opportunities for our youth

shop classes

training facility

more community in the Village, families, locals, shoppers and eaters

Community Center*

Togetherness

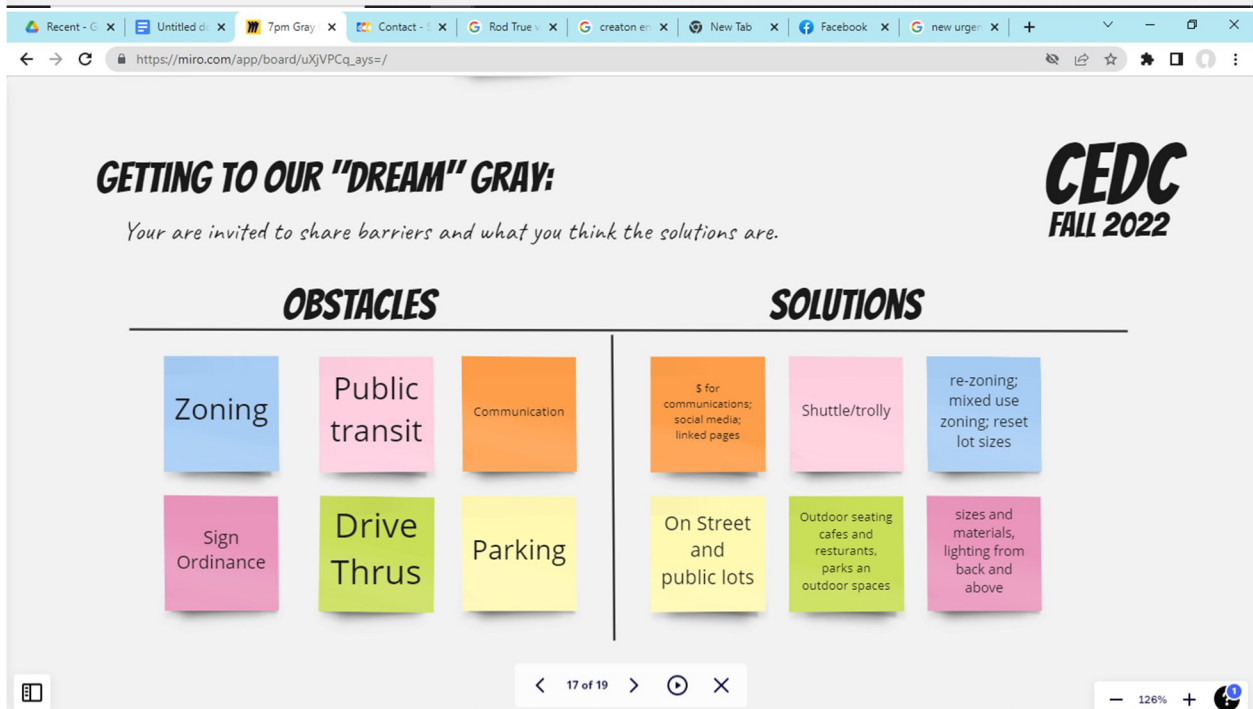
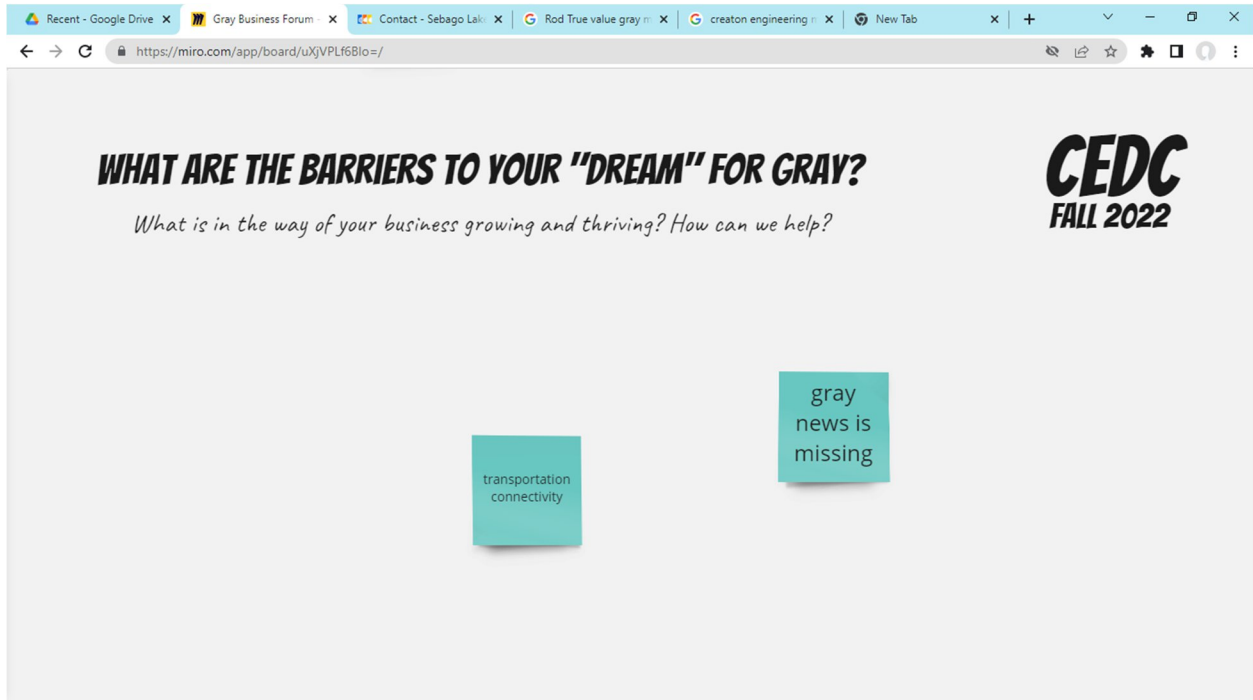
smart beautification

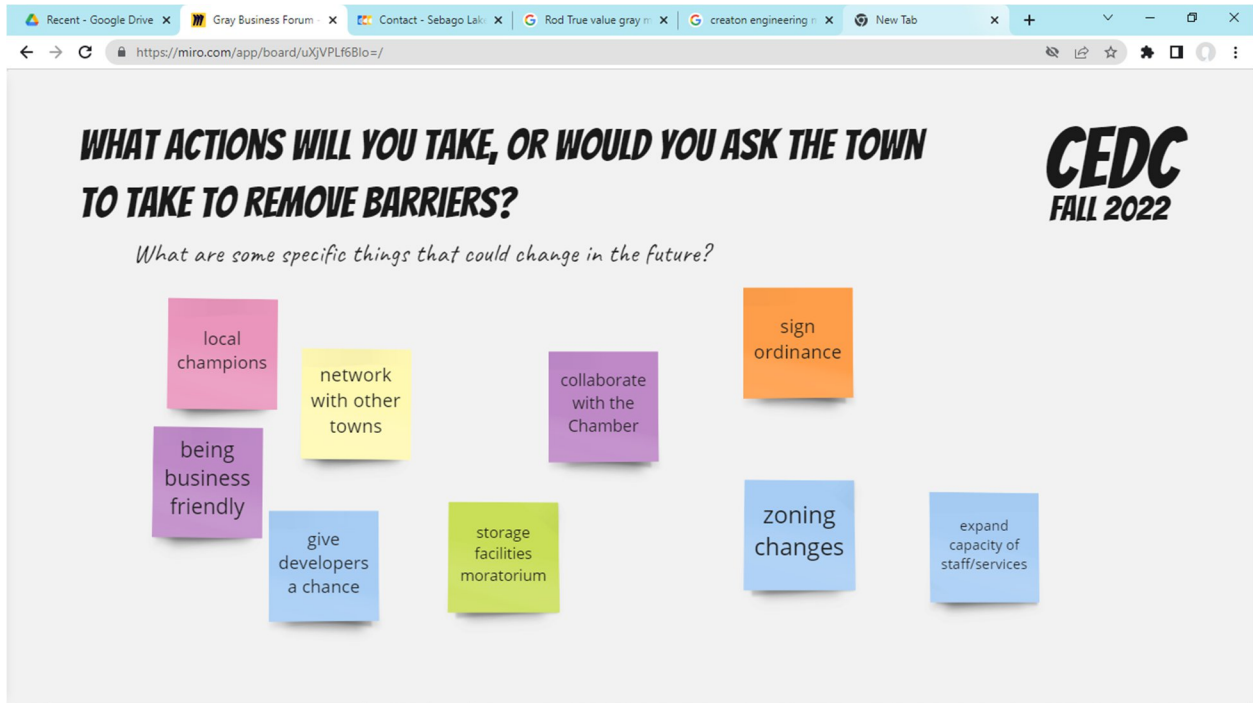
Flow through Gray Common

zoning and ordinances that free business up

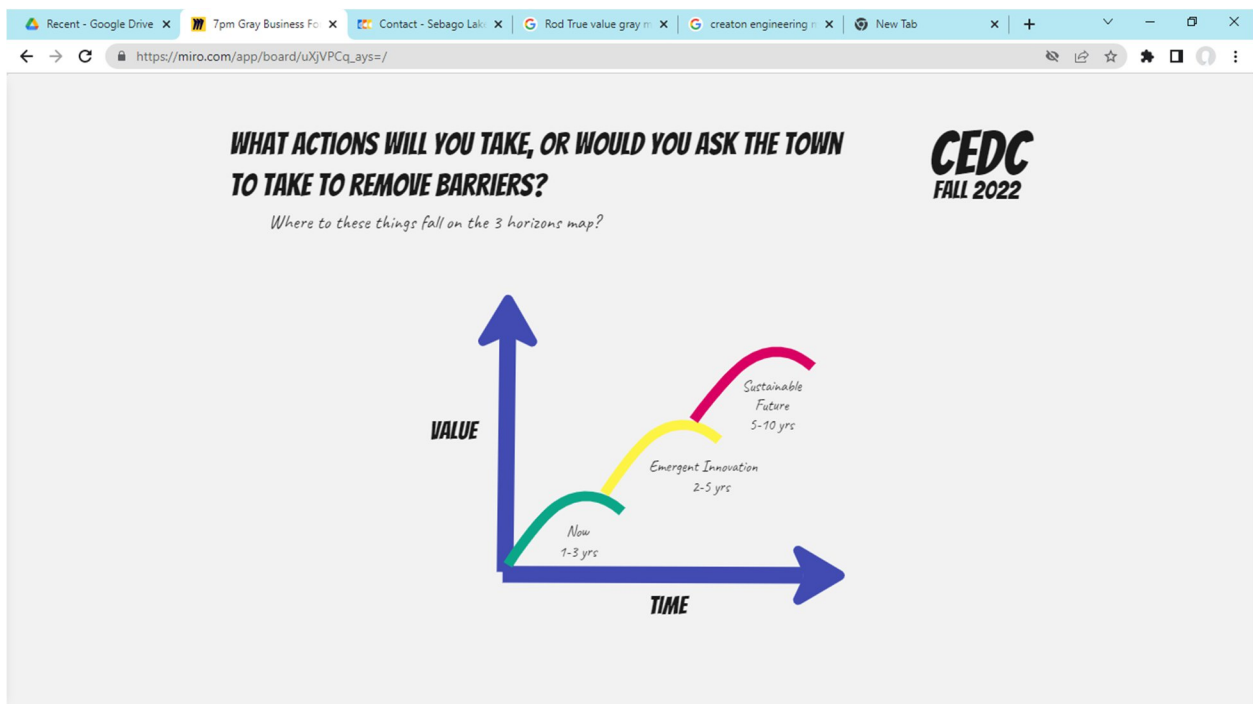
*denotes repeated mention

Next, they discussed barriers to that ideal for the town, and the solutions. Responses were captured on Miro.





Finally, the solutions were discussed in terms of how they would increase value over time. CEDC suggested the most potential in the bear term was the innovation zone.



Overall the feedback has been positive. Business owners said that they enjoyed the time and would come to future meetings. Each session lasted 90 minutes. The evening session had higher attendance than the morning one.

Notes on themes:

Communication was a common theme between both forums. This was identified as a roadblock. At both forums the comment was made that they miss the Gray News (local newspaper that closed down about a decade ago). Participants also seemed to concur that they did not know what was going on with the town. Both forums offered that they are largely focused on running their businesses and that's where their time goes. They don't perceive any real communication channel. In New Gloucester, the NGXchange website has helped, many agreed. It was also said that it would be incredibly helpful to have several forms of communication including print, several social media platforms, website. It's hard to find the zoom links for meetings on the Gray website (CEDC concurred. Can the link be listed right next to the meeting instead of buried in the agenda?)

Ordinances were identified as another big roadblock. Permitted uses of property do not always make sense to them. Specifically, the sign ordinance was identified as a block for business. One business owner mentioned that the ordinance requires them to light their sign from the ground only which presents an issue in the winter where as an urgent medical service business, having a well lit sign is important in bad weather. It was also said that it would be very helpful to be able to have temporary signs such as "sale" signs or flags to grab attention. However this is currently forbidden. Sizes of signs were also mentioned as an issue. One participant mentioned that Portland's sign ordinance is 13 pages whereas Gray's is 31. A member of the Ordinance Advisory Committee attending noted that the committee started to work on the sign ordinance a long time ago, however the Town Council re-prioritized their work and the committee had to shift focus. Unfortunately, this keeps happening, they said.

One business said that they have requested that the town change testing requirements in the past. They had engineers supporting the rationale but the town told him that they did not have time to review his request. It would have been adequate and saved a substantial sum of money, the owner said.

Several business owners commented that it feels like the town is trying to keep businesses out of Gray. One business owner commented that contractors don't want to work in Gray. Consensus was that historically, it has proven very difficult for business owners to open and operate businesses in Gray.

Barriers:

- Communication
- Parking
- Drive-through
- Restrictive zoning
- Ordinances

When brainstorming a better future the following were identified:

- More community events in the village that foster a sense of community in the Village
- Families shopping in the village
- The town is more business friendly
- Less taxes on businesses
- A shuttle to take people around town - A Gray Trolley
- A community center to bring people together
- Smart beautification (example is smarter curbs for a plow trucks versus the square granite)
- Keep young talent in the town, give them the opportunity to live and work and Gray
- More parking for businesses including on street parking
- Zoning and ordinances are updated and make sense. People know when changes occur.
- Good mixed use zoning
- Less restrictive ordinances
- Businesses are happy to be in Gray
- Stimson Hall used as arts and music incubator, possibly theater
- More small businesses vs. box stores

The miroboards, sponsored by 207permaculture, L3C, served as interactive presentation support for the meeting. They will be accessible by the public for the month for comment.

https://miro.com/app/board/uXjVPCq_ays=?share_link_id=875969711160

https://miro.com/app/board/uXjVPLf6Blo=?share_link_id=522405497132

POSITION DESCRIPTION

TOWN OF GRAY, MAINE

POSITION TITLE: FIRE POLICE

DATE CREATED/ REVISED: 12/15/2022

Classification: Call Member

Narrative: 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).

Supervision: This position is supervised by the Assistant Fire Chief and takes direction from the Officer in charge.

POSITION RESPONSIBILITIES/TASKS

Illustrative only and not all inclusive:

- 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
- 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:

Two 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:

Three to five years of direct experience in this position

Certifications & Licenses

- Must be at least 18 years of age
- Must hold current and valid Maine driver's license
- Current CPR Certification
- EVOC Certification (or obtain within six months of hire)

Specialized Training

- Must attend an in-house BOLS-approved Public Safety Traffic Flagger class before responding to calls
- Must complete mandatory GFR training requirements
- Must attend a Traffic Incident Management class within six months of hire

Knowledge, Ability, Skills

- Must have knowledge and experience in traffic control

- Basic knowledge of street layout and addressing system
- Basic knowledge of current procedures and department SOGs
- Ability to deal diplomatically with irate, violent, or frantic individuals
- Ability to react quickly and calmly in emergency situations
- Ability to understand and follow written and oral instructions
- Ability to clearly communicate information both verbally and in writing
- Ability to establish and maintain effective working relationships with departmental staff, supervisors and the public
- Maintain physical readiness required to perform traffic control duties

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.

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
- See chart below for more information

Physical Requirements/Other:

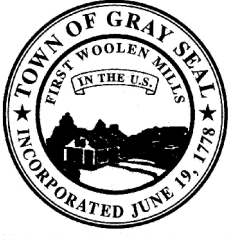
Shift Length	<input checked="" type="checkbox"/> <8 hrs	<input checked="" type="checkbox"/> 8-12 hrs	<input type="checkbox"/> >12 hrs	<input type="checkbox"/> 24/7 operation	<input type="checkbox"/> On call
<input checked="" type="checkbox"/> Days:	<input type="checkbox"/> Nights		<input checked="" type="checkbox"/> 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25-50	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
50-100	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
>100	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Typical distance carried: <input checked="" type="checkbox"/> within area <input type="checkbox"/> between areas <input type="checkbox"/> throughout facility					
Postures/Tasks	Never	Rarely	Occasionally	Frequently	Constantly
Sitting	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Walking	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Stairs	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 minutes/shift or up to 1 hour per week	Occasionally: up to 1/3 shift	Frequently: 1/3-2/3 shift	Constantly: >2/3 of shift
Postures/Tasks	Never	Rarely	Occasionally	Frequently	Constantly
Work overhead	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mousing	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Writing	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Acknowledgement

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

Name of Employee: _____ Date: _____

Name of Supervisor: _____ Date: _____



TOWN OF GRAY

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

OFFICE OF THE ASSESSOR

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

December 15, 2022

Assessing Department Report to the Town Manager (10/25/2022 – 11/17/2022):

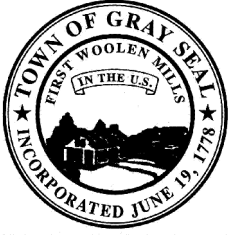
- 10/26 – Scheduled Meeting with the Town Manager
- 11/3 – Met with Judy Colby-George from Spatial Alternatives to discuss map updates
- 11/7 – Attended Could Permit meeting
- 11/8 – Scheduled Meeting with the Town Manager
- 11/10 – Department Head Meeting
- 11/3 and 11/10 - Attended Sebago Lakes Region Rotary Club meeting
- 11/15 – Presented at Town Council meeting
- 11/17 – Attended ME IAAO Annual Meeting

Other Activities/Accomplishments:

- Elected to the board of the Maine chapter of the International Association of Assessing Officers
- Successful “Thanks for Giving” food drive held on Election Day
- Continued work on Senior Property Tax Stabilization applications and associated spreadsheet
- Completed property inspections and associated data input
- Worked on property transfers for April and May
- Started sales input for the annual State audit
- Continued training the new Assessing Assistant – Cynthia Schaeffer

Challenges / Obstacles:

- Continued Trio Web conversion issues



TOWN OF GRAY

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

DEPARTMENT OF BUILDING AND
GROUNDS

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

November 28, 2022

Department of Buildings and Grounds Report to Town Manager 10/25-11/27/2022

- 10/28 Remodeled the Planning Departments work stations
- 11/03 Participated in the Bio Diesel webinar presented by GPCOG
- 11/04 Seasonal water lines on Pennell Campus and Monument were winterized
- 11/07 Department setup Newbegin Gym for the Election
- 11/09 Department took down the Election
- 11/09 & 10 Attended the Cross Country Ski Area Association conference and Grooming Seminar at Pineland
- 11/10 Libby Hill Operations and Budget Meeting
- 11/14 Electrical contractor completed wiring upgrade for new LED sign at Pennell
- 11/16 Department Staff assisted Gray Historical Society with the instillation of the windows in the addition
- 11/17 Safety Committee Meeting, Staff Review of Wild Blueberry Festival Meeting, CMP and Electrical Contractor Meeting for EV Charger Project
- 11/18 Fall cleanup of XC Ski trails at Libby Hill started
- 11/21 Continued clean up of XC Ski trails at Libby Hill
- 11/21 New Custodian started
- 11/21 Zoom meeting with Gorrill Palmer for Pennell Septic Design
- 11/22 Met with Fire Chief and Norris Fire at 1 Main Street to review replacement of Fire Alarm System due to the addition for the Antique Fire Engine
- 11/23 Assisted Gorrill Palmer engineer with lower level building elevations for Septic Design
- 11/23 Department prepared Newbegin Gym for Tree Lighting
- 11/24 Monitoring Company reported boiler failure signal at Pennell, came in and restarted boiler.

Town Council Tracking Worksheet Items:

- Department continues to work up at Libby Hill taking over the maintenance aspects of the MOU.

Other Activities / Accomplishments:

- 18 Requests for Service for the period of 10/25-11/28 outside of normal daily routine.

- Work continues on the Conversion of Village Station to Buildings and Grounds Facility
- Work continues on the Conversion of the Storage Room to Office in the Planning Department
- Electrical contractor has been working on the replacement of two electrical panels in Newbegin. One panel has been completed.
- LED Sign Contractor has advised a possible install the week of 12/08

Challenges / Obstacles Requiring Assistance Outside of the Department:

- Public Works has assisted with many items over the past month.



TOWN OF GRAY

Henry Pennell Municipal Complex
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www.graymaine.org

CODE ENFORCEMENT OFFICE

Tammy Munson, Lead Code Enforcement Officer
ceo@graymaine.org

MEMORANDUM

November 30, 2022

To: Nate Rudy, Town Manager

From: Tammy Munson, Lead Code Enforcement Officer

RE: Code Office Monthly Report (November 1, 2022 - November 30, 2022)

Please find the attached information below.

Inspections Performed:

Building Foundations - 4

Building Rough-in*- 6

Building Insulation - 4

Building Final**- 19

Electrical - 7

Plumbing/Septic - 13

Tree Inspection - 4

In Office and Site meetings***2

Permits Issued:

Building - 10

Plumbing - 5

Electrical - 20

Dock - 0

Pool - 0

Tree Removal - 3

Signage - 0

Driveway - 0

*Rough-In Inspection may consist of framing, electrical, and plumbing inspections all done at the same time.

**Building Final may consist of final inspection of a new single-family dwellings including final building, plumbing and electrical. This also includes finals for new business, decks, sheds, etc.

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

Monthly Accomplishments:

Two Notice of Violations went out regarding an illegal expanded business and one regarding smoke detectors removed by a tenant. Our permit review and processing time was less than a week.

Monthly Appeals:

The Board did not hold a monthly meeting.

Town Council Tracking Worksheet Items and Ongoing Goals:

To improve permitting and daily communications with the public. We will continue to strive to improve this and hope to become a sought-out resource within the Community. We are also in the process of implementing pre-development meetings. This is an exciting new opportunity for citizens to have the projects brainstormed with staff. Please see attached.

Pre-Development Meetings

Pre-Development Meetings are an opportunity to meet with Town Staff to discuss your future plans for development. While Pre-Development Meetings are not required, we highly encourage taking advantage of these meetings, at no cost to you.

Pre-development meetings improve and reduce the time of the overall review and provide the developer with vital information before additional monies are spent finalizing plans for the formal submittal.

The Community Development Office will host pre-development meetings to assist potential applicants with planning successful developments and help applicants navigate the permit process. Services include coordination for development projects, troubleshooting, and problem solving to address issues that may occur during the development process.

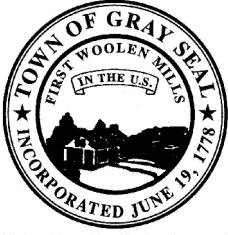
These meetings are not meant to examine every detail associated with the development process; rather, they are a tool for Town staff and the applicant to share information. We want the applicant to understand the next steps of the process, as well as any major concerns and applicable ordinances. This isn't a full review meeting; it's an advising meeting.

Purpose of Pre-Development Meeting

- Eliminate the repetitive review cycles that could otherwise occur during the environmental review process
- Improve communication between the project applicant and County staff
- Inform the applicant about technical studies and information required before an application will be accepted for filing

What to Expect at the Pre-Development Meeting

Please come prepared with a sketch or vision for what you would like to do. This will help us to better understand your project. We will explain the process for development and standards or constraints that may apply.



TOWN OF GRAY

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www.graymaine.org

FINANCE DEPARTMENT

Katharine Johnston, Finance Director
Finance@graymaine.org
(207) 657-3339 ext 103

December 15, 2022

Finance Department Report to Town Manager:

- RHR Smith began audit 11/07/2022. In the office 11/8/2022-11/10/2022. Will need to return. Weekly meetings to be set up with firm for updates on progress.
- Performance increases and retroactive pay were calculated and included in paycheck dated 11/10/2022.

Other Activities / Accomplishments:

- Thank you to town staff for providing their payrolls so promptly for the payroll of 11/23/2022. The short week creates a very short time to get payroll completed but having town staff on top it was extremely helpful.
- Attended EcoMaine Board Meeting 11/17/2022. The FY24 tipping and recycling fees were voted on. Tipping \$87.50 & Recycling \$45.00.

Challenges / Obstacles Requiring Assistance Outside of the Department:

- Hoping to work on getting some assistance for a back-up for payroll and accounts payable.



COMSTAR



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

Cumberland County Sheriff's Office

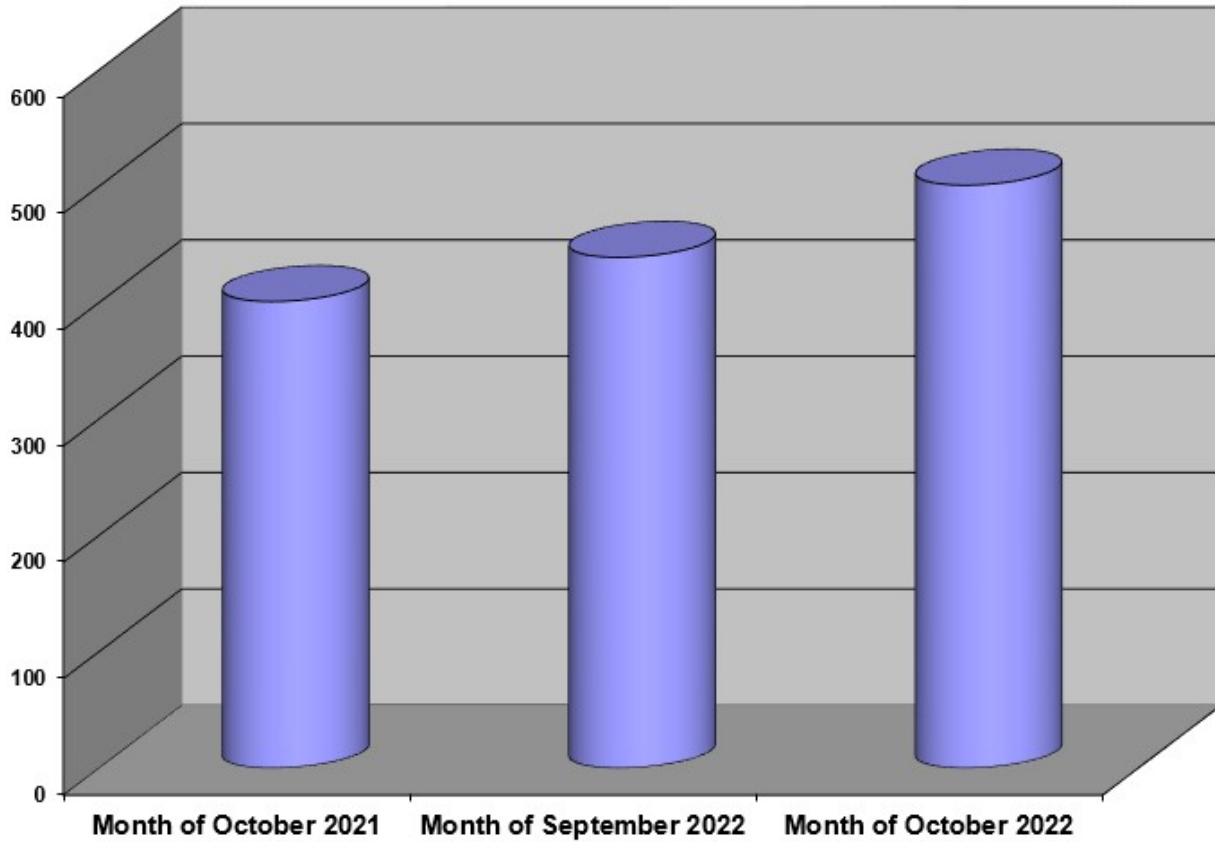
Town of Gray

Month of October 2022

Prepared by Crime Analyst Wendy Clark-Tarbox

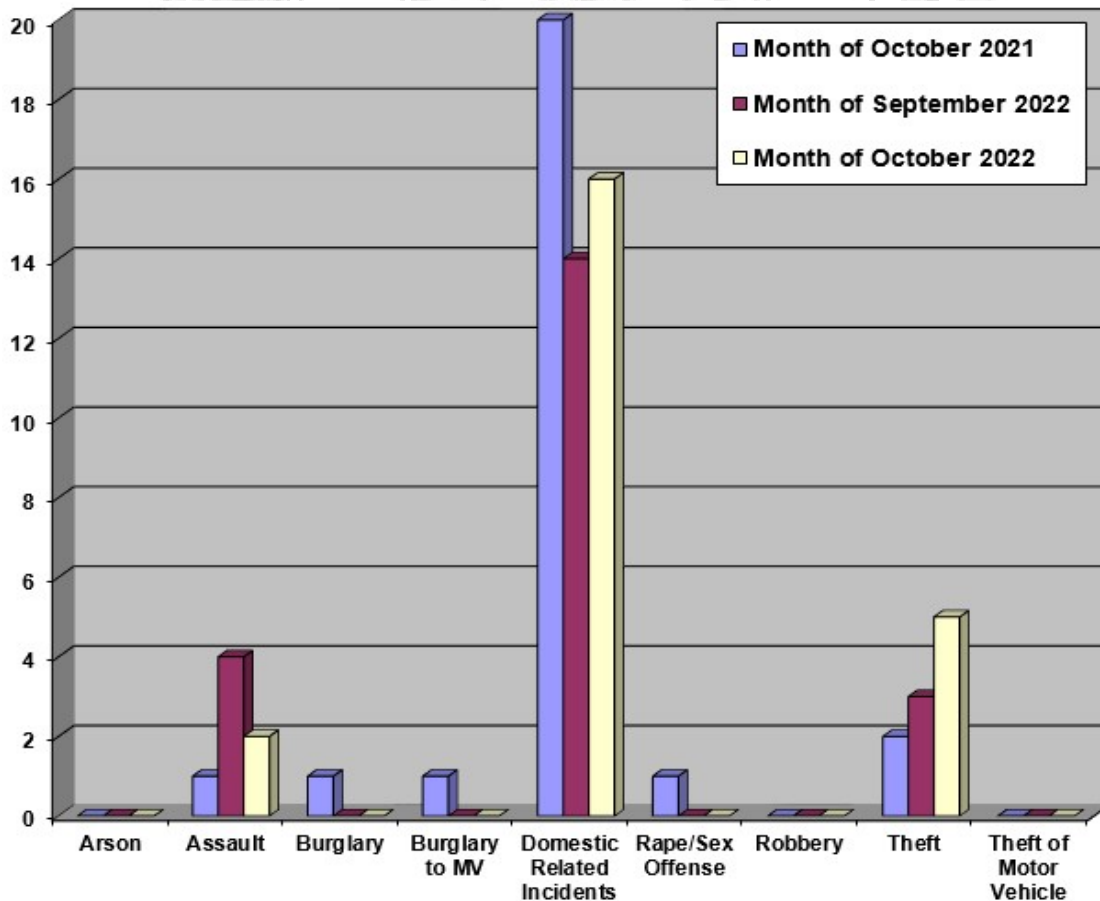
Calls for Service

<u>October 2021</u>	<u>September 2022</u>	<u>October 2022</u>	<u>2022 Difference</u>	<u>2022 % Change</u>
401	446	501	+55	+12.3%



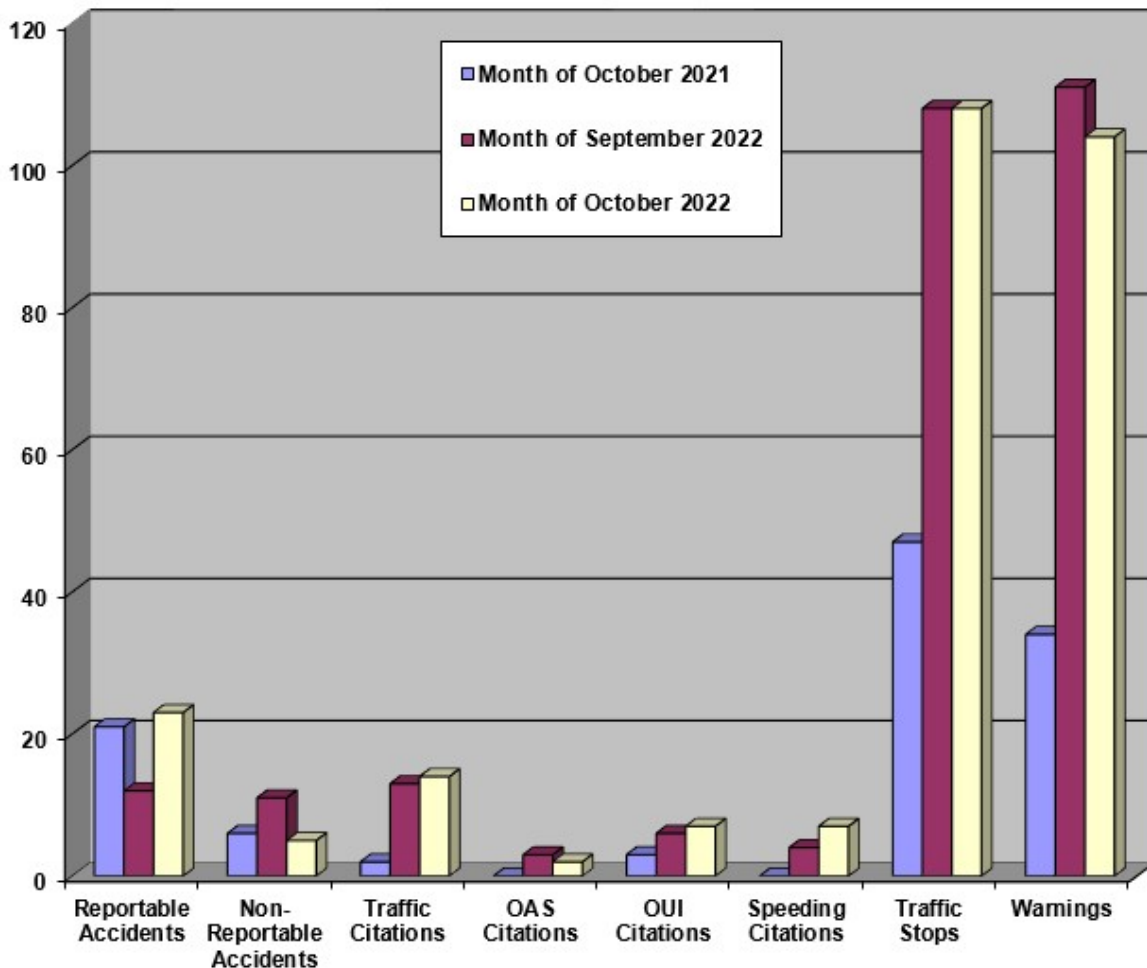
Crime Totals -

	<u>October 2021</u>	<u>September 2022</u>	<u>October 2022</u>	<u>2022 Difference</u>	<u>2022 % Change</u>
Arson	0	0	0	n/c	n/c
Assault	1	4	2	-2	-50%
Burglary	1	0	0	0	n/c
Burglary to MV	1	0	0	0	n/c
Domestic Related Incidents (from Calls for Service)	20	14	16	+2	+14.3%
Rape/Sex Offense	1	0	0	n/c	n/c
Robbery	0	0	0	0	n/c
Theft	2	3	5	+2	+66.7%
Theft of Motor Vehicle	0	0	0	n/c	n/c



Traffic Totals -

	<u>October 2021</u>	<u>September 2022</u>	<u>October 2022</u>	<u>2022 Difference</u>	<u>2022 % Change</u>
Reportable Accidents	21	12	23	+11	+91.7%
Non-Reportable Accidents	6	11	5	-6	-54.5%
Traffic Related Citations Totals	2	13	14	+1	+7.7%
OAS Citations	0	3	2	-1	-33.3%
OUI	3	6	7	+1	+16.7%
Speeding Citations	0	4	7	+3	+75%
Traffic Stops	47	108	108	n/c	n/c
Written Warnings	34	111	104	-7	-6.3%



Quality of Life Incidents -

	<u>October 2021</u>	<u>September 2022</u>	<u>October 2022</u>	<u>2022 Difference</u>	<u>2022 % Change</u>
Agency Assists	12	14	20	+6	+42.9%
Alarms	12	9	8	-1	-11.1%
Animal Problem	1	7	10	+3	+42.9%
Attempt to Locate (i.e. vehicles operating erratically)	22	26	25	-1	-3.8%
Citizen Assists/ Disputes	36	21	30	+9	+42.9%
Concealed Firearms Investigations	0	1	2	+1	+100%
Court Services (Protection Orders and Summonses)	3	3	2	-1	-33.3%
Criminal Mischief	2	0	4	+4	undefined
Criminal Trespass	2	2	3	+1	+50%
Disabled Vehicles/ Assist Motorist	4	11	8	-3	-27.3%
Disturbances/Fights/ Loud Party	4	3	7	+4	+133.3%
Fraud	5	3	0	-3	-100%
Missing Persons	1	0	0	n/c	n/c
Pedestrian Checks	3	10	3	-7	-70%
Property Checks	46	61	74	+13	+21.3%
Sex Offender Registry Investigations	0	1	5	+4	+400%
Suspicious Persons/ Circumstances	10	17	18	+1	+5.9%
Welfare Checks/ Suicide-Attempted Suicide/ Mental Health Event	18	15	23	+8	+53.3%

Town of Gray

Digital Metrics

October 21– November 18,
2022



Website Stats



Top 10 Most Visited Pages

<input type="checkbox"/>	Page ?	Pageviews ?	↓ Unique Pageviews ?
		20,511 % of Total: 100.00% (20,511)	16,348 % of Total: 100.00% (16,348)
<input type="checkbox"/>	1. /	3,793 (18.49%)	2,932 (17.93%)
<input type="checkbox"/>	2. /elections	1,715 (8.36%)	1,344 (8.22%)
<input type="checkbox"/>	3. /assessor	1,106 (5.39%)	794 (4.86%)
<input type="checkbox"/>	4. /tax-assessing/property-tax-bills	693 (3.38%)	407 (2.49%)
<input type="checkbox"/>	5. /departments	508 (2.48%)	402 (2.46%)
<input type="checkbox"/>	6. /employment	454 (2.21%)	359 (2.20%)
<input type="checkbox"/>	7. /recycling-solid-waste	396 (1.93%)	350 (2.14%)
<input type="checkbox"/>	8. /registrar-of-voters/faq/where-do-i-vote	377 (1.84%)	347 (2.12%)
<input type="checkbox"/>	9. /code-enforcement	298 (1.45%)	226 (1.38%)
<input type="checkbox"/>	10. /home/pages/hours-locations	281 (1.37%)	261 (1.60%)

Pageviews: The total number of pages viewed. Repeated views of a single page are counted.

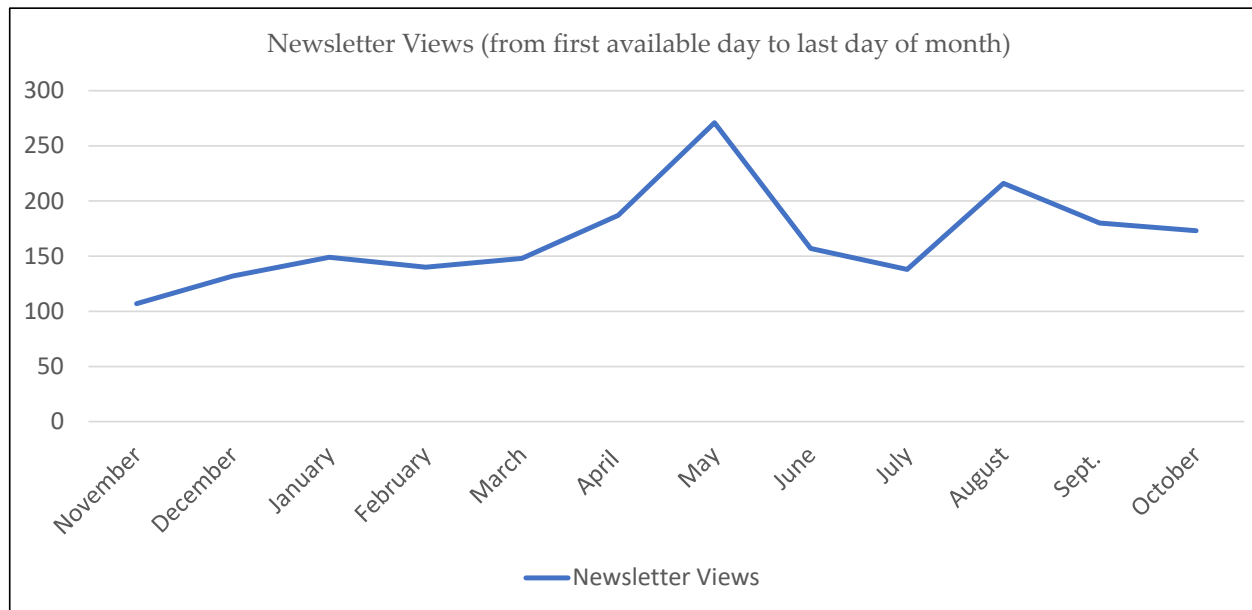
Unique Pageviews: Unique Pageviews is the number of sessions during which the specified page was viewed at least once. A unique pageview is counted for each *page URL + page Title* combination.

Last month's most-visited pages:

1. Homepage
2. Assessor
3. Property Tax Bills
4. Departments
5. Employment

Key Takeaways

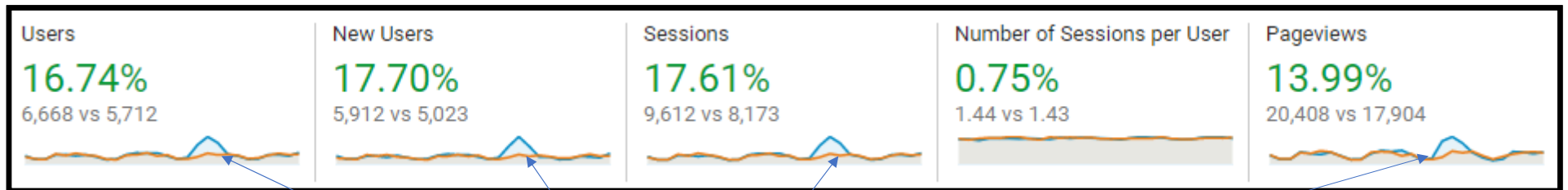
- This month's most visited page list reflects the recent election. The [Elections](#) page saw a **557%** increase in views compared to the previous month, and the [Where Do I Vote](#) page saw a **4,612%** increase.
- The [November newsletter](#) has received **124 views** (this data is only counting Nov. 1, the date of release, to November 17). The [October newsletter](#) ended its lifespan (October 3 – October 31) with 173 views.



Website Metrics



Oct 21, 2022 - Nov 17, 2022: ● Users
Sep 23, 2022 - Oct 20, 2022: ● Users



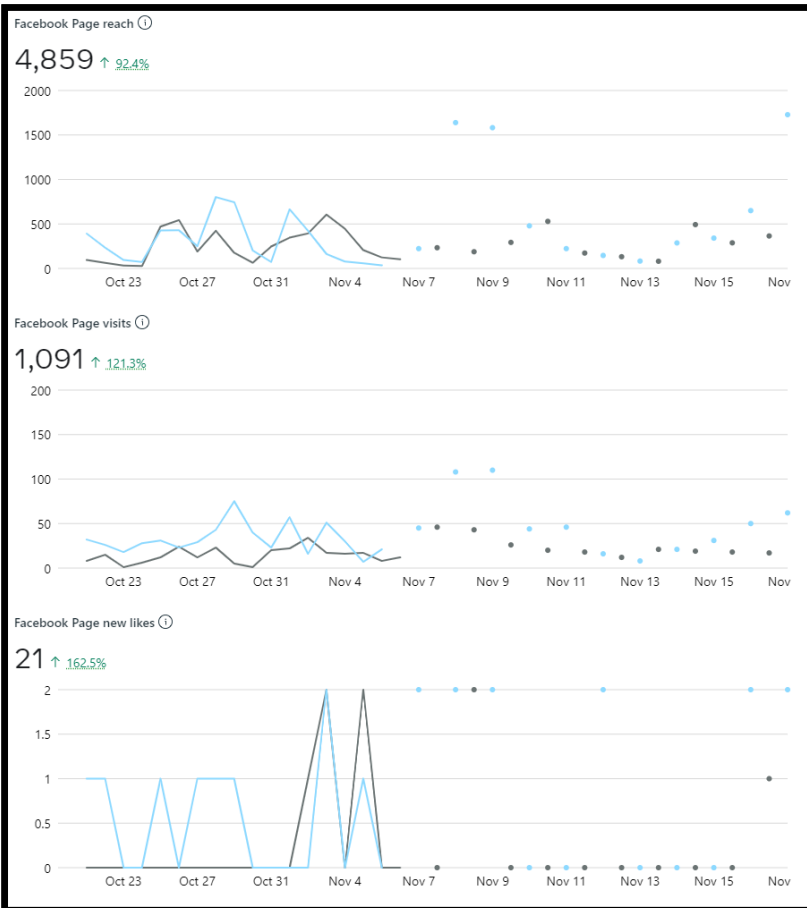
Spikes for Election Day

Users: Users who have initiated at least one session during the date range.
New Users: The number of first-time users during the selected date range.

Facebook Key Metrics

October 20 – November 17, 2022

Total Facebook Reach: 13,962
Average Post Reach: 537

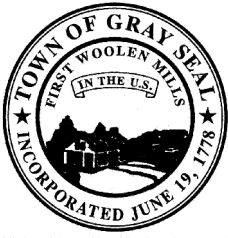


Our Facebook page reach saw a healthy increase month-over-month thanks to the election.

Content	Post time	Content type	Reach	Likes and	Link clicks	Comment	Shares
Did you know Gray has an opportunity to radically change the character of the Village	2022-11-11	Facebook	307	10	2	3	4
The Town of Gray is looking for a Town Clerk! This is a position of high responsibility	2022-11-11	Facebook	1610	6	91	1	6
There will be a flu and COVID vaccination clinic at the Newbegin Gym on Friday, November 11, 2022	2022-11-11	Facebook	413	4		1	4
It's a holiday tradition! All are welcome to help light Gray's tree on Sunday, November 13, 2022	2022-11-11	Facebook	206	5		0	5
Don't forget to check out the second Gray Village Business Community Forum today at 6 p.m.	2022-11-11	Facebook	525	5		1	3
Thank you to all who attended November 14's public forum about planned	2022-11-11	Facebook	198	1	7	0	0
The Gray Town Council is convening at 6 p.m. today for a workshop, followed by a	2022-11-11	Facebook	242	0	1	0	0
ALERT: Please know the Zoom option for tonight's Yarmouth Road meeting at the Tow	2022-11-11	Facebook	360	1		0	0
Please know non-essential Town services will be closed on Friday, November 11, 2022	2022-11-11	Facebook	280	1		0	0
The Planning Board is convening at 7 p.m. today for a meeting. You can view the	2022-11-11	Facebook	174	0	1	0	0
If you are part of the Gray Village business community, you should definitely check ou	2022-11-01	Facebook	296	2		0	0
Thank you to all who voted in the November 2022 election. You can view the full list	2022-11-01	Facebook	563	14	58	3	0
If you want to see a Gray Village that can foster a multi-generational community,	2022-11-01	Facebook	2213	52	164	9	7
It's a beautiful day to come vote at the Newbegin Gym! Polls are open until 8 p.m.	2022-11-01	Facebook	265	1	2	0	1
Election Day is Tuesday, November 8, 2022. You can vote at the Newbegin Gym at 20	2022-11-01	Facebook	406	8	5	1	3
There are plenty of events going on around town this month! Don't forget to check	2022-11-01	Facebook	480	6	29	0	0
The November 2022 issue of News About Town is now available! In this issue, you'll	2022-11-01	Facebook	310	1	17	0	1
The Gray Town Council is convening at 5:30 p.m. today for an executive session,	2022-11-01	Facebook	396	1		0	1
All these costumes look great! Trunk or Treat this year was a great success! 	2022-11-01	Facebook	617	11		0	1
It's a beautiful day for Trunk or Treat at the New Gloucester Fairgrounds!	2022-10-21	Facebook	823	28		0	0
Don't forget to stop by the New Gloucester Fairgrounds tomorrow for this year's awes	2022-10-21	Facebook	917	9		2	5
ALERT: The Planning Department in the Henry Pennell Municipal Complex, which inclu	2022-10-21	Facebook	260	1		0	0
The Zoning Board of Appeals is convening at 7 p.m. today for a meeting. You can view	2022-10-21	Facebook	384	0		0	1
Did you know the Gray Village revitalization project aims to make downtown Gray	2022-10-21	Facebook	783	33	50	7	5
	2022-10-21	Facebook	599	7		4	8
Last night, the Town of Gray hosted a Volunteer Committee Leadership Academy at	2022-10-21	Facebook	335	4	15	2	0



- The most popular post (by reach) for this reporting period was a [post](#) about the Gray Village project.
- By link clicks, the most popular post was the same Gray Village post.



TOWN OF GRAY

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

LIBRARY, COMMUNICATIONS, IT

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

Communications, Libraries, and Information Technology Department Report to Town Manager
October 22, 2022

Activities:

- IT Director Josh Tiffany attended the Maine Digital Government Summit, which brought together various IT professionals working in the tech sector of local and state government. The training provided critical insight into the challenges of network security, the importance of
- Screen eighteen films on our 150-inch projector screen using our 4K projector with a total attendance of 36. Our thanks to the Gray Public Library Association, which funded the screen, the snacks, and the purchasing of titles for Movie Time!
- Hosted local author Dr. Charles Radius on Saturday, November 5th. This was our first effort at having an adult author speak on a Saturday afternoon. While only 6 people attended, it is worth noting that the day fell on one of the warmest days on record in November.
- The Library hosted seven meetings from local community-based organizations, and five official Town of Gray related meetings. The Town of Gray meetings included the morning and afternoon Local Business Owner Forum, presented by the Gray Community and Economic Development Committee.
- For the first time since the winter of 2019, the Gray Library hosted its first kindergarten class visit from Fiddleheads School.
- New Youth Library Samantha enters is busy at work remodeling both the collection and the offering of the youth services division of the library. Samantha has started an overdue aggressive weeding project that is removing poor condition, outdated, or non-circulating books from the youth collection. While the endeavor is ongoing, the results are already apparent in the creation of a more browsable, desirable, and presentable collection.
- The Youth Services Librarian has additionally made in-roads in welcoming the teen populations in the Towns of Gray and New Gloucester. A cadre of volunteers (ten in total) have signed up to assist with standard library-related tasks (shelving, organizing, etc.) and special event related tasks. The teens helped create and promote a craft day on November 12th. Eight teens and ten

children made crafts. We hope that this core group will help us found an official Teen Advisory Board at the Gray Library in 2023.

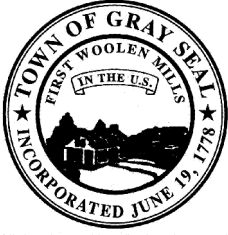
- Performed troubleshooting to re-engage Vigilance security software since all users were logged off in early November.
- Digital Media Coordinate Kyle Hadyniak became the Freedom of Access Act Officer for the Town of Gray. Kyle, previously being an FOAA officer in a prior position, is well suited for the responsibility.
- Worked with Town Manager and IT staff to streamline and clarify who has access to which folder in the Shared Drive.
- IT Department deployed and installed Manage Engine Endpoint Management and Security software on all Town computers. This application allows for remote monitoring, troubleshooting, patch deployment, and authorizations for all town used computers. This will help the IT department streamline the overall workload, pinpoint technical issues with computers immediately, and provide for much greater network security and the ability to disable machines if necessary.
- IT Department is tweaking new Helpdesk Ticketing System, which will create a clearer communications path between vested parties and IT assistance. The software will also help identify recurring issues and provide a clear timeline of incidents, reports, and responses. The software is also being examined to see how it can be used to field and track Town of Gray website updates.

Challenges / Obstacles Requiring Outside Assistance:

None to report at this time.

Town Council Tracking Worksheet Items:

None related.



TOWN OF GRAY

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

PLANNING DEPARTMENT

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

December 15, 2022

Planning Department Report to Town Manager (10/26 – 11/30, 2022):

- On-going correspondence with developers keeping escrows & bond info current
- Locate and provide FOIA officer with historic town ordinances
- Correspondence with State DEP re town shoreland ordinance certification
- New Planning Assistant started 11-21-22
- Attend CEDC meeting on 10-28-22
- Attend Open Space committee meeting on November 2nd
- Correspondence with sign companies re gas price sign size options
- Solicit dept. staff input on gas price signage, driveway permits & PB SD COAs
- Attend Cumberland County Municipal Oversight Committee on 10-26-22
- Regular PB meeting on 11-10-22 & associated special meeting to complete
- Minutes & notices of decision (NOD's) for November PB meeting

Town Council Tracking Worksheet Items:

- Coordinate/attend Yar Rd workshop on 11-14-22
- 20+ 1:1 meetings with Yar Rd property owners to understand specific concerns
- 200+ photos of Yar Rd properties to function as resource for designing improvements
- Correspondence with MeDOT re ROW width for Yar Rd
- Attend 11-1-22 village meeting
- Plan, coordinate & attend CEDC Business Forums on November 10 & 16
- Coordinate/background information for public easement for winter maintenance roads
- Background recon and information for extending self-storage moratorium
- Continued correspondence with possible consultants for Yar Rd ROW
- Outreach/correspondence with key village property owners
- Continued coordination of completing CDBG grant close-out (pocket park)
- Final changes/posting of Weight Limit Ordinance & prepare for mailing to businesses

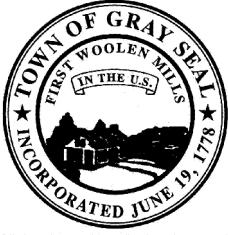
Other Activities / Accomplishments:

- Meet with representative regarding possible CZA & review merits/possible next steps

- Draft minutes and notice of decision for 10-26-22 ZBA meeting
- Recon 1950's parcel information for resident
- Meet with Town Manager re goal setting
- Recon stormwater history for select village properties
- Plan & organize Staff review committee meeting to be on 12-7-22
- Attend Wild Blueberry Festival rearrangement meeting with staff-new staff point
- Plan & prepare materials & publicize VALT workshop slated for 12-1-22

Challenges / Obstacles Requiring Assistance Outside of the Department:

- Explore viable ordinance amendment administrative procedures for non-land-use type
- Continued discussion needed regarding options for street ord. administration & standards



TOWN OF GRAY

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www.graymaine.org

PUBLIC SAFETY DEPARTMENT

Kurt Elkanich
Kelkanich@graymaine.org
(207) 657-3931

November 28, 2022

Public Safety Department Report to Town Manager (11/05 – 12/01, 2021):

- We interviewed three people that we made offers too. Two accepted and the third hasn't returned our calls or emails.
- I completed the FEMA portion of the MGT. – ICS Train the Trainer class. I still have to complete a task book to be certified to teach ICS class.
- Nate met with me and went over my review and goal setting for next year. This week I will do the Same with my officers.
- I completed the PowerPoint training on the gauges and warning lights for our employees. Before I post the training, I want to have it vetted. This will be done this week.

Town Council Tracking Worksheet Items:

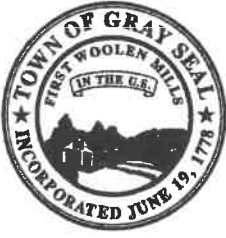
- I've been attending the planning meetings for the Gray Village whenever possible.

Other Activities / Accomplishments:

- The Portland Police Departments Bomb Squad continues to use our training site for trainings. They usually work with their drug dogs doing car searches. The South Portland SRT (Special Response Team) used the site a couple of weeks ago for breaching doors. This training created some noise and caused some concern with the employees at the transfer station. I addressed this by creating an email group that includes Randy to make sure everyone knows who will be using the site and when.
- Attended a training on Traumatic Brain Injuries.
- Did a walkthrough of the Historical Society with Mo and Minuteman Security Systems to determine what is needed to bring the location up to code for the Fire detection system.
- Tuesday the 29th. We will have a courtesy audit by the Bureau of Labor Standards to evaluate how we are doing with compliance.
- Thursday the 30th I will be attending a MMA webinar on the Legal Marijuana Landscape.

Challenges / Obstacles Requiring Assistance Outside of the Department:

- We need Ordinance help for an up-to-date Fire Ordinance that shall include a Knox Box requirement for Commercial entities.



TOWN OF GRAY

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24 Main St, Gray Maine 04039
www.graymaine.org

PUBLIC WORKS

Tim Estes Interim Public Works Director
123 Shaker Rd
Gray Maine 04039
testes@graymaine.org

November 28, 2022

Public Works Monthly Report to Town Manager (10/24/2022-11/23/2022)

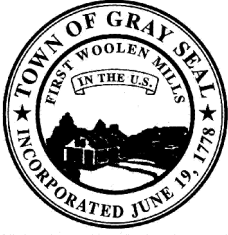
Activities:

- Finished up Westwood Rd installing culverts and ditching.
- We spent almost 3 weeks digging the shoulders and ditching on McConkey rd.
- We are almost 100% as far as trucks ready for our winter season. A lot of time is put into just getting one truck ready after checking everything on a truck.
- Our Beaver problem on LeGrow has subsided. We haven't had any issues in the past month.
- Prices on everything has gone up tremendously in the past year doing my best to stay under.
- The residents sand/salt pile is ready.
- We had our maiden voyage to try out the snow plow equipment with a couple inches of heavy wet snow. Everything ran well.

Challenges / Obstacles Requiring Assistance Outside of the Department:

- Picked up material with backhoe around the Town Office.
- One of my staff members has assisted B&G a few times with inside projects.
- Plowing Contractor for Wild Aces Rd posted a notice by their mailboxes that the road needed improvements (Brush cut and Gravel added into potholes) before winter maintenance would be performed. UPDATE: The problems have been corrected.
- Assisted the Transfer Station with a broken hose on their backhoe.

Town Council Tracking Worksheet Items:



TOWN OF GRAY

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

RECREATION DEPARTMENT

Anthony Dahms, Director of Recreation
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(207) 657-2323

November 28, 2022

Recreation Department Report to Town Manager November 2022:

- 11.1 Recreation Staff attended the Threat Response Training
- 11.7 Recreation Committee met
- 11.10 Director attended the Department Head Meeting
- 11.17 Director attended the Safety Committee Meeting- will work on draft of quarterly facility safety checklist
- 11.18 Director attended the Wellness Committee Meeting

Other Activities / Accomplishments:

- 11.9 The Recreation Dept. hosted the regional SMART (Southern Maine Area Recreation Technicians) Meeting. Mary, who started the walking program, and Anthony presented about the benefits of Nordic Walking. There was also an instructional portion where other rec professionals got to try the sport and get a tour of Pennell Park. Nellie led the meeting in a reflection exercise to wrap up the morning. The meeting received positive feedback and the presenters were encouraged to submit a proposal to present at the MRPA (Maine Recreation Professionals Association) State Conference.
- Pickleball lessons were held with beginners' session filling up. We hope to offer another round of beginners' lessons and a new improvers' set of lessons in the new year. The pickleball network has grown to 79 individuals that are signed up to receive messages.
- Shoe Box Giving program is underway. Public can get a pre-wrapped box and fill it with donations for kids to receive. This program is made possible by GNG Caring Communities. All donations must be made by December 14.
- Kids Club helped the Shoe Box program by collecting donations amongst their families and filling some boxes after school.
- 11.27 Tree Lighting Event was held. Thanks to help from the Gray Fire Department, GNG High School Chorus, Aroma Joe's, and Santa. Kids Club staff helped to staff the event. There was caroling, hot cocoa, visits with Santa, a letter writing station, and photo opportunities for families. It's estimated that 75 people attended, an increase from last year's event.
- Indoor walking hours for community members will be 8:30-9:30, when the Newbegin Gym is open on weekdays. This program is free.
- There were 9 gym rentals and 2 birthday parties in November.

- Youth basketball will begin in December on Saturdays.

Challenges / Obstacles Requiring Assistance Outside of the Department:

- No new challenges to report



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24 Main St, Gray Maine 04039
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SOLID WASTE AND RECYCLING
RANDY COOKSON, DIRECTOR
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657.2343

November 27, 2022

Solid Waste Department Report to Town Manager (10/27 – 11/27/2022):

10/28 attended Resiliency Committee meeting
10/28 shipped 21.15 tons plastic to Georgia
10/28 shipped 21.20 tons of mixed paper to Nova Scotia
11/9 met with Town Manager
11/10 attended Department Head meeting
11/13 provided “Lock-out/Tag-out” training for staff
11/17 met with Town Manager

Town Council Tracking Worksheet Items:

- A
- B

Other Activities / Accomplishments:

Had court ordered community service worker
During the period of October 27 through November 27, 2022, the following materials were baled:
37,650 pounds of corrugated cardboard
29,124 pounds of mixed paper
11,318 pounds of plastics
3,334 pounds of tin cans

Challenges / Obstacles Requiring Assistance Outside of the Department: