

Chapter 2 ADMINISTRATION

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ARTICLE 1. TOWN COMMITTEES*

*State law reference(s)--Town school committee, 30 M.S.R.A., § 2055.

Sec. 2-1. Terms.

(a) Committees appointed by the council shall serve until their successors are appointed by the town council.

(b) Any member serving on a committee where an expiration date has not been determined by the council or the Charter shall serve for a term of three (3) years.

(Ord. No. 26-1972, § 1, 9-11-72)

ARTICLE 2. PARKS AND RECREATION DEPARTMENT*

*Cross reference(s)--Use of municipally-owned public property, § 7A-16 et seq.

State law reference(s)--Power of town to have park system, 30 M.S.R.A., § 3801 et seq.

Sec. 2-2. Parks and recreation department; functions.

(a) A department of parks and recreation shall be established for the town.

(b) The functions of this department shall be:

- (1) To formulate and implement plans relative to the development, maintenance, and improvement of playgrounds, parks, and/or other recreational areas; and
- (2) To formulate and implement recreational programs.

(Ord. No. 11-12-73)

Sec. 2-3. Director; appointment; duties.

(a) A director, appointed by the town manager and confirmed by the council, shall administer the department of parks and recreation. In his administration of this department, the director shall be responsible to the town manager in all matters. The position of the director of parks and recreation shall be a part-time position.

(b) The director shall:

- (1) Prepare the department budget, giving consideration to the recommendations of the board of parks and recreation;

- (2) Administer the financial matters of the department;
- (3) Formulate and carry out recreational programs for the benefit of the town's citizens;
- (4) Cooperate with other departments and agencies;
- (5) Supervise the maintenance and improvement of all recreational lands and facilities within the town;
- (6) Formulate, with the advice of the board of parks and recreation, long-range plans for programs and facilities relating to recreational needs of the citizens of the town;
- (7) Make periodic reports, as requested by the town manager, on the operation of the department;
- (8) Keep necessary records as directed by the town manager for the management and administration of his department; and
- (9) Act as secretary to the board of parks and recreation, attending meetings as a nonvoting member.

(Ord. of 11-12-73; Ord. No. 6-1978, 7-10-78)

Sec. 2-4. Conservation commission recommendations.

The director shall seek the advice and recommendations of the conservation commission relative to landscaping, trees, plants, land soils, wildlife, and other pertinent ecological considerations, in the planning, development, and maintenance of lands or waters being used for recreational purposes.

(Ord. of 11-12-73)

State law reference(s)--Establishment of conservation commission, 30 M.R.S.A., § 3851 et seq.

Sec. 2-5. Board of parks and recreation; membership; term; vacancies.

- (a) The board of parks and recreation shall consist of five (5) members to be appointed by the town council. The terms of such board members shall be staggered, one (1) member being appointed for one (1) year, two (2) members for two (2) years, and two (2) members for three (3) years, and thereafter the term of each new member shall be three (3) years.
- (b) Vacancies occurring prior to the expiration of a term shall be filled by the council for the period of time necessary to complete the unexpired term.

(Ord. of 11-12-73; Ord. No. 18-1978, 12-11-78)

Sec. 2-6. Board; officers; by-laws; procedures; minutes; annual report.

The board shall elect officers, adopt its own by-laws and standard operational procedures. The board shall keep minutes of all meetings. Copies of minutes will be distributed to the members of the council. The board shall make an annual report to the council.

(Ord. 11-12-73)

Sec. 2-7. Board; duties.

(a) The duties of the board of parks and recreation shall be to:

- (1) Advise the director of the parks and recreation department as to the operation of recreational programs;
- (2) Formulate long range plans for lands and physical facilities deemed desirable for the recreational benefit of the citizens of the town;
- (3) Determine new programs needed by the town, and report these to the director for consideration; and
- (4) Aid the director in the preparation of the department's budget.

(Ord. 11-12-73)

Sec. 2-8. Expenditure of funds.

All funds appropriated for the department of parks and recreation shall be expended as provided by town policies, under supervision of the town treasurer.

(Ord. 11-12-73)

Sec. 2-9. Equipment, usage.

Equipment of any kind purchased or donated to the department of parks and recreation shall remain the property of the town. Use of this equipment by other departments is allowed with reimbursement on a pro-rated basis as established by town fiscal policies.

(Ord. 11-12-73)

Sec. 2-10. Enforcement of article; personnel policies.

Enforcement of this article shall be the duty of the town manager, who shall follow the general policy of the town. Personnel employed by the department of parks and recreation shall be subject to the general employment policies as adopted by the council. (Ord. 11-12-73)

ARTICLE 3. PLANNING BOARD

Sec. 2-11. Planning board; establishment.

A planning board shall be established for the town.

(Ord. 33-1973, Art. 1, § 1, 12-10-73)

Sec. 2-12. Advisory status; submission of regulations to council.

- (a) The planning board shall be an advisory board established for the purpose of advising the council on all matters pertaining to land subdivision, zoning ordinances, zoning adjustments, comprehensive planning, and any other planning duties that the council may specifically delegate to the planning board.
- (b) All regulations pertaining to subdivisions promulgated by the planning board shall be submitted to the council for approval prior to implementation.

(Ord. 33-1973, Art. 1, § 2, 12-10-73)

Sec. 2-13. Board; appointment; composition; residency; term; vacancies.

- (a) Appointments to the board shall be made by the council. The board shall consist of five (5) members and two (2) associate members. An associate member shall have voting privileges only in the absence of a regular member and authorized to vote by the chairman of the planning board.
- (b) All members shall be qualified voters residing in the town.
- (c) The term of each member and associate shall be for five (5) years in staggered terms.
- (d) The Council shall fill any vacancy by appointment to fill the unexpired term.

(Ord. 33-1973, Art. 1, §§ 3, 4, 5, 12-10-73)

State law reference(s)--Related state law, 30 M.R.S.A., § 4952.

Sec. 2-14. Notice of de facto vacancy.

A notice of de facto vacancy due to absence of a member or an associate, of forty (40) per cent of the regular board meetings in twelve (12) consecutive months may be referred to the council after a majority vote of the planning board at a regular meeting.

(Ord. 33-1973, Art. 1, § 6, 12-10-73)

Sec. 2-15. Meetings; place; special.

The planning board shall establish by board resolution a regular place and time for holding its regular meetings. The meetings shall be at least once a month. The board shall also provide a method for calling special meetings. All meetings of the board shall be open to the public.

(Ord. 33-1973, Art. 2, § 1, 12-10-73)

State law reference(s)--Related state law, 30 M.R.S.A., § 4952.

Sec. 2-16. Quorum; notice of meeting.

The majority of the planning board shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. At least eight (8) hours notice of the time and place of holding such adjourned meeting shall be served on all members who were not present at the meeting from which adjournment was taken.

(Ord. 33-1973, Art. 2, § 2, 12-10-73)

Sec. 2-17. Board officers.

The planning board shall annually select a chairman, vice-chairman, and secretary.

(Ord. 33-1973, Art. 2, § 3, 12-10-73)

Sec. 2-18. Procedures.

The board shall adopt procedures for conducting its business.

(Ord. 33-1973, Art. 2, § 4, 12-10-73)

Sec. 2-19. Minutes as record.

The planning board shall maintain, as a permanent record, the minutes of its meetings and proceedings at public hearings. A copy of the minutes of all meetings and proceedings shall be forwarded to the council.

(Ord. 33-1973, Art. 2, § 5, 12-10-73)

Sec. 2-20. Annual report.

The planning board shall advise the council annually of its planned activities for the coming year along with applicable recommendations.

(Ord. 33-1973, Art. 2, § 6, 12-10-73)

ARTICLE 4. PUBLIC CEMETERIES*

*State law reference(s)--State law regarding cemeteries generally, 13 M.R.S.A., §§ 71, 901 et seq., 1031 et seq.

Sec. 2-21. Board of trustees; designation.

A board of trustees shall be appointed by the council to be in charge of the administration of all public cemeteries located within the town limits. The trustees to be referred to as the "trustees of Winslow's public cemeteries" or, in this Code, as the "trustees".

(Ord. 24-1972, § I, 10-11-72)

Sec. 2-22. Appointments; qualifications.

- (a) The trustee shall be elected and appointed by the council and shall possess the following qualifications:
- (1) A resident of the town;
 - (2) A tax-payer of the town;
 - (3) A registered voter in the town; and,
 - (4) A person of good moral character and reputation.

(Ord. 24-1972, § II, 10-11-72)

Sec. 2-23. Number of trustees; terms; vacancies.

- (a) The council shall set the number of trustees at three (3). The trustees terms of office shall run for six (6) years, such terms to be staggered.
- (b) The trustee shall remain in office unless the office is vacated due to a valid and just reason, or unless removed for just cause. The council may then appoint a successor to finish the unexpired term.
- (c) All periods of office shall begin at the time of confirmation. A trustee may be reappointed to serve another term at the wish of the council.

(Ord. 24-1972, § III, 10-11-72)

Sec. 2-24. Trustees' authority; superintendent; duties; operation.

- (a) The trustees shall have the full authority to establish all rules and regulations for all public cemeteries in the town. Before the rules and regulations become effective, the rules and

regulations shall be approved by the council. All rules and regulations set forth shall comply with the laws of the state.

- (b) The trustees shall act through their chairman who will be the town public cemeteries superintendent who will be responsible for all administrative details. The trustees shall delegate to the superintendent the authority to supervise all burials, interment and disinterment, as allowed under the laws of the state. A record will be maintained at all times. This record shall be given to the board of trustees upon their request.
- (c) The trustees will receive all funds and other money, pay all accounts payable, and maintain the record of the funds through the superintendent of the public cemeteries.
- (d) The town clerk shall be responsible for the preservation of the records, which will be submitted to the council annually.
- (e) The trustees shall submit an annual report to the council. This report, after acceptance by the council, shall be included in the annual town report.
- (f) The trustees are authorized to sell burial lots, issue deeds for the sale, in the name of the town. The trustees shall maintain the record of all transactions.
- (g) The superintendent shall have full supervision, maintenance, and care of the public cemeteries and will be answerable to the trustees for all of his actions and deeds.

(Ord. 24-1972, § IV, 10-11-72)

Sec. 2-25. Cemetery funds; gifts, monies, and other consideration.

- (a) All gifts, monies, and other consideration received or tended to the town in trust or with special stipulation for the benefit of the town public cemeteries shall be subject to the acceptance of the trustees. Such considerations shall be kept in a separate fund known as the "perpetual care fund". These funds shall be invested at the discretion of the trustees with the approval of the town treasurer.
- (b) All gifts, monies and other consideration received or tended to the town without any specifications intent shall be placed in the cemetery fund. The money received from the sale of lots shall also be placed in the cemetery fund. The cemetery fund may be expended by the trustees for development and maintenance of cemeteries. The cemetery funds and records shall be audited yearly by the town auditor.

(Ord. 24-1972, § V, 10-11-72)

ARTICLE 5. MUNICIPAL LIBRARY CODE

Mission Statement:

We welcome and support all people in their enjoyment of reading and pursuit of lifelong learning. Working together, we strive to provide equal access to information, ideas and knowledge through

books, programs and other resources. We believe in the freedom to read, to learn to discover.

(Ord. No. 12-2015, 12-14-15)

Board of Trustees:

2-26: Establishment

The Town of Winslow hereby establishes the Winslow Public Library Board of Trustees.

2-27: Purpose

The purpose of the Winslow Public Library Board of Trustees is to represent the citizens of the town as the governing board of the library.

2-28: Appointments, Term Renewal, Vacancy

- (a) The Board shall consist of six elected members. All members shall be residents of the town.
- (b) The term of office shall be three years on a staggered basis with two members elected at each annual municipal election. All terms shall start January 1st.
- (c) In the event of the resignation or death of any trustee, inability to serve, or absence with unacceptable reasons from three regular consecutive meetings, the seat shall be declared vacant. The Town Council may appoint a member to serve for the remainder of the term.
- (d) In the event no one runs for a position on the Board, the Town Council shall appoint a Board member to serve until the next regularly scheduled municipal election.

2-29: Meetings

- (a) Regular meetings shall be held monthly except in July and August.
- (b) Notice of the Trustees' regular meeting and agenda shall be sent to each trustee well in advance of each meeting, and shall be posted in full public view on the library's bulletin board for a reasonable time prior to the meeting, and should be posted in a local newspaper.
- (c) Special meetings shall be called by the President or upon written request of at least two members or the Library Director.
- (d) The meeting held in January of each year may be known as the annual meeting. The purpose of this meeting shall be the election of officers, namely the President, Vice President and Secretary, and to conduct other business that may need to come before the Board, after the election of officers.

- (e) After review, copies of the budget must be submitted by the Library Director to the Town Manager for submission to the Town Council.
- (f) A quorum is achieved with one half of the Library Board of Trustees' membership plus one.
- (g) All meetings are open to the public. Executive sessions may be held in accordance with the Maine Revised Statutes Annotated, but all votes must be in public.

2-30: Officers

- (a) The trustees shall consist of the following officers: President, Vice President and Secretary, who shall be elected at the 1st regular meeting in January to serve for one year or until a successor shall be elected and qualified.

2-31: Duties of Officers

The duties of the officers shall be as follows:

- (a) The President shall preside at all the meetings of the trustees, appoint all committees, represent the trustees at appropriate public affairs, and shall maintain the dignity and efficiency of the trustees in all possible ways.
- (b) The Vice President shall act in the official capacity of the Board of Trustees in the absence of the President.
- (c) The Secretary shall keep a record of the proceedings of the trustees, shall read all official communications to the trustees, write correspondence as directed, keep on file all important letters and replies thereto.

2-32: Elections

- (a) All officers shall be elected by nominations made from the floor at the 1st regular meeting in January. Elections shall be the first order of business at said meeting.
- (b) The 1st meeting will be opened by the outgoing president, who will pass the gavel to the Library director, or designee, for the purpose of conducting the elections. Upon completion of elections, the new presiding president will continue the meeting.
- (c) No elections shall be held unless a quorum is present.

2-33: Gifts and Donations

The trustees are authorized to accept monetary gifts to be deposited into an account or accounts established from time to time by the trustees for the purpose of holding and investing said gifts. All gifts and income shall be managed to advance the best interests of the library, but in accordance with any terms or conditions imposed with the gift or bequest. Non-cash gifts may be accepted, except as listed below.

The following gifts may not be accepted without approval of the Town Council:

- (a) Non-cash gifts of \$10,000 or more in value.
- (b) Any gift of real estate.
- (c) Any gift explicitly requiring, or likely to create, an unusual burden or cost to accept or maintain.

2-34: Library Board of Trustees

- (a) It shall be the duty of each trustee of the board to take an active part in the direction of the library's programs and to act in whatever capacity may be needed to represent the community's interest.
- (b) Any trustee is privileged to make an inspection of the library and equipment at any time and to bring a report before the Board.
- (c) It is the duty of the trustees to determine the library's mission and to ensure that its purpose is being fulfilled.
- (d) To work with professional staff as partners.
- (e) To participate actively in the meetings of the Board of Trustees.
- (f) To determine the operating policies, programs of the library and material selection policies.
- (g) To make it a point to discuss the work of the library with citizens and community groups. Get reaction from the public relations program and solicit volunteers to assist at the library.
- (h) To be acquainted with the tax resources of the community and secure adequate funds for the library program, including Capital Improvements.
- (i) To be familiar with the recommended standards for public libraries in the following areas: buildings, grounds, collections and programs.
- (j) Trustees shall familiarize themselves with Robert's Rules of Order and Parliamentary Law. Meetings shall be conducted and policies enacted within this framework.
- (k) To develop long-range goals and advise the Town Council of all possible avenues of Federal and State grant and aid programs pertaining to the library.
- (l) To report regularly to the Town Manager, Town Council and the general public.
- (m) Trustees shall recommend to the Town Manager, a person or persons to be Library Director when a vacancy occurs.

(Ord. No. 2-1999, 6-14-99; Ord. No. 2-2008, 9-8-08, Ord. No. 1-2014, 2-10-14; Ord. No. 12-2015, 12-14-15)

ARTICLE 6: SENIOR CITIZENS ASSOCIATION

Sec. 2-35. Association board created; duties.

A board of directors shall be appointed by the town to be in charge of the administration, supervision, and activities of the senior citizens association for all senior citizens within the town.

(Ord. 35-1974, § 1, 5-13-74)

Sec. 2-36. Senior citizen defined.

In this article, "senior citizen" shall mean each and every person of any nationality, race or creed who has attained the age of fifty-five (55) years or older and is a resident of the town.

(Ord. 35-1974, § 2, 5-13-74)

Sec. 2-37. Board; appointment; qualifications.

The directors shall be appointed by the council. The directors shall be residents of the town and shall be of good moral character and reputation.

(Ord. 35-1974, § 3, 5-13-74)

Sec. 2-38. Number of directors; terms; vacancies.

- (a) The number of directors of the senior citizens association shall be set at five (5).
- (b) Their term of office shall be three (3) years and such terms shall be staggered.
- (c) The directors shall remain in office unless the office is vacated due to a valid and just reason, unless removed for just cause. The council may then appoint a successor to finish the unexpired term.
- (d) All periods of office shall begin at the time of appointment. A director may be re-appointed to serve another term at the option of the council.

(Ord. 35-1974, § 4, 5-13-74)

Sec. 2-39. Directors' authority; duties; records.

- (a) The directors shall have the full authority to establish all rules and regulations for the senior citizens association. However, before the rules and regulations become effective, the rules and regulations shall be approved by the council. All rules and regulations set forth shall comply with the laws of the state.
- (b) The directors shall be the general supervisors of the senior citizens association, and will be

responsible for all administrative details. The directors will attend to all purchases in behalf of the senior citizens association.

- (c) The town treasurer shall supervise payments and the maintenance of the necessary record books. The records shall be retained in the town office.

(Ord. 35-1974, § 5, 5-13-74)

Sec. 2-40. Senior citizens association fund; gifts, monies, and other consideration.

- (a) All gifts, monies, and other consideration received or tended the town in trust or with special stipulation for the benefit of the senior citizens association shall be subject to acceptance by the board of directors. Such considerations shall be kept in a separate fund known as the Winslow senior citizens association fund. This fund shall be used or invested at the discretion of the directors, with the approval of the town treasurer. Any interest or gains received from any investment will remain the proceeds of the senior citizens association. The "prudent man rule" shall prevail at all times on investments.
- (b) All gifts, monies, and other consideration received or tended to the association without any specifications intent shall be placed in the Winslow senior citizens association fund. The senior citizens association fund may be expended by the directors with the approval of the town treasurer for any and all future developments and other authorized purposes of the senior citizens association.

(Ord. 35-1974, § 6, 5-13-74)

Sec. 2-41. Directors; compensation.

The board of directors shall receive no compensation for services rendered.

(Ord. 35-1974, § 7, 5-13-74)

Sec. 2-42. Grants; approval required.

- (a) The senior citizens association is authorized, through the town treasurer, to apply for and receive federal, state, and/or private funds in grant form.
- (b) Any project which exceeds one thousand dollars (\$1,000.00) shall have the approval of the council.

(Ord. 35-1974, § 8, 5-13-74)

ARTICLE 7. ENGINEERING SECTION

Sec. 2-43. Established.

An engineering, technical assistance and planning section is established within the administration department of the Town of Winslow. It will be staffed by a full-time civil engineer who has graduated from a four-year college with a degree in civil engineering or has the equivalence of six (6) years of acceptable experience. The general duties and functions of the engineering section will be directed and supervised by the town manager.

ARTICLE 8. POLICE

2-44. Full Time Police Officers

The full time police officers who have met the requirements of 25 MRSA §2804-C be authorized to perform any of the acts described in 17-A MRSA §15 while the police officers are outside the limits of the Town of Winslow if, when possible, the law enforcement agency of a foreign municipality in which the arrest is to be made is notified in advance or, when not possible, the law enforcement agency of the foreign municipality in which the arrest has been made is notified immediately after the arrest. (Ord. No. 3-1999, 12-13-99; Ord. No. 3-2004, 7-12-04)

ARTICLE 9. EMERGENCY MANAGEMENT

Sec. 2-45. Title:

This ordinance shall be known and may be cited and referred to as the "EMERGENCY MANAGEMENT ORDINANCE OF THE TOWN OF WINSLOW". Authorized under Title 37-B M.R.S.A., Section 782

Sec. 2-46. Definition:

Emergency Management Director (EMD) shall mean the appointed town official responsible for performing the four phases of Emergency Management (preparedness, response, recovery, and mitigation) and for liaison with Kennebec County Emergency Management Agency. This position was formerly called the Civil Defense Director.

Sec. 2-47. Establishment:

The Town of Winslow Office of Emergency Management (OEM) and the position of Emergency Management Director of the Town of Winslow are hereby created. The Town Manager of the Town of Winslow may appoint additional OEM staff members as needed.

Sec. 2-48. Appointment:

The Town Manager of the Town of Winslow shall appoint the Fire Chief as the EMD and may appoint the Police Chief as Deputy EMD.

Sec. 2-49. Oath of the Emergency Management Director:

Once the EMD has been appointed, the EMD shall take an oath of office before assuming any duties, pursuant to Title 30-AM.R.S.A., section 2526.

Sec. 2-50. Duties of the Emergency Management Director:

The EMD shall:

- a. Prepare and update a Hazard Risk and Vulnerability Assessment.
- b. Prepare and maintain the Town of Winslow Emergency Operations Plan.
- c. Organize, activate and operate the Town of Winslow, Emergency Operation Center (EOC).
- d. Prepare and maintain a list of disaster resources.
- e. Develop procedures for the operation of the Town of Winslow (EOC).
- f. Coordinate and maintain written disaster Mutual Aid Agreements with the approval of the Town Manager.
- g. Provide Emergency Management training to Town Officials, planners, and responders.
- h. Develop and implement a Disaster Exercise program.
- i. Attend County Local Emergency Planning Committee (L.E.P.C.) meetings.
- j. Provide Disaster Preparedness information to town residents.
- k. Complete and report Damage Assessments to Kennebec County E.M.A.
- l. Complete and submit applications for FEMA disaster funds and grants.

Sec. 2-51. Membership of the Emergency Operations Center:

When directed by the EMD or Deputy EMD the EOC will be established and manned. In the absence of the EMD or Deputy EMD the Town Manager, chairperson of the Town Council or a designated Council Member may activate the EOC. The following town officials may be included on the EOC staff:

- a. Town Manager
- b. Town Council
- c. Town Clerk and Treasurer

- d. Code Enforcement Officer
- e. Police Department Officials
- f. Public Works Officials
- g. Fire Department Officials
- h. School Department Officials
- i. Animal Control Officer
- j. Scribe, and or a recorder

Sec. 2-52. Establishment of the National Incident Management System. (N.I.M.S.)

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

Sec. 2-53. Training:

The EMD or Deputy EMD may take necessary training as provided by Kennebec County Emergency Management, Maine Emergency Management, and FEMA.
(Ord. No. 4-2006, 1-8-07)

Article 10. PERSONNEL

Sec. 2-54. Personnel rules and regulations adopted.

There is hereby adopted by reference the personnel rules and regulations, job descriptions, and pay scale schedule for town employee positions of the Town of Winslow as enacted by Ordinance No. 5-1978, adopted August 14, 1978, as if fully set out herein.

Ord. No.	Date	Ord. No.	Date
1-1979	9-10-79	5-1990	9-10-90
2-1980	3-10-80	1-1998	7-13-98
2-1982	8- 9-82	4-2001	7-9-01
2-1983	4-11-83	8-2001	10-15-01

1-1986	4-14-86	5-2003	12-8-03
6-1987	6-29-87	3-2013	12-9-13
3-1988	4-11-88	2-2014	04-14-14
8-1988	1-9-89		
2-1989	3-13-89		

A complete copy of the Personnel Policy can be found in Appendix A.

ARTICLE 11. GENERAL ASSISTANCE

Sec. 2-55. Adoption of rules and regulations.

The General Assistance rules and regulations as prepared by the Maine Municipal Association and adopted by the Town of Winslow with Ord. No. 7-1983, adopted November 14, 1983, in compliance with state law, are hereby adopted by reference as if set forth in full herein.

Ord. No.	Date	Ord. No.	Date
1-1985	1-13-86	8-2005	11-14-05
1-1988	2- 8-88	1-2007	02-12-07
7-1989	1- 8-90	14-2007	11-13-07
4-1991	11- 4-91	5-2008	12-08-08
1-1992	2-10-92	1-2009	05-11-09
3-1992	7-13-92	5-2009	11-09-09
6-1993	10-4-93	6-2010	10-12-10

2-1998	12-14-98	7-2011	11-14-11
2-2001	5-14-01	7-2012 & 11-2012	7-9-12 11-10-12
9-2001	12-10-01	9-2015	11-9-15
4-2002	11-12-02		
4-2003	11-10-03		

A complete Administration of General Assistance can be found in Appendix A.

ARTICLE 12. Addressing

Sec. 2-56. Purpose.

The purpose of this ordinance is to enhance the easy and rapid location of properties by law enforcement, fire, rescue, and emergency medical services personnel in the Town of Winslow.

Sec. 2-57. Authority.

This ordinance is adopted pursuant to the consistent with Municipal Home Rule Powers as provided for in article VIII, Part 2, Section 1 of the Constitution of the State of Maine and title 30-A M.R.S.A. Section 3001.

Sec. 2-58. Administration.

This ordinance shall be administered by the CEO who is authorized to and shall assign road names and numbers to all properties, both on existing and proposed roads, in accordance with the criteria in Sections 4 and 5. The CEO shall also be responsible for maintaining the following official records of this ordinance:

- a. A town map for official use showing road names and numbers.
- b. An alphabetical list of all property owners as identified by current assessment records, by last name, showing the assigned numbers.
- c. An alphabetical list of all roads with property owners listed in order of their assigned numbers.

Sec. 2-59. Naming System.

All roads that serve two or more properties shall be named regardless of whether the ownership is public or private. A "road" refers to any highway, road, street, avenue, lane, private way, or similar paved, gravel, or dirt thoroughfare. "Property" refers to any property on which a more or less permanent structure has been erected or could be placed. A road name assigned by the Town of Winslow shall not constitute or imply acceptance of the road as a public way.

The following criteria shall govern the naming system:

- a. No two roads shall be given the same name (e.g., no Pine Road and Pine Lane).
- b. No two roads shall have similar sounding names (e.g., Beech Street and Peach Street).
- c. Each road shall have the same name throughout its entire length.

Sec. 2-60. Numbering System.

Numbers shall be assigned along both sides of the road to fit the lot width in the zoning district in which they occur, with even numbers appearing on the left side of the road and odd numbers appearing on the right side of the road, ascending from the number origin.

The following criteria shall govern the numbering system:

- a. All number origins shall begin from Clinton Avenue. For dead-end roads, numbering shall originate at the intersection of the adjacent road and terminate at the dead end.
- b. The number assigned to each structure shall be that of the numbered interval falling closest to the front door or the driveway of said structure if the front door cannot be seen from the main road.
- c. Every structure with more than one principle use or occupancy shall have a separate number for each use or occupancy. For example, duplexes will have two separate numbers.
- d. Condos and apartments will have the complex name and one property number followed by an apartment number, such as 235 Maple Street, Apt 2 or Fontaine Oaks, 135 Halifax Street, Unit 1A.

Sec. 2-61. Compliance.

All owners of structures shall, by the date stipulated in Section 8, display and maintain in a conspicuous place on said structure, the assigned numbers in the following manner:

- a. Number on the Structure. Where the structure is within 50 (fifty) feet of the edge of the road right-of-way, the assigned number shall be displayed on the front of the structure in the vicinity of the front door or entry.

- b. Number at Street Line. Where the structure is over 50 (fifty) feet from the edge of the road right-of-way, the assigned number shall be displayed on the post, fence, wall, the mail box, or on some structure at the street property line adjacent to the walk or access drive to the numbered structure.
- c. Size and Color of Number, Numbers shall be minimum 6 inches high and be of the contrasting color to background.
- d. Every person whose duty is to display the assigned number shall remove any different number which might be mistaken for, or confused with, the number assigned in conformance with this ordinance.
- e. Interior Location. All residence and other occupants are requested to post their assigned number and road name adjacent to their telephone for emergency reference.

Sec. 2-62. New Development and Subdivisions.

All new construction and subdivisions shall be named and numbered in accordance with the provisions of this ordinance as follows:

- a. New Construction. Whenever any residence or other structure is constructed or developed, it shall be the duty of the new owner to procure an assigned number from the CEO. This shall be done at the time of the issuance of the building permit.
- b. New Subdivisions. Any prospective sub-divider shall show a proposed road name and lot numbering system on the pre-application submission to the planning Board. Approval by the planning Board after consultation with the CEO shall constitute the assignment of road names and numbers to the lots in the subdivision. On the final plan showing proposed roads, the applicant shall mark on the plan, lines or dots in the center of the streets every 50 feet so as to aid in the assignment or numbers to structures subsequently constructed.

Sec. 2-63. Effective Date.

This ordinance shall become effective as of July 1, 2003. It shall be in the duty of the CEO to notify by mail each property owner and the Post Office of their new address at least 60 (sixty) days prior to the effective date of their use. It shall be the duty of each property owner to post new property numbers, in accordance with this ordinance, on the stated date of effective use. On new structures, numbering will be installed prior to final inspection or when the structure is first used or occupied, whichever comes first.

Sec. 2-64. Enforcement.

The Code Enforcement Officer is authorized to institute or cause to be instituted, in the name of the Town, any legal and all legal or equitable relief, that may be appropriate or necessary for the enforcement of this Chapter provided, however, that this section shall not prevent any person entitled to equitable relief enjoining any act contrary to the provisions of this Chapter. The Code Enforcement Officer shall give notice of any impending legal action to the Town Council.

- a. The Code Enforcement Officer shall be given access to real estate in the Town at reasonable hours as necessary for the enforcement of this Chapter.
- b. Any person being the owner or occupant of, having control of or use of, any building or premises, or part thereof, who violates any of the provisions of this Chapter shall be guilty of a civil violation and upon conviction thereof, shall be fined not less the \$50.00 nor more than \$1000.00. Each day such violation continues shall constitute a separate offense.

(Ord. No. 1-1996, 3-11-96; Ord. 2-2003, 5-12-03)

ARTICLE 13. WINSLOW BOARD OF ASSESSMENT REVIEW

Sec. 2-65 Authority of Board

1. The Winslow Board of Assessment Review (hereinafter "Board") receives its authority to review and grant tax abatements pursuant to State law (36 M.R.S.A., Section 843 (1-A), (2), and 844-N) and is hereby created and empowered by the Winslow Town Council for such purpose under Title 36 M.R.S.A., Section 471-A. If the majority of the Board determines that a taxpayer has been over-assessed, the Board shall grant such reasonable abatement as the Board thinks proper.

Sec. 2-66. Organization of Board

1. ESTABLISHMENT OF BOARD. The Board shall consist of five members appointed by the Town Council for staggered terms of three years, except that the initial terms shall be two (2) members for three (3) years, two (2) members for two (2) years, and one (1) member for one (1) year, with each position being appointed for three (3) years thereafter. Any vacancy shall be filled by appointment of the Town Council for the unexpired term. The staggered terms of office for each initial Board member shall be determined by rule of the Board.
2. BOARD QUALIFICATIONS. Board members shall be appointed upon the basis of their knowledge of taxation and property values. Each Board member shall be a resident of the Town at the time of his/her appointment and must continue as a resident during his/her term to continue to qualify as a Board member. If a Board member terminates his/her residence in the Town, his/her position shall become vacant.
3. CHAIRMAN/SECRETARY. The Board shall annually choose a Chair and a Secretary from its membership.
4. BOARD OFFICIAL DUTIES-. The members of the Board, in carrying out their official duties, shall act in a quasi-judicial capacity, acting fairly, independently, and impartially. The Board's findings of fact and determinations of each case shall be based only upon evidence presented to the Board in its public proceedings which shall become the record in the case. Generally, the record shall consist of the

application for abatement, the Assessor's and taxpayer's evidence presented before the Board, exhibits offered, *any* stipulations of the parties, and, if the Board desires, an inspection of the property.

Sec. 2-67. Procedure

1. MEETING/QUORUM. The Chair shall call all meetings of the Board as required. A quorum of the Board necessary to conduct an official Board meeting shall consist of at least three members. The Chair shall preside at all meetings of the Board and be the official spokesperson of the Board. When not inconsistent with applicable State law, Town ordinance or Board rules, Robert's Rules of Order shall guide the Board's procedures and deliberations; however, the Chair may waive any rule upon good cause shown. The Board shall give ample notice of all meetings and its meetings shall be open to the public.
2. BOARD RECORDS. The activities of the Board and its records are governed by the Maine Right to Know Law (1 M.R.S.A., Section 401, et seq.) The Secretary to the Board shall maintain a permanent file of all documents submitted and correspondence of the Board as part of the various proceedings which may be brought before the Board. All Board records and recording tapes-are deemed public, shall be-maintained at the Assessor's Office for a reasonable amount of time, and may be inspected or listened to at reasonable times pursuant to Town procedures. Anyone desiring a copy of any record or transcript of the tapes of the Board's meetings shall pay in advance the cost of duplication or transcription pursuant to Town procedures.
3. CONFLICT OF INTEREST. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the other members present and voting.
4. APPLICATION. To initiate an abatement appeal the applicant must have filed a timely written application to the Town Assessor, must have received a written denial from him/her, or otherwise the expiration of 60 *days* from the date the application for abatement was received by the Assessor must have expired if no written denial was given (unless the applicant and the Assessor shall have consented in writing to further delay) whereby the application to the Assessor is deemed denied, and the applicant must then file a written appeal to this Board within 60 days thereafter. Appeal forms shall be available in the Assessor's office, which forms shall provide the name and address of the appealing party, a description of the property involved, the amount assessed by the Assessor, and the amount the applicant requests as the proper assessment to be and the reasons therefore. The application to this Board shall be filed with the Assessor who shall present the same to the Board, and the Board shall schedule a hearing on the appeal within a reasonable time.
5. EVIDENCE. The Board may receive any oral or documentary evidence but shall exclude irrelevant, immaterial, or unduly repetitious evidence. Every party shall have the right to present his/her case or defense by oral or documentary evidence and

witnesses, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. The Board may continue any hearing to obtain additional information or clarification of the facts or legal issues involved; provided, however, that once scheduled, a hearing may not be continued except for good cause or as fairness requires as determined by the Board.

6. VIEW OF THE PROPERTY. If a majority of the Board deems it necessary, the Board may view or inspect the property in issue. At any inspection of the property, the Taxpayer and the Assessor (and legal counsel, if any) shall have the right to be present. No evidence or testimony shall be offered at the inspection, but both parties may nevertheless call to the attention of the Board those characteristics of the property which they wish the Board to observe but without further comment. A summary of the inspection shall be made by the Board on the record at the next scheduled meeting of the Board, and either party may at that time offer his/her own summary of the inspection for the record.
7. INFIRMITY OR POVERTY OF TAXPAYER. The Board is without the power to grant abatements to those who, by reason of infirmity or poverty, are unable to pay property taxes assessed, and therefore evidence of the applicant's financial, difficulties or inability to pay taxes on time *is* irrelevant.
 - a) OTHER RULES. The Board shall make such other reasonable rules of procedure from time-to-time as it deems advisable.

Sec. 2-68. Decision and Further Appeal

1. TIME OF DECISION. The Board may render a written decision on all applications within sixty (60) days from the date the application is filed, unless the applicant and the Board agree in writing to further delay. If the Board renders a written notice of decision, it shall mail or hand-deliver such to all parties within ten (10) days of the Board's decision. If the Board should fail to give written notice of its decision within sixty (60) days, the application shall be deemed denied as if there had been a written denial and the applicant may appeal to Superior Court under Title 36 M.R.S.A., Section 843(2); or under 36 M.R.S.A., Section 843(1-A) for non-residential property with an equalized valuation of one million dollars (\$1,000,000) or greater, an intermediate tax abatement appeal may be taken to the State Board of Property Tax Review prior to an appeal to the courts.

The Board may close the hearing after all evidence has been submitted and continue its deliberations until the next meeting of the Board. All deliberations of the Board on all appeals shall be held in public at its meetings.

If the Board chooses to render a written decision, the Board shall issue it to the Taxpayer with a copy to the Assessor and the Town Manager. The written decision shall set forth the Board's findings of facts and reason or reasons for its decision which are sufficient to apprise the applicant, the Town, and any interested member of the public of the basis of the decision.

(Added 7-12-76) (Amended Ord. No. 2-1996, 7-8-1996)

ARTICLE 14. PROPERTY ASSESSED CLEAN ENERGY (PACE) ORDINANCE.

Sec. 2-69. Purpose and Enabling Legislation

- (a) **PURPOSE.** By and through this Ordinance, the Town of Winslow declares as its public purpose the establishment of a municipal program to enable its citizens to participate in a Property Assessed Clean Energy (“PACE”) program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the Town. The Town declares its purpose and the provisions of this Ordinance to be in conformity with federal and State laws.
- (b) **ENABLING LEGISLATION.** The Town enacts this Ordinance pursuant to Public Law 2009, Chapter 591 of the 124th Maine State Legislature -- “An Act To Increase the Affordability of Clean Energy for Homeowners and Businesses,” also known as “the Property Assessed Clean Energy Act” or “the PACE Act” (codified at 35-A M.R.S.A. § 10151, *et seq.*).

Sec. 2-70. Title and Definitions

- (a) **TITLE.** This Chapter/Ordinance shall be known and may be cited as “the Town of Winslow’s Property Assessed Clean Energy (PACE) Ordinance” (the “Ordinance”).”
- (b) **DEFINITIONS.** Except as specifically defined below, words and phrases used in this Chapter/Ordinance shall have their customary meanings; as used in this Ordinance, the following words and phrases shall have the meanings indicated:

Energy saving improvement. “Energy saving improvement” means an improvement to qualifying property that is new and permanently affixed to qualifying property and that:

- a. Will result in increased energy efficiency and substantially reduced energy use and:
- b. Meets or exceeds applicable United States Environmental Protection Agency and United States Department of Energy Energy Star program or similar energy efficiency standards established or approved by the Trust; or
- c. Involves air sealing, insulating, and other energy efficiency improvements of residential, commercial or industrial property in a manner approved by the Trust; or
- d. Involves a renewable energy installation or an electric thermal storage system that meets or exceeds standards established or approved by the trust.

Municipality. “Municipality” shall mean Town of Winslow.

PACE Agreement. “Pace agreement” means an agreement between the owner of qualifying property and the Trust that authorizes the creation of a PACE mortgage on qualifying property and that is approved in writing by all owners of the qualifying property at the time of the agreement,

other than mortgage holders.

PACE Assessment. “PACE assessment” means an assessment made against qualifying property to repay a PACE loan.

PACE District. “Pace district” means the area within which the Municipality establishes a PACE program hereunder, which is all that area within the Municipality’s boundaries.

PACE Loan. “PACE loan” means a loan, secured by a PACE mortgage, made to the owner(s) of a qualifying property pursuant to a PACE program to fund energy saving improvements.

PACE Mortgage. “PACE mortgage” means a mortgage securing a loan made pursuant to a PACE program to fund energy saving improvements on qualifying property.

PACE Program. “PACE program” means a program established under State statute by the Trust or a municipality under which property owners can finance energy savings improvements on qualifying property.

Qualifying Property. “Qualifying property” means real property located in the PACE district of the Municipality.

Renewable Energy Installation. “Renewable energy installation” means a fixture, product, system, device or interacting group of devices installed behind the meter at a qualifying property, or on contiguous property under common ownership, that produces energy or heat from renewable sources, including, but not limited to, photovoltaic systems, solar thermal systems, biomass systems, landfill gas to energy systems, geothermal systems, wind systems, wood pellet systems and any other systems eligible for funding under federal Qualified Energy Conservation Bonds or federal Clean Renewable Energy Bonds.

Trust. “Trust” means the Efficiency Maine Trust established in 35-A M.R.S.A. § 10103 and/or its agent(s), if any.

Sec. 2-71. Pace Program

- (a) ESTABLISHMENT; FUNDING. The Municipality hereby establishes a PACE program allowing owners of qualifying property located in the PACE district who so choose to access financing for energy saving improvements to their property through PACE loans administered by the Trust or its agent. PACE loan funds are available from the Trust in municipalities that 1) adopt a PACE Ordinance, 2) adopt and implement a local public outreach and education plan, 3) enter into a PACE administration contract with the Trust to establish the terms and conditions of the Trust’s administration of the municipality’s PACE program, and 4) agree to assist and cooperate with the Trust in its administration of the municipality’s PACE program.

(b) AMENDMENT TO PACE PROGRAM. In addition, the Municipality may from time to time amend this Ordinance to use any other funding sources made available to it or appropriated by it for the express purpose of its PACE program, and the Municipality shall be responsible for administration of loans made from those other funding sources.

Sec. 2-72. Conformity with the Requirements of the Trust

(a) STANDARDS ADOPTED; RULES PROMULGATED; MODEL DOCUMENTS. If the Trust adopts standards, promulgates rules, or establishes model documents subsequent to the Municipality’s adoption of this Ordinance and those standards, rules or model documents substantially conflict with this Ordinance, the Municipality shall take necessary steps to conform this Ordinance and its PACE program to those standards, rules, or model documents.

Sec. 2-73. Program Administration; Municipal Liability

(a) PROGRAM ADMINISTRATION

1. PACE Administration Contract. Pursuant to 35-A M.R.S.A. §10154(2)(A)(2) and (B), the Municipality will enter into a PACE administration contract with the Trust to administer the functions of the PACE program for the Municipality. The PACE administration contract with the Trust will establish the administration of the PACE program including, without limitation, that:
 - a. The Trust will enter into PACE agreements with owners of qualifying property in the Municipality’s PACE district;
 - b. The Trust, or its agent, will create and record a Notice of the PACE agreement in the appropriate County Registry of Deeds to create a PACE mortgage;
 - c. The Trust, or its agent, will disburse the PACE loan to the property owner;
 - d. The Trust, or its agent, will send PACE assessment statements with payment deadlines to the property owner;
 - e. The Trust, or its agent, will be responsible for collection of the PACE assessments;
 - f. The Trust, or its agent, will record any lien, if needed, due to nonpayment of the assessment;
 - g. The Municipality, or the Trust or its agent on behalf of the Municipality, promptly shall record the discharges of PACE mortgages upon full payment of the PACE loan.

2. Adoption of Education and Outreach Program. In conjunction with adopting this Ordinance, the Municipality shall adopt and implement an education and outreach program so that citizens of the Municipality are made aware of home energy saving opportunities, including the opportunity to finance energy saving improvements with a PACE loan.
3. Assistance and Cooperation. The Municipality will assist and cooperate with the Trust in its administration of the Municipality's PACE program.
4. Assessments Not a Tax. PACE assessments do not constitute a tax but may be assessed and collected by the Trust in any manner determined by the Trust and consistent with applicable law.

(b) LIABILITY OF MUNICIPAL OFFICIALS; LIABILITY OF MUNICIPALITY

1. Notwithstanding any other provision of law to the contrary, municipal officers and municipal officials, including, without limitation, tax assessors and tax collectors, are not personally liable to the Trust or to any other person for claims, of whatever kind or nature, under or related to a PACE program, including, without limitation, claims for or related to uncollected PACE assessments.
2. Other than the fulfillment of its obligations specified in a PACE administration contract with the Trust entered into under Article VI, §1(A) above, a municipality has no liability to a property owner for or related to energy savings improvements financed under a PACE program.

(Ord. No. 4-2010, 10-12-10)

ARTICLE 15. TAX ACQUIRED PROPERTY

Sec. 2-74. Procedure for Acquisition of Tax Foreclosed Real Property by Previous Owner.

- (a) The tax collector will send a letter outlining the provisions of this ordinance by certified mail to the previous owner of foreclosed property within thirty (30) days after the foreclosure date. The failure of the certified mail to be claimed or otherwise received will not affect the time deadlines established by this ordinance.
- (b) To reacquire the property the previous owner must pay all past due taxes, interest and costs, all taxes for the present fiscal year and the amount of the taxes as estimated by the Assessor for the coming fiscal year within Ninety (90) days of the date of the letter.
- (c) No payment plans will be accepted. All of the taxes, interest and collectable costs must Be paid in full. Late payments will not be accepted.
- (d) If all of the taxes, interest and collectable costs are paid by the deadline, the town will issue a quitclaim deed to the previous owner of record. The issuance of a quitclaim deed may be

conditioned upon performance of necessary repairs to bring the property into compliance with current codes as determined by the code enforcement officer.

- (e) The failure of the previous owner to strictly meet all of the requirements of this ordinance extinguishes any right to reacquire the property.

(Ord. No. 6-2011; 7-11-11)

Sec. 2-75. Procedure for Acquisition of Sewer Lien Foreclosed Real Property.

- (a) The town treasurer will send a letter outlining the provisions of this ordinance by certified mail to the previous owner of foreclosed property within thirty (30) days after the foreclosure date. The failure of the certified mail to be claimed or otherwise received will not affect the time deadlines established by this ordinance.
- (b) To reacquire the property the previous owner must pay all past due sewer charges, interest and costs, all sewer charges for the present sewer year and the amount of the sewer charges as estimated by the town treasurer for the coming sewer year within Ninety (90) days of the date of the letter.
- (c) No payment plans will be accepted. All of the sewer charges, interest and collectable costs must be paid in full. Late payments will not be accepted.
- (d) If all of the sewer charges, interest and collectable costs are paid by the deadline, the town will issue a quitclaim deed to the previous owner of record. The issuance of a quitclaim deed may be conditioned upon performance of necessary repairs to bring the property into compliance with current codes as determined by the code enforcement officer.
- (e) The failure of the previous owner to strictly meet all of the requirements of this ordinance extinguishes any right to reacquire the property.
- (f) This ordinance applies to all sewer lien foreclosures taking place on or after January 1, 2013.

(Ord. No. 2-2013; 12-9-13)

(Section 2-76 is blank)

ARTICLE 16. FINANCIAL

Sec. 2-77. Post-Issuance Compliance Policy for Tax-Exempt Obligations.

1. Title and Definitions.

This post-issuance compliance policy establishes procedures and guidelines to be followed with respect to the Town of Winslow's outstanding Tax-exempt Obligations and tax Credit

Obligations.

Tax –exempt Obligations means all tax-exempt bonds, notes and lease-purchase contracts and other evidences of indebtedness the income on which is excludable from the gross income of the holders thereof under Section 102 of the Internal Revenue Code of 1986, as amended (the “code”).

Tax Credit Obligations means all tax credit bonds and direct pay bonds that provides a tax credit to the holders thereof or a direct pay bond issued under the Code, including but not limited to Section 54, 54A, 54AA, 1394, 1400U-2, 1400U-3, and 6431 or other similar provision of the Code.

2. Compliance Officer; Consultation and Training.

The Town Treasurer (the “Compliance officer”) shall be responsible for monitoring post-issuance compliance with respect to the Town’s Tax-exempt and Tax Credit Obligations to monitor for compliance with this policy.

- a. Unless a shorter time-frame is specified below, the Compliance Officer shall annually review each of the Town’s Tax-exempt and Tax Credit Obligations to monitor for Compliance with this Policy.
- b. The Compliance Officer shall consult with the Town;s bond counsel and/or its financial advisor and a rebate consultant as necessary to meet the requirements of this policy.
- c. The compliance Officer will be trained to implement this Policy.
 - i. The Compliance Officer will avail himself of training that may become available through the Maine Municipal Association or through consultation with its accountants and its Bond Counsel or other suitable source of information.

3. Closing Transcripts; Form 8038-G; Form 8038-TC.

The Compliance Officer shall maintain a copy of the transcript of proceedings for each Tax-exempt and Tax-credit Obligation issued by the Town. If not included in the closing transcript, the Compliance Officer shall also maintain records required to be maintained to qualify for the safe harbor for investment contracts or defeasance escrows and to identify any qualified hedge contract on the Town’s books and records. The Compliance Officer shall confirm the proper filing of an 8038-G, 8038-TC or other applicable Form 8038 return for each Tax-exempt and Tax Credit Obligation issued by the Town by no later than the 15th day of the second calendar month after the close of the calendar quarter during which bonds are issued.

4. Deposit and Use of Proceeds; Arbitrage Compliance.

The Compliance Officer shall:

- a. Identify or provide for the computation of the bond yield for each Tax-exempt and Tax Credit Obligation issued by the Town .

- b. Identify appropriate funds and accounts to track the deposit and use of the sale proceeds and investment proceeds of each Tax-exempt and Tax Credit Obligation issued by the Town.
 - c. Identify any fund or account that may be expected to be used to pay debt service on each Tax-exempt and Tax Credit Obligation issued by the Town.
 - d. Maintain records of all investments and expenditures from such funds and accounts and record whether investments were purchased at a fair market value and whether they were purchased on a negotiated basis or were put out for bid. If by bid, obtain all documentation relating to whether there was compliance with the bidding rules established for the specific investment. Consult with Bond Counsel, if needed.
 - e. Make a final allocation of the proceeds of any Tax-exempt and Tax Credit Obligation to expenditures by no later than (i) 18 months after the later of the date the expenditure was made or (ii) the date the project being financed was placed in service. Notwithstanding the foregoing, the final allocation shall be made not later than the earlier of five years after the particular Tax-Exempt or Tax Credit Obligations was issued or 60 days after the issue is retired.
 - f. Determine whether each Tax-exempt or Tax Credit Obligation meets the requirements of any applicable exception to arbitrage rebate, including the "small issuer" exception to arbitrage rebate or the semi-annual target dates for the 6-month, 18-month, or 24-month spending exception to arbitrage rebate.
 - g. Consult with Bond Counsel to identify and monitor any proceeds of a Tax-exempt or Tax Credit Obligation that must be invested in yield restricted investments following the expiration of any applicable temporary period or spending period.
 - h. In the event the Town fails to meet the requirements of the applicable temporary period, spending period or exception to rebate:
 - i. Arrange for the timely calculation and payment of any rebate liability or yield reduction payment, if available and as applicable.
 - ii. Establish a calendar of each date for each of the City's bond issues that the City will be required to make any rebate payment to the United States (generally, every 5 years and upon final payment of all bonds). Such a calendar must recognize that the dates of any required rebate payment to the United States must be adjusted to reflect any redemption date of a bond issue prior to final maturity.
 - iii. Ensure that if rebate is due, the first rebate installment is paid and a Form 8038-T is filed by the fifth anniversary of the issue date of the particular Tax-Exempt or Tax Credit Obligation plus 60 days and each fifth anniversary thereafter until the final maturity date or earlier redemption date plus 60 days.
5. Proper Use of Bond Financed Property.
- The Compliance Officer shall:
- a. Maintain a record of all bond financed property and the proceeds of any Tax-exempt or Tax Credit Obligation spent on each such bond financed property

- b. Monitor all non-public use of any property financed with the proceeds of any Tax-exempt or Tax Credit Obligation and confer with Bond Counsel as appropriate. Such non-public use may arise out of some of the following arrangements: non-qualified management or research contracts (refer to Rev. Procs. 97-13 and 97-14), leases (including leases to the Federal Government), naming rights, or the sale, disposition or other change in use of such property.
- c. Maintain copies of any non-public use arrangement.
- d. Keep a record of the payments to be derived from operation of the property financed with the proceeds of any Tax-exempt or Tax Credit Obligation and whether such property secures the payment of any Tax-exempt or Tax Credit Obligation.
- e. With respect to any property financed with any Tax-exempt or Tax Credit Obligation, monitor for approval prior to execution:
 - i. Any lease, sales contract or other disposition of such property.
 - ii. Any naming rights, sales or licensing contract; management or service contract, research contract; output contracts; cell phone tower agreements; solar power contracts or windmill-generation contracts of such property.
 - iii. Immediately upon the execution of any such arrangement or other disposition that constitutes a non-public use, and in all events no less than annually during the term of any Tax-exempt or Tax Credit Obligation, calculate the amount of non-public use and payments with respect to such property.
- f. In the event the Town takes an action which causes the private activity bond tests to be met, contact bond counsel and take all actions necessary to ensure timely remedial action under the applicable IRS Regulation.

6. Continuing Disclosure.

The Compliance Officer shall file the annual financial statements and other financial information and operating data and shall provide notice of any material events as required by any continuing disclosure certificate delivered by the Town with respect to any Tax-exempt or Tax Credit Obligation.

7. Significant modification.

The Compliance Officer shall evaluate all modifications to any of the Town's Tax-Exempt or Tax Credit Obligations to determine whether such modifications result in a reissuance and, if such modifications do result in a reissuance, to take all actions necessary to maintain the tax-exempt status of the Tax-Exempt Obligation or the tax advantaged status of the Tax Credit Obligation.

8. Retention of Records.

The closing transcript for each Tax-Exempt and Tax Credit Obligation and other records to be retained pursuant to this Policy shall be maintained until three (3) years after said Tax-exempt or Tax Credit Obligation (or obligations issued to refund such Tax-exempt or Tax Credit Obligation) has been retired. If records and materials to be maintained under this Policy are

kept in electronic format, the record system shall comply with the requirements of Rev. Proc. 97-22, as such may be amended, modified, superseded or replaced.

(Ord. No. 1-2013; 10-15-13)

ARTICLE 17. AGRICULTURAL COMMISSION CHARTER

Sec. 2-78. Purpose

By and through this Ordinance, the Town of Winslow declares as its public purpose to review and enhance municipal policies, practices, and ordinances relating to agriculture, with a goal of ensuring that the town is friendly to agriculture while continuing to protect the health, safety and welfare of all residents.

Sec. 2-79. Organization of Commission

The commission shall be comprised of 5 – 7 members appointed for three (3) year terms by the Town Council. Members shall represent a broad spectrum of active and retired farmers, and include a representative from the Planning Board and one or more residents with knowledge of forest management.

Sec. 2-80. Agricultural Commission Roles and Responsibilities

1. Act as an advisory and recommending body to the Town Council, Planning Board and other municipal committees on matters relating to agriculture and managed woodlands in our community.
2. Implement the recommendations, as approved by the Town Council, from the Agriculture Working Group's *Cultivating Winslow's Agricultural Future* report to the Town Council dated March 2014.
3. Periodically review the comprehensive plan and land use ordinances for provisions that relate to farming in order identify potential barriers for farming and identify opportunities to modify the documents to better support farming.
4. Propose modifications or amendments to the comprehensive plan and ordinances to better support farming while protecting the health, safety and welfare of all residents.
5. Recommend and facilitate broad public participation in changes to municipal policies and ordinances that affect farming, and provide multiple opportunities for public input as each change is proposed.
6. Research methods other communities are using to support agriculture and share information and ideas with community leaders.
7. Sponsor events related to local farming such as community suppers, farm forums or workshops, or a harvest festival.

8. Facilitate as practicable the distribution of locally grown food to schools, families, institutions and those dealing with food insecurity,
9. Work with the Parks and Recreation Committee to manage the Winslow Community Garden.

Sec. 2-81. Procedures

The following guidelines and procedures are intended to guide the Agricultural Commission in fulfilling its roles and responsibilities.

1. The Commission should elect a chair and agree to a committee structure and process for decision-making.
2. A detailed work plan and timeline will be developed that reflects any priorities agreed to by the Commission members. This work plan and timeline will be distributed to the Town Council, Planning Board and other committees as appropriate for comments.
3. The Commission should strive to achieve consensus on all recommendations while remaining sensitive to diverse citizen views.
4. The commission should keep any proposed changes or amendments to municipal documents as simple and straightforward as possible while ensuring that all proposed changes meet minimum State requirements for land use regulation.
5. All meetings of the Commission must be posted with required public notice and open to the public with the appropriate level of public participation to be decided by the Commission. At a minimum, an opportunity for public comment should be provided at each meeting.
6. Written minutes of each Commission meeting must be available to the Public.
7. An annual report of the Commission's activities must be prepared and presented to the Town Council, and included in the annual town report.
- 8.

(Ord. No. 4-2014; 5-12-14)

ARTICLE 18. EXCISE TAX

Sec. 2-82. Authority

This ordinance is enacted pursuant to 36 M.R.S.A. § 483A, which expressly authorizes such ordinances.

Sec. 2-83. Excise Tax Exemptions and Qualifications

Vehicles owned by a resident of this municipality who is on active duty serving in the United States Armed Forces and who is either permanently stationed at a military or naval post, station or base

outside this State or deployed for military service for a period of more than 180 days and who desires to register that resident's vehicle(s) in this State are hereby exempted from the annual excise tax imposed pursuant to 36 M.R.S.A. §1482.

To apply for this exemption, the resident must present to the municipal excise tax collector certification from the commander of the resident's post, station or base, or from the commander's designated agent, that the resident is permanently stationed at that post, station or base or is deployed for military service for a period of more than 180 days.

For purposes of this section, "United States Armed Forces" includes the National Guard and the Reserves of the United States Armed Forces.

For purposes of this section, "deployed for military service" has the same meaning as in 36 M.R.S.A. §814(1)(A).

For purposes of this section, "vehicle" has the same meaning as in 36 M.R.S.A §1481(5) and does not include any snowmobiles as defined in 12 M.R.S.A §13001.

Sec. 2-84. Effective Date and Duration

This Ordinance shall take effect on April 1, 2014. Any qualifying resident may receive reimbursement of excise tax paid on or after April 1, 2014.

(Ord No. 6-2014; 6-9-14)

ARTICLE 19. VOLUNTARY MUNICIPAL FARM SUPPORT PROGRAM (VMFSP)

A complete copy of this can be found in Appendix A.

(Ord. No. 3-16, 5-9-16)