



TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904

Telephone: (207) 475-1329 Fax: (207) 439-6806

KITTERY TOWN COUNCIL

COUNCIL CHAMBERS

June 27, 2022

6:00PM

Meetings may be watched in person, on Channel 22, the Town's website, or Kittery Channel 22 Facebook page.

The public may submit public comments via email, US Mail, or by dropping off written comments at the Town Hall. Emailed comments should be sent to:

TownComments@kitteryme.org.

The public may participate in person or via Zoom webinar. **To register for the Zoom webinar, click this link:**

https://us02web.zoom.us/webinar/register/WN_mqBqzpaMTBGOUefBln8ZKA

After registering, you will receive a confirmation email containing information about joining the webinar. Webinar participants will be able to submit questions and comments during a public hearing and public comment.

Written comments received by noon on the day of the meeting will become part of the public record and may be read in whole or in summary by the Council Chair.

1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Roll Call
5. Agenda Amendment and Adoption
6. Town Manager's Report
7. Acceptance of Previous Minutes
8. Interviews for the Board of Appeals and Planning Board

9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials.
10. PUBLIC HEARINGS
11. DISCUSSION
 - a. Discussion by members of the public (three minutes per person)
 - b. Response to public comment directed to a particular Councilor
 - c. Chairperson's response to public comments
12. UNFINISHED BUSINESS
13. NEW BUSINESS
 - a. Donations/gifts received for Council disposition

(060222-1) The Kittery Town Council moves to accept a donation in the amount of \$244,714.00 from the RPL Corporation to be deposited into the Library Building account #4060.

(060222-2) The Kittery Town Council moves to accept a donation in the amount of \$300.00 from Rosemarie Lesswing to be deposited into the Kittery Community Center Giving Tree Fundraiser account #2063.
 - b. (060222-3) The Kittery Town Council moves to appoint Clayton Smith to the Conservation Commission for a three-year term.
 - c. (060222-4) The Kittery Town Council moves to approve a petition request from Aroma Joe's Coffee located at 89 Route 236, to extend the Sewer main on Route 236.
14. COUNCILOR ISSUES OR COMMENTS
15. COMMITTEE AND OTHER REPORTS
 - a. Communications from the Chairperson
 - b. Committee Reports
16. EXECUTIVE SESSION
17. ADJOURNMENT

Posted: June 23, 2022



TOWN OF KITTERY

Office of the Town Manager

200 Rogers Road, Kittery, ME 03904

Telephone: 207-475-1329 Fax: 207-439-6806

kamaral@kitteryme.org

Town Manager's Report to the Town Council

June 27, 2022

1. **Kittery Block Party** – Congratulations to the Kittery Block Party for their overwhelmingly successful event on Saturday, June 18! It was very well attended, the vendors were wonderful and diverse, and the music and entertainment were perfect.

For context, the last time the Block Party was held, the Town had a booth to gather input on the Rice Library project design. COVID prevented the Block Party from happening in 2020 and 2021.

This year we were able to show off the results of the beautiful Library renovation and expansion. I was joined by Councilor Spiller at the Town of Kittery booth. We shared information about the Town's climate adaptation efforts, encouraged people to sign up for the Town's E-Alerts, and encouraged people to participate in a survey about the Freebie Barn.

Special thanks go to the Block Party Committee members who begin planning the event months in advance and work hard to make the event such a success. I also want to thank the teams at the KCC, Kittery Police, and Public Works departments for helping make the event safe and fun for all.

2. **Freebie Barn Survey** – The Freebie Barn Survey is live. The survey is part of our gap analysis to determine what is and is not being diverted from the waste stream, what residents are interested in diverting if the options become available, and what the barriers are to diverting more material (i.e. convenience, cost, etc.). The survey also asks about how members of the community prefer to engage in Town initiatives. This question informs our planning for the development of the Climate Action Plan and expansion of our communications efforts.
3. **Spruce Creek Watershed-Based Management Plan** – I am excited to share that the Town of Kittery has been awarded a grant through DEP to engage in developing a watershed-based management plan for Spruce Creek. Jessa Kellogg developed the successful application. The Town has been awarded \$34,324, with a match requirement of \$31,508 which will be met through CIP and in-kind staff time.

The Spruce Creek Watershed-Based Management Plan will update information about the Creek's water quality status as well as source tracking and other assessments. It will expand the covered pollutant load estimates and sources specific to nutrients, along with the existing fecal indicator bacteria issue. The project will identify critical areas of concern for remediating fecal indicator bacteria and nutrient sources that lead to the algal blooms and invasive plant growth the Council learned about from Save Kittery Waters. The Town and local groups, including Save Kittery Waters, will work to develop management strategies for improving the water quality Spruce Creek.

4. **Joint Land Use Study Implementation – Phase 3** – Southern Maine Planning and Development Commission (SMPDC), in partnership with the Town, is being awarded \$449,973 in funding from

OLDCC (Department of Defense) for Phase 3 of the Joint Land Use Study project. The match requirement is \$50,125 which will be met with in-kind staff time. Adam Causey and I worked with SMPDC on the development of the grant application. In total, the Town and SMPDC have received \$418,499 in grant awards from OLDCC for our work on addressing PNS impacts on Kittery. Additional funds were awarded in the last Phase from MaineDOT for transit development.

The Phase 3 workplan includes support for Kittery's Climate Action Plan development in conjunction with the regional cohort, planning for a micro-transit service that will support PNS employees and reduce single occupancy vehicle traffic through Kittery, housing needs assessment for the region, and further development on communications coordination with the PNS and regional communities and planning agencies.

For Phase 3, we decided to have SMPDC be the lead applicant, due to the majority of the workplan being broadly applicable to the region, and in order to share the workload of administering the JLUS grant.

- 5. Grant Efforts in General** – In the past six months, Town staff have applied for approximately \$1.87M in state, federal, and foundation grants and have been awarded \$626,985 in funds. We are awaiting decisions on approximately \$1.23M in grant applications.

Grants are important, and help offset the costs of projects and initiatives that advance the Council's and community's goals including public safety, natural resource protection, traffic and transportation, planning and economic development, and recreational and community programming. Grants awarded in just this year range in size and include \$4,800 received by Jeremy Paul, from Kennebunk Savings Bank sponsorship, for the Kittery 375th Arts Festival planned for this summer; to \$40,522 from MaineDEP, received by Jessa Kellogg, for a multi-year aquatic invasives removal effort at Legion Pond to name a few.

We are presently preparing applications to MaineDOT for a transportation corridor study for Route 1, a grant to offset the cost of stormwater infrastructure repair/replacement along Route 1, and our second attempt at funding for the sidewalk extension on Stevenson. We are preparing a Defense Community Infrastructure Pilot Program grant for gap funding for the Walker/Wentworth sidewalk project; we are exploring a brownfields grant opportunity with SMPDC to remove the old Community Center on Cole Street, and an Island Institute grant for working waterfront planning.

It is important to note the amount of effort involved in identifying, applying for, and administering grants. There is no easy path to a grant. Despite the challenges, grants are a means to accomplish important objectives of the community without having to raise additional taxes; and are therefore vital to our ambitious and extensive efforts.

- 6. Finance Director Transition** – I am disappointed to share that Patty Moore will be leaving Kittery for a position in the private/non-profit sector. In her time here, Patty has helped us improve our cash position, achieve a bond rating increase and favorable bond terms, updated our financial policies, and worked to build the Finance Department into a true team that is cross-trained and supportive of each other and the departments they serve. Her talent, wit, and good advice will be sorely missed. Patty's last day in the office is July 7.

Being without a Finance Director is not an option. In just the next three months we must close the books and prepare for the audit, implement a significant financial software upgrade, and prepare for the tax

commitment. A number of area communities are looking for lead finance staff, and the competition in this market is a real challenge.

With these projects and challenges at the forefront, I am pleased to announce that we have been able to recruit a talented replacement for Patty. Elizabeth Lallemand will begin as our new Finance Director starting July 5. Ms. Lallemand has over 18 years of municipal finance experience serving in roles ranging from Senior Bookkeeper to most recently as Assistant Finance Director. She has extensive experience with our financial software, and has assisted two communities through their upgrade/implementation projects with MUNIS. Having worked with Ms. Lallemand in 2006 – 2010, I know she will be a wonderful fit for the team and the Town, and she will ensure we do not miss a beat.

Upcoming Dates:

- BL & BL-1 Affordable Housing Public Discussion – June 29, 6PM, via Zoom
- Council and School Committee Nomination Papers Available – June 30, Town Hall
- Senior Tax Credit Applications Due – July 1, Town Hall
- Town Hall Closed for Independence Day – July 4

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read 'K. Amaral', with a long horizontal flourish extending to the right.

Kendra Amaral
Town Manager



GRANTS SUMMARY

Applications Since: January 1, 2022

Applied for:	\$1,877,715	11
Awarded:	\$626,985	7
Match Required:	\$159,633	7
Awaiting Decision:	\$1,230,568	4
Success Rate:	33.4%	63.6%

Project	Grant Program	Source	REQUEST (w/o match)	Proposed Match	Match Type	Award	Award Amount (w/o match)	Award Match Requirement	Contact	Line Item Match Source
Legion Pond	Invasive Aquatic Plant Removal	MDEP	60,720	\$ 15,180	Cash	Yes	\$ 40,522	\$ 8,000	Jessa Kellogg	Operating budget
Housing/Transportation/Climate/Comms ¹	Joint Land Use Program	OLDCC (Dept Defense)	449,937	\$ 50,125	Inkind	Yes	\$ 449,973	\$ 50,125	Steph Carver	Inkind
Bullet Proof Vests	BPV Program	Bureau of Justice	2,366	\$ -	N/A	Yes	\$ 2,366	\$ -	Chief Richter	N/A
FT Firefighters ²	SAFER	Federal	816,000	\$ -	N/A	Awaiting			Chief O'Brien	
Stormwater infrastructure - Route 1	Municipal Partnership Initiative	MDOT	234,568	\$ 234,568	Cash	Awaiting			Jessa Kellogg	Capital/Reserve
Climate Action Cohort	Community Partnership Program	GOPIF	25,000	\$ -	N/A	Yes	\$ 25,000	\$ -	Karina Graeter	N/A
Route 1 Road Diet/Planning	Planning Partnership Initiative	MDOT	70,000	\$ 70,000	Cash	Yes	\$ 70,000	\$ 70,000	Adam Causey	TBD
375th Celebration - Arts Festival	Kennebunk Savings Sponsorship	Kennebunk Savings	4,800	\$ -	N/A	Yes	\$ 4,800	\$ -	Jeremy Paul	N/A
Spruce Creek Watershed-Based Mgmt Plan	Watershed Program	MDEP	34,324	\$ 31,508	Inkind & Cash	Yes	\$ 34,324	\$ 31,508	Jessa Kellogg	Inkind/Capital
Outdoor Preschool Program	Congressionally Directed Spending	Sen Collins	100,000	\$ -	N/A	Awaiting			Kendra Amaral	
Community Outreach Liaison	Congressionally Directed Spending	Sen Collins	80,000	\$ -	N/A	Awaiting			Kendra Amaral	

- Notes:**
1. Joint Land Use Program Grant is a collaborative effort with SMPDC. SMPDC has agreed to serve as the primary applicant for this round.
 2. SAFER Grant for Full-Time Firefighters amount is a 3-year operational grant; amount shown represents Year 1 if awarded.
 3. Climate Action Cohort Grant is a collaborative effort with SMPDC, Kennebunk, Kennebunkport, and Biddeford. SMDPC is serving as the primary contact.



BL & BL-1 Affordable Housing Public Discussion

WEDNESDAY, JUNE 29, 2022 | 6:00 PM
ZOOM WEBINAR

Register at: bit.ly/kitteryhousing



Join the Town of Kittery for a public discussion about the BL and BL-1 affordable housing zoning amendments.

The event will provide information about state and local housing policy, and the zoning amendments.

Participants are encouraged to ask questions and share their feedback about the BL & BL-1 amendments.



FREEBIE BARN SURVEY

We want to hear from you!

The Town of Kittery is working with our Climate Adaptation Committee and Kittery Climate Action Now (KCAN) to plan for the reopening of the Freebie Barn.

Take this short, 4 minute survey to share your thoughts about the Freebie Barn, and help us understand the interests of our community and where the greatest gaps are in keeping usable/reusable goods out of landfills and incinerators.



Rice Public Library Corporation



June 21, 2022

Dear Kittery Town Council:

Please accept this gift of \$ \$244,714 from the Rice Public Library Corporation.

This gift includes donations from a variety of private individuals and small foundation grants, and is intended to support the Children's Garden, various furnishings, equipment, and other items and needs.

We are pleased to note that, inclusive of this check, to date, the Rice Public Library Corporation has transferred a total of **\$654,064** to the Town of Kittery. Including a separate \$5,000 donation made directly to the Town by another Library-affiliated organization, the town has thus far received **\$659,064** in private donations for this project. The Library is a beloved institution in Kittery and approximately 500 individuals, organizations, businesses and foundations have shown their commitment to the Library with monetary and in-kind donations.

Thank you for your support of the Rice Public Library.

Best regards-

Dianne Fallon
Rice Library Campaign Chair

Cc: Rachel Dennis, RPLC President
Lee Perkins, Director, Rice Public Library

TO VERIFY AUTHENTICITY, SEE REVERSE SIDE FOR DESCRIPTION OF THE 11 SECURITY FEATURES

RPL CORPORATION
8 WENTWORTH STREET
KITTERY, ME 03904

KENNEBUNK SAVINGS BANK
KITTERY BRANCH
KITTERY, ME 03904

52-7450/2112

3768

6/15/2022

PAY TO THE ORDER OF Town of Kittery

\$ **244,714.00

Two Hundred Forty-Four Thousand Seven Hundred Fourteen and 00/100*****

DOLLARS

Town of Kittery
200 Rogers Road
Kittery, ME 03904



MEMO Library Renovation

AUTHORIZED SIGNATURE

RPL CORPORATION

3768

Town of Kittery

Date	Type	Reference
6/15/2022	Bill	Library Renovation

Original Amt.
244,714.00

Balance Due
244,714.00

6/15/2022
Discount
Check Amount

Payment
244,714.00
244,714.00

Kennebunk RPL Chec Library Renovation

244,714.00

For Council
approval

ROSEMARIE P LESSWING
PH. 207-439-0074
56 CASLYN DR.
ELIOT, ME 03903

52-7450/2112

2364

DATE 6-14-2022

0 BRIDGE FUNDRAISING/2021
ATTENDING CENTRE/2011/2021



PAY TO THE ORDER OF

K.C.C.
Three hundred and no/100

\$ 300 ⁰⁰/_{xx}

DOLLARS

Heat
Resistant
Ink



Kennebunk
Savings

MEMO

cloud-FEL

Rosemarie Lesswing

LOOK FOR FRAUD-DETECTING FEATURES INCLUDING THE SECURITY SQUARE AND HEAT-REACTIVE INK DETAILS ON BACK

2003 KCC Fundraising/Donations

Kittery Community Center Giving Tree Fundraiser

Purchaser Name <i>Rosemarie Lesswing</i>	Phone Number <i>207-439-0074</i>
Address <i>56 Caslyn Dr.</i>	
City <i>Eliot</i>	State/Zip <i>ME 03903</i>
Email Address <i>roz1965@comcast.net</i>	

	Item and Inscription – PLEASE WRITE LEGIBLY!
	Colorful Leaves \$40 Inscription to Read: (40 Letters)
	Silver Leaves \$100 Inscription to Read: (40 Letters)
<i>1</i>	Clouds \$300 Inscription to Read: (40 Letters) <i>in memory of Fred Lesswing, Sr. 2022</i>
	Rocks \$300 (Stone wall will be made) Inscription to Read: (40 Letters)

Paid:

Cash	Check # <i>2364</i>
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**TOWN COUNCIL BOARDS AND COMMITTEES
INTERVIEW FORM**

TO: KITTERY TOWN COUNCIL

FROM: COUNCILOR Stevens and Earldean Wells

RE: APPOINTMENT TO Conservation Commission

DATE OF INTERVIEW: June 14, 2022 at 11:00 a.m./~~p.m.~~

We have interviewed Clayton Smith, on the date and time
above. We approve recommendation of the applicant and whole heartedly endorse his/her
appointment for a term to expire on June 14, 2025

Mary Stevens
Earldean Wells

Signatures

ATTENDANCE RECORD (for reappointments only)

Excellent ✓ EW
Good _____
Poor _____



TOWN OF KITTERY
200 Rogers Road, Kittery, ME 03904
Telephone: 207-475-1329

REPORT TO TOWN COUNCIL

Date: June 27, 2022
From: Kendra Amaral, Town Manager
Subject: Petition for Sewer Extension – 89 Route 236, Map 28 Lot 14-2
Councilor Sponsor: N/A

EXECUTIVE SUMMARY

The owner of Aroma Joe's Coffee, located at 89 Route 236, Map 28 Lot 14.2, is seeking approval to extend the sewer main approximately 456 feet north along Route 236 from its proposed terminus for the carwash, at Mackenzie Lane. The extension is being pursued in accordance with Title 13.1.4.

The Council approved a petition for a sewer extension, by owner, to Mackenzie Lane in April of 2021.

Given certain conditions and considerations, this extension can be beneficial to the business and the Town. The conditions and considerations would include that the applicant have approval from the property owner, JD Investments, LLC, that the applicant pay for the project directly, that the project meet all of the town's design and performance standards for a public sewer main, and that the main be turned over to the Town upon completion, among other terms.

PROPOSED EXTENSION

The applicant is interested in abandoning their septic system in the near future and connecting to the sewer main. There are currently no site plan applications before the Planning Board for this property.

The Town has no plans to undertake a sewer expansion project at this time. In accordance with Title 13, the applicant is exercising their right to seek an expansion at their own expense through a petition to the Council.

The proposed extension would impact one additional parcel along the proposed extension. The parcel is owned by Central Maine Power and is not presently subject to the connection requirement, due to a lack of buildings or septic on the parcel. If the parcel is developed in the future, it may be required to connect to the sewer main.

There is sufficient capacity in the collection and treatment infrastructure to accept the wastewater produced by the applicant (current and anticipated future uses). The proposal does not negatively impact capacity of the sewer service. The proposal does have the potential to add value to the property, enhance environmental protections, and increase development opportunities.

If approved, the applicant has indicated they will work directly with the contractor extending the sewer main to Mackenzie Lane. This will ensure the infrastructure is in place prior to Maine DOT's anticipated repaving of Route 236 in the next few years.

The proposed extension should be built in accordance with Sewer Department requirements, and sized accordingly to accept flow from potential future connections. The extension will take up valuable real estate in the underground utility corridor along Rte. 236 and should therefore be built to a capacity that benefits the applicant's current use and reasonably projected future development.

The proposed extension should be turned over to the Town as a public asset. The Town will assume all ongoing maintenance and replacement costs, and will collect all metered flows through the main in perpetuity.

Per Town Attorney, the Town is not obligated to recoup the costs of the installation on behalf of the applicant, through a betterment assessment. The Town is required to assess a betterment; however, this can be simply the corresponding change in value that access to a public sewer utility affords. Typically, access to a public sewer utility increases the value of property on average 7% and 10%.

Access to the sewer utility along 236 is generally desirable. The Town of Eliot's sewer expansion is not intended to connect down Rte. 236 to the Kittery line; therefore, any expansion on Rte. 236 will be solely on the Kittery side of the town line.

Approval, if deemed appropriate by the Council, should be made with certain conditions. Below is a proposed draft motion and conditions.

The Council is not required to schedule a public hearing prior to deciding on the petition. The Council may determine a public hearing is not necessary given the that there is only one abutting property owner, Central Maine Power, representing a parcel that is currently undeveloped.

PROPOSED SOLUTION/RECOMMENDATION

The Staff recommend approval of the application, with the following conditions:

- Applicant must bear the full cost of the design, permitting, and installation of the extension ("the project") and any and all applicable fees (permitting, entrance, impact). Applicant will not be reimbursed for the cost of the extension by the Town or by any applicable benefiting property owners.
- Applicant must build a sewer line to the Town's existing sewer main, in accordance with design and performance standards set by the Sewer Department, and in a manner that supports current and potential future development of the benefiting properties.
- Applicant must legally transfer the assets to the Town within 30 days of the completion of the project.
- Applicable benefited property owners will receive a 90-day notice to connect upon transfer of the assets to the Town. The Town will automatically grant deferrals for any applicable property where their septic system is less than 20-years old per Title 13; however, applicable abutting benefited properties must be permitted to connect to the project during construction, if they so desire. Those qualifying for an exemption will be notified accordingly. (Note: no applicable benefited properties associated with this expansion petition)
- Applicable benefited property owners will be advised that they can file for an appeal with the Council to defer connection until failure of the septic system, if the property is unable to connect via gravity flow. (Note: no applicable benefited properties associated with this expansion petition)
- The property owner of record must agree, in writing, for the property to be connected to the sewer system, and must agree in writing to the abandonment of the on-site septic system upon connection.

ATTACHMENTS

- Petition for Sewer Extension
- Capacity Confirmation from Sewer Department
- Map of petitioned expansion
- Title 13.4 – Main Extensions



**Letter to the Town Council of Kittery, ME
06/15/2022**

From:

Maryna Shuliakouskaya
Business Address: 89 Rt. 236, Kittery, ME 03904
Home Address: 16 Maple Ave., Eliot, ME, 03903
Cell: 603-502-4407
Email: Maryna@aromajoes.com

To:

Town Council of Kittery, ME
200 Rogers Rd., Kittery, ME, 03904

To Whom It May Concern:

I'm writing to ask for your support and permission for Aroma Joe's Coffee, located at 89 Rt.236, Kittery, to add to the current sewer project, which the town has already approved. The city favored a sewer connection for a carwash on a 324,233-SF lot located at the corner of Route 236 and MacKenzie Lane (Tax Map 28, Lot 25D) in the Commercial Zone (C-2).

The approximate distance between the carwash and Aroma Joe's is 400 LF. We don't have any residential sites that might be impacted by this expansion, except for the CMP property.

Your decision to approve this request will allow Aroma Joe's to connect to the public sewer, as the equipment will already be very close to our site to do the work for the carwash. Furthermore, while the project will be expensive for us anyway, on-site equipment will substantially reduce the cost. Lastly, it might provide opportunities for other local business owners to expand that sewer line even further and benefit the local community.

Thank you so much for your help and consideration,

Maryna Shuliakouskaya



TOWN OF KITTERY, MAINE

SEWER DEPARTMENT

200 Rogers Road, Kittery, ME 03904

Telephone: (207) 439-4646 Fax: (207) 439-2799

Maryna Shuliakouskaya
Aroma Joe's
89 Route 236,
Kittery, ME 03904

June 15, 2022

RE:Sewer Availability

Maryna,

This letter is to confirm that, if your proposed sewer line expansion for your project, located at 89 Route 236, is approved the sewer system (pipng and pumping stations) and the treatment facility has the capacity and ability to handle the increased flow.

If you have further questions or concerns, please contact me.

Sincerely Yours

Timothy Babkirk

Timothy Babkirk
Superintendent of Sewer Services
Town of Kittery
200 Rogers Rd
Kittery ME 03904
1-207-439-4646
tbabkirk@kitteryme.org



Sewer Exp Petition

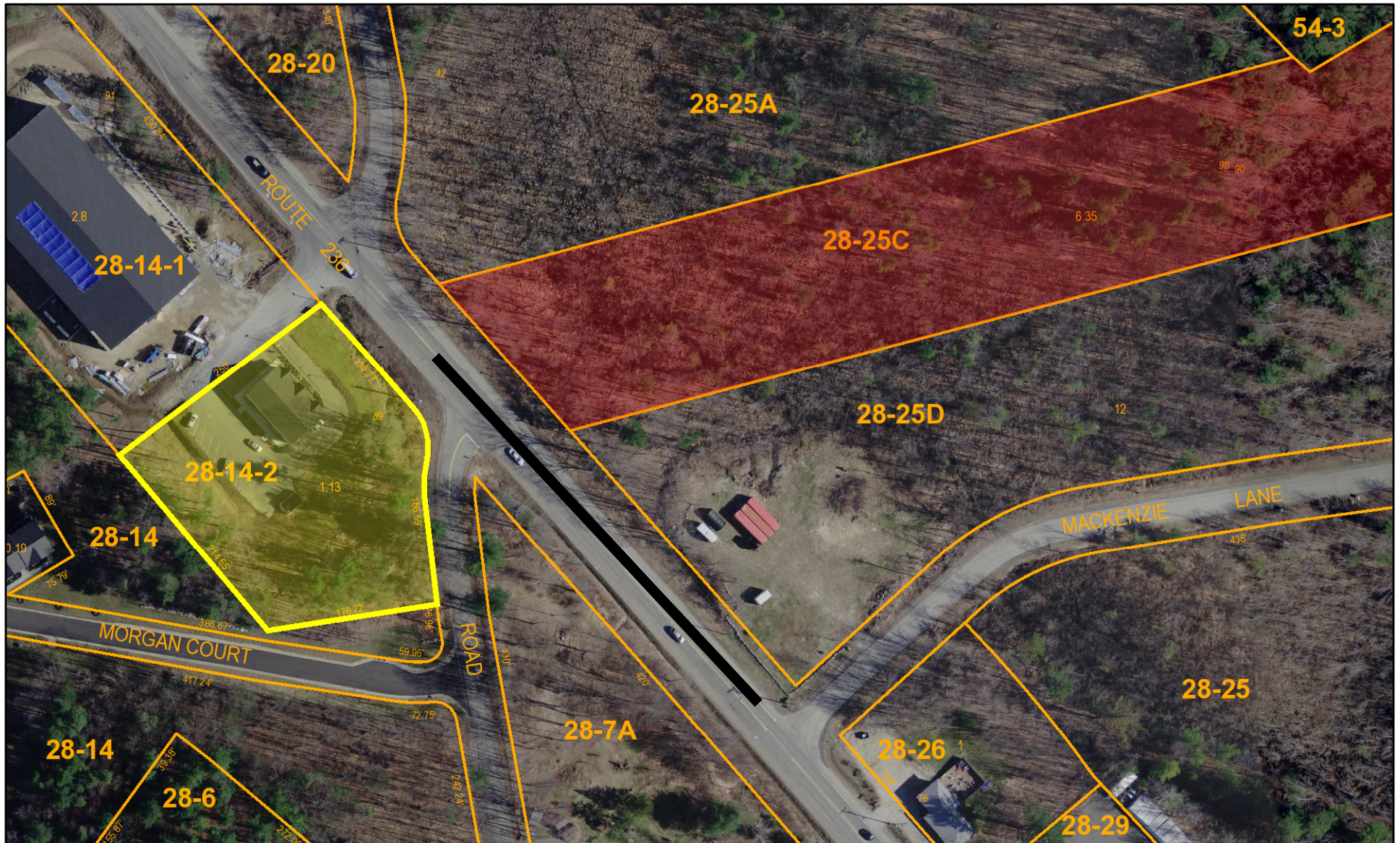
Kittery, ME



June 22, 2022

1 inch = 137 Feet

www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

ARTICLE IV Main Extensions

§ 13.1.4.1. Council's authority to make changes, extensions.

The Town Council may make such changes and extensions as it deems necessary for the best interests of the public.

§ 13.1.4.2. Extensions generally.

- A. Petitions for extensions. Any person and/or persons may petition to the Town Council for extension or extensions they propose, which petition must be voted upon by the Council.
- B. Authority to make assessments for costs of extensions. The Town Council has the power to make assessments for the costs of any extensions it approves. The council may also establish such rates for entrance and other charges for the use of said sewage system against the owners of the property served by said system or to which such service is available as it may deem necessary to help defray cost of maintaining and operating system.
- C. Construction by property owner, builder or developer. If the Town does not elect to construct a sewer extension under public contract, the property owner, builder or developer may construct the necessary sewer extension if such extension is approved by the Town Council. The person(s) must pay for the entire installation, including all expenses incidental thereto. Each building sewer must be installed and inspected as previously required in Article III of this chapter and the inspection fees paid. The design and construction specifications must bear the signed approval of the Superintendent prior to construction.

§ 13.1.4.3. Assessment.

- A. Determination of benefits. When the sewer line construction has been completed, the municipal officers shall determine what lots or parcels of land, with or without structures thereon, are benefited by said sewer line and estimate and assess upon said lots or parcels of land, and against the record owner or owners thereof or against a person against whom the taxes thereon are assessed, a sum not exceeding the benefit the municipal officers deem fair and equitable towards defraying the expenses of said sewer construction together with any sewage disposal units and appurtenances that may be necessary for the proper operation of said sewer line.
- B. Definitions. For the purposes of this article, the following definitions apply:

ASSESSED PARCEL — A benefited property included in an adopted assessment plan obliging payment of an assessment fee.

BENEFITED PARCEL — A property which has gained direct access to a sewer main extension via frontage or an existing public right-of-way less than 100 feet distant, whether gravity flow is readily achievable or not.

DWELLING UNIT — A room or group of rooms forming a habitable unit for one family with facilities used or intended to be used for living, sleeping, cooking, eating, and sanitary facilities. It comprises at least 650 square feet of habitable floor space and includes any subcategory definition of dwelling as found in Title 16, § 16.2.2 (e.g., inn, accessory dwelling unit).

PER DWELLING UNIT — The basis of calculation of the number of dwelling units for residences assessed in an adopted sewer main extension assessment plan or to be assessed for a sewer special entrance connection fee.

PER UNIT OF OCCUPANCY — The basis of calculation of the number of occupied units for nonresidential structures assessed in an adopted sewer main extension assessment plan or to be assessed for a sewer special entrance connection fee.

UNASSESSED PARCEL — Those parcels of property that were not benefited or assessed when sewer main extension assessments were made; and those parcels that were thereafter found not benefited by such sewers and therefore not subject to such assessments.

UNIT OF OCCUPANCY — The category of property use which carries the unit charge as found in § 13.1.6.5, Sewer impact fee.

- C. Limitation on assessment; formula for determining cost. The whole of the assessments may not exceed 1/2 the cost of the entire project contract price of constructing and completing the sewer line, including all necessary appurtenances and sewage disposal units. The Town Council shall devise and utilize a formula for determining the fair and equitable cost to the owner or owners of land so benefited.
- D. Responsibility for sewer lines. The municipality is responsible for such sewer lines after construction and shall thereafter maintain and keep the same in good repair.
- E. Record of location of sewer line; notification of owner.
 - (1) The municipal officers shall file with the Clerk of the Town the location of the sewer line and sewage disposal units and appurtenances, with a profile description of the same and a statement of the amount assessed upon each lot or parcel of land so assessed and the name of the owner of the lots or parcels of land or person against whom the assessment is made.
 - (2) The Clerk of the Town is to record the assessment in a book kept for that purpose, and within 10 days after filing notice, each person so assessed is to be notified of the assessment by having an authentic copy of the assessment, with an order of notice signed by the Clerk of the Town stating the time and place for a hearing upon the subject matter of the assessments, given to each person so assessed or left at their usual place of abode in the Town.
 - (3) If a person has no place of abode in the Town, then the notice may be given or left at the abode of their tenant or lessee, if the person has one in the Town; if the person has no tenant or lessee in the Town, then by posting the notice in some conspicuous place in the vicinity of the lot or parcel of land so assessed

at least 30 days before the hearing. The notice may be given by publishing it three weeks successively in any newspaper published in the Town, the first publication to be at least 30 days before the hearing.

- (4) A return made upon a copy of the notice by any constable in the Town or the production of the paper containing the notice is conclusive evidence that the notice was given; and upon the hearing, the municipal officers have power to revise, increase or diminish any of the assessments, and any revisions, increase or diminution is to be in writing and recorded by the Clerk.

F. Farmland and open space land exempt from assessment.

- (1) Land classified and restricted for use for agricultural, forest/woodland, open space or wildlife habitat purposes, as defined by 36 M.R.S. § 1102, is exempt from the assessment provided in §13.1.4.3 when no benefits are derived from the common sewer or drain. Owners of such qualified land must notify the municipal officers that their property may qualify for this exception. The municipal officers are to revise the assessments against such land to exempt it from assessment. Any revision of assessment provided by this subsection is to be in writing and recorded by the Clerk.
- (2) When the use of the land is changed from farmland, the owner must, within 60 days, notify the Town Council, in writing, of the change. The Town Council shall assess this land in an amount equal to the assessment which would have been due but for the provisions of this subsection. The municipality must notify the owner of the assessment due, which the owner must pay within 60 days of notice or as provided by the Town Council under its authority in 30-A M.R.S. § 4453.

§ 13.1.4.4. Collection of assessments and charges.

- A. All assessments and charges made pursuant to this article are to be certified by the municipal officers and filed with the Tax Collector for collection. A facsimile of the signatures of the municipal officers imprinted at their direction upon any certification of an assessment or charge under this article has the same validity as their signatures.
- B. The Tax Collector may enter into a written mortgage agreement with the owner(s) of land so assessed and provide the same with a promissory note and installment payment plan for the amount of the assessment (“assessment payment plan”). This assessment payment plan agreement is to provide for payment of said assessment to the Town over a period not to exceed the shorter of 18 years, or two years shorter than the Town's bond repayment period for the applicable project, at an interest rate to be determined by the municipal officers. Such agreement is also to specify the method of collection in the event that such payment is in default, and, further, the mortgage agreement is to be recorded by the Town in the York County Registry of Deeds.
- C. Owners with household income less than or equal to 50% of the local area median

family income, as determined annually by the United States Department of Housing and Urban Development and varied by household size, may request deferral of payment of the assessment without penalty or additional interest incurred for the period of eligibility. Should the Tax Collector find an owner ineligible under those provisions, the Tax Collector may enter into a written agreement with the owner under the same term and terms pursuant to Subsection B above.

- D. Should the Tax Collector decline to enter into such payment agreement, aggrieved owner(s) may appeal the decision to the Board of Appeals pursuant to Chapter 13.2, Sewer Service Decision Appeals.
- E. Payment of the assessment is due in full upon demise of the owner(s); or transfer to any other owner by gift, assignment, devise, sale, or otherwise, except for:
 - (1) Transfers to a spouse or joint tenant, living or surviving, provided the transferee executes a new mortgage agreement, promissory note and installment payment agreement with the Town.
 - (2) Transfers to trusts, providing the trustee executes a new mortgage agreement, promissory note and installment payment agreement with the Town.
 - (3) Such new agreements to be executed for a period not to exceed the final payment date of the original agreement.
- F. The municipal officers shall annually file with the Tax Collector a list of installment payments due the municipality under such written agreements with the owner or owners of land so assessed.
- G. If the person so assessed, within 30 days after written notice of the total amount of such assessment and charges, or annual installment payment and interest, fails, neglects or refuses to pay such municipality the expense thereby incurred, or fails to enter into a written agreement as provided herein for payment of the same, or fails to pay any installment due under a written agreement so entered, then a special tax in the amount of the total unpaid assessment and charge may be assessed by the Municipal Assessor upon each and every lot or parcel of land so assessed and buildings upon the same.
- H. Such assessment is to be included in the next annual warrant to the Tax Collector for collection and collected in the same manner as state, county, and municipal taxes are collected. Interest at a rate of 12% per year on the unpaid portion of assessments and charges due the municipality accrues from the 30th day after written notice to the person assessed and is to be added to and become part of the special tax when committed to the Tax Collector.

§ 13.1.4.5. Materials.

The size and kind of pipe is to be determined by the Department in accordance with conditions surrounding the extension, including the possibility of future extensions or additions, and must conform to all state and local regulations.