



**TOWN COUNCIL
MEETING MINUTES
MARCH 20, 2018**

Normand Albert, At Large 2018
Kasie Kolbe, District 1 2018
Allen Ward, District 2 2018
Christopher Brunelle, At Large 2019
Mark Lunt, District 1 2019
Kris Crawford, District 2, 2019
Fern Larochelle, At Large 2020

CALL TO ORDER. The Chairman, Councilor Ward, called the meeting to order and led the pledge of allegiance to the flag at 7:00 PM.

ROLL CALL. Members present were Councilors Ward, Albert, Kolbe, Brunelle, Lunt, Crawford, and Larochelle. Also present were Diane Barnes, Town Manager; Ryan Leighton, Public Works Director; Steve Aievoli, Interim Public Works Director and Treatment Plant Manager; Mark Stevens, Parks & Recreation Director; Tracey Steuber, Economic Development Director; Donald Fellows, Planning Board Chairman; Miriam Morgan-Alexander, Assessment Review Board/Appeals Board Chairman; and approximately 10 citizens in the audience.

GOOD NEWS & RECOGNITION

A. PROCLAMATION FOR PHIL PALMORE FOR YEARS OF SERVICE

VOTE (2018-53G) Councilor Lunt, seconded by Councilor Kolbe moved to recognize Phil Palmore for 33 years of service to the Fire Department by adopting a proclamation as follows:

The Members of the Lisbon Town Council, meeting in regular session on March 20, 2018, do hereby adopt and pass the following resolution:

WHEREAS, the following person has served the citizens of Lisbon as a member of the Lisbon Fire Department for 33 years; Phillip Palmore was appointed a firefighter to the Lisbon Falls Fire Company on May 1, 1985; and

WHEREAS, in 1995 he transferred to the ET Smith Hose Company where he attained the rank of Lieutenant; and

WHEREAS, Phillip Palmore has retired on January 1, 2018 from the Lisbon Fire Department after serving as a dedicated and valued member of the department; and,

WHEREAS, his contribution of service to the Town of Lisbon and its citizens will always be appreciated.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Lisbon that Phillip Palmore shall be presented his helmet shield and fire department badges in recognition of his 33 years of dedicated service to the Town of Lisbon; and

BE IT FURTHER RESOLVED that a copy of this resolution be framed and presented to Phillip Palmore.

Order passed – Vote 7-0.

BUSINESS DEVELOPMENT AWARD
(Reported under A. CDBG public hearing)

Ms. Steuber reported to the Council that Lisbon had been chosen to receive the 2017 Business Development Award this year from AVCOG who recognized Lisbon for its wonderful façade program.

PUBLIC HEARING**A. CDBG DOWNTOWN REVITALIZATION GRANT**

The Chairman opened the public hearing. Ms. Steuber reported the Town of Lisbon was fortunate enough to have been chosen by the Office of Community Development to submit a full 2018 Community Development Block Grant - Downtown Revitalization application for the Lisbon Village Streetscape Project in the amount of \$300,000. The Lisbon Development Committee along with staff recommends Council approval to submit the 2018 CDBG DR Grant Application to the Maine Department of Community Development. The deadline for the application is March 30, 2018. Seeing no further comments, the Chairman closed the public hearing.

B. AMEND CHAPTER 34 SEWER ORDINANCE

The Chairman opened the public hearing. Annaleis Hafford, P.E. from Olver Associates, presented the Sewer Amendments to the Council. She said the town has been working on updating its Sewer Ordinance for approximately a year. Several staff meetings and a recent Council Workshop have been held to work on improving the Town's existing ordinance. The town reviewed the ordinance in detail at the February 13, 2018 Council Meeting and has since had its attorney review it as well.

She reported a few of the most significant changes as follows:

1. Reorganized the ordinance with definitions in Appendix A, Fees in Appendix B and Construction Standards in Appendix C. This will make it easier to update certain aspects of the ordinance, specifically fees and construction standards. She indicated this will also make it easier to pass out the construction standards to contracts, etc.
2. Updated all aspects of the ordinance to reflect current standards, practices, and recommended ordinance conditions.
3. Key changes to the Town's Ordinance include:
 - a. Article 34.7.12, Protection from Damage, provides that the town has the right to implement local limits that are more restrictive than federal limitations to protect against passthrough of the Wastewater Treatment Plant.
 - b. Permits a customer to purchase a meter and outside reader from the Water Department versus an assumed unit determination if no meter reading are available for assessing the sewer charge.
 - c. Article 34.11, Abatements, is a new section permitting the town to provide a sewer abatement, provides the timeframe that an abatement can be authorized and formalizes existing practices of the existing on-time sewer abatement policy. This section also provides the method on how to derive the abatement, how corrections to the billing are done and clarifies the use of secondary meters.
 - d. Article 34.14, Board of Sewer Appeals, was updated to remove the requirement to be a resident and removes the requirement that the board serve without compensation. The definition of "undue hardship" was also clarified to conform with the Town's Zoning Board practices.

Seeing no further comments, the Chairman closed the public hearing.

**C. AMEND CHAPTER 46 STREETS, SIDEWALKS, &
OTHER PUBLIC PLACES, ARTICLE 1-IN GENERAL**

The Chairman opened the public hearing. There were no comments. The Chairman closed the public hearing.

AUDIENCE PARTICIPATION & RESPONSE FOR AGENDA ITEMS - NONE

CONSENT AGENDA

VOTE (2018-53) Councilor Albert, seconded by Councilor Lunt moved to approve the following:

A. Municipal Accounts Payable & Payroll Warrants -

#99	\$11,929.80	#100	\$ 173,730.93
#101	\$ 17,550.82	#103	\$ 250,892.15

B. School Accounts Payable & Payroll Warrants -

#1816	\$196,761.90	#1817	\$128,701.10
#1047	\$293,162.51	#1048	\$ 13,701.45
#1049	\$327,304.58	#25	\$ 365.40

C. Minutes of March 6, 2018 (Note: Special Meeting on March 13 was cancelled due to the weather)

D. Approve a renewal Liquor License for Briana Bowen d/b/a Angelo's Restaurant

E. Approve Itinerant Vendor Application for Festivals for Positive Change Lisbon

F. Set a Special Council Meeting on March 21 for the School Budget Presentation

Order passed - Vote 7-0.

COUNCIL ORDERS, ORDINANCES, & RESOLUTIONS

CDBG DOWNTOWN REVITALIZATION GRANT

VOTE (2018-54) Councilor Larochelle, seconded by Councilor Lunt moved to authorize the Town Manager permission to submit a 2018 CDBG Downtown Revitalization Grant Application to the Maine Department of Community Development for the Lisbon Village area. **Order passed - Vote 7-0.**

MID-MAINE WASTE ACTION CORPORATION RENEWAL CONTRACT

INTRODUCTION: Mid Maine Waste Action Corporation has submitted options to Lisbon for solid waste processing and disposal services. This contract would provide for processing, disposal capacity and pricing at their facility under either a 3-year or 5-year option. Under either option, the tipping fee is adjusted annually starting in year 2 for the remainder of the term in accordance with the Consumer Price Index, as described in their letter. All annual adjustments will have a 2% floor and a 4% cap. The terms and conditions between the town and MMWAC concerning the delivery of municipal solid waste, pricing, and capacity issues for use of MMWAC are covered in the contract in the packet.

VOTE (2018-55) Councilor Crawford, seconded by Councilor Lunt moved to approve Option # 2 for a 5-year solid waste contract as presented with Mid-Maine Waste Action Corporation. **Order passed - Vote 7-0.**

AMEND CHAPTER 34 SEWER ORDINANCE *Final Reading*

VOTE (2018-56) Councilor Larochelle, seconded by Councilor Kolbe moved to adopt Chapter 34 Sewer Ordinance amendments as follows:

CHAPTER 34. SEWER USE ORDINANCE (March 2, 2018 – B & I Revisions)

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APPENDIX

Appendix A - Sewer Ordinance Definitions

Appendix B - Sanitary Sewer Ordinance Fee Schedule

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Appendix D – Calculating the “One Time” Sewer Credit

Appendix E – Applicable Municipal References

CHAPTER 34 - SEWER USE ORDINANCE

Article 34.0 - General

Section 34.0.1 - Ordinance Scope. This Ordinance regulates the use of public and private sewers and drains, private sewage disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system, and provides penalties for violations and procedures for enforcement.

Section 34.0.2 - Ordinance Purpose. The purpose of this Ordinance is to promote the health and general welfare of the citizens of the Town of Lisbon by regulating and restricting the construction and use of sewerage systems and the accumulation, transportation, treatment and disposal of sewage in such a manner that the creation of any sewerage system, whether public, private, commercial or industrial, shall not result in pollution, health hazards, or other nuisance. Hereafter, any person owning any building or structure within the Town which is the source of

sewage and/or commercial or industrial wastes, or who proposes to erect such building or structure shall conform to the requirements of this Ordinance.

Article 34.1 Reference to Definitions

Section 34.1.1 - Definitions. Language and terminology used in this Ordinance shall have the meanings commonly used and recognized in the wastewater collection and treatment field by professionals familiar with that field.

Section 34.1.2 - Appendix A. Specific definitions of some frequently used and referenced terms can be found in Appendix A of this Ordinance.

Section 34.1.3 - “Wastewater Treatment Facility or Sewer Works” is also known as the Sewer Department consisting of all public sewer treatment facilities including interceptor piping and connections, force main piping and connections, pump stations, treatment plant and facilities, treatment processes, and other assets along with personnel and vehicles of the Town of Lisbon utilized for the purpose of collecting, conveying, and treating sewage. The Wastewater Treatment Facilities exist as a Division of Lisbon's Public Works Department operated by the Town of Lisbon.

Article 34.2 Use of Public Sewers Required

Section 34.2.1 – General Restrictions. It shall be unlawful for any person to place, deposit or permit to be placed or deposited in any unsanitary manner on public or private property within the Town, or in any lake, pond, stream or harbor, or in any area under the jurisdiction of the Town, any human or animal excrement, garbage, or other objectionable waste. The term "unsanitary manner" shall not include reasonable spreading of animal excrement or other fertilizer in farming or animal husbandry operations.

Section 34.2.2 – Unlawful Discharge. It shall be unlawful to discharge to any natural outlet within the Town or in any area under the jurisdiction of the Town, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article and the requirements of State, Federal and local laws.

Section 34.2.3 – Individual Wastewater Disposal. - Except as hereinafter provided, , it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater except where no public sewer is available and where such private facilities are constructed or maintained in conformance with all State and municipal laws, ordinances, or regulations.

Section 34.2.4 - Requirements to Connect to the Public Sewer System. The owners of all buildings, or other properties used for human occupancy, employment, recreation or other purposes situated within the Town and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Town is required at the owner's expense to install suitable toilet facilities in such places and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article within 90 days after date of official notice to do so, provided that said public sewer is within 200 feet of the structure to be served unless undue hardship would result, in which case the property owner should request in writing a deferral of this property; and the owner shall be required to demonstrate the nature and degree of hardship. (Refer to Section 34.14.2(b) for definition of “Undue Hardship”.) Readiness-to-serve charges will be made on unimproved lots if they are buildable within the terms of Chapter 70 of the Town's Codes upon issuance of a building permit.

Article 34.3 Private Disposal Systems

Section 34.3.1 - Private Disposal Systems. Where a public sewer is not available under the provisions of Section 34.2.4, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this article and the State of Maine Plumbing Code, Part II, Subsurface Wastewater Disposal Regulations 144A CMR 241, the Minimum Lot Size Law (12 M.R.S.A. § 4807 et seq.) and Town Ordinances as may be amended from time-to-time. No private wastewater disposal system shall be permitted to discharge to any natural outlet.

Section 34.3.2 - Plumbing Permits Required. Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit signed by the licensed Code Enforcement Officer/Plumbing Inspector. The application for such permit shall be made on a form furnished by the Town

obtained from the division of health engineering, state department of human services, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Code Enforcement Officer/Plumbing Inspector. A permit and inspection fee, as specified by the Town in Appendix B, shall be paid to the plumbing inspector at the time the application is filed.

Section 34.3.3 - Inspection of Private Disposal System Required. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Code Enforcement Officer/Plumbing Inspector. The Code Enforcement Officer/Plumbing Inspector shall be allowed to inspect the work at any stage of construction. The applicant for the permit shall give the Code Enforcement Officer/Plumbing Inspector at least forty eight (48) hours before the work is ready for final inspection and before any underground portions are covered.

Section 34.3.4 - Maintenance of Private Sewage Facilities. The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the Town.

Section 34.3.5 - Conflicts of Ordinance. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Town.

Section 34.3.6 - Use of Private Disposal Systems Following Availability of Public Sewer. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Section 34.2.4, a direct connection from the building sewer to the public sewer shall be made within 90 days after the date of official notice; and any septic tanks, cesspools, and similar private wastewater disposal facilities shall no longer be used and shall be cleaned of sludge and filled with suitable material, such as clean bank run gravel, or completely removed. Upon inspection, and to the satisfaction of the Code Enforcement Officer/Plumbing Inspector, the Superintendent may allow the continued use of a private wastewater disposal system for the duration of its useful life and in accordance with Section 34.2.4.

Article 34.4 Building Sewers and Connections

Section 34.4.1 – Sewer Connection Permit. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb the public sewer or appurtenance of the sewer without first obtaining a sewer connection permit from the Superintendent. All work related to the installation of building sewers and the connection to the public sewer shall be performed by persons qualified on this class of work and acceptable to the Superintendent.

Section 34.4.2 – Notification of New Discharge or Change. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Superintendent at least 45 days prior to the proposed change or connection, and shall comply with 38 M.R.S.A. § 361 et seq.

Section 34.4.3 - Classes of Building Sewer Permits. There shall be two (2) classes of building sewer permits, one for residential and commercial service and one for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee for residential or commercial building sewer permits and a separate fee plus all costs for the review and analysis of the waste for a commercial or industrial building sewer permit shall be paid to the Town at the time the application is filed. (Appendix B contains the most recent fees set by the Town Council).

Section 34.4.4 – Sewer Connection Fees. For all connections into the sewer system, there will be both a permit connection fee and an inspection fee. Both the connection fee and the inspection fee shall be paid at the time that the applicant files a permit for the connection. The applicant is also required to obtain the sewer connection permit at the time the building permit is applied for. The amount of these fees shall be set annually by the Town Council. (Appendix B contains the sewer connection fees set by the Town Council). A connection fee shall be charged for each new connection to the public sewer. (See Appendix B.) For non-residential customers discharging typical domestic-strength wastewater (no more than 300 mg/l BOD5 or 350 mg/l total suspended solids and no contaminants not expected to be found in typical domestic wastewater), the connection fee shall be based on a cost/gallon factor multiplied by the estimated flow in gallons per month. (See Appendix B.) For non-residential customers with estimated flows greater than 50,000 gallons per month or with wastes exceeding domestic-strength,

the fee shall be negotiated with the Superintendent, taking into consideration the quantity and character of the wastewater and approved by the Town Council.

Section 34.4.5 - Monetary Deposit for Certain Discharges Required. In the case of multiple building units or connections, connections involving sewer extensions, or industrial discharges or pretreatment applications, the Town may require a monetary deposit sufficient to cover the cost to review the application, including any expert advice deemed necessary by the Superintendent. The applicant may also be required to pay an initial deposit. The amount of deposit shall be estimated by the Town and upon payment by the applicant, kept in a non-interest-bearing account. Upon completion of the review process, the unused portion, if any, will be refunded. If the initial deposit is not sufficient to pay for the costs incurred by the Town, a second deposit shall be made and handled in the same manner as the first.

Section 34.4.6 - Permit Availability. One copy of the permit shall be available for inspection at all times at the site of the work.

Section 34.4.7 - Separate and Independent Sewer Required, Exceptions. A separate and independent building sewer shall be provided for every building requiring a sewer connection; except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, except for the purposes of Article 34.9, and if approved by the Superintendent. In such instance, the owner or user shall provide to the Superintendent proof of a recorded easement giving the right to cross the other property. Where building sewers are to serve multiple dwelling structures, there shall be provided at least one (1) separate building sewer to each group of four (4) structures.

Section 34.4.8 - Building Pipe Used. The new building sewer shall be polyvinyl chloride (PVC pipe) conforming to the requirements of ASTM D 3034 SDR 35, or other material approved by the Superintendent. (See Construction Requirements in Appendix C.)

Section 34.4.9 - Connection to Existing Building Sewers. Existing building sewers or portions thereof may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this Ordinance and Appendix C.

Section 34.4.10 - Sewer Cleanouts. - Building sewer cleanouts shall be installed at intervals not to exceed 100 feet in straight lines and at all bends greater than 22-½ degrees. The cleanouts shall consist of wyes and 45-degree elbows. Cleanouts shall be installed vertically to within six (6) inches of the surface. A stainless-steel strap shall be installed around the top of cleanouts constructed of nonmetallic pipe to allow their detection with a metal detector. (See Appendix C for specific requirements.)

Section 34.4.11 - Building Sewer Depth and Elevations. The diameter of the building sewer shall not be less than four (4) inches and the slope of the pipe shall not be less than one-eighth inch per foot. (In some cases, the building sewer may be required to be larger – refer to Appendix C.) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. The depth shall be sufficient to afford protection from frost, but in no event shall the depth be less than three feet. The building sewer shall be laid at a uniform grade and in straight alignment insofar as possible as described in Section 34.4.11. The ends of building sewers which are not connected to the building drain of the structure for any reason shall be sealed against infiltration by a suitable mechanical, watertight cap or other means approved by the Superintendent.

Section 34.4.12 - Mechanical Lift Where Gravity Flow is Not Possible. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved mechanical means and discharged to the building sewer at the expense of the building owner. Plans and details of the proposed lifting method shall be submitted to the Superintendent for review. (See Appendix C for specific requirements.)

Section 34.4.13 - Connections to Force Mains Not Permitted. No connection of any kind shall be made directly from any private property to a Town pressurized force main sewer.

Section 34.4.14 - Excavations and Backfill. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Superintendent. Pipe laying and backfill shall be performed in accordance with Appendix C and no backfill shall be placed until the work has been inspected.

Section 34.4.15 – Sewer Joints. All joints and connections shall be made gastight and watertight. The transition joint between pipes of different materials shall be made with adaptors and joint materials approved by the Superintendent. Pre-molded gasket joints shall be used and shall be neoprene compression type gaskets which provide a positive double seal in the assembled joint. The gasket shall be a pre-molded, one-piece unit designed for joining the pipe material used. The assembled joint shall be sealed by compression of the gasket between the exterior surface of the spigot and the interior surface of the hub. The joint shall be assembled following the manufacturer's recommendation using acceptable lubricant and special pipe coupling tools designed for that purpose. The lubricant shall be a bland, fat based, nontoxic material, and shall not chemically attack the gasket material. (See Appendix C.)

Section 34.4.16 – Pipe Inspection. The applicant for the building sewer permit shall notify the Superintendent at least forty-eight (48) hours before beginning the work and also when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.

Section 34.4.17 – Inspection of Trenches. When trenches are opened for the laying of building sewer pipes, such trenches shall be inspected by the Superintendent before the trenches are filled; and the person performing such work shall notify the Superintendent when the installation of the building sewer is completed. If the trench is filled before inspection, the Superintendent may require it to be re-excavated for inspection.

Section 34.4.18- Leakage Testing. All parts of new building drains and sewers shall withstand, under test without observable leakage, a ten-foot head of water for a minimum period of fifteen minutes at a temperature above the freezing point of water. (Alternatively, the line may be air tested as defined in Appendix C.)

Section 34.4.19 – Protection of the Public from Excavations. All excavations for a building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

Section 34.4.20 – Method and Indemnification; Connection to Existing Public Sewer. The connection of the building sewer into an existing public sewer shall be made at the existing public sewer. All costs and expenses incident to the installation and connection of the entire length of building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The method of connection of the building sewer to the public sewer will be dependent upon the type of pipe material used, and in all cases, shall be approved by the Superintendent. The connection of the building sewer into the public sewer shall be made with a Wye or Tee branch. If none is available, a connection may be made by tapping the existing sewer with a saddle or other method approved by the Superintendent. All connections shall be made gastight and watertight and verified by proper testing. The Town is responsible for all maintenance and repairs of the public sewer only. The method of connection of the building sewer to the public sewer shall be dependent upon the type of pipe material used, and in all cases, shall be approved by the Superintendent. (Refer to Appendix C.)

Section 34.4.21 – Manhole Required for Certain Sewers. When any building sewer is to serve a school, hospital, or similar institution, public building, or is to serve a complex of industrial or commercial buildings, or will, in the opinion of the Superintendent, receive sewage or industrial wastes of such volume or character that frequent maintenance of the building sewer is anticipated, such building sewer shall be connected to the public sewer through a manhole. The Superintendent shall determine if and where this type of connection to the public sewer is required. Connections to existing manholes shall be made as directed by the Superintendent or his representative. If required, a new manhole shall be installed in the public sewer pursuant to Section 34.7.7 or Appendix C, and the building sewer connection made to the sewer as directed by the Superintendent.

Section 34.4.22- Privately Owned Sewer Lines. Main sewer collector lines which are constructed within subdivisions, condominiums and other developments, and which eventually discharge or connect into the public sewer system shall not be accepted by the Town of Lisbon for ownership and maintenance; but remain privately owned and privately maintained unless within a public right-of-way in which case, the Town could choose to accept the line. (Refer to Section 34.5.9). The engineering design for the construction of sewer lines within subdivisions, condominiums and other developments shall comply with this Ordinance and shall be submitted to the Town for written approval. The Town and Superintendent may require that the engineering design plans be submitted to the Town's Consulting Engineer for their evaluation and approval prior to final approval by the Town. Cost of the Town's Consulting Engineers to review, comment, recommend and approve the engineering design

plans and the cost of on-site inspection during construction, shall be borne by the applicant, subdivider, developer or builder who shall agree in writing when the sewer plans are submitted to the Town that he/she will pay for all review, approval and inspection costs. Private individual connections into private sewer lines shall also conform to this Ordinance.

Section 34.4.23 - Building Drain System Venting. The building drain system shall be so vented that under no circumstances will the seal of any appliance be subjected to a pressure differential in excess of one-inch of water. All appliances connected directly or indirectly to the building drain shall have traps with a liquid seal not less than two-inches in depth.

Section 34.4.24 - References for Sewer System Design. Sewer design, including building services, sewer collectors and interceptors shall conform to the State Plumbing Code and to the specific specifications set forth in the Town's Guidelines for Design and Construction of Sewers which is found in Appendix C. Any deviation from the prescribed procedures and materials must be approved by the Superintendent as being equivalent of, or superior to, those specified before installation.

Article 34.5 Sewer Extensions

Section 34.5.1 - Town Construction of Sewer Extension. Sewer extensions, including individual building sewers from the sewer to the property line, may be constructed by the Town under public contract if, in the opinion of the Town Council and approved at Town Referendum, if applicable, the number of properties to be served by such extension warrants its cost and if the treatment plant has the capacity to handle said extension. Under this arrangement, the property owner shall pay for and install the building sewer from the public sewer to his residence or place of business in accordance with the requirements of Article 34.4. Property owners may propose sewer extensions within the incorporated Town by drafting a written petition, signed by a majority of the benefiting property owners, and filing it with the Town Council. The cost of such extensions may be assessed to the benefited property owners by the Town in any manner recommended by the Town Council and the Town.

Section 34.5.2 - Property Owner Construction of Sewer Extension. 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 in accordance with the requirements of Section 34.5.1. The property owner, builder or developer must pay for the entire installation, including all expenses incidental thereto. Each building sewer must be installed and inspected as previously required, and the inspection fees shall be paid. Design of sewers shall be as specified in this Article and the specifications set forth in the Guidelines for Design and Construction of Sewers which is included in Appendix C. The installation of the sewer extension must be subject to periodic inspection by the Superintendent or the Town's Engineer and the expenses for this inspection shall be paid for by the owner, builder or developer. The Superintendent's decisions shall be final in matters of quality and methods of construction. The sewer, as constructed, must pass the exfiltration or leakage test required in Appendix C before it is to be used. The cost of sewer extensions thus made shall be absorbed by the developers or the property owners, including the cost of all building sewers.

Section 34.5.3 - State Law Adopted. The Town adopts, for the purpose of implementation of this Article involving sewer extensions and the construction of new sanitary sewers, the procedures, assessment of betterment fees, and the collection of those fees as set forth in 30-A M.R.S.A. §§ 3442-3445. (See Appendix E.)

Section 34.5.4 - Sewer Extension Design Requirements. All extensions to the sanitary sewer system shall be designed by a Professional Engineer registered in the State of Maine. Plans and specifications for sewer extensions shall be submitted to the Superintendent at least forty-five (45) days before the regularly scheduled Planning Board meeting at which approval of the plans and specifications will be evaluated based on recommendation by the Superintendent or Town Engineer. The expenses incurred by the Town in reviewing the plans and specifications shall be paid from a deposit made by the owner, builder, or developer at the time of application. The design of sewers and pump stations that may be deeded to the Town shall anticipate and allow for flows from possible future system extensions or developments within the future drainage areas.

Section 34.5.5 - Sewer Testing. All testing of sewers shall be conducted in the presence of the Superintendent or designee. If the installation fails any test, the source of leakage shall be found and repaired and all defective materials shall be replaced. (See specific Construction and testing requirements in Appendix C.)

Section 34.5.6 - Sewer Extension Ownership/Bond. All sewer extensions constructed at the property owner's, builder's or developer's expense after final approval and letter of acceptance by the Town Council, shall become the property of the Town and at the Town's sole discretion shall thereafter be maintained by the Town. The sewers after their acceptance by the Town shall be guaranteed against defects in materials and workmanship for twelve (12) months. The guarantee shall be in the form of a maintenance guarantee bond in an amount not less than 100 percent of the Engineer's estimate of the cost of the extension. The Town is under no obligation to accept any new sewer extension. Extensions that remain privately owned shall be maintained by their owners.

Section 34.5.7 - Suitable Sewage Disposal Required. No builder or developer shall be issued a building permit for a new dwelling or structure requiring sanitary facilities within the Town, unless a sewer permit has been obtained for a suitable and approved method of sewage disposal.

Section 34.5.8 - Connection of Sewer Extension to Public Sewer. Connection of the sewer extension to the Town's facilities shall not be permitted until, 1) the completed sewer has been tested and passed to the satisfaction of the Superintendent, 2) all building permits have been obtained and all fees have been paid to the Town for the approved lots to be connected, 3) the one year maintenance guarantee bond in a form acceptable to the Town has been delivered, and 4) a formal decision has been made by the Town to retain the line as private and to allow its connection to the public sewer or to allow it to be connected for later consideration for acceptance as a Town sewer.

Section 34.5.9 - Requirements for Acceptance of Sewer as Public. Should the Town, at its sole discretion, elect to accept the connected sewer as a public sewer to be owned by the Town, no such acceptance may be made until 1) reproducible record drawings of the completed sewer have been provided to the Town, 2) an offer has been made from the owner(s), builder(s) or developer(s), in a form acceptable to the Town, to transfer ownership and maintenance responsibilities and property and easement rights to the Town, and 3) the Town has formally agreed to accept the sewer line.

Article 34.6 Use of the Public Sewers

Section 34.6.1 - Discharge of Unpolluted Waters. No stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters shall be discharged or caused to be discharged to any sanitary sewer. No direct connection shall be made from a public or private water supply to a building drain discharging to any sanitary sewer without specific permission from the Superintendent.

Section 34.6.2 - Discharge of Unpolluted Drainage to Natural Outlet. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Superintendent. Unpolluted industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer or natural outlet if in accordance with regulations of the Maine Department of Environmental Protection or 38 M.R.S.A. § 413 or other applicable standards.

Section 34.6.3 General Discharge Prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW or collection system whether or not the user is subject to National Categorical Pretreatment Standards, or any other national, state or local pretreatment standards or requirements. The following described waters or wastes shall not be discharged or caused to be discharged to any public sewers:

(a.) Any liquids, solids or gases which by reason of their nature or quantity are or may be sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the sewer system be more than five (5) percent nor any single reading over ten (10) percent of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include but are not limited to gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohol, ketones, aldehydes, peroxides, chlorates, percolates, bromates, carbides, hydrides, and sulfides and other substances which the Town, DEP or EPA has notified the user is a fire hazard or a hazard to the system.

(i.) No person shall discharge wastewater containing in excess of the following standards:

Parameter	Maximum (mg/l)	Daily Average
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		(mg/l)
Arsenic	4.0	1.0
Cadmium	0.6	0.5
Chlorine	15.0	15.0
Chromium	5.0	2.75
Copper	8.0	8.0
Lead	4.0	2.0
Mercury	0.2	0.1
Nickel	5.0	2.5
Phenolic Compounds	10	10
Silver	3.0	1.0
Zinc	10	5.0
Cyanide	3.0	2.0

(b.) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to section 307(a) of the act.

(c.) The standards in subsection (a) above shall apply unless a more stringent National Pretreatment Standard has been promulgated by EPA, or as further regulated by the Town's Wastewater Discharge Permit or by the Town's Superintendent in setting Local Limits to protect the treatment plant. State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this article. The Town reserves the right to establish by Ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in Article 34.0.

(d.) Waters or wastes having a single grab pH sample lower than 5.0 s.u. or having a composite of less than 5.5 s.u., or any other corrosive property capable of causing damage or hazard to structure or waters or wastes having a single pH result of greater than 12.0 s.u. or a composite sample in excess of 9.5 s.u.

(e.) Solid or viscous substances in quantities or of such size which may cause obstruction to the flow in a sewer, or other interference with the operation of the wastewater treatment facilities or collection system, such as, but not limited to, grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshing's, entrails, whole blood, feathers, ashes cinders sand spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, beer or distillery slops, wastepaper, cardboard, paper dishes, disposable wipes, cups, milk containers, wood, plastics, gravel, ashes, cinders, sand, concrete, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes, etc.

(f.) Garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower or greater shall be subject to the review and approval of the Superintendent.

(g.) Any wastewater having a temperature which would inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40 degrees Celsius (104 degrees Fahrenheit).

(h.) Water or waste containing fats, soluble fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/L or containing substances, which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit (and 0 to 66 degrees Celsius) which, in the sole opinion of the Superintendent, may overload or inhibit or otherwise cause adverse impacts on the treatment plant and its processes or on the sewerage collection system or its pump stations.

(i.) Waters or wastes containing strong acid, iron-pickling wastes, or concentrated plating solutions whether neutralized or not.

(j.) Waters or wastes containing iron, chromium, copper, zinc, and similar objectionable, or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.

(k.) Waters or wastes containing phenols or other taste or odor-producing substances in such concentration not to exceed 10 mg/l or any other more stringent limits, which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

(l.) Any wastewater containing radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.

(m.) Materials which exert or cause unusual concentrations of inert suspended solids such as, but not limited to, fuller's earth, lime slurries and lime residues, or dissolved solids such as; but not limited to, sodium chloride and sodium sulfate.

(n.) Material which exert or cause excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions.

(o.) Any pollutants, including oxygen demanding pollutants (BOD, etc.), released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or quantities of pollutants that exceed for any time period longer than 15 minutes more than five times the average 24-hour concentration, quantities or flow during normal operation. In no case shall a peak day discharge have a flow rate or contain pollutant loadings of any controlled substance in excess of twice the 30-day, 24-hour average flow, concentration or quantity.

(p.) Materials which exert or cause unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(q.) Overflowing by draining from cesspools or other receptacles storing organic wastes.

(r.) Steam exhausts, boiler blow-off, sediment traps, or pipes carrying hot circulating water.

(s.) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, which may inhibit treatment plant processes or sludge use, disposal criteria, guidelines or regulations developed under Section 405 of the Solid Waste Disposal Act, the Clean Air-Act, the Toxic Substance Control Act or any state criteria applicable to the Sludge Management Method used, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the groundwater receiving waters of the Town's wastewater treatment system.

(t.) Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into sewers for maintenance and repair.

(u.) Any stormwater, roof drains, spring water, cistern or tank overflow, footing drains, discharge from any non-approved car wash, non-approved floor drains or the contents of any privy vault, septic tank or cesspool. (The Town's goal is to review the discharge to the sewer system of certain discharges such as car wash systems and commercial drain systems - additional controls may be required by the Superintendent. Refer to Section 34.6.5.)

(v.) Any wastewater which causes a hazard to human life or creates a public nuisance. No person shall discharge or cause to be discharged any waters or wastes containing a toxic or poisonous substance, a high chlorine or oxygen demand, or suspended solids in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard or violation in the groundwater receiving waters or effluent of the Town's sewage treatment plant, or contaminate or restrict the final end use of the treatment plant's sludge residuals.

- (w.) Any wastewater with objectionable color not removed in the treatment process, such as but not limited to dye wastes and vegetable tanning solutions which could cause a visible discoloration of the treatment's plant's effluent.
- (x.) Any waters or wastes containing suspended solids, whether inert or organic, which would cause visible turbidity of the treatment plant's effluent.
- (y.) Any substance which will cause the POTW to violate its NPDES or/or state disposal system permits or the receiving water quality standards.
- (z.) Any septage, septic process or camper discharge without the express written approval of the Superintendent or which causes pass through or interference with the treatment works.

Section 34.6.4 - Pretreatment of High Strength Wastes. Any discharge of waters or wastes having a) a five (5) day Biochemical Oxygen Demand (BOD) greater than 300 parts per million; or b) containing more than 350 parts per million of suspended solids, or c) containing more than 15 parts per million of chlorine demand, or d) containing any quantity of substances having the characteristics described in this Article or e) having an average daily flow or pollutant mass greater than two (2) percent of the average daily sewage flow of the Town, shall be subject to the review and approval of the Superintendent. Where necessary, in the opinion of the Superintendent, the owner shall provide, at his expense, such pretreatment as may be necessary to, 1) reduce the Biochemical Oxygen Demand to 300 parts per million and the suspended solids to 350 parts per million by weight, or 2) reduce the chlorine demand to 15 parts per million, or 3) reduce objectionable characteristics or constituents to within the maximum limits provided for in this Article, or 4) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed pretreatment facilities shall be submitted for the approval of the Town, and no construction of such facilities shall be commenced until said approvals are obtained in writing. Failure to comply with one or more of the remedial procedures as required by the Town shall constitute a violation of this Ordinance.

Section 34.6.5 – Grease, Oil and Sand Interceptors. Grease, oil and sand interceptors shall be provided by the producer when the Ordinance limits for those substances are exceeded or when, in the opinion of the Superintendent or Code Enforcement Officer, they are necessary for the proper handling of liquid wastes containing grease in excess amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living units.

All interceptors shall be of a minimum type and capacity permitted by Maine Subsurface Wastewater Disposal Rules, 144A CMR 241 and shall be approved by the Superintendent prior to installation, and shall be located as to be readily and easily accessible for cleaning and inspection. Although the Maine Internal Plumbing Code Rules may permit smaller trap sizes, the provisions of the Maine Subsurface Wastewater Rules, 144A CMR 241, shall prevail. External grease and oil receptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures. They shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight. In the maintenance of these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal, which are subject to review by the Superintendent. A maintenance record shall be maintained by the owner for the Town's periodic review for any removal and hauling of the collected materials. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by licensed waste disposal firms.

Section 34.6.6 - Treatment of Unusual Wastes. No statement contained in this Article shall be construed as preventing any special agreement or arrangements between the Town and any discharger whereby a waste of unusual strength or character may be accepted by the Town for treatment, subject to payment by the discharger of concern, provided that such agreements do not contravene any requirements of existing federal or state laws and/or regulations promulgated under such laws, and are compatible with any user charge in effect.

Article 34.7 Pretreatment and Permitting of Industrial, Commercial or Unusual Wastes

Section 34.7.1 - Pretreatment, General. Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all National Categorical Pretreatment Standards within the time limitations specified by the pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the Town shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Town for review and shall be

acceptable to the Town before construction of the facility. The review of such plans and operational procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Town under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Town prior to the user's initial initiation of the changes.

Section 34.7.2 – Town's Right to Require Pretreatment. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 34.6.3, and which in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Town may:

- (a.) Reject the wastes.
- (b.) Advise the user of the impact of the contribution to the collection system or POTW.
- (c.) Develop effluent limitations for such user to correct the interference with the POTW and require pretreatment to an acceptable condition for discharge to the public sewer.
- (d.) Require control over the quantities and rates of discharge.
- (e.) Require payment to cover the added cost or sewer charges for the handling and treatment of such wastes under the provisions of this Ordinance.
- (f.) If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and the Town, and subject to the requirements of all applicable codes, ordinances, and laws and Discharge Permit. Under no circumstances will the National Categorical Pretreatment Standards or Federal Prohibited Discharges be contravened.

Section 34.7.3 - Approval Process for Industrial, Commercial or Unusual Wastes. The Town, at its discretion, may elect to allow an industrial or commercial or unusual waste producer to utilize the sewage works provided that it can be demonstrated that acceptance of the waste will result in:

- (a.) No violation of applicable Federal or State regulations, including DEP/EPA pretreatment requirements.
- (b.) No inhibition of, or damage to, the treatment plant's processes or equipment and no upsets of the plant's processes which lead to nuisance conditions, operational problems, or discharge license non-compliance.
- (c.) No pass through of any waste material not treatable in the Town's treatment plant.
- (d.) No contamination of the Town's sewage sludge with toxic or undesirable waste constituents and no impairment of the Town's ability to dispose of the treatment plant's sludge residuals.
- (e.) No creation of hazardous or unsafe conditions in the sewer system or treatment plant which might jeopardize the health and welfare of the general public or the Town's staff.
- (f.) Equitable allocation of sewer user fees such that the true cost of treating the industrial or unusual waste is fully borne by the sewer user that generated the wastes.

Section 34.7.4 - Flow Equalization. Prior to accepting the waste, the Town may require that appropriate industrial or unusual wastes undergo pretreatment or flow equalization prior to its discharge into the Town's sewer system.

Section 34.7.5 – Pretreatment Operation and Maintenance. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

Section 34.7.6 – Monitoring Facilities. The Town shall require to be provided and operated at the user's own expense monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises; but the

Town may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such facilities to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Town's requirements and applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the Town.

Section 34.7.7 - Sampling Manholes. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes or other discharges of concern shall install a suitable control manhole, together with such necessary meters and other appurtenances in the building sewer, to facilitate observation sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense and shall be maintained by him to be safe and accessible to the Superintendent at all times.

Section 34.7.8 - Sampling and Analysis Procedures. All industries discharging in to a public sewer shall permit such monitoring of their discharges as the Superintendent may reasonably require, including installation, use and maintenance of monitoring equipment and keeping records and reporting the results of such monitoring to the Superintendent. Such records shall be made available upon request by the Superintendent to other agencies having jurisdiction over discharges to the receiving waters. All measurements, tests and analysis of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with procedures established by the administrator of the EPA pursuant to Section 304 (g) of the Act and contained in 40 CFR 136, or with any other test procedures approved by the administrator. Sampling shall be at the control manhole or other designated sampling location approved by the Superintendent.

Section 34.7.9 - Dilution is not Permitted. No discharger or user shall ever increase the use of potable or process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the National Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the Town or State.

Section 34.7.10 - Requirements for Wastewater Discharge Permit for Categorical Pretreatment Standards. Upon the promulgation of the National Categorical Pretreatment Standards for a particular industrial subcategory, the national standard, if more stringent than the limitations imposed under this Article for sources in that subcategory, shall immediately supersede the limitations imposed under this Article. The superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR 403.12.

Section 34.7.11 - Modification of National Categorical Pretreatment Standards. Within nine months of the promulgation of a National Categorical Pretreatment Standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user subject to a National Categorical Pretreatment Standard has not previously submitted an application for a wastewater discharge permit as required by Section 34.7.10, the user shall apply for a wastewater discharge permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, the user with an existing wastewater discharge permit shall submit to the Superintendent within 180 days after the promulgation of an applicable National Categorical Pretreatment Standard the information required by Section 34.7.13 (a) through (o).

Where the Town's wastewater treatment system achieves consistent removal of pollutants limited by national pretreatment standards, the Town may apply to the approval authority for the modification of specific limits in the national pretreatment standards. The term "consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in 95 percent of the samples taken when measured according to the procedures set forth in 40 CFR 403.7(c)(2). The Town may then modify pollutant discharge limits in the national pretreatment standards if the requirements contained in 40 CFR 403.7 are fulfilled and prior approval from the approval authority is obtained.

Section 34.7.12 - Development of Local Limits. Local limits for certain pollutants may also be established by the Town to protect against pass-through, interference, process inhibition and damage, safety concerns, and sludge residual contamination or any other regulatory or operational concern. No person shall discharge wastewater containing in excess of the instantaneous maximum allowable discharge limits as identified in this Ordinance or on the user's wastewater discharge permit. All discharge limits shall be technically based and approved by the appropriate regulatory agency.

Section 34.7.13 Wastewater Application Form and Requirements. When required by the Superintendent or Town, users must complete a wastewater application form, on a form supplied by the Superintendent, which contains information on the nature and characteristics of their wastes. This application must be submitted to the Superintendent prior to the discharge of the user's wastewater into the Town's sewage works. All new applications shall be accompanied by a fee as established in Appendix B. The Superintendent is authorized to prepare a form for this purpose and may periodically require existing users to update the information provided to determine compliance with this Article. Failure to complete the submission of updated information shall be reasonable grounds for terminating service to the user and shall be considered a violation of this Ordinance. Existing industrial dischargers or any other commercial establishment shall file wastewater application forms or provide updated information within thirty (30) days after being notified by the Superintendent or the Town, and proposed new dischargers shall file such forms at least ninety (90) days prior to connecting to the sewage works. The form shall include as applicable, but not be limited to, the following information:

- (a.) The name, address, and location of the user.
- (b.) The SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget 1972, as amended and as applicable.
- (c.) Chemical analysis of wastewaters - Wastewater constituents and characteristics including but not limited to those listed in this Ordinance as determined by a reliable analytical laboratory. Any sampling and analysis that is required by the Town shall be performed in accordance with procedures established by the EPA pursuant to section 304(g) of the Clean Water Act (33 USC 1201 et seq.) and contained in 40 CFR 136, as amended or the latest edition of Standard Methods. The costs of all such sampling, analysis, and reporting shall be fully borne by the user.
- (d.) The time and duration of discharge or contribution.
- (e.) Wastewaters discharge peak rate and volume over a specified time period. The average daily, instantaneous peak and 30-minute peak wastewater flow rates, in gallons per day, including daily, monthly and seasonal variations, if any. All flows shall be as actually measured unless other verifiable measurement techniques are approved by the Town.
- (f.) A plot plan of sewers of the user's property showing sewer an pretreatment facility location - The site plans, floor plans, pretreatment facility location and details, mechanical and plumbing plans and details to show all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location, and elevation adjacent to, or at, the user's premises.
- (g.) Description of the activities, facilities, and plant processes on the premises, including all materials which are, or could be, discharged.
- (h.) Where known, the nature and concentration of any pollutants in the discharge which are limited by any Town, State or Federal pretreatment standards, and a statement regarding whether or not compliance is being, or will be, achieved with this Ordinance or pretreatment regulations on a consistent basis, and if not, whether additional operation and maintenance activities and/or additional pretreatment is required for the user to comply with this Ordinance and applicable pretreatment standards.
- (i.) The identification of each product produced by the user by type, amount, process or processes, and rate of production.
- (j.) The type and amount of raw materials processed, average and maximum per day, by the user.
- (k.) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system.
- (l.) Quantity and disposition of specific liquids, sludges, oils, solvents, or other materials important for sewer use control.
- (m.) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

(n) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. (See Section 34.7.26.)

(o.) Any other information as may be deemed by the Town to be necessary to evaluate the permit application.

Section 34.7.14 - Required Signatory. All disclosure forms, applications and any periodic reports submitted by a user shall be signed by the principal executive officer of the user and shall contain the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations".

Section 34.7.15 - Evaluation of Application Forms. The Superintendent or designee will evaluate the completed wastewater permit application forms furnished by the user and may require the user to furnish additional information. The User shall submit within fifteen (15) days, after receiving notification from the Superintendent, that the additional information is required. After full evaluation and acceptance of all of the data furnished, the Superintendent or Town may issue a wastewater discharge permit subject to terms and conditions provided in this Section.

Section 34.7.16 - Requirements of Categorical Users. Every new or existing user of the Town's sewage works who is determined to be a categorical user or significant industrial user as defined in this Ordinance is required to obtain a wastewater discharge permit from the Superintendent.

Section 34.7.17 - Prevention of Pass-through and Interference. Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the Superintendent to prevent waste pass-through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the sewage works. Wastewater discharge permits may impose effluent restrictions or limits on the user if the Superintendent determines that such limits are necessary to protect the quality of the treatment plant influent, effluent, or sludge, or to maintain compliance with any applicable Federal or State law, including requirements under the Town's DEP or NPDES permit and national categorical pretreatment standards for new and existing sources set forth in 40 CFR Chapter I, Subchapter N Parts 401-471.

Section 34.7.18 - Permit Conditions. Wastewater discharge permits shall be expressly subject to all provisions of this Article and all other applicable regulations, user charges and fees established by the Town. Permits may contain the following:

- (a.) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer.
- (b.) Limits on the average and maximum wastewater constituents and characteristics.
- (c.) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.
- (d.) Requirements for installation and maintenance of inspection and sampling facilities.
- (e.) Specifications for monitoring programs, which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule.
- (f.) Compliance schedules.
- (g.) Requirements for submission of technical reports or compliance reports. (See Section 34.7.27.)
- (h.) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Town and affording town access to such records.

- (i.) Requirements for notification of the Town of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.
- (j.) Requirements for notification of slug discharges as per Section 34.7.23.
- (k.) Other conditions as deemed appropriate by the Town to ensure compliance with this Article.

Section 34.7.19 – Permit Duration. Wastewater discharge permits shall be issued for a specified time period not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the Town during the term of the permit as limitations or requirements as identified in this Ordinance are modified or other just cause exists. Each wastewater discharge permit shall indicate a specific date upon which it will expire. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of the change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

Section 34.7.20 - Permit Modifications. The Superintendent may modify, at any time, the wastewater discharge permit with good cause. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

Section 34.7.21 - Transfer of Ownership. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner or a new user, different premises, or a new or changed operation without the approval of the Town. To facilitate the issuance of new, separate permits, the Superintendent may allow new owners or individuals to operate under an existing wastewater discharge permit for a period not to exceed ninety (90) days. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

Section 34.7.22 - Requirement for Pretreatment Devices. Wastewater discharge permits may contain requirements and compliance schedules for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, any of which would be designed to reduce, eliminate, or prevent the introduction of pollutants into the Town's sewage system.

Section 34.7.23 - Accidental Discharges/Slug Control Plan. Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Article. The Superintendent may require any user to develop and implement an accidental discharge/slug control plan. At least once every five (5) years, the Superintendent shall evaluate whether each significant industrial user needs such a plan. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Town for review, and shall be approved by the Town before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this Article. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions. Any user required to develop and implement an accidental discharge/slug control plan shall submit a plan which addresses, at a minimum, the following:

- (a.) Description of discharge practices, including nonroutine batch discharges;
- (b.) Description of stored chemicals;
- (c.) Procedures for immediately notifying the Town of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in this Ordinance; and
- (d.) Procedures to prevent adverse sewage system impacts from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

Section 34.7.24 – Written Notice of Accidental Discharge – Within five (5) days following an accidental discharge, the user shall submit to the superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expenses, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to persons or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this Article or other applicable law.

Section 34.7.25 – Notice to Employees – A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of an accidental discharge. Employers shall ensure that all employees who may cause or suffer such an accidental discharge to occur are advised of the emergency notification procedure.

Section 34.7.26 - Pretreatment Compliance Schedule. Where additional pretreatment and/or operations or maintenance activities will be required to comply with this Ordinance, the user shall provide a declaration of the shortest schedule by which the user will provide such additional pretreatment and/or implementation of additional operations and maintenance activities. The Town reserves the right to determine the reasonableness of the proposed schedule, to modify the proposed schedule, or to reject the schedule.

(a.) The schedule shall contain increments of progress in the form of milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards, including, but not limited to, dates relating to hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, and all other acts necessary to achieve compliance with this Ordinance.

(b.) No later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Superintendent including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return to the established schedule.

(c.) In no event shall more than nine months elapse between such progress reports to the Superintendent.

Section 34.7.27 – Compliance Reports. Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the publicly owned treatment works, any user subject to pretreatment standards and requirements shall submit to the Superintendent a report. All significant industrial user(s) shall, at a frequency stated in their wastewater permit or as determined by the Superintendent, but in no case less than twice per year, submit a report to the Superintendent. The report shall indicate the nature and concentration of pollutants in the discharge from the regulated processes which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. All periodic compliance reports must be signed and certified in accordance with this Ordinance. All wastewater samples collected must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge. If a user subject to the reporting requirement in this Ordinance or its permit monitors any pollutant more frequently than required, the results of this additional monitoring shall also be included in the report. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional Operation and Maintenance (O&M) and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user and certified by a qualified professional engineer.

(a.) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the publicly owned treatment works, shall submit to the Superintendent during the months of June and December, unless required more frequently in the pretreatment standard or by the Superintendent, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow. At the discretion of the Superintendent

and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Superintendent may agree to alter the months during which these reports are to be submitted.

(b.) The Superintendent may impose mass limitations on users. In such cases, the report required by subsection (a) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow, nature, concentration and mass where requested by the Superintendent, of pollutants contained in the discharge which are limited by the applicable pretreatment standard. All analyses shall be performed in accordance with procedures established by the administrator pursuant to section 304(g) of the clean water act and contained in 40 CFR 136 as amended or with any other test procedures approved by the administrator. Sampling shall be performed in accordance with the techniques approved by the administrator.

(Note: Where 40 CFR does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April, 1977, as amended, or with any other sampling and analytical procedures approved by the Superintendent.)

Section 34.7.28 - Planned Significant Changes. Each user must notify the Superintendent in writing of any planned significant changes to its operations or process systems which might alter the nature, quality or volume of its wastewater at least sixty (45) days before the change. No user shall implement the planned changed condition(s) until and unless the Superintendent has responded in writing to the user's notice. Significant changes include, but are not limited to, flow or pollutant load increases of ten percent (10%) or greater, and the discharge of any previously unreported pollutants.

Section 34.7.29 - Sampling Violations. If sampling performed by a user indicates a violation of their permit or this Ordinance, the user must notify the Superintendent within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Superintendent within thirty (30) days after becoming aware of the violation. In the case of any discharge, including, but not limited to, hazardous waste discharges, accidental discharges, discharges of a nonroutine or episodic nature, a noncustomary batch discharge, or a slug load that may cause potential problems for the sewage works, the user shall immediately telephone and notify the Superintendent of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user. (See Reporting Requirements included in Section 34.7.24 and Notice Requirements in Section 34.7.25.)

Article 34.8 Power and Authority of Inspectors

Section 34.8.1 – Private Property. The Superintendent, the Town Engineer, and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter upon all industrial and commercial properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this chapter. Persons or occupants of premises shall allow the Town or its representative ready access to all locations where wastewater is created or discharged at all reasonable times for the purposes of inspection, sampling, records examination or copying, or in the performance of any of their duties. Where a user has security measures in force which would require proper identification and clearance before entry into his premises, the user shall make necessary arrangements with his security guards so that upon presentation of suitable identification, personnel from the town and the approval authority will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Inspection of private residences, upon complaint, will be completed after 24-hour notice by the Superintendent.

Section 34.8.2 – Public Easement. The Superintendent, and other duly authorized employees of the Town bearing proper credentials and identifications shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewer works lying within the easement. All entry and subsequent work, if any, on said easement, shall be done in accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Section 34.8.3 - Inspection of Installations. All installations shall be inspected before burying by a duly authorized inspector employed by the Town.

Section 34.8.4 - Sampling and Metering Authority. The Superintendent shall have the authority to set up, on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's waste discharges. The user shall bear the costs of such setup or installation. (Also see Section 34.7.6.)

Section 34.8.5 - Sampling and Monitoring Equipment Required. The Town may require the user to install monitoring equipment as the Superintendent deems necessary. The user's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at least annually to ensure their accuracy. (Also see Section 34.7.6 and 34.7.7.)

Section 34.8.6 - Availability of Records. Users subject to the reporting requirements of this Ordinance shall retain, and make available for inspection and copying, all records or information obtained pursuant to any monitoring activities required by this Ordinance and any additional records or information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include, but are not limited to, the date, exact place, method, and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall be retained by the user for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the Town, or where the user has been specifically notified of a longer retention period by the Superintendent.

Section 34.8.7 - Confidential Information. Information and data on a user obtained from reports, questionnaires, permit applications, and monitoring programs, and from the Superintendent's inspections and sampling activities, shall be available to the public or other governmental agency without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Superintendent, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information of the user under applicable State or Federal law. Effluent data shall be considered a matter of public information at all times, however.

When requested by, and demonstrated by the user furnishing a report, that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately, upon request, to State and Federal governmental agencies for users related to this Section, the National Pollutant Discharge Elimination System (NPDES) permit, state disposal system permit and/or the pretreatment programs and such portions of a report shall also be available for use by the state of any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the Town as confidential shall not be transmitted to the general public by the Town.

Section 34.8.8 - Access Refused. If the Superintendent or designee has been refused access to any building, structure or property, or any part thereof, for the purpose of inspecting, sampling or otherwise monitoring compliance with this Ordinance, the Town Council shall seek to secure an Administrative Inspection Warrant from the District Court pursuant to Rule 80E of Maine Rules of Civil Procedure. The warrant, if issued by the District Court, shall be executed pursuant to Rule 80E of Maine Rules of Civil Procedure and the Superintendent shall be accompanied by a uniformed Town police officer during said execution.

Article 34.9 Sewer Service Fees, Rates and Charges

Section 34.9.1 – General - The Town may change and adopt charges and fees included in Appendix B which may include:

- a. Fees for reimbursement of costs of setting up and operating the Town's pretreatment program;
- b. Fees for monitoring, inspections and surveillance procedures;
- c. Fees for reviewing accidental discharge procedures and construction;
- d. Fees for permit applications;
- e. Fees for filing appeals;
- f. Fees for consistent removal by the Town of pollutants otherwise subject to federal pretreatment standards; and
- g. Other fees as the Town may deem necessary to carry out the requirements contained in this Ordinance.

- 2) These fees relate solely to the matters covered by this Ordinance and are separate from all other fees chargeable by the Town.

Section 34.9.2 – Source of Revenues. The source of the revenues needed for retiring debt services, capital expenditures, operation and maintenance of the public sewer system shall be a sewer service charge assigned to Owners of property located within the limits of the Town whose residency, property or place of business is connected within the boundaries of the public sewer system.

Section 34.9.3 - Establishment of Rates. Sewer service charge rates, including "Ready-to-Serve" charges shall be determined by the Town Council after notice and hearing. This charge will be computed and billed on a quarterly basis throughout each calendar year and will be based on the volume of water consumed, as determined by records of the Water Department. In the event, the water supply is not metered, the customer shall be billed at a flat rate determined by multiplying together the number of bedrooms in the dwelling unit, 1,100 cubic feet per quarter per bedroom, and the prevailing user charge per cubic foot. The number of units will be determined by assessment records or an assessor's review. Alternatively, a customer at his own expense can purchase a meter and outside reader from the Water Department in order to obtain a metered rate. Each customer shall be required to install the meter and outside reader utilizing a licensed plumber at their own expense.

Section 34.9.4 – Billing Abatements. All billing shall also be subject to just and equitable discounts and abatements in exceptional cases (Refer to Section 34.11), or in the case of private water supply, a fair estimate shall be used or reading from an installed water meter shall be made. (Refer to Section 34.11.4). The Town may also assess capacity consumption fees and impact fees, as applicable, for new or modified sewer connections. (Refer to Sections 34.9.9.)

Section 34.9.5 – Summer Usage Policy. To allow for the correction for the excessive summer usage due to irrigation and filling pools, billing for the two summer quarters will be based on the average of the two winter quarters or consumption reported by the Lisbon Water Department, whichever is less. (Refer to Appendix D.)

Section 34.9.6 – Changes in Rates. The Town Council reserves the right to change the rates of sewer service charges originally or previously assigned to any property owner.

Section 34.9.7 -Collection of Unpaid Rates. The owner of the property connected to the municipal sewer will be charged for the use of sewer service. Each sewer charge levied pursuant to this division which remains unpaid shall be collected as provided in 30-A M.R.S. A. § 3406(3). (See Article 34.10.)

Section 34.9.8 - Interest Charges. An interest charge at the same rate as established by the Town for uncollected taxes will be made on all sewer bills not paid within thirty (30) days after the due date.

Section 34.9.9 - Special Industrial or Commercial Rates. A special sewer service charge shall be established for any industrial firm, commercial user, who, by virtue of the volume, strength or unusual characteristic of their waste alone, would overload or upset the capacity of efficiency of the sewerage works or any part thereof if such waste entered the public sewer, if the cost to treat that wastewater is higher than that of typical domestic sanitary sewage, or whose waste disposal situation is such that it would be in the public interest to waive the basic requirements. The Town, after appropriate study, shall establish a Special Sewer Service Charge to the industrial firm, commercial user, or organization by separate agreement with said firm. The appropriate portions of the preceding sections, as well as the equitable rights of the public, shall be the basis for such an arrangement.

Section 34.9.10 - "Ready-to-Serve" Fee. The Town may assess a "Ready-to-Serve" fee to be paid by any property owner (with an improved lot or vacant lot) that has an active Building Permit and Sewer Application Permit or if the lot was previously billed, unless the stub has been capped as approved by the Superintendent. This only applies when the public sewer service is available within two-hundred feet (200') of the structure to be served, but for any reason, has yet to connect to the sewer, provided that a building sewer stub has been installed and is ready for connection. If no building sewer stub is in-place, no Ready-to-Serve fee will be assessed. This fee is intended to offset the cost of making sewer service available to the property in the future even though there is not a current physical connection. This fee will be billed quarterly at the same time as connected sewer users receive their sewer bills.

Section 34.9.11 - Sanitary Sewer Connection Fee - Before the issuance of a connection permit for any activity requiring a connection permit under this Ordinance, the applicant shall pay to the Town a sanitary sewer connection fee in accordance with a fee schedule established by order of the Town Council as shown in Appendix

B. The purpose of this fee is to allow the Town to recover a portion of the costs of the wastewater infrastructure capacity which will be consumed by a new sewer user or by the modified use of an existing sewer user.

Section 34.9.12 - Impact Fee for Existing Infrastructure. In instances where any proposed development or use of any parcel of land in the Town results in the need to construct, replace, upgrade, reconstruct, enlarge, expand, or repair any essential infrastructure of the sanitary sewer system in order to accommodate the wastewater attributable to the proposed development or use, the Town may require the payment of an impact fee to cover the costs of the required improvements. The amount of the impact fee shall be determined by the Town Council based on the portion of the improvements that will be utilized by the development or use. All impact fees shall be deposited into a special interest-bearing reserve fund, and any impact fee may only be expended for the purpose for which it was collected. If the Town does not use any impact fee within ten years from the date of payment, Town shall refund that impact fee, with interest, to the person who paid the fee, or that person's successor or assignee. In addition, Town shall refund any portion of the impact fee that exceeds the development's share of the Town's actual costs for the improvements associated with that impact fee. If the development or use for which an impact fee was paid is not commenced within two years from the date of payment of the fee, the Town shall refund the impact fee, with interest, to the person who paid the fee, or that person's successor or assignee, unless the Town and the person enter into a written agreement extending the time for the commencement of the development or use. Provided, however, that if Town has incurred costs or entered into obligations in reliance on the proposed development and the payment of the impact fee, Town may retain so much of the impact fee as may be reasonably necessary and appropriate to cover those costs or obligations.

Section 34.9.13 - Construction of Excess Capacity. The Town may elect, at its sole discretion, to construct excess capacity in a service area in conjunction with a project requiring the assessment of an impact fee. For example, a new sewer line upgrade or a pump station upgrade may be constructed with capacity beyond that needed for the current project since the sizing of such projects is not exact. Should a developer pay the full cost of a project through impact fees, the Town shall collect proportionate impact fees from future connections that benefit from the added capacity and shall refund the newly collected fees to the previous developer or their assignees. Should the Town elect to pay a portion of the initial capital costs for which impact fees are assessed, it may recover proportionate future impact fees from future connected sewer users that benefit from the added incremental capacity that was provided.

Article 34.10 Liens for Non-Payment

Section 34.10.1 Each sewer charge levied pursuant to the ordinance is hereby made a lien on the premises and if the same is not paid within 30 days after it shall be due and payable, it shall be certified to the Treasurer of the Town who shall place the same on the real property tax bill for that year with interest and penalties allowed by law, and be collected as other Town taxes are collected.

Section 34.10.2 There shall be a lien placed on real estate served or benefited by a municipal sewer to secure the payment of sewer service charges duly established hereunder which shall take precedence over all other claims on such real estate excepting only claims for taxes. The Town shall have the same authority and power to collect such sewer service charges as are granted in 38 M.R.S.A. § 3406 as amended. In addition to the lien established hereby, the Town may bring a civil action against the party so charged for the amount of said sewer service charges in any court competent to try the same, and in such action, may recover the amount of such charges with legal interest on the same from the date of said charge plus costs.

Article 34.11 Abatements

Section 34.11.1 - Abatement Recommendation and Due Care. All requests for sewer abatements shall be forwarded to the Superintendent for his recommendation and then shall be forwarded to the Town Manager for decision. Abatements of sewer use charges may be granted by the Town Manager based on recommendation by the Superintendent upon application of a ratepayer where the ratepayer can demonstrate that a "loss" of water that did not enter the sewer occurred due to no fault of the ratepayer, his or her agents, or employees. Ratepayers are responsible for exercising "due care" in the maintenance of their water and sewer systems to prevent water losses for purposes of abatement. "Due care" shall be defined as the normal and reasonable steps which would be taken by a prudent individual in operating and maintaining their water and sewer systems. Abatements may also be granted if an applicant can demonstrate that an error in billing occurred or that significant volumes of water did not enter the sewer.

Section 34.11.2 – One-Time Sewer Usage Abatement. A one-time sewer abatement will be assessed at the request of the property owner for consumption calculated to be above four times the average water use for the previous year. This abatement can only be used once per each property owner.

Section 34.11.3 - Abatement Review. The Town Manager shall be responsible for reviewing the basis for the requested abatement in light of the “due care” standard established in Section 34.11.1 above. The Superintendent or his designee shall make a record of the results of the investigation which shall include an estimate of the amount of water lost. The estimate of water loss shall be based on the previous four quarters of water consumption, if available, and consideration of seasonal water use patterns. If not available, the abatement shall be based on the current flat rate billing procedure until such time there are a minimum of two (2) quarters available. This estimate of water loss shall be used to calculate the amount of the abatement should one be granted.

Section 34.11.4- Billing Records. When an abatement is granted, the Town Treasurer shall be responsible for taking the necessary steps to correct the appropriate billing records to reflect the abatement or to process a credit where the sewer use charge in question has been paid. Any abatement provided, will only apply to the specific account being abated. For abatements involved in real-estate transactions, the abatement will only be granted after the final meter readings. If no prior history is available on which to base an abatement, an excessive first bill will receive an abatement based on what the non-metered rate would be for a similar building. After the property has been billed for consumption for the first year, the abatement shall be reassessed and appropriate charges made.

Section 34.11.5 - Requirement for Secondary Meter. Abatements shall not be granted for water used for watering lawns, gardens, filling swimming pools, or other outside water uses outside their summer average quarters, unless ratepayers, at their own cost, install a secondary water meter that will measure only water used for these water use purposes. The installation of the meter shall be inspected by the Superintendent or his designee and must have an outside reader. The ratepayer will read the meter quarterly in order to allow abatements, if applicable, to quarterly sewer bills. The Superintendent reserves the right to periodically inspect such meters to ensure continued compliance with the requirements of this subsection. Where a secondary meter is installed, the ratepayer may be granted an abatement. The Town Manager shall have the ability to prorate and abate the first bill of a non-metered flat rate account based on the date of the sewer entrance permit.

Section 34.11.6 - Abatement Period. An abatement request shall only be considered for a maximum six month (two quarter period). If such conclusive proof cannot be demonstrated to the satisfaction of the Superintendent, the abatement may be denied for all or part of the maximum period. The Town Manager can approve an abatement request outside this timeframe but no longer than a one-year period for due cause.

Section 34.11.7 - Payment Receipts. In order for an abatement to be considered for any previous billing quarters, the applicant must demonstrate, with receipts marked “Paid”, that full payment has been made for those sewer billing quarters. No abatement request will be reviewed for any billing quarter in which outstanding sewer bills, interest or penalties remain unpaid. Abatement requests for the current billing quarter will be considered even though the current bill is unpaid; however, the applicant shall remain responsible for all interest and penalties that may accrue during the current period while the abatement request is under review. Abatement will not be applied to any billing in the rears.

Section 34.11.8- Water Used in Manufacturing. Any ratepayer who uses water in its end manufactured product which is shipped from the ratepayer’s facility or in the process of manufacturing a product or providing a service and where such water does not enter into the sewer system, either in whole or in part, may apply for consideration of an adjustment to their sewer use fee determination to offset that portion of the water which does not reach the Town’s sewer system. The applicant shall bear the burden of providing the necessary proof and documentation which must accompany the request for adjustment and must clearly demonstrate the quantity of water used which does not enter into the sewer system. All such requests for adjustment shall be made to the Superintendent who shall be responsible for reviewing the basis for the adjustment as well as the adequacy of the information provided. The Superintendent shall provide to the Town Manager his or her recommendation as to whether the adjustment should or should not be granted. The Town Manager shall make the final determination as to whether the sewer rate adjustment request shall or shall not be granted. The applicant should make this request at the time that they first connect their manufacturing process to the Town’s sewer. During the period in which an adjustment is in effect, the Superintendent reserves the right to periodically inspect the ratepayer’s premises and records to ensure that the ratepayer is in compliance with the terms and basis by which the adjustment was considered and granted. Should it be determined that the information provided by the ratepayer is invalid, that changes have occurred in the ratepayer’s processes which have the effect of increasing the amount of water reaching the sewer system, or that more water is reaching the sewer system than reported by the ratepayer, the Town Manager may revoke the

adjustment and the ratepayer shall be subject to a revised user charge equal to the full value of the adjustment for the period in which a current or prior adjustment was in effect.

Article 34.12 Protection from Damage

Section 34.12.1 - Damage to Public Sewer Prohibited. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment, which is a part of the sewer works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

Section 34.12.2 - Evidence of Insurance by Contractor. A contractor must present a certificate of insurance showing minimum liability coverage for bodily injury and a limit for property damage including collapse and underground coverage in an amount established annually by the Town before a permit will be issued for construction of building sewers or sewer extensions. Sewer extensions may require higher coverage if so recommended by the Town Council, Town Manager or Town Engineer. Minimum insurance coverage shall be liability coverage of \$1,000,000/\$2,000,000 for bodily injury and a \$300,000 limit for property damage including collapse and underground coverage.

Article 34.13 Enforcement and Penalty

Sec. 34.13.1. - Notice of violation. Any person found to be violating any provision of this Ordinance shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for its satisfactory correction. The offender shall, within the period of time stated in such notice, permanently cease all violations. Any person found in violation of section 34.12.1 shall be prosecuted and punished under relevant sections of 17-A M.R.S.A. § 1 et seq. (Maine Criminal Code).

Sec. 34.13.2 - Harmful contributions; suspension of service.

(a.) The Town may suspend the wastewater treatment service and/or a wastewater contribution permit when such suspension is necessary, in the opinion of the town, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment, causes interference to the publicly owned treatment works, or causes the Town to violate any condition of its National Pollution Discharge Elimination System permit.

(b.) Any person notified of a suspension of the wastewater treatment service and/or the wastewater contribution permit shall immediately stop or eliminate the contribution. If the person fails to comply voluntarily with the suspension order, the Town shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The Town shall reinstate the wastewater contribution permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the town within 15 days of the date of occurrence.

Sec. 34.13.3. - Revocation of permit. Any user who violates the following conditions of this section, or applicable state and federal regulations, is subject to having his permit revoked in accordance with the procedures of this section:

- (a.) Failure of a user to factually report the wastewater constituents and characteristics of his discharge;
- (b.) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;
- (c.) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
- (d.) Violation of conditions of the permit.

Sec. 34.13.4. - Notification of violation. Whenever the Town finds that any user has violated or is violating this chapter, wastewater contribution permit, or any prohibition, limitation or requirements contained in this chapter, the Town may serve upon such person a written notice stating the nature of the violation. Within 30 days of the

date of the notice, a plan for the satisfactory correction of the violation shall be submitted to the Town by the user. The Town may also suspend service as described in Section 34.13.2 (a).

Sec. 34.13.5. - Show-cause hearing.

(a.) The Town may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the Town Council why the proposed enforcement action should not be taken. A notice shall be served on the user, specifying the time and place of a hearing to be held by the town council regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the Town Council as to why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten days before the hearing. Service may be made on any agent or officer of a corporation.

(b.) The Town Council may conduct the hearing and take the evidence, or may designate any of its members or any officer or employee to:

(i) Issue in the name of the Town Council notices of hearings, requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.

(ii) Take the evidence.

(iii) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Town Council for action.

(c.) At any hearing held pursuant to this section, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges.

(d.) After the Town Council have reviewed the evidence, they may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed and are properly operated. Further orders and directives as are necessary and appropriate may be issued.

Sec. 34.13.6. - Legal action. If any person discharges sewage, industrial wastes or other wastes into the Town's wastewater disposal system contrary to the provisions of this chapter, federal or state pretreatment requirements, or any order of the Town, the Town may commence a court action for appropriate legal and/or equitable relief, including suspension of service as described in Section 34.13.2 (a).

Sec. 34.13.7. - Civil penalties. Any user who is found to have violated an order of the Town or who willfully or negligently failed to comply with any provision of this chapter and the orders, rules, regulations and permits issued under this chapter shall be fined as defined in Appendix B for each offense, plus reimbursement of all costs incurred as a result of each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided in this section, the Town may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations and permits issued under this chapter.

Sec. 34.13.8 - Falsifying information. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or wastewater contribution permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter, shall be subject to civil penalties as established in Appendix B, and also shall be subject to criminal prosecution in accordance with applicable law.

Section 34.13.9 - Advertisement of Significant Noncompliance. The Town shall annually publish in a newspaper a list of the users which were in significant noncompliance with any pretreatment requirements or standards at least once during the twelve (12) previous months. The notification shall also summarize any enforcement actions taken against the users during the same twelve (12) months. For this provision, significant noncompliance shall mean a violation which:

(a.) Remains uncorrected 45 days after notification;

(b.) Is part of a pattern of noncompliance over a 12-month period;

(c.) Involves a failure to accurately report noncompliance; or

(d.) Resulted in the POTW exercising its emergency authority under clean water act, § 403.8(f)(1)(iv)(B).

(e.) All records relating to compliance with pretreatment standards shall be made available to officials of the Environmental Protection Agency or approval authority upon request.

Sec. 34.14 Board of Sewer Appeals

Sec. 34.14.1. - Creation and appointment. The establishment of a board of sewer appeals is authorized. The members of the board shall be appointed by the Town Council and be the same board as hears the appeals of zoning. In accordance with the Zoning Board of appeals rules and laws of the state, the following provisions shall apply:

- (a.) Composition. The board shall consist of five members and one associate member.
- (b.) Municipal officers prohibited. No municipal officer shall be a member or associate member of the board of sewer appeals.
- (c.) Associate members to act. When a member is unable to act because of conflict of interest, physical incapacity or absence from the state, the associate member shall act in his stead.
- (d.) Vacancy. When there is a permanent vacancy, the Town Council shall appoint a person to serve for the unexpired term.
- (e.) Officers. The board of sewer appeals shall elect a chairman and a secretary from its own membership annually in the month of April.

Sec. 34.14.2. - Powers and duties. The Board of Sewer Appeals shall follow the Zoning Board of appeals rules and have the following powers and duties, to be exercised only upon written appeal by a person aggrieved by a decision of the Superintendent, the Town Health Officer, and/or Code Enforcement Officer the Town Manager, or the plumbing inspector insofar as each decision arises from requirements of this chapter:

- (a.) Review decisions; chapter interpretation. To determine whether the decisions of the officers are in conformity with the provisions of this chapter, and to interpret the meaning of this chapter in cases of uncertainty.
- (b.) Variances. To grant variances from the terms of this chapter where necessary to avoid undue hardship, provided there is no substantial departure from the intent of this chapter. The Board of Sewer Appeals shall determine, in specific cases, where a relaxation of the terms of this ordinance would not be contrary to the public interest and where, owing to the conditions peculiar to the property and not to the results of the actions by the applicant, a literal enforcement of the requirements would result in an "undue hardship".. The term "Undue Hardship" shall mean:
 - i) That the land in question cannot yield a reasonable return unless a variance is granted.
 - ii) That the need for a variance is due to the unique circumstances of the property and not the general condition of the neighborhood'
 - iii) That the granting of a variance will not alter the essential character of the locality; and
 - iv) That the hardship is not the result of an action taken by the applicant of a prior owner.

(c.) Federal categorical standards and prohibited discharges. The Board of Sewer Appeals shall have no jurisdiction over imposition of either federal categorical standards or prohibited discharges. The discharge requirements of the Clean Water Act and the Town's National Pollution Discharge Elimination System permit may not be contravened by local initiative.

Sec. 34.14.3. - Hearings. The Board of Sewer Appeals shall meet the third Monday of the month at 7:00 PM as necessary. All appeals or other matters to come before the Board requiring a notice shall be filed with the Town Clerk at least 15 days prior to the next monthly meeting date. The Town Clerk shall cause to be advertised in a newspaper of general circulation in the town a notice of such appeal, identifying the property involved, the nature of the appeal and stating the time and place of a public hearing of such appeal. The public hearing shall not be earlier than ten days after the date of such publications. Owners of properties within 300 feet of the property for which the appeal is made shall be notified by registered mail. Failure of any such owner to receive this notice shall not invalidate the proceedings prescribed in this division.

- (a.) The Superintendent shall attend all hearings pertaining to the public sewer system. The Health Officer and/or Code Enforcement officer shall attend all hearings pertaining to the private sewer systems. The plumbing inspector shall attend such hearings as he may be involved in.
- (b.) The officer concerned shall present to the board of sewer appeals all plans, photographs or other factual material which is appropriate to an understanding of the appeal.

(c.) The Board of Sewer Appeals shall not continue hearings on an appeal to a future date except for good cause. Written notice of the decision of the Board shall be sent to the appellant and to the officer concerned, forthwith. Failure of the board to issue such notice within 30 days of the date of the hearing shall constitute a denial of the appeal.

Sec. 34.14.4 - Appeal procedure. Any person and any municipal department aggrieved by the decision of the Superintendent, the Town Health Officer, Town Manager, and/or the Code Enforcement Officer/Plumbing Inspector, which decisions arise from provisions of this chapter, may appeal such decision to the Board of Sewer appeals.

(a) Appeal deadline. Within 30 days of the date of the decisions of the Superintendent, Health Officer and/or Code Enforcement Officer/Plumbing Inspector, Town Manager, the appeal shall be entered at the office of the Town Clerk upon forms to be approved by the board of appeals. The appellant shall set forth in the form the grounds of his appeal and shall refer to the specific provisions of this chapter that are involved. Following the receipt of any appeal, the Town Clerk shall notify forthwith the officer concerned and the chairman of the board of appeals. The appellant shall pay to the Town Treasurer a fee of as defined in Appendix B.

(b) Appeal to superior court. An aggrieved person may appeal from the decision of the Board of Sewer Appeals to the superior court as provided by the laws of the State.

Sec. 34.14.5. - Successive appeals. After a decision has been made by the board of sewer appeals, a new appeal of similar nature by the same appellant shall not be entertained by the board until one year shall have elapsed from the date of the decision; except that the board may entertain a new appeal if the chairman believes that, owing to a mistake of law or misunderstanding of fact, an injustice was done, or if he believes that a change has taken place in some essential aspect of the appeal.

Article 34.15 Repeal of Conflicting Ordinances

Section 34.15.1 - All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Article 34.16 Severability

Section 34.16.1 - The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

Article 34.17 Effective Date

Section 34.17.1 - This Ordinance shall be in full force and effect on Town Council Meeting, dated March 20, 2018, at which time, it was adopted by the Town of Lisbon.

Roll Call Vote: Yeas – Albert, Lunt, Crawford, Larochelle, Ward, Kolbe, and Brunelle. Nays - None.
Order passed – Vote 7-0.

AMEND CHAPTER 46 STREETS, SIDEWALKS, & OTHER PUBLIC PLACES, ARTICLE 1-IN GENERAL *Final Reading*

VOTE (2018-57) Councilor Crawford, seconded by Councilor Koble moved to adopt Chapter 46 Streets, Sidewalks, & Other Public Places, Article 1-In General Amendments as follows:

Section 46-61. - Purpose

The purpose of this Article is to provide a uniform, consistent, and equitable process for the dedication and acceptance of municipal roads.

Sec. 46-61-62. - Minimum right-of-way.

No street or extension of a street shall be accepted by the town with a right-of-way of less than 50 feet, except that (1) streets or ways dedicated prior to January 1, 1969, may be accepted at lesser widths to the extent of their dedicated and recorded rights-of-way, provided they otherwise meet the construction standards as established in section 66-147 and chapter 66, article III, division 3; and (2) any street or way which, through extended public

usage and prolonged maintenance by the town highway department prior to January 1, 1969, may, with the approval of the Planning Board, be recommended for acceptance by the Town Council.
(Code 1983, § 13-201; C.M. of 4-18-2017, V. 2017-96)

Sec. 46-62-63. - Minimum construction standards.

- (a) *Generally.* No building permit shall be issued for any structure proposed for erection on an unaccepted street or way, except on those streets or ways that meet the standards provided in section 66-147 and chapter 66, article III, division 3.
- (b) *Less than 50-foot right-of-way.* Permits may be issued for structures proposed for erection on unaccepted streets or ways with dedicated rights-of-way less than 50 feet in width, providing such dedication occurred prior to January 1, 1969, and further providing that the applicant or owner has constructed, or guaranteed by the posting of a performance bond to construct, a roadway contiguous to the accepted portion of the street or way to the end of the lot to be built upon in accordance with the specifications set forth in section 66-147 and chapter 66, article III, division 3 except specification 66-186(1), Minimum right-of-way.
- (c) *Form of bond.* With the application for a building permit, the applicant shall tender either a certified check payable to the town or a faithful performance bond running to the town in an amount of money to be determined by the town manager to be equal to the costs of furnishing, installing, connecting and completing all aspects of the street grading, construction, storm drainage and utilities required within one year from the date of the check or bond. This bond may be renewed for one additional year at the discretion of the town manager.

(Code 1983, § 13-202; C.M. of 4-18-2017, V. 2017-96)

Section 46-64. - Preliminary Threshold Requirements

Prior to submitting an application for the dedication and acceptance of a road proposed to be accepted as a municipal road, the applicant must comply with the following standards.

- Fifty Percent Rule: Fifty percent of the lots abutting the private road proposed for acceptance as a municipal road must be developed, including the construction of the principal structure.
- Exception to Fifty Percent Rule: If the private road (or portion of the private road) proposed for acceptance as a municipal road extends between two municipal roads, connecting those two roads, then the fifty percent threshold requirement for applications road acceptance shall be reduced to twenty five percent
- Connection to Municipal Road: The private road (or portion of the private road) proposed for acceptance as a municipal road must connect to an existing municipal road in a manner acceptable to the Public Works Director
- Street Design and Construction Standards: The private road proposed for acceptance as a municipal road shall be built to Chapter 66, Article III, Division 3 of the Lisbon Subdivision Ordinance prior to an application being filed for road acceptance.

Section 46-65. - Application Process and Review Procedure for the Dedication and Acceptance of Municipal Roads

This section outlines the process and procedure required by the town to review and accept a private road as a municipal road.

1. Prior to submittal of a formal application the applicant must present to the Public Works Director the following documentation:
 - a. Proof of unencumbered fee simple title in the private way being proposed for acceptance;
 - b. Proof that all improvements required by the Planning Board have been satisfactorily completed and that all performance guarantees associated with those improvements have been released; and
 - c. Proof that the private way has endured without damage at least **one** consecutive freeze/thaw cycle after construction
 - d. An application packet including an original application form as prescribed by the Public Works Director and all required documents and items specified in Section 46-66. Applications may contain multiple streets within a development.

2. The Public Works Director, or their designee, shall determine if the application is complete within thirty (30) business days of receipt.
3. If the application is determined incomplete Public Works staff shall notify the applicant of the missing information. When an application is determined to be complete, the Department shall forward the application to the Police Chief and Fire Chief.
4. The Public Works Director, Police Chief, and Fire Chief shall provide written reports within thirty (30) days of receipt of the determination of completeness. Reports shall address the following:
 - a. Conformance with the town's comprehensive plan as well as other adopted plans that address desired street patterns;
 - b. Budget impact regarding provision of adequate municipal services;
 - c. Expenditures by the town for upgrading or extending water and/or sewer mains, storm drains, sanitary sewers, gas mains, culverts, underdrains and all underground and overhead utilities;
 - d. Town liability for damage to private property such as, but not limited to, walks, fences, lawns and other items that encroach within the proposed right-of-way; and
 - e. Any concerns for providing public safety and access to the street and its occupants.
5. At such time as the Public Works Director determines that the application is ready for consideration by the Town Council, the Town Manager shall place the application on the next available Town Council agenda.
6. In determining whether to accept a private road, the Town Council shall consider the recommendations of the Public Works Director, Fire Chief and Police Chief as to whether or not acceptance of the private road (or portion of the private road) would be in the best interest of the town for public safety and/or road maintenance reasons. If the Town Council determines that the street is in order for acceptance, an order shall be scheduled at such time as the Public Works Director determines that all documents noted in Section 46-66 are submitted and acceptable.

Sec. 46-66. – Application Documents Required

The following documentation shall be included in an application for dedication and acceptance of a road:

1. A plot plan showing the as-built condition of the private way drawn to a scale of forty (40) feet to one (1) inch or a scale acceptable to the Public Works Director and on one (1) or more sheets of paper not exceeding twenty-four (24) inches by thirty-six (36) inches in size:
 - a. magnetic and true north,
 - b. bar and ratio scale,
 - c. current ownership, name of way and subdivision, if any,
 - d. date of Planning Board approval, revision dates and other pertinent information,
 - e. the location, frontage lengths and current ownership of all adjoining lots of land,
 - f. right-of-way width(s),
 - g. location of easements with necessary metes and bounds for location in the field and deed reference,
 - h. location of all underground and overhead utilities, including sanitary sewer and building laterals, transformers, electrical service, telephone service, cable and fiber optic service, water mains, fire hydrants, utility poles and street lights,
 - i. locations of boundary monuments including type,
 - j. location, species and size of street trees,
 - k. location and schedule of any street signs, including name, speed limit, and caution signs,
 - l. edge of pavement, edge of shoulders, edge of sidewalks and edge of curbs,
 - m. pavement markings,
 - n. original and finished contours associated with the private way, both within and outside of the right-of-way,
 - o. natural and manmade drainage courses with contours at not greater than two-foot intervals plus all existing storm drainage systems, including any laterals installed for connecting to building foundation and /or floor drains,
 - p. all angles, bearings curve data and radii necessary for the plotting of the streets and lots and their reproduction on the ground, including turning radii,
 - q. the relative location to the nearest public street or way, together with the stations of their sidelines,
 - r. any private improvements which encroach within the right-of-way such as irrigations systems, fences, walls, etc., and

- s. seal and signature of a Maine Registered Land Surveyor or Maine Professional Engineer and certification that the plans reflect an “as-built” condition.
2. A profile of the proposed street drawn to a horizontal scale of 1"=50' (one inch equals fifty feet) and vertical scale of 1"=5' (one inch equals five feet) The profile shall show:
 - a. the profile of the centerline of the proposed street,
 - b. centerline stationing,
 - c. street grades at critical points,
 - d. elevations of all underground utilities, drainage structures, including pipe sizes and materials, pipe slope and the location and inverts of all catch basins and manholes,
 - e. complete curve data for all vertical curves, and
 - f. seal and signature of a Maine Professional Engineer.
3. A cross section of the proposed street drawn to a horizontal scale of five (5) feet to one (1) inch and a vertical scale of one (1) foot to one (1) inch with the following details:
 - a. the location, size, materials and conditions of the existing and proposed water and/or sewer mains, storm drains, sanitary sewers, gas mains, culverts, underdrains,
 - b. the location of all underground and overhead utilities, and
 - c. seal and signature of a Maine Professional Engineer.
4. Documentation on any deviations from the current street standards.
5. List of waivers granted by the Planning Board for street standards.
6. A digital copy of all plans and documents shall accompany the paper submission, one file set in PDF format and one in AutoCad (dwg) format.
7. Proposed warranty deed describing the right-of-way, all necessary easements, and paper street connections to other properties. Deed shall reference any existing easements encumbering the property being deeded.
8. Application fees as required by the Town Council.
9. Copies of any documents containing restrictions or easements on the development such as utility easements, declarations of covenants, and the like.
10. Public and private responsibilities for improvements within the right-of-way. If it is proposed that the town assume these costs, historical costs of maintenance shall be provided. Ownership or maintenance responsibility for detention ponds and common space outside of the right-of-way shall not be transferred to the town without specific approval of the Town Council. The request shall include a statement about the responsibility for:
 - a. street lights and landscape lighting,
 - b. fire hydrants,
 - c. landscaping,
 - d. signs,
 - e. walls and fences,
 - f. copy of, and if applicable, transfer of, any Maine Department of Environmental Protection, Army Corps of Engineers or other storm water, wetlands or similar permits. Any transfer of permits must be under conditions that the town does not agree to maintenance obligations over and above those typically required of the town.

Section 46-67. – Documentation Required Prior to Council Acceptance

Prior to the Council scheduling an order to accept the a private road, the applicant shall produce the following documents as required:

1. A petition, agreement, warranty deed, affidavit or other writing specifically describing the property or interest and its location, and stating that the owner voluntarily offers to transfer such interests to the municipality without claim for damages,
2. Recordable mylars and one paper copy of the plans of the street for recording at the Androscoggin County Registry of Deeds,
3. Defect guarantee.
 - a. A defect guarantee shall be furnished prior to the order for acceptance by the Town Council.

The guarantee shall provide that the applicant will be financially responsible for the repair of any defects or conditions as determined by the Public Works Director to be unsatisfactory to the town for a period of two years from the date of acceptance and which arise out of the failure of the applicant or developer to construct the road to Chapter 66, Article III, Division 3 Streets of the Lisbon Subdivision Ordinance. This guarantee shall be in addition to, and independent from any performance guarantee given to the town in connection with any other matter.

- b. The defect guarantee, unless waived by the Town Council, shall be tendered in the form of a certified check payable to the town or faithful performance bond consistent with section 66-85.
- c. The Town Council may waive the defect guarantee provided the road has been constructed and in place for a minimum of two years and there are no known defects at the time of the proposed acceptance as determined by the Public Works Director.
- 4. Executed utility agreements (CMP, Fairpoint, Spectrum, Unitil, etc.).
- 5. Title insurance, and
- 6. Any other item as required by the Town Council.

Need to change 66-52, 4, s - Typical cross-section views of all proposed streets and drainage systems as prepared by a licensed professional engineer;

To: Typical cross-section views of all proposed streets, drawn to a horizontal scale of five (5) feet to one (1) inch and a vertical scale of one (1) foot to one (1) inch showing all drainage, and utility systems as prepared by a licensed professional engineer

**Roll Call Vote: Yeas – Albert, Lunt, Crawford, Larochelle, Ward, Kolbe, and Brunelle. Nays - None.
Order passed - Vote 7-0.**

MMA EXECUTIVE COMMITTEE AND VICE PRESIDENT CALL FOR NOMINATIONS

Councilor Ward explained that nominations were being accepted for the MMA Executive Committee and Vice President. Forms are available in the packet for those interested. He said to give them to Mrs. Barnes to submit by May 7 and that interviews would be taking place on May 15.

OTHER BUSINESS

A. COUNCIL COMMITTEE REPORTS

- 1. School: Councilor Albert said the School Committee is finishing up their budget tomorrow. He reported a parent expressed concern over student's security in light of the recent Florida school shooting event. Superintendent Green responded that the School Committee and he were actively working on this, that Lisbon has a very active and committed group working hard on safety, which is still #1 in our school.
- 2. Planning: Councilor Ward said the next meeting is Thursday at which time they will be discussing the Comprehensive Plan at 6 PM and then moving into their regular meeting to do a public hearing on zoning changes that address marijuana storefronts in the Land Use Table.
- 3. Water Commission: Councilor Brunelle said their meeting is next Thursday.
- 4. LDC: Councilor Larochelle said things are going along good. He mentioned they met last week and were still working on improving the village area. He invited those interested to join them.
- 5. Conservation Commission: Councilor Ward reported the commission is working on obtaining a micro grant to develop trail maps, identifying evasive species, reviewing the forestry program, and discussing Beaver Park.
- 6. Recreation: Councilor Kolbe reported the Recreation Committee is working on their goals and budget.

7. County Budget: Councilor Ward said this group is all set for now and will meet again during the next budget process.

8. Library: Councilor Lunt announced the Sun Journal printed a wonderful article about our library, which was super positive press for Lisbon.

B. TOWN MANAGER'S REPORT

Mrs. Barnes reported she had been very busy working on the budget, which is now ready for the Council.

C. 2018-2019 MUNICIPAL BUDGET PRESENTATION

Mrs. Barnes pointed out tonight's presentation is the first draft of the FY 19 Municipal and Waste Water expenditure budgets for your review and consideration. We propose a budget for municipal services with the goal to fund our operational needs and begin a capital improvement reserve for future expenditures. This budget maintains the level of service currently provided to the citizens of Lisbon. She thanked the Department Heads and Staff for their assistance in preparing the proposed budget.

The FY 2019 estimated revenues are not part of the budget document but will be presented at a later date. (The expenditures listed are as of March 7, 2018).

Mrs. Barnes reported 2017-2018 was an extremely demanding and busy year. The Town Council and Department Heads worked diligently together ensuring the smooth operation of municipal government and assisting me with valuable advice and guidance. These efforts in turn enabled us to see that services were provided to the best of our ability at the most reasonable cost to the taxpayers. With so many uncertainties in the future direction of the economy at the state and national level, we will continue to find ways to be more resourceful in delivering quality services to our community. Although our municipal services are used to their maximum, non-controllable costs for some goods and services continue to escalate, causing our budget requests to react in-kind. Increases are proposed only if absolutely necessary to keep pace with those non-controllable cost items that are critical to our service delivery.

The economy has a major impact on revenue available to fund municipal services. Considering the slow growing economy of the area, Lisbon has been fortunate to benefit from a steady increase in motor vehicle excise taxes; a trend that I see ending during FY 2019. Excise tax is our major revenue source after property tax revenue. Property tax collections are up slightly from the previous year. For the first time in many years, the Town no longer has any tax-acquired properties in its real estate portfolio.

The revenues for FY 2019 are expected to increase slightly due to a forecasted increase in State Municipal Revenue Sharing and the continuing growth in excise taxes. By our June budget meetings, I will have better estimates of our final revenues and expenditures for this fiscal year, as well as, a more refined estimate of next year's revenue.

The Budget-Initial Request

The Municipal budget initial department requests, excluding the County Tax and the local contribution to the School Department, total \$10,129,791.00 for an increase of \$1,938,484.00 or 23.7% over the current FY budget of approximately \$8,191,307.00.

The Town's share of the County budget has an increase of \$59,842.00 over the current FY budget.

Wages and benefits total \$5,018,747.00 comprising 49.6% of the budget. The total wage increase is \$201,838.00 and the total benefit increase is \$242,258.00. A 1.5% cost of living adjustment, in the amount of \$96,263.00, and minimum wage increases have been included in the calculation of the FY 2019 budget. A 9% cost increase in the health insurance premiums has been factored into the assumptions beginning January 1, 2019.

This budget also includes employees opting to take the health insurance instead of the insurance buyout as of 3/1/2018. Vacant positions and requested new positions were calculated at the highest cost health insurance available to employees.

Included in this year's budget are capital requests for operational needs and planning for the future by funding capital improvement reserve accounts. This will enable Council to see what the budget would entail if we raised through taxation the needs of all the departments.

The Budget-Manager Request

The Municipal budget Town Manager requests, excluding the County Tax and the local contribution to the School Department, total \$9,061,541.00 for an increase of \$870,234.00 or 10.6% over the current FY budget of approximately \$8,191,307.00.

Wages and benefits total \$5,018,747.00 comprising 55.4% of the budget.

Some of the significant non salary and wage increases include the following:

Technology:	Service & Software	\$ 23,580
Town Buildings:	R & M Buildings	25,000 (Capital Improvement)
Planning Department:	Contracted Services	14,000
Police Department:	Police Officer Position	95,235 (Salary & Benefits)
	& Restructuring	
	R & M Equipment	6,500
Fire Department	PPE	16,000
	Tires	2,600
	Equipment	24,200
	Hose Replacement	5,000
Lisbon Emergency	LES	127,885
Public Works:	Equipment	415,000 (Capital Improvement)
	Heavy Machinery	50,000 (Capital Improvement)
	MDOT Match	200,000
Public Works Winter	Contracted Services	10,000 (Winter Sidewalk)
	Buildings	250,000 (Capital Improvement)
Solid Waste	Waste Disposal	25,000
	Capital Improvements	25,000 (Capital Improvement)
Hydrant Rental	Hydrant Rental	80,267
Recreation Dept.	New Positions	52,783 (Salary & Benefits)
County Tax	County Tax	59,842
Debt Service Lease Agreements		81,838
Capital Outlay Bonds		163,348

There are a few unknown cost drivers we are working on to bring to resolution. We have estimated a 5% increase to the Town general insurance accounts as a placeholder. I will make the necessary adjustments to those line items once I hear back from the underwriter.

Mrs. Barnes said Lisbon's unassigned fund balance of \$2,816,310 has improved over last year. It is essential that the Town maintain adequate levels of unassigned fund balance to mitigate financial risks that can occur from unforeseen revenue fluctuations and unanticipated expenditures. The fund balance also provides cash flow for the Town's general operations which will reduce the Town's need for a Tax Anticipation Note and the interest and borrowing costs associated with the note. The Council strives to maintain an appropriate level of unassigned fund balance. However, if the Council chooses to use a portion of the unassigned, she recommended its use for non-recurring capital costs.

D. DEPARTMENT HEAD WRITTEN REPORTS

Councilor Larochelle asked about the Winter Budget. Mrs. Barnes indicated it was going well until March. She said it's anticipated this line will be overdrawn. She said at this point it is \$7,000 overdrawn, but March is not over yet.

APPOINTMENTS – NONE

COUNCILOR COMMUNICATIONS

Councilor Ward mentioned Boards & Committee's requests will come up when corresponding budgets are discussed with departments, and a follow up discussion on the progress on goals has been scheduled for the November 20, 2018 agenda.

Councilor Ward invited Councilors to attend AVCOG's breakfast on April 11 at 9 AM, which is when Lisbon will be presented the area 2017 Business Development Award.

AUDIENCE PARTICIPATION FOR NEW ITEMS - NONE

EXECUTIVE SESSION

VOTE (2018-59) Councilor Albert, seconded by Councilor Lunt moved to go into Executive Session at 7:34 PM per 1 MRSA Section 405(6) (C) Acquisition of Real Property or Economic Development. **Order passed – Vote 7-0.**

The Council Secretary was dismissed. The Council came out of executive session at 8:45 PM and the meeting resumed.

ADJOURNMENT

VOTE (2018-60) Councilor Brunelle, seconded by Councilor Albert moved to adjourn at 8:45 PM. **Order passed - Vote 7-0.**

Twila D. Lycette, Council Secretary
Town Clerk, Lifetime CCM/MMC
Date Approved: April 3, 2018