



**SELECT BOARD MEETING  
MONDAY, APRIL 24, 2023  
REGULAR MEETING: 6 P.M.**

**IN-PERSON AT 13 VALLEY STREET**

**LIVE STREAMING AVAILABLE ON THE TOWN WEBSITE OR BY VISITING:**

[https://www.townhallstreams.com/towns/thomaston\\_me](https://www.townhallstreams.com/towns/thomaston_me)

**CAN'T ATTEND A MEETING? PLEASE SUBMIT QUESTIONS/CONCERNS TO THE TOWN MANAGER AT:**

[kgeorge@thomastonmaine.gov](mailto:kgeorge@thomastonmaine.gov)

**REGULAR MEETING 6:00 P.M.**

**1. CALL THE MEETING TO ORDER**

**2. PUBLIC HEARINGS:**

**A. To hear comment on the proposed Thomaston Land Use Ordinance Amendments:**

1. Section 719 Residential 719.2 Affordable Housing Development Section
2. 719 Residential 719.4 Short-Term Rental (STR)
3. Sections 706, 707, 707A, 709, 710, 712A, 712A, 713, 716, 718
4. Move Lots 095, 189, and 191, Map 105, currently in the R3 zone to Village Commercial
5. Chapter 10 Definitions

**B. Review the application of Port Clyde Seafood Company, D/B/A The Slipway, for the consideration of an on-premises license to sell Malt Liquor, Wine, and Spirits at the property located at 24 Public Landing as required by Section 653 Title 28-A of the Maine Revised Statutes.**

**C. Review the Catering permit applications from Dirty Rocks, D/B/A The Block Saloon for events at Watts Hall on 4/29/23, 5/19/23, 5/20/23, and 6/10/23, as pursuant to Section 653 Title 28-A of the Maine Revised Statutes.**

**3. APPROVE THE MINUTES OF: March 13, 2023**

**4. APPROVE THE WARRANTS**

**5. ADJUSTMENTS TO THE AGENDA**

**6. TOWN MANAGER'S REPORT**

**7. TOWN BOARDS & COMMITTEES UPDATE**

**8. PUBLIC COMMENTS**

**9. OLD BUSINESS**

**10. NEW BUSINESS**

- A. Discuss liquor licensing procedures.
- B. Consider confirming the Town Manager appointment of Lindsey Junkins as Assessors' Agent.
- C. Review the FY2024 Dragon and Downtown TIFs for placement on the June Town Meeting Warrant.
- D. Review the following ordinance amendments for placement on the June Town Meeting Warrant:
  - 1. Recreation Committee
  - 2. Sewer Use
  - 3. Article II-Section 102-Police
- E. Review the proposed warrant articles to be placed on the June Town Meeting Warrant for the Knox Clinic and Fire/EMS Building & set a public hearing date of (Thursday, June 1st?) for same.
- F. Consider the request of the Knox Clinic to host a public picnic/information event at the Thomaston Green on Monday, June 5<sup>th</sup> at 12 and 5pm (rain date of Tuesday, June 6<sup>th</sup>.)
- G. Adopt the 54<sup>th</sup> Annual Professional Municipal Clerk's Week Proclamation of April 30-May 6, 2023, as presented by the Maine Town and City Clerks Association.
- H. Accept with regret the resignation of Patrol Officer Jerry Vitale.

**Upcoming Dates**

Wednesday, April 26 <sup>th</sup>	6 p.m. Knox Street Project Meeting
Thursday, April 27 <sup>th</sup>	6 p.m. Recreation Committee
Wednesday, May 3 <sup>rd</sup>	6 p.m. Candidates Night
Monday, May 8 <sup>th</sup>	6 p.m. Select Board
Wednesday, May 10 <sup>th</sup>	6 p.m. Conservation Commission
Thursday, May 11 <sup>th</sup>	6 p.m. Knox Clinic Public Workshop



**Town of Thomaston**  
State of Maine

*Proposals for*

*Amendments to*

**Chapter 7**

**Thomaston Land Use**

*and*

**Development Ordinance**

**&**

**Chapter 10 Definitions**

*For June 2023 Town Meeting*

**NOTE:** A copy of all ordinance amendments is available for review and inspection at the Town Clerk's Office and on the Town's website at [www.thomastonmaine.gov](http://www.thomastonmaine.gov)

**Article ##:** Shall Chapter 7, Thomaston Land Use and Development Ordinance and Chapter 10, Definitions, be amended by replacing all references to "Selectmen" or "Board of Selectmen" with "Select Board"?

**Article ##:** Shall Chapter 7, Thomaston Land Use and Development Ordinance, be amended to change the zoning district of Map 105, Lots 095, 189, and 191 currently in the Urban Residential District (R3) to Village Commercial District (VC)?

**Article ##:** Shall Chapter 7 Thomaston Land Use and Development Ordinance, Sections 707, 707A, 708, 709, 710, 712, 712A, 713, 716, and 718 be amended?

## **Section 707 Urban Residential District (R3)**

### **707.4 Conditional Uses (Subject to approval of the Planning Board)**

1) Affordable Housing Development *Alphabetize and renumber items as needed*

10) Conversion of existing residential to: \*

c) Business and Professional Office

e) Health Services

f) Multi-Unit Residential Structure

16) Health Services

\* Please see Section 719.2 Conversion of Residential Structures.

## **Section 707A Village Mixed Use District (R3A)**

### **707A.4 Conditional Uses (Subject to approval of the Planning Board)**

5) Health Services *Alphabetize and renumber items as needed*

## **Section 708 Transitional Residential District (TR3)**

### **708.4 Conditional Uses (Subject to approval of the Planning Board)**

**2) Affordable Housing Development** *Alphabetize and renumber items as needed*

5) Conversion of existing residential to: \*

**d) Multi-Unit Residential Structure**

*\* Please see Section 719.2 Conversion of Residential Structures.*

## **Section 709 Rural Residential District (R2)**

### **709.4 Conditional Uses (Subject to approval of the Planning Board)**

**2) Affordable Housing Development** *Alphabetize and renumber items as needed*

16) Conversion of existing residential to: \*

**d) Multi-Unit Residential Structure**

*\* Please see Section 719.2 Conversion of Residential Structures.*

## **Section 710 Rural Residential and Farming District (R1)**

### **710.4 Conditional Uses (Subject to approval of the Planning Board)**

**2) Affordable Housing Development** *Alphabetize and renumber items as needed*

## **Section 712 Highway Commercial District (HC)**

### **712.4 Conditional Uses (Subject to approval of the Planning Board)**

**23) Redemption Center** *Alphabetize and renumber items as needed*

**29) Retail** Marijuana Edibles Production Facility

## **Section 712A Village Commercial District (VC)**

### **712A.3 Permitted Uses**

9) **Small** Retail Business

**712A.4 Conditional Uses (Subject to approval of the Planning Board)**

**9) Health Services** *Alphabetize and renumber items as needed*

**Section 713 Industrial District (IN)**

**713.4 Conditional Uses (Subject to approval of the Planning Board)**

**9) Redemption Center** *Alphabetize and renumber items as needed*

**21) Retail Marijuana Edibles Production Facility**

**Section 716 Environmental**

**716.16.7 Retail Marijuana or Cannabis Uses and Facilities**

**NOTE: No more than five (5) licenses total shall be issued annually for Marijuana or Cannabis Point of Sale Facilities including Medical, Retail, and Caregiver; this does not apply to Cultivation, Manufacturing or Testing Facilities.**

**Section 718 Signs**

**718.4 Village Commercial and R3A Districts Signs**

**718.4.7 Other Signs**

**c) In Village Commercial only on lots of two acres or more one free-standing sign, may display the street number, name of the occupant(s), permitted uses, and services rendered on the property. The area of the sign shall not exceed the maximum for the district (718.4.2); no part of the sign or its supporting framework shall exceed eight (8) feet above ground level; no dimension of the signboard or display area shall exceed four (4) feet, and no part of the sign shall be located within the public right-of-way.**

**718.4.8 Prohibited Signs**

**c) Freestanding signs except as noted in 718.4.7c**

**Article ##:** Shall Chapter 7 Thomaston Land Use and Development Ordinance, Section 719 be amended by altering Section 719.2 and by adding a new Section 719.3?

*Note: Affordable Housing Development is mandated by Maine State law effective July 1, 2023*

## **Section 719 Residential**

### **719.2 Conversion of Existing Structures**

#### **719.2.2 Bed and Breakfast/~~Tourist Homes~~**

#### **719.2.4 Business and Professional Offices**

- a) All required frontage, setback, building coverage, side, and rear yard, building height, and setback from streams, water bodies, and wetlands standards shall be met.
- b) There shall be no exterior changes to the street front of the residence. Other exterior alterations shall be limited to those required to comply with applicable health, building, and fire-safety codes and shall not substantially alter the single-family appearance of the residence.
- c) Off-street parking shall be provided in accordance with Section 717.1 of this ordinance.
- d) No parking shall be located within the minimum setback from street centerlines or from side and rear lot lines.

#### **719.2.5 Health Services**

- a) All required frontage, setback, building coverage, side, and rear yard, building height, and setback from streams, water bodies, and wetlands standards shall be met.
- b) There shall be no exterior changes to the street front of the residence. Other exterior alterations shall be limited to those required to comply with applicable health, building, and fire-safety codes and shall not substantially alter the single-family appearance of the residence.
- c) Off-street parking shall be provided in accordance with Section 717.1 of this ordinance.
- d) No parking shall be located within the minimum setback from street centerlines or from side and rear lot lines.

#### **719.2.6 Multi-Unit Residential**

- a) All required frontage, setback, building coverage, side, and rear yard, building height, and setback from streams, water bodies, and wetlands standards shall be met.
- b) There shall be no exterior changes to the street front of the residence. Other exterior alterations shall be limited to those required to comply with applicable health, building, and fire-safety codes and shall not substantially alter the single-family appearance of the residence.

- c) Off-street parking shall be provided in accordance with Section 717.1 of this ordinance.
- d) No parking shall be located within the minimum setback from street centerlines or from side and rear lot lines.

### **719.3 Affordable Housing Development**

#### **719.3.1 Income Limits**

- a) For rental housing a development in which a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs.
- b) For owned housing a development in which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs.

#### **719.3.2 Affordable Housing Standards**

- a) Multifamily dwellings are allowed to have a dwelling unit density of up to 2½ times the base density that is otherwise allowed in that location and require 2 off-street parking spaces for every 3 units.
- b) The development must be in a designated growth area of Thomaston consistent with section 30A MRS §4349-A, subsection 1, paragraph A or B or the development must be served by a public, special district, or other centrally managed water system and a public, special district or other comparable sewer systems.
- c) The development must comply with minimum lot size requirements in accordance with 12 MRS Chapter 423-A, as applicable.
- d) Before approving an affordable housing development, the Planning Board shall require that the owner of the affordable housing development has executed a restrictive covenant, recorded in the Knox County Registry of Deeds, for the benefit of and enforceable by an acceptable party, to ensure that for at least 30 years after completion of construction:
  - i) For rental housing, occupancy of all of the units designated affordable in the development will remain limited to households at or below 80% of the local area median income at the time of initial occupancy; and
  - ii) For owned housing, occupancy of all of the units designated affordable in the development will remain limited to households at or below 120% of the local area median income at the time of initial occupancy.



- e) The owner of an affordable housing development shall provide written verification to the Code Enforcement Officer that each unit of the housing development is connected to adequate water and wastewater services before the Code Enforcement Officer may certify the development for occupancy. Written verification under this subsection must include:
- i) If a housing unit is connected to a public, special district, or another comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;
  - ii) If a housing unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector under 30A MRS §4221. Plans for subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with subsurface wastewater disposal rules adopted under 22 MRS §42;
  - iii) If a housing unit is connected to a public, special district, or another centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection, and the volume and supply of water required for the unit; and
  - iv) If a housing unit is connected to a well, proof of access to potable water. Any tests of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

#### **719.3.2 Restrictive Covenants**

This section may not be construed to interfere with, abrogate or annul the validity or enforceability of any valid and enforceable easement, covenant, deed restriction, or other agreement or instrument between private parties that imposes greater restrictions than those provided in this section, as long as the agreement does not abrogate rights under the United States Constitution or the Constitution of Maine.

**Article ##:** Shall Chapter 7 Thomaston Land Use and Development Ordinance, Section 719 and Chapter 10 Definitions, Section 1003 Specific Definitions be amended by adding a new Section 719.4 and related definitions?

## **Section 719 Residential**

### **719.4 Short-term Rental (STR)**

All Short-Term Rent owners or operators must register with the Maine Revenue Service and collect and remit Maine State Sales Tax.

#### **719.4.1 Purpose**

In order to preserve the fabric of residential neighborhoods, minimize the negative impacts of transient occupation on adjacent residents, maintain housing availability for long-term residents, and protect the public safety of visitors and residents, the operation of Short-Term Rental must be efficiently and effectively regulated to balance the respective interests of town residents. The purpose of this section is to balance the desire of property owners to rent their properties to short-term tenants and the desire of residents to preserve the peaceful quiet and enjoyment of their residential neighborhoods.

#### **719.4.2 Permit Required**

- a) Effective July 1, 2023, no person shall operate a Short-Term Rental without first obtaining annually a one-year permit therefor from the Code Enforcement Office.
- b) No more than 20 Non-Owner-Occupied Short-Term Rental permits shall be issued annually.
- c) Each year all Short-Term Rental applications must be renewed before July 1.
- d) Upon application for renewal, all Short-Term Rentals shall be inspected every three (3) years from initial date of permit issuance for life safety and fire code compliance, or at any time earlier at the request of the Code Enforcement Officer, the Fire Chief, or the Police Chief.
- e) Change of ownership shall require a new application process.

#### **719.4.3 Standards**

- a) The Code Enforcement Office or Planning Board may condition or deny any Short-Term Rental permit/or renewal upon the basis of a recommended condition or denial of certification by any of the following: Police Chief, Fire Chief, Code Enforcement Officer, or Plumbing Inspector.
- b) The Code Enforcement Office may condition, suspend or revoke a Short-Term Rental permit on the basis of the permittee's non-compliance with any applicable law, ordinance, regulation, or permit certification, condition, or criterion. Such denial, suspension, or revocation of said

permit may be appealed to the Appeals Board pursuant to Section 705.2.1 of Chapter 7 Land Use Ordinance.

#### **719.4.4 Eligibility.**

The Code Office may accept applications for Short-Term Rentals from only those persons who are eligible to apply, as follows:

- a) Short-Term Rental Permits may not be granted to a renter, lessee, or another party who is not the owner of the proposed Short-Term Rental or the owner's property manager. No renter or lessee of a dwelling unit may sub-let the rented or leased premises as a short-term rental.
- b) Where the proposed Short-Term rental is a single-family structure, the applicant must demonstrate in the application either that
  - i) the structure is the applicant's primary residence, or
  - ii) the applicant's primary residence is at another residence within the Town of Thomaston, or
  - iii) the applicant is a resident living in one of the municipalities listed below, or
  - iv) the applicant has provided evidence of an individual or management company whose residence, or in the case of a management company, whose business is in Thomaston, Rockland, Owls Head, Rockport, Warren, Camden, Cushing, South Thomaston, or St. George, and who is available to provide around-the-clock on-site response capacity to address complaints arising from the short-term rental of the structure.
- c) Where the proposed Short-Term Rental is an approved accessory dwelling, the applicant must demonstrate in the application that the applicant owns and maintains his/her primary residence at the primary structure on the same lot to which the short-term rental is an accessory dwelling.
- d) Where the proposed Short-Term Rental is a unit in a duplex or two-unit condominium, the applicant must demonstrate that the applicant owns and maintains his/her primary residence in the other unit in the duplex or two-unit condominium, or if such unit is not the primary residence of the applicant, that the applicant either
  - i) maintains his/her primary residence elsewhere in Thomaston or
  - ii) is a resident of one of the municipalities listed below or
  - iii) has provided evidence of an individual or management company whose residence, or in the case of a management company, whose business is in Thomaston, Rockland, Owls Head, Rockport, Warren, Camden, Cushing, South Thomaston, or St. George, and who is available to provide around-the-clock on-site response capacity to address complaints arising from the short-term rental in the structure.

#### **719.4.5 Application Fee.**

The Select Board shall establish a non-refundable Application/Annual Renewal fee for Short-Term Rental Permits.

#### **719.4.6 Notice.**

Within seven (7) days of receipt of a complete application for a Short-Term Rental Permit, the Code Office shall by U.S. Mail, First Class, provide notice of the application to the owner(s) of record of abutting parcels, including the owner(s) of record of parcels located directly across a street or other way from the subject parcel, at least seven (7) days prior to issuing such license. Such notice shall include the name, address, and telephone number of the person(s) responsible for the management of the STR. Notice is effective upon mailing.

#### **719.4.7 Permitting Authority**

- a) Non-Owner-Occupied Short-term rental must submit a Conditional Use Application to the Thomaston Planning Board for review at a regularly scheduled Planning Board Meeting. The Planning Board shall grant with conditions or deny the application for Short-Term Rental.
- b) Owner-Occupied Short-term rental must submit a Short-Term Rental application to the Code Enforcement Officer who is the permitting authority. The Code Enforcement Officer shall grant, grant with conditions, or deny applications for Owner-Occupied Short-Term Rental Permits, no sooner than fourteen (14) days and no later than thirty (30) days after notice of such application is mailed to abutters pursuant to 719.4.5.

When the application is for the renewal of a current Short-Term Rental Permit and the permittee is in compliance with this and other applicable Ordinances, the Code Office may grant an administrative extension of the current permit for up to thirty (30) days when reasonably necessary to allow the continuance of the accommodations during the renewal process. All Short-Term Rentals are also subject to the Additional Requirements set forth in Section 719.4.9.

#### **719.4.8 Requirement of Application for All Short-Term Rental**

##### The Applicant Shall

- a) Provide evidence of current insurance providing coverage for the use of the premises as a Short-Term Rental. Evidence of such insurance must be available for inspection at all times while the unit or structure is used for Short-Term Rental.
- b) Provide the name, address, and telephone number of the person(s) who will be responsible for the management of the STR.
- c) Provide two on-site parking spaces for a single-family structure and three on-site spaces for a two-family structure.

- d) Not currently be in violation of any applicable law, including, without limitation, any law, ordinance, regulation, or permit relating to a short-term rental, lodging house, bed and breakfast establishment, hotel or motel, or other commercial residential facility.
- e) Demonstrate compliance with applicable building, fire prevention, and life safety codes upon inspection by the Thomaston Code Enforcement Officer and Fire Chief or their designees.

#### **719.4.9 Additional requirements**

In addition to the standards set forth in 719.4.6 and other applicable laws, ordinances, or regulations, the following criteria shall apply to applications for a Short-Term Rental:

- a) The occupancy classification of a single-family structure or a unit in a two-family or multi-family structure, used as a Short-Term Rental shall be in compliance with that of a "one-family dwelling" as described in Chapter 2 NFPA 101 Life Safety Code.
- b) Short-term rentals shall be to a single individual or entity.
- c) The maximum occupancy for Short-Term Rental shall be limited to two people per existing bedroom plus no more than two additional children under the age of twelve;
- d) Provided that there are approved fire separations between dwelling units in an existing duplex or condominium structure, each unit under separate, unrelated, or affiliated ownership shall be considered a single-family structure for the purpose of Short-Term Rental Permit provisions.
- e) Multi-family dwellings must be a permitted use in the zone in which it is located in order to rent any unit as a Short-Term Rental;
- f) An approved functional sprinkler system is required in any multi-family dwelling in which a single unit is used as a Short-Term Rental;
- g) No recreational vehicle, trailer, tent, or other mobile residential equipment, including a mobile home may be permitted or rented as a Short-Term Rental.
- h) The use of a dwelling unit as a Short-Term Rental may not violate any other applicable condition of municipal approval, covenant, or other lawful restriction on the use of the parcel.
- i) Signage identifying, advertising, providing wayfinding, or otherwise relating to the use of a dwelling as a Short-Term Rental is not permitted, either on- or off-site.
- j) The Permittee must maintain accurate, up-to-date records of all rental transactions in the Short-Term Rental, including the number of guests and the duration of their stays. Such records must be available for review by the Code Enforcement Officer upon request.
- k) The Permittee must post in plain sight to visitors near the entrance the Short-Term Rental a Notice that identifies the name, address, phone number(s), e-mail address, and emergency contact of the owner or owner's manager of the Short-Term Rental.

- l) Renters of Short-Term Rentals may not sublease any portion of the short-term rental to another person, or entity.
- m) The Permittee shall maintain permit eligibility in conformance with Section 719.4.4 continuously during the permit period.

#### **719.4.10 Complaints**

Complaints regarding Short-Term Rentals filed with the Police Department shall be brought to the attention of the Code Enforcement Officer. Any person may also file a complaint with the Code Enforcement Officer. The Code Enforcement Officer shall create and maintain a log for each Short-Term Rental of all complaints received and substantiated by the Town. The Code Enforcement Officer shall seek the correction by the Permittee of all substantiated complaints.

#### **719.4.11 Revocation, Suspension, or Denial of Permit**

The Code Enforcement Officer may deny any application for a Short-Term Rental Permit upon failure of the applicant to meet all regulations set forth in this section. When, in the judgment of the Code Enforcement Officer, the nature and/or number of complaints warrants further review of the Short-Term Rental, he shall provide a report of the same to the Select Board for its consideration. The Select Board may condition, suspend, or revoke a Short-Term Rental Permit, following a public hearing, on the basis of the licensee's non-compliance with any applicable law, ordinance, regulation, or permit certification, condition, or criteria.

#### **719.4.11 Penalties and Violations**

- a) Whoever operates a Short-Term Rental within the of Thomaston without a permit therefore shall be penalized with a fine of five hundred dollars (\$500) for the first offense and additional fines of one thousand dollars (\$1,000) for each subsequent offense. Following notice by the Code Enforcement Officer, any person or entity who fails to abate such violation by immediately ceasing such rental or advertising for rent and fails to apply for a permit therefore, if all permits for Short-Term Rentals for the applicable year have not already been issued as provided in 719.4.2.b shall be penalized with a fine in accordance with this section, to be recovered upon a complaint before the Maine District Court in Rockland, for the use of the Town. Each day following said notice from the Code Enforcement Officer that such violation is allowed to continue shall constitute a separate offense.
- b) A short-term rental permittee who violates any applicable law, ordinance, or regulation other than the violations contained in paragraph a) above, and who, following notice by the Code Enforcement Officer fails to abate the violation within the period prescribed shall be penalized with a fine of two hundred and fifty dollars (\$250) for each such violation, to be recovered upon a complaint before the Maine District Court in Rockland, for the use of the Town. Each day such violation is allowed to continue shall constitute a separate violation.

c) In addition to or instead of such penalty(ies), in the sole discretion of the Town, the Town may seek an injunction prohibiting the operation of the Short-Term Rental until the offense or violation shall have been abated.

## Chapter 10 Definitions

### Section 1003 Specific Definitions

#### Short Term Rental

- (1) "Short-Term Rental" ("STR") means the use of all or part of a legally-existing dwelling unit for rental to a person or persons unrelated to the owner or occupant of the unit, for consideration, for periods of not more than 30 days.
- (2) "Minimum Stay Period" means the minimum number of nights for which a Short-Term Rental may be rented to guests. Guests may stay for less than the minimum stay period provided that the STR remains vacant until the end of the minimum stay period. (For example, if the minimum stay period is four (4) nights, this does not preclude rental to guests for two (2) nights, provided the unit remains unrented for the two (2) subsequent nights before being occupied again as a short-term rental.)
- (3) "Owner-Occupied" means a dwelling unit that is the owner's primary residence and is occupied, including over-night, by the owner when any part of the dwelling is rented as a short-term rental. A two-family structure shall be considered "owner-occupied" when one of the units in the structure is occupied by the owner of the structure as his or her primary residence. An accessory apartment shall be considered "owner-occupied" when the primary single-family structure to which the apartment is accessory is occupied by the owner of said primary structure as his or her primary residence.
- (4) "Non-owner-occupied" means a dwelling unit that is not the owner's primary residence and/or is not occupied, including overnight, by the owner when any part of the dwelling is rented as a short term rental. Dwelling units in a two-family structure and accessory apartments that meet the definition of owner-occupied above shall not be considered non-owner-occupied.
- (5) "Primary residence" means a dwelling unit that is owned and occupied as the owner's primary place of residence where the owner carries on basic living activities and is the owner's usual place of return. Reasonable documentation, such as Maine homestead exemption qualification, voter registration, government ID with address, motor vehicle registration, motor vehicle excise tax payment receipt, or other documents approved by the Town of Thomaston demonstrating that the property is the owner's legal residence and that it is such for 183 or more days of the calendar year, shall be indicia of primary residence.

Article ##: Shall Chapter 10 Definitions, Section 1003 Specific Definitions be amended?

**Affordable Housing Development** (See Section 719 Residential)

**For rental housing** - a development in which a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs.

**For owned housing** - a development in which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs.

**Harbor Master** - an officer appointed by the Selectmen Select Board and employed by the *Town of Thomaston* to enforce the ordinances of the Town as regards with the Harbor and all tidal waters of the Town, with the power to make arrests and to work with and for the Thomaston Harbor Committee and to serve as an ex-officio advisor to the Committee.

**Redemption Center** - a facility at which consumers may return empty beverage containers and receive payment for the refund value of the empty beverage containers.

**~~Retail~~ Edible Marijuana Product** – a retail marijuana product intended to be consumed orally, including, but not limited to, any type of food or drink containing retail marijuana or retail marijuana products produced by a Retail Edible Marijuana Production Facility licensed pursuant to 7 MRS Chapter 417 Marijuana Legalization Act.

**~~Retail~~ Marijuana Edibles Production Facility** – an entity licensed by the State of Maine to purchase retail marijuana and retail marijuana products strictly for the purpose of the production, preparation and packaging of retail edible marijuana products to sell to other retail marijuana establishments. Such a facility may not sell retail edible marijuana products directly to the public.

**Small Retail Business** - a retail establishment that sells goods or provides services to consumers and occupies under four thousand square feet of retail or wholesale space, excluding storage space, and is not one of a chain of stores.

**Thomaston Harbor Committee** - a board of five permanent members and two alternates appointed by the ~~Selectmen~~ Select Board without compensation, to oversee, direct, police, and plan the general operation of the Harbor including all piers, docks, floats, and moorings therein, and such other duties that are consistent with the intent of the committee.





**STATE OF MAINE  
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES  
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS  
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT**

**Application for an On-Premises License**

*All Questions Must Be Answered Completely. Please print legibly.*

Division Use Only	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Payment Type:	
OK with SOS:	Yes <input type="checkbox"/> No <input type="checkbox"/>

**Section I: Licensee/Applicant(s) Information;  
Type of License and Status**

Legal Business Entity Applicant Name (corporation, LLC): Port Clyde Seafood Company	Business Name (D/B/A): The Slipway
Individual or Sole Proprietor Applicant Name(s):	Physical Location: 24 Public Landing, Thomaston, ME 04861
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different:
Mailing address, if different from DBA address:	Email Address: scott.dipnet@gmail.com
Telephone #      Fax #: 207-542-1829	Business Telephone #      Fax #:
Federal Tax Identification Number: 30-0320747	Maine Seller Certificate # or Sales Tax #: 1145765
Retail Beverage Alcohol Dealers Permit:	Website address: theslipwaymaine.com

1. New license or renewal of existing license?       New      Expected Start date: \_\_\_\_\_  
     Renewal      Expiration Date: 06/10/2021

2. The dollar amount of gross income for the licensure period that will end on the expiration date above:  
 Food:      \$ 0.00      Beer, Wine or Spirits: \$ 0.00      Guest Rooms: \$ 0.00

3. Please indicate the type of alcoholic beverage to be sold: (check all that apply)  
 Malt Liquor (beer)       Wine       Spirits



STATE OF MAINE  
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES  
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS  
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

**Application for a Catering Permit**

**Section A: Licensee Information:**

1. Legal Name and DBA of the Licensee Catering the Event:
  - a. Legal Name: Dirty Rocks, LLC
  - b. DBA: The Block Saloon
2. License No.: 11043 Email: info @theblocksaloon.com
3. Complete Mailing Address: 173 main st.  
Thomaston, ME 04861
4. Telephone/Mobile Number: 207-354-5145

**Section B: Event Information:**

1. Title Event: Dave Gutter
2. Purpose of Event: Entertainment
3. Type of Event: (check one)
 

Public	<input checked="" type="checkbox"/>	Indoor	<input type="checkbox"/>	Outdoor	<input type="checkbox"/>
Private	<input type="checkbox"/>	Indoor	<input checked="" type="checkbox"/>	Outdoor	<input type="checkbox"/>
4. Municipality where Event will take place: Thomaston
5. Complete Physical Address of Event:
 

Watts Hall, 174 main st.  
Thomaston, ME 04861
6. Date of Event: 6/10/23 Time: From 6:30pm To 10pm

Under Maine liquor laws, alcoholic beverages can only be served from 5:00 am to 1:00 am of the next day, Sunday through Saturday; event times cannot deviate from this statutory requirement.

7. Requesting party for your catering services:
 

<input checked="" type="checkbox"/>	Nonprofit Organization	<input type="checkbox"/>	Individual	<input type="checkbox"/>	Business
-------------------------------------	------------------------	--------------------------	------------	--------------------------	----------
8. Mailing Address of Requesting Party: The Town of Thomaston  
13 valley st. Thomaston ME  
04861

**Please note:** In question 9, for a nonprofit or business requesting party, please provide the name of the nonprofit or business as well as the name of an individual to contact at the nonprofit or business.

(continue to next page)

9. Contact Name of Requesting Party: Tiffany Farrell  
a. Contact Telephone/Mobile Number: 207-354-5145  
b. Contact Email address: info @ theblocksaloon.com

10. Number of Persons Attending: 70+

11. Describe specific indoor and/or outdoor area to be licensed: (for an outdoor event, please include a diagram of the outside space in Section F below.)

A table will be set up inside to provide beverages for the event.

12. Will dancing be part of the event? Yes  No   
a. Does the venue have a dance license? Yes  No   
b. If yes, please provide a copy of the license from the State's Fire Marshall's Office

**Section C: Signature of Licensee**

By signing this application, the licensee understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: 4/11/23

[Signature]  
Signature of Licensee or Duly Authorized Person

Tiffany Farrell, manager  
Printed Name of Licensee or Duly Authorized Person

Submit completed forms to: Bureau of Alcoholic Beverages and Lottery Operations  
Division of Liquor Licensing and Enforcement

Mailing address: 8 SHS, Augusta, ME 04333-0008  
Courier delivery: 19 Union Street, 3rd floor, Suite 301-B, Augusta, ME 04330

(continue to next page)

**Section D: For use by Municipal Officers and County Commissioners only  
Approval of an application for a catering event**

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this catering event application on this date: \_\_\_\_\_

Check only one:  City  Town  Unorganized Territory

Name of City/Town/Unorganized Territory: \_\_\_\_\_

Who is approving this application?  Municipal Officers  
 County Commissioners of \_\_\_\_\_ County

**Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of permit to be issued by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

**Section E: Application Fee; Other Information**

1. The application fee is \$10.00 per day; make checks payable to Treasurer State of Maine
2. The law requires the application to be submitted at least 24 Hours prior to the function, however, a longer notice is appreciated to allow additional time for processing.
3. Once issued, this permit is not assignable and is valid only for use by the licensee named in this application and for the date, time, and location listed in this application. This permit is issued subject to Maine liquor laws under Title 28-A and the Bureau's Administrative Rules. Penalties for failure to comply with the laws and rules are provided in Chapter 33 of Title 28-A.
4. The Division is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.
5. Payments to the Division by check subject to penalty provided by 28-A MRS Section 3-B.

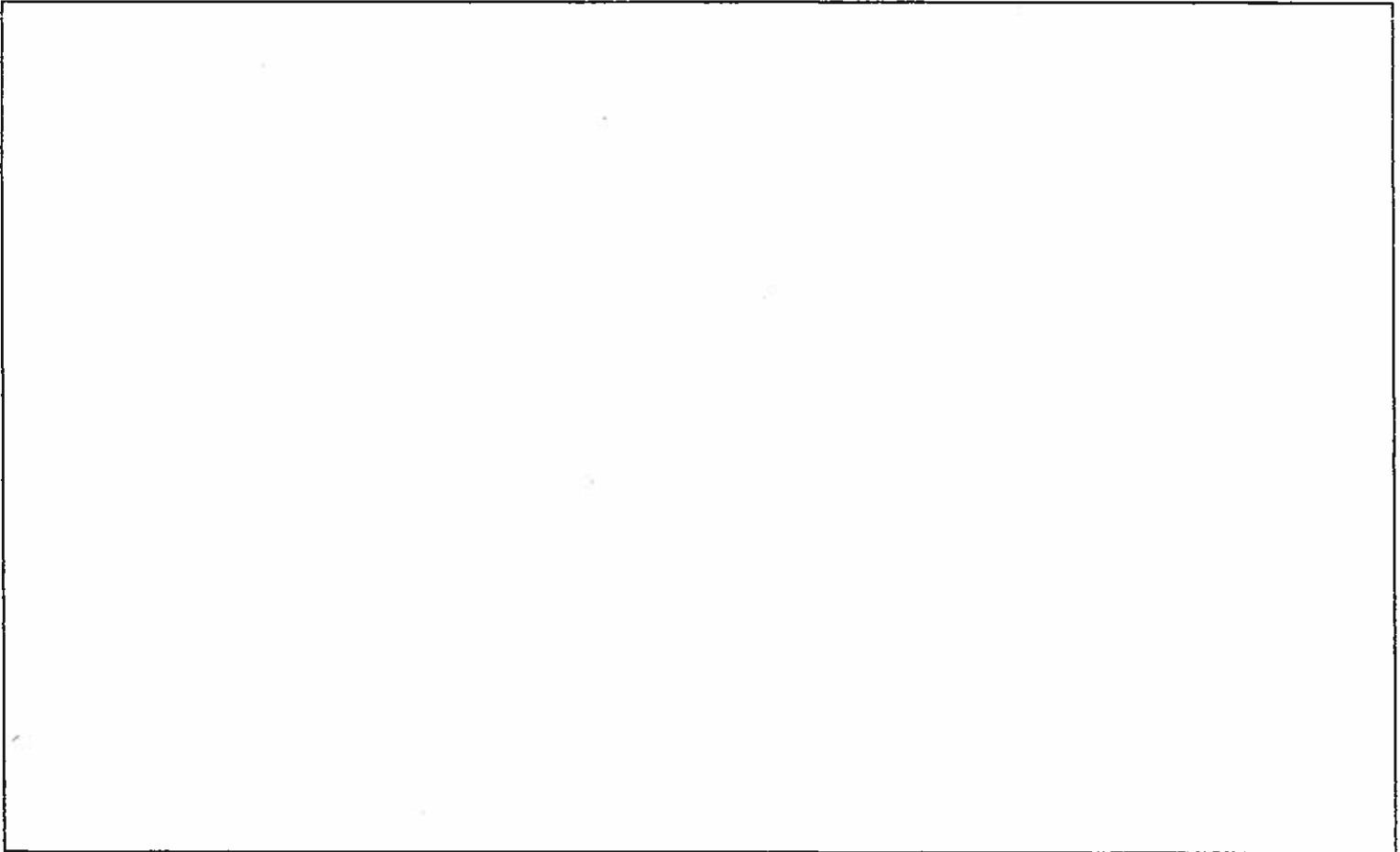
(continue to next page)

**Section F: Catering Permit Diagram for Outdoor Events**

**The following restrictions apply to outdoor events:**

- There must be a stanchion or a fence completely enclosing the area.
- Signs must be posted stating "No alcohol beyond this point".
- There must be sufficient employees at the event to control and monitor the area.

In an effort to clearly define the area that consumption and storage of liquor will occur during this outdoor event, diagrams must be submitted on this form and should be as accurate as possible. Be sure to label the areas of consumption and storage on your diagram.



**For Division Use Only**

Date Filed: \_\_\_\_\_

Approved       Not Approved

Date Approved: \_\_\_\_\_

Approved By: \_\_\_\_\_

License No: \_\_\_\_\_

Deposit Date: \_\_\_\_\_

Amt. Deposited: \_\_\_\_\_

Payment Type: \_\_\_\_\_



**STATE OF MAINE**  
**DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES**  
**BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS**  
**DIVISION OF LIQUOR LICENSING AND ENFORCEMENT**

**Application for a Catering Permit**

**Section A: Licensee Information:**

1. Legal Name and DBA of the Licensee Catering the Event:
  - a. Legal Name: Dirty Rocks, LLC
  - b. DBA: The Block Saloon
2. License No.: 11043 Email: info@theblocksaloon.com
3. Complete Mailing Address: 173 main st.  
Thomaston, ME 04861
4. Telephone/Mobile Number: 207-354-5145

**Section B: Event Information:**

1. Title Event: Fish tank multimedia performance
  2. Purpose of Event: Entertainment
  3. Type of Event: (check one)
 

Public	<input checked="" type="checkbox"/>	Indoor	<input type="checkbox"/>	Outdoor	<input type="checkbox"/>
Private	<input type="checkbox"/>	Indoor	<input checked="" type="checkbox"/>	Outdoor	<input type="checkbox"/>
  4. Municipality where Event will take place: Thomaston
  5. Complete Physical Address of Event:
 

Watts Hall, 174 main st.  
Thomaston, ME 04861
  6. Date of Event: 5/20/23 Time: From 6:30pm To 10pm
- Under Maine liquor laws, alcoholic beverages can only be served from 5:00 am to 1:00 am of the next day, Sunday through Saturday; event times cannot deviate from this statutory requirement.
7. Requesting party for your catering services:
 

<input checked="" type="checkbox"/>	Nonprofit Organization	<input type="checkbox"/>	Individual	<input type="checkbox"/>	Business
-------------------------------------	------------------------	--------------------------	------------	--------------------------	----------
  8. Mailing Address of Requesting Party:
 

The town of Thomaston  
13 valley st. Thomaston ME  
04861

**Please note:** In question 9, for a nonprofit or business requesting party, please provide the name of the nonprofit or business as well as the name of an individual to contact at the nonprofit or business.

(continue to next page)

9. Contact Name of Requesting Party: Tiffany Farrell  
a. Contact Telephone/Mobile Number: 207-354-5145  
b. Contact Email address: info@theblocksaloon.com

10. Number of Persons Attending: 70+

11. Describe specific indoor and/or outdoor area to be licensed: (for an outdoor event, please include a diagram of the outside space in Section F below.)

A table will be set up inside to provide beverages for the event.

12. Will dancing be part of the event? Yes  No   
a. Does the venue have a dance license? Yes  No   
b. If yes, please provide a copy of the license from the State's Fire Marshall's Office

**Section C: Signature of Licensee**

By signing this application, the licensee understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: 4/11/23

  
\_\_\_\_\_  
Signature of Licensee or Duly Authorized Person

Tiffany Farrell, manager  
\_\_\_\_\_  
Printed Name of Licensee or Duly Authorized Person

Submit completed forms to: Bureau of Alcoholic Beverages and Lottery Operations  
Division of Liquor Licensing and Enforcement

Mailing address: 8 SHS, Augusta, ME 04333-0008  
Courier delivery: 19 Union Street, 3rd floor, Suite 301-B, Augusta, ME 04330

(continue to next page)

**Section D: For use by Municipal Officers and County Commissioners only**  
**Approval of an application for a catering event**

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this catering event application on this date: \_\_\_\_\_.

Check only one:     City                     Town                     Unorganized Territory

Name of City/Town/Unorganized Territory: \_\_\_\_\_

Who is approving this application?     Municipal Officers  
      County Commissioners of \_\_\_\_\_ County

**Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of permit to be issued by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

**Section E: Application Fee; Other Information**

1. The application fee is \$10.00 per day; make checks payable to Treasurer State of Maine
2. The law requires the application to be submitted at least 24 Hours prior to the function, however, a longer notice is appreciated to allow additional time for processing.
3. Once issued, this permit is not assignable and is valid only for use by the licensee named in this application and for the date, time, and location listed in this application. This permit is issued subject to Maine liquor laws under Title 28-A and the Bureau's Administrative Rules. Penalties for failure to comply with the laws and rules are provided in Chapter 33 of Title 28-A.
4. The Division is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.
5. Payments to the Division by check subject to penalty provided by 28-A MRS Section 3-B.

(continue to next page)



**Section F: Catering Permit Diagram for Outdoor Events**

**The following restrictions apply to outdoor events:**

- There must be a stanchion or a fence completely enclosing the area.
- Signs must be posted stating "No alcohol beyond this point".
- There must be sufficient employees at the event to control and monitor the area.

In an effort to clearly define the area that consumption and storage of liquor will occur during this outdoor event, diagrams must be submitted on this form and should be as accurate as possible. Be sure to label the areas of consumption and storage on your diagram.

**For Division Use Only**

Date Filed: \_\_\_\_\_

Approved       Not Approved

Date Approved: \_\_\_\_\_

Approved By: \_\_\_\_\_

License No: \_\_\_\_\_

Deposit Date: \_\_\_\_\_

Amt. Deposited: \_\_\_\_\_

Payment Type: \_\_\_\_\_



**STATE OF MAINE**  
**DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES**  
**BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS**  
**DIVISION OF LIQUOR LICENSING AND ENFORCEMENT**

**Application for a Catering Permit**

**Section A: Licensee Information:**

1. Legal Name and DBA of the Licensee Catering the Event:
  - a. Legal Name: Dirty Rocks, LLC
  - b. DBA: The Black Saloon
2. License No.: 11043 Email: info@theblackblocksaloon.com
3. Complete Mailing Address: 173 main st.  
Thomaston, ME 04861
4. Telephone/Mobile Number: 207-354-5145

**Section B: Event Information:**

1. Title Event: live music
2. Purpose of Event: Entertainment
3. Type of Event: (check one)
 

Public	<input checked="" type="checkbox"/>	Indoor	<input type="checkbox"/>	Outdoor	<input type="checkbox"/>
Private	<input type="checkbox"/>	Indoor	<input checked="" type="checkbox"/>	Outdoor	<input type="checkbox"/>
4. Municipality where Event will take place: Thomaston - Watts Hall
5. Complete Physical Address of Event:
 

174 main st.  
Thomaston, ME 04861
6. Date of Event: 4/29/23 Time: From 6:30pm To 10pm  
 Under Maine liquor laws, alcoholic beverages can only be served from 5:00 am to 1:00 am of the next day, Sunday through Saturday; event times cannot deviate from this statutory requirement.
7. Requesting party for your catering services:
 

<input checked="" type="checkbox"/>	Nonprofit Organization	<input type="checkbox"/>	Individual	<input type="checkbox"/>	Business
-------------------------------------	------------------------	--------------------------	------------	--------------------------	----------
8. Mailing Address of Requesting Party: Town of Thomaston

**Please note:** In question 9, for a nonprofit or business requesting party, please provide the name of the nonprofit or business as well as the name of an individual to contact at the nonprofit or business. (continue to next page)

9. Contact Name of Requesting Party: Tiffany Farrell  
a. Contact Telephone/Mobile Number: 207-354-5145  
b. Contact Email address: info @ theblocksaloon.com

10. Number of Persons Attending: 76+

11. Describe specific indoor and/or outdoor area to be licensed: (for an outdoor event, please include a diagram of the outside space in Section F below.)

Beverages will be sold on a table inside Watts hall for the event.

12. Will dancing be part of the event? Yes  No   
a. Does the venue have a dance license? Yes  No   
b. If yes, please provide a copy of the license from the State's Fire Marshall's Office

**Section C: Signature of Licensee**

By signing this application, the licensee understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: 4/8/23

  
\_\_\_\_\_  
Signature of Licensee or Duly Authorized Person

Tiffany Farrell, manager  
\_\_\_\_\_  
Printed Name of Licensee or Duly Authorized Person

Submit completed forms to: Bureau of Alcoholic Beverages and Lottery Operations  
Division of Liquor Licensing and Enforcement

Mailing address: 8 SHS, Augusta, ME 04333-0008  
Courier delivery: 19 Union Street, 3rd floor, Suite 301-B, Augusta, ME 04330

(continue to next page)

**Section D: For use by Municipal Officers and County Commissioners only**  
**Approval of an application for a catering event**

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this catering event application on this date: \_\_\_\_\_.

Check only one:      City                    Town                    Unorganized Territory

Name of City/Town/Unorganized Territory: \_\_\_\_\_

Who is approving this application?    Municipal Officers  
   County Commissioners of \_\_\_\_\_ County

**Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of permit to be issued by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

**Section E: Application Fee; Other Information**

1. The application fee is \$10.00 per day; make checks payable to Treasurer State of Maine
2. The law requires the application to be submitted at least **24 Hours** prior to the function, however, a longer notice is appreciated to allow additional time for processing.
3. Once issued, this permit is not assignable and is valid only for use by the licensee named in this application and for the date, time, and location listed in this application. This permit is issued subject to Maine liquor laws under Title 28-A and the Bureau's Administrative Rules. Penalties for failure to comply with the laws and rules are provided in Chapter 33 of Title 28-A.
4. The Division is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.
5. Payments to the Division by check subject to penalty provided by 28-A MRS Section 3-B.

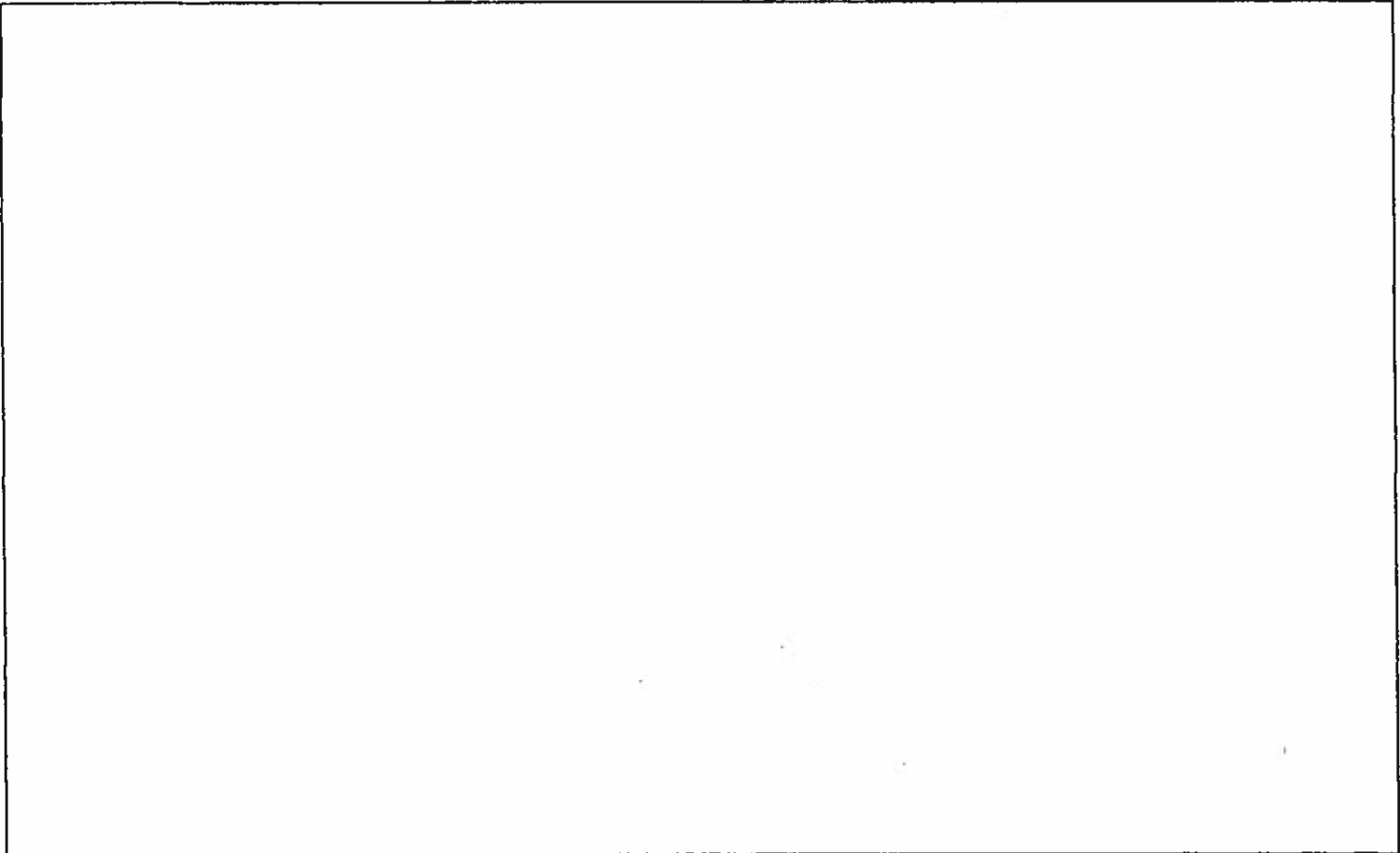
(continue to next page)

**Section F: Catering Permit Diagram for Outdoor Events**

**The following restrictions apply to outdoor events:**

- There must be a stanchion or a fence completely enclosing the area.
- Signs must be posted stating "No alcohol beyond this point".
- There must be sufficient employees at the event to control and monitor the area.

In an effort to clearly define the area that consumption and storage of liquor will occur during this outdoor event, diagrams must be submitted on this form and should be as accurate as possible. Be sure to label the areas of consumption and storage on your diagram.



**For Division Use Only**

Date Filed: \_\_\_\_\_

Approved       Not Approved

Date Approved: \_\_\_\_\_

Approved By: \_\_\_\_\_

License No: \_\_\_\_\_

Deposit Date: \_\_\_\_\_

Amt. Deposited: \_\_\_\_\_

Payment Type: \_\_\_\_\_



STATE OF MAINE  
 DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES  
 BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS  
 DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

**Application for a Catering Permit**

**Section A: Licensee Information:**

1. Legal Name and DBA of the Licensee Catering the Event:
  - a. Legal Name: Dirty Rocks, LLC
  - b. DBA: The Block Saloon
2. License No.: 11043 Email: info@theblocksaloon.com
3. Complete Mailing Address: 173 main st.  
Thomaston, ME 04841
4. Telephone/Mobile Number: 207-354-5145

**Section B: Event Information:**

1. Title Event: Watts Hall Band.
2. Purpose of Event: Entertainment
3. Type of Event: (check one)
 

Public	<input checked="" type="checkbox"/>	Indoor	<input type="checkbox"/>	Outdoor	<input type="checkbox"/>
Private	<input type="checkbox"/>	Indoor	<input checked="" type="checkbox"/>	Outdoor	<input type="checkbox"/>
4. Municipality where Event will take place: Watts Hall / Thomaston
5. Complete Physical Address of Event:
 

174 main st.  
Thomaston, ME 04861
6. Date of Event: 5/19/23 Time: From 6:30pm To 10pm  
 Under Maine liquor laws, alcoholic beverages can only be served from 5:00 am to 1:00 am of the next day, Sunday through Saturday; event times cannot deviate from this statutory requirement.
7. Requesting party for your catering services:
 

<input checked="" type="checkbox"/>	Nonprofit Organization	<input type="checkbox"/>	Individual	<input type="checkbox"/>	Business
-------------------------------------	------------------------	--------------------------	------------	--------------------------	----------
8. Mailing Address of Requesting Party: me Town of Thomaston  
13 valley st. Thomaston ME 04861

Please note: In question 9, for a nonprofit or business requesting party, please provide the name of the nonprofit or business as well as the name of an individual to contact at the nonprofit or business.

(continue to next page)

9. Contact Name of Requesting Party: Tiffany Farrell  
 a. Contact Telephone/Mobile Number: 207-354-5145  
 b. Contact Email address: info @ theblacksaloon.com
10. Number of Persons Attending: 70+
11. Describe specific indoor and/or outdoor area to be licensed: (for an outdoor event, please include a diagram of the outside space in Section F below.)  
A table will be set up inside to provide beverages for the event.
12. Will dancing be part of the event? Yes  No   
 a. Does the venue have a dance license? Yes  No   
 b. If yes, please provide a copy of the license from the State's Fire Marshall's Office

**Section C: Signature of Licensee**

By signing this application, the licensee understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: 4/11/23

  
 Signature of Licensee or Duly Authorized Person

Tiffany Farrell, manager  
 Printed Name of Licensee or Duly Authorized Person

Submit completed forms to: Bureau of Alcoholic Beverages and Lottery Operations  
 Division of Liquor Licensing and Enforcement

Mailing address: 8 SHS, Augusta, ME 04333-0008  
 Courier delivery: 19 Union Street, 3rd floor, Suite 301-B, Augusta, ME 04330

(continue to next page)

**Section D: For use by Municipal Officers and County Commissioners only**  
**Approval of an application for a catering event**

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this catering event application on this date: \_\_\_\_\_.

Check only one:     City                     Town                     Unorganized Territory

Name of City/Town/Unorganized Territory: \_\_\_\_\_

Who is approving this application?     Municipal Officers  
      County Commissioners of \_\_\_\_\_ County

**Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of permit to be issued by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

**Section E: Application Fee; Other Information**

1. The application fee is \$10.00 per day; make checks payable to Treasurer State of Maine
2. The law requires the application to be submitted at least 24 Hours prior to the function, however, a longer notice is appreciated to allow additional time for processing.
3. Once issued, this permit is not assignable and is valid only for use by the licensee named in this application and for the date, time, and location listed in this application. This permit is issued subject to Maine liquor laws under Title 28-A and the Bureau's Administrative Rules. Penalties for failure to comply with the laws and rules are provided in Chapter 33 of Title 28-A.
4. The Division is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.
5. Payments to the Division by check subject to penalty provided by 28-A MRS Section 3-B.

(continue to next page)



Financing (TIF) funds are applicable, with a maximum of 15% from the TIF that can be used for this purpose.

**ACTION: Motion made by Bill Hahn to accept the Port City proposal. Seconded by Zel Bowman-Laberge. VOTE: 5-0.**

Town Manager Kara George will research funding.

D. Review for approval the Request for Proposal (RFP) for sidewalk design.

Booker St, Brooklyn Heights, and Erin St are where the sidewalks are most needed. The school area of Valley St and Watts Lane is also a concern for the student's safety. The sidewalk on Wadsworth Street will have an overlay. A question was raised on how the residents feel regarding what sidewalks are needed? RFP requests will be sent to several engineering firms.

**ACTION: Motion made by Pete Lammert, seconded by Zel Bowman-Laberge to approve the RFP for the sidewalk design. VOTE: 5-0.**

E. Consider authorizing the Town Manager to sign the U.S. Cellular Lease Agreement.

**QUESTIONS:**

Why so much insurance? The Town is allowed to place their EMS/FIRE transponder on the tower at no cost.

The wording in the lease needs to state that the town can terminate the lease.

What would happen to the footings and concrete foundations if the tower was ever removed?

Further discussion of this agreement was tabled until the next meeting.

3. Approve the minutes of: October 24, 2022, December 5, 2022, January 9, 2023, and January 23, 2023.

**ACTION: Motion made by Sandy Moore, seconded by Bill Hahn to approve October 24, 2022 minutes. VOTE: 5-0.**

**ACTION: Bill Hahn made a motion, seconded by Zel Bowman-Laberge to approve December 5, 2022 minutes as amended. VOTE: 5-0**

**ACTION: Sandy Moore made a motion, seconded by Zel Bowman-Laberge to approve January 9, 2023 minutes. VOTE: 5-0**

**ACTION: Sandy Moore made a motion, seconded by Bill Hahn to approve January 23, 2023 minutes as amended. VOTE: 5-0**

4. Approve the warrants:

**ACTION: Motion made by Pete Lammert, seconded by Zel Bowman-Laberge to approve the warrants. VOTE: 5-0.**

**6. Town Manager's Report (See attached)**

**9. OLD BUSINESS**

A. Discuss the OHSTT Hazardous Waste Collection Day.

Zel Bowman-Laberge gave an update to the Board. The hazardous waste day will be July 15<sup>th</sup> from 9-12. They are looking for \$10,000 from each town to run the event. There may be ARPA money available. On March 28<sup>th</sup> the Transfer Station Board will meet to vote on the bids for the construction work.

Sandy Moore noted that she is applying for a grant through Land for Maine's Future for the parks. She is looking into acquiring an ADA compliant picnic table.

**ACTION: Motion to adjourn at 7:30 pm made by Zel Bowman-Laberge, seconded by Pete Lammert. VOTE: 5-0.**

---

Chair Diane Giese

---

Recording Secretary Donna Culbertson

**2/27 Watts Block Lease Renewals**

Over the past week I've met with Watts Block tenants that are renewing their leases. We have all spaces rented at this time, with two new businesses:

- Coastal Mountain Chiropractic
- Joy Well Therapy
- Bliss Beauty Spa– NEW (Opened March 1st)
- The Shop on Main Street– NEW (Opening March 19th, Ribbon Cutting March 16th)
- Jessica Lecaptain Photography

**2/28 Kendray Rodriguez**

- Kendray's new office hours at the Town Office are Tuesdays 9-12 and Fridays 11-1
- Downtown
  - Downtown Block Party on Saturday, May 27<sup>th</sup> (music, crafts, kid zone, photo booth, art projects, open mic, etc.)
  - Music Behind the Block this summer
  - Visit Thomaston tri-fold Brochure & a visit Thomaston website/kiosk behind the Business Block
  - Chamber of Commerce membership
  - Ribbon Cutting for the Shop on Main Street- March 16<sup>th</sup>
  - New business coming-Hot Hill Tavern on Starr Street
- Other
  - Storytime at the Library
  - Pre-K program

**Budget Review**

Jodell and I finished reviewing the full proposed FY24 budget, budget books were prepared and sent out. The full budget is available on our website and there is a budget book in the Town Office for anyone who is interested in reviewing it. The next Budget meeting is Thursday, March 16th at 6 p.m. to review the Fire and EMS Department budgets.

**3/2 Maine Service Centers Coalition (MSCC)**

The MSCC is currently meeting every other week during the legislative bills season. There are a number of proposed bills of concern to municipalities. There are three bills that I submitted letters of support to legislative committees: *LD 88- An Act to Provide Qualifying Municipalities a Percentage of Adult Use Cannabis Sales and Excise Tax Revenues*, *LD 286- An Act to Authorize the Use of Tax Increment Financing Funds for Constructing or Renovating Municipal Offices and Other Municipal Buildings*, and *LD 422- An Act to Eliminate the Requirement that Municipalities Provide Public Notice in Newspapers*.

**3/3 Assessor Interview**

We have two very qualified candidates that have been interviewed. I am currently conducting reference and background checks.

**3/7 General Assistance****Angus King CDS Funding Webinar**

The webinar addressed the application process for CDS funds. I drafted a support letter for the Harbor Dredging project, and a package will be sent out next week requesting additional CDS funds. Senator Collin's due date is March 15th, Congresswoman Chellie Pingree due March 16th, and Senator Angus King due March 17th. I inquired about CDS funds for the Fire/EMS building project, but I'm afraid it is too early to submit a proposal for this project. It was recommended to submit a request next year.

**3/8 2nd Assessor Interview****Agenda Setting****Executive Session****3/9 MLGHRA Meeting (Maine Local Government Human Resource Association)**

The meeting had a representative from FAME (Finance Authority of Maine) present their employee financial wellness program, which I plan on sharing with Department Heads. The program offers financial advisors, retirement planning, etc.

We also discussed a proposed bill that is going before the Labor and Housing Committee that would require paid family leave in Maine. There are currently 13 other states that have this. If the bill fails, there is a ballot initiative underway. There are concerns with this change:

1. All employees will be required to pay into the program.
2. Employees must use all their sick time prior to using up to 12 weeks of paid family leave.
3. In other states that this was approved in, employee absences nearly tripled. Because employees will be required to pay into the program, it encourages employees to use the leave more than ever before.
4. With labor shortages, it will be even more challenging to fill vacant positions on a temporary basis if an employee is out for 12 weeks.

**Habitat for Humanities**

John Fancy, Diane Giese, and I met with Tia Anderson from Habitat for Humanities regarding proposed housing initiatives in TR3.

**Knox Clinic****Academy Trustees Meeting**

I met with Academy Board of Trustees Co-Chair Kathy Derene to review the lease agreements for the building.

**Budget Committee**

1st Budget Committee Meeting

**3/10 Dragon CAP****3/13 Department Head Meeting****Library Grant**

town/city first, and must submit this written approval to the Bureau of Liquor Enforcement.

- § BYOB (Bring Your Own Bottle) Functions - Organizations or groups holding events which are open to the public and where the guest/participants shall be bringing their own alcohol, must receive a BYOB permit from the State. These applications also require the approval of the municipal officers.
- § Designate authorization to sign on behalf of municipal officers - In some communities, the municipal officers may designate the authorization to the town manager, municipal clerk or another municipal official, to sign the liquor applications on their behalf. The municipal officers must vote to formally designate this authority.

**2) SPECIAL PERMIT FOR CATERING PRIVILEGES OFF-PREMISES**  
**(which events involve liquor) Title 28-A, sec. 1052**

This permit is for current holders of a state liquor license who will be contracted to serve alcohol at a special event, but not at their business establishment. For example, a local restaurant in your town has a state liquor license, and the business owners are hired to operate the bar at a wedding reception in a local rental hall, the business owner must submit this application to the state to get permission to serve the alcohol "off-premise", meaning off of the premise of his/her licensed business location.

- § This application requires the signature of the municipal officers, (or the municipal official designated by the municipal officers, and application granted without public notice, as of 2017).
- § This application must be presented for approval to the municipal officers in the town where the special event will be occurring, regardless of the location of the official business location. For example, if a restaurant is located in Augusta, and the business owners have been hired to cater and run a bar for a wedding reception in a rental hall in Sebago, the Selectmen of the Town of Sebago must sign of on the off-premise application.
- § The fee that the applicant will pay to the state will be \$10.

Town of Thomaston  
Proposed Budget  
**Downtown TIF Funds**

FY 2023/24

Background – The Thomaston Green Downtown Revitalization TIF District (TIF) was established in 2009 to be able to use funds generated from the development of the Thomaston Green for the revitalization of other private and municipally owned buildings in the District. The District is the former State Prison site (Thomaston Green), the buildings on both sides of Main Street from Green Street to Congo Avenue, the Academy building and grounds and the street connecting all of these.

Use of Funds – Funds from the TIF account are limited in how they can be spent by the conditions set out in the TIF program. These spending conditions are outlined below.

**Within the District**

1. Sewer lines in Thomaston Green \$88,377.
2. Storm drains in Thomaston Green \$245,180.
3. Water lines in Thomaston Green \$71,875.
4. Roads in Thomaston Green \$145,774.
5. Municipal parking in Thomaston Green \$410,000.
6. Landscaping in Thomaston Green \$369,035.
7. Debt service for Thomaston Green project \$1,083,000.
8. Engineering and planning in the Thomaston Green project \$120,000.
9. Costs related Watts Hall Conversion \$301,660.
10. Village sidewalks \$146,916.
11. Downtown Revitalization debt service \$365,000.
12. Credit Enhancement Agreements \$50,000.
13. Façade improvements program \$40,000.
14. Administration cost for TIF projects \$60,000.
15. Costs to establish District \$20,000.

**Community-wide Investments**

16. Costs of Downtown Economic Development Director \$50,000.
17. Costs of marketing Town as a business location \$5,000.
18. Costs to promote events to attract visitors \$2,500.
19. Costs of child care facilities \$25,000.

**CURRENT**  
**Downtown TIF Budget**  
**FY 2022-2023**

	<u>Expense</u>	<u>Revenue</u>	<u>Balance</u>
<b>Beginning Balance (7/1/2022)</b>			<b>\$10,416.95</b>
Thomaston Green Bond payment	\$19,019.91		(\$8,602.96)
Thomaston Green Bond interest	\$1,048.00		(\$9,650.96)
TIF Income	\$29,856.85		\$20,205.89
<b>Ending Balance (6/30/2023)</b>			<b>\$20,205.89</b>

**PROPOSED**  
**Downtown TIF Budget**  
**FY 2023-2024**

	<u>Expense</u>	<u>Revenue</u>	<u>Balance</u>
<b>Beginning Balance (7/1/2023)</b>			<b>\$20,206</b>
Thomaston Green Bond	\$21,048		(\$842)
Transfer funds from Dragon TIF		\$345,781	\$344,939
Sidewalk Replacement	\$20,000		\$324,939
Watts Block Building Repairs	\$7,500		\$317,439
Academy & Watts Block Heat Pumps	\$39,781		\$277,658
Streetscape Bond	\$19,000		\$258,658
Knox-Water Street Resilience Project	\$250,000		\$8,658
Downtown Marketing & Events	\$9,500		(\$842)
TIF Income		\$29,900±	\$29,058±
<b>Ending Balance (6/30/2024)</b>			<b>\$29,058±</b>



## EXPENDITURE DETAILS

**Thomaston Green Bond** - In 2012 the road, sanitary sewer, storm drain and water line was extended into the Thomaston Green. This extension cost about \$240,000 and was funded with this bond of \$250,000. This is the annual payment on the bond.

*Funding for this bond from the Downtown TIF is justified under item 7.*

**Sidewalk Replacement** – The Downtown TIF specifically allows the use of its funds to encourage connecting sections of the village together for pedestrian use. Putting funds into the Sidewalk Reserve each year provides money to both have sidewalks maintained and expanded by either the Public Works Department, or if the job is large, by an outside contractor.

*Funding for this from the Downtown TIF is justified under item 10.*

**Watts Block Building Repairs** – Maintenance of the Watts Block was part of the original plan for the Downtown TIF funds. The need now is to replace portions of the brickwork on the outside of the building that is coming loose.

*Funding for this from the Downtown TIF is justified under items 9 & 13.*

**Academy & Watts Block Heat Pumps** – One of the heat pumps has failed and an additional unit is needed to cover additional spaces.

*Funding for this from the Downtown TIF is justified under item 9.*

**Streetscape Bond** – When the area behind the Business Block was rebuilt to its current configuration, money to pay the Town's share was borrowed from the Maine Municipal Bond bank. This account provides funds to pay the annual payment on this bond.

*Funding for this from the Downtown TIF is justified under item 11.*

**Knox-Water Project** – This project is a complete rebuild of these streets, upgrade to the sidewalks, replacement of the water line on Knox, renewing the storm drains on both streets, raise the west end of Water Street to avoid future flooding and raise the wastewater collection and pumping structures to withstand future sea level rise. These streets have not been rebuilt in close to 100-years. The utilities (except the sewer lines) are in poor shape and the sidewalk does not meet any standards and is unsafe.

The projected sea level rise will flood most of the Public Landing making it unsuitable for the commercial operations carried out from there and this will cause economic damage to the Town. These funds will finish the engineering design and apply for grant funds.

*Funding for this project from the Downtown TIF is justified under items 10 & 18.*

**Downtown Marketing & Events** – This provides funds for events such as Music Behind the Block, and Downtown Christmas Festival as well as marketing and improvements for the downtown and even a info kiosk.

*Funding for this from the Downtown TIF is justified under items 17 & 18.*

Town of Thomaston  
Proposed Budget  
Dragon TIF Funds

FY 2023/24

Background – The Dragon Tax Increment Financing District (TIF) was established in 2002 when Dragon spent \$40M to change the plant from a wet process to a dry one. The original 20-year TIF was approved by the State of Maine, Department of Economic and Community Development on March 29, 2002 and went into effect in tax year 2003/2004 (4/1/2003-3/31/2004). The first payment of the TIF was received in December 2003 and the last payment was received in June 2022.

In 2022 the Town voted to extend the Dragon TIF for 10-years, from March 2022 and have it end in March 2032 with the last payment to be received in June 2033. Some of the funds the Town receives are deposited in the Dragon TIF account.

Use of Funds – Funds from both the original and the extended Dragon TIF account are limited in how they can be spent by the conditions set out in the *Dragon Products Company Municipal Tax Increment Financing District and Development Program*. These spending conditions are outlined below.

**Within the District**

1. Sewer improvements for sewer line extension within District and related improvements to allow connection of the Dragon Cement facility to the Town's municipal public sewer system, excluding private residential distribution lines \$1,743,574.
2. Professional services costs \$20,000.
3. Administrative costs, including prorated municipal staff time spent relative to Program implementation \$100,000.

**Outside District** [Portion of project outside District and not directly related to or made necessary by operation of District must be prorated to other funding sources.]

4. Fire safety improvements as follows: ladder truck purchase, pumper truck purchase, thermal imaging equipment, SCBA cylinders purchase and other onsite safety improvements \$1,000,748.

5. Cost reasonably related to construction, alteration, or expansion of any facilities not in District that are required due to District improvements or activities including sewage or water treatment plants, environmental protection devices, storm or sanitary sewer lines, water lines, electric lines, public safety facilities and street amenities \$2,600,000 except private residential lines.
6. Public safety improvement costs made necessary by the District, such as roads, sidewalks, and traffic safety improvements \$1,000,000 except private residential lines.
7. Costs of public facilities or improvements located/approved in the Town's existing Downtown TIF District, provided such funding costs are solely related to mitigate any adverse impact this TIF District has to the Town and its constituents \$2,000,000.

### **Within Municipality**

8. Costs associated with development of fisheries and wildlife or marine resources projects, pursuant to MRS Title 30-A § 5222 (10-A) \$1,500,000.
9. Costs related to construction or operation of public safety facilities, the need for which is related to general economic development within Town, not to exceed 15% of District CAV \$2,000,000.
10. Broadband and fiber optics expansion projects costs as it relates to commercial uses/activities, or in non-commercial unserved broadband areas within Town as defined by ConnectMaine Authority Title 35-A Section 9204-A §1 \$250,000.
11. Funds to support Town's economic development programs, including funds to market Town as a business location \$2,000,000.
12. Permanent revolving loan funds, investment funds and grants programs per § 5225(1)(C)(3) for costs authorized by 30-A M.R.S.A § 5225 and DECD rules as amended from time to time and grant matching related to 30-A M.R.S.A. §§ 5221-5235 economic development activities \$1,000,000.
13. Costs of funding environmental improvement projects developed by Town for commercial use or related to such activities \$1,000,000.
14. Skills development and training programs costs, and equipment costs for such programs, related to jobs creation or retention in Town \$50,000.
15. Costs of quality child care facilities, as defined by 30-A M.R.S.A. §§ 5222(2-A), including finance costs and construction, staffing, training, certification and accreditation costs related to child care \$50,000.
16. Costs associated with new or existing multiple use recreational trails that having significant potential to promote economic development \$1,500,000.

**CURRENT**

**Dragon TIF Budget and Dragon TIF Account Balance**

**FY 2022-2023**

	<u>Expense</u>	<u>Revenue</u>	<u>Balance</u>
<b>Beginning Balance (7/1/2022)</b>			<b>\$2,100,336</b>
East End Sewer Bond	\$54,125*		\$2,046,211
Knox-Water Project – Engineering	\$187,000		\$1,859,211
Watts Hall – Grant match	\$300,000		\$1,559,211
Legal Expense	\$575		\$1,558,636
Dragon Payment		\$825,890	\$2,384,526
<b>Ending Balance (6/30/2023)</b>			<b>\$2,384,526</b>

\*The total payment on the East End Sewer Bond is \$125,000.

From Dragon TIF account	\$54,125
From Credit Enhancement fund	<u>\$70,875</u>
Total	\$125,000

**PROPOSED**  
**Dragon TIF Budget and Dragon TIF Account Balance**  
**FY 2023-2024**

	<u>Expense</u>	<u>Revenue</u>	<u>Balance</u>
<b>Beginning Balance (7/1/2023)</b>			<b>\$2,384,526</b>
East End Sewer Bond	\$54,125		\$2,330,401
Mill River Crossing – sidewalk	\$18,000		\$2,312,401
Parks Upgrade Project - Trails	\$30,000		\$2,282,401
Planning services from MCOG	\$56,700		\$2,225,701
Transfer funds to Downtown TIF	\$345,781		\$1,879,920
Fire/EMS Feasibility Study	\$50,000		\$1,829,920
Fire Apparatus Reserve	\$35,000		\$1,794,920
Community & Business Development	\$12,000		\$1,782,920
Academy Building Repairs	\$30,000		\$1,752,920
Dragon Payment		\$825,890±	\$2,578,810±
<b>Ending Balance (6/30/2024)</b>			<b>\$2,578,810±</b>

## EXPENDITURE DETAILS

**East End Sewer Bond** - In 2008 the Thomaston sanitary sewer collection system was extended from High Street to the Rockland town line to provide service to Dragon and the east end of Thomaston. This extension cost \$3,000,000 and was funded with a February 2009 loan of \$2,300,000 and a grant of \$700,000, both provided by Rural Development (RD). The loan was for 28 years, it would be paid off in 2037, and carried an interest rate of 4.375%. The annual repayment was \$144,072 and this was covered by the TIF payments made by Dragon. In 2015 the RD loan, then \$2,030,000, was refinanced with the MMBB resulting in a reduction in the interest rate from 4.375% to 1.50%. The 22 years remaining on the RD loan was reduced to 20 years. This resulted in a long-term savings of over \$1,000,000 in interest. When the original Dragon TIF ended it left 12 years to pay on the MMBB bond and the outstanding principal was \$1,124,027 with annual payments of about \$108,300.

When the extended TIF ends in 2033 there will still be two payments left on the MMBB bond totaling about \$216,523. This shortfall is being addressed by increasing the annual funds taken from the Dragon TIF, beginning in fiscal year 20/21, from about \$108,300 (the actual bond payment) to \$125,000 and putting the excess above the bond payment into the Pollution Control Department's Debt Reserve Account. This plan was approved by the Select Board.

*Funding for this project from the Dragon TIF is justified under item 1.*

**Mill River Crossing** – The existing sidewalk on Main Street ends at Fish Street. This leaves no safe way to cross to High Street without walking, or biking, on busy Route 1. Creating a safe, wide sidewalk for both pedestrians and bicycle use going across Mill River and up High Street opens up access to both the Montpelier museum and the Georges River Land Trust's Riverview Hayfields Preserve and encourages visitors to stop and take advantage of Thomaston's shops and restaurants.

This project is part of the *Parks & Trails Master Plan* accepted by the Town in 2022.

This project is a partnership between the Town and MaineDOT with the costs split 80% DOT and 20% Town. It is currently in the design stage and this is the Town's share of the engineering costs.

*Funding for this project from the Dragon TIF is justified under item 16.*

**Parks Upgrade Project** – The parks have not received the care they should have had and in general are in poor shape. The Thomaston Conservation Commission has taken on this project to revitalize the parks and help connect them with a trail system that will encourage outdoor recreational activities and promote Thomaston as a destination location and bring business to the stores and restaurants. These funds will be used to begin the parks improvement program.

*Funding for this project from the Dragon TIF is justified under item 16.*

**Planning Services** – The Midcoast Council of Governments (MCOG) has proposed providing a planner to work in Thomaston one day a week to help the town with grant writing, future planning and budget work, assistance to the Select Board and the Planning Board as needed, help in amending the TIF program to provide for affordable housing, working with developers in the TR-3 project and helping with the improvements at the Thomaston Green. The \$56,770 includes the \$12,600 in the period April through June 2023, and \$44,170 for the FY 2023/24.

This is supported by the Select Board and the Economic Development Committee.

*Funding for this project from the Dragon TIF is justified under item 3.*

**Transfer funds to the Downtown TIF** – Some projects fit better in the Downtown TIF and the Dragon TIF allows the transfer of funds to it. For details of proposed projects, see the Downtown TIF budget. Transfer \$345,781.

*Funding for this project from the Dragon TIF is justified under item 7.*

**Fire/EMS feasibility Study** – The existing Fire Station is an older structure that is undersized for the modern equipment, both vehicles and support equipment that is needed by both the fire and ambulance. The site it is located on is too small for an expansion of the building. These funds will hire a consultant to study the situation, make recommendations for a replacement building and its location, and provide plans that can be taken to voters for approval of funds for construction.

*Funding for this project from the Dragon TIF is justified under item 4.*



**Fire Apparatus Reserve** – One of the items specifically mentioned in the Dragon TIF is fire safety improvements and TIF funds have been used to purchase the ladder truck and a pumper truck. As these vehicles are now 20-years old they will soon need to be replaced. Funding a reserve account from the Dragon TIF is one of the reasons for having the TIF.

*Funding for this project from the Dragon TIF is justified under item 4.*

**Community & Business Development** – Supporting the local businesses that provide services to the residents of Thomaston is a benefit for both the Town and its citizens. The municipality has hired a staff member to work with the businesses promoting events and ways to attract economic development. These funds help support the staff member.

*Funding for this project from the Dragon TIF is justified under item 11.*

**Academy Building Repairs** – There are serious electrical issues in the Academy Building resulting from many small changes made over the years. The main electric panel needs to be replaced with up-to-date equipment, obsolete wiring needs to be removed, a fuse box and four small breaker boxes (some very old) need to be replaced with one large breaker box.

*Funding for this project from the Dragon TIF is justified under item 9.*

**ARTICLE 22:** Shall the Town appropriate from the Dragon Projects Company Municipal Tax Increment Financing (TIF) District and Development Program an amount of up to \$589,500 as follows:

	<u>Expense</u>	<u>Revenue</u>
Mill River Crossing Sidewalk Project	\$18,000	
Parks-Trails Upgrade Project	\$30,000	
Midcoast Council of Governments Planning Services	\$56,700	
Transfer funds to Downtown TIF	\$357,800	
Fire/EMS Feasibility Study	\$50,000	
Fire Apparatus Reserve	\$35,000	
Community & Business Development	\$12,000	
Academy Building Repairs	\$30,000	
Dragon Products TIF Payment		\$825,890 +/-
<b>TOTAL:</b>	<b>\$589,500</b>	

**SELECT BOARD RECOMMENDS  
ECONOMIC DEVELOPMENT COMMITTEE RECOMMENDS**

**ARTICLE 23:** Shall the Town appropriate from the Thomaston Green Downtown Revitalization Tax Increment (TIF) Financing District an amount up to \$357,800 as follows:

	<u>Expense</u>	<u>Revenue</u>
Transfer funds from Dragon TIF		\$357,800
TIF Income		\$29,058 +/-
Pre-K Maineayc (ME Association for the education of Young Children)	\$12,000	
Sidewalk Replacement	\$20,000	
Watts Block Building Repairs	\$7,500	
Academy & Watts Block Heat Pumps	\$39,800	
Streetscape Bond Payment	\$19,000	
Knox Water Street Resilience Project	\$250,000	
Downtown Marketing & Events	\$9,500	
	<b>\$357,800</b>	

**SELECT BOARD RECOMMENDS  
ECONOMIC DEVELOPMENT COMMITTEE RECOMMENDS**

**From:** [Mathew Eddy](#)  
**To:** [Kara George](#); [mimartone@gmail.com](mailto:mimartone@gmail.com)  
**Subject:** RE: TIF Warrant Articles  
**Date:** Wednesday, April 12, 2023 7:58:43 AM

---

Really well done Kara! That is, from my perspective, spot on. Now if we can develop a Town 5 year CIP, with a sub 5 year CIP of TIF related expenditures, you are well on your way. Those CIP would not go to Town meeting, but would get approved annually by the Board of Selectmen, ideally during the budget process.

---

**From:** Kara George <[kgeorge@thomastonmaine.gov](mailto:kgeorge@thomastonmaine.gov)>  
**Sent:** Tuesday, April 11, 2023 3:09 PM  
**To:** Mike Martone <[Mmartone@midcoastcog.com](mailto:Mmartone@midcoastcog.com)>; Mathew Eddy <[meddy@midcoastcog.com](mailto:meddy@midcoastcog.com)>  
**Subject:** TIF Warrant Articles

Good Afternoon Michael and Mat,

Michael is reviewing our draft Downtown and Dragon TIF budgets for the June Town Meeting. Our Economic Development Committee meets next Thursday at 9 a.m. to review the TIF, and then the Select Board will review it on April 24<sup>th</sup>. Town Meeting Warrant is reviewed on May 8<sup>th</sup> by the Select Board. Town Meeting is June 14<sup>th</sup>. I've attached my first attempt at warrant articles for our June Town Meeting. I was looking at other Towns warrants and some list out the expenses and then others use a blanket article that would authorize the Board to expend from TIF. However, I don't think a blanket article will fly with Thomaston voters. Would you please review and let me know your thoughts? I'm not sure what is typical, as this is our first time putting a TIF budget in our warrant. Thank you for your help!

Best,

**Kara George**  
**Town Manager**  
**Town of Thomaston**  
13 Valley St.  
Thomaston, ME 04861  
Ph. (207) 354-6107  
Fax (207) 354-2132

The Thomaston Conservation Commission is asking for up-to \$30,000 to revitalize our town parks. Very little except the regular maintenance, mowing, week eating, picking up fallen branches have been done to any of Thomaston's Parks for a very long time.

The two parks we will be concentrating on are Main St Mall and Mill River Park

#### Main St Mall:

Landscaping. We hope to fill in the large dips in the park making walking through the park more even and enjoyable. This would fix the West End where snow, ice, freezing, thawing water accumulates by the electric outlet on the west end shorting out lights.

The edge of the park on the South Side, along the paved road, is uneven and not pleasant to look at where cars park along the edge of the park. We are thinking of some type of barrier to deter parking on the grass edge of the park. Possibly rail road ties placed strategically so that a wheel chair can still get into the park through the ties. RR ties are our first thought, but we will look for other solutions.

The park needs new picnic tables and benches revitalized. We plan to put an ADA compliant picnic table in the park (someone in a wheel chair can pull up to the table.)

Plant a large fir tree like the park used to have. (Pete's wish) and possibly some other trees or bushes to add color and an enjoyable look.

Kiosk or signage with a map of the town.

Wild, pollinator flowers on both ends are being planted now. Using the existing buried cistern on the east end to put in a pump to draw water for the flowers, bushes and dog bowls.

#### Mill River Park:

This park is being used more often and little other than light maintenance has been done here. We would like to add bushes/flowers to make it colorful and pleasant to visit. Benches and picnic tables would be added to the park. Possibly a perimeter path.

Public works cut a path on the east side of the park going to the river a few summers ago, This path is over grown and not used to its full capacity. We would add a base to keep the weeds down and walking to the river easier. Adding a bench at the bottom of the path would be an added touch as you are sitting at the base of the railroad trestle.

## ARTICLE VIII

### Section 108 - Recreation Committee

#### 108.1 - Establishment

Pursuant to Title 30-A, MRSA Section 3001, the Town of Thomaston hereby establishes a Recreation Committee which shall be appointed by a majority vote of the Board of Select Board. The composition of the Recreation Committee shall be as follows:

- 108.1.1 - Seven voting members of the general public who are residents of the Town of Thomaston.
- 108.1.2 - Two alternates who will have voting rights only upon the absence of a voting member.
- 108.1.3 - One senior citizen, non-voting capacity member.
- 108.1.4 - One high school student, non-voting capacity.
- 108.1.5 - The Recreation Committee will elect a Chair, Vice-Chair, and Recording Secretary following the annual town meeting.
- 108.1.6 - Members of the Recreation Committee shall serve without compensation.

#### 108.2 - Purpose

- 108.2.1 - The purpose of this ordinance is to establish a Recreation Committee to set policy and act in an advisory capacity to the Recreation Director in an effort to bring to the citizens of Thomaston, recreational opportunities offered to various age groups.
- 108.2.2 - The Recreation Committee's responsibilities shall be limited to the proper and orderly functioning of any and all Recreation Committee activities supported by the Town of Thomaston. The Recreation Committee shall establish rules for a reasonable level of decorous conduct for all activities that will include coaches, participants, and the public, The Director shall have the full support of the Recreation Committee in maintaining these rules.
- 108.2.3 - The Recreation Committee will assist the Director in determining the needs of the community and advising him/her on the reception of programs by the public.

#### 108.3 - Terms

- 108.3.1 - Recreation Committee members shall serve for terms of three years; except that they shall continue in office until their successors are appointed.

#### 108.4 - Vacancies

- 108.4.1 - Vacancies shall be filled within 45 days of resignation or the expiration of a term by appointment of the Select-Board.
- 108.4.2 - A vacancy may also be considered to occur when any member fails to attend 70% of all regularly scheduled meetings annually. At which time, by two-thirds majority vote, the Recreation Committee will declare the position vacant and, in writing, request the Select Board to fill same within 45 days. The attendance provision may be waived by a unanimous vote of the remaining members of the Recreation Committee.
- 108.4.3 - Members of the Recreation Committee may be removed from the Committee by a majority vote of the Select Board, for cause, after notice and hearing by the Select Board
- 108.4.4 - Potential new members and members up for re-nomination shall submit a written request to the Town Clerk for consideration by the Select Board. Candidates are encouraged to appear before the board for appointment.

**108.6 - Severability**

108.6.1 - It is the intention of the Citizens of Thomaston that each separate section of this ordinance shall be deemed independent of all other sections herein. It is the further intention of the Citizens of Thomaston that if any of the provisions of this ordinance be declared invalid, all other sections shall remain valid and effective.

108.6.2 - This ordinance may be amended by a majority vote of the Citizens of Thomaston.

108.6.3 - This ordinance will be in full force and effect upon a majority vote of the Citizens of Thomaston.

108.6.4 - All existing policies of the Town of Thomaston insofar as they are inconsistent with the provisions of this ordinance are hereby repealed.

**108.7 - Amendments** [Note: As enacted; makes no sense.]

108.7.1 - Town vote;

108.7.2 - Selectmen may initiate, majority of Committee, or petition;

*ADOPTED: JUNE 22, 1999 AT THOMASTON ANNUAL MEETING*

*AMENDED: JUNE 15, 2005 AT THOMASTON ANNUAL MEETING*

*AMENDED: JUNE 15, 2022 AT THOMASTON ANNUAL MEETING*

Town of Thomaston  
**SEWER USE ORDINANCE**  
Thomaston, Maine

Adopted	October 22, 1990
Amended	March 25, 1991
	August 20, 1991
	June 15, 2005
	February 10, 2009

**DRAFT**

3/30/2021

## Section 901 Management Plan

### **Sec. 901.1 – Purpose**

The Town of Thomaston in order to promote the health, general welfare, comfort and public convenience of its citizens and to protect the environment owns, controls, maintains and operates a wastewater collection, treatment and disposal facility. The purpose of this ordinance is to set up a management plan for the facility and to restrict and regulate the accumulation, transportation, treatment and disposal of wastewater in such a manner that the creation of any sewerage system, whether public or private, residential or industrial, shall not result in pollution, health hazards or other nuisances for the citizens of the Town of Thomaston.

### **Sec. 901.2 – Authority and Repeal**

This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII Part 2, Section 1, of the Maine Constitution and M.R.S.A. Title 30-A Section 3001 and shall be known as the “Sewer Use Ordinance” of the Town of Thomaston, Maine, enacted by vote of the Town Meeting. The authority to act on behalf of the Town of Thomaston in all matters pursuant to the Town’s Wastewater Facilities shall be vested in the Select Board to the extent allowed by M.R.S.A. Title 30-A Section 3402-3406, and Section 3422 and all other applicable State statutes. Any person owning any building or structure within the Town of Thomaston that is the source of sewage and/or industrial waste or who proposes to erect such building or structure shall conform to the requirements of this ordinance. This ordinance shall completely supersede all other sewer ordinances enacted by the Town of Thomaston prior to the enactment of this Ordinance, which other ordinances are hereby repealed except as otherwise noted herein. 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 shall remain in effect without such invalid part or parts.

### **Sec. 901.3 – Pollution Control Department**

There is hereby established a Pollution Control Department (P.C.D.) for the Town of Thomaston. This wastewater department shall maintain and operate all the Town’s wastewater facilities located within the legal limits of the Town of Thomaston, including any portions covered by interlocal agreement with other municipalities. The Select Board shall provide for its staffing, establish rules and regulations for its operation and prepare and approve a fiscal year budget for the Department. The Pollution Control Department shall be under the general direction of the Town Manager and direct direction of the P.C.D Superintendent. In addition, the Select Board may establish such sewer advisory boards



and committees, as it deems necessary and provide for their charges and rules and regulations.

The P.C.D. may establish such additional rules, regulations and plans as needed to clarify and supplement the Ordinance. Additional rules, regulations and plans may include, but is not limited to:

- a. Asset Management Plans.
- b. Long-term sewer maintenance plan.
- c. Sewer use violation monitoring plan.

#### **Sec. 901.4 – User Fees**

All persons, firms and corporations, whether public or private, shall pay to the Treasurer of the Town the rates, tolls, rents, fees and other lawful charges established by the Select Board after a public hearing for the wastewater service used or available with respect to their real estate (see Section 907).

#### **Sec. 901.5 – Violation, Penalties and Enforcement**

The CEO/LPI shall be responsible for the enforcement of this Ordinance. Upon finding that any owner is violating any provision of this Ordinance, the CEO/LPI may serve the owner with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Any owner who continues to violate beyond the time limit provided for in the written notice, may be subject to court action, shall be guilty of a civil violation and on conviction shall be fined not less than \$100 nor more than \$2,500 or such other penalty provided by M.R.S.A. Title 30-A Section 4452. Each day in which such violation shall continue shall be deemed a separate offense violation.

Any owner violating any of the provisions of this Ordinance shall be liable to the Town for any such expense, loss or damage occasioned the Town by reason of such violation.

#### **Sec. 901.6 Appeal Procedure**

Any owner aggrieved by the decision of the CEO/LPI, which decision arises from provisions of this Thomaston Sewer Use Ordinance may appeal such decision to the Selectboard within thirty (30) days of the Code Officer's decision. The Select Board shall hear said appeal within thirty (30) days of the date of receiving the appeal. The decision of the Select Board shall be entered at the office of the Town clerk upon form to be approved by the Select Board and the appellant shall be sent a notice of said decision, postage prepaid, to the address of the appellant. The appellant shall, in their application, set forth as grounds for appeal and shall refer to the specific provisions of the Ordinance involved in an appeal to the Selectboard.

At any rate, a party may appeal from the decision of the Select Board to the Superior Court in accordance with the Maine Rules of Civil Procedure, Rule 80(b). Hearing before the Superior Court shall be without jury.

### **Sec. 901.7 – Authority to Inspect**

The Select Board or the CEO/LPI or the Superintendent and other duly authorized representatives of the Select Board bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing pertinent to discharge to the public sewer in accordance with the provisions of this Ordinance but only at reasonable times and upon reasonable notice. The Select Board or the CEO/LPI or the Superintendent shall have no authority to inquire into any process including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the Town's wastewater facilities or waterways. Any information so obtained and considered as proprietary shall be held so by the Select Board.

While performing the necessary work on private properties referred to above, the Select Board or the CEO/LPI or the Superintendent shall observe all safety rules applicable to the premises. The owner shall be held harmless for injury or death to the Town's employees or representatives and the Town shall indemnify the owner against loss or damage to their property by Town employees or representatives and against liability claims and demands for personal injury or property damage asserted against the owner and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the owner to maintain safe conditions.

The Select Board or the CEO/LPI or the Superintendent bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a fully executed easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the Town's wastewater facilities lying with said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly executed easement pertaining to the private property involved.

### **Sec. 901.8 – Damage to Facilities**

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 Town wastewater facilities. Any person violating this provision shall be subject to those penalties provided by State law. A person shall be liable to the Town in a civil action for all damages incurred, and double damages where appropriate as provided by M.R.S.A. Title 30-A Section 3407.

## **Sec. 901.9 – Wastewater Backup on Private Property**

The Town has an up-to-date sanitary sewer system but it is not possible to completely prevent a backup in a public sewer line. If a backup causes wastewater to accumulate outside the plumbing fixtures in or around a structure the owner may contact the Town requesting that the Town take action to correct the problem and restore the area to its prior condition. Any person who contacts the Town shall be asked the following questions:

1. Location (street address) of problem property and name of property owner.
2. Name of person filing complaint.
3. Brief outline of problem.
4. Date and time that problem occurred.

The person shall then be told that the Town recommends they:

1. Clean up any wastewater and have the area disinfected.
2. File a claim with their insurance company under their homeowner's policy.
3. That the Town will contact our insurance company and start a claim for this situation.

## Section 902

### Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

#### **ACCOUNT**

Any account the Town offers or maintains primarily for personal, family or household purposes that involves multiple payments or transactions.

#### **A.S.T.M.**

The American Society of Testing Materials.

#### **A.W.W.A.**

The American Water Works Association.

#### **BOD (denoting biochemical oxygen demand)**

The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter.

#### **BUILDING DRAIN**

That part of the lowest horizontal piping of a sewer system which receives the discharge from waste pipes inside the walls of a building or structure and conveys it to the building sewer. The physical limit of the building drain shall be a point eight (8) feet outside the exterior face of the structure's wall.

#### **BUILDING SEWER**

The pipes extending from the structure's building drain to its connection to the public sanitary sewer.

#### **C.E.O.**

The Code Enforcement Officer of the Town of Thomaston.

#### **COMBINED SEWER**

A sewer receiving both natural surface runoff and sewage.

#### **GARBAGE**

The solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of food produce.

#### **IDENTIFYING INFORMATION**

Any name or number that may be used, alone or in conjunction with any other information, to identify a specific person, including: name, address, telephone number, social security number, date of birth, driver's license or identification number, etc.

**IDENTITY THEFT**

Fraud committed using the identifying information of another person.

**INDUSTRIAL WASTEWATERS**

The liquid wastes, including any types of solids, from industrial or commercial manufacturing processes as distinct from sanitary wastewater. Industrial wastewaters may or may not be discharged separately from sanitary wastewater. For a combined discharge the Superintendent shall determine if the discharge meets the definition of "industrial Wastewater".

**L.P.I.**

The Licensed Plumbing Inspector, or alternate, of the Town of Thomaston.

**M.R.S.A.**

The Maine Revised Statues Annotated.

**NATURAL OUTLET**

A natural outlet is any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

**OWNER**

This shall mean both the person who is the vested holder of title for any real estate or it may mean all tenants, lessees or others in control or use of the property in question, when applicable. Excluded from this definition is a mortgagee of the property in question unless the mortgagee exercises their rights and becomes an owner.

**PERSON**

Any individual, firm, company, association, public body, society, corporation, group or applicant.

**pH**

The logarithm of the reciprocal of weight of hydrogen ions in grams per liter of solution. It is a method of expressing the acidic or basic strength of a solution and of the tendency or ability of that solution to react with other acidic or basic solutions. The pH value may range from 1 (strong acid) to 14 (strong base). Prue water is natural and has a pH of 7.

**PRIVATE SEWER SYSTEM**

Any sewer that collects wastewater from two or more building sewers on private property owned separately or jointly and discharges to a public sanitary sewer. Private sewer systems are not permitted except by approval of the Superintendent.

**PROPERLY SHEDDED GARBAGE**

The wastes from the domestic and commercial preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the

flow conditions normally prevailing in public sewers, with no particle greater than one-half (½) inch in any dimension.

**PUBLIC SEWER**

The common sanitary sewer serving the general public and owned and controlled by the municipally.

**RED FLAG**

A pattern, practice or specific activity that indicates the possible existence of identity theft.

**SANITARY SEWER**

The sewer which carries domestic and/or industrial wastewater and to which natural storm, surface and groundwaters are not intentionally admitted.

**SANITARY WASTEWATER**

The liquid waste discharged from a building's or structure's sanitary conveniences, such as toilets, washrooms, urinals, sinks, showers, small laundries and from kitchens and cafeterias essentially free of industrial wastes or toxic materials. Sanitary wastewater may or may not be discharged separately from industrial wastewater. For a combined discharge the Superintendent shall determine if a wastewater discharge meets the definition of "sanitary wastewater".

**SELECTBOARD**

The Selectboard of the Town of Thomaston.

**SEPTAGE**

The mixture of liquids and solid matters removed from a septic tank during normal cleaning.

**SEWAGE or WASTEWATER**

The combination of water carried wastes from residences, business buildings, institutions and industrial establishments, together with such natural ground, surface and stormwaters as may be present. This term shall be interchangeable with the word "wastewater".

**SEWER**

Any pipe or conduit whether above or below the ground intended for carrying sewage.

**SEWER EXTENSIONS**

Additions to the existing public sewer system. Anything else is a sewer connection. A public sewer extension is a wastewater facility constructed on public property or within a road right-of-way and which is physically connected to the rest of the public sewer system. A private sewer extension is a wastewater facility constructed on private property and connected to the public sewer system.

**S.S.D.C.**

As used in this Ordinance, the Sewer System Development Charge.

**SHALL and MAY**

Shall is mandatory; May is permissive.

**SLUG**

A slug is any discharge of water or wastewater in which the concentration of any given constituent or the rate of flow exceeds, for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hours concentration, or flow, during normal operation.

**STANDARD METHODS**

The manual "Standard Methods for the Examination of Water and Wastewater", latest edition, published by the American Public Health Association.

**STORM DRAIN**

A storm drain (sometimes termed storm sewer) shall mean a sewer which carries natural storm and surface waters and drainage, but not sewage and industrial wastes, other than unpolluted cooling water.

**SUPERINTENDENT**

The individual who is the Superintendent of the Town of Thomaston's Pollution Control Department.

**SUSPENDED SOLIDS**

The solids that either float on the surface of, settle to the bottom of or are in suspension in water, sewage or other liquids, and which are defined as non-filterable residue and are determined in accordance with Standard Methods.

**TOWN**

The Town of Thomaston, Knox County, Maine.

**TOWN WASTEWATER FACILITIES**

These shall include Town owned or leased structures, conduits, pump stations, wastewater collection, treatment and disposal facilities and other appurtenances for the purpose of collecting, treating and disposal of domestic and/or industrial wastewater.

**WATERCOURSE**

The natural or improved channel in which a flow of water occurs, either continuously or intermittently. The terms "waterway" and "swale" shall be considered interchangeable.

**WATER POLLUTION CONTROL FACILITY**

The arrangement of devices and structures used for treating sewage and sludge (also termed wastewater treatment plant).

## Section 903

### Connections to Public Sewer

#### Sec. 903.1 – Use of Public Sewers Required

The owner of each lot or parcel of land upon which a building has been constructed which abuts upon a street or public way containing a public sewer shall connect that building with the public sewer within ninety (90) days after date of official notice to do so, provided that said public sewer is within two hundred (200) feet of any existing or proposed buildings and/or private on-site septic disposal systems and shall cease using any other method for disposal of wastewater.

Upon completion of the connection of the building sewer to the public sewer, the old septic tank(s) and its contents shall be secured or disposed of in accordance with the Maine State Plumbing Code.

#### Sec. 903.2 – Connection of Private Sewers, Permits and Regulations

**Application:** Abutters upon the line of a public sewer and abutters upon the line of a public sewer constructed before a municipality accepts those sections, and the owner of contiguous private sewers may enter and connect with the public sewer on written application to the C.E.O. distinctly describing the land to which the application applies and paying a sewer connection permit fee in form of a one-time Sewer System Development Charge (hereafter referred to as S.S.D.C.) payment (refer to Section 907 - Sewer Service Charges). Expense for any testing and sampling of waste for acceptance at the treatment plant shall be borne by the owner or applicant. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgement of the C.E.O. or Superintendent.

**Permit issued:** Upon approval, the C.E.O. shall give the applicant a written permit to enter and connect with the public sewer. This permit is available to the owner of the land described in the application, the owner's heirs and assigns, and shall run with the land. Failure to enter and connect into the public sewer within one (1) year from the date of the granting of the permit shall result in the expiration of the permit and forfeiture of the permit fee or S.S.D.C. Renewal of a permit shall be treated as a new application and shall be subject to all of the provisions of this Ordinance including the appropriate fees and charges. For all connections an inspection fee as determined by the Select Board shall be paid to the Town at the time the application is filed.

**Regulations:** The Select Board shall establish any other rules, regulations and conditions for connecting with the public sewers that they consider expedient and after holding a public hearing with 7 days' notice of the public hearing.



**Sec. 903.3 – Notification Periods**

The Select Board shall require written notice of any new discharge or any major change, either in volume or character of wastewater, in an existing discharge. The minimum notification period shall be as outlined in Table 1.

Table 1 Minimum Notification Period

New Discharge	
Less than 5,000 gallons per day	15 days
More than 5,000 gallons per day	60 days
Existing Discharge Modifications	
Discharge of less than 10,000 gallons per day	None
Discharge of more than 10,000 gallons per day	30 days

**Sec. 903.4 – Connections without Permit**

If any owner connects a private sewer or building drain with a public sewer or enters it by a side connection without a permit, the municipal officers may immediately destroy the connection. That owner commits a civil violation for which a forfeiture of not more than twice the normal fee may be adjudged, to be paid to the municipality where the offense is committed.

**Sec. 903.5 – Violation of Permit; Nuisances**

If any owner willfully or negligently violates any condition or regulation prescribed in the permit, the municipal officers may immediately disconnect the sewer from the public sewer and declare the permit forfeited. That owner, the owner’s heirs and assigns may not connect with the public sewer again without a new permit and a new sewer connection permit fee (S.S.D.C). Whoever commits a nuisance by the construction or use of a private sewer is liable for that nuisance notwithstanding this chapter.

**Sec. 903.6 – Sewer Connection Permit Requirement for Additional Flows to Existing Sewers**

A sewer connection permit shall also be required for any new construction or change of use or expansion by renovation or alteration of an existing structure which will increase the amount of wastewater added to the sewer system. This applies even if no new sewer connection may be required. All additional wastewater gallonage shall be based on the volume design flows specified in the Maine State Plumbing Code Subsurface Wastewater Disposal rules. This section does not apply to existing single-family dwellings.

The CEO/LPI shall determine whether or not there is an additional increase in the amount of wastewater added to the sewer system.

### **Sec. 903.7 – Owner’s costs – New Connections**

All costs and expenses, incidental to the application, review, installation, connection, repair and maintenance of the building sewer, including the portion in the public right-of-way, shall be borne by the owner. The owner shall indemnify the Town.

### **Sec. 903.8 – Connection and inspection**

When the house sewer is being installed it shall be inspected by the C.E.O. This inspection shall ensure that all portions of the Sewer Ordinance are complied with including Section 905.1 Unpolluted Water. The applicant for the building sewer permit shall notify the Town at least forty-eight (48) hours before beginning work and also when the building sewer is ready for inspection.

### **Sec. 903.9 – Building Sewers**

A separate and independent sewer connection pipe shall be provided for every building, except where one building stands at the rear of another on the same lot and no private sewer is available or can be constructed to the rear building through an adjoining property, the building sewer from the front building may be extended to the rear building if approved by the CEO/LPI or the PCD Superintendent. Any connections so arranged shall be considered as separate services for the purpose of charging sewer fees, S.S.D.C and other charges. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, joining, testing and backfilling the trench, shall all conform to the requirements of the current building and plumbing code or other applicable rules and regulations of the Town. All such connections shall be gas tight and water tight. Direct connection of building sewers into existing manholes are not permitted. No connection shall be made directly from any private property to a Town sewer force main. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater carried by such building drain shall be lifted by an approved means and discharged to the building sewer or service lateral. Plans and details of the proposed method shall be approved by the CEO/LPI.

## Section 904

### Public Sewer Extensions

#### **Sec. 904.1 – Public Sewers Extension by Town**

Public sewer extensions may be constructed by the Town, if, in the opinion of the Select Board, the number of existing, improved properties to be served by such extension warrants its cost or if such extension is likely to provide adequate revenues to warrant the cost in the reasonable future. The Select Board, after study, may elect to extend public sewers into areas that meet these criteria or when extension is required by specific state or federal mandate or when property owners, builders or developers have proposed sewer extensions within the Town property or road right-of-way or easement to the Town by written petition filed with the Select Board.

#### **Sec. 904.2 – Approval of Town Extension**

Prior to authorizing a sewer extension greater than five hundred (500) feet by the Town the Select Board shall:

1. Notify the Town of Thomaston Planning Board in order to assure conformity with the comprehensive plan and other policies relating to the Town's growth and development.
2. Notify all abutting property owners to the proposed sewer extension not less than ten (10) days prior to the meeting at which they will take final action on the authorization of the extension.

#### **Sec. 904.3 – Financing a Town Extension**

The costs associated with such extensions may be borne by the benefited property owners in a manner determined by the Select Board to prevent unreasonable increases in the bonded indebtedness of the Town. In addition, each owner connecting into the public sewer system must obtain a written connection permit from the Town and pay the Sewer System Development Charge (SSDC) and any other charges associated with the connection.

#### **Sec. 904.4 – Procedure for Town Extension**

The Town may acquire any property or easements needed, contract for the design and construction and perform any other tasks necessary to install the sewer extension. All extensions constructed under this section shall comply with Section 904.18 "Sewer Design Standards, Testing and Approval".

#### **Sec. 904.5 – Public Sewer Extension in Special Sewer Zone**

The Select Board may establish a Special Sewer Zone comprising all non-sewered lots of benefiting property owners to a proposed sewer extension in a Town road right-of-way or easement. This process may be initiated by a petition to the Selectboard by property owners, builders or developers.

### **Sec. 904.6 – Approval of Special Sewer Zone Extension**

Prior to establishing a Special Sewer Zone and authorizing any sewer extension the Select Board shall:

1. Notify the Town of Thomaston Planning Board in order to assure conformity with the comprehensive plan and other policies relating to the Town's growth and development.
2. Notify all abutting property owners to the proposed sewer extension not less than ten (10) days prior to the meeting at which they will take final action on the authorization of the extension.

### **Sec. 904.7 – Financing a Special Sewer Zone Extension**

Extensions to the sewer collection system provide benefits by increasing the area served by public sewers, spreading the cost of safely treating and disposing of wastewater among more users and helping to protect the Saint George River and its watershed. However, existing buildings along the proposed sewer route may have working septic systems and not need public sewer at the time the sewer is installed. There may be vacant lots that are not built on until years after the sewer is installed. To promote the benefits of expanding the public sewer service area the Town may establish a Special Sewer Zone and provide funding, or not, as necessary to install a public sewer. To reimburse the Town, or others, for a portion of the sewer extension expense the Select Board may establish a special assessment for each owner within the zone to be paid at the time of connecting into the public sewer. This special assessment must be paid before the owner can obtain a written connection permit from the Town and is in addition to the Sewer System Development Charge (SSDC) and any other charges associated with the connection.

### **Sec. 904.8 – Procedure for Special Sewer Zone Extension**

The procedure for a Special Sewer Zone Extension shall be the same as for a Town extension as outlined in Section 904.4.

### **Sec. 904.9 – Public Sewer Extension by Others**

If the Select Board does not elect to construct a public sewer extension the property owners, builders or developers may construct the necessary public sewer extension if the requirements of section 904.10 are met.

### **Sec. 904.10 – Approval of a Public Sewer Extension by Others**

Prior to authorizing a sewer extension greater than five hundred (500) feet by the Town the Select Board shall:

1. Notify the Town of Thomaston Planning Board in order to assure conformity with the comprehensive plan and other policies relating to the Town's growth and development.
2. Notify all abutting property owners to the proposed sewer extension not less than ten (10) days prior to the meeting at which they will take final action on the authorization of the extension.

### **Sec. 904.11 – Financing Extensions by Others**

The property owners, builders or developers shall pay for the entire installation, including planning and design, installation of sewers, pump stations, service connections, SSDC charges and all expenses incidental to the project. Each building sewer must be installed and inspected as required under the Town regulations and the inspection fee shall be paid. The construction of any sewer extension may be subject to continuous full time inspection by the Town, or its representative. The expenses incurred by the Town and the Town's consulting engineer in reviewing and approving the plans and specifications and performing their inspection work shall be paid from an escrow deposit made by the property owners, builders or developers to the Town at the time of application to the Select Board. The amount of the deposit shall be 2% of the estimated cost of the extension. If the expenses exceed the amount of the 2% escrow account, the extra expense shall be levied against the property owners, builders or developers. Failure to pay the extra expenses will result in the disapproval of the application and no physical connection to the public sewer shall be made. Any funds remaining in the escrow account after the Town has paid all of the expenses for review and inspection of the sewer extension shall be returned to the property owners, builders or developers.

### **Sec. 904.12 – Procedure for Extension by Others**

Design of sanitary sewers and appurtenances shall be as specified in Section 904.18. The design of sewers and pump stations to be deeded to the Town shall anticipate and allow for all possible future system extensions or developments within the future drainage areas as established by the Town. The Select Board's decisions or the decisions of its representative shall be final in matters of quality and methods of construction. The owners, builders or developers or their successor in interest shall warranty the public sewer extension and pay for all operations, maintenance, corrections and repair costs for one year after acceptance by the Town. In order to ensure that all operations, maintenance, corrections and repair costs are paid by the owners, builders or developers, a one-year maintenance guarantee as specified in Section 903.15 may be required by the Town.

### **Sec. 904.13 – Ownership of New Sewers**

All extensions of public sewers constructed at the expense of property owners, builders or developers, after approval and acceptance by the Town, shall become the property of the Town and shall thereafter be maintained by the Town. The property owners, builders or developers, shall for all sewers, pump stations and appurtenances not in the public right-of-way, and before acceptance, provide, by deed free and clear of encumbrances or by easement to the Town, right or title to the sewers, pump stations and appurtenances including access from a public right-of-way.

### **Sec. 904.14 – Private Sewer Extension**

All private sewer extensions on private property that discharge or connect to the public sanitary sewer shall be approved by the Select Board prior to construction. Excluded from this requirement are building drains and building sewers. The Select Board may approve a private sewer extension if plans and specifications, properly designed by an engineer registered in the State of Maine and conforming to design standards set out in this regulation, are submitted sixty (60) days before the regularly scheduled meeting at which the Select Board approval of the extension is requested.

### **Sec. 904.15 – Approval of a Private Sewer Extension**

Prior to authorizing a private sewer extension, the Select Board shall:

1. Notify the Town of Thomaston Planning Board in order to assure conformity with the comprehensive plan and other policies relating to the Town's growth and development.
2. Notify all abutting property owners to the proposed sewer extension not less than ten (10) days prior to the meeting at which they will take final action on the authorization of the extension.

### **Sec. 904.16 – Financing Private Sewer Extensions**

The procedure for financing a private sewer extension shall be the same as for an extension by others as outlined in Section 904.11.

### **Sec. 904.17 – Procedure for Private Sewer Extensions**

The procedure for a private sewer extension shall be the same as for an extension by others as outlined in Section 904.12.

### **Sec. 904.18 Sewer System Design Standards, Testing and Approval**

**General Standards:** All extensions to the sanitary sewer system shall be properly designed in accordance with the standards set by:

“Recommended Standards for Sewage Works”, as adopted by the Great Lakes – Upper Mississippi River Board of Sanitary Engineers (the Ten State's Standards).

“Design and Construction of Sanitary and Storm Sewers”, published by the Water Environment Federation as Manual of Practice No. 9.

The design of sewers to be deeded to the Town shall anticipate and allow for all possible future system extensions or developments within the immediate drainage area.

Plans and specifications for sewer extensions shall be submitted to the Town and written approval received from the Pollution Control Superintendent before construction may proceed.

**Pipe Standards:** All pipe material for either gravity sewers or for pressure force mains or appurtenances to these lines shall be:

- Poly Vinyl Chloride pipe (PVC) conforming to ASTM specification D3034 with pipe class to be appropriate for pipe loading.
- High Density Polyethylene pipe (HDPE) conforming to ASTM 3350 cell classification of 345434C.
- Ductile iron, Class 52, conforming to AWWA C150 with joints meeting AWWA C104 and fittings meeting AWWA C110.

No clay or concrete pipe shall be used.

Alternate materials for pipe, manholes or pump stations may be approved for use if, in the opinion of the Superintendent, the resulting construction will be of acceptable standards. No main line sanitary sewer pipe shall have less than an eight (8) inches internal diameter and no building sewer pipe located in the public right-of-way shall have less than a six (6) inches internal diameter.

The assembled pipe, including joints, shall meet the requirements of testing set out below. Bedding material, when required, shall be well-graded crushed rock or bank run gravel meeting the following standard: 100% will pass a 3/4-inch screen and not more than 10% will pass a 200-mesh sieve.

Pipe thickness and field strength shall be calculated on the following: Safety factor 1.9, Load factor 1.7, Weight of soil 120 lbs./cu. ft. and Wheel loading 16,000 lbs.

**Gravity Pipe Testing:** All gravity lines shall be tested before use by a low pressure exfiltration air test. All sewer lines shall be cleaned to remove all sediment and debris prior to testing. Test plugs shall be properly installed blocking both ends of the pipe and air introduced through a mechanism in one of the air lock units to a minimum of four (4) pounds per square inch pressure. The air shall then be shut off. A pressure drop, from the applied pressure, of less than one (1) psi during the period of time specified in the table below will constitute an acceptable air pressure test. If the pressure drop during the indicated time interval is exceeded, the test will be determined as a failure. The pipe shall be retested following the necessary repairs or replacement.

<u>Table of Air Testing Timing</u>								
Sewer Diameter (inches)	4	6	8	10	12	15	18	21
Test Duration (minutes)	2	3	4	5	6	8	9	10

No repair shall be made internally on the pipe unless specially authorized by the Town. If any pipe is defective, it shall be removed and replaced. If debris and sediment enters the pipe during repair, the pipe shall be cleaned again before retesting.

The Town reserves the right to require any other testing or inspection of the pipe it deems necessary to ensure that the pipe meets all standards.

**Force Main Testing:** All force mains shall be water-pressure tested. Because of serious safety hazards air-pressure testing is not allowed. All force mains shall be cleaned by flushing to remove all sediment and debris prior to testing. The force main shall be satisfactorily valved or capped on each end and slowly filled with water. All air must be expelled from the pipe. Pressure shall be applied to the pipe by means of a pump connected to the pipe until a minimum of one hundred (100) pounds per square inch is reached. The duration of the pressure test shall be one (1) hour and water shall be added during that time to maintain the pressure within five (5±) psi of the initial pressure. Leakage shall be defined as the quantity of water that must be supplied into the new force main to maintain One hundred pounds (100) ± 5 psi. Allowable leakage shall not exceed:

Pipe diameter (inches)	3	4	6	8	10	12
Max. leakage (gph/1,000 ft.)	0.20	0.37	0.55	0.74	0.92	1.10

**Manhole Standards:** Manholes shall be constructed at all changes in slope or alignment or at intervals not exceeding four hundred (400) linear feet.

The manholes shall be precast concrete, four (4) foot internal diameter, or larger if required, concrete base, barrel sections with tapered top sections, as specified by ASTM C-478. All pipe openings shall have a rubber seal (boot) cast into the concrete that can be placed over the pipe and secured with a non-corroding fastener. Inverts and bench walls shall be precast into the bases or field constructed with brick and steel troweled concrete or mortar. All manhole joints, including frame, shall be sealed against infiltration.

The manhole frame and cover shall be the standard design of the Town and shall be set with no less than two (2) courses of brick underneath to allow for later adjustment in elevation.

**Manhole Testing:** All manholes shall be vacuum tested immediately after assembly and prior to backfilling. All lift holes shall be plugged with an approved non-shrink grout. All pipes entering the manhole shall be plugged. The plugs shall be securely braced to prevent them from being sucked into the manhole. The test head shall be placed at the inside of the top of the cone section and the seal inflated in accordance with the manufacturer's recommendations. A vacuum of ten (10) inches of mercury shall be drawn and the vacuum pump shut off. With the valves closed the time shall be measured for the vacuum to drop to nine (9) inches.



The manhole shall pass the test if the time is greater than:

<u>Manhole Diameter</u>	<u>Minimum Time</u>
Four (4) foot	60 seconds
Five (5) foot	75 seconds
Six (6) foot	90 seconds

If the manhole fails the initial test, necessary repairs shall be made with a non-shrink grout while the vacuum is still being drawn. Retesting shall proceed until a satisfactory test is obtained.

#### **904.19 – Connection Requirements**

No building sewers shall be connected to a sewer extension until all of the following conditions are completed to the satisfaction of the Town.

1. The completed sewers, force mains and manholes shall satisfy the requirements of a final exfiltration, or for the manholes, vacuum test.
2. All fees due for the extension have been paid.
3. Reproducible Mylar or paper record drawings of the completed sewer have been furnished.
4. Presentation to the Town of a one (1) year maintenance guarantee in the form of a performance bond or escrow deposit or letter of credit or other guarantee acceptable to the Town for an amount equal to thirty (30) percent of the cost of construction of the sewer and appurtenances as estimated by the Town.

#### **904.20 – Insurance and Indemnity Required**

All contractors working for the Town or on Town property must present a certificate of insurance showing the following minimum liability coverage in effect:

1. Liability coverage of \$2,000,000 including:
  - a. \$1,000,000 for bodily injury.
  - b. \$1,000,000 for property damage including underground collapse and completed operations.
2. Workers Compensation to meet the statutory requirement of the State of Maine.

The Town must be named as an additional insured before a permit will be issued for construction of sewer extensions.

Coverage exceeding the above amounts may be required by the Town.

All contractors shall indemnify and defend the Town and hold it harmless for all claims, damages, losses and expenses, including attorney's fees, arising out of or resulting from, contractor's work. The Town shall have the right to select its own attorney at the contractor's expense.

#### **904.21 - Safety**

All contractors working for the Town or on Town property shall be responsible for initiating, maintaining and supervising all safety precautions in connection with work on the sewer system and take all necessary precautions to prevent damage, injury or loss. They shall comply with all applicable laws, ordinances, rules, regulations and orders of any public body having jurisdiction. They will erect and maintain as required by the conditions, all necessary safeguards for safety and protection. They shall comply with all pertinent provisions of the Occupational Safety and Health Administration (OSHA) and any state safety and health agency requirements. They shall comply with all provisions of Title 23 Section 3360 of the MRSA, Protection of Underground Public Utilities, commonly known as the "Dig-Safe Law".

Special attention shall be paid to work in high traffic areas, whether State owned or not, to provide traffic control procedures to meet the requirements of the Maine Department of Transportation (MDOT).

#### **904.22 – Restoration of Disturbed Areas**

All streets, sidewalks, driveways, lawns, natural areas, drainage courses and other public and private property disturbed in the course of the work shall be restored in a manner satisfactory to and in conformance with the regulations and ordinances of the Town of Thomaston, the State of Maine or the property owner.

## Section 905

### Discharges to Public Sewers

#### Sec. 905.1 – Unpolluted Water

No person shall discharge or cause to be discharged any unpolluted water such as stormwater, surface waters, groundwater, roof runoff, subsurface drainage, water from sump pumps, uncontaminated cooling water or unpolluted commercial or industrial process waters to any public sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm drains or to a natural outlet approved by the Maine DEP and the TPCD Superintendent. When available, all water from sump pumps and building drains shall be discharged to a clean water drain or a natural outlet.

#### Sec. 905.2 – Materials Not Allowed

No person shall discharge or cause to be discharged any of the following described waters or waste to any public sewer:

- A. Any gasoline, diesel fuel, fuel oil or other flammable or explosive liquid, solid or gas which will create a fire or explosive hazard in the wastewater facilities.
- B. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or in interaction with other wastes, to injure or interfere with any sewer treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant. This includes any material defined as hazard waste by either Federal or State regulations.
- C. Any water or waste having a pH lower than 5.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater facility.
- D. Solids or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the treatment facility, such as, but not limited to, ashes, sand, mud, straw, shavings, metal, glass, rags, bones, feathers, tar, plastics, wood, unground garbage, fibers, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers or other substances, either whole or ground by garbage grinders.
- E. Any waste or pollutants, including oxygen-demanding pollutants which released in quantities of flow or concentrations or both constitute a "slug" as defined in Section 902.

- F. Any heated water or pollutants in amounts which will inhibit or interfere with biological activity in the wastewater treatment facility.
- G. Any materials from septic tanks, cesspools or other receptacles storing organic wastes.

### **Sec. 905.3 – Materials Limited**

The following described substances, materials, wastes or wastewater or pollutants discharged to the public sanitary sewers shall be limited to concentrations or quantities which will not harm either the public sewers, wastewater treatment process or other Town facilities, will not have an adverse effect on the receiving stream or area or will not otherwise endanger life, limb, public property or constitute a nuisance. The Town may set concentration limitations lower than the limits established below if in the opinion of the Town that much more severe limitations are necessary to meet the above objectives. In forming an opinion as to the acceptability, the Town will give consideration to such factors as the quantity of subject wastes in relation to flows and velocities in the sewers, the wastewater treatment process employed, capacity of the wastewater treatment facility and other pertinent factors.

- A. Liquids or vapors having a temperature higher than 65° C (150° F).
- B. Wastewater containing fats, wax, grease or oils whether emulsified or not, in excess of a total of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between 0° and 65° C (32° and 150° F).
- C. Garbage that has not been properly shredded.
- D. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or in interaction with other wastes, to injure or interfere with any sewer treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the effluent disposal areas.
- E. Any waste or pollutants, including oxygen-demanding pollutants which when released in quantities of flow or concentrations or both constitute a “slug” as defined in Section 902.
- F. Waters or wastes containing constituents that may cause the effluent to exceed the limits set in the Town’s Wastewater Discharge Permit or limits set by State or Federal regulations.

Section 906  
**Pretreatment Requirements**

**Sec. 906.1 – Pretreatment Required**

If any waters or wastes are discharged, or are proposed to be discharged to the public sanitary sewers, which waters contain the substances or possess the characteristics enumerated in Section 905.3 of this ordinance, and which, in the judgment of the Town of Thomaston, Pollution Control Department Superintendent (Superintendent), may have a detrimental effect upon the sewage works, processes, equipment, or effluent disposal area, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

1. Reject the wastes.
2. Require pretreatment to an acceptable condition for discharge to the public sewers.
3. Require control over the quantities and rates of discharge.
4. Require payment to cover the cost of handling and treating the waste not covered by existing sewer charges.

When considering the above alternatives, the Superintendent shall give consideration to the economic impact of each alternative on the discharger. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the pretreatment or equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, ordinances, laws and the municipal wastewater discharge permit.

**906.2 – Grease, Oil and Sand Interceptors.**

Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of the liquid waste containing floatable grease or for any flammable waste, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection. All new construction and the remodeling of any old construction shall conform to the requirements of the Maine State Plumbing Code and the State of Maine Subsurface Wastewater Disposal Rules for grease and oil interceptors. The minimum size for an external grease trap shall be at least 1,000 gallons of liquid capacity.

In maintaining 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. Any removal and hauling of the collected materials not performed by the owner or the owner's agent must be performed by currently licensed waste disposal firms.

### **906.3 – Pretreatment Discharge Permit**

Each wastewater generator that the Superintendent requires to provide pretreatment to its wastewater under this section of the ordinance may be issued a Pretreatment Discharge Permit by the Superintendent. The purpose of the permit shall be to protect the operation and equipment of the wastewater facilities from upsets or damage; to help ensure that the wastewater facilities effluent meets all State and Federal discharge license requirements and assure that any by-products of operations are not detrimentally affected. Such permit shall constitute an enforceable control mechanism between the generator and the Town.

### **906.4 – Pretreatment System Maintenance**

Where pretreatment 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 their expense.

### **906.4 – Monitoring Equipment**

When required by the Superintendent, the owner of any property serviced by a building sewer into which industrial wastewaters are discharged shall install a suitable control manhole together with such necessary monitoring equipment and other appurtenances to facilitate observation, sampling and measurement of the wastewater in the building sewer. Such manholes and equipment, when required, shall be safely and accessibly located and shall be constructed in accordance with plans reviewed by the Superintendent. The manhole shall be installed by the owner at their expense and shall be maintained by the owner so as to be safe and accessible at all times. The owner shall, if required by the Superintendent, perform flow measurements and analysis of the wastewater at their expense.

### **906.5 – Records Required**

The Superintendent may require a user of sewer services to provide information needed to determine compliance with this ordinance. The requirements may include:

- A. Details of wastewater pretreatment facilities design and construction.
- B. Wastewater discharge peak rate and volume over a specified time period.
- C. Analysis of wastewater performed by a laboratory that satisfactorily participates in the U.S.E.P.A. Water Pollution Series of Performance Evaluations.
- D. Information on processes and materials important to sewer use control.
- E. Any spill prevention program.

### **906.6 – Sampling and Testing**

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this regulation shall be determined in accordance with Standard Methods or equivalent U.S.E.P.A. methods and determined at the control manhole. If there

is no control manhole the nearest downstream manhole may be used. Sampling shall be carried out in accordance with all U.S.E.P.A. sampling requirements.

Section 907  
**Sewer Service Charges**

**Sec. 907.1 – Purpose; Reserve Funds**

The source of a portion of the revenues for operation and maintenance, capital expenditures and retiring debt service of the public sewer system of the Town shall be a sewer service charge assigned to owners of property whose property, residence or place of business is capable of being connected to the public sewer system pursuant to Section 903 of this ordinance. A portion of the funds collected shall be placed in a separate reserve fund for such future use as the Select Board may approve including, but not limited to: debt reserve, sludge reserve, Sewer System Development reserve, short lived assets reserve and solar reserve.

**Sec. 907.2 – Sewer Charges Assessed**

Sewer service charge rates shall be determined by the Select Board annually and assessed in the following manner:

- A. Residential and commercial sewer charges for active accounts shall be based on water usage as determined by water meter readings and calculated from the rates established under this section.
- B. All properties whether occupied or unoccupied, with buildings that are connected and that have plumbing, shall pay, at least, the minimum billing charge.
- C. Property owners who are serviced by a public sewer and who obtain their water from a private source such as a private well may install a metering device that will measure the amount of flow from the private water source. The sewer rate for such owners shall be based upon the metered amount if it is in excess of the minimum rate. Otherwise the minimum amount will be charged. If a property owner does not install a metering device the sewer use charge shall be based on the average charge paid by other metered users.
- D. All charges pursuant to this section will be billed quarterly or monthly.
- E. Any users found, after investigation by the Superintendent, to be in violation of Section 905.1 (unpolluted waters) may be charged an additional surtax of 100% of their sewer rate for a minimum of one (1) year after notice or \$750.00 whichever is greater.
- F. The Town may allow a bypass meter for water not going to the public sewer and authorize appropriate adjustment of charges and fees (see Section 907.7 of this Ordinance).



### **Sec. 907.3 – Delinquent Accounts**

Delinquent accounts shall be handled as provided by the M.R.S.A.s and as outlined below:

**Interest:** As authorized by M.R.S.A. Title 30-A Section 3406, the Town may charge interest on delinquent accounts at a rate not to exceed the highest lawful rate set by the Treasurer of the State for municipal taxes.

**Lien:** There shall be a lien on real estate served or benefited by a municipal sewer or sewer disposal system to secure the payment of service charges and interest on delinquent accounts established under this regulation. This lien takes precedence overall other claims on real estate, excepting only claims for taxes.

**Collection:** The Treasurer of the municipality may collect the service charges and interest on delinquent accounts in the same manner as granted by M.R.S.A. Title 38 Section 1208, to treasurers of sanitary sewer districts with reference to rates established and due under M.R.S.A. Title 38 Section 1202.

**Partial Payments:** The Town may accept partial payments on sewer accounts and such payments shall always be credited to the oldest outstanding amount on that account. Partial payments may be accepted on liens and this shall not negate the lien.

### **Sec. 907.4 – Unusual Waste Charge**

A special sewer service charge shall be imposed for any wastewater generator who, by virtue of the volume, strength or unusual characteristic of their waste alone, would overload or upset the capacity or efficiency of the Town Wastewater Facility or any part thereof if such waste entered the public sewer. The Select Board, after appropriate study, and advice from the Superintendent, shall establish a special sewer service charge to the generator by separate agreement with said firm. The applicable portions of this Sewer Use Ordinance, as well as the equitable rights of the public shall be the basis for such an arrangement.

### **Sec. 907.5 – Sewer System Development Charge**

Increased residential, commercial and industrial development within the Town that has created a need to undertake capital improvements to the existing wastewater facilities to accommodate and treat the increased wastewater flow directly produced and generated by this increased development. These capital improvements have created a cost which is separate and distinct from normal maintenance and upgrading repairs which benefits existing users.

In order to assess these capital improvement costs for increasing capacity fairly and equitable among those creating this demand the Town hereby established a Sewer System

Development Charge (S.S.D.C.). The proceeds from this charge are to be applied solely towards the overall capital costs of financing the necessary capital improvements and capital equipment purchases to increase the capacity of the Wastewater facilities.

An S.S.D.C. is the new or expanded municipal sewer users proportional cost of increasing the capacity of the wastewater collection, pumping and treatment system which benefits the new or expanded user. This charge is separate and distinct from the physical connection costs, the sewer rate, other sewer fees and any sewer extension costs. The S.S.D.C. shall also be charged when there is an additional wastewater flow to the collection and treatment facilities resulting from new or expanded construction, renovation or change in use and no new physical sewer connection is involved and there is already an existing sewer connection. This charge shall not apply to a single family living unit that is not changed from a single family living unit by renovation or expansion. The S.S.D.C. is the fee for a sewer connection permit and is a one-time charge.

**Charge Calculations:** The S.S.D.C. charge shall be established by the Select Board and shall be based upon the gallons of daily flow of wastewater projected to be generated by each user as established in design criteria of the Maine Department of Human Services, State Plumbing Code, Subsurface Wastewater Disposal Rules. This flow shall be calculated and determined by the C.E.O and/or the Superintendent.

**Permit:** Upon approval, if applicable, the C.E.O. shall give the applicant a written permit to enter and connect with the public sewer. This permit is available to the owner of the land described in the application, the owner's heirs and assigns, and shall run with the land. Failure to enter and connect into the public sewer within one (1) year from the date of granting the permit shall result in the expiration of the permit and forfeiture of the permit fee or the S.S.D.C. Renewal of a permit shall be treated as a new application and shall be subject to all of the provisions of this ordinance including the appropriate fees and charges. The S.S.D.C. may be refunded, upon request of the owner, under the following conditions:

1. No portion of the permit has been used;
2. The permit is still valid as of the date a written request for refund is received;
3. A 20% administrative charge is deducted from any refund.

**Municipal Property Exempt:** The S.S.D.C. shall not apply to the treatment of any wastewater flow from property owned by the Town including tax-acquired property. Other tax-exempt properties such as public or private schools or institutions shall be charged an S.S.D.C.

**S.S.D.C. Fund:** All S.S.D.C. fees collected shall be paid into a special interest bearing reserve account. Accounting practices shall identify the amounts paid in by each person or firm and the amounts expended for system development. Expenditures shall be tracked on a first-paid, first-spent basis. The monies collected from the S.S.D.C. shall be used solely to finance increases in the wastewater facilities capacity including but not limited to the following:

- a. Enlargement, upgrading and rehabilitation of the wastewater treatment plant or equipment or elements thereof;
- b. Construction or upgrading of pump stations to increase wastewater system capacity;
- c. Replacement or enlargement of existing sewer lines or storm drains which removes unpolluted water from the sanitary sewer;
- d. Construction of new sanitary sewers to replace existing sewer lines when unpolluted water is removed in the project;
- e. Debt service payments for any loans, bonds, notes or other evidence of indebtedness legally incurred by Town meeting vote or by the Selectboard for the purpose of increasing the capacity of the Town wastewater facilities.

The funds may not be used to finance routine maintenance and repair activities or other expenses solely related to operation of the wastewater system. Any S.S.D.C., or portion thereof, paid into the fund, if not expended within ten (10) years of payment shall be refunded with interest to the person or firm who paid the fee or their successor in interest.

**Calculation of Charges:** The S.S.D.C. shall be based on the estimated cost per gallon of clean water removal from the sanitary sewer system. This charge may be increased to allow for increases in normal construction costs and inflation.

### **Sec. 907.6 – Adoption of Sewer Charges**

Prior to the adoption of a new rate, charge and fee schedule, the Select Board shall hold a public hearing regarding the proposed rate, charges and fee schedule. The Select Board shall publish the proposed rates, charges and fees and notice of the hearing not less than once in a newspaper having general circulation in Thomaston not less than seven (7) days prior to the hearing. Prior to the adoption of new sewer rates only, the Select Board shall mail to each ratepayer a notice of the public hearing and the proposed new rates at least fourteen (14) days prior to the hearing. The mailing requirement does not apply to the Sewer System Development Charge or other charges and fees.

### **Sec. 907.7 – Bypass Meter Credit**

Sewer user fees are based on water usage as measured by the structure's incoming water meter. A bypass meter provides a means for the customer to avoid paying a sewer charge on purchased water that does not go to the public sewer.

Any customer that purchases water and uses a portion of it in such a manner that the used water does not go to the public sewer may, at their expense, purchase and install a bypass meter on that portion of water that does not go to the public sewer. The water that passes through this bypass meter may be deducted, by the Town, from the total water volume used for sewer billing purposes. Deductions exceeding the previous twelve (12) month period may not be credited. No credits will be given that reduce the sewer charge below the minimum charge.

To get a credit the customer must:

1. Purchase and install the bypass meter on a line that does not discharge any portion on its flow to the public sewer.
2. Notify the Town office either in writing or by phone that the meter is installed and give the initial meter reading. The Town may inspect the installation.
3. Report to the Town office the current bypass meter reading prior to end of the billing quarter if any bypass usage occurred that quarter or, at a minimum prior to the end of the calendar year.

### **Sec. 907.7 – Identity Theft Prevention**

**Purpose:** This section complies with the Federal Trade Commission’s Red Flags Rule, which implements Section 114 of Fair and Accurate Credit Transactions Act of 2003, 16 C.F.R. – 681.2. This includes reasonable procedures for detecting, preventing and mitigating identity theft and protecting against the establishment of false accounts and ensuring existing accounts are not being manipulated.

**Risk Assessment:** A risk assessment of how new accounts are opened and the methods used to access the account information concludes that there is a very low risk of identity theft for the following reasons:

1. All accounts are billed to the property owner and any unpaid bills at the time of property transfer stay with the property and are the responsibility of the new owner.
2. New accounts require only a service location, name and mailing address to be opened. Social security numbers or other identification are not requested.
3. The Town does not make automatic withdrawals from personal bank accounts.

**Identification of Red Flags:** The following activities will be monitored for potential fraud:

1. An alert from a customer, identity theft victim, law enforcement or other person that the Town has a fraudulent account for a person engaged in identity theft.
2. Information commonly associated with fraudulent activity is provided by applicant (e.g., address that is a mail drop or prison, non-working phone number or associated with answering service).
3. Documents with information that is inconsistent with existing customer information (such as if a person’s signature on a check appears forged).

**Response:** Any employee who may suspect fraud or detect a red flag shall report all information to the Town Manager, the Police Department and other authority as necessary.

***Personal Information Security Procedures:*** The Town hereby adopts the following security procedures:

1. The Town office building shall be locked at all times it is not occupied by Town staff and keys to the office building shall be limited in circulation. Access to the employee work area of the office shall be limited at all times.
2. Files containing personally identifiable information are kept in locked file cabinets except when an employee is working on the file.
3. Access to customer's personal identify information is limited to employees with a "need to know".
4. Paper records shall be shredded before disposal.
5. Any data storage media shall be disposed of by shredding, punching holes in or incineration.
6. Employees will not leave sensitive papers out on their desks when they are away from their workstations.
7. Employees will log off their computers and store files when leaving their work areas.
8. Anti-virus and anti-spyware programs will be run on individual computers and on servers daily.
9. Computer passwords and user names will be different for each employee.
10. The computer network will have a firewall where an individual network connects to the internet.
11. Employees will be alert to attempts at phone phishing.

# ARTICLE II

## Section 102 – Police

### 102.1 - Police Department

~~102.1.1 – Establishment.~~ There shall be a police department, the head of which shall be the Police Chief who shall be appointed by the Town Manager with the approval of the Selectmen on the first day of April annually or as soon thereafter as may be, who shall hold his office at the pleasure of the appointing authority. He shall give a bond in the amount of five hundred (\$500.00) dollars running to the Town of Thomaston for the faithful performance of duty.

#### 102.1.2- Number of ~~Policemen~~ Patrol Officers.

1. The number of regular and special ~~policemen~~ patrol officers, including special fire police and constables shall be determined by the ~~Selectmen~~ Board. They shall be appointed annually or from time to time as need be by the Town Manager with the approval of the ~~Selectmen~~ Board. Special ~~Policemen~~ patrol officers shall serve only when specifically required by the Chief of Police or the Town Manager and shall function only under their direction. When called to service special ~~policemen~~ patrol officers shall be compensated for services rendered as the Town Manager and ~~Selectmen~~ Board may determine.
2. During the absence or disability of the Police Chief, the Town Manager shall appoint one of the regular ~~Policemen~~ patrol officers as acting Police Chief to have and exercise all power and authority, and perform all duties pertaining to the office of Police Chief.

~~102.1.3-2 - Duties of the Police Chief.~~ The Police Chief shall be the Commanding Officer of the Police Department. ~~He~~ they shall:

1. Be responsible for the enforcement of law and maintenance of order.
2. Direct the police work of the Town.
3. Arrange for the attendance of one or more ~~fire Police Officers~~ patrol officers at every fire, to preserve order and, to prevent the destruction of property.
4. Cause the Streets, Wharves and Lanes of the Town to be inspected regularly, and cause to be removed all nuisances, obstructions or impediments therein, causing offenders to be prosecuted when necessary to abate such nuisance.
5. Be responsible for the maintenance and care of all property used by the Police Department.
6. Give an annual report ~~on or before the first day of March~~ by the deadline requested annually to the Town Manager and ~~Selectmen~~, reporting the number of arrests, a statement of the condition of the Police Service and recommendations as ~~he~~ they may see fit.

102.1.4 3 - Constables. Regular ~~Police~~ patrol officers shall be appointed as Constables as shall also the Tax Collector.

### 102.2 - Public Assembly

102.2.1 - Every person obtaining a permit under this chapter shall keep good order in and about ~~his~~ their theatre, hall, exhibition, show, or other place of public amusement, and at ~~his~~ their own expense shall keep a sufficient force of qualified persons for that purpose.

102.2.2 - No person shall conduct a dance, exhibition or show to which admission shall be paid without first obtaining a permit from the ~~Town Manager~~ Select Board.

102.2.3 - No person or persons shall hold or address any public meeting or assemblage of people in any public street or place without a permit to do so granted by the ~~Selectmen~~ Board or designated representative.

## 102.3 - Offenses Against the Public Peace

### 102.3.1 - Loitering

1. Three or more persons shall not stand together or near each other in any street in the town, in such manner as to obstruct a free passage therein for passersby.
2. Any person who stands or loiters in the entrance to any public building or about or within such building, after having been directed by the Police Chief or any ~~constable~~ patrol officer to pass on, shall ~~be punished by~~ pay a fine not exceeding twenty-five dollars per occurrence.
3. No person shall stand in front of any store or shop window in such a way as to be detrimental to the business of such store or shop. It shall be the duty of the Police Chief or any constable to order all persons offending against the provisions of this section to move on, and if the persons so ordered or requested to not forthwith obey, they shall be ~~liable to a penalty of five dollars for each offense.~~ shall pay a fine not exceeding twenty-five dollars per occurrence.
4. No person shall loiter or lurk in any of the streets or public places, or adjacent to either, for malicious or unlawful purposes, and no person shall loiter unnecessarily in or about any private dwelling or of any going to or from the same. Whoever violates any of the provisions of this section shall be punished by a fine of not less than exceeding twenty-five dollars per occurrence.

### 102.3.2 - Disorderly Conduct

1. No person shall be guilty of any indecent or disorderly conduct in any street or public place in the town. No person shall by any noise, gesture, or other means, wantonly frighten any horse or horses in any public street, and no person shall behave in a rude or disorderly manner or use any profane, indecent, or insulting language, or repeat or sing any lewd or obscene words of songs in any public street or place, or remain upon any sidewalk or any doorstep, portico, or other projection of any house facing onto any public street, to the annoyance or disturbance of any person or persons.
2. No person shall, in any street, lane, or public place, willfully or mischievously make any loud or unusual noise, either by voice or other means, or sing loud, improper or boisterous songs, or in any manner conduct himself rudely, noisily, or in any way calculated to disturb the quiet and good order of the town, on a penalty of not more than twenty dollars.

### 102.3.3 - Unnecessary Noise

1. No person shall sound an automobile horn, bell or other sound device on a vehicle anywhere in the Town at any time, except when necessary for safe driving.
2. No person shall so load or unload a vehicle with iron or other material that may strike together without properly deadening it so that it will cause no unnecessary noise.

*Subsection 102.3.3 Adopted: March 25, 1946.*

### 102.3.4 - Alarm Ordinance

1. "Malfunctioning" or "Overly-sensitive" burglary or fire alarms shall be prohibited.
2. Two such alarms incurred by one party, business, or property owner shall be answered without charge by the Town within any one thirty-day period.
3. If such alarms exceed two in number within thirty days, the party, business, or property owner shall be subject to the following costs:
  - a. In the case of burglary alarms ~~\$25.00~~ \$150.00 charge for ~~every such~~ beyond two occurrences within a 30-day period.

- b. In the case of fire alarms, ~~the actual cost incurred by the department in answering the call, but not to exceed \$50.00~~ **\$150.00** charge for every such **beyond two occurrences within a 30-day period.**
4. A thirty-day grace period following the initial installation of such alarm system shall be allowed.

~~Subsection 102.3.4 Adopted: March 29, 1982.~~

## **102.4 - Offenses Against Public Safety**

### **102.4.1 - Protection of Persons Using Ways**

#### **1. Cellar Doors**

No occupant or owner of any premises shall suffer ~~his~~ **their** cellar door or passage or entrance from the sidewalk into any cellar or basement, adjoining the public street or adjoining premises long continued to be used for public travel to be kept open when not in immediate use, not in any case after sunset, except a good and sufficient light be kept at the entrance of such door, passage or entrance.

#### **2. Water, snow or ice**

No person shall suffer his building to shed water, snow or ice upon any street or sidewalk in the town, to the injury or inconvenience of travelers.

#### **3. Dangerous materials**

No person shall leave any box, bottle or package of any kind containing poison or other dangerous matter or thing, in any public street, or in any doorway, or public place whatever, in such manner that such box, bottle or package of dangerous matter or thing may be picked up or fall into the hands of children or cause injury to any person using the street.

#### **4. Goods or things hanging over sidewalks**

No person shall hang, or cause to be hung, any goods or other thing over any sidewalk; nor suffer ~~his~~ **their** cellar door or passage from the sidewalk into any cellar to be kept open when not in immediate use, nor in any case after sunset, except a good and sufficient light be constantly kept at the entrance to such door or passage, nor suffer any spout to leak water on the sidewalk over the head of any pedestrian.

#### **5. Raising up into buildings**

No person shall raise into or lower from the second or higher story of a building from and over any portion of a public street or over a place long continued to be used for public travel, any merchandise or other articles, except in accordance with a written permit from the ~~selectmen~~ **Select Board** or from some person by them duly authorized to do the same.

#### **6. Barbed wire fences**

No fence of barbed wire or of which barbed wire is a part shall be constructed or maintained upon, or along, the line of any street or public way in such manner that any person passing along said street or way can come in contact with said barbed wire. Any person violating this ordinance shall, on conviction, pay a fine ~~of not more than~~ **exceeding twenty-five** dollars for each offense.

#### **7. Passage on sidewalks**

No person shall pass with wheelbarrow, hand sled, hand cart, horse, automobile, motor vehicle, cart wagon, or any other vehicle except baby carriages, or hand carts and hand sleds drawn by hand along or across any sidewalk prepared for travelers on foot, or suffer them to stand thereon so as to incommode any traveler thereon; or along or across any curb or turf edge placed on outside thereof to protect same, nor cause the same to be done,



except at such points of places where good and sufficient crossings are provided. Any person who ~~shall~~ violates any of the provisions of this section shall be liable to pay a fine not exceeding twenty-five dollars for each offense.

#### 102.4.2 - Crosswalk Ordinance.

1. **Definition:** "Crosswalk" is defined as:

- a. That part of a roadway at an intersection and included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the traversable roadway.
- b. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other marking on the road surface.

2. **Crosswalks:** The Police Chief with the approval of the Manager and Selectmen Board is hereby authorized to designate and maintain by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections, where in ~~his~~ their opinion there is particular danger to pedestrians crossing the roadway, and at such other places ~~he~~ they may deem necessary.

3. **Pedestrians Right of Way in Crosswalk:**

- a. When Traffic-control signals are not in place and not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping, if need be to so yield, to a pedestrian crossing the roadway within any crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger but no pedestrian shall suddenly leave the curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.
- b. Whenever a vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

4. **Pedestrians to Use Right Half of Crosswalk:**

Pedestrians shall move, whenever practicable, upon the right half of the crosswalk.

5. **Crossing At Other Than Crosswalks:**

Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

6. **Crosswalk Restrictions:**

No pedestrian shall cross Main Street at any place in the business district except within a marked crosswalk. No pedestrian shall cross a roadway at any place, other than Main Street business district, except by a route at right angles to the curb, i.e. by the shortest route to the opposite curb.

7. **Drivers to Exercise Due Care:**

Notwithstanding the foregoing provisions of this ordinance, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper caution on any confused or incapacitated person upon a roadway.

8. **General Penalty:**

Pursuant to 29-A MRS §103, the exclusive penalty for a traffic infraction is a fine of not less than \$25 nor more than \$500, unless specifically authorized, or suspension of a license, or both.

Notwithstanding other provisions of this section, an operator who fails to yield the right-of-way to a visually impaired pedestrian who is carrying a cane that is predominately white or metallic in color, with or without a red tip, or using a guide or personal care dog as defined in 17 MRS §1312, commits a traffic infraction. The fine for a violation of this subsection may not be less than \$50 nor more than \$1,000.

~~Unless another penalty is expressly provided by State Law, any person convicted of a violation of any provision of this Ordinance shall be subject to a fine of not more than Twenty (\$20) Dollars.~~

*Subsection 102.4.2 Adopted: December 13, 1965.*

#### **102.4.3 - Missiles and Fireworks**

No person shall play at the game of bat and ball, nor strike any ball with a bat, nor throw any stones, bricks, clubs, snow-balls or other missiles in, into, over, along or across any public street or enclosure of any public building, nor fire any squibs, crackers, serpents or other fireworks, made of gunpowder in whole or in part, or of any other explosive ingredients, nor discharge any firearms loaded with powder or other dangerous compositions, nor discharge any gun, air-rifle, or so called B.B. gun nor any other weapon discharged by compressed air, save and except in self-defense, in execution of the laws, or for the destruction of some dangerous animal, in, upon, or across any of the streets, lanes, public square, wharves or on board any vessel lying at any wharf within the town. (See ARTICLE XVII Section 117 – Town of Thomaston Consumer Fireworks & Sky Lantern Ordinance)

#### **102.4.4 - Excessive Speed**

No person shall ride or drive any animal or animals, loose or attached to a carriage of any description, or any automobile or motor vehicle, or cause them to be driven through any part of the town, at an unusual and dangerous rate, on penalty of not less than three, nor more than fifty dollars.

#### **102.4.5 - Control of Dogs**

##### **1. Roaming-At-Large Prohibited**

No owner or keeper of any dog shall permit any dog to roam at large.

##### **2. Dogs shall be under restraint while on any public way or place.**

Dogs while on any public way or place shall be under restraint, within the meaning of this ordinance if it is controlled by

- a. a leash not be more than eight (8) feet long, or
- b. at "heel", beside a competent person and obedient to that person's commands, or
- c. on or within a vehicle being driven or parked on the streets, or
- d. being within the property limits of its owner or keeper.

Nothing in this ordinance shall be held to require the leashing of any dog while on the property of its owner or keeper.

##### **3. Penalties**

Any owner or keeper found violating paragraphs 1 or 2 of this subsection shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$10.00 nor more than \$50.00 for each such offense.

*Subsection 102.4.5 Adopted: March 31, 1969.*

#### **102.4.6 - Control of Annoyance of Barking or Howling Dogs**

1. No person shall harbor or keep any dog which causes annoyance, to any person or neighborhood, or disturbs the quiet enjoyment of said neighborhood, by unreasonable or incessant barking, howling or making other sounds common to its' species.

2. The penalty for violations of this section shall be a fine of not less than \$10.00 nor more than \$100.00.

*Subsection 102.4.6 Adopted: May 9, 1977.*

#### **102.4.7 – Dog Waste Ordinance**

##### **1. Disposal of Dog Waste**

- a. It shall be a violation for any person who owns a dog, or anyone having a dog under his or her control, to fail to immediately remove and lawfully dispose in a sanitary lawful manner of any feces left by the dog on any street, sidewalk, publically owned property, waterway, or municipal property. ~~or private property of another.~~
- b. Violation of this ordinance shall be a civil offense punishable by a fine of \$50.00 for the first conviction. Each additional conviction, after the first conviction, shall be punishable by a fine of \$100.00. ~~All fines so assessed shall be recovered for use of the Town of Thomaston through District Court.~~
- c. ~~Order of the court. If upon hearing, the court determines that the ordinance has been violated, the court may impose an appropriate penalty. An owner found to have violated this ordinance shall pay all fees and surcharges assessed or required by a court or court order or rule.~~
- d. ~~All fines so assessed shall be recovered for use of the Town of Thomaston through District Court.~~ This section shall be enforced by the Animal Control Officer or the Thomaston Police Department.

*Subsection 102.4.7 Adopted: November 6, 2018*

*Amended: June 14, 2023*

## **102.5 - Offenses Against Public Health**

### **102.5.1 - Dead Animals**

~~No person shall convey through any street, way, public square or public place the dead body of any horse or animal, or any fish offal, swill, or any other offal, unless such animals be covered in such manner as to completely conceal the same from view, or said fish offal, swill, or other offal is conveyed in a closed conveyance which shall not be left standing in any street, way, public square or public place; and no person shall convey the dead body of any ox, cow, swine, or other large animal except it be dressed for food unless it be covered as aforesaid.~~

#### **Depositing of dead animal where nuisance**

Pursuant to 22 MRS §1562, "whoever personally or through the agency of another leaves or deposits the carcass of a dead horse, cow, sheep, hog or of any domestic animals or domestic fowl or parts thereof in any place where it may cause a nuisance shall, upon receiving a notice to that effect from the local health officer, promptly remove, bury or otherwise dispose of such carcass. If the person fails to do so within such time as may be prescribed by the local health officer, and in such manner as may be satisfactory to the health officer, the person must be punished by a fine of not less than \$10 nor more than \$100 or by imprisonment for not more than 3 months."

### **102.5.2 - Animals**

No person having the care of sheep, swine, horses, cows, or other animals, shall permit or suffer the same to go at large on any highway, street, lane, alley, common, square, or other public place within the town, under penalty of not exceeding ten dollars for each offense.

*Subsection 102.5.2 Adopted: March 27, 1944.*

### **102.5.3 – Smoke Nuisance**

No person shall create or produce smoke of a density which causes substantial injury to the property of another or produces material annoyance or inconvenience to the occupants of adjacent or neighboring dwelling, or which defiles carpets, curtains, linens, or other household furnishings in adjacent or neighboring dwellings under penalty of the sum of ten (\$10) dollars for each offense.

#### 102.5.4 - Smoking in Public Places

Laws concerning smoking in public places can be found in 22 MRS §§1541-1550. Specific statutes also apply to smoking in the workplace (22 MRS §1580-A), in elementary and secondary schools (22 MRS §1578-B), and in state parks and historic sites (22 MRS §1580-E). PL 2015, c. 318 expanded the definition of smoking to include the use of "electronic smoking devices" (see 22 MRS §1541(1-A) and 22 MRS §1541(6)). There are also Department of Health and Human Services regulations related to smoking in public places and the workplace. 29-A MRS §2120 prohibits smoking in vehicles when a minor of any age is present. The penalty for violating this provision is \$50.

Private clubs, such as the Elks and the American Legion, are open only to members and their invited guests and are not considered "public places." Smoking is allowed if the club so chooses.

Pursuant to 22 MRS §1545, a person who violates any provision of this chapter commits a civil violation for which a fine of \$100 may be adjudged, except that a fine of up to \$1,500 may be adjudged for each violation of this chapter in cases when a person engages in a pattern of conduct that demonstrates a lack of good faith in complying with this chapter.

### 102.6 - Offenses Against Property

#### 102.6.1 – Vehicles will not block streets

No motor vehicle, truck, wagon, or any other vehicle shall be placed across any street while discharging loads, or for any other purpose, and any person violating any of the provisions of this section shall be subject to a fine of not more than ten (\$10) dollars.

#### 102.6.2 – Debris on streets

No person shall deposit, or cause to be deposited, in or upon any of the streets of the town any leaves, ~~grass clippings and should not be blown, or thrown by machine or hand into a public street,~~ dirt, manure, soot, ashes, hair, shreds, shavings, oyster or lobster shells, dead animals, staves, bricks, mason's or bricklayer's rubbish, or any animal or vegetable substance, or any rubbish or nuisance whatever. Any person violating any of the provisions of this section shall be subject to a penalty of not more than ~~ten (\$10)~~ (\$100.00) dollars.

#### 102.6.3 – Boundary monuments

No person shall remove or conceal any monument set as a street boundary in the town under a penalty of twenty-five (\$25) dollars.

#### 102.6.4 – Litter from vehicles ~~Control~~

~~No person shall operate a vehicle upon any street in such a manner that material, rubbish, refuse, junk or litter of any kind, dross, sifts, leaks, drops, or otherwise therefrom escapes or drops upon the surface of such highway, street or alley.~~

~~Subsection 102.6.4 Adopted: March 25, 1946.~~

Pursuant to 17 MRS, §2263-A, a person may not throw, drop, deposit, discard, dump or otherwise dispose of litter in any manner or amount:

- A. In or on public highway, road, street, alley, public right-of-way or other public lands, except in a container or receptacle or on property that is designated for disposal of garbage and refuse by the State or its agencies or political subdivisions;

- B. In freshwater lake, river, stream, tidal or coastal water or on ice over the water. When any litter is thrown or discarded from a watercraft, a person is in violation of this section if that person is: (1) The operator of the watercraft, unless it is a watercraft being used for the carriage of passengers for hire; or (2) the person actually disposing of the litter. This paragraph does not prohibit persons who fish, lobster or otherwise harvest from the water from returning to the water harvested products, bait and similar materials that naturally originate in the water;
- C. In or on any private property, unless: (1) Prior consent of the owner has been given; and (2) the litter is not a public nuisance or in violation of any state law or local rule
- D. From a trailer or vehicle that is constructed, loaded or uncovered in such a way that the load may drop, sift, leak or otherwise escape. This paragraph applies to vehicles or trailers carrying trash, rubbish or other materials that may be construed as "litter";
- E. From a vehicle. When any litter is thrown or discarded from a vehicle, a person is in violation of this section if that person is: (1) The operator of the vehicle, unless it is a vehicle being used for the carriage of passengers for hire; or (2) The person actually disposing of the litter.

It is a violation of this chapter for a person to intentionally release outdoors a balloon that is inflated or filled with a gas that is lighter than air, except that it is not a violation of this chapter for a person to intentionally release outdoors a balloon carrying scientific instrumentation, a balloon used for meteorological observation by a governmental or scientific organization or a hot air balloon that is recovered after launching.

Unless otherwise indicated, a person who disposes of litter in violation of this chapter commits a civil violation for which penalties apply pursuant to 17 MRS, §2264-A.

#### **102.6.5 – Defacement of public vegetation**

No person shall cut down, dig up, climb, peel, cut, deface, or injure any ornamental or shade tree, shrub or vine growing in any public streets or grounds of the town, without a written permit from the ~~board of Selectmen~~ **Select Board**.

#### **102.6.6 – Posting of signs**

No person shall post any placard, handbill, advertisement, sign, poster, notice of any kind upon any building, tree, tree-guard, fence, or any post or structure without the written consent of the owner, agent, or occupant of the same, or in the case of public property, without the written permit from the ~~Selectmen Board~~ or from some person by them duly authorized to grant the same.

#### **102.6.7 – Defacement of fixtures**

No person shall willfully injure, mar, deface, or destroy any fence, signboard, awning, lamppost, lantern, or light.

#### **102.6.8 – Public lighting**

No person shall light or extinguish any light or lamp in any public street or place, except by virtue of a contract with the town or permission from the ~~Selectmen Board~~.

#### **102.6.9 – Water infrastructure**

No person shall willfully injure or deface any standpipe or hydrant and no person shall draw off or cause to be removed any water from any standpipe or hydrant, except in case of fire, unless authorized by order of the ~~Selectmen Board~~ or fire chief; except that this provision shall not apply to officers or employees of the water Company.

#### **102.6.10 – Blocking of sidewalks**

No person shall place any box, bale of goods, or other article on any sidewalk, so as to encumber the same, nor suffer the same to remain thereon during the night; provided a reasonable time shall be allowed for receiving and delivering goods, or merchandise, or other articles, into or from any store, shop, house, or other place.

### 102.6.11 – Sweepings

No person shall sweep the dirt, ~~and dust,~~ and litter from stores or other places onto the sidewalks or streets of the town.

## 102.7 - Business and Occupations

### 102.7.1 – Peddling, hawking, and food trucks.

#### 1. Definitions.

The following terms shall have the meanings indicated as follows:

**Food Truck** A truck which has a current registration from the Maine Department of Motor Vehicles where food and/or drink is prepared and sold at retail for consumption by the public. Food trucks are not the same as peddler trucks and/or peddler carts.

**Hawker** Any person operating on public property selling, or offering for sale, to the general public merchandise from a movable structure.

**Hawking and Peddling** The business of a person who travels from place to place for the purpose of selling food, drink or merchandise at retail to the general public.

**Peddler** Any person operating on public property selling, or offering for sale, to the general public, food from a temporary movable structure such as a peddler cart, a peddler truck, a tent pop-up canopy or a food truck.

**Peddler Cart**

A. Any stand, cart or pushcart capable of being moved, which is designed and constructed to permit the preparation, sale and serving of food exclusively to the public. This cart is a temporary, mobile structure which is located in a specific place on a parcel of land and is not permanently affixed to either to the ground or to a permanent structure.

B. Any stand, cart or pushcart which is not capable of being moved shall be considered to be a structure and not covered by this chapter.

**Peddler Truck** A truck which has a current Department of Motor Vehicle license, from which only unprocessed food, such as, but not limited to, seafood, fruits and vegetables, are sold and is located on public property or on the street right-of-way subject to conformance with all traffic regulations.

#### 2. ~~Peddling or hawking~~ Vendor's License Required

~~No person shall engage in the business of hawking or peddling of goods, wares and merchandise at retail within the town limits, nor shall any person engage in the business of that of an itinerant vendor without first applying for a permit with the Town Manager.~~

- ~~1. The words "Itinerant Vendor" shall be construed to mean and include all non-resident persons who engage in a temporary or transient business in the town by promoting or selling any goods, wares, or merchandise from a car, wagon, or other conveyance.~~

It shall be unlawful for any person, firm or corporation to engage in the business of hawking and peddling of any food, drink, merchandise, article or thing without having first secured a vendor's license therefor from the Thomaston Town Office, except for any such person, firm or corporation listed in the following subsection who is not involved in the business of itinerant vending of food and drink or merchandise at retail.

This ordinance shall not apply to persons selling farm, dairy, or orchard products of their own production, or to persons selling newspapers or religious literature, or to persons selling Christmas Trees, wreaths, greens, cards, or seals; or to school age children selling magazines or other goods under public school sponsorship and all cooked food sales. Vendors who are participating in a

Town sponsored event are exempt from the fee and application process set forth within this Ordinance. Non-profit organizations and educational groups endorsed by the institution are exempt from local permitting requirements other than safety compliance.

### **3. Application & Fees**

Vendors are required to obtain permits from the Town Clerk or their designee. All permit applicants must provide written authorization from the owner of the property from which they intend to sell. Applicants must provide and display all necessary local, state, and federal licenses/permits required for their business. Permits will be granted upon payment of fees, fulfillment of above documentation and demonstration that the itinerant business will not pose pedestrian or vehicular safety concerns.

Vendors who prepare and/or serve food shall provide for waste and sanitation facilities for such business and be subject to inspection by the Code Enforcement Officer and/or Maine State Health Officials. Unsanitary or unsafe conditions may result in revocation of permit to operate as well as civil penalties. Vendors who violates any provision of this article shall be guilty of a civil violation and subject to a fine of \$50.00, plus attorney's fees for the prosecution of any such violation. Each day of any violation of this article shall be a separate offense.

Fees for vendor licenses shall be in accordance with the adopted Thomaston Fee Schedule.

~~3. All fees, if any, for the above shall be outlined in 32 M.R.S.A. Sec. 4602.~~

#### **102.7.2 – Trades and businesses**

No person shall in any part of a public street carry on any trade or business unless the same is especially allowed by law or some by-law of the town, without a written permit to do so from the ~~Selectmen Board~~ or from some person duly authorized by them to grant the same.

#### **102.7.3 – Auctions**

No person shall offer for sale or sell any goods, merchandise, or other things at public auction in any part of any public street, or from any building to any person on such street, without a written permit from the ~~Selectmen Board~~; nor shall any person while on foot carry, or display in any public street any showcard, placard or sign, without a permit as aforesaid.

### **102.8 - Offenses Involving Morals**

#### **102.8.1 – Obscene language**

No person shall in any public place or street accost any person with obscene or profane language.

#### **102.8.2 – Obscene writing or drawing**

No person shall make any indecent figure or write any indecent or obscene words upon any fence, sidewalk, building, or other public place within the city nor deface any building not his own, by cutting, breaking, daubing with paint, or in any manner deface or injure the same.

#### **102.8.3 – Exposure of body**

No person shall expose his naked body for the purpose of bathing or swimming in any of the streams or lakes or within view of any house or residence within the limits of the town.

#### **102.8.4 – Peeping**

No person shall mischievously peep through a window or look into any house or room of any house not his own.

## 102.9 - Offenses Involving Children

### ~~102.9.1 - Minors, Regulation of. [Note: Conflicts with 102.9.2]~~

~~No child under age 16 shall be or remain upon any street or other public place in the Town of Thomaston, Maine, after 9 o'clock P.M. Standard Time unless a reasonable necessity or good reason exists therefor, nor shall any parent, guardian or other person having legal custody of any minor under age 16 so allow or permit.~~

- ~~1. Any child under age 16 not accompanied by an adult found on a public street or other public place after said 9 o'clock and with no apparent necessity or good reason therefor, shall be accosted by any police officer to ascertain whether there is any necessity or good reason therefor.~~
- ~~2. If in the judgment of the police officer, no necessity or good reason exists, he they shall take the name and address of said child and his their parents or guardian, and if deemed necessary, order said minor to leave the public place or public street, and shall cause notice of violation of this section be given to said parent or guardian.~~
- ~~3. Any such parent, guardian or custodian of said minor who shall violate the provisions of this section after having received from the police officer the notice provided for herein as to a previous violation of the provisions of this section shall be liable to a penalty not exceeding five dollars for each offense after the first offense, to be recovered to the use of the Town on complaint or by other appropriate action before the Rockland Municipal Court. Any person liable to a fine hereunder may if he so elects pay five dollars to the Police Chief in lieu of being summoned to the appearing in court; in such event the Police Chief shall furnish a receipt for such payment to the violator and a copy of each receipt promptly to the Town Treasurer.~~

### 102.9.21 - Regulation of Minors and Curfew [Note: Conflicts with 102.9.1]

1. **Short title.** This section shall be known and may be cited as the Curfew Ordinance.
2. **Purposes and findings.** This is an updating of the Town of Thomaston Ordinance prescribing, in accordance with prevailing community standards, regulations for the conduct of minors on streets at night, effectively enforced, taught in the homes, internalized and adhered to for generations, all for the good of minors, for the furtherance of family responsibility, and for the public good, safety and welfare.
  - a. Thomaston Board of Selectmen Board finds that the curfew meets a very real local need, has been over the years a significant factor in minimizing juvenile delinquency and should be updated and amplified in the light of the Town of Thomaston's local situation and facts including the following:
  - b. This community sense of the proper time for cessation of outdoor activities by minors on the streets is reflected in the curfew hours declared by this ordinance which takes into consideration also the danger hours for nocturnal crime and for accumulations of minors with potential risks incident due to immaturity.
  - c. Commercial recreational facilities for juveniles are almost nonexistent and there is little or nothing for minors to do outdoors, but roam the streets, after the curfew hours which this ordinance declares.
  - d. Parental responsibility for the whereabouts of children is the norm, legal sanctions to enforce such responsibility have had a demonstrated effectiveness over the years, as parental control increases likelihood of juvenile delinquency decreases and there is a continuing need for the nocturnal curfew for minors which has achieved and will continue to achieve under local conditions the purposes hereinbefore stated.



3. **Definitions.** For the purposes of the Curfew Ordinance the following terms, phrases, words and their derivations shall have the meaning given herein.

When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular and words in the singular number include the plural. The word "shall" is always mandatory and not merely directory.

a. *Town* is the Town of Thomaston, Knox County, Maine

b. *Minor* is any person under the age of 18, or, in equivalent phrasing often employed, any person 17 or less years of age.

c. *Parent* is any person having legal custody of a minor

i. as a natural or adoptive parent,

ii. as a legal guardian,

iii. as a person who stands in loco parentis or

iv. as a person to whom legal custody has been given by order of court.

d. *Remain* means to stay behind, to tarry and to stay unnecessarily upon the streets, including the congregating of groups (or of interacting minors) totaling four or more persons in which any minor involved would not be using the streets for ordinary or serious purposes such as mere passage or going home. To implement that thought with additional precision and precaution, numerous exceptions are expressly defined in section 5 so that this is not a mere prohibitory or presence type curfew ordinance. More and more exceptions become available with increasing years and advancing maturity as appropriate in the interest of reasonable regulation which is intended by use of the meaningful phrase "be or remain" found constitutional in Baker v. Borough of Steelton, 17 Dauph. 17 (1912), a decision properly classified in Thistlewood v. Trial Magistrate for Ocean City 236 Md. 548, 204 A. 2d 688, 691 (1964) as relating to a curfew ordinance of the "remaining" type.

e. *Street* is a way or place, of whatsoever nature, open to the use of the public as a matter of right for purposes of vehicular travel or in the case of a sidewalk thereof for pedestrian travel. The term street includes the legal right of way, including but not limited to the cartway or traffic lanes, the curb, the sidewalks whether paved or unpaved, and any grass plots or other grounds found within the legal right of way of a street. The term street applies irrespective of what it be called or formally named, whether alley, avenue, court, road or otherwise.

f. *Time of night* referred to herein is based upon the prevailing standard of time, whether Eastern Standard Time or Eastern Daylight Time, generally observed at that hour by the public in the Town, prima facie the time then observed in the Thomaston Town Hall Office and police station department.

g. *Year of age* continues from one birthday, such as the seventeenth to (but not including the day of) the next, such as the eighteenth birthday, making it clear that 17 or less years of age is herein treated as equivalent to the phrase "under 18 years of age." the latter phrase in practice, unfortunately, having confused a number of persons into the mistaken thought that 18 year olds might be involved. Similarly, for example, 11 or less years of age means "under 12 years of age."

4. **Curfew for minors.** *It shall be unlawful for any person 17, or less years of age (under 18) to be or remain in or upon the streets within the Town of Thomaston at night during the period ending at 6 A. M. and beginning*

a. *at 10 P.M. for minors 11 or less years of age,*

b. *at 10:30 P.M. for minors 12 or 13 years of age, and*

c. *at 11 P.M. for minors 14 or more years of age.*

5. **Exceptions.** In the following exceptional cases a minor on a Town street during the nocturnal hours for which Subsection 4, above, is intended to provide the maximum limits of regulation (and a clear general guide for minors, their parents and their fellow citizens) shall not, however be considered in violation of the Curfew Ordinance.
- a. When accompanied by a parent of such minor.
  - b. When accompanied by an adult authorized by a parent of such minor to take said parent's place in accompanying said minor for a designated period of time and purpose within a specific area.
  - c. When exercising First Amendment rights protected by the Unites States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly. Such minor shall evidence the bona fides of such exercise by first delivering, to communications center personnel, at the Town ~~Hall~~ **Office**, where and by whom high priority messages to the Town Manager are regularly received, a written communication, signed by such minor and countersigned if practicable by a parent of such minor with their home address and telephone number, addressed to the Town Manager, specifying when, where and in what manner said minor will be on the streets at night (during hours when the Curfew Ordinance is otherwise applicable to said minor) in the exercise of a First Amendment right specified in such communication.
  - d. In case of reasonable necessity but only after such minor's parent has communicated to the Town Police ~~Station~~ **Department** personnel the facts establishing such reasonable necessity relating to specified streets at a designated time for a described purpose including points of origin and destination. A copy of such communication, or of the police record thereof, duly certified by the Chief of Police to be correct, with an appropriate notation of the time it was received and of the names and address of such parent and minor, shall be admissible evidence.
  - e. When the minor is on the sidewalk of the place where such minor resides, or on the sidewalk of either next door neighbor not communicating an objection to the police officer.
  - f. When returning home, by a direct route from (and within 30 minutes of the termination of) a school activity, or an activity of a religious or other voluntary association, of which prior notice, indicating the place and probable time of termination, has been given in writing to, and duly filed for immediate reference by, the Chief of Police or the **patrol** officer assigned by ~~him~~ **them** on duty at the police ~~station~~ **department**, thus encouraging (here as in other exceptional situations) conduct on the part of minors involved in such activities and striking a fair balance for any somewhat conflicting interests.
  - g. When authorized by special permit from the Town Manager, carried on the person of the minor thus authorized, as follows: When necessary nighttime activities of a minor, may be inadequately provided for by other provisions of this ordinance, then recourse may be had to the Town Manager, either for a regulation as provided in subsection (h) or for a special permit as the circumstances warrant. Upon the Town Manager's finding of necessity for the use of the streets to the extent warranted by a written application (as judicially approved in *People v. Walton*, 70 Cal. App.2d Supp. 862,161, P. 2d 498, 502, 503, 1945), signed by a minor and by a parent of such minor if feasible stating (a) the name, age and address of such minor, (b) the name, address and telephone number of a parent thereof, (c) the height, weight, sex, color of eyes and hair and other physical characteristics of such minor, (d) the necessity which requires such minor to remain upon the streets during the curfew hours otherwise applicable, and (e) the street or route and the beginning and ending of the period of time involved by date and hour,

the Town Manager may grant a permit in writing for the use by such minor of such streets at such hours as may be necessary. In an emergency this may be handled by telephone, or other effective communication, with a corresponding record being made contemporaneously, either to the Town Manager or if unavailable to the ~~police~~ **patrol** officer authorized by the Town Manager to act on ~~his~~ **their** behalf in an emergency, at the police ~~station~~ **department**.

- h. When authorized by regulation issued by the Town Manager in other similar cases of reasonable necessity, similarly handled but adapted to normal or necessary night-time activities of more minors than can readily be dealt with on an individual special permit basis. Normally such regulation by the Town Manager on permitting use of the streets should be issued sufficiently in advance to permit appropriate publicity through news media and through other agencies such as the school, and shall define the activity, the scope of the use of the streets permitted, the period of time involved but to extend more than 30 minutes beyond the time for termination of such activity, and the reason for finding that such regulation is reasonably necessary and is consistent with the public interest and the purposes of this Curfew Ordinance.
  - i. When the minor carries a certified card of employment, renewable each calendar month when the current facts so warrant, dated or re-issued not more than 45 days previously, signed by the Chief of Police and briefly identifying the minor, the address of his home and of his place of employment, and his hours of employment.
  - j. When the minor is, with parental consent, in a motor vehicle. This contemplates normal travel. From excess of caution, this clearly exempts bona fide interstate movement through Thomaston, particularly on normal routes such as Route #1, Beechwood, Wadsworth, Knox, High streets and Old County Road. This also exempts interstate travel beginning or ending in Rockland.
  - k. Each of the foregoing exceptions, and their several limitations such as provisions for notification, are severable, as hereinafter provided but here reemphasized; and additional, also severable, exceptions, broadening with the progress toward maturity of minors enrolled respectively in elementary, junior high and high schools, will be considered by the board as warranted by future experience illuminated by the views of student government associations, school personnel, citizens, associations, and neighborhood spokesmen, parents, officers in authority concerned positively with minors as well as with juvenile delinquency.
- 6. Parental responsibility.** It shall be unlawful for a parent having legal custody of a minor knowingly to permit or by inefficient control to allow, such minor to be or remain upon town street under circumstances not constituting an exception to, or otherwise beyond the scope of the Curfew Ordinance. The term "knowingly" includes knowledge which a parent should reasonably be expected to have concerning the whereabouts of a minor in that parent's legal custody. It is intended to continue to keep neglectful or careless parents up to a reasonable community standard of parental responsibility through an objective test. It shall, a fortiori, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such minor.
- 7. Police procedures.** A ~~police~~ **patrol officer** of the Town, upon finding or having attention called to any minor on the streets in prima facie violation of the Curfew Ordinance, normally shall take the minor to the Town Police ~~office~~ **department** where a parent shall immediately be notified to come for such minor, whereupon they shall be interrogated. This is intended to permit ascertainment, under constitutional safeguards, of relevant facts, and to centralize responsibility in the officer there and then on duty for

accurate, effective, fair impartial and uniform enforcement, and recording, thus making available experienced supervisory personnel, the best of facilities and access to information and records.

In the absence of convincing evidence such as a birth certificate, a ~~policeman~~ patrol officer on the street shall in the first instance use ~~his~~ ~~their~~ best judgment in determining age.

- a. Police procedures shall constantly be refined in the light of experience and may provide, inter alia, that the ~~policeman~~ patrol officer may deliver to a parent thereof a minor under appropriate circumstances, for example a minor of tender age near home whose identity and address may readily be ascertained or are known.
  - b. In any event such ~~policeman~~ patrol officer shall within 24 hours file a written report with the Chief of Police, or shall participate to the extent of the information for which ~~he is~~ ~~they are~~ responsible in the preparation by himself and the officer involved in such case, and in the filing, of such report within 24 hours.
  - c. When a parent, immediately called, has come to take charge of the minor and the appropriate information has been recorded, the minor shall be released to the custody of such parent. If the parent cannot be located, or fails to take charge of the minor, then the minor shall be released to the juvenile authorities, except to the extent that in accordance with police regulations, approved in advance by juvenile authorities, the minor may temporarily be entrusted to a relative, neighbor or other person who will on behalf of a parent assume the responsibility of caring for the minor pending the availability or arrival of a parent.
  - d. In the case of a first violation by a minor the Chief of Police shall by certified mail, send to a parent written notice of said violation with a warning that any subsequent violation will result in full enforcement of the Curfew Ordinance, including enforcement of parental responsibility and of applicable penalties.
- 8. Penalties.** Prevailing community standards, and the real internalization thereof or interpersonal sanctions therefore that in practice count for much, as to when minors should be off the streets, reflected in this Curfew Ordinance, are hereby undergirded with the following legal sanctions.
- a. If, after the warning notice pursuant to section 7 of a first violation by a minor, a parent violates section 6 (in connection with a second violation by said minor), this shall be treated as a first offense by the parent. For such first parental offense a parent *shall be fined \$25.00 and for each subsequent offense by a parent the fine shall be increased by an additional \$25.00, e.g. \$50.00 for the second, \$75.00 for the third offense.* The Sixth District Court, upon finding a parent guilty, shall sentence the parent to pay such fine and the costs of prosecution, and upon refusal to pay such fine and costs to be imprisoned in the jail of Knox County for a period not exceeding ten days.
  - b. Any minor who shall violate any of the provisions of the Curfew Ordinance more than three times shall be reported by the Town Manager to a society or organization whose purpose it is to take charge of incorrigibles and delinquents and proceedings shall then be taken, before the juvenile court for the treatment, supervision and rehabilitation of such minor.
  - c. A like procedure, before the juvenile authorities, shall be followed in any case where the imposing of a fine or fines upon a parent shall not be effective, or where for any other reason the provisions of the Curfew Ordinance cannot be made effective by the imposing of penalties under this Subsection 8.

9. **Construction.** Severability is intended throughout and within the provisions of the Curfew Ordinance. If any provision, including inter alia any exception, part, phrase or term, or the application thereof to any person or circumstance is held invalid, the application to other persons or circumstances shall not be affected thereby and the validity of the Curfew Ordinance in any and all other respects shall not be affected thereby. From excess of caution, the Town Manager is authorized to give advisory opinions, in writing or immediately reduced to writing, which shall be binding, and shall be adhered to by the police, until the ordinance is amended in such respect, interpreting terms, phrases, parts or any provisions. Normally such advisory opinions shall be in response to good faith, signed letters addressed to him at Watts Block questioning as (a) ambiguous, (b) as having a potentially chilling effect on constitutional rights specifically invoked, or (c) as otherwise invalid, in all three categories with respect to proposed conduct definitely described. This administrative remedy must be exhausted prior to presenting to any court a question in any of said three categories. The Town ~~Board of Selectmen~~ **Select Board** does not intend a result that is absurd, impossible of execution or unreasonable. It is intended that the Curfew Ordinance be held inapplicable in such cases, if any where its application should be unconstitutional. A constitutional construction is intended and shall be given. The Town ~~Board of Selectmen~~ **Select Board** does not intend to violate the Constitution of the State of Maine or the Constitution of the United States of America.

10. **Continuing evaluation.** The Town ~~Board of Selectmen~~ **Board** will continue its evaluation and updating of the Curfew Ordinance.

a. Accordingly, there shall be compiled and informally reported to the Town ~~Board of Selectmen~~ **Board** through effective channels (such as the normal monthly distribution by the Town Manager and Town Clerk, to each ~~Selectman~~ **Board member**, the Town Manager and the Town Clerk) all exceptional cases hereunder of reasonable necessity, the notices of school and other activities, the Town Manager's special permits and the Town Manager's regulations hereinbefore authorized, and the Town Manager's advisory opinions, for consideration by the appropriate committee and by the Town ~~Board of Selectmen~~ **Board** in further updating and continuing evaluation of the Curfew Ordinance.

b. For the same reasons, as well as for the implementation beyond these legal aspects of the basic purposes hereof, the Town Manager and relevant committees of the Town ~~Board of Selectmen~~ **Board** through their respective chairmen in coordinated efforts shall work with existing, and may organize, voluntary groups, and shall stimulate volunteer leadership, in programs of research and of action dealing constructively on neighborhood and local bases, with juvenile delinquency, and the prevention, control or containment thereof, in all its ramifications and with practicable steps toward the good life, and a better life, for minors 17 or less years of age, and with the working of the Curfew Ordinance, community-wise and in individual cases, as one much needed legal tool toward that end as well as for continuing present protection of minors, and of other persons, and of property and other interests, important to the welfare of the people of the Town of Thomaston.

*Subsection 102.10.9.2 Adopted: March 31, 1981.*

**ORIGINAL ORDINANCES REVISED: APRIL 21, 1958; JUNE 9, 1970; MARCH 29, 1976;**

**AMENDED: JUNE 14, 2023**

ARTICLE X "Shall the Town vote to adopt the revised conceptual plan of the Thomaston Green for all land south of William King Drive to be reserved open space as depicted in the attached map?"

*Note: The consensus developed at a series of public meetings regarding the Thomaston Green was a desire to reserve open space/parks on a portion of the property with other portions held for development. Any additional development must be approved by the voters.*

ARTICLE XX "Shall the Town vote to reserve a parcel of land at the Thomaston Green comprising of no more than 2.5 acres and having frontage on Route 1 for the purpose of building a new Fire/EMS Station?"

ARTICLE XXX "Shall the Town vote to authorize the Select Board to enter into a contract to sell, for a price of not less than \$\_\_\_\_\_, a parcel of land at the Thomaston Green comprising of no more than 1.5 acres and having frontage on Route 1, to Mid Coast Health Net, d.b.a. "The Knox Clinic", for the purpose of constructing a community health center?"

*Note: The Knox Clinic provides primary medical care, dental, prescription assistance, behavioral health, and wellness services. This proposal will create a center of health and wellness on the Thomaston Green that cares for all residents of Thomaston and communities in Knox County, and will offer a sliding scale and accept private, MaineCare, and Medicare insurances.*

# ARTICLE X MAP



Note: North of William King Street (Developable)= \_\_\_\_\_ acres  
South of William King Street (Open)= \_\_\_\_\_ acres

## Kara George

---

**From:** Sally Fuller  
**Sent:** Friday, April 14, 2023 10:50 AM  
**To:** Meredith Batley  
**Cc:** Kara George  
**Subject:** RE: June Public Info Picnic In Thomaston

Hi Meredith,

I spoke with Kara in regards to this event and she stated she would discuss it with the Select Board at the next meeting on April 24<sup>th</sup>.

Thank you,

Sally Fuller  
Deputy Clerk/Deputy Tax Collector/Deputy Voter Registrar  
Town of Thomaston  
13 Valley St.  
Thomaston, ME 04861  
Ph. (207)354-6107 ext. 104  
Fax. (207)354-2132  
sfuller@thomastonmaine.gov

**From:** Meredith Batley <meredith@knoxclinic.org>  
**Sent:** Friday, April 14, 2023 10:12 AM  
**To:** Sally Fuller <sfuller@thomastonmaine.gov>  
**Subject:** Re: June Public Info Picnic In Thomaston

Hi Sally,

We would love to have two public info community picnics on the Thomaston Green, but I believe I need selectboard approval for that and I haven't officially pulled that request together.

I was thinking of Monday June 5th at noon and again at 5pm, with a rain date of Tuesday June 6th at the same times.

Can you guide me on next steps to get permission to do this on the green? I'd love to publicize the events.

Thanks! cheers, Meredith

On Fri, Apr 14, 2023 at 9:24 AM Sally Fuller <[sfuller@thomastonmaine.gov](mailto:sfuller@thomastonmaine.gov)> wrote:

Good Morning Meredith,



A Thomaston resident mentioned yesterday that Knox Clinic may be hosting a public information picnic in Thomaston in June when they stopped by the office. I was just hoping to confirm if such an event was planned so we could add it to the community calendar on our town website.

I hope you have a fantastic day!

Thanks,

Sally Fuller

Deputy Clerk/Deputy Tax Collector/Deputy Voter Registrar

Town of Thomaston

13 Valley St.

Thomaston, ME 04861

Ph. (207)354-6107 ext. 104

Fax. (207)354-2132

[sfuller@thomastonmaine.gov](mailto:sfuller@thomastonmaine.gov)

--

**Meredith Batley**  
Executive Director  
Knox Clinic  
22 White St. Rockland, ME  
[meredith@knoxclinic.org](mailto:meredith@knoxclinic.org)  
207-301-6991  
pronouns - she/her

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient and may contain confidential information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

# Proclamation

54th ANNUAL PROFESSIONAL MUNICIPAL CLERKS WEEK  
April 30 - May 6, 2023

*Whereas, The Office of the Professional Municipal Clerk, a time honored and vital part of local government exists throughout the world, and*

*Whereas, The Office of the Professional Municipal Clerk is the oldest among public servants, and*

*Whereas, The Office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and*

*Whereas, Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.*

*Whereas, The Professional Municipal Clerk serves as the information center on functions of local government and community.*

*Whereas, Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations.*

*Whereas, It is most appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk.*

*Now, Therefore, we, The Municipal Officers of the Town of Thomaston, do recognize the week of April 30 through May 6, 2023, as Professional Municipal Clerks Week, and further extend appreciation to our Professional Municipal Clerk, Melissa Stevens, and Deputy Clerks, Sally Fuller, Donna Culbertson, and to all Professional Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.*

-----  
Diane Giese, Select Board Chair

Dated: Monday, April 24, 2023

Letter of Resignation

Jerome Vitale

71 Granite St Rockland, Maine 04841

April 17, 2023

Thomaston Police Department

Attn: Chief Tim Hoppe 13 Valley St

Thomaston, Maine 04861

Dear Mr. Chief Tim Hoppe,

Please accept this as formal notice of my resignation from the position of Police Officer at Thomaston Police Department, effective two ( 2) weeks from today, making my last day of employment April 29, 2023

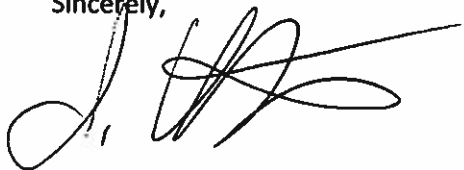
After careful consideration, I have made the decision to resign. I am relocating to Florida and will no longer be able to work at Thomaston Police Department. Working for Thomaston Police Department has been a wonderful experience that has afforded me many valuable opportunities to learn and grow, and I am very grateful to have been part of this organization.

I will do all in my power to minimize any inconvenience caused to anyone at Thomaston Police Department by my resignation. I will put forth every effort to facilitate a smooth transition, during my remaining two weeks.

Will be returning to my last job to make things easier for my family and I before moving to Florida some time this summer.

I wish you and Thomaston Police Department continued growth and success in the future.

Sincerely,

A handwritten signature in black ink, appearing to be 'J. Vitale', written over a horizontal line.

Jerome Vitale

Diane Giese – Zel Bowman-Laberge- Sandy Moore- Bill Hahn - Peter Lammert



**SELECT BOARD MEETING  
MONDAY, APRIL 24, 2023  
REGULAR MEETING: 6 P.M.**

**IN-PERSON AT 13 VALLEY STREET**

LIVE STREAMING AVAILABLE ON THE TOWN WEBSITE OR BY VISITING:

[https://www.townhallstreams.com/towns/thomaston\\_me](https://www.townhallstreams.com/towns/thomaston_me)

CAN'T ATTEND A MEETING? PLEASE SUBMIT QUESTIONS/CONCERNS TO THE TOWN MANAGER AT:

[kgeorge@thomastonmaine.gov](mailto:kgeorge@thomastonmaine.gov)

**AGENDA ADJUSTMENT:**

1. Review for approval the RSU #13 Lease agreement and Deed agreement.
2. Review for approval the Memorandum of Understanding from Maine Association for the Education of Young Children.

## AGREEMENT REGARDING USE RESTRICTION

This Agreement Regarding Use Restriction ("Agreement") is effective as of \_\_\_\_\_, 2023, and is given by **REGIONAL SCHOOL UNIT NO. 13**, a Maine regional school unit having a mailing address of 28 Lincoln St., Rockland, ME 04841 (the "RSU"), in favor of the **INHABITANTS OF THE TOWN OF THOMASTON**, a Maine body corporate and politic having a mailing address of 13 Valley St., Thomaston, Maine 04861 (the "Town").

### RECITALS

WHEREAS, the RSU conveyed certain property located in Thomaston, Knox County, Maine (the "Premises") to the Town by deed dated January 17, 2017 and recorded in the Knox County Registry of Deeds in Book 5134, Page 161 (the "Deed"); and

WHEREAS, the Deed includes a perpetual restriction, under the heading "Use Restriction," relating to the use of the Premises for certain school purposes (the "Use Restriction"); and

WHEREAS, the Town intends to enter into a lease with the RSU pursuant to which the RSU shall use a portion of the Premises for school purposes for the remainder of the current school year, ending in June, 2023, which lease may be renewed for all or a portion of the 2024-2025 school year (collectively, the "Permitted Use"); and

WHEREAS, the RSU wishes to evidence its agreement that the Permitted Use shall not constitute a violation of the Use Restriction, or cause title to the Premises to revert to the RSU.

NOW, THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the RSU hereby agrees and acknowledges that the Permitted Use shall not be deemed a violation of the Use Restriction, and shall not cause title to the Premises to revert the RSU, and that except as expressly modified by this Agreement, the Use Restriction shall remain in full force and effect and shall continue to apply to any and all uses of the Premises other than the Permitted Use.

[Signature Page Follows]

IN WITNESS WHEREOF, the parties have caused this instrument to be executed by their respective undersigned representatives, thereunto duly authorized, to be effective as of the date first set forth above.

WITNESS:

**REGIONAL SCHOOL UNIT NO. 13**

\_\_\_\_\_

By: \_\_\_\_\_  
John C. McDonald  
Its Superintendent of Schools

STATE OF MAINE  
COUNTY OF KNOX, ss.

\_\_\_\_\_, 2023

Personally appeared the above named John C. McDonald, Superintendent of Regional School Unit No. 13, and acknowledged the foregoing instrument to be his free act deed in his said capacity and the free act and deed of said Regional School Unit No. 13.

Before me,

\_\_\_\_\_  
Notary Public/Attorney at Law

Print name: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

**SEEN AND AGREED TO:**

WITNESS:

**INHABITANTS OF THE TOWN OF THOMASTON**

\_\_\_\_\_

By: \_\_\_\_\_  
Printed name:  
Title:

## Kara George

---

**From:** Steffany Tribou <stribou@rsu13.org>  
**Sent:** Thursday, April 20, 2023 8:28 PM  
**To:** Kara George  
**Cc:** John McDonald  
**Subject:** Re: External Email: Lease?

Yes, please. I have been waiting for a revised draft all week from our attorney. I expect to hear from them tomorrow morning and can send the draft along soon after. I am planning to attend Monday's meeting.

Steffany Tribou  
Assistant Superintendent  
Director of Curriculum, Assessment, and Instruction  
RSU #13  
28 Lincoln Street  
(207) 596-6620  
Rockland, Maine 04841

On Apr 20, 2023, at 3:40 PM, Kara George <kgeorge@thomastonmaine.gov> wrote:

**[WARNING]: This email originated outside RSU13. Do not reply, click on links, or open attachments unless you recognize the sender and know the content is safe.**

Hi Steffany,

I understand that it's school break week. We haven't heard back from you about the lease agreement. Were you still hoping to have this on the Select Board's agenda for Monday night? I am sending the agenda out tomorrow morning.

Thanks,

**Kara George**  
**Town Manager**  
**Town of Thomaston**  
13 Valley St.  
Thomaston, ME 04861  
Ph. (207) 354-6107  
Fax (207) 354-2132



# maineaeyc

## Maine Association for the Education of Young Children AGREEMENT between Town of Thomaston and Maine Association for the Education of Young Children ("MaineAEYC").

WHEREAS, the Town of Thomaston desires to avail itself of the expertise and services of MaineAEYC and MaineAEYC desires to make its expertise and services available to Town of Thomaston upon the terms and conditions hereinafter set forth:

NOW, THEREFORE, in consideration of the agreements herein contained, the parties hereto agree as follows:

1. Services. Jesse Ellis, from MaineAEYC, agrees to perform the following services with support from the MaineAEYC Organization during the terms of this agreement:

- a) Support meetings to bring together key stakeholders and the early childhood expertise in the community, discuss characteristics of child care / public school partnerships, and recommend strategies to support the development of a more collaborative and accessible birth to 5 early education system in Thomaston, ME.
- b) Coordinate training opportunities and access to statewide resources for early childhood programming in child care and the public schools.
- c) Ensure these services meet the goals of the Town of Thomaston.

2. Terms. The term of this Agreement shall be for part time, contracted work at an hourly rate. Termination may occur at any time at the discretion of either MaineAEYC or Town of Thomaston upon 10 days written notice to the other.

3. Compensation.

- a) Town of Thomaston shall compensate MaineAEYC for work outlined above, estimated at 120 hours over 12 months, based upon a per-hour rate of \$100. The total compensation for the delivery of services will be \$12,000.
- b) Compensation to be paid in two installments, \$3,000 to be paid in May of 2023 and \$9,000 to be paid in August of 2023.

IN WITNESS WHEREOF, MaineAEYC and Town of Thomaston, each has caused this Agreement to be signed by its duly authorized representative as of the day and year written below.

\_\_\_\_\_  
Representative for Town of Thomaston

Date\_\_\_\_\_

\_\_\_\_\_  
MAINE ASSOCIATION FOR THE EDUCATION OF YOUNG CHILDREN (MaineAEYC)

Date\_\_\_\_\_