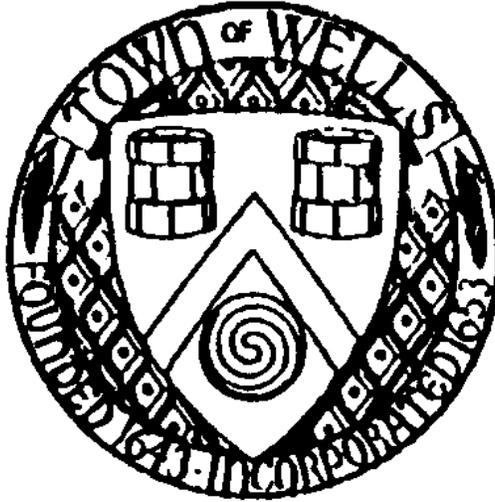


TOWN OF WELLS



Annual Town Meeting

June 14, 2011

Tuesday, June 14 – 8:00AM to 8:00PM

Warrant and Plans for the Fiscal Year 2012

Town of Wells
Town Office
P.O. Box 398
Wells, Maine 04090

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POSTAL PATRON

FY'12 PROPOSED BUDGET SUMMARY

ARTICLE	ARTICLE DESCRIPTION	BUDGET AMOUNT	TAXES	OTHER REVENUE & PASS-THROUGH	SURPLUS	RESERVES	EXPOSE FROM SURPLUS
ARTICLE 3	ESTIMATED REVENUE	\$3,643,600		\$3,643,600			
ARTICLE 4	PASS THROUGH ACCOUNTS	\$851,500		851,500			
ARTICLE 5	SALARIES	\$5,561,453	\$5,561,453				
ARTICLE 6	OPERATIONS/EXPOSE FROM SURPLUS	\$5,985,378	\$5,975,378				\$ 10,000
ARTICLE 7	POTENTIAL EMPLOYEE RELATED EXPENSES	\$75,000					\$ 75,000
ARTICLE 8	POTENTIAL TOWN LIABILITIES	\$185,000					\$ 185,000
ARTICLE 9	CAPITAL IMPROVEMENT PLAN	\$1,416,904			\$1,416,904		
ARTICLE 10	CAPITAL EXPENDITURES	\$1,157,905	\$ 300,000			276,182	\$ 581,723
ARTICLE 11	GENERAL ASSISTANCE	\$75,000					\$ 75,000
ARTICLE 12	TRANSIT BONUS PAYMENT PROGRAM	\$75,000			\$ 75,000		
ARTICLE 13	SHORELINE EXPLORER TROLLEY	\$15,000	\$ 15,000				
ARTICLE 14	FUTURE HARBOR DREDGE	\$50,000			\$ 50,000		
ARTICLE 15	NEW PUBLIC WORKS BUILDING	\$1,200,000				\$ 1,200,000	
	TOTAL MUNICIPAL BUDGET	\$16,648,140	\$11,851,831				
	Subtotals of Revenue			\$4,495,100	\$1,541,904	\$1,476,182	\$926,723
	Less Revenue & Pass Through	\$ (4,495,100)					
	Less Surplus	\$ (1,541,904)					
	Less Reserves	\$ (1,476,182)					
	Less Exposed Surplus	\$ (926,723)					
	Balance to be Raised by Taxation	\$8,208,231					

FY'12 TAX RATE INFORMATION AND PROJECTIONS

TOTAL ESTIMATED TOWN TAXES			Est. Tax Rate		
Proposed Municipal FY'12	\$ 8,208,231		\$ 2.74		
Estimated County Tax	\$ 1,505,502		\$ 0.50		
Estimated School Budget FY'12	\$ 16,050,212		\$ 5.37		
Total Estimated Tax Revenue FY'12	\$ 25,763,945		\$ 8.62		
COMPARATIVE TAX RATES	EST. FY '12	% Change	FY '11	FY '10	FY '09
TOWN	\$ 2.74	2.2%	\$ 2.68	\$ 2.53	\$ 2.59
COUNTY	\$ 0.50	-2.0%	\$ 0.51	\$ 0.49	\$ 0.46
SCHOOL	\$ 5.37	1.3%	\$ 5.30	\$ 5.28	\$ 5.17
OVERLAY					
TOTAL	\$ 8.62	1.5%	\$ 8.49	\$ 8.30	\$ 8.22
	FY '08	FY '07	FY '06	FY '05	FY '04
TOWN	\$ 2.40	\$ 2.37	\$ 2.38	\$ 2.99	\$ 3.10
COUNTY	\$ 0.45	\$ 0.42	\$ 0.44	\$ 0.58	\$ 0.56
SCHOOL	\$ 4.90	\$ 4.95	\$ 4.82	\$ 6.83	\$ 6.93
OVERLAY	\$ 0.20	\$ 0.21	\$ 0.25	\$ 0.08	\$ 0.16
TOTAL	\$ 7.95	\$ 7.95	\$ 7.89	\$ 10.48	\$10.75
VALUATIONS PROJECTED					
FY '12	2,990,920,884	0.5%			
FY '11	2,976,032,721	2.0%			
FY '10	2,916,529,150	0.5%			
FY '09	2,902,019,055	4.2%			
FY '08	2,785,388,271	2.0%			
FY '07	2,730,772,815	4.30%			
FY '06	2,618,123,433	43.63%	REVALUATION YEAR		
FY '05	1,822,770,503	7.70%			
FY '04	1,692,473,168	2.45%			
FY '03	1,652,034,307	29.85%	REVALUATION YEAR		

WARRANT

June 14, 2011
STATE OF MAINE
COUNTY OF YORK, ss.

To: Marianne Goodine, resident of the Town of Wells, County of York, and State of Maine;

GREETINGS:

In the name of the State of Maine, you are hereby required to notify and warn the Inhabitants of the Town of Wells, qualified by law to vote in Town affairs, to meet at the Wells High School Gymnasium, 200 Sanford Road in said Town of Wells on Tuesday, June 14, 2011 at 8:00 AM in the forenoon and then and there to vote on Article 1 and by secret ballot to act on all remaining Articles set out below. Pursuant to Title 21-A, Section 759(7), absentee ballots will be processed at the polls at the following times: 9:00 a.m. to 8:00 p.m. on the hour as needed.

ARTICLE 1. To elect a Moderator to preside in said meeting.

ARTICLE 2. To elect all necessary Town Officers for the ensuing terms by secret ballot.

ARTICLE 3. ESTIMATED REVENUES: Shall the Town vote to collect and appropriate the estimated amounts in Town Generated Revenue and State Revenue in the amount of \$3,643,600 to reduce the amount to be raised by taxation as shown in Table 1 of the appendix to the Annual Town Meeting Warrant?

Board of Selectmen Recommends Yes (4 in Favor/0 Against)
Budget Committee Recommends Yes (6 in Favor/0 Against)

If this Article is defeated, the appropriation for this Article shall be the amount approved at last year's Annual Town Meeting which was \$3,720,592.

ARTICLE 4. PASS THROUGH ACCOUNTS: Shall the Town vote to authorize the Town Treasurer to accept and pay out Pass Through Funds in the estimated amount of \$851,500 from specified sources as shown on Table 2 of the appendix to the Annual Town Meeting Warrant?

Board of Selectmen Recommends Yes (5 in Favor/0 Against)
Budget Committee Recommends Yes (7 in Favor/0 Against)

If this Article is defeated, the appropriation for this Article shall be the amount approved at last year's Annual Town Meeting which was \$779,500.

ARTICLE 5. SALARIES: Shall the Town vote to raise and appropriate \$5,561,453 for municipal employees salaries and wages during FY2012 as shown on Table 3 of the appendix to the Annual Town Meeting Warrant?

Board of Selectmen Recommends Yes (4 in Favor/1 Against)
Budget Committee Recommends Yes (5-1-1 in Favor/1 Against/1Abstain)

If this Article is defeated, the appropriation for this Article shall be the amount approved at last year's Annual Town Meeting which was \$5,406,728.

ARTICLE 6. OPERATIONS/EXPOSE FROM SURPLUS: Shall the Town vote to raise and appropriate by taxation \$5,975,378 and to appropriate and expend \$10,000 from the Undesignated Fund Balance (Surplus) for a total of \$5,985,378 as shown on Table 4 of the appendix to the Annual Town Meeting Warrant for the operation of municipal departments and committees during FY2012.

Board of Selectmen Recommends Yes (5 in Favor/0 Against)
Budget Committee Recommends Yes (6 in Favor/1 Against)

If this Article is defeated, the appropriation for this Article shall be the amount approved at last year's Annual Town Meeting which was \$6,634,880.

ARTICLE 7. POTENTIAL EMPLOYEE-RELATED EXPENSES: Shall the Town vote to appropriate and expend up to \$75,000 from Undesignated Fund Balance (Surplus) for the following:

Retirement Benefit Reimbursement - \$40,000 to fund payment, when necessary, of accrued benefits to employees who are retiring or leaving Town Service;

Workers Compensation – Light Duty Fund - \$25,000 to pay wages of injured employees able to work in a light duty capacity; and

Educational Reimbursement Fund- \$10,000 to fund educational course reimbursement in FY'12 for eligible union and non-union employees based on contract requirements and the Non-Union Educational Assistance Program guidelines.

Board of Selectmen Recommends Yes (4 in Favor/1 Against)
Budget Committee Recommends Yes (6 in Favor/1 Against)

If this Article is defeated, the appropriation for this Article shall be the amount approved at last year's Annual Town Meeting which was \$75,000.

ARTICLE 8. POTENTIAL TOWN LIABILITIES: Shall the Town vote to appropriate and expend up to \$185,000 from the Undesignated Fund Balance (Surplus) for the following potential liabilities:

Legal Services Fund - \$75,000 to be used at the discretion of the Board of Selectmen, following a public hearing, to fund legal services for significant legal and/or legislative matters beyond the normal legal budget;

Self Insurance Claims Coverage -\$20,000 to fund payment of the Town's deductible and other expenses associated with accepted claims made against the Town;

Emergency Fuel and Utilities Account - \$40,000 to be expended, following a public hearing by the Board of Selectmen, to cover potential shortfalls in the FY'12 fuel and utilities budgets due to the unpredictable markets for diesel, unleaded gasoline, propane and electricity;

Emergency Facility Repair and Energy Efficiency Improvement Fund - \$50,000 to be used at the discretion of the Board of Selectmen, following a public hearing, to pay for emergency repairs and

energy efficiency improvements to town-owned facilities that are not contemplated in the FY'12 operating budget.

Board of Selectmen Recommends Yes (5 in Favor/0 Against)
Budget Committee Recommends Yes (7 in Favor/0 Against)

If this Article is defeated, the appropriation for this Article shall be the amount approved at last year's Annual Town Meeting which was \$185,000.

ARTICLE 9. CAPITAL IMPROVEMENT PLAN (Proposed Additions to Fund): Shall the Town vote to appropriate and expend \$1,416,904 from the Undesignated Fund Balance to fund the CIP program as specified in Table 5 of the appendix to the Annual Town Meeting Warrant and shall the Town authorize the Board of Selectmen to expend up to the fund balance in the following reserve accounts: Infrastructure (in emergencies), Technology and Ambulance?

Board of Selectmen Recommends Yes (3 in Favor/2 Against)
Budget Committee Recommends Yes (6 in Favor/1 Against)

If this Article is defeated, the appropriation for this Article shall be the amount approved at last year's Annual Town Meeting which was \$771,900.

ARTICLE 10. CAPITAL EXPENDITURES (Appropriations (Spending) of Fund Monies): Shall the Town vote to appropriate and expend \$1,157,905 from the Capital Reserve Funds to fund the Capital Expenditures as specified in Table 5 of the appendix to the Annual Town Meeting Warrant?

Board of Selectmen Recommends Yes (4 in Favor/0 Against)
Budget Committee Recommends Yes (6 in Favor/1 Against)

If this Article is defeated, the appropriation for this Article shall be the amount approved at last year's Annual Town Meeting which was \$759,190.

ARTICLE 11. GENERAL ASSISTANCE: Shall the Town vote to appropriate and expend from the Undesignated Fund Balance up to \$75,000 to fund the Town of Wells General Assistance Program?

Board of Selectmen Recommends Yes (5 in Favor/ 0 Against)
Budget Committee Recommends Yes (7 in Favor/ 0 Against)

If this Article is defeated, the appropriation for this Article shall be the amount approved at last year's Annual Town Meeting which was \$75,000.

ARTICLE 12. TRANSIT BONUS PAYMENT PROGRAM: Shall the Town vote to: 1) Authorize the Town to participate in the MDOT Transit Bonus Payment Program, which provides an incentive to towns to fund transit programs by increasing the participating town's allocation in the Urban Rural Initiative Program; 2) Appropriate up to **\$75,000** from the Undesignated Fund Balance (Surplus), not to exceed the amount awarded to the Town as bonus payments in the local roads program, to be allocated to support the operations of the York County Community Action Transportation WAVE Program (\$40,000) and to support the operations of the Wells Shoreline Explorer Trolley Program (\$35,000) administered by the York County Community Action Transportation Program; 3) Accept up to \$75,000 in additional Urban Rural Initiative Program payments from MDOT made available through

the Transit Bonus Payment Program; and 4) Appropriate and expend the funds received subject to the conditions imposed under that Program, and authorize the Board of Selectmen to allocate the funds for such purposes?

Board of Selectmen Recommends Yes (5 in Favor/0 Against)

Budget Committee Recommends Yes (7 in Favor/0 Against)

If this Article is defeated, the appropriation for this Article shall be the amount approved at last year's Annual Town Meeting which was \$75,000.

ARTICLE 13. SHORELINE EXPLORER TROLLEY PROGRAM – LOCAL SHARE: Shall the Town vote to raise and appropriate \$15,000 for the Town's local share of the Shoreline Explorer Trolley System?

Board of Selectmen Recommends Yes (3 in Favor/1 Against/1 Abstain)

Budget Committee Recommends No (3 in Favor/4 Against)

If this Article is defeated, the appropriation for this Article shall be the amount approved at last year's Annual Town Meeting which was \$15,000.

ARTICLE 14. FUTURE HARBOR DREDGE PROJECT FUNDS: Shall the Town vote to appropriate and expend from the Undesignated Fund Balance (Surplus) \$50,000 to continue planning for the environmental/regulatory permitting of a full dredge of Wells Harbor?

Board of Selectmen Recommends Yes (5 in Favor/0 Against)

Budget Committee Recommends Yes (7 in Favor/0 Against)

If this Article is defeated, the appropriation for this Article shall be the amount approved at last year's Annual Town Meeting which was \$50,000.

ARTICLE 15. NEW PUBLIC WORKS BUILDING: Shall the Town vote to appropriate and expend from the Public Works Building Replacement Reserve (\$296,075), the Public Works Equipment Reserves (\$304,528) the Public Works Garage Study (\$5,000) and the 9B Landfill Reserve (\$594,397) for a total of \$1,200,000 to construct a new Public Works Building?

Board of Selectmen Recommends Yes (4 in Favor/1 Against)

Budget Committee Recommends Yes (7 in Favor/0 Against)

If this Article is defeated, the appropriation for this Article will be zero.

ARTICLE 16. Shall the ordinance entitled, "An Ordinance to Amend the Code of the Town of Wells to Enact Chapter 203 (Property Tax Deferral for Senior Citizens)" be enacted?

A copy of the ordinance is posted together with this warrant at Appendix 1 and is hereby incorporated by reference.

ARTICLE 17. Shall the ordinance entitled, "An Ordinance to Amend Chapter 145 (Land Use) of the Code of the Town of Wells to Add Provisions Governing Medical Marijuana Dispensaries" be enacted?

A copy of the ordinance is posted together with this warrant at Appendix 2 and is hereby incorporated by reference.

ARTICLE 18. Shall the ordinance entitled, "An Ordinance to Amend Chapter 145 (Land Use) of the Code of the Town of Wells to Add Provisions Governing Substance Abuse Treatment Programs" be enacted?

A copy of the ordinance is posted together with this warrant at Appendix 3 and is hereby incorporated by reference.

ARTICLE 19. Shall the ordinance entitled, "An Ordinance to Amend Chapter 145 (Land Use) of the Code of the Town of Wells to Revise and Clarify Current Noise Standards" be enacted?

A copy of the ordinance is posted together with this warrant at Appendix 4 and is hereby incorporated by reference.

Given under our hands this 26th day of April, 2011.

Robert Foley, Chairman

Karl Ekstedt

James Spiller, Vice Chairman

Christopher Chase

Richard Clark

APPENDICES

APPENDIX 1

An Ordinance to Amend the Code of the Town of Wells to Enact Chapter 203 (Property Tax Deferral for Senior Citizens)

NOTE: **Proposed additions to existing Code sections are underlined.**
 Proposed deletions of existing Code sections are ~~erossed-out~~.
 Other sections of the Ordinance are unchanged.

The Town of Wells hereby ordains and enacts “An Ordinance to Amend the Code of the Town of Wells to Enact Chapter 203 (Property Tax Deferral for Senior Citizens)” to read as follows:

Part 1: The Code of the Town of Wells is hereby amended to enact Chapter 203 (Property Tax Deferral for Senior Citizens) as follows:

§203-1 Purpose.

The purpose of this Chapter of the Wells Code is to provide a means for certain individuals to take advantage of the Property Tax Deferral Program for Senior Citizens enacted by the 124th Maine Legislature during its Second Regular Session, as amended, to defer certain property taxes assessed by the Town of Wells, and to enable the Town to collect those taxes at the end of the deferral period, with interest.

§203-2 Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

ELIGIBLE HOMESTEAD.

The owner-occupied principal dwelling, either real or personal property, owned by the taxpayer and the land upon which it is located. If the dwelling is located in a multi-unit building, the eligible homestead is the portion of the building actually used as the principal dwelling and its percentage of the value of the common elements and of the value of the tax lot upon which it is built. The percentage is the value of the dwelling compared to the total value of the building exclusive of the common elements, if any.

FEDERAL POVERTY LEVEL.

The non-farm income official poverty line for a family of the size involved, as defined by the Federal Office of Management and Budget and revised annually in accordance with the United States Omnibus Budget Reconciliation Act of 1981, Section 673, Subsection 2.

HOUSEHOLD.

A claimant and spouse and members of the household for whom the claimant is entitled to claim an exemption as a dependant for the year in which relief is requested.

HOUSEHOLD INCOME.

All income received by all persons of a household in a calendar year while members of the household.

TAX-DEFERRED PROPERTY.

The property upon which taxes are deferred under this Chapter.

TAXES OR PROPERTY TAXES.

Ad valorem taxes, assessments, fees and charges entered on the assessment and tax roll.

TAXPAYER.

An individual who is responsible for payment of property taxes and has applied to participate or is currently participating in the program under this Chapter.

§203-3 Eligibility Requirements.

In order to qualify for the tax deferral under this Chapter, the applicant must meet all of the following requirements when the application is filed and thereafter as long as the payment of taxes by the taxpayer is deferred:

- A. The property must be an eligible homestead where the taxpayer has resided for at least 10 years prior to application. The residency requirement of this subsection does not apply if absence from the eligible homestead was/is by reason of health.
- B. The taxpayer is an owner of the eligible homestead, is at least 70 years of age on April 1st of the first year of eligibility and occupies the eligible homestead.
- C. The household income of the taxpayer does not exceed 300% of the federal poverty level.
- D. The household income of the taxpayer may not exceed 300% of the federal poverty level during the entire period of the deferral. The applicant may be asked to provide documentation of this during the period the property tax on eligible property is deferred.
- E. There must be no prohibition to the deferral of property taxes contained in any provision of federal law, rule or regulation applicable to a mortgage, trust deed, land sale contract or conditional sale contract for which the eligible homestead is security.
- F. There must be no outstanding property taxes owed on the homestead at the time of application for deferral. The restriction imposed by this subsection may be waived if the municipal treasurer determines that the taxpayer is eligible to participate in the deferral of taxes pursuant to this Chapter but for this subsection. If such a waiver is recommended, the municipal treasurer shall forward the application with an explanation of the waiver to the Board of Selectmen for acceptance, and by majority vote of the Board of Selectmen, they shall defer the delinquent taxes subject to the provisions of this Chapter.

§203-4 Application for Deferral.

- A. An individual or two or more individuals jointly may request a deferral on the property taxes on their eligible homestead by filing an application, on a form supplied by the Town, for deferral with the municipal treasurer, after January 1st, but no later than March 31st of the first year in which deferral is requested. Nothing in this Chapter may be constructed to require a spouse of an individual to request a deferral jointly with the individual even though the spouse may be eligible to apply for deferral jointly with the individual.

- B. The application, information submitted in support of an application and files and communications relating to an application for deferral of taxes under the program are confidential. Hearings and proceedings held by the Town of Wells on an application must be held in executive session unless otherwise requested by the applicant. Nothing in this subsection applies to the recording of liens or lists, or any enforcement proceedings undertaken by the Town of Wells pursuant to this Chapter or other applicable law.
- C. The Town of Wells will make available upon request the most recent list of tax-deferred properties required to be kept and filed. The Town may also publish and release as public information statistical summaries concerning the program as long as the release of the information does not jeopardize the confidentiality of individually identifiable information.

§203-5 Determination of Eligibility.

- A. Within thirty days of receipt of the application, the municipal treasurer shall determine if all qualifications are met and take one of the following actions:
 - (1) If the municipal treasurer determines that the applicant(s) is/are eligible for the deferral, the treasurer shall approve the application and notify the Tax Collector, Tax Assessor, and the applicant(s), in writing, of this decision.
 - (2) If the municipal treasurer determines that the applicant(s) is/are not eligible for the deferral, the treasurer shall notify the taxpayer in writing with the reason for the ineligibility and notification of the right to supply additional information within ten days of receipt of the determination.
- B. If the request for property tax deferral is not accepted by the treasurer, the treasurer shall within ten days notify the taxpayer in writing with the reason for denial and the right to appeal pursuant to Section 203-6.
- C. If a guardian or conservator has been appointed for an individual otherwise qualified to obtain deferral of taxes under this Chapter, the guardian or conservator may act for that individual in complying with this Chapter.

§203-6 Appeal.

- A. Any person aggrieved by a denial of a deferral of homestead property taxes or a disqualification from deferral of homestead property taxes may file a written appeal of said determination to the Board of Selectmen, within 30 days of notification of the denial or disqualification.
- B. The Board of Selectmen shall schedule a hearing of the applicant's appeal, in executive session, within 15 days of receipt of notice of an appeal. The Board of Selectmen shall make a decision within fifteen days of the hearing, and shall notify the applicant in writing of its decision within five days of making such decision.
- C. In the event an applicant is dissatisfied with the decision of the Board of Selectmen, he or she may appeal that decision to court in accordance with the Maine Rules of Civil Procedure, Rule 80B, which governs appeals of municipal governmental action.

§203-7 Effect of Property Tax Deferral

If the taxpayer is determined to be eligible and the request for a property tax deferral is accepted, it shall have the effect of:

- A. Deferring the payment of the property taxes levied on the eligible homestead for the municipal fiscal year beginning on or after April 1st of the year the determination of eligibility is made.
- B. Continuing deferral of the payment by the taxpayer of any property taxes deferred under this Chapter for previous years that have not become delinquent.
- C. Continuing the deferral of the payment by the taxpayer of any future property taxes for as long as the provisions of this Chapter are met.
- D. If property taxes are deferred under this program, the lien established on the eligible homestead under Title 36, Section 552 of the Maine Revised Statutes continues for the purpose of protecting the municipal interest in the tax-deferred property.
- E. Interest on the deferred taxes accrues at the rate of 0.5% above the otherwise applicable rate for delinquent taxes.
- F. In order to preserve the right to enforce the lien, the Town shall record in the county registry of deeds a list of the tax-deferred properties. The list must contain a description of each tax-deferred property as listed in the municipal valuation together with all of the names of each of the taxpayers listed on the valuation. The list must be updated annually to reflect the addition or deletion of tax-deferred properties, the amount of deferred taxes accrued for each property and payments received.
- G. The recording of the tax-deferred properties under this subsection is notice that the Town claims a lien against those properties in the amount of the deferred taxes plus interest together with any fees paid to the county registry of deeds in connection with the recording. For a property deleted from the list, the recording serves as notice of release or satisfaction of the lien, even though the amount of taxes, interest or fees is not listed.

§203-8 Application.

The application for deferral under this Chapter shall be in writing on a form supplied by the Town of Wells, which may be amended from time to time by the Board of Selectmen, and shall contain the following at a minimum:

- A. A description of the eligible homestead property, which shall include the Property Tax Map and Lot Number as well as the physical address of the property.
- B. Name(s) and address(es) of the applicant(s).
- C. Date of birth(s) of the applicant(s).
- D. Social Security Number of the applicant(s).
- E. A recitation of the facts establishing the eligibility for the deferral under the provisions of this Chapter, including:
 - (1) Facts that establish that the household income was less than 300% of the federal poverty level, as defined above, for the calendar year immediately preceding the calendar year in which the application is filed; and
 - (2) Facts that show the applicant(s) has maintained the property as the primary residence for the previous ten consecutive years.
- F. A statement, upon information and belief, that the household income will be less than 300% of the federal poverty level, as defined above, for the current calendar year in which the application is made.

- G. A notice that the applicant may be required to provide evidence that the requirements of §203-3 have been met, which may include a copy of the deed for the property, and a birth certificate.
- H. A signature line which shall also have a statement notifying the applicant(s) that s/he attests, under penalty of perjury, that the statements contained in the application are true.

§203-9 Listing of Tax-Deferred Property

- A. If eligibility for deferral of homestead property is established as provided in this Chapter, the municipal treasurer shall notify the municipal assessor who shall show on a list as provided herein which property is tax-deferred property by an entry clearly designating that the property is tax-deferred property. The Treasurer shall also notify the Tax Collector of the decision to permit a property to be tax deferred.
- B. On or before December 15th of each year, the municipal treasurer shall send a notice by ordinary mail to each taxpayer who has claimed deferral of property taxes for the current tax year. The notice must:
 - (1) Inform the taxpayer(s) that the property taxes have been deferred in the current year.
 - (2) Show the total amount of deferred taxes remaining unpaid since initial application for deferral and the interest accruing thereon to November 15th of the current year.
 - (3) Inform the taxpayer(s) that voluntary payment of the deferred taxes may be made at any time, and that such payments shall first be applied to the oldest deferred taxes.
 - (4) Inform the taxpayer(s) they must notify the municipal treasurer if they no longer meet the income eligibility criteria under §203-5.
 - (5) Contain any other information that the Board of Selectmen considers necessary to facilitate administration of the homestead deferral program including, but not limited to, the right of the taxpayer to submit any amount of money to reduce the total amount of the deferred taxes and interest.

§203-10 Events Requiring Payment of Deferred Tax and Interest.

Subject to §203-11, all deferred property taxes, including accrued interest, become payable when:

- A. Death of claimant. The taxpayer who was granted a deferment of collection of property taxes on the eligible homestead dies or, if there was more than one applicant, the survivor of the taxpayers who originally applied for deferment dies.
- B. Transfer of the property. The eligible homestead is sold, or some person other than the taxpayer who received the deferment becomes the owner of the property.
- C. Taxpayer moves. The tax-deferred property is no longer occupied by the taxpayer(s) as a principal residence, except if the taxpayer(s) must be absent from the eligible homestead for health reasons.
- D. Removal of home. The tax-deferred property, a mobile or floating home, is moved out of the Town.
- E. Change in eligibility status. The taxpayer's household income was not less than 300% of the federal poverty level for the calendar year immediately preceding the date of the receipt of the annual deferral notice under §203-9.

§ 203-11 Tax payments.

- A. When it is determined that one of the events set out in § 203-10 has occurred and that a property is no longer eligible for property tax deferral under this Chapter, the treasurer shall send notice by certified mail to the taxpayer, or the taxpayer's heirs or devisees, listing the total amount of deferred property taxes, including accrued interest and costs of all the years and establishing a due and payable date. For events listed in §§ 203-10(A), (B), (C) and (E), payment is due within 45 days of the date of the notice. When the event listed in § 203-10(D) occurs, the total amount of deferred taxes is due and payable 5 days before the date of removal of the property from the Town. The notice from the treasurer shall include a statement that the lien enforcement procedures pursuant to state law apply.
- B. If the deadlines established in § 203-11(A) have not been met, the Town may enforce its lien according to governing state statute.
- C. Any partial payments accepted during the deferral period or during the 18-month redemption period provided for in state statute may not interrupt or extend the redemption period or in any way affect applicable foreclosure procedures.

§203-12 Election by Spouse to Continue Tax Deferral Continuation by Spouse.

- A. When one of the circumstances listed in §203-10 occurs, the spouse who did not or was not eligible to file an application jointly with the taxpayer may continue the property in its deferred tax status by filing an application within the time and in the manner provided in §203-4 if:
 - (1) the spouse of the taxpayer is or will be 70 years of age or older not later than 6 months from the day the circumstance listed in §203-10 occurs; and
 - (2) The property is the homestead of the spouse of the taxpayer and meets the requirements of §203-3(B).
- B. Continuation of deferral by spouse. A spouse who does not meet the age requirements of this Chapter but is otherwise qualified to continue the property in its tax-deferred status under 203-12(A) may continue the deferral of property taxes deferred for previous years by filing an application within the time and in the manner provided under this Chapter. If a spouse eligible for and continuing the deferral of taxes previously deferred under this subsection becomes 70 years of age prior to April 1st of any year, the spouse may elect to continue the deferral of previous years' taxes deferred under this subsection and may elect to defer the current assessment year's taxes on the homestead by filing an application within the time and in the manner provided in this Chapter. Thereafter, payment of the taxes levied on the homestead and deferred under this subsection and payment of taxes levied on the homestead in the current assessment year and in future years may be deferred in the manner provided in and subject to this Chapter.

§203-13 Voluntary Payment of Deferred Tax.

- A. All payments of deferred taxes shall be made directly to the Town of Wells.
- B. Subject to § 203-13(C) below, all or part of the deferred taxes and accrued interest may at any time be paid by:

- (1) The taxpayer or the spouse of the taxpayer; or
- (2) The next of kin of the taxpayer, heir at law of the taxpayer, child of the taxpayer, or any person having or claiming a legal or equitable interest in the property.
- C. A person listed in §203-13(B)(2) may make the payments only if no objection is made by the taxpayer within 30 days after the Town deposits in the mail notice to the taxpayer of the fact that the payment has been tendered.
- D. Any payment made under this section shall be applied first against the oldest taxes and any remainder against other deferred taxes. This payment does not affect the deferred-tax status of the property. Unless otherwise provided by law, this payment does not give the person paying the taxes any interest in the property or any claim against the estate, in the absence of a valid agreement to the contrary.
- E. When the deferred taxes are paid in full and the property is no longer subject to deferral, the Treasurer shall prepare and record in the York County Registry of Deeds a certification of payment in the form of an affidavit by the Tax Collector that payment has been made.

§203-14 Limitations.

Nothing in this Chapter is intended or may be construed to:

- A. Prevent the collection, by foreclosure, of property taxes which become a lien against tax-deferred property.
- B. Affect any provision or provisions of any mortgage, or other instrument relating to land, requiring a person to pay taxes.

§203-15 Separability Clause.

If any provision of this Chapter is held invalid, the other provisions of the Chapter will not be affected thereby.

Part 5: Effective Date.

This Ordinance shall take effect immediately upon enactment by the town meeting.

APPENDIX 2

An Ordinance to Amend Chapter 145 (Land Use) of the Code of the Town of Wells to Add Provisions Governing Medical Marijuana Dispensaries

NOTE: Proposed additions to existing Code sections are underlined.
Proposed deletions of existing Code sections are ~~crossed-out~~.
Other sections of the Ordinance are unchanged.

The Town of Wells hereby ordains and enacts “An Ordinance to Amend Chapter 145 (Land Use) of the Code of the Town of Wells to Add Provisions Governing Medical Marijuana Dispensaries” to read as follows:

Part 1: Article II (Word Usage and Definitions), § 145-10, entitled “Definitions” is hereby amended as follows:

Marijuana Paraphernalia.

Marijuana paraphernalia shall be defined in the same way as defined by the Maine Department of Health and Human Services in its Rules Governing the Maine Medical Use of Marijuana Program, 10-144 CMR, Chapter 122, § 1.24, as amended.

Medical Use of Marijuana.

Medical use of marijuana means the acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a registered patient’s debilitating medical condition or symptoms associated with the registered patient’s debilitating medical condition. See also Maine Department of Health and Human Services’ Rules Governing the Maine Medical Use of Marijuana Program, 10-144 CMR, Chapter 122, 1.21, as amended.]

Registered Marijuana Dispensary.

A registered marijuana dispensary means a not-for-profit entity registered pursuant to the Maine Medical Use of Marijuana Program that acquires, possesses, cultivates, manufactures, delivers, transfer, transports, sells, supplies or dispenses marijuana, paraphernalia or related supplies and educational materials to registered patients who have designated the registered marijuana dispensary to cultivate marijuana for their medical use and the registered primary caregivers of those patients. See also Maine Department of Health and Human Services’ Rules Governing the Maine Medical Use of Marijuana Program, 10-144 CMR, Chapter 122, 1.29, as amended.

Stand-alone Registered Marijuana Dispensary.

A Registered Marijuana Dispensary which is not operated as part of a hospital, nursing home, hospice, or other medical practice, or which may be operated as part of a hospital, nursing home, hospice, or other medical practice but which is not located at the primary facility of such hospital nursing home, hospice, or other medical practice.

Part 2: Article V (District Regulations), § 145-24, entitled “Residential-Commercial District” is hereby amended as follows:

- C. Permitted uses requiring the approval of a site plan. The following uses are permitted upon obtaining site plan approval and any required permits from the Code Enforcement Officer:
 - (26) Registered Marijuana Dispensary (Note: a Registered Marijuana Dispensary will only be permitted on a lot within this District which lot either has frontage along Route One, or is located within 150 feet of Route One.)
 - (267) Restaurant, standard, containing 36 seats or fewer and located west of Route 1 and east of the turnpike on Route 109.
 - (278) School, public and private.
 - (289) Seasonal cottage complex.
 - (30) Stand-alone Registered Marijuana Dispensary.

Part 3: Article V (District Regulations), §145-26, entitled “General Business District” is hereby amended as follows:

- C. Permitted uses requiring the approval of a site plan. The following uses are permitted upon obtaining site plan approval and any required permits from the Code Enforcement Officer:
 - (33) Registered Marijuana Dispensary
 - (334) Restaurant, standard.
 - (345) Restaurant, fast-food.
 - (356) Sawmill producing less than 100,000 board feet of lumber per year.
 - (367) School, public and private.
 - (378) Tent and recreational vehicle park. (See § 145-50.)
 - (389) Transportation facility.
 - (3940) Seasonal cottage complex. (See § 145-52.)
 - (41) Stand-alone Registered Marijuana Dispensary.

Part 4: Article VII (Performance Standards), is hereby amended to add the following section:

§145-58.2. Registered Marijuana Dispensary

- A. Stand-Alone Registered Marijuana Dispensaries are allowed subject to the following performance standards in addition to the requirements of the districts in which the Dispensaries are located.
- B. Notwithstanding any other provision of the Wells Code, all Registered Medical Marijuana Dispensaries must be reviewed by the Wells Planning Board, and not by the Staff Review Committee.
- C. Registered Marijuana Dispensaries must meet all of the standards and conditions imposed by the Maine Department of Health and Human Services issued under the aegis of the Maine Medical Use of Marijuana Program.
- D. Notwithstanding the Maine Department of Health and Human Services Rules Governing the Maine Medical Use of Marijuana Program, no Registered Marijuana Dispensary in Wells

- may be located where any of the lot lines of the lot on which the dispensary will be located are within 1000 feet of the lot line of any pre-existing public or private school facility; or any pre-existing and licensed child care facility.
- E. There shall be opaque windows or walls for any building involved in the cultivation of marijuana, so that the interior is completely screened from lot lines and from any person passing along the normal street boundaries of the lot on which it is located.
- F. All buildings associated with a Medical Marijuana Dispensary or cultivation facility, including the growing facility itself, shall be protected by use of fire suppression sprinkler systems, or other effective fire suppression system that may be approved by the Chief of the Wells Fire Department.
- G. The dispensary shall have a Knox Box or shall provide the Fire Department with the necessary information to allow entry by Fire Department personnel in the event of an emergency at the location.
- H. A Medical Marijuana Dispensary shall have at least 1 parking space for each employee on the two largest shifts combined, and such additional parking as may be required by the Planning Board.
- I. With any Medical Marijuana Dispensary abutting a residential use in a residential zoning district, the setback shall be equal to at least two times the required structure setback or 25 feet, whichever is greater (e.g., required fifteen-foot setback x 2 = 30 feet). This set back requirement shall not be required when the lot adjacent to any proposed medical marijuana dispensary is undeveloped. In such case, the normal set back requirements of the zoning district in which the facility is to be located shall govern.
- J. The operator of a Medical Marijuana Dispensary must provide a security plan to the Chief of Police for the Town of Wells, who will provide the Planning Board with a report and recommendations for specific conditions of approval as regards required security measures to be incorporated. The requirements for this plan should be coordinated with the requirements for any security plan that the State of Maine may require for such a facility.
- K. The hours of operation for any Medical Marijuana Dispensary, including the hours that persons other than staff of the facility may be present at a Cultivation Facility, shall be limited. No sales or dispensing of materials may take place prior to 7:00AM nor later than 8:00PM on any day.
- L. Signs for a Medical Marijuana Dispensary or cultivation facility may not contain any visual depiction of marijuana or marijuana paraphernalia.

Part 5: Effective Date.

This Ordinance shall take effect immediately upon enactment by the town meeting.

APPENDIX 3

An Ordinance to Amend Chapter 145 (Land Use) of the Code of the Town of Wells to Add Provisions Governing Substance Abuse Treatment Programs

NOTE: Proposed additions to existing Code sections are underlined.
Proposed deletions of existing Code sections are ~~crossed-out~~.
Other sections of the Ordinance are unchanged.

The Town of Wells hereby ordains and enacts “An Ordinance to Amend Chapter 145 (Land Use) of the Code of the Town of Wells to Add Provisions Governing Substance Abuse Treatment Programs” to read as follows:

Part 1: Article II (Word Usage and Definitions), § 145-10, entitled “Definitions” is hereby amended as follows:

Drug Abuse Shelter:

A drug abuse shelter is a facility that provides food, lodging and clothing for abusers of alcohol and other drugs, for the purpose of protecting and maintaining life and providing motivation for alcohol and drug treatment. This definition is not intended to apply to off-site meetings of alcoholics anonymous, narcotics anonymous (or other similar support groups), or to off-site private or group counseling sessions with mental health professionals.

Freestanding Residential Detoxification Program (ASAM Level III 7-D/medically monitored inpatient detoxification):

A freestanding residential detoxification program provides care to persons whose withdrawal signs and symptoms indicate the need for 24-hour residential care. Services include a biopsychosocial evaluation, medical observation, monitoring, and treatment, counseling, and follow-up referral. However, the full resources of an acute care general hospital or a medically managed intensive inpatient treatment program are not necessary. Services must be conducted in a freestanding or other appropriately licensed healthcare or addiction treatment facility. This definition is not intended to apply to off-site meetings of alcoholics anonymous, narcotics anonymous (or other similar support groups), or to off-site private or group counseling sessions with mental health professionals.

Private Non-Medical Institution (PNMI):

A private non-medical institution means a substance abuse treatment program, billing under the MaineCare Benefits Manual, 10-144 CMR c. 101, Ch. II and Ch. III, Section 97, and which meets additional requirements, as outlined herein. This definition is not intended to apply to off-site meetings of alcoholics anonymous, narcotics anonymous (or other similar support groups), or to off-site private or group counseling sessions with mental health professionals.

Part 2: Article V (District Regulations), § 145-24, entitled “Residential-Commercial District” is hereby amended as follows:

C. Permitted uses requiring the approval of a site plan. The following uses are permitted upon obtaining site plan approval and any required permits from the Code Enforcement Officer:

- (15) Drug Abuse Shelter. (Note: a Drug Abuse Shelter will only be permitted on a lot within this District which lot either has frontage along Route One, or is located within 150 feet of Route One.)
- (156) Elderly housing.
- (17) Freestanding Residential Detoxification Program. (Note: a Freestanding Residential Detoxification Program facility will only be permitted on a lot within this District which lot either has frontage along Route One, or is located within 150 feet of Route One.)
- (168) Function hall without commercial-type cooking facilities.
- (179) Housekeeping cottage complex. (See § 145-52.)
- (4820) Housing, congregate.
- (4921) Medical care facility, excluding hospitals.
- (202) Municipal facility.
- (243) Museum.
- (224) Neighborhood convenience store, excluding sale of motor vehicle fuels and including a restaurant area not exceeding 15 seats.
- (235) Nursing home.
- (26) Private Non-Medical Institution (PNMI).
- (247) Public utility facility.
- (258) Recreation, active.
- (269) Restaurant, standard, containing 36 seats or fewer and located west of Route 1 and east of the turnpike on Route 109.
- (2730) School, public and private.

~~(2831)~~ Seasonal cottage complex. (See § 145-52.)

Part 3: Article V (District Regulations), §145-26, entitled “General Business District” is hereby amended as follows:

C. Permitted uses requiring the approval of a site plan. The following uses are permitted upon obtaining site plan approval and any required permits from the Code Enforcement Officer:

(16) Drug Abuse Shelter.

(167) Elderly housing.

(18) Freestanding Residential Detoxification Program.

(179) Function hall.

~~(1820)~~ Hotel/motel. (See § 145-52.)

~~(1921)~~ Housekeeping cottage complex. (See § 145-52.)

~~(202)~~ Housing, congregate.

~~(213)~~ Life care facility.

~~(224)~~ Medical care facility.

~~(235)~~ Municipal facility.

~~(246)~~ Museum.

~~(257)~~ Neighborhood convenience store.

~~(268)~~ Nursing home.

~~(279)~~ Parking lot, commercial.

~~(30)~~ Private Non-Medical Institution (PNMI).

~~(2831)~~ Public transportation shelter.

- (~~2932~~) Public utility facility.
- (~~303~~) Recreation, active.
- (~~314~~) Recreation, high-intensity commercial.
- (~~325~~) Recreation, low-intensity commercial.
- (~~336~~) Restaurant, standard.
- (~~347~~) Restaurant, fast-food.
- (~~358~~) Sawmill producing less than 100,000 board feet of lumber per year.
- (~~369~~) School, public and private.
- (~~3740~~) Tent and recreational vehicle park. (See § 145-50.)
- (~~3841~~) Transportation facility.
- (~~3942~~) Seasonal cottage complex. (See § 145-52.)

Part 4: Article VII (Performance Standards), is hereby amended to add the following section:

§145-59.2. Substance abuse treatment programs.

- A. Clinics, institutions, or other entities designed and operated for the treatment of drug abuse and operating under the Regulations for Licensing and Certifying of Substance Abuse Treatment Programs issued by the Maine Department of Health and Human Services Division of Licensing and Regulatory Services are permitted subject to the following performance standards in addition to the requirements of the districts in which they are located.
- B. Notwithstanding any other provision of the Wells Code, all clinics, institutions, or other entities designed and operated for the treatment of drug abuse and operating under the Regulations for Licensing and Certifying of Substance Abuse Treatment Programs issued by the Maine Department of Health and Human Services Division of Licensing and Regulatory Services must be reviewed by the Wells Planning Board, and not by the Staff Review Committee.
- C. Clinics, institutions, or other entities designed and operated for the treatment of drug abuse and operating under the Regulations for Licensing and Certifying of Substance Abuse Treatment Programs issued by the Maine Department of Health and Human Services Division of Licensing and Regulatory Services must meet all of the standards and conditions imposed by the Maine Department of Health and Human Services.
- D. No clinics, institutions, or other entities designed and operated for the treatment of drug abuse and operating under the Regulations for Licensing and Certifying of Substance Abuse Treatment Programs issued by the Maine Department of Health and Human Services Division of Licensing and

Regulatory Services in Wells may be located where any of the lot lines of the lot on which the activity will be located are within 1000 feet of the lot line of any pre-existing public or private school facility; or any pre-existing and licensed child care facility.

- E. All buildings associated with a clinic, institution, or other entity designed and operated for the treatment of drug abuse and operating under the Regulations for Licensing and Certifying of Substance Abuse Treatment Programs issued by the Maine Department of Health and Human Services Division of Licensing and Regulatory Services shall be protected by use of fire suppression sprinkler systems, or other effective fire suppression system that may be approved by the Chief of the Wells Fire Department.
- F. The clinic, institution, or other entity designed and operated for the treatment of drug abuse and operating under the Regulations for Licensing and Certifying of Substance Abuse Treatment Programs issued by the Maine Department of Health and Human Services Division of Licensing and Regulatory Services shall have a Knox Box or shall provide the Fire Department with the necessary information to allow entry by Fire Department personnel in the event of an emergency at the location.
- G. A clinic, institution, or other entity designed and operated for the treatment of drug abuse and operating under the Regulations for Licensing and Certifying of Substance Abuse Treatment Programs issued by the Maine Department of Health and Human Services Division of Licensing and Regulatory Services shall have at least 1 parking space for each employee on the two largest shifts combined, and such additional parking as may be required by the Planning Board.
- H. With any clinic, institution, or other entity designed and operated for the treatment of drug abuse and operating under the Regulations for Licensing and Certifying of Substance Abuse Treatment Programs issued by the Maine Department of Health and Human Services Division of Licensing and Regulatory Services abutting a residential use in a residential zoning district, the setback shall be equal to at least two times the required structure setback or 25 feet, whichever is greater (e.g., required fifteen-foot setback x 2 = 30 feet). This set back requirement shall not be required when the lot adjacent to any such proposed use is undeveloped. In such case, the normal set back requirements of the zoning district in which the facility is to be located shall govern.
- I. The operator of a clinic, institution, or other entity designed and operated for the treatment of drug abuse and operating under the Regulations for Licensing and Certifying of Substance Abuse Treatment Programs issued by the Maine Department of Health and Human Services Division of Licensing and Regulatory must provide a security plan to the Chief of Police for the Town of Wells, who will provide the Planning Board with a report and recommendations for specific conditions of approval as regards required security measures to be incorporated. The requirements for this plan should be coordinated with the requirements for any security plan that the State of Maine may require for such a facility.

Part 5: Effective Date.

This Ordinance shall take effect immediately upon enactment by the town meeting.

APPENDIX 4

An Ordinance to Amend Chapter 145 (Land Use) of the Code of the Town of Wells to Revise and Clarify Current Noise Standards

The Town of Wells hereby ordains and enacts “An Ordinance to Amend Chapter 145 (Land Use) of the Code of the Town of Wells to Revise and Clarify Current Noise Standards” to read as follows:

Part 1: Article II (Word Usage and Definitions), § 145-10, entitled “Definitions” is hereby amended as follows:

Daytime Hours.

The hours between 7:00 AM and 10:00 PM Monday through Saturday; and the hours 9:00AM through 9:00PM on Sundays.

Emergency Vehicle.

Any motor vehicle authorized by a town, county, state or federal authority to have sound warning devices such as sirens and bells, which can lawfully be used when responding to an emergency.

Emergency Work.

Work made necessary to restore property to a safe condition following an emergency, or work required to protect persons or property from exposure to imminent danger.

Excessive, Unnecessary or Unreasonable Noise.

Any sound that is plainly audible for a distance from the source as set forth in § 145-45 of the Wells Code which endangers or injures the safety or health of humans or animals, or annoys or disturbs a reasonable person of normal sensibilities. If the sound source under investigation is a sound amplification or reproduction device, the enforcement officer need not determine the title of a song, specific words, or the artist performing the song. The detection of the rhythmic bass component of the music may be sufficient to constitute excessive or unreasonable noise.

Nighttime Hours.

All hours other than daytime hours as defined.

Plainly Audible.

Any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound.

Part 2: Article VI (Town Wide Regulations), § 145-45, entitled “Noise” is hereby amended as follows:

A. Purpose. Excessive sound and vibrations are serious hazards to the public health, welfare, safety and quality of life. It is the policy of the Town of Wells to prevent excessive stationary sound and vibration, which may jeopardize the health, welfare or safety of its residents or degrade the quality of life. This ordinance shall apply to the control of all stationary sound and vibration originating in the Town of Wells.

This ordinance is not designed to impede any person’s First Amendment rights of freedom of speech. This ordinance is not designed to impede the growth or economic health of the commercial or industrial sectors of the Town of Wells. This ordinance is designed to prohibit excessive and unreasonable sound and vibrations that are hazards to the public health, welfare, safety and quality of life only.

~~A. Permitted sound pressure levels. The maximum permissible sound pressure level produced by any activity (existing or future) on a lot shall not exceed the following limits measured at any lot line of any receiving lot at a height of at least four feet above the ground surface:~~

Sound Pressure Level Limits

District	7:00 a.m. to 10:00 p.m.		10:00 p.m. to 7:00 a.m.	
	dB(A)	dB(C)	dB(A)	dB(C)
LI and QM Districts	70	82	60	70
GB and BB Districts	65	75	55	58
All other districts	60	70	55	58

~~(1) Where the emitting and receiving premises are in different zones, the limits governing the stricter zone shall apply to any regulated noise entering that zone.~~

~~(2) In any one day the sound pressure levels emitting from a lot may exceed the above standards by 10 dB(A) for a single period not exceeding 15 minutes.~~

B. Violation. It is unlawful, and a violation of the Wells Code to make, emit, continue, or cause to be made, emitted or continued, any excessive, unnecessary or unreasonable noise beyond the boundaries of a person’s property in excess of the noise levels established in the Wells Code. Where multiple residences or businesses exist within the confines of a structure, the limits of one’s occupancy rights shall be considered the boundary for purposes of measuring noise.

~~B. Noise shall be measured with a sound level meter meeting the standards of the American National Standards Institute (ANSI SI 4 1983, American Standard Specification for General Purpose Sound Level Meters). The instrument shall be set to the A or C weighted scale and the meter to the slow response. Measurements shall be conducted in accordance with ANSI SI 2 1962, American Standard Meter for the Physical Measurements of Sound.~~

C. Maximum noise level. The maximum permissible noise level produced by any activity (existing or future) on a lot shall not exceed the following limits:

- (1) Music, amplified or acoustic, not otherwise exempt, that is plainly audible and excessive, unnecessary or unreasonable at a point, not on the property where the music originates, but at the location where the complaint is made.
- (2) Other noise levels, not otherwise exempt, plainly audible and excessive, unnecessary or unreasonable at the location where the complaint is made.

C. Exemptions. The following shall be exempt from standards of Subsection

- ~~(1) Natural phenomena.~~
- ~~(2) Any siren, whistle, bell or other signal lawfully used by emergency vehicles or any alarm or warning device used in an emergency situation or to warn people of danger.~~
- ~~(3) Warning devices required by the Occupational Safety and Health Administration or other governmental safety regulations.~~
- ~~(4) Farming equipment or farming activity between the hours of 7:00 a.m. and 10:00 p.m.~~
- ~~(5) Timber harvesting and milling (felling trees, removing logs from woods and sawing and milling into finished product) between the hours of 7:00 a.m. and 10:00 p.m.~~
- ~~(6) Noise from domestic power equipment such as, but not limited to, chain saws, sanders, grinders, lawn and garden tools or similar devices operated between 7:00 a.m. and 10:00 p.m.~~
- ~~(7) Noise generated by any construction or demolition equipment which is operated between the hours of 7:00 a.m. and 10:00 p.m.~~
- ~~(8) Emergency maintenance, construction or repair work.~~
- ~~(9) Noise created by refuse and solid waste collection between the hours of 7:00 a.m. and 10:00 p.m.~~
- ~~(10) Noise created by any municipal sponsored events, municipal beach cleaning, school sporting events, parades and Town approved fireworks displays.~~

D. Exemptions. The following shall be exempt from the standards of 145-45(C):

- (1) Natural phenomena.
- (2) Church bells rung as part of any official church ceremony or service, and tower clock bells ringing the hour during daytime hours, provided that at no time shall such duration exceed fifteen (15) minutes.
- (3) Any siren, whistle, or bell lawfully used by emergency vehicles or any other alarm systems used in any emergency situation, provided, however, that burglar alarms not terminating within fifteen (15) minutes after being activated shall be unlawful.
- (4) Warning devices required by the Occupational Safety and Health Administration or other state or federal governmental safety regulations.
- (5) Farming equipment or farming activity.
- (6) Timber harvesting and milling during daytime hours.
- (7) Noise from domestic power equipment such as, but not limited to, chain saws, sanders, grinders, lawn and garden tools or similar devices operated during daytime hours.
- (8) Noise generated by any construction, demolition equipment, or mineral extraction (including crushing, screening, or segregating) operated during daytime hours as per the Ordinance or site plan approval, whichever is more restrictive.
- (9) Emergency maintenance, construction or repair work.
- (10) Noise created by refuse and solid waste collection during daytime hours.

- (11) Noise created by any municipal-sponsored events, municipal beach cleaning, school sporting events, parades and Town-approved fireworks displays.
- (12) Noises created by plows, trucks and other equipment used in the removal of snow.
- (13) Noise from any aircraft operated in conformity with, or pursuant to, Federal law, Federal air regulations, and air traffic control instruction, including any aircraft operating under technical difficulties, any kinds of distress, or under emergency orders of air traffic control.
- (14) Noise from trains operating in conformity with or pursuant to all applicable State and Federal laws and regulations.
- (15) Emergency or extraordinary situations.
- (16) A business may use an outside sound system to notify patrons waiting to pick up an order, obtain a table, or to be able to participate in the activities of the business, provided that such sound does not create an excessive, unnecessary or unreasonable noise.
- (17) Noise from the operation of air conditioning or refrigeration units, which are part of the normal operation of a business or businesses located on the premises and which are necessary and normal to the operation of said business, and which air conditioning or refrigeration units are regularly serviced and kept in good repair.
- (18) Noise from any idling vehicles at a commercial establishment in the process of loading or unloading merchandise for the establishment, or waiting for the opportunity to do the same.

D. The removal or disabling of any noise-suppression device on any equipment is prohibited. Any noise-suppression device on equipment shall be maintained in good working order.

E. Enforcement. Notwithstanding §145-63 of this chapter, this section may be enforced by any of the following methods:

- (1) A violation of this section may be considered a land use violation and the enforcement procedures in § 145-63 may be invoked by the Code Enforcement Officer.
- (2) A violation of this section may be treated as a civil violation as defined by 17-A M.R.S.A. § 4-B and enforced by a law enforcement officer according to the procedures specified in 17-A M.R.S.A. § 17 and Rule 80H of the Maine Rules of Civil Procedure.
- (3) A violation of this section may also be considered the creation of a loud and unreasonable noise as prohibited by 17-A M.R.S.A. § 501 (Offenses Against the Public Order: Disorderly Conduct), provided that neither the Town of Wells nor any of its employees may initiate proceedings alleging a violation of both the Town ordinance and the state statute against the same person or persons for the same incident.
- (4) With regard to a business with a Special Entertainment Permit issued under the authority of the Town of Wells, the municipal police and/or a Code Enforcement Officer for the Town of Wells shall have the authority to order that business to cease operation of the violation immediately upon a second visit to the premises within a two hour period, or a third visit within a 24-hour period beginning with the time of the first visit to investigate a noise complaint, when a police officer or a Code Enforcement Officer has on the previous visit(s) heard plainly audible noise in violation of this ordinance, and has reported that to the owner of the property or the person responsible for the excessive or unreasonable noise. The on-duty Municipal Police Supervisor shall accompany a police officer or Code Enforcement Officer responding to subsequent second and/or third noise complaints and shall have the

authority to immediately cease operations of the violation source. The Special Entertainment may not resume within a 12 hour period thereafter.

Part 3: Article IX (Mass Gathering), § 150-78, entitled “Permit Application” is hereby amended as follows:

I. Sound. That reasonable precautions will be taken to ensure that the sound of the assembly will not carry unreasonably beyond the boundaries of the area. ~~The noise level at the perimeter of the site will not exceed the decibel level~~ Noise levels shall not exceed the standards set forth in Chapter 145, Land Use, § 145-45 of the Wells Municipal Code.

Part 4: Effective Date.

This Ordinance shall take effect immediately upon enactment by the town meeting.

TABLE 1
FY 2012 MUNICIPAL REVENUE PROJECTIONS

<u>DESCRIPTION</u>	<u>FY11</u> <u>BUDGET</u>	<u>FY12</u> <u>PROJ</u> <u>BUDGET</u>	<u>CHANGE</u>
Town Clerk Fees-Lodging	25,000	26,000	1,000
Town Clerk Fees-Other-(Marriage lic, etc)	17,000	23,000	6,000
Town Clerk Fees-H&F Agent	2,500	2,500	0
Liquor Licenses	1,800	1,800	0
Boat Excise Taxes	11,000	11,000	0
RV Registration	24,000	35,000	11,000
Background Checks	500	1,000	500
Legal Ads	2,500	3,500	1,000
Vitals State	0	900	900
Kennels	400	400	0
Sportsmen Licenses, etc.	25,000	30,000	5,000
Dog- M/F	8,000	7,800	-200
Total Town Clerk	117,700	142,900	25,200
Auto Excise Tax	1,800,000	1,800,000	0
Interest & Penalties	65,000	90,000	25,000
Auto Registrations	30,000	30,000	0
Interest Earned	100,000	90,000	-10,000
Cable TV Fees	100,000	120,000	20,000
Chick A Dee Fund	500	500	0
Parking Lots	225,000	295,000	70,000
Admin Misc.	10,000	6,000	-4,000
State-Municipal Revenue Sharing	160,000	160,000	0
Snowmobile	1,500	1,500	0
Tree Growth	36,000	0	-36,000
Homestead	90,000	0	-90,000
BETE reimbursement	30,000	0	-30,000
Sub Total- Gen Office	2,648,000	2,593,000	-55,000
Appeals Board	1,000	1,000	0
Plumbing permits	10,000	12,000	2,000
Building permits	100,000	90,000	-10,000
Street Openings	500	500	0
Code Enforcement Fines	3,500	3,500	0
Base Fee	10,000	25,000	15,000
Re- Inspections	500	500	0
ZBA Legal	1,000	1,000	0
ZBA Postage	500	500	0
Flood	10,000	5,000	-5,000
Plumb Surcharge	0	700	700
Miscellaneous	3,500	3,000	-500
Sub Total CODE	140,500	142,700	2,200

<u>DESCRIPTION</u>	<u>FY11</u> <u>BUDGET</u>	<u>FY12</u> <u>PROJ</u> <u>BUDGET</u>	<u>CHANGE</u>
Sub Total Planning	26,500	12,000	-14,500
Gun Permits	1,000	1,000	0
Accident Reports	1,500	1,500	0
Police Fines	3,500	3,500	0
Police Alarms	2,500	2,500	0
Outside detail	0		0
Misc	0	2,000	2,000
Sub Total Police	8,500	10,500	2,000
Tires	2,200	1,500	-700
Trash Bags	1,200	0	-1,200
Cardboard	4,000	7,500	3,500
Trash	145,000	180,000	35,000
White Goods	4,500	4,500	0
Transfer Station- Demo	80,000	90,000	10,000
Shingles	12,000	12,000	0
Direct to MERC	7,000	8,000	1,000
Wood	7,000	8,000	1,000
Metal	11,000	12,000	1,000
Brush	6,000	7,000	1,000
Furniture	4,000	5,000	1,000
Misc.	7,000	6,000	-1,000
Sub Total Transfer Station	290,900	341,500	50,600
Harbor Revenue			
Restaurant Lease	30,000	40,000	10,000
Marina Lease	4,000	4,000	0
Sub Total Harbor	34,000	44,000	10,000
Library	7,000	9,000	2,000
Park Recreation Programs-Summer	187,200	160,000	-27,200
Park Recreation Programs-Fall	17,800	19,000	1,200
Park Recreation Programs-Winter	39,600	39,000	-600
Park Recreation Programs- Spring	29,400	30,000	600
Subtotal Park Rec	274,000	248,000	-26,000
MDOT- URIP	173,492	100,000	-73,492
Totals	3,720,592	3,643,600	-76,992

**TABLE 2
FY 2012 PASS THROUGH ACCOUNTS**

<u>PURPOSE</u>	<u>RECEIPT</u>	<u>AMOUNT</u>
STATE LICENSES	TOWN CLERK	\$12,000
OUTSIDE VENDORS	POLICE DETAIL	\$97,000
APPLICANT COSTS/ LEGAL ADS& POSTAGE	ZBA/PLANNING	\$2,500
STATE AUTO REGISTRATIONS	GENERAL OFFICE	\$740,000
TOTAL		\$851,500

<u>PURPOSE</u>	<u>PAYMENT TO</u>	<u>AMOUNT</u>
STATE LICENSES	STATE	\$12,000
OUTSIDE VENDORS	POLICE DETAIL	\$97,000
APPLICANT COSTS/ LEGAL ADS& POSTAGE	NEWSPAPERS/USPS	\$2,500
STATE AUTO REGISTRATIONS	STATE	\$740,000
TOTAL		\$851,500

**TABLE 3
FY 2012 SALARIES & WAGES**

<u>POSITION TITLE</u>	<u>FY ' 11</u>	<u>FY ' 12</u>
TOWN MANAGER		
TOWN MANAGER	88,695	88,695
ADMINISTRATIVE ASSISTANT	39,465	39,465
RECORDING SECRETARY	0	5,720
Overtime	2,000	2,000
Total Town Manager	130,160	135,880
ADMINISTRATION		
TREASURER	62,763	62,763
DEPUTY TREASURER	45,156	45,156
ACCOUNTANT	44,970	44,970
DEP. TAX COLLECTOR	34,590	34,590
ASST. TAX COLLECTOR	32,282	32,282
ASST. TAX COLLECTOR	26,520	26,520
ASST. TAX COLLECTOR	25,938	25,938
Overtime	2,000	2,000
Total Administration	274,219	274,219
TOWN CLERK		
TOWN CLERK	52,285	52,285
DEPUTY CLERK	33,757	33,757
DEPUTY CLERK/VOTER REGISTRAR (PART-TIME)	29,114	29,114
DEPUTY CLERK (PART-TIME)	26,843	26,843
ELECTION WORKERS	14,644	14,644
Overtime	2,000	2,000
Total Town Clerk	158,643	158,643
HUMAN RESOURCES		
HUMAN RESOURCES DIRECTOR	54,855	54,855
Total Human Resources	54,855	54,855
TOWN HALL		
FACILITIES MANAGER	42,994	42,994
Total Town Hall	42,994	42,994
ASSESSOR		
ASSESSOR	60,992	60,992
ASSISTANT ASSESSOR	39,568	39,568
ASSESSOR'S CLERK	30,333	30,333
ASSESSOR'S CLERK – PART-TIME	14,208	14,208
Total Assessor's Office	145,101	145,101

<u>POSITION TITLE</u>	<u>FY ' 11</u>	<u>FY ' 12</u>
PLANNING/TOWN ENGINEER		
PLANNER/TOWN ENGINEER	64,084	64,084
PLANNING ASSISTANT	32,378	32,378
Total Planning/Town Engineer	96,462	96,462
CODE ENFORCEMENT		
CODE ENFORCEMENT OFFICER	61,293	61,293
ASSISTANT CEO	52,787	52,787
ASSISTANT CEO	43,809	43,809
ASSISTANT CEO	0	39,645
SECRETARY	32,770	32,770
SECRETARY	29,407	29,407
Overtime	1,500	1,500
Total Code Enforcement	221,566	261,211
POLICE		
POLICE CHIEF	85,530	85,530
POLICE LIEUTENANT	66,934	66,934
POLICE LIEUTENANT	71,906	71,906
SECRETARY	41,288	41,288
SECRETARY/CLERK	29,078	29,078
Subtotal - Administration	294,736	294,736
POLICE OFFICER	53,820	53,820
POLICE OFFICER	53,820	53,820
POLICE OFFICER	50,334	50,334
POLICE OFFICER	48,984	48,984
POLICE OFFICER	50,334	50,334
POLICE OFFICER	53,129	53,129
POLICE OFFICER	48,982	48,982
POLICE OFFICER	50,336	50,336
POLICE OFFICER	43,398	43,398
POLICE OFFICER	51,680	51,680
POLICE OFFICER	48,298	48,298
POLICE OFFICER	52,346	52,346
POLICE OFFICER	51,116	51,116
POLICE OFFICER-CORPORAL	57,637	57,637
POLICE OFFICER-CORPORAL	64,322	64,322
POLICE OFFICER-SERGEANT	65,917	65,917
POLICE OFFICER-SERGEANT	62,234	62,234
POLICE OFFICER-SERGEANT	64,488	64,488
POLICE OFFICER-SERGEANT	62,669	62,669
POLICE OFFICER-SERGEANT	61,672	61,672
Holidays	87,348	87,348
Subtotal- Police Officer/Sergeants/Corporal	1,182,864	1,182,864
Reserve - Seasonal	117,427	117,427
Overtime	103,000	103,000
Court Pay	6,750	6,750
Mandatory Safety Training	10,000	10,000
Total Police	1,714,777	1,714,777

<u>POSITION TITLE</u>	<u>FY ' 11</u>	<u>FY ' 12</u>
ANIMAL CONTROL OFFICER	37,092	37,092
ANIMAL CONTROL CALL - OUT	3,090	3,090
Total Animal Control	40,182	40,182
DISPATCH		
DISPATCHER	45,180	45,180
DISPATCHER	42,526	42,526
DISPATCHER	44,217	44,217
DISPATCHER	42,526	42,526
DISPATCHER	40,408	40,408
Holidays	16,465	16,465
Sub Total- Dispatchers	231,322	231,322
Part-Time	20,415	20,415
Overtime	36,750	36,750
Mandatory Safety Training	2,311	2,311
Total Dispatch	290,798	290,798
FIRE		
FIRE CHIEF	79,220	79,220
SECRETARY	36,230	36,230
FIREFIGHTER/CAPTAIN	57,197	57,197
FIREFIGHTER/CAPTAIN	57,202	57,202
FIREFIGHTER/CAPTAIN	55,642	55,642
FIREFIGHTER	51,732	51,732
FIREFIGHTER	52,252	52,252
FIREFIGHTER	51,472	51,472
FIREFIGHTER	50,172	50,172
FIREFIGHTER	45,223	45,223
FIREFIGHTER	44,183	44,183
Regular Salaries	465,075	465,075
Reserves/Seasonal	19,080	19,080
Overtime	153,326	153,326
Fire Call	80,000	80,000
Total Fire	832,931	832,931
EMERGENCY MANAGEMENT		
Part-time	1,500	1,500
HIGHWAY		
ROAD COMMISSIONER	79265	79,265
EQUIPMENT OPERATOR	0	35,000
EQUIPMENT OPERATOR	42994	42,994
CREW CHIEF	43222	43,222
EQUIPMENT OPERATOR	40310	40,310
MECHANIC	44,845	44,845
EQUIPMENT OPERATOR	34,632	34,632
EQUIPMENT OPERATOR	34,424	34,424
EQUIPMENT OPERATOR	34,632	34,632
EQUIPMENT OPERATOR	34,424	34,424

<u>POSITION TITLE</u>	<u>FY ' 11</u>	<u>FY ' 12</u>
Subtotal Regular Wages	423,172	458,172
Reserve/Seasonal	11,740	11,740
Overtime	35,486	35,486
Total Highway	470,398	505,398
TRANSFER STATION		
TRANSFER STATION COORDINATOR	42,390	42,390
TRANSFER STATION COORDINATOR	38,958	38,958
TRANSFER STATION COORDINATOR	39,790	39,790
TRANSFER STATION COORDINATOR	31,366	31,366
Overtime	2,000	2,000
Total Transfer Station	154,504	154,504
TRAIN STATION		
TRAIN STATION COORDINATOR - 24 HRS	12,545	12,545
HARBOR		
HARBOR MASTER	42,000	42,000
DEPUTY HARBOR MASTER PART TIME	11,240	10,000
Total Harbor	53,240	52,000
RECREATION		
RECREATION DIRECTOR	57,841	57,841
ASSISTANT REC. DIRECTOR	36,109	36,109
SECRETARY	33,580	33,580
SEASONAL	101,420	101,420
PROGRAM/ACTIVITIES COORDINATOR	31,345	31,345
MAINTENANCE GROUNDSKEEPER	30,160	30,160
Total Recreation	290,455	290,455
LIBRARY		
LIBRARY DIRECTOR	53,999	53,999
ASST. DIRECTOR	38,938	38,938
CIRCULATION COORDINATOR	28,704	28,704
REFERENCE LIBRARY AIDE	25,802	30,950
LIBRARY AIDE	20,748	20,748
LIBRARY AIDE	20,701	23,457
LIBRARY ADMINISTRATIVE ASSISTANT	19,030	19,030
LIBRARY MAINTENANCE	12,438	12,438
LIBRARY ASSISTANT	10,727	10,727
LIBRARY ASSISTANT	6,292	6,292
Seasonal	4,240	4,240
Total Library	241,619	249,523
BEACH CLEANING		
PIPING PLOVER COORDINATOR	2,200	2,200
Total Beach Cleaning	2,200	2,200
LIFEGUARDS		
	120,410	120,410

POSITION TITLE	FY ' 11	FY ' 12
RESTROOMS		
Part-time	15,565	15,565
PARKING LOTS	31,824	31,824
CLAM COMMISSION		
Part-time	1,332	1,332
SELECTMEN	0	5,000
Wage and salary adjustments	8,448	71,144*
Grand Total	5,406,728	5,561,453

* EXPLANATION: Four Collective Bargaining Agreements are currently in negotiations. Consequently, until they are settled we have budgeted a small lump sum amount to cover a modest increase for union and non-union personnel. That is why there are few increases shown in the FY'12 column.

**TABLE 4
OPERATING EXPENSES AND BUDGET SUMMARY**

OPERATIONS	FY 11	FY 12	CHANGE	FUNDED BY	
				TAXES	SURPLUS
BOARDS & COMMITTEES					
CONSERVATION BOARD	3,140	3,140	0	3,140	
CLAM COMMISSION	5,000	5,300	300	5,300	
TOTAL BOARDS	8,140	8,440	300	8,440	
BEACH AND HARBOR					
BEACH CLEANING	13,450	13,500	50	13,500	
LIFE GUARDS	18,699	15,000	-3,699	15,000	
RESTROOM CLEANING	26,100	26,800	700	26,800	
PARKING LOTS	3,400	3,000	-400	3,000	
HARBOR MASTER	20,800	24,326	3,526	24,326	
GAZEBO	800	850	50	850	
TOTAL BEACH AND HARBOR	83,249	83,476	227	83,476	
DEBT SERVICE					
BOND					
REPAYMENT	749,350	742,421	-6,929	742,421	
GENERAL GOVERNMENT					
TOWN CLERK	103,543	103,350	-193	103,350	
ADMINISTRATION	94,131	94,131	0	94,131	
ASSESSOR	23,000	23,000	0	23,000	
SURVEY & APPRAISAL	7,000	7,000	0	7,000	
TOWN MANAGER	149,050	140,250	-8,800	140,250	
SELECTMEN	15,500	10,500	-5,000	10,500	
TOWN HALL	63,888	62,050	-1,838	62,050	
OLD POST OFFICE	6,700	6,600	-100	6,600	
PLANNING	16,371	16,316	-55	16,316	
CODE/ZBA	21,800	21,800	0	21,800	
HYDRANT RENTALS	132,240	127,430	-4,810	127,430	
STREET LIGHTS	105,000	105,000	0	105,000	
MIS	110,377	110,377	0	110,377	
INFORMATION					
CTR	40,415	40,415	0	40,415	
BENEFITS & INSURANCE	1,736,500	1,797,492	60,992	1,797,492	
PROPERTY & LIABILITY	258,350	259,735	1,385	259,735	
HR	29,225	29,225	0	29,225	
TOTAL GENERAL GOVT	2,913,090	2,954,671	41,581	2,954,671	
PUBLIC SAFETY					
POLICE	393,850	393,400	-450	393,400	
FIRE	261,584	257,860	-3,724	257,860	
DISPATCH	91,814	87,829	-3,985	87,829	

<u>OPERATIONS</u>	<u>FY 11</u>	<u>FY 12</u>	<u>CHANGE</u>	<u>FUNDED BY</u>	
				<u>TAXES</u>	<u>SURPLUS</u>
EMA	7,317	15,350	8,033	15,350	
ANIMAL CONTROL	14,455	14,455	0	14,455	
WEMS	269,000	224,000	-45,000	224,000	
TOTAL PUBLIC SAFETY	1,038,020	992,894	-45,126	992,894	
<i>PUBLIC WORKS</i>					
HIGHWAY	1,014,687	419,750	-594,937	419,750	
GARAGE	21,300	19,000	-2,300	19,000	
TRF STATION	354,760	362,850	8,090	362,850	
TREE PRUNING	10,000	0	-10,000	0	
BRIDGES & CULVERTS	20,000	0	-20,000	0	
TOTAL PUBLIC WORKS	1,420,747	801,600	-619,147	801,600	
<i>EDUCATION & LEISURE</i>					
RECREATION	230,000	198,650	-31,350	198,650	
LIBRARY	100,158	102,150	1,992	102,150	
WAC	23,076	23,076	0	23,076	
TOTAL EDUCATION & LEISURE	353,234	323,876	-29,358	323,876	
<i>SOCIAL SERVICES</i>					
GRANTS	69,050	78,000	8,950	68,000	10,000
TOTAL SOCIAL SERVICES	69,050	78,000	8,950	68,000	10,000
GRAND TOTAL	6,634,880	5,985,378	-649,502	5,975,378	10,000

**TABLE 5
CIP FUNDING PROGRAM**

	CIP FY12 <u>Proposed</u>	CIP FY12 <u>Approp</u>	<u>Appropriated from</u>		
			<u>Taxes</u>	<u>Undistributed Budget</u>	<u>Reserves</u>
<u>Buildings and Building Improvements</u>					
Paving/Culverts& Bridges	750,000	750,000	300,000	450,000	
Public Safety Building	100,000				
Restrooms- Beach	34,000				
Library- new roof	25,000	25,000		25000	
Park Rec- Basketball Court Repair		20,000			20,000
Park Rec- Pave Parking Lot at PR HQ		15,000			15,000
Park Rec- Baseball Dugouts Repair		7,500			7,500
Park Rec- Irrigation Pump		6,000			6,000
Park Rec- Irrigation for fields		5,000			5,000
Fire- Replace Windows at Corner Station					
Sub Total- Building Improvements	909,000	828,500	300,000	475,000	53,500
<u>Conservation</u>					
Conservation - Open Space- Land	70,000				
Sub Total- Conservation	70,000				
<u>Vehicles</u>					
Fire- Truck reserve	200,000				
WEMS- Ambulance	25,000				
Park Rec- Dump truck	12,000				
Park Rec- tractor	3,500				
Park Rec- Mower	3,000				
Highway- "98 Internl Plow Truck		150,000			150,000
Highway- Replace Bobcat	30,000	30,000			30,000
Sub Total- Vehicles	273,500	180,000	0	0	180,000
<u>Technology Plan</u>					
Tech Committee	42,682	42,682			42682
Workstation Refresh	53,375	53,375		53,375	
SANS	13,298	13,298		13,298	
Sub Total- Technology Plan	109,355	109,355	0	66,673	42,682
<u>Equipment</u>					
Town Hall- Cable TV Room Upgrade	10,000	10,000		10,000	
Assessor- Duplexing Printer	5,049	5,050		5,050	
WEMS- EKG/Defib.	15,000				
FD-Radio Narrow Band	25,000	25,000		25,000	
Sub Total- Equipment	55,049	40,050	0	40,050	0
Grand Total	1,416,904	1,157,905	300,000	581,723	276,182

**Background Notes for both Additions to funds(Proposed) and Expenditures
(Appropriations) from fund (Table 5).**

Building and Building Improvements

- 1) **Paving/Culverts and Bridges (817)** - Paving and Culverts/ Bridges were previously in the Highway Operating Expense Budget. They were moved to CIP (Capital Improvement Plan) as that area better defines their basic purpose.
- 2) **Public Safety Building (840)** - The Public Safety building located at Wells Corner need to be replaced. A fund was established several years ago to set aside monies in anticipation of a new facility. The balance in this account at 3/24/11 is \$301,220. A proposed addition of \$100,000 is requested.
- 3) **Restrooms Beach (817)** - The Town's restroom facilities have significant usage during the summer season and the fund is being added to for continuous upgrading of bathrooms in the future. The Building Improvements Reserve fund has a balance of \$361,216 as of 3/24/11. Proposed (addition to) amount requested is \$34,000.
- 4) **Library- New Roof (817)** - The backsides of the roof at the Library is in need of repair. The Building Improvements Reserve fund has a balance of \$361,216 as of 3/24/11. Proposed and Expended amount requested is \$25,000.
- 5) **Park Recreation- Basketball Court Repair (500)** - The current court has large cracks in it that are potentially harmful to persons using it. The Park Recreation Programs reserve account has a balance of \$86,195 at 3/24/11 Amount requested is \$20,000.
- 6) **Park Recreation- Pave Parking Lot at Branch Road site (500)** - The parking lot is very rutted and not paved at this time. The Park Recreation Programs reserve account has a balance of \$86,195 at 3/24/11. Amount requested is \$15,000.
- 7) **Park Recreation Baseball Dugouts Repair (500)** - Both dugouts are deteriorating and need to be repaired. The Park Recreation Programs reserve account has a balance of \$86,195 at 3/24/11. Amount requested is \$7,500.
- 8) **Park Recreation Irrigation Pump (500)** - The current pump is not working properly and is in need of constant repair. The Park Recreation Programs reserve account has a balance of \$86,195 at 3/24/11. Amount requested is \$6,000.
- 9) **Park Recreation Irrigation System for fields at Branch Road location (500)** - The current process is manually intensive as a staff member must continually move the hoses about by hand. The Park Recreation Programs reserve account has a balance of \$86,195 at 3/24/11. Amount requested is \$5,000.

Conservation Commission

- 1) **Open Space Land (705)** - The Conservation Commission annually ask for funds to be added to this account for potential open space land purchases. The balance in the reserve account at 3/24/11 is \$635,631.

Vehicles

- 1) Fire Truck Reserve (703) - Annual Proposed addition to this fund in anticipation of future Fire truck replacements. Amount Proposed is \$200,000.
- 2) WEMS Ambulance (715) - Annual Proposed addition to this fund in anticipation of future ambulance replacements. Amount Proposed is \$25,000.

- 3) Park Recreation (NEW) - Proposed addition of funds of \$12,000 for future replacement of a dump truck.
- 4) Park Recreation (NEW) - Proposed addition of funds of \$3,500 for future replacement of a Tractor.
- 5) Park Recreation (NEW) - Proposed addition of funds of \$3,000 for future replacement of a Mower.
- 6) Highway- Dump Truck (701) - The Highway Department is requesting to replace a 1998 International Plow Truck. The Highway Equipment Reserve account has a balance of \$593,606 as of 3/24/11. The requested amount to be appropriated is \$150,000.
- 7) Highway- BobCat replacement (701) - The Highway Department is requesting to replace a BobCat. The Highway Equipment Reserve account has a balance of \$593,606 as of 3/24/11. The requested amount to be appropriated is \$30,000.

Technology Plan

- 1) Tech Committee (830) - The Technology Reserve account provides a self-funded computer equipment repair and replacement fund used with the authorization of the Selectmen. It also funds enhancements and maintenance of the Town's GIS program. The fund balance as of 3/24/11 is \$103,041. Proposed and Expended amount requested for the Tech Committee needs is \$42,692.
- 2) Workstation Refresh (740) - There are 75 workstations throughout the Town. The usage life of a workstation is about 3 to 5 years. Almost all of the total of 75 units are well beyond that period therefore causing major inefficiencies. In addition, in FY10, the Town had to replace a large portion the Computer infrastructure (servers, domains, etc). As a result, the workstations are not as up to date as the servers and this has caused some operating issues. The "refresh" will be over a 3 year period with 25 stations replaced each year. This is the second year request and it is for \$53,375. Proposed and Expended amount requested is \$53,375.
- 3) SANS- (741)- Additional SAN replacements as required. The Proposed and Expended amount requested is \$13,298.

Equipment

- 1) Town Hall- Cable TV Room Upgrade (NEW) - The Cable TV room equipment needs updating as it is old technology. The Proposed and Expended amount requested is \$10,000.
- 2) Assessor- (NEW) Duplexing Printer replacement- The current printer is constantly in need of repair and is used heavily. The Proposed and Expended amount requested is \$5,050.
- 3) WEMS – EKG/DEFIB (735) - Equipment needs to be replaced every eight years. Fund was established in FY10. Proposed amount requested is \$15,000.
- 4) Fire Department (734) - Radio Narrow Banding- Replace some existing radios as they are not narrow band and upgrade the programming on the rest. The Proposed and Expended amount requested is \$25,000. The FCC has mandated this change must be done by January 1, 2013.

TOWN MANAGER'S BUDGET MESSAGE

BACKGROUND

This is the second year that the Town of Wells will be voting on its budget by a referendum ballot instead of voting at an "open" Town Meeting. This procedure is set forth in the Town Charter under Article VII, Section 7.08. Specifically, registered voters will be asked to cast their ballots on Tuesday, June 14, 2011 from 8 AM to 8 PM, at the WOCSD High School Gymnasium or voters may request an absentee ballot from the Town Clerk's Office.

The format of the budget articles on the ballot is similar to those that were voted at previous Town Meetings. To simplify the voting process, the Town Charter requires no more than 20 budget articles to appear on the ballot. This year there are 13, including the customary articles for Town generated revenue, pass through accounts (i.e. generally, state revenue collected by the Town and returned to the State), salaries, operations, the capital improvement program and related capital expenditures. In addition, there are two articles that combine several items that were voted separately at previous Town Meetings: Article 7. Potential Employee-Related Expenses combines three former articles that funded Retirement Benefit Reimbursement, Workers' Compensation – Light Duty Fund, and the Educational Reimbursement Fund; and Article 8. Potential Town Liabilities that combines four former articles that funded unanticipated expenses including the Legal Services Fund, the Self Insurance Claims Coverage, the Emergency Fuel and Utilities Account and the Emergency Facility Repair Fund. The remaining articles are self-explanatory and many should be familiar to those who have voted at Town Meeting.

The final budget article, Article 15, is asking the voters to approve the construction of a Highway Garage.

The current garage was constructed in two phases: in 1956, fifty-five years ago, the first three bays were constructed; in 1973, thirty-eight years ago, three additional bays were constructed. By 2011, the building had deteriorated and no longer meets current building codes. Some of the trucks and equipment cannot physically fit inside the garage to be repaired, especially during the winter when the trucks are equipped with a plow and wing. The building promotes inefficiencies and, in some cases, provides unnecessary hazards for the Town employees.

Furthermore, over the last fifty years the amount of roadway that the town must maintain has more than doubled due to the demise of the "state aid" program and the addition of numerous subdivision roads. Due to the Town's population growth, the State has been able to designate "urban compact areas" within the Town for which the Highway Department has 100% responsibility for those roads.

The new Highway Garage will provide sufficient space to allow for the repair of any Town vehicle including fire apparatus and police cars. It will also provide space to house highway trucks and equipment. In short, it will provide a safe working environment, and protect the Town's investment in highway trucks and equipment and other Town vehicles.

It should be noted that no new tax dollars will be needed to fund this project. The monies will come from existing reserves: Public Works Building Replacement Reserve (\$296,075), Public Works Equipment Reserves (\$304,528), Public Works Garage Study (\$5,000) and the 9B Landfill Reserve (\$594,937) for a total of \$1,200,000.

Finally, the Charter provides for a 'fall back' position on all of the budget articles. It is important to note that should a budget article fail to pass, then the funding level would remain at the amount approved at last year's Town Meeting.

PROPOSED BUDGET – Fiscal Year 2012 (July 1, 2011 through June 30, 2012)

For the third straight year, the Board of Selectmen established the goal to again 'hold-the line' on the Town budget, without undermining the level of Town service and needed capital maintenance, such as paving and infrastructure improvements. After months of work and review, the Board of Selectmen, Budget Committee,

Town Staff, Committees and Community Organizations effectively met that goal. Despite declining revenues, the proposed budget does not exceed the limits of L.D. One.

Revenue

Estimated revenue for the Town of Wells is down almost 2.1% or \$76,992, largely due to the reduction of State shared revenue such as State-Municipal Revenue Sharing and the Urban Rural Initiative Program (Local Road Assistance). Combined with the significant loss of State shared revenue last year, the total loss over a two year period is over \$800,000. This is an on-going challenge for municipalities throughout Maine as the State's estimates are continually revised and programs dropped. In addition, interest earned on Town bank accounts and reserves has declined, as it has for many households. The loss of revenue had the greatest impact of any other factor on the Town's budget. Table 1 in the Annual Town Meeting Warrant Book shows the detailed listing of FY2012 Municipal Revenue Projections.

Expenses

Salaries -The proposed budget for salaries is up by 2.9% or \$155,025. Following the defeat of the salary article last year, the Town did not fill many of its approved positions that were vacant. In this way, the Town was able to meet its contract obligations and avoid the potential legal or arbitration costs. Consequently, this budget proposes to fill those approved positions and includes a very modest salary increase. Table 3 in the Annual Town Meeting Warrant Book lists the salaries and wages included in this article.

Operations – The proposed budget for operations is down by 9.8% or \$649,502. However, \$611,000 of that reduction was due to the removal of the paving budget from “Operations” and placing it in the “Capital Improvement Program.” Therefore, the net decrease is \$38,000. Department Heads held to last year's funding levels and made reductions wherever possible. As stated earlier, this will be the third consecutive year of flat funding. Table 4 in the Annual Town Meeting Warrant Book shows a detailed listing of the operating budgets.

Capital Improvement Program and Appropriations – The proposed budget for the Capital Improvement Program remains strong at \$1,416,904, it is up by 84% or \$645,004. Again, this increase is largely due to moving the paving budget from Operations to the Capital Improvement Program, which represents \$611,000 of the total increase of \$645,004.

The Capital Improvement Program is funded through monies taken from Undesignated Fund Balance to place in reserves for capital equipment, building improvements, infrastructure and land acquisition for conservation. The related Capital Expenses Article is for monies that are proposed to be expended in FY 12 for capital items and programs, and these items total \$1,157,905. The significant increase in this article is also due to appropriating \$611,000 for the FY12 paving program, previously funded under 'Operations.' A detailed description of the monies to be set aside and those to be appropriated for proposed expenditure in FY12 are shown in the Annual Town Meeting Warrant Book in Table 5 CIP FUNDING PROGRAM and the following background notes.

Proposed FY12 Budget Summary, Work Plans and Financial Challenges

Once again, the proposed budget is a 'hold the line' approach financially and in terms of work plans. The Town does plan to continue its paving program and plans to undertake the construction of the new Highway Garage to improve employee safety, efficiencies, and to protect the Town's investment in trucks and equipment.

As stated last year, despite containing operational and capital costs, the major financial challenge will be to manage the declining revenues, especially from the State. The Board of Selectmen, Budget Committee and Department Heads continue to explore other ways to deliver some municipal services to reduce costs, and are also reviewing various Town fee structures that might be updated to more closely meet the expense of some municipal services.

The Town has started to face its growing capital needs by proposing the construction of a new Highway Garage. However, the Town still needs to plan for its aging and inadequate public facilities, such as the Police Station and Fire Station. Further, the major “100 year” storms that now have become almost an annual event have highlighted the need for improved drainage, culverts, roads and infrastructure. Fortunately, several major bridges in Wells have been replaced through FEMA, MEMA and MDOT funding which otherwise would have

cost the Town millions. However, there are still major projects, such as the Coles Hill bridge and storm water drainage projects throughout the Town, that need to be addressed.

Debt Position

As of the last annual audit on June 30, 2010, the Town's total long-term debt was \$3,635,000. Since then, the Town has made other bond principal payments totaling \$630,000. The anticipated and unaudited balance of the Town's total long-term debt as of June 30, 2011 will be \$3,005,000.

It also should be noted that the Town's financial position is still strong per the Town's outside audit firm, despite the many challenges the community has faced over the past few years.

Public Hearings

The Board of Selectmen will be holding a public hearing on the proposed FY'12 Budget on Tuesday, May 31st at 6:00 p.m. Information on the budget will also be available at the Town Offices, the Wells Public Library and the Town's website. I encourage you to participate in the public hearings and vote in the Town elections and Town Meeting Referendum on June 14th.

Jane Duncan
Town Manager

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