

Chapter 2

ADMINISTRATION*

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ARTICLE I. IN GENERAL**Sec. 2-1. Disposal of town property; appraisals.**

In general, all town property shall be disposed of by public bid. When it appears that certain types of developments are in the best interest of the town, the council may negotiate directly with potential developers for the sale of needed town-owned land. The council will use the assessed value as a basis of negotiations. The developer may obtain his own appraisal if he so wishes. The town may require appraisals for properties by acting to do so, but will not generally require this in order to save the cost of appraisal.

(Ord. No. A8586-2, 11-7-85; C94-3, 7-14-94)

Cross references—Cemeteries, § 11-61 et seq.; parks and recreation areas, § 11-96 et seq.

Sec. 2-2. Property tax abatement.

(a) *Application for abatement.*

- (1) Applicants seeking a poverty abatement have the burden of proving that they are eligible for the abatement; it is not the council's responsibility to prove that the applicant is not entitled to an abatement.
- (2) Persons desiring an abatement must complete an application for abatement of property taxes. People who meet the current general assistance eligibility standards are eligible for a poverty tax abatement if they are unable to contribute to the public charge and if there are no other mitigating factors such as projected income, excess real or personal property, or unreasonable or unnecessary expenses. The council will also consider the applicant's ability to contribute to the public charge both at the present time and during the year or years the taxes went unpaid. Any false written or oral statements by the applicant is cause for immediate rejection of the application for abatement.
- (3) If an applicant is not eligible under general assistance guidelines, the town council will consider the application based upon applicant's income and expenses. Factors to

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take into consideration include the applicant's income, both current and projected; unnecessary assets such as an excessively expensive vehicle, plus extra cars, recreational vehicles, boats, real estate, etc.; actual expenses which may not be reasonable and necessary and which may be reduced or eliminated; and other sources of income or methods to alleviate their financial distress such as relatives who are legally obligated to provide such assistance; reasonably available refinancing; and public assistance; or other potential resources to which the applicant is legally entitled.

- (4) When an application is filed, the council may ask the applicant to permit them to delay action on the request. The council usually prefers to wait to make its final decision until just prior to when the lien forecloses. This policy is based on the council's hope that the applicant's financial condition will have improved by that time so that the abatement is not needed. If the applicant agrees with the proposed delay, he/she should sign and return the postponement notice within fourteen (14) days.
 - (b) *Policy in granting an abatement.*
 - (1) If applicants are clearly poor and have little or no likelihood of any prospects which would enable them to pay

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taxes, the council is obligated to grant an abatement. A partial abatement is appropriate in those cases where the applicant can pay part of the taxes or will be able to pay a portion of the taxes prior to the lien expiring.

- (2) The council will grant a full abatement, a partial abatement or deny the abatement according to the guidelines set forward in this policy and 36 M.R.S.A. § 841(2). The council will issue its decision to the applicant in writing within ten (10) days of the council's final action or within thirty (30) days of the date of application, whichever is sooner.
- (3) *Right of appeal upon denial of abatement.* Applicants who have had their request for abatement denied have the right to appeal the denial within sixty (60) days to the local board of assessment review. Further appeal of the decision of the board of assessment review may be made to the superior court.

<Ord. No. C90-20, §§ 1-7, 10-11-90)

Editor's note-Ord. No. C90-20, §§ 1-7, adopted Oct. 11, 1990, while nonamendatory of this Code, has been included herein as §2-2 at the discretion of the editor.

Cron reference-General assistance, Ch. 5.

Sec. 2-3. Tax increment financing guidelines.

(a) *Policy guidelines.* For a tax increment financing (TIF) application to be considered by the town, the application must be reviewed for compliance with the following guidelines. Notwithstanding compliance with any or all of the guidelines, the creation of a TIF district is a policy choice to be made by the town council on a case-by-case basis. A TIF is not a right under Maine law and meeting these guidelines does not create a right or entitlement in any applicant.

- (1) *Basic provisions.* The applicant is responsible for providing any and all documentation that is necessary for consideration of any proposed agreement between the applicant and the town. The town's share shall not exceed seventy-five (75) percent of the incremental taxes over the life of the district.

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- (2) *Guidelines that must be met.* In all instances, applicants requesting tax increment financing must demonstrate:
- a. The town's participation is economically necessary and involvement by the town is needed in order for the project to be undertaken. Justification for economic need and town involvement must be demonstrated by:
 1. A need to offset infrastructure costs unique to the site; or
 2. A need to offset economic advantages available to the corporate entity if it should build (or expand) outside Dexter; or
 3. The unavailability of sufficient private or other public funding sources to meet the full capital investment needs of the corporate entity.
 - b. The project creates significant new tax value equal to or greater than five hundred thousand dollars (\$500,000.00).
 - c. Financial capability to undertake the project must be evidenced prior to review.
 - d. Compliance with all statutory and regulatory guidelines of the town and state.
- (3) *Guidelines to determine level of town participation.* Although an applicant need not meet each of the following criteria, they will be used to determine the level of participation by the town.
- a. The project assists an established business in Dexter, thus retaining existing employment;
 - b. The project creates long-term, permanent employment;
 - c. The project improves a blighted area in need of redevelopment, or an area identified as a priority by the town.
 - d. The project improves a blighted building in need of rehabilitation;
 - e. The project creates public infrastructure facilities which have application beyond the particular development such as traffic upgrades, public parking facilities, etc.;

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- f. If not from the beginning of the district, then as soon as is financially possible, the project will support community projects or create public benefits such as granting access to open spaces, creating student internships, providing job training, supporting local contractors and suppliers, etc.
- (4) *Standard operating procedures.* The town's department of community development (or town manager if the department of community development is unstaffed at the time of application) will act as a clearinghouse and coordinate all activity regarding tax increment financing proposals. Working with potential applicants, the community development department will:
- a. Provide information on tax increment financing and provide preliminary TIF application forms;
 - b. Discuss project proposals and accept preliminary applications from applicants;
 - c. Review preliminary applications based on policy guidelines with the assessor, financial officer, town attorney, code enforcement officer, public works director, and outside bond counsel.
 - d. Advise applicants on findings of town staff and bond counsel review;
 - e. Following a review and evaluation of an application, the community development director will make a written recommendation to the town manager as to whether or not to accept or reject the application. With the concurrence of the town manager, the director's written recommendation and the application will be sent to the council for review;
 - f. Provide assistance, if required, when the council meets to review the director's decision;
 - g. Submit application to the state, based on the direction of the town council;
 - h. Monitor ongoing public and private investment in the development project.

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(b) *Application fee.* All applicants must pay a two hundred fifty dollar (\$250.00) nonrefundable application fee at the time of submission. If tax increment financing is approved, an annual administrative fee equal to one (1) percent of the incremental taxes reallocated back to the project will be charged.

(c) *Legal fee consent form.* All applicants will be required to sign a legal fee consent form agreeing to reimburse the town for all legal costs incurred as a result of the tax increment financing proposal, whether or not tax increment financing is approved.

(d) *Out-of-pocket expenses incurred by town.* In addition, any out-of-pocket expenses incurred by the town in connection with the tax increment financing proposal will be reimbursed by the applicant, whether or not tax increment financing is approved. (Ord. No. C96-15, 11-8-96)

Editor's note-Ord. No. C96-15, adopted Nov. 8, 1996, did not specifically amend this Code; hence, inclusion of its provisions as § 2-3 was at the discretion of the editor.

Sec. 2-4. Cable television.

(a) Cable television is locally regulated by a cable television ordinance. The ordinance was adopted in 1998. Due to the length and complexity of the document it is maintained under separate cover.

(b) The town is a member of the Down East Cable Television Consortium. Cable service for the town is provided by a private contractor whose general operation is addressed in the franchise. Because of the length of the cable franchise agreement the document is maintained under separate cover.

(Ord. No. C98-11, 6-11-98; Ord. No. C98-12, 6-11-98)

Secs. 2-5-2-25. Reserved.

ARTICLE II. BOARDS, COMMITTEES, COMMISSIONS*

Sec. 2-26. Forfeiture of membership.

A member appointed to serve on the planning board, the human resources committee, the conservation commission, the

*Cross reference-Traffic board created, § 9-26.

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town development association, the board of appeals, the personnel advisory board, the parks and recreation committee, and any other committee and board member appointed by the town council, shall forfeit his membership if the member:

- (1) Lacks at any time during his term of office any qualifications for membership prescribed by the Charter or by law;
- (2) Violates any express prohibitions of the Charter;
- (3) Sustains a final conviction of a felony; or
- (4) Fails to attend three (3) consecutive regular meetings of the board or committee without being excused by the committee chairman.

(Ord. No. C85-1, 3-7-85)

Charter references—Council appoints board of appeals, planning board and other boards, § 4.01(b); personnel advisory board, § 4.02(c).

Sec. 2-27. Human resources committee bylaws.

- (a) *Objectives/specific duties.*
 - (1) To identify and advocate for social service and/or health care needs for the residents of Dexter.
 - (2) To review funding requests from nonprofit social service agencies that serve Dexter residents.
 - (3) To review, monitor, and participate in all community block grants.
- (b) *Membership.*
 - (1) The committee shall consist of a chair and a minimum of four (4) regular members. Regular members will be appointed by the town council in the month of December for the term of three (3) years. Any vacancies in the committee shall be filled as soon as possible.
 - (2) The position of chair shall be the responsibility of the Dexter Human Services Director.

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- (3) The committee shall select a secretary annually with the secretary recording all actions taken by the committee. All records shall be deemed public and may be inspected at reasonable times.
- (4) The chair shall call at least one (1) regular meeting of the committee each year, which shall entail the review of provider agency requests. This meeting shall be held prior to the town council's annual budget meetings. Other meetings will be scheduled as needed.
- (5) No meetings shall be held without a quorum. A quorum shall consist of three (3) members. Motions will carry by consensus or a simple majority.
- (6) Should a member have a conflict of interest, he/she will refrain from voting on a matter.
- (7) The committee may adopt rules or amend existing rules to comply with federal and Maine State requirements for administering and overseeing particular grant programs as such a need arises, provided that such rule changes are not inconsistent with these bylaws, or any ordinance or Charter provision of the Town of Dexter.

(Ord. No. C98-13, 6-11-98; Ord. No. C2004-20, 9-9-04; Ord. No. C2015-7, 6-11-15)

Sec. 2-28. Reserved.

Editor's note—Ord. No. C2014-2, adopted Jan. 9, 2014, deleted § 2-28, entitled Golf course board of directors bylaws, which derived from Ord. No. C99-1, adopted Feb. 11, 1999; Ord. No. C99-14, Arts. 1—9, adopted Nov. 10, 1999; Ord. No. C2000-3, adopted Apr. 13, 2000; Ord. No. C2001-12, adopted July 12, 2001; Ord. No. C2004-18, adopted Aug. 12, 2004; and Ord. No. C2010-15, adopted Oct. 14, 2010.

Sec. 2-29. Recreation committee bylaws.

(a) *Name.* The organization shall be called the Dexter Recreation Committee.

(b) *Objective.* The objective of the committee is to strive toward building strong personal values in the community through athletic competition and recreation, and to insure that every person that is interested has a chance to participate in the

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programs offered. It will also provide participants with the fundamentals for development of individual skills and the opportunity for physical, mental and social growth, while having fun in the process. It will provide the participants the opportunity to compete in an atmosphere that is enjoyable and will encourage the development of skills and promote wholesome attitudes towards teammates, opponents and coaches. The participants will develop a knowledge and respect for the rules of the sport and exposure to a competitive environment.

(c) *Members and officers.*

- (1) The recreation committee shall consist of five (5) regular members and any number of associate members, up to a total of four (4). The committee will have a chairperson, vice chairperson, and secretary that are elected from the five (5) regular members. Only the five (5) regular members will have voting privileges; however, in the event a quorum of regular members (three (3)) is not in attendance, the committee chairperson or vice chairperson may designate one (1) or more associate members as having voting privileges for that meeting.
- (2) All members of the committee shall be appointed by the town council. All regular members shall be residents of the Town of Dexter. Associate members may be residents of communities comprising Maine School Administrative District #46 (SAD #46).
- (3) In the month of December, the town council shall appoint a regular member for the term of three (3) years to succeed each outgoing regular member. The town council shall appoint associate members for a term of one (1) year.
- (4) In the event of the resignation of any committee member, or his/her health, inability to serve, or absence from three (3) regular consecutive meetings without acceptable reasons, the town council shall fill the vacancy for the unexpired term in accordance with subsection (5).
- (5) New members and previous members seeking reappointment shall be selected from applicants responding to

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public notice with regard to vacancies on the committee. Such notice shall take place not less than thirty (30) days prior to the date of appointment. After reviewing all applications the committee as well as the recreation director may submit a recommendation for member appointments to the town council.

- (6) The officers of this committee shall be a chairperson, vice chairperson and secretary who shall be elected at the organization meeting in January to serve for one (1) year or until the successor shall be elected.
- (7) Committee members are expected to attend a minimum of seventy-five (75) per cent of the regularly scheduled meetings for each calendar year. Failure to meet this requirement may result in a committee member being removed from the position.

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(d) *Duties.*

- (1) The recreation committee serves as an advisory body to the recreation director. It will also play a vital role in providing quality control to programs, selection of coaches, formation of policies and procedures, development of the annual operating budget, and serves as a forum for resolving problems associated with the department's programs.
- (2) The chairperson shall preside over the meetings of the committee and report any matter which he/she feels is important or to the benefit of the committee. The chairperson shall provide an agenda for each regular meeting with the assistance of the recreation director.
- (3) The vice-chairperson shall assist the chairperson and shall be ready to serve in his/her absence.
- (4) The secretary shall record the minutes of the meetings and provide a report for the following meeting.

(e) *Meetings and procedure.*

- (1) The committee shall meet on the second Tuesday of every month at 6:30 PM at a location to be determined. All meetings shall be open to the public and notice provided in accordance with state laws. Additional meetings may be called by the chairperson or vice-chairperson with a minimum of twenty-four-hour notice being provided and all committee members being made aware of the meeting.
- (2) A quorum necessary to conduct business will be three (3) regular members. In the event three (3) regular members are not present the chairperson or vice-chairperson may designate one (1) or more associate members as having voting privileges for that meeting (see subsection (c)(1)). A vote of the majority of the committee (3) is required for official action on a matter.
- (3) The officers shall constitute an executive board who shall act in emergencies. This executive board shall meet at any time and place deemed necessary by any officer. All actions taken at such meetings shall be reported to the full committee at the next regular meeting.

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- (4) The regular meeting held in January of each year shall be known as the organizational meeting. The purpose of this meeting shall be the election and installation of officers, the presentation of the annual report, and other business that may need to come before such meeting. All officers shall be elected by nominations from the floor. A majority vote of the committee is required to elect new officers.
- (5) The meeting held in April of each year shall be for the approval of a proposed operating budget for the coming fiscal year, and for other business that may need to come before such meeting.
- (6) Notice of all regular meetings and proposed agenda shall be posted in the town office by the recreational director at least seven (7) days prior to each meeting.

(0 Amending the bylaws. The bylaws may be amended by a two-thirds (2/3) majority vote of the recreation committee. Any amendments to the bylaws shall be submitted in writing at a regular meeting and voted upon at the next regularly scheduled meeting. Proposed amendments to the bylaws must be approved by the town council.

(Ord. No. C2000-23, 12-14-00; Ord. No. C2001-27, 11-8-01)

Sec. 2-30. Dexter Regional Airport Advisory Committee bylaws.

(a) *Name.* The organization shall be called the Dexter Regional Airport Advisory Committee.

(b) *Objective.* The objective of this committee is to provide support and advice to the airport manager, town manager, and town council on current operations and future planning for development and use of the Dexter Regional Airport.

(c) *Members and officers.*

- (1) The airport committee shall consist of seven (7) members appointed by the town council. It will have a chairperson, vice-chairperson and secretary, which are elected from the seven (7) appointed committee members. The airport manager and town manager shall serve on the committee in an advisory capacity. Officers shall be elected during

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January of each year and shall serve for a period of one (1) year. The seven (7) committee members will all have voting rights.

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- (2) All members of the committee shall be appointed by the town council. Since the Dexter Regional Airport services several communities in the immediate area, appointment to the committee shall not be limited to residents of the town; however, at least a majority of committee members shall be town residents.
 - (3) In accordance with the Town Charter, the town council shall make appointments to the committee in December of each year to become effective on January first of the forthcoming year. New appointments will be made to fill positions of those members whose term has expired. Reappointment to the committee is not automatic. The town council shall appoint committee members for a term of three (3) years.
 - (4) In the event of the resignation of any board member, or his/her health, inability to serve, or absence from three (3) regular, consecutive meetings without acceptable reasons, the town council shall fill the vacancy for the unexpired term in accordance with subsection (c)(5) of this section.
 - (5) New members and members seeking reappointment shall be selected from applicants responding to public notice with regard to vacancies on the committee. Such notice shall take place not less than thirty (30) days prior to the date of appointment. The committee may submit a recommendation of member appointments to the town council after reviewing all applications
- (d) *Duties and authority.*
- (1) The airport committee serves as an advisory body to the airport manager, town manager, and town council. It plays a vital role in providing quality control to programs, formation of policies and procedures, review of airport leases, development of grant applications and the airport's annual operating budget, and serves as a forum for resolving problems associated with airport operations. On issues regarding the use of airport property and facilities, the committee shall make recommendations to the airport manager and town manager for appropriate action.

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Some actions on use of airport property, such as hangar lease renewals, shall be subject to approval by the town council in accordance with provisions set forth in the Thwn Charter.

- (2) The chairperson shall preside over the meetings of the committee and report any matter which he/she feels is important or to the benefit of the committee. The chairperson shall provide an agenda for each regular meeting.
- (3) The vice-chairperson shall assist the chairperson and shall be ready to serve in his/her absence.
- (4) The secretary shall record the minutes of the meetings and provide a report for the following meeting.

(e) *Meetings.*

- (1)) The committee shall meet on the second Wednesday of each month at 7:00 p.m. at a location to be determined. All regular meetings shall be open to the public and due notice provided in accordance with laws of the state. Additional meetings may be convened by the chairperson or vice-chairperson with a 24-hours' notice being posted in a prominent location, and contingent on all committee members being advised of the time and location of the emergency meeting.
- (2) A quorum of four (4) members must be present to conduct business. Action by the committee will require a majority vote of the committee.
- (3) The officers shall constitute an executive board who shall act in emergencies. This executive board shall meet at any time and place deemed necessary by any officer. All actions taken at such meetings shall be reported to the full committee at the next regular meeting.
- (4) The regular meeting held in January of each year shall be known as the annual organizational meeting. The purpose of this meeting shall be the election and installation of officers, the presentation of the annual report, and other business that may need to come before such meeting.

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- (5) The meeting held in April of each year shall be for the approval of the budget for the coming fiscal year, and for other business that may need to come before such meeting.
- (6) Notice of all regular meetings shall be posted in the town office by the town clerk at least seven (7) days prior to each regular meeting.

(f) *Amending the bylaws.* The bylaws may be amended by a two-thirds (2/a) majority vote of the committee. Any amendments to the bylaws shall be submitted in writing at a regular meeting and voted upon at the next regularly scheduled meeting. Proposed amendments to the bylaws must be approved by the town council.

(Ord. No. C2001-2, 3-8-01; Ord. No. C2001-6, 6-14-01)

Sec. 2-31. Board of appeals bylaws.

(a) *General provisions.* Business of the board shall be conducted in accord with Maine Statutes, town ordinances and these bylaws. If these bylaws fail to address a point of order, Roberts' Rules of Order shall be adhered to.

(b) *Appointments.*

- (1) The board shall consist of seven (7) members, all of whom shall be legal residents of the town, appointed by the municipal officers for staggered terms of three (3) years. However, each member may continue to serve until replaced or reappointed by the municipal officers. There is no limit on how many consecutive terms each board member may serve.
- (2) Neither a municipal officer nor his/her spouse may be a member of the board.
- (3) Any member of the board may be removed from the board, for cause, by the municipal officers before expiration of his/her term, but only after an advertised public hearing held by the municipal officers at which the member in question has an opportunity to refute specific charges against him/her. The term, "for cause" shall include failure to attend three (3) consecutive board meetings or

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hearings without sufficient justification, or voting when the member has a "conflict of interest". At the request of the member in question the board shall discuss the matter in executive session.

- (4) When there is a permanent vacancy of a member on the board, the chairperson shall immediately notify the town clerk. The municipal officers shall within forty-five (45) days appoint a person to serve for the unexpired term.

(c) *Officers and duties.*

- (1)) The officers of the board shall consist of a chairperson and vice-chairperson who shall be elected annually by a majority of the board at the board's first meeting of the year.
- (2) *Chairperson.* The chairperson shall perform all duties required by law and these bylaws, and preside at all meetings of the board. The chairperson shall rule on issues of evidence, order, and procedure, and shall take such other actions as are necessary for the efficient and orderly conduct of hearings, unless directed otherwise by a majority of the board. The chairperson shall appoint any committees found necessary to carry out the business of the board, who will report their findings to the board the chairperson's signature shall be the official signature of the board and shall appear on all decisions as directed by the board.
- (3) *Vice chairperson.* The vice chairperson shall serve in the absence of the chairperson and shall have all the powers of the chairperson during the chairperson's absence, disability or disqualification.
- (4) *All members.* They shall be responsible for:
 - a. Knowledge of the laws that pertain to judgments they make.
 - b. Thorough knowledge of the local zoning ordinance.
 - c. Familiarity with related local ordinances, such as regulations concerning subdivisions and the munic-

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ipal codes. Members should also be familiar with the comprehensive plan and state statutes relating to their activities.

d. Regular attendance at meetings and hearings.

(d) *Conflict of interest.*

- (1) The term "conflict of interest" shall be construed to mean direct or indirect pecuniary interest, which shall include pecuniary benefit to any member of the person's immediate family or to his/her employer or the employer of any member of the person's immediate family. It shall also include a situation where the board member by reason of his/her interest is placed in a situation of temptation to serve his/her own personal interest instead of the public's interest.
- (2) For the purposes of these bylaws, the term "immediate family" shall mean a person's spouse, parent, child, brother or sister.
- (3) Any question of whether a particular issue involves a "conflict of interest" sufficient to disqualify a member from voting thereon, shall be decided by a majority vote of the members present, except the member whose potential conflict is under consideration.

(e) *Powers and limitations.*

- (1) The board of appeals shall act as the zoning board of appeals and have the same powers and duties as prescribed by the laws of the State of Maine for such boards.
- (2) The board of appeals shall have the jurisdiction to hear appeals that may arise under any other regulatory ordinance enacted pursuant to the Town Charter or the laws of the State of Maine, which provide therein for such appeals.
- (3) The board of appeals will have jurisdiction over grievances that arise in the administration of the Dexter Personnel Policy, or the administration of departmental

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policy in those departments, such as ambulance or fire, which maintain internal policies as adopted by the Dexter Town Council.

- (4) The board of appeals shall have the powers and jurisdiction of a board of assessment review as prescribed by the laws of the State of Maine for such boards. As a board of assessment review, the board may review appeals from decisions of the assessor regarding applications for abatements of property taxes and make determinations with respect to assessments in accordance with the general laws of the State of Maine.

(f) *Meetings.*

- (1) The board shall meet as necessary.
- (2) The annual organization meeting of the board shall be the first meeting of the year.
- (3) The chairperson shall call a meeting within thirty-five (35) days of receipt of a written request, which request shall specify the matters to be considered at the meeting. At least seventy-two (72) hours written notice of the time, place, and business of the meeting shall be given each member of the board, the municipal officers, the planning board, the code enforcement officer, the assessor, the applicant if any is involved, and all parties involved in a grievance if any is alleged.
- (4) The order of business at regular meetings of the board shall be as follows:
 - a. Roll call;
 - b. Reading and approval of the minutes of the preceding meeting;
 - c. Action on held cases;
 - d. Public hearing (when scheduled);
 - e. New applications;
 - f. Other business;
 - g. Adjournment.

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(5) All meetings of the board shall be open to the public. No votes may be taken by the board except in public meeting. The board shall hold executive sessions as allowed under 1 M.R.S.A. § 405 et seq.

(g) *Voting.*

(1) A quorum shall consist of a majority of the board's members. If a member has a conflict of interest, said member shall not be counted by the board in establishing the quorum for such matter.

(2) No hearing or meeting of the board shall be held, nor any action taken, in the absence of a quorum; however, those members present shall be entitled to request the chairperson to call a special meeting for a subsequent date.

(3) All matters shall be decided by a roll call vote. Decisions on any matter before the board shall require the affirmative vote of a majority of the board members present.

(4) No regular member shall vote on the determination of any matter requiring public hearing unless he or she has attended the public hearing thereon.

(5) A tie vote or a favorable vote by less than the majority required by state law or local ordinance, shall constitute a rejection of the application under consideration.

(6) The chairperson votes on all cases considered by the board.

(h) *Appeal procedure.* Any person aggrieved by an action which comes under the jurisdiction of the board pursuant to subsection (e) must file such application for appeal, in writing on forms provided, within thirty (30) days of the granting, or denial of a permit. The applicant shall file this appeal at the office of the municipal clerk, setting forth the grounds for his/her appeal. Upon receiving the application for appeal, the clerk shall notify the chairperson of the board.

(1) *Fees, exemption.* The application fee shall be one hundred dollars (\$100.00). Town of Dexter employees applying to appeal a personnel matter are exempt from the application fee.

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(i) *Hearings.*

- (1) The board shall schedule a public hearing on all appeals applications within thirty (30) days of the acceptance of a completed appeal application, and may also schedule a site visit by the board prior to the public hearing, public notice of which must be issued.
- (2) The board shall cause notice of the date, time, and place of such hearing, the location of the building or lot, and the general nature of the question involved, to be given to the person making the application and to be published in a newspaper of general circulation in the municipality at least ten (10) days prior to the hearing. The board shall cause notice of the hearing to be given to the municipal officers, the planning board, the assessor, the code enforcement officer, and all parties involved in the grievance if any is alleged, at least ten (10) days in advance.
- (3) The order of business at a public hearing shall be as follows:
 - a. The chairperson calls the hearing to order and determines whether there is a quorum.
 - b. The chairperson then describes the purpose of the hearing, the nature of the case, and the general procedures to be followed.
 - c. The board decides whether the applicant has the right, title or interest to appear before the board.
 - d. The board determines whether it has jurisdiction over the appeal.
 - e. The board determines which individuals attending the hearing are interested parties .

Interested parties are those persons who request to offer testimony and evidence and to participate in oral cross-examination. They would include abutting property owners and those who might be adversely affected by the board's decision. Parties may be required by the board to consolidate or join their appearances in part or in whole if their

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interests or contentions are substantially similar and such consolidation would expedite the hearing. Municipal officers, the planning board, the assessor, the code enforcement officer, and all parties involved in a grievance, if any is alleged, shall automatically be made parties to the proceeding. Witnesses will be required to state for the record their name, residence, business or professional affiliation, the nature of their interest in the hearing and whether or not they represent another individual, firm, associates, organization, partnership, trust, company, corporation, state agency or other legal entity for the purpose of the hearing.

- f. The chairperson gives a statement of the case and incorporates into the record correspondence and reports filed with the board prior to the hearing. This material shall be available for public inspection.
- g. The appellant is given the opportunity to present his/her case without interruption.
- h. The board and interested parties may ask questions of the appellant and witnesses through the chair.
- i. The interested parties are given the opportunity to present their case. The board may call its own witnesses, such as the municipal officers, the planning board, the assessor, the code enforcement officer, and all parties involved in a grievance, if any is alleged.
- j. The appellant may ask questions of the interested parties and board witnesses through the chair.
- k. All parties are given the opportunity to refute or rebut statements made throughout the hearing.
- l. The board may receive comments and questions from all observers and interested citizens who wish to express their views.

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- m. The hearing is closed after all parties have been heard. If additional time is needed, the hearing may be continued to a later date. All participants shall be notified of the date, time, and place of the continued hearing, and the reasons for the continuance.
 - n. Written testimony may be accepted by the board for seven (7) days after the close of the hearing if a decision has not been reached. All written testimony shall be available for public inspection at the municipal offices during normal business hours.
 - o. Board members and its consultants have the right to submit proposed findings and conclusions at any public meeting prior to the decision being finalized.
- (4) *Board of assessment review procedure.* In the case of assessment review by the board of appeals, the applicant, property owner, or representative of the property owner, or witness called by them for the hearing, must state the taxpayer's case. The assessor presents the case for the town and is also allowed to call witnesses. The hearing is public but the public is excluded from commenting on cases relating to property tax abatements.
- a. All pertinent information from the applicant and the assessor must be delivered to all board members at least seven (7) days prior to the hearing date.
- (5) The board may waive any of the above rules upon good cause shown. For example, if the board is reviewing a planning board decision for which a hearing was held and a complete record was made, a rehearing of all the evidence presented at the first hearing is not required, because the record of the first hearing can be incorporated into the appeals board record.
- (j) *Decisions.*
- (1) Decisions by the board shall be made not later than thirty (30) days from the date of the final hearing.
 - (2) The final decision on any matter before the board shall be made by written order signed by the chairperson. The

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tape and/or transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceedings, shall constitute the record. All decisions shall become a part of the record and shall include a written statement of findings and conclusions, as well as the reasons or basis thereof, upon all the material issues of fact, law or discretion presented and the appropriate order, relief, or denial thereof.

- (3) The board, in reaching said decision, shall be guided by standards specified in any applicable ordinance or regulation and by the findings of the board.
- (4) Notice of any decision shall be sent by mail or hand delivered to the applicant, his/her representative or agent, the municipal officers, the planning board, the assessor, the code enforcement officer, and all parties involved in a grievance, if any is alleged, within seven (7) days of the decision.
- (5) Decisions of the board shall be immediately filed in the office of the town clerk and shall be made public record. The date of filing of each decision shall be entered in the official records and minutes of the board.
- (6) A variance shall be invalid if it is not recorded at the registry of deeds within thirty (30) days of the granting of the variance.
- (k) *Reconsiderations.*
 - (1) A motion to reconsider any decision by the board must be made in accordance with Roberts' Rules of Order.
 - (2) *Appeals to the state board of property review.* The decision of the board of appeals must be taken to the state board of property review if a nonresidential property has a valuation of one million dollars (\$1,000,000.00) or greater, either separately or in the aggregate. Either party may appeal the decision of the appeals board to the state board of property tax review within sixty (60) days after notice of the decision from which the appeal is taken or after the application is deemed to be denied either verbally or in writing, whichever comes first.

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- (3) Reconsideration must be for one (1) of the following reasons:
- a. The record contains significant factual errors due to fraud or mistake, regarding facts upon which the decision was based; or
 - b. The board misinterpreted the ordinance, followed improper procedures, or acted beyond its jurisdiction.

(l) *Appeals to superior court.* The decision of the board of appeals may be taken, within forty-five (45) days after the decision is rendered, by any party to superior court in accordance with the Maine Rules of Civil Procedure.

(m) *Amendments.*

- (1) These bylaws may be amended by a majority vote of the town council.
- (2) The invalidity of any section or provision of these bylaws shall not be held to invalidate any other section or provision of these bylaws.

(n) *Compensation.* Board members shall be paid ten dollars (\$10.00) per meeting for each meeting attended. This stipend will be paid at the end of the Town of Dexter fiscal year. (Ord. No. C2003-16, 6-8-03; Ord. No. C2009-8, 5-14-09; Ord. No. C2015-10, 6-11-15; Ord. No. C2015-18, 10-8-15)

Sec. 2-32. Highway and equipment advisory committee.

(a) *Officers.* The committee shall consist of two (2) co-chairpersons and a recording secretary to be elected the first meeting in January.

(b) *Valid conduct of business.* The committee will consist of seven (7) members. A quorum of four (4) members is required in order to conduct a valid vote. Affirmative passage by said quorum is required in order for any business to be enacted.

(c) *Attendance.* Any member that misses three (3) consecutive regular meetings without being excused shall forfeit membership.

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(d) *Meetings.* The committee will meet at least once monthly in a public place on the first Wednesday of each month at 7:00 p.m. Meeting location will be posted at the town office and on the town's web site. Additional meetings may be called as needed, with proper notice, and at any time as determined by either of the co-chairs. The committees' goal is to have its recommendations presented to the council for budget consideration each fiscal year.

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(e) *Mission and purpose.* The overriding purpose of the committee is to provide guidance to the town council for the proper care and needs of the town's infrastructure (not to include buildings) and rolling stock of equipment. Planning, prioritizing, budgeting, and efficiency of operations are to be the major focus of this committee. Recommendations of the committee will be presented to the council and advocated for within the community. The following items were determined to be areas of concern.

(f) *Equipment selection.* The committee would provide selection assistance of major pieces of equipment. Examples of equipment included, but not limited to; dump trucks, graders, front-end loaders, excavators, mowers, fire trucks, and police cruisers. Assistance may be in the form of the following:

- (1) Equipment needed to perform the needs of the town's departments to meet taxpayer expectations, common and acceptable practices, and budgetary considerations.
- (2) Rotation cycles for equipment regarding refurbishment and/or replacement.
- (3) Specifications of equipment to adequately fit the needs of the departments and expectations of the taxpayers.
- (4) Budget for equipment.
- (5) Recommend appropriate use of equipment to accomplish acceptable finished outcomes of work performed that produces longevity of the finished projects.
- (6) Promote more efficient use of the available resources. Develop short, medium, and long-term plans.
- (7) Review existing planning materials to determine future needs, establish priorities, and coordinate work with other departments and agencies (such as the utility district and the State of Maine) for the upkeep of the roads, highways, sidewalks, stormwater and/or other infrastructure.
- (8) Recommendations for priorities, budgets, and the order in which said recommendations should occur to better care for the infrastructure and provide long-term results.

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(g) *Shared services.* The committee may research the possibility and viability of shared services with other communities within the mission and purpose of the committee.

(h) *Departments to be included.* The equipment and associated services as it relates to the function of the committee will apply to the following Town of Dexter departments:

- (1) Highway department;
 - (2) Cemetery department;
 - (3) Fire department;
 - (4) Police department.
- (Ord. No. C2013-3, 2-6-13)

Secs. 2-33—2-100. Reserved.

ARTICLE III. TOWN COUNCIL*

Sec. 2-101. Abstention from voting; conflicts of interest.

(a) A member may abstain from voting on any matter before the council by so notifying the council chairman of such intent, immediately after the agenda item is introduced. The council member shall then briefly describe the conflict of interest which, in that council member's estimation prevents him or her from considering and deciding the matter in a manner consistent with the duties of an elected council member. The chairman will note, for the record, the member's intent to abstain from voting and thereafter that member will be excused from the debate on the question and will be excused from voting. An abstaining council member shall in no way participate in any discussion on the matter for which he or she has abstained.

(b) In the event a council member first becomes aware of a conflict of interest after the discussion of a matter has commenced that council member shall immediately notify the council chairman and in all other regards comply with subsection (a). The

***Charter reference**—Town council, § 2.01 et seq.

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council member shall also indicate that information which had become available and which prohibited him or her from abstaining prior to discussion.

(c) No council member shall be permitted to abstain from voting on any matter before the council unless the procedure for abstention as set forth herein has been complied with and the refusal of any council member to vote shall be deemed to be a refusal to perform a duty of office and shall constitute a violation of 30-A M.R.S.A. § 2607, for which a fine of one hundred dollars (\$100.00) may be adjudged and collected in accordance with such section.

(Ord. No. C89-7, §§ 1—3, 7-6-89)

Editor's note—Ordinance No. C89-7, adopted July 6, 1989, did not specifically amend this Code; hence, codification of the substantive provisions of §§ 1—3 of such ordinance as § 2-101 was at the discretion of the editors.

Sec. 2-102. Disbursement warrant process.

Pursuant to 30-A M.R.S.A. §§ 3001 and 5603(2)(A), the treasurer may disburse funds only on the authority of a warrant drawn for the purpose, either: (a) affirmatively voted and signed by a majority of the town council at a duly called public meeting; (b) seen and signed by a majority of the council acting individually and separately; or (c) signed as otherwise provided by law for the disbursement of employees' wages and benefits, and payment of municipal education costs.

(Ord. No. C98-2, 1-8-98)

Secs. 2-103—2-150. Reserved.**ARTICLE IV. RESERVED*****Secs. 2-151—2-170. Reserved.**

***Editor's note**—Ord. No. C2003-13, adopted April 10, 2003, repealed provisions formerly set out as Art. IV of this chapter. Former Art. IV, §§ 2-151—2-157, pertained to access to town property and derived from Ord. No. C89-28, §§ 1—7, adopted Oct. 5, 1989. Current provisions relative to access to town property are set out as Ch. 13, Art. II of the Code.

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ARTICLE V. PLANNING BOARD***Sec. 2-171. Planning board established.**

Pursuant to M.R.S.A. Constitution Art. VIII-A and 30 M.R.S.A. § 1917, the Town of Dexter hereby establishes the Dexter Planning Board.
(Ord. No. C91-10, 6-6-91; Ord. No. C2001-4, 5-10-01)

Sec. 2-172. Appointment of members.

(a) Board members shall be appointed by the municipal officers and sworn by any clerk or other person authorized to administer oaths.

(b) The board shall consist of seven (7) members, all of whom shall be legal residents of the Town of Dexter.

(c) The term of each member shall be three (3) years. Each year, two (2) member's terms shall expire, with three (3) member's terms to expire every three (3) years.

(d) When there is a permanent vacancy, the municipal officers shall, within sixty (60) days of its occurrence, appoint a person to serve the balance of the term. A vacancy shall occur upon the resignation or death of any member, or when a member fails to attend four (4) consecutive regular meetings, or fails to attend seventy-five (75) per cent of all meetings during the preceding twelve-month period. When a vacancy occurs, the chairman of the board shall immediately so advise the municipal officers in writing. The board may recommend to the municipal officers that the attendance provision be waived for cause, in which case no vacancy will then exist until the municipal officers disapprove the recommendation. The municipal officers may remove members of the planning board by a majority vote, for cause, after notice and hearing.

***Editor's note**—Ord. No. C91-10, enacted June 6, 1991, which pertained to changes in the bylaws of the planning board, was not specifically amendatory of the code; hence inclusion herein as Art. V, §§ 2-171—2-174 along with original bylaws was at the discretion of the editor.

Cross references—Boards, committees, commissions, Ch. 2, Art. II: shoreland zoning, App. A; regulations for reviewing subdivisions, App. B.

Charter reference—Council appoints planning board, § 4.01.

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(e) A municipal officer may not be a member.
(Ord. No. C91-10, 6-6-91; Ord. No. C2001-4, 5-10-01; Ord. No. C2016-5, 9-8-16)

Sec. 2-173. Organization and rules.

(a) The board shall elect a chairman and vice-chairman every year in January by ballot. The secretary shall be appointed by the town manager from the office staff.

(b) Members attending regular meetings of the planning board shall be paid ten dollars (\$10.00) per meeting. This stipend will be paid one-half at the December meeting and one-half at the June meeting. Members shall not be paid for excused or unexcused absences.

- (c) (1) A member may abstain from voting on any matter before the board by so notifying the board chairman of such intent, immediately after the agenda item is introduced. The board member shall then briefly describe the conflict of interest which, in that board member's estimation, prevents him or her from considering and deciding the matter in a manner consistent with the duties of an appointed board member. The chairman will note, for the record, the member's intent to abstain from voting and thereafter that member will be excused from the debate on the question and will be excused from voting. An abstaining board member shall in no way participate in any discussion on the matter for which he or she has abstained.
- (2) In the event a board member first becomes aware of a conflict of interest after the discussion of a matter has commenced, that board member shall immediately notify the board chairman and in all other regards comply with subsection (c)(1), herein. The board member shall also indicate that information which had become available and which prevented him or her from abstaining prior to the discussion.
- (3) No board member shall be permitted to abstain from voting on any matter before the board unless the procedure for abstention as set forth herein has been complied with.

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(d) The chairman shall, at his/her discretion, call one (1) regular meeting of the board each month.

(e) No meeting of the board shall be held without a quorum consisting of four (4) members. Four (4) affirmative votes will be required to approve any action. When only four (4) members are present, it must be a unanimous decision or the action will be tabled.

(f) The board shall adopt rules for transaction of business and the secretary shall keep a record of its resolutions, transactions, correspondence, findings and determinations. All records shall be deemed public and may be inspected at reasonable times.

(Ord. No. C91-10, 6-6-91; Ord. No. C2001-4, 5-10-01)

Sec. 2-174. Duties; powers.

(a) The board shall prepare or review a comprehensive plan as defined by 30-A M.R.S.A. §§ 4324 and 4326.

(b) The board shall perform such duties and exercise such powers as are provided by town ordinance and the laws of the state.

(c) The board may obtain goods and services necessary to its proper function within the limits of appropriations made for the purpose.

(Ord. No. C91-10, 6-6-91; Ord. No. C2001-4, 5-10-01)

Secs. 2-175—2-180. Reserved.

ARTICLE VI. RESERVED*

***Editor's note**—Ord. No. C2000-26, adopted Dec. 14, 2000, repealed former Art. VI, § 2-181, of this chapter in its entirety, which pertained to sexual harassment and derived from Ord. No. A93-19, adopted Dec. 9, 1993. The town sexual harassment policy has been incorporated into the personnel policy (Chapter 9.8 of this Code).

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**ARTICLE VII. MANAGEMENT OF TOWN-OWNED
PROPERTY*****Sec. 2-191. General.**

The purpose of this article is to establish procedural guidelines for the management, administration and disposition of real property acquired by the Town of Dexter in accordance with 36 M.R.S.A. §§ 942 and 943 as amended, and other real properties acquired through other means. However, nothing in these guidelines shall limit or restrict the rights of the town council to waive these guidelines to manage or dispose of tax-acquired property as determined by the council.

(Ord. No. C95-18, Art. I, 3-14-96)

Sec. 2-192. Analysis of potentially-acquirable property for unacceptable liabilities.

(a) Annually, commencing upon the foreclosure of tax liens, but prior to the expiration of the thirty-day period of redemption that the town council has traditionally granted as an extension of

***Editor's note**—Ord. No. C95-18, adopted Mar. 14, 1996, did not specifically amend the Code; hence, codification of Arts. 1—7 of said ordinance as Art. VII, §§ 2-191—2-197, was at the discretion of the editor.

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the period of redemption cited in 36 MRSA 942 and 943; an evaluation of those potential liabilities that might be assumed by the town shall be conducted with special attention to situations involving hazardous waste, public safety problems and landlord responsibilities as outlined in section 2-193(b) of the article. This evaluation shall consider the option of whether or not to take possession of subject properties.

(b) Upon notification to the town of a gift or bequest of real property to the town of Dexter, an identical evaluation shall be conducted. This evaluation shall be completed within thirty (30) days of said notice, so that appropriate waiver of actions to take possession may be acted upon by the treasurer if necessary. (Ord. No. C95-18, Art. II, 3-14-96)

Sec. 2-193. Management of tax-acquired property pending final disposition.

(a) The treasurer shall prepare a list of properties acquired and forward a copy to the town council. The tax-acquired property management team is comprised of the treasurer, tax collector, assessor, code enforcement officer, and if needed, the town attorney, professional property manager, or other real estate consultants. This committee shall conduct the following research:

- (1) Prepare a fact sheet on all properties identifying current use, assessed value, size, location, zoning and other relevant data.
- (2) Contact the appropriate town officials to evaluate any current or future needs that the town might have for each property, particularly including recreation, parks, municipal facilities, economic development projects, green/open space, community areas, and other similar considerations.
- (3) Contact the appropriate town agencies to evaluate any current or future needs that the town might have for each property including SAD #46, Dexter Utility District, and other nonprofit organizations on record as wishing to be notified of tax-acquired property.
- (4) Advise contiguous abutting owners of record of the new status of each property and request comments and recommendations regarding any problems and potential uses.

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- (5) Prepare a cost-benefit analysis of each tax-acquired property evaluating the justification of retaining the property or disposing of it.
- (6) Prepare a recommendation on each tax-acquired property for review by the town council justifying one (1) of the following options:
 - a. Retain the property for town purposes.
 - b. Retain the property and lease it.
 - c. Sell the property.
 - d. Donate the property to some appropriate nonprofit organization whose mission benefits Dexter townspeople.

(b) Pending town council approval, the treasurer shall notify the last known owner of record by certified mail, return receipt, that his or her right to redeem the property has expired, and that he/she must contact the town office within thirty (30) days of the date of this notice. The notification shall advise the last known owner of record that the property will be disposed of in accordance with this policy, a copy of which shall be included with the notification.

(c) The final responsibility for the management of tax-acquired property rests with the town council. The council's decision regarding an action plan for the final disposition of property shall:

- (1) Determine because of potential liability inherent in owning the property whether the town's best interest would be served by immediately disposing of the property.
- (2) Determine and obtain, if necessary, a level of insurance required to protect the owner's interest in the property and to protect the town from liability.
- (3) Determine if and when any occupants of tax-acquired property shall be required to vacate the property.
- (4) Determine whether a rental fee should be charged to any occupants of the property. A rental fee shall not be imposed unless the town has acquired sufficient liability insurance.

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(5) Notwithstanding the provisions of section 2-197, Property to be sold, the town council shall determine any special conditions, if any, for property sales. (See 14 MRSA 104-A)

(d) In the event the taxpayer possession or taxpayer lessee's or licensee's possession has ceased for sixty (60) consecutive days, the town manager shall obtain liability coverage for the property. Such coverage shall not be required prior to the expiration of the thirty-day period of redemption from date of foreclosure as mentioned in subsection (a) above.

(e) If, because of potential liability, the council determines it is in the town's best interest to immediately dispose of the property, it may do so on terms it deems advisable without regard to any other provisions of the policy, except it may not circumvent Title 1 MRSA Sections 401 through 410 (Maine's Right-to-Know Law). (Ord. No. C95-18, Art. III, 3-14-96)

Sec. 2-194. Review of tax-acquired properties.

(a) The town manager may also recommend that town retain property on a temporary basis if in the town manager's judgment the immediate sale would cause the occupants to be placed on public assistance. The decision to temporarily retain the property shall be reviewed for further action by the council at least quarterly until final disposition of the property.

(b) The town manager shall forward the recommendations to the town council which shall make the final determination regarding property disposition. (Ord. No. C95-18, Art. IV, 3-14-96)

Sec. 2-195. Repurchase of tax-acquired property.

(a) Within the period of redemption cited in section 2-193(a) above, and except as otherwise provided in section 2-196, the town council may allow the party from whom the property was acquired to repurchase the property by paying all outstanding property taxes, including the total amount of all delinquent taxes plus the total taxes for the current year plus accrued interest, lien costs, and any other costs relating to the property including, but

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not limited to, insurance, noticing and other related costs. The council has the final authority to approve or disapprove such actions.

(b) The party from whom the property was acquired may, upon approval of the town, enter into a written agreement with the town to make installment payments to satisfy the obligations set forth in subsection (a) above, pursuant to the conditions set forth in MRSA Sections 481 through 482, in exchange for a promise of the town to give a municipal release deed if all of the terms and conditions of the installment agreement are fulfilled by the property owner.

(Ord. No. C95-18, Art. V, 3-14-96)

Sec. 2-196. Property to be retained.

(a) If the town council deems it to be in the town's best interest, it may retain the acquired property without offering the opportunity for repurchase. By way of example, but not limitation, the council may deem it to be in the town's best interest to retain the property without offering the prior owner the opportunity to redeem the property where:

- (1) The property has or will have recreational value or economic value to the town.
- (2) The property has or will have potential for public facility or additions to public facilities.
- (3) The property has or will have potential utility for the inhabitants of the town of Dexter as determined by the council.

(b) If the property is retained for public use, the council may pursue an action for equitable relief in accordance with the provisions of Title 36 MRSA Section 946, as amended, as a means of securing clear title to the property.

(c) The council shall cause the tax-acquired property retained for public use to be managed and insured as it would any other municipal property.

(Ord. No. C95-18, Art. VI, 3-14-96)

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Sec. 2-197. Property to be sold.

(a) If the town council decides to sell property by advertised sale, the council shall establish a sale date. The town manager shall cause to be published a notice of the sale of tax-acquired property in a local newspaper. Said notice shall be published at least two (2) times with the last publication at least fourteen (14) days prior to the sale. The notice shall be posted within the assessing and tax collection departments and in at least one other conspicuous place within the municipal offices. The notice shall specify the time and date bids are due and the general terms of the bid. It shall also contain the following information for each piece of property:

- (1) Brief description of the property, i.e., land, building, mobile home, etc.
- (2) Location of the property.
- (3) Brief description of the conditions of the sale.
- (4) The minimum bid.
- (5) Notice that bidding procedures are governed by this article and notice that copies of the article are available to all interested parties.

(b) Unless the council stipulates otherwise, the minimum bid for any tax-acquired property shall be the total of all outstanding taxes, interest and lien costs in a cashier's check or certified check equal to ten (10) percent of the minimum bid and payable to the Town of Dexter. Unless the council stipulates otherwise, the minimum bid for any property to be conveyed by warranty deed will be determined by the treasurer after consultation with the assessor and tax collector and if deemed advisable, with real estate professionals. If the treasurer believes an appraisal would be appropriate, he will obtain council concurrence and order said appraisal. This information shall be included in bid packages on that property. The cost of the appraisal will be included in the minimum bid price. Bids shall be publicly opened and read on the date and at the time specified in the bid packages.

(c) The town council will consider placing any property with an assessed value exceeding twenty-five thousand dollars (\$25,000.00)

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with one or more real estate brokers for advertisement and sale, as an open listing. Alternatively, the council may solicit competitive bids and elect to choose the most favorable commission bid and retain a single broker. When approved by the council, the town manager shall arrange a contract(s) with the appropriate realtor(s) and sign such contract as agent for the town. This section applies particularly to any property that the town wishes to convey by warranty deed.

(d) The town manager shall review all bids and make recommendations to the town council. The council shall determine the successful bidder at the council meeting subsequent to the bid opening date.

(e) The town manager shall notify the successful bidder by certified mail.

(f) The Town of Dexter reserves the right to reject any or all bids, accept any bid (not necessarily the highest) and waive any of the requirements of this policy should the council, in its sole determination, judge such actions to be in the best interest of the Town of Dexter. Instances where this right may be invoked, include, but are not limited to:

(1) The council may determine it prefers an end use proposed by a party other than the highest bidder.

(g) Should the municipal officers reject all bids, the property may again be offered for public sale without notification to the prior owners.

(h) The bid deposit of the successful bidder shall be retained as a credit towards the purchase price. All other deposits shall be returned to the bidders.

(i) The town council shall require payment in full from any successful bidder within thirty (30) days from the date the bids are opened. Should the bidder fail to pay the full price within thirty (30) days, the town shall retain the bid deposit and title to the property. Without rebidding the property, the council may offer the property to any other bidder who shall also have thirty (30) days to make payments in full.

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(j) Title to tax-acquired property shall be transferred only by means of a release deed. The town makes no guarantees and/or promises as to the status of the title. All bidders for tax-acquired property should be aware that the town has made every effort to notify owners of record. However, the presence or absence of other claims against the title cannot be, and is not guaranteed. Bidders are encouraged to pursue all avenues of inquiry prior to submitting their bids.

(k) The successful bidder shall be responsible for the removal of any and all occupants and contents of purchased tax-acquired property.

(l) A copy of this article will be made part of all bid packages given to prospective bidders.

(Ord. No. C95-18, Art. VII, 3-14-96)

Sec. 2-198. Purchase and disposal of personal property.

(a) *Purchase.* All town-owned personal property (e.g., equipment and materials) with an estimated value exceeding six thousand dollars (\$6,000.00) will be purchased through the bid process, unless otherwise approved by the town council. Personal property with an estimated value of less than six thousand dollars (\$6,000.00) may be purchased with the approval of the town manager.

(b) *Sale.* All town-owned personal property (e.g., equipment or materials) with an estimated value exceeding two hundred fifty dollars (\$250.00) will be sold through the auction process (either sealed bids or public auction) unless otherwise approved by the town council. Personal property with an estimated value of less than two hundred fifty dollars (\$250.00) may be disposed of at the discretion of the town manager.

(c) *Estimated value.* The town manager and appropriate department head will ensure that an estimated value for all personal property, either purchased or sold, is obtained from a reliable source.

(Ord. No. C97-2, 2-13-97; Ord. No. C2017-6, 10-12-17)

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Sec. 2-199. Reserved.

ARTICLE VIII. MUNICIPAL FINANCES

Sec. 2-200. Municipal investment policy.

(a) *Policy.* It is the policy of the town to invest public funds in a manner which will provide safety of principal, a market rate of return, meet the daily cash flow demands of the municipality, and conform to state statutes governing the investment of public funds.

(b) *Scope.* This policy applies to all financial assets of the town including but not limited to:

- (1) General fund.
- (2) Special revenue funds.
- (3) Capital reserve funds.
- (4) Trust funds.

(c) *Prudence.* Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived. The standard of prudence to be used by investment officials shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio. Authorized municipal officials and investment officers acting in accordance with state statutes, this policy, and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

(d) *Objective.* The objectives, in priority order, of the town's investment activities shall be:

- (1) *Safety.* Safety of principal is the foremost objective of the investment program. Investments of the town shall be

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undertaken in a manner that seeks to ensure preservation of capital in the overall portfolio. To attain this objective, diversification is required among asset classes

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and individual securities in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.

- (2) *Liquidity.* The town's investment portfolio will remain sufficiently liquid to enable the town to meet requirements which might be reasonably anticipated.
- (3) *Yield.* The town's investment portfolio shall be designed to maximize return, but avoid the assumption of unreasonable risk.

(e) *Delegation of authority.* Authority to manage the town's investment program is derived from Title 30-A MRSA Sec. 5706 and is delegated by the town council to the town manager. He/she shall establish procedures for the operation of the investment program consistent with this investment policy. Although the town manager/treasurer is empowered to oversee the investment program, major investment decisions shall be reviewed and approved by the town council. The town finance officer is responsible to execute investment transactions. No municipal official/officer may engage in an investment transaction on the behalf of the town except as provided under the terms of this policy.

(f) *Ethics and conflicts of interest.* Municipal officials involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. No municipal official or employee shall invest town funds in any instrument or institution in which he/she has any direct or indirect financial interest, nor shall he/she accept any gift, free service, or payment of any kind for performing their duties under this policy.

(g) *Authorized financial organizations, and institutions.* The town council will review and approve all financial institutions and organizations prior to the initiation of any municipal investment actions. The finance officer will maintain a current list of all approved financial institutions and organizations that are intended to be used for investment services. All transactions and deposits to approved organizations/institutions will be made in accordance with existing state statutes pertaining to the investment of municipal funds.

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(h) *Authorized investments.* The town is authorized to invest only in the following types of activities and instruments:

- (1) *Financial institutions:* Funds can be placed in accounts or deposits of institutions that are insured in accordance with the guidelines established in Title 30-A MRSA Sec. 5706.
- (2) *Repurchase agreements:* Provided the agreements are secured by obligations of the United States Government and adhere to the criteria established in Title 30-A MRSA Sec. 5706 Subsection 2.
- (3) *Mutual funds:* Must be in registered shares of a registered company, provided that the investments of the fund are limited to bonds and other direct obligations of the United States Government, and meet the criteria established in Title 30-A MRSA Sec. 5706 Subsection 3.

(i) *Safekeeping and investment management agreements.* Municipal officers are authorized to enter into an agreement with any financial institution with trust powers authorized to do business in the State of Maine for the safekeeping of reserve or trust funds. Investment of reserve/trust funds under such an agreement may be undertaken by an appropriately registered financial institution or investment advisor. Portfolios associated with agreements may only be composed of those securities authorized by state statute.

(j) *Collateralizatwn.* Collateralization of accounts and deposits will be required only when exceeding an amount equal to twenty-five (25) percent of capital, surplus and undivided profits of any trust company or national bank or a sum exceeding an amount equal to twenty-five (25) percent of the reserve fund and undivided profit account of a mutual savings bank or state/federal savings and loan association on deposit at any one (1) time must be secured by the pledge of certain securities as collateral, or fully covered by insurance. The collateral must be in the amount equal to the excess deposit and may consist only of securities in which the municipality may invest.

(k) *Safekeeping and custody.* All securities will be held by a third party custodian, or trust department approved by the town council, and evidenced by statements of account.

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(l) *Diversification.* The town will diversify its investments by security type and institution. With the exception of U.S. Treasury securities, no more than fifty (50) per cent of the town's total investment portfolio will be invested in a single security type or single institution. Investments with banks will be FDIC insured and will not exceed deposit limits for FDIC insurance. Investments with money managers must conform to investments allowable by the State of Maine.

(m) *Reporting.* The town manager shall provide the town council a quarterly report on investments which summarizes individual fund/trust activity and performance.

(n) *External management.* The town may contract with a qualified external money management company in order to benefit from portfolio diversification, credit research, portfolio management, and economies of scale that are unavailable from the town's staff. Any such contract will define and control the risks of the portfolio and establish performance criteria for monitoring and evaluating results. Upon advice of the contracted, qualified external management company, the town may invest in corporate stocks, bonds, or other debentures subject to limitations outlined in applicable State of Maine Statutes.

(o) *Investment policy adoption.* The town's investment policy shall be adopted by the town council in accordance with the Town Charter, managed by the town manager/treasurer, and administered by the town finance officer. The policy shall be reviewed on an annual basis and referred to the town council for periodic review.

(Ord. No. C99-6, 6-10-99)

Sec. 2-201. Check acceptance policy.

(a) The town council will annually review, and if necessary adjust, the fee charged on personal checks issued to the town and returned due to a financial institution's refusal to honor.

(b) If, during a single calendar year, an individual/business issues more than two (2) checks to the town that are not honored by their financial institution, that individual's checks will not be accepted by the town for a period of six (6) months. Additionally,

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a six-month probationary period will follow, during which time if the person/business issues another check which is not honored by their financial institution, the town will automatically cease to accept checks from the individual/business for a one-year period. During all periods of suspension the town will accept only cash, money orders, or bank checks for payment from the individual/business.

(c) The penalty fee and check acceptance policy may be waived by the town manager in the event unusual circumstances or situations occur that result in the non-payment of more than two (2) checks by an individual/business.
(Ord. No. C2001-5, 5-10-01)

Sec. 2-202. Fees for additional copies of tax bills.

The tax collector is hereby authorized to charge a fee of twenty-five cents (\$0.25) per copy for the cost of preparing additional copies of tax bills as well as a fee of ten dollars (\$10.00) per hour for mortgage companies and tax services requesting more than one (1) parcel.
(Ord. No. C2003-23, 10-9-03)

Sec. 2-203. Policy for collection of delinquent personal property taxes.

The tax collector is hereby authorized to forward delinquent personal property taxes to a collection agency or to small claims court to recoup the revenue.
(Ord. No. C2013-6, 5-9-13; Ord. No. C2015-6, 5-14-15)

Secs. 2-204—2-225. Reserved.